

STATE OF HAWAI‘I  
DEPARTMENT OF HAWAIIAN HOME LANDS  
**HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA**

Grand Naniloa Resort – Crown Room, 93 Banyan Drive, Hilo, HI 96720,  
and Zoom Meeting ID: 609 754 2925

Monday, October 17, 2022, at 9:30 a.m. to be continued, if necessary, on  
Tuesday, October 18, 2022, at 9:30 a.m.

*Livestream available at [www.dhhl.hawaii.gov/live](http://www.dhhl.hawaii.gov/live)*

*Note: Commission Meeting Packets will be available at [dhhl.hawaii.gov](http://dhhl.hawaii.gov) by Wednesday, October 12, 2022.*

**I. ORDER OF BUSINESS**

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes: September 19 & 20, 2022 Regular Meeting, October 4, 2022 Special Meeting.
- D. Public Testimony on Agendized Items – see information below

Public testimony on any item **relevant to this agenda** may be taken at this time, or a testifier may wait to testify at the time the agenda item is called for discussion. Pursuant to section 92-3, Hawaii Revised Statutes, and section 10-2-11(c), Hawaii Administrative Rules, the Chair of the Commission has the authority to impose reasonable conditions to ensure an orderly and efficient meeting.

**II. ITEMS FOR DECISION MAKING**

**A. CONSENT AGENDA**

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Ratification of Loan Approvals (see exhibit)
- D-6 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-7 Commission Designation of Successors to Application Rights – Public Notice 2014, 2017, 2020 & 2021 (see exhibit)
- D-8 Approval to Certify Applications of Qualified Applicants for the month of September 2022 (see exhibit)
- D-10 Approval of Assignment of Leasehold Interest (see exhibit)
- D-11 Approval of amendment of Leasehold Interest (see exhibit)
- D-12 Approval to Issue Non-Exclusive licenses for Rooftop Photovoltaic Systems for Certain Lessees
- D-13 Commission Designation of Successor – **JOHN S.K. KAUWE, JR.**, Agricultural Lease No. 7801, Lot No. 26, Hoolehua, Molokai
- D-14 Commission Designation of Successor – **CARL DANA O**, Agricultural Lease No. 6930, Lot No. 2, Makuu, Hawaii

**B. REGULAR AGENDA**

Land Management Division

- F-1 Approval to Annual Renewal of Right of Entry Permits, East, Central and South Hawai‘i Island (see exhibit)

- F-2 Approval to Issue a Right-of-Entry Permit for due diligence purposes and Conditional Approval for a General Lease (25 years with option to extend) to Nexamp Solar, LLC, a Delaware limited liability company, to develop a solar plus battery storage project on 27.6-acres of Hawaiian Home Lands, Tax Map Key (TMK) No. (3) 7-3-010:007 (por.), Kalaoa, Hawai‘i Island

Planning Office

- G-1 Declare a Finding of No Significant Impact for the Kūkulu Kumuhana O Anahola (KKOA) Ulupono Anahola Final Environmental Assessment, Anahola, Kawaihau, Kaua‘i, TMK (4) 4-8-003:019 (por.)
- G-2 Amend the Kaua‘i Island Plan to Relocate a Portion of the Community Land Use Designation to a 10-acre land area, Anahola, Kawaihau, Kaua‘i TMK (4) 4-8-003:019 (por.)

### **III. EXECUTIVE SESSION**

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. Discussion on request to extend General Lease No. 202 to Prince Kuhio Plaza, LLC situate at Waiakea, Hawaii Island, TMK Nos. (2) 2-2-047:006, :066, & :073
2. Discussion on Hawaii Administrative Rules section 10-3-2.1 regarding applicant documentation.

### **IV. ITEMS FOR INFORMATION/DISCUSSION**

#### **A. REGULAR ITEMS**

Office of the Chairman

- C-1 For Information Only - Update on Activities Submitted for the National Telecommunications & Information Administration Tribal Broadband Connectivity Program
- C-2 For Information Only – Molokai Wireless Implementation
- C-3 For Information Only – DHHL Rental Subsidy Program Policy

Homestead Services Division

- 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

#### **B. WORKSHOPS**

- D-4 For Information Only – Update on Amended Agreement Between the Department Of Hawaiian Home Lands State Of Hawaii and the United States Department Of Agriculture Rural Housing And Community Development Service
- D-9 For Information Only – Application Process Workshop

Land Development Division

E-1 For Information Only - East Hawaii Projects Update

Land Management Division

F-3 For Information Only – ‘Āina Mauna Legacy Program Updates

Planning Office

G-3 For Information Only – Status Update on Plan Implementation in the East Hawai‘i Region to the Hawaiian Homes Commission

G-4 For Information Only – East Hawai‘i Water Projects and Issues Update

G-5 For Information Only – Anticipated Finding of No Significant Impact for the Waimea Nui Regional Community Development Initiative Kīpuka o ke Ola Clinic Relocation Draft Environmental Assessment, TMK (3)-6-4-038:011 (por.) Pu‘ukapu, Waimea, Hawai‘i Island.

G-6 For Information Only – Update on Climate Change Impacts Affecting Hawaiian Home Lands, Statewide

## **V. ANNOUNCEMENTS AND RECESS**

1. DHHL Community Meeting Monday, October 17, 2022, 6:30 p.m. Keaukaha Elementary School

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS  
**HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA**

Grand Naniloa Resort – Crown Room, 93 Banyan Drive, Hilo, HI 96720,  
and Zoom Meeting ID: 609 754 2925

Tuesday, October 18, 2022

*Livestream available at [www.dhhl.hawaii.gov/live](http://www.dhhl.hawaii.gov/live)*

**I. ORDER OF BUSINESS**

- A. Roll Call
- B. Public Testimony on Agendized Items - see information below

Public testimony on any item **relevant to this agenda** may be taken at this time, or a testifier may wait to testify at the time the agenda item is called for discussion. Pursuant to section 92-3, Hawaii Revised Statutes, and section 10-2-11(c), Hawaii Administrative Rules, the Chair of the Commission has the authority to impose reasonable conditions to ensure an orderly and efficient meeting.

**II. ITEMS FOR DECISION MAKING**

Homestead Services Division

- D-5 Approval of Amended Agreement Between the Department Of Hawaiian Home Lands State Of Hawaii and the United States Department Of Agriculture Rural Housing And Community Development Service

**III. ITEMS FOR INFORMATION/DISCUSSION**

**A. GENERAL AGENDA**

Planning Office

- G-7 For Information Only – Report of the Investigative Committee on the DHHL General Plan Update and Presentation of the Final Draft DHHL General Plan Update

Requests to Address the Commission

- J-1 Cindy Freitas – Lease Concern
- J-2 Elizabeth Lee Loy Masaoka and Lucienne Pukahi– Panaewa Resiliency and Agricultural Innovation Hub Master Plan
- J-3 Bo Kahui – La‘iopua Development Corporation
- J-4 Ainaloha Ioane – Malama ka Aina, Hana ka Aina (MAHA)
- J-5 Nawai Laimana – MAHA
- J-6 Kekoa Enomoto – Maui/Lanai MokuPuni Council and Paupena Community Development Inc.
- J-7 Heidi Whitney – Keaukaha Lease Successorship

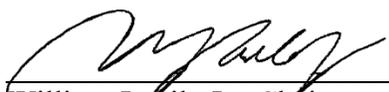
#### IV. EXECUTIVE SESSION

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 *Waimana Enterprises, et al. v. Department of Hawaiian Home Lands, et al.*, Civ. No. 1CCV-22-0000617 (DEO)
2. Discussion on Down Payment Assistance for Residential Purchase Off Hawaiian Home Lands Pilot Program

#### V. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next HHC Meeting – November 21 & 22, 2022, Courtyard by Marriott Kahului Airport Conference Room, Kahului, Maui, Hawaii
- B. Adjournment



William J. Aila Jr., Chairman  
Hawaiian Homes Commission

#### COMMISSION MEMBERS

Randy K. Awo, Maui  
Patricia A. Teruya, O'ahu  
Pauline N. Namu'o, O'ahu  
Michael L. Kaleikini, East Hawai'i

Zachary Z. Helm, Moloka'i  
Vacant, West Hawai'i  
Dennis L. Neves, Kaua'i  
Russell K. Ka'upu, O'ahu

If you need an auxiliary aid/service or other accommodation due to a disability, contact Michael Lowe at 620-9512, or michael.l.lowe@hawaii.gov, as soon as possible, preferably October 15, 2022. If a response is received after then, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats.

**Public Testimony on Agendized Items** can be provided either as: (1) in person at the meeting location, by filling out a form at the reception table, (2) written testimony mailed to *Commission Testimony, P.O. Box 1879, Honolulu, HI, 96815*, or emailed to *DHHL.icro@hawaii.gov* by October 15, 2022, or (3) live, oral testimony online by joining the Zoom meeting and relabeling your profile to include the agenda item you wish to testify on. Please keep your computer muted and your camera off until you are called. You will need a computer with internet access, video camera and microphone to participate. Testimony maybe limited to a maximum of three (3) minutes per person.

**ITEM D-2 EXHIBIT**

**APPROVAL OF CONSENT TO MORTGAGE**

| <b>LESSEE</b>            | <b>LEASE NO.</b> | <b>AREA</b>       |
|--------------------------|------------------|-------------------|
| ALLEN, Fallan            | 3022             | Waimanalo, Oahu   |
| APANA, Carol H.          | 12987            | Anahola, Kauai    |
| ARRUDA, Krysta K. K.     | 4523             | Nanakuli, Oahu    |
| ARRUDA, Kylee-Ray K.     | 4523             | Nanakuli, Oahu    |
| BREDE, Nalu K.           | 12673            | Anahola, Kauai    |
| BURCHETT, George E. K.   | 5546             | Lualualei, Oahu   |
| CAMPBELL, Wanda N.       | 7789             | Waimanalo, Oahu   |
| CHAR, David K. F.        | 727              | Waimanalo, Oahu   |
| KAHALE, Gaylord D. C.    | 5601             | Lualualei, Oahu   |
| KAHAWAI, Richard P. K.   | 1755A            | Waimanalo, Oahu   |
| KALAOLA-MEYER, Kaaina E. | 8710             | Waianae, Oahu     |
| KAMAE, Darlene K.        | 12851            | Kauluokahai, Oahu |
| KEKUA, Tilsha-Rae        | 9990             | Waianae, Oahu     |
| KELA, Darcy Ann E.       | 5652             | Keaukaha, Hawaii  |
| KELIIKOA, Bobbie A.      | 9359             | Kaniohale, Hawaii |
| KOTAKE, Davina P.        | 9363             | Kaniohale, Hawaii |
| KUPIHEA, Kaira A.        | 8840             | Anahola, Kauai    |
| LOWE, Rene L. L.         | 3691             | Waimanalo, Oahu   |
| MARDONADA, Raimie L.     | 11047            | Anahola, Kauai    |
| NOLAN, Kapiolani A.      | 11213            | Kakaina, Oahu     |
| NUUANU, Edward P. F.     | 4551             | Nanakuli, Oahu    |
| PALING, Stephen, III     | 9703             | Waianae, Oahu     |
| RESENTES, Brandon J. I.  | 476              | Nanakuli, Oahu    |
| SALOMON, Kolomona        | 7480             | Waiohuli, Maui    |
| SAMOA, Terrence P.       | 3786             | Nanakuli, Oahu    |
| VARGAS OMO, RaniaLisa K. | 9603             | Kalawahine, Oahu  |
| WILLING, Howard C. K.    | 12400            | Kanehili, Oahu    |

**ITEM D-3 EXHIBIT**

**RATIFICATION OF LOAN APPROVALS**

| <b>LESSEE</b>         | <b>LEASE NO.</b> | <b>AREA</b>     |
|-----------------------|------------------|-----------------|
| KENOI, Joseph P.      | 11188            | Waiakea, Hawaii |
| Ornellas, Marie N. K. | 8681             | Anahola, Kauai  |

**ITEM D-6 EXHIBIT**

**APPROVAL OF HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS**

| <b>APPLICANT</b>   | <b>AREA</b>                  |
|--------------------|------------------------------|
| ABE, Kimberly J.K. | Oahu IW Res to Hawaii IW Res |
| AIONA, Chang Yang  | Hawaii IW Agr                |
| AIWOHI, Victoria   | Maui IW Res                  |
| BELANIO, Anita H.  | Hawaii IW Res                |

DE SILVA, Shantell M.K.  
 IAEA, Daniel K., Jr.  
 KAY, Obed  
 KEKAWA, Miriam K.  
 LOW, Kawika P.  
 PURDY, Guy P.K.  
 RISKO, Darrell R.K.  
 RYDER, Leona Leiohu  
 SILVA, Kirk A.  
 VASCONCELLOS, Denise K.K.  
 WAHILANI, Sarah K.  
 WALLACE, Louis K. III  
 WOOD, Darcie N.

Molokai IW Agr to Maui IW Agr  
 Molokai IW Res  
 Hawaii IW Agr to Oahu IW Agr  
 Maui IW Agr to Hawaii IW Agr  
 Oahu IW Res to Hawaii IW Res  
 Maui IW Res  
 Oahu IW Res  
 Maui IW Res  
 Kauai IW Res to Hawaii IW Res  
 Maui IW Res  
 Hawaii IW Agr  
 Hawaii IW Res  
 Maui IW Res

\* IW = Islandwide

**ITEM D-7 EXHIBIT**

COMMISSION DESIGNATION OF SUCCESSORS TO APPLICATION RIGHTS –  
 PUBLIC NOTICE 2014, 2017, 2020 & 2021

| <b>APPLICANT</b>      | <b>AREA</b>                |
|-----------------------|----------------------------|
| AIONA, Chang Yang     | Hawaii IW Agr              |
| AKINA, Dino K.        | Molokai IW Agr             |
| AKINA, Dino K.        | Molokai IW Res             |
| KAILI, Mikaele I.     | Hawaii IW Agr              |
| KAILI, Mikaele I.     | Hawaii IW Res              |
| KEKAHUNA, Gwenave K.  | Hawaii IW Agr              |
| KEPA, Olga E.         | Molokai IW Res             |
| NUNUHA, Jaymason K.   | Oahu IW Res                |
| PELEKAI, Michael E.K. | Molokai IW Res             |
| POUHA, Lee L.         | Hawaii IW Agr              |
| POUHA, Lee L.         | Waimanalo Area/Oahu IW Res |
| RENKEN, Karen M.      | Oahu IW Agr                |
| RENKEN, Karen M.      | Oahu IW Res                |

\* IW = Islandwide

**ITEM D-8 EXHIBIT**

APPROVAL TO CERTIFY APPLICATIONS OF QUALIFIED APPLICANTS FOR THE MONTH OF  
 SEPTEMBER 2022

| <b>APPLICANT</b>    | <b>AREA</b>   |
|---------------------|---------------|
| APO, Edward A.A.    | Maui IW Agr   |
| APO, Edward A.A.    | Maui IW Res   |
| ARANDA, Chastity U. | Hawaii IW Res |
| ARANDA, Chastity U. | Kauai IW Agr  |

|                         |                |
|-------------------------|----------------|
| BROWN, Shai K.H.K.K.    | Kauai IW Pas   |
| BROWN, Shai K.H.K.K.    | Kauai IW Res   |
| DANIELS, Jovena L.K.    | Maui IW Res    |
| EZERA, Alexander K.     | Oahu IW Agr    |
| EZERA, Alexander K.     | Oahu IW Res    |
| EZERA, Lyman O.         | Maui IW Agr    |
| EZERA, Lyman O.         | Maui IW Res    |
| EZERA, Solomon O.       | Hawaii IW Agr  |
| EZERA, Solomon O.       | Maui IW Res    |
| KAAWALOA, Dale K.       | Oahu IW Res    |
| KAAWALOA, Kalia M.      | Oahu IW Res    |
| KAAWALOA, Manea T.      | Oahu IW Res    |
| KAHALEHILI, Roven P.    | Oahu IW Agr    |
| KAHEIKI, Rocco K.       | Hawaii IW Pas  |
| KAHEIKI, Rocco K.       | Hawaii IW Res  |
| KAHOKULOA, Kuramatsu K. | Kauai IW Agr   |
| KAHOKULOA, Kuramatsu K. | Kauai IW Res   |
| KAOHI, Brandon K.       | Hawaii IW Agr  |
| KAOHI, Brandon K.       | Oahu IW Res    |
| KONOHIA, Zsanrei K.     | Oahu IW Res    |
| LARITA, Huliamaahi K.   | Maui IW Agr    |
| LARITA, Huliamaahi K.   | Oahu IW Res    |
| LIKE, Rex K.            | Oahu IW Agr    |
| LIKE, Rex K.            | Oahu IW Res    |
| MACKENZIE, Robin-Rose   | Hawaii IW Pas  |
| MACKENZIE, Robin-Rose   | Hawaii IW Res  |
| MISSLER, Kalika K.K.K.  | Hawaii IW Res  |
| NAKIHEI, Brent K.       | Molokai IW Agr |
| NIHIPALI, Bryee H.      | Hawaii IW Res  |
| NOLAN, Kapiolani A.     | Oahu IW Agr    |
| NOLAN, Kapiolani A.     | Oahu IW Res    |
| PAAS, Evelyn M.         | Oahu IW Res    |
| PAISHON, Taunja E.      | Oahu IW Res    |
| PALAMA, Duley K.        | Oahu IW Res    |
| PELEIHOLANI, Julia K.   | Oahu IW Res    |
| ROGERS, Louise K.       | Oahu IW Res    |
| SHINSATO, Karen P.      | Oahu IW Res    |
| SPENCER, Ethan S.K.     | Hawaii IW Agr  |
| SPENCER, Ethan S.K.     | Oahu IW Res    |
| SURPRISE, Weyline L.K.  | Maui IW Agr    |
| SURPRISE, Weyline L.K.  | Maui IW Res    |
| TRAVIS-MOKU, Haaheo J.  | Oahu IW Agr    |
| TRAVIS-MOKU, Haaheo J.  | Oahu IW Res    |
| WILSON, Kevin K.        | Oahu IW Agr    |
| WILSON, Kevin K.        | Oahu IW Res    |

YAMASHITA, George A.  
YOUNG, Chelsea P.  
YOUNG, Chelsea P.

Oahu IW Res  
Oahu IW Agr  
Oahu IW Res

\* IW = Islandwide

**ITEM D-10 EXHIBIT**  
APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

| <b>LESSEE</b>                | <b>LEASE NO.</b> | <b>AREA</b>         |
|------------------------------|------------------|---------------------|
| ALAMA, Rusty K.              | 3871             | Papakolea, Oahu     |
| APO, Hattie K.               | 9447             | Waiehu Kou II, Maui |
| BUSH, Georgiette             | 3022             | Waimanalo, Oahu     |
| ROSECRANS, Duroy C.          | 3022             | Waimanalo, Oahu     |
| CALARRUDA, Danielle K.P.     | 8710             | Waianae, Oahu       |
| CIACCI, Kawaiolaonalani P.M. | 4287             | Kewalo, Oahu        |
| ELLIS, Solomon N.            | 9792             | Maluohai, Oahu      |
| PAIKAI, Dana R.              | 9792             | Maluohai, Oahu      |
| KALAWA, Shawn Clarene H.     | 4446             | Waianae, Oahu       |
| KAMAKA, Charles K., Jr.      | 2210             | Kewalo, Oahu        |
| KEKAUOHA, Bridget K.         | 3361             | Kewalo, Oahu        |
| NAEOLE-RAYMONDO, Vanna M.K.  | 9990             | Waianae, Oahu       |
| REZENTES, Glenn P.           | 1210             | Keaukaha, Hawaii    |
| REZENTES, Albert C.          | 1210             | Keaukaha, Hawaii    |
| TEVES, Michael A.            | 9329             | Kaniohale, Hawaii   |
| ELLIS, Bennadeth A.          | 9329             | Kaniohale, Hawaii   |
| WHITE, Hazel M.              | 5820             | Hoolehua, Molokai   |
| WRIGHT, Barbara L.           | 2702             | Kamoku, Hawaii      |
| DUNG, Lance                  | 11683            | Kapolei, Oahu       |
| PAWN, Dolphin K.             | 7870             | Hoolehua, Molokai   |

**ITEM D-11 EXHIBIT**  
APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

| <b>LESSEE</b>                | <b>LEASE NO.</b> | <b>AREA</b>           |
|------------------------------|------------------|-----------------------|
| CAMARA, Janice T.            | 3640             | Waimanalo, Oahu       |
| CIACCI, Kawaiolaonalani P.M. | 4287             | Kewalo, Oahu          |
| KANE, Donald R.              | 10350            | Waiohuli, Maui        |
| KEKAUOHA, Bridget K.         | 3361             | Kewalo, Oahu          |
| SANBORN, Rhonda K.           | 2677-A           | Kuhio Village, Hawaii |
| WRIGHT, Barbara L.           | 2702             | Kamoku, Hawaii        |

**ITEM D-12 EXHIBIT**

**APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC SYSTEMS FOR CERTAIN LESSEES**

| <b>LESSEE</b>             | <b>LEASE NO.</b> | <b>AREA</b>      |
|---------------------------|------------------|------------------|
| AUWELoa, William H.       | 5958             | Waiehu Kou, Maui |
| HAIA, Keeven N.           | 11496            | Leialii, Maui    |
| HIGASHI, Marie K.         | 3568             | Nanakuli, Oahu   |
| IOANE, Mickey K.          | 6817             | Waiakea, Hawaii  |
| KALAWAIA, Chad-Elliott K. | 6944             | Makuu, Hawaii    |
| KANEAKUA, Tiffany H.K.    | 5293             | Waianae, Oahu    |
| KEKAUOHA, Bridget K.      | 3361             | Kewalo, Oahu     |
| KAMA, Kahelekaapuni S.    | 3361             | Kewalo, Oahu     |
| PAIKAI, Naihe T.T.P.      | 9792             | Maluohai, Oahu   |

**ITEM F-1 EXHIBIT**

**ANNUAL RENEWAL OF RIGHT OF ENTRY PERMITS – EAST, CENTRAL, AND SOUTH HAWAII ISLAND**

| <b><u>NO.</u></b> | <b><u>ACRE</u></b> | <b><u>USE</u></b> | <b><u>PERMITTEE</u></b>              | <b><u>LOCATION</u></b> | <b><u>TMK</u></b>             | <b><u>Date Started</u></b> |
|-------------------|--------------------|-------------------|--------------------------------------|------------------------|-------------------------------|----------------------------|
| 465               | 280.00             | Pastoral          | Gilbert Medeiros, Jr.                | Kamaoa-Puueo           | (3) 9-3-001:002(P)            | 2/9/1998                   |
| 469               | 504.00             | Pastoral          | Daryl K. Kalua'u                     | Kau                    | (3) 9-3-001:002(P)            | 9/7/2000                   |
| 473               | 2250.00            | Pastoral          | Dean Kaniho                          | Kamaoa-Puueo           | (3) 9-3-001:002(P)            | 7/15/2004                  |
| 477               | 2.00               | Agricultural      | Guy Kaniho                           | Humu'ula               | (3) 3-8-001:007(P)            | 2/26/2007                  |
| 478               | 300.00             | Pastoral          | April Awana-Mattos                   | Honomu                 | (3) 2-8-011:011 (p)           | 2/1/2010                   |
| 481               | 2.21               | Landscape         | Ginger Patch Center                  | Waiakea                | (3) 2-2-060:001               | 8/2/2010                   |
| 482               | 1.00               | Community         | Keaukaha Panaewa Farmers Association | Panaewa                | (3) 2-1-025:091 (p)           | 2/1/2011                   |
| 610               | 5000.00            | Pastoral          | Native Hawaiian General Services     | Kamaoa-Puueo           | (3) 9-3-001:002(P)            | 6/1/2004                   |
| 467               | 326.76             | Pastoral          | Parnel Hanoa                         | Waiohinu               | (3) 9-5-019:016 & 9-5-005:002 | 1/26/2000                  |
| 692               | 0.620              | Commercial        | Connect Point Church                 | Waiakea                | (3) 2-2-060:049               | 11/18/2019                 |

\* Denotes Beneficiary

**HAWAIIAN HOMES COMMISSION  
OCTOBER 17 & 18, 2022  
FACE-TO-FACE &  
INTERACTIVE CONFERENCE  
TECHNOLOGY**

**C – ITEMS  
OFFICE OF THE CHAIRMAN**

STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS  
October 17-18, 2022

To: Chairman and Members, Hawaiian Homes Commission

From: Tyler I. Gomes, Deputy to the Chairman   
Niniau Kawaihae, Special Assistant   
Office of the Chairman

Subject: Update on Activities Submitted for the National  
Telecommunications & Information Administration Tribal  
Broadband Connectivity Program

RECOMMENDED MOTION:

None; for information only.

DISCUSSION:

The Consolidated Appropriations Act (CAA) was passed by the U.S. Congress and signed by former President Donald J. Trump at the end of December 2020. The CAA authorizes the creation of the Tribal Connectivity Program (TCP) under the National Telecommunications and Information Administration (NTIA) of the U.S. Department of Commerce.

Section 905(a)(8)(III) sets aside no less than \$30 million to the Department of Hawaiian Home Lands (DHHL) on behalf of the Native Hawaiian Community, including Native Hawaiian Education Programs. On June 3, 2021, the NTIA released its Notice of Funding Opportunity (NOFO) for the TCP and since February 2021 DHHL staff and its consultants have met with various broadband/telehealth/distance education stakeholders as well as state agencies. This broadband survey of every county and across professional disciplines was used to identify digital gaps; assess existing broadband infrastructure and broadband adoption programs; and analyze strengths in current community networking project areas that address affordable access. DHHL submitted its TCP application on August 31, 2021.

In November 2021, the Investment, Infrastructure & Jobs Act (IIJA) became law and Section 602.11 amended the TCP to include an additional no less than \$60 million set aside to the DHHL. According to the IIJA, the NTIA must develop regulations around this additional broadband funding and DHHL anticipates such to be completed before the end of the calendar year.

The following is an update on the site visit made by TBCP staff to DHHL in September and the amended TBCP application submitted on September 30, 2022.

### **Broadband Infrastructure Deployment**

The Department of Hawaiian Home Lands originally requested \$49,614,000 for a one-year project to support a bilateral intervention composed of both infrastructure implementation and network management capacity-building, and a digital equity initiative to directly ameliorate the digital divide across the entirety of DHHL's land trust. During the TBCP week-long site visit, DHHL revised its ask to **\$6,262,120 million**.

This amount for is for architecting, engineering, and due diligence to support a broadband fiber infrastructure implementation across the entirety of DHHL's land trust and will result in the final engineering plan that will be used to request funds in the second round of the TBCP. Costs include: 1) identifying optimal fiber routes; 2) GIS planning tool development; 3) fiber and vertical asset research; and, 4) broadband mapping and network design. Costs are based on a quote provided by The X-Lab at Penn State University, a non-profit that provides expertise on technology development and business models to ISPs. Costs also include travel for an awarded contractor to travel to Hawaii as well as inter-island travel for surveying and evaluation of DHHL trust lands for future infrastructure build out. Estimated travel costs include 4 weeks of travel for 24 people. Cost estimates are based on FY 2023 GSA rates for Hawaii with an adjustment for inflation. The contractor for this portion has not yet been determined; however, DHHL will utilize the State of Hawaii procurement policy which is in line and conforms to 2 CFR 200. DHHL is requesting this amount to commission a feasibility study that will include a comprehensive survey of unserved Native Hawaiians households on trust lands; development of a state-wide collective broadband strategy; proposed network solution including fiber only and a fiber-wireless hybrid; and a long term financial plan for proposed network. The contractor for this portion has not yet been determined; however, DHHL will utilize the State of Hawaii procurement policy which is in line and conforms to 2 CFR 200.

DHHL also elected to receive 2%, or **\$125,242**, of the total cost for administrative and legal expenses per the Consolidated Appropriations Act, 2021, Division N, Title IX, Section 905(c), Public Law 116-260, 134 Stat. 1182 (Dec. 27, 2020) (Act).

## Broadband Use & Adoption

The Department of Hawaiian Home Lands' oversight of the land trust serves three classes of beneficiaries: 1) those Native Hawaiians of 50% blood quantum or greater who have already received a lease from the Commission and currently resides on Hawaiian home lands, numbering approximately 10,000 households; 2) those Native Hawaiians of 50% blood quantum or greater who have not yet received a lease, are on the Department's waiting list, and live both on and off Hawaiian home lands, numbering approximately 28,000 individuals; and 3) those Native Hawaiians of 50% blood quantum or greater who have not applied for a homestead with the Department.

The department also has a fourth, expanded, definition of its beneficiary class for the specific purposes of Title VIII of NAHASDA (25 U.S.C. 4221) and the Consolidated Appropriations Act of 2021, Division N, Title IX, Section 905(c) which authorizes the Tribal Broadband Connectivity Program under the NTIA. The aforementioned definition allows any Native Hawaiian able to trace their genealogy back to pre-1778, without regard for current blood quantum, to be eligible for assistance under both Acts.

The proposed broadband use and adoption project will target all four beneficiary classes.

The Department of Hawaiian Home Lands originally requested **\$18,163,021** for a one-year project to fund multiple areas of need as it relates to digital equity, digital inclusion, and telehealth. The COVID-19 pandemic of the past 18 months brought to the forefront the lack of access to sufficient internet bandwidth for telehealth, distance learning and teleworking for Native Hawaiian households. The activities identified in the following pages document the Department of Hawaiian Home Lands' (DHHL) response to the need it saw in its Native Hawaiian communities statewide over the past year and a half of the global pandemic. Isolated in the middle of the Pacific Ocean, transpacific undersea cables provide critical access to broadband infrastructure. The geographic isolation also means Hawai'i must import all of its goods - from household supplies to food to building materials, leading our families to experience one of the highest costs of living in the United States. Also addressed are the improvements to Native Hawaiian charter schools who are not included in the State of Hawaii's Department of Education (DOE) eRate program by upgrading existing networks and equipment to accelerate Native student learning to gain parity with those students in the DOE system.

Telehealth devices and equipment for Native Hawaiian-serving

medical facilities and hospitals that saw an increased need for such over the course of the pandemic, will assist Native Hawaiian families navigating a devastating illness and isolation while providing critical care in the safety and comfort of home. Lastly, digital mapping of rural areas with high concentrations of Native Hawaiians will provide concrete data for subsequent assessments of need as well as provide quantitative data for evaluation purposes on the effectiveness of DHHL's efforts to promote digital equity, inclusion, and access for Native Hawaiians.

Finally, DHHL amended its original proposal of digital equity initiatives to remove prepaid broadband internet to existing carriers since the FCC's Affordability Broadband Program (ACP) does provide for \$75/month for eligible households on DHHL trust lands. Thus, the DHHL's amended application totaled **\$10,796,700**.

STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS  
October 17-18, 2022

To: Chairman and Members, Hawaiian Homes Commission  
From: Tyler I. Gomes, Deputy to the Chairman   
Niniau Kawaihae, Special Assistant   
Office of the Chairman

Subject: Molokai Wireless Implementation

RECOMMENDED MOTION:

None; for information only.

DISCUSSION:

The COVID-19 pandemic highlighted to lack of adequate broadband connectivity (defined by the Federal Communications Commission as 25 megabytes per second download and 3 megabytes per second upload speed) across DHHL trust lands across the state. Hoolehua on the island of Molokai stood out as the pandemic continued and access to distance learning, telework and telehealth were practically nil. While a permanent fiber solution is being worked on with anticipated funding from the Tribal Broadband Connectivity Program (TBCP) under the National Telecommunications and Information Administration (NTIA), a speedy bridge solution has been developed to address, short-term, adequate broadband access.

The goal of the Molokai Wireless Implementation is to provide a "roof-top access network" similar to over-the-air television broadcasters, which requires end users to install a roof-top antenna to receive service (much like a TV antenna) or an in-house wireless router, depending on local site conditions (e.g., tree coverage, building height). Key community locations will receive connectivity to provide free community hot spots.

**Assumptions:**

1. High-gain antennas will overcome rain fade for 7-12KM links though these links are *not* essential due to the two uplink locations).

2. Most antenna heights estimated at 15-20m above ground level.
  - a. Flat-roof antenna installations.
3. Equipment and installation teams are readily available.
4. Uplinks located at both the Molokai Education Center and Moloka'i High School.
5. The two community network locations (Ho'olehua & Kaunakakai) will operate as stand-alone networks that will interconnect if antenna heights will enable links between the two.
6. Excludes CPE costs.
7. No fee-for-service provisioning.

STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 17-18, 2022

To: Chairman and Members, Hawaiian Homes Commission  
From: Lehua Kinilau-Cano, NAHASDA Government Relations  
Program Manager  
Subject: For Information Only - DHHL Rental Subsidy Program  
Policy

RECOMMENDED MOTION/ACTION:

None; For information only.

DISCUSSION

The Hawaiian Homes Commission accepted the 2022-2023 Native Hawaiian Housing Block Grant (NHHBG) Annual Housing Plan in April 2022, which was subsequently found by HUD to be in compliance. One of the programs included in the Annual Housing Plan is the DHHL Kupuna Rental Subsidy Program, which seeks to assist native Hawaiian kupuna who are sixty-two years of age or older on DHHL's waiting list or undivided interest lessees who are renting in the State of Hawaii and whose household income does not exceed 80% Area Median Income as defined by HUD for the NHHBG program with a rental subsidy. The maximum rental subsidy an eligible kupuna household can receive is the lesser of the actual rent which must be reasonable for a modest unit minus no more than 30% of the household's adjusted income. For example, if a household receives \$1000 adjusted income per month, the household will be responsible for a portion of the rent due up to no more than 30% of their monthly adjusted income or \$300, the rest of the rental payment will be provided by the DHHL Kupuna Rental Subsidy Program.

The Kupuna Rental Subsidy Program Policy, which is attached to this submittal details the program purpose, eligibility requirements, rent reasonableness factors, maximum subsidy, admissions requirements, management and implementation, and termination. Since this subsidy is not tied to any emergency relief, unit inspections must be conducted at least annually for all rental units to ensure that the units meet property

standards. All participants will be required to be recertified at least annually to determine continued eligibility. All households receiving the rental subsidy will be required to participate in housing counseling. Non-participation will result in termination of the subsidy.

RECOMMENDED MOTION/ACTION:

None; For information only.

**DHHL KUPUNA RENTAL SUBSIDY**  
**PROGRAM POLICY**

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# I. INTRODUCTION

## Section 1 Overview

This policy describes the requirements for the Kupuna Rental Subsidy Program provided by the Department of Hawaiian Home Lands (DHHL). DHHL receives federal funding from the U.S. Department of Housing & Urban Development (HUD) under Title VIII of NAHASDA, 24 CFR Part 1006. As the Recipient, DHHL utilizes its funding to develop and support safe, decent, and affordable housing for native Hawaiians in accordance with NAHASDA. The DHHL has authorized the Kupuna Rental Subsidy Program to create an affordable housing opportunity for Kupuna to access decent, safe, and sanitary housing in the private market.

## Section 2 Governance

The Department of Hawaiian Home Lands (DHHL) is governed by the Hawaiian Homes Commission Act of 1920, enacted by the U.S. Congress creating a Hawaiian Homes Commission (HHC) to administer certain public lands, called Hawaiian home lands, for homesteads.

## Section 2 DHHL Mission

The DHHL's mission is to manage the HHL Trust effectively and to develop and deliver land to native Hawaiians. DHHL recognizes the need to develop a Kupuna Rental Subsidy Program that subsidizes rent for low-income Kupuna-native Hawaiians whose needs are not currently being met through DHHL's existing housing programs.

### A. Housing Area

Use of DHHL NAHASDA programs' funds is restricted to the State of Hawaii.

### B. Applicability

- All participants are subject to the policies of the DHHL as they now exist or as they may hereafter be amended and by this reference made a part hereof.
- General requirements of the DHHL NAHASDA General Admissions & Occupancy policy shall apply to the Kupuna Rental Subsidy Program.

### C. Staff and Officials Authorizations

NAHASDA authorizes the Chairman as the DHHL Director to administer the NAHASDA programs. NAHASDA program staff shall establish the procedures to

receive and determine eligibility to meet Kupuna Rental Subsidy program requirements. DHHL may enter into an agreement with a service provider to manage and operate the Kupuna Rental Subsidy program.

## **II. INTERPRETATION**

### **A. Program Participants and Applicants**

1. Whenever used through this policy, "Tenant" and "Applicant" shall mean singular or plural of Tenant and Applicant.
2. Whenever used throughout this policy, "Tenant" and "Applicant" shall mean a native Hawaiian family or a native Hawaiian individual who is receiving NAHASDA subsidy or who applies or expresses an intent to apply for NAHASDA housing subsidy.

### **B. Number and Gender**

Whenever used throughout this policy, unless the context shall otherwise provide, the singular number shall include the plural, the plural the singular, and the use of any gender shall include all genders.

### **C. SEVERABILITY**

If any one or more section, subsection, sentence, clause, phrase, word, provision or application of this Policy shall for any person or circumstance be held to be illegal, invalid, unenforceable, and/or unconstitutional, such decision shall not affect the validity of any other section, subsection, sentence, clause, phrase, word, provision or application of DHHL Policies which is operable without the offending section, subsection, sentence, clause, phrase, word, provision or application shall remain effective notwithstanding.

### **D. Amendments**

The DHHL Director reserves the right to make modifications to this policy if needed.

## **III. KUPUNA RENTAL SUBSIDY PROGRAM OVERVIEW**

### **Section 1 - Purpose**

The Kupuna Rental Subsidy Program will help Kupuna to afford decent, safe, and sanitary housing in the private market within the State of Hawaii. The purpose of this program is to:

- A. Allow Kupuna individuals/families to choose where they want to live.
- B. Allow Kupuna who are experiencing homelessness to secure affordable housing.
- C. Serve as a guide for DHHL staff and a service provider to manage and implement the Kupuna Rental Subsidy Program.
- D. Facilitate management in a manner that reflects DHHL's commitment to improving the quality of life by creating affordable housing opportunities for Kupuna native Hawaiians in a manner consistent with the overall mission of the DHHL.
- E. Enable qualifying Kupuna access to affordable housing.

## **Section 2 - Eligibility**

Applicants must meet the following criteria:

1. Kupuna, age 62 or older
2. Annual gross Income must not exceed 80% AMI as determined and published annually by HUD
3. Complete an application
4. Consent to verification of information
5. Provide a fully executed written lease agreement.
6. Participate in Kūkulu Housing Counseling
7. Applicant on DHHL's waiting list or undivided interest lessee
8. Select a rental unit in Hawaii and use it as their principal residence.
9. Applicant must not own a home.
10. A household receiving Section 8 Rental Assistance is not eligible.

## **IV. INCOME**

### **Section 1 Determining Income for Eligibility**

#### **A. Definition of Income**

The Kupuna Rental Subsidy Program will use one of the following definitions of annual income that is most advantageous to the family:

##### **1. Section 8**

"Annual income" as defined for HUD's Section 8 program in 24 CFR part 5, subpart F.

##### **2. Internal Revenue Service**

Gross income means Line 7 (subject to change by the IRS) "Adjusted Gross Income," IRS Form 1040 series for individual Federal annual income tax purposes.

### **Section 2 Calculating Anticipated Gross Annual Income**

Annual income shall be projected for twelve (12) months based on the best available information for each income recipient in the household.

#### **A. Factors to be Considered**

1. IRS 1040 form, Line titled "Adjusted Gross Income" for each member of the household provides the definition of NAHASDA gross income. IRS adjusted gross income determination is used by NAHASDA as gross income for eligibility only.
2. The previous year's income or average of income, whichever is most advantageous to the Applicant.
3. Current circumstances by annualizing current income; or, using information available to average anticipated income from all known sources when the sources are expected to change during the year.
4. Known rate changes that will take effect during the projected year.

#### **B. Income Eligibility Determination**

Income eligibility is established by comparing the household's annual gross income to the applicable published income limits provided for in the NHHBG Program Guidance, adjusted for family size.

## **PART V RENT**

### **Section 1 Fair Market Rent**

Fair Market Rent (FMR) represents the cost to rent a moderately-priced unit in the local housing market as established by HUD for units of varying sizes (by number of bedrooms).

### **Section 2 - Determining Rent Reasonableness**

Implement a reasonable written method to determine and document for each unit leased that the rent to owner is reasonable based upon current rents for comparable unassisted units.

#### **A. Factors to be considered determining comparability and reasonable rent are:**

1. Location
2. Size
3. Type.
4. Quality.
5. Age.
6. Amenities.
7. Housing Services.
8. Maintenance; and
9. Utilities provided by the owner under the lease.

#### **B. A rent reasonableness determination must be made in the following instances:**

1. Prior to an agreement with the landlord; and
2. Before any rent increase.

### **Section 3 Subsidy Amount**

#### **A. Calculating the Subsidy Amount**

Factors used to determine the amount of subsidy to be paid to the landlord on behalf of the Kupuna are:

1. Annual income of the household adjusted as required by NAHASDA,
2. Fair Market Rent (FMR) as a guide for areas in the State of Hawaii as determined by the service provider, HUD, or other rental market study.

**B. Maximum Subsidy**

1. A qualifying Kupuna can receive the lesser of the actual rent which must be reasonable for a modest unit minus no more than 30 percent of the household's adjusted income.
2. The FMR will be used as a guide to determine the amount of subsidy.

**V. OTHER ADMISSIONS REQUIREMENTS**

**Section 1 – General Requirements**

- A.** The admissions process contains various components as described in the DHHL Admissions and Occupancy Policy, including but not limited to the following:

**1. Housing Counseling**

The Kupuna Rental Subsidy Assistance Program is subject to the requirements of the KŪKULU Housing Counseling Policy which requires

“All Applicants for NAHASDA housing assistance offered by DHHL will be required as a condition of acceptance to satisfactorily complete a minimum number of hours, as determined by DHHL staff, of homebuyer, financial literacy, maintenance, debt management, credit repair, foreclosure prevention, and one-on-one housing counseling as needed to meet the requirements with respect to property maintenance, financial management, and such other matters as may be appropriate to achieve mortgage readiness and meet financial obligations of homeownership or rental leasing.”

**2. Selection**

- a. Applicants are selected in the order of first-come, first-serve with DHHL criteria.

- b. Once a household is determined eligible and selected to receive assistance, the subrecipient should issue the family a Tenant Based Rental Assistance (TBRA) voucher, which is the family's authorization to look for housing .

### **3. Lease**

Prior to the delivery of subsidy, the landlord lease must meet the requirements of NAHASDA Section 814 (a) and the Hawaii Residential Landlord-Tenant Code, including but not limited to the following information on:

- rental agreements,
- security deposits,
- repairs,
- prohibited practices,
- terminating rental agreements/tenancy,
- landlord and tenant obligations, and
- landlord and tenant remedies.

### **4. Term**

The term of agreement will be in accordance with the Hawaii Residential Landlord-Tenant Code or applicable federal requirement.

## **VI. MANAGEMENT AND IMPLEMENTATION**

The DHHL will enter into a contract with a service provider to operate and manage the Kupuna Rental Subsidy Program.

### **Section 1 - Service Provider Responsibilities**

The service provider is responsible for

- A. Completing the initial income verification to determine eligibility and conducting re-certifications for continued eligibility of participants at least annually.
- B. Inform Applicant or tenant of the Kukulū Housing Counseling requirement.
- C. Determining rent reasonableness prior to making any agreement with the landlord.
- D. Conducting an inspection prior to approval of the unit,

- E. Disbursement of payment of the subsidy amount to the landlord each month.
- F. Providing notice to the landlord and tenant if subsidy amounts change or cease.

Additional Services to be provided by the service provider for the Kupuna Rental Subsidy Program include at least, but not limited to the following:

**A. Marketing**

Market and advertise the programs in collaboration with DHHL;

**B. Application Intake and Process**

Develop needed application materials and establish and implement an application process in accordance with the DHHL's policies.

**C. Selection**

Make selections based on first-come, first-serve.

**D. Screening**

Review individual applications, including income determinations, in accordance with the Kupuna Rental Subsidy Program.

**E. Communications**

1. Provide written notification to the tenant when the lease and unit are approved.
2. The tenant is informed in writing of the required obligations for participation in the program.

**F. Supportive Services**

Provide tenants with supportive services that place an emphasis on independent living skills, employment, education, rental assistance, behavioral health, and other issues.

**G. Program Orientation**

- Provide individual orientations to recipients and participating property owners explaining requirements of the applicable program.

- Ensure continued subsidy payments are not made after 60 days from initial occupancy unless there is compliance with the Kūkulu Housing Counseling.

#### **H. Inspections**

Conduct unit inspections at least annually to ensure that such units meet the program's property standards, including but not limited to conducting visual assessments of potential lead-based paint hazards in any properties constructed prior to 1978 in accordance with 24 CFR part 35.

#### **H. Recertification Requirements**

All participants will be required to be recertified at least annually to determine continued eligibility and any adjustments. Interim-recertifications may be conducted for emergency purposes.

#### **I. Program Policies**

The DHHL NAHASDA General Admissions & Occupancy Policy shall apply to Applicants and Participants as applicable. Duties and responsibilities in implementing the Kupuna Rental Subsidy Program shall comply with Hawaii Revised Statutes Chapter 84 Standards of Conduct.

#### **J. Reporting**

Maintain and make available to the DHHL files for at least 5 years including, but not limited to, the following:

1. Application/tenant certification;
2. Income & eligibility determination;
3. Unit approval;
4. Rental subsidy calculation;
5. Rental subsidy contract/agreements; and
6. Rent reasonableness documentation, including but not limited to the FMR.
  - a. Financial reports
  - b. Statistical reports
  - c. Correspondence (owner & tenant)

d. Completion/termination notice

**K. Taxes**

Provide the appropriate IRS 1099 form to report payments to contractors who do not have taxes withheld.

**L. Policy and Procedures**

The Hawaii Residential Landlord-Tenant Code is the name of Chapter 521 of the Hawaii Revised Statutes (HRS), which governs rental laws in Hawaii.

Service providers must develop and maintain policies and standard operating procedures for which a copy must be provided to DHHL.

**Section 2 Disbursement of Payments**

**A.** Once the lease and the unit have been approved, and the landlord has signed the Landlord Obligation Contract (LOC), the service provider will inform the landlord in writing of the following:

1. Subsidy payment amount,
2. Effective date of payments,
3. The amount of the monthly payment

**B.** If a tenant moves into a unit during the month rather than at the beginning of the month, the subsidy payment will be pro-rated for the remaining days left in the month and a check will be issued.

**C.** Subsidy payments will be issued in accordance with the lease and this policy

**D.** Subsidy payments will stop unless there is documentation of participation in the Kūkulu: Housing Counseling Program.

**Section 3 Tenant Obligations**

**A.** Provide accurate family composition information

**B.** Report all income

**C.** Keep copies of papers, forms, and receipts which document income and expenses

**D.** Participate in mandatory Kūkulu: Housing Counseling Program.

- E. Report changes in family composition and income occurring between annual recertifications
  - F. Sign consent forms for income verification
  - G. Follow lease requirements and house rules
  - H. Use the property as principal residence
  - I. Comply with the service provider's and the DHHL Kupuna Rental Subsidy Program Policy, NAHASDA General Admissions & Occupancy Policy, and Kūkulu: Housing Counseling Policy.
- J. In addition, the family must not:
- 1. Own or have any interest in the unit being leased.
  - 2. Sublease, assign, or transfer the unit.
  - 3. Receive any other housing subsidy for the same unit or a different unit from any source that duplicates the rent subsidy provided under the Kupuna Rental Subsidy Program.
  - 4. Request assistance for a property owned by a relative.

#### **Section 4 Landlord Obligations**

Subsidy payments to the landlord on behalf of the family shall commence when the landlord signs the Landlord Obligation Contract (LOC) and agrees to the following obligations in the program prior to approval of the subsidy.

- A. The landlord is responsible for maintaining the property in good, safe, and sanitary condition.
- B. The landlord is responsible for conducting background checks and contacting references to determine the tenant's suitability as a renter. The service provider does not screen the tenants.
- C. The landlord is responsible for compliance with the Hawaii Residential Landlord-Tenant Code and addressing issues concerning any and all conditions of the lease.
- D. The landlord is responsible for providing the service provider with a copy of any eviction or lease termination notice.
- E. The landlord must notify the service provider if any tenant vacates a unit.

- F. The landlord must provide the service provider with a copy for approval of any changes to the lease during the tenancy of a tenant.
- G. The landlord shall provide to the tenant in writing, the name and address of the owner or the owner's agent authorized to receive rent, notices, and demands.
- H. The landlord shall not terminate tenancy for non-payment of the service provider's subsidy payment.
- I. Landlord must submit Form W-9 to provide your correct Taxpayer Identification Number (TIN) to the service provider.
- J. Landlord shall assume full responsibility for payment of all Federal, State, and local taxes or contributions imposed or required under employment insurance, social security, and income tax laws, with respect to this program.

## **VII. TERMINATION**

Terminations must comply with the Hawaii Residential Landlord-Tenant Code.

### **Section 1 Terminations by the Landlord**

During the term of the lease, the landlord may terminate tenancy for violations of the lease. The landlord may not terminate tenancy for non-payment of the service provider's subsidy payment.

### **Section 2 Termination by the Tenant**

The Tenant may terminate tenancy for landlord's violation of the Hawaii Residential Landlord-Tenant Code.

### **Section 3 Termination by the Service Provider**

The service provider may terminate the family subsidy for any of the following, but not limited to, reasons:

1. Any violation of the Kupuna Rental Subsidy Program Policy, DHHL NAHASDA General Admissions & Occupancy Policy, and Hawaii Residential Landlord-Tenant Code as applicable.
2. Noncompliance with the Kūkulu Housing Counseling policy.
3. If the landlord fails to maintain the unit in accordance with HQS standards.

4. If available program funding is insufficient to support continued subsidy for the families.

**HAWAIIAN HOMES COMMISSION  
OCTOBER 17 & 18, 2022  
FACE-TO-FACE &  
INTERACTIVE CONFERENCE  
TECHNOLOGY**

**D – ITEMS**

**HOMESTEAD SERVICES DIVISION**

HOMESTEAD SERVICES DIVISION  
AGENDA

October 17, 2022

| DIV.               | ITEM NO. | SUBJECT  |
|--------------------|----------|--|
|                    | D-1      | HSD Status Reports<br>Exhibits:<br>A - Homestead Lease & Application Totals and Monthly Activity Reports<br>B - Delinquency Report<br>C - DHHL Guarantees for FHA Construction Loans   |
| ODO/APPL.<br>LOANS |          |  |
| LOANS              | D-2      | Approval of Consent to Mortgage (see exhibit)  |
|                    | D-3      | Ratification of Loan Approvals (see exhibit)   |
|                    | D-4      | Loan Service Branch Workshop (10/17/2022) – Agreement between the Department of Hawaiian Home Lands and the United States Department of Agriculture Rural Housing and Community Development Service                          |
|                    | D-5      | Approval of Amended Agreement Between the Department of Hawaiian Home Lands (“DHHL”) State of Hawaii And the United States Department of Agriculture Rural Housing And Community Development Service (“RHCDS”) (“Agreement”) |
| APPL               | D-6      | Approval of Homestead Application Transfers / Cancellations (see exhibit)  |
|                    | D-7      | Commission Designation of Successors to Application Rights – Public Notice 2014, 2017, 2020 & 2021 (see exhibit)   |
|                    | D-8      | Approval to Certify Applications of Qualified Applicants for the month of September 2022 (see exhibit)   |
|                    | D-9      | For Information Only – Application Branch Workshop   |
| DO                 | D-10     | Approval of Assignment of Leasehold Interest (see exhibit)   |
|                    | D-11     | Approval of Amendment of Leasehold Interest (see exhibit)  |
|                    | D-12     | Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees  |
| Molo DO            | D-13     | Commission Designation of Successor – <b>JOHN S.K. KAUWE, JR.</b> , Agricultural Lease No. 7801, Lot No. 26, Hoolehua, Molokai   |
| EHDO               | D-14     | Commission Designation of Successor – <b>CARL DANA O</b> , Agricultural Lease No. 6930, Lot No. 2, Makuu, Hawaii   |

Sample Footer 12pt. Times New Roman  
(Without Exhibit)

**ITEM NO. D-1**

(With Exhibit)

**ITEM NO. D-1**  
**EXHIBIT A**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission

From: Juan Garcia, HSD Administrator 

SUBJECT: **Homestead Services Division Status Reports**

RECOMMENDED MOTION/ACTION

NONE

DISCUSSION

The following reports are for information only:

- Exhibit A: Homestead Lease & Application Totals and Monthly Activity Reports
- Exhibit B: Delinquency Report
- Exhibit C: DHHL Guarantees for FHA Construction Loans

October 17, 2022

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through September 30, 2022

|              | As of<br>8/31/22 | Add      | Cancel   | As of<br>9/30/22 |
|--------------|------------------|----------|----------|------------------|
| Residential  | 8,472            | 1        | 1        | 8,472            |
| Agricultural | 1,090            | 0        | 0        | 1,090            |
| Pastoral     | 413              | 0        | 0        | 413              |
| <b>Total</b> | <b>9,975</b>     | <b>1</b> | <b>1</b> | <b>9,975</b>     |

The cumulative number of Converted Undivided Interest Lessees represents an increase of 540 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

|           | As of<br>8/31/22 | Converted | Rescinded/<br>Surrendered/<br>Cancelled | As of<br>9/30/22 |
|-----------|------------------|-----------|---|------------------|
| Undivided | 774              | 0         | 1                                       | 773              |

Balance as of 9/30/2022

|                    |            |
|--------------------|------------|
| Awarded            | 1,434      |
| Relocated to UNDV  | 7          |
| Rescinded          | 118        |
| Surrendered        | 6          |
| Cancelled          | 4          |
| Converted          | <u>540</u> |
| Balance to Convert | 773        |

Lease Report For the Month Ending September 30, 2022

|                          | RESIDENCE    |          |          | AGRICULTURE  |              |          | PASTURE  |              |            | TOTAL LEASES |          |              |
|--------------------------|--------------|----------|----------|--------------|--------------|----------|----------|--------------|------------|--------------|----------|--------------|
|                          | Last Month   | Add      | Cancel   | TOTAL        | Last Month   | Add      | Cancel   | TOTAL        | Last Month | Add          | Cancel   | TOTAL        |
| <b>OAHU</b>              |              |          |          |              |              |          |          |              |            |              |          |              |
| Kakaina                  | 29           | 0        | 0        | 29           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 29           |
| Kalawahine               | 90           | 0        | 0        | 90           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 90           |
| Kanehili                 | 399          | 0        | 0        | 399          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 399          |
| Kapolei                  | 176          | 0        | 0        | 176          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 176          |
| Kauluokahal              | 146          | 0        | 0        | 146          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 146          |
| Kaupea                   | 325          | 0        | 0        | 325          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 325          |
| Kaupuni                  | 19           | 0        | 0        | 19           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 19           |
| Kewalo                   | 248          | 0        | 0        | 248          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 248          |
| Kumuhau                  | 51           | 0        | 0        | 51           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 51           |
| Luahale                  | 147          | 0        | 0        | 147          | 30           | 0        | 0        | 30           | 0          | 0            | 0        | 177          |
| Malu'ohai                | 225          | 0        | 0        | 225          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 225          |
| Nanakuli                 | 1,045        | 0        | 0        | 1,045        | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 1,045        |
| Papakolea                | 64           | 0        | 0        | 64           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 64           |
| Princess Kahanu Estates  | 270          | 0        | 0        | 270          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 270          |
| Waiahole                 | 0            | 0        | 0        | 0            | 17           | 0        | 0        | 17           | 0          | 0            | 0        | 17           |
| Waianae                  | 421          | 0        | 0        | 421          | 12           | 0        | 0        | 12           | 0          | 0            | 0        | 433          |
| Waimanalo                | 715          | 0        | 1        | 714          | 2            | 0        | 0        | 2            | 0          | 0            | 0        | 716          |
| <b>TOTAL</b>             | <b>4,370</b> | <b>0</b> | <b>1</b> | <b>4,369</b> | <b>61</b>    | <b>0</b> | <b>0</b> | <b>61</b>    | <b>0</b>   | <b>0</b>     | <b>0</b> | <b>4,431</b> |
| <b>MAUI</b>              |              |          |          |              |              |          |          |              |            |              |          |              |
| Hikina                   | 31           | 0        | 0        | 31           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 31           |
| Kahikinui                | 0            | 0        | 0        | 0            | 0            | 0        | 0        | 0            | 75         | 0            | 0        | 75           |
| Keokea                   | 0            | 0        | 0        | 0            | 64           | 0        | 0        | 64           | 0          | 0            | 0        | 64           |
| Leialii                  | 102          | 0        | 0        | 102          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 102          |
| Paukukalo                | 178          | 0        | 0        | 178          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 178          |
| Waiehu 1                 | 39           | 0        | 0        | 39           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 39           |
| Waiehu 2                 | 109          | 0        | 0        | 109          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 109          |
| Waiehu 3                 | 113          | 0        | 0        | 113          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 113          |
| Waiehu 4                 | 97           | 0        | 0        | 97           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 97           |
| Waiohuli                 | 591          | 0        | 0        | 591          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 591          |
| <b>TOTAL</b>             | <b>1,260</b> | <b>0</b> | <b>0</b> | <b>1,260</b> | <b>64</b>    | <b>0</b> | <b>0</b> | <b>64</b>    | <b>75</b>  | <b>0</b>     | <b>0</b> | <b>1,399</b> |
| <b>EAST HAWAII</b>       |              |          |          |              |              |          |          |              |            |              |          |              |
| Discovery Harbour        | 2            | 0        | 0        | 2            | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 2            |
| Kamaoa                   | 0            | 0        | 0        | 0            | 0            | 0        | 0        | 0            | 25         | 0            | 0        | 25           |
| Kaumana                  | 43           | 0        | 0        | 43           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 43           |
| Keaukaha                 | 471          | 0        | 0        | 471          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 471          |
| Kuristown                | 3            | 0        | 0        | 3            | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 3            |
| Makuu                    | 0            | 0        | 0        | 0            | 119          | 0        | 0        | 119          | 0          | 0            | 0        | 119          |
| Panaewa                  | 13           | 0        | 0        | 13           | 260          | 0        | 0        | 260          | 0          | 0            | 0        | 273          |
| Piihono                  | 17           | 0        | 0        | 17           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 17           |
| Puueo                    | 0            | 0        | 0        | 0            | 12           | 0        | 0        | 12           | 0          | 0            | 0        | 12           |
| University Heights       | 4            | 0        | 0        | 4            | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 4            |
| Waiakea                  | 284          | 1        | 0        | 285          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 284          |
| <b>TOTAL</b>             | <b>837</b>   | <b>1</b> | <b>0</b> | <b>838</b>   | <b>391</b>   | <b>0</b> | <b>0</b> | <b>391</b>   | <b>25</b>  | <b>0</b>     | <b>0</b> | <b>1,253</b> |
| <b>WEST HAWAII</b>       |              |          |          |              |              |          |          |              |            |              |          |              |
| Honokaa                  | 0            | 0        | 0        | 0            | 0            | 0        | 0        | 0            | 24         | 0            | 0        | 24           |
| Humuula                  | 0            | 0        | 0        | 0            | 0            | 0        | 0        | 0            | 5          | 0            | 0        | 5            |
| Kamoku                   | 0            | 0        | 0        | 0            | 0            | 0        | 0        | 0            | 16         | 0            | 0        | 16           |
| Kanihale                 | 223          | 0        | 0        | 223          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 223          |
| Kawailae                 | 192          | 0        | 0        | 192          | 0            | 0        | 0        | 0            | 1          | 0            | 0        | 193          |
| Laiopua                  | 277          | 0        | 0        | 277          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 277          |
| Lalamilo                 | 30           | 0        | 0        | 30           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 30           |
| Nienie                   | 0            | 0        | 0        | 0            | 0            | 0        | 0        | 0            | 21         | 0            | 0        | 21           |
| Puukapu/Waimea/Kuhio Vii | 117          | 0        | 0        | 117          | 110          | 0        | 0        | 110          | 218        | 0            | 0        | 445          |
| Puupulehu                | 33           | 0        | 0        | 33           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 33           |
| <b>TOTAL</b>             | <b>872</b>   | <b>0</b> | <b>0</b> | <b>872</b>   | <b>110</b>   | <b>0</b> | <b>0</b> | <b>110</b>   | <b>285</b> | <b>0</b>     | <b>0</b> | <b>1,267</b> |
| <b>KAUAI</b>             |              |          |          |              |              |          |          |              |            |              |          |              |
| Anahola                  | 531          | 0        | 0        | 531          | 46           | 0        | 0        | 46           | 0          | 0            | 0        | 577          |
| Hanapepe                 | 47           | 0        | 0        | 47           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 47           |
| Kekaha                   | 117          | 0        | 0        | 117          | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 117          |
| Puu Opae                 | 0            | 0        | 0        | 0            | 0            | 0        | 0        | 0            | 1          | 0            | 0        | 1            |
| <b>TOTAL</b>             | <b>695</b>   | <b>0</b> | <b>0</b> | <b>695</b>   | <b>46</b>    | <b>0</b> | <b>0</b> | <b>46</b>    | <b>1</b>   | <b>0</b>     | <b>0</b> | <b>742</b>   |
| <b>MOLOKAI</b>           |              |          |          |              |              |          |          |              |            |              |          |              |
| Hoolehua                 | 153          | 0        | 0        | 153          | 345          | 0        | 0        | 345          | 21         | 0            | 0        | 519          |
| Kalamoola                | 167          | 0        | 0        | 167          | 70           | 0        | 0        | 70           | 3          | 0            | 0        | 240          |
| Kapaakea                 | 47           | 0        | 0        | 47           | 0            | 0        | 0        | 0            | 3          | 0            | 0        | 50           |
| Moomoomi                 | 0            | 0        | 0        | 0            | 3            | 0        | 0        | 3            | 0          | 0            | 0        | 3            |
| One Alii                 | 27           | 0        | 0        | 27           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 27           |
| <b>TOTAL</b>             | <b>394</b>   | <b>0</b> | <b>0</b> | <b>394</b>   | <b>418</b>   | <b>0</b> | <b>0</b> | <b>418</b>   | <b>27</b>  | <b>0</b>     | <b>0</b> | <b>839</b>   |
| <b>LANAI</b>             |              |          |          |              |              |          |          |              |            |              |          |              |
| Lanai                    | 44           | 0        | 0        | 44           | 0            | 0        | 0        | 0            | 0          | 0            | 0        | 44           |
| <b>TOTAL</b>             | <b>44</b>    | <b>0</b> | <b>0</b> | <b>44</b>    | <b>0</b>     | <b>0</b> | <b>0</b> | <b>0</b>     | <b>0</b>   | <b>0</b>     | <b>0</b> | <b>44</b>    |
| <b>STATEWIDE TOTAL</b>   | <b>8,472</b> | <b>1</b> | <b>1</b> | <b>8,472</b> | <b>1,090</b> | <b>0</b> | <b>0</b> | <b>1,090</b> | <b>413</b> | <b>0</b>     | <b>0</b> | <b>9,975</b> |

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING  
September 30, 2022

AREA WAITING LIST

| DISTRICT AREA    | RESIDENCE    |          |          | AGRICULTURE |          |          | PASTURE    |          |          | TOTAL        |
|------------------|--------------|----------|----------|-------------|----------|----------|------------|----------|----------|--------------|
|                  | Last Month   | Add      | Cancel   | Last Month  | Add      | Cancel   | Last Month | Add      | Cancel   |              |
| Oahu District    | 936          | 0        | 2        | 0           | 0        | 0        | 0          | 0        | 0        | 934          |
| Maui District    | 50           | 0        | 0        | 4           | 0        | 0        | 5          | 0        | 0        | 59           |
| Hawaii District  | 129          | 0        | 2        | 28          | 0        | 0        | 46         | 0        | 0        | 201          |
| Kauai District   | 51           | 0        | 1        | 3           | 0        | 0        | 27         | 0        | 0        | 80           |
| Molokai District | 19           | 0        | 0        | 17          | 0        | 0        | 1          | 0        | 0        | 37           |
| <b>TOTAL</b>     | <b>1,185</b> | <b>0</b> | <b>5</b> | <b>52</b>   | <b>0</b> | <b>0</b> | <b>79</b>  | <b>0</b> | <b>0</b> | <b>1,311</b> |

ISLANDWIDE WAITING LIST

| ISLAND       | RESIDENCE     |           |           | AGRICULTURE   |           |           | PASTURE      |          |          | TOTAL         |
|--------------|---------------|-----------|-----------|---------------|-----------|-----------|--------------|----------|----------|---------------|
|              | Last Month    | Add       | Cancel    | Last Month    | Add       | Cancel    | Last Month   | Add      | Cancel   |               |
| Oahu         | 10,156        | 39        | 5         | 3,939         | 16        | 1         | 0            | 0        | 0        | 14,144        |
| Maui         | 3,876         | 7         | 4         | 4,719         | 4         | 8         | 623          | 2        | 0        | 9,219         |
| Hawaii       | 5,877         | 2         | 9         | 7,302         | 13        | 11        | 1,914        | 1        | 1        | 15,088        |
| Kauai        | 1,666         | 4         | 1         | 2,271         | 3         | 2         | 309          | 0        | 2        | 4,248         |
| Molokai      | 820           | 1         | 0         | 1,089         | 1         | 0         | 206          | 0        | 3        | 1,293         |
| Lanai        | 74            | 0         | 0         | 0             | 0         | 0         | 0            | 0        | 0        | 74            |
| <b>TOTAL</b> | <b>22,469</b> | <b>53</b> | <b>19</b> | <b>19,320</b> | <b>37</b> | <b>22</b> | <b>3,052</b> | <b>3</b> | <b>6</b> | <b>44,066</b> |

AREA AND ISLANDWIDE LISTS

| AREA AND ISLANDWIDE LISTS | RES           |           |           | AG            |           |           | PAS           |           |           | TOTAL         |           |          | ADDITIONS        |                       |                   | CANCELLATIONS      |                 |                  |                       |                       |                      |                         |                      |                 |                    |                    |                 |           |
|---------------------------|---------------|-----------|-----------|---------------|-----------|-----------|---------------|-----------|-----------|---------------|-----------|----------|------------------|-----------------------|-------------------|--------------------|-----------------|------------------|-----------------------|-----------------------|----------------------|-------------------------|----------------------|-----------------|--------------------|--------------------|-----------------|-----------|
|                           | Last Month    | Add       | Cancel    | Last Month    | Add       | Cancel    | Last Month    | Add       | Cancel    | Last Month    | Add       | Cancel   | New Applications | Application Transfers | Lease Rescissions | App Reinstatements | HHC Adjustments | New Lease Awards | Application Transfers | Succ'd and Cancel Own | Public Notice Cancel | Voluntary Cancellations | Lease Successorships | HHC Adjustments | Dec'd No Successor | Additional Acreage | NHQ Unqualified |           |
| OAHU                      | 11,124        | 0         | 0         | 3,954         | 0         | 0         | 0             | 0         | 0         | 15,078        | 0         | 0        | 92               | 1                     | 0                 | 0                  | 0               | 2                | 1                     | 0                     | 0                    | 0                       | 0                    | 0               | 0                  | 0                  | 0               | 0         |
| MAUI                      | 3,929         | 7         | 4         | 4,719         | 4         | 8         | 9,278         | 4         | 8         | 9,278         | 1         | 1        | 1                | 1                     | 0                 | 0                  | 0               | 1                | 1                     | 0                     | 0                    | 0                       | 0                    | 0               | 0                  | 0                  | 0               | 0         |
| HAWAII                    | 5,997         | 2         | 9         | 7,332         | 13        | 11        | 15,289        | 13        | 11        | 15,289        | 0         | 0        | 0                | 0                     | 0                 | 0                  | 0               | 0                | 0                     | 0                     | 0                    | 0                       | 0                    | 0               | 0                  | 0                  | 0               | 0         |
| KAUAI                     | 1,719         | 4         | 1         | 2,275         | 3         | 2         | 4,328         | 3         | 2         | 4,328         | 0         | 0        | 0                | 0                     | 0                 | 0                  | 0               | 0                | 0                     | 0                     | 0                    | 0                       | 0                    | 0               | 0                  | 0                  | 0               | 0         |
| MOLOKAI                   | 840           | 1         | 0         | 1,107         | 1         | 0         | 2,151         | 1         | 0         | 2,151         | 0         | 0        | 0                | 0                     | 0                 | 0                  | 0               | 0                | 0                     | 0                     | 0                    | 0                       | 0                    | 0               | 0                  | 0                  | 0               | 0         |
| LANAI                     | 74            | 0         | 0         | 0             | 0         | 0         | 74            | 0         | 0         | 74            | 0         | 0        | 0                | 0                     | 0                 | 0                  | 0               | 0                | 0                     | 0                     | 0                    | 0                       | 0                    | 0               | 0                  | 0                  | 0               | 0         |
| <b>TOTAL</b>              | <b>23,683</b> | <b>53</b> | <b>19</b> | <b>19,387</b> | <b>37</b> | <b>22</b> | <b>46,198</b> | <b>37</b> | <b>22</b> | <b>46,198</b> | <b>93</b> | <b>6</b> | <b>3,049</b>     | <b>93</b>             | <b>6</b>          | <b>0</b>           | <b>0</b>        | <b>3</b>         | <b>6</b>              | <b>0</b>              | <b>0</b>             | <b>0</b>                | <b>0</b>             | <b>49</b>       | <b>0</b>           | <b>0</b>           | <b>0</b>        | <b>52</b> |

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING

September 30, 2022

| OAHU DISTRICT             | RESIDENCE     |           |           | AGRICULTURE   |           |           | PASTURE      |          |          | TOTAL         |
|---------------------------|---------------|-----------|-----------|---------------|-----------|-----------|--------------|----------|----------|---------------|
|                           | Last Month    | Add       | Cancel    | Last Month    | Add       | Cancel    | Last Month   | Add      | Cancel   |               |
| Nanakuli                  | 159           | 0         | 0         | 0             | 0         | 0         | 0            | 0        | 0        | 159           |
| Waianae                   | 139           | 0         | 1         | 0             | 0         | 0         | 0            | 0        | 0        | 138           |
| Luahualai                 | 0             | 0         | 0         | 0             | 0         | 0         | 0            | 0        | 0        | 0             |
| Papakolea/Kewalo          | 66            | 0         | 0         | 0             | 0         | 0         | 0            | 0        | 0        | 66            |
| Waimanalo                 | 549           | 0         | 1         | 0             | 0         | 0         | 0            | 0        | 0        | 548           |
| Subtotal Area             | 936           | 0         | 2         | 0             | 0         | 0         | 0            | 0        | 0        | 934           |
| Islandwide                | 10,156        | 39        | 5         | 3,939         | 16        | 1         | 0            | 0        | 0        | 14,144        |
| <b>TOTAL OAHU APPS</b>    | <b>11,092</b> | <b>39</b> | <b>7</b>  | <b>3,939</b>  | <b>16</b> | <b>1</b>  | <b>0</b>     | <b>0</b> | <b>0</b> | <b>15,078</b> |
| <b>MAUI DISTRICT</b>      |               |           |           |               |           |           |              |          |          |               |
| Paukukalo                 | 50            | 0         | 0         | 0             | 0         | 0         | 0            | 0        | 0        | 50            |
| Kula                      | 0             | 0         | 0         | 4             | 0         | 0         | 5            | 0        | 0        | 9             |
| Subtotal Area             | 50            | 0         | 0         | 4             | 0         | 0         | 5            | 0        | 0        | 59            |
| Islandwide                | 3,876         | 7         | 4         | 4,719         | 4         | 8         | 623          | 2        | 0        | 9,219         |
| <b>TOTAL MAUI APPS</b>    | <b>3,926</b>  | <b>7</b>  | <b>4</b>  | <b>4,723</b>  | <b>4</b>  | <b>8</b>  | <b>628</b>   | <b>2</b> | <b>0</b> | <b>9,278</b>  |
| <b>HAWAII DISTRICT</b>    |               |           |           |               |           |           |              |          |          |               |
| Keaukaha/Waiakea          | 69            | 0         | 2         | 0             | 0         | 0         | 0            | 0        | 0        | 67            |
| Panaewa                   | 0             | 0         | 0         | 16            | 0         | 0         | 0            | 0        | 0        | 16            |
| Humuula                   | 0             | 0         | 0         | 0             | 0         | 0         | 0            | 0        | 0        | 0             |
| Kawaihae                  | 16            | 0         | 0         | 0             | 0         | 0         | 0            | 0        | 0        | 16            |
| Waimea                    | 44            | 0         | 0         | 12            | 0         | 0         | 46           | 0        | 0        | 102           |
| Subtotal Area             | 129           | 0         | 2         | 28            | 0         | 0         | 46           | 0        | 0        | 201           |
| Islandwide                | 5,877         | 2         | 9         | 7,302         | 13        | 11        | 1,914        | 1        | 1        | 15,088        |
| <b>TOTAL HAWAII APPS</b>  | <b>6,006</b>  | <b>2</b>  | <b>11</b> | <b>7,330</b>  | <b>13</b> | <b>11</b> | <b>1,960</b> | <b>1</b> | <b>1</b> | <b>15,289</b> |
| <b>KAUAI DISTRICT</b>     |               |           |           |               |           |           |              |          |          |               |
| Anahola                   | 43            | 0         | 1         | 3             | 0         | 0         | 20           | 0        | 0        | 65            |
| Kekaha/Puu Opae           | 8             | 0         | 0         | 0             | 0         | 0         | 7            | 0        | 0        | 15            |
| Subtotal Area             | 51            | 0         | 1         | 3             | 0         | 0         | 27           | 0        | 0        | 80            |
| Islandwide                | 1,666         | 4         | 1         | 2,271         | 3         | 2         | 309          | 0        | 2        | 4,248         |
| <b>TOTAL KAUAI APPS</b>   | <b>1,717</b>  | <b>4</b>  | <b>2</b>  | <b>2,274</b>  | <b>3</b>  | <b>2</b>  | <b>336</b>   | <b>0</b> | <b>2</b> | <b>4,328</b>  |
| <b>MOLOKAI DISTRICT</b>   |               |           |           |               |           |           |              |          |          |               |
| Kalamaula                 | 4             | 0         | 0         | 0             | 0         | 0         | 0            | 0        | 0        | 4             |
| Hooilehua                 | 8             | 0         | 0         | 17            | 0         | 0         | 1            | 0        | 0        | 26            |
| Kapaakea                  | 6             | 0         | 0         | 0             | 0         | 0         | 0            | 0        | 0        | 6             |
| One Alii                  | 1             | 0         | 0         | 0             | 0         | 0         | 0            | 0        | 0        | 1             |
| Subtotal Area             | 19            | 0         | 0         | 17            | 0         | 0         | 1            | 0        | 0        | 37            |
| Islandwide                | 820           | 1         | 0         | 1,089         | 1         | 0         | 206          | 0        | 3        | 1,293         |
| <b>TOTAL MOLOKAI APPS</b> | <b>839</b>    | <b>1</b>  | <b>0</b>  | <b>1,106</b>  | <b>1</b>  | <b>0</b>  | <b>207</b>   | <b>0</b> | <b>3</b> | <b>2,151</b>  |
| <b>LANAI DISTRICT</b>     |               |           |           |               |           |           |              |          |          |               |
| Islandwide                | 74            | 0         | 0         | 0             | 0         | 0         | 0            | 0        | 0        | 74            |
| <b>TOTAL LANAI APPS</b>   | <b>74</b>     | <b>0</b>  | <b>0</b>  | <b>0</b>      | <b>0</b>  | <b>0</b>  | <b>0</b>     | <b>0</b> | <b>0</b> | <b>74</b>     |
| <b>TOTAL AREA ONLY</b>    | <b>1,185</b>  | <b>0</b>  | <b>5</b>  | <b>52</b>     | <b>0</b>  | <b>0</b>  | <b>79</b>    | <b>0</b> | <b>0</b> | <b>1,311</b>  |
| <b>TOTAL ISLANDWIDE</b>   | <b>22,469</b> | <b>53</b> | <b>19</b> | <b>19,320</b> | <b>37</b> | <b>22</b> | <b>3,052</b> | <b>3</b> | <b>6</b> | <b>44,887</b> |
| <b>TOTAL STATEWIDE</b>    | <b>23,654</b> | <b>53</b> | <b>24</b> | <b>19,372</b> | <b>37</b> | <b>22</b> | <b>3,131</b> | <b>3</b> | <b>6</b> | <b>46,198</b> |

DELINQUENCY REPORT - STATEWIDE

October 17, 2022

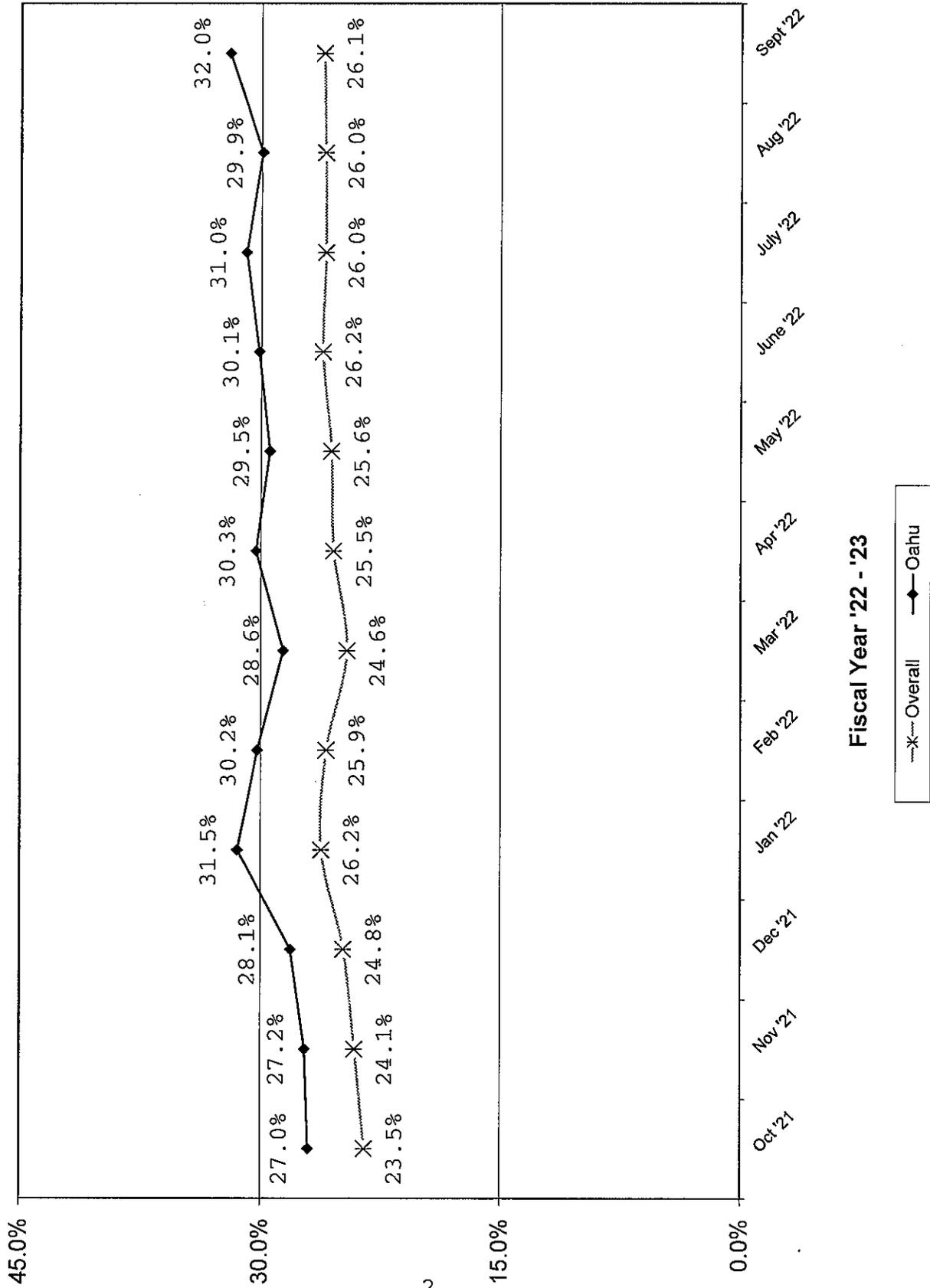
(\$Thousands)

|  | Total Outstanding |             | Total Delinquency |             | 30 Days (low) |             | 60 Days (Medium) |             | 90 Days (High) |             | 180 Days (Severe) |             | % of Totals |             |     |    |
|--|-------------------|-------------|-------------------|-------------|---------------|-------------|------------------|-------------|----------------|-------------|-------------------|-------------|-------------|-------------|-----|----|
|  | No.               | Amt. (000s) | No.               | Amt. (000s) | No.           | Amt. (000s) | No.              | Amt. (000s) | No.            | Amt. (000s) | No.               | Amt. (000s) | No.         | Amt. (000s) | No. | \$ |
| <b>DIRECT LOANS</b>                        |                   |             |                   |             |               |             |                  |             |                |             |                   |             |             |             |     |    |
| OAHU                                       | 385               | 36,995      | 122               | 11,828      | 20            | 1,875       | 9                | 627         | 19             | 1,734       | 74                | 7,592       | 31.7%       | 32.0%       |     |    |
| EAST HAWAII                                | 203               | 12,122      | 58                | 4,039       | 8             | 389         | 7                | 390         | 1              | 0           | 42                | 3,261       | 28.6%       | 33.3%       |     |    |
| WEST HAWAII                                | 80                | 8,080       | 7                 | 809         | 2             | 219         | 1                | 232         | 0              | 0           | 4                 | 358         | 8.8%        | 10.0%       |     |    |
| MOLOKAI                                    | 82                | 7,098       | 15                | 669         | 1             | 35          | 1                | 25          | 2              | 27          | 11                | 582         | 18.3%       | 9.4%        |     |    |
| KAUAI                                      | 90                | 7,032       | 13                | 761         | 3             | 221         | 1                | 50          | 1              | 126         | 8                 | 364         | 14.4%       | 10.8%       |     |    |
| MAUI                                       | 105               | 13,827      | 29                | 4,134       | 7             | 844         | 5                | 731         | 3              | 620         | 14                | 1,939       | 27.6%       | 29.9%       |     |    |
| <b>TOTAL DIRECT</b>                        | 945               | 85,154      | 244               | 22,240      | 41            | 3,582       | 24               | 2,054       | 26             | 2,507       | 153               | 14,097      | 25.8%       | 26.1%       |     |    |
|  | 100.0%            | 100.0%      | 25.8%             | 26.1%       | 4.3%          | 4.2%        | 2.5%             | 2.4%        | 2.8%           | 2.9%        | 16.2%             | 15.6%       |             |             |     |    |
| <b>Advances (including RPT)</b>            | 251               | 5,988       | 251               | 5,988       | 0             | 0           | 0                | 0           | 251            | 5,988       |                   |             | 100%        | 100%        |     |    |
| <b>DHHL LOANS &amp; Advances</b>           | 1,196             | 91,142      | 495               | 28,228      | 41            | 3,582       | 24               | 2,054       | 277            | 8,496       | 153               | 14,097      | 41.4%       | 31.0%       |     |    |
| <b>LOAN GUARANTEES as of June 30, 2022</b> |                   |             |                   |             |               |             |                  |             |                |             |                   |             |             |             |     |    |
| SBA  | 2                 | 67          | 0                 | 0           | 0             | 0           | 0                | 0           | 0              | 0           | 0                 | 0           | 0.0%        | 0.0%        |     |    |
| USDA-RD                                    | 274               | 35,831      | 43                | 6,613       | 0             | 0           | 0                | 0           | 43             | 6,613       |                   |             | 15.7%       | 18.5%       |     |    |
| Habitat for Humanity                       | 32                | 893         | 16                | 429         | 0             | 0           | 0                | 0           | 16             | 429         |                   |             | 50.0%       | 48.0%       |     |    |
| Maui County                                | 5                 | 74          | 0                 | 0           | 0             | 0           | 0                | 0           | 0              | 0           |                   |             | 0.0%        | 0.0%        |     |    |
| Nanakuli NHS                               | 1                 | 7           | 1                 | 7           | 0             | 0           | 0                | 0           | 1              | 7           |                   |             | 100.0%      | 100.0%      |     |    |
| City & County                              | 10                | 204         | 10                | 204         | 0             | 0           | 0                | 0           | 10             | 204         |                   |             | 100.0%      | 100.0%      |     |    |
| FHA Interim                                | 6                 | 1,366       | 0                 | 0           | 0             | 0           | 0                | 0           | 0              | 0           |                   |             | 0.0%        | 0.0%        |     |    |
| OHA  | 1                 | 6           | 1                 | 6           | 0             | 0           | 0                | 0           | 1              | 6           |                   |             | 100.0%      | 100.0%      |     |    |
| <b>TOTAL GUARANTEE</b>                     | 331               | 38,448      | 71                | 7,259       | 0             | 0           | 0                | 0           | 71             | 7,259       |                   |             | 21.5%       | 18.9%       |     |    |
| PMI Loans                                  | 124               | 17,300      | 5                 | 908         | 1             | 86          | 1                | 130         | 3              | 692         |                   |             | 4.0%        | 5.2%        |     |    |
| <b>HUD REASSIGNED for Recovery</b>         | 126               | 13,958      | 103               | 12,630      | 0             | 0           | 0                | 0           | 6              | 401         | 97                | 12,229      | 81.7%       | 90.5%       |     |    |
| FHA Insured Loans                          | 2,941             | 533,887     | 213               | 33,274      | 0             | 0           | 0                | 0           | 213            | 33,274      |                   |             | 7.2%        | 6.2%        |     |    |
| <b>TOTAL INS. LOANS</b>                    | 3,191             | 565,145     | 321               | 46,812      | 1             | 86          | 1                | 130         | 222            | 34,367      | 97                | 12,229      | 10.1%       | 8.3%        |     |    |
| <b>OVERALL TOTALS(EXC Adv/RP)</b>          | 4,467             | 688,747     | 636               | 76,311      | 42            | 3,668       | 25               | 2,184       | 319            | 44,133      | 250               | 26,325      | 14.2%       | 11.1%       |     |    |
| <b>ADJUSTED TOTALS</b>                     | 4,718             | 694,736     | 887               | 82,299      | 42            | 3,668       | 25               | 2,184       | 570            | 50,122      | 250               | 26,325      |             | 11.8%       |     |    |

Note: HUD 184A loan program has 515 loans, with a total outstanding principal balance of \$112,252,547 as of June 30, 2022. 15 Loans, totaling \$3,590,830 are delinquent.

The deferred interest for 480 loans comes out to \$2,174,124.22 as of 9/30/2022.

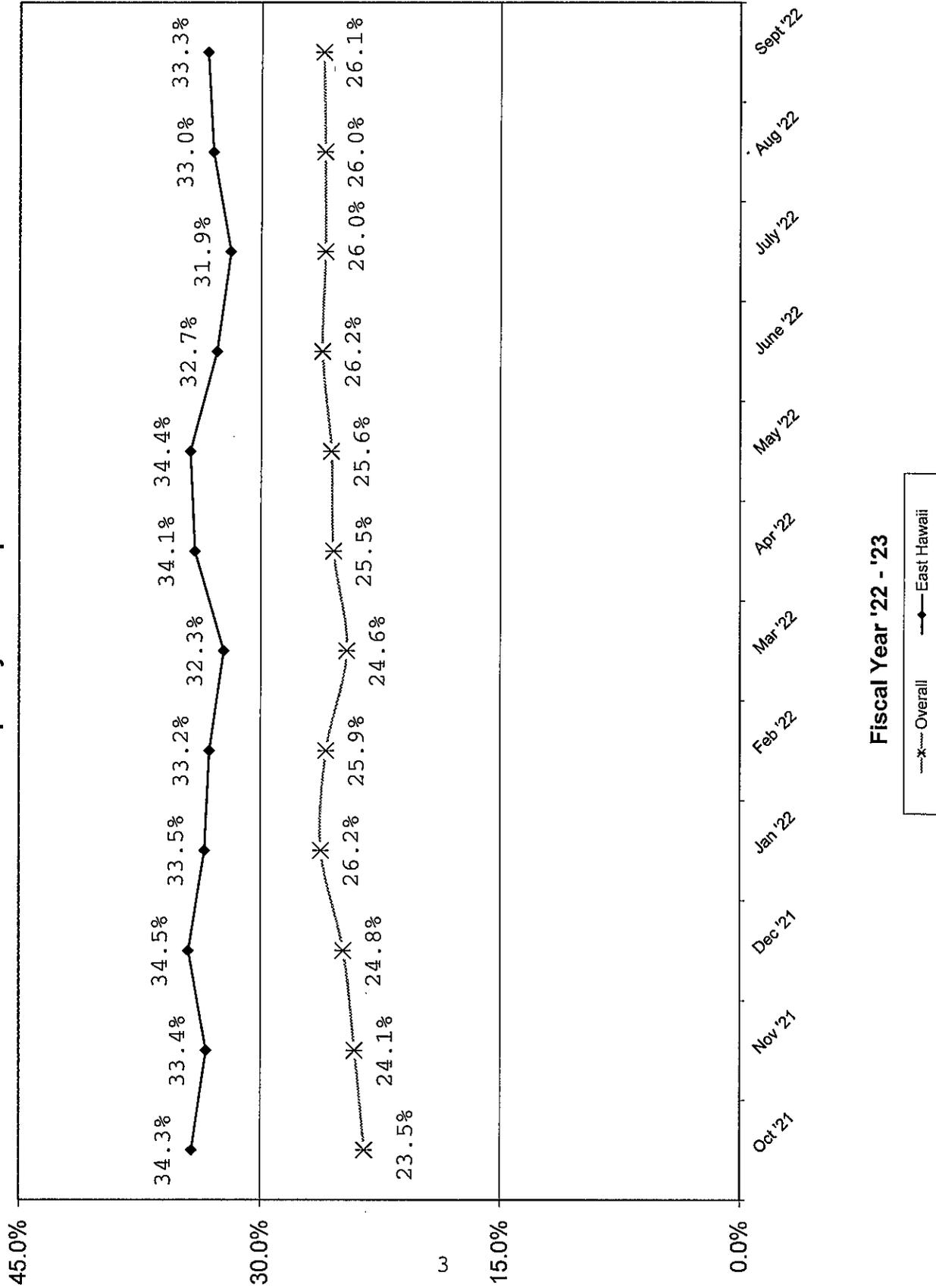
OAHU  
Direct Loans  
Delinquency Ratio Report



Fiscal Year '22 - '23

---\*--- Overall    —◆— Oahu

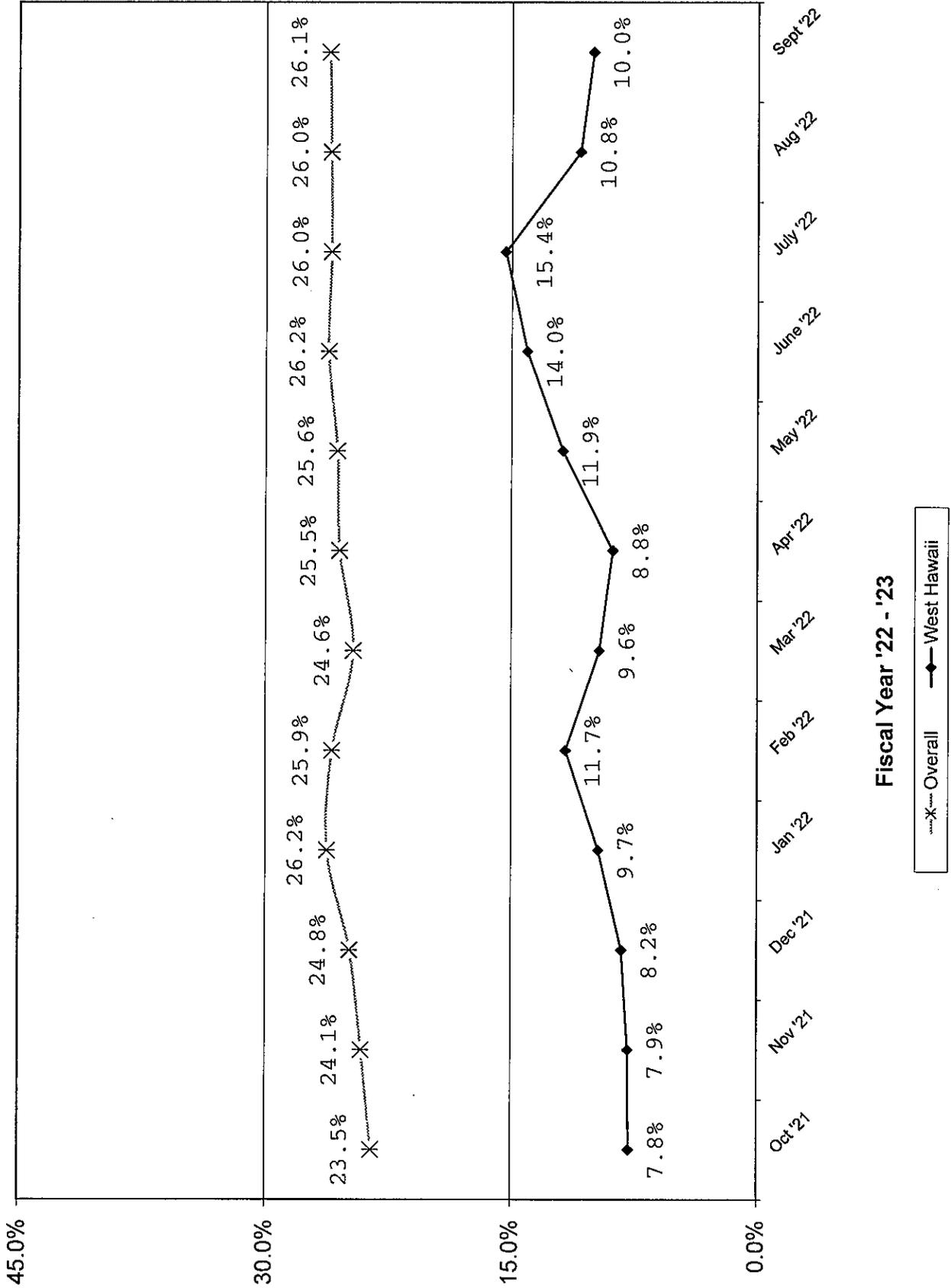
**EAST HAWAII  
Direct Loans  
Delinquency Ratio Report**



Fiscal Year '22 - '23

Overall East Hawaii

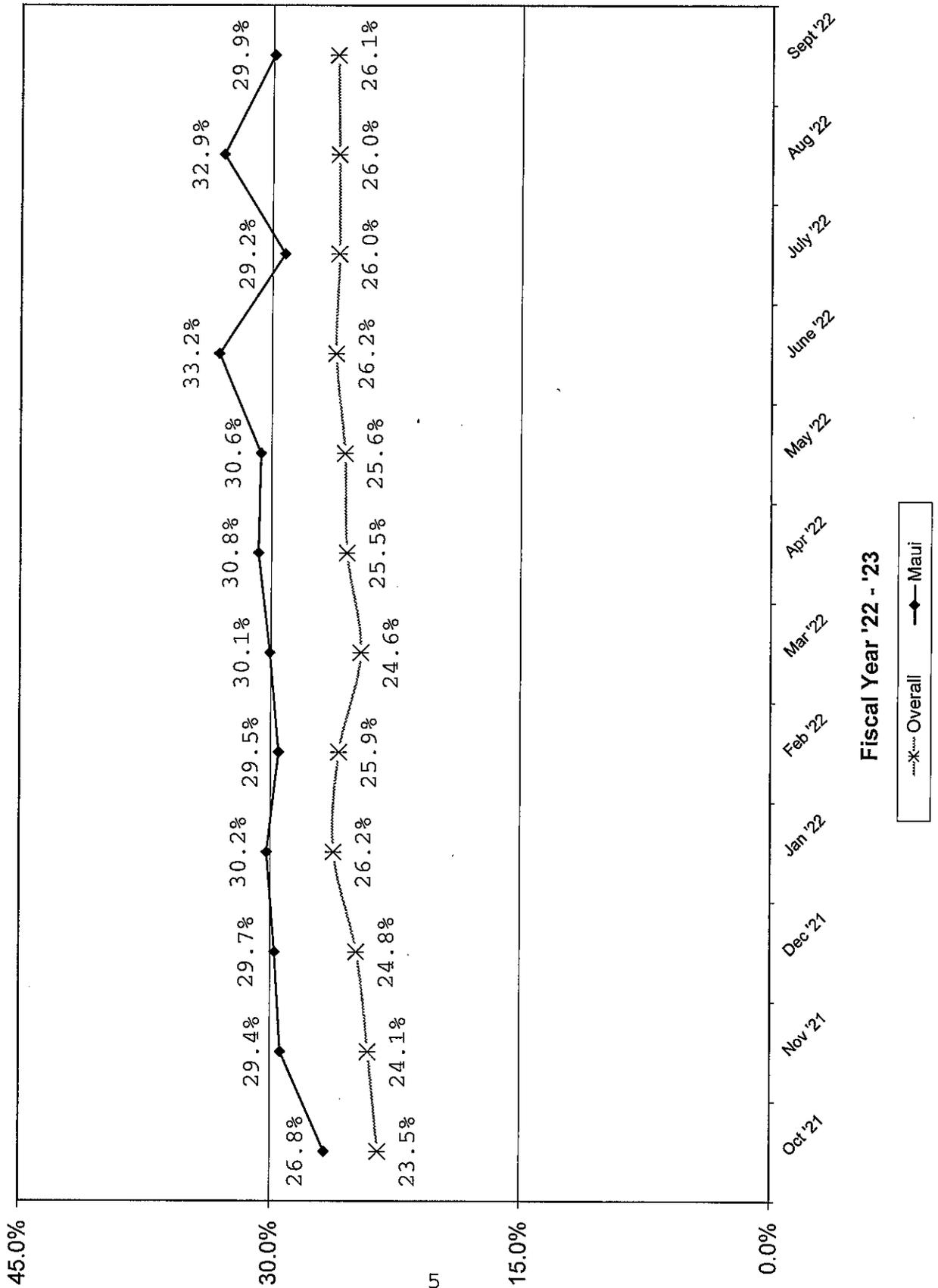
**WEST HAWAII  
Direct Loans  
Delinquency Ratio Report**



**Fiscal Year '22 - '23**

.....x..... Overall      ◆----- West Hawaii

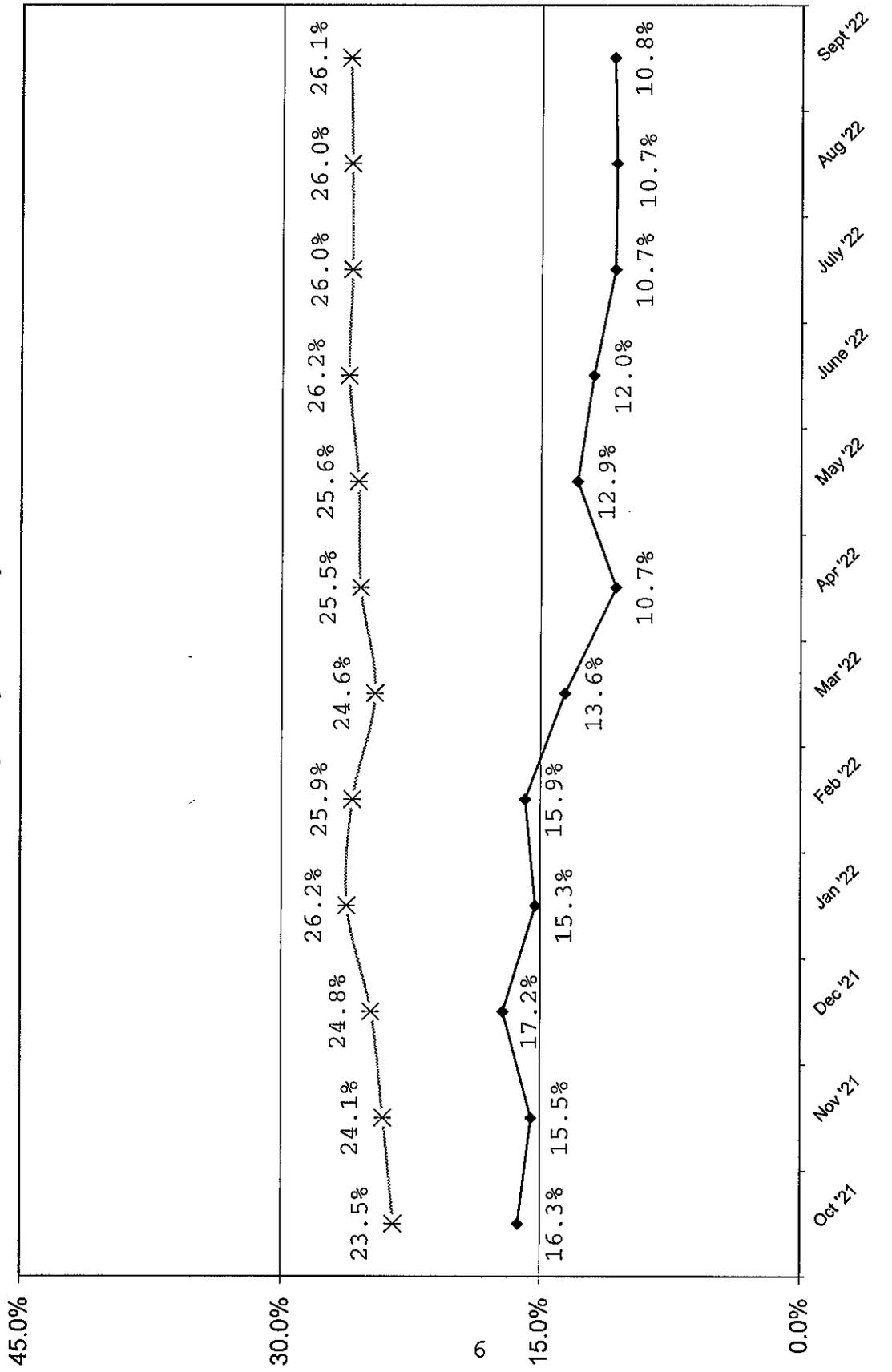
**MAUI  
Direct Loans  
Delinquency Ratio Report**



**Fiscal Year '22 - '23**

---\*--- Overall    —◆— Maui

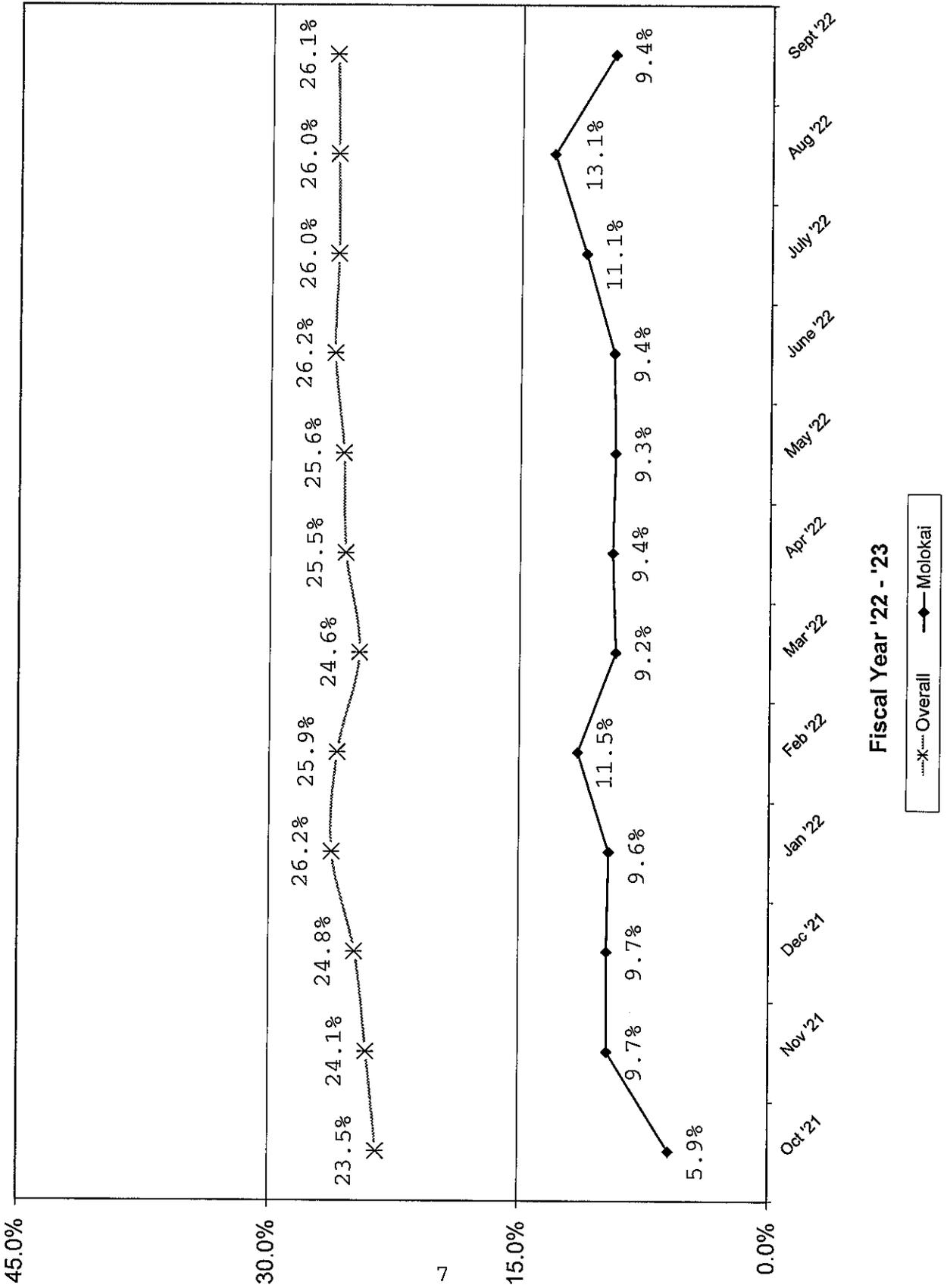
**KAUAI**  
**Direct Loans**  
**Delinquency Ratio Report**



Fiscal Year '22 - '23



**MOLOKAI  
Direct Loans  
Delinquency Ratio Report**



October 17, 2022

**SUBJECT: DHHL Guarantees for FHA Construction Loans**

**DISCUSSION:** The Department issues guarantees to FHA lenders during the construction period of a home, as FHA does not insure the loan until the home is completed. The loan term for these loans do not exceed fifteen (15) months from the date of loan signing. The following FHA Interim Construction loans were issued guarantees:

\*Note: FHA loans are insured by the U.S. Department of Housing and Urban Development (HUD) and do not impact the State's guaranty ceiling.

| <u>LEASE NO.</u> | <u>AREA</u> | <u>LESSEE</u>      | <u>Loan Amount</u> | <u>Date Approved</u> |
|------------------|-------------|--------------------|--------------------|----------------------|
| 6590             | Anahola     | Enrique, Jodine S. | \$353,817          | 9/22/22              |

|                    | <u>No.</u> | <u>Balance</u> |
|--------------------|------------|----------------|
| FY Ending 6/30/22  | 5          | \$ 1,522,381   |
| Previous Months    | -          | \$ -0-         |
| This Month         | <u>1</u>   | <u>353,817</u> |
| FY '22-'23 to date | 1          | \$ 353,817     |

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Juan Garcia, HSD Administrator  
Homestead Services Division  
FROM: Dean Oshiro, Loan Services Manager  
SUBJECT: **Approval of Consent to Mortgage**

RECOMMENDED MOTION/ACTION

To approve the following consents to mortgages for Federal Housing Administration (FHA) insured loans, Department of Veterans Affairs (VA) loans, United States Department of Agriculture, Rural Development (USDA, RD) guaranteed loans, United States Housing and Urban Development (HUD 184A) guaranteed loans and Conventional (CON) loans insured by private mortgage insurers.

DISCUSSION

| <u>PROPERTY</u>                                   | <u>LESSEE</u>   | <u>LENDER</u>                           | <u>LOAN AMOUNT</u> |
|---|---|---|--------------------|
| <u>OAHU</u>                                       |   |   |                    |
| Lualualei<br>Lease No. 5546<br>TMK: 1-8-6-023:127 | BURCHETT,<br>George E. K. (Cash<br>Out Refi) FHA                | Celebrity<br>Home Loans                 | \$ 217,980         |
| Nanakuli<br>Lease No. 4523<br>TMK: 1-8-9-010:079  | ARRUDA, Kylee-Ray<br>K. & ARRUDA, Krysta<br>K. K. (Purchase)FHA | Click N'<br>Close, Inc.                 | \$ 503,000         |
| Waianae<br>Lease No. 9990<br>TMK: 1-8-5-031:081   | KEKUA,<br>Tilsha-Rae<br>(Purchase)FHA                           | SecurityNat-<br>ional Mortg-<br>age Co. | \$ 573,000         |

OAHU

|  |   |   |            |
|--|---|---|------------|
| Waimanalo<br>Lease No. 3691<br>TMK: 1-4-1-029:068  | LOWE,<br>Rene L. L. (Cash<br>Out Refi) FHA        | SecurityNat-<br>ional Mortg-<br>age Co. | \$ 314,000 |
| Kakaina<br>Lease No. 11213<br>TMK: 1-4-1-041:004   | NOLAN,<br>Kapiolani A.<br>(Purchase)FHA           | SecurityNat-<br>ional Mortg-<br>age Co. | \$ 628,000 |
| Kalawahine<br>Lease No. 9603<br>TMK: 1-2-4-043:050 | VARGAS OMO,<br>RaniaLisa K.<br>(Purchase)FHA      | SecurityNat-<br>ional Mortg-<br>age Co. | \$ 573,000 |
| Nanakuli<br>Lease No. 476<br>TMK: 1-8-9-002:015    | RESENTES,<br>Brandon J. I. (Cash<br>Out Refi) FHA | Bank of<br>Hawaii                       | \$ 594,000 |
| Waianae<br>Lease No. 9703<br>TMK: 1-8-5-033:094    | PALING,<br>Stephen, III (Cash<br>Out Refi) FHA    | Click N'<br>Close, Inc.                 | \$ 427,000 |
| Lualualei<br>Lease No. 5601<br>TMK: 1-8-6-023:077  | KAHALE,<br>Gaylord D. C. (Cash<br>Out Refi) FHA   | Celebrity<br>Home Loans                 | \$ 202,000 |
| Nanakuli<br>Lease No. 3786<br>TMK: 1-8-9-009:090   | SAMOA,<br>Terrence P. (Cash<br>Out Refi) FHA      | Click N'<br>Close, Inc.                 | \$ 427,000 |
| Waimanalo<br>Lease No. 7789<br>TMK: 1-4-1-030:067  | CAMPBELL,<br>Wanda N. (Cash Out<br>Refi) FHA      | Celebrity<br>Home Loans                 | \$ 155,700 |
| Waianae<br>Lease No. 8710<br>TMK: 1-8-5-033:134    | KALAOLA-MEYER,<br>Kaaina E.<br>(Purchase)FHA      | SecurityNat-<br>ional Mortg-<br>age Co. | \$ 502,000 |

ITEM NO. D-2

OAHU

|  |  |                                  |            |
|--|--|----------------------------------|------------|
| Waimanalo<br>Lease No. 727<br>TMK: 1-4-1-016:018     | CHAR,<br>David K. F.<br>(Purchase)FHA            | HomeStreet<br>Bank               | \$ 311,400 |
| Nanakuli<br>Lease No. 4551<br>TMK: 1-8-9-010:016     | NUUANU,<br>Edward P. F. (Cash<br>Out Refi) FHA   | Cardinal<br>Financial<br>Company | \$ 350,325 |
| Kauluokahai<br>Lease No. 12851<br>TMK: 1-9-1-017:110 | KAMAE,<br>Darlene K. (Cash<br>Out Refi) FHA      | Cardinal<br>Financial<br>Company | \$ 311,400 |
| Waimanalo<br>Lease No. 1755A<br>TMK: 1-4-1-016:066   | KAHAWAI,<br>Richard P. K. (Cash<br>Out Refi) FHA | Celebrity<br>Home Loans          | \$ 519,000 |
| Kanehili<br>Lease No. 12400<br>TMK: 1-9-1-152:056    | WILLING,<br>Howard C. K. (Cash<br>Out Refi) FHA  | HomeStreet<br>Bank               | \$ 428,175 |
| Waimanalo<br>Lease No. 3022<br>TMK: 1-4-1-020:042    | ALLEN,<br>Fallan<br>(Purchase)HUD 184A           | HomeStreet<br>Bank               | \$ 276,714 |

MAUI

|  |                                       |                         |            |
|--|---------------------------------------|-------------------------|------------|
| Waiohuli<br>Lease No. 7480<br>TMK: 2-2-2-028:003 | SALOMON,<br>Kolomona<br>(Purchase)FHA | loanDepot.c-<br>om, LLC | \$ 390,000 |
|--|---------------------------------------|-------------------------|------------|

KAUAI

|  |  |                         |            |
|--|--|-------------------------|------------|
| Anahola<br>Lease No. 12673<br>TMK: 4-4-8-022:001 | BREDE,<br>Nalu K. (Cash Out<br>Refi) HUD 184A  | HomeStreet<br>Bank      | \$ 303,000 |
| Anahola<br>Lease No. 11047<br>TMK: 4-4-8-022:013 | MARDONADA,<br>Raimie L. (Cash Out<br>Refi) FHA | Celebrity<br>Home Loans | \$ 311,400 |

ITEM NO. D-2

KAUAI

Anahola  
Lease No. 12987  
TMK: 4-4-8-021:001

APANA,  
Carol H.  
(Purchase)FHA

SecurityNat- \$ 273,000  
ional Mortg-  
age Co.

Anahola  
Lease No. 8840  
TMK: 4-4-8-020:053

KUPIHEA,  
Kaira A.  
(Purchase)FHA

HomeStreet \$ 395,659  
Bank

HAWAII

Kaniohale  
Lease No. 9359  
TMK: 3-7-4-023:046

KELIIOKA,  
Bobbie A.  
(Purchase)FHA

Click N' \$ 378,000  
Close, Inc.

Kaniohale  
Lease No. 9363  
TMK: 3-7-4-023:050

KOTAKE,  
Davina P. (Cash Out  
Refi) FHA

Click N' \$ 288,000  
Close, Inc.

Keaukaha  
Lease No. 5652  
TMK: 3-2-1-023:096

KELA,  
Darcy Ann E.  
(Purchase)HUD 184A

HomeStreet \$ 100,388  
Bank

| <u>RECAP</u>      | <u>NO.</u> | FHA | <u>AMOUNT</u> | <u>NO.</u> | VA<br><u>AMOUNT</u> |
|-------------------|------------|-----|---------------|------------|---------------------|
| FY Ending 6/30/22 | 381        | \$  | 125,173,653   | 10         | \$ 4,610,852        |
| Prior Months      | 51         | \$  | 16,980,284    | 3          | \$ 819,375          |
| This Month        | 23         |     | 9,073,039     | 0          | 0                   |
| Total FY '22-'23  | 74         | \$  | 26,053,323    | 3          | \$ 819,375          |

|                   |    |    | <u>HUD 184A<br/>AMOUNT</u> |   | <u>USDA-RD<br/>AMOUNT</u> |
|-------------------|----|----|----------------------------|---|---------------------------|
| FY Ending 6/30/22 | 54 | \$ | 16,015,743                 | 5 | \$ 1,134,606              |
| Prior Months      | 5  | \$ | 2,065,590                  | 0 | \$ 0                      |
| This Month        | 3  |    | 680,102                    | 0 | 0                         |
| Total FY '22-'23  | 8  | \$ | 2,745,692                  | 0 | \$ 0                      |

ITEM NO. D-2

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Juan Garcia, HSD Administrator  
Homestead Services Division  
FROM: Dean Oshiro, Loan Services Branch Manager  
SUBJECT: **Ratification of Loan Approvals**

RECOMMENDED MOTION/ACTION

To ratify the approval of the following loan previously approved by the Chairman, pursuant to section 10-2-17, Ratification of Chairman's action, of the Department of Hawaiian Home Lands Administrative Rules.

| <u>LESSEE</u>        | <u>LEASE NO. &amp; AREA</u> | <u>LOAN TERMS</u>   |
|----------------------|-----------------------------|---|
| Ornellas, Marie N.K. | 8681, Anahola               | NTE \$113,000 with the loan divided into two (2) parts:<br><br>1) NTE \$107,646 @ 4% interest per annum, NTE \$514 monthly, repayable over 30 years.<br><br>2) \$5,354, deferred COVID interest, due at maturity. |

Loan Purpose: Refinance Contract of Loan No. 19429 to reduce the interest rate and continue deferral of COVID interest to loan maturity. Original loan amount of \$134,103 @ 4.5% per annum, \$680 monthly, repayable over 30 years. A contested case hearing was not held for this account.

| <u>LESSEE</u>    | <u>LEASE NO. &amp; AREA</u> | <u>LOAN TERMS</u>  |
|------------------|-----------------------------|--|
| Kenoi, Joseph P. | 11188, Waiakea              | NTE \$126,000 @ 4%<br>interest per annum, NTE<br>\$602 monthly, repayable<br>over 30<br>years. |

Loan Purpose: Refinance Contract of Loan No. 18221 to reduce the interest rate. Original loan amount of \$103,680 @ 6% per annum, \$622 monthly, repayable over 30 years. A contested case hearing was not held for this account.

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| <u>REFINANCE</u>          | <u>NO.</u> | <u>LOAN AMOUNT</u> |
|---------------------------|------------|--------------------|
| FY Ending 6/30/22         | 6          | \$ 1,275,214       |
| Prior Months              | 1          | 56,225             |
| This Month                | <u>2</u>   | <u>239,000</u>     |
| Total FY '22-'23          | 3          | \$ 295,225         |
| <br>                      |            |                    |
| <u>REPAIR</u>             | <u>NO.</u> | <u>LOAN AMOUNT</u> |
| FY Ending 6/30/22         | 0          | \$ -0-             |
| Prior Months              | 0          | -0-                |
| This Month                | <u>0</u>   | <u>-0-</u>         |
| Total FY '22-'23          | 0          | \$ -0-             |
| <br>                      |            |                    |
| <u>HOME CONSTRUCTION</u>  | <u>NO.</u> | <u>LOAN AMOUNT</u> |
| FY Ending 6/30/22         | 1          | \$ 250,000         |
| Prior Months              | 0          | -0-                |
| This Month                | <u>0</u>   | <u>-0-</u>         |
| Total FY '22-'23          | 0          | \$ -0-             |
| <br>                      |            |                    |
| <u>FARM</u>               | <u>NO.</u> | <u>LOAN AMOUNT</u> |
| FY Ending 6/30/22         | 0          | \$ -0-             |
| Prior Months              | 0          | -0-                |
| This Month                | <u>0</u>   | <u>-0-</u>         |
| Total FY '22-'23          | 0          | \$ -0-             |
| <br>                      |            |                    |
| <u>TRANSFER WITH LOAN</u> | <u>NO.</u> | <u>LOAN AMOUNT</u> |
| FY Ending 6/30/22         | 1          | \$ 133,000         |
| Prior Months              | 0          | -0-                |
| This Month                | <u>0</u>   | <u>-0-</u>         |
| Total FY '22-'23          | 0          | \$ -0-             |
| <br>                      |            |                    |
| <u>AWARD</u>              | <u>NO.</u> | <u>LOAN AMOUNT</u> |
| FY Ending 6/30/22         | 3          | \$ 469,550         |
| Prior Months              | 0          | -0-                |
| This Month                | <u>0</u>   | <u>-0-</u>         |
| Total FY '22-'23          | 0          | \$ -0-             |
| <br>                      |            |                    |
| <u>OTHER</u>              | <u>NO.</u> | <u>LOAN AMOUNT</u> |
| FY Ending 6/30/22         | 0          | \$ -0-             |
| Prior Months              | 0          | -0-                |
| This Month                | <u>0</u>   | <u>-0-</u>         |
| Total FY '22-'23          | 0          | \$ -0-             |

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 18, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator  
Homestead Services Division 

FROM: Dean Oshiro, Loan Services Branch Manager 

SUBJECT: Approval of Amended Agreement Between the Department Of  
Hawaiian Home Lands ("DHHL") State Of Hawaii and the  
United States Department Of Agriculture Rural Housing  
And Community Development Service ("RHCDS")  
("Agreement")

RECOMMENDED MOTION/ACTION

- 1) To approve an amended Agreement Between The Department of Hawaiian Home Lands and the United States Department of Agriculture Rural Housing And Community Development Service signed on August 30, 1995. (Draft to be distributed during workshop)
- 2) Delegate to the Chairman, authority to execute the amended Agreement upon the completion of the revisions.

DISCUSSION

In August of 1995, DHHL and RHCDS entered into an Agreement whereby RHCDS would guaranty private lender loans for DHHL lessees with the primary purpose of these loans being used for housing acquisition.

Today, RHCDS has changed its name to United States Department of Agriculture Rural Development, Rural Housing Service ("RD") and they have initiated this request to amend the existing Agreement. Changes to the Agreement were outlined in a workshop provided to the Commission on October 17, 2022.

The changes to this Agreement does not adversely affect the beneficiary but it is more of updating the document and requiring other internal processes between DHHL and RD. In addition, delegating signing authority to the Chairman will allow for quicker execution of this MOU. Approval of this submittal as presented is recommended.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Juan Garcia, HSD Administrator   
FROM: Nicole F. Bell, Specialist V  
Application Branch, Homestead Services Division  
SUBJECT: **Approval of Homestead Application Transfers/Cancellations**

RECOMMENDED MOTION/ACTION

To approve the transfers and cancellations of applications from the Application Waiting Lists for reasons described below:

DISCUSSION

1. Requests of Applicants to Transfer

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

|                    |            |        |     |            |
|--------------------|------------|--------|-----|------------|
| ABE, Kimberly J.K. | 01/08/2002 | HAWAII | RES | 07/21/2022 |
| LOW, Kawika P.     | 12/28/2010 | HAWAII | RES | 04/11/2022 |

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

|                   |            |        |     |            |
|-------------------|------------|--------|-----|------------|
| KEKAWA, Miriam K. | 05/10/2021 | HAWAII | AGR | 05/10/2022 |
|-------------------|------------|--------|-----|------------|

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

|           |            |      |     |            |
|-----------|------------|------|-----|------------|
| KAY, Obed | 08/26/1992 | OAHU | AGR | 05/02/2022 |
|-----------|------------|------|-----|------------|

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

|                |            |        |     |            |
|----------------|------------|--------|-----|------------|
| SILVA, Kirk A. | 05/09/1988 | HAWAII | RES | 05/10/2022 |
|----------------|------------|--------|-----|------------|

MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

DE SILVA, Shantell M.K.      01/28/2008      MAUI      AGR      03/11/2022

2. Deceased Applicants

NONE FOR SUBMITTAL

3. Awards of Leases

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

AIWOHI, Victoria K.      Assigned Residential Lease  
#4151, Lot 21 in Paukukalo, Maui  
dated 07/07/2022. Remove  
application dated 10/20/2015.

PURDY, Guy P.K.      Assigned Residential Lease  
#12195, Lot 79 in Waiehu 4, Maui  
dated 04/20/2022. Remove  
application dated 09/23/2004.

RYDER, Leona Leiohu      Assigned Residential Lease  
#07637, Lot 328 in Waiohuli,  
Maui dated 02/17/2022. Remove  
application date 10/31/1985.

VASCONCELLOS, Denise K.K.      Assigned Residential Lease  
#10614, Lot UNDV317 in Waiohuli,  
Maui dated 07/07/2022. Remove  
application date 03/10/2006.

WOOD, Darcie N.      Assigned Residential Lease  
#10084, Lot 72 in Waiehu 3, Maui  
dated 08/26/2022. Remove  
application dated 11/20/2007.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

BELANIO, Anita H.      Assigned Residential Lease  
#10874, Lot 95 in Laiopua,  
Hawaii dated 04/01/2022. Remove  
application dated 06/05/2019.

WALLACE, Louis K., III

Assigned Residential Lease  
#12976, Lot 63 in Waiakea,  
Hawaii dated 09/23/2022. Remove  
application dated 03/27/1980.

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

---

IAEA, Daniel K., Jr.

Assigned Residential Lease  
#05447, Lot 3 in Paukukalo, Maui  
dated 06/28/2022. Remove  
application dated 08/05/2005.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

---

RISKO, Darrell R.K.

Succeeded to Oahu Islandwide  
Residential application of  
Parent, Rita K. Risko, dated  
03/01/1985. Remove application  
dated 01/09/1991.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

---

AIONA, Chang Yang

Succeeded to Hawaii Islandwide  
Agricultural application of  
Uncle, Israel Aiona, dated  
03/23/1978. Remove application  
dated 07/18/2012.

WAHILANI, Sarah K.

Succeeded to Maui Islandwide  
Pastoral application of Parent,  
Philip Kamai, dated 07/07/1992.  
Remove application dated  
05/13/1996.

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

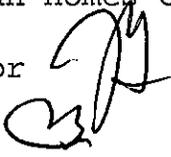
NONE FOR SUBMITTAL

|   |            |
|---|------------|
| Last Month's Transaction Total                                | 52         |
| Last Month's Cumulative FY 2022-2023 Transaction Total        | 124        |
| Transfers from Island to Island                               | 6          |
| Deceased  | 0          |
| Cancellations:  |            |
| Awards of Leases  | 8          |
| NHQ   | 0          |
| Voluntary Cancellations                                       | 0          |
| Successorship   | 3          |
| Additional Acreage  | 0          |
| HHC Adjustments   | 0          |
| This Month's Transaction Total                                | 17         |
| <b>This Month's Cumulative FY 2022-2023 Transaction Total</b> | <b>141</b> |

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Juan Garcia, HSD Administrator   
FROM: Nicole F. Bell, Specialist V   
Application Branch, Homestead Services Division  
SUBJECT: **Commission Designation of Successors to Application Rights - Public Notice 2014, 2017, 2020 & 2021**

RECOMMENDED MOTION/ACTION

1. To designate the following individuals as successors to the application rights of deceased applicants who did not name a qualified successor.

2. To approve the certification of applications to successorship rights of qualified successors. The Department has verified the native Hawaiian blood quantum requirement of each prospective successor according to section 10-3-2 of the Hawaii Administrative Rules.

DISCUSSION

The following qualified applicants passed away on or after October 26, 1998, without naming qualified successors. Pursuant to 10-3-8(c) of the *Hawaii Administrative Rules*, a public notice listing the names of deceased applicants and calling for possible successors to their application rights was published in the Honolulu Star-Advertiser, The Maui News, Hawaii Tribune Herald, West Hawaii Today, and The Garden Island on the last two consecutive Sundays of November for the year the Department received notification. Requests to succeed to the decedents' application rights were submitted within the required 180 days following the last date of publication. Prospective successors were the sole respondents and are deemed by the Department to have met the requirements of successorship according to section 10-3-8(b) of the *Hawaii Administrative Rules*. HSD recommends approval of the following designees:

1a. Deceased Applicant: Sarah Mahiai  
Date of death: 06/20/2021  
Successor to app rights: Lee L. Pouha  
Relationship to decedent: Child  
Island: Waimanalo Area/Oahu  
Type: Islandwide Residential  
Date of Application: 09/24/1969  
Date of Public Notice: 11/2021

1b. Island: Hawaii  
Type: Islandwide Agricultural  
Date of Application: 02/19/1991

2a. Deceased Applicant: Chevalier Renken  
Date of death: 04/21/2014  
Successor to app rights: Karen M. Renken  
Relationship to decedent: Spouse  
Island: Oahu  
Type: Islandwide Agricultural  
Date of Application: 03/14/1986  
Date of Public Notice: 11/2014

2b. Island: Oahu  
Type: Islandwide Residential  
Date of Application: 03/14/1986

3. Deceased Applicant: Jimmy K. Nunuha  
Date of death: 11/24/2020  
Successor to app rights: Jaymason K. Nunuha  
Relationship to decedent: Grandchild  
Island: Oahu  
Type: Islandwide Residential  
Date of Application: 04/14/1980  
Date of Public Notice: 11/2021

4. Deceased Applicant: Isreal Aiona  
Date of death: 08/15/2017  
Successor to app rights: Chang Yang Aiona  
Relationship to decedent: Nephew  
Island: Hawaii  
Type: Islandwide Agricultural  
Date of Application: 03/23/1978  
Date of Public Notice: 11/2021

5a. Deceased Applicant: Danial John  
Date of death: 07/06/2016  
Successor to app rights: Mikaele I. Kaili  
Relationship to decedent: Child  
Island: Hawaii  
Type: Islandwide Agricultural  
Date of Application: 04/07/1986  
Date of Public Notice: 11/2021

5b. Island: Hawaii  
Type: Islandwide Residential  
Date of Application: 04/07/1986

6. Deceased Applicant: Beatrice K. Kekahuna  
Date of death: 11/28/2011  
Successor to app rights: Gwenave K. Kekahuna  
Relationship to decedent: Child  
Island: Hawaii  
Type: Islandwide Agricultural  
Date of Application: 06/09/1986  
Date of Public Notice: 11/2017

7a. Deceased Applicant: Alvaretta M. Akina  
Date of death: 10/25/2009  
Successor to app rights: Dino K. Akina  
Relationship to decedent: Child  
Island: Molokai  
Type: Islandwide Agricultural  
Date of Application: 03/04/1987  
Date of Public Notice: 11/2020

7b. Island: Molokai  
Type: Islandwide Residential  
Date of Application: 03/04/1987

8. Deceased Applicant: Joseph M. Kepa  
Date of death: 03/31/2020  
Successor to app rights: Olga E. Kepa  
Relationship to decedent: Parent  
Island: Molokai  
Type: Islandwide Residential  
Date of Application: 12/09/1985  
Date of Public Notice: 11/2021

9. Deceased Applicant: Robert K. Pelekai, Jr.  
 Date of death: 09/30/2010  
 Successor to app rights: Michael E.K. Pelekai  
 Relationship to decedent: Child  
 Island: Molokai  
 Type: Islandwide Residential  
 Date of Application: 04/04/1983  
 Date of Public Notice: 11/2014

|   |           |
|---|-----------|
| Previous Cumulative Total for Current FY      | 25        |
| Current Month's Total                         | 13        |
| <b>Fiscal Year Total: July 2022-June 2023</b> | <b>38</b> |

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission  
THROUGH: Juan Garcia, HSD Administrator   
FROM: Nicole F. Bell, Specialist V  
Application Branch, Homestead Services Division  
SUBJECT: **Approval to Certify Applications of Qualified Applicants for the month of September 2022**

RECOMMENDED MOTION/ACTION

To approve the certification of applications of qualified applicants for the month of August 2022. The Department has verified the native Hawaiian blood quantum requirement of each applicant according to section 10-3-2 of the Hawaii Administrative Rules.

DISCUSSION

At its October 2020 regular meeting, the Hawaii Homes Commission adopted the recommendation of the HHC Investigative Committee on the Native Hawaiian Qualification Process to recall to the HHC, pursuant to Hawaii Administrative Rules § 10-2-16(a), the authority to accept the Native Hawaiian Quantum (NHQ) determination for an individuals as a function requiring the exercise of judgement or discretion. The recommendation included a process to implement the Commission's review and acceptance of NHQ determinations. These applicants have been deemed by the Department to have met the native Hawaiian blood quantum requirement through the kumu 'ohanaprocess.

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

|                        |            |
|------------------------|------------|
| NOLAN, Kapiolani A.    | 05/17/2022 |
| KAHALEHILI, Roven P.   | 05/18/2022 |
| TRAVIS-MOKU, Haaheo J. | 05/24/2022 |
| WILSON, Kevin K.       | 05/24/2022 |

|                     |            |
|---------------------|------------|
| LIKE, Rex K.        | 05/26/2022 |
| YOUNG, Chelsea P.   | 05/31/2022 |
| EZERA, Alexander K. | 06/30/2022 |

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

|                        |            |
|------------------------|------------|
| NOLAN, Kapiolani A.    | 05/17/2022 |
| PAAS, Evelyn M.        | 05/17/2022 |
| LARITA, Huliamaahi K.  | 05/17/2022 |
| ROGERS, Louise K.      | 05/17/2022 |
| PAISHON, Taunja E.     | 05/18/2022 |
| PELEIHOLANI, Julia K.  | 05/19/2022 |
| KAAWALOA, Kalia M.     | 05/19/2022 |
| KAAWALOA, Manea T.     | 05/19/2022 |
| YAMASHITA, George A.   | 05/20/2022 |
| PALAMA, Duley K.       | 05/20/2022 |
| KONOHIA, Zsanrei K.    | 05/20/2022 |
| KAOHI, Brandon K.      | 05/24/2022 |
| TRAVIS-MOKU, Haaheo J. | 05/24/2022 |
| WILSON, Kevin K.       | 05/24/2022 |
| SHINSATO, Karen P.     | 05/25/2022 |
| LIKE, Rex K.           | 05/26/2022 |
| SPENCER, Ethan S.K.    | 05/27/2022 |
| YOUNG, Chelsea P.      | 05/31/2022 |
| KAAWALOA, Dale K.      | 06/02/2022 |
| EZERA, Alexander K.    | 06/30/2022 |

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

|                        |            |
|------------------------|------------|
| LARITA, Huliamaahi K.  | 05/17/2022 |
| EZERA, Lyman O.        | 06/30/2022 |
| APO, Edward A.A.       | 07/01/2022 |
| SURPRISE, Weyline L.K. | 07/19/2022 |

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

|                        |            |
|------------------------|------------|
| EZERA, Lyman O.        | 06/30/2022 |
| EZERA, Solomon O.      | 06/30/2022 |
| APO, Edward A.A.       | 07/01/2022 |
| SURPRISE, Weyline L.K. | 07/19/2022 |
| DANIELS, Jovena L.K.   | 07/29/2022 |

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

|                     |            |
|---------------------|------------|
| KAOHI, Brandon K.   | 05/24/2022 |
| SPENCER, Ethan S.K. | 05/27/2022 |
| EZERA, Solomon O.   | 06/30/2022 |

HAWAII ISLANDWIDE PASTORAL LEASE LIST

|                       |            |
|-----------------------|------------|
| KAHEIKI, Rocco K.     | 08/11/2022 |
| MACKENZIE, Robin-Rose | 08/17/2022 |

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

|                         |            |
|-------------------------|------------|
| MISSLER, Kailika K.K.K. | 04/29/2022 |
| ARANDA, Chastity U.     | 05/18/2022 |
| NIHIPALI, Bryee H.      | 06/01/2022 |
| KAHEIKI, Rocco K.       | 08/11/2022 |

MACKENZIE, Robin-Rose

08/17/2022

KAUAI ISLANDWIDE AGRUCULTURAL LEASE LIST

ARANDA, Chastity U.

05/18/2022

KAHOKULOA, Kuramatsu K.

05/18/2022

KAUAI ISLANDWIDE PASTORAL LEASE LIST

BROWN, Shai K.H.K.K.

05/27/2022

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

KAHOKULOA, Kuramatsu K.

05/18/2022

BROWN, Shai K.H.K.K.

05/27/2022

MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

NAKIHEI, Brent K.

07/12/2022

|   |            |
|---|------------|
| Previous Cumulative Total for Current FY      | 165        |
| Current Month's Total                         | 52         |
| <b>Fiscal Year Total: July 2022-June 2023</b> | <b>217</b> |



# HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

## **D-9**

# **Applications Branch Workshop**

October 17 2022



# Hawaii Administrative Rules

## Chapter 3 - Native Hawaiian Rehabilitation Program

### Subchapter 1 - Applications for Homestead Leases

- § 10-3-1 Application forms
- § 10-3-2 Qualification of applicants
  - § 10-3-2.1 Documentation
  - § 10-3-2.2 Genetic tests
- § 10-3-3.1 Application processing
- § 10-3-4 Residential lot application
- § 10-3-5 Agricultural or pastoral lot application



# Hawaii Administrative Rules (cont.)

## Chapter 3 - Native Hawaiian Rehabilitation Program

### Subchapter 1 - Applications for Homestead Leases

- § 10-3-6 Island-wide waiting lists
- § 10-3-7 Priority and preference for award of leases
- § 10-3-8 Transfer of application rights
- § 10-3-9 Posting lease awards
- § 10-3-10 Requirement for current information; placement on deferred status
- § 10-3-11 - § 10-3-20 (Reserved)



## 10-3-2 Qualifications of applicants

Applicants for residential, agricultural, or pastoral lot leases shall provide the Department with documented proof that the applicant is:

- (1) At least eighteen years of age; and
- (2) A native Hawaiian (50 percent Hawaiian ancestry)

\*Rule amendment: Age requirement changed from 21 years old to 18 years old on January 1, 1986. Applicants who applied on 12/31/1985 or earlier needed to be at least 21 years of age.



# 10-3-2.2 Genetic tests

- Amendment added March 2017
- Establish biological parentage
  - Parent not listed on birth record
  - Parent on birth record is not the biological parent
- Types of relationship testing:
  - Parent-child testing
  - Maternal or paternal lineage evaluation
  - Avuncular testing



# 10-3-5 Agricultural or pastoral lot application

Islands with agricultural designated lands

- Hawaii, Maui, Molokai, Oahu and Kauai

Islands with pastoral designated lands

- Hawaii, Maui, Molokai and Kauai

A lessee of a residence lot may apply for an agricultural or pastoral lot lease **only** on the island on which the lessee resides.

\*rule does not limit agricultural/pastoral lessees to apply for a residential lease on the island their lease is on.



# 10-3-8 Transfer of application rights

## Successorship Eligibility

- 18 years of age;
- native Hawaiian (50 percent Hawaiian ancestry); and
- Of the following relationships to the decedent:
  - Spouse, Child, Grandchild, Parent, Widow/widower of a child, Sibling, Widow/widower of a Sibling, Nice/Nephew

## Named Successor versus Public Notice



# 10-3-24 Agricultural and pastoral leases

10-3-24(f):

In recognition of the shortage of available lands on the island of Oahu in relation to available land in the State, an award of an agricultural lot on Oahu shall be made to applicants who are residing on the island of Oahu at the time of application; provided further that a lessee of an agricultural lot on Oahu shall not be allowed to hold any other homestead lease.



# History of the Waiting List

Priority Level

Area Waitlist

Islandwide Waitlist



# Priority Level

1922-1962 lease award procedures

HHC authorized to award leases

Criteria used by HHC to award leases:

- Ability to succeed to the lease
- Ability to pay
- Need
- Size of family
- Ability to serve as an example
- Percentage of Hawaiian blood quantum



# Priority Level

**Priority Level 1:** Those applicants who are 100% Hawaiian and whose heirs are 100% Hawaiian.

**Priority Level 2:** Those applicants whose heirs are at least 50% Hawaiian.

**Priority Level 3:** Those applicants whose heirs are less than 50% Hawaiian.



# Area List

1952 Waimea Area Pastoral Lease Waiting List

Applications accepted for publicized areas only

Applicants could only apply for one area, may transfer from one area to another

Ranking issues



# Islandwide List

How applications are ranked today:

| Area List Rank   | Islandwide List Rank     |
|--|--------------------------|
| Priority 1<br>By application date                              | By application date only |
| Priority 2<br>By application date                              |                          |
| Priority 3<br>By application date                              |                          |
| Area applications by application date<br>without priority rank |                          |

- An applicant for the Nanakuli residential area, priority 1 with an application date of May 5, 1950 is ranked #1 on the Nanakuli res area list.
- Same applicant is ranked #6 on the Oahu islandwide residential list.



# Islandwide List

## Department of Hawaiian Home Lands - R01A

Application Waiting List by Area/Lot Type

For Applications up to 12/31/2021

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Area: 113 NANAKULI (RES)

| Name                   | App Date   | Area Rank | I/W Rank | Mail Code | Inactive | Zip Code | Priority |
|------------------------|------------|-----------|----------|-----------|----------|----------|----------|
| MIKAKOPI, ELIZABETH H  | 05 05 1950 | 1         | 6        | K         | I        | 96819    | A        |
| BLACK, ALICE D.L.      | 12 17 1957 | 2         | 44       |           |          | 96792    | A        |
| MAUNAKEA, EDWIN K JR   | 01 26 1950 | 3         | 5        |           |          | 76542    | B        |
| HEGERFELDT, JAMES C    | 10 09 1950 | 4         | 7        | D         |          | 96818    | B        |
| KINILAU, DANIEL        | 05 15 1951 | 5         | 9        | K         |          | 96797    | B        |
| SHOBERT, MARIE (DEC'D) | 07 20 1954 | 6         | 22       | L         |          | 96707    | B        |
| PUULEI, SOLOMON P      | 06 05 1956 | 7         | 34       | K         | I        | 96792    | B        |
| HIRANO, VELMA-ANN N    | 08 21 1960 | 8         | 71       |           |          | 96797    | B        |
| ANI, JAMES K JR        | 01 08 1962 | 9         | 96       | K         |          | 96791    | B        |
| TAYLOR, HELENE K       | 02 23 1962 | 10        | 104      | K         | I        | 96744    | B        |
| NAONE, SARAH           | 02 27 1962 | 11        | 106      |           |          | 96792    | B        |
| OLIVEIRA, JUDITH L     | 11 20 1962 | 12        | 152      |           |          | 96777    | B        |
| PALEA, FRANCIS K.P.    | 01 09 1963 | 13        | 155      |           |          | 89183    | B        |
| KAHLER, DOLLY K        | 04 22 1963 | 14        | 170      | R         |          | 92677    | B        |
| KAIU, ELVERA L         | 07 01 1963 | 15        | 175      |           |          | 96792    | B        |
| KEOHUHU, HELEN K       | 02 07 1964 | 16        | 188      | K         | I        | 96792    | B        |
| NUMAZU, DELHART K      | 02 28 1964 | 17        | 191      |           |          | 96707    | B        |
| CARSON, RAYMOND K.C.   | 05 05 1964 | 18        | 196      | K         |          | 96732    | B        |
| ENOS, JEANETTE         | 08 28 1964 | 19        | 213      | K         | I        | 96792    | B        |
| NAHINU, EUGENE K JR    | 10 19 1964 | 20        | 214      |           |          | 96826    | B        |

## Department of Hawaiian Home Lands - R01B

Application Waiting List Island-wide by Type

For Applications up to 12/31/2021

Page:

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Island: OAHU

Lot Type: RESIDENTIAL

| Name                      | App Date   | Area Code | Area Rank | I/W Rank | Mail Code | Inactive | Zip Code | Priority |
|---------------------------|------------|-----------|-----------|----------|-----------|----------|----------|----------|
| MAILUA, ESTRELLA K        | 07 10 1947 | 133       | 9         | 1        | R         |          | 96792    | B        |
| HOPII, WILLIAM K          | 10 16 1947 | 123       | 1         | 2        | K         | I        | 96822    | B        |
| KERMABON, CHARLEEN M      | 11 01 1947 | 133       | 392       | 3        | D         |          | 96790    |          |
| AKI, HENRY P              | 07 17 1948 | 123       | 35        | 4        | K         | I        | 96819    | C        |
| MAUNAKEA, EDWIN K JR      | 01 26 1950 | 113       | 3         | 5        |           |          | 76542    | B        |
| MIKAKOPI, ELIZABETH H     | 05 05 1950 | 113       | 1         | 6        | K         | I        | 96819    | A        |
| HEGERFELDT, JAMES C       | 10 09 1950 | 113       | 4         | 7        | D         |          | 96818    | B        |
| KAMOHALII, OLANA K        | 01 15 1951 | 133       | 10        | 8        |           |          | 96792    | B        |
| KINILAU, DANIEL           | 05 15 1951 | 113       | 5         | 9        | K         |          | 96797    | B        |
| LOW, BELLA                | 07 30 1951 | 133       | 11        | 10       | K         | I        | 96814    | B        |
| LINDSEY, ALBERT M (DEC'D) | 01 12 1952 | 123       | 2         | 11       | L         | I        | 91720    | B        |
| CHUNG, OCTAVIA M.         | 03 17 1952 | 123       | 3         | 12       |           |          | 96734    | B        |
| KAANEHE, RACHEL           | 07 08 1952 | 123       | 36        | 13       | K         |          | 96818    | C        |
| SCHOENSTEIN, SYBIL K      | 09 02 1952 | 123       | 4         | 14       |           |          | 96825    | B        |
| FRIES, BRENDA P           | 10 21 1952 | 123       | 5         | 15       |           |          | 97113    | B        |
| WILSON, GORDON B          | 10 27 1952 | 123       | 6         | 16       |           |          | 96759    | B        |
| SMITH, GERALDINE M.K.     | 04 23 1953 | 123       | 7         | 17       | K         | I        | 96819    | B        |
| KIAHALE, MANUEL K         | 08 13 1953 | 123       | 8         | 18       | K         | I        | 96820    | B        |
| AMION, LESLIE N           | 06 09 1954 | 133       | 12        | 19       |           |          | 96706    | B        |
| DUMARAN, NORA M           | 06 18 1954 | 123       | 37        | 20       |           | I        | 96744    | C        |



# Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

[www.dhhl.hawaii.gov](http://www.dhhl.hawaii.gov)

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator   
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor   
Homestead Services Division

SUBJECT: **Approval of Assignment of Leasehold Interest**

RECOMMENDED MOTION/ACTION

1. To approve the assignment of the leasehold interest, pursuant to Section 208, Hawaiian Homes Commission Act, 1920, as amended, and subject to any applicable terms and conditions of the assignment, including but not limited to the approval of a loan.

2. To approve and accept that the transferees are of no less than the required 25% or 50% Hawaiian ancestry as appropriate pursuant to Section 208, Hawaiian Homes Commission Act, 1920, as amended.

DISCUSSION

Nineteen (19) assignments of lease.

1. Lessee Name: Rusty K. Alama  
Res. Lease No. 3871, Lot No. 81  
Lease Date: 1/22/1971  
Area: Papakolea, Oahu  
Property Sold & Amount: No, N/A  
Improvements: 5 bedroom, 3 bath dwelling

Transferee Name: Kaiaka K. Kepa-Alama  
Relationship: Son  
Loan Assumption: No  
Applicant: No  
Reason for Transfer: "Giving lease to relative."

2. Lessee Name: Hattie K. Apo  
Res. Lease No. 9447, Lot No. 9  
Lease Date: 6/1/2000  
Area: Waiehu Kou II, Maui  
Property Sold & Amount: Yes, \$105,000.00  
Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Celice K. K. N. A. A. McGuire  
Relationship: Granddaughter  
Loan Assumption: No  
Applicant: Yes, Oahu IW Res., 4/10/2012

Reason for Transfer: "Giving lease to relative." Special  
Condition: Transferee to obtain funds to pay purchase price.

3. Lessee Name: Georgiette Bush  
Res. Lease No. 3022, Lot No. 41  
Lease Date: 8/24/1956  
Area: Waimanalo, Oahu  
Property Sold & Amount: Yes, \$650,000.00  
Improvements: 3 bedroom, 1-1/2 bath dwelling

Transferee Name: Duroy C. Rosecrans  
Relationship: None  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Moving off Island." Special  
Conditions: Transferee to obtain funds to pay purchase  
price. See simultaneous transfer below.

4. Lessee Name: Duroy C. Rosecrans  
Res. Lease No. 3022, Lot No. 41  
Lease Date: 8/24/1956  
Area: Waimanalo, Oahu  
Property Sold & Amount: Yes, \$650,000.00  
Improvements: 3 bedroom, 1-1/2 bath dwelling

Transferee Name: Fallan K. Allen  
Relationship: Granddaughter  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative." Special  
Conditions: Transferee to obtain funds to pay purchase.

5. Lessee Name: Danielle K. P. Calarruda  
Res. Lease No. 8710, Lot No. 75  
Lease Date: 11/15/1996  
Area: Waianae, Oahu  
Property Sold & Amount: Yes, \$484,304.00  
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Kaaina E. Kalaola Meyer  
Relationship: None  
Loan Assumption: No  
Applicant: Yes, Oahu IW Res., 1/26/2021

Reason for Transfer: "Selling home." Special Condition:  
Transferee to obtain funds to pay purchase price.

6. Lessee Name: Kawaiolaonalani P. M. Ciacchi  
Res. Lease No. 4287, Lot No. 111  
Lease Date: 3/28/1977  
Area: Kewalo, Oahu  
Property Sold & Amount: No, N/A  
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Arlettee A. A. Mersburgh  
Relationship: Mother  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative."

7. Lessee Name: Solomon N. Ellis  
Res. Lease No. 9792, Lot No. 13832  
Lease Date: 9/1/2001  
Area: Maluohai, Oahu  
Property Sold & Amount: Yes, \$460,000.00  
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Dana R. Paikai  
Relationship: None  
Loan Assumption: No  
Applicant: Yes, Oahu IW Res., 6/18/2013

Reason for Transfer: "Moving off Island." Special  
Conditions: Transferee to obtain funds to pay purchase  
price. See simultaneous transfer below.

8. Lessee Name: Dana R. Paikai  
Res. Lease No. 9792, Lot No. 13832  
Lease Date: 9/1/2001  
Area: Maluohai, Oahu  
Property Sold & Amount: Yes, \$460,000.00  
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Naihe T. T. P. Paikai  
Relationship: Daughter  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative." Special  
Condition: Transferee to obtain funds to pay purchase price.

9. Lessee Name: Shawn Clarene H. Kalawa  
Res. Lease No. 4446, Lot No. 127  
Lease Date: 2/9/1978  
Area: Waianae, Oahu  
Property Sold & Amount: No, N/A  
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Shawn Clarene H. Kalawa & Shannon Edward K.  
K. DeMello  
Relationship: Lessee & Son  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Adding relative to lease."

10. Lessee Name: Charles K. Kamaka, Jr.  
Res. Lease No. 2210, Lot No. 153  
Lease Date: 9/28/1949  
Area: Kewalo, Oahu  
Property Sold & Amount: No, N/A  
Improvements: 4 bedroom, 1 bath dwelling

Transferee Name: Billy-Jo K. Freitas  
Relationship: Niece  
Loan Assumption: No  
Applicant: Yes, Hawaii IW Res., 1/19/2006

Reason for Transfer: "Giving lease to relative." See  
simultaneous transfer below.

11. Lessee Name: Bridget K. Kekauoha  
Res. Lease No. 3361, Lot No. 24  
Lease Date: 7/21/1961  
Area: Kewalo, Oahu  
Property Sold & Amount: No, N/A  
Improvements: 3 bedroom, 2 bath dwelling
- Transferee Name: Bridget K. Kekauoha & Kahelekaapuni S. Kama  
Relationship: Lessee & Daughter  
Loan Assumption: No  
Applicant: No
- Reason for Transfer: "Adding relative to lease."
12. Lessee Name: Vanna M. K. Naeole-Raymondo  
Res. Lease No. 9990, Lot No. 112  
Lease Date: 8/24/2005  
Area: Waianae, Oahu  
Property Sold & Amount: Yes, \$570,000.00  
Improvements: 4 bedroom, 2 bath dwelling
- Transferee Name: Tilsha-Rae M. Kekua  
Relationship: None  
Loan Assumption: No  
Applicant: Yes, Oahu IW Res., 1/26/2022
- Reason for Transfer: "Following the Lord." Special  
Condition: Transferee to obtain funds to pay purchase price.
13. Lessee Name: Glenn P. Rezentes & Albert C. Rezentes  
Res. Lease No. 1210, Lot No. 46  
Lease Date: 6/27/1927  
Area: Keaukaha, Hawaii  
Property Sold & Amount: Yes, \$330,000.00  
Improvements: 3 bedroom, 1 bath dwelling
- Transferee Name: Jeffrey K. Coakley  
Relationship: None  
Loan Assumption: No  
Applicant: Yes, Hawaii IW Res., 8/14/1986
- Reason for Transfer: "Selling lease." Special Condition:  
Transferee to obtain funds to pay purchase price.

14. Lessee Name: Michael A. Teves /  
Res. Lease No. 9329, Lot No. 16  
Lease Date: 2/1/2000  
Area: Kaniohale, Hawaii  
Property Sold & Amount: Yes, \$350,000.00  
Improvements: 2 bedroom, 2 bath dwelling

Transferee Name: Bennadeth A. Ellis  
Relationship: None  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Financial reasons." Special  
Condition: Transferee to obtain funds to pay purchase  
price. See simultaneous transfer below.

15. Lessee Name: Bennadeth A. Ellis  
Res. Lease No. 9329, Lot No. 16  
Lease Date: 2/1/2000  
Area: Kaniohale, Hawaii  
Property Sold & Amount: Yes, \$350,000.00  
Improvements: 2 bedroom, 2 bath dwelling

Transferee Name: Hunter S. K. Ellis  
Relationship: Grandson  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative." Special  
Condition: Transferee to obtain funds to pay purchase price.

16. Lessee Name: Hazel M. White  
Agr. Lease No. 5820, Lot No. 153  
Lease Date: 8/1/1985  
Area: Hoolehua, Molokai  
Property Sold & Amount: No, N/A  
Improvements: 1 bedroom, 1 bath dwelling

Transferee Name: Donna Howard  
Relationship: Sister  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative."

17. Lessee Name: Barbara L. Wright  
Pas. Lease No. 2702, Lot No. 9A & 9B  
Lease Date: 10/1/1952  
Area: Kamoku, Hawaii  
Property Sold & Amount: Yes, \$410,010.00  
Improvements: 3 bedroom, 3 bath dwelling

Transferee Name: Stanton I. Loo  
Relationship: Nephew  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative." Special  
Condition: Transferee to obtain funds to pay purchase price.

18. Lessee Name: Lance Dung  
Res. Lease No. 11683, Lot No. UNDV140  
Lease Date: 12/2/2006  
Area: Kapolei, Oahu  
Property Sold & Amount: No, N/A  
Improvements: None

Transferee Name: Xeana K. Dung  
Relationship: Daughter  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative."

19. Lessee Name: Dolphin K. Pawn  
Pas. Lease No. 7870, Lot No. 11  
Lease Date: 2/1/1987  
Area: Hoolehua, Mōloka'i  
Property Sold & Amount: No, N/A  
Improvements: None

Transferee Name: Jimmy Kaholoaa  
Relationship: Cousin  
Loan Assumption: No  
Applicant: No

Reason for Transfer: "Giving lease to relative."

|  |           |
|--|-----------|
| Assignments for the Month of October '22 | 19        |
| Previous FY '22 - '23 balance            | <u>50</u> |
| FY '22 - '23 total to date               | 69        |
| Assignments for FY '21 - '22             | 220       |

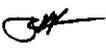
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator   
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor   
Homestead Services Division

SUBJECT: **Approval of Amendment of Leasehold Interest**

RECOMMENDED MOTION/ACTION

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Six (6) amendments of lease.

1. Lessee: Janice T. Camara  
Res. Lease No.: 3640  
Lot No., Area, Island: 70, Waimanalo, Oahu  
Amendment: To incorporate the currently used terms, conditions, and covenants to the lease.
  
2. Lessee: Kawaiolaonalani P. M. Ciacci  
Res. Lease No.: 4287  
Lot No., Area, Island: 111, Kewalo, Oahu  
Amendment: To amend the property description, due to new 10 ft. wide sewer easement.

3. Lessee: Donald R. Kane  
 Res. Lease No.: 10350  
 Lot No., Area, Island: UNDV053, Waiohuli, Maui  
 Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.
4. Lessee: Bridget K. Kekauoha  
 Res. Lease No.: 3361  
 Lot No., Area, Island: 24, Kewalo, Oahu  
 Amendment: To amend the lease to incorporate the currently used terms, conditions, and covenants to the lease, to extend the lease term to an aggregate term of 199 years.
5. Lessee: Rhonda K. Sanborn  
 Res. Lease No.: 2677-A  
 Lot No., Area, Island: 70, Kuhio Village, Hawaii  
 Amendment: To amend the property description, to incorporate the currently used terms, conditions, and covenants to the lease, to extend the lease term to an aggregate term of 199 years.
6. Lessee: Barbara L. Wright  
 Pas. Lease No.: 2702  
 Lot No., Area, Island: 9A & 9B, Kamoku, Hawaii  
 Amendment: To amend the lease title and lessor name, to update the property description, to incorporate the currently used terms, covenants and conditions, to extend the lease term to an aggregate term of 199 years.

|   |           |
|---|-----------|
| Amendments for the Month of October '22 | 6         |
| Previous FY '22 - '23 balance           | <u>28</u> |
| FY '22 - '23 total to date              | 34        |
| Amendments for FY '21 - '22             | 133       |

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator   
Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor   
Homestead Services Division

SUBJECT: **Approval to Issue a Non-Exclusive License for Rooftop Photovoltaic Systems for Certain Lessees**

RECOMMENDED MOTION/ACTION

To approve the issuance of a non-exclusive license to allow the Permittee to provide adequate services related to the installation, maintenance, and operation of a photovoltaic system on the premises leased by the respective Lessees.

The non-exclusive license is necessary as the Lessee can not issue his/her own licenses.

DISCUSSION

Eight (8) non-exclusive licenses.

1. Lessee: William H. Auwelo  
Res. Lease No.: 5958  
Lot No., Area, Island: 31, Waiehu Kou, Maui  
Permittee: Sunrun Installation Services, Inc.
  
2. Lessee: Keeven N. Haia  
Res. Lease No.: 11496  
Lot No., Area, Island: 79, Leialii, Maui  
Permittee: Sunrun Installation Services, Inc.

- 3. Lessee: Marie K. Higashi  
 Res. Lease No.: 3568  
 Lot No., Area, Island: 92-B, Nanakuli, Oahu  
 Permittee: Sunrun Installation Services, Inc.
  
- 4. Lessee: Mickey K. Ioane  
 Res. Lease No.: 6817  
 Lot No., Area, Island: 4, Waiakea, Hawaii  
 Permittee: Sunrun Installation Services, Inc.
  
- 5. Lessee: Chad-Elliott K. Kalawaia  
 Agr. Lease No.: 6944  
 Lot No., Area, Island: 40, Makuu, Hawaii  
 Permittee: Sunrun Installation Services, Inc.
  
- 6. Lessee: Tiffany H. K. Kaneakua  
 Res. Lease No.: 5293  
 Lot No., Area, Island: 42, Waianae, Oahu  
 Permittee: Sunrun Installation Services, Inc.
  
- 7. Lessee: Bridget K. Kekauoha & Kahelekaapuni  
 S. Kama  
 Res. Lease No.: 3361  
 Lot No., Area, Island: 24, Kewalo, Oahu  
 Permittee: Hawaii Eco Project, LLC
  
- 8. Lessee: Naihe T. T. P. Paikai  
 Res. Lease No.: 9792  
 Lot No., Area, Island: 13832, Maluohai, Oahu  
 Permittee: Sunrun Installation Services, Inc.

|  |           |
|--|-----------|
| Non-Exclusive License for the Month of October '22 | 8         |
| Previous FY '22 - '23 balance                      | <u>21</u> |
| FY '22 - '23 total to date                         | 29        |
| <br>Non-Exclusive License for FY '21 - '22         | <br>53    |

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Juan Garcia, Administrator  
Homestead Services Division 

SUBJECT: **Commission Designation of Successor – John S.K. Kauwe, Jr.,  
Agriculture Lease No. 7801, Lot No. 26, Naiwa, Hoolehua, Molokai**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Yolanda Leimomi Miyahana (Yolanda), as successor to Agriculture Lease No. 7801, Lot No. 26, Naiwa Agriculture Subdivision, Hoolehua, Molokai, for the remaining term of the lease; and
2. To approve and accept that Yolanda is of no less than the required 25% Hawaiian ancestry and therefore is a qualified successor pursuant to Section 209 of the Hawaiian Homes Commission Act, 1920, as amended;
3. To stipulate that Yolanda's rights and interest in the Lease do not vest until Yolanda has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Yolanda does not sign all such documents on or before **December 31, 2022** (the Deadline), that the Commission's selection of Yolanda as successor is automatically revoked;
4. To authorize the Department to extend the Deadline up to 60 days for good cause;
5. To declare that if Yolanda's selection as successor is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, 1920, as amended (Act), "the lease shall resume its status as unleased Hawaiian home lands and the department is authorized to lease the land to a native Hawaiian as provided [by the] Act."

DISCUSSION

By way of an award, John S. K. Kauwe, Jr. (Decedent) received Agricultural Lease No. 7801, covering Lot No. 26, commencing on February 1, 1987 (Lease).

On March 2, 1987, the Decedent designated his son, John S. K. Kauwe III, as successor to the Lease, and did not designate another successor.

On August 27, 2020, the Decedent passed away. The Department received his death certificate on October 14, 2020.

On October 19, 2020, the Department mailed to John S.K. Kauwe III the Successorship to Lease Response Form. The Department received the signed Successorship to Lease Response Form on November 10, 2020. Unfortunately, John S.K. Kauwe, III, is less than the required 25% Hawaiian Ancestry and deemed unqualified to succeed to the Lease.

As the lessee did not name no other qualified successor, pursuant to Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star-Advertiser, the Hawaii Tribune Herald, West Hawaii Today, The Maui News, The Garden Island newspapers on December 6, 13, 20, and 27, 2021, calling for all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the Lease.

On December 30, 2021, in response to the notices, the Department received a successorship claim from the Decedent's sister, Yolanda, who has been determined to meet the required 25% Hawaiian ancestry and is therefore eligible for successorship to the Lease.

Pursuant to Section 209 of the Act, when a lessee fails to designate a successor, the Commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

There are no improvements to this homestead. Lease rent is current. There are no real property taxes currently associated with this lease.

The Department respectfully requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 17, 2022

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Juan Garcia, Administrator   
Homestead Services Division

FROM: Olinda L. Fisher, EHDO District Supervisor  
Homestead Services Division

SUBJECT: **Commission Designation of Successor - CARL DANA**,  
**Agricultural Lease No. 6930, Lot No. 2, Makuu, Hawai'i**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Camille Kuuleialoha Danao (Camille) as successor to Agricultural Lease No. 6930, Lot No. 2, Makuu, Hawaii (Lease) for the remaining term of the Lease;

2. To approve and accept that Camille is of no less than the required 25% Hawaiian ancestry and therefore is a qualified successor pursuant to Section 209 of the Hawaiian Homes Commission Act, 1920, as amended;

3. To stipulate that Camille's rights and interest in the Lease does not vest until Camille has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Camille does not sign all such documents on or before **December 31, 2022** (the Deadline) that the Commission's selection of Douglas as successors is automatically revoked;

4. To authorize the Department to extend the Deadline up to 60 days for good cause; and

5. To declare that if Camille's selection as successors is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "the lease shall resume its status as unleased Hawaiian home lands the department is

authorized to lease the land to a native Hawaiian as provided by the Act.”;

## DISCUSSION

By way of the Department of Hawaiian Home Lands Assignment of Lease and Consent to Lease No. 6930, dated August 11, 1989, Carl Danao (Decedent) received the Lease.

On September 7, 2020, the Decedent passed away and the Department received a death certificate on June 29, 2021. The decedent did not designate a successor.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star Advertiser, the Garden Isle, the Hawaii Tribune Herald, West Hawaii today, and The Maui News on December 6, 13, 20 and 27, 2021, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the lease.

The Department received one successorship claim from the Decedent's daughter, Camille, who is deemed eligible for successorship to the Lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee designates an ineligible successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the

children, widows or widowers of the brothers and sisters, or nieces and nephews.

There are no improvements to the property.

There are no outstanding loans, and the real property tax is current and lease rent is delinquent in the amount of \$18.

The Department requests approval of its recommendation.

**HAWAIIAN HOMES COMMISSION  
OCTOBER 17 & 18, 2022  
FACE-TO-FACE &  
INTERACTIVE CONFERENCE  
TECHNOLOGY**

**E – ITEMS**

**LAND DEVELOPMENT DIVISION**



# HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

## **EAST HAWAII Projects Update**

**LAND DEVELOPMENT DIVISION  
Item E-1 For Information Only  
October 17-18, 2022**

# ISLAND OF HAWAI'I

## EAST HAWAI'I PROJECTS

Honomū

Keaukaha

Pana'ewa

Kaūmana

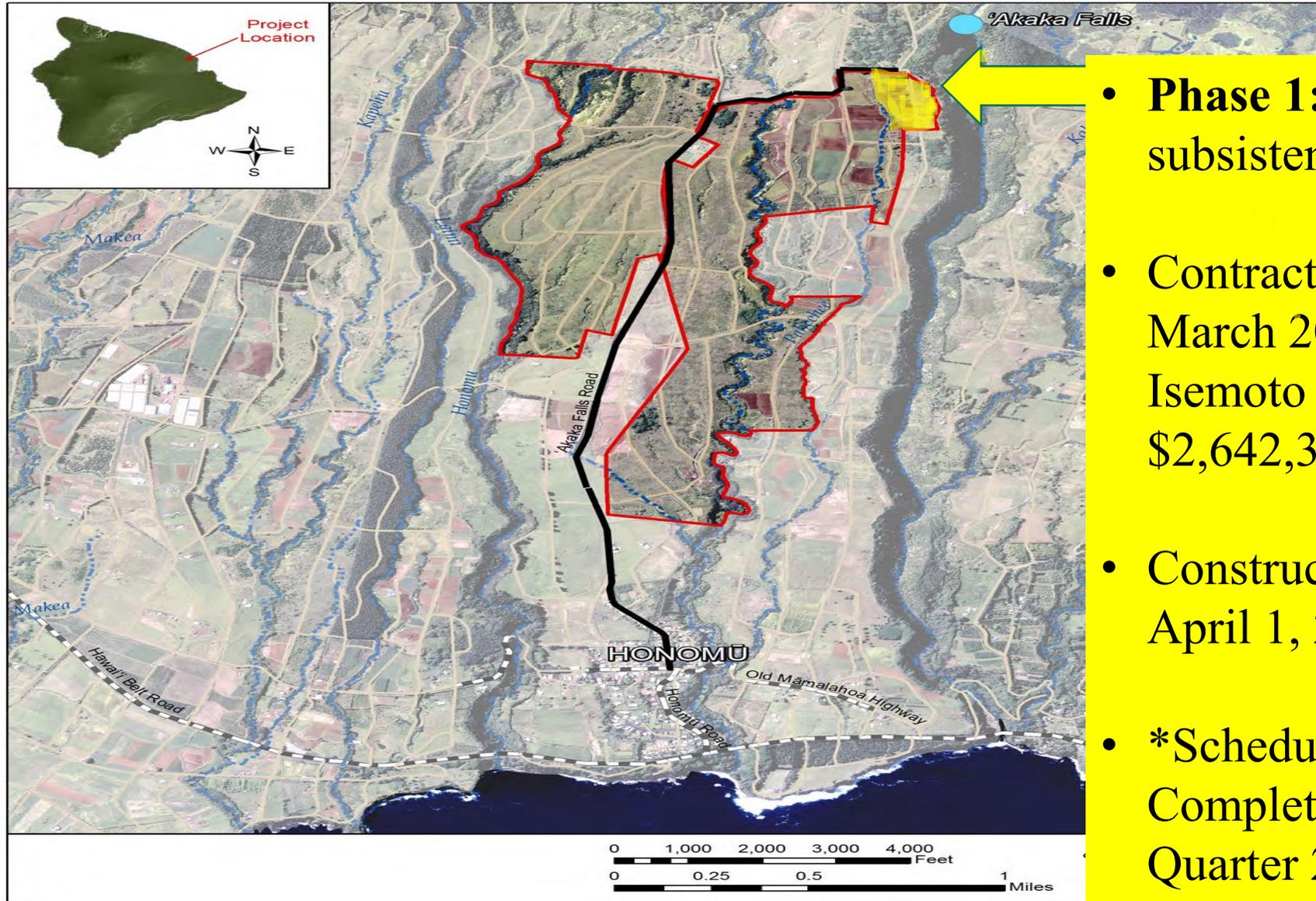
Maku'u

Ka'ū





# Honomū Subsistence Agriculture Project

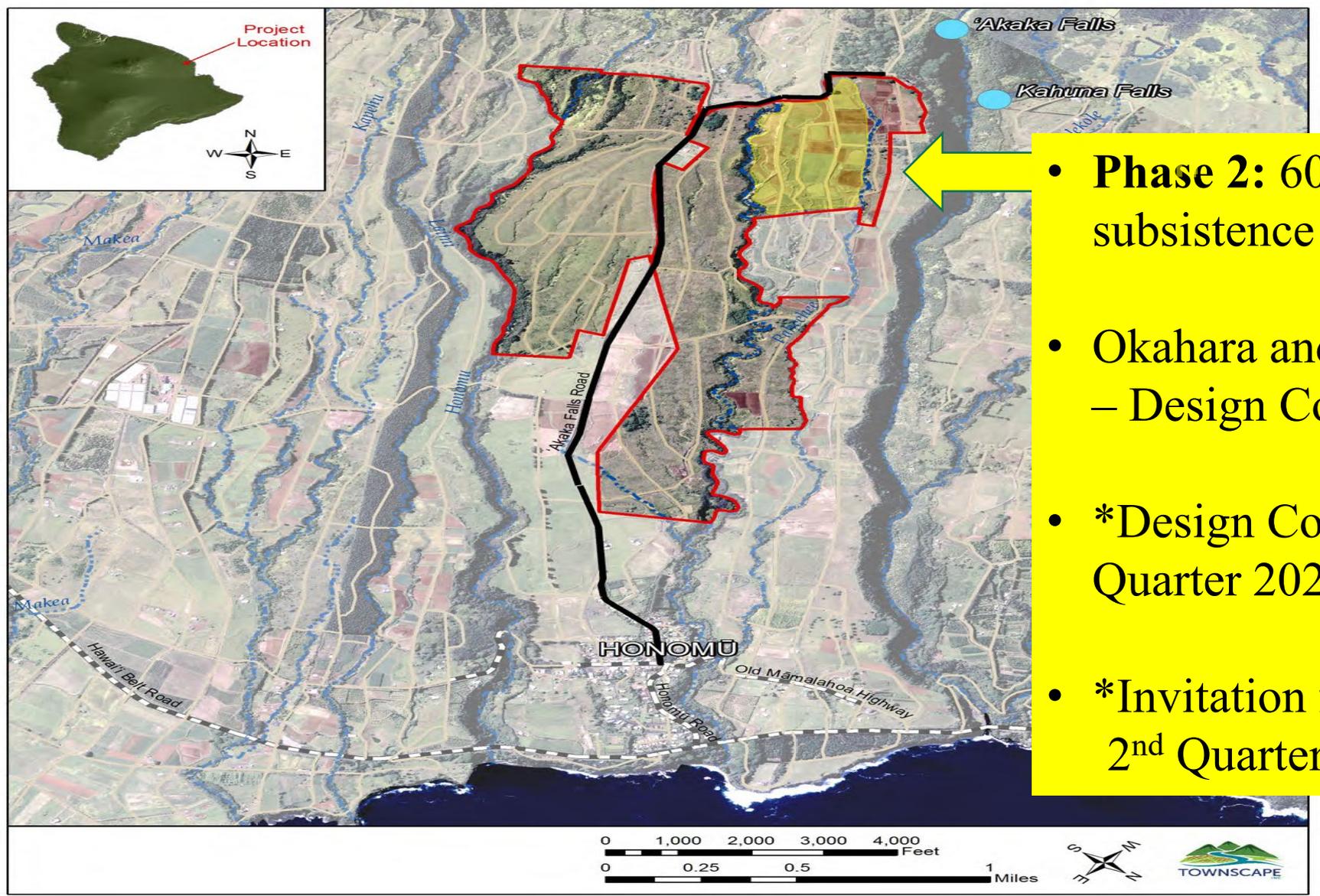


- **Phase 1:** 16 one-acre subsistence ag lots
- Contract awarded in March 2021 to Isemoto Contracting: \$2,642,388
- Construction started April 1, 2022
- \*Scheduled Completion Date: 2<sup>nd</sup> Quarter 2023

\*Schedules subject to change



# Honomū Subsistence Agriculture Project



- **Phase 2:** 60 one-acre subsistence ag lots
- Okahara and Associates, Inc – Design Consultant
- \*Design Completion: 1<sup>st</sup> Quarter 2024
- \*Invitation for bid: 2<sup>nd</sup> Quarter 2024

\*Schedule subject to change



# Honomū Subsistence Agriculture Lots Phase 2

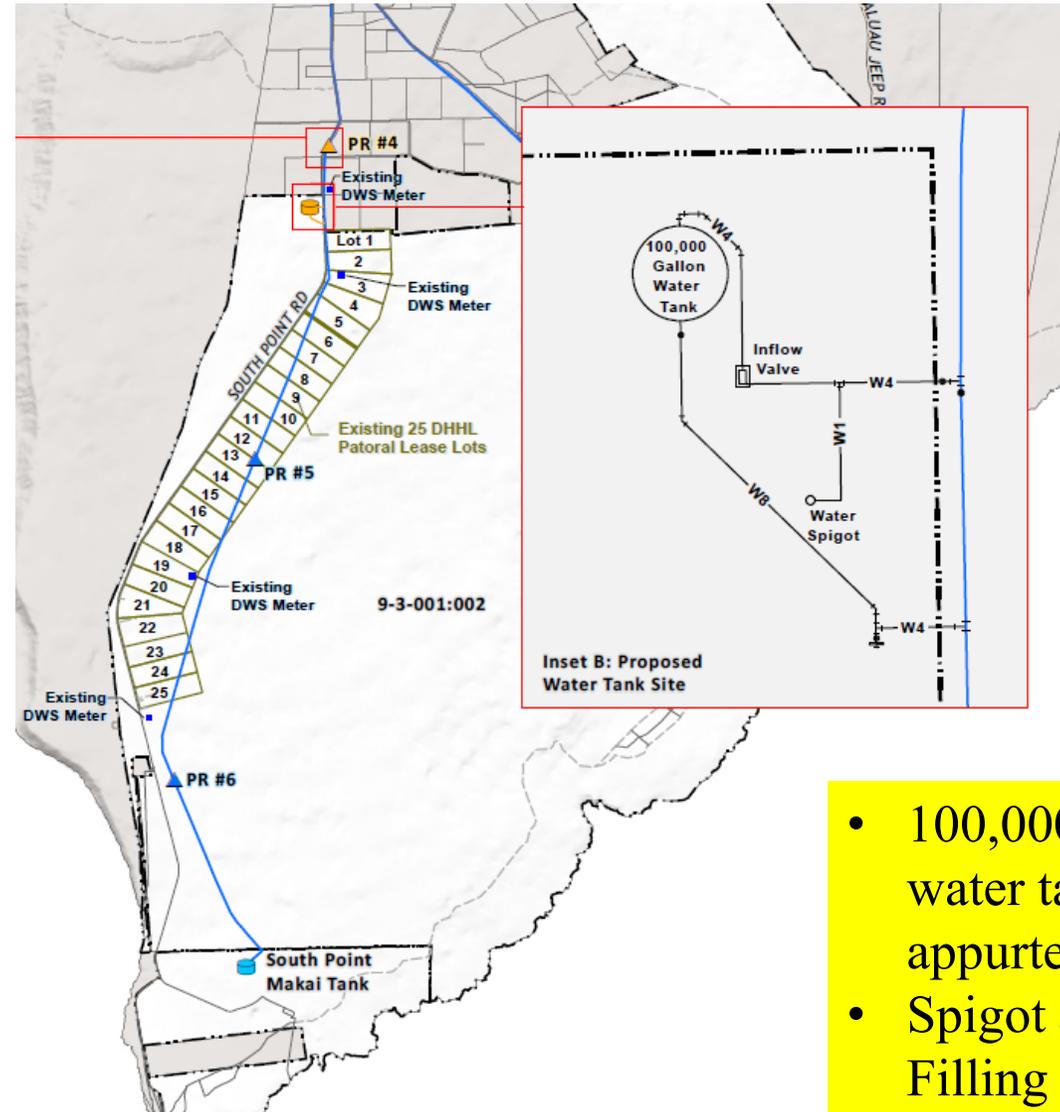
60 one-acre Lots  
for Award



**Preliminary Layout,  
Subject to Change  
including but not  
limited to  
topography, soils,  
and drainage**

# Ka'ū Water System Improvements – Phase 1

- 100,000 gallon water storage tank and appurtenances, including a water filling station with spigot, on Hawaiian Home Lands.
- Construction Contract
  - Executed: 6/1/2021
  - Isemoto Contracting Co., Ltd.
  - \$2,736,327.00
- Construction Pending
  - Building Permit
  - Anticipated Start December 2022

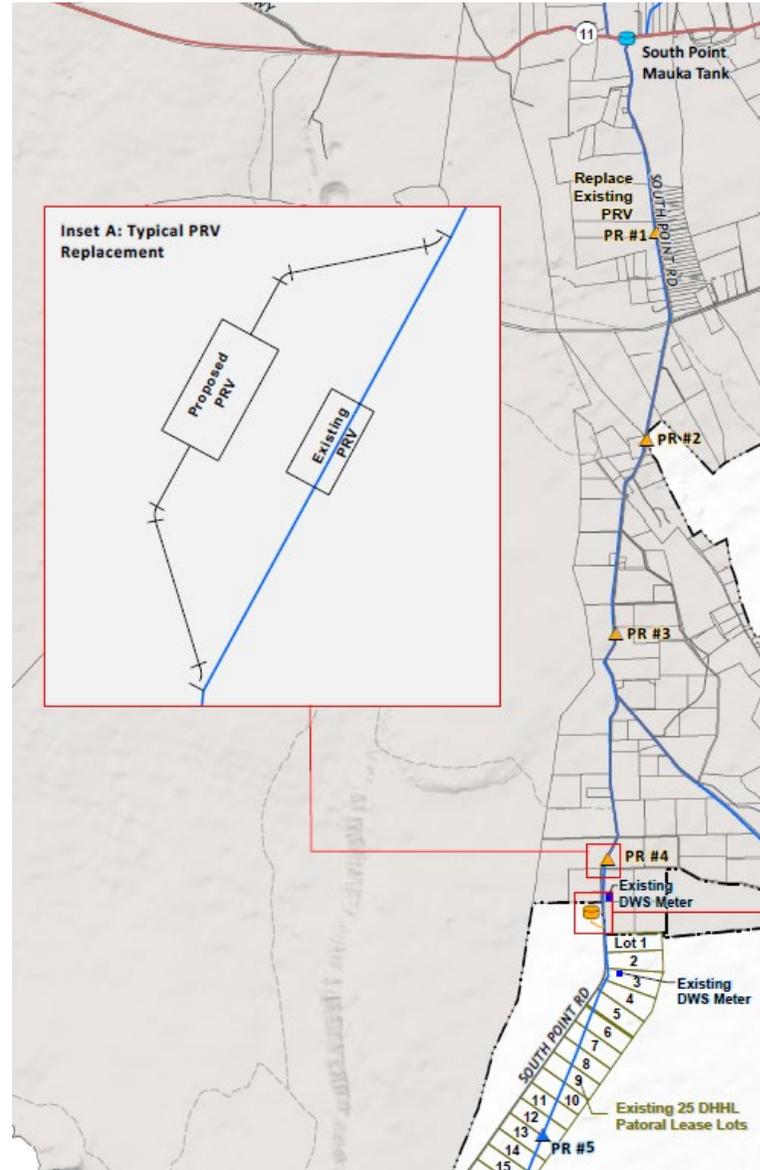


- 100,000 gallon water tank with appurtenances.
- Spigot at Water Filling Station.



# Ka'ū Water System Improvements- Phase 2

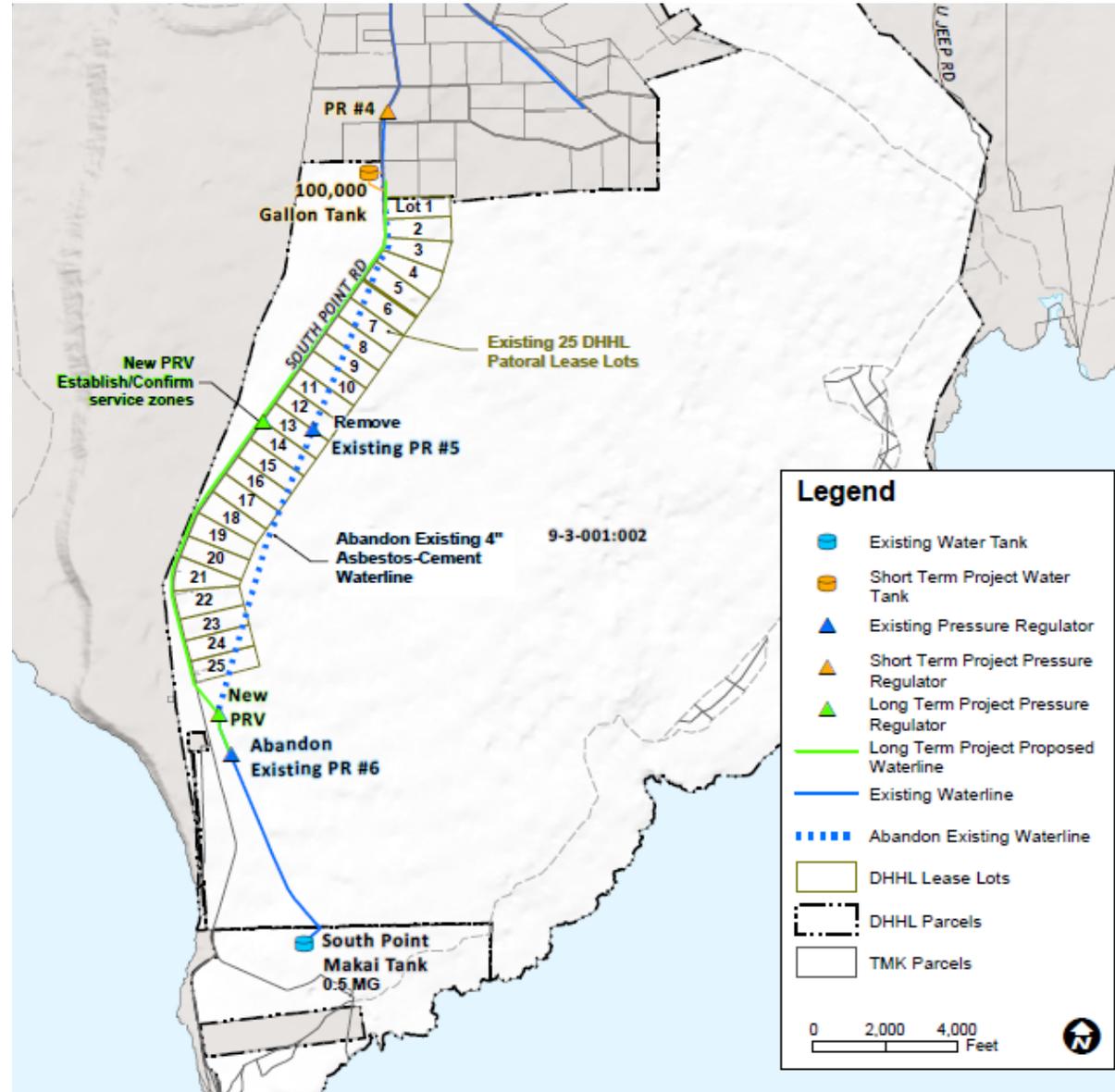
- Replacement/upgrade of Pressure Regulating Valve Stations (PRV/PR)
  - PR #1
  - PR #2
  - PR #3
  - PR #4
- \$60,000 Design/Consulting contract, including Archaeological work
  - Group 70 International, Inc.
  - Archaeological sub consultant: Keala Pono Consulting
- Estimated construction:
  - \$500,000
  - Bid scheduled in 3<sup>rd</sup> Quarter 2023



- PRV Upgrade/Replacement

# Ka'ū Water System Improvements – Future Phase(s)

- Relocate existing waterline from within lots, to the South Point Road right-of-way.
- Install water laterals for water meters to each of the 25 Pastoral Lots.
- Estimated cost: \$20,000,000.00
- Proposed request to Legislature in Fiscal Biennium Budget 2023-2024







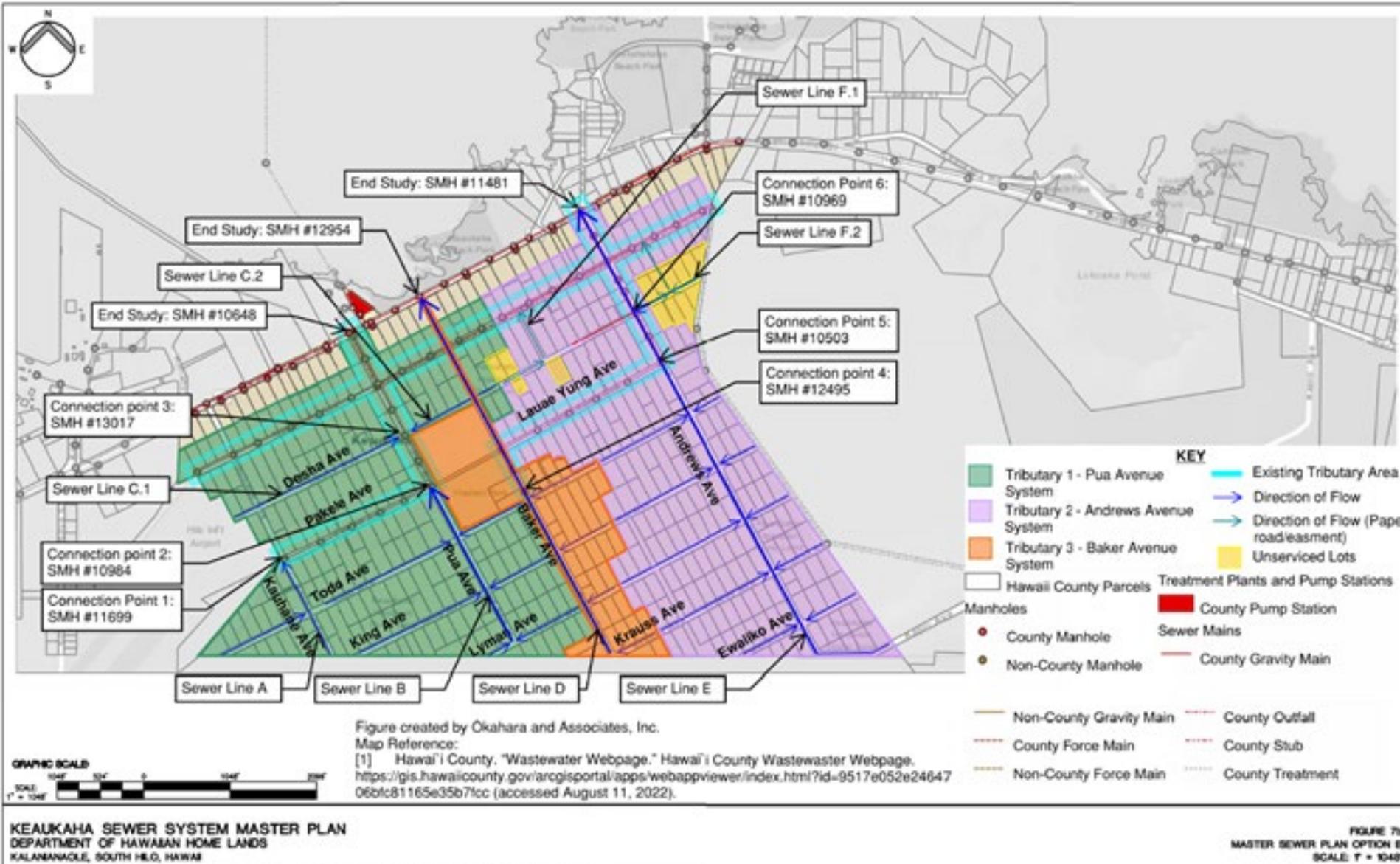
# Keaukaha Sewer Improvement – Master Plan

Designer:  
Okahara &  
Associates Inc.

Phased  
workcoordinated  
with with County of  
Hawaii and State  
Dept. of Health

Estimated Budget:

\$20-\$25 Million





# Cesspool Investigation

## **Background :**

Act 125, Session Laws of Hawaii, 2017 requires upgrade and conversion to Individual Wastewater System (septic system), or sewer connection of all cesspools by 2050, unless exempted. Proximity to ground water, stream, or ocean may require an aerobic treatment unit, subject to Department of Health approval.

**Objective:** Confirm homestead lots with cesspools

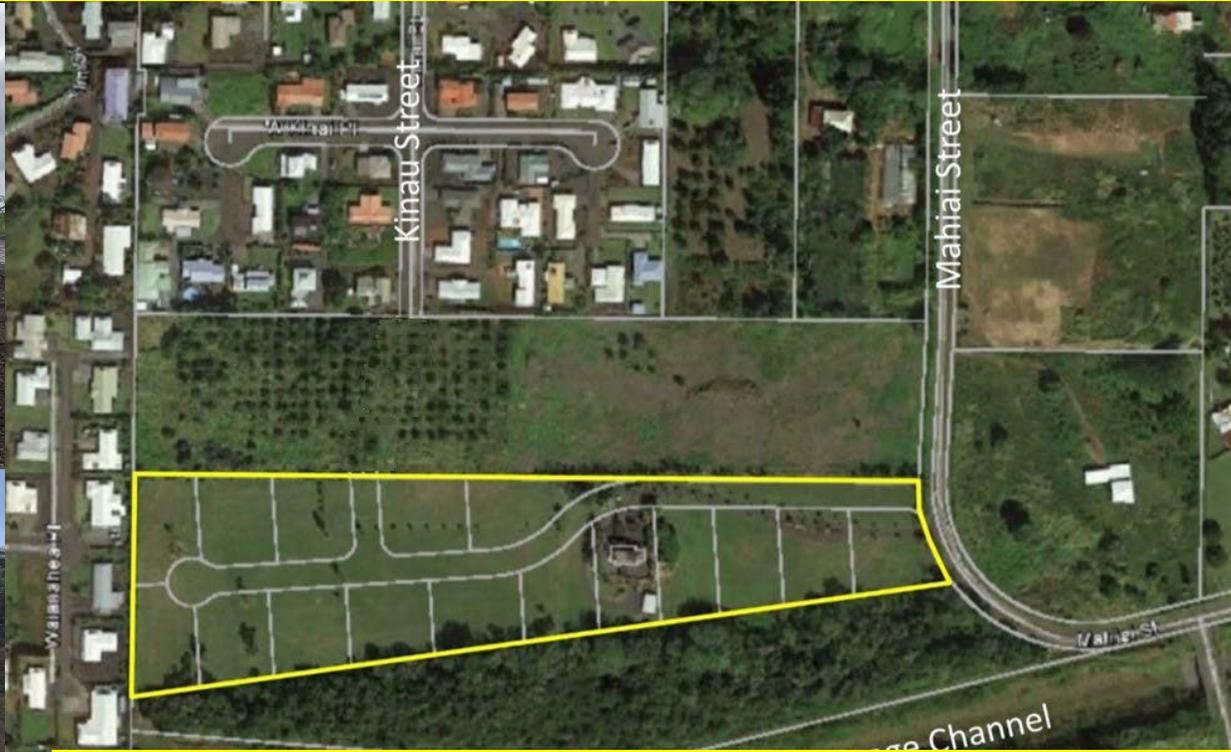
## **Scope of Work:**

- Ground and drone survey and identification of DHHL lots with existing cesspools on DHHL Hawaii Island project areas, including Keaukaha and Panaewa.
- Provide assessment report and data base, consistent with Cesspool Investigations, statewide.
- Ground survey schedule pending completion of other DHHL homesteads, statewide.



# Panaewa Subsistence Agricultural Lots

**SUBDIVISION OF LOT 185 SITE IMPROVEMENTS  
FOR 16 HALF-ACRE LOTS  
AWARDED TO DRAINPIPE PLUMBING & SOLAR, LLC**



**CONSTRUCTION STARTED JULY 7, 2021  
CONSTRUCTION: \$2,497,887**



# Pana'ewa Lot 184

- Design plans for 6 subsistence ag lots with Kinai St. connection



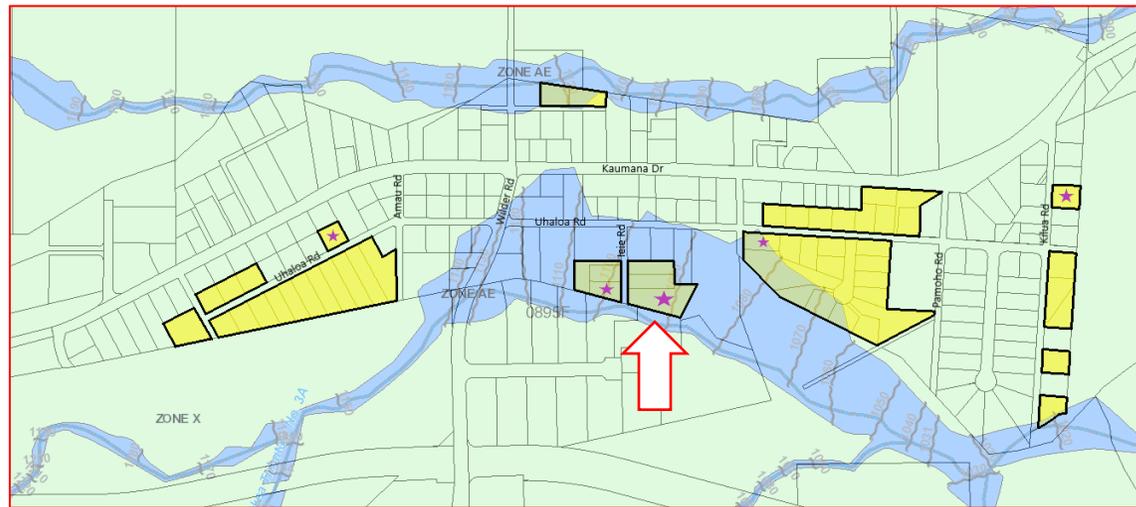
Zoning approved the ½ acre lot sizes in August 2022

Supplemental EA and Surveying will be scheduled to start in October  
Permits and bidding Spring 2023

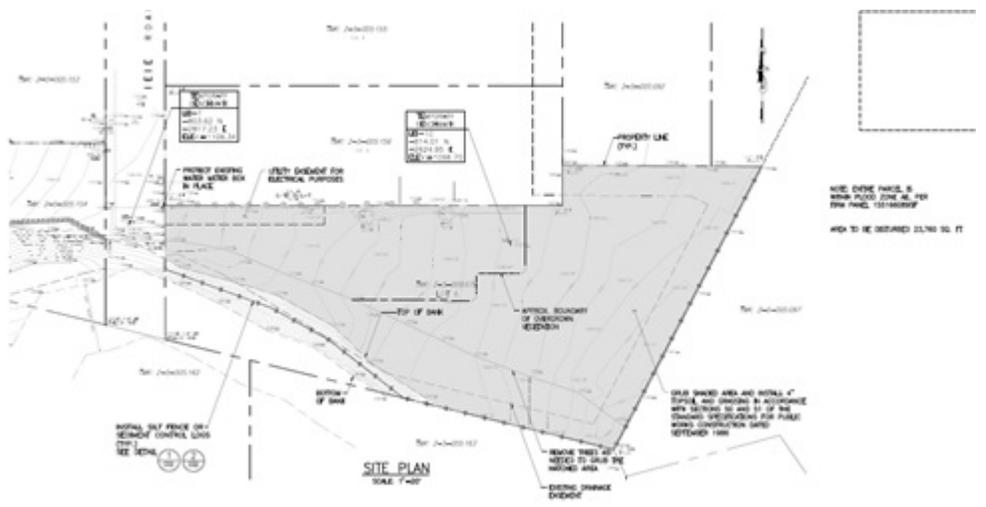




# Kaumana Subdivision Lot Rehabilitation



 Flood Hazard Area



**KAUMANA SUBDIVISION  
LOT REHABILITATION**

JOB NO: PS-22-LDD-014  
KAUMANA, SOUTH HILO, HAWAII  
TMK: (3) 2-5-005:079

DEPARTMENT OF HAWAIIAN HOMELANDS  
LAND DEVELOPMENT DIVISION  
91-5420 KAPOLEI PARKWAY  
KAPOLEI, HI 96707

**CONSULTANTS**

CIVIL ENGINEER: OKAHARA AND ASSOCIATES, INC.  
GEOTECHNICAL ENGINEER: KOKUA GEOTECH, L.L.C.  
LAND SURVEYOR: ISLAND SURVEY, 17 MAKAALA STREET, SUITE 102, MAKAALA, HI 96768

**PROJECT LOCATION - HAWAII ISLAND**

**PROJECT SITE VICINITY MAP**

**TITLE SHEET**  
T01

OKAHARA AND ASSOCIATES, INC.  
1775 KAPOLEI PARKWAY, SUITE 100, KAPOLEI, HI 96707  
TEL: 808-255-1111 FAX: 808-255-1112  
WWW.OKAHARA.COM

ISLAND SURVEY  
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TEL: 808-255-1111 FAX: 808-255-1112  
WWW.ISLANDSURVEY.COM

KAUMANA SUBDIVISION  
LOT REHABILITATION  
TMK: (3) 2-5-005:079  
KAUMANA, SOUTH HILO, HAWAII

**NOTE: Lot 6 is approx. 27,416 square feet and is within the flood area. We will raise the lot and create more usable area to construct home.**



# Maku'u HP Waterline Improvements



Pressure Test and Chlorination  
Contractor: Drainpipe Plumbing & Solar  
Cost: \$206,007 to repair leaks and replace air relief valves.

License 511 Amendment will allow 22 lots to be serviced by Dept. of Water Supply

All lots makai of Hwy 130 Keaau-Pahoia Rd. now have access to potable water serviced by DWS



# Hawaii Community College Model Homes Project

Puhi Bay

Future HCC Home No. 56 (Rendering)

Current HCC Home No. 55  
354 Nahalea Ave.

HCC Home No. 54  
76 Andrews Ave.

HCC Home No. 52  
369 Lauae Yung Ave.

HCC Home No. 53  
371 Lauae Yung Ave.



# Hawaii Community College Model Homes Project

Current HCC Home No. 55  
354 Nahalea Ave.

Scheduled to complete in May 2023





# Hawai'i Island Structure Demolition Project

- Homestead Services Division (HSD) received Chairman's approval for multiple structure demolitions due to deteriorating and/or unpermitted structures
  - Mitigation Cost  $\geq$  Praised Value
  - (6) properties in Keaukaha
  - (1) property in Panaewa
- Invitation for Bid- Advertised on October 14, 2022
- \*Est. Construction Schedule Completion- 3<sup>rd</sup> Quarter 2023

\*Schedule subject to change



# East Hawai'i Demolition Project, Keaukaha





# East Hawai'i Demolition Project, Panaewa





# Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

[www.dhhl.hawaii.gov](http://www.dhhl.hawaii.gov)

**HAWAIIAN HOMES COMMISSION  
OCTOBER 17 & 18, 2022  
FACE-TO-FACE &  
INTERACTIVE CONFERENCE  
TECHNOLOGY**

**F – ITEMS**

**LAND MANAGEMENT DIVISION**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 17-18, 2022

To: Chairman and Members, Hawaiian Homes Commission

From: Peter “Kahana” Albinio, Jr., Acting Administrator  
Land Management Division *KA*

Subject: Approval to Annual Renewal of Right of Entry Permits, East, Central and South  
Hawaii Island

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) approves the following actions while developing a process to making short-term agricultural and pastoral land dispositions available to beneficiaries:

- A) Renew all East, Central and South Hawaii Island Right of Entry Permits NOT HIGHLIGHTED IN YELLOW as listed on Exhibit “A” and identified by approximate location on the Hawaii Island Map Exhibit “A-1” that are in compliance and issued temporary approvals, as of November 1, 2022.
- B) The annual renewal period, shall be on a month-to-month basis, for up to twelve (12) months, but no longer than October 31, 2023 or at the next scheduled HHC meeting on East Hawaii island whichever occurs sooner.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all East, Central and South Hawaii Island ROE permit(s) only, which shall effectively expire on October 31, 2022. As a means of maintaining a process by which PERMITEE’S can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit “A” references all Right of Entry Permits in East, Central and South Hawaii Island by order of commencement date, land use, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL’s respective island plan. DHHL’s total Hawaii Island land inventory covers approximately 127,000 acres<sup>1</sup> or 63% of DHHL’s statewide inventory. The short-term disposition(s) within the Eastern, Central, and Southern portions cover approximately 8,670.0 acres or approximately 7.0% of its inventory.

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<sup>1</sup> DHHL Hawaii Island Plan – Final Report, PBR Hawaii, May 2002

Right of Entry Permits help in having presence on DHHL lands thereby reducing costs for land management activity functions (i.e. signage, landscaping, fencing, removing trash and derelict vehicles, and prevents trespassing on unencumbered lands) that DHHL would bear if the lands were to sit vacant. Permittee’s are required to assume responsibility for the land, post insurance, indemnify the department, and manage and maintain the land.

Until improvements to the Revocable Permit Program can be implemented, this process will be used for Annual Renewals of these month-to-month ROE Permit dispositions. The table below reflects the revenue generated from ROE permits on Hawaii Island, which is almost 2.0% (\$49,862) of the ROE total revenues (\$2,719,010) that DHHL received statewide. The Eastern, Central, and Southern portions of Hawaii Island holds 10 of the 145 ROE permits Statewide. These permittees fall under a variety of land use purposes with the most being pastoral.

| <b>FY 2022</b>      |          | Total | <b>FY 2023</b>      |          | Total |
|---------------------|----------|-------|---------------------|----------|-------|
| Agriculture         | \$264    | 1     | Agriculture         | \$264    | 1     |
| Caretaker/Landscape | \$1,508  | 1     | Caretaker/Landscape | \$1,508  | 1     |
| Commercial          | \$30,240 | 1     | Commercial          | \$30,240 | 1     |
| Community           | \$240    | 1     | Community           | \$240    | 1     |
| Industrial          | \$0      | -     | Industrial          | \$0      | -     |
| Office              | \$0      | -     | Office              | \$0      | -     |
| Pastoral            | \$17,610 | 6     | Pastoral            | \$17,610 | 5     |
| Preservation        | \$0      | -     | Preservation        | \$0      | -     |
| Recreation          | \$0      | -     | Recreation          | \$0      | -     |
| Research            | \$0      | -     | Research            | \$0      | -     |
| Stabling            | \$0      | -     | Stabling            | \$0      | -     |
|                     | \$49,862 | 10    |                     | \$48,920 | 9     |

According to research done by Colliers International, (See Exhibit “B”) some of the Key Takeaways reflect • Hawaii Island enjoys steady economic progress since the start of the pandemic in 2020; • Office market posts positive net absorption as vacancy rates drift downward; • Retail vacancy jumps to record high as Sears closure impacts marketplace; • Rental rates projected to spike for industrial sector as tight conditions persist; and • U.S. mainland investors boosted Hawaii Island CRE investment activity for 2021. Considering this research, LMD respectfully recommends maintaining its current rental rates without any increase.

For FY 2022, renewals for the 9 Right of Entry Permits located in East, Central, and South Hawaii Island will total an annual rent revenue of \$48,920 as referenced in the table above. Rental fees for agricultural and pastoral use permits vary and are typically established at less than fair market rates (discounted) but not less than \$240/annum due to various site issues such as, insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.

**AUTHORITY / LEGAL REFERENCE:**

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

October 2022

commission may allow the permit to continue on a month-to-month basis for additional one-year periods.”

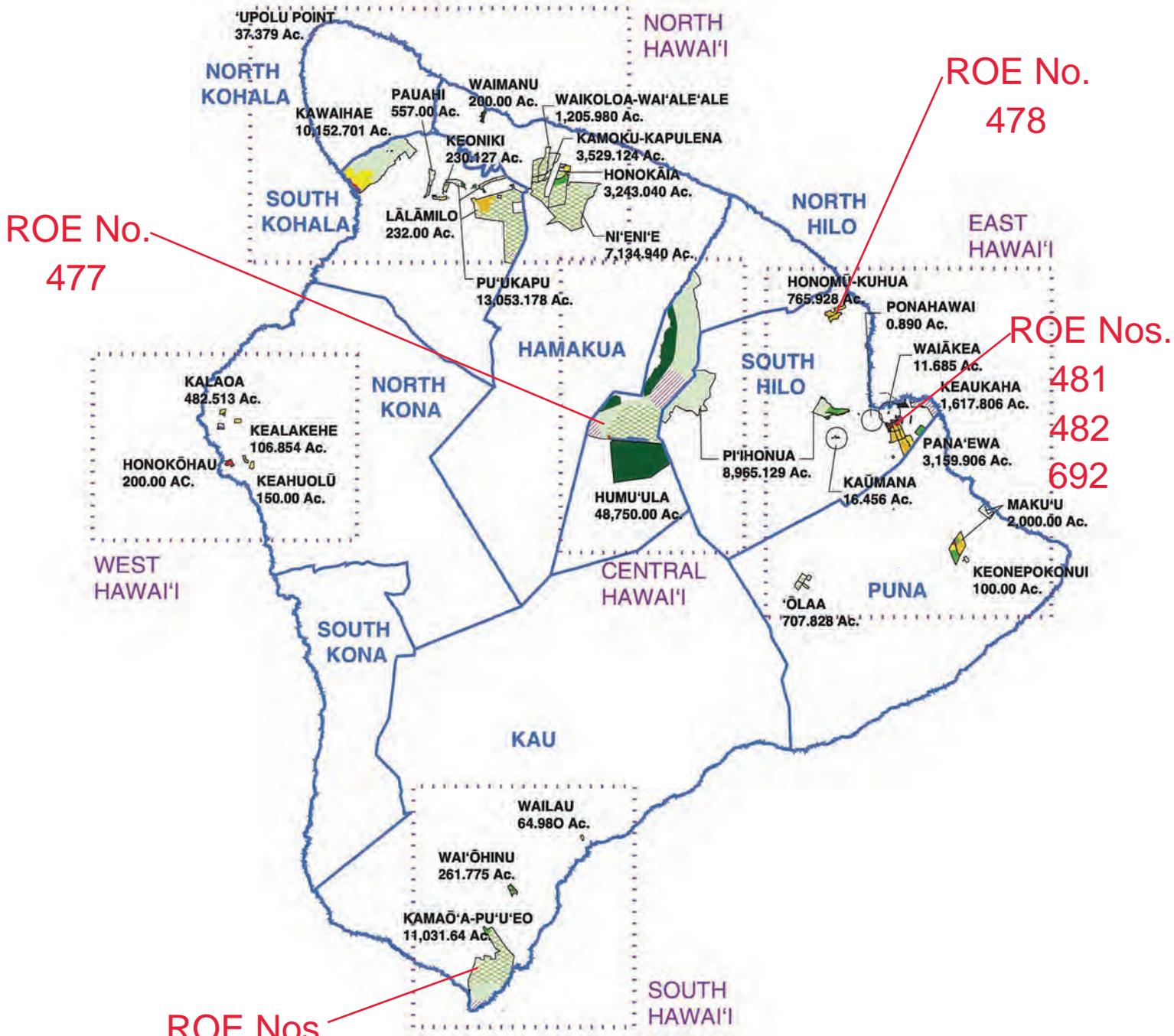
RECOMMENDATION:

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

RIGHT OF ENTRY PERMITS - EAST, CENTRAL, & SOUTH HAWAII ISLAND, as of October 2022

| Denotes Beneficiary |         |              |                                      |             |                               |              |                     |                      |   | Denotes Delinquent |
|---------------------|---------|--------------|--------------------------------------|-------------|-------------------------------|--------------|---------------------|----------------------|---|--------------------|
| NO.                 | ACRE    | USE          | PERMITTEE                            | LOCATION    | TMK                           | Date Started | Current Annual Rent | Proposed Annual Rent | Comments: rent amount and reasons (site issues - insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.) why no long-term disposition |                    |
| 465                 | 280.00  | Pastoral     | Gilbert Medeiros, Jr.                | Kamaoa-Pueo | (3) 9-3-001:002 (P)           | 2/9/1998     | \$504               | -                    | Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure. Irregular shape.  |                    |
| 469                 | 504.00  | Pastoral     | Darryl K. Kalia'u                    | Kau         | (3) 9-3-001:002 (P)           | 9/7/2000     | \$942               | -                    | Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure. Irregular shape.  |                    |
| 473                 | 2250.00 | Pastoral     | Dean Kaniho                          | Kamaoa-Pueo | (3) 9-3-001:002 (P)           | 7/15/2004    | \$3,156             | -                    | Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure. Irregular shape.  |                    |
| 477                 | 2.00    | Agricultural | Guy Kaniho                           | Humu'uila   | (3) 3-8-001:007 (P)           | 2/26/2007    | \$264               | -                    | Rent is current; portion of a larger parcel that is designated for General Ag use.  |                    |
| 478                 | 300.00  | Pastoral     | April Awana-Mattos                   | Hononu      | (3) 2-8-011:011 (P)           | 2/1/2010     | \$5,220             | -                    | Rent is current; portion of a larger parcel that is designated for General Ag use.  |                    |
| 481                 | 2.21    | Landscape    | Ginger Patch Center                  | Waiakea     | (3) 2-2-060:001               | 8/2/2010     | \$1,508             | -                    | Rent is current; portion of a larger parcel that is designated for Industrial use. Insufficient infrastructure. Irregular shape.  |                    |
| 482                 | 1.00    | Community    | Keaukaha Panaewa Farmers Association | Panaewa     | (3) 2-1-025:091 (P)           | 2/1/2011     | \$240               | -                    | Rent is current; portion of a larger parcel that is designated for Commercial use. Insufficient infrastructure. Irregular shape.  |                    |
| 610                 | 5000.00 | Pastoral     | Native Hawaiian General Services     | Kamaoa-Pueo | (3) 9-3-001:002 (P)           | 6/1/2004     | \$6,300             | -                    | Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure. Irregular shape.  |                    |
| 467                 | 326.76  | Pastoral     | Parnel Hanao                         | Waiohinu    | (3) 9-5-019:016 & 9-5-005:002 | 1/26/2000    | \$1,488             | -                    | Rent is current; parcel designated for General Ag Use. Insufficient infrastructure. Irregular shape.  |                    |
| 692                 | 0.620   | Commercial   | Connect Point Church                 | Waiakea     | (3) 2-2-060:049               | 11/18/2019   | \$30,240            | -                    | Rent is current; parcel designated for Industrial Use. Offering for industrial use forthcoming.   |                    |

**EXHIBIT "A"**  
**Item No. F-1**



ROE Nos.

465

~~469~~

473

610

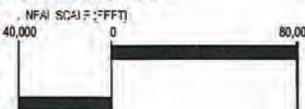
467

Figure 1  
Locational Map

**HAWAII LAND INVENTORY**

DEPARTMENT OF HAWAIIAN HOME LANDS

ISLAND OF HAWAII



MAY 2002

**Exhibit "A-1"**  
**Item No. F-1**



Hawaii | Big Island

# Research Report

# 21YE

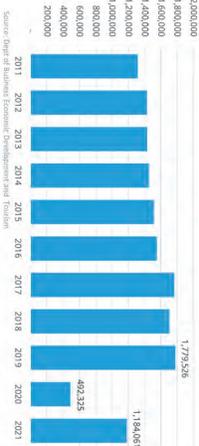
## Key Takeaways

- Hawaii Island enjoys steady economic progress since the start of the pandemic in 2020.
- Office market posts positive net absorption as vacancy rates drift downward.
- Retail vacancy jumps to record high as Sears closure impacts marketplace.
- Rental rates projected to spike for industrial sector as tight conditions persist.
- U.S. mainland investors boosted Hawaii Island CRE investment activity for 2021.

As we near the start of the third year of the global COVID-19 pandemic, it appears that each new coronavirus variant placed a crimp in our return to normalcy. The Delta and Omicron variants pushed back our return to the office workplace, curtailed our dining-out habits, and postponed vacations for many. Immunization passports, masks, temperature checks, and hand sanitation became accepted norms for nearly every activity outside our homes.

Hawaii Islands economic vulnerability to shifts in travel behavior resulted in immediate declines to hotel, airline, and travel service sales with the drop in visitor arrival counts and a reduction in tourism expenditures. Despite having achieved a record-high in 2019, air passenger arrivals in 2020 fell 72.3% to its lowest level in more than thirty years.

### Visitor Arrivals (December YTD)



While 2021 visitor counts enjoyed a rebound, the total visitor arrival count remains 33.4% below pre-pandemic 2019 levels. Occupancy levels of Hawaii Islands' hotels, which dipped to 26.3% for December 2020, recovered strongly with a 73.5% occupancy rate for December 2021. While this upward trajectory in hotel occupancy provides optimism that Hawaii's tourism is poised to recover, there remains concern about whether future coronavirus variants would impede the pace.

The combination of fewer jobless claims coupled with the addition of 300 new non-agricultural wage and salary jobs contributed to the steady improvement to Hawaii Islands' unemployment rate. As a result, the unemployment rate fell from a record high of 23.3% for April 2020 to 4.9% for December 2021. The island's retail sector was the hardest hit and lost 1,600 jobs during the past year, whereas the accommodations jobs category gained 2,200 positions since December 2020.



Source: Dept. of Business Economic Development and Tourism

### Market Indicators

|                             |           |                  |
|-----------------------------|-----------|------------------|
| Unemployment Rate           | 4.9%      | 4Q2020 vs 4Q2021 |
| Non-Ag Wage and Salary Jobs | 62,700    | ↑                |
| Visitor Arrival Counts      | 1,184,061 | ↑                |

### Office Market

|                                |         |   |
|--------------------------------|---------|---|
| Vacancy                        | 11.49%  | ↓ |
| Net Absorption (\$f)           | 7,033kf | ↑ |
| Avg Asking Base Rent (\$sf/mo) | \$1.52  | ↑ |

### Retail Market

|                                |          |   |
|--------------------------------|----------|---|
| Vacancy                        | 17.94%   | ↑ |
| Net Absorption (\$f)           | -103,683 | ↓ |
| Avg Asking Base Rent (\$sf/mo) | \$3.07   | ↑ |

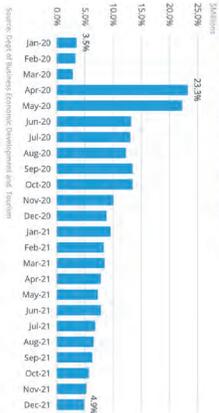
### Industrial Market

|                                |        |   |
|--------------------------------|--------|---|
| Vacancy                        | 1.00%  | ↓ |
| Net Absorption (\$f)           | 48,346 | ↑ |
| Avg Asking Base Rent (\$sf/mo) | \$1.36 | ↑ |

### Investment Market

|                         |         |   |
|-------------------------|---------|---|
| Sales Volume (millions) | \$155.7 | ↑ |
| Sales Counts            | 21      | ↑ |

### Hawaii Island Unemployment Rate



Source: Dept. of Business Economic Development and Tourism



## Market Leaders:

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Vice President

## About Colliers

Colliers (NYSE: CCI) is a leading diversified professional services and investment management company. With operations in 68 countries, our more than 15,000 enterprising professionals work collaboratively to provide expert advice to maximize the value of property for real estate occupiers, owners and investors. For more than 25 years, our experienced leadership, owning approximately 40% of our equity, has delivered compound annual investment returns of almost 20% for shareholders. In 2019, corporate revenues were more than \$3.0 billion (\$3.5 billion including affiliates) with \$33 billion of assets under management in our investment management segment.

220 S. King Street, Suite 1800

Honolulu, Hawaii 96813  
808 524 2666  
colliers.com



# Exhibit "B" Item No. F-1

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 17-18, 2022

To: Chairman and Members, Hawaiian Homes Commission

From: Peter “Kahana” Albinio, Jr., Acting Administrator  
Land Management Division 

Subject: Approval to Issue a Right-of-Entry Permit for due diligence purposes and Conditional Approval for a General Lease (25-years with options to extend) to Nexamp Solar, LLC, a Delaware limited liability company, to develop a solar plus battery storage project on 27.6-acres of Hawaiian Home Lands, Tax Map Key No. (3) 7-3-010:007 (por.), Kalaoa, Hawai‘i Island

APPLICANT:

NEXAMP SOLAR, LLC “NEXAMP”

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission authorize the following:

1. Issuance of a Right -of-Entry Permit (“ROE”) to NEXAMP demising a portion of approximately 27.6-acres of Hawaiian Home Lands identified more specifically by TMK No. (3) 7-3-010:007 (por.), situated at Kalaoa, Hawaii Island as shown in Exhibit “A” attached hereto. The ROE shall be for due diligence activities to assess the potential of developing a solar project (“project”) that will generate 9 Megawatts of energy;
2. Conditional approval of the General Lease to NEXAMP or its authorized assignee for the development, construction, operation, management, and maintenance of the project on said parcel as identified, to be more fully described in a metes and bounds survey, and necessary non-exclusive licenses for access, maintenance, and other project purposes upon exercising the option for the General Lease;
3. Issuance of the ROE and the General Lease shall be upon the proposed terms and conditions attached hereto as Exhibit “B”;
4. Delegate authority to the HHC Chairman to negotiate the final terms and conditions of the ROE and General Lease with NEXAMP, and ancillary documents reasonably necessary or contemplated in connection with the project; and

5. Prescribe such terms and conditions deemed prudent and necessary by the Hawaiian Homes Commission.

LOCATION:

Hawaiian Home Lands situated at Kalaoa, Island of Hawaii, identified as TMK No.: (3) 7-3-010:007(por.) (See Exhibit “A”).

AREA:

Containing approximately 27.6 acres

DISCUSSION:

Immediately following the HHC Public Hearings held on the Kalaoa and Kawaihae projects on October 13, 2021, the HHC discussed motions to approve the ROEs with the option to convert to General Leases. The HHC deferred action on the motion as recommended under respective LMD Agenda Item Nos. F-1 (Kalaoa Project (See Exhibit “C”). They directed staff to get a better deal.

Specifically, Nexamp submitted the Kalaoa project in response to HECO’s LMI CBRE RFP, released by HECO on March 17, 2022. The deadline for proposals was May 17, 2022. DHHL provided a Letter of Support for the project and a separate letter verifying Nexamp’s progress toward securing site control.

Nexamp wants to secure HHC approval for a ROE to both properties for due diligence purposes. The ROE would convert to a General Lease upon: 1) completion of an Environmental Assessment and Finding of No Significant Impact; and 2) securing a Power Purchase Agreement (PPA) from HECO.

**NEXAMP’S NEW OFFER**

Staff explained to Nexamp that we needed a better deal to put the action item back on the HHC’s Agenda. Nexamp responded with the following offer:

1. The \$20,000 donation to any nonprofit when commercial operations begin, would be earmarked for our homestead associations. In addition, they increased the Kalaoa donation from \$20,000 to \$40,000.
  - For the Kalaoa project, \$20K will go to La’i ‘Ōpua 2020 and \$20K will go to Kaniohale Homestead Association.
2. During the Operational Term, the base lease rent per acre increased by 10.0% from \$2,500 to \$2,750 per acre.
  - Kalaoa project:
    1. The lease rent per acre was  $\$2,500 \times 27.6 \text{ acres} = \$69,000/\text{year}$  or  $\$5,750/\text{mo}$ .

2. The new offer increases the base rent by 10.0% to \$2,750 x 27.6 acres = \$75,900/year or \$6,325/mo.
3. They offered a 1% annual escalator on lease rent.
4. The total compensation package in the new offer for the Kalaoa project, would generate a total of \$2,354,159 for DHHL over the initial twenty-five (25) year ROE/GL term as proposed. This new proposal is increased by almost 25.0% or \$468,469.00 above the original offer. The total does not include any revenue from the three (3) optional 5-year extensions provided by the terms of the lease. The terms of each extension would be negotiated/determined at that time.

The Kalaoa Nexamp Community Solar Project Summary Sheet is attached as Exhibit “D”

PLANNING AREA:

Kalaoa, Island of Hawaii

LAND USE DESIGNATION:

Industrial Use, Hawaii Island Plan (2002), Figure 8 – West Hawaii – Hawaii Land Inventory

CURRENT STATUS:

The vacant northern half of the parcel has been designated for general agriculture use while the southern half, comprising 100 acres, has been designated for industrial use, preserving it for possible other future uses such as for farming and ranching, and in this particular case, for a renewable energy project. The parcel frontage along Queen K Highway and is across from the Kona International Airport. Under DHHL’s Hawaii Island Plan (2002), the parcel has been designated for general agriculture and industrial use. The parcel is lava land sparsely covered in scrub grass, trees, and shrubs in a dry and arid climate, typical of coastal Kona. The project area elevation varies between 150 feet in the west to 250 feet in the east with a western-facing slope.

CHARACTERER OF USE:

Due diligence studies to assess the potential for a solar project under a ROE and if the option for the long- term general lease is exercised, for the eventual development, construction, operations, management, and maintenance of a solar production facility.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Issuance of ROE:

Upon issuance of the ROE Permit, NEXAMP will conduct due diligence studies including studies related to the preparation of an HRS Chapter 343 environmental assessment for the renewable energy project.

Issuance of the General Lease:

The issuance of the General Lease is subject to the terms and conditions of the ROE, including, but not limited to, compliance with HRS Chapter 343 and HAR Chapter 11-200, and is not exemptible under DHHL’s exemption list. NEXAMP will be preparing an environmental assessment in accordance with HRS Chapter 343 for this renewable energy project which will be subject to HHC approval.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

**DHHL General Plan (2002)**

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

**Land Use Planning**

Goals:

- Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.

Objectives:

- Provide space for and designate a mixture of appropriate land uses, economic opportunities, and community services in a native Hawaiian-friendly environment.
- Direct urban growth to priority development areas based on infrastructure availability, feasible site conditions, beneficiary preferences and job opportunities.

Goals:

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

Objectives:

- Manage land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.
- Enforce governmental health and safety standards and protect life and property from the effects of natural hazards and disaster on Hawaiian home lands.

**Economic Development**

Goals:

- Generate significant revenue to provide greater financial support towards fulfilling the Trust’s mission.

Objectives:

- Create a professionally managed investment portfolio with a well-balanced mix of assets.

**Kealakehe-La’i’Opua -Regional Plan Update (2020)**

The recommended disposition is consistent with the following elements of the Kealakehe-La'i'Opua Regional Plan Update: 8.5 Renewable Energy Initiative – PV Farm in 'O'oma (pgs. 46-49)

**Program Plans**

Ho'omalulu Energy Policy (2009) - Objectives

- ✓ Ko'o: Facilitate the use of diverse renewable energy resources – Pursue the leasing of those lands that are identified as suitable for renewable energy projects. (First priority should be given to entities that would provide “firm” renewable energy power such as garbage-to-energy (mass-burn), geothermal, pump storage hydropower, solar-thermal and second priority to “as-available” renewable energy power such as wind, solar-photovoltaic, and wave.)

**AUTHORIZATION:**

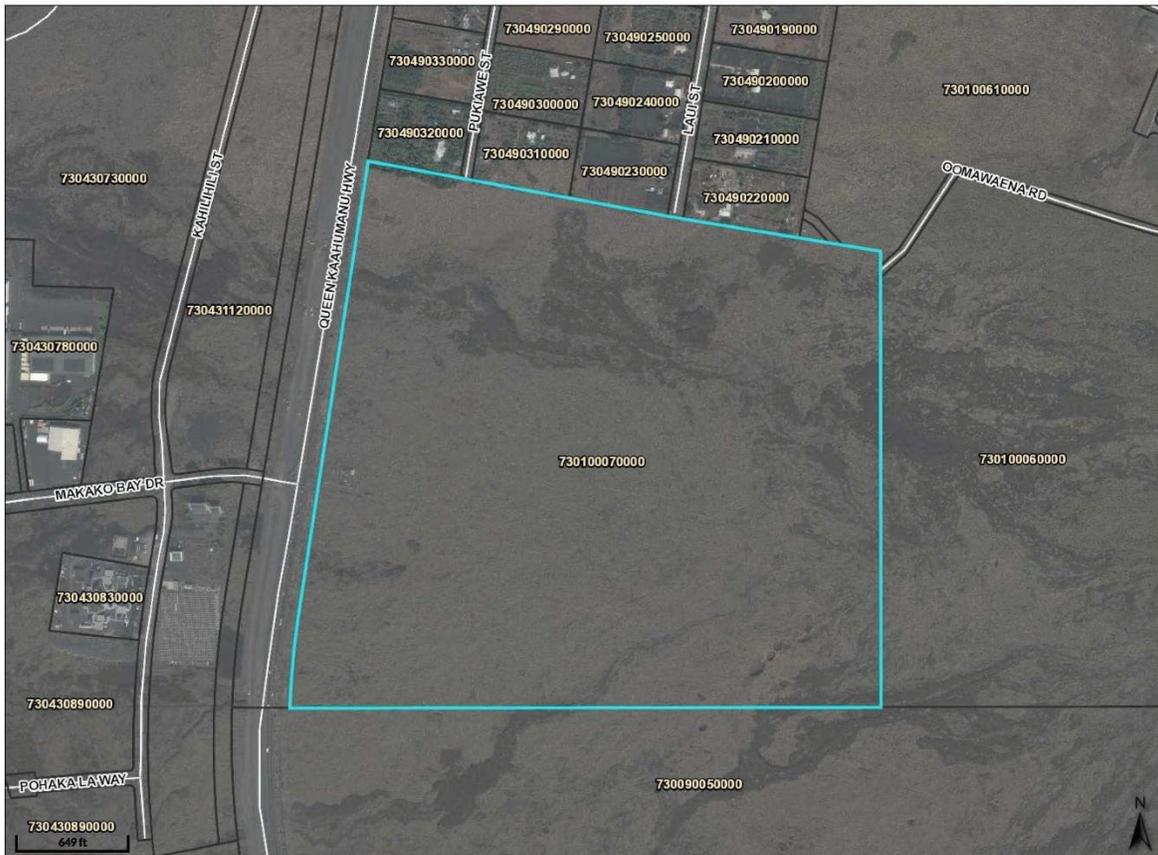
Section 204(a)(2) of the Hawaiian Homes Commission Act, 1920, as amended,

Sections 10-4-21 and 10-4-22, Hawaii Administrative Rules, as amended

§171-55, §171-95, and §171-95.3, Hawaii Revised Statutes, as amended

**RECOMMENDATION:**

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



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

# Kalaoa Project

Terms of Agreement for Right-of-Entry and General Lease

| <u>Terms of Agreement</u>   | <u>Date</u>                             | <u>Payment Amount</u>  |
|---|---|--|
| 1. Right-of-Entry Fee for 2-year term   | Upon issuance Oct 2022                  | \$30,000   |
| 2. Right-of-Entry Extension Fee   | If needed – Oct 2025                    | \$10,000   |
| 3. Fee to exercise General Lease  | Upon completion of EA and PPA with HECO | \$30,000   |
| 4. Construction Term: 2 years, option to extend 1 year                                      |   | \$0  |
| 5. Operation Term: 25 years for 27.6 acres, Annual lease rent increases to be re-determined | Jan 2025                                | \$2,750/acre/year=<br>\$75,900/yr 1 w/ annual escalation of 1.0% |
| 6. Commencement of Commercial Operations Fee  | Jan 2025                                | \$30,000   |
| 7. Community Donation   | Jan 2025                                | \$40,000   |

Other Terms:

- No subscription fees will be charged to DHHL beneficiaries
- Upon termination of lease, DHHL may require Nexamp to remove improvements

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 13, 2021

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio, Jr., Acting Administrator  
Land Management Division 

Subject: Approval to Issue a Right-of-Entry Permit (for up to three years) and Conditional Approval for a General Lease to Nexamp Solar, LLC, a Delaware limited liability company, for due diligence purposes and a long-term General Lease (25-years with options to extend) to develop a solar plus battery storage project on 27.6-acres of Hawaiian Home Lands, TMK No. (3) 7-3-010:007 (por.), Kalaoa, Hawai'i Island

APPLICANT:

NEXAMP SOLAR, LLC "NEXAMP"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission authorize the following:

1. Issuance of a Right -of-Entry Permit ("ROE") to NEXAMP that demising a portion of approximately 27.6-acres of Hawaiian Home Lands identified more specifically by TMK No. (3) 7-3-010:007 (por.), situated at Kalaoa, Hawaii Island as shown in Exhibit "A" attached hereto. The ROE shall be for due diligence activities to assess the potential of developing a solar project ("project") that will generate 9MW of energy;
2. Conditional approval of the General Lease to NEXAMP or its authorized assignee for the development, construction, operation, management, and maintenance of the project on said parcel as identified, to be more fully described in a metes and bounds survey, and necessary non-exclusive licenses for access, maintenance, and other project purposes upon exercising the option for the General Lease;
3. Issuance of the ROE and the General Lease shall be upon the proposed terms and conditions attached hereto as Exhibit "B";
4. Delegate authority to the HHC Chairman to negotiate the final terms and conditions of the ROE and General Lease with NEXAMP, and ancillary documents reasonably necessary or contemplated in connection with the project; and

Item No. F-1

**Exhibit "C"**  
**Item No. F-2**

5. Prescribe such terms and conditions deemed prudent and necessary by the Hawaiian Homes Commission.

LOCATION:

Hawaiian Home Lands situated at Kalaoa, Island of Hawaii, identified as TMK No.: . (3) 7-3-010:007(por.) (See Exhibit “A”) .

AREA:

Containing approximately 27.6 acres

DISCUSSION:

Pursuant to the Hawaiian Home Commission authorization and approval of LMD’s Agenda Item No. F-1 dated August 18, 2020, a Public Notice Disposition of Hawaiian Home Lands by General Leases for Renewable Energy Projects on Oahu, Molokai, and Hawaii Island was released on August 31, 2020. The public solicitation offered lands whereby a Right-of-Entry Permit would be issued to a successful applicant or applicants(s) who received the highest total points for due diligence activities with the option for a long-term general lease to develop, construct, operate, manage, and maintain a respective renewable energy project that would generate a revenue stream for the DHHL Trust and provide community benefits for the impacted community as well.

After release of the Public Notice, DHHL issued three (3) separate addendums to the offering. To note, information for the addendums issued by date are as follows:

- Addendum No. 1 - September 18, 2020:  
DHHL responses to questions DHHL received by the 2:00 p.m. (HST) Tuesday, September 15, 2020 deadline
- Addendum No. 2 – October 13, 2020:  
**IMPORTANT NOTICE TO ALL PROSPECTIVE APPLICANTS:**  
October 16, 2020 deadline to submit applications, as specified in Section 3.3.3 of the August 31, 2020 Information Packet, has been postponed until further notice. The postponement is to accommodate changes in the timing of HECO’s RFPS which are in a state of flux.
- Addendum No. 3 – November 3, 2020:  
Application deadline specified in Section 3.1.1 of the August 31, 2020 Information Packet has been **extended to December 18, 2020 at 2:00 p.m. HST**. All the terms, requirements, and conditions remain the same except for the information provided below.

An Evaluation Committee which was comprised of five (5) respective members (three (3) DHHL and two (2) Non-Governmental) were selected to review the applications received in response to August 31, 2020 Solicitation for renewable energy projects.

For the Hawaii Island sites, two (2) applicants responded for the Kawaihae site and three (3) responded for the Kalaoa site (see table below.) All the applicants proposed solar plus battery projects. There was no application received for the Hoolehua, Molokai site. The Evaluation Committee believed that a primary reason for this is because of issues with allowing HECO to compete with independent renewable energy producers to develop a community solar project on Molokai.

Kawaihae Applicants  
 Arion Energy, LLC  
 Nexamp Solar, LLC

Kalaoa Applicants  
 Arion Energy, LLC  
 Nexamp Solar, LLC  
 O’oma Homestead Alliance, LLC

Following its final review and evaluation, the Evaluation Committee’s Scoring Summary (see table below) was determined as prescribed under DHHL’s solicitation. As such, applicants for each site would be subject to further scrutiny and negotiations in order of its respective rankings during the selection process.

**DHHL 2020 Renewable Energy Projects Solicitation**

|                      | Kawaihae (Hawaii Island) |                   | Kalaoa (Hawaii Island) |                   |                               |
|----------------------|--------------------------|-------------------|------------------------|-------------------|-------------------------------|
|                      | Arion Energy, LLC        | Nexamp Solar, LLC | Arion Energy, LLC      | Nexamp Solar, LLC | O’oma Homestead Alliance, LLC |
| <b>Total Score</b>   | 231                      | 354               | 235                    | 344               | 239                           |
| <b>Average Score</b> | 46.2                     | 70.8              | 47                     | 68.8              | 47.8                          |
| <b>Rank</b>          | 2                        | 1                 | 3                      | 1                 | 2                             |

**Nexamp Solar, LLC**’s parent company, Nexamp was founded in 2007 to build the future of energy so that it is clean, simple, and accessible. Today, Nexamp is a leader in the clean energy space, offering solar and energy storage solutions. They own and operate all of its solar storage projects and manage every stage of the process: financing, project development and acquisition, design, construction, operations and maintenance, and energy sales. They foster accountability, passion, empathy, open communication, transparency, and belongingness as well as allocates time and resources to serve its host communities from early-stage development through the life of the project. Additionally, they value long relationships to the highest degree and strive to be the best possible neighbors, including a willingness to hire locally and offer training to new employees.

DHHL conducted *virtual beneficiary consultation meetings* for the respective Kalaoa, and Kawaihae, Hawaii Island sites. The table below reflects information from the Kalaoa BC meeting.

| <u>Date</u>      | <u>Invitations Mailed</u>                       | <u>Comments</u>                               | <u>HHC Acceptance</u>               |
|------------------|---|---|-------------------------------------|
| Tues., 7/13/2021 | 975 Post Cards – with 96740 and 96745 Zip Codes | 18 comments over the course of the BC meeting | 9/20-21/ 2021 – Agenda Item No. G-5 |

were noted and 2 written  
comments were received

Prior to decision-making by the HHC scheduled for Wed., 10/13/2021 at 1:30 p.m., the HHC will have conducted two virtual public hearings on Hawaii Island where the project is located to meet the requirements under Section 171-95.3(c), HRS. The public hearings were scheduled as follows:

**Public Hearing # 1**

Date: Mon., 10/11/2021

Time: 6:00 p.m.

Location: In person - Laiopua 2020  
Community Center Complex, 74-5210  
Keanalehu Dr., Kailua-Kona, Hawaii 96740

**Public Hearing #2**

Date: Wed., 10/13/2021

Time: 8:30 a.m.

Location: In Person - Hale Kuhio, 64-756  
Mamalaho Highway, Kamuela, Hawaii  
96743

Public Hearing notices were published on Monday, September 27, 2021, in respective statewide print media editions.

LMD believes that Nexamp's project as proposed is in the best interest of the Hawaiian Home Lands Trust for the following reasons:

- ✓ The project as proposes will generate a revenue stream for the Hawaiian Home Land Trust over at least twenty-five (25) years on land that lack infrastructure, have use restrictions and limitations for development and have not any generated revenue.
- ✓ The project will add another renewable energy resource for Hawaii Island and be DHHL's contribution to help achieve the State's commitment to clean energy by having the utility companies generate 100% of their electricity sales from renewable energy resources by the Year 2045.

**PLANNING AREA:**

Kalaoa, Island of Hawaii

**LAND USE DESIGNATION:**

Industrial Use, Hawaii Island Plan (2002), Figure 8 – West Hawaii – Hawaii Land Inventory

**CURRENT STATUS:**

The vacant northern half of the parcel has been designated for general agriculture use while the southern half, comprising 100 acres, has been designated for industrial use, preserving it for possible other future uses such as for farming and ranching, and in this particular case, for a renewable energy project. The parcel frontage along Queen K Highway and is across from the Kona International Airport. Under DHHL's Hawaii Island Plan (2002), the parcel has been designated for general agriculture and industrial use. The parcel is lava land sparsely covered in

scrub grass, trees, and shrubs in a dry and arid climate, typical of coastal Kona. The project area elevation varies between 150 feet in the west to 250 feet in the east with a western-facing slope.

CHARACTERER OF USE:

Due diligence studies to assess the potential for a solar project under a ROE and if the option for the long- term general lease is exercised, for the eventual development, construction, operations, management, and maintenance of a solar production facility.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Issuance of ROE:

Upon issuance of the ROE Permit, NEXAMP will conduct due diligence studies including studies related to the preparation of an HRS Chapter 343 environmental assessment for the renewable energy project.

Issuance of the General Lease:

The issuance of the General Lease is subject to the terms and conditions of the ROE, including, but not limited to, compliance with HRS Chapter 343 and HAR Chapter 11-200, and is not exemptible under DHHL’s exemption list. NEXAMP will be preparing and environmental assessment in accordance with HRS Chapter 343 for this renewable energy project.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

**DHHL General Plan (2002)**

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

**Land Use Planning**

Goals:

- Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.

Objectives:

- Provide space for and designate a mixture of appropriate land uses, economic opportunities, and community services in a native Hawaiian-friendly environment.
- Direct urban growth to priority development areas based on infrastructure availability, feasible site conditions, beneficiary preferences and job opportunities.

Goals:

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

Objectives:

- Manage land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.
- Enforce governmental health and safety standards and protect life and property from the effects of natural hazards and disaster on Hawaiian home lands.

### **Economic Development**

#### Goals:

- Generate significant revenue to provide greater financial support towards fulfilling the Trust’s mission.

#### Objectives:

- Create a professionally managed investment portfolio with a well-balanced mix of assets.

### **Kealakehe-La’i’Opua -Regional Plan Update (2020)**

The recommended disposition is consistent with the following elements of the Kealakehe-La’i’Opua Regional Plan Update: 8.5 Renewable Energy Initiative – PV Farm in ‘O’oma (pgs. 46-49)

### **Program Plans**

Ho’omaluku Energy Policy (2009) - Objectives

- ✓ Ko’o: Facilitate the use of diverse renewable energy resources – Pursue the leasing of those lands that are identified as suitable for renewable energy projects. (First priority should be given to entities that would provide “firm” renewable energy power such as garbage-to-energy (mass-burn), geothermal, pump storage hydropower, solar-thermal and second priority to “as-available” renewable energy power such as wind, solar-photovoltaic, and wave.)

### **AUTHORIZATION:**

Section 204(a)(2) of the Hawaiian Homes Commission Act, 1920, as amended,

Sections 10-4-21 and 10-4-22, Hawaii Administrative Rules, as amended

§171-55, §171-95, and §171-95.3, Hawaii Revised Statutes, as amended

### **RECOMMENDATION:**

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



**Exhibit "A"**  
**Item No. F-1**

# Kalaoa Project: Terms of Agreement For Right-of-Entry and General Lease

| TERMS OF AGREEMENT   | DATE                                     | PAYMENT AMOUNT                      |
|--|--|-------------------------------------|
| 1. Right-of-Entry Fee for 2-year term  | Upon Issuance Oct 2021                   | \$30,000                            |
| 2. Right-of-Entry Extension Fee for 1-year   | If needed –Oct 2023                      | \$10,000                            |
| 3. Fee to Exercise General Lease   | Upon completion of EA and PPA with HECCO | \$30,000                            |
| 4. Construction Term: 2 years, option to extend 1 year                                       |  | 0                                   |
| 5. Operational Term: 25 years<br>For 27.6 acres, Annual lease rent increases to be discussed | Jan 24, 2023                             | \$2,500/acre/year=<br>\$70,000/year |
| 6. Commencement of Commercial Operations Fee   | Jan. 24, 2023                            | \$25,000                            |
| 7. Community Donation  | Jan. 24, 2023                            | \$20,000                            |

**Other Terms:**

- No subscription fees will be charged to DHHL beneficiaries.
- Upon termination of lease, DHHL may require Nexamp to remove improvements.

## **KALAOA NEXAMP COMMUNITY SOLAR PROJECT SUMMARY SHEET**

**Project Site** 30-acres of a 100-acre vacant parcel located on the mauka side of Queen Ka’ahumanu Highway across from the Natural Energy Laboratory of Hawai’i Authority (NELHA)/Hawai’i Ocean Science and Technology Park (HOST Park). See attached project map.

**Project Description** 8.4 MW solar plus battery storage project that will be within a perimeter fence. Project includes: access roads, utility poles and a utility area for monitoring system and inverter. Solar panels are raised bi-facial panels that track the movement of the sun. The raised panels allow a secondary use (e.g., sheep grazing) under the panels. Nexamp will submit the project in response to HECO’s RFP for Community-Based Renewable Energy Projects for Low- and Moderate-Income Subscribers, O’ahu, Maui, and Hawai’i Island issued on March 17, 2022. Proposals were due on May 17, 2022.

**Targeted Subscribers** Nexamp proposes a Low-to-Moderate Income (LMI) Project that will serve approximately 1,100 homes/subscribers. There are 5,370 beneficiaries (lessees and applicants) that reside on the island of Hawai’i.

For LMI projects, HECO requires that at least 60% of the energy generated by the project must go to households that have incomes at 80% or below the HUD-defined Average Median Income (AMI) for the respective county. Beneficiaries cannot participate if they are already enrolled in a solar panel program through HECO (Schedule Q, Net Energy Metering, Feed-in Tariff, Standard Interconnection Agreement, Customer Grid Supply, Customer Grid Supply Plus, Smart Export, or Customer Self-Supply tariff program).

**2021 Hawaii County Income Limits for 80% of Area Median Income (AMI)**

| Household Size | 1        | 2        | 3        | 4        | 5        | 6        | 7        |
|----------------|----------|----------|----------|----------|----------|----------|----------|
| Income Limits  | \$47,950 | \$54,800 | \$61,650 | \$68,500 | \$74,000 | \$79,500 | \$84,950 |

- Community Benefits**
1. For Beneficiaries who are Big Island HELCO customers: Guaranteed discount on electricity for 20+ years projected at 10% - 12%. No installation of solar panels or equipment on individual rooftops or on individual lots. No subscription fees, no upfront costs or long-term contracts (can cancel with 90-days notice). No cancellation fees. No credit check or FICO score requirement. Sign up and billing handled through HECO’s dedicated website. Participation is a way to help the State move toward 100% renewable energy.
  2. Upgraded electrical infrastructure; less brown-outs.
  3. Workforce opportunities: training program for trade jobs in construction and maintenance.
  4. Donation of \$20,000 to the Kaniohale Community Association and \$20,000 donation to La’i ‘Ōpua 2020.
  5. Agricultural uses could occur on the lands under the solar panels. Low impact land use allows return of lands to its original condition.

**Proposed Terms**

1. A Right-of-Entry (ROE) permit would be issued for due diligence purposes for a 2-year term for \$30,000. If needed, the ROE may be extended for 1-year upon payment of the extension fee of \$10,000.
2. A General Lease will be issued after the completion of a Final Environmental Assessment/FONSI, the receipt of a Power Purchase Agreement (PPA) from HECO, and upon the receipt of the \$30,000 fee to exercise the General Lease option. The General Lease will be for a term of 25 years.
  - a. Construction Term: No lease rent will be assessed during the first 2 years of the General Lease, with the option for a 1-year extension, while the project is being constructed.
  - b. Operational Term: Lease rent for the remaining term of the General Lease for the 27.6 acres will be assessed at \$2,750 per acre per year, for a total of \$75,900 per year, with annual 1% rent increases.
3. A Commencement of Commercial Operation Fee of \$25,000 will be due when the project starts to produce and sell electricity to HECO.
4. When commercial operation begins, Nexamp will donate \$20,000 to 2 nonprofit organization that serves the beneficiary community.

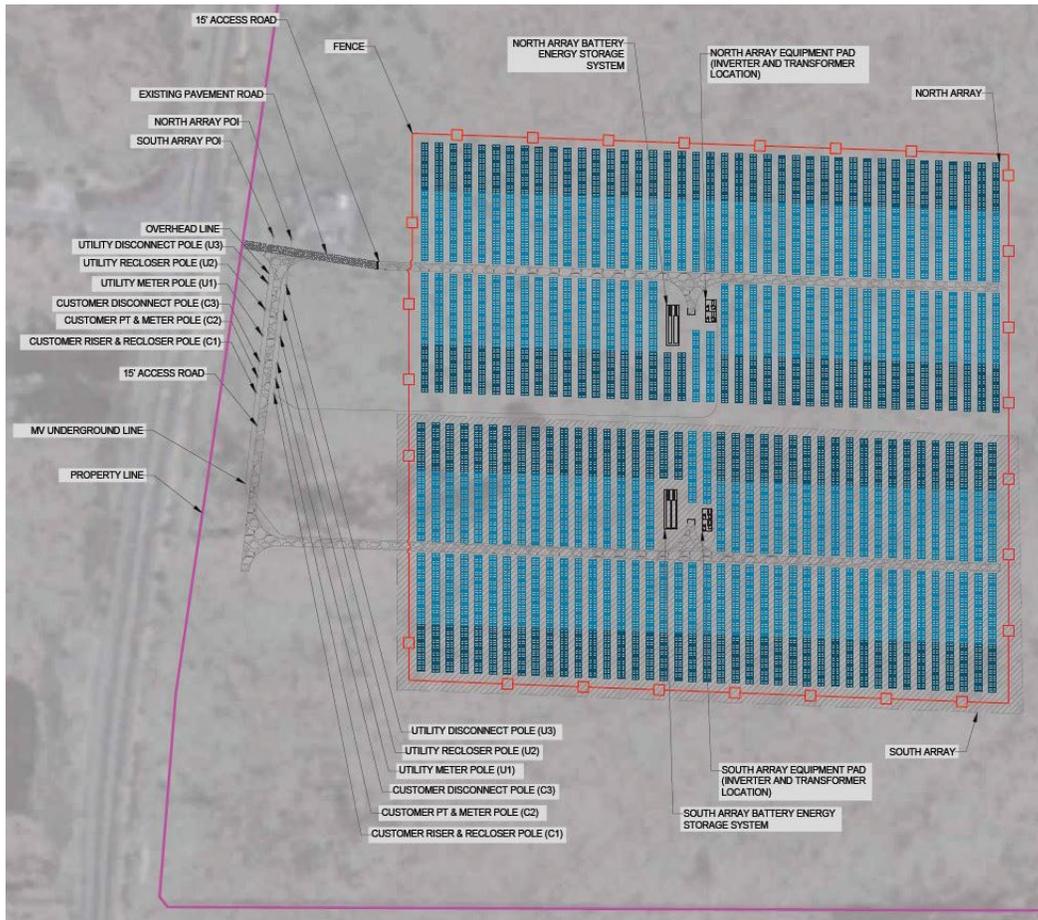
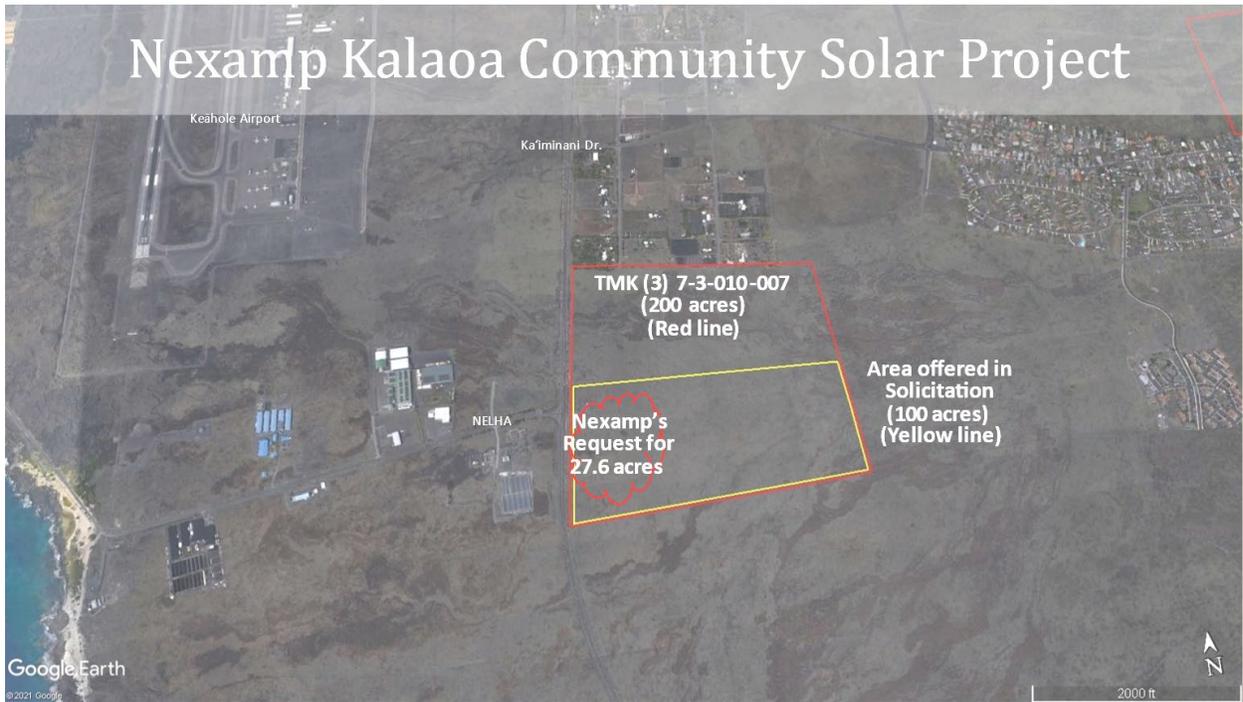
**Consultation and Public Hearings**

1. A virtual Beneficiary Consultation meeting was held on July 13, 2021. Invitation postcards were sent to all lessees and applicants that reside in the 96740 or 96745 zipcode area. The Beneficiary Consultation Report was submitted to the HHC on September 20, 2021.
2. Public Hearings required for the lease of public lands to renewable energy producers (Chapter 171-95.3, HRS) were duly noticed and conducted by the HHC on October 11, 2021 at the La'i 'Ōpua Community Center Complex and October 13, 2021 at Hale Kūhiō (DHHL, West Hawai'i District Office). The HHC deferred action on the land disposition.

**Beneficiary Issues and Concerns**

1. Nexamp's workforce development training for building and maintenance of the solar farm should target and give priority to DHHL beneficiaries. La'i 'Ōpua 2020 offered space for Nexamp to deliver workforce development training workshops.
2. Beneficiaries would like Nexamp to create a written plan that details the process and program to provide workforce development opportunities for DHHL beneficiaries.
3. Beneficiaries want to have top priority for any and all jobs offered by the project.
4. Beneficiaries want greater detail on what Nexamp has in mind for donations to nonprofit organizations that support DHHL beneficiaries.
5. When Queen Ka'ahumanu Highway was constructed, archaeological and burial sites were uncovered in close proximity to the project area. Beneficiaries want Nexamp to identify archaeological or burial sites in the project area so they may be treated with the care and respect our ancestors deserve.
6. Beneficiaries want subscriptions to be for all beneficiaries, regardless of income.
7. Beneficiaries who already installed solar panels on their rooftops will not benefit from the project. Beneficiaries cannot be subscribers if they are already enrolled in a HECO solar panel program, including: Schedule Q, Net Energy Metering, Feed-in Tariff, Standard Interconnection Agreement, Customer Grid Supply, Customer Grid Supply Plus, Smart Export, or Customer Self-Supply tariff program.

**PROPOSED LOCATION OF THE PROJECT**



STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 17 - 18, 2022

To: Chairman and Members, Hawaiian Homes Commission

Thru: Kahana Albinio, Acting Administrator Land Management Division KA

From: Kualii Camara, Humu`ula/Pi`ihonua Land Manager JC

Subject: Agenda Item F-3, For Information Only -- 'Āina Mauna Legacy Program Updates

RECOMMENDED MOTION/ACTION

For information only.

Discussion

The purpose of this update is to provide the HHC with information related to the implementation of the 'Āina Mauna Legacy Program Plan and related on-going DHHL management activities in its Humu`ula/Pi`ihonua tract on the island of Hawaii.

*'Āina Mauna Legacy Program Plan Purpose*

The purpose of the 'Āina Mauna Legacy Program Plan (the "Plan"), as adopted by the Hawaiian Homes Commission ("HHC") in 2009, is to restore and preserve the trust resources that exist in the region that include, but are not limited to, the Native Hawaiian koa forest, sensitive environmental resources, and other cultural and historic resources.

The Humu`ula/Pi`ihonua area is composed of approximately 56,200-acres of Hawaiian Home Lands (HHL), located on the northeast slopes of Mauna Kea and Mauna Loa. See Maps on Pages 3 and 4. The Humu`ula/Pi`ihonua lands are the largest contiguous parcel under the jurisdiction of the HHC and encompass over a quarter of the lands in the HHL trust. The lands of Humu`ula and Pi`ihonua represent some of the most important native forest areas remaining in the HHL trust.

### *Power Point Presentation and Discussion*

The following topics will be covered in a Power Point presentation to inform the HHC and discuss the progress of `Āina Mauna Legacy Program implementation in 2021-2022.

- Gorse Control Activities
- Koa Forestry and Planning
- Watershed Management and Reforestation Efforts
- Ungulate Management
- Enforcement issues

### *Mauna Kea Watershed Alliance License 811, Waipahoehoe Management Unit Update Presentation.*

The Mauna Kea Watershed Alliance (MKWA) was issued a License for the management of 1,100 acres encompassing the most pristine native koa and ohia forest remaining in the DHHL land trust. Power Point Presentation will provide information and updates on the efforts and challenges of managing this unique trust resource.

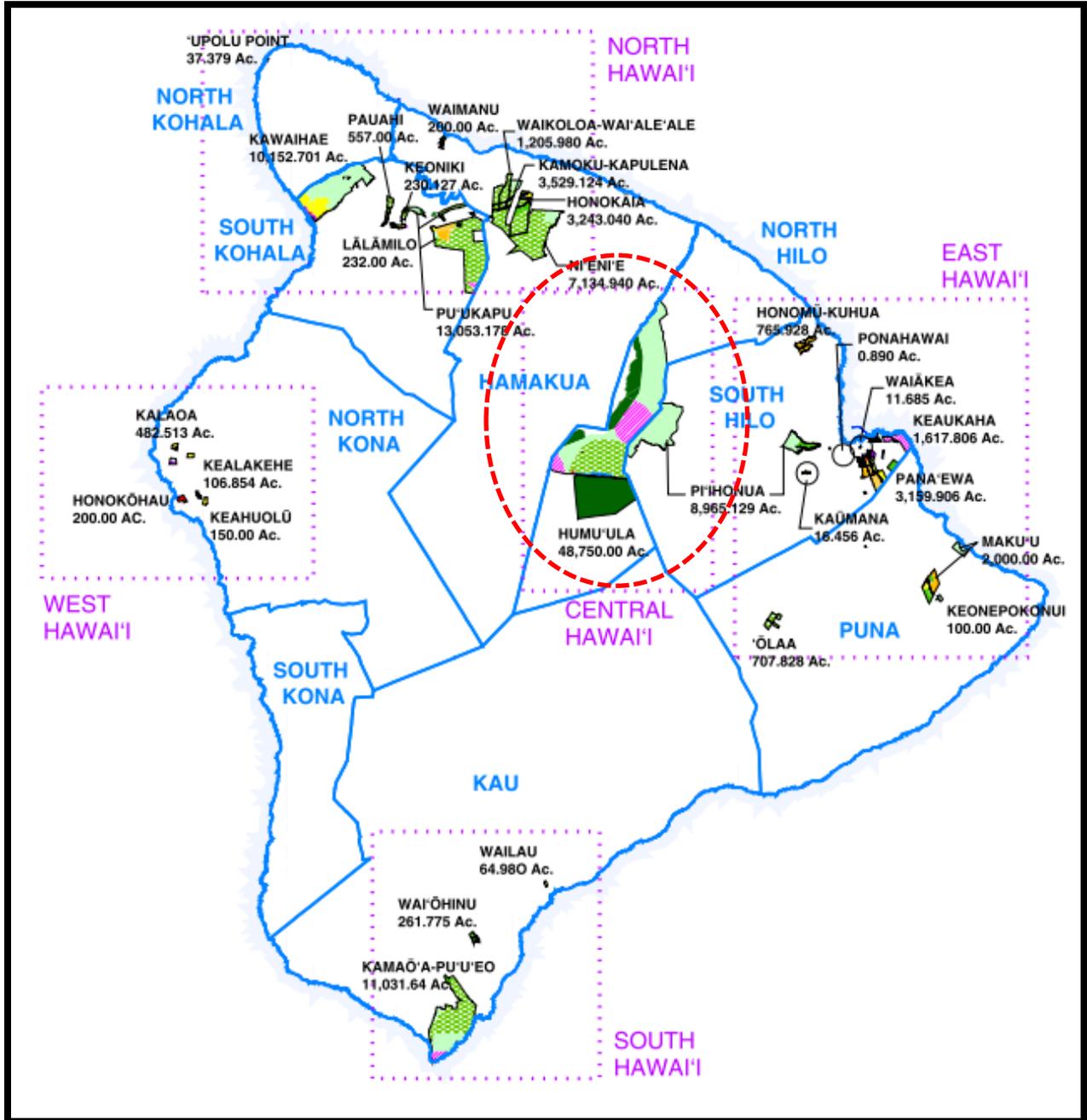
### RECOMMENDATION

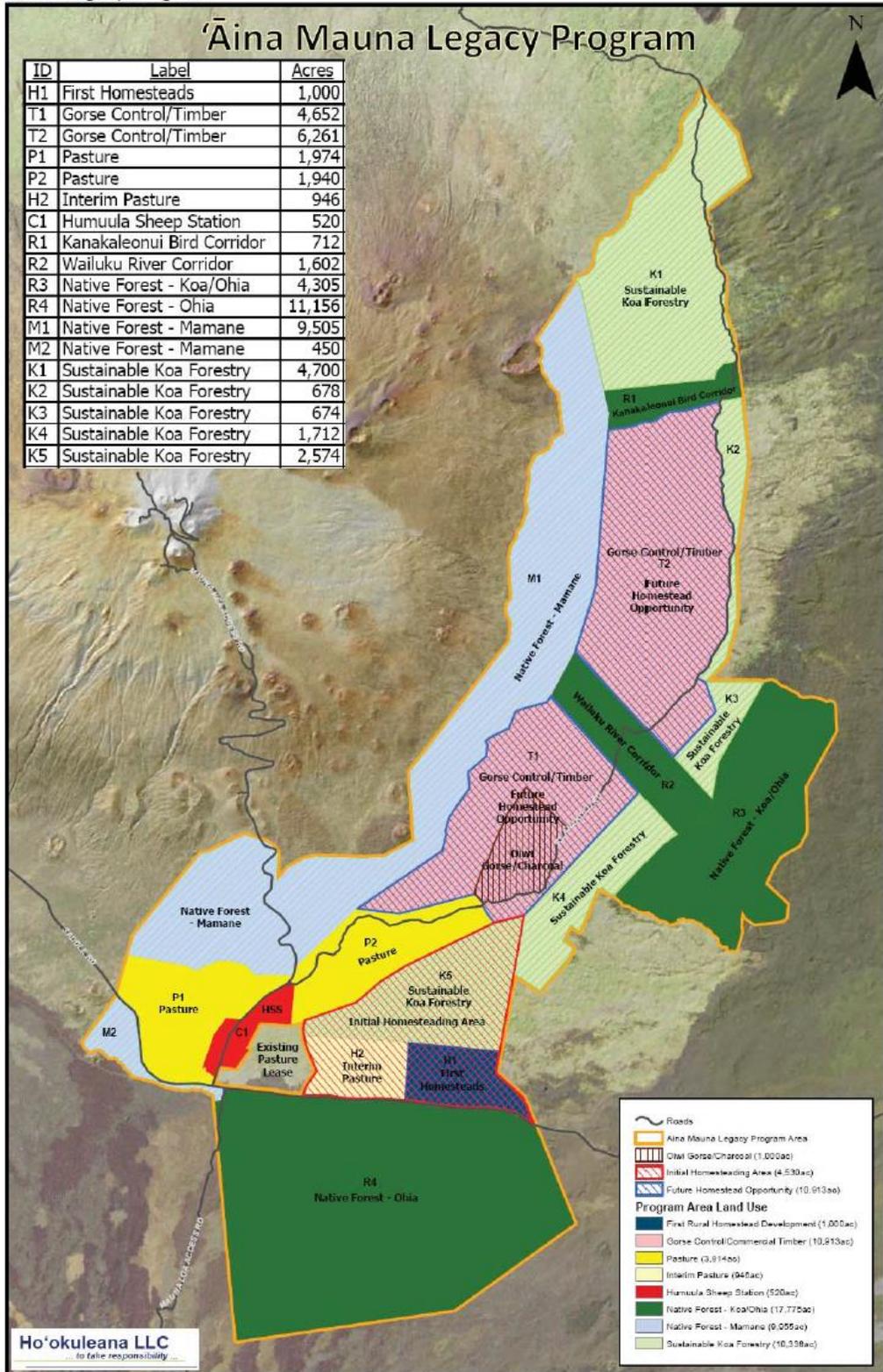
For information only. Aina Mauna Legacy Plan can be found on DHHL website online at:

[https://dhhl.hawaii.gov/wp-content/uploads/2011/05/Aina\\_Mauna\\_Legacy\\_Program\\_FINAL.pdf](https://dhhl.hawaii.gov/wp-content/uploads/2011/05/Aina_Mauna_Legacy_Program_FINAL.pdf)

**DHHL LANDS OF HAWAII ISLAND**

**AINA MAUNA LANDS OF HUMUULA AND PIIHONUA – RED CIRCLE**





**HAWAIIAN HOMES COMMISSION  
OCTOBER 17 & 18, 2022  
FACE-TO-FACE &  
INTERACTIVE CONFERENCE  
TECHNOLOGY**

**G – ITEMS  
PLANNING OFFICE**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 17-18, 2022

To: Chairman and Members, Hawaiian Homes Commission  
Thru: Andrew H. Choy, Planning Program Manager *AC*  
From: Nancy McPherson, Planner *Nancy McPherson*  
Subject: Declare a Finding of No Significant Impact for  
the Kūkulu Kumuhana O Anahola (KKOA) Ulupono  
Anahola Final Environmental Assessment, Anahola,  
Kawaihau, Kaua'i, TMK (4) 4-8-003:019 (por.)

Recommended Action

That the Hawaiian Homes Commission (HHC) issue a Finding of No Significant Impact (FONSI) declaration based on the Final Environmental Assessment (FEA) for the Kūkulu Kumuhana O Anahola (KKOA) Ulupono Anahola Project, Anahola, Kaua'i, TMK (4) 4-8-003:019 (por.).

BACKGROUND

KKOA is a non-profit that aims to deter youth suicide through traditional Hawaiian cultural practices, sustainable agricultural endeavours, and community and 'ohana engagement. In January 2019, KKOAA submitted a land use request to DHHL for TMK (4)4-8-003:019 (por.) to develop the Ulupono Anahola Project, a youth center and agricultural training site in Anahola, Kaua'i. After fulfilling two years of due diligence requirements, the HHC granted KKOAA a five-year license agreement for TMK (4)4-8-003:019 (por.) in November 2021. An Environmental Assessment (EA) is required under this license agreement to implement the project in full. For project location, please see Figure 1, Location Map of Ulupono Anahola License Agreement Project Area, below. Please refer to Exhibit A, Final Environmental Assessment, for more detailed information.



**Figure 1. Location Map of Ulupono Anahola License Agreement Project Area**

In accordance with Chapter 343, Hawaii Revised Statutes (HRS) and Hawaii Administrative Rules (HAR), Title 11, Chapter 200.1, a Final Environmental Assessment (FEA) has been developed to address the environmental impacts of the proposed project. The use of DHHL lands is the trigger to complete the state environmental review process. The Draft Environmental Assessment for this project was presented to the Hawaiian Homes Commission at its regular meeting in August 2022.

PROJECT DESCRIPTION

The Ulupono Anahola Project aims to develop the parcel into an agricultural garden and youth training site. The site will house a youth center, a traditional Hawaiian Hale Hālāwai, and a Maori-inspired Marae (gathering place). A kitchen, processing area and co-op space will be developed to prepare agricultural products from the site. Groves, community gardens, and a greenhouse will be dedicated to the growing of medicinal plants like 'ōlena and ginger and traditional foods such as kalo and 'ulu.

SPACE PROGRAM:

The following table, Table 1, highlights the space program of the Ulupono Anahola Project:

| <b>Table 1 Project Components</b> |             |  |
|-----------------------------------|-------------|--|
| <b>COMPONENT</b>                  | <b>SIZE</b> | <b>PURPOSE</b>   |
| Marae                             | 7,740 sf    | Inspired by the Marae, a traditional Maori meeting house, this project component will serve as a gathering space and meeting place for the community. The Anahola Clubhouse, located mauka of the KKOA project site, is the only other available community meeting place in Anahola. KKOA envisions this Marae as a second community gathering place serving the makai portion of Anahola. |
| Office                            | 640 sf      | Located in close proximity to the Marae, the Office will house administrative operations for KKOA staff members.   |
| Kitchen and Restroom              | 960 sf      | Located in close proximity to the Marae, the kitchen is designed   |

|                       |          |   |
|-----------------------|----------|---|
|                       |          | for KKOA and community use. It will contain two (2) hand/prep sinks and three (3) COMP/MOP sinks. The restroom will serve the Marae, Office, and Kitchen. It contains four stalls, two lavatories, and two fountains.   |
| Co-op Retail          | 160 sf   | One (1) 8' x 20' container used as a place for KKOA and local businesses in the Anahola community to sell value-added products that originate from the project site.  |
| Youth Center          | 3,168 sf | A Youth Center comprised of three (3) 8' x 40' containers; two for classrooms and one for office space. The Youth Center is a space for youth programming such as mentorship trainings, workshops, fun nights, and events. It will also serve as a second gathering place for 'ohana in the community.  |
| Storage               | 960 sf   | One (1) 24' x 40' storage unit to serve the Youth Center and Gardens.   |
| Garage                | 960 sf   | One (1) 24' x 40' garage used for the storage of farming equipment.   |
| Restrooms and Storage | 640 sf   | One (1) 16' x 40' restroom containing four stalls, one lavatory, and two drinking fountains. Located in close proximity to the Youth Center, it is intended to serve the youth center and youth gardens.  |
| Hale Hālāwai          | 1,800 sf | A Hawaiian meeting house (30' x 60') constructed out of traditional materials. The Hale Hālāwai is a permanent, traditional Hawaiian structure geared towards KKOA programming. Its location near the middle of the project site offers a respite for workers/volunteers in the field. It is designed as a space for education, kūpuna gathering, cultural exchanges, and "talk |

|                              |               |   |
|------------------------------|---------------|---|
|                              |               | story" or conversation. Per Appendix X of the Kaua'i County Code, there are provisions for the construction and operation of indigenous Hawaiian architectural structures. A 100 ft setback will be implemented around the Hale Halawai for adequate fire protection.   |
| Restrooms and Storage        | 640 sf        | One (1) 16'x40' restroom containing one lavatory and one drinking fountain. This restroom is intended to serve the Hale Halawai and surrounding gardens.  |
| Processing Center            | 4,960 sf      | A center for the processing (harvesting/washing/cleaning) of agricultural goods from the project site. Includes refrigeration area, and storage for tools, farm equipment, and heavy equipment in three (3) 8' x 40' containers.  |
| Greenhouses (x2)             | 1,600 sf each | Two (2) 20' x 80' open structures with coverings used for the growing of various crops.   |
| Restrooms and Storage        | 640 sf        | Located on the eastern side of the project site, one (1) 16' x 40' restroom containing one lavatory and one drinking fountain.  |
| Well and Water Storage Tanks | 770 sf        | In addition to farm needs, KKOA envisions this well as a backup source of water for the community during periods of disaster/recovery. Water quality, salinity, and other factors will be used to determine if well water is suitable for either potable or non-potable uses. Two 12.5k gallon tanks are included for the storage of water. A booster pump and pressure tank will also be included. |
| Gravel Parking               | 23,125 sf     | Gravel parking on the northwestern side of the project area for approximately 55 stalls.  |

|                               |              |   |
|-------------------------------|--------------|---|
| Grass Parking                 | 59,159<br>sf | Grass parking on the southern side of the project area for approximately 200 vehicles.  |
| Youth Garden                  | 4,800<br>sf  | Forty-eight (48) 10' x 10' plots  |
| Ohana Garden                  | 5,000<br>sf  | Fifty (50) 10' x 10' plots  |
| Mala Lā'au<br>Lapa'au         | Various      | Gardens for the growing of traditional and native Hawaiian medicinal plants.  |
| Bush Crop                     | 6,400<br>sf  | One (1) 80' x 80' plot for the growing of bush crops. Bush crops are grown to restore nutrients to the soil. Once restored, these beds will be rotated into KKOAs farming rotation. |
| Root Crop<br>( 'Ōlena/Ginger) | 8,000<br>sf  | One (1) 80' x 100' plot for the growing of 'ōlena and ginger.   |
| Kalo Beds                     | 6,400<br>sf  | Four (4) 40' x 40' plots for growing kalo.  |
| Kalo Beds                     | 30,000<br>sf | Twelve (12) 50' x 50' plots for growing kalo.   |
| Niu                           | 4,900<br>sf  | One (1) 70' x 70' plot for growing of niu (coconut).  |
| Mai'a                         | 4,900<br>sf  | One (1) 70' x 70' plot for growing of mai'a (banana).   |
| Papaya                        | 4,900<br>sf  | One (1) 70' x 70' plot for growing of papaya.   |
| Tī                            | Various      | Two groves of tī.   |
| 'Ulu                          | Various      | Groves for the growing of 'ulu (breadfruit).  |

CONCEPTUAL SITE PLAN FOR KKO A ULUPONO ANAHOLA

A conceptual site plan illustrating the vision for KKO A Ulupono Anahola is presented below in Figure 2.



## OUTREACH PROCESS & METHODOLOGY

As the proposed project was not a Priority Project in the Anahola Regional Plan, the DHHL Planning Office was required to conduct a Beneficiary Consultation meeting on KKOA's land use request. The Beneficiary Consultation was held on August 7, 2019. The report was accepted unanimously by the Hawaiian Homes Commission (HHC) on September 16, 2019.

In accordance with HAR §11-200.1-18(a), early consultation was conducted in January 2022. Letters containing a project description and map of the Ulupono Anahola Project were distributed via mail and email to agencies, citizen groups and individuals who may be affected by the project. The following agencies, citizen groups, and individuals were contacted during early consultation:

### Federal

- U.S. Fish and Wildlife

### State

- Department of Land and Natural Resources (DLNR)
- Department of Health, Clean Water Branch (DOH-CWB)
- Department of Hawaiian Home Lands (DHHL)
- Department of Agriculture
- Department of Education
- Office of Hawaiian Affairs (OHA)
- Senator -District 8 Ron Kouchi
- House Representative - District 14 Nadine Nakamura
- Kauai Cooperative Extension Office, UH Mānoa College of Tropical Agriculture and Human Resources

### County

- Mayor Derek Kawakami
- County Council (All members)
- Kaua'i Fire Department
- Department of Planning
- Kaua'i Police Department
- Department of Public Works
- Transportation Agency
- Department of Water

## Organizations and Individuals

- Go Farm Hawai'i
- Āina Ho'okupu O Kīlauea
- Kalalea View Farm
- Limahuli Garden & Preserve
- Kauai Animal Education Center
- The Farm at Hokuala
- Waipā Foundation
- Mālama Kaua'i
- Kalalea Anehola Farmers Hui, Aggie Marti-Kinney
- Kanuikapono Public Charter School
- Piilani Mai Ke Kai Homeowners Association
- Ka Hale Pono
- Nā Maka Onaona

## RESULTS OF DRAFT EA (DEA) EARLY CONSULTATION PROCESS

Early consultation comments were received from the U.S. Fish and Wildlife Service (USFWS) and the Kaua'i Fire Department (KFD).

USFWS commented that there were no critical habitats in the project area, although certain species, such as 'ōpe'ape'a (Hawaiian Hoary Bat), Hawaiian seabirds, and waterbirds, may occur on occasion or transit through the vicinity of the proposed project area. It also recommended Best Management Practices (BMP) to avoid or minimize impacts wildlife resources.

The KFD was in support of the project, citing KKOA as a positive influence in the area.

## FINAL ENVIRONMENTAL ASSESSMENT (FEA) (SUMMARY)

The DEA was published by the State Environmental Review Program in the August 23, 2022 edition of The Environmental Notice. The public review period ended on September 22, 2022.

Five (5) formal comment letters were received . The comments received during the DEA 30-day comment period did not warrant significant changes to the proposed project. A summary of comments and responses are addressed in the following table.

**Table 2 Public comments received on the DEA**

| Agency/<br>Organization                                      | Content/Summary   | Response to Comment   |
|--|---|---|
| 'Āina Ho'okupu<br>O Kilauea                                  | <p>Aina Hookupu o Kilauea has been partnering up with KKOA for many years now and our goals and projects are very much alighted.</p> <p>KKOA is inspired by our successes and can count on our full support in creating their vision. They wish to provide similar opportunities as AHK to the Anahola Community through the creation of the Ulupono Anahola Project.</p> <p>Please support this project as it enforces self-determination, self-worth, and hope for the future of our local youth.</p> | <p>Response received. Thank you for your support and testimony. KKOA will continue to partner with AHK to further increase the viability of local food systems, and to promote self-determination, self-worth, and hope for the future.</p> |
| Department of<br>Health - Clean<br>Air Branch                | <p>DOH listed potential permits and requirements of any development project (standard comments).</p>  | <p>The project will not require an air pollution permit, nor does it include construction or demolition activities that involve asbestos. The FEA lists proposed mitigation measures for impacts on the surrounding areas.</p>              |
| College of<br>Tropical<br>Agriculture and<br>Human Resources | <p>This letter is to affirm my support for the Kukulu Kumahana O Anahola (KKOA) Ulupono Anahola project that will provide training opportunities for youth, Native Hawaiians, and the Anahola community in civic agriculture, thereby</p>   | <p>Response received. Thank you for your support and testimony. KKOA will continue to strive to provide training opportunities for youth, Native</p>  |

| Agency/<br>Organization     | Content/Summary  | Response to Comment   |
|-----------------------------|--|---|
|                             | <p>increasing culturally-relevant mentorship and resilience for local young people as well as contributing to local food security.</p> <p>I am an extension agent with the University of Hawaii at Manoa, College of Tropical Agriculture and Human Resources (CTAHR) based on the island of Kauai. In my role with CTAHR Extension working closely with the community here since 2017, I have observed time and again the acute need for engaging more local youth in agriculture. KKOA is uniquely situated to be the catalyst for this engagement as they are well supported and respected in the community, and they have the clear vision to make a significant positive impact in the lives of local youth.</p> <p>I fully support this project to create new opportunities to engage local youth in agriculture and will support it in any way possible, including sharing the technical resources and expertise of the CTAHR Kauai Extension team.</p> | <p>Hawaiians, and the Anahola community in civic agriculture.</p> |
| Kauai Animal Education Farm | I am pleased to be writing a letter in support of the Kūkulu Kumuhana O Anahola  | Response received. Thank you for your testimony and               |

| Agency/<br>Organization   | Content/Summary  | Response to Comment   |
|---|--|---|
|   | <p>(KKOA) proposal for the Ulupono Anahola project. I strongly support this initiative as it furthers KKOAs mission and vision by having a positive impact on the lives of those in our community. KAEP has partnered with KKOAs for seven years as we work to address the needs of our community. We have seen their work transforming the land that now provides food to feed multiple programs and the changing of lives of those that are participating. We see the growth, health, happiness, pride for their community and the engagement in their culture with families learning sustainable practices.</p> | <p>support. KKOAs will continue to strive to support the Anahola community through agricultural and youth programming.</p>  |
| <p>Mason K. Chock,<br/>Vice Chair,<br/>Kauai County<br/>Council</p> | <p>I am writing this letter in my individual capacity as a Councilmember and Planning Committee Chair of the Kauai County Council in support of Kūkulu Kumuhana O Anaholas (KKOA) Ulupono Anahola Project, which will develop an agricultural garden and youth training center in Anahola, Kauai.</p> <p>Kūkulu Kumuhana O Anahola has been a longstanding partner of the Kauai Resilience Project, which is a bold community initiative to build our</p>  | <p>Response received. Thank you for your testimony and support regarding the Kūkulu Kumuhana O Anahola Ulupono Anahola Project. The project will continue to provide practices and programs that support traditional and sustainable farming practices, community-building, and the development of self-identity in effort to reduce youth suicide.</p> |

| Agency/<br>Organization | Content/Summary  | Response to Comment |
|-------------------------|--|---------------------|
|                         | <p>young people's ability to overcome adversity and successfully navigate life's challenges so they can lead enriched, fulfilled, and purposeful lives. This project and organization will provide practices and programs that support traditional and sustainable farming practice, community-building, and the development of self-identity, all of which are key components in enriching the lives of our youth, while also maintaining the cultural identity that is so unique in our islands. This program will create a space that is safe and nurturing, and one that will empower our keiki to further connect with their kūpuna and culture, to strengthen our island's resiliency and ensure food security for this community. Many of these practices are proven to deter suicide and will further the bond between keiki and their families.</p> <p>I truly believe this program will be a positive and beneficial part of the Kaua'i community and I thank you in advance for your continued support.</p> |                     |

## Finding of No Significant Impact

Based upon the analysis completed in the FEA, staff recommends a finding of no significant impact (FONSI) for the KKOA Ulupono Anahola Project. This determination is based upon the 13 criteria of significance that approving agencies must consider as specified in HAR 11-200-12. An analysis of the 13 criteria of significance is presented below:

1. Irrevocably commit a natural, cultural or historic resource.

The proposed action will not irrevocably commit a natural, cultural or historic resource, as there are no identified historical or archaeological sites in the project area during the archaeological investigation. There is always the unknown potential for the inadvertent discovery of subsurface historical or cultural resources, including the unknown possibility of iwi kūpuna (ancestral remains). Per HRS 6E and NAGPRA, SHPD and DHHL will be notified if any inadvertent discoveries are encountered. The treatment of these resources will be conducted in strict compliance with applicable historic preservation and burial laws.

2. Curtail the range of beneficial uses of the environment.

The proposed action will not curtail the range of beneficial uses of the environment. The proposed action will support the lease and provide a unique community resource within the Anahola community. The proposed action will provide a beneficial effect, restoring the health of the environment which in turn will yield benefits to the health of the community.

3. Conflict with the State's environmental policies or long-term environmental goals established by law.

The proposed action will not conflict with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.

4. Have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State.

The proposed action will provide educational opportunities to deepen knowledge of traditional native Hawaiian farming practices. The Ulupono Anahola Project addresses social determinants of health through its unique community programming and outdoor learning environment.

5. Have a substantial adverse effect on public health.

The Ulupono Anahola Project provides an innovative method through the use of community agriculture as a space to address health disparities deter social determinants of health. The proposed action will continue to provide a space for agricultural and community programming.

6. Involve adverse secondary impacts, such as population changes or effects on public facilities.

There will be no adverse secondary impacts such as population change or effects on public facilities as a result of an update to the master plan. As discussed in Section 3.15, the proposed master plan is not anticipated to adversely affect public or recreational facilities within the nearby vicinity.

7. Involve a substantial degradation of environmental quality.

The proposed action will not involve a substantial degradation of environmental quality and will in fact lead to improvements in environmental quality. Traditional and modern farming techniques will restore the health and fertility of soils, prevent erosion, reduce risk of wildfire and invasive species cover, and overall, improve the environmental integrity of Anahola. Long-term impacts to air and water quality, noise, and natural resources are not anticipated. The use of standard construction and erosion control best management practices will minimize the anticipated construction-related short-term impacts.

8. Be individually limited but cumulatively have substantial adverse effect upon the environment or involved a commitment for larger actions.

The proposed action will not have substantial negative effects upon the environment and will in fact have a positive impact. Providing a space for traditional native Hawaiian agricultural practices will allow KKOA to further its vision of a sustainable environment and community.

9. Have a substantial adverse effect on a rare, threatened or endangered species, or its habitat.

The proposed action will not have a substantial adverse effect on rare, threatened or endangered species or their habitat. The project site is not located in a designated Critical Habitat for any listed species. There is a possibility for nēnē, the Hawaiian hoary bat, Hawaiian waterbirds, and Hawaiian seabirds to traverse the area. If any of these species are encountered, Best Management Practices and specific guidance on conservation practices during pre-construction, construction, and operational periods will be implemented.

10. Have a substantial adverse effect on air or water quality or ambient noise levels.

General temporary impacts associated with construction are identified in Section 3.0 of this EA. Although construction is not anticipated to be of large scale and operation, mitigation measures are outlined in this EA will be applied during the short-term construction period. No detrimental long-term impacts to air, water, or acoustic quality are anticipated with the update to the master plan. The improvements are not anticipated to detrimentally affect air or water quality or ambient noise levels.

11. Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal waters.

The Ulupono Anahola Project is located in Anahola and lies within Flood Zone X (Area of Minimal Flood Hazard). While flooding is unlikely in this area, KKOA will exercise proper mitigation measures including evacuation and safety guidance procedures in the event of flooding. The project site is within the tsunami "Safe Zone" and appropriate evacuation and safety guidance procedures will be observed in the event of a tsunami. The project site is not within the SMA and is located outside of the sea level rise exposure area. No impacts are anticipated.

12. Have a substantial adverse effect on scenic vistas and viewplanes, during day or night, identified in county or state plans or studies.

The project site at current is overgrown and unsightly, and further presence at the site through the Ulupono Anahola Project will aid in reversing undesirable views. Views of Kalalea Peak will not be disturbed. The Project is not expected to have a substantial adverse effect on scenic vistas and viewplanes.

13. Require substantial energy consumption or emit substantial greenhouse gases.

Construction of the supporting facilities is not anticipated to be of large scale and operation and will not require substantial energy consumption or emit substantial greenhouse gases relative to other similar sized projects.

#### *Mitigation Measures*

- BMPs will be implemented pursuant to the required Grading Permit to mitigate potential impacts of soil erosion and fugitive dust during construction.
- BMPs will be promoted and encouraged to conserve water use.
- During construction, a dust control program will be implemented in accordance with DOH Administrative Rules 11-60.1-33 and noise will be mitigated in accordance with DOH Administrative Rules 11-46.
- The wastewater system will be planned in accordance with HAR 11-62 during subsequent detailed design.
- Applicable federal and state historic preservation laws and rules will be administered throughout the project. If historic properties are encountered during construction, work will cease immediately and appropriate regulatory procedures will be followed.

#### RECOMMENDED ACTION

DHHL staff respectfully requests approval as recommended.

# KŪKULU KUMUHANA O ANAHOLA: ULUPONO ANAHOLA

## FINAL ENVIRONMENTAL ASSESSMENT

ANAHOLA, ISLAND OF KAUA'I, HAWAI'I



KŪKULU KUMUHANA O ANAHOLA  
P.O. BOX 30891  
ANAHOLA, HAWAI'I 96703

OCTOBER 2022

NOTE: This 379 page document can be found on the DHHL website (as a pdf) in this months meeting section. [www.dhhl.hawaii.gov/hhc](http://www.dhhl.hawaii.gov/hhc)

ITEM G-1  
EXHIBIT A

STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 17-18, 2022

To: Chairman and Members, Hawaiian Homes Commission

Through: Andrew H. Choy, Planning Program Manager *AC*

From: Nancy McPherson, Planner *Nancy McPherson*

Subject: Amend the Kaua'i Island Plan to relocate a portion of the Community Use Land Use Designation to a 10-acre land area, Anahola, Kawaihau, Kaua'i TMK (4)4-8-003:019 (por.)

RECOMMENDED ACTION

That the Hawaiian Homes Commission (HHC) approve an amendment to the *Kaua'i Island Plan* (KIP) (2004) to relocate a 10-acre portion of the Community Use Land Use Designation to a 10-acre area of land in Anahola, Kawaihau, Kaua'i TMK (4) 4-4-8-003:019 (portion).

DISCUSSION

In order to create consistency with a planning effort conducted by the Anahola beneficiary community, the land use plan for Anahola/Kamalomalo'o requires revision. This approval would amend the location of a ten (10) acre portion of the Community Use land use designation from the existing Residential Homestead designation to Community Use, as articulated in the Kukulu Kumuhana O Anahola (KKOA) Ulupono Anahola Master Plan and Environmental Assessment. For more detailed information on this project, please see Item G-1, Final EA and FONSI for KKO A Ulupono Anahola.

The HHC has previously been briefed on this planning effort in Anahola, Kaua'i by the project proponent, and has taken favorable action on the Beneficiary Consultation Report and requests for a Right of Entry and License for KKO A, as follows:

- November 2021: Item F-1, Approval to Issue License Agreement, KKO A, Ulupono Project. (For HHC action-

Approved, w/annual report requested one year from execution of license. License 851 executed April 29, 2022)

- September 2021: Item F-7, Approval to Issue a License Agreement, KKOAA, Ulupono Project. (For HHC action-Conditionally Approved, with item to return to HHC in 60 days with milestones)
- September 2020: Item F-8, amend ROE to add 1-acre Farmer's Market site, KKOAA (For HHC action-Approved)
- September 2019, Item F-8, Issuance of Right-of-Entry for Due Diligence, Ulupono Anahola Agricultural Garden and Training Center and Item G-2, Request for Acceptance of Beneficiary Consultation Report, Ulupono Anahola (For HHC action-Approved)

#### Kaua'i Island Plan, (adopted 2004)

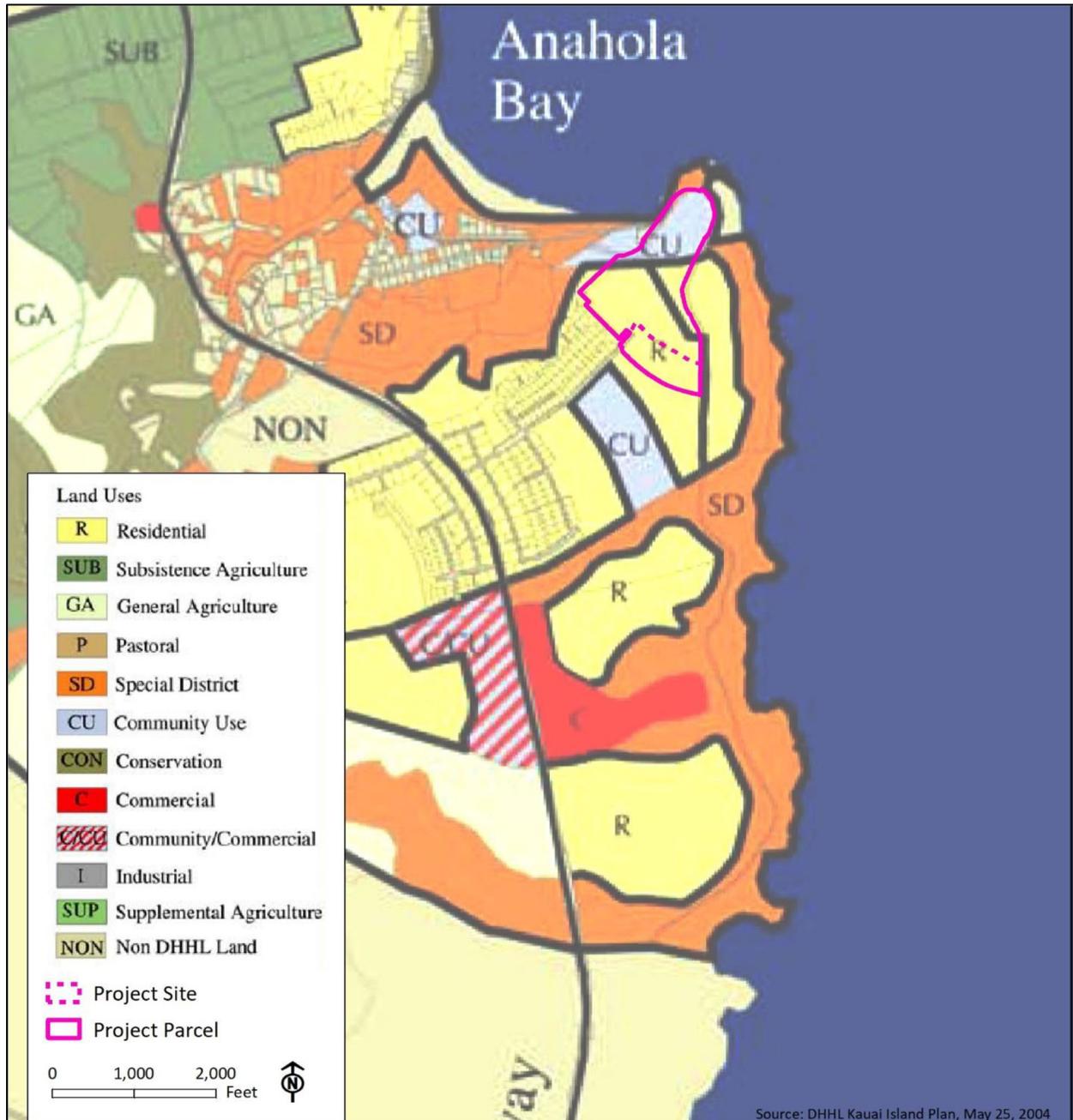
The island plans (Tier 2 of the Planning System) were developed to have a long-term perspective and accomplish the following:

- Implement comprehensive General Plan goals and objectives
- Establish land use designations to encourage orderly social, physical, and economic development.
- Identify priority areas for homestead development.

DHHL lands on Kaua'i are located in seven regions: Anahola, Kekaha, Hanapēpē, Wailua, Kapa'a, Anahola/Kamalomalo'o, Moloa'a. The area of proposed revision to the land use designation is located within Anahola. As described in the Kaua'i Island Plan (2004) (KIP), the Ulupono Anahola Project's location is within the Anahola Residential homestead area, which is within the 4,228-acre Anahola tract. The KIP currently states that "...community use areas will complement the expanding residential community."

Based on an analysis of the 2004 KIP Anahola/Kamalomalo'o Land Use Plan and the 2005 Anahola Residence Lots Unit 6 Final EA, a total of approximately twenty-four (24) acres of Community Use was proposed for the Anahola Residential homestead area, now known as Pi'ilani Mai Ke Kai. Ten and one-half (10.5) acres has been approved for community use by the Kanu I Ka Pono Charter School for a Native Hawaiian Cultural Learning Center and community park, leaving thirteen and one-half (13.5) acres of Community Use area available. Kukulu Kumuhana O Anahola, a 501(c)3 nonprofit organization that serves the Anahola Hawaiian

Homes community with an all-Native Hawaiian Board of Directors, currently has a five (5) year license for the use of ten (10) acres to develop the Ulupono Anahola project. This Land Use Amendment seeks only to amend the location of the Community Use Land Use Designation (LUD) and does not increase the total area within the homestead allocated to that LUD. See Figure 1, Anahola Land Use Designations, below.



**Figure 1 Anahola Land Use Designations**

## Ulupono Anahola Agricultural Garden and Training Center

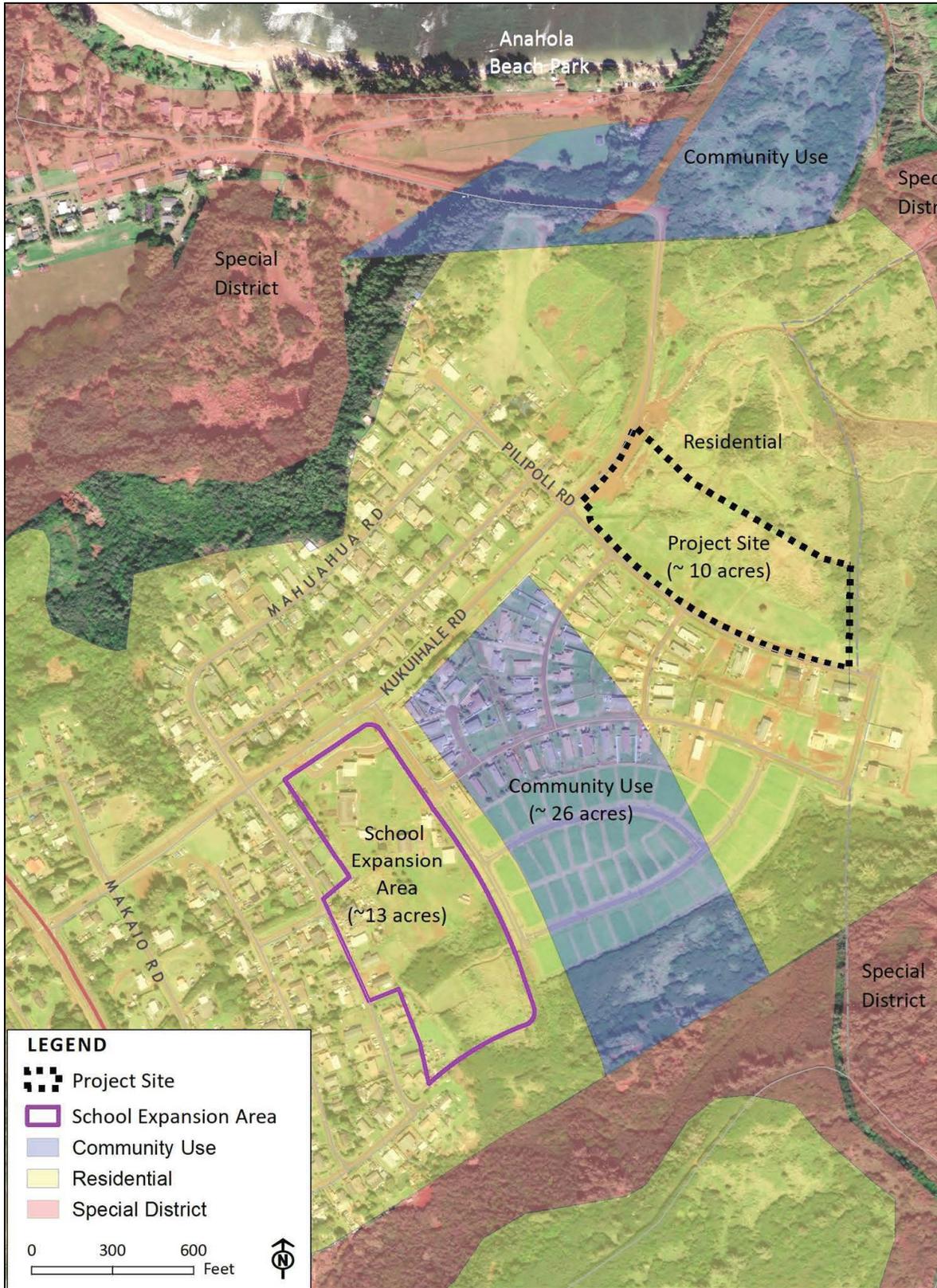
Due to the fact that the Anahola Regional Plan Update process had not yet started when KKOA submitted its request for use of Hawaiian Home Lands in February of 2019, DHHL engaged in a Beneficiary Consultation for the Ulupono Anahola Project with the Anahola homestead community in August of 2019, and the Beneficiary Consultation Report was accepted by the HHC in September of 2019. Additional community outreach was conducted by KKOA over the last several years to solicit community ideas for the project, and thirteen (13) community organizations were consulted as part of the State of Hawai'i's environmental review process. DHHL beneficiaries have therefore had multiple opportunities for input during the development of the Ulupono Anahola Project. For more information on the community consultation effort, please refer to Item G-1, Final EA and FONSI for KKOA Ulupono Anahola.

Land use changes were not identified during the beneficiary consultation and planning process for Anahola Ulupono Anahola, due to the lack of accurate mapping of land use designations in terms of the changes that have occurred due to the implementation of the Anahola Residence Lots/Pi'ilani Mai Ke Kai. During the preparation of the Environmental Assessment for the project, the discrepancy in the location of ten acres of Community Use area was identified. As such, a revision of the existing Anahola/Kamalomalo'o Land Use Plan as shown in the Kaua'i Island Plan is required.

## Recommended Land Use Map Revision to Amend Kaua'i Island Plan

DHHL is recommending amending the location Kaua'i Island Plan land use designation for approximately 10 acres out of of 4,228 acres of land in Anahola, to align with the proposed land use for the . The land use designation revision will allow DHHL to pursue the development of Kuleana agricultural and pastoral homesteads.

The proposed land use designation change relocates ten (10) acres out of twenty-four (24) acres of Community Use to the portion of TMK (4)4-8-003:019 that is currently under license to KKOA for the Ulupono Project. See Figure 2, DHHL Anahola Land Use, below.



**Figure 2 DHHL Anahola Land Use**

Interim amendments to DHHL Island Plan Land Use Designations must be approved by the HHC as the HHC has exclusive land use authority over Hawaiian Home Lands per the Hawaiian Homes Commission Act, as amended. Per DHHL administrative rules 10-4-54:

"Between comprehensive updates, tier 1 and tier 2 plans may be amended upon beneficiary consultation appropriate to the plan as set forth in section 10-4-60, and a majority vote by the commission."

Beneficiary consultation efforts, as discussed above, included a formal DHHL Beneficiary Consultation with the Anahola homestead community in August of 2019, additional community outreach conducted by KKOA over the last several years to solicit community ideas for the project, and consultation with thirteen (13) community organizations as part of the State of Hawai'i's environmental review process.

Meeting notes from the beneficiary consultation meeting can be found in Exhibit A, Beneficiary Consultation Report. In summary, the proposed land use has been thoroughly vetted by beneficiaries, originally during the KIP process, then through the due diligence process for the land use request, and finally through the Environmental Review process. In addition, KKOA has been consistently participating in the Anahola Regional Plan Update process and has continued to receive consistent and wholehearted support from the Anahola beneficiary community for the Ulupono Anahola Community Garden and Agricultural Training Facility plan.

#### Recommendation

DHHL staff respectfully requests approval as recommended.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2019

To: Chairman and Members, Hawaiian Homes Commission  
Thru: Andrew H. Choy, Acting Planning Program Manager *AC*  
From: Nancy McPherson, Planner/Kaua'i Liaison *NM*  
Julie-Ann Cachola, Planner  
Subject: Accept Beneficiary Consultation Report for Two Land Use Requests, Anahola Farmer's Market and Ulupono Anahola, Anahola, Kaua'i, TMK (4)4-8-005:026 and TMK (4)4-8-003:019

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) accept this Beneficiary Consultation Report as the official record of beneficiary comments and concerns related to the use of Hawaiian Home Lands in Anahola, as identified by the Beneficiary Organizations of: (1) Kalalea Anehola Farmers' Hui; and (2) Pi'ilani Mai Ke Kai Community Association in partnership with Kukulu Kumuhana o Anahola.

DISCUSSION

*Historical Background on Processing Land Use Requests from Non-Profit Organizations*

In 2009, DHHL initiated the Kūlia I Ka Nu'u Program (Kūlia). The Kūlia program provided homestead associations with a process and procedure to apply for DHHL land and grant funding to help associations with initial planning and due diligence studies. The program also provided a series of trainings intended to increase the capacity of association board members to successfully implement their development projects. With the successful completion of the training sessions, DHHL awarded the association a grant of land and money. Unfortunately, the Kūlia program was discontinued by the Hawaiian Homes Commission in 2012.

In the absence of the Kūlia program, there was no trigger for an internal procedure to receive and process unsolicited requests for the use of Hawaiian Home Lands for non-profit purposes. Assessing capacity was one issue, but the process also had to be applied in a consistent and fair manner. From 2015 to

2016, the DHHL Planning Office and Land Management Division staff met over a series of meetings to make improvements to the process and to guide staff on when and how to process unsolicited requests. As a result, many non-profits, including DHHL community associations, submitted proposals to DHHL addressing the criteria outlined in Exhibit 'A', "Information That May Be Needed To Evaluate Non-Revenue Generating Land Use Requests." However, without a process in place, many proposals were not acted upon in a timely manner.

In March 2019, the Planning Office presented a revised application process for unsolicited requests for the use of Hawaiian Home Lands from non-profit organizations. See Table 1, "Revised Land Use Request Process," below. The new application incorporated most of the criteria that were identified in April 2016. The purpose of the application is to:

- (1) Create a fair and transparent internal process for processing requests for use of Hawaiian Home Lands for eleemosynary (charitable) purposes; and
- (2) Ensure that the proposed use of Hawaiian Home Lands does not significantly impact DHHL's ability to provide programs and services to current and future beneficiaries.

Table 1 Revised Land Use Request Process

| Application Step  | Timeframe   | Responsible Entity   |
|---|---|----------------------|
| 1. DHHL receives pre-application. Notifies applicant if pre-application is complete   | Up to 30 days   | LMD                  |
| 2. DHHL reviews project proposal and schedules review meeting with applicant to review questions, concerns, staff may have* | Up to 90 days   | PO & LMD             |
| 3. DHHL schedules beneficiary consultation meeting  | Meeting scheduled 3 months before on island HHC meeting | PO & Applicant       |
| 4. HHC ROE approval for due diligence   | 3 months after beneficiary consultation meeting         | LMD & HHC            |
| 5. Conduct due diligence studies*   | 12-24 months  | Applicant*           |
| 6. HHC approves FONSI   | TBD   | PO & HHC             |
| 7. HHC approves long-term disposition   | TBD   | LMD & HHC            |
| 8. Monitoring and reporting   | TBD   | Applicant & PO & LMD |

The new application process provides clear steps and a general timeframe for completion of each step. However, it should be noted that one shortcoming of the new process is a lack of ability to measure an applicant's current capacity as well as growth of capacity needed over time to successfully implement the proposed project.

As part of the new application process, one action-step that is required on the part of DHHL is to conduct a Beneficiary Consultation Meeting regarding the proposed project in instances where the project was not identified as a priority project in a DHHL Regional Plan.

These two proposed projects on Kaua'i were not reflected in the Anahola Regional Plan Priority Projects, thus each of the projects required Beneficiary Consultation. The consultation requirement is consistent with the DHHL Beneficiary Consultation Policy that was adopted by the HHC in 2009, which states that prior to any approval for a long-term lease or license, beneficiaries that may be affected by the proposed use of Hawaiian Home Lands must be consulted to collect their input and feedback.

With the new application process in place, and in light of multiple land use requests that were submitted by homestead associations but were never acted upon, the Planning Office committed to transfer the application information to the new application process and to schedule and conduct the requisite Beneficiary Consultation meetings so that a decision can be rendered on the outstanding land use requests.

*Anahola Land Use Requests*

The Kalalea Anehola Farmers' Hui (KAF HUI) and the Pi'ilani Mai Ke Kai Community Association in partnership with Kukulu Kumuhana o Anahola (KKOA) have requested the use of Hawaiian Home Lands for non-homesteading purposes. A summary description of each request is presented in Table 2, "Summary Descriptions of Land Use Requests from Beneficiary Organizations in Anahola," below. The parcel locations of the lands requested are presented in Figure 1, "Anahola Land Use Requests."

Table 2: Summary Descriptions of Land Use Requests from Beneficiary Organizations in Anahola

| <b>Hawaiian Homestead Association</b> | <b>Summary Project Description</b>              | <b>Land Disposition Requested</b> | <b>Parcel No. and Acreage Requested</b> |
|---------------------------------------|---|-----------------------------------|---|
| Kalalea Anehola                       | Convert the existing Right-of-Entry permit to a | 34-year                           | TMK (4)4-8-                             |

|   |  |                       |  |
|---|--|-----------------------|--|
| Farmer's Hui (KAF HUI)  | long-term General Lease for continued use as Anahola Farmer's Market to: 1) provide a permanent location for the Anahola Farmer's Market for Agricultural Lessees to market and sell their crops and value-added products; 2) increase the days of operation; and 3) utilize the site as a Cultural Learning Center promoting farm education and healthy food services, including a food bank, an open pavilion and a certified kitchen. | General Lease         | 005:026<br><br>0.9 acre                      |
| Pi'ilani Mai Ke Kai Community Association, in partnership with Kukulu Kumuhana O Anahola (KKOA) | To develop Ulupono Anahola-- an agricultural and youth training center that includes a 10-acre Community Garden, Youth Marae (clubhouse), pavilion, office, and kitchen. Long-term plans include land stewardship, deterrence of dumping, a nursery, orchard, processing facility and a permanent location for Movie Nite.   | 30-year General Lease | TMK (4)4-8-003:019 (portion)<br><br>30 acres |



Beneficiary Consultation Meeting

Since the proposed projects are not Priority Projects in the current Anahola Regional Plan, the Planning Office is required to conduct a Beneficiary Consultation meeting on the land use requests. In order to make the most efficient use of DHHL resources, land use requests in the same general geographic area

may be grouped and discussed during the same meeting. The main consideration in consultation is the determination of who should be consulted. In this case, the Planning Office determined that all beneficiaries (lessees and applicants) residing in Anahola (i.e., with the Anahola zipcode of 96703) should be consulted. Four hundred forty-nine (449) invitation letters (Exhibit 'B') were mailed out two weeks prior to the meeting date.

On Wednesday, August 7, 2019, the Planning Office conducted a Beneficiary Consultation meeting on the two land use requests (LUR's) at the Anahola Clubhouse from 6:00 p.m. to 8:00 p.m. A total of 50 people signed in at the registration table (Exhibit 'C', "Sign-in Sheets"), but a headcount indicated that there were at least 60 people in attendance. Chairman William Aila, Jr., Kaua'i Hawaiian Homes Commissioner, Dennis Neves, and the Kaua'i District Office Manager, Erna Kamibayashi were in attendance. Staff from the Land Management Division and the Planning Office were also present. Nancy McPherson, the Kaua'i Liaison from the Planning Office, provided a short introduction to the meeting. Each association was given 20 minutes to present background information about their association and their project proposal to utilize Hawaiian Home Lands (Exhibit 'D', "Powerpoint Slides"). Following each presentation, DHHL facilitated a 15-minute question and comment session. Notes on the presentations as well as verbatim questions, answers and comments from the discussion may be found in Exhibit 'E', "Presentation Notes and Questions/Comments."

In addition to verbal questions and comments received at the meeting, a total of five (5) written comments were received at the meeting (Exhibit 'F'). In addition to the August 7, 2019 meeting, beneficiaries were given the opportunity to provide comments to DHHL over the course of a 30-day comment period from August 7, 2019 to September 6, 2019. A total of two (2) written comments were received via email and postal mail during the 30-day comment period (Exhibit 'G'). The following table summarizes all comments received for each proposed project, along with DHHL and/or requestor responses.

### *Consultation Findings and Analysis*

Table 3 below summarizes information DHHL received from all sources including:

- Questions and comments made during the Consultation Meeting

**EXHIBIT A**

- Comments received during the 30-day comment period, August 7, 2019 to September 6, 2019

Table 3 Summary of Comments re: Anahola Land Use Requests

| <b>Topic</b>  | <b>Comments/Questions</b>  | <b>Response/Recommendation</b>   |
|---|--|--|
| <b>"Ulupono Anahola" - PMKK Community Association &amp; KKO</b> |  |  |
| Long-term Sustainability  | How are you planning for future generations?   | Training the youth to be farmers and food self-sufficient successors                                     |
| Business Plan   | How will you pay for utilities, maintenance, employees, equipment etc.?                | Business Plan to be developed during due diligence phase & shared with community                         |
|   | Where will funding come from to pay teachers?  | Business Plan to be developed during due diligence phase & shared with community                         |
|   | Who will be receiving any profits?   | Business Plan to be developed during due diligence phase & shared with community                         |
| Need More Project Details                                       | What is this project going to look like?   | Site Plan to be refined, Planning Office (PO) to provide some Technical Assistance (TA)                  |
| Detailed Site Plan  | On what part of the parcel are you doing what?   | Site Plan to be refined, Planning Office (PO) to provide some Technical Assistance (TA)                  |
| Proximity to residential homesteads                             | Where will the project be located in terms of existing residential lots?               | Makai of last row of houses. PO will work with KKO to avoid any impacts to neighboring residential lots. |
| Ensuring Beneficiary Participation                              | Will beneficiaries be doing the gardening?   | Project is designed for Anahola youth in partnership with Pi'ilani Mai Ke Kai Community Association.     |
|   | I support it if the site will be used by beneficiaries & prioritize Anahola residents. | Project is designed for Anahola youth in partnership with Pi'ilani Mai Ke Kai Community Association.     |
|   | Who will be allowed to use the Youth Center?   | Operational plan and programming concepts to be developed during due diligence phase.                    |

**EXHIBIT A**

| <b>Topic</b>   | <b>Comments/Questions</b>  | <b>Response/Recommendation</b>   |
|--|--|--|
| Liability  | Who will assume liability?   | ROE Holder/Licensee must maintain liability insurance of \$1 million   |
| DCC&R's  | Do the Homeowner's Association Rules apply to this site?   | The site was identified for community use and was not included in the DCC&R's for PMKK   |
| Homeless in coastal area   | Need to remove homeless individuals living makai of Pi'ilani Mai Ke Kai, near the lighthouse                                 | DHHL in partnership with County of Kaua'i and State DOT-Highways is working to clear out homeless encampments in the unencumbered lands                |
| <b>"Anahola Farmers Market" - Kalalea Anehola Farmer's Hui (KAF HUI)</b> |  |  |
| Ensuring Beneficiary Participation                                       | I support it if the site will be used by beneficiaries & prioritize Anahola residents.                                       | Proposed training program will be designed to increase # of Anahola Ag Lessees farming and vending at Market.  |
| Impacts to neighbors   | Concerns: Safety, traffic, congestion, trespassing, urinating/defecating in public, loose animals defecating and trespassing | KAF HUI will be advised that they need to address these impacts to the neighborhood, and that DHHL will be monitoring progress in alleviating concerns |
| Long term lease  | 34-year lease is not acceptable.   | LMD & PO not supporting a long-term lease at this time.  |
| Expanding activities/uses and # of days operating                        | Adding additional days and uses will just aggravate these problems   | DHHL will monitor operations more closely and evaluate regularly   |
| <b>Both Projects</b>   |  |  |
| In support of both projects  | Beautiful vision, KKOA has a good reputation in the community.   | DHHL supports beneficiary-serving organizations that enhance well-being and support agriculture  |
|  | Farmer's Market has been a good addition to the community  | DHHL supports beneficiary-serving organizations that enhance well-being and support agriculture  |

RECOMMENDED ACTION

DHHL Staff respectfully requests approval of the motion as recommended.

**EXHIBIT A**

LIST OF EXHIBITS

- EXHIBIT 'A': Information That May Be Needed To Evaluate  
Non-Revenue Generating Land Use Requests
- EXHIBIT 'B': Invitation Letters
- EXHIBIT 'C': Sign-in Sheets
- EXHIBIT 'D': Powerpoint Slides
- EXHIBIT 'E': Presentation Notes and Questions/Comments
- EXHIBIT 'F': Written Comments from Meeting
- EXHIBIT 'G': Writen Comments During Comment Period

**EXHIBIT A**

STATE OF HAWAI`I  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 17-18, 2022

To: Chairman and Members, Hawaiian Homes Commission  
From: Andrew H. Choy, Planning Program Manager *AC*  
Subject: For Information Only - Status Update on Plan  
Implementation in the East Hawai`i Region to the  
Hawaiian Homes Commission

Recommended Action

For information only. No action required.

Background

Per the directive of the Chairman, Planning Office will be providing the Hawaiian Homes Commission (HHC) with updates of the respective DHHL geographic region in which the HHC conducts its monthly community meeting. The purpose of the monthly update is to provide the HHC with information related to prior policies and/or plans specific to that previously adopted by the HHC specific to that particular geographic region.

A status report of DHHL's progress in implementing these policies/plans is also included for the HHC's consideration.

For October 2022, Planning Office will be providing an update to the HHC for East Hawai`i.

Discussion

EXISTING PLANS & IMPLEMENTATION STATUS

Hawai`i Island Plan Policies Related to East Hawai`i.

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island, (2) establish land use goals and objectives of the General Plan specific to each island, and (3) identify island-wide needs,

opportunities, and priorities. The Hawai`i Island Plan was adopted by the HHC in 2002. The 2002 Hawai`i Island Plan delineated five planning regions on Hawai`i Island, North, East, South, West, and Central. (see maps, Exhibit A). For the purposes of this informational submittal, Planning Office will be focusing on the lands in the East and South regions.

| Land Use Designation     | Acres  | Percent of Total |
|--------------------------|--------|------------------|
| Residential              | 1,001  | 4.5%             |
| Subsistence Agriculture  | 1,968  | 9.1%             |
| Supplemental Agriculture | 3,019  | 13.8%            |
| Pastoral                 | 7,832  | 35.7%            |
| Community Use            | 90     | 0.4%             |
| General Agriculture      | 4,970  | 22.7%            |
| Commercial               | 346    | 1.5%             |
| Industrial               | 364    | 1.6%             |
| Conservation             | 240    | 1.2%             |
| Special District         | 2,058  | 9.5%             |
| TOTAL                    | 21,888 | 100%             |

#### Hawai`i Island Plan Implementation Status

The Hawai`i Island Plan identified seven priority tracts for homestead development across the entire island. The priority tracts were further broken down into two development phases, a Phase I (priority) and Phase II. In the East and South Region, only the Lower Pi`ihonua tract was identified as a Phase I priority for new homestead development. The Pana`ewa tract in the East Region and the Wailau tract in the South region were identified as Phase II priorities for new homestead development.

#### **Honomū**

DHHL has initiated the planning and development process for new agriculture homesteads in its Honomū Tract in 2017. A Honomū Master Plan & Final Environmental Assessment was completed in 2019. Staff also requested HHC approval to amend the Hawai`i Island Plan land use designation for the DHHL Honomū tract. The original designation in the 2002 Hawai`i Island Plan for the Honomū tract was Supplemental Agriculture (756 acres) and was amended from Supplemental Agriculture to a mix of land use designations including Subsistence Agriculture

(417 acres), Community Use (10 acres), Conservation (250 acres), Commercial (3 acres) and Special District use (40 acres).

Construction of Phase I of the Honomū Subsistence Agriculture lots began in April of 2022 and is covered in more detail in Land Development Division's HHC Update.

### **King's Landing**

At its February 2022 regular meeting, the Hawaiian Homes Commission adopted the recommendations of the HHC Investigative Committee on King's Landing (Exhibit A). One of the recommendations of the Committee was to:

"Conduct the necessary due diligence to identify if homesteading is a viable option considering sea level rise and other environmental concerns and the anticipated length of occupancy of the land by homestead lessees, which is 199 years with an approved lease extension...As part of the due diligence process, staff should render a recommendation to the Commission as to whether King's Landing should be set aside for award as kuleana homestead lots, consistent with section 10-3-30, Hawaii Administrative Rules (HAR)..."

Planning Office has begun the process to implement the Committee's recommendation by initiating a Kuleana Homestead Settlement Plan process for King's Landing in accordance with HAR 10-3-30. Planning Office contracted a consultant to conduct due diligence studies and prepare a Kuleana Homestead Settlement Plan for King's Landing as well as an Environmental Assessment in accordance with HRS 343. The Settlement Plan and Environmental Assessment process began this month (October 2022) and is anticipated to take up to 24 months to complete.

The Planning Office and consultant will be working closely with Malama Ka `Āina Hana `Āina Inc. (MAHA), the organization representing beneficiaries that currently reside in King's Landing. In addition to working with MAHA, there will be opportunities for beneficiaries to participate in the planning process through DHHL Beneficiary Consultation meetings. The first of several beneficiary consultation meetings is anticipated to be held in December of 2022.

## DHHL Regional Plans Implementation Status

There are five DHHL regional plans in the East Hawai`i region. The implementation status of each of these plans is described below.

### *Keaukaha Regional Plan*

The *Keaukaha* Regional Plan was adopted by the HHC in December 2010. Outreach with beneficiaries in the region through the planning process identified one priority project, the Keaukaha Hawaiian Community Pavilion.

### *Maku`u Regional Plan*

The Maku`u Regional Plan was adopted by the HHC in December, 2010. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Maku`u Farmers' Association Community Center
- (2) Maku`u Offsite Water System Phase 2
- (3) Sustainability & Renewable Energy Initiatives
- (4) Farm Plans, Capacity Building & Promotion of Agriculture
- (5) Lease Enforcement Provisions

### *Pana`ewa Regional Plan*

The Pana`ewa Regional Plan Update was adopted by the HHC in January, 2017. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Project Kamoleao (12-acre community parcel)
- (2) Pana`ewa Park & Family Center Management
- (3) Agricultural Capacity Building - Marketing & Training Center

- (4) Traffic Calming & Safety Improvements on Railroad Avenue and Auwae Avenue
- (5) Hawai`i Island Plan Update for East Hawai`i

*Ka`ū Regional Plan*

The Ka`ū Regional Plan was adopted by the HHC in May 2012. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Create a Ka`ū Homestead Community Association
- (2) Obtain Additional Water for Homestead Lots in Kamaoa, Puueo, and Waiohinu
- (3) Protect and Preserve Cultural Sites & Natural Resources in Kamaoa
- (4) Agriculture Homestead Leases at Waiohinu and Pursue Partnership with DLNR for Hawaiian Homesteading

*Kaūmana-Pi`ihonua Regional Plan*

The Kaūmana-Pi`ihonua Regional Plan was adopted by the HHC in May, 2017. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Kaūmana-Pi`ihonua Community Center
- (2) Agriculture Sustainability - Community Pasture
- (3) Community Tool Shed and Work Days
- (4) Pest-Control Mitigation and Removal (Kaūmana Only)

*East Hawai`i Regional Plan Implementation Statuses*

Tables 2-6 below identify the "project champion" as well as summarizes the status of each regional plan priority project.

| Table 2: KEAUKAHA<br>REGIONAL PLAN PRIORITY<br>PROJECT | PROJECT<br>CHAMPION | STATUS   |
|--|---------------------|--|
| Keaukaha Hawaiian<br>Community Pavilion                | KCA                 | In-Progress. Conceptual design and drawings have been completed. NAHASDA assisted with NEPA EA. KCA would like to proceed with pavilion by Puhi Bay as a first-step. DHHL to provide technical assistance as needed for pavilion. Last meeting between DHHL and KCA project representatives was in 2019 to discuss HRS 343 compliance. |

| Table 3: MAKU`U<br>REGIONAL PLAN<br>PRIORITY PROJECT            | PROJECT<br>CHAMPION | STATUS  |
|---|---------------------|---|
| Maku`u Farmers' Association Community Center - Site Preparation | MFA                 | In-Progress. Completed HRS 343 EA in 2011. MFA is fundraising for community center construction.  |
| Maku`u Offsite Water System Phase 2                             | DHHL                | DHHL resumed discussion with Hawaii County DWS on resuming well development agreement. Project was in development, but put on-hold due to 2015 lava flow.   |
| Sustainability and Renewable Energy Initiatives                 | MFA                 | <b>Not started.</b>   |
| Farm Plans, Capacity Building, and Promotion of Agriculture     | MFA                 | CTAHR technical assistance is available to Maku`u lessees via a CTAHR Extension Agent.  |
| Lease Enforcement Provisions                                    | DHHL                | In-Progress. DHHL in partnership with County initiated clean-up of abandoned vehicles on homestead lot in 2020. Further enforcement of non-compliant lessees and state-wide enforcement has been challenging due to shortage in staffing. |

| Table 4: PANA`EWA<br>REGIONAL PLAN<br>PRIORITY PROJECT                    | PROJECT<br>CHAMPION         | STATUS  |
|---|-----------------------------|---|
| Project Kamoleao  | PHHLCA                      | In-Progress. HHC approved project FEA FONSI September 2018.   |
| Pana`ewa Park & Family Center   | PHHLCA /DHHL / County Parks | In-Progress. HHC approved issuance of license with County Parks and Recreation in 2016 subject to the County working out a park use agreement with PHHLCA. County, DHHL, and PHHLCA held initial meeting in March 2017 to discuss agreement.  |
| Agricultural Capacity Building Marketing and Training Center              | KPFA / DHHL                 | In-Progress. UH-CTAHR CES agent has provided technical assistance and training to Pana`ewa agriculture homestead lessees. KPFA received a DHHL Regional Plan Priority Project Grant in FY 21 to develop master plan for Farmer's market site and FY 22 grant to complete an EA for master plan. KPFA also has received federal funding for its farmers' market in 2022. KPFA recently submitted a land use request to DHHL to expand the area of its farmers' market. |
| Traffic Calming & Safety Improvements on Railroad Avenue and Auwae Avenue | DHHL / County / KPFA        | KPFA conducted a meeting with County DPW-Traffic Division to assess options in addressing issue.  |
| Hawai`i Island Plan Update for East Hawai`i                               | DHHL                        | <b>Not Started.</b> Funds budgeted in FY 23 budget to update the entire Hawaii Island Plan.   |

| Table 5: KA`Ū REGIONAL PLAN PRIORITY PROJECT                              | PROJECT CHAMPION   | STATUS   |
|---|--------------------|--|
| Create a Ka`ū Homestead Community Association                             | Ka`ū Beneficiaries | Completed. The Ka`ū Hawaiian Homestead Association was created in 2013 and received IRS 501c3 status.  |
| Obtain Additional Water for Homestead Lots in Kamaoa, Puueo, and Waiohinu | DHHL               | In-Progress. DHHL completed Ka`ū Water Assessment. DHHL received \$1.5 million in CIP funds from legislature in FY 19 for plan, design, and construction. DHHL has proposed phase 1 improvements including storage tank and water spigot. DHHL set to construct improvements in 2022 pending completion of SHPD requirements and water agreement with County DWS.  |
| Protect and Preserve Cultural Sites and Natural Resources in Kamaoa       | DHHL/Ka`ū          | In-Progress. South Point Resources Management Plan was adopted October 2016. HHC approved FONSI for plan May 2018. HHC approved \$100k for South Point management in FY 22 budget. DHHL issued a procurement solicitation for security services at South Point in 2019 & 2020. No interested offerors submitted proposals for the solicitation. DHHL contracted archaeological firm in 2021 to assist with developing a Standard Operating Procedure for community stewardship of Pu`u Ali`i Burial Mound. SOP expected to be completed in 2022. |
| Agriculture Homestead Leases at Waiohinu                                  | DHHL               | In-Progress. The BLNR approved transfer of 380-acre Waiohinu parcel to DHHL via executive order in February 2018. Executive Order transfer to DHHL from DLNR completed and DHHL assumed day-to-day management of parcel in 2021. HHC approved a ROE Permit to the KHHA for agriculture education programs in May 2022 for a 5-acre portion.  |

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

| Table 6: KAŪMANA-PI`IHONUA REGIONAL PLAN<br>PRIORITY PROJECT | PROJECT CHAMPION                          | STATUS  |
|--|---|---|
| Kaūmana-Pi`ihonua Community Center                           | Kaūmana & Pi`ihonua Associations and DHHL | In-progress. Kaūmana and Pi`ihonua communities looking at pursuing funding opportunities.   |
| Agriculture Sustainability - Community Pasture               | Kaūmana & Pi`ihonua Associations and DHHL | In-progress. Pi`ihonua association has been consulting with the Molokai community pasture group. Kaūmana and Pi`ihonua may submitted land use request to DHHL in 2021 for community pasture area identified in the regional plan. Request being reviewed by Land Management Division. |
| Community Tool-Shed and Work Days                            | DHHL                                      | Not Started.  |
| Pest-Control Mitigation and Removal (Kaūmana Only)           | Kaūmana Association                       | Not Started.  |

Recommendation

For information only. No action required.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

February 22-23, 2022

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Peter "Kahana" Albinio, Acting Administrator  
Land Management Division  
Jobie Masagatani, Executive Assistant  
Office of the Chairman  
Staff to the Investigative Committee on King's Landing

SUBJECT: Adoption of Recommendations of the Investigative Committee on King's Landing (King's Landing Committee)

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission adopt the recommendations of the King's Landing Committee as outlined below:

- (1) Conduct the necessary due diligence to identify if homesteading is a viable option considering sea level rise and other environmental concerns and the anticipated length of occupancy of the land by homestead lessees, which is 199 years with an approved lease extension.
  - a. As part of the due diligence process, staff should render a recommendation to the Commission as to whether King's Landing should be set aside for award as kuleana homestead lots, consistent with section 10-3-30, Hawaii Administrative Rules. In developing a recommendation staff should consider the following:
    - i. Physical and environmental characteristics of the land;
    - ii. Excessive cost to develop the tract for any reason including: the physical characteristics of the land, the distance of the lands from existing electrical, water, wastewater disposal, communications, and other utility systems;
    - iii. Department land management plans and programs;
    - iv. Applicant interest or proposals identifying tracts of land; and

- v. Suitability for use by lessees who wish immediate access to the land for subsistence uses and who are willing to live on the land and accept an unimproved lot.
- (2) Begin discussions with the current ROE holder, M.A.H.A., regarding a new short-term land disposition that will replace ROE 274 and will allow for continued permitted use of King's Landing and presence on these relatively remote Hawaiian home lands during the transition period between today and future long-term use of King's Landing.
- a. This short-term land disposition will have a definite end date, which will transition into homestead leases (e.g., kuleana homestead leases) or another land use that respects the environmental constraints preventing homesteading and residential occupancy (e.g., park use, conservation, etc.)
- (3) The committee further recommends that the Commission place as one condition of the new land disposition that M.A.H.A. is aware that transition is highly likely and that they participate in the development and implementation of any transition plan that may be necessary. For example,
- a. If the Commission selects kuleana homestead lots as the future path, the settlement plan may require a different configuration or a different location in order to mitigate the impact of sea level rise or other environmental concerns. This may require relocation of existing occupants.
  - b. The award process will need to take into consideration those waiting for a homestead lease on Hawaii island. There is no guarantee that the current occupants of King's Landing will end up with a lease to their current location at King's Landing or even a kuleana homestead lot at King's Landing. Under both scenarios, relocation will be necessary.
  - c. If residential occupancy is not a sustainable land use, then the existing occupants will require transition out of King's Landing.

## DISCUSSION

At the January 2022 regular meeting of the Hawaiian Homes Commission (HHC) the King's Landing Committee submitted its final report to the Hawaiian Homes Commission. Attached as Exhibit A is item C-2 from the January 2022 HHC meeting: the report of the King's Landing Committee (without exhibits). The complete report, including all exhibits, is included as part of the agenda packet for the January 2022 HHC meeting.

Four recommendations were tendered to the Commission, three requiring action by the Commission and the fourth a recommendation directed to the Chairman, which he has accepted.

Recommendation 4 of the King's Landing Committee is as follows:

- (4) The committee further recognizes that there are several unique issues related to what how best to proceed in this intervening period between the present situation and implementation of a longer-term land use (e.g., kuleana homestead leasing, or some other option if homesteading is not viable). Therefore, the committee recommends that a new Investigative Committee on King's Landing (King's Landing Phase 2 Committee) be established to investigate, discuss, vet, and recommend the best course of action to address the issues associated with transition that may include the terms of the new disposition, enforcement roles and responsibilities, mitigating existing environmental concerns, and use of undivided interest leases as an interim step.

It is recommended that the members of the King's Landing Phase 2 Committee include: Commissioners David Kaapu, Michael Kaleikini, Randy Awo, and Chair William Aila.

#### ANNOUNCEMENT

Effective February 22, 2022, Chair William Aila has appointed an investigative committee of the Hawaiian Homes Commission pursuant to Hawaii Revised Statutes section 92-2.5 and Hawaii Administrative Rules section 10-2-16(b)(1). Members of the King's Landing Phase 2 Committee include: Commissioners David Kaapu, Michael Kaleikini, Randy Awo, and Chair William Aila. The purpose of the King's Landing Phase 2 Committee is to investigate, discuss, vet, and recommend the best course of action to address the issues associated with transition between the present status quo and the preferred long-term land use of King's Landing. Such issues may include but are not limited to the terms of the new disposition, enforcement roles and responsibilities, mitigating existing environmental concerns, and use of undivided interest leases as an interim step.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

January 18-19, 2022

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Peter "Kahana" Albinio, Acting Administrator   
Land Management Division  
Jobie Masagatani, Executive Assistant   
Office of the Chairman  
Staff to the Investigative Committee on King's Landing

SUBJECT: Report of the Investigative Committee on King's Landing to the Hawaiian Homes Commission (King's Landing Committee)

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION:

At the November 2020 regular meeting of the Hawaiian Homes Commission (HHC), an investigative committee was appointed to examine issues related to the settlement at King's Landing, Hawaii island (King's Landing Committee or committee). The members of the committee included Commissioners Michael Kaleikini, David Kaapu, Randy Awo and Chair William Aila, Jr.

The purpose of the committee was to identify a path for a solution to King's Landing (Exhibit 1). The committee met via Teams on five separate occasions: March 18, 2021, May 6, 2021, June 29, 2021, December 13, 2021, and December 28, 2021. On July 29, 2021, the committee and staff conducted a site visit to King's Landing and met with leaders of the Malama Ka 'Aina Hana Ka 'Aina, Inc. (M.A.H.A.) non-profit corporation, the current grantee of Right of Entry No. 294, and other beneficiaries currently residing at King's Landing.

BACKGROUND

1. Location –

The principal area under consideration by the committee is the area identified in Right of Entry (ROE) no. 274 (Exhibit 2). This area is located at Keaukaha Tract II, Tax Map Key No. 2-1-13:01, at Keaukaha, District of South Hilo, Island of Hawaii and shown as Exhibit A in the attached Exhibit 2. Hereinafter, the location will be referred to as "King's Landing".

2. Brief History –

On July 27, 1984, The HHC authorized the Chairman to issue a ROE permit to M.A.H.A. for use of King's Landing, until a management plan for King's Landing was completed and accepted. ROE No. 76 was issued on September 26, 1986.

On February 29, 2000 the HHC authorized the Chairman to issue a new ROE permit to M.A.H.A. for use as an alternative lifestyle settlement. The minutes and submittal from this February 2000 item are attached as Exhibit 3.

## ISSUES

The committee spent a lot of time identifying and discussing the issues that currently impact King's Landing. These issues bucket into the following four general interrelated areas:

(1) Environment

King's Landing's close proximity to the ocean and unique environmental qualities create challenges to the long-term development of the area for homesteading. While sea level rise and the treatment of wastewater were discussed briefly by the committee, the committee fully anticipates that other issues will arise as the due diligence is undertaken to evaluate the site for long-term homestead leases.

(2) Land Disposition

Several discussions were held with counsel regarding the existing ROE and future potential land dispositions from DHHL to address the unique situation at King's Landing.

(3) Trespassing and Enforcement

Trespassing and enforcement were also a major topic of discussion for the committee given King's Landing remote location and allegedly increasing number of unauthorized occupants engaged in drugs or other illicit activities. The committee also observed that some of the current tension related to trespassing and enforcement stem from the alleged permissions granted by original M.A.H.A. members to friends and family (who may not be members of M.A.H.A. or who may not be beneficiaries) to occupy homes and lots in King's Landing.

Several members of M.A.H.A. also raised their own concerns regarding trespassing and enforcement during the site visit and via e-mail correspondence to the Commission. Specifically, they talked about the challenges they were encountering securing the entrance gate and preventing non-M.A.H.A. members and other outsiders from entering and occupying King's Landing

(4) Long Term Land Use and Land Disposition

The current members of M.A.H.A. recognize their situation is precarious because they do not have a lease to the lot where their home is currently located. Consequently, members raised as a request the possibility of a homestead lease being made available.

It is the understanding of the committee that members of M.A.H.A. have discussed with other beneficiary leaders the lessons learned from Kahikinui, Maui, the only existing kuleana homestead lot community on Hawaiian home lands. Based on these exploratory discussions, the committee understands that the leadership of M.A.H.A. has asked the Commission to consider kuleana homestead leases for King's Landing.

This option, if pursued for King's Landing, would require beneficiary input in the development of the settlement plan and would need to consider existing applicants waiting for an award of a homestead lot on Hawaii island. There is no guarantee that the current members of M.A.H.A. will ultimately receive a kuleana homestead lease at King's Landing.

## RECOMMENDATIONS

- (1) Conduct the necessary due diligence to identify if homesteading is a viable option considering sea level rise and other environmental concerns and the anticipated length of occupancy of the land by homestead lessees, which is 199 years with an approved lease extension.
  - a. As part of the due diligence process, staff should render a recommendation to the Commission as to whether King's Landing should be set aside for award as kuleana homestead lots, consistent with section 10-3-30, Hawaii Administrative Rules. In developing a recommendation staff should consider the following:
    - i. Physical and environmental characteristics of the land;
    - ii. Excessive cost to develop the tract for any reason including: the physical characteristics of the land, the distance of the lands from existing electrical, water, wastewater disposal, communications, and other utility systems;
    - iii. Department land management plans and programs;
    - iv. Applicant interest or proposals identifying tracts of land; and
    - v. Suitability for use by lessees who wish immediate access to the land for subsistence uses and who are willing to live on the land and accept an unimproved lot.
- (2) Begin discussions with the current ROE holder, M.A.H.A., regarding a new short-term land disposition that will replace ROE 274 and will allow for continued permitted use of King's Landing and presence on these relatively remote Hawaiian home lands during the transition period between today and future long-term use of King's Landing.

- a. This short-term land disposition will have a definite end date, which will transition into homestead leases (e.g. kuleana homestead leases) or another land use that respects the environmental constraints preventing homesteading and residential occupancy (e.g. park use, conservation, etc.)
- (3) The committee further recommends that the Commission place as one condition of the new land disposition that M.A.H.A. is aware that transition is highly likely and that they participate in the development and implementation of any transition plan that may be necessary. For example,
- a. If the Commission selects kuleana homestead lots as the future path, the settlement plan may require a different configuration or a different location in order to mitigate the impact of sea level rise or other environmental concerns. This may require relocation of existing occupants.
  - b. The award process will need to take into consideration those waiting for a homestead lease on Hawaii island. There is no guarantee that the current occupants of King's Landing will end up with a lease to their current location at King's Landing or even a kuleana homestead lot at King's Landing. Under both scenarios, relocation will be necessary.
  - c. If residential occupancy is not a sustainable land use, then the existing occupants will require transition out of King's Landing.
- (4) The committee further recognizes that there are several unique issues related to what how best to proceed in this intervening period between the present situation and implementation of a longer-term land use (e.g. kuleana homestead leasing, or some other option if homesteading is not viable). Therefore, the committee recommends that a new Investigative Committee on King's Landing (King's Landing Phase 2 Committee) be established to investigate, discuss, vet, and recommend the best course of action to address the issues associated with transition that may include the terms of the new disposition, enforcement roles and responsibilities, mitigating existing environmental concerns, and use of undivided interest leases as an interim step.

It is recommended that the members of the King's Landing Phase 2 Committee include: Commissioners David Kaapu, Michael Kaleikini, Randy Awo, and Chair William Aila.

STATE OF HAWAI`I

DEPARTMENT OF HAWAIIAN HOME LANDS

October 17 - 18, 2022

To: Chairperson and Members, Hawaiian Homes Commission  
(HHC)

From: Andrew Choy, Planning Program Manager *AC*

Subject: For Information Only: East Hawai`i Water Issues and  
Projects Update

I. RECOMMENDED MOTION/ ACTION

None; for information only.

II. Introduction

This submittal to the Hawaiian Homes Commission ("HHC") provides an update of water issues and projects of significance to beneficiaries and the Department of Hawaiian Home Lands ("DHHL") on the East side of the island of Hawai`i. It is submitted in furtherance of the HHC Water Policy Plan (WPP) Goal 1, to "Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis.

A number of water related matters are proceeding across the island of Hawai`i. Some water matters will be addressed in other reports to the HHC and community. This submittal focuses on two significant pending matters: III. Update on the Wailuku River proposed state water leases and IV. County Council Consideration of a Charter Amendment related to DHHL and the Hawai`i County Board of Water Supply.

III. Update on the Wailuku River (Hilo) proposed state water lease

As has been addressed in previous East Hawai`i Updates as well as a separate presentation on the state water leasing process, the Hawai`i Electric Light Company (HELCO) owns and operates the Waiiau hydroelectric plant on the

Wailuku River. HELCO has been seeking a long-term lease of water from the state to continue to operate these plants. This section reviews and updates the HHC and community on the status of DHHL efforts to advocate for and defend HHC, DHHL, and beneficiary rights as related to this effort by the state and HELCO.

*The Lower Pi`ihonua tract and its water needs*

DHHL's Lower Pi`ihonua tract is comprised of 1,882 acres located in South Hilo on the lower slopes of Mauna Kea. The long-term potable water demand is 0.14 mgd and long-term non-potable demand is 1.5946 mgd. Land use designations consist of Residential and Subsistence Agriculture, the potable needs of which will be supplied by the Hawai`i County Department of Water Supply (HDWS) Hilo Water System. Non-potable needs may be met through ambient annual rainfall or stream diversions. The Lower Pi`ihonua tract is adjacent to Ho`okele gulch, the Waiiau gulch, and the Wailuku River. The Wailuku River is a potential source of water, as explained more fully below.

*The HELCO Waiiau project & HHC / DHHL / Beneficiary rights*

Lower Pi`ihonua has become a test site for defending our rights in water. HELCO currently holds an easement over DHHL lands for access purposes to its hydroelectric plant. In January 2016, representatives of HELCO contacted DHHL because it planned to propose to the Board of Land and Natural Resources (BLNR) conversion of its revocable permit for water resource use to a sixty-five-year general lease per HRS § 171-58.

The DHHL and its beneficiaries have three distinct interests when proposed water leases under HRS § 171-58 are sought by private parties and considered by the BLNR. First, DHHL has a right to have water reserved for its future use before any lease is issued. Secondly, our beneficiaries may exercise constitutionally protected traditional and customary practices relate to the water that the state seeks to lease. Third and finally, there is a constitutional right to thirty percent (30%) of the revenue generated by water leases. We update our efforts to protect each of these rights in turn, below.

*Water reservations*

First, HRS section 171-58 (g) requires that "The department of land and natural resources shall notify the department of Hawaiian home lands of its intent to execute any new lease, or to renew any existing lease of water rights. After consultation with affected beneficiaries, these departments shall jointly develop a reservation of water rights sufficient to support current and future homestead needs. Any lease of water rights or renewal shall be subject to the rights of the department of Hawaiian home lands as provided by section 221 of the Hawaiian Homes Commission Act."

This part of Hawai`i law has not been fully implemented since its passage by the Legislature in 1991, as the state has yet to issue a water lease under HRS section 171-58. However, DHHL staff and consultants have been working closely since 2016 with our beneficiaries, staff from the Department of Land and Natural Resources (DLNR), and other potential lessors in order to efficiently implement this requirement.

Together, DLNR and DHHL staff have determined that reservation requests for surface and/or groundwater associated with a proposed lease should be made by the Commission on Water Resource Management (CWRM). These requests are based on the water demands associated with DHHL lands, if any, that could foreseeably use some portion of the demised water. DHHL first holds a formal consultation process with its beneficiaries prior to requesting the reservation from CWRM and the inclusion of any related lease provisions from the Board of Land and Natural Resources (BLNR).

On August 15, 2017, a Beneficiary Consultation Meeting was held in Hilo to discuss HELCO's desire to continue to use the water to operate the two hydroelectric plants at lower Pi`ihonua. Pursuant to HRS § 171-58(g), the DLNR and DHHL are required to jointly develop a "reservation" of water as part of the leasing process. A water reservation set aside is a set aside of water for current and foreseeable development and use, in this case by DHHL. The Water Leasing Process is illustrated in Figure 1, below.

Consultation with DHHL beneficiaries focused on DHHL's water needs for lands at lower Pi`ihonua for purposes of establishing a water reservation. Information provided included the Hawai`i Island Plan, Kaūmana - Pi`ihonua Regional Plan and the SWPP regarding water demands. The potential DHHL water reservation for lower Pi`ihonua potable and non-potable water needs are as follows: Potable (140,000 gpd) + Non-Potable (1,600,000 gpd) = DHHL Lower Pi`ihonua combined water needs of 1,740,000 gpd. Questions discussed with beneficiaries included:

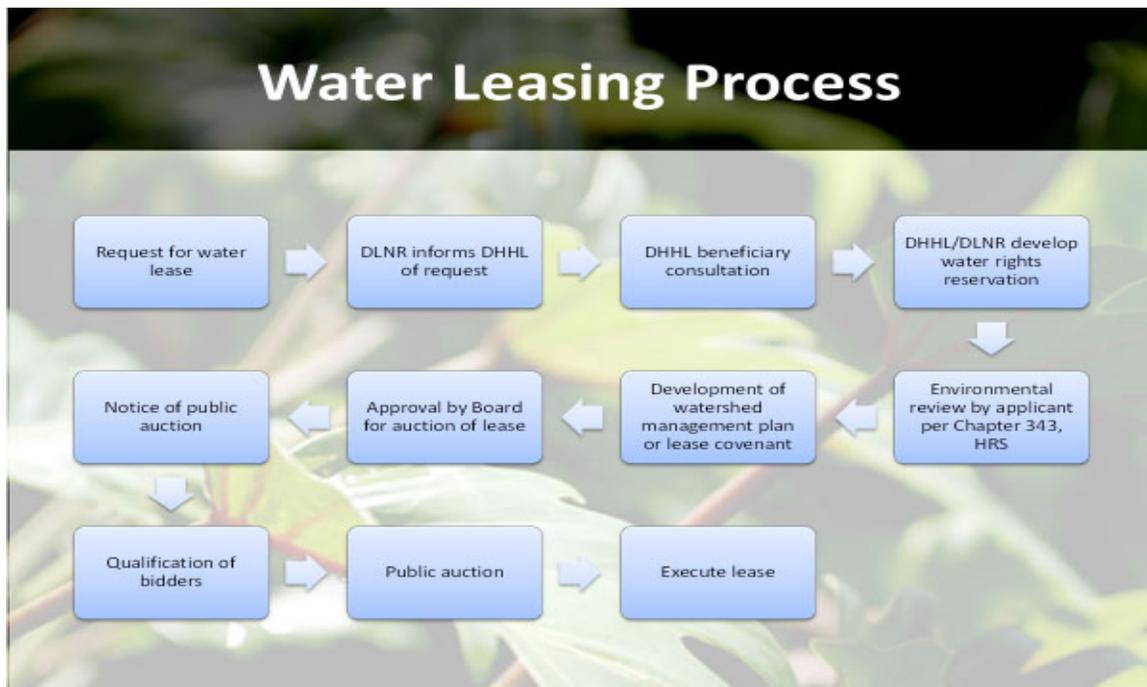


Figure 1. Water Leasing Process; image from DLNR staff.

- (1) Should DHHL's water reservation include both potable and non-potable water needs for Lower Pi`ihonua? Why?
- (2) Where should this water come from to meet those water needs? Wailuku River? Aquifer? Rainfall?; and
- (3) Are there any water needs that DHHL did not account for? If so, what are they?

The Beneficiary Consultation Report & Recommendations for DHHL's water reservation was approved by the HHC at its October 2017 meeting. This surface water reservation was considered by CWRM and was approved on March 17, 2020, for 1.6 mgd.

*Traditional and customary rights that may be impacted by the proposed lease*

In the particular case of the water lease sought, DHHL is currently unaware of any such practices, or rights associated with these practices, that could be affected in relationship to the significant abundance of water in this River. The published final Environmental Assessment developed by HELCO was reviewed by DHHL and identified no such rights. DHHL does not anticipate any particular actions in this instance on that issue.

*30% of water lease revenue*

DHHL has extensively discussed with HELCO how DHHL is entitled by Constitutional provision to 30% of the revenue generated by state water leases (Hawai'i Constitution Article XII Section I). Funds from this source are devoted exclusively to the Native Hawaiian Rehabilitation Fund (NHRF), which supports projects on DHHL lands and for beneficiaries. Awarded as both grants in support of regional priority projects, they fund agricultural training and other related projects (such as training on farm lot preparation, commercial farm development, and related matters) across Hawai'i. DHHL has advocated for a cost-avoided method whereby charge for the license would be a function of the amount HELCO saves by using hydroelectric sources rather than another source.

Discussions with HELCO, while respectful, did not lead to any common agreement over the rate of compensation that HELCO may agree to pay to the state, and hence (30% thereof) to DHHL. The rate ultimately suggested by the lease applicant was 1 mil (a mil is \$0.001, or 1/10 of one cent) per Kilowatt hour (kWh) generated. **According to documents shared with staff, this rate proposed by HELCO would result in a lease payment to the state of approximately \$17,566 / year (with 30%, or \$5,270/yr. to DHHL in the NHRF).** ("Report on the Analysis of the Federal Energy Regulatory Commission ("FERC") Rate Hawai'i Electric Light Company, Inc. October 8, 2020"). As of June 1, 2020, HELCO estimated the avoided cost if this project proceeds are approximately 9.39 cents per kWh. **The same analysis concluded a "Shared Net Benefit" rate, where the benefit of the avoided fuel costs is shared between the developer and**

**lessee, which would generate an estimated \$264,538.66/year or \$79,361 to DHHL (NHRF) (attachment 9 to above report).**

HELCO representatives made a presentation directly to the HHC on this issue at their Kona meeting in May 2022. In August of 2022, the BLNR considered the long-term lease and DHHL requested a contested case hearing on the matter. The BLNR denied the CCH request at that hearing and approved the lease, but DHHL has filed a written petition for a CCH that BLNR must act on.

IV. County Council Consideration of a Charter Amendment related to DHHL and the Hawai`i County Board of Water Supply

The second update of note that will not be addressed in other updates is the County Council's consideration of a potential Charter Amendment which would have required, among other matters, a representative of the HHC Chair on the County Board of Water Supply (BWS). It also would have required training in Native Hawaiian law by the Ka Huli Ao Center for Excellence in Native Hawaiian Law, as is currently required under state statute for members of the BLNR, CWRM, and other critical Boards and Commissions. Finally, it would have required annual reports from the BWS to the Council on certain matters, including information on the number of unallocated water credits in its systems that may be available for HHC use for homestead development.

The measure was introduced by Councilmember Matt Kaneali`i Kleinfelder and numbered as Bill 180. Over the course of its hearing, support for the measure came from various beneficiaries. Opposition to the measure came from the HDWS and some beneficiaries who expressed concern about the County referencing the HHCA in the Charter, the manner in which a representative would be chosen, and other matters.

It was considered in the Council's May 31, 2022 Regenerative Agriculture, Water, Energy and Environmental Management Committee Meeting, and it was sent to the council with a negative recommendation. It was subsequently considered by the full council on June 1<sup>st</sup> and June 15<sup>th</sup>, when it was voted down and not placed on the general election ballot.

Subsequent to the hearing, DHHL Planning Office staff met with a Keaukaha homestead lessee who wanted to discuss Bill 180 further. The beneficiary provided mana`o to DHHL staff that DHHL should start to focus its efforts to provide training and capacity building to interested beneficiaries that would like to serve on County Boards of Water Supply so that they can better advocate for beneficiary water interests. DHHL is currently looking at potential resources to implement that mana`o to train beneficiaries to serve on these boards.

V. V. RECOMMENDED MOTION/ACTION

None; for informational only.

STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 17-18, 2022

To: Chairman and Members, Hawaiian Homes Commission

From: Andrew H. Choy, Planning Program Manager AC

Subject: (For Information Only) Anticipated Finding of No Significant Impact for the Waimea Nui Regional Community Development Initiative Kīpuka o ke Ola Clinic Relocation Draft Environmental Assessment, TMK (3)-6-4-038:011 (por.), Pu'ukapu, Waimea, Hawai'i Island

Recommended Action

For Information Only. No action required.

Discussion

The purpose of this informational briefing is to introduce HHC members to the DEA for the Waimea Nui Regional Community Development Initiative Kīpuka o ke Ola Clinic Relocation and provide the HHC an opportunity to provide comments on the DEA.

Background

The Waimea Hawaiian Homesteaders' Association (WHHA) incorporated Kīpuka o ke Ola (KOKO) as the Association's Medical Division. KOKO was founded by Five Mountains Hawai'i Inc., a 501c3 non-profit organization that was inspired by Dr. Earl Bakken and Kenneth Brown. In January 2014, Five Mountains Hawai'i, Inc. elected a new Board of Directors, new Executive Management Team, and officially began doing business as KOKO. The KOKO Native Hawaiian Health Clinic ("KOKO Clinic") was established in response to a community needs assessment conducted by the Waimea Hawaiian Homesteaders' Association (WHHA), which called for a health clinic that could specifically address the health disparities endured by Native Hawaiians in North Hawai'i.

The clinic's mission statement is: "KOKO provides cultural, spiritual, medical, and psychological services to all residents of North Hawai'i with a special emphasis for the Kānaka Maoli. This mission is our kuleana. KOKO provides culturally-informed direct services, actively collaborates with Hawaiian agencies and associations in order to meet their members' needs, and is led by the community it serves." KOKO is designed to provide a full range of bio-psycho-social services to the residents of North Hawai'i. It provides primary care services (including pediatric services), women's health services, individual, couple, and family psychotherapy services, acupuncture/lomilomi massage, and psycho-educational trainings for the community and organizations.

The WHHA and its subsidiary organization, the Waimea Nui Community Development Corporation (WNCDC) have been actively conceptualizing a community development project for over 40 years to address the cultural, economic, and social needs of the Waimea area and of Waimea Homestead families. The Waimea Nui Regional Community Development Initiative (WNR-CDI) was developed based upon the ideas and concepts articulated by the homestead community, and it incorporates the long-term visions of both WHHA and the Department of Hawaiian Home Lands (DHHL), as outlined in the DHHL Waimea Regional Plan (2012).

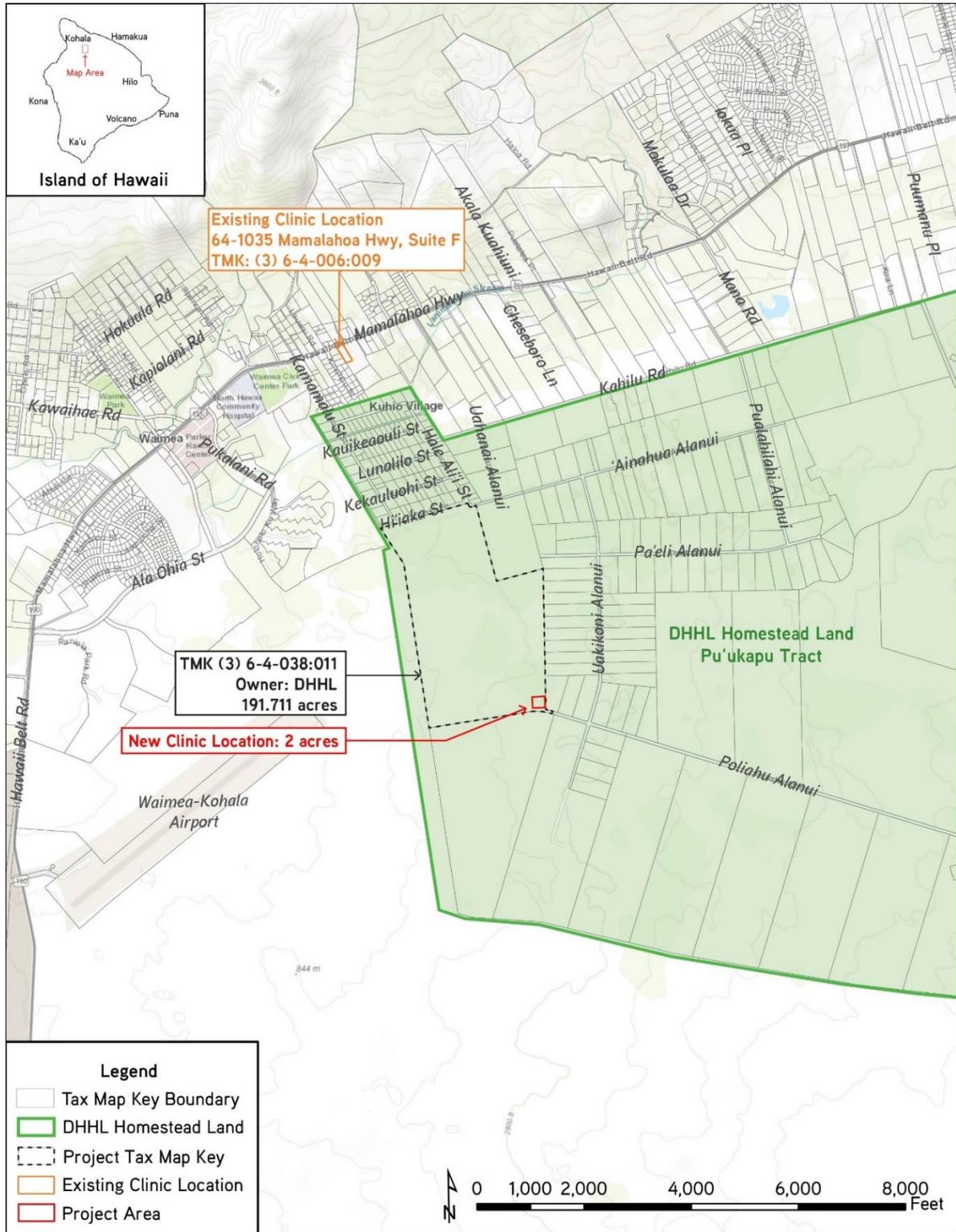
In 2015, a Final Environmental Assessment - Finding of No Significant Impact (FEA-FONSI) was prepared for the WNR-CDI (Exhibit A), which proposed the following facilities and land uses to be located within approximately 114-acres of DHHL Homestead Land in a portion of Tax Map Key (TMK) (3) 6-4-038:011: a homestead cemetery/chapel which includes:

- Columbarium;
- Community agriculture complex inclusive of a community agricultural park, a green waste biodigester with electric grid, a post-harvest facility, and commercial kitchen;
- An equestrian center; and
- A golf facility inclusive of playing greens, driving range, chip and putt, and a clubhouse.

Following completion of the FEA-FONSI, the Hawaiian Homes Commission approved a 65-year General Lease to WNCDC that encompasses 161-acres of land within TMK (3) 6-4-038:011 to develop the aforementioned facilities and land uses (Exhibit B). The 161-acre property is inclusive of the 114-acres covered in the 2015 FEA-FONSI.

The WNR-CDI proposes to relocate the KOKO Clinic from its existing location at 64-1035 Māmalahoa Highway, to a 2-acre portion of the undeveloped 161-acre property leased by WNCDC. The clinic's proposed location would be within 2 acres of the area that was previously identified for the equestrian center in the 2015 WNR-CDI FEA-FONSI. The clinic is a new land use that is being considered for inclusion with the land uses proposed in the WNR-CDI's 2015 FEA-FONSI and therefore supplemental Draft Environmental Assessment (DEA) has been prepared in accordance with the requirements of Hawai'i Revised Statutes (HRS), Chapter 343 and Hawai'i Administrative Rules (HAR), Title 11, Department of Health, Chapter 200.1, Environmental Impact Statement Rules. The proposed project will require the use of State lands, as it would be located on DHHL Homestead lands, and the use of State funds, thus triggering the preparation of an Environmental Assessment (EA) as prescribed by HAR 11-200.1-8(1) and HRS, Chapter 343-5(a)(1). (Exhibit C)

**Figure 1 -- Project Location Map**

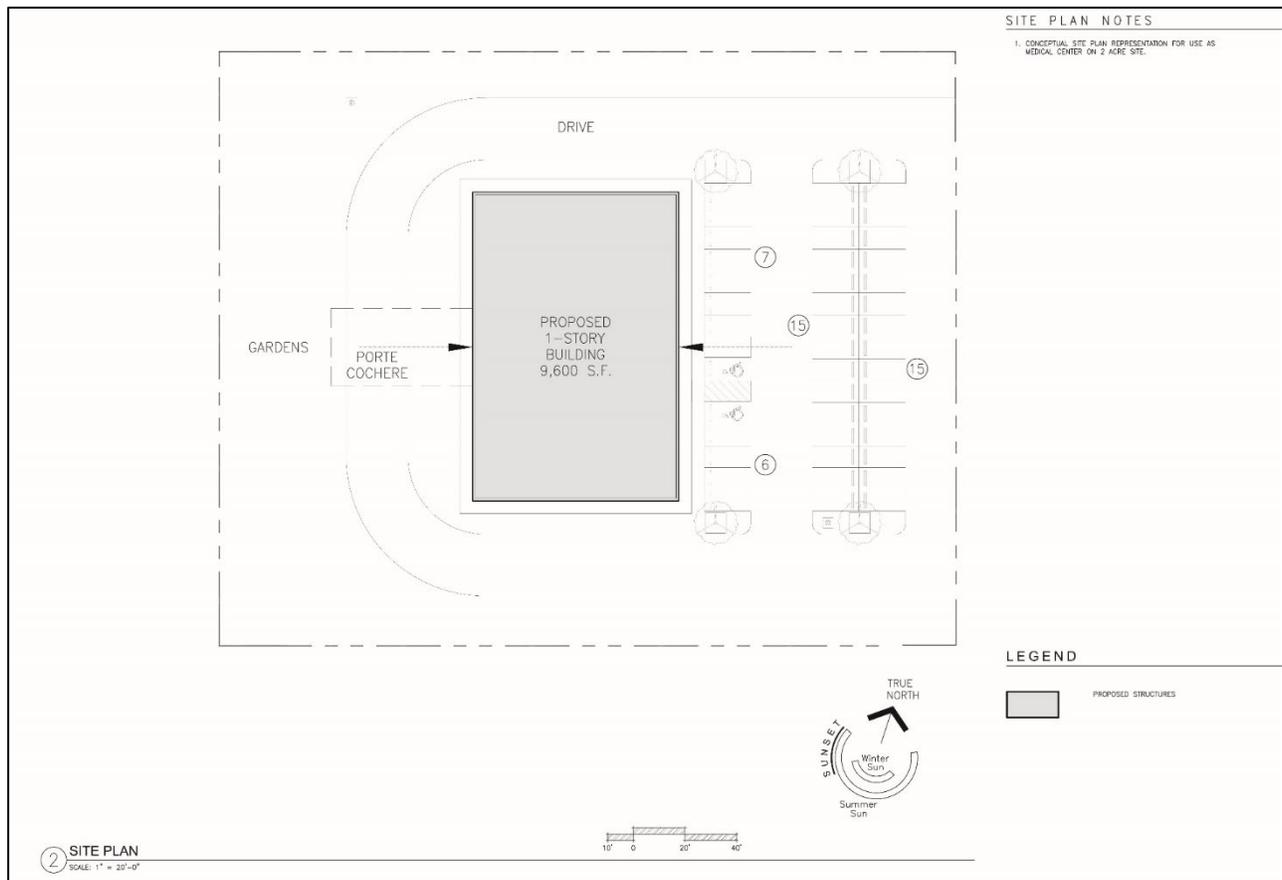


Proposed Action: Relocation of the KOKO Clinic

The proposed action includes the development of an approximate 9,600 square feet (SF), one-story building for the KOKO Clinic within a 2-acre portion of TMK (3) 6-4-038:011 (see Figure 2). The new clinic would include treatment rooms to provide primary care, psychiatry, psychology, women's health, la'au lapa'au, lomilomi and acupuncture services. In addition, the clinic would expand its Ulu Laukahi Program that addresses chronic care disease management, which would require a certified kitchen, workout facilities, and meeting rooms.

The expansion of the KOKO Clinic would result in an additional five full-time positions to increase the clinic's treatment capacity to 800 additional patients. Operations at the clinic would remain the same; Monday through Friday from 8:00AM to 5:00PM.

**Figure 2 -- Project Site Map**



## DEA Summary

The DEA (Exhibit C) assesses the potential environmental impact of the KOKO Clinic building on a 2-acre portion of TMK (3) 6-4-038:011. The following discussion summarizes the analysis of the DEA assessment of the project's impact to various resources.

### *Natural Resources*

A Botanical Survey was conducted by AECOS in support of the 2015 FEA-FONSI for the WNR-CDI during November 2014; the project site is within the same boundary of the surveyed area for the 2015 FEA-FONSI. The survey found that the current vegetation of the site consists of pasture grasses and a limited number of herbaceous plants. All plants found during the site survey were non-native species, and no federally listed endangered or threatened species were found.

Avian and mammalian surveys were conducted by AECOS in support of the 2015 FEA-FONSI for the WNR-CDI during November 2014; the project site is within the same boundary of the surveyed area for the 2015 FEA-FONSI. Based on the survey, the site is mainly vacant of mammalian species with the exception of domestic cattle (*Bos taurus*) found on the site and adjoining pastures, along with mice (*Mus musculus domesticus*) and wild pigs (*Sus scrofa*). No Hawaiian hoary bats were detected during the survey given the lack of suitable roosting trees.

A total of 15 different bird species were recorded during station counts in 2014. One of the species detected, the Pacific Golden-Plover (*Pluvialis fulva*), is an indigenous migratory shorebird species that are found to return to Hawai'i and the Pacific during the fall and winter months. The remainder of avian species recorded were considered to be alien to Hawai'i; none of the species were listed as endangered, threatened or proposed for listing under the Federal or State endangered species programs.

Although it was not detected during the 2014 survey, it is possible that the endangered endemic Hawaiian Petrel

(*Pterodroma sandwichensis*), and the threatened Newell's Shearwater (*Puffinus auricularis newelli*) may fly over the project area between the months of April to December. The Hawaiian goose (*branta sandvicensis*) may also be present in the vicinity of the proposed project area at any time of the year, although it was not observed during the survey.

The construction and operation of the KOKO Clinic is not anticipated to result in an adverse impact to native birds or the Hawaiian hoary bat. No plant, avian, or mammalian species that are protected or proposed for protection under the Federal or State of Hawai'i endangered species programs were detected during the 2014 surveys. Per the State Department of Land and Natural Resources (DLNR), Division of Forestry and Wildlife (DOFAW) pre-assessment consultation letter dated July 27, 2022, it is recommended to use native plant species for landscaping that are appropriate for the area. In addition, DOFAW recommended consultation with the Big Island Invasive Species Committee during the design and construction of the project to help minimize the risk of spreading invasive species.

#### *Historic and Cultural Resources*

An Archaeological Inventory Survey (AIS) was conducted in support of the 2015 FEA-FONSI for the WNR-CDI by Keala Pono Archaeological Consulting, LLC (KPAC). The AIS was conducted to determine the presence, nature, and extent of archaeological resources in the project area. A surface survey was conducted by KPAC by walking 16 - 26 foot transects throughout the project area. Results of the surface survey revealed one archaeological site, which was then mapped, documented, and excavated. Controlled test units were excavated by hand at the site. A total of 10 trenches in arbitrary locations were mechanically excavated for the purpose of sampling the subsurface conditions (see Figure 11). No cultural remains, either prehistoric or historic, were encountered in any of the trenches. Stratigraphy consisted entirely of natural deposits with bedrock below.

The results of the AIS indicated that the WNR-CDI project area consisted of one site (Site 30195). This site is not within the KOKO Clinic project area.

Based on the findings of the AIS conducted for the 2015 FEA-FONSI for the WNR-CDI, the proposed KOKO Clinic is not anticipated to adversely impact any known or found archaeological sites. Subsurface properties associated with former traditional Hawaiian activities, such as artifacts, cultural layers, and burials may be present despite the historical pasture use in the area. For this reason, personnel involved in the project should be informed of the possibility of inadvertent cultural finds and should be made aware of the appropriate notification measures to follow. If any previously unidentified sites or remains are encountered during site work and construction, work in the immediate area shall cease. An archaeologist from SHPD shall be notified and work in the area would be suspended until further recommendations are made.

#### *Infrastructure -- Traffic*

As part of the 2015 FEA-FONSI for the WNR-CDI, a Traffic Impact Analysis Report (TIAR) was completed by Traffic Management Consultant, Inc. in 2014. For this Draft EA, an update to the 2014 TIAR was conducted by SSFM International, Inc. to account for the addition of the KOKO Clinic (see Appendix C). The 2022 TIAR supplements the previous 2014 TIAR and assessed the impacts of the proposed KOKO Clinic relocation on Future with Project Analysis; the "Future Without Project" analysis will include the project-related trips from the 2014 TIAR using updated background growth rates and intersection turning movement counts taken in September 2021. In compliance with Hawai'i County Code Chapter 25, Section 25-2-46 Concurrency Requirements, traffic impacts were analyzed for the years 2026, 2031 and 2041, which are future five, ten, and 20 year timelines from the existing year of analysis (2021).

The existing roadways analyzed in the 2022 TIAR include Māmalahoa Highway, Kamamalu Street, Hiiaka Street, Ainahua Lanau Street, Mana Road, Uakikoni Alanui, and Poliahu Alanui. Four existing study intersections were identified and analyzed to consider the impacts from the proposed project (see Figure 12); Māmalahoa Highway at Kamamalu Street, Hiiaka Street at KOKA Charter School Main Driveway, Ainahua Alanui Street at KOKA Charter School Eastern Driveway, and Māmalahoa Highway at Mana Road.

As proposed in the 2015 WNR-CDI TIAR, a new road would be constructed that branches south off of Hiiaka Street to serve as the primary access to the WNR-CDI development. The intersection of Hiiaka Street and the new road is proposed to be an unsignalized three-way intersection; the new road would have two lanes.

An access point through the west end of Poliahu Alanui road, west of the intersection with Uakikoni Alanui road, will be used in the interim as temporary access. When the new road is constructed, the temporary access point will become the secondary access point. The KOKO Clinic is anticipated to generate 30 to 37 trips in the AM and PM peak hours, respectively. The low number of trips are not expected to have a significant impact on the surrounding roadway network, therefore a separate analysis of the secondary access was not conducted.

The overall size and traffic impact of the KOKO Clinic is minimal compared to the other land uses proposed in the 2015 WNR-CDI TIAR. At the intersection of Māmalahoa Highway and Mana Road, the northbound right approach will worsen to level of service (LOS) E in the Future With Project analyzed year of 2026, and further to LOS F in Future With Project year 2041. The northbound left turn also operates at LOS E during the Future With Project year 2041. Due to the worsening LOS, this intersection satisfied the Peak Hour Traffic Signal Warrant to install a traffic signal by the Future With Project year 2026. However, even with the installation of a traffic signal, the eastbound approach in the PM peak hour operates near capacity in 2041 with or without the proposed project, which is likely due to the forecasted regional growth. It is therefore recommended that this intersection be studied in the future in collaboration with HDOT to assess the need for a traffic signal.

At the intersection of Māmalahoa Highway and Kamamalu Street, the northbound left turn worsens to LOS E during the PM peak hours in 2041 with or without the proposed project. Based on the future projected volumes, it is anticipated that up to nine vehicles per cycle would be queued at this approach to the intersection. It is recommended that the signal timing at the intersection be monitored and adjusted if needed.

## *Infrastructure - Water & Wastewater*

Potable water service in the general area is provided by the County Department of Water Supply's (DWS) 4.0 million gallons (MG) water reservoir at the water treatment plant with a spillway elevation of 3,052 feet above mean sea level (msl). Based on the DWS' pre-assessment consultation letter dated July 13, 2022 (see Appendix A), the project parcel is currently serviced by a combination 8-inch by 4-inch meter, which is allocated 25 units of water, or 10,000 gallons per day. DWS indicated that additional water is unavailable at this time.

Should the clinic water demand exceed 10,000 gallons per day, DWS indicated that a Water Development Agreement would need to be drafted to identify agreed upon improvements needed to the DWS system in order to provide additional potable water to the project site.

The majority of Waimea relies on Individual Wastewater Systems (IWS) or a Wastewater Treatment Works. There are no existing municipal sewer systems near the project site. As the KOKO Clinic would be relocated to the development proposed by the WNR-CDI, the wastewater system proposed in the 2015 FEA-FONSI is anticipated to service the project site. Wastewater flows produced from the WNR-CDI development would be handled through a Wastewater Treatment Works, as this would be considered to comply with the Federal Aviation Administration (FAA) Advisory Circular 150/5200-33B, which regulates developments within the proximity of airports. The project site is located near the Waimea-Kohala Area of Operations delineation where new wastewater facilities are typically not permissible due to concerns that such facilities could attract wildlife to the area. However, an enclosed underground system can be designed whereby treated effluent for reuse purposes such as irrigation could be distributed evenly through the project area as to not create ponding areas.

All wastewater collection and treatment components would be designed in compliance with HAR Section 11-62 relating to Wastewater Systems. Wastewater re-use is the most viable option for the proposed project and can be

utilized if designed in accordance with DOH Guidelines for the Treatment and Use of Recycled Water.

*DHHL Planning System Consistency*

The DHHL's 2002 Hawai'i Island Plan evaluates the DHHL holdings on Hawai'i island and identifies land use plans developed to meet beneficiary needs. Island Plans are part of the second tier in DHHL's planning process that focuses on island-specific land use projections. The proposed project is within the Pu'ukapu Tract, which consists of primarily pastoral and supplemental agriculture DHHL land uses. Under the Hawai'i Island Plan, the proposed project area was designated for General Agriculture in the 2002 Plan. However, in 2015, after beneficiary consultation, the HHC approved a land use amendment to the Hawai'i Island Plan changing the land use from General Agriculture to Community Use. The Community Use designation is consistent with the proposed uses of the WNR-CDI and the KOKO Clinic relocation effort.

Based upon the analysis completed in the DEA, staff anticipates a finding of no significant impact for the Waimea Nui Regional Community Development Initiative Kipuka o ke Ola Clinic Relocation. This determination is based upon the 13 criteria of significance that approving agencies must consider as specified in HAR 11-200-12.

*(1) Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;*

Discussion: The proposed project would not adversely impact any known or existing natural or cultural resource. The project site is proposed to be on undeveloped agricultural lands with no significant natural resources. As discussed in Section **Error! Reference source not found.**, no significant archaeological or historical sites are known to exist within the project site. Should any cultural or archaeological resources be found during construction, the SHPD will be immediately notified and the necessary protection measures would be administered.

*(2) Curtails the range of beneficial uses of the environment;*

Discussion: The proposed project would be developed on a 2 acre portion of a 191.71 acre lot that is currently undeveloped and zoned for agricultural use. The proposed project is part of the WNR-CDI master plan which includes agricultural uses such as a community agriculture park, agriculture resource center, post-harvest and co-op facilities, and a farmers market building. The project would not curtail the range of beneficial or agricultural uses of the surrounding environment as it would be part of a larger development that includes agricultural uses. In addition, there is a generous supply of agricultural land within the surrounding environment and the Waimea region.

*(3) Conflicts with the State's long term environmental policies or goals and guidelines as expressed in Chapter 344, HRS; and any revisions thereof and amendments thereto, court decisions, or executive orders;*

Discussion: The proposed project does not conflict with the State's long-term environmental policies or goals. The project supports the intention of the environmental policies and goals relative to creating opportunities for residents to improve their health, well-being, and quality of life through health care services that are economically viable.

*(4) Substantially affects the economic or social welfare of the community or State;*

Discussion: The proposed project would not have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State. Rather, the project would support the economic and social welfare, and cultural practices of the community and Native Hawaiians by providing affordable health services and programs that are rooted in traditional Hawaiian values and culture. In addition, the design, construction work, and expanded operations of the KOKO Clinic would provide employment opportunities for the surrounding community and island of Hawai'i.

*(5) Substantially affects public health;*

Discussion: The proposed project will not have a substantial adverse effect on public health. The project would provide long-term beneficial effects on public health through the expanded capacity of health services and programs that would be provided at the KOKO Clinic. Short-term effects to noise, air, and traffic that could result from construction activities would be limited to the construction phase and would be mitigated through BMPs and adherence to regulatory requirements.

*(6) Involves substantial secondary impacts, such as population changes or effects on public facilities;*

Discussion: The proposed project would not result in substantial secondary or cumulative impacts to the natural or built environment, or to the social and economic community. Future traffic conditions with or without the project would require traffic signal installation and/or improvements to improve the LOS at the intersections of Māmalahoa Highway and Mana Road and Māmalahoa Highway and Kamamalu Street. As proposed in the 2015 FEA-FONSI for the WNR-CDI, the impacts to water and wastewater generation would be mitigated through the use of available surface water that would be treated on-site as potable water. No impacts to the existing aviation easement restrictions are anticipated as the KOKO Clinic would be within the acceptable design parameters.

*(7) Involves a substantial degradation of environmental quality;*

Discussion: The proposed project will not involve substantial degradation of environmental quality. All project activities will be conducted in compliance with Federal, State, and COH rules and regulations governing environmental quality and public health.

*(8) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions;*

Discussion: The proposed project would have a limited and negligible impact on the natural and cultural environment

while providing an overall general improvement to the health and well-being of the Pu`ukapu Homestead beneficiaries and Waimea residents. While the project is proposed to be relocated within the WNR-CDI development, the environmental impacts for the WNR-CDI have been previously analyzed and resulted in a FONSI determination. The addition of the KOKO Clinic in the WNR-CDI is not considered to be substantial compared to the overall development planned for the parcel, and would not result in a commitment for larger actions than what has already been assessed in the WNR-CDI FEA-FONSI.

*(9) Substantially affects a rare, threatened or endangered species or its habitat;*

Discussion: The proposed project will not have a substantial adverse effect on rare, threatened, or endangered species or its habitat.

*10) Detrimentially affects air or water quality or ambient noise levels;*

Discussion: The proposed project will not have a substantial adverse effect on air or water quality or ambient noise levels. Construction activities would result in short-term effects on air, water quality and ambient noise levels but would be mitigated by compliance with COH and DOH rules regulating construction-related activities.

During operations, the impacts on air and water quality would be minimal. Noise levels would be minimally increased with the addition of the new clinic within the project area, however it is not anticipated to be perceptible by the surrounding land uses.

*(11) Affects or is likely to suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;*

Discussion: The project site is not located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh

water, or coastal waters.

*(12) Substantially affects scenic vistas and view planes identified in County or State plans or studies;*

Discussion: The project site is currently undeveloped, and the KOKO Clinic relocation would not deter from the overall appearance or aesthetics of the area. The KOKO Clinic is proposed to be one-story tall and would not constrain any view planes to Mauna Kea and the Kohala Mountains.

*(13) Requires substantial energy consumption.*

Discussion: The proposed project would not require substantial energy consumption. The KOKO Clinic's new facility would not require a substantially greater amount of energy consumption compared to the current consumption used for their existing operations.

#### Next-Steps

The Draft EA will be published in the Environmental Notice Bulletin on October 23, 2022. The 30-day public comment period will commence on that day and end on November 22, 2022. KOKO and DHHL will review comments received during the 30-day comment period and revise the DEA as needed based on public comments. The Final Environmental Assessment is tentatively anticipated to be presented to the HHC at its December 2022 for its consideration to approve.

#### Recommendation

For information only. No action required.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 18-19, 2015

To: Chairman and Members, Hawaiian Homes Commission  
Thru: M. Kaleo Manuel, Acting Planning Program Manager   
From: Andrew H. Choy, Planner   
Subject: Declare a Finding of No Significant Impact  
(FONSI) for Final Environmental Assessment (FEA)  
Waimea Nui Regional Community Development TMK No.  
(3) 6-4-038:011 (por.) Waimea Nui, Hawaii Island

Recommended Action

That the Hawaiian Homes Commission declare a FONSI based on the FEA for the Waimea Nui Regional Community Development Initiative.

Discussion

BACKGROUND

At its September 2013 meeting, the Hawaiian Homes Commission authorized the Chairman to undertake a pilot project in which DHHL works with the Waimea Hawaiian Homestead Association (WHHA) to complete the necessary pre-development planning, feasibility, and environmental studies for the first set of projects envisioned by WHHA within the Waimea Nui Community Development Initiative (Exhibit A). Through the pilot project, DHHL has contracted and managed a consultant to work closely with WHHA to complete planning studies, feasibility studies, and an environmental assessment in accordance with Hawaii Revised Statutes (HRS) Chapter 343 for the project area. Upon completion, WHHA would be poised to solicit funding from private and public sources to complete the design and construct the first set of projects, offering WHHA the opportunity to operate and maintain an envisioned community economic development project that is self-sustaining and supports economic development within the region.

The Waimea Nui Regional Community Development Initiative consists of the following priority projects:

| Priority Project              | Acres |
|-------------------------------|-------|
| Homestead Cemetery/Chapel     | 10    |
| Equestrian Center             | 14.7  |
| Community Agriculture Complex | 42.2  |
| Golf-Facility                 | 32.2  |

DRAFT ENVIRONMENTAL ASSESSMENT

In February 2015, DHHL staff and the Waimea Hawaiian Homestead Association presented the public review draft environmental assessment (DEA) conducted for this project to the Hawaiian Homes Commission (Exhibit B). The DEA assessed the potential environmental impact to the surrounding environment of the Waimea Nui Regional Community Development Initiative. In summary the DEA found that these proposed uses will have no to minimal impact on the surrounding environment.

The DEA also addressed the proposed project uses for consistency with existing plans and applicable land use policies. For the most part, the priority projects are consistent with the existing plans and applicable land use policies in the region. However, the DHHL Hawaii Island Plan Land Use Designation for the project area will need to be amended from General Agriculture to Community Use in order for the project to be completely consistent (see HHC May 2015 Agenda Item G-1).

Based upon the analysis completed in the DEA, staff anticipated a finding of no significant impact (AFONSI) for the priority projects of the Waimea Nui Regional Community Development Initiative. Per Hawaii Administrative Rules (HAR) 11-200-11, the DEA and AFONSI are required to be published in the state Office of Environmental Quality Control "Environmental Notice" bulletin for a 30-day public review and comment period. The public comment period was from February 8, 2015 to March 10, 2015. DHHL also accepted comments from agencies after the close of the comment period.

FINAL ENVIRONMENTAL ASSESSMENT (SUMMARY)

Various government agencies at the federal, state, and county level, as well local community groups and associations were asked to comment on the DEA. Revisions to the DEA were made based on the comments received during the public consultation period. These changes are reflected in the FEA (Exhibit C). The FEA includes a ramsayer format that indicates which sections of the original DEA were modified.

A summary of the more important key substantive issues identified by other agencies during the public comment period and how those comments were addressed in the FEA are highlighted in the following table. A complete record of comments received and responses to those comments are included in appendix A of Exhibit C.

| Agency                                      | Comment (Summary)   | Response to Comment  |
|---|---|--|
| Dept. of Agriculture (DOA)                  | Recommend that the total water demand incorporate DOA's 3,400 gallons per acre per day (GPAD) estimate.   | FEA incorporates DOA recommendation to utilize the 3,400 GPAD estimate to project water use.   |
| DOA   | Explain what the impact of the new water demand based on the 3,400 GPAD estimate will have on the existing Waimea Irrigation System (WIS).  | The project will incorporate storage into the system design with the intent of drawing water from the WIS during evening hours when irrigation systems of other users are not in use. This will ensure adequate water pressure in the WIS. DOA will be the lead agency overseeing the design phase of the water system and DOA will have oversight to ensure that the water system will be designed to not adversely affect the WIS. |
| Dept. of Transportation Airports Division   | Ensure that the proposed project does not attract wildlife to the project area. Additional wildlife, especially birds, will pose a hazard to airplanes that utilize the Waimea-Kohala Airport.  | The project will avoid creating above-ground standing water that will attract wildlife. The project will provide adequate drainage so that storm water will not pond. The project will incorporate an underground closed water treatment system.   |
| State Historic Preservation Division (SHPD) | Additional information is needed regarding the background history of this parcel, results of subsurface testing, and identification of the two historic properties prior to acceptance of the Archaeological Inventory Survey (AIS) pursuant to HAR 13-284-5. | Additional information requested by SHPD has been provided and a new updated AIS is included in the FEA. The AIS will be listed as Appendix C (Revised) in the FEA with an April 2015 date. Upon submittal of the new information that was requested, the AIS was accepted by SHPD.  |

County  
Department of  
Public Works  
(DPW)

The additional traffic created by the proposed projects is not insignificant and may warrant traffic mitigation improvements by the developer including intersection improvements, traffic signals, and other traffic calming measures.

WNR-CDI programs will be coordinated in such a manner that will avoid AM and PM peak hours. In addition, the WNR-CDI will be servicing primarily homestead residents in the near vicinity. As such, impacts to the main Mamalahoa Highway is expected to be minimal.

In order to assist DPW with its Mamalahoa Highway improvement project, DHHL is considering cost sharing the widening of Kahilu Road with DPW so that the Kahilu Road can be used as a suitable bypass during the County's Mamalahoa highway improvement project.

We hope that collaborative efforts such as the above situation between DHHL and DPW to improve regional traffic will be taken into consideration and be credited as a meaningful improvement by the developer to improve existing regional traffic conditions. Additional consultation with DPW about traffic mitigation measures including possible opportunities to collaborate on traffic improvements will occur.

As stated previously, staff anticipated a finding of no significant impact based on the findings of the DEA. The comments in the above table were the most substantive comments that were received during the public comment period. Appropriate mitigation measures and solutions were identified to address these comments. The mitigation measures and solutions were incorporated into the FEA.

Comments from other agencies either concurred with the findings of the DEA or suggested other policy standards that the project should consider during its development. These policy standards were incorporated into the FEA. As a result, the comments received during the public-comment period and the incorporation of those comments in the FEA will cause the WNR-CDI to have an even more reduced impact on the surrounding environment.

Based on the 13 criteria for determining significance of potential effect a project may have on the environment as outlined in Hawaii Revised Statutes Chapter 343 and Section 11-200-12 State Administrative Rules (discussed in greater detail in Chapter Six of Exhibit C) staff concludes that the WNR-CDI will not have a significant impact on the project area or surrounding environment.

Recommended Motion/Action

Staff respectfully requests that the HHC approve the recommended motion as stated.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 16-17, 2015

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio Jr., Acting Administrator  
Land Management Division *P. Albinio*

Kaleo L. Manuel, Acting Program Manager  
Planning Office *K. Manuel*

Subject: Issuance of a General Lease, Waimea Hawaiian Homestead Association Inc., Waimea, Puukapu, Hawaii Island TMK (3) 6-4-038:011 (por.)

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) grant its **FINAL** approval to issue a sixty-five (65)-year General Lease to Waimea Hawaiian Homestead Association Inc., a 501(c)3 non-profit community organization, to use a 161-acre parcel of Hawaiian home lands in Puukapu, identified by Tax Map Key No. (3) 6-4-038:011 (por.), and as shown as the cross-hatched area on Exhibit "A."

The final approval is subject to the following terms and conditions:

1. LESSEE: Waimea Hawaiian Homestead Association Inc. (WHHAI), with the ability to assign the lease to Waimea Nui Community Development Corporation (WNCDC), an IRS 501c3 organization. Any proposed lease assignment to another entity other than the WNCDC is subject to the approval of the Hawaiian Homes Commission.
2. TERM: Sixty-five (65) year term that shall commence effectively on the date that the LEASE document is fully executed by the LESSEE and LESSOR.
3. LAND AREA: Approximately 161 acres of Hawaiian Home Lands in Puukapu, Waimea, Island of Hawaii.
4. BASE RENT: Gratis for the term of the lease.

5. ADDITIONAL RENT: At such time when LESSEE reports annual increase in net assets of \$20,000 or more, additional rent shall be charged in the amount of 10% of the reported annual increase in net assets. As used herein, annual increase in net assets shall equal LESSEE's revenues less expenses as reported on IRS form 990.

6. PERMITTED USE: LESSEE shall use the premises for the projects identified in the May 2015 Final EA, namely: homestead cemetery/chapel, equestrian center, community agriculture complex, and golf facility. The equestrian center and golf facility uses shall be permitted subject to the provisions in paragraph 7 below. Other future uses as envisioned in the Waimea Nui Community Development Initiative Conceptual Master Plan dated March 5, 2013 may be permitted via lease amendment subject to approval by the Hawaiian Homes Commission.

7. LESSEE shall obtain a private letter ruling from the IRS or alternative form of certification from the IRS confirming that all proposed activities and uses of the Premises that are not specifically identified in the LESSEE's IRS Form 1023 are in furtherance of charitable exempt purposes prior to the implementation of those activities.

8. LESSEE shall inform LESSOR immediately if it loses its tax-exempt status or if any revenue generated from activities on the premises is deemed subject to taxation.

9. LESSOR shall have the right to terminate the lease, or any portion of it, if LESSEE loses its tax-exempt status or is determined to be conducting unrelated trade or business activities on the Premises.

10. As part of LESSOR's regular review of LESSEE activities, and in exchange for gratis base rent, LESSEE shall submit an ANNUAL PROGRESS REPORT to LESSOR each year on the anniversary date of lease commencement. The ANNUAL PROGRESS REPORT shall document the LESSEE'S activities of the previous lease year and shall include but not be limited to the following:

- a. Pre-construction and construction progress report that provides a description of pre-construction and construction milestones completed in the respective year of the ANNUAL PROGRESS REPORT. LESSEE shall also provide LESSOR with an anticipated schedule of completion of pre-construction and construction milestones for the following lease year.

b. Upon completion of the construction of the infrastructure and facilities necessary to implement LESSEE's programs, a narrative program report that describes LESSEE's progress on achieving its charitable purpose as articulated in its IRS 1023 Form shall be included in the ANNUAL PROGRESS REPORT. LESSEE shall work with LESSOR to identify specific reporting requirements and applicable metrics to monitor progress towards achieving the LESSEE's charitable purpose. Minimum reporting requirements shall include number of beneficiaries served and a description of how LESSEE has been serving beneficiaries.

c. A financial report that includes standard annual financial statements and the LESSEE's IRS 990 Form for the preceding fiscal year, as well as a budget for the following lease year, shall be included in the ANNUAL PROGRESS REPORT.

d. Letters from the board of the Waimea Hawaiian Homestead Association Inc. and the boards of other current or future beneficiary membership organizations in the Waimea Nui region indicating whether or not the LESSEE has satisfactorily provided programs and services to its respective organization's members in the respective year of the ANNUAL PROGRESS REPORT. Note: Waimea Nui Region is defined as the region that is specified in the 2012 DHHL Waimea Nui Regional Plan.

11. LESSOR shall have the right to charge rent equal to the fair market rental of the property if the LESSEE does not submit ANNUAL PROGRESS REPORTS to the LESSOR in a timely manner. Fair market rent shall be determined by an independent appraiser selected by the LESSOR.

12. No revenue generated by the LESSEE on the Premises shall be used to pay dividends or make payments, beyond reasonable salary or contract payments, to any individual or organization. No remuneration shall be paid to any officer or director of WNCDC or WHHAI by any third party, sublessee or beneficiary membership organizations utilizing any portion of the premises.

13. LESSEE shall at no time own less than 51% of leasehold interest in all facilities located on the Premises.

14. LESSEE may only sublease the premises with the consent of the LESSOR and the LESSOR shall have the right to review and approve rent to be charged to the proposed sub-lessee and revise the rent charged to the LESSEE based on the rental rate charged to the proposed sub-lessee.

15. Any subletting of the premises initiated by the LESSEE shall include a condition in which the sublease will be terminated upon the termination of this lease agreement.

16. LESSOR shall have the right to withdraw portions of the premises from this lease agreement if, after an 18-year period, such portions of the premises are not being used by the LESSEE for purposes permitted by the lease.

17. Upon review of LESSEE'S activities, if the LESSOR determines that the LESSEE'S activities are not adequately servicing DHHL beneficiaries, LESSOR shall have the right to charge LESSEE rent in an amount equal to the fair market rental of the property. Fair market rent shall be determined by an independent appraiser selected by the LESSOR. LESSOR shall also reserve the right to place this lease on a "probationary status" if upon review of LESSEE'S activities, the LESSOR determines that the LESSEE'S activities are not adequately servicing DHHL beneficiaries. If after one year on "probation", LESSEE does not demonstrate improvement in providing adequate services to DHHL beneficiaries, then LESSOR reserves the right to terminate this lease.

#### **Standard General Lease Terms & Conditions**

18. Pursuant to HHCA § 204(a)(2), Lessor shall have the right to withdraw the premises, or any portion thereof, from the lease at any time for the purposes of the Hawaiian Homes Commission Act.

19. LESSEE shall comply with all federal, state and county regulations or requirements regarding environmental issues and the safe handling and disposal of toxic or hazardous materials. Upon termination of this lease, LESSEE shall be responsible for environmental clean-up of any contamination or hazardous materials brought onto the site or caused by LESSEE'S activities on the site.

20. LESSEE shall pay all property taxes that the LESSOR or LESSEE may be assessed during the term of this lease. Failure of the LESSEE to pay all property taxes in a timely manner shall trigger the termination of this lease.

21. LESSEE shall maintain commercial property insurance, general liability insurance, worker's compensation and employers' liability insurance, and other types of insurance as may be required by LESSOR. LESSOR shall be named as an additional insured on any required insurance policy. Types and amounts of required coverage shall be specified in the general lease document.

22. The non-refundable processing (\$200.00) and documentation (\$75.00) fee of \$275.00 shall be waived.

23. LESSEE shall comply with all federal, state and county statutes, regulations, codes and ordinances applicable to LESSEE'S use of the premises.

24. LESSEE agrees to pay for all the costs of establishing utility services to the property and pay for all consumption of utilities on the Premises, should LESSEE'S use require such utility services.

25. LESSEE shall obtain LESSOR'S prior approval for any alteration of the topography except surface grubbing to remove vegetation. LESSEE shall be responsible for any flooding or erosion caused by LESSEE'S use or alteration of the property.

26. Prior to vacating the Premises, LESSEE shall remove, at LESSEE'S sole cost, all of the LESSEE'S equipment, constructed improvements, trash, goods and materials and restore the area to a condition as good as or better than that which existed prior to LESSEE'S use. LESSEE shall also notify LESSOR to do a site inspection when LESSEE has completed removal.

27. LESSEE shall keep the Premises neat and clean at all times and shall not allow its trash to spread to other surrounding areas.

28. LESSEE shall be responsible for the security of the Premises and all of LESSEE'S personal property thereon.

29. The lease document is subject to the approval of the State of Hawaii Department of Attorney General.

30. Other terms and conditions deemed prudent by the Hawaiian Homes Commission may be added.

## DISCUSSION

Since August 2012, WHHAI has been actively developing its own capacity to plan, implement and manage a community development initiative on Tax Map Key No. (3) 6-4-038:011 (por.). The Waimea Nui Regional Community Development Initiative is comprised of several elements to address the cultural, economic and social needs of beneficiaries in the Waimea Nui region. The facilities that make up this initiative came from the expressed desires of the homestead community, and are aimed at creating the fundamental infrastructure needed to build a vibrant, self-sufficient community grounded in traditional Hawaiian values. The priority projects of the initiative that WHHAI is focusing on in the near term include: an agricultural complex, cemetery, golf facility, and equestrian center. This undertaking was also identified as a priority project in the 2012 DHHL Waimea Nui Regional Plan.

At the September 23-24, 2013 meeting, the Hawaiian Homes Commission granted a preliminary approval to issue a 65-year general lease to Waimea Hawaiian Homestead Association Inc. (WHHAI) for the development of its proposed Waimea Nui Regional Community Development Initiative (Exhibit B). Preliminary approval was conditioned upon the following:

- Completion of a Final Environmental Assessment (FEA) of the project and a finding of no significant impact (FONSI) declaration by the HHC;
- DHHL along with WHHAI must conduct at least one informational meeting for the beneficiaries that reside in or near the Waimea Nui region to provide information to beneficiaries regarding this project and consider any input received;
- The Waimea Nui Community Development Corporation obtain Internal Revenue Service (IRS) 501c3 status.

All three of the above conditions have been met. The HHC declared a FONSI based on the FEA of the project at its May 18-19 2015 meeting (Exhibit C). DHHL conducted a beneficiary consultation meeting in Waimea to amend the DHHL Island Plan land use designation for this project on March 5, 2015 and the HHC accepted the beneficiary consultation report from that meeting and additional comments received on the project during the 30-day comment period as public record of beneficiary input and feedback at its April 20-21 2015 meeting (Exhibit D). The WNCDC obtained IRS 501c3 status on October 2, 2014 (Exhibit E).

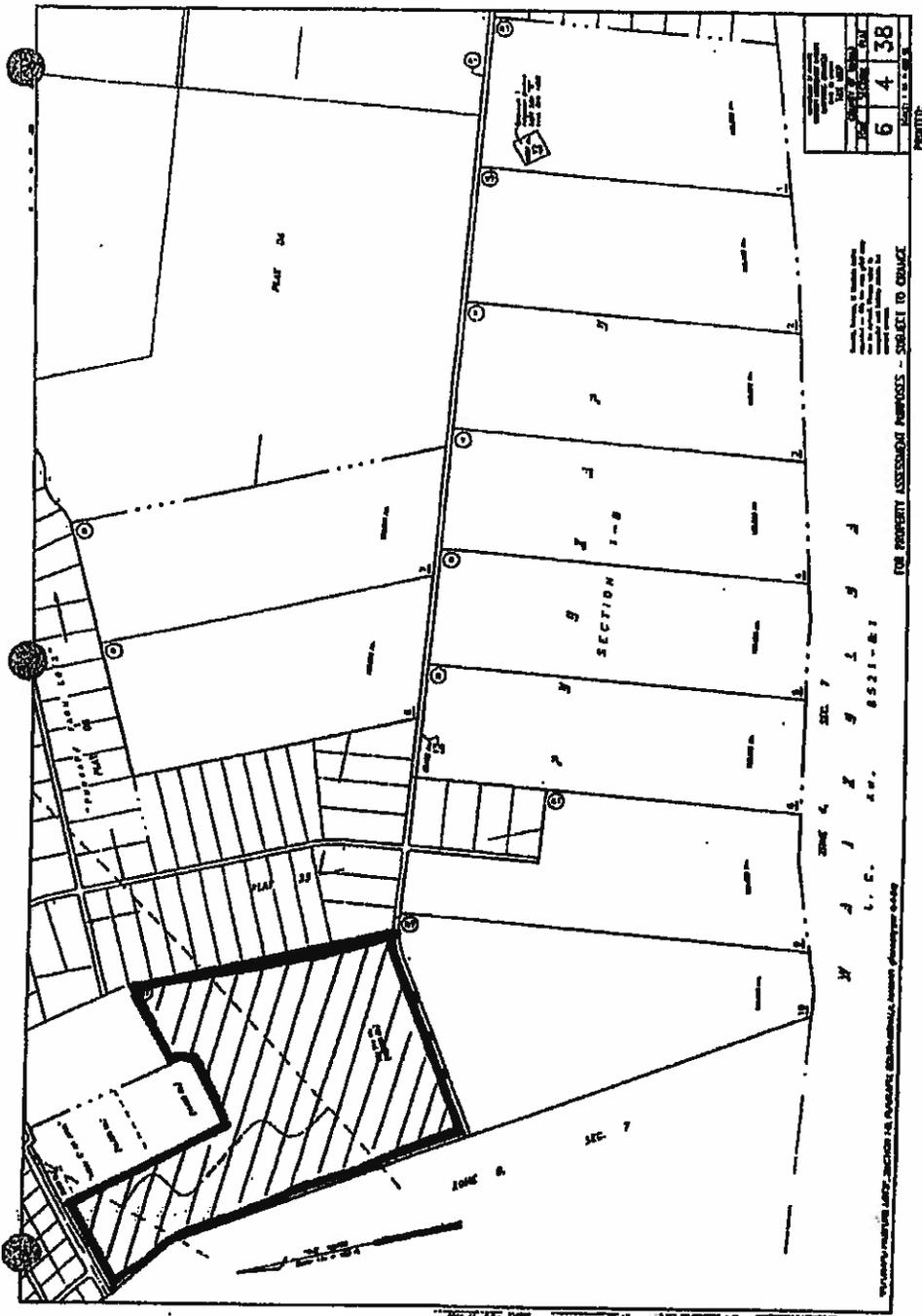
After the lease is executed, it is the intent of both DHHL and WHHAI to continue further discussion to clarify an operational definition of "revenue" and "expenses" for the purposes of calculating additional rent owed DHHL. It is also the intention of both DHHL and WHHAI to continue further discussion on the concept of the creation of a special fund in which excess net income generated on the premises is deposited into the special fund for the purposes of providing financial assistance to other homestead community economic development projects across the pae aina.

#### Authorization

§171-43.1 of the Hawaii Revised Statutes, as amended, titled Lease to eleemosynary organizations, authorizes the commission to lease, at nominal consideration or any rental amount the commission deems appropriate; by direct negotiation and without recourse to the public auction, public lands to an eleemosynary organization which has been certified to be tax exempt under sections 501(c)1 or 501 (c)3 of the Internal Revenue Code of 1986, as amended; and on such other terms and conditions as the commission may determine. The lands shall be used by such eleemosynary organizations for the purposes which their charter was issued and for which they were certified by the Internal Revenue Service.

#### RECOMMENDATION

Land Management Division and Planning Office requests approval of the motion as stated.



3103

EXHIBIT "A"

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 23 - 24, 2013

To: Chairman and Members, Hawaiian Homes Commission

From: Linda Chinn, Administrator  
Land Management Division 

Subject: Preliminary Approval to the Issuance of a General Lease to Waimea Hawaiian Homestead Association, Inc., Waimea, Hawaii

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission ("HHC") grant its **PRELIMINARY** approval to the issuance of a 65-year general lease to Waimea Hawaiian Homestead Association, Inc. (WHHA) to use a portion of Hawaiian home lands located in Puukapu, Waimea, island of Hawaii, further identified by TMK No. (3) 6-4-038:011 (por.) (See Exhibit "A"), for the development of the proposed community facility, to include cultural, educational, and economic components.

This **PRELIMINARY** approval is intended to provide WHHA, the Waimea Nui Community Development Corporation (WNCDC), its beneficiary CDC organization, and its financiers with sufficient comfort to expend resources and pursue financial commitments.

The **PRELIMINARY** approval is subject to the following basic terms and conditions and is subject to **FINAL** approval by the Hawaiian Homes Commission:

- (1) **LESSEE:** Waimea Hawaiian Homestead Association, Inc., (WHHA) with the ability to assign the lease to Waimea Nui Community Development Corporation (WNCDC), its development arm, upon IRS award of the non-profit status
- (2) **TERM:** 65 years
- (3) **LAND AREA:** Approximately 161 acres of Hawaiian Home Lands in Puukapu, Waimea, Hawaii, in total, although property may be subdivided consistent with phased implementation of the community-envisioned Waimea Nui Region Community Development Initiative.
- (4) **PURPOSE:** The site shall be used for homestead economic development (including agricultural training) and community

**EXHIBIT B**

Item No. F-3

September 2013

public purposes. Through extensive consultation with beneficiaries and especially the Waimea Hawaiian Homesteaders' Association (WHHA) members, WNCDC and WHHA have compiled community requested projects for the site that balance public service and revenue sustainability.

- (5) COMMUNITY BENEFITS AGREEMENT: WHHA/WNCDC shall work with DHHL to formulate and agree to a Community Benefits Agreement (CBA) to address benefits to the Waimea region of HHCA beneficiaries and/or the larger Hawaii Island community, and should include economic and employment benefits, community development including capacity building and education, as well as philanthropic support of Hawaiian culture, youth and elders.
- (6) BASE RENT: To be determined later based on the final development plan on proposed land uses.
- (7) BENEFICIARY CONSULTATION - Before FINAL approval is brought to the HHC for consideration, DHHL along with WHHA must conduct at least one informational meeting for the beneficiaries that reside in or near the Waimea Nui region to provide information to the beneficiaries and consider any input received.

#### DISCUSSION

Since August 2012, WHHA has been actively developing its own capacity to plan, implement and manage the envisioned projects. WHHA has created the Waimea Nui Community Development Corporation (WNCDC), its beneficiary CDC organization, which is currently in the process of getting its IRS 501(c)(3) status.

The Waimea Nui Region Community Development Initiative (CDI) is comprised of several elements to address the cultural, economic and social needs of the Waimea area, especially the Waimea Hawaiian Homesteads. The numerous facilities that make up the CDI came from the expressed desires of the homestead community, and are aimed at creating the fundamental infrastructure needed to build a vibrant, self-sufficient community grounded in traditional Hawaiian values. The priority projects of the CDI that WHHA is focusing in the near term include: the agricultural park, cemetery, and golf facility.

The community has been the driving force to make this CDI a reality. However, with the elimination of the Kulia I Ka Nu'u program and the component of Kulia that dealt with community economic development, DHHL has not had a mechanism to assist communities like WHHA to advance their projects.

September 2013

As DHHL looks at how best to proceed forward with supporting community economic development, DHHL has identified the Waimea Nui Initiative as a strong candidate to implement one test pilot project to see how collaboration can best work. Under this pilot, DHHL proposes that it work with the WPHA to complete the necessary pre-development planning, feasibility, and environmental studies for the first set of projects envisioned by WPHA within the Initiative. Through the pilot project, DHHL would contract and manage a consultant and work closely with WPHA.

To proceed forward, the 161-acre parcel under consideration will need to remain in DHHL's inventory as the pre-development planning, feasibility, and environmental studies are being completed since the contract will be a DHHL contract. Once this work is complete, however, FINAL approval for a long-term general lease to WPHA/WNCDC can be brought to the HHC for action.

The anticipated time frame for the completion of the consultant's proposed scope of work is approximately six to nine months.

#### RECOMMENDATION

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

**EXHIBIT "B"**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 18-19, 2015

To: Chairman and Members, Hawaiian Homes Commission  
Thru: M. Kaleo Manuel, Acting Planning Program Manager   
From: Andrew H. Choy, Planner   
Subject: Declare a Finding of No Significant Impact  
(FONSI) for Final Environmental Assessment (FEA)  
Waimea Nui Regional Community Development TMK No.  
(3) 6-4-038:011 (por.) Waimea Nui, Hawaii Island

Recommended Action

That the Hawaiian Homes Commission declare a FONSI based on the FEA for the Waimea Nui Regional Community Development Initiative.

Discussion

BACKGROUND

At its September 2013 meeting, the Hawaiian Homes Commission authorized the Chairman to undertake a pilot project in which DHHL works with the Waimea Hawaiian Homestead Association (WHHA) to complete the necessary pre-development planning, feasibility, and environmental studies for the first set of projects envisioned by WHHA within the Waimea Nui Community Development Initiative (Exhibit A). Through the pilot project, DHHL has contracted and managed a consultant to work closely with WHHA to complete planning studies, feasibility studies, and an environmental assessment in accordance with Hawaii Revised Statutes (HRS) Chapter 343 for the project area. Upon completion, WHHA would be poised to solicit funding from private and public sources to complete the design and construct the first set of projects, offering WHHA the opportunity to operate and maintain an envisioned community economic development project that is self-sustaining and supports economic development within the region.

The Waimea Nui Regional Community Development Initiative consists of the following priority projects:

| Priority Project              | Acres |
|-------------------------------|-------|
| Homestead Cemetery/Chapel     | 10    |
| Equestrian Center             | 14.7  |
| Community Agriculture Complex | 42.2  |
| Golf-Facility                 | 32.2  |

DRAFT ENVIRONMENTAL ASSESSMENT

In February 2015, DHHL staff and the Waimea Hawaiian Homestead Association presented the public review draft environmental assessment (DEA) conducted for this project to the Hawaiian Homes Commission (Exhibit B). The DEA assessed the potential environmental impact to the surrounding environment of the Waimea Nui Regional Community Development Initiative. In summary the DEA found that these proposed uses will have no to minimal impact on the surrounding environment.

The DEA also addressed the proposed project uses for consistency with existing plans and applicable land use policies. For the most part, the priority projects are consistent with the existing plans and applicable land use policies in the region. However, the DHHL Hawaii Island Plan Land Use Designation for the project area will need to be amended from General Agriculture to Community Use in order for the project to be completely consistent (see HHC May 2015 Agenda Item G-1).

Based upon the analysis completed in the DEA, staff anticipated a finding of no significant impact (AFONSI) for the priority projects of the Waimea Nui Regional Community Development Initiative. Per Hawaii Administrative Rules (HAR) 11-200-11, the DEA and AFONSI are required to be published in the state Office of Environmental Quality Control "Environmental Notice" bulletin for a 30-day public review and comment period. The public comment period was from February 8, 2015 to March 10, 2015. DHHL also accepted comments from agencies after the close of the comment period.

FINAL ENVIRONMENTAL ASSESSMENT (SUMMARY)

Various government agencies at the federal, state, and county level, as well local community groups and associations were asked to comment on the DEA. Revisions to the DEA were made based on the comments received during the public consultation period. These changes are reflected in the FEA (Exhibit C). The FEA includes a ramsayer format that indicates which sections of the original DEA were modified.

A summary of the more important key substantive issues identified by other agencies during the public comment period and how those comments were addressed in the FEA are highlighted in the following table. A complete record of comments received and responses to those comments are included in appendix A of Exhibit C.

| Agency                                      | Comment (Summary)   | Response to Comment  |
|---|---|--|
| Dept. of Agriculture (DOA)                  | Recommend that the total water demand incorporate DOA's 3,400 gallons per acre per day (GPAD) estimate.   | FEA incorporates DOA recommendation to utilize the 3,400 GPAD estimate to project water use.   |
| DOA   | Explain what the impact of the new water demand based on the 3,400 GPAD estimate will have on the existing Waimea Irrigation System (WIS).  | The project will incorporate storage into the system design with the intent of drawing water from the WIS during evening hours when irrigation systems of other users are not in use. This will ensure adequate water pressure in the WIS. DOA will be the lead agency overseeing the design phase of the water system and DOA will have oversight to ensure that the water system will be designed to not adversely affect the WIS. |
| Dept. of Transportation Airports Division   | Ensure that the proposed project does not attract wildlife to the project area. Additional wildlife, especially birds, will pose a hazard to airplanes that utilize the Waimea-Kohala Airport.  | The project will avoid creating above-ground standing water that will attract wildlife. The project will provide adequate drainage so that storm water will not pond. The project will incorporate an underground closed water treatment system.   |
| State Historic Preservation Division (SHPD) | Additional information is needed regarding the background history of this parcel, results of subsurface testing, and identification of the two historic properties prior to acceptance of the Archaeological Inventory Survey (AIS) pursuant to HAR 13-284-5. | Additional information requested by SHPD has been provided and a new updated AIS is included in the FEA. The AIS will be listed as Appendix C (Revised) in the FEA with an April 2015 date. Upon submittal of the new information that was requested, the AIS was accepted by SHPD.  |

|  |  |  |
|--|--|--|
| <p>County<br/>Department of<br/>Public Works<br/>(DPW)</p> | <p>The additional traffic created by the proposed projects is not insignificant and may warrant traffic mitigation improvements by the developer including intersection improvements, traffic signals, and other traffic calming measures.</p> | <p>WNR-CDI programs will be coordinated in such a manner that will avoid AM and PM peak hours. In addition, the WNR-CDI will be servicing primarily homestead residents in the near vicinity. As such, impacts to the main Mamalahoa Highway is expected to be minimal.</p> <p>In order to assist DPW with its Mamalahoa Highway improvement project, DHHL is considering cost sharing the widening of Kahilu Road with DPW so that the Kahilu Road can be used as a suitable bypass during the County's Mamalahoa highway improvement project.</p> <p>We hope that collaborative efforts such as the above situation between DHHL and DPW to improve regional traffic will be taken into consideration and be credited as a meaningful improvement by the developer to improve existing regional traffic conditions. Additional consultation with DPW about traffic mitigation measures including possible opportunities to collaborate on traffic improvements will occur.</p> |
|--|--|--|

As stated previously, staff anticipated a finding of no significant impact based on the findings of the DEA. The comments in the above table were the most substantive comments that were received during the public comment period. Appropriate mitigation measures and solutions were identified to address these comments. The mitigation measures and solutions were incorporated into the FEA.

Comments from other agencies either concurred with the findings of the DEA or suggested other policy standards that the project should consider during its development. These policy standards were incorporated into the FEA. As a result, the comments received during the public-comment period and the incorporation of those comments in the FEA will cause the WNR-CDI to have an even more reduced impact on the surrounding environment.

Based on the 13 criteria for determining significance of potential effect a project may have on the environment as outlined in Hawaii Revised Statutes Chapter 343 and Section 11-200-12 State Administrative Rules (discussed in greater detail in Chapter Six of Exhibit C) staff concludes that the WNR-CDI will not have a significant impact on the project area or surrounding environment.

#### Recommended Motion/Action

Staff respectfully requests that the HHC approve the recommended motion as stated.

PLANNING OFFICE  
DEPARTMENT OF HAWAIIAN HOME LANDS

April 20-21, 2015

TO: Chairman and Members  
Hawaiian Homes Commission

THROUGH: M. Kaleo Manuel   
Acting Planning Program Manager

FROM: Andrew H. Choy, Planner 

SUBJECT: Accept the Beneficiary Consultation Report for the  
Proposed Amendment to the DHHL Hawaii Island Plan Land  
Use Designation for TMK (3)-6-4-038:011 Waimea, Hawaii  
Island

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission accepts this Beneficiary Consultation Report as public record of beneficiary input and feedback relative to the Proposed Amendment to the DHHL Hawaii Island Plan Land Use Designation for TMK (3)-6-4-038:011 Waimea, Hawaii Island.

DISCUSSION

Background

The Hawaii Island Plan was adopted by the HHC in 2002. Island plans serve two main purposes: (1) Identify island-specific needs, opportunities, constraints, and development priorities and (2) Provide land use controls that designate allowable uses for DHHL land holdings. DHHL Island Plans specify 10 different types of land use. The 2002 Hawaii Island Plan designated TMK (3)-6-4-038:011 (EXHIBIT A) as "General Agriculture" use. The "General Agriculture" land use designation is defined as lands set aside for:

"Intensive or extensive farming or ranching allowed.  
[General Agriculture lands] May serve as an interim use until opportunities for higher and better uses become available."

EXHIBIT "D"

ITEM G-1

Since the adoption of the Hawaii Island Plan in 2002, the Waimea Hawaiian Homestead Association (WHHA) has completed a master plan for a variety of uses meant to benefit the homestead community on TMK (3)-6-4-038:011. The current initiative, also known as the Waimea Nui Regional Community Development Initiative, is composed of four priority projects:

| Priority Project              | Acres |
|-------------------------------|-------|
| Homestead Cemetery/Chapel     | 10    |
| Equestrian Center             | 14.7  |
| Community Agriculture Complex | 42.2  |
| Golf-Facility                 | 32.2  |

These proposed uses are more consistent with the Hawaii Island Plan "Community Use" land use designation than the "General Agriculture" designation. The "Community Use" designation will also allow for the WHHA to develop future projects on the 161 acre parcel in the future. The "Community Use" designation can be defined as:

"Common areas for community uses and public facilities. Includes space for parks and recreation, cultural activities, community-based economic development, utilities, and other public facilities."

Amendments to DHHL Island Plan land use designations must be approved by the HHC as the HHC has exclusive land use authority over Hawaiian Home Lands per the Hawaiian Homes Commission Act. Beneficiary feedback and input collected from DHHL Beneficiary Consultation on the proposed amendment is one of the types of information that the HHC must in its decision to amend Island Plan land use designations.

#### Beneficiary Consultation

The Department's Beneficiary Consultation Policy, approved January 2009, recognizes that meaningful, timely, and effective beneficiary consultation is essential to the successful implementation of Hawaiian Homes Commission policies, programs, and projects. The purpose of this DHHL beneficiary consultation

was to collect beneficiary feedback and input on a proposed land use designation to the DHHL Island Plan for TMK (3)-6-4-038:011. The existing land use designation is "General Agriculture." DHHL would like to designate the parcel "Community Use" in order to accommodate the future plans and programs proposed for this parcel by the Waimea Hawaiian Homestead Association (WHHA). WHHA has proposed a community economic development initiative that consists of several projects to be located on TMK (3)-6-4-038:011 as detailed in Exhibit A.

The proposed amendment to the DHHL Hawaii Island Plan went through the following steps prior to the March 5, 2015 Beneficiary Consultation meeting to ensure that beneficiaries were informed about the opportunity to provide feedback on this project prior to HHC approval.

STEP 1. THE PROPOSED ACTION IS DESCRIBED:

The meeting will provide information on a proposed Land Use Designation Amendment to the DHHL Hawaii Island Plan in the Waimea Region related to TMK parcel (3)-6-4-038:011. The existing Land Use Designation for the parcel is "General Agriculture." DHHL would like to amend the Land Use Designation for this parcel to "Community Use." DHHL would like to designate the parcel "Community Use" in order to accommodate the future plans and programs proposed for this parcel by the Waimea Hawaiian Homestead Association Inc.

STEP 2. BENEFICIARIES WERE NOTIFIED OF OPPORTUNITIES TO CONSULT (See Exhibit B):

1. An invitation letter to attend the March 5, 2015 Beneficiary Consultation meeting Waimea. Approximately 700 letters were mailed lessees, undivided interest lessees, and all Homestead applicants who reside in the Waimea zipcode of 96743.

STEP 3. PRESENTATION MATERIALS FOR ALL MEETINGS ARE AVAILABLE FOR FEEDBACK (See Exhibit C):

1. Presentation materials were posted online for public review and comment March 9, 2015.

STEP 4. COMMENTS ARE COMPILED INTO MEETING REPORTS  
(See Exhibit D):

1. March 5, 2015 Waimea Beneficiary Consultation Meeting Notes and List of Meeting Participants.
2. April 4, 2015 30-day period for additional comments on project ends.

The March 5, 2015 Beneficiary Consultation meeting in Waimea was well-attended. The proceeding table and data below attempt to capture the level of participation and engagement at the meeting.

Table 1: Summary of March 5, 2015 DHHL Hawaii Island Plan Proposed Land Use Amendment Beneficiary Consultation Attendance and Participation

| Beneficiary Consultation Meeting                       | Estimated Attendance | No. Sign In | No. Self-ID as DHHL Beneficiaries | No. of Comments |
|--|----------------------|-------------|-----------------------------------|-----------------|
| March 5, 2015 Kūhiō Hale                               | 70-80                | 72          | 39                                | 24              |
| Written Comments Received during 30-Day Comment Period | --                   | --          | --                                | 3               |

Summary of Beneficiary Consultation Comments and Staff Recommendations

1. Comments Received During the Beneficiary Consultation Process Support the Proposed Land Use Amendment to the DHHL Hawaii Island Plan for TMK (3)-6-4-038:011.

The proposed land use amendment was well received by beneficiaries. Several of the comments of support included:

"To give you all some background, in 2001 when we participated in the Island Plan [process], DHHL had to come up with a land use plan. We asked that the whole acreage be set aside for community use at that time. It's been 63 years

since we started homesteading in Waimea - now we are finally going to have a place for the community - Eo - it's good."

"[I] support this land use change because it directly benefits beneficiaries of our land trust."

"I am in favor of and would appreciate DHHL moving forward to designate the subject parcel as 'Community Use.'

DHHL staff recommends that the Hawaiian Homes Commission support the proposed land use amendment to the DHHL Hawaii Island Plan.

2. The Waimea Nui Regional Community Development Initiative is driven by the Waimea Hawaiian Homestead Association and not DHHL.

Many of the meeting attendees were WHHA members and have been active participants in developing the concepts for this initiative. Many of them reminded other participants that this is not a DHHL driven initiative, it is a community driven initiative and DHHL is just playing a supportive role in the process.

"This has been in the planning phase for 40-50 years - not a new development. The Department is not providing the groundwork - all of us went door to door and did the survey, decided as a community that this is what we needed."

"If you have any questions [about the initiative] - don't drill DHHL [with questions], ask the WHHA Committee members, it's the Association's project. DHHL is doing what we want them to do."

DHHL staff recommends that in future messaging and communication about this project DHHL continues to emphasize that this is a WHHA-driven project.

3. Ensure that the Waimea Nui Regional Community Development Initiative Benefits DHHL Beneficiaries.

Several meeting participants referenced instances in the past in which a community facility located on Hawaiian Home Lands has been used in a manner that does not directly benefit DHHL

beneficiaries. These participants would like to ensure that this initiative benefits DHHL beneficiaries.

*"...Kanu [charter school],-- kind of disturbing - Hawaiian kids were trying to get in to [that] school, but were denied."*

*"...I'm for it [the initiative], just don't make a mistake like Kanu...I don't see Hawaiian kids at the charter school...Make sure we don't make the same mistake. Make sure this project benefits beneficiaries."*

DHHL staff recommends working with WHHA to develop regular reporting to monitor and demonstrate how beneficiaries are benefiting from the uses proposed in this initiative.

#### CONCLUSION

Based on the comments received during the DHHL beneficiary consultation process:

- (1) DHHL beneficiaries support the proposed land use amendment to the DHHL Hawaii Island Plan for TMK (3)-6-4-011:038, Waimea, Hawaii Island;
- (2) The Waimea Nui Regional Community Development Initiative is driven by the Waimea Hawaiian Homestead Association and not DHHL;
- (3) Ensure that the Waimea Nui Regional Community Development Initiative Benefits DHHL Beneficiaries.

#### RECOMMENDATION

Staff respectfully requests that the Hawaiian Homes Commission accept this beneficiary consultation report as the public record of beneficiary input and feedback relative to the Proposed Amendment to the DHHL Hawaii Island Plan Land Use Designation for TMK (3)-6-4-038-011 Waimea, Hawaii Island.

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: OCT 02 2014

WAIMEA NUI COMMUNITY DEVELOPMENT  
CORPORATION  
PO BOX 126  
KAMUELA, HI 96743

Employer Identification Number:  
46-2823884  
DLN:  
17053277336023  
Contact Person: MARK BRECKNER ID# 95217  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
170(b)(1)(A)(vi)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
May 23, 2013  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

Letter 947

EXHIBIT "E"

DAVID V. ROE  
GOVERNOR  
STATE OF HAWAII

MIAMI S. ENGLISH  
COMMISSIONER  
STATE OF HAWAII



JURIE M. K. MANAGATANI  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

WILLIAM J. ADAMS, JR.  
PRESIDENT

**STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS**

U. S. BOX 1479  
HONOLULU, HAWAII 96821

November 3, 2015

Mr. Michael Hodson, President  
Waimea Hawaiian Homestead Association Inc.,  
P.O. Box 126  
Kamuela, HI 96796

Dear Mr. Hodson:

**Subject: Request for General Lease to use Hawaiian Home  
Lands situated at TMK:(3) 6-4-038:011 (por.)  
Puukapu, Waimea, Island of Hawaii**

After careful consideration, the Land Management Division (LMD) of the Department of Hawaiian Home Lands (DHHL) is agreeable with your intent to general lease a portion of TMK: (3) 6-4-038:011.

However, prior to seeking acceptance and approval by the Hawaiian Homes Commission, we need to reach an understanding on certain material terms and conditions. In this regard, we propose the following for your consideration:

**Terms & Conditions Unique to this General Lease**

- 1. LESSEE:** Waimea Hawaiian Homestead Association Inc. (WHAI), with the ability to assign the lease to Waimea Nui Community Development Corporation (WNCDC), an IRS 501c3 organization. Any proposed lease assignment to another entity other than the WNCDC is subject to the approval of the Hawaiian Homes Commission.
- 2. TERM:** Sixty-five (65) year term that shall commence effectively on the date that the LEASE document is fully executed by the LESSEE and LESSOR.
- 3. LAND AREA:** Approximately 161 acres of Hawaiian Home Lands in Puukapu, Waimea, Island of Hawaii.

**EXHIBIT "F"**

Mr. Michael Hodson  
November 3, 2015  
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4. BASE RENT: Gratis for the term of the lease.
5. ADDITIONAL RENT: At such time when LESSEE reports annual increase in net assets of \$20,000 or more, additional rent shall be charged in the amount of 10% of the reported annual increase in net assets. As used herein, annual increase in net assets shall equal LESSEE's revenues less expenses as reported on IRS form 990.
6. PERMITTED USE: LESSEE shall use the premises for the projects identified in the May 2015 Final EA, namely: homestead cemetery/chapel, equestrian center, community agriculture complex, and golf facility. The equestrian center and golf facility uses shall be permitted subject to the provisions in paragraph 7 below. Other future uses as envisioned in the Waimea Nui Community Development Initiative Conceptual Master Plan dated March 5, 2013 may be permitted via lease amendment subject to approval by the Hawaiian Homes Commission.
7. LESSEE shall obtain a private letter ruling from the IRS or alternative form of certification from the IRS confirming that all proposed activities and uses of the Premises that are not specifically identified in the LESSEE's IRS Form 1023 are in furtherance of charitable exempt purposes prior to the implementation of those activities.
8. LESSEE shall inform LESSOR immediately if it loses its tax-exempt status or if any revenue generated from activities on the premises is deemed subject to taxation.
9. LESSOR shall have the right to terminate the lease, or any portion of it, if LESSEE loses its tax-exempt status or is determined to be conducting unrelated trade or business activities on the Premises.
10. As part of LESSOR's regular review of LESSEE activities, and in exchange for gratis base rent, LESSEE shall submit an ANNUAL PROGRESS REPORT to LESSOR each year on the anniversary date of lease commencement. The ANNUAL PROGRESS REPORT shall document the LESSEE'S activities of the previous lease year and shall include but not be limited to the following:
  - a. Pre-construction and construction progress report that provides a description of pre-construction and

EXHIBIT "F"

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construction milestones completed in the respective year of the ANNUAL PROGRESS REPORT. LESSEE shall also provide LESSOR with an anticipated schedule of completion of pre-construction and construction milestones for the following lease year.

- b. Upon completion of the construction of the infrastructure and facilities necessary to implement LESSEE's programs, a narrative program report that describes LESSEE's progress on achieving its charitable purpose as articulated in its IRS 1023 Form shall be included in the ANNUAL PROGRESS REPORT. LESSEE shall work with LESSOR to identify specific reporting requirements and applicable metrics to monitor progress towards achieving the LESSEE's charitable purpose. Minimum reporting requirements shall include number of beneficiaries served and a description of how LESSEE has been serving beneficiaries.
- c. A financial report that includes standard annual financial statements and the LESSEE's IRS 990 Form for the preceding fiscal year, as well as a budget for the following lease year, shall be included in the ANNUAL PROGRESS REPORT.
- d. Letters from the board of the Waimea Hawaiian Homestead Association Inc. and the boards of other current or future beneficiary membership organizations in the Waimea Nui region indicating whether or not the LESSEE has satisfactorily provided programs and services to its respective organization's members in the respective year of the ANNUAL PROGRESS REPORT. Note: Waimea Nui Region is defined as the region that is specified in the 2012 DHHL Waimea Nui Regional Plan.

11. LESSOR shall have the right to charge rent equal to the fair market rental of the property if the LESSEE does not submit ANNUAL PROGRESS REPORTS to the LESSOR in a timely manner. Fair market rent shall be determined by an independent appraiser selected by the LESSOR.

12. No revenue generated by the LESSEE on the Premises shall be used to pay dividends or make payments, beyond reasonable salary or contract payments, to any individual or organization. No

EXHIBIT "F"

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remuneration shall be paid to any officer or director of WNCDC or WHHAI by any third party, sublessee or beneficiary membership organizations utilizing any portion of the premises.

13. LESSEE shall at no time own less than 51% of leasehold interest in all facilities located on the Premises.

14. LESSEE may only sublease the premises with the consent of the LESSOR and the LESSOR shall have the right to review and approve rent to be charged to the proposed sub-lessee and revise the rent charged to the LESSEE based on the rental rate charged to the proposed sub-lessee.

15. Any subletting of the premises initiated by the LESSEE shall include a condition in which the sublease will be terminated upon the termination of this lease agreement.

16. LESSOR shall have the right to withdraw portions of the premises from this lease agreement if, after an 18-year period, such portions of the premises are not being used by the LESSEE for purposes permitted by the lease.

17. Upon review of LESSEE'S activities, if the LESSOR determines that the LESSEE'S activities are not adequately servicing DHHL beneficiaries, LESSOR shall have the right to charge LESSEE rent in an amount equal to the fair market rental of the property. Fair market rent shall be determined by an independent appraiser selected by the LESSOR.

#### **Standard General Lease Terms & Conditions**

18. Pursuant to HHCA § 204(a)(2), Lessor shall have the right to withdraw the premises, or any portion thereof, from the lease at any time for the purposes of the Hawaiian Homes Commission Act.

19. LESSEE shall comply with all federal, state and county regulations or requirements regarding environmental issues and the safe handling and disposal of toxic or hazardous materials. Upon termination of this lease, LESSEE shall be responsible for environmental clean-up of any contamination or hazardous materials brought onto the site or caused by LESSEE'S activities on the site.

20. LESSEE shall pay all property taxes that the LESSOR or LESSEE may be assessed during the term of this lease. Failure of the

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LESSEE to pay all property taxes in a timely manner shall trigger the termination of this lease.

21. LESSEE shall maintain commercial property insurance, general liability insurance, worker's compensation and employers' liability insurance, and other types of insurance as may be required by LESSOR. LESSOR shall be named as an additional insured on any required insurance policy. Types and amounts of required coverage shall be specified in the general lease document.

22. The non-refundable processing (\$200.00) and documentation (\$75.00) fee of \$275.00 shall be waived.

23. LESSEE shall comply with all federal, state and county statutes, regulations, codes and ordinances applicable to LESSEE'S use of the premises.

24. LESSEE agrees to pay for all the costs of establishing utility services to the property and pay for all consumption of utilities on the Premises, should LESSEE'S use require such utility services.

25. LESSEE shall obtain LESSOR'S prior approval for any alteration of the topography except surface grubbing to remove vegetation. LESSEE shall be responsible for any flooding or erosion caused by LESSEE'S use or alteration of the property.

26. Prior to vacating the Premises, LESSEE shall remove, at LESSEE'S sole cost, all of the LESSEE'S equipment, constructed improvements, trash, goods and materials and restore the area to a condition as good as or better than that which existed prior to LESSEE'S use. LESSEE shall also notify LESSOR to do a site inspection when LESSEE has completed removal.

27. LESSEE shall keep the Premises neat and clean at all times and shall not allow its trash to spread to other surrounding areas.

28. LESSEE shall be responsible for the security of the Premises and all of LESSEE'S personal property thereon.

29. The lease document is subject to the approval of the State of Hawaii Department of Attorney General.

30. Other terms and conditions deemed prudent by the Hawaiian Homes Commission may be added.

EXHIBIT "F"

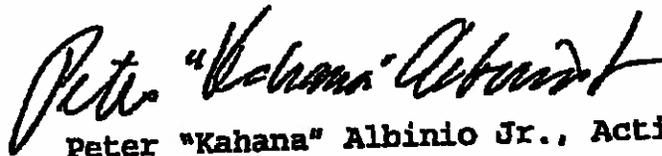
Mr. Michael Hodson  
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If the terms and conditions contained herein and described above are acceptable, please sign, date and return a copy of this letter. Department staff will then prepare the request to the Hawaiian Homes Commission (Commission) for approval to issue the lease, consistent with the terms outlined above.

This signed letter will not be binding on either party, although it will be used as a basis for requesting Commission approval and for drafting the lease. Nor will this letter constitute a defacto lease or any other disposition of Hawaiian home lands. Only the actual lease itself - if approved by the Commission and signed by the parties - will be binding.

If you have questions, contact Andrew H. Choy, at (808)620-9279 or email [andrew.h.choy@hawaii.gov](mailto:andrew.h.choy@hawaii.gov).

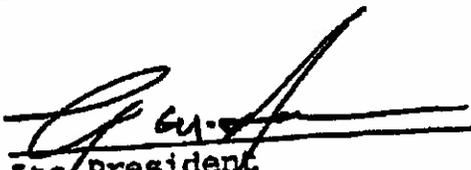
Aloha,



Peter "Kahana" Albinio Jr., Acting  
Administrator  
Land Management Division

**AGREED AND ACCEPTED:**

**WAIMEA HAWAIIAN HOMESTEAD  
ASSOCIATION INC.,**

By   
Its President  
Michael Hodson

Date Nov 5, 2015

EXHIBIT "F"

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 16-17, 2015

To: Chairman and Members, Hawaiian Homes Commission

From: Peter "Kahana" Albinio Jr., Acting Administrator  
Land Management Division *P. Albinio*

Kaleo L. Manuel, Acting Program Manager  
Planning Office *K. Manuel*

Subject: Issuance of a General Lease, Waimea Hawaiian Homestead  
Association Inc., Waimea, Puukapu, Hawaii Island TMK  
(3) 6-4-038:011 (por.)

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) grant its **FINAL** approval to issue a sixty-five (65)-year General Lease to Waimea Hawaiian Homestead Association Inc., a 501(c)3 non-profit community organization, to use a 161-acre parcel of Hawaiian home lands in Puukapu, identified by Tax Map Key No. (3) 6-4-038:011 (por.), and as shown as the cross-hatched area on Exhibit "A."

The final approval is subject to the following terms and conditions:

1. LESSEE: Waimea Hawaiian Homestead Association Inc. (WHHAI), with the ability to assign the lease to Waimea Nui Community Development Corporation (WNCDC), an IRS 501c3 organization. Any proposed lease assignment to another entity other than the WNCDC is subject to the approval of the Hawaiian Homes Commission.
2. TERM: Sixty-five (65) year term that shall commence effectively on the date that the LEASE document is fully executed by the LESSEE and LESSOR.
3. LAND AREA: Approximately 161 acres of Hawaiian Home Lands in Puukapu, Waimea, Island of Hawaii.
4. BASE RENT: Gratis for the term of the lease.

5. ADDITIONAL RENT: At such time when LESSEE reports annual increase in net assets of \$20,000 or more, additional rent shall be charged in the amount of 10% of the reported annual increase in net assets. As used herein, annual increase in net assets shall equal LESSEE's revenues less expenses as reported on IRS form 990.

6. PERMITTED USE: LESSEE shall use the premises for the projects identified in the May 2015 Final EA, namely: homestead cemetery/chapel, equestrian center, community agriculture complex, and golf facility. The equestrian center and golf facility uses shall be permitted subject to the provisions in paragraph 7 below. Other future uses as envisioned in the Waimea Nui Community Development Initiative Conceptual Master Plan dated March 5, 2013 may be permitted via lease amendment subject to approval by the Hawaiian Homes Commission.

7. LESSEE shall obtain a private letter ruling from the IRS or alternative form of certification from the IRS confirming that all proposed activities and uses of the Premises that are not specifically identified in the LESSEE's IRS Form 1023 are in furtherance of charitable exempt purposes prior to the implementation of those activities.

8. LESSEE shall inform LESSOR immediately if it loses its tax-exempt status or if any revenue generated from activities on the premises is deemed subject to taxation.

9. LESSOR shall have the right to terminate the lease, or any portion of it, if LESSEE loses its tax-exempt status or is determined to be conducting unrelated trade or business activities on the Premises.

10. As part of LESSOR's regular review of LESSEE activities, and in exchange for gratis base rent, LESSEE shall submit an ANNUAL PROGRESS REPORT to LESSOR each year on the anniversary date of lease commencement. The ANNUAL PROGRESS REPORT shall document the LESSEE'S activities of the previous lease year and shall include but not be limited to the following:

- a. Pre-construction and construction progress report that provides a description of pre-construction and construction milestones completed in the respective year of the ANNUAL PROGRESS REPORT. LESSEE shall also provide LESSOR with an anticipated schedule of completion of pre-construction and construction milestones for the following lease year.

- b. Upon completion of the construction of the infrastructure and facilities necessary to implement LESSEE's programs, a narrative program report that describes LESSEE's progress on achieving its charitable purpose as articulated in its IRS 1023 Form shall be included in the ANNUAL PROGRESS REPORT. LESSEE shall work with LESSOR to identify specific reporting requirements and applicable metrics to monitor progress towards achieving the LESSEE's charitable purpose. Minimum reporting requirements shall include number of beneficiaries served and a description of how LESSEE has been serving beneficiaries.
- c. A financial report that includes standard annual financial statements and the LESSEE's IRS 990 Form for the preceding fiscal year, as well as a budget for the following lease year, shall be included in the ANNUAL PROGRESS REPORT.
- d. Letters from the board of the Waimea Hawaiian Homestead Association Inc. and the boards of other current or future beneficiary membership organizations in the Waimea Nui region indicating whether or not the LESSEE has satisfactorily provided programs and services to its respective organization's members in the respective year of the ANNUAL PROGRESS REPORT. Note: Waimea Nui Region is defined as the region that is specified in the 2012 DHHL Waimea Nui Regional Plan.

11. LESSOR shall have the right to charge rent equal to the fair market rental of the property if the LESSEE does not submit ANNUAL PROGRESS REPORTS to the LESSOR in a timely manner. Fair market rent shall be determined by an independent appraiser selected by the LESSOR.

12. No revenue generated by the LESSEE on the Premises shall be used to pay dividends or make payments, beyond reasonable salary or contract payments, to any individual or organization. No remuneration shall be paid to any officer or director of WNCDC or WHHAI by any third party, sublessee or beneficiary membership organizations utilizing any portion of the premises.

13. LESSEE shall at no time own less than 51% of leasehold interest in all facilities located on the Premises.

14. LESSEE may only sublease the premises with the consent of the LESSOR and the LESSOR shall have the right to review and approve rent to be charged to the proposed sub-lessee and revise the rent charged to the LESSEE based on the rental rate charged to the proposed sub-lessee.

15. Any subletting of the premises initiated by the LESSEE shall include a condition in which the sublease will be terminated upon the termination of this lease agreement.

16. LESSOR shall have the right to withdraw portions of the premises from this lease agreement if, after an 18-year period, such portions of the premises are not being used by the LESSEE for purposes permitted by the lease.

17. Upon review of LESSEE'S activities, if the LESSOR determines that the LESSEE'S activities are not adequately servicing DHHL beneficiaries, LESSOR shall have the right to charge LESSEE rent in an amount equal to the fair market rental of the property. Fair market rent shall be determined by an independent appraiser selected by the LESSOR. LESSOR shall also reserve the right to place this lease on a "probationary status" if upon review of LESSEE'S activities, the LESSOR determines that the LESSEE'S activities are not adequately servicing DHHL beneficiaries. If after one year on "probation", LESSEE does not demonstrate improvement in providing adequate services to DHHL beneficiaries, then LESSOR reserves the right to terminate this lease.

#### **Standard General Lease Terms & Conditions**

18. Pursuant to HHCA § 204(a)(2), Lessor shall have the right to withdraw the premises, or any portion thereof, from the lease at any time for the purposes of the Hawaiian Homes Commission Act.

19. LESSEE shall comply with all federal, state and county regulations or requirements regarding environmental issues and the safe handling and disposal of toxic or hazardous materials. Upon termination of this lease, LESSEE shall be responsible for environmental clean-up of any contamination or hazardous materials brought onto the site or caused by LESSEE'S activities on the site.

20. LESSEE shall pay all property taxes that the LESSOR or LESSEE may be assessed during the term of this lease. Failure of the LESSEE to pay all property taxes in a timely manner shall trigger the termination of this lease.

21. LESSEE shall maintain commercial property insurance, general liability insurance, worker's compensation and employers' liability insurance, and other types of insurance as may be required by LESSOR. LESSOR shall be named as an additional insured on any required insurance policy. Types and amounts of required coverage shall be specified in the general lease document.

22. The non-refundable processing (\$200.00) and documentation (\$75.00) fee of \$275.00 shall be waived.

23. LESSEE shall comply with all federal, state and county statutes, regulations, codes and ordinances applicable to LESSEE'S use of the premises.

24. LESSEE agrees to pay for all the costs of establishing utility services to the property and pay for all consumption of utilities on the Premises, should LESSEE'S use require such utility services.

25. LESSEE shall obtain LESSOR'S prior approval for any alteration of the topography except surface grubbing to remove vegetation. LESSEE shall be responsible for any flooding or erosion caused by LESSEE'S use or alteration of the property.

26. Prior to vacating the Premises, LESSEE shall remove, at LESSEE'S sole cost, all of the LESSEE'S equipment, constructed improvements, trash, goods and materials and restore the area to a condition as good as or better than that which existed prior to LESSEE'S use. LESSEE shall also notify LESSOR to do a site inspection when LESSEE has completed removal.

27. LESSEE shall keep the Premises neat and clean at all times and shall not allow its trash to spread to other surrounding areas.

28. LESSEE shall be responsible for the security of the Premises and all of LESSEE'S personal property thereon.

29. The lease document is subject to the approval of the State of Hawaii Department of Attorney General.

30. Other terms and conditions deemed prudent by the Hawaiian Homes Commission may be added.

## DISCUSSION

Since August 2012, WHHAI has been actively developing its own capacity to plan, implement and manage a community development initiative on Tax Map Key No. (3) 6-4-038:011 (por.). The Waimea Nui Regional Community Development Initiative is comprised of several elements to address the cultural, economic and social needs of beneficiaries in the Waimea Nui region. The facilities that make up this initiative came from the expressed desires of the homestead community, and are aimed at creating the fundamental infrastructure needed to build a vibrant, self-sufficient community grounded in traditional Hawaiian values. The priority projects of the initiative that WHHAI is focusing on in the near term include: an agricultural complex, cemetery, golf facility, and equestrian center. This undertaking was also identified as a priority project in the 2012 DHHL Waimea Nui Regional Plan.

At the September 23-24, 2013 meeting, the Hawaiian Homes Commission granted a preliminary approval to issue a 65-year general lease to Waimea Hawaiian Homestead Association Inc. (WHHAI) for the development of its proposed Waimea Nui Regional Community Development Initiative (Exhibit B). Preliminary approval was conditioned upon the following:

- Completion of a Final Environmental Assessment (FEA) of the project and a finding of no significant impact (FONSI) declaration by the HHC;
- DHHL along with WHHAI must conduct at least one informational meeting for the beneficiaries that reside in or near the Waimea Nui region to provide information to beneficiaries regarding this project and consider any input received;
- The Waimea Nui Community Development Corporation obtain Internal Revenue Service (IRS) 501c3 status.

All three of the above conditions have been met. The HHC declared a FONSI based on the FEA of the project at its May 18-19 2015 meeting (Exhibit C). DHHL conducted a beneficiary consultation meeting in Waimea to amend the DHHL Island Plan land use designation for this project on March 5, 2015 and the HHC accepted the beneficiary consultation report from that meeting and additional comments received on the project during the 30-day comment period as public record of beneficiary input and feedback at its April 20-21 2015 meeting (Exhibit D). The WNCDC obtained IRS 501c3 status on October 2, 2014 (Exhibit E).

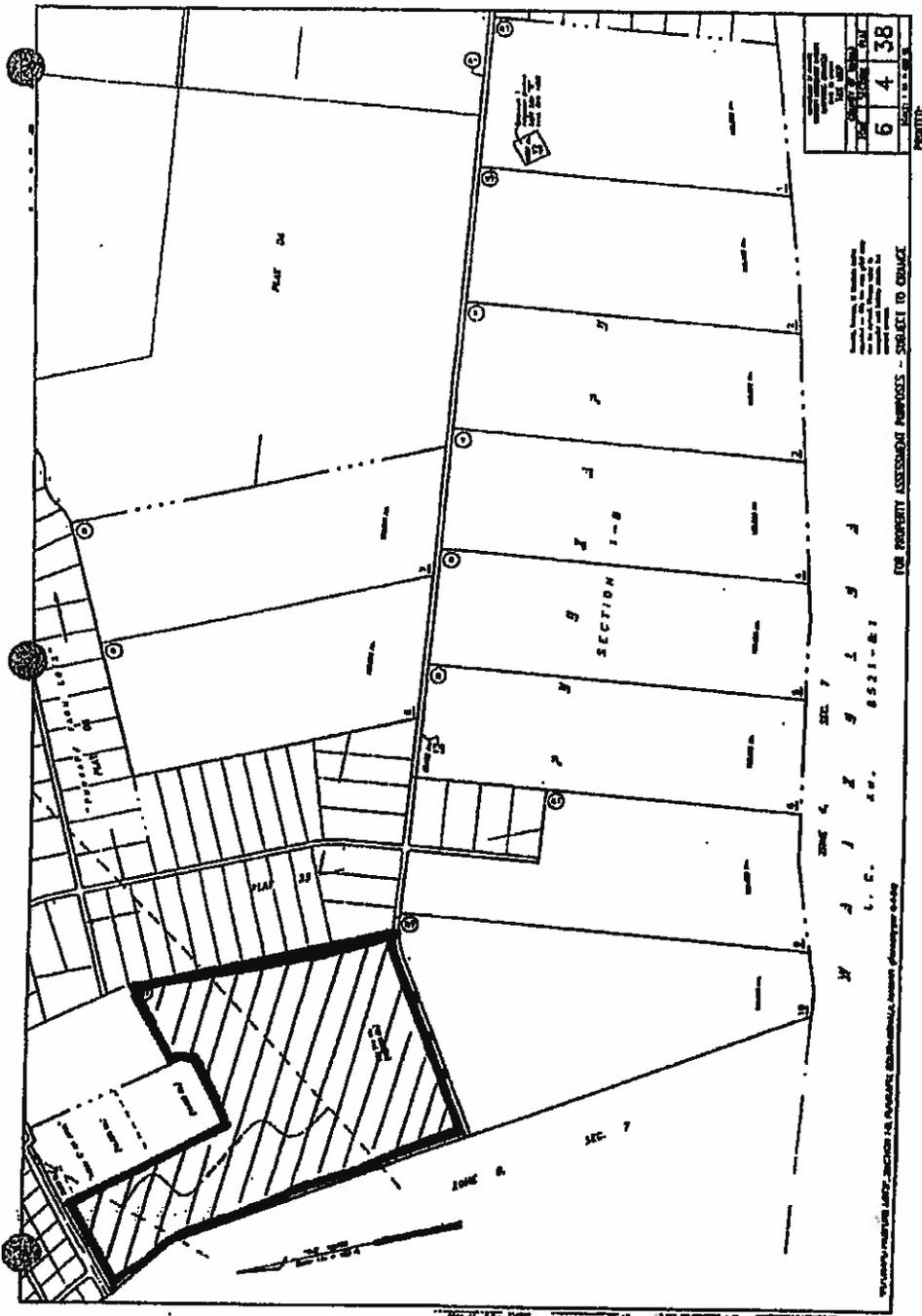
After the lease is executed, it is the intent of both DHHL and WHHAI to continue further discussion to clarify an operational definition of "revenue" and "expenses" for the purposes of calculating additional rent owed DHHL. It is also the intention of both DHHL and WHHAI to continue further discussion on the concept of the creation of a special fund in which excess net income generated on the premises is deposited into the special fund for the purposes of providing financial assistance to other homestead community economic development projects across the pae aina.

#### Authorization

§171-43.1 of the Hawaii Revised Statutes, as amended, titled Lease to eleemosynary organizations, authorizes the commission to lease, at nominal consideration or any rental amount the commission deems appropriate; by direct negotiation and without recourse to the public auction, public lands to an eleemosynary organization which has been certified to be tax exempt under sections 501(c)1 or 501 (c)3 of the Internal Revenue Code of 1986, as amended; and on such other terms and conditions as the commission may determine. The lands shall be used by such eleemosynary organizations for the purposes which their charter was issued and for which they were certified by the Internal Revenue Service.

#### RECOMMENDATION

Land Management Division and Planning Office requests approval of the motion as stated.



3103

EXHIBIT "A"

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

September 23 - 24, 2013

To: Chairman and Members, Hawaiian Homes Commission

From: Linda Chinn, Administrator  
Land Management Division 

Subject: Preliminary Approval to the Issuance of a General Lease to  
Waimea Hawaiian Homestead Association, Inc., Waimea, Hawaii

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission ("HHC") grant its **PRELIMINARY** approval to the issuance of a 65-year general lease to Waimea Hawaiian Homestead Association, Inc. (WHHA) to use a portion of Hawaiian home lands located in Puukapu, Waimea, island of Hawaii, further identified by TMK No. (3) 6-4-038:011 (por.) (See Exhibit "A"), for the development of the proposed community facility, to include cultural, educational, and economic components.

This **PRELIMINARY** approval is intended to provide WHHA, the Waimea Nui Community Development Corporation (WNCDC), its beneficiary CDC organization, and its financiers with sufficient comfort to expend resources and pursue financial commitments.

The **PRELIMINARY** approval is subject to the following basic terms and conditions and is subject to **FINAL** approval by the Hawaiian Homes Commission:

- (1) **LESSEE:** Waimea Hawaiian Homestead Association, Inc., (WHHA) with the ability to assign the lease to Waimea Nui Community Development Corporation (WNCDC), its development arm, upon IRS award of the non-profit status
- (2) **TERM:** 65 years
- (3) **LAND AREA:** Approximately 161 acres of Hawaiian Home Lands in Puukapu, Waimea, Hawaii, in total, although property may be subdivided consistent with phased implementation of the community-envisioned Waimea Nui Region Community Development Initiative.
- (4) **PURPOSE:** The site shall be used for homestead economic development (including agricultural training) and community

**EXHIBIT 'B'**

Item No. F-3

September 2013

public purposes. Through extensive consultation with beneficiaries and especially the Waimea Hawaiian Homesteaders' Association (WHHA) members, WNCDC and WHHA have compiled community requested projects for the site that balance public service and revenue sustainability.

- (5) COMMUNITY BENEFITS AGREEMENT: WHHA/WNCDC shall work with DHHL to formulate and agree to a Community Benefits Agreement (CBA) to address benefits to the Waimea region of HHCA beneficiaries and/or the larger Hawaii Island community, and should include economic and employment benefits, community development including capacity building and education, as well as philanthropic support of Hawaiian culture, youth and elders.
- (6) BASE RENT: To be determined later based on the final development plan on proposed land uses.
- (7) BENEFICIARY CONSULTATION - Before FINAL approval is brought to the HHC for consideration, DHHL along with WHHA must conduct at least one informational meeting for the beneficiaries that reside in or near the Waimea Nui region to provide information to the beneficiaries and consider any input received.

#### DISCUSSION

Since August 2012, WHHA has been actively developing its own capacity to plan, implement and manage the envisioned projects. WHHA has created the Waimea Nui Community Development Corporation (WNCDC), its beneficiary CDC organization, which is currently in the process of getting its IRS 501(c)(3) status.

The Waimea Nui Region Community Development Initiative (CDI) is comprised of several elements to address the cultural, economic and social needs of the Waimea area, especially the Waimea Hawaiian Homesteads. The numerous facilities that make up the CDI came from the expressed desires of the homestead community, and are aimed at creating the fundamental infrastructure needed to build a vibrant, self-sufficient community grounded in traditional Hawaiian values. The priority projects of the CDI that WHHA is focusing in the near term include: the agricultural park, cemetery, and golf facility.

The community has been the driving force to make this CDI a reality. However, with the elimination of the Kulia I Ka Nu'u program and the component of Kulia that dealt with community economic development, DHHL has not had a mechanism to assist communities like WHHA to advance their projects.

September 2013

As DHHL looks at how best to proceed forward with supporting community economic development, DHHL has identified the Waimea Nui Initiative as a strong candidate to implement one test pilot project to see how collaboration can best work. Under this pilot, DHHL proposes that it work with the WPHA to complete the necessary pre-development planning, feasibility, and environmental studies for the first set of projects envisioned by WPHA within the Initiative. Through the pilot project, DHHL would contract and manage a consultant and work closely with WPHA.

To proceed forward, the 161-acre parcel under consideration will need to remain in DHHL's inventory as the pre-development planning, feasibility, and environmental studies are being completed since the contract will be a DHHL contract. Once this work is complete, however, FINAL approval for a long-term general lease to WPHA/WNCDC can be brought to the HHC for action.

The anticipated time frame for the completion of the consultant's proposed scope of work is approximately six to nine months.

#### RECOMMENDATION

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

**EXHIBIT "B"**

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

May 18-19, 2015

To: Chairman and Members, Hawaiian Homes Commission  
Thru: M. Kaleo Manuel, Acting Planning Program Manager   
From: Andrew H. Choy, Planner   
Subject: Declare a Finding of No Significant Impact  
(FONSI) for Final Environmental Assessment (FEA)  
Waimea Nui Regional Community Development TMK No.  
(3) 6-4-038:011 (por.) Waimea Nui, Hawaii Island

Recommended Action

That the Hawaiian Homes Commission declare a FONSI based on the FEA for the Waimea Nui Regional Community Development Initiative.

Discussion

BACKGROUND

At its September 2013 meeting, the Hawaiian Homes Commission authorized the Chairman to undertake a pilot project in which DHHL works with the Waimea Hawaiian Homestead Association (WHHA) to complete the necessary pre-development planning, feasibility, and environmental studies for the first set of projects envisioned by WHHA within the Waimea Nui Community Development Initiative (Exhibit A). Through the pilot project, DHHL has contracted and managed a consultant to work closely with WHHA to complete planning studies, feasibility studies, and an environmental assessment in accordance with Hawaii Revised Statutes (HRS) Chapter 343 for the project area. Upon completion, WHHA would be poised to solicit funding from private and public sources to complete the design and construct the first set of projects, offering WHHA the opportunity to operate and maintain an envisioned community economic development project that is self-sustaining and supports economic development within the region.

The Waimea Nui Regional Community Development Initiative consists of the following priority projects:

| Priority Project              | Acres |
|-------------------------------|-------|
| Homestead Cemetery/Chapel     | 10    |
| Equestrian Center             | 14.7  |
| Community Agriculture Complex | 42.2  |
| Golf-Facility                 | 32.2  |

DRAFT ENVIRONMENTAL ASSESSMENT

In February 2015, DHHL staff and the Waimea Hawaiian Homestead Association presented the public review draft environmental assessment (DEA) conducted for this project to the Hawaiian Homes Commission (Exhibit B). The DEA assessed the potential environmental impact to the surrounding environment of the Waimea Nui Regional Community Development Initiative. In summary the DEA found that these proposed uses will have no to minimal impact on the surrounding environment.

The DEA also addressed the proposed project uses for consistency with existing plans and applicable land use policies. For the most part, the priority projects are consistent with the existing plans and applicable land use policies in the region. However, the DHHL Hawaii Island Plan Land Use Designation for the project area will need to be amended from General Agriculture to Community Use in order for the project to be completely consistent (see HHC May 2015 Agenda Item G-1).

Based upon the analysis completed in the DEA, staff anticipated a finding of no significant impact (AFONSI) for the priority projects of the Waimea Nui Regional Community Development Initiative. Per Hawaii Administrative Rules (HAR) 11-200-11, the DEA and AFONSI are required to be published in the state Office of Environmental Quality Control "Environmental Notice" bulletin for a 30-day public review and comment period. The public comment period was from February 8, 2015 to March 10, 2015. DHHL also accepted comments from agencies after the close of the comment period.

FINAL ENVIRONMENTAL ASSESSMENT (SUMMARY)

Various government agencies at the federal, state, and county level, as well local community groups and associations were asked to comment on the DEA. Revisions to the DEA were made based on the comments received during the public consultation period. These changes are reflected in the FEA (Exhibit C). The FEA includes a ramsayer format that indicates which sections of the original DEA were modified.

A summary of the more important key substantive issues identified by other agencies during the public comment period and how those comments were addressed in the FEA are highlighted in the following table. A complete record of comments received and responses to those comments are included in appendix A of Exhibit C.

| Agency                                      | Comment (Summary)   | Response to Comment  |
|---|---|--|
| Dept. of Agriculture (DOA)                  | Recommend that the total water demand incorporate DOA's 3,400 gallons per acre per day (GPAD) estimate.   | FEA incorporates DOA recommendation to utilize the 3,400 GPAD estimate to project water use.   |
| DOA   | Explain what the impact of the new water demand based on the 3,400 GPAD estimate will have on the existing Waimea Irrigation System (WIS).  | The project will incorporate storage into the system design with the intent of drawing water from the WIS during evening hours when irrigation systems of other users are not in use. This will ensure adequate water pressure in the WIS. DOA will be the lead agency overseeing the design phase of the water system and DOA will have oversight to ensure that the water system will be designed to not adversely affect the WIS. |
| Dept. of Transportation Airports Division   | Ensure that the proposed project does not attract wildlife to the project area. Additional wildlife, especially birds, will pose a hazard to airplanes that utilize the Waimea-Kohala Airport.  | The project will avoid creating above-ground standing water that will attract wildlife. The project will provide adequate drainage so that storm water will not pond. The project will incorporate an underground closed water treatment system.   |
| State Historic Preservation Division (SHPD) | Additional information is needed regarding the background history of this parcel, results of subsurface testing, and identification of the two historic properties prior to acceptance of the Archaeological Inventory Survey (AIS) pursuant to HAR 13-284-5. | Additional information requested by SHPD has been provided and a new updated AIS is included in the FEA. The AIS will be listed as Appendix C (Revised) in the FEA with an April 2015 date. Upon submittal of the new information that was requested, the AIS was accepted by SHPD.  |

|  |  |  |
|--|--|--|
| <p>County<br/>Department of<br/>Public Works<br/>(DPW)</p> | <p>The additional traffic created by the proposed projects is not insignificant and may warrant traffic mitigation improvements by the developer including intersection improvements, traffic signals, and other traffic calming measures.</p> | <p>WNR-CDI programs will be coordinated in such a manner that will avoid AM and PM peak hours. In addition, the WNR-CDI will be servicing primarily homestead residents in the near vicinity. As such, impacts to the main Mamalahoa Highway is expected to be minimal.</p> <p>In order to assist DPW with its Mamalahoa Highway improvement project, DHHL is considering cost sharing the widening of Kahilu Road with DPW so that the Kahilu Road can be used as a suitable bypass during the County's Mamalahoa highway improvement project.</p> <p>We hope that collaborative efforts such as the above situation between DHHL and DPW to improve regional traffic will be taken into consideration and be credited as a meaningful improvement by the developer to improve existing regional traffic conditions. Additional consultation with DPW about traffic mitigation measures including possible opportunities to collaborate on traffic improvements will occur.</p> |
|--|--|--|

As stated previously, staff anticipated a finding of no significant impact based on the findings of the DEA. The comments in the above table were the most substantive comments that were received during the public comment period. Appropriate mitigation measures and solutions were identified to address these comments. The mitigation measures and solutions were incorporated into the FEA.

Comments from other agencies either concurred with the findings of the DEA or suggested other policy standards that the project should consider during its development. These policy standards were incorporated into the FEA. As a result, the comments received during the public-comment period and the incorporation of those comments in the FEA will cause the WNR-CDI to have an even more reduced impact on the surrounding environment.

Based on the 13 criteria for determining significance of potential effect a project may have on the environment as outlined in Hawaii Revised Statutes Chapter 343 and Section 11-200-12 State Administrative Rules (discussed in greater detail in Chapter Six of Exhibit C) staff concludes that the WNR-CDI will not have a significant impact on the project area or surrounding environment.

#### Recommended Motion/Action

Staff respectfully requests that the HHC approve the recommended motion as stated.

PLANNING OFFICE  
DEPARTMENT OF HAWAIIAN HOME LANDS

April 20-21, 2015

TO: Chairman and Members  
Hawaiian Homes Commission

THROUGH: M. Kaleo Manuel   
Acting Planning Program Manager

FROM: Andrew H. Choy, Planner 

SUBJECT: Accept the Beneficiary Consultation Report for the  
Proposed Amendment to the DHHL Hawaii Island Plan Land  
Use Designation for TMK (3)-6-4-038:011 Waimea, Hawaii  
Island

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission accepts this Beneficiary Consultation Report as public record of beneficiary input and feedback relative to the Proposed Amendment to the DHHL Hawaii Island Plan Land Use Designation for TMK (3)-6-4-038:011 Waimea, Hawaii Island.

DISCUSSION

Background

The Hawaii Island Plan was adopted by the HHC in 2002. Island plans serve two main purposes: (1) Identify island-specific needs, opportunities, constraints, and development priorities and (2) Provide land use controls that designate allowable uses for DHHL land holdings. DHHL Island Plans specify 10 different types of land use. The 2002 Hawaii Island Plan designated TMK (3)-6-4-038:011 (EXHIBIT A) as "General Agriculture" use. The "General Agriculture" land use designation is defined as lands set aside for:

"Intensive or extensive farming or ranching allowed.  
[General Agriculture lands] May serve as an interim use until opportunities for higher and better uses become available."

EXHIBIT "D"

ITEM G-1

Since the adoption of the Hawaii Island Plan in 2002, the Waimea Hawaiian Homestead Association (WHHA) has completed a master plan for a variety of uses meant to benefit the homestead community on TMK (3)-6-4-038:011. The current initiative, also known as the Waimea Nui Regional Community Development Initiative, is composed of four priority projects:

| Priority Project              | Acres |
|-------------------------------|-------|
| Homestead Cemetery/Chapel     | 10    |
| Equestrian Center             | 14.7  |
| Community Agriculture Complex | 42.2  |
| Golf-Facility                 | 32.2  |

These proposed uses are more consistent with the Hawaii Island Plan "Community Use" land use designation than the "General Agriculture" designation. The "Community Use" designation will also allow for the WHHA to develop future projects on the 161 acre parcel in the future. The "Community Use" designation can be defined as:

"Common areas for community uses and public facilities. Includes space for parks and recreation, cultural activities, community-based economic development, utilities, and other public facilities."

Amendments to DHHL Island Plan land use designations must be approved by the HHC as the HHC has exclusive land use authority over Hawaiian Home Lands per the Hawaiian Homes Commission Act. Beneficiary feedback and input collected from DHHL Beneficiary Consultation on the proposed amendment is one of the types of information that the HHC must in its decision to amend Island Plan land use designations.

#### Beneficiary Consultation

The Department's Beneficiary Consultation Policy, approved January 2009, recognizes that meaningful, timely, and effective beneficiary consultation is essential to the successful implementation of Hawaiian Homes Commission policies, programs, and projects. The purpose of this DHHL beneficiary consultation

was to collect beneficiary feedback and input on a proposed land use designation to the DHHL Island Plan for TMK (3)-6-4-038:011. The existing land use designation is "General Agriculture." DHHL would like to designate the parcel "Community Use" in order to accommodate the future plans and programs proposed for this parcel by the Waimea Hawaiian Homestead Association (WHHA). WHHA has proposed a community economic development initiative that consists of several projects to be located on TMK (3)-6-4-038:011 as detailed in Exhibit A.

The proposed amendment to the DHHL Hawaii Island Plan went through the following steps prior to the March 5, 2015 Beneficiary Consultation meeting to ensure that beneficiaries were informed about the opportunity to provide feedback on this project prior to HHC approval.

STEP 1. THE PROPOSED ACTION IS DESCRIBED:

The meeting will provide information on a proposed Land Use Designation Amendment to the DHHL Hawaii Island Plan in the Waimea Region related to TMK parcel (3)-6-4-038:011. The existing Land Use Designation for the parcel is "General Agriculture." DHHL would like to amend the Land Use Designation for this parcel to "Community Use." DHHL would like to designate the parcel "Community Use" in order to accommodate the future plans and programs proposed for this parcel by the Waimea Hawaiian Homestead Association Inc.

STEP 2. BENEFICIARIES WERE NOTIFIED OF OPPORTUNITIES TO CONSULT (See Exhibit B):

1. An invitation letter to attend the March 5, 2015 Beneficiary Consultation meeting Waimea. Approximately 700 letters were mailed lessees, undivided interest lessees, and all Homestead applicants who reside in the Waimea zipcode of 96743.

STEP 3. PRESENTATION MATERIALS FOR ALL MEETINGS ARE AVAILABLE FOR FEEDBACK (See Exhibit C):

1. Presentation materials were posted online for public review and comment March 9, 2015.

STEP 4. COMMENTS ARE COMPILED INTO MEETING REPORTS  
(See Exhibit D):

1. March 5, 2015 Waimea Beneficiary Consultation Meeting Notes and List of Meeting Participants.
2. April 4, 2015 30-day period for additional comments on project ends.

The March 5, 2015 Beneficiary Consultation meeting in Waimea was well-attended. The proceeding table and data below attempt to capture the level of participation and engagement at the meeting.

Table 1: Summary of March 5, 2015 DHHL Hawaii Island Plan Proposed Land Use Amendment Beneficiary Consultation Attendance and Participation

| Beneficiary Consultation Meeting                       | Estimated Attendance | No. Sign In | No. Self-ID as DHHL Beneficiaries | No. of Comments |
|--|----------------------|-------------|-----------------------------------|-----------------|
| March 5, 2015 Kūhiō Hale                               | 70-80                | 72          | 39                                | 24              |
| Written Comments Received during 30-Day Comment Period | --                   | --          | --                                | 3               |

Summary of Beneficiary Consultation Comments and Staff Recommendations

1. Comments Received During the Beneficiary Consultation Process Support the Proposed Land Use Amendment to the DHHL Hawaii Island Plan for TMK (3)-6-4-038:011.

The proposed land use amendment was well received by beneficiaries. Several of the comments of support included:

"To give you all some background, in 2001 when we participated in the Island Plan [process], DHHL had to come up with a land use plan. We asked that the whole acreage be set aside for community use at that time. It's been 63 years

since we started homesteading in Waimea - now we are finally going to have a place for the community - Eo - it's good."

"[I] support this land use change because it directly benefits beneficiaries of our land trust."

"I am in favor of and would appreciate DHHL moving forward to designate the subject parcel as 'Community Use.'

DHHL staff recommends that the Hawaiian Homes Commission support the proposed land use amendment to the DHHL Hawaii Island Plan.

2. The Waimea Nui Regional Community Development Initiative is driven by the Waimea Hawaiian Homestead Association and not DHHL.

Many of the meeting attendees were WHHA members and have been active participants in developing the concepts for this initiative. Many of them reminded other participants that this is not a DHHL driven initiative, it is a community driven initiative and DHHL is just playing a supportive role in the process.

"This has been in the planning phase for 40-50 years - not a new development. The Department is not providing the groundwork - all of us went door to door and did the survey, decided as a community that this is what we needed."

"If you have any questions [about the initiative] - don't drill DHHL [with questions], ask the WHHA Committee members, it's the Association's project. DHHL is doing what we want them to do."

DHHL staff recommends that in future messaging and communication about this project DHHL continues to emphasize that this is a WHHA-driven project.

3. Ensure that the Waimea Nui Regional Community Development Initiative Benefits DHHL Beneficiaries.

Several meeting participants referenced instances in the past in which a community facility located on Hawaiian Home Lands has been used in a manner that does not directly benefit DHHL

beneficiaries. These participants would like to ensure that this initiative benefits DHHL beneficiaries.

"...Kanu [charter school],-- kind of disturbing - Hawaiian kids were trying to get in to [that] school, but were denied."

"...I'm for it [the initiative], just don't make a mistake like Kanu...I don't see Hawaiian kids at the charter school...Make sure we don't make the same mistake. Make sure this project benefits beneficiaries."

DHHL staff recommends working with WHHA to develop regular reporting to monitor and demonstrate how beneficiaries are benefiting from the uses proposed in this initiative.

#### CONCLUSION

Based on the comments received during the DHHL beneficiary consultation process:

- (1) DHHL beneficiaries support the proposed land use amendment to the DHHL Hawaii Island Plan for TMK (3)-6-4-011:038, Waimea, Hawaii Island;
- (2) The Waimea Nui Regional Community Development Initiative is driven by the Waimea Hawaiian Homestead Association and not DHHL;
- (3) Ensure that the Waimea Nui Regional Community Development Initiative Benefits DHHL Beneficiaries.

#### RECOMMENDATION

Staff respectfully requests that the Hawaiian Homes Commission accept this beneficiary consultation report as the public record of beneficiary input and feedback relative to the Proposed Amendment to the DHHL Hawaii Island Plan Land Use Designation for TMK (3)-6-4-038-011 Waimea, Hawaii Island.

INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: OCT 02 2014

WAIMEA NUI COMMUNITY DEVELOPMENT  
CORPORATION  
PO BOX 126  
KAMUELA, HI 96743

Employer Identification Number:  
46-2823884  
DLN:  
17053277336023  
Contact Person: MARK BRECKNER ID# 95217  
Contact Telephone Number:  
(877) 829-5500  
Accounting Period Ending:  
December 31  
Public Charity Status:  
170(b)(1)(A)(vi)  
Form 990 Required:  
Yes  
Effective Date of Exemption:  
May 23, 2013  
Contribution Deductibility:  
Yes  
Addendum Applies:  
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to [www.irs.gov/charities](http://www.irs.gov/charities). Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

Letter 947

EXHIBIT "E"

DAVID V. ROE  
GOVERNOR  
STATE OF HAWAII

MIAMI S. ENGLISH  
COMMISSIONER  
STATE OF HAWAII



JURIE M. K. MANAKATANI  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

WILLIAM J. ADAMS, JR.  
PRESIDENT

**STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS**

1101 JUNE 1479  
HONOLULU, HAWAII 96824

November 3, 2015

Mr. Michael Hodson, President  
Waimea Hawaiian Homestead Association Inc.,  
P.O. Box 126  
Kamuela, HI 96796

Dear Mr. Hodson:

**Subject: Request for General Lease to use Hawaiian Home  
Lands situated at TMK:(3) 6-4-038:011 (por.)  
Puukapu, Waimea, Island of Hawaii**

After careful consideration, the Land Management Division (LMD) of the Department of Hawaiian Home Lands (DHHL) is agreeable with your intent to general lease a portion of TMK: (3) 6-4-038:011.

However, prior to seeking acceptance and approval by the Hawaiian Homes Commission, we need to reach an understanding on certain material terms and conditions. In this regard, we propose the following for your consideration:

**Terms & Conditions Unique to this General Lease**

- 1. LESSEE:** Waimea Hawaiian Homestead Association Inc. (WHAI), with the ability to assign the lease to Waimea Nui Community Development Corporation (WNCDC), an IRS 501c3 organization. Any proposed lease assignment to another entity other than the WNCDC is subject to the approval of the Hawaiian Homes Commission.
- 2. TERM:** Sixty-five (65) year term that shall commence effectively on the date that the LEASE document is fully executed by the LESSEE and LESSOR.
- 3. LAND AREA:** Approximately 161 acres of Hawaiian Home Lands in Puukapu, Waimea, Island of Hawaii.

**EXHIBIT "F"**

Mr. Michael Hodson  
November 3, 2015  
Page 2

4. BASE RENT: Gratis for the term of the lease.
5. ADDITIONAL RENT: At such time when LESSEE reports annual increase in net assets of \$20,000 or more, additional rent shall be charged in the amount of 10% of the reported annual increase in net assets. As used herein, annual increase in net assets shall equal LESSEE's revenues less expenses as reported on IRS form 990.
6. PERMITTED USE: LESSEE shall use the premises for the projects identified in the May 2015 Final EA, namely: homestead cemetery/chapel, equestrian center, community agriculture complex, and golf facility. The equestrian center and golf facility uses shall be permitted subject to the provisions in paragraph 7 below. Other future uses as envisioned in the Waimea Nui Community Development Initiative Conceptual Master Plan dated March 5, 2013 may be permitted via lease amendment subject to approval by the Hawaiian Homes Commission.
7. LESSEE shall obtain a private letter ruling from the IRS or alternative form of certification from the IRS confirming that all proposed activities and uses of the Premises that are not specifically identified in the LESSEE's IRS Form 1023 are in furtherance of charitable exempt purposes prior to the implementation of those activities.
8. LESSEE shall inform LESSOR immediately if it loses its tax-exempt status or if any revenue generated from activities on the premises is deemed subject to taxation.
9. LESSOR shall have the right to terminate the lease, or any portion of it, if LESSEE loses its tax-exempt status or is determined to be conducting unrelated trade or business activities on the Premises.
10. As part of LESSOR's regular review of LESSEE activities, and in exchange for gratis base rent, LESSEE shall submit an ANNUAL PROGRESS REPORT to LESSOR each year on the anniversary date of lease commencement. The ANNUAL PROGRESS REPORT shall document the LESSEE'S activities of the previous lease year and shall include but not be limited to the following:
  - a. Pre-construction and construction progress report that provides a description of pre-construction and

EXHIBIT "F"

Mr. Michael Hodson  
November 3, 2015  
Page 3

construction milestones completed in the respective year of the ANNUAL PROGRESS REPORT. LESSEE shall also provide LESSOR with an anticipated schedule of completion of pre-construction and construction milestones for the following lease year.

- b. Upon completion of the construction of the infrastructure and facilities necessary to implement LESSEE's programs, a narrative program report that describes LESSEE's progress on achieving its charitable purpose as articulated in its IRS 1023 Form shall be included in the ANNUAL PROGRESS REPORT. LESSEE shall work with LESSOR to identify specific reporting requirements and applicable metrics to monitor progress towards achieving the LESSEE's charitable purpose. Minimum reporting requirements shall include number of beneficiaries served and a description of how LESSEE has been serving beneficiaries.
- c. A financial report that includes standard annual financial statements and the LESSEE's IRS 990 Form for the preceding fiscal year, as well as a budget for the following lease year, shall be included in the ANNUAL PROGRESS REPORT.
- d. Letters from the board of the Waimea Hawaiian Homestead Association Inc. and the boards of other current or future beneficiary membership organizations in the Waimea Nui region indicating whether or not the LESSEE has satisfactorily provided programs and services to its respective organization's members in the respective year of the ANNUAL PROGRESS REPORT. Note: Waimea Nui Region is defined as the region that is specified in the 2012 DHHL Waimea Nui Regional Plan.

11. LESSOR shall have the right to charge rent equal to the fair market rental of the property if the LESSEE does not submit ANNUAL PROGRESS REPORTS to the LESSOR in a timely manner. Fair market rent shall be determined by an independent appraiser selected by the LESSOR.

12. No revenue generated by the LESSEE on the Premises shall be used to pay dividends or make payments, beyond reasonable salary or contract payments, to any individual or organization. No

EXHIBIT "F"

Mr. Michael Hodson  
November 3, 2015  
Page 4

remuneration shall be paid to any officer or director of WNCDC or WHHAI by any third party, sublessee or beneficiary membership organizations utilizing any portion of the premises.

13. LESSEE shall at no time own less than 51% of leasehold interest in all facilities located on the Premises.

14. LESSEE may only sublease the premises with the consent of the LESSOR and the LESSOR shall have the right to review and approve rent to be charged to the proposed sub-lessee and revise the rent charged to the LESSEE based on the rental rate charged to the proposed sub-lessee.

15. Any subletting of the premises initiated by the LESSEE shall include a condition in which the sublease will be terminated upon the termination of this lease agreement.

16. LESSOR shall have the right to withdraw portions of the premises from this lease agreement if, after an 18-year period, such portions of the premises are not being used by the LESSEE for purposes permitted by the lease.

17. Upon review of LESSEE'S activities, if the LESSOR determines that the LESSEE'S activities are not adequately servicing DHHL beneficiaries, LESSOR shall have the right to charge LESSEE rent in an amount equal to the fair market rental of the property. Fair market rent shall be determined by an independent appraiser selected by the LESSOR.

#### **Standard General Lease Terms & Conditions**

18. Pursuant to HHCA § 204(a)(2), Lessor shall have the right to withdraw the premises, or any portion thereof, from the lease at any time for the purposes of the Hawaiian Homes Commission Act.

19. LESSEE shall comply with all federal, state and county regulations or requirements regarding environmental issues and the safe handling and disposal of toxic or hazardous materials. Upon termination of this lease, LESSEE shall be responsible for environmental clean-up of any contamination or hazardous materials brought onto the site or caused by LESSEE'S activities on the site.

20. LESSEE shall pay all property taxes that the LESSOR or LESSEE may be assessed during the term of this lease. Failure of the

Mr. Michael Hodson  
November 3, 2015  
Page 5

LESSEE to pay all property taxes in a timely manner shall trigger the termination of this lease.

21. LESSEE shall maintain commercial property insurance, general liability insurance, worker's compensation and employers' liability insurance, and other types of insurance as may be required by LESSOR. LESSOR shall be named as an additional insured on any required insurance policy. Types and amounts of required coverage shall be specified in the general lease document.
22. The non-refundable processing (\$200.00) and documentation (\$75.00) fee of \$275.00 shall be waived.
23. LESSEE shall comply with all federal, state and county statutes, regulations, codes and ordinances applicable to LESSEE'S use of the premises.
24. LESSEE agrees to pay for all the costs of establishing utility services to the property and pay for all consumption of utilities on the Premises, should LESSEE'S use require such utility services.
25. LESSEE shall obtain LESSOR'S prior approval for any alteration of the topography except surface grubbing to remove vegetation. LESSEE shall be responsible for any flooding or erosion caused by LESSEE'S use or alteration of the property.
26. Prior to vacating the Premises, LESSEE shall remove, at LESSEE'S sole cost, all of the LESSEE'S equipment, constructed improvements, trash, goods and materials and restore the area to a condition as good as or better than that which existed prior to LESSEE'S use. LESSEE shall also notify LESSOR to do a site inspection when LESSEE has completed removal.
27. LESSEE shall keep the Premises neat and clean at all times and shall not allow its trash to spread to other surrounding areas.
28. LESSEE shall be responsible for the security of the Premises and all of LESSEE'S personal property thereon.
29. The lease document is subject to the approval of the State of Hawaii Department of Attorney General.
30. Other terms and conditions deemed prudent by the Hawaiian Homes Commission may be added.

EXHIBIT "F"

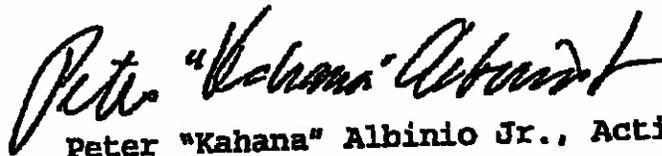
Mr. Michael Hodson  
November 3, 2015  
Page 6

If the terms and conditions contained herein and described above are acceptable, please sign, date and return a copy of this letter. Department staff will then prepare the request to the Hawaiian Homes Commission (Commission) for approval to issue the lease, consistent with the terms outlined above.

This signed letter will not be binding on either party, although it will be used as a basis for requesting Commission approval and for drafting the lease. Nor will this letter constitute a defacto lease or any other disposition of Hawaiian home lands. Only the actual lease itself - if approved by the Commission and signed by the parties - will be binding.

If you have questions, contact Andrew H. Choy, at (808)620-9279 or email [andrew.h.choy@hawaii.gov](mailto:andrew.h.choy@hawaii.gov).

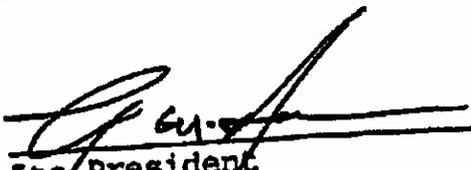
Aloha,



Peter "Kahana" Albinio Jr., Acting  
Administrator  
Land Management Division

**AGREED AND ACCEPTED:**

**WAIMEA HAWAIIAN HOMESTEAD  
ASSOCIATION INC.,**

By   
Its President  
Michael Hodson

Date Nov 5, 2015

EXHIBIT "F"

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 17-18, 2022

To: Chairman and Members, Hawaiian Homes Commission  
Thru: Andrew H. Choy, Planning Program Manager *AC*  
From: Nancy M. McPherson, Planner *Nancy McPherson*  
Subject: For Information Only - Update on Climate Change Impacts  
Affecting Hawaiian Home Lands, Statewide

RECOMMENDED ACTION

None; for information only.

BACKGROUND

*Context*

This informational submittal is one of a series of updates to the Hawaiian Homes Commission (HHC) given by the Planning Office regarding the latest scientific information and Department of Hawaiian Home Lands (DHHL) initiatives and activities in the areas of climate change adaptation (CCA), sea level rise mitigation (SLR), community resilience planning (CRP) and hazard mitigation (HazMit), framed within the general category of sustainability. See Table 1, "CCA/SLR/CRP/CZM Info Submittals", below, which lists all informational submittals and presentations on these topics provided to date to the HHC by the Planning Office and invited subject matter experts, in descending chronological order.

This update's primary focus will be on the most recent data on sea level rise projections and groundwater upwelling modeling that currently is and will continue to be impacting Hawaiian Home Lands located along the coastlines of Kaua'i, O'ahu, Maui, Molokai and Hawai'i islands. The primary source of this data is the PacIOOS (Pacific Islands Ocean Observing System) Viewer, which can be accessed here: [www.pacioos.hawaii.edu/shoreline/slr-hawaii](http://www.pacioos.hawaii.edu/shoreline/slr-hawaii). Other SLR reports and tools can be accessed via the State Climate Change Portal, under HI Adaptation, here: [climate.hawaii.gov/hi-adaptation/state-sea-level-rise-resources](http://climate.hawaii.gov/hi-adaptation/state-sea-level-rise-resources)

Also shared in this submittal will be a viewer that shows drought patterns and projections for Hawai'i. Additional information on sea level rise, drought and other climate change-related impacts and strategies may be viewed and/or downloaded via other weblinks provided in this submittal and attached exhibits.

| HHC Meeting                  | Item No. & Title   | Topics/Description   |
|------------------------------|--|--|
| March 21-22, 2022            | Item G-3, The Importance of Land Stewardship in the Face of Climate Change in Hawai'i  | Presentation by Dr. Thomas Giambelluca, Dir., UH Mānoa Water Resources Research Center, on temperature and rainfall changes and projections; how improving land stewardship can mitigate climate change impacts.   |
| January 18-19, 2022          | Item G-5, In-Depth Update on Climate Change and Resilience Planning Affecting Hawaiian Home Lands, Statewide   | Response to HHC request for Climate Change "Deep Dive"; update by Dr. Charles "Chip" Fletcher, UH Mānoa SOEST on carbon dioxide emissions and climate change; update by Leah Laramee, DLNR-DoFAW, on State of Hawai'i climate change-related land use initiatives.     |
| July 19-20, 2021 (Virtual)   | Item G-3, Update on Statewide Initiatives and Actions Related to Climate Change and Resilience   | Reviewed federal, state & county activities July 2019 to July 2021; summarized DHHL initiatives re: community resilience planning, wetland restoration, and cesspool conversion; discussed climate justice and climate adaptation ideas for natural and working lands. |
| June 17-18, 2019 (O'ahu)     | Item G-1, Update on DHHL Efforts: Climate Change and Sea Level Rise Adaptation, Community Resilience and Hazard Mitigation on Hawaiian Home Lands, Statewide | Reviewed federal, state & county activities June 2018 to June 2019. Emphasis placed on best practices and integration of coastal zone management, community resilience, disaster preparedness, vulnerability analysis & hazard mitigation planning.                    |
| April 15-16, 2019 (Moloka'i) | Item G-3, Moloka'i Planning Projects Status (pages 5-15)   | So. Molokai Shoreline Erosion Management Plan (SM-SEMP) Phase I; CCA & SLR planning activities at federal, state & county levels.  |

| HHC Meeting                  | Item No. & Title   | Topics/Description  |
|------------------------------|--|---|
| June 18-19, 2018 (O`ahu)     | Item G-4, Update on DHHL Efforts: Climate Change & Sea Level Rise Adaptation, Community Resilience & Hazard Mitigation on Hawaiian Home Lands, Statewide                           | First update, per HHC request at April 2018 meeting. Reviewed federal, state & county activities Sept. 2016 to June 2018. Continued to recommend integrated, ahupua`a based approach. |
| September 19-20, 2016 (Maui) | Item G-6, Planning for our Makai Communities - Integrating Coastal Zone Management, Community Resilience & Hazard Mitigation on Hawaiian Home Lands Along the Shoreline, Statewide | Outlined CZM jurisdictional issues, DHHL CZM reviews, CZM, CCA, CRP & disaster preparedness efforts at state, county & homestead community levels; listed potential funding sources.  |

Table 1 - CCA/SLR/CRP/CZM Info Submittals

Since the March 2022 informational update, the pace of governmental responses and initiatives at national, state and county levels of government to plan for and adapt to climate change and sea level rise impacts has continued to accelerate in an effort to avoid the worst potential impacts of climate change.

This submittal's discussion of potential climate change impacts, primarily in the form of sea level rise and drought modeling, will focus on federal, state and local initiatives that have implications for Hawaiian Home Lands, DHHL beneficiaries, and the Hawaiian Homes Commission. For the latest in climate change information specific to Hawai'i, the activities of the Hawaii Climate Change Mitigation and Adaptation Commission (of which the Hawaiian Homes Commission is an official member) as well as adaptation and mitigation strategies such as "Climate Ready Hawai'i" please access the State's Climate Change Portal at [climate.hawaii.gov](http://climate.hawaii.gov).

## DISCUSSION

With the advent and increasing availability of Geographic Information Systems (GIS) -based applications and more sophisticated computer-based modeling made possible by advances in computing power, more and better information on climate change-related projections and anticipated impacts are available now than ever before. While current federal initiatives are too numerous to mention in their entirety in this submittal, there are several that will be noted here. For more information, please follow the weblinks provided.

## Federal Initiatives

### National Climate Assessment

The U.S. Global Change Research Program (USGCRP) is currently developing the Fifth National Climate Assessment, the National Academies of Sciences, Engineering, and Medicine are currently reviewing the draft, and the report is expected to be finalized and released in Fall of 2023. The Assessment will include a chapter specifically on Hawai'i and U.S.-Affiliated Pacific Islands, with input from University of Hawai'i at Mānoa researchers. For more information on the USGCRP and the National Climate Assessment, go to [www.globalchange.gov/climate-change](http://www.globalchange.gov/climate-change). To view the Fourth National Climate Assessment, Volume II: Impacts, Risks and Adaptation in the United States, which assesses the science of climate change and variability and its impacts across the United States, now and throughout this century, go to: [nca2018.globalchange.gov](http://nca2018.globalchange.gov).

### Climate Mapping for Resilience and Adaptation Portal

The Biden administration has partnered with Esri (formerly the Environmental Systems Research Institute), the most prominent GIS software company in the world, to produce the new Climate Mapping for Resilience and Adaptation (CMRA) Portal, which provides scientific data to help us better understand, at a local level, what's happening with our changing climate. The portal presents information on climate-related hazards in real-time, such as extreme heat, drought, wildfire, inland flooding and coastal flooding. The CMRA Assessment Tool provides information on past, present, and future climate conditions. See Exhibit A, "White House Portal Helps Communities Assess Exposure to Climate Hazards". To access the CMRA portal, go to: [resilience.climate.gov](http://resilience.climate.gov).

### Sea Level Rise Scenarios and Projections

While the estimates of how soon we will see significant changes in sea levels, and the models of how those changes will be experienced in different parts of the world, are undergoing constant revision, what we do have access to is compelling spatial data on the potential impacts of SLR, inundation and groundwater upwelling, based in part on work done by Dr. Chip Fletcher's team at the UH Mānoa School of Ocean and Earth Science and Technology (SOEST). Their research is used by government agencies and State and City Climate Commissions for designing and administering coastal policies and guidelines and planning resilient infrastructure projects.

## Sea Level Rise Viewers

The National Oceanic and Atmospheric Administration (NOAA) provides an easy-to-use sea level rise (SLR) viewer that is accessible here: [coast.noaa.gov/slr](https://coast.noaa.gov/slr). At three (3) feet of SLR, the extent of impacts to the southern coast of Molokai can be seen in Figure 1, So. Shore Molokai w/3 ft. SLR, below.



**Fig. 1 So. Shore Molokai w/3 ft. SLR**

The State of Hawaii also has a SLR Viewer, mentioned at the beginning of this submittal, which is accessible here: [www.hawaiisealevelriseviewer.org](http://www.hawaiisealevelriseviewer.org). This viewer allows the user to select various components (passive flooding, annual high wave flooding and coastal erosion) that make up the Sea Level Rise Exposure Area (SLR-XA), for SLR scenarios at 0.5, 1.1, 2.0 and 3.2 feet, or see all three combined. The viewer also can show vulnerability in the form of potential economic losses and flooded highways, and has other layers that can be shown, such as ahupua'a boundaries, flood hazard areas, and TMK boundaries. See Exhibit B, "Hawai'i Sea Level Rise Viewer." For comparison purposes, application of the SLR-XA at 3.2 feet (1 meter) of SLR to a portion of the Molokai shoreline is shown in Figure 2, "SLR-XA So. Shore Molokai," below.

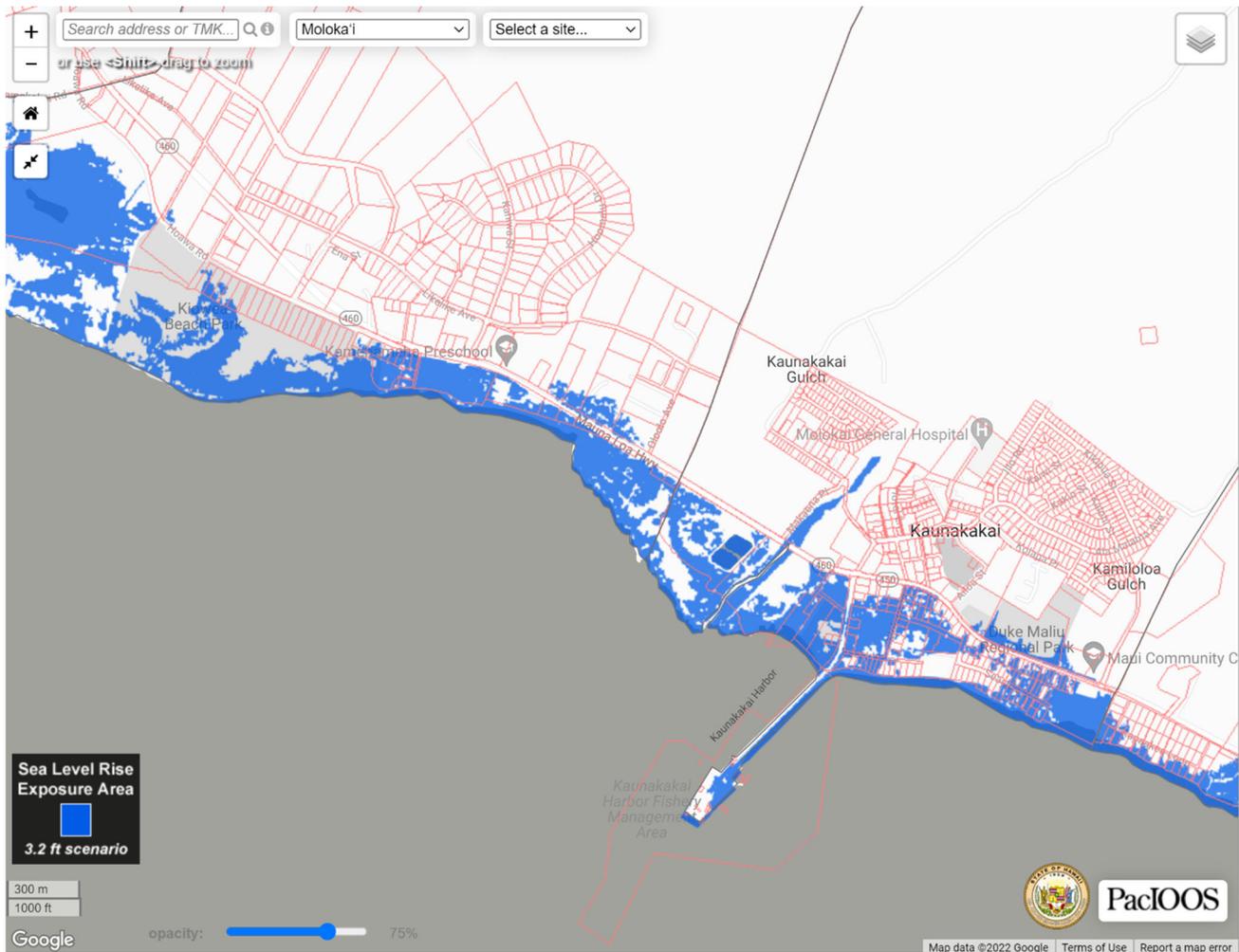
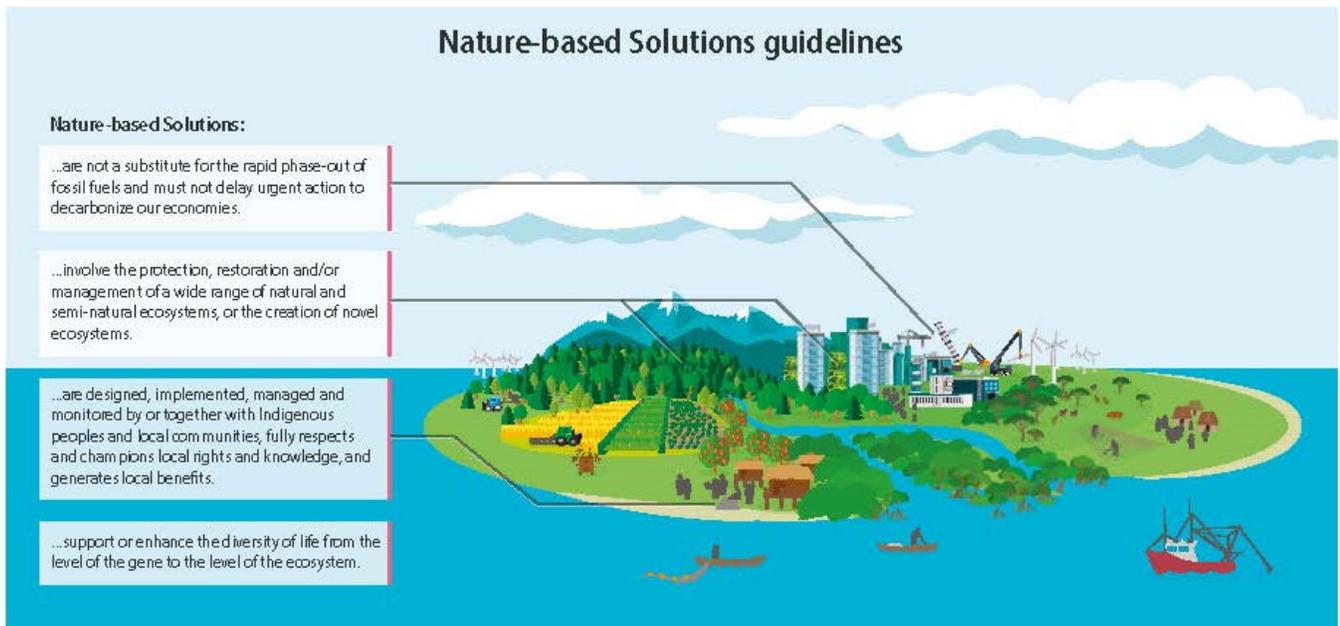


Fig. 2 SLR-XA So. Shore Molokai

While these scenarios illustrate potential SLR impacts that are sobering and concerning, DHHL and other state and federal agencies are exploring mitigation and adaptation measures such as nature-based solutions and green infrastructure, that will buy us some time while we plan for relocation of critical infrastructure and, in some cases, areas of commercial and residential development. These measures could include shoreline restoration and “soft” erosion mitigation projects, wetland restoration and enhancement, Best Management Practices (BMP’s) and “green infrastructure” measures for stormwater management and flood mitigation, BMP’s for managing natural and working lands, forest and watershed restoration projects, etc. See Figure 3, Nature-Based Solutions guidelines, below.



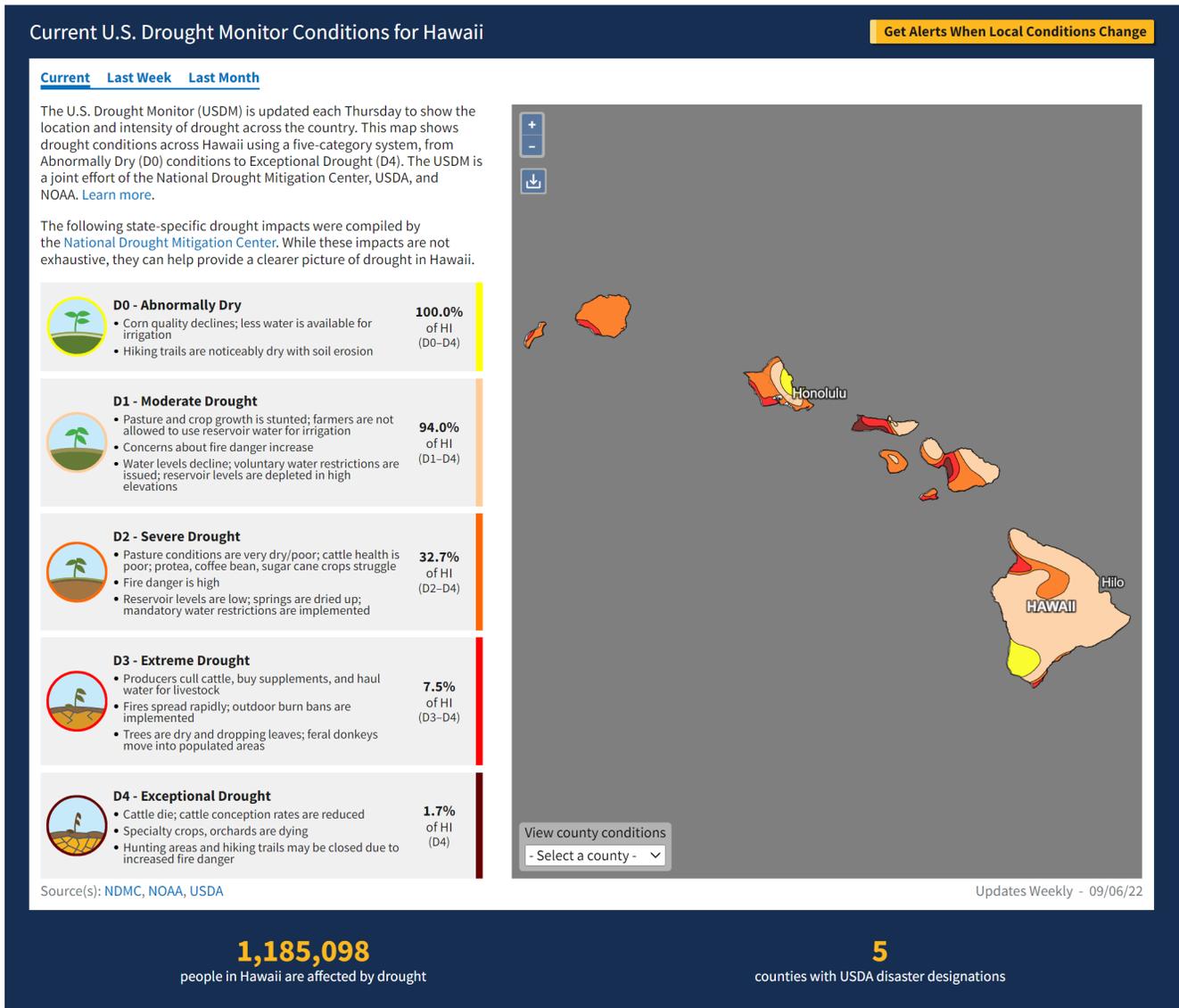
**Fig. 3 Nature-Based Solutions guidelines**

### Drought and Wildfire Hazards

Planning Office staff attended one of a series of statewide Drought Monitoring and Knowledge Exchange meetings held by the National Drought Mitigation Center in early October of this year. The goals of the meetings were to increase awareness of the United States Drought Monitor (USDM), enhance drought monitoring coordination, and build collaborations and encourage partnerships between agencies and organizations. Overcoming government silos and facilitating coordination and collaboration will be critical to developing effective responses to climate change impacts such as extended droughts, which may be followed by extreme rain events.

The U.S. Drought Monitor (USDM) provides real-time information on drought conditions for each state, with data provided by a network of volunteer monitors, and is updated weekly. All areas of Hawai'i are currently experiencing some level of drought, as shown by the USDM, and The National Weather Service also released its latest drought outlook indicating that drought will persist across most of islands through at least November. Drought and periods of high heat increase wildfire hazards, especially in leeward areas. See Exhibit C, "Forecast shows high probability of more brush fires for Hawaii".

Also, see Figure 4, "Current U.S. Drought Monitor Conditions for Hawaii," below. The USDM for Hawai'i can be viewed here: [droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?HI](https://droughtmonitor.unl.edu/CurrentMap/StateDroughtMonitor.aspx?HI)



**Fig. 4 Current U.S. Drought Monitor Conditions for Hawaii**

### Relationship to DHHL Planning System

The Planning Office is now reviewing all plans and programs through a climate change lens and will be initiating plan updates over the next few years to incorporate this new policy direction.

### DHHL General Plan -- Update

The Planning Office initiated an update to the DHHL General Plan in 2020. A white paper on climate change with policy recommendations was prepared by the consultants with input from Planning Office staff. Climate change-related statements and policies are incorporated into every policy chapter of the Draft General Plan (presented to the HHC in July 2020) and presented to beneficiaries in a series of eight in-

person consultation meetings across the state in August 2020. The General Plan Update will be presented to the HHC in the near future for approval.

### *Island Plans and Regional Plans*

The Planning Office will incorporate best practices in integrated coastal zone management, community resilience, disaster preparedness, vulnerability analysis and hazard mitigation planning in future Island Plan updates. Once the revised General Plan is approved by the HHC, it is recommended that the Island Plans be updated on an accelerated timeline to incorporate climate change and sea level rise mitigation measures and revise Land Use Plans.

### *Regional Plans*

Regional Plan updates should continue to prioritize disaster preparedness and hazard mitigation projects for emergency shelters, drainage and flooding, climate change and shoreline erosion, and overall disaster preparedness and response strategies.

### *DHHL Water Policy Plan and DHHL Energy Policy - Ho'omalūō*

These plans should be revised in the near future to incorporate the latest information on climate change mitigation and adaptation strategies, promote efficiency measures and alternatives technologies, and consider ways to combine water and energy projects, e.g. hydroelectric and solar generation and storage.

### *Coastal Zone Management (CZM) and Shoreline Erosion*

The DHHL Planning Office will continue to pursue opportunities to proactively plan for and mitigate shoreline erosion and other coastal hazards, such as flooding and inundation, via community-involvement projects to produce and implement shoreline erosion management plans and community resilience plans, as well as planning and implementation of responses to coastal hazards.

### Next Steps

- Continue to include climate change-related policies in the General Plan update process, then implement via the Island Plan and Regional Plan updates.
- Continue to work on a more coordinated approach to DHHL representation and involvement in various disaster preparedness

and community resilience planning processes, policies, and implementation activities at the federal, state and county levels.

- Schedule cross-training on climate change and community resilience planning for the Planning Office, Land Management, and Land Development Division staff.
- Continue to include considerations of sea level rise, climate change and hazard vulnerability in the criteria for evaluating land exchanges and acquisitions.
- Conduct a workshop for the Commission in early 2023 to generate recommendations and direction on prioritization of DHHL responses to climate change impacts - to include a summary of climate change-related legislation in 2022 and proposed legislation for 2023 - and an annual update on statewide initiatives.
- Initiate island-specific climate change "deep dives" in 2023, following the HHC's meeting schedule, to present more detailed updates on climate change and SLR impacts for each island.
- Conduct a Community Resilience and Capacity Building Planning process for Molokai's coastal homestead communities, starting in early 2023.
- Stand up a DHHL web page on climate change, listing previous submittals, presentations and links to additional information.

RECOMMENDATION

None; for information only.

# White House Portal Helps Communities Assess Exposure to Climate Hazards

[esri.com/about/newsroom/blog/white-house-climate-mapping](https://esri.com/about/newsroom/blog/white-house-climate-mapping)

September 16, 2022



At the center of the new Climate Mapping for Resilience and Adaptation portal is a tool that features data relevant to making decisions and projections about climate conditions that can be searched by address to help communities adapt.

## Key Takeaways

- Americans can look up their communities on a map and get a sense of the current and future climate threats they face.
- Using GIS, the maps indicate if a community is considered disadvantaged, which would make it eligible for priority federal funding through the Justice40 initiative.
- The portal includes links to federal funding opportunities and stories about solutions achieved by other communities.

Finding common ground on our most complex issues—including how to collectively act on our changing climate to safeguard our common home—starts with a foundation of shared knowledge, expertise, and information.

**ITEM G-6  
EXHIBIT A**

As the US advances on its climate action goals with the passage of a massive legislative package, the White House is debuting a new tool—developed with the National Oceanic and Atmospheric Administration, the Department of Interior, and the US Global Change Research Program—that offers scientific data to help us better understand, at a local level, what’s happening with our changing climate.

Esri is proud to collaborate with the Biden administration on the new Climate Mapping for Resilience and Adaptation (CMRA) Portal, that can help cities, counties, states, and tribes to make better decisions about where and how they need to act. Central to the portal, colloquially being called “camera” by its creators, is the CMRA Assessment Tool; with it, we can explore current and projected climate conditions where we live and work.

With the historic investment to overhaul infrastructure in the United States under way, we urgently need to make sure the roads, bridges, railroads, power grids, water systems, transit routes, airports, and ports that we build and renovate achieve climate resilience for all people in all communities. To do so, we need to understand before we act.



Climate Mapping for Resilience and Adaptation (CMRA or Camera) integrates information from across the federal government to help people consider their local exposure to climate-related hazards.

Much of this information isn’t new. The new portal builds on years of scientific knowledge and investments in geospatial platforms, but in the past these resources have been difficult to find and understand, particularly since they were not integrated to provide a more complete picture. That’s where geographic information system (GIS) technology plays a key role, integrating information to help us understand our complex problems in the crucial context of location.

This portal brings the data together, for everyone to see, into one place—on maps, in charts, and in reports. Environmental data, as well as the social and economic factors that shape how well we can bounce back from climate-related hazards, can be explored by anyone, including city planners, resilience officers, transportation planners, tribal leaders, and residents.

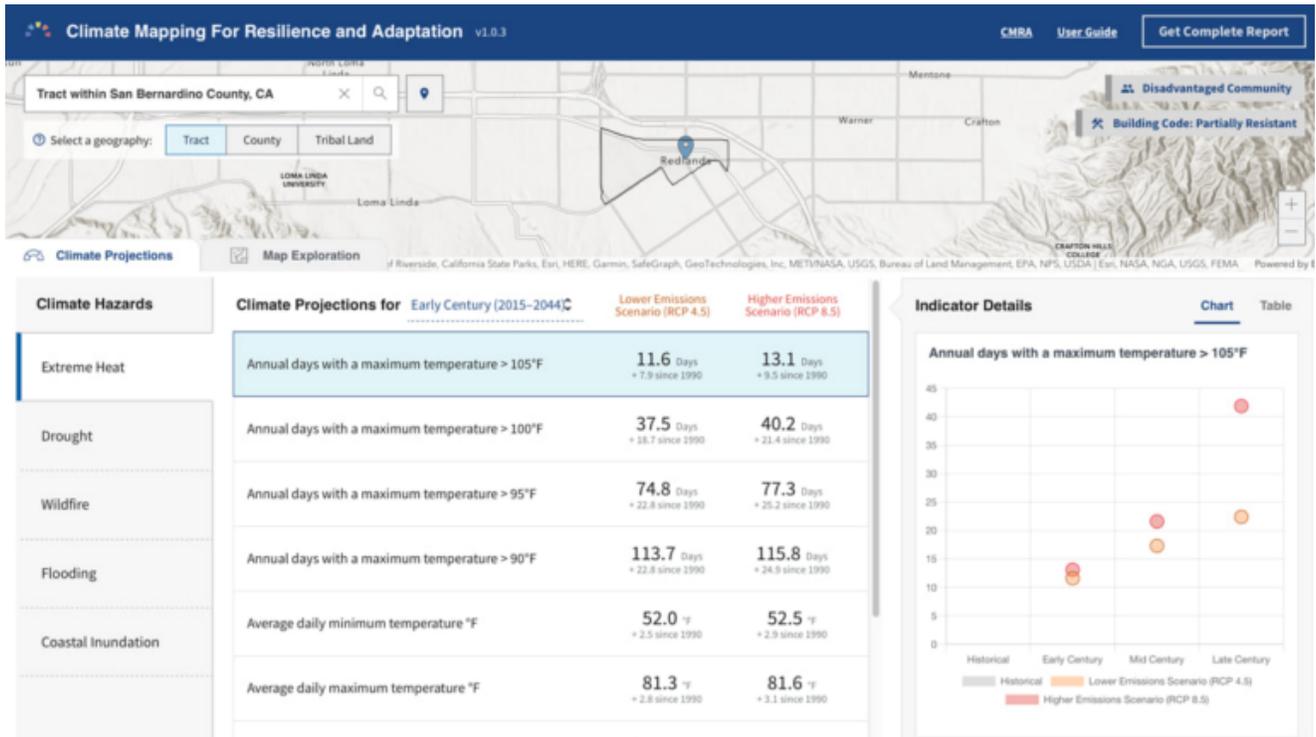
## **Visualizing Our Risks**

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Type in an address or pick a point on a map in the new CMRA Assessment Tool and it reveals future climate projections related to extreme heat, drought, inland flooding, coastal flooding, and wildfire. The results show projections for the early years of the 21st century (2015–2044) as well as the middle (2035–2064) and late (2070–2099) years of the century, based on two climate change scenarios: one in which we reduce global emissions of heat-trapping gases to zero by about 2040, and one in which emissions increase through 2100. Among the many indicators are projections related to extreme rain or heat, number of consecutive dry days, and percent of coastal counties impacted by global sea level rise.

Extreme heat can be judged based on the annual number of days exceeding 105 degrees Fahrenheit. In the census tract that includes Esri's Redlands, California headquarters, for example, the results reveal possibly 22–42 days per year by the late century (compared to fewer than 4 days in 1990, the year used as a baseline for emissions calculations by many international organizations). In Washington, DC, the number of days with temperatures exceeding 95 degrees Fahrenheit grows from nearly 19 days per year in the early part of the century to as many as 64 days by the last years of the century.

While climate action strategies have become commonplace in some larger metropolitan areas, including Boston, Miami, and Los Angeles, a data-driven approach may have been out of reach for others. The CMRA Portal aims to fill knowledge gaps—helping communities identify climate threats so they can prioritize resilience-building actions and discover programs offering funding to make solutions happen.



The CMRA tool gives users a national view as well as the ability to drill into local details, such as this analysis of extreme heat in Redlands, California. (Click on the image to view the tool.)

If I’m a state, local or tribal leader, I could use the tool to better understand how temperature, precipitation, and flooding conditions are projected to change locally and generate straightforward hazard reports that can be incorporated into strategies for future projects, a climate action plan, or to support a data-driven proposal seeking funding. In addition to a wealth of climate data, the tool also shows areas designated as a disadvantaged community—based on an environmental justice score—making it eligible for prioritized funding. The aim is for equity to be top of mind when government leaders design and implement resilience measures. The White House’s Justice40 initiative ensures 40 percent of an eligible program’s federal funding goes to benefit disadvantaged communities that are “marginalized, underserved, and overburdened by pollution.”

If I’m a grant officer deciding who gets funding, I can use the tool to review proposed projects by their locations, ensuring that the funds go to projects that are the most needed now and that address a community’s resilience for future generations. I can also help ensure that funding awards are distributed equitably by quickly verifying priority eligibility funding through the Justice40 initiative.

If I’m a concerned and curious citizen, I can learn more about the climate-related hazards that may impact me and my neighbors, browse maps in the assessment tool, and create a report to share with others to inspire action.

## Providing Evidence to Back Funding Requests

In addition to information about projected climate conditions in the future, the portal highlights links to federal funding resources, federal climate policies, and proven solutions from other communities. The linked [US Climate Resilience Toolkit](#) offers videos and stories about what others are doing. For instance, one case study shows how a tribe in northern Wisconsin are replanting their forests to adapt to future conditions, and another shows how cities in Minnesota have modified their transportation system and extended the hours that cooling centers are open to ensure that people who need relief from the heat can get it.

Technologies such as the CMRA Portal enable the dynamic collaboration we so greatly need—gathering information from across multiple agencies to enable better decisions, expose solutions that are working for others, and create a means for supporting evidence-based funding requests for all communities.

## **Open Data Extends the Value**

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The CMRA Portal’s collection of relevant climate data, essential for decision-making, also includes open data that can be accessed from the portal and combined with your local GIS data, or incorporated into your own assessment tools. The curated content and open data services invite you to configure new tools and maps that address your local concerns.

As David J. Hayes, special assistant to President Biden for climate policy, said during the annual Esri User Conference in July, “There is no more important service that the federal government can provide to all Americans right now than completely up-to-date information on the climate impacts, on a geographic basis, that are hitting our communities, causing the loss of lives and loss of livelihoods.”

Today we have better data, better tools, and even more appetite for climate information than in years prior.

We all need to do our part—and this portal can engage everyone and get leaders started with data-informed decision-making, leading to impactful interventions.

Maps have sparked the imagination and offered a way of communicating and navigating for centuries. We’ve used maps to see beyond where we’re standing—answering what or who is on the other side of that mountain range, across that sea, or beyond that horizon.

Now we have high-tech maps that accurately illustrate the conditions we face now as well as those we’ll be confronting in the future. My hope is that this new online portal inspires us all to see what we face in our neighborhoods, our regions, and our nation and to take on the challenges collectively.

Seeing—on a dynamic, data-rich map—brings understanding.

Together, let’s use that understanding to map a better future.

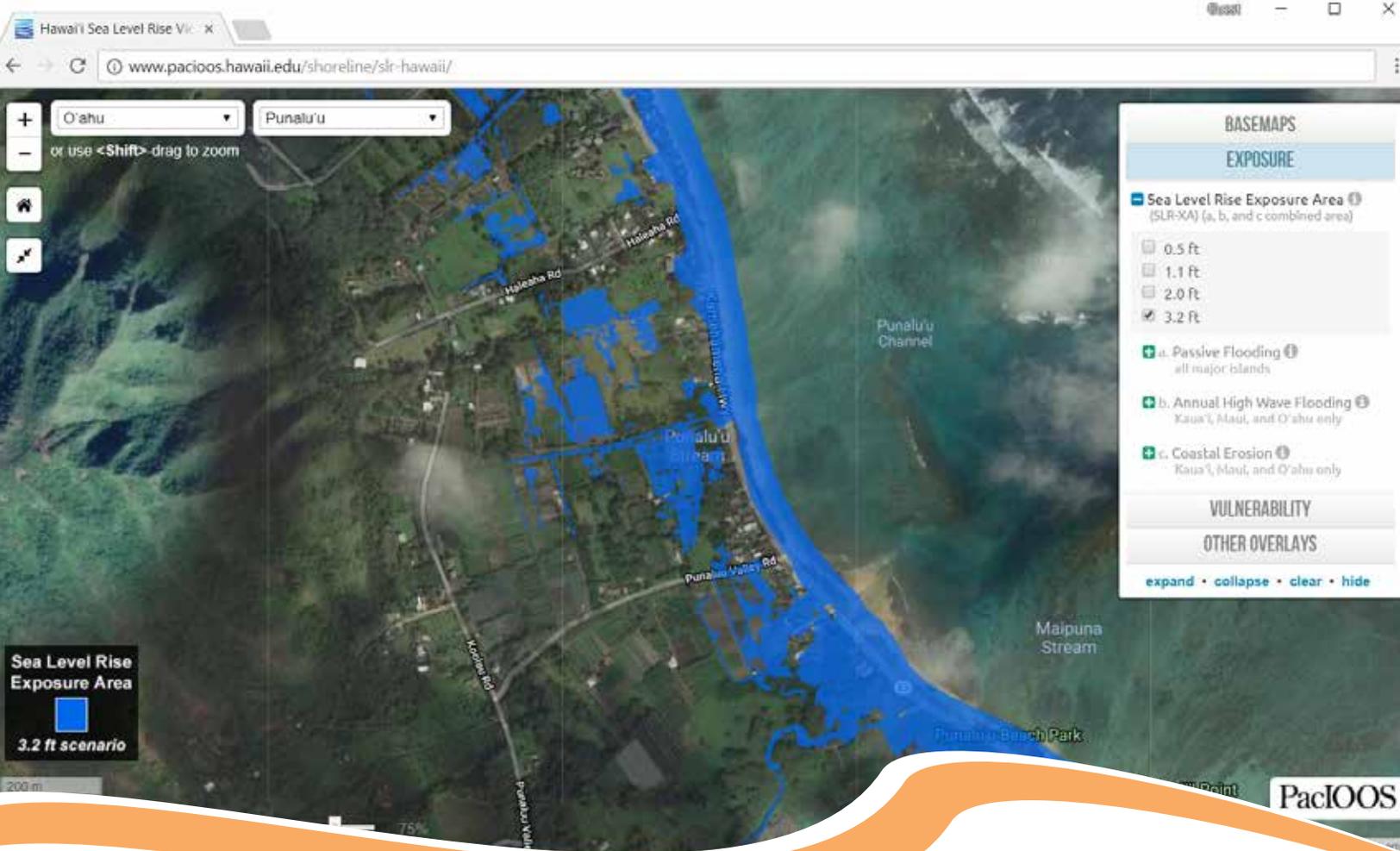
**ITEM G-6  
EXHIBIT A**



A publication of the University of Hawai'i Sea Grant College Program

# Hawai'i Sea Level Rise Viewer

[www.hawaii.sealevelriseviewer.org](http://www.hawaii.sealevelriseviewer.org)



ITEM G-6  
EXHIBIT B



**PACIFIC ISLANDS**  
CLIMATE ADAPTATION SCIENCE CENTER



**TETRA TECH**

Funding from the NOAA NOS FY16 Regional Coastal Resilience Grants Program

A project under the program Building Resilience to Coastal Hazards and Climate Change in Hawai'i led by the University of Hawai'i Sea Grant College Program in partnership with the State of Hawai'i Department of Land and Natural Resources and Office of Planning. UNIH-SEAGRANT-GG-16-05. 2017.

Support for this project is provided by the National Oceanic and Atmospheric Administration (NOAA) 2016 Regional Coastal Resilience Grants Program and the Department of Land and Natural Resources through the Hawai'i Climate Adaptation Initiative. The Hawai'i Sea Level Rise Viewer was developed by the Pacific Islands Ocean Observing System (PacIOOS) at the University of Hawai'i.

Cover image: Hawai'i Sea Level Rise Viewer showing 3.2 ft Sea Level Rise Exposure Area (SLR-XA) [www.hawaiisealevelriseviewer.org](http://www.hawaiisealevelriseviewer.org)



High tide flooding at Ala Moana Regional Park, O'ahu in April 2017. Hawai'i Sea Grant King Tides Project

Across the Hawaiian Islands vulnerability to coastal hazards is increasing with climate change and sea level rise and as development along our shorelines continues to expand. Access to high-resolution local hazard exposure and vulnerability data and maps is critical for communities to understand and plan for increased coastal flooding and erosion with sea level rise. The Hawai'i Sea Level Rise Viewer serves as an online interactive atlas accompanying the Hawai'i Sea Level Rise Vulnerability and Adaptation Report, completed in December 2017<sup>1</sup>. The Report and map data in the Viewer incorporates the best-available science on sea level rise and potential impacts.

<sup>1</sup>Hawai'i Climate Change Mitigation and Adaptation Commission. 2017. Hawai'i Sea Level Rise Vulnerability and Adaptation Report. Prepared by Tetra Tech, Inc. and the State of Hawai'i Department of Land and Natural Resources, Office of Conservation and Coastal Lands, under the State of Hawai'i Department of Land and Natural Resources Contract No: 64064. Available at: <http://climateadaptation.hawaii.gov/>

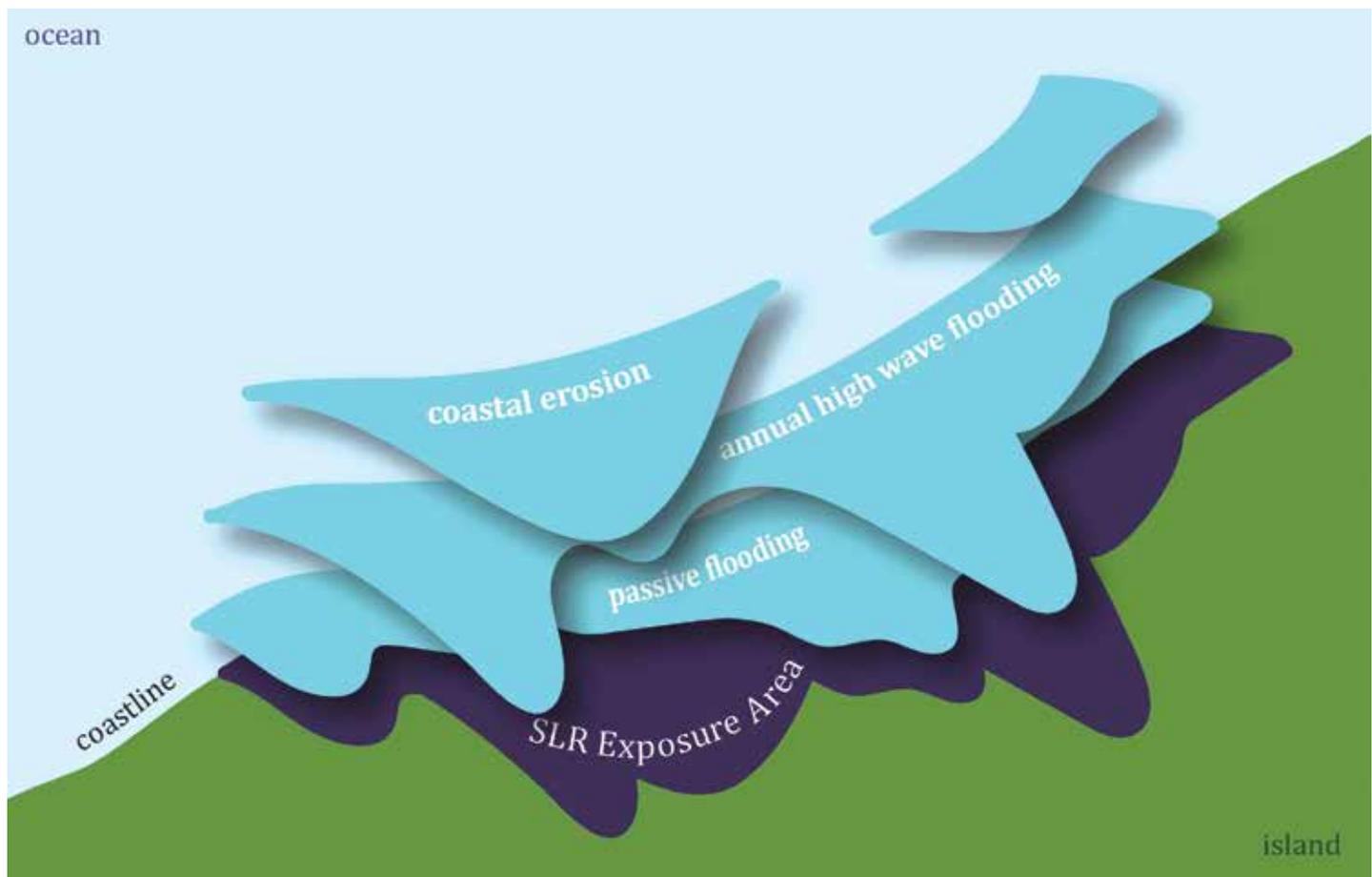
## Project Description

The Hawai'i Sea Level Rise Viewer provides interactive maps of projected exposure and vulnerability to coastal hazards with sea level rise. Users will be able to view data and map layers for:

- Coastal hazard exposure areas with sea level rise including passive flooding (still water high tide flooding), annual high wave flooding (over-wash during the largest wave events of the year), and coastal erosion.
- A combined Sea Level Rise Exposure Area integrating the individual hazard layers above and coastal hazards.
- Vulnerability assessment layers showing potential economic loss of land and structures with sea level rise.
- A variety of base maps and other overlays to support adaptation planning.

## Project Outcomes

This project developed an online interactive map viewer for Hawai'i depicting exposure and vulnerability to coastal hazards, including erosion and flooding with sea level rise. The viewer is empowering communities, planners, and decision makers across Hawai'i to prepare for increasing vulnerabilities to coastal hazards with sea level rise at various spatial and temporal scales.



Sea Level Rise Exposure Area (SLR-XA) Tetra Tech Inc.

## The Bigger Picture: Building Resilience to Coastal Hazards and Climate Change in Hawai'i

As an island community where much of the population and infrastructure is concentrated along low-lying shores, Hawai'i is uniquely vulnerable to sea level rise and coastal hazards. Scientists and policy makers are responding to these risks with a variety of innovative projects, plans, and technologies.

### **The Hawai'i Sea Level Rise Vulnerability and Adaptation Report**

In 2014, the Hawai'i State Legislature passed the Hawai'i Climate Adaptation Initiative Act (Act 83, Session Laws of Hawai'i) declaring that climate change poses both an urgent and long-term threat to the state's economy, sustainability, security, and way of life. This legislation created an Interagency Climate Adaptation Committee and called for the development of a statewide Sea Level Rise Vulnerability and Adaptation Report. This report, completed in December 2017, is helping Hawai'i prepare for the impacts of sea level rise and is also intended to serve as a model for future efforts to address other climate related threats and climate change adaptation priorities, ultimately leading to a Climate Adaptation Plan for the State of Hawai'i. In 2017, the State Legislature passed Act 32 further solidifying Hawai'i's commitment to climate change mitigation and adaptation and created a Hawai'i Climate Change Mitigation and Adaptation Commission to further the work of the Committee established in 2014. The Report is available at [climateadaptation.hawaii.gov](http://climateadaptation.hawaii.gov).

### **Resilience-Focused Disaster Reconstruction Planning**

With climate change and rising sea levels, Hawai'i is expected to experience more severe impacts from coastal disasters such as hurricanes, tsunamis, and extreme high wave events. A critical aspect of community resilience is the ability to build back safer, stronger, smarter, and faster after a damaging disaster. This project works with state and county government to promote resilience-focused recovery practices that enable communities to rebuild quickly while also protecting sensitive environmental and cultural resources, and increasing preparedness for future disasters. This project is under the direction of Hawai'i Sea Grant and the State of Hawai'i with funding from the NOAA 2016 Regional Coastal Resilience Grant and the Hawai'i Department of Land and Natural Resources.

### **Integrating Coastal Hazards and Sea Level Rise Resilience in Community Planning**

It can be challenging to translate statewide policy into action at the local level. This project focuses on developing practical guidelines for incorporating recommendations from the Hawai'i Sea Level Rise Vulnerability and Adaptation Report and the Hawai'i Climate Adaptation Priority Guidelines into the community planning process. Ultimately, this project will build capacity in state and county government to address climate change, sea level rise, and coastal hazards through appropriate entry points in the comprehensive community planning process.

### **Assessing the Feasibility and Implications of Managed Retreat Strategies for Vulnerable Coastal Areas**

The Hawai'i State Office of Planning, Coastal Zone Management Program, as part of its implementation of the Ocean Resources Management Plan, is leading this project to facilitate discussion on the feasibility of managed retreat as a strategy for climate change adaptation in Hawai'i. Research on strategic retreat options and lessons learned from communities around the globe will be compiled into a background report. The project also explores the potential nexus and additional benefits of a managed retreat framework to provide and enhance public access to the shoreline and state land-use management policies. Stakeholder consultations, local case studies, and a statewide symposium will contribute to a final report on the feasibility of managed retreat in Hawai'i.

**ITEM G-6  
EXHIBIT B**



CENTER FOR  
COASTAL & CLIMATE  
SCIENCE & RESILIENCE

For more information, please contact:  
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# Forecast shows high probability of more brush fires for Hawaii

[staradvertiser.com/2022/09/05/hawaii-news/forecast-shows-high-probability-of-more-brush-fires-for-hawaii](https://staradvertiser.com/2022/09/05/hawaii-news/forecast-shows-high-probability-of-more-brush-fires-for-hawaii)

By Timothy Hurley Sept. 5, 2022

September 5, 2022



CINDY ELLEN RUSSELL / 2019

Drought conditions are expected to persist for most of the Hawaiian Islands until the December rainy season. Above, fire crews battled a brush fire which broke out in Nanakuli in 2019.

**ITEM G-6  
EXHIBIT C**



CINDY ELLEN RUSSELL / NOV. 26

More than 46,000 acres of land in Hawaii burned in 2021, according to the Hawaii State Data Book. Above, a brush fire burned behind Kalihi Valley Homes last year.

Following months of drought, Hawaii’s wilderness and undeveloped lands are tinder dry and in danger of blowing up into a raging wildland fire.

The National Interagency Fire Center just released its latest national fire forecast, and it describes Hawaii as being especially vulnerable to wildland fire over the next three to four months.

The forecast comes from the Boise, Idaho, home to the fire management programs of the U.S. Fish and Wildlife Service, National Park Service, U.S. Forest Service, Bureau of Land Management and Bureau of Indian Affairs. The National Weather Service is also a partner agency.

The center’s four-month weather outlook for Hawaii calls for near- to below-normal rainfall with the rainy season expected to start up sometime in December.

Until then, drought conditions are expected to persist on most of the islands, with La Nina-influenced tradewinds helping to generate periods of “critical fire weather and flammable fuel conditions.”

**ITEM G-6  
EXHIBIT C**

“A few National Weather Service Red Flag Warnings were issued during August and that potential remains the next few months. Significant fire potential is projected to be above normal from September through December, especially impacting the leeward sides of the islands,” the forecast says.

Honolulu Fire Department Capt. Keith Ito called the drought concerning, especially on the dry west side of Oahu, which generally experiences more wildland fires.

“Personally, for me, I’m on edge a little bit more,” said Ito, who is stationed in Nanakuli.

“Warmer temperatures and dry conditions? Sounds like a recipe for fire behavior to grow,” said state climatologist Pao-Shin Chu, a member of the Hawaii Drought Council.

Hawaii’s wildfire concern is largely a reflection of the ongoing drought that has continued to worsen this summer.

The latest U.S. Drought Monitor, released Thursday, now indicates that all areas of Hawaii are experiencing some level of drought, the first time that’s happened in five months.

The National Weather Service also released its latest drought outlook indicating that drought will persist across most of islands through at least November. Even the state’s wetter windward regions are expected to experience drought development, according to the forecast.

On Friday, Board of Water Supply Chief Engineer Ernie Lau urged Oahu residents to continue to conserve water in order to help compensate for the loss of a key source of city water due to the Navy Red Hill water contamination crisis.

“The National Weather Service is predicting dry conditions well up to November and possibly even into next spring. So if it goes into next spring, we will need everybody’s kokua to try to save water,” he told the Honolulu Star-Advertiser’s “Spotlight Hawaii” show.

Chu, a meteorology professor at the University of Hawaii at Manoa, said drought — and the associated danger of wildfire — likely will be a growing issue for Hawaii as the weather heats up under the spell of climate change.

Chu said Hawaii used to experience more frequent wet weather during years (such as this one) influenced by La Nina, the opposite of the El Nino weather pattern.

But La Nina’s relationship to rainfall, he said, appears to have changed over the past 40 to 50 years under the influence of another oceanwide climate pattern known as the Pacific Decadal Oscillation. Add an even larger phenomenon, global warming, and it could further influence how much moisture the islands see, Chu said.

According to the Hawaii State Data Book, more than 46,000 acres burned in 2021 — more acres than any other year in at least 20 years.

Much of that acreage was consumed in late July 2021 when the Big Island experienced what may have been the largest brush fire in Hawaii County’s history. The blaze destroyed two homes and prompted the evacuation of three communities, including Waikoloa Village.

So far in 2022, Oahu has seen nearly as many brush fires — 449 — as the island experienced all of last year — 458, according to the Honolulu Fire Department. More than half of them this year have occurred in Oahu’s parched leeward region.

“This past year we’ve had to fight a lot of brush fires — a lot of small ones,” said HFD’s Ito.

Interestingly, the amount of acreage burned on the Waianae Coast has generally stayed the same over the past 25 years, Ito said. That may have to do with the amount of development in the area.

“The brush fire footprint is smaller,” said Ito, one of the leaders in the department’s wildland program.

### **Wildfire tips from HFD**

>> Create at least a 30-foot safety zone around the house by removing brush and other vegetation.

>> Store flammable materials safely away from the exterior of your home.

>> Remove or cut back anything touching your house that can cause it to catch fire.

>> Report suspicious activity you may have seen before, during or after a fire.

>> Keep fire lanes and access points unobstructed to ensure fire apparatuses can reach your home.

>> Make and practice a family evacuation plan.

>> Wildland fire can spread to treetops.

>> Prune trees so the lowest branches are 6 to 10 feet from the ground.

STATE OF HAWAII  
DEPARTMENT OF HAWAIIAN HOME LANDS

October 17-18, 2022

To: Chairman and Members, Hawaiian Homes Commission  
From: Andrew H. Choy, Planning Program Manager *AC*  
Subject: For Information Only - Report of the  
Investigative Committee on the DHHL General Plan  
Update and Presentation of the Final Draft DHHL  
General Plan Update

Recommended Action

For information only. No action required.

Purpose

The purpose of this informational submittal is to update the Commission on the status of the DHHL General Plan Update process, share the results of the statewide beneficiary consultation completed for the beneficiary review draft General Plan Update between August and September 2022, and lastly, in accordance with HRS § 92-2.5(b)(1)(B), to report back to the Commission the findings and recommendations of the DHHL General Plan Investigative Committee, which are included in the pre-final draft of the DHHL General Plan Update (Exhibit A) and Appendices to the General Plan Update (Exhibit B). The investigative committee's findings and recommendations took into consideration beneficiary feedback from the numerous consultation meetings that were conducted during the two-year General Plan Update planning process. The members of the Investigative Committee reviewed and confirmed the vision, values, goals, policies, metrics and recommended land use designations that are presented in the General Plan Update.

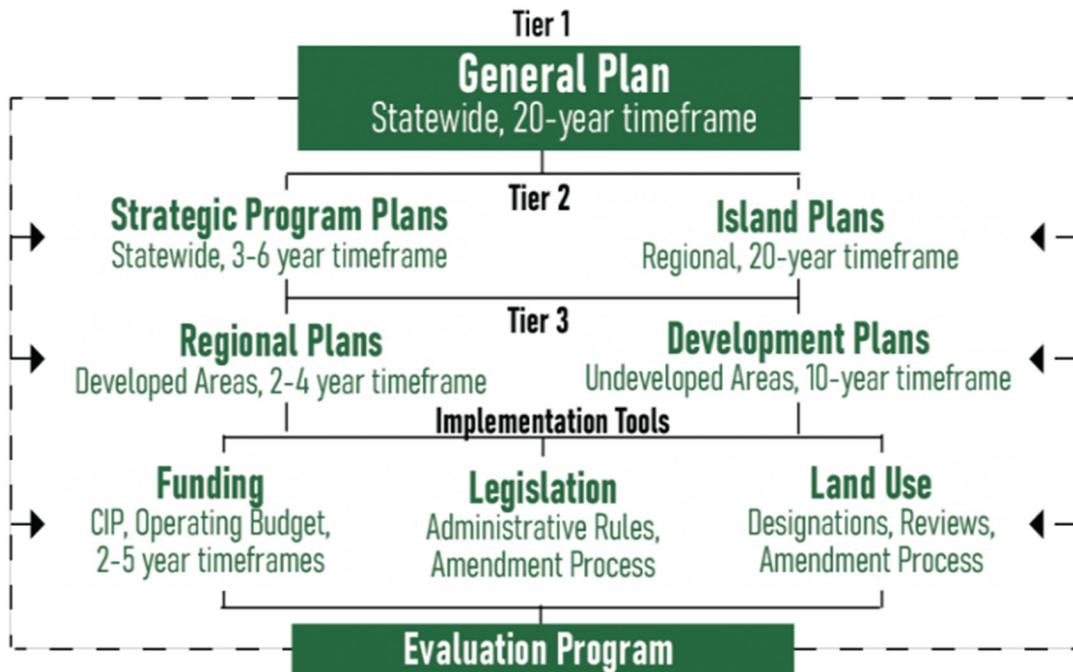
This is the fourth presentation to the Commission on the General Plan update. The first was in February 2021, to announce the project and provide an overview of the plan development process. The second was in October 2021, to

provide an overview of beneficiary consultation results and an update on the plan process. The third was in July 2022, to present the Draft Plan and announce the final round of beneficiary consultation.

Background

Hawaii Administrative Rules (HAR) 10-4-51 establishes the DHHL Planning System (Figure 1). The latest update to these rules took effect in August 2018. The purpose of the DHHL Planning System is to further the objectives of the Hawaiian Homes Commission Act (HHCA) by systematically coordinating the management of Hawaiian Home Lands and programs in a manner that is comprehensive, consistent, and collaborative. The Planning System establishes a three-tier hierarchy of plans. Tier 1 is the top tier consisting of the DHHL General Plan. Tier 2 and Tier 3 are the lower tiers that are guided by the General Plan and have more specific geographic and/or programmatic focusses.

**Figure 1 DHHL Planning System**



Tier 1 of the Planning System contains the General Plan, which identifies long-term goals, articulates a vision, and organizes priorities for DHHL and the Hawaiian

Homes Commission. The General Plan sets the foundation for all the programs, policies, and plans of the Department which are then implemented through available funding, federal and state legislation, and DHHL Development Plans.

Per HAR 10-4-55, the General Plan at a minimum shall:

1. Establish a uniform system of Land Use Designations that all Island Plans shall use;
2. Establish the relationship between land use designations and the applicable types of land dispositions;
3. Establish criteria to identify suitable lands for homesteading;
4. Establish criteria to determine available lands not required for homesteading within the planning period;
5. Establish criteria to identify lands for revenue generation;
6. Establish criteria to identify lands for community use and policies to govern how the community could manage such lands for community building;
7. Establish level of service standards for infrastructure and community facilities, or specify a program plan or methodology to develop such standards; and
8. Specify indicators to measure progress and evaluate effectiveness in meeting policy goals.

#### GENERAL PLAN UPDATE SCHEDULE

The HHC adopted the first DHHL General Plan in 2002 (Exhibit B). Per HAR 10-4, the DHHL General Plan must be updated at least once every 20 years. Additionally, the existing 2002 DHHL General Plan does not meet the new requirements of HAR 10-4 enacted in August 2018. As such, DHHL initiated the process to update its General Plan in the fall of 2020. The update process began in September 2020, with anticipated conclusion in Fall of 2022. The time of performance for the initial contract was twenty (20) months. A contract amendment was executed in September 2021 extending the time of performance twelve (12) months to May 31, 2023. It is anticipated that the Final General Plan Update will be presented to the Hawaiian Homes Commission for adoption in November 2022. Key components of the

project scope and updates to the project schedule are summarized herein.

## BACKGROUND RESEARCH

Background research, interviews, and a series of policy topic white papers were completed as part of the General Plan update process to document key developments and explore policy issues that have emerged or evolved since the 2002 General Plan:

- A background research memo was completed in December 2020 that synthesized the findings of research related to HHCA, DHHL and the General Plan. The memo documents key events and developments shaping its history, evaluates the performance of goals and objectives in the 2002 General Plan and summarizes findings around key issues, gaps, and considerations that should be addressed in the General Plan Update. The Memo is included as an Appendix to the draft Plan.
- As part of background research, the project team conducted interviews with two former Department chairs as well as current and former staff. These interviews informed the project team's understanding of historical and current policy developments and helped to assess lessons learned since the last DHHL General Plan.
- The project team prepared four white papers focusing on topic areas that had emerged or evolved since the 2002 General Plan and where further research and analysis was needed to inform General Plan policy development. The white papers also addressed General Plan criteria specified under HAR §10-4-55. White Papers were completed for the following topics:
  - o Climate Change
  - o Land Use
  - o Infrastructure
  - o Monitoring and Evaluation

The White Papers are included as Appendices to the Draft Final General Plan.

## INVESTIGATIVE COMMITTEE

An investigative committee of the Hawaiian Homes Commission was appointed on August 18, 2020. In accordance with HRS § 92-2.5(b), the members of the investigative committee include Randy K. Awo, Russell K. Ka'upu, Zachary Z. Helm, and William Aila, Jr., Chair. Initially, the investigative committee's work was expected to be completed over a series of five meetings spread out over the course of a 20-month planning process. The initial assumption of five meetings was based on conducting five full-day in-person meetings. However, due to COVID-19 gathering restrictions, the investigative committee meeting format and frequency was changed to more frequent and shorter virtual meetings (approximately two hours per meeting).

To date, the investigative committee has met on the following dates in November 2020, December 2020, January 2021, July 2021, March 2022, twice in April 2022, twice in September 2022, and October 2022. During the investigative committee meetings, members advised the Planning Office and project team on plan development, including background research, identification of policy issues, development of vision and policy updates, and stakeholder engagement.

The investigative committee reviewed and provided feedback on drafts of the General Plan as well as white papers and draft goals, policies, and metrics. For the draft final General Plan Update, the Investigative Committee discussed all policies that received mixed feedback and comments during beneficiary consultation and reviewed final policy revisions. It is the finding of the Investigative Committee that the draft Final DHHL General Plan is reflective of the policy areas that DHHL needs to address over the course of the next 20-years and therefore the recommendation of the Investigative Committee is that the Commission consider adoption of the DHHL General Plan Update at its next regular meeting.

## BENEFICIARY CONSULTATION

Three rounds of beneficiary consultation were held during General Plan Update process. Traditionally, beneficiary consultation meetings on statewide initiatives such as the General Plan have been conducted via in-person meetings held on each island. However, due to COVID-19 restrictions, the first two rounds of beneficiary consultation were conducted virtually via Zoom. The third round of beneficiary consultation was held statewide with eight in-person open-houses coinciding with the release of the Beneficiary Review Draft of the General Plan Update.

DHHL also hosted a virtual "open house" during all three rounds of beneficiary consultation. The virtual open house websites provided an overview of the information presented during the beneficiary meetings and opportunities for beneficiaries to submit comments and feedback on the General Plan topics covered in each round. The virtual open houses were hosted on the project website, which is linked to from DHHL website.

The results of the first two rounds of beneficiary input were presented to the Hawaiian Homes Commission at the July 2022 HHC meeting. Summaries of beneficiary input received during each consultation meeting are also included on the DHHL website at:  
<https://dhhl.hawaii.gov/po/general-plan-2022/>.

## ROUND 3 BENEFICIARY CONSULTATION - IN-PERSON OPEN HOUSES

The third round of beneficiary consultation coincided with the release of the draft General Plan in August 2022. The purpose of this round of consultation was to provide beneficiaries the opportunity to review and comment on the vision, guiding principles, goals and policies included in the draft General Plan Update. This final round of consultation consisted of an online open house and eight in-person open houses statewide (see Table 1 below).

**Table 1 Round 3 Beneficiary Consultation Schedule**

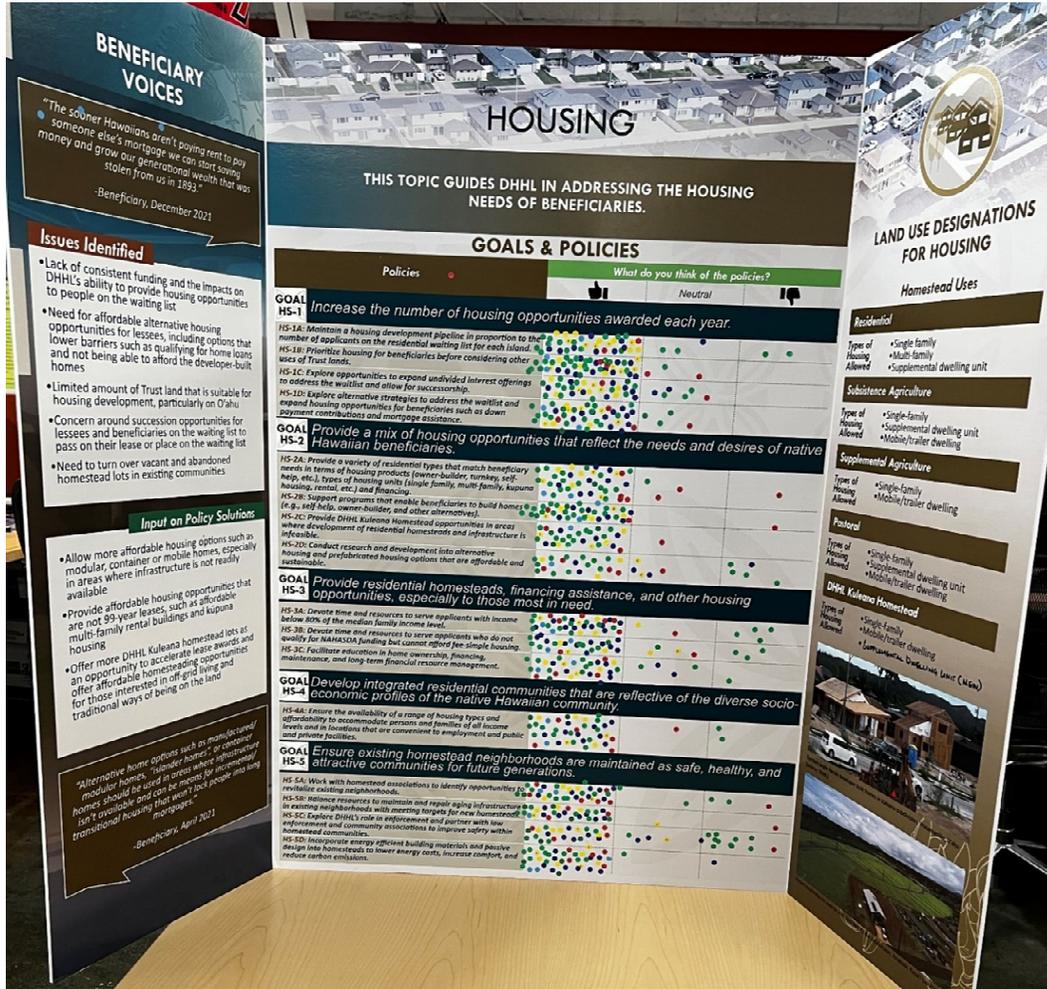
| <b>Island - Location</b> | <b>Date, Time</b>             | <b>Venue</b>                                     |
|--------------------------|-------------------------------|--|
| O`ahu - Kapolei          | Thu., 8/4/22<br>6-8 PM        | DHHL - Hale Pono`i<br>(Kapolei)                  |
| Lāna`i - Lāna`i<br>City  | Sat., 8/6/22<br>11 AM-1 PM    | Lāna`i Elementary/<br>High School                |
| East Hawai`i -<br>Hilo   | Mon., 8/8/22<br>6-8 PM        | Keaukaha<br>Elementary                           |
| West Hawai`i -<br>Waimea | Tue., 8/9/22<br>6-8 PM        | DHHL - Kūhiō Hall<br>(Waimea)                    |
| Moloka`i -<br>Kaunakakai | Sat., 8/13/22<br>11 AM-1 PM   | DHHL - Kūlana<br>`Ōiwi (Kaunakakai)              |
| Kaua`i - Līhu`e          | Wed., 8/17/22<br>6:30-8:30 PM | King Kaumuali`i<br>Elementary                    |
| Maui - Kula              | Thu., 8/18/22<br>6-8 PM       | Waiohuli Homestead<br>Assoc. Community<br>Center |
| O`ahu - Honolulu         | Mon., 8/22/22<br>6-8 PM       | Stevenson Middle<br>School                       |

Each open house presented the same interactive and informative displays organized in three main sections: orientation, policy stations, and resource table.

The orientation station included an orientation video summarizing the General Plan purpose, the update process, draft vision and guiding principles, and information on the virtual open house. Poster boards summarizing this information were also presented at this station. Comment cards were available for beneficiaries to submit written comments on the vision & guiding principles.

Policy stations covered the seven policy topics included in the Beneficiary Review Draft, providing summaries of previous input received from beneficiaries on each topic, the applicable land use designations and allowable uses, and tables with draft goals and policies. Attendees were invited to place dots indicating whether or not they supported each policy. Comment cards were also available for beneficiaries to submit written comments on the goals and polices.

Figure 2 Interactive poster board with beneficiary sticker dots indicating level of support for draft policies



The resource table included hard copies of the Beneficiary Review Draft General Plan Update as well as QR codes linking to the draft plan with online commenting capabilities & draft plan appendices, information on the \$600 million legislative funding allocated to DHHL, and waitlist information.

A total of 223 beneficiaries attended the eight in-person meetings. Based on the information provided on the open house sign-in sheets, 69 attendees were lessees, 61 were applicants, 25 were both lessees and applicants, and 68 did not respond.

The online open house had 489 unique users visit the

website and a total of 2,985 page views during the open period between July, 18, 2022 through September 22, 2022.

The input and comments received in Round 3 beneficiary consultation was overall overwhelmingly supportive of the Draft General Plan vision, guiding principles, goals, and policies. The draft policies that received mixed support in dot voting and substantive comments were revisited in consultation with the investigative committee.

#### DRAFT FINAL GENERAL PLAN UPDATE

Due in part to the updated HAR 10-4-55 criteria outlining what is required in the General Plan, this General Plan update includes several components that were not present in earlier General Plans. These include an updated land use framework for use across all DHHL plans, that establishes land use designations, identifies allowable land uses and land dispositions for each designation, and articulates criteria for applying land use designations and providing appropriate levels of infrastructure.

This General Plan is also the first to include a Vision statement, representing where the Department, beneficiaries, and the Trust would like to be in 2040, and Guiding Principles, representing the values that need to be embraced to achieve the vision. The General Plan update also includes measurable metrics for each policy and a new section on implementation and monitoring with reporting guidelines to track progress toward the vision, goals, and policies to enhance accountability and transparency. Finally, this General Plan is the first to consider the impacts of climate change. It includes a discussion of climate change considerations for each policy topic.

Some of the goals and policies have been carried forward from the 2002 General Plan, and others have been modified or replaced to represent current conditions and priorities of the Trust and its beneficiaries.

As a vision-based document, all goals and policies in the Draft Final General Plan flow from the Vision. They are

intended to be carried out in accordance with the Guiding Principles, with progress measured and reported using metrics. The components of the General Plan policy framework include:

- Vision: Describes the desired outcome in 20 years.
- Guiding Principles: Broad themes that articulate key values that the Department should uphold and advance in implementing the Vision.
- Goals: General descriptions of desired outcomes for each policy topic.
- Policies: Specific guidelines or actions called for to achieve the Goals.
- Metrics: How progress on the Vision, Goals and Policies will be measured.

The Draft Final General Plan Update includes 10 chapters, beginning with two introductory and background sections:

1. General Plan Overview
2. Framework, Vision, and Guiding Principles

These are followed by seven chapters providing policy direction along with specific goals, policies, and metrics for the Department in the following topic areas:

3. Land Use and Water Resources: How DHHL determines appropriate uses for trust lands and water resources.
4. Infrastructure: How DHHL provides infrastructure to homestead developments, including level of service recommendations for different land use designations and contexts.
5. Housing: How DHHL addresses the housing needs of its beneficiaries.
6. Food Production: How DHHL manages its lands to support food production through homestead leases and other means.
7. Healthy Communities: How DHHL fosters beneficiary communities that are self-sufficient, healthy, resilient, and grounded in cultural knowledge and traditions.
8. Natural and Cultural Resource Management: How DHHL stewards and manages lands that are undeveloped or have ecological and cultural resources.

9. Revenue Generation and Economic Development: How DHHL generates revenue to support the continued advancement of native Hawaiians and provides economic opportunities for beneficiaries on Trust lands.

Climate change considerations are also addressed in each policy topic chapter.

Implementation, monitoring, and evaluation of the Plan is covered in Chapter 10. This section acknowledges the challenges DHHL has faced in terms of funding, resources, and consistent support from the legislature over the years. It introduces a monitoring and evaluation framework for tracking and reporting progress on implementation.

#### SUMMARY OF REVISIONS TO BENEFICIARY REVIEW DRAFT

While the feedback received during round was overwhelmingly supportive, with the majority receiving 100% supportive or neutral votes, a handful of received more mixed support. Each policy that received mixed support during beneficiary consultation was revisited and discussed by the Investigative Committee.

Table 2 summarizes these policies, the revisions made (where applicable) and rationale for each decision. Changes to policies are noted in the revised policy column; deleted text is shown with ~~striketrough~~. New text is underlined. Relevant beneficiary input as well as the rationale for the policy revisions are summarized in their respective columns.

SEE TABLE 2 BEGINNING ON PAGE 12.

#### Recommended Action

For information only. No action required.

Table 2 – Summary of Draft Final General Plan Policy Revisions

| Original Draft Policy  | Revised Policy for Final Draft  | Beneficiary Comments   | Rationale for Revisions  |
|--|---|--|--|
| <b>GOAL LU-1</b>   | <b>Utilize Hawaiian home lands for uses most appropriate to meet the needs and desires of the beneficiary population.</b>   |  |  |
| <p><u>POLICY LU-1C</u><br/>Consider opportunities to acquire or exchange for lands best suited for purposes of the Hawaiian Homes Commission Act.</p>                                    | <p>Consider opportunities to acquire or exchange lands best suited for purposes of the Hawaiian Homes Commission Act, <u>including increasing homesteading opportunities for native Hawaiians.</u></p>  | <ul style="list-style-type: none"> <li>• Concern that exchanged or acquired lands not being accessible or used for Hawaiians.</li> <li>• Prioritize lands that can be built with homesteads.</li> <li>• Only exchange or acquire land suitable for homesteads.</li> </ul>  | <ul style="list-style-type: none"> <li>• Commission has a range of responsibilities, so keeping purposes of the HHCA in the language is important.</li> <li>• Good to add increasing homesteading opportunities to speak to beneficiary comments.</li> </ul>   |
| <b>GOAL LU-4</b>   | <b>Responsibly steward and manage Hawaiian home lands not planned for development within the Island Plans in a manner that is culturally grounded, environmentally sound, and maintains opportunities for future uses.</b>  |  |  |
| <p><u>POLICY LU-4C</u><br/>Establish a standardized process for partnering with organizations to facilitate access to and responsible management of undeveloped Hawaiian home lands.</p> | <p>Establish a standardized process for partnering with <u>organizations sponsoring projects aligned with the Trust</u> to facilitate access to and responsible management of undeveloped Hawaiian home lands.</p>  | <ul style="list-style-type: none"> <li>• Limit the applicants to Native Hawaiian organizations.</li> <li>• Having other organizations coming in to manage areas for DHHL is not acceptable.</li> <li>• Allow access to religious/cultural practices – no gates.</li> </ul> | <ul style="list-style-type: none"> <li>• There are situations where DHHL does not have authority or ability to manage lands (e.g., hunting) and must use partnerships.</li> <li>• Saying “aligned with the Trust” is broad enough to not limit partnerships, and ensures they benefit Trust and beneficiaries.</li> </ul>          |
| <p><u>POLICY LU-4D</u><br/>Obtain funding for hiring qualified staff to develop and communicate protocol and kuleana for accessing undeveloped Hawaiian home lands.</p>                  | <p>Obtain funding for hiring qualified staff to develop and communicate protocol and kuleana for accessing undeveloped Hawaiian home lands <u>with non-homesteading land use designations. Qualifications and training should address the ability to work with beneficiaries, build</u></p> | <ul style="list-style-type: none"> <li>• Staffing needed to implemented GP policies.</li> <li>• Not just about manpower but hiring people who care and are able to work with beneficiaries, build relationships, and can follow through on commitments.</li> </ul>         | <ul style="list-style-type: none"> <li>• Communities have come to commissioners asking for better guidance and rules on this and it was heard in prior beneficiary consultation as well.</li> <li>• Commissioners noted that this should apply not just to “undeveloped” lands, but to all. Added “non-homesteading” to</li> </ul> |

Table 2 - Summary of Draft Final General Plan Policy Revisions

| Original Draft Policy  | Revised Policy for Final Draft  | Beneficiary Comments   | Rationale for Revisions  |
|--|---|--|--|
|  | <u>relationships, and follow through on commitments.</u>  |  | description to broaden the scope to all lands not designated for homestead leases.   |
| <p><u>POLICY LU-4E</u><br/>           Obtain funding to hire staff and establish a branch for enforcement of unauthorized activities and uses on Hawaiian Home Lands.</p>                                    | <p>Obtain funding to hire staff and establish <u>an enforcement and compliance division to better manage possible unauthorized criminal, administrative, and civil matters</u> on Hawaiian Home Lands.</p>  | <ul style="list-style-type: none"> <li>• Hire homestead beneficiaries for enforcement, not staff.</li> </ul>             | <ul style="list-style-type: none"> <li>• Hiring homestead beneficiaries for enforcement who are not DHHL staff not feasible.</li> <li>• Many homestead communities have come to commissioners asking for help addressing criminal activities and lease violations in community.</li> <li>• Issues go beyond criminal activity – lease enforcement is also needed.</li> <li>• There is a need for more robust enforcement by DHHL and this policy holds Dept. accountable to create a unit responsible to do so.</li> </ul> |
| <p><u>POLICY LU-4F</u><br/>           Explore sustainable commercial activities for revenue generation in undeveloped areas that are compatible with responsible management and conservation objectives.</p> | <p>Explore sustainable <del>commercial</del> activities for revenue generation in undeveloped areas that are compatible with responsible management and conservation objectives <u>and consistent with underlying DHHL land use designations.</u></p> | <ul style="list-style-type: none"> <li>• Commercial uses in these areas should match state and county zoning.</li> </ul> | <ul style="list-style-type: none"> <li>• Should not give up authority vested in HHC to set its own land use – clarify that should be consistent with underlying DHHL land use designations, not County or state.</li> <li>• “Commercial” does not need to be stated in policy, but can still be allowed by HHC.</li> </ul>   |

Table 2 – Summary of Draft Final General Plan Policy Revisions

| Original Draft Policy   | Revised Policy for Final Draft  | Beneficiary Comments  | Rationale for Revisions  |
|---|---|---|--|
| <b>GOAL IN-1</b>  |   |   |  |
| <b>Provide and maintain infrastructure for homestead communities within resource limitations.</b>   |   |   |  |
| <p><u>POLICY IN-1A</u><br/>Design infrastructure to County standards and dedicate systems to the Counties whenever possible for development within Residential, Commercial, and Industrial areas.</p> | <p>Design infrastructure to County standards and <del>dedicate</del> <u>license</u> systems to the Counties whenever possible for development within Residential, Commercial, and Industrial areas.</p> | <ul style="list-style-type: none"> <li>• People may want their land however they may not know or are not educated to know their full option. Cost of the current economy.</li> <li>• Awards &amp; full infrastructure should be as stated within the HHCA.</li> <li>• Partner with other adjacent landowners to replace and install infrastructure where possible.</li> </ul> | <ul style="list-style-type: none"> <li>• County licensing is strongly supported by DHHL and is the basis for the Level of Service criteria developed for the GP land use designations.</li> <li>• Confusion may have been around word “dedicate” in original policy – change to “license” which is the correct term used by LDD and better communicates that it does not mean transferring ownership.</li> </ul> |
| <p><u>POLICY IN-1B</u><br/>Establish agreements with the Counties around infrastructure standards and dedication processes on Trust lands.</p>  | <p>Establish agreements with the Counties around infrastructure standards <del>and dedication</del> <u>licensing</u> processes on Trust lands.</p>  | <ul style="list-style-type: none"> <li>• DHHL should operate &amp; own its own infrastructure. Establish our own self-sufficiency.</li> </ul>   | <ul style="list-style-type: none"> <li>• See above.</li> </ul>   |
| <b>GOAL HC-2</b>  |   |   |  |
| <b>Establish livable, sustainable, resilient, and healthy communities on Hawaiian home lands that provide space for or access to the amenities that serve the daily needs of its residents.</b>       |   |   |  |
| <p><u>POLICY HC-2A</u><br/>Partner with homestead communities, non-profits, government agencies, and other ali'i trusts to provide needed services to communities.</p>                                | <p>No revisions. Keep as is.</p>  | <p>None</p>   | <ul style="list-style-type: none"> <li>• In general, project team conversations with beneficiaries substantiated the need and desire to work with these kinds of organizations to serve native Hawaiians, and the majority were in strong support.</li> </ul>  |

Table 2 - Summary of Draft Final General Plan Policy Revisions

| Original Draft Policy  | Revised Policy for Final Draft  | Beneficiary Comments  | Rationale for Revisions  |
|--|---|---|--|
| <p><u>POLICY HC-2B</u><br/>                     Conduct a feasibility study related to establishing a law enforcement and compliance division within DHHL that would have full police powers, investigative capabilities, and adequate staff to serve all islands.</p>   | <p>DELETE</p>   | <p>No comments</p>  | <ul style="list-style-type: none"> <li>• HHC/DHHL is already past this point and pursuing an enforcement branch through legislation.</li> <li>• Support for enforcement and more enforcement staff is included under Policy LU-4E</li> </ul>   |
| <p><u>POLICY HC-2C</u><br/>                     Explore the use of non-homesteading lands for community-serving uses such as parks, gathering spaces, paths and trails, schools, cemeteries, pasture management, and community agriculture in current and future homestead developments. Gather beneficiary input on desired community uses during the development planning process.</p> | <p><u>Balance the need for resources to place waitlist beneficiaries on the land while exploring use of non-homesteading lands for beneficiary-serving uses such as parks, gathering spaces, paths and trails, schools, cemeteries, pasture management, and community agriculture in current and future homestead developments that can be managed through partnerships.</u><br/>                     Gather beneficiary input on desired community uses during the development planning process.</p> | <ul style="list-style-type: none"> <li>• This policy needs to be specific to reference "homestead community" or any other way or small N but not general community.</li> <li>• We need a community center for every homestead as a place to gather and practice our culture, Also can be utilized in time of disasters and also preschool, community, kitchen.</li> </ul> | <ul style="list-style-type: none"> <li>• Beneficiary feedback was supportive of the general concept but wanted to ensure uses are beneficiary serving.</li> <li>• Need to balance the desires to have these amenities in communities with desire for more housing opportunities for applicants.</li> <li>• Important to emphasize that community serving uses are implemented through partnerships. Added language about management through partnerships, in alignment with policy HC-2A.</li> </ul> |

Table 2 - Summary of Draft Final General Plan Policy Revisions

| Original Draft Policy  | Revised Policy for Final Draft   | Beneficiary Comments  | Rationale for Revisions  |
|--|--|---|--|
| <b>GOAL RM-1</b>   |  |   |  |
| <p><u>POLICY RM-1A</u><br/>Obtain funding for dedicated and qualified staff within DHHL for natural and cultural resource management.</p>  | <p>Obtain funding for <u>increased hiring of</u> dedicated and qualified <u>DHHL staff to promote, protect, and manage natural and cultural resources.</u></p>                       | <ul style="list-style-type: none"> <li>• Funding to hire expert "Native Hawaiian" not DHHL staff for natural &amp; resources.</li> <li>• These people are already working in our communities and nonprofits.</li> <li>• Need an independent cultural team to execute (preferably from the area).</li> </ul> | <ul style="list-style-type: none"> <li>• Committee previously supported the need for dedicated staff within DHHL for natural and cultural resource management. It is understood that staffing is critical to achieving the vision and goals, and should be included in this 20-year plan.</li> </ul> |
| <b>GOAL ED-1</b>   |  |   |  |
| <b>Provide economic opportunities for beneficiaries on Hawaiian home lands.</b>  |  |   |  |
| <p><u>POLICY ED-1I</u><br/>Explore opportunities to reinvest funds into homestead communities by hiring beneficiary businesses for maintenance and management of Trust assets.</p> | <p>Explore opportunities to reinvest funds into homestead communities by hiring beneficiary businesses for maintenance and management of Trust assets, <u>as allowed by law.</u></p> | <p>NONE</p>   | <ul style="list-style-type: none"> <li>• Need to be careful whenever specifying preference for beneficiary businesses.</li> <li>• Addition acknowledges legal constraints of procurement.</li> </ul>   |

**HAWAIIAN HOMES COMMISSION  
OCTOBER 17 & 18, 2022  
FACE-TO-FACE &  
INTERACTIVE CONFERENCE  
TECHNOLOGY**

**J – ITEMS  
REQUESTS TO ADDRESS THE  
COMMISSION**

**Hawaiian Homes Commission Meeting  
October 18, 2022  
Requests to Address the Commission**

**J-1** Cindy Freitas – Lease Concern

**J-2** Elizabeth Lee Loy Masaoka and Lucienne Pukahi–  
Panaewa Resiliency and Agricultural Innovation Hub Master  
Plan

**J-3** Bo Kahui – La‘iopua Development Corporation

**J-4** Ainaaloha Ioane - MAHA

**J-5** Nawai Laimana – MAHA

**J-6** Kekoa Enomoto – SCHHA Maui/Lanai Mokupuni Council  
and Paupena Community Development Inc.

**J-7** Heidi Whitney – Keaukaha Lease Successorship

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**From:** dhhl.icro1@hawaii.gov <dhhl.icro1@hawaii.gov>

**Sent:** Tuesday, September 13, 2022 10:36 AM

**To:** Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov> **Subject:** HCC Contact:

**First Name**

cindy

**Last Name**

freitas

**Email**

[hanahanai@hawaii.rr.com](mailto:hanahanai@hawaii.rr.com)

**Subject**

To Commission Secretary

**Message**

Aloha

My name is Cindy Freitas and I need to know how to get on the agenda for the regular commissioners meeting.

I have an issue going on about a transfer and need to address the commissioners about it...Mahalo Cindy Freitas

**From:** [dhl.icro1@hawaii.gov](mailto:dhl.icro1@hawaii.gov)  
**To:**  
**Subject:** [Burrows-Nuuanu,](#)  
**Date:** [Leatrice W](#)

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**First Name** HCC Contact:

Maile Tuesday, September

**Last Name** 20, 2022 3:49:27 PM

Luuwai

**Email**

[maile@luuwailaw.com](mailto:maile@luuwailaw.com)

**Subject**

To Commission Secretary

**Message**

Aloha ~ We plan to present our Pana'ewa Resiliency & Agricultural Innovation Hub Master Plan to the board when they are in Hilo on October 18. We will also provide updates regarding our Environmental Assessment and federal grant from NOAA for our Polyforestry & NOAA Climate Dashboard project. Please put us on the regular agenda for this presentation. The Presenter will be Elizabeth Lee Loy Masaoka, Keaukaha Pana'ewa Board Secretary. Mahalo- Maile Lu'uwai, President, Keaukaha Pana'ewa Farmers Association.

**From:** [Craig Bo Kahui](#)  
**To:** [Burrows-Nuuanu, Leatrice W](#)  
**Cc:** [Sam Walker](#); [DIANE KANEALII](#);  
**Subject:** [Sharleen Kahumoku](#); [Dora Aio](#)  
**Date:**

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[EXTERNAL] Request to be on  
the J agenda  
Tuesday, October 04, 2022  
8:57:03 AM

Aloha Leah

On behalf of Laiopua CDC, I would like to be placed on the  
J agenda. Please advise.

Mahalo

Bo Kahui, ED

LCDC

**From:** [MAHA INC](#)  
**To:** [Burrows-Nuuanu, Leatrice W](#)  
**Subject:** [EXTERNAL] J Agenda  
**Date:** Friday, September 23, 2022 2:03:28 PM

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Aloha,

I wanted to ask, before I forget for 2 spots on J-Agenda for the October meeting for MAHA. One under myself, Ainaaloha Ioane, and one for our secretary Nawai Laimana.

Nawai Laimana's can be sent to this MAHA email  
Ainaaloha Ioane can be sent to [ainaalohaioane@gmail.com](mailto:ainaalohaioane@gmail.com)

Mahalo nui

**From:** [MAHA INC](#)  
**To:** [Burrows-Nuuanu, Leatrice W](#)  
**Subject:** [EXTERNAL] J Agenda  
**Date:** Friday, September 23, 2022 2:03:28 PM

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Aloha Leatrice,

I wanted to ask, before I forget for 2 spots on J-Agenda for the October meeting for MAHA. One under myself, Ainaaloha Ioane, and one for our secretary Nawai Laimana.

Nawai Laimana's can be sent to this MAHA email  
Ainaaloha Ioane can be sent to [ainaalohaioane@gmail.com](mailto:ainaalohaioane@gmail.com)

Mahalo nui

**From:** [Kekoa](#)  
**To:** [Burrows-Nuuanu, Leatrice W](#)  
**Subject:** [EXTERNAL] J Agenda for 10/17/22 Hawaiian Homes Commission meeting  
**Date:** Monday, October 03, 2022 5:35:02 PM

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Aloha mai e Hawaiian Homes Commission secretary Leah,  
On behalf of the SCHHA Maui/Lana‘i Moku-puni Council and Pa‘upena Community Development Inc., may I RSVP to advocate via Zoom on the J Agenda at/after 9:40 a.m. during the 10/17/22 Hawaiian Homes Commission meeting? I anticipate testifying to/about, as follows:

- . Update on delinquent Maui County beneficiary property taxpayers.
- . Update on CWRM advocacy.
- . Update on 127-acre Keokea/Waiohuli homelands tract’s water meter.
- . Update on 127-acre Keokea/Waiohuli tract’s archaeological survey.
- . Report on Pa`upena’s OHA-funded Project MAHI`AI.
- . Native Hawaiians in Philanthropy, a new nonprofit initiative.

Mahalo a nui,

-`Anake Kekoa

-Kekoa Enomoto

chairwoman of the board, Pa‘upena Community Development

**From:** [whitneypualani](#)  
**To:** [Burrows-Nuuanu, Leatrice W](#)  
**Cc:** [Brown, Michelle W](#); [Yee Hoy, Louise K](#)  
**Subject:** RE: [EXTERNAL] Requesting to Address the Commissioner J-Agenda  
**Date:** Tuesday, September 13, 2022 7:45:26 AM  
**Attachments:** [image002.png](#)

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Good morning,

I'm writing to you again, with me being on the October J Agenda which from my understanding is just a testimony with no action from Commission, will it make any impact on the current situation? Thank you for your time and cooperation.

Sincerely,

Heide May Pualani Aionaaka Whitney

**From:** whitneypualani <whitneypualani@gmail.com>  
**Sent:** Monday, September 12, 2022 11:11 AM  
**To:** Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>  
**ct:** [EXTERNAL] Requesting to Address the Commissioner J-Agenda

Hello Leah,

This is Heide Whitney this an urgent matter I'm reaching out again regarding HHL at 16 Mikioi St. East District of Hilo Hawaii. My family has advised me today that effective Sept. 13, 2022 we have to vacate our property. I've sent an email on Sept 1 stating that I'm no longer the successor and would like find out WHY. I've reached out to Luis on Sept 9 and left a voice message and no success. Today, I was happy to talk with Michelle Brown and explained my situation and she is having me requesting to Address the Commissioner at the J-Agenda. Please don't hesitate to contact me at 619-315-3959. Thank you for your time.