

HAWAIIAN HOMES COMMISSION

Minutes of December 19, 2022

Hale Pono`i, 91-5420 Kapolei Parkway, Kapolei, O`ahu, Hawai`i, and Interactive Conferencing
Technology (ICT)

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

PRESENT William J. Ailā Jr., Chairman
Randy K. Awo, Maui Commissioner (Arr 10:14 a.m.)
Michael L. Kaleikini, East Hawai`i Commissioner
Russell K. Ka`upu, O`ahu Commissioner
Pauline N. Namu`o, O`ahu Commissioner
Dennis L. Neves, Kauai Commissioner (Arr 10:14 a.m.)
Patricia A. Teruya, O`ahu Commissioner
Vacant Seat, West Hawai`i Commissioner

EXCUSED Zachary Z. Helm, Moloka`i Commissioner

COUNSEL Ryan Kanaka`ole, Deputy Attorney General
Alyssa-Marie Kau, Deputy Attorney General

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

ORDER OF BUSINESS

CALL TO ORDER

Chair Ailā called the meeting to order at 9:43 a.m. There were five (5) members present at the roll call establishing a quorum.

Pursuant to Act 220, the Board shall be visible and audible to members and the public unless leaving the meeting. If there is anyone in the room with you, please identify them. No other participants are required to be visible during the meeting. All votes shall be unanimous unless the Commission goes to roll call.

APPROVAL OF AGENDA

MOTION/ACTION

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

APPROVAL OF MINUTES NOVEMBER 21 & 22, 2022 REGULAR MEETING; AND JANUARY 19 & 20, 2016; February 23, 2016; AND MARCH 21 & 22, 2016.

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Namu`o, to approve the November 21 & 22, 2022, Minutes. Motion carried unanimously.

APPROVAL OF THE JANUARY 19 & 20, 2016; February 23, 2016; AND MARCH 21 & 22, 2016.

MOTION/ACTION

Moved by Commissioner Namu`o, seconded by Commissioner Ka`upu, to approve the January 19 & 20, 2016; February 23, 2016; and the March 21 & 22, 2016, Minutes.

Commissioner Teruya abstained from voting. Chair Aila stated the Commission would wait for Commissioners Awo and Neves to arrive to take the vote.

Commissioner Teruya questioned the results of the vote. Chair Aila stated the motion to approve the 2016 set of minutes failed.

Chair Aila stated the Commission would take up Item C-4 after the Public Testimony.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Kapua Lauifi – Item G-1

K. Lauifi testified in support of all the grants listed for Item G-1, especially the Moloka`i projects.

Chair Aila stated DHHL would need to resubmit its forms to the new administration, so there will be a delay, but he does not think it will affect the approval process.

PT-2 Grant Nakihei – Item G-1

G. Nakihei testified in support of RFPs 001 and 003 for the Kalamaula Homesteaders Association.

PT-3 Jeremy Makepa – Items G-1 and G-3

J. Makepa is the President of `Aina Alliance. He testified in support of Item G-1 and was glad to see `Aina Alliance on the list. He also supported Item G-3 for the Anahola Regional Plan update.

PT-4 Max Tornai – Item G-1

M. Tornai testified in support of RFP 002 for Habitat for Humanity Maui. He is the developer for the project and stated it is for safety repairs for the homestead associations.

PT-5 Bobby Hall – Item G-1

B. Hall testified in support of Item G-1, specifically for the Waiohuli Hawaiian Homestead Association, for its community center improvements and economic development opportunities program.

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

- ITEM C-4 For Information Only – Update on the Tribal Broadband Connectivity Program by the National Telecommunication & Information Administration (NTIA)**

RECOMMENDED MOTION/ACTION

None. For Information Only. Deputy Tyler Gomes presented the following: Deputy Gomes introduced Adam Gyser of NTIA and Burt Lum of the Department of Business, Economic Development and Tourism (DBEDT).

A. Gyser officially announced that over \$17.2 million would be coming to the Department of Hawaiian Home Lands from NTIA and the Department of Commerce. (audio difficulties) Of the \$17.2 million, a little over \$10 million will be used for broadband use of adoption activities like tele-help and tele-education and to provide service to the remote communities in the homelands. \$6.3 million, of that \$17.2 million will be used to address planning and feasibility study.

B. Lum stated the role of DBEDT is to help with digital equity, the wrap-around service, which is digital literacy, access to devices, affordability, and digital navigation. DBEDT is here to support the Department and elevate everybody to a level of confidence in digital technology.

Deputy Gomes stated that the Department is also eligible for up to \$90 million. The new administration under Chair Anderson will be able to deliver on all of the promises in spending the \$90 million.

Chair Aila acknowledged the technical, political, and relationship work done to bring this new chapter to the beneficiaries. He acknowledged Senator Schatz for understanding the complexity of the Department.

ITEMS FOR DECISION MAKING

CONSENT AGENDA

HOMESTEAD SERVICES DIVISION

- ITEM D-2 Approval of Consent to Mortgage (see exhibit)**
ITEM D-3 Approval of Streamline Refinance of Loans (see exhibit)
ITEM D-4 Approval of Homestead Application Transfers/Cancellations (see exhibit)
ITEM D-5 Commission Designation of Successors to Application Rights – Public Notice 2014 & 2021 (see exhibit)
ITEM D-6 Approval to Certify Applications of Qualified Applicants for the Month of November 2022 (see exhibit)
ITEM D-7 Approval of Assignment of Leasehold Interest (see exhibit)
ITEM D-8 Approval of Amendment of Leasehold Interest (see exhibit)
ITEM D-9 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)

- ITEM D-10 Commission Designation of Successor of a Tenant-In-Common Interest – STEVEN T. TUI, Residential Lease No. 799, Lot No. 154, Kewalo, Oahu**
- ITEM D-11 Commission Designation of Successor – WAYNE WAINUHEA KAUPIKO, Residential Lease No. 09314, Lot No. 1, Kaniohale, Hawai`i**
- ITEM D-12 Rescission of Homestead Lease Award and Reinstatement of Lease Application – WAYLENE U. TOYOZAKI**

RECOMMENDED MOTION/ACTION

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

Commissioner Kaleikini stated in Item D-5 there are a few that the date of death and public notice are many years apart and asked for some background. J. Garcia stated it includes public notices that went out in 2014, and sometimes the blood quantum research challenge is attributed to the delay.

MOTION/ACTION

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

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

- ITEM C-1 Approval of Resolution Number 305 Honoring William J. Aila, Jr. for his Service as Chairman of the Hawaiian Homes Commission**

RECOMMENDED MOTION/ACTION

Special Assistant Niniau Kawaihae presented the following:
 Motion that the Hawaiian Homes Commission approve Resolution Number 305 Honoring William J. Aila, Jr. for his service as Chairman of the Hawaiian Homes Commission.

MOTION

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

DISCUSSION

Commissioner Teruya commented on his knowledge of all the homesteads on the islands, which is an extreme gift to share in making the work of the Commission easy.

Commissioner Ka`upu commented that his word for Chair Aila is steadfast as he looks for people who are pa`a and sees in Chair Aila.

Commissioner Kaleikini commented that he is impressed with Chair Aila’s work.

N. Kawaihae clarified that the terms she used in the Resolution, indefatigable resilience and unwavering commitment, come from the Hawaiian Homes Commission Resolution that honored Prince Kuhio, and it fit the Hawaiian Homes Commission’s 25th Chairman, William Johnson Aila, Jr.

Commissioner Namu`o stated she agreed to serve as a Commissioner because of William and Melva. She worked with him for two terms on the Governor’s cabinet.

Chair Aila asked to defer the vote and wait for Commissioners Awo and Neves.

Public testimony Kapua Keliikoa. She honored Chair Aila and said he had done much for na kanaka Hawai`i. No words can express the love she and the community have for him.

Public testimony Velma Mariano. She blessed Chair Aila and thanked him for all he has done and quoted Jeremiah 29:11, “God has plans and purposes,” and you have done well.

ITEM C-2 Approval of Lease Awards Kakaina Subdivision Residential Vacant Lot, Waimanalo, O`ahu; Approval of Lease Award Maku`u Farm Lots Unit 1 Agricultural Pre-Owned Home, Maku`u, Puna, Hawai`i (see exhibit)

RECOMMENDED MOTION/ACTION

Acting Contact and Awards Division Administrator Paula Aila presented the following: Motion that the Hawaiian Homes Commission approve three 99-year leases, two in Kakaina, Waimanalo, Oahu, and one in Maku`u, Puna, Hawai`i.

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Ka`upu, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo						X late
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Ka`upu		X	X			
Commissioner Namu`o			X			
Commissioner Neves						X late
Commissioner Teruya	X		X			
Chairman Aila			X			
TOTAL VOTE COUNT			5			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Five (5) Yes votes.						

Note: Commissioners Awo and Neves joined the meeting at 10:50 a.m.

RECESS
RECONVENED

10:50 AM
11:14 AM

Chair Aila brought back Item C-1 and abstained from the vote.

ITEM C-1 Approval of Resolution Number 305 Honoring William J. Aila, Jr. for his Service as Chairman of the Hawaiian Homes Commission

Commissioner Neves thanked Chair Aila for his service and for being a brother.

Commissioner Awo thanked Chair Aila for his 37 years of passion and compassion, which he deems as Chair Aila’s trademark to the community. He expressed tremendous respect for Chair Aila and said that he would be missed.

Chair Aila thanked the Commissioners, his wife Melva, the Department’s staff, and the Deputy Attorney General. He also thanked the beneficiaries who do their best to make all the lands in their possession `aina ho`opulapula. He hopes the Department obtains all the necessary resources to put all 28,000 wait listers on `aina as quickly as possible.

Commissioner Awo commended the Hawaiian Home Lands staff for doing what they do with little resources. He stated the Commissioners value the work of the staff.

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Ka`upu, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Ka`upu		X	X			
Commissioner Namu`o			X			
Commissioner Neves			X			
Commissioner Teruya	X		X			
Chairman Aila					X	
TOTAL VOTE COUNT			6			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Six (6) Yes votes.						

LAND MANAGEMENT DIVISION

ITEM F-1 Preliminary Approval to the Issuance of a General Lease to Waiohuli Hawaiian Homesteaders Association, Inc., Waiohuli-Keokea, Maui, TMK Nos. (2) 2-2-028:181 (portion), (2) 2-2-002:014 (portion)

RECOMMENDED MOTION/ACTION

Acting Land Management Administrator Kahana Albinio presented the following:

Motion that the Hawaiian Homes Commission approve a Preliminary Approval to the Issuance of a General Lease to Waiohuli Hawaiian Homesteaders Association, Inc., Waiohuli-Keokea, Maui, TMK Nos. (2) 2-2-028:181 (portion), (2) 2-2-002:014 (portion)

MOTION

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

Land Agent Shelly Carreira stated the Waiohuli Hawaii Homesteaders Association is seeking a 65-year General Lease. The proposed preliminary approval will allow them to solidify their funding efforts and to pursue the completion of Chapter 343 environmental assessment and Chapter 16 historic preservation requirements.

Chair Aila stated this presentation was made before the Commission, and some homesteading activities have been changed.

B. Hall represented the Waiohuli Hawaiian Homesteaders Association and stated that they are doing this to secure and promote employment opportunities through development. They have been an avid supporter of DHHL programs such as Kulia I ka Nu`u, in which they learned how to raise money and spend it and get the most out of the dollar. The plan presented in September was amended, but WHHA's legal ability to take on homestead development as part of the initiative is uncertain. There was a plan to build homestead lots/homes, kupuna homes, and multi-family homes, but that is on hold until there is further clarification working with the Department on WHHA's ability to take on homestead development.

He stated they had secured private, federal, and state financing to help drive their initiative.

DISCUSSION

Commissioner Teruya asked what preliminary approval for the 65-year General Lease means. K. Albinio stated WHHA has a Right of Entry, allowing them to meet the requirement before a General Lease is approved. It is preliminary subject to WHHA completing Chapter 343 compliance. Commissioner Teruya asked if it is called preliminary because they have to do the due diligence and environmental assessment. K. Albinio stated correctly until they complete all of that, they return to the Commission for full General Lease approval.

Commissioner Teruya asked if they have a 501(c)3. B. Hall stated Waiohuli is a 501c3 and has been one since 2005. When a non-profit comes to the Commission for an ROE, she asks the staff if it is normal practice that vendors are vendor compliant, has 501c3, and are DCCA compliant. K. Albinio stated vendor compliance is more funding. He also stated he provided vendor compliance in exhibit C and the DCCA. She asked, so they do not have to have a 501(c)3 for an ROE. K. Albinio stated yes. Chair Aila stated that before the 65-year lease can be approved, they would have to return to the Commission.

Commissioner Ka`upu stated he looks forward to voting for WHHA moving forward. He asked about the "legal in nature" mentioned by B. Hall. Chair Aila stated he could answer the question in an open session. When the Department issues a disposition to somebody other than the Department, the Commission determines that the lands are not needed for homesteading purposes. When a non-profit comes and says they want to build vertically on the land the Department is leasing to them, it calls into question the lands not being available for homesteading. What was withdrawn was the applicant's proposal to build vertical structures on the bubbles or pads that WHHA was proposing to develop infrastructure for the Department,

which is slightly different than building the vertical. That is the stance right now. He hopes the Commission and the Administration will continue to look at that. Is there a way for a homestead association non-profit can build? Still, the disposition is made, and the determination has to be made that these lands are not suitable for homestead. That is the chance to get them through the due diligence, and then once they are done, come back and ask creatively to do the infrastructure by partnering with union members in an apprentice program.

Commissioner Ka`upu asked which portions of the property subject to this preliminary lease were previously identified as residential development. Are those portions still in this lease but going to be done by this group? Chair Aila stated that is the intent unless there is a legal way to make the process fit.

B. Hall stated they are allowed continued conversation with the Department to see if this can be done. WHHA is optimistic because it was not a flat-out no. Chair Aila stated the current proposal also allows them to move forward to do due diligence for the energy project and the water development project.

Commissioner Ka`upu asked what happens to the lease that has identified those properties as subject to their lease. Does the Department amend or pull it out to go through this process? Chair Aila stated the process up to the building of vertical has been removed. Their ability to bid on an infrastructure package remains in place.

Chair Aila stated to give this disposition. The Commission has to determine that the land is not available for homesteading. It becomes a problem when that determination is called into question if the entity that receives the land disposition builds homes and tries to issue them for homesteading purposes.

Commissioner Neves understands WHHA is not moving forward on the infrastructure until there is some agreement. He cautioned that the Commission was moving forward with an outside entity outside of this Commission having control of those homes. Commissioner Neves stated the control of those homes should be within the Department. Chair Aila stated they are not building until the issue is resolved.

Commissioner Kaleikini stated he thinks it is a great project and appreciates that clarification to get this right. He asked when WHHA saw Chapter 343 and Chapter 16 being completed. B. Hall stated they are looking at the next 9-12 months.

Chair Aila stated what is unique about this project is Waiohuli has gone to the Legislature and received permission from the Legislature to issue special revenue bonds. They have to develop a source of revenue to help cover the bonds.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

ITEM F-2 Approval to First Amendment of Right of Entry No. 708, Frank V. Coluccio Construction Company, Inc., Puowaina, Honolulu, O`ahu, TMK: (1) 2-2-005:035 (portion)

RECOMMENDED MOTION/ACTION

Acting Land Management Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission approve a Preliminary Approval to issuing a General Lease to Waiohuli Hawaiian Homesteaders Association, Inc., Waiohuli-Keokea, Maui, TMK Nos. (2) 2-2-028:181 (portion), (2) 2-2-002:014 (portion)

MOTION

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

S. Carreira stated the permittee requests to amend the land area as the approved area consists of unusable slopes and hills. They want to remove the unusable portions and amend them to include usable areas. It is a temporary right of entry for the base yard purposes. They are also requesting to extend for an additional 12 months.

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2	ʻAE (YES)	AʻOLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Ka`upu	X		X			
Commissioner Namu`o			X			
Commissioner Neves			X			
Commissioner Teruya		X	X			
Chairman Aila			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

PLANNING OFFICE

ITEM G-1 Approval of Recommendation for Various Grant Awards (see exhibit)

RECOMMENDED MOTION/ACTION

Planning Manager Andrew Choy presented the following:

Motion that the Hawaiian Homes Commission approve:

1. \$7.5 million allocation from the State General Fund, on time only
2. The \$988,444 allocation from the Native Hawaiian Rehabilitation Fund (NHRF), and
3. A combination thereof to fund the following organizations for the following grants statewide.

The various RFPs listed are listed in the written report

MOTION

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

Grants Specialist Gigi Cairel stated the funds need to be encumbered by June 30, 2023. She stated all non-profits and DCCAs were eligible and did not have to be IRS Title 1 501c3. The applicants were required to be registered with the State of Hawai`i and be in compliance. The capacity building grant was increased from \$5,000 to \$15,000. These are Stated funds, so the Department has to request the funds from the Governor’s office, and there is a delay in getting the funds after approval contracts are prepared for each grant.

DISCUSSION

Commissioner Teruya asked if they were not required to be a 501c3, so did they have to send a W-9 to the Department or the State? G. Cairel stated per the rules that any non-profit is eligible and must be registered with the Stated of Hawai`i and have a good standing certificate with the DCCA and a Hawai`i compliance certificate. Chair Aila stated many small groups applying could not get a 501c3 when the rules call for it. The State funds are a source for the grants program, which is authorized by the Commission and falls under the Department’s rules. Commissioner Teruya asked how long the delay is and if the non-profits will be able to receive the funds before

June 2023, and if they do not will it lapse? Chair Aila stated the Department submitted Form A-19 and thought it would be approved, but found out that the A-19 needs to be submitted under the new Director. Hopefully, the new Director will prioritize this and submit it to the new Budget & Finance, and they will be approved expeditiously. G. Cairel stated the bigger grants are funded by the State funds and will experience the delay, but the smaller ones are funded by the Trust funds and can get out as fast as possible.

Commissioner Kaleikini stated he supports all the grants put forth. He asked G. Cairel to explain the grants review committee. G. Cairel stated the grants program follows the state procurement method called the Competitive Sealed Proposals. I follow stated procurement rules, and there is a selection and review committee comprised of DHHL staff and external people or a combination of both.

Commissioner Awo asked how much more would be required to complete the Kahikinui Fog Drip project. G. Cairel stated they are short about \$90,000. In both proposals, KOOK does talk about fundraising. The committee mentioned that they would like to see KOOK make some active efforts in finding additional funds to complete their project because the Department is awarding a second grant to them. It was a planned project.

Public testimony Faith Chase. She supports the effort to bring water to the Kahikinui homestead. She cautioned the Commission against granting any more grant funds to KOOK until legal bylaws are ratified and that the meetings are properly held using Robert’s Rules of Orders. If you must move this funding forward, she highly recommended paying the funds directly to the vendor, as the organization has needed an audit for a long time.

ACTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2	‘AE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X		X			
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

ITEM G-4 Declare a Finding of No Significant Impact for the Waimea Nui Regional Community Development Initiative Kipuka o Ke Ola Clinic Relocation Final Environmental Assessment, TMK (3) 6-4-038:011 (por.), Pu`ukapu, Waimea, Hawai`i Island

RECOMMENDED MOTION/ACTION

Planning Manager Andrew Choy presented the following:

Motion that the Hawaiian Homes Commission Declare a Finding of No Significant Impact for the Waimea Nui Regional Community Development Initiative Kipuka o Ke Ola Clinic Relocation Final Environmental Assessment, TMK (3) 6-4-038:011 (por.), Pu`ukapu, Waimea, Hawai`i Island

Chair Aila announced that after Item G-4, the Commission would go into executive session and be out for about an hour.

MOTION

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

A. Choy stated staff presented this informational item in October 2022. The environment assessment has been published and received comments during the 30-day public comment period listed in the Commission packets. Most comments supported the project and did not require revision to the draft environmental assessment but have been noted for the record.

Mike stated Claren Budget took on the health center, and her strong leadership in building the health center was extraordinary. They did not foresee the health center moving at such a rapid pace. 40% of Waimea's population is Hawaiian, and now they need to increase the space for the demand they have been getting. They are pushing to relocate their health center. There is a criterion with the federal government that if they build their health center on Hawaiian Home Lands, the criteria will not apply to them, and they would qualify as an F-grade C. He stated they are too close to two F-grade Cs to have the third one unless it is built on Trust land.

DISCUSSION

Commissioner Teruya stated she supports the extension. He stated it is important to understand that their homestead created the health center. Still, because of liability purposes, they want to create a 501c3 for the health center run by beneficiaries. They want to have the ability to provide a comprehensive place.

Commissioner Awo stated he likes that it is beneficiary initiated to meet a need.

Public testimony by Kapua Kamai. She stated they are moving mountains for the community and what they are doing is good. She supports the initiative.

ACTION

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Commissioner Teruya	X		X			
Chairman Aila			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

MOTION

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

EXECUTIVE SESSION IN 12:35 PM

The Commission anticipates convening an executive meeting pursuant to Section 92-5(a)(4), HRS, to Consult with its attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities. Motion carried unanimously.

1. Update on discussions with the Department of Interior regarding Act 236 (SLH 2021)
2. Recommendation to approve settlement agreement for Matsushima v. Hawaiian Homes Commission, Civil No. ICCV-21-0001526

EXECUTIVE SESSION OUT 1:55 PM

ADMINISTRATIVE SERVICES OFFICE

ITEM H-1 Transfer of Hawaiian Home Receipts Fund at the End of the Second Quarter, FY 2023

RECOMMENDED MOTION/ACTION

Administrative Services Officer Rodney Lau presented the following:
Motion that the Hawaiian Homes Commission approve the transfer of the entire receipts deposited in the Hawaiian Home Receipts Fund as of December 21, 2022, to the Hawaiian Home General Loan Fund.

MOTION/ACTION

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Commissioner Teruya	X		X			
Chairman Aila			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

PLANNING OFFICE

ITEM G-2 Approval of the South Moloka`i Shoreline Erosion Management Plan (SM-SEMP)

RECOMMENDED MOTION/ACTION

Planning Manager Andrew Choy and Planner Nancy McPherson presented the following: Motion that the Hawaiian Homes Commission approve the South Moloka`i Shoreline Erosion Management Plan (SM-SEMP)

MOTION

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

Nancy McPherson presented slides for the South Moloka`i Shoreline Erosion Management Plan. The Plan was presented to the Commission in January and March 2022. This is the Final Draft of the SM-SEMP to the Commission for approval and to authorize dissemination. A community open house was held on Moloka`i on November 14, 2022, to review findings and recommendations and an opportunity for beneficiary participation in implementation.

Note: Slide presentation attached.

DISCUSSION

Commissioner Neves received a text from Commissioner Helm in support of the Plan.

Commissioner Awo supports the Plan. He asked at what point the shoreline gets overwhelmed based on the studies. She stated sea level is anticipated to rise for hundreds of years, so it will buy the Department time to look at the mid-term solutions. People have time to retreat from the shoreline. Commissioner Awo stated in terms of retreating. It is important to look at it now because it will take a long and money to retreat effectually.

ACTION

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Commissioner Teruya	X		X			
Chairman Aila			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

ITEM G-3 Approval of the Anahola Regional Plan Update (2022)

RECOMMENDED MOTION/ACTION

Planning Manager Andrew Choy and Planner Nancy McPherson presented the following: Motion that the Hawaiian Homes Commission approve the Anahola Regional Plan Update (2022)

MOTION

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

Nancy McPherson conducted an open house in Anahola at the beach park. The regional values and guiding principles were to support and care for the kupuna, empower the youth, provide community education and capacity building, have a sustainable and resilient aloha `aina economy, have community support and collective action, and have trust and transparency. They want the community involved in the planning to identify and prioritize projects within the region and to include detailed action steps to implement the priority projects.

They have 5 Priority Projects: (1) Surface water resources management (non-potable); (2) Ho`akeolapono Trades Academy and Institute, Home building resources center; (3) Makai Management Plan; (4) Anahola Place-Based Education Network; and (5) Mauka Farm Lot Plan

The recommendation is that the Commission approve the Anahola Regional Plan Update and authorize dissemination.

Note: Slide presentation attached.

DISCUSSION

Commissioner Teruya asked if Kumu Camp is on Hawaiian Home Lands. N. McPherson stated yes, it is on Hawaiian Home Lands. Previously, they came for a license, and they did beneficiary consultations. That was not brought up during the regional plan process. A. Choy stated it was not identified as one of the five priorities beneficiaries wanted to see.

Chair Aila stated it is a project that is not in compliance and does not have a land disposition. The new Director will have to provide a plan to the Commission to bring it into compliance or put the property up for another land disposition.

ACTION

Moved by Commissioner Teruya, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Commissioner Teruya	X		X			
Chairman Aila			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

ITEM G-5 Accept the Beneficiary Consultation Report for Three Requests to Utilize DHHL Lands for Non-Homesteading Purposes in the Ahupua`a of Waianae by Ka`ala Farms Inc. TMK: (1) 8-5-004:036; Waianae Valley Homestead Community Association TMK: (1) 5-6-001:022; and the Waianae Coast Comprehensive Health Center TMK: (1) 8-6-001:012, 024, 025, 026, 027 and 028, Waianae, O`ahu

RECOMMENDED MOTION/ACTION

Planning Manager Andrew Choy presented the following:
 Motion that the Hawaiian Homes Commission Accept the Beneficiary Consultation Report for Three Requests to Utilize DHHL Lands for Non-Homesteading Purposes in the Ahupua`a of Waianae by Ka`ala Farms Inc. TMK: (1) 8-5-004:036; Waianae Valley Homestead Community Association TMK: (1) 5-6-001:022; and the Waianae Coast Comprehensive Health Center TMK: (1) 8-6-001:012, 024, 025, 026, 027 and 028, Waianae, O`ahu

MOTION

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

Planner Julie Cachola presented the PowerPoint slide. The land use requests received by DHHL are from Ka`ala Farms Inc., Wai`anae Valley Homestead Community Association, and the Wai`anae Coast Comprehensive Health Center.

Ka`ala Farms has been under a license agreement for 25 years and are requesting a long-term lease for the cultural learning center. A long-range conceptual site plan was submitted to the Department.

Wai`anae Valley Homestead Community Association is looking for a base yard facility along Farrington Highway between the Comprehensive Health Center and the Wai`anae Water Treatment Plant. They want an economic development center for a community-owned solar

project and a West O`ahu Funeral Services crematorium. They are requesting a Right-of-Entry to do due diligence and environmental assessment.

The Waianae Coast Comprehensive Health Center is requesting a long-term lease to expand to continue the development of its sustainability model focusing on teaching, training to create jobs, the cultural center for the perpetuation of Native Hawaiian culture center, social services support center and a food campus to cultivate, warehouse and distribute food to the community.

A. Choy stated the motion is to accept the Beneficiary Consultation Report as the official record of beneficiary comments received on November 14, 2022, from the Beneficiary Consultation meeting that was held, as well as any written comments received. For the record, the Department did not receive additional written comments during the comment period.

Note: Slide presentation attached.

DISCUSSION

Commissioner Teruya stated she was concerned about the crematorium proposal and the proposed area. A crematorium next to a healing center and a comprehensive health center providing health and wellness, beneficiaries were not too comfortable with that. She stated she would support the other projects but abstain from the crematorium proposal. She hopes to defer the crematorium proposal to have more dialogue in the next administration or look at other sites to offer. Kupuna housing comes up consistently in discussions with beneficiaries [in the 2018 Regional Plan]. To be written in the Minutes, Commissioner Teruya stated in 2020, Lt. Governor Josh Green came to the Wai`anae Comprehensive and met with them on the master plan proposal. His support was for community good use, food sustainability, food bank, and housing for our beneficiaries and our kupuna.

Chair Aila stated it is the only industrial zone DHHL has on the Wai`anae Coast, and a crematorium is considered an industrial use. Commissioner Teruya stated she thinks an industrial zone in Wai`anae Valley and Kalaeloa can also be looked at. She wants to have more dialogue on this particular proposal. Chair Aila stated we are voting on the Beneficiary Consultation Report.

A. Choy stated the motion for tomorrow is to approve the Right-of-Entry for due diligence will allow for additional research, studies, and discussions with the community.

Commissioner Awo agreed with Commissioner Teruya that a crematorium seems incompatible, situating it in a place of healing. He recognizes that we need places like that because it provides important services. It raises a question in his mind if that is the right place. He thinks a deferral to give it more time to discuss.

Public testimony Kapua Keliikoa. In 2014 she sent a letter to Director Jobie Masagatani regarding the columbarium. She spoke of the columbarium in the 2018 Wai`anae/Lualualei Regional Plan. She stated the site is appropriate and it is a visible place. The opportunity to have a crematorium could not be ignored. What happens at medical facilities is that people hala. Many people take the cremation route. It is appropriate to know that right around the block is a facility that can help.

Public testimony Lori Buchanan. She is working with the Wai`anae Homestead and has been running the Moloka`i Mortuary since 1981. She stated that the Department of Hawaiian Home Lands does not have its cemetery, and she sees that on Moloka`i. She stated that the equipment

was odorless and smokeless and would not see anything from the road. The area is an industrial zone and next to a wastewater plant. She stated they operate out of the Queen’s Moloka`i General Hospital and manage their autopsy room; her husband is the Coroner’s assistant. If you hala at the hospital, you go into the morgue and autopsy room, and the crematory is there. For her, dying is as natural as living, as her family was in the mortuary business. The population has grown in Hawai`i, but the mortuaries have not, which was apparent during covid. It was made apparent that there was a need on the Westside. She proposed to back out because she does not want to deter Wai`anae Valley Community Homestead Association’s (WVCHA) forward movement and all the hard work they have done for the past two years. She would like to take her project out of the picture as she can always work it out some other way.

Chair Aila stated they are only voting on the Beneficiary Consultation Report. If she so desires to say what she just said tomorrow, that would be the appropriate time.

Public testimony Lokana Keliikoa. She requested the Commission allow the WVCHA right of entry does their due diligence.

Public testimony Alohalani Smith. She is in support of the crematorium.

Public testimony Kamuela Na`ihe. He is in support of the columbarium, and the WVCHA plans going forward.

Public testimony Georgie. She is in support of the columbarium.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya					X	
Chairman Aila			X			
TOTAL VOTE COUNT			6		1	
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Six (6) Yes votes. One (1) Abstained						

ITEM G-6 Accept the Beneficiary Consultation Report for the Kailapa Firebreak Project, Kawaihae, South Kohala, Hawai`i Island

RECOMMENDED MOTION/ACTION

Planning Manager Andrew Choy presented the following:
Motion that the Hawaiian Homes Commission accept the Beneficiary Consultation Report for the Kailapa Firebreak Project, Kawaihae, South Kohala, Hawai`i Island

MOTION

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

The project's purpose is to create a firebreak to assist in the resiliency of the Kailapa Community and ahupua'a. The project area will not include the side fence lines to avoid archaeological sites; the area is makai of the mauka fence line. They want to complete the project by July 2023.

Note: Slide presentation attached.

DISCUSSION

Commissioner Neves asked why they were not using equipment to clear the area. A. Choy stated using heavy equipment might disturb historical resources. Commissioner Neves asked if maintenance is voluntary. A. Choy asked Lauren Kawika to explain the long-term maintenance for the firebreak. L. Kawika stated a contractor would be selected from the Division of Aquatic Resources, and part of the match for the grant is to have the community participate on workdays. Still, there is no long-term plan for the maintenance of the firebreak. That has to be discussed with the community.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOPS

PLANNING OFFICE

ITEM G-7 For Information Only – Memorandum of Understanding Agreement Among DHHL, Trustees of the Bishop Estate of Bernice Pauahi Bishop dba Kamehameha Schools, and the County of Hawai'i Department of Water Supply (DWS) regarding Water System Improvements and Allocation of DWS Water Credits and Facility Charge Credits, Keauhou, North Kona, Hawai'i Island

RECOMMENDED MOTION/ACTION

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

A. Choy introduced Randy Boudet and Kamana`o Mills of Kamehameha Schools to answer questions.

The five priority projects are: (1) the North Kona Water Source Development project; (2) to provide homestead opportunities for beneficiaries in the “Gap Group”; (3) the renewable energy initiative; (4) to establish a DHHL Kona District Office; and (5) to initiate Commercial Development of DHHL lands near Honokohau Harbor.

DHHL has 1,400 acres in North Kona. After completing Village 4 Phase 1 and Phase II, DHHL will not have more water credits on the County DWS water system for future development.

DHHL MOU COMMITMENTS	AND BENEFITS
Complete a hydraulic study of the DWS system	Receive 1/3 of the maximum day pumping capacity of Well 2
Fund, design, and construct additional storage improvements as determined by the above hydraulic study	Receive 2/3 of the maximum day pumping capacity of Well 2A (if DHHL develops Well 2A)
Prepare an HRS Chapter 343 EA	Receive Facility Charge Credits from DWS
Reimburse KS for costs incurred by KS in the development of KS Well 2. (\$1,110,478)	DWS will assume long-term operation and maintenance costs of the system improvements

DISCUSSION

Commissioner Kaleikini asked who would be spearheading this. A. Choy stated it would collaborate with Planning and Land Development Division. Commissioner Kaleikini asked if it could be part of the \$600 million. Chair Aila stated the answer is yes, it could come out of the \$600 million, but he does not think the talk should be of how much it should be right now with potential partners negotiating a price in the back of the room. Acting Administrator of Land Development Division Stewart Matsunaga stated he sees many benefits in this project. There is \$4 million approved in the budget, which is part of Act 279, and based on the figures shared, we’ll need more if we get into the development of Well 2A, which will provide the long-term needs for DHHL in La`i`Opua. It is something he would recommend return back to the Commission to amend the budget. Currently, the Chair has the authorization to shift line items.

Commissioner Ka`upu asked about this area's current Regional and Island Plans. Does the Department envision a building that has many homes in this area? A. Choy stated that the Department looked at developing Villages I and II in the \$600 million strategic plan that the Commission approved. The water is for DHHL homesteads and community initiatives and development opportunities. The Department needs 3-4 new Wells for full build-out for all of its lands in North Kona. This opportunity presented by Kamehameha Schools is a partial solution to the Department’s water needs in North Kona.

S. Matsunaga stated the approximate build of homes would be 200 units per Village which is currently listed in the Act 279 budget. Commissioner Ka`upu asked about the unknown liability to users, in concept, what is that talk about and what is the magnitude of that. A. Choy referred to the Kamehameha School’s guest to answer what the disruption to the lessees might be.

A. Choy stated there are two potential Well sites, and Well 2 is the existing Well, and the County has committed to developing that Well as it needs the water on its system for County uses. What is proposed is should the Department reimburse Kamehameha Schools for the development of that Well, they would give the Department the water they would have gotten from Well 2. If the

Department decides it wants to develop Well 2A, the County will give the Department two-thirds of the water from the Well. Commissioner Ka`upu stated that KS would not be using any water from the Wells. A. Choy deferred the question to Randy and Kamana`o.

R. Boudet stated yes to the water usage. Kamehameha Schools would be transferring their rights to the water to DHHL in the agreement. The physical water that is pulled from the ground from that Well will not support La`i `Opua development. It is a supplement to the water system that DWS is willing to agree to in this agreement. Regarding the reimbursable for disruption of ag use is more of a property damage disclosure within the MOU. During construction, there more than likely may be some property damage that may impact those ag users. Not all lands encumbered by transmission lines and storage will cause or inflict any damage to those lessees. The only purchase of land being considered in this transaction is for storage which would be a permanent disposition from KS's perspective. There are two sites, one where the Well is, and further down the system, about halfway to the destination of the water, another storage that may need to be increased.

Commissioner Ka`upu stated there is a takeback from these current lessees. They need some area for storage, transmission, and easements for lines. And if the lessees are growing crops in that area, they have suffered some damage. Does KS have any liability in its leases now for the future development of infrastructure to take back those easements or otherwise? R. Boudet stated yes, they do. Commissioner Ka`upu stated this would strictly be a negotiation with the existing tenants. KS has the right to do it but has to pay them to make them whole. R. Boudet stated if it disrupts their current revenue generation.

Commissioner Teruya asked who signs the MOU agreement. Chair Aila stated it is a three-party agreement with Kamehameha Schools' CEO, the Board of Water Supply's Chief Engineer, and DHHL's new Chair.

Public testimony Bo Kahui. The organization he represents supports the Kamehameha Schools initiative. There is insufficient water to support the full build-out of homes and their community economic development plans in La`i `Opua. He stated they have set to work with the Department concerning another Well site in Holualoa with staff. There have been delays, and he had hoped they would have fulfilled the Giannellis initiative before Chair Aila's administration ended. The Kamehameha School's and Giannellis' initiatives barely support the La`i `Opua build-out.

LAND DEVELOPMENT DIVISION

ITEM E-1 For Information Only – Implementation Progress Report, as of December 2022, for Act 279, Session Laws of Hawai`i 2022

RECOMMENDED MOTION/ACTION

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

S. Matsunaga pointed out a couple of project statuses. He stated La`i `Opua, which was just discussed, includes the North Kona water development. They also opened bids for the Pu`unani Homestead Subdivision project. That contract is for \$17.1 - \$17.2 million for construction, and hopefully, construction will start in the spring of 2023. Kaupē'a Phase 2 funds are being transferred to HHFDC, \$8.25 million. The Hanapepe Phase 2 construction bids are opening on Wednesday, which is expected to be \$20 million. Six proposals were submitted for the land and project acquisition, and LDD will start evaluating that.

DISCUSSION

Commissioner Teruya asked for Act 279, can what the Commission has proposed to be changed or revised on the \$600 million? Chair Aila stated it could only be changed if the Commission allows it to be changed. Understand that the spend down of the second-year funding is planned but made flexible enough, so if something should become available that provides more units for less money, it is flexible enough that the new Chair can ask the Commission to change it.

She stated on Oahu. The Maili and Ewa Beach development are the two projects moving forward with the RFP request. How far are these projects? S. Matsunaga stated they are not quite there yet with Maili and may be looking at adjusting the Maili project. She stated she was asking because of the transition of the Chairman to the new administration. It is nice that the Commission has the authority/power to make any changes. Chair Aila stated or denied any changes.

ITEM E-2 For Information Only – Nanakuli and Waianae Projects Update

RECOMMENDED MOTION/ACTION

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

S. Matsunaga stated the Nanakuli and Waianae Projects Update was shared with Darrell Ing, Sara Okuda, and Richard Speer.

Darrell Ing presented the Ulu Ke Kukui Redevelopment project. The Hawaiian Community Development Board developer is experiencing problems getting financing, so the Department is working with them to see how or if they can salvage. If it is not salvaged, the Department will propose to keep the commercial kitchen, the existing offices, and the classrooms and turn them over to a community or other organization to manage. He stated the recommended plan combines multi-family and single-family lots of approximately 250-340 units.

Richard Speer presented the Nanakuli Drainage Channel Improvements. The scope was to re-line the channel walls and spall work over 5,00 linear feet. The cost was \$3.2 million, and the construction was completed in the summer of 2021. The remaining work repairs to the lateral channel above Mokiawe Street. Completion is contingent upon the removal of non-compliant structures straddling the ditch. The cost is \$1 million.

He stated the Nanakuli Traffic Calming project is having problems with materials being shipped. The calming traffic will include flashing beacons, speed humps, tables, crosswalks, curbs, striping, and signage. S. Matsunaga stated due to the tragic accident in the upper Nanakuli area, the Department and the Department of Transportation fast-tracked the installation of five-speed humps and raised crosswalks. The Department is waiting on materials to work on the lower area of Nanakuli. If the City approves the plans, the City will maintain these roads, so the Department complies with the city requirements.

Commissioner Teruya asked if the funding came from the Legislature. S. Matsunaga responded yes. Chair Aila stated that is a good point because, for all those communities that desire these types of improvements for their community, the first suggestion is to go to your Legislator and get them to put it in the budget.

Commissioner Ka`upu asked if we are in the design phase of new projects building in all types of improvements. What about the one's past design, but construction has not started yet? Is the Department going back and changing the design to accommodate these safety precautions? S. Matsunaga stated he would take a look at that.

R. Speer stated the Nanakuli Cemetery has fencing installed, about 1,000 linear feet, repairing the wall, 700 linear feet, removing excess excavated soil, and repairing the water line. The project is scheduled to complete in mid-2023. The estimated cost is \$370,000 in Operating Funds, and the change order is in progress.

Waianae Valley, Increment 4 is eight residential lots with water, sewer, electric, and communication available for award. The lots range from 7,071 sq. ft. to 9,274 sq. ft. The cost was \$1,325,243. Construction started in December 2019 and was completed in December 2021. The final Subdivision approval is mid-2023, subject to the City. S. Matsunaga stated they included fencing in the project, so there is a chain link fence around the project.

Sara Okuda did the presentation for the Waianae Coast Emergency Access Road. It is a Legislative CIP funding for \$3,000,000. The Department will assess the routes, research, analyze alternatives and consult with the community. There are no viable routes through the Nanakuli community, and no further assessments will be conducted. The contract expired in July 2022.

Commissioner Teruya asked whether they lost the funding. Chair Aila stated it was transferred back to the Department of Transportation.

S. Okuda stated that the West O`ahu Sewers Assessment aims to improve existing sewer collector lines to City and County standards. The sewer line locations are Waianae, Princess Kahanu Estates, and Nanakuli. They will replace non-conforming sewer lines, maintain holes, laterals, and cleanouts, reconnect sewer lateral, and do paving restoration. The Waianae IFB was issued in November 2022, and bids were due December 18, 2022. The Princess Kahanu Estates design is in progress, and the Nanakuli design will initiate in 2023. The video camera inspection, smoke testing, and cleanout survey is completed.

The Nanakuli and Waianae Cesspool Assessment. The cost to convert to gravity sewer or low-pressure sewer system (LPSS): Waianae is \$12 million (gravity sewers); Nanakuli: \$17 million (gravity sewer + LPSS). The construction schedule estimate is Waianae – late 2025 and Nanakuli – Mid-2027.

Commissioner Teruya asked for the timeline on the RFP for Hawai`i Community Development. D. Ing stated they do have a 2-year in their contract to get their financing in place. The 2-year is up, and they could not get the low-income tax credit, and the city funds they received will expire next year, and construction has not started. It looks like they have no financing at all right now.

Chair Aila stated the next step is to notify them that they have not complied. D. Ing stated when they started the Maili project, they assumed that Ulu Ke Kukui would be re-developed per the RFP, but now it looks like the Department may have to take it back and try to incorporate those lands into the Maili project. That is why Darrell stated the Department's option is to look at that property and include it in adding more units to the Maili project.

Commissioner Awo thought Ulu Ke Kukui was pau.

Commissioner Ka`upu asked if the Maili project is affordable rentals or leases. D. Ing stated they are going to be affordable rentals. Commissioner Ka`upu asked if there is any opportunity to do condos and offerings so that the Department can get awards? D. Ing stated this needs to be discussed with HSD and the Attorney General's office. Commissioner Ka`upu thinks the Department should incorporate multi-family and rent-to-own.

Note: Slide presentation attached.

ITEM G-8 For Information Only – Status Update on Nanakuli and Waianae Plan Implementation (held over to Tuesday)

REGULAR AGENDA

HOMESTEAD SERVICES DIVISION

- ITEM D-1 HSD Status Reports (held over to Tuesday)**
A. Homestead Lease and Application Totals and Monthly Activity Reports
B. Delinquency Reports

ANNOUNCEMENTS AND RECESS

DHHL Community Meeting Monday, December 19, 2022, 6:30 p.m., Kalanihookaha Community Learning Center, 89-102 Farrington Hwy., Waianae, HI, 96792

RECESS

4:55 PM

HAWAIIAN HOMES COMMISSION

Minutes of December 20, 2022

Hale Pono`i, 91-5420 Kapolei Parkway, Kapolei, O`ahu, Hawai`i, and Interactive Conferencing
Technology (ICT) Zoom

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

COUNSEL Ryan Kanakaole, Deputy Attorney General
Alyssa-Marie Kau, Deputy Attorney General

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

ORDER OF BUSINESS

CALL TO ORDER

Chair Ailā called the meeting to order at 9:35 a.m. Eight (8) members were present at the roll call establishing a quorum.

Pursuant to Act 220, Commissioners are to identify who is in the room. Cameras must be kept on unless excusing yourself from the meeting. A quorum of Commissioners must be visible during the meeting. If there is anyone in the room with you, please identify them. The Board shall be visible and audible to members and the public. No other participants are required to be visible during the meeting. All votes shall be unanimous unless the Commission goes to roll call.

Chair Aila noted that Item G-8 was presented at last night`s community meeting. The Commission will recess for 30 minutes around noon for lunch.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

Public testimony on any item relevant to this agenda may be taken at this time, or a testifier may wait to testify when the agenda item is called for discussion.

PT-1 Jackson – Item F-4

Jackson spoke on behalf of Charmaine Oliverio, who could not attend the meeting. She is a single mother who has received natal care from the health center and supports Item F-4. She is interested that the Department is talking about expanding services there, and since it is a training hospital, it could be open to alternative strategies.

PT-2 Duane Hewlen – Item F-3

D. Hewlen testified on the proposed crematorium for the land next to the Wai`anae Coast Comprehensive Center. His concern is the environmental impact of a crematorium that it takes approximately two tanks full of gasoline of a vehicle to process a cycle, and the toxins can directly affect the environment. The healing center and residential homes are located nearby. He proposed a kupuna housing.

Chair Aila stated the property is zoned industrial and would not be eligible for kupuna housing without the huge effort of rezoning the property. The motion is to do due diligence to continue the discussion with the community.

Commissioner Teruya stated zoning is not a problem as zoning can be changed. Chair Aila stated he does not think putting a kupuna housing next to a sewage treatment plant is proper. That is the only industrial zoning the Department has in Wai`anae and should be kept that way. The zoning of the property helps to generate additional revenue for the Department.

PT-3 Karen Von – Item F-4

K. Von ____ is a trained Western Medical Doctor and has dedicated her life to the research of minerals and vitamins. She is in support of Item F-4. She feels not enough is done in the approach of natural herbal healing. For the industrial zone, she suggested the Department consider companies that can produce vitamins and more healthy ways to help the healthcare center next door.

PT-4 Cora Schnackenberg – Item J-8

C. Schnackenberg testified about the Ualapu`e homestead project and is fine with the 28 lots consultant G70 studied for the settlement plan. Some people spoke against water reservation on DHHL, and there was opposition to the archaeologist's study that certain rocks were designated as significant sites and then later not. Agricultural terraces were

also identified. She supported the Ualalpu`e project on behalf of the Association of Hawaiian Home Lands waitlisters and the Ahonui Homelands waitlisters.

PT-5 Jojo Tanimoto

J. Tanimoto thanked the Department for erecting the fence, but people are still trespassing as they have a key. She has difficulty communicating with staff, and they never got a follow-up on the Punana Leo O Waimea question, which is important to their Kohala community. They cannot do anything in Kawaihae unless they get water. That was a project about 35 years ago. Also, they want to do the evacuation road as it was on the original master plan. She asked for the Department's help.

Chair Aila stated the Department did not give them a key, but the trespassers cut the lock, so the Department is going to cut their lock and put the Department's lock back on. Regarding the Punana Leo O Waimea, the staff seeks consistency among all the Charter Schools on Hawaiian Home Lands. The water in Kawaihae is expensive, and it will take a while to solve the water issue in that area.

Commissioner Awo stated he remembered that the Commission deliberated on the matter. Chair Aila stated that, unfortunately, Kahana is unavailable and does not have an update from him. He stated that there is a strong desire from the Commission to be consistent and fair amongst the Charter Schools throughout the state.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

LAND MANAGEMENT DIVISION

ITEM F-4 Approval to Issue Right of Entry Permit to Waianae Coast Comprehensive Health Center, Waianae, Island of O`ahu, TMK Nos.: (1) 8-6-001:012 (portion),:024 (portion),:025 (portion),:026 (portion),:027 (portion), and:028 (portion)

RECOMMENDED MOTION/ACTION

Land Agent Kaipo Duncan presented the following item on behalf of Acting Land Management Administrator Kahana Albinio:

Motion that the Hawaiian Homes Commission approve to Issue of Right of Entry Permit to Waianae Coast Comprehensive Health Center, Waianae, Island of O`ahu, TMK Nos.: (1) 8-6-001:012 (portion),:024 (portion),:025 (portion),:026 (portion),:027 (portion), and:028 (portion)

MOTION

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

DISCUSSION

Commissioner Teruya stated she was supporting the project. She pointed out the homeless along the Wai`anae Coast, which is not the kuleana of the Wai`anae Coast Comprehensive Health Center. They do support homeless initiatives.

Public Testimony Rich Bettini, President Wai`anae Coast Comprehensive Health Center (WCCHC)

R. Bettini introduced Leinaala Kanana, who heads their homeless program, and Alicia Higa, who heads their food program. Last Sunday, WCCHC opened a portal where people could sign up for food, and in 2 hours, 1700 families signed up, and WCCHC set up a system to deliver food to people. WCCHC serves about 36,000 individuals annually with an average household income of \$18,000. A big part of their mission is to provide medical and social services. They need to create jobs and job training programs. WCCHC is the 21st largest private employer in the State of Hawai`i and employs over 600 people.

A. Higa is WCCHC's Director for Health Promotion and was born and raised in Makaha. She is looking forward to putting more security on food sovereignty. Having a food campus is an opportunity to focus on food sovereignty.

L. Kanana is the Director of Community Services. The homeless team was out canvassing the coast and informing the homeless of the impending storm, but today they are responding to people with ripped tents and flooding in the coastal areas. They rely on other organizations' partnerships to help respond to the homeless. With the right of entry to the adjacent property, the hope is to expand WCCHC's social services and address the root cause of the social determinant of the community.

Commissioner Awo commented on WCCHC's desire to move forward and supports their efforts.

Chair Aila stated he wanted to recognize Reverend Charles Wothke, Mama Maunakea, and Auntie Aggie, who would be proud of what you have done at the Comprehensive Center.

Public testimony by Jackson. On July 17, he was beaten at the Wai`anae Boat Harbor and almost lost his leg. WCCHC saved his life. He benefits from their outreach, food, and medical programs. He stated that the WCCHC is awesome. He also stated that a kupuna housing should be put up instead of a crematorium.

ACTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X		X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Eight (8) Yes votes.						

ITEM F-5 Preliminary Approval to the Issuance of a General Leases to Kaala Farm, Inc., Nanakuli, Island of O`ahu, TMK No.: (1) 8-5-005:0036

RECOMMENDED MOTION/ACTION

Land Agent Kaipō Duncan presented the following item on behalf of Acting Land Management Administrator Kahana Albinio:
 Motion that the Hawaiian Homes Commission grant its Preliminary Approval to the issuance of an initial 25-year General Lease to Kaala Farm, Inc. to use approximately 97.764 acres of Hawaiian homelands located in Waianae, as listed to continue the advancement of its cultural welfare of native Hawaiians through its ongoing cultural learning center operations.

MOTION

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

Public testimony Eric Enos. E. Enos is the Director of Kaala Farms. He was with the Wai`anae Recreational Center working with youth, and they started to clear the land they called “Babadeez Creek.” It was ranch land, and they got it out of ranching from the Department of Agriculture because of poor land management. The work there is to teach people how to farm to table, Hawaiian style.

Commissioner Awo stated he fully supports the proposal and is grateful E. Enos is still engaged.

Commissioner Teruya stated E. Enos is a legacy in the Wai`anae moku. She supports his proposal.

Public testimony Kapua Kamai. She supports E. Enos' proposal.

DISCUSSION

Niniau Kawaihae stated in 2016, the Department hosted the Navajo Nation, and part of the itinerary was to go to Kaala Farms. E. Enos hosted them and shared the Hawaiian lifestyle with them.

Commissioner Ka`upu stated that it is preliminary and some discussions will take place before it becomes final. He asked if there is a timeframe before it is final.

E. Enos stated does not know all the terms and what needs to be done. Townscape is the planner. Chair Aila asked if he could talk with the planners and provide guidance.

Commissioner Ka`upu stated this is the second preliminary approval discussed recently, and the Department does not want the preliminary decisions hanging on forever. He stated there should be a target date. Land Agent Kaipō Duncan stated it depends on HRS Chapter 343 environmental assessment, which can take six months to a year to complete.

Planning Manager Andrew Choy stated there are three ways to comply with HRS Chapter 343; one is the EIS, the second is the EA, and the least difficult way to determine if a project can be exempt from the environmental assessment. They could try to see what can be exempt from the environmental assessment. Chair Aila stated that if the proposed actions are similar to those that are occurring, then that would be one determination, possibly for the exemption. He thinks the work is already occurring and is just a matter of getting the information.

Commissioner Awo stated it should be clear what the benchmarks are. Chair Aila stated that the Department could take the suggestions and tighten the timeframes.

Commissioner Teruya stated her concern is that ROEs are approved, and then suddenly, there is no due diligence. The Department needs to examine the ROEs that are not in compliance thoroughly. If the Commission votes not to approve the ROE, then the tenant is not approved to be on the property and have a clean-up plan. She will look at ROEs in her district that is not in compliance. She thinks this Commission will work hard to ensure that the next Chairman and Legislators will listen to this Commission's concerns about the enforcement of DHHL.

Commissioner Neves stated he would like the Department to put the most important bullet point first. Number 6 should be number 1 as it determines the amount of time. He would like an update from the Department on whether there will be an exemption.

Chair Aila thanked E. Enos and stated the establishment of the auwai to bring water back to the lo'i pre-dated Waiahole/Waikane. The experience and the connection you have provided to bring the kids back to the `aina has probably prevented hundreds of children from experiencing O`ahu Community Correctional Center (OCCC). So many creative programs came out of Kaala and have been replicated in communities throughout the

pae`aina. Before anybody talked about the ahupua`a system in the 1960s, Eric was talking about it. There are now learning centers across the state due to people visiting Kaala and getting inoculated. Eric has not only been in the mountain, but he has exposed children to opelu and other types of fishing along the coast.

Chair Aila acknowledged Uncle Walter Paulo and Uncle Eddie Kanana, kupuna, who have been part of your mentoring and our mentoring. Kaala has produced kalo andagi, kalo pizza, and kalo flatbread. Eric Enos has made these products with hundreds of students across the state, introducing them to kalo in new forms. Chair Aila thanked Eric for being the catalyst.

Lori Buchanan stated she supports Eric’s proposal.

ACTION

Moved by Commissioner Teruya, seconded by Commissioner Awo, to approve the motion as stated in the submittal.						
Commissioner	1	2	‘AE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves			X			
Commissioner Teruya	X		X			
Chairman Aila			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Eight (8) Yes votes.						

ITEM F-3 Approval to Issue Right of Entry Permit to Waianae Valley Homestead Community Association, Inc., Waianae, Island of O`ahu, TMK No.(1) 8-6-001:022 (portion):

RECOMMENDED MOTION/ACTION

Land Agent Kaipo Duncan presented the following item on behalf of Acting Land Management Administrator Kahana Albinio:

Motion that the Hawaiian Homes Commission approve to issue Right-of-Entry Permit to Wai`anae Valley Homestead Community Association, Inc., Wai`anae, Island of O`ahu, TMK No. (1) 8-6-001:022 (portion) to conduct due diligence study.

MOTION

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

Public testimony Jenna Kepa. Vice-President Wai`anae Valley Homestead Community Association. She stated that one thing that stood out to her in last night's meeting was Chair Aila's statement, "do not wait for us." It inspired them to move forward, which is what they are doing. They are learning and looking for guidance as they are not ma`a to the process. The Wai`anae Sustainable Co-op is a direct benefit for some of the homesteaders. The crematory is not about burning up the Hawaiians but giving them an option.

DISCUSSION

Commissioner Teruya asked if their co-op is registered with the State's Department of Commerce and Consumer Affairs. Kapua Kamai stated they are registered. She believes it was in October, but she is not certain. Commissioner Teruya asked if their non-profit has its 501(c)3 designation. K. Kamai stated they are in the process of obtaining the non-profit status. The co-op was incorporated as a consumer cooperative in the State of Hawai`i in June 2022, and she believes they are vendor compliant.

Commissioner Ka`upu stated one is not required to be a charitable organization under the IRS to qualify to hold an ROE but is required to be compliant.

Chair Aila stated the issue today is for a right of entry for them to conduct due diligence to see if the projects are feasible. They have to come back to the Commission for final disposition. It is hard for them to present information that they are not aware of yet, but this allows them to go onsite and look at the roof and have their consultants make assessments of whether the existing roof is capable of holding the solar panels or not, or that the room is capable of holding crematory equipment. We are only permitting them to go onsite to do their calculations. They may find that it is not feasible, and the proposed project goes away or is modified. The Commission is not giving them the disposition to put the solar panels or the crematorium machine on the property.

Commissioner Teruya asked when do they come back. Chair Aila stated the permit is up to a year, and when they can do it within the year, they will return with the information. Commissioner Teruya stated she is strongly deferring on the crematory proposal. K. Kamai stated they only need to be on the property for the assessments and evaluations.

Commissioner Awo stated he wants to ensure how the community feels and instruct the Commission on whether or not this project moves forward. He would be amenable for them to report quarterly to update the Commission. Chair Aila stated there is a motion that will have to be amended to include that condition.

Commissioner Neves stated under item 1C, their term of the right of entry is month to month up to 36 months. The right of entry is just to get on the property and to check it out. There is a timeframe.

Commissioner Kaleikini stated he supports the proposal. He thinks the Association will try its best to get things done.

Chair Aila stated, for the record, a Commissioner must take a look at whatever comes to the table to protect the Trust in perpetuity.

ACTION

Moved by Commissioner Awo, seconded by Commissioner Helm, to approve the motion as stated in the submittal.						
Commissioner	1	2	'AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X		X			
Commissioner Helm		X	X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves			X			
Commissioner Teruya				X		
Chairman Aila			X			
TOTAL VOTE COUNT			7	1		
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed. Seven (7) Yes votes. One (1) Abstained						

RECESS

11:20 AM

RECONVENED

11:41 AM

Note: Commissioner Teruya is excused and departed the meeting at 11:18 AM.

PLANNING OFFICE

ITEM G-7 Authorize the Chairman to Enter into a Memorandum of Understanding Agreement Among DHHL, Trustees of the Bishop Estate of Bernice Pauahi Bishop dba Kamehameha Schools, and the County of Hawai`i Department of Water Supply (DWS) Regarding Water System Improvements and Allocation of DWS Water Credits and Facility Charge Credits, Keauhou, North Kona, Hawai`i Island

RECOMMENDED MOTION/ACTION

Planning Manager Andrew Choy presented the following:

Motion that the Hawaiian Homes Commission Authorize the Chairman to Enter into a Memorandum of Understanding Agreement among DHHL, Trustees of the Bishop Estate of Bernice Pauahi Bishop dba Kamehameha Schools, and the County of Hawai`i Department of Water Supply (DWS) Regarding Water System Improvements and Allocation of DWS Water Credits and Facility Charge Credits, Keauhou, North Kona, Hawai`i Island

MOTION

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

A. Choy stated the Commissioners were presented with the informational workshop at yesterday's meeting. He asked if there were any further questions.

DISCUSSION

Commissioner Kaleikini stated there was an estimate to complete Well 2A under \$5 million, so does that mean the system can deliver water after \$5 million? A. Choy stated he believes the estimate is what it would cost to bring the well online. \$5.6 million is a rough order magnitude estimate given about October of this year. The cost of supplies and materials widely fluctuates, which is the best guess. Until the Department can complete the engineering design work and construction plans and put the project out to bid, the department will not know the cost for sure. The cost to do the well includes the control building for managing the pump. It does not include the transmission lines to the county system or any additional storage improvements.

Chair Aila stated the cost of developing a well is one of the biggest impediments to DHHL. The Department has asked USDA to reconsider its restriction for using its monies to explore wells. He thinks the Department has an audience willing to have that discussion at the local and DC levels.

Public testimony Bo Kahui. La`i `Opua CDC submitted written testimony supporting Item G-7 related to the Memorandum between Kamehameha Schools, the County, and the Department for developing a water source at Keauhou.

Chair Aila encouraged B. Kahui and the organizations to talk to our Congressional Delegation to change the language and the statutes that do not allow USDA funding to be used for exploration. He is hopeful that there is a carve out just for Hawaiian Homes because that would speed up DHHL's ability to provide infrastructure and move development along.

Commissioner Ka`upu inquired about a paragraph on page 7 that reads, "DHHL and DWS shall require their contractors to be responsible for compensating KS for KIC's lessees for any loss." Is it the big KS and KIC lessees or KS lessees or KIC's lessees? KS is defined as the organization's Trustees, so he thinks it is those affected by easements and access.

A. Choy stated he believes Commissioner Ka`upu is asking if there should be damages should the Department compensate Kamehameha Schools or should the Department compensate the individual lessees. A. Choy referred the question to Randy Boudet of Kamehameha Schools.

R. Boudet stated that the section is meant to address lessee damages. KIC and KS are the same. KIC was a for-profit farm for Kamehameha Schools within the Keauhou development area, a designated land area, and part of the infrastructure to be improved. The Keauhou shaft well is within the land confines of what KIC is responsible for, which is why the KS/KIC.

Commissioner Ka`upu asked if there are lessees in the area that are KS lessees and not KIC lessees. R. Boudet stated there are no lessees in the specific area or KIC lessees within the scope of work. Mauka of that there are lessees on KS lands.

Commissioner Ka`upu suggested in the MOU that the phrase “KS or KIC’s lessees” change to “KS lessees or KIC’s lessees.” He thinks that is what was intended, which means the lessees are either KIC or KS, and you just explained there are no KIC lessees in this area. R. Boudet stated that at this point, it does not mean it will not be there at the drafting or the execution of a formal agreement, so if your question is to remove the “slash” or put in the word “or.” Is that what you are suggesting? Commissioner Ka`upu repeated his suggestion and stated that R. Boudet could take it up with his KS legal.

Chair Aila stated he thinks the Department can seek clarification from legal as this moves forward.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Eight (8) Yes votes.						

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

REQUESTS TO ADDRESS THE COMMISSION

ITEM J-9 Rogeitte Bernardino – Kauluokaha`i Self-build

R. Bernardino stated in October 2020; she was awarded a lot in Kauluokaha`i Increment II. It is December 2022, and she still has no house. Home Street's financial institution told the Bernardinos that their contractor could not use his bonding company and the Bernardinos would have to go with Home Street’s bonding company. They contacted their contractor, told him the situation, and asked if he would go with one of the three bonding companies from Home Street. Meanwhile, the rate increased from 5% to 7%, which means a \$2000 mortgage loan would now be about \$3500 a month mortgage loan.

She asked why they were limited to Home Street. Her understanding is that the turnkeys were processed first, and the vacant lots were put on the back burner. R. Bernardino asked the agent how their loan was going, and the agent stated he had turnkeys to get processed. Chair Aila asked that the staff come up to explain.

Hale Manager Michelle Hitzeman addressed the turnkey and stated the Department does reach out to the lender. The construction process could be how and why the lenders put the turnkey in front. Home Street controls its process.

Chair Aila asked about the vacant lot build-outs. Is the Department telling beneficiaries that they only have to go to Home Street, or can they go to other lenders? M. Hitzeman stated lenders that CAD is aware of that provide construction loans on the homestead is Home Street Bank, and CAD recently found out that First Tribal Lending does 184A construction loans. Another option is utilizing Native Hawaiian organizations such as CNHA, and, recently, Hawaiian Community Lending does interim construction loans. Still, the family must find a permanent loan from any FHA lender who does homestead loans. Chair Aila asked once the house was constructed. She responded correctly. He asked if she knew why Home Street would initially approve the bonding and then change their mind. M. Hitzeman stated the information they got from Home Street Bank, Richard Abe, was that particular company, Surety One because they do not monitor the funds. The bond company releases the money upfront to the contractor, and because there is no monitoring of funds, Home Street Bank was not approving that particular bonding company. Home Street is the one not moving forward. Would the Department give them additional time to contact the other two? M. Hitzeman stated yes.

R. Bernardino stated they found First Tribal on their own, not through the Department, which should have been shared with them. They found it through Nakoa Development, leading them to CNHA, who told them of First Tribal.

Chair Aila stated American Savings and Central Pacific Banks are considering construction loans, but there are no memorandums of agreements. He apologized that Home Street changed the rules on them and asked if they considered a kit house from Honsador because they will bond the construction build.

R. Bernardino stated it seems the Department was unaware of what Home Street Bank did to them. Let people know to check on the contractor and who their bonding company is. Chair Aila stated the Department would follow up with Home Street Bank. He stated because it was not their fault for the delay, the Department would extend

Commissioner Ka`upu stated that Kahanu, the Principle of Nakoa, helps people who are trying to build homes and fills the gap by trying to advise people about the process and all the things that need to happen. Kahanu, independent of the Department, is trying to fill the gap. He wanted it on the record that he is familiar with Nakoa and Kahanu and the services he is trying to provide. He thinks these people are saying that the Department should be providing this service to bridge the gap, because had they not found Nakoa, they would not have known.

R. Bernardino asked what her recourse is in getting a loan. M. Hitzeman stated that if you receive a denial letter from one of the financial institutions, the Department can bring you in-house to our loans department. Still, the Department would need an actual denial letter from the lender. In-house still has qualifying requirements. R. Bernardino stated Home Street was supposed to send her a denial letter.

LAND MANAGEMENT DIVISION

ITEM F-6 For Information Only – Geothermal Investigation/Exploration at Humuula, Hawai`i Island, various DHHL TMKs

RECOMMENDED MOTION/ACTION

None. For Information Only. Land Agent Kaipo Duncan presented the following item on behalf of Acting Land Management Administrator Kahana Albinio:

Chair Aila stated these items are meant to plant seeds with the Commission. Not a lot of discussion, but to present these as informational. The TMKs are attached along with some correspondence from the Senate regarding the opportunity to use parts of the \$600 million. There is information from the Senate President that says that was the intent. It is a potential source of revenue that is independent of the Legislature, so if the Commission can find or prove the source at Humuula, the Department gets a 100% of the revenue, and depending upon how far and how much can be sold, it could become a significant source of income for the Department in the future. If the next Chair desires to pick it up, or if the Commission asks the next Chair to pick it up.

DISCUSSION

Commissioner Ka`upu stated he read Craig's opinion and asked if he was correct in the conclusion that using these funds to generate revenues that go towards relieving the wait list is not exclusive to geothermal. Chair Aila stated he does not believe it would, and it opens other possibilities for the Commission to consider. He also stated the due diligence that the University of Hawai`i has done, there is a high probability of either heat, steam, or freshwater, which will be equally valuable at Humuula. Commissioner Ka`upu stated he would like to hear Commission Kaleikini's thoughts as he is in the industry.

Commissioner Kaleikini stated he thinks it is a great opportunity, and the University of Hawai`i has done some preliminary studies. Professor Don Thomas, who was commissioned to look for water for the Pohakuloa Training Area, actually drilled two water wells. In the process, he discovered some heat in the areas he was at. The upside is that even if it is not geothermal, there is perhaps water, and in Humuula, that is a critical infrastructure portion. There are already power lines traversing Saddle Road, so there is electricity but no water. In the Pohakuloa Training Area, they spent millions of dollars hauling water up there. They have a small spring, but it is not enough. He thinks that next to a casino, this is the greatest opportunity. Besides what Craig has in his opinion, there is also Act 97 that reaffirms that for any development of geothermal on Hawaiian Home Lands, all of the revenue would go towards the Department. With the experience he is

familiar with, the Commission can look anywhere, depending on the size of the development, \$10 - \$15 million a year in royalties in lease payments. He stated he would fully support continuing the dialogue on this opportunity.

Commissioner Ka`upu stated the Commission had a group earlier in the year proposing to put together a hui of folks pursuing geothermal development, and the Department's participation would have been on Hawaiian homelands. This proposal is independent of the earlier proposal by the group.

Commissioner Kaleikini stated he read the communication between the AG and Senator Dela Cruz and the mention of \$2 million. He knows that Senator Dela Cruz passed a Bill for half a million dollars this past session. Is that affiliated with the Department to take the lead to use those funds? Chair Aila stated it is separate. The Department went through an RFP process and selected someone to provide an investigation and recommendations to the Department about geothermal. Commissioner Kaleikini asked if the Commissioners can be briefed on the folks the Department has selected, and what they plan to do so the Commission is aware of what is happening. Chair Aila stated he would ask Kahana to brief the Commission at the next meeting. Right now, it is in the Attorney General's office. The new Chair has to apply, similar to the grants, to the new Governor for the release of funds. Chair Aila stated he does not anticipate any problems except the slight delay. The other project was the investigative report on the gorse, which the Department entered into an MOA with the County of Hawai'i.

ITEM F-7 For Information Only – Sale of and/or Land Exchange, Waimanalo, O`ahu Island, TMK No. (1) 4-1-014:007

RECOMMENDED MOTION/ACTION

None. For Information Only. Land Agent Kaipo Duncan presented the following item on behalf of Acting Land Management Administrator Kahana Albinio:

Chair Aila stated another seed was being planted. The cliffs of Waimanalo and an informal request for a long-term disposition for cemetery-like purposes. After talking with the Attorney Generals, there is no way the Department can give a 65-year lease for perpetual internment. The idea is to continue the exploration of a land swap or sale, depending on the category of land. The idea is to introduce opportunities, and it has to be for perpetual use.

Commissioner Ka`upu asked where is this? Chair Aila stated it is by the Makai Pier in Waimanalo and where the former President's house is. K. Duncan stated it is where Correa Ranch used to be.

Commissioner Helm asked when you say land exchange, is that land exchange within Waimanalo? Chair Aila stated it is a potential land exchange with the Department of Land and Natural Resources or a land exchange with the group that has expressed an interest.

REQUEST TO ADDRESS THE COMMISSION

ITEM J-2 Homelani Schaedel – Various Concerns

H. Schaedel stated the Commission had worked hard to make difficult, realistic, and manageable decisions regarding Act 279. She asks the Department to consider doing Puwalu again to help with information and training for homestead associations that can be returned to the homeowners.

RECESS

12:45 PM

RECONVENED

12:55 PM

ITEM J-3 Bo Kahui – La`i `Opua Development Corporation

B. Kahui is with the La`i `Opua CDC. He stated there is not enough water in North Kona. He will be working with staff to bring other water resource opportunities to the Department to support the Department in delivering housing and other opportunities to help the community.

ITEM J-1 Kekoa Enomoto – Maui/Lanai Mokupuni Council and Pa`upena Community Development, Inc.

K. Enomoto stated she made efforts to contact and advise those on the November 19 list of 116 deceased Hawaiian Home Lands waitlisters who died without successor beneficiaries. She advised a beneficiary of the steps needed to transfer her Paukukalo lease to an offspring and to take her Mom's place on the waitlist. She reached out to DHHL staff to discern the number of deceased wait listers in the past 12 months with successor beneficiaries who have died on the list. She welcomed the DHHL's Director nominee Ikaika Anderson's intent to prioritize getting beneficiaries onto Hawaiian home lands. She reiterated her support for the need to get all waitlisters to receive undivided interest status and her support for the kuleana awards program.

ITEM J-5 Blossom Feiteira – Various Concerns

B. Feiteira stated the conversation about crematoriums had been talked about for a long time. She understands that the priority is homesteading, but she is asking the Commission to consider the plan as a final resting place for our homesteaders. She strongly supports Waianae's plan for the future, and they would be the best test case if something like this is going to work. She asks that the Commission help them so they can do their due diligence. She commended the Department and its staff on the Strategic Plan for the \$600 million and continues to support it. Chair Aila is her 10th Chair, and Randy Awo is her 7th Commissioner. As the Chairman, he has done so much for our beneficiaries and the Department, fixed the land use, and disposition issues, supported your staff in a plan to put our people on the land, taken a stand on how the Department takes a look at climate change and its effect on the land and its people, ungulate management and pushing forth

our cultural practices. Chair Aila expressed his mahalo and that it has been a privilege to serve here.

Commissioner Awo asked B. Feiteira for clarification if the SCHHA's plan was similar to DHHL's plan. She responded that this is correct, and one is to acquire developable lands as she notes that the Department has been working on that strategy for the past 5-years and have been successful.

Chair Aila stated the current plan submitted is the Commission's plan. The Legislature will understand that the Commission left it flexible for good suggestions and will have to be approved by this Commission.

ITEM J-8 Keomailani Hirata – DHHL Ualapu`e Kuleana Homestead Project

K. Mirata shared a presentation with the Commission on Stop Ualapu`e Kuleana Project. As a kanaka oiwi, she is not against DHHL beneficiaries or waitlisters getting on the aina. Her mana`o is to stop the Ualapu`e Kuleana Project and that the Commission hear from the generational families and the kuleana descendants of Mana`e that surround Ualapu`e. They will continue community outreach and engagement with the Commission and the Department. If the project moves forward, expect opposition and protest from the Native Hawaiian community and other residents in Mana`e because of this project.

Public testimony Lori Buchanan. She supports Keomailani's presentation. Keomailani is one of the representatives of the Moloka`i Burial Council. She attended a presentation in Ho`olehua with then President Kilia Purdy-Avelino, who came to the Commission expressing disappointment in having a Ho`olehua Veterans Cemetery taking up space from the only recreational park in all of Ho`olehua. She stated the Chairman informed the Commissioners that it was too late to grumble; awards were made, and they were breaking ground. She stated the Commission bifurcated out the DHHL water in Ualapu`e because of the group's intervention.

Public testimony Faith Chase. She stated the restrictions listed in the presentation given by Keomailani are unacceptable. Restricting homesteaders from having infrastructure is illegal. The Commission has to provide the infrastructure for Kahikinui and Ualapu`e and cannot expect homesteaders to fend for themselves in these rural water barren areas. She also supported Item J-1 regarding Keokea. She supports the presentation by Keomailani.

Public testimony Kekoa Enomoto. The statement that people who live or go there become pupule generates fear. She stated many of the statements in the presentation were meant to instill fear. Regarding water, she suggested Moloka`i build a desalination plant. Regarding erosion, she suggested the UN's World Conservation Strategy. Regarding historic sites, let the sites live and have people interact. Regarding the G70 rendering, the General Plan has been approved by the Hawaiian Homes Commission.

Note: Slide presentation attached.

Chair Aila stated that the Commission has to shift to the Contested Case Hearings and would be back for the remainaing J Agenda Items.

RECESS
RECONVENED

2:00 PM
4:40 PM

Note: Deputy Attorney General Ryan Kanaka`ole stepped in for the Contested Case Hearings and the remainder of the Commission meeting.

Chair Aila asked Commissioner Awo or Commissioner Neves for a motion to reconsider the discussion and approval of the following Minutes:

APPROVAL OF MINUTES JANUARY 19 & 20, 2016; February 23, 2016; AND MARCH 21 & 22, 2016.

MOTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to reconsider the following Minutes: January 19 & 20, 2016; February 23, 2016; and the March 21 & 22, 2016 Minutes. Motion carried unanimously.

Chair Aila stated yesterday’s vote was 4 to 1, and we have additional Commissioners at the table today. He asked DAG if the Commission has to vote on the original motion after this vote. First is the motion for reconsideration and the vote on the motion once reconsideration is granted. DAG Kanaka`ole stated correct, and to correct the record yesterday’s vote was 4 ayes and 1 abstention as well as the remainder of absences.

Commissioner Neves asked if the motion is to adopt the motion or to acknowledge the motion. DAG Kanaka`ole stated he believes it is the motion to approve.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to reconsider the motion to approve the January 19 & 20, 2016; February 23, 2016; and the March 21 & 22, 2016 Minutes.						
Commissioner	1	2	`AE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya						X
Chairman Aila			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes.						

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the January 19 & 20, 2016; February 23, 2016; and the March 21 & 22, 2016 Minutes.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Commissioner Teruya						X
Chairman Aila			X			
TOTAL VOTE COUNT			7			1
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously. Seven (7) Yes votes.						

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

**REQUEST TO ADDRESS THE COMMISSION
CONTINUATION OF PUBLIC TESTIMONY ON ITEM J-8**

Public Testimony Alohalani Smith. She stated her ohana is from Mana`e. No. 1 - The lack of water and leaving the responsibility to the beneficiaries is not pono, especially for ag lots. This is setting up the people for failure. When the drought season comes, it is really hard. No. 2 - The erosion and chemical runoffs are trouble for the fish ponds and the ecosystem. No. 3 - Ninety plus cultural sites are what the eyes see, but what is under the dirt is another story. No. 4 – The disclaimer that DHHL will not take responsibility for those expressions shared is catastrophic for the beneficiaries and their ohana. No. 5 – The Ho`olehua park and Veteran’s Cemetery building are being taken; it is horrible for the people entitled to a Trust that Prince Kuhio gave.

Commissioner Ka`upu clarified that she is opposed to the Department not providing water. She stated the development is concerning. He asked if she was testifying against any site at Ualapu`e. She supports it if it is good for the people; it just has to be done right.

Public testimony Mahina Poepoe. She is the District 13 Elected Representative. She supports Keomailani’s presentation on Ualapu`e. She supports DHHL’s purpose in relieving the waitlist. Still, it is also about taking a closer look and objectively analyzing what is best for wait listers in the Ualapu`e project. It was a priority on the Regional Plan, but if the Department were to go back now and ask those who prioritized and know what they know today, she thinks the Department would get a different result. The areas on the slide appear not to have been covered by the ARC survey, and she thinks it is incomplete

and should be revisited. She was alarmed that Uncle Walter Ritte supported the Ualapu`e project. Hence, she called him, and he permitted him to share that “while he is supportive of getting people on the land without requiring infrastructure, he does not support the plan they have for Ualapu`e.” There are sentiments from him shared in the Minutes of the Community meeting. The ike of people entering the area and coming out pupule is common knowledge; in Mana`e, everybody knows that, and it is not about fear-mongering. Still, it is the story of our place and respecting that place and that knowledge and knowing that there are uhane in the area and if you disrespect it bad things can happen. It is not about instilling fear in people. She knows the community will push for an EIS and that this project will cost a lot more money.

ITEM J-6 Simeon “Butch” Ramos, Jr.

S. Ramos; wife, Malia M.K. Ramos is the lessee. He has two issues. One issue is an old situation that Department does not want to resolve. A project was done in the back of their house on Kapahu Street in 1999 or 2000, in which five or six houses were affected. They were going to put a road to clean rockfall with the promise that any improvements taken off would be appraised and reimbursed to the lessees. He had a wall that was 4 ft high and about 120 ft long, and when they were doing the project, a huge rock came down and demolished one of his cars. His problem is that the people he dealt with then, Pat Young from the Engineering Department, John Hirota, and Noel Akamu, are no longer with the Department. They are all retired.

About two years ago, he got a letter saying that the Department would be doing another project in the back of the house, they needed a 20 ft easement along the side of his house to get to the back, and after that, we will do a 12 ft permanent easement. (the 20 ft easement was a temporary easement). On the original plan, the easement should have been on the property next door to him, which was Robert Kekaula’s house.

The Department took his wall away, and they caused the rock to fall, and the Department needs to reimburse him, that is all.

Chair Aila summarized that in 2000 the Depratment put in a road which removed the four ft. by 120 ft. wall and you were not compensated for that improvement. He asked if there are any records requesting financial compensation for the wall. S. Ramos stated today, yeah, but 20 years ago, no.

Chair Aila asked if he had pictures of the wall. S. Ramos stated no the Department sent letters to them about the new plans, which still show his wall. So, they admit there was a wall there, but you know it has not been there for 20 years. The new engineers, or whoever drew up this letter, took the old survey instead of doing a new survey.

Chair Aila asked him if he had put the wall in or if the wall existed. S. Ramos stated the wall was there from the previous lessee. He has an estimate of what it would cost to put that wall back.

R. Ramos stated his second issue is they need to straighten out the mountain. Chair Aila stated he would commit to talking to a rock fall engineer to get a professional opinion on that outcropping.

Chair Aila asked him what the estimate he received on the wall was at today's cost. S. Ramos stated \$45,000, and the damage to the car, which was only two years old, was \$9,500. He ended up selling it for parts.

He stated he would check to see if the Department had rock fall engineers review it.

Commissioner Ka`upu asked what about the easement now. He suggests solving everything one-time pau.

ITEM J-4 Debbie Mahuna – Pu`unani Homestead Association (deferred)
ITEM J-7 Kaulani Almeida – PHHLCA (deferred)

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next HHC meeting – January 17 & 18, 2023 (Tuesday & Wednesday) Hale Pono`i, Department of Hawaiian Home Lands, Kapolei, O`ahu.

Next DHHL Community Meeting – February 21, 2023 (No Community Meeting in January)

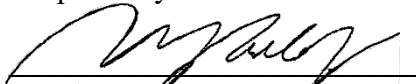
MOTION/ACTION

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

ADJOURNMENT

5:22 PM

Respectfully submitted:

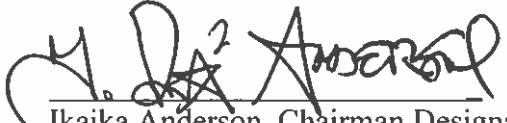


William J. Ailā Jr., Chairman
Hawaiian Homes Commission
(May 2019-December 2022)

Prepared by:

Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

APPROVED BY:
The Hawaiian Homes Commission
At Its Regular Monthly Meeting On
January 17, 2023



Ikaika Anderson, Chairman Designate
Hawaiian Homes Commission