

HAWAIIAN HOMES COMMISSION

Minutes of November 21, 2022

Courtyard by Marriott Kahului Haleakala Ballroom, 532 Keolani Pl., Kahului, HI 96732
and Interactive Conferencing Technology (ICT)

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

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

EXCUSED Pauline N. Namu‘o, O‘ahu Commissioner

COUNSEL Katie Lambert, 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 9:58 a.m. Seven (7) members were present at the roll call establishing a quorum—five (5) were present in person, and two (2) were via Zoom.

Pursuant to Act 220, Commissioners shall be visible and audible to members and the public unless leaving the meeting. No other participants are required to be visible during the meeting. All votes shall be taken by voice vote unless a roll call is appropriate.

Item C-5 was distributed under a separate cover and available on the DHHL website. Item H-1 will be moved to the beginning of the meeting. The Commission will recess around noon for about 30 minutes for lunch.

APPROVAL OF AGENDA

MOTION/ACTION

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

APPROVAL OF MINUTES OCTOBER 17 & 18, 2022 REGULAR MEETING

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the October 17 & 18, 2022 Minutes. Motion carried unanimously.

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

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Blossom Feiteira – Various agenda items

B. Feiteira supported Items E-1, F-1, and F-2. Item G-2 has been 2-years in the making and is an excellent plan. Item C-4 needs more tweaking. She supported Item C-5, which will help deploy the \$600 million more efficiently. She asked that the Commission adopt Item E-3. Item E-4 - excited that the beneficiaries will have the opportunity to speak live to the Commissioners. Beneficiaries have difficulty with the district office and would like issues resolved. The lack of response from the district office is causing concern. Item F-3, she asked that the Commission support the proposal. Regarding the status update on vacant lots in Kahikinui, she understands there is a bit of a delay but stated they are targeting the first quarter of 2023

PT-2 Homelani Schaedel – Items C-4, E-1

H. Schaedel commented on section 2 of the Supplemental Dwelling Unit submittal and asked that it clarify separate or detached dwellings. Regarding Item E-1, if homes have been built on the parcels, she suggested looking at how changing it from the land court to the bureau of conveyances will impact the legal description for each lot.

Chair Aila stated his understanding is switching from land court to regular court is based on new construction. No existing lessee should have an issue with that conversion. The Department has to do it because some roads are controlled by DLNR even if they are not built yet. It has to be completely turned over to the DHHL to do the subdivision. Then the individual leases can be described and the common areas, roads, drainage, etc., consolidated. It would clarify what the lessee is responsible for. H. Schaedel asked what impact it would have on the construction of homes. Chair Aila stated it would make the process much easier. The conversion process would take a couple of months.

PT-3 Donald Batbie – Item F-2

D. Batbie testified that in 2001, the Commission approved an easement for roadways and utilities for his lot in Kula. They have been going through Hawaiian Home Lands to their lot for the past

20 years. In May, he discovered that the Sandwich Isles Communication facility was built on top of the easement. He requested that the Commission approve the realignment of the easement so that he does not have to drive through the building.

Chair Aila stated he believes that is the recommendation of staff and asked that he monitor the Commission meeting until it gets to the vote on agenda Item F-2.

ITEMS FOR DECISION MAKING

CONSENT AGENDA

HOMESTEAD SERVICES DIVISION

- ITEM D-2 Approval of Consent to Mortgage (see exhibit)**
- ITEM D-3 Ratification of Loan Approvals (see exhibit)**
- ITEM D-4 Approval of Homestead Application Transfers/Cancellations (see exhibit)**
- ITEM D-5 Approval to Certify Applications of Qualified Applicants for the Month of October 2022 (see exhibit)**
- ITEM D-6 Approval of Assignment of Leasehold Interest (see exhibit)**
- ITEM D-7 Approval of Amendment of Leasehold Interest (see exhibit)**
- ITEM D-8 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)**
- ITEM D-9 Commission Designation of Successor of a Tenant-In-Common Interest – WILDER K.E. MATSUDA, Residential Lease No. 2145, Lot No. 226, Kewalo, Oahu**
- ITEM D-10 Commission Designation of Successor – ROBERT HANO HANO, Residential Lease No. 12842, Lot No. 126, Kauluokahai, O`ahu**
- ITEM D-11 Commission Designation of Successor – STANLEY S. REYES, Residential Lease No. 11853, Lot No. 18645, Kanehili, O`ahu**
- ITEM D-12 Approval to Consolidate and Re-subdivide, Amend Lease Nos. 5105 & 5105-A, Lot Nos. 156-A & 156-B, Panaewa, Hawai`i – CARDINAL K. THOMAS, III & MARCEL K. EVANS**
- ITEM D-13 Request to Surrender Interest in Lease – Residential Lot Lease no. 3880, Lot No. 80, Kalamaula, Moloka`i, Co-Lessees: CORINA N. GOMES (fka) CORINA N. KEAHI, ANDREW GOMES (fka) ANDREW KEAHI-NAKI, DAVID GOMES (fka) DAVID KEAHI-NAKI and PRECIOUS KEAHI**
- ITEM D-14 Commissioner Designation of Successor to a Tenant-In-Common Interest – VIOLET K. KAHOKULOA, Residential Lease No. 6482, Lot No. 42, Anahola, Kauai**

RECOMMENDED MOTION/ACTION

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

MOTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the Consent Agenda. Motion unanimously passed.

DISCUSSION

Commissioner Helm asked for an explanation of Item D-12. J. Garcia stated that D-12 involves a co-tenant for an existing lease on Moloka`i, who holds a joint tenancy interest with his mother

and siblings. He is in line to receive a lease from his aunt but must surrender his current property interest to receive the lease from his aunt. Surrendering his current interest is easier than doing a transfer.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the Consent Agenda 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

WORKSHOP

ADMINISTRATIVE SERVICES OFFICE

ITEM H-1 Amendment No. 1 – DHHL FY 2023 Operating Budget DHHL Water System(s) Debt Service and Reserve Accounts

RECOMMENDED MOTION/ACTION

None. For Information Only. Administrative Services Officer Rodney Lau presented the following:

R. Lau stated Item H-1 is requesting an amendment to the DHHL FY 2023 Operating Budget for \$400,000 to pay the anticipated debt payment services for the Ho`olehua and Anahola Water Systems. The debt service for the first 2-years is interest only, and the principle and interest payments of the loan will kick in for years 3-35. The final numbers of the debt service will be known on the posing of the loans with the USDA RD.

The Ho`olehua and the Anahola Water Systems are financed through the USDA RD. Under the conditions of the loans, DHHL is required to set aside a debt service reserve account which is one year of debt service to be paid to this account over ten years at 10% annually. In the 10th year, the Department would be fully funded and comply with the requirements of the USDA RD. The other requirement is to set aside a reserve account of short-lived assets based on a preliminary engineering report which would be used to set up this account. The USDA RD determines the amount to be set aside by the Department. The account may change depending on how many short-lived assets are in the inventory.

Grants Specialist Gigi Cairel gave a briefing on the Department's four Water Systems, including the Ho`olehua PWS on Moloka`i and the Anahola Farm Lots PWS on Kaua`i, the Kawaihae Unit #1 PWS on Hawai`i, the Pu`ukapu PWS on Hawai`i. The Ho`olehua and Anahola PWS are the oldest and need capital improvements.

The Department applied for and obtained over \$30 million to improve the reliability of the Ho`olehua and Anahola PWS and to deliver safe, clean drinking water to the community. (technical difficulties)

Chair Aila addressed the Commissioners stating that they have a feel of what the decision-making item will be as far as the Department leveraging some of the Trust funds along with the federal funds in setting up these accounts to put money on the side for repair and maintenance.

DISCUSSION

Commissioner Neves asked if it is part of the new rates structure. Chair Aila stated the new rates were based upon what the Department thought the cost would be but must be revisited and adjusted up or down. The rates will be based on the operations.

G. Cairel stated the request is for the Department's budget to be amended to accommodate setting up these reserve accounts. The Department must budget for these accounts and track and record funds going in and out of the account. The USDA wants to see that the Department has a system to track and record the funds.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-1 Approval of Lease Award Pu`ukapu Village House, Residential Vacant Lot to relocatee – Waimea, Hawai`i (see exhibit)

ITEM C-2 Approval of Lease Award Anahola Residential Vacant Lot – Anahola, Kaua`i (see exhibit)

RECOMMENDED MOTION/ACTION

Acting Contact and Awards Division Administrator Paula Aila presented the following: Motion that the Hawaiian Homes Commission approve the 99-year Lease Award for Debra Asano on Kaua`i at Pi`ilani Mai Kekai; and

For a relocation request for William Toyosaki, relocate from Maku`u to Pu`ukapu on Hawai`i island.

MOTION

Moved by Commissioner Awo, seconded by Commissioner Helm, to approve the motion as stated in the submittals for Items C-1 and C-2.

DISCUSSION

Commissioner Ka`upu asked for an explanation and a showing for the relocation to Hawai`i island. P. Aila stated a lava flow was potentially going to affect the Maku`u residents, so the lessees were allowed to relocate. Ms. Toyosaki accepted a lot in Pu`ukapu that was subdivided.

She is moving from an agricultural lot to a residential lot. There are two more in Maku`u for relocation. The lava flow did not go through Maku`u.

ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion as stated in the submittals for Items C-1 and C-2.						
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			
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 C-3 Approval of DHHL Kupuna Rental Subsidy Program Policy

RECOMMENDED MOTION/ACTION

NAHASDA Manager Lehua Kinilau-Cano presented the following:
Motion that the Hawaiian Homes Commission approve the DHHL Kupuna Rental Subsidy Program Policy

MOTION

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

DISCUSSION

Commissioner Teruya asked if a kupuna has family members in her household and if she would qualify for this program. L. Kinilau-Cano stated the income for the entire household must be factored in to determine if they meet the income eligibility, which cannot exceed 80% of the area median income. With NAHASDA funds, the housing counselor must be HUD certified. The subsidy is for one year, and participants must re-certify annually and meet all other requirements. The RFP went out, and they hope to enter into a contract by next month to start offering subsidies around February/March of next year.

Commissioner Teruya asked if the DHHL mortgage program is still going on with CNHA. L. Kinilau-Cano stated yes. Commissioner Teruya will get an update to determine how the mortgage program moves forward.

L. Kinilau-Cano stated she thinks she addressed B. Feiteira’s questions: to make sure this was for applicants on the DHHL waiting list and undivided interest lessees, and it is; to ensure that the fair market rent would not be limited, for this policy fair market rent is used as a guide but will not be limited, the kupuna is responsible for 30% of their income and NAHASDA will subsidize the difference. B. Feiteira also wanted to know if utilities are included in the rent. L. Kinilau-

Cano stated that if the utilities are part of the rental agreement, then yes, it is covered, but if utilities are separate from the rental agreement, they will not be covered.

B. Feiteira stated L. Kinilau-Cano answered all her questions.

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.						

LAND DEVELOPMENT DIVISION

ITEM E-1 Land Court Deregistration of Hawaiian Home Lands

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Stewart Matsunaga presented the following: Motion that the Hawaiian Homes Commission authorize the deregistration of lots listed in the submittal from the Land Court pursuant to applicable law and regulations.

MOTION

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

S. Matsunaga stated that moving from Land Court to the regular system is easier when subdividing parcels. The benefit is getting the tax map keys which is good for the leases. LDD would be working with Homestead Services Division because the leases have to be amended once the descriptions are changed. Chair Aila verified that the Department would cover the costs. S. Matsunaga confirmed they have the Attorney General’s assistance and think this can be done between 2-6 months.

DISCUSSION

Commissioner Teruya asked Darrel Ing to explain the part on the Voice of America parcel marked Land Court. D. Ing stated when the Department acquired the area, it was already registered in the Land Court. The Department is trying to take it out of the Land Court and put it in the regular system, making the processes much easier. She asked if this was part of the \$600 million. D. Ing stated it is on the \$600 million list.

H. Schadael asked how many homes there were. S. Matsunaga stated he believes there are 139 turnkey and vacant lots yet to be constructed. All the leases will need to be amended.

H. Schaedel asked if it is the 148 lots to date in Ka`uluokaha`i and whether the Department would meet with the residents or notify them by letter. She suggested reaching out to the homestead leadership to inform them of the Department's plan moving forward. S. Matsunaga stated when the deregistration is implemented and completed, they will work with HSD and ICRO to reach the affected lessees.

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						
Commissioner Neves		X	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.						

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to First Amendment to Right of Entry No. 688, Waiohuli Hawaiian Homesteaders Association, Inc., Waiohuli-Keokea, Maui, TMK: (2) 2-2-028: 181 (por.), (2) 2-2-002: 014 (por.)

RECOMMENDED MOTION/ACTION

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

Motion that the Hawaiian Homes Commission approve the First Amendment to Right of Entry No. 688, Waiohuli Hawaiian Homesteaders Association, Inc., Waiohuli-Keokea, Maui, TMK: (2) 2-2-028: 181 (por.), (2) 2-2-002: 014 (por.)

MOTION

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

S. Carreira stated the recommendation is to extend for an additional 12-month period to complete due diligence studies. The term will commence on January 27, 2023.

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	X			
Commissioner Namu`o						X
Commissioner Neves			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 to License Easement No. 527, Donald J. Batbie and Barbara B.C. Batbie, Waiohuli, Makawao, Kula, Maui, Lot 135 of the Kula Residence Lots Subdivision, Unit 1 (File Plan 2321), Tax Map Key No. (2) 2-2-027: 049 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission approve the First Amendment to License Easement No. 527, Donald J. Batbie and Barbara B.C. Batbie, Waiohuli, Makawao, Kula, Maui, Lot 135 of the Kula Residence Lots Subdivision, Unit 1 (File Plan 2321), Tax Map Key No. (2) 2-2-027: 049 (por.)

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Kaleikini to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X		X			
Commissioner Helm			X			
Commissioner Kaleikini		X	X			
Commissioner Ka`upu			X			
Commissioner Namu`o						X
Commissioner Neves			X			
Commissioner Teruya			X			
Chairman Aila			X			
TOTAL VOTE COUNT			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 Adoption of the DHHL General Plan Update 2022

RECOMMENDED MOTION/ACTION

Planning Manager Andrew Choy presented the following:

Motion that the Hawaiian Homes Commission adopt the DHHL General Plan Update 2022 to provide comprehensive direction and guidance to the Department of Hawaiian Home Lands and to authorize the dissemination of the DHHL General Plan Update.

MOTION

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

A. Choy stated the Draft General Plan was presented to the Commission in July 2022. The Department held beneficiary consultations on each island and collected input on the draft general plan. Planning deliberated with the Permitted Interaction Group (PIG) and made amendments to the draft plan, and the recommendations were presented to the Commission in October 2022.

DISCUSSION

Public testimony Blossom Feiteira - stated she participated in the first general plan, which was simple. Now 20 years later, with much more information, beneficiaries can participate and better understand land use and how the lands are designated. She asked that the Commission approve the plan so it can move forward.

Public testimony Homelani Schadael - stated that the Plan would take the Department to the next 20 years, and she hopes that the new administration will acknowledge the value of the work done.

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			
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.						

RECESS
RECONVENED

11:32 AM
11:52 AM

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-4 For Information Only – Update Supplemental Dwelling Unit Pilot Program

RECOMMENDED MOTION/ACTION

None. For Information Only. Administrative Rules Officer Hokulei Lindsey presented the following:

1. The plan to launch the SDU program by the end of the year
2. The SDU program will enable lessees who qualify to build a second smaller dwelling on their lot

- The lessee can rent out to another native Hawaiian who is qualified under the HHC Act, or
- For ohana to live in

The process for the application

- Keep the initial cost down for beneficiaries
 - Beneficiaries come to the Department first and fill out the application
 - The Department will do the review to check if the beneficiary is in compliance with their lease and if they are compatible with the island plan
 - Lessees are to submit a basic site plan which is the placement of the existing home on the lot and where the lessee wants to put the SDU: the estimated boundary line and where the SDU will be placed and the Department will look to check the easements, the boundary lines, the setbacks, etc., which all of this will be done before the lessee goes to the county (this review done at no cost to the lessee).
 - Work with the counties to find common ground in understanding the process of SDUs
3. Wants the lessees to know this will likely be an expensive process if they have to upgrade the wastewater system and additional parking. The Department is not required to finance, so the lessees must have an estimated cost and a financing source.

DISCUSSION

Commissioner Awo stated he supports SDUs. There is a need for Enforcement & Compliance unit to enforce the rules.

Commissioner Helm asked about the term of the pilot program and if the Department would consider ag lots with less than 3 acres. H. Lindsey stated the term is for five years and is limited to residential lessees. Ag leases may be possible after the pilot is done, as there is an evaluation after three years.

Commissioner Ka`upu asked how the process differs from adding to the existing dwelling and the SDU approval. Chair Aila stated the City and the County of Honolulu would look at whether there is enough sewage capacity, potable water, parking, etc., because they will not approve a building permit for the SDU if these resources are unavailable. If there is no sewer the lessee may be required to put in another individual wastewater system if the lot is big enough. It is not the same as enclosing a garage. Another thing that will make it expensive is if the lessee is not on sewer and have an existing wastewater system. Still, the system was only approved for three

bedrooms, and now, adding individual wastewater capacity, the lessee will have to deal with the State Department of Health.

Commissioner Ka`upu asked if that level of review is done by the Department first before going to the county. J. Garcia stated the review process begins with Homestead Services and then goes to the Land Development Division. LDD has preliminary information about where the cesspools are. They rely on the City and County for parking, wastewater, sewer system, drainage, and the surrounding impact. The interior's electrical and building structure left to the City and Counties through their permitting process.

Commissioner Ka`upu asked what if the lessee is non-complaint. Chair Aila stated it is usually when someone wants to do a transfer, and the appraisal reflects a non-permitted structure. The transfer could occur, but the new purchaser is responsible for the non-permitted structure. The structure can be torn down, or get the county to approve it. S. Matsunaga stated that an after-the-fact permit process is more costly and requires inspection. He does not believe non-permitted structures or construction are included in the appraisal of a property.

J. Garcia stated enforcement team is one where the Department lacks resources. The SDU will impact Homestead Services Division because it requires the occupant of the SDU to be 50% Hawaiian. If the project or the proposed improvement is for an SDU, the City and County of Honolulu lessees must go to DHHL first.

Commissioner Awo asked if the application form requires a plot plan. J. Garcia stated the only plan being asked for is a sketch of where the home is and where the SDU will be put if there are drainage issues and easements.

Commissioner Helm asked who would determine the need for a water meter? J. Garcia stated that is going to be the process that is established. If the lessee is in compliance, it will go to Planning to determine if the water system is adequate for the additional SDU. A. Choy stated it depends if the lessee is on the Department's water system, then the Department will determine if there is available water. If the lessee is on the County water system, the County will determine availability.

H. Lindsey stated the water credit policy discussed in the past few months would come into play if a beneficiary is on DHHL's water system. That is the process that will be used to determine water availability.

Chair Aila stated it is a pilot project and things will be adjusted as lessons are learned.

Public testimony Blossom Feiteira stated she supports the SDU program. But noted that the County Code says Hawaiian Home Lands is exempt from a building permit. The State requires the beneficiaries to acquire a building permit. Maybe there is a need to meet with the County and amend the language. If the beneficiaries do not have a permit and want to go out for refinance, they will not be able to get the loan. The Department may want a beneficiary consultation on this process for clarity. Chair Aila stated he would check if this were covered in the previous beneficiary consultation. If lessees require financing and insurance, a building permit is required. If the beneficiary builds it, they will not get any additional value because it is not permitted. Chair Aila stated he thinks it can be built into the application process so all the different things can be explained to them. Other counties do not have that policy for building permit exemptions.

Public testimony Homelani Schadael- stated she got confused listening to the discussion. The SDU process should be the same for going to the Department first. The department should ensure the lessee is compliant and the zoning and land use are correct. They could give beneficiaries information to help determine if it is something they can afford to do before they go to the county and spend a lot of money.

ITEM C-5 For Information Only – Act 279 and Strategic Plan

RECOMMENDED MOTION/ACTION

None. For Information Only. Executive Assistant Jobie Masagatani presented the following:

J. Masagatani stated that Item C-5 is the final report of the recommendations of Act 279 from the Permitted Interaction Group. The Strategic Plan (exhibit A) has added sections to make it more readable and complies with the statutory requirements of Act 279. The Committee asked the Chairman to consider two additional recommendations that are on page 2 of the submittal:

1. That the plan be submitted by December 10, 2022, so the Department makes the statutory deadline; and
2. To consider establishing another Permitted Interaction Group to assist with the implementation issues that the committee anticipates will come up because this is a fluid process and will allow for a deeper discussion. It will also assist with the budget.

Chair Aila stated it is important for the implementation process because the plan will change with the new Director. There may be new opportunities and deals to purchase land. He feels that the plan is the most appropriate to move forward, understanding all the constraints, and it will provide the next administration greater flexibility should some opportunities arise.

DISCUSSION

Public testimony Perry Artates - served as Commissioner under Micah Kane, Kaulana Park, Alapaki Na`aleha, and Jobie Masagatani. She was the only woman in his era, and she moved mountains and appreciated her skills.

Public testimony Blossom Feiteira - supported the strategic approach that the Department has adopted. The plan allows the beneficiaries to participate more. She supports the Commission approving the plan.

J. Masagatani stated the uniqueness of the document is that it includes the proposed legislation that the Department is recommending to expedite development. It is important because the Department's legislative package usually has to go through a review by Budget & Finance and the new Governor before being considered for the Administration package.

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

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

RECOMMENDED MOTION/ACTION

None. For Information Only. Homestead Services Division Administrator Juan Garcia presented the following:

LAND DEVELOPMENT DIVISION

ITEM E-2 For Information Only – Land Acquisition and Development, Statewide Request for Proposals

RECOMMENDED MOTION/ACTION

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

S. Matsunaga provided information on the following: (1) land acquisition, (2) development, and (3) statewide request for proposals which the Commission approved. The date for developers to submit their proposals is December 2, 2022. Several good proposals might necessitate a change or an amendment to the \$600 million budget. The Governor released the first year's funding which is \$172 million. LDD is executing the acquisition of the Kaupea 2 parcel for \$8.25 million, and will be paying Hawai'i Housing Finance & Development Corporation (HHFDC) in the next week or two. Invitations for bids went out for the Pu'unani Homestead Project, which is expected to be about \$20 million. Invitations for bids went out for the Hanapepe residential lots Phase 2, 82-lots, and there will be a pre-bid conference on Kaua'i later this month.

DISCUSSION

Commissioner Ka'upu asked if the developers were landowners who had land and wanted the Department to acquire the land for development and work with them as a developer. S. Matsunaga stated the Department wants to keep it as open as possible.

Land Agent Darrell Ing stated the RFP is primarily for land acquisition, and the Department is giving the owners the option to propose developing it for the Department. If a developer wants to develop on DHHL lands, then the Department will have to wait to issue a separate RFP for that parcel.

Public testimony Homelani Schadael -asked if the Department executed the land purchase agreement with HHFDC on the 9-acre parcel in Kaupea. One of the things mentioned in the meeting with HHFDC, DHHL, and the Kaupea Homestead Association was the promise of a park. She asked if the Department would meet with the Kaupea Homestead Association to discuss their ideas of what they hope to have for their homestead. Chair Aila stated the Department did have preliminary discussions with them, and they agreed that the Department should have as many homestead lots as possible. They were told there would be a small portion available for a community-use walking park, and they could participate in plans for that non-homestead lots, and they agreed.

ITEM E-3 For Information Only – Acceptance of Offer to Transfer Approximately 403 acres, including various improvements within and around the Villages of Leialii from Hawai'i Housing Finance and Development Corporation to the Department of Hawaiian Home Lands, various Tax Map Key parcels, Wahikuli, Lahaina, Maui, Hawai'i.

RECOMMENDED MOTION/ACTION

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

Chair Aila thanked HHFDC for taking a look at the portfolio and identifying where they could help the Department with some additional lands that were already developed. There are issues, and the Department is continuing discussions with HHFDC. The conveyance will be gratis.

DISCUSSION

Commissioner Awo asked if the Department must set aside school land and construct a private wastewater treatment plant. S. Matsunaga stated it would be more of a requirement to comply with prior Land Use Commission conditions to HHFDC. Regarding the wastewater treatment facility, the Department wants to pursue working with the County to connect the Villages of Leiali'i to the Lahaina Wastewater Treatment Plant. There was another concern about transferring the Leiali'i Parkway to DHHL. He is not sure how that will transpire, but the Department has an understanding with the Department of Public Works. He is not sure, with the change of administration, if the understanding with Public Works will remain in place.

Public testimony Blossom Feiteira - in support.

ITEM E-4 For Information Only – Central and Up-Country Maui Projects Update

RECOMMENDED MOTION/ACTION

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

Note: Slide presentation attached.

DISCUSSION

Commissioner Awo thanked LDD on behalf of the Paukukalo Community Association for moving forward on the renovations of the community center.

RECESS	2:00 PM
RECONVENED	2:15 PM

WORKSHOPS

HOMESTEAD SERVICES DIVISION

ITEM D-15 For Information Only – District Office Workshop on Lease Successorship

RECOMMENDED MOTION/ACTION

None. For Information Only. Homestead Services Division Administrator Juan Garcia and Acting Oahu District Supervisor Kana'i Kapeliela presented the following:

Note: Slide presentation attached.

DISCUSSION

Commissioner Helm asked if the deceased had a will, but the Department did not have a copy of it, would it be valid. J. Garcia stated that according to Section 209 of the Hawaiian Homes Commission Act living wills must be filed with the Department before their demise.

Commissioner Kaleikini asked if the Department does not require the lessees to appoint a successor. J. Garcia stated it is not required but highly suggested that the lessee file a designation.

Chair Aila said they might not want to designate a successor but want the net proceeds to go to their non-qualified spouse. J. Garcia stated a lessee has the right to designate a non-qualified spouse or child, and they would get the net proceeds.

Commissioner Kaleikini raised the question of joint tenancy, tenancy by the entirety, and tenancy in common, as shown on the slide:

- Joint tenancy – successors are entitled to equal, undivided interests in the leasehold interest, with the right of survivorship
- Tenancy by the entirety – successors are husband and wife and are entitled to an equal, undivided interest in the leasehold interest, with the right of survivorship
- Tenancy in common – successors are entitled to separate and distinct interests which may or may not be of equal proportions but with unity of possession. Each successor will have the right to name the successor(s) to their interest.

Commissioner Kaleikini stated there should be something simpler for people to understand. They want the lessees to understand the possible consequences. K. Kapeliela stated that lessees are strongly encouraged to come in for an appointment so it could be explained to them.

Commissioner Awo stated tenants in common is a difficult issue to resolve. Sometimes it is a painful outcome where one gets it, and everybody else is out. He thinks it would be fair to do a beneficiary consultation on this matter. He stated that maybe there is value in limiting what the options are. It might be worth considering.

Chair Aila stated that he is hearing a desire for a future meeting with a recommendation for either an amendment to the Hawaiian Homes Commission Act or the Rules or the Act and the Rules, then go out for beneficiary consultation for the Commission to adopt. It would likely require Congress's consent so it will take a while.

Public testimony Homelani Schadael - stated the kuleana is with the lessee.

PLANNING OFFICE

ITEM G-4 For Information Only – Status Update on Plan Implementation in Kula, East Maui, and Kahikinui

RECOMMENDED MOTION/ACTION

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

Land Manager Kualii Camara stated the Commission approved a Right-of-Entry to Ka Ohana O Kahikinui (KOOK) to lead the cattle removal from the ahupua`a. The focus is the 4500-acre fenced area. The removal started in October, they've moved about 60 animals. This past weekend was their first community distribution. They have an ungulate management plan and will ask ICRO to post it on the DHHL website. From now to the end of March 2023, they will focus on live cattle removal.

DISCUSSION

K. Camara stated KOOK distributes meat to Maui Homestead communities. They brought in beneficiaries and cowboys from Waiohuli, Waiehu Kou, and other communities. They were able to process seven cows in three hours. The meat was distributed the next day at their Hale Pili. Of all the cattle caught, 20% will be given to the community, and it is planned as a monthly harvest.

Commissioner Ka`upu asked about live cows. K. Camara stated they have a rule that no live animals will leave Kahikinui. Wild cattle are hard to control and are a liability for the Department.

Commissioner Kaleikini asked what happens to the beef that does not go to the community. K. Camara stated that the partner takes it and tries to market it. 20% goes to the community, and 80% covers the cost of operations. There is uncertainty now in getting wild cattle to market.

LAND MANAGEMENT DIVISION

ITEM F-3 For Information Only – Approval of Recycled Water Allocation Agreement and Issuance of License as Easement to County of Maui, Department of Environmental Management, Honokowai, Maui, TMK: (2) 4-4002:018 (por.)

RECOMMENDED MOTION/ACTION

None. For Information Only. Acting Land Management Administrator Kahana Albinio and Land Agent Shelly Carreira presented the following:

K. Albinio also introduced Albert Han from the County of Maui, the Department of Environmental Management Wastewater Division.

S. Carreira offered a slide presentation for the Recycled Water Allocation Agreement and Issuance of License as Easement to the County of Maui, Department of Environmental Management, Honokowai, Maui. Maui County's Department of Environmental Management is requesting access to portions of DHHL lands in Honokowai for:

- Expanding the access road and infrastructure connecting the County's Lahaina Wastewater Reclamation Facility to its Honokowai Reservoir for a land area consisting of approximately 1.910-acres
- The proposed installation of a trapezoidal cutoff ditch consisting of approximately 0.665 acres. It could be short-term use depending on DHHL's development plans for drainage infrastructure

Note: Slide presentation attached.

DISCUSSION

Commissioner Helm asked if they recycle water for areas other than Hawaiian Homes. Albert Han said the Department of Environmental Management Wastewater Division has other recycled water consumers on Maui. They recycle about 40% of the County's wastewater, 60% of the water in Kihei. They have about 50 clients in Maui.

Commissioner Kaleikini asked if R-1 is non-potable and how many lots could 500,000 gallons sustain. Chair Aila stated that non-potable water would not be used for human consumption. A. Choy stated that 500,000 gallons per day would help provide non-potable irrigation water to the Honokowai first phase, which will be all subsistence ag lots consisting of about 92 acres.

Commissioner Kaleikini stated the Department has to do that for eight years, and then the Department can ask for more. A. Han stated the Department has to achieve that magnitude within that 8-years, not for 8-years. S. Matsunaga stated the first 50 lots comprise the 92-acres and will be 2 acres each. Phase 1 is part of the \$600 million plan. The calculation is 400,000 gallons per day if the area is cultivated.

PLANNING OFFICE

A. Choy asked to defer Item G-2, the Climate Change Workshop as the speaker for that is unavailable until tomorrow morning.

ITEM G-3 For Information Only - `Ewa Beach Homestead Project, Master Plan and Environmental Assessment

RECOMMENDED MOTION/ACTION

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

P. Fukuba and SFSM Consultant Jared Chang covered the background, project purpose, project tasks, anticipated project schedule, Master Plan and Environmental Assessment, and Beneficiary Consultation and Stakeholder Engagement.

J. Chang stated the project started in July 2022 and is on an 18-month schedule to finish by December 2023. The first beneficiary consultation meeting will be held virtually on Thursday, December 8, 2022, from 6-8 pm. via Zoom. The purpose is to introduce the project and engage applicants in envisioning and planning for the future Ewa Beach homestead community. Beneficiary consultation #2 purpose is for the Master Plan Alternatives Workshop and Beneficiary tentatively to be held in May 2023; consultation #3 purpose is for the Final Master Plan and EA Presentation tentatively to be held in October 2023.

Note: Slide presentation attached.

DISCUSSION

Commissioner Teruya asked what community leaders' responses were. P. Fukuba stated Senator Favella and Councilmember Tupolu were supportive of the project. They asked questions regarding schools for the children, the impact on traffic, and ensuring follow-up on the beneficiaries' desires. Commissioner Teruya stated she thinks the impact on the schools is important and asked if they can carry the capacity.

Public testimony Homelani Schadael -expressed that Ewa Beach seems to be over-developed and very little land is available to the Department for housing. One of the needs is for the North Road to have a second ingress and egress. She also mentioned having a portion designed specifically for the kupuna.

ANNOUNCEMENTS AND RECESS

DHHL Community Meeting Monday, November 21, 2022, 6:30 p.m., Iao Middle School Cafeteria, 260 S. Market Street, Wailuku, Maui, Hawai'i

RECESS

4:05 PM

HAWAIIAN HOMES COMMISSION

Minutes of November 22, 2022

Courtyard by Marriott Kahului Haleakala Ballroom, 532 Keolani Pl., Kahului, HI 96732
and Interactive Conferencing Technology (ICT)

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

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

EXCUSED Pauline N. Namu‘o, O‘ahu Commissioner

COUNSEL Katie Lambert, 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 9:58 a.m. Seven (7) members were present at the roll call establishing a quorum—five (5) were present in person, and two (2) were via Zoom.

Pursuant to Act 220, the Board shall be visible and audible to members and the public unless leaving the meeting. No other participants are required to be visible during the meeting. All votes shall be taken by oral consensus or roll call.

Chair Aila stated Item G-2 was carried over from yesterday’s meeting. The Commission will recess around noon for 30 minutes for lunch and convene into executive session for an additional 30 minutes.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

None.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-6 Approval of the 2023 Hawaiian Homes Commission Meeting Schedule

RECOMMENDED MOTION/ACTION

Deputy Tyler Gomes presented the following:

Motion that the Hawaiian Homes Commission approve the 2023 Hawaiian Homes Commission Meeting Schedule.

MOTION/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			
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.						

LAND MANAGEMENT DIVISION

ITEM F-3 Approval of Recycled Water Allocation Agreement and Issuance of License as Easement to County of Maui, Department of Environmental Management, Honokowai, Maui, TMK: (2) 4-4-002:018 (por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:

Motion that the Hawaiian Homes Commission approve the Recycled Water Allocation Agreement and Issuance of License as Easement to County of Maui, Department of Environmental Management, Honokowai, Maui, TMK: (2) 4-4-002:018 (por.)

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to approve the motion as stated in the submittal.						
Commissioner	1	2	`AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner 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.						

ADMINISTRATIVE SERVICES OFFICE

ITEM H-1 Approval to Amend the DHHL FY 2023 Operating Budget

RECOMMENDED MOTION/ACTION

Administrative Services Officer Rodney Lau presented the following:
Motion that the Hawaiian Homes Commission approve an amendment to the DHHL FY 2023 Operating Budget.

MOTION/ACTION

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

REGULAR AGENDA

REQUEST TO ADDRESS THE COMMISSION

ITEM J-1 Elizabeth Lee Loy Masaoka and Lucienne Pukahi – Panaewa Resiliency and Agricultural Innovation Hub Master Plan

Maile Luuwai, President of the Keaukaha/Panaewa Farmers' Association, presented their strategic plan to the Commission. The No. 1 priority was to build an off-grid agricultural innovation hub. They engaged consultants G-70 to do a conceptual plan and master plan. She thanked the Commission for the \$85,000 grant. The preliminary draft for an Environmental Assessment (EA) will be in by March 2023, and G70 will present it to the Commission. She will be submitting a pre-application for the Master Plan site this month. She felt fully supported by DHHL's staff.

ITEM J-7 Donna Sterling – Kahikinui Concerns

D. Sterling notified the Commission about a \$593,000 Board of Reclamation grant they received that is going toward vendor Rojack for 48,000 gallons of potable water twice a week. It was supposed to be for six months, but the Commission on Water Resource Management (CWRM) requested to extend it to a year. The water is supposed to be delivered to the main gate. She asked if there was a way they could piggyback the Governor's 5th Proclamation and move up the ROE.

Commissioner Helm asked how large the tanks were. D. Sterling stated the tanks were 30,000 each as a temporary drought relief. The vendor will monitor the tanks.

Commissioner Awo supports creating alternative water resources for Kahikinui. He asked if there were any concerns from KOOK. D. Sterling stated that traffic was during the school bus pickup and dropped off. The drivers must avoid the school bus pickup and drop-off times.

Commissioner Awo stated that there might not be agreement about the current placement of the tank. It is important to have an agreement and also a right of entry. The right of entry is set up to address some of these requirements, which triggers the due diligence before the arrival of the tanks. The situation is that the tanks are here, but the due diligence has not been performed. He stated her asking to bypass the right of entry is difficult. D. Sterling stated the project is going to last only ten months.

Chair Aila asked for something in writing when there is an agreement with KOOK on the location.

Commissioner Awo asked to hear from the Department about the right of entry. Chair Aila stated that the Department is concerned about who is responsible for the tanks. He understands this is a 10-month process. D. Sterling stated when the project is over, the community can negotiate with Rojack for the tanks.

Commissioner Ka`upu asked Stewart Matsunaga if he was aware of the road pour's concrete construction and if he had any thoughts. S. Matsunaga stated he had heard about it but had not seen the details. He is open to looking at that and helping to facilitate.

**ITEM J-2 Kekoa Enomoto – Maui/Lanai Moku-puni Council and Pa`upena
Community Development Inc**

K. Enomoto and Norman Abihai updated the Commission on the 127 acres in their project. They are working on a new fence because they have had problems with hunters. He is concerned about the wattle tree because when it caught fire, the tree was gone in 10 seconds. It would pose a danger for nearby homes. They are waiting for the archaeologist's report.

K. Enomoto stated the Council created a Ho`okupu Committee that contacts beneficiary real estate taxpayers who are three to four years delinquent on their taxes. Project Mahi`ai urges Mauians to access e-commerce platforms to buy native-grown meats, fruits, vegetables, eggs, and other products. She thanked Commissioners Awo and Helm for attending their last Moku-puni meeting. Niniiau Kawaihae did a presentation on the pilot connectivity program and the ACP program that reduces Spectrum bills for beneficiaries with low incomes.

ITEM J-5 Blossom Feiteira – Various Concerns

B. Feiteira gave up her time to Wakiu Community Development Corporation and introduced Sam Kalalau III, Vice-President.

S. Kalalau thanked the rent division for the capacity-building grant. Capacity building to serve the East Maui community effectively, education and training, financial training for homeownership readiness, revenue streams, water quality, and more. Wakiu CDC has engaged the community with a 3-day workshop application drive, completed its strategic plan, and developed and updated its website. They will soon coordinate their grant workshop. They set 6 goals for the strategic plan, and one is to kako`o their community through activities and communication with the community and government. They are working on submitting the ROE application for community use and looking at 13 acres.

Commissioner Helm asked what area in East Maui. S. Kalalau stated it is mauka of the highway from the Hana School. B. Feiteira stated the Wakiu CDC was established to address the disparities in the East Maui communities. East Maui range from Wainapanapa to Kaupo. The East Maui community focuses on homestead development on the 720-acre parcel.

Commissioner Awo has heard of the Wakiu project and liked the strategic message. He asked what the right of entry for the 13 acres was for. S. Kalalau stated they want a place where they can put a hale or a container shelter for stuff that they can use to clean and upkeep the area and where people can gather.

B. Feiteira stated the Maui Island Plan, the Regional East Maui, has set aside 13 acres for the community, commercial, and industrial use. Hana Ranch largely owns the business community. There is no area for industrial, so there is no place for them to have a mechanic shop or a big storage area. The people need a go-to place, a gathering place.

ITEM J-8 JoAnn Haae – Keaulana Avenue (Virtual)

J. Haae stated she wrote a letter to the Department in 2019 regarding her neighbor; it went missing, and no one at the Department can locate that letter. The letter addressed the noise from the neighbor's roosters which have been going on for a long time and are still happening. She stated they fire an air rifle, shoot paintball guns at their house and car, and shoot pellets. The officer said they needed a video of them shooting the pellets. She was told the roosters would

have been a lease violation, even if that happened in 2019 or 2020. She wants it to stop, but it does not stop. She wants the Department to follow up.

Chair Aila stated the Department would investigate to see if any of the things rise to the level of a lease violation, and if they do, then seek out a contested case. Chair Aila asked if she had any police reports to get them to Juan Garcia.

ITEM J-9 Kaleo Cullen – Ka Ohana O Kahikinui (Virtual)

K. Cullen testified about ROE 696 which will expire at the end of the year. They submitted paperwork for an extension and need additional funding to complete their project. They met the deadline for the RFP, which is \$100,000, but will still be short \$80,000 because they included a project director to see the project from beginning to end to bring water to the community. He is asking for an additional \$180,000.

Grant Specialist Gigi Cairel stated the Department had received KOOK's application for \$100,000. The RFPs are now closed, and the Department plans to provide final recommendations to the Commission in December. Regarding KOOK's request for the \$80,000, they would have to apply for another future grant cycle. They can always look for funds outside of DHHL right now.

Commissioner Awo stated Dr. Jim Juvet continues to express concerns about the timeline because it is getting older. K. Cullen stated that they thought of dropping the project if they could not get the funding. Commissioner Awo stated he supports the project, which has been successfully tested in various parts of the world.

Commissioner Awo asked if there was any concern about the water tanks. K. Cullen stated the traffic and the location of the tanks. He stated the purpose of the camera was to see who was coming in and going out, not on the tank. Safety is another one, especially for the kids. Opening it up to waitlisters, does it mean all the waitlisters on Maui will be coming up for water? A letter with KOOK's position on the project and a list of reservations are forthcoming.

Commissioner Helm asked if ROE 696 is ok for renewal. K. Albinio stated the term for the agreement provides for three years. They have one more extension to fill the three years, up to 2023.

Commissioner Awo asked about the placement of the water tank. One of the requests is to bypass the right of entry to meet the grant's federal requirements. K. Albinio stated one of the requirements is they have to conform to Chapter 343. A. Choy stated there are three ways to comply with Chapter 343. The hardest is the Environmental Impact Statement (EIS), the medium is the Environmental Assessment (EA), and the least stringent is to exempt it from EA. An exemption is based on if it is approved by the Environmental Council, the governing body of the Environmental Review Program. Planning is trying to ensure that the proposed projects fit the list of exempted activities.

Commissioner Awo stated that the Department could not bypass the due diligence because it is tied to Chapter 343. Chair Aila stated he does not think there is a request to bypass the ROE. The request is to find a solution for the requirement for Chapter 343, which the Department is reviewing now. D. Sterling offered an interesting fourth possibility; an emergency proclamation, as long as Chapter 343 is listed as an exemptive activity, could also be a potential solution.

A. Choy stated if the Department explores the fourth possibility, the Department will have to consult with the Attorney General.

Public testimony Faith Chase - clarified that she wrote the grant for the Drought Relief Emergency Project with an agricultural specialist. KHHA was the applicant and could answer the questions. The Bureau of Reclamation is careful not to get involved in projects that include grubbing and grating. As for the special dirt, she will make sure they do not use petrochemical ground cover in sensitive places. There is a specificity that the water is meant for a drought emergency. It does not include watering to catch the animals or ungulate management. She reminded both Presidents that they have rotational grazing as an option that CWRM produced on Maui. The cattle contribute to the watershed.

Public testimony Donna Sterling - stated the wait listers would not be receiving the water. She stated the Board of Reclamation does not care how the water is used. The sandy residue is not from the road but from the cement, they make rocks from. She asked the contact at the Board of Reclamation if the water could be used for the animals, and she was told yes, as they are in the business of delivering water to homesteads.

Chair Aila asked D. Sterling to provide the information she has in writing to the Commission. He recommended she work it out with K. Cullen.

WORKSHOPS

PLANNING OFFICE

ITEM G-2 For Information Only – Update on Climate Change Impacts Affecting Hawaiian Home Lands Statewide

RECOMMENDED MOTION/ACTION

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

N. McPherson introduced Dr. Kawika Winter, PH.D who did the presentation on “Lo`i, Loko, and Climate Resilience”.

The U.S. Global Change Research Program (USGCRP) is currently developing the Fifth National Climate Assessment (NCAS). NCAs are state-of-the-science synthesis of climate knowledge impacts, and trends across U.S. regions and sectors to inform decision making and resilience-building activities across the country. The Assessment will include a chapter specifically on Hawai`i and U.S. Affiliated Pacific Islands, with input from University of Hawai`i at Manoa. The National Climate Assessment Draft is due by January 27, 2023; and the final should be ready by Fall of 2023.

Chair Aila asked 3.2 ft., 2100. What is that? N. McPherson 3.2 ft. is the minimum. Another update will be in January.

The U.S. Drought Monitor provides real-time information on drought conditions for each state. All islands are experiencing some level of drought.

Dr. Winter presented Lo`i loko and lessons in climate resilience. Ahupua`a is climate resilient by design so people can survive when catastrophic storms come. Hawai`i is the pinnacle of that mindset.

He is the Director of the He`eia National Estuarine Research Reserve (NERR)

- 1,385 acres of multiple habitats
- The Indigenous and local community with seven co-management partners
- Administered through Hawai`i Institute of Marine Biology (HIMB)
- The lo`i catches all the sediment and retains them to grow food
- The waters going out of the watershed are good for the coral reef

Coastal stabilization and food production

- Step 1 remove invasive species. One of the worst is the mangrove introduced to the islands in the 19th century, which was used to trap the sediment. The mangroves grew crazy and destroyed the lo`i system there.
- Step 2 restore Indigenous infrastructure resulting in empowered and resilient Native Hawaiian communities
- Understanding the resilience of the ahupua`a design in climate change can keep us

Restoration of cultural landscapes

- Restoring our indigenous food systems
- He`eia and Ha`ena are models of climate resilience

A future ask is to lease part of the DHHL land in He`eia

Note: Slide presentation attached.

DISCUSSION

Commissioner Awo supports the traditional native Hawaiian models that can help mitigate storm events. The models being looked at to help mitigate storm events, how that factor into sea level rise, talking of the traditional systems, and the potential impacts that would be detrimental to these systems due to the accelerated sea level rise. Dr. Winter stated that sea level rise is steady regarding the coming storms, but there are also intensified storms that bring heavy rainfall. In He`eia, they are restoring the fishpond there, so they have been building the walls thicker and higher and monitoring the king tide events to know how we will adapt. Building the walls higher and thicker is a good idea for the fishpond, but fishponds do not work if the water (wai) is not flowing down the way it did. The system was designed to be the terminus of the waters. The stream flow is only half of what it used to be. The restoration efforts are only half of what they could be. The kupuna always said the health of the land is related to the ocean's health.

Commissioner Helm stated there are good and bad about the mangrove. There used to be lots of limu eleele, which depended on the flow of rainfall from the mountain to the ocean and spring water, but it is gone, and the limu eleele is hard to find. Dr. Winter stated the longer you could hold on to the water, the more momona the aina.

N. McPherson stated one thing they have learned from the kupuna is that there has been over-harvesting or improper harvesting of the limu.

Chair Aila asked what the watershed in He`eia Kea is like and what can be improved to catch more fog drip. Dr. Winter stated we could not only think about what is coming from the ocean or the sky, you have to look at it from both angles. The ideal scenario is to hold on to the water like a sponge, having trees, then shrubs, then ferns above the ground hold the water. When you have a

forest dominated by invasive species where there is only one layer of something, it does not hold on to the water like it is supposed to, which is why native forest restoration is important.

Chair Aila stated the Commission would take a break and go into executive session. He urged the rest of the J-Agenda participants to return at 1:00 p.m.

MOTION

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

EXECUTIVE SESSION IN

11:50 AM

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

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

EXECUTIVE SESSION OUT

12:50 PM

REGULAR AGENDA

REQUEST TO ADDRESS THE CHAIRMAN

ITEM J-10 Kilia Purdy-Avelino – Moloka'i Veterans Center

K. Purdy-Avelino presented a PowerPoint on the Ho'olehua Homesteaders & Veteran Center and believed it is going by the name of Ho'olehua Veterans and Homestead Residents' Center.

She stated they received a Notice of Construction Thursday, 09.29.2022, at 5:23 pm, noting the commencement of the Ho'olehua Veterans & Homestead Resident's Center. The notice was from Diedre Construction to DHHL, noting construction to begin October 3, 2022, with an anticipated completion date in the 4th quarter of 2023.

The Stated Historic Preservation Division Review noted that DHHL held a Beneficiary Information Meeting on September 5, 2017. There were 65 participants, including veterans, homesteaders, and others in the community. The results of the community consultation were provided to SHPD, and it was stated that the results would be shared in the environmental assessment (EA). She stated that most of the voices at the meeting she attended were in opposition and of concern.

She went to the SHPD website to look for the Beneficiary Consultation report, and they could not find any information regarding the meeting on September 5, 2017. Did it end up in the EA? She stated that the project had a deadline of 2018, and if it were not done by then, the project would be dead. As for the SHPD Archaeological Monitoring, the questions posed were: Has an archaeologist been on-site during grubbing and grading and initial excavation for the access road and parking lot? Who was the archaeologist?

Steps were taken; they created an Ad Hoc committee of homesteaders, developed questions for the survey, worked with OHA to bring awareness, communicated with Chair Aila, launched the survey, and came before the Commission at the request of the community.

Her request to the Commission is to listen to the community's voices, halt the project, allow for a proper beneficiary consultation, and consider a change of location.

Chair Aila stated there was an April Hawaiian Homes Commission meeting on Molokai where the veterans came to speak on the project. The potential consequence of stopping it now is the Department incurring delayed fees and the project not being completed. That is where it stands now. When Kilia sent emails, his response was the project was under construction already. From his perspective, he does not want to put the Department in a position of liability to the contractor who has already spent money and acquired construction parts. He appreciates her concern, but there are risks, and the contract is already set. Chair Aila stated the original veteran's request to the Legislature for a veteran's center was for a GIA. The GIA from public funds cannot be used on private lands. To save a veteran's project, the Department asked the Legislature not to let the money lapse. It would use the money to build a center on DHHL lands and tell the veterans because it is built on DHHL land, they will not have exclusive use of the center. They would have to share it with the community. It was accepted at the time.

Commissioner Awo stated he understands where the Department is, and it is difficult to undo what is already in process. K. Prudy-Avelino stated to look at what the community's voices say and what the needs are.

Commissioner Helm stated he would like to get feedback from LDD about the amount of land being taken away for the development and the possibility of eliminating the parking. S. Matsunaga stated for what he sees on the site plan; the facility is placed far back as the parcel of land allows. He stated there is about a 300 ft. road that is 22. ft wide that has to be resurfaced and repaved, and there is a space for a septic tank and for parking. He believes there is about an acre between Lanikeha and the Veteran's Center. He will look at the construction plan again.

Public testimony Harry Purdy. The problem is money is spent on Hawaiian Home Lands for veterans and pushing money away from the homesteaders from the usage of the only park in the community. There are other places to place the veteran's center. They are not against the veterans but against building it on their field.

Public testimony Lori Buchanan – supports Kilia Purdy-Avelino and her suggestions.

ITEM J-12 Allen Cardines – Nanakuli Neighborhood Security Watch

A. Cardines updated Commissioners on the Nanakuli Neighborhood Security Watch. He shared a PowerPoint slide. The neighborhood security watch has grown because they learned that the other areas on the Waianae Coast share similar problems. Their goal is to prevent, deter and reduce crime in the community. The communities get together to look for solutions. Rats are a big problem in one of the abandoned homes beside the overgrown brush.

ITEM J-13 Waianae Homestead Association – Right of Entry

Josiah Jury is the President of the Waianae Valley Homestead Community Association.

- Request for the right of entry for a DHHL industrial parcel at 86-220 Farrington Hwy. to allow for a due diligence

- Their vision is a community-based economic development center providing benefits to homesteaders
- Exploring two projects on the site: (1) Waianae Sustainability Co-op, a community-owned solar project which will lower electricity costs for homesteaders, and (2) West O`ahu Funeral Services, a crematorium service organization that will offer the community another alternative to their end of life arrangements

Kapua Keliikoa is the President of the Waianae Sustainability Co-op, whose mission is to produce locally-owned affordable energy for the benefit of homesteaders and members. To give the Waianae Valley homestead and 96792 community the ability to build the type of energy system for the community from the ground up. Allow people to purchase green energy without expensive repairs, modifications, or difficult financing.

Lori Buchanan shared the slides on the West O`ahu Funeral Service. Several structures on the site are in disrepair and need improvements. She is proposing to install a state-of-the-art cremator unit. There are no funeral or mortuary services in Waianae.

Commissioner Teruya asked how many beneficiaries will be served with the solar co-op. K. Keliikoa stated they are looking to serve 70-80 homes.

Chair Aila stated the disposition being considered is for the facility's roofs and a little area on the side to ensure they have enough panels to make the required amount of energy to qualify for the program at Hawaiian Electric. Then there is the crematorium portion. The rest of the property is the Department's only industrial property on the Waianae Coast. The Department is reserving the rest of the property for future lease options.

J. Jury stated they are seeking due diligence. He thanked the Commission.

Chair Aila stated he received an email from Kali Watson and will share that with the Commission members.

- ITEM J-3** **Catherine Lefevre – Moloka`i Water** (not available)
ITEM J-4 **Joyce Elaban-Unciano – Regulation of DHHL Re-sale Prices** (not available)
ITEM J-6 **Homelani Schaedel – Various Concerns** (not available)
ITEM J-11 **Bo Kahui – La`i `Opua Development Corporation** (not available)

ANNOUNCEMENTS AND ADJOURNMENT

NEXT MEETING

The next HHC meeting – December 19 & 20, 2022, Hale Pono`, Kapolei, O`ahu.

Next DHHL Community Meeting – December 19, 2022, 6:30 p.m. Kalanihookaha Community Learning Center, 89-102 Farrington Hwy, Wai`anae, HI, 96792

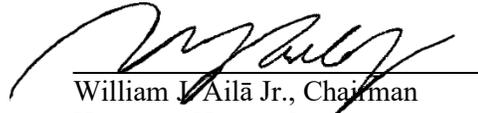
MOTION/ACTION

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

ADJOURNMENT

2:25 PM

Respectfully submitted:



William J. Ailā Jr., Chairman
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

Attachments: