

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

Kūhiō Hale, 64-756 Māmalahoa Highway, Kamuela, HI 96743,
and Zoom: Meeting ID: 609 754 2925
Monday, May 15, 2023, at 9:30 a.m. to be continued, if necessary, on
Tuesday, May 16, 2023, at 9:30 a.m.
Livestream available at www.dhhl.hawaii.gov/live

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov by Wednesday, May 10, 2023.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes:
 - a. April 17 & 18, 2023 – Regular Meeting Minutes
- D. Public Testimony on Agendized Items – see information below

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

II. ITEMS FOR DECISION MAKING

A. CONSENT AGENDA

Homestead Services Division

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Approval to Streamline Refinance of Loans (see exhibit)
- D-4 Ratification of Loan Approvals (see exhibit)
- D-7 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-8 Approval to Certify Applications of Qualified Applicants for the Month of April 2023 (see exhibit)
- D-10 Approval of Assignment of Leasehold Interest (see exhibit)
- D-11 Approval of Amendment of Leasehold Interest (see exhibit)
- D-12 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-13 Request for Partial Advancement of Net Proceeds – **ESTATE OF WALTER YAU LEE** – Residential Lot Lease No. 12743, Lot No. 13745, Malu‘ohai, Kapolei, O‘ahu
- D-14 Cancellation of Lease – **CLARENCE K. KALUHIOKALANI** – Residential Lease No. 7838, Lot No. 9, Ho‘olehua, Moloka‘i
- D-15 Cancellation of Lease – **TIMOTHY H. CHANG** – Agricultural Lease No. 5915, Lot No. 177, Kalamaula, Moloka‘i
- D-16 Conditional Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 5377-A, Lot No. 10-B, Pana‘ewa, Hawaii – **GINA N.K. GOMES and KARLTON K. GOMES**
- D-17 Conditional Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 6261, Lot No. 81-B, Pana‘ewa, Hawai‘i – **BENEDICT CACHOLA and BRANDEE K. CACHOLA MENINO**

D-18 Commission Designation of Successor – **CLYDE K. PALING**, Residential Lease No. 12569, Lot No. 18336, Kanehili, O‘ahu

B. REGULAR AGENDA

Office of the Chairman

- C-1 Approval of Lease Award Pi‘ilani Mai Ke Kai Subdivision Phase II– Residential Vacant Lots –Anahola, Kaua‘i; Ka‘uluokaha‘i Increment II B Residential Subdivision- Vacant Lot-Ewa Beach, Oahu (see exhibit)
- C-2 Approval of Recission of Homestead Lease Award and Reinstatement of Application – La‘i‘Ōpua Villages 4 & 5, Undivided Interest (see exhibit)

Land Management Division

- F-1 Approval for Issuance of Right of Entry Permit to Hana Laulima Lahui O Ka‘u, Inc., Wai‘ōhinu, Hawai‘i, TMK No.: (3) 9-5-005:003 (por.)
- F-2 Approval for Right of Entry Permit(s), North & West Hawaii Island (see exhibit)
- F-3 Approval to Amend License No. 848 (License Fee Reduction), Aha Punana Leo, Inc., a Hawaii non-profit corporation, Waimea, Hawai‘i, TMK No. (3) 6-4-001:059 (por.)

III. EXECUTIVE SESSION

The Commission anticipates convening an executive meeting pursuant to Section 92-5(a)(4), HRS, to consult with its attorney on questions and issues pertaining to the Commission’s powers, duties, privileges, immunities, and liabilities on the following matters:

- 1. Application of Part I of Chapter 92, Hawaii Revised Statutes to Meetings of the Hawaiian Homes Commission

IV. ITEMS FOR INFORMATION/DISCUSSION

A. REGULAR ITEMS

Office of the Chairman

- C-3 For Information Only – Native Hawaiian Housing Block Grant Overview
- C-4 For Information Only – Summary of Legislative Session 2023

Homestead Services Division

- D-1 HSD Status Reports
 - A.-Homestead Lease and Application Totals and Monthly Activity Reports
 - B.-Delinquency Reports

Planning Office

- G-1 For Information Only – Status Update on Plan Implementation in the West Hawai‘i Region of Hawai‘i Island
- G-2 For Information Only – West Hawai‘i Water Projects Update

B. WORKSHOPS

Homestead Services Division

- D-5 For Information Only – Update on Amended Memorandum of Understanding (“MOU”) Between the State of Hawai‘i Department of Hawaiian Home Lands (“DHHL”) and the United States Department of Veterans Affairs (“VA”) Regarding Direct Housing Loans
- D-9 For Information Only – Update on the Conversion of Homestead Services Division Applications Branch’s Status Report System

Land Development Division

- E-1 For Information Only – West Hawaii Land Development Projects Update

Planning Office

- G-3 For Information Only – Anticipated Finding of No Significant Impact for the Kalaupapa National Historic Park Electrical System Rehabilitation and Upgrade Draft Environmental Assessment, TMK (2) 6-1-001:001 and :002, Kalaupapa, Kalawao, Moloka‘i

V. ANNOUNCEMENTS AND RECESS

1. DHHL Community Meeting– Monday, May 15, 2023. 6:30 p.m., Kailapa Community Association, 61-4016 Kai ‘Ōpae Place, Kameula, Hawai‘i, 96743

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

Kūhiō Hale, 64-756 Māmalahoa Highway, Kamuela, HI 96743,

and Zoom: Meeting ID: 609 754 2925

Tuesday, May 16, 2023, at 9:30 a.m.

Livestream available at www.dhhl.hawaii.gov/live

I. ORDER OF BUSINESS

A. Roll Call

B. Public Testimony on Agendized Items - see information below

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

II. ITEMS FOR DECISION MAKING

Homestead Services Division

D-6 Approval of Amended Memorandum of Understanding (“MOU”) Between the State of Hawai‘i Department of Hawaiian Home Lands (“DHHL”) and the United States Department of Veterans Affairs (“VA”) Regarding Direct Housing Loans

III. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA


Requests to Address the Commission

- J-1 Bo Kahui -La‘i‘ōpua Community Development Corp.
- J-2 Emily Nae‘ole – Waitlist
- J-3 Leila Kealoha – Maku‘u Hawaiian Homestead Association
- J-4 Skippy Ioane – Kings Landing
- J-5 Kauilani Almeida – Panaewa Hawaiian Home Lands Community Association
- J-6 Lily Napoleon – Na‘iwa Homestead Association
- J-7 John McBride – Kalaupapa and Kupuna
- J-8 Faith Chase – Kahikinui Community Based Economic Development & Makai Management Plan
- J-9 Blossom Feiteira – Act 279
- J-10 Donna Sterling – Kahikinui Hawaiian Homestead Association
- J-11 Kekoa Enomoto – Maui/Molokai Moku-puni Council
- J-12 Dayne Kahau – Papakolea Lease Issue

IV. ANNOUNCEMENTS AND ADJOURNMENT

A. Next HHC Meeting – June 26 & 27, 2023, Hale Pono, Kapolei, Oahu

B. Adjournment



Kali Watson, Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

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

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

If you need an auxiliary aid/service or other accommodation due to a disability, contact Michael Lowe at 620-9512, or michael.l.lowe@hawaii.gov, as soon as possible, preferably by May 12, 2023. If a response is received after then, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats.

Public Testimony on Agendized Items can be provided either as: (1) in person at the meeting location, by filling out a form at the reception table, (2) written testimony mailed to *Commission Testimony, P.O. Box 1879, Honolulu, HI, 96815*, or emailed to *DHHL.icro@hawaii.gov* by May 12, 2023, or (3) live, oral testimony online by joining the Zoom meeting and relabeling your profile to include the agenda item you wish to testify on. Please keep your computer muted and your camera off until you are called. You will need a computer with internet access, video camera and microphone to participate. Testimony may be limited to a maximum of three (3) minutes per person.

Disruption of Interactive Teachnology – Please reconnect to the same Zoom link listed on the agenda.

ITEMS C-1**APPROVAL OF LEASE AWARD PI'ILANI MAI KE KAI SUBDIVISION PHASE II- RESIDENTIAL
VACANT LOTS- ANAHOLA, KAUA'I**

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
CHRISTIAN K.C. GOO JR	09/21/1989	27	(4) 4-8-022-116	13016

**APPROVAL OF LEASE AWARD KA'ULUOKAHA'I INCREMENT II B RESIDENTIAL
SUBDIVISION- VACANT LOT, EWA BEACH, OAHU**

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
VICENT J. LONO	04/04/1991	5	(1) 9-1-017-110	13017

ITEMS C-2**APPROVAL OF RECISSION OF HOMESTEAD LEASE AWARD AND REINSTATEMENT OF
APPLICATION - LA'I OPUA VILLAGES 4 & 5 WHICH COMMENCED ON DECEMBER 3, 2005**

<u>NAME</u>	<u>LEASE INFORMATION</u>	<u>APPLICATION INFORMATION</u>
MIKIALA M. AKAU	LEASE NO. 10887 COMMENCEMENT DATE: 12/03/2005 AREA: LA'I OPUA VILLAGES 4 & 5	HAWAII IW RES AREA CODE: 393 APP DATE: 02/19/2003
DWAYNE ALIP	LEASE NO. 10670 COMMENCEMENT DATE: 12/03/2005 AREA: LA'I OPUA VILLAGES 4 & 5	HAWAII IW RES AREA CODE: 393 APP DATE: 07/07/1996
JOHN K. MEDEIROS III	LEASE NO. 10823 COMMENCEMENT DATE: 12/03/2005 AREA: LA'I OPUA VILLAGES 4 & 5	HAWAII IW RES AREA CODE: 393 APP DATE: 12/27/1999

ITEM D-2 EXHIBIT**APPROVAL OF CONSENT TO MORTGAGE**

<u>LESSEE</u>	<u>LEASE NO.</u>	<u>AREA</u>
AKAMINE, Jewel K.	12973	Ka'uluokaha'i, Oahu
ARAKAKI, Shunya K.	2182	Kewalo, Oahu
ARROYO, Patricia K.	12411	Ka'uluokaha'i, Oahu
DOMINGO, Ruth Ilani Awai	224	Hoolehua, Molokai
HATORI-LAA, Kawika	5206	Nanakuli, Oahu
HIGA, Sueo	11087	Anahola, Kauai
KALAMA, Lonn K.	729	Waimanalo, Oahu
KEALALIO, Lois H.	946	Papakolea, Oahu
KUHAULUA, Daisha S. K.	11136	Anahola, Kauai
LAFAELE, Esther	2589	Waimanalo, Oahu
PAKANI, Matthew C. K.	5385	Waiakea, Hawaii
TORRES, Lehua K. K.	12122	Kaupea, Oahu
WAKINEKONA, Kahealani	6195	Puukapu, Hawaii
WERNER, Steven K.	8883	Hanapepe, Kauai

ITEM D-3 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE

ISHIKAWA, Melvin

LEASE NO.

8552

AREA

Waianae, Oahu

ITEM D-4 EXHIBIT

RATIFICATION OF LOAN APPROVALS

LESSEE

DAVID, Elias

MAGBANUA, Momi L.

PAYAPAYA, Bernadette K.

TOYOZAKI, Waylene U.

LEASE NO.

12967

9266

13012

12989

AREA

Kauluokahai, Oahu

Kanihale, Hawaii

Laiopua, Hawaii

Puukapu, Hawaii

ITEM D - 7 - EXHIBIT

HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT

KAAIALII, John K.

KALUAU, Royden K.

KELA, Darcy Ann E.

KUALII-DEMELLO, Kimberlee K.

MAUHILI, Jerryl G.K.

PANA, Nelson K.

VANDERFORD, Van K.H.

AREA

Oahu IW Res

Hawaii IW Agr

Hawaii IW Res

Hawaii IW Res

Hawaii IW Agr

Oahu IW Res

Maui IW Agr to Maui IW Pas

* IW = Islandwide

ITEM D - 8 - EXHIBIT

QUALIFIED HOMESTEAD APPLICANTS FOR APPROVAL

APPLICANT

AHUE, Kaelah N.A.

AKU, Adam I.

AKU, Adam I.

AU-HAUPU, Micah K.

AU-HAUPU, Micah K.

BRYCE, Narda A.

BUSTILLOS, Christina M.

BUSTILLOS, Christina M.

CAMPBELL, Evangline L.

DABBS, Vernamay I.

DABBS, Vernamay I.

DECAMBRA, Stephanie L.

GRAVELY, Pamela N.

GRAVELY, Pamela N.

KAAHANUI, Maile A.H.

AREA

Hawaii IW Res

Hawaii IW Agr

Oahu IW Res

Maui IW Agr

Maui IW Res

Oahu IW Res

Kauai IW Agr

Kauai IW Res

Hawaii IW Res

Oahu IW Agr

Oahu IW Res

Nanakuli Area/ Oahu IW Res

Oahu IW Agr

Oahu IW Res

Molokai IW Agr

ITEM D - 8 - EXHIBIT (continued)
QUALIFIED HOMESTEAD APPLICANTS FOR APPROVAL

KAAHANUI, Maile A.H.	Molokai IW Res
KAAWA, Brennen N.	Hawaii IW Pas
KAAWA, Brennen N.	Hawaii IW Res
KAHAKUA, Naomi D.	Hawaii IW Agr
KAHAKUA, Naomi D.	Hawaii IW Res
KAHANANUI, Joslynn K.	Hawaii IW Pas
KAHANANUI, Joslynn K.	Hawaii IW Res
KAHANANUI, Josten K.	Hawaii IW Agr
KAHANANUI, Josten K.	Hawaii IW Res
KAIAMA, Kachet K.	Molokai IW Agr
KAIAMA, Kachet K.	Molokai IW Res
KAIHEWALU TIANIO, Maureen K.K.	Maui IW Pas
KAIHEWALU TIANIO, Maureen K.K.	Maui IW Res
KALAMA, Joey K.B.	Oahu IW Agr
KALAMA, Joey K.B.	Oahu IW Res
KALUNA-THOMAS, Kainoa K.C.	Oahu IW Res
KAMANAO, Andrew K.	Oahu IW Res
KAPULE, Makana K.S.	Oahu IW Agr
KAPULE, Makana K.S.	Oahu IW Res
KARRATTI, John P.M.	Kauai IW Agr
KARRATTI, John P.M.	Kauai IW Res
KEALE, Duane K.K.	Kauai IW Agr
KEALE, Duane K.K.	Kauai IW Res
KEALOHA-ALONZO, Cedric C.	Molokai IW Agr
KEALOHA-ALONZO, Cedric C.	Molokai IW Res
KEAWE, Reccie A.	Maui IW Agr
KUALII, Kuulei K.	Hawaii IW Agr
KUALII, Kuulei K.	Hawaii IW Res
LAVATAI, Marjorie K.	Oahu IW Res
LIANA, Jahlyxcs M.	Hawaii IW Pas
LIANA, Jahlyxcs M.	Oahu IW Res
LOO, Rockylin M.	Hawaii IW Res
MADRIAGA, William B.	Maui IW Agr
MADRIAGA, William B.	Maui IW Res
NAMAHOE, John K.H., III	Oahu IW Res
PALAMA, William K.	Hawaii IW Agr
PALAMA, William K.	Hawaii IW Res
SEGUNDO-HEE, Emily K.	Molokai IW Agr
SEGUNDO-HEE, Emily K.	Oahu IW Res
VALENCIA, Benito F., Jr.	Oahu IW Res

* IW = Islandwide

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

<u>LESSEE</u>	<u>LEASE NO.</u>	<u>AREA</u>
ARRIETA, Leeann L.	7650	Waiohuli, Maui
KAIAOKAMALIE, Russell N.	7650	Waiohuli, Maui
KAIAOKAMALIE, Russell N.	7649	Waiohuli, Maui
KAIAOKAMALIE, Anuhea L.	7649	Waiohuli, Maui
KANEHAILUA, Valentine K., III	12564	Kanehili, Oahu
POOUAHI, Joseph K.	4126	Waimanalo, Oahu
POOUAHI, Jantell H. K.	4126	Waimanalo, Oahu
CALARRUDA, Danielle K. P.	8710	Waianae, Oahu
TRIPP, Kanila K. K.	12645	Kanehili, Oahu
CARVALHO, Shelaine L.	12645	Kanehili, Oahu
BOYD, William K.	12999	PMKK, Kauai
SMITH, Henry L.	12995	PMKK, Kauai

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

<u>LESSEE</u>	<u>LEASE NO.</u>	<u>AREA</u>
HANOANO, Joseph, III	413	Nanakuli, Oahu
KANEHOLANI, Keone N.	11142	Anahola, Kauai
KUEHU, Chanel L.	11046	Anahola, Kauai
KUAHAULUA, Daisha S. K.	11136	Anahola, Kauai

ITEM D-12 EXHIBIT**APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC SYSTEMS FOR CERTAIN LESSEES**

<u>LESSEE</u>	<u>LEASE NO.</u>	<u>AREA</u>
ACPAL, Aaron P. S.	10371	Waiohuli, Maui
ANDRADE, Jasen K.	12306	Hikina, Maui
BRIGHT, Stephanie M.	4854	Nanakuli, Oahu
GRAVES, Jennifer	7374	Nanakuli, Oahu
JOHNSON, Joshua M. K.	10379	Waiehu Kou IV, Maui
KAIAOKAMALIE, Anuhea L.	7650	Waiohuli, Maui
KAMAKAHI, Gail S.	4157-A	Panaewa, Hawaii
KANAHELE, Olive M.	4185	Panaewa, Hawaii
KANAHELE, Ahienaopuna K.	4185	Panaewa, Hawaii
KEAULANI, Robert K.	5979	Waimanalo, Oahu
KUAILANI, Nicole K.	7641	Waiohuli, Maui
NAKAHARA, Violenda K.	3537	Kewalo, Oahu
NAKI, Everest K.	7537	Waiohuli, Maui
NAKOOKA, Danette P.	7734	Waiohuli, Maui

ITEM F-2 EXHIBIT
RIGHT OF ENTRY PERMITS, NORTH & WEST HAWAII ISLAND

NO.	ACRE	USE	PERMITTEE/ADDRESS	TMK	Started
461	0.54	Commercial	Edward J. Laau/Naomi K. Peck	(3) 6-1-003:018	7/1/1989
462	0.67	Commercial	Kawaihae Spirits	(3) 6-1-002:066 and:068	2/20/1990
464	50.00	Pastoral	Marian Kapuniai	(3) 6-4-038:007 (p)	12/29/2012
466	105.73	Pastoral	Malama Solomon	(3) 6-5-001:010 (p)	1/1/2000
483	0.56	Commercial	Guy Startsman	(3) 6-1-003:003	2/14/2011
484	1420.00	Pastoral	Kahua Ranch	(3) 6-1-001:002 (p)	2/1/2011
485	7600.00	Pastoral	Palekoki Ranch, Inc.	(3) 6-1-001-003 (p)	6/1/2011
599	381.00	Pastoral	Parker Ranch	(3) 6-5-001:011 & :019	7/1/1977
683	9mi	Pastoral	The Kohala Center "TKC"	(3) 9-1-001:003	3/12/2018
684	72.00	Community	Kailapa Community Association	(3) 6-1-001:007	4/24/2019

DENOTES BENEFICIARY

Hawaiian Homes Commission Meeting
My 15 & 16, 2023
Kuhio Hale, Waimea, Hawaii

C-ITEMS

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Paula Aila, Acting Administrator, 
Contact & Awards Division

FROM: Michelle Hitzeman, HALE Manager /Project Lead
Moana Freitas, Case Management Specialist
Contact & Awards Division

SUBJECT: Approval of Lease Award

RECOMMENDED MOTION/ACTION

Approve the awards of Department of Hawaiian Home Lands Residence Lot Leases to the applicants listed below for ninety-nine (99) years, subject to the purchase of the existing improvements on the lot by way of a loan or cash.

DISCUSSION

Pi'ilani Mai Ke Kai Subdivision Phase II – Residential Vacant Lots – Anahola, Kauai

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
CHRISTIAN K.C. GOO JR	09/21/1989	27	(4) 4-8-022-116	13016

Ka'uluokaha'i Increment II B Residential Subdivision – Vacant Lot, Ewa Beach, Oahu

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
VICENT J. LONO	04/04/1991	5	(1) 9-1-017-110	13017

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Paula Aila, Acting Administrator
Contact & Awards Division



Moana Freitas, Case Management Specialist
Contact & Awards Division

SUBJECT: **Rescission of Homestead Lease Award and Reinstatement
of Application - Laiopua Villages 4 & 5, Undivided
Interest**

MOTION/ACTION

1. To approve the rescission of THREE (3) Undivided Interest Residential Lease, Laiopua Villages 4 & 5, which commenced on December 3, 2005.
2. To reinstate THREE (3) residential lease application to the appropriate Residential Lease Waiting list according to the original date of application.

DISCUSSION

On October 29, 2005, at the Laiopua Villages 4 & 5 Undivided Interest Selection Meeting, Mikiala M. Akau, Dwayne Alip and John K. Medeiros III executed the selection agreement, and the lease award was approved on December 3, 2005.

The following lessees have decided to rescind their lease at this time because of financial or personal reasons. The department has received a notarized request to rescind the lease and return to the Application list according to the original date of application.

<u>NAME</u>	<u>LEASE INFORMATION</u>	<u>APPLICATION INFORMATION</u>
Mikiala M. Akau	Lease No. 10887 Commencement Date: 12/03/05	Hawaii IW Res Area Code: 393

ITEM NO.C-2

Dwayne Alip Area: Laiopua Villages 4&5 App Date: 02/19/2003
Lease No. 10670 Hawaii IW Res
Commencement Date: 12/03/05 Area Code: 393
Area: Laiopua Villages 4&5 App Date: 07/07/1996

John K. Medeiros III Lease No. 10823 Hawaii IW Res
Commencement Date: 12/03/05 Area Code: 393
Area: Laiopua Villages 4&5 App Date: 12/27/1999

HUD

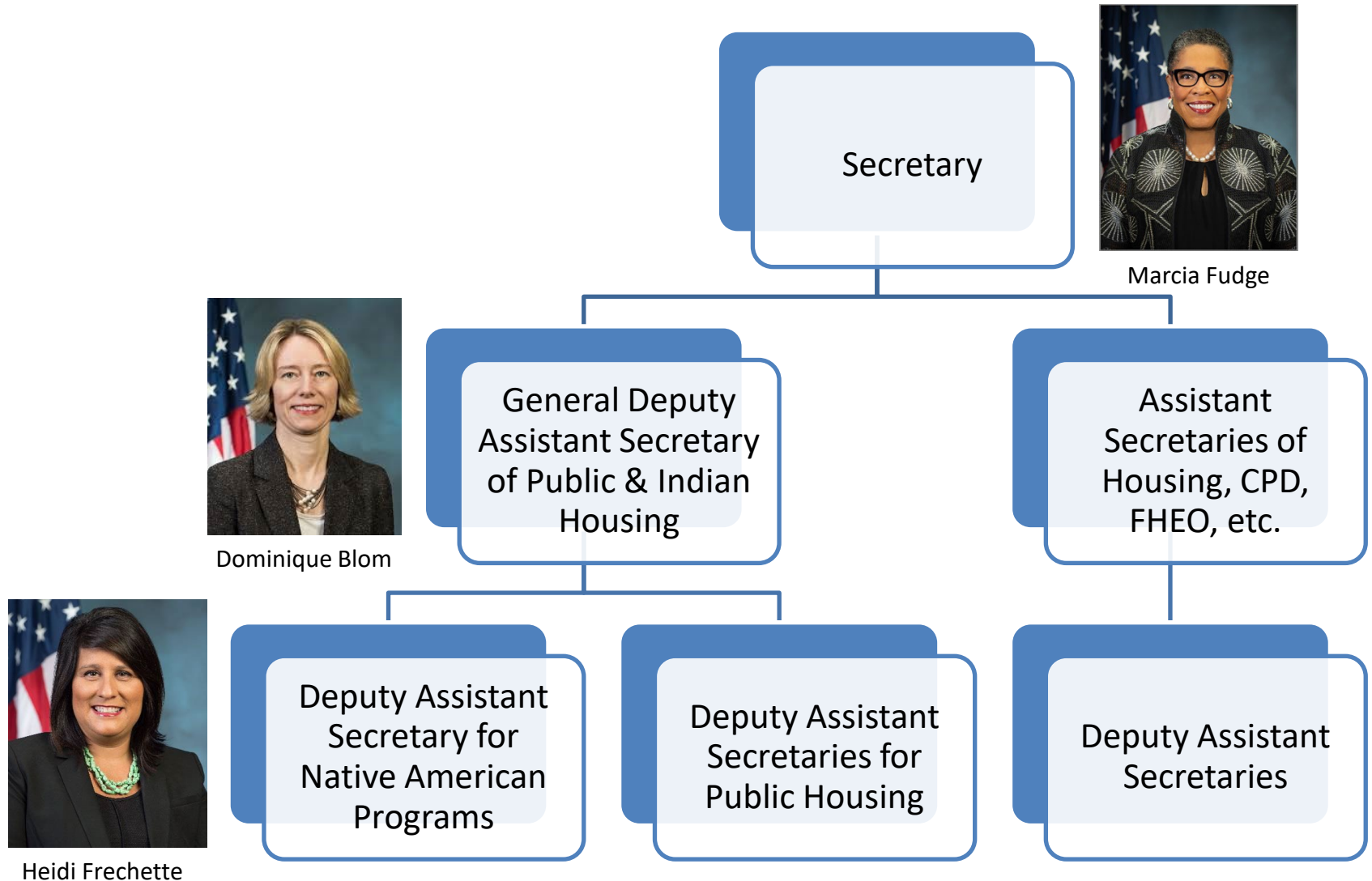
Native Hawaiian

Housing Programs

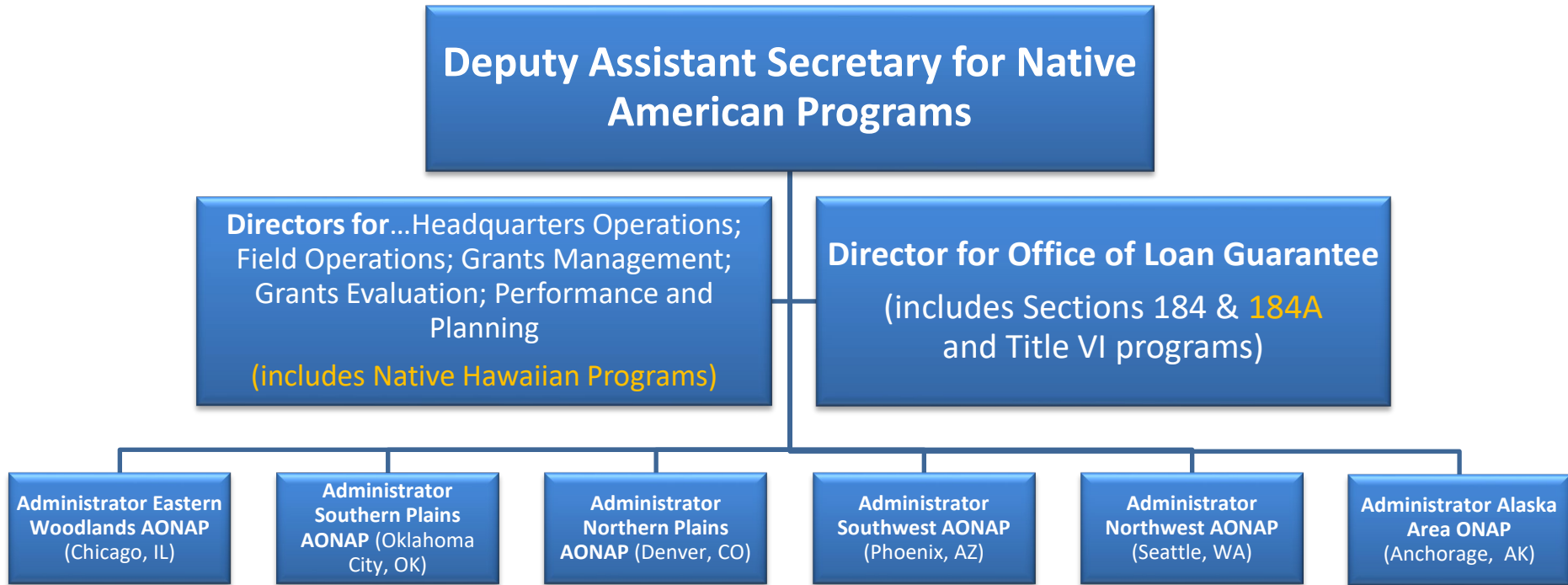
May 2023



HUD Office of Native American Programs (ONAP)



HUD Office of Native American Programs (ONAP)



Hawaii ONAP Staff:

Claudine Allen, Lead Native Hawaiian Program Specialist

Diana Houston, Native Hawaiian Program Specialist



Native American Programs

❖ Indian Housing Block Grant (IHBG)

- Formula grant and Competitive grant to eligible Indian tribes and TDHEs to carryout affordable housing activities to primarily benefit low-income Native American and Alaska Native families

❖ Title VI Loan Guarantee for IHBG Recipients

- Leverages IHBG to finance affordable housing activities

❖ Indian Community Development Block Grant (ICDBG)

- Competitive grant to Indian Tribes, Bands, Nations & Alaska Native Villages for Housing, Community Facilities, and Economic Development

❖ Tribal HUD Veteran Affairs Supportive Housing Assistance (VASH)

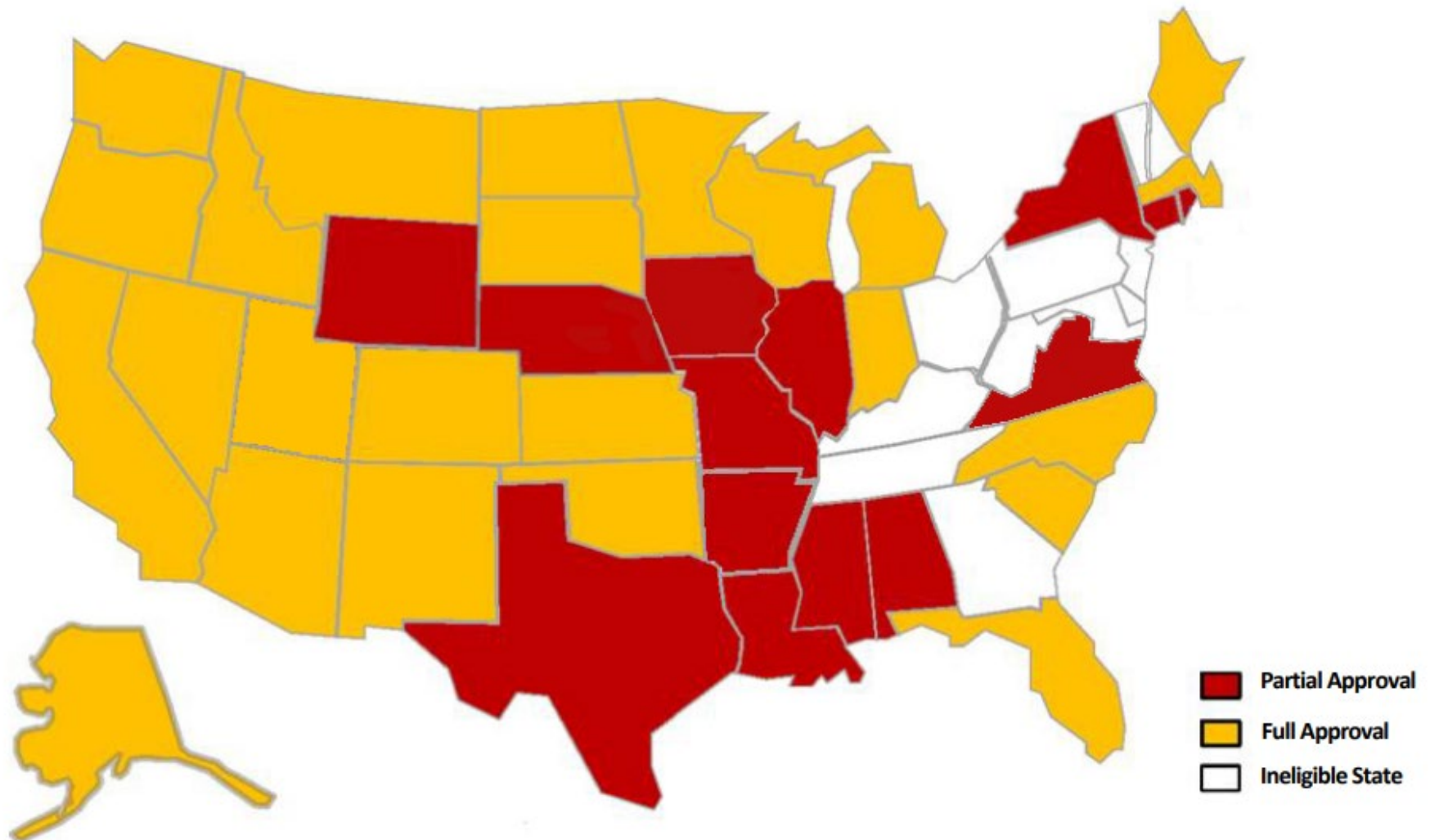
- Combines HUD rental assistance with VA case management, clinical and support services for Native American veterans who are homeless or at risk of homelessness

❖ Section 184 Indian Housing Loan Guarantee

- Homeownership loan for Indian Tribal Members, Alaska Natives, Alaska villages, tribes, or TDHEs
- In eligible areas on and off native lands



Section 184 Eligible Lending Areas



Native Hawaiian Programs



❖ Native Hawaiian Housing Block Grant (NHHBG)

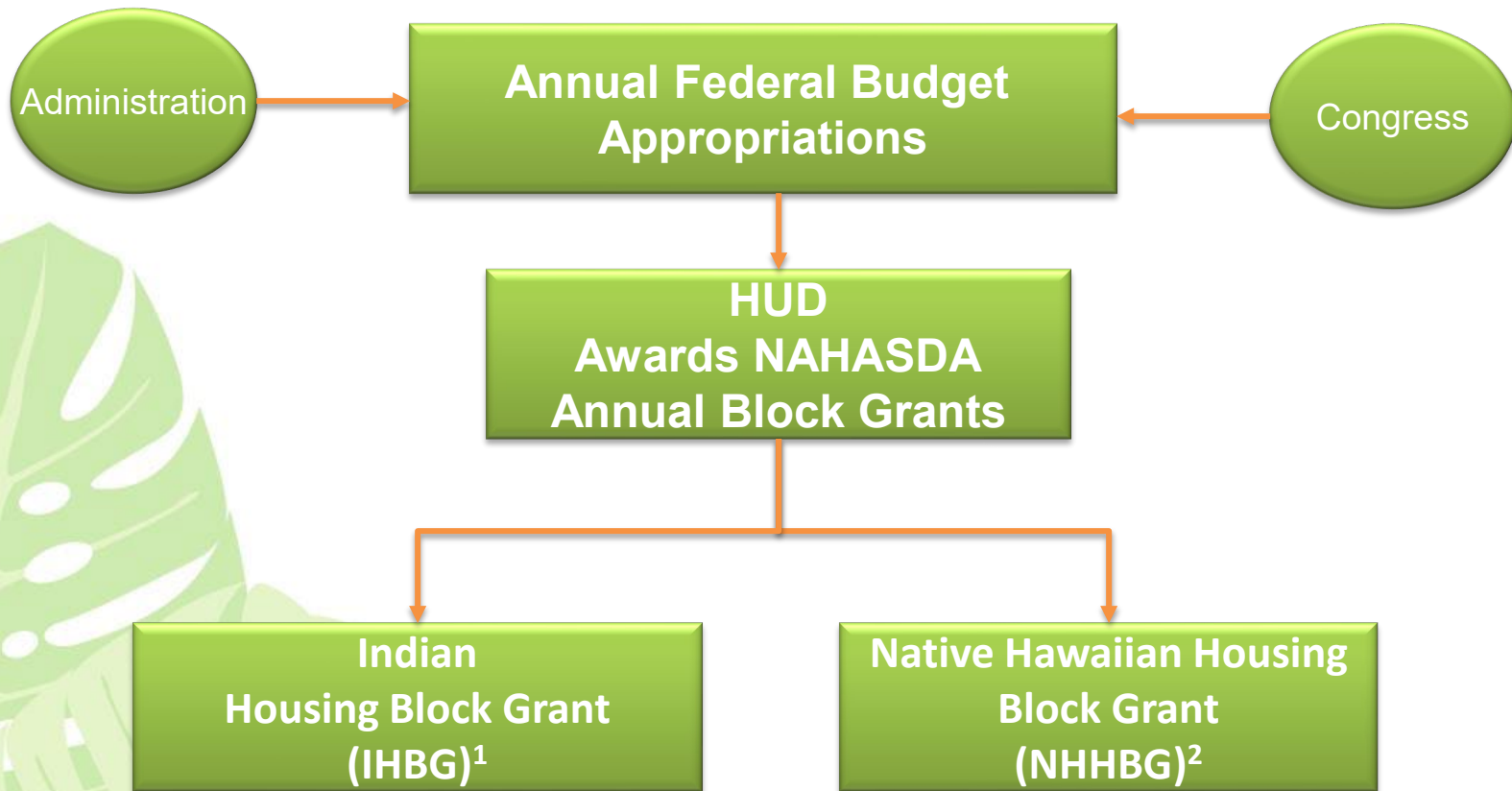
- NAHASDA was amended in 2000 to add Title VIII – Housing Assistance for Native Hawaiians
- Provides affordable housing opportunities to low-income Native Hawaiian families eligible to reside on Hawaiian home lands

❖ Section 184A Native Hawaiian Housing Loan Guarantee

- The Housing & Community Development Act of 1992 was amended in 2000 to add Section 184A Loan Guarantees for Native Hawaiian Housing
- Homeownership loan for Native Hawaiians on Hawaiian home lands



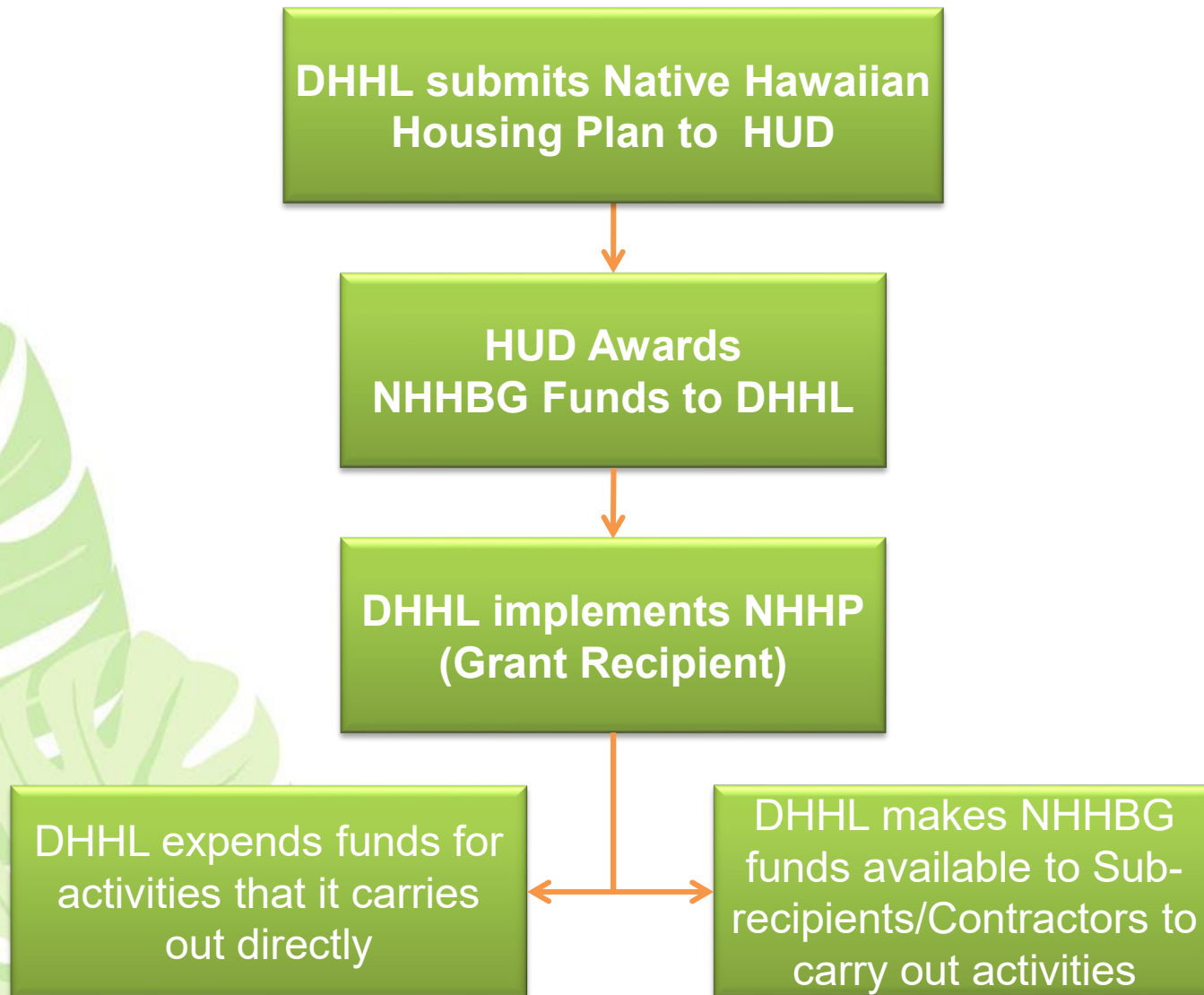
Appropriation to Grant Process



¹Entire Allocation divided among & directed to Tribes based on formula

² Entire Allocation directed to DHHL

Appropriation to Grant Process



NHHBG Funding History

- ❖ DHHL received its first NHHBG award in Fiscal Year 2002 of \$9.6 million
- ❖ From 2003 to 2015, \$8M to \$12M per year
- ❖ From 2017 to 2021, \$2M per year
- ❖ In 2022, \$22.3M
- ❖ In 2009, DHHL received an additional \$10.2M in ARRA funds
- ❖ In 2021, DHHL received an additional \$5M in ARP funds
- ❖ Total NHHBG funds awarded through 2022 is \$173 million
NHHBG funds available as of 4-30-2023: \$35,474,918
- ❖ Total number of housing units built, acquired, and rehabilitated:
 - Built: 493
 - Acquired: 151
 - Rehabilitated: 114
- ❖ Total number of families assisted through housing services: 3,520

Native Hawaiian Housing Block Grant (NHHBG)

NHHBG provides *affordable housing* opportunities to *low-income Native Hawaiian** families eligible to reside *on Hawaiian home lands*

*Discrimination on the basis of race does not prevent the provision of assistance under NAHASDA. Program eligibility under NAHASDA may be restricted to Native Hawaiians. Subject to that, discrimination is prohibited on the basis of race, color, national origin, religion, sex, familial status, or disability.

- **Affordable Housing:** housing that is developed or assisted with NAHASDA; housing that meets the requirements of NAHASDA.
- **Low-income:** not exceeding 80% of the median income for the area.
- **Native Hawaiian Families:** DHHL determines eligibility to reside on Hawaiian home lands pursuant to the Hawaiian Homes Commission Act.
- **Housing Area:** on Hawaiian home lands for homeownership; on and off Hawaiian home lands for rental assistance (per 2018-2023 appropriation language).

NHHBG Eligible Activities

- ❖ **NHHBG must be used for eligible activities consistent with the Native Hawaiian Housing Plan**
 - **DEVELOPMENT**—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing
 - **HOUSING SERVICES**—The provision of housing-related services for affordable housing
 - **HOUSING MANAGEMENT SERVICES**—The provision of management services for affordable housing
 - **CRIME PREVENTION AND SAFETY ACTIVITIES**—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime
 - **MODEL ACTIVITIES**—Housing activities under model programs that are designed to carry out the purposes of NAHASDA; and *specifically approved by the Secretary*

Native Hawaiian Housing Plan

Increase the inventory of affordable housing on Hawaiian home lands

- Infrastructure development (engineering, design, mass grading, streets, utilities, etc.) of lots on Trust Lands to support housing for residential use.
- Developer financing to reduce cost to construct vertical housing units.
- Provide affordable homeowner financing to help families with home purchase/construction.
- Establish site selection criteria to research and identify available lands and existing structures to be acquired to make housing available.

Reduce the number of substandard housing units on Hawaiian home lands

- Provide financial assistance to renovate or demolish and rebuild dilapidated homes, energy retrofit, building code compliance, etc.

Native Hawaiian Housing Plan

Rental Housing Assistance

- Rental assistance for existing Waimanalo Kupuna Housing Project on Hawaiian Home Lands to keep rents low for kupuna.

Rental Vouchers

- Temporary relocation assistance to families while their primary residence is being rehabilitated or rebuilt.
- Temporary emergency rental and utilities assistance to mitigate financial hardship associated with COVID-19 to stabilize housing for nH families.
- Temporary rental subsidy for Kupuna age 62+ head of household on HHL waitlist to ensure housing stability.
- Rental vouchers for housing units developed for DHHL (e.g., Villages of Lai Opua rent-with-option-to-purchase units).

Native Hawaiian Housing Plan

Housing Conversion

- Convert existing structure to transitional or affordable rental housing to address homelessness.

Housing Counseling Services

- Partner with HUD-certified Housing Counselors to provide financial literacy education, counseling, and case management to address housing barriers to reach housing goals.
- For nH Lessee, applicants or households who receive or are eligible to receive NHHBG assistance.

NHHBG Requirements

❖ DHHL and all Sub-recipients must comply with statutory and regulatory requirements

- **Statute:** Title VIII of the Native American Housing Assistance and Self-Determination Act (NAHASDA)
- **Regulation:** 24 CFR Part 1006 and other federal regulations and requirements:
 - Native Hawaiian Housing Plan
 - Eligible Activities
 - Eligible Families
 - Affordability Restriction and Binding Commitments
 - Admissions and Occupancy
 - Monitoring
 - Annual Performance Report
 - Federal Financial Report
 - Annual Audit Report

NHHBG Requirements

❖ DHHL and all Sub-recipients must comply with statutory and regulatory requirements (continued)

- Insurance Coverage – assisted units; contractor activities
- Program Income
- Labor Standards (Davis-Bacon wage rates and related Acts)
- Environmental Review
- Nondiscrimination
- Administrative Requirements / Cost Principles / Procurement / Conflict of Interest / Audit Requirements – 2 CFR Part 200
- Lead-Based Paint – 24 CFR Part 35
- Drug-Free Workplace – Drug Free Workplace Act of 1988
- Relocation and Real Property Acquisition – 49 CFR Part 24
- Housing Counseling – Section 106 of the HUD Act of 1968
- Employment, Contracting & Training Opportunities – Section 3 of the HUD Act of 1968

Native Hawaiian Housing Plan

- ❖ **NHHBG must be used for eligible activities consistent with the Native Hawaiian Housing Plan**
 - **DHHL must submit a housing plan for each Federal fiscal year**
 - **Five-year Plan:**
 - ✓ Mission statement
 - ✓ Goals and objectives
 - ✓ Activities plan
 - **One-year Plan:**
 - ✓ Goals and objectives
 - ✓ Statement of needs/Planned fiscal year activities
 - ✓ Financial resources/Budget – sources & uses of funding
 - ✓ Affordable housing resources
 - ✓ Other: Useful life affordability period; Model activities
 - ✓ Certifications of compliance
 - **DHHL must submit any amendment to the 1-year plan for HUD review before undertaking new activities not included in the current plan**
 - **HUD will review Housing Plan to determine compliance with NAHASDA**

Administrative Expenses

❖ Up to such amount authorized by HUD

- **HUD authorizes DHHL** to budget and expend up to 20% of each grant award for reasonable administrative and planning expenses
- **ADMINISTRATIVE & PLANNING COSTS**—Related to carrying out NAHASDA and activities assisted with NHHBG funds
 - ✓ Wages and related costs of DHHL staff
 - ✓ Travel costs related to carrying out NHHBG program
 - ✓ Administrative services performed under third-party contracts – e.g., audit services; preparation of housing plan and reports; monitoring activities, etc.
 - ✓ Goods and services required for administration of program – e.g., rental/purchase of equipment, insurance, utilities, office supplies, rental and maintenance of office space

NHHBG Requirements

- **One Primary Objective of Title VIII of NAHASDA** is to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments for occupancy by **low-income** Native Hawaiian families. [Section 809 of NAHASDA]
- **Eligible Families – Section 809(a)(2) NAHASDA; § 1006.301**
 - ▶ Generally limited to low-income Native Hawaiian families who are eligible to reside on Hawaiian home lands
 - ▶ Exception to low-income requirement:
 - ✓ Homeownership assistance to **non low-income** NH families, as approved by HUD to address a need for housing that cannot be reasonably met without that assistance;
 - ✓ Assistance to **non low-income and non-NH** okay *if* DHHL determines that the presence of the family in the housing involved is essential to the well-being of NH families and the need for housing of such family cannot be reasonably met without the assistance.

Example of essential family: Medical Practitioner, Police Officer, etc.

Affordability Period and Binding Commitments

- The use of NHHBG funds on a property is an investment made for low-income families in the community.
- The return on that NHHBG investment is the period of time that the unit will be available for continued future use by low-income families = Affordability Period or “useful life” for that property.
- A useful life/affordability period must be established when NHHBG funds are used on a lot, housing unit, or provided to a family for the following activities:
 - ✓ Construction/Rehabilitation
 - ✓ Acquisition/Down payment/Closing costs
 - ✓ Financing
 - ✓ Regardless of whether assistance is a grant or loan

Affordability Period and Binding Commitments

- The affordability period must be enforced with a binding commitment that includes remedies for breach of the commitment.
- DHHL must track each affordable unit and keep records of all use restrictions.

❖ **DHHL must make a concerted effort to accurately estimate how many NHHBG affordable units will result when planning a multi-unit project**

- If 50% of the housing units are expected to be occupied by low-income families, then NHHBG should be used to pay only 50% of the project cost.
- It is not acceptable to purposely front-load project costs with NHHBG funds and just pay it back later!

NHHBG Requirements

- **Insurance Coverage – Section 811(c) NAHASDA and § 1006.330**
 - Adequate insurance coverage required for housing units owned, operated, or assisted with more than \$5,000 of NHHBG funds (including loans).
 - Contractors and subcontractors shall provide insurance covering their activities in the contract.
- **Program Income – Section 805(a) NAHASDA and § 1006.340**
 - Income generated from the use of NHHBG (including payments of principal and interest on loans made with NHHBG) totaling more than \$25,000 in one fiscal year.
 - Must be used for affordable housing activities in accordance with NAHASDA and 24 CFR Part 1006 *before* disbursing additional NHHBG funds.
- **Labor Standards – Section 805(b) NAHASDA and § 1006.345**
 - Any contract or agreement for assistance, sale, or lease must require prevailing wage rates under the Davis-Bacon Act to be paid to laborers and mechanics employed in the development of the affordable housing involved.

NHHBG Requirements

- **Labor Standards (cont'd) – Section 805(b) NAHASDA and § 1006.345**
 - Any contract or agreement for assistance, sale, or lease must require prevailing wage rates, as determined by HUD, to be paid to architects, technical engineers, draftsmen, and technicians employed in the development; and all maintenance laborers and mechanics employed in the operation of the affordable housing involved.
 - When NHHBG is only used to assist homebuyers to acquire single family housing, Davis-Bacon wages rates apply to the construction of the housing if there is a written agreement with the housing owner or developer that NHHBG will be used to assist homebuyers to buy the housing.
 - Prime contracts not in excess of \$2,000 are exempt from Davis-Bacon wage rates.
 - Volunteer labor (including sweat equity) is exempt from Davis-Bacon and HUD-determined wage rates.
 - Contracts in excess of \$100,000 to which Davis-Bacon or HUD-determined wage rates apply are subject to the overtime provisions of the Contract Work Hours and Safety Standards Act.

Environmental Review Basics

24 CFR Part 58 – NHHBG Recipient (DHHL) assumes responsibility for environmental review

Every penny of NHHBG funds spent must be covered by an environmental review.

If DHHL intends to use HUD funds for any activity in a project, DHHL must complete the environmental review process under 24 CFR Part 58 for all planned activities in that project BEFORE committing HUD and non-HUD funds for any activity in that project.

Exempt activities and some categorically excluded activities do not require a request for release of funds (RROF) and HUD approval of the release of funds.

- ✓ In those instances, DHHL must document its determination and comply with applicable requirements in 58.6 before the funds are committed and expended for the activity.

Environmental Review Basics

(Cont'd)

Limits on Activities Prior to Clearance

§ 58.22 Neither a recipient nor any participant in the development process may commit HUD funds and non-HUD funds on any activity or project until HUD has approved the Recipient's RROF and the related certification from the RE (unless the activity is exempt or categorically excluded not subject to §58.5).

"Participant" includes public or private non-profit or for-profit entities, or any of their contractors.

NOTE: Requesting a bid for work is not necessarily a choice limiting action as long as the bid allows the responsible entity to cancel /reject the project if the environmental review reveals the site is not suitable for the use intended.

NHHBG Requirements

- **Audits – § 1006.375(d) & 2 CFR Part 200 Subpart F**

- Non-Federal entities that expend \$750,000 or more in a year in Federal awards (includes recipients and subrecipients) must have a single or program-specific audit conducted for that year and submit it to the Federal Audit Clearinghouse.

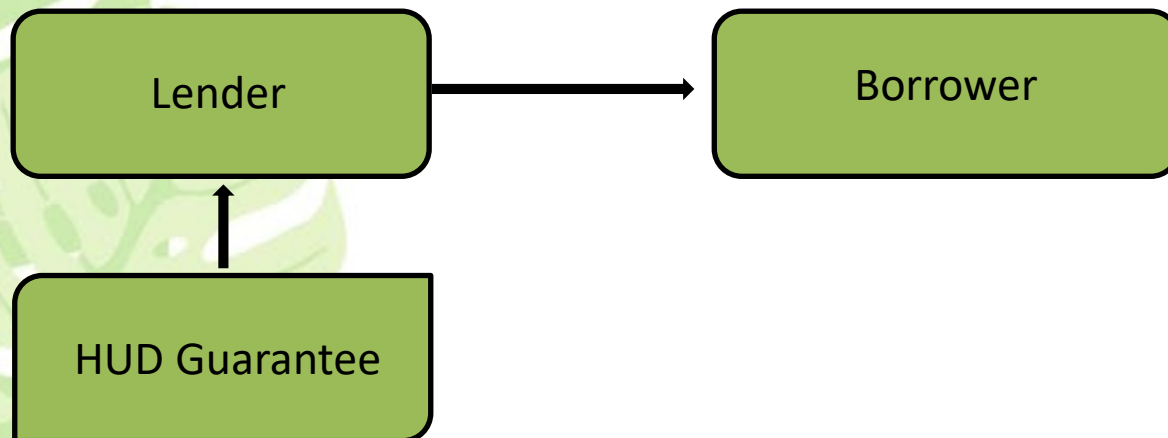
- **Housing Counseling - § 1006.375(e)**

- Effective August 1, 2021: Housing counseling that is funded with or provided in connection with HUD programs (including NHHBG) must be provided by certified housing counselors who work for organizations approved to participate in HUD's Housing Counseling Program – Section 106 HUD Act of 1968.
- *Housing Counseling (§ 5.100)*: independent, expert advice customized to the need of the consumer to address the consumer's housing barriers and to help achieve their housing goals and must include the following processes: Intake; financial and housing affordability analysis; an action plan, except for reverse mortgage counseling; and a reasonable effort to have follow-up communication with the client when possible.

Section 184A Native Hawaiian Housing Loan Guarantee

184A provides access to sources of private financing for homes located on Hawaiian home lands

- Hawaiian home lands are inalienable, cannot be foreclosed by lenders.
- Allows HUD to guarantee up to 100% of unpaid principal and interest due on an eligible loan.



Section 184A Native Hawaiian Housing Loan Guarantee

184A loan highlights:

- Purchase, Rehabilitation, New Construction, Refinance
- 30-year, fixed rate loan
- Market interest rate
- Minimum 2.25% down payment
- 41% Debt-to-income ratio
- 1% guarantee fee, financeable
- Assumable



**Kaupea infrastructure work
Kapolei, Oahu**



Waiakea infrastructure – Hilo, Hawaii



**New single-family homeownership units built in Kaupea
Kapolei, Oahu**



85 1032

**Kaupuni Village - LEED Platinum Certified single-family homes built with ARRA funds
Waianae, Oahu**



**Interior of a Kaupuni Village home
Waianae, Oahu**

NHHBG home replacement Hoolehua, Molokai

BEFORE



AFTER



Kalamaula, Molokai

BEFORE



AFTER





Papakolea Community Center Model Activity - Oahu



SUCCESS STORY – OLSEN `OHANA

- Casey Olsen and his 'ohana receive the keys to their 3-bedroom, 2-bathroom home in the Kanehili subdivision of Kapolei.
- The home was built in partnership with Habitat for Humanity Leeward Oahu utilizing NAHASDA funds.



SUCCESS STORY – JOHNSON `OHANA

- Vernon Johnson and his 'ohana receive the keys to their 6-bedroom, 3-bathroom home in Waimanalo.
- The home was built through a partnership between DHHL and Honolulu Habitat for Humanity and was funded through a zero-interest loan made possible by NAHASDA.
- More than 500 local volunteers helped complete the Puha Street project, totaling over 4,000 volunteer hours.



**Waiehu Kou,
Maui**



HOMES PURCHASED WITH SECTION 184A FINANCING



Kapolei, Oahu



HOMES PURCHASED WITH SECTION 184A FINANCING

Kapolei, Oahu





Mahalo

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STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 15-16, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Lehua Kinilau-Cano, NAHASDA Government Relations
Program Manager

Subject: For Information Only - Summary of Legislative Session 2023

RECOMMENDATION/ACTION:

None; For information only.

DISCUSSION

The State Budget

The Hawaii State Legislature appropriated funds to the Department in the State Budget reflected in HB300, HD1, SD1, CD1. The Legislature authorized funding for FY 24 and 25 in line with the Governor's Biennium Budget request and included \$16,428,191 in general funds for FY 24 and \$16,796,100 for FY 25 to cover the department's existing personnel, administrative and operating costs. The Legislature also included \$10 million in general funds for each fiscal year for planning and development for Hawaiian Homesteads and \$20 million in CIP funding for each fiscal year for repairs and maintenance to existing infrastructure on various Hawaiian Home Lands, Statewide. A chart highlighting the budget information is attached as Exhibit 'A'.

DHHL's Legislative Proposals

The Hawaiian Homes Commission approved 10 legislative proposals to be included in the Governor's Package for the 2023 Regular Session. Following this approval, the legislative proposals were reviewed by the Department of the Attorney General, the Governor's Policy Office, and the Governor, and 6 were included in the Administration's legislative package. 2 of the 6 legislative proposals were passed by the Legislature. HB1058, HD1, SD1 requires an adopted individual to be considered a child of both the adopted and natural parents for the sole

purpose of determining familial relationships for purposes of the Hawaiian Homes Commission Act. SB1357, SD1, HD1, CD1 extends the sunset dates for the issuance of county affordable housing credits to the Department of Hawaiian Home Lands pursuant to Act 141, Session Laws of Hawaii 2009, as amended, and Act 98, Session Laws of Hawaii 2012, as amended, to 7/1/2030.

Other DHHL Related Measures

The Legislature also passed the following DHHL related measures:

HCR125/HR126/SR71 - Requesting the Department of Hawaiian Home Lands to Identify Resources Needed to Execute a Plan to Repair Homes for Safe Habitation.

HCR153, HD1/HR154, HD1 - Requesting the Department of Hawaiian Home Lands to Conduct a Study that Evaluates Possible Methods of Flood Remediation and Flood Aversion for Certain Areas of the Island of Molokai.

HR10 - Establishing a Legislative Working Group to Oversee the Department of Hawaiian Home Lands' Execution of Funds Appropriated Pursuant to Act 279, Session Laws of Hawaii 2022, to Address the Beneficiary Waiting List.

SCR104, SD1, HD1/SR93, SD1 - Urging Hawaii's Congressional Delegation to Re-introduce and Support the Passage of the Hawaiian Home Lands Preservation Act, H.R. Res. 9614, 117th Cong. (2nd Sess. 2022), to Lower the Required Minimum Blood Quantum for Certain Department of Hawaiian Home Lands Successor Lessee Beneficiaries from One-Quarter Native Hawaiian Blood to One Thirty-Second.

SR205, SD1 - Urging the Hawaii Housing Finance and Development Corporation to Issue Loans or Grants to Buyers in High Priority Housing Categories, Including but Not Limited to Buyers with Incomes Above Sixty and at or Below One Hundred Forty Percent of the Median Family Income for the State, Owner-Occupants who Own No Other Real Property, Individuals on the Department of Hawaiian Home Lands Waitlist, and Public Employees.

RECOMMENDED MOTION/ACTION

None; For information only.

DHHL's "Sufficient Funds" & Executive Biennium Budget FY 2024 – Operating

	FY2024 DHHL	FY2024 GOV	FY2024 HB300, CD1
A & O Budget Request (A)	(212) \$33,332,326	(200) \$26,428,191	(200) \$26,428,191
Operating R&M for Existing Infrastructure (A)	\$12,700,000		
Rehab Projects (A)	*\$14,924,096		
Total HHC A & O Budget Request	\$60,956,422	\$26,428,191	\$26,428,191

*Includes \$2,639,996 requested by homestead leaders.



DHHL's "Sufficient Funds" & Executive Biennium Budget FY 2025 – Operating

	FY2025 DHHL	FY2025 GOV	FY2025 HB300, CD1
A & O Budget Request (A)	(212) \$33,332,326	(200) \$26,796,100	(200) \$26,796,100
Operating R&M for Existing Infrastructure (A)	\$12,700,000		
Rehab Projects (A)	*\$14,924,096		
Total HHC A & O Budget Request	\$60,956,422	\$26,796,100	\$26,796,100

*Includes \$2,179,996 requested by homestead leaders.



DHHL's "Sufficient Funds" & Executive Biennium Budget FY 2024 – CIP

	FY2024 DHHL	FY2024 GOV	FY2024 HB300, CD1
CIP R&M for Existing Infrastructure (C)	\$34,650,000	\$20,000,000	\$20,000,000
Lot Development (C)	\$62,650,000		
Loans (C)	\$73,100,000		
Rehab Projects (C)	*\$56,890,000		
Total	\$227,290,000	\$20,000,000	\$20,000,000

*Total reflects projects requested by homestead leaders.



DHHL's "Sufficient Funds" & Executive Biennium Budget FY 2025 – CIP

	FY2025 DHHL	FY2025 GOV	FY2025 HB300, CD1
CIP R&M for Existing Infrastructure (C)	\$113,700,000	\$20,000,000	\$20,000,000
Lot Development (C)	\$139,550,000		
Loans (C)	\$73,100,000		
Rehab Projects (C)	*\$40,400,000		
Total	\$366,750,000	\$20,000,000	\$20,000,000

*Total reflects projects requested by homestead leaders.

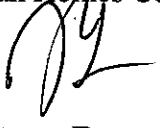


Hawaiian Homes Commission Meeting
My 15 & 16, 2023
Kuhio Hale, Waimea, Hawaii

D-ITEMS

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission
From: Juan Garcia, HSD Administrator 
SUBJECT: **Homestead Services Division Status Reports**

RECOMMENDED MOTION/ACTION

NONE

DISCUSSION

The following reports are for information only:

- Exhibit A: Homestead Lease & Application Totals and Monthly Activity Reports
- Exhibit B: Delinquency Report

May 15, 2023

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through April 30, 2023

	As of 3/31/23	Add	Cancel	As of 4/30/23
Residential	8,474	2	2	8,474
Agricultural	1,091	0	0	1,091
Pastoral	413	0	0	413
Total	9,978	2	2	9,978

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

	As of 3/31/23	Converted	Rescinded/ Surrendered/ Cancelled	As of 4/30/23
Undivided	773	6	1	766

Balance as of 4/30/2023

Awarded	1,434
Relocated to UNDV	7
Rescinded	119
Surrendered	6
Cancelled	4
Converted	<u>546</u>
Balance to Convert	766

Lease Report For the Month Ending April 30, 2023

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL LEASES			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU																
Kakaia	32	0	0	32	0	0	0	0	0	0	0	0	32	0	0	32
Kalawahine	90	0	0	90	0	0	0	0	0	0	0	0	90	0	0	90
Kanehili	399	0	0	399	0	0	0	0	0	0	0	0	399	0	0	399
Kapolei	176	0	0	176	0	0	0	0	0	0	0	0	176	0	0	176
Kauluokahai	148	0	0	148	0	0	0	0	0	0	0	0	148	0	0	148
Kaupea	323	0	0	323	0	0	0	0	0	0	0	0	323	0	0	323
Kaupuni	19	0	0	19	0	0	0	0	0	0	0	0	19	0	0	19
Kewalo	248	0	0	248	0	0	0	0	0	0	0	0	248	0	0	248
Kumuahu	51	0	0	51	0	0	0	0	0	0	0	0	51	0	0	51
Lualualei	147	0	0	147	30	0	0	30	0	0	0	0	177	0	0	177
Malu'ohai	225	0	0	225	0	0	0	0	0	0	0	0	225	0	0	225
Nanakuli	1,043	0	0	1,043	0	0	0	0	0	0	0	0	1,043	0	0	1,043
Papakolea	64	0	0	64	0	0	0	0	0	0	0	0	64	0	0	64
Princess Kahanu Estates	269	0	0	269	0	0	0	0	0	0	0	0	269	0	0	269
Waiahole	0	0	0	0	17	0	0	17	0	0	0	0	17	0	0	17
Waianae	420	0	0	420	12	0	0	12	0	0	0	0	432	0	0	432
Waimanalo	714	0	0	714	2	0	0	2	0	0	0	0	716	0	0	716
TOTAL	4,368	0	0	4,368	61	0	0	61	0	0	0	0	4,429	0	0	4,429
MAUI																
Hikina	31	0	0	31	0	0	0	0	0	0	0	0	31	0	0	31
Kahikinui	0	0	0	0	0	0	0	0	75	0	0	75	75	0	0	75
Keokea	0	0	0	0	64	0	0	64	0	0	0	0	64	0	0	64
Leiaii	102	1	0	103	0	0	0	0	0	0	0	0	102	1	0	103
Paukukalo	178	0	0	178	0	0	0	0	0	0	0	0	178	0	0	178
Walehu 1	39	0	0	39	0	0	0	0	0	0	0	0	39	0	0	39
Walehu 2	109	0	0	109	0	0	0	0	0	0	0	0	109	0	0	109
Walehu 3	113	0	0	113	0	0	0	0	0	0	0	0	113	0	0	113
Walehu 4	97	1	0	98	0	0	0	0	0	0	0	0	97	1	0	98
Waiohuli	591	0	2	589	0	0	0	0	0	0	0	0	591	0	2	589
TOTAL	1,260	2	2	1,260	64	0	0	64	75	0	0	75	1,399	2	2	1,399
EAST HAWAII																
Discovery Harbour	2	0	0	2	0	0	0	0	0	0	0	0	2	0	0	2
Kamoa	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaunala	43	0	0	43	0	0	0	0	0	0	0	0	43	0	0	43
Keaukaha	471	0	0	471	0	0	0	0	0	0	0	0	471	0	0	471
Kurtistown	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Makuu	0	0	0	0	120	0	0	120	0	0	0	0	120	0	0	120
Panaewa	13	0	0	13	260	0	0	260	0	0	0	0	273	0	0	273
Pihonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Puueo	0	0	0	0	12	0	0	12	0	0	0	0	12	0	0	12
University Heights	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	4
Waiakea	285	0	0	285	0	0	0	0	0	0	0	0	285	0	0	285
TOTAL	838	0	0	838	392	0	0	392	25	0	0	25	1,255	0	0	1,255
WEST HAWAII																
Honokaia	0	0	0	0	0	0	0	0	24	0	0	24	24	0	0	24
Humuula	0	0	0	0	0	0	0	0	5	0	0	5	5	0	0	5
Kamoku	0	0	0	0	0	0	0	0	16	0	0	16	16	0	0	16
Kanihale	223	0	0	223	0	0	0	0	0	0	0	0	223	0	0	223
Kawaihae	192	0	0	192	0	0	0	0	1	0	0	1	193	0	0	193
Lalopua	277	0	0	277	0	0	0	0	0	0	0	0	277	0	0	277
Lalamilo	30	0	0	30	0	0	0	0	0	0	0	0	30	0	0	30
Nienie	0	0	0	0	0	0	0	0	21	0	0	21	21	0	0	21
Puukapu/Waimea/Kuhio Vil	118	0	0	118	110	0	0	110	218	0	0	218	446	0	0	446
Puupulehu	33	0	0	33	0	0	0	0	0	0	0	0	33	0	0	33
TOTAL	873	0	0	873	110	0	0	110	285	0	0	285	1,268	0	0	1,268
KAUAI																
Anahola	533	0	0	533	46	0	0	46	0	0	0	0	579	0	0	579
Hanapepe	47	0	0	47	0	0	0	0	0	0	0	0	47	0	0	47
Kekaha	117	0	0	117	0	0	0	0	0	0	0	0	117	0	0	117
Puu Opa	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
TOTAL	697	0	0	697	46	0	0	46	1	0	0	1	744	0	0	744
MOLOKAI																
Hoolehua	153	0	0	153	345	0	0	345	21	0	0	21	519	0	0	519
Kalamaula	167	0	0	167	70	0	0	70	3	0	0	3	240	0	0	240
Kapaakea	47	0	0	47	0	0	0	0	3	0	0	3	50	0	0	50
Moomomi	0	0	0	0	3	0	0	3	0	0	0	0	3	0	0	3
One Aili	27	0	0	27	0	0	0	0	0	0	0	0	27	0	0	27
TOTAL	394	0	0	394	418	0	0	418	27	0	0	27	839	0	0	839
LANAI																
Lanai	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0	44
TOTAL	44	0	0	44	0	0	0	0	0	0	0	0	44	0	0	44
STATEWIDE TOTAL	8,474	2	2	8,474	1,091	0	0	1,091	413	0	0	413	9,978	2	2	9,978

**HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING
April 30, 2023**

AREA WAITING LIST

DISTRICT AREA	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
Oahu District	936	0	2	934	0	0	0	0	0	0	0	0
Maui District	50	0	0	50	4	0	0	4	5	0	0	5
Hawaii District	127	0	0	127	28	0	0	28	46	0	0	46
Kauai District	49	0	0	49	3	0	0	3	27	0	0	27
Molokai District	19	0	1	18	17	0	0	17	1	0	0	1
TOTAL	1,181	0	3	1,178	52	0	0	52	79	0	0	79
												1,309

ISLANDWIDE WAITING LIST

ISLAND	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
Oahu	10,253	20	5	10,268	3,991	9	1	3,999	0	0	0	0
Maui	3,889	5	0	3,894	4,732	5	2	4,735	628	0	3	625
Hawaii	5,894	6	2	5,898	7,322	5	1	7,326	1,920	2	0	1,922
Kauai	1,681	3	1	1,683	2,284	2	0	2,286	310	0	0	310
Molokai	808	0	0	808	1,091	1	1	1,091	203	0	0	203
Lanai	74	0	0	74	0	0	0	0	0	0	0	0
TOTAL	22,599	34	8	22,625	19,420	22	5	19,437	3,061	2	3	3,060
												45,122

AREA AND ISLANDWIDE LISTS

	RES				AG				PAS				TOTAL				ADDITIONS						CANCELLATIONS																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		

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

April 30, 2023

	RESIDENCE				AGRICULTURE				PASTURE			
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU DISTRICT												
Nanekuli	159	0	0	159	0	0	0	0	0	0	0	0
Waianae	138	0	1	137	0	0	0	0	0	0	0	0
Lualualei	0	0	0	0	0	0	0	0	0	0	0	0
Papahānaumokuākea	66	0	0	66	0	0	0	0	0	0	0	0
Waimanalo	547	0	1	546	0	0	0	0	0	0	0	0
Subtotal Area	936	0	2	934	0	0	0	0	0	0	0	0
Islandwide	10,253	20	5	10,268	3,991	9	1	3,999	0	0	0	0
TOTAL OAHU APPS	11,189	20	7	11,202	3,991	9	1	3,999	0	0	0	0
MAUI DISTRICT												
Paukukalo	50	0	0	50	0	0	0	0	0	0	0	0
Kula	0	0	0	0	4	0	0	4	5	0	0	5
Subtotal Area	50	0	0	50	4	0	0	4	5	0	0	5
Islandwide	3,889	5	0	3,894	4,732	5	2	4,735	628	0	3	625
TOTAL MAUI APPS	3,939	5	0	3,944	4,736	5	2	4,739	633	0	3	630
HAWAII DISTRICT												
Keaukaha/Waiakea	67	0	0	67	0	0	0	0	0	0	0	0
Panewa	0	0	0	0	16	0	0	16	0	0	0	0
Humuula	0	0	0	0	0	0	0	0	0	0	0	0
Kawaihae	16	0	0	16	0	0	0	0	0	0	0	0
Waimea	44	0	0	44	12	0	0	12	46	0	0	46
Subtotal Area	127	0	0	127	28	0	0	28	46	0	0	46
Islandwide	5,894	6	2	5,898	7,322	5	1	7,326	1,920	2	0	1,922
TOTAL HAWAII APPS	6,021	6	2	6,025	7,350	5	1	7,354	1,966	2	0	1,968
KAUAI DISTRICT												
Anahola	41	0	0	41	3	0	0	3	20	0	0	20
Kekaha/Puu Opae	8	0	0	8	0	0	0	0	7	0	0	7
Subtotal Area	49	0	0	49	3	0	0	3	27	0	0	27
Islandwide	1,681	3	1	1,683	2,284	2	0	2,286	310	0	0	310
TOTAL KAUAI APPS	1,730	3	1	1,732	2,287	2	0	2,289	337	0	0	337
MOLOKAI DISTRICT												
Kalamaula	4	0	0	4	0	0	0	0	0	0	0	0
Hoolehua	8	0	1	7	17	0	0	17	1	0	0	1
Kapaakea	6	0	0	6	0	0	0	0	0	0	0	0
One Alii	1	0	0	1	0	0	0	0	0	0	0	0
Subtotal Area	19	0	1	18	17	0	0	17	1	0	0	1
Islandwide	808	0	0	808	1,091	1	1	1,091	203	0	0	203
TOTAL MOLOKAI APPS	827	0	1	826	1,108	1	1	1,108	204	0	0	204
LANAI DISTRICT												
Islandwide	74	0	0	74	0	0	0	0	0	0	0	0
TOTAL LANAI APPS	74	0	0	74	0	0	0	0	0	0	0	0
TOTAL AREA ONLY	1,181	0	3	1,178	52	0	0	52	79	0	0	79
TOTAL ISLANDWIDE	22,599	34	8	22,625	19,420	22	5	19,437	3,061	2	3	3,060
TOTAL STATEWIDE	23,780	34	11	23,803	19,472	22	5	19,489	3,140	2	3	3,139

DELINQUENCY REPORT - STATEWIDE

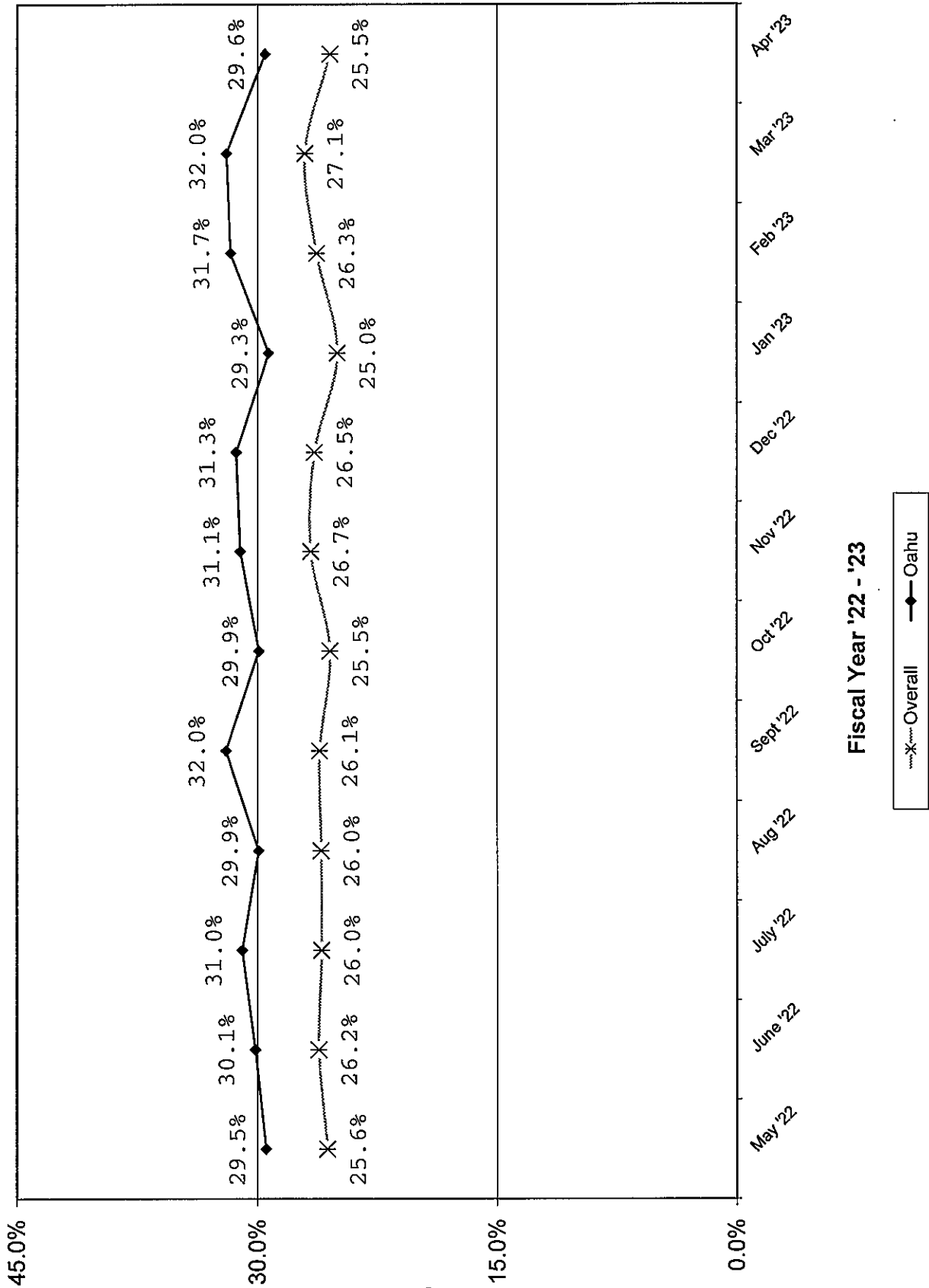
May 15, 2023
(\$Thousands)

DIRECT LOANS	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals	
	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	\$
OAHU	374	36,282	115	10,721	21	1,710	4	305	22	2,174	68	6,533	30.7%	29.5%
EAST HAWAII	196	11,863	57	3,974	5	258	7	347	7	450	38	2,920	29.1%	33.5%
WEST HAWAII	77	7,869	12	1,236	2	200	2	207	4	470	4	358	15.6%	15.7%
MOLOKAI	79	6,996	15	828	2	79	2	179	2	127	9	443	19.0%	11.8%
KAUAI	90	7,013	8	482	3	136	0	0	1	135	4	211	8.9%	6.9%
MAUI	107	14,426	32	4,284	8	729	7	991	4	678	13	1,887	29.9%	29.7%
TOTAL DIRECT	923	84,450	239	21,525	41	3,112	22	2,028	40	4,033	136	12,351	25.9%	25.5%
	100.0%	100.0%	25.9%	25.5%	4.4%	3.7%	2.4%	2.4%	4.3%	4.8%	14.7%	14.6%		
Advances (including RPT)	247	5,785	247	5,785	0	0	0	0	247	5,785			100%	100%
DHHL LOANS & Advances	1,170	90,235	486	27,310	41	3,112	22	2,028	287	9,819	136	12,351	41.5%	30.3%
LOAN GUARANTEES as of June 30, 2022														
SBA	2	67	0	0	0	0	0	0	0	0			0.0%	0.0%
USDA-RD	274	35,831	43	6,613	0	0	0	0	43	6,613			15.7%	18.5%
Habitat for Humanity	32	893	16	429	0	0	0	0	16	429			50.0%	48.0%
Maui County	5	74	0	0	0	0	0	0	0	0			0.0%	0.0%
Nanakuli NHS	1	7	1	7	0	0	0	0	1	7			100.0%	100.0%
City & County	10	204	10	204	0	0	0	0	10	204			100.0%	100.0%
FHA Interim	6	1,366	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	1	6	1	6	0	0	0	0	1	6			100.0%	100.0%
TOTAL GUARANTEE	331	38,448	71	7,259	0	0	0	0	71	7,259			21.5%	18.9%
PMI Loans	123	17,123	6	975	2	204	1	86	3	685			4.9%	5.7%
HUD REASSIGNED for Recovery	121	12,729	95	11,004	0	0	1	8	5	431	89	10,566	78.5%	86.5%
FHA Insured Loans	2,951	538,981	200	31,711	0	0	0	0	200	31,711			6.8%	5.9%
TOTAL INS. LOANS	3,195	568,833	301	43,690	2	204	2	94	208	32,827	89	10,566	9.4%	7.7%
OVERALL TOTALS(EXC Adv/RP)	4,449	691,731	611	72,474	43	3,316	24	2,122	319	44,120	225	22,917	13.7%	10.5%
ADJUSTED TOTALS	4,696	697,516	858	78,260	43	3,316	24	2,122	566	49,905	225	22,917		11.2%

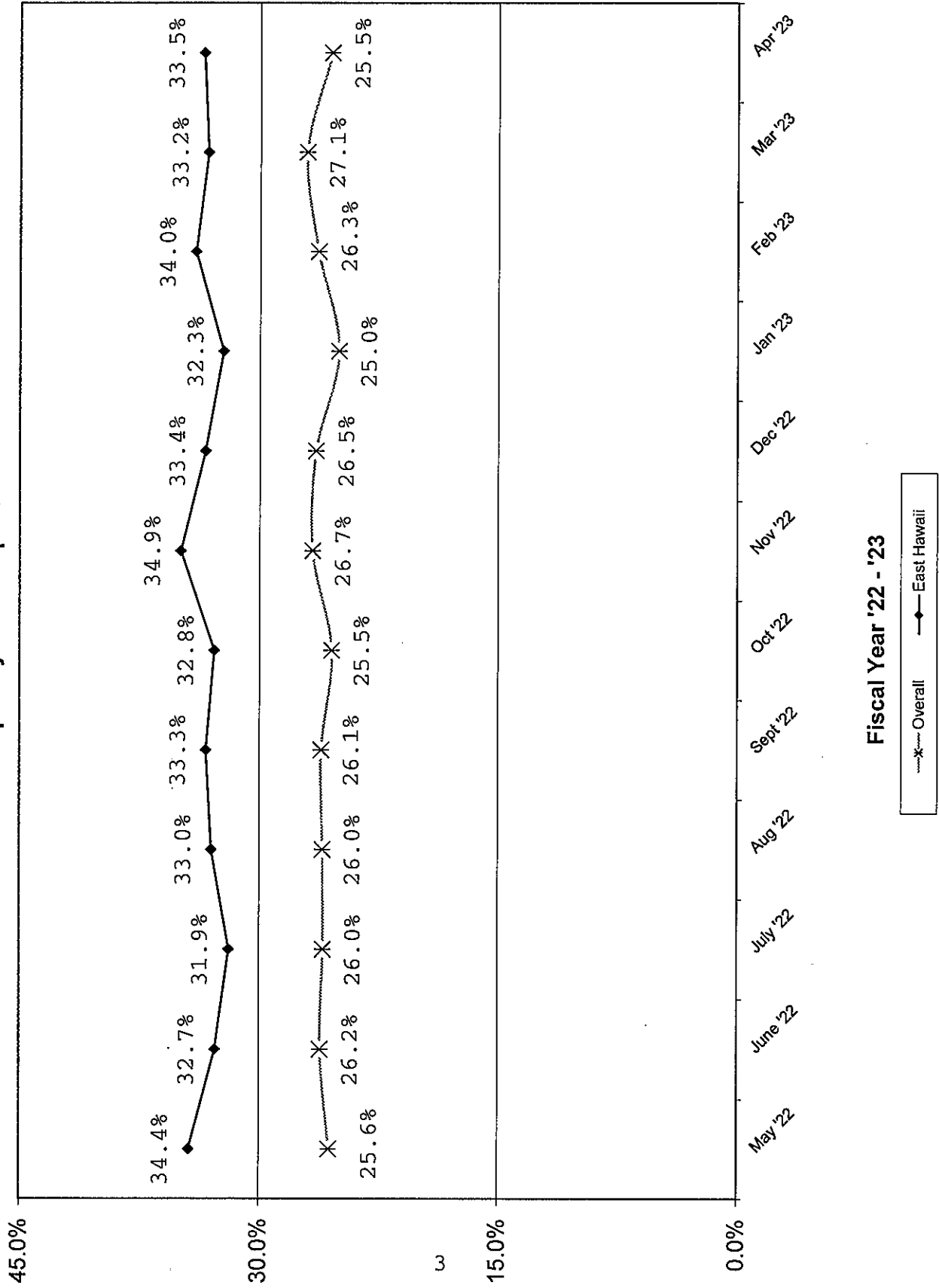
Note: HUD 184A loan program has 515 loans, with a total outstanding principal balance of \$112,252,547 as of June 30, 2022. 15 Loans, totaling \$3,590,830 are delinquent.

The deferred interest for 470 loans comes out to \$2,013,356.16 as of 4/30/2023.

OAHU Direct Loans Delinquency Ratio Report



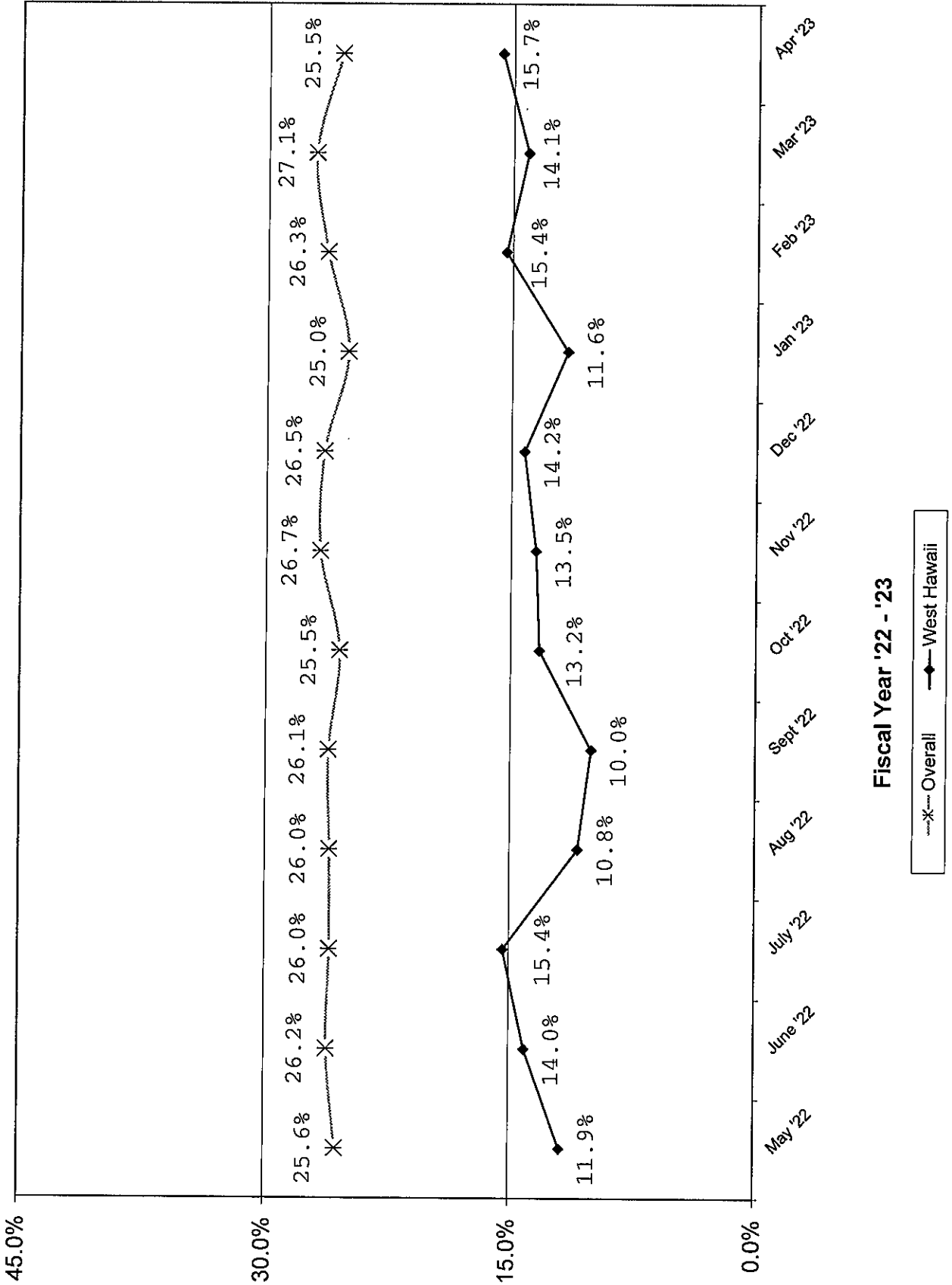
EAST HAWAII
Direct Loans
Delinquency Ratio Report



Fiscal Year '22 - '23

-----x----- Overall —◆— East Hawaii

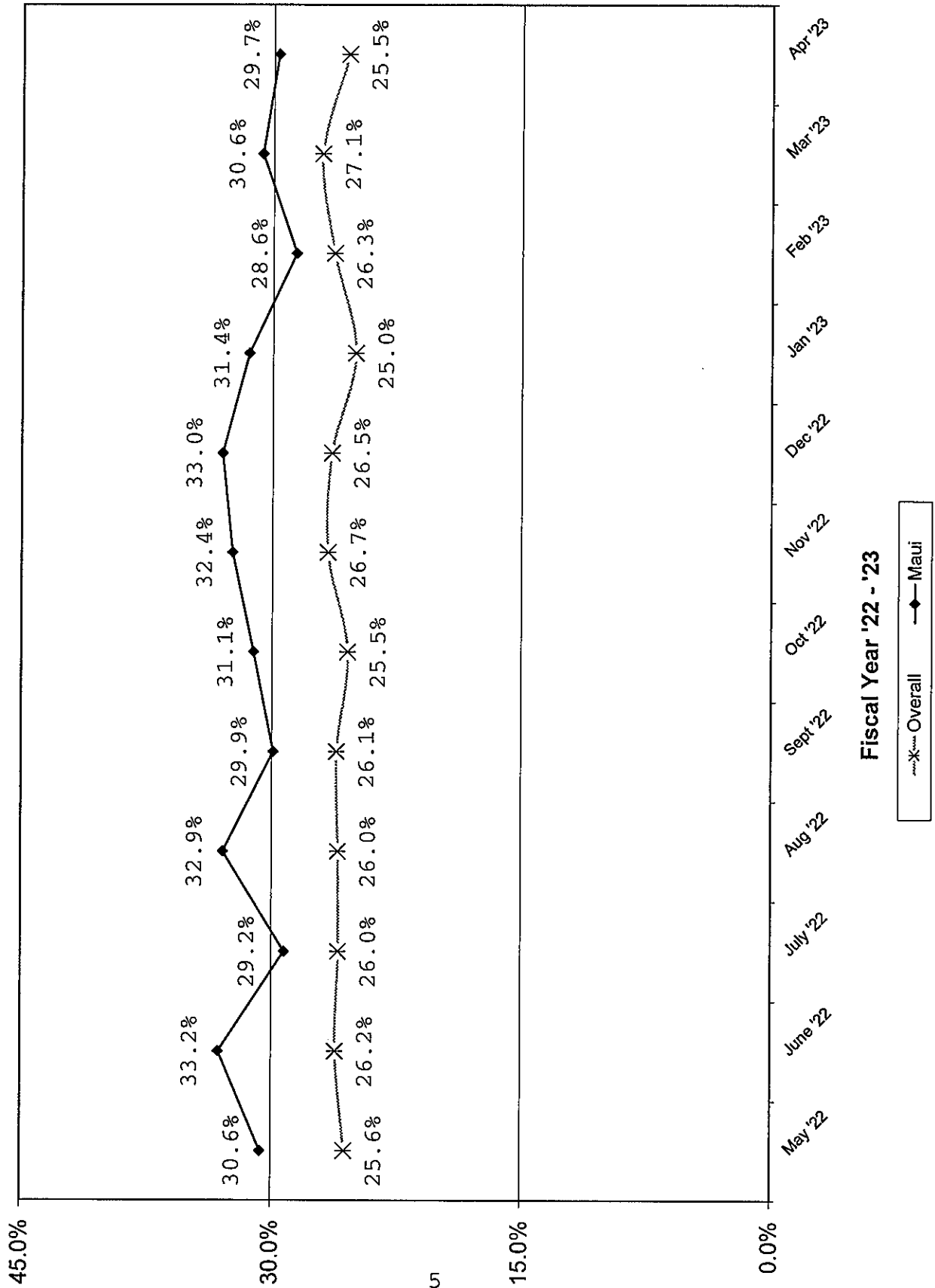
WEST HAWAII
Direct Loans
Delinquency Ratio Report



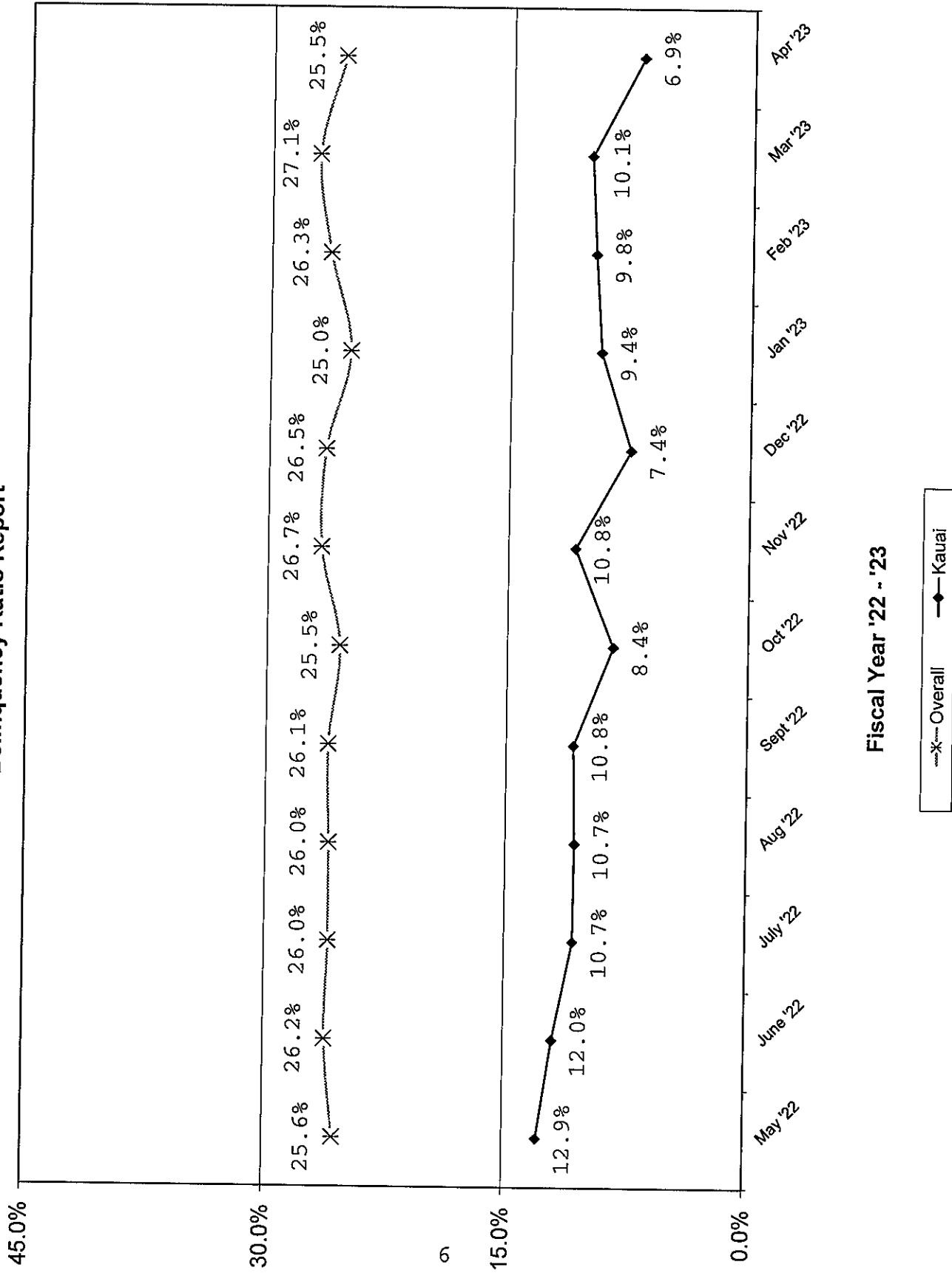
Fiscal Year '22 - '23

---x--- Overall ◆--- West Hawaii

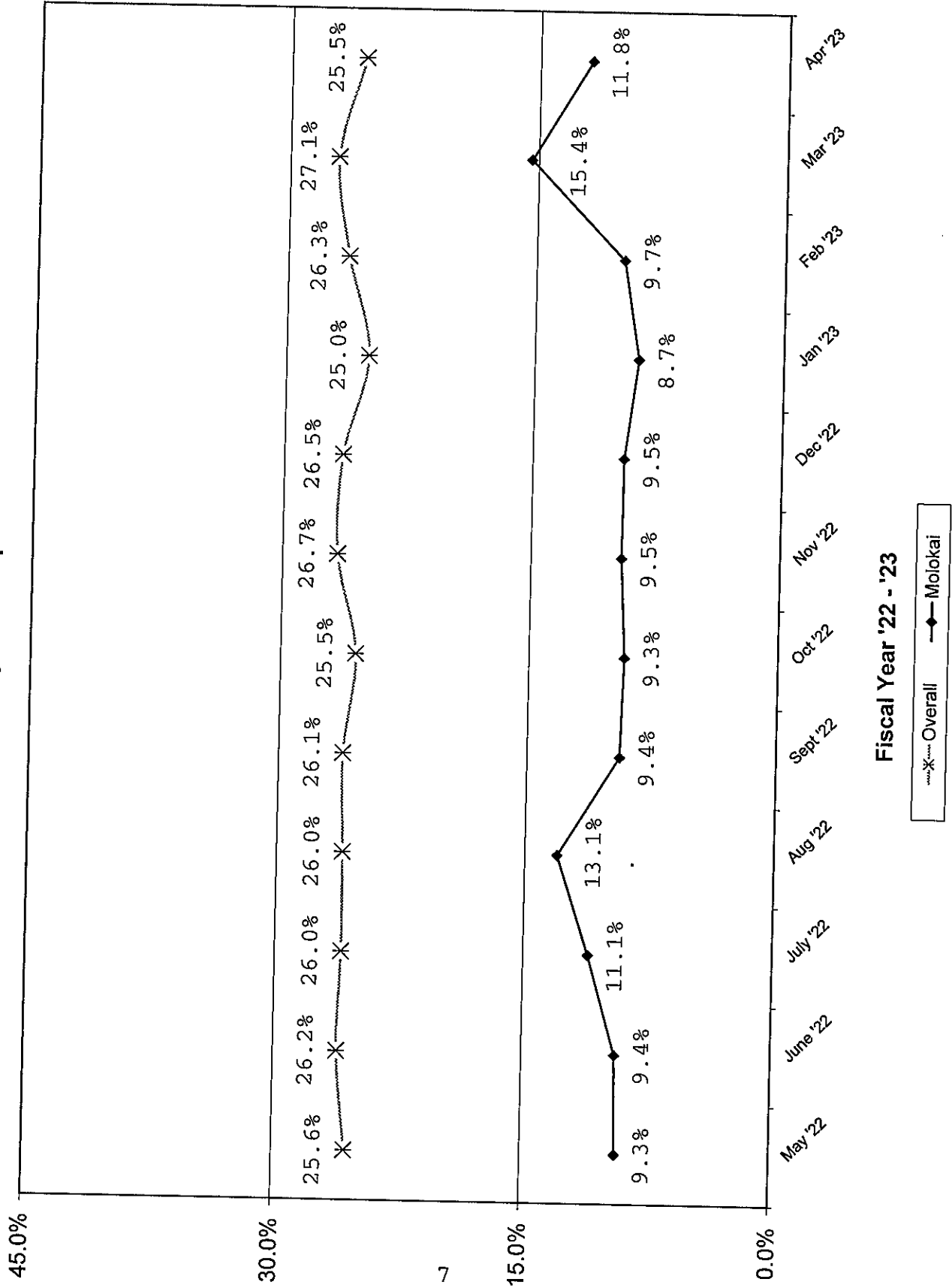
MAUI
Direct Loans
Delinquency Ratio Report



KAUAI
Direct Loans
Delinquency Ratio Report



MOLOKAI
Direct Loans
Delinquency Ratio Report



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Home Commission

THROUGH: Juan Garcia, HSD Administrator
Homestead Services Division

FROM: Dean Oshiro, Loan Services Manager

SUBJECT: **Approval of Consent to Mortgage**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

<u>PROPERTY</u>	<u>LESSEE</u>	<u>LENDER</u>	<u>LOAN AMOUNT</u>
<u>OAHU</u>			
Nanakuli Lease No. 5206 TMK: 1-8-9-014:005	HATORI-LAA, Kawika (Purchase)FHA	V.I.P. Mortgage Inc.	\$ 325,542
Papakolea Lease No. 946 TMK: 1-2-2-015:076	KEALALIO, Lois H. (Cash Out Refi) FHA	Hightechlen- ding	\$ 369,787
Waimanalo Lease No. 729 TMK: 1-4-1-016:010	KALAMA, Lonn K. (Purchase)FHA	Hightechlen- ding	\$ 799,779

OAHU

Kewalo	ARAKAKI,	V.I.P.	\$ 476,720
Lease No. 2182	Shunya K. (Cash Out	Mortgage	
TMK: 1-2-4-042:045	Refi) FHA	Inc.	

Waimanalo	LAFAELE,	V.I.P.	\$ 503,430
Lease No. 2589	Esther (Cash Out	Mortgage	
TMK: 1-4-1-020:032	Refi) FHA	Inc.	

Ka'uluokaha'i	AKAMINE,	HomeStreet	\$ 385,250
Lease No. 12973	Jewel K. (One Step	Bank	
TMK: 1-9-1-017:110	Construction) FHA		

Ka'uluokaha'i	ARROYO,	HomeStreet	\$ 558,025
Lease No. 12411	Patricia K. (Cash	Bank	
TMK: 1-9-1-017:088	Out Refi) HUD 184A		

Kaupea	TORRES,	Bank of	\$ 600,000
Lease No. 12122	Lehua K. K. (Cash	Hawaii	
TMK: 1-9-1-140:021	Out Refi) HUD 184A		

MOLOKAI

Hoolehua	DOMINGO,	Cardinal	\$ 140,000
Lease No. 224	Ruth Ilani Awai	Financial	
TMK: 2-5-2-025:010	(Cash Out Refi) FHA	Services	

KAUAI

Anahola	HIGA,	HomeStreet	\$ 488,750
Lease No. 11087	Sueo (One Step	Bank	
TMK: 4-4-4-022:010	Construction) FHA		

Anahola	KUHAULUA,	Click n`	\$ 455,923
Lease No. 11136	Daisha S. K.	Close, Inc.	
TMK: 4-4-8-022:094	(Construction/Perm)		
	HUD 184A		

KAUAI

Hanapepe	WERNER,	Security	\$ 410,000
Lease No. 8883	Steven K.	National	
TMK: 4-1-8-018:023	(Purchase) USDA, RD	Mortgage	

HAWAII

Puukapu	WAKINEKONA,	V.I.P.	\$ 259,500
Lease No. 6195	Kahealani (Cash Out	Mortgage	
TMK: 3-6-4-033:002	Refi) FHA	Inc.	

Waiakea	PAKANI,	Mann	\$ 311,400
Lease No. 5385	Matthew C. K. (Cash	Mortgage	
TMK: 3-2-2-059:053	Out Refi) FHA		

<u>RECAP</u>	<u>NO.</u>	<u>FHA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>VA</u> <u>AMOUNT</u>
FY Ending 6/30/22	381	\$ 125,173,653	10	\$ 4,610,852
Prior Months	138	\$ 46,841,591	4	\$ 1,194,375
This Month	<u>10</u>	<u>4,060,158</u>	<u>0</u>	<u>0</u>
Total FY '22-'23	148	\$ 50,901,749	4	\$ 1,194,375

		<u>HUD 184A</u> <u>AMOUNT</u>		<u>USDA-RD</u> <u>AMOUNT</u>
FY Ending 6/30/22	54	\$ 16,015,743	5	\$ 1,134,606
Prior Months	18	\$ 5,937,909	2	\$ 671,858
This Month	<u>3</u>	<u>1,158,025</u>	<u>1</u>	<u>410,000</u>
Total FY '22-'23	21	\$ 7,095,934	3	\$ 1,081,858


ITEM NO. D-2


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator
Homestead Services Division 

FROM: Dean Oshiro, Loan Services Branch Manager 

SUBJECT: **Approval of Streamline Refinance of Loans**

RECOMMENDED MOTION/ACTION

To approve the refinancing of loans from the Hawaiian Home General Loan Fund.

DISCUSSION

The following lessees have met the "Streamline/Interest rate reduction loan" criteria, which was approved by the Hawaiian Homes Commission at its August 19, 2013 meeting. This criteria includes twelve (12) consecutive monthly payments, borrower's current interest rate is higher than the current DHHL interest rate, current with their Homeowners Insurance, Real Property Tax, Lease Rent, county sewer/refuse fees, and does not have any advances made by DHHL on the borrowers behalf.

HSD's recommendation for approval is based on actual payment history, over the past twelve (12) months and the review of the above-mentioned criteria. Streamline/Interest Rate Loan refinancing will provide lessees a chance to simply reduce their interest rate and payments without DHHL having to credit and/or income qualify the borrower.

The following lessee(s) has met the aforementioned criteria and is recommended for Streamline/Interest rate reduction loan refinance program:

<u>LESSEE</u>	<u>LEASE NO. & AREA</u>	<u>REFINANCING LOAN TERMS</u>
Ishikawa, Melvin	8552, Waianae	NTE \$72,000 @4% interest per annum, NTE \$380 monthly, repayable over 30 years.

Loan Purpose: Refinance Contract of Loan No. 19537.
Original loan amount of \$69,212 at
4.75% per annum, \$361 monthly,
repayable over 30 years. A Contested
Case Hearing was held for this account
on March 19, 2019.

<u>LESSEE</u>	<u>LEASE NO. & AREA</u>	<u>LOAN TERMS</u>
Toyozaki, Waylene U.	12989, Puukapu	<p>Loan #1: NTE \$258,750 @ 4% interest per annum, interest only payments, one-year term.</p> <p>Loan #2: NTE \$258,750 @ 4% interest per annum, NTE \$1,236 monthly, repayable over 30 years.</p>
<p>Loan Purpose: Loan #1: Interim construction loan to construct a new 3 bedroom, 2 bath home.</p> <p>Loan #2: Permanent take out loan to fully amortize Loan #1.</p>		

David, Elias	12967, Kauluokahai	<p>Loan #1: NTE \$385,000 @ 4% interest per annum, interest only payments, one-year term.</p> <p>Loan #2: NTE \$385,000 @ 4% interest per annum, NTE \$1,839 monthly, repayable over 30 years.</p>
<p>Loan Purpose: Loan #1: Interim construction loan to construct a new 4 bedroom, 2 bath home.</p> <p>Loan #2: Permanent take out loan to fully amortize Loan #1.</p>		

<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	6	\$ 1,275,214
Prior Months	11	1,189,725
This Month	<u>1</u>	<u>235,100</u>
Total FY '22-'23	12	\$ 1,424,825

<u>REPAIR</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '22-'23	0	\$ -0-

<u>HOME CONSTRUCTION</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	1	\$ 250,000
Prior Months	0	-0-
This Month	<u>2</u>	<u>643,750</u>
Total FY '22-'23	2	\$ 643,750

<u>FARM</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '22-'23	0	\$ -0-

<u>TRANSFER WITH LOAN</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	1	\$ 133,000
Prior Months	1	143,000
This Month	<u>0</u>	<u>-0-</u>
Total FY '22-'23	1	\$ 143,000

<u>AWARD</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	3	\$ 469,550
Prior Months	2	323,500
This Month	<u>1</u>	<u>201,000</u>
Total FY '22-'23	3	\$ 524,500

<u>OTHER</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/22	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '22-'23	0	\$ -0-



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

D-5: Loan Services Branch

Veteran's Administration Guaranty Loans

May 15, 2023

DHHL –United States Veteran’s Administration (“VA”) Guaranty Loans

- Pursuant to Title 38 of the United States Code § 3761, VA requires a Memorandum of Understanding (“MOU”) with DHHL to originate loans for DHHL beneficiaries
- Veteran must have a valid VA home loan Certificate of Eligibility
- The purpose of the loan is to purchase, build, or repair must be their residence

DHHL –United States Veteran’s Administration (“VA”) Guaranty Loans

- **Current existing MOU executed and signed in September of 1993.**
- **The MOU notated that this program was to be a “pilot program”.**
- **There have been no amendments/changes to the MOU since inception.**

DHHL – VA MOU

Amendment (comparison)

- **Original MOU refers to “pilot program”.**
- **Amended version does not.**
- **Amended MOU specifically states that VA should enter into a MOU with DHHL for this loan program. This was not mentioned in the original MOU.**

DHHL – VA MOU

Amendment (comparison)

- **Original version referenced DHHL processing VA loans for a \$300 fee to be paid by lessee. Amended version no longer refers to a fee.**
 - **To the best of staff's recollection, DHHL has never processed VA requests nor collected a \$300 fee from the beneficiary. VA has been processing all loan requests.**
- **Quarterly reports are now required. Previous MOU was silent on reporting.**

DHHL – VA MOU

Amendment

As of 3/31/23:

- 184 loans totaling \approx \$35 million**
- 18 delinquent loans totaling \$3.2 million**

DHHL – VA MOU

Amendment

What happens in cases of default?

- Lender responsible for collection efforts
- If VA requests that guaranty be initiated, a Demand Letter is sent to DHHL
 - Letter includes lessee/borrower's name and amount to be repaid by DHHL (includes principal, interest, late charge, and other fees, if applicable)
 - VA to perform an appraisal

DHHL – VA MOU

Amendment

What happens in cases of default?

- DHHL issues check to VA for the “lesser of the appraised value or loan balance”
- Lender to assign Mortgage and Note to DHHL for loan servicing
- DHHL then services defaulted loan





MAHALO!

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 
Homestead Services Division

FROM: Dean Oshiro, Loan Services Branch Manager 

SUBJECT: Approval of Amended Memorandum of Understanding ("MOU")
Between the Department Of Hawaiian Home Lands ("DHHL")
State Of Hawaii and the United States Department Of
Veteran Affairs ("VA")

RECOMMENDED MOTION/ACTION

- 1) To approve an amended MOU between the Department of Hawaiian Home Lands and the United States Department of Veteran Affairs signed on September 1, 1993. (Draft to be distributed during workshop)
- 2) Delegate to the Chairman, authority to execute the amended MOU upon the completion of the revisions.

DISCUSSION

In September of 1993, DHHL and VA entered into a MOU whereby VA would provide mortgage loans to DHHL beneficiaries for the purposes of constructing, purchasing, or improving their homes on Hawaii Home Lands.

VA has now initiated this request to amend the existing MOU. Changes to the MOU were outlined in a workshop provided to the Commission on May 15, 2023.

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

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

State of Hawaii
Department of Hawaiian Home Lands

AND THE

United States Department of Veterans Affairs

Whereas the Secretary of the United States Department of Veterans Affairs (VA) is authorized, pursuant to 38 U.S.C. §§ 3761, *et seq.*, to make direct housing loans (loans or loan) to Native American Veteran borrowers for the purchase, construction, or improvement of dwellings on native Hawaiian Home Lands,

Whereas 38 U.S.C. § 3762 requires, as a condition of making these loans, that the tribal organization which has jurisdiction over the Native American Veteran borrower enter into a Memorandum of Understanding with VA with respect to such loans, and

Whereas, pursuant to 38 U.S.C. § 3765(4), the State of Hawai'i Department of Hawaiian Home Lands (DHHL) is defined a tribal organization that has jurisdiction over Native American Veteran borrowers who lease native Hawaiian home lands (trust land) from DHHL;

Whereas, pursuant to 38 U.S.C. § 3762(a), the VA has resolved that it should enter into a Memorandum of Understanding with DHHL so that such Native American Veteran borrowers can obtain loans from VA.

Now therefore the undersigned parties do agree and establish as follows:

1. AGREEMENT

- A. VA will make housing loans available to qualified Native American Veterans for the purposes of constructing, purchasing, or improving homes on trust land, or to refinance an existing mortgage loan, to the extent funds are appropriated and subject to those terms and conditions as may be established by VA.
- B. That each Native American Veteran who is under the jurisdiction of DHHL and to whom VA agrees to make a loan holds, possesses, or will purchase using the proceeds of the loan a meaningful interest in a lot or dwelling (or both) that is located on trust land and that such loan will be made for an authorized purpose.

- i. The Native American Veteran will convey the above-described interest to VA by an appropriate instrument as security for the housing loan.
 - ii. DHHL and each such Native American Veteran who obtains a loan from VA will permit VA or VA's designee to enter upon the trust land for the purposes of carrying out such actions as VA or VA's designee determines are necessary to evaluate the advisability of the loan, including: to monitor any purchase, construction, or improvements carried out using the proceeds of the loan; and to make property inspections in conjunction with an evaluation of the advisability of the loan, including loan servicing, financial counseling, foreclosure, acquisition, management, repair, and resale of the security interest.
 - iii. With respect to any leasehold estate financed by a VA loan, so long as the loan is secured by the leasehold estate, DHHL, as lessor, agrees that it shall not attempt to cancel, terminate, surrender, or forfeit the lease without prior written notice to VA.
- C. That each Native American veteran who is under the jurisdiction of DHHL and to whom VA makes a direct loan will purchase, construct, or improve a dwelling on the lot using the proceeds of the loan.
- D. DHHL has established standards and procedures that apply to the foreclosure of leasehold interests and the security interest conveyed by the Native American Veteran to VA. The standards and procedures include foreclosure of the interest, lease termination and eviction, and resale or re-awarding of the lot or dwelling (or both) purchased, constructed, improved, or refinanced using the proceeds of the VA loan.
- E. DHHL will, to the maximum extent possible, assist VA in its efforts to manage this program in a responsible and prudent manner, including assisting VA in finding qualified substitute purchasers if the initial borrower/mortgagor is unable to fulfill his or her obligations under the VA loan. DHHL also retains the right to carrying out lease terminations and evictions. DHHL will assure that mortgages and other legal instruments can be properly recorded.
- F. DHHL will issue a Certificate of Eligibility that reflects the Native American Veteran is eligible for a lease of trust land. If the Native American Veteran currently possesses a leasehold interest, DHHL will provide a written status as to whether their lease is in good standing. DHHL will also provide a Consent to Mortgage signed by the Chairperson of Hawaiian Homes Commission.
- G. VA's leasehold mortgage shall have priority over all lien(s) or assessments not of record at the time of recording the leasehold mortgage in DHHL's

recordation system and any and all subsequent liens or claims to the extent provided by law.

- H. VA agrees to record all documents affecting the homestead lease in DHHL's recordation system and not with the State of Hawai'i Bureau of Conveyances, unless otherwise provided by law. These documents may include the mortgage, mortgage amendments, mortgage assignments, and mortgage releases.
- I. If VA's loan is in default for more than 120 days, in addition to any required notices to the Native American Veteran, VA will provide notice to DHHL of the default. Within 60 days of receiving VA's notice of default, DHHL agrees to notify VA that DHHL will take one of the following actions:
 - i. Provide assistance to the Native American Veteran through a DHHL loan to pay off the VA loan, or
 - ii. Initiate an administrative hearing pursuant to chapter 91, HRS to cancel the leasehold interest. If DHHL cancels the lease through a contested case hearing, DHHL will give VA written notice of initiating the proceeding, delays in the proceeding and the reason for the delay, the status of cancellation of the lease, and the re-award of the subject lease. Any reasonable DHHL expenses approved in advance by VA and necessary to effect a lease cancellation shall be paid from the proceeds of DHHL's re-awarding of the property. The net proceeds from DHHL's re-awarding of the property shall be remitted to VA in satisfaction of the VA loan after payment of the approved expenses.
- J. The parties agree that the Native American Veteran shall procure and maintain insurance of a type or types and in such amounts as may be required by the Secretary to protect the security against fire and other hazards. Evidence of the appropriate insurance coverage shall be provided by the Native American Veteran at or before the VA loan closing.
- K. This agreement will be construed to protect the interests of the parties as well as to assist Native American Veterans in obtaining safe, sanitary, and habitable dwellings. VA does not guarantee the value or condition of the property or the dwelling or both purchased by the Native American Veteran with the loan proceeds.
- L. No waiver of any term, covenant, or condition of this agreement, in whole or in part, constitutes or will be construed in any manner as a waiver of the term, covenant, or condition, or of the right to enforce the term, covenant, or condition for any other purpose.

M. VA and DHHL reserve the right to suspend or terminate this agreement in their sole discretion to protect the interests of the U.S. Government or DHHL. The suspension or termination will be communicated in writing at least 30 days prior to its effective date, unless a lack of funding or a change in law precludes providing a 30-day notice.

N. VA will provide DHHL with quarterly delinquency reports and a total outstanding balances report of loans.

In Witness whereof, the parties hereto have signed this agreement as follows:

Executive Director, Loan Guaranty Service
For the Secretary of Veterans Affairs,
An Officer of the United States
Pursuant to 38 C.F.R. § 36.4527(i).

DATE _____



Chairperson, Hawaiian Homes Commission

DATE _____

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

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

RECOMMENDED MOTION/ACTION

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

DISCUSSION

1. Requests of Applicants to Transfer

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

VANDERFORD, Van K.H.	02/10/2012	MAUI	PAS	02/13/2023
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2. Deceased Applicants

NONE FOR SUBMITTAL

3. Awards of Leases

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KAAIALII, John K.	Assigned Residential Lease #280, Lot 48-A-1 in Nanakuli, Oahu dated 05/31/2022. Remove application dated 08/27/1997.
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KELA, Darcy Ann E.	Assigned Residential Lease #5652, Lot 232 in Keaukaha, Hawaii dated 12/19/2022. Remove application dated 03/08/2018.
KUALII-DEMELLO, Kimberlee K.	Assigned Residential Lease #2614, Lot 305-A in Keaukaha, Hawaii dated 01/07/2022. Remove application dated 04/30/1993.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

PANA, Nelson K.	Succeeded to Oahu Islandwide Residential application of Parent, Maria K. Pana, dated 07/03/1989. Remove application dated 02/15/1996.
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HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

KALUAU, Royden K.	Succeeded to Hawaii Islandwide Pastoral application of Grandparent, Isabella Medeiros, dated 08/05/1985. Remove application dated 12/09/2005.
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7. Additional Acreage

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

MAUHILI, Jerryl G.K.

03/17/1989

8. HHC Adjustments

NONE FOR SUBMITTAL

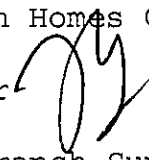
Last Month's Transaction Total	19
Last Month's Cumulative FY 2021-2022 Transaction Total	222
Transfers from Island to Island	1
Deceased	0
Cancellations:	
Awards of Leases	3
NHQ	0
Voluntary Cancellations	0
Successorship	2
Additional Acreage	1
HHC Adjustments	0
This Month's Transaction Total	7
This Month's Cumulative FY 2022-2023 Transaction Total	229


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 

FROM: Nicole F. Bell, Application Branch Supervisor 
Homestead Services Division

SUBJECT: **Approval to Certify Applications of Qualified Applicants for the month of April 2023**

RECOMMENDED MOTION/ACTION

To approve the certification of applications of qualified applicants for the month of April 2023. The Department has verified the native Hawaiian blood quantum requirement of each applicant according to section 10-3-2 of the Hawaii Administrative Rules.

DISCUSSION

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

NANAKULI AREA/OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

DECAMBRA, Stephanie L.	10/25/1976
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OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

KAPULE, Makana K.S.	02/03/2023
GRAVELY, Pamela N.	02/28/2023

DABBS, Vernamay I.	03/01/2023
KALAMA, Joey K.B.	03/21/2023

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KAPULE, Makana K.S.	02/03/2023
NAMAHOE, John K.H. III	02/03/2023
KALUNA-THOMAS, Kainoa K.C.	02/08/2023
VALENCIA, Benito F., Jr.	02/28/2023
GRAVELY, Pamela N.	02/28/2023
BRYCE, Narda A.	03/01/2023
LAVATAI, Marjorie K.	03/01/2023
KAMANAO, Andrew K.	03/01/2023
DABBS, Vernamay I.	03/01/2023
LIANA, Jahlyxcs M.	03/20/2023
KALAMA, Joey K.B.	03/21/2023
SEGUNDO-HEE, Emily K.	03/21/2023
AKU, Adam I.	03/23/2023

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

KEAWE, Reccie A.	02/08/2023
AU-HAUPU, Micah K.	03/01/2023
MADRIAGA, William B.	03/23/2023

MAUI ISLANDWIDE PASTORAL LEASE LIST

KAIHEWALU TIANIO, Maureen K.K.	02/06/2023
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

KAIHEWALU TIANIO, Maureen K.K.	02/06/2023
AU-HAUPU, Micah K.	03/01/2023
MADRIAGA, William B.	03/23/2023

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

KAHAKUA, Naomi D.	01/31/2023
KUALII, Kuulei K.	01/31/2023
KAHANANUI, Josten K.	02/09/2023
AKU, Adam I.	03/23/2023
PALAMA, William K.	03/29/2023

HAWAII ISLANDWIDE PASTORAL LEASE LIST

KAHANANUI, Joslynn K.	02/09/2023
KAAWA, Brennen N.	02/17/2023
LIANA, Jahlyxcs M.	03/20/2023

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KAHAKUA, Naomi D.	01/31/2023
KUALII, Kuulei K.	01/31/2023
CAMPBELL, Evangline L.	02/06/2023
KAHANANUI, Joslynn K.	02/09/2023
KAHANANUI, Josten K.	02/09/2023
KAAWA, Brenne N.	02/17/2023
AHUE, Kaelah N.A.	03/01/2023
PALAMA, William K.	03/29/2023
LOO, Rockylin M.	04/12/2023

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

KEALE, Duane K.K.	02/24/2023
KARRATTI, John P.M.	03/02/2023
BUSTILLOS, Christina M.	03/24/2023

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

KEALE, Duane K.K.	02/24/2023
KARRATTI, John P.M.	03/02/2023
BUSTILLOS, Christina M.	03/24/2023

MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

KAAHANUI, Maile A.H.	01/04/2023
KEALOHA-ALONZO, Cedric C.	01/24/2023
KAIAMA, Kachet K.	02/27/2023
SEGUNDO-HEE, Emily K.	03/21/2023

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

KAAHANUI, Maile A.H.	01/04/2023
KEALOHA-ALONZO, Cedric C.	01/24/2023
KAIAMA, Kachet K.	02/27/2023

Previous Cumulative Total for Current FY	687
Current Month's Total	55
Fiscal Year Total: July 2022-June 2023	742



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

D-9

Update on the Conversion of Homestead Services Division Applications Branch's Status Report System

May 15-16 2023



HSD STATUS REPORTS (ITEM D-1)

Oahu District Office (exhibit A)

- Number of added leases
- Number of cancelled leases

Applications Branch Transactions (exhibit A)

- Number of application intakes
- Number of cancelled applications

Loan Services Branch (exhibit B)

- Delinquency Report

APRIL 2023 APPLICATIONS BRANCH REPORT PG 1

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

March 31, 2023

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
OAHU DISTRICT													
Nanakuli	159	0	0	159	0	0	0	0	0	0	0	0	159
Waianae	138	0	0	138	0	0	0	0	0	0	0	0	138
Lualualei	0	0	0	0	0	0	0	0	0	0	0	0	0
Papakolea/Kewalo	66	0	0	66	0	0	0	0	0	0	0	0	66
Waimanalo	547	0	0	547	0	0	0	0	0	0	0	0	547
Subtotal Area	936	0	0	936	0	0	0	0	0	0	0	0	936
Islandwide	10,248	8	3	10,253	3,988	3	0	3,991	0	0	0	0	14,244
TOTAL OAHU APPS	11,184	8	3	11,189	3,988	3	0	3,991	0	0	0	0	15,180
MAUI DISTRICT													
Paukukalo	50	0	0	50	0	0	0	0	0	0	0	0	50
Kula	0	0	0	0	4	0	0	4	5	0	0	5	9
Subtotal Area	50	0	0	50	4	0	0	4	5	0	0	5	59
Islandwide	3,885	3	0	3,889	4,731	1	0	4,732	627	1	0	628	9,249
TOTAL MAUI APPS	3,936	3	0	3,939	4,735	1	0	4,736	632	1	0	633	9,308
HAWAII DISTRICT													
Keaukaha/Waiakea	67	0	0	67	0	0	0	0	0	0	0	0	67
Panawea	0	0	0	0	16	0	0	16	0	0	0	0	16
Humuula	0	0	0	0	0	0	0	0	0	0	0	0	0
Kawaihee	16	0	0	16	0	0	0	0	0	0	0	0	16
Waiimea	44	0	0	44	12	0	0	12	46	0	0	46	102
Subtotal Area	127	0	0	127	28	0	0	28	46	0	0	46	201
Islandwide	5,888	6	0	5,894	7,319	3	0	7,322	1,920	2	2	1,920	15,136
TOTAL HAWAII APPS	6,015	6	0	6,021	7,347	3	0	7,350	1,966	2	2	1,966	15,337
KAUAI DISTRICT													
Anahola	42	0	1	41	3	0	0	3	20	0	0	20	64
Kekaha/Puu Opa	8	0	0	8	0	0	0	0	7	0	0	7	15
Subtotal Area	50	0	1	49	3	0	0	3	27	0	0	27	79
Islandwide	1,678	3	0	1,681	2,282	2	0	2,284	308	2	0	310	4,275
TOTAL KAUAI APPS	1,728	3	1	1,730	2,285	2	0	2,287	335	2	0	337	4,354
MOLOKAI DISTRICT													
Kalamaula	4	0	0	4	0	0	0	0	0	0	0	0	4
Hooluhua	8	0	0	8	17	0	0	17	1	0	0	1	26
Kapaakea	6	0	0	6	0	0	0	0	0	0	0	0	6
One Alii	1	0	0	1	0	0	0	0	0	0	0	0	1
Subtotal Area	19	0	0	19	17	0	0	17	1	0	0	1	37
Islandwide	808	2	2	808	1,089	2	0	1,091	203	0	0	203	2,102
TOTAL MOLOKAI APPS	827	2	2	827	1,106	2	0	1,108	204	0	0	204	2,139
LANAI DISTRICT													
Islandwide	74	0	0	74	0	0	0	0	0	0	0	0	74
TOTAL LANAI APPS	74	0	0	74	0	0	0	0	0	0	0	0	74
TOTAL AREA ONLY	1,182	0	1	1,181	52	0	0	52	79	0	0	79	1,312
TOTAL ISLANDWIDE	22,582	22	5	22,599	19,409	11	0	19,420	3,058	5	2	3,061	45,080
TOTAL STATEWIDE	23,764	22	6	23,780	19,461	11	0	19,472	3,137	5	2	3,140	45,392

ITEM NO. D-1
EXHIBIT A

APRIL 2023 APPLICATIONS BRANCH REPORT PG 2

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING March 31, 2023

AREA WAITING LIST

DISTRICT AREA	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu District	936	0	0	936	0	0	0	0	0	0	0	0	936
Maui District	50	0	0	50	4	0	0	4	5	0	0	5	59
Hawaii District	127	0	0	127	28	0	0	28	46	0	0	46	201
Kauai District	50	0	1	49	3	0	0	3	27	0	0	27	79
Molokai District	19	0	0	19	17	0	0	17	1	0	0	1	37
TOTAL	1,182	0	1	1,181	52	0	0	52	79	0	0	79	1,312

ISLANDWIDE WAITING LIST

ISLAND	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	
Oahu	10,248	8	3	10,253	3,988	3	0	3,991	0	0	0	0	14,244
Maui	3,886	3	0	3,889	4,731	1	0	4,732	627	1	0	628	9,249
Hawaii	5,888	6	0	5,894	7,319	3	0	7,322	1,920	2	2	1,920	15,136
Kauai	1,678	3	0	1,681	2,282	2	0	2,284	308	2	0	310	4,275
Molokai	808	2	2	808	1089	2	0	1091	203	0	0	203	2,102
Lanai	74	0	0	74	0	0	0	0	0	0	0	0	74
TOTAL	22,582	22	5	22,589	19,409	11	0	19,420	3,058	5	2	3,061	45,080

AREA AND ISLANDWIDE LISTS

	RESIDENCE				AGRICULTURE				PASTURE				TOTAL
	RES	AG	PAS	TOTAL	RES	AG	PAS	TOTAL	RES	AG	PAS	TOTAL	
OAHU	11,189	3,991	0	15,180	3,988	3	0	3,991	0	0	0	0	14,244
MAUI	3,939	4,736	633	9,308	4,731	1	0	4,732	627	1	0	628	9,249
HAWAII	6,021	7,350	1,966	15,337	7,319	3	0	7,322	1,920	2	2	1,920	15,136
KAUAI	1,730	2,287	337	4,354	2,282	2	0	2,284	308	2	0	310	4,275
MOLOKAI	827	1,108	204	2,139	1,089	2	0	1,091	203	0	0	203	2,102
LANAI	74	0	0	74	0	0	0	0	0	0	0	0	74
TOTAL	23,780	19,472	3,140	46,392	19,409	11	0	19,420	3,058	5	2	3,061	45,080

ADDITIONS	
New Applications	38
Application Transfers	0
Lease Rescissions	0
App Reinstatements	0
HHC Adjustments	0
TOTAL	38

CANCELLATIONS	
New Lease Awards	8
Application Transfers	0
Succ'd and Cancel Own	0
Public Notice Cancel	0
Voluntary Cancellations	0
Lease Successorships	0
HHC Adjustments	0
Dec'd No Successor	0
Additional Acreage	0
NHQ Unqualified	0
TOTAL	8

ITEM NO. D-1
EXHIBIT A



NEW REPORT FORMAT

- Number of added/cancelled applications for area-wide lists
- Number of added/cancelled applications for island-wide lists
- Total current amount of applications (area-wide and island-wide) for that month

Department of Hawaiian Home Lands - APPS
Apple Court Summary

AP Page: 1
03/01/2023 04:15 AM

		02/01/23			03/01/23
		Totals	Adds	Deletes	Totals
OAHU					
113	NANAKULI (RES)	155	0	0	155
123	PAPAKOLEA/KEWALO (RES)	54	0	0	54
133	WAIMANALO (RES)	533	0	1	532
143	WAIANAE (RES)	135	0	0	135
191	OAHU ISLAND-WIDE (AG)	4,070	0	2	4,068
193	OAHU ISLAND-WIDE (RES)	10,473	2	5	10,470
TOTAL FOR OAHU		15,431	2	8	15,425
MAUI					
213	PAUKUKALO (RES)	50	0	0	50
221	KULA (AG)	4	0	0	4
222	KULA (PAS)	5	0	0	5
291	MAUI ISLAND-WIDE (AG)	4,773	1	0	4,774
292	MAUI ISLAND-WIDE (PAS)	638	0	0	638
293	MAUI ISLAND-WIDE (RES)	3,877	0	0	3,877
TOTAL FOR MAUI		9,347	1	0	9,348
HAWAII					
313	KEAUKAHAWAIAKEA (RES)	57	0	0	57
321	PANAHEWA (AG)	16	0	0	16
333	KAHAIHAE (RES)	16	0	0	16
341	WAIHEA (AG)	11	0	0	11
342	WAIHEA (PAS)	46	0	0	46
343	WAIHEA (RES)	44	0	0	44
391	HAWAII ISLAND-WIDE (AG)	7,352	0	0	7,352
392	HAWAII ISLAND-WIDE (PAS)	1,973	0	0	1,973
393	HAWAII ISLAND-WIDE (RES)	5,879	3	1	5,881
TOTAL FOR HAWAII		15,404	3	1	15,406
KAUAI					
511	ANAHOLA (AG)	3	0	0	3
512	ANAHOLA (PAS)	20	0	0	20
513	ANAHOLA (RES)	41	0	0	41
523	KEKAHA (RES)	8	0	0	8
532	PUU OPAE (PAS)	7	0	0	7
591	KAUAI ISLAND-WIDE (AG)	2,304	1	0	2,305
592	KAUAI ISLAND-WIDE (PAS)	308	0	0	308
593	KAUAI ISLAND-WIDE (RES)	1,681	2	2	1,681
TOTAL FOR KAUAI		4,372	3	2	4,373
MOLOKAI					
613	KALAMAULA (RES)	3	0	0	3
621	HOOLEHUA (AG)	17	0	0	17
622	HOOLEHUA (PAS)	1	0	0	1
623	HOOLEHUA (RES)	8	0	0	8
633	KAPAAKEA (RES)	6	0	0	6
643	ONE ALI (RES)	1	0	0	1
691	MOLOKAI ISLAND-WIDE (AG)	1,119	0	0	1,119
692	MOLOKAI ISLAND-WIDE (PAS)	200	0	0	200
693	MOLOKAI ISLAND-WIDE (RES)	801	0	0	801
TOTAL FOR MOLOKAI		2,156	0	0	2,156
LANAI					
713	LANAI (RES)	71	0	0	71
TOTAL FOR LANAI		71	0	0	71
GRAND TOTAL		46,781	9	11	46,779



REASON FOR CONVERTING

Human error

Intake vs. data input

Align with bi-annual re-rank



TRANSITION PLAN

Re-rank 12-31-2022

Conversion June/July

New Report July/Aug HHC meeting



Questions



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

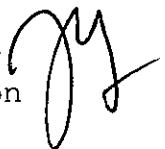
www.dhhl.hawaii.gov


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

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

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

RECOMMENDED MOTION/ACTION

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

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

DISCUSSION

Twelve (12) assignments of lease.

1. Lessee Name: Leeann L. Arrieta
Res. Lease No. 7650, Lot No. 317
Lease Date: 2/7/2002
Area: Waiohuli, Maui
Property Sold & Amount: Yes, \$560,000.00
Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Russell N. Kaiaokamalie
Relationship: None
Loan Assumption: N/A
Applicant: No

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

2. Lessee Name: Russell N. Kaiaokamalie
Res. Lease No. 7650, Lot No. 317
Lease Date: 2/7/2002
Area: Waiohuli, Maui
Property Sold & Amount: Yes, \$560,000.00
Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Anuhea L. Kaiaokamalie
Relationship: Daughter
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative." Special
Conditions: Transferee to obtain funds to pay purchase
price. See simultaneous transfer below.

3. Lessee Name: Russell N. Kaiaokamalie
Res. Lease No. 7649, Lot No. 318
Lease Date: 2/7/2002
Area: Waiohuli, Maui
Property Sold & Amount: Yes, \$194,425.00
Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Anuhea L. Kaiaokamalie
Relationship: Daughter
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative." Special
Conditions: Transferee to obtain funds to pay purchase
price. See simultaneous transfer below.

4. Lessee Name: Anuhea L. Kaiaokamalie
Res. Lease No. 7649, Lot No. 318
Lease Date: 2/7/2002
Area: Waiohuli, Maui
Property Sold & Amount: Yes, \$194,425.00
Improvements: 3 bedroom, 2-1/2 bath dwelling

Transferee Name: Russell N. Kaiaokamalie
Relationship: Father
Loan Assumption: N/A
Applicant: No

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

5. Lessee Name: Valentine K. Kanehailua, III
Res. Lease No. 12564, Lot No. 18340
Lease Date: 1/28/2010
Area: Kanehili, Oahu
Property Sold & Amount: Yes, \$580,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Wesley K. Kamealoha
Relationship: None
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 6/07/2022

Reason for Transfer: "Moving off island." Special
Conditions: Transferee to obtain funds to pay purchase
price.

6. Lessee Name: Joseph K. Poouahi
Res. Lease No. 4126, Lot No. 23
Lease Date: 2/15/1974
Area: Waimanalo, Oahu
Property Sold & Amount: No, \$400,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Jantell H. K. Poouahi
Relationship: Sister
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative." Special
Conditions: Transferee to obtain funds to pay purchase
price. See simultaneous transfer below.

7. Lessee Name: Jantell H. K. Poouahi
Res. Lease No. 4126, Lot No. 23
Lease Date: 2/15/1974
Area: Waimanalo, Oahu
Property Sold & Amount: Yes, \$400,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Leslie K. Guerreiro
Relationship: None
Loan Assumption: N/A
Applicant: No

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

8. Lessee Name: Danielle K. P. Calarruda
Res. Lease No. 8710, Lot No. 75
Lease Date: 11/15/1996
Area: Waianae, Oahu
Property Sold & Amount: Yes, \$499,000.00
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Jantell H. K. Poouahi
Relationship: None
Loan Assumption: N/A
Applicant: No

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

9. Lessee Name: Kanila K. K. Tripp
Res. Lease No. 12645, Lot No. 18394
Lease Date: 9/10/2010
Area: Kanehili, Oahu
Property Sold & Amount: Yes, \$570,000.00
Improvements: 4 bedroom, 3 bath dwelling

Transferee Name: Shelaine L. Carvalho
Relationship: None
Loan Assumption: N/A
Applicant: Yes, Oahu IW Res., 6/23/2010

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

10. Lessee Name: Shelaine L. Carvalho
Res. Lease No. 12645, Lot No. 18394
Lease Date: 9/10/2010
Area: Kanehili, Oahu
Property Sold & Amount: Yes, \$570,000.00
Improvements: 4 bedroom, 3 bath dwelling

Transferee Name: Janel L. K. Romero
Relationship: Daughter
Loan Assumption: N/A
Applicant: No

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

11. Lessee Name: William K. Boyd
Res. Lease No. 12999, Lot No. 42
Lease Date: To be determined
Area: PMKK, Kauai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Kevin M. K. Boyd
Relationship: Son
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

12. Lessee Name: Henry L. Smith
Res. Lease No. 12995, Lot No. 21
Lease Date: To be determined
Area: PMKK, Kauai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Destiny M. K. Smith
Relationship: Daughter
Loan Assumption: N/A
Applicant: No

Reason for Transfer: "Giving lease to relative."

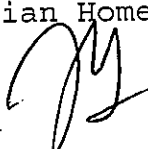
Assignments for the Month of May '23	12
Previous FY '22 - '23 balance	<u>160</u>
FY '22 - '23 total to date	172
Assignments for FY '21 - '22	220

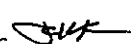
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

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

SUBJECT: Approval of Amendment of Leasehold Interest

RECOMMENDED MOTION/ACTION

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Four (4) amendments of lease.

1. Lessee: Joseph Hanohano, III
Res. Lease No.: 413
Lot No., Area, Island: 186-A-2, Nanakuli, Oahu
Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
2. Lessee: Keone N. Kaneholani
Res. Lease No.: 11142
Lot No., Area, Island: UNDV141, Anahola, Kauai
Amendment: To amend the commencement date, lot number, and property description due to final subdivision approval.

3. Lessee: Chanel L. Kuehu
 Res. Lease No.: 11046
 Lot No., Area, Island: UNDV045, Anahola, Kauai
 Amendment: To amend the commencement date, lot
 number, and property description
 due to final subdivision approval.

4. Lessee: Daisha S. K. Kuhaulua
 Res. Lease No.: 11136
 Lot No., Area, Island: UNDV135, Anahola, Kauai
 Amendment: To amend the commencement date, lot
 number, and property description
 due to final subdivision approval.

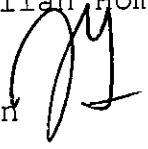
Amendments for the Month of May '23	4
Previous FY '22 - '23 balance	<u>74</u>
FY '22- '23 total to date	78
 Amendments for FY '21 - '22	 133


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator
Homestead Services Division 

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

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

RECOMMENDED MOTION/ACTION

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

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

DISCUSSION

Thirteen (13) non-exclusive licenses.

1. Lessee: Aaron P. S. Acpal
Res. Lease No.: 10371
Lot No., Area, Island: 207, Waiohuli, Maui
Permittee: Sunrun Installation Services, Inc.

2. Lessee: Jasen K. Andrade
Res. Lease No.: 12306
Lot No., Area, Island: 30, Hikina, Maui
Permittee: Sunrun Installation Services, Inc.

3. Lessee: Stephanie M. Bright
Res. Lease No.: 4854
Lot No., Area, Island: 78-A-2, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
4. Lessee: Jennifer Graves
Res. Lease No.: 7374
Lot No., Area, Island: 159, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
5. Lessee: Joshua M. K. Johnson
Res. Lease No.: 10379
Lot No., Area, Island: 58, Waiehu Kou IV, Maui
Permittee: Sunrun Installation Services, Inc.
6. Lessee: Anuheia L. Kaiaokamalie
Res. Lease No.: 7650
Lot No., Area, Island: 317, Waiohuli, Maui
Permittee: Sunrun Installation Services, Inc.
7. Lessee: Gail S. Kamakahi
Agr. Lease No.: 4157-A
Lot No., Area, Island: 99-A, Panaewa, Hawaii
Permittee: Sunrun Installation Services, Inc.
8. Lessee: Olive M. Kanahale & Ahienaopuna K. Kanahale
Agr. Lease No.: 4185
Lot No., Area, Island: 63-A, Panaewa, Hawaii
Permittee: Sunrun Installation Services, Inc.
9. Lessee: Robert K. Keaulani
Res. Lease No.: 5979
Lot No., Area, Island: 67, Waimanalo, Oahu
Permittee: Sunrun Installation Services, Inc.
10. Lessee: Nicole K. Kuailani
Res. Lease No.: 7641
Lot No., Area, Island: 325, Waiohuli, Maui
Permittee: Sunrun Installation Services, Inc.

11. Lessee: Violenda K. Nakahara
 Res. Lease No.: 3537
 Lot No., Area, Island: 93, Kewalo, Oahu
 Permittee: Sunrun Installation Services, Inc.

12. Lessee: Everest K. Naki
 Res. Lease No.: 7537
 Lot No., Area, Island: 130, Waiohuli, Maui
 Permittee: Sunrun Installation Services, Inc.

13. Lessee: Danette P. Nakooka
 Res. Lease No.: 7734
 Lot No., Area, Island: 248, Waiohuli, Maui
 Permittee: Sunrun Installation Services, Inc.


Non-Exclusive License for the Month of May '23	13
Previous FY '22 - '23 balance	<u>71</u>
FY '22 - '23 total to date	84
Non-Exclusive License for FY '21 - '22	53


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: Darlene Fernandez, Homestead Lease Coordinator 
Homestead Services Division

SUBJECT: **Request for Partial Advancement of Net Proceeds
Estate of Walter Yau Lee, Residential Lot Lease
No. 12743, Lot No. 13745, Maluohai, Kapolei, Oahu**

RECOMMENDED MOTION/ACTION

To approve a partial advance payment of net proceeds to the Estate of Walter Yau Lee, in the amount of \$25,000, from the General Home Loan Fund.

DISCUSSION

Walter Y. Lee (Decedent) was awarded Residential Lease No. 12743, Lot No. 13745, located in Maluohai, at the Villages of Kapolei, commencing on June 30, 2017.

On August 25, 2020, the Decedent passed away without designating a successor. In compliance with the Hawaii Administrative Rules Section 10-3-63, the Department published notices on June 7, 14, 21, and 28, 2021 calling qualified relatives to submit their successorship claim.

As no claim was received, on February 22, 2022, the Hawaiian Homes Commission approved the cancellation of the lease interest. Decedent's spouse, Vernetta Lee (Vernetta), vacated the subject property on September 19, 2022.

On January 6, 2023, the Department received documentation from Vernetta confirming her appointment as the Personal Representative of her late-husband's estate.

On March 16, 2023, an appraisal report by Valley Isle Appraisal Company valued the improvements on Lot No. 13745,

ITEM NO. D-13

consisting of a 4-bedroom and 3-bath single family dwelling, at \$297,000. Vernetta accepted the appraised value of \$297,000 on March 24, 2023.

By way of a letter dated March 29, 2023 (Exhibit A), Vernetta requested an advance payment of net proceeds in the amount of \$25,000 to be used towards past due rent and utilities, car registration and current living expenses.

As of May 1, 2023, indebtedness to the Department in the approximate amount of \$143,608 has been charged against the appraised value. If this request for a partial advancement of net proceeds is approved, the estimated remaining net proceeds in the amount of \$123,000 will be paid to the estate after a new lessee is found and upon commencement of a new lease.

The Department requests approval of its recommendation.



DHHL advance request letter



Vernette Lee

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

29th March 2023

William J. Aila Jr.

Chairperson, DHHL
91-5420 Kapolei Parkway
Kapolei, HI 96707

Dear Chairperson Aila Jr. and members of the board,

I am writing to kindly ask for an advance request of the net proceeds in the amount of \$25,000. These funds would go towards my current rent/utility bills, past due rent/utility bills, my car registration which was due in August of 2022 and I still need to owe back my Mom and two of my other Daughters for lending me money. I believe that this request of the net proceeds in the amount of \$25,000 is a decent amount. I would really appreciate it if you approved this highly necessary request. Thank you for your time.

Sincerely,

Vernette Lee


ITEM NO. D-13
EXHIBIT A

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: David K. Bush, Acting Molokai DO Supervisor
Homestead Services Division

SUBJECT: Cancellation of Lease - James N. Kaluhiokalani
Residential Lease No. 7838, Lot No. 9,
Hoolehua, Molokai

RECOMMENDED MOTION/ACTION

To approve the cancellation of Residential Lease No. 7838, Lot No. 9, Hoolehua, Molokai (Lease), pursuant to the Hawaiian Homes Commission Act of 1920, as amended, as there was no successor claimant to the Lease interest.

DISCUSSION

Clarence K. Kaluhiokalani (Decedent) was awarded the Lease, commencing on February 1, 1987.

On June 30, 1988, the Decedent passed away.

On March 23, 1987, the Decedent designated his four children, Clarence A. Kaluhiokalani (Clarence), William P. Kaluhiokalani (William), Paula C. Kaluhiokalani-Merrill (Paula), and James N. Kaluhiokalani (James), as his successors to the Lease.

The Department received by way of a separate written and signed statement, from Clarence (dated July 23, 2019), William (dated May 7, 2019), and Paula (dated July 11, 2019), relinquishing their respective successorship rights to the Lease.

The Department did not receive any response from James. Therefore, a contested case hearing in this matter was held on November 24, 2021. The Hawaiian Homes Commission's Decision and Order, filed on May 4, 2022, states in part that James' interest

in Lease 7838 and the premises demised under Lease No. 7838, and all improvements thereon, is forfeited.

In compliance with the Administrative Rules 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island newspapers on December 7, 14, 21 and 28, 2022, to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease successorship claims.

Pursuant to Section 209 of the Hawaiian Home Commission Act of 1920 (Act), as amended, when a lessee fails to designate a successor, the commission is authorized to terminate the lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives in priority order:

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

No successorship claim was received by the Department before the closing of the Public Notice to succeed to the Lease.

Pursuant to Section 209 of the Hawaiian Home Commission Act of 1920, as amended, "the land subject to the lease shall resume as unleased Hawaiian Home Lands and the Department is authorized to lease to another qualified native Hawaiian as provided in the Act."

There are no improvements to this homestead. The real property tax is current and lease rent is delinquent \$20.


The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: David K. Bush, Acting Molokai DO Supervisor
Homestead Services Division

SUBJECT: Cancellation of Lease - Timothy H. Chang
Agriculture Lease No. 5915, Lot No. 177,
Kalamaula, Molokai

RECOMMENDED MOTION/ACTION

To approve the cancellation of Agriculture Lease No. 5915, Lot No. 177, Kalamaula, Molokai (Lease), pursuant to the Hawaiian Homes Commission Act of 1920, as amended, as there was no successorship claimant to the Lease interest.

DISCUSSION

Timothy H. Chang (Decedent) was awarded the Lease, commencing on October 1, 1985.

On February 23, 2014, the Decedent passed away.

On February 13, 1990, the Decedent designated his sisters Julie Bicoy (Julie) as his primary successor, and Catherine Kawamae (Catherine) as his alternate successor.

By way of written and signed statement, dated August 17, 2021, Julie relinquished her successorship rights to the Lease. Subsequently, by way of a written and signed statement dated January 28, 2022, Catherine relinquished her successorship rights to the Lease.

In compliance with the Administrative Rules 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island newspapers on December 7, 14, 21 and 28, 2022,

to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease successorship claims.

Pursuant to Section 209 of the Hawaiian Home Commission Act of 1920 (Act), as amended, when a lessee fails to designate a successor, the commission is authorized to terminate the lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives in priority order:

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

No successorship claim was received by the Department before the closing of the Public Notice.

Pursuant to Section 209 of the Hawaiian Home Commission Act of 1920, as amended, "the land subject to the lease shall resume as unleased Hawaiian Home Lands and the Department is authorized to lease to another qualified native Hawaiian as provided in the Act."

There are no improvements to this homestead lot as it remains undeveloped. The real property tax is not being assessed and lease rent is delinquent in the amount of \$11.

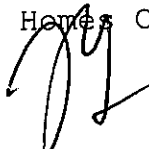
The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARMTENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Home Commission

THROUGH: Juan Garcia, HSD Administrator 

FROM: Olinda L. Fisher, East Hawaii District Assistant Supervisor, Homestead Services Division

SUBJECT: **Conditional Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 5377-A, Lot No. 10-B, Panaewa, Hawaii - GINA N.K. GOMES and KARLTON K. GOMES**

RECOMMENDED MOTION/ACTION

1. To approve the request of Gina N.K. Gomes (Gina) to subdivide Lot No. 10-B, Panaewa, Hawaii, consisting of 6.666 acres, further identified as TMK: (3)2-1-025:143, covered under Department of Hawaiian Home Lands Agricultural Lease No. 5377-A, provided that the lessee shall be responsible for all costs incurred in the processing and completion of the subdivision, including but not limited to surveying fees, fees imposed by the County of Hawaii, fees for utilities (e.g., electric, water, etc.) and other fees associated with the subdivision of Lot No. 10-B.
2. To approve the amendment of Lease No. 5377-A to incorporate the currently used terms, covenants, and conditions in the lease and to affirm the subdivision of Lot No. 10-B into two (2) lots, proposed Lot Nos. 10-B and 10-C, each 3.33 acres in size; and update the property description of original Lot No. 10-B.
3. To approve the designation of Agricultural Lease No. 5377-A, proposed Lot 10-B.
4. To approve the designation of Agricultural Lease No. 5377-B, proposed Lot 10-C.
5. To approve the transfer of Agricultural Lease No. 5377-B to Karlton K. Gomes (Karlton).

6. All of the above are subject to the completion of the survey work done by a licensed surveyor, including but not limited to the surveying and staking of boundary corners of the lots, submitting the required number of final subdivision maps to the County, preparing and submitting the legal description of the lots to the Department of Hawaiian Home Lands, applying to the County for subdivision approval, obtaining the tax map keys for the lots, obtaining final subdivision approval by the County of Hawaii and recordation of the subdivision with the State of Hawaii Bureau of Conveyances.

DISCUSSION

Gina N.K. Gomes acquired Lease No. 5377-A, Lot 10-B via an Assignment of a Portion of Lease dated May 13, 1997.

On January 21, 2021, the Department received a request from the lessee to subdivide Panaewa Agricultural Lot 10-B into two (2) lots (see Exhibit A).

Karlton is the son of Gina and not less than 25% Hawaiian.

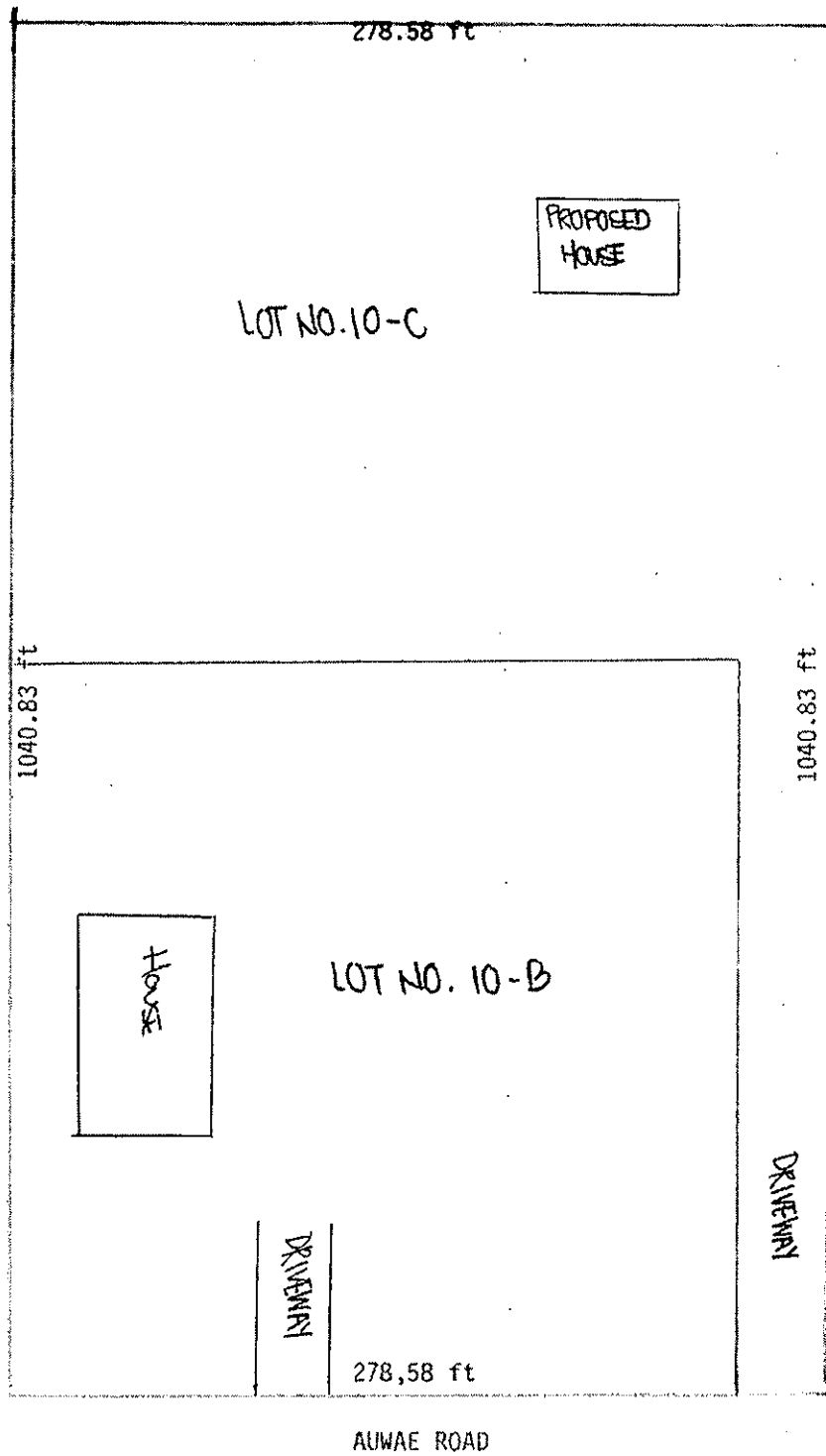
Gina & Karlton agree that proposed Lot 10-C will be transferred to Karlton and that Gina will retain Lot 10-B.

Improvements include a 3-bedroom, 2- $\frac{1}{2}$ bath residence constructed in 1994.

There is no outstanding loan attached to the Lease. The lease rent to Department and real property taxes are paid current.

The Department requests approval of its recommendation.

Gina Gomes Lot No. 10-B TMK: 2-1-025:143

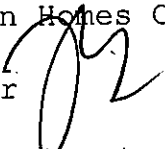


STATE OF HAWAII

DEPARMTENT OF HAWAIIAN HOME LANDS

May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 

FROM: Olinda L. Fisher, East Hawaii District Assistant Supervisor, Homestead Services Division

SUBJECT: **Conditional Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 6261, Lot No. 81-B, Panaewa, Hawaii - BENEDICT CACHOLA and BRANDEE K. CACHOLA MENINO**

RECOMMENDED MOTION/ACTION

1. To approve the request of Benedict Cachola (Benedict) to subdivide Lot No. 81B, Panaewa, Hawaii, consisting of 5.000 acres, further identified as TMK: (3)2-1-025:198, covered under Department of Hawaiian Home Lands Agricultural Lease No. 6261, provided that the lessee shall be responsible for all costs incurred in the processing and completion of the subdivision, including but not limited to surveying fees, fees imposed by the County of Hawaii, fees for utilities (e.g., electric, water, etc.) and other fees associated with the subdivision of Lot No. 81-B.

2. To approve the amendment of Lease No. 6261 to incorporate the currently used terms, covenants, and conditions in the lease and to affirm the subdivision of Lot No. 81-B into two (2) lots, proposed Lot Nos. 81-B and 81-C, each 2.500 acres in size, and update the property description of original Lot No. 81-B.

3. To approve the designation of Agricultural Lease No. 6261, demising proposed Lot 81-B.

4. To approve the designation of Agricultural Lease No. 6261-A, demising proposed Lot 81-C.

5. To approve the transfer of Agricultural Lease No. 6261-A, Lot No. 81-C, to Brandee K. Cachola Menino (Brandee).

6. All of the above are subject to the completion of the survey work done by a licensed surveyor, including but not limited to the surveying and staking of boundary corners of the lots, submitting the required number of final subdivision maps to the County, preparing and submitting the legal description of the lots to the Department of Hawaiian Home Lands, applying to the County for subdivision approval, obtaining the tax map keys for the lots, obtaining final subdivision approval by the County of Hawaii and recordation of the subdivision with the State of Hawaii Bureau of Conveyances.

DISCUSSION

Benedict Cachola acquired Lease No. 6261, Lot 81-B via an Assignment of Lease and Consent dated January 9, 1997.

On June 18, 2021, the Department received a request from the lessee to subdivide Panaewa Agricultural Lot 81-B into two (2) lots (see Exhibit A).

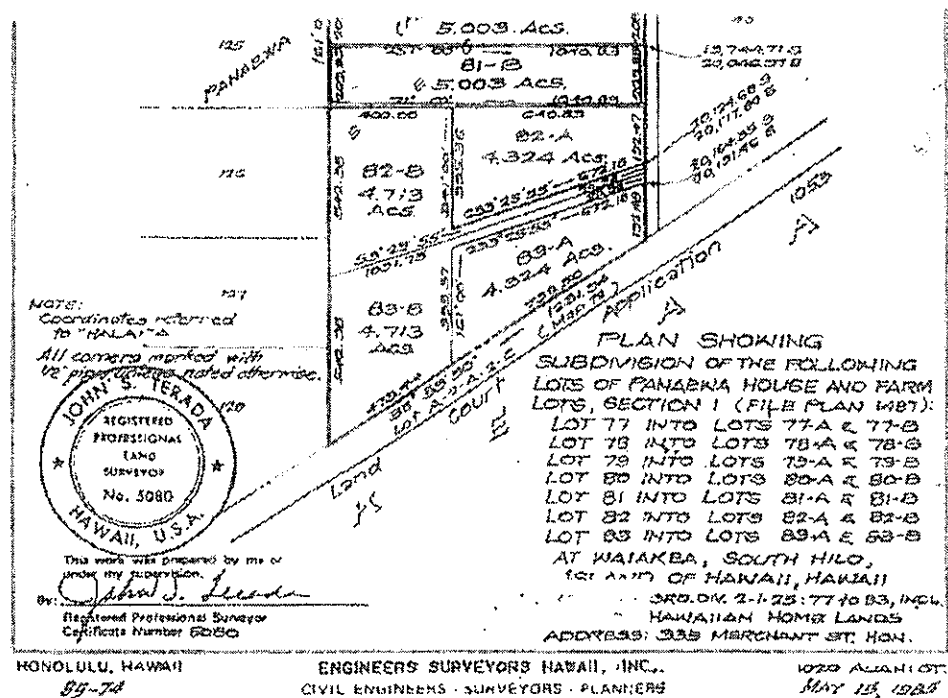
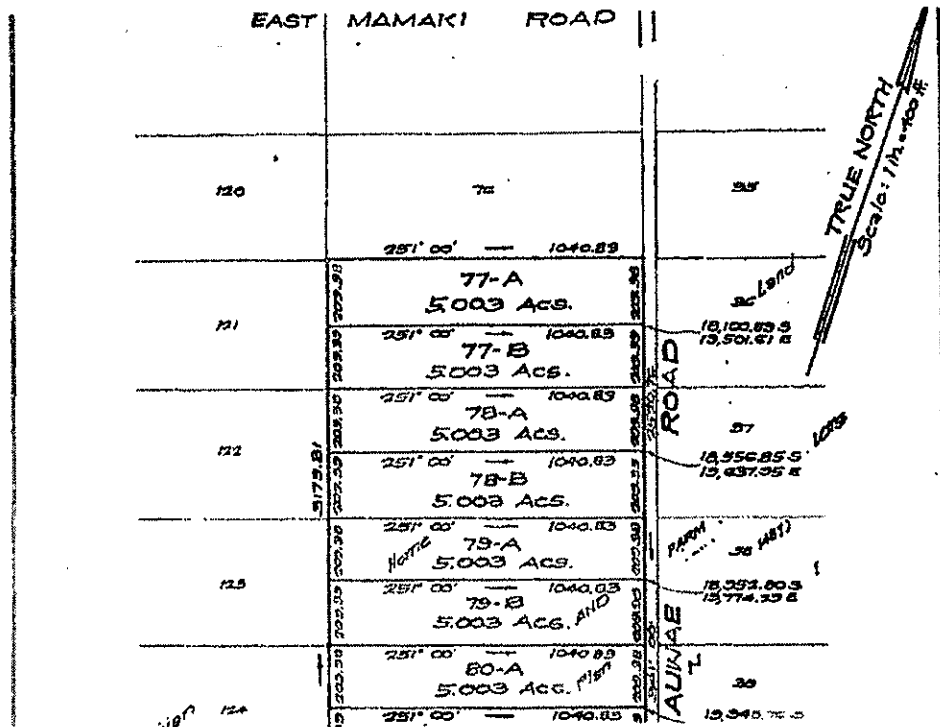
Brandee is the daughter of Benedict and not less than 25% Hawaiian.

Benedict & Brandee agree that proposed Lot 81-C will be transferred to Brandee and that Benedict will retain Lot 81-B for himself.

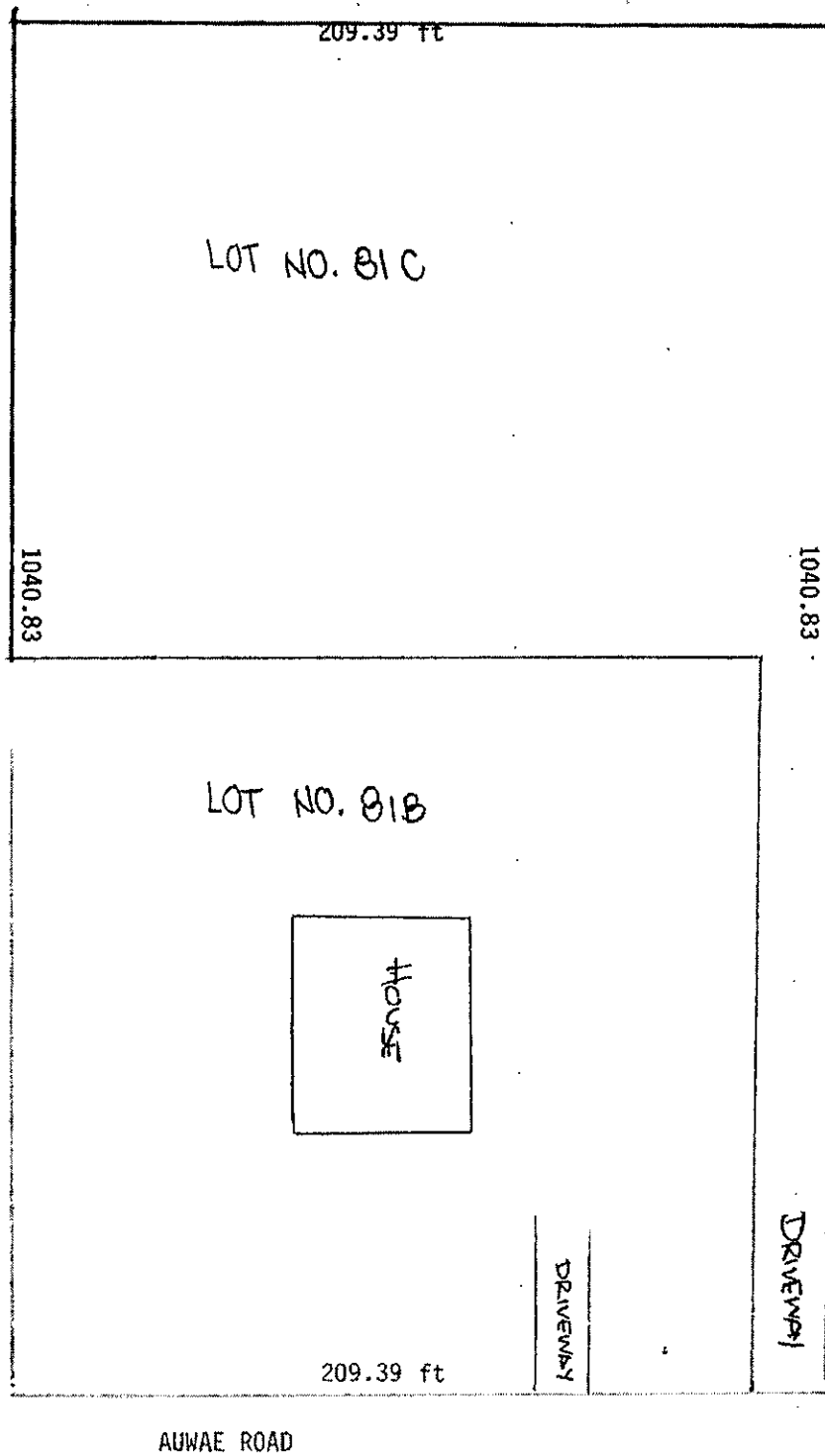
Improvements to the property include a 4-bedroom, 3-½ bath residence constructed in 1998.

There is no outstanding loan attached to the Lease. The lease rent to Department and real property taxes are paid current.

The Department requests approval of its recommendation.

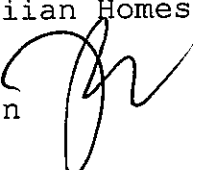



Benedict Cachola Lot 81-B TMK: 2-1-025:198



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
May 15, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

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

SUBJECT: **Commission Designation of Successor -
CLYDE K. PALING, Residential Lease No. 12569,
Lot No. 18336, Kanehili, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Kimberly K. Matsushima (Kimberly), as successor, to Residential Lease No. 12569, Lot No. 18336, Kanehili, Oahu, for the remaining term of the Lease;

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

3. To stipulate that Kimberly's right and interest in the Lease does not vest until Kimberly has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Kimberly does not sign all such documents on or before **May 31, 2023** (the Deadline) that the Commission's selection of Kimberly as a successor is automatically revoked;

4. To authorize the Department to extend the Deadline up to 30 days for good cause;

5. To declare that if Kimberly's selection as a successor is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "the lease shall resume its

status as unleased Hawaiian home lands the department is authorized to lease the land to a native Hawaiian as provided by the Act."

DISCUSSION

Clyde K. Paling (Decedent) was awarded the Lease commencing on January 22, 2010.

On November 28, 2018, the Decedent passed away without having filed a valid designation of successor with the Department.

On January 11, 2019, the Department received the Decedent's death certificate.

In compliance with Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, Hawaii Tribune Herald, West Hawaii Today, Maui News, and The Garden Island newspapers on June 2, 12, 16, and 26, 2019, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claim to the Lease.

On June 4, 2019, the Department received a successorship claim from the Decedent's sister, Kimberly K. Matsushima, on behalf of her minor niece, Clarissaanne T. K. Paling. Clarissaanne is the Decedent's daughter with his wife, the former Melissaanne K. M. Luafalemana. Clarissaanne was determined to be at least 25% Hawaiian ancestry and was thus eligible for successorship to the Lease. (EXHIBIT A)

On the same date, June 4, 2019, the Department also received a successorship claim from Kimberly K. Matsushima on her own behalf. As the Decedent's sister, Kimberly was determined to be of at least 50% Hawaiian ancestry and is qualified to succeed to the Lease. (EXHIBIT B)

On September 20, 2019, the Department received a successorship claim from Ginsey K. Au Hoon on behalf of her minor daughter, Chloe K. Paling, who is another daughter of the Decedent. Chloe was determined to be at least 25% Hawaiian ancestry and was thus eligible for successorship to the Lease. (EXHIBIT C)

By written correspondence dated July 6, 2020, as counseled by its legal team, the Department asked for letters of conservatorship by which guardians Kimberly and Ginsey could legally represent the successorship interests of their minor charges, Clarissanne and Chloe, respectively. (EXHIBITS D & E) The guardians were to produce the letters of conservatorship within 60 days of receiving the Department's request. Ultimately, as Kimberly and Ginsey did not produce the required letters of conservatorship by the stated 60-day deadline, respondent Kimberly K. Matsushima became the sole eligible successor to the lease by default. (EXHIBIT F)

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), where a lessee passed away and failed to specify a successor or successors as approved by the department, the Commission is authorized to terminate the Lease or to continue the Lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

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

Improvements to the homestead lot consist of a 3-bedroom and 2-bath, single family dwelling, which was constructed in 2009.

Kimberly is aware that she will be responsible for a new loan with the Department of Hawaiian Home Lands in the amount of \$261,732, the date of which will mirror the date she signs the

Transfer Through Successorship document should she choose to succeed to the Lease.

The Lease rent account reports a credit balance of \$85.00. The real property taxes are delinquent in the amount of approximately \$2,141.91.

The Department requests approval of its recommendation.

RESPONSE TO PUBLIC NOTICE - REQUEST TO SUCCEED TO LEASE

I, Paling, Clarissaanne Tihani Kuupolani being qualified /blood relative of
(Last name, First name)
Paling, Clyde Kuupolani deceased lessee, who died without naming a qualified
(Last name, First name)
 successor to his or her lease, hereby submit this written request to succeed to the leasehold interests, pursuant
 to Section 10-3-63, Notice to Successors.

I understand that a lessee may name a qualified successor to his or her leasehold interests upon death. However, upon the death of a lessee who dies without designating a successor, the Hawaiian Homes Commission is authorized to either cancel the lease or continue the lease by designating a qualified successor, pursuant to Section 209 of the Hawaiian Homes Commission Act and Section 10-3-63 of the Administrative Rules.

I further understand that request for succession to the leasehold interests must be made to the department within four (4) months from the first day of publication notice or be forever barred from succeeding to the lease in question.

DATE OF DEATH: Nov. 28, 2018
(Death Certificate Attached)

MY RELATIONSHIP TO DECEASED: Daughter
(My Birth Certificate Attached)

REQUESTER'S INFORMATION	
Address: <u>[REDACTED]</u> <small>Street, Apt. No., City, State, Zip Code</small>	
Social Security No.: <u>[REDACTED]</u>	Phone No. <u>[REDACTED]</u>
MY CURRENT HOMESTEAD STATUS WITH DHHL IS:	
<input type="checkbox"/> APPLICANT <input type="checkbox"/> LESSEE <input type="checkbox"/> APPLICANT & LESSEE	
#1 HOMESTEAD: <input type="checkbox"/> APPLICATION <input type="checkbox"/> LEASE, LEASE NO: _____	
TYPE: <u>Residential / Agricultural / Pastoral</u>	
ISLAND: <u>Hawaii / Kauai / Maui / Molokai / Oahu</u>	
AREA: _____	
#2 HOMESTEAD: <input type="checkbox"/> APPLICATION <input type="checkbox"/> LEASE, LEASE NO: _____	
TYPE: <u>Residential / Agricultural / Pastoral</u>	
ISLAND: <u>Hawaii / Kauai / Maui / Molokai / Oahu</u>	
AREA: _____	

REQUESTER SIGN: Kimberly K. Matsumura 6/4/19
Signature
 Temporary Guardianship for Clarissaanne Tihani Kuupolani Paling
 WITNESSED BY: [Signature]
Signature

DEPT OF
HAWAIIAN
LANDS
JUN 11 2019

**ITEM NO. D-18
EXHIBIT A**

RESPONSE TO PUBLIC NOTICE - REQUEST TO SUCCEED TO LEASE

I, Matsushima, Kimberly Kapilani being qualified blood relative of
(Last name, First name)
Paling, Clyde Kuapilani, deceased lessee, who died without naming a qualified
(Last name, First name)
successor to his or her lease, hereby submit this written request to succeed to the leasehold interests, pursuant
to Section 10-3-63, Notice to Successors.

I understand that a lessee may name a qualified successor to his or her leasehold interests upon death.
However, upon the death of a lessee who dies without designating a successor, the Hawaiian Homes
Commission is authorized to either cancel the lease or continue the lease by designating a qualified successor,
pursuant to Section 209 of the Hawaiian Homes Commission Act and Section 10-3-63 of the Administrative
Rules.

I further understand that request for succession to the leasehold interests must be made to the department
within four (4) months from the first day of publication notice or be forever barred from succeeding to the lease
in question.

DATE OF DEATH: Nov. 28, 2018
(Death Certificate Attached)

MY RELATIONSHIP TO DECEASED: Sister
(My Birth Certificate Attached)

REQUESTER'S INFORMATION

Address: [REDACTED]
Street, Apt. No., City, State, Zip Code
Social Security No.: [REDACTED] Phone No.: [REDACTED]

MY CURRENT HOMESTEAD STATUS WITH DHHL IS:

☐ APPLICANT ☒ LESSEE ☐ APPLICANT & LESSEE

#1 HOMESTEAD: ☐ APPLICATION ☒ LEASE, LEASE NO: 4408

TYPE: Residential / Agricultural / Pastoral

ISLAND: Hawaii / Kauai / Maui / Molokai / Oahu

AREA: Nanakuli

#2 HOMESTEAD: ☒ APPLICATION ☐ LEASE, LEASE NO: _____

TYPE: Residential / Agricultural / Pastoral

ISLAND: Hawaii / Kauai / Maui / Molokai / Oahu

AREA: _____

REQUESTER SIGN: Kimberly Matsushima

Signature

WITNESSED BY: [Signature]

Signature

6/4/19

Date

2019 JUN -4

AM 11:23

DEPARTMENT OF

HAWAIIAN HOME LANDS

6/4/19

ITEM NO. D-18

EXHIBIT B

RESPONSE TO PUBLIC NOTICE - REQUEST TO SUCCEED TO LEASE

I, Paling, Chloe being qualified blood relative of
(Last name, First name)
Paling Clyde deceased lessee, who died without naming a qualified
(Last name, First name)
 successor to his or her lease, hereby submit this written request to succeed to the leasehold interests, pursuant to Section 10-3-63, Notice to Successors.

I understand that a lessee may name a qualified successor to his or her leasehold interests upon death. However, upon the death of a lessee who dies without designating a successor, the Hawaiian Homes Commission is authorized to either cancel the lease or continue the lease by designating a qualified successor, pursuant to Section 209 of the Hawaiian Homes Commission Act and Section 10-3-63 of the Administrative Rules.

I further understand that request for succession to the leasehold interests must be made to the department within four (4) months from the first day of publication notice or be forever barred from succeeding to the lease in question.

DATE OF DEATH: 11/28/18
(Death Certificate Attached)

MY RELATIONSHIP TO DECEASED: Daughter
(My Birth Certificate Attached)

REQUESTER'S INFORMATION	
Address: <u>1111 [REDACTED]</u> <small>Street, Apt. No., City, State, Zip Code</small>	[REDACTED]
Social Security No.: _____	Phone No.: _____
MY CURRENT HOMESTEAD STATUS WITH DHHL IS:	
<input type="checkbox"/> APPLICANT	<input type="checkbox"/> LESSEE
<input type="checkbox"/> APPLICANT & LESSEE	
#1 HOMESTEAD:	<input type="checkbox"/> APPLICATION <input checked="" type="checkbox"/> LEASE, LEASE NO: <u>12345</u>
TYPE: <u>Residential / Agricultural / Pastoral</u>	
ISLAND: <u>Hawaii / Kauai / Maui / Molokai / Oahu</u>	
AREA: _____	
#2 HOMESTEAD:	<input type="checkbox"/> APPLICATION <input type="checkbox"/> LEASE, LEASE NO: _____
TYPE: <u>Residential / Agricultural / Pastoral</u>	
ISLAND: <u>Hawaii / Kauai / Maui / Molokai / Oahu</u>	
AREA: _____	

Mother CHLOE PALING
 REQUESTER SIGN: [Signature] 9/30/19
Signature Date
 WITNESSED BY: [Signature] 9/30/19
Signature Date

**ITEM NO. D-18
EXHIBIT C**

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1379
HONOLULU, HAWAII 96809

July 6, 2020

Ms. Kimberly K. Matsushima
Ms. Clarissaanne Tihani Kuuipolani Paling



Subject: Residence of Lessee Clyde K. Paling, Deceased
91-1391 Kinoiki Street, Kapolei
Lease No. 12569, Lot No. 18336, Kanehili, Oahu

Dear Ms. Matsushima:

Please be apprised that the completed "Request to Succeed to Lease" form submitted on Clarissaanne Tihani Kuuipolani Paling's behalf and received by the Department of Hawaiian Home Lands on June 4, 2019, is an *invalid* successorship claim to the lease and property noted above. As Ms. Paling is a minor, the probate court must appoint a conservator on her behalf pursuant to HRS 560:5-401 and the conservator must submit Ms. Paling's successorship claim. Should the court appoint you, Kimberly K. Matsushima, as conservator, your previously submitted "Request to Succeed to Lease" shall be considered valid.

Please submit the required Letters of Conservatorship within 60 days of receipt of this letter. If you are not appointed as Ms. Paling's conservator, the conservator must submit another "Request to Succeed Lease" within 60 days of receipt of this letter. If Letters of Conservatorship are not submitted to the Department, Ms. Paling's successorship claim will remain invalid and the Department shall not consider Ms. Paling's claim when it renders its recommendation to the Hawaiian Homes Commission regarding who is qualified to succeed to the above lease.

Regarding this issue, you may want to consult Maximum Legal Services Corporation (MaxCorp), which is a locally operated trust and estate administration non-profit that provides trustee, conservatorship and other administrative services for people who need help managing their finances or properties. Their contact information is as follows:

ITEM NO. D-18
EXHIBIT D

Ms. Kimberly K. Matsushima
July 6, 2020
Page 2

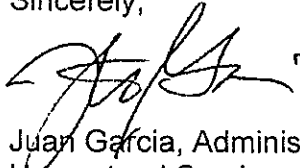
Maximum Legal Services Corporation
707 Richards Street, PH6
Honolulu, Hawaii 96813
Telephone: (808) 585-0920

Fax: (808) 585-0930

E-Mail: contact@maxlegalservices.org

If you have any questions regarding the foregoing matter, please call Homestead Assistant II Karen Lucero at (808) 620-9253 or Acting Oahu District Supervisor Ross K. Kapeliela at (808) 620-9247.

Sincerely,

A handwritten signature in black ink, appearing to read 'Juan Garcia', with a stylized flourish at the end.

Juan Garcia, Administrator
Homestead Services Division

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96805

July 6, 2020

Ms. Ginsey K. Au Hoon
Mother/Guardian of Chloe Kepalikuokalani Paling
[REDACTED]

**Subject: Residence of Lessee Clyde K. Paling, Deceased
91-1391 Kionoiki Street, Kapolei
Lease No. 12569, Lot No. 18336, Kanehili, Oahu**

Dear Ms. Au Hoon:

Please be apprised that the completed "Request to Succeed to Lease" form submitted on Chloe Kepalikuokalani Paling's behalf, and received by the Department of Hawaiian Home Lands on September 30, 2019, is an *invalid* successorship claim to the lease and property noted above. As Ms. Paling is a minor, the probate court must appoint a conservator on her behalf pursuant to HRS 560:5-401 and the conservator must submit Ms. Paling's successorship claim. Should the court appoint you, Ginsey K. Au Hoon, as conservator, your previously submitted "Request to Succeed to Lease" shall be considered valid.

Please submit the required Letters of Conservatorship within 60 days of receipt of this letter. If you are not appointed as Ms. Paling's conservator, the conservator must submit another "Request to Succeed Lease" within 60 days of receipt of this letter. If Letters of Conservatorship are not submitted to the Department, Ms. Paling's successorship claim will remain invalid and the Department shall not consider Ms. Paling's claim when it renders its recommendation to the Hawaiian Homes Commission regarding who is qualified to succeed to the above lease.

Regarding this issue, you may want to consult Maximum Legal Services Corporation (MaxCorp), which is a locally operated trust and estate administration non-profit that provides trustee, conservatorship and other administrative services for people who need help managing their finances or properties. Their contact information is as follows:

**ITEM NO. D-18
EXHIBIT E**

Ms. Ginsey K. Au Hoon
July 6, 2020
Page 2

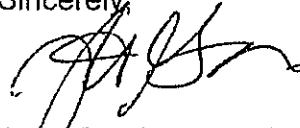
Maximum Legal Services Corporation
707 Richards Street, PH6
Honolulu, Hawaii 96813
Telephone: (808) 585-0920

Fax: (808) 585-0930

E-Mail: contact@maxlegalservices.org

If you have any questions regarding the foregoing matter, please call Homestead Assistant II Karen Lucero at (808) 620-9253 or Acting Oahu District Supervisor Ross K. Kapeliela at (808) 620-9247.

Sincerely,

A handwritten signature in black ink, appearing to read 'Juan Garcia', is written over the printed name.

Juan Garcia, Administrator
Homestead Services Division

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

JOSH GREEN
LT. GOVERNOR
STATE OF HAWAII



WILLIAM J. AILA, JR.
CHAIRMAN
HAWAIIAN HOMES COMMISSION

TYLER I. GOMES
DEPUTY TO THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879
HONOLULU, HAWAII 96805

December 1, 2020 .

Ms. Kimberly K. Matsushima

Dear Ms. Matsushima:

**Subject: Successorship to Clyde K. Paling, Deceased
Lease No. 12569, Kanehili Residential Lot No. 18336
91-1391 Kinoiki Street, Kapolei
TMK: (1) 9-1-153:117**

As you know, your late brother, Clyde K. Paling, did not name a qualified successor to receive his lease in the event of his passing and pursuant to Section 10-3-63 of the *Hawaii Administrative Rules*, the Department of Hawaiian Home Lands (department) subsequently published a legal notice requesting that qualified relatives come forward to petition the Hawaiian Homes Commission (HHC) to be named successor(s) to the lease in question.

To wit, the department received three (3) claims submitted in response to the notice. The claimants included yourself, and two (2) minor daughters of the deceased lessee—Clarissaanne Tihani Kuuipolani Paling (represented by yourself) and Chloe Kepalikuokalani Paling (represented by her mother, Ginsey Keleleonalani Au Hoon).

Ultimately, as there were no letters of conservatorship submitted with successorship claims filed by the guardians on behalf of the decedent's two (2) minor daughters, their successorship claims are invalid. Accordingly, you are the sole qualified respondent petitioning to succeed to the lease.

We have included a **Successorship to Lease Response Form** with this letter for your use:

- 1) Please fill-in all the blanks at the bottom of the form; and
- 2) Indicate whether you still wish to succeed to Lease No. 12569 by initialing the appropriate blank, signing and dating where indicated, and returning the completed form to the department at the address provided as soon as possible.

**ITEM NO. D-18
EXHIBIT F**

Ms. Kimberly K. Matsushima
December 1, 2020
Page 2

In the event you elect to succeed to the lease, please note the following:

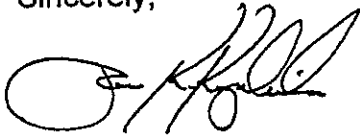
- You will receive the property "as is;"
- You will be responsible for all financial obligations involving this lease (e.g., outstanding mortgage, property taxes, association dues, etc.);
- After you formally succeed to this lease, you are expected to pay off the outstanding loan on this property within 90 days; and
- You will be responsible for the maintenance of the property (the department has already received complaints regarding overgrowth and the general unkempt appearance of the property).

Please be apprised that if we do not receive your completed form by Monday, December 14, 2020, we will assume you are no longer interested in succeeding to this lease and the lot will be returned to the department's inventory for award to the next eligible beneficiary on the waitlist.

In the event we receive your prompt reply by the stated deadline, the department is prepared to recommend to the HHC at its upcoming December 21 and 22, 2020, regular meeting that you be named successor to the lease.

If you have any questions regarding the foregoing matter, please call Homestead Assistant Karen Lucero at 620-9253 and refer to the contents of this letter.

Sincerely,



Ross K. Kapeliela, Acting District Supervisor
Oahu District Office
Homestead Services Division

Enc: *Successorship to Lease Response Form*

Department of Hawaiian Home Lands
SUCCESSORSHIP TO LEASE RESPONSE FORM

**CLYDE K. PALING, RESIDENTIAL LEASE NO. 12569,
LOT NO. 18336, KANEHILI, ISLAND OF OAHU**

PLEASE RETURN THIS FORM BY MONDAY, DECEMBER 14, 2020, TO:

**DEPARTMENT OF HAWAIIAN HOME LANDS
OAHU DISTRICT OFFICE
ATTN: KAREN LUCERO
P.O. BOX 1879
HONOLULU, HAWAII 96805**

DHHL TIMESTAMP

PLEASE CHOOSE ONE OF THE TWO OPTIONS PROVIDED BELOW. INITIAL THE BLANK PROVIDED NEXT TO YOUR PREFERENCE. SIGN, DATE AND RETURN THIS FORM TO THE DEPARTMENT OF HAWAIIAN HOME LANDS AFTER COMPLETION.

<hr/>	<p>I wish to proceed with successorship to the lease of Clyde K. Paling, Residential Lease No. 12569, Lot No. 18336, situated in Kanehili, Island of Oahu. I understand that my successorship to this lease is subject to DHHL verification ensuring that I possess the required blood quantum percentage to succeed.</p> <p>IN PURSUING THIS SUCCESSORSHIP, I ACCEPT ALL OBLIGATIONS ASSOCIATED WITH THIS LEASE WHICH INCLUDES, BUT IS NOT LIMITED TO, ANY OUTSTANDING MORTGAGES, LEASE RENT, PROPERTY TAXES, UTILITIES, THIRD PARTY AGREEMENTS, AND ANY OTHER OBLIGATIONS TIED TO THIS LEASE.</p>
-------	--

<hr/>	<p>I no longer wish to pursue successorship to the lease of Clyde K. Paling, Residential Lease No. 12569, Lot No. 18336, situated in Kanehili, Island of Oahu.</p> <p>I UNDERSTAND THAT BY CHOOSING THIS OPTION, I RENOUNCE MY SUCCESSORSHIP TO THIS LEASE AND RELINQUISH ALL SUCCESSORSHIP RIGHTS TO THIS LEASE.</p>
-------	--

Successor's Name (PRINT)

Signature of Successor Date

Mailing Address

Social Security Number

City State Zip Code

Res. Phone No. / Bus. Phone No.

Email address

Cellular No.

Hawaiian Homes Commission Meeting
My 15 & 16, 2023
Kuhio Hale, Waimea, Hawaii

E-ITEMS



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

West Hawai'i Project Updates

ITEM E-1 - For Information Only

May 15-16, 2023

Current Development Villages of La'i 'Ōpua , Kealakehe, Hawai'i

La'i 'Ōpua Rent with Option to Purchase (RWOTP)

- Village 4 'Ākau - 118 lots
- Village 5 - 45 lots
- Additional rental offerings subject to developer obtaining financing

La'i 'Ōpua Village 4 Hema

- 125 homestead lots (housing mix to be determined)
- Construction started: early 2022
- Construction completion: early 2024, subject to change.

La'i 'Ōpua Village 5

- 42 Turnkey occupied
- 20 Habitat homes occupied
- 45 RWOTP
- 10 Vacant lots for future offer





Rent with Option to Purchase at Village 4 - 'Ākau

Option to Purchase After 15-year Rental Compliance

Village 4 Hema

60 rental homes
completed

24 new rental homes

34 lots remaining



La'i 'Ōpua Village 4 Subdivision, Phase 2 - Hema

125 Residential Lots

Scope: Infrastructure

- Lot grading and Construction of Roads and Utilities

Funding:

- \$2,789,304 in USDA grant funds obligated for water, sewer, and storm water improvements.
- Up to \$12.2M in Legislative appropriations to fund infrastructure construction.

Schedule:

- **Advertisement for bids:** November 2020
- **Bid Opening:** March 2021
 - Low Bid: Nan, Inc. - \$13,887,249
- **Construction Start:**
 - Blessing Ceremony – 3/23/2022
 - Notice to Proceed – 3/27/2022
 - Construction Completion – early 2024, subject to change



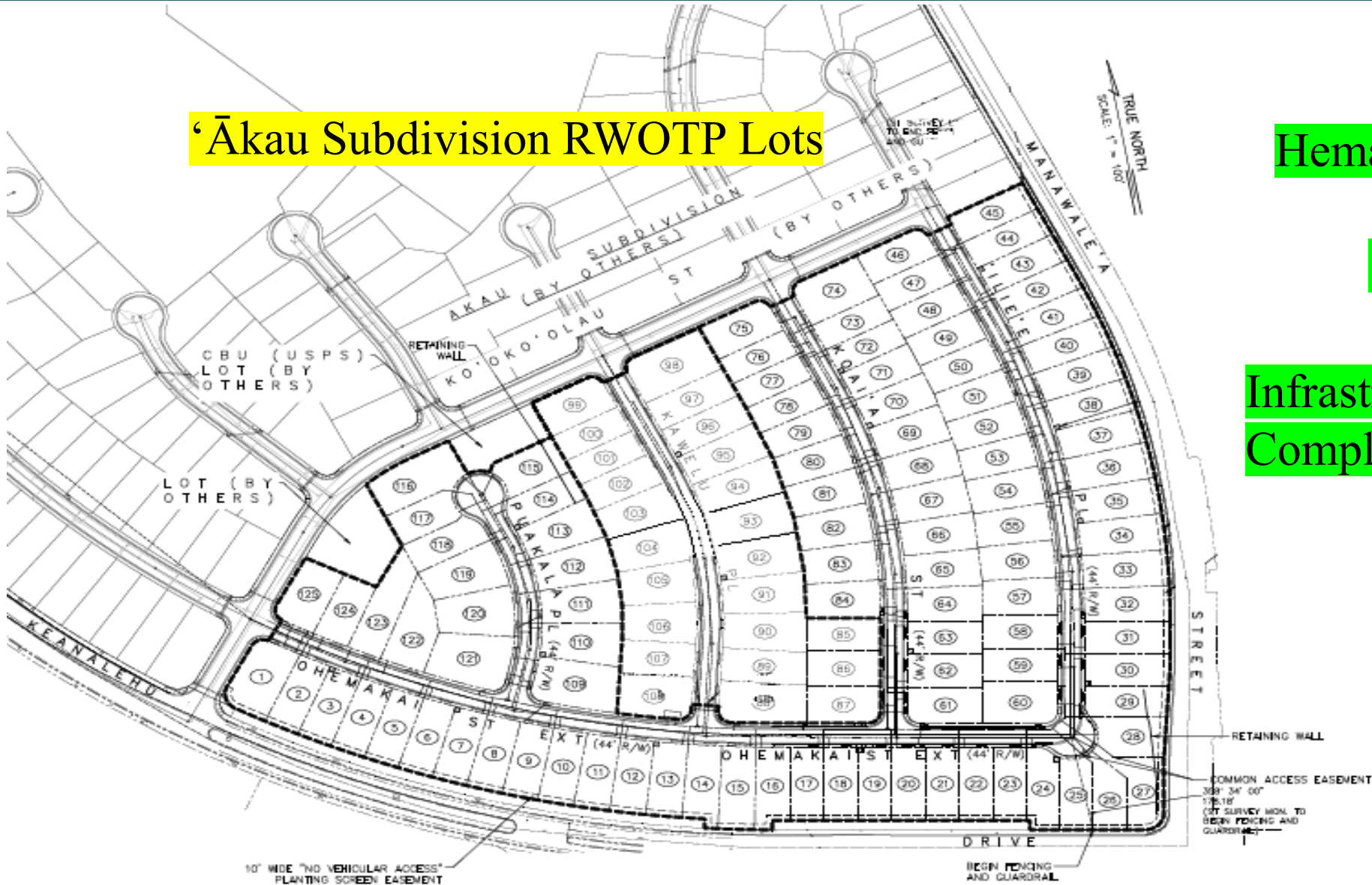
La'i 'Ōpua Village 4, Phase 2 - Hema Subdivision Layout

‘Ākau Subdivision RWOTP Lots

Hema Subdivision

125 Lots

Infrastructure Construction
Completion: Early 2024





Future La'i 'Ōpua Residential Development

La'i 'Ōpua Village 2

- Start Environmental Compliance and Engineering Designs, subject to funding
 - Funded by Act 279
 - Schedule to be determined
- Approximately 200 lots

La'i 'Ōpua Village 1

- Start Environmental Compliance and Engineering Designs, subject to funding
 - Funded by Act 279
 - Schedule to be determined
- Approximately 200 lots





- [illegible]



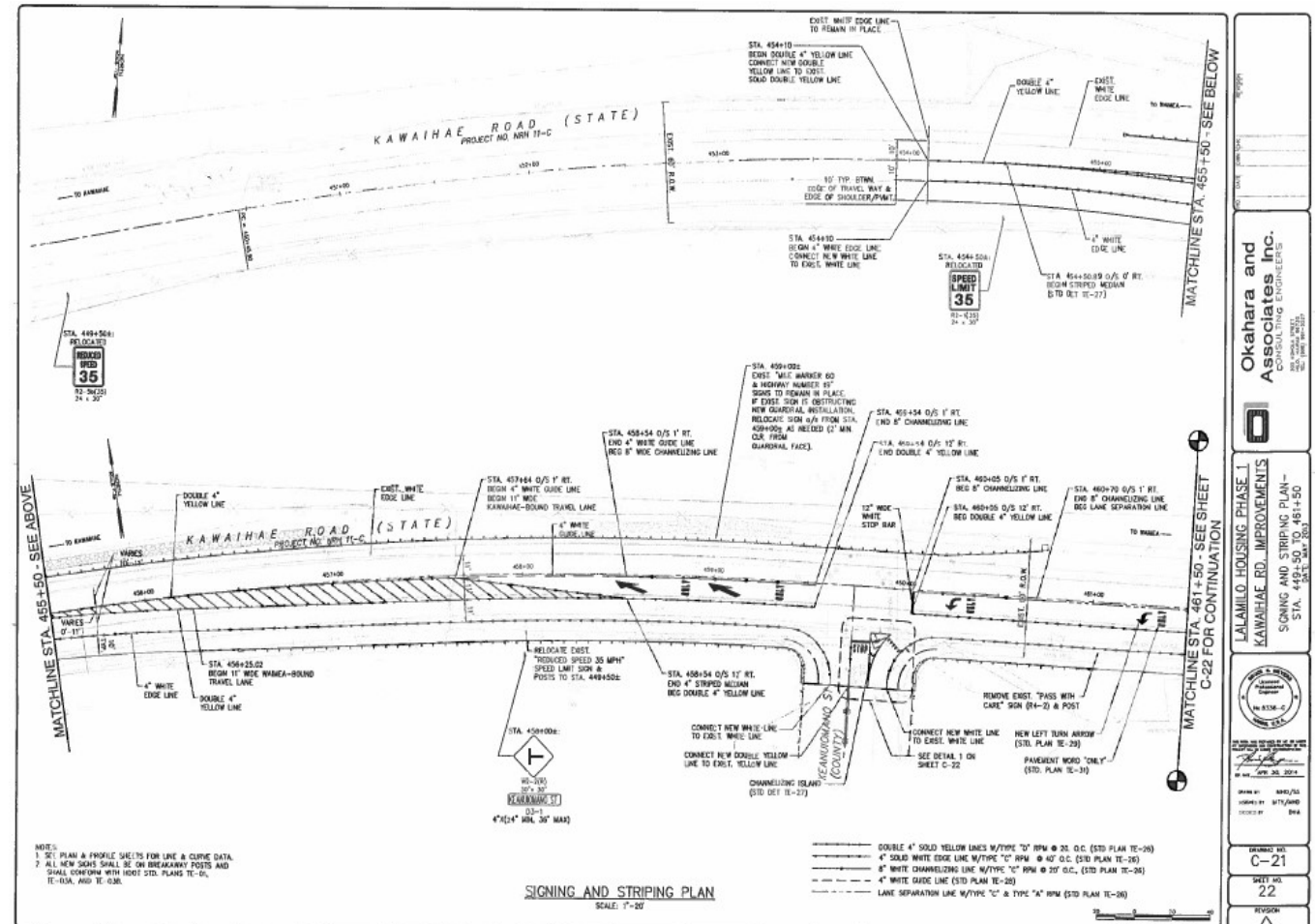
-
- 250' 0 250' 500'
- SCALE: 1"=250'
- PHASE 2A INCREMENT 21
- PHASE 2B
- OPTION RELOCATED BOULDERS
- RELOCATED GRAVEL
- RELOCATED BOULDERS
- HELCO
- WILSON STREET
- WORLD STREET
- HAWAIIAN PLACE
- LEGEND:
- PHASE 2A SUBDIVISION LOT LAYOUT
 - INCREMENT 1 (1/2 ACRES)
 - INCREMENT 2 (1/2 ACRES)





Lālāmiilo Phase 1 – Kawaihae Road

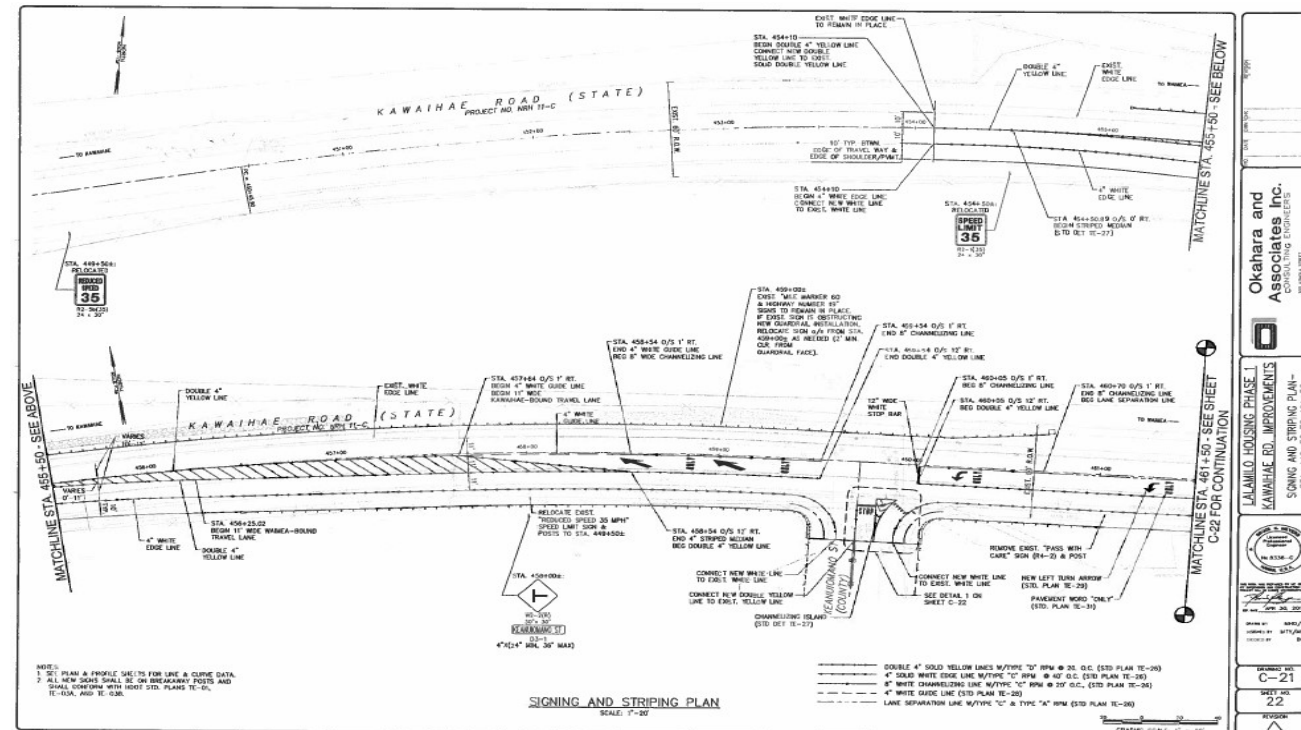
KAWAIHAE ROAD IMPROVEMENTS AT KEANUIOMANU ST. INGRESS/EGRESS REASSESSMENT OF CONSTRUCTION CONTRACT





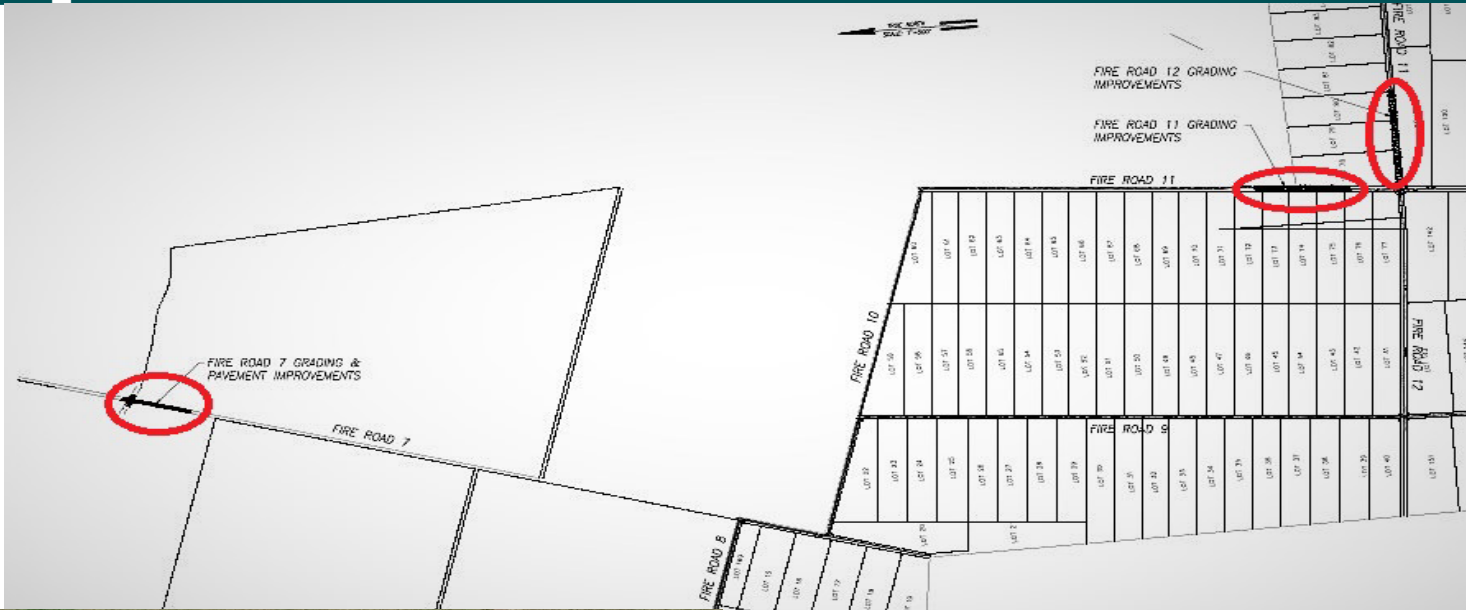
Lālāmiilo Phase 1 - Kawaihae Road Improvements

- CONTRACT WITH GOODFELLOW BROS. LLC HAS BEEN ON HOLD SINCE 2014
- RELOCATION OF HAWAIIAN TELCOM POLES BEING NEGOTIATED
- HTC HAS UNRESOLVED ISSUE WITH FIBER OPTIC LINE PURCHASED THRU SIC
- DELAY CLAIMS BY CONTRACTOR TO BE NEGOTIATED





Pu'ukapu Pasture Lots – Additional Road Improvements



- Construction to improve line of sight and widen the narrow passage due to rock outcroppings
- Bidding in May 2022 with Bids open in June 2022
- Construction Cost Est.: \$450,000.00
- Estimated construction completion November 2022



-

Pu 'ukapu Non-Potable Water System

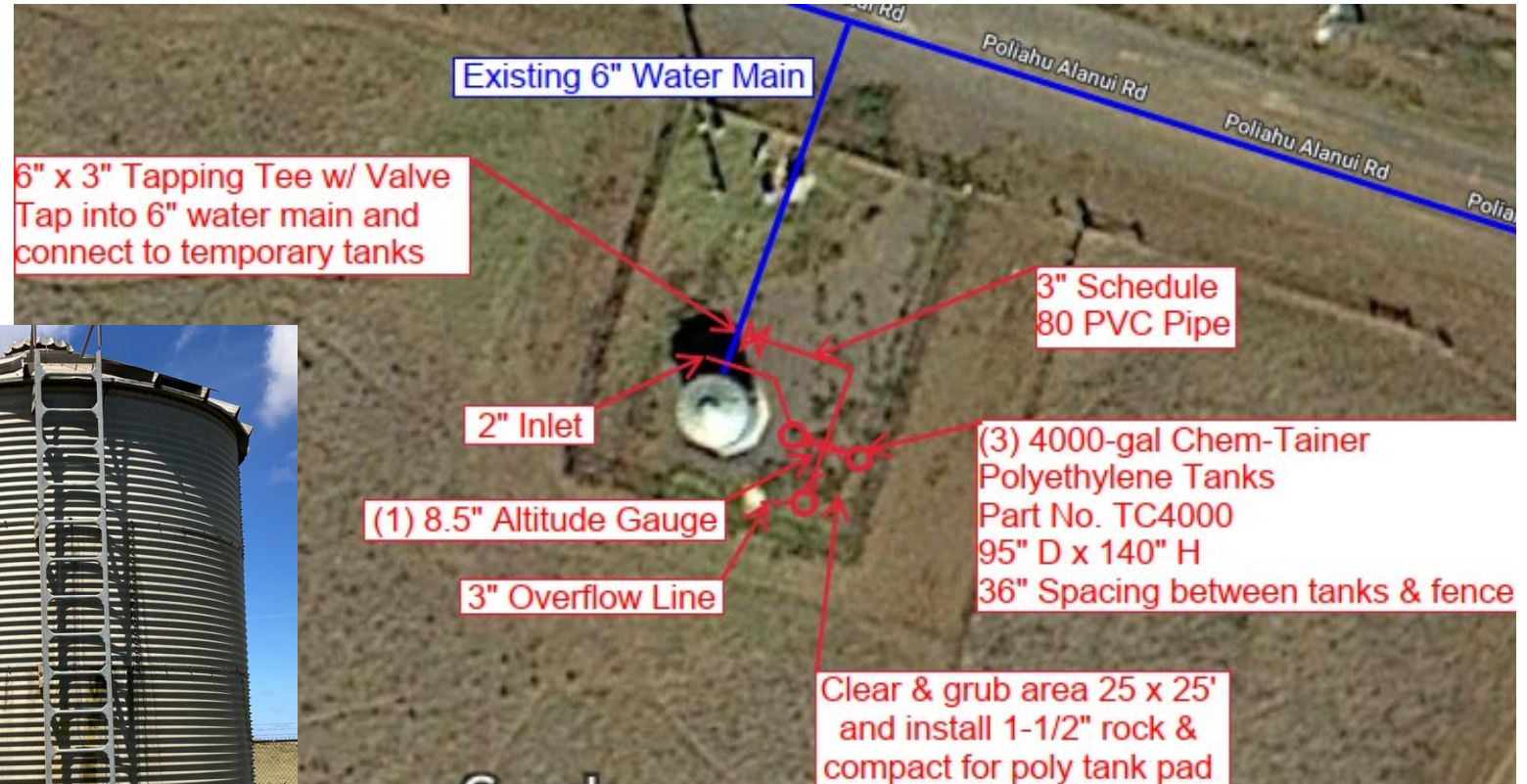
Repairs to Tank Liner 1 & 2

Recommendations

- Phase 1 – Repairs to Tank Liner 1 & 2, installation of temporary water tanks & new signage
- Phase 2 – Repairs to SCADA system, repairs to fire water tanks

Budget Development

- Rider Levett Bucknall independent cost estimates of repairs for Phase 1 & Phase 2
- Bid solicitations in progress for renewal on maintenance contracts to include detailed bid offers for Phase 1 repairs



Proposed Tank 1 Repairs



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov/po


Hawaiian Homes Commission Meeting
My 15 & 16, 2023
Kuhio Hale, Waimea, Hawaii

F-ITEMS

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 15 – 16, 2023

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Approval to Issue a Right of Entry Permit to Hana Laulima Lahui O Ka’u, Inc.,
Waiohinu, Island of Hawaii, TMK No.: (3) 9.5.005:003(por.)

APPLICANT

Hana Laulima Lahui O Ka’u, Inc., (“HLLK”)

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (“Commission”) authorize the issuance of a Right of Entry Permit (“ROE”) for a portion of the subject area identified by Tax Map Key No. (3) 9-5-005:003 (por.) consisting of approximately 10.4-acres or approximately 453,050 square feet of Hawaiian home lands situated at Waiohinu, Island of Hawai‘i (*See Exhibit “A”.*)

Approval and issuance of this ROE shall be subject to the following conditions:

1. Authorize the issuance of a ROE to HLLK covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current ROE form, as amended;
 - B. The premises shall be utilized strictly and solely for the purposes of conducting due diligence studies including but not limited to preparation of the Ka’u Hawaiian Cultural Center project master plan, business plan, and compliance requirements of Chapters 6E and 343, Hawaii Revised Statutes;
 - C. The term of the ROE shall be month-to-month for up one year with the option to continue the ROE on a month-to-month basis for two additional one year periods at the sole discretion of PERMITTOR;
 - D. The fee for the term of this ROE shall be gratis;
 - E. PERMITTEE shall submit a Master Plan to include but not be limited to the following:
 - i. Narrative description that clearly articulates permittee’s project goals for

- the project area and detailed description of each proposed programmatic element and land use by the permittee;
 - ii. Narratively and graphically describe characteristics of the project area including topography, portions of the project area susceptible to natural disaster events, access points for vehicle and pedestrian ingress and egress, identification of level of infrastructure improvements;
 - iii. Site plan drawing at scale of the project area depicting conceptual size and location of proposed improvements and programmatic use of the project area.
- F. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interests of the Hawaiian Home Lands Trust;
- 2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant effect on the environment.

DISCUSSION:

HLLK submitted a land use request to DHHL in February, 2022 to use an approximately 20-acre portion of DHHL land identified by TMK No.: (3)-9-5-005:003 with the purposes of establishing a Ka'u Hawaiian Cultural Center master plan project that would provide a place for DHHL beneficiaries and Native Hawaiians community at large to harness their ancestral practices to grow the prosperity, jobs, and resilience of the people and environment of Ka'u. The proposed end Cultural center product envisions a visitor's center, museum, multi-purpose room, certified and instruction kitchen, outdoor ample performance area/stage, shared business/incubator space, and Hawaiian botanical garden.

A beneficiary consultation meeting was conducted in March 2023, to collect beneficiary input and feedback on HLLOK's land use request. A beneficiary consultation report was submitted to the HHC in April, 2023 for acceptance and consideration. LMD recommends the issuance of an ROE for the purposes of conducting due diligence studies to validate project feasibility, determine land suitability, and identify potential partnerships and resources for proposed future development of the site.

PLANNING AREA:

Ka'u, Island of Hawai'i

LAND USE DESIGNATION:

Subsistence Agricultural Use, Hawaii Island Plan (July 2014), Figure 7 – South Hawaii – Hawaii Land Inventory

CURRENT STATUS:

Vacant

CHARACTER OF USE:

Subsistence Agricultural Use

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

In accordance with Hawaii Administrative Rule Sections 11-200.1 and the revised Exemption List for DHHL reviewed and concurred by the Environmental Council on April 6, 2021, the subject request is exempt from the preparation of an environmental assessment pursuant to **General Exemption Type 1**. General Exemption Type 1 concerns the operations, repairs, or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing, including:

1. Fertilizing, sprinkling, mowing, weeding, trimming, brush cutting, clearing, grubbing, aerating, road cleaning and patching, sweeping, removal of debris, and other routine maintenance of the following agency-maintained lands and facilities:
 - a. Ditches, channels, and common areas
 - b. Streets, roads, highways, bike paths, pedestrian ways, trails, parking lots and appurtenances
 - c. Flood control, erosion control, and drainage facilities
 - d. Parks
 - e. Landscaped areas

Applicant also confirms that if any ko‘oloa‘ula (*abutilon menziessi*) are discovered by its botanist, they would not disturb or remove the plants.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

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

Land and Resource Management

Goals:

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

Objectives:

- Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

Ka’u Regional Plan (2012)

The site is designated for Subsistence Agricultural Use consistent with the Ka’u Regional Plan (May 2012)

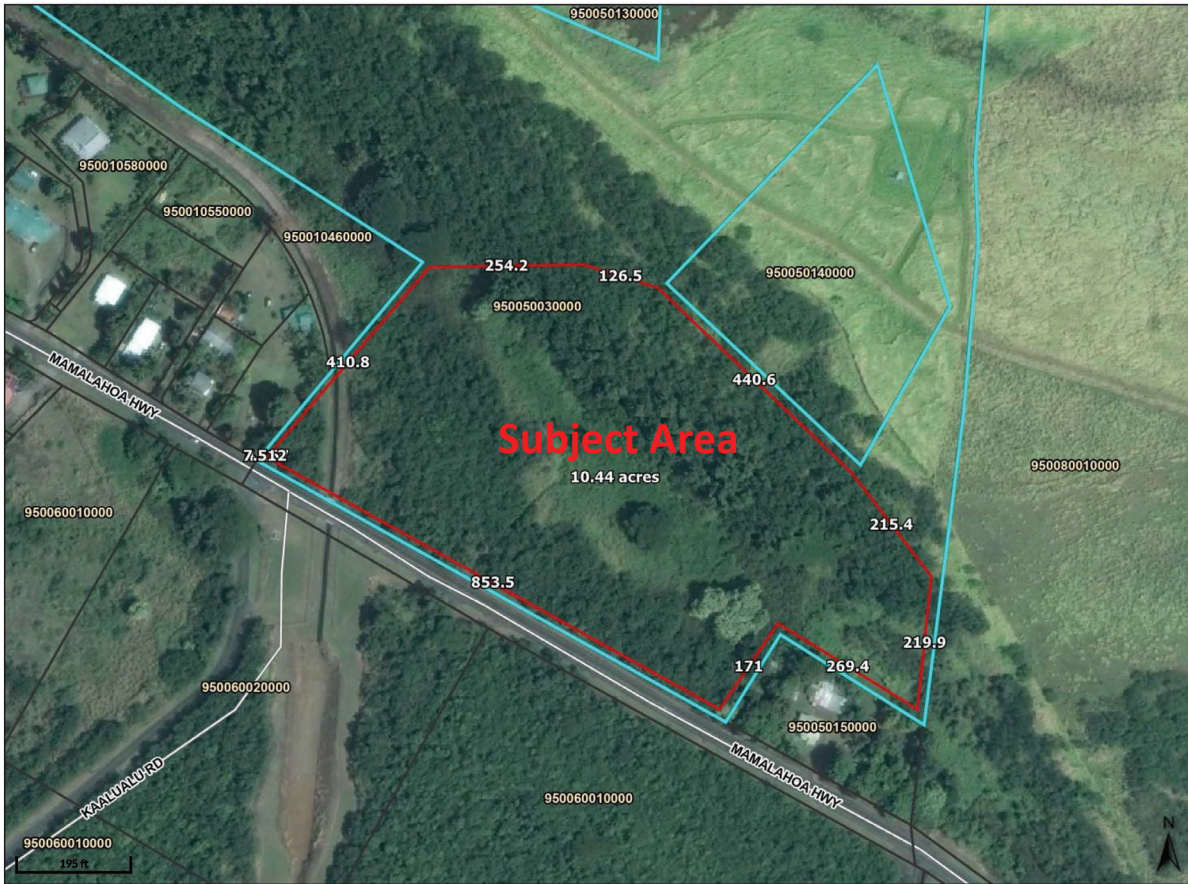
AUTHORIZATION / LEGAL REFERENCE:

§171-55(a), Hawaii Revised Statutes

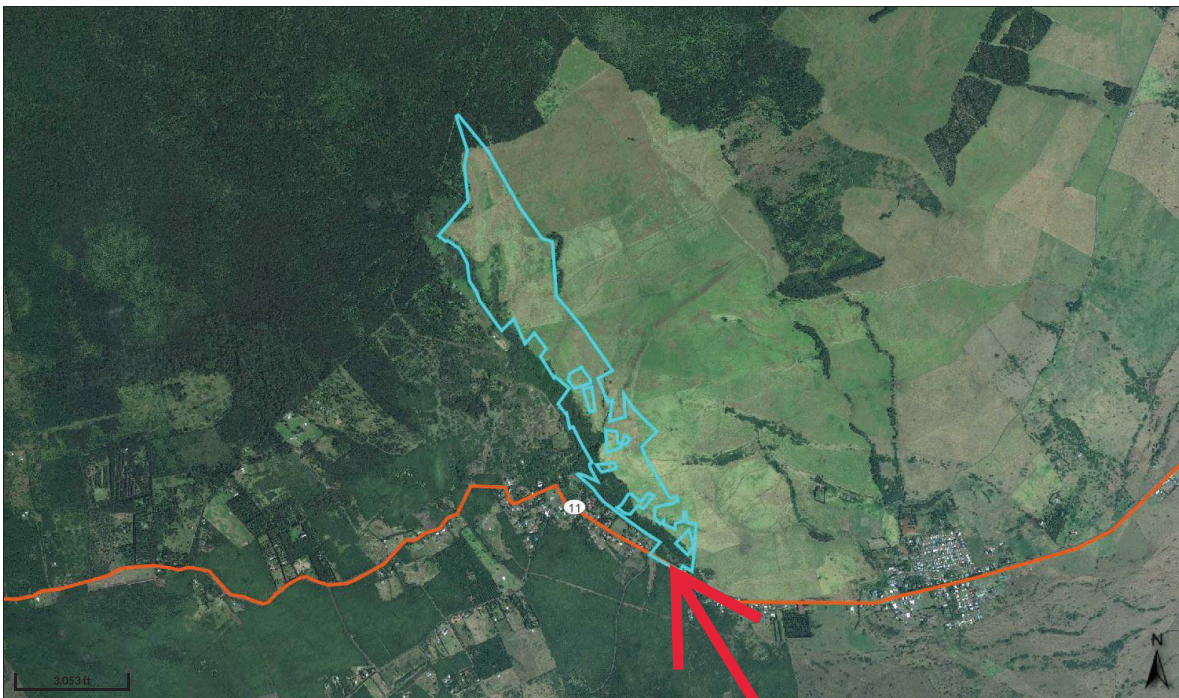
Notwithstanding any other law to the contrary, the [commission] may issue permits for the temporary occupancy of state lands or an interest therein on a month-to-month basis by direct negotiation without public auction, under conditions and rent which will serve the best interests of the State, subject, however, to those restrictions as may from time to time be expressly imposed by the [commission]. A permit on a month-to-month basis may continue for a period not to exceed one year from the date of its issuance; provided that the board may allow the permit to continue on a month-to-month basis for additional one year periods.

RECOMMENDATION:

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



TMK: (3) 9-5-005-003 (por.)



Parcel ID 950050030000
Acreage 378.87
Class AGRICULTURAL

Situs/Physical Address
Mailing Address STATE OF HAWAII

Market Land Value	\$100
Dedicated Use Value	\$0
Land Exemption	\$100
Net Taxable Land Value	\$0
Assessed Building Value	\$0
Building Exemption	\$0
Net Taxable Building Value	\$0
Total Taxable Value	\$100

Last 2 Sales	Date	Price	Reason	Qual
	10/29/2021	0	OTHER REASONS	U
	10/29/2021	0	OTHER REASONS	U

Subject Location

Brief Tax Description FROM: 9505-03-5002 RP S-7847 188 AC DLNR MASTER

Exhibit "A"
Item No. F-1



STATE OF HAWAII
STATE PROCUREMENT OFFICE

CERTIFICATE OF VENDOR COMPLIANCE

This document presents the compliance status of the vendor identified below on the issue date with respect to certificates required from the Hawaii Department of Taxation (DOTAX), the Internal Revenue Service, the Hawaii Department of Labor and Industrial Relations (DLIR), and the Hawaii Department of Commerce and Consumer Affairs (DCCA).

Vendor Name: HANA LAULIMA LAHUI O KA'U, INC.

Issue Date: 05/04/2023

Status: **Compliant**

Hawaii Tax#: 40457758-01
New Hawaii Tax#: GE-2028046336-01
FEIN/SSN#: XX-XXX8869
UI#: No record
DCCA FILE#: 313192

Status of Compliance for this Vendor on issue date:

Form	Department(s)	Status
A-6	Hawaii Department of Taxation	Compliant
8821	Internal Revenue Service	Compliant
COGS	Hawaii Department of Commerce & Consumer Affairs	Exempt
LIR27	Hawaii Department of Labor & Industrial Relations	Compliant

Status Legend:


Status	Description
Exempt	The entity is exempt from this requirement
Compliant	The entity is compliant with this requirement or the entity is in agreement with agency and actively working towards compliance
Pending	A status determination has not yet been made
Submitted	The entity has applied for the certificate but it is awaiting approval
Not Compliant	The entity is not in compliance with the requirement and should contact the issuing agency for more information


Exhibit "B"
Item No. F-1

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 15-16, 2023

To: Chairman and Members, Hawaiian Homes Commission

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

From: Mark Yim, Land Agent
Land Management Division 

Subject: Approval to Annual Renewal of Right of Entry Permit(s), North & West Hawai'i Island

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

- A) Renew all North & West Hawaii Island Right of Entry Permit(s) as listed on Exhibit "A" and identified by approximate location on the North & West Hawai'i Island Map Exhibit "A-1" that are in compliance, as of June 1, 2023.
- B) The annual renewal period shall be on a month-to-month basis, for up to twelve (12) months, but no longer than May 31, 2024 or at the next scheduled HHC meeting in North or West Hawai'i island whichever occurs sooner.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all North & West Hawai'i Island ROE permit(s) only, which shall effectively expire on May 31, 2023. As a means of maintaining a process by which PERMITEE'S can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit "A" references all Right of Entry Permits in North & West Hawai'i Island by order of commencement date, land use, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL's respective island plans. DHHL's total North & West Hawai'i Island land inventory covers approximately 40,282.0 acres¹ or 20% of DHHL's statewide inventory. The short-term disposition(s) cover approximately 9,508.0 acres or 24% of its inventory.

¹ DHHL Hawaii Island Plan – Final Report, PBR Hawaii, May 2002

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

Until improvements to the Revocable Permit Program can be implemented, this process will be used for Annual Renewals of these month-to-month ROE Permit dispositions.

The table below reflects the revenue generated from ROE permit(s) on North & West Hawaii Island, which is approximately 3.0% (\$77,918) of the ROE total revenues (\$2,636,200) that DHHL receives statewide. Hawaii Island holds 9 of the 145 ROE permits Statewide which are used for various purposes outside of industrial/commercial use.

FY 2023		Total	FY 2024		Total
Agriculture	\$0	-	Agriculture	\$0	-
Caretaker/Landscape	\$0	-	Caretaker/Landscape	\$0	-
Commercial	\$33,015	3	Commercial	\$33,015	3
Community	\$0	-	Community	\$0	-
Industrial	\$0	-	Industrial	\$0	-
Office	\$0	-	Office	\$0	-
Pastoral	\$44,010	5	Pastoral	\$44,317	5
Preservation	\$0	1	Preservation	\$0	-
Recreation	\$0	-	Recreation	\$3	-
Research	\$0	-	Research	\$0	-
Stabling	\$0	-	Stabling	\$0	-
	\$77,918	9		\$78,837	9

LMD respectfully recommends maintaining current rental rates without any increase for beneficiaries. However, a modest increase would be applied to non-beneficiary rental rates by 3.0%.

Rental fees for agricultural and pastoral use permits vary and are typically established at less than fair market rates (discounted) but not less than \$240/annum due to various site issues such as, insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.

AUTHORITY / LEGAL REFERENCE:

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

RECOMMENDATION:

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

RIGHT OF ENTRY PERMITS - NORTH & WEST HAWAII ISLAND, as of MAY 2023						Denotes Beneficiary		Denotes Delinquent
NO.	ACRE	USE	PERMITTEE/ADDRESS	TMK	Date Started	Current Annual Rent	Proposed Annual Rent	Comments: rent amount and reasons (site issues - insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.)why no long-term disposition
461	0.54	Commercial	Edward J. Laau/Naomi K. Peck	(3) 6-1-003:018 Kawaihae	7/1/1989	\$13,497	-	Account is delinquent - \$2,249.50 (2 mos rent @ \$1,124.75/mo); portion of a larger parcel that is designated Special District Use. Insufficient infrastructure.
462	0.67	Commercial	Kawaihae Spirits	(3) 6-1-002:066 and:068 Kawaihae	2/20/1990	\$13,306	\$13,705	Rent is current; portion of a larger parcel that is designated Subsistence Agricultural Use. Insufficient infrastructure.
464	50.00	Pastoral	Marian Kapuniai	(3) 6-4-038:007 (p) Puukapu	12/29/2012	\$900	-	Rent is current; portion of a larger parcel that is designated Special District Use. Insufficient infrastructure.
466	105.73	Pastoral	Malama Solomon	(3) 6-5-001:010 (p) Waimea	1/1/2000	\$1,260	-	Rent is current; parcel that is designated Community Use.
483	0.56	Commercial	Guy Startzman	(3) 6-1-003:003 Kawaihae	2/14/2011	\$6,798	\$7,002	Rent is current; portion of a larger parcel that is designated Special District Use. Insufficient infrastructure.
484	1420.00	Pastoral	Kahua Ranch	(3) 6-1-001:002 (p) Kawaihae	2/1/2011	\$6,180	\$6,365	Rent is current; parcel that is designated Community Use.
485	7600.00	Pastoral	Palekoki Ranch, Inc.	(3) 6-1-001-003 (p)	6/1/2011	\$31,620	-	Rent is current; portion of a larger parcel that is designated General Agriculture & Special District Use. Insufficient infrastructure.
599	381.00	Pastoral	Parker Ranch	(3) 6-5-001:011 & :019	7/1/1977	\$4,357	\$4,488	Rent is current; portion of a larger parcel that is designated General Agricultural Use. Insufficient infrastructure.
683	9mi	Preservation	The Kohala Center "TKC"	(3) 9-1-001:003	3/12/2018	\$0	-	Installation of Fence line ongoing

Denotes Beneficiary

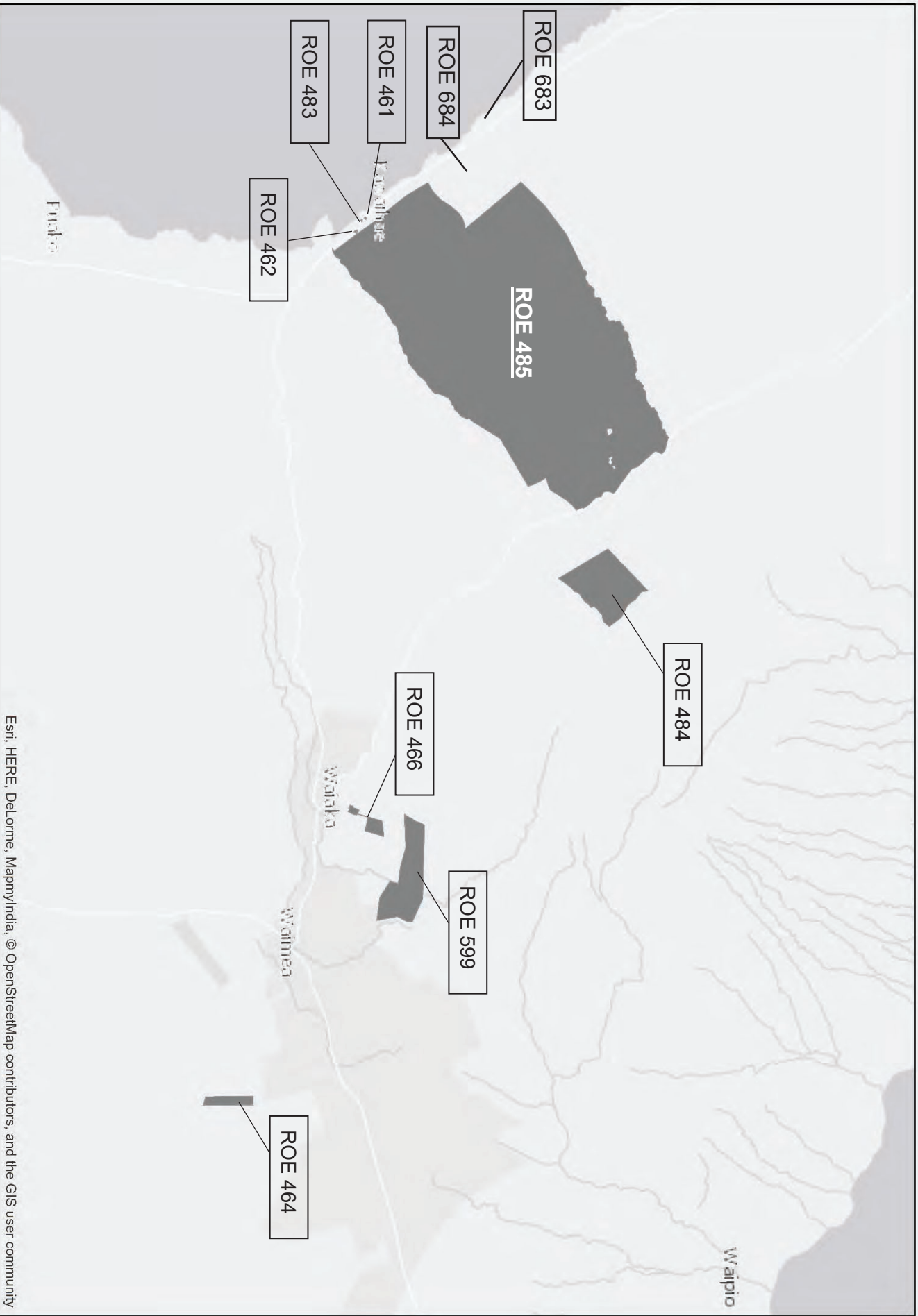



Exhibit "A-1"

Agenda Item No. F-2

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 15-16, 2023

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Approval to Amend License No. 848 (License Fee Reduction), Aha Punana Leo, Inc., a Hawaii non-profit corporation, Waimea, Hawaii Island, TMK No. (3) 6-4-001:059 (por.)

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (“Commission”) approves the amendment of subject license agreement no. 848 (*See Exhibit “A”*) to reduce the license fee initially set at \$900 per month to \$630 per month.

License No. 848 was originally approved by the Commission on September 21, 2021 under Item No. F-1 (*See Exhibit “B”*) to AHA PUNANA LEO, INC., a domestic non-profit corporation, (“APL”). License No. 848 for the right and privilege to enter and use a portion of land within the DHHL West Hawaii District Office parcel in Waimea, for operation and maintenance purposes of its Hawaiian language family-based preschool program.

Approval to the review of the license fee for reconsideration and amendment shall be subject to the following conditions:

1. The monthly license fee as initially established and set at \$900.00 per month for the term shall be reduced by 30%. The reduced monthly licensee fee of \$630.00 shall be established and set effective as of June 1, 2023, for the remaining license term expiring effective as of May 31, 2031. The license fee for any extended term shall be adjusted based on the fair market rent for similar facilities and shall not be less than the fee as determined for the preceding term.
2. The Chairman of the Hawaiian Homes Commission is authorized to set forth any additional terms and conditions which shall ensure and promote the purposes of the demised premises; and
3. Except as otherwise modified herein, all other terms and conditions of License Agreement No. 848 shall continue and remain in full force and effect.

DISCUSSION:

APL has been responsible for all obligations under the license agreement, including paying the monthly license fee and pro-rata share of the utilities since inception of this license. Since License No. 848's execution, DHHL receives consistent inquiries from the licensee and DHHL beneficiaries about the possibility of a reduction in the license fee.

The initial monthly license fee as proposed was derived by the following formula:

2021 Tax Assessed Value of Property	\$536,600.00/annum
Property Area	352,488/sf
Rate per sf (\$536,600/352,488sf)	\$1.52/sf
Rate of Return Value (6.0%) (\$1.52*.06)	\$0.09/sf
Proportionate Rate for 10,000/sq ft per month at \$0.09/sf	\$900.00/mo or \$10,800.00/yr

At the September 2021 Commission meeting, it was determined that 30% of DHHL beneficiaries benefit from APL. Given this rate, DHHL proposes to reduce the existing \$900 monthly rent fee by 30% for a proposed \$630 monthly fee. This proposed reduction in rent is deemed prudent and reasonable for APLI to provide the opportunity necessary for its Hawaiian language family-based preschool educational curriculum offered to DHHL trust beneficiaries and the Waimea community at large.

AUTHORIZATION:

§ 207(c)(1) of the Hawaiian Homes Commission Act, 1920, as amended.

§ 10-4-22 of the Hawaii Administrative Rules, as amended.

RECOMMENDATION:

Land Management Division staff respectfully requests Hawaiian Homes Commission approval of the recommended motion as stated.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
LICENSE AGREEMENT NO. 848

THIS LICENSE AGREEMENT NO. 848 (*License*), dated 11/15/2021 but effective and commencing on June 1, 2021, is made by and between the State of Hawaii by its DEPARTMENT OF HAWAIIAN HOME LANDS, whose address is 91-5420, Kapolei Parkway, Kapolei, Hawaii 96707 (*Licensor*) and AHA PUNANA LEO, INC., a Hawaii non-profit corporation, whose place of business and mailing address is 96 Puhonua Place, Hale, Hawaii 96720 (*Licensee*).

BACKGROUND

A. Licensor may grant licenses to use Hawaiian home lands for "public schools" and "other improvements for public purposes" under section 207(c)(1)(A) of the Hawaiian Homes Commission Act of 1920, as amended (the *Act*), and pursuant to Hawaii Administrative Rules (HAR) §§ 10-4-21 and 10-4-22, as amended, subject to section 207(c)(3) of the *Act*.

B. Licensee is a Hawaiian language family-based preschool program that operates a preschool in Waiman known as "Punana Leo 'O Waiman."

C. Since 2001, Licensee has licensed the Premises (defined below) from Licensor to operate its Hawaiian language family-based preschool, and parties desire to continue the use of the Premises for such purposes under the terms of this License.

AGREEMENT

NOW THEREFORE, in consideration of the covenants herein contained, and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the parties agree as follows:

1. **Premises.** Licensor grants to Licensee: (a) a non-exclusive license to use the portions of those buildings, rooms, and open field areas (the *Building*) situated on a portion of the lands identified as Tax Map Key No. (3) 6-4-001.059 (por.), in Waiman, Island of Hawaii (the *Land*), which Building is depicted in the map attached as **Exhibit A**; (b) together with a reciprocal right of access over and across the paths, parking lots, driveways, and walkways on the Land and used in common with other permittees, licensees, or lessees Licensor may allow (the *Access*). The Building, Land and Access are collectively referred to as the *Premises*. The Premises are licensed in an "as-is" condition.

2. **Use.** Licensee shall use the Premises only to operate and maintain its Hawaiian language family-based preschool, and those reasonably necessary and incidental uses to operate its preschool, and for no other purposes. No residential use is permitted, including temporary overnight occupancy of the Premises.

0000
LAND

0000
LAND

After Recordation Return By: Mail () Pickup () To:

Affect Tax Map Key No.: (3), 6-4-001.059 (Por.)

LICENSE AGREEMENT NO. 848

between

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
as Licensor

and

AHA PUNANA LEO, INC.
a Hawaii non-profit corporation
as Licensee

effective: June 1, 2021

Exhibit "A"
Item No. F-1

3. **Term.** The initial term of this license shall be ten (10) years, retroactively commencing on June 1, 2021 and expiring on May 31, 2031 (the *Initial Term*), unless sooner cancelled or terminated. However, Licensor may in its discretion extend the Initial Term for up to one (1) additional ten (10) year period (an *Extension Term*), upon such terms and conditions as Licensor may reasonably determine. No more than twelve (12) and no less than six (6) months before the expiration of the Initial Term, Licensee may submit a written request to extend the term of this License (an *Extension Request*) to Licensor.

4. **License Fee.** During the Initial Term, Licensee shall pay to Licensor in advance, on the first of each calendar month, **NINE HUNDRED and 00/100 DOLLARS (\$900.00)**. For any Extension Term, Licensor and Licensee shall mutually agree on the license fees; provided, however, that the license fee payable during any Extension Term shall not be less than the license fee for the Initial Term. Moreover, the license fee payable in any Extension Term shall be determined by Licensor based on the fair market rate for premises and facilities similar to the Premises, discounted by no more than fifty percent (50%), as Licensor may determine.

5. **Taxes, Assessments, and Utilities.** Licensee shall pay all taxes, rates, assessments, charges, and other outgoings of every nature and kind whatsoever, including all charges for utility services, which shall during the term of this License be charged, assessed, imposed, or become due and payable upon or on account of its permitted use of the Premises in arrears.

6. **Maintenance.** Licensee shall at its sole cost and expense keep the Building in strictly clean, neat, sanitary, and safe condition in accordance with all laws, ordinances, rules, and regulations applicable to the Premises and Licensee's operations as a preschool; and shall repair and maintain the interior, non-loadbearing and non-structural portions of the Premises, including any fixtures, services, or utilities serving or benefiting only the Building or portions thereof that Licensee uses or occupies. Licensor and its employees, agents, and representatives may at all reasonable times and with reasonable notice to Licensee, access and inspect the Premises; provided Licensor shall not unreasonably interfere with or disrupt Licensee's operations or use of the Premises.

7. **Improvements.** Licensee shall not add to, remove, destroy, improve, alter, or affix any property to the Premises (an *Improvement*), except with Licensor's prior written consent, and in accordance with the following terms:

7.1. **Licensor's Approval.** Licensee shall submit all plans and specifications for any Improvement to the Chairman of the Hawaiian Homes Commission for approval before commencing any work. The Chairman shall either approve or deny such plans and specifications within forty-five (45) days of its receipt of the same. The Chairman's approval or denial of any plans or specifications shall not constitute or be deemed or construed as a representation, warranty, or agreement of the suitability, fitness, or compliance of such plan, specification, or Improvement with any law, rule, regulation, code, or ordinance, it being expressly understood and agreed that Licensee shall bear all responsibility for ensuring any Improvement compliance with all applicable laws, rules, regulations, codes, and ordinances, whether federal, state, or

local, including, but not limited to all environmental, archeological, architectural, historic preservation, health, and safety regulations, unless and only to the extent Licensor's is exempt from compliance with such laws on the advice of Licensor's counsel.

7.2. **Licensee's Right to Remove Trade Fixtures.** Unless the parties otherwise agree in writing, on or before the expiration, cancellation, or termination of this License Licensee may remove from the Premises only those fixtures and Improvements that can be removed without damaging the Premises. Any Improvements, fixtures, furnishings, equipment, or other personal property left on or in the Premises after the expiration, cancellation, or termination of this License shall, at Licensor's election: (a) become the property of Licensor; or (b) after ninety (90) days written notice to Licensee, may be removed for Licensee and at its sole expense. If Licensor elects to remove any Improvements or property from the Premises, Licensor may charge the cost of removal and storage, if any, to the Licensee. This section shall survive the expiration, cancellation, or termination of this License.

8. Representations

8.1. **Licensor's Representations.** Licensor makes no representations or warranties concerning the Premises, including, but not limited to, its condition, state of repair, safety, or suitability or fitness for Licensee's permitted or intended uses.

8.2. Licensee's Representations

8.2.1. **Prior Occupancy and Use.** Licensee has used and continuously occupied the Premises since April 1, 2008, and Licensee is solely responsible for all improvements to the Premises made by Licensee during its use and occupancy of the Premises, including any known or latent defects or conditions of which Licensee should know.

8.2.2. **Due Authority.** Licensee, by and through its authorized representative, has full power, right, and authority to enter into and execute this License upon the terms and conditions contained herein, without the need for further or additional authorization of any governing or governmental board, commission, or authority.

9. **Observance of Laws.** Licensee shall observe all applicable laws, rules, regulations, covenants, and conditions affecting Licensee's permitted use of the Premises, including, but not limited to all environmental, health, safety, and non-discrimination laws. Licensee shall not do or commit or cause or suffer to be done, any willful or voluntary waste or destruction in and upon the premises, any nuisance, or any unlawful or improper use of the premises.

10. **Indemnification.** Unless prohibited by the constitution of the State of Hawaii or public laws, Licensee shall indemnify, defend, and hold Licensor, its commissioners, executives, directors, administrators, employees, agents, and representatives harmless from and against all liabilities, claims, losses, damages, costs, and expenses, including, but not limited to, attorney's fees and costs, of any nature or kind, whether threatened or actual, arising or resulting from breach of contract, personal injury, death, strict liability, property damages, and acts or omissions of Licensee, its directors, officers, employees, agents, contractors, and representatives in

connection with this License or Licensee's operations on the Premises. This section shall survive the expiration, cancellation, or termination of this License.

11. Limitation on Liability. Licensee shall not threaten or institute any claim, cause, suit, or action against Licensor, as a state agency, except as expressly allowed by law. Licensee's remedies, whether for damages or otherwise, shall be as expressly provided by public law. This section shall survive the expiration, cancellation, or termination of this License.

12. Default. If Licensee: (a) violates any term or condition of this License; (b) loses or is under threat of losing, transferring, or surrendering its charter as a public charter school; or (c) is under threat or becomes bankrupt, insolvent, or files, or has filed against it, any debtor proceedings of takes or has taken against it for good cause any proceedings of any kind or character whatsoever under any provision of the Federal Bankruptcy Code seeking readjustment, reorganization, postponement, composition or reduction of Licensee's debts, liabilities or obligations; Licensee shall be in default. Upon default Licensor shall deliver a *Notice of Default* to Licensee (as provided in Section 17); and Licensee shall cure a default within sixty (60) days from the date of a *Notice of Default*; provided, however, that if a default is by its nature not reasonably susceptible of being cured within such 60-day period, such 60-day period may be extended by Licensor to provide Licensee a reasonable opportunity to cure the default and Licensee shall diligently commence to cure the default within said period until such cure is completed; and provided further that this Licensee does not otherwise define a more specific remedy or procedure to cure a default. Moreover, and notwithstanding the generality of the foregoing, Licensor may immediately terminate this License for any default under Sections 12(b) and (c); and Licensee shall cure any monetary within five (5) business days of the date of a *Notice of Default*.

13. Assignment. Licensee may not assign, mortgage, pledge, sublease, or transfer, in whole or part, any right or interest in or to the Premises under this License, except with Licensor's prior written consent, which Licensor may withhold in its sole discretion.

14. No Liens or Encumbrances. Licensee shall not commit, cause, or suffer any act or neglect by which the Premises becomes subject to any attachment, judgment, lien, charge or, any encumbrance, whatsoever, including mechanics' and materialmen's liens (a *Lien*). Licensee shall indemnify, defend, save and hold Licensor harmless from and against all loss, cost, and expense, including reasonable attorneys' fees and costs, with respect to any Lien. If any order directing the attachment of any Lien is filed against the Premises, Licensee shall cause such Lien to be discharged of record by payment, deposit, or bond or otherwise stayed to the reasonable satisfaction of Licensor within sixty (60) days from the date of receiving notice of such Lien. This section shall survive the expiration, cancellation, or termination of this License.

15. Insurance. Licensee shall, at its own expense, effect, maintain and keep in force throughout the life of this License, a comprehensive public liability insurance policy, with limits of not less than \$2,000,000.00 for each occurrence, including property damage, personal injury and advertising injury; \$100,000.00 for fire damages to the Premises for any one fire; \$10,000.00 in medical expenses for any one person, and an aggregate limit of \$2,000,000.00 per policy year. The specification of these limits as contained herein shall not be construed in any way to be a

limitation on the amount of liability of Licensee for fees, interest or other charges under this License.

Licensee at its own expense shall maintain and keep in force Workers Compensation Insurance to include Employer's Liability. Such coverage shall apply to all of its employees.

Licensee at its own expense shall maintain and keep in force Automobile Insurance, covering all owned, non-owned and hired automobiles in the following amounts: Bodily Injury: \$1,000,000.00 per person and \$1,000,000.00 per occurrence; Property Damage: \$1,000,000.00 per accident; or a combined single limit of \$1,000,000.00.

Upon the execution of this License and any renewal thereof, Licensee shall provide certificate(s) of insurance necessary to evidence compliance with the insurance provisions required under this License. Licensee shall keep such insurance in effect and the certificate(s) on deposit with Licensor during the entire term of this License. In addition:

a. Failure of Licensee to provide and keep in force such insurance shall be regarded as material default under this License. LICENSOR shall be entitled to exercise any or all of the remedies provided in this License for default of LICENSEE.

b. The procuring of such required insurance policies shall not be construed to limit LICENSEE's indemnification under this License.

c. Licensor is a self insured State agency. Licensee's insurance shall be primary. Any insurance maintained by Licensor and/or the State of Hawaii shall apply in excess of, and shall not contribute with, insurance provided by Licensee.

Such insurance policy shall (a) be issued by an insurance company or surety company authorized to do business in the State of Hawaii or approved in writing by the Chairman, Hawaiian Homes Commission; (b) name Licensor, as an additional insured; (c) provide that Licensor shall be notified at least thirty (30) days prior to any termination, cancellation or material change in the insurance coverage; and (d) cover all injuries, losses or damages arising from, growing out of or caused by any acts or omissions of LICENSEE, its officers, agents, employees, invitees or licensees in connection with LICENSEE's use or occupancy of the premises.

Licensee shall insure during the term of this License the entire premises, including all buildings now existing and hereafter built or located on the premises, improvements and grounds, and all roadways and sidewalks on or adjacent to the premises in the control or use of the Licensee. The insurance shall cover loss or damage by fire and other hazards, casualties and contingencies, including vandalism and malicious mischief. The insurance shall be for the full insurable value of such improvements.

Licensee shall furnish to Licensor upon the execution of this License, certificates showing such insurance policy or policies to be in favor of Licensor and to be in force, and shall furnish like certificates upon each renewal thereof. In the event of loss, damage or destruction,

Licensor shall retain from the proceeds of the policies such amounts deemed by it to be necessary to cover the loss, damage or destruction of or to the improvements and the balance of such proceeds, if any, shall be delivered to Licensee.

The procuring of this policy shall not release or relieve Licensee of its responsibility under this License as set forth herein or limit the amount of its liability under this License.

16. Surrender. Upon the expiration, cancellation, or termination of this License, Licensee shall peacefully and quietly surrender to Licensor possession of the premises.

17. Notice. Any notice, request, offer, approval, consent or other communication required or permitted to be given by or on behalf of either party to the other shall be given or communicated in writing by personal delivery, reputable overnight courier service which keeps receipts of deliveries (i.e., Federal Express), or United States certified mail (return receipt requested with postage fully prepaid) or express mail service addressed to the other party as follows:

To Licensee:
Alia Punaia Leo, Inc.
96 Puuhonua Place
Hilo, Hawaii 96720
Attention: Mr. K. Sean Kekum, COO

With a copy to:

To Licensor:
Department of Hawaiian Home Lands
911-5420 Kapolei Parkway
Kapolei, HI 96707
Attention: Land Management Division

With a copy to:

Department of the Attorney General
425 Queen Street
Honolulu, HI 96813
Attention: AG PSIII

18. Miscellaneous.

18.1. Choice of Law. This License shall be governed by and interpreted in accordance with the laws of the State of Hawaii.

18.2. Severability. If any provision of this License is held to be invalid or unenforceable, the validity or enforceability of the other provisions shall remain unaffected.

18.3. Paragraph Headings. The headings of paragraphs in this License are inserted only for convenience and shall in no way define, describe or limit the scope or intent or any provision of this License.



18.4. Integration. This License incorporates all agreements between the parties relating to the subject matter hereof, and supersedes all other prior oral or written letters, agreements or understandings relating to the subject matter hereof. This License may not be modified or amended, nor any of the provisions hereof waived, except by an instrument in writing signed by the parties hereto.

18.5. Counterparts. The parties hereto agree that this License may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. In making proof of this License, it shall not be necessary to produce or account for more than one such counterpart. For all purposes, including, without limitation, recordation and delivery of this License, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

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IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed the day and year first above written.

APPROVED BY THE HCC
AT ITS MEETING HELD ON
September 21, 2021

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

APPROVED AS TO FORM:

D. K. K.
Deputy Attorney General
State of Hawaii

By [Signature]
William J. Aila, Jr., Chairman
Hawaiian Homes Commission

LICENSOR

AHA PUNANA IEO, INC.
a Hawaii's nonprofit corporation

By [Signature]
Its Chief Operating Officer

LICENSEE

EXHIBIT "A"

TMK No. (3) 6-4-001:059 (por.)



- WEST-HAWAII DISTRICT OFFICE



55

The foregoing instrument is dated November 15, 2021 and contained thirteen (13) pages at the time of this acknowledgment/certification.



Print Name: Abigail L. Tubera
Notary Public, State of Hawaii
My commission expires: November 21, 2024

STATE OF HAWAII


COUNTY OF HAWAII

)
) SS
)

On this 15th day of November 2021, before me appeared
K. Sean Kekina to me personally known, who,
being by me duly sworn, did say that he is the person who executed the foregoing instrument and
acknowledged to me that he executed the same freely and voluntarily for the use and purposes
therein set forth.

Terry Lee M Kimoko
Notary Public, State of Hawaii
Print Name Terry Lee M Kimoko
My commission expires: 03/31/2023

Document Date:	<u>10/21/2021</u>	# of Pages:	<u>14</u>
Notary Name:	<u>Terry Lee M Kimoko</u>		
Doc. Description:	<u>Acknowledgment</u>		
<u>Terry Lee M Kimoko</u> Notary Signature			
NOTARY CERTIFICATION			



ACTION

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

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Issuance of License to Aha Pūnana Leo, Inc., Waimea, Island of Hawaii, TMK No.: (3) 6-4-001:059(por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission approve the Issuance of License to Aha Pūnana Leo, Inc. Waimea, Island of Hawai'i, TMK No.: (3) 6-4-001:059(por.)

MOTION

Moved by Commissioner Namu'o, seconded by Commissioner Helm, to approve the motion as stated in the submittal

DISCUSSION

Commissioner Teruya asked to explain No. 2, the term of the license. K. Albinio explained that the term of the license can be extended for one additional 10-year period. The extension is at the option of the Chairman of the Hawaiian Homes Commission. The licensee must apply 6-months prior to the expiration of the term.

Commissioner Ka'apu stated he does not understand the methodology the Department uses. What is the decision making on whether to charge somebody or not? What are the criteria. Some people pay rent and some people do not pay rent. He thinks it is something the Commission should take up so it does not have different outcomes for similarly situated organizations

K. Albinio stated it is a good question. He started when Kanu O Ka Aina came aboard, and a nominal rent was considered. He is not sure how the Kamehameha School deal brokered. He wanted to make sure that he produced some type of formula for the Commission.

Commissioner Ka'apu stated he would like to see some consistency going forward so when the Commission deals with these types of organizations, they know what they are looking at.

Chair Aila suggested since the submittal is before the Commission, approve it as is, and come back with a recommendation of what should be a more consistent application throughout different uses by eleemosynary groups, non-profits, educational purposes, cultural purposes, and the Commission can adjust the rent across the board for all.

Commissioner Ka`apu stated he is okay with that if the Commission looks at it again once the Commission develops a policy for this. He also wanted to know percentagewise, how many people are benefiting from Pūnana Leo School. The recommendation was 30%, but if it is 50%, he thinks it is good information to have.

Commissioner Awo stated he agreed with Commissioner Ka`apu. Pūnana Leo paying \$900 a month concerns him and he wanted this on record.

ACTION

Moved by Commissioner Namu`o, seconded by Commissioner Helm, to approve the motion as stated in the submittal,						
Commissioner	1	2	‘AE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka`apu			X			
Commissioner Kaleikini			X			
Commissioner Ka`upu			X			
Commissioner Namu`o	X		X			
Commissioner Neves			X			
Commissioner Teruya					X	
Chairman Ailā			X			
TOTAL VOTE COUNT			8			
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED Motion passed unanimously- eight (8) Yes votes. One (1) Abstain						

ITEM F-2 Approval to Issuance of License to Kamehameha Schools, Keaukaha, Island of Hawaii, TMK Nos.: (3) 2-1-023:157(por.) & :158(por.)

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission approve the Issuance of License to Kamehameha Schools, Keaukaha, Island of Hawaii, TMK Nos.: (3) 2-1-023:157(por.) & :158(por.)

MOTION

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


DISCUSSION

Commissioner Kaleikini asked what percentage of the students are from the Keaukaha community. G. Naone stated that he can get back to Commissioners with an answer. Commissioner Kaleikini asked if the students pay, what the annual fee is, and how many students get financial aid. G. Naone stated because of the Covid pandemic the hours were

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 20-21, 2021

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Approval to Issuance of License to, Aha Punana Leo, Inc., Waimea, Island of Hawaii, TMK No.: (3) 6-4-001:059 (por.)

APPLICANT:

AHA PUNANA LEO O WAIMEA "APL"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) approves the issuance of a license agreement to AHA PUNANA LEO, INC. "APLI", a domestic non-profit corporation, hereinafter referred to as "APLI" for the right and privilege to enter and use a portion of land within the West Hawaii District Office parcel in Waimea, identified by Tax Map Key No. (3) 6-4-001:059 (por.) (See Exhibit "A") containing approximately 10,000 square feet in land area together with a building, approximately 3,000 square feet in size, for the purpose of operating and maintaining its Hawaiian language family-based Waimea preschool program

Approval and issuance of this license shall be subject to the following:

1. The term of the license shall be for ten (10) years, retroactively commencing as of June 1, 2021, and expiring effectively on May 31, 2031.
2. The term of the license can be extended for one (1) additional ten-year period at the option of the Chairman of the Hawaiian Homes Commission. LICENSEE must apply for the extension six (6) months prior to expiration of the term and the approval shall be subject to the Chairman's review and evaluation of its financial and operation status.
3. Monthly rent shall be set at \$900.00 per month for the term of the license. Rent for the extended period shall be adjusted based on the fair market rent for similar facility.
4. The use of the premises shall be limited to the purpose of operating, maintaining, and related use as a Hawaiian language preschool ONLY.

5. LICENSEE is responsible for its portion of expenses, such as electricity, water, telecommunication services, and ground maintenance. Payments for building related expenses shall be due from the first month of the license term.
6. The premise is licensed in an "as is" condition. LICENSEE shall be responsible for any interior renovation, repair, and maintenance for the use of its building space.
7. NO RESIDENTIAL USE SHALL BE PERMITTED, including temporary, overnight occupancy of the premises.
9. LICENSEE shall procure an insurance policy in an amount of not less than \$2 million in liability, including fire coverage on the premises, and naming the Department of Hawaiian Home Lands (DHHL) as additional insured, or provide evidence from the State Insurance Program that the charter school is covered under the state program.
10. The processing fee of \$200.00 and the documentation fee of \$75.00 shall be waived.
11. LICENSEE shall be responsible for all costs to secure the licensed premises and to keep the licensed space in a neat, clean, and sanitary condition.
12. The license agreement document shall contain Department of Hawaiian Home Lands standard terms and conditions and shall be subject to the review and approval of the Department of the Attorney General.
13. All other terms and conditions deemed prudent and necessary by the Chairman of Hawaiian Homes Commission.

LOCATION:

Hawaiian Home Lands situated at Keauakaha, Island of Hawaii, identified as TMK No.: (3) 6-4-001:059 (por.) (See Exhibit "A")

AREA:

Containing approximately 10,000 square feet in land area together with a building, approximately 3,000 square feet in size

DISCUSSION:

The site was licensed under License Agreement No. 488 to Aha Punana Leo since June 1st, 2001. The initial 10-year license term expired in May 2011, then amended for an additional 10-year period pursuant to the terms and conditions of the license, which expired effectively as of May 31 2021. (See Exhibit "B")

Based on the terms and conditions of License No. 488, the term of the license has been exhausted and no further extension can be considered. Therefore, this request for issuance of a new license is being presented for consideration.

Aha Punana Leo, Inc. has been responsible for all obligations under the license agreement, including paying the monthly license fee and prorata share of the utilities since inception of this license.

The monthly license fee as proposed is derived as follows;

2021 Tax Assessed Value of Property (See Exhibit “C”)	\$536,600.00/annum
Property Area	352,488/sf
Rate per sf (\$536,600/352,488sf)	\$1.52/sf
Rate of Return Value (6.0%) (\$1.52*.06)	\$0.09/sf
Proportionate Rate for 10,000/sq ft per month at \$0.09/sf	\$900.00/mo or \$10,800.00/yr

PLANNING AREA:

Waimea, Island of Hawaii

LAND USE DESIGNATION:

Community Use, Hawaii Island Plan (2002), Figure 3 – North Hawaii – Hawaii Land Inventory Designations,

CURRENT STATUS:

Office/Building-Classroom Facilities

CHARACTER OF USE:

Community Use

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

None since there is no plans for new construction

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

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

Land Use Planning

Goals:

- Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.
- Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Objectives:

- Provide space for and designate a mixture of appropriate land uses, economic opportunities and community services in a native Hawaiian-friendly environment.

Waimea Nui Regional Plan (2012)

The recommended disposition is consistent with the following elements of the Keaukaha Regional Plan:

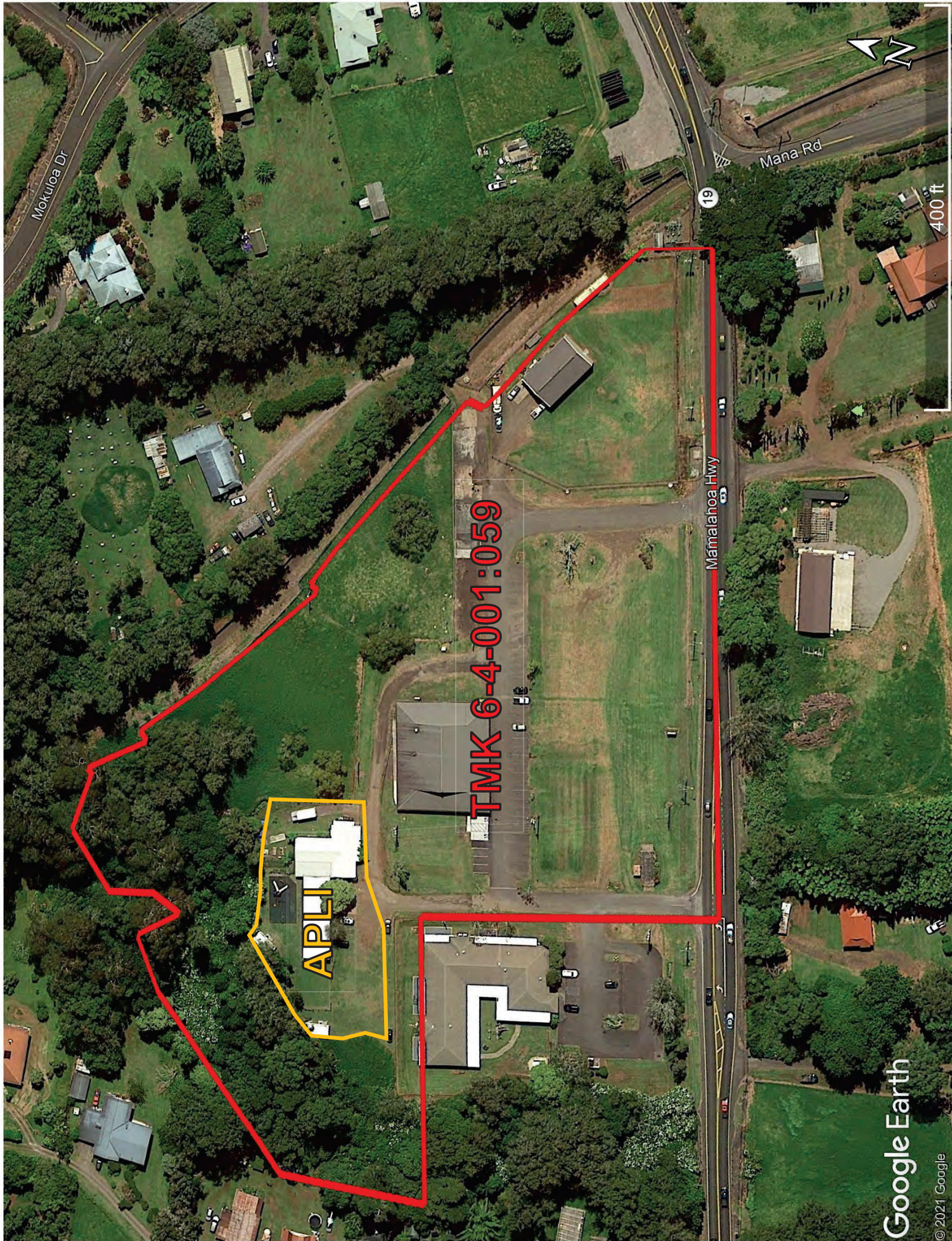
The site is designated for Community Use consistent with the Waimea Nui Regional Plan (2012)

AUTHORIZATION:

Section 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, and Sections 10-4-21 and 10-4-22 of the Department of Hawaiian Home lands Administrative Rules, as amended

RECOMMENDATION:

Land Management Division respectfully requests approval of the motion as stated



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

488
LICENSE AGREEMENT NO. 448

THIS LICENSE made and issued this 1st day of July, 2001, but effective as of June 1, 2001, by and between the State of Hawaii, by its DEPARTMENT OF HAWAIIAN HOME LANDS, whose place of business is Alii Place, Suite 2000, 1099 Alakea Street, Honolulu, Hawaii 96813, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter called "LICENSOR," and AHA PUNANA LEO, INC., Attn: Ms. Ekekeia Aiona, a Hawaii non-profit corporation, whose place of business and mailing address is 1744 Kinoole Street, Hilo, Hawaii 96720, hereinafter called "LICENSEE."

WITNESSETH:

WHEREAS, under Section 207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, and Section 10-4-22 of the Administrative Rules of the Department of Hawaiian Home Lands, as amended, LICENSOR is authorized to grant licenses for the use of Hawaiian home lands for public purposes;

WHEREAS, pursuant to the provisions under Section 10-4-21, DHHL Administrative Rules, LICENSOR may allow the rental for licenses to be nominal should the use benefit LICENSOR or native Hawaiians;

WHEREAS, LICENSEE has requested a license for the purpose of operating and maintaining a Hawaiian language Preschool known as "Punana Leo O Waimea;" and

WHEREAS, LICENSEE provides beneficial educational, social and related services to LICENSOR'S beneficiaries that LICENSOR deems will fulfill the purpose of advancing the rehabilitation and the cultural welfare of native Hawaiians.

NOW THEREFORE, in consideration of the terms and conditions herein contained to be observed and performed by LICENSEE, LICENSOR hereby grants to LICENSEE this License to operate and maintain its Hawaiian language preschool, on the land shown in red on the map marked as Exhibit "A," attached hereto and incorporated herein, and further identified by Tax Map Key No. 13 6-4-01:59 (por.), containing a land area of approximately 10,000 square feet, together with a building, approximately 1,900 square feet in size, hereinafter referred to as "premises"

After Recordation Return By: Mail () Pickup () To:

Affects Tax Map Key: Third Division, 6-4-01:59 (por.)

488
LICENSE AGREEMENT NO. 448

between

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
as Licensor

and

AHA PUNANA LEO, INC.
a Hawaii non-profit corporation
as Licensee

and situate within the DHHL West Hawaii District Office parcel, County and island of Hawaii.

THE TERMS AND CONDITIONS upon which LICENSEE grants the aforesaid right and privilege are as follows:

1. Term. The term of this License is for ten (10) years, commencing on June 1, 2001 and terminating on May 31, 2011, or until such time as LICENSEE ceases to operate the Hawaiian language preschool or other permitted use, whichever occurs sooner, unless this License is sooner terminated as hereinafter provided.

The term can be extended for another ten (10) years, provided that LICENSEE apply for the extension six (6) months prior to expiration of the term and the approval shall be subject to the review and evaluation of LICENSEE'S operation status by the Chairman, Hawaiian Homes Commission.

2. License Fee. The license fee for the initial term of this License shall be gratis. For any extended term of the license, the Chairman of the Hawaiian Homes Commission shall determine if rent is to be charged based on the review and evaluation of LICENSEE'S operation status.

3. Use. LICENSEE shall use the premises for the operation and maintenance of a Hawaiian language preschool known as "Punana Leo O Wai'anae," and other school-related activities.

4. Taxes, Assessments and Utilities. LICENSEE shall pay, when due, all taxes, rates, assessments, charges, and other outgoings of every nature and kind whatsoever, including all charges for utility services, which shall during the term of this license be lawfully charged, assessed, imposed, or become due and payable upon or on account of the premises and the improvements now on or hereafter erected thereon.

5. Maintenance and Repair. During the term of this license, LICENSEE shall at its expense repair and maintain any and all buildings on the premises including water, gas, plumbing, piping, electrical wiring, glass and all other fixtures in or on the premises with all necessary reparations and amendments whatsoever; shall keep the premises and all improvements thereon in a strictly clean and sanitary condition and shall comply with all laws, ordinances, rules and regulations of the Federal, State, County or municipal governments that are applicable to the premises and

improvements; and shall allow LICENSEE or its agents, at all reasonable times, free access to the premises for the purpose of examining the same or determining whether the conditions herein are being fully observed and performed, and shall make good, or commence to make good, at its own cost and expense all defects within sixty (60) days after the mailing of written notice by registered mail to the last known address of LICENSEE.

6. Approval of Construction. All plans and specifications for building construction must be submitted to and approved by the Chairman of the Hawaiian Homes Commission prior to construction. Building renovations under \$50,000.00 need not be submitted for approval.

7. Construction Standards. Any new construction must utilize only new materials and be in full compliance with all laws, codes, ordinances, rules and regulations of the Federal, State and County governments, including Chapter 343, Hawaii Revised Statutes, except that LICENSEE shall not be required to comply with such State land use law and County zoning code and County subdivision code requirements as LICENSEE may exempt. LICENSEE'S letters to the County planning director describing such exemptions shall be attached to and made a part of this license by reference. LICENSEE shall be required to comply with the County building code except insofar as any such code conditions the issuance of any required building or other permit on compliance with County zoning code or subdivision code requirements as to be described in such letter. LICENSEE acknowledges that LICENSEE is relying upon the nonapplicability of such zoning code and subdivision code in entering into the license. Although LICENSEE makes no warranty with respect to their nonapplicability, LICENSEE agrees that LICENSEE may terminate this License without further liability for payment of rent or performance of any covenants under this License if LICENSEE is delayed in constructing its improvements on the premises by reasons of assertions of authority by governmental entity inconsistent with the foregoing. Upon request by LICENSEE, LICENSEE shall diligently support LICENSEE'S efforts to remedy and remove the causes of delay, provided that LICENSEE shall not be required to expend any funds in the effort.

8. Ownership/Right to Remove Improvements. All buildings or structures or other major improvements of whatever kind that LICENSEE constructs or erects on the premises shall remain the property of LICENSEE during the term of the License. LICENSEE shall have the right, prior to the termination of this License, or within such additional period as LICENSEE in its reasonable

discretion may allow, to remove its property from the premises, provided that after ninety (90) days written notice to remove, LICENSOR may at its option retain the property or remove the same and charge the cost of removal and storage, if any, to the licensee. All insurance and condemnation proceeds pertaining to improvements on the premises shall be the sole property of LICENSEE. In the event ownership of the premises is transferred from LICENSOR to another governmental or quasi-governmental agency, including but not limited to any sovereign government or entity having as its citizens or beneficiaries Native Hawaiians who are beneficiaries under the Hawaiian Homes Commission Act, the transferee will assume all rights, duties and obligations of LICENSOR under this License and will agree to not interfere with LICENSEE'S quiet enjoyment of the premises provided LICENSEE agrees to attorn to the transferee.

If LICENSOR becomes aware that a transfer of the premises will occur, LICENSOR will promptly notify LICENSEE and will take diligent action to insure that the transferee will not interfere with LICENSEE'S use of the premises as set out in this license. LICENSOR will not voluntarily transfer its rights to such transferee without written assurance from such transferee that such transferee will not interfere with LICENSEE'S rights under this License.

9. Waste: Unlawful Use. LICENSEE shall not do or commit or permit or suffer to be done, any willful or voluntary waste or destruction in and upon the premises, any nuisance, or any unlawful or improper use of the premises.

10. Non-Discrimination. LICENSEE shall not use the premises, nor permit the premises to be used in support of any policy that unlawfully discriminates against anyone based upon creed, color, national origin, sex or a physical handicap. LICENSEE shall not practice any unlawful discrimination based upon creed, color, national origin, sex or a physical handicap.

11. Default of Licensee. It is expressly agreed that this license is contingent upon the continuing condition that if LICENSEE after a thirty (30) day demand, fails to observe or perform substantially the provisions contained herein, and if LICENSEE does not commence to cure, and diligently continue to attempt to cure, such default within sixty (60) days after delivery by LICENSOR of a written notice of such failure by personal service or by certified mail to LICENSEE; or if the LICENSEE becomes bankrupt, insolvent or files any debtor proceedings of takes or has taken against it for good cause any

proceedings of any kind or character whatsoever under any provision of the Federal Bankruptcy Act seeking readjustment, rearrangement, postponement, composition or reduction of LICENSEE'S debts, liabilities or obligations; then in any such event LICENSOR may at its option cancel this license and thereupon take immediate possession of the premises, after a reasonable time or right of action which LICENSOR may have.

12. Assignment. Except as expressly provided in this License, this License is not transferable. At no time during the term of the license, shall LICENSEE assign, mortgage or pledge its interest in this License or its interest in the improvements now or hereafter erected on the premises without the prior written consent of LICENSOR, which consent will not be withheld unreasonably.

13. Insurance. LICENSEE shall, within thirty (30) days from the date of execution of this License, provide the LICENSOR with evidence of a general comprehensive public liability insurance policy covering the premises in an amount of not less than One Million Dollars (\$1,000,000.00) and Fifty Thousand Dollars (\$50,000) for property loss or damages, naming LICENSOR as additional insured.

14. Surrender. Upon the expiration of this License, or its sooner termination as herein provided, LICENSEE shall peacefully and quietly leave, surrender and deliver to LICENSOR possession of the premises. Without limiting LICENSEE'S rights to insurance and condemnation proceeds, LICENSEE shall have the option to surrender this license where the portion damaged or taken renders the remainder unsuitable for the use or uses for which the premises were licensed.

15. Native Hawaiian Rights. LICENSOR warrants that it has made a good faith effort to determine whether native Hawaiian traditional and customary rights have been exercised on the property and has found no evidence of such exercise.

16. Costs of Litigation. In case either party shall, without any fault on its part, be made a party to any litigation commenced by or against the other (other than condemnation proceedings), the party at fault shall pay all costs, including reasonable attorney's fees and expenses incurred by or imposed on the other. The prevailing party in any dispute between the parties shall be entitled to recover its attorney's fees.

17. Definition of Premises. The word "premises" when it appears herein includes and shall be deemed to include the lands described above and all buildings and improvements whenever and wherever erected or placed thereon.

18. Miscellaneous.

a. Consents. Whenever under the terms of this License the consent or approval of either party shall be required, such consent or approval shall not be unreasonably or arbitrarily withheld. If the party receiving any request or consent or approval shall fail to act upon such request within sixty-five (65) days after receipt of written request therefor, such consent or approval shall be presumed to have been given.

b. Bind and Inure. This License shall be binding upon and inure to the benefit of LICENSOR and LICENSEE and their respective personal representatives, successors, successors-in-trust and assigns.

c. Applicable Law; Severability. This License shall be governed by and interpreted in accordance with the laws of the State of Hawaii. If any provision of this License is held to be invalid or unenforceable, the validity or enforceability of the other provisions shall remain unaffected.

d. Paragraph Headings. The headings of paragraphs in this License are inserted only for convenience and shall in no way define, describe or limit the scope or intent or any provision of this License.

e. Incorporation of Agreements. This License incorporates all agreements between the parties relating to the subject matter hereof, and supersedes all other prior oral or written letters, agreements or understandings relating to the subject matter hereof. This License may not be modified or amended, not any of the provisions hereof waived, except by an instrument in writing signed by the parties hereto.

f. Counterparts. The parties hereto agree that this License may be executed in counterparts, each of which shall be deemed an original, and said counterparts shall together constitute one and the same agreement,

binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. In making proof of this License, it shall not be necessary to produce or account for more than one such counterpart. For all purposes, including, without limitation, recordation and delivery of this License, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.

19. Special Conditions.

a. The licensed area shall not be used for residential purposes.

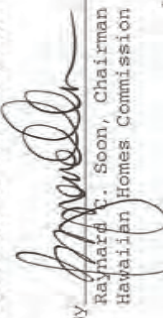
b. LICENSEE shall be responsible for all cost and expense related to the surveying and the preparation of the map and the metes and bounds description for the licensed area.


c. The processing fee of \$200.00 and documentation fee of \$75.00 shall be waived.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be duly executed the day and year first above written.

Approved by the HHC
at its meeting held on
June 26, 2001

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

By 
Raymond C. Soon, Chairman
Hawaiian Homes Commission
LICENSOR

APPROVED AS TO FORM
AND LEGALITY:

Deputy Attorney General
State of Hawaii

AHA PUNANA LEO, INC.,
a Hawaii non-profit corporation

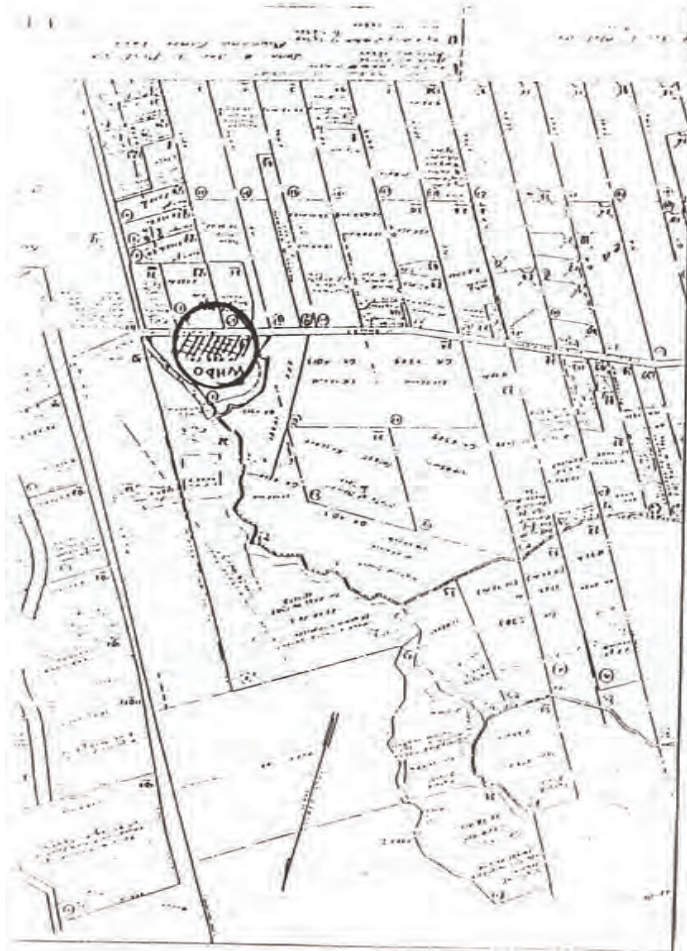
By 
Pamela Sorenson
Its Director
By 
Mrs. T. Nuike
Its Fiscal Officer
LICENSEE

STATE OF HAWAII
COUNTY OF HAWAII

) ss
)
)

On this 20th day of July, 2001, before me personally appeared Naimaka Rawlins and Emi E. Nanioka, to me personally known, who, being by me duly sworn, did say that they are the Director and Fiscal Officer of AHA PUNANA LEO, INC., a Hawaii non-profit corporation, to me personally known to be the persons described in and who severally executed the foregoing instrument, and severally acknowledged that they executed the same as their free act and deed as such.

Wendy M. Nage
Wendy M. Nage
Notary Public, State of Hawaii
My commission expires: 30 January 2005



Manalea

WEST-HAWAII DISTRICT OFFICE



MANALEA HIGHWAY
← MANALEA
HONOLULU
ITEM NO. D-4
EXHIBIT A

Hawaiian Homes Commission Minutes - June 25-26, 2001
Honolulu, Oahu

MOTION/ACTION (Item D-3)

Moved by W. Agapisa, seconded by J. Tomoso. Motion carried unanimously.

ITEM NO: D-4
SUBJECT: Issuance of License Agreement, Ala Punana Iao Incorporated, Waiwae, Hawaii

MOTION/ACTION

Moved by H. Kalua, seconded by J. Tomoso. Motion carried unanimously.

ITEM NO: D-5
SUBJECT: General Lease No. 246, Kamehameha Schools, Keolu, Hawaii

MOTION/ACTION

Moved by H. Kalua, seconded by J. Tomoso. Motion carried unanimously.

ITEM NO: D-6
SUBJECT: Termination of General Lease No. 207, Vincents B. & Kate K. Bragado, Kawaihewa, Hawaii

THIS AGENDA ITEM WAS WITHDRAWN AT THE MEETING.

ITEM NO: D-7
SUBJECT: Ratification of Consents and Approval by the Chairman, Hawaiian Homes Commission

MOTION/ACTION

Moved by J. Tomoso, seconded by H. Kalua. Motion carried unanimously.

ITEM NO: D-8
SUBJECT: Notices of Default/Revocation

MOTION

Moved by J. Tomoso, seconded by H. Kalua.

DISCUSSION

Chairman Soon noted that it has been a long while since Honolulu, Inc. has been on the delinquency list. Ms. Linda Chinn explained that Honolulu recently completed another warehouse and this may be causing the delinquency.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

June 26, 2001

To: Chairman and Members, Hawaiian Homes Commission

From: Mike McElroy, Administrator
Land Management Division

Subject: Issuance of License Agreement, Aha Punana Leo
Incorporated, Waimea, Hawaii

RECOMMENDED MOTION/ACTION

That the commission grants its approval to the issuance of a license agreement to Aha Punana Leo Incorporated, a Hawaii non-profit corporation (hereinafter "Punana Leo"), to use a portion of land within the West Hawaii District Office parcel in Waimea, identified by Tax Map Key No. (3) 6-4-01-59 (por.) (See Exhibit "A"), containing approximately 10,000 square feet in land area together with a building, approximately 1,900 square feet in size, for the purpose of operating and maintaining a Hawaiian language preschool, Punana Leo O Waimea.

This approval is subject to the following:

1. The term of the license shall be for ten (10) years, commencing upon completion of the survey.
2. The Chairman of the Hawaiian Homes Commission has the option to extend the term of license for an additional ten-year period.
3. The licensee must apply for the extension six (6) months prior to expiration of the term and the approval shall be subject to the Chairman's review and evaluation of Licensee's operation status.
4. Rent for the initial term of the license shall be gratis; thereafter, for any extended term of the license, the Chairman is authorized to conduct an evaluation of the operation to determine if rent is to be charged.

ITEM NO. D-4

5. The Licensee shall be responsible for all cost and expense related to the surveying and the preparation of the map and metes description for the licensed area.
6. The Licensee shall procure and obtain an insurance policy in an amount acceptable to the department in providing sufficient liability and fire coverage on the premises and naming the department as an additional insured.
7. The use of the premises shall be limited to the operating, maintaining, and related use as a Hawaiian language preschool.
8. The processing fee of \$200.00 and the documentation fee of \$75.00 shall be waived.
9. The license agreement document shall contain the department's standard terms and conditions and shall be subject to the review and approval of the Department of the Attorney General.
10. All other terms and conditions deemed prudent and necessary by the Chairman of the Hawaiian Homes Commission.

DISCUSSION

At its regular monthly meeting of February 23, 1993, the Hawaiian Homes Commission granted approval to the issuance of a month-to-month revocable permit for Aha Punana Leo, Inc. to operate a preschool on Hawaiian home lands in Waimea. Revocable Permit No. 154 was issued with the effective date of February 23, 1994. The monthly rent is \$500.00.

Since the award of the revocable permit, Aha Punana Leo, Inc. had expended in excess of \$12,000.00 to fix up the building, including partial re-roofing, re-wiring of the electrical system; installing a brand new septic system; compliance with the Americans with Disability Act (ADA) by putting in a wheelchair ramp to the building; and generally upgrading the building for the intended use, to operate a Hawaiian language immersion preschool. The expended funds were mostly for supplies for the renovation projects at this site. Members and families of Punana Leo donated most of the labor to do the renovation projects.

2

ITEM NO. D-4

Punana Leo O Wai'anae officially opened in July, 1995. This is the first Hawaiian language immersion program in the Wai'anae area and services approximately 20 preschoolers on the premises. The children can only converse in Hawaiian. The program starts from 7:00 a.m. and ends around 5:00 p.m. The support of the community has strengthened the program and the enrollment has increased yearly.

Now Punana Leo O Waiimea is faced with two major renovation projects. Lead based paint testing proved positive and requires encapsulation. Also, an inspection revealed that the roof needs to be replaced and must be done prior to the lead paint encapsulation project to prevent damage to the new paint in the future. In order to provide for a safe working and learning environment, Punana Leo O Waiimea must securing the necessary funding for these two major renovation projects. The re-roofing project will cost \$8,803.17 and Punana Leo is receiving proposals for the painting project.

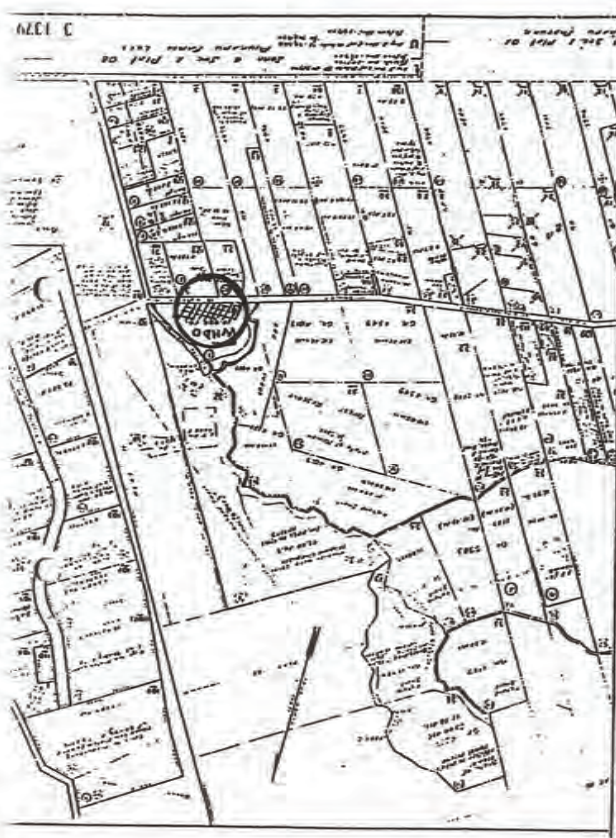
Staff has been working with Punana Leo to convert the month-to-month revocable permit to a longer-term license agreement so that they can secure funding for these projects. The Commission recently approved issuance of a license agreement to a Charter School at nominal fee. The Kamehameha Schools Waimea Preschool also has a long-term lease at nominal rate. Staff recommends that the same consideration be granted to Aha Punana Leo, Inc.

AUTHORIZATION

Section 10-4-21(b) of the Administrative Rules stipulates that the department may negotiate the issuance of and conditions for a license as it deems prudent, reasonable, and proper. Section 10-4-21 (d) & (e) provide for the waiver of the non-refundable processing fee and rental rate set at nominal should the department determines that the license benefits native Hawaiians.

RECOMMENDATION

Land Management Division requests approval of the motion as stated.



Punamaleo

WEST-HAWAII-DISTRICT OFFICE

KUHIO HALE
OFFICE

SHOP AREA

SUBJECT
Site

PARKING AREA

Kamehameha
Schools
Preschool
SITE

DRIVE WA

GRASS
AREA

GRASS
AREA

WAIMEA ←

MAMALAHOA HIGHWAY

→ HONOKA
ITEM NO. 34
EXHIBIT A

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

FIRST AMENDMENT TO LICENSE AGREEMENT NO. 488

THIS AMENDMENT, executed this 1st day of June, 2012, by the State of Hawaii, **DEPARTMENT OF HAWAIIAN HOME LANDS**, whose place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter referred to as "LICENSOR," and **AHA PUNANA LEO, INC.**, a Hawaii non-profit corporation, Attn: Ms. Ekekela Aiona, its Executive Director, whose place of business, and mailing address is 96 Puuhonu Place, Hilo, Hawaii 96720 (Ph.#808.969.9513), hereinafter referred to as "LICENSEE."

WITNESSETH THAT

WHEREAS, License Agreement No. 488 was issued and made effective as of June 1, 2001, authorizing LICENSEE to utilize a portion of Hawaiian home lands parcel identified by Tax Map Key No. (3)6.4.001.059(por.), covering 10,000 square feet, together with a building approximately 1,900 square feet in size for the purpose of operating and maintaining its Hawaiian language Preschool known as "Punana Leo O Waiamea;" and

WHEREAS, LICENSEE desires an extended ten (10)-year term retroactively commencing as of June 1, 2011 and expiring as of May 31, 2021 under said License Agreement No. 488.

NOW THEREFORE, LICENSOR AND LICENSEE, for and on behalf of themselves, their successors and assigns, do hereby agree to amend License Agreement No. 488 as follows:

1. The term of this License shall be extended for an additional ten (10) year period, commencing retroactively as of June 1, 2011 and expiring on May 31, 2021, or until such time as LICENSEE ceases its early childhood education services, whichever occurs sooner, unless this License is sooner terminated or revoked as provided in the license.
2. The license fee for the extended term shall be established at a rate of NINE HUNDREDE AND NO/100 DOLLARS (\$900.00) per month. The license fee shall be due without demand and payable in monthly installments on the 1st day of every month for the remainder of the amended license term, unless it is terminated or revoked as provided in the license.

Except as amended herein, all of the terms, conditions, covenants, and provisions of License Agreement No. 488 shall continue and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed as of the day and year first above written.

Approved by the HHC,
Chairman on
April 19, 2012

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

APPROVED AS TO FORM:

[Signature]
Deputy Attorney General
State of Hawaii

By [Signature]
Honorable M. K. Masagafani, Chairman
Hawaiian Homes Commission

LICENSOR

AHA PUNANA LEO, INC.
a Hawaii non-profit corporation

By [Signature]
Its Executive Director

By _____
Its _____

LICENSEE

STATE OF HAWAII)
) SS
COUNTY OF HAWAII)

On this 7th day of June, 2012,
before me appeared Myra Ann, to me personally known,
who, being by me duly sworn, did say that he is the
N/A
the person who executed the foregoing instrument and
acknowledged to me that he executed the same freely and
voluntarily for the use and purposes therein set forth.



[Signature]
Notary Public - State of Hawaii
Print Name Tiani Moses
My commission expires: 6/18/14

Document Date: <u>6/11/12</u>	# of Pages: <u>6</u>
Notary Name: <u>Tiani Moses</u>	<u>3rd</u> Circuit
Doc. Description: <u>ISSUANCE OF FIRST AMENDMENT</u>	
<u>to LICENSE NO. 4888612</u>	
<u>[Signature]</u> Notary Signature	
NOTARY CERTIFICATION	



STATE OF HAWAII

)

) SS.

CITY AND COUNTY OF HONOLULU)

On this 7th day of March, 2014, before me appeared DARRELL T. YOUNG, to me personally known, who, being by me duly sworn, did say that he is the Deputy to the Chairman of the Hawaiian Homes Commission and the person who executed the foregoing instrument on behalf of the Chairman of the Hawaiian Homes Commission and acknowledged to me that he executed the same freely and voluntarily for the use and purposes therein set forth.



Abigail L. Tubera

Notary Public, State of Hawaii

ABIGAIL L. TUBERA

Print Name of Notary Public

My commission expires: 11.21.16

NOTARY CERTIFICATION STATEMENT

Document Identification or Description: State of Hawaii Department of Hawaiian Home Lands 1st Amendment to License Agreement No. 488

Doc. Date: 06.07.12 or ☐ Undated at time of notarization.

No. of Pages: 5 Jurisdiction: 1st Circuit (in which notarial act is performed)

Signature of Notary: *Abigail L. Tubera* Date of Notarization and Certification Statement: 03.07.14

ABIGAIL L. TUBERA

Printed Name of Notary

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 17, 2012

To: Albert "Alapaki" Nabale-a, Chairman
Hawaiian Homes Commission

Through: Linda Chinn, Administrator
Land Management Division

From: Kahana Albinio, Property Development Agent *K. Albinio*

Subject: Extension Term for License Agreement Nos. 488 & 612, Aha Punana Leo, Inc., Waima, Island of Hawaii,

RECOMMENDED ACTION

That approval be granted by the Chairman of the Hawaiian Homes Commission to extend the terms of License Agreement Nos. 488 & 612 respectively, situated in Waima, Island of Hawaii and Nanakuli, Island of Oahu issued to Aha Punana Leo, Inc. "APL" as authorized pursuant to the terms and conditions of said respective Licenses, subject to the following conditions:

1. The extended term for the respective subject Licenses are as follows:

A. License Agreement No. 488, shall be extended for an additional ten (10)-year period, retroactively effective as of June 1, 2011 and expire effectively as of May 31, 2021; and

B. License Agreement No. 612, shall be extended for an additional five (5)-year period, retroactively effective as of September 1, 2009 and expire effectively as of August 30, 2014.

2. The monthly license fee for the respective extended terms is established at a monthly rate as follows:

A. LA No. 488 shall be set at an established rate of \$900.00/month. This fee as proposed is derived as follows:

2012 Tax Assessed Value of Property	\$465,500.00/annum
Property Area	352,488/sf
Rate per sf (\$465,500/352,488)	\$1.32/sf
Rate of Return Value (7.0%) (\$1.32* .07)	\$0.09/sf
Proportionate Rate for 10,000/sf per month at \$0.09/sf	\$900.00/mo



- B. LA No. 612 shall be set at an established rate of \$323.00/month. This fee as proposed is derived as follows:

2012 Tax Assessed Value of Building (as of 10/2011)	\$1,819,600.00/annum
Building Area	786,345/sf
Rate per sf (\$1,819,600/786,345)	\$2.31/sf
Rate of Return Value (7.0%) (\$2.31*0.07)	\$0.16/sf
Proportionate Rate for 2,020/sf per month at \$0.16/sf	\$323.00/mo

3. All other terms and conditions of License Agreement Nos. 488 & 612 shall continue and remain in full force and effect;
4. The Chairman of the Hawaiian Homes Commission is authorized to set forth any additional terms and conditions which shall ensure and promote the purposes of the demised premises; and
5. This action is subject to ratification by the Hawaiian Homes Commission.

DISCUSSION

In an effort to maintain the educational services that "API" provides to the Hawaiian immersion community, the Land Management Division recommends that the respective License Agreements, be extended accordingly.

Through its efforts, "API" provides a nurturing place where Hawaiian language is fed into the ears of 3-and 4- year old students. The students are immersed in a rich and stimulating educational environment where all must observe the kapu of "Hawaiian language only." This observance helps families and their children learn Hawaiian quickly. Many, if not all, Punana Leo preschoolers are able to speak the Hawaiian language within three to four months. The classrooms are warm, nurturing places that value and stimulate young minds and prepare them for life long learning.

"API" has been responsible tenants and remains in good standing with regards to remitting its rental & utility payments in a timely manner.

Authorization

With respect to License Agreement No. 488, a term extension is authorized under the submittal of June 26, 2001, Item No. D-4, as submitted by the Land Management Division and approved by the Hawaiian Homes Commission. The license document further states in part under Item No. 1. Term, "The term can be extended for another ten (10)

LJC Agmt. Nos. 488 & 612

years, provided that LICENSEE apply for the extension six (6) months prior to expiration of the term and the approval shall be subject to the review and evaluation of LICENSEE'S operation status, by the Chairman, Hawaiian Homes Commission.

With respect to License Agreement No. 612, a term extension is authorized under the submittal of August 24, 2004, Item No. D-1, as submitted by the Land Management Division and approved by the Hawaiian Homes Commission. The license document further states in part that... "the LICENSOR may extend the tem of the license from year to year, but not to exceed an additional five (5) years beyond the initial term of the License, based upon satisfactory evaluation of the LICENSEE'S use of the Premises.

RECOMMENDATION

Land Management Division requests approval be granted as stated.

APPROVED AS RECOMMENDED

Albert "Alapaki" Nahale-a, Chairman
Hawaiian Homes Commission

4/19/2012

Date

LJC Agmt. Nos. 488 & 612

PARTID: 640010590000
HAWAIIAN HOME LANDS

Values - 2012 Assessment Year

Property Class	Overseas Land Class	Dedicated Use Value	Net Taxable Land Exemption Value	Assessed Building Value	Building Exemption Value	Net Taxable Building Value	Total Taxable Value
Parcel Summary							
Totals		\$405,600	\$0	\$378,000	\$378,000	\$0	\$0
AGRICULTURAL		\$405,600	\$0	\$378,000	\$378,000	\$0	\$0

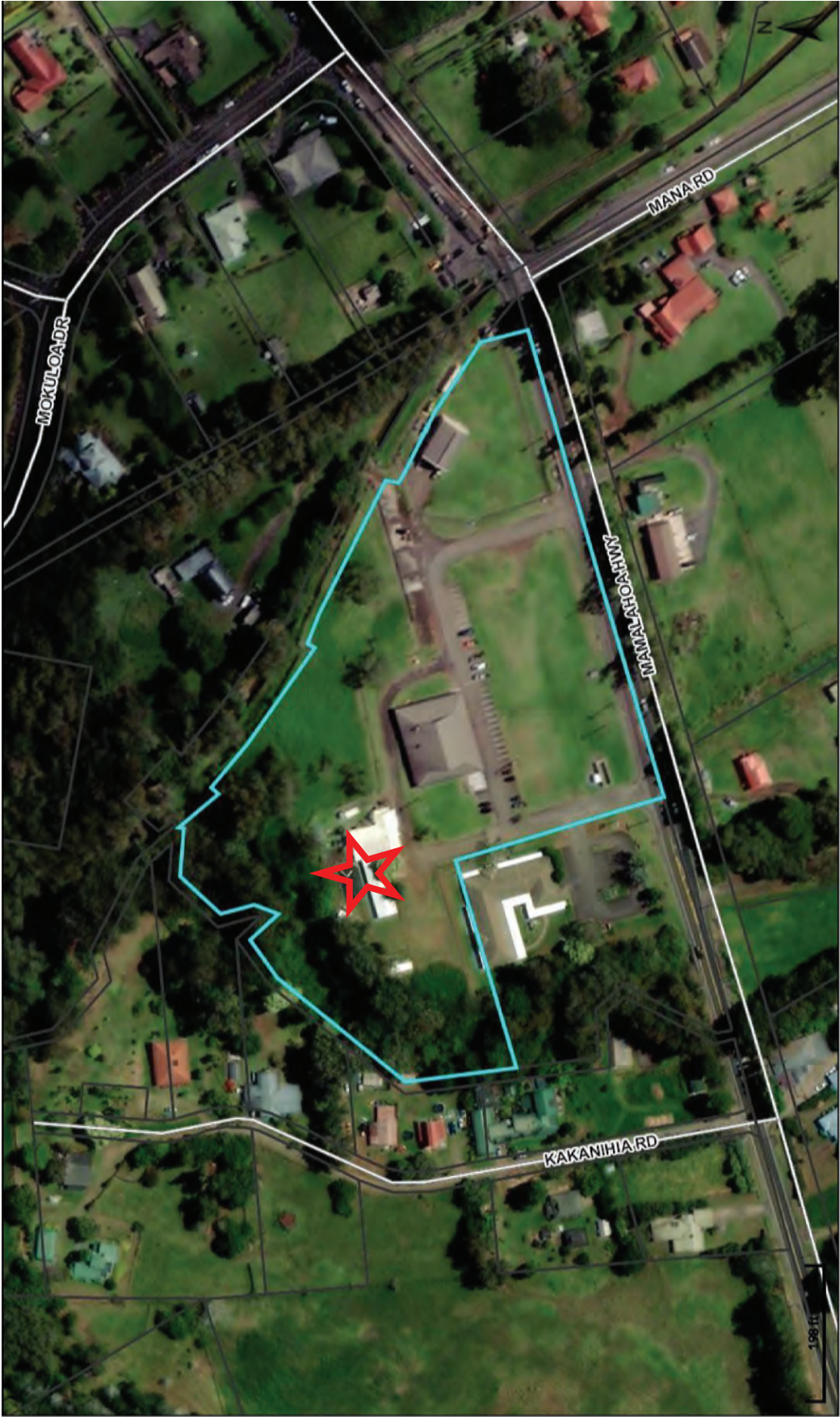
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HAWAIIAN HOME LANDS

2012 Assessed Values as of October 1, 2011

THK	
Property Class	
Total Property Assessed Value	
Total Property Exemption	
Total Property Net Taxable Assessed Value	
Land Assessed Value	
Dedicated/Use Value	
Land Exemption	
Net Taxable Land Value	
Building Assessed Value	
Building Exemption	
Net Taxable Building Value	

89-185 FARRINGTON HWY

890010040000	
RESIDENTIAL	
\$11,208,600	
\$11,208,600	
\$0	
\$9,389,000	
\$9,389,000	
\$1,819,600	
\$1,819,600	
\$0	



Parcel ID 640010590000	Situs/Physical Address 64-754 MAMALAHOA HIGHWAY	Market Land Value \$536,600	Last 2 Sales Date 12/28/2000	Price 0	Reason LEASE INTEREST ONLY	Qual U
Acreage 8.092	Mailing Address HAWAIIAN HOME LANDS	Dedicated Use Value \$0	n/a	0	n/a	n/a
Class AGRICULTURAL		Land Exemption \$0				
		Net Taxable Land Value \$0				
		Assessed Building Value \$2,066,000				
		Building Exemption \$2,066,000				
		Net Taxable Building Value \$0				
		Total Taxable Value \$2602600				
Brief Tax Description	n/a					

Hawaiian Homes Commission Meeting
My 15 & 16, 2023
Kuhio Hale, Waimea, Hawaii

G-ITEMS

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 15-16, 2023

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Planning Program Manager
From: Lillie Makaila, Planner
Subject: Status Update on Plan Implementation in the West
Hawaii Region

Recommended Action

For information only. No action required.

Background

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

A status report of DHHL's progress in implementing these policies/plans is also included for the HHC's consideration. For May 2023, Planning Office will be providing an update to the HHC for West Hawaii.

Discussion

EXISTING PLANS & IMPLEMENTATION STATUS

Hawaii Island Plan Policies Related to West Hawaii.

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

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

Subsequently, an update of the island plan was adopted by the HHC in 2009 for DHHL lands in West Hawaii as approximately 600 acres were added to the DHHL land inventory in the Kealahou and Kalaoa Tracts (see map, Exhibit B). The 2002 Hawaii Island Plan and subsequent 2009 West Hawaii Update identifies the following land use designations and acreage amounts.

Land Use Designation	Acres	Percent of Total
Residential	1,608	4.1%
Subsistence Agriculture	540	1.3%
Supplemental Agriculture	1,113	2.9%
Pastoral	24,101	62.4%
Community Use	258*	0.6%
General Agriculture	10,747*	27.8%
Commercial	230	0.5%
Industrial	384	0.9%
Conservation	391	1%
Special District	266	0.6%
TOTAL	38,638	100%

* Does not reflect the Land Use Designation amendment of 161 acres from General Agriculture to Community Use discussed below.

Hawaii Island Plan Implementation Status

Since the West Hawaii Island Plan was updated in 2009, there was one additional land use designation amendment made to the Island Plan for TMK (3)-6-4-038:011 (por.), in Waimea. The land use designation was amended from "General Agriculture" to "Community Use". The island plan land use amendment was approved by the HHC in May of 2015.

The Lālāmilo Subdivision is a 250.2-acre parcel planned for residential, agricultural, and commercial development in North Hawai'i located south of Kawaihae Road. Currently, plans are to proceed with the development of Phase 2A of

the subdivision, which is divided into two increments, Increment I and Increment II. Increment I is located adjacent to South Kōhala Distribution Road, and Increment II is adjacent to Increment I to the west.

A total of 442 residential homestead lots were originally proposed for the entire subdivision. In order to mitigate archaeologically sensitive sites as well as provide appropriate buffer between proposed residential homes and the existing landfill and powerplant, the proposed residential homestead lots are now 432, a reduction of 10 lots. Originally 1,722 acres of land were offered for transfer by the State. However, due to the amount of unexploded military ordnances on the larger parcel, DHHL opted to take only the 250.2-acre site.

The Hawai'i Island Plan is scheduled to be updated. A consultant has been selected and the project is currently in the contracting process with the project scheduled to begin in August 2023, with beneficiary consultation meetings with Hawai'i island beneficiaries to begin in the early 2024. The update project will likely take 24 months to complete and will include two briefings to the HHC, once with a draft of the update and once more with the final plan for HHC adoption.

Kealakehe-La'i'Ōpua Regional Plan

The *Kealakehe- La'i'Ōpua* Regional Plan was updated and adopted by the HHC in May, 2020. The update process began in January 2019 and concluded in August 2020. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) North Kona Water Source Development Project
- (2) Provide homestead Opportunities for Beneficiaries in the "Gap Group"
- (3) Initiate Commercial Development of DHHL Lands Near Honokōhau Harbor
- (4) Establish a DHHL Kona District Office

- (5) Renewable Energy Initiative - PV Farm in `O`oma

Kawaihae Regional Plan

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

- (1) Kailapa Resource Center
- (2) Kawaihae Water and Energy Research and Development
- (3) Kawaihae Bypass Highway
- (4) Improve the Marine Water at Pelekane Bay
- (5) Management and Maintenance of Kawaihae Reinternment Site

The Kawaihae Regional Plan is scheduled to be updated. A consultant has been selected and the project is currently in the contracting process with the project scheduled to begin in August 2023, with beneficiary consultation meetings with Kawaihae beneficiaries to occur in the fall. The update project will likely take 12 months to complete and will include two briefings to the HHC, once with a draft of the update and once more with the final plan for HHC adoption.

Waimea Nui Regional Plan

The Waimea Nui Regional Plan was adopted by the HHC in January, 2012. Outreach with beneficiaries in the region through the planning process identified the following priority projects:

- (1) Waimea Hawaiian Homestead Community Complex - Planning
- (2) Evaluate and Revise Agriculture/Pastoral Program Waimea Nui
- (3) Support/Plan Development of Affordable Homestead Alternatives in Waimea Nui

- (4) Assess the Implications of Eliminating Requirement to Pay Property Taxes
- (5) Assess the Implications of a Non-Standard Building Code

Implementation Status of West Hawaii Regional Plans

The following tables identify the "project champions" of each regional plan priority project as well as summarizes the status of each regional plan priority project.

Table 2: LAIOPUA REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
North Kona Water Source Development and Storage	DHHL	In-Progress. DHHL is in process of developing two EA reports for two potential well sites in North Kona (1) Gianulias property and (2) KS well site. The HHC approved an MOA agreement with KS in December 2022. DHHL, KS and DWS are working towards a final water credit agreement for the KS well site per the MOA. DHHL is in the process of negotiating a potential land acquisition of the Gianulias site with the landowner. DHHL received \$12M from the 2021 Legislature for water source development and lot development. The Act 279 Strategic Plan includes the use of funds for the acquisition of lands for water development and infrastructure development.
Provide Homestead Opportunities for Beneficiaries in the "Gap Group"	DHHL	In-Progress. DHHL is in process of developing infrastructure for Village 4 Phase II Hema. Lots from this development could go to beneficiaries who do not meet low-income requirements.
Renewable Energy Initiative	DHHL	In-Progress. DHHL participated in the HECO RFP process and solicited DHHL Kalaoa lands for potential development. DHHL initiated a RFP for its Kalaoa lands in fall of 2020 and selected Nexamp as the potential developer. Beneficiary consultation meetings and public hearings were conducted in summer 2021. The first round of Public Hearings occurred in October 2021. The HHC deferred decision-making on the lease request at that time, but a year later in October 2022, the HHC approved a Right-of-Entry permit to Nexamp Solar, LLC to develop one (1) 3MW solar plus battery

Table 2: LAIOPUA REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
		storage project on 27.6 acres at Kalaoa. Due to the existence of an electric sub-station adjacent to the Kalaoa parcel, HECO is allowing Nexamp Solar to develop two (2) co-located 3MW solar plus battery storage projects at Kalaoa, for a total of 6MW on 46.93 acres of land. The HHC held another round of public hearings in March 2023 and approved the amendment to the ROE to allow for due diligence studies to cover the proposed second 3MW solar plus battery storage project that would require 19.33 additional acres. HHC approval for the Final EA is still required in order for the project to proceed.
Establish a DHHL Kona District Office	DHHL	Not Started.
Initiate Commercial Development of DHHL Lands Near Honokōhau Harbor	DHHL	Not Started. Need additional water source and credits.

Table 3: KAWAIHAE REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Kailapa Resource Center	Kailapa Community Association	In-Progress. The HHC approved a FONSI for KCA's FEA in February 2016 for KCA's plans on the 14-acre parcel. KCA has completed the construction of its pavilion and playground area.
Kawaihae Water and Energy Research and Development	DHHL	In-Progress. DHHL completed a Kawaihae Water Assessment Study in June 2015. The assessment identified potential options for water development in the Kawaihae region. FY2022 DHHL awarded Kailapa Community Association a grant to explore the potential for desalination of water from an existing well. Studies being conducted under the grant are still in-progress. More information in "West Hawaii Water Issues Update submittal".
Kawaihae Bypass Highway	DOT	DOT reports that it has postponed its planning and feasibility study of the project due to the lack of construction funding in the foreseeable future.
Improve the Marine Water at Pelekane Bay	DHHL / Kailapa Community Association / Kōhala Mountain Watershed Partnership	In-Progress. The Kohala Mountain Watershed Partnership received ROEs to install ungulate fences on DHHL property. Fence installation is completed. The Kailapa Community Association has also completed its Resilient Hawaiian Community Plan that looks at improved stewardship of the mauka portion of the ahupua'a. DHHL LMD and Planning Staff conducted two consultation meetings on ungulate management in 2021.
Management and Maintenance of Kawaihae Reinternment Site		Not started.

Table 4: WAIMEA NUI REGIONAL PLAN PRIORITY PROJECT	PROJECT CHAMPION	STATUS
Waimea Hawaiian Homestead Community Complex -- Planning	Waimea Hawaiian Homestead Association (WHHA)	In-Progress. HHC approved FONSI of WHHA final EA in and approved 65-Year general lease to WHHA in 2015. WHHA has completed construction of the internal road network. HHC approved the Final EA for the KOKO Health Center in 2022. WHHA has been successful in obtaining funding for initial development of this project. WHHA is soliciting other funding sources for future development phases.
Evaluate and Revise Agriculture/Pastoral Program in Waimea Nui	DHHL / WHHA	In-Progress. DHHL had previously awarded a \$100k agriculture peer-to-peer technical assistance grant to WHHA to promote more farming on Waimea homestead areas.
Support/Plan Development of Affordable Homestead Alternatives in Waimea Nui	DHHL	In-Progress. State-wide, DHHL has been contemplating alternative affordable homestead options for its beneficiaries. This could result in alternatives applicable to Waimea Nui.
Assess the Implications of Eliminating Requirement to Pay Property Taxes	DHHL	Not Started.
Assess the Implications of a Non-Standard Building Code	DHHL	In-Progress. In 2017, DHHL attended Hawaii Building Code Council meetings to research and learn the process of building code development and approval. However, due to staffing turnover and competing priorities, progress on this initiative has stalled.


Recommendation

For information only. No action required.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 16 - 17, 2023

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

From: Andrew H. Choy, Planning Program Manager 

Subject: West Hawai'i Water Projects Update

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

This submittal provides an update on Department of Hawaiian Home Lands (DHHL or the Department) water projects and issues in West Hawai'i in general and in our three planning regions of Waimea Nui, Kawaihae and Kealahou-La'i 'Ōpua. We provide background information on water needs in each planning region based on current plans, ongoing efforts to address those needs, and water related issues that will impact these efforts.

In 2014, the Commission adopted their [Water Policy Plan](#) (WPP), the first comprehensive policy guiding management of water issues since passage of the Hawaiian Homes Commission Act (HHCA) in 1921. These updates are provided under the WPP Goal 1, to "Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis."

As a background on the water needs and issues in West Hawai'i, this submittal begins with a review of (I) the methods by which we calculate our future water needs, the calculation of those needs for West Hawai'i tracts, reservations of water that have been secured based on those efforts, and related issues.

The submittal then addresses activities undertaken to address these needs and issues. In this update we

highlight (II) continued work pursuing water sources for Kealakehe-La'i 'Ōpua from the Ota Well and new sources on private land in North Kona and (III) Public policy and advocacy efforts taken to secure funding for and influence over water development including (A.) water policy issues that may offer opportunities for DHHL and (B.) related work with beneficiaries and capacity building to secure water resources and address water issues.

I. West Hawai'i Water Needs, Reservations, and Related Issues

This section reviews the methods by which we calculate our future water needs, the calculation of those needs for West Hawai'i tracts, reservations of water that have been secured based on those efforts, and related issues

A. DHHL Calculations of Future Water Needs

The DHHL Planning Office, in cooperation with other parts of DHHL and other agencies, calculates future water needs for all of our tracts by first reviewing the land use designations made by the HHC through the [General Plan](#), in the DHHL [Island Plans](#), and [Regional Plans](#), as well as any detailed development plans that are created as tracts move into homestead and other development, and any other information about land characteristics in each tract that could impact future water demands.

Each particular land use designation for a tract (e.g. residential, commercial, pastoral), and any supporting information in the respective plans (e.g. acreage or unit counts) are then used, along with applicable water demand standards, to calculate water demands. Applicable water demand standards include:

- [County water system standards](#) for the respective county in which the tract is located;
- For general agricultural land use designations, standards in the current approved state [Agricultural Water Use and](#)

[Development Plan](#), unless more specific information is available from other CWRM determinations for the particular area

- Lo'i kalo water demands as determined by the Office of Hawaiian Affairs and the US Geological Survey in the [2007 study](#) of water use in wetland kalo cultivation.

A comprehensive examination of plans and land use designations across all tracts, along with associated water demands, was undertaken by DHHL and staff and consultants with the Department of Land and Natural Resources Engineering Division for the 2017 State Water Projects Plan (SWPP), adopted by CWRM in May 2017. A subsequent update to the [SWPP adopted by CWRM in 2020](#) also included all of the previous calculate demands for DHHL. The notable difference between the calculations in the SWPP and ultimate DHHL needs is that by statute the SWPP looks at a 20 year time demand, but DHHL needs go beyond that time horizon.

B. DHHL Water Needs for West Hawai'i Tracts

Based on the data in the 2017 SWPP, the potable and nonpotable 20 year projections of medium rage water needs for DHHL West Hawai'i tracts are as follows (in millions of gallons per day [mgd]). *This notably does not include long term non potable irrigation demands, which the SWPP calculated but did not consider as 'twenty year demands.'*

**Table 1. Cumulative Average Day Demand (MGD) -
Medium Projection from the 2017 SWPP**

Tract	Potable	Non Potable	Total
Lālāmilo	0.2140		0.2140
Keoniki	0.2292		0.2292
Honokaia	0.3960	1.6550	2.051
Kawaihae	2.1768		2.1768
Pu`ukapu	0.6099	0.8114	1.4213
‘Upolu Point	0.1480		0.1480
Waimanu			0.0
Kealakehe/Honokōhau/Kalaoa	2.4130		2.4130
TOTALS	6.1869	2.4664	8.6533

**C. Existing West Hawai`i DHHL Water Reservations by
CWRM**

CWRM can act to reserve water for DHHL on its own action, when petitioned for action by DHHL, or when required in response to a request for another party to lease or license state waters under HRS 171-58. In designated water management areas, CWRM has adopted reservations of water through a rule making process under HRS 174C-49(d). For non-designated areas they have reserved water during regular meetings under HRS 174C-101. Based on a request by DHHL (for groundwater reservations in the Keauhou Aquifer) and by CWRM action (for groundwater for the rest of the West Hawai`i DHHL planning areas), the following reservations have been secured. Water was reserved from the Aquifer System Area underlying each tract.

**Table 2. Existing Water Reservations for DHHL
Tracts in West Hawai`i**

Aquifer System Area	Date of reservation	MGD reserved
Hawi	9/19/18	0.148
Māhukona	9/19/18	3.014
Honoka`a	9/19/18	0.396
Keauhou	8/17/15	3.398

D. Related West Hawai`i DHHL Water Issues

Reserving adequate water for the future needs of DHHL is mandated by the state Water Code (HRS Ch 174C), and progress on establishing reservations adds important legal protections to beneficiaries' future water needs. However, there are limits to what reservations are (and are not), and the kinds of issues that they can address. While water reservations set aside some water for allocation by the Commission on Water Resource Management (CWRM) to any other party, there are limits:

- Reservations do not instantly result in "wet water" being available to DHHL and beneficiaries. Water development requires
 - Funding for water exploration and development
 - Environmental review
 - Development of source, storage and transmission
 - Development of operations plans or agreements.
- In Water Management Areas (WMAs) of the state there is an enforcement mechanism for protecting DHHL uses and reservations because all required Water Use Permits are "subject to the rights of DHHL". There are, however, no WMAs in West Hawai`i or anywhere on Hawai`i Island

In addition, it is important to note that water reservations do not address other issues, such as the high price for water paid for by our beneficiaries at Kawaihae / Kailapa. Existing groundwater reservations also do not reflect that, for instance, the County of Hawaii manages a water system in the Waimea area that takes both surface and ground water.

This discussion of water reservations can, and cannot accomplish serves as context for the remainder of the submittal. Below we highlight efforts to turn reserved water into "wet" water.

II. Continued Work Pursuing Water Sources For Kealakehe-La'i 'Ōpua From The Ota Well And New Sources On Private Land In North Kona

After the buildout of La'i 'Ōpua Village 4 Phase I Akau and Phase II Hema, DHHL will not have any water credits available from the County DWS to develop additional homesteading in the North Kona region. (Note, one water credit is equivalent to 600 gallons per day, the county water system standard for a single family home). Current DHHL water use is approximately 0.33 million gallons per day (MGD). DHHL lands in North Kona are not located at a high enough elevation that would make well development feasible based on well development to date in the area. As such, DHHL needs to partner with other landowners to develop water sources in more suitable locations.

A. Ota Well

The Hawaii Housing Finance and Development Corporation (HHFDC) and Natural Energy Laboratory of Hawaii Authority (NELHA) submitted a Well Construction and Pump Installation Permit Application for well development in the Keauhou Aquifer System Area to CWRM in 2018. DHHL submitted comments on the Permit Application requesting that CWRM place conditions on the permit to accommodate DHHL's reservation of water in the Keauhou Aquifer System Area, as the reservations are a protected public trust use of water. DHHL advocated that the permit should be conditioned on HHFDC and NELHA providing a small percentage of the proposed yield to DHHL in the form of County water credits, following the successful dedication of the well to the County.

HHFDC and NELHA were agreeable to DHHL's request for water and in 2020 DHHL, HHFDC, and NELHA entered into a water credit sharing Memorandum of Understanding agreement that was approved by the HHC in September of 2020. See item G-2 October 2020:

<https://dhhl.hawaii.gov/wp-content/uploads/2020/09/September-21-22-2020-HHC-Packet-reduced.G3revised.pdf>

Under the tri-party agreement, DHHL will receive 18,000 gallons per day from the Ota Well once it has been

dedicated to the County of Hawaii Department of Water Supply (DWS).

The HHFDC and NELHA Permit Application for the Ota well was heard for final decision making by CWRM at its August 16, 2022 meeting. Extensive testimony was received from the permit applicants and other stakeholders. Members of the local Native Hawaiian community brought forward concerns that the well development may impact traditional and customary practices in the makai area of the ahupua`a because the well may significantly diminish freshwater flow to the nearshore areas.

To respond to concerns raised, the permit included conditions to support watershed management and undertake studies. After some amendments by CWRM members it was approved. However, after the permit was approved but before the meeting closed, the NELHA Executive Director rejoined the virtual meeting and requested a Contested Case Hearing on the permit. Community representatives then requested being parties, if a contested case was granted. The subsequent written petition for a contested case filed by HHFDC and NELHA objected to paying annual contribution of \$13,940 towards watershed management, as well as to funding, designing and implementing an annual survey of the near shore environment.

As of this writing there has been no progress on the contested case by CWRM. There has neither been a withdrawal of the request for a Contested Case which would result in the permit being issued with conditions.

B. Cannery Commercial LLC

Per the 2020 DHHL Kealahou-Laiopua Regional Plan, DHHL has been pursuing new source development at two locations off of Hawaiian Home Lands: (1) Cannery Commercial LLC owned by the Gianulias family; and (2) Kamehameha Schools lands in Keauhou.

The Cannery Commercial LLC lands consist of 127-acres. The site is located adjacent to Mamalahoa Highway and is in close proximity to the existing DWS water system. DWS has expressed its optimism that the site would yield a viable water source from the development of a well at this location. The lands are currently leased by Cannery Commercial LLC to Cancino Family Farms, a commercial coffee

farming small business. Cancino Family Farms currently pays Cannery Commercial LLC an annual rent of \$120,000. The current lease with Cancino Family Farms is set to expire in 2027. The lease agreement also allows Cancino Family Farms the first right of refusal to purchase the property from Cannery Commercial LLC.

DHHL initiated negotiations with Cannery Commercial LLC in 2018 for site control of a 3 to 5 acre portion of the property for well site development. Below is a summary of the negotiations and DHHL activity over the last several years:

2018 - DHHL negotiated site access with Cannery Commercial LLC to go on property to conduct due diligence studies. DHHL contracted a consultant to initiate studies related to a HRS Chapter 343 Environmental Assessment including: archaeological work and preliminary engineering.

2020-2022 - DHHL, Cannery Commercial LLC, DWS, and Laiopua CDC had regular conversations during the COVID-19 pandemic related to DHHL gaining site control of a portion of the property for the well development.

The initial proposal discussed among the parties was for Cannery Commercial LLC to license a portion of land to DHHL for well site development. In exchange, DHHL would assume the well development costs and give a portion of the water from the well to Cannery Commercial LLC for a planned senior housing project. DWS agreed to operate and maintain the system in the long term once developed to DWS standards.

May 2021. The state Legislature appropriates \$12.2M in CIP for "Laiopua Villages Water Development and Subdivision Improvements."

April 2022. Cannery Commercial LLC notified DHHL that it was no longer pursuing its senior housing project and was no longer interested in water. Instead it was interested in selling the property.

July to October 2022. DHHL procures and contracts an appraiser to assess the value of the property. The appraised value of the property was \$10.5M which included the cost of the coffee trees should Cancino

Family Farms be required to remove them by the new owner. Value for the property excluding the appraised value of the coffee trees is \$9.26M.

Nov. 2022 to Jan. 2023. Chair Aila and Chair Designate Anderson instruct staff to talk to both Cannery Commercial LLC and Cancino Family farms to negotiate purchase of the property.

Feb. to March 2023. Cancino Family Farms indicates to DHHL and Laiopua CDC that it has the financial ability to purchase the property from Cannery Commercial LLC but would strongly prefer to continue to lease the property and not purchase the property as it would have to leverage all of its assets in order to do so.

March to April 2023. Chair Watson instructs staff to determine whether the \$12.2M CIP appropriation is still available to potentially purchase the property.

April 2023. Cannery Commercial LLC notifies Cancino Family Farms that it would like to sell the property and that Cancino Family Farms has a 10-day period to exercise its first right of refusal. Cancino Family Farms declines its first right of refusal and does not purchase the property, but would like to extend its current lease agreement beyond 2027.

May 2023. Staff confirms that the \$12.2M CIP funding is still available. Chair Watson directs staff to negotiate a reasonable purchase price of the property with Cannery Commercial LLC.

C. Kamehameha Schools (KS) Keauhou Well Site

KS has an existing well on its lands in Keauhou, approximately 8 miles from DHHL lands in Kealahou. See map in Figure 1. KS developed the well on its Keauhou property several decades ago. The well is commonly referred to as KS Well 2. The current well is not in use nor connected to the County DWS water system. KS development plans for its Keauhou lands have changed over the course of several decades and the organization's projected future water demand has significantly decreased.

The DWS is interested in accessing and using KS Well 2 as a water supply for island residents and improving the overall reliability of the water system through improvements in the Keauhou and Kahalu'u areas. DWS is also interested in developing a second well on the property (Well 2A). As mentioned previously, DHHL desires water credits for future development of its lands in North Kona. The three parties have been in conversation for the last four years on a potential water development agreement.

In December of 2022, the HHC authorized the Chairman to enter into a Memorandum of Understanding with KS and DWS. See item G-7 from the December 2022 HHC meeting:

<https://dhhl.hawaii.gov/wp-content/uploads/2022/12/December-19-20-2022-HHC-Packet-Kapolei.pdf>

A summary of DHHL Commitments and Benefits per the MOU can be found in the table below:

Commitments	Benefits
Complete a hydraulic study of DWS system (currently on-going)	Receive one-third of the maximum day pumping capacity of Well 2
Fund, design, and construct additional storage improvements as determined by the above hydraulic study	Receive two-third of the maximum day pumping capacity of Well 2A (if DHHL develops Well 2A)
Prepare a 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

Under the initial MOU agreement, County would develop Well 2 and provide DHHL with 0.333 MGD (555 water credits) for DHHL contribution to water system improvements and well site acquisition. DHHL would receive 0.666 MGD (1,111 water credits) from the development of Well 2A.

The December 2022 MOU also identified **unresolved decisions** among the three parties.

- DHHL or DWS shall design, fund, permit, and construct a second well (Well 2A) and install pump system and related controls.
- DHHL or DWS shall purchase the necessary property interests from KS for the expansion of the Kahaluu Tank site at fair market value.
- DHHL and/or DWS shall compensate KS (KIC) or its lessees for any loss and/or damage suffered related to crop damage or interruption to agricultural operations.
- Specific water allocation / credit amounts and facility charge credit amounts to be received by parties to the agreement

Since December 2022, DHHL, KS, and DWS have had several conversations to work towards resolving the above unresolved matters. DHHL is currently contracting an appraiser and surveyor to assess property value of the KS sites needed for water system improvements and map the

property boundaries of these sites to expedite acquisition of these sites from KS for water system improvements.

III. Public Policy And Advocacy Efforts Taken To Secure Funding For And Influence Over Water Development

Significantly driven by beneficiary interest and action, there are a number of important updates over the last 12 months related to public policy and advocacy efforts in these areas of West Hawai'i.

A. Water Policy Issues That May Offer Opportunities For DHHL and Beneficiaries

There are three distinct water policy issues that have arisen on Hawai'i Island in the last 12+ months which provide opportunities for DHHL to either secure water and/or influence water decisions. Each is described in the order that they arose.

In April of 2022, shortly before our 2022 presentation on this matter, Bill 112 & 115 were considered at the Hawaii County Council relating to the "Kumu Hou Housing Project at Waikoloa Village." The proposed project would provide a mix of affordable housing and timeshare units near Waikoloa Village. An amendment to the bill was proposed that would require that two percent of the gross-sale or re-sale of proceeds be donated to the Waikoloa Foundation and at least 25% of the funds donated to the Waikoloa Foundation would support water resource development for Native Hawaiian communities in the district of South Kohala. At the Council's April 5, 2022 hearing on the matter, DHHL provided written testimony in support on these bills as the Kailapa community would be a direct benefactor for future funds set-aside for this purpose. These matters were subsequently passed by the County Council.

In June of 2022, the County Council considered a proposed charter amendment, that, among other matters, would have required that a member of the Hawaii County Board of Water Supply also be a DHHL beneficiary. While the proposal to include this as a charter amendment on the ballot did not survive second reading, it brought about significant engaged testimony from beneficiaries and a high-level county discussion of the relationship between the county and DHHL on

water development. It also raised the significant ongoing water needs of DHHL on the island, including in West Hawai'i.

Finally, recent work by staff of CWRM has been focused on understanding the amount of water that is available in Waikoloa stream, which flows in part through Waimea town. Currently, 100% of base flow is diverted by the department of water supply, and CWRM is looking at amending the "Interim Instream Flow Standard" (IIFS) for this and possibly other West Hawaii streams. It has become standard practice in recent years that CWRM also initiates reservation requests for DHHL in conjunction with amendments to the IIFS of any stream, state law requires protecting all public trust uses of water, which includes the uses of and reservations for DHHL.

B. Related Work With Beneficiaries And Capacity Building To Secure Water Resources And Address Water Issues

As described in the 2022 submittal, significant beneficiary concern with water rates and other water issues at Kailapa led to the creation of a homesteader-driven "Hui Wai" to share information and identify and pursue opportunities for water development in line with community needs and values. Meetings including with the DHHL staff and consultants has been productive and ongoing, though not continuous and dependent on other scheduling constraints.

Finally, in response to the consideration of the proposed charter amendment referenced above, beneficiary leadership suggested specific training for beneficiaries on how to prepare for, apply for, and serve on water related boards and commissions, to help ensure DHHL perspectives and beneficiary voices are represented. Working with the William S Richardson School of Law's Ka Huli Ao Center for Excellence in Native Hawaiian Law, pilot training has been designed and scheduled, and opened to an initial cohort from across the islands, with emailed opportunities to apply sent to homestead organization leaders.

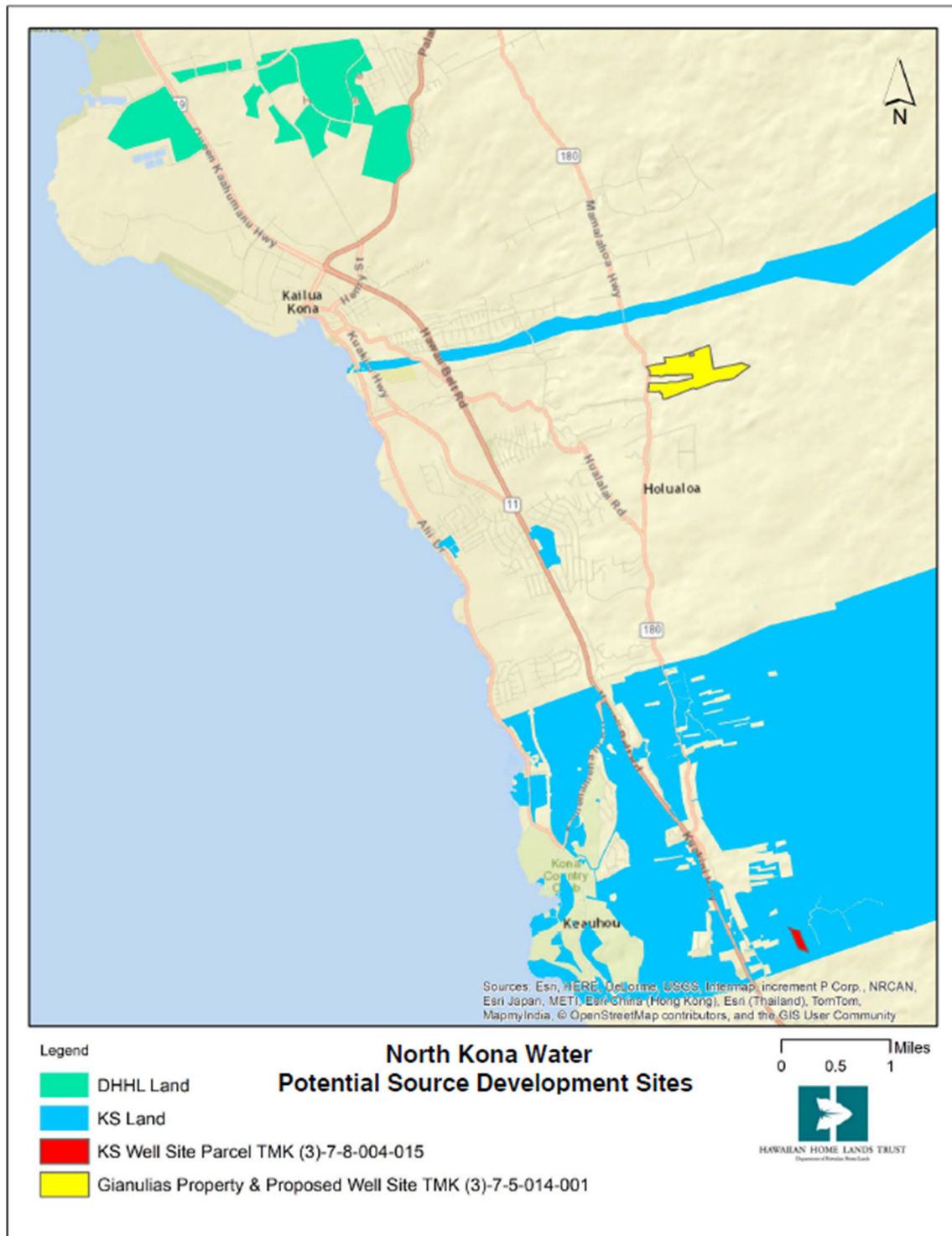
As noted in the invitation the training will take place via Zoom and in four parts: Part 1: Foundations for Building Effective Kahuwai Pono; Part 2: A Guide to Serving on Agencies with Kuleana to Mālama Wai; Part 3: A Legal Toolkit for a Kahuwai Pono; and Part 4: Kahuwai Pono and their Departments.

Happily, beneficiary interest has been very strong and exceeded expectations and has reached capacity for the first training session that will be held in June and July 2023. A subsequent similar training session is anticipated to be held in the fall of 2023 to accommodate the strong interest from DHHL beneficiaries.

RECOMMENDATION

None; for information only.

EXHIBIT A – NORTH KONA POTENTIAL WELL SITES



STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

May 15-16, 2023

To: Chairman and Members, Hawaiian Homes Commission

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

From: Nancy McPherson, Planner *Nancy McPherson*

Subject: (For Information Only) Anticipated Finding of No Significant Impact for the Kalaupapa National Historic Park Electrical System Rehabilitation and Upgrade Draft Environmental Assessment, TMK (2) 6-1-001:001 and :002, Kalaupapa, Kalawao, Molokai

Recommended Action

For Information Only. No action required.

Discussion

The purpose of this informational briefing is to present HHC members with the Draft Environmental Assessment (Draft EA) for the National Park Service's (NPS) Kalaupapa National Historical Park (NHP) Electrical System Rehabilitation and Upgrade project and give the HHC an opportunity to provide comments. See Exhibit A, Kalaupapa NHP Draft EA.

Background

The lands of Kalaupapa, described as "5,000 acres, more or less" were included in the original tracts of land to be administered for the benefit of native Hawaiians upon passage of the Hawaiian Homes Commission Act of 1920 (HHCA), but since then, only the Kalaupapa ahupua'a, consisting of one TMK, (2) 6-1-001:001, with an area of 1,247 acres and which encompasses most of the present-day Kalaupapa Settlement, has ended up in the DHHL land inventory. In 1980, the NHP was created by Congress (PL 96-565) and includes the ahupua'a of Kalaupapa, Makanalua and Kalawao, the valleys of Waihanau, Wai'ale'ia, and Waikolu, the cliff and trail, offshore waters and islets, and a northern portion of the ahupua'a of Pālā'au (Apana 3). See Fig. 1 Land Ownership Map, and Fig. 2 Location Map, below.

Figure 1 – Land Ownership Map

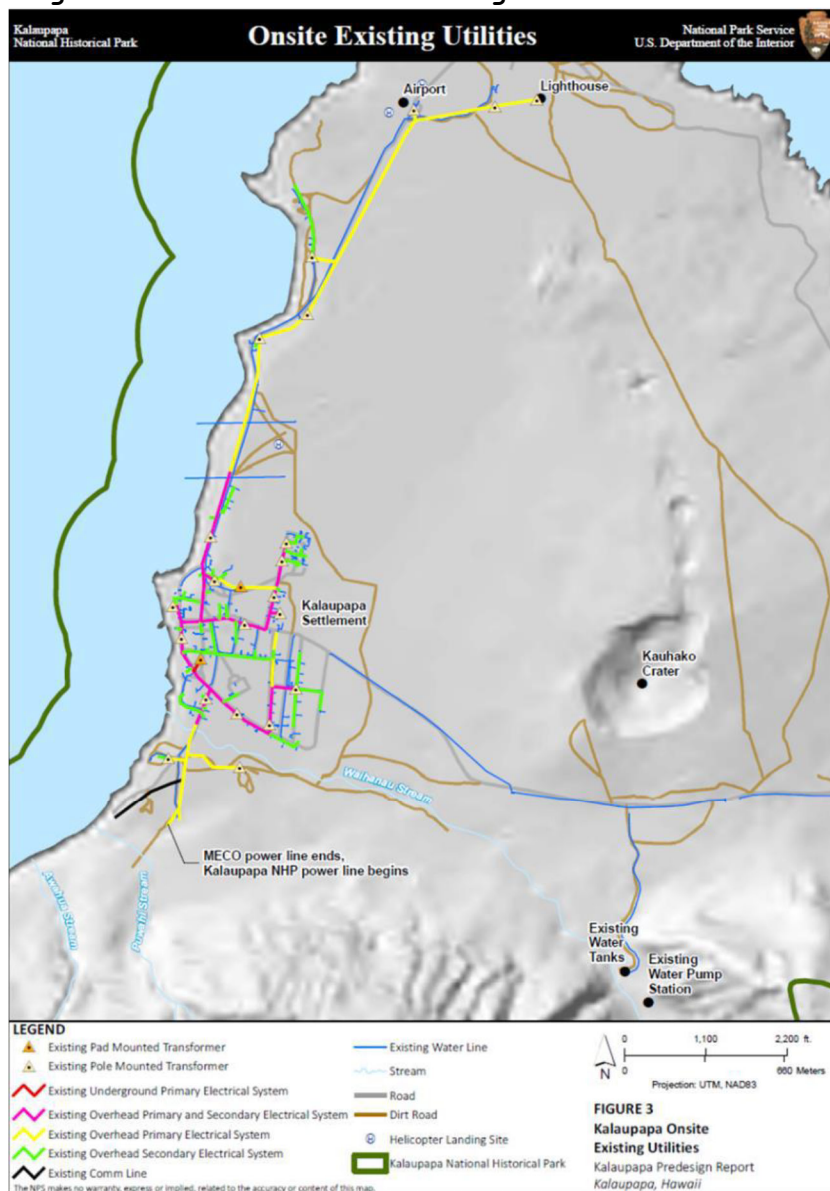


Figure 2 -- Project Location Map



Since the Hansen's Disease colony was established by King Kamehameha V, Lota Kapu'āiwa, in 1866, the Board of Health (and later, the State of Hawai'i Department of Health, or DOH) has administered Kalaupapa for the Kingdom, Republic, Territorial and State governments and has had governing authority for Kalawao County since its establishment in 1905. Since the NHP was formed, the responsibility for management and maintenance of Kalaupapa's infrastructure, such as the water system, electrical system, telecommunications network and roads, has been migrating from the DOH to NPS as DOH's kuleana for running the Settlement gradually diminishes. See Fig. 3, "Onsite Existing Utilities."

Figure 3 - Onsite Existing Utilities

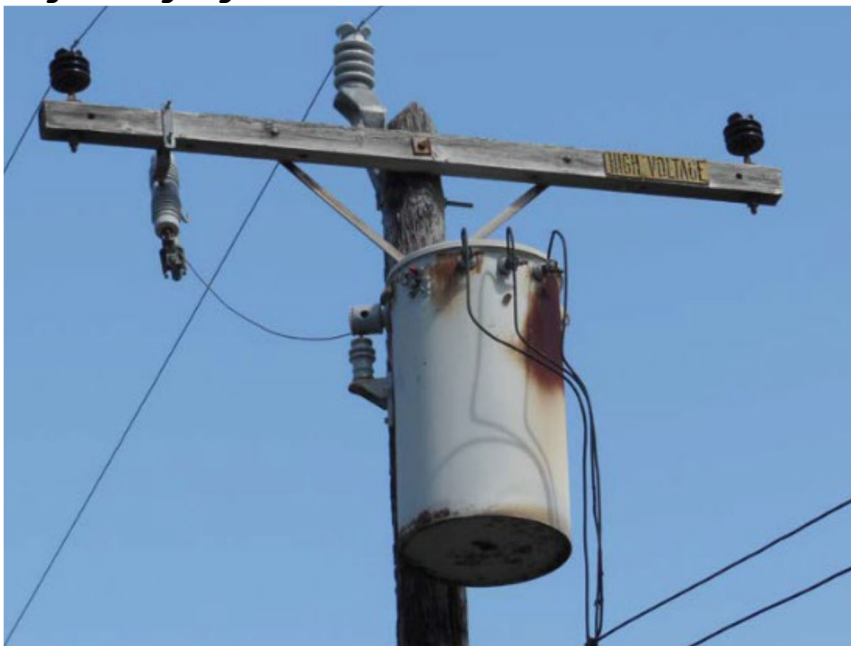


For more background on the history of Kalaupapa, formation of the NHP, and ongoing DHHL planning and beneficiary outreach efforts, see the following previous updates to the HHC:

- Item G-4, April 18-19, 2022
- Item G-3, October 18-19, 2021
- Item G-1, December 21-22, 2020
- Item G-3, August 17-18, 2020

The Molokai Electric Company began to supply power to the settlement in 1933.¹ The current electrical distribution system at the NHP was installed in 1969 and is owned by the DOH. Power outages occur frequently within the NHP because of deteriorated transformers, worn and frayed transmission lines, and pole and insulator failures (See Fig. 3, "Aging Electrical Transformer").

Fig. 3 Aging Electrical Transformer



The electrical distribution system has created a variety of health and safety concerns for patient-residents, NPS and DOH staff, and visitors. Rehabilitating and upgrading the electrical distribution system would improve efficiency, comply with current Hawaiian Electric Company (HECO) code standards for future operations, increase reliability, make the system easier for an outside entity to maintain, and increase the resiliency of the water system.

¹ www.nps.gov/articles/000/kalaupapa-kalawao-settlements-975012.htm

Proposed Action: Rehabilitate and Upgrade the Existing Electrical System

After extensive study, Section 106 Consultation and preparation of a NEPA/HEPA EA, the NPS proposes the construction of the "Rehabilitate and Upgrade the Existing Electrical System" project to rehabilitate the settlement's single and three-phase aboveground electrical distribution system to a looped system and connect the existing water pump house and backup generator locations. There are two components of this project: one for work within the existing distribution area, and one outside of the existing system, to extend electrical service to the pump house for the water system.

Within the existing electrical distribution system alignment and settlement area, which is the area on Hawaiian Home Lands (HHL) and the section running out to the airport and lighthouse, the proposed action would:

- Replace 110 power poles.
- Replace 56 existing pole-mounted light fixtures with dark sky-compliant lighting.
- Upgrade 13 poles from single phase to three phases.
- Upgrade insulators and attachment hardware for all poles.
- Replace and upgrade 39,000 linear feet of aboveground cable as needed.
- Replace 2 pad-mounted and 23 pole-mounted transformers.
- Install a new alignment of 20 poles along Kamehameha Street to reduce potential impacts on cultural resources and documented archeological sites and facilitate access for pole maintenance.

Maps showing the alignments of the work are included in Exhibit A. See Figure 3 "Alternative 2 Alignment From Lighthouse To Cemetery" on page 5, and Figure 4 "Alternative 2 Alignment Within the Settlement" on page 6.

The second component will extend the system to connect to the existing water pump house and backup generator locations, removing one diesel generator and replacing one to provide backup power for the water pump:

- Remove the existing two generators that currently reside within the existing Generator Building and replace with a single new generator. Install the new power supply equipment and outlet to a new backup generator.
- Install two new poles with cross arms, insulators, and hardware in existing pole locations near the east end of the settlement.

The NPS is considering three options (see Table 1 "Overview of Options for the Water Pump House," below) for the portion of the alignment that would connect the water pump house and backup generator to the rehabilitated electrical distribution system (See Exhibit A, Figure 5 "Alternative Alignment to Existing Water Pump Station" on page 7 and Figure 6 "Alternative 2 Water Pump House Generator And Auxiliary Equipment Demolition (Option 3 Shown)" on page 8). Specific details and design features associated with the selected option would be developed during final design. Each option is fully evaluated for environmental impacts in this EA, and a final decision will be addressed in the proposed Finding of No Significant Impact (FONSI) or will be used to prepare an environmental impact statement (if warranted).

TABLE 1. OVERVIEW OF OPTIONS FOR THE WATER PUMP HOUSE

	Option 1	Option 2	Option 3
Configuration	Overhead cable	On-the-ground conduit	Underground cable
Description	The electrical line would consist of a traditional pole-mounted overhead cable alignment.	The electrical cable would be placed in a conduit that would be aboveground but would not be mounted on poles.	The electrical cable would be placed in a conduit and buried.
Overview of Disturbance Required	Disturbance would be limited to a 10-foot-wide maximum clearance on each side of the electrical line (for a maximum width of 20-feet). Vegetation clearing including tree removal or limb cutting could be required to accommodate and maintain an appropriate clearance around the overhead cable alignment. The total amount of vegetation clearing would not exceed 4 acres. Ground disturbance would occur at structure bases.	Disturbance would be up to the same amount as under option 1, but tree removal or limb cutting may not be required because the forest canopy would be less likely to interfere with the cable if it is placed in an on-the-ground conduit compared to an overhead alignment. Limited ground disturbances may be necessary to secure the conduit to the ground.	Ground disturbance would be greater than under options 1 and 2 because trenching would be required to bury the cable. Once constructed, option 3 would require the least amount of maintenance, including vegetation management. Under option 3, much of the new segment would be located adjacent to existing roads or an existing water pipeline, minimizing ground disturbance in previously undisturbed areas and the need for additional access routes or ROW maintenance following construction.

Due to the extent of the project over several TMK's owned by two State agencies, DHHL consulted with staff at the State Environmental Review Program (ERP, formerly OEQC) and the State Department of Land and Natural Resources (DLNR), and it was determined that DHHL would assume the role of the Approving Agency in reviewing the NPS Draft EA for this project. The Hawaiian Homes Commission (HHC) has the authority to issue a Finding of No Significant Impact for HEPA CH. 343 HRS purposes and DHHL has the authority to consent to all improvements on Hawaiian Home Lands, with the exception of minor nonstructural alterations, as stated in Article 2, Item 7 of the General Lease (GL 231).

DEA Summary

The DEA (Exhibit A) assesses the potential environmental impact of the "Rehabilitate and Upgrade the Existing Electrical System" project on a total area of approximately four (4) acres on TMKs (2) 6-1-001:001 and :002. The following discussion summarizes the analysis of the DEA assessment of the project's impacts to various resources.

Natural Resources

Consultation with the U.S. Fish and Wildlife Service (USFWS) in accordance with section 7(a)(c) of the Endangered Species Act (ESA) (16 United States Code 1531 et seq.) was completed in June 2021. Twelve federally listed species were identified as having the potential to occur in or near the project area. Vegetation clearing (if necessary) and other disturbances during project construction and maintenance could affect these species. However, most of the actions associated with this electrical utility replacement project would occur in areas that are currently developed, in areas that have been previously disturbed, or along existing roadways.

Vegetation communities on the Kalaupapa Peninsula have been altered by previous development and historic land uses, including crop cultivation and livestock grazing. Ongoing nonnative and invasive vegetation management efforts at the Park aim to halt or reverse the spread of invasive species. The Park's 2021 GMP identified expanding the Park's vegetation monitoring program to track status and trends of plant species as a management priority.

Plant communities along the line corridor are dominated by nonnative species, limited in diversity, and comprise common species associated with human disturbance. The Proposed Action would result in permanent loss of vegetation where new poles would be installed and along portions of the alignment near the water pump house. Ground disturbance associated with construction and maintenance would result in temporary disturbances to vegetation.

The Proposed Action is not anticipated to impact endangered or threatened plant or animal species. Rehabilitation of the existing electrical distribution system under the Proposed Action could result in temporary disturbances to threatened, endangered, and other special status species during construction and maintenance. Most activities would occur in areas that are currently developed, in areas that have been previously disturbed, or along existing roadways, where potential for adverse impacts is minimal. The implementation of avoidance and mitigation measures would avoid adverse impacts on threatened, endangered, and other special status species. See Exhibit A, Table 3 "Effects of the Proposed Action on Federally Listed Species," on pages 32-33.

The development of a detailed revegetation and rehabilitation plan for enhancing areas disturbed by the project and implementation of appropriate impact avoidance and mitigation measures, as described in Exhibit A, Table 2, page 13 would mitigate potential impacts. With the implementation of the proposed mitigation measures, the Project is not anticipated to have a significant adverse impact on fauna species, as the Project will not result in a substantial decline or take of a Federally- or State- listed, threatened, or endangered species. No additional mitigation is recommended.

Historic and Cultural Resources

Archeological surveys have been conducted in the project area (Chambers and Athens 2020; Chambers and Pacheco 2020; Walker and Filimoeahala 2021), and construction would largely be restricted to previously disturbed areas, where feasible. Under the No Action alternative, there would be long-term, adverse impacts on cultural resources from ongoing maintenance of the electrical distribution system in archeologically sensitive areas and historic rock walls.

The Kalaupapa Leprosy Settlement is a National Historic Landmark (NHL) District that encompasses the entire Kalaupapa Peninsula with a variety of contributing resources. The Kalaupapa electrical system is a single contributing resource to the Kalaupapa Leprosy Settlement NHL and includes 232 wood poles supporting both primary and secondary lines (NPS 2021a, 2021b). Rehabilitation of the electrical system, including replacement of electrical poles, would affect this contributing resource. The Kalaupapa Settlement is eligible for the National Register of Historic Places (National Register) as a cultural landscape associated with Hansen's disease (leprosy) treatment, pali trails, and an extensive water system.

Rehabilitation of the existing electrical distribution system under the Proposed Action could affect archeological resources during ground-disturbing activities, including removing and replacing utility poles and other related project elements. Adverse effects will be avoided through archeological monitoring or mitigated through site documentation. See Exhibit A, Table 2, pages 10-11 for detailed mitigations measures to protect cultural resources. Approved AIS recommendations will be followed and an Archaeological Monitoring Plan will be prepared and implemented during all construction activities that have the potential to impact cultural resources.

Infrastructure -- Traffic

Kalaupapa has very few running vehicles, and therefore, any potential impacts to traffic due to construction can be mitigated. Potential short-term impacts to traffic and circulation are related to temporary construction activities. The Project is not anticipated to generate additional traffic in the area.

Infrastructure - Water & Wastewater

The Kalaupapa Settlement is currently served by the NPS-managed water system. The NPS replaced the groundwater well pumps, drop pipe, and pump power cable and repaired and/or replaced the water system controls and appurtenances at the Kalaupapa Water Treatment Facility. Repairs were completed in 2022. The water system that serves the Park relies on electrical power from old diesel generators. The existing water pump house generator and auxiliary equipment are old, in poor condition, and have reached the end of their

service life. Additionally, the old generators are diesel-powered and create carbon emissions. The proposed action is needed to ensure a reliable power source for the water system.

It is not anticipated that any wastewater will be generated by the Project.

DHHL Planning System Consistency

The DHHL General Plan is in the first tier of DHHL's planning process and sets the vision and establishes goals and policies to guide the discussions and decision-making of the Hawaiian Homes Commission. The General Plan was revised beginning in 2018 and approved in January 2023, takes the Trust to the planning horizon of 2040, and focuses on seven priority areas: Land Use and Water Resources, Infrastructure, Housing, Food Production, Healthy Communities, Natural and Cultural Resource Management, and Revenue Generation and Economic Development. The proposed project is consistent with the applicable objectives and policies of DHHL's General Plan and is in alignment with the DHHL General Plan in the areas of Land Use and Water Resources, Infrastructure, Healthy Communities, and Economic Development.

The Electrical System Rehabilitation and Upgrade project will serve beneficiaries (patients and employees) and other Kalaupapa community members by stabilizing the electrical grid, reducing the risk of electrical fires, and improving the reliability and resilience of the water system. A stable source of electricity supports Kalaupapa's links to the outside world via phone and internet, and will eventually support economic opportunities for beneficiaries. The realignment of power poles will also serve to protect cultural sites. Since most of the employees living and working in Kalaupapa are Native Hawaiians, this project will support the nurturance and sustainment of a beneficiary community on non-homestead lands.

The DHHL 2005 Moloka'i Island Plan evaluates the DHHL holdings on Moloka'i island and identifies land use plans developed to meet beneficiary needs. Island Plans are part of the second tier in DHHL's planning process that focuses on island-specific land use projections. The Moloka'i Island Plan finds that the Kalaupapa-Pālā'au (Apana 3) tract is not suited for homesteading given its remote, relatively inaccessible location and lack of proximity to available infrastructure, as well as being very expensive to maintain,

improve or provide new improvements. The Kalaupapa peninsula is also vulnerable to sea level rise, hurricane and tsunami impacts. Therefore, DHHL will continue to work with interested beneficiaries and the NPS to improve access and provide opportunities for employment, cultural reconnection and commercial enterprises that will directly benefit DHHL beneficiaries.

Based upon the analysis completed in the DEA (Exhibit A), staff anticipates a finding of no significant impact for the Electrical System Rehabilitation and Upgrade project. This determination is based upon analysis of the project in terms of the thirteen criteria of significance that approving agencies must consider as specified in HAR 11-200-12.

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

Discussion: The proposed project is not anticipated to result in the loss or destruction of any natural resources. As discussed in *Chapter 3 Affected Environment and Environmental Consequences*, the proposed action would require limited vegetation clearing. However, most vegetation clearing would be temporary, and the total area of disturbance would not exceed 4 acres. The NPS consulted with the USFWS in accordance with ESA section 7, and the USFWS determined that the proposed project may affect but is not likely to adversely affect federally listed species. Under the proposed action, the NPS would implement appropriate mitigation measures to avoid, minimize, or mitigate potential adverse impacts on natural resources including vegetation, wetlands, and threatened or endangered species. The proposed action would require limited vegetation clearing. However, most vegetation clearing would be temporary, and the total area of disturbance would not exceed 4 acres. The NPS consulted with the USFWS in accordance with ESA section 7, and the USFWS determined that the proposed project may affect but is not likely to adversely affect federally listed species. Under the proposed action, the NPS would implement appropriate mitigation measures to avoid, minimize, or mitigate potential adverse impacts on natural resources including vegetation, wetlands, and threatened or endangered species.

Ground disturbance associated with the proposed action could disturb cultural or historic resources. However, adverse effects could be avoided through archeological monitoring or mitigated through site documentation (Table 2:

CR-1 - CR-4). The project would improve the condition of dark night skies, an important component of the Park's cultural landscape, by replacing existing lighting with dark sky-compliant fixtures (Table 2: CR-5). The portion of the proposed action that would connect the pump house to the Park's electrical distribution system could affect the existing viewshed, another component of the cultural landscape, by introducing new visual elements if options 1 (overhead) or 2 (on-the-ground) are selected. The intensity of impacts would depend on the option selected for this portion of the alignment. These potential effects on the viewshed would not constitute an irrevocable commitment because the line could be removed or buried in the future. With the implementation of the measures listed in Table 2, the proposed action would not irrevocably commit a natural, cultural, or historic resource.

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

Discussion: The proposed project will not curtail the range of beneficial uses of the environment. As noted above, impacts on the natural environment would be minimal, and potential adverse impacts would be avoided, minimized, or mitigated by implementing appropriate measures (Table 2). The project would generally consist of replacing the Park's existing electrical distribution system with similar or in-kind equipment. Upgrading the existing infrastructure would result in numerous benefits, including improving efficiency, bringing the system into compliance with current HECO code standards for future operations, increasing reliability, making the system easier for an outside entity to maintain, and eliminating health and safety concerns. The proposed action would also improve the condition of dark night skies by replacing existing lighting with dark sky-compliant fixtures (Table 2: CR-5).

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

Discussion: The proposed action would not conflict with the state's environmental policies or long-term environmental goals established by law. Potential environmental regulatory compliance and permitting requirements associated with the proposed action are summarized in Table 7.

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

Discussion: Rehabilitation of the electrical distribution system and associated construction activities would not adversely affect the economy of the community or state. Minor but temporary increases in employment from the construction workforce and revenues for the businesses engaged in the construction process are expected. Rehabilitating the electrical distribution system would improve the social welfare of the community because components of the electrical distribution system are at or near the end of their useful service life and failing. Power outages occur frequently within the Park and Kalaupapa Settlement because of deteriorated transformers, worn and frayed transmission lines, and pole and insulator failures. The electrical distribution system has created a variety of health and safety concerns for patient-residents, NPS and HDOH staff, and visitors. The proposed action would not affect the cultural practices of the community or state.

(5) Substantially affects public health;

Discussion: Rehabilitating the electrical distribution system would benefit public health by eliminating health and safety concerns for patient-residents, NPS and HDOH staff, and visitors caused by the existing system, which is at the end its useful service life and failing.

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

Discussion: The proposed action would have no adverse secondary impacts such as population changes or effects on public facilities. Rehabilitating the electrical distribution system would benefit Park facilities and facilities associated with the Kalaupapa Settlement because the upgrades would improve efficiency, comply with current HECO code standards for future operations, increase reliability, make the system easier for an outside entity to maintain, and eliminate health and safety concerns.

(7) Involves a substantial degradation of environmental quality;

Discussion: As documented in the EA analysis, the proposed action does not involve a substantial degradation of

environmental quality. As described above, most of the proposed action would occur in developed or previously disturbed areas and would have minimal impacts on the environment. Potential adverse impacts would be minimized or mitigated by incorporating the measures listed in Table 2.

(8) Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions;

Discussion: According to the impact analysis in the Draft EA, the proposed action would not result in substantial cumulative adverse effects on the environment and would not involve a commitment for larger actions. Any adverse impacts that may result from the proposed action would be minimized by implementing the mitigation measures listed in Table 2.

(9) Substantially affects a rare, threatened or endangered species or its habitat;

Discussion: The proposed action would not have a substantial effect on rare, threatened, or endangered species, or their habitats. The NPS would implement appropriate mitigation measures to avoid, minimize, or mitigate potential adverse impacts to these species and their habitats (table 2: Gen-1 - Gen 6; TES-1 - TES-16; Veg-1 - Veg-2; WL-1 - WL-3; BIS-1 - BIS-4). ESA section 7 consultation was completed in June 2021. The USFWS determined that the proposed project may affect but is not likely to adversely affect federally listed species.

10) Detrimentially affects air or water quality or ambient noise levels;

Discussion: The proposed action would not have a substantial adverse effect on air or water quality or ambient noise levels. The project could result in localized release of fugitive dust during the construction period; however, fugitive dust would dissipate quickly and would not affect air quality over the long term. No ground disturbance would occur within 60 feet of a wetland, stream, or other waterbody. The use of silt fences or other erosion control measures (Table 2: Gen-1 - Gen-4; WL-1 - WL-3) would avoid or minimize the potential for indirect effects on water quality from runoff or sedimentation. Ambient noise levels would increase during the construction period but there would be no long-term changes in ambient noise levels or soundscapes in the Park.

(11) Affects or is likely to suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;

Discussion: The proposed action would not have a substantial adverse effect on environmentally sensitive areas. Due to its location, the Park's electrical distribution system could suffer damage as a result of natural processes or events. However, the proposed upgrades are necessary to provide the Park and the settlement with a reliable electrical distribution system that is readily and easily serviceable and complies with federal regulations. As noted above, the proposed action is needed because the components that make up the electrical distribution system are at or near the end of their useful service life, and rehabilitation is required to support existing facilities and future requirements.

Most of the proposed project area, including much of the existing electrical distribution system that serves the settlement, is within the 100-year floodplain. Rehabilitating the Park's existing electrical distribution system would not result in new impacts to the floodplain or alter its function compared to existing conditions. Portions of the proposed project area are adjacent to the Pacific coastline, including a sandy beach. However, the power line is located along the landward side of the nearest road that parallels the shoreline. No work would occur on beaches. The Park's shoreline has likely experienced erosion over time through natural and potentially anthropogenic processes. In an effort to improve its knowledge base, the NPS is currently completing an assessment of coastal vulnerability as prescribed in its GMP (NPS 2021c). The assessment will include a review of maps of historical shoreline change showing coastal erosion areas. The proposed project would not affect coastal erosion at the Park.

Most of the proposed project area, including much of the existing electrical distribution system that serves the settlement, is within the tsunami hazard zone. The NPS is focusing on protecting human life and safety through warning and evacuation rather than minimizing property damage. The NPS is taking steps to protect the safety of patient-residents, staff, and visitors including posting warning signs, installing a tsunami warning system, and defining an

evacuation route. A complete list of the measures that the NPS is taking to preserve human life in the event of a tsunami is provided in the Park's GMP (NPS 2021c).

(12) Substantially affects scenic vistas and view planes identified in County or State plans or studies;

Discussion: The Park's viewshed is an important component of the cultural landscape. Most of the work associated with the proposed rehabilitation of the electrical distribution system would occur in the Kalaupapa Settlement and would consist of replacing existing infrastructure with similar or in-kind equipment, to the extent feasible, resulting in minimal changes to the existing viewshed. The portion of the proposed action that would connect the pump house to the Park's electrical distribution system could affect the existing viewshed by introducing new visual elements if options 1 (overhead) or 2 (on-the-ground) are selected for this portion of the alignment. The intensity of impacts would depend on the option selected. Overall, the proposed action is not expected to have a substantial adverse effect on scenic vistas and view planes identified in county or state plans or studies.

(13) Requires substantial energy consumption.

Discussion: The proposed action would not require substantial energy consumption or result in substantial greenhouse gas emissions. Rehabilitating the Park's electrical distribution system would not result in an increase of energy consumption. On the contrary, the proposed upgrades would increase the system's efficiency. Construction and transport equipment would result in greenhouse gas emissions during construction; however, the emissions would not be substantial enough to measurably contribute to climate change. The project would reduce greenhouse gas emissions over the long term by connecting the water pump system to the Park's electrical grid, allowing for the removal of the two old diesel generators that currently power the water pump system. One of the old generators would be replaced with a new backup generator. Although the new backup generator would be diesel-powered, it would only be used if the supply of electricity is disrupted and would be operated for limited durations. When the new backup generator is operated, it would produce fewer emissions than the old generators currently in place because of technological advancements in diesel engine efficiency and emissions control systems.

During scoping, several options were proposed that focused on renewable energy sources; however, the purpose of the proposed action is to provide the Park and the settlement with a reliable electrical distribution grid – not to produce electricity. As a result, these alternatives were not carried forward for detailed analysis because they did not meet the purpose and need for action, were not feasible, or had several disadvantages. Although solar, hydroelectric, and wind energy options are not feasible at this time, the NPS remains committed to exploring renewable energy options as part of its continued effort to reduce greenhouse gas emissions and mitigate their effect on climate change as outlined in the Park's Climate Action Plan (NPS 2010a). The proposed project does not preclude adding solar or other renewable energy sources to the Park's electrical system in the future if they become feasible. It also does not preclude sourcing renewable energy from topside Moloka'i for transmission to the Park.

Next Steps

The Draft EA will be published in the Environmental Notice Bulletin on June 8, 2023. The 30-day public comment period will commence on that day and end on July 10, 2023. NPS and DHHL will review comments received during the 30-day comment period and revise the DEA as needed based on public comments. The Final Environmental Assessment is tentatively anticipated to be presented to the HHC at its July 2023 meeting for consideration and approval.

Recommendation

For information only. No action required.

Kalaupapa National Historical Park
Hawai'i

US Department of the Interior
National Park Service



Kalaupapa National Historical Park

Rehabilitate and Upgrade the
Existing Electrical System

ENVIRONMENTAL ASSESSMENT



May 2023

ITEM G-3
EXHIBIT A

SUMMARY

Project Title:	Rehabilitate and Upgrade the Existing Electrical System at Kalaupapa National Historical Park
Type of Document:	Environmental Assessment (EA)
Legal Authority:	Chapter 343, Hawaii Revised Statutes
Location:	Kalaupapa National Historical Park, Kalaupapa, Hawaii 96742-9998
Tax Map Key:	261001001; 261001002
Ownership:	National Park Service, Hawai'i Department of Land and Natural Resources, Hawai'i Department of Transportation, and State Department of Hawaiian Homelands
Proposing/Determining Agency:	National Park Service
Contact:	Nancy Holman, Superintendent Kalaupapa National Historical Park P.O. Box 2222 Kalaupapa, Hawaii 96742-9998 (808) 567-6802 ext. 1100 Nancy_Holman@nps.gov
Alternative Contact:	Linh Anh Cat Division Lead / Ecologist, Natural Resource Management Kalaupapa National Historical Park PO Box 2222 Kalaupapa, Hawaii 96742-9998 (808) 658-0752 Linhanh_Cat@nps.gov
Approving Agency:	State Department of Hawaiian Homelands
Environmental Consultant for EA Preparation:	WSP USA Solutions Inc.
Land Area (approximate):	Park boundaries include 8,720 acres of land and 2,060 acres of submerged and offshore lands. Proposed disturbance would not exceed 4 acres.
Existing Land Use:	Kalaupapa National Historical Park
State Land Use Districts:	Urban, Agricultural, Conservation
County Zoning:	Not Zoned
Special Management Area:	Portions of the proposed project area are within the State Conservation District. However, the majority of the settlement and proposed work areas are not within the district.
Major Approvals that May be Required:	See table 7.

EXECUTIVE SUMMARY

This environmental assessment (EA) to rehabilitate and upgrade the existing electrical system at Kalaupapa National Historical Park (the Park) presents one action alternative and a no-action alternative and assesses the impacts on the natural and human environment that could result from implementation of the proposed action alternative compared to the no-action alternative. This EA has been prepared in accordance with the National Environmental Policy Act (NEPA) and the Hawai'i Environmental Policy Act (HEPA) and provides compliance for project implementation on both federal and state lands.

BACKGROUND

The Park is located on the Kalaupapa Peninsula on the Hawaiian island of Moloka'i. The Park differs from other national park system units in that nearly all the land, marine areas, and improvements within its authorized boundary are not federally owned and are instead managed through cooperative agreements between the National Park Service (NPS) and other parties, and a lease agreement with the State Department of Hawaiian Homelands (DHHL). The State of Hawai'i's departments of Land and Natural Resources (DLNR), Transportation, and DHHL own the land within the Park boundaries.

The current electrical distribution system at the Park was installed in 1969 and is owned by the state's Department of Health (HDOH). Power outages occur frequently within the Park because of deteriorated transformers, worn and frayed transmission lines, and pole and insulator failures. The electrical distribution system has created a variety of health and safety concerns for patient-residents, NPS and HDOH staff, and visitors. Rehabilitating and upgrading the electrical distribution system would improve efficiency, comply with current Hawaiian Electric (HECO) code standards for future operations, increase reliability, make the system easier for an outside entity to maintain, and eliminate health and safety concerns.

The NPS must decide whether or not to rehabilitate and upgrade the failing electrical distribution system at the Park.

PURPOSE AND NEED FOR ACTION

The purpose of the proposed action is to provide the Park and the settlement with a reliable electrical distribution system that is readily and easily serviceable and complies with federal regulations.

The proposed action is needed because the components that make up the electrical distribution system are at or near the end of their useful service life, and rehabilitation is required to support existing facilities and future requirements.

ALTERNATIVES

The Council on Environmental Quality (CEQ) requires federal agencies to explore a range of reasonable alternatives that address the purpose of and need for taking action. The alternatives under consideration must include a "no-action" alternative as prescribed by 40 Code of Federal Regulations (CFR) 1502.14 (CEQ 2022).

The alternatives analyzed in this document, in accordance with NEPA, include a proposed action alternative and a no-action alternative.

The proposed action alternative was developed as a result of internal and public scoping and meets the overall purpose and need for taking action. Alternative elements that were considered but were not technically or economically feasible, did not meet the purpose of and need for the project, or created unnecessary or excessive adverse impacts on Park resources were dismissed from further analysis.

Alternatives analyzed in this EA are briefly described below and presented in greater detail in "Chapter 2: Alternatives."

Alternative 1: No Action

The no-action alternative would not rehabilitate the failing electrical distribution system at the Park or in the settlement. Power outages would continue to occur frequently because of deteriorated transformers, worn and frayed transmission lines, and pole and insulator failures.

Alternative 2: Rehabilitate the Existing Electrical System (Preferred Alternative)

Alternative 2 would rehabilitate the settlement's single and three-phase aboveground electrical distribution system to a looped system and connect the existing water pump house and backup generator locations. Improvements would meet current industry standards and codes, remove safety hazards, improve reliability, make the system easier for an outside entity to maintain, and reduce dependency on the diesel generator for electricity.

ENVIRONMENTAL CONSEQUENCES

Impacts of the alternatives were assessed in accordance with CEQ NEPA (CEQ 2022) and HEPA regulations. Impact topics analyzed in detail in this EA include cultural resources; threatened, endangered, and other special status species; and vegetation. Impacts were evaluated for both the no-action and the action alternative. Cumulative impacts were assessed by combining the impacts of each alternative with other past, present, and reasonably foreseeable future actions.

A summary of the impacts of each alternative is provided below, and a full impact analysis is presented in "Chapter 3: Affected Environment and Environmental Consequences."

Cultural Resources

Under alternative 1, there would be long-term, adverse impacts on cultural resources from ongoing maintenance of the electrical distribution system in archeologically sensitive areas and historic rock walls. Rehabilitation of the existing electrical distribution system under alternative 2 could affect archeological resources during ground-disturbing activities, including removing and replacing utility poles and other related project elements. Adverse effects could be avoided through archeological monitoring or mitigated through site documentation.

Threatened, Endangered, and Other Special Status Species

Under alternative 1, ongoing maintenance of the existing electrical system could temporarily disturb some federally listed species and other special status species in the project area if they are present in the immediate vicinity during maintenance activities. However, because the duration of right-of-way (ROW) maintenance (vegetation management) in any one area would be relatively short, adverse impacts on protected species are unlikely. Rehabilitation of the existing electrical distribution system under alternative 2 could result in temporary disturbances to threatened, endangered, and other special status species during construction and maintenance. Most activities would occur in areas that are currently developed, in areas that have been previously disturbed, or along existing roadways, where potential for adverse impacts is minimal. The implementation of avoidance and mitigation measures would avoid adverse impacts on threatened, endangered, and other special status species.

Vegetation

Under alternative 1, maintenance of the existing electrical system, including ROW maintenance, would result in ongoing periodic disturbances to vegetation. However, plant communities along the line corridor are dominated by nonnative species, limited in diversity, and comprise common species associated with human disturbance. Alternative 2 would result in permanent loss of vegetation where new poles would be installed and along portions of the alignment near the water pump house. Ground disturbance associated with construction and maintenance would result in temporary disturbances to vegetation.

HOW TO COMMENT ON THIS ENVIRONMENTAL ASSESSMENT

This EA is being made available to the public; federal, state, and local agencies; and organizations through press releases distributed to a wide variety of news media, direct mailed, and announced on Park websites. The release of this EA will initiate a 30-day public review and comment period.

Copies of the document may be obtained from <http://parkplanning.nps.gov> (PEPC) or Kalaupapa National Historical Park:

Internet: <http://parkplanning.nps.gov/KALA> (PEPC Project Number 88896)

Mail:

Kalaupapa National Historical Park
Attn: Superintendent
290 Beretania Street Box 2222
Kalaupapa, HI 96742-9998

Note to Reviewers: Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. Although you can ask the NPS in your comment to withhold your personal identifying information from public review, the NPS cannot guarantee that it will be able to do so.

Responses to substantive comments on the EA will be addressed in the proposed Finding of No Significant Impact (FONSI) or will be used to prepare an environmental impact statement (if warranted). Note: For more information about specific agency and staff consultation, see “Chapter 4: Consultation and Coordination.”

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APPENDIXES

- Appendix A: Public Scoping Comment Summary Report
- Appendix B: Consulting Parties Early Consultation Packet
- Appendix C: Parcel Boundaries and Ownership

CHAPTER 1: PURPOSE OF AND NEED FOR ACTION

INTRODUCTION

Kalaupapa National Historical Park (the Park) is located on the Kalaupapa Peninsula on the Hawaiian island of Moloka'i. The peninsula is a low, flat, and triangular-shaped landform that projects from the island approximately 3 miles north into the Pacific Ocean. The Park differs from other national park system units in that nearly all the land, marine areas, and improvements within its authorized boundary are not federally owned and are instead managed through cooperative agreements between the National Park Service (NPS) and other parties, and a lease agreement with the State Department of Hawaiian Homelands (DHHL). The State of Hawai'i's Department of Land and Natural Resources (DLNR), the Hawai'i Department of Transportation, and DHHL own the land with the Park boundaries.

The current electrical distribution system at the Park was installed in 1969 and is owned by the state's Department of Health (HDOH). Power outages occur frequently within the Park because of deteriorated transformers, worn and frayed transmission lines, and pole and insulator failures (figure 1). The electrical distribution system has created a variety of health and safety concerns for patient-residents, NPS and HDOH staff, and visitors. Rehabilitating and upgrading the electrical distribution system would improve efficiency, comply with current Hawaiian Electric (HECO) code standards for future operations, increase reliability, make the system easier for an outside entity to maintain, and remove health and safety concerns. This environmental assessment (EA) has been prepared in accordance with the National Environmental Policy Act (NEPA) and the Hawai'i Environmental Policy Act (HEPA) and provides compliance for project implementation on both federal and state lands.

PURPOSE OF AND NEED FOR ACTION

The purpose of the proposed action is to provide the Park and the settlement with a reliable electrical distribution system that is readily and easily serviceable and complies with federal regulations.

The proposed action is needed because the condition of the electrical distribution system is substandard, inadequate, and potentially dangerous. The existing components that make up the electrical distribution system are at or near the end of their useful service life, and rehabilitation is required to support existing facilities and future requirements. Additionally, the water system that serves the Park relies on electrical power from old diesel generators. The proposed action is needed to ensure a reliable power source for the water system.



SOURCE: MK Engineers 2015

FIGURE 1. AN AGING ELECTRICAL TRANSFORMER ON MCKINLEY STREET AT THE PARK

PROJECT AREA

The project area is geographically situated along the west side of the Kalaupapa Peninsula. The project area is located within the Park, primarily within the existing settlement. However, portions of the project area extend north to the Moloka'i Light Station and east along Damien Road to an existing water pump station approximately 1.5 miles from the settlement. Figure 2 shows the project area location.

Kalaupapa National Historical Park

Hawai'i

National Park Service
US Department of the Interior



FIGURE 2. PROJECT AREA

CHAPTER 2: ALTERNATIVES

INTRODUCTION

This chapter describes alternatives for providing the Park and the settlement with a reliable electrical distribution system that is readily and easily serviceable and consistent with the purpose and need for action. The EA analyzes the no-action alternative and one action alternative. This chapter also lists mitigation measures that would be adopted under the action alternative. Several other alternatives were identified during internal scoping and civic engagement that did not meet the purpose and need for action, were not feasible, or would result in too great of an environmental impact. Therefore, these alternatives were dismissed from detailed analysis. Alternatives considered but dismissed are discussed at the end of this chapter.

ALTERNATIVE 1: NO ACTION

The no-action alternative would not rehabilitate the failing electrical distribution system at the Park or in the settlement. Power outages would continue to occur frequently because of deteriorated transformers, worn and frayed transmission lines, and pole and insulator failures. Health and safety concerns for patient-residents, NPS and HDOH staff, and visitors would continue because the components of the electrical distribution system are at or near the end of their useful service life and failing.

ALTERNATIVE 2: REHABILITATE THE EXISTING ELECTRICAL SYSTEM (PREFERRED ALTERNATIVE)

This alternative would rehabilitate the settlement's single and three-phase aboveground electrical distribution system to a looped system and connect the existing water pump house and backup generator locations (figures 3 and 4). Improvements would meet current industry standards and codes, remove safety hazards, improve reliability, make the system easier for an outside entity to maintain, and reduce dependency on the diesel generator for electricity. Within the existing electrical distribution system alignment and settlement area, this alternative would:

- Replace 110 power poles.
- Replace 56 existing pole-mounted light fixtures with dark sky-compliant lighting.
- Upgrade 13 poles from single phase to three phases.
- Upgrade insulators and attachment hardware for all poles.
- Replace and upgrade 39,000 linear feet of aboveground cable as needed.
- Replace 2 pad-mounted and 23 pole-mounted transformers.
- Install a new alignment of 20 poles along Kamehameha Street to reduce potential impacts on cultural resources and documented archeological sites and facilitate access for pole maintenance.

The construction period is expected to occur over approximately one year (334 days) and is anticipated to start in August 2025 and continue for several construction seasons. However, given the logistical challenges associated with transporting materials and equipment to the project area via barge as well as potential supply chain issues, unexpected delays are possible. Therefore, construction could take longer than one year to complete.

Disturbance would be limited to a 10-foot-wide maximum clearance on each side of the electrical line (for a maximum width of 20-feet). The total width of the right-of-way (ROW) may be less than 20 feet along some portions of the route to avoid sensitive areas or resources. Most of the project area (approximately 75%) would follow existing electrical line corridors and would not require any new

clearing. New clearing for ROW would be limited to the portion of the project extending from the settlement, east along Damien Road to the water pump station (figure 2). The area of new clearing needed to accommodate the new line connecting the water pump station to the existing electrical grid would be a maximum of approximately 4 acres. The actual amount of clearing required would depend on the selected configuration option for this portion of the project (table 1), the amount of overlap with existing road and utility ROWs, and other elements of the final project design. Please note that the project area as depicted in figure 2 has been enlarged for enhanced visibility and is not to scale. The width of the linear corridor shown on figure 2 is approximately 25 feet wide; however, the actual ROW would have a maximum width of 20 feet.

The existing water pump house generator and auxiliary equipment are old, in poor condition, and have reached the end of their service life. Additionally, the old generators are diesel-powered and create carbon emissions. To connect the water pump house and backup generator locations to the rehabilitated electrical distribution system, alternative 2 would also:

- Remove the existing two generators that currently reside within the existing Generator Building and replace with a single new generator. Install the new power supply equipment and outlet to a new backup generator.
- Install two new poles with cross arms, insulators, and hardware in existing pole locations near the east end of the settlement.

The NPS is considering three options (table 1) for the portion of the alignment that would connect the water pump house and backup generator to the rehabilitated electrical distribution system (figures 5 and 6). Specific details and design features associated with selected option would be developed during final design. Each option is fully evaluated for environmental impacts in this EA, and a final decision will be addressed in the proposed Finding of No Significant Impact (FONSI) or will be used to prepare an environmental impact statement (if warranted).

TABLE 1. OVERVIEW OF OPTIONS FOR THE WATER PUMP HOUSE

	Option 1	Option 2	Option 3
Configuration	Overhead cable	On-the-ground conduit	Underground cable
Description	The electrical line would consist of a traditional pole-mounted overhead cable alignment.	The electrical cable would be placed in a conduit that would be aboveground but would not be mounted on poles.	The electrical cable would be placed in a conduit and buried.
Overview of Disturbance Required	Disturbance would be limited to a 10-foot-wide maximum clearance on each side of the electrical line (for a maximum width of 20-feet). Vegetation clearing including tree removal or limb cutting could be required to accommodate and maintain an appropriate clearance around the overhead cable alignment. The total amount of vegetation clearing would not exceed 4 acres. Ground disturbance would occur at structure bases.	Disturbance would be up to the same amount as under option 1, but tree removal or limb cutting may not be required because the forest canopy would be less likely to interfere with the cable if it is placed in an on-the-ground conduit compared to an overhead alignment. Limited ground disturbances may be necessary to secure the conduit to the ground.	Ground disturbance would be greater than under options 1 and 2 because trenching would be required to bury the cable. Once constructed, option 3 would require the least amount of maintenance, including vegetation management. Under option 3, much of the new segment would be located adjacent to existing roads or an existing water pipeline, minimizing ground disturbance in previously undisturbed areas and the need for additional access routes or ROW maintenance following construction.

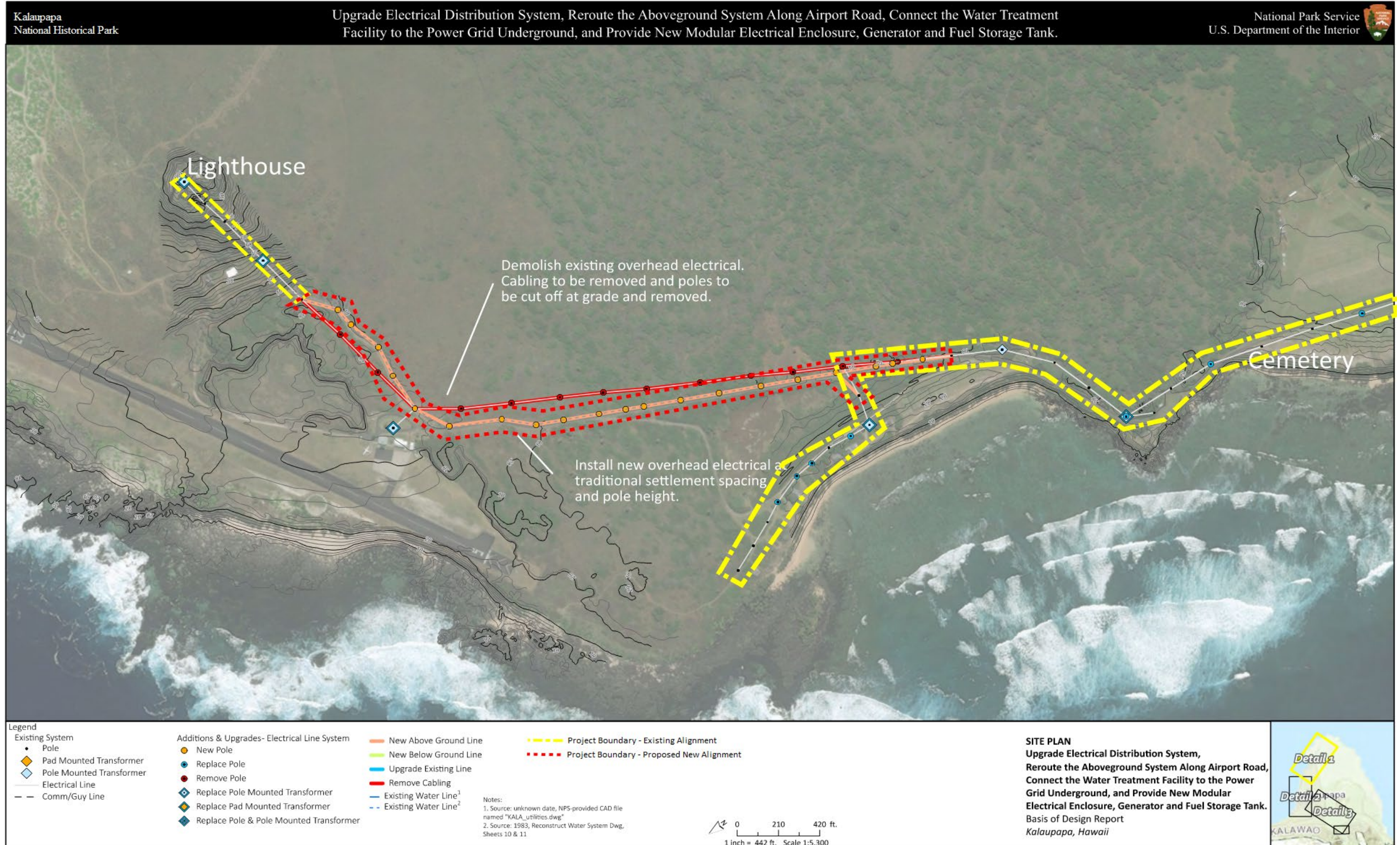


FIGURE 3. ALTERNATIVE 2 ALIGNMENT FROM LIGHTHOUSE TO CEMETERY

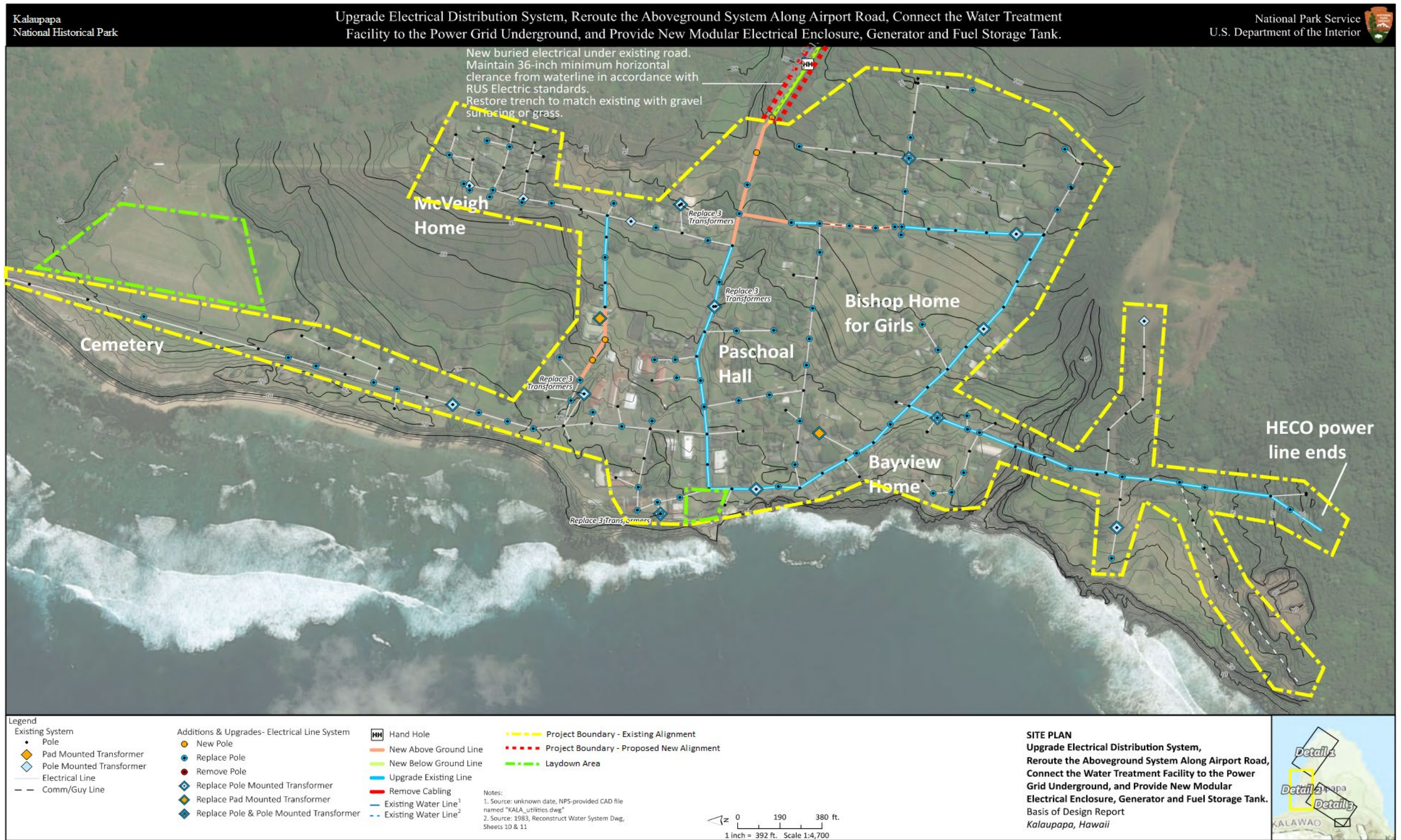


FIGURE 4. ALTERNATIVE 2 ALIGNMENT WITHIN THE SETTLEMENT

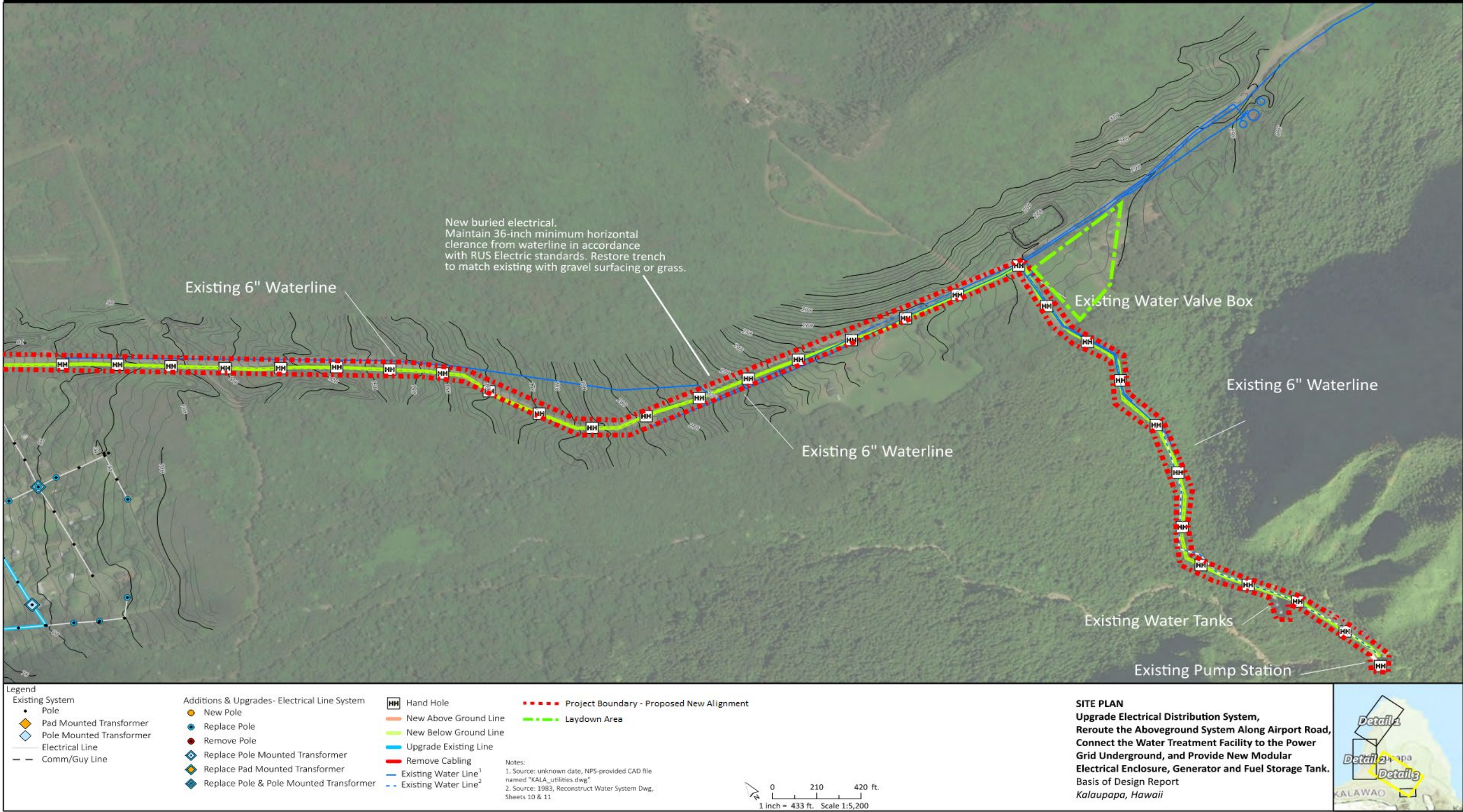


FIGURE 5. ALTERNATIVE 2 ALIGNMENT TO EXISTING WATER PUMP STATION

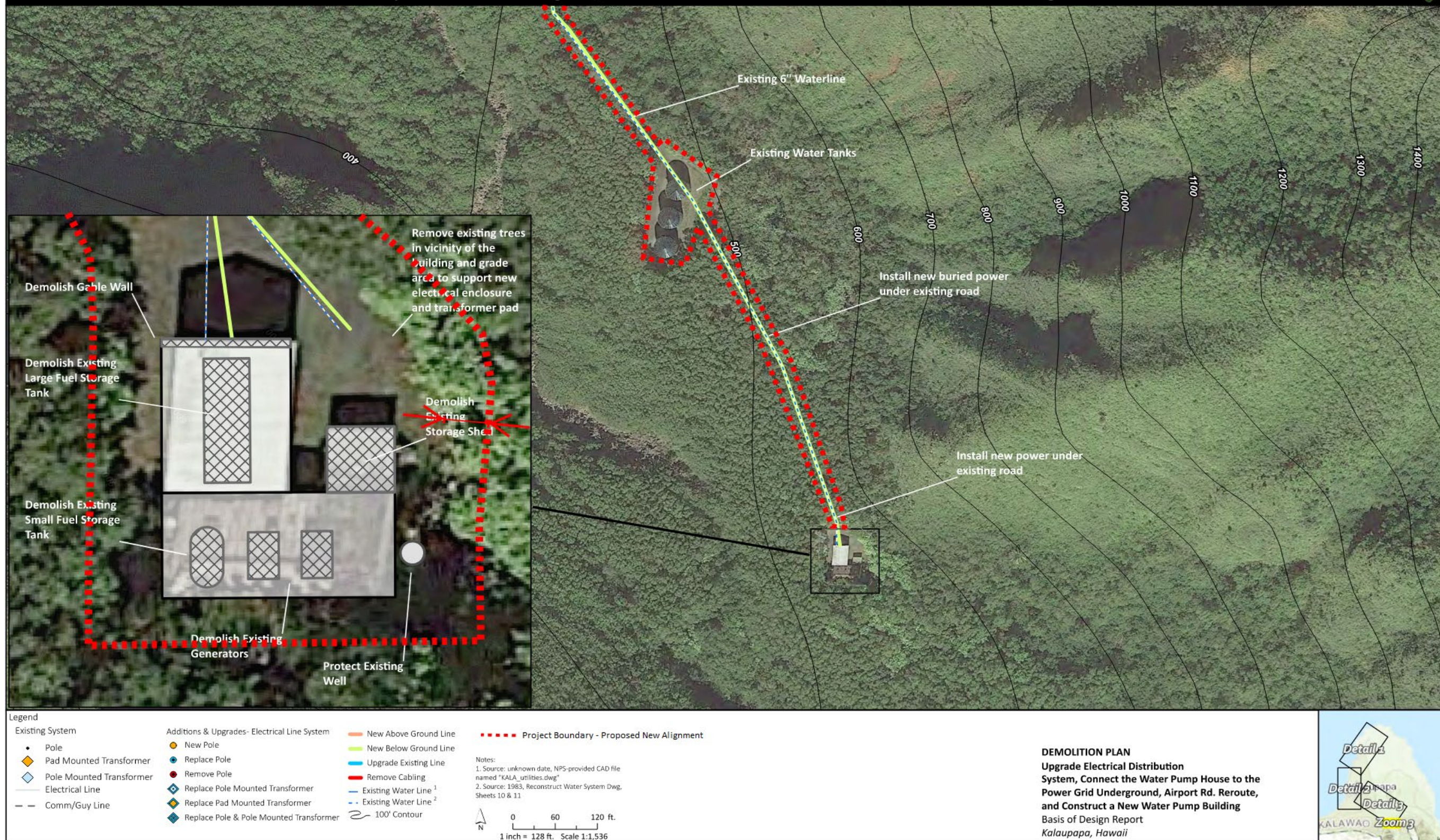


FIGURE 6. ALTERNATIVE 2 WATER PUMP HOUSE GENERATOR AND AUXILIARY EQUIPMENT DEMOLITION (OPTION 3 SHOWN)

MITIGATION MEASURES

Under its Organic Act, the NPS has the authority to develop and direct mitigation for impacts on resources under its jurisdiction. This is in addition to the requirements that may be created through the need to comply with laws and regulations managing resource impacts that are overseen by other agencies. To meet these obligations, the NPS has developed Management Policies and Director's Orders that identify the authorities (laws, regulations, and executive orders) directing how impacts and mitigation to resources will be managed and identifying the policies and procedures by which the NPS will comply with these authorities. A full listing of the NPS policies is available from the NPS Office of Policy website at: <https://npspolicy.nps.gov/index.cfm>.

Mitigation measures that would be implemented under alternative 2 are shown in table 2.

TABLE 2. MITIGATION MEASURES

#	Mitigation Measure	Authority	Responsibility
General			
Gen-1	Clearly state resource protection measures in the construction specifications and instruct workers to avoid conducting activities outside the project area. Limit disturbances to roadsides and other areas inside the project area.	NPS	Design/Build (DB) Contractor
Gen-2	Hold a preconstruction meeting to inform contractors about NPS sensitive areas, including natural and cultural resources.	NPS	DB Contractor
Gen-3	Delineate construction zones outside existing disturbed areas with flagging and confine surface disturbance to the construction zone.	NPS	DB Contractor
Gen-4	Site staging and storage areas for construction vehicles, equipment, materials, and soils; and wash rack for cleaning vehicles and equipment, in previously disturbed or paved areas approved by the NPS. These areas would be outside visitor use areas and clearly identified in advance of construction.	NPS	DB Contractor
Gen-5	Require contractors to properly maintain construction equipment to minimize noise and do not allow construction vehicle engines to idle for extended periods.	NPS	DB Contractor
Gen-6	Remove tools, equipment, barricades, signs, and surplus materials from the project area upon completion of the project.	NPS	DB Contractor
Cultural Resources			
CR-1	In accordance with the recommendations of the September 2021 Intensive Archeological Survey report for the project (Walker and Filimoehala 2021), complete 3.28-foot by 3.28-foot (1 meter by 1 meter) controlled excavation units at the four locations where traditional Hawaiian archeological deposits were identified to document and characterize the deposits. Archeological surveys were previously conducted in 2018 and 2019 (Chambers and Athens 2020; Chambers and Pacheco 2020).	NPS	NPS
CR-2	Prior to the start of construction, develop an archeological monitoring plan to identify monitoring locations and describe procedures and methods to ensure resources are avoided, or in some cases recorded, prior to unavoidable impacts.	NPS	NPS
CR-3	Conduct archeological monitoring during construction in accordance with the approved archeological monitoring plan. Prepare an archeological monitoring report in accordance with Hawai'i State Historic Preservation Division Administrative Rule 13-279.	NPS	NPS

#	Mitigation Measure	Authority	Responsibility
CR-4	Implement measures during construction such as the use of plywood or other ground cover to protect the subsurface from heavy machinery.	NPS	DB Contractor
CR-5	Replace existing lighting with dark sky-compliant fixtures and use dark sky-compliant fixtures for new lighting.	NPS	NPS
Threatened, Endangered, and Other Special Status Species			
TES-1	Do not disturb, remove, or trim woody plants greater than 15 feet tall during the bat-birthing and pup-rearing season (June 1 through September 15).	USFWS	DB Contractor
TES-2	Do not use barbed wire fencing.	USFWS	DB Contractor
TES-3	Do not approach, feed, or disturb the Hawaiian goose.	USFWS	DB Contractor
TES-4	If the Hawaiian goose is observed loafing or foraging within the project area during the breeding season (September through April), engage a biologist familiar with Hawaiian goose nesting behavior to survey for nests in and around the project area prior to the resumption of work. Repeat surveys after subsequent delays of work of three or more days (during which the birds may attempt to nest).	USFWS	NPS
TES-5	Cease work immediately and contact the USFWS for further guidance if a nest is discovered within a radius of 150 feet of the proposed project, or a previously undiscovered nest is found within the 150-foot radius after work begins.	USFWS	NPS
TES-6	In areas where the Hawaiian goose is known to be present, post and implement reduced speed limits and inform project personnel and contractors about the presence of endangered species on-site.	USFWS	NPS
TES-7	Do not conduct project work directly in aquatic environments.	USFWS	DB Contractor
TES-8	In areas where waterbirds are known to be present, post and implement reduced speed limits and inform project personnel and contractors about the presence of endangered species on-site.	USFWS	NPS

#	Mitigation Measure	Authority	Responsibility
TES-9	<p>Engage a biological monitor familiar with the species' biology to conduct Hawaiian waterbird nest surveys where appropriate habitat occurs within the vicinity of the project area prior to project initiation. Repeat surveys again within three days of project initiation and after subsequent delays of work of three or more days (during which the birds may attempt to nest). If a nest or active brood is found:</p> <ul style="list-style-type: none"> • Contact the USFWS within 48 hours for further guidance. • Establish and maintain a 100-foot buffer around active nests and broods until the chicks/ducklings have fledged. Do not conduct potentially disruptive activities or habitat alteration within this buffer. • Have a biological monitor familiar with the species' biology present on-site during construction or earth-moving activities until the chicks/ducklings fledge to ensure that Hawaiian waterbirds and nests are not adversely affected. 	USFWS	NPS
TES-10	Do not stockpile project construction-related materials (e.g., fill, revetment rock, pipe) in or near aquatic habitats; implement erosion control measures (e.g., protect with filter fabric) to prevent materials from being carried into waters by wind, rain, or high surf.	USFWS	DB Contractor
TES-11	Fuel project-related vehicles and equipment away from aquatic environments and develop a contingency plan to control petroleum products accidentally spilled during the project, especially when being unloaded from the barge. Retain the plan on-site with the person responsible for plan compliance. Store absorbent pads and containment booms on-site to facilitate the clean-up of accidental petroleum releases.	USFWS	DB Contractor
TES-12	Protect deliberately exposed soil or under-layer materials used in the project near water from erosion and stabilize as soon as possible with geotextile, filter fabric, or native or noninvasive vegetation matting or hydro-seeding.	USFWS	DB Contractor
TES-13	Use only downward-facing and shielded lighting for lighting used during construction or installed as part of the project to prevent it from being visible from above.	USFWS	DB Contractor
TES-14	Do not conduct project work during the night.	USFWS	DB Contractor
TES-15	If Blackburn's sphinx moth or its host plants are identified in the project area before or during project construction, contact the USFWS for guidance on mitigation measures to be implemented.	USFWS	NPS
TES-16	Prohibit tree tobacco from entering the project area to avoid attracting Blackburn's sphinx moth.	USFWS	NPS

#	Mitigation Measure	Authority	Responsibility
Vegetation			
Veg-1	Develop a detailed revegetation and rehabilitation plan for enhancing areas disturbed by the project. The primary objective of the plan would be to reestablish a self-sustaining native plant community and ensure soil stability. Where applicable, grade disturbed areas to natural contours; replace stockpiled topsoil; and mulch, replant, or reseed with native plants. Regularly monitor planted areas to determine whether remedial actions such as erosion control, invasive, nonnative plant species control, or replacement plantings are necessary.	NPS	NPS
Veg-2	Monitor reclaimed areas annually for five years after construction to determine whether reclamation and revegetation efforts were successful.	NPS	DB Contractor
Wetlands			
WL-1	Avoid siting staging areas in immediate proximity to wetlands and streams.	NPS	DB Contractor
WL-2	Use silt fences or other erosion control measures during construction to minimize the potential for sedimentation or water quality degradation in wetlands and streams.	NPS	DB Contractor
WL-3	Conduct project work in compliance with NPS Director's Order 77-1: <i>Wetland Protection</i> (NPS 2016a).	NPS	DB Contractor
Biosecurity and Invasive Species			
BIS-1	Thoroughly pressure wash vehicles, equipment, and machinery such that they are visibly free of dirt, mud, plant debris, and invasive pests at an NPS-approved location prior to entering the Park.	NPS	DB Contractor
BIS-2	Sanitize cutting tools including handsaws, machetes, chainsaws, and loppers to remove visible dirt, contaminants, and potential pathogens prior to entry into the Park.	NPS	DB Contractor
BIS-3	Before entering the Park, visually inspect and clean personal protective equipment, including boots, clothes, hard hats, harnesses, belts, and equipment for dirt, mud, seeds, plant debris, and insects.	NPS	DB Contractor
BIS-4	At their discretion, NPS personnel from the Park would perform inspections of vehicles, equipment, machinery, cutting tools, base yards, staging areas, materials, material packaging, material deliveries, material storage, and personal protective equipment to confirm that they are visibly free of dirt, mud, plant debris, and invasive pests.	NPS	NPS

ALTERNATIVES CONSIDERED AND NOT CARRIED FORWARD

Alternatives were identified during internal, agency, and public scoping. During scoping, several options were proposed that focused on renewable energy sources; however, the purpose of the proposed action is to provide the Park and the settlement with a reliable electrical distribution grid—not to produce electricity. As a result, these alternatives were not carried forward for detailed analysis because they did not meet the purpose and need for action, were not feasible, or had several disadvantages.

Adding Photovoltaic Arrays, Hydroelectric, or Wind Energy to the Electrical System

Solar availability within the Park is limited by the pali (i.e., cliffs) that shade the peninsula much of the day and reduce the quantity of electricity generated. Additionally, the water pump house is in a deep valley that limits the amount of available sunlight, making a photovoltaic array option not feasible. Use of the land at the top of the pali was deemed not feasible because the land is privately owned, and additional leasing agreements with the landowners would be required. Furthermore, installing infrastructure from the topside and down the pali could affect sensitive resources and change the existing viewshed (MK Engineers 2015).

Hydroelectric sources were also deemed not feasible because the stream on which the water pump house is located is ephemeral (intermittent). Wind energy sources were deemed not feasible because the water pump house is in a deep valley with less wind than elsewhere on the peninsula (NPS 2017a).

Although solar, hydroelectric, and wind energy options are not feasible at this time, the NPS remains committed to exploring renewable energy options as part of its continued effort to reduce greenhouse gas emissions and mitigate their effect on climate change as outlined in the Park's Climate Action Plan (NPS 2010a). The proposed project does not preclude adding solar or other renewable energy sources to the Park's electrical system in the future if they become feasible. It also does not preclude sourcing renewable energy from topside Moloka'i for transmission to the Park.

CHAPTER 3: AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

INTRODUCTION

This chapter describes the affected environment and analyzes the potential environmental impacts of the alternatives described in “Chapter 2: Alternatives” for the resources described below. The affected environment describes existing conditions for those elements of the natural and human environment that would be affected by the implementation of the alternatives considered in this EA. Impacts on each of these topics are then analyzed in the “Environmental Consequences” section for each alternative. The comparative analysis of impacts includes “changes to the human environment from the proposed action or alternatives that are reasonably foreseeable and have a reasonably close causal relationship to the proposed action or alternatives, including those effects that occur at the same time and place as the proposed action or alternatives and may include effects that are later in time or farther removed in distance from the proposed action or alternatives” (40 Code of Federal Regulations [CFR] 1508.1; CEQ 2022). This EA has been prepared in accordance with NEPA and HEPA and provides compliance for project implementation on both federal and state lands.

ISSUES AND IMPACT TOPICS

The NPS identified a range of issues and impact topics to evaluate in this EA. Impact topics are resources or values analyzed for each of the alternatives and are discussed because issues have been identified. During internal, agency, and public scoping, NPS staff identified potential issues that could result from implementation of the proposed alternatives. The NPS *NEPA Handbook* (NPS 2015a) provides specific guidance for determining whether to retain issues for detailed analysis. Issues should be retained for consideration and discussed in detail if:

- the environmental impacts associated with the issue are central to the proposal or of critical importance;
- a detailed analysis of environmental impacts related to the issue is necessary to make a reasoned choice between alternatives;
- the environmental impacts associated with the issue are a big point of contention among the public or other agencies; or
- there are potentially significant impacts to resources associated with the issue.

Issues carried forward for detailed analysis fall under the following impact topics:

- cultural resources
- threatened, endangered, and other special status species; and
- vegetation.

These impact topics are briefly discussed below under “Impact Topics Retained for Further Study.”

Several issues were also dismissed from detailed analysis. Impact topics were dismissed from detailed analysis if they:

- they do not exist in the project area;
- they would not be affected by the alternatives or impacts are not reasonably expected;
- they would experience impacts that, through applied mitigation measures, would be minimal; or
- there is little controversy on the subject or few reasons to otherwise include the topic.

Issues and impact topics dismissed from detailed analysis, including dismissal rationale, are described below under “Impact Topics Dismissed from Detailed Analysis.”

Impact Topics Retained for Further Study

Cultural Resources

The Park’s cultural resources are important not only because of the large number of resources found across the peninsula, but also because of their diversity. The replacement of existing power poles and overhead cable, or the option to place cables underground may disturb existing cultural resources. Furthermore, dark night skies are an important cultural component of the Park’s landscape and replaced lighting could affect this component. This impact topic is carried forward for detailed analysis because the project could affect existing cultural resources. Archeological surveys have been conducted in the project area (Chambers and Athens 2020; Chambers and Pacheco 2020; Walker and Filimoeihala 2021), and construction would largely be restricted to previously disturbed areas, where feasible.

The Kalaupapa Leprosy Settlement is a National Historic Landmark (NHL) District that encompasses the entire Kalaupapa Peninsula with a variety of contributing resources. The Kalaupapa electrical system is a single contributing resource to the Kalaupapa Leprosy Settlement NHL and includes 232 wood poles supporting both primary and secondary lines (NPS 2021a, 2021b). Rehabilitation of the electrical system, including replacement of electrical poles, would affect this contributing resource.

The Kalaupapa Settlement is eligible for the National Register of Historic Places (National Register) as a cultural landscape associated with Hansen’s disease (leprosy) treatment, pali trails, and an extensive water system.

Threatened, Endangered, and Other Special Status Species

Consultation with the US Fish and Wildlife Service (USFWS) in accordance with section 7(a)(c) of the Endangered Species Act (ESA) (16 United States Code 1531 et seq.) was completed in June 2021. Twelve federally listed species were identified as having the potential to occur in or near the project area. Vegetation clearing (if necessary) and other disturbances during project construction and maintenance could affect these species. However, most of the actions associated with this electrical utility replacement project would occur in areas that are currently developed, in areas that have been previously disturbed, or along existing roadways. The USFWS determined that implementation of its recommended avoidance and mitigation measures (table 2: TES-1 – TES-16) would render potential impacts on federally listed species insignificant (meaning that effects are undetectable) and/or discountable (meaning that impacts are “extremely unlikely to occur”). The USFWS concurred with the Park’s determination that the proposed project may affect but is not likely to adversely affect the following federally listed species: Hawaiian hoary bat; Hawaiian goose; Hawaiian seabirds, including the Hawaiian petrel, Newell’s shearwater, and the Hawai’i distinct population segment (DPS) of the band-rumped storm-petrel; Hawaiian waterbirds, including the Hawaiian stilt and the Hawaiian coot; sea turtles, including the Central North Pacific DPS of the green sea turtle and the hawksbill sea turtle; Blackburn’s sphinx moth; and Hawaiian damselflies, including the Pacific Hawaiian damselfly and the orangeblack Hawaiian damselfly. This topic is carried forward for detailed analysis because potential changes to the proposed project design since the June 2021 consultation with the USFWS, such as the various options for the portion of the alignment along the pump house road, could require re-initiation of consultation.

Vegetation

The montane wet forest, coastal salt spray/strand vegetation, and remnant dryland forest are outstanding elements that form the Park’s terrestrial ecosystem. The project area contains more than a dozen unique plant communities. The project could introduce nonnative invasive plants during construction, and rehabilitation of the existing electrical distribution system could result in permanent and temporary impacts on vegetation from removal. However, the development of a detailed revegetation and rehabilitation plan for enhancing areas disturbed by the project and implementation of

appropriate impact avoidance and mitigation measures, as described in (table 2: Veg-1 – Veg-2) would mitigate potential impacts. This impact topic is carried forward for detailed analysis because of the potential for nonnative invasive vegetation introduction and vegetation clearing within the project area.

Impact Topics Dismissed from Detailed Analysis

Air Quality

The project could result in greenhouse gas emissions during construction activities; however, the emissions would not be substantial enough to contribute to climate change. The project could also result in localized release of fugitive dust during the construction period; however, fugitive dust would dissipate quickly and would not affect air quality over the long term. Currently the Park's water pump system is powered by two old diesel generators. The project would connect the water pump system to the Park's electrical grid allowing for the removal of the two old generators, which would reduce the Park's overall dependency on fossil-fueled equipment and reduce greenhouse gas emissions over the long term. One of the old generators would be replaced with a new backup generator. Although the new backup generator would be diesel-powered, it would only be used if the supply of electricity is disrupted and would be operated for limited durations. When the new backup generator is operated, it would produce fewer emissions than the old generators currently in place because of technological advancements in diesel engine efficiency and emissions control systems. No other impacts on air quality are expected. Therefore, the topic was dismissed from further analysis.

Dark Night Skies

The presence of dark night skies maintains the Park's sense of place, historic setting, and feeling of isolation (NPS 2017b). As discussed under the "Cultural Resources" impact topic above, dark night skies are an important cultural component of the Park's landscape and replaced lighting could affect this feature. Impacts related to dark skies and the cultural landscape are discussed under that impact topic. In addition, no project-related construction activities would occur at night, and the Park would replace 56 existing pole-mounted light fixtures with dark sky-compliant fixtures, which would minimize blue light emissions and be no brighter than necessary for safety. The project would also ensure the design specifications for lighting and fixtures would improve the condition of dark night skies in the Park. Therefore, the topic was dismissed from further analysis as a stand-alone topic.

Socioeconomics

Rehabilitation of the electrical distribution system and associated construction activities would not adversely affect the local economy. Minor increases in employment from the construction workforce and revenues for the businesses engaged in the construction process are expected. Any increase in workforce and revenue, however, would be temporary, lasting only as long as construction. Because the impact on the socioeconomic environment would be minimal, this topic was dismissed from further analysis.

Soil Resources

Most of the soil in the Park consists of very rocky silty clay loam, rock land, very stony silty clay loam, and stony colluvial land (NPS 2010b). Although replacing power poles, installing underground cables, and removing the existing diesel generator could adversely affect these soils, the impacts are anticipated to be minimal because electrical infrastructure would be largely replaced within the existing alignment. Therefore, this topic was dismissed from further analysis.

Soundscape

Similar to the presence of dark night skies, the general ambient quiet of the Park provides a sense of place, historic setting, and feeling of isolation. During construction, anthropogenic noise would likely increase because of construction activities, equipment, vehicular traffic, and field crews. The duration of noise impacts would be limited to the construction period. No long-term effect on visitors, employees,

patient-residents, or natural soundscape conditions are anticipated. Therefore, this topic was dismissed from further analysis.

Visitor Use and Experience

Visitor enjoyment of Park resources and values is part of the fundamental purpose of all parks. The Park's mission is to provide a well-maintained community that ensures the present patient-residents of the Kalaupapa Settlement may live out their lives peacefully and comfortably. In keeping with this mission, visitor access to the Park is allowed by permit only, and access is strictly limited to registered guests of Kalaupapa residents, employees, or patients; commercially guided tourists; and NPS volunteers. Additionally, persons under 16 years of age are not permitted to visit the Park. Therefore, annual visitation at the Park is low compared to most national park units. From 2012 to 2021, annual visitation at the Park averaged approximately 62,500 visitors per year (NPS 2022). This number is slightly skewed by abnormally low rates of visitation during 2020 and 2021 because of Park closures during the COVID-19 pandemic. Visitation from 2012 to 2019 ranged from approximately 59,000 to 101,000 visitors per year, while visitation in 2020 and 2021 was approximately 16,000 and 25,000 visitors, respectively (NPS 2022). The project would not affect annual visitation at the Park. Construction activities could temporarily diminish visitor experience due to noise and visual disturbance. However, similar disturbances occur frequently under the current scenario because the frequent need for repairs to the electrical system. The current electrical distribution system is outdated, inadequate, and potentially dangerous. The project would improve visitor safety, reduce the potential for power outages, and reduce the frequency of repairs, which would improve visitor use and experience over the long term. Therefore, the topic was dismissed from further analysis.

Wetlands

Field surveys were conducted in 2019 and 2020 identified two wetlands and one ephemeral stream within or near the boundaries of the project area (Burr and Guinther 2020). The proposed project would not include work in the wetlands, and the line would not span the wetlands. The nearest pole would be approximately 60 feet from a wetland boundary. Similarly, no work would occur in the streambed, and the poles nearest to the streambanks would not be replaced. The potential for impacts on wetlands would be minimal and limited to indirect impacts such as runoff or sedimentation during construction. The use of silt fences or other erosion control measures (table 2: Gen-1 – Gen-4; WL-1 – WL-3) would avoid or further minimize potential impacts on wetlands. The project would not affect the Park's ability to manage its wetland resources in accordance with NPS Director's Order 77-1 to meet or maintain the desired conditions outlined in its general management plan (GMP) (NPS 2021c). Therefore, the topic was dismissed from further analysis.

Wildlife and Wildlife Habitat

The NPS strives to maintain all components and processes of naturally evolving park unit ecosystems, including the natural abundance, diversity, and ecological integrity of native animal populations. Increased noise levels during the construction phase of this project could temporarily increase localized disturbances to wildlife. While the project could result in minimal, temporary impacts, it would not affect the viability of any species or alter population dynamics. Therefore, the topic was dismissed from further analysis.

GENERAL METHODOLOGY FOR ESTABLISHING AND ASSESSING IMPACTS

In accordance with Council on Environmental Quality (CEQ) NEPA regulations, direct, indirect, and cumulative impacts are described for each alternative (40 CFR 1502.16) (CEQ 2022). The impact analysis in this EA has also been prepared in accordance with HEPA. According to Hawai'i Administrative Rules (HAR) Chapter 11-200.1, Environmental Impact Statement Rules:

- (a) In considering the significance of potential environmental effects, agencies shall consider the sum of effects on the quality of the environment, and shall evaluate the overall and cumulative effects of an action. (b) In determining whether an action may

have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action.

HEPA significance criteria are evaluated at the end of this chapter. Where appropriate, avoidance mitigation measures for adverse impacts (table 2), are also described and incorporated into the evaluation of impacts.

The potential impacts of the alternatives are described in terms of type, as follows:

- **Direct:** Impacts that would occur as a result of the proposed action at the same time and place of implementation (40 CFR 1508.1) (CEQ 2022).
- **Indirect:** Impacts that would occur as a result of the proposed action but later in time or farther in distance from the action (40 CFR 1508.1) (CEQ 2022).
- **Beneficial:** A positive change in the condition or appearance of the resource or a change that moves the resource toward a desired condition.
- **Adverse:** A change that declines, degrades, and/or moves the resource away from a desired condition or detracts from its appearance or condition.

The assumptions for the analysis of impacts under the alternatives are described below:

- The project would implement the mitigation measures described table 2.
- **Ground disturbance is defined as:**
 - *Structure bases* – 1 square foot per structure (assuming direct embedded monopoles); 23 new poles.
 - *Temporary work areas* – An approximate 40-foot by 60-foot (0.06 acres) work area at each tower location to accommodate the crane pad and other tower erection activities.
 - *Laydown areas* (three total) – One located at the western edge of the settlement, one located across from the cemetery, and one located along Damien Road near the water pump house, as shown in figures 4 and 5, above.
 - *Pulling and tensioning sites* – Sites with an area of about 100 feet wide by 300 feet long, or about 0.75 acres, every 2 to 3 miles along the line route.
 - *Underground cable* – Disturbance would be limited to the width of the trench, plus 1 foot on either side of the trench, including trenches within roadways. For a 5-kilovolt system, the minimum disturbance is 3.5 feet wide:
 - Two 5-inch conduits
 - 30-inch concrete encasement
 - 2-inch separation between conduits
 - 12 inches either side
 - *Overhead cable and on-the-ground conduit* – Disturbance would be limited to a 20-foot maximum total width of the ROW, depending on the size of the contractor's equipment. This amounts to 10 feet of maximum clearance on each side of the electrical line.
 - *Access routes* – Access routes would have an average width of 10 feet on either side of the ROW; existing access routes would be used to the extent possible, and sites adjacent to roads or existing utility ROW may not require additional access routes.

▪ **ROW maintenance would include:**

- Clearing of shrubs, if necessary, would be limited to portions of the ROW along the new section of cable that would run from the east end of the settlement, along Damien Road and to the water pump house. The maximum area to be cleared would be approximately 4 acres.
- Ongoing ROW maintenance would continue, so there would be no new impacts associated with maintenance of the replaced infrastructure along the existing route.
- ROW maintenance would continue to be conducted on an annual basis.
- ROW maintenance along new sections of the proposed line would consist of periodic mowing or cutting to prevent forest regrowth. Clearing or trimming of trees or shrubs greater than 15 feet tall would continue to be conducted outside the bat-birthing and pup-rearing season (June 1 through September 15).
- Maintenance areas for transformers (single phase and 3-phase) would be 8 feet wide in front; 2 feet, 6 inches on the sides; and 2 feet in the back. Measurements are taken from the edge of the pad. For switchgears, measurements are taken from the edge of the equipment and would be 8 feet in front and back, and 3 feet on the sides.

The CEQ NEPA regulations require identifying past, present, or reasonably foreseeable future actions that would affect the resources evaluated in this EA to assess cumulative impacts (effects) at and around the Park. A cumulative impact is defined as “effects on the environment that result from the incremental effects of the action when added to other past, present, or reasonably foreseeable actions regardless of what agency (federal or non-federal) or person undertakes such other actions” (40 CFR 1508.1) (CEQ 2022). Cumulative impacts are determined for each impact topic by combining the impacts of the alternative being analyzed and other past, present, and reasonably foreseeable actions that would result in beneficial or adverse impacts. Because some of these actions are in the early planning stages, the evaluation of the cumulative impact is based on a general description of the project. These actions were identified through the internal project scoping process and are summarized below. Past, present, and reasonably foreseeable future actions that could result in cumulative impacts are described below. Because the no-action alternative would not contribute any new impacts, no cumulative impacts would be associated with it.

Past, present, and reasonably foreseeable actions include:

- **Kalaupapa Water Treatment Facility Repairs** – The NPS replaced the groundwater well pumps, drop pipe, and pump power cable at the Kalaupapa Water Treatment Facility. The NPS also repaired and/or replaced the water system controls and appurtenances at the facility. Repairs were completed 2022.
- **Water Tank Replacement** – The NPS plans to replace one 160,000-gallon glass-fused steel drinking water storage tank. The newly installed tank would be selected to match existing tank, which was installed in 2015. Work would include replacing the shell sheets and roofs; installing new bolts, bolt caps, water level indicators, lightning arrest system, cathodic protection, and necessary sealants; and disinfecting the new tank. The old tank would be disposed of “off island.” This project is anticipated to be completed in 2023.
- **Pavement Preservation on Paved Settlement Roads** – The NPS plans to implement a pavement preservation project for the Park’s paved road network throughout the Kalaupapa Settlement and community. Pavement preservation would be performed on roughly 5.5 miles of primary and secondary roads and paved parking lot locations. This project is anticipated to be completed in 2023.

- Resurfacing and Stabilization of Damien Road – The NPS plans to resurface and stabilize about a 0.5-mile portion of Damien Road between the emergency evacuation site and the interpreted heiau (Hawaiian temple). Work would include routine blading and adding gravel as needed. Gravel would be transported to the work site via barge and truck and added in accordance with Hawai'i Department of Transportation specifications. Road improvements are scheduled to begin in 2022 and are anticipated to be complete by the end of 2024.
- Rehabilitate Perimeter Fences to Protect Unique Park Ecosystems – The NPS plans to rehabilitate approximately 9 miles of perimeter exclusionary fencing, the primary tool to protect native ecosystems and watersheds from damage by large numbers of invasive nonnative animals. The long-term integrity of these biocultural resources is ensured by having effective perimeter fencing for ungulate and predator exclusion, which directly influences the experience of each visitor. Work includes replacing and upgrading fence segments, prioritized by most urgent potential to fail. Construction is anticipated to begin in 2023.
- Construct New Fuel Storage and Dispensing System – This project would construct a new fuel storage and dispensing system to meet the fuel needs for the entire Kalaupapa Settlement. The work would include the installation of five 5,000 gallon modular, aboveground, double-walled fuel storage tanks to be located outside the tsunami zone. The site was selected to minimize impacts to cultural and natural resources. Construction is anticipated to begin in fall 2024.

CULTURAL RESOURCES

Cultural resources include a variety of resource types such as archeological resources, ethnographic resources, and structures. As a management strategy, the NPS also includes cultural landscapes and museum objects in its categories of cultural resources. Cultural resources can be grouped in broader districts or landscapes that have significant associations with prehistory or history. Under the National Historic Preservation Act (NHPA), cultural resources include districts, sites, buildings, structures, and objects, and their significance is assessed by their eligibility for inclusion on the National Register. To be eligible, resources must possess integrity and meet at least one of four criteria. The resource:

- A) is associated with events that have made a significant contribution to the broad patterns of our history; or
- B) is associated with the lives of persons significant in our past; or
- C) embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D) has yielded, or may be likely to yield, information important in prehistory or history.

Integrity is the ability of the resource to convey its significance by retaining several or most of its aspects of location, design, setting, materials, workmanship, feeling, and association.

The area of potential effects (APE) for this project was defined for the archeological inventory survey as an area including 30 meters (100 feet) on either side of existing and proposed electrical lines and 20 meters (65 feet) around pad-mounted project elements such as generators and transformers. The anticipated disturbance area within the APE is assumed to be a 10-foot-wide maximum clearance on each side of the electrical line with a maximum width of 20 feet.

Affected Environment

Culture History

The precise timing and nature of the settlement of Hawai'i is unknown. The most convincingly supported theory suggests that Polynesians first arrived in the islands around AD 1000 to 1200. Initial settlements focused on sheltered bays and coastal resources of the windward sides of the islands, but by

AD 1400, inland settlements and increasing dependence on agricultural products began to link the inland areas more closely to coastal-based local ahupua`a (i.e., subdivision of land) systems. Historical documentation and ethnographies of Moloka`i's traditional history are not as well recorded as those for the main islands of O`ahu, Maui, and Hawai`i, though the genealogies of the first ali`i nui (i.e., ruler) of Moloka`i, the Kamauaua and Kanealai lineages, extend from the 19th century back to the 13th century. These genealogies, themselves largely referenced in the histories of neighboring islands, reveal significant intermarriage between the ali`i of O`ahu, Maui, and Hawai`i with the Moloka`i chiefs. By the 19th century, Kalaupapa was renowned for its agricultural production, specifically for sweet potatoes.

Kalaupapa Peninsula lies within the Ko`olau traditional district, or moku, which encompasses the central windward portion of Moloka`i Island. The Ko`olau moku includes three ahupua`a, land divisions that extend from the highlands to the shore. The majority of the project area is located in Kalaupapa Ahupua`a, and includes a portion of Makanalua Ahupua`a. The Hawaiian system of land tenure was supplanted by the Western system of fee-simple ownership in the mid-19th century in an event known as the Great Mahele. Land Commission Awards were granted for approved land claims, which became known as kuleana lands and included de facto title to the lands by Royal Patent. Kalaupapa Ahupua`a was granted to Kaunuohua, a chief and female descendant of several high-ranking chiefs. Makanalua Ahupua`a was granted to the Kamehameha family, whose ancestor gained control of Moloka`i in 1795 (Chambers and Pacheco 2020).

Kalaupapa Leprosy Settlement was formed from Makanalua Ahupua`a, which was deeded to the Hawaiian government in the mid-19th century. In 1865, the Hawaiian government relocated residents of Kalaupapa Peninsula, and the settlement was established. The natural setting served to isolate the settlement, which received its first settlers in 1866. Family members and friends accompanied the early settlers, aiding in the construction of shelters and daily tasks. Initially, supplies, funding, and other basic facilities were in short supply. During the 1870s and 1880s, the arrival of religious leaders, including Father Damien, and a growing awareness of hardships faced by the isolated settlers led to attempts at reform and improvements. Despite growing evidence about the limited communicability of the disease, strict segregation of settlers was enforced and even increased as the US government increased control on the Hawaiian Island in the early 20th century. However, changes in leadership at Kalaupapa beginning in 1902 resulted in the transformation of the settlement to one of the world's foremost institutions for Hansen's disease, including new medical, housing, and recreational facilities. Further modernization efforts in the 1930s included a power plant, power distribution, a water system with fire hydrants, and streetlights. Telephone lines and an airfield were also added during this period. A 35-foot tsunami severely affected the settlement and surrounding area in 1946. The same year saw the introduction of successful medicinal treatment for Hansen's disease through sulfone drugs, after which new arrivals decreased sharply. In response to budgetary constraints, medical treatment developments, and slowly improving public attitudes, the policy of isolation of Hansen's disease patients was ended in 1969 (Chambers and Pacheco 2020; NPS 2021a).

Kalaupapa Leprosy Settlement was designated as an NHL in 1976 and is listed on the National Register. The NHL is significant for its architecture, social history, religious history and historic figures, and archeology. The landmark includes the entirety of the historic settlement and nearly all the extant buildings, structures, grave markers, sites, and other aspects of the built environment (NPS 2021a).

Archeological Resources

Modern archeological investigations within the project area and its vicinity include an extensive archeological survey of the southern portion of the peninsula in the 1980s that documented a landscape of nearly continuous archeological features. Archeological investigations in the vicinity of the local airport and the historic Kalaupapa Settlement documented residential, agricultural, and religious sites as well as burial monuments (Chambers and Pacheco 2020).

The original NHL nomination of the Kalaupapa District considered the whole peninsula a single multicomponent archeological site with features dating from 800 years before present through the

modern Hansen's disease settlement period. The updated NHL nomination notes that the whole peninsula can be considered an archeological site that contributes to the significance of the district. Much of the site has not been systematically surveyed, and it is noted that many resources are likely extant but not yet identified that would be contributing elements to the broader site (NPS 2021a).

In 2018 and 2019, two archeological surveys were conducted for the electrical distribution system at the Park (Chambers and Athens 2020; Chambers and Pacheco 2020). The first survey included a pedestrian survey and detailed feature documentation within a 75-acre project area (Chambers and Pacheco 2020). The second project involved a limited survey around the 4-acre pump house complex (Chambers and Athens 2020). No subsurface testing was conducted during either survey.

Eighty-four archeological sites were documented during the initial phase of fieldwork in October 2018. For the second phase of fieldwork in April 2019, the NPS requested that the 39 previously recorded archeological sites be re-documented (Chambers and Pacheco 2020). Chambers and Pacheco recommend archeological monitoring during the proposed project.

The April 2019 fieldwork by International Archaeology was intended to re-document 39 previously recorded archeological sites. Archeologists found that, of the 39 sites, 4 had been destroyed and 11 could not be relocated. As a result, Chambers and Pacheco (2020) documented 84 new archeological sites and re-documented 24 previously recorded archeological sites. Eighty-two of the newly identified sites are located within the historic Kalaupapa Settlement and represent post-Contact historic activities. In addition, Chambers and Pacheco (2020) documented a stone platform (IAK-70) and a traditional Hawaiian agricultural complex (Site IAK-80), both of which are located outside the historic Kalaupapa Settlement. Chambers and Pacheco (2020) conclude that the cultural resources documented during the 2018–2019 effort form part of a “nearly continuous distribution of agricultural infrastructure, residences, and religious structures spread across the peninsula outside of Kalaupapa Settlement.” The 24 previously recorded archeological sites re-documented by Chambers and Pacheco (2020) include pre-contact agricultural sites, habitation sites, ceremonial sites, and burial sites. Historic boundary and habitation sites were also re-documented.

In September 2019, Chambers and Athens (2020) conducted an archeological survey around the pump house complex for a proposed utility line extension (i.e., Pump House Road survey). They recorded 26 previously undocumented sites. Chambers and Athens (2020) report that approximately 70% of the 4-acre project area was surveyed. Archeological fieldwork included pedestrian survey and detailed feature documentation. In addition, the NPS slated four previously documented sites for re-documentation. One site was re-documented in May 2019, and three sites could not be relocated.

The September 2019 archeological investigation could not be completed due to field conditions and a limited fieldwork schedule, and site evaluations for National Register eligibility were not made (Chambers and Pacheco 2020). Chambers and Athens (2020) recommend that the archeological fieldwork and site re-documentation be completed for the Pump House Road survey. They also highlight outstanding questions regarding site boundaries and definitions, stating that Hawai'i Statewide Inventory of Historic Places site number designations and National Register eligibility assessments cannot be completed without agreement on these questions. Further recommendations include subsurface testing (Chambers and Athens 2020).

In accordance with the recommendations of the 2019 survey report, an Intensive Archeological Survey was conducted that included subsurface testing (Walker and Filimoehala 2021). A total of 12.8 acres were surveyed, and seven previously unrecorded sites were documented. Of the 200 shovel test pits, traditional Hawaiian archeological deposits were recorded in 4. The distribution of cultural deposits along coastal environments is consistent with traditional settlement patterns. Walker and Filimoehala recommend that 1-meter by 1-meter controlled excavation units be completed to document and characterize the deposits at each of the four locations where shovel test pit excavations identified traditional Hawaiian deposits. They also recommend that, given the ubiquity of extant archeology on the peninsula, ground-disturbing project work be monitored by an archeologist. Recommendations from the

2021 Intensive Archeological Survey report have been incorporated into the list of proposed impact avoidance and mitigation measures that would be implemented under alternative 2 (table 2: CR-1 – CR-4).

Trends affecting archeological resources include an increase in archeological site documentation, weather events, and the spread of invasive vegetation. Recent archeological investigations within the project area and its vicinity have identified over 80 previously undocumented archeological sites (Chambers and Pacheco 2020). Newly documented archeological sites require any combination of management, National Register evaluation, and protection. Weather events may damage or destroy archeological remains, and invasive vegetation may obscure the ground surface, landscape features, and structural remains, thus preventing archeological documentation. Chambers and Athens (2020) report that archeological investigation for a proposed utility line extension was partially curtailed by dense vegetation. More information on invasive vegetation is presented below under “Vegetation.”

Ethnographic Resources

Dark night skies have been identified as an important ethnographic resource. In their Cultural Landscape Report for the Kalaupapa and Kalawao Settlements, Wiss, Janney, Elstner Associates, Inc. (2020) describe dark night skies as an important natural quality of the peninsula. Dark night skies are an essential part of the sense of place, feeling of isolation, and historic setting of Kalaupapa National Historic Park. Dark skies are included in the Park’s Planning and Data Needs Management Plan. The unique natural setting of the Kalaupapa and Kalawao Settlements, which includes dark night skies, possesses cultural value that has been documented historically and ethnographically among residents of the peninsula (Wiss, Janney, Elstner Associates, Inc. 2020).

The restoration and preservation of culturally significant natural dark settings are important to the national park experience (NPS 2018). The NPS identifies light pollution as a major threat to naturally dark environments in national parks. Light pollution is a negative trend, and sources include outdoor electrical lighting, aircraft, vehicles, and satellites. When human-made light overpowers natural sources of light, such as moonlight, starlight, galactic light, zodiacal light, and airglow, the natural lightscape is degraded. Resource inventories provide crucial data regarding the quality of and impacts on existing lightscapes (NPS 2016b). The 2020 treatment plan for the cultural landscape of the Kalaupapa and Kalawao Settlements specifically recommends dark sky-compliant lighting for public paths and select parking areas (Wiss, Janney, Elstner Associates, Inc. 2020). The Park’s current management direction and strategies, as identified in its 2021 GMP, are designed to meet the desired condition of protecting natural darkness and other components of the Park’s natural lightscape (NPS 2021c).

Cultural Landscapes

In 2011 and 2012, the NPS developed a Cultural Landscapes Inventory (CLI) for the Kalaupapa and Kalawao Settlements (CLI Identification No. 975012) and the Moloka’i Light Station (CLI Identification No. 975016) at the Park (NPS 2011a, 2012). The 2011 National Register documentation for the cultural landscape of the Kalaupapa and Kalawao Settlements notes that previous documentation was inadequate because the 1975 Kalaupapa Leprosy Settlement NHL nomination did not identify the contributing and noncontributing features of the landscape. The 2011 inventory states that cultural landscape of the Kalaupapa and Kalawao Settlements is considered a single landscape. The single cultural landscape does not include smaller component landscapes because the County of Kalawao is identical to the existing NHL district and the legal settlement boundary. Contributing landscape elements identified in the Kalaupapa and Kalawao Settlements CLI include buildings, structures, natural systems and features, and land use. Important characteristics of these elements include circulation, clustered arrangement, spatial organization, and vegetation. The inventory describes the condition of the Kalaupapa and Kalawao Settlements as poor. In particular, the Kalawao Settlement has deteriorated as a result of lack of use and deferred maintenance since the early 20th century. Nonnative invasive plants and rapid overgrowth obscure large areas of cultural resources (NPS 2011a).

The Kalaupapa and Kalawao Settlements include historic areas associated with the historic Hansen's disease settlements, two pali trails, and a water system that date to the defined settlements' period of significance from 1869 to 1969 (NPS 2011a). The Kalaupapa and Kalawao Settlements on Moloka'i are significant under Criterion A at a national level due to historic and notable changes during the period of significance to the prevailing national social attitudes, health policies, and treatment paradigms for patients with Hansen's disease. The settlements are significant under Criterion B on both national and state levels for their association with notable historic figures, including Father Damien (Joseph De Veuster), Mother Marianne Cope, and Brother Joseph Dutton, among others. The Kalaupapa Settlement is largely intact and therefore significant at a state level under Criterion C. The Kalaupapa and Kalawao Settlements historic district is highly likely to yield information important to the both the prehistory and history of the landscape and therefore significant under Criterion D (NPS 2011a).

In 2012, the NPS developed a CLI for the Moloka'i Light Station. No adjacent lands contribute to the Moloka'i Light Station (NPS 2012). The Moloka'i Light Station is located approximately 0.5 miles from the tip of Kalaupapa Peninsula on the northern coast of Moloka'i. It is situated at the highest point on the peninsula at Kahiu Point and consists of a white-painted, 138-foot-tall lighthouse with associated buildings and structures (22.88 acres). The period of significance for the Moloka'i Light Station is defined as 1908 to 1955 (NPS 2012).

The Moloka'i Light Station is significant at the state level under Criterion A due to its association with the maritime history, commerce, transportation, and social history of the Kalaupapa Peninsula. It is also significant under Criterion C as an example of maritime architecture and historic changes to light house design in the 20th century (NPS 2012). Contributing landscape elements identified as part of the Moloka'i Light Station CLI include buildings, structures, archeological sites, natural systems and features, and land use. Important characteristics of these elements include circulation, spatial organization, and vegetation. In addition to the lighthouse, associated structures include ancillary buildings, residences, circulation features, an allée, and wind rows. The 2012 inventory identifies the Moloka'i Light Station as a component landscape of the parent Park landscape. The Kalaupapa and Kalawao Settlements are described as an associated landscape within the Park (NPS 2011a).

Trends to consider with respect to the cultural landscapes within the project area include shifts in the nature and uses of the landscapes. Deterioration of historic structures and encroachment of invasive vegetation have had a negative effect on the cultural landscapes. Preservation concerns revolve around active use of the landscape that supports connections to the history of the area. Measures may include preservation maintenance of historic structures, reestablishment of native species, removal or mitigation of invasive vegetation, and consultation with Native Hawaiian groups and the Hawai'i State Historic Preservation Division (SHPD).

Structures

Contributing resources to the NHL district include 234 buildings, 67 sites, 48 structures, and 10 objects (NPS 2021a). Contributing resources include four primary building types: residential, community/administration, religious, and industrial/maintenance. The oldest building known to pre-date the settlement is Old Stone Church, built 1835. Other 19th-century structures exhibit stylistic elements of Hawaiian vernacular building, although these have been modified over time. Many buildings, and most of the cottage residences, date to the early 20th century improvements at the settlement and are built in the Hawaiian plantation style featuring single-story wood construction with low hipped roofs, overhanging eaves, and open porches, or lanai (NPS 2021a).

Structures in the NHL include walls, fences, and gates built of dry stacked stone, separate functional areas, and demarcated lots. Circulation features are listed as contributing structures to the landmark, including the roads and historic pali trails (i.e., the foot paths that wind up the sheer cliffs that separate the Kalaupapa Peninsula from topside Moloka'i).

Historic utilities systems including remnants of the historic water distribution system and much of the Kalaupapa electrical distribution system are listed as contributing structures to the landmark (NPS

2021a). The Kalaupapa electrical system, which is still in use, was included as a single contributing resource in the 2021 NHL nomination (NPS 2021a) based on a 2018 eligibility determination (Mason Architects Inc. 2018).

The electric system represents the modernization of the Kalaupapa Settlement dating to the early 20th century. The power poles were sometimes used to support both electric and telephone lines. Furthermore, the poles were used by Hansen's disease patients with poor eyesight to navigate the area (Wiss, Janney, Elstner Associates, Inc. 2020). By 1932, the entire settlement was energized by a network of electrical lines. The settlement was linked to the Moloka'i Electric Company grid in 1933. Major rehabilitation of the electric grid took place in the 1960s, including the replacement of 36 poles, the installation of 4 additional poles, and the reconstruction of 56 poles. Wires, transformers, street lighting, and other hardware elements were also replaced (NPS 2021a). Changes to the electric system after the end of the period of significance for the Kalaupapa Settlement in 1969 have been minimal (NPS 2021a).

The electrical system consists of wooden poles, crossbars, wiring, and related components. Several character-defining features of the electrical system have been identified, including brown ceramic insulators, pole height and interval, crossbars up to 8 feet long, and fuse cutouts. The system includes 232 wood poles supporting both primary and secondary lines (NPS 2021a, 2021b).

Deterioration of the electrical system is a trend that has had increasingly negative effects on the structure. Weather events and invasive vegetation have the potential to negatively affect all structures within the NHL. Weather events may damage or destroy structures, and invasive vegetation may obscure structures and structural remains, preventing maintenance and/or rehabilitation. Management responses to severe weather events and invasive vegetation could affect structures within the NHL through construction, vegetation clearing, and ground-disturbing activities.

Environmental Consequences

Alternative 1: No Action

Existing conditions would persist under the no-action alternative. There would be ongoing long-term, adverse impacts on cultural resources from maintaining components of the electrical distribution system in archeologically sensitive areas and near historic rock walls. Adverse effects would include vegetation clearing, construction activities, and ground disturbance and would likely occur when individual components of the electrical distribution system fail.

The Kalaupapa electrical system is a single contributing resource to the Kalaupapa Leprosy Settlement NHL, consisting of 232 wood poles supporting both primary and secondary lines (NPS 2021a, 2021b). Existing conditions would continue to adversely affect the Kalaupapa electrical system. Adverse impacts include deterioration of the electrical system components.

Alternative 2: Rehabilitate the Existing Electrical System

The project area is inside the Kalaupapa Leprosy Settlement NHL, and many aspects of the built environment are considered contributing structures, objects, and archeological sites and therefore portions of a National Register-eligible resource. Contributing structures to the NHL include the Kalaupapa electrical system itself. Rehabilitation and maintenance of the electrical system under alternative 2 would have direct impacts on the electrical system that could be both adverse and beneficial.

Under alternative 2, ground-disturbing activities, including removing and replacing utility poles, (the option of) installing a new segment of cable to connect the water pump house to the backup generator, and other related project elements could affect archeological resources. Adverse impacts on archeological resources would be minimized or mitigated by the implementation of appropriate mitigation measures (table 2: CR-1 – CR-4).

Archeology. The archeological inventory surveys (Chambers and Athens 2020; Chambers and Pacheco 2020; Walker and Filimoehala 2021) identified 98 sites within the project area for the proposed

upgrade of the electrical distribution line. Construction activities that include ground-disturbing activities, including the replacement of existing poles and options to connect the pump station along the pump house road, could affect the ground surface or aboveground elements of these sites. The three options for the portion of the project that would connect the water pump house to the upgraded electrical system (table 1) would have both permanent and temporary impacts on archeological resources. Construction of option 3 could affect archeological resources through disturbance from the cable trench and vegetation clearing. Ground disturbance from the cable trench would constitute a permanent impact on archeological resources, while vegetation clearing would have a temporary impact on archeological resources. Option 2 would have the least impacts on archeological resources because there would be limited ground disturbance. Ground disturbance to the sites would be a permanent impact. Under option 1, ground disturbance during construction, including installation of new poles to support the new overhead cable, would permanently affect archeological resources. Additionally, underground elements of the identified sites could be permanently affected by new or replaced pole placements for the rest of the project area where these upgrades would occur. Chambers and Pacheco (2020) and Walker and Filimoehala (2021) note that the proposed upgrade work could affect archeological sites within project area depending on the proximity of the work to a site.

Given the ubiquitous presence of archeological resources throughout the project area, Chambers and Pacheco (2020) recommend archeological monitoring to avoid adverse effects on these resources (table 2: CR-3). In some cases, mitigation may be required for sites that would be unavoidably impacted, such as where existing poles are located within or adjacent to archeological features. Mitigation would also be required for ground disturbance along the pump house road if options 1 or 3 were selected.

Walker and Filimoehala (2021) further recommend controlled excavation units at four locations, where traditional Hawaiian archeological deposits have been identified to document and characterize the deposits (table 2: CR-1), which would further minimize and avoid impacts to the extent possible. The four locations are located within the existing electrical line ROW and would likely be impacted by the project (Walker and Filimoehala 2021). Archeological monitoring of ground-disturbing activities during project execution is also recommended (Walker and Filimoehala 2021) (table 2: CR-3). Furthermore, alternative 2 would move a section of the electrical distribution system near the airport closer to the road and away from sensitive resources, which would help utility maintenance crews avoid adverse impacts on archeologically sensitive areas and historic rock walls.

Ethnographic, Cultural Landscapes and Structures. Because much of the project involves the rehabilitation of existing electrical distribution system components, impacts on ethnographic resources such as the dark night skies; cultural landscapes; and structures such as buildings, circulation and transportation networks are not likely to occur along the existing alignment. The project would move segments of the existing electrical system and replace system components, including poles, with modern equipment. This would adversely affect the cultural landscape because the original electrical system, which is a contributing resource to the NHL, would be altered. Appropriate measures to mitigate this adverse impact would be identified during NHPA section 106 consultation. Replacing existing pole-mounted light fixtures with dark sky-friendly lighting (table 2: CR-5) would improve dark night skies because it would provide greater protection of night skies than the existing lighting, and overall would provide a long-term benefit to night skies (ethnography).

The new segment along the pump house road that would connect the water pump house and backup generator to the rehabilitated electrical distribution system could result in permanent and temporary, direct, adverse impacts on cultural landscapes. Potential impacts would vary depending on the selected option and specific elements of the final design (table 1). Construction of option 3 (underground cable) would have no impacts on cultural landscapes because there would be no added visual elements. Option 2 (on-the-ground) would have little visual impact but slightly more than option 1. Option 1 (overhead) would have visual impacts on the cultural landscape by the introduction of a new overhead electrical line that would be visible to a greater portion of the historic district than the aboveground conduit in option 2. These impacts on the cultural landscape would likely be adverse.

Cumulative Impacts

Past, present, and reasonably foreseeable actions described above as part of the “General Methodology for Establishing and Assessing Impacts,” section are not expected to adversely affect the Park’s cultural resources. The Park manages its cultural resources to meet the desired conditions identified in its 2021 GMP (NPS 2021c) and in accordance with NPS’s *Cultural Resource Management Guideline* (NPS 1998). Alternative 2 would result in both beneficial and adverse impacts to cultural resources, as described above. The implementation of appropriate mitigation measures would minimize or mitigate adverse impacts (table 2: Gen-1 – Gen-4; CR-1 – CR-5). Additional mitigation measures would be identified during NHPA section 106 consultation. Overall, the cumulative impact on cultural resources would be neither beneficial nor adverse because the Park would maintain its desired conditions for cultural resources. Alternative 2 would not contribute a noticeable increment to the overall cumulative impact because any potential adverse impacts would be appropriately mitigated.

THREATENED, ENDANGERED, AND OTHER SPECIAL STATUS SPECIES

Affected Environment

Threatened, endangered, and other special status species include federally listed species that are protected under the ESA, as well as species that are protected under other federal or state laws. Terrestrial habitats on the Kalaupapa Peninsula have been altered by previous development and historic land uses that have resulted in an overall decrease in native vegetation cover (Fung and SWCA 2010, Green et al. 2014). These changes are described in greater detail below in the section on “Vegetation.” Invasive animals including ungulates, rodents, mongoose, feral cats, frogs, geckos, and numerous insects have been introduced through past anthropogenic activities and have established populations in the Park and surrounding areas. Invasive species have affected native wildlife populations (including protected species) and community structure through predation, competition, and habitat alternation (Fung and SWCA 2010). The Park’s 2021 GMP identified reducing nonnative wildlife species within the Park and improving native habitat for birds and other native wildlife as a management priority (NPS 2021c).

Climate change also poses an ongoing threat the protected species and other wildlife populations. The Earth’s climate has been warming for approximately the last one and half centuries (IPCC 2022). The average temperature on the planet has increased by slightly more than 1 degree Celsius during that time and is predicted to rise by at least 1.5 degrees Celsius compared to pre-industrial conditions by the end of the century (IPCC 2022). Increased temperatures, changes in precipitation patterns, sea level rise, and other changes in natural processes associated with global climate change are affecting species populations and distributions globally (Van der Putten et al. 2010, Bellard et al. 2012, Gallardo and Aldridge 2013). Protected species are among the highest risk because their populations are generally already in decline as a result of various past or ongoing stressors.

The ongoing trend in increased stressors on species populations resulting from habitat alteration, the spread of invasive species, and global climate change will continue to affect threatened, endangered, and other special status species at the Park. The Park’s current management direction and strategies to maintain its desired conditions for ecosystem communities and processes, as described in its 2021 GMP, aim to protect and sustain the Park’s threatened, endangered, and other special status species populations (NPS 2021c).

Federally Listed Species

The Park consulted with the USFWS in accordance with section 7 of the ESA. Consultation was completed on June 7, 2021. During consultation, the USFWS identified 12 federally listed species that could occur in or near the project area. The project area does not contain federally designated critical habitat. A brief description of the 12 species and their potential occurrence in the project area is provided below.

- **Hawaiian hoary bat or 'ōpe'ape'a (*Lasiurus cinereus semotus*)** – The Hawaiian hoary bat is the only terrestrial mammal native to the Hawaiian Islands and was federally listed as endangered on October 13, 1970 (35 *Federal Register* 16047). Hawaiian hoary bats roost in both exotic and native woody vegetation, generally in trees and shrubs 15 feet or taller, across all Hawaiian Islands. Breeding has not yet been documented on the island of Moloka'i, but usually occurs between September and December on Hawai'i and Kaua'i (DLNR 2015a). Pup season occurs between June 1 and September 15. Hawaiian hoary bats forage in a variety of habitats, including native and nonnative forests and shrublands, along roads and trails, and over streams and areas of open water, including the ocean. The species is also attracted to insects that congregate near lights (USFWS 1998).

An acoustic study conducted by Fraser, Parker-Geisman, and Parish (2007) indicated that Hawaiian hoary bats were rarely heard on the Kalaupapa Peninsula, probably due to year-round heavy winds, but were incidentally observed and reportedly active during the spring at the top of the Kalaupapa trail at an elevation of 1,700 feet (NPS 2015b). More recent monitoring found Hawaiian hoary bats throughout the Park, most commonly along roadways, at lower elevations along the cliff's edge, and less commonly in coastal windswept sites or at cooler mesic higher elevations (Poland and Hosten 2018, as cited in NPS 2021c).

- **Hawaiian goose or nēnē (*Branta sandvicensis*)** – The Hawaiian goose may be observed in a variety of habitats but prefers open areas, such as pastures, golf courses, wetlands, natural grasslands and shrublands, and lava flows. Though rare on the Kalaupapa Peninsula, this species has the potential to occur in grassy, open areas in or near the project area.
- **Hawaiian seabirds, including the Hawaiian petrel or 'ua'u (*Pterodroma sandwichensis*), Newell's shearwater (*Puffinus auricularis newelli*) or 'a'o, and the Hawai'i DPS of the band-rumped storm-petrel (*Oceanodroma castro*) or 'ake'ake** – Hawaiian seabirds may transit over the project area at night when flying between the ocean and nesting sites in the mountains during their breeding season (March through November).
- **Hawaiian waterbirds, including the Hawaiian stilt or ae'o (*Himantopus mexicanus knudseni*) and the Hawaiian coot or 'alae ke'oke'o (*Fulica americana alai*)** – Hawaiian waterbirds are currently found in a variety of wetland habitats including freshwater marshes and ponds, coastal estuaries and ponds, artificial reservoirs, *Colocasia esculenta* (kalo or taro) lo'i or patches, irrigation ditches, sewage treatment ponds. Hawaiian stilts may also be found wherever ephemeral or persistent standing water may occur.
- **Sea turtles, including the Central North Pacific DPS of the green sea turtle or honu (*Chelonia mydas*) and the hawksbill sea turtle or 'ea (*Eretmochelys imbricata*)** – Green and Hawksbill sea turtles may nest on any sandy beach area in the Pacific Islands. Both species exhibit strong nesting site fidelity. Nesting occurs on beaches from May through September, peaking in June and July, with hatchlings emerging through November and December. Artificial lighting that is visible from nesting beaches poses a threat to hatching sea turtles because it can cause hatchlings to become disoriented, potentially preventing them from reaching the surf zone.
- **Blackburn's sphinx moth (*Manduca blackburni*)** – The adult Blackburn's sphinx moth feeds on nectar from native plants, including *Ipomoea pes-caprae* (beach morning glory), *Plumbago zeylanica* ('ilie'e), *Capparis sandwichiana* (maiapilo), and others. The moth larvae feed on nonnative *Nicotiana glauca* (tree tobacco), and native, federally listed, *Nothocestrum* spp. ('aiea). While none of the required host plants are known to occur in the project area, if they are present, Blackburn's sphinx moth could also be present.
- **Hawaiian damselflies, including the Pacific Hawaiian damselfly (*Megalagrion pacificum*), and the orangeblack Hawaiian damselfly (*Megalagrion xanthomelas*)** – Hawaiian damselflies are found in aquatic habitats across the Hawaiian Islands, with high species

endemism within islands. Breeding habitat includes anchialine pools, perennial streams, marshes, ponds, and even artificial pools and seeps. Both damselflies have been found in the wetland south of the airport (Loko `Īliopi`i), which is adjacent to the airport road, across the road from the project area.

Other Special Status Species

In addition to those species federally listed under the ESA, other “special status” species include birds of conservation concern (USFWS 2021) and species of greatest conservation need identified by the DLNR (2015b) State Wildlife Action Plan. Other special status species that occur on Moloka`i and could potentially occur in the project area include birds, fishes, insects, aquatic and marine invertebrates, and terrestrial plants. Surveys have been performed in the Park for forest birds (Marshall and Kozar 2008) and shoreline birds (Kozar, Swift, and Marshall 2007). The only special status bird documented in the vicinity of the project area is the `apapane, which is listed as a bird of conservation concern and species of greatest conservation need. The `apapane is a honeycreeper (Fringillidae) that used to occur in all Hawaiian forests but is now restricted to higher elevations. The species has been detected in forests near the project area, above the pump house (Marshall and Kozar 2008). Two additional bird species of greatest conservation need, Iiwi (*Vestiaria coccinea*) and Maui Amakihi (*Hemignathus virens wilsoni*) occur in the Park but are found in native forests at elevations above the project area (Marshall and Kozar 2008).

Data regarding the presence and absence of special status plants in the project area are limited. However, according to special status species mapping by DLNR (1992), more than 95% of the project area is classified as having a low concentration of special status plant species, except for the uppermost elevations of, in the vicinity of the water tanks, which is classified as having a high concentration. Previous field surveys have also identified three trees and shrubs categorized as species of greatest conservation need, (alahe`e [*Psydrax odorata*], lama [*Diospyros sandwicensis*], and hame [*Antidesma platyphyllum*]), within the vicinity of the project area (Burr and Guinther 2020). However, these trees are located within a fenced exclusion area outside the proposed project limits.

Environmental Consequences

Alternative 1: No Action

Federally Listed Species. Existing conditions would persist under the no-action alternative. Continued maintenance of the existing electrical system could temporarily disturb Hawaiian hoary bats in the immediate vicinity of maintenance activities. Ongoing maintenance activities would include periodic vegetation management within the ROW and service, or repair of system components as needed. Because vegetation management can be planned to avoid sensitive time periods for individual species and because the duration of vegetation maintenance in any one area would be relatively short, ongoing ROW management would not adversely affect federally listed species. Emergency repairs would occur more often under the no-action alternative from the ongoing system deterioration. Because the timing of emergency repairs cannot be predicted, it is possible that cutting or clearing of trees and shrubs could be necessary during the bat pupping season (between June 1 and September 15). As a result, young bats could inadvertently be harmed or killed because they are too young to fly or may not move away. Therefore, the no-action alternative could have direct, adverse impacts to hoary bats. No other federally listed species would be adversely affected under the no-action alternative.

Other Special Status Species. Ongoing maintenance activities (e.g., vegetation management in the ROW and system repairs) could result in similar temporary disturbances to other special status species that may be present in the immediate vicinity, such as birds and insects. However, given the short duration of potential disturbances, adverse effects on other special status species are not likely to occur.

Alternative 2: Rehabilitate the Existing Electrical System

Rehabilitation of the existing electrical distribution system under alternative 2 could result in temporary disturbances to threatened, endangered, and other special status species. Rehabilitation would include

replacement of power poles, cables, and transformers; installation of new power poles; removal of the backup generator and fuel tank; demolition of existing structures; and the construction of a new alignment to connect the water pump house and backup generator locations to the rehabilitated electrical distribution system.

A majority of actions proposed under alternative 2 (e.g., replacing or upgrading power poles, transformers, and cable) would occur in areas that are currently developed, in areas that have been previously disturbed, or along existing roadways, where potential for adverse impacts on these species is minimal (see figures 3-5). New alignments would be installed in the settlement, along Kamehameha Street (near the airport), Damien Road, and the pump house road. Potential direct adverse impacts associated with activities described above could result from vegetation clearing (if necessary) and disturbance associated with equipment, noise, and human activity in the project area. Impacts could occur during construction and maintenance activities. Potential direct and indirect adverse impacts could also include noise and visual disturbances associated with temporary work areas, laydown areas, and pulling and tensioning sites.

Impacts associated with vegetation clearing could vary depending on the option selected for the portion of the alignment along the water pump house road and specific features of the final design (table 1). The amount of clearing necessary to connect the water pump house to the Park's electrical system would not exceed 4 acres. Option 1 would have the greatest potential for impacts on threatened, endangered, and other special status species because additional vegetation clearing (potentially including limb cutting or tree removal) may be required to accommodate and maintain an appropriate clearance around an overhead cable compared to the other options being considered. Option 2 would result in up to the same amount of vegetation clearing as option 1 but may not require removal of trees because the forest canopy would be less likely to interfere with the cable if it is placed in an on-the-ground conduit compared to an overhead alignment. Regular management of vegetation would likely be required to maintain appropriate clearance around the cable. Option 3 would result in ground disturbance during construction but would require the least amount of maintenance, including vegetation management, once constructed.

The potential for introduction of nonnative species including invasive weeds and plants; invasive pests such as coqui frogs and frog eggs, rats, and mice; insects including little fire ants and coconut rhinoceros beetles; and diseases such as Rapid 'Ōhi 'a Death could directly and indirectly adversely affect the Park's threatened, endangered, and special status species. Nonnative species can be introduced through contaminated equipment, materials, or clothing. The introduction of nonnative species can affect native species directly, through mortality (e.g., predation or disease), or indirectly, through competition or habitat degradation. Under alternative 2, NPS would implement measures to prevent or minimize establishment and spread of nonnative and invasive species (table 2; BIS-1–BIS-4).

Federally Listed Species. As previously noted, ESA section 7 consultation with the USFWS was completed in June 2021. The USFWS determined that the proposed project *may affect but is not likely to adversely affect* federally listed species. Furthermore, the USFWS concluded that with the Park's implementation of the recommended avoidance and mitigation measures provided in its June 7, 2021, letter (table 2: TES-1 – TES-16), potential adverse impacts would be insignificant and/or discountable. The following analysis provides an overview of the potential direct and indirect impacts on federally listed species and the rationale for lack of adverse impacts. These determinations were based on the assumption that the portion of the alignment along the pump house road would be underground (option 3; table 1). Changes to the proposed project design since the consultation was completed (e.g., consideration of an overhead, on-the-ground, and underground option for the portion of the alignment along the pump house road; table 1) could require re-initiation of consultation. Effects of alternative 2 on federally listed species, the USFWS's ESA section 7 determinations, and associated mitigation measures are shown in table 3.

TABLE 3. EFFECTS OF THE PROPOSED ACTION ON FEDERALLY LISTED SPECIES

Species	Summary of Effects	Effect Determination	Mitigation Measures
Hawaiian hoary bat or 'ōpe'ape'a	<p>During roosting season, young Hawaiian hoary bats are left unattended in trees and shrubs while adult bats forage. If trees or shrubs 15 feet or taller are cleared during the pupping season (between June 1 and September 15), young bats could inadvertently be harmed or killed since they are too young to fly or may not move away. Additionally, Hawaiian hoary bats forage for insects from as low as 3 feet to higher than 500 feet above the ground and can become entangled in barbed wire used for fencing.</p> <p>Because activities proposed under alternative 2 would not disturb, remove, or trim woody plants 15 feet tall or greater during the bat pupping season and because barbed wire fencing would not be used, injury and mortality of the Hawaiian hoary bats would not occur. Based on the Park's implementation of the USFWS-recommended avoidance and mitigation measures, Hawaiian hoary bats are extremely unlikely to be measurably disrupted from their normal behaviors.</p>	Not likely to adversely affect (NLAA)	TES-1 TES-2
Hawaiian goose or nēnē	The Hawaiian goose does not commonly occur in the project area. Should Hawaiian goose appear in the area during project implementation, the Park would implement the USFWS-recommended avoidance and minimization measures. Based on the low likelihood of Hawaiian goose presence in the project area and implementation of avoidance and minimization measures, this species is extremely unlikely to be encountered or measurably disrupted from its normal behaviors.	NLAA	TES-3 TES-4 TES-5 TES-6
Hawaiian petrel or 'ua'u	<p>Hawaiian seabirds, including the Hawaiian petrel, Newell's shearwater, and the Hawai'i DPS of the band-rumped storm-petrel, may fly over the project area at night during their breeding season (March through November) and are attracted to artificial lighting, which causes disorientation and subsequent fallout due to exhaustion. Additionally, once grounded, they are vulnerable to predators and are often struck by vehicles along roadways.</p> <p>Under alternative 2, no work would be conducted at night, and existing lighting would be replaced with shielded and downward-facing lighting. Based on the Park's implementation of the USFWS-recommended avoidance and mitigation measures, Hawaiian seabirds are extremely unlikely to be measurably disrupted from their normal behaviors.</p>	NLAA	TES-13 TES-14
Newell's shearwater or 'a'o		NLAA	
Band-rumped storm-petrel or 'ake'ake (Hawai'i DPS)		NLAA	
Hawaiian stilt or ae'o	<p>The activities proposed under alternative 2 would not occur in aquatic environments where Hawaiian waterbirds, including the Hawaiian stilt and the Hawaiian coot, could occur. Based on the Park's implementation of the USFWS-recommended avoidance and mitigation measures, Hawaiian waterbirds are extremely unlikely to be measurably disrupted from their normal behaviors.</p>	NLAA	TES-7
Hawaiian coot or 'alae ke'oke'o		NLAA	TES-8 TES-9 TES-10 TES-11 TES-12

Species	Summary of Effects	Effect Determination	Mitigation Measures
Green sea turtle or honu (Central North Pacific DPS)	Under alternative 2, no work would be conducted at night, and existing lighting would be replaced with shielded and downward-facing lighting. The nearest street lighting would be approximately 700 feet from the only known sea turtle nesting beach, and the Park would implement measures to prevent erosion or contamination of the beach environment. Based on the Park's implementation of the USFWS-recommended avoidance and mitigation measures, sea turtles are extremely unlikely to be measurably disrupted from their normal behaviors, and their nesting habitat would not be measurably affected.	NLAA	TES-10 TES-11 TES-12
Hawksbill sea turtle or 'ea		NLAA	TES-13 TES-14
Blackburn's sphinx moth	The project area does not contain suitable habitat for Blackburn's sphinx moth because suitable host plants for this species do not occur in the project area. Therefore, it is extremely unlikely that this species would be present. Based on the low likelihood of this species occurring in the project area and the implementation of the USFWS-recommended avoidance and mitigation measures, this species is extremely unlikely to be measurably disrupted from its normal behaviors.	NLAA	TES-15 TES-16
Pacific Hawaiian damselfly	The activities proposed under alternative 2 would not occur in aquatic environments, where Hawaiian damselflies could occur. Based on the Park's implementation of the USFWS-recommended avoidance and mitigation measures, which would prevent erosion or degradation of aquatic environments in and adjacent to the project area, Hawaiian damselflies are extremely unlikely to be measurably disrupted from their normal behaviors.	NLAA	WL-2 TES-10
Orangeblack Hawaiian damselfly		NLAA	TES-11 TES-12

Other Special Status Species. Rehabilitation of the existing electrical distribution system under alternative 2 could affect other special status species that may be present in the action area, including birds, insects, and terrestrial plants. Potential direct effects would consist primarily of temporary disturbances associated with equipment, noise, and human activity during construction and maintenance activities. The implementation of avoidance and mitigation measures designed to avoid impacts on federally listed species (table 2: TES-1 – TES-16) and other measures (Gen-1 – Gen-6) would also limit impacts on other special status species. Because a majority of actions proposed under alternative 2 would occur in areas that are currently developed, in areas that have been previously disturbed, or along existing roadways, the potential for measurable adverse impacts on these species is minimal.

The project would not affect aquatic or marine species because no work is proposed in these habitats. The implementation of impact avoidance and mitigation measures would avoid indirect impacts on these species by preventing erosion, sedimentation, or contamination of aquatic and marine habitats (table 2: TES-7; TES-10 – TES-11; WL-1 – WL-3).

Individual special status plants could be inadvertently trampled, removed, or otherwise destroyed during project construction and maintenance activities. Potential impacts on special status plants would be direct and would most likely occur in the vicinity of the water tanks where special status plant concentrations are higher. Incidental destruction of individual plants would not affect these species at the population level. Furthermore, implementation of avoidance and mitigation measures intended to avoid or minimize impacts on vegetation (table 2: Veg-1 – Veg-4) and prevent the spread of invasive species would limit the potential for adverse impacts (table 2: BIS-1 – BIS-4). Therefore, alternative 2 would not result in noticeable impacts to special status plant populations in the project area.

Cumulative Impacts

Past actions have resulted in adverse impacts on threatened, endangered, and other special status species through habitat disturbance or alteration, and introduction of invasive species. The present and reasonably foreseeable future actions described at the beginning of this chapter could adversely affect threatened and endangered species, with potential adverse effects consisting mostly of temporary disturbances. Alternative 2 is not likely to adversely affect threatened, endangered, or special status species because impacts would be avoided or mitigated by implementing appropriate measures (table 2: TES-1 – TES-16). Therefore, Alternative 2 would not contribute to cumulative impacts on threatened, endangered, or special status species.

VEGETATION

Affected Environment

The Park contains high-diversity plant communities). The project area is located entirely within the Lowland Coastal Area management zone, which includes the entire coastal plain of the Kalaupapa Peninsula. Most of the vegetation in the Lowland Coastal Area is composed of nonnative species (Green et al. 2014).

Vegetation communities on the Kalaupapa Peninsula have been altered by previous development and historic land uses, including crop cultivation and livestock grazing (Fung and SWCA 2010). Changes to the natural communities at the Park have been relatively small and concentrated compared to other areas in the state. However, human-related activities have promoted encroachment of invasive vegetation, which has decreased suitable habitat for native species (Fung and SWCA 2010). Although more than a dozen vegetation inventories and studies have been conducted at the Park over the last three decades, data have not been sufficiently analyzed to establish trends in vegetation cover for much of the Park (Fung and SWCA 2010). Given the dominance of nonnative species in some areas of the Park, including the Lowland Coastal Area management zone (Fung and SWCA 2010, Green et al. 2014), it can be inferred that the trend in invasive vegetation cover has been increasing since the introduction and establishment of these species, posing an ongoing threat to native vegetation communities. Ongoing

nonnative and invasive vegetation management efforts at the Park aim to halt or reverse this trend (NPS 2021c). The Park's 2021 GMP identified expanding the Park's vegetation monitoring program to track status and trends of plant species as a management priority (NPS 2021c).

The NPS conducted an extensive vegetation mapping inventory of the Park in 2014 (Green et al. 2014) and completed native tree surveys in the project area in 2019 and 2020 as part of a wetland delineation (Burr and Guinther 2020). Vegetation in the study area consists mostly of expanses of nonnative species such as lantana (*Lantana camara*), Christmas berry (*Schinus terebinthifolius*), koa haole (*Leucaena leucocephala*), and Java plum (*Syzygium cumini*). Vegetation within developed areas of the Kalaupapa Settlement consists primarily of maintained grasslands. Plantain (*Plantago* spp.) has also invaded some portions of the Park and is found in the project area (Green et al. 2014; Burr and Guinther 2020).

Plant communities documented in the project area are shown in table 4 and figure 7, along with coverage of each community type.

TABLE 4. PLANT COMMUNITIES IN THE PROJECT AREA

Plant Communities	Percentage of Project Area
Forests and Woodlands	
Christmas Berry Woodland	16.6%
Java Plum Forest ^a	11.5%
Lucky-nut (<i>Thevetia peruviana</i>) Woodland	2.5%
Christmas Berry / Lantana Mosaic Woodland	1.7%
Common Ironwood <i>Casuarina</i> Semi-natural / Planted Forest	1.4%
Kiawe (<i>Prosopis pallida</i>) Woodland	0.5%
Coconut (<i>Cocos nucifera</i>) Palm Strand	0.1%
Koa Haole (<i>Leucaena leucocephala</i>) Woodland	< 0.1%
Date Palm (<i>Phoenix dactylifera</i>) Strand	< 0.1%
Shrublands	
Lantana Shrubland	7.0%
Koa Haole Shrubland	2.7%
`Ilima (<i>Sida fallax</i>) Coastal Dry Shrubland	0.3%
`Akia (<i>Wikstroemia uva-ursi</i>) Coastal Shrubland	0.1%
Herbaceous Vegetation	
Bermuda Grass (<i>Cynodon dactylon</i>) / Mixed Coastal Grassland	14.2%
Mau`u (<i>Fimbristylis</i> spp.) Herbland	< 0.6%
<i>Bolboschoenus</i> / <i>Eleocharis</i> Wetland	< 0.1%
`Akulikuli (<i>Sesuvium portulacastrum</i>) Herbland	< 0.1%

Plant Communities	Percentage of Project Area
Developed	
Residential	19.7%
Commercial and Services	10.6%
Transportation, Communications, and Utilities	9.4%
TOTAL	100%

SOURCE: GREEN ET AL. (2014), BURR AND GUINThER (2020)

^a As noted above under "Threatened, Endangered, and Other Special Status Species," the only portion of the project area classified as having a high concentration of special status plants (comprising approximately 5% of the project area) is at the uppermost elevations of, in the vicinity of the water tanks. This area is dominated by Java Plum Forest (figure 7).

The Park's GMP (NPS 2021a) provides direction and strategies for vegetation management. The Park's fire management plan (NPS 2011b) provides additional guidance for vegetation management.

Kalaupapa National Historical Park

Hawai'i

National Park Service
US Department of the Interior

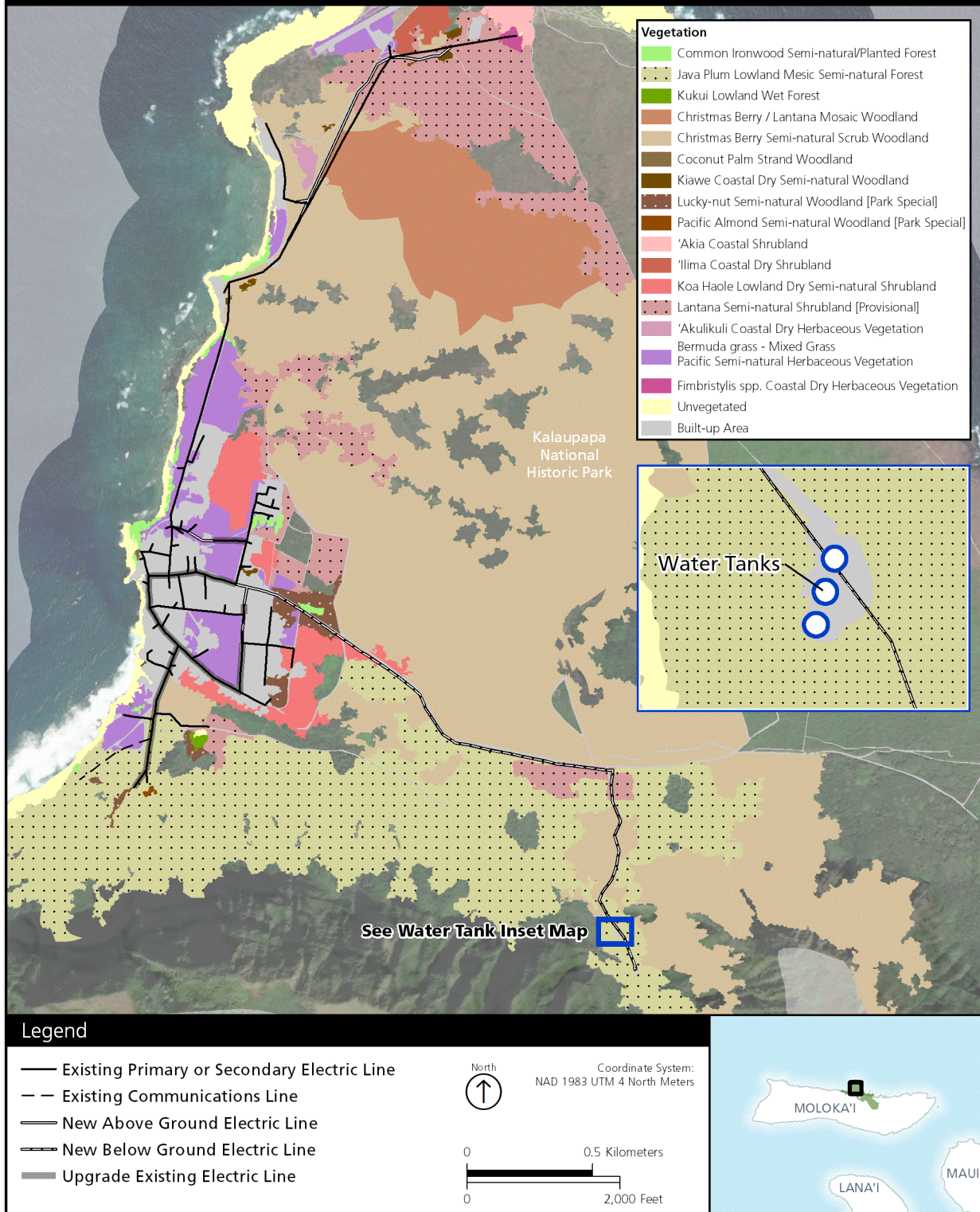


FIGURE 7. VEGETATION

Environmental Consequences

Alternative 1: No Action

Existing conditions would persist under the no-action alternative, which would include keeping the existing ROW free of vegetation. Maintenance of the existing electrical system would result in ongoing direct disturbances to vegetation. However, plant communities along the line corridor are dominated by nonnative species, limited in diversity, and composed of common species associated with human disturbance. Vegetation in the project area does not provide high-quality habitat for native plants or animals or high-quality forage, nesting, or cover habitat for wildlife. The deteriorating existing electrical system would require ongoing maintenance, which could disturb vegetation more frequently than under alternative 2 in select areas throughout the existing alignment.

Alternative 2: Rehabilitate the Existing Electrical System

Rehabilitation of the existing electrical distribution system under alternative 2 would have direct, permanent and temporary, adverse impacts on vegetation. Permanent loss of vegetation would be limited primarily to new structure bases. Much of the proposed work would consist of replacing existing infrastructure and would not result in loss of vegetation compared to existing conditions. Therefore, permanent loss of vegetation would be limited to those areas where new poles would be installed (20 poles along Kamehameha Street and 3 within the Kalaupapa Settlement). Because 12 existing poles would be removed to facilitate the new alignment along Kamehameha Street, permanent loss of vegetation would be limited to an area equivalent to 11 structure bases (approximately 0.0014 acres, assuming 32-inch diameter poles). The new alignment would be located along the road; therefore, new access routes are not anticipated to be necessary to facilitate future maintenance requirements.

Impacts on vegetation would also occur at sites where poles and infrastructure would be replaced and along the existing alignment. Impacts would occur in the temporary work areas near each structure base and in the three previously disturbed laydown areas, two in the settlement and one along the Damien Road (see figures 4 and 5). Improvements to existing infrastructure would use existing access routes, and the laydown areas would be within previously disturbed or paved areas, so no additional vegetation clearing, or ground disturbance would be required at these locations. Ongoing ROW maintenance would continue, so no new impacts associated with planned maintenance of the new infrastructure along the existing route would occur. Emergency repairs would occur less frequently than under the no-action alternative because deteriorating system components would be replaced. Unlike locations where new poles would be installed, all impacts on vegetation along the existing alignment would be temporary because there would be no permanent loss or conversion of vegetation. Temporarily disturbed areas would be revegetated in accordance with mitigation measures Veg-1 and Veg-2, as shown in table 2.

Construction of the section of the proposed alignment that would run from the east end of the Kalaupapa Settlement along Damien Road and then up to the pump house would have additional impacts on vegetation commensurate with the amount of ground disturbance. Vegetation clearing, including tree removal, may be required near the water tanks and pump house. This portion of the project area is composed of Java plum forest habitat (figure 7).

The amount of clearing required would depend on the option selected for the portion of the alignment along the pump house road (table 1) and specific features of the final design but would not exceed 4 acres. Option 1 would have the greatest potential for impacts because additional vegetation clearing (potentially including limb cutting or tree removal) may be required to accommodate and maintain an appropriate clearance around an overhead cable compared to the other options being considered. Option 2 would result in up to the same amount of vegetation removal as option 1 but may not require removal of trees because the forest canopy would be less likely to interfere with the cable if it is placed in an on-the-ground conduit compared to an overhead alignment. Option 3 would result in ground disturbance during construction, but would require the least amount of maintenance, including vegetation management, once constructed. Under option 3, much of the new segment would be located adjacent to existing roads or an existing water pipeline, minimizing the need for additional access routes

or ROW maintenance. The implementation of appropriate mitigation measures under alternative 2 (table 2: Gen-1 – Gen-4; Veg-1 – Veg-2) would minimize or mitigate adverse impacts to vegetation.

Additionally, project construction activities could introduce or spread nonnative invasive plants or disease if contaminated equipment or materials were to enter areas where ground disturbance would occur. Introduction of or spread of invasive plants could change native plant community composition and function, resulting in indirect adverse impacts on vegetation. However, the establishment or spread of nonnative invasive plants would be prevented or minimized by implementing appropriate mitigation measures (table 2: BIS-1 – BIS-4).

Cumulative Impacts

Past actions associated with previous development and historic land uses have altered vegetation communities on the Kalaupapa Peninsula. The past, present, and reasonably foreseeable future actions described at the beginning of this chapter could adversely affect vegetation, but most impacts would consist of temporary disturbances. The Park manages its ecosystem communities and processes, including vegetation resources, to meet or maintain the desired conditions identified in its 2021 GMP (NPS 2021c). Alternative 2 would contribute an adverse increment to the overall cumulative impact due to ground disturbance associated with rehabilitation of the electrical system and ongoing maintenance activities; however, the project area is currently dominated by nonnative species. The implementation of appropriate mitigation measures (table 2: Gen-1 – Gen-4; Veg-1 – Veg-2) would minimize the contribution of alternative 2 to the overall cumulative impact.

HAWAI'I ENVIRONMENTAL POLICY ACT SIGNIFICANCE CRITERIA ANALYSIS

Justification for the NPS's anticipated determination that the proposed action would not have a significant effect on the environment, in accordance with HEPA HAR Chapter 11-200.1 and the applicable "significance criteria" identified in HEPA HAR Chapter 11-200.1-13 is provided below. This determination will be made pursuant to the requirements of HEPA and is separate from a FONSI determination that will be made by the NPS, if appropriate, pursuant to NEPA, following review of public comments on the EA.

Based on the analysis in the EA, the NPS anticipates that the proposed action would not result in significant effects on the environment for the following reasons:

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

Most of the work associated with the proposed rehabilitation of the electrical distribution system would occur in areas that are currently developed or that have been previously disturbed. The project would generally consist of replacing the Park's existing electrical distribution system with similar or in-kind equipment. The proposed action would require limited vegetation clearing. However, most vegetation clearing would be temporary, and the total area of disturbance would not exceed 4 acres. The NPS consulted with the USFWS in accordance with ESA section 7, and the USFWS determined that the proposed project *may affect but is not likely to adversely affect* federally listed species. Under the proposed action, the NPS would implement appropriate mitigation measures to avoid, minimize, or mitigate potential adverse impacts on natural resources including vegetation, wetlands, and threatened or endangered species (table 2: Gen-1 – Gen 6; TES-1 – TES-16; Veg-1 – Veg-2; WL-1 – WL-3). These measures would also prevent or minimize establishment and spread of nonnative and invasive species in the project area (table 2: BIS-1 – BIS-4).

Ground disturbance associated with the proposed action could disturb cultural or historic resources. However, adverse effects could be avoided through archeological monitoring or mitigated through site documentation (table 2: CR-1 – CR-4). The project would improve the condition of dark night skies, an important component of the Park's cultural landscape, by replacing existing lighting with dark sky-compliant fixtures (table 2: CR-5). The portion of the proposed action that would connect the pump house to the Park's electrical distribution system

could affect the existing viewshed, another component of the cultural landscape, by introducing new visual elements if options 1 (overhead) or 2 (on-the-ground) are selected. The intensity of impacts would depend on the option selected for this portion of the alignment. These potential effects on the viewshed would not constitute an irrevocable commitment because the line could be removed or buried in the future.

With the implementation of the measures listed in table 2, the proposed action would not irrevocably commit a natural, cultural, or historic resource.

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

The proposed action would not curtail the range of beneficial uses of the environment. As noted above, impacts on the natural environment would be minimal, and potential adverse impacts would be avoided, minimized, or mitigated by implementing appropriate measures (table 2). The project would generally consist of replacing the Park's existing electrical distribution system with similar or in-kind equipment. Upgrading the existing infrastructure would result in numerous benefits, including improving efficiency, bringing the system into compliance with current HECO code standards for future operations, increasing reliability, making the system easier for an outside entity to maintain, and eliminating health and safety concerns. The proposed action would also improve the condition of dark night skies by replacing existing lighting with dark sky-compliant fixtures (table 2: CR-5).

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

The proposed action would not conflict with the state's environmental policies or long-term environmental goals established by law. Potential environmental regulatory compliance and permitting requirements associated with the proposed action are summarized in table 7.

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

Rehabilitation of the electrical distribution system and associated construction activities would not adversely affect the economy of the community or state. Minor but temporary increases in employment from the construction workforce and revenues for the businesses engaged in the construction process are expected.

Rehabilitating the electrical distribution system would improve the social welfare of the community because components of the electrical distribution system are at or near the end of their useful service life and failing. Power outages occur frequently within the Park and Kalaupapa Settlement because of deteriorated transformers, worn and frayed transmission lines, and pole and insulator failures. The electrical distribution system has created a variety of health and safety concerns for patient-residents, NPS and HDOH staff, and visitors.

The proposed action would not affect the cultural practices of the community or state.

5. Have a substantial adverse effect on public health.

Rehabilitating the electrical distribution system would benefit public health by eliminating health and safety concerns for patient-residents, NPS and HDOH staff, and visitors caused by the existing system, which is at the end its useful service life and failing.

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

The proposed action would have no adverse secondary impacts such as population changes or effects on public facilities. Rehabilitating the electrical distribution system would benefit Park facilities and facilities associated with the Kalaupapa Settlement because the upgrades would improve efficiency, comply with current HECO code standards for future operations, increase

reliability, make the system easier for an outside entity to maintain, and eliminate health and safety concerns.

7. Involve a substantial degradation of environmental quality.

As documented in this EA analysis, the proposed action does not involve a substantial degradation of environmental quality. As described above, most of the proposed action would occur in developed or previously disturbed areas and would have minimal impacts on the environment. Potential adverse impacts would be minimized or mitigated by incorporating the measures listed in table 2.

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

According to the impact analysis in the EA, the proposed action would not result in substantial cumulative adverse effects on the environment and would not involve a commitment for larger actions. Any adverse impacts that may result from the proposed action would be minimized by implementing the mitigation measures listed in table 2.

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

The proposed action would not have a substantial effect on rare, threatened, or endangered species, or their habitats. The NPS would implement appropriate mitigation measures to avoid, minimize, or mitigate potential adverse impacts to these species and their habitats (table 2: Gen-1 – Gen 6; TES-1 – TES-16; Veg-1 – Veg-2; WL-1 – WL-3; BIS-1 – BIS-4). ESA section 7 consultation was completed in June 2021. The USFWS determined that the proposed project *may affect but is not likely to adversely affect* federally listed species.

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

The proposed action would not have a substantial adverse effect on air or water quality or ambient noise levels. The project could result in localized release of fugitive dust during the construction period; however, fugitive dust would dissipate quickly and would not affect air quality over the long term. No ground disturbance would occur within 60 feet of a wetland, stream, or other waterbody. The use of silt fences or other erosion control measures (table 2: Gen-1 – Gen-4; WL-1 – WL-3) would avoid or minimize the potential for indirect effects on water quality from runoff or sedimentation. Ambient noise levels would increase during the construction period but there would be no long-term changes in ambient noise levels or soundscapes in the Park.

11. Have a substantial adverse effect or is likely to suffer damage by being located in an environmentally sensitive area such as a floodplain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

The proposed action would not have a substantial adverse effect on environmentally sensitive areas. Due to its location, the Park's electrical distribution system could suffer damage as a result of natural processes or events. However, the proposed upgrades are necessary to provide the Park and the settlement with a reliable electrical distribution system that is readily and easily serviceable and complies with federal regulations. As noted above, the proposed action is needed because the components that make up the electrical distribution system are at or near the end of their useful service life, and rehabilitation is required to support existing facilities and future requirements.

Most of the proposed project area, including much of the existing electrical distribution system that serves the settlement, is within the 100-year floodplain. Rehabilitating the Park's existing electrical distribution system would not result in new impacts to the floodplain or alter its function compared to existing conditions.

Portions of the proposed project area are adjacent to the Pacific coastline, including a sandy beach. However, the power line is located along the landward side of the nearest road that parallels the shoreline. No work would occur on beaches.

The Park's shoreline has likely experienced erosion over time through natural and potentially anthropogenic processes. In an effort to improve its knowledge base, the NPS is currently completing an assessment of coastal vulnerability as prescribed in its GMP (NPS 2021c). The assessment will include a review of maps of historical shoreline change showing coastal erosion areas. The proposed project would not affect coastal erosion at the Park.

Most of the proposed project area, including much of the existing electrical distribution system that serves the settlement, is within the tsunami hazard zone. The NPS is focusing on protecting human life and safety through warning and evacuation rather than minimizing property damage. The NPS is taking steps to protect the safety of patient-residents, staff, and visitors including posting warning signs, installing a tsunami warning system, and defining an evacuation route. A complete list of the measures that the NPS is taking to preserve human life in the event of a tsunami is provided in the Park's GMP (NPS 2021c).

12. Have a substantial adverse effect on scenic vistas and view planes identified in county or state plans or studies.

The Park's viewshed is an important component of the cultural landscape. Most of the work associated with the proposed rehabilitation of the electrical distribution system would occur in the Kalaupapa Settlement and would consist of replacing existing infrastructure with similar or in-kind equipment, to the extent feasible, resulting in minimal changes to the existing viewshed. The portion of the proposed action that would connect the pump house to the Park's electrical distribution system could affect the existing viewshed by introducing new visual elements if options 1 (overhead) or 2 (on-the-ground) are selected for this portion of the alignment. The intensity of impacts would depend on the option selected. Overall, the proposed action is not expected to have a substantial adverse effect on scenic vistas and view planes identified in county or state plans or studies.

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

The proposed action would not require substantial energy consumption or result in substantial greenhouse gas emissions. Rehabilitating the Park's electrical distribution system would not result in an increase of energy consumption. On the contrary, the proposed upgrades would increase the system's efficiency. Construction and transport equipment would result in greenhouse gas emissions during construction; however, the emissions would not be substantial enough to measurably contribute to climate change. The project would reduce greenhouse gas emissions over the long term by connecting the water pump system to the Park's electrical grid, allowing for the removal of the two old diesel generators that currently power the water pump system. One of the old generators would be replaced with a new backup generator. Although the new backup generator would be diesel-powered, it would only be used if the supply of electricity is disrupted and would be operated for limited durations. When the new backup generator is operated, it would produce fewer emissions than the old generators currently in place because of technological advancements in diesel engine efficiency and emissions control systems.

During scoping, several options were proposed that focused on renewable energy sources; however, the purpose of the proposed action is to provide the Park and the settlement with a reliable electrical distribution grid—not to produce electricity. As a result, these alternatives were not carried forward for detailed analysis because they did not meet the purpose and need for action, were not feasible, or had several disadvantages. Although solar, hydroelectric, and wind energy options are not feasible at this time, the NPS remains committed to exploring renewable energy options as part of its continued effort to reduce greenhouse gas emissions and

mitigate their effect on climate change as outlined in the Park's Climate Action Plan (NPS 2010a). The proposed project does not preclude adding solar or other renewable energy sources to the Park's electrical system in the future if they become feasible. It also does not preclude sourcing renewable energy from topside Moloka'i for transmission to the Park.

CHAPTER 4: CONSULTATION AND COORDINATION

This chapter describes the consultation and coordination conducted during the preparation of this EA. The internal scoping process for the project began in November 2020. A detailed description of the civic engagement/early consultation process and the agency consultation initiated during the development of the EA is provided below and summarized in table 5.

TABLE 5. CONSULTATION AND COORDINATION SUMMARY

Date	Type of Coordination	Description	Parties Involved
12/15/2020	Civic engagement	Public notice and newsletter	public
12/15/2020–1/29/2021	Civic engagement	45-day public scoping comment period	public
12/17/2020	Civic engagement	Virtual public scoping meeting	public
12/18/2020	Agency consultation	NHPA section 106 consultation initiation letter	SHPD
1/11/2021	Agency consultation	NHPA section 106 consultation response letter received	SHPD
5/3/2021	Agency consultation	ESA section 7 consultation initiation letter	USFWS
5/6/2021	Agency consultation	Email coordination with National Oceanic and Atmospheric Administration, National Marine Fisheries Service regarding consultation requirements	National Oceanic and Atmospheric Administration, National Marine Fisheries Service
6/7/2021	Agency consultation	ESA section 7 concurrence letter received	USFWS
1/2022	Civic engagement	Newsletter	public
10/24/2022	Agency consultation	NHPA section 106 consulting parties virtual meeting	SHPD, DHHL, and 34 registered Native Hawaiian Organizations
10/24/2022	Civic engagement	Virtual public meeting	Section 106 public stakeholders (65 individuals invited)
12/14/2022	Agency consultation	NHPA section 106 consulting party site visit	DHHL
12/14/2022	Agency consultation	HEPA meeting	DHHL

CIVIC ENGAGEMENT/EARLY CONSULTATION

Civic engagement, also referred to as early consultation under HRS 343, began with a public notice and newsletter issued on December 15, 2020, which initiated a 45-day public comment period. The newsletter contained information on the project and was posted on the NPS Planning, Environment, and Public Comment (PEPC) website. The public comment scoping period closed on January 29, 2021.

The NPS also held a virtual public scoping meeting to gather input on the EA on December 17, 2020. The meeting was held online from 10:00 a.m. to 11:30 a.m. Hawai'i Standard Time. The meeting began with a presentation and was followed by a public question-and-answer session, allowing the participants to inquire about the project background, the project area, the purpose of and need for action, the proposed alternatives, and possible issues and impact topics to be analyzed in the EA. Twenty-three people attended the virtual meeting.

Forty-four comments were received during the public comment period. Most of the comments came from questions during the virtual public scoping meeting. Only one comment was received through the PEPC site. Topics addressed by public comments included the use of renewable energy resources (19 comments), consultation with state agencies and utility companies (10 comments), the proposed alternatives (10 comments), and impacts on cultural resources (5 comments). Those comments, including NPS responses to substantive comments, were summarized in a public scoping comment report and were considered during the development of the EA (appendix A). What personal identifiable information the NPS is able to make public is limited due to restrictions under the Privacy Act of 1974. Therefore, this report provides summaries of comments rather than individual comments.

A second newsletter was sent out in January 2022 to project stakeholders. The NPS held a virtual meeting with NHPA section 106 consulting parties on October 24, 2022. Information provided as part of early consultation to these parties is provided in appendix B. A separate virtual public meeting was held on the same day. At both meetings, Park staff presented an overview of the project and led a question-and-answer session. Feedback from consulting parties and members of the public included questions and comments about the project design, existing resources in the project area, potential impacts and mitigation measures, and procedural steps for project compliance and implementation. Comments from these meetings and the NPS's response to those comments are shown below in table 6.

TABLE 6. RESPONSE TO OCTOBER 2022 PUBLIC COMMENTS

Topic	Question	Answer
General	Can the NPS provide project maps that show parcel ownership boundaries?	A map showing ownership boundaries has been added to the EA as appendix C.
General	What is the cost of the project and does the Park have funding?	There is funding for this project. The exact amount of funding has not been specified because a bid for the contract had not been accepted.
General	How long will the project take?	It is estimated that design and construction will take approximately 3 years.
General	How will the project impact the airport?	During construction and operation, it is anticipated that airport operations will not be impacted.

Topic	Question	Answer
Compliance	What are the sensitive resources to be avoided? How will archeological resources be identified? Will an archeologist be present?	Sensitive resources to be avoided include both biological and cultural resources, as described in chapter 3 of the EA. Mitigation measures that would be implemented to avoid, minimize, or mitigate potential impacts to sensitive resources are shown in table 2. Archeological resources in the proposed project area were identified through archeological surveys that are described in chapter 3 under "Cultural Resources." Mitigation measures that apply specifically to archeological and other cultural resources include measures CR-1 – CR-5 in table 2. The NPS will continue to coordinate with SHPD as needed.
Construction	Where will materials be staged?	Preliminary staging areas are shown in chapter 2 in figures 4 and 5. See areas labeled "Laydown Areas." The use of these laydown areas was included in the analysis of the EA. If these areas are changed, further analysis will occur.
Construction	Has the Park consulted with local contractors experienced with similar projects?	Further consultation with contractors, including local contractors, will occur as the design process is completed.
Design	Why were underground lines not considered, consistent with section 9.1.5.3 of <i>NPS Management Policies</i> ?	The current aboveground system is considered a contributing feature to the historic landscape. Additionally, the landscape of the Park contains archeological resources that could be impacted by an underground line. Due to the potential impacts to these cultural resources, underground lines were not considered further.
Design	What is the estimated cost of underground vs. above ground utility lines? Are there benefits from placing utility lines underground away from elements such as salt air?	Due to the level of impacts to cultural resources, the cost consideration of underground vs above ground lines was not considered.
Design	Why were alternative power sources not considered in line with <i>NPS Management Policies</i> ?	The purpose and need of this project is for power distribution, not generation. Further information on why alternative sources of power were not carried forward for further analysis is provided in chapter 2 of the EA.
Design	Please provide a comparison of the three options stated for the Pumphouse Road.	The "Environmental Consequences" section of the EA details the potential impacts from the three options considered.
General	Is there going to be a draft EA prepared for the utility project or is the NPS planning on an exemption from the federal NEPA and section 106 environmental compliance reviews? Will the NPS comply with the State's Chapter 343 and 6E environmental review processes?	The NPS is complying with all federal and state requirements for this effort.

Additional civic engagement activities, including public announcements, newsletters, and/or virtual meetings, will be conducted as needed throughout the NEPA and NHPA section 106 processes. The public will have an additional opportunity to review and comment on the EA for 30 days prior to the signing of a FONSI.

AGENCY CONSULTATION

The NPS initiated consultation with relevant agencies during the preparation of this EA, as discussed in more detail below.

Section 7 of the Endangered Species Act

Section 7 of the ESA requires federal agencies to consult with the USFWS to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The Park initiated informal section 7 consultation on May 3, 2021. On June 7, 2021, the USFWS issued its concurrence with the Park's finding that the proposed project *may affect but is not likely to adversely affect* federally listed species. The USFWS also provided a list of impact avoidance and mitigation measures, which have been incorporated into "Chapter 2: Alternatives, Mitigation Measures."

Section 106 of the National Historic Preservation Act

Section 106 of the NHPA requires federal agencies to consider the impacts of their undertakings on historic properties. Compliance with section 106 of the NHPA was carried out separately, but concurrently, with the planning process. The NPS sent a letter to the SHPD on December 18, 2020, initiating consultation for the project. In a letter dated January 11, 2021, the SHPD replied, acknowledging the consultation and recommending a systematic Archeological Resources Survey (i.e., shovel test) in areas that will be disturbed across the APE. The NPS also held virtual meetings with the SHPD and DHHL to discuss recommended surveys—including an Intensive Archeological Survey, which was completed for areas within the APE where construction activities would require ground disturbance between April 5 and April 29, 2021. The survey report was finalized in September 2021 (Walker and Filimoehala 2021). The NPS held a virtual meeting with NHPA section 106 consulting parties on October 24, 2022. The Park conducted a site visit for DHHL on December 14, 2022. Additional engagement will occur as necessary to complete the NHPA section 106 consultation process.

Department of Hawaiian Homelands and Department of Land and Natural Resources

The NPS is currently in the process of continuing consultation with DHHL and DLNR as the landowners in the leasehold area.

PERMITS AND AUTHORIZATIONS

Table 7 summarizes the potential environmental regulatory compliance and permitting requirements for the proposed project. Other regulatory compliance and permitting actions for construction and operation of the system may be required, pending final design and agency reviews.

TABLE 7. POTENTIAL REGULATORY AND PERMITTING REQUIREMENTS

Item	Legal Citation	Status
NEPA compliance	42 United States Code §§ 4321 et seq.	In progress
HEPA compliance	Ch. 343, Hawai'i Revised Statutes (HRS)	In progress
Federal ESA compliance	Sec. 7, ESA	Completed June 7, 2021

Item	Legal Citation	Status
Hawai'i ESA compliance	Ch. 195D, HRS	TBD
NHPA compliance	Sec. 106, NHPA	In progress
Hawai'i Historic Preservation Program compliance	Ch. 6E, HRS	TBD
Coastal Zone Management Federal Consistency Review	Coastal Zone Management Act, Sec. 307 15 CFR 930 Ch. 205A, HRS	In progress
Hawai'i Conservation District Use Permit	Ch.183C and 205, HRS Sec.13-5, HAR	TBD
National Pollutant Discharge Elimination System), Construction Stormwater and Dewatering General Permit	Sec. 401, Clean Water Act Sec. 11-55, HAR	TBD
National Flood Insurance Program Permit	44 CFR Executive Order 11988 Ch. 46, HRS	TBD
Noise Permit/Variance	Ch. 342F, HRS Sec. 11-46, HAR	TBD
Stationary Reciprocating Internal Combustion Engine Permit (if necessary)	Clean Air Act Sec. 11-60.1, HAR	TBD
Sec. 404 D & F Sec. 401 Water Quality Certification (if necessary)	Sec. 404 and 401, Clean Water Act	Permits not anticipated to be required

ACRONYMS AND ABBREVIATIONS

APE	area of potential effect
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
CLI	Cultural Landscapes Inventory
DB	design/build
DHHL	Hawai'i Department of Hawaiian Homelands
DLNR	Hawai'i Department of Land and Natural Resources
DPS	Distinct Population Segment
EA	environmental assessment
ESA	Endangered Species Act
FONSI	Finding of No Significant Impact
GMP	General Management Plan
HAR	Hawai'i Administrative Rules
HEPA	Hawai'i Environmental Policy Act
HRS	Hawai'i Revised Statutes
HDOH	Hawai'i Department of Health
HECO	Hawaiian Electric
National Register	National Register of Historic Places
NEPA	National Environmental Policy Act
NHL	National Historic Landmark
NHPA	National Historic Preservation Act
NPS	National Park Service
Park	Kalaupapa National Historical Park
PEPC	NPS Planning, Environment, and Public Comment
ROW	right-of-way
SHPD	Hawai'i State Historic Preservation Division
USFWS	US Fish and Wildlife Service

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APPENDIX A: PUBLIC SCOPING COMMENT SUMMARY REPORT



Kalaupapa National Historical Park

Rehabilitate and Upgrade the Existing Electrical System
Environmental Assessment

PUBLIC SCOPING
COMMENT SUMMARY REPORT

March 2021

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Appendix A: Virtual Public Scoping Meeting Attendee Report

Appendix B: Virtual Public Scoping Meeting Question and Answer Report

Appendix C: Virtual Public Scoping Meeting Audio Transcript

INTRODUCTION

The National Park Service (NPS) has embarked on a process to rehabilitate the existing electrical system at Kalaupapa National Historical Park (the park) and the Kalaupapa Settlement, located on the island of Molokai in Hawai‘i. NPS is committed to fulfilling its responsibilities as a steward of this special landscape. The current electrical system at the park was installed in 1969 and is owned by the State of Hawai‘i Department of Health and the State of Hawai‘i Department of Land and Natural Resources. An overhead power line, owned by the Hawai‘ian Electric Company (HECO, formerly MECO), follows the Kalaupapa trail and terminates at the 300 kilovolt-ampere HECO-owned substation on the Kalaupapa peninsula; the existing overhead system is tied in and managed by NPS. Rehabilitating and upgrading the electrical system would improve efficiency, comply with current electrical code standards, improve reliability, reduce deferred maintenance, and remove health and safety concerns.

The park released a project newsletter on December 15, 2020, that provided the public with background on the proposed project, the purpose and need for the project, potential alternatives, the planning process, and how to comment on the newsletter. The document was published on the NPS Planning, Environment, and Public Comment (PEPC) website at:

<https://parkplanning.nps.gov/projectHome.cfm?projectID=88896>.

The Council on Environmental Quality’s revisions (2020) to the National Environmental Policy Act (NEPA) regulations state that “Agencies shall use an early and open process to determine the scope of issues for analysis [...] including identifying the significant issues and eliminating from further study non-significant issues” (1501.9). The public scoping period was open for 45 days from December 15, 2020, to January 29, 2021 to solicit comments and information from the community. NPS considered all comments from members of the public and any written comments emailed or mailed to park headquarters, entered the comments into PEPC, and included them in the overall project record. This *Comment Summary Report* provides a summary of the concerns expressed during the public comment period.

SUMMARY OF THE VIRTUAL PUBLIC SCOPING MEETING

During the public scoping period, one virtual public meeting was held over Zoom on December 17, 2020. No in-person public meetings were held because of the COVID-19 pandemic. During the virtual public scoping meeting, the project planning team presented the details of the preliminary alternatives as well as the project background. The public was encouraged to participate by asking questions over a live question-and-answer (Q&A) platform in Zoom. For participants who were unable to use the Q&A function to ask questions, participants were unmuted and able to address their questions directly to NPS staff. Twenty-three people attended the virtual meeting.

DEFINITION OF TERMS

Correspondence: A correspondence is the entire document received from a commenter and includes letters; written comment forms; comments entered directly into the PEPC database; and any other written comments provided either at the public meetings, by postal mail, or in person at the park.

Comment: A comment is a portion of text within a correspondence that addresses a single subject such as visual resources or mitigation measures. The comment could also question the accuracy of the information provided in the newsletter, question the adequacy of any background information, or present reasonable alternatives other than the potential actions presented in the newsletter.

Code: A code is a grouping centered on a common subject, such as “Alternatives: Renewable Energy” The codes were developed during the civic engagement process and are used to track major subjects found in the public scoping newsletter. In cases where no comments are received on an issue, the code is not identified or discussed in this report.

Concern Statements: Concern statements summarize the issues identified by each code. Each code was characterized by concern statements to provide a better focus on the content of the comments.

COMMENT ANALYSIS METHODOLOGY

Comment analysis is a process used to compile and correlate similar comments into a usable format for decision makers and the interdisciplinary project team. Comment analysis assists NPS in organizing, clarifying, and addressing information pursuant to NEPA regulations. It also aids in identifying the topics and issues to be evaluated and considered throughout the planning process.

The process includes five main components:

- developing a coding structure
- employing a comment database for comment management
- reading and coding of comments
- interpreting and analyzing the comments to identify issues and themes
- preparing a comment summary

In the case of this public scoping process, **most of the comments came from questions during the public scoping meeting**. Only *one* comment was received through the PEPC site. Instead of developing a coding structure and using the database to organize the correspondence and comments, a series of issues from both the correspondence submitted in PEPC and the questions asked at the public scoping meeting were developed. From there, information from PEPC and the scoping meetings was summarized to capture the main issues raised by the public.

Although the analysis process attempts to capture the full range of public concerns, this report should be used with caution. *Comments from people who chose to respond do not necessarily represent the sentiments of the entire public.*

CONTENT ANALYSIS TABLES

The NPS PEPC database provides information about the numbers and types of comments received, organized by code and by various demographics. Because only one comment was received through PEPC, there was not enough data available to generate these tables. The table below is a summary of the number of comments received under each code.

Comment Distribution by Code			
Code	Description	Comments	Percentage
T1	Consideration of Renewable Resources	19	43%
T2	Cultural Resources	5	11%
T3	Consultation	10	23%

T4	Alternatives	10	23%
TOTAL		44	100.0%

SUMMARY OF COMMENTS

The following text summarizes the comments received during the comment period and is organized by code into concern statements.

Topic 1 – Consideration of Renewable Resources

CONCERN STATEMENT: Commenters expressed concern that the preliminary alternatives did not include alternatives related to renewable energy sources, including wind generation, microgrids, or batteries. They requested that the feasibility of these options be discussed further and that NPS consider how the project aligns with the recently released Request for Proposal for Community-based Renewable Energy (CBRE) by the Hawai‘ian Electric Company. They suggested that additional information for the project could be provided by consulting with the Ho‘ahu Energy Cooperative Molokai (formerly Molokai Renewable Energy Co-op). They further noted that solar power has been used on historic buildings throughout the state and should be considered.

CONCERN STATEMENT: Commenters asked if the project team was coordinating with the Public Utilities Commission as well as the energy, resiliency, and climate change offices of the State of Hawai‘i and the Office of the Governor.

CONCERN STATEMENT: Commenters asked if the NPS could share with the public the feasibility study that concluded that on-site generation of power was not feasible. They further noted that sharing this information would assist others that are currently working toward the use of renewable energy on Molokai to understand the technical limitations and suggested that the engineering firm who conducted the feasibility analysis hold a presentation of the findings.

Topic 2 – Cultural Resources

CONCERN STATEMENT: Commenters asked how section 106 of the National Historic Preservation Act consultation was being considered in the planning process. Some commenters expressed concerns about impacts related to ground disturbance from installing electrical lines underground, specifically at Makanalua, and asked how deep the trenches would be for the proposed underground electrical lines.

CONCERN STATEMENT: Commenters asked if Makanalua had been surveyed for archeological resources.

Topic 3 – Consultation

CONCERN STATEMENT: Commenters asked what consultation requirements NPS had besides State of Hawai‘i Revised Statutes (HRS) 343 and NEPA. Specifically, commenters inquired how NPS would comply with Special Management Area and Chapter 205A for Makanalua.

CONCERN STATEMENT: Commenters asked how the Department of Hawai‘ian Homelands (DHHL) beneficiaries would be consulted as landowners and if they were aware of this project. They further noted that DHHL beneficiaries and Hawai‘ians have rights and privileges distinguishable from the general public and that as DHHL lands will be made available for homesteading, the importance of alternative energy for homestead communities should be taken into consideration.

CONCERN STATEMENT: Commenters noted that improvements are occurring at the airport and inquired what type of coordination was occurring with the airport.

CONCERN STATEMENT: Commenters asked if NPS has a power purchase agreement with MECO/HECO.

CONCERN STATEMENT: Commenters expressed concern with the public scoping meeting, stating that the ability to comment was limited due to the format. They also stated that proactive community consultation is important, including timing and advanced notices of meetings, using a platform where participants can see who they are talking to, and having multiple opportunities for comment. They requested another public meeting be held before the draft environmental assessment is complete.

CONCERN STATEMENT: Commenters requested to know the input of the Kalaupapa community for this project. They suggested having a Kalaupapa spokesperson on future public meetings to hear their input.

Topic 4 – Alternatives

CONCERN STATEMENT: Commenters asked about the life span of the electrical upgrade, the costs of the updates, and where the funding would come from. They also inquired how much deferred maintenance would be reduced as a result of this project.

CONCERN STATEMENT: Commenters asked if any of the project area overlaps with unexploded ordinance removal in Makanalua.

CONCERN STATEMENT: Commenters asked about the timing of the electrical upgrades, given that the electrical system has been a long standing issue and currently there are just five residents at Kalaupapa. Commenters asked if the NPS has other plans that would require spending money on upgrades at this time.

CONCERN STATEMENT: Commenters inquired about the qualifications of the consultant that was at the public meeting, including where the consultant was located and if they had visited the site. They encouraged the project team to think of ways to make the alternatives more innovative, cost-effective, and environmentally friendly.

Appendix A: Virtual Public Scoping Meeting Attendee Report

Kalaupapa National Historical Park
Virtual Public Scoping Meeting
December 17, 2020

Attendee Report		Total Participants (computer and phone):				22					
Report Generated:		12/17/2020 16:26									
Topic	Webinar ID	Actual Start Time	Actual Duration (minutes)	# Registered	# Cancelled	Unique Viewers	Total Users	Max Concurrent Views			
KALA Public Meeting	925 2922 3600	12/17/2020 13:25	128		15	0	15	37	0		
Host Details											
Attended	User Name (Original Name)	Email	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name					
Yes	Emery Hartz	emery.hartz@wsp.com	12/17/2020 13:25		12/17/2020 15:33	128	United States of America				
Panelist Details											
Attended	User Name (Original Name)	Email	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name					
Yes	Mella Lane-Kamahele	Mella_Lane-Kamahele@nps.gov	12/17/2020 13:42		12/17/2020 15:33	111	United States of America				
Yes	David Futch	david_futch@contractor.nps.gov	12/17/2020 13:30		12/17/2020 15:33	123	United States of America				
Yes	Jonathan Gervis	jonathan_gervais@nps.gov	12/17/2020 13:39		12/17/2020 15:33	114	United States of America				
Yes	George Turnbull	George_Turnbull@nps.gov	12/17/2020 13:38		12/17/2020 15:33	115	United States of America				
Yes	Connie Chitwood	Connie_Chitwood@nps.gov	12/17/2020 13:30		12/17/2020 15:33	123	United States of America				
Yes	Emmeline Morris	emmeline_morris@nps.gov	12/17/2020 13:54		12/17/2020 15:02	69	United States of America				
Yes	Mary Jane Naone	Mary_Jane_Naone@nps.gov	12/17/2020 13:29		12/17/2020 15:33	124	United States of America				
Yes	Lori Fox	lori.fox@wsp.com	12/17/2020 13:32		12/17/2020 15:33	121	United States of America				
Yes	Derrick W. Rosenbach	derrick.rosenbach@wsp.com	12/17/2020 13:26		12/17/2020 14:03	38	United States of America				
Yes	Erika Espaniola	erika_espaniola@nps.gov	12/17/2020 13:31		12/17/2020 13:32	1	United States of America				
Yes	James Sutton	James_Sutton@nps.gov	12/17/2020 13:54		12/17/2020 15:33	99	United States of America				
Attendee Details											
Attended	User Name (Original Name)	First Name	Last Name	Email	Zip/Postal Code	Registration Time	Approval Status	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name
Yes	Admin	Admin				12/17/2020 13:57	approved	12/17/2020 13:57	12/17/2020 15:33	96	United States of America
Yes	*personally identifying					12/17/2020 13:59	approved	12/17/2020 13:59	12/17/2020 15:00	61	United States of America
Yes	Information of attendees has been redacted					12/17/2020 14:05	approved	12/17/2020 14:05	12/17/2020 14:29	24	United States of America
Yes						12/15/2020 16:06	approved	12/17/2020 13:56	12/17/2020 15:33	97	United States of America
Yes						12/17/2020 14:35	approved	12/17/2020 14:35	12/17/2020 14:40	6	United States of America
Yes						12/17/2020 13:59	approved	12/17/2020 13:59	12/17/2020 14:59	61	United States of America
Yes						12/17/2020 13:58	approved	12/17/2020 13:58	12/17/2020 14:58	61	United States of America
Yes						12/17/2020 13:59	approved	12/17/2020 13:59	12/17/2020 15:33	94	United States of America
Yes						12/17/2020 14:03	approved	12/17/2020 14:03	12/17/2020 15:33	90	United States of America
Yes						12/17/2020 13:36	approved	12/17/2020 13:56	12/17/2020 15:33	97	United States of America
Yes						12/17/2020 14:03	approved	12/17/2020 14:03	12/17/2020 15:33	90	United States of America
Yes						12/17/2020 14:03	approved	12/17/2020 14:03	12/17/2020 15:22	79	United States of America
Yes						12/17/2020 14:02	approved	12/17/2020 14:02	12/17/2020 15:33	91	United States of America
Yes						12/15/2020 16:06	approved	12/17/2020 13:56	12/17/2020 15:33	97	United States of America
Yes						12/17/2020 14:36	approved	12/17/2020 14:36	12/17/2020 14:59	23	United States of America
Other Attended											
User Name	Join Time	Leave Time	Time in Session (minutes)	Country/Region Name							
18082838171	12/17/2020 14:02	12/17/2020 15:33	92	United States of America							
18088957345	12/17/2020 13:56	12/17/2020 15:33	97	United States of America							
18083968390	12/17/2020 13:58	12/17/2020 15:00	63	United States of America							
18083446075	12/17/2020 14:01	12/17/2020 15:33	92	United States of America							
18085732746	12/17/2020 14:00	12/17/2020 15:31	91	United States of America							
18082838171	12/17/2020 14:00	12/17/2020 14:01	1	United States of America							
18084955184	12/17/2020 14:03	12/17/2020 15:33	90	United States of America							

Appendix B: Virtual Public Scoping Meeting Question and Answer Report

Question and Answer Report				
Report Generated:	44182.68			
Topic	Webinar ID	Actual Start Time	Actual Duration (minutes)	# Question
KALA Public Meeting	925 2922 3600	12/17/2020 13:25	128	73
Question Details				
#	Question	Asker Name	Asker Email	Answer(s)*
	1 So this is being considered as a 106 consultation?	*personally identifying		*Questions were answered live.
	2 What is your compliance mandates besides Chapter 343 and EA?	information of attendees		
	3 How will NPS comply with SMA and chapter 205A for Makanalua?	has been redacted		
	4 Who's paying for all of this?			
	5 How will DHHL beneficiaries be consulted with as landowners?			
	6 Does NPS have a Power Purchase Agreement with ?			
	7 Emory who is WPS?			
	8 What is the projected lifetime of this upgrade? How soon would you be able to consider alternative energy options in future?			
	9 Emory can you try to pronounce Kalaupapa correctly?			
	10 Did you evaluate wind energy generation?			
	11 Why did NPS not put out an RFP for Electrical consults and upgrades?			
	12 Bury lines in the road? OMG! will inadvertant finds be covered under the EA?			
	13 Why not other renewables and a micro grid and batteries?			
	14 DHHL and Hawaiians have rights and privelages distinguishable from the general public			
	15 What about the airport? what is the agreement there?			
	16 What is the cost of the proposed project and where would the "line item" be?			
	17 I received a call from a person who has joined the meeting by phone and does not have computer available. How is that individual able to ask a question?			
	18 WHY renewable alternatives NOT in the alternatives?			
	19 The airport has an EA for improvements HELLOOO			
	20 You should know			
	21 What about PUC? Are you in discussions with the PUC and the energy, resiliency and climate change offices of the state of Hawaii and the office of the Governor?			
	22 All of Makanalua should AVOID digging at all costs because of inadvertant finds.			
	23 Will my question be part of the public record otherwise I wasting my time talking to a computer!			
	24 I don't like one way meetings			
	25 Is all of Makanalua surveyed?			
	26 Who is WPS Connie?			
	27 Resource benefits reduce diesel is lame....sorry cause meco IS SENDING POWER TO YOU BY DIESEL AND THE COMMENT THAT YOU NOT CONSIDERING RENEWABLE ALTERNATIVE ENERGY IN THE EA IS NOT EXCEPTABLE. Sorry for caps not intentional			
	28 Wow David			
	29 Did NPS discuss renewable energy alternatives with topside Molokai group that continues to be very proactive in pursuing effortas to become energy self sufficent and get away from fossil fuels and contribute to the State's commitment to reduce fossil fuel useage			
	30 KALA need to revisit these temporay upgrades and incorporate the idea of microgrids and battery storage			
	31 On many historic building throughout the state of Hawaii there are solar panels on historic buildings and historic homes, why not at Kalaupapa			
	32 KALA can be off the grid like marine corp base and not rely on MECO			
	33 How to solve problem? ASK Hello.....RFP Helloooo....Consult hellooo....not only solar get wave....wind etc.			
	34 Change historic nature David! The airport is putting in a huge radio tower next to the historic light house come on!			
	35 I understand that KNHP energy is generated by HECO. So can KNHP subscribe to community-based renewable energy topside to provide renewable energy to the settlement?			
	36 Was there a report issued regarding the specific results of NPS's analysis of the renewl energuy alternatives? If there is such a report is it available to the public?			
	37 Not good enough David			
	38 what is the current and projected energy needs for Makanalua? And again what is the projected cost for your line item for the federal government?			
	39 Phase 1? Like Tier 1, tier 2 ordinance removal?			
	40 What is the cost to fully implement the project?			
	41 What about the ordinance removal in Makanalua? Does that overlap into any of the project areas?			
	42 Shovel test????			
	43 what depths etc? The project calls for trenching hello?			

44	Close to water lines "we hope" not good enough?			
45	This is a public scoping meeting and should be a part of the eventual record			
46	WSP was hired then?			
47	What are WSP roots and connections to Molokai, Hawaii, do they have cultural consultants? Who are they?			
48	In the material sent out for today's meeting there is a statement that the improvements to the utility system will reduce deferred maintenace. what is NPS's current deferred maintenance NPS is dealing with and how much will the deferred maintenace total be reduce when this project is implemented.			
49	MECO has been scolded repeatedly for not incorporating renewable energy			
50	thus new laws			
51	Will the audio recording of this meeting be available to those who request it			
52	This one way meeting sucks thank you			
53	Remember NPS you do not own the land but may own the electrical grid			
54	I will take up my concerns with the landowners			
55	NPS has release a cost of \$18,000,000 for the project to the public on several occasions including during the Section 106 meetings associated with Kalaupapa's General Management Plan. Is that a reasonably accurate figure?			
56	This meeting was frustrating which is status quo for NPS!			
57	What did you guys pay WSP?			
58	Is that confidential too?			
59	How many people are on this meeting?			
60	What is NPS's deferred maintenance total today			
61	LOL next time Ill call in so I can talk!			
62	Is that you Auntly Pua asking question by phone?			
63	I believe the question was "what is a terrestrial ecologist"			
64	So.....I have provided 50 Q&A in this short time, So NPS know I was not able to use the chat function and only the Q&A			
65	Super evasive answers NPS you guys as an organization are failing in meeting your mission and compliance mandates in the area of consultation, 343, 205A, NEPA, 106 etc. That is why there is NO TRUST.			
66	NPS funding is Taxpayer \$\$\$\$ I will work to open discussion with our congressional reps.			
67	Also Fed \$\$ are triggers for compliance and we know what those are			
68	Good manao Valerie Monson I agree!			
69	Can I have a copy of this meeting today with the Q&A thank you			
70	comment: the mispronounciation of Hawaiian names by the facilitator is disheartening			
71	I agree with DeGray			
72	Amazing how we can ZOOM for this but not for 106 and GMP KALA meetings?			
73	Why is that?			

Appendix C: Virtual Public Scoping Meeting Audio Transcript

Kalaupapa National Historical Park
Virtual Public Scoping Meeting
December 17, 2020

Audio Transcript

*Note: Meeting transcript has been redacted to protect personally identifying information of attendees.

APPENDIX B: CONSULTING PARTIES EARLY CONSULTATION PACKET

Kalaupapa National Historical Park

Rehabilitate the Unsafe and Failing Electrical System



Project Overview

Kalawao County relies completely on electricity produced by HECO at the Pala'au power plant. It is transmitted by high voltage lines down the cliff and into Kalaupapa Settlement. The entire network of poles, lines, insulators, transformers, etc. is known as the electrical distribution system. Kalaupapa National Historical Park (KNHP) manages this system and has initiated a rehabilitation project to bring the system up to current utility service code, improve reliability, reduce deferred maintenance, and minimize potential safety hazards to the Kalaupapa Community. Current service area extends from the main settlement to the airport. The electrical distribution system is hindered by deteriorated transformers, worn and frayed transmission lines, and pole and insulator failures that cause frequent power outages. Included in this project is the installation of new electrical service to the water pumphouse. The water system's pumps are currently powered by two diesel driven engine generators. The new electrical service will reduce the need for fuel storage, preclude potential fuel spills, eliminate onsite generator usage, reduce air pollution, and ensure safe and continuous clean water delivery to the community.

Project Update

The National Park Service strives to avoid or minimize impacts to all resources. This information package is to provide you with status updates as we transition from the predesign into the design phase of the project and continue consultation with our state and local partners. In December 2020, NPS held a public scoping meeting and sent out a newsletter relating to the Environmental Assessment (EA). In the months that followed, consulting parties provided valuable input that the project team used to evaluate the impacts of the project in preparation of an Environmental Assessment (EA). In conjunction

with the EA we have determined that effects on cultural resources need to be more thoroughly considered and addressed before continuing with both the EA and 106 process.

Known Historic Properties

As a result of the predesign process, cultural and natural resources that may be affected were identified. An analysis of the existing electrical system determined it to be eligible for the National Historical Landmark (NHL) as a contributing element to the KNHP. Character defining features identified include pole height, pole interval, crossbars 8' or shorter in length, brown ceramic insulators, and fuse cutout that encloses the fuse, to name a few. Also identified during predesign studies were archaeological resources, historic surface features and walls, all of which contribute to the unique character of the settlement and help to tell the history of the Hawaiian community.

In the predesign phase, two elements of concern emerged that are requiring thoughtful resolution and ideas to move forward. The first concern is the Kamehameha Avenue segment, where some existing power poles are located in a culturally sensitive area. The Park is anticipating relocating these poles away from any cultural sites and closer to the paved



road. This new location will make it easier for maintenance access and protect the cultural sites. The challenge is to determine the most appropriate way to address the existing poles: (1) Leave them in place; (2) cut the poles and remove in sections; and (3) determine any impacts of new poles being installed in the proposed area.

The second area of concern is regarding the installation of a new electrical service line to the water Pumphouse. An existing underground water line runs from the Pumphouse down Waihanau Road, then along Damien Road to the settlement. The project proposes to install the electrical line underground and parallel with the water line. This will allow the park to avoid disturbance of any surface archeological sites adjacent to these roads as well as impacts to the view scape. Hard rock and a narrow service corridor is limiting options for design.

Current choices identified for the Pumphouse Road Electrical Service discussion on October 17th will include;

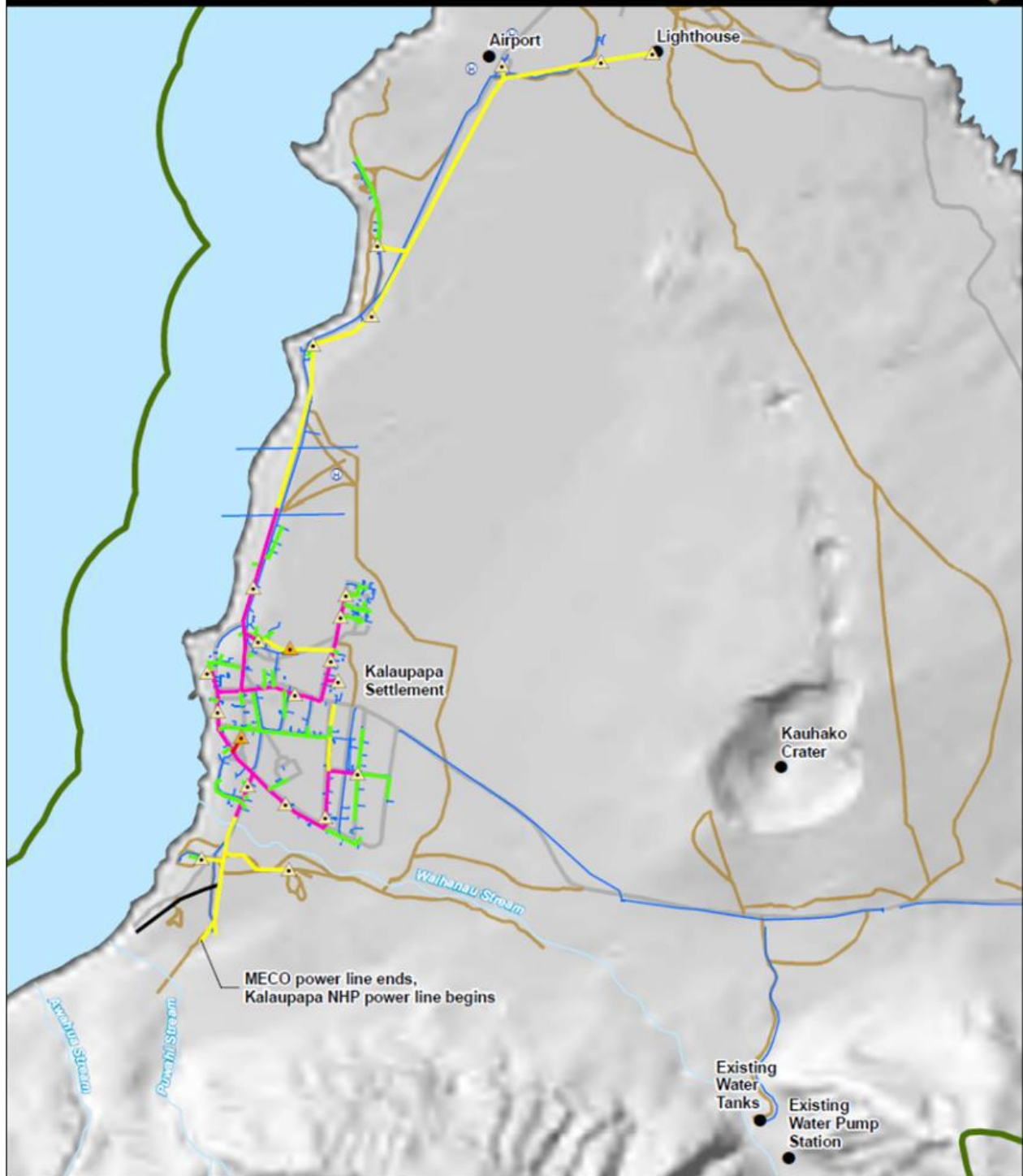
- (1) Combination of horizontal drilling/trenching and installation of a parallel electrical line to the existing water line;
- (2) an overland line option that does not involve poles but sits above ground and finally, and;
- (3) Overhead power lines. All come with the possibility of some adverse effects on the historic properties, viewshed and cultural landscape.

Next Steps

The Park is committed to delivering this project to the community with a high level of diligence, sensitivity, thoughtfulness and balance. As we continue the Section 106 Consultation Process, NPS will be seeking input from the public and consulting parties regarding potential design solutions to address the identified resource concerns. We will continue discussions with the consulting parties regarding the issues presented in this newsletter through December 15, 2022 and will use input from these discussions to further develop the forthcoming Environmental Assessment.

For questions or general comments, please contact: KALA_consultation@nps.gov

Onsite Existing Utilities



LEGEND

- Existing Pad Mounted Transformer
- Existing Pole Mounted Transformer

Existing Underground Primary Electrical System

Existing Overhead Primary and Secondary Electrical System

Existing Overhead Primary Electrical System

Existing Overhead Secondary Electrical System

Existing Comm Line

Existing Water Line

Stream

Road

Dirt Road

Helicopter Landing Site

Kalaupapa National Historical Park

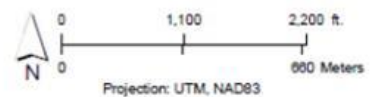


FIGURE 3

Kalaupapa Onsite Existing Utilities

Kalaupapa Predesign Report
Kalaupapa, Hawaii

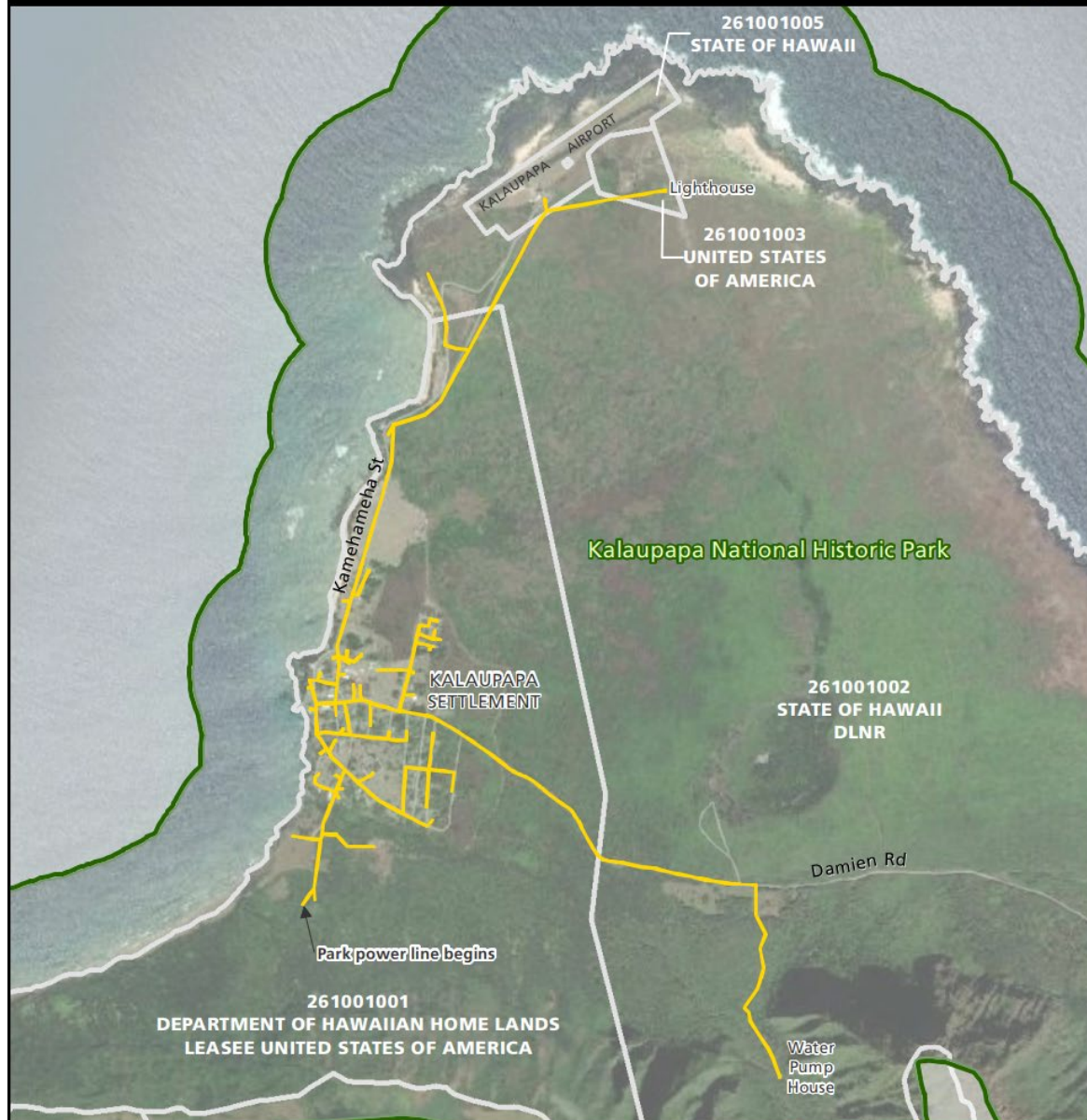
The NPS makes no warranty, express or implied, related to the accuracy or content of this map.

APPENDIX C: PARCEL BOUNDARIES AND OWNERSHIP

Kalaupapa National Historical Park

Hawai'i

National Park Service
US Department of the Interior

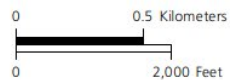


Legend

- Project Area
- NPS Boundary
- Tax Map Key Boundary



North
Coordinate System:
NAD 1983 UTM 4 North Meters



Hawaiian Homes Commission Meeting
My 15 & 16, 2023
Kuhio Hale, Waimea, Hawaii

J-ITEMS

Hawaiian Homes Commission Meeting

J Agenda Requests to Address the

Commission May 16, 2023

- J-1 Bo Kahui -La‘i‘ōpua Community Development Corp.
- J-2 Emily Nae‘ole – Waitlist
- J-3 Leila Kealoha – Maku‘u Hawaiian Homestead Association
- J-4 Skippy Ioane – Kings Landing
- J-5 Kauilani Almeida – Panaewa Hawaiian Home Lands Community Association
- J-6 Lily Napoleon – Na‘iwa Homestead Association
- J-7 John McBride – Kalaupapa and Kupuna
- J-8 Faith Chase – Kahikinui Community Based Economic Development & Makai Management Plan
- J-9 Blossom Feiteira – Act 279
- J-10 Donna Sterling – Kahikinui Hawaiian Homestead Association
- J-11 Kekoa Enomoto – Maui/Molokai Moku-puni Council
- J-12 Dayne Kahau – Papakolea Lease Issue

From: [Craig Bo Kahui](#)
To:
Subject: Re: [EXTERNAL] Request to be placed on
Date: the J Agenda Wednesday, April 05, 2023
Attachments: 10:51:35 AM

Please place me on the May agenda
Mahalo
Bo

On Wed, Apr 5, 2023 at 10:36 AM Burrows-Nuuanu, Leatrice W

From: dhl.icro1@hawaii.g
To:
Subject: New submission from Submit J-
Date: Agenda Testimony Thursday, April
27, 2023 7:20:20 PM

Name

Leila Kealoha

Email

kealohaainallc@gmail.com

Message

I would like to submit testimony for our Maku'u Hawaiian homesteads and my father who has died on the waitlist. I will be in attendance with my Aunty Emily Naeole.

From: [MAHA INC](#)
To: [EXTERNAL] May J Agenda
Subject: Thursday, April 20, 2023
Date: 9:51:40 PM

Aloha Leah

Can I please be put on the May J-Agenda. I went to do it on the website, but I think it's not up yet.

Mahalo nui

Ainaaloha Ioane

From: [Antoinette Almeida](#)
To: [EXTERNAL] J agenda for May 16,
Subject: 2023 Wednesday, May 03, 2023
Date: 11:03:25 AM

Aloha Leah. March meeting was taking too long so I had to move my agenda to April. Commissioner Kaleikini said you would move me to April. April Agenda came and I was not listed. When I saw Molokai agenda I am glad I was not on the April agenda because Molokai beneficiaries had a lot to discuss with the Commission. May I be placed on the “j” agenda for May, I’d really appreciate it. Mahalo

From: [Nā'iwa Agricultural Subdivision Alliance](#)
To: [EXTERNAL] Re: J Agenda Testimony - Hawaiian
Homes Commission - Wednesday, February 22, 2023
Subject:
Date: Tuesday, March 07, 2023 11:46:12 AM
Attachments:

Aloha Leah:

May I please request to be on the May 2023 J Agenda for Naiwa Agricultural Subdivision Alliance.

Mahalo,

Lily.

On Wed, Feb 15, 2023 at 5:57 PM Burrows-Nuuanu, Leatrice W
<leatrice.w.burrows-nuuanu@hawaii.gov> wrote:

From: [John McBride](#)
To: [EXTERNAL] Listed in the "J"
Subject: agenda Monday, April 24, 2023
Date: 2:08:15 PM

Aloha Leah,

I wanted to be listed on the "J"agenda for the commissioner's meeting on May 15, 16, 2023 Monday, Tuesday, in Kawaihae, about Kalaupapa and the followup of April agenda, repairs for Wallace Ishibashi Mom's Home, (Staff Assignment to project)

Let me know.

Mahalo,

John McBride
808-895-1673 cell
molokaidaytour@hawaii.rr.com

Sent from my iPhone

From: dhhl.icro1@hawaii.
To: New submission from Submit J-
Subject: Agenda Testimony Wednesday, April
Date: 26, 2023 12:03:59 PM

Name

Faith Chase

Email

kahikinui@farmersvoicehawaii.com

Message

Kahikinui Hawaiian Homelands federal grant awards
update and the Kahikinui Community Based Economic
Development & Makai Management Plan

From: [Blossom Feiteira](#)
To: [EXTERNAL] J agenda
Subject: testimony Tuesday, May 02,
Date: 2023 8:20:54 AM

Aloha Leah;

Request to address Commission on J agenda for this month.

Mahalo!

Blossom

Sent from my iPhone

From: [donna sterling](#)
To: [EXTERNAL] Request May 16 2023
Subject: J Agenda Tuesday, May 02, 2023
Date: 8:56:11 AM

Aloha Lea

I would like to be placed on the J Agenda on the May 16, 2023 DHHL Commision Meeting. I will be speaking as President, Kahikinui Hawaiian Homestead Association.

Mahalo

Donna Sterling

Sent with [Proton Mail](#) secure email.

From: [Kekoa Enomoto](#)
To: [EXTERNAL] 5/16/23 J Agenda Monday,
Subject: May 01, 2023 3:30:46 PM
Date:

Aloha mai kaula e Leah,
Ke 'olu'olu, may I kindly RSVP to speak on behalf of the Maui/Lana'i
Mokupuni Council and Pa'upena Community Development
Corporation on the 5/16/23 Hawaiian Homes Commission meeting J
Agenda. Me ka mahalo nui,
- 'Anake Kekoa

Kekoa Enomoto
Chairwoman of the board,
Pa'upena Community Development Inc.
(808) 276-2713

From: dhhl.icro1@hawaii.gov

To:

Subject: HCC Contact:

Date: Monday, April 03, 2023

11:29:28 AM

First Name

Dayne

Last Name

Kahau

Email

panakopkoa04@yahoo.com

Subject

To Commission Secretary

Message

Request to be on May, 2023 J agenda
4/03/2023