

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

Hale Pono'i, 91-5420 Kapolei Parkway, Kapolei, Oahu, 96707,
and Zoom Meeting ID: 609 754 2925

Monday, November 20, 2023, at 9:30 a.m. to be continued, if necessary, on

Tuesday, November 21, 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, November 15, 2023.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes:
 - a. October 15, 2023 Special Meeting
 - b. October 16 & 17, 2023 Regular Meeting
- D. Public Testimony on Agendized Items – see information below

Public testimony on any item **relevant to this agenda** may be taken at this time, or a testifier may wait to testify when 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 of Streamline Refinance of Loans (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 October 2023 (see exhibit)
- D-9 Commission Designation of Successors to Application Rights – Public Notice 2021 & 2022
- 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 Approval of Supplemental Dwelling Units for Certain Lessees (see exhibit)
- D-14 Request for Additional Partial Advancement of Net Proceeds – **ESTATE OF WALTER YAU LEE**, Residential Lot No. 12743, Lot No. 13745, Malu'ohai, Kapolei, O'ahu
- D-15 Cancellation of Lease – **ERNESTINE HEKEKIA**, Residential Lease No. 8143, Lot No. 78, Wai'akea, Hawai'i
- D-16 Cancellation of Lease – **MELVIN K. HO'OMANAWANUI**, Agricultural Lease No. 6861, Lot No. 5, Pu'u'eo, Hawai'i
- D-17 Commission Designation of Successor – **JULIA ANN KOHLTFARBER**, Agricultural Lease No. 4230, Lot No. 177, Pana'ewa, Hawai'i

B. REGULAR AGENDA

Office of the Chairman

- C-1 Approval of Resolution 306 Honoring Russell K. Kaupu
- C-2 Approval of Resolution 307 Honoring Patricia “Patty” Kahanamoku-Teruya
- C-3 Approval of Hawaiian Homes Commission 2024 Meeting Schedule
- C-4 Approval to Authorize the Department to Negotiate the Disposition of Hawaiian Home Lands for Commercial, Industrial, or Other Business Purposes to Qualified native Hawaiians Prior to Negotiations with the General Public Under Section 204(2) of the Hawaiian Homes Commission Act, 1920, as amended

Land Development Division

- E-1 Approval of Finding of No Significant Impact Determination and Final Environmental Assessment for the Nā‘iwa Agricultural Subdivision, Ho‘olehua-Pala‘au, Molokai, Hawaii TMK: (2) 5-2-003:001 and (2) 5-2-004:001, 002, 004, 007, 046
- E-2 Acknowledgement and Approval of Community Initiative to change the name of Pu‘unani Homestead Subdivision to Pu‘uhona Homestead

Land Management Division

- F-1 Authorization to General Lease for Industrial Commercial Mixed-Use Purposes at Kalaeloa (Parcel 3), Island of O‘ahu, TMK: (1) 9-1-013:001
- F-2 Approval to Adopt DHHL New Revocable Permit Program; Authorization of the Chairman of the Hawaiian Homes Commission to Grant Renewals of All DHHL Compliant Revocable Permits; Approval to Authorize the Chairman of the Hawaiian Homes Commission to Issue, Amend, and Terminate Revocable Permits; and Authorization to Convert all Compliant Existing Right-of-Entry Permits to Revocable Permits as of January 1, 2024
- F-3 Approval to Enter into Procurement for Property Management Services to Manage Multi-Tenant DHHL Properties Statewide; Authorization to Issue a Right-of-Entry Permit to Lease Properties, LLC, Shafter Flats Industrial Subdivision, Moanalua Kai, Island of O‘ahu, TMK Nos.: (1) 1-1-064:019 & :020
- F-4 Approval to Issue a License to Verizon Company, Nānākuli, Island of O‘ahu, TMK No. (1) 8-9-001:004 (por.)
- F-5 Approval to Issue a License to T-Mobile West Corporation, Waianae, Island of O‘ahu, TMK No. (1) 8-9-003:008 (por.)
- F-6 Approval to Issue First Amendment to Right-of-Entry Permit No. 717, State of Hawai‘i Department of Land and Natural Resources, Waiohuli, Island of Maui, TMK: (2) 2-2-002:014
- F-7 Approval of Delinquent Rent Payment Plan, General Lease No. 159, Aloha M & W Properties, LLC, Waiākea, South Hilo, Island of Hawai‘i, TMK (3) 2-2-060:036
- F-8 Approval of Delinquent Rent Payment Plan, General Lease No. 258, Aloha Machine & Welding, Ltd; Waiākea, South Hilo, Island of Hawai‘i, TMK (2) 2-2-060:033 & :034
- F-9 Approval to Amend Right-of-Entry Permit No. 732, U.S. Army Corps of Engineers, Kawaihae, Island of Hawai‘i, TMK Nos.: (3) 6-1-002, 003, 004, 005, 006, (3) 6-2-001:012, (3) 6-5-001:056, (3) 6-5-001:058, (3) 6-6-001, 004, 007, 012: various

III. EXECUTIVE SESSION

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

1. Discussion Regarding the Negotiating of the Disposition of Hawaiian Home Lands for Commercial, Industrial, or Other Business Purposes to Qualified native Hawaiians Prior to Negotiations with the General Public Under Section 204(2) of the Hawaiian Homes Commission Act, 1920, as amended

IV. ITEMS FOR INFORMATION/DISCUSSION

A. REGULAR ITEMS

Office of the Chairman

C-5 For Information Only – Tribal Broadband Connectivity Program Update

C-6 For Information Only – Act 279 Permitted Interaction Group pursuant to Hawaii Revised Statutes Section 92-2.5 and Hawaii Administrative Rules section 10-2-16(b)(1)

Homestead Services Division

D-1 HSD Status Reports

A.-Homestead Lease and Application Totals and Monthly Activity Reports

B.-Delinquency Reports

Land Development Division

E-3 For Information Only – Kapolei Projects Update

E-4 For Information Only – Implementation Progress Report for Act 279, Session Laws of Hawaii 2022, as of November 14, 2023

Land Management Division

F-10 Identification of DHHL Commercial/Industrial Properties as Specified in DHHL's Island Plans for Revenue Generation and Development Opportunities

B. WORKSHOPS

Homestead Services Division

D-4 For Information Only – Memorandum of Agreement Between the Department of Hawaiian Home Lands State of Hawaii and Kauai Federal Credit Union Regarding the Guaranty of Interim Construction Loans

V. ANNOUNCEMENTS AND RECESS

1. No Community Meeting on O'ahu for November.

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

Hale Pono‘i, 91-5420 Kapolei Parkway, Kapolei, Oahu, 96707,
and Zoom Meeting ID: 609 754 2925

Tuesday, November 21, 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-5 Approval of the Memorandum of Agreement Between the State of Hawaii Department of Hawaiian Home Lands and Kauai Federal Credit Union Regarding the Guaranty of Interim Construction Loans

D-6 Approval of the Memorandum of Agreement Between the State of Hawaii Department of Hawaiian Home Lands and Hawaii Community Lending

III. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA

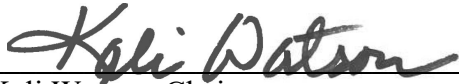
Requests to Address the Commission

- J-1 Germaine Meyers – Various DHHL Concerns
- J-2 Charlita Mahoe – Ahupua‘a O Nanakuli
- J-3 Allen Cardines Jr. – Neighborhood Security Watch
- J-4 Kapua Keliikoa-Kamai – Beneficiary Consultation Process and Act 279
- J-5 DeMont Manaole – Position Statement on Indigent Beneficiary Applicants
- J-6 Patty Kahanamoku Teruya – Various DHHL Concerns
- J-7 Al Hee – Telecommunications
- J-8 Carlene Maria – Various DHHL Issues
- J-9 Iwalani McBrayer – Kaupe‘a Homestead Updates
- J-10 Jonathan Ho‘omanawanui – Lease Concern
- J-11 Sherilyn Wahinekapu – Lease Concerns
- J-12 Randy Akau – Various DHHL Issues
- J-13 Jackson Gay – Various DHHL Issues
- J-14 Raelene Like – Update on Kauluokaha‘i Hawaiian Homestead
- J-15 Princeslehuanani Kumaewakainakaleomomona – Maui Waitlist
- J-16 Jmar Ikaika Manaku – Anahola Lease Issue
- J-17 Brittney Zimmerman – Panaewa Hawaiian Home Land Community Association
- J-18 Bo Kahui – LaiOpua Community Development Corporation

- J-19 Kekoa Enomoto – Pa‘upena Community Development Corporation
J-20 Kelli Keawe – Waitlist
J-21 Jojo Tanimoto – Kawaihae Issues

IV. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Regular HHC Meeting –December 18 & 19, 2023, Kapolei, Oahu
B. Next DHHL Community Meeting – December 18, 2023, Nanakuli/Waianae
C. Adjournment



Kali Watson, Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui
Sanoë Marfil, 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
Walter Kaneakua, 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 November 16, 2023. If a response is received after that, 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 November 16, 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, a video camera, and a microphone to participate.

Disruption of Interactive Technology – If all participating Commissioners cannot maintain audiovisual communication and a quorum is lost, the meeting will automatically be recessed for 30 minutes. During that time, an attempt to restore audiovisual communication will be made. If such an attempt to restore is unsuccessful within 30 minutes, all Commissioners, public members, staff, and other interested individuals shall log on again to the Zoom link on this Notice, whereby audio communication will be established for all participants, and the meeting will continue. If reconvening the meeting is impossible because audio and visual communication cannot be re-established, the meeting will be terminated.

ITEM C-1 EXHIBIT

APPROVAL OF LEASE AWARD NANAKULI RESIDENTIAL LOT, WAIANAE, OAHU

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
ROBERT F. SWOPE	11/10/1988	54	(1) 8-9-010-056	13046

APPROVAL OF LEASE AWARD KAKAINA RESIDENTIAL SUBDIVISION VACANT LOT,
WAIMANALO, OAHU

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
LOUANNA P. KAIO-ALMONY	06/02/1975	6	(1) 4-1-041-006	13047

APPROVAL OF LEASE AWARD KAUMANA RESIDENTIAL SUBDIVISION VACANT LOT, HILO,
HAWAII

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
SALLY A. ISHIKAWA	09/11/1987	3	(3) 2-5-005-154	13048

ITEM D-2 EXHIBIT

APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
BAKER, Elsie K.	9345	Kaniohale, Hawaii
CHUNG, Cameron A. K.	4572	Waianae, Oahu
JEREMIAH, Cindy K.	4597	Waianae, Oahu
KAAHANUI, Kaniela	7543	Waiohuli, Maui
KALANIOPIO, Gordon K., Jr.	9654	Kawaihae, Hawaii
NIZO, Ruth N. L.	4670	Kekaha, Kauai
STONE, Samson R. P.	11133	Anahola, Kauai
TAA, Todd K.	9609	Kalawahine, Oahu

ITEM D-3 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE	LEASE NO.	AREA
ADAMS, Alvina K.	4421	Waianae, Oahu

ITEM D-7 EXHIBIT

APPROVAL OF HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
AKANA, Aaron W.S.	Hawaii IW Agr
AKANA, Elijah K.	Oahu IW Res
ALCOS, Sherrie K.	Oahu IW Res
BALOGBOG, Charles	Oahu IW Res
BAUTISTA, Carlene L.K.	Oahu IW Res
BEDELL, Jade M.	Oahu IW Res
BELTRAN, Davina M.	Oahu IW Res
BRIGHTER, Eddie	Hawaii IW Agr

BRIGHTER, Eddie	Hawaii IW Res
BURNS, Paula A.M.	Maui IW Res
CHONG, Jammie K.	Maui IW Res
COSTA , George L. III	Oahu IW Res
CULLEN, Irene L.V.	Oahu IW Agr
CULLEN, Irene L.V.	Oahu IW Res
DIAS, Eliza	Oahu IW Res
EDMONDSON, Carol K.	Hawaii IW Pas
EISER, Emmeleen N.	Oahu IW Res
ELLIS, Bennadeth A.	Hawaii IW Res
ENOKA, James A.	Oahu IW Res
FAUFATA, Melissa K.	Oahu IW Res
FIGUEROA, Paul K.	Oahu IW Res
HAIOLA, Charles Sr.	Waimanalo Area/ Oahu IW Res
HALE, Kenneth L., Jr.	Oahu IW Res
HONDA, Maxine L.N.	Oahu IW Res
JOHNSON, Jennie M.K.L.	Waimanalo Area/ Oahu IW Res
KAAHANUI, Isaiah	Oahu IW Res
KAAKAU, Lynn Ann K.	Oahu IW Res
KAHILI, Michael N.	Oahu IW Res
KALAUOKAAEA-KAHELE, Keliikeole	Hawaii IW Agr
KALAUOKAAEA-KAHELE, Keliikeole	Hawaii IW Res
KALEIOHI, Madonna L.	Kauai IW Res
KALELEIKI, Oscar K.	Oahu IW Res
KAMA, Peter	Hawaii IW Agr
KAMAKEA-OHELO, Kaleopaaokealii	Hawaii IW Pas
KAMAKEA-OHELO, Kaleopaaokealii	Molokai IW Res
KANAE, Jennifer K.A.	Oahu IW Agr
KANAE, Jennifer K.A.	Oahu IW Res
KANIHO, Laverne K.	Hawaii IW Pas
KANIHO, Tammylyn K.	Hawaii IW Pas
KAPANA, Francis K.	Oahu IW Res
KAUAHI, Herbert Kalani	Kauai IW Agr
KAWAMOTO, Emily L.	Hawaii IW Res
KEALOHA, Lizelle K.	Oahu IW Res
KEAULANA, Cassandra P.	Oahu IW Res
KEIKI, Jaire L.K.	Oahu IW Res
KELIIHOLOKAI, Steven	Waimanalo Area/ Oahu IW Res
KELIIKOA, William K.	Oahu IW Res
KU, Alvin Keola	Maui IW Agr
KUKAHIKO, Edwina J.U.	Hawaii IW Agr
LAPEZ, Ethan Taylor O.	Kauai IW Res
LAPEZ, Ethan Taylor O.	Molokai IW Agr
LOANDO, Roy A., Sr.	Hawaii IW Res
MALAMA, William W.A., Jr.	Oahu IW Res
MARTIN, Elizabeth M.	Papakolea / Kewalo Area / Oahu IW Res
MATSUMOTO, Darlene K.	Hawaii IW Pas
MOLE, Charles D.	Nanakuli Area / Oahu IW Res

NAONE, Sarah
 PAHIA, Frank G.
 PAHIA, Frank G.
 PANEE, Sean K.L.
 POAIPUNI, Abraham K.
 POKIPALA, Benjamin
 RAMOS, Phyllis N.
 REICH, Vernetta N.T.
 RICHARDSON, Robert D.
 ROCHA, David
 SATO, Hyenie E.W.
 SMITH, Henry Lonokalanikai
 SMITH, Manuel
 SOLOMON, Alice L.
 UAHINUI, Alexander E., Jr.
 VIELA, Joewella
 WISE, Jacqueline L.

Nanakuli Area / Oahu IW Res
 Hawaii IW Agr
 Hawaii IW Res
 Oahu IW Agr
 Molokai IW Res
 Oahu IW Res
 Oahu IW Res
 Hawaii IW Pas
 Oahu IW Res
 Hawaii IW Res
 Oahu IW Res
 Kauai IW Res
 Oahu IW Res
 Hawaii IW Pas
 Oahu IW Res
 Waimanalo Area/ Oahu IW Res
 Oahu IW Res

* IW = Islandwide

ITEM D-8 EXHIBIT

APPROVAL TO CERTIFY APPLICATIONS OF QUALIFIED APPLICANTS

APPLICANT	AREA
AKAKA, Bernard C.	Hawaii IW Res
ASING, Jerico K.T.	Oahu IW Agr
ASING, Jerico K.T.	Oahu IW Res
CASCO, Jane M.	Maui IW Agr
CASCO, Jane M.	Maui IW Res
CHARLES, Davanette N.	Maui IW Agr
CHARLES, Davanette N.	Maui IW Res
DELA CRUZ, Bonnie Ann	Maui IW Agr
DELA CRUZ, Bonnie Ann	Maui IW Res
FAUMUINA-PUAHI, Sharnelle N.	Oahu IW Agr
FAUMUINA-PUAHI, Sharnelle N.	Oahu IW Res
FONG, Noelani N.	Hawaii IW Agr
FONG, Noelani N.	Hawaii IW Res
GIROD, Kayla M.K.	Kauai IW Agr
GIROD, Kayla M.K.	Kauai IW Res
HOPPS, Jolyne V.H.	Hawaii IW Res
IOKIA, Wanda D.P.	Hawaii IW Pas
IOKIA, Wanda D.P.	Hawaii IW Res
IRVINE, Ke Kamalii Me Kealoha R.	Oahu IW Agr
IRVINE, Ke Kamalii Me Kealoha R.	Oahu IW Res
KAHAHAWAI-WELCH, Joy P.	Hawaii IW Pas
KAHELE, Shawn K.	Oahu IW Agr

KAHELE, Shawn K.	Oahu IW Res
KAHOOHANO HANO, Suzette K.	Maui IW Pas
KAHOOHANO HANO, Suzette K.	Maui IW Res
KAKALIA, Matthew F.	Hawaii IW Agr
KAKALIA, Matthew F.	Hawaii IW Res
KALAHIKI-AULAUMEA, Hilary A.T.K.	Hawaii IW Res
KAMAKA, Candy K.	Hawaii IW Agr
KAMAKA, Candy K.	Hawaii IW Res
KAPOI, Dannette K.T.	Maui IW Agr
KAPOI, Dannette K.T.	Maui IW Res
KAPOI, David N.K.	Maui IW Agr
KAPOI, David N.K.	Maui IW Res
KEKA, Joel H.	Hawaii IW Agr
KEKA, Joel H.	Hawaii IW Res
KERR, Caroline O.	Maui IW Agr
KERR, Caroline O.	Maui IW Res
LAIKUPU, Isaiah K.	Oahu IW Agr
LAIKUPU, Isaiah K.	Oahu IW Res
LELEIWI, Naea-Kaiya H.	Hawaii IW Agr
LELEIWI, Naea-Kaiya H.	Hawaii IW Res
LOPES, Ka'uhane K.	Oahu IW Res
LUND, Jacqueline H.L.	Oahu IW Res
LUND, Jacqueline H.L.	Hawaii IW Agr
MAC NEAL, Janet L.	Maui IW Agr
MAC NEAL, Janet L.	Maui IW Res
MAKANANI-MANUIA, Barbara Jean L.	Oahu IW Res
MERCADO, Corrine K.M.H.K.	Oahu IW Agr
MERCADO, Corrine K.M.H.K.	Oahu IW Res
PA'AO'AO, Sheena-Marie A.	Oahu IW Agr
PA'AO'AO, Sheena-Marie A.	Oahu IW Res
PATE, Tiana D.K.	Oahu IW Agr
PATE, Tiana D.K.	Oahu IW Res
PAUOLE, Donna K.	Hawaii IW Pas
PAUOLE, Donna K.	Hawaii IW Res
RESPICIO, Jonnah Lashay P.B.	Oahu IW Res
RESPICIO, Jonnah Lashay P.B.	Hawaii IW Agr
REYES, Roxanne L.D.	Oahu IW Res
WOLCOTT, Mareko M.T.	Oahu IW Agr

* IW = Islandwide

ITEM D-9 EXHIBIT**COMMISSION DESIGNATION OF SUCCESSORS TO APPLICATION RIGHT – PUBLIC NOTICE
2021 & 2022**

APPLICANT	AREA
AINA-PAUL, Myra I.	Hawaii IW Agr
AINA-PAUL, Myra I.	Hawaii IW Res
AKANA, Elijah K.	Oahu IW Res
ALCOS, Sherrie K.	Nanakuli Area / Oahu IW Res
BURROWS, Francis K.	Hoolehua Area / Molokai IW Pas
CULLEN, Irene L.V.	Oahu IW Agr
CULLEN, Irene L.V.	Oahu IW Res
KALAUOKAAEA-KAHELE, Keliikeole	Hawaii IW Agr
KALAUOKAAEA-KAHELE, Keliikeole	Hawaii IW Res
KANAE, Jennifer K.A.	Oahu IW Agr
KANAE, Jennifer K.A.	Oahu IW Res
LAA, Carl V. Jr.	Hawaii IW Agr
LAA, Carl V. Jr.	Hawaii IW Res
LAPEZ, Ethan Taylor O.	Kauai IW Res
LAPEZ, Ethan Taylor O.	Molokai IW Agr
NEVES, Celine R.	Hawaii IW Agr
NEVES, Celine R.	Hawaii IW Res
PETERS, Jon K.	Maui IW Pas
PETERS, Jon K.	Maui IW Res
POAIPUNI, Abraham K.	Molokai IW Res
REICH, Vernetta N.T.	Hawaii IW Pas
WAA, Shannon K.	Kauai IW Pas
	Molokai IW Res

* IW = Islandwide

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

LESSEE	LEASE NO.	AREA
MILLER, Juby J. P.	3376	Nanakuli, Oahu
COOK, Cheryl-Ann L.	4505	Nanakuli, Oahu
POPA, Valire J.	4505	Nanakuli, Oahu
KAMAKANA, Rex E. K.	3114-A	Waimanalo, Oahu
MOLER, Earl	9140	Kahikinui, Maui
YERHOT, Sarah K.	5885	Kalamaula, Molokai
MCCABE, Reginald A.	13019	Anahola, Kauai
HOFFER, Maelene K.	4966	Waimea, Hawaii

ITEM D-11 EXHIBIT
APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
AKIM, Paulette, K.	6981	Maku'u, Hawaii
KAMAKANA, Rex E. K.	3114-A	Waimanalo, Oahu
WOESSNER, Leilani G.	2859	Waimanalo, Oahu
CHING, Ernest J. H. K.	2859	Waimanalo, Oahu

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

LESSEE	LEASE NO.	AREA
BALAURO, Kimberly	6644	Waiahole, Oahu
BATALONA, Eulalia K.	5206	Nanakuli, Oahu
BURNS, Kahikina W.	306-A	Nanakuli, Oahu
EKAU Jr., Alfred K.	8501	Princess Kahanu Estates, Oahu
FEJERAN, Nellie K.	5382	Waiakea, Hawaii
FUERTE, Suzette A.	9229	Kaniohale, Hawaii
HAIA, Allen K.	11501	Leialii, Maui
HAMADA, John N.	3773	Nanakuli, Oahu
HANO HANO, Roy K.	5980	Waimanalo, Oahu
HEW LEN, Darrin K. P.	8519	Princess Kahanu Estates, Oahu
HOOP II, Punahale Marie	3452	Paukukalo, Maui
HUBBARD, Eva K.	8586	Nanakuli, Oahu
KAHIAPO-STRICKLAND, Martha E.	11714	Kanehili, Oahu
KALEIKINI, Douglas R.	12193	Waiehu 4, Maui
MAMALA-KELLER, Kamaehu K. K.	10244	Waianae, Oahu
KANAHELE, Nancy K.	8614	Nanakuli, Oahu
KAUHI, James K.	4947	Nanakuli, Oahu
KENUI JR., Clarence S.	7691	Waiohuli, Maui
KEOLANUI, Gilbert S. D. K. R.	4476	Waianae, Oahu
KIDO, Roy S. A.	9959	Waianae, Oahu
KIM-LUNING, Adam K.	10294	Waiohuli, Maui
KOANUI JR., Joseph	8192	Waimanalo, Oahu
KOTRYS, Thomas K.	3847	Nanakuli, Oahu
KUHIA, Pauline A.	8162	Paukukalo, Maui
KUMUHONE, Uilani H. K.	11897	Nanakuli, Oahu
OLIVEIRA, Derek K.	8712	Waianae, Oahu
ORTIZ, Haroldeen K.	5925	Paukukalo, Maui
ROBERTS, Adam K.	8178	Waimanalo, Oahu
SMITH, Tiade M. H. H. M.	12494	Kauluokahai, Oahu
SOLOTORIO, Iakopa K.	3347	Nanakuli, Oahu
SWINSON, Tracyly P.	7337	Nanakuli, Oahu
TAKASUKA, Carol A.	10369	Waiehu 4, Maui
TIWANAK, Maile D. H. C.	11919	Kaupea, Oahu
WONG, Joseph M.	9284	Kaniohale, Hawaii

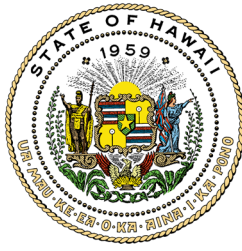
ITEM D-13 EXHIBIT

APPROVAL OF SUPPLEMENTAL DWELLING UNIT (SDU) FOR CERTAIN LEASES

LESSEE	LEASE NO.	AREA
ANDRADE, Anna P.	3971	Waimanalo, Oahu
MILLER, Juby J.P.	3376	Nanakuli, Oahu

**HAWAIIAN HOMES COMMISSION
NOVEMBER 20 & 21, 2023**

**C – ITEMS
OFFICE OF THE CHAIRMAN**



HAWAIIAN HOMES COMMISSION

RESOLUTION NUMBER 306

HONORING RUSSELL KAUWELOA KAUPU FOR HIS SERVICE TO THE HAWAIIAN HOMES COMMISSION

WHEREAS, Russell Kauweloa Kaupu was appointed to this Commission on December 2, 2019, by Governor David Y. Ige; and,

WHEREAS, Commissioner Kaupu was born on September 26, 1966, to Kahu David K. Kaupu and the late E. Darlene Kaupu in Hanapepe, Kauai, and was raised in Kapālama, Oahu; and,

WHEREAS, Commissioner Kaupu graduated from The Kamehameha Schools in Kapālama, Oahu, in 1984, which is where he met his wife of thirty-two years, Gaynor Mahealani (Makanui) Kaupu. Together, they have four children and, so far, three mo‘opuna; and,

WHEREAS, Commissioner Kaupu attended Willamette University in Salem, Oregon. After achieving bachelor's degrees in Business Economics and Mathematics in 1988, he enrolled in and completed a joint master's degree program at Willamette, earning a Master's in Business Administration and a Juris Doctorate of Law in 1992.

WHEREAS, Commissioner Kaupu returned home to Hawaii to practice law and remains a member of the Hawaii State Bar Association. His career in law included being a Partner at the Honolulu law firm of Goodsill Anderson Quinn & Stifel, and then moving in-house with one of his clients to be General Counsel for The MacNaughton Group, a Hawaii real estate development company; and,

WHEREAS, Commissioner Kaupu is an entrepreneur and has successfully founded or acquired and run: Maunakea Integrated Solutions LLC; Pacific Gloves



HAWAIIAN HOMES COMMISSION

& Service LLC; Spot Fuel Hawaii LLC; Pohaku Sports Counsel LLC; Pohaku Development LLC, and Kinohi@Heeia LLC; and,

WHEREAS, Commissioner Kaupu is dedicated to public service in his community. He served as the past Chair and Board Member of the Hawaii Conference Foundation and continues membership on the Boards of Pacific School of Religion, Kalihi-Palama Health Center, and Hawaii Homeless Healthcare Hui (H4); and,

WHEREAS, Commissioner Kaupu is passionate about his Hawaiian community. He is and Deacon of Kalihi and Moanalua Church, a kalawina church that is a member of the Hawaii Conference of the United Church of Christ (HCUCC) and its Association of Hawaiian Evangelical Churches (AHEC), is active with the Kamehameha Alumni Association and the Native Hawaiian Chamber of Commerce, and has coached high school football in Hawaii since returning home from graduate school; and,

WHEREAS Commissioner Kaupu is a forward thinker and, as such, served as a member of several permitted interaction groups, including the DHHL General Plan Update Committee, the Investment Committee, and the Act 279 “Waitlist Reduction” Committee, and chaired the Geothermal Investigation Committee to study, evaluate, and recommend strategies related to geothermal exploration, feasibility, and extraction on Hawaiian Home Lands (the “Geothermal PIG”); and,

WHEREAS Commissioner Kaupu is known for his witty, wry, and sometimes startling humor; his constructivist perspective often brought forth challenging discussions. He is a brilliant, diligent legal eagle. He is an angel from heaven, working on ways to assist beneficiaries in their quest for a home; and,

WHEREAS, Commissioner Kaupu resigned from his Commissioner office this past June 2023, to accept a staff position with DHHL, where he currently serves as a Property Development Agent in the Office of the Chairman and as a staff member of the Geothermal PIG; and,



HAWAIIAN HOMES COMMISSION

NOW, THEREFORE, BE IT RESOLVED, the undersigned, duly recognized as the chairman and members of the Hawaiian Homes Commission, do set forth their signatures in recognition of Russell Kauwelo Kaupu and his service to the legacy of Prince Jonah Kuhio Kalanianaʻole and the thousands of beneficiaries of the Hawaiian Homes Commission Act.

ADOPTED THIS 20th day of November 2023, at Hale Ponoʻi, Kapolei, Oahu, State of Hawaii, by the Hawaiian Homes Commission in a Regular Meeting assembled

OFFERED BY:

Kali Watson, Chair

Randy K. Awo, Member

Pauline N. Namuʻo, Member

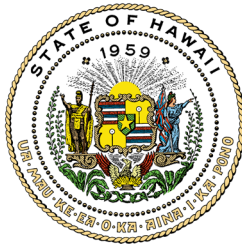
Zachary Z. Helm, Member

Michael K. Kaleikini, Member

Makai Freitas, Member

Sanoe K. Marfil, Member

Walter Kaneakua, Jr., Member



HAWAIIAN HOMES COMMISSION

RESOLUTION NUMBER 307

HONORING PATRICIA AKEMI KAHANAMOKU-TERUYA FOR HER
SERVICE TO THE HAWAIIAN HOMES COMMISSION

WHEREAS, PATRICIA AKEMI KAHANAMOKU-TERUYA was
appointed to this Commission on July 1, 2019 by Governor David Ige; and,

WHEREAS, Commissioner Kahanamoku-Teruya is the youngest daughter
of George Hitoshi Teruya and Joann Kamuela Kahanamoku. She is the grandniece
of Duke Paoa Kahinu Hulikohola Kahanamoku, Hawaii's watermen ambassador
and,

WHEREAS, Commissioner Kahanamoku-Teruya is a Native Hawaiian
"Mana Wahine" beneficiary of the Hawaiian Homes Commission trust. She is the
mother of two sons, a "Nana" to nine beautiful grandchildren, and "Mana-Wahine"
and beneficiary of Nanakuli Hawaiian Homestead; and,

WHEREAS, Commissioner Kahanamoku-Teruya began her career in public
service at the City and County of Honolulu Council Aid and as a Legislative Aid to
Senator Mike Gabbard, which continued until her retirement of 30 years from the
Mayor's Office; and,

WHEREAS, Commissioner Kahanamoku-Teruya, in addition to her years as
a public servant, has dedicated her life to community advocacy and leadership and
has served twenty-nine consecutive years as the Chairperson of the Wai'anae and
Nanakuli Neighborhood Board: a planning and zoning committee chair for the
Wai'anae Coast, a vocal advocate for beneficiaries; and,

WHEREAS, Commissioner Kahanamoku-Teruya also served her
community as the President of the Wai'anae Coast Community Foundation,



HAWAIIAN HOMES COMMISSION

overseeing two Hawaii Food Bank distribution centers along the Wai'anāe Coast and Ewa Beach; and,

WHEREAS, Commissioner Kahanamoku-Teruya is involved in the US Marine Reserves Toys for Tots Program and the Neighborhood Security Watch Council; and,

WHEREAS, Commissioner Kahanamoku-Teruya has also committed herself to bettering the community through her involvement in various commissions, associations, foundations, and nonprofit organizations, including - the Council for Native Hawaiian Advancement and the Duke Kahanamoku Ocean Fest; and,

WHEREAS, Commissioner Kahanamoku-Teruya was also a former Member of the Nanakuli Hawaiian Homestead Association, the Lualualei Hawaiian Civic Club, the Wai'anāe Lions Club; and,

WHEREAS, Commissioner Kahanamoku Teruya is an advocate for the waitlisters and served as a member of the Fairness in Lease Transfers permitted interaction group tasked with addressing the specific issue of profiting from lease transfers; and,

WHEREAS, Commissioner Kahanamoku Teruya is a steadfast proponent for Hawaiian Homes Commission Act beneficiaries and could never be characterized as a “rubber stamp.” Her tenacity and persistence in addressing vacant lots, dilapidated homes, and lease violation enforcement are unparalleled, and,

WHEREAS, Commissioner Kahanamoku Teruya, with her effervescent smile, aloha spirit, and golden heart, continues to be a staunch advocate for her community; and

NOW, THEREFORE, BE IT RESOLVED, the undersigned, duly recognized as the chairman and members of the Hawaiian Homes Commission, on this 20th day of November 2017, do set forth their signatures in recognition of Patricia Akemi Kahanamoku-Teruya and her service to the legacy of Prince Jonah Kuhio Kalanianaʻole and the thousands of beneficiaries of the Hawaiian Homes Commission Act; and



HAWAIIAN HOMES COMMISSION

BE IT FURTHER RESOLVED that copies of this Resolution be transmitted in its entirety to her ohana;

ADOPTED THIS 20th day of November 2023, at Hale Pono‘i, Kapolei, Oahu, State of Hawaii, by the Hawaiian Homes Commission in Regular Meeting assembled.

OFFERED BY:

Kali Watson, Chair

Randy K. Awo, Member

Pauline N. Namu‘o, Member

Zachary Z. Helm, Member

Michael K. Kaleikini, Member

Makai Freitas, Member

Sanoe K. Marfil, Member

Walter Kaneakua, Jr., Member



HAWAIIAN HOMES COMMISSION 2024 MEETING SCHEDULE

January 16, 2024 (Tue)	HHC Mtg, Kapolei – (No Community Mtg)
January 17, 2024 (Wed)	HHC Mtg, Kapolei, O‘ahu
February 20, 2024 (Tue)	HHC Mtg, Kapolei, Community Mtg - Kapolei
February 21, 2024 (Wed)	HHC Mtg, Kapolei, O‘ahu
March 18, 2024	HHC Mtg, Community Mtg – West Maui
March 19, 2024	HHC Mtg, Lahaina, Maui
April 22, 2024	HHC Mtg, Community Mtg – Moloka‘i
April 23, 2024	HHC Mtg, Kulana Oihi Halau, Moloka‘i
May 20, 2024	HHC Mtg, Community Mtg –Kailua-Kona
May 21, 2024	HHC Mtg, Kailua-Kona, Hawai‘i
June 17, 2024	HHC Mtg, Kapolei – (No Community Mtg)
June 18, 2024	HHC Mtg, Kapolei, O‘ahu
July 15, 2024	HHC Mtg, Community Mtg – Papakōlea
July 16, 2024	HHC Mtg, Kapolei, Hawai‘i
August 19, 2024	HHC Mtg, Community Mtg – Kaua‘i
August 20, 2024	HHC Mtg, Līhue, Kaua‘i
September 16, 2024	HHC Mtg, Community Mtg – Waimānalo
September 17, 2024	HHC Mtg, Kapolei, O‘ahu
October 21, 2024	HHC Mtg, Community Mtg – Hilo
October 22, 2024	HHC Mtg, Hilo, Hawaii
November 18, 2024	HHC Mtg, Community Mtg – Central/Upcountry
November 19, 2024	HHC Mtg, Wailuku, Maui
December 16, 2024	HHC Mtg, Community Mtg – Nānākuli/Wai‘anae
December 17, 2024	HHC Mtg, Kapolei, O‘ahu

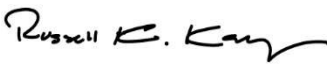
Please visit [DHHL.hawaii.gov](https://dhhl.hawaii.gov) for the latest updates and information. O‘ahu meetings are held at Hale Pono‘i, DHHL, 91-5420 Kapolei Parkway, Kapolei, O‘ahu. Community meetings are held in the evenings. No community meetings are scheduled for January and June.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 2023

TO: Members, Hawaiian Homes Commission

FROM: Russell K. Kaupu, Property Development Agent
Office of the Chairman (OCH) 

SUBJECT: Approval to Authorize the Department to Negotiate the Disposition of Hawaiian Home Lands for Commercial, Industrial, or Other Business Purposes to Qualified native Hawaiians Prior to Negotiations with the General Public Under Section 204(2) of the Hawaiian Homes Commission Act, 1920, as amended

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) reinstate the general leasing policy originally adopted on September 24, 1981, subsequently rescinded on October 23, 2001, which provides “that all lands used for income purposes under the General Leasing Program shall be made available to qualified native Hawaiians or qualified native Hawaiian organizations before said general lease is made available to the general public.”

BACKGROUND

Section 204(2) of the Hawaiian Homes Commission Act was amended by the Constitutional Convention in 1978 to authorize the Department to negotiate with native Hawaiians or organizations owned or controlled by native Hawaiians for dispositions of Hawaiian home lands by general lease prior to offering such lease to the general public. On September 24, 1981, HHC adopted a policy to offer general leases to native Hawaiians before the public in all cases. A copy of the policy statement and the procedures previously followed by the Land Management Division (LMD) to comply with this policy is attached as Exhibit “A”. On October 23, 2001, HHC rescinded this policy. A copy of the submittal to HHC from LMD recommending such rescission of the policy is attached as Exhibit “B”.

DISCUSSION

OCH is requesting reinstatement of the policy rescinded in 2001. This reinstated policy will again apply to all general leases of lands used for income purposes, including farm and ranch general leases. While this reinstated policy will not apply to short term dispositions (*i.e.*, Right of Entries and Revocable Permits), it is noted that LMD has a submittal to HHC at this current meeting to put the long-awaited and already piloted Revocable Permit program in place, and that such program already takes native Hawaiian ownership and control into consideration via a scoring system applied to all interested applicants. Neither this reinstated policy, nor any scoring system considering the applicant’s native Hawaiian status, however, will apply to dispositions under Section 220.5 (*i.e.*, development contracts and project developer agreements).

RECOMMENDATION

OCH requests approval of the motion as stated.

SUBJECT: GENERAL LEASING OF HAWAIIAN HOME LANDS

PURPOSE: To provide procedures for the Department of Hawaiian Home Lands to follow in the general leasing of lands for revenues.

POLICY:

1. All lands used for income purposes under the general leasing program shall be made available to qualified native Hawaiians or qualified native Hawaiian organizations or associations before said general lease is made available to the general public.
2. Maximize income through more effective land management.
3. Reduce the acreage of lands used for income purposes.

AUTHORITY: Hawaiian Homes Commission Act, 1920, as amended, section 204(2), "In the management of any retained available lands not required for leasing under section 207(a), the Department may dispose of such lands to the public, including native Hawaiians, on the same terms, conditions, restrictions and uses applicable to the disposition of public lands as provided in Chapter 171, Hawaii Revised Statutes, provided that the Department may not sell or dispose of such lands in fee simple except as authorized under section 205 of this Act; provided further that the Department is expressly authorized to negotiate, prior to negotiations with the general public, the disposition of a lease of Hawaiian Home Lands to a native Hawaiian, or organization or association owned or controlled by native Hawaiians, for commercial, industrial, or other business purposes, in accordance with the procedure set forth in section 171-59, Hawaii Revised Statutes, subject to the notice requirement of Section 171-16(c), Hawaii Revised Statutes, and the lease rental limitation imposed by section 171-17(b), Hawaii Revised Statutes."

P R O C E D U R E

RESPONSIBILITY

ACTION

INITIATION PHASE

General lease can be initiated by the Income Property Division, Property Management Branch (IPD/PMB) or prospective lessees.

Initiation by IPD/PMB

- | | |
|------------|---|
| IPD/PMB | 1. Prepare a background report and rationale for the leasing of specific parcel or parcels. |
| Chairman | 2. Review and consent to proceed.

a. If no consent, no further action is taken. |
| IPD/PMB | 3. Prepare submittal to the Hawaiian Homes Commission for preliminary approval to proceed and to hire independent appraiser to determine fair market upset annual lease rental. |
| Commission | 4. Review and authorize IPD/PMB to proceed.

a. If authorization is not granted, no further action is taken. |

* * * * *

Initiation by Prospective Lessee

- | | |
|--------------------|--|
| Prospective Lessee | 5. Submit application for lease of land on HH-211, Application for Hawaiian Home Lands (or equivalent information in letter form). |
| Office of Chairman | 6. Log in application and forward it to IPD/PMB. Acknowledge application. |
| IPD/PMB | 7. Review and coordinate with all divisions.

a. Prepare request for Input (HH-210) and forward to the following agencies as appropriate.

(1) All interested Federal, State, and County agencies.

(2) Department of Hawaiian Home Lands' staff.

(3) Private organizations and individuals.

b. Review comments from agencies. |

RESPONSIBILITYACTION

IPD/PMB

8. Submit recommendations to the Chairman.

Chairman

9. Review recommendation and instruct IPD/PMB to proceed.
 - a. If application is unacceptable, instructs IPD/PMB to prepare letter to prospective lessee with reasons for rejection.

IPD/PMB

10. Prepare submittal to Commission for preliminary approval to proceed and to hire independent appraiser to determine fair market upset annual lease rental.

Commission

11. Review and authorize IPD/PMB to proceed.
 - a. If authorization is not granted, no further action is taken.

PRE-PUBLICATION PHASE

IPD/PMB

12. Matters such as EIS statements, subdivision requirements, Coastal Zone Management problems, etc. should be considered and complied with at this point.

Prospective Lessee

13. Deposit \$1,500 with the Department of Hawaiian Home Lands to cover the cost of leasing (deposit to be returned if lease is granted to someone else). (Fiscal Office to establish trust fund account. In the same request ask the applicant for his input as to desirable leasehold provisions.)

HEREAFTER, PROCEDURE IS IDENTICAL FOR BOTH IPD/PMB AND PROSPECTIVE LESSEE INITIATED PROCESSES.

IPD/PMB

14. If an independent survey is needed, it should be ordered at this point. After receiving survey, prepare a letter to Survey Division, Department of Accounting and General Services (DAGS), for maps and descriptions of property. Send copy to IPD/PMB.

RESPONSIBILITY

ACTION

- | | |
|-------------------------|---|
| | 15. Receive approved maps and property descriptions and review. |
| | 16. Request from an independent appraiser, a written appraisal of the property in order to establish an upset rental price. All leasehold factors should be considered at this point. |
| | 17. Prepare drafts of the lease documents, notice of proposed disposition and conduct of disposition. |
| Deputy Attorney General | 18. Review and approve as to form. |
| IPD/PMB | 19. Review Deputy Attorney General's comments and make changes as necessary and establish criteria. |
| | 20. Submit lease package to Hawaiian Homes Commission for approval of proposed lease package. |
| Commission | 21. Commission action. |

PUBLICATION PHASE

- | | |
|---------|---|
| | If approved. |
| IPD/PMB | 22. Publish a notice of proposed disposition once in each of three (3) successive weeks in a newspaper with general state circulation, and in a newspaper with general circulation in the county where the land to be leased is located. Notice of sale includes the particulars of auction: date, time, place, upset price, etc. |

POST-PUBLICATION PHASE (This phase is open to native Hawaiians only)

- | | |
|--------------------|---|
| Prospective Lessee | 23. File an application for a negotiated lease no later than thirty (30) days after the last date of publication of the notice of sale. Application shall consist of:

a. Application Form (HH-211) |
|--------------------|---|

RESPONSIBILITY

ACTION

- b. Kumu Ohana (B25)
- c. Personal Information Sheet (HH-212)
- d. Qualifications for disposition by negotiation are:
 - (1) An individual qualifying for a negotiated lease as a native Hawaiian must have no less than one-half (1/2) part of the blood of the races inhabiting the Hawaiian Islands previous to 1778.
 - (2) A native Hawaiian organization or association shall be an organization or association in which the controlling interest is held by a native Hawaiian or native Hawaiians that qualify as native Hawaiians as set out above in item 22d(1).

If no applications are filed, go to step 42.

IPD/PMB

- 24. Review all applications and certify applicants. Inform applicants of certification and provide further information.
 - a. If prospective lessee does not meet the established criteria, notify applicant by certified mail.
 - b. That the applicant be able to meet the basic criteria established by the Department.
 - c. If not satisfied, file objection within twenty (20) days from receipt of the rejection notice.
 - (1) All further action should be held in abeyance until a final determination can be made.
 - (2) Commission determination should be obtained when necessary.

RESPONSIBILITYACTION

- | | |
|--------------------|--|
| IPD/PMB | 25. Submit sealed bids. |
| | 26. Award lease to the highest bidder and prepare a Memorandum of Lease (HH-213).

a. If there is only one prospective lessee, begin negotiation within thirty (30) days of the last day of the publication of the notice of sale. |
| Chairman | 27. Sign Memorandum of Lease (HH-213). Publish Notice in newspaper cancelling auction. |
| Prospective Lessee | 28. Sign Memorandum of Lease (HH-213) and Lessee Data Sheet (HH-216) as to his legal status and intention to take title. |
| IPD/PMB/Fiscal | 29. IPD/PMB provide a memo to Fiscal for billing of estimated cost to prospective lessee. |
| Prospective Lessee | 30. Provide current State and County tax clearance to IPD/PMB on HH-214, Affidavit of Non-Arrears, and HH-216, Lessee Data Sheet. |
| IPD/PMB | 31. Verify together with prospective lessee the proper name(s), address, marital status, and tenancy to be used on the documents.

a. If prospective lessee is a business, check with Business Registration Division (Department of Commerce and Consumer Affairs) to ascertain that the business is a registered business in the State of Hawaii and name is correct. |
| Prospective Lessee | 32. Sign the Tax Conveyance Certificate, Form No. P-64A. |
| Fiscal | 33. Collect lease rent and processing costs from prospective lessee. |
| IPD/PMB | 34. Prepare a report to Chairman.

35. Inform the Commission of lease. |

RESPONSIBILITY

ACTION

	36. Complete final lease documents.
Lessee	37. Sign lease documents.
Chairman	38. Sign lease documents.
IPD/PMB	39. Retain original lease and give lessee two copies.
	40. Record lease with Bureau of Conveyances and pay the conveyance tax from the trust account and open leasehold account.
IPD/PMB	41. Instruct Fiscal Office to close out the trust account after all costs and charges are paid and provide them with the pertinent data to set up their files.

The following steps apply only if no native Hawaiians applied for the general lease.

AUCTION PHASE

Chairman	42. Designate a staff employee to conduct an auction on the land to be leased (selected staff employee to be referred hereafter as the auctioneer).
Auctioneer	43. Prepare for auction. Prepare Attendance Sheet (HH-215); assemble Auctioneerequipment at auction site; and select assistant.
	44. On auction day, check prospective bidders to ascertain that they have sufficient cash for upset amount. Be sure that the bidder indicates his capacity and authority to submit a bid.
	45. Sign in and qualify all prospective bidders on Attendance Sheet (HH-215).
	46. Conduct auction. Successful bidder becomes prospective lessee.

RESPONSIBILITYACTIONPOST-AUCTION PHASE

IPD/PMB	47. Prepare Memorandum of Lease (HH-213).
Chairman	48. Sign Memorandum of Lease (HH-213).
Prospective Lessee	49. Sign Memorandum of Lease (HH-213).
	50. Sign Lessee Data Sheet (HH-216) as to his legal status and intention to take title.
	51. Receive billing of estimated cost from IPD/PMB.
	52. Submit a current State and County Tax clearance on Affidavit of Non- Arrears (HH-214) and Lessee Data Sheet (HH-216).
IPD/PMB	53. Verify together with prospective lessee the proper name(s), address, marital status, and tenancy on the documents. a. If the prospective lessee is a business, check with Business Registration Division (Department of Commerce and Consumer Affairs) to ascertain that the business is a registered business in the State of Hawaii and name is correct.
	54. Prepare Tax Conveyance Certificate (Form P-64A).
Prospective Lessee	55. Sign certificate.
Fiscal or District Office	56. Collect the balance of the lease rent and processing costs from prospective lessee. Turn over monies to Fiscal Office or to District Office.
	57. Prepare report to Chairman.
	58. Inform Commission of lease.
	59. Complete final lease documents.
Lessee	60. Sign lease documents.

RESPONSIBILITY

ACTION

Chairman

61. Sign lease documents.

IPD/PMB

62. Retain original and one copy of lease and give lessee one copy.

63. Record lease with Bureau of Conveyances and pay Conveyance Tax from trust fund.


64. Instruct Fiscal Office to close the trust account and open leasehold account.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

October 23, 2001

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Mike McElroy, Administrator 
Land Management Division

SUBJECT: General Leasing Policy

RECOMMENDED MOTION / ACTION

That the Hawaiian Homes Commission rescind the general leasing policy adopted on September 24, 1981, which provides "that all lands used for income purposes under the General Leasing Program shall be made available to qualified native Hawaiians or qualified native Hawaiian organizations before said general lease is made available to the general public."

BACKGROUND

Section 204(2) of the Hawaiian Homes Commission Act was amended by the Constitutional Convention in 1978 to authorize the Department to negotiate with native Hawaiians or organizations owned or controlled by native Hawaiians for disposition of Hawaiian home lands by general lease prior to offering such lease to the general public.

On September 24, 1981, the Hawaiian Homes Commission adopted a policy to offer general leases to native Hawaiians before the public in all cases.

The Department has executed 37 general leases under the preference policy. After excluding leases to governmental and non-profit agencies, a total of 19 general leases were entered into, with 16 of these held by native Hawaiian individuals or controlled entities.

Native Hawaiian leases have had a very high attrition rate. Fully 69% (11 of the 16) were either terminated by DHHL or cancelled by mutual agreement. By comparison, the attrition rate

of leases to non-Hawaiians was less than 35% over the same period.

Subsection 204(2) of the Hawaiian Homes Commission Act requires the Department to comply with Chapter 171, Hawaii Revised Statutes, in general leasing land. Chapter 171 provides that lease rents shall be based on the land's appraised value. (Secs. 171-17(b) and 171-33, HRS) Therefore, the statute prevents the Department from leasing to native Hawaiians at a below-market rent. In short, the preference is not an economic benefit to native Hawaiians.

DISCUSSION

We believe that the intent of Section 204(2), HHCA, is to increase the number of successful native Hawaiian commercial lessees on Hawaiian home lands. Implementation of the preference policy has not achieved this intent. After twenty years, the preference has not greatly increased the proportion of native Hawaiian general lessees, who constituted 7% of general lessees in 1981 and the same proportion today.

The preference policy has had the following negative aspects to the trust:

1. Leases with a higher attrition rate have cost the trust lost rent from non-performing businesses and resultant vacancies.
2. National or international tenants might be discouraged from bidding on leases which contain such restrictions as the native Hawaiian preference.
3. Continued use of the preference exposes the Hawaiian home lands program to potentially damaging litigation.

The preference has attracted the attention of those pursuing the Barrett case, who have expressed the intention of challenging any general lease awarded pursuant to the preference. While the State might prevail in a lawsuit, it would be very costly to the trust if we were prevented from issuing new general leases during the 4-5 years the case might take to resolve.

Greater business assistance efforts beyond the native Hawaiian preference policy could better achieve the goal of increasing the number of native Hawaiian businesses on general

lease lands. To this end, the Department is developing an agreement with Alu Like to sponsor a program to provide services to native Hawaiians seeking to expand an existing small business.

The program would provide services needed by small entrepreneurs, including:

- Business plan preparation
- Assistance in securing financing
- Coordination of training in accounting, personnel and other functions of a growing business

In addition to supporting this program, the Department plans on investigating other administrative or programmatic steps that could enhance the probability of success for native Hawaiian businesses on Hawaiian home lands. A revised business assistance program could include a recommendation to reestablish the native Hawaiian bid preference.

CONCLUSION

The preference, in its present form, has done little to expand business opportunities for native Hawaiians. It would be in the best interest of the trust to employ more targeted efforts to foster native Hawaiian businesses. Teaming up with a recognized business service provider could better achieve our goal of having more native Hawaiians operating businesses on Hawaiian home lands.

RECOMMENDATION

Land Management Division requests approval of the motion as stated.

STATE OF HAWAII`I
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

To: Chairman and Members, Hawaiian Homes Commission

Thru: Katie L. Ducatt, Deputy to the Chairman

From: Jaren Tengan, TBCP Award Program Staff

Subject: For Information Only - National Telecommunications and
Information Administration Tribal Broadband Connectivity
Program Update

RECOMMENDED MOTION

None; for information only

DISCUSSION

This informational briefing is to provide an update on the Department of Hawaiian Homes Lands (the Department or DHHL) Tribal Broadband Connectivity Program (TBCP) award. The last submittal update was provided at the June 2023 Hawaiian Homes Commission (HHC) meeting.

BACKGROUND

The Consolidated Appropriations Act (CAA), which became law in December 2020, authorizes the creation of the Tribal Broadband Connectivity Program under the National Telecommunications and Information Administration (NTIA) of the U.S. Department of Commerce. Section 905(a)(8)(III) set aside no less than \$30 million to the Department of Hawaiian Homelands (DHHL) on behalf of the Native Hawaiian Community, including Native Hawaiian Education Programs. In November 2021, the Investment, Infrastructure & Jobs Act (IIJA) became law and Section 602.11 amended the TBCP to include an additional \$60 million set aside to the DHHL. Thus, there was a \$90 million total set aside under the TBCP for DHHL.

On June 3, 2021, the NTIA released its Notice of Funding Opportunity (NOFO). In consultation with the NTIA, DHHL amended its original August 31, 2021 TBCP application and submitted its final application on September 30, 2022. NTIA awarded

\$17,284,762.85 in December of 2022, with the remaining balance of the \$90 million available to DHHL when it applies for the second TBCP NOFO, which was published on or about July 27, 2023.

DHHL's TBCP application was structured into two parts: 1) Use and Adoption; and 2) a Feasibility and Assessment Study for broadband infrastructure. We provide an overview of each in turn below:

PROJECT UPDATES

Use and Adoption Projects

DHHL's TBCP application, as amended, was strongly influenced by the impact of the COVID-19 pandemic, which brought to the forefront the lack of access to sufficient internet bandwidth for telehealth, distance learning and teleworking for Native Hawaiian households. Thus, DHHL's Use and Adoption Projects reflect the need observed in its Native Hawaiian communities statewide during the global pandemic.

DHHL's Use and Adoption Projects are: 1) Charter Schools; 2) Broadband Digital Mapping; 3) Nānākuli Library; and 4) Telehealth (to include Maternal and Native Hawaiian Telehealth).

1. Charter Schools \$4,003,913.00

The goal of this project is to increase the capacity of Hawaiian-focused public charter schools (HFCS) for distance learning, digital education access, and hybrid learning. This grant will help provide computers (MacBooks) and interactive white boards to HFCS. The Charter schools that have been identified in DHHL's proposal are: 1) Kanuikapono, Kauai; 2) Kamaile Academy and Malama Honua, Oahu; 3) Kualapu'u, Molokai; and 4) Kua o Ka la and Waimea Middle School, Island of Hawaii.

- 2. STATUS:** The Department is currently in discussion with various charter schools. We have expanded the project to other charter schools. We are currently working with DHHL's district offices to identify more schools located on or near Hawaiian home lands.

3. Broadband Digital Mapping \$315,530.00

This project has evolved into a digital mapping project for the whole state. The Department is looking at securing a data service called Ookla. Ookla is a renowned data service company specializing in broadband and internet performance analysis. Their flagship product, Speedtest, empowers users to assess internet speeds and latency accurately. With a global network of servers, Ookla provides comprehensive, real-time insights into internet performance, aiding consumers in selecting the best ISPs and enabling businesses and ISPs to optimize their networks. Ookla's data services offer valuable information for policymakers, helping bridge the digital divide. Their enterprise solutions, mobile apps, and commitment to accuracy make Ookla an indispensable player in the realm of internet performance measurement, benefiting individuals, organizations, and governments worldwide. The utilization of Ookla's data services holds significant potential for the Hawaiian Homelands. By leveraging Ookla's expertise in broadband and internet performance analysis, DHHL can gain valuable insights into the current state of connectivity on their lands. This data can inform targeted infrastructure improvements and investments, ensuring that DHHL lessees have access to reliable and high-speed internet services.

STATUS: Currently working on the sole source of Ookla. We are working through the State Procurement process.

4. Nānākuli Public Library \$745,392.00

Funding is allocated for the buildout of a telehealth and digital literacy tech innovation hub at the Nānākuli Public Library, which serves the largest DHHL homestead in Waianae. This project serves to provide device access, digital literacy training, and assistance with the establishment of a digital recording studio. The recording studio will be utilized by Native Hawaiian language specialists for oral history, storytelling, and cultural information in Hawaiian. Additionally, solar powered charging stations for personal devices are projected to be set in Kapolei, Nanakuli, and Waianae.

STATUS: DHHL is working with the Hawaii State Public Library System on a Memorandum of Agreement to help facilitate this project.

5. Telehealth (Maternal and Native Hawaiian Telehealth)

\$5,832,565.45

This project will support the access and adoption of telehealth through two subprojects: 1) maternal telehealth services, and 2) Native Hawaiian Telehealth. These initiatives seek to improve health outcomes by increasing access to remote health care services including remote patient monitoring devices and services that enable a patient's health care team to intervene quickly if conditions are indicated.

STATUS: DHHL has been working with the John A. Burns School of Medicine (JABSOM) and the Pacific Basin Telehealth Resource Center (PBTRC) to coordinate the implementation of the maternal telehealth portion of this program. The MOA is currently routed for signatures at JABSOM.

Telecommunications Infrastructure Assessment and Feasibility Study

The second component of DHHL's award is for a telecommunications infrastructure assessment and feasibility study (Feasibility Study). This portion of the award totals **\$6,387,362.40 million.**

The Feasibility Study's findings will be used to inform the construction and maintenance of a modern, reliable telecommunications network on Hawaiian home lands. The study aims to identify existing infrastructure, assess barriers, and make recommendations for a design and infrastructure strategy.

On March 29, 2023, DHHL released a Request for Proposals for the Feasibility Study in accordance with the Hawaii State Procurement Code. On April 26, 2023, DHHL awarded the Feasibility Study contract to Hawaiian Telcom.

STATUS: DHHL is currently working with Hawaiian Telcom on the infrastructure study. The study is anticipated by the end of the

month. This study will help provide guidance to our second notice of funding opportunity application.

NEXT STEPS:

The Department is starting to work with the various stakeholders to start implementation of the projects, including but not limited to creating Memoranda of Agreement with various state agencies. State agency cooperation is key for DHHL to effectively execute these projects in a timely manner.

We are currently working on the TBCP second notice of funding opportunity application that is due on January 23, 2023. It will be primarily focused on the build out of infrastructure on Hawaiian Home Lands.



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

Broadband Update

November 20-21, 2023



Agenda

- **Summary of connection on Hawaiian Home lands**
- **TBCP Award Summary**
- **Timeline**
- **Tribal Broadband Connectivity Program (TBCP)**
 - Use and Adoption Projects
 - Infrastructure Planning and Feasibility
- **Questions**



TBCP AWARD SUMMARY

NTIA AWARD SUMMARY

Feasibility Study/Assessment for Infrastructure	\$	6,387,362.00
Reference Documents:	093022 Infrastructure Project Narrative	
	102622 DHHL Budget for Infrastructure Planning & Feasibility	
Use & Adoption (Programs)		\$10,897,400.45
Reference Documents:	093022 Use and Adoption Project Narrative	
	12323 DHHL Use and Adoption Budget Narrative	
	012323 DHHL Use and Adoption Detailed Budget Justification_v3_CORRECTED VERSION 020623	
Project 1: Charter Schools	\$	4,003,913.00
Project 2: Community Network & Digital Mapping	\$	315,530.00
Project 3: Nanakuli Library	\$	745,392.00
Project 4: Telehealth & Maternal Telehealth	\$	5,832,565.45
Total Award:	\$	17,284,762.45



Timeline

TBCP USE AND ADOPT PROJECTS

MOA for Nānākuli Public Library Project
(PENDING FEED BACK FROM LIBRARY)

MOA for Telehealth Project
(ROUTED FOR SIGNITURES)

MOA for Charter Schools Project
(PENDING END OF SCHOOL YEAR)

MOA for Community Networks and Broadband
Mapping Project
(PENDING STATE PROCURMENT)

FEB2024 Community engagement/update for 2.5ghz
spectrum build out on Hawaiian Home Lands

JAN2024 2nd Notice for Funding Opportunity
Closes

JAN2024 Finalization of TBCP Use and Adopt MOAs

DEC 2023 Draft application for notice of
funding.

NOV 2023 completion of infrastructure study

★ Update to Hawaiian Homes Commission on TBCP
NOV 2023

Hawaiian Homes
Commission Briefing
on TBCP JUN 26,
2023

SEP 2023 Start of site visits on Hawaiian Homelands
SEP2023 Rebudget approval
from NTIA

NTIA Grant Awarded
DEC 2022

NOTE***Federal Grant system
down from SEP2023 to
OCT/NOV2023

★ Current
✦ Major Events
○ Future/Past
Events



Use and Adoption Projects



Charter Schools

Project is aimed to increase Hawaiian-focused public charter schools (HFCS) for distance learning, digital education access, and hybrid learning. This grant will help provide computers (MacBooks) and interactive white boards to HFCS.

Partnership with:



HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

Office of the Chairman

Various Hawaiian Focused
Charter Schools.

Status: The Department is currently in discussion with various charter schools. We have expanded the project to other charter schools. We are currently working with DHHL's district offices to identify more schools located on or near Hawaiian home lands.



Broadband Mapping

DHHL has rescoped this project to bring on a data mapping service called Ookla. Ookla specializes in digital mapping for telecommunications connections. Their data sets will help guide the Department in planning broadband infrastructure on Hawaiian Home Lands.

Partnership with:



Office of the Chairman

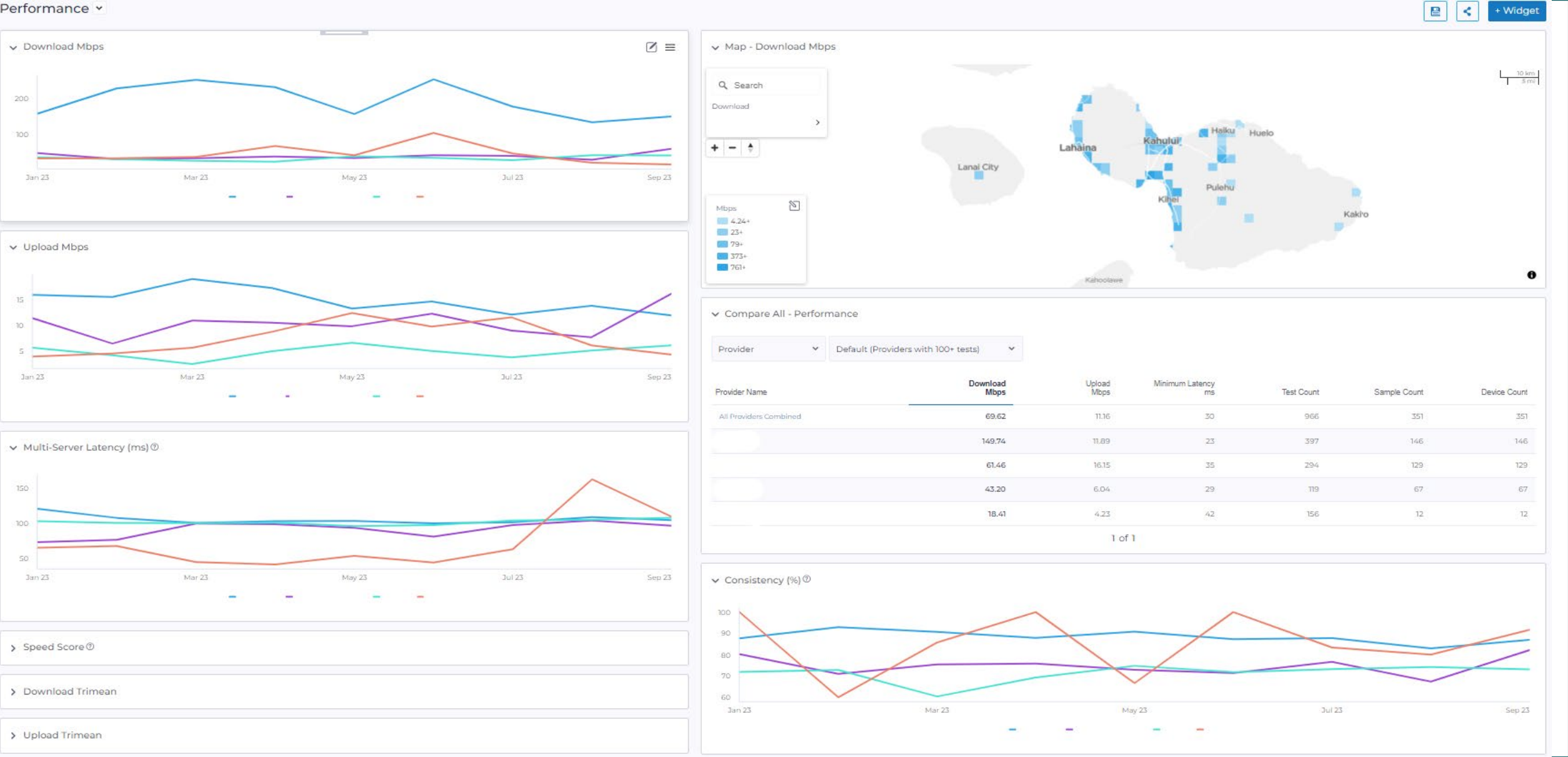


Ookla

Status: Working through the Hawaii State Procurement process for Sole Source.



Broadband Mapping





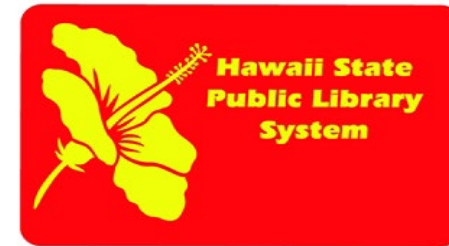
Nānākuli Public Library

Buildout of a telehealth and digital literacy tech innovation hub. To provide device access, digital literacy training, and assistance with the establishment of a digital recording studio

Partnership with:



Office of the Chairman



State Librarian

Status: DHHL is working with the Hawaii State Public Library System on a Memorandum of Agreement to help facilitate this project.

Telehealth (Maternal and Native Hawaiian)

Initiative seeks to improve health outcomes by increasing access to remote health care services including remote patient monitoring devices and services that enable a patient's health care team to intervene quickly if conditions are indicated

Partnership with:



Office of the Chairman



UH School of Medicine



Co-Director

Status: The MOA is currently routed for signatures at JABSOM.



BROADBAND PLANNING AND FEASIBILITY

This study is to identify existing infrastructure, assess barriers, and make recommendations for a design and infrastructure strategy on Hawaiian home lands.

Partnership with:



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

Office of the Chairman



Information Technology
Department

RFP Awardee:



Status: DHHL is currently working with Hawaiian Telcom on the infrastructure study. The study is anticipated by the end of the month. This study will help provide guidance to our second notice of funding opportunity application.



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

Questions

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

TO: Members, Hawaiian Homes Commission

FROM: Kali Watson, Chairman

SUBJECT: Act 279 Permitted Interaction Group pursuant to Hawaii Revised Statutes section 92-2.5 and Hawaii Administrative Rules section 10-2-16 (b) (1)

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION:

An investigative committee of the Hawaiian Homes Commission is appointed effective November 20, 2023. The purpose of the committee is to investigate, consider and recommend changes, if any, to the Act 279 strategic plan and budget after given due consideration to evolving opportunities as the Department moves forward in executing on the intent of Act 279, which is to reduce the number of applicants on DHHL's waitlist.

I am establishing this Committee at this time so that staff can move expeditiously with the assistance of the Committee to evaluate the changing landscape of previously identified projects against new opportunities that were not previously known. Although this is extraordinary, it is necessary given the truncated time frames and the extremely limited period available to encumber and expend the funds.

The members of the Committee include Commissioners Makai Freitas, Walter Kaneakua, and Sanoë Marfil. I will serve as Chair of the Committee. The Committee's report to the Hawaiian Homes Commission of the Committee's findings and recommendations, including a revised draft of the Act 279 strategic plan and budget, if appropriate, will be presented at the next regular meeting scheduled in December 2023, with deliberation and decision-making at a subsequently noticed meeting as required by law.

**HAWAIIAN HOMES COMMISSION
NOVEMBER 20 & 21, 2023**

**D – ITEMS
HOMESTEAD SERVICES DIVISION**

HOMESTEAD SERVICES DIVISION AGENDA

November 20, 2023

DIV.	ITEM NO.	SUBJECT
	D-1	HSD Status Reports Exhibits: A - Homestead Lease & Application Totals and Monthly Activity Reports B - Delinquency Report
ODO/APPL. LOANS		
LOANS	D-2	Approval of Consent to Mortgage (see exhibit)
	D-3	Approval of Streamline Refinance of Loans (see exhibit)
	D-4	For Information Only – Memorandum of Agreement (“MOA”) Between the Department of Hawaiian Home Lands (“DHHL”) State of Hawaii and Kauai Federal Credit Union (“KFCU”) Regarding the Guaranty of Interim Construction Loans (Schedule for Monday, November 20, 2023)
	D-5	Regular Agenda – Approval of the Memorandum of Agreement (“MOA”) Between the Department of Hawaiian Home Lands (“DHHL”) State of Hawaii and Kauai Federal Credit Union (“KFCU”) Regarding the Guaranty of Interim Construction Loans (Schedule for Tuesday, November 21, 2023)
	D-6	Regular Agenda - Approval of the Memorandum of Agreement (“MOA”) Between the Department of Hawaiian Home Lands (“DHHL”) State of Hawaii and Hawaii Community Lending (“HCL”)
APPL	D-7	Approval of Homestead Application Transfers / Cancellations (see exhibit)
	D-8	Approval to Certify Applications of Qualified Applicants for the Month of October 2023 (see exhibit)
	D-9	Commission Designation of Successors to Application Rights – Public Notice 2021 & 2022
DO	D-10	Approval of Assignment of Leasehold Interest (see exhibit)
	D-11	Approval of Amendment of Leasehold Interest (see exhibit)
	D-12	Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
	D-13	Approval of Supplemental Dwelling Unit (SDU) for Certain Lessees
	D-14	Request for Additional Partial Advancement of Net Proceeds – ESTATE OF WALTER YAU LEE , Residential Lot No. 12743, Lot No. 13745, Maluohai, Kapolei, Oahu
EHDO	D-15	Cancellation of Lease – ERNESTINE HEKEKIA , Residential Lease No. 8143, Lot No. 78, Waiakea, Hawaii
	D-16	Cancellation of Lease – MELVIN K. HOOMANAWANUI , Agricultural Lease No. 6861, Lot No. 5, Puueo, Hawaii
	D-17	Commission Designation of Successor – JULIA ANN KOHLTFARBER , Agricultural Lease No. 4230, Lot No. 177, Panaewa, Hawaii

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(Without Exhibit)


ITEM NO. D-1

(With Exhibit)

ITEM NO. D-1
EXHIBIT A

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 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

November 20, 2023

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through October 31, 2023

	As of 9/30/23	Add	Cancel	As of 10/31/23
Residential	8,496	5	1	8,500
Agricultural	1,104	0	0	1,104
Pastoral	413	0	0	413
Total	10,013	5	1	10,017

The cumulative number of Converted Undivided Interest Lessees represents an increase of 559 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 9/30/23	Converted	Rescinded/ Surrendered/ Cancelled	As of 10/31/23
Undivided	755	6	0	749

Balance as of 10/31/2023

Awarded	1,434
Relocated to UNDV	7
Rescinded	123
Surrendered	6
Cancelled	4
Converted	559
Balance to Convert	749

Lease Report For the Month Ending October 31, 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																
Kakaina	37	0	0	37	0	0	0	0	0	0	0	0	37	0	0	37
Kalawahine	90	0	0	90	0	0	0	0	0	0	0	0	90	0	0	90
Kanehili	400	0	0	400	0	0	0	0	0	0	0	0	400	0	0	400
Kapolei	173	0	0	173	0	0	0	0	0	0	0	0	173	0	0	173
Kauluokahai	151	0	0	151	0	0	0	0	0	0	0	0	151	0	0	151
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
Kumuhau	50	0	0	50	0	0	0	0	0	0	0	0	50	0	0	50
Lualualei	149	0	0	149	30	0	0	30	0	0	0	0	179	0	0	179
Malu'ohai	225	0	0	225	0	0	0	0	0	0	0	0	225	0	0	225
Nanakuli	1,043	1	0	1,044	0	0	0	0	0	0	0	0	1,043	1	0	1,044
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	4,375	1	0	4,376	61	0	0	61	0	0	0	0	4,436	1	0	4,437
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
Leialii	103	0	0	103	0	0	0	0	0	0	0	0	103	0	0	103
Paukukalo	178	0	0	178	0	0	0	0	0	0	0	0	178	0	0	178
Waiehu 1	39	0	0	39	0	0	0	0	0	0	0	0	39	0	0	39
Waiehu 2	109	0	0	109	0	0	0	0	0	0	0	0	109	0	0	109
Waiehu 3	113	0	0	113	0	0	0	0	0	0	0	0	113	0	0	113
Waiehu 4	98	0	0	98	0	0	0	0	0	0	0	0	98	0	0	98
Waiohuli	590	0	0	590	0	0	0	0	0	0	0	0	590	0	0	590
TOTAL	1,261	0	0	1,261	64	0	0	64	75	0	0	75	1,400	0	0	1,400
EAST HAWAII																
Discovery Harbour	2	1	0	3	0	0	0	0	0	0	0	0	2	1	0	3
Kamaea	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaunana	46	0	0	46	0	0	0	0	0	0	0	0	46	0	0	46
Keaukaha	472	0	0	472	0	0	0	0	0	0	0	0	472	0	0	472
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	14	0	0	14	274	0	0	274	0	0	0	0	288	0	0	288
Piihonua	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	843	1	0	844	406	0	0	406	25	0	0	25	1,274	1	0	1,275
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
Kaniohale	224	0	0	224	0	0	0	0	0	0	0	0	224	0	0	224
Kawaihae	192	0	0	192	0	0	0	0	1	0	0	1	193	0	0	193
Laiopua	274	0	0	274	0	0	0	0	0	0	0	0	274	0	0	274
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	871	0	0	871	110	0	0	110	285	0	0	285	1,266	0	0	1,266
KAUAI																
Anahola	545	2	0	547	46	0	0	46	0	0	0	0	591	2	0	593
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 Opae	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	1
TOTAL	709	2	0	711	46	0	0	46	1	0	0	1	756	2	0	758
MOLOKAI																
Hoolehua	152	0	0	152	345	0	0	345	21	0	0	21	518	0	0	518
Kalamaula	167	0	0	167	69	0	0	69	3	0	0	3	239	0	0	239
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 Alii	27	1	1	27	0	0	0	0	0	0	0	0	27	1	1	27
TOTAL	393	1	1	393	417	0	0	417	27	0	0	27	837	1	1	837
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	8,496	5	1	8,500	1,104	0	0	1,104	413	0	0	413	10,013	5	1	10,017

		10/01/23 Totals	Adds	Deletes	11/01/23 Totals
OAHU					
	113 NANAKULI (RES)	154	0	1	153
	123 PAKOLEA/KEWALO (RES)	64	0	0	64
	133 WAIMANALO (RES)	520	2	2	520
	143 WAIANAE (RES)	135	0	0	135
	191 OAHU ISLAND-WIDE (AG)	4,128	1	2	4,127
	193 OAHU ISLAND-WIDE (RES)	10,579	2	6	10,575
		=====	=====	=====	=====
	TOTAL FOR OAHU	15,580	5	11	15,574
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)	4,795	3	2	4,796
	292 MAUI ISLAND-WIDE (PAS)	643	0	0	643
	293 MAUI ISLAND-WIDE (RES)	3,895	2	4	3,893
		=====	=====	=====	=====
	TOTAL FOR MAUI	9,392	5	6	9,391
HAWAII					
	313 KEAUKAHAWAIAKEA (RES)	65	0	0	65
	321 PANAewa (AG)	13	0	0	13
	333 KAWAIHAE (RES)	16	0	0	16
	341 WAIMEA (AG)	11	0	0	11
	342 WAIMEA (PAS)	46	0	0	46
	343 WAIMEA (RES)	44	0	0	44
	391 HAWAII ISLAND-WIDE (AG)	7,366	3	7	7,362
	392 HAWAII ISLAND-WIDE (PAS)	1,980	0	0	1,980
	393 HAWAII ISLAND-WIDE (RES)	5,912	3	4	5,911
		=====	=====	=====	=====
	TOTAL FOR HAWAII	15,453	6	11	15,448
KAUAI					
	511 ANAHOLA (AG)	3	0	0	3
	512 ANAHOLA (PAS)	20	0	0	20
	513 ANAHOLA (RES)	40	0	0	40
	523 KEKAHA (RES)	8	0	0	8
	532 PUU OPAE (PAS)	7	0	0	7
	591 KAUAI ISLAND-WIDE (AG)	2,310	1	2	2,309
	592 KAUAI ISLAND-WIDE (PAS)	313	0	0	313
	593 KAUAI ISLAND-WIDE (RES)	1,687	0	2	1,685
		=====	=====	=====	=====
	TOTAL FOR KAUAI	4,388	1	4	4,385
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)	7	0	0	7
	633 KAPAAKEA (RES)	6	0	0	6
	643 ONE ALII (RES)	1	0	0	1
	691 MOLOKAI ISLAND-WIDE (AG)	1,121	0	0	1,121
	692 MOLOKAI ISLAND-WIDE (PAS)	201	0	0	201
	693 MOLOKAI ISLAND-WIDE (RES)	800	0	1	799
		=====	=====	=====	=====
	TOTAL FOR MOLOKAI	2,157	0	1	2,156
LANAI					
	713 LANAI (RES)	70	0	0	70
		=====	=====	=====	=====
	TOTAL FOR LANAI	70	0	0	70
GRAND TOTAL		=====	=====	=====	=====
		47,040	17	33	47,024
		=====	=====	=====	=====

DELINQUENCY REPORT - STATEWIDE

November 20, 2023

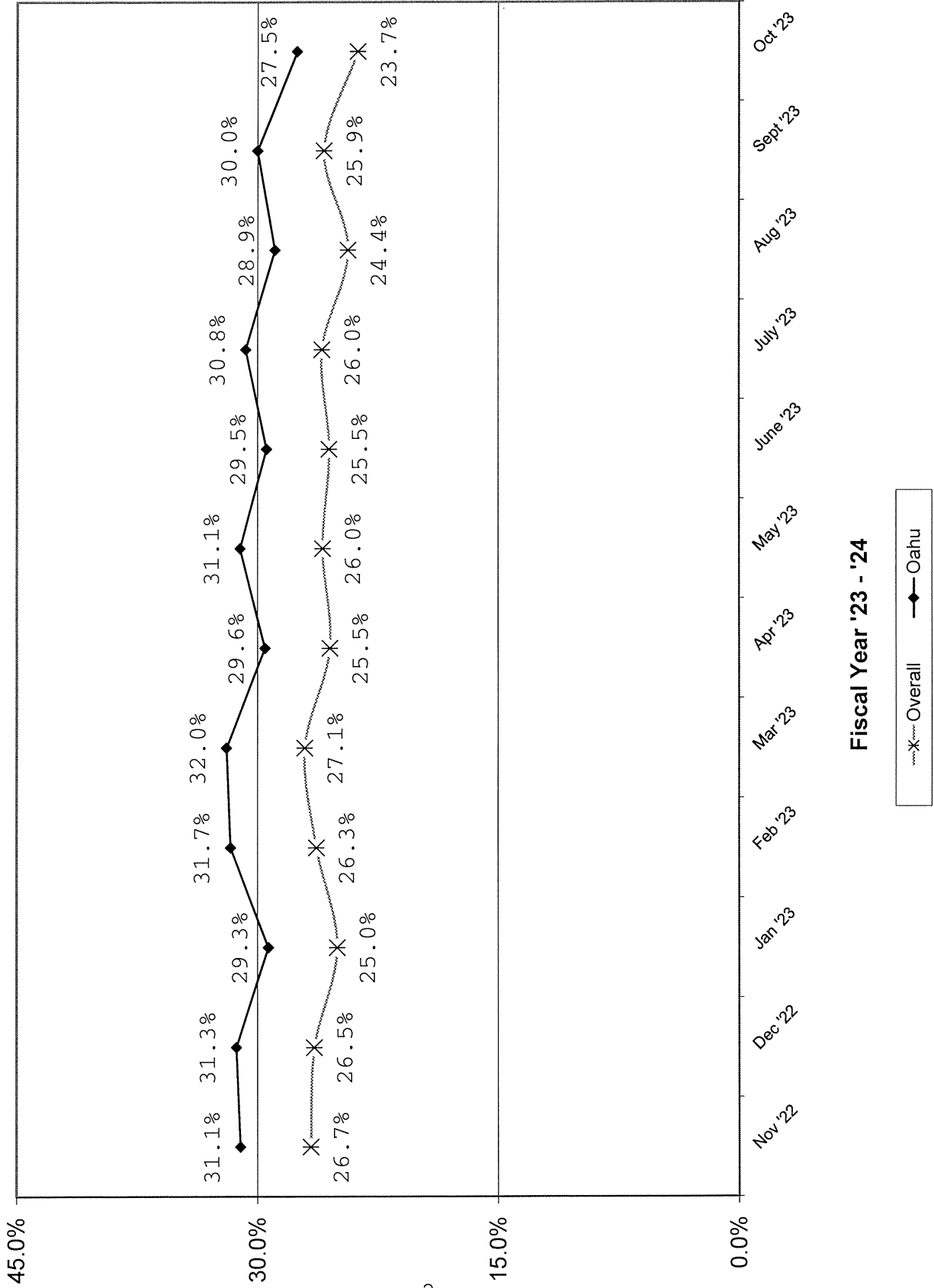
(\$Thousands)

DIRECT LOANS	Total Outstanding		Total Delinquency		R I S K				180 Days (Severe)		% of Totals			
	(000s)		(000s)		(000s)		(000s)		(000s)		10/31/2023			
	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	Amt.	No.	\$		
OAHU	372	36,024	103	9,922	20	1,578	8	942	10	922	65	6,480	27.7%	27.5%
EAST HAWAII	193	11,434	61	4,022	10	489	3	203	4	109	44	3,220	31.6%	35.2%
WEST HAWAII	76	8,047	12	1,126	1	123	3	378	4	268	4	357	15.8%	14.0%
MOLOKAI	79	6,790	16	697	3	207	2	38	1	16	10	434	20.3%	10.3%
KAUAI	92	7,138	10	881	3	313	2	222	0	0	5	346	10.9%	12.3%
MAUI	112	15,244	29	3,458	5	416	6	682	6	714	12	1,646	25.9%	22.7%
TOTAL DIRECT	924	84,676	231	20,104	42	3,126	24	2,466	25	2,029	140	12,483	25.0%	23.7%
	100.0%	100.0%	25.0%	23.7%	4.5%	3.7%	2.6%	2.9%	2.7%	2.4%	15.2%	14.7%		
Advances (including RPT)	246	5,731	246	5,731	0	0	0	0	246	5,731			100%	100%
DHHL LOANS & Advances	1,170	90,407	477	25,835	42	3,126	24	2,466	271	7,760	140	12,483	40.8%	28.6%
LOAN GUARANTEES as of June 30, 2023														
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	119	15,970	5	758	2	244	2	234	1	280			4.2%	4.7%
HUD REASSIGNED for Recovery	121	12,512	96	10,808	2	11	1	115	4	322	89	10,359	79.3%	86.4%
FHA Insured Loans	2,937	537,684	204	33,310	0	0	0	0	204	33,310			6.9%	6.2%
TOTAL INS. LOANS	3,177	566,166	305	44,876	4	255	3	349	209	33,912	89	10,359	9.6%	7.9%
OVERALL TOTALS(EXC Adv/RP	4,432	689,290	607	72,239	46	3,380	27	2,815	305	43,200	229	22,842	13.7%	10.5%
ADJUSTED TOTALS	4,678	695,021	853	77,970	46	3,380	27	2,815	551	48,931	229	22,842		11.2%

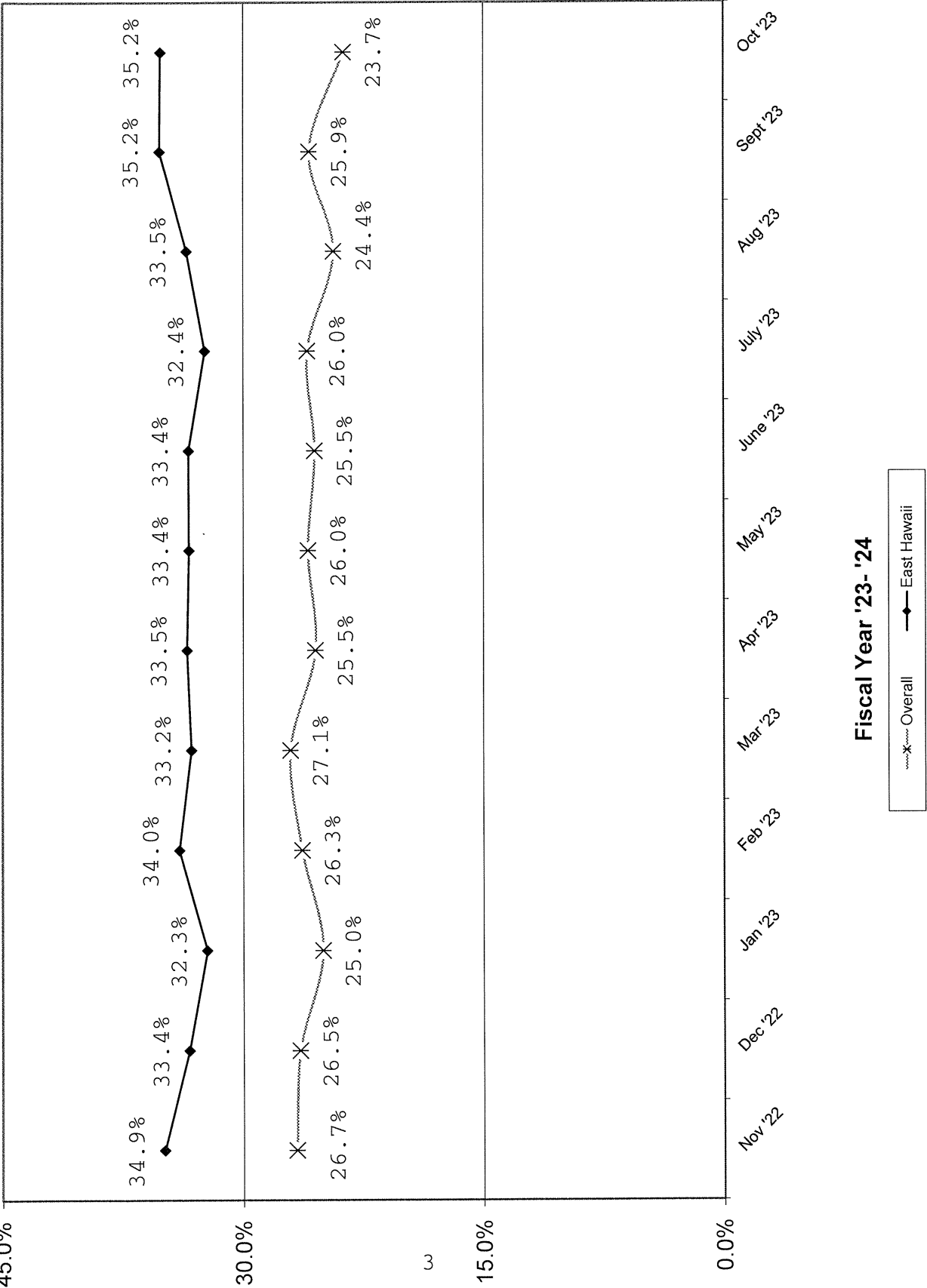
Note: HUD 184A loan program has 666 loans, with a total outstanding principal balance of \$128,639,724 as of June 30, 2023. 53 Loans, totaling \$5,837,337 are delinquent.

The deferred interest for 454 loans comes out to \$1,984,527.41 as of 10/31/2023.

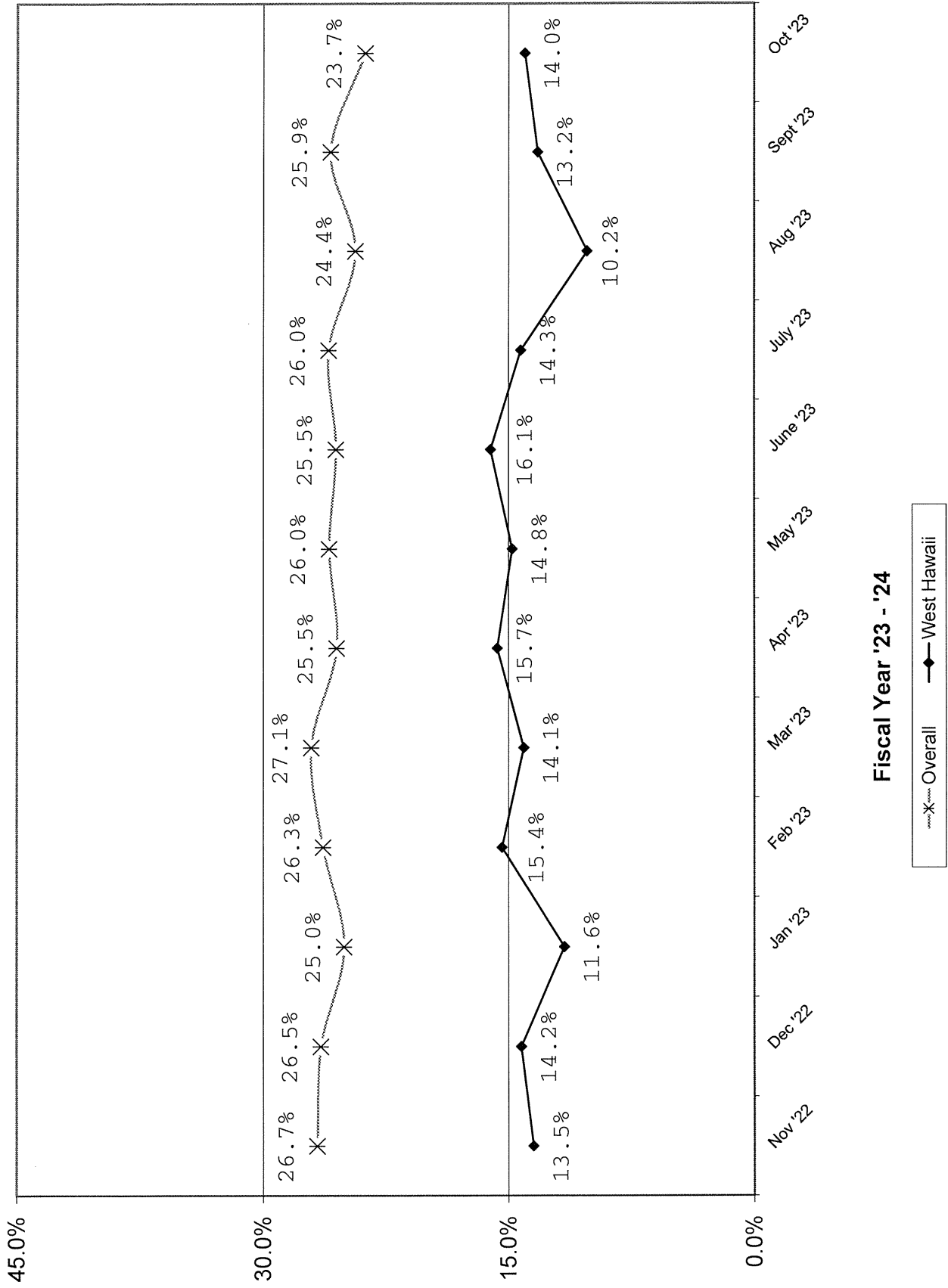
OAHU
Direct Loans
Delinquency Ratio Report



EAST HAWAII Direct Loans Delinquency Ratio Report



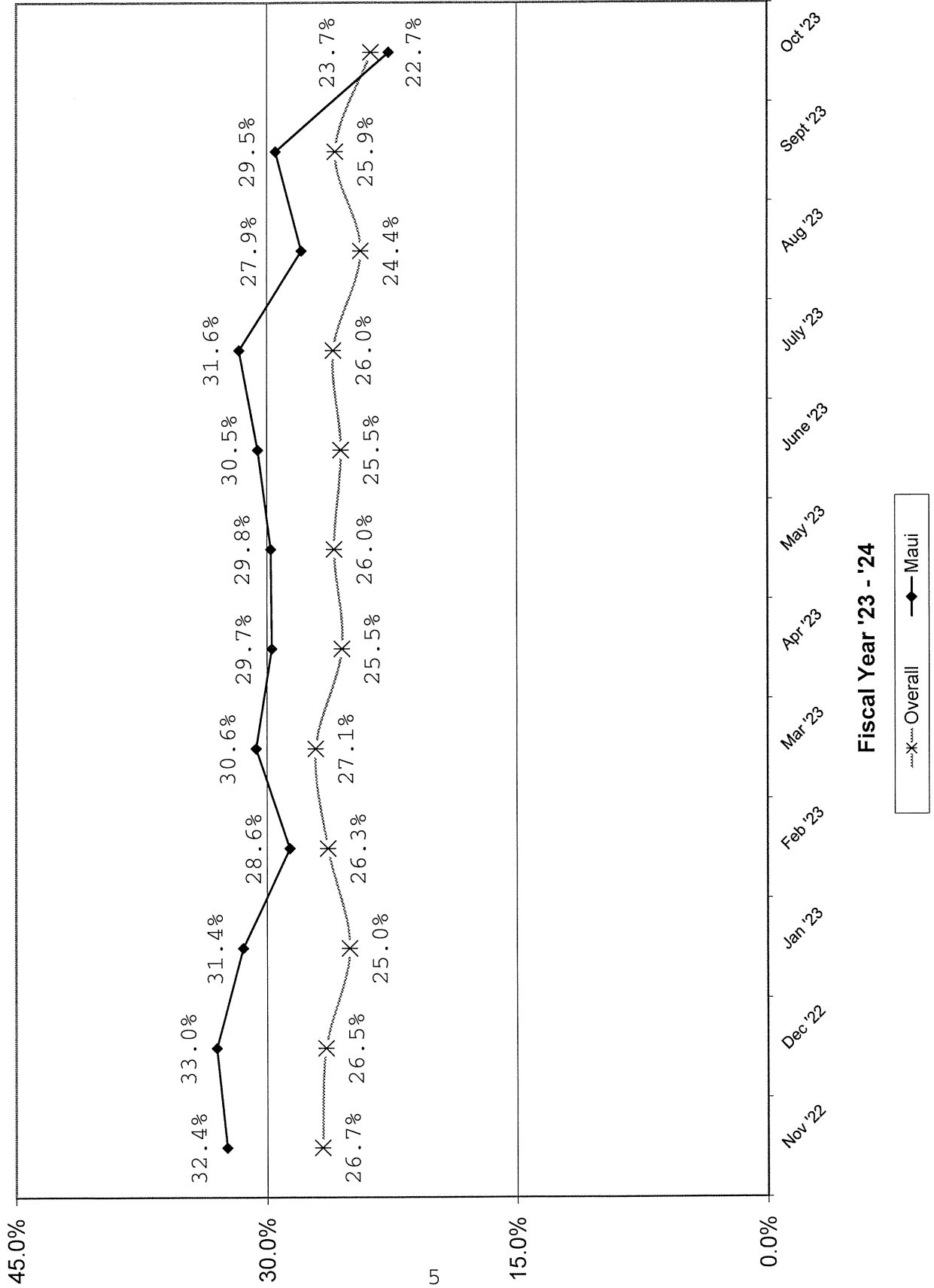
WEST HAWAII
Direct Loans
Delinquency Ratio Report



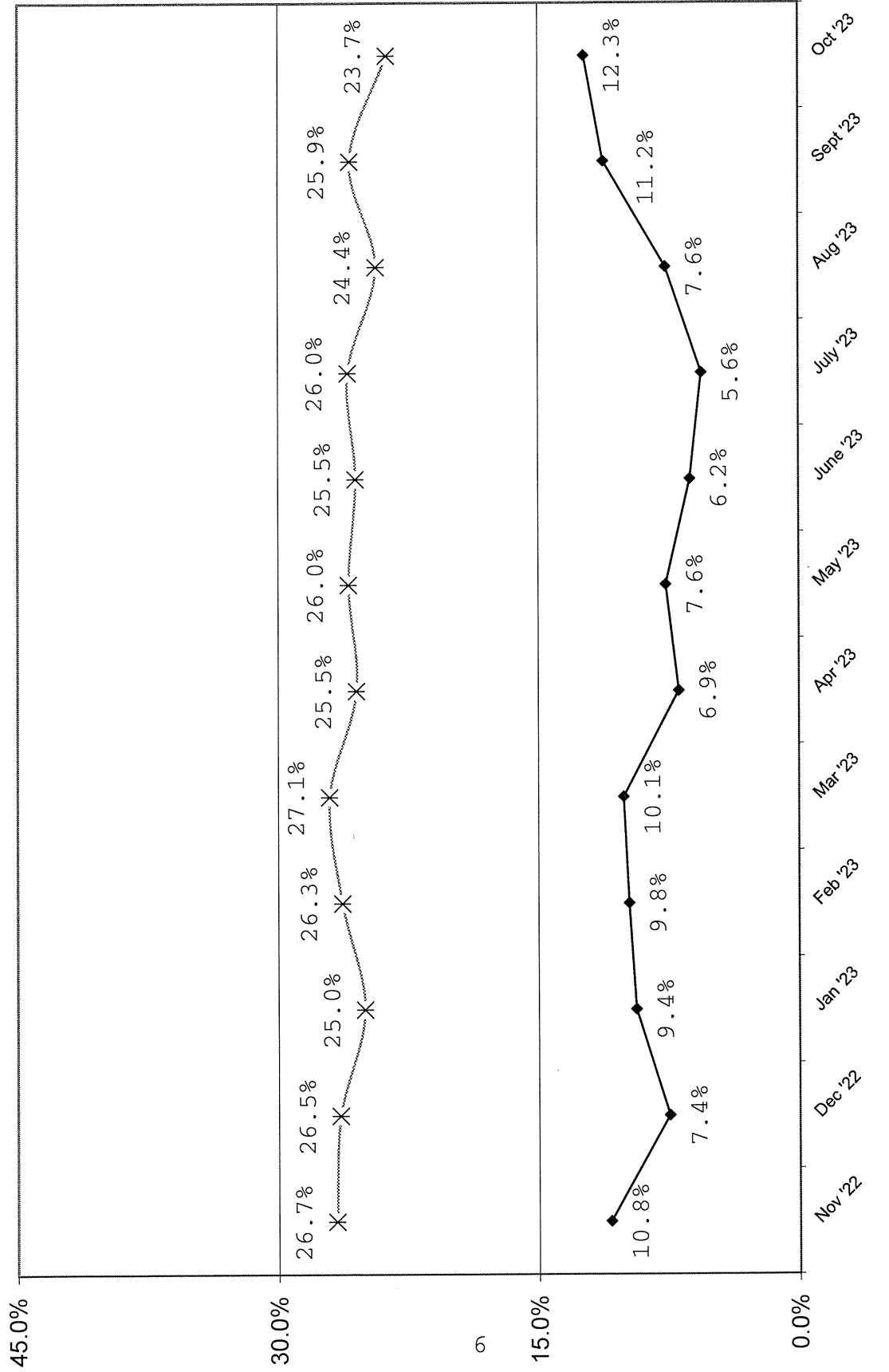
Fiscal Year '23 - '24

-----x----- Overall —◆— West Hawaii

MAUI
Direct Loans
Delinquency Ratio Report



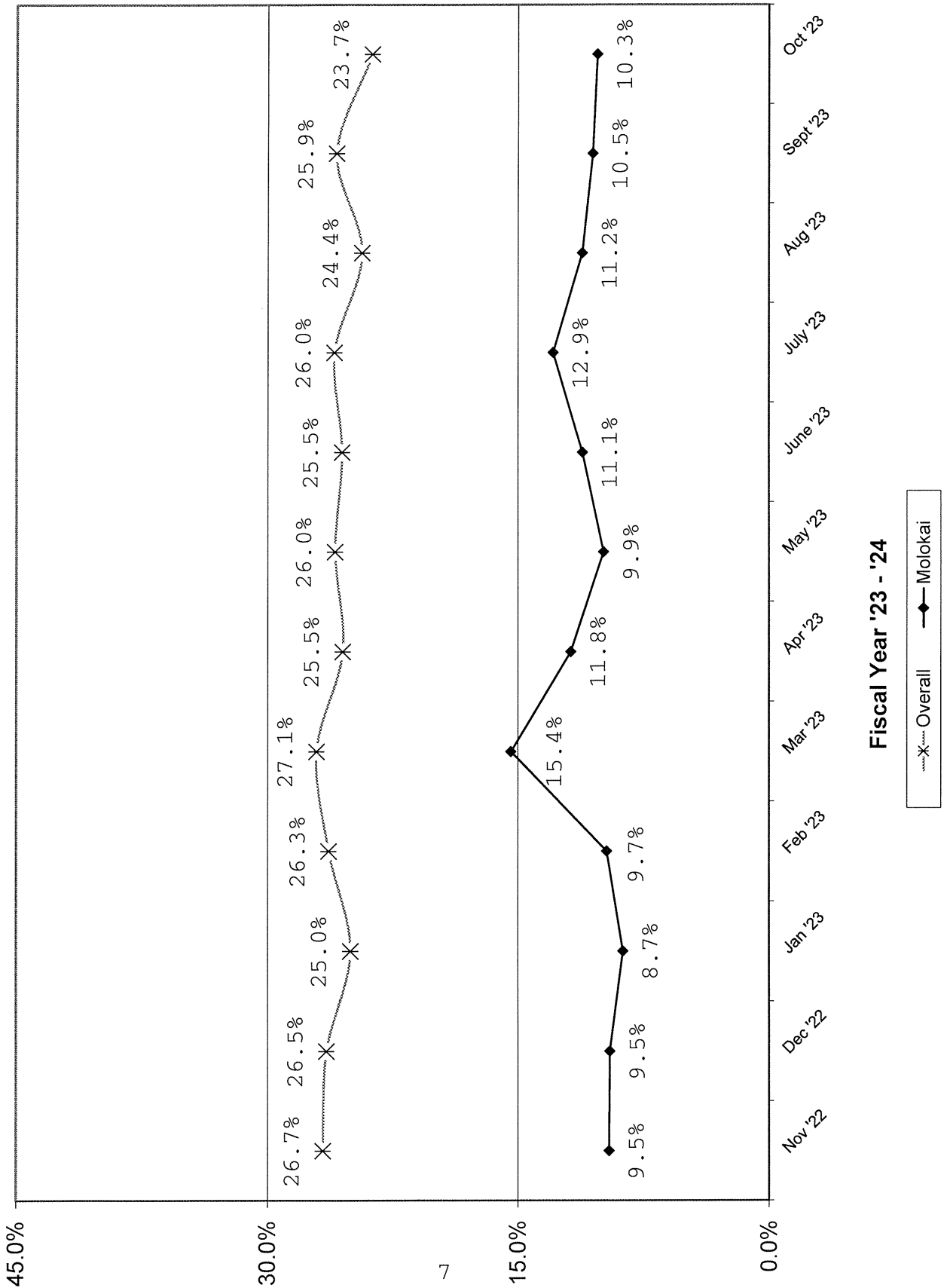
KAUAI
Direct Loans
Delinquency Ratio Report



Fiscal Year '23 - '24



MOLOKAI
Direct Loans
Delinquency Ratio Report



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator, Homestead Services Division

FROM: Dean Oshiro, Loan Services Manager

SUBJECT: **Approval of Consent to Mortgage**

RECOMMENDED MOTION/ACTION

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

DISCUSSION

<u>PROPERTY</u>	<u>LESSEE</u>	<u>LENDER</u>	<u>LOAN AMOUNT</u>
<u>OAHU</u>			
Waianae Lease No. 4572 TMK: 1-8-5-030:033	CHUNG, Cameron A. K. (Cash Out Refi) FHA	SecurityNational Mortgage Co.	\$ 269,880
Kalawahine Lease No. 9609 TMK: 1-2-4-043:076	TAA, Todd K. (Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 525,000
Waianae Lease No. 4597 TMK: 1-8-5-030:086	JEREMIAH, Cindy K. (Cash Out Refi) FHA	Click N Close	\$ 279,500

KAUAI

Anahola
Lease No. 11133
TMK: 4-4-8-022:002

STONE,
Kaimana K.
(Purchase)RD

SecurityNat- \$ 202,000
ional Mortg-
age Co.

Kekaha
Lease No. 4670
TMK: 4-1-3-002:106

NIZO,
Ruth N. L. (Cash
Out Refi) FHA

SecurityNat- \$ 165,000
ional Mortg-
age Co.

HAWAII

Kawaihae
Lease No. 9654
TMK: 3-6-1-009:064

KALANIOPIO,
Gordon K., Jr.
(Cash Out Refi) FHA

VIP Mortgage \$ 311,400
Inc.

Kaniohale
Lease No. 9345
TMK: 3-7-4-023:032

BAKER,
Elsie K. (Cash Out
Refi) FHA

VIP Mortgage \$ 155,700
Inc.

MAUI

Waiohuli
Lease No. 7543
TMK: 2-2-2-027:039

KAAHANUI,
Kaniela
(Purchase)FHA

loanDepot.c- \$ 560,000
om, LLC

<u>RECAP</u>	<u>NO.</u>	<u>FHA AMOUNT</u>	<u>NO.</u>	<u>VA AMOUNT</u>
FY Ending 6/30/23	167	\$ 58,188,156	9	\$ 2,325,526
Prior Months	36	\$ 12,475,996	10	\$ 1,900,130
This Month	6	1,741,480	0	0
Total FY '23-'24	<u>42</u>	<u>\$ 14,217,476</u>	<u>10</u>	<u>\$ 1,900,130</u>

		<u>HUD 184A AMOUNT</u>		<u>USDA-RD AMOUNT</u>
FY Ending 6/30/23	23	\$ 8,018,714	3	\$ 1,081,858
Prior Months	1	\$ 227,250	0	\$ 0
This Month	1	525,000	1	202,000
Total FY '23-'24	<u>2</u>	<u>\$ 752,250</u>	<u>1</u>	<u>\$ 202,000</u>

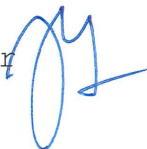
ITEM NO. D-2


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 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:

LESSEELEASE NO. & AREAREFINANCING LOAN TERMS

Adams, Alvina K.

4421, Waianae

NTE \$77,300 @4% interest
per annum, NTE \$370
monthly, repayable over 30
years.

Loan Purpose: Refinance Contract of Loan No. 18398.
Original loan amount of \$87,430 at 8%
per annum, \$643 monthly, repayable
over 30 years. A Contested Case
Hearing was held on December 14, 2014
for this account.

.....

ITEM D-4 is a Workshop



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

D-4: Loan Services Branch

Memorandum Of Agreement Between the Department of Hawaiian Home Lands and Kauai Federal Credit Union Regarding the Guaranty of Interim Construction Loans

November 20, 2023

DHHL – Kauai Federal Credit Union (KFCU) Guaranty Loans

- **KFCU has requested to enter a Memorandum of Agreement (“MOA”) with DHHL for the purpose of guaranteeing interim construction loans.**

DHHL – Kauai Federal Credit Union (KFCU) Guaranty Loans

- **About KFCU:**
- **Founded in 1947 as Kauai Territory & County Federal Credit Union**
- **In December 2020, became Kauai's first CDFI (Community Development Financial Institution) credit union**
- **In 2021, changed the name to Kauai Federal Credit Union**

DHHL – Kauai Federal Credit Union (KFCU) Guaranty Loans

- **7,500 members**
- **\$111 million in deposits**
- **\$130 million in assets**
- **\$14.5 million in Net Worth**
- **\$41.9 million in loans and mortgages extended**

DHHL – Kauai Federal Credit Union (KFCU) Guaranty Loans

- **The KFCU lending staff is led by Seungjoon Lee, who is the mortgage loan manager, a position he obtained in 2021. Prior to that his experience included positions as a loan processor and loan officer.**
- **Assisting him will be two (2) other staffers which include a loan officer and a loan processor.**

DHHL – Kauai Federal Credit Union (KFCU) Guaranty Loans

- **The Interim Construction Loan Guaranty:**
 - **Term of the guaranty shall not exceed a period of twelve (12) months with one (1) option to extend for an additional three (3) months.**
 - **Guaranty will not exceed one-half (1/2) of the United States Department of Housing and Urban Development's Federal Housing Administration loan amount allowed in Hawaii.**

DHHL – Kauai Federal Credit Union(KFCU) Guaranty Loans

- **The Interim Construction Loan Guaranty:**
 - **The interest rate will be risked based, set at a minimum of 1-year CMT (Constant Maturity Rate) + 3%, but in no event shall exceed 10% per annum.**
 - **Payments will be interest only during the construction period.**

DHHL – Kauai Federal Credit Union (KFCU) Guaranty Loans

- KFCU is partnering with Island Pacific Mortgage and other lenders to finance the permanent take-out loan via the FHA Section 247 loan programs.

DHHL – Kauai Federal Credit Union (KFCU) Guaranty

Benefits:

- Maximum loan amount will be $\frac{1}{2}$ of FHA's loan amount.
- Lessees only will be assessed a 1 point origination fee to KFCU and 1 point discount fee to the takeout lender.
- No down payment requirement.

DHHL – Kauai Federal Credit Union (KFCU) Guaranty

What happens in cases of default?

- If the borrower is willing to transfer their leasehold to an eligible native Hawaiian, KFCU may consider making a new loan.
- If neither a new guaranteed loan or a transfer and assumption cannot be processed within six (6) months from KFCU's default notice, the defaulted loan will be assigned to DHHL.

DHHL – Kauai Federal Credit Union (KFCU) Guaranty

What happens in cases of default?

- DHHL will pay KFCU all funds disbursed including accrued interest since the execution of the loan not to exceed the guaranteed amount.
- DHHL is to pay on demand only after the construction of the home is completed.
- DHHL then services the defaulted loan.





MAHALO!

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 21, 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 the Memorandum of Agreement ("MOA") Between
the Department of Hawaiian Home Lands ("DHHL") State Of
Hawaii and Kauai Federal Credit Union ("KFCU")
Regarding the Guaranty of Interim Construction Loans

RECOMMENDED MOTION/ACTION

- 1) To approve a new MOA between DHHL and KFCU for the purposes of guaranteeing interim construction loans.
(Draft to be distributed during workshop)
- 2) Delegate to the Chairman, authority to execute the MOA upon the completion of the revisions (if necessary).

DISCUSSION

KFCU has expressed an interest in originating/underwriting interim construction loans for DHHL lessees who are members of their credit union. KFCU is partnering with approved Federal Housing Administration ("FHA") Section 247 program lenders who will then provide the financing for the permanent mortgage loan to take-out (payoff) the interim construction loan.

The Hawaiian Homes Commission Act §214 Purposes of loans; authorized actions states that: "(a) The department may make loans from revolving funds to any lessee or native Hawaiian to whom, any Cooperative association to which, a lease has been issued under section 207(c)(1)(B) of the Act. Such loan may be made for the following purposes: (b)(2) Loan or guarantee the repayment of or otherwise underwrite any authorized loan or portion thereof to lessees in accordance with section 215."

Furthermore, Hawaii Administrative Rules §10-3-43 Authorized actions, states: "For purposes under the act, the department may: (4) Guarantee the repayment of loans made to homestead lessees of Hawaiian home lands by other governmental agencies or private lending institutions as provided by the act."

As there continues to be only a limited number of lenders who are willing to finance construction loans on DHHL homestead lots, the addition of KFCU will provide lessees another option for financing the building of their new home.

DHHL staff is of the belief that the more options that lessees have with financing their homes, will give them a better opportunity to compare loan products, loan costs, and benefits to them by each lender. Approval of this submittal as presented is recommended.

**MEMORANDUM of AGREEMENT BETWEEN the
STATE of HAWAI'I DEPARTMENT of HAWAIIAN HOME LANDS
and
KAUA'I FEDERAL CREDIT UNION**

I. Purpose

This Memorandum of Agreement (MOA) defines the basic responsibilities of Kaua'i Federal Credit Union (KFCU) and the State of Hawai'i Department of Hawaiian Home Lands (DHHL) regarding the guaranteeing of construction loans for Hawaiian home lands leaseholds.

In consideration of KFCU making construction loans to lessees, DHHL will issue a limited guarantee for a period not to exceed twelve months with one option to extend for three months. DHHL guarantees the repayment of each construction loan. The construction loan guarantee amount shall not exceed fifty percent of the maximum single family residence loan amount allowed in Hawai'i by the United States Department of Housing and Urban Development's Federal Housing Administration (FHA) as provided in section 215 of the Hawaiian Homes Commission Act, 1920, as amended (HHCA) for the island on which the dwelling is constructed.

II. Underwriting

KFCU is responsible for loan origination, underwriting, and eligibility determinations for the guarantee of each mortgage in accordance with the appropriate regulations. This includes but is not limited to, review of the planning, construction, specifications, cost estimation, valuation, and credit analysis.

III. Eligibility for Guarantee

For a Hawaiian home lands leasehold to be eligible for a guarantee, it shall meet the following requirements:

- A.** The eligible purpose of the loan is for home construction.
- B.** The loan to be guaranteed shall be executed by a native Hawaiian as defined by Section 247 of the National Housing Act, 12 U.S.C § 1715z-12(d).
- C.** The property shall be located within an area designated as Hawaiian Home Lands covered under a homestead lease issued under Section 207(a) of the HHCA, or under the corresponding provision of the Hawai'i State Constitution adopted under Section 4 of the Admission Act. DHHL shall have granted to the Borrower a homestead lease covering the property. At the time the loan is originated, KFCU will submit to DHHL a Request for Certification of Eligibility (COE) form for processing to certify that the lessee has been verified as a native Hawaiian and that the lease is in good standing.

- D. The property is to be occupied as the principal residence of the Borrower.
- E. DHHL requires the following documents to be submitted to obtain a loan guarantee; KFCU construction loan approval, conditional loan approval documentation from a permanent take-out lender (to include a copy of automated findings), loan application, credit report, last two months of paystubs, last two years of tax returns with W-2's; most recent monthly bank statement, a 100% Payment and Performance Bond, building permit, county approved plans and specifications, appraisal report, course of construction and hurricane insurance coverage equal to the construction loan amount and a copy of the COE completed by DHHL.
- F. DHHL will notify KFCU of approval or denial of its loan guarantee request within thirty days of accepting the loan guarantee packet as outlined in section III.E.

IV. Loan Closing

KFCU's obligation to fund the loan will be subject to the satisfaction of the following conditions:

- A. DHHL shall execute and deliver to KFCU a Guarantee of the Loan and Agreement in the form attached hereto as exhibits A and B.
- B. KFCU shall provide DHHL with a copy of the note and disclosure statement for the lessee's file.
- C. KFCU shall adhere to all government loan requirements to ensure that the permanent takeout loan is completed and properly insured or guaranteed.
- D. DHHL is not liable for any mistakes made by KFCU. KFCU is prohibited from making a demand for a full payment of the loan due to their mistake.

V. Interest Rate

The interest rate for the interim construction loan will be risk based, set at a minimum of 1-year Constant Maturity Treasury (CMT) rate plus 3.0%, but in no event shall the interest rate exceed 10% per annum. During the construction period, payments will consist of interest only.

VI. Recording

DHHL agrees to record its guarantee in its recording system. DHHL agrees that in addition to the recording of KFCU guaranteed loans, all existing and valid homestead leases, all homestead leases issued in the future, and any changes to the status of each lease or ownership thereof are to be recorded in the same system.

VII. Lease Cancellation

DHHL agrees not to cancel any lease which is subject to a loan securing a KFCU guaranteed loan without first notifying KFCU.

VIII. Default Under Loan

- A.** KFCU will monitor when Borrower becomes thirty days past due and will monitor the status of delinquency every thirty days until the delinquency is cured.
- B.** After the loan is two full payments in arrears, KFCU will notify the Borrower has thirty days to cure the default and provide written notice of such action to DHHL.
- C.** If a defaulted loan is not cured within thirty days and KFCU concludes that liquidation of its guaranteed loan is necessary, KFCU will serve FINAL DEFAULT NOTICE to DHHL of its decision and certify that all servicing options have been explored and have been determined unworkable and file for the DHHL guarantee.

IX. New Loan and Transfer

If Borrower is willing to transfer their leasehold to an eligible native Hawaiian, KFCU may consider making a new loan at market value with loan proceeds applied to a default loan. KFCU shall submit a new guarantee request to DHHL for DHHL's consideration. A transfer may be made only for the principal balance and all accrued interest of the defaulted loan.

X. Successor and Assumptions

With the DHHL's approval, KFCU may allow a qualified successor as a new eligible borrower to assume the loan or place a demand on the guarantee in accordance with the applicable regulations of this MOA. An assumption may be made only for the principal balance and all accrued interest of a defaulted loan.

XI. Reporting

KFCU will provide monthly reports to DHHL of the total outstanding balances of interim construction loans to enable DHHL to determine the aggregate amount of assured loans outstanding.

XII. Loss Claim and Assignment to DHHL

- A.** If neither a new guaranteed loan or a transfer and assumption can be processed within six months from the date of KFCU's Default Notice, the defaulted loan will be assigned to DHHL. DHHL reserves the right to exercise its option to have the defaulted loan assigned to it before the expiration of the six month period. DHHL will pay KFCU all funds disbursed including accrued interest since the execution of the loan not to exceed original guaranteed amount.

- B.** DHHL is to pay on demand only after the construction of the home is completed and properly documented with a notice of completion issued.

XIII. Release from Liability

- A.** DHHL is released from liability on a loan guarantee (in whole or in part, within DHHL's exclusive discretion), if any of the events below occur:

1. KFCU has failed to comply materially with any of the provisions of the Agreement,
2. KFCU has failed to make, close, service, or liquidate a loan in a prudent manner,
3. Improper action or inaction on behalf of KFCU placed DHHL at risk,
4. KFCU has failed to disclose a material fact to DHHL regarding a guaranteed loan in a timely manner,
5. KFCU has misrepresented a material fact to DHHL regarding a guaranteed loan,
6. DHHL has received a written request from KFCU to terminate the guarantee; and
7. The borrower has paid the loan in full.

- B.** If DHHL determines, after purchasing its guaranteed portion of a loan, that any of the events set forth under paragraph XIII. A. occurred in connection with that loan, DHHL is entitled to recover any money paid on the guarantee plus interest from KFCU that is responsible for those events.

- C.** If the takeout lender or KFCU's loan documentation indicates that one or more of the events set forth under paragraph XIII. A. may have occurred, DHHL may undertake such investigation as it deems necessary to determine whether to honor or deny the guarantee. DHHL may withhold a decision on whether to honor the guarantee until the completion of such investigation.

- D.** Any information provided to DHHL prior to KFCU's request for DHHL to honor its guarantee shall not prejudice DHHL's right to deny liability for a guarantee if one or more of the events listed under paragraph XIII. A. of this section occurs.

- E.** Until DHHL provides written notice to the contrary, KFCU and the takeout lender remains responsible for all loan servicing actions until DHHL honors its guarantee in full.

XIV. Termination

- A.** At any time, KFCU or DHHL may give the other party ninety calendar days written notice of intent to terminate this MOA. After the ninety calendar days have passed, KFCU will not issue any additional loans to be covered by this MOA except pursuant to commitments made by DHHL prior to the end of the ninety day period.
- B.** KFCU's or DHHL's responsibilities with respect to loans that DHHL had guaranteed prior to the expiration of the ninety days described above, and the funding of costs associated with such loans shall continue as provided in this MOA unless and until the parties enter into a written amendment of this MOA.

XV. Amendment

This MOA may be amended by DHHL and KFCU in writing. Before taking effect, amendments must be signed by authorized representatives of both DHHL and KFCU.

[REMAINDER OF PAGE BLANK – SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this MOA to be executed by their legally authorized officials this ____ day of _____, 20__.

Kali Watson
Chairman
Hawaiian Homes Commission
Department of Hawaiian Home Lands

Sean Kaley
EVP/Chief Operations Officer
Kauai Federal Credit Union

Date

Date

APPROVED AS TO FORM:

Deputy Attorney General
State of Hawai'i
Department of Hawaiian Home Lands

"Exhibit A"

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

GUARANTEE

THIS GUARANTEE is made by the STATE OF HAWAI'I, DEPARTMENT OF HAWAIIAN HOME LANDS, whose principal place of business and post office address is 91-5420 Kapolei Parkway, Kapolei, Hawai'i 96707, and P. O. Box 1879, Honolulu, Hawai'i 96805, respectively, ("Guarantor"), to Kaua'i Federal Credit Union ("Lender"), whose principal place of business and post office address is 2976 Ewalu Street, Lihue, Hawai'i 96766 and P.O. Box 711, Lihue, Hawai'i 96766, respectively.

WITNESS THAT:

WHEREAS, Lender desires to extend financial assistance to lessees of Hawaiian Home Lands by making loans for the construction of dwellings; and

WHEREAS, LESSEE, whose mailing address is ADDRESS ("Debtor"), is the lessee of Hawaiian Home Lands Residence Lot No. _____ under Department of Hawaiian Home Lands Residence Lot Lease No. _____, dated _____, Kaua'i (Island), Tax Map Key No. _____, (the "Property") and who desires to obtain a loan from Lender to construct a new or replacement home on the Property;

NOW, THEREFORE, in consideration of the above recitals and Lender's making a construction loan to Debtor in the principal amount of WRITTEN LOAN AMOUNT AND NO/100 DOLLARS (\$???,???.00), with interest on the unpaid principal balance at the simple interest rate of WRITTEN INTEREST RATE AMOUNT percent (?.?%) per annum, (the "Loan"), Guarantor promises and agrees as follows:

1. Guarantor hereby guarantees repayment to Lender of all unpaid principal and accrued interest, costs and expenses on the Loan, pursuant to the Note, Disclosure Statement and Security Agreement to be executed by Debtor (the "Note") together with any and all advances made by Lender to the Debtor or third parties to or for the benefit of the Property up to a maximum of \$ _____ as authorized by the terms and conditions of that certain Memorandum of Agreement between Lender and Guarantor dated

_____, (the "Memorandum"). The terms of the Memorandum and Note are incorporated herein by reference.

2. This Guarantee shall remain in full force and effect until the Loan is converted from a construction loan to a permanent loan or for a period not to exceed fifteen (15) months, whichever occurs first.

3. Guarantor hereby represents and warrants that the execution of this Guarantee does not cause the Guarantor to exceed the maximum \$100,000,000.00 aggregate amount of assured loans as provided in the Hawaiian Homes Commission Act, 1920, as amended.

4. Upon Lender's notification to Guarantor of an event of default under the Note, Guarantor may make payments to cure the default and keep the Loan current, or as may be demanded by Lender, to pay the entire principal balance together with interest, costs, expenses, and advances made by Lender.

5. In the event of Debtor's death or Debtor desires to transfer or to surrender Debtor's lease or the Debtor has defaulted on the Loan or lease, and the Guarantor has cured such default and the Loan is current, the Lender may entertain requests for assumption of the Loan by a new lessee of the Property, and if such new lessee qualifies to assume the Loan in accordance with the Lender's procedures, such lessee will assume the obligation of the outstanding debt hereby guaranteed. If Debtor consists of two or more persons, then the death of all of them shall constitute Debtor's death for purposes of this paragraph. If no new lessee has assumed the Loan within the term of the Loan, Guarantor shall immediately pay the unpaid principal balance of the Loan and accrued and unpaid interest, costs, expenses, and advances.

6. Neither Debtor's death, cancellation of the lease, voluntary transfer or surrender of the leasehold, or assumption of the Loan shall operate to limit or discharge this Guarantee.

7. The rights and remedies of Lender hereunder and under the Loan Documents are cumulative and not exclusive and may be exercised in whole or in part and in any order and at any time or times as Lender shall determine.

8. This Guarantee executed by Guarantor is fully authorized by all applicable laws and is the valid and binding obligation of Guarantor, enforceable in accordance with its respective terms.

9. This Guarantee shall for all purposes be construed in accordance with and governed by the laws of the State of Hawai'i.

IN WITNESS WHEREOF, Guarantor has executed this Guarantee this date.

DATED: Honolulu, Hawai'i, _____.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

By _____
Kali Watson, Chairman
Hawaiian Homes Commission

APPROVED AS TO FORM:

Deputy Attorney General
State of Hawai'i

"Exhibit B"

AGREEMENT

THIS AGREEMENT, is made by LESSEE ("hereinafter called "Borrower"), whose mailing address is ADDRESS, to the Department of Hawaiian Home Lands, State of Hawai'i, (hereinafter called the "Department"), whose post office address is P. O. Box 1879, Honolulu, Hawai'i 96805.

WITNESS THAT:

1. WHEREAS, the Borrower has been granted a loan in the amount of WRITTEN LOAN AMOUNT AND NO/100 DOLLARS (\$???,???.00), with interest on the unpaid principal balance at the simple interest rate of WRITTEN INTERST RATE AMOUNT percent (?.?%) per annum, to construct a new or replacement home on the homestead property.

2. WHEREAS, the Department has agreed to guarantee the Borrower's loan with the Kaua'i Federal Credit Union ("Lender") as authorized by the Hawaiian Homes Commission Act, 1920, as amended, a copy of which guarantee is attached hereto and made a part hereof by this reference.

3. WHEREAS, the Borrower would not have been able to obtain the loan from the Lender, except for the Department's guarantee.

THEREFORE, BORROWER AGREES THAT:

1. For the valuable consideration received from the Department, the Borrower, Borrower's heirs, executors, legal representatives, administrators, successors and assigns, agree absolutely and unconditionally, to the prompt repayment to the Department of any and all advances, expenses, payments, costs and all other indebtedness sustained or incurred by the Department on behalf of the Borrower, together with legal interest thereon. The Borrower shall pay, within thirty (30) days upon demand, the amount of any and all advances, expenses, payments, cost and all other indebtedness sustained or incurred by the Department on behalf of the Borrower.

2. In the event the Department's guarantee is called upon and Borrower does not cure the default within thirty (30) days of Department's demand, upon payment in full by the Department, the Lender will assign the loan to the Department. The Department may initiate contested case

proceeding to cancel Lease No. _____, dated _____,
to Lot No. _____, AREA, Kaua'i (Island), Tax Map Key No.
_____ (the "Property"). Further, the interest
rate on this loan WILL CHANGE TO BE whatever the
Department's prevailing interest rate is on and from the
date said loan is assigned to the Department or the then
existing loan contract rate, whichever is higher.

3. This agreement shall remain in full force and shall
be binding upon the Borrower, Borrower's heirs, executors,
legal representatives, administrators, successors and
assigns until written notice of revocation is received by
the Borrower, Borrower's heirs, executors, administrators,
successors or assigns, from the Department.

IN WITNESS WHEREOF, Borrower has executed this
Agreement this date.

DATED: _____, 20____, CITY, ISLAND.


By _____
Lessee/Borrower


Witness

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 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 the Memorandum of Agreement ("MOA") Between
the Department of Hawaiian Home Lands ("DHHL") State Of
Hawaii and Hawaii Community Lending ("HCL")

RECOMMENDED MOTION/ACTION

- 1) To approve a new MOA between DHHL and HCL for the purposes of guaranteeing HCL mortgage loans to DHHL lessees, subject to the review and approval of the MOA by the DHHL unit of the Department of the Attorney General.
- 2) Delegate to the Chairman, authority to execute the MOA.

DISCUSSION

HCL has expressed an interest in originating/underwriting mortgage loans for DHHL lessees.

The Hawaiian Homes Commission Act §214 Purposes of loans; authorized actions states that: "(a) The department may make loans from revolving funds to any lessee or native Hawaiian to whom, any Cooperative association to which, a lease has been issued under section 207(c)(1)(B) of the Act. Such loan may be made for the following purposes: (b)(2) Loan or guarantee the repayment of or otherwise underwrite any authorized loan or portion thereof to lessees in accordance with section 215."

Furthermore, Hawaii Administrative Rules §10-3-43 Authorized actions, states: "For purposes under the act, the department may: (4) Guarantee the repayment of loans made to homestead lessees of Hawaiian home lands by other governmental agencies or private lending institutions as provided by the act."

As there are only a limited number of lenders who are willing to finance mortgage loans on DHHL homestead lots, the addition of HCL will provide lessees another option for financing the mortgage of their new home.

DHHL staff is of the belief that the more options that lessees have with financing their homes, this will only give them a better opportunity to compare loan products, loan costs, and benefits to them by each lender. Approval of this submittal as presented is recommended.

**MEMORANDUM of AGREEMENT BETWEEN
THE STATE of HAWAI'I DEPARTMENT of HAWAIIAN HOME LANDS and
HAWAI'I COMMUNITY LENDING**

I. Purpose

This Memorandum of Agreement defines the basic responsibilities of Hawai'i Community Lending, Inc. (HCL) and the State of Hawai'i Department of Hawaiian Home Lands (DHHL) regarding the guaranteeing of mortgage loans for Hawaiian home lands leaseholds.

In consideration of HCL making mortgage loans to lessees, DHHL will issue a guarantee for the period of the mortgage loan term. DHHL guarantees the repayment of each mortgage loan. The mortgage loan guarantee shall not exceed fifty percent of the maximum single-family residence loan amount allowed in Hawaii by the United States Department of Housing and Urban Development's Federal Housing Administration (FHA) as provided in section 215 of the Hawaiian Homes Commission Act, 1920, as amended (HHCA) for the island on which the dwelling is on..

II. Underwriting

HCL is responsible for loan origination, underwriting, and eligibility determinations for the guarantee of each mortgage in accordance with the appropriate regulations. This includes but is not limited to, review of the mortgage loan application, borrower documents, and credit analysis.

III. Eligibility for Guarantee

For a loan on a Hawaiian Home Lands leasehold to be eligible for a guarantee, it shall meet the following requirements:

- A.** The eligible purpose of the loan is for permanent mortgage financing.
- B.** HCL shall maintain its nonprofit mortgage loan originator's license through the National Mortgage Licensing System.
- C.** The loan to be guaranteed shall be executed by a native Hawaiian as defined by Section 247 of the National Housing Act, 12 U.S.C § 1715z-12(d). DHHL will provide the native Hawaiian borrower with a Certification of Eligibility to ensure that this requirement is met.
- D.** The property shall be located within an area designated as Hawaiian home lands covered under a homestead lease issued under Section 207(a) of the HHCA, or under the corresponding provision of the Hawai'i State Constitution adopted under Section 4 of the Admission Act. DHHL shall have granted to the Borrower a homestead lease covering the property. At the time the loan is originated, HCL will submit a request to DHHL for a Certificate of Eligibility to ensure that the lease is not in default and has not been canceled.

- E. The property is to be occupied as the principal residence of the Borrower.
- F. DHHL requires the following documents be submitted to obtain a loan guaranty: A credit packet which includes: conditional loan approval documentation from HCL (to include a copy of automated findings); loan application; credit report; two months worth of a lessee's paystubs; two years of a lessee's Form W-2 (Wage and Tax Statements); two years of a lessee's most recent tax returns; one monthly bank statement; Certificate of Eligibility, Lease Agreement, and Lot Selection/Acceptance Agreement.
- G. DHHL will notify HCL of approval or denial of the request for eligibility within thirty days of accepting the loan guaranty packet as outlined in section III.E.

IV. Loan Closing

HCL's obligation to fund the loan will be subject to the satisfaction of the following conditions:

- A. DHHL shall execute and deliver to HCL a Guarantee of the Loan and Agreement in the form attached hereto as Exhibit A and B.
- B. HCL shall provide DHHL a copy of the note and disclosure statement for the lessee's file.
- C. HCL as the permanent takeout Lender shall adhere to all government loan requirements to ensure that the permanent takeout loan is completed and properly insured or guaranteed.
- D. DHHL is not liable for any mistakes made by HCL. HCL is prohibited from making a demand for a full payment of the loan due to their mistake.

V. Interest Rate

The interest rate for HCL mortgage loans will be set at 1% below the USDA interest rate at the time of closing, but in no event shall the interest rate exceed 8% per annum.

VI. Loan Term

The loan term for HCL mortgage loans will be up to 33 years.

VII. Recording

DHHL agrees to record its guarantee in its recording system. DHHL agrees that in addition to the recording of HCL guaranteed loans, all existing and valid homestead leases, all homestead leases issued in the future, and any changes to the status of each lease or ownership thereof are to be recorded

in the same system.

VIII. Lease Cancellation

DHHL agrees not to cancel any lease which is subject to a loan securing a HCL guaranteed loan without first notifying HCL.

IX. Default Under Loan

A. HCL will monitor when the Borrower becomes thirty days past due and will monitor the status of delinquency every thirty days until the delinquency is cured.

B. After the loan is five full payments in arrears, HCL will notify the Borrower has thirty days to cure the default and provide written notice of such action to DHHL.

C. If a defaulted loan is not cured within thirty days and HCL concludes that liquidation of its guaranteed loan is necessary, HCL will serve FINAL DEFAULT NOTICE to DHHL of its decision and certify that all servicing options have been explored and have been determined unworkable and file for the DHHL guarantee.

X. New Loan and Transfer

If the Borrower is willing to transfer their leasehold to an eligible native Hawaiian, HCL shall submit a new guarantee request to DHHL for DHHL's consideration.

XI. Successor and Assumptions

If DHHL concurs, HCL may allow a qualified successor as a new eligible borrower to assume the loan or place a demand on the guarantee in accordance with the applicable regulations of this MOA. An assumption may be made only for the principal balance and all accrued interest of a defaulted loan.

XII. Reporting

HCL will provide monthly reports to DHHL of the total outstanding balances of mortgage loans to enable DHHL to determine the aggregate amount of assured loans outstanding.

XIII. Loss Claim and Assignment to DHHL

A. If neither a new guaranteed loan or a transfer and assumption can be processed within six months from the date of HCL's Default Notice, the defaulted loan will be assigned to DHHL. DHHL reserves the right to exercise its option to have the defaulted loan assigned to it before the expiration of the six month period. DHHL will pay the appraised value or the loan amount, whichever is less.

XIV. Release from Liability

A. DHHL is released from liability on a loan guarantee (in whole or in part, within DHHL's exclusive discretion), if any of the events below occur:

1. HCL has failed to comply materially with any of the provisions of the Agreement;
2. HCL has failed to make, close, service, or liquidate a loan in a prudent manner;
3. Improper action or inaction on Behalf of HCL placed DHHL at risk;
4. HCL has failed to disclose a material fact to DHHL regarding a guaranteed loan in a timely manner;
5. HCL has misrepresented a material fact to DHHL regarding a guaranteed loan;
6. DHHL has received a written request from HCL to terminate the guarantee; and
7. The borrower has paid the loan in full.

B. If DHHL determines, after purchasing its guaranteed portion of a loan, that any of the events set forth under paragraph XIII. A. occurred in connection with that loan, DHHL is entitled to recover any money paid on the guarantee plus interest from HCL that is responsible for those events.

C. If HCL's loan documentation indicates that one or more of the events set forth under paragraph XIII. A. may have occurred, DHHL may undertake such investigation as it deems necessary to determine whether to honor or deny the guarantee. DHHL may withhold a decision on whether to honor the guarantee until the completion of such investigation.

D. Any information provided to DHHL prior to HCL's request for DHHL to honor its guarantee shall not prejudice DHHL's right to deny liability for a guarantee if one or more of the events listed under paragraph XIII. A. of this section occurs.

E. Until DHHL provides written notice to the contrary, HCL remains responsible for all loan servicing actions until DHHL honors its guarantee in full.

XV. Termination

A. At any time, HCL or DHHL may give the other party ninety calendar days written notice of intent to terminate this MOA. After the ninety

calendar days have passed, HCL will not issue any additional loans to be covered by this MOA except pursuant to commitments made by DHHL prior to the end of the ninety day period.

- B.** HCL's or DHHL's responsibilities with respect to loans that DHHL had guaranteed prior to the expiration of the ninety days described above, and the funding of costs associated with such loans shall continue as provided in this MOA unless and until the parties enter into a written amendment of this MOA.

XVI. Amendment

This MOA may be amended by DHHL and HCL in writing. Before taking effect, amendments must be signed by authorized representatives of both DHHL and HCL.

IN WITNESS WHEREOF, the parties hereto have executed this MOA to be executed by their legally authorized officials this _____ day of _____, 2023.

Kali Watson
Chairman
Hawaiian Homes Commission
Department of Hawaiian Home Lands

Jeff Gilbreath
Executive Director
Hawaii Community Lending

Date

Date

APPROVED AS TO FORM:

Deputy Attorney General for
State of Hawai'i
Department of Hawaiian Home Lands

Exhibit A

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

GUARANTEE

THIS GUARANTEE is made by the STATE OF HAWAII, DEPARTMENT OF HAWAIIAN HOME LANDS, whose principal place of business and post office address is 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707, and P. O. Box 1879, of Honolulu, State of Hawaii 96805, respectively, ("Guarantor"), to HAWAII COMMUNITY LENDING, Inc. ("Lender"), whose mailing address is P.O. Box 210, Waimanalo, Hawaii 96720

WITNESS THAT:

WHEREAS, Lender desires to extend financial assistance to lessees of Hawaiian Home Lands by making mortgage loans for dwellings; and

WHEREAS, LESSEE NAME, whose residence and post office address is LESSEE ADDRESS ("Debtor"), is the lessee of Hawaiian Home Land TYPE OF LEASE Lease No. , Lot No , commencing DATE, (Island), Tax Map Key No. , (the "Property") and who desires to obtain a loan from Lender to finance a home on the Property;

NOW, THEREFORE, in consideration of the above recitals and Lender's making a mortgage loan to Debtor in the principal amount of LOAN AMOUNT AND NO/100 DOLLARS (\$0.00), with interest on the unpaid principal balance at the simple interest rate of INTEREST RATE percent (0.00%) per annum, with a term that is equal to the total mortgage loan term (the "Loan"), Guarantor promises and agrees as follows:

1. Guarantor hereby guarantees repayment to Lender of all unpaid principal and accrued interest, costs and expenses on the Loan, pursuant to the Note, Disclosure Statement and Security Agreement to be executed by Debtor (the "Note") together with any and all advances made by Lender to the Debtor or third parties to or for the benefit of the Property up to a maximum of \$(guarantee amount equal to total mortgage loan amount) as authorized by the terms and conditions of that certain Memorandum of Agreement between Lender and Guarantor dated , (the

"Memorandum"). The terms of the Memorandum and Note are incorporated herein by reference.

2. This Guarantee shall remain in full force and effect until the entire Loan is repaid.

3. Guarantor hereby represents and warrants that the execution of this Guarantee does not cause the Guarantor to exceed the maximum \$100,000,000.00 aggregate amount of assured loans as provided in the Hawaiian Homes Commission Act, 1920, as amended.

4. Upon Lender's notification to Guarantor of an event of default under the Note, Guarantor may make payments to cure the default and keep the Loan current, or as may be demanded by Lender, to pay the entire principal balance together with interest, costs, expenses and advances made by Lender.

5. In the event of Debtor's death or Debtor desires to transfer or to surrender Debtor's lease or the Debtor has defaulted on the Loan or lease, and the Guarantor has cured such default and the Loan is current, the Lender may entertain requests for assumption of the Loan by a new lessee of the Property, and if such new lessee qualifies to assume the Loan in accordance with the Lender's procedures, such lessee will assume the obligation of the outstanding debt hereby guaranteed. If Debtor consists of two or more persons, then the death of all of them shall constitute Debtor's death for purposes of this paragraph. If no new lessee has assumed the Loan within the term of the Loan, Guarantor shall immediately pay the unpaid principal balance of the Loan and accrued and unpaid interest, costs, expenses and advances.

6. Neither Debtor's death, cancellation of the lease, voluntary transfer or surrender of the leasehold, or assumption of the Loan shall operate to limit or discharge this Guarantee.

7. The rights and remedies of Lender hereunder and under the Loan Documents are cumulative and not exclusive and may be exercised in whole or in part and in any order and at any time or times as Lender shall determine.

8. This Guarantee executed by Guarantor is fully authorized by all applicable laws and is the valid and

binding obligation of Guarantor, enforceable in accordance with its respective terms.

9. This Guarantee shall for all purposes be construed in accordance with and governed by the laws of the State of Hawaii.

IN WITNESS WHEREOF, Guarantor has executed this Guarantee this date.

DATED: Kapolei, Hawaii, _____.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN
HOME
LANDS

By _____
Kali Watson, Chairman
Hawaiian Homes

Commission

APPROVED AS TO FORM:

Deputy Attorney General
State of Hawai'i

Exhibit B

AGREEMENT

THIS AGREEMENT, is made by LESSEE ("hereinafter called "Borrower"), whose post office and mailing address is LESSEE ADDRESS, to the Department of Hawaiian Home Lands, State of Hawaii, (hereinafter called the "Department"), whose post office address is P. O. Box 1879, Honolulu, Hawaii 96805.

WITNESS THAT:

1. WHEREAS, the Borrower has been granted a loan in the amount of LOAN AMOUNT AND NO/100 DOLLARS (\$0.00), with interest on the unpaid principal balance at the simple interest rate of _____ percent (0.00%) per annum, to finance a home on the homestead property.

2. WHEREAS, the Department has agreed to guaranty the Borrower's loan with the HAWAII'I COMMUNITY LENDING, Inc. ("Lender") as authorized by the Hawaiian Homes Commission Act, 1920, as amended, a copy of which guaranty is attached hereto and made a part hereof by this reference.

3. WHEREAS, the Borrower would not have been able to obtain the loan from the Lender, except for the Department's guaranty.

THEREFORE, BORROWER AGREES THAT:

1. For the valuable consideration received from the Department, the Borrower, Borrower's heirs, executors, administrators, successors and assigns, agree absolutely and unconditionally, to the prompt repayment to the Department of any and all advances, expenses, payments, costs and all other indebtedness sustained or incurred by the Department on behalf of the Borrower, together with legal interest thereon. The Borrower shall pay, within thirty (30) days upon demand, the amount of any and all advances, expenses, payments, cost and all other indebtedness sustained or incurred by the Department on behalf of the Borrower.

2. In the event the Department's guaranty is called upon and Borrower does not cure the default within thirty (30) days of Department's demand, upon payment in full by the Department, the Lender will assign the loan to the Department. The Department may initiate contested case

proceeding to cancel Lease No. _____, Lot No. _____,
commencing _____, _____ (Island), Tax Map Key
No. _____ (the "Property"). Further, the
interest rate on this loan WILL CHANGE TO BE whatever the
Department's prevailing interest rate is on and from the
date said loan is assigned to the Department or the then
existing loan contract rate, whichever is higher.

3. This agreement shall remain in full force and
shall be binding upon the Borrower, Borrower's heirs,
executors, administrators, successors and assigns until
written notice of revocation is received by the Borrower,
Borrower's heirs, executors, administrators, successors or
assigns, from the Department.

IN WITNESS WHEREOF, Borrower has executed this
Agreement this date.

DATED: _____,
Hawaii, _____.



By _____
Lessee/Borrower

Witness

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 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

NONE FOR SUBMITTAL

2. Deceased Applicants

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

AKANA, Aaron W.S.	Applicant's date of death occurred on 05/13/1990, which is prior to the 10/26/1998 amendment of the HAR section 10-3-8, which allows for qualified successors to participate in the Public Notice process. Remove application dated 04/06/1987.
BRIGHTER, Eddie	Applicant's date of death occurred on 05/01/1992, which is prior to the 10/26/1998 amendment of the HAR section 10-3-8, which allows for qualified successors to participate in the Public

Notice process. Remove application dated 06/13/1986.

KAMA, Peter

Applicant did not designate a successor. Therefore, the Department published a notice in 2022 pursuant to the HAR section 10-3-8 to allow qualified successors to submit a successorship claim. No claim was received. Remove application dated 10/08/1990.

PAHIA, Frank G.

Applicant's date of death occurred on 01/13/1996, which is prior to the 10/26/1998 amendment of the HAR section 10-3-8, which allows for qualified successors to participate in the Public Notice process. Remove application dated 04/19/1988.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

BRIGHTER, Eddie

Applicant's date of death occurred on 05/01/1992, which is prior to the 10/26/1998 amendment of the HAR section 10-3-8, which allows for qualified successors to participate in the Public Notice process. Remove application dated 06/13/1986.

PAHIA, Frank G.

Applicant's date of death occurred on 01/13/1996, which is prior to the 10/26/1998 amendment of the HAR section 10-3-8, which allows for qualified successors to participate in the Public Notice process. Remove application dated 04/19/1988.

3. Awards of Leases

NANAKULI AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

MOLE, Charles D.	Assigned Residential Lease #12871, Lot 153 in Ka'uluokaha'i, Oahu dated 10/11/2019. Remove application dated 02/19/1968.
NAONE, Sarah	Assigned Residential Lease #13004, Lot 232-A in Nanakuli, Oahu dated 10/06/2023. Remove application dated 02/27/1962.

PAPAKOLEA / KEWALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

MARTIN, Elizabeth M.	Assigned Residential Lease #12848, Lot 139 in Ka'uluokaha'i, Oahu dated 09/18/2019. Remove application dated 05/08/1967.
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WAIMANALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

HAIOLA, Charles Sr.	Assigned Residential Lease #12869, Lot 111 in Ka'uluokaha'i, Oahu dated 12/20/2019. Remove application dated 09/20/1971.
JOHNSON, Jennie M.K.L.	Assigned Residential Lease #12844, Lot 124 in Ka'uluokaha'i, Oahu dated 06/28/2019. Remove application dated 02/05/1973.
KELIIHOLOKAI, Steven	Assigned Residential Lease #12846, Lot 137 in Ka'uluokaha'i, Oahu dated 06/27/2019. Remove application dated 05/16/1972.
VIELA, Joewella	Assigned Residential Lease #12840, Lot 134 in Ka'uluokaha'i, Oahu dated 06/18/2019. Remove application dated 04/24/1973.

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

BALOGBOG, Charles	Assigned Residential Lease #5584, Lot 112 in Lualualei, Oahu dated 02/23/2023. Remove application dated 03/06/2013.
BAUTISTA, Carlene L.K.	Assigned Residential Lease #12602, Lot 18321 in Kanehili, Oahu dated 07/02/2018. Remove application dated 07/07/2011.
BEDELL, Jade M.	Assigned Residential Lease #3711, Lot 22 in Waimanalo, Oahu dated 05/09/2022. Remove application dated 01/04/2001.
BELTRAN, Davina M.	Assigned Residential Lease #5535, Lot 140 in Lualualei, Oahu dated 03/15/2021. Remove application dated 01/21/2020.
DIAS, Eliza	Assigned Residential Lease #12849, Lot 123 in Ka'uluokaha'i, Oahu dated 06/28/2019. Remove application dated 09/29/1978.
EISER, Emmeleen N.	Assigned Residential Lease #12551, Lot 18627 in Kanehili, Oahu dated 02/25/2021. Remove application dated 08/05/1996.
ENOKA, James A.	Assigned Residential Lease #12867, Lot 150 in Ka'uluokaha'i, Oahu dated 09/26/2019. Remove application dated 03/16/1978.
FAUFATA, Melissa K.	Assigned Residential Lease #12006, Lot 17073 in Kaupea, Oahu dated 07/02/2018. Remove application dated 03/29/2016.

FIGUEROA, Paul K.	Assigned Residential Lease #8249, Lot 46 in Lualualei, Oahu dated 01/29/2021. Remove application dated 09/28/2005.
HALE, Kenneth L., Jr.	Assigned Residential Lease #12552, Lot 18592 in Kanehili, Oahu dated 08/17/2022. Remove application dated 01/25/2006.
HONDA, Maxine L.N.	Assigned Residential Lease #12948, Lot 52 in Ka'uluokaha'i, Oahu dated 12/30/2021. Remove application dated 10/10/2019.
KAAHANUI, Isaiah	Assigned Residential Lease #9762, Lot 13711 in Maluohai, Oahu dated 03/18/2022. Remove application dated 12/01/2014.
KAAKAU, Lynn Ann K.	Assigned Residential Lease #11704, Lot 18654 in Kanehili, Oahu dated 04/28/2023. Remove application dated 06/01/1992.
KAPANA, Francis K.	Assigned Residential Lease #12843, Lot 125 in Ka'uluoka'i, Oahu dated 06/24/2019. Remove application dated 04/07/1978.
KALELEIKI, Oscar K.	Assigned Residential Lease #12073, Lot 16946 in Kaupea, Oahu dated 08/12/2020. Remove application dated 06/25/2013.
KEALOHA, Lizelle K.	Assigned Residential Lease #11965, Lot 17084 in Kaupea, Oahu dated 03/03/2020. Remove application dated 07/30/2009.

KEAULANA, Cassandra P.	Assigned Residential Lease #8353, Lot 62 in Princess Kahanu Estates, Oahu dated 06/09/2022. Remove application dated 04/11/2011.
KEIKI, Jaire L.K.	Assigned Residential Lease #8434, Lot 143 in Princess Kahanu Estates, Oahu dated 10/05/2020. Remove application dated 01/03/2007.
KELIIKOA, William K.	Assigned Residential Lease #5621, Lot 64 in Lualualei, Oahu dated 09/27/2019. Remove application dated 10/14/1988.
MALAMA, William W.A., Jr.	Assigned Residential Lease #12473, Lot 18526 in Kanehili, Oahu dated 05/22/2020. Remove application dated 11/04/1999.
POKIPALA, Benjamin	Assigned Residential Lease #9864, Lot 13849 in Maluohai, Oahu dated 06/04/2020. Remove application dated 04/11/2008.
RAMOS, Phyllis N.	Assigned Residential Lease #12854, Lot 142 in Ka'uluokaha'i, Oahu dated 07/23/2019. Remove application dated 02/07/1979.
RICHARDSON, Robert D.	Assigned Residential Lease #12856, Lot 119 in Ka'uluokaha'i, Oahu dated 08/06/2019. Remove application dated 06/27/1978.
SATO, Hyenie E.W.	Assigned Residential Lease #12870, Lot 152 in Ka'uluokaha'i, Oahu dated 10/16/2019. Remove application dated 01/17/1983.

SMITH, Manuel	Assigned Residential Lease #3711, Lot 22 in Waimanalo, Oahu dated 07/03/2023. Remove application dated 01/31/2006.
UAHINUI, Alexander E., Jr.	Assigned Residential Lease #12850, Lot 122 in Ka'uluokaha'i, Oahu dated 08/26/2019. Remove application dated 02/05/1979.
WISE, Jacqueline L.	Assigned Residential Lease #8352, Lot 61 in Princess Kahanu Estates, Oahu dated 02/15/2019. Remove application dated 01/29/1987.

HAWAII ISLANDWIDE PASTORAL LEASE LIST

EDMONDSON, Carol K.	Assigned Pastoral Lease #2683, Lot 20 in Nienie, Hawaii dated 08/27/2020. Remove application dated 11/02/1990.
KANIHO, Laverne K.	Assigned Pastoral Lease #4963, Lot 4 in Waimea, Hawaii dated 05/20/2021. Remove application dated 05/04/2010.
KANIHO, Tammylyn K.	Assigned Pastoral Lease #4963, Lot 4 in Waimea, Hawaii dated 05/20/2021. Remove application dated 05/04/2010.
MATSUMOTO, Darlene K.	Assigned Pastoral Lease #8071, Lot 97 in Puukapu, Hawaii dated 03/17/2020. Remove application dated 12/24/2015.
SOLOMON, Alice L.	Assigned Pastoral Lease #9054B, Lot A3 in Waimea, Hawaii dated 07/20/2018. Remove application dated 06/04/1981.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

ELLIS, Bennadeth A.	Assigned Residential Lease #9217, Lot 4 in Kaniohale, Hawaii dated 04/19/2021. Remove application dated 02/13/2008.
KAWAMOTO, Emily L.	Assigned Residential Lease #4931, Lot 74-A in Kuhio Village, Hawaii dated 10/28/2020. Remove application dated 10/19/2005.
LOANDO, Roy A., Sr.	Assigned Residential Lease #13002, Lot 610 in Discovery Harbour, Hawaii dated 10/11/2023. Remove application dated 10/23/2003.
ROCHA, David	Assigned Residential Lease #10664, UNDV 038 in Laiopua, Hawaii dated 03/21/2019. Remove application dated 10/17/2005.

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

KALEIOHI, Madonna L.	Assigned Residential Lease #13023, Lot 29 in Pi'ilani Mai Ke Kai, Kauai dated 10/09/2023. Remove application dated 10/29/1990.
SMITH, Henry Lonokalanikai	Assigned Residential Lease #12995, Lot 21 in Anahola, Kauai dated 10/20/2023. Remove application dated 04/09/1991.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

CULLEN, Irene L.V.	Succeeded to Oahu Islandwide Agricultural application of Parent, Elizabeth M. Cullen dated 02/29/1996. Remove application dated 06/28/2022.
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KANAE, Jennifer K.A.	Succeeded to Oahu Islandwide Agricultural application of Parent, Jeffrey K. Kanae dated 10/09/1996. Remove application dated 01/18/2023.
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PANEE, Sean K.L.	Succeeded to Oahu Islandwide Agricultural application of Parent, Douglas P. Panee dated 02/10/1993. Remove application dated 09/26/1995.
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OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

AKANA, Elijah K.	Succeeded to Oahu Islandwide Residential application of Grandparent, Irene U. Fujimori dated 10/04/2010. Remove application dated 10/22/2019.
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ALCOS, Sherrie K.	Succeeded to Nanakuli Area / Oahu Islandwide Residential application of Sibling, Leilani L. Gilfoy dated 07/10/1969. Remove application dated 10/10/2022.
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COSTA, George L. III

Succeeded to Oahu Islandwide Residential application of Sibling, Eunice L. Tanele dated 07/22/1999. Remove application dated 10/05/2012.

CULLEN, Irene L.V.

Succeeded to Oahu Islandwide Residential application of Parent, Elizabeth M. Cullen dated 02/29/1996. Remove application dated 06/28/2022.

KAHILI, Michael N.

Succeeded to Waimea Area / Hawaii Islandwide Residential application of Uncle, Henry A. Kahili dated 06/17/1968. Remove application dated 07/14/1998.

KANAE, Jennifer K.A.

Succeeded to Oahu Islandwide Residential application of Parent, Jeffrey K. Kanae dated 10/09/1996. Remove application dated 01/18/2023.

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

KU, Alvin Keola

Succeeded to Maui Islandwide Agricultural application of Parent, Alvin K. Ku, Sr. dated 07/15/1986. Remove application dated 02/07/2000.

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

BURNS, Paula A.M.

Succeeded to Paukukalo Area / Maui Islandwide Residential application of Parent, Paul A. Kaina dated 07/01/1974. Remove application dated 08/10/2010.

CHONG, Jammie K.

Succeeded to Paukukalo Area / Maui Islandwide Residential application of Grandparent, Rachel M. Kekona dated 04/24/1973. Remove application dated 09/11/2006.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

KUKAHIKO, Edwina J.U.

Succeeded to Hawaii Islandwide Agricultural application of Sibling, William C.K. Kukahiko dated 05/09/1985. Remove application dated 05/12/1988.

KALAUOKAAEA-KAHELE, Keliiikeole

Succeeded to Hawaii Islandwide Agricultural application of Uncle, John K. Kahele Jr. dated 05/16/1989. Remove application dated 11/02/1994.

HAWAII ISLANDWIDE PASTORAL LEASE LIST

KAMAKEA-OHELO, Kaleopaaokealii

Succeeded to Hawaii Islandwide Pastoral application of Parent, Clyde M.K. Ohelo dated 02/26/1988. Remove application dated 05/08/2014.

REICH, Vernetta N.T.

Succeeded to Hawaii Islandwide Pastoral application of Parent, Elizabeth V. Karratti dated 01/24/1983. Remove application dated 06/06/2001.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KALAUOKAAEA-KAHELE, Keliiikeole

Succeeded to Hawaii Islandwide Residential application of Uncle, John K. Kahele Jr. dated 05/16/1989. Remove application dated 04/09/2008.

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

KAUAAHI, Herbert Kalani	Succeeded to Kauai Islandwide Agricultural application of Parent, Christopher O.H. Kauahi dated 02/14/2005. Remove application dated 04/18/2005.
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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

LAPEZ, Ethan Taylor O.	Succeeded to Kauai Islandwide Residential application of Parent, John Lapez dated 12/09/1991. Remove application dated 09/02/2021.
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MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

LAPEZ, Ethan Taylor O.	Succeeded to Mololai Islandwide Agricultural application of Parent, John Lapez dated 12/09/1991. Remove application dated 09/02/2021.
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MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

KAMAKEA-OHELO, Kaleopaaokealii	Succeeded to Nanakuli Area / Oahu Islandwide Residential application of Parent, Clyde M.K. Ohelo dated 07/19/1971. Remove application dated 05/08/2014.
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POAIPUNI, Abraham K.	Succeed to Molokai Islandwide Residential application of Uncle, Timothy B. Poaipuni dated 08/07/1986. Remove applications dated 05/15/2017.
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7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL

Last Month's Transaction Total	42
Last Month's Cumulative FY 2023-2024 Transaction Total	180
Transfers from Island to Island	0
Deceased	6
Cancellations:	
Awards of Leases	45
NHQ	0
Voluntary Cancellations	0
Successorship	22
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	73
This Month's Cumulative FY 2023-2024 Transaction Total	253

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 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 October 2023**

RECOMMENDED MOTION/ACTION

To approve the certification of applications of qualified applicants for the month of October 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 'ohana process.

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

IRVINE, Ke Kamalii Me Kealoha R.	06/21/2023
LAIKUPU, Isaiah K.	07/10/2023
PA'AO'AO, Sheena-Marie A.	07/10/2023
FAUMUINA-PUAHI, Sharnelle N.	07/12/2023

ASING, Jerico K.T.	07/25/2023
PATE, Tiana D.K.	07/25/2023
WOLCOTT, Mareko M.T.	07/27/2023
MERCADO, Corrine K.M.H.K.	07/31/2023
KAHELE, Shawn K.	08/01/2023

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

IRVINE, Ke Kamalii Me Kealoha R.	06/21/2023
RESPICIO, Jonnah Lashay P.B.	06/21/2023
MAKANANI-MANUIA, Barbara Jean L.	07/07/2023
LAIKUPU, Isaiah K.	07/10/2023
PA'AO'AO, Sheena-Marie A.	07/10/2023
FAUMUINA-PUAHI, Sharnelle N.	07/12/2023
LOPES, Ka'uhane K.	07/13/2023
REYES, Roxanne L.D.	07/18/2023
ASING, Jerico K.T.	07/25/2023
PATE, Tiana D.K.	07/25/2023
MERCADO, Corrine K.M.H.K.	07/31/2023
KAHELE, Shawn K.	08/01/2023
LUND, Jacqueline H.L.	08/17/2023

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

KAPOI, Dannette K.T.	06/13/2023
CASCO, Jane M.	06/16/2023
KAPOI, David N.K.	06/20/2023
KERR, Caroline O.	06/22/2023

MAC NEAL, Janet L.	06/23/2023
DELA CRUZ, Bonnie Ann	07/28/2023
CHARLES, Davanette N.	08/10/2023

MAUI ISLANDWIDE PASTORAL LEASE LIST

KAHOOHANO HANO, Suzette K.	06/20/2023
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

KAPOI, Dannette K.T.	06/13/2023
CASCO, Jane M.	06/16/2023
KAHOOHANO HANO, Suzette K.	06/20/2023
KAPOI, David N.K.	06/20/2023
KERR, Caroline O.	06/22/2023
MAC NEAL, Janet L.	06/23/2023
DELA CRUZ, Bonnie Ann	07/28/2023
CHARLES, Davanette N.	08/10/2023

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

KAKALIA, Matthew F.	06/07/2023
KEKA, Joel H.	06/07/2023
RESPICIO, Jonnah Lashay P.B.	06/21/2023
FONG, Noelani N.	06/27/2023
LELEIWI, Naea-Kaiya H.	07/06/2023
KAMAKA, Candy K.	07/11/2023
LUND, Jacqueline H.L.	08/17/2023

HAWAII ISLANDWIDE PASTORAL LEASE LIST

PAUOLE, Donna K.	07/06/2023
KAHAHAWAI-WELCH, Joy P.	07/31/2023
IOKIA, Wanda D.P.	09/01/2023

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

HOPPS, Jolyne V.H.	06/07/2023
KAKALIA, Matthew F.	06/07/2023
KEKA, Joel H.	06/07/2023
KALAHIKI-AULAUMEA, Hilary A.T.K.	06/22/2023
FONG, Noelani N.	06/27/2023
AKAKA, Bernard C.	07/05/2023
PAUOLE, Donna K.	07/06/2023
LELEIWI, Naea-Kaiya H.	07/06/2023
KAMAKA, Candy K.	07/11/2023
IOKIA, Wanda D.P.	09/01/2023

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

GIROD, Kayla M.K.	07/06/2023
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KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

GIROD, Kayla M.K.	07/06/2023
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Previous Cumulative Total for Current FY	107
Current Month's Total	60
Fiscal Year Total: July 2023-June 2024	167


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator 

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

SUBJECT: **Commission Designation of Successors to Application Rights - Public Notice 2021 & 2022**

RECOMMENDED MOTION/ACTION

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

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

DISCUSSION

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

1. Deceased Applicant:	Leilani L. Gilfoy
Date of death:	July 27, 2017
Successor to app rights:	Sherrie K. Alcos
Relationship to decedent:	Sibling
Island:	Nanakuli Area / Oahu
Type:	Islandwide Residential
Date of Application:	July 10, 1969
Date of Public Notice:	November, 2022
2a. Deceased Applicant:	Elizabeth M. Cullen
Date of death:	May 29, 2011
Successor to app rights:	Irene L.V. Cullen
Relationship to decedent:	Child
Island:	Oahu
Type:	Islandwide Agricultural
Date of Application:	February 29, 1996
Date of Public Notice:	November, 2022
2b. Island:	Oahu
Type:	Islandwide Residential
Date of Application:	February 29, 1996
3a. Deceased Applicant:	Jeffrey K. Kanae
Date of death:	June 7, 2021
Successor to app rights:	Jennifer K.A. Kanae
Relationship to decedent:	Child
Island:	Oahu
Type:	Islandwide Agricultural
Date of Application:	October 9, 1996
Date of Public Notice:	November, 2022
3b. Island:	Oahu
Type:	Islandwide Residential
Date of Application:	October 9, 1996
4. Deceased Applicant:	Irene U. Fujimori
Date of death:	November 26, 2019
Successor to app rights:	Elijah K. Akana
Relationship to decedent:	Grandchild
Island:	Oahu
Type:	Islandwide Residential
Date of Application:	October 4, 2010
Date of Public Notice:	November, 2022

5a. Deceased Applicant:	Jon K. Peters
Date of death:	January 23, 2021
Successor to app rights:	Ioane K. Peters
Relationship to decedent:	Nephew
Island:	Maui
Type:	Islandwide Pastoral
Date of Application:	May 31, 2007
Date of Public Notice:	November, 2022
5b. Island:	Maui
Type:	Islandwide Residential
Date of Application:	May 31, 2007
6a. Deceased Applicant:	John K. Kahele Jr.
Date of death:	January 29, 2022
Successor to app rights:	Keliiikeole
	Kalauokaaea-Kahale
Relationship to decedent:	Nephew
Island:	Hawaii
Type:	Islandwide Agricultural
Date of Application:	May 16, 1989
Date of Public Notice:	November, 2022
6b. Island:	Hawaii
Type:	Islandwide Residential
Date of Application:	May 16, 1989
7. Deceased Applicant:	Elizabeth V. Karratti
Date of death:	May 22, 2019
Successor to app rights:	Vernette N.T. Reich
Relationship to decedent:	Child
Island:	Hawaii
Type:	Islandwide Pastoral
Date of Application:	January 24, 1983
Date of Public Notice:	November, 2022
8a. Deceased Applicant:	Monica M.K. Long
Date of death:	October 17, 2021
Successor to app rights:	Celine R. Neves
Relationship to decedent:	Sibling
Island:	Hawaii
Type:	Islandwide Agricultural
Date of Application:	April 15, 1992
Date of Public Notice:	November, 2022



8b. Island:	Hawaii
Type:	Islandwide Residential
Date of Application:	April 15, 1992
9a. Deceased Applicant:	Ursula K.J. Robles
Date of death:	June 16, 2021
Successor to app rights:	Carl V. Laa Jr.
Relationship to decedent:	Grandchild
Island:	Hawaii
Type:	Islandwide Agricultural
Date of Application:	March 4, 1991
Date of Public Notice:	November, 2022
9b. Island:	Hawaii
Type:	Islandwide Residential
Date of Application:	March 4, 1991
10a. Deceased Applicant:	Verna N. Villaverde
Date of death:	November 28, 2018
Successor to app rights:	Myra I. Aina-Paul
Relationship to decedent:	Sibling
Island:	Hawaii
Type:	Islandwide Agricultural
Date of Application:	June 8, 2011
Date of Public Notice:	November, 2021
10b. Island:	Hawaii
Type:	Islandwide Residential
Date of Application:	June 8, 2011
11a. Deceased Applicant:	Warren K. Waa
Date of death:	April 7, 2018
Successor to app rights:	Shannon K. Waa
Relationship to decedent:	Child
Island:	Kauai
Type:	Islandwide Pastoral
Date of Application:	May 18, 1992
Date of Public Notice:	November, 2022
11b. Island:	Molokai
Type:	Islandwide Residential
Date of Application:	May 18, 1992

12a. Deceased Applicant:	John Lapez
Date of death:	February 11, 2016
Successor to app rights:	Ethan Taylor O. Lapez
Relationship to decedent:	Child
Island:	Kauai
Type:	Islandwide Residential
Date of Application:	December 9, 1991
Date of Public Notice:	November, 2022
12b. Island:	Molokai
Type:	Islandwide Agricultural
Date of Application:	December 9, 1991
13. Deceased Applicant:	Moses Burrows
Date of death:	May 20, 2021
Successor to app rights:	Francis K. Burrows
Relationship to decedent:	Sibling
Island:	Hoolehua Area / Molokai
Type:	Islandwide Pastoral
Date of Application:	December 27, 1955
Date of Public Notice:	November, 2022
14. Deceased Applicant:	Timothy B. Poaipuni
Date of death:	May 26, 2009
Successor to app rights:	Abraham K. Poaipuni
Relationship to decedent:	Nephew
Island:	Molokai
Type:	Islandwide Residential
Date of Application:	August 7, 1986
Date of Public Notice:	November, 2022

Previous Cumulative Total for Current FY	19
Current Month's Total	23
Fiscal Year Total: July 2023-June 2024	42

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 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

Eight (8) assignments of lease.

1. Lessee Name: Juby J. P. Miller
Res. Lease No. 3376, Lot No. 174-B
Lease Date: 10/27/1961
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Kelli Ann P. K. Ralar
Relationship: Daughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

2. Lessee Name: Cheryl-Ann L. Cook
Res. Lease No. 4505, Lot No. 65
Lease Date: 5/8/1978
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Valire J. Popa
Relationship: None
Loan Assumption: No
Applicant: No

Reason for Transfer: "Medical reasons." See simultaneous transfer below.

3. Lessee Name: Valire J. Popa
Res. Lease No. 4505, Lot No. 65
Lease Date: 5/8/1978
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Addison J. K. Popa
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

4. Lessee Name: Rex E. K. Kamakana
Res. Lease No. 3114-A, Lot No. 106
Lease Date: 12/13/1957
Area: Waimanalo, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Lindsey M. K. Kamakana & Cody A. N. Kamakana
Relationship: Daughter & Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relatives."

5. Lessee Name: Earl Moler
Pas. Lease No. 9140, Lot No. 104
Lease Date: 5/29/1999
Area: Kahikinui, Maui
Property Sold & Amount: No, N/A
Improvements: 2 bedroom, 1 bath dwelling

Transferee Name: Ikaika A. Moler
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

6. Lessee Name: Sarah K. Yerhot
Res. Lease No. 5885, Lot No. 60
Lease Date: 4/10/2001
Area: Kalamaula, Molokai
Property Sold & Amount: Yes, \$454,000.00
Improvements: 2 bedroom, 2 bath dwelling

Transferee Name: Tilana K. Roberts
Relationship: None
Loan Assumption: No
Applicant: Yes, Kauai IW Res., 9/24/1985

Reason for Transfer: "Medical reasons." Special Conditions:
Transferee to obtain funds to pay purchase price.

7. Lessee Name: Regenalld A. McCabe
Res. Lease No. 13019, Lot No. 2
Lease Date: To be determined
Area: Anahola, Kauai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Regenalld A. McCabe & Steven L. McCabe
Relationship: Lessee & Son
Loan Assumption: No
Applicant: Yes, Kauai IW Res., 9/24/1985 (Regenalld)

Reason for Transfer: "Adding relative to lease."

8. Lessee Name: Maelene K. Hoffer
Pas. Lease No. 4966, Lot No. 4
Lease Date: 3/17/1979
Area: Waimea, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Shane K. Jose, Jr.
Relationship: Grandson
Loan Assumption: No
Applicant: Yes, Hawaii IW Pas., 10/26/2015


Reason for Transfer: "Giving lease to relative."


Assignments for the Month of November `23	8
Previous FY '23 - '24 balance	<u>31</u>
FY '23 - '24 total to date	39
Assignments for FY '22 - '23	179

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 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

Three (3) amendments of lease.

1. Lessee: Paulette K. Akim
Agr. Lease No.: 6981
Lot No., Area, Island: 37, Makuu, Hawaii
Amendment: To amend the lease to update the property description and commencement date due to final subdivision approval. (Transfer)

2. Lessee: Rex E. K. Kamakana
Res. Lease No.: 3114-A
Lot No., Area, Island: 106, Waimanalo, Oahu
Amendment: To amend the lease to extend the lease term to an aggregate term of 199 years. (Transfer)

3. Lessee: Leilani G. Woessner & Ernest J. H. K. Ching
 Res. Lease No.: 2859
 Lot No., Area, Island: 86, Waimanalo, Oahu
 Amendment: To amend the lease title and lessor name, the tenancy from joint tenants to tenant in severalty due to the death of a joint tenant, 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. (Transfer Through Successorship)


Amendments for the Month of November '23	3
Previous FY '23 - '24 balance	<u>18</u>
FY '23 - '24 total to date	21
Amendments for FY '22 - '23	88


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 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

Thirty-four (34) non-exclusive licenses.

1. Lessee: Kimberly Balauro
Agr. Lease No.: 6644
Lot No., Area, Island: 23, Waiahole, Oahu
Permittee: Sunrun Installation Services, Inc.
2. Lessee: Eulalia K. Batalona
Res. Lease No.: 5206
Lot No., Area, Island: 75, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.

3. Lessee: Kahikina W. Burns
Res. Lease No.: 306-A
Lot No., Area, Island: 104A-1, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
4. Lessee: Alfred K. Ekau, Jr.
Res. Lease No.: 8501
Lot No., Area, Island: 211, PKE, Oahu
Permittee: Sunrun Installation Services, Inc.
5. Lessee: Nellie K. Fejeran
Res. Lease No.: 5382
Lot No., Area, Island: 26, Waiakea, Hawaii
Permittee: Sunrun Installation Services, Inc.
6. Lessee: Suzette A. Fuerte
Res. Lease No.: 9229
Lot No., Area, Island: 16, Kaniohale, Hawaii
Permittee: Sunrun Installation Services, Inc.
7. Lessee: Allen K. Haia
Res. Lease No.: 11501
Lot No., Area, Island: 12, Lealii, Maui
Permittee: Sunrun Installation Services, Inc.
8. Lessee: John N. Hamada
Res. Lease No.: 3773
Lot No., Area, Island: 309, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
9. Lessee: Roy K. Hanohano
Res. Lease No.: 5980
Lot No., Area, Island: 27, Waimanalo, Oahu
Permittee: Sunrun Installation Services, Inc.
10. Lessee: Darrin K. P. Hew Len
Res. Lease No.: 8519
Lot No., Area, Island: 229, PKE, Oahu
Permittee: Sunrun Installation Services, Inc.

11. Lessee: Punahele Marie Hoopii
Res. Lease No.: 3452
Lot No., Area, Island: 11, Paukukalo, Maui
Permittee: Sunrun Installation Services, Inc.
12. Lessee: Eva K. Hubbard
Res. Lease No.: 8586
Lot No., Area, Island: 20, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
13. Lessee: Martha E. N. Kahiapo-Strickland
Res. Lease No.: 11714
Lot No., Area, Island: 18596, Kanehili, Oahu
Permittee: Sunrun Installation Services, Inc.
14. Lessee: Douglas R. Kaleikini
Res. Lease No.: 12193
Lot No., Area, Island: 88, Waiehu 4, Maui
Permittee: Sunrun Installation Services, Inc.
15. Lessee: Kamaehu K. K. Mamala-Keller
Res. Lease No.: 10244
Lot No., Area, Island: 29, Waianae, Oahu
Permittee: Sunrun Installation Services, Inc.
16. Lessee: Nancy K. Kanahele
Res. Lease No.: 8614
Lot No., Area, Island: 156, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
17. Lessee: James K. Kauhi
Res. Lease No.: 4947
Lot No., Area, Island: 9, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
18. Lessee: Clarence S. Kenui Jr.
Res. Lease No.: 7691
Lot No., Area, Island: 283, Waiohuli, Maui
Permittee: Sunrun Installation Services, Inc.

19. Lessee: Gilbert S. D. K. R. Keolanui
Res..Lease No.: 4476
Lot No., Area, Island: 143, Waianae, Oahu
Permittee: Sunrun Installation Services, Inc.
20. Lessee: Roy S. A. Kido
Res. Lease No.: 9959
Lot No., Area, Island: 10, Waianae, Oahu
Permittee: Sunrun Installation Services, Inc.
21. Lessee: Adam K. Kim-Luning
Res. Lease No.: 10294
Lot No., Area, Island: 215, Waiohuli, Maui
Permittee: Sunrun Installation Services, Inc.
22. Lessee: Joseph Koanui, Jr.
Res. Lease No.: 8192
Lot No., Area, Island: 9, Waimanalo, Oahu
Permittee: Sunrun Installation Services, Inc.
23. Lessee: Thomas K. Kotrys
Res. Lease No.: 3847
Lot No., Area, Island: 338, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
24. Lessee: Pauline A. Kuhia
Res. Lease No.: 8162
Lot No., Area, Island: 17, Paukukalo, Maui
Permittee: Sunrun Installation Services, Inc.
25. Lessee: Uilani H. K. Kumuhone
Res. Lease No.: 11897
Lot No., Area, Island: 26, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
26. Lessee: Derek K. Oliveira
Res. Lease No.: 8712
Lot No., Area, Island: 59, Waianae, Oahu
Permittee: Sunrun Installation Services, Inc.

27. Lessee: Haroldeen K. Ortiz
Res. Lease No.: 5925
Lot No., Area, Island: 7, Paukukalo, Maui
Permittee: Sunrun Installation Services, Inc.
28. Lessee: Adam K. Roberts
Res. Lease No.: 8178
Lot No., Area, Island: 51, Waimanalo, Oahu
Permittee: Sunrun Installation Services, Inc.
29. Lessee: Tiade M. H. H. M. Smith
Res. Lease No.: 12494
Lot No., Area, Island: 120, Kauluokahai, Oahu
Permittee: Sunrun Installation Services, Inc.
30. Lessee: Iakopa K. Solatorio
Res. Lease No.: 3347
Lot No., Area, Island: 250-B, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
31. Lessee: Tracyly P. Swinson
Res. Lease No.: 7337
Lot No., Area, Island: 107, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
32. Lessee: Carol A. Takatsuka
Res. Lease No.: 10369
Lot No., Area, Island: 53, Waiehu 4, Maui
Permittee: Sunrun Installation Services, Inc.
33. Lessee: Maile D. H. C. Tiwanak
Res. Lease No.: 11919
Lot No., Area, Island: 17222, Kaupea, Oahu
Permittee: Sunrun Installation Services, Inc.
34. Lessee: Joseph M. Wong
Res. Lease No.: 9284
Lot No., Area, Island: 71, Kaniohale, Hawaii
Permittee: Sunrun Installation Services, Inc.

Non-Exclusive License for the Month of November '23	34
Previous FY '23 - '24 balance	<u>55</u>
FY '23 - '24 total to date	89
 Non-Exclusive License for FY '22 - '23	 102

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 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 Supplemental Dwelling Unit (SDU) for
Certain Lessee**

RECOMMENDED MOTION/ACTION

To approve the Supplemental Dwelling Unit of the leasehold interest listed below.

DISCUSSION

Two (2) supplemental dwelling unit lease.

1. Lessee: Anna P. Andrade
Res. Lease No.: 3971
Lot No., Area, Island: 3, Waimanalo, Oahu
Intended use: Ohana
2. Lessee: Juby J. P. Miller
Res. Lease No.: 3376
Lot No., Area, Island: 174-B, Nanakuli, Oahu
Intended use: Ohana

Supplemental dwelling unit for the Month of November '23	2
Previous FY '23 - '24 balance	<u>2</u>
FY '23 - '24 total to date	4


Supplemental dwelling unit for FY '22 - '23	1
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STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 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 Additional 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 an additional advance payment of net proceeds to the Estate of Walter Yau Lee, in the amount of \$45,300, from the General Home Loan Fund.

DISCUSSION

On May 15, 2023, the Hawaiian Homes Commission approved Vernetta Lee's (Decedent's spouse) request for partial advance payment of net proceeds in the amount of \$25,000 to be used towards past due rent and utilities, car registration and living expenses (Exhibit A).

By way of letters dated September 8, 2023, and September 30, 2023 (Exhibit B and Exhibit C), Vernetta has requested for an additional advance payment of net proceeds in the amount of \$45,300 to be used towards rent, utilities and other living expenses for the next year.

As of November 1, 2023, the estimated remaining net proceeds payable to the estate is \$128,300. If this request for an additional advance payment is approved, the estimated remaining net proceeds of \$83,000 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.


STATE OF HAWAII

DEPARMTENT 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

ITEM NO. D-14
EXHIBIT A

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]

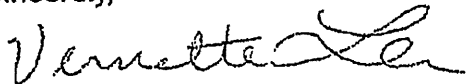
29th March 2023

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

ITEM NO. D-14
EXHIBIT A

Vernette Lee

8th September 2023

Kali Watson

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

Dear Chairperson Kali and members of the board,

I'd like to first thank you all for granting me my prior advance request of \$25,000 back in May of 2023. Those funds from my last advance request went towards my past due rent of over \$8,000, my car registration for 2022 and 2023 and I was able to pay some money back to my mom and my two daughters. I'm up to date with my bills now. The advance really helps a lot and I'm forever grateful. I currently have a little over \$6,000 left. I don't make a lot of money, I work on the weekends and I babysit my grandkids Monday-Friday so my daughter can go to work. I am asking in advance because I'm well aware of how long this kind of process takes with agenda meetings, approvals, required signatures, etc. I am writing to kindly ask for an advance request of the net proceeds in the amount of \$45,248.52 but please round it off to \$45,300.00 to be deducted from the remainder of the net proceeds so I can continue staying up to date on all of my rent and utility bills and continue to provide a safe and happy home for my family. I would really appreciate it if you approved this highly necessary request. Thank you for your time.

Sincerely,


Vernetta Lee

ITEM NO. D-14
EXHIBIT B

Vernette Lee

30th September 2023

Kali Watson

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

Dear Chairperson Kali and members of the board,

I'm kindly asking for a second advance of the remainder of the net proceeds. I definitely do not want to ask for a third advance so below you will find the monthly expenses for the cost of living for one year and the rent, utilities, and bills documents attached. The expenses come out to \$3,770.71 per month with a total of \$45,248.52 for one year. Please round it off to \$45,300.00.

Also, can we at least receive the funds by December 1st so that all of the bills can be paid on time. I have enough leftover funds from the first advance for only October and November's rent, utilities, and bills.

Sincerely,




Vernette Lee

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

THROUGH: James Dupont, Homestead District Supervisor II
Homestead Services Division

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

SUBJECT: **Cancellation of Lease – Ernestine Hekekoa,
Residential Lease No. 8143, Lot No. 78, Waiakea, Hawaii**

RECOMMENDED MOTION/ACTION

To approve the cancellation of Lease No. 8143, Lot No. 78, Waiakea, Hawaii, pursuant to the Hawaiian Homes Commission Act of 1920, as amended, as there is no qualified successor to the Lease interest.

DISCUSSION

On November 1, 1992, the Department of Hawaiian Home Lands leased to Ernestine Hekekoa (Decedent), Residence Lease No. 8143, Lot No. 78, situate at Waiakea, on the Island of Hawaii.

On March 24, 2017, the Decedent passed away. A death certificate was received on September 26, 2017. The decedent named her sons, Umialiloa Hekekoa and Keawenuiaumi Hekekoa, as primary successors to the Lease. Daughter, Elizabeth Walker, and son, Joseph Hekekoa Jr., were named as alternate successors. Umialiloa and Keawenuiaumi denied acceptance to the lease as well as alternate successors Elizabeth and Joseph Jr. None of the successors chose to pursue successorship to the lease.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star Advertiser, the Garden Isle, the Hawaii Tribune Herald, West Hawaii today, and The Maui News on December 07, 14, 21, and 28, 2022, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the lease.

No claims were received by the Department to succeed to the Lease.

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


There is a 3-bedroom, 1-1/2 bath dwelling on the property with an existing mortgage balance of \$46,120.00. The County of Hawaii Real Property Tax Valuation is listed at \$223,700. The Lease rent is delinquent in the amount of \$19.00. Real property taxes are delinquent in the amount of \$63,915.52. Wastewater charges are current and there are no other debts attached to the property.

The Department requests approval of its recommendation.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

THROUGH: James W. DuPont, Acting District Operations Manager

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

SUBJECT: **Cancellation of Lease – Melvin K. Hoomanawanui, Sr.
Agricultural Lease No. 6861, Lot No. 5, Pu’ueo, Hawaii**

RECOMMENDED MOTION/ACTION

To approve the cancellation of Lease No. 6861, Lot No. 5, Pu’ueo, Hawaii, pursuant to the Hawaiian Homes Commission Act of 1920, as amended, as there is no qualified successor to the Lease interest.

DISCUSSION

By way of the Department of Hawaiian Home Lands Assignment of Lease and Consent to Lease No. 6861, dated January 28, 1999, Melvin K. Hoomanawanui (Decedent) received the Lease.

On August 11, 2020, the Decedent passed away. A death certificate was received on June 3, 2022. There was no named successor to the Lease.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star Advertiser, the Garden Isle, the Hawaii Tribune Herald, West Hawaii today, and The Maui News on June 07, 14, 21, and 28, 2021, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claims to the lease.

No claims were received by the Department to succeed to the lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), “the land subject to the lease shall resume its status as unleased Hawaiian Home Lands and the Department is authorized to lease to another qualified native Hawaiian as provided in the Act.”

This lot was part of the Acceleration Period (1985-1990) where the department awarded lots based on a paper subdivision. As such, the larger parcel (575.57-ac.) has not received Final Subdivision Approval by the County of Hawaii. There are no tax map key numbers issued to the individual lots therefore, no real property taxes can be assigned. There are no infrastructure improvements to the subdivision.


There are no improvements on the parcel and the lease rent is current.

The Department requests the approval of its recommendation.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

THROUGH: James Du Pont, Homestead District Supervisor II
Homestead Services Division

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

SUBJECT: **Commission Designation of Successor – Julia Ann Kohltfarber,
Agricultural Lease No. 4230, Lot No. 177, Panaewa, Hawai‘i**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Shawn Jeffery Kohltfarber (Shawn) as successor to Agricultural Lease No. 4230, Lot No. 177, Panaewa, Hawaii (Lease) for the remaining term of the Lease;
2. To approve and accept that Shawn is not less than the required 25% Hawaiian ancestry and therefore is a qualified successor pursuant to Section 209 of the Hawaiian Homes Commission Act, 1920, as amended;
3. To stipulate that Shawn’s rights and interest in the Lease does not vest until Shawn has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Shawn does not sign all such documents on or before **January 31, 2024** (the Deadline) that the Commission’s selection of Shawn as successor is automatically revoked;
4. To authorize the Department to extend the Deadline up to 60 days for good cause; and
5. To declare that if Shawn’s selection as 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

By way of the Department of Hawaiian Home Lands Assignment of Lease and Consent to Lease No. 4230, dated September 19, 2003, Julia Ann Kohltfarber (Decedent) received the Lease.

On April 30, 2021, the Decedent passed away. The Department received a death certificate on February 22, 2022. The decedent did not designate a successor.

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

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

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

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

There are no improvements to the property.

There are no outstanding loans. The real property tax is current and lease rent is delinquent in the amount of \$13.

The Department requests approval of its recommendation.

HAWAIIAN HOMES COMMISSION
NOVEMBER 20 & 21, 2023


E – ITEMS

LAND DEVELOPMENT DIVISION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Stewart T. Matsunaga, Administrator, Land Development Division 
Stewart Matsunaga (Nov 9, 2023 08:59 HST)

Subject: Final Environmental Assessment and Finding of No Significant Impact
Determination for the Nā'iwa Agricultural Subdivision
Ho'olehua, Moloka'i Island, Hawai'i
Tax Map Keys (2) 5-2-003:001 and (2) 5-2-004:001, 002, 004, 007, 046

RECOMMENDED ACTION

That the Hawaiian Homes Commission (HHC) approves a Finding of No Significant Impact (FONSI) determination based on the Final Environmental Assessment (EA) for the Nā'iwa Agricultural Subdivision in the Ho'olehua region on the island of Moloka'i, Hawai'i, TMKs (2) 5-2-003:001 and (2) 5-2-004:001, 002, 004, 007, 046.

DISCUSSION

Purpose

The purpose of this informational briefing is to update the HHC on the status of the Nā'iwa Agricultural Subdivision; to present summary highlights of the Final Environmental Assessment (EA); and to notify Commissioners of the Final EA prior to publication in the Environmental Review Program's (ERP) *The Environmental Notice (TEN)* periodical. The Final EA is attached as **Exhibit A** and will be posted on DHHL's website following submittal to the ERP for publication.

Background

In 1920, the U.S. Congress passed the Hawaiian Homes Commission Act to administer and manage some 200,000 acres of land that belonged to the government of the Kingdom of Hawai'i or were recognized as Crown lands. In 1924, the HHC ratified the acquisition and development agreement for the Pālā'au-Ho'olehua Homestead lands which includes the Nā'iwa Agricultural Subdivision. The Nā'iwa Agricultural Subdivision is located on 341.2 acres within six TMK parcels in Ho'olehua, Moloka'i as described in **Table 1** and shown in **Figure 1, Tax Map Key Boundaries Map**. The entirety of the 341.2-acre project site is owned by the Department of Hawaiian Home Lands (DHHL).

Table 1 – Tax Map Key and Acreage	
TMKs	Acreage
(2) 5-2-003:001	19.5 acres
(2) 5-2-004:001	120.1 acres
(2) 5-2-004:002	119 acres
(2) 5-2-004:004	0.5 acres
(2) 5-2-004:007	39.8 acres
(2) 5-2-004:046	42.3 acres
Total	341.2 acres



The DHHL Moloka'i Island Plan identifies the previously awarded Nā'iwa Agricultural Subdivision lots as the first priority for completion. The DHHL Moloka'i Regional Plan lists the Nā'iwa Agricultural Subdivision as an in-progress project, among all other current projects on the island (see Appendix B of the Moloka'i Regional Plan).

The purpose of the Nā'iwa Agricultural Subdivision project ("the project") is to provide infrastructure improvements in support of the Nā'iwa Agricultural Subdivision for use by native Hawaiian beneficiaries. At present, there are approximately 2,103 native Hawaiian beneficiaries on the DHHL Moloka'i waitlist.

Project Description

The proposed Nā'iwa Agricultural Subdivision will formally subdivide up to approximately 66 agricultural lots. Previously the Nā'iwa Agricultural Subdivision was proposed to be comprised of up to 58 lots ranging in size from approximately 4 to 8 acres, with an average lot size of 6 acres. Approximately 50 lots have been awarded to beneficiaries. The remaining eight (8) vacant lots (i.e., lots 9, 14, 30, 31, 33, 37, 45, and 58) are to be examined for division into two lots. The final lot count will be based on an examination of all lots including vacant lots for feasibility for agricultural uses with the objective of meeting the stated purpose and need for the project. This is due to terrain, proximity to the Moloka'i Airport, or other constraints that affect the potential for development.

Figure 2 depicts the preliminary site plan for the proposed subdivision. Related improvements to be developed with the project include internal roadways, drainage detention basins¹, swales, drain inlets, underground drainage piping, drainage ditches, culverts, grading, potable water system, non-potable irrigation system, and utility connections. These improvements are anticipated to support DHHL beneficiaries through the provision of basic services necessary for agricultural development, production, and homesteading. Beneficiaries will construct homes and appurtenant infrastructure (including individual wastewater systems [IWS]). A more detailed description of the project and its potential impact on the surrounding environment and proposed mitigation measures can be found in the Final EA.

The project is proposed on DHHL lands and will involve the use of state funds, both of which trigger Chapter 343, Hawai'i Revised Statutes (HRS) environmental review requirements. As such, a Final EA has been prepared to assess the technical characteristics and potential environmental impacts of the proposed project, as well as advance findings and mitigative measures relative to the project.

¹ To maintain existing runoff discharge rates, the increase in runoff onsite will be mitigated by providing detention basins within the lots upstream of the discharge from the road drainage system. The basins will be sized to provide storage volume to accommodate the peak storm event runoff and the County required storm water treatment. The basins will be dry except when needed for the temporary storage of runoff to attenuate the design storm event. Following a design storm event, the basins will be designed to naturally empty within 48 hours. The footprint for a 40,000 cubic foot basin is 6,000 square feet (60 feet wide by 100 feet long and 10 feet deep). The blue ovals in **Figure 2** depict the preliminary locations of the drainage basins and are not to scale as the basins will be smaller than shown. As much as possible, the basins will be located in vacant lots or unusable portions of awarded lots where feasible. The detention basins shown in awarded lots are tentative. The actual locations for the basins will be coordinated with the beneficiaries and their existing improvements. The detention basins will be fenced for public safety and easements provided. Maintenance of the detention basins will be by DHHL. The drainage design is being preliminarily worked on and may be subject to change based on the final design requirements of the site.

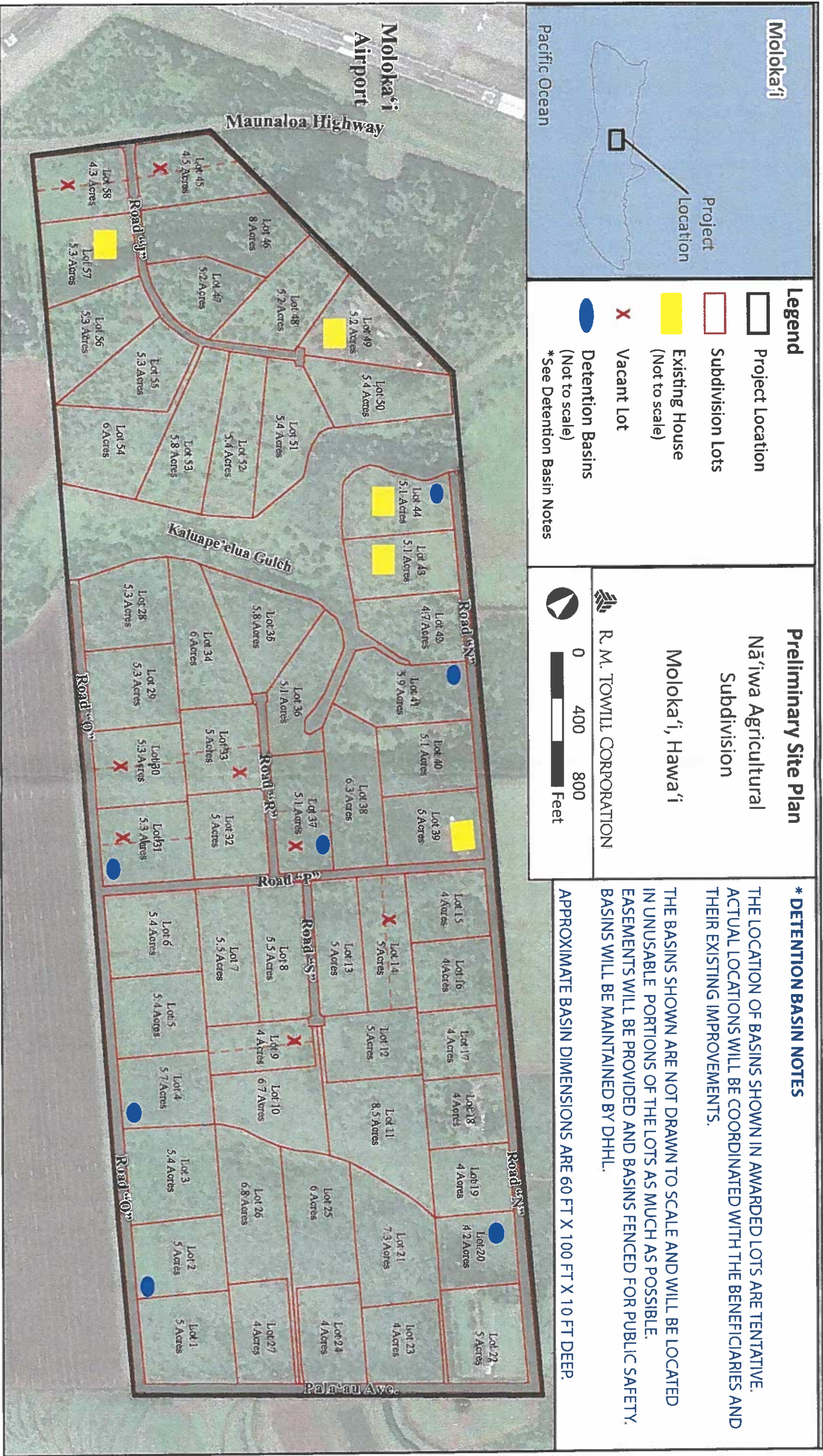


Figure 2 – Preliminary Nā'iwa Agricultural Subdivision Site Plan

As part of the design and EA process, the following technical studies were conducted:

- Preliminary Engineering Report
- Natural Resources Assessment
- Archaeological Literature Review and Field Inspection Report
- Cultural Impact Assessment

In addition, DHHL will conduct a Phase I Environmental Site Assessment to ensure that the project site can be safely used by beneficiaries for subsistence agricultural and related uses. This will be completed following the HRS, Chapter 343 EA process and prior to any construction work. Any identified mitigation measures will be implemented as necessary.

In addition to gathering data through technical studies, DHHL and its consultants engaged with the beneficiary community and stakeholders as part of the planning process. The project planning process has included a number of opportunities for public awareness, education, and participation. In addition to the statutorily required comment periods on the EA, opportunities for public input were also afforded.

Beneficiary Consultations

The planning process for the DHHL Moloka'i Island Plan was initiated in August 2004 and was developed over a 10-month period that included input from DHHL staff, commissioners, and beneficiaries.

The DHHL Moloka'i Regional Plan was developed through a series of meetings with beneficiaries and stakeholders to identify issues and opportunities that affect that region. Community meetings were held on September 5, 2018; November 1, 2018; December 5, 2018; January 30, 2019; April 11, 2019; June 26, 2019; and October 24, 2019.

DHHL provided a Courtesy of Notice of Site Inspection and Field Work for the Nā'iwa Agricultural Subdivision to notify interested parties that AECOS, Inc., Cultural Surveys Hawai'i, and Surveyors would be onsite on February 22-26, 2021, and March 1-5, 2021, to collect relevant information for the preparation of the Chapter 343, HRS, EA for the project.

DHHL also held a Lessee Zoom Meeting for the Nā'iwa Agricultural Subdivision EA on Tuesday, April 6, 2021, from 6:00 PM – 7:30 PM. The video conference was held to provide a status report on the Nā'iwa Agricultural Subdivision EA for DHHL beneficiaries and the community.

Stakeholder Consultation for the Environmental Assessment

Pre-assessment consultation letters, dated March 23, 2021, were sent to the public and private agencies, organizations, and individuals to notify and initiate consultation for the preparation of the Chapter 343, HRS, EA for the project. All written comments received during the pre-assessment consultation were responded to and addressed in the content of the Draft EA. The stakeholder consultation process is ongoing. The full record of the pre-assessment consultation comments received and the written responses addressing the comments were provided in the Draft EA Appendices and are included in Appendix H of the Final EA.

Various agencies at the State and County levels, as well as community organizations, beneficiaries, and individuals, were provided the opportunity to review and provide comments on the Draft EA following its publication in the ERP *TEN* bulletin on May 23, 2023. Many of the comments received during the comment period were non-substantive. A summary of the more substantive comments received is provided in **Table 2** below, some of which prompted revisions to be made in the Final EA. Comment letters received during the Draft EA review period and responses to each will be included in Appendix I of the Final EA.

Table 2--Summary of Substantive Draft EA Comments and Responses				
No.	Commentor	Date of Letter/ Email	Comments	Response
1	Carrie Harrington, U. S. Fish and Wildlife Service	6/15/23	<p>Page 47-- states there are no plant species of conservation concern in the project area. Pua kala is considered an at-risk species but is not a candidate species or proposed for listing. Conservation actions directed toward this species will assist with preventing the need to propose this species for listing in the future.</p> <p>Page 48-- mentions buffers in the case listed plants are discovered in the project area. While listed plants are unlikely to occur in the project area, we recommend including more detailed plant avoidance and minimization measures (e.g., see buffers highlighted in yellow in the below table) into the project description to increase awareness of the possibility and ensure workers are prepared to take appropriate action if a listed plant is discovered in the project area. Below are our avoidance and minimization measures for listed plants.</p> <p>Page 54-- notes that there are no listed waterbirds present in the project area. Based on the project details provided, your project may result in the creation of standing water or open water that could attract Hawaiian waterbirds to the project site. In particular, the Hawaiian stilt is known to nest in suboptimal locations (e.g., any ponding water), if water is present. Hawaiian waterbirds attracted to suboptimal habitat may suffer adverse impacts, such as predation and reduced reproductive success, and thus the project may create an attractive nuisance.</p> <p>Endangered Hawaiian stilts (ae'o, <i>Himantopus mexicanus knudseni</i>) and Hawaiian coots ('alae ke'oke'o, <i>Fulica alai</i>) are currently found in a variety of wetland habitats on Moloka'i, including</p>	<p>DHHL acknowledges this comment and thanks the USFWS for the avoidance and minimization measures for at-risk and listed plant species, and Hawaiian waterbirds. A discussion on the project's conservation measures to avoid and minimize impacts to these species is provided in the project's Final EA, Sections 2.6.1 and 2.6.3.</p>
				<p>Sections 2.6.1 and 2.6.3</p>

Table 2-Summary of Substantive Draft EA Comments and Responses

No.	Commentor	Date of Letter/ Email	Comments	Response	Final EA Reference Sections
2	Sylvia M. Hussey, Ed.D. Ka Pouhana, Chief Executive Officer Office of Hawaiian Affairs, State of Hawai'i	6/27/23	<p>freshwater marshes and ponds, coastal estuaries and ponds, artificial reservoirs, kalo or taro (Colocasia esculenta) lo'i or patches, irrigation ditches, and sewage treatment ponds. Hawaiian stilts may also be found wherever ephemeral or persistent standing water may occur. Threats to these species include nonnative predators, habitat loss, and habitat degradation.</p> <p>We recommend including our avoidance and minimization measures for listed waterbirds into your project description in case the project associated earth moving activities result in ponding water that attracts listed waterbirds:</p>	<p>DHHL has been involved in community outreach with Native Hawaiians and the community for the Nā'iwa Agricultural Subdivision project since August 2004. This has included various methods of outreach including public meetings, private interviews, written letters, site visits, public notices, and the publication of an EA to incorporate community consultation in the design and development of the project. DHHL will continue to notify the homestead community in advance of any proposed construction activities or development that would occur within the project area. Additionally, DHHL will implement a cultural protocol for the Nā'iwa Agricultural Subdivision, as it does for all DHHL projects, which includes a groundbreaking protocol. This is identified in the project's Final EA, Sections 2.9 and 5.</p> <p>Furthermore, the project will be required to comply with Hawai'i laws and regulations concerning historic preservation in HAR, Chapter 6E. All personnel involved with construction and related activities will be informed of the possibility of inadvertent cultural finds, including human remains. In the event that any potential historic</p>	Sections 2.2.2, 2.8, 2.9 and 5

Table 2-Summary of Substantive Draft EA Comments and Responses				
No.	Commentor	Date of Letter/ Email	Comments	Response
			<p>further questioned whether or not the soils in the project area were previously contaminated with harmful chemicals from past agricultural and plantation use in Ho'olehua. Her primary concern being the safety of future farmers of the land.</p> <p>Despite these concerns being presented, it does not appear that the DEA recommends that these suggestions be considered or addressed in some way. In the "Potential Impacts and Proposed Mitigation" portion of the Cultural Resources discussion in the DEA, recommendations are made to 1) notify the homestead community in advance of proposed development, 2) inform construction workers of the possibility of inadvertent finds, and 3) assurances that the State Historic Preservation Division (SHPD) will be contacted if any cultural materials or iwi kupuna are encountered. The DEA concludes this section by stating that "with inclusion of the measures above, implementation of the proposed action is not expected to have short- or long-term impacts on traditional or cultural practices at the project site."</p> <p>In regard to cultural monitoring, OHA sees no reason for this not to be considered as part of construction work. Cultural monitors have effectively been utilized in other projects to infuse Hawaiian cultural protocols with the work being done, raise greater cultural awareness, instill a sense of community confidence in the work, and provide a second set of eyes to spot cultural sites, resources, or archaeological material.</p> <p>In regard to development in the Makahiki grounds area, it is OHA's understanding that Makahiki processions begin in Nā'iwa. Yet, the DEA does not acknowledge where this procession starting point is and fails to mention any effort to ensure that this area</p>	<p>properties are identified during construction, all activities will cease, and the State Historic Preservation Division (SHPD) will be notified pursuant to HAR §13-280-3. In the event that iwi kūpuna (ancestral remains) are identified, all earth moving activities in the area will stop, the area will be cordoned off, and the SHPD and Police Department will be notified pursuant to HAR §13-300-40. In addition, in the event of an inadvertent discovery of human remains including funerary objects, the completion of a burial treatment plan, in compliance with HAR §13-300 and HRS §6E-43 will be completed. This is identified in the project's Final EA, Sections 2.8 and 2.9.</p> <p>An additional discussion has been added to Section 2.9 of the Final EA regarding traditional and modern Makahiki cultural understanding and practices. A map of the traditional Makahiki grounds is provided in the Final EA as Figure 2-27, which shows the traditional grounds to be far outside the project area. In addition to traditional Makahiki, modern Makahiki festivities take place on the island of Moloka'i, with the most recent being the 2023 Ka Moloka'i Makahiki Festival. None of the modern Makahiki festivities are located in the project area. The majority of the 2023 Makahiki Festival activities were held in Kaunakakai, Moloka'i. In addition, the 2023 Makahiki festivities included Ka'āhele a Lono i Moloka'i in which the Lono banner was carried from Halawa to Hale O Lono over four days. While the Kaunakakai to Mahana stretch of the Ka'āhele a Lono i Moloka'i does traverse along roadways in the vicinity of the proposed project, none of Ka'āhele a Lono i Moloka'i takes place in the Nā'iwa Agricultural Subdivision project site.</p> <p>Regarding the potential for the presence of contaminated soils, DHHL will conduct a Phase I</p>

Table 2-Summary of Substantive Draft EA Comments and Responses

No.	Commentor	Date of Letter/ Email	Comments	Response	Final EA Reference Sections
			<p>is not impacted by development. OHA recommends that DHHL take a closer look at where the Makahiki procession begins in Nā'iwa and make efforts to ensure this cultural practice is not impacted by development. Additional community outreach as suggested by Mrs. Purdy-Avelino may be advantageous to this effort as knowledgeable cultural practitioners may hold relevant information pertaining to Makahiki practices in the area.</p> <p>In regard to Ms. Greaney's concerns about the soil, OHA does not see any effort mentioned in the DEA to test the area for possible contaminants. Notably, the CIA mentions that Ms. Greaney has a Master's in Community Public Health and conducted a thesis in 2001 looking at possible public health effects of illegal pesticides utilized by pineapple plantations. Thus, her expertise is directly relevant to her comment. The Soils discussion (Section 2.2.2) of the DEA references a 1972 map to demonstrate that the area is underlain with Holomua silt loam. Yet, there is no mention of any further work or possible concerns regarding contaminants in the soil. DHHL should note Ms. Greaney's concern within the soil discussion and consider having some level of testing done prior to allowing DHHL beneficiaries to farm in the area as hazardous materials could adversely affect beneficiary health and safety. If this testing has already been done, OHA recommends that the information be shared within the DEA discussion on soil.</p>	<p>Environmental Site Assessment to ensure that the project site can be safely used by beneficiaries for subsistence agricultural and related uses. This will be completed following the HRS, Chapter 343 EA process and prior to any construction work. Any identified mitigation measures will be implemented, as necessary. This is identified in the project's Final EA, Sections 2.2.2 and 2.9.</p>	

FINAL ENVIRONMENTAL ASSESSMENT SUMMARY

Based on the information gathered through technical studies and the consultation process the following land uses in **Table 3, Summary of Proposed Land Uses** is proposed. The Final EA (**Exhibit A**) assesses the potential environmental impact of these proposed uses:

Table 3-Summary of Proposed Land Uses
Subsistence Agriculture Homestead <ul style="list-style-type: none">• Lots 4 to 8 acres in size.²• Lessees are required to actively cultivate subsistence agriculture OR reside and cultivate subsistence agriculture on their lot.• Crops are expected to provide food to be consumed in the home or provide supplemental household income.
Conservation (Sensitive areas, with potential for) <ul style="list-style-type: none">• Drainageway buffers and development challenges.
Roads& County Facilities <ul style="list-style-type: none">• Roadways- internal roadways

Figure 2 depicts the spatial layout of the proposed land uses. A more detailed description of the entire project and its potential impact on the surrounding environment and planned mitigation measures can be found in the Final EA, Section 1.6 and Section 2. In summary, these proposed land uses are not anticipated to have a significant impact on the surrounding environment. However, the lack of action will limit the available opportunities for beneficiaries to utilize an agricultural homestead. Additionally, the lack of action will require DHHL to continue to manage 341.2 acres of vacant, fallow lands in Nā'iwa, diverting funds away from DHHL's mission of developing and delivering lands to native Hawaiians.

Infrastructure will provide for the health and safety of residents and visitors, as described in **Table 4, Proposed Infrastructure**, below:

Table 4-Proposed Infrastructure
Roads and Access <ul style="list-style-type: none">• Constructed to County standards with the intent to dedicate to the County.• Limited access points from Mauna Loa Highway and Pālā'au.
Grading and Runoff, Drainage, and Erosion Control <ul style="list-style-type: none">• The project will minimize the alteration of the existing draining pattern.• The project will adhere to County drainage requirements.• Gulches/streams are designated as conservation areas.• Detention basins will be constructed within existing drainage ways.• Grassed roadways and lot swales will be integrated into the project.

². The remaining vacant lots in the Nā'iwa Agricultural Subdivision will be subject to studies for development and could result in up to approximately sixteen (16) vacant lots that are approximately half the size for new awards.

Table 4-Proposed Infrastructure

Potable Water Supply

- The domestic water supply for the project site is serviced by the Ho‘olehua Water System (PWS No. 230), which is owned and operated by DHHL.
- Existing water lines, consisting of 6-inch and 8-inch water lines, and water laterals for each lot, are located within the subdivision’s dirt roads; however, additional water laterals may need to be installed.
- Potable water demand is based on the 600 gallons per day per the Department of Water Supply’s Water System Standards for a single-family house. Assuming full buildout of the maximum 66 lots at the project site, the maximum potable water demand would be 39,600 gallons per day.
- The State Commission on Water Resource Management (CWRM) approved DHHL’s Water Use Permit Application in the Kualapu‘u Aquifer System Area in July 2021. The CWRM approval allows DHHL to increase its pumping in the aquifer from 0.398 million gallons per day (MGD) to 0.595 MGD. Further detailed analysis of the actual availability of water from this CWRM approval for the Nā‘iwa Agricultural Subdivision may be needed. This is expected to occur during the design phase following the completion of the EA process.

Non-Potable (Irrigation) Water Supply

- DHHL is pursuing irrigation water through the Department of Agriculture’s (DOA) Moloka‘i Irrigation System for the proposed subdivision. The source of the Moloka‘i Irrigation System is the Kualapu‘u reservoir.
- Proposed improvements to the DOA Moloka‘i Irrigation System would consist of extending the existing irrigation system from Pālā‘au Avenue and Mauna Loa Highway into the Nā‘iwa subdivision roads to provide service to all the lots. New 8-inch irrigation pipes are proposed to be installed within the existing subdivision roads to distribute irrigation water to all of the lots.
- Based on the conservative Water System Standards water demand of 5,000 gallons per acre per day for the portion of the site to be developed for agriculture (approximately 305.8 acres of the total 341.2-acre project site), the maximum non-potable irrigation water demand from the Moloka‘i Irrigation System for the project is expected to be approximately 1.529 MGD.
- Commission of Water Resources Management Sustainable Yield for the Kualapu‘u Aquifer System Area is 8 MGD. The analysis indicated there is adequate irrigation water for the project through surface water.

Wastewater Disposal

- Installation and construction of appropriate wastewater facilities would be the responsibility of the beneficiaries.
- Lots that have a residence would need to install IWS that meet State of Hawai‘i Department of Health (DOH) standards.

Solid Waste

- Upon award, solid waste disposal is to be the responsibility of each lessee.
- DHHL will comply with DOH-Solid and Hazardous Waste Branch regarding waste currently located within the project area including removal and any necessary investigative and/or remedial actions.

Table 4-Proposed Infrastructure

Electrical Power

- Hawaiian Electric Company (HECO, formerly Maui Electric Company) electrical distribution system is adequate to service the project area.
- Overhead electrical lines currently traverse through the project area. Continued coordination with HECO is required to utilize existing facilities to service the project area.
- A neutral conductor would need to be extended from Mauna Loa Highway through the subdivision. Extending the neutral conductor would require additional poles to be installed. The additional poles would shorten the conductor spans, reducing conductor sag to allow for proper clearance between the phase conductors, neutral conductor, and ground.

Communications

- Cable, internet, and telephone services are currently sized, adequate, and available to service the project.

Homestead Structures

- Construction of homesteads, farm dwellings, and other structures supporting agricultural practices would be the responsibility of the beneficiaries based on individual requirements.

The following sections highlight key environmental impact considerations from the Final EA analysis:

Potable Water Resources

Potable water demand is based on the 600 gallons per day per the Department of Water Supply's Water System Standards for a single-family house. Assuming full buildout of the maximum 66 lots at the project site, the maximum potable water demand would be 39,600 gallons per day.

The State CWRM approved DHHL's Water Use Permit Application in the Kualapu'u Aquifer System Area in July 2021. The CWRM approval allows DHHL to increase its pumping in the aquifer from 0.398 million gallons per day (MGD) to 0.595 MGD. Further detailed analysis of the actual availability of water from this CWRM approval for the Nā'iwa Agricultural Subdivision may be needed. This is expected to occur during the design phase following the completion of the EA process.

Historic and Cultural Resources

The current project area consists of DHHL lands on the plains of Ho'olehua and Pālā'au Ahupua'a. Historical anecdote and environmental data for this region indicate a possible substantial pre-Contact population, subsisting on dryland agriculture consisting mostly of sweet potatoes.

The Organic Acts of 1845 and 1846 initiated the process of the Māhele—the division of Hawaiian lands—that introduced private property into Hawaiian society. According to an 1897 Hawaiian Government Survey map of Moloka'i showing 1848 divisions of land, the entire ahupua'a of Ho'olehua was given to the government, and all of Pālā'au Ahupua'a was retained by the Crown. Therefore, most of the current project area consists of former government lands but also includes

a small portion of Crown Lands. No Land Commission Awards (LCAs) were awarded within the current project area, and only one LCA and one Land Grant were awarded in the vicinity.

In 1920, the U.S. Congress passed the Hawaiian Homes Commission Act to administer and manage some 200,000 acres of land that belonged to the government of the Kingdom of Hawai'i or were recognized as Crown lands. Agricultural homesteads were to be leased to native Hawaiians; with leasehold terms generally lasting 99 years with the opportunity to extend for 99 years at one dollar a year. In 1924, the program was expanded to include 11,400 acres of Pālā'au-Ho'olehua. The project area consists of these Pālā'au-Ho'olehua Homestead lands and includes a subdivision indicated as residential lots for Kalaniana'ole settlers in the western portion. Due to the homestead program, the Pālā'au-Ho'olehua region had the largest population of native Hawaiians in 1930. Of the 1,031 residents, 826 were Hawaiian. Families farmed a variety of crops, including corn, melons, tomatoes, cucumbers, pumpkins, sweet potatoes, squash, peanuts, beans, onions, and cabbage. Though dryland agriculture had successes at Pālā'au-Ho'olehua Homesteads, constant care was needed to combat hardships caused by droughts, winds, and pests.

An archaeological literature review and field inspection (ALRFI) report, dated May 2021, was prepared by Cultural Surveys Hawai'i, Inc. (CSH) for the DHHL Nā'iwa Agricultural Subdivision project. Three post-Contact potential historic properties were observed: remnants of an "Old Ditch," a possible munitions storage area; and a wastewater treatment facility. See **Figure 3, Potential Historic Properties Observed**. The proposed action will likely impact these newly identified historic properties. In accordance with HRS, Chapter 6E, State Historic Preservation Division (SHPD) will be consulted regarding the proposed project's potential to impact historic resources and the necessity for further project-related historic documentation and preservation. The DHHL is presently pursuing this process. As a precautionary measure, personnel involved in construction or development activities will be informed of the possibility of inadvertent cultural or skeletal finds. In the event that historic resources are inadvertently discovered the SHPD will be notified and construction in the area will cease until such time that work activities may be resumed as allowed by the SHPD.

A Cultural Impact Assessment (CIA) was prepared by CSH for the DHHL Nā'iwa Agricultural Subdivision Project, Pālā'au and Ho'olehua Ahupua'a, Moloka'i District, Moloka'i Island, TMKs: [2] 5-2-003:001, 5-3-004:001, 002, 004, 007, and 046 (Kaapana, Tanaka, and Hammatt, 2023). The CIA assessed traditional cultural practices as well as resources pertaining to the project area. Through document research and cultural consultation efforts, the CIA provided information pertinent to the assessment of the planned project's impacts on cultural practices.

Ka Pa'akai Analysis

In *Ka Pa'akai vs Land Use Commission*, 94 Hawai'i (2000) the Court held the following analysis must also be conducted:

1. The identity and scope of valued cultural, historical, or natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the project area;
2. The extent to which those resources-including traditional and customary Native Hawaiian rights-will be affected or impaired by the proposed action; and

3. The feasible action, if any, to be taken by the LUC to reasonably protect Native Hawaiian Rights if they are found to exist.

Based on information gathered from the cultural and historical background and community consultation for this project as part of the CIA, no culturally significant resources were identified within the project area. At present, there is no documentation or testimony indicating traditional or customary Native Hawaiian rights are currently being exercised "for subsistence, cultural and religious purposes and possessed by *ahupua'a* tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778" (Hawai'i State Constitution, Article XII, Section 7) within the Nā'iwa Agricultural Subdivision project area. While no cultural resources, practices, or beliefs were identified as currently existing within the project area, Pālā'au and Ho'olehua *ahupua'a* maintain a rich cultural history in the exercise of traditional or customary Native Hawaiian rights within the project *ahupua'a*.

Given the location well back from the coast (approximately 4.0 km inland from Moloka'i's south shore and approximately 5.2 km inland from the cliffs of the north shore), with no notable landforms in the vicinity, the relatively low rainfall (577 mm or 22.7 inches at the neighboring Moloka'i Airport Station; Giambelluca 2013), the absence of potable water, and the prevailing vegetation regime dominated by exotic grasses, *koa haole* (*Leucaena leucocephala*), and some *kiawe* (*Prosopis pallida*), it is concluded that no traditional and customary Native Hawaiian resources will be affected by the proposed action within the specific project area.

A good faith effort was made to contact and consult with Native Hawaiian Organizations (NHO), agencies, and community members including descendants of the area, in order to identify individuals with cultural expertise and/or knowledge of the *ahupua'a* of Pālā'au and Ho'olehua (as summarized in Table 3 of the CIA). Mrs. Kilia Purdy-Avelino and her husband, Justin Avelino (*kama'āina* of Ho'olehua), and Ms. Malia Lani Forbes Greaney (*kama'āina* of Pālā'au) shared their *'ike* regarding Moloka'i and the project area.

The special significance of the Makahiki (and/or *maika*) grounds (located outside of the project area more than 4.0 km to the northeast, see **Figure 4**) to Hawaiian culture was a shared point of concern of Mr. Avelino and Ms. Greaney. While concerns were expressed for *'uhane* (spirits) and burials in a general sense, no cultural concerns specific to the Nā'iwa Agricultural Subdivision Project area were expressed.

- 1. Identify whether any valued cultural, historical, or natural resources are present within the project area, and identify the extent to which Native Hawaiian TCP rights are exercised.**

A good faith effort has been made in the present study to identify whether any valued cultural, historical, or natural resources are present within the project area, and identify the extent to which Native Hawaiian Traditional Cultural Practice rights are exercised and it is concluded that no valued cultural, historical, or natural resources are present within the project area beyond those values ascribed in a general sense to the *'āina* (earth) of Moloka'i and that no Native Hawaiian Traditional Cultural Practice rights are exercised within the project area specific to the project area.

2. Determine the extent to which the identified resources and rights will be affected or impaired by the proposed project.

In the indicated absence of resources and practices, no resources and practices will be affected by the DHHL development of the Nā'iwa Agricultural Subdivision project area. The CIA and Ka Pa'akai Analysis have served to draw attention to the Makahiki (and/or *maika*) grounds (located outside of the project area more than 4.0 km to the northeast) to Hawaiian culture and as a resource, but this resource will not be affected by the Nā'iwa Agricultural Subdivision project.

3. Specify any feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist, either currently or possibly in the past.

As the present CIA and Ka Pa'akai Analysis concludes that no resources and practices will be affected by the DHHL development of the Nā'iwa Agricultural Subdivision project area, there are no feasible actions to be taken to reasonably protect Native Hawaiian rights specific to this project area. The CIA and Ka Pa'akai Analysis does note the cultural importance of the Makahiki (and/or *maika*) grounds (located outside of the project area more than 4.0 km to the northeast) to Hawaiian culture and as a resource meriting the concern and protection of government agencies should future projects be considered in those areas.

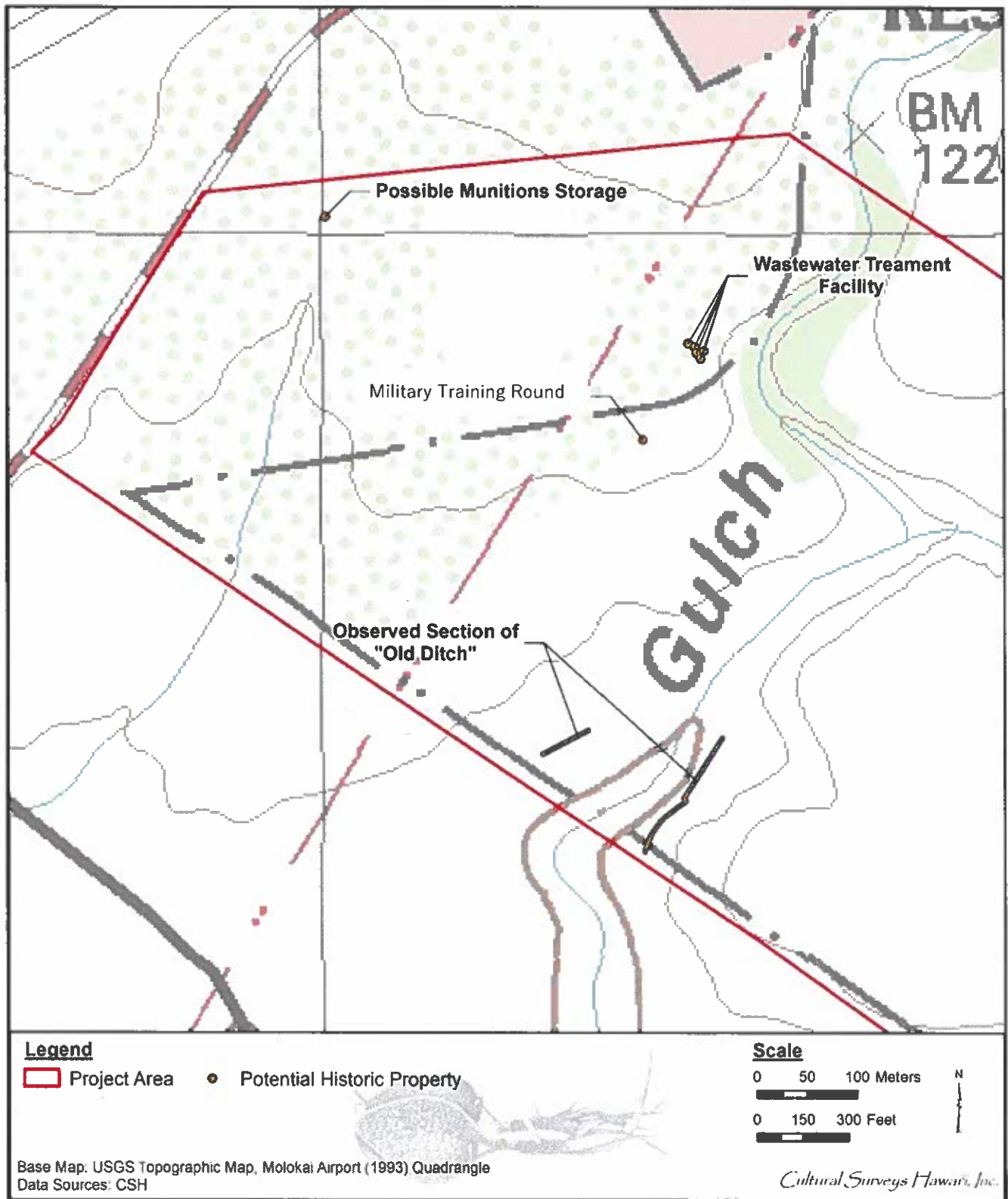


Figure 3 – Potential Historic Properties Observed

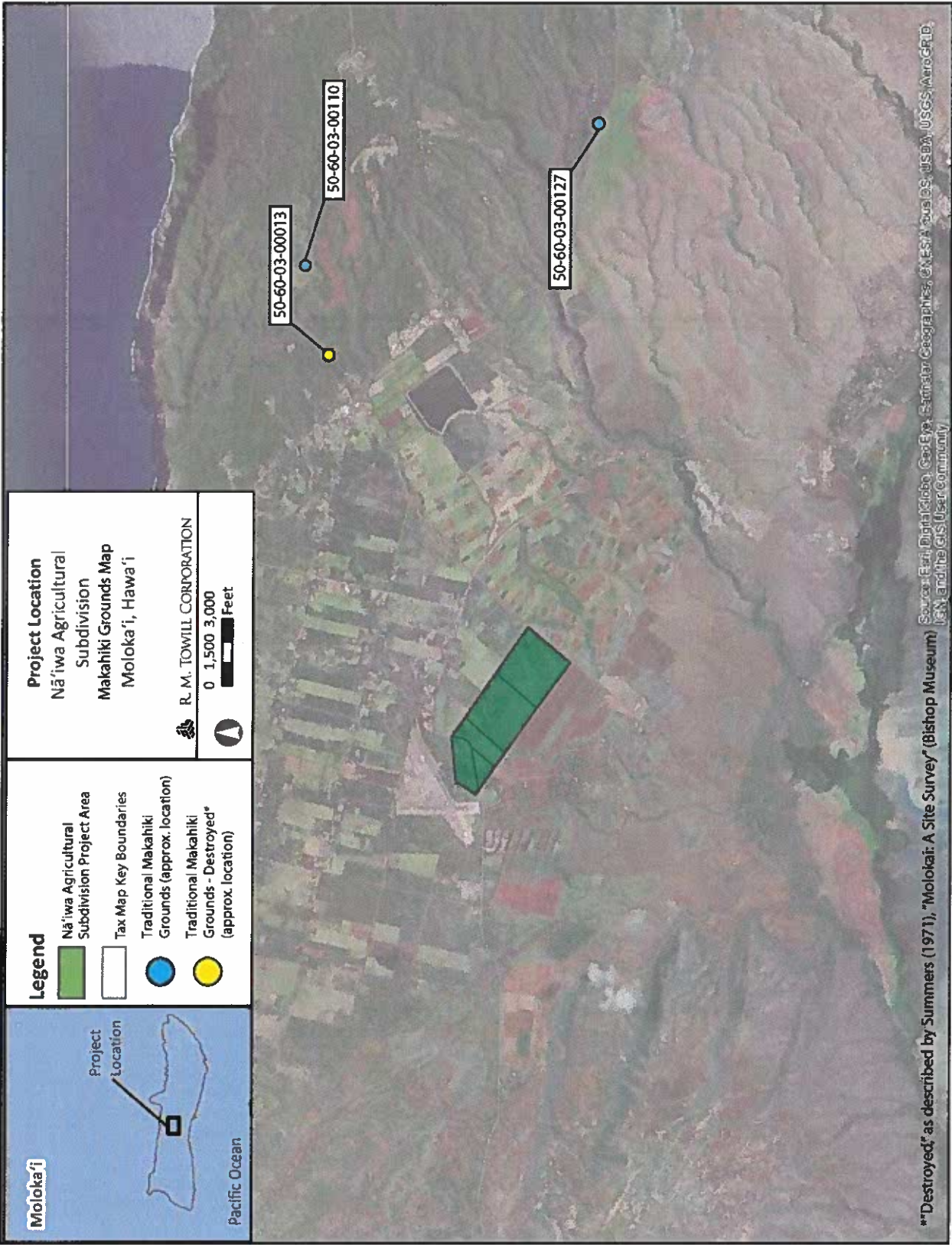


Figure 4 – Traditional Makahiki Grounds in Relation to the Proposed Project

Hydrology and Drainage

The project site is gentle to moderately sloping down towards the south, dissected by gullies of Kāluapeʻelua Gulch. The gullies of Kāluapeʻelua Gulch cross the Nāʻiwa subdivision within TMKs: (2) 5-2-003:001; (2) 5-2-004:001, 002, 007, and 046. See **Figure 5, Surface Waters**. This gulch is indicated on the U.S. Geologic Survey (USGS) topographic sheet (USGS, 2017) as a dashed blue line “intermittent stream”. However, no part of the gulch on the subject property shows any indication of the presence of a stream and, according to the USGS topographic sheet, does not have a surface connection to the ocean.

Kāluapeʻelua Gulch is classified as “Inland Class 2 Waters” by the DOH. According to Hawaiʻi Administrative Rules (HAR), Chapter 11-54, Water Quality Standards, Class 2 waters can be used for “recreational purposes, support and propagation of aquatic life, agricultural and industrial water supplies, shipping, and navigation,” among other allowable uses compatible with protecting the natural resources in these waters (HAR, Chapter 11-54, Water Quality Standards). According to the U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory, Kāluapeʻelua Gulch is classified as Riverine (classification code: R4SBC). No other wetlands are located within the project area. The project’s southeastern corner is approximately 2.6 miles from the nearest coastline, which is defined as Class A water (“open coastal waters”).

Mitigations including setbacks from the edges of the gulches have been designed into the project to minimize project impacts on the gulch waters. Additionally, the project will meet or exceed County drainage requirements, limiting extensive grading, and maintaining the existing drainage patterns. In addition, the project design includes detention basins³ integrated into the site layout; and will utilize grassed swales, vegetated or grassed drainage ditches, drain inlets, and underground drain pipes to control and convey runoff.

³ The basins will be sized to provide storage volume to accommodate the peak storm event runoff and the County required storm water treatment. The basins will be dry except when needed for temporary storage of runoff to attenuate the design storm event. They will be emptied in 48 hours after the design storm. As much as possible, the basins will be located in vacant lots or unusable portions of awarded lots where feasible. The detention basins shown in awarded lots are tentative. The actual locations for the basins will be coordinated with the beneficiaries and their existing improvements. The detention basins will be fenced for public safety and easements provided. The drainage design is being preliminarily worked on and may be subject to change based on the final design requirements of the site. Maintenance of the detention basins will be by DHHL.

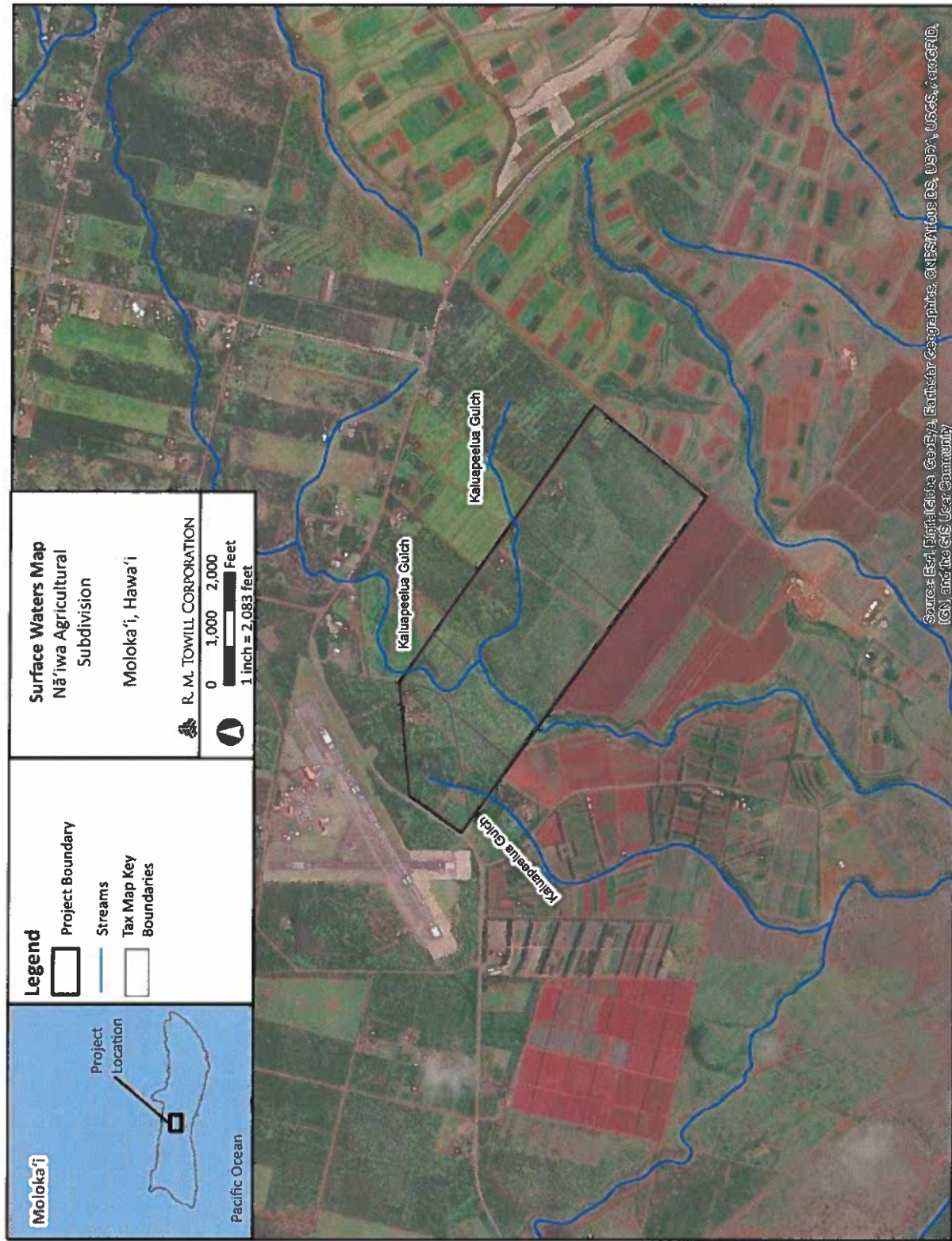


Figure 5 – Surface Waters

Natural Resources

Flora/Fauna

A natural resources assessment report, dated March 2021, was prepared by AECOS Inc. for the DHHL Nā'iwa Agricultural Subdivision project. The site is dominated by naturalized or ornamental species. Pua kala is considered an at-risk species but is not a candidate species or proposed for listing. The USFWS recommends that if any listed or at-risk flora are identified during construction that avoidance buffers be provided to reduce direct and indirect impacts to listed plants from project activities. No other plant species of statutory interest were recorded during the AECOS botanical survey, and given the past use of the property, none are expected to occur there.

Axis deer was the only mammal observed⁴. No Hawaiian Hoary Bat or 'Ō pe'ape'a (*Lasiurus cinereus semotus*) were detected. A total of 290 individual birds of 14 species representing 11 separate families were recorded during station counts. One species recorded— Pacific Golden-Plover or *kōlea* (*Pluvialis fulva*)—is a native, a migratory shorebird species. The remaining 13 species recorded during the survey were alien to the Hawaiian Islands.

Although not observed within or in the vicinity of the proposed project area during the 2021 AECOS survey conducted at the site, protected seabird species including the Endangered Hawaiian Petrel (*Puffinus sandwichensis*), Band-rumped Storm-Petrel (*Hydrobates castro*), threatened Newell's Shearwater (*Puffinus newelli*), and Migratory Wedge-tailed shearwater (*Ardenna pacificus*) may over-fly the project area. No suitable nesting or roosting habitat for any seabird species occurs in or close to the project area and no significant adverse impacts to sea birds are expected. Nocturnally-flying seabirds may become disoriented by exterior lighting and collide with man-made structures or the ground. Although construction activities are anticipated to occur during the daytime, if any nighttime lighting is used, lights would be fully shielded to minimize impacts to seabirds that may pass through the area. During the future build-out of the new development, all exterior lights would be dark-sky compliant.

In addition, although not observed within or in the vicinity of the proposed project area during the 2021 AECOS survey conducted at the site, the USFWS noted that the Hawaiian Goose or *nēnē* (*Branta sandvicensis*; USFWS, 2011b) may occur in the vicinity of the proposed project area. Project activities are designed to minimize or avoid negative impacts to *nēnē*. If a *nēnē* is present during ongoing activities the bird will not be approached. If *nēnē* are observed loafing or foraging within the project area during the breeding season (September through April), then all activities will cease and a biologist familiar with the nesting behavior of *nēnē* will survey for nests in and around the project area prior to the resumption of any work and after any subsequent delay of work of 3 or more days (during which the birds may attempt to nest). If a nest is discovered within a radius of 150 feet of proposed work, or a previously undiscovered nest is found within said radius after work begins, all work will immediately cease and the USFWS will be contacted. In addition, project personnel and contractors will be informed about the potential for the presence of endangered species on-site.

⁴ Domestic dog, pig, domestic cattle, domestic goat, domestic sheep audio, scat, skeletal, signs, and/or tracks were found within the project boundaries.

No waterbird habitat occurs on or near the project site; thus, it is not expected that the proposed development on the property would result in deleterious impacts on protected waterbird species. However, the USFWS noted that in case the project-associated earth moving activities result in ponding water that attracts listed waterbirds the project should utilize the USFWS avoidance and minimization measures for listed waterbirds. Therefore, to avoid and minimize potential project impacts to listed waterbirds the project will follow the USFWS recommended avoidance and minimization measures for listed waterbirds. If waterbirds appear, reduced speed limits will be posed and implemented, and project personnel and contractors informed of their presence. Applicable best management practices regarding work in aquatic environments will be incorporated for any water resources located within or adjacent to the project site. A biological monitor that is familiar with the species' biology will conduct Hawaiian waterbird nest surveys where appropriate habitat occurs within the vicinity of the proposed project site prior to project initiation. As necessary, the surveys will be repeated within 3 days of project initiation and after any subsequent delay of work of 3 or more days (during which the birds may attempt to nest). If a nest or active brood is found:

- Contact the Service within 48 hours for further guidance.
- Establish and maintain a 100-foot buffer around all active nests and/or broods until the chicks/ducklings have fledged. Do not conduct potentially disruptive activities or habitat alteration within this buffer.
- Have a biological monitor that is familiar with the species' biology present on the project site during all construction or earth moving activities until the chicks/ducklings fledge to ensure that Hawaiian waterbirds and nests are not adversely impacted.

While also not observed, there is the chance that the project site may be home to the endangered orange-black damselfly (*M. xanthomelas*) and Blackburn's sphinx moth (*Manduca blackburnii*). Tobacco trees (host plant for endangered Blackburn's sphinx moth) and aquatic environments (breeding environment for endangered orange-black damselfly) were identified in several areas within the project.

Soils

CSH completed a CIA for the proposed project in March 2023. Per the CIA, an interview with Ms. Greaney, questioned whether or not the soils in the project area were previously contaminated with harmful chemicals from past agricultural and plantation use in Ho'olehua. Her primary concern is the safety of future families and farmers of the land.

The proposed project is not expected to have a significant impact on soil conditions or have the potential for hazardous materials. Regarding the potential for the presence of contaminated soils, DHHL will conduct a Phase I Environmental Site Assessment to ensure that the project site can be safely used by beneficiaries for subsistence agricultural and related uses. This will be completed following the HRS, Chapter 343 EA process and prior to any construction work. Any identified mitigation measures will be implemented as necessary.

According to the State of Hawai'i, Hazard Evaluation and Emergency Response Office, there are no incidents/sites/Hawai'i Emergency Planning and Community Right-to-Know Act hazards occurring on the project area.

Prior land uses at the project site have included plantation-era infrastructure consisting of ditches and earthen berms, and military uses during WWII consisting of munitions storage and a wastewater treatment facility that has since been abandoned with the contents removed.

Mitigation Measures Identified in the Final EA

Based on the evaluation of the proposed project the following mitigations are proposed in the Final EA:

- Conduct a Phase I Environmental Site Assessment (ESA)
- Best Management Practices (BMPs) will be implemented to mitigate the potential impacts of soil erosion and fugitive dust during construction.
- BMPs will also be employed to mitigate construction-related noise impacts.
- Minimizing the movement of plant or soil material between worksites, where possible, and cleaning all equipment, materials, and personnel of excess soil and debris to mitigate the spread of any high-risk invasive species in the area.
- Utilize avoidance buffers to reduce direct and indirect impacts on any listed or at-risk flora from project activities.
- Avoid removing or trimming woody plants greater than 15 feet tall during the Hawaiian hoary bat birthing and pup-rearing season and the use of barbed wire to top fence lines that could entangle flying bats.
- Shielding of outdoor light fixtures to prevent harm and disorientation of seabirds.
- Stopping work in the vicinity of nēnē should one be present on the site, and resuming work only when it has vacated the site of its own accord.
- Survey the area for waterbirds and nests. If a nest or active brood is found establish and maintain a 100-foot buffer until the chicks/ducklings have fledged.
- Survey of the area for the Blackburn's sphinx moth and its larval host plants.
- BMPs will be employed for work in aquatic environments to minimize the degradation of water quality and impacts on fish and wildlife resources for the protection of the orange-black damselfly.
- BMPs will be employed to minimize impacts on archaeological or historic resources. Mitigations include compliance with technical consultant recommendations including:
 - Preservation Plan following HRS 6E-8 review;
 - Compliance with all laws and rules regarding the preservation of archaeological and historic sites;
 - Further (ongoing) consultation with SHPD;
 - In the unlikely event that subsurface historic resources are identified during development, work will cease in the immediate vicinity of the find, the find will be protected from additional disturbance, and SHPD will be contacted;
 - Relevant construction documents will include a provision detailing the aforementioned criteria for all project-related development of the project site; and

- Continued consultation with stakeholders related to historic practices will be conducted.
- Construction of onsite drainage detention basins to detain the expected increase in peak stormwater flows to a rate that does not exceed pre-development levels in compliance with Maui County stormwater drainage standards and to mitigate stormwater-related potential water pollution.
- A Notice of Proposed Construction or Alteration (or multiple notices) will be submitted to the Federal Aviation Administration (FAA) as needed. DHHL will restrict agricultural activities that could attract wildlife to nearby airport facilities.

Consistency with DHHL Planning System

The Final EA addresses the proposed project uses for consistency with existing plans and applicable land-use policies. The DHHL Moloka‘i Island Plan, adopted in 2005, identifies the proposed Nā‘iwa Agricultural Subdivision as the first priority for completion. The parcels in which this project will be developed are currently designated by the Moloka‘i Island Plan for Subsistence Agriculture Homestead. The proposed Nā‘iwa Agricultural Subdivision would provide up to approximately 66 agricultural lots. The project is intended to provide more native Hawaiians with an opportunity to return to the land and promote self-sufficiency through farming opportunities. The final lot count will be based on an examination of all lots including vacant lots for feasibility for agricultural uses with the objective of meeting the stated purpose and need for the project.

“Nā‘iwa infrastructure” is identified in the 2007 Moloka‘i Regional Plan as a DHHL Development project. Page 25 of the Moloka‘i Regional Plan states “this agricultural subdivision is already planned and awarded but not-built. [The] community is comprised of 58 lots on 298 acres that was part of an accelerated award program in 1986. This project is awaiting completion of the Phase IV Ho‘olehua water system improvements and other infrastructure needs.” The Moloka‘i Regional Plan was updated in 2019 and the Nā‘iwa Agricultural Subdivision was listed in Appendix B as one of many department and community projects currently in progress.

FINDING OF NO SIGNIFICANT IMPACT

Based upon the analysis completed in the Final EA, Staff recommends that the Commission accept the finding of no significant impact (FONSI) for the Nā‘iwa Agricultural Subdivision. This determination is based upon the 13 criteria of significance that approving agencies must consider as specified in HAR, Section 11-200.1-13. An analysis of the 13 criteria of significance is presented below:

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

The proposed project is not anticipated to involve any construction activity that may lead to the loss or destruction of any sensitive natural or cultural resource. The project area has been subject to a natural resources assessment, an ALRFI, and a CIA. There are no known rare, threatened, or endangered species of flora, fauna, avifauna, or important habitats located within the project site.

Three post-Contact potential historic properties were observed and documented during the ALRFI for the project: remnants of an “Old Ditch,” a possible munitions storage area; and a

wastewater treatment facility. Based on the field inspection and background research for the ALRFI report, the historic properties are likely significant only for their information potential regarding plantation-era sugarcane cultivation and World War II-era military use in the area. The proposed action will likely impact these newly identified historic properties. In accordance with HRS, Chapter 6E, SHPD will be consulted regarding the proposed project's potential to impact historic resources and the necessity for further project-related historic documentation and preservation. The DHHL is presently pursuing this process. Measures to avoid impacts to natural, cultural, and historic resources are identified within the Final EA should they inadvertently be encountered in the development phases of the proposed project.

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

The project would expand the beneficial use of the project area by supporting the use of up to approximately 66 agricultural lots for the purpose of various agricultural activities, homesteads, and/or residential uses by native Hawaiians on land that is lying fallow. The proposed project complies with the State of Hawai'i Agricultural Lands of Importance classification of "Unique," as the site's primary purpose will be for agricultural uses.

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

The proposed project is not in conflict with the long-term environmental policies, goals, and guidelines of the State of Hawai'i. As presented in the project EA, the project's potential adverse impacts are associated only with short-term construction-related activities, and such impacts can be mitigated through adherence to standard construction mitigation practices.

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

The proposed project will have beneficial effects on the economy and social welfare by providing lands that are currently lying fallow to beneficiaries to utilize for agricultural practices and to possibly reside. The proposed project is also expected to provide beneficial impacts with respect to cultural practices, by creating opportunities to grow, process, trade, and sell traditional and/or native plants that can serve aesthetic, traditional, and educational purposes.

5. Have a substantial adverse effect on public health.

The proposed action will be developed in accordance with Federal, State, and County rules and regulations governing public safety and health. During the construction period, the proposed action would result in temporary impacts on air quality, noise levels, and the generation of storm water runoff; however, these potential impacts are not anticipated to substantially affect public health and will be addressed through the application of appropriate mitigation measures as described in the project EA. Wastewater disposal will be accommodated by individual wastewater disposal systems that are approved by the DOH. Furthermore, the proposed action is not anticipated to create significant direct or indirect foreseeable GHG emissions and does not fall within the threshold of mandatory GHG

reporting. As such, no adverse impact to public health or welfare is anticipated as a result of the proposed action.

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

Although the project will increase the population in the immediate area, the population increase has been planned for through long-range land use and infrastructure planning on the part of DHHL, the County of Maui, and the State of Hawai'i as discussed throughout the project EA.

7. Involve a substantial degradation of environmental quality.

Construction activities associated with the proposed project are anticipated to result in negligible short-term impacts on noise and air quality, and the generation of stormwater runoff in the immediate vicinity. With the incorporation of the recommended mitigation measures during the construction period, the project will not result in the degradation of environmental quality. No long-term negative impacts are expected from project implementation.

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

The design of the project area minimizes cumulative impacts on the environment. These design elements include the use of detention basins, landscape buffers adjacent to gulches, and grassed/vegetated swales and ditches to accommodate and return water to the ground rather than piping toward nearshore resources. The proposed project does not instigate a commitment to larger actions. As described throughout the EA document, long-term land use planning and infrastructure planning have identified the project site for development and as such, DHHL, the County of Maui, and the State of Hawai'i have been developing or projecting infrastructure improvements to support the development.

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

The proposed project is not anticipated to have any adverse impact on rare, threatened, or endangered species. Opportunities for positive impacts on botanical resources are expected from the project through the reintroduction of traditional practices and supporting resources including ethnic and/or native species, and the incorporation of native species in landscaping. Mitigation measures to avoid impacts to at-risk and listed plant species, Hawaiian waterbirds, seabirds, Hawaiian hoary bats, nēnē, orange-black damselfly, and Blackburn's Sphinx Moth are included in this EA.

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

Construction activities for the development of the project could potentially impact air, noise, and water quality levels within the immediate project area. However, these impacts will be short-term and mitigatable. All construction activities will comply with applicable regulations and will implement appropriate mitigation measures as necessary. After construction, the

development is not expected to adversely impact air, noise, or water quality levels. There will be an increase in impervious surfaces over the project area's former undeveloped use; however, any increase in runoff will be accommodated by proposed low-impact drainage improvements and will not detrimentally affect water quality.

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

The development will not affect any environmentally sensitive area and buffers are proposed adjacent to the gulches that run through the project site. Development areas are located outside Flood Insurance Rate Map-designated flood plains and inland from the coast away from tsunami zones, sea level rise exposure areas, and beaches. Homes will be constructed by beneficiaries in compliance with County of Maui building codes, which are adopted to protect residents to the extent possible from hazardous weather conditions.

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

The project site is not specifically listed as a scenic vista or view plane. The expected development is of a low-rise nature that will not be impactful to views across the landscape.

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

The proposed project will increase energy consumption over the current use of vacant land. However, the energy consumption of the future proposed beneficiaries' agricultural activities and homes is not considered to be substantial, or excessively more than the energy consumed by similar developments throughout the region.

NEXT STEPS FOR OVERALL PROJECT IMPLEMENTATION

Should the HHC accept the recommended action and determination, the following actions will need to be implemented:

- HHC FONSI determination for the Final EA submitted to ERP for publication in *TEN* bulletin
- Conduct a Phase I ESA
- Continue coordination with the DHHL beneficiaries
- Continue coordination with various State and County agencies
- Secure sufficient budget appropriation from the State Legislature
- Complete engineering design and site construction of the project and obtain subdivision approval and lot TMKs from the County of Maui
- Initiate vacant lot award offerings

Additionally, in accordance with HRS Chapter 343 and HAR 11-200.1, the following actions permits, approvals, and coordination are needed.

Responsible Entity	Permit/Approval/Coordination
Federal Aviation Administration	FAA Form 7460-1 Notice of Proposed Construction or Alteration
U.S. Army Corps of Engineers	Department of the Army Permit
State Department of Health – Clean Water Branch	National Pollutant Discharge Elimination System (NPDES) Permit
State Department of Health – Clean Water Branch	Section 401, Water Quality Certification
State Office of Planning and Sustainable Development	Coastal Zone Management Act Federal Consistency Review
State Department of Agriculture	Irrigation Water Application
State Department of Agriculture	Irrigation Plan Review
State Department of Health – Indoor and Radiological Health Branch	Community Noise Permit (if applicable)
State Department of Health – Wastewater Branch	Review, Individual Wastewater System approval (by future lessees)
State Department of Land and Natural Resources – State Historic Preservation Division	Chapter 6E, HRS compliance, and Section 106 compliance as needed
State Department of Land and Natural Resources – Commission on Water Resource Management	Water Use Permit
County of Maui Department of Public Works	Grading/Subdivision/Building/Electrical Permits, plan review
DHHL Moloka'i Water System	Review, coordination, and allocation of additional water
County of Maui Planning Department and/or Planning Commission	Use Permits, plan review
State Department of Agriculture	Review, coordination, and allocation of additional irrigation water
State Department of Land and Natural Resources – Commission on Water Resource Management	Incorporate into Agricultural Water Use and Development Plan
County of Maui Planning Department and/or Department of Water Supply	Incorporate into Water Use and Development Plan
State Department of Land and Natural Resources Engineering Division	Incorporate into State Water Projects Plan
County of Maui Department of Transportation	Coordination regarding the proposed internal roadway upkeep
Lessees and beneficiaries on the waitlist	Initiate vacant lot award offerings
DHHL and lessees and beneficiaries on the waitlist	Easement for utility connections
State Legislature	Secure sufficient budget appropriation

RECOMMENDATION

DHHL staff respectfully requests approval of a FONSI determination based on the Final EA presented herein, as recommended.


Exhibit A

Final Environmental Assessment for the Nā‘iwa Agricultural Subdivision

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Stewart Matsunaga, Administrator, Land Development Division 
Stewart Matsunaga (Nov 9, 2023, 4:11 PM)

Subject: Acknowledgement of Homestead Community Initiative to Amend Pu'unani Homestead Subdivision to Pu'uhona Hawaiian Homestead

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) acknowledge and accept the Pu'unani Hawaiian Homestead Community association's initiative to amend the Pu'unani Homestead Subdivision's name to Pu'uhona Hawaiian Homestead.

BACKGROUND:

Project Chronology:

June 17, 2019

- In response to Request for Proposals for acquisition of Central Maui land for homestead development, HHC ratified the acquisition of 47 acres from Dowling Co. for a project named "Pu'unani Subdivision.

November 19, 2020

- Finding of No Significant Impact and Final Environmental Assessment approved by Hawaiian Homes Commission for 161 new residential homesteads, consisting of 137 turnkey lots and 24 vacant lots. In the document it stated that DHHL would work with beneficiaries to select a place appropriate name for the development that honors its location in Waikapu.
- It is important to note that the Environmental Assessment process had its challenges from the broader surrounding community, but it was this ad hoc Pu'unani Homestead leadership who stepped up and came to the DHHL's and developer's support for this new homestead project in Central Maui.

November 20, 2021

- Waiohuli Undivided Interest Residential lessees, who have first right of refusal for residential offerings and Maui Island wide Residential applicants start holding monthly meetings and form the Pu'unani Hawaiian Homestead Association.
- DHHL and Dowling Co. provide periodic updates on progress of project plans and sitework construction.

May 24, 2023

- DHHL and Dowling Co. break ground for sitework construction of 161 homestead lots.

Chair directs Dowling Co. to set up a website for the Pu'unani Homestead subdivision.

October 9, 2023

- Pu'unani Hawaiian Homestead Association convenes meeting of members to discuss potential re-naming of the subdivision, pursuant to the understanding provided for in the FEA.

October 16, 2023

- Pu'unani Hawaiian Homestead Association leadership, under Debbie Mahuna provides a presentation to the Hawaiian Homes Commission on suggested new name of "Pu'uhona"
- Significance of "Pu'uhona" is provided as Exhibit "A".

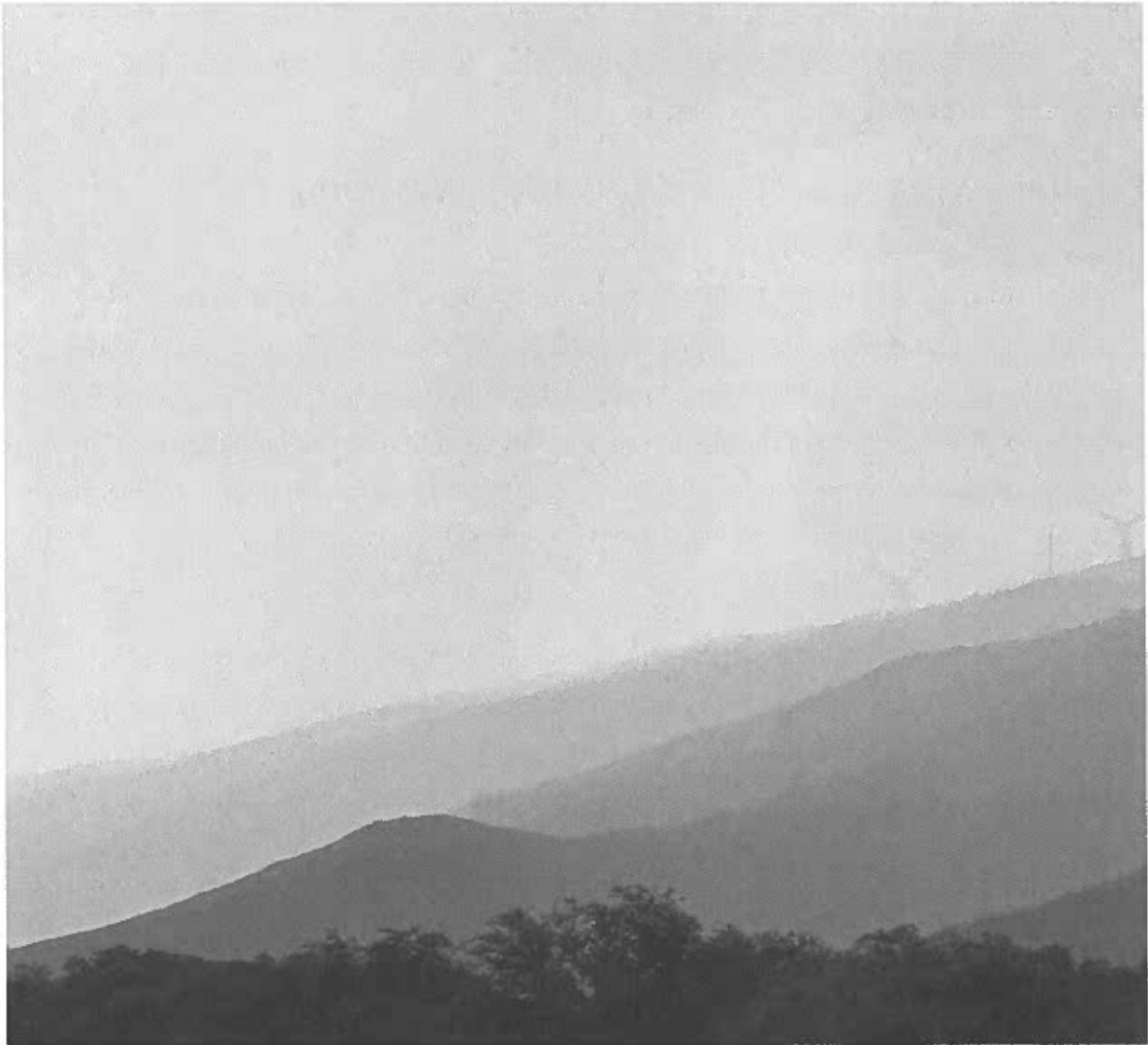
October 25, 2023

- Pu'unani Hawaiian Homestead Subdivision membership formally selected "Pu'uhona" Hawaiian Homestead.

October 16, 2023

Renaming the Hawaiian Homestead Community in the Waikapū Ahupuaʻa to Puʻuhona HHA

Prepared by Rebecca Kapolei Kiili with source information curated by Hōkūao Pellegrino



Picture Credit: Hōkūao Pellegrino, 2023

Background and Context

When the Dowling Company acquired the Pu'unani Hawaiian Homestead development project, the name Pu'unani was given to the project by the previous landowner and developer. Upon receiving the project, the Dowling Company in consultation with the Department of Hawaiian Homelands (DHHL) decided to keep the project name of Pu'unani to maintain continuity for the purpose of the project development process. It was always the intention of DHHL and the Dowling Company to change the name for this Hawaiian Homestead community in time.

The historical place names, information, maps, and pictures are all sourced from the Ipu Kukui Workbook, created by Hōkūao Pellegrino in 2010 for the Kamehameha Schools Maui Hawaiian Enrichment Education Programs.

Nā Pu'u Nani: *The Beautiful Hills of Waikapū*

Pu'uhona is the first of four pu'u or hills that travel up to Waikapū's highest peak of Hana'ula. It stands at an elevation of 905 feet. This pu'u was probably named for the native tree called hona which is also referred to as hōpue and ōpuhe. (www.wehewehe.org/hōpue) The hona tree is a close relative of the olonā. The fibers of the inner bark of both of these plants were used to make rope and cordage for fishnets. The olonā was known to be used for making nets (kōkō) to carry containers, and as a base for ti-leaf raincoats and feather capes. (www.wehewehe.org/olonā)

The Hawaiian Homestead Association and community members who have been meeting regularly since November 2021 have agreed on the name Pu'uhona for this Hawaiian homestead community. The name honors one of the four pu'u in the Waikapū ahupu'a. We believe that honoring this native tree species is also a way to teach more about the flora and fauna that may have been traditionally found in Waikapū, although we are not as familiar with it today.

Drawing inspiration from this native tree species and its uses for creating rope and cordage, we believe that each person and each 'ohana will bring their strengths to the community. When we weave and combine our individual strands together, we strengthen our community together with the intention of creating a pono and prosperous community. This metaphor can be incorporated into the vision, mission, and value statements for the Hawaiian Homestead Community Association. The native hona tree can also serve as a logo for this association and

be a focal point of education for the community. There are many layers of kaona that present itself in the use of Pu'uhona for this new community.

The pu'u is the lowest of the four within this ahupua'a and is the pu'u that is the boundary line for the Waikapū ahupua'a meaning that it defines Waikapū's boundaries, unlike Hana'ula, the highest peak whose boundaries extend through to Ukumehame. (Hōkūao Pellegrino) The place name of Pu'uhona honors the Waikapū ahupua'a and is a beacon of hope for the future homesteaders of this community.

Hona/Hōpue/Ōpuhe (www.wehewehe.org/hōpue)

2. A native tree, endemic to Kaua'i (*Urera sandvicensis* var. *kauaiensis*), in the nettle family, with broad-ovate, long-stemmed leaves, and red, clustered, male flowers. Also hona, ōpuhe.

Urera Sandvicensis

Picture sourced from : [Alamy: Urera Sandvicensis](#)



184





HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

East Kapolei Projects Update

Land Development Division

Item E-3

For Information Only

November 20, 2023



EAST KAPOLEI





KANEHILI

404 single-family houses
DHHL Offices
Community facilities
Fire Station
Commercial Parcels

Kānehili



Other Projects in the Region





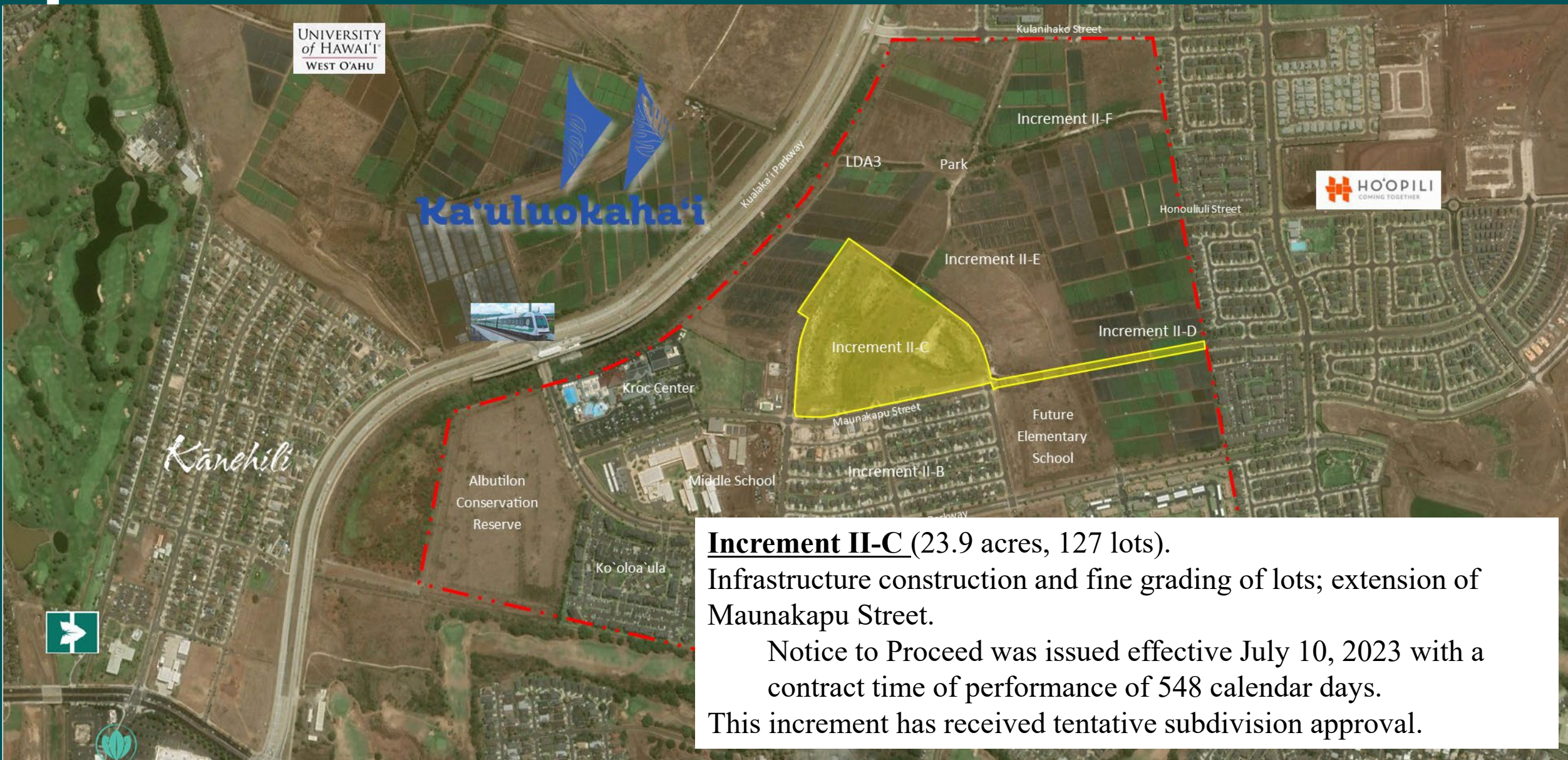
Parcels within Kauluokahai Owned by Others







Increment II-C



Increment II-C (23.9 acres, 127 lots).

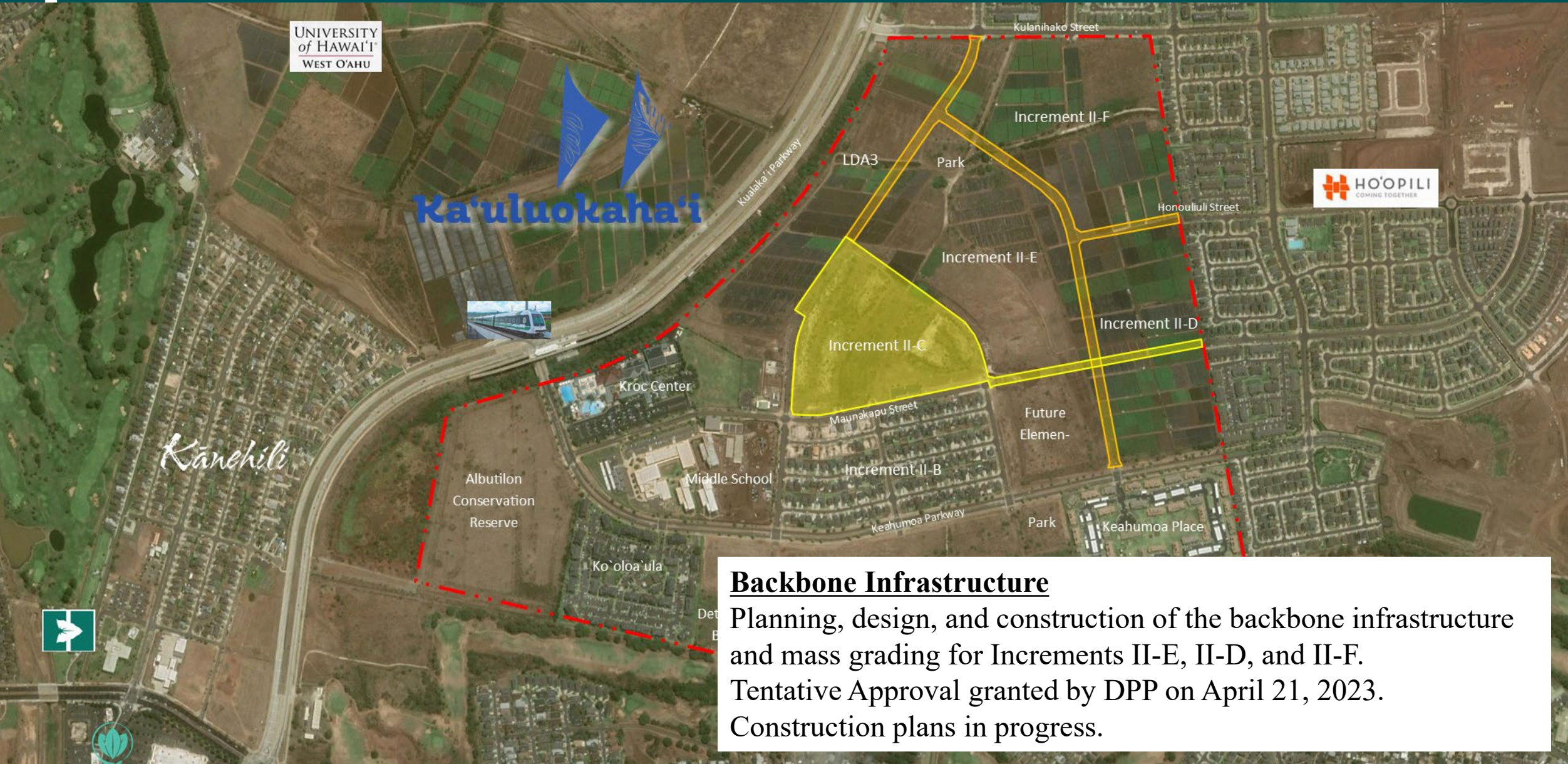
Infrastructure construction and fine grading of lots; extension of Maunakapu Street.

Notice to Proceed was issued effective July 10, 2023 with a contract time of performance of 548 calendar days.

This increment has received tentative subdivision approval.

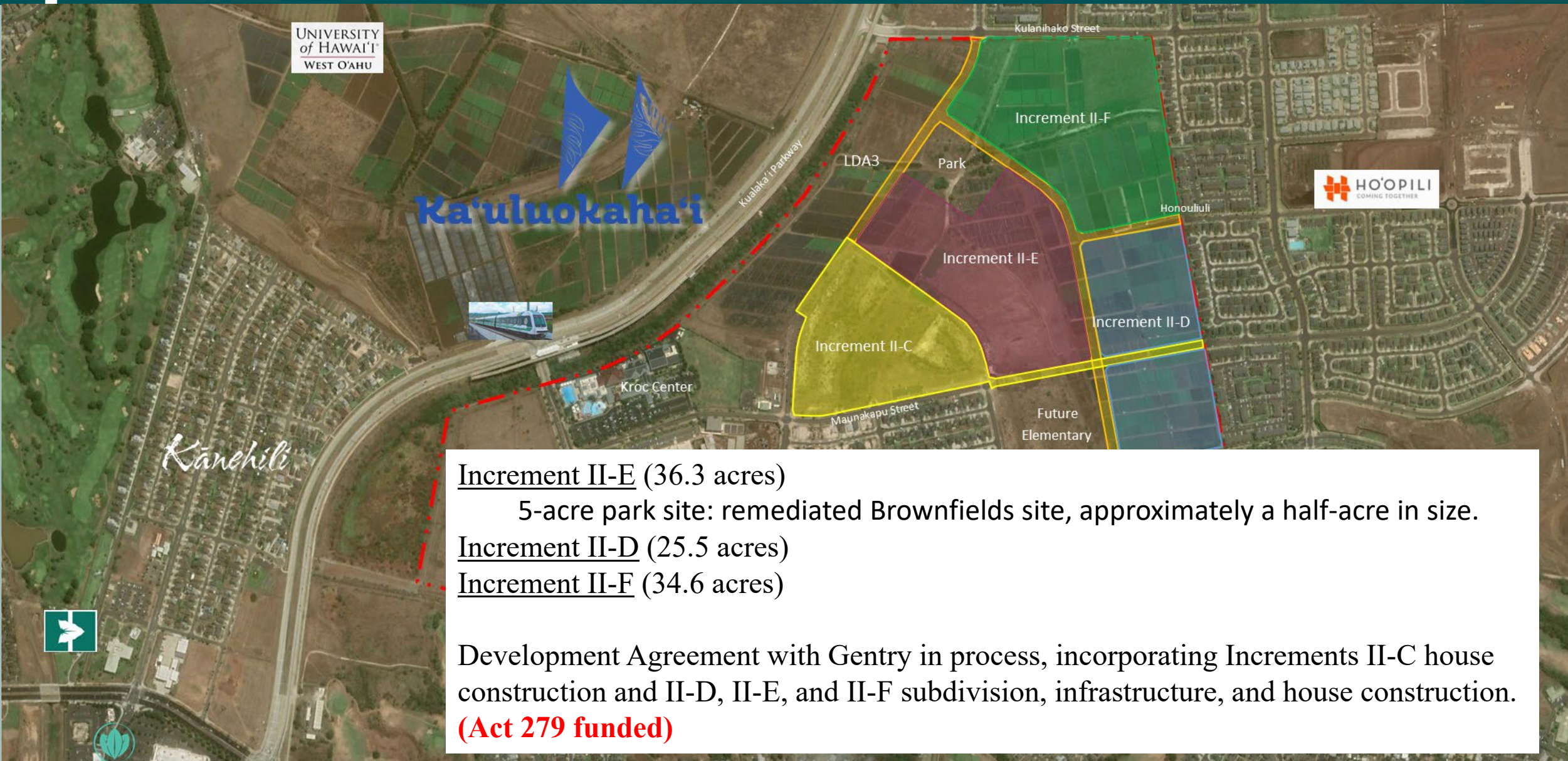


Backbone Infrastructure





Increments II-E, II-D, and II-F



Increment II-E (36.3 acres)

5-acre park site: remediated Brownfields site, approximately a half-acre in size.

Increment II-D (25.5 acres)

Increment II-F (34.6 acres)

Development Agreement with Gentry in process, incorporating Increments II-C house construction and II-D, II-E, and II-F subdivision, infrastructure, and house construction.
(Act 279 funded)



KAULUOKAHAI FUTURE DEVELOPMENT





Kaupea, Phase 2



Acquired from HHFDC December 2022
Land Cost \$8,250,000 **(Act 279 funded)**
Scope of Work:

Approximately 60 single-family lots
Cluster mailboxes
Traffic signal at Kapolei Parkway

Development Agreement with
Mark Development in process
(Act 279 funded)



Mahalo




DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

To: Chairman and Members, Hawaiian Homes Commission

From: Stewart Matsunaga, Administrator
Land Development Division 

Subject: For Information Only
Implementation Progress Report for Act 279, Session Laws of Hawaii 2022, as of
November 14, 2023

RECOMMENDED MOTION/ACTION

None, for information only.

BACKGROUND

Act 279 enacted in Regular Session of 2022 of the 31st Legislature appropriated \$600,000,000 in general funds to provide a multi-pronged approach to reducing the DHHL waitlist. The \$600,000,000 will address the needs of those on the waitlist and those beneficiaries still waiting. (Excerpt from “Strategic Plan to Implement Act 279 of 2022 dated November 2022)

On August 16, 2022, The Hawaiian Homes Commission (HHC) approved the Strategic Approach to Implement Act 279 - August 2022. Further, on November 22, 2022 the HHC approved the Strategic Plan to Implement Act 279 of 2022.

Pursuant to Section 4(c), Act 279, DHHL shall submit the strategic plan, including findings, recommendations, and any proposed legislation, to the Legislature, no later than December 10, 2022. On December 6, 2022 copies of the Strategic Plan to Implement Act 279, SLH 2022 was transmitted to the Senate President and members of the Senate and President of the House and members of the House of Representatives, pursuant to Section 4(c), Act 279.

DISCUSSION ON FY 2024 IMPLEMENTATION

Project highlights from October 6, 2023 to November 14, 2023:

Request for Release of Act 279 funds to encumber the following:

Island	Subdivision/ Project	Lots	Phase	Estimated Pending Encumbrances	Status
Lanai	Lanai Residence Lots	75	Planning/Design	\$ 2,000,000	Contract executed Act 279 funds allotted 11/8/23.

	Offsite Infrastructure				Contract certification in process
Oahu	Kaupea, Phase 2	60	Dev Agree	\$ 11,900,000	Awarded to Mark Development Negotiating Development Agreement
Oahu	East Kapolei II Master Developer	421	Dev Agree	\$ 109,000,000	RFQ released 8/7/23 Awarded to Gentry Negotiating Development Agreement
<u>Land/Project Acquisition RFP 1</u>					
Oahu	Waialua (Mill Camp)	92	Dev Agree	\$ 19,365,760	Awarded to Mark Development Negotiating Development Agreement
Oahu	Ewa Villages Pilina Homes	142	Dev Agree	\$ 27,486,000	Developer drafting purchase agreement Negotiating infrastructure fees
Statewide	RFP#2		Acquisition/Dev Agree		5 offers under consideration. Potential \$59 million acquisition Requires Amendment to Act 279 Strategic Plan and Budget
	TOTAL			\$ 169,751,760	\$175,000,000 rounded (includes contingency) A-19 Allotment approved 11/8/23

Act 279 Implementation Status as of October 6, 2023 is attached as “Exhibit A”.

Land Acquisition and Development Project offers from second Request for Proposals is under review and will be submitted to HHC in coming months.

RECOMMENDED MOTION/ACTION:

None—for information only.

	DEPARTMENT OF HAWAIIAN HOME LANDS								
	ACT 279 IMPLEMENTATION								
	Project Status as of: November 14, 2023								
				Act 279 Implementation Budget (Strategic Plan2022)		Encumbrance Status as of August 31, 2023			
Island	FY23 Subdivision/Project	Lots	Phase	FY 2023	FY 2024	Encumbered FY23	Projected Encumbrance FY24	Projected Encumbrance FY25	Status
Hawaii	Laiopua Villages 1 and 2, and N. Kona Water Development	400	Acq/ Dev Agrmt	\$ 4,000,000	\$ 63,000,000		\$ 67,000,000		Chair directs RFP/RFQ development agreement to include Villages 1 and 2, house construction in Village 4 Hema, and Village 5 vacant lots. Revisit Leg appropriation Act 88, SLH 2021; proviso for \$12.2M for water development and subdivision improvements "Encumbered" Well site appraisal in progress. LDD preparing RFQ for November posting. Request release of funds in 3rd Quarter FY24.
Hawaii	Honomu Subsistence Ag Lots, Phase 2	40	Site Design/ Construction		\$ 6,000,000			\$ 6,000,000	Designs in process; IFB scheduled for 2nd Quarter 2024
Lanai	Lanai Residence Lots Offsite Infrastructure	75	Planning and Design	\$ 2,000,000			\$ 2,000,000		Contract with Bowers+Kubota executed. Request to Release Act 279 funds submitted to B&F and Gov in September 2023. Allotment approved on Nov. 8, 2023. Contract in process for certification.
Molokai	Hoolehua Scattered Lots	20	Site Construction		\$ 3,500,000			\$ 3,500,000	Draft EA in process for 1st Quarter 2024.
Molokai	Naiwa Ag Subdivision	16	Site Construction		\$ 6,000,000			\$ 6,000,000	FONSI and Final EA October 2023. Designs in process; bid scheduled for 1st Quarter 2024. FONSI and Final EA scheduled HHC approval November 2023. Construction requires approximately \$20M for 50 awarded Naiwa Ag lots.
Maui	Pu'unani Homestead Subdivision	161	Site Construction	\$ 17,500,000		\$ 17,171,944			Construction Contract Awarded to Maui Kupono Builders; \$17,171,944. Notice to proceed effective May 15, 2023. Groundbreaking May 24, 2023. Chair directing developer to provide LITHC financed single-family rentals in lieu of turnkey lots. Community initiative to amend name of subdivision from Pu'unani Homestead to Pu'uhona Homestead. Anticipate developer requesting interim home construction financing.
Maui	Pu'unani Homestead Subdivision (Offsite Water Tank)		Design/ Site Construction			\$ 5,509,000			Developer preparing plans and specifications for IFB in Fall 2023, subject to County DWS approval of construction plans and storage agreements. Proposed change from concrete tank to stainless steel tank will save construction cost.
Maui	Leialii 1B Offsite Water		Site Construction	\$ 15,000,000			\$ 15,000,000		LDD proposes to prepare RFQ to wrap around Leialii Offsite water, highway improvements and Leialii 1B subdivision. Offsite water tank, booster pump and transmission needed to provide potable water and fire protection to Leialii 1B Inc. 2; 95 single family lots. Cost is exclusive of \$9,000,000 CIP appropriation for highway improvements and HHFDC DURF funding \$10,000,000 for Honokowai Water Well development.
Maui	Leialii 1B - Subdivision	181	Dev Agrmt		\$ 68,000,000		\$ 68,000,000		181 single family lots in lieu of 86 single family and 167 multi-family units. RFQ being prepared for January 2024 posting. LDD proposes to prepare RFQ to wrap around Leialii Offsite water, highway improvements and Leialii 1B subdivision. Initial focus on construction of 86 single family lots in Leialii 1B, Increment 1. FONSI and Final EA approved by HHC on October 16, 2023. Request release of funds in 4th Quarter FY24.
Maui	Honokowai Subsistence Ag Ph. 1	50	Design/Site Construction		\$ 5,000,000	\$ 1,470,000		\$ 3,530,000	Survey and design in process. Continuing design work on R-1 water easements and engineering. Amending scope of work to include access from Honoapiilani Highway, and establishment of sewer manholes at Honokowai makai boundary.
Oahu	Kaupea, Phase 2		Acq	\$ 8,250,000		\$ 8,250,000			Acquisition completed.

	DEPARTMENT OF HAWAIIAN HOME LANDS								
	ACT 279 IMPLEMENTATION								
	Project Status as of: November 14, 2023								
				Act 279 Implementation Budget (Strategic Plan2022)		Encumbrance Status as of August 31, 2023			
Island	FY23 Subdivision/Project	Lots	Phase	FY 2023	FY 2024	Encumbered FY23	Projected Encumbrance FY24	Projected Encumbrance FY25	Status
Oahu	Kaupea, Phase 2	60	Dev Agrmt		\$ 14,750,000		\$ 11,900,000		Development Agreement awarded to Mark Development. Negotiations in progress; amount subject to change. Request to Release Act 279 funds submitted to B&F and Gov in September 2023.Allotment approved on Nov. 8, 2023. Anticipate developer requesting interim home construction financing from Act 279 funds.
Oahu	East Kapolei II Master-planned Community	421	Design offsite imp	\$ 24,000,000	\$ 88,000,000	\$ 33,080	\$ 109,000,000		RFQ issued 8/7/23 incorporating backbone infrastructure, East Kapolei II-C, II-D, II-E, and II-F. Responses due 9/8/23. Responses received; undergoing internal review for recommendation to Chair. Request to Release Act 279 funds submitted to B&F and Gov in September 2023. Allotment approved on Nov. 8, 2023. Anticipate developer requesting interim home construction financing from Act 279 funds.
Oahu	East Kapolei IIA	300	Dev Agrmt	\$ 14,000,000					Deleted from Act 279 project list: multi-family rentals. Does not remove applicants from waitlist.
Oahu	Maili Development	280	Dev Agrmt		\$ 60,000,000			\$ 60,000,000	FONSI and Final EA October 2023. Designs in process; bid scheduled for 1st Quarter 2024.
Oahu	Ewa Beach (former NOAA site)	600	Dev Agrmt		\$ 48,000,000			\$ 48,000,000	RFQ. Access, sewer, drainage and traffic issues.
Kauai	Hanapepe Residence Lots, Phase 2	82	Site Construction	\$ 23,000,000		\$ 17,800,126			Bids open on 12/21/22. Contract awarded to Hawaiian Dredging on on 12/29/22. Groundbreaking August 23. Supply chain issues; start in 1st Quarter 2024. Issue RFP for design, construction, financing and marketing of 82 houses. RFQ let on October 6, 2023. Pre-submittal conference on October 13, 2023. Submittal of Qualifications due Nov. 3, 2023. Review developer qualifications in process. Award developer scheduled for December 2023. Anticipate developer requesting interim construction financing from Act 279 funds.
Kauai	Anahola Kuleana Phase 1 Pastoral	115	Site Construction		\$ 5,000,000			\$ 5,000,000	Designs in process. Preliminary road and drainage network by end of 2024.
Statewide	Land/Project Acquisition		Professional Services			\$ 1,500,000			Project management contract with Bowers+Kubota; researching Villages of Leialii acquisition.
Statewide	Land/Project Acquisition		Acq/ Dev Agrmt	\$ 35,000,000					RFP let in November 2022. Eight offers received. Details of five accepted offers below.
Oahu	Ewa Villages (Haseko) Pilina Homes	142	Acq/ Dev Agrmt				\$ 27,486,000		Acquisition: \$17,646,772 Source: NAHASDA Development: \$20,239,443 Source: Act 279 Acquisition and development agreement negotiations in progress; amount subject to change. Request to Release Act 279 funds submitted to B&F and Gov in September 2023. Allotment approved on Nov. 8, 2023.
Maui	Wailuku (DDC2 LLC)	207	Acq/ Dev Agrmt			\$ 45,038,800			Acquisition: \$5,200,000 Source: Act 279 Development: \$39,838,800 Source: Act 279 Development Agreement executed, funds encumbered.
Hawaii	Kaumana (Avalon Development)	168	Acq			\$ 2,000,000			Proposal acceptable for acquisition only. Sale closed 3/31/23; transaction completed. Act 279 funds encumbered.

	DEPARTMENT OF HAWAIIAN HOME LANDS								
	ACT 279 IMPLEMENTATION								
	Project Status as of: November 14, 2023								
				Act 279 Implementation Budget (Strategic Plan2022)		Encumbrance Status as of August 31, 2023			
Island	FY23 Subdivision/Project	Lots	Phase	FY 2023	FY 2024	Encumbered FY23	Projected Encumbrance FY24	Projected Encumbrance FY25	Status
Maui	Waiehu (DDC3 LLC)	366	Acq/ Dev Agrmt			\$ 93,868,417			Acquistion: \$12,240,000 Source: Act 279 Development: \$81,628,417 Source: Act 279 Development Agreement executed, funds encumbered.
Oahu	Waialua (Mill Camp Development Group, LLC)	92	Acq/ Dev Agrmt				\$ 19,365,760		Acquistion: \$1,990,000 Source: Act 279 Development: \$12,368,633 Source: Act 279 Negotiating Development Agreement' amount increased. Request to Release Act 279 funds submitted to B&F and Gov in September 2023. Allotment approved on Nov. 8, 2023.
Statewide	Project Contingencies		various				\$ 5,248,240		Project contingency amounts for encumbered projects in FY 23.Request to Release Act 279 funds submitted to B&F and Gov in September 2023. Allotment approved on Nov.8, 2023
Statewide	Land/Project Acquisition		Acq/ Dev Agrmt						RFP let in May 2023. Eighteen offers received. Requires establishment of new Permitted Interaction Group and amendment to the Strategic Plan and Act 279 budget.
Statewide	Project Financing/Partnerships		Vertical construction	\$ 30,000,000			\$ 100,000,000		Interim house construction financing in order to reduce house pricing. Developers are in process of submitting requests for interim house construction financing. NAHASDA funds may be used to support LIHTC funded Rent with Option to Purchase programs.
Statewide	Individual Assistance		Applicant financing				\$ 60,000,000		Individual down payment or other assistance/subsidy. Memorandum of Understanding being prepared.
Statewide	Project Management Staffing		Personnel						\$5,000,000 for Staffing of 61 positions to assist implementation of Act 279 projects. Requires establishment of new Permitted Interaction Group and amendment to the Strategic Plan and Act 279
	Total	3,776		\$ 172,750,000	\$ 367,250,000	\$ 192,641,367	\$ 485,000,000	\$ 132,030,000	11/17/22 \$172.75M Allotment released by Governor. 6/27/23 \$21.0M Allotment released by Governor. 11/8/23 \$175.0M Allotment released by Governor. Total released to date: \$368.75M AG advises that lapsing date of Act 279 funding is June 30, 2024 and NOT June 30,2025 as provided in Act 279, SLH2022.
	Total Estimated Running Encumbrances					\$ 192,641,367	\$ 677,641,367	\$ 809,671,367	

HAWAIIAN HOMES COMMISSION
NOVEMBER 20 & 21, 2023

F – ITEMS

LAND MANAGEMENT DIVISION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Richard Kuitunen, Administrator *RK*
Land Management Division

FROM: Peter "Kahana" Albinio, Jr., General Professional
Land Management Division *VA*

SUBJECT: Authorization to General Lease for Industrial Commercial Mixed Use Purposes at
Kalaeloa (Parcel 3), Island of Oahu TMK No. (1) 9-1-013:001

RECOMMENDED ACTION/MOTION

That the Hawaiian Homes Commission (HHC) authorize the following:

- A. To advertise and conduct public land disposition for a 43.021-acre Hawaiian Home Lands parcel, located adjacent to the former Barber's Point Naval Air Station at Kalaeloa, further identified by Tax Map Key No. (1) 9-1-013:001 (See Exhibit "A").
- B. To set all appropriate terms and conditions, to be approved by the Chairman, Hawaiian Homes Commission, in accordance with the requirements pursuant to Section 204(a)(2) and/or Section 220.5, Hawaiian Homes Commission Act, 1920, as amended.
- C. To expend budgeted funds necessary for a fair market summary appraisal report and environmental assessment, if necessary, on the subject parcel which are designated for non-residential use on the Oahu Island Plan (See Exhibit "B) and IMX-1 (Industrial Commercial Mixed Use) Zoning in the City & County of Honolulu Land Use Ordinances.
- D. To retain outside legal counsel, if necessary, in the lease negotiation of the final terms and conditions of the project developer agreement.

DISCUSSION

Creating interest in the Department of Hawaiian Home Lands' proposed project developer agreement (general lease) program is a primary objective of the Land Management Division (LMD). In conjunction with the publication of the legal notices in the newspaper and on our website, LMD will initiate its marketing plan by notifying appropriate interested parties/trade organization on the availability of the parcel, as well as the public at large who have expressed interest in leasing land from the department.

LMD follows the real estate practices of continually marketing its commercial/industrial properties to draw the interest of qualified and creditworthy lessees.

SELECTED PROPERTY

Tax Map Key No.:	9-1-013:001 (First Division)
Land Area:	43.021 acres (1,873,995 square feet)
Location:	Malakole Street, Kalaeloa, Oahu
Improvements:	Vacant
State Land Use:	Urban
Ewa Development Plan:	Industrial
County Zoning:	F-1, Military & Federal Preservation
Easement:	60' wide drainage easement (#1359) in favor of the Estate of James Campbell is located along Malakole Street that fronts the parcel. There is a flight path restriction (Easement No. 1360 for flight Clearance Purposes) due to the proximity to the airport
Archaeological:	Site 1725, located on the property, is eligible for listing in the National Register of Historic Places. It is described as being a Hawaiian habitation complex with 17 features, with one feature containing human remains. This site shall be excluded and preserved from any development plan.
General Description:	It is triangularly shaped and bounded by Malakole Street (makai), Saratoga Avenue (Diamond Head), Kapolei Business Park (mauka), and Malakole Industrial Park (Ewa). The site is generally flat with a small rise along Malakole Street.
Utilities:	There is County water line at the intersection of Komohana Street and Malakole Street. County sewer connection is also close by, however, developer may have to hook up with a transmission line and possibly a pump station.

MARKET ASSESSMENT

The demographics for Kapolei are as follows:

Kapolei population in 2030 estimates	157,530
Number of Housing in 2030 estimates	51,080
Average household size (2010 US Census)	3.43
Median age (2010 US Census)	31.90

Kapolei will continue to be the fastest growing region in the State. Using 2020 as a baseline, by 2050 the population will increase by 40 percent, housing will grow by 52 percent, and jobs will increase by 77 percent (source: Plasch Econ Pacific LLC as reported by Kapolei Magazine).

According to Colliers Oahu Industrial Market Report Q2 2023, dated July 21, 2023 (See Exhibit “C”), Oahu’s industrial market continued to face a shortage of available inventory as the vacancy rate reached a record low of 0.76%. For 10 consecutive quarters, Oahu’s industrial market posted occupancy gains. The key takeaways from this report are:

- Oahu’s industrial market has maintained vacancy rates below 1% for the third consecutive quarter
- More than 936,000 square feet of occupancy growth has been recorded over the past ten quarters
- Building operating expenses reach record highs

This parcel is one of only 2 DHHL parcels in this industrial area outside of the Barber’s Point Naval Air Base. It has an average location within Ewa/Kapolei region, with average access and exposure along Malakole Street. The current right-of-way width is 60”, a traffic study may be required to determine the final required right-of-way dimensions.

This parcel is adjacent to the existing Kapolei Business Park and the newly developed Malakole Industrial Park. Kapolei Business Park is a fee simple business park. Phase 2 was released with lot sizes ranging from 1.060 acres to 2.793 acres. The purchase price ranges from \$37.00-\$38.50 per square foot of land. Malakole Industrial Park is light industrial warehouse development for lease with bays ranging from 1,209 to 231,838 square feet and asking rent at \$1.50/sf/mo of building area with discounts for larger space and estimated CAM at \$0.29.

VALUATION OF SUBJECT PARCEL

2023 Tax Assessed land value	\$45,355,900.00
Estimated fair market rent @ 8%	\$ 3,628,472.00

DHHL wishes to offer the development of the subject property through a project developer agreement or if there is a lack of demand through a general lease disposition, so that the development can be at its highest and best use, which most likely will be “Industrial Commercial mixed use” under the IMX-1 zoning. Proposals for residential development will not be accepted, however, most, if not all, other uses permitted under the City and County of Honolulu’s IMX-1 zoning shall be acceptable.

PROPOSED TERMS AND CONDITIONS OF THE GENERAL LEASE

Term: In accordance with market conditions the term of the general lease will be anticipated for a minimum term of 25 years and a maximum term of 65 years as deemed appropriate.

Minimum Upset Rent: An appraisal will be ordered to determine the minimum upset rent for the first five (5) years and market step-up rents for the ensuing twenty (20) years as determined by the

appraiser so interested applicants will have a known rent period of twenty-five years. If the lease term extends beyond 25 years, the rent shall be re-determined at not less than by an independent appraisal prior to the commencement of the 26th year for lease years 26-30 with market step-up rents for the ensuing twenty (20) years, and 51st year for lease years 51-55 with market step-up rents for the remaining fifteen (15) years of the maximum sixty-five (65) year term as determined by the appraiser.

Purpose/Use: The property is being offered for industrial/business development as allowed under an Industrial Commercial mixed use, IMX-1, zoning district and all applicable permit requirements consistent therewith, except that residential development shall not be acceptable.

CHAPTER 343, ENVIRONMENT ASSESSMENT

The selected applicant/developer shall be required to comply with Chapter 343 of the Hawaii Revised Statutes, as amended, prior to the start of any construction activity on the site. Such compliance shall assess the impact that the proposed development will have on the surrounding community and environment. Such compliance shall be considered completed upon the issuance of a Finding of No Significant Impact (FONSI) or final approval and acceptance of an Environmental Impact Statement (EIS), whichever is applicable.

AUTHORIZATION

Section 204(a)(2) and/or Section 220.5 of the Hawaiian Homes Commission Act, 1920, as amended

Section 171, Hawaii Revised Statutes, as amended

Section 10-4-1, Hawaii Administrative Rules, as amended

RECOMMENDATION

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

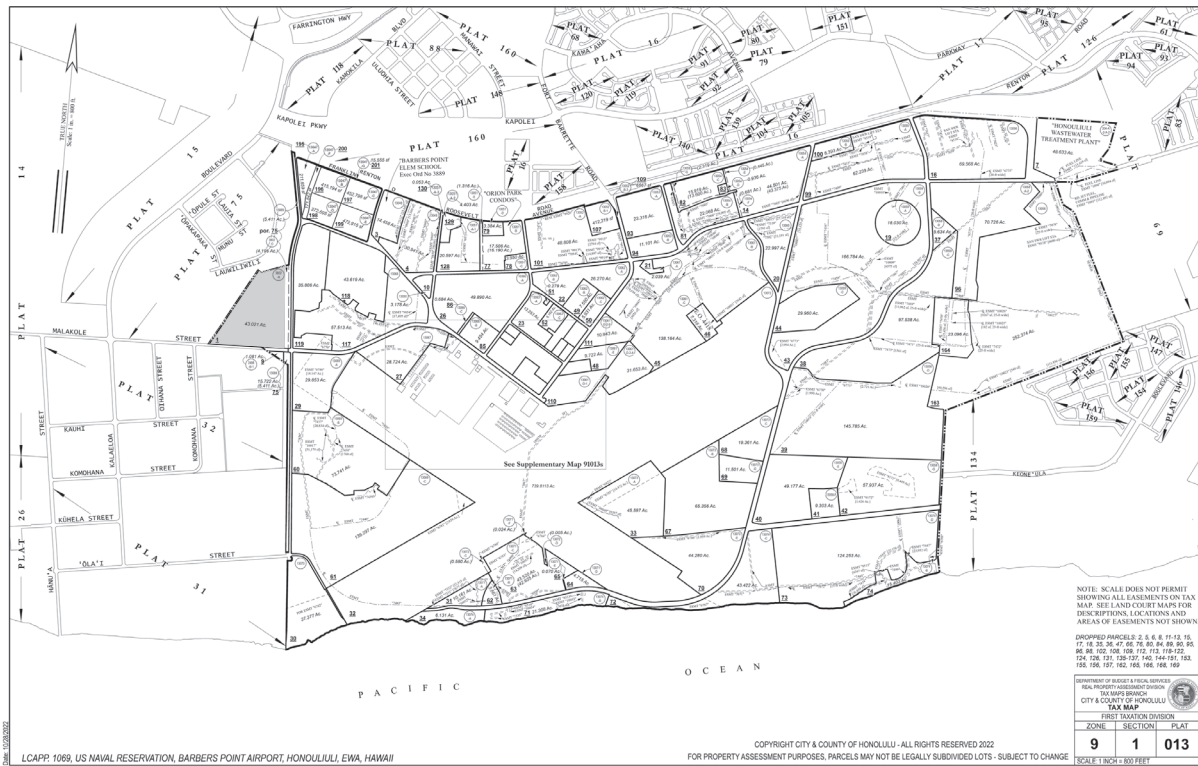
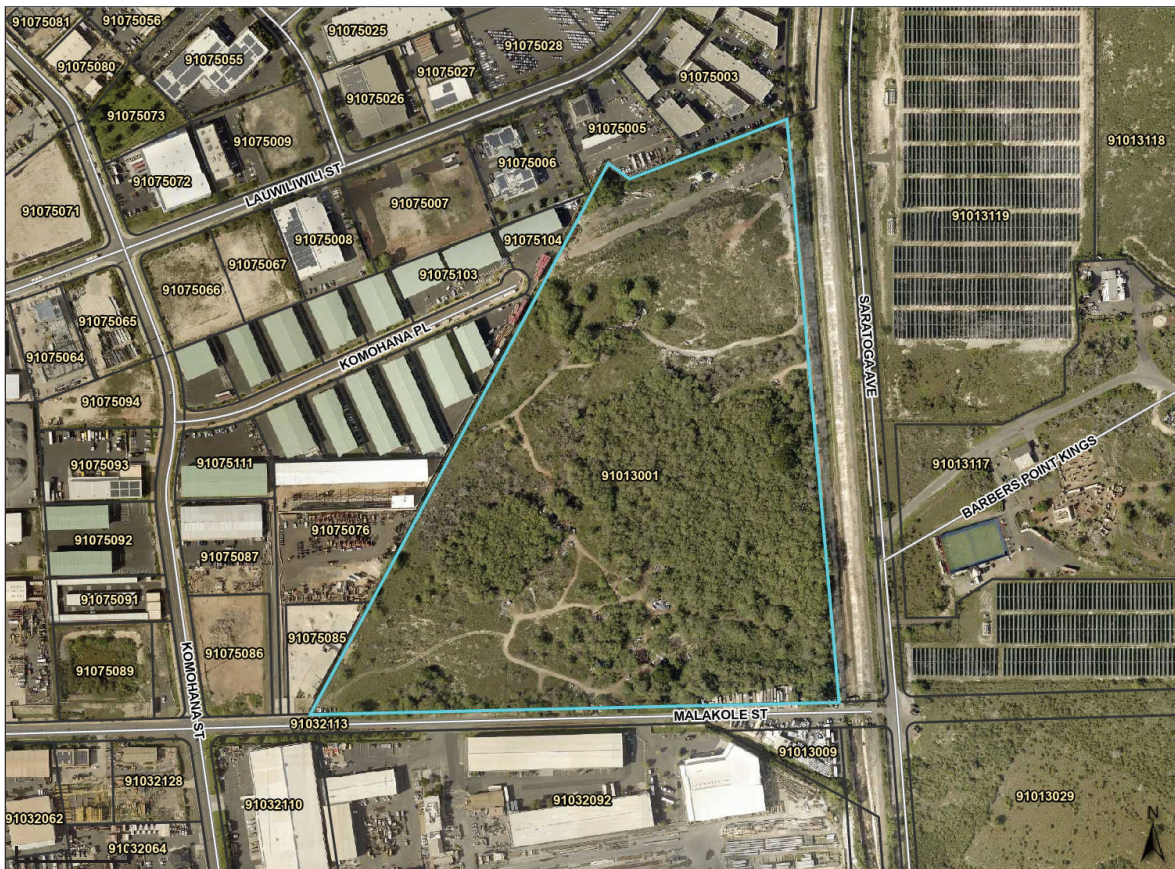


Exhibit "A"

Item No. F-1



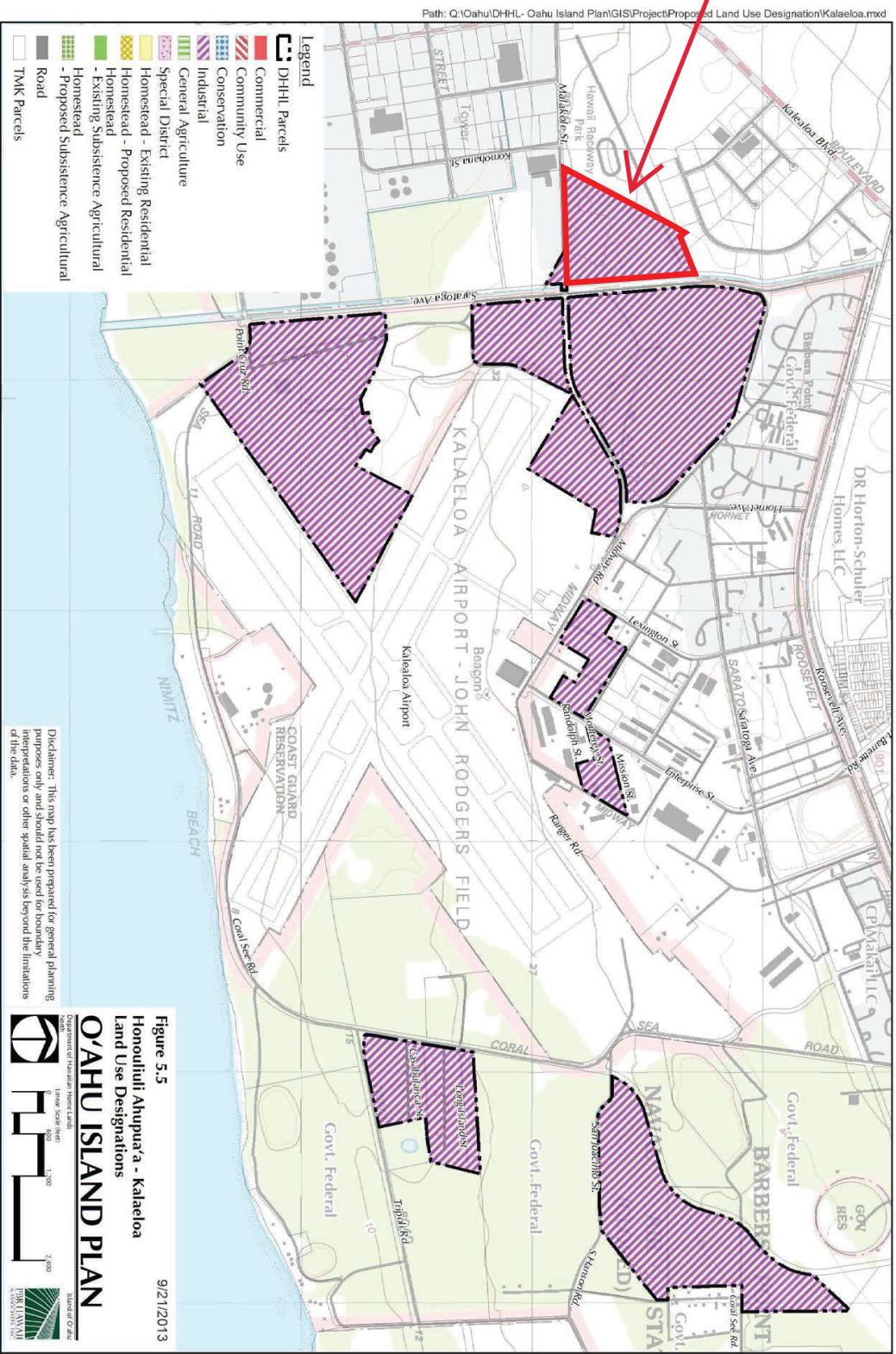


Figure 5-5 Honouliuli Ahupua'a - Kalaeloa Land Use Designations



Key Takeaways

- Oahu's industrial market has maintained vacancy rates below 1.0% for the third consecutive quarter
- More than 396,000 square feet of occupancy growth has been recorded over the past ten quarters
- Building operating expenses reach record highs
- Construction sector projected to slow as permit volume declines for second consecutive year

Vacancy Rate

0.76%

YOY

▼

Q2 2023 Net Absorption

19,388 SF

YOY

▼

Under Construction

102,213 SF

YOY

▼

Direct Wtd Avg Asking Rent

\$1.41 /SF/Mo

YOY

▲

FORECAST

FORECAST

FORECAST

FORECAST

Industrial Market Dynamics Impacted by Inflation

Oahu's industrial market continued to face a shortage of available inventory as the vacancy rate reached a new record low of 0.76%, making it challenging for prospective tenants to find suitable relocation or expansion space. For ten consecutive quarters, Oahu's industrial market posted occupancy gains that totaled more than 900,000 square feet of positive net absorption during that time.

The number of available industrial space listings remained near record low levels, with only 21 listings in the 4,000 to 40,000+ square feet range, reflecting a severe shortage in larger spaces. As a result, occupancy gains for the first six months of 2023 were modest, totaling only 20,243 square feet.

Market Indicators

74,200

April 2023 Industrial Job Count

\$23.14 B

December 2022 YTD Industrial Sales

\$491.69 M

April 2023 YTD Construction Permit Volume

Historic Comparison

	Q2'22	Q1'23	Q2'23
Total Inventory (in Millions of SF)	41.4	41.5	41.5
New Supply (SF)	0	0	0
Quarterly Net Absorption (SF)	24,075	855	19,388
Overall Vacancy	1.38%	0.81%	0.76%
Direct Wtd Avg Asking Base Rents (PSF/Month)	\$1.37	\$1.52	\$1.41

Oahu Industrial Net Absorption vs. Vacancy Rate

Quarter	Net Absorption (SF)	New Supply (SF)	Vacancy (%)
Q1 '13	10,000	10,000	3.0%
Q2 '13	10,000	10,000	3.0%
Q3 '13	10,000	10,000	3.0%
Q4 '13	10,000	10,000	3.0%
Q1 '14	10,000	10,000	3.0%
Q2 '14	10,000	10,000	3.0%
Q3 '14	10,000	10,000	3.0%
Q4 '14	10,000	10,000	3.0%
Q1 '15	10,000	10,000	3.0%
Q2 '15	10,000	10,000	3.0%
Q3 '15	10,000	10,000	3.0%
Q4 '15	10,000	10,000	3.0%
Q1 '16	10,000	10,000	3.0%
Q2 '16	10,000	10,000	3.0%
Q3 '16	10,000	10,000	3.0%
Q4 '16	10,000	10,000	3.0%
Q1 '17	10,000	10,000	3.0%
Q2 '17	10,000	10,000	3.0%
Q3 '17	10,000	10,000	3.0%
Q4 '17	10,000	10,000	3.0%
Q1 '18	10,000	10,000	3.0%
Q2 '18	10,000	10,000	3.0%
Q3 '18	10,000	10,000	3.0%
Q4 '18	10,000	10,000	3.0%
Q1 '19	10,000	10,000	3.0%
Q2 '19	10,000	10,000	3.0%
Q3 '19	10,000	10,000	3.0%
Q4 '19	10,000	10,000	3.0%
Q1 '20	10,000	10,000	3.0%
Q2 '20	10,000	10,000	3.0%
Q3 '20	10,000	10,000	3.0%
Q4 '20	10,000	10,000	3.0%
Q1 '21	10,000	10,000	3.0%
Q2 '21	10,000	10,000	3.0%
Q3 '21	10,000	10,000	3.0%
Q4 '21	10,000	10,000	3.0%
Q1 '22	10,000	10,000	3.0%
Q2 '22	10,000	10,000	3.0%
Q3 '22	10,000	10,000	3.0%
Q4 '22	10,000	10,000	3.0%
Q1 '23	10,000	10,000	3.0%
Q2 '23	10,000	10,000	3.0%
Q3 '23	10,000	10,000	3.0%
Q4 '23	10,000	10,000	3.0%

Industrial Listings by Size Category

Size Category	Q2'22	Q1'23	Q2'23
4,000 - 7,500 SF	199	163	169
7,501 - 20,000 SF	112	112	121
20,001 - 40,000 SF	86	57	65
40,001 - 100,000 SF	205	205	205
100,001 - 250,000 SF	265	265	265
250,001 - 500,000 SF	199	163	169
500,001 - 1,000,000 SF	112	112	121
1,000,001 - 2,500,000 SF	86	57	65
2,500,001 - 5,000,000 SF	205	205	205
5,000,001 - 10,000,000 SF	265	265	265
10,000,001 - 25,000,000 SF	199	163	169
25,000,001 - 50,000,000 SF	112	112	121
50,000,001 - 100,000,000 SF	86	57	65
100,000,001 - 250,000,000 SF	205	205	205
250,000,001 - 500,000,000 SF	265	265	265
500,000,001 - 1,000,000,000 SF	199	163	169
1,000,000,001 - 2,500,000,000 SF	112	112	121
2,500,000,001 - 5,000,000,000 SF	86	57	65
5,000,000,001 - 10,000,000,000 SF	205	205	205
10,000,000,001 - 25,000,000,000 SF	265	265	265
25,000,000,001 - 50,000,000,000 SF	199	163	169
50,000,000,001 - 100,000,000,000 SF	112	112	121
100,000,000,001 - 250,000,000,000 SF	86	57	65
250,000,000,001 - 500,000,000,000 SF	205	205	205
500,000,000,001 - 1,000,000,000,000 SF	265	265	265

Hawaii | Oahu | Q2 2023 | Industrial | Market Statistics

Submarket	No. of Bldgs	Total Inventory (SF)	Tenure*	Direct Available (SF)	Sublease Available (SF)	Q2 2023 Net Absorption (SF)	YTD Net Absorption (SF)	Vacancy Rate (%)	Direct Wtd Avg Net Asking Rent (NNN) (\$/SF/Mo)**	Avg Op Exp Net Asking Rent (\$/SF/Mo)
Honolulu	96	2,268,832	Free Simple	43,058	0	(846)	(21,758)	1.90%	\$1.54	\$0.64
Wailea	721	9,971,400	Free Simple	112,791	0	13,166	(2,278)	1.13%	\$1.40	\$0.62
Kalihi	74	663,005	Leasehold	0	0	0	0	0.00%	N/A	N/A
Sand Island	109	4,227,764	Leasehold	22,097	0	5,294	(5,166)	0.52%	\$1.70	\$0.40
Maunapuna	126	4,667,824	Free Simple	15,500	0	0	(15,500)	0.33%	\$1.45	\$0.45
Ala Moana	1126	21,796,025	Free Simple	193,446	0	17,614	(44,702)	0.99%	\$1.60	\$0.58
West Oahu	384	10,992,638	Free Simple	32,956	0	36,061	84,922	0.50%	\$1.72	\$0.50
Campanelli Industrial Park	123	5,202,560	Free Simple	35,234	0	(6,699)	13,088	0.88%	\$1.16	\$0.44
Halawa	84	2,764,610	Leasehold	19,742	0	9,785	3,845	0.71%	\$1.65	\$0.56
Pearl City/Aiea	45	1,661,948	Free Simple	4,242	0	3,992	800	0.26%	\$2.44	\$0.75
Pearl City Industrial Park**	32	762,292	Free Simple	2,380	0	(2,380)	(2,380)	0.31%	N/A	N/A
Gentry Business Park	68	1,801,766	Free Simple	0	0	20,664	44,168	0.00%	N/A	N/A
Milwau	37	443,120	Free Simple	0	0	0	16,389	0.00%	N/A	N/A
Walapahu	130	2,752,442	Free Simple	6,592	0	5,000	22,100	0.24%	\$1.50	\$0.35
Total Central Oahu	384	10,992,638	Free Simple	32,956	0	36,061	84,922	0.50%	\$1.72	\$0.50
East Oahu	105	1,258,964	Free Simple	16,703	0	5,625	(9,360)	1.35%	\$1.80 to \$2.35 MG	N/A
OAHU TOTALS	1,832	41,553,036	Free Simple	317,298	0	19,388	20,243	0.75%	\$1.41	\$0.49

- **Terms and Definitions**
 - **Inventory** - Industrial buildings greater than 2,500 square feet located on the island of Oahu, inclusive of owner user, and single tenant buildings.
 - **Total Square Feet** - All rentable industrial space exclusive of common areas, yard space and fire escapes.
 - **Vacant Space** - Industrial space that is not occupied by a tenant. This includes sublease space that is unoccupied.
 - **Vacancy Rate** - The ratio of vacant industrial space divided by the total industrial inventory square footage.
- **Net Absorption** - The net change in occupied space over a period of time. Year-to-date net absorption is the difference in occupied space between the end of the previous year and the current quarter.
- **Direct weighted Average Asking Rent (NNN)** - The ratio of aggregate landlord asking rents divided by the total available space within a specific geography.
- **Average Operating Net Expense** - The average rate of tenant expenses such as building utilities, management fees, building maintenance, real property taxes and insurance within a specific geography.
- **NNN Rents** - Rents exclusive of building operating expenses.

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Associate

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Exhibit "C"
Item No. F-1

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Richard Kuitunen, Administrator 

FROM: Peter "Kahana" Albinio, Jr., General Professional
Land Management Division 

Subject: Approval to Adopt DHHL New Revocable Permit Program; Authorization of the Chairman of the Hawaiian Homes Commission to Grant Renewals of All DHHL Complaint Revocable Permits; Approval to Authorize the Chairman of the Hawaiian Homes Commission to Issue, Amend, and Terminate Revocable Permits; and Authorization to Convert all Compliant Existing Right-of-Entry Permits to Revocable Permits as of January 1, 2024

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) grant its approval to the following:

1. Approve and adopt the new Process and Procedure for Issuance of Revocable Permit to provide Land Management Division with guidance in the disposition of available lands for short-term use through the issuance of revocable permits for various purposes, such as **general** (agriculture, grazing of cattle etc.), **community** (public, private or non-profit), or **business** (commercial or industrial activities).
2. Approve the Application and Qualification Form (attached) and the General Guidelines and scoring criteria (attached) for each type of Revocable Permit used under the Pilot Program.
3. Approve the process of granting renewal of ALL revocable permits statewide at one HHC meeting en masse, as a "package," excluding those whose purpose has ended or are being terminated for non-compliance by May of each year for the following fiscal year of July 1 through June 30. Permits issued after July 1 shall have a term ending the following June 30.
4. Authorize the Chairman, HHC, to independently issue, amend, and terminate revocable permits.
5. Authorize the conversion of all existing Right-of-Entry Permits in full compliance back to revocable permits as of January 1, 2024 with the same established monthly fee until its first renewal date of July 1, 2024.

DISCUSSION

Background Information

In 2012-2013, there were inquiries and concerns raised by the media regarding the Department of Hawaiian Home Lands' (DHHL) application and management of revocable permits. The Land Management Division (LMD), with the assistance of an Assessment Committee created by then Governor Abercrombie, reviewed the process and procedure of the then existing Revocable Permit Program. The Assessment Committee identified several challenges in the RP program, including that it suffered from a public perception of mismanagement, lax enforcement, and inconsistent application of the rules. The Assessment Committee issued a recommendation on interim action and potential program reform.

At the July 22-23, 2013 regular monthly meeting, the HHC approved an "Interim Process" to address the transition period for the Revocable Permit (See Exhibit "A").

At the January 19-20, 2021 regular monthly meeting, the HHC a new Revocable Permit Pilot Program (See Exhibit "B"). This pilot program addressed the challenges identified and provided a clear path forward for the RP Program.

Revocable Permit Pilot Program

To better reflect the specific land uses permitted under the short-term disposition, the HHC approved three types of RPs: (1) General RP (for agricultural and pastoral uses), (2) Business RP (for commercial and industrial uses), and (3) Community RP (for uses by community and nonprofit organizations). LMD went through the DHHL land inventory and came up with three potential parcels for the pilot program. LMD engaged the services of a consultant and created guidelines for each type of RP with an application form and scoring criteria.

For the pilot General RP, a parcel of approximately 100 acres in Honomu, Island of Hawaii, was made available for pasture use. For the pilot Business RP, a parcel of approximately 1 acre in Kalaeloa, Island of Oahu, was made available for industrial use. For the pilot Community RP, a parcel of approximately 2 acres in Waimanalo, Island of Oahu, was made available for community purpose use.

The consultant also worked with our Information Community Relations Office (ICRO) staff on an outreach plan to inform interested beneficiaries, beneficiary organizations, beneficiary-owned businesses, and Native Hawaiian organizations of the availability of parcels under the Revocable Permit Pilot program. In October 2022, the availability of these parcels was posted on our website and through the outreach plan made known to interested entities.

Only one applicant each submitted an application for the General RP and the Business RP. Two applicants submitted applications for the Community RP. A committee of three staff members reviewed and scored each application and made its recommendation to move forward with the sole Business RP applicant and the highest scoring Community RP applicant. The sole General RP applicant was determined to not meet the criteria for awarding a RP, so no recommendation was made for that category. At its September 16-17, 2023 regular monthly meeting, the HHC approved the first two new revocable permits to be issued by DHHL since 2013.

The response to this pilot program was not as LMD had hoped for. There were only four applications submitted, and only three applicants were found to be qualified to be awarded a RP. Furthermore, the committee review of applications took longer than expected. Nonetheless, the process does provide a clear pathway to move forward and LMD will adjust as it moves forward from the lessons learned from the pilot program.

New Revocable Permit Program

DHHL stewards approximately 205,000 acres of land statewide. LMD manages all Hawaiian home lands not under homesteads or homestead developments. It is generally preferable to have long-term leases with better returns than RPs typically provide. Shorter term dispositions do, however, provide additional income to the Trust while serving a very useful function in helping LMD to administer DHHL's fiduciary responsibility to manage and maintain its land holdings. Factors justifying short-term disposition include:

- specific conditions of a parcel that preclude long-term leasing (*e.g.*, insufficient utilities infrastructure);
- inability to subdivide a parcel; and
- wanting to keep a parcel available for future long-term plans.

RPs often are a management tool to provide presence on DHHL lands to prevent trespassing, dumping, illegal activities, fire risks, etc. This is particularly beneficial for those parcels which, by their nature, have limited demand for the use or uses DHHL would like them to be put to.

Having ran the Revocable Permit Pilot Program, LMD is recommending that the HHC adopt and approve the new Revocable Permit Program to provide LMD with the process and procedure to issue new RPs (See Exhibit "C"). LMD will follow this process in a two-phase approach:

- 1) Parcel Identification and Rent Methodology – establish criteria to evaluate and identify parcels suitable for short term disposition. Identified parcels will be posted on DHHL website and made available for short term use or any potential applicant can request directly to LMD to offer a certain property for short-term use.
- 2) Outreach and Application – reaching out to beneficiaries, beneficiary organizations and businesses to inform of the availability of parcels under month-to-month use. Applicants will be given a time-period to submit applications and LMD will review and recommend to Chairman the selected applicants for the short-term use of Hawaiian home lands.

Approve and adopt the process and procedure of issuance of Revocable Permit

The HHC set minimum qualifications for those interested in getting an RP from DHHL:

1. The Applicant must file and complete the Application and Qualification Form (See Exhibit "D")
2. The Applicant must be in compliance with the State of Hawaii Vendor requirements (*e.g.* Hawaii Compliance Express).

3. The Applicant must provide proof of its ability to procure and maintain, at its own cost and expenses, in full force and effect throughout the term of the permit, a policy of general comprehensive liability insurance.
4. The use of the land proposed by the Applicant can NOT trigger an environmental assessment as determined by OEQC or DHHL Planning Office.
5. Applicant must demonstrate that it is proactively making its best effort to reach out to beneficiaries for job training, internship, or employment opportunities.

In addition to the minimum qualifications, each type of RP will have its own specific guidelines for application and scoring criteria that LMD will follow in reviewing the application (See Exhibit “E”). The scoring process does provide for points for benefits to beneficiaries and for native Hawaiian ownership and control of an applicant entity.

Annual Renewal of all Revocable Permits Statewide

Section 171-55 of the Hawaii Revised Statutes, as amended, states that revocable permits may be continued on a month-to-month basis for an additional one-year period with the approval of the HHC. Instead of submitting on an island/district basis once a year with recommendations on rental or term, LMD is recommending that all renewals statewide be submitted under one recommendation in May of each year for the following fiscal year. Upon approval, the permittees will then be informed of the HHC action. The benefits of a one-time renewal of all RPs are: (1) Less confusion on LMD and Fiscal Office on the effective date of the renewal since all will be on the same start and end date; and (2) Only one submittal to the HHC to cut down on the HHC’s review time.

Authorize Chairman to Issue, Amend, and Terminate Revocable Permits

In accordance with Section 10-2-16(a) of the DHHL’s Administrative Rules, the Chairman is delegated the authority to use the permits for greater management flexibility under Section 202, Title 2 of the Hawaiian Homes Commission Act, 1920, as amended, which states in part that “The respective Commission may delegate to the Chairman such duties, powers, and authorities or so much thereof, as may be lawful or proper for the performance of the functions vested in the commission.” On May 31, 1985, the HHC did authorize the Chairman to issue, amend, renew and terminate revocable permits. However, since the implementation of the Interim Process, all requests have been submitted to the HHC for approval. LMD believes that the delegation of authority to issue, amend and terminate RPs to the chairman will improve the efficiency and effectiveness of the program. Therefore, LMD is again requesting approval to delegate such authority to the Chairman. The annual renewal of all revocable permits will still be presented to the HHC for review and approval.

Convert all existing Right-of-Entry Permits in full compliance back to Revocable Permits

In 2013 during the interim process approved by the HHC, all RPs in compliance with terms and conditions of the permits were converted to Right-of-Entry permits until the new RP Program is approved and adopted. LMD is recommending that all the Right-of-Entry permits carried over from the old program, permits issue or renewed under the Interim Process should be converted back to Revocable Permits which is the proper documentation for the short-term disposition authorized under Section 171-55, HRS, as amended.

AUTHORITY

Sections 171-6, -13, and -55, Hawaii Revised Statutes, as amended, govern the revocable permit process.

RECOMMENDATION

LMD recommends approval of the requested motion/action as stated.

MOTION/ACTON

Moved by Commissioner Hopkins, seconded by Commissioner DaMate, to adjourn to executive session to address the remaining executive session item from yesterday.

RECESS 12:25 p.m.

EXECUTIVE SESSION

The Commission convened in executive meeting pursuant to Section 92-5 (a)(4), HRS, to consult with its legal counsel on questions and issues pertaining to the Commission's powers, duties, privileges, immunities, and liabilities.

4. Interim Process to Address Transition Period for the Revocable Permit Program

MOTION/ACTION

Moved by Commissioner Hopkins, seconded by Commissioner DaMate to reconvene to the regular meeting. Motion carried unanimously.

RECONVENE 1:10 p.m.

ITEM NO: F-7

SUBJECT: Approval of Interim Process to Address Transition Period for the Revocable Permit Program

RECOMMENDATION

Administrator Linda Chinn recommended that the Hawaiian Homes Commission grant approval of an Interim Process to address a transitional period pertaining to all Revocable Permits (RP) statewide:

1. to allow Land Management Division to issue a notification letter to all Revocable Permittees that agreements expired on June 30, 2013, with no renewable approval;
2. to offer a Right-of-Entry (ROE) permit to those in full compliance, subject to the conditions listed in A through G;
3. to offer a 30-day period to the RP's not in compliance, to allow for corrective action with the follow-up inspection, to ensure compliance prior to issuance of an ROE;
4. to authorize the termination action against those that fail to correct the cited violation after the 30-day compliance period;
5. to authorize DHHL to request assistance from the Department of the Attorney General and DHHL Enforcement Team for any legal actions for termination and eviction process.

MOTION

Moved by Commissioner Hopkins and seconded by Commissioner DaMate.

DISCUSSION

Commissioner Hopkins deemed this action would create an interim solution and create rules for the program and preferred removing Item No. 4, if amenable with other commission members.

AMENDED MOTION

Moved by Commissioner Hopkins, seconded by Commissioner Kahikina, to remove the recommended Item No. 4 from this submittal.

DISCUSSION

The Chair noted that for those (RP's) not brought back into compliance they will need to come before the commission and ask for reconsideration and approval. Commissioner Kahikina requested for a list of those leases that had issues. The Chair noted that the information will be made available at the next commission meeting.

ACTION ON AMENDED MOTION

Motion approved unanimously.

DISCUSSION

Commissioner Hopkins thanked those RP holders that have offered resolution to the RP issue and thanked the department for taking on a huge task. Monitoring the RP's is a tremendous task for six (6) team members to manage over 200,000 acres of land. He thanked the beneficiaries for having faith that the commission and department can resolve the issues. L. Chinn said the department will introduce a new revocable permit program within the next few months and bring it before the commission for initial approval before consultation with the beneficiaries on all islands before final approval by the commission. A roll call vote was taken.

AE (7)

ARTATES
DAMATE
DAVIS
HOPKINS

AOLE (0)

KAHIKINA
TASSILL (*)
MASAGATANI
(*) with reservations

ACTION ON ORIGINAL MOTION

Motion carried unanimously, as amended.


7-0
Approved/
Amendments

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

July 22-23, 2013

To: Chairman and Members, Hawaiian Homes Commission

From: Linda Chinn, Administrator
Land Management Division 

Subject: Approval of Interim Process to Address Transition Period
for the Revocable Permit Program

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission grants its approval to the Interim Process to address transition period pertaining to all Revocable Permits (RP) Statewide:

1. Issue notification letters to **ALL** RPs that the agreements had expired on June 30, 2013 with no renewal approval.
2. Offer a Right-of-Entry (ROE) permit for those RPs in full compliance subject to the following conditions:
 - a. The term of the ROE permit shall be month to month, up to twelve (12) months, effective on July 1, 2013;
 - b. The monthly fee shall remain the same as with the original RP document as shown on Exhibit "A". All fees listed as gratis shall be adjusted to \$20.00 per month;
 - c. The premises shall be used in the same manner as allowed under the original RP document, and other such terms and conditions agreed upon under the original RP document;
 - d. Permittees shall comply with the insurance requirements as provided in the ROE permit, and naming the Department of Hawaiian Home Lands (DHHL) as additional insured;
 - e. Permittees shall comply with all rules, regulations, ordinances and/or laws of the State of Hawaii and any other municipal and/or Federal Government authority applicable to the use of the premises;
 - f. Permittees shall comply with all standard provisions of the Right-of-Entry permits; and

g. The Right-of-Entry permit document shall be subject to final review and approval by the deputy Attorney General.

3. Offer a 30-day period to the RPs **NOT** in compliance to allow for corrective actions, with follow up inspection to ensure compliance prior to the issuance of the ROE permit.

Remove

~~4.~~ Authorize termination action against those that fail to correct cited violations after the 30-days compliance period. *Bring back to HHC*

5. Authorize DHHL to request assistance from the Department of the Attorney General's office and DHHL Enforcement Team for any legal action necessary for termination and eviction process.

DISCUSSION

Land Management Division (LMD) has been reviewing the Revocable Permit (RP) Program in response to recent concerns raised. Governor Neil Abercrombie has created an Assessment Committee to assist the Department of Hawaiian Home Lands (DHHL) in this review.

On June 4, 2013, an initial meeting was held with the Assessment Committee. DHHL briefed the Hawaiian Homes Commission on June 14, 2013 on this initial meeting with the Assessment Committee. On June 27, 2013, LMD brief the Assessment Committee on the PR Program and initial recommendation on the interim action and potential program reform.

LMD has identified the following challenges in the current RP Program:

1. Dramatic increase in requests for land
2. Insufficient resources to keep up with inspection and enforcement
3. Short term use has become longer term. Permittees develop a sense of ownership and entitlement to the property
4. Unpermitted subleasing occurring along with other violations
5. External forces exert influence on management of the program
6. Program currently suffers from perception of mismanagement; lax enforcement; inconsistent application of the rules

BACKGROUND

DHHL Land Inventory

The 203,500+ acres of Hawaiian home lands inventory are:

Kauai	20,575 acres
Oahu	8,177 acres
Maui	31,905 acres
Lanai	50 acres

Molokai 25,748 acres
Hawaii 117,500 acres

Approximately 20% of DHHL land inventories are under various homestead leases.

Authority for RP Program

- Hawaiian Homes Commission Act, 1920, as amended, §204(a)(2)
- Chapter 171, Hawaii Revised Statutes, as amended, §171-55
- Hawaiian Homes Commission actions of March 30, 1984, May 31, 1985, and October 31, 1986

Purpose of the Revocable Permit Program

LMD is tasked to manage and maintain unencumbered lands and lands not in homestead use; market and manage designated revenue-producing lands and properties; carry out enforcement activities; and maintain a land inventory and real property transaction records.

The purpose of the RP Program is to provide LMD with a process and procedure in the use of lands that are not immediately required for homesteading purposes for our beneficiaries, general leasing, and/or other purposes for long-term durations for short-term durations through the issuance of revocable permits:

It is also a land management tool in the management of available lands to ensure maintenance of the lands at minimum cost to the DHHL.

FY 2013 Revocable Permit Use

As of June 30, 2012, there are a total of 178 permits issued, generating \$2.661 Million in revenue for the Trust. The oldest RP still in effect since issuance is RP 11, dated 8/1/1977. Majority of the permits are for passive uses with no major improvement costs. Majority of the Kalaeloa lands are for industrial uses.

The following Table summarizes five (5) years of RP activities

Year	# of RP	Acreages	Total Land %	RP Revenue	RP Rev %
2012	178	32,239.169	15.8%	\$2,661,326	19.1%
2011	195	29,384.940	14.4%	\$2,679,803	23.2%
2010	195	29,384.904	14.4%	\$2,679,803	23.2%
2009	182	28,494.135	14.0%	\$2,677,274	24.3%
2008	175	28,886.120	14.2%	\$2,526,654	24.4%

LMD is currently reviewing the existing program and hope to have a new program for any short-term use of Hawaiian home lands ready for HHC review and approval in about 4 months. However, all RPs expired on June 30, 2013 without HHC approval for further renewal. To transition from existing situation until new program is approved and

administrative rules are in place to implement, LMD is recommending that an Interim Process to Address Transition Period for the Revocable Permit Program utilizing the Right-of-Entry permit process be approved by the HHC.

RECOMMENDATION

Land Management Division recommends approval of the requested motion/action as stated.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the motion as stated in the submittal						
Commissioner	1	2	A'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: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passed unanimously- nine (9) Yes votes.						

LAND MANAGEMENT DIVISION

ITEM F-1 APPROVAL of New Revocable Permit Pilot Program

RECOMMENDED MOTION/ACTION

Executive Assistant to the Chairman Jobie Masagatani presented the following:

Motion that the Hawaiian Home Commission approve the New Revocable Permit Pilot Program.

J. Masagatani incorporated comments and suggestions from Commissioners into the submittal as follows:

- The permit could be canceled by DHHL upon 30 days advanced notice in writing to the tenant or permit holder.
 - Shouldn't this read Permit Holder only?
 - J. Masagatani stated to delete the word tenant
- Part 2, 3) Community RP add: Adjacent lands to Kuleana communities Agricultural and Pastoral. This will allow the Kuleana community to provide a presence on lands adjacent to their communities.
 - J. Masagatani stated making that explicit helps to identify that the types of projects that would be considered for community RP
- Part 4, 3) a. Proposed monthly rent (20 points automatically credited if minimum DHHL rent is met.) Deposit?
 - J. Masagatani stated they would include the language that is currently under the business RP
 - The 3rd bullet indicated that proof of funds through the most recent bank statements that amount for the security deposit of 2 times the proposed monthly rent is immediately available. Including evidence that the general RP applicant has the funds for the deposit as part of the documentation required to apply. That language is already included under the business RP as the 3rd bullet; it would be included in this section.

- The Department conducts an annual physical inspection of premises to ensure compliance with the RP's terms and conditions. Department shall investigate all reports of improprieties of the permit holder. All information to be provided to the Commission at the annual island commission meeting to continuance the RP.
 - J. Masagatani stated that the Department does not have the staff resources now for a physical inspection. An annual notarized statement that indicates full compliance to the RP's terms and conditions allows the Department to reevaluate as resources are available to confirm the permit holder's statement.
 - The gold standard strived for is the annual review of compliance with the RP's terms and conditions.
 - J. Masagatani stated the adjustment to the submittal would be to add a part 8, entitled "Compliance," which would be on Page 8 before the authority, and the Department would pick up the language at the bottom which indicates: The Permit Holder shall provide an annual notarized statement indicating full compliance to the terms and conditions of the Revocable Permit.

J. Masagatani stated requested that the Commission approve LMD's New Revocable Permit Pilot Program as outlined.

Commissioner Awo asked on the permit holder's annual inspection who will be conducting those inspections from staff, J. Masagatani stated the Land Management Division would do the inspections. However, the staffing is down right now, so one possibility is that the Department could seek services to assist with that inspection. Commissioner Awo appreciated the permitting process's accountability and that the gold standard is worthy of consideration as this has been a recurring problem.

J. Masagatani stated first if the certification or the notarized statement says that if you lie, it can be enforceable under law. Provisions that say if you lie, you can be held personally responsible in a criminal way. It will allow for that annual certification that the permit holder certifies that his business is up to date. The Department is trying to start with good applicants, so the application process is rigorous. The third thing is the maximum amount of time an applicant can be a permittee holder is five years.

Commissioner Awo stated even holding the permittees accountable for lying still requires resources to verify. If the issue of capacity is not resolved, the Department is back to square one.

Commissioner Ka'apu asked what starts the process for a particular property; someone coming to the Department and inquiring of a particular parcel, or is it Department initiated? J. Masagatani stated the Department initiates the process.

Commissioner Ka'apu suggested that it would make sense to pilot all three or at least two, the business and the general RP. The community ones he stated are problematic because of the large parcels associated with those. The Department should look at if those large parcels are broken down into smaller parcels that can go to the communities or look at the entire acreage.

Commissioner Ka'apu agreed with Commissioner Awo that the problem in enforcement is an ongoing one that needs to be solved. The message going out is the Department is holding beneficiaries responsible for paying their mortgages. Still, because of the staff shortage, the Department will not hold the permit holders to the same standard as it is the beneficiaries. He stated number one is the staff is in touch with the RP holders; they can call if they cannot physically. He asked if the Department is going to hire someone, is there a way to collaborate

with the associations or other groups and hire them to fulfill that role of going through a checklist? He favors the pilot and moves it forward as it will give the Department a good idea of what the issues are going to be. J. Masagatani stated that a more explicit language could be put in regarding an annual review, and identify, in the pilot, how to get to that and learn from that experience.

Commissioner Ka'apu stated the most egregious examples were the RP holders that did not pay rent for ten years. That kind of non-compliance should be very evident because the Department is not getting a check. They got to pay their bill, which should be the absolute gold standard, and someone should notice when the bill is not paid. There are ways to resolve that without having the staff go out; he thinks the Department can get around it.

Commissioner Neves stated he would like to see an annual, notarized statement. If the person built something he should not have after that notarized statement, he is gone. That is the kind of action the Department needs. To give that person 60 days to take it down is unacceptable after they said they comply 100%. They should just get a 30-day notice to get out.

Commissioner Neves stated the Department must act right away. The Department does a physical inspection because if there are improprieties, it will go against that person trying to qualify for extending the RP. The five year gets away from those who have been on the RP for 20 years. He stated that is one thing to put out: at the end of the five years, there will be a full inspection of the property before returning into the pool. If the Department finds impropriety, it works against the person on the RP.

Commissioner Neves stated the Department runs it through the AG, stating it needs a notarized statement and the notarized statement needs to comply with the contract. K. Albinio stated he would pull the Revocable Permit template that LMD has had for years and go through it with the AG to get the terms and conditions the Department is seeking in there.

Commissioner Teruya asked if the Department had a similar pilot to this in 2013. J. Masagatani stated the Department did not. Commissioner Teruya asked how the Department protects that revenue to ensure compliance to get the full amount.

Commissioner Awo stated the annual inspections are problematic. The beneficiaries expect that the Department is committed to holding others to a standard. If it is nothing more than just a gesture, it creates more frustration towards the Department when beneficiaries see watch violations occur. Like rulemaking, the Department continues to make rules that it cannot enforce. Commissioner Awo stated here is the Department, yet again, creating an expectation for the beneficiaries that it cannot commit itself to see it through. It is another problem that the Department is creating for itself.

J. Masagatani stated that both languages could be put in the notarized statement and the annual inspection. As a pilot, the Department may need to see its ability to meet the compliance obligation. There has never been a process that has been explicit about the expectations.

Commissioner Awo stated when the Department is awarding permits: the applicants have met some threshold that qualifies them to receive the permits. When things go south, and the Department cannot regulate the activity, it becomes problematic. He suggested the Department pursue the possibility of contracting some of these services out.

Commissioner Neves asked if the Department could hire a contractor. J. Masagatani stated the Department could hire professional services that do not duplicate services that are available through civil service. The Department would procure the contractor as it does any other professional service provider.

Commissioner Ka'apu stated that if this is going to be contracted, a monthly premium could be added to the contract and collected from every RP holder. The premium can be used to hire the contractor. If it is passed on to the RP holders, the beneficiaries and the Trust are not bearing the compliance burden, and it becomes a cost of doing business for the RP holder.

J. Masagatani stated the request under the Part A Compliance, LMD would pick up both paragraphs suggested by Commissioner Neves. Commissioners would get all the changes by the end of the day so that the Commission can see the updated submittal.

Commissioner Awo asked if it would be appropriate to include and/or, if necessary, a contractor or outside service. J. Masagatani stated it is not necessary as it is implied.

MOTION/ACTION

Moved by Commissioner Ka'apu, seconded by Commissioner Neves, to approve the motion as amended in F-1.						
Commissioner	1	2	AE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Helm		X	X			
Commissioner Ka'apu			X			
Commissioner Kaleikini			X			
Commissioner Ka'upu			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Commissioner Teruya					X	
Chairman Ailā			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed unanimously- eight (8) Yes votes. One (1) Abstain						

ITEMS FOR INFORMATION/DISCUSSION

WORKSHOPS

OFFICE OF THE CHAIRMAN

- ITEM C-3 For information Only – Status of the FCC 2.5 GHz Tribal Priority Window Licenses & Congressional Stimulus Package Allocations for Broadband Development Homestead Services Division

RECOMMENDED MOTION/ACTION

None. For information only. Deputy Tyler Gomes presented the following:

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

January 19-20, 2021

To: Chairman and Members, Hawaiian Homes Commission

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

Jobie Masagatani, Executive Assistant
Office of the Chairman

Subject: Approval of New Revocable Permit Pilot Program

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission approve LMD's New Revocable Permit Pilot Program as outlined below and amended:

BACKGROUND:

The revocable permit (RP) is a document utilized by the Department to grant permission to an individual or an entity to occupy and utilize Hawaiian home lands on a short-term basis. In the past, revocable permits allowed for permitted use of Hawaiian home lands on a month-to-month basis for up to a 12 month period with permission renewed on an annual basis. This permit could be cancelled by DHHL upon 30 days advance notice in writing to the permit holder.

In the past, RPs were utilized by DHHL as a land management tool to provide for presence on DHHL lands thereby reducing the costs for land management related activities including but not limited to preventing trespassing, dumping, illegal activity, fires, etc.; fencing; posting and maintaining adequate signage; landscaping; etc. RPs have also added to DHHL's revenue stream, although revenue generation is usually a secondary benefit of this primarily land management tool.

In 2014, DHHL stopped issuing RPs as it undertook an evaluation of its RP program, and since that time several discussions have occurred with the Commission as to the best way to proceed with reforming DHHL's RP program.

In November 2020 Commissioners provided substantive feedback to staff on item F-2 "Approval of Revised Application and Review Process for New Revocable Permit Pilot Program". This feedback is incorporated into the New Revocable Permit Pilot Program discussed in the section, below. The following Discussion lays out all elements of the RP Program as envisioned when fully rolled out. However, since this is intended to be a pilot, after Phase 1, an evaluation is anticipated and adjustments to the program elements will likely occur.

DISCUSSION:

New Revocable Permit Pilot Program

AMENDED
ITEM NO. F-1

Part 1: -- Pilot Program Phases:

The purpose for this pilot is to introduce the program on a limited basis to test the new concepts and adjust before rolling out the program on a broader scale. To this end, the New RP Pilot Program will roll out in two phases:

Phase 1: Outreach and Application is intended to focus on reaching out to beneficiaries, beneficiary organizations, and beneficiary businesses to inform these entities of the change in program and invite participation. Phase 1 will be limited to a small group of parcels (1-3, final selection to be determined) and is focused primarily on outreach and the selection process for tenants. For the Phase 1 parcels, rent will be determined utilizing the current methodology, although upon acceptance by the Commission and implementation of the new methodology for determining rents, the rent will be adjusted appropriately.

Phase 2: Parcel Identification and Rent Methodology is intended to include establishing a criteria to evaluate and identify parcels that could be considered for a longer-term land disposition, such as a general lease, and the remaining parcels that can be utilized on a short term basis. Parcels that could be available for a longer-term disposition may be phased into general leasing over time (given staffing constraints). As this phase-in occurs, RPs may be available until the property is put into general leasing.

Phase 2 will also include a review of the methodology to determine upset rent for a parcel under a RP.

Following any adjustments to the Outreach, Application, and Selection processes and the completion of Phase 2, staff will return to the HHC for final approval of the New Revocable Permit Program including the full roll out schedule.

Part 2: -- Types of RP:

To better reflect the land use permitted by the RP, the new program will issue three types of RPs.

- 1) General RP – similar to the typical RP, this RP is utilized when the primary purpose of the permitted use is to provide a presence on the land, thereby reducing the cost to DHHL for land management related activities. Further, RPs that do not fall into either one of the following two categories would fall into this General category.
- 2) Business RP – This RP is utilized by DHHL when the use is expected to benefit the trust primarily through the generation of revenue.
- 3) Community RP – This RP is utilized by DHHL when the use is for a project that primarily benefits a particular geographic community/area or that is intended to provide services that directly benefit a community of beneficiaries, e.g., DHHL applicants on a particular island. Projects on adjacent lands to Kuleana agricultural or pastoral communities are eligible. For community projects that are in their initial stages of due diligence for a longer-term disposition like a license (regional priority projects, for example) the disposition DHHL will issue is a Right of Entry.

Part 3: Minimum Qualifications:

Entities interested in receiving an RP must meet the following required qualifications before their application is scored:

- (1) In Compliance with State of Hawaii vendor requirements (e.g. Hawaii Compliance Express). If the applicant is an individual requesting a General RP for a remnant parcel and intends to simply maintain the property, two recent years of both State and Federal tax returns may be substituted for compliance with Hawaii Compliance Express.
- (2) Insurance – Tenants must provide proof of its ability to procure and maintain, at its own cost and expense in full force and effect throughout the term of the permit, general liability insurance with a company authorized to do business in the State of Hawaii at the amounts required by the type¹ of RP naming the State of Hawaii, Department of Hawaiian Home Lands (DHHL) as additional insured.
- (3) No EA – The use of land proposed by the tenant can NOT trigger an environmental assessment as determined by DHHL's Planning Office.

Part 4: Selection Criteria

For General RP:

CRITERIA	POINTS
(1) Proposed Use and Ability to Deliver – “Good Idea/Plan” a. Applicant provides well thought out plan and demonstrated ability to execute.	0-25
(2) “Good Tenant” – a. Applicant has a history as an excellent tenant. If no recent lessor or landlord relationships exist for tenant (within last 2 years) evidence of excellent credit history may be considered along with professional, trade, and commercial references.	0-25
(3) Benefit to DHHL and its beneficiaries a. Proposed monthly rent (20 points automatically credited if minimum DHHL rent is met) b. Brief statement of applicant's proposed benefits, directly and indirectly to DHHL beneficiaries. Support to organizations that support Native Hawaiians or the public at large may be considered if evidence is provided, that resources are targeted/directed to DHHL beneficiaries in some way. Examples include (but are not limited to): • Active outreach to beneficiaries for job training, internship, or	0-50

¹ A Community RP or General RP issued for a neighboring homestead lessee caretaking an adjacent remnant DHHL parcel may not require the same level of insurance as a Business RP.

<p>employment opportunities.</p> <ul style="list-style-type: none"> • Targeted contributions (monetary or in-kind volunteer services)² to organizations that provide direct services to beneficiaries e.g., donations to food banks, health, homeless services, or any other social service organizations that provide direct services to homestead areas or areas with a high beneficiary population. • Targeted contributions (monetary and/or in-kind volunteer services) to self-help housing organizations with demonstrated history of building homes on Hawaiian home lands. • Applicant is a beneficiary. • Other proposed services. 	
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Documentation for Application:

- Statement of intended use and proposed improvements, if any.
- Proof of funds for improvements, if applicable, through bank statements, credit line availability, loan pre-approval, or other source of financing.
- Resume of principals and team members demonstrating any knowledge and experience in the specific field/area of the proposed use.
- Federal and state tax returns and financial statements (if applicant is a business or non-profit entity) for the prior two calendar years and YTD current year. If applicant is an individual copy of up-to-date credit report should be provided.
- Any proof of history as excellent tenant with no termination or enforcement actions within the last 2 years.
- Excellent history with DHHL (if currently or a prior lessee or license holder) and
- At least 2 and no more than 5 professional/commercial references
- Proof of funds through the most recent bank statements that amounts for the security deposit of two times (2x) the proposed monthly rent is immediately available. If the applicant is selected, a cashier's check must be submitted prior to final execution of the RP.

For Business RP:

Business RPs are intended for DHHL properties that show the greatest potential to earn income for the RP applicant and DHHL. It is intended for more mature businesses with a longer track record. Therefore, the documentation required from the RP applicant is more rigorous than the documentation required for a General or Community RP.

For business entities or individuals that are just starting out, the general RP is the best way to demonstrate track record on DHHL lands.

CRITERIA	POINTS
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² The number of hours expected to be contributed in a year should be noted along with any specialized skills that may be included (e.g. attorney services, accounting services, carpentry, electrical, etc). Monetary donations or in-kind donations of volunteer hours require a letter confirming the donation from the receiving organization for the tenant to remain in compliance if an RP is awarded.

<p>(1) Proposed Use and Ability to Deliver –“Good Idea/Plan”</p> <p>a. Applicant provides well thought out plan and demonstrated ability to execute.</p>	<p>0-20</p>
<p>(2) “Good Tenant” –</p> <p>a. Applicant has a history as an excellent tenant. If no recent lessor or landlord relationships exist for tenant (within last 2 years) evidence of excellent credit history may be considered along with professional, trade, and commercial references.</p>	<p>0-25</p>
<p>(3) Benefit to DHHL and its beneficiaries</p> <p>a. Proposed monthly rent (20 points automatically credited if minimum DHHL rent is met as a base rent.) Applicant can propose additional rent options including higher base rent, base plus a percentage rent, etc. to strengthen application.</p> <p>b. Brief statement of applicant’s proposed benefits, directly and indirectly to DHHL beneficiaries. Support to organizations that support Native Hawaiians or the public at large may be considered if evidence is provided, that resources are targeted/directed to DHHL beneficiaries in some way.</p> <p>Examples include (but are not limited to):</p> <ul style="list-style-type: none"> • Active outreach to beneficiaries for job training, internship, or employment opportunities. • Targeted contributions (monetary or in-kind volunteer services)³ to organizations that provide direct services to beneficiaries e.g., donations to food banks, health, homeless services, or any other social service organizations that provide direct services to homestead areas or areas with a high beneficiary population. • Targeted contributions (monetary and/or in-kind volunteer services) to self-help housing organizations with demonstrated history of building homes on Hawaiian home lands. • Applicant is a beneficiary. • Other proposed services. 	<p>0-55</p>

Documentation for Application:

- Statement of intended use and proposed improvements, if any.

³ The number of hours expected to be contributed in a year should be noted along with any specialized skills that may be included (e.g. attorney services, accounting services, carpentry, electrical, etc). Monetary donations or in-kind donations of volunteer hours require a letter confirming the donation from the receiving organization for the tenant to remain in compliance if an RP is awarded.

- Proof of funds for improvements, if applicable, and ability to pay rent on an ongoing basis through bank statements, credit line availability, loan pre-approval, or other source of financing.
- Proof of funds through the most recent bank statements that amounts for the security deposit of two times (2x) the proposed monthly rent is immediately available. If the applicant is selected, a cashier's check must be submitted prior to final execution of the RP.
- Business plan with 3-year proforma.
- Resume of principals and team members demonstrating knowledge and experience in the specific field/area of the proposed business use, including all professional certifications held.
- State and federal tax returns and financial statements for the prior three calendar years and YTD current year.
- Proof of history as excellent commercial tenant proof of history as excellent tenant with no termination or enforcement actions within the last 3 years minimum.
- Proof of holding all permits and licenses required for the proposed business use for the last three years minimum.
- At least 2 and no more than 5 professional/commercial references, including bank and banker).
- Excellent history with DHHL (if currently or a prior lessee or license holder); and
- Proof of written understanding and acknowledgement that proposed use is exempt from preparing an Environmental Assessment under HRS Chapter 343, per DHHL's June 30, 2015 exemption list as approved by the Environmental Council, which shall demonstrate knowledge and/or personal experience in dealing with federal, state, and county regulations and agencies governing such use.

For Community RP:

CRITERIA	POINTS
(1) Proposed Use and Ability to Deliver a. "Good Idea/Plan"— Applicant provides well thought out plan and demonstrated ability to execute.	0-25
(2) "Good Tenant" – a. Applicant has a history as an excellent tenant. If no recent lessor or landlord relationships exist for tenant (within last 2 years) evidence of excellent credit history may be considered along with professional, trade, and commercial references.	0-25
(3) Adequate Outreach and Consultation with Targeted Community	Meets/Does Not Meet

Projects must receive approval by the Hawaiian Homes Commission to receive a Community RP. Community RPs may be issued on a rolling basis as community projects are considered.

To be eligible to receive a community RP applicant must meet the minimum qualifications and score at least a combined score of 40 points (80% of total) for criteria 1 & 2 under the General RP program. The applicant is expected to maintain the premises for the term of the permit even

if the community project does not move forward in any substantive way during the term and pay the minimum rent (if it is not gratis).

Applicant must also demonstrate that adequate outreach and consultation with the targeted community was conducted. A report identifying what activities were conducted and attendees that were reached (through sign in sheets; mail out lists; meeting minutes; etc). should be submitted for staff review and Commission consideration as part of the approval process.

Note that a community RP is appropriate for a use that is intended to be short term (or a trial basis) and minimal improvements to the land. Examples include farmer's markets, tented areas for community movie nights, community garden, etc.

Documentation for Application:

- Statement of intended use and proposed improvements, if any.
- Proof of funds for improvements, if applicable, through bank statements, credit line availability, loan pre-approval, or other source of financing.
- Resume of principals and team members demonstrating any knowledge and experience in the specific field/area of the proposed use.
- Federal and state tax returns and financial statements (if applicant is a business or non-profit entity) for the prior two calendar years and YTD current year. If applicant is an individual copy of up-to-date credit report should be provided. This requirement may be waived if rent is intended to be gratis.
- Any proof of history as excellent tenant with no termination or enforcement actions within the last 2 years.
- Excellent history with DHHL (if currently or a prior lessee or license holder)
- At least 2 and no more than 5 professional/commercial references
- Community outreach and consultation report

Part 5: Term

All RPs may be renewed annually for up to five years from the initial start of the RP if the tenant is in compliance with all of the terms and conditions of the RP. After five years, if the property is still available for a short-term use, applicants must resubmit an application for an RP and go through the competitive process to receive a new RP (General/Business) or a staff review and recommendation (Community RP).

Part 6: Selection Process – General and Business RPs

A Committee of no less than three (3) and no more than five (5) individuals shall review and score the applications. Committees may include non-staff individuals with sufficient expertise to assist in the review. The Selection Committee for Business RPs should include at least 1 individual familiar with business, banking, commercial real estate, business/real estate law, finance, or development.

If more than one entity applies for a parcel, the applicants will be ranked in order of their score and the ranking shall be shared with the Commission as part of the submittal seeking approval. If more than one entity applies for a parcel and if the highest total score is the same for two or more applicants, the names of the applicants with the highest total scores will be placed in a container and selected at random by a staff member not participating on the Selection Committee with at least one witness present.

Applicants not awarded may contest and seek a reconsideration by the Commission with deadlines mirroring the State's procurement process. Only one reconsideration is allowed per selection process by the Commission to consider all protests to the award.

If a parcel receives a single application, the total score must be at least 80 to be considered for award.

Part 7: Outreach

LMD and OCH staff will engage with ICRO staff on a suitable outreach plan to inform interested beneficiaries, beneficiary organizations, beneficiary-owned businesses, and Native Hawaiian organizations and Native Hawaiian owned businesses of this Pilot Program and DHHL's intention to move to a new method of distribution of its RPs.

It is anticipated that outside services will need to be procured to assist in the implementation of this Pilot Program given the limited staff resources available in LMD. Once a more defined roll out schedule is determined, existing RP holders will also need to be notified that renewal of their RP may not be possible and continued use will require an application and selection.

Part 8: Compliance

The Department to conduct an annual physical inspection of premises to ensure compliance with all terms and conditions of the Revocable Permit. Department shall investigate any and all reports of improprieties of the permit holder. All information to be provided to the Commission at the annual island Commission meeting for continuance of the Revocable Permit.

The Permit Holder shall provide an annual notarized statement indicating full compliance to the terms and conditions of the Revocable Permit.

AUTHORITY

Authority to Issue Revocable Permits

- Hawaiian Homes Commission Act, 1920, as amended, Section 204(2)
- Hawaii Revised Statutes, Chapter 171, Section 171-55, Permits, as amended
- Hawaii Administrative Rules, Title 10, Department of Hawaiian Home Lands, Chapter 4, Management of Hawaiian Home Lands, Subchapter 1, Land Management, Section 10-4-1 Lease of Lands.

RECOMMENDATION

Land Management Division and the Office of the Chairman respectfully recommends approval of the motion as stated for the following reasons:

- The use of a Pilot Program in a phased approach allows for adjustments to be made and a step-by-step approach as DHHL moves toward full implementation of a new Revocable Permit program that provides for greater transparency and fairness to the DHHL's beneficiaries and the general public.

- Improve efforts to ensure the safe, appropriate, and approved use of Hawaiian home lands.
- Strengthen DHHL's ability to fulfilling its mission in servicing native Hawaiian beneficiaries; and
- Enhances DHHL's ability to maintain and manage its lands and potentially increase the revenues generated for the trust.

DEPARTMENT OF HAWAIIAN HOME LANDS

SUBJECT: ISSUANCE OF REVOCABLE PERMITS

PURPOSE:

To provide the Department of Hawaiian Home Lands' Land Management Division with process and procedures in the disposition of available lands for short-term duration through the issuance of revocable permits for various purposes, such as general agriculture, grazing of cattle, public, private, community or business activities with the following premise:

1. All available Hawaiian home lands that are not immediately required for native Hawaiian homesteading, general leasing and/or other purposes for long-term duration shall be available to the general public for month-to-month tenancy through the issuance of revocable permits.
2. Maximum DHHL's annual revenue from available lands through good management practices conducted on lands utilized by way of revocable permits.
3. Reduce the acreage of available lands utilized under revocable permits, while increasing DHHL's revenue that are derived from such land dispositions.

COMMISSION ACTIONS AND APPROVAL:

1. On *February 25, 1982*, the Hawaiian Homes Commission adopted the following policy, which applies only for revocable permits issued for pastoral and agricultural lands on the Island of Kauai:

a. Minimum Rent Charges for Kauai Pastoral and Agricultural Lands

Adoption of standardized rental charges, in lieu of an appraisal, for present and/or future permittees who are or will be renting on a month-to-month revocable permits basis, those Hawaiian home lands utilized for pasture and/or agricultural purposes, excluding sugar cane cultivation, on the Island of Kauai, subject to the following conditions :

- 1) The rent for pasture land shall be \$54.00 per acre per annum or \$4.50/acre/month; and
- 2) For general agricultural lands, rent shall be \$117.00 per acre per annum, or \$9.75/acre/month.

2. On *March 30, 1984*, the Hawaiian Homes Commission adopted the following policies:

a. Minimum Rent Charge for Revocable Permits

- 1) Adoption of a minimum rent charge of \$20.00 per month or \$240.00 per annum for all revocable permits;

b. Annual Renewal of Revocable Permits

- 1) Adoption of a "package" method of annually renewing revocable permits through utilization of the following procedure:
 - a) DHHL's LMD will submit annual renewals of revocable permits on an island /district basis once each year with its recommendations to HHC (this adoption was amended);
 - b) Upon approval of LMD's recommendations, the permittees will then be informed of the HHC's action; and
 - c) Fiscal Instrument shall be prepared to Fiscal Office for any adjustments to the annual/monthly rent.

c. Maximum Number of Revocable Permits Allowed Per Household

- 1) Adoption of a proposal to limit one (1) revocable permit for each household per use.

3. On *May 31, 1985*, the Hawaiian Homes Commission adopted the following policy:

a. Authority to Issue, Amend, Renew and Terminate Revocable Permit
(Replaced November 20-21, 2023)

- 1) Authorize the Chairman of the HHC to issue, amend, renew and terminate revocable permits, subject to the following stipulation:
 - a) That copy of the correspondence relating to the revocable permits be sent to the Commissioner(s) of the respective island.

4. On *October 31, 1986*, the Hawaiian Homes Commission adopted the following policy:

a. Issuance of Revocable Permits for Agricultural Purposes

- 1) Adoption of a policy for Revocable Permits Issued for Agricultural Purposes, which shall be considered prior to proposed Revocable Permit land disposition;

- a) For Revocable Permit for agricultural purposes, which involve more than forty (40) acres of land, the department shall consider possible impacts on native Hawaiian homestead farmers of the same island location in making recommendation to the Chairman for action. Possible impacts to be considered may include availability of water, market share and prices.
 - b) The Permittee named in the revocable permit must have ownership in the crops produced on the land proposed for disposition. In the event the permit is issued to more than one (1) individual, at least one of the individuals must maintain active management of the parcel's land use and crop production. This policy is not intended to restrict a permittee's rights to market crops through any bonafide marketing system.
- 2) This Policy shall be effective as of the date of approval by the Hawaiian Homes Commission, and as may from time to time be amended, shall remain in effect till repealed any the Hawaiian Homes Commission.
- 5. At the *July 22-23, 2013* meeting, the Hawaiian Homes Commission suspended the issuance of new Revocable Permits and instructed staff to undertake an evaluation of the RP program. An interim process to address the transition period was approved.
- 6. At the *January 19-20, 2021* meeting, the Hawaiian Homes Commission granted approval to a new Revocable Permit Pilot Program. The new pilot program is to test the new concept on a limited basis and adjust before rolling out new program on a broader scale.

To better reflect land use permitted by RP, the new program will categorize available lands into three types:

- a. General RP - similar to the typical RP, this RP is utilized when the primary purpose of the permitted use is to provide a presence on the lands, thereby reducing the cost to DHHL for land management related activities.
 - b. Business RP - this RP is utilized by DHHL when the use is expected to benefit the Trust primarily through the generation of revenue.
 - c. Community RP - this RP is utilized by DHHL when the use is for a project that primarily benefits a particular geographic community /area or that is intended to provide services that directly benefit a community of beneficiaries.
- 7. **On November 20-21, 2023, the Hawaiian Homes Commission adopted the following on the issuance of Revocable Permit:**
 - a. Approve and adopt the new Process and Procedure for Issuance of Revocable Permit to provide Land Management Division with guidance in the disposition of

available lands for short-term use through the issuance of revocable permits for various purposes, such as **general** (agriculture, grazing of cattle etc.), **community** (public, private or non-profit), or **business** (commercial or industrial activities).

- b. Approve the Application and Qualification Form and the General Guidelines and scoring criteria for each type of Revocable Permit used under the Pilot Program.
- c. Authorize the Chairman, HHC, to issue, amend, renew, and terminate revocable permits.
- d. Authorize the conversion of all existing Right-of-Entry Permits in full compliance of all terms and conditions back to revocable permits as of January 1, 2024 with the same established monthly fee until its first renewal date of July 1, 2024.

AUTHORITY:

1. Hawaiian Homes Commission Act, 1920, as amended, Section 204(2), "In the management of any retained available land not required for leasing under Section 207(a), the department may dispose of such lands to the public, including native Hawaiians, on the same terms, conditions restrictions and uses applicable to the disposition of public lands as provided in Chapter 171, Hawaii Revised Statutes; provided, that the department may not sell or dispose of such lands in fee simple except as authorized under Section 205 of this Act."
2. Hawaii Revised Statutes, as amended, Section 171-55, Permits, "The board of land and natural resources may issue permits for the temporary occupancy of state lands or interests therein on a month-to-month basis under such conditions which will serve the best interests of the State, subject, however, to such restrictions as may from time to time be expressly provided by law. Such permit on a month-to-month basis may continue for a period not to exceed one year from date of issuance; provided that the board [commission] may allow the permit to continue on a month-to-month basis for additional one-year periods."

PROCESS AND PROCEDURES

Revocable permits offering and issuance shall be initiated by Land Management Division, Land Management Branch (LMB). Any prospective Applicant can initiate the process by submitting a written request or file a Land Request Form to use certain parcels of lands of interest for the temporary use.

1. LMB shall research and review DHHL's General Plans, Island Plans and Regional Plans, as well as State land use designation and respective county land use and zoning code to identify potential parcels of lands (including easement and other encumbrances on record) and possible uses.
 - a. Phase 1: Parcel Identification and Rent Methodology is intended to include establishing criteria to evaluate and identify parcels that could be considered for a longer term land disposition, such as general leases, and the remaining parcels that can be utilized on a short term basis. This Phase 1 will also include a review of methodology to determine upset rent for a parcel under RP uses.
 - b. Phase 2: Outreach and Application is intended to focus on reaching out to beneficiaries, beneficiary organizations, and beneficiary businesses to inform these entities of the change in program and invite application.
2. LMB shall draft Memorandum to Planning Office (PO) and Land Development Division (LDD) for comments on potential land parcels for short term disposition.
3. If PO and LDD determine use is permissible, then LMB shall establish the monthly proposed permit fee for each of the selected parcel.
 - a. Community RP - Minimum \$20 per month
 - b. General RP - depending on the type and intensity of the use to determine (Prior HHC approval shall guide permit fee determination)
 - c. **Business RP - Monthly fair market permit fee shall be determined by taking a 8% capitalization rate on the most recent County Real Property Tax Assessed Value(s) divided by the twelve months**
4. LMB to prepare recommendation for Chairman's approval. Each revocable permit should have a specific justification.
5. Once approval granted, post notice on DHHL's website and newsletter Ka Nuhou as well as other publications of the availability of such land parcels for short term Revocable Permit use.
6. Interested individual/corporation/community must submit application on the application form, which can be downloaded from DHHL official website, together with the required document within the deadline set in the notification.
7. LMB will convene an evaluation committee comprising of three (3) members of DHHL staff to review all applications submitted within the deadline. Each member of the evaluation committee shall score the applications based on the guidelines/matrix

for each type of RP categories approved by the Hawaiian Homes Commission, and such may be amended from time to time.

8. LMB will present the review result and prepare a recommendation for the issuance of new RPs to the Chairman, Hawaiian Homes Commission. The applications with the highest score will be recommended for the month-to-month disposition for the temporary use of Hawaiian home lands.
9. If Chairman approves the issuance, LMB shall draft the revocable permit, which is reviewed by LMD Administrator, and assigned the appropriate account number.
10. The draft document shall be forwarded to DHHL's deputy attorney general for review and approval as to form.
11. The original and one (1) copy of the permit document shall then be routed to prospective permittees for proper signature and notarization, with the instruction to return all documents to DHHL for final execution, together with the appropriate processing fee, security deposit, first month's rent and certificate(s) of insurance, naming DHHL as additional insured.
12. LMB shall prepare Fiscal instrument and route same to Fiscal Office to create new account. Payments shall be deposited and credited to the new account.
13. LMB shall prepare draft of cover letter to Permittee, transmitting a fully executed copy of the revocable permit for permittee's file.
14. LMB shall prepare Form P-66A (Real Property data) and distribute as follows:
 - a. City & County of Honolulu - 2 copies of WHITE form;
 - b. County of Maui - 2 copies of BLUE form;
 - c. County of Hawaii - 2 copies of YELLOW form;
 - d. County of Kauai - 2 copies of PINK form
 - e. DHHL LMD subject file - 1 copy
15. LMB shall open a new RP file and all pertinent correspondence, approval and a copy of the permit shall be filed. DHHL respective district office shall be provide a copy for their information and file.

Department of Hawaiian Home Lands

APPLICATION AND QUALIFICATION FORM
For Revocable Permit Use of Hawaiian Home Lands

Mahalo for your interest in the Revocable Permit Program! Please review the information provided within this Application as well as the Property Descriptions and Criteria on the DHHL Program Page.

Application must be received no later than:

4pm HST on _____, _____, 2024

Via Email: DHHL.LMDRP@hawaii.gov

In Person at:

DHHL Land Management Division
91-5420 Kapolei Parkway
Kapolei, Hawaii 96707

Via mail: P. O. Box 1879, Honolulu, Hawaii 96805

It is the applicant's responsibility to ensure that the application is received by the date and time indicated through one of the methods above. If by U.S. Postal Service, postmark by _____ will be considered received on-time. It is recommended to submit the application early to ensure receipt on-time. Email submittals are strongly recommended. Applications must be complete. Incomplete applications will not be considered. It is up to the discretion of the reviewer to determine whether minor or technical clarifications or additions can be accepted after submission.

Purpose of Revocable Permit Program

The Revocable Permit (RP) is utilized by the Department of Hawaiian Home Lands (DHHL) to grant permission to an individual or an entity to occupy and utilize Hawaiian home lands on a short-term basis. RPs are utilized as a land management tool to provide for presence on DHHL lands thereby reducing the costs for land management related activities including but not limited to preventing trespassing, dumping, illegal activity, fires, etc; fencing; posting and maintaining adequate signage; landscaping; etc. RPs have also added to DHHL's revenue stream, although revenue generation is usually a secondary benefit of this primarily land management tool.

Authority

The Hawaiian Homes Commission Act (HHCA) Section 204(2) and 207(c) authorize DHHL to dispose of lands for non-homestead purposes on the same terms, conditions, restrictions and uses

EXHIBIT "D"
ITEM NO. F-2

applicable to the disposition of public lands as provided in Hawaii Revised Statutes (HRS) Chapter 171, as amended. HRS 171-55, titled Permit, states that "Notwithstanding any other law to the contrary, the board of land and natural resources [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 board. 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 [commission] may allow the permit to continue on a month-to-month basis for additional one year periods."

Application Process

The application is intended to minimize risk of investing significant time and resources for the Applicant and give DHHL a better idea about the proposed use and applicant potential capacity to implement. Applicants should closely review this application to understand the scope and expectations for RP holders. With questions about this application, please call (808) 620-9450 or by email to DHHL.LMDRP@hawaii.gov.

There are three types of Revocable Permits:

1. **General RP** - a passive use to provide presence on the land, thus reducing the cost to DHHL for land management related activities.
2. **Business RP** - for industrial or other business-related use, the use is expected to benefit the trust primarily through the generation of revenue.
3. **Community RP** - for projects that primarily benefit a particular geographic community/area or that is intended to provide services that directly benefit a community of beneficiaries.

Department of Hawaiian Home Lands

Application

Attach a separate page if more space if needed

Name of Applicant

Person to Contact/Title

Applicant's Address

Contact Person's Address

City, State, Zip Code

City, State, Zip Code

Applicant's Telephone No.

Contact Person's Telephone No.

Applicant's Email Address

Contact Person's Email Address

Federal/State Identification No.

List of Corporate Officers and Directors or Individual Partners, Joint Venture or Owners

Name: _____

Name: _____

Title: _____

Title: _____

Telephone No: _____

Telephone No. _____

Address: _____

Address: _____

Please indicate your DHHL beneficiary status:

- ☐ All owners/board members/individual(s) are 50%+ native Hawaiian
☐ Majority ownership/board members are 50%+ native Hawaiian
☐ At least one, but less than majority ownership/board are 50%+ native Hawaiian
☐ None

Applicant intends to apply for the following parcel:

Property Location/Island: _____

Tax Map Key No.: _____ Acres: _____

Type of RP: (circle one). General Business Community

Proposed Rent per month: _____

Describe intended Use:

Describe alignment with the island and/or Regional Plans:

Describe any intended benefit to native Hawaiian HHCA beneficiaries:

Provide any additional information you determine relevant:

Department of Hawaiian Home Lands

There are separate requirements for each type of available RPs. Applicants shall submit the required information together with this Application. Applicants interested in applying an RP must meet the following minimum qualification before the application is accepted and scored:

1. In compliance with State of Hawaii Vendor requirements (e.g. Hawaii Compliance Express). If the Applicant is an individual requesting a General RP for a remnant parcel and intends to simply maintain the property, two recent years of State and Federal tax returns may be substituted for compliance with Hawaii Compliance Express.
2. Insurance. Applicants must provide proof of its ability to procure and maintain, at its own cost and expenses in full force and effect throughout the term of the permit, a general comprehensive liability insurance with a company authorized to do business in the State of Hawaii in the amount required by the type of RP naming the State of Hawaii, Department of Hawaiian Home Lands (DHHL) as additional insured.
3. No EA. The use of land proposed by the Applicant can NOT trigger an environmental assessment as determined by DHHL's Planning Office. DHHL's list of exempt uses as approved by the Environmental council is available on the DHHL website or here:
https://files.hawaii.gov/dbedt/erp/Agency_Exemption_Lists/State-Department-of-Hawaiian-Home-Lands-Exemption-List-2021-04-06.pdf.
4. Benefits to DHHL/DHHL Beneficiaries. Applicant must demonstrate that it is proactively making its best effort to reach out to beneficiaries for job training, internship, or employment opportunities. Applicant can also provide information on targeted contribution (monetary or in-kind) to organizations that provide social services to beneficiaries or self-help housing organizations.
5. Financial Information Required. Financial information submitted shall be kept confidential and shall not be considered as a public record as defined in Chapter 92, Hawaii Revised Statutes, as amended.

In addition to the financial information required for each type of RP use, Applicant shall be required to submit the following:

1. If Applicable a certified copy of the Article of Incorporation
2. If Applicable a certified copy of the By-Laws
3. A current Certificate of Good Standing from the Department of Commerce and Consumer Affairs*
4. A current Tax Clearance from the Department of Taxation and Internal Revenue Service*

*3 and 4 may be met through a Certificate of Vendor Compliance through Hawaii Compliance Express: <https://vendors.ehawaii.gov/hce/>.

Department of Hawaiian Home Lands

The UNDERSIGNED APPLICANT understands that DHHL is relying on the information provided herein to qualify and represents and warrants that the information provided is true and complete. The UNDERSIGNED APPLICANT agrees to provide other information that DHHL deems necessary to determine the qualification of the Applicant.

By submitting this application, the Applicant acknowledges and understands that DHHL has a fiduciary responsibility to its beneficiaries and the Applicant's proposed use of DHHL property shall not in anyway harm DHHL's ability to fulfil its mission under the Hawaiian Homes Commission Act, 1920, as amended

Name of Company/Individual

Signature

Title, if applicable

Date

DEPARTMENT OF HAWAIIAN HOME LANDS

Land Management Division

General Guidelines For Application for **GENERAL** Revocable Permits Revised October 2023

Revocable Permits allow only for the temporary occupancy of Hawaiian home lands or interest therein on a month-to-month basis for up to 12 months and under such conditions which will serve the best interest of the Department, subject to such restrictions as may be expressly provided by law. The permit could be cancelled by the Department or the Permit Holder upon 30 days' advance notice in writing.

Revocable Permits are authorized under Hawaii Revised Statutes (HRS) Section 171-55, titled Permit, as amended.

The Hawaiian Homes Commission, at its regular monthly meeting of January 19-20, 2021, authorized a Revocable Permit Pilot Program for the short-term use of Hawaiian home lands. At its regular monthly meeting of October 16-17, 2023, the Hawaiian Homes Commission authorized the new Revocable Permit (RP) Program for short-term uses under three categories: General RP, Business RP, and community RP.

General RP

General RP is similar to the typical RP, for which the primary purpose of the permitted use is to provide a presence on the land, thereby reducing the cost to DHHL for land management related activities. Further, RPs that do not fall into the other 2 categories would fall into this General category.

Prospective Applicant must either a) submit a letter addressed to the Chairman, Hawaiian Homes Commission, P. O. Box 1879, Honolulu, Hawaii. 96805, ATTN: Land Management Division or b) complete the Application and Qualification Form provided on the DHHL official website.

The application must include the following documentation:

1. Statement of intended use, and proposed improvements, if any. The proposed use of the land cannot trigger an environmental assessment as determined by DHHL's Planning Office. DHHL's Comprehensive Exemption List updated March 3, 2021 and concurred upon by the Environmental Council on April 6, 2021 is available on DHHL's official website or here: https://files.hawaii.gov.dbedt/erp/Agency_Exemption_Lists/State-Department-of-Hawaiian-Home-Lands-Exemption-List-2021-04-06.pdf.
2. Proof of funds for improvements, if applicable, through the most current bank statements, credit line availability, loan pre-approval, or other sources of financing.
3. Resume of principals and team members demonstrating any knowledge and experience in the specific field/area of the proposed use.
4. Federal and state tax returns and financial statements (if applicant is a business or non-profit entity) for the prior two calendar year and YTD current year. If applicant is an individual, copy of up-to-date credit report and prior 2 year tax returns should be provided.

5. Proof of history as excellent tenants with no termination or enforcement actions within the past 2 years minimum.
6. At least 2 and no more than 5 professional/commercial references.
7. Excellent history with DHHL (if currently or a prior lessee or license holder)
8. Proof of funds through the most recent bank statements that minimally covers the security deposits of two times (2x) the proposed monthly rental and is immediately available.
9. Remit a check in the amount \$75.00 for processing fee with the application made payable to the Department of Hawaiian Home Lands. If awarded, an additional \$100.00 for documentation fee will be due.

Scoring Criteria for General RP

QUALIFICATIONS	SELECTION CRITERIA	POINTS
Proposed Use - "Good Idea/Plan"	Applicant provides well thought out plan and demonstrated ability to exercise, proposed use can NOT trigger an environmental assessment	0-10
Ability to Deliver - "Financial"	Proof of funds for security deposits, monthly permit fee and improvements, if any, or demonstration of ability to secure necessary funds for land and programmatic needs	0- 5
	Resume of principals and team members demonstrating any knowledge and experience in the specific field/area of the proposed use	0- 5
	Federal and State tax returns and financial statements for the prior two calendar years. If applicant is an individual copy of up-to-date credit report	0- 5
Good Tenant	<p>Applicant has a history as an excellent tenant with no termination or enforcement actions within the last two (2) years.</p> <p>For individuals, a copy of your credit report may be submitted for consideration (www.annualcreditreport.com provides access to personal credit reports). Credit and legal history may be verified by DHHL.</p> <p>Where relevant, excellent tenant history with DHHL will be considered (depending upon circumstances, history may become a basis for disqualification)</p> <p>Good history = 4 points Great history = 7 points Excellent history = 10 points</p>	0-15
	Applicant to provide at least 2 and no more than 3 professionals, trade, and commercial references. If professional references are not available, then personal references or other measures that assist in demonstrating the strength of the applicant may be submitted for consideration	0-10
Proposed Benefit, directly and indirectly to DHHL and its beneficiaries	<p>Applicant must meet minimum monthly rent</p> <ul style="list-style-type: none"> • Meeting minimum rent = 10 points • 50% above minimum rent = 15 points • 50%+ above minimum rent – 16-20 points 	0-20

QUALIFICATIONS	SELECTION CRITERIA	POINTS
	Applicants can propose additional rent options including higher base rent, base rent plus percentage rent, etc. to strengthen application.	
	<p>Benefits to beneficiaries:</p> <ul style="list-style-type: none"> • Minimum benefit = 0 – 10 points • Moderate benefit = 10 – 30²⁰ points • Maximum benefits = 20³⁰ – 50³⁰ points <p>Applicant shall demonstrate active outreach to beneficiaries for job training, internship, or employment opportunities.</p> <p>Examples of direct and indirect benefit:</p> <ul style="list-style-type: none"> • Members of Native Hawaiian Chamber of Commerce and/or other business organizations • Targeted contributions (monetary or in-kind volunteer services) to organizations that provide direct services to beneficiaries and/or social service organizations that provide direct services to homestead areas or areas with a high beneficiary population • Targeted contributions (monetary or in-kind volunteer services) to self-help housing organization with demonstrated history of building homes on Hawaiian home lands • Applicant is a beneficiary • Other proposed services 	0-30

DEPARTMENT OF HAWAIIAN HOME LANDS

Land Management Division

General Guidelines For Application for **BUSINESS** Revocable Permits Revised October 2023

Revocable Permits allow only for the temporary occupancy of Hawaiian home lands or interest therein on a month-to-month basis for up to 12 months and under such conditions which will serve the best interest of the Department, subject to such restrictions as may be expressly provided by law. The permit could be cancelled by the Department or the Permit Holder upon 30 days advance notice in writing.

Revocable Permits are authorized under Hawaii Revised Statutes (HRS) Section 171-55, titled Permit, as amended.

The Hawaiian Homes Commission, at its regular monthly meeting of January 19-20, 2021, authorized a Revocable Permit (RP) Pilot Program for the short-term use of Hawaiian home lands. At its regular monthly meeting of October 16-17, 2023, the Hawaiian Homes Commission authorized the new Revocable Permit (RP) Program for short-term uses under three categories: General RP, Business RP, and community RP:

Business RP

Business RPs are intended for DHHL Properties that show the greatest potential to earn income for the Applicant and DHHL. It is intended for more mature businesses with a longer track record.

Prospective Applicant must either a) submit a letter addressed to the Chairman, Hawaiian Homes Commission, P. O. Box 1879, Honolulu, Hawaii. 96805, ATTN: Land Management Division or b) complete the Application and Qualification Form provided in the DHHL official website.

Prospective Applicants must complete the Application and Qualification Form provided on the DHHL Official Website. The application must include the following documentation:

1. Statement of intended use, and proposed improvements, if any. The proposed use of the land must be alignment with the DHHL Regional Plan (See: <https://dhhl.hawaii.gov/po/regional-plans>).
2. The proposed use of the land cannot trigger an environmental assessment as determined by DHHL's Planning Office. DHHL's Comprehensive Exemption List updated March 3, 2021 and concurred by the Environmental Council on April 6, 2021 is available on DHHL's official website.
3. Proof of funds for improvements, if applicable, and ability to pay fees on an ongoing basis through bank statements, credit line availability, loan pre-approval, or other sources of financing.
4. Proof of funds through the most current bank statements that amounts for the security deposit of two times (2x) the proposed monthly fee is immediately available.
5. If Applicant is a corporation, a copy of the Article of Incorporation, Amendments, if any, and the By-laws is required.
6. Business plan with 3-year pro-forma.

7. Resume of principals and team members demonstrating knowledge and experience in the specific field/area of the proposed business use, including all professional certificates held.
8. Federal and state tax returns and financial statements for the prior three calendar years and YTD current year.
9. Proof of history as excellent commercial tenants with no termination or enforcement actions within the past 3 years minimum.
10. Proof of holding all permits and licenses required for the proposed business use for the last 3 years.
11. At least 2 and no more than 5 professional/commercial references including a letter of recommendation from the Applicant's banker, which attests to the Applicant's creditworthiness.
12. Excellent history with DHHL (if currently or a prior lessee or license holder).
13. Remit a non-refundable check in the amount of \$75.00 for a processing fee made payable to the Department of Hawaiian Home Lands. If awarded, an additional \$100.00 will be due for a documentation fee.

Scoring Criteria for Business RP

QUALIFICATIONS	SELECTION CRITERIA	POINTS
Proposed Use - "Good Idea/Plan"	Applicant provides well thought out plan and a Business Plan with 3-year pro forma	0- 5
	Resume of principals and team members demonstrating any knowledge and experience in the specific field/area of the proposed use	0- 5
Ability to Deliver - "Financial"	Proof of funds for any proposed improvements, security deposits, and monthly rent through the most recent bank statement, credit line availability, loan pre-approval, or other source of financing	0- 5
	Federal and State tax returns and financial statement for the prior two calendar years. If applicant is an individual copy of up-to-date credit report	0- 5
Good Tenant	<p>Applicant has a history as an excellent commercial tenant with no termination or enforcement actions within the last (2) years</p> <p>For individuals, a copy of your credit report may be submitted for consideration (www.annualcreditreport.com provides access to personal credit reports). Credit and legal history may be verified by DHHL</p> <p>Where relevant, excellent tenant history with DHHL will be considered (depending upon circumstances, history become a basis for disqualification)</p> <p>Good history = 4 points Great history = 7 points Excellent history = 10 points</p>	0- 10
	Proof of holding all permits and licenses required for the proposed business use for the last 3 years minimum	0- 5
	Applicant to provide at least 2 and no more than 5 professional/commercial references, including bank and banker	0- 5

QUALIFICATIONS	SELECTION CRITERIA	POINTS
	<p>Proof of written understanding and acknowledgment that proposed use is exempt from preparing an Environmental Assessment under HRS Chapter 343, per DHHL's March 3, 2021 exemption list as approved by the Environmental Council, which demonstrate knowledge and/or personal experience in dealing with Federal, state, and county regulations and agencies governing such use</p>	0- 5
Proposed Benefit, directly and indirectly to DHHL and its beneficiaries	<p>Proposed monthly rent</p> <ul style="list-style-type: none"> • Meeting minimum rent = 10 points • 50% above minimum rent = 15 points • 50%+ above minimum rent – 16-20 points <p>Applicant can propose additional rent options including higher base rent, base rent plus percentage rent, etc. to strengthen application</p>	0-20
	<p>Benefit to beneficiaries:</p> <ul style="list-style-type: none"> • Minimum benefit – 0-10 points • Moderate benefit – 10-20 points • Maximum benefit – 20-30²⁵ points <p>Applicant shall demonstrate active outreach to beneficiaries for job training, internship, or employment opportunities</p> <p>Examples of direct and indirect benefit:</p> <ul style="list-style-type: none"> • Member of Native Hawaiian Chamber of Commerce and/or other business organizations • Targeted contributions (monetary or in-kind volunteer services) to organizations that provide direct services to beneficiaries and/or social service organizations that provide direct services to homestead areas or areas with a high beneficiary population • Targeted contributions (monetary and/or in-kind volunteer services) to self-help housing organizations with demonstrated history of building homes on Hawaiian home lands • Applicant is a beneficiary • Other proposed service 	0- 35

DEPARTMENT OF HAWAIIAN HOME LANDS

Land Management Division

General Guidelines For Application for **COMMUNITY** Revocable Permits Revised October 2023

Revocable Permits allow only for the temporary occupancy of Hawaiian home lands or interest therein on a month-to-month basis for up to 12 months and under such conditions which will serve the best interest of the Department, subject to such restrictions as may be expressly provided by law. The permit could be cancelled by the Department or the Permit Holder upon 30 days' advance notice in writing.

Revocable Permits are authorized under Hawaii Revised Statutes (HRS) Section 171-55, titled Permit, as amended.

The Hawaiian Homes Commission, at its regular monthly meeting of January 19-20, 2021, authorized a Revocable Permit Pilot Program for the short-term use of Hawaiian home lands. At its regular monthly meeting of October 16-17, 2023, the Hawaiian Homes Commission authorized the new Revocable Permit (RP) Program for short-term uses under three categories: General RP, Business RP, and community RP.

Community RP

Community RPs are intended for DHHL Properties that can be utilized by the homestead community organizations or native Hawaiian organizations for activities that benefits the neighboring homestead communities. A community RP is appropriate for a use that is intended to be short term (or on a trial basis) with minimum improvements to the land. Examples include farmers' markets, tented areas for community movie nights, community gardens, etc.

Prospective Applicant must either a) submit a letter addressed to the Chairman, Hawaiian Homes Commission, P. O. Box 1879, Honolulu, Hawaii. 96805, ATTN: Land Management Division or b) complete the Application and Qualification Form provided on the DHHL official website.

The application must include the following documentation:

1. Statement of intended use, and proposed improvements, if any. The proposed use of the land cannot trigger an environmental assessment as determined by DHHL's Planning Office. DHHL's Comprehensive Exemption List updated March 3, 2021 and concurred upon by the Environmental Council on April 6, 2021 is available on DHHL's official website.
2. Statement that Applicant has conducted adequate outreach and consultation with the targeted community and such proposed use is supported by the community.
3. Proof of funds through the most current bank statements that amounts for the security deposit of two times (2x) the proposed monthly fee is immediately available.
4. If Applicant is a corporation, a copy of the Article of Incorporation, Amendments, if any, and the By-laws is required.
5. If Applicant is a non-profit organization, proper IRS 501(c)(1) or IRS 501(c)(3) documentation is required.

6. Resume of principals and team members demonstrating knowledge and experience in the specific field/area of the proposed business use, including all professional certificates held.
7. Federal and state tax returns and financial statements for the prior three calendar years and YTD current year.
8. Proof of history as excellent tenants with no termination or enforcement actions within the past 2 years minimum.
9. At least 2 and no more than 5 professional/commercial references.
10. Excellent history with DHHL (if currently or a prior lessee or license holder).
11. Remit a check in the amount of \$275.00 (\$75.00 for processing fee, and \$100.00 for documentation fee), made payable to the Department of Hawaiian Home Lands.

Scoring Criteria for Community RP


QUALIFICATIONS	SELECTION CRITERIA	POINTS
Proposed Use - "Good Idea/Plan"	Applicant provides well thought out plan and demonstrated ability to exercise, proposed use can NOT trigger an environmental assessment	0-10
Ability to Deliver - "Financial"	Proof of funds for security deposits, monthly permit fee and improvements, if any, or demonstration of ability to secure necessary funds for land and programmatic needs	0- 5
	Resume of principals and team members demonstrating any knowledge and experience in the specific field/area of the proposed use	0- 5
	Federal and State tax returns and financial statements for the prior two calendar years. If applicant is an individual copy of up-to-date credit report	0- 5
Good Tenant	<p>Applicant has a history as an excellent tenant with no termination or enforcement actions within the last two (2) years.</p> <p>For individuals, a copy of your credit report may be submitted for consideration (www.annualcreditreport.com provides access to personal credit reports). Credit and legal history may be verified by DHHL.</p> <p>Where relevant, excellent tenant history with DHHL will be considered (depending upon circumstances, history may become a basis for disqualification)</p> <p>Good history = 4 points Great history = 7 points Excellent history = 10 points</p>	0-10
	Applicant to provide at least 2 and no more than 3 professionals, trade, and commercial references	0- 5
Proposed Benefit, directly and indirectly to DHHL and its beneficiaries	<p>Applicant must meet minimum monthly rent</p> <p>Applicants can propose additional rent options including higher base rent, base rent plus percentage rent, etc. to strengthen application.</p>	0-10
	<p>Benefits to beneficiaries:</p> <ul style="list-style-type: none"> Minimum benefit = 0 – 10 points 	0-50

QUALIFICATIONS	SELECTION CRITERIA	POINTS
	<ul style="list-style-type: none"> • Moderate benefit = 10 – 30 points • Maximum benefits = 30 - 50 points <p>Applicant shall demonstrate active outreach to beneficiaries for job training, internship, or employment opportunities.</p> <p>Examples of direct and indirect benefit:</p> <ul style="list-style-type: none"> • Members of Native Hawaiian Chamber of Commerce and/or other business organizations • Targeted contributions (monetary or in-kind volunteer services) to organizations that provide direct services to beneficiaries and/or social service organizations that provide direct services to homestead areas or areas with a high beneficiary population • Targeted contributions (monetary or in-kind volunteer services) to self-help housing organization with demonstrated history of building homes on Hawaiian home lands • Applicant is a beneficiary • Other proposed services 	

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Richard Kuitunen, Administrator 
Land Management Division

SUBJECT: Approval to Enter into Procurement for Property Management Services to Manage Multi-Tenant DHHL Properties Statewide; Authorization to Issue a Right-of-Entry Permit to Lease Properties, LLC, Shafter Flats Industrial Subdivision, Moanalua Kai, Island of O‘ahu, TMK Nos.: (1) 1-1-064:019 & :020

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission approve and authorize the following:

A. Utilize professional services procurement to solicit, select and hire a professional Property Management Company for the subject property and future multitenant properties acquired or returned to the Department of Hawaiian Home Lands statewide. Further that upon hiring a Property Management company the Chairman be authorized to enter into space leases with tenants at the property not to exceed an initial term of five (5) years for any such space lease.

B. Issuance of **TWO** (2) month to month right-of-entry permits (ROE) to Lease Properties, LLC, a limited liability corporation, for the use of Hawaiian home lands at Shafter Flats Industrial Development (Existing Tenants”) in Moanalua Kai, Island of Oahu, identified by TMK:(1) 1-1-064:019 & 020, each parcel containing approximately 0.574 acres of land area, together with all improvements located thereon, and further identified hereto as Exhibit "A" and subject to the following conditions:

1. The Premises shall be used for industrial warehouses as permitted under the current City & County of Honolulu zoning code I-2, Intensive Industrial District.
2. Lease Properties, LLC (PERMITTEE) understands that this is a month-to-month permit to use Hawaiian home lands which can be terminated for any or no reason upon a 30-day advance written notice given by either party. PERMITTEE acknowledges and accepts the risk PERMITTEE'S use could be terminated before PERMITTEE has recovered the costs invested in the Premises.
3. The permit fee for the premises shall be THIRTEEN THOUSAND FIVE HUNDRED & NO/100 DOLLARS (\$13,500.00) per month per Right-of-entry Permit (PERMIT). PERMITTOR reserves the right to increase the permit fee upon renewal.

4. PERMITTEE shall be required to pay non-refundable processing and documentation fees of ONE HUNDRED SEVENTY FIVE & NO/100 DOLLARS (\$175.00).
5. PERMITEE is required to place a security deposit equal to two months permit fee or TWNETY SEVEN THOUSAND & NO/100 DOLLARS (\$27,000.00). The security deposit of \$6,666.67 under the soon to expire General Lease No. S-4124 & S-4125 shall be transferred to these new PERMITS and PERMITTEE shall remit the difference of \$20,333.33 upon execution of these PERMITS. PERMITTEE shall not earn any interest on the security deposit. If, upon vacating the Premises, PERMITTEE is in compliance with the terms and conditions of the PERMITS to be issued, the security deposit shall be refunded, less amounts deducted for non-compliance issues, if any.
6. The PERMIT shall incorporate all other terms and conditions under its current leases, with the exception that PERMITEE shall not enter into any Space Lease or Reduce any sublease rent without the prior written consent of PERMITTOR.
7. Other standard terms and conditions of similar right-of-entry permits issued by PERMITTOR, such as liability insurance, site maintenance and real property tax payments.
8. The PERMIT shall be subject to the review and approval of the Department of the Attorney General.
9. Other terms and conditions deemed prudent by the Hawaiian Homes Commission may be added.

DISCUSSION

Historically the Department of Hawaiian Home Lands has not owned multitenant properties. However, with long term General Leases expiring and possible future acquisitions of income producing properties a probable possibility, there is a need to establish a mechanism to address such instances. Establishing its own in-house Property Management Branch is neither economical nor feasible, at this time. By securing professional outside property management services, this task can be implemented.

Contemplated services to be provided include normal day to day operations for the property including, but not limited to, maintaining the property, hiring vendors, supervising capital projects, preparing and adhering to budgets, paying bills, remitting net proceeds in excess of that required for client trust account, providing monthly financials including budget to actual variance reports, collection of rent and common area costs, pursuing delinquencies, tenant relations, space lease compliance, soliciting and preparing leases under the Department of Hawaiian Home Lands guidelines for signature.

Compensation to the Property Manager would include a monthly management services fee and transactional leasing services fee for new and existing space leases.

Lease Properties, LLC is the current holder of General Lease Nos. S-4124 & S-4125, both leases expired on October 9, 2023. Lease Properties has been a responsible tenant for DHHL.

This item proposing the Two month ROE was deferred by the Hawaiian Homes Commission at the regular monthly meeting of October 16-17, 2023 meeting.

At the regular monthly meeting of September 18-19, 2023, the Hawaiian Homes Commission authorized the department to offer eight (8) lots at this subdivision, including these two lots, for public land disposition for 55-year long term general leases. The process to conduct public land disposition will take a while and Lease Properties, LLC has agreed and accepted the terms and condition for a month-to-month use to continue the warehouse operations on the leased premises until DHHL is ready for the public auction.

Should the Hawaiian Homes Commission approve recommendation A, the September 18-19, 2023 shall be modified to comport with approval of recommendation A.

Terms and Condition letters were sent to Lease Properties and they accepted the conditions as noted (See Exhibit “B”)

CHAPTER 343 – ENVIRONMENTL ASSESSMENT

The proposed use will utilize pre-existing improvements and does not significantly differ from the past use of the subject area. Therefore, pursuant to DHHL’s updated Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands as approved by the Environmental Council as of April 6, 2021, the subject request is exempt from the preparation of an environmental assessment pursuant to Type 1, under Part I, titled De Minimis Activities, Type 1, “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.”

AUTHORITY

Motion A

Sections 103D-304, 202(a), and 204(2) Hawaii Revised Statutes, as amended

Motion B

Section 10-4-1 of the Hawaii Administrative Rules, as amended

Section 171-55, Hawaii Revised Statutes, as amended, titled Permits

RECOMMENDATION

Land Management Division respectfully recommends approval of the motions as stated.

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ka Koa 'Aina o ka Moku 'Aina 'o
Hawaii*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hape Kū 'Aina o ka Moku 'Aina
'o Hawaii*



KALI WATSON
CHAIRMAN HHC
Ka Luanu Hu'uhale

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hape Luanu Hu'uhale

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Aina Ho'opulapula Hawaii'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

October 3, 2023

Mr. J. D. Watamull
Lease Properties, LLC
307 Lewers Street, 6th Floor
Honolulu, Hawaii 96815

SENT VIA ELECTRONIC MAIL TO: jared@wpchawaii.com

Dear Mr. Watamull:

Subject: Expiring General Lease No. S-4124, Moanalua Kai, Island of Oahu
Tax Map Key No. (1) 1-1-064:019

Prior to seeking the approval of your request to continue use of the subject parcel, we need to reach a preliminary agreement on the terms and conditions for allowing your use. In this regard, we propose the following:

1. The Premises shall be used for industrial warehouses as permitted under the current City & County of Honolulu zoning code I-2, Intensive Industrial District.
2. Lease Properties, LLC (PERMITTEE) understands that this is a month-to-month permit to use Hawaiian home lands which can be terminated for any or no reason upon a 30-day advance written notice given by either party. PERMITTEE acknowledges and accepts the risk PERMITTEE'S use could be terminated before PERMITTEE has recovered the costs invested in the Premises.
3. The permit fee for the premises shall be \$13,500.00 per month. PERMITTOR reserves the right to increase the permit fee upon renewal.
4. PERMITTEE shall be required to pay non-refundable processing and documentation fees of \$175.00 and place a security deposit equal to two months rent or \$27,000.00. The security deposit of \$6,666.67 under the soon to expire General Lease No. S-4124 shall be transferred to this new Right-of-Entry Permit (PERMIT) and PERMITTEE shall remit the difference of \$20,333.33 upon execution of the PERMIT. PERMITTEE shall not earn any interest on the security deposit. If, upon vacating the Premises, PERMITTEE is in compliance with the terms and conditions of the PERMIT to be issued, the security deposit shall be refunded, less amounts deducted for non-compliance issues, if any.

Exhibit "B"
Item No. F-3

Mr. J.D. Watumull
Lease Properties, LLC
October 3, 2023
Page 2

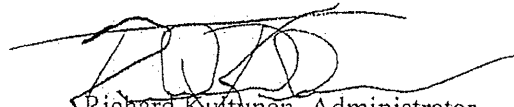
4. No residential use shall be permitted, including temporary overnight camping. However, PERMITTEE shall be allowed to provide a shelter for security personnel, if such persons are hired for security purposes.
5. PERMITTEE shall not be allowed to erect any structures without PERMITTOR'S prior written approval. PERMITTOR reserves the right to limit the number of structures or require removal if the structures are not maintained in good condition. No major alteration or addition of any kind shall be made to the Premises unless plans are first submitted and approved by PERMITTOR.
6. PERMITTEE shall be responsible for the security of the Premises and all of PERMITTEE'S personal property thereon. Except for fencing, which is allowed at PERMITTEE'S option, other kinds of security systems will only be allowed after review and approval of PERMITTOR.
7. PERMITTEE is responsible for payment for all utilities and waste removal servicing the Premises and all repairs and maintenance of utility services shall be paid for by PERMITTEE.
8. PERMITTEE shall comply with all federal, state and county regulations or requirements regarding environmental issues and the safe handling and disposal of toxic or hazardous materials. Upon termination of this Permit, PERMITTEE shall be responsible for environmental clean up of any contamination or hazardous materials brought onto the site or caused by PERMITTEE'S activities on the site.
9. PERMITTEE shall keep the Premises neat and clean at all times, including trimming the vegetation and removing trash on a regular basis.
10. Other standard terms and conditions of similar right-of-entry permits issued by PERMITTOR, such as liability insurance, site maintenance and real property tax payments.
11. The PERMIT shall be subject to the review and approval of the Department of the Attorney General.
12. Other terms and conditions deemed prudent by the Hawaiian Homes Commission may be added.

If the proposed terms and conditions are acceptable, please sign, date and return a copy of this letter. Although your return of the signed letter is not binding on either party, it will be used as a basis for seeking the Commission's approval and drafting a document that will become binding once all the parties have signed.

Mr. J.D. Watumull
Lease Properties, LLC
October 3, 2023
Page 3

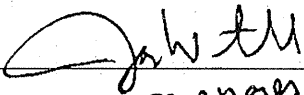
Should you have questions or need further clarification, you may contact Peter "Kahana" Albinio, Jr., Property Development Manager, at (808) 620-9451 or by email at peter.k.albinio.jr@hawaii.gov.

Aloha,


Richard Kuttunen, Administrator
Land Management Division

AGREED AND ACCEPTED:

LEASE PROPERTIES, LLC.

By  _____
manager

Date 10/4/23

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ka Kū'āina o ka Moku'āina o
Hawaii*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kū'āina o ka Moku'āina
o Hawaii*



KALI WATSON
CHAIRMAN, HHC
Ka Luma Ho'okele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hope Luma Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Aina Ho'opulapula Hawaii

P. O. BOX 1879
HONOLULU, HAWAII 96805

October 3, 2023

Mr. J. D. Watamull
Lease Properties, LLC
307 Lewers Street, 6th Floor
Honolulu, Hawaii 96815

SENT VIA ELECTRONIC MAIL TO: jared@wpchawaii.com

Dear Mr. Watamull:

Subject: Expiring General Lease No. S-4125, Moanalua Kai, Island of Oahu
Tax Map Key No. (1) 1-1-064:020

Prior to seeking the approval of your request to continue use of the subject parcel, we need to reach a preliminary agreement on the terms and conditions for allowing your use. In this regard, we propose the following:

1. The Premises shall be used for industrial warehouses as permitted under the current City & County of Honolulu zoning code I-2, Intensive Industrial District.
2. Lease Properties, LLC (PERMITTEE) understands that this is a month-to-month permit to use Hawaiian home lands which can be terminated for any or no reason upon a 30-day advance written notice given by either party. PERMITTEE acknowledges and accepts the risk PERMITTEE'S use could be terminated before PERMITTEE has recovered the costs invested in the Premises.
3. The permit fee for the premises shall be \$13,500.00 per month. PERMITTOR reserves the right to increase the permit fee upon renewal.
4. PERMITTEE shall be required to pay non-refundable processing and documentation fees of \$175.00 and place a security deposit equal to two months rent or \$27,000.00. The security deposit of \$6,666.67 under the soon to expire General Lease No. S-4124 shall be transferred to this new Right-of-Entry Permit (PERMIT) and PERMITTEE shall remit the difference of

Mr. J.D. Watamull
Lease Properties, LLC
October 3, 2023
Page 2

\$20,333.33 upon execution of the PERMIT. PERMITTEE shall not earn any interest on the security deposit. If, upon vacating the Premises, PERMITTEE is in compliance with the terms and conditions of the PERMIT to be issued, the security deposit shall be refunded, less amounts deducted for non-compliance issues, if any.

4. No residential use shall be permitted, including temporary overnight camping. However, PERMITTEE shall be allowed to provide a shelter for security personnel, if such persons are hired for security purposes.

5. No major alteration or addition of any kind shall be made to the Premises unless plans are first submitted and approved by PERMITTOR.

6. PERMITTEE shall be responsible for the security of the Premises and all of PERMITTEE'S personal property thereon. Except for fencing, which is allowed at PERMITTEE'S option, other kinds of security systems will only be allowed after review and approval of PERMITTOR.

7. PERMITTEE is responsible for payment for all utilities and waste removal services and all repairs and maintenance of utility services shall be paid for by PERMITTEE.

8. PERMITTEE shall comply with all federal, state and county regulations or requirements regarding environmental issues and the safe handling and disposal of toxic or hazardous materials. Upon termination of this Permit, PERMITTEE shall be responsible for environmental cleanup of any contamination or hazardous materials brought onto the site or caused by PERMITTEE'S activities on the site.

9. PERMITTEE shall keep the Premises neat and clean at all times, including trimming the vegetation and removing trash on a regular basis.

10. Other standard terms and conditions of similar right-of-entry permits issued by PERMITTOR, such as liability insurance, site maintenance and real property tax payments.

11. The PERMIT shall be subject to the review and approval of the Department of the Attorney General.

12. Other terms and conditions deemed prudent by the Hawaiian Homes Commission may be added.

If the proposed terms and conditions are acceptable, please sign, date and return a copy of this letter. Although your return of the signed letter is not binding on either party, it will be used as a basis for seeking the Commission's approval and drafting a document that will become binding once all the parties have signed.

Mr. J.D. Watamull
Lease Properties, LLC
October 3, 2023
Page 3

Should you have questions or need further clarification, you may contact Peter “Kahana” Albinio, Jr., Property Development Manager, at (808) 620-9451 or by email at peter.k.albinio.jr@hawaii.gov.

Aloha,

Richard Kuizinen, Administrator
Land Management Division

AGREED AND ACCEPTED:

LEASE PROPERTIES, LLC.

By

John H. All
managers


Date _____


Date 10/4/23

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

To: Chairman and Members, Hawaiian Homes Commission

Through Ricard Kuitunen, Administrator
Land Management Division 

From: Kalei Young, Supervising Land Agent
Land Management Division 

Subject: Approval to Issue License, Verizon Company, Nanakuli, Island of Oahu, TMK No.: (1)
8-9-001:004 (por)

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) grant approval to the issuance of a non-benefit license to Verizon Company, (or approved mesna assignees) (“licensee”) for the exclusive use of approximately 390 square feet of Hawaiian Home Lands on the parcel described above and further described on exhibit “A” attached hereto, to operate a cell phone tower facility subject to the following conditions:

- 1) Term will be for ten (10) years, with two five (5)- year rights to extend. The term will commence once the appraisal is completed.
- 2) Fair market license fees, including any applicable back fees, shall be determined by a licensed disinterested appraiser for the first 5 years of the initial 10-year term, with a step-up on the first day of the 6th year of the term as determined by the appraiser mentioned above. Exercising each 5-year option period must be requested in writing by the licensee at least 180 days prior to the ending of each option period. The renewal rate shall be set by an appraiser OR a 4% step-up, whichever the DHHL (“licensor”) chooses.
- 3) The Licensee will continue to pay its current license fee until the completion of the appraisal.
- 4) No other uses or subtenants shall be allowed to use the site without prior approval and consent by licensor. Approval and consent to change uses or add users shall be contingent upon the type of use and the willingness of the licensee to pay additional fees consistent with the existing “Sublease Rent Participation Policy” adopted by the Hawaiian Homes Commission.
- 5) Licensor shall have the right to place its own cell phone operation equipment on this tower, at any time during the permit term, with 60 days advance notice. Licensor shall be responsible for all costs associated with adding the equipment & for power usage stated above, but not for loss of space or transmission capabilities depleted if the licensor exercises its right to implement this action.

- 6) No expansion or modification of the facility shall be permitted without the licensor's approval and consent. Approval or consent for any requests for expansion shall be contingent on upon the availability of additional land at the time and the willingness of the licensee to pay additional rent acceptable to the licensee.
- 7) Licensor shall have the right to terminate the license or withdraw any portion of the license property upon giving two years advance written notice.
- 8) The proposed license will include the non-exclusive right to use an adjacent existing driveway comprised of approximately 6,264 for access and utility purposes.
- 9) Licensee shall manage and maintain the cell phone tower facility in neat, clean condition and shall keep the existing eight-foot perimeter chain link fence in good repair;
- 10) Licensee's use of the premises, including the access driveway shall not interfere with the operation of the Ka Waihona O Ka Na'auao Charter School. Licensor reserves the right to relocate the cell phone facility if it interferes as stated above.
- 11) This License shall conform to Federal, State, and County (government agencies) standards. Licensee shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals.
- 12) Any construction or alteration of the permit area shall require licensor's approval.
- 13) Licensee shall pay non-refundable processing and documentation fees totaling \$175.00.
- 14) Review and approval of the license by the State of Hawaii, Department of the Attorney General.
- 15) Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission (HHC) and/or the HHC to serve the best interests of the trust and its Beneficiaries.

DISCUSSION

On October 23, 2001, the Hawaiian Homes Commission approved the issuance of License Agreement No. 391 (LI 391) to Crown Castle GT Company LLC. The 10-year license commenced on August 1, 2001 and ended July 31, 2021. Licensee is requesting continued use of the site and a new license to allow them to do so. Although the license expired, the licensee continued making monthly payments.

The continued use of the site is consistent with DHHL plans, policies and programs.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

The recommended disposition is consistent with the following plans, policies, and programs:

- 1) DHHL General Plan (2002) goals and objectives:

Land Use Planning

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

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

2) Oahu Island Plan, July 2014

- Land Use Designation: This utility conforms with community usage designation.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

The proposed use will utilize pre-existing improvements and does not significantly differ from the past use of the subject area. Therefore, pursuant to DHHL’s updated Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands as approved by the Environmental Council as of April 6, 2021, the subject request is exempt from the preparation of an environmental assessment pursuant to Type 1, under Part I, titled De Minimis Activities, Type 1, “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.”

AUTHORIZATION

Section 10-4-22, Hawaii Administrative Rules, as amended

Section 207(c), Hawaiian Homes Commission Act, 1920, as amended

RECOMMENDATION

Land Management Division recommends approval of the requested motion/action as stated.

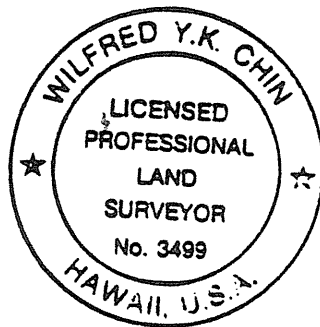
EASEMENT A
(For Cell Site Purposes)

Being a portion of Nanaikapono Elementary School formerly covered by Governor's Executive Order No. 563, cancelled in 1985. Being also a portion of the Hawaiian Home Lands of Nanakuli.

Situated at Nanakuli, Waianae, Oahu, Hawaii.

Beginning at the East corner of this easement, the coordinates of said point of beginning referred to Government Survey Triangulation Station "NANAKULI" being 3,722.00 feet South and 589.51 feet West, and running by azimuths measured clockwise from true South:

1. 44° 42' 15.00 feet along Nanakuli Beach Park;
2. 134° 42' 26.00 feet along the remainder of Nanaikapono Elementary School (formerly covered by Governor's Executive Order No. 563, cancelled in 1985);
3. 224° 42' 15.00 feet along the remainder of Nanaikapono Elementary School (formerly covered by Governor's Executive Order No. 563, cancelled in 1985);
4. 314° 42' 26.00 feet along the remainder of Nanaikapono Elementary School to the point of beginning and containing an area of 390 square feet.



September 30, 1996
Honolulu, Hawaii

EXHIBIT "A"


Wilfred Y.K. Chin


Wilfred Y.K. Chin
Licensed Professional
Land Surveyor
Certificate No. 3499

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

To: Chairman and Members, Hawaiian Homes Commission

Through: Richard Kuitunen, Administrator
Land Management Division 

From:  Kalei Young, Supervising Land Agent
Land Management Division

Subject: Approval to Issue License, T Mobile West Corporation, Waianae, Island of Oahu, TMK
No.: (1) 8-9-003:008 (por)

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) grant approval to the issuance of a non-benefit license to T Mobile West Corporation for the use of approximately 480 square feet of Hawaiian Home Lands on the parcel described above and further described on exhibit "A" attached hereto, to operate a cell phone tower facility subject to the following conditions:

- 1) Term will be for ten (10) years, with two five (5)- year rights to extend. The term will commence when the appraisal is completed.
- 2) Fair market license fees, including any applicable back fees, shall be determined by a licensed disinterested appraiser for the not less than 5 years of the initial 10-year term, with a step-up on the first day of the 6th year of the term as determined by the appraiser mentioned above. Exercising each 5-year right to extend period must be requested in writing by the licensee at least 180 days prior to the ending of each option period. The renewal rate shall be set by an appraiser OR a 4% step-up, whichever the DHHL ("licensor") chooses.
- 3) Licensee shall pay its current license fee until completion of the appraisal.
- 4) No other uses or subtenants shall be allowed to use the site without prior approval and consent by licensor. Approval and consent to change uses or add users shall be contingent upon the type of use and the willingness of the licensee to pay additional fees consistent with the existing "Sublease Rent Participation Policy" adopted by the Hawaiian Homes Commission.
- 5) Licensor shall have the right to place its own cell phone operation equipment on this tower, at any time during the permit term, with 60 days advance notice. Licensor shall be responsible for all costs associated with adding the equipment & for power usage stated above, but not for loss of space or transmission capabilities depleted, or signal interference if the licensor exercises its right to implement this action.

- 6) No expansion or modification of the facility shall be permitted without the licensor's approval and consent. Approval or consent for any requests for expansion shall be contingent on upon the availability of additional land at the time and the willingness of the licensee to pay additional rent acceptable to the licensee.
- 7) Licensor shall have the right to terminate the license or withdraw any portion of the license property upon giving two years advance written notice.
- 8) The proposed license will include the non-exclusive right to use adjacent existing raw land determined by the licensor for access purposes only.
- 9) This License shall conform to Federal, State, and County (government agencies) standards. Licensee shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals.
- 10) Any construction or alteration of the permit area shall require licensor's approval.
- 11) Licensee shall pay non-refundable processing and documentation fees totaling \$175.00.
- 12) Review and approval of the license by the State of Hawaii, Department of the Attorney General.
- 13) Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission (HHC) and/or the HHC to serve the best interests of the trust and its Beneficiaries.

DISCUSSION

On February 27, 2007, the Hawaiian Homes Commission approved the issuance of License Agreement No. 683 (LI 683) to the Licensee. The 10-year license commenced on August 1, 2007 and ended July 31, 2017. Licensee is requesting use of the site and a new license to allow them to do so. Although the license expired, the licensee continued making monthly payments.

The continued use of the site is consistent with DHHL plans, policies and programs.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

The recommended disposition is consistent with the following plans, policies, and programs:

- 1) DHHL General Plan (2002) goals and objectives:

Land Use Planning

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

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

2) Oahu Island Plan, July 2014

- Land Use Designation: This utility conforms with community usage designation.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

The proposed use will utilize pre-existing improvements and does not significantly differ from the past use of the subject area. Therefore, pursuant to DHHL's updated Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands as approved by the Environmental Council as of April 6, 2021, the subject request is exempt from the preparation of an environmental assessment pursuant to Type 1, under Part I, titled De Minimis Activities, Type 1, "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."

AUTHORIZATION

Section 10-4-22, Hawaii Administrative Rules, as amended

Section 207(c), Hawaiian Homes Commission Act, 1920, as amended

RECOMMENDATION

Land Management Division recommends approval of the requested motion/action as stated.

EXHIBIT A

Legal Description of Parent Parcel:

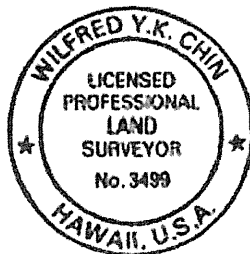
T-MOBILE CELL SITE (WAIANAE VALLEY)

Being a portion of Lot 21 of Paheehee Ridge Subdivision (Amended) as shown on File Plan 2389

Situate at Lualualei, Waianae, Oahu, Hawaii

Beginning at the Northwest corner of this parcel of land, the true azimuth and distance from the Northeast corner of Lot 20 of Paheehee Ridge Subdivision (Amended) as shown on File Plan 2389 being $328^{\circ} 57'$ 13.17 feet and the coordinates of said point of beginning referred to Government Survey Triangulation Station "PAHEEHEE NEW" being 3,696.17 feet North and 3,266.41 feet East, thence running by azimuths measured clockwise from true South:

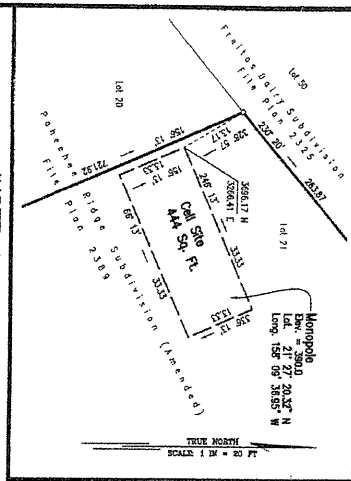
1. $246^{\circ} 13'$ 33.33 feet along the remainder of Lot 21 of Paheehee Ridge Subdivision (Amended) as shown on File Plan 2389;
2. $336^{\circ} 13'$ 13.33 feet along same;
3. $66^{\circ} 13'$ 33.33 feet along same;
4. $156^{\circ} 13'$ 13.33 feet along same to the point of beginning and containing an area of 444 square feet.



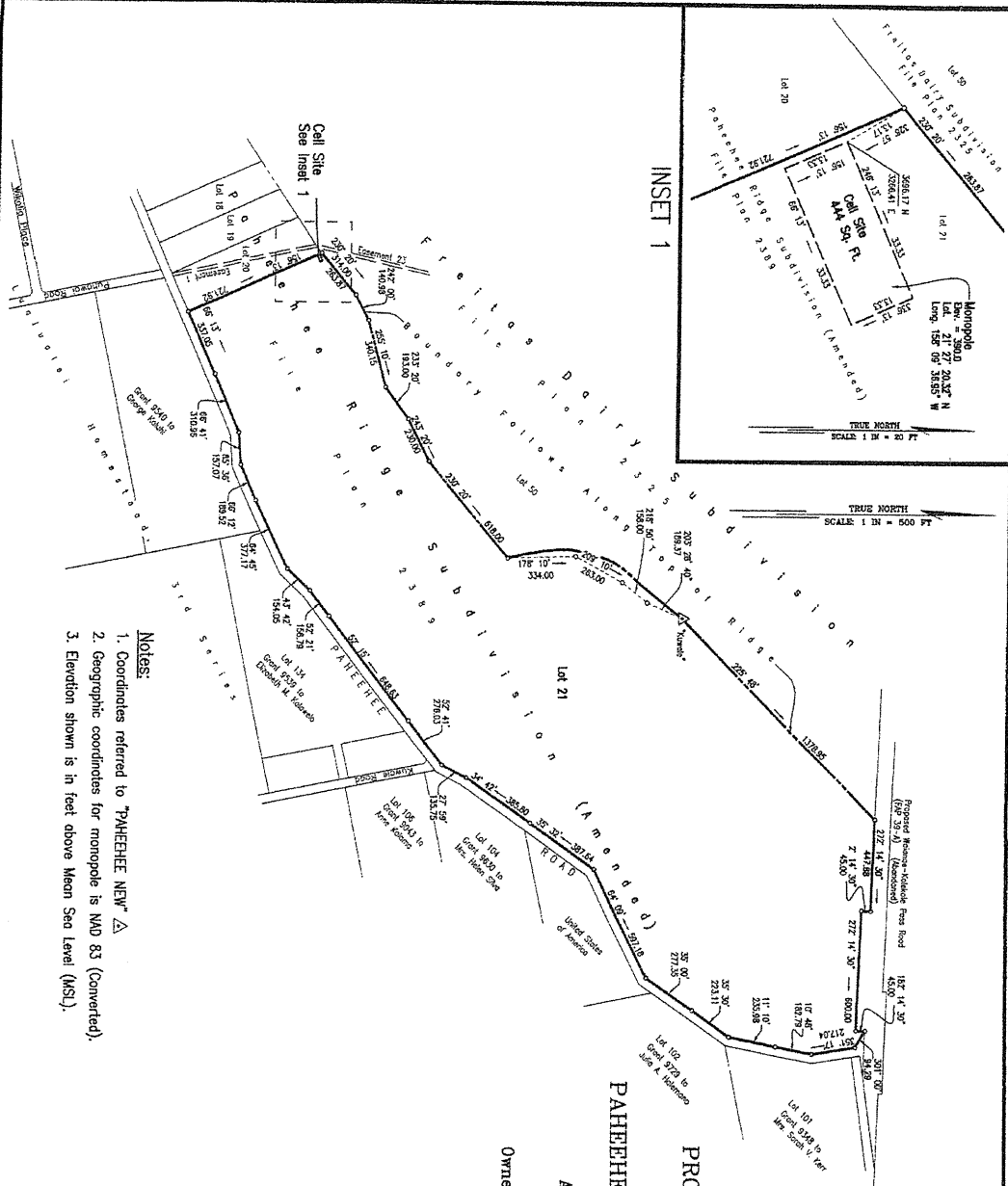
April 13, 2007
Honolulu, Hawaii

Wilfred Y.K. Chin

Wilfred Y.K. Chin
Licensed Professional Land Surveyor
Certificate Number 3499
License Expires 4/08



INSET 1



MAP SHOWING
PROPOSED T-MOBILE CELL SITE
(HI 02017)
AFFECTING LOT 21 OF
PAHEEHAE RIDGE SUBDIVISION (AMENDED)
FILE PLAN 2389
AT LUUALAEI, WAILANAE, OAHU, HAWAII

Owner: Department of Hawaiian Home Lands



This work was prepared by me
or under my direct supervision

- Notes:
1. Coordinates referred to "PAHEEHAE NEW" Δ
 2. Geographic coordinates for monopole is MDD 83 (Converted).
 3. Elevation shown is in feet above Mean Sea Level (MSL).

By: *Wilfred Y.K. Chin*
Licensed Professional Land Surveyor
Certificate Number 3499
License Expires 4/08

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

To: Chairman and Members, Hawaiian Homes Commission

Through: Richard Kuitunen, Administrator *RK*
Land Management Division

Ward "Kalei" Young, Supervising Land Agent *WY*
Land Management Division

From: Shelly Carreira, Land Agent *SC*
Land Management Division

Subject: Approval to Issue First Amendment to Right of Entry No. 717, State of Hawaii,
Department of Land and Natural Resources, Waiohuli, Island of Maui, TMK: (2) 2-2-
002:014

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) grant its approval to the First Amendment to Right of Entry Permit No. 717 issued to the State of Hawaii, Department of Land and Natural Resources for an additional twelve (12) month period for the purpose of conducting axis deer population control activities and amend the exhibit to reflect the expanded safety zone.

Approval of the first amendment is subject, but not limited to the following conditions:

1. The term shall be extended for an additional twelve (12) month period, commencing on December 15, 2023;
2. The attached Exhibit "A" shall be in effect;
3. The processing and documentation fee, \$150.00 shall be waived;
4. Except as amended herein, all of the terms, conditions, covenants, and provisions of Right of Entry No. 717 shall continue and remain in full force and effect; and
5. The amendment document shall be subject to review and approval of the Office of the Attorney General, State of Hawaii.

LOCATION:

Portion of Hawaiian home lands situated in Waiohuli, Island of Maui, identified as Tax Map Key: (2) 2-2-002:014 and related safety zones (Exhibit "A")

BACKGROUND/DISCUSSION

At its meeting of August 15, 2022, the Hawaiian Homes Commission (HHC) approved the issuance of Right of Entry No. 717 (ROE 717) to the Department of Land and Natural Resources (DLNR) for the purpose of axis deer population control activities on Hawaiian home lands located in Waiohuli, Maui. The wildlife control program is a cooperative effort between the Department of Hawaiian Home Lands (DHHL) and DLNR in accordance with Right of Entry No. 717 (ROE) and further described in the hunting control Memorandum of Understanding (MOU), both attached herewith as Exhibit "B".

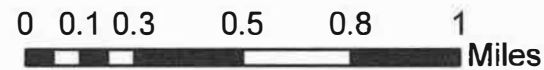
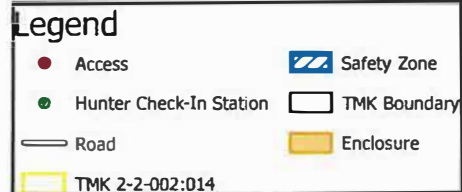
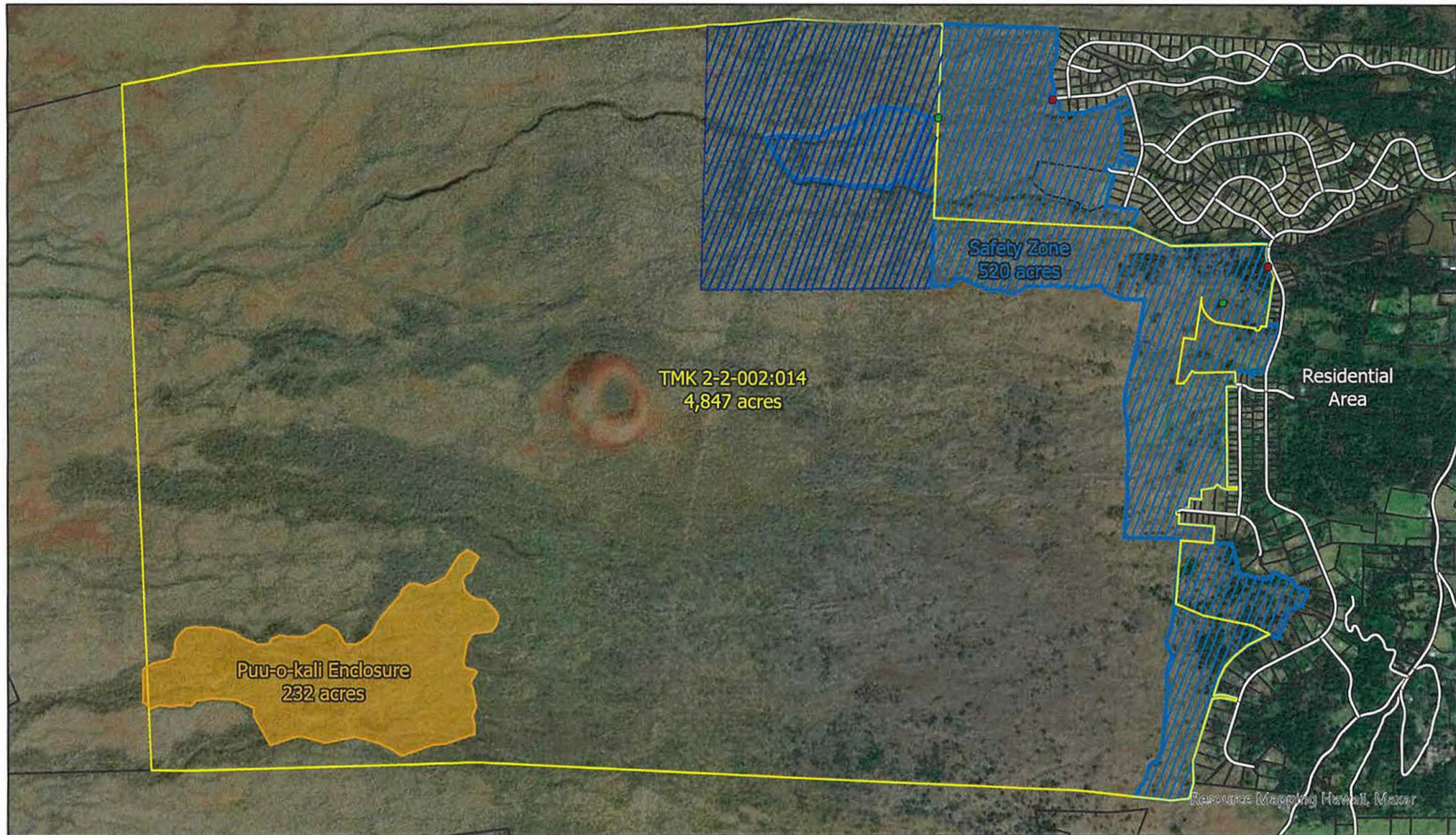
Upon execution of ROE 717, DHHL and DLNR prepared for and executed MOU activities related to program implementation. However, the communication and messaging piece remained outstanding due to changes within DHHL administration and staffing. After further discussion, DHHL and DLNR anticipate the program to start up in January 2024. However, program start up is subject to HHC approval on the ROE 717 term extension.

The second amendment will allow time for axis deer population control activities and expand the safety zone areas surrounding the Waiohuli Hawaiian Homesteader Association approved premise.

RECOMMENDATION

Land Management Division respectfully recommends approval of the requested motion/action as stated.

DHHL Waiohuli/Keokea Control Unit



The proposed control unit is TMK 2-2-002:014. The area requires a safety zone due to the proximity of the residential area. The control unit will have two points of access and hunter check-in stations.

ITEM NO. F-6
EXHIBIT "A"



State of Hawaii
Department of Land and Natural Resources
Division of Forestry and Wildlife

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

RIGHT-OF-ENTRY NO. 717

This Right-of-Entry ("ROE") No. 717 is dated and effective as of this 15th day of December, 2022, by and between the State of Hawaii, DEPARTMENT OF HAWAIIAN HOME LANDS, whose place of business is 91-5420 Kapolei Parkway, Kapolei, Hawai'i, 96707, and whose mailing address is P. O. Box 1879, Honolulu, Hawaii 96805, hereinafter as "PERMITTOR," and State of Hawaii, by its Board of Land and Natural Resources, whose address is 1151 Punchbowl Street, Honolulu, Hawai'i 96813, hereinafter the "PERMITTEE."

PERMITTOR hereby grants to PERMITTEE a ROE upon that certain parcel of Hawaiian home lands in Waiohuli, Island of Maui, Hawai'i, for the non-exclusive, use of approximately 4,847 acres of Hawaiian Home Lands, identified as Tax Map Key No. (2) 2-2-002:014 and designated safety zones and access which are hereinafter referred to collectively as the "Premises," as further described in the site plan rendering attached hereto as Exhibit "A", subject to the following conditions:

1. TERM. The term of the ROE shall be month-to-month up to twelve (12) months, commencing upon execution of the ROE document. This ROE may be terminated by PERMITTOR or PERMITTEE at PERMITTOR's and PERMITTEE's sole discretion for any reason whatsoever, at any time during the twelve (12) month period, upon thirty (30) days advance notice in writing to either party;
2. PERMITTED USE. The Premises shall be used for the purpose of axis deer population control activities, as indicated in this ROE and further described in the attached hunting control Memorandum of Understanding (MOU) through which PERMITTOR and PERMITTEE shall conduct the described hunting control activities, which is attached as Exhibit "B". No other uses or sub-tenancy shall be permitted without the express written approval of PERMITTOR. PERMITTEE'S use shall comply with all applicable governmental laws, regulations, rules and permitting requirements, pertaining to such use. No member of the public or DHHL beneficiary entering the Premises under the authority of this ROE and the MOU to conduct control activities shall be permitted any

ITEM NO. F-6
EXHIBIT "B"

other use of the Premises aside from those described in the MOU;

3. FEE. The fee for the use of this ROE shall be gratis and the standard nonrefundable processing and documentation fee of \$175.00 shall be waived;
4. CONSTRUCTION AND MAINTENANCE. During the period of the ROE, PERMITTEE shall keep the Premises and all improvements thereon in a strictly clean, sanitary, and orderly condition, and shall not make, permit, nor suffer any waste, spoil, nuisance, nor any unlawful, improper, or offensive use of the Premises. PERMITTEE shall comply with all rules, regulations, ordinances and laws of the State of Hawai'i and any other municipal and federal government authority applicable to the Premises and the improvements thereon;
5. RIGHT TO ENTER. PERMITTEE shall allow PERMITTOR, and the agents and representatives thereof, at all reasonable times, free access to the Premises for the purpose of examining the same and determining whether the covenants herein are being fully observed and performed, or for the performance of any public or official duties. In the exercise of such rights, PERMITTOR and government officials shall not interfere unreasonably with the use and enjoyment of the Premises by PERMITTEE and any entrants to the Premises if legally admitted in accordance with the MOU;
6. NO TRANSFER, MORTGAGE, AND SUBLEASE. This ROE shall be non-transferable, and PERMITTEE may not in any manner transfer to, mortgage, pledge, sublease, sublet, or otherwise hold or agree so to do, for the benefit of any other person or persons or organization of any kind, its interest in this ROE, the Premises and the improvements now or hereafter erected thereon;
7. EXPIRATION. Upon the expiration of the ROE, or its sooner termination as herein provided, PERMITTEE shall peaceably and quietly leave and surrender and deliver up to PERMITTOR possession of the Premises. This includes the clean-up and removal of all tools, equipment, improvements brought or placed upon the Premises, and other property belonging to PERMITTEE during the term of this ROE, if any, but shall not apply in regard to axis deer carcasses or personalty of removal and control participants or entrants unless expressly indicated in the MOU or by PERMITTEE;

8. TERMINATION/ABANDONMENT. Upon termination or abandonment of the specified purposes for which this ROE is granted, all interests granted by this ROE shall revert to PERMITTOR;
9. PREMISES. The term "Premises", when it appears herein, includes and shall be deemed to include the lands described above and all improvements within the ROE whenever and wherever erected or placed thereon, if any;
10. SELF-INSURANCE. The State of Hawai'i, as a sovereignty, is self-insured and therefore insurance, including but not limited to, public liability, property damage, and fire, is not required;
11. NON-DISCRIMINATION. The use and enjoyment of the Premises shall not be in support of any policy which discriminates against anyone based upon race, creed, color, sex, national origin, religion, marital status, familial status, ancestry, physical handicap, disability, age, or HIV (human immunodeficiency virus) infection.
12. PERMITTEE'S RESPONSIBILITIES. The PERMITTEE shall be responsible for injury caused by the PERMITTEE'S officers and employees in the course and scope of their employment to the extent that the PERMITTEE'S liability for such damage or injury has been determined by a court or otherwise agreed to by the PERMITTEE. The PERMITTEE shall pay for such damage and injury to the extent permitted by law provided that an appropriation is enacted and funds have been encumbered and released for the purpose;
13. PERMITTOR'S RESPONSIBILITIES. The PERMITTOR shall be responsible for injury caused by the PERMITTOR'S officers and employees in the course and scope of their employment to the extent that the PERMITTOR'S liability for such damage or injury has been determined by a court or otherwise agreed to by the PERMITTOR. The PERMITTOR shall pay for such damage and injury to the extent permitted by law provided that an appropriation is enacted and funds have been encumbered and released for the purpose;
14. HAZARDOUS MATERIAL. PERMITTEE, to the best of its ability, shall not cause or permit the escape, disposal, or release of any hazardous materials. PERMITTEE shall not allow the storage or use of such materials in any manner not

sanctioned by law or by the highest standards prevailing in the industry for the storage and use of such materials, nor allow to be bought onto the premises any such materials except to use in the ordinary course of PERMITTEE'S business, and then only after written notice is given to the PERMITTOR of the identity of such materials and upon PERMITTOR'S consent, which consent may be withheld at the PERMITTOR'S sole and absolute discretion.

For the purpose of this ROE, the term "hazardous material" as used herein shall include any substance, waste or material designated as hazardous or toxic or radioactive or other similar term by any present or future federal, state or local statutes, regulation or ordinance, such as the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, and the Federal Clean Water Act, as amended from time to time, and also including but not limited to petroleum, petroleum-based substances, asbestos, polychlorinated-biphenyls ("PCBs"), formaldehyde, and also including any substance designated by federal, state or local regulations, now or in the future, as presenting a risk to human health or the environment;

Furthermore, deer carcasses shall not be considered as hazardous materials.

15. PERMITTEE'S FINANCIAL OBLIGATION AND COMMITMENT. PERMITTEE'S financial obligation and commitment to make payments or reimbursements of any kind under this ROE shall be contingent upon the availability and allotment by the Director of the Department of Budget and Finance of public funds to the Department of Land and Natural Resources to make such payment or reimbursement

16. SPECIAL CONDITIONS.

- A. PERMITTEE shall conduct activities to control axis deer;
- B. PERMITTEE acknowledges that PERMITTOR has not made and will not make, any representation or warranty, implied or otherwise, with respect to the condition of the Premises or their suitability for control activities of axis deer. PERMITTEE accepts that entry upon the lands is with full assumption of all risks and consequences thereof;

- C. PERMITTEE acknowledges and agrees that axis deer control activities will not commence until after the development and implementation of the axis deer removal plan designed by PERMITTOR and respective approving authorities;
 - D. Entry under this ROE is limited to PERMITTEE's employees, partners, agents, contractors, and subcontractors solely for conducting the purpose stated in the attached MOU and herein. All employees, contractors, and other parties who are authorized by PERMITTEE must be identified in writing to PERMITTOR prior to access to the Premises;
 - E. PERMITTEE shall exercise due care and diligence to prevent injury to persons and damage to property belonging to the PERMITTOR;
 - F. All archaeological/cultural sites noted on the Premises shall be respected, protected, and preserved; and
 - G. This ROE is subject to other terms and conditions that may be deemed prudent by the Chairman of the Hawaiian Homes Commission and approved by the PERMITTEE.
17. SEVERABILITY. Whenever possible, each provision of the ROE shall be interpreted in such a manner as to be effective and valid under applicable law, but if any provision of the ROE should be prohibited or invalidated under applicable law or for any other reason, such provision shall not invalidate any other portion of the ROE;
18. SINGULAR/PLURAL. The singular and plural depend on their appropriate use;
19. ENTIRE AGREEMENT. This ROE, exhibits, and any agreed amendments thereto, constitute the entire agreement of the parties and all covenants, promises, representations, and agreements existing are contained herein, and shall be binding upon, apply, and inure to the benefit of the successors of PERMITTEE and PERMITTOR;
20. REPRESENTATIONS. PERMITTEE agrees that it has executed this ROE as a result of its own inspection of the Premises and the vicinity in and around the Premises and not as a

result of any representation made by PERMITTOR or its employees or agents;

21. MISCELLANEOUS.

- a. CONSENT. Whenever under the terms of this Agreement 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 thirty (30) calendar days after receipt of written request therefor, such consent or approval shall be presumed to have been given;
- b. BIND AND INURE. This ROE shall be binding upon and inure to the benefit of PERMITTOR and PERMITTEE and their respective representatives, successors, and successors-in-trust;
- c. APPLICABLE LAW, SEVERABILITY. This ROE shall be governed by and interpreted in accordance with the laws of the State of Hawaii. If any provision of this ROE 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 ROE are inserted only for convenience and shall in no way define, describe, or limit the scope or intent or any provision of this ROE;
- e. INCORPORATION OF AGREEMENTS. This ROE incorporates that certain Memorandum of Understanding by and between DHHL and DLNR for Cooperative Axis Deer Control Efforts at Hawaiian Home Lands in Waiohuli, Island of Maui, State of Hawai'i entered into on December 12, 2022, and supersedes all other prior oral or written letters, agreements, or understandings relating to the subject matter hereof. This ROE may not be modified or amended, not any of the provisions hereof waived, except by an instrument in writing signed by the parties hereto;

22. MODIFICATIONS OF ROE. Any modification, alteration, amendment, or change, or extension of any term, provision, or condition of this ROE shall be made by written amendment to this ROE signed by PERMITTEE and PERMITTOR.

[REMAINDER OF PAGE BLANK -- SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, PERMITTOR and PERMITTEE have caused this ROE to be executed by the duly authorized officers as of the day and year first above written, and the PERMITTEE has caused the seal of the Department of Land and Natural Resources to be hereunto affixed.

APPROVED BY THE HHC
AT ITS MEETING HELD ON
August 15, 2022

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

APPROVED AS TO FORM:

Alyssa Maui Yukiko Kani

Deputy Attorney General
State of Hawaii

By William J. Ailā, Jr.
WILLIAM J. AILĀ, JR. Chairman
Hawaiian Homes Commission

PERMITTOR

APPROVED AS TO FORM:

State of Hawaii
BOARD OF LAND AND NATURAL RESOURCES

[Signature]

Deputy Attorney General
State of Hawaii

By Suzanne D. Case
SUZANNE D. CASE
Chairperson

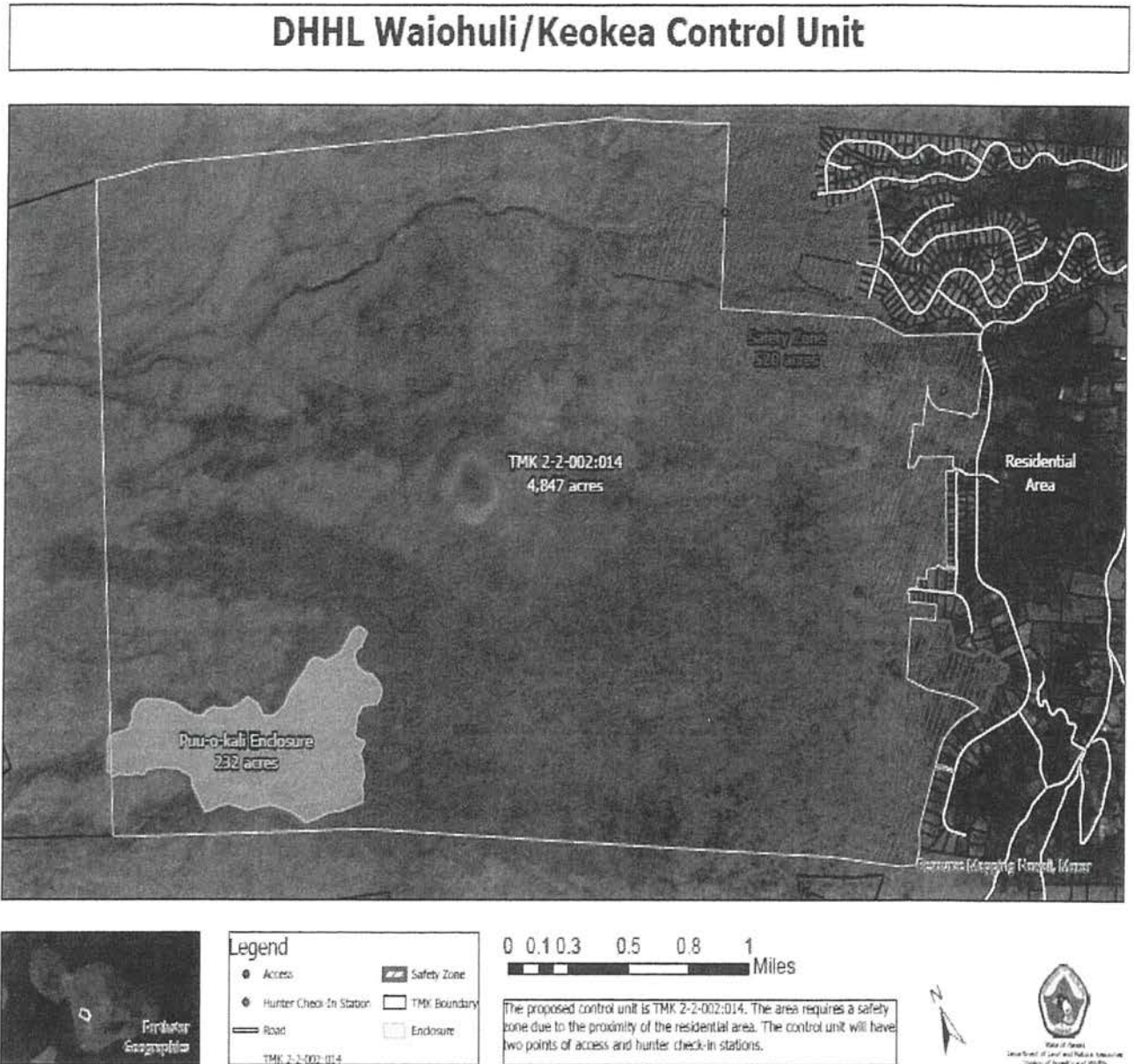
PERMITTEE

Approved by the Board of
Land and Natural Resources
at its meeting held on
October 28, 2022

[Signature]

David Smith

Exhibit "A". Site Plan of the Waiohuli Deer Control Project



MEMORANDUM OF UNDERSTANDING
BETWEEN
THE STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
AND
DEPARTMENT OF LAND AND NATURAL RESOURCES
DIVISION OF FORESTRY AND WILDLIFE

FOR COOPERATIVE AXIS DEER CONTROL EFFORTS AT
HAWAIIAN HOME LANDS IN WAIOHULI,
ISLAND OF MAUI, STATE OF HAWAII

This Memorandum of Understanding (MOU), effective and entered into on this 12th day of December, 2022, by and between the State of Hawai'i Department of Hawaiian Home Lands, by its Hawaiian Homes Commission (hereinafter "DHHL") and the State of Hawai'i, Department of Land and Natural Resources ("DLNR"), Division of Forestry and Wildlife ("DOFAW"), by its Board of Land and Natural Resources, collectively referred to in this MOU as "the Parties"; to engage in cooperative population control efforts of the axis deer (*Axis axis*), on DHHL TMK no. (2) 2-2-002:014 at Waiohuli, Maui, Hawai'i, and adjacent portions, as appropriate.

WITNESSETH

WHEREAS, DHHL and DLNR are executive branch agencies within the sovereign State of Hawaii each having duties as stated in the Hawai'i Constitution and Hawaii Revised Statutes ("HRS"). Additionally, due to increases in the axis deer population in Maui County, the Governor of the State of Hawai'i has issued multiple emergency or supplemental proclamations relating to circumstances by which the population has propagated to numbers unsustainable by existing vegetation and exacerbated by drought conditions; and

WHEREAS, the increase in axis deer populations has certain detrimental effects on Maui County communities, including loss of pasture vegetation, forays by deer into agricultural and developed areas while seeking food and water, hazards to roadways, airports, runways, and other threats to public health, safety, and welfare of the people in Maui County; and

WHEREAS, DHHL beneficiaries may be entitled to lands that are subject to deer control under this MOU; are on lands immediately adjacent to Waiohuli, and likely to be most affected by deer forays to adjacent DHHL subdivision roads and lands, including the presence of deer as either usufruct, health hazard, or pest to vegetation maintained by beneficiaries, and finally being closest in proximity to the control area; and

WHEREAS, due to the burgeoning population of axis deer on Maui and drought conditions, the Governor issued an emergency proclamation of January 27, 2021 entitled, "Proclamation Related to the Drought and Axis Deer in the County of Maui", to provide emergency relief and engage in emergency management functions as defined in section 127A-2, HRS, to enable the removal and disposal of axis deer carcasses, create buffers to keep deer away

EXHIBIT "B"

from roadways, take action to immediately cull unhealthy axis deer, and reduce herds of axis deer to sustainable numbers; and

WHEREAS, after the expiration of the January 27, 2021 proclamation, further emergency proclamations by the Governor were issued on November 9, 2021 (as Proclamation Related to the Axis Deer), January 6, 2022 (Supplemental Proclamation Related to Axis Deer), March 23, 2022 (Proclamation Related to Axis Deer), May 23, 2022 (Second Proclamation Relating to Axis Deer), July 22, 2022 (Third Proclamation Relating to Axis Deer) which have since expired. The Fourth Proclamation Relating to Axis Deer was issued on September 20, 2022 and is scheduled to continue currently through November 18, 2022; and

WHEREAS, the effect of prior and current Governor's emergency proclamations is to suspend the effect of historic preservation laws, certain employment and budget laws, procurement, wildlife hunting laws, water pollution laws, and environmental impact laws to assist the State and County governments to take immediate preemptive and protective actions in response to the need for axis deer control on Maui.

NOW, THEREFORE, the above parties agree to engage as partners in a cooperative effort to control axis deer on DHHL land described as TMK no. (2) 2-2-002:014 at Waiohuli and Kēōkea, island of Maui under the terms of the Right of Entry (ROE) by DHHL to DLNR, for the DHHL Waiohuli/Kēōkea Control Unit, which terms are incorporated by reference. Both parties hereto deem it mutually advantageous and desirable to cooperate and agree to the following provisions to implement a wildlife control program for axis deer:

I. DLNR Responsibilities

DLNR agrees to undertake the following responsibilities under this MOU:

- A. To assist in the set-up of axis deer control protocol with call-in and check-in procedures to determine qualified hunter applicants.
- B. Conduct any necessary hunting program as specified in this MOU, excluding programs developed under Act 301, 2022).
- C. Order all necessary materials to establish exclusion areas or suitable landmarks to prevent hunters from going onto adjacent properties not covered by this MOU.

II. DHHL Responsibilities

DHHL agrees to undertake the following responsibilities under this MOU:

- A. Provide guidance and assist with community stakeholder input to this control project.
- B. Assist DOFAW with establishing workable access points and check-in areas as indicated in Exhibit "A" of the ROE.
- C. Establish suitable safety protocols for the Waiohuli Hawaiian Homesteaders Association, Inc. and Uhiwai o Haleakalā for any activities which they anticipate occurring in designated buffer safety zones. Uhiwai o Haleakalā is a domestic

non-profit corporation that works to protect and restore native ecosystems and watersheds in Kahikinui, Maui. DHHL has issued limited rights of entry permits to Uhiwai o Haleakalā only on Mondays and Tuesdays, non-hunting days, for access to the Pu'u O Kali fence enclosure for fence repair, removal of invasive plant species, and seed collection for native plants.

- D. Provide assistance in identifying DHHL Maui beneficiaries who participate in this program, for purposes of call-in and check-in.

III. Joint Responsibilities

A. Operation of DHHL Waiohuli Call-in Procedures. The Parties mutually agree to jointly operate an axis deer control program at Waiohuli, Maui. In recognition of the effectiveness of the participation of DHHL Maui beneficiaries in proximity and motivation regarding deer control under this MOU, the Parties have structured the following call-in sign-up procedures, which may be amended from time to time, as necessary to ensure safe and efficient operations, by mutual agreement of the parties:

1. Legal hunting days are from Wednesday through Sunday each week during the effect of this MOU. One legal hunting day consists of one-half (1/2) hour before sunrise until one-half (1/2) hour after sunset. A maximum of ten (10) hunters per day will be allowed access to the Waiohuli/Kēōkea area during a hunting day. Each hunter will bring an additional four (4) hunters for a group size of five (5).
2. On Monday call-in days, qualified hunters may begin to sign-up to book an individual or hunter-group reservation.
 - a. Five (5) reservations will be available on a first-come, first-served basis for DHHL beneficiaries (e.g., lessees and waitlisters) living on Maui (from a list of qualified beneficiaries maintained by DHHL) between 8:00 A.M. to 9:00 A.M. Non-DHHL beneficiaries and members of the public are prohibited from signing up during this time.
 - b. The remaining reservation slots will be available to the public on a first-come, first-served basis between 9:30 A.M. to 10:30 A.M. Any additional unfilled or unclaimed slots from the 8:00 A.M. to 9:00 A.M. sign-up may be filled by public applicants at this time.
3. Group sizes for each hunter-group reservation are limited to five (5) hunters. All names of persons in the group must be given at the call-in.
4. Hunters must check-in and out of the area at established hunter check stations and provide all required information.
5. The use of ATVs and UTVs is permitted in accordance with posted restrictions and instructions.

IV. General Responsibilities

- A. Designated Buffer Safety Zones. Buffer zones will be established in accordance with locations indicated on Exhibit "A" of the ROE. The Parties will assist each other in locating the boundaries of the designated buffer safety zones and use of adaptive management procedures to manage access to the property.
- B. Fire Control. The Parties will use their best efforts to minimize the threat of wildfire hazards on the premises, seek to inform the other of any incidents involving wildfire or need for wildfire control, and assist the other to the extent possible in the event of a wildfire.
- C. Non-Control Day. The Parties agree to assist each other on non-control days regarding the Pu'u O Kali dryland forest enclosure by monitoring any deer present in said enclosure.

V. Term, Evaluation, and Modification

- A. Term. This agreement for this project under the MOU is effective according to the commencement date indicated above. This MOU will remain in effect for up to one (1) year after the commencement date and may be extended by mutual agreement of the parties..
- B. Evaluation. The project agreement may be reviewed, evaluated, and updated at any time, but no later than annually to assist further efforts to address existing or anticipated emergency circumstances.
- C. Modification. This MOU and any portion of the project agreement may be modified at any time prior to termination by mutual agreement of the Parties. Modifications, if authorized, shall be in writing executed by the Chairpersons representing the DHHL Commission and the DLNR Board respectively. Either Chairperson may authorize non-substantive changes on behalf of the respective party to facilitate processing of such changes.

VI. ROE

- A. The MOU shall be read concurrently with ROE No. 717 issued by DHHL to BLNR.

VII. Termination

- A. Either party may terminate, in writing, the MOU in whole, or in part, at any time before the termination date.
- B. Unless mutually agreed upon otherwise, ninety (90) days advance notice shall be provided prior to termination.

VIII. Principal Contacts.

- A. The principal contacts for administering this Agreement are:

1. Department of Hawaiian Home Lands
c/o Office of the Chairman
P.O. Box 1879
Honolulu, HI, 96707
2. Department of Land and Natural Resources
c/o Division of Forestry and Wildlife
1151 Punchbowl St.
Honolulu, HI 96813

IX. Miscellaneous Provisions.

- A. Disclaimers. Nothing in this MOU shall be construed as affecting in any way the delegated authority or responsibilities of DLNR or Hawaiian Home Lands Commission. This Agreement shall not supersede any agreements currently in effect between the DHHL and the DLNR.
- B. Additional Parties. By Modification of this MOU by the Parties, additional governmental, non-profit organizations, and other entities may be made party thereto on such terms and conditions as the DHHL and the DLNR may agree.

IN WITNESS WHEREOF, the parties hereto have executed this Memorandum of Understanding as of the last date written below.

APPROVED AS TO FORM:

Deputy

Deputy Attorney General

Approved by the
Hawaiian Home Lands Commission
at its meeting held on:
August 15, 2022

Approved by the Board
of Land and Natural Resources
at its meeting held on:
Dec 10, 2022, 2022

APPROVED AS TO FORM:

Deputy

Deputy Attorney General

Signature:

David G. Smith

Email: david.g.smith@hawaii.gov

DEPARTMENT OF HAWAIIAN HOME LANDS

By

William J. Aila, Jr.

WILLIAM J. AILA, JR., Chairperson
HAWAIIAN HOME LANDS COMMISSION
Date: Nov 23, 2022

DEPARTMENT OF LAND AND NATURAL
RESOURCES

DES

By

Suzanne D. Case

SUZANNE D. CASE, Chairperson
BOARD OF LAND AND NATURAL
RESOURCES

Date: Dec 12, 2022

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

To: Chairman and Members, Hawaiian Homes Commission

Thru: Richard Kuitunen, Administrator *RK*
Land Management Division

From: Brigida Ayson, Land Agent *BA*
Land Management Division

Subject: Approval for Payment Plan on Delinquent Rent, General Lease No. 159,
Aloha M & W Properties, LLC; Waiakea, South Hilo, Island of Hawai'i
TMK No. (3) 2-2-060:036

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission grant its authority to approve the payment plan on delinquent rent affecting General Lease No. 159, held by Aloha M & W Properties, LLC, a Hawaii corporation, identified more specifically by TMK: (3) 2-2-060:036, as delineated in gray-shade on tax map attached hereto as Exhibit "A", subject, but not limited to the following terms and conditions:

1. Based upon an amortized interest rate of eight percent (8.00%) on the delinquent balance of \$47,175.00, a monthly installment of TWO THOUSAND FIVE HUNDRED FIFTY DOLLARS (\$2,550.00) is established (see attached schedule Exhibit "B"). When this amount is combined with the current base monthly rental of \$1,275.00, a total monthly payment of \$3,825.00 shall become due and payable on the first day of every month for the nineteen (19)-month period commencing on October 1, 2023 through April 1, 2025; On the twentieth (20th)-month, TWO THOUSAND SIXTY-SIX AND 82/100 (\$2,066.82), combined with the current base monthly rental of \$1,275.00, totaling to \$3,341.82 shall become due and payable on the first day of May, 2025. The total repayment for twenty (20) months will be \$50,516.82;
2. Should the terms and conditions as proposed be satisfied and the delinquent rent balance be cured in full within the 20-month period, the payment plan shall cease and desist immediately with the base monthly lease rental installment of \$1,275.00 remaining intact;
3. Should the LESSEE desire to cure any outstanding balance before the expiration of the two (2)-year term as described above, the payment plan shall cease immediately without any pre-payment penalty and the base monthly lease rental installment of \$1,275.00 remaining intact;

4. Failure to remit the payments as described above when due and payable will result in an immediate termination of the general lease agreement without recourse and initiating legal action to collect the outstanding deficient lease rent balance;
5. The LESSEE shall pay the standard processing and documentation fee of \$150.00 for this approval;
6. Upon approval by the Hawaiian Homes Commission, an Amendment to General Lease No. 159 shall be prepared to document and incorporate this payment plan with the lease, and shall be made effective as of October 1, 2023;
7. The Amendment to Lease document shall be subject to the review and approval of the State of Hawaii Department of the Attorney General;
8. The Chairman of the Hawaiian Homes Commission may set forth other terms and conditions deemed prudent and necessary; and
9. Except as otherwise modified herein, all other terms and conditions of General Lease No. 159 shall continue to remain in full force and effect.

BACKGROUND/DISCUSSION

General Lease No. 159 was originally awarded to Zane Equipment Co., a Hawaii corporation as LESSEE, for a term of thirty-five (35) years, commencing on July 1, 1970, up to and including June 30, 2005. Through mesne assignments, Zane Equipment Co's interest as LESSEE was assigned to HPP, Inc., a Hawaii corporation, as Assignee, by certain Assignment of Lease and Consent of Assignment of Lease dated January 17, 1980, then further assigned to Hawaii Paper Product, Inc., a Hawaii corporation, by certain Assignment of Lease dated December 27, 1982, and Consent to Assignment of Lease dated January 21, 1983. Further interest being assigned to HPP, Inc., a Hawaii corporation, as Assignee, by that certain Assignment of Lease and Consent of Assignment of Lease dated December 1, 2004, with an amendment to extend the lease term from 35 years to fifty-five (55) years, effective December 7, 2004, and an expiration date of June 30, 2025. At the April 25, 2006 regular meeting, the Hawaiian Homes Commission approved the assignment of this lease to Aloha M & W Properties, LLC.

The annual lease rent for the first ten (10) years of the extended lease term from July 1, 2005 through June 30, 2015 was \$15,300.00, and the annual lease rent for the final ten (10) years of the extended lease term, from July 1, 2015 through June 30, 2025, as determined by an independent appraiser in the same manner as provided in the lease agreement, was the same amount as the first 10 years, \$15,300.00, or \$1,275.00 a month.

Pertinent information on General Lease 159 is as follows:

General Lessee:	Aloha M & W Properties, LLC
Location:	Lot 47, Kaei Hana Industrial Subdivision, Waiakea Hawaii
Tax Map Key No.:	(3) 2-2-060:036 (See Exhibit "A")
Land Area:	0.620 Acres
Term:	55 Years; July 1, 1970 to June 30, 2025
Annual Lease Rent:	\$15,300.00 (\$1,275.00 per month)
Character of Use:	Limited Industrial (ML-20)
Improvements:	One warehouse building of approximately 8,300 square feet
Mortgage:	None

Aloha Machine & Welding, Ltd. operates a machine repair and welding business on the property. The owners of Aloha Machine and Welding formed Aloha M & W Properties, LLC to hold title to real estate only and continues to operate the business on the property. Aloha Machine is a well-established Hawaii business and was awarded the Small Business Persons of the Year in 2005. Aloha Machine and Welding also holds General Lease No. 127 and General Lease No. 258.

The last payment received from LESSEE was on March 11, 2021, and the outstanding balance on the lease as of May 2023 was \$43,350.00. On May 12, 2023, the Land Management Division (LMD) sent LESSEE a Notice of Default for failure to comply with lease provision requiring payment of monthly lease rent in the total amount of \$43,350.00. A demand was made to remedy this default within sixty (60) days from the date of the receipt of the Notice. (See attached schedule Exhibit "C"). LESSEE acknowledged receipt of the Notice on May 15, 2023, however no payment has been made since.

On August 1, 2023, LMD sent LESSEE a Notice of Delinquency and Termination for failure to cure the default, and informed LESSEE that the lease will be recommended for termination at the next Hawaiian Homes Commission meeting. A demand was made that LESSEE make full payment within five (5) days from the date of the Notice. (See attached schedule Exhibit "D"). LESSEE acknowledged receipt of the Notice on August 4, 2023, and LESSEE made a payment of \$6,375.00 on August 14, 2023, bringing the outstanding balance down to \$40,800.00.

On August 25, 2023, LMD reached out to LESSEE via email regarding payment of the delinquent balance, and on September 20, 2023, Mr. Robert Acasio, President of Aloha M & W Properties, LLC, submitted a written correspondence to LMD acknowledging the rental delinquency and requesting DHHL to consider a payment plan to cure the delinquent rent. (See attached schedule Exhibit "E").

After careful review and analysis, LMD crafted the proposed payment plan as described above to cure the delinquent balance. LESSEE made a payment of \$2,550.00 on October 1, 2023, bringing the outstanding balance down to \$39,525.00. The LESSEE has kept and maintained the premises under said lease in good condition. Further, DHHL's proposal letter dated October 11, 2023 (attached hereto as Exhibit "F") being acknowledged and accepted by LESSEE on October 17, 2023.

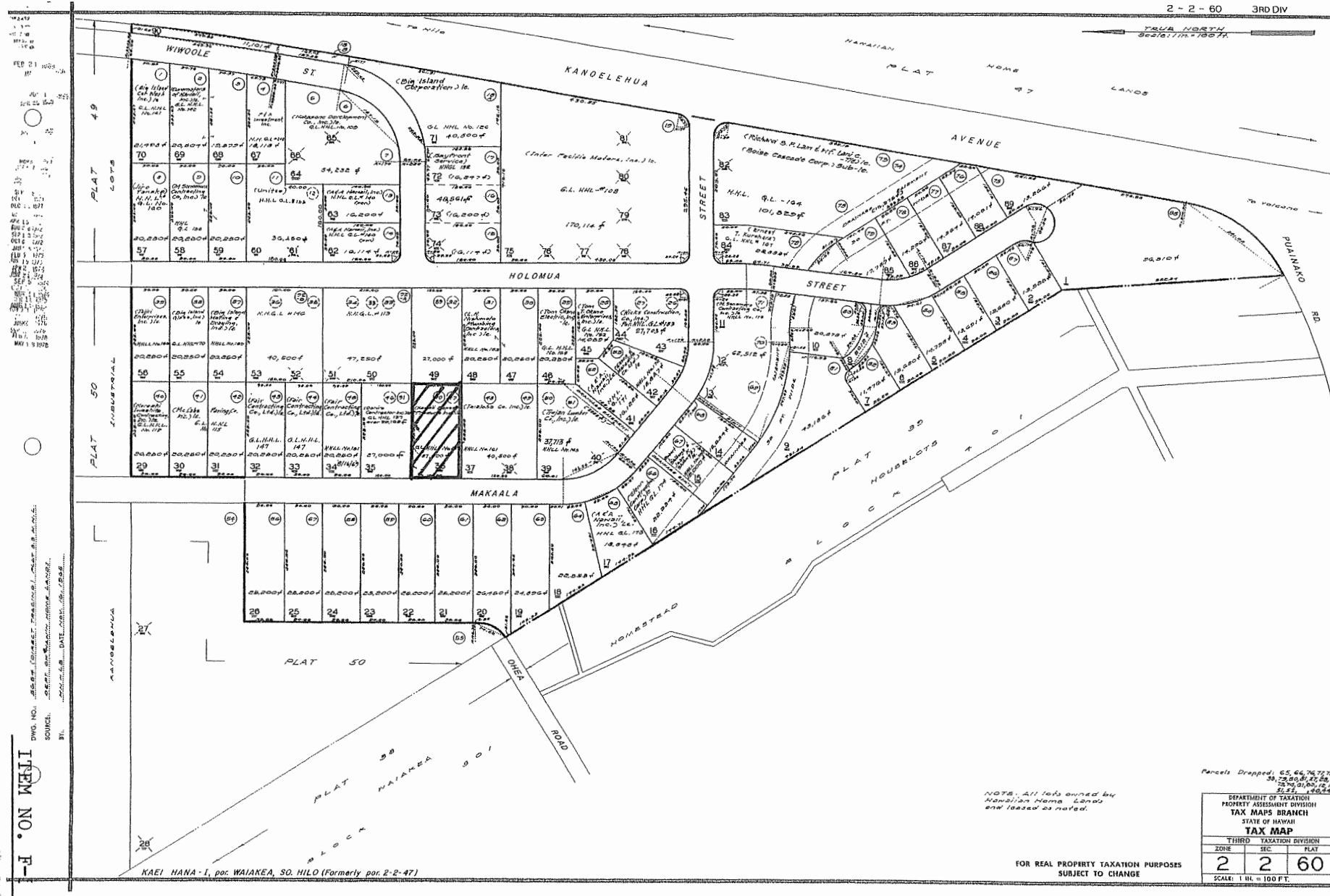
AUTHORIZATION

Under the authority granted by General Lease No. 159, specifically, Lessee Covenants, No. 1. **Payment of Rent**, on page 2, states “That the LESSEE shall pay said rent to the LESSOR at the place specified above, or at such other place as the LESSOR may from time to time designate, in legal tender of the United States of America without deduction and without notice or demand.”

RECOMMENDATION

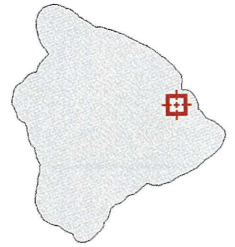
Land Management Division respectfully recommends approval of the requested motion/action as stated.

EXHIBIT A





Overview



Legend

Parcels

Parcel ID	220600330000	Situs/Physical Address	133 MAAKALA STREET	Market Land Value	\$366,900	Last 2 Sales			
Acreage	0.4649	Mailing Address	HAWAIIAN HOME LANDS	Dedicated Use Value	\$0	Date	6/1/2002	Price	\$486189
Class	INDUSTRIAL			Land Exemption	\$0			Reason	INVOLVED
				Net Taxable Land Value	\$366,900			ADD'L PARCELS	
				Assessed Building Value	\$800	4/14/1997	0	n/a	U
				Building Exemption	\$0				
				Net Taxable Building Value	\$800				
				Total Taxable Value	\$367700				

Brief Tax Description LOT 44 20,250 SF DES KAEI HANA-I S/D
(Note: Not to be used on legal documents)

*Hawaii County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. The 'parcels' layer is intended to be used for visual purposes only and should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. The 'parcels' data layer does not contain metes and bounds described accuracy therefore, please use caution when viewing this data. Overlaying this layer with other data layers that may not have used this layer as a base may not produce precise results. GPS and imagery data will not overlay exactly.

Date created: 9/5/2023

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Developed by  **Schneider**
GEOSPATIAL

EXHIBIT B

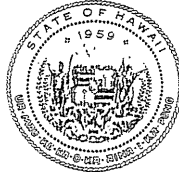
EXHIBIT "B"

General Lease No. 159							
TMK No. (3) 2-2-060:036					Interest @ 8%	P&I = \$2,550.00	
Lease Expires 6/30/2025							
		Balance as of 9/23/2023					47,175.00
		Monthly Repayment	Principal	Interest			
1	10/1/2023	2,550.00	2,235.50	314.50			44,939.50
2	11/1/2023	2,550.00	2,250.40	299.60			42,689.10
3	12/1/2023	2,550.00	2,265.41	284.59			40,423.69
4	1/1/2024	2,550.00	2,280.51	269.49			38,143.18
5	2/1/2024	2,550.00	2,295.71	254.29			35,847.47
6	3/1/2024	2,550.00	2,311.02	238.98			33,536.45
7	4/1/2024	2,550.00	2,326.42	223.58			31,210.03
8	5/1/2024	2,550.00	2,341.93	208.07			28,868.10
9	6/1/2024	2,550.00	2,357.55	192.45			26,510.55
10	7/1/2024	2,550.00	2,373.26	176.74			24,137.29
11	8/1/2024	2,550.00	2,389.08	160.92			21,748.20
12	9/1/2024	2,550.00	2,405.01	144.99			19,343.19
13	10/1/2024	2,550.00	2,421.05	128.95			16,922.14
14	11/1/2024	2,550.00	2,437.19	112.81			14,484.96
15	12/1/2024	2,550.00	2,453.43	96.57			12,031.53
16	1/1/2025	2,550.00	2,469.79	80.21			9,561.74
17	2/1/2025	2,550.00	2,486.26	63.74			7,075.48
18	3/1/2025	2,550.00	2,502.83	47.17			4,572.65
19	4/1/2025	2,550.00	2,519.52	30.48			2,053.13
20	5/1/2025	2,066.82	2,053.13	13.69			0.00
		50,516.82	47,175.00	3,341.80			
Total Monthly Payment will be \$1,275.00 + \$2,550.00 = \$3,825.00							

EXHIBIT C

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia 'āina o ka āloku 'āina 'o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia 'āina o ka āloku 'āina
'o Hawai'i*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'ākele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho'ākele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

May 12, 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7018 1830 0001 5784 6849

Mr. Robert Acasio, President
Aloha M & W Properties, LLC
153 Makaala Street
Hilo, Hawaii 96720

Dear Mr. Acasio:

NOTICE OF DEFAULT

Subject: General Lease No. 159, Hilo, Island of Hawaii
TMK No. (3) 2-2-060:036

NOTICE IS HEREBY GIVEN, pursuant to Section 171-20, Hawaii Revised Statutes, as amended, and the provisions of General Lease No. 159, you are in default of your lease for the following:

Failure to comply with lease provision requiring payment of monthly lease rent in the total amount of \$43,350.00, including May 2023.

DEMAND IS HEREBY MADE that you remedy this default within sixty (60) days from the date of the receipt of this Notice. If you fail to remedy this default, the Hawaiian Homes Commission will exercise all rights as the Commission has under the law or under the terms of the lease to collect the delinquent lease rent due together with all associated fees and terminate the lease.

The Department of Hawaiian Home Lands must retain a certified Public Accountant to prepare a cash flow statement if the default is not cured within thirty (30) days of receipt of this Notice. This cash flow statement complies with the covenants of the Department of Hawaiian Home Lands' General Bond Resolution. All costs and expenses as a result of this action will be borne by you even if this default is cured within the sixty (60) days period.

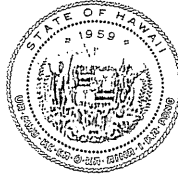
ITEM NO. F-7

EXHIBIT "C"

EXHIBIT D

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia'āina o ka Moku'āina o
Hawaii*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia'āina o ka Moku'āina
o Hawaii*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'ākele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho'ākele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

Ka 'Oihana 'Āina Ho'opulapula Hawaii'i

P O BOX 1879
HONOLULU, HAWAII 96805

August 1, 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7017 3380 0000 4501 3853

Mr. Robert Acasio, President
Aloha M & W Properties, LLC
153 Makaala Street
Hilo, Hawaii 96720

Dear Mr. Acasio:

NOTICE OF DELINQUENCY AND TERMINATION

Subject: General Lease No. 159, Hilo, Island of Hawaii
TMK No. (3) 2-2-060:036

NOTICE IS HEREBY GIVEN, pursuant to Section 171-20, Hawaii Revised Statutes, as amended, and the provisions of General Lease No. 159, you failed to cure the delinquent lease rent in the total amount of \$43,350.00, including May 2023, within sixty (60) days as noticed in our May 12, 2023 Notice of Default (copy attached). The total amount owing and outstanding is now **\$45,900.00** including August 2023.

DEMAND IS HEREBY MADE that you make full payment within five (5) days from the date of receipt of this Notice. If full payment is not received by that date, the department will present a recommendation to the Hawaiian Homes Commission to terminate your general lease at the next regularly scheduled meeting. The Department of the Attorney General will also be notified to initiate legal proceeding to enforce the termination and forfeiture of the general lease and the collection of delinquent rent and other obligations.

Should you have any questions, please contact Peter "Kahana" Albinio, Jr., Acting Administrator of our Land Management Division at 808-620-9451 or email him at peter.k.albinio.jr@hawaii.gov.

Aloha,

Kali Watson, Chairman
Hawaiian Homes Commission

Attachment

ITEM NO. F-7

EXHIBIT "D"

Mr. Robert Acasio
May 12, 2023
Page 2

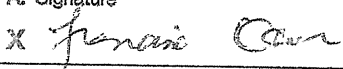
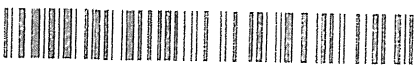
If the above-referenced default has been cured prior to the receipt of this Notice, kindly disregard this. Should you have any questions, please contact Mark Yim, Land Agent of our Land Management Division at 808-620-9453 or email him at mark.k.yim@hawaii.gov.

Aloha,



Kali Watson, Chairman
Hawaiian Homes Commission

c: East Hawaii Commissioner
Department of the Attorney General

UNDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature  <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee
Article Addressed to: Mr. Robert Acasio, President Loha M & W Properties, LLC 53 Makaala St Hilo, HI 96720 -159	B. Received by (Printed Name) Francis Chan C. Date of Delivery MAY 15 2023
	D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No
 9590 9402 2763 6351 9256 76	3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
Article Number (Transfer from service label) 018 1830 0001 5784 6849	

Form 3811, July 2015 PSN 7530-02-000-9053

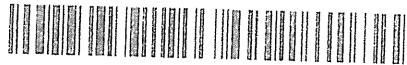
Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- ☒ Complete items 1, 2, and 3.
- ☒ Print your name and address on the reverse so that we can return the card to you.
- ☒ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Robert Acasio, President
Aloha M&W Properties, LLC
153 Makaala Street
Hilo, Hawaii 96720



9590 9402 5470 9249 1233 18

2. Article Number (Transfer from service label)

7017 3380 0000 4501 3884

COMPLETE THIS SECTION ON DELIVERY

A. Signature

x *Francisco*

☐ Agent

☐ Addressee

B. Received by (Printed Name)

Francisco

C. Date of Delivery

8.4

D. Is delivery address different from item 1?

☒ Yes

If YES, enter delivery address below: ☐ No

3. Service Type

☐ Adult Signature

☐ Adult Signature Restricted Delivery

☐ Certified Mail®

☐ Certified Mail Restricted Delivery

☐ Collect on Delivery

☐ Collect on Delivery Restricted Delivery

☐ Insured Mail

☐ Insured Mail Restricted Delivery (over \$500)

☐ Priority Mail Express®

☐ Registered Mail™

☐ Registered Mail Restricted Delivery

☐ Return Receipt for Merchandise

☐ Signature Confirmation™

☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-9053 GL 258/LMD *LC*

Domestic Return Receipt

EXHIBIT E

Chinn, Linda

From: Aol <alohamachweld@aol.com>
Sent: Wednesday, September 20, 2023 12:26 AM
To: Chinn, Linda
Subject: Re: [EXTERNAL] Re: General Lease Nos. 127, 159, & 258

Hi Linda,

Thank you for your consideration.

Payment plan proposed to pay off the outstanding balance on GL 159 & 258 is to pay the current months rent and an additional one month rent from previous non-payment.

Please let us know your thoughts and consideration.

Thank you,

Robert R. Acasio
President-CEO
Aloha Machine & Welding, Ltd.
153 Makaala Street, Hilo, HI 96720
Cell:808-960-4270 , 808-961-3303
Fax:808-961-0082_
E-Mail:alohamachweld@aol.com

On Wednesday, September 13, 2023 at 07:18:57 AM HST, Chinn, Linda <linda.l.chinn@hawaii.gov> wrote:

Good morning.

Land Management Division will postpone the termination action on GL 159 & 258 pending work out of a payment plan with you as requested by Rosanna on 9/5/2023.

LMD needs you to tell us what and how you propose to pay down on the outstanding balances on both accounts.

Time is of the essence and to avoid any delay in taking appropriate action, the work out plan must be agreed to by DHHL prior to 10/3/2023 for the HHC action on 10/16/2023.

You can call me at (808) 620-9454 to discuss.

Your prompt attention to this is much appreciated.

Linda Chinn

From: Chinn, Linda
Sent: Wednesday, September 6, 2023 8:02 AM
To: ROBERT ACASIO <alohamachweld@aol.com>
Cc: Albinio Jr, Peter K <peter.k.albinio.jr@hawaii.gov>
Subject: RE: [EXTERNAL] Re: General Lease Nos. 127, 159, & 258

Good morning Rosanna.

Not knowing your financial situation, you need to tell us how you plan to pay down on the delinquencies.

For GL 258, since the lease does not expire until 2057, you can pay down what's owing over a longer period of time.

In addition to the \$2,848.25 monthly lease rent, how much more can you pay per month?

For GL 159, only 2 years left, so the payment term must be within that time period.

In addition to the \$1,275.00 monthly lease rent, how much can you pay per month to catch up the \$40,800.00 still outstanding?

If your account is in default, there is no chance for an extension of lease term.

Please note that there will be interest charges on the principles.

LMD plans to present the termination to both general leases this September when the Commission meet in Hilo, 9/18-19, 2023.

Linda Chinn

From: ROBERT ACASIO <alohamachweld@aol.com>
Sent: Tuesday, September 5, 2023 4:18 PM
To: Chinn, Linda <linda.l.chinn@hawaii.gov>
Cc: Albinio Jr, Peter K <peter.k.albinio.jr@hawaii.gov>
Subject: [EXTERNAL] Re: General Lease Nos. 127, 159, & 258

Hi Linda,

Thank you for reaching and letting us know that you have received payment for the other leases. Yes, we would like to work on a payment plan for the outstanding balances and for the extension on the lease. Please let us know what we can do.

Thank you,

Rosanna Acasio

Sent from my iPhone

On Aug 25, 2023, at 9:29 AM, Chinn, Linda <linda.l.chinn@hawaii.gov> wrote:

Good morning and aloha, Mr. Acasio & Rochelle,

Would like to talk to you on the general leases under Aloha Machine & Welding and Aloha M & W Properties LLC.

GL 127 - We appreciate you keeping the lease rent current on GL 127. In our letter to you dated July 28, 2023, you will need to ensure the insurance as well as the lease performance bond up to date as a condition to extend the lease term on this general lease.

GL 159 – We appreciate your payment of \$6,375.00 on August 14, 2023. However, this account still owes \$40,800.00. What is your plan on paying the delinquency? Would a payment plan work for you? This lease expires in 2 years.

GL 258 – we appreciate your payment of \$8,544.75 on August 14, 2023. This account still owes \$76,956.50 as of today. Same question, what is your plan on curing this default?

As you know, a letter of termination was issued for both GL 159 & 258 and recommendation to the Hawaiian Homes Commission is planned for the September 2023 meeting in Hilo to terminate both leases.

Please let me know if we can set up a time to talk on the phone. We need to understand your plan and whether you still want to keep these leases.

Mark Yim is no longer with Land Management and I am helping out in the interim.

You can reach me at (808) 620.9454 or email at linda.l.chinn@hawaii.gov.

Liinda Chinn

Land Management Division

EXHIBIT F

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia 'āina o ka Moku 'āina 'o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia 'āina o ka Moku 'āina
'o Hawai'i*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'okele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

October 11, 2023

Mr. Robert Acasio
Aloha M & W Properties, LLC
153 Makaala St.
Hilo, Hawaii 96720

Dear Mr. Acasio:

Subject: Proposed Payment Plan, General Lease No. 159
Aloha M & W Properties, LLC, Hilo, Hawaii 96720

The Department of Hawaiian Home Lands (DHHL) is in receipt of your request to pay the delinquent outstanding lease rent on a payment plan.

To repay the amount owing as of October in the amount of \$39,525.00, and with less than two years left on the lease term, you agreed to pay \$2,550.00 per month.

Payment Plan Balance	\$39,525.00
Interest Rate	8%
Monthly P&I Payment	\$2,550.00

In addition, you will pay the monthly lease rent of \$1,275.00 for the total monthly payment of \$3,825.00. The attached schedule is the one shared with you earlier in our email.

If this arrangement is agreeable with you, please sign in the space provided below and return a copy to this office. This agreement will be the basis for our recommendation to the Hawaiian Homes Commission for approval of a payment plan to allow you time to repay the outstanding lease rent.

Should you have any questions, please contact our Land Agent, Brigida Ayson, at (808) 620-9453 or by email at brigida.v.ayson@hawaii.gov.

Aloha,

Richard Kuitunen, Administrator
Land Management Division

EXHIBIT "F"

Mr. Robert Acasio
October 11, 2023
Page #2

Robert Acasio
Robert Acasio (Oct 17, 2023 13:20 HST)

Oct 17, 2023

Robert Acasio, President
Aloha M & W Properties, LLC








Proposed Payment Plan GL 159 and 258

Final Audit Report

2023-10-17

Created:	2023-10-16 (Hawaii-Aleutian Standard Time)
By:	Brigida Ayson (brigida.v.ayson@hawaii.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAvIVPPUgZZyryyC5_bJXWjPhoZEaTI4dl
Number of Documents:	2
Document page count:	4
Number of supporting files:	0
Supporting files page count:	0

"Proposed Payment Plan GL 159 and 258" History

-  Document created by Brigida Ayson (brigida.v.ayson@hawaii.gov)
2023-10-16 - 2:25:58 PM HST
-  Document emailed to alohamachweld@aol.com for signature
2023-10-16 - 2:26:58 PM HST
-  Email viewed by alohamachweld@aol.com
2023-10-16 - 5:11:48 PM HST
-  Agreement viewed by alohamachweld@aol.com
2023-10-16 - 5:26:43 PM HST
-  Signer alohamachweld@aol.com entered name at signing as Robert Acasio
2023-10-17 - 1:20:10 PM HST
-  Document e-signed by Robert Acasio (alohamachweld@aol.com)
Signature Date: 2023-10-17 - 1:20:12 PM HST - Time Source: server
-  Agreement completed.
2023-10-17 - 1:20:12 PM HST

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

To: Chairman and Members, Hawaiian Homes Commission

Thru: Richard Kuitunen, Administrator *RK*
Land Management Division

From: Brigida Ayson, Land Agent *BA*
Land Management Division

Subject: Approval for Payment Plan on Delinquent Rent, General Lease No. 258,
Aloha Machine & Welding, Ltd.; Waiakea, South Hilo, Island of Hawai'i
TMK No. (3) 2-2-060:033 and 034

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission grant its authority to approve the payment plan on delinquent rent affecting General Lease No. 258, held by Aloha Machine & Welding, Ltd., a Hawaii corporation, identified more specifically by TMK: (3) 2-2-060:033 and 034, as delineated in gray-shade on tax map attached hereto as Exhibit "A", subject, but not limited to the following terms and conditions:

1. Based upon an amortized interest rate of eight percent (8.00%) on the delinquent balance of \$79,804.75, a monthly installment of TWO THOUSAND EIGHT HUNDRED FORTY-EIGHT AND 25/100 DOLLARS (\$2,848.25) is established (see attached schedule Exhibit "B"). When this amount is combined with the current base monthly rental of \$2,848.25, a total monthly payment of \$5,696.50 shall become due and payable on the first day of every month for the thirty-one (31)-month period commencing on October 1, 2023 through April 1, 2026; On the thirty-second (32nd)-month, THREE HUNDRED THIRTY EIGHT AND 82/100 (\$338.82), combined with the current base monthly rental of \$2,848.25, totaling to \$3,187.07 shall become due and payable on the first day of May, 2026. The total repayment for thirty-two (32) months will be \$88,634.57;
2. Should the terms and conditions as proposed be satisfied and the delinquent rent balance be cured in full within the 32-month period, the payment plan shall cease and desist immediately with the base monthly lease rental installment of \$2,848.25 remaining intact;
3. Should the LESSEE desire to cure any outstanding balance before the expiration of the three (3)-year term as described above, the payment plan shall cease immediately without any pre-payment penalty and the base monthly lease rental installment of \$2,848.25 remaining intact;

4. Failure to remit the payments as described above when due and payable will result in an immediate termination of the general lease agreement without recourse and initiating legal action to collect the outstanding deficient lease rent balance;
5. The LESSEE shall pay the standard processing and documentation fee of \$150.00 for this approval;
6. Upon approval by the Hawaiian Homes Commission, an Amendment to General Lease No. 258 shall be prepared to document and incorporate this payment plan with the lease, and shall be made effective as of October 1, 2023;
7. The Amendment to Lease document shall be subject to the review and approval of the State of Hawaii Department of the Attorney General;
8. The Chairman of the Hawaiian Homes Commission may set forth other terms and conditions deemed prudent and necessary; and
9. Except as otherwise modified herein, all other terms and conditions of General Lease No. 258 shall continue to remain in full force and effect.

BACKGROUND/DISCUSSION

General Lease No. 258 was awarded to Aloha Machine & Welding, Ltd., a Hawaii corporation, as LESSEE, at the public auction held May 8, 2002, for a term of 55 years, commencing on June 1, 2002 and expiring on May 31, 2057. The upset annual rent was set at \$27,900.00 for the initial ten-year term with stepped up every five years thereafter. The annual rent was reset on June 1, 2022 to \$34,179.00.

Pertinent information on General Lease 258 is as follows:

General Lessee:	Aloha Machine & Welding, Ltd
Location:	Lot 44 & 45, Kaei Hana Industrial Subdivision, Waiakea, Hawaii
Tax Map Key No.:	(3) 2-2-060:033 and 034 (See Exhibit "A")
Land Area:	0.920 Acres
Term:	55 Years; June 1, 2002 to May 31, 2057
Annual Lease Rent:	\$34,179.00 (\$2,848.25 per month)
Character of Use:	Limited Industrial (ML-20)
Improvements:	One office/warehouse building of approximately 5,790 square feet Carport of approximately 1,792 square feet
2023 Tax Assessed Value:	Land Value - \$733,800.00 Improvement Value - \$495,900.00
Mortgage:	None

Aloha Machine & Welding, Ltd. operates a machine repair and welding business on the property under General Lease Nos. 127 and 159. The owners bid for this lease in 2002 to expand their business. Aloha Machine is a well-established Hawaii business and was awarded the Small Business Persons of the Year in 2005.

The last payment received from LESSEE was on March 11, 2021, and the outstanding balance on the lease as of May 2023 was \$92,928.20. On May 12, 2023, the Land Management Division (LMD) sent LESSEE a Notice of Default for failure to comply with lease provision requiring payment of monthly lease rent in the total amount of \$92,928.20. A demand was made to remedy this default within sixty (60) days from the date of the receipt of the Notice. (See attached schedule Exhibit "C"). LESSEE acknowledged receipt of the Notice on May 15, 2023, and made a payment of \$15,971.90 on May 25, 2023.

On August 1, 2023, LMD sent LESSEE a Notice of Delinquency and Termination for failure to cure the default, and informed LESSEE that the lease will be recommended for termination at the next Hawaiian Homes Commission meeting. A demand was made that LESSEE make full payment within five (5) days from the date of the Notice. (See attached schedule Exhibit "D"). LESSEE acknowledged receipt of the Notice on August 4, 2023, and LESSEE made a payment of \$8,544.75 on August 14, 2023, bringing the outstanding balance down to \$76,956.50.

On August 25, 2023, LMD reached out to LESSEE via email regarding payment of the delinquent balance, and on September 20, 2023, Mr. Robert Acasio, President of Aloha Machine & Welding, Ltd., submitted a written correspondence to LMD acknowledging the rental delinquency and requesting DHHL to consider a payment plan to cure the delinquent rent. (See attached schedule Exhibit "E").

After careful review and analysis, LMD crafted the proposed payment plan as described above to cure the delinquent balance. LESSEE made a payment of \$5,696.90 on October 1, 2023, bringing the outstanding balance down to \$74,108.25. The LESSEE has kept and maintained the premises under said lease in good condition. Further, DHHL's proposal letter dated October 11, 2023 (attached hereto as Exhibit "F") being acknowledged and accepted by LESSEE on October 17, 2023.

AUTHORIZATION

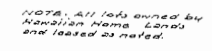
Under the authority granted by General Lease No. 159, specifically, Lessee Covenants, No. 1. **Payment of Rent**, on page 2, states "That the LESSEE shall pay said rent to the LESSOR at the place specified above, or at such other place as the LESSOR may from time to time designate, in legal tender of the United States of America without deduction and without notice or demand."

RECOMMENDATION

Land Management Division respectfully recommends approval of the requested motion/action as stated.

EXHIBIT A

ITEM NO.	



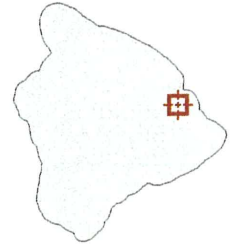
DEPARTMENT OF TAXATION
PROPERTY ASSESSMENT DIVISION
TAX MAPS BRANCH
STATE OF HAWAII
TAX MAP

THIRD TAXATION DIVISION		
ZONE	SEC.	PLAT
2	2	60
SCALE: 1 IN. = 100 FT.		

FOR REAL PROPERTY TAXATION PURPOSES
SUBJECT TO CHANGE



Overview



Legend

Parcels

Parcel ID	220600330000	Situs/Physical Address	133 MAKAAALA STREET	Market Land Value	\$366,900	Last 2 Sales			
Acreage	0.4649	Mailing Address	HAWAIIAN HOME LANDS	Dedicated Use Value	\$0	Date	6/1/2002	Price	\$486,189
Class	INDUSTRIAL			Land Exemption	\$0			Reason	INVOLVED
				Net Taxable Land Value	\$366,900			ADD'L PARCELS	
						4/14/1997	0	n/a	U
				Assessed Building Value	\$800				
				Building Exemption	\$0				
				Net Taxable Building Value	\$800				
				Total Taxable Value	\$367,700				

Brief Tax Description LOT 44 20,250 SF DES KAEI HANA-I S/D

(Note: Not to be used on legal documents)

"Hawaii County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. The 'parcels' layer is intended to be used for visual purposes only and should not be used for boundary interpretations or other spatial analysis beyond the limitations of the data. The 'parcels' data layer does not contain metes and bounds described accuracy therefore, please use caution when viewing this data. Overlaying this layer with other data layers that may not have used this layer as a base may not produce precise results. GPS and imagery data will not overlay exactly.

EXHIBIT 'A'

Date created: 9/5/2023
Last Data Uploaded: 9/5/2023 1:36:05 PM

Developed by  **Schneider**
GEOSPATIAL

EXHIBIT B

EXHIBIT "B"

General Lease No. 258						
TMK No. (3) 2-2-060:033 & 034				Interest @ 8%	P&I = \$2,848.25	
	Balance as of 9/23/2023				79,804.75	
	Monthly Repayment	Principal	Interest			
10/1/2023	2,848.25	2,316.22	532.03		77,488.53	
11/1/2023	2,848.25	2,331.66	516.59		75,156.87	
12/1/2023	2,848.25	2,347.20	501.05		72,809.67	
1/1/2024	2,848.25	2,362.85	485.40		70,446.82	
2/1/2024	2,848.25	2,378.60	469.65		68,068.21	
3/1/2024	2,848.25	2,394.46	453.79		65,673.75	
4/1/2024	2,848.25	2,410.43	437.82		63,263.32	
5/1/2024	2,848.25	2,426.49	421.76		60,836.83	
6/1/2024	2,848.25	2,442.67	405.58		58,394.16	
7/1/2024	2,848.25	2,458.96	389.29		55,935.20	
8/1/2024	2,848.25	2,475.35	372.90		53,459.85	
9/1/2024	2,848.25	2,491.85	356.40		50,968.00	
10/1/2024	2,848.25	2,508.46	339.79		48,459.54	
11/1/2024	2,848.25	2,525.19	323.06		45,934.35	
12/1/2024	2,848.25	2,542.02	306.23		43,392.33	
1/1/2025	2,848.25	2,558.97	289.28		40,833.36	
2/1/2025	2,848.25	2,576.03	272.22		38,257.34	
3/1/2025	2,848.25	2,593.20	255.05		35,664.14	
4/1/2025	2,848.25	2,610.49	237.76		33,053.65	
5/1/2025	2,848.25	2,627.89	220.36		30,425.75	
6/1/2025	2,848.25	2,645.41	202.84		27,780.34	
7/1/2025	2,848.25	2,663.05	185.20		25,117.30	
8/1/2025	2,848.25	2,680.80	167.45		22,436.49	
9/1/2025	2,848.25	2,698.67	149.58		19,737.82	
10/1/2025	2,848.25	2,716.66	131.59		17,021.16	
11/1/2025	2,848.25	2,734.78	113.47		14,286.38	
12/1/2025	2,848.25	2,753.01	95.24		11,533.37	
1/1/2026	2,848.25	2,771.36	76.89		8,762.01	

EXHIBIT "B"

2/1/2026	2,848.25	2,789.84	58.41	5,972.18	
3/1/2026	2,848.25	2,808.44	39.81	3,163.74	
4/1/2026	2,848.25	2,827.16	21.09	336.58	
5/1/2026	338.82	336.58	2.24	0.00	
	88,634.57	79,804.75	8,829.83		
Total Monthly Payment will be \$2,848.25 + \$2,848.25 = \$5,696.50					

EXHIBIT C

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia'āina o ka Moku'āina o
Hawaii*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia'āina o ka Moku'āina
o Hawaii*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'okele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawaii'i

P O BOX 1879
HONOLULU, HAWAII 96805

May 12, 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7018 1830 0001 5784 6856

Mr. Robert Acasio, President
Aloha Machine & Welding, Ltd.
153 Makaala Street
Hilo, Hawaii 96720

Dear Mr. Acasio:

NOTICE OF DEFAULT

Subject: General Lease No. 258, Hilo, Island of Hawaii
TMK No. (3) 2-2-060:033 & 034

NOTICE IS HEREBY GIVEN, pursuant to Section 171-20, Hawaii Revised Statutes, as amended, and the provisions of General Lease No. 258, you are in default of your lease for the following:

Failure to comply with lease provision requiring payment of monthly lease rent in the total amount of \$92,928.20, including May 2023.

DEMAND IS HEREBY MADE that you remedy this default within sixty (60) days from the date of the receipt of this Notice. If you fail to remedy this default, the Hawaiian Homes Commission will exercise all rights as the Commission has under the law or under the terms of the lease to collect the delinquent lease rent due together with all associated fees and terminate the lease.

The Department of Hawaiian Home Lands must retain a certified Public Accountant to prepare a cash flow statement if the default is not cured within thirty (30) days of receipt of this Notice. This cash flow statement complies with the covenants of the Department of Hawaiian Home Lands' General Bond Resolution. All costs and expenses as a result of this action will be borne by you even if this default is cured within the sixty (60) days period.

Mr. Robert Acasio
May 12, 2023
Page 2

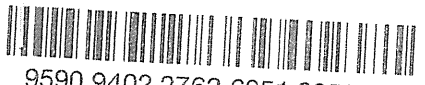
If the above-referenced default has been cured prior to the receipt of this Notice, kindly disregard this. Should you have any questions, please contact Mark Yim, Land Agent of our Land Management Division at 808-620-9453 or email him at mark.k.yim@hawaii.gov.

Aloha,



Kali Watson, Chairman
Hawaiian Homes Commission

c: East Hawaii Commissioner
Department of the Attorney General

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee	
Article Addressed to: Mr. Robert Acasio, President Aloha Machine & Welding, Ltd. 153 Makaala St Hilo, HI 96720 SL 256		B. Received by (Printed Name) James O. ... C. Date of Delivery MAY 13 2023	
		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
 9590 9402 2763 6351 9256 69		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500) <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	
Article Number (Transfer from service label) 018 1830 0001 5784 6856			
Form 3811, July 2015 PSN 7530-02-000-9053			

Domestic Return Receipt

EXHIBIT D

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ka Kia'ūna o ka Moku'āina o
Hawaii*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hoape Kia'ūna o ka Moku'āina
o Hawaii*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ila'okele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hoape Luna Ila'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawaii'i

P O BOX 1879
HONOLULU, HAWAII 96805

August 1, 2023

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7017 3380 0000 4501 3884

Mr. Robert Acasio, President
Aloha M & W Properties, LLC
153 Makaala Street
Hilo, Hawaii 96720

Dear Mr. Acasio:

NOTICE OF DELINQUENCY AND TERMINATION

Subject: General Lease No. 258, Hilo, Island of Hawaii
TMK No. (3) 2-2-060:033 & 034

NOTICE IS HEREBY GIVEN, pursuant to Section 171-20, Hawaii Revised Statutes, as amended, and the provisions of General Lease No. 258, you failed to cure the delinquent lease rent in the total amount of \$92,928.20, including May 2023, within sixty (60) days as noticed in our May 12, 2023 Notice of Default (copy attached). We appreciate your payment of \$15,971.70 on May 25, 2023, however, the payment is insufficient to cure the default. The total amount owing and outstanding is now \$82,653.00 including August 2023.

DEMAND IS HEREBY MADE that you make full payment within five (5) days from the date of receipt of this Notice. If full payment is not received by that date, the department will present a recommendation to the Hawaiian Homes Commission to terminate your general lease at the next regularly scheduled meeting. The Department of the Attorney General will also be notified to initiate legal proceeding to enforce the termination and forfeiture of the general lease and the collection of delinquent rent and other obligations.


Should you have any questions, please contact Peter "Kahana" Albinio, Jr., Acting Administrator of our Land Management Division at 808-620-9451 or email him at peter.k.albinio.jr@hawaii.gov.

Aloha,

A handwritten signature in black ink, reading "Kali Watson".

Kali Watson, Chairman
Hawaiian Homes Commission

Attachment

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<input type="checkbox"/> Complete items 1, 2, and 3. <input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee <i>[Signature]</i>	
1. Article Addressed to: Mr. Robert Acasio Aloha M&W Properties LLC 153 Makaala Street Hilo, Hawaii 96720		B. Received by (Printed Name) <i>Francisco Carr</i>	C. Date of Delivery <i>8-4</i>
2. Article Number (Transfer from service label) 7017 3380 0000 4501 3853		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
 9590 9402 5470 9249 1233 56		3. Service Type <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
		<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery	

PS Form 3811, July 2015 PSN 7530-02-000-9053

GL 159/LMD-LL

Domestic Return Receipt

EXHIBIT E

Chinn, Linda

From: Aol <alohamachweld@aol.com>
Sent: Wednesday, September 20, 2023 12:26 AM
To: Chinn, Linda
Subject: Re: [EXTERNAL] Re: General Lease Nos. 127, 159, & 258

Hi Linda,

Thank you for your consideration.

Payment plan proposed to pay off the outstanding balance on GL 159 & 258 is to pay the current months rent and an additional one month rent from previous non-payment.

Please let us know your thoughts and consideration.

Thank you,

Robert R. Acasio
President-CEO
Aloha Machine & Welding, Ltd.
153 Makaala Street, Hilo, HI 96720
Cell:808-960-4270 , 808-961-3303
Fax:808-961-0082_
E-Mail:alohamachweld@aol.com

On Wednesday, September 13, 2023 at 07:18:57 AM HST, Chinn, Linda <linda.l.chinn@hawaii.gov> wrote:

Good morning.

Land Management Division will postpone the termination action on GL 159 & 258 pending work out of a payment plan with you as requested by Rosanna on 9/5/2023.

LMD needs you to tell us what and how you propose to pay down on the outstanding balances on both accounts.

Time is of the essence and to avoid any delay in taking appropriate action, the work out plan must be agreed to by DHHL prior to 10/3/2023 for the HHC action on 10/16/2023.

You can call me at (808) 620-9454 to discuss.

Your prompt attention to this is much appreciated.

Linda Chinn

From: Chinn, Linda
Sent: Wednesday, September 6, 2023 8:02 AM
To: ROBERT ACASIO <alohamachweld@aol.com>
Cc: Albinio Jr, Peter K <peter.k.albinio.jr@hawaii.gov>
Subject: RE: [EXTERNAL] Re: General Lease Nos. 127, 159, & 258

Good morning Rosanna.

Not knowing your financial situation, you need to tell us how you plan to pay down on the delinquencies.

For GL 258, since the lease does not expire until 2057, you can pay down what's owing over a longer period of time.

In addition to the \$2,848.25 monthly lease rent, how much more can you pay per month?

For GL 159, only 2 years left, so the payment term must be within that time period.

In addition to the \$1,275.00 monthly lease rent, how much can you pay per month to catch up the \$40,800.00 still outstanding?

If your account is in default, there is no chance for an extension of lease term.

Please note that there will be interest charges on the principles.

LMD plans to present the termination to both general leases this September when the Commission meet in Hilo, 9/18-19, 2023.

Linda Chinn

From: ROBERT ACASIO <alohamachweld@aol.com>
Sent: Tuesday, September 5, 2023 4:18 PM
To: Chinn, Linda <linda.l.chinn@hawaii.gov>
Cc: Albinio Jr, Peter K <peter.k.albinio.jr@hawaii.gov>
Subject: [EXTERNAL] Re: General Lease Nos. 127, 159, & 258

Hi Linda,

Thank you for reaching and letting us know that you have received payment for the other leases. Yes, we would like to work on a payment plan for the outstanding balances and for the extension on the lease. Please let us know what we can do.

Thank you,

Rosanna Acasio

Sent from my iPhone

On Aug 25, 2023, at 9:29 AM, Chinn, Linda <linda.l.chinn@hawaii.gov> wrote:

Good morning and aloha, Mr. Acasio & Rochelle,

Would like to talk to you on the general leases under Aloha Machine & Welding and Aloha M & W Properties LLC.

GL 127 - We appreciate you keeping the lease rent current on GL 127. In our letter to you dated July 28, 2023, you will need to ensure the insurance as well as the lease performance bond up to date as a condition to extend the lease term on this general lease.

GL 159 – We appreciate your payment of \$6,375.00 on August 14, 2023. However, this account still owes \$40,800.00. What is your plan on paying the delinquency? Would a payment plan work for you? This lease expires in 2 years.

GL 258 – we appreciate your payment of \$8,544.75 on August 14, 2023. This account still owes \$76,956.50 as of today. Same question, what is your plan on curing this default?

As you know, a letter of termination was issued for both GL 159 & 258 and recommendation to the Hawaiian Homes Commission is planned for the September 2023 meeting in Hilo to terminate both leases.

Please let me know if we can set up a time to talk on the phone. We need to understand your plan and whether you still want to keep these leases.

Mark Yim is no longer with Land Management and I am helping out in the interim.

You can reach me at (808) 620.9454 or email at linda.l.chinn@hawaii.gov.

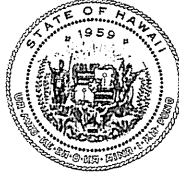
Liinda Chinn

Land Management Division

EXHIBIT F

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia 'āina o ka Moku 'āina 'o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia 'āina o ka Moku 'āina
'o Hawai'i*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'okele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

October 11, 2023

Mr. Robert Acasio
Aloha Machine & Welding Ltd.
153 Makaala St.
Hilo, Hawaii 96720

Dear Mr. Acasio:

Subject: Proposed Payment Plan, General Lease No. 258
Aloha M & W Properties, LLC, Hilo, Hawaii 96720

The Department of Hawaiian Home Lands (DHHL) is in receipt of your request to pay the delinquent outstanding lease rent on a payment plan.

To repay the amount owing as of October in the amount of \$74,108.25, and with 34 years left on the lease term, you agreed to pay \$2,848.25 per month.

Payment Plan Balance	\$74,108.25
Interest Rate	8%
Monthly P&I Payment	\$2,848.25

In addition, you will pay the monthly lease rent of \$2,848.25 for the total monthly payment of \$5,696.50. The attached schedule is the one shared with you earlier in our email.

If this arrangement is agreeable with you, please sign in the space provided below and return a copy to this office. This agreement will be the basis for our recommendation to the Hawaiian Homes Commission for approval of a payment plan to allow you time to repay the outstanding lease rent.

Should you have any questions, please contact our Land Agent, Brigida Ayson, at (808) 620-9453 or by email at brigida.v.ayson@hawaii.gov.

Aloha


Richard Kuitunen, Administrator
Land Management Division

EXHIBIT "F"

Mr. Robert Acasio
October 11, 2023
Page #2

Robert Acasio Oct 17, 2023
Robert Acasio (Oct 17, 2023 13:20 HST)
Robert Acasio, President
Aloha M & W Properties, LLC








Proposed Payment Plan GL 159 and 258

Final Audit Report

2023-10-17

Created:	2023-10-16 (Hawaii-Aleutian Standard Time)
By:	Brigida Ayson (brigida.v.ayson@hawaii.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAvIVPPUgZZyryyC5_bJXWjPhoZEaTI4dl
Number of Documents:	2
Document page count:	4
Number of supporting files:	0
Supporting files page count:	0

"Proposed Payment Plan GL 159 and 258" History

-  Document created by Brigida Ayson (brigida.v.ayson@hawaii.gov)
2023-10-16 - 2:25:58 PM HST
-  Document emailed to alohamachweld@aol.com for signature
2023-10-16 - 2:26:58 PM HST
-  Email viewed by alohamachweld@aol.com
2023-10-16 - 5:11:48 PM HST
-  Agreement viewed by alohamachweld@aol.com
2023-10-16 - 5:26:43 PM HST
-  Signer alohamachweld@aol.com entered name at signing as Robert Acasio
2023-10-17 - 1:20:10 PM HST
-  Document e-signed by Robert Acasio (alohamachweld@aol.com)
Signature Date: 2023-10-17 - 1:20:12 PM HST - Time Source: server
-  Agreement completed.
2023-10-17 - 1:20:12 PM HST

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

November 20-21, 2023

To: Chairman and Members, Hawaiian Homes Commission

Through: Richard Kuitunen, Administrator *RK*
Land Management Division

From: Brigida Ayson, Land Agent *BA*
Land Management Division

Subject: Approval to the Amendment of Right-of-Entry No. 732, U.S. Army Corps of Engineers, Kawaihae, Island of Hawai'i, Tax Map Key No. (3) 6-1-002, 003, 004, 005, 006: various, (3) 6-2-001-012, (3) 6-5-001:056, (3) 6-5-001:058, (3) 6-6-001,004,007,012: various

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission ("HHC") grant its approval to the Amendment to Right-of-Entry No. 732 issued to the Department of the Army, U.S. Army Corps of Engineers ("USACE"), for the purpose of investigating chemical contamination, containerized regulated substances, or Munitions of Explosives of Concern, which may involve soil sampling, installation of ground water monitoring wells, geophysical surveys, and clearance of surface vegetation on any or all lands under Hawaiian Home Lands within the Waikoloa Maneuver Area.

The approval of this amendment is subject to the following conditions:

1. A total of eighty-five (85) newly identified parcels of Hawaiian home lands situated in and around Kawaihae, known as the former Waikoloa Maneuver Area on the Island of Hawai'i, identified by the table below and identified in maps marked Schedule "A", shall be added to the original list of parcels subject to the above-mentioned investigation;

Tax Map Key Nos.

(3) 6-1-002:060	(3) 6-1-005:005	(3) 6-6-004:132
(3) 6-1-002:061	(3) 6-1-005:006	(3) 6-6-004:133
(3) 6-1-002:062	(3) 6-1-005:007	(3) 6-6-004:134
(3) 6-1-002:063	(3) 6-1-005:021	(3) 6-6-004:135
(3) 6-1-002:066	(3) 6-1-005:022	(3) 6-6-004:137
(3) 6-1-002:080	(3) 6-1-005:023	(3) 6-6-004:138
(3) 6-1-002:088	(3) 6-1-006:005	(3) 6-6-004:139
(3) 6-1-003:003	(3) 6-1-006:006	(3) 6-6-012:001

(3) 6-1-003:018	(3) 6-1-006:007	(3) 6-6-012:002
(3) 6-1-003:029	(3) 6-1-006:008	(3) 6-6-012:003
(3) 6-1-004:005	(3) 6-1-006:009	(3) 6-6-012:004
(3) 6-1-004:006	(3) 6-1-006:010	(3) 6-6-012:005
(3) 6-1-004:007	(3) 6-1-006:011	(3) 6-6-012:006
(3) 6-1-004:008	(3) 6-1-006:012	(3) 6-6-012:007
(3) 6-1-004:009	(3) 6-1-006:013	(3) 6-6-012:008
(3) 6-1-004:010	(3) 6-1-006:014	(3) 6-6-012:009
(3) 6-1-004:011	(3) 6-1-006:015	(3) 6-6-012:010
(3) 6-1-004:013	(3) 6-1-006:016	(3) 6-6-012:011
(3) 6-1-004:015	(3) 6-5-001:056	(3) 6-6-012:012
(3) 6-1-004:016	(3) 6-5-001:058	(3) 6-6-012:013
(3) 6-1-004:017	(3) 6-6-004:012	(3) 6-6-012:014
(3) 6-1-004:018	(3) 6-6-004:124	(3) 6-6-012:015
(3) 6-1-004:042	(3) 6-6-004:125	(3) 6-6-012:016
(3) 6-1-004:043	(3) 6-6-004:126	(3) 6-6-012:017
(3) 6-1-004:044	(3) 6-6-004:127	(3) 6-6-012:018
(3) 6-1-005:001	(3) 6-6-004:128	(3) 6-6-012:019
(3) 6-1-005:002	(3) 6-6-004:129	(3) 6-6-012:020
(3) 6-1-005:003	(3) 6-6-004:130	(3) 6-6-012:021
(3) 6-1-005:004	(3) 6-6-004:131	

2. Any parcels belonging to the Department of Hawaiian Home Lands, located within the former Waikoloa Maneuver Area, that will be identified in the future as subject to investigation shall be added to this Right-of-Entry No. 732 without having to go back to the Hawaiian Homes Commission for approval;
3. As the Department of the Army prefers to use their standard ROE and the said ROE has been reviewed and approved by the Department of Hawaiian Home Lands' Deputy Attorney General, the Chairman of the Hawaiian Homes Commission shall be authorized to sign the Department of the Army Right-of-Entry (ROE) for Formerly Used Defense Sites Program; and
4. With the exception of the current requested action, all of the terms, conditions, covenants, and provisions of Right of Entry No. 732 shall continue to remain in full force and effect.

LOCATION:

Portion of Hawaiian home lands situated in Kawaihae, known as the former Waikoloa Maneuver Area on the Island of Hawai'i, as further identified above, and as shown in Schedule "A".

DISCUSSION:

At its meeting of September 18, 2023, the Hawaiian Homes Commission approved the issuance of Right-of-Entry No. 732 (ROE 732) to the Department of the Army, U.S. Army Corps of Engineers ("USACE"), for a period of five (5) years, for the purpose of investigating various

identified parcels of Hawaiian home lands for chemical contamination, containerized regulated substances, or Munitions of Explosives of Concern, which may involve soil sampling, installation of ground water monitoring wells, geophysical surveys, and clearance of surface vegetation. (See Exhibit “A”).

DHHL’S Right-of-Entry No. 732 was issued and sent electronically to the Department of the Army, USACE, for execution (Exhibit “B”), however, USACE prefers to use their standard ROE (Exhibit “C”). Therefore, the Land Management Division (LMD) consulted DHHL’s Deputy Attorney General (DAG) regarding this matter. After careful review of USACE’s ROE, DAG Allysa-Marie Kau authorized the use of USACE’s ROE (Exhibit “D”).

With the permission of USACE, LMD added a heading to USACE’s ROE identifying it as DHHL’s Right-of-Entry 732 for DHHL’s use only. The date of approval by the Hawaiian Homes Commission was also added on the second page for DHHL’s reference only. (Exhibit “E”)

Through the attached letter shown as Exhibit “F”, dated September 27, 2023, the USACE has identified eighty-five (85) additional parcels that are located within, or adjacent to the former Waikoloa Maneuver Area, which USACE is seeking permission to access for their investigation. Out of these 85 newly identified parcels, forty-nine (49) are under homestead leases, three (3) under commercial, and seven (7) under industrial. The lessees and the tenants will be notified prior to any activities impacting their parcel.

After this phase of Remedial Investigation/Feasibility Study, the USACE will advise DHHL of its findings and discuss the next step in the process of addressing any hazards that may be present as a result of the former use of these parcels and may seek additional permission before proceeding with any further action that may be required.

Activities anticipated may involve making a visual inspection, survey with a metal detector or other instrument, and collecting soil and/or water samples.

AUTHORITY

§204(a)(2) of the Hawaiian Homes Commission Act, 1920, as amended
§171-55, Hawaii Revised Statutes, as amended

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the updated Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands, as approved by the Environmental Council as of April 6, 2021, the subject request is exempt from the preparation of an environmental assessment pursuant to Type 5 under Part I, titled De Minimis Activities, “Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource”.

RECOMMENDATION

Land Management Division respectfully recommends approval of the requested motion/action as stated.

Schedule A





FUDS Property: Waikoloa Maneuver Area

FUDS Property No.: H09HI0359

FUDS Projects: SECTORS 16A, 16B, 16C, 16D,
AND 16E

Owner: DEPT OF HAWAIIAN HOME
LANDS
ATTN: KAHANA ALBINIO,
ACTING LAND
MANAGEMENT
ADMINISTRATOR

Legend

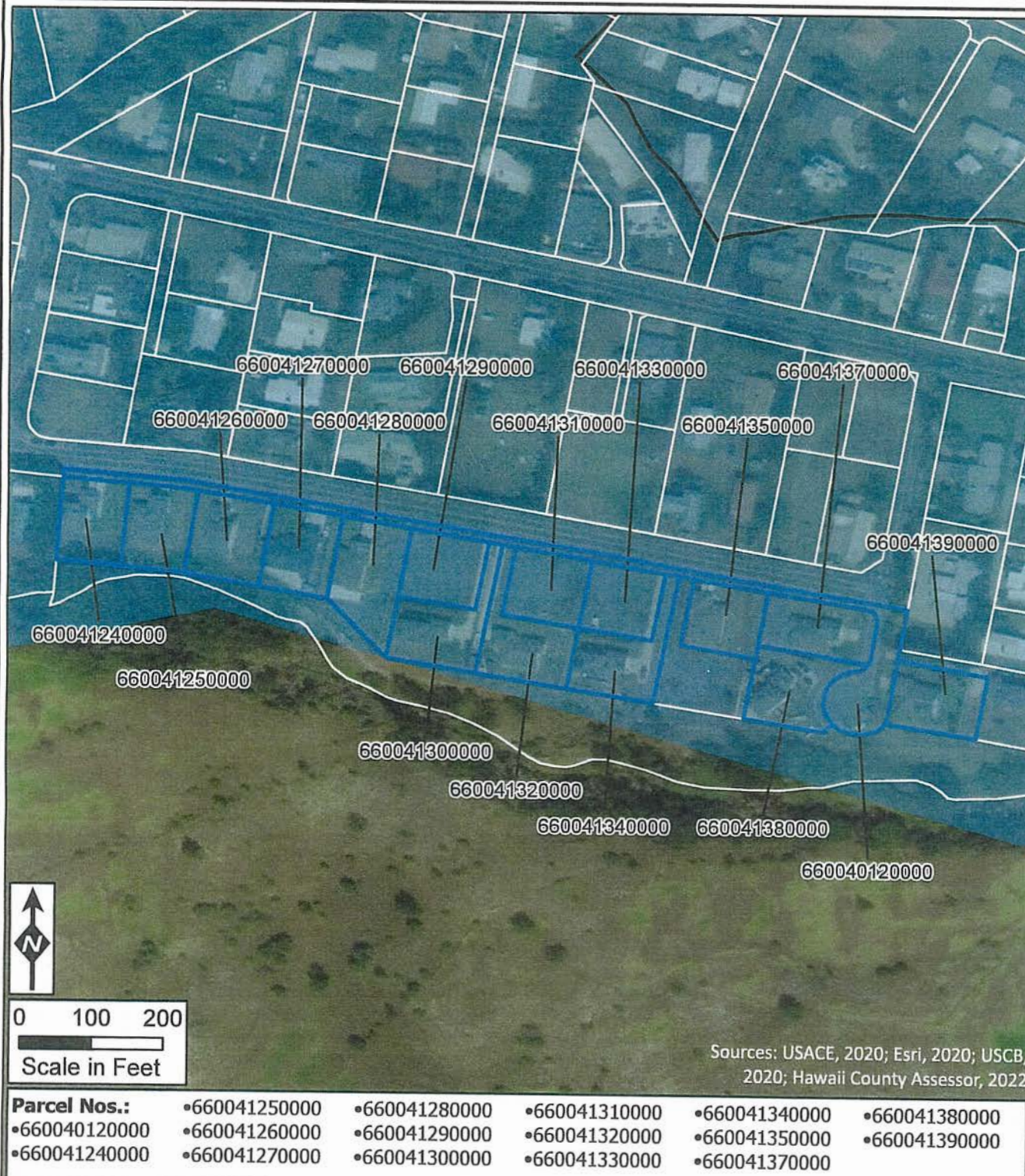
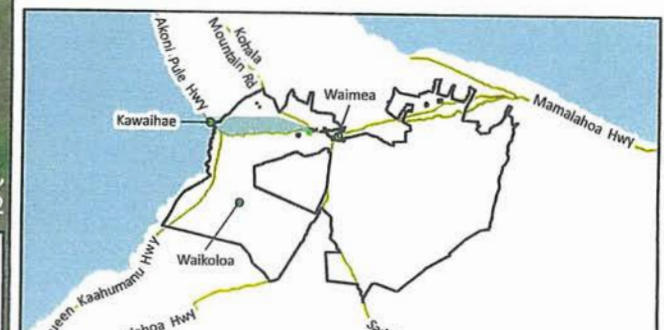
-  FUDS Property Boundary
-  Waikoloa Maneuver Area
-  FUDS Project Boundary
-  Project No.: 20

For general information about the
FUDS Program, visit:

[www.poh.usace.army.mil/Missions/
Environmental/FUDS/Waikoloa](http://www.poh.usace.army.mil/Missions/Environmental/FUDS/Waikoloa)



US Army Corps
of Engineers.



0 100 200

Scale in Feet

Schedule A




FUDS Property: Waikoloa Maneuver Area

FUDS Property No.: H09HI0359

FUDS Projects: SECTORS 16A, 16B, 16C, 16D, AND 16E

Owner: DEPT OF HAWAIIAN HOME LANDS
ATTN: KAHANA ALBINIO,
ACTING LAND
MANAGEMENT
ADMINISTRATOR

Legend

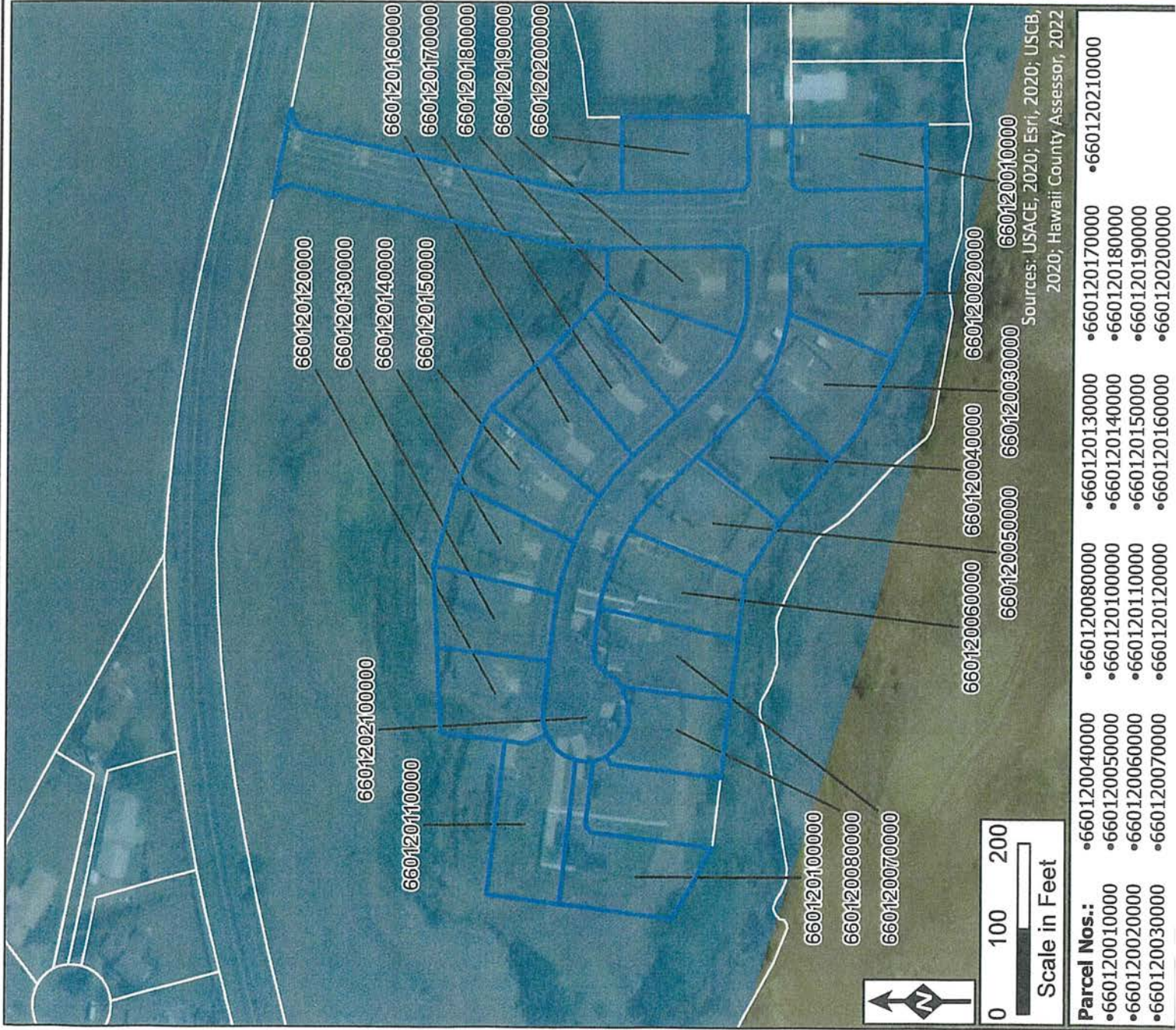
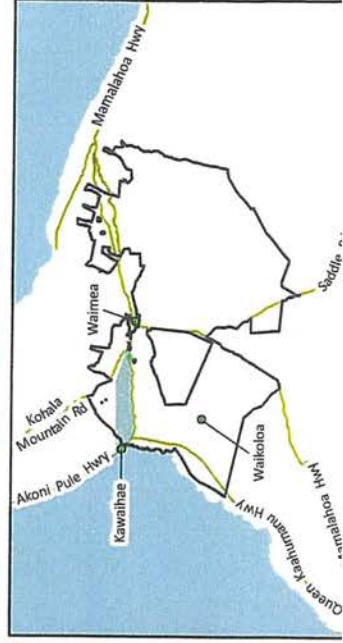
-  FUDS Property Boundary
-  Waikoloa Maneuver Area
-  FUDS Project Boundary
- Project No.: 20

For general information about the FUDS Program, visit:

www.poh.usace.army.mil/Missions/Environmental/FUDS/Waikoloa



US Army Corps
of Engineers.



Schedule A

FUDS Property: Waikoloa Maneuver Area





FUDS Property No.: H09HI0359

FUDS Projects: SECTORS 16A, 16B, 16C, 16D,
AND 16E

Owner: DEPT OF HAWAIIAN HOME
LANDS
ATTN: KAHANA ALBINIO,
ACTING LAND
MANAGEMENT
ADMINISTRATOR

Parcel Nos.: 650010560000
650010580000

Legend

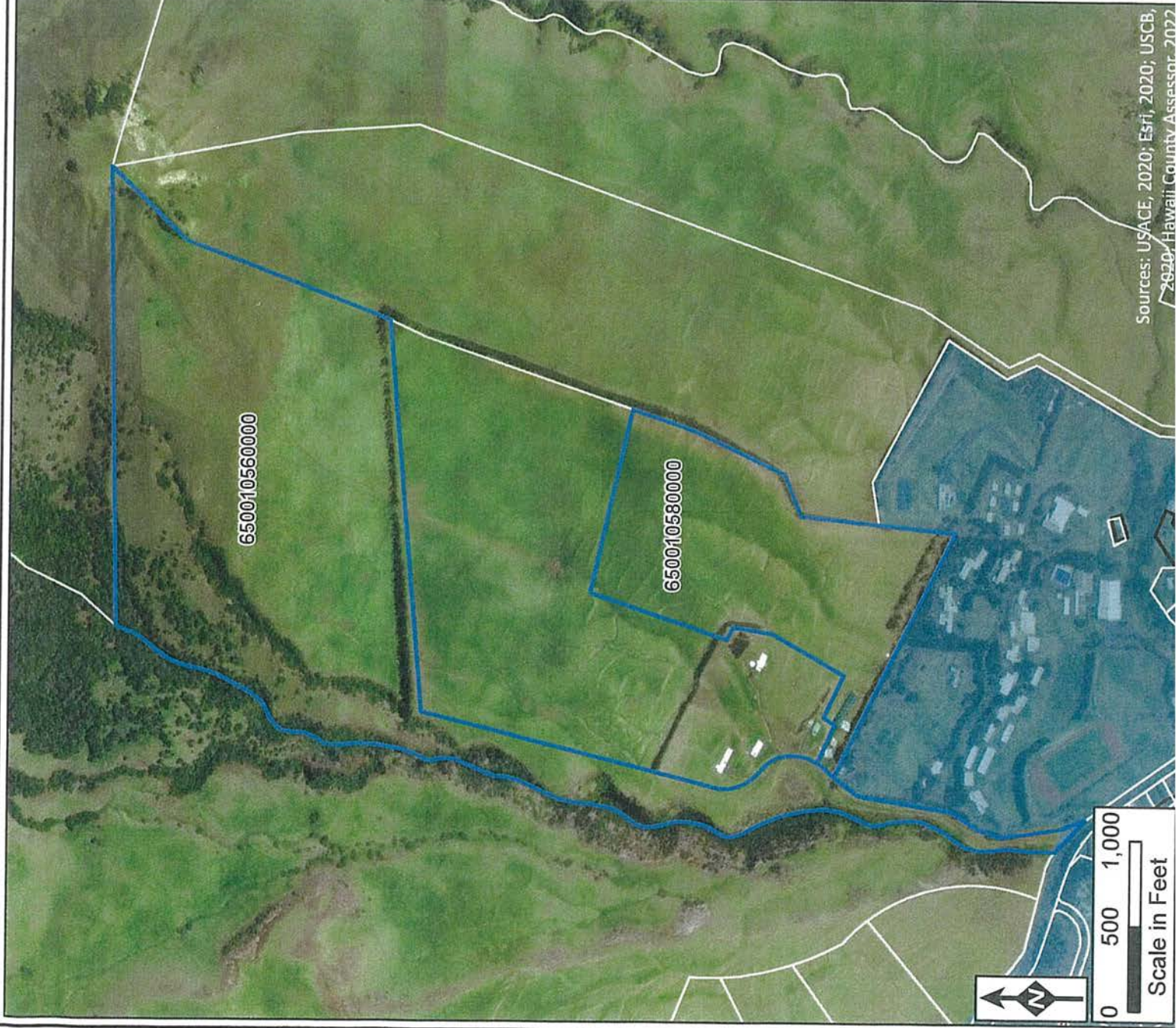
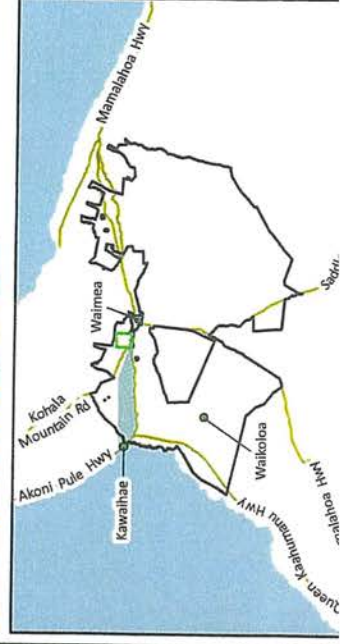
-  FUDS Property Boundary
-  Waikoloa Maneuver Area
-  FUDS Project Boundary
-  Project No.: 20

For general information about the
FUDS Program, visit:

[www.poh.usace.army.mil/Missions/
Environmental/FUDS/Waikoloa](http://www.poh.usace.army.mil/Missions/Environmental/FUDS/Waikoloa)



US Army Corps
of Engineers.



Sources: USACE, 2020; Esri, 2020; USCB,
2020; Hawaii County Assessor, 2020

Schedule A

FUDS Property: Waikoloa Maneuver Area

FUDS Property No.: H09HI0359

FUDS Projects: 20 - SECTORS 16A, 16B, 16C, 16D, AND 16E

Owner: DEPT OF HAWAIIAN HOME LANDS
ATTN: KAHANA ALBINIO,
ACTING LAND
MANAGEMENT
ADMINISTRATOR

Legend

Parcel Boundary

FUDS Project Boundary

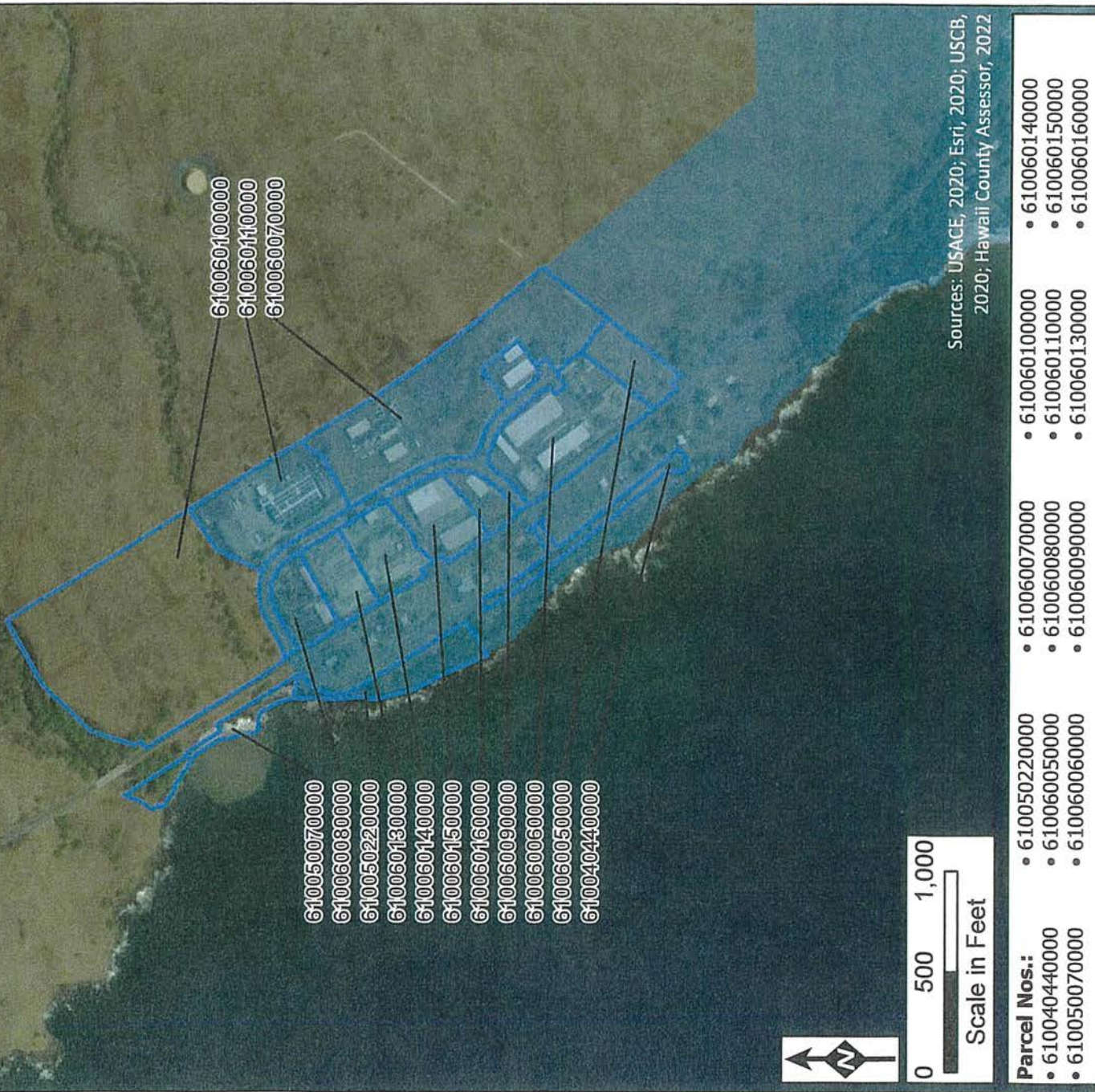
Project No.: 20

For general information about the FUDS Program, visit:

www.poh.usace.army.mil/Missions/Environmental/FUDS/Waikoloa



US Army Corps
of Engineers.



Schedule A

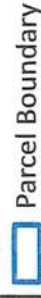
FUDS Property: Waikoloa Maneuver Area

FUDS Property No.: H09HI0359

FUDS Projects: 20 - SECTORS 16A, 16B, 16C, 16D, AND 16E

Owner: DEPT OF HAWAIIAN HOME LANDS
ATTN: KAHANA ALBINIO,
ACTING LAND
MANAGEMENT
ADMINISTRATOR

Legend



FUDS Project Boundary

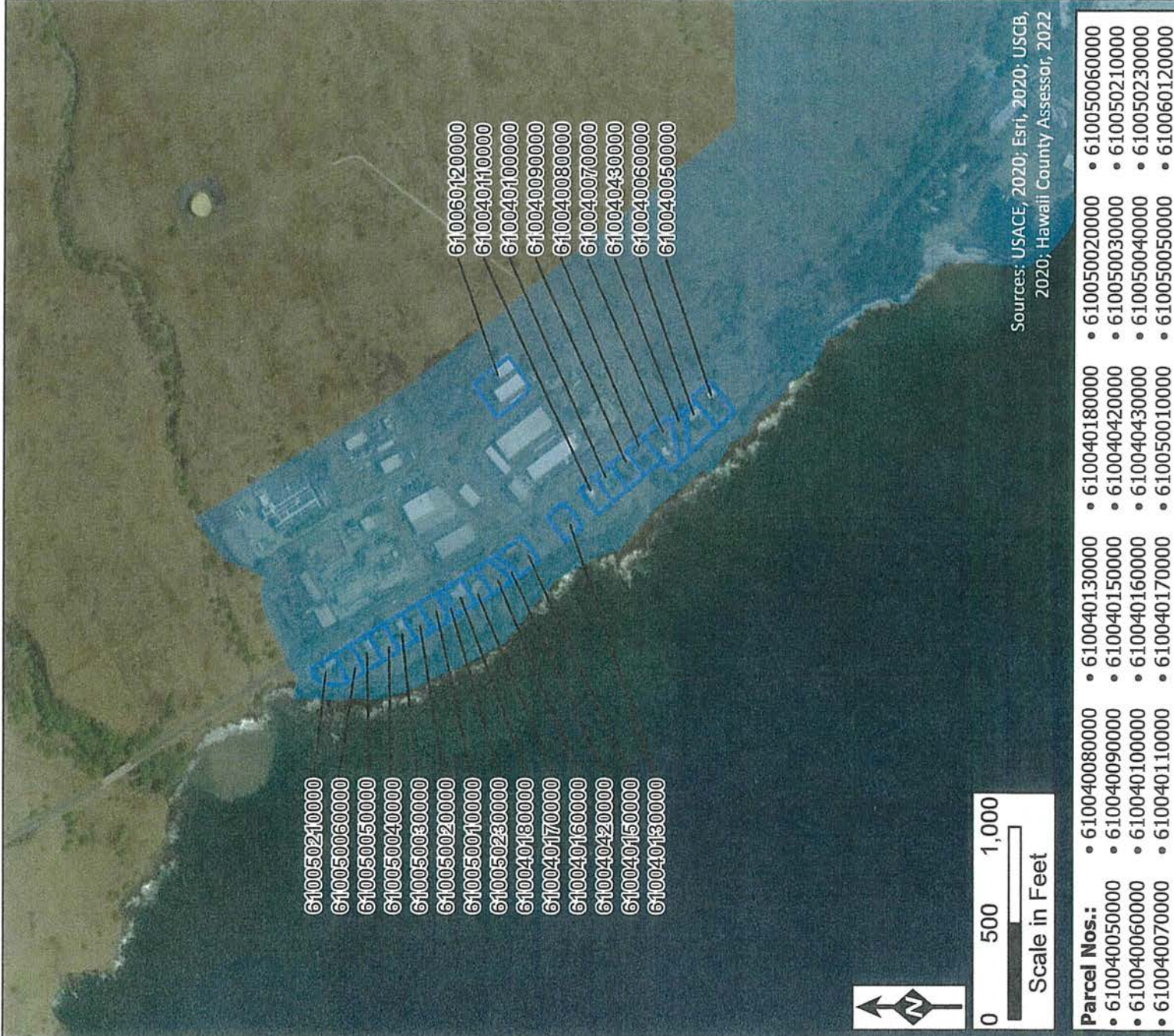
Project No.: 20

For general information about the FUDS Program, visit:

www.poh.usace.army.mil/Missions/Environmental/FUDS/Waikoloa



US Army Corps of Engineers.



Sources: USACE, 2020; Esri, 2020; USCB, 2020; Hawaii County Assessor, 2022



Parcel Nos.:	610040080000	610040130000	610040180000	610050020000	610050060000
• 610040050000	• 610040090000	• 610040150000	• 610040200000	• 610050030000	• 610050210000
• 610040060000	• 610040100000	• 610040160000	• 610040300000	• 610050040000	• 610050230000
• 610040070000	• 610040110000	• 610040170000	• 610050010000	• 610050050000	• 610060120000

Schedule A

FUDS Property: Waikoloa Maneuver Area

FUDS Property No.: H09HI0359

FUDS Projects: 20 - SECTORS 16A, 16B, 16C, 16D, AND 16E

Owner: DEPT OF HAWAIIAN HOME LANDS
ATTN: KAHANA ALBINIO,
ACTING LAND
MANAGEMENT
ADMINISTRATOR

Legend

- Parcel Boundary
- FUDS Property Boundary
- Waikoloa Maneuver Area
- FUDS Project Boundary
- Project No.: 20

For general information about the FUDS Program, visit:

www.poh.usace.army.mil/Missions/Environmental/FUDS/Waikoloa



US Army Corps
of Engineers.



610030290000
610030180000
610030030000
610020600000
610020610000
610020630000
610020660000
610020620000
610020880000
610020800000
610020800000



0 250 500
Scale in Feet

Sources: USACE, 2020; Esri, 2020; USCB, 2020; Hawaii County Assessor, 2022

Parcel Nos.:
• 610020600000 • 610020610000 • 610020630000 • 610020660000 • 610020800000 • 610020880000 • 610030180000 • 610030290000

EXHIBIT A

LAND MANAGEMENT DIVISION

ITEM F-3 Authorization to enter into a Memorandum of Agreement with the U.S. Department of Agriculture to receive Federal grant funding for Aina Mauna Legacy Program Implementation, Sustainable Koa Forestry, Humu‘ula, Hawaii Island

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio and Hawai‘i Island’s Land Agent Kualī‘i Camara presented the following:

Motion that the Hawaiian Homes Commission Authorize to enter into a Memorandum of Agreement with the U.S. Department of Agriculture to receive Federal grant funding for Aina Mauna Legacy Program Implementation, Sustainable Koa Forestry, Humu‘ula, Hawaii Island

K. Camara apologized for the late presentation; this has the same fiscal year and constraints as Item F-2. He stated the USDA has a Climate Smart Commodities grant and acknowledges that koa forestry is an economic driver and benefits carbon sequestration, habitat, and watershed management. DHHL will retain all the ownership of the koa grown. It has a 20% contribution over 3-5 years, and next fiscal year, he will request 20% to be added to the ‘Āina Mauna budget.

Commissioner Kaleikini stated to apply what was done with Item F-2, and he is good, i.e., the advisory and community members on the advisory.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the motion as stated in the submittal.						
Commissioner	1	2		A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Freitas			X			
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu‘o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			8			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously. Eight (8) Yes votes.						

ITEM F-4 Approval to Issue Right-of-Entry Permit to U.S. Army Corps of Engineers, Kawaihae, Hawai‘i Island, TMK Nos. (3) 6-1-001:003; (3) 6-1-002, 003, 004, 006: various; (3) 6-2-001:012; (3) 6-2-006:003; (3) 6-6-001, 004, 007, 012: various

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:

Motion that the Hawaiian Homes Commission approve issuing Right-of-Entry Permit to U.S. Army Corps of Engineers, Kawaihae, Hawai'i Island, TMK Nos. (3) 6-1-001:003; (3) 6-1-002, 003, 004, 006: various; (3) 6-2-001:012; (3) 6-2-006:003; (3) 6-6-001, 004, 007, 012: Various

The Army Corp of Engineers will investigate the parcels for chemical contamination, containerized regulated substances, or munitions of explosives of concern.

Public testimony – Patrick Kahawaiola'a. He asked if there is some outstanding report with the Army Corp of Engineers regarding un-exploded ordinance (UXO) in East Hawai'i, Maku'u. What was the resolution with Maku'u, and if it will impact them?

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Freitas, to approve the motion as stated in the submittal.						
Commissioner	1	2		A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Freitas		X	X			
Commissioner Helm						X
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			8			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously. Eight (8) Yes votes.						

ITEM F-5 Authorization to Enter Into a Sale of Lease at Public Auction for Industrial Purposes for the Kaei Hana II Industrial Subdivision, Kawaihae, Hawai'i Island, TMK No. (3) 6-1006:013

RECOMMENDED MOTION/ACTION

Acting Land Management Division Administrator Kahana Albinio presented the following:
Motion that the Hawaiian Homes Commission Authorize to Enter into a Sale of Lease at Public Auction for Industrial Purposes for the Kaei Hana II Industrial Subdivision, Kawaihae, Hawai'i Island, TMK No. (3) 6-1006:013

MOTION

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

Public testimony – Jojo Tanimoto. She stated a few lots had burial sites and is concerned that sites would be abused. After the investigation, will it open for beneficiaries? She mentioned the two flooded homes and asked if the Department would be doing anything with the two homes. She requested a response.

Chair Watson stated The lease issue must be addressed and dealt with. It must be looked at regarding drainage and flooding, and there are similar problems in other areas.

EXHIBIT B

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

RIGHT-OF-ENTRY NO. 732

This RIGHT-OF-ENTRY NO. 732 (*ROE*), dated _____, (*Effective Date*) is made by and between the State of Hawaii, **DEPARTMENT OF HAWAIIAN HOME LANDS**, whose place of business is 91-5420 Kapolei Parkway, Kapolei, Hawaii, 96707 (*PERMITTOR*) and **U.S. ARMY COPRS OF ENGINEERS**, whose address is 230 Otake St., Building 230, Fort Shafter, Hawaii, 96858-5440, (*PERMITTEE*).

1. **GRANT.** PERMITTOR grants to PERMITTEE, its employees, invitees, agents, and representatives (collectively, *Permittee's Representatives*), a non-exclusive, revocable right to enter that certain parcel of Hawaiian home lands located at Kawaihae, Island of Hawaii, identified in the Tax Map Key chart below, as located within, or adjacent to the former Waikoloa Maneuver Area, as depicted in the map attached hereto as **Exhibits "A" – "C,"** together with those improvements existing thereon as of the Effective Date and any improvements or alterations permitted thereon (*Premises*).

TAX MAP KEY CHART (38 PARCELS)

(3) 6-1-001:003	(3) 6-1-002:083	(3) 6-1-006:001
(3) 6-1-002:065	(3) 6-1-003:016	(3) 6-1-006:002
(3) 6-1-002:069	(3) 6-1-003:017	(3) 6-2-006:003
(3) 6-1-002:070	(3) 6-1-003:019	(3) 6-1-006:004
(3) 6-1-002:071	(3) 6-1-003:020	(3) 6-2-001:012
(3) 6-1-002:072	(3) 6-1-003:021	(3) 6-6-001:077
(3) 6-1-002:073	(3) 6-1-004:004	(3) 6-6-004:136
(3) 6-1-002:074	(3) 6-1-004:012	(3) 6-6-004:140
(3) 6-1-002:075	(3) 6-1-004:014	(3) 6-6-004:141
(3) 6-1-002:076	(3) 6-1-004:020	(3) 6-6-007:071
(3) 6-1-002:077	(3) 6-1-004:041	(3) 6-6-012:009
(3) 6-1-002:078	(3) 6-1-004:045	(3) 6-6-012:022
(3) 6-1-002:079		(3) 6-6-012:023

2. **TERM.** PERMITTEE is permitted to enter and occupy, on a month-to-month basis only, pursuant to section 171-55, Hawaii Revised Statutes as of the Effective Date of this ROE. This ROE shall automatically terminate one year from the commencement date, unless earlier revoked. The Commission may allow the ROE to continue on a month-to-month basis for additional one-year periods. Any such extension shall have the same terms and conditions as this ROE, except for the commencement date and any amendments to the terms, as refelected in the

Commission minutes of the meeting at which the Commission acts. PERMITTOR may in its sole discretion, for any reason or no reason whatsoever, terminate this ROE on thirty (30) days written notice to PERMITTEE. Before termination, prior notice should be delivered to the Department of the Army at:

U.S. Army Corps of Engineers – Environmental Branch
Attn: David Griffin
Bldg. 230 Otake Street Room 104
Fort Shafter, Hawai'i 96858

3. **PERMITTED USE.** PERMITTEE may use the Premises solely for investigating various parcels for chemical contamination, containerized regulated substances, or Munitions of Explosives of Concern, which may involve soil sampling, installation of ground water monitoring wells, geophysical surveys, and clearance of surface vegetation. All proposed activities will be coordinated with PERMITTOR fifteen days prior to the start of work. PERMITTEE shall receive PERMITTOR's prior written consent for all other intended uses. Residential use is strictly prohibited.

4. **FEES.** The fee shall be gratis.

5. **UTILITIES.** PERMITTEE shall be responsible for obtaining any utilities services desirable or necessary for PERMITTEE'S permitted use(s) of the Premises. PERMITTEE shall pay all charges, duties, rates, fees, expenses, costs, and real property taxes and assessments.

6. **NON-WARRANTY.** PERMITTOR does not warrant the conditions of the Premises or any improvements thereon. The Premises is provided in an "as is, where is" condition with all faults and defects, whether latent or patent.

7. **MAINTENANCE.** PERMITTEE shall keep the Premises in a strictly clean, sanitary, and orderly condition. PERMITTEE shall not cause, make, permit, or suffer any waste, spoil, nuisance, nor any unlawful, improper, illegal, or offensive use of or on the Premises.

8. **SECURITY.** PERMITTEE will be responsible for the security of the Premises and all of PERMITTEE's improvements and personal property on the Premises. PERMITTEE is responsible for the safety of all personnel and invitees at the Premises. PERMITTEE will also be responsible for monitoring, reporting, and taking reasonable steps to prevent the unauthorized use or vandalization of the entirety of the Premises by squatters, trespassers, or other third parties.

9. **CONSTRUCTION AND IMPROVEMENTS.** No new construction will be allowed without the prior written approval of PERMITTOR. No alteration, addition, or

installation of any kind will be made to the Premises unless plans are first submitted and approved in writing by PERMITTOR. No permanent improvements or fixtures may be erected or placed on the land without the PERMITTOR's written approval.

10. **COMPLIANCE WITH LAWS.** PERMITTEE shall comply with all requirements of all municipal, state, and federal authorities and observe all municipal, state, and federal laws applicable to the Premises and the improvements thereon, now in force or which may be in force.

10. **RIGHT TO ENTER.** PERMITTOR, its partners, agents, contractors, and representatives may freely access and enter the Premises at all reasonable times for the purpose of, but not limited to, examining the same or for the performance of any public or official duties; provided that PERMITTOR shall not interfere unreasonably with PERMITTEE'S permitted use(s) of the Premises. This ROE does not grant any right to into any structure or building located on the property located on the parcels identified above.

11. **NO ASSIGNMENT OR SUBLEASE.** PERMITTEE may not in any manner sell, transfer, assign, mortgage, pledge, sublease, convey, or sublet any rights in or to the Premises, in whole or part, and the improvements now or later erected, or otherwise hold or agree so to do for the benefit of any other person or persons or organization of any kind.

12. **NO LIENS OR ENCUMBRANCES.** PERMITTEE shall not by any act or omission, directly or indirectly, create, commit, incur, assume, cause, or suffer to exist any liens, attachments, charges, or encumbrances on or with respect to its interests and rights of use in the Premises or its improvements. PERMITTEE shall promptly notify PERMITTOR of any such liens and encumbrances and, at its own expense, take such action as may be necessary to immediately and fully discharge or release any such lien or encumbrance. PERMITTEE shall release, indemnify, defend, and hold the PERMITTEE harmless from and against all attachments, liens, charges, and encumbrances and all resulting expenses.

13. **SURRENDER.** At the end of the ROE term or other sooner termination of this ROE, PERMITTEE shall peaceably and quietly surrender and deliver to PERMITTOR possession of the Premises and within thirty days thereof, restore, at its own cost and risk, the Premises to a clean and orderly condition, reasonable and ordinary wear and tear and damage by acts of God excepted. PERMITTEE shall remove all fixtures and personal property belonging to PERMITTEE; provided that in any such fixture can be safely removed without damage to the Premises or any improvements thereon.

Upon the expiration, termination, or revocation of this ROE, should the PERMITTEE fail to remove any and all of PERMITTEE'S personal property from the

Premises, after notice thereof, the PERMITTOR may remove any and all personal property from the premises and either deem the property abandoned and dispose of the property or place the property in storage at the cost and expense of PERMITTEE, and the PERMITTEE does agree to pay all costs and expenses for disposal, removal, or storage of the personal property. This provision shall survive the termination of the ROE.

14. **INSURANCE.** PERMITTEE shall procure and maintain, at its own cost and expense, in full force and effect throughout the term of this ROE, general liability insurance, or its equivalent, with an insurance company or companies licensed or authorized to do business in the State of Hawai'i with an AM Best rating of not less than "A- VIII" or other comparable and equivalent industry rating, in an amount of at least \$1,000,000.00 for each occurrence and \$2,000,000.00 aggregate, and with coverage terms acceptable to the Chairperson of the Commission, naming the State of Hawai'i and its Department of Hawaiian Home Lands (DHHL) as an additional insured prior to commencement of work and throughout the term of this ROE. 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 PERMITTEE for fees, interest, or other charges under this ROE.

If PERMITTEE operates any motor vehicle on the Premises, PERMITTEE shall procure and maintain Hawaii no-fault automobile liability insurance, covering any auto (all owned, hired, and non-owned autos), with a combined single limit not less than \$2,000,000.00 each accident (bodily injury and property damage combined); or a bodily injury limit of not less than \$1,000,000.00 per person and \$2,000,000.00 per accident, and property damage limits of not less than \$1,000,000.00 per accident.

15. **DEFENSE AND INDEMNITY.** PERMITTEE shall release, defend, indemnify and hold harmless PERMITTOR, its officers, employees, contractors, representatives, and agents from and against all liability, loss, damage, costs, and expenses, including all attorneys' fees, and all claims, suits, and demands therefor, arising out of or resulting from the acts or omissions of PERMITTEE and/or PERMITTEE'S officers, employees, agents, representatives, or contractors occurring during or in connection with the exercise of this ROE. The provisions of this paragraph shall remain in full force and effect notwithstanding the expiration or early termination of this ROE. The purchase of liability insurance shall not relieve PERMITTEE of the obligations described herein.

16. **ENTIRE AGREEMENT.** This ROE contains all the terms and agreements between the parties relating to the subject matter hereof and supersedes and cancels any and all other conflicting prior agreements, promises, and negotiations between them. Nothing contained herein shall limit any claims by PERMITTOR against PERMITTEE arising under prior agreements, nor limit PERMITTEE'S continuing

obligations under prior agreements, including insurance, indemnity, and hazardous waste obligations.

17. **HAZARDOUS MATERIALS.** PERMITTEE shall not cause or permit the escape, disposal, or release of any hazardous materials, except as permitted by law. PERMITTEE shall not allow the storage or use of such materials in any manner not sanctioned by law or by the highest standards prevailing in the industry for the storage and use of such materials, nor allow to be brought onto the Premises any such materials except to use in the ordinary course of PERMITTEE'S business, and then only after written notice is given to the PERMITTOR of the identity of such materials and upon PERMITTOR'S consent, which consent may be withheld at the PERMITTOR'S sole and absolute discretion. If any lender or governmental agency shall ever require testing to ascertain whether or not there has been any release of hazardous materials by PERMITTEE, then the PERMITTEE shall be responsible for the costs thereof. In addition, PERMITTEE shall execute affidavits, representations, and the like from time to time at PERMITTOR'S request concerning PERMITTEE'S best knowledge and belief regarding the presence of hazardous materials on the Premises placed or released by PERMITTEE. PERMITTEE is responsible for any environmental cleanup of any hazardous materials brought onto the Premises or caused by the PERMITTEE's activities on the Premises.

PERMITTEE agrees to indemnify, defend, and hold harmless PERMITTOR, its officers, employees, and agents from and against all liability, loss, damages, costs, and expenses, including all attorney's fees, and all claims, suits, and demands therefore, arising out of or resulting from any use or release of hazardous materials on the premises occurring while PERMITTEE is in possession, or elsewhere if caused by PERMITTEE or persons acting under PERMITTEE. These covenants shall survive the expiration or earlier termination of the ROE.

For the purpose of this ROE, the term "hazardous material" shall include any substance, waste or material designated as hazardous or toxic or radioactive or other similar term by any present or future federal, state or local statutes, regulation or ordinance, such as the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, and the Federal Clean Water Act, as amended from time to time, and also including but not limited to petroleum, petroleum based substances, asbestos, polychlorinated-biphenyls ("PCB"), formaldehyde, and also including any substance designated by federal, state or local regulations, now or in the future, as presenting a risk to human health or the environment.

Prior to the termination of the ROE, PERMITTEE may be required to conduct a Level One (1) Hazardous Waste Evaluation and conduct a complete abatement and disposal, if necessary, satisfactory to the standards required by the Federal Environmental Protection Agency, the Department of Health and PERMITTOR.

18. **USE OF GENDER.** Unless the text indicates otherwise, the use of any gender shall include all genders and, if the PERMITTEE includes more than one person, the singular shall signify the plural and this ROE shall bind the persons, and each of them jointly and severally.

19. **PERMITTEE REPRESENTATIONS.** PERMITTEE currently uses and occupies the Premises and is familiar with the quality and condition of the Premises, has had an opportunity to inspect the Premises, and to evaluate and determine for itself the suitability of the Premises for its intended purposes; and PERMITTEE accepts the Premises "as is" with all faults, defects, and conditions, whether known or unknown.

20. **REVIEW AND APPROVAL.** The ROE shall be subject to other standard terms and conditions of similar documents issued by DHHL and will be subject to the review and approval by the Department of the Attorney General, State of Hawai'i. This ROE is subject to other terms and conditions that may be deemed prudent by the Chairman of the Hawaiian Homes Commission.

21. **SPECIAL CONDITIONS.**

- A. Out of the thirty-eight parcels, only four are under homestead leases and portions of five parcels are under month-to-month right of entry permits. PERMITTEE is responsible for notifying DHHL lessees and other DHHL tenants tenants will be notified prior to any activities impacting their parcel.
- B. If any action of the USACE's employees or agents in the exercise of this ROE results in damage to the real property, USACE will, in its sole discretion, either repair such damage or make an appropriate settlement with DHHL. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The USACE's liability under this condition is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will, at a later date, appropriate funds sufficient to meet deficiencies.

[REMAINDER OF PAGE BLANK -- SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, PERMITTOR and PERMITTEE have caused this ROE to be executed by the duly authorized officers/individuals as of the day and year first above written.

APPROVED BY THE HHC
AT ITS MEETING HELD ON
September 18, 2023

State of Hawaii
DEPARTMENT OF HAWAIIAN HOME LANDS

APPROVED AS TO FORM:

Deputy Attorney General
State of Hawaii

By _____
KALI WATSON
Chairman
Hawaiian Homes Commission

PERMITTOR

U.S. ARMY COPRS OF ENGINEERS

By: _____

Its: _____

PERMITTEE

EXHIBIT "A" (Premises)

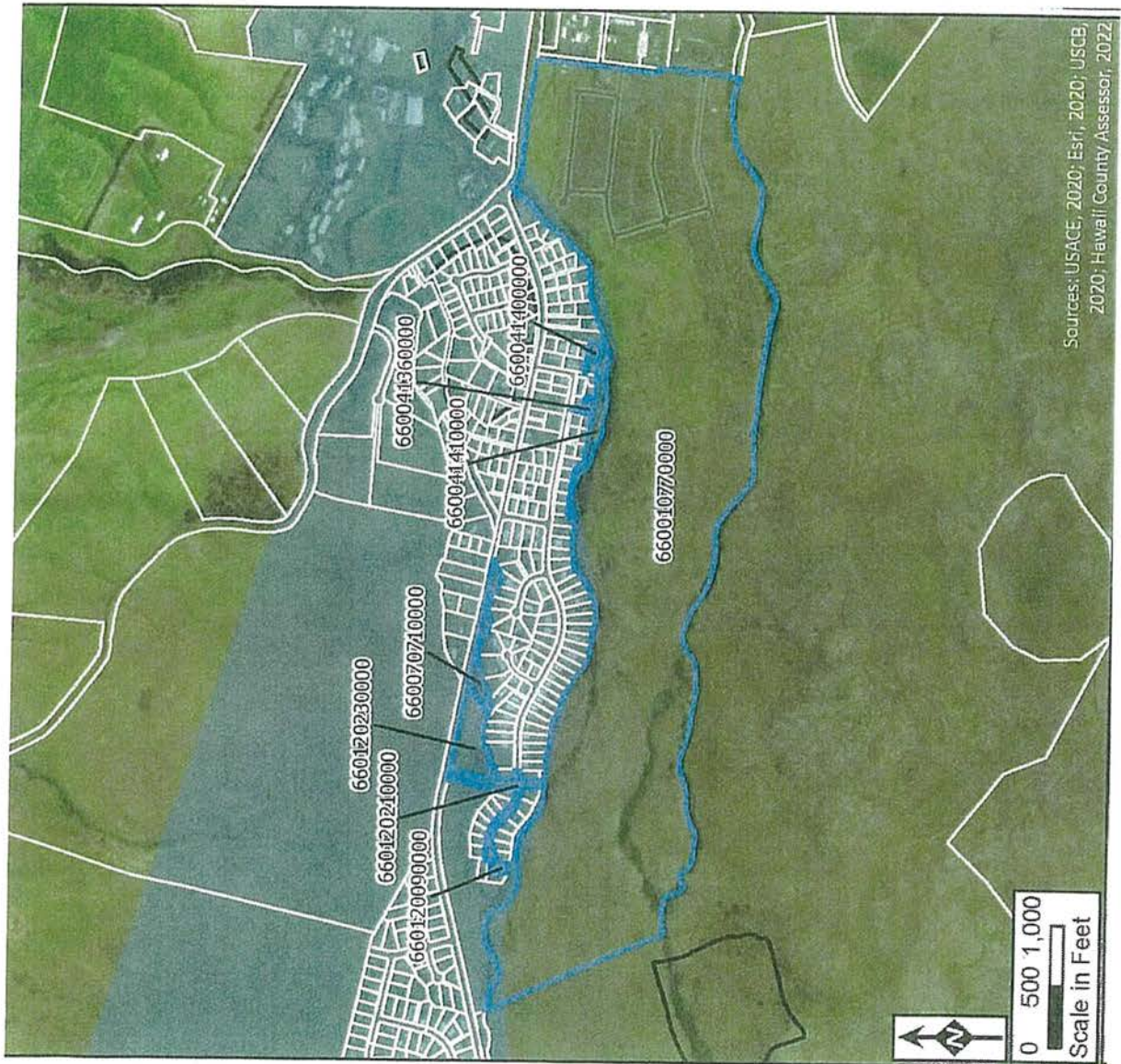
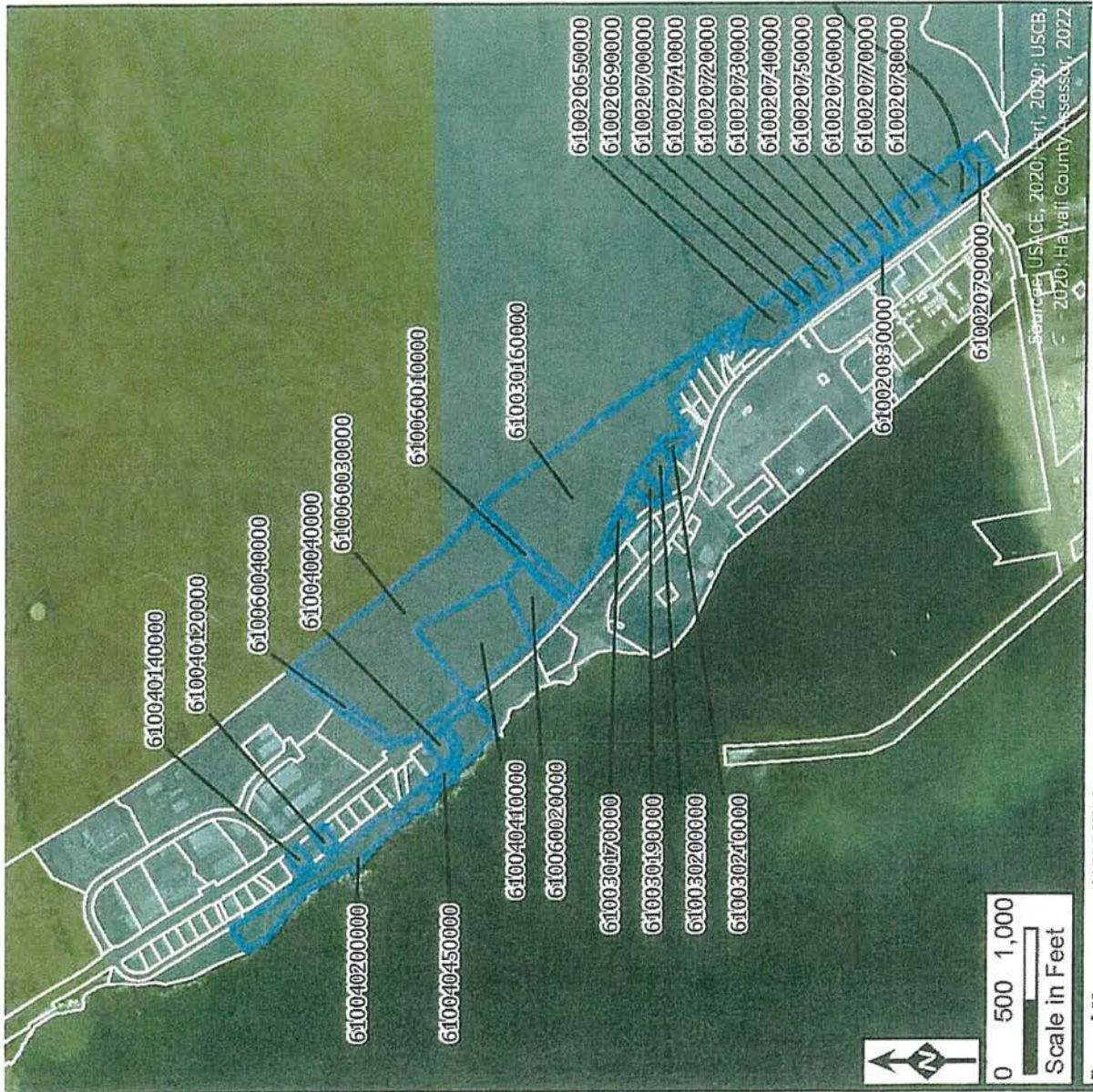


EXHIBIT "B" (Premises)



EXHIBIT "C" (Premises)



STATE OF HAWAII)
) SS.
CITY & COUNTY OF HONOLULU)

On this _____ day of _____, ____, before me appeared KALI WATSON, 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.

Notary Public, State of Hawaii

Printed Name: _____
My commission expires: _____

Document Date: _____	# of Pages: _____
Notary Name: _____	_____ Circuit
Doc. Description: _____	
_____ Notary Signature	
NOTARY CERTIFICATION	

STATE OF HAWAII)
) SS.
CITY and COUNTY OF HONOLULU)

On this _____ day of _____, before me appeared _____, to me personally known, who, being by me duly sworn, did say that he/she is the person who executed the foregoing instrument and acknowledged to me that he/she executed the same freely and voluntarily for the use and purposes therein set forth.

Notary Public, State of Hawaii

Printed Name: _____

My commission expires: _____

Document Date: _____	# of Pages: _____
Notary Name: _____	_____ Circuit
Doc. Description: _____	
_____ Notary Signature	
NOTARY CERTIFICATION	

EXHIBIT C

**DEPARTMENT OF THE ARMY
RIGHT OF ENTRY (ROE) FOR FORMERLY USED DEFENSE SITES PROGRAM**

Waikoloa Maneuver Area
Formerly Used Defense Sites (FUDS)

FUDS ID: H09HI035909, H09HI035920

The undersigned, hereby grants to the Department of the Army, its employees, contractors, and subcontractors a Right-of-Entry on the property located in: Waikoloa Maneuver Area and described as:

TMKs		
(3) 6-1-001:003	(3) 6-1-002:083	(3) 6-1-006:002
(3) 6-1-002:065	(3) 6-1-003:016	(3) 6-1-006:003
(3) 6-1-002:069	(3) 6-1-003:017	(3) 6-1-006:004
(3) 6-1-002:070	(3) 6-1-003:019	(3) 6-2-001:012
(3) 6-1-002:071	(3) 6-1-003:020	(3) 6-6-001:077
(3) 6-1-002:072	(3) 6-1-003:021	(3) 6-6-004:140
(3) 6-1-002:073	(3) 6-1-004:004	(3) 6-6-007:071
(3) 6-1-002:074	(3) 6-1-004:012	(3) 6-6-012:009
(3) 6-1-002:075	(3) 6-1-004:014	(3) 6-6-012:022
(3) 6-1-002:076	(3) 6-1-004:020	(3) 6-6-012:023
(3) 6-1-002:077	(3) 6-1-004:041	(3) 6-6-004:136
(3) 6-1-002:078	(3) 6-1-004:045	(3) 6-6-004:141
(3) 6-1-002:079	(3) 6-1-006:001	

1. This Right-of-Entry is granted upon the following terms and conditions:

This Right-of-Entry may be exercised only for the purposes of:

Investigation of the property for chemical contamination, containerized regulated substances, or Munitions or Explosives of Concern, which may involve soil sampling, installation of groundwater monitoring wells, geophysical surveys, and clearance of surface vegetation.

All proposed activities will be coordinated with the Owner 15 days prior to the start of work.

2. This Right-of-Entry may be exercised at any time after the notice and is anticipated to end in or around June 2028 for the current phase of work; given consideration to potential delays in the document review schedule and multiple fieldwork mobilizations but may be exercised until the work described above is complete.

3. This Right-of-Entry does not grant any right to enter into any structure or building located on the property described above.

4. If any action of the Government's employees or agents in the exercise of this Right-of-Entry results in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing

Document ID: 15_96E740B_2202_D449B5

contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided for herein.

5. This Right-of-Entry may be revoked in writing by the undersigned upon no less than 30 days prior notice delivered to the Department of the Army at:

U.S. Army Corps of Engineers- Environmental Branch
Attn: David Griffin
Bldg. 230 Otake Street Room 104
Fort Shafter, HI 96858

If the undersigned attempts to terminate or revoke this Right-of-Entry before the end of the period provided in paragraph 2, above, without the required notice period stated in this paragraph, the Government will be entitled to recover from the undersigned all damages incurred as a result of the early termination of access to the property, including all contractor costs and any other expenses of the Government incurred because of the unanticipated early termination.

Dated this _____ day of _____, 20____.

(Signature – Owner or Lessee)

Name(s) (Print Name and Title)

Mailing Address

Phone/Cellular Nos.

E-mail Address

EXHIBIT D

Ayson, Brigida

From: Cruz, Shanen L
Sent: Monday, October 23, 2023 10:23 AM
To: Ayson, Brigida
Subject: Re: Follow Up with Right of Entry No. 732

Great!

From: Ayson, Brigida <brigida.v.ayson@hawaii.gov>
Sent: Monday, October 23, 2023 10:21 AM
To: Cruz, Shanen L <shanen.l.cruz@hawaii.gov>
Subject: RE: Follow Up with Right of Entry No. 732

Hi Shanen,

Linda said if DAG Kau said ok with their ROE form, then ok to proceed with Chair's signature. And yes, we can add the approval date on the last page.

Thank you!

Brigida

From: Cruz, Shanen L <shanen.l.cruz@hawaii.gov>
Sent: Friday, October 20, 2023 4:23 PM
To: Ayson, Brigida <brigida.v.ayson@hawaii.gov>
Subject: Re: Follow Up with Right of Entry No. 732

Brigida,

DAG Kau, said that DHHL could agree to sign USACE's ROE.

I think you should discuss further with Richard/Kahana. May want to add the date the HHC approved the ROE, as a reference on the last page.

Thanks,
Shanen

From: Ayson, Brigida <brigida.v.ayson@hawaii.gov>
Sent: Friday, October 20, 2023 2:47 PM
To: Cruz, Shanen L <shanen.l.cruz@hawaii.gov>
Subject: Follow Up with Right of Entry No. 732

Aloha Shanen,

I just had a zoom meeting with Mr. David Griffin, Waikoloa Maneuver Area Program Manager, USACE, and with Mr. Jacob Haddad, Assistant District Counsel, USACE, regarding the review and approval of ROE 732 draft that you sent them. They said USACE go by their own ROE, which is attached. (LMD received it on June 5, 2023). Our own ROE is

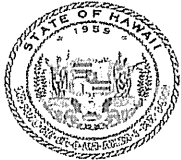
currently stuck because USACE Honolulu District is not willing to sign it at the moment. As per Jacob, our ROE will have to be presented and approved by so many levels in their department and will eventually have to be reviewed by their Headquarters, which will take months and months from now before finally getting approved. In other words, it will take them a long time before moving forward, and they're not even sure if their HQ will approve our ROE. It is unknown for them. What they are trying to ask is if DHHL can just review and approve their ROE so that they can proceed with their task of surveying/assessing the former Waikoloa Maneuver Area on the Big Island, and clean up whatever toxic waste they find, if any.

Please advise. David mentioned he spoke with you regarding this; therefore, I'm trying to confer this with you before taking it to Kahana, Linda, or Richard. Both Kahana and Linda are not here today.

Mahalo!

Brigida Ayson

Land Agent | Land Management Division
Department of Hawaiian Home Lands
91-5420 Kapolei Pkwy, Kapolei, HI 96707
OP: (808) 620-9453 | CP: (808) 308-2400
Email: brigida.v.ayson@hawaii.gov




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EXHIBIT E

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

October 31, 2023

To: Kali Watson, Chairman
Hawaiian Homes Commission

Through: Richard Kuitunen, Administrator 
Land Management Division

From: Brigida Ayson, Land Agent 
Land Management Division

Subject: Approval to Sign Department of the Army Right of Entry (ROE) for Formerly Used Defense Sites Program, Kawaihae, Island of Hawai'i, TMK Nos. (3) 3-1-001:003, (3) 6-1-002,003,004,006:various, (3) 6-2-001:012, (3) 6-2-006:003, (3) 6-6-001, 004,007,012:various

RECOMMENDED ACTION

That the Chairman of the Hawaiian Homes Commission signs the Department of the Army Right of Entry (ROE) for Formerly Used Defense Sites Program.

DISCUSSION

At its September 18-19, 2023 commission meeting, the Hawaiian Homes Commission authorized the issuance of a Right-of-Entry ("ROE") Permit to the Department of the Army, U.S. Army Corps of Engineers ("USACE") to investigate various DHHL parcels mentioned hereinabove for chemical contamination, containerized regulated substances, or Munitions of Explosives of Concern, which may involve soil sampling, installation of ground water monitoring wells, geophysical surveys, and clearance of surface vegetation. Right-of-Entry No. 732 was created, however, USACE prefers to use their standard ROE for executing their investigation.

DHHL Deputy Attorney General Alyssa Marie Kau has been consulted regarding this matter. After careful review of USACE's ROE, Ms. Kau authorized the use of USACE's standard ROE. (See Exhibit A).

A copy of the Department of the Army Right of Entry (ROE) for Formerly Used Defense Sites Program is attached herewith as Exhibit B, along with the Waikoloa Maneuver Area fact sheet to give an overview of the area, the program, and frequently asked questions regarding this activity.

A copy of the Hawaiian Homes Commission minutes of the meeting approving the requested ROE is attached herewith as Exhibit C.

Memo to Kali Watson, Chairman
October 11, 2023
Page 2

A copy of the unexecuted Department of Hawaiian Home Lands Right-of-Entry No. 732 is attached herewith as Exhibit D.

AUTHORIZATION

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

Section 171-55, Hawaii Revised Statutes, as amended.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with the updated Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands, as approved by the Environmental Council as of April 6, 2021, the subject request is exempt from the preparation of an environmental assessment pursuant to Type 5 under Part I, titled De Minimis Activities, "Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource."

RECOMMENDATION

Land Management Division respectfully requests the Chairman of the Hawaiian Home Lands to sign the Department of the Army Right of Entry (ROE) for Formerly Used Defense Sites Program.

APPROVED AS RECOMMENDED


Kali Watson, Chairman
Hawaiian Homes Commission

10/31/23
Date

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

RIGHT-OF-ENTRY NO. 732

For DHHL Use Only

**DEPARTMENT OF THE ARMY
RIGHT OF ENTRY (ROE) FOR FORMERLY USED DEFENSE SITES PROGRAM**

Waikoloa Maneuver Area
Formerly Used Defense Sites (FUDS)

FUDS ID: H09HI035909, H09HI035920

The undersigned, hereby grants to the Department of the Army, its employees, contractors, and subcontractors a Right-of-Entry on the property located in: Waikoloa Maneuver Area and described as:

TMKs		
(3) 6-1-001:003	(3) 6-1-002:083	(3) 6-1-006:002
(3) 6-1-002:065	(3) 6-1-003:016	(3) 6-1-006:003
(3) 6-1-002:069	(3) 6-1-003:017	(3) 6-1-006:004
(3) 6-1-002:070	(3) 6-1-003:019	(3) 6-2-001:012
(3) 6-1-002:071	(3) 6-1-003:020	(3) 6-2-001:077
(3) 6-1-002:072	(3) 6-1-003:021	(3) 6-2-004:140
(3) 6-1-002:073	(3) 6-1-004:004	(3) 6-2-007:071
(3) 6-1-002:074	(3) 6-1-004:012	(3) 6-2-012:009
(3) 6-1-002:075	(3) 6-1-004:014	(3) 6-2-012:022
(3) 6-1-002:076	(3) 6-1-004:020	(3) 6-2-012:023
(3) 6-1-002:077	(3) 6-1-004:041	(3) 6-2-004:136
(3) 6-1-002:078	(3) 6-1-004:045	(3) 6-2-004:141
(3) 6-1-002:079	(3) 6-1-006:001	

1. This Right-of-Entry is granted upon the following terms and conditions:

This Right-of-Entry may be exercised only for the purposes of:

Investigation of the property for chemical contamination, containerized regulated substances, or Munitions of Explosives of Concern, which may involve soil sampling, installation of ground water monitoring wells, geophysical surveys, and clearance of surface vegetation.

All proposed activities will be coordinated with the Owner 15 days prior to the start of work.

2. This Right-of-Entry may be exercised at any time after the notice and is anticipated to end in or around the June 2028 for the current phase of work; given

consideration to potential delays in the document review schedule and multiple fieldwork mobilizations but may be exercised until the work described above is complete.

3. This Right-of-Entry does not grant any right to enter into any structure or building located on the property described above.
4. If any action of the Government's employees or agents in the exercise of this Right-of-Entry results in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided herein.
5. This Right-of-Entry may be revoked in writing by the undersigned upon no less than 30 days prior notice delivered to the Department of the Army at:

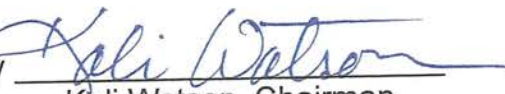
U.S. Army Corps of Engineers – Environmental Branch
Attn: David Griffin
Bldg. 230 Otake Street Room 104
Fort Shafter, HI 96858

If the undersigned attempts to terminate or revoke this Right-of-Entry before the end of the period provided in paragraph 2, above, without the required notice period stated in this paragraph, the Government will be entitled to recover from the undersigned all damages incurred as a result of the early termination access to the property, including all contractor costs and any other expenses of the Government incurred because of the anticipated early termination.

Dated this 31st day of October, 2023.

APPROVED BY THE HHC
AT ITS MEETING HELD ON
September 18, 2023

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

By 
Kali Watson, Chairman
Hawaiian Homes Commission

PERMITTOR

EXHIBIT "A" (Premises)

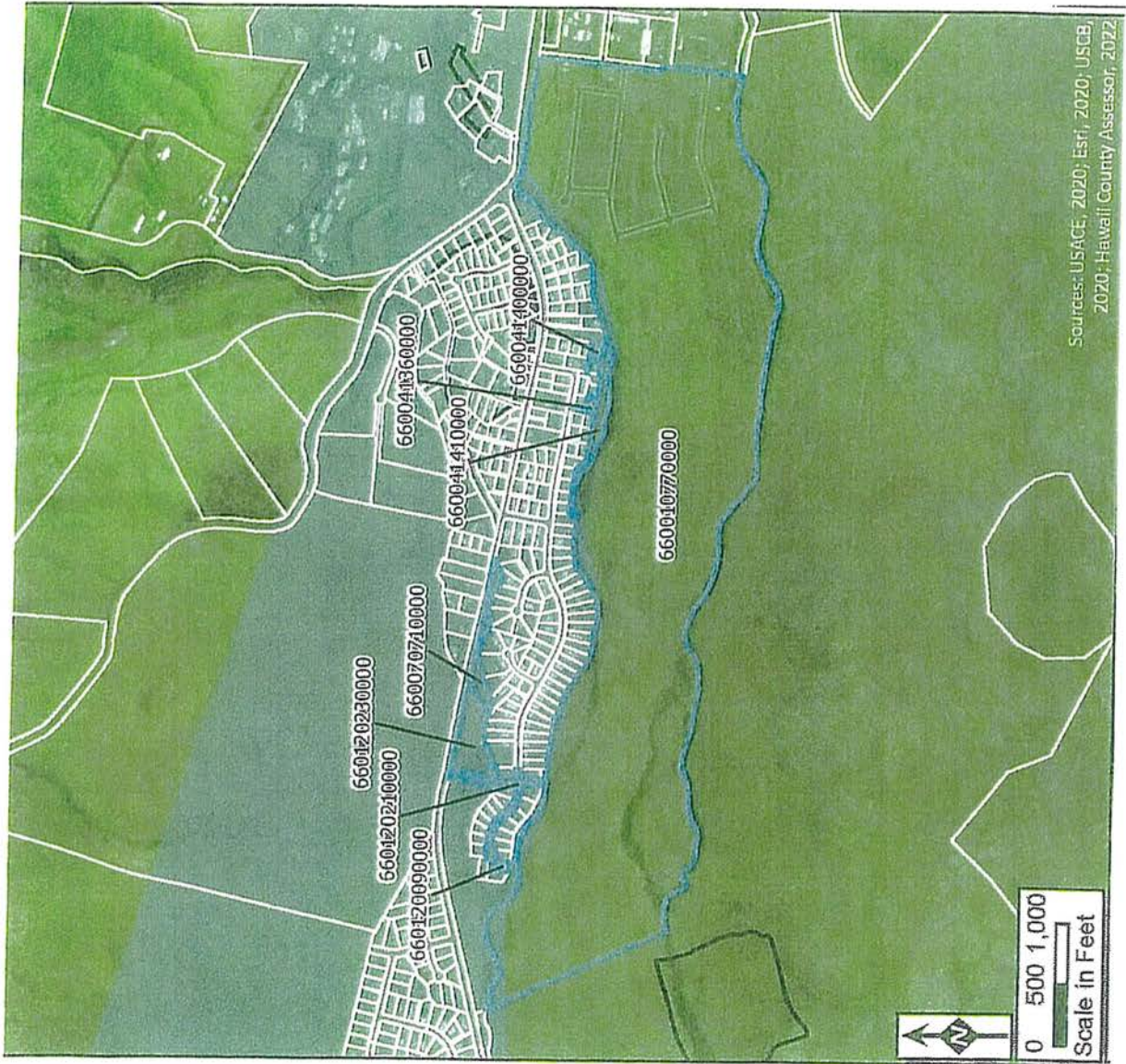


EXHIBIT "B" (Premises)



EXHIBIT "C" (Premises)

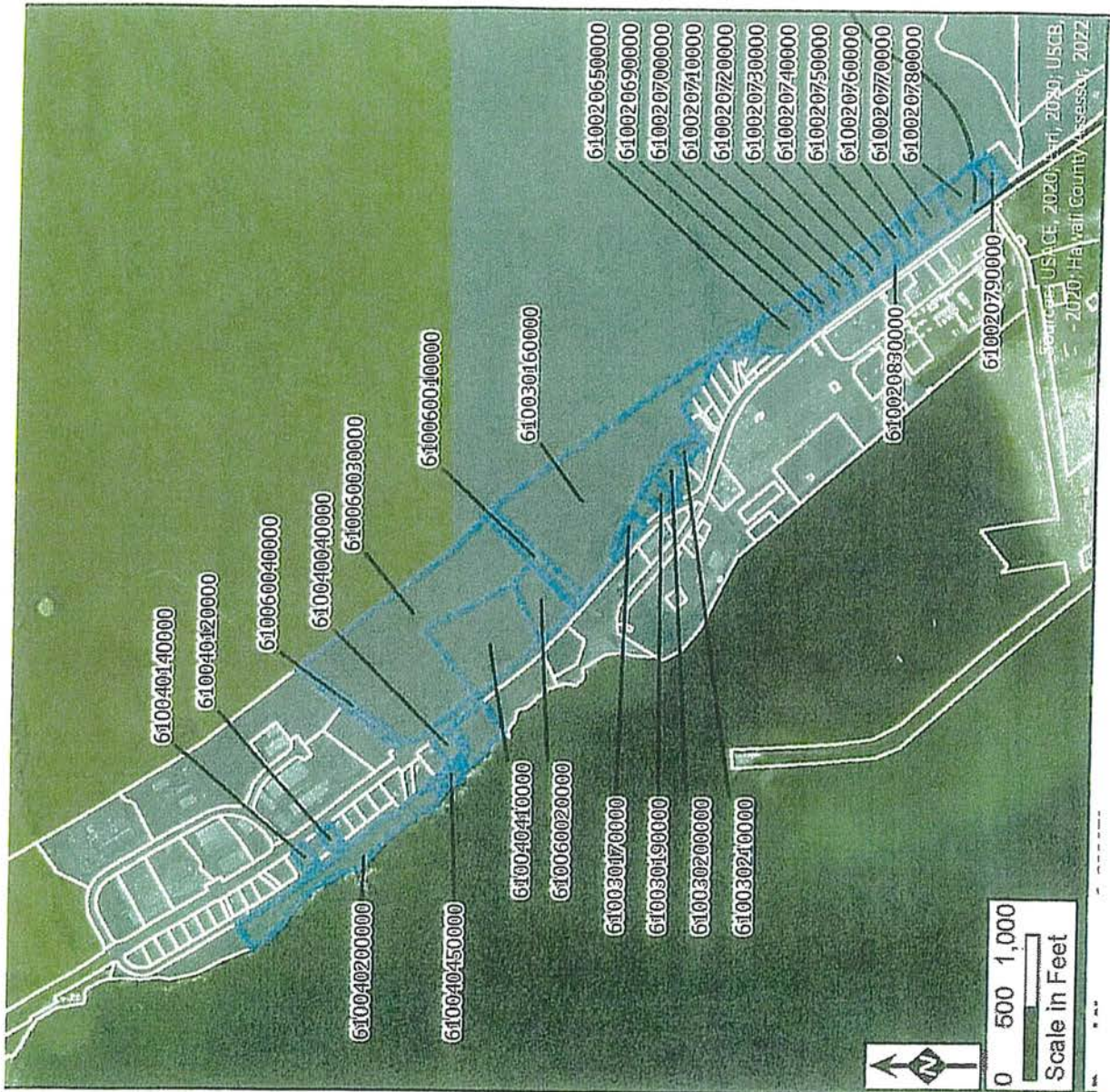


EXHIBIT F



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, HONOLULU DISTRICT
230 OTAKE STREET, BUILDING 230
FORT SHAFTER, HAWAII 96858-5440

September 27, 2023

Environmental Programs Branch
Programs and Project Management

via USPS Certified Mail

DEPT OF HAWAIIAN HOME LANDS
ATTN: KAHANA ALBINIO, ACTING LAND MANAGEMENT ADMINISTRATOR
91-5420 KAPOLEI PARKWAY
KAPOLEI, HI 96707

Dear Property Owner or Lessee:

The U.S. Army Corps of Engineers (USACE) has identified the property you own at: Tax Map Keys (TMK) that are listed below, as located within, or adjacent to the former Waikoloa Maneuver Area. The Formerly Used Defense Sites Program was established to identify and remedy properties such as yours, where past Department of Defense (DoD) activities may have contributed to a release. Past DoD activities may have contributed to a contaminated condition that could present a risk to human health and the environment. The USACE is seeking access to respond to the potential condition of your property in accordance with applicable laws and regulations.

TMKs		
(3) 6-1-002:060	(3) 6-1-005:005	(3) 6-6-004:132
(3) 6-1-002:061	(3) 6-1-005:006	(3) 6-6-004:133
(3) 6-1-002:062	(3) 6-1-005:007	(3) 6-6-004:134
(3) 6-1-002:063	(3) 6-1-005:021	(3) 6-6-004:135
(3) 6-1-002:066	(3) 6-1-005:022	(3) 6-6-004:137
(3) 6-1-002:080	(3) 6-1-005:023	(3) 6-6-004:138
(3) 6-1-002:088	(3) 6-1-006:005	(3) 6-6-004:139
(3) 6-1-003:003	(3) 6-1-006:006	(3) 6-6-012:001
(3) 6-1-003:018	(3) 6-1-006:007	(3) 6-6-012:002
(3) 6-1-003:029	(3) 6-1-006:008	(3) 6-6-012:003
(3) 6-1-004:005	(3) 6-1-006:009	(3) 6-6-012:004
(3) 6-1-004:006	(3) 6-1-006:010	(3) 6-6-012:005
(3) 6-1-004:007	(3) 6-1-006:011	(3) 6-6-012:006
(3) 6-1-004:008	(3) 6-1-006:012	(3) 6-6-012:007
(3) 6-1-004:009	(3) 6-1-006:013	(3) 6-6-012:008
(3) 6-1-004:010	(3) 6-1-006:014	(3) 6-6-012:010
(3) 6-1-004:011	(3) 6-1-006:015	(3) 6-6-012:011
(3) 6-1-004:013	(3) 6-1-006:016	(3) 6-6-012:012
(3) 6-1-004:015	(3) 6-5-001:056	(3) 6-6-012:013
(3) 6-1-004:016	(3) 6-5-001:058	(3) 6-6-012:014
(3) 6-1-004:017	(3) 6-6-004:012	(3) 6-6-012:015
(3) 6-1-004:018	(3) 6-6-004:124	(3) 6-6-012:016
(3) 6-1-004:042	(3) 6-6-004:125	(3) 6-6-012:017
(3) 6-1-004:043	(3) 6-6-004:126	(3) 6-6-012:018
(3) 6-1-004:044	(3) 6-6-004:127	(3) 6-6-012:019
(3) 6-1-005:001	(3) 6-6-004:128	(3) 6-6-012:020
(3) 6-1-005:002	(3) 6-6-004:129	(3) 6-6-012:021
(3) 6-1-005:003	(3) 6-6-004:130	
(3) 6-1-005:004	(3) 6-6-004:131	

Document ID: 15_96E740B_2301_473EEE

A fact sheet providing information on the FUDS Program and the FUDS Property is enclosed. General information on the FUDS program is also available at <http://www.fuds.mil>.

We request your permission to enter the property for a period sufficient to complete the necessary work as described in the attached Right-of-Entry agreement, generally anticipated to be five years from the date you sign the ROE to determine if any DERP eligible CERCLA contamination for execution by the FUDS Program is present on your property, etc. This may involve making a visual inspection of the property, surveying it with a metal detector or other instrument, and collecting soil and/or water samples, etc. At this time, we are not able to specify the exact dates for performing work due to the unpredictable nature of the weather and other factors. However, we will notify you at least 15 calendar days prior to commencing on-site activities. If you decide to grant permission, please sign and return the enclosed Right-of-Entry form in the envelope provided. We are requesting that each owner, lessee, and trustees voluntarily sign the form.

After performing the Remedial Investigation/Feasibility Study phase for this project, we will advise you of our findings. We will also discuss with you the next steps in the process for addressing any hazards that may be present as a result of DoD's former use of the property and seek your additional permission before proceeding with any further action that may be required on the property.

If you have any questions regarding this request or would like further information, please contact Mr. Dave Griffin, Waikoloa Maneuver Area Program Manager with the U.S Army Corps of Engineers, at 808-835-4079.

Sincerely,



David Griffin
Waikoloa Maneuver Area
Program Manager
U.S. Army Corps of Engineers

Encls
Right-of-Entry
FUDS Program Fact Sheet

**DEPARTMENT OF THE ARMY
RIGHT OF ENTRY (ROE) FOR FORMERLY USED DEFENSE SITES PROGRAM**

Waikoloa Maneuver Area
Formerly Used Defense Sites (FUDS)

FUDS ID: H09HI035909, H09HI035920

The undersigned, hereby grants to the Department of the Army, its employees, contractors, and subcontractors a Right-of-Entry on the property located in: Waikoloa Maneuver Area and described as:

TMKs		
(3) 6-1-002:060	(3) 6-1-005:005	(3) 6-6-004:132
(3) 6-1-002:061	(3) 6-1-005:006	(3) 6-6-004:133
(3) 6-1-002:062	(3) 6-1-005:007	(3) 6-6-004:134
(3) 6-1-002:063	(3) 6-1-005:021	(3) 6-6-004:135
(3) 6-1-002:066	(3) 6-1-005:022	(3) 6-6-004:137
(3) 6-1-002:080	(3) 6-1-005:023	(3) 6-6-004:138
(3) 6-1-002:088	(3) 6-1-006:005	(3) 6-6-004:139
(3) 6-1-003:003	(3) 6-1-006:006	(3) 6-6-012:001
(3) 6-1-003:018	(3) 6-1-006:007	(3) 6-6-012:002
(3) 6-1-003:029	(3) 6-1-006:008	(3) 6-6-012:003
(3) 6-1-004:005	(3) 6-1-006:009	(3) 6-6-012:004
(3) 6-1-004:006	(3) 6-1-006:010	(3) 6-6-012:005
(3) 6-1-004:007	(3) 6-1-006:011	(3) 6-6-012:006
(3) 6-1-004:008	(3) 6-1-006:012	(3) 6-6-012:007
(3) 6-1-004:009	(3) 6-1-006:013	(3) 6-6-012:008
(3) 6-1-004:010	(3) 6-1-006:014	(3) 6-6-012:010
(3) 6-1-004:011	(3) 6-1-006:015	(3) 6-6-012:011
(3) 6-1-004:013	(3) 6-1-006:016	(3) 6-6-012:012
(3) 6-1-004:015	(3) 6-5-001:056	(3) 6-6-012:013
(3) 6-1-004:016	(3) 6-5-001:058	(3) 6-6-012:014
(3) 6-1-004:017	(3) 6-6-004:012	(3) 6-6-012:015
(3) 6-1-004:018	(3) 6-6-004:124	(3) 6-6-012:016
(3) 6-1-004:042	(3) 6-6-004:125	(3) 6-6-012:017
(3) 6-1-004:043	(3) 6-6-004:126	(3) 6-6-012:018
(3) 6-1-004:044	(3) 6-6-004:127	(3) 6-6-012:019
(3) 6-1-005:001	(3) 6-6-004:128	(3) 6-6-012:020
(3) 6-1-005:002	(3) 6-6-004:129	(3) 6-6-012:021
(3) 6-1-005:003	(3) 6-6-004:130	
(3) 6-1-005:004	(3) 6-6-004:131	

1. This Right-of-Entry is granted upon the following terms and conditions:

This Right-of-Entry may be exercised only for the purposes of:

Investigation of the property for chemical contamination, containerized regulated substances, or Munitions or Explosives of Concern, which may involve soil sampling, installation of groundwater monitoring wells, geophysical surveys, and clearance of surface vegetation.

All proposed activities will be coordinated with the Owner 15 days prior to the start of work.

Document ID: 15_96E740B_2301_473EEE

2. This Right-of-Entry may be exercised at any time after the notice and is anticipated to end in or around August 2028 for the current phase of work; given consideration to potential delays in the document review schedule and multiple fieldwork mobilizations but may be exercised until the work described above is complete.

3. This Right-of-Entry does not grant any right to enter into any structure or building located on the property described above.

4. If any action of the Government's employees or agents in the exercise of this Right- of-Entry results in damage to the real property, the Government will, in its sole discretion, either repair such damage or make an appropriate settlement with the Owner. In no event shall such repair or settlement exceed the fair market value of the fee title to the real property at the time immediately preceding such damage. The Government's liability under this clause is subject to the availability of appropriations for such payment, and nothing contained in this agreement may be considered as implying that Congress will at a later date appropriate funds sufficient to meet deficiencies. The provisions of this clause are without prejudice to any rights the Owner may have to make a claim under applicable laws for any damages other than those provided for herein.

5. This Right-of-Entry may be revoked in writing by the undersigned upon no less than 30 days prior notice delivered to the Department of the Army at:

U.S. Army Corps of Engineers- Environmental Branch
Attn: David Griffin
Bldg. 230 Otake Street Room 104
Fort Shafter, HI 96858

If the undersigned attempts to terminate or revoke this Right-of-Entry before the end of the period provided in paragraph 2, above, without the required notice period stated in this paragraph, the Government will be entitled to recover from the undersigned all damages incurred as a result of the early termination of access to the property, including all contractor costs and any other expenses of the Government incurred because of the unanticipated early termination.

Dated this _____ day of _____, 20_____.

(Signature – Owner or Lessee)

Name(s) (Print Name and Title)

Mailing Address

Phone/Cellular Nos.

E-mail Address

Document ID: 15_96E740B_2301_473EEE

Schedule A




FUDS Property: Waikoloa Maneuver Area

FUDS Property No.: H09HI0359

FUDS Projects: SECTORS 16A, 16B, 16C, 16D, AND 16E

Owner: DEPT OF HAWAIIAN HOME LANDS
ATTN: KAHANA ALBINIO,
ACTING LAND
MANAGEMENT
ADMINISTRATOR

Legend

-  FUDS Property Boundary
-  Waikoloa Maneuver Area
-  FUDS Project Boundary
- Project No.: 20

For general information about the FUDS Program, visit:

www.poh.usace.army.mil/Missions/Environmental/FUDS/Waikoloa



US Army Corps
of Engineers.



Schedule A




FUDS Property: Waikoloa Maneuver Area

FUDS Property No.: H09HI0359

FUDS Projects: SECTORS 16A, 16B, 16C, 16D, AND 16E

Owner: DEPT OF HAWAIIAN HOME LANDS
ATTN: KAHANA ALBINIO,
ACTING LAND
MANAGEMENT
ADMINISTRATOR

Legend

-  FUDS Property Boundary
-  Waikoloa Maneuver Area
-  FUDS Project Boundary
- Project No.: 20

For general information about the FUDS Program, visit:
www.poh.usace.army.mil/Missions/Environmental/FUDS/Waikoloa



US Army Corps
of Engineers.



Sources: USACE, 2020; Esri, 2020; USCB, 2020; Hawaii County Assessor, 2022

Parcel Nos.:	660120040000	660120050000	660120060000	660120070000
	•660120040000	•660120050000	•660120060000	•660120070000
	•660120080000	•660120090000	•660120100000	•660120110000
	•660120120000	•660120130000	•660120140000	•660120150000
	•660120160000	•660120170000	•660120180000	•660120190000
	•660120200000	•660120210000	•660120220000	•660120230000

Schedule A

FUDS Property: Waikoloa Maneuver Area

FUDS Property No.: H09HI0359

FUDS Projects: SECTORS 16A, 16B, 16C, 16D,
AND 16E

Owner: DEPT OF HAWAIIAN HOME
LANDS

ATTN: KAHANA ALBINIO,
ACTING LAND
MANAGEMENT
ADMINISTRATOR

Parcel Nos.: 650010560000
650010580000

Legend

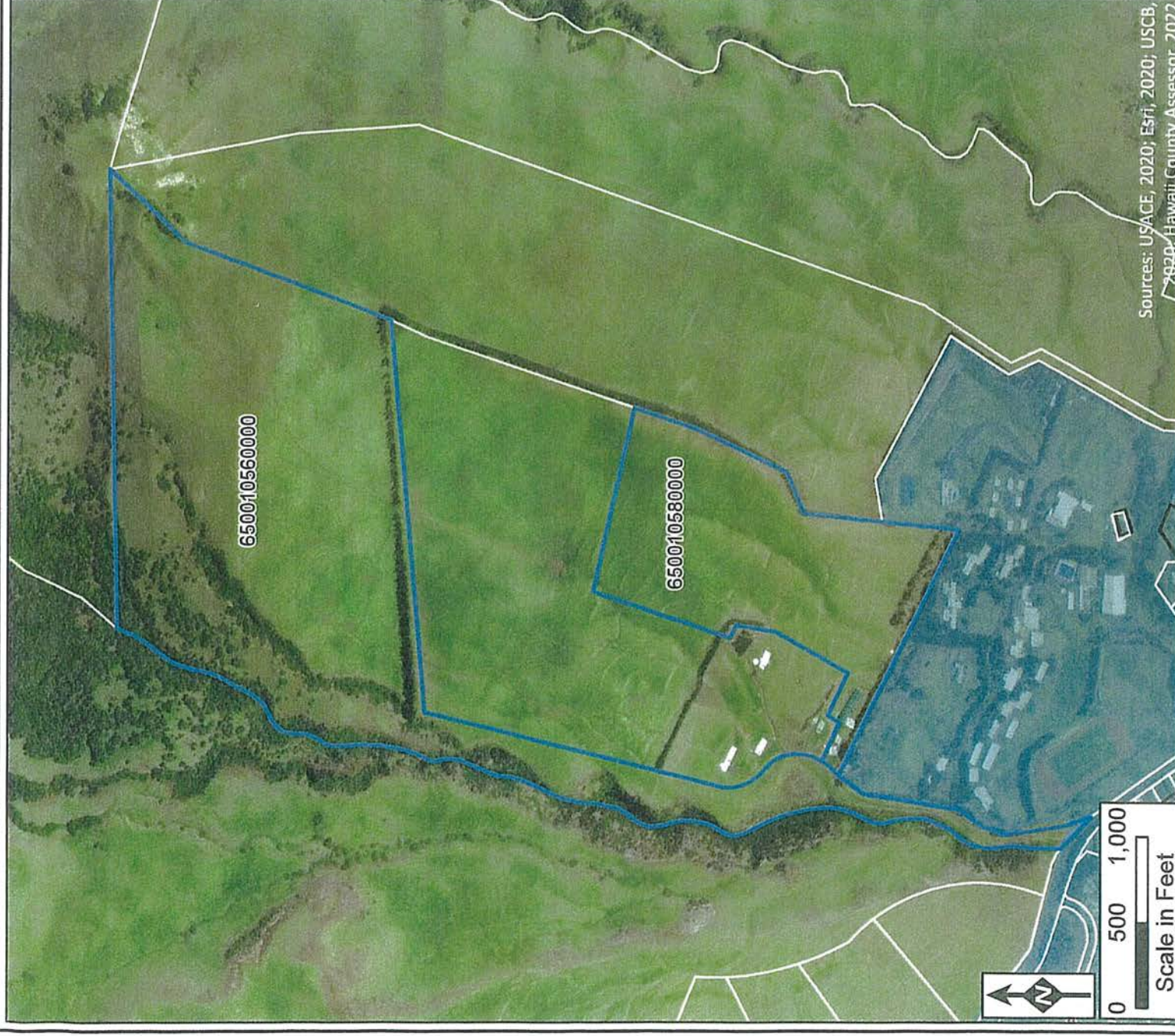
- FUDS Property Boundary
- Waikoloa Maneuver Area
- FUDS Project Boundary
- Project No.: 20

For general information about the
FUDS Program, visit:

[www.poh.usace.army.mil/Missions/
Environmental/FUDS/Waikoloa](http://www.poh.usace.army.mil/Missions/Environmental/FUDS/Waikoloa)



US Army Corps
of Engineers



Sources: USACE, 2020; Esri, 2020; USCB,
2020; Hawaii County Assessor, 2022

Parcel Nos.:

- 610040440000
- 610050070000
- 610050220000
- 610060050000
- 610060060000
- 610060090000
- 610060130000
- 610060140000
- 610060150000
- 610060160000

Sources: USACE, 2020; Esri, 2020; USCB, 2020; Hawaii County Assessor, 2022

FUDS Property No.: H09HI0359

FUDS Projects: 20 - SECTORS 16A, 16B, 16C, 16D, AND 16E

Owner: DEPT OF HAWAIIAN HOME
LANDS
ATTN: KAHANA ALBINIO,
ACTING LAND
MANAGEMENT
ADMINISTRATOR

Legend

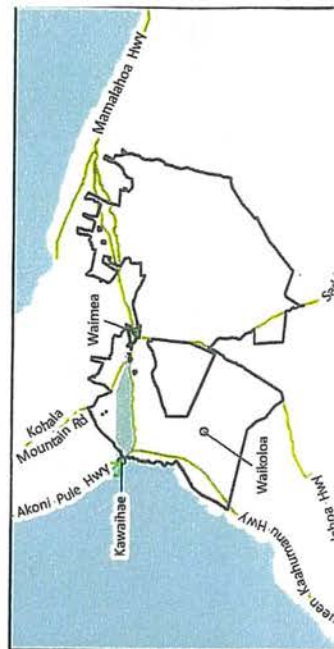
- Parcel Boundary
FUDS Project Boundary
Project No.: 20

For general information about the FUDS Program, visit:

[www.poh.usace.army.mil/Missions/
Environmental/FUDS/Waikoloa](http://www.poh.usace.army.mil/Missions/Environmental/FUDS/Waikoloa)



US Army Corps
of Engineers.



Schedule A

FUDS Property: Waikoloa Maneuver Area

FUDS Property No.: H09HI0359

FUDS Projects: 20 - SECTORS 16A, 16B, 16C, 16D, AND 16E

Owner: DEPT OF HAWAIIAN HOME LANDS
ATTN: KAHANA ALBINIO,
ACTING LAND
MANAGEMENT
ADMINISTRATOR

Legend

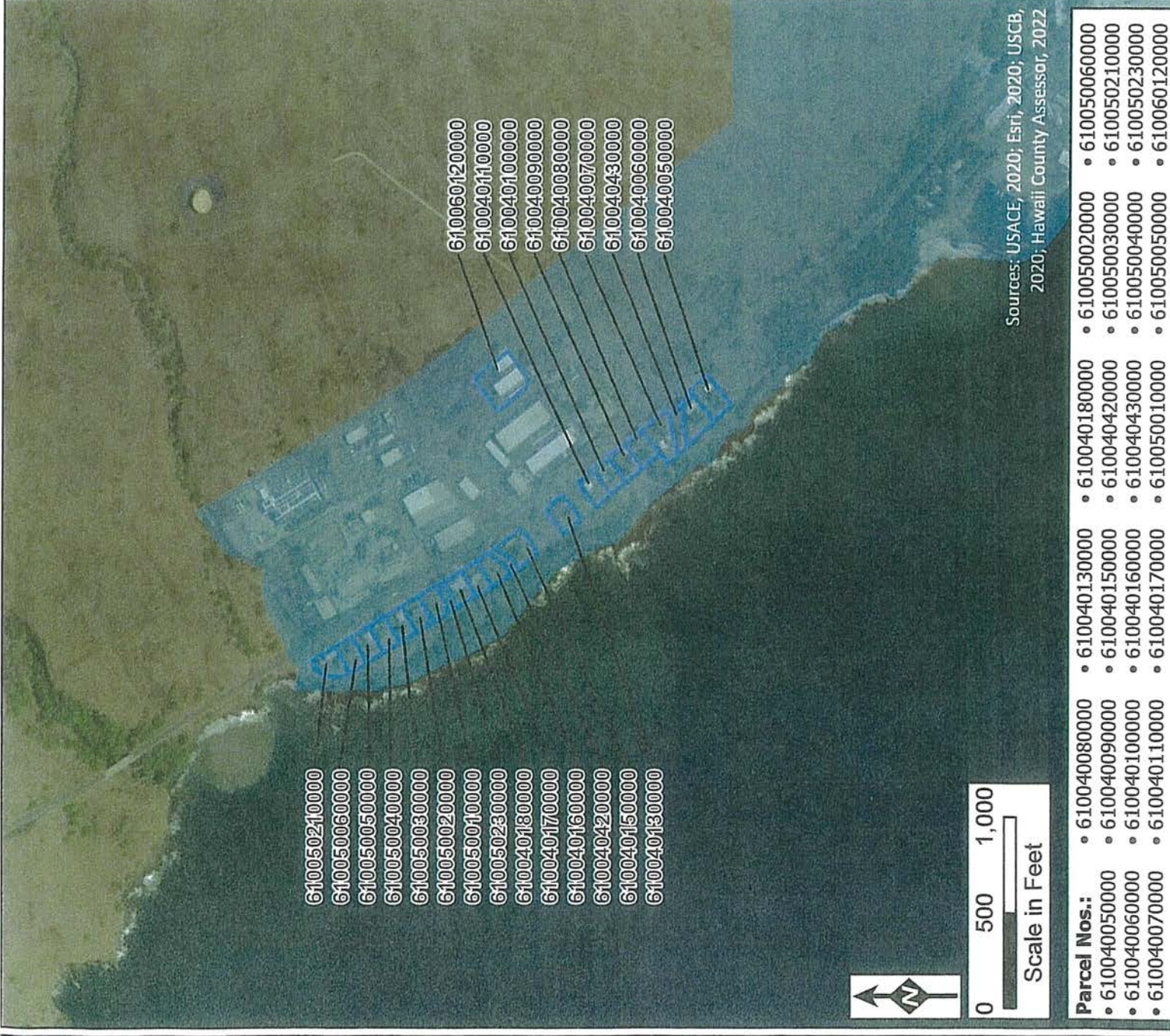
- Parcel Boundary
- FUDS Project Boundary
- Project No.: 20

For general information about the FUDS Program, visit:

www.poh.usace.army.mil/Missions/Environmental/FUDS/Waikoloa



US Army Corps
of Engineers.



Schedule A

FUDS Property: Waikoloa Maneuver Area

FUDS Property No.: H09HI0359

FUDS Projects: 20 - SECTORS 16A, 16B, 16C, 16D, AND 16E

Owner: DEPT OF HAWAIIAN HOME LANDS
ATTN: KAHANA ALBINIO,
ACTING LAND
MANAGEMENT
ADMINISTRATOR

Legend

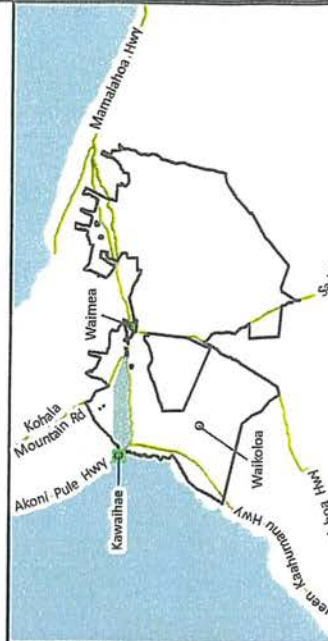
- Parcel Boundary
- FUDS Property Boundary
- Waikoloa Maneuver Area
- FUDS Project Boundary
- Project No.: 20

For general information about the FUDS Program, visit:

www.poh.usace.army.mil/Missions/Environmental/FUDS/Waikoloa



US Army Corps
of Engineers.





HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

Identification of DHHL Commercial/Industrial Properties as Specified in DHHL's Island Plans for Revenue Generation and Development Opportunities

November 20-21, 2023 – Agenda Item No. F-10



West Kalaeloa/Oahu – TMK 1-9-1-013:001

Land Area: 43.021 Acres

2014 Oahu Island Plan, Figure 5.5
Honouliuli Ahupua'a - Kalaeloa
Land Use Designation: Industrial



LCAPP 1069, US NAVAL RESERVATION, BARBERS POINT AIRPORT, HONOLULU, EWA, HAWAII

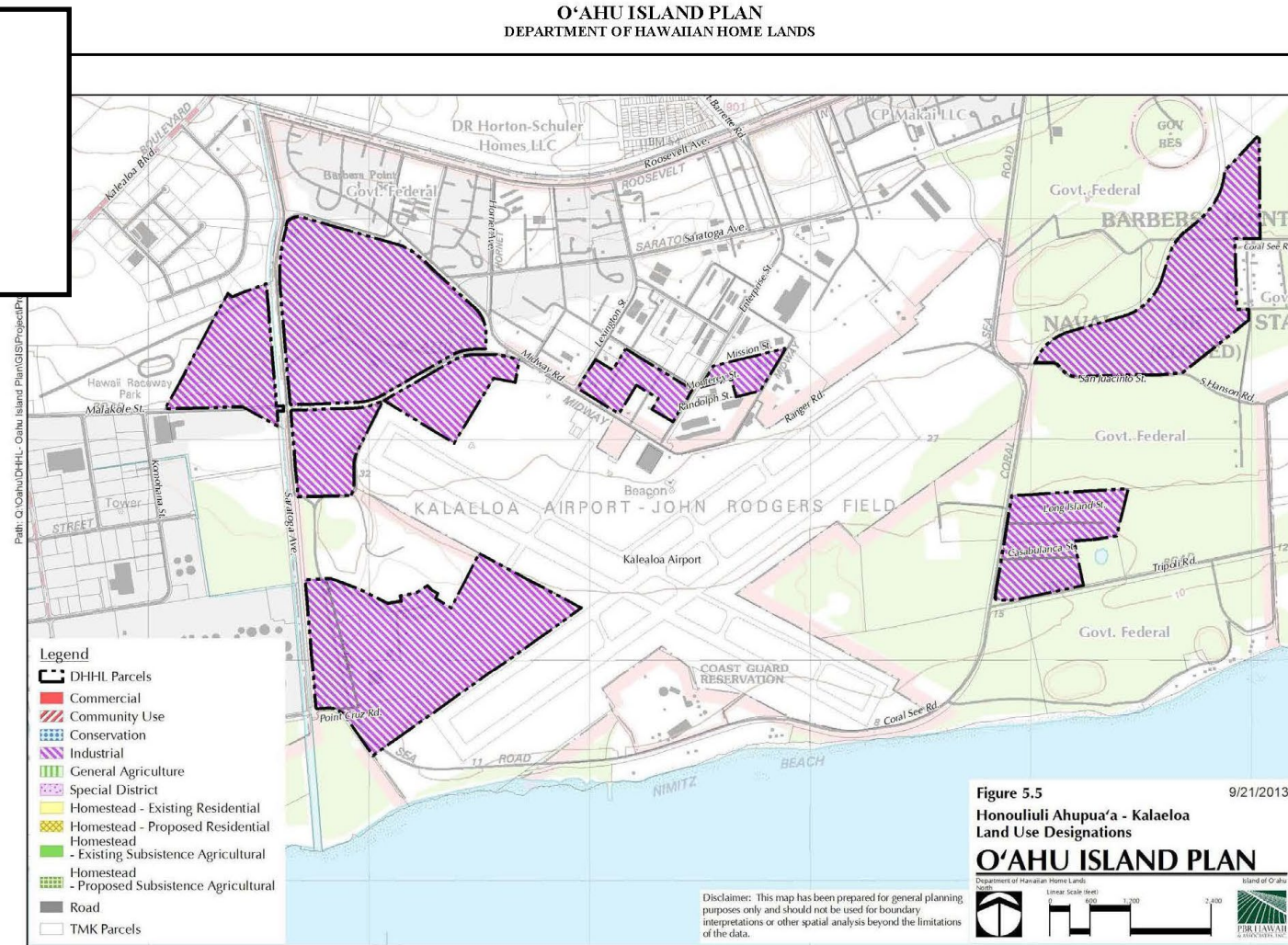
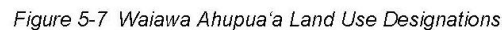


Figure 5-5 Honouliuli Ahupua'a- Kalaeloa Land Use Designations



2014 Oahu Island Plan, Figure 5.7
WaiawaAhupua'a - Land Use
Designation: Industrial

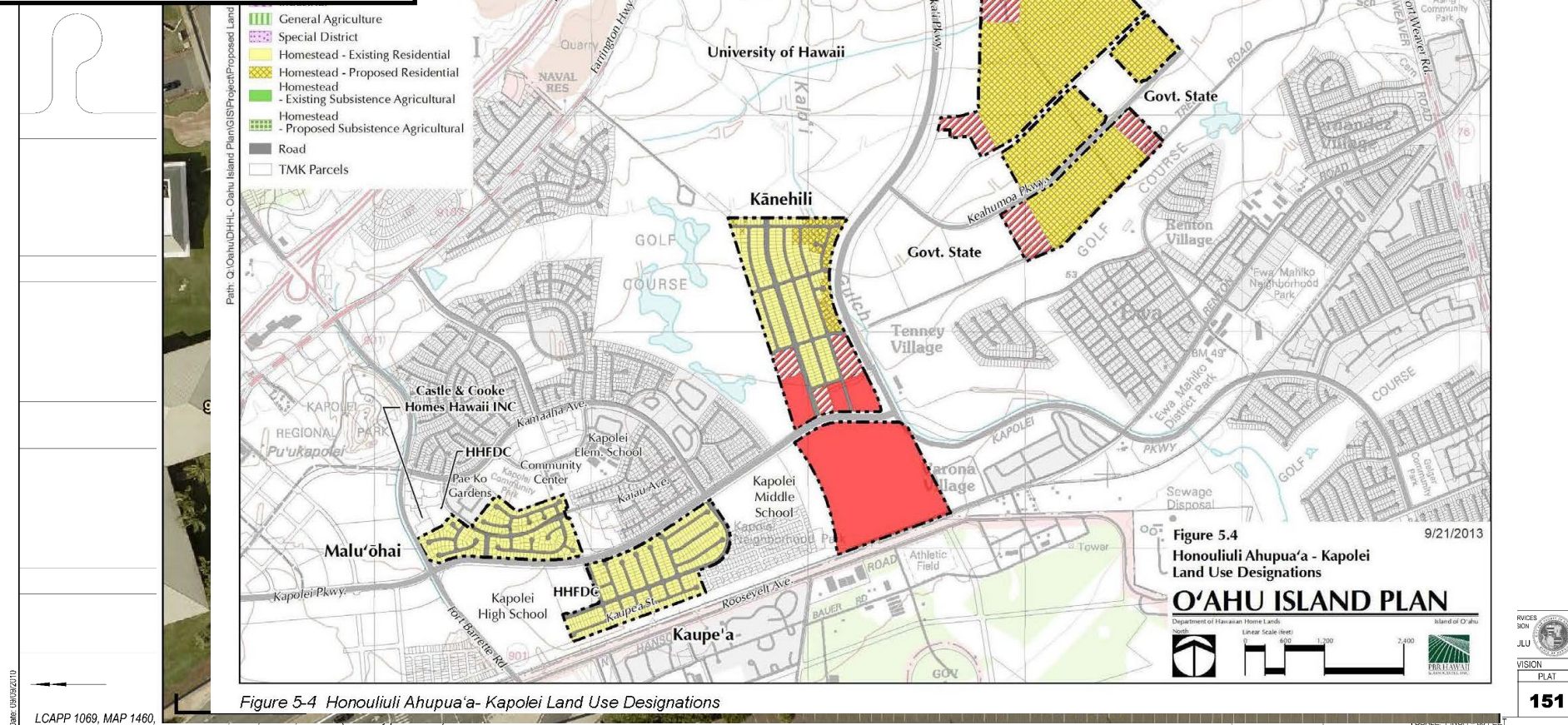




East Kapolei/Oahu– TMK 1-9-1-151:058

Land Area: 2.189 Acres

2014 Oahu Island Plan, Figure 5.4
Honouliuli Ahupua'a - Kapolei
Land Use Designation: Commercial

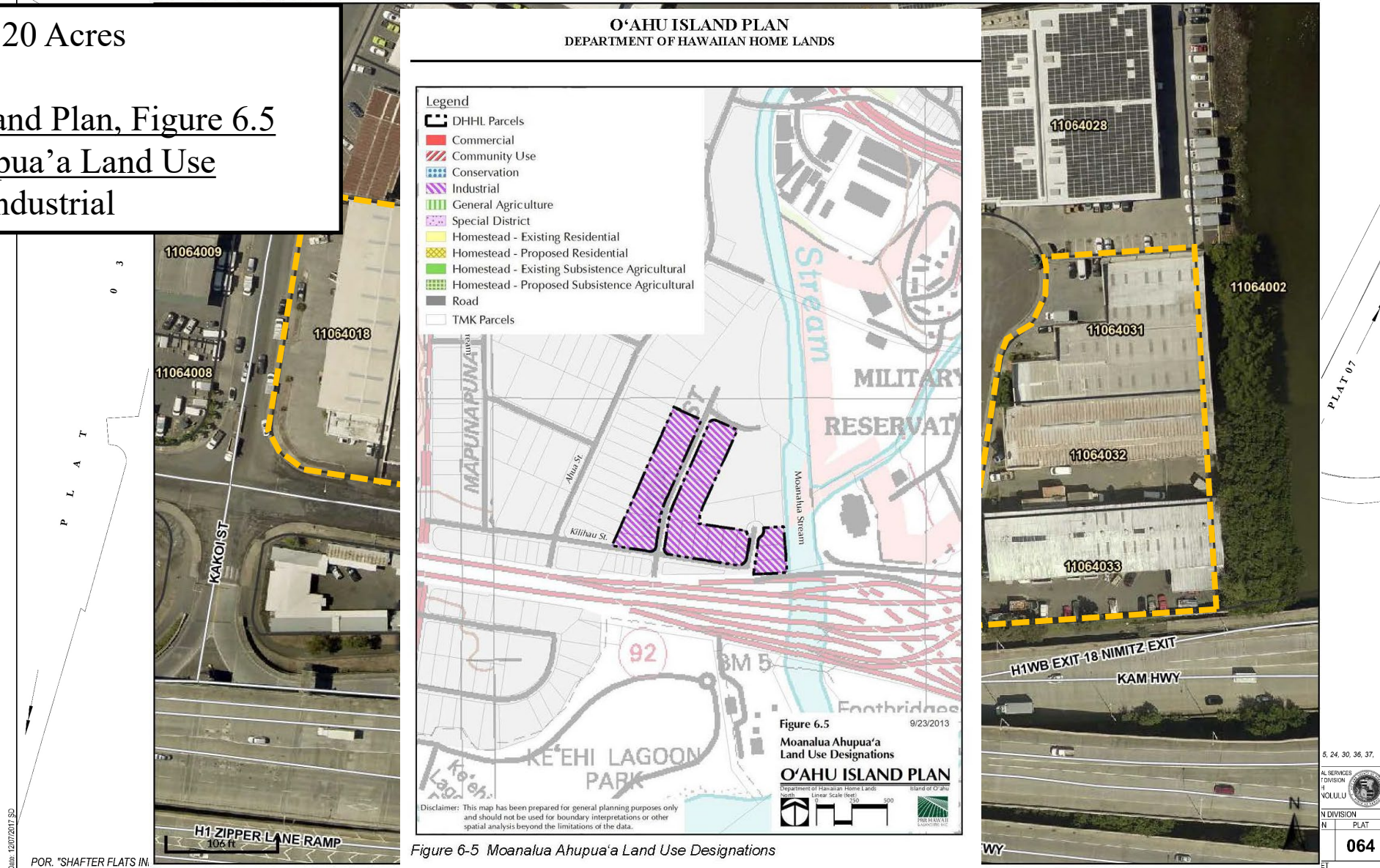




Shafter Flats – TMK 1-1-1-064:various

Land Area: 4.820 Acres

2014 Oahu Island Plan, Figure 6.5
Moanalua Ahupua'a Land Use
Designation: Industrial



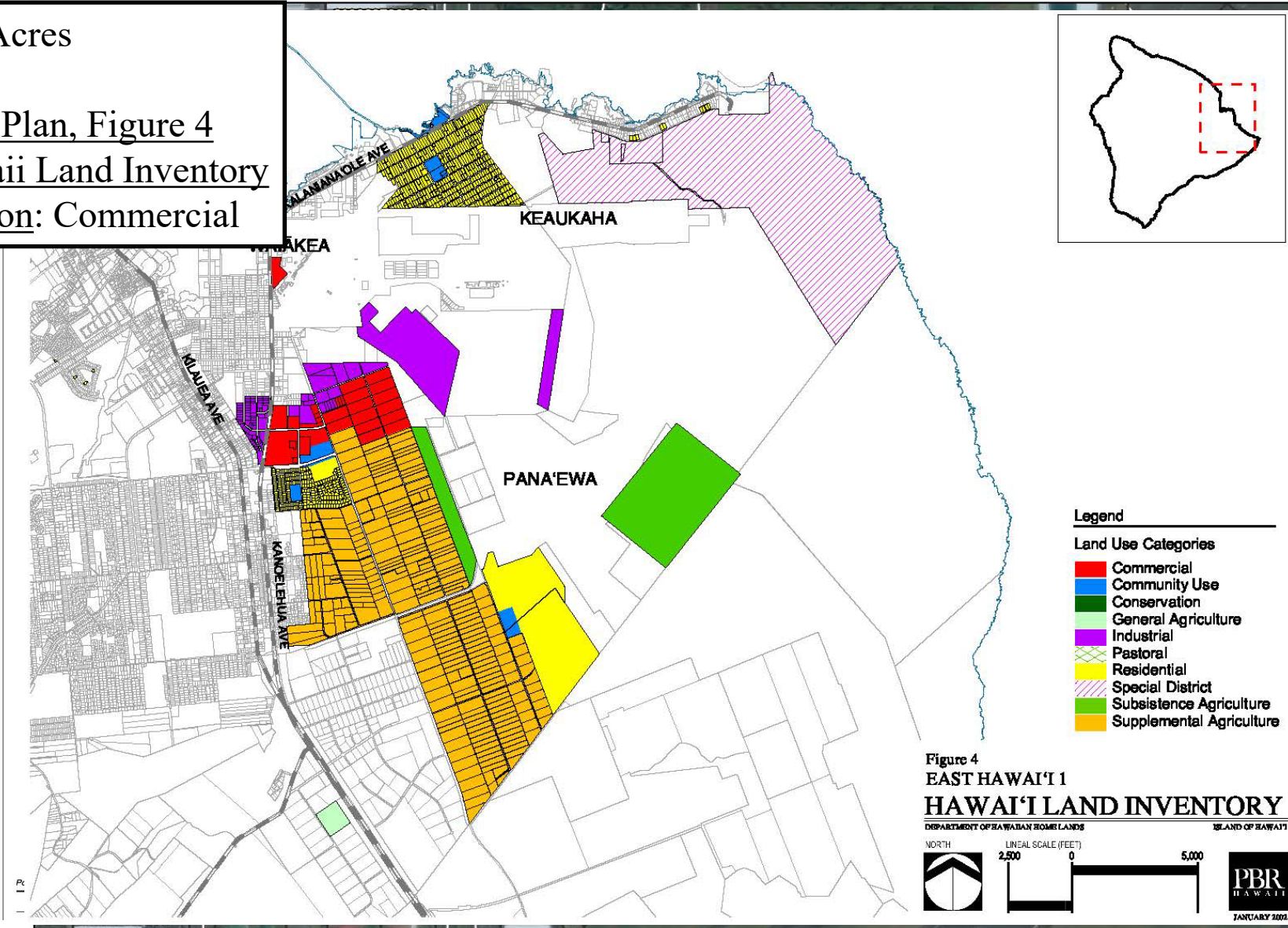
[illegible]



Hilo Airport – TMK 3-2-1-012:070

Land Area: 11.685 Acres

2002 Hawaii Island Plan, Figure 4
East Hawaii – Hawaii Land Inventory
Land Use Designation: Commercial

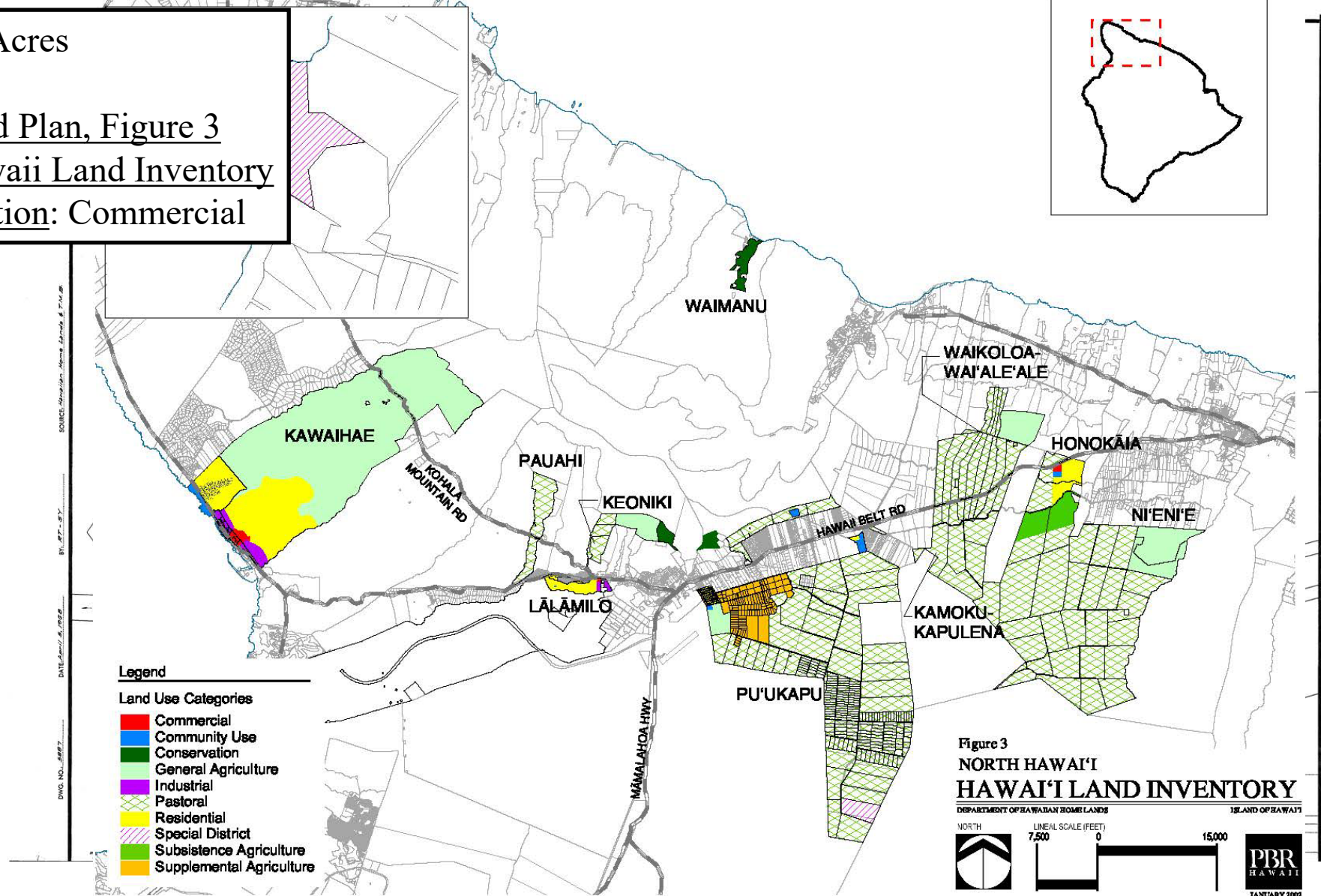




Kawaihae/Hawaii – TMK 3-6-1-006:016

Land Area: 1.130 Acres

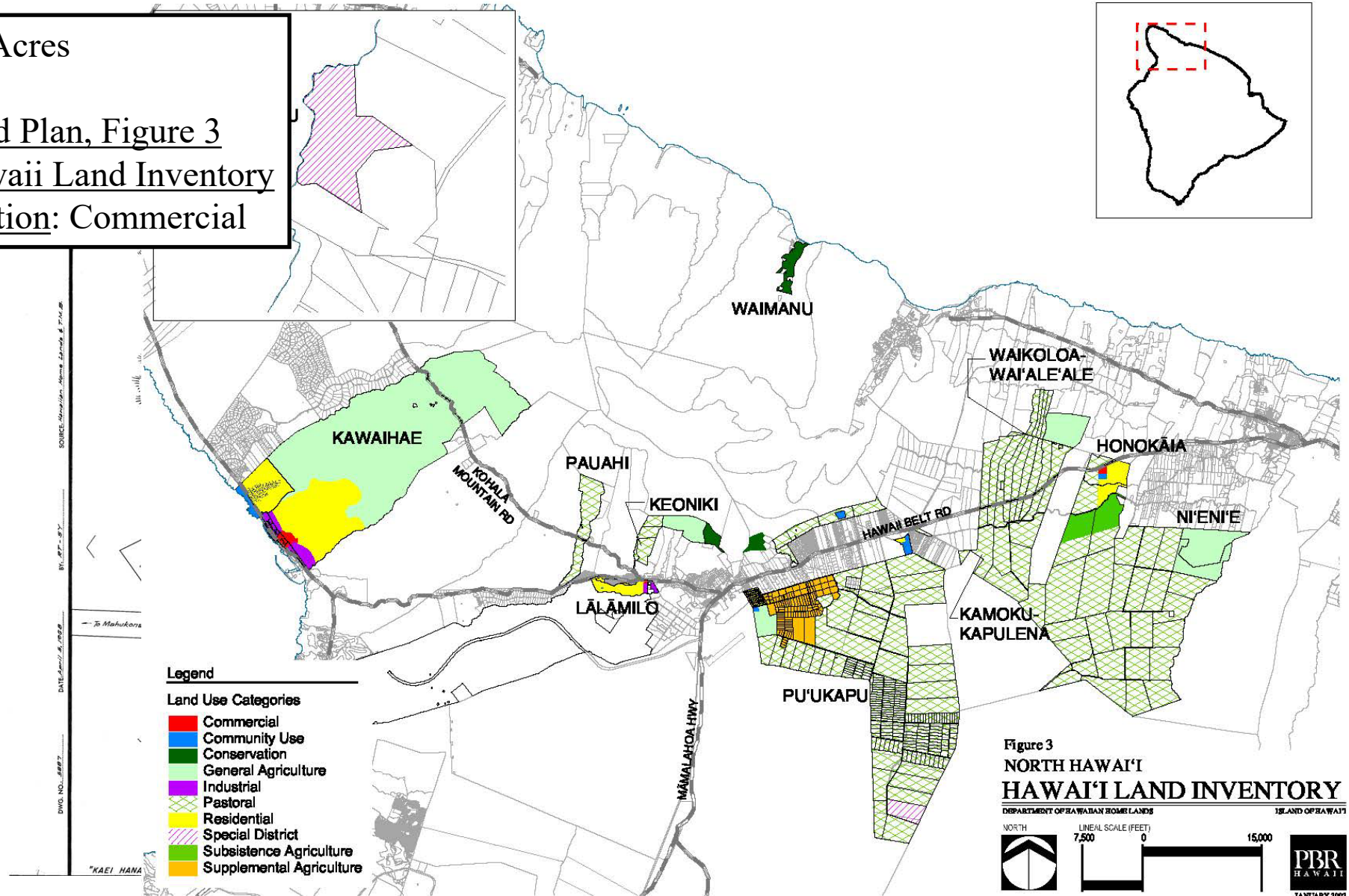
2002 Hawaii Island Plan, Figure 3
East Hawaii – Hawaii Land Inventory
Land Use Designation: Commercial



Kawaihae/Hawaii– TMK 3-6-1-006:013

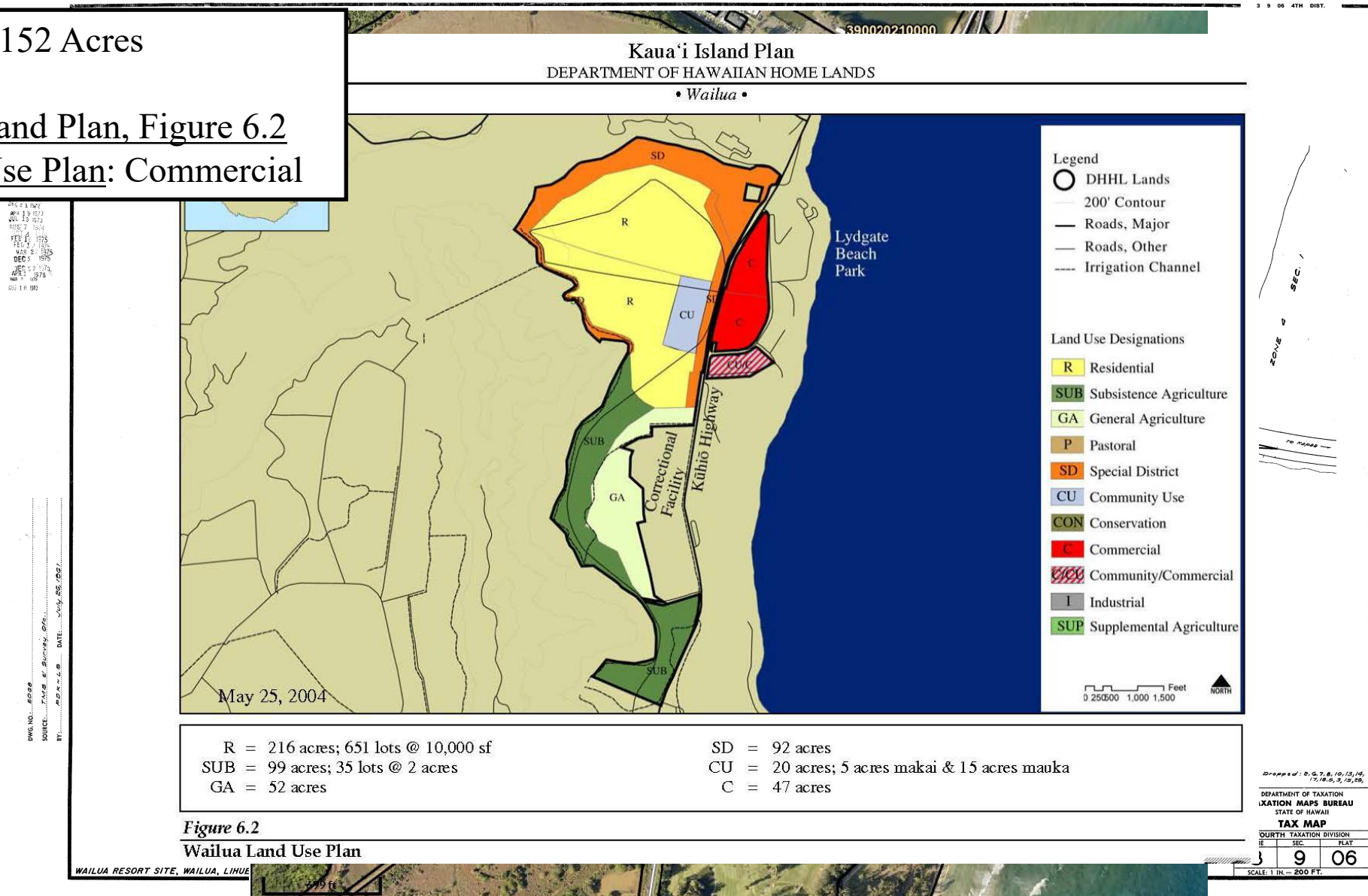
Land Area: 2.000 Acres

2002 Hawaii Island Plan, Figure 3
East Hawaii – Hawaii Land Inventory
Land Use Designation: Commercial





2004 Kauai Island Plan, Figure 6.2
Wailua Land Use Plan: Commercial





2004 Maui Island Plan, Figure 4.11
Pu'unene – Land Use Designation:
Industrial





Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov

**HAWAIIAN HOMES COMMISSION
NOVEMBER 20 & 21, 2023**

**J – ITEMS
REQUESTS TO ADDRESS THE
COMMISSION**

Hawaiian Homes Commission Meeting
November 21, 2023
J Agenda - Requests to Address the Commission

- J-1 Germaine Meyers – Various DHHL Concerns
- J-2 Charlita Mahoe – Ahupuaa O Nanakuli
- J-3 Allen Cardines Jr. – Neighborhood Security Watch
- J-4 Kapua Keliikoa-Kamai – Beneficiary Consultation Process and Act 279
- J-5 DeMont Manaole – Position Statement on Indigent Beneficiary Applicants
- J-6 Patty Kahanamoku Teruya – Various DHHL Concerns
- J-7 Al Hee – Telecommunications
- J-8 Carlene Maria – Various DHHL Issues
- J-9 Iwalani McBrayer – Kaupea Homestead Updates
- J-10 Jonathan Hoomanawanui -
- J-11 Sherilyn Wahinekapu – Lease Concerns
- J-12 Randy Akau – Various DHHL Issues
- J-13 Jackson Gay – Various DHHL Issues
- J-14 Raelene Like – Update on Kauluokahai Hawaiian Homestead
- J-15 Brittney Zimmerman – Panaewa Hawaiian Home Land Community Association
- J-16 Jmar Ikaika Manaku – Anahola Lease Issue
- J-17 Princeslehuanani Kumaewakainakaleomomona – Maui Waitlist
- J-18 Bo Kahui – LaiOpua Community Development Corporation
- J-19 Kekoa Enomoto – Paupena Community Development Corporation
- J-20 Kelli Keawe – Waitlist
- J-21 Jojo Tanimoto - Kawaihae Concerns

Sent: Monday, October 9, 2023 9:10:57 AM

To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>

Subject: Re: [EXTERNAL] Re: New submission from Submit J-Agenda Testimony

Hi Leah,

Please cancel my J Agenda request for October's meeting.

I decided to wait for November. It's best to allow Maui residents to use the meeting time to express their concerns and mana'o, especially since the Lahaina fires.

My concerns are related primarily with Oahu.

Mahalo nunui,
Germaine Meyers

~~On Fri, Sep 29, 2023, 11:30 AM Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov> wrote:~~

From: dhhl.icro1@hawaii.gov
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: New submission from Submit J-Agenda Testimony
Date: Monday, October 02, 2023 11:04:13 AM

Name

Charlita Mahoe

Email

charlita.ahupuaaonanakuli@gmail.com

Message

Aloha e Commissioners,

We at AONH (Ahupua'a o Nanakuli Homestead would like to share our excitement and report our success at last years Christmas on the Avenue event. We are also excited to share an opportunity for the Department of Hawaiian Homelands to partner with us in honoring the 93 year Legacy of beneficiaries who were the first settlers in the Nanaikapono Homestead as early as 1930.

I will need internet access audio visual display and audio.

Please confirm via email as noted above for October meeting. Mahalo nui! Charlita Mahoe

From: acardinesjr@gmail.com
To: [Burrows-Nuuuanu, Leatrice W](#)
Cc: ["Sanoë Marfil"; "Pastor Allen Cardines JR"; acardinesjr@gmail.com](#)
Subject: [EXTERNAL] RE: J Agenda Testimony - Hawaiian Homes Commission - Tuesday, October 17, 2023
Date: Tuesday, October 17, 2023 8:28:10 AM
Attachments: [image001.png](#)
Importance: High

Aloha Leah!

I hope this email finds you blessed!

FYI...sorry, I won't be able to make the J agenda today. A friend from Maui needs my help today. I just wanted to extend my thoughts and prayers to the people of Maui and invite any families with children who are living on Oahu because they have been displaced by the fire to join our Christmas on the Ave/Operation Blue Light Christmas, but I will do it at the next meeting in November. Sorry for any inconvenience this may have caused.

God blessed,
Pastor Allen

From: dhl.icr01@hawaii.gov
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: New submission from Submit J-Agenda Testimony
Date: Wednesday, November 01, 2023 11:33:11 AM

Name

Kapua Keliikoa-Kamai

Email

wwhcbre@gmail.com

Message

The Wai'anae Sustainability Co-op would like to update the commission on our community based renewable energy project and forthcoming request for EA exemption and site control for the Farrington industrial parcel in partnership with the Wai'anae Valley Homestead Association.

From: dhhl.icro1@hawaii.gov
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: HCC Contact:
Date: Tuesday, September 19, 2023 3:42:34 PM

First Name

De Mont

Last Name

Manaole

Email

hoomanaponollic96792@gmail.com

Email

hoomanaponollic96792@gmail.com

Subject

To Commission Secretary

Message

Aloha Leah! At this time, I am requesting to have myself & my Hui to be placed on the "J" Agenda for the November 20th, 21st, 2023 Meeting on O`ahu.

The issue we seek to speak about is related to a "Position Statement On Indigent Beneficiary Applicants" we wish to read to the Commission, and to address the systemic discriminatory practice of the Commission and DHHL Rules with respect to economic disparities between Beneficiary Applicants. The names of the members of my Hui is: Auntie Maxine Kahaulelio (Hawai'i Island); Philip "Uncle Mango" Stephens (on behalf of his Applicant Mother Bernadette Kidder) (Moloka'i); Guy Gasper (Industrial Lands in Kalaheo); and myself.

Can you place us on the list together? I appreciate your time and efforts.

File

- [Position-Paper-and-Proposal-From-Indigent-Applicants.pdf](#)

**Position Paper & Proposal To Address Systemic
Discriminatory Practices Against Indigent Beneficiaries/Applicants**

**AGRICULTURE LEASE and/or RIGHT-OF-ENTRY PERMIT
for TMK No. 8-6-001-052**

Aloha Commission! My name is De Mont Kalai Manaole, we would like to present to you all, in the Spirit of Aloha and Ho'olōkahi a silent issue that has long plagued the Department and the Commission: *Indigent Beneficiary Applicants*.

I am blessed to be here with a beloved Mana Wahine named Aunty Maxine Kahaulelio, a Kupuna who created the model for the reclamation of our home lands, because she just got tired of waiting for the Department and the Commission to get her off the Wait List.

I am also blessed to have Philip “Uncle Mango” Stephens, who is here on behalf of his 87 year old mother named Bernadette Kidder a long time Beneficiary Applicant, who is unable to speak for herself, as a result of her age and serious medical conditions.

Lastly, my Braddah Guy Gasper, whom I've known for over 40 years. Guy is a lessee in Nanakuli Homestead, who has a Non-Profit that seeks to obtain Industrial Land to implement his program to benefit native Hawaiians.

What we each are seeking is direct physical access to our of the options of lands in our Hawaiian Home Lands Trust. For myself, I'm seeking an Agriculture/Homestead Lot identified herein. For Aunty Maxine, she's seeking the lease for her Pastoral Lot on Hawaii Island, for Aunty Bernadette, she is seeking Agriculture lot, and for Guy, he is seeking Industrial land.

We each will speak on our own issue. I will start by reading my Proposal.

I have been on the Wait List since 2017, as a second generation wait lister. My Mother was on the Wait List for thirty (30) years when she passed in 1995. While I am low in the Wait List, that is NOT my fault. The Department started its “Heirship” program in 1998, so I was told that I could NOT take my mothers place on the Wait List, since she died in 1995. To compound the problem, the

Department lost my Mom's files "In a basement flood". I am my Mother's sole living Heir.

We have been systematically over-looked and by-passed by the Department and the Commission, since at least the beginning of the creation of the State of Hawai'i, after promising to assume the Fiduciary Duties of the HHCA.

While I don't believe that it has been an intentional discriminatory practice, I do assert that the practice of rejecting Beneficiary Applicants, based solely on the fact that they could NOT qualify for the Homestead, **BECAUSE WE ARE INDIGENT**. This is a tragedy and inherently creates a system of : "Haves" and "Have Nots".

I, myself, have been offered multiple times since I have been on the "Wait List", Homestead land, and even recently a place in La'i Opuu. I could NOT then, nor will I ever be able to qualify for ANY offering of Homestead, Agriculture, Pastoral or Industrial lands that the Department offers, since they all systematically reject those of us who simply will never be able to financially qualify for any land acquisition program that the Department offers.

Therefore, I have a proposed "Pilot Project" for off-grid living on the worst lands that the Department has in its inventory. What we want right now, is the permission to have direct physical access to those lands, like the lands of Maku'u of which Auntie Emily Naeole speaks of, or the Da 'Aina that I have been taking care of since this past February, which is Coral-Based and difficult, but not impossible to farm.

We want to demonstrate that we can sustain ourselves on Da 'Aina without infrastructure, especially in light of the latest technologies that exist which are affordable for us to utilize in our off grid living.

The Amendment should be to have the Commission to Grant me the Lease for TMK No. 8-6-001-052 or at the very least, the Right of Entry ("ROE") (to allow me to prove that I can accomplish what I say I can do on the lot, as proposed herein and below.)

Now, I realize that TMK No. 8-6-001-052 is **NOT** fertile or desirable land. It primarily consists of Coral with very little soil, and most of it is mountain and no

infrastructure. However, it is still land, that I can sustain myself and my family. I may have to dig through 1 to 2 feet of coral to bring in good soil to plant, but I'm willing and able to do that.

I recently moved my request for Homestead from Keaukaha to Waianae and changed my request for Pastoral at Kahikinui to Agriculture to Lualualei. This request to change my Pastoral Application from Kahikinui to an Agriculture Lot on O`ahu, comes as a direct result in the major changes that have occurred in my life, that no longer make it feasible for me to stick with my old requests.

As part of the ***Draft Procedures and Policy Considerations*** regarding the Kuleana Homestead Program ("KHP"), presented to the HHC on September 19-20, 2022, there are a few proposals. The Spirit of the KHP displays a promising movement to help get our people off the Wait List.

Currently, the Department has NO viable plan for beneficiaries who are **INDIGENT** and just want "Off-Grid" raw land to build their homestead and grow/raise food for themselves and their families. I am seeking the Department to propose to the Commission to accommodate **INDIGENT** Beneficiaries/Applicants who simply cannot financially qualify for any of the lot programs that is currently being offered.

I am also seeking the Department to support that part of the recommendation of the KHP, that is highlighted below:

- Task Force appointed by Gov and Sec. of Interior to do a comprehensive review of every facet of the *Hawaiian Homes Commission Act to make recommendations on ways to accelerate the distribution of benefits to beneficiaries.*
- DHHL can accelerate distribution of homestead awards through *"Alternative Development Models (ADMs)"*
- ADMs are intended to broaden the range of options for beneficiaries, and they are designed to *reduce development costs for DHHL*
- Components of development are modified and/or combined to *create alternatives, including level of land improvements, types of housing*, types and levels of financing, and the level of beneficiary participation in

development.

- Recommended **development of prototypes or pilot programs for various alternatives**

See Recommendation 0f 1983.

While the KHP provides good guidance for “Off-Grid” awards, the time-line projective is too long. It’s better to do a “Pilot Project” first, and I believe that the Department should allow for a series of “Pilot Projects” that can be monitored in real time. Month-to-Month benchmarks should set in place for the first three (3) months to monitor a Permittees’ progress.

If the Permittee meets or exceeds the planned benchmarks, then the ROE extends to a six-month period, at which time, if the Permittee has accomplished a livable and sustainable form of existence: Food, Water , Shelter, and acceptable sewage treatment. Then the Permittee shall be given the Ninety-Nine (99) year lease for the Homestead/Agriculture Lot.

In this respect, I make the following revisions to my proposal for the first Month:

- Set up a base camp with livable quarters.
- Set up a water catchment system for growing food crops to sustain myself and my family.
- Plant food crops that provide short term yields.
- Develop sewage system for safe disposal.

Though I am familiar with the KHP, the type of Kuleana Homestead program I am describing is a little different, in terms of timing. I believe that I can accomplish establishing my Homestead and Subsistence Farming in six months to a year.

I will just focus on planting tomatoes, green beans, okra, eggplant, daikon, and ginger, for starters, as they are fast yielding crops. I will also establish a

catchment system to ensure that I have sufficient water for my crops and for my sewage system. As well as creating a livable space for my habitation with my wife.

I believe that the proto-type I plan to build makes it easier to get on the land and begin to be self-sufficient in a shorter period.

The KHP takes too long to develop, with today's technology, I can accomplish a swifter time frame for the Department to put people on the `Aina from which they can be self-sufficient and self-sustaining.

The King's Landing proposal presented to this Commission on September 19th, 2023, was equally impressive. Between all these models, there must be some way for us to come together to put a "Pilot Project" that gets Indigent Beneficiary Applicants on the `Aina today.

Another good aspect of my proto type is that I will be able to get off two waiting lists. From which the Department will have a workable model to drastically eliminate more people off the wait list.

Just as a curtesy, by NOT having a program that Offers INDIGENT Beneficiaries/Applicants access to our own Birthright Homelands, is a DISCRIMINATORY practice. Indigent Beneficiaries/Applicants should not be forced to litigate this REAL CAUSE OF ACTION, especially in light of the **Kalima** case, to wait for another 25 years, before the Court force the Department to end its discriminatory practice of NOT having a program that directly addresses the needs of Indigent Beneficiaries/Applicants who simply cannot and will NEVER be able to financially qualify for any of the lot offering programs that is currently being offered by the Department.

Instead, how about we work together to use what I am offering as a "Pilot Program" that can immediately address this very real need, and get more people off the waitlist, without spending a dime of ACT 279 monies?

In the Spirit of our Honorable Chair Kali Watson, who has repeatedly stated: "Let's get our people off the list and onto the `Aina." We are all ready to go today.

My only question to this Commission is this: Who in the Department can we talk with, that you will specifically direct, to assist us in getting on the `Aina to implement our “Off Grid” Pilot Projects for Indigent Beneficiary Applicants.

Mahalo Nui Loa,
Trust Beneficiary/Applicant

De Mont Kalai Manaole

De Mont Kalai Manaole



Exhibit “A1”



Parcel Number	860010520000
Location Address	86- 369 LUALUALEI
Project Name	
Legal Information	
Property Class	AGRICULTURAL
Land Area (approximate sq ft)	174,239
Land Area (acres)	4.0000

[Map](#) [GIS Parcel Map](#)

Email us at bfsrpmmailbox@honolulu.gov regarding Supplemental Plat Map PDFs.

Owner Information

Owner Names
HAWAIIAN HOME LANDS Fee Owner

Assessment Information

The Assessment Information section contains records for the last 10 years.

8 of 6

Exhibit “A3”

From: [Patty](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] DHHL November J Agenda
Date: Wednesday, October 18, 2023 10:38:07 AM

Aloha

Mahalo for all that you do for beneficiaries, the work and service you provide is appreciated.

Please add me on the November 21, J Agenda - various DHHL concerns.

Mahalo for your time,
Patty Kahanamoku-Teruya
Nanakuli Hawaiian Homestead Beneficiary
808 723-9161
pattyteruya@gmail.com

***Mahalo Ke Akua * Patty Kahanamoku Teruya,
Wai'anae Coast Community Foundation , President Director
Neighborhood Security Watch Council, Administrator
Message of Peace Ministry Outreach, Vice President***

***phone: 808 723-9161
Email: pattyteruya@gmail.com***

In Hawaii we greet friends, loved ones and strangers With Aloha, which means with love. Aloha is the key word to the universal spirit of real hospitality, which makes Hawaii renowned as the world's center of understanding and fellowship. Try meeting or leaving people with aloha. You'll be surprised by their reaction. I believe in it and it is my creed.

"Aloha to you." Uncle Duke Paoa Kahanamoku

From: [Burrows-Nuuanu, Leatrice W](#)
To: alhee@waimana.com
Cc: [Yee Hoy, Louise K](#)
Subject: Re: October and November HHC meetings
Date: Friday, October 13, 2023 10:12:34 AM

From: alhee@waimana.com <alhee@waimana.com>
Sent: Friday, October 13, 2023 12:55 PM
To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>
Subject: [EXTERNAL] October and November HHC meetings

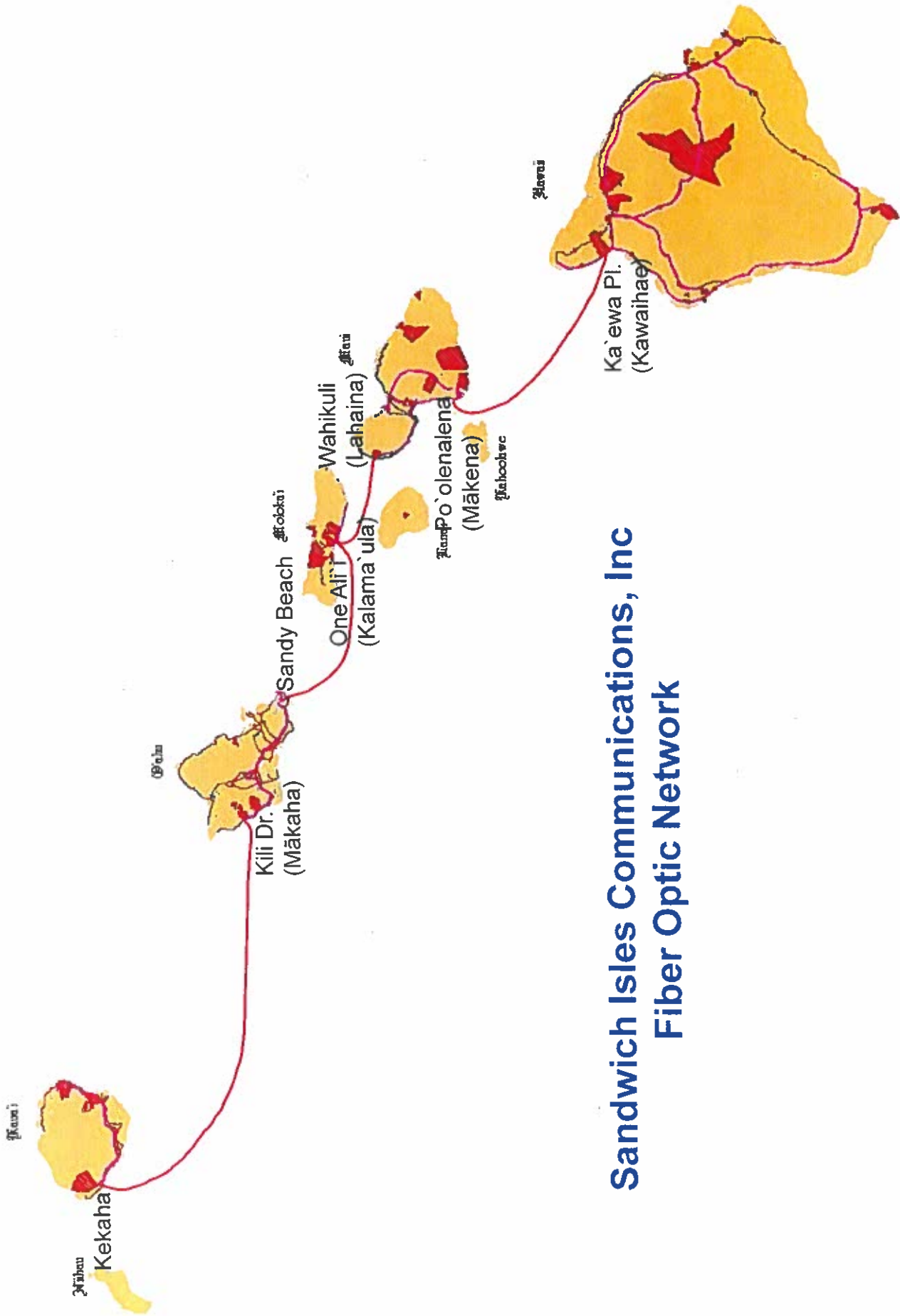
Aloha e Leah,

I am planning on requesting an opportunity to appear in person before the HHC and would like to know when and where that opportunity would occur at the Oct and Nov meetings. The meetings are over several days at different locations.

Could you help me with this?

Mahalo,
al

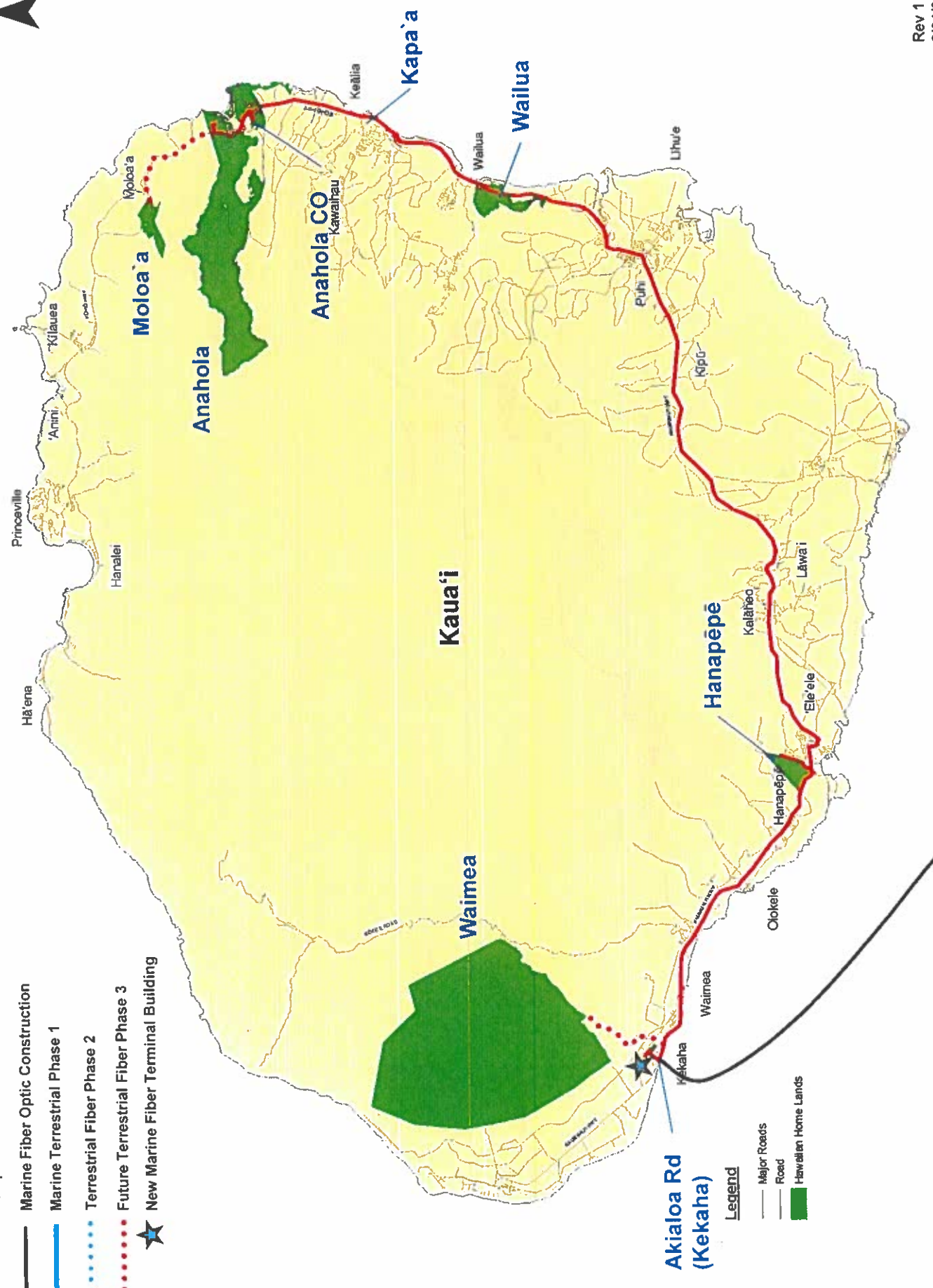
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Sandwich Isles Communications, Inc Fiber Optic Network



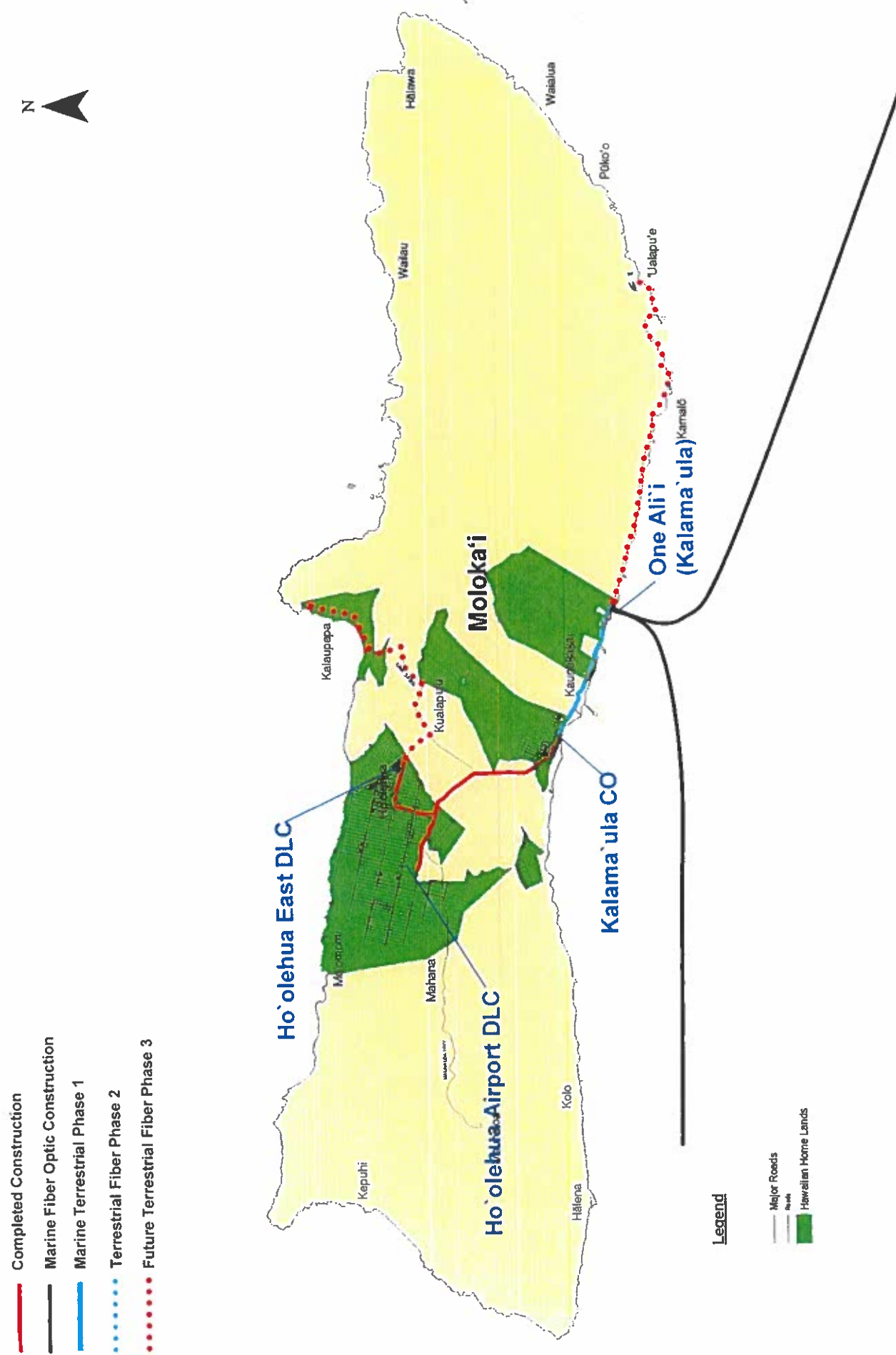
- Completed Construction
- Marine Fiber Optic Construction
- Marine Terrestrial Phase 1
- ... Terrestrial Fiber Phase 2
- ... Future Terrestrial Fiber Phase 3
- ★ New Marine Fiber Terminal Building

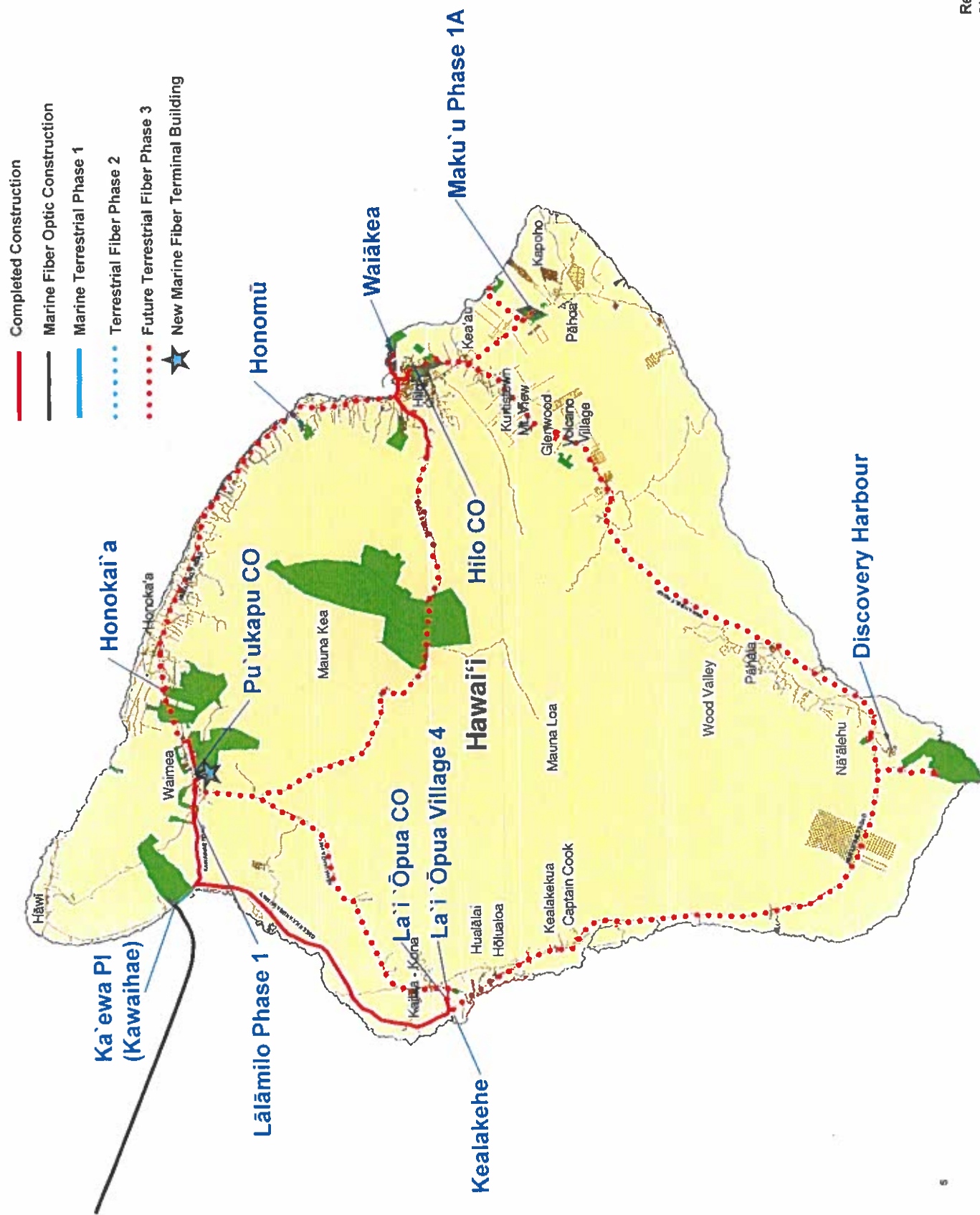


**Akialoa Rd
(Kekaha)**

Legend

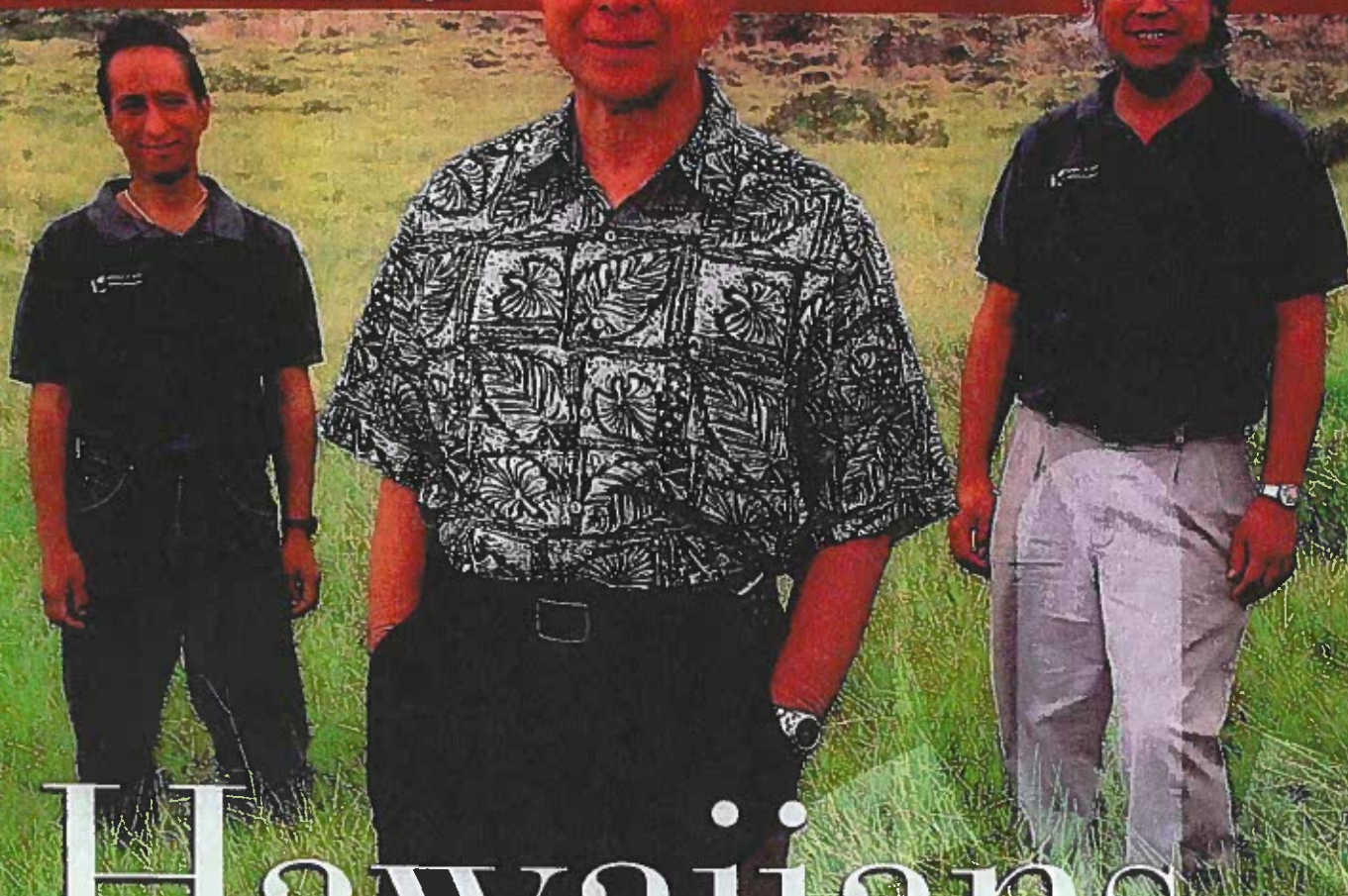
- Major Roads
- Road
- Hawaiian Home Lands





Hawaii Business

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Hawaiians electric

SANDWICH ISLES COMMUNICATIONS INC. BUILDS THE STATE'S
MOST EXTENSIVE FIBER-OPTIC NETWORK David K. Choo pg. 14

FROM LEFT TO RIGHT:
UJIAN BECK, FIELD
TECHNICIAN; ROBERT
KIHUNE, CEO; AND
RODNEY KAULUPALI,
DEPARTMENT OF HAWAIIAN
HOMELANDS COORDINATOR.



COVER STORY



Maui Opto

Sandwich Isles Communications Inc. builds the state's most advanced fiber-optic network. **By David K. Choo**

Hawaiians electric

▶ **A**l Hee, president for Sandwich Isles Communications Inc. (SIC) knows that if his company is successful in Kahikinui, it can be successful anywhere.

The 20,000-acre ahupuaa on the slopes of Haleakala is the largest and most remote parcel in the state Department of Hawaiian Home Lands' (DHHL) inventory.

THE CABLE GUYS: DHHL Coordinator Rodney Kaulupali and SIC President Al Hee check on Kahikinui's relay station; The two and SIC's Gil Tam survey the landscape; The cable.



COPTER COMMUTE: The only way to get to Kahikinui is via a dirt road or helicopter. (above) Sandwich Isles Communications Inc. CEO Robert Kihune.

An hour's drive from Kahului Airport, Kahikinui is up the road from Upcountry Maui's Ulupalakua Ranch and is as beautiful as it is brutal. Once verdant rainforest, the area, which translates into "big Tahiti," is now wind-swept scrubland, sunny and hot in the daytime and foggy and cold at night. Since 1998, two families have called the vast area home. They have no electricity or water—true homesteaders. But last month, thanks to Hee and his company, the homesteaders now have telephone service and DHHL can start placing an additional 70 families who have been waiting to settle Kahikinui.

"This is really at the heart of what we

are trying to do," says the camera-shy Hee as he gazes down at far-off Makena and Wailea. "We are bringing telephone service to Hawaiian homesteaders no matter where they live. By the time we are finished people here will be able to surf the Web as well as anyone in Honolulu. They'll be able to work from home or start their own on-line businesses."

Founded in 1995, Sandwich Isles Communications Inc. is a rural telecommunications company that has an exclusive agreement with DHHL to provide telephone service to the agency's 69 non-contiguous parcels totaling some 200,000 acres and located on the six major

Hawaiian Islands. The company is financed primarily by long-term, low-interest loans totaling more than \$400 million from the U.S. Department of Agriculture's Rural Utilities Service (RUS), which is responsible for promoting and supporting the development of utility infrastructure and services in rural America. This federal program is not based on race and has been in existence for more than 50 years. SIC's project is the first application of RUS funds in Hawaii.

In 1998 SIC completed its first project, providing telephone service to homesteaders in DHHL's latest Waimanalo development. Laiopua, above Kona, was next, followed by Kulana O'iwi in Kaunakakai on Molokai in 1999 and Kalawahine next door to Oahu's Papakolea. Other projects include Puukapu in Waimea on the Big Island, Kapolei on Oahu, and the aforementioned Kahikinui.

"We are going as fast as Hawaiian Home Lands can build their projects," says retired Vice Adm. Robert Kihune, SIC's CEO. "We want to make sure that when they build the easements to their roads our cables go right into that trench."

The infrastructure that SIC builds comes at no cost to DHHL or its beneficiaries, which means the department saves millions of dollars and eventually more Hawaiians can be settled on homelands at an accelerated rate. SIC's customers pay comparable rates to others in the state for telephone service.

"Back when I was doing subdivision work, the cost for telephone infrastructure might have been as much as \$1,000 a house," says Mike McElroy, DHHL's land management administrator. "It really adds up and that is money we don't have to spend. We can stretch our dollars much further now."

So far, SIC has invested \$30 million in facilities, digital switching and related equipment and services. And the road has not always been smoothgoing, with SIC officials facing as many man-made barriers as natural ones. According to Hee, it took him four years to receive a license from DHHL and three years to get through the Public Utilities Commission when it takes three months for other applicants.

"When we first decided to do this everyone was blocking us and doubting us," says Kihune. "They looked at us like we were crazy. But we had a good goal and that's what drove us."

But as difficult as it was to navigate through government bureaucracy or con-

■ HAWAIIANS ELECTRIC

ALL IN THE OHANA

*Sandwich Isles Communications Inc.
is starting a family of companies. Jacy L. Youn*

When Sandwich Isles Communications completes its fiber-optic cables throughout Hawaii, a number of local companies will have already enjoyed benefits as a result of the high-speed network.

Summit Communications, which was incorporated in 1996, went fully operational the following year, providing telecom solutions for multi-tenant buildings. In March 1998, with just 15 employees, Summit entered into a long-term service contract with Sandwich Isles Communications, dedicating roughly one-third of its staff to the project. According to Summit General Manager Chad Johnston, the contract is worth at least \$5 million. It is a five-year project with an option to extend.

"We get about \$100,000 a month," says Johnston. "So they are a big portion of our revenues." Last fiscal year, Summit reported revenues of about \$1.9 million and is looking at a 40 percent increase this year, with sales expected to reach \$3.2 million. Johnston says working with Sandwich Isles has allowed Summit to expand by about 15 to 18 employees. A few, like Johnston, are expatriates. "In the near future our company may increase to 50 percent of what we otherwise would've been, because of this network," he says. "I think Sandwich Isles wants to provide opportunities for our population here."

Sandwich Isle's Gil Tam, vice president for administration and community affairs, says that whenever possible they contract and support local businesses. Ohana Telecom/Construction Inc. was incorporated in February 1999, after being approached by Sandwich Isles five years ago to do construction and material management for the project,

which hadn't even come on-line yet. "The Sandwich Isles project was actually one of Ohana's missions or charters," says Randy Funn, president for Ohana. Sandwich Isle's contracts with Ohana range from \$100,000 to \$5 million, and as of February, Ohana had completed seven projects. As a result, Ohana earned 2000 revenues of \$5 million and hired at least 50 employees statewide. "We've hired about six or seven expatriates, over 50 percent of our staff is part-Hawaiian, and we even have three employees that are actually moving onto these Hawaiian Homestead Lands as well," says Funn. Although Sandwich Isles doesn't require contractors to meet ethnic or racial guidelines, a majority of the companies that get contracts do make efforts to employ native and part-Hawaiians. "It's a consistent philosophy," Summit's Johnston says. "Not to the point of reverse discrimination, but just to provide opportunities for our fellow Hawaiians."

Alden Kealoha, owner of Maui-based Kealoha Construction, says that nearly all of his dozen or so employees are either native or part-Hawaiian. Kealoha Construction signed two contracts, valued at \$166,000 and \$138,000 respectively, to construct equipment buildings for Sandwich Isles on Maui this year. Revenues from these contracts will contribute to Kealoha Construction's anticipated \$3 million in annual sales.

All in all, the Sandwich Isles project has resulted in the creation of roughly 500 jobs statewide, the majority of which are temporary construction and contractor positions. But according to Tam, Sandwich Isles' ability to sustain employment remains one of its longer-term goals: "Right now we're sustaining about 100 jobs, and that's before we even launched the network."

HAWAIIANS ELECTRIC

SPREADING THE WEALTH

Cathy S. Cruz

The biggest wads of money won't be found in the pockets of contractors involved in Sandwich Isles Communications Inc.'s \$500 million, fiber-optic network. Instead, the real dollars will be generated from the network's capability to deliver voice, data and video traffic at the speed of light. And if Sandwich Isles meets its timeline, as many as 20,000 Hawaiian Homestead dwellers in six major Hawaiian Islands will have high-speed connections in just five years.

The economic impact of this fiber-optic project is limitless: Cable television for tots, telemedicine conferences for the elderly, and Internet-based classes for teen-agers. Once the network is installed, Sandwich Isles plans to deliver affordable rates and services to its Native Hawaiian beneficiaries—while operating independently from existing telecom providers in the state.

What makes the future network especially lucrative is its open-access agreement that will allow outside companies to piggyback on Sandwich Isles' infrastructure. The concept is at least three years away, but it goes like this: A company wants to expand its coverage on a Neighbor Island, so it leases conduits (pipes that house the fiber-optic glass strands) from Sandwich Isles and installs its own fiber-optic connection. Financially, it's more practical than digging another trench.

"We're not going to block anybody from using our access," says Harold C. Johnston, sales and marketing director for Sandwich Isles. "We will make that backbone available to anybody who wants to use it. And yes, we will charge for that service. It'll be more cost-effective for them than to build their own."

The open-access agreement will bring Sandwich Isles to the same table as local exchange carriers Verizon Wireless and Oceanic

Communications. Right now, Oceanic provides circuits for Sandwich Isles clients in the Waimanalo area. But that may not be necessary once the proposed network is in place. Says Oceanic's vice president and general manager Ed Murley, "They're good customers, good partners. And by expanding competition to additional markets, more customers will get the price and service that results from having multiple carriers that compete for customer service." It also will garner additional revenue for Sandwich Isles in the next five, 10, even 30 years.

But rewind back to the year 2001. Sandwich Isles officials today say they don't want to talk specifics. They maintain their position as a rural telephone company that services approximately 700 subscribers in the Hawaiian Homelands. Their goal is not to be a telecom giant but to serve the underserved. "We have three priorities right now: build the network; create jobs; and lastly, generate profits, but that's No. 3 out of our priorities," says Gil Tam, Sandwich Isles' vice president for administration and community affairs.

Already some organizations hope to hitchhike on Sandwich Isles' high-speed highway. Take Akimeka LLC, a Web-based company that customizes healthcare solutions for Hawaii and the Pacific Rim. The company is only 5 years old but last year generated approximately \$12 million. Vaughn Vasconcellos, president of Akimeka, projects about \$10 million in revenues this year.

In addition to providing telemedicine services to the military, Akimeka assists patients from as far as western Micronesia. "We want to provide an application in the telemedicine area that's going to ride on their network to provide Web-based tools for the native Hawaiian healthcare system to utilize," says Vasconcellos. "Our goal is to have native Hawaiians have better healthcare access."

nect places like Kahikinui to the rest of the world, SIC's job is about to get a lot tougher. Beginning later this summer and over the next three to five years, SIC will be working on the next phase of its grand plan, connecting all these communities (and all of Hawaii) to a 1,600-mile state-of-the-art fiber-optic network. Laying the fiber in the ground, which will stretch from rural landscapes like Kahikinui to the urban jungle of Honolulu and beyond, will cost more than \$160 million. Laying down the submarine portions of the network will cost an additional \$70 million.

With 48 fibers, the network's pipes will have at least twice the capacity of any other fiber-optic network in the state. In addition, SIC technicians will have the ability to increase that carrying capacity many times over thanks to recent developments in "multiplying" technology. They will also be dropping five empty conduits in the pipe for good measure. The entire network—the only all-fiber one in the state—will be either underground or underwater during its trek around the state. The cables will be inserted into micro tunnels through the crowded streets of downtown Honolulu, tiny openings as small as five or six inches in diameter that are dug without disturbing the surface. Again, state-of-the-art technology.

According to Hee, the resulting network will benefit Hawaiian homesteaders and nearly all residents of Hawaii in a number of different ways. First, homesteaders will suddenly have access to all that the on-line world has to offer, including cutting-edge communications, distance learning, telemedicine and e-commerce opportunities.

"High-speed Internet access helps fulfill DHHL's goals in its mission: education, health care and economic development," says Gil Tam, the vice president who is in charge of administration and community affairs for SIC.

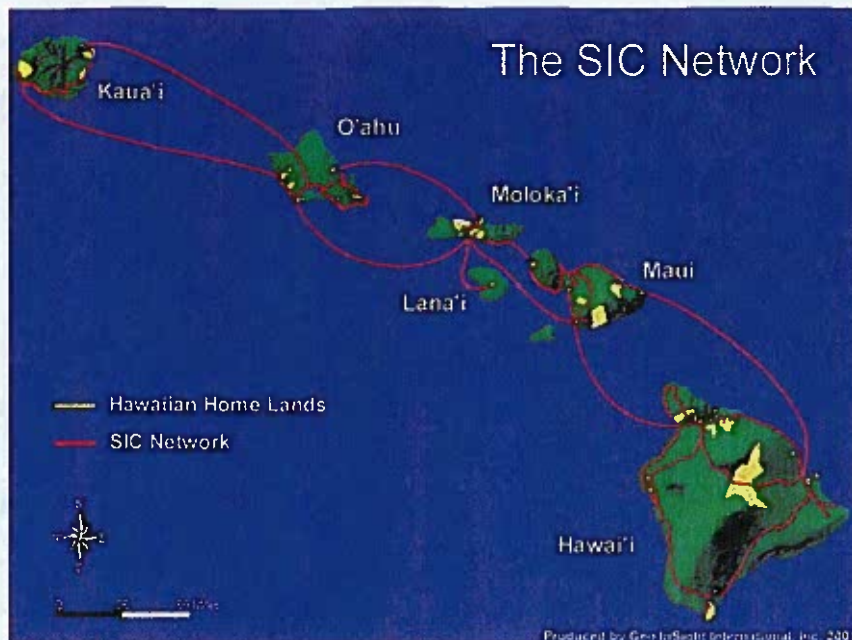
Secondly, SIC will be also wiring DHHL's nonresidential areas where the department maintains income and economic development property all over the state. According to McElroy, DHHL has designated a wide swath of Oahu as a high-technology corridor, stretching from Kalaeloa (formerly Barber's Point) to the Stadium Bowl-O-Drome property in Moiliili. Other parcels along this corridor include the Waipahu drum site near Leeward Community College and the Halawa laundry site, across from Aloha Stadium. The department has just completed a feasibility study to build a biotech center in Kalaeloa and will put

Having been raised on Hawaiian Homelands himself, Vasconcellos witnessed the health-care problems indigenous to native Hawaiians. Telemedicine, he says, will boost the living conditions in the remotest of neighbor Islands. And if plans to ride on Sandwich Isle's future network fall into place, a high-tech hub for Aloha will have to be built.

Meanwhile, the University of Hawaii at Hilo has met with Sandwich Isles officials once to discuss a possible partnership in distance learning. The school also has upgraded its own infrastructure. Old analog equipment this year was replaced with digital, allowing for 10 interactive channels instead of a two-way system. "We're connected to the Hawaii Interactive Television System, which is home-based at UH-Manoa, and the STANDELTA systems, which connects to most of the state hospitals and many Pacific Island nations via the PEACESAT satellite or T-1," says Robert T. Okuda, UH-Hilo's associate director for technology and distance learning. The program offers baccalaureate programs in computer and marine science on Maui, Oahu and Kauai. Approximately 81 students in Hawaii are enrolled.

The program easily could beam into Hawaiian Homestead homes. If proper grants and loans are secured, money won't be an issue, university officials say. A fully loaded computer learning station can cost anywhere between \$1,200 and \$2,000. A videoconferencing system designed to host a group of students in one setting, retails for around \$10,000. But who knows? Computer prices are plunging, and maybe these price tags won't be the same in three to five years.

Meanwhile, while contractors work hard to link Hawaii to this \$500 million, fiber-optic network, Sandwich Isles officials say they won't be swayed by dollars, at least, not just yet. "We don't want to be distracted," Tam says. ■



COCONUT WIRED: Sandwich Isles Communications Inc.'s network connects six Hawaiian Islands, some 1,500 miles in all.

developer proposals for bid for a high-tech center later this year for the Bowl-O-Drome property. McElroy says that he has received serious inquiries about this property from high-profile companies and research institutes because of the cutting-edge connections and proximity to the University of Hawaii at Manoa.

Last, but certainly not least, SIC's vast network will be available to island businesses all throughout the state. (See sidebar on Page 18.) SIC officials try not to speculate about the possible opportunities that additional high-speed broadband access will bring the Islands. They liken themselves to road builders. What travels on the road or what is constructed beside it is anyone's guess.

"For the same reason that wide-body jet travel made Hawaii a market for tourism, for the same reason that tall sailing ships made it possible to export products from Hawaii a century and a half ago, broadband fiber is the pathway that allows Hawaii to participate in the new economy of the future," says Paul Brewbaker, chief economist, Bank of Hawaii.

The impact of 1,500 miles of additional broadband wire may be hard to gauge, but Hee knows for sure that Hawaii's profile in the global high-tech community will be greatly enhanced. "Mainland executives come to a convention here and



listen to all these claims about how much fiber we have coming into the state but that means nothing if they go back to their hotel and can't hook up," says Hee. "I don't know how many hotel rooms in Waikiki have Internet access, and I don't think there is anywhere you can get a T-1 connection. After we put our network in, you'll be able to do that."

According to Hee, isolated Kahikinui and DHHL's efforts to place Hawaiians on land is emblematic of the plight of the entire state in the electronic global village. "You can bypass the Hawaiian homelands and no one will know the difference," says Hee. "And you can bypass Hawaii and no one will ever know the difference. The notion that Hawaii is the hub of communications throughout the Pacific is just that, a notion. All the rhetoric doesn't mean anything if people visit here and aren't able to hook up to the Internet at the same speeds that they can at home." ■

CHART COURTESY OF SANDWICH ISLES COMMUNICATIONS INC.

BETWEEN THE LINES

TO MISS KAHELE, WHEREVER YOU ARE

My great-grandmother is a mystery to me, literally. I only know her as "Miss Kahele." From what my family can cobble together from a very small and faded collection of documents that we recently obtained (none of which contain her first name), Miss Kahele was married in 1910 on the Big Island. She was 16. Her life would be hard, painful and painfully short. By 27 she was dead, gone without much of a trace. On some of those documents her race is identified as Hawaiian, on others she is a "Japanese." We are almost certain that she was hanai so she could have been either or both or neither. It's a mystery.

I thought about Miss Kahele as I stood on the wind-swept slopes of Haleakala in a vast ahupuaa called Kahikinui. The area is the Department of Hawaiian Home Lands' largest and most remote parcel of land, home to only two families so far. These people have no running water or electricity but just received telephone service last month, thanks to Ali Hee and his company, Sandwich Isles Communications Inc. (SIC).

SIC is a rural telecommunications company that has been building infrastructure and providing telephone service to the Hawaiian homelands over the last several years, saving the department millions of dollars. With more than 20,000 residents on 200,000 acres on six Hawaiian Islands, it is quite a job. But later this summer that job gets considerably bigger when SIC starts connecting these Hawaiian homestead communities together via the Islands' first all-fiber-optic network. Some 1,500 miles long, the network promises to catapult native Hawaiians and all residents of Hawaii to the very crest of the world's high-tech wave.

When Floyd told our editorial team about this massive project, our wheels started spinning. The business opportunities that this network would introduce seemed limitless. We immediately bumped our original cover story for April. (You can read our story, "Hawaiians Electric," which starts on page 14.)

What an important business story. But as I stood under Kahikinui's hale and listened to Hee, a passionate but world-wise man, talk about his dream

for his company and for all of Hawaii, all I could think about was my lost great-grandmother.

"You can bypass the Hawaiian homelands and no one will know the difference," said Hee. "And you can bypass Hawaii and no one will ever know the difference. It is our job to make sure that Hawaiian homelands are important to Hawaii and Hawaii is important to the world."

Yes, and maybe someday soon people like Miss Kahele won't live lives that are tragic and short and they won't leave us without a trace. ■



A stylized, handwritten signature of David K. Choo in dark ink.

DAVID K. CHOO
MANAGING EDITOR

**Hawaii Inc.**

Tuesday, July 20, 1999

TelHawaii pulling out of Big Isle

**The phone carrier, tired of
fighting GTE, is walking away
from its millions in investments**

By Rob Perez
Star-Bulletin

▲▲▲

A company that spent millions of dollars to start a rural telephone network in the Kau region of the Big Island is leaving the market, citing the high cost of fighting protracted legal battles and other delays.

TelHawaii Inc. says it will discontinue its fledgling service by Aug. 31, leaving only GTE Hawaiian Tel, the area's dominant carrier, to serve the sparsely populated region of about 2,400 customers.

Five full-time TelHawaii jobs will be lost in the pullout.

Besides some telephone equipment, TelHawaii will have little to show for the multimillion-dollar investments it made in the market over the past four years. Having overcoming a number of legal hurdles, except one crucial one, the company in the end only signed up less than a dozen customers -- and was losing money serving them.

TelHawaii is leaving the Big Island embittered because state regulators approved its plans for entering the market, yet failed to defend those approvals when GTE Hawaiian Tel challenged them in court, according to the company.

"The present regulatory and political conditions in Hawaii are not conducive to TelHawaii's continued attempts to serve telephone customers," said Bernie Murray, the company's vice president and general manager. "The history of TelHawaii's treatment is bound to make other telecommunications carriers think twice before entering or expanding in the Hawaii market."

The state Public Utilities Commission in 1996 picked TelHawaii in a competitive bid to replace GTE as the basic service provider in Kau.

The selection was made after the PUC determined GTE's service in rural areas such as Kau was inadequate. Kau was one of few areas in the country that up until a few years ago only had party lines.

Although GTE challenges to various PUC orders delayed TelHawaii's entrance, it wasn't until April that the company received what turned out to be the critical setback.

A state judge ruled that a PUC order granting TelHawaii's request to take over GTE's Kau assets through condemnation was unconstitutional. The company appealed the ruling, but subsequently decided it would face years of costly delays even if the appeal were successful.

Before making the decision to pull out, however, TelHawaii in recent weeks signed up less than a dozen customers on a trial basis, offering them residential service using a hybrid of TelHawaii's limited network and portions of the GTE network.

But the \$15 a month that each customer paid didn't even cover half the fees TelHawaii was charged for use of GTE's network, meaning TelHawaii was losing money on each customer, Murray said.

Those customers will be switched back to GTE.

Murray expressed disappointment that the company made investment decisions in good faith based on PUC approvals, only to see the court overturn some of the approvals.

Even though the company likely would win the pending appeal, Murray said, "it really doesn't matter because we would have to persevere through more years of legal battles and delays with GTE Hawaiian Tel before the PUC and courts."

"Given the millions of dollars expended already and the lack of sufficient revenues, we cannot afford to continue the fight."

Kau resident Bob Barry, 71, a retired engineer, was disappointed in the latest development, saying a lack of competition likely will lead to deterioration of GTE service.

"It's pretty pathetic," Barry said. "It means we're going back to the old total lack of service."

But Joel Matsunaga, GTE's vice president of external affairs, said the company's service has improved dramatically in Kau and will continue to improve, no matter what happens to TelHawaii.

The improvements stemmed from projects GTE had in the works well before TelHawaii entered Kau and had nothing to do with a competitor's presence, Matsunaga said.

Rep. Bob Herkes, whose Big Island district includes Kau, said TelHawaii's pending pullout underscores a fundamental regulatory problem in Hawaii. The regulatory process protects incumbent carriers such as GTE, even if the companies are providing poor service, Herkes said.

But Matsunaga noted that more than 200 carriers have been authorized to do business in Hawaii, suggesting the system is conducive to competition.

He also disputed the notion that TelHawaii's setback will have a chilling effect on other companies considering the Hawaii market.

Matsunaga said TelHawaii's illegal condemnation strategy, which no other carrier has embraced here, was the problem, not the state's regulatory process.

From: [EC Trucking LLC](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] EC Trucking LLC (Carlene P Maria)
Date: Wednesday, October 18, 2023 2:48:08 PM

Aloha Leah,

My name is Carlene P Maria I am a beneficiary in Nanakuli, can you please sign me up on the J agenda for November DHHL meeting on Tuesday 11/21 - " various DHHL issues".

I look forward for your confirmation.

*Thank You,
Carlene P Maria
EC Trucking LLC
808-668-7888 Office
808-668-9888 Fax
808-979-5125 Cell*

From: [Iwalani Laybon-McBrayer](#)
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: [EXTERNAL] November HHC Meeting
Date: Wednesday, October 18, 2023 5:26:01 PM

Aloha Leah,

Please put me on for next month HHC Meeting
for Kaupe'a Homesteads updates.

Mahalo,

Iwalani Laybon-McBrayer
Kaupe'a Homestead Association
President

From: [jonathan.hoomanawanui](#)
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: [EXTERNAL] Sign up
Date: Wednesday, October 18, 2023 7:29:27 PM

Ms. Burrows

Please sign me up to testify at the DHHL.

Sincerely,
Jonathan Ho'omanawanui

From: [State of Hawaii Webmaster](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: HCC Contact:
Date: Monday, October 16, 2023 4:04:22 PM

First Name

Sherilyn

Last Name

Wahinekapu

Email

swahinekapu@gmail.com

Email

sonyandluana@yahoo.com

Subject

To Commission Secretary

Message

Aloha Leigh,
Due to last minute conflict in our schedules, please postpone our participation to November..

Mahalo
Sheri Wahinekapu
Luana Keakealani

From: [K.D](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] J Agenda, HHC Meeting 11/21/23
Date: Friday, October 20, 2023 4:45:36 PM

Aloha Leah,

Please sign me up on the J Agenda, for the HHC meeting on Nov. 21, 2023, involving various issues.

Mahalo,

Randy Akau
Lessee, Kanehili Homestead Community

From: [Jackson Gay](#)
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: [EXTERNAL] Nov 21, 20w3 J-Agenda
Date: Friday, October 20, 2023 4:00:51 PM

Aloha Leah, my name is Jax Gay a resident in Makaha, please sign me up on the J agenda for November DHHL meeting on Tuesday 11/21 - " various DHHL issues".

Mahalo, look forward for your confirmation.

Sent from my T-Mobile 5G Device
Get [Outlook for Android](#)

From: dhl.icro1@hawaii.gov
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: New submission from Submit J-Agenda Testimony
Date: Wednesday, October 25, 2023 3:46:47 PM

Name

Raelene Like

Email

rklike57@protonmail.com

Message

Update on Ka'uluokaha'i Hawaiian Homestead, retaining wall petition...

From: [Kauilani Almeida](#)
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: [EXTERNAL] Re: New submission from Submit J-Agenda Testimony
Date: Wednesday, November 01, 2023 6:34:37 AM


Can you send this to Planning.

Panaewahhlca is requesting time for Brittney Zimmerman to do her presentation to the Commission via our J agenda, what is time limit?
Sent from my iPhone

From: dhhl.icro1@hawaii.gov <dhhl.icro1@hawaii.gov>
Sent: Tuesday, October 31, 2023 11:52 AM
To: Burrows-Nuuuanu, Leatrice W <leatrice.w.burrows-nuuuanu@hawaii.gov>
Subject: New submission from Submit J-Agenda Testimony

Name
Kauilani PHHLCA President Almeida
Email
panaewahhlca@gmail.com
Message
East Hawaii Regional plans already approved. Can we have the new Administrator plan a visit to meet East Hawaii homesteads to update, revisit and perhaps recommend some amendments to our plans.

J-16

<  +1 808-720-7151 ▾ ⋮

Jmar Ikaika Manaku
Address- Hokualele
rd lot #3 Anahola
Hawaii 96703

10:12 AM

Phone #
808-720-7151

10:13 AM

Email-
IManaku@kukuiula
.com

My Dad (Reginald
D Manaku)
-rmanaku@gmail

.com

From: dhl.icro1@hawaii.gov
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: New submission from Submit J-Agenda Testimony
Date: Friday, October 27, 2023 11:51:04 AM

Name

Princeslehuanani Kumaewakainakaleomomona

Email

kupunasociety@yahoo.com

Message

Maui Waitlist ...Kahiki Nui 2004 pastoral 10 acres and Westside Lahaina Honokowai Valley 1993 residential 2 acres

From: [Craig Bo Kahui](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Cc: [Craig Bo Kahui](#); [Dora Aio](#); [Sharleen Kahumoku](#); [Sam Walker](#)
Subject: [EXTERNAL] Request to be on the November 2023 J Agenda
Date: Wednesday, November 01, 2023 7:35:19 AM

Aloha Lea,
On behalf of Laiopua CDC, I would like to be placed on the Commission J Agenda.
Please advise.
Mahalo
Bo Kahui, ED
LCDC



Virus-free. www.avast.com

From: [Kekoa Enomoto](#)
To: [Burrows-Nuuuanu, Leatrice W](#)
Cc: [Kealapono \(Donna\) Sterling](#); [Robin Leihuanani Keali'inohomoku WAIT](#); [Christine Ka'ehuae'a STARGAZER INDUSTRIES INC.](#); [Deb Kaiwi](#); [Kukunaokala \(Fawn\) Helekahi-Burns UHMC HANA](#)
Subject: [EXTERNAL] 11/21/23 J Agenda
Date: Wednesday, November 01, 2023 9:17:22 AM

Aloha mai e Leah,

May I RSVP to present, on behalf of Pa'upena Community Development Inc, on the J Agenda during the 11/21/23 Hawaiian Homes Commission meeting? I likely w/advocate about, as follows:

- . Proposed Honokowai emergency housing.
- . Water-rights-seminar series/water meter.

Mahalo, -'Anake Kekoa

Kekoa Enomoto
Chairwoman of the board,
Pa'upena Community Development Inc.
(808) 276-2713

From: [Kekoa Enomoto](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] Written J Agenda advocacy to be included in packet; MAHALO
Date: Monday, November 13, 2023 3:39:42 PM
Attachments: [Stargazer Industries Honokawai Project for Auntie & Techs.pdf](#)

Aloha mai e Hawaiian Homes Commissioners,
During this Thanksgiving-tide, I am thankful to be a 38-year beneficiary of the 1921 Hawaiian Homes Commission Act federal trust, and a 17-year resident of Waiohuli Hawaiian homestead in Upcountry Maui.

I am also grateful to Department of Hawaiian Home Lands (DHHL) officials, led by Planning program manager Andrew Choy and Maui land agent Shelly Carreira, who will fly from O'ahu to Maui to meet in-person Dec 1 with the nonprofit that I chair. We will discuss a 30-year long-term lease and county water meter for a 127-acre Keokea/Waiohuli homelands tract in Upcountry Maui, to be used for farming/ranching-related training.

I also want to express my appreciation for Maui kupuna, Aunty Nettie Aquino. In the wake of the Lahaina wildfires, Aunty Nettie had mobilized as a volunteer coordinator at relief hubs in Wailuku, Kahului and Lahaina. She recently founded the disaster-relief nonprofit, Na Kia'i ("guardians") O Maui, and serves as operations manager of a 23-unit tent city, Pu'uhonua O Nene, serving 200 post-wildfires houseless people.

A 7-year Hawaiian homelands beneficiary, Aunty Nettie is No. 3,604 on the Maui residential waitlist. She had signed up as Nanette Kuwamura in September 2016 for a homestead award. In collaboration with Pa'upena CDC, Na Kia'i O Maui aims to provide emergency affordable housing on West Maui Hawaiian homelands, with prospective seed funding from the Hawai'i Community Foundation. Na Kia'i O Maui also seeks the support and facilitation of DHHL staffer Kalani Fronda of the Office of the Chairman Real Estate Rapid Development Team (Special Projects) member, to expedite three envisioned initiatives on West Maui homelands, as follows:

- 303 affordable, sustainable homes on 50 Honokowai excess-residential acres; PowerPoint (presented before the 9/19/23 Commission meeting) is appended.
- Affordable single-family homes on 60 acres, with preference to native Hawaiian waitlisters, who lost their homes to the wildfires.
- A disaster-relief hub, egg farm and 'ulu (breadfruit) nursery to include a variety of vegetable and herbal plants, on five acres.

In this Thanksgiving-tide, many on Maui salute and are thankful to Aunty Nettie Aquino, a model of kokua kaiaulu (community help), mana (gifted leadership) and ha'aha'a (selflessness).

Mahalo for this opportunity to testify as a veteran homelands advocate; as president of the Maui/Lana'i Mokupuni Council, and as chairwoman of the board of the homelands beneficiary organization, Pa'upena Community Development Inc.

cc: Viewpoint, The Maui News.

Letters to the editor, Honolulu Star-Advertiser, Lahaina News, mauinow.com

-Kekoa Enomoto



Honokowai 776-acres, Maui

Wildfires-Relief Housing Project on 58-acres of the Honokowai Homelands Acres

*In collaboration with,
Aunty Nettie Aquino of Na'Kia'I O Maui, and
'Anakē Kekoa Enomoto of Pa'upena Community Development Council,
and Robin Leihuanani Keal'inohomoku
September 2023*





Honokowai 776-acres, Maui

Objectives

- **Addressing the dire housing crisis in the wake of the devastating Lahaina wildfires**
- **Unprecedented, Maui beneficiary-driven development**
- **Encumber Funds for Act 279 by June 30, 2024 towards project infrastructure**
- **Offer complete turnkey, off-grid homes with water, septic options and full solar electric power** with homes that are 50%-70% median income per the State of Hawaii Affordable Housing Guidelines
- **Provide a “lighter subdivision concept”** that celebrates solar electric, wind and water catchment for not just the homes, but also the street lamps and park water features
- **Show water options for this location** per DHHL report September 2022
- **Proposal is to ask for land within the Honokowai Project** for 7,500-square foot lots on 58-acres for approximately 303-homes on the top portion of the entire Honokowai 776.5-acres



Honokowai 776-acres, Maui

Smaller Post & Pier, Tiny House Product

TINYDWELLINGS

Post & Pier • 8.5ft x 20ft • 9ft ceilings • Permitted • Off-grid • Complete
7-Residential Models



Tiny Dwelling Basic Layout

These *Tiny Dwellings* are approximately 275-sq.ft. homes, that can be placed on any terrain due to their self-contained operation, **do not require a septic system** per the State Health Department and have 9-foot ceilings on the 1st and 2nd levels with an L-Shaped deck from the front entry to the powershed in the front area.

They are steel-framed homes, built on-site by local professionals, have Shur-Lock metal roofing from HPM, have a non-toxic fire suppression system in the home, with a battery wall bank from Lion Energy that will not ignite.

Each model comes with everything from the plans, all engineers, permits, all licensed professionals and materials for the build.

One price for each model includes all aforementioned, as well as those items on the Standard Features list*.

Mango, “Iki”: approx. \$168,000.00

Stargazer Industries



Honokowai 776-acres, Maui

Larger Post & Pier, Tiny House Product

TinyEstates

Post & Pier • Off-grid • Permitted • 2-4bd, 2.5ba • Complete



These Tiny Estate homes are approximately 1,000-sq.ft. homes, can be placed on any terrain due to their self-contained operation. ***They are steel-framed homes, built on-site by local professionals, have Shur-Lock metal roofing from HPM, have a non-toxic fire suppression system in the home, with a battery wall bank from Lion Energy that will not ignite.***

Each model comes with everything from the plans, engineering, permits, all licensed professionals and materials for the build down to the mattresses, basic linen, shower curtain, custom 3-way sofa and 32" Samsung TV on the wall. ***One price for each model includes all aforementioned, as well as those items on the Standard Features list*.***

2bd/2.5ba: approx. \$260,000.00

3bd/2.5ba: approx. \$288,000.00

4bd/2.5ba: approx. \$316,000.00

*Septic tanks, excavation, grubbing of the land is not included in the price or build of the home.



Honokowai 776-acres, Maui

Tiny House Product – Standard Features

**CLICK for Post & Pier Homes
Chart or Review Printed Copy at
the end of this Proposal:**

[Standard Features](#)





Honokowai 776-acres, Maui

A Sustainable and “Lighter” Subdivision



Clear Blue Technologies, Toronto,
Canada, Solar-Wind Lamp Post

The definition for Stargazer Industries with regard to their “lighter” subdivision means that their homes reside on post & pier, versus slab; they use solar electric and roof catchment and incorporation of those components into the surrounding area to create a sustainable subdivision. There are no utility lines. The land has less disruption from construction and creation of the subdivision environment.

Agricultural/Residential food planting can be installed as part of the build for a food source on each lot. Paved or tightly rolled gravel roads are encouraged. A solar/wind lamp post can be placed every 100-ft. in the project which is a self-contained unit that can be linked remotely to verify operation and control the illumination settings.

Even the park can have a water feature that provides catchment water as irrigation to the landscape.

Stargazer Industries



Honokowai 776-acres, Maui

Water for the Proposed Homes

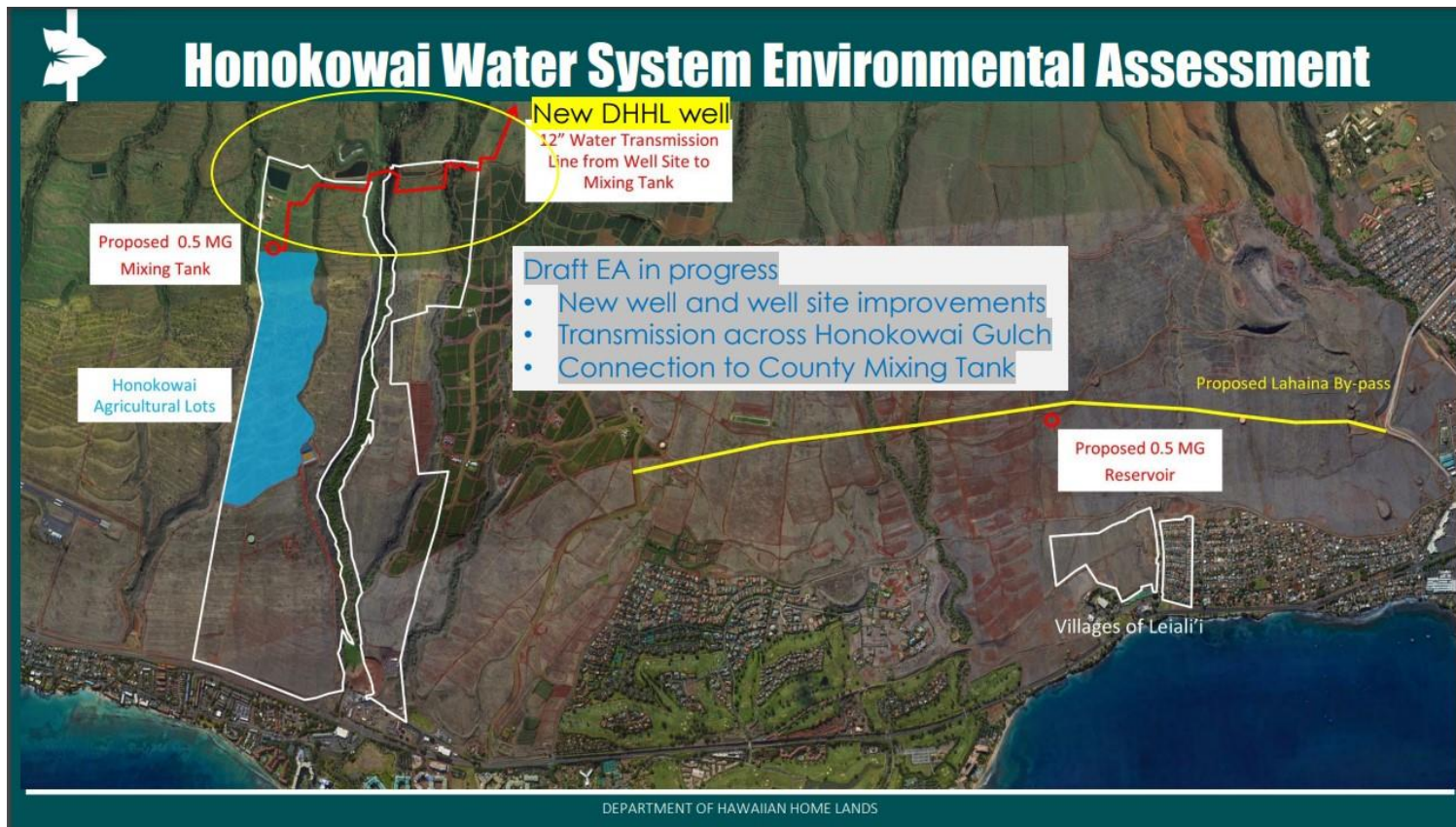
With DHHL already putting in the water infrastructure for the Honokowai project per mention in their September 2022 report, ***this proposal can offer additional suggestions*** to connect: **1)** ask that a local resource be made available for residents to tap into the lines should they wish, **2)** to have self-acquiring water stations be made available should residents wish to fill portable tanks, **3)** have a water delivery service available.

Each Tiny House Product will have approx. 1,040-gallon tank incorporated into the build of the home to provide the 600-gallons residential allotment for a 3-bedroom home. The homes all come with a roof water catchment system, multi-layer water filtration and UV with a second Reverse Osmosis unit at the kitchen sink for drinking water as part of the standard features.



Honokowai 776-acres, Maui

Water System – DHHL Report Sept. 2022



Stargazer Industries



Honokowai 776-acres, Maui

The Proposal

We ask for the following portion of the Honokowai parcel be allowed to create this unique, off-grid, permitted, “lighter” subdivision enabling the construction of approximately 303-new construction homes along side Stargazer Industries and their tiny house products and subdivision sustainable components.



Stargazer Industries



South Point Road, Hawaii Island

‘A’OHE PU’U KI’EKI’E KE HO’A’O ‘IA E PI’I

(No cliff is so tall it cannot be climbed.)

~ Pukalani Floral, Maui

As an entrepreneurial Native Hawaiian woman owned company on Hawaii island, near South Point, we seek to provide avenues of truly complete and affordable housing, offer products that respect the environment and the future of our world, as well as create jobs and industry on each island to keep families together and flourishing.

VISIT US TO DISCOVER MORE www.stargazerindustriesinc.com

*Malama Pono,
Christine Kaehuaea, Founder/CEO*

From: [Jojo Tanimoto](#)
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: [EXTERNAL] HHC Testimony
Date: Tuesday, October 17, 2023 12:07:20 PM

J-21

Aloha Leah.
I guess my testimony didn't get forwarded to the Commission.
Please include me in the November meeting and confirm please.
Mahalo Jojo Tanimoto

Sent from my iPad