

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

Kūlana ‘Ōiwi Hālau, 600 Maunaloa Highway, Kalama‘ula, Moloka‘i, 96748
and Zoom Meeting ID: 609 754 2925



Scan for Packet

Monday, April 22, 2024, at 9:30 a.m. to be continued, if necessary, on
Tuesday, April 23, 2024, at 9:30 a.m.

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



Scan for livestream

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov by Wednesday, April 17, 2024.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes:
 - a. March 18 & 19, 2024 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 Ratification of Loan Approvals (see exhibit)
- D-4 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-5 Approval to Certify Applications of Qualified Applicants for the Month of March 2024 (see exhibit)
- D-6 Commission Designation of Successors to Application Rights – Public Notice 2022 (see exhibit)
- D-7 Approval of Assignment of Leasehold Interest (see exhibit)
- D-8 Approval of Amendment of Leasehold Interest (see exhibit)
- D-9 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)

B. REGULAR AGENDA

Office of the Chairman

- C-1 Acceptance of the 2024-2025 Native Hawaiian Housing Block Grant (NHHBG) Annual Housing Plan

Homestead Services Division

- D-10 Request for Relocation – **JESSIE LEILANI WALLACE**, Residential Lease No. 2784, Lot No. 25, Kapa’akea, Molokai
- D-11 Conditional Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 2686A, Lot No. 2, Nienie, Hawaii – **LUCRETIA L. LINDSEY**
- D-12 Consolidation and Re-Subdivision of Lot No. 4, TMK (2) 5-2-007:031 and DHHL Unencumbered Lots TMK (2) 5-2-007:079 and (2) 5-2-007:088 -- **HARRY K. PURDY, III**, Agricultural Lease No. 106, Lot No. 4, Ho’olehua, Molokai; and Approval to Increase Survey Cost to an Amount not to Exceed \$46,400.00

Land Management Division

- F-1 Approval to Authorize Implementation of New Revocable Permit Program
- F-2 Approval of Disposition pursuant to Section 204(a)(2) or 220.5, Hawaiian Homes Commission Act, 1920, as amended, for the following parcels:
 - Oahu Island:
 - East Kapolei, TMK No. (1) 9-1-182:010
 - East Kapolei, TMK No. (1) 9-1-151:058
 - Kalaeloa, TMK No. (1) 9-1-013:001
 - Kalaeloa, TMK No. (1) 9-1-013:061
 - Kauai Island:
 - Wailua, TMK No. (4) 3-9-006:009
 - Hawaii Island:
 - Waiakea, TMK No. (3) 2-1-012:070
 - Waiakea, TMK Nos. (3) 2-2-060:001-010 & :085-:089
 - Lālāmilo, TMK No. (3) 6-6-001:077
 - Maui Island:
 - Pu’unene: TMK Nos. (2) 3-8-008:035 & :036
- F-3 Approval to Issue of Right of Entry Permit to Hawaiian Dredging Construction Company, Inc., Moiliili, Honolulu, Oahu Island, TMK No. (1) 2-7-011:008, :009, and :053
- F-4 Approval of Annual Renewal of Right of Entry Permit(s), Molokai Island (See exhibit)
- F-5 Approval to Issuance of License Agreement, Molokai Veterans Caring for Veterans, Ho’olehua, Molokai, TMK No. (2) 5-2-015:053 (por.)
- F-6 Approval to Issue a Right of Entry Permit, Island Construction & Demolition, LLC, Waianae, Island of Oahu, TMK No. (1) 8-5-029:019

Planning Office

- G-1 Accept the Beneficiary Consultation Report for the Proposed License Agreement to Molokai Veterans Caring for Veterans Ho’olehua, Molokai, TMK No. (2)-5-2-015:052

III. EXECUTIVE SESSION

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

1. Application of Section 92-2.5(b), Hawaii Revised Statutes, and Section 10-2-16(b)(1), Hawaii Administrative Rules, to the Hawaiian Homes Commission

IV. ITEMS FOR INFORMATION/DISCUSSION

Office of the Chairman

C-2 For Information Only – Kalamaula Homestead Association Kupuna Housing Project

C-3 For Information Only – Status Report of DHHL Enforcement Unit Efforts and Statistics (March 9, 2024 – April 15, 2024)

Homestead Services Division

D-1 HSD Status Reports

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

B.-Delinquency Reports

C.-DHHL Guarantees for FHA Construction Loans

Land Development Division

E-1 For Information Only –Molokai Project Updates

Planning Office

G-2 For Information Only – Molokai Water Issues and Projects Update

G-3 For Information Only – Status Update on Plan Implementation on Molokai

G-4 For Information Only – ‘Ualapu‘e Kuleana Homestead Settlement Plan Status Update

V. ANNOUNCEMENTS AND RECESS

1. DHHL Community Meeting is on Monday, April 22, 2024, at 6:30 p.m. Kūlana Ōiwi Hālau, 600 Maunaloa Highway, Kalama‘ula, Moloka‘i, 96748

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

Kūlana Ōiwi Hālau, 600 Maunaloa Highway, Kalama‘ula, Moloka‘i, 96748,
and Zoom Meeting ID: 609 754 2925

Tuesday, March 19, 2024, 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 INFORMATION/DISCUSSION

A. GENERAL AGENDA

Requests to Address the Commission

- J-1 Glenn Teves – Lease Concerns
- J-2 Irene Kaahanui and Judy Caparida – Homestead for Kupuna - Molokai
- J-3 Walter Rawlins – Homestead and Veterans Center - Molokai
- J-4 Liko Wallace – Hui Ho‘okahua Molokai
- J-5 Lori Buchanan – Molokai Issues
- J-6 Rosie Davis - Moloka‘i Homestead Farmers Alliance
- J-7 Ainaaloha Ioane – Malama ka Aina Hana ka Aina Update
- J-8 Kenna Stormogipson, Summer Yadao, Chris Jungers, Samuel Wampler, Connye Busa, Chasetyn Hasegawa - Waipouli
- J-9 Lawai‘a Naihe - Ho‘akeolapono Trades Academy and Institute.
- J-10 Kekoa Enomoto – Undivided Interest Lease Program
- J-11 Blossom Feiteira – Lahaina Concerns
- J-12 Princeslehuanani Kumaewakainakaleomomona – Kahikinui
- J-13 Jojo Tanimoto – Kawaihae Concerns
- J-14 Al Hee - Telecommunications
- J-15 Bo Kahui – La‘iOpua
- J-16 De Mont Manaole – Various Concerns
- J-17 Kapua Keliikoa-Kamai -Various Concerns
- J-18 Degray Vanderbilt – Kalaupapa

III. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Regular HHC Meeting –May 20 & 21, 2024, 9:30 a.m., Courtyard King Kamehameha’s Kona Beach Hotel Ballroom #1, 75-5660 Palani Road, Kailua-Kona, Hawai‘i 96740
- B. Adjournment



Kali Watson, Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui
Pauline N. Namu‘o, O‘ahu
Michael L. Kaleikini, East Hawai‘i
Sanoe Marfil, O‘ahu

Zachary Z. Helm, Moloka‘i
Dennis L. Neves, Kaua‘i
Makai Freitas, West Hawai‘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 April 18, 2024. 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 April 18, 2024, 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 D-2 EXHIBIT		
APPROVAL OF CONSENT TO MORTGAGE		
LESSEE	LEASE NO.	AREA
AGUSTIN, Rodney D.C.	10939	Piihonua, Hawaii
GABIN, Stanley J.	10462	Waiohuli, Maui
HOOPAI, Noah I.	7543	Waiohuli, Maui
KALUA, Leinna K.	11690	Kanehili, Oahu
KAMAKA, Lloyd B., Jr.	11685	Kanehili, Oahu
KANE, Donald R.	10350	Waiohuli, Maui
KAUVAKA, Ema I.	3676	Anahola, Kauai
KAUVAKA, Sele L.	3676	Anahola, Kauai
KAWAI, Kanoa	8462	Princess Kahanu Estates, Oahu
PIZARRO, Lorraine U.	2528	Waimanalo, Oahu
SILVA, Royce K.	11669	Kanehili, Oahu
WOLCOTT, Mareko M.T.	4631	Princess Kahanu Estates, Oahu
ITEM D-3 EXHIBIT		
RATIFICATION OF LOAN APPROVALS		

LESSEE	LEASE NO.	AREA
Garrett, Bernadette P.H.	7791	Waimanalo, Oahu

ITEM D-4 EXHIBIT	
APPROVAL OF HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS	
APPLICANT	AREA
ANDRADE, Sean M.	Kauai IW Pas
ANDRADE, Sean M.	Kauai IW Res
BODINE, John K.	Oahu IW Res
CHUN, Dennis K.	Oahu IW Res
CHUN, Dennis K.	Maui IW Agr
DAVIDSON, Elijah M.	Oahu IW Res to Hawaii IW Res
EMPRON, Reina K.K.	Oahu IW Res
HAOLE-KEAHI, Carlene K.	Maui IW Agr
HAOLE-KEAHI, Carlene K.	Maui IW Res
KAAIHILI, George K.	Hawaii IW Agr
KALAHIKI, Samuel Jr.	Oahu IW Res
KASSEBEER, Sherry Sierra K.	Hawaii IW Agr to Oahu IW Agr
KASSEBEER, Sherry Sierra K.	Hawaii IW Res to Oahu IW Res
KEAHI, Joanna M.	Oahu IW Res to Kauai IW Res
KEAHI, William Halona	Maui IW Agr
KUAANA, Tonya U.	Maui IW Agr
KUAANA, Tonya U.	Maui IW Res

MEDINA, Talia G.A.	Kauai IW Res
MOEPONO, Rose Loke	Waimanalo Area / Oahu IW Res
MORIKAWA-SOUZA, Wendy K.	Kauai IW Agr
ROLAFF, Marvallie J.N.	Maui IW Res to Oahu IW Res
SALE, Robert J.	Oahu IW Agr
SALE, Robert J.	Oahu IW Res
TUNG-LOONG-CANTERO, Mendy U.	Kauai IW Res
WHITE, Francine H.	Oahu IW Res
	* IW = Islandwide

ITEM D-5 EXHIBIT

APPROVAL TO CERTIFY APPLICATIONS OF QUALIFIED APPLICANTS

APPLICANT	AREA
AEA, Darcy P.	Oahu IW Res
AEA, Darcy P.	Kauai IW Agr
AH MOW, Walter K., IV	Hawaii IW Res
AH QUIN, Dayton K.	Oahu IW Agr
AH QUIN, Dayton K.	Oahu IW Res
AH QUIN, Oran I.	Oahu IW Agr
AH QUIN, Oran I.	Oahu IW Res
AIWOHI RAYNO, Kimberly K.	Oahu IW Res
AIWOHI RAYNO, Kimberly K.	Hawaii IW Agr
AKEO, Sharline K.	Hawaii IW Agr
AKEO, Sharline K.	Hawaii IW Res
ALQUIZA, Oddetta K.	Kauai IW Res
AUNA, Aley K., Jr.	Hawaii IW Agr
AUNA, Aley K., Jr.	Hawaii IW Res
BELL, Theresa L.	Oahu IW Res
BRIGHT, Keola K.	Oahu IW Res
CAMPBELL, Patrick H.	Oahu IW Res
CHANG, Darryl Y.C.	Oahu IW Agr
CHANG, Darryl Y.C.	Oahu IW Res
DANA, Kenzli J.L.	Oahu IW Res
DAVIDSON, Nichole M.	Hawaii IW Agr
DELARIES, Casey I.	Hawaii IW Agr
DELARIES, Casey I.	Hawaii IW Res
DOWSETT, Audrey P.	Hawaii IW Agr
GRACE, Henrilyn M.	Hawaii IW Pas
GRACE, Henrilyn M.	Hawaii IW Res
HORSWILL, Adam K.	Oahu IW Agr
HORSWILL, Adam K.	Oahu IW Res
HORSWILL, Akamu K.	Oahu IW Agr
HORSWILL, Akamu K.	Oahu IW Res
HORSWILL, Keith-Adam K.K.	Hawaii IW Pas
HORSWILL, Keith-Adam K.K.	Hawaii IW Res

HORSWILL, Ken-Adam K.	Oahu IW Agr
HORSWILL, Ken-Adam K.	Oahu IW Res
HOVEY, Chasity K.	Oahu IW Agr
HOVEY, Chasity K.	Oahu IW Res
IRVINE-HALAMA, Tiffany K.K.	Oahu IW Agr
IRVINE-HALAMA, Tiffany K.K.	Oahu IW Res
JEREMIAH, Stephen T.	Hawaii IW Res
JOHNSON, Koanui P.J.	Maui IW Agr
JOHNSON, Koanui P.J.	Maui IW Res
KAHELE, Linda K.	Oahu IW Agr
KAHELE, Linda K.	Maui IW Res
KALUNA, Denise H.K.	Oahu IW Agr
KALUNA, Denise H.K.	Oahu IW Res
KALUNA, Siah G.A.	Oahu IW Agr
KALUNA, Siah G.A.	Oahu IW Res
KEALOHANUI, Desiree T.M.	Oahu IW Agr
KEALOHANUI, Desiree T.M.	Oahu IW Res
KUPIHE, Walter O., Jr.	Hawaii IW Pas
KUPIHE, Walter O., Jr.	Hawaii IW Res
LEVY, Barry L.	Oahu IW Res
LOPES, Chalei K.	Oahu IW Res
MAIAVA, Benjaline	Oahu IW Agr
MAIAVA, Benjaline	Oahu IW Res
MAKANEOLE, Iakona L.	Oahu IW Agr
MAKANEOLE, Iakona L.	Oahu IW Res
MAKANEOLE, Kaulupali K.	Oahu IW Agr
MAKANEOLE, Kaulupali K.	Oahu IW Res
MAKUA, Damen B.K.	Maui IW Agr
MAKUA, Damen B.K.	Maui IW Res
MARROTTE, May K.	Hawaii IW Res
MIRANDA, James K.	Hawaii IW Agr
NAHULU, Almoku L.	Oahu IW Res
NAHULU, Almoku L.	Hawaii IW Agr
NAMUO, Stephen Richard P.	Oahu IW Res
NAMUO, Stephen Richard P.	Hawaii IW Agr
NIAU, Lincoln K.	Kauai IW Agr
NIAU, Lincoln K.	Kauai IW Res
ORNELLAS, Taiana-Ulalia K.	Maui IW Pas
ORNELLAS, Taiana-Ulalia K.	Maui IW Res
POOMAIHEALANI, Johnnese H.	Oahu IW Res
PURDY, Leimana K.	Oahu IW Res
PURDY, Leimana K.	Maui IW Agr
QUICK, Helene K.	Maui IW Agr

ITEM D-6 EXHIBIT

COMMISSION DESIGNATION OF SUCCESSORS – PUBLIC NOTICE NOVEMBER 2022

HAOLE-KEAHI, Carlene K.	Maui IW Agr
HAOLE-KEAHI, Carlene K.	Maui IW Res
KALAHIKI, Samuel Jr.	Maui IW Res
MORIKAWA-SOUZA, Wendy K.	Kauai IW Agr
WHITE, Francine H.	Oahu IW Agr
WHITE, Francine H.	Oahu IW Res
	* IW = Islandwide

ITEM D-7 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
AILA SANBORN, Lurline M.	6677	Waianae, Oahu
AKAO, Tessa Marie A.	13028	Keaukaha, Hawaii
COLLINS, Ruth K.	4503	Nanakuli, Oahu
KEKAUOHA, Keith G. K.	12794	Maluohai, Oahu
GREENLEAF, Louis, III	3016	Kapaakea, Molokai
HINDLE, Harrilyn S. K.	5758	Hoolehua, Molokai
PANG KEE, Leighton N.	5758	Hoolehua, Molokai
MORALES, Angel K. N.	5565	Lualualei, Oahu
DEMELLO, Vernon G.	5039	Hoolehua, Molokai
PA-KALA, Davidette K.	5039	Hoolehua, Molokai
LOPEZ, Winnifred K.	5838	Kalamaula, Molokai
MAKEKAU, Harvey H.	6104	Kalamaula, Molokai

ITEM D-8 EXHIBIT

APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
GREENLEAF, Louis, III	3016	Kapaakea, Molokai
LOPEZ, Winnifred K.	5838	Kalamaula, Molokai
MAKEKAU, Harvey H.	6104	Kalamaula, Molokai
PEA, Howard K.	4073	Panaewa, Hawaii

ITEM D-9 EXHIBIT

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

LESSEE	LEASE NO.	AREA
ACHONG, Alfreida E. K.	9560	Kalawahine, Oahu
AIWOHI, April K.	11290	Kumuhau, Oahu
AKANA, Alexander Y. S. C.	7393	Keokea, Maui
ARMITAGE, Henry K.	4506	Nanakuli, Oahu

ASUNCION, Gary K.	2878	Nanakuli, Oahu
BURCH, Eric L.	10170	Waianae, Oahu
BREZEE, Matilda K.	3656	Waimanalo, Oahu
CARDUS, Cynthia A.	8395	PKE, Oahu
CHARLES, Derek K.	9980	Nanakuli, Oahu
CHARLES, Kevin K. K.	9980	Nanakuli, Oahu
GAUDIA, Trina N.	9980	Nanakuli, Oahu
CROZIER, Gerald F.	7510	Waiohuli, Maui
DAMO, Caroline Lu L.	9400	Kaniohale, Hawaii
DOMINGO, Chestine K.	5325	Waianae, Oahu
EARLL, Gwendolyn N.	8500	PKE, Oahu
GIROD, Michael K.	4679	Kekaha, Kauai
MAWAE, Bernice L.	4679	Kekaha, Kauai
MAWAE-LUJAN, Alakai L. C.	4679	Kekaha, Kauai
GOMES, Bernice	5145	Nanakuli, Oahu
HAHN, Liliana O.	8576	Nanakuli, Oahu
HOOKANO, Kaimana M.	12188	Waiehu 4, Maui
HOZAKI, Sheldene K.	9942	Waiehu 3, Maui
ILI, Benjamin M.	4596	Waianae, Oahu
KALEOHANO, George	1974	Nanakuli, Oahu
KALILI, Christina K.	5249	Nanakuli, Oahu
KAMALU, Calvin K.	8338	PKE, Oahu
KANEHAILUA, Ernest, III	9286	Kaniohale, Hawaii
KANUI, Edwin	9104	Waiakea, Hawaii
KEAHI, Byron L. K.	12238	Waiehu 4, Maui
KEAHINU'UANU, La Noa O Pono Adams	4370	Nanakuli, Oahu
KEOPUHIWA, Joseph P., III	8636	Nanakuli, Oahu
KEPAA, John N.	8750	Nanakuli, Oahu
MORGAN, Pernel C.	8480	PKE, Oahu
NIAU, Shane A.	11327	Kekaha, Kauai
RYDER-ANDERSON, Tiare R.	9224	Kaniohale, Hawaii
SALVADOR, Anthony John	5211	Nanakuli, Oahu
SHIMODA, Jo-Ann M.	5201	Nanakuli, Oahu
SOARES, Mary F. H.	338	Nanakuli, Oahu
SPENCER, Mark C.	10207	Waianae, Oahu
THOMAS, Lawrence B., III	3909-A	Waimanalo, Oahu
TORRES, Monica A. K.	5545	Lualualei, Oahu
TSURUSATO, Maile K.	9521	Waiehu 2, Maui
WAIALAE, Bobbie K.	12051	Kaupea, Oahu
WAKITA, Charrise K.	10114	Keaukaha, Hawaii

ITEM NO. F-4 EXHIBIT
ANNUAL RENEWAL OF RIGHT OF ENTRY PERMIT(S), MOLOKAI ISLAND

NO.	ACRE	USE	PERMITTEE/ADDRESS	TMK	Date Started
501	35.000	Agricultural	Harry K. & Marlene K. Purdy, III	(2) 5-2-007:079 and:080	4/1/2000
498	0.860	Commercial	Patricio Jr. & Cora Sanchez, dba Kalamaula Motors	(2) 5-2-008:107	8/1/1997
504	0.975	Community	Molokai Humane Society	(2) 5-2-004:052	7/1/2007
507	0.490	Community	Ahupua'a O Molokai	(2) 5-2-030:007	9/1/2003
502	0.036	Office	Partners in Development Foundation	(2) 5-2-015:053(P)	4/1/2005
500	9370.000	Pastoral	Molokai Homestead Livestock Association	(2) 5-2-010:001(P) & (2) 5-2-003	5/1/1995
503	78.640	Pastoral	Desmund & Christy Manaba	(2) 5-2-001:004 & (2) 5-2-001:030 (p)	4/1/2007

Denotes Beneficiary

HAWAIIAN HOMES COMMISSION
APRIL 22 & 23, 2024

C – ITEMS

OFFICE OF THE CHAIRMAN

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 22-23, 2024

To: Chairman and Members, Hawaiian Homes Commission

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

Subject: Acceptance of the 2024-2025 Native Hawaiian Housing
Block Grant (NHHBG) Annual Housing Plan

RECOMMENDED MOTION/ACTION:

The Hawaiian Homes Commission accept the 2024-2025 Native Hawaiian Housing Block Grant (NHHBG) Annual Housing Plan.

DISCUSSION

Each year, as part of its compliance with 24 CFR Part 1006, Title VIII of the Native American Housing Assistance and Self-Determination Act (NAHASDA), the Department of Hawaiian Home Lands (DHHL) must file an approved annual housing plan (AHP) with the U.S. Department of Housing and Urban Development (HUD). As part of that process, the department releases the attached housing plan.

Fiscal Year 2024-2025 Projected Expenditures by AHP Activity:

Program #	Program Name	Budget
AHP I	2024 Capital Improvement Projects	250,000
AHP II	Developer Financing	8,500,000
AHP III	Homeowner Financing	2,000,000
AHP IV	Home Assistance Program	1,200,000
AHP V	Waimanalo Kupuna Housing Rental Asst.	830,000
AHP VI-A	Rental Vouchers for Temporary Relocation	75,000
AHP VI-B	Emergency Rental and Utilities Assistance	300,000
AHP VI-C	DHHL Kupuna Rental Subsidy Program	2,500,000
AHP VI-D	Rental Vouchers for Units Dev. for DHHL	125,000
AHP VII	Housing Counseling	750,000
AHP VIII	Homeowner Assistance	300,000
AHP IX	Existing Potable Water Infrastructure Improvements	250,000
AHP X	Housing Conversion	7,000,000
AHP XI	Property Acquisition	25,000,000
AHP XII	Operation & Maintenance	150,000
	Planning and Administration	1,000,000

RECOMMENDED MOTION/ACTION:

Staff respectfully requests approval of the motion as recommended.

For DHHL’s Use: July 1, 2024 thru June 30, 2025 Annual Housing Plan

NATIVE HAWAIIAN HOUSING PLAN/ANNUAL PERFORMANCE REPORT (NAHASDA §§ 803(b)(1), 803(c)(1) and 820(a)(2))

This form meets the requirements for a Native Hawaiian Housing Plan (NHHP) and Annual Performance Report (APR) required by the United States Department of Housing and Urban Development (HUD). The information requested does not lend itself to confidentiality.

Regulatory and statutory citations are provided throughout this form as applicable. The Department of Hawaiian Home Lands (DHHL) is encouraged to review these citations when completing the NHHP and APR sections of the form.

Under Title VIII of the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) (25 U.S.C. 4221 et seq.), HUD will provide grants under the Native Hawaiian Housing Block Grant (NHHBG) program to DHHL to carry out affordable housing activities for Native Hawaiian families who are eligible to reside on the Hawaiian Home Lands. To be eligible for the grants, DHHL must submit a NHHP that meets the requirements of the Act. To align the NHHBG program with recent improvements made to the Indian Housing Block Grant program, HUD is requiring DHHL to submit the NHHP to HUD at least 75 days prior to the start of its 12-month fiscal year. The APR is due no later than 60 days after the end of DHHL’s fiscal year (24 CFR § 1006.410).

The NHHP and the APR (previously two separate forms) are now combined into one form. The sections pertaining to the NHHP are submitted **before** the beginning of the 12-month fiscal year, leaving the APR (shaded) sections blank. If the NHHP has been updated or amended, use the most recent version when preparing the APR. After the 12-month fiscal year, enter the results from the 12-month fiscal year in the shaded sections of the form to complete the APR. More details on how to complete the NHHP and APR sections of the form can be found in the body of this form. In addition, DHHL may find it helpful to refer to the IHP/APR form guidance available at http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/ih/codetalk/nahasda/guidance until a guidance specific to the NHHP/APR form is made available.

FORM COMPLETION OPTIONS: The NHHP/APR form may be completed either in hard copy or electronically. Hard copy versions may be completed either by hand or typewriter. Alternatively, the form may be completed electronically as it is a Word document. It is recommended that the form be completed electronically because it is more efficient to complete, submit, and review the form. Furthermore, electronic versions of the form may be submitted to HUD as an email attachment. To document official signatures on the electronic version, you should sign a hard copy of the pages and either fax (808-457-4694) that signed page or email (claudine.c.allen@hud.gov) it as an attachment to the Office of Native American Programs – Attention: Claudine Allen in the HUD Honolulu Field Office. The sections of the NHHP that require an official signature are the Cover Page and Sections 13 and 14, if applicable. For the APR, the Cover Page requires an official signature.

The NHHP data is used to verify that planned activities are eligible, expenditures are reasonable, and DHHL certifies compliance with related requirements. The APR data is used to audit the program accurately and monitor DHHL’s progress in completing approved activities, including reported expenditures, outputs, and outcomes. This form is exempt from OMB Approval pursuant to 5 CFR 1320.3(4)(c).

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COVER PAGE

(1) Grant Number: 19HBGHI0001; 20HBGHI0001; 21HBGHI0001; 22HBGHI0001; 23HBGHI0001; 24HBGHI0001

(2) Recipient Fiscal Year: 2025

(3) Federal Fiscal Year: 2024

(4) Initial Plan (Complete this Cover Page then proceed to Section 1)

(5) Amended Plan (Complete this Cover Page and Section 14)

(6) Annual Performance Report (Complete items 24-27 and proceed to Section 3)

(7) Name of Recipient: Department of Hawaiian Home Lands		
(8) Contact Person: Lehua Kinilau-Cano, NAHASDA Government Relations Program Manager		
(9) Telephone Number with Area Code: 808-620-9486		
(10) Mailing Address: PO Box 1879		
(11) City: Honolulu	(12) State: HI	(13) Zip Code: 96805
(14) Fax Number with Area Code (if available): N/A		
(15) Email Address (if available): Nicole.L.Kinilau-Cano@hawaii.gov		

(16) Tax Identification Number: 99-0266483
(17) UEI Number: GVV8DG3H8GK1
(18) CCR/SAM Expiration Date: 03/15/2025
(19) NHHBG Annual Grant Amount: \$22,300,000
(20) Name of Authorized NHHP Submitter: Kali Watson
(21) Title of Authorized NHHP Submitter: Chairman, Hawaiian Homes Commission
(22) Signature of Authorized NHHP Submitter:
(23) NHHP Submission Date: 04/24/2024
(24) Name of Authorized APR Submitter:
(25) Title of Authorized APR Submitter:
(26) Signature of Authorized APR Submitter:
(27) APR Submission Date:

Certification: The information contained in this document is accurate and reflects the activities actually planned or accomplished during the program year. Activities planned and accomplished are eligible under applicable statutes and regulations.

Warning: If you knowingly make a false statement on this form, you may be subject to civil or criminal penalties under 18 U.S.C 1001. In addition, any person who knowingly and materially violates any required disclosure of information, including intentional disclosure, is subject to a civil money penalty not to exceed \$10,000 for each violation.

SECTION 1: FIVE YEAR PLAN

The Five Year Plan is intended to cover the Department of Hawaiian Home Lands' (DHHL) long range plans for affordable housing. Each housing plan must contain, for the five-year period beginning with the fiscal year for which the plan is first submitted, the following information.

Five Year Period: 2024 through 2028

MISSION STATEMENT (NAHASDA § 803(b)(2)(A))

A Mission Statement describes the mission of the DHHL to serve the needs of Native Hawaiian low-income families.

Enter the DHHL's Mission Statement here:

To manage the Hawaiian Home Lands Trust effectively and to develop and deliver land to native Hawaiians. We will partner with others toward developing self-sufficient and healthy communities.

GOALS, OBJECTIVES AND PROGRAMS/ACTIVITIES (NAHASDA § 803(b)(2)(B) and (C))

DHHL must provide a statement of the goals, objectives, and programs/activities planned for the beneficiaries over the five year period. The goals are the intended result of the NHHBG activity and are based on the types of outcomes that the DHHL will report in the APR. The objectives are the means or approach that the DHHL will use to reach the goal. The programs/activities are the specific programs/activities that will be funded in order to achieve the goal and the objective.

Goals May Include:

- | | |
|--|--|
| (1) Reduce over-crowding | (6) Assist affordable housing for college students |
| (2) Assist renters to become homeowners | (7) Provide accessibility for disabled/elderly persons |
| (3) Improve quality of substandard units | (8) Improve energy efficiency |
| (4) Address homelessness | (9) Reduction in crime reports |
| (5) Create new affordable rental units | (10) Other |

Objectives May Include:

- | | |
|--|---|
| (1) [RESERVED – DO NOT USE THIS NUMBER] | (14) Lending subsidies for homebuyers |
| (2) [RESERVED – DO NOT USE THIS NUMBER] | (15) Other homebuyer assistance activities |
| (3) Acquisition of rental housing | (16) Rehabilitation assistance to existing homeowners |
| (4) Construction of rental housing | (17) Tenant based rental assistance |
| (5) Rehabilitation of rental housing | (18) Other Housing Service |
| (6) Acquisition of land for rental housing development | (19) Housing Management Services |
| (7) Development of emergency shelters | (20) Operation and maintenance of NHHBG units |
| (8) Conversion of other structures to affordable housing | (21) Crime Prevention and Safety |
| (9) Other rental housing development | (22) Model Activities |
| (10) Acquisition of land for homebuyer unit development | (23) [RESERVED – DO NOT USE THIS NUMBER] |
| (11) New construction of homebuyer units | (24) Infrastructure to support housing |
| (12) Acquisition of homebuyer units | (25) [RESERVED – DO NOT USE THIS NUMBER] |
| (13) Downpayment/Closing cost assistance | |

Use the sections below to describe the DHHL's goals, objectives, and programs/activities during the five year period.

Goal(s) Number: I.	(2) Assist renters to become homeowners
-------------------------------	---

Select from the goals listed above.

Objective(s) Number: Ia.	(24) Infrastructure to support housing
-------------------------------------	--

Select from the objectives listed above.

Program/Activity Description: Infrastructure Development (Statewide)	To develop lots statewide.
---	----------------------------

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: II.	(5) Create new affordable rental units
--------------------------------	--

Select from the goals listed above.

Objective(s) Number: IIa.	(4) Construction of rental housing
--------------------------------------	------------------------------------

Select from the objectives listed above.

Program/Activity Description: Developer Financing	This activity provides NAHASDA funding as part of a capital stack to conduct vertical construction of rental units.
---	---

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: III.	(2) Assist renters to become homeowners
---------------------------------	---

Select from the goals listed above.

Objective(s) Number: IIIa.	(14) Lending subsidies for homebuyers
---------------------------------------	---------------------------------------

Select from the objectives listed above.

Program/Activity Description: Homeowner Financing (Statewide)	To provide NHHBG-funded home loans to lessee families for new construction or home purchase.
--	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: IV.	(3) Improve quality of substandard units
--------------------------------	--

Select from the goals listed above.

Objective(s) Number: IVa.	(16) Rehabilitation assistance to existing homeowners
--------------------------------------	---

Select from the objectives listed above.

Program/Activity Description: Home Assistance Program (Statewide)	This activity provides three types of assistance: (1) a deferred, no payment loan up to \$100,000; (2) a small repayment loan (up to \$100,000) for costs exceeding the original \$100,000 amount; or (3) a demolition/new build loan for properties where cost to repair exceed the appraised or tax assessed value.
--	---

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: V.	(4) Address homelessness
-------------------------------	--------------------------

Select from the goals listed above.

Objective(s) Number: Va.	(17) Tenant based rental assistance
-------------------------------------	-------------------------------------

Select from the objectives listed above.

Program/Activity Description: Waimanalo Kupuna Housing Rental Assistance	The use of NHHBG funds in the project is primarily to supplement tenants rent at the Waimanalo Kupuna Housing so their maximum contribution does not exceed 30% of their gross monthly income. Built in 2002 utilizing Low Income Housing Tax Credits, this subsidy will assist in stabilizing rental increases over the remainder of the project's LIHTC existence.
--	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: VI.	(4) Address homelessness
--------------------------------	--------------------------

Select from the goals listed above.

Objective(s) Number: VIa-d.	(17) Tenant based rental assistance
--	-------------------------------------

Select from the objectives listed above.

Program/Activity Description: Rental Vouchers	This activity establishes the use of rental housing vouchers for eligible beneficiaries. Provides financial assistance to families facing eviction, experiencing homelessness or at risk of homelessness.
---	---

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: VII.	(10) Other
---------------------------------	------------

Select from the goals listed above.

Objective(s) Number: VIIa.	(18) Other Housing Service
---------------------------------------	----------------------------

Select from the objectives listed above.

Program/Activity Description: Housing Counseling	At minimum, every family that receives NHHBG assistance will be offered financial literacy education; case management assistance; and servicing by housing counseling vendor.
--	---

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: VIII.	(10) Other
----------------------------------	------------

Select from the goals listed above.

Objective(s) Number: VIIIa.	(18) Other Housing Service
--	----------------------------

Select from the objectives listed above.

Program/Activity Description: Homeowner Assistance	This activity is aimed at mitigating financial hardships by providing financial assistance to promote housing stability.
--	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: IX.	(3) Improve quality of substandard units
--------------------------------	--

Select from the goals listed above.

Objective(s) Number: IXa.	(24) Infrastructure to support housing
--------------------------------------	--

Select from the objectives listed above.

Program/Activity Description: Potable Water Development (Statewide)	This activity will support the development and delivery of potable water to new and existing homesteads.
--	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: X.	(4) Address homelessness
-------------------------------	--------------------------

Select from the goals listed above.

Objective(s) Number: Xa.	(8) Conversion of other structures to affordable housing
-------------------------------------	--

Select from the objectives listed above.

Program/Activity Description: Housing Conversion	This activity supports the conversion of existing land and structure to affordable housing.
--	---

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: XI.	(5) Create new affordable rental units
--------------------------------	--

Select from the goals listed above.

Objective(s) Number: XIa.	(3) Acquisition of rental housing
--------------------------------------	-----------------------------------

Select from the objectives listed above.

Program/Activity Description: Property Acquisition (Oahu – Priority)	This activity will support the purchase of existing structure(s) for rental housing.
---	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

Goal(s) Number: XII.	(4) Address homelessness
---------------------------------	--------------------------

Select from the goals listed above.

Objective(s) Number: XIIa.	(20) Operation and maintenance of NHHBG units
---------------------------------------	---

Select from the objectives listed above.

Program/Activity Description: Operation and Maintenance of NHHBG-Assisted Units	This activity will support the operation and maintenance of NHHBG units.
---	--

Describe the planned program/activity and indicate how it will enable DHHL to meet its mission, goals, and objectives.

ONE YEAR PLAN & ANNUAL PERFORMANCE REPORT

SECTION 2: HOUSING NEEDS

(NAHASDA § 803(c)(2)(B))

(1) Type of Need: Check the appropriate box(es) below to describe the estimated types of housing needs and the need for other assistance for low-income Native Hawaiian families (columns B and C) and non-low-income Native Hawaiian families, including non-Native Hawaiian essential families [809(a)(2)(B) and (C)] (column D) eligible to be served by DHHL.

(A) Type of Need	Check All That Apply		
	(B) Low-Income Native Hawaiian Families on Hawaiian Home Lands	(C) Low-Income Native Hawaiian Families on Wait List	(D) Non-Low- Income Native Hawaiian Families
(1) Overcrowded Households	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(2) Renters Who Wish to Become Owners	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(3) Substandard Units Needing Rehabilitation	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(4) Homeless Households	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(5) Households Needing Affordable Rental Units	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(6) College Student Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(7) Disabled Households Needing Accessibility	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(8) Units Needing Energy Efficiency Upgrades	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
(9) Infrastructure to Support Housing	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(10) Other (specify below)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

(2) Other Needs. (Describe the "Other" needs below. Note: this text is optional for all needs except "Other."):

The Hawaiian Homes Commission Act of 1920, as amended, established the Hawaiian Home Lands Trust and defined the population eligible to reside on Hawaiian home lands as those native Hawaiians with no less than 50% Hawaiian blood and their successors or assignees of less than 50% Hawaiian blood. With approximately 9,276 leases on homesteads stretching from Hawaii Island to Kauai, the Department of Hawaiian Home Lands was created at statehood to assist the commission in meeting its fiduciary obligations.

DHHL, through SMS Research, completed its 2020 Beneficiary Survey detailed in the *DHHL Beneficiaries Study Lessee Report, 2020* and the *DHHL Beneficiaries Study Applicant Report, 2020*.

The native Hawaiian subset for the purpose of this plan is determined as follows:

9,276	Lessees residing on the DHHL lands — as of December 31, 2023 ¹
24,062	Unduplicated waitlist as of December 31, 2023 ²
21,399	Estimated Potential Applicants based on SMS 2019 respondents ³
54,737	Total native Hawaiian individuals/households

The *DHHL Beneficiaries Study Lessee Report, 2020* detailed the following about HUD Median Income: “While the median household income has consistently increased, the percentage of Lessee households classified as earning 80 percent or less of the Department of Housing and Urban Development (HUD) Area Median Income (AMI) has risen. In 2008, 46 percent of Lessee households were considered low income according to the HUD guidelines. By 2014, this had increased to 55 percent. The percentage of Lessee households considered low income stayed about the same at 56 percent in 2020.”

The *DHHL Beneficiaries Study Applicant Report, 2020* noted the following about HUD Income Categories: “In 2020, the percent of applicant households below 80 percent of HUD AMI level is back up to 51 percent.”

5,195	Lessees residing on the DHHL Lands – 9,276 x 56%
12,272	Applicants – 24,062 x 51%
12,197	Potential Applicants – 21,399 x 57% (SMS 2019 Study)
29,664	Total native Hawaiian households eligible for NAHASDA

If we extrapolate and say that the average DHHL turnkey home is \$400,000, then the sufficient funding amount for NAHASDA would look like this:

12,272	Applicants – 24,062 x 51%
12,197	Potential Applicants – 21,399 x 57% (SMS 2019 Study)
24,469	x \$400,000 = \$9,787,600,000.00 sufficient funding for NAHASDA

Additional Research - 2017 HUD Report

Some of the key findings of *the Housing Needs of Native Hawaiians: A Report From the Assessment of American Indian, Alaska Native, and Native Hawaiian Housing Needs* prepared for HUD and dated May 2017 include the following:

- Native Hawaiian households tend to be larger. In 2010, the average size of a Native Hawaiian’s household was 4.1 people compared with 2.7 people for residents of Hawaii households.

1 Homestead Services Division, 1/17/24 Commission submittal. Includes lessees residing on residential, agricultural and pastoral lots, one lessee per lease, one house per lease/lot, as applicable. 745 Undivided Interest lessees omitted.

2 *Ibid.*

3 The SMS Hawaii Housing Policy Study, 2019 included a category for native Hawaiians with at least 50% blood quantum and not DHHL lessees or applicants.

- Although improvements were made during the 2000-to-2010 decade, Native Hawaiians living in Hawaii continue to be more economically disadvantaged: they have lower incomes, higher rates of assistance receipt, and higher poverty rates than do other residents of Hawaii.
- Native Hawaiian households also experience higher rates of overcrowding (15 percent) compared with residents of Hawaii households (8 percent).
- Homelessness among Native Hawaiians is prevalent. Although not typically chronically homeless, they are overrepresented in Hawaii's homeless population. Homeless Native Hawaiians often have jobs but cannot afford housing, so they double up (hidden homeless) or live in tents, shelters, cars, or garages.
- HHCA beneficiary households on the waiting list are more economically disadvantaged than are Native Hawaiian households overall, residents of Hawaii households, and Native Hawaiian households living on the home lands.
 - HHCA beneficiary households on the waiting list have the lowest median income of all four groups by a substantial margin: \$48,000 compared with more than \$60,000 for all other groups.
 - HHCA beneficiaries on the waiting list also receive public cash assistance at more than twice the rate of the other groups: about 20 percent of households on the waiting list received public cash assistance compared with about 7 percent of Native Hawaiians and those living on the home lands and 3 percent for residents of Hawaii.
- HHCA beneficiary households on the waiting list face more significant housing challenges across all dimensions than do the other groups.
 - Nearly 40 percent of HHCA beneficiary households on the waiting list were overcrowded compared with only 19 percent of households on sampled Hawaiian home lands, 15 percent of the state's Native Hawaiian households, and 8 percent of residents of Hawaii households.
 - About 10 percent of HHCA beneficiary households on the waiting list lack complete plumbing compared with 1 percent for all other groups.
 - Nearly one-half (46 percent) of HHCA beneficiary households on the waiting list experience cost burden compared with 40 percent of Native Hawaiian households, 42 percent of residents of Hawaii households, and only 21 percent of households on the sampled Hawaiian home lands. The much lower rate of cost burden among home lands households is due, at least in part, to the financial benefits of home lands leases, which reduce monthly housing costs, including minimal lease payments for the land and a 7-year exemption from real estate property tax.

Native Hawaiian Rehabilitation

The statistics shared in preceding paragraphs are not new to the native Hawaiians. Over 100 years ago, moved by the poor living conditions and low incomes of his people, Prince Jonah Kuhio Kalaniana'ole created the Ahahui Puuhonua o Na Hawaii, an organization comprised of royal men of lesser rank than himself who collectively served as the catalyst toward the chronicling of the despair and destitution of the makaainana (commoner) in 1911.

The work of the Ahahui Puuhonua o Na Hawaii and its members provided Prince Kuhio the much-needed data to create support, both in Hawaii and abroad in Washington, D.C. to pass the HHCA.

Through the Prince's leadership and participation in each of these community endeavors, the legacy of the Prince lives on for us today. This housing plan, a descendant of Kuhio's legacy thru the HHCA, is but a small piece of a much broader articulation of need in the State of Hawaii today. By focusing on housing, this most basic of needs acknowledged in the Western world, the department attempts to participate in the rehabilitation of the Hawaiian people. Should every Hawaiian have a safe, affordable, decent home, with fresh water for bathing and eating and cooking and food grown or gathered nearby, we could claim success. But with nearly \$10 billion in need and as the average 59-year-old applicant dies on the waiting list, it does not seem likely we will be able to make such a claim without immediate and swift monetary assistance in the next few years.

(3) Planned Program Benefits. *(Describe below how your planned programs and activities will address the needs of low income families identified above. Also describe how your planned programs will address the various types of housing assistance needs. NAHASDA § 803(c)(2)(B)):*

The planned programs and activities are aimed at assisting as many native Hawaiian households that earn 80% or less of HUD AMI to realize homeownership as part of the ongoing lot awards and production. The 2017 HUD Report noted that "many renters (63 percent) on the HHCA beneficiary waiting list who would prefer to own a home are unable to do so because they cannot afford a downpayment or save enough for a house." Thus, focus will be on homeowner financing and leveraged loans with USDA Rural Housing to provide new awardees with the opportunity for safe, affordable and decent housing.

While the 2017 HUD Report noted that HHCA beneficiary households on the waiting list face more significant housing challenges, lessees, especially in our older homestead communities face aging substandard housing. The 2020 Beneficiary Study Lessee Report identified 2,538 lessees that earn 80% or less of HUD AMI with a house needing either minor or major repairs. The planned home assistance program is geared to addressing this need.

DHHL recognizes the need for increased housing stability for families experiencing financial hardships. The planned rental voucher program is built upon the initial temporary relocation assistance and emergency rental assistance was expanded to assist native Hawaiian families affected by the devastating wildfires and for kupuna (elders) who have been on the waiting list the longest in an effort to provide financial assistance for those at risk of homelessness.

The 2017 HUD Report identified homelessness among Native Hawaiians as a significant problem, but also acknowledged that data is not available for only Native Hawaiians. In an effort to fill this gap, DHHL entered into a Memorandum of Understanding with Partners in Care – Oahu Continuum of Care to understand how pervasive the situation of homelessness might be among its beneficiaries and especially those on its homestead applicant waiting list. The conversion of an existing structure to a transitional housing facility is intended to begin addressing this need, which is expected to be in operation in 2025.

Infrastructure to support housing on land currently under DHHL's jurisdiction is a separate program activity. In addition to existing developments, these areas will likely be expanded to cover lands recently transferred to DHHL in Ewa, Oahu. Water is just as critical to homestead development as land. DHHL secured approved water reservations for DHHL's foreseeable groundwater needs statewide and the potable water infrastructure improvements would allow for improved and

increased potable water service delivery. NAHASDA funding for developer financing will supplement the cost to construct affordable housing.

All NAHASDA assisted activities will be supported by housing counseling for both homeowners and renters.

(4) Geographic Distribution. *(Describe below how the assistance will be distributed throughout the geographic area and how this geographic distribution is consistent with the needs of low income families, including the needs for various categories of housing assistance. NAHASDA § 803(c)(2)(B)(i)):*

The 2020 Beneficiary Study Applicant Report provided HUD Income Categories by Island as follows:

80% or > AMI	Oahu		Maui		Hawaii		Kauai		Molokai		Lanai		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
	6824	61%	1282	12%	2048	18%	600	5%	368	3%	36	.3%	11,158	99.3%

This distribution is similar to the % of DHHL Applicants by Island:

	Oahu	Maui	Hawaii	Kauai	Molokai	Lanai	Total
% App	57%	12%	21%	6%	3%	.3%	99.3%

NAHASDA-Assisted units by island to date align closely to this distribution and is expected to continue, but notes that assistance to neighbor islands is above the percent of households classified as earning 80 percent or less of the HUD AMI:

	Oahu	Maui	Hawaii	Kauai	Molokai	Lanai	Total
% Assisted	49%	15%	19%	8%	7%	2%	100%

SECTION 3: PROGRAM DESCRIPTIONS

(NAHASDA § [803(c)(2)(A)], [802(c)], [820(b)], 24 CFR §1006.410(b)(2) and (3))

Planning and Reporting on Program Year Activities

For the NHHP, the purpose of this section is to describe each program that will be operating during the 12-month fiscal year. Each program must include the eligible activity, its planned outputs, intended outcome, who will be assisted, and types and levels of assistance. Each of the eligible activities has a specific, measurable output. The first column in the table below lists all eligible activities, the second column identifies the output measure for each eligible activity, and the third column identifies when to consider an output as completed for each eligible activity. Copy and paste text boxes 1.1 through 1.10 as often as needed so that all of your planned programs are included.

For the APR, the purpose of this section is to describe your accomplishments, actual outputs, actual outcomes, and any reasons for delays.

Eligible Activities May Include (citations below reference sections in NAHASDA)

Eligible Activity	Output Measure	Output Completion
(1) RESERVED – DO NOT USE THIS NUMBER		
(2) RESERVED – DO NOT USE THIS NUMBER		
(3) Acquisition of Rental Housing [810(b)(1)]	Units	When recipient takes title to the unit
(4) Construction of Rental Housing [810(b)(1)]	Units	All work completed and unit passed final inspection
(5) Rehabilitation of Rental Housing [810(b)(1)]	Units	All work completed and unit passed final inspection
(6) Acquisition of Land for Rental Housing Development [810(b)(1)]	Acres	When recipient takes title to the land
(7) Development of Emergency Shelters [810(b)(1)]	Households	Number of households served at any one time, based on capacity of the shelter
(8) Conversion of Other Structures to Affordable Housing [810(b)(1)]	Units	All work completed and unit passed final inspection
(9) Other Rental Housing Development [810(b)(1)]	Units	All work completed and unit passed final inspection
(10) Acquisition of Land for Homebuyer Unit Development [810(b)(1)]	Acres	When recipient takes title to the land
(11) New Construction of Homebuyer Units [810(b)(1)]	Units	All work completed and unit passed final inspection
(12) Acquisition of Homebuyer Units [810(b)(1)]	Units	When recipient takes title to the unit
(13) Down Payment/Closing Cost Assistance [810(b)(1)]	Units	When binding commitment signed
(14) Lending Subsidies for Homebuyers (Loan) [810(b)(1)]	Units	When binding commitment signed
(15) Other Homebuyer Assistance Activities [810(b)(1)]	Units	When binding commitment signed
(16) Rehabilitation Assistance to Existing Homeowners [810(b)(1)]	Units	All work completed and unit passed final inspection
(17) Tenant Based Rental Assistance [810(b)(2)]	Households	Count each household once per year

(18) Other Housing Service [810(b)(2)]	Households	Count each household once per year
(19) Housing Management Services [810(b)(3)]	Households	Count each household once per year
(20) Operation and Maintenance of NHHBG-Assisted Units [810(b)(3)]	Units	Number of units in inventory at Fiscal Year End
(21) Crime Prevention and Safety [810(b)(4)]	Dollars	Dollars spent (report in Uses of Funding Table only)
(22) Model Activities [810(b)(5)]	Dollars	Dollars spent (report in Uses of Funding Table only)
(23) RESERVED – DO NOT USE THIS NUMBER		
(24) Infrastructure to Support Housing [810(b)(1)]	Improved Lots	All work completed and lot passed final inspection
(25) RESERVED – DO NOT USE THIS NUMBER		

Outcome May Include:

(1) Reduce over-crowding	(7) Create new affordable rental units
(2) Assist renters to become homeowners	(8) Assist affordable housing for college students
(3) Improve quality of substandard units	(9) Provide accessibility for disabled/elderly persons
(4) Improve quality of existing infrastructure	(10) Improve energy efficiency
(5) Address homelessness	(11) Reduction in crime reports
(6) Assist affordable housing for low income households	(12) Other – must provide description in boxes 1.4 (NHHP) and 1.5 (APR)

NHHP: PLANNED FISCAL YEAR ACTIVITIES (NAHASDA § 803(c)(2)(A))

For each planned activity, complete all the non-shaded sections below. It is recommended that for each program name you assign a unique identifier to help distinguish individual programs. This unique number can be any number of your choosing, but it should be simple and clear so that you and HUD can track tasks and results under the program and collect appropriate file documentation tied to this program.

- One way to number your programs is chronologically. For example, you could number your programs 2024-1, 2024-2, 2024-3, etc.
- Or you may wish to number the programs based on type. For example, rental 1, rental 2, homebuyer 1, homebuyer 2, etc. This type of numbering system might be appropriate if you have many programs that last over several years.
- Finally, you may wish to use an outline style of numbering. For example, all programs under your first eligible activity would start with the number 1 and then be consecutively numbered as 1.1, 1.2, 1.3, etc. The programs under the second eligible activity would be numbered as 2.1, 2.2., 2.3, etc.

APR: REPORTING ON PROGRAM YEAR PROGRESS (NAHASDA § 820(b))

Complete the shaded section of text below to describe your completed program tasks and actual results. Only report on activities completed during the 12-month fiscal year. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in DHHL’s annual audit report. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month fiscal year.

1.1 Program Name and Unique Identifier: 2024 Capital Improvement Projects (AHP I)

1.2 Program Description *(This should be the description of the planned program.):*

This activity develops lots for residential use on Trust Lands statewide.

1.3 Eligible Activity Number *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(24) Infrastructure to Support Housing [810(b)(1)]

1.4 Intended Outcome Number *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(2) Assist renters to become homeowners

Describe Other Intended Outcome *(Only if you selected "Other" above.):*

1.5 Actual Outcome Number *(In the APR identify the actual outcome from the Outcome list.):*

Describe Other Actual Outcome *(Only if you selected "Other" above.):*

1.6 Who Will Be Assisted *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Low-income NH Households Non-low income NH Households Non-NH Households

Undivided interest lessees and applicants meeting the 80% AMI income guidelines will receive vacant or improved lots for new home construction.

1.7 Types and Level of Assistance *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

This activity covers the cost of the infrastructure for projects, including planning, design, engineering, construction, and construction management services. The level of NAHASDA funding for this activity is expected to slightly increase because in addition to the existing contract for engineering services in East Kapolei IIC, Oahu, planning is continuing for the lands transferred to DHHL in Ewa, Oahu. Other proposed developments may also require infrastructure funding.

1.8 APR: *(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):*

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Improved Lots	0	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Developer Financing (AHP II)

1.2 Program Description *(This should be the description of the planned program.):*

This activity will provide funding as part of a capital stack for vertical construction of rental housing on Trust Lands statewide.

1.3 Eligible Activity Number *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(4) Construction of Rental Housing [810(b)(1)]

1.4 Intended Outcome Number *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(7) Create new affordable rental units

Describe Other Intended Outcome *(Only if you selected "Other" above.):*

1.5 Actual Outcome Number *(In the APR identify the actual outcome from the Outcome list.):*

Describe Other Actual Outcome *(Only if you selected "Other" above.):*

1.6 Who Will Be Assisted *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Low-income NH Households Non-low income NH Households Non-NH Households

Undivided interest lessees and applicants meeting the 80% AMI income guidelines will have the opportunity to rent or rent with an option to purchase their unit. NAHASDA guidelines for rental projects keep the unit rents at or below 30% of the family's monthly adjusted income.

1.7 Types and Level of Assistance *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

The assistance being provided will go directly to the developer as part of the capital stack for vertical construction financing of approximately 60 rent with option to purchase units, 30 in the Villages of Lai Opuu, Hawaii Island and 30 in Hanapepe, Kauai. If the unit purchase price at the end of the rental period is reduced in direct proportion to the amount of NHHBG developer financing provided, then the assistance will be in the form of a grant, otherwise the financing will be in the form of a loan that needs to be repaid. Other proposed developments may also require developer financing.

1.8 APR: (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

Empty text box for describing accomplishments for the APR.

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Units	0	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

Empty text box for explaining why the program is behind schedule.

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

Empty text box for describing the manner in which DHHL would change its housing plan.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p>1.1 Program Name and Unique Identifier: Homeowner Financing (AHP III)</p>
<p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity provides homeowner financing to eligible NAHASDA families for new construction or home purchase. DHHL is working to identify families in upcoming project areas for direct loans.</p>
<p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(14) Lending Subsidies for Homebuyers (Loan) [810(b)(1)]</p>
<p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(2) Assist renters to become homeowners</p>
<p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p>
<p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p><input checked="" type="checkbox"/> Low-income NH Households <input type="checkbox"/> Non-low income NH Households <input type="checkbox"/> Non-NH Households</p> <p>Molokai: 2 families Maui: 12 families Hawaii: 5 families Oahu: 2 families Kauai: 11 families Lanai: 2 families</p>
<p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i> Financing for home loans statewide utilizing NHHBG funds up to the appraised value for projects in areas listed in 1.6. Other upcoming project areas may also require direct loans to be available to eligible NAHASDA families.</p>
<p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Units	5	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Home Assistance Program (HAP) (AHP IV)

1.2 Program Description *(This should be the description of the planned program.):*

This program covers the department's attempt to address substandard and/or aging housing on the homelands by providing assistance to low income households to repair their existing homes, including home replacement (demolition & construction), energy retrofit, building code compliance, and home repair.

1.3 Eligible Activity Number *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(16) Rehabilitation Assistance to Existing Homeowners [810(b)(1)]

1.4 Intended Outcome Number *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(3) Improve quality of substandard units

Describe Other Intended Outcome *(Only if you selected "Other" above.):*

1.5 Actual Outcome Number *(In the APR identify the actual outcome from the Outcome list.):*

Describe Other Actual Outcome *(Only if you selected "Other" above.):*

1.6 Who Will Be Assisted *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Low-income NH Households Non-low income NH Households Non-NH Households

Lessee families at or below the 80% AMI income guidelines identified over the past few years are being assisted.

1.7 Types and Level of Assistance *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

Deferred, no-payment loans, subject to conditional recapture, as defined by HAP will be provided. NAHASDA eligible families will receive \$100,000 to repair their home according to Housing Quality Standards that would prioritize repairs for the home. Those families whose homes have been identified as needing more than \$100,000 to fix repairs are offered 1% loans on the amount that exceeds the first \$100,000, up to an additional \$100,000. A demolition/new build loan is the third option offered for properties where cost to repair exceed the appraised or tax assessed value.

1.8 APR: *(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):*

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Units	3	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p>1.1 Program Name and Unique Identifier: Waimanalo Kupuna Housing Rental Assistance (AHP V)</p>
<p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds primarily to supplement tenants rent at the Waimanalo Kupuna Housing so their maximum contribution does not exceed 30% of their monthly adjusted income.</p>
<p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(18) Other Housing Service [810(b)(2)]</p>
<p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(6) Assist affordable housing for low income households</p>
<p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p>
<p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p><input checked="" type="checkbox"/> Low-income NH Households <input type="checkbox"/> Non-low income NH Households <input type="checkbox"/> Non-NH Households</p> <p>NAHASDA eligible elders whose income is at or below 80% AMI and who are tenants of this rental housing project, with up to 85 units, on Trust Lands in Waimanalo.</p>
<p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>This elderly housing project was first occupied in 2002 and constructed with funds from the state's Low Income Housing Trust Fund and Rental Housing Trust Fund along with funds from DHHL and the Office of Hawaiian Affairs. Many of the elderly are living on fixed income and cannot afford current rental rates under Hawaii Housing and Finance Development Corporation (HHFDC) which oversees the project and approves the rates from the developer. The monthly rental amount continues to remain affordable. Nevertheless, the subsidy has recently increased annually to adequately cover the difference between the NAHASDA required 30% cap on tenant's monthly adjusted income and the approved LIHTC rent.</p>
<p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Households	70	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p>1.1 Program Name and Unique Identifier: Rental Vouchers for Temporary Relocation (AHP VI-A)</p>
<p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for rental housing vouchers (first month rent/deposit/emergency rent) for temporary relocation assistance.</p>
<p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(17) Tenant Based Rental Assistance [810(b)(2)]</p>
<p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(6) Assist Affordable Housing for Low-Income Households</p>
<p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p>
<p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p> <input checked="" type="checkbox"/> Low-income NH Households <input type="checkbox"/> Non-low income NH Households <input type="checkbox"/> Non-NH Households </p> <p>Native Hawaiian families eligible to reside on Hawaiian Home Lands whose income is at or below 80% AMI.</p>
<p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>This activity will provide for temporary relocation assistance for duration of time to construct or repair primary residence.</p>
<p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Households	3	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Emergency Rental and Utilities Assistance Program (AHP VI-B)

1.2 Program Description *(This should be the description of the planned program.):*

This activity provides funds for rental housing vouchers (rent/security deposit) for emergency assistance (rent, rental arrears, utilities, or utility arrears) to native Hawaiian families affected by the devastating wildfires to ensure housing stability.

1.3 Eligible Activity Number *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(17) Tenant Based Rental Assistance [810(b)(2)]

1.4 Intended Outcome Number *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(5) Address homelessness

Describe Other Intended Outcome *(Only if you selected "Other" above.):*

1.5 Actual Outcome Number *(In the APR identify the actual outcome from the Outcome list.):*

Describe Other Actual Outcome *(Only if you selected "Other" above.):*

1.6 Who Will Be Assisted *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Low-income NH Households Non-low income NH Households Non-NH Households

Native Hawaiian families eligible to reside on Hawaiian Home Lands that were affected by the devastating wildfires.

1.7 Types and Level of Assistance *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

DHHL has a contract with a service provider to provide emergency rental assistance (rent, rental arrears, utilities, or utility arrears) for a period not to exceed 6 months except that assistance may be provided for an additional period if necessary to ensure housing stability for a household subject to availability of funds.

1.8 APR: *(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):*

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Households	10	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p>1.1 Program Name and Unique Identifier: DHHL Kupuna Rental Subsidy Program (AHP VI-C)</p>
<p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for rental housing vouchers (rent/security deposit) for kupuna (elders) who are sixty-two years of age or older and head of household starting with those who have been on DHHL's waiting list the longest to ensure housing stability.</p>
<p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(17) Tenant Based Rental Assistance [810(b)(2)]</p>
<p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(5) Address homelessness</p>
<p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p>
<p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p> <input checked="" type="checkbox"/> Low-income NH Households <input type="checkbox"/> Non-low income NH Households <input type="checkbox"/> Non-NH Households </p> <p>Native Hawaiian kupuna (elders) who are sixty-two years of age or older and head of household starting with those who have been on DHHL's waiting list the longest that are eligible to reside on the Hawaiian Home Lands whose income is at or below 80% AMI.</p>
<p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>DHHL has a contract with a service provider to provide rental subsidies that will be reviewed on an annual basis subject to availability of funds. The monthly rental subsidy will be the difference between no more than 30% of the household's monthly adjusted income which will be paid by the kupuna (elder) of an eligible household and the Fair Market Rent within the zip code area.</p>
<p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Households	100	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Rental Vouchers for Units Developed for DHHL (AHP VI-D)

1.2 Program Description *(This should be the description of the planned program.):*

This activity provides funds for rental housing vouchers (rent/security deposit) for rental units developed for DHHL currently consisting of rent with option to purchase units in the Villages of Lai Opuu upon entering into an agreement with the property management company.

1.3 Eligible Activity Number *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(17) Tenant Based Rental Assistance [810(b)(2)]

1.4 Intended Outcome Number *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(6) Assist Affordable Housing for Low-Income Households

Describe Other Intended Outcome *(Only if you selected "Other" above.):*

1.5 Actual Outcome Number *(In the APR identify the actual outcome from the Outcome list.):*

Describe Other Actual Outcome *(Only if you selected "Other" above.):*

1.6 Who Will Be Assisted *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Low-income NH Households Non-low income NH Households Non-NH Households

Native Hawaiian families eligible to reside on Hawaiian Home Lands whose income is at or below 80% AMI and reside in a rental unit developed for DHHL.

1.7 Types and Level of Assistance *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

This activity will provide for rental assistance that will be reviewed on an annual basis subject to availability of funds. The monthly rental assistance will be the difference between no more than 30% of the household's monthly adjusted income which will be paid by the eligible household and the Fair Market Rent within the zip code area.

1.8 APR: *(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):*

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Households	5	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p>1.1 Program Name and Unique Identifier: Housing Counseling (AHP VII)</p>
<p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>Independent, expert advice customized to the need of the Native Hawaiian lessee, applicant or household to address housing barriers in order to achieve housing goals through homeownership counseling or rental housing counseling and include the following processes: intake, financial and housing affordability analysis, an action plan, and a reasonable effort to have follow-up communication when possible.</p>
<p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(18) Other Housing Service [810(b)(2)]</p>
<p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(6) Assist Affordable Housing for Low-Income Households</p>
<p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p>
<p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p> <input checked="" type="checkbox"/> Low-income NH Households <input checked="" type="checkbox"/> Non-low income NH Households <input type="checkbox"/> Non-NH Households </p> <p>Native Hawaiian lessee, applicants or households who received or are eligible to receive NAHASDA assistance including but not limited to homeowner financing, home repair assistance, rental and homeowner assistance. Native Hawaiian families eligible to reside on Hawaiian Home Lands who utilize non-NHHBG funds for homeowner financing may also access housing counseling.</p>
<p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>Families who received NAHASDA assistance will receive either homeownership or rental housing counseling from a HUD-certified Housing Counselor. Homeownership counseling is housing counseling related to homeownership and residential mortgage loans that covers the decision to purchase a home, issues arising during or affecting the period of ownership of a home (including financing, refinancing, default, and foreclosure/lease cancellation, and other financial dispositions), and the sale/transfer or other disposition of a home. Rental housing counseling is counseling related to the rental of residential property, which may include counseling regarding future homeownership opportunities and may also include the decision to rent, responsibilities of tenancy, affordability of renting and eviction prevention. At a</p>

minimum, initial contact will be made with lessee, applicants or households who received NAHASDA assistance informing them of the availability of housing counseling services.

1.8 APR: (Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Households	150	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p>1.1 Program Name and Unique Identifier: Homeowner Assistance (AHP VIII)</p>
<p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity assists lessees who reside on Hawaiian Home Lands that are unable to pay mortgage arrears; utilities and home energy costs arrears; property taxes; homeowner, hurricane, and/or flood insurance; or association/common area fees to mitigate financial hardships to prevent lease cancellation and promote housing stability.</p>
<p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(18) Other Housing Service [810(b)(2)]</p>
<p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(6) Assist Affordable Housing for Low-Income Households</p>
<p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p>
<p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p> <input checked="" type="checkbox"/> Low-income NH Households <input checked="" type="checkbox"/> Non-low income NH Households <input type="checkbox"/> Non-NH Households </p> <p>Native Hawaiian families eligible to reside on Hawaiian Home Lands whose income is at or below 80% AMI. Native Hawaiian families eligible to reside on Hawaiian Home Lands who received NHHBG assistance may receive assistance with homeowner, hurricane, and/or flood insurance.</p>
<p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>DHHL will contract with a service provider to provide homeowner assistance (mortgage arrears; utilities and home energy costs arrears; property taxes; homeowner, hurricane, and/or flood insurance; or association/common area fees) to mitigate financial hardships to prevent lease cancellation and promote housing stability subject to availability of funds. Different options will be considered including but not limited to payment of arrears or principal reduction up to approximately \$30,000, as well as interest rate reduction, refinancing the loan, or a combination of these or other options.</p>
<p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Households	10	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p>1.1 Program Name and Unique Identifier: Existing Potable Water Infrastructure Improvements (AHP IX)</p>
<p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity will utilize NHHBG funding for engineering, construction, and construction management services for the Molokai Water System Improvements. These funds will be leveraged with funding from USDA to improve potable water infrastructure for Hoolehua, Molokai.</p>
<p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(24) Infrastructure to Support Housing [810(b)(1)]</p>
<p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(4) Improve quality of existing infrastructure</p>
<p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p>
<p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p> <input checked="" type="checkbox"/> Low-income NH Households <input type="checkbox"/> Non-low income NH Households <input type="checkbox"/> Non-NH Households </p> <p>New and existing lessees in homestead areas with approved USDA DHHL applications would be assisted with potable water infrastructure improvements.</p>
<p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>Improved potable water service delivery and/or new potable water service delivery for lessees in homestead areas with an approved DHHL USDA water application.</p>
<p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Improved Lots	0	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p>1.1 Program Name and Unique Identifier: Housing Conversion (AHP X)</p>
<p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity involves the conversion of existing structures to transitional or affordable housing.</p>
<p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(8) Conversion of Other Structures to Affordable Housing [810(b)(1)]</p>
<p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(5) Address homelessness</p>
<p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p>
<p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p> <input checked="" type="checkbox"/> Low-income NH Households <input type="checkbox"/> Non-low income NH Households <input type="checkbox"/> Non-NH Households </p> <p>Native Hawaiian families eligible to reside on Hawaiian Home Lands whose income is at or below 80% AMI would be assisted through transitional or affordable rental housing.</p>
<p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>The assistance will provide funding to rehabilitate an existing building for transitional or affordable rental housing including an existing former military personnel quarters building in Kalaeloa, Oahu that has 20 units, 18 of which will be used as temporary transitional housing for homeless native Hawaiian beneficiaries that are on DHHL’s applicant wait lists and the renovation of the Ulu Ke Kukui multi-family residential housing facility in Maili, Oahu, which will also be made available to applicants on DHHL’s wait list.</p>
<p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Units	18	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

1.1 Program Name and Unique Identifier: Property Acquisition (AHP XI)

1.2 Program Description *(This should be the description of the planned program.):*

This activity provides funds for acquisition of land or existing structure(s) for rental housing subject to satisfaction of all applicable requirements.

1.3 Eligible Activity Number *(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):*

(3) Acquisition of Rental Housing [810(b)(1)]

1.4 Intended Outcome Number *(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):*

(7) Create new affordable rental units

Describe Other Intended Outcome *(Only if you selected "Other" above.):*

1.5 Actual Outcome Number *(In the APR identify the actual outcome from the Outcome list.):*

Describe Other Actual Outcome *(Only if you selected "Other" above.):*

1.6 Who Will Be Assisted *(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):*

Low-income NH Households Non-low income NH Households Non-NH Households

Native Hawaiian families eligible to reside on Hawaiian Home Lands at or below the 80% AMI income guidelines will be assisted when land or existing structure(s) is acquired and rental units are made available.

1.7 Types and Level of Assistance *(Describe the types and the level of assistance that will be provided to each household, as applicable.):*

Land or existing structure(s) will be purchased to provide rental units to increase affordable housing inventory.

1.8 APR: *(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):*

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Units	82	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

<p>1.1 Program Name and Unique Identifier: Operation & Maintenance of NHHBG-Assisted Units (AHP XII)</p>
<p>1.2 Program Description <i>(This should be the description of the planned program.):</i></p> <p>This activity provides funds for the operation and maintenance of NHHBG-Assisted Units.</p>
<p>1.3 Eligible Activity Number <i>(Select one activity from the Eligible Activity list. Do not combine homeownership and rental housing in one activity, so that when housing units are reported in the APR they are correctly identified as homeownership or rental.):</i></p> <p>(20) Operation and Maintenance of NHHBG-Assisted Units [810(b)(3)]</p>
<p>1.4 Intended Outcome Number <i>(Select one outcome from the Outcome list. Each program can have only one outcome. If more than one outcome applies, create a separate program for each outcome.):</i></p> <p>(5) Address homelessness</p>
<p>Describe Other Intended Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.5 Actual Outcome Number <i>(In the APR identify the actual outcome from the Outcome list.):</i></p>
<p>Describe Other Actual Outcome <i>(Only if you selected "Other" above.):</i></p>
<p>1.6 Who Will Be Assisted <i>(Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median should be included as a separate program within this section.):</i></p> <p> <input checked="" type="checkbox"/> Low-income NH Households <input type="checkbox"/> Non-low income NH Households <input type="checkbox"/> Non-NH Households </p> <p>Native Hawaiians eligible to reside on Hawaiian Home Lands whose income is at or below 80% AMI would be assisted through transitional or affordable rental housing.</p>
<p>1.7 Types and Level of Assistance <i>(Describe the types and the level of assistance that will be provided to each household, as applicable.):</i></p> <p>DHHL will contract with a service provider to operate and maintain NHHBG-Assisted Units in Kalaeloa, Oahu for homeless native Hawaiian beneficiaries that are on DHHL's applicant wait lists whose income is at or below 80% AMI.</p>
<p>1.8 APR: <i>(Describe the accomplishments for the APR in the 12-month fiscal year in accordance with 24 CFR § 1006.410(b)(2) and (3)):</i></p>

1.9: Planned and Actual Outputs for 12-Month Fiscal Year

Type of Output to be Completed in Fiscal Year Under this Program. Enter <u>one</u> of following choices in accordance with the Eligible Activity: Units; Households; Improved Lots; Acres	Planned Number of Outputs to be completed in Fiscal Year Under this Program	APR: Actual Number of Outputs Completed in Fiscal Year
Units	18	

1.10: APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

1.11: APR: Describe the manner in which DHHL would change its housing plan as a result of its experiences. (24 CFR § 1006.410(b)(4)). NOTE: It is sufficient to provide one response to this item rather than an individual response for each NHHBG-funded program.

NOTE: Remember to complete all the text boxes in Section 3 for each NHHBG-funded program. If you are completing an electronic version of this form, you may copy and paste text boxes 1.1 through 1.11 as needed to describe each of your programs. If you are completing this form in hard copy, you may photocopy Section 3 as needed to describe each of your programs.

SECTION 4: AFFORDABLE HOUSING RESOURCES

This section of the NHHP is designed to provide the public with basic background information on the characteristics shaping DHHL's affordable housing programs. Each portion of the text below has several required components that must be discussed. DHHL is encouraged to carefully review the instructions for each section and provide text covering all required elements.

Housing Market (NAHASDA § 803(c)(2)(D)(i) and (ii)) *(Describe the key characteristics of the housing market in the State of Hawaii, currently, and in the period of time covered by the plan. Include a description of the availability of housing from other public sources and private market housing, and how this supply of housing affected the DHHL's program/activity choices.):*

The Hawaii Housing Planning Study, 2019 pointed out that the most distinctive characteristic of Hawaii's housing market is high prices. Hawaii also continues to have the highest average rents in the nation, followed by the District of Columbia and New York. For the past decade, Hawaii's median gross rent has consistently been 50 to 55 percent higher than the national median gross rent.

In addition, the Study noted the slowing of residential housing construction. Total housing units grew by about 5,600 units per year (2.2%) between 2009 and 2011. Between 2011 and 2014, growth slowed to 2,800 units per year – half what it was in the previous five years. Between 2014 and 2017, growth slowed further to about 2,675 units per year. In recent years, Hawaii has been building more units that aren't being used for Hawaii families.

The Study also reported that Hawaii has typically been in the top 15 percent of states losing housing units to vacancies. Hawaii ranked 12th for percent of total housing units held for seasonal, recreational, and occasional use in 2017. Only two states ranked higher than the counties of Hawaii, Kauai, and Maui with respect to the percent of total units held off the market for seasonal use. Across the State, there were differences in the percent of total housing units counted as housing stock. In Honolulu, 6.8 percent of all units were unavailable. In the other counties, that figure was significantly higher as in 19 percent for Kauai County, 16 percent in the County of Hawaii, and 13 percent for Maui County.

The Study further indicated that one in ten households statewide devotes 30 to 40 percent of their income to shelter costs. For nearly one-quarter of households statewide (23.1%), shelter payments take up more than 40 percent of their income each month. Most disturbing is the evidence that Hawaii's shelter to income ratios are higher than most of the nation. In 2019, the percentage of mortgage holders whose monthly housing cost was greater than 30 percent of monthly income was 40.3 percent, the highest in the nation. The percentage of renters paying more than 30 percent was 55.6 percent, ranking Hawaii third in the nation after Florida (59.0%) and California (57.2%). When you factor Hawaii's Housing Wage (\$36.13) with the average wage of a renter in the state (\$16.16), it is understandable that there are many households with high shelter-to-income. In 2018, Hawaii had the largest shortfall (-\$19.98) between the average renter wage (amount renters earn) and the two-bedroom housing wage (amount required to afford an average two-bedroom rental unit).

Hawaii's crowding rate has long been among the highest in the nation. In 2017, Hawaii was ranked first in crowding for owner-occupied units (6.3%) and second for renter-occupied conditions (12.8%).

The department's NHHBG funded mortgage loans provide single family housing for the same or lower price than a studio in a multi-family high rise built by another housing agency in the urban core.

Without NHHBG funding, the department would be unable to build or finance housing for the 80% AMI or below target population.

Cooperation (NAHASDA § 803(c)(2)(D)(iii) *(Describe the structure, coordination, and means of cooperation between DHHL and other relevant partners and organizations [including private nonprofit organizations experienced in the planning and development of affordable housing] in the development, submission, or implementation of its housing plan. In addition, DHHL must indicate if it plans to use loan guarantees under Section 184A of the Housing and Community Development Act of 1992 and any other housing assistance provided by the Federal Government.):*

The department currently partners with a number of housing agencies and organizations either thru subject matter meetings or formal MOUs or agreements.

The Section 184A Loan Guarantee Program, which is similar to the Section 184 Loan Guarantee Program giving Native Americans access to private mortgage financing by providing loan guarantees to lenders, was implemented in 2007. Currently, 1st Tribal Lending, American Savings Bank, Bank of Hawai'i, CMG Financial, Cardinal Financial Company, Guardian Lending, DBA of Guardian One, HomeStreet Bank, and MLD Mortgage Inc. dba The Money Store are approved lenders for the Section 184A loan program.

DHHL has been utilizing the FHA 247 loan program since 1987. Over \$537 million in mortgage loans are outstanding through the FHA 247 loan program to lessees on Hawaiian home lands. The Veterans Affairs direct loan, Rural Development (U.S. Department of Agriculture) loan programs, and low-income housing tax credits are other financing options and tools utilized on Hawaiian home lands.

Demolition and Disposition (NAHASDA § 803(c)(2)(D)(viii), 24 CFR 1006.101(b)(4)(viii) *(Describe any planned demolition or sale of NHHBG-assisted housing units, or any other demolition or disposition that will be carried out with NHHBG funds. Be certain to include a financial analysis of the proposed demolition, the timetable for any planned demolition or disposition and any other information that is required by HUD with respect to the demolition or disposition.):*

There are no 1937 Act housing on Hawaiian home lands. The DHHL does not anticipate demolishing any units funded by the NHHBG.

Coordination (NAHASDA § 803(c)(2)(D)(ix) *(Describe how DHHL will coordinate with partners to promote employment and self-sufficiency opportunities for residents of affordable housing.)*):

The State of Hawai'i Department of Human Services (DHS) administers individual and family financial assistance programs that provide cash payments to help individuals and families meet their basic needs. The programs include Temporary Assistance to Needy Families (TANF), Temporary Assistance to Other Needy Families (TAONF), General Assistance (GA), Aid to the Aged, Blind and Disabled (AABD) and the Food Stamps program. Medical assistance is provided through the Hawai'i QUEST and Medicaid fee-for-services programs. Vocational rehabilitation services are provided to persons with disabilities. Whenever the DHHL staff is made aware of a lessee in need, the families are referred to DHS or to an appropriate non-profit service provider.

Safety (NAHASDA § 803(c)(2)(D)(x)) *(Describe how DHHL will promote crime prevention and resident involvement in affordable housing.)*:

The DHHL continues to coordinate efforts with County Police, the Sherriff's Office, the Attorney General's Office—Investigative Division, Department of Transportation – Homeless Coordinator, and the Department of Health – Solid Waste Section to do surveillance and evict offending occupants whenever there is evidence of trespassing or other crimes in homestead areas. DHHL's Enforcement Team and Honolulu Police Department (HPD) District 8, which includes DHHL homesteads in Kapolei, Nanakuli, and Waianae, established a pilot program regarding alleged lease violation investigations aimed at eliminating organized criminal activity in the homesteads with the intention of applying the pilot statewide. As part of this effort, DHHL is engaging beneficiaries/associations/neighborhood security watch programs statewide. If criminal activity is substantiated based on sworn testimony from HPD and written testimony is obtained from associations and NSWs about the effects of this activity, DHHL will initiate a contested case hearing for lease cancellation.

Capacity (NAHASDA § 803(c)(2)(D)(xi)) (Describe the structure, capacity, and key personnel of the entities that will carry out the program/activities of the housing plan.):

The DHHL was created by the State Legislature in 1964 to administer the Hawaiian home lands program and manage the Hawaiian home lands trust. The DHHL is one of eighteen principal agencies of the Executive Branch of the State of Hawai'i.

The DHHL serves native Hawaiians or individuals of no less than 50% Hawaiian blood, as defined by the Hawaiian Homes Commission Act of 1920, as amended, and their successors and assigns. These native Hawaiians are the beneficiaries of the Hawaiian home lands trust consisting of a land trust of over 200,000 acres, settlement monies from the State for the mismanagement of trust lands, funds received from the State general fund for operating costs, and revenues and earnings from the land leasing program.

The DHHL is governed by a nine-member board of commissioners headed by the Chairman, who also serves as the executive officer of the DHHL. The Governor of the State of Hawai'i appoints each commissioner and Chairman to a four-year term. The terms of the commissioners are staggered.

Currently, there are 133 full time employees in DHHL with six offices statewide. DHHL's main administrative office is located in Kapolei, Oahu and the five (5) district offices are located on neighbor islands. There are two (2) district offices on the Big Island, one in Hilo (East Hawaii) and one in Waimea (West Hawai'i), Hawai'i; one (1) district office in Lihue, Kauai; one (1) district office in Wailuku, Maui; and one (1) district office in Kalamaula, Molokai. DHHL is organized into five offices and three divisions under the Hawaiian Homes Commission and Office of the Chairman. The various offices and divisions are described as follows:

Office of the Chairman (OCH) — 31 staff members

The Office of the Chairman consists of the Chairman of the Hawaiian Homes Commission, who is also the Director of Department of Hawaiian Home Lands; the Deputy to the Chairman, the Executive Assistant; the NAHASDA Government Relations Program Manager, NAHASDA Program Specialist, NAHASDA Compliance Specialist, NAHASDA Construction Specialist, NAHASDA Mortgage Specialist, NAHASDA Mortgage Loan Assistant, NAHASDA Planner, NAHASDA Office Assistant, NAHASDA Government Relations Program Specialist; and executive staff.

Administrative Services Office (ASO) – 9 staff members

The Administrative Services Office provides DHHL staff support in the areas of personnel, budgeting, program evaluation, information and communication systems, risk management, facilities management, clerical services and other administrative services.

Fiscal Office (FO) – 12 staff members

The Fiscal Office provides accounting support for DHHL.

Planning Office (PO) – 8 staff members

The Planning Office conducts research and planning studies required in the development of policies, programs, and projects to benefit native Hawaiians. The PO coordinates and develops the Regional Plans, administers the Native Hawaiian Development Program, provides capacity building training for

homestead organizations, and provides community based grants for the implementation of Regional priority projects, community based economic development, and membership development.

Information and Community Relations Office (ICRO) – 4 staff members

The Information and Community Relations Office disseminates information to the public on Department issues, oversees community relations with the various homestead communities and coordinates DHHL’s ceremonies. They also publish DHHL’s annual reports to the State Legislature.

Homestead Services Division (HSD) – 42 staff members

HSD is composed of three branches: 1) Homestead Applications, 2) District Operations, and 3) Loan Services. HSD is the largest division in DHHL, has staff on all islands, and services more than 25,000 applicants and 10,000 lessees on five islands.

Land Management Division (LMD) – 8 staff members

LMD is responsible for managing Hawaiian home lands that are not used for homestead purposes. Unencumbered lands are managed and disposed of for long and short term uses in order to generate revenues and keep the lands productive while minimizing the occurrence of vegetative overgrowth, squatting or illegal dumping. LMD is responsible for properly managing the lands in DHHL’s inventory.

Land Development Division (LDD) – 13 staff members

LDD is charged with the responsibility of developing trust lands for homesteading and income-producing purposes. This is accomplished through the development of properties for residential, agricultural, pastoral, and economic development uses. LDD has three operating branches: 1) Design and Construction – concentrating on the design and construction of off-site and on-site improvements for the various subdivisions; 2) Master-Planned Community – expediting the construction of housing options through partnerships with private sector and exploring other housing opportunities; and, 3) Housing Project—providing turn-key homes and assisting lessees of vacant lots in arranging financing and in contracting with a builder, including self-help and Habitat programs.

The following is a listing of the key personnel responsible for the implementation of DHHL and NAHASDA assisted programs:

Hawaiian Homes Commission (HHC)

- Kali Watson, Chairman
- Makai Freitas, West Hawaii Commissioner
- Michael Kaleikini, East Hawaii Commissioner
- Randy Awo, Maui Commissioner
- Zachary Helm, Molokai Commissioner
- Pauline Namuo, Oahu Commissioner
- Sanoë Marfil, Oahu Commissioner
- Walt Kaneakua, Oahu Commissioner
- Dennis Neves, Kauai Commissioner

Department of Hawaiian Home Lands

- Kali Watson, Chairman
- Katie Ducatt, Deputy to the Chairman

Richard Hoke, Executive Assistant
Brian Furuto, Administrative Services Officer
Pearl Teruya, Fiscal Management Officer
Andrew Choy, Planning Program Manager
Lehua Kinilau-Cano, NAHASDA Government Relations Program Manager
Cynthia Rezentes, NAHASDA Program Specialist
Malia Cox, NAHASDA Compliance Specialist
Aloha Kaikaina, NAHASDA Construction Specialist
Kapuaala "Meleana" Kamai, NAHASDA Mortgage Loan Asst
Annie Aarona, NAHASDA Mortgage Loan Specialist
Shauna Mau, NAHASDA Office Assistant
Kuupuamaeole Kiyuna, NAHASDA Planner
Oriana Leao, NAHASDA Government Relations Program Manager
Michelle Hitzeman, HALE Manager
Juan Garcia, HSD Administrator
Nina Fisher, East Hawaii Homestead District Supervisor
James Du Pont, West Hawaii Homestead District Supervisor
Erna Kamibayashi, Kauai Homestead District Supervisor
Antonette Eaton, Maui Homestead District Supervisor
Dean Oshiro, Housing Services Loan Manager
David Hoke, Enforcement Administrator
Kalani Fronda, Acting Land Development Division Administrator
Kehaulani Quartero, Labor Compliance Specialist
Stephanie DeCoite, HHL Clerk Typist

SECTION 5: BUDGETS

(1) Sources of Funding (NAHASDA § 803(c)(2)(C)(i) and 820(b)(1)) (Complete the non-shaded portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month fiscal year. **APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month fiscal year.**)

SOURCE	NHHHP					APR					
	(A) Estimated amount on hand at beginning of fiscal year	(B) Estimated amount to be received during 12-month fiscal year	(C) Estimated total sources of funds (A + B)	(D) Estimated funds to be expended during 12-month fiscal year	(E) Estimated unexpended funds remaining at end of fiscal year (C minus D)	(F) Actual amount on hand at beginning of fiscal year	(G) Actual amount received during 12-month fiscal year	(H) Actual total sources of funding (F + G)	(I) Actual funds expended during 12-month fiscal year	(J) Actual unexpended funds remaining at end of 12-month fiscal year (H minus I)	(K) Actual unexpended funds obligated but not expended at end of 12-month fiscal year
1. NHHBG Funds	49,000,000	22,300,000	71,300,000	50,065,000	21,235,000						
2. NHHBG Program Income	0	140,000	140,000	140,000	0						
LEVERAGED FUNDS											
3. Other Federal Funds	0	25,000	25,000	25,000	0						
4. LIHTC											
5. Non-Federal Funds											
TOTAL	49,000,000	22,465,000	71,465,000	50,230,000	21,235,000						

Notes:

- a. For the NHHHP, fill in columns A, B, C, D, and E (non-shaded columns). For the APR, fill in columns F, G, H, I, J, and K (shaded columns).
- b. Total of Column D should match the total of Column N from the Uses Table on the following page.
- c. Total of Column I should match the Total of Column Q from the Uses Table on the following page.
- d. For the NHHHP, describe any estimated leverage in Line 3 below. For the APR, describe actual leverage in Line 4 below (APR).

(2) Uses of Funding (NAHASDA § 803(c)(2)(C)(ii)) (Note that the budget should not exceed the total funds on hand (Column C) and insert as many rows as needed to include all the programs identified in Section 3. Actual expenditures in the APR section are for the 12-month fiscal year.)

PROGRAM NAME (tie to program names in Section 3 above)	Unique Identifier	NHHHP					APR		
		(L) Prior and current year NHHBG (only) funds to be expended in 12-month fiscal year	(M) Total all other funds to be expended in 12-month fiscal year	(N) Total funds to be expended in 12-month fiscal year (L + M)	(O) Total NHHBG (only) funds expended in 12-month fiscal year	(P) Total all other funds expended in 12-month fiscal year	(Q) Total funds expended in 12-month fiscal year (O+P)		
2024 CIP	AHP I	250,000		250,000					
Developer Financing	AHP II	8,500,000		8,500,000					
Homeowner Financing	AHP III	1,835,000	165,000	2,000,000					
HAP	AHP IV	1,200,000		1,200,000					
Waimanalo Kupuna Housing Rental Asst	AHP V	830,000		830,000					
Rental Vouchers	AHP VI-A	75,000		75,000					
Emergency Rental	AHP VI-B	300,000		300,000					
Kupuna Rental	AHP VI-C	2,500,000		2,500,000					
Rental Vouchers for DHHL Units	AHP VI-D	125,000		125,000					
Housing Counseling	AHP VII	750,000		750,000					
Homeowner Assistance	AHP VIII	300,000		300,000					
Water Infrastructure Improvements	AHP IX	250,000		250,000					
Housing Conversion	AHP X	7,000,000		7,000,000					
Property Acquisition	AHP XI	25,000,000		25,000,000					
Operation & Maintenance	AHP XII	150,000		150,000					
Planning and Administration		1,000,000		1,000,000					
Loan Repayment – describe in 3 and 4 below.									
TOTAL		50,065,000	165,000	50,230,000					

Notes:

- a. Total of Column L cannot exceed the NHHBG funds from Column C, Row 1 from the Sources Table on the previous page.
- b. Total of Column M cannot exceed the total from Column C, Rows 2-10 from the Sources Table on the previous page.
- c. Total of Column O cannot exceed total NHHBG funds received in Column H, Row 1 from the Sources Table on the previous page.
- d. Total of Column P cannot exceed total of Column H, Rows 2-10 of the Sources Table on the previous page.
- e. Total of Column Q should equal total of Column I of the Sources Table on the previous page.

(3) Estimated Sources or Uses of Funding (NAHASDA § 803(c)(2)(C)). *(Provide any additional information about the estimated sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment. The text must describe which specific loan is planned to be repaid and the NAHASDA-eligible activity and program associated with this loan):*

The department anticipates \$140,000 in program income. The estimated \$25,000 in other federal funds is the repayment of the NHHBG subsidy when the lessee transfers their interest in the lease to a non-income eligible Native Hawaiian purchaser.

(4) APR (NAHASDA § 820(b)(1)) *(Enter any additional information about the actual sources or uses of funding, including leverage (if any)).*

SECTION 6: OTHER SUBMISSION ITEMS

(1) Useful Life/Affordability Period(s) (NAHASDA § 813, 24 CFR § 1006.305) *(Describe your plan or system for determining the useful life/affordability period of the housing assisted with NHHBG funds. A record of the current, specific useful life/affordability period for housing units assisted with NHHBG funds must be maintained in DHHL's files and available for review for the useful life/affordability period.):*

DHHL has established the following affordability periods to describe the term during which DHHL will keep the unit affordable:

<u>NHHBG Funds Invested</u>	<u>Affordability Period</u>
Less than \$5,000	6 months
\$5,000 to \$30,000	5 years
\$30,001 to \$100,000	10 years
\$100,001 to \$200,000	20 years
\$200,001 and above	30 years

The affordability period is based on the total amount of NHHBG funds invested in the housing unit. Resale and recapture provisions will be included as a condition of the Hawaiian homestead lease to enforce the affordability restriction for each assisted housing unit.

(2) Model Housing and Over-Income Activities (NAHASDA § 810(b)(5) and 809(a)(2)(B), 24 CFR § 1006.225 and 1006.301(b)) *(If you wish to undertake a model housing activity(ies) or wish to serve non-low-income households during the 12-month fiscal year, those activities may be described here. Each approved model activity must be included as a separate program in Section 3 (Program Descriptions) and the APR portions of Section 3 must be completed in the APR submission for any approved model activity.):*

No model housing activities are planned for the 12-month fiscal year. DHHL intends to utilize regulatory and administrative flexibilities to assist with recovery and relief efforts on behalf of families affected by Presidentially Declared Disasters, specifically the wildfires in Maui County. DHHL anticipates expending no more than 10 percent of its NHHHP budget on Native Hawaiian families eligible to reside on Hawaiian Home Lands between 81 and 100 percent of the area median income to fund homeownership counseling for those families who utilize non-NHHBG funds for homeowner financing. DHHL also anticipates expending no more than 10 percent of its NHHHP budget on Native Hawaiian families eligible to reside on Hawaiian Home Lands between 81 and 100 percent of the area median income who received NHHBG assistance to receive assistance with homeowner, hurricane, and/or flood insurance. DHHL understands that HUD approval must be received to serve households above 100 percent of area median income or to spend more than 10 percent of its NHHHP budget to assist households between 81 percent and 100 percent of area median income.

Native Hawaiian Housing Block Grant (NHHBG)

Exempt from OMB Approval. 5 CFR 1320.3 (c) (4)

U.S. Department of Housing and Urban Development

NHHP/APR

Office of Public and Indian Housing

Office of Native American Programs

(3) Anticipated Planning and Administration Expenses (NAHASDA § 802(d), 24 CFR § 1006.230)

Do you intend to exceed your allowable spending cap for Planning and Administration? Yes No

If yes, describe why the additional funds are needed for Planning and Administration.

(4) Actual Planning and Administration Expenses (NAHASDA § 802(d), 24 CFR § 1006.230)

Did you exceed your spending cap for Planning and Administration? Yes No

If yes, did you receive HUD approval to exceed your spending cap on Planning and Administration? Yes No

If you did not receive approval for exceeding your spending cap on Planning and Administration costs, describe the reason(s) for exceeding the cap.

SECTION 7: NATIVE HAWAIIAN HOUSING PLAN CERTIFICATION OF COMPLIANCE
(NAHASDA § 803(c)(2)(E))

By signing the NHHP, you certify that you have all required policies and procedures in place in order to operate any planned NHHBG programs.

- (1) In accordance with applicable statutes, the recipient certifies that it will comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) or with the Fair Housing Act (42 U.S.C. 3601 et seq.) in carrying out the NHHBG program, to the extent that such Acts are applicable, and other applicable federal statutes.

Yes No

The following certifications will only apply where applicable based on program activities.

- (2) The recipient will require adequate insurance coverage for housing units that are owned and operated or assisted with grant amounts provided under NAHASDA, in compliance with such requirements as may be established by HUD.

Yes No Not Applicable

- (3) Policies are in effect and are available for review by HUD and the public governing the eligibility, admission, and occupancy of families for housing assisted with grant amounts provided under NAHASDA.

Yes No Not Applicable

- (4) Policies are in effect and are available for review by HUD and the public governing rents charged, including the methods by which such rents or homebuyer payments are determined, for housing assisted with grant amounts provided under NAHASDA.

Yes No Not Applicable and

- (5) Policies are in effect and are available for review by HUD and the public governing the management and maintenance of housing assisted with grant amounts provided under NAHASDA.

Yes No Not Applicable

SECTION 8: SELF-MONITORING

(NAHASDA § 819(b), 24 CFR § 1006.401)

(1) Do you have a procedure and/or policy for self-monitoring?

Yes No

(2) Did you conduct self-monitoring, including monitoring sub-recipients?

Yes No

(3) Self-Monitoring Results. *(Describe the results of the monitoring activities, including inspections for this program year.):*

SECTION 9: INSPECTIONS

(NAHASDA § 819(b))

(1) **Inspection of Units** (Use the table below to record the results of inspections of assisted housing.)

(A)		(B)	Results of Inspections	
Activity		Total number of units inspected	(C)	
			Total number of units (Inventory)	
NAHASDA-Assisted Units: Running inventory as of Fiscal Year Beginning (July 1) a 12-month total.				
a.	New Construction Completed			
b.	Rehab/Repair Completed			
c.	Rental Assistance (if applicable)			
d.	Other			
Total				

(2) Did you comply with your inspection policy: Yes No:

(3) If no, why not:

SECTION 10: AUDITS

(24 CFR § 1006.375(d))

This section is used to indicate whether an audit is required in accordance with the Single Audit Act and 2 CFR part 200, subpart F, based on a review of your financial records.

Did you expend \$750,000 or more in total Federal awards during the APR reporting period?

Yes No

If Yes, an audit is required to be submitted to the Federal Audit Clearinghouse

If No, an audit is not required.

SECTION 11: PUBLIC AVAILABILITY

(NAHASDA § 820(d), 24 CFR § 1006.410(c))

(1) Did you make this APR available to the beneficiaries of the Hawaiian Homes Commission Act before it was submitted to HUD?

Check one: Yes No

(2) If you answered "No" to question #1, provide an explanation as to why not and indicate when you will do so.

(3) Summarize any comments received from the beneficiaries (NAHASDA § 820(d)(2)).

SECTION 12: JOBS SUPPORTED BY NAHASDA
 (NAHASDA § 820)

Use the table below to record the number of jobs supported with NHHBG funds each year (including DHHL staff, Subrecipient staff, Contractors, etc.).

Native Hawaiian Housing Block Grant Assistance (NHHBG)	
(1) Number of Permanent Jobs Supported	
(2) Number of Temporary Jobs Supported	

(3) Narrative (optional):

Section 3 of the HUD Act of 1968 Reporting Requirements:	
Reporting of Labor Hours for Section 3 Projects (Section 3 of the HUD Act of 1968) (24 CFR § 1006.375(e); § 75.25(a))	
(1) Total Number of Labor Hours Worked	
(2) Total Number of Labor Hours Worked by Section 3 Workers	
(3) Total Number of Labor Hours Worked by Targeted Section 3 Workers	

List Qualitative Efforts Made if Section 3 Benchmarks Are Not Met (24 CFR §§ 75.23, 75.25(b))	

SECTION 13: NHHP WAIVER REQUESTS

(NAHASDA § 802(b)(2), 24 CFR 1006.20(b))

THIS SECTION IS ONLY REQUIRED IF DHHL IS REQUESTING A WAIVER OF A NHHP SECTION. Fill out the form below if you are requesting a waiver of one or more sections of the NHHP. **NOTE:** This is NOT a waiver of the NHHBG program requirements but rather a request to waive some of the NHHP submission items because DHHL cannot comply due to circumstances beyond its control.

(1) List below the sections of the NHHP where you are requesting a waiver.
(List the requested waiver sections by name and section number):

(2) Describe the reasons that you are requesting this waiver *(Describe completely why you are unable to complete a particular section of the NHHP.):*

(3) Describe the actions you will take in order to ensure that you are able to submit a complete NHHP in the future. *(This section should completely describe the procedural, staffing or technical corrections that you will make in order to submit a complete NHHP in the future.):*

(4) Recipient:	
(5) Authorized Official's Name and Title:	
(6) Authorized Official's Signature:	
(7) Date (MM/DD/YYYY):	

SECTION 14: NHHP AMENDMENTS

(24 CFR § 1006.101(d))

Use this section for NHHP amendments only.

Fill out the text below to summarize your NHHP amendment. Copy and paste Section 14 for each amendment. This amendment is only required to be submitted to the HUD Office of Native American Programs when the recipient is adding a new activity that was not described in the current One-Year Plan that has been determined to be in compliance by HUD. All other amendments will be reflected in the APR and do not need to be submitted to HUD.

NOTE: A Cover Page is strongly recommended but not required with a NHHP Amendment submission.

APR: REPORTING ON PROGRAM YEAR PROGRESS (NAHASDA § 820(b))

Complete the shaded section of text below to describe your completed program tasks and actual results. Only report on activities completed during the 12-month fiscal year. Financial data should be presented using the same basis of accounting as the Schedule of Expenditures of Federal Awards (SEFA) in the annual audit. For unit accomplishments, only count units when the unit was completed and occupied during the year. For households, only count the household if it received the assistance during the previous 12-month fiscal year.

(1) Program Name and Unique Identifier:
(2) Program Description <i>(This should be the description of the planned program.):</i>
(3) Eligible Activity Number <i>(Select one activity from the Eligible Activities list in Section 3. Do not combine homeownership and rental housing in one activity, so that when units are reported in the APR they are correctly identified as homeownership or rental.):</i>

(4) Intended Outcome Number (Select one Outcome from the Outcome list in Section 3.):

Describe Other Intended Outcome (Only if you selected "Other" above.):

(5) Actual Outcome Number (Select one Outcome from the Outcome list in Section 3.):

Describe Other Actual Outcome (Only if you selected "Other" above.):

(6) Who Will Be Assisted (Describe the types of households that will be assisted under the program. Please note: assistance made available to families whose incomes exceed 80 percent of the median income should be included as a separate program within this Section.):

Low-income NH Households Non-low income NH Households Non-NH Households

(7). Types and Level of Assistance (Describe the types and the level of assistance that will be provided to each household, as applicable.):

(8). APR: (Describe the accomplishments for the APR in the 12-month fiscal year. In accordance with 24 CFR § 1006.410(b)(2) and (3), provide an analysis and explanation of cost overruns or high unit costs.):

(9). Planned and Actual Outputs for 12-Month Fiscal Year

Planned Number of Units to be Completed in Year Under this Program	Planned Number of Households To Be Served in Year Under this Program	Planned Number of Acres To Be Purchased in Year Under this Program	APR: Actual Number of Units Completed in Fiscal Year	APR: Actual Number of Households Served in Fiscal Year	APR: Actual Number of Acres Purchased in Fiscal Year

(10). APR: If the program is behind schedule, explain why. (24 CFR § 1006.410(b)(2))

(11) Amended Sources of Funding (NAHASDA § 803(c)(2)(C)(i)) (Complete the non-shaded portions of the chart below to describe your estimated or anticipated sources of funding for the 12-month fiscal year. **APR Actual Sources of Funding -- Please complete the shaded portions of the chart below to describe your actual funds received. Only report on funds actually received and under a grant agreement or other binding commitment during the 12-month fiscal year.**)

SOURCE	NHHF				APR						
	(A) Estimated amount on hand at beginning of fiscal year	(B) Estimated amount to be received during 12-month fiscal year	(C) Estimated total sources of funds (A + B)	(D) Estimated funds to be expended during 12-month fiscal year	(E) Estimated unexpended funds remaining at end of fiscal year (C minus D)	(F) Actual amount on hand at beginning of fiscal year	(G) Actual amount received during 12-month fiscal year	(H) Actual total sources of funding (F + G)	(I) Actual funds expended during 12-month fiscal year	(J) Actual unexpended funds remaining at end of 12-month fiscal year (H minus I)	(K) Actual unexpended funds obligated but not expended at end of 12-month fiscal year
6. NHHBG Funds											
7. NHHBG Program Income											
LEVERAGED FUNDS											
8. Other Federal Funds											
9. LIHTC											
10. Non-Federal Funds											
TOTAL											

Notes:

- a. For the NHHF, fill in columns A, B, C, D, and E (non-shaded columns). For the APR, fill in columns F, G, H, I, J, and K (shaded columns).
- b. Total of Column D should match the total of Column N from the Uses Table on the following page.
- c. Total of Column I should match the Total of Column Q from the Uses Table on the following page.

(13) Estimated Sources or Uses of Funding (NAHASDA § 803(c)(2)(C)). (Provide any additional information about the estimated sources or uses of funding, including leverage (if any). You must provide the relevant information for any planned loan repayment listed in the Uses Table on the previous page. The text must describe which specific loan is planned to be repaid and the NAHASDA-eligible activity and program associated with this loan):

(14) APR (NAHASDA § 820(b)(1)) (Enter any additional information about the actual sources or uses of funding, including leverage (if any). You must provide the relevant information for any actual loan repayment listed in the Uses Table on the previous page. The text must describe which loan was repaid and the NAHASDA-eligible activity and program associated with this loan.):

(15) Recipient:	
(16) Authorized Official's Name and Title:	
(17) Authorized Official's Signature:	I certify that all other sections of the NHHP approved on _____ are accurate and reflect the activities planned.
(18) Date (MM/DD/YYYY):	

Frequently Asked Questions (FAQ) Kupuna Rental Housing April 9, 2024



King Lunalilo Trust

1. What is this kupuna rental housing proposal?

King Lunalilo Trust (Lunalilo), with our developer Kalaniana'ole Development, wants to build 40 units of rental housing on the mauka portion of the Kūlana 'Ōiwi campus for DHHL beneficiaries 55 and older. Rent would be capped at 30% of the renter's household income if eligible under DHHL's NAHASDA rental assistance program.

2. Why build kupuna rental housing?

Native Hawaiian kūpuna are at the highest risk of houselessness. Many kūpuna on the DHHL waitlist will never be able to buy a homestead; some are houseless. Many kupuna who live in their own Hawaiian Homestead homes cannot take care of their houses anymore, and their houses are falling into disrepair. With kupuna rental housing, all of these kupuna can live with safety and dignity in a community where they can walk to visit their neighbors and where kupuna services can be brought to them.

3. Why is Lunalilo doing this?

Kūpuna are at the biggest risk of houselessness, and Lunalilo is working to be part of the solution. Lunalilo will develop and serve as property manager for kupuna rental housing, in partnership with the Kalama'ula Homesteaders Association. We will hire and train property management and maintenance staff from the local community. We will also work to bring kupuna-support services to campus. In addition, as we have done at Lunalilo Home, we will work hard to bring the larger community to campus and, where appropriate, help the resident kūpuna pass their *'ike* (knowledge) to the next generations.

4. What makes this different from other kupuna housing projects?

A distinctive feature of this project is the incorporation of *pewa* spaces on campus. In Hawaiian language and culture, *pewa* refers to butterfly patches used to mend cracked bowls and canoes. These *pewa* spaces will play a symbolic yet pivotal role in connecting, strengthening, and transferring essential Hawaiian traditions across generations, from storytelling (*mo'olelo*) and lauhala weaving, to mele (music), hula (dance), *la'au lapa'au* (traditional healing), and more.

5. Who will own this kupuna rental housing?

The land will always be owned by DHHL. As for the buildings, tax credit investors will own them for the first 15 years. During this time, Lunalilo will ensure compliance with tax credit and rental assistance rules and landlord-tenant laws, while also keeping the buildings maintained. Lunalilo will also establish an advisory arrangement with the Kalama'ula Homesteaders Association to ensure that the Kalama'ula kupuna housing is responsive to community concerns and needs. After the first 15 years, Lunalilo is proposing to jointly own the buildings with the Kalama'ula Homesteaders Association. Lunalilo will continue to be responsible for legal compliance and maintenance of the buildings, and the Homesteaders Association will help hold Lunalilo accountable – to ensure that this innovative kupuna housing campus is taken care of into perpetuity for the benefit of the kūpuna.

An aerial photograph of a rugged, forested mountain range. The mountains are dark green and brown, with deep valleys and ridges. In the foreground, a coastline is visible with a sandy beach and turquoise water. The sky is blue with scattered white clouds. The text is overlaid on the lower right portion of the image.

KALAMAULA LUNALILO HAWAIIAN HOMESTEAD KUPUNA HOUSING - MOLOKAI

612 Mauna Loa Hwy, Kaunakakai, HI

Kalaniana'ole Development

Summary of Archaeological Inventory Survey

50-60-06-1660

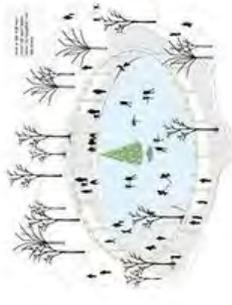
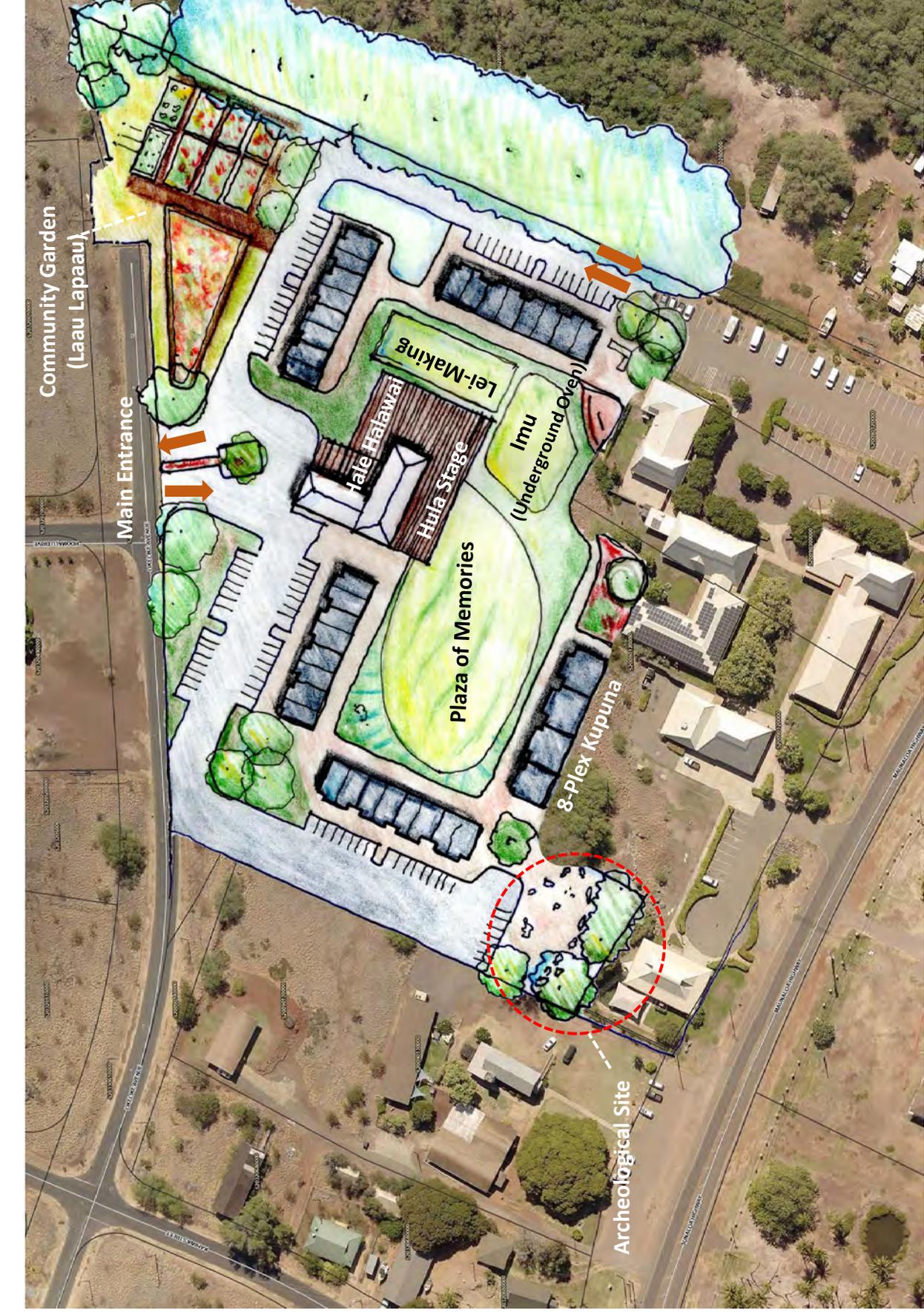
“It is recommended that the site be preserved for interpretive display.”

50-60-06-1661

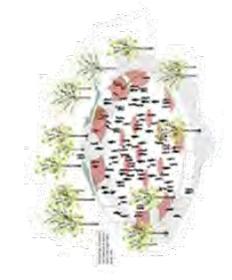
“It is recommended that a community history project be carried out to record the remembrances of the Molokai Kupuna, now in their 60s, who attended the old Kalunakakai School.”

“No human remains were found.”

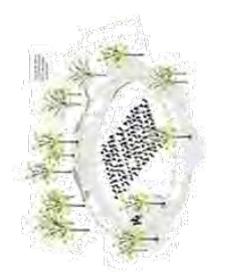




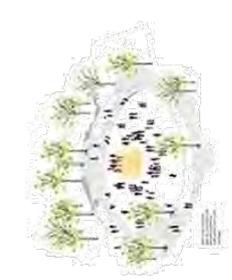
Recreations



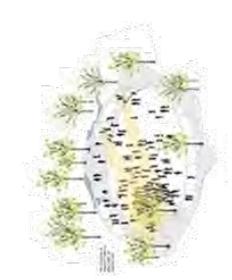
Local Market Day



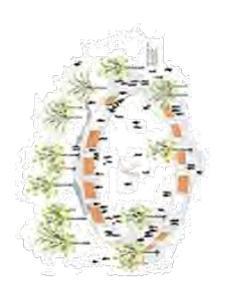
Village Fete



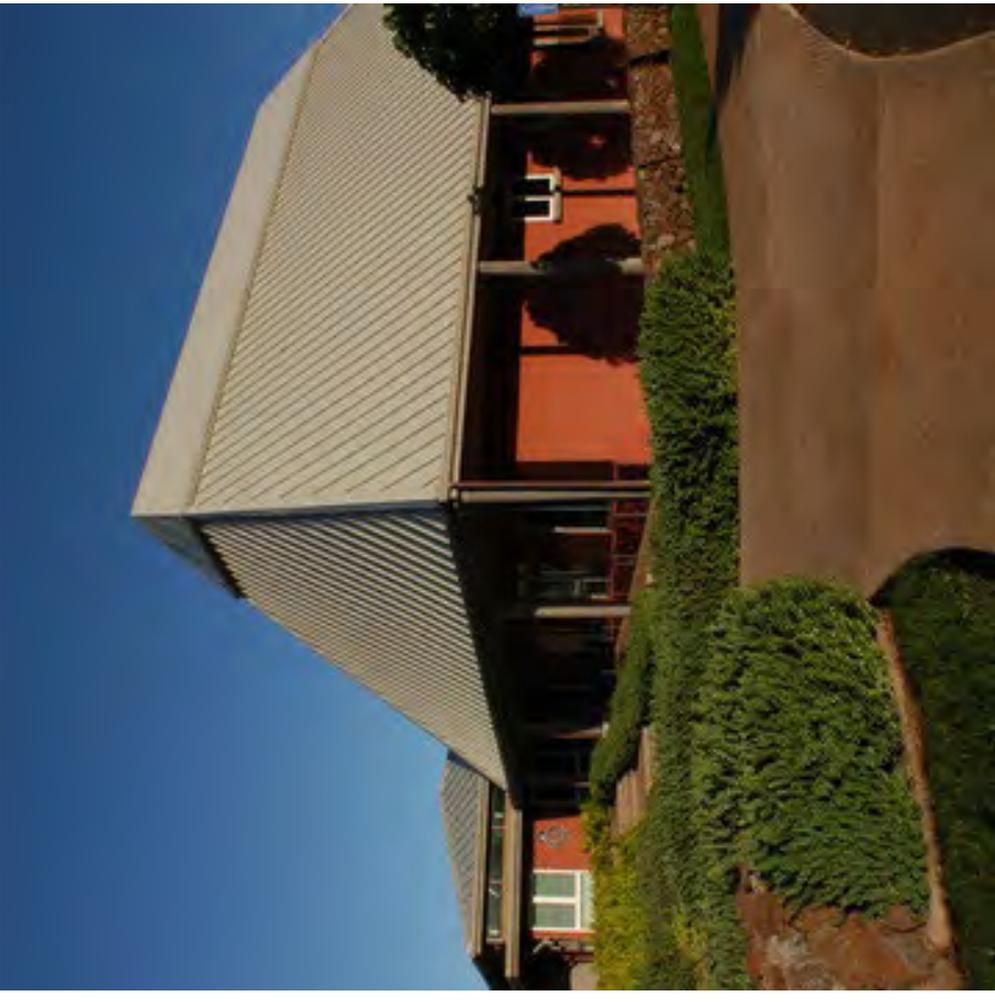
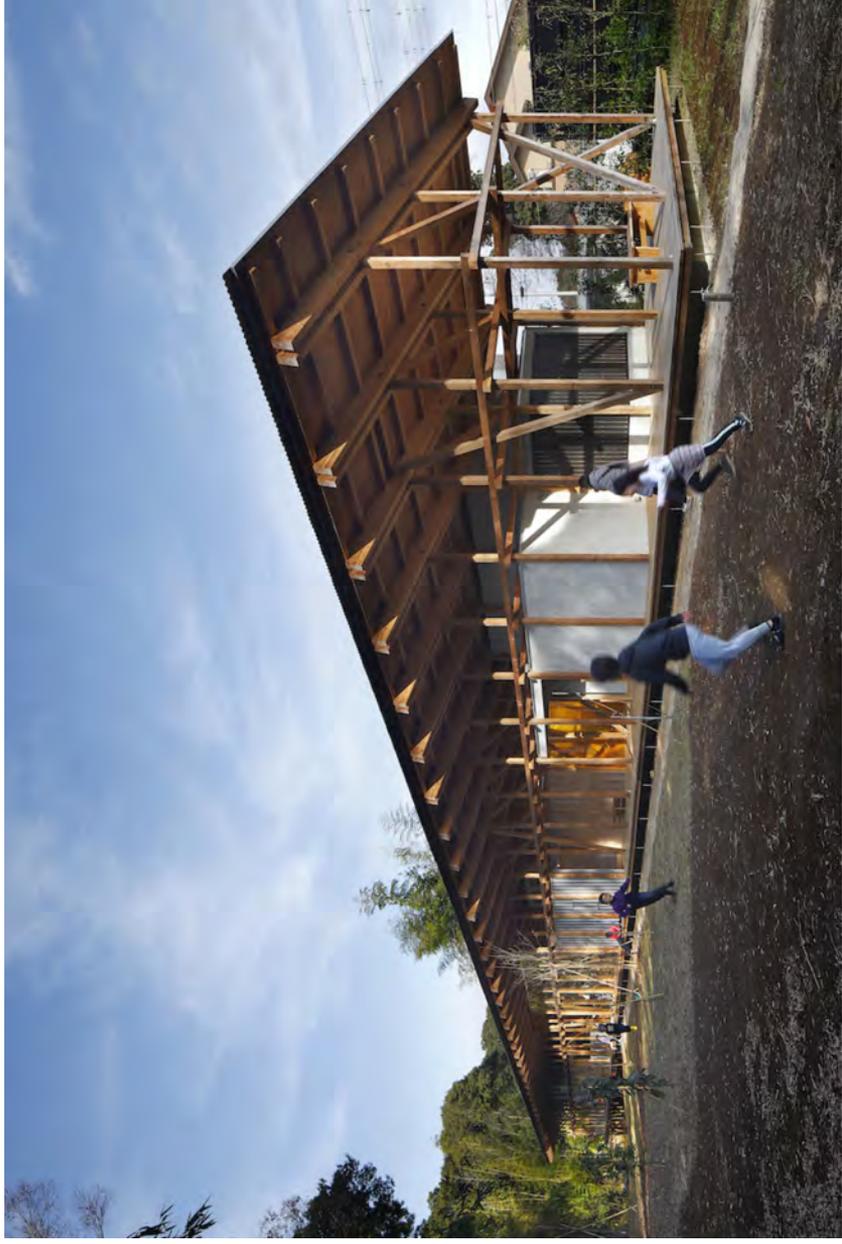
Bonfire



Concert



Exhibitions



Kulan 'Oiwi





STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2024 – April 23, 2024

To: Chairman and Members, Hawaiian Homes Commission
From: David Hoke, Administrator, Enforcement Unit
Subject: For Information Only – Monthly Enforcement Unit Efforts and Statistics (March 09, 2024 – April 14, 2024)

RECOMMENDED ACTIONS:

None. For information only.

DISCUSSION:

Requests for Investigations: 18

- Oahu: 12
- Maui: 2
- Kauai: 3
- East Hawaii: 0
- West Hawaii: 1
- Molokai: 0

Reports generated during window (to include follow-ups): 27

Total requests in calendar year: 47

Operations:

- Camp Faith (Kauai), Commissioner Kaneakua ride along (Oahu)

Beneficiary Engagement:

- SCHAA
- Ekklesia Neighborhood Security Watch (NSW)
- Kaupea Homestead Association and NSW
- Kanehili Homestead Association and NSW
- Princess Kahanu Estate Association
- Maku'u Farmers Association
- Keaukaha - Panaewa Farmers Association NSW
- Ahahui O Kauluokahai Association
- MAHA

Interagency Collaboration:

- Mitch Roth, Hawaii County Mayor
- DOT – Homeless Coordinator
- Federal Law Enforcement Agency – Confidential
- AG – Community and Crime Prevention Branch
- State of Hawaii Department of Land and Natural Resources (Maui)
- Family Life Center (Maui and Kauai)
- Coalition for a Drug Free Hawaii
- State of Hawaii Sheriffs
- County Police (HPD – D8 Narco/Vice, D8 Community Police, MPD – Community Police, KPD – Patrol, HCPD – Community Police, Narco/Vice, Criminal Intelligence Unit)

Pilot program update:

- Three new reports of organized criminal activity in the various homesteads that fall into the areas of the pilot program.
- Five reports have been submitted to HPD since pilot program began on January 1, 2024 and still pending a disposition from HPD.
- Per crimemapping.com as recommended by HPD, the following crimes were reported in the homesteads that fall into our pilot program but none of them appear to be organized criminal activity.
 - Nanakuli – Criminal Property Damage, Simple Assault, Identity Theft, Fraud, Motor Vehicle Theft
 - Waianae Valley – Vandalism, Motor Vehicle Theft x2
 - Kauluokahai – Criminal Property Damage, Motor Vehicle Theft
 - Kanehili – Simple Assault
 - Kaupea – Vandalism, Theft/Larceny
 - Maluohai – Aggravated Assault, Motor Vehicle Theft
 - Series Seven, Princess Kahanu Estate, Lualualei, Waianae Kai – None

HAWAIIAN HOMES COMMISSION
APRIL 22 & 23, 2024

D – ITEMS

HOMESTEAD SERVICES DIVISION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2024

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

RECOMMENDED MOTION/ACTION

NONE

DISCUSSION

The following reports are for information only:

Exhibit A: Homestead Lease & Application Totals and Monthly Activity Reports

Exhibit B: Delinquency Report

Exhibit C: DHHL Guarantees for FHA Construction Loans

April 22, 2024

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through March 31, 2024

	As of 2/29/24	Add	Cancel	As of 3/31/24
Residential	8,505	1	1	8,505
Agricultural	1,105	1	1	1,105
Pastoral	438	0	0	438
Total	10,048	2	2	10,048

The cumulative number of Converted Undivided Interest Lessees represents an increase of 570 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 2/29/24	Converted	Rescinded/ Surrendered/ Cancelled	As of 3/31/24
Undivided	744	6	0	738

Balance as of 3/31/2024

Awarded	1,434
Relocated to UNDV	7
Rescinded	123
Surrendered	6
Cancelled	4
Converted	<u>570</u>
Balance to Convert	738

Lease Report For the Month Ending March 31, 2024

	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	40	0	0	40	0	0	0	0	0	0	0	0	40	0	0	40
Kalawahine	90	0	0	90	0	0	0	0	0	0	0	0	90	0	0	90
Kanehili	399	0	0	399	0	0	0	0	0	0	0	0	399	0	0	399
Kapolei	173	0	0	173	0	0	0	0	0	0	0	0	173	0	0	173
Kauluokahai	154	0	0	154	0	0	0	0	0	0	0	0	154	0	0	154
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	1,045	0	0	1,045	0	0	0	0	0	0	0	0	1,045	0	0	1,045
Papakolea	64	0	0	64	0	0	0	0	0	0	0	0	64	0	0	64
Princess Kahanu Estates	268	0	0	268	0	0	0	0	0	0	0	0	268	0	0	268
Waiahole	0	0	0	0	17	0	1	16	0	0	0	0	17	0	1	16
Waianae	420	0	0	420	12	0	0	12	0	0	0	0	432	0	0	432
Waimanalo	713	0	0	713	2	0	0	2	0	0	0	0	715	0	0	715
TOTAL	4,380	0	0	4,380	61	0	1	60	0	0	0	0	4,441	0	1	4,440
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	100	0	0	100	100	0	0	100
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	100	0	0	100	1,425	0	0	1,425
EAST HAWAII																
Discovery Harbour	3	0	0	3	0	0	0	0	0	0	0	0	3	0	0	3
Kamaoa	0	0	0	0	0	0	0	0	25	0	0	25	25	0	0	25
Kaamana	47	0	0	47	0	0	0	0	0	0	0	0	47	0	0	47
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	13	0	0	13	275	1	0	276	0	0	0	0	288	1	0	289
Piihonua	17	0	0	17	0	0	0	0	0	0	0	0	17	0	0	17
Pueo	0	0	0	0	11	0	0	11	0	0	0	0	11	0	0	11
University Heights	4	0	0	4	0	0	0	0	0	0	0	0	4	0	0	4
Waiakea	283	0	0	283	0	0	0	0	0	0	0	0	283	0	0	283
TOTAL	842	0	0	842	406	1	0	407	25	0	0	25	1,273	1	0	1,274
WEST HAWAII																
Honokaia	0	0	0	0	0	0	0	0	24	0	0	24	24	0	0	24
Humuula	0	0	0	0	0	0	0	0	5	0	0	5	5	0	0	5
Kamoku	0	0	0	0	0	0	0	0	16	0	0	16	16	0	0	16
Kanihale	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	111	0	0	111	218	0	0	218	447	0	0	447
Puupulehu	33	0	0	33	0	0	0	0	0	0	0	0	33	0	0	33
TOTAL	871	0	0	871	111	0	0	111	285	0	0	285	1,267	0	0	1,267
KAUAI																
Anahola	550	1	1	550	46	0	0	46	0	0	0	0	596	1	1	596
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	714	1	1	714	46	0	0	46	1	0	0	1	761	1	1	761
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 Aii	27	0	0	27	0	0	0	0	0	0	0	0	27	0	0	27
TOTAL	393	0	0	393	417	0	0	417	27	0	0	27	837	0	0	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	8,505	1	1	8,505	1,105	1	1	1,105	438	0	0	438	10,048	2	2	10,048

**Statewide Lease Application and Applicant Totals
as of April 1, 2024**

ISLAND	AC	AREA / TYPE	3/1/2024			4/1/2024					
			TOTALS	ADDS	DELETES	TOTALS					
O'ahu	113	Nānākūli Res	153	2	2	153	0.98%	O'AHU APP TYPE TOTALS			
	123	Papakōlea / Kewalo Res	64	0	0	64	0.41%				
	133	Waimānalo Res	517	2	2	517	3.32%	<u>Agr</u>	<u>Pas</u>	<u>Res</u>	= 15,587
	143	Wai'ānae Res	135	0	0	135	0.87%	4,147	0	11,440	
	191	O'ahu Islandwide Agr	4,147	8	6	4,149	26.61%	26.61%	0.00%	73.39%	100.00%
	193	O'ahu Islandwide Res	10,571	16	11	10,576	67.82%				
	Total O'ahu Apps	15,587	28	21	15,594	100.00%					
Maui	213	Paukūkalo Res	50	2	2	50	0.53%	MAUI APP TYPE TOTALS			
	221	Kula Agr	4	0	0	4	0.04%				
	222	Kula Pas	3	0	0	3	0.03%	<u>Agr</u>	<u>Pas</u>	<u>Res</u>	= 9,404
	291	Maui Islandwide Agr	4,815	18	6	4,827	51.17%	4,819	622	3,963	
	292	Maui Islandwide Pas	619	3	1	621	6.58%	51.24%	6.61%	42.14%	100.00%
	293	Maui Islandwide Res	3,913	22	7	3,928	41.64%				
	Total Maui Apps	9,404	45	16	9,433	100.00%					
Hawaii	313	Keakaha / Waiākea Res	65	0	0	65	0.42%	HAWAII APP TYPE TOTALS			
	321	Pana'ewa Agr	13	0	0	13	0.08%				
	333	Kawaihae Res	16	1	1	16	0.10%	<u>Agr</u>	<u>Pas</u>	<u>Res</u>	= 15,482
	341	Waimea Agr	10	0	0	10	0.06%	7,407	2,023	6,052	
	342	Waimea Pas	46	0	0	46	0.30%	47.84%	13.07%	39.09%	100.00%
	343	Waimea Res	44	1	1	44	0.28%				
	391	Hawaii Islandwide Agr	7,384	15	11	7,388	47.69%				
	392	Hawaii Islandwide Pas	1,977	6	3	1,980	12.78%				
	393	Hawaii Islandwide Res	5,927	10	6	5,931	38.28%				
		Total Hawaii Apps	15,482	33	22	15,493	100.00%				
Kauai	511	Anahola Agr	3	0	0	3	0.07%	KAUAI APP TYPE TOTALS			
	512	Anahola Pas	20	0	0	20	0.45%				
	513	Anahola Res	40	0	0	40	0.91%	<u>Agr</u>	<u>Pas</u>	<u>Res</u>	= 4,391
	523	Kekaha Res	8	0	0	8	0.18%	2,314	342	1,735	
	532	Pu'u 'Ōpae Pas	7	0	0	7	0.16%	52.70%	7.79%	39.51%	100.00%
	591	Kauai Islandwide Agr	2,311	8	4	2,315	52.61%				
	592	Kauai Islandwide Pas	315	1	1	315	7.16%				
	593	Kauai Islandwide Res	1,687	8	3	1,692	38.45%				
		Total Kauai Apps	4,391	17	8	4,400	100.00%				
Moloka'i	613	Kalama'ula Res	3	0	0	3	0.14%	MOLOKA'I APP TYPE TOTALS			
	621	Ho'olehua Agr	17	0	0	17	0.79%				
	622	Ho'olehua Pas	1	1	1	1	0.05%	<u>Agr</u>	<u>Pas</u>	<u>Res</u>	= 2,161
	623	Ho'olehua Res	7	0	0	7	0.32%	1,139	202	820	
	633	Kapa'akea Res	6	0	0	6	0.28%	52.71%	9.35%	37.95%	100.00%
	643	One Ali'i Res	1	0	0	1	0.05%				
	691	Moloka'i Islandwide Agr	1,122	3	1	1,124	51.94%				
	692	Moloka'i Islandwide Pas	201	0	0	201	9.29%				
693	Moloka'i Islandwide Res	803	3	2	804	37.15%					
	Total Moloka'i Apps	2,161	7	4	2,164	100.00%					
Lana'i	713	Lāna'i Res	69	0	0	69	100.00%	LĀNA'I APP TYPE TOTALS			
		Total Lāna'i Apps	69	0	0	69	100.00%				
							<u>Agr</u>	<u>Pas</u>	<u>Res</u>	=	69
							0.00%	0.00%	100.00%		100.00%

3/1/2024	STATEWIDE TOTALS			4/1/2024	STATEWIDE APP TYPE TOTALS		
	Adds	Deletes	TOTALS		Agr	Pas	Res
47,094	130	71	47,153	19,826	3,189	24,079	

DHHL Applicant Summary as of April 1, 2024

Individuals with only RESIDENTIAL applications:	6,426	21.81%
Individuals with only AGRICULTURAL applications:	4,613	15.65%
Individuals with only PASTORAL applications:	749	2.54%
Individuals with RESIDENTIAL and AGRICULTURAL applications:	15,237	51.70%
Individuals with RESIDENTIAL and PASTORAL applications:	2,445	8.30%
	29,470	100.00%
*Total Number of DHHL APPLICANTS:	29,470	100.00%

* The number of applicants in each category is determined by a "unique identifier" (i.e., SSN) which ensures that each applicant is counted only once even if the individual holds the maximum two lease applications and appears twice on the DHHL waitlist.

DELINQUENCY REPORT - STATEWIDE

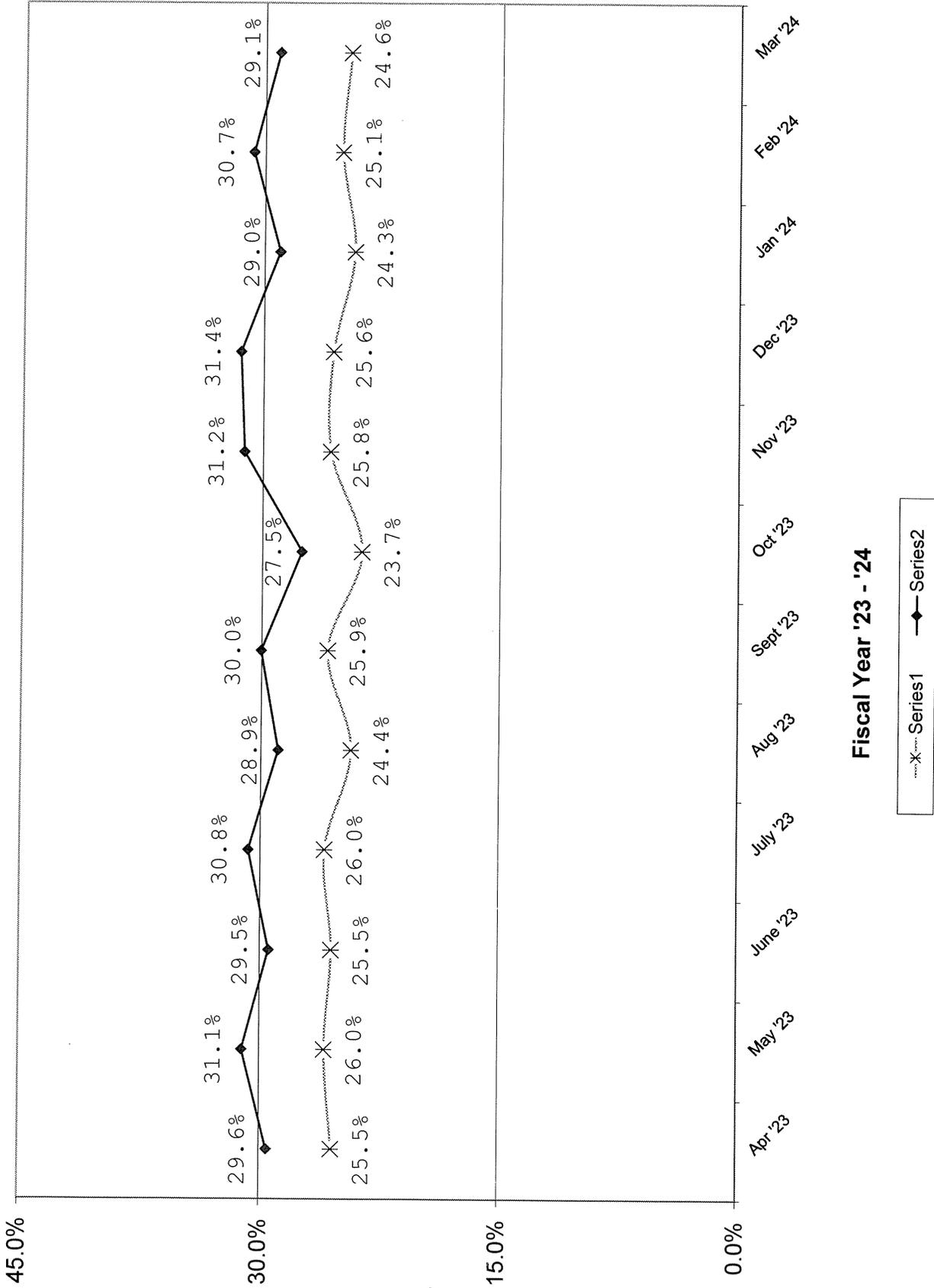
April 22, 2024
(\$Thousands)

DIRECT LOANS OAHU	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)		% of Totals 3/31/2024			
	No.	Amt. (000s)	No.	Amt. (000s)	No.	Amt. (000s)	No.	Amt. (000s)	No.	Amt. (000s)	No.	Amt. (000s)	No.	Amt. (000s)	No.	\$
EAST HAWAII	190	10,969	50	3,249	4	144	5	360	3	156	38	2,589	26.3%	29.6%	28.3%	29.1%
WEST HAWAII	77	8,005	6	585	4	313	0	0	0	0	2	272	7.8%	7.3%		
MOLOKAI	79	6,682	13	682	1	141	2	57	4	208	6	276	16.5%	10.2%		
KAUAI	94	8,128	13	837	6	308	2	185	0	0	5	344	13.8%	10.3%		
MAUI	111	15,114	35	5,035	4	262	2	234	9	1,420	20	3,118	31.5%	33.3%		
TOTAL DIRECT	919	84,909	221	20,876	39	2,859	18	1,772	30	3,081	134	13,163	24.0%	24.6%		
	100.0%	100.0%	24.0%	24.6%	4.2%	3.4%	2.0%	2.1%	3.3%	3.6%	14.6%	15.5%				
Advances (including RPT)	251	6,426	251	6,426	0	0	0	0	0	6,426	0	6,426	100%	100%		
DHHL LOANS & Advances	1,170	91,335	472	27,302	39	2,859	18	1,772	281	9,507	134	13,163	40.3%	29.9%		
LOAN GUARANTEES as of June 30, 2023																
SBA	2	67	0	0	0	0	0	0	0	0	0	0	0.0%	0.0%		
USDA-RD	274	35,831	43	6,613	0	0	0	0	43	6,613	0	0	15.7%	18.5%		
Habitat for Humanity	32	893	16	429	0	0	0	0	16	429	0	0	50.0%	48.0%		
Maui County	5	74	0	0	0	0	0	0	0	0	0	0	0.0%	0.0%		
Nanakuli NHS	1	7	1	7	0	0	0	0	1	7	0	0	100.0%	100.0%		
City & County	10	204	10	204	0	0	0	0	10	204	0	0	100.0%	100.0%		
FHA Interim	6	1,366	0	0	0	0	0	0	0	0	0	0	0.0%	0.0%		
OHA	1	6	1	6	0	0	0	0	1	6	0	0	100.0%	100.0%		
TOTAL GUARANTEE	331	38,448	71	7,259	0	0	0	0	71	7,259	0	7,259	21.5%	18.9%		
PMI Loans	118	15,824	9	1,110	5	441	2	281	2	388	0	0	7.6%	7.0%		
HUD REASSIGNED for Recovery	119	12,058	95	10,661	1	58	2	123	4	218	88	10,262	79.8%	88.4%		
FHA Insured Loans	2,929	535,592	208	33,314	0	0	0	0	208	33,314	0	0	7.1%	6.2%		
TOTAL INS. LOANS	3,166	563,474	312	45,085	6	499	4	404	214	33,920	88	10,262	9.9%	8.0%		
OVERALL TOTALS(EXC Adv/RPT's)	4,416	686,831	604	73,220	45	3,358	22	2,177	315	44,260	222	23,425	13.7%	10.7%		
ADJUSTED TOTALS	4,667	693,257	855	79,646	45	3,358	22	2,177	566	50,686	222	23,425	13.7%	11.5%		

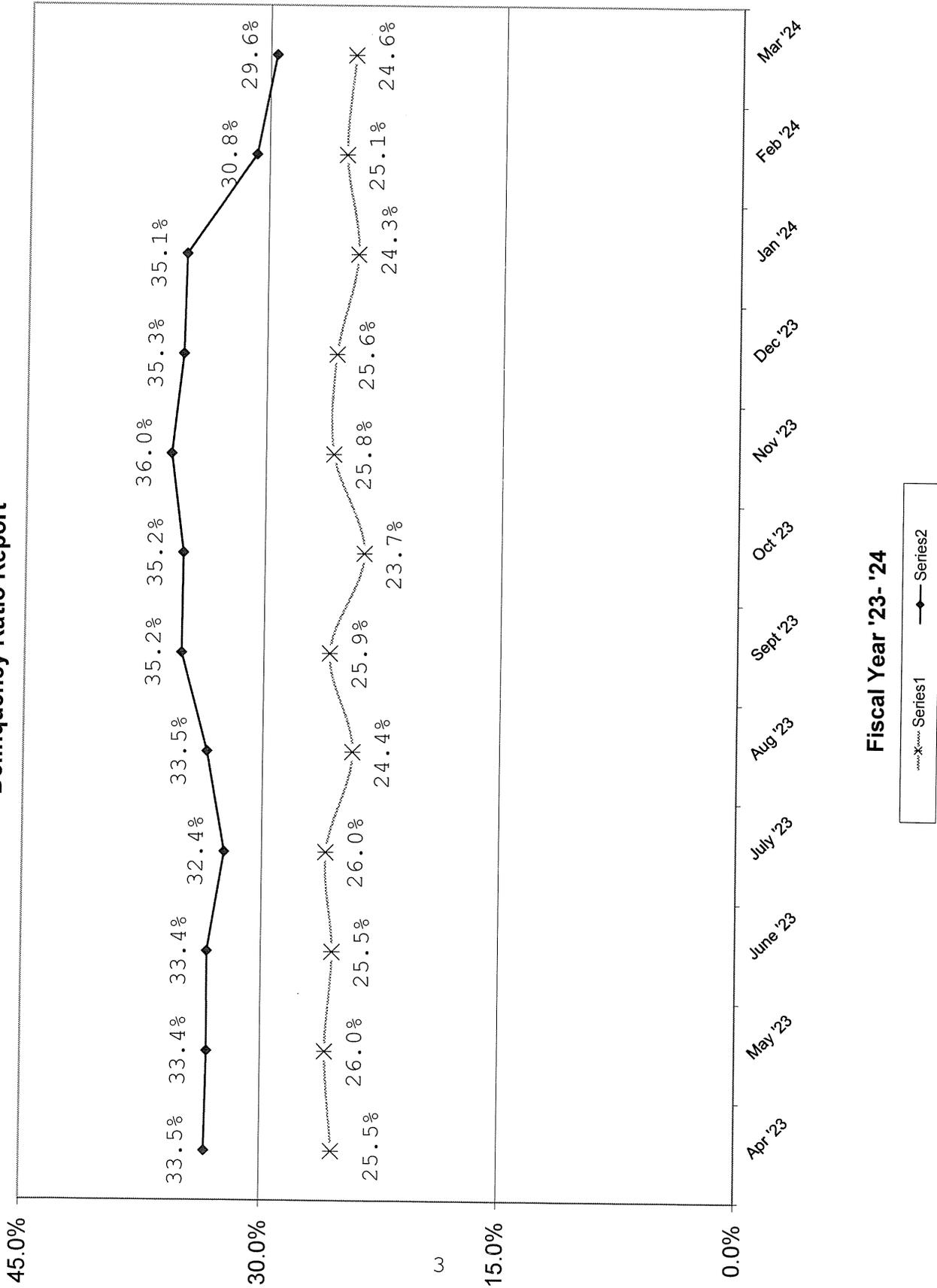
Note: HUD 184A loan program has 666 loans, with a total outstanding principal balance of \$128,639,724 as of June 30, 2023. 53 Loans, totaling \$5,837,337 are delinquent.

The deferred interest for 448 loans comes out to \$1,937,293.72 as of 3/31/2024.

OAHU
Direct Loans
Delinquency Ratio Report



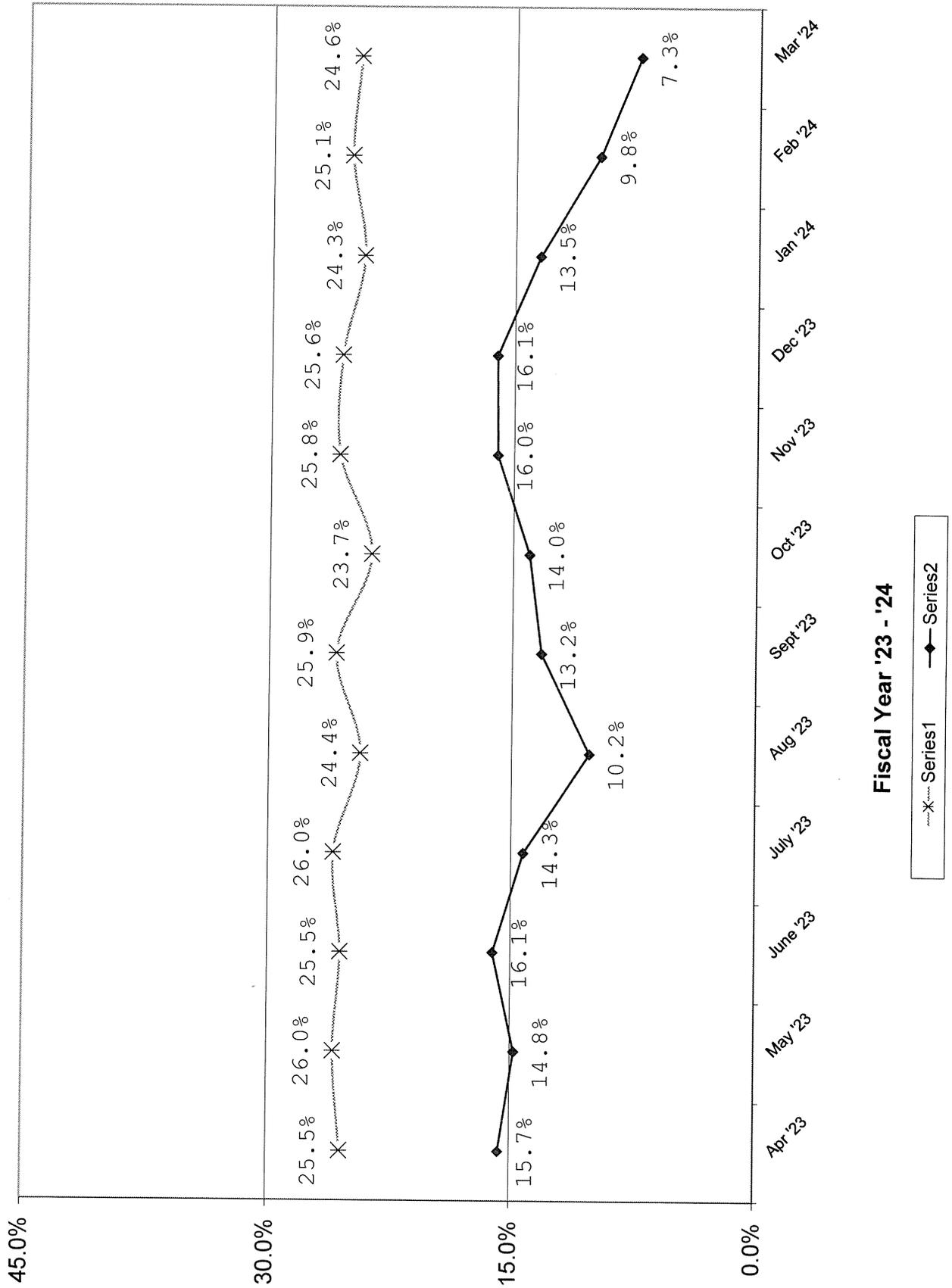
**EAST HAWAII
Direct Loans
Delinquency Ratio Report**



Fiscal Year '23- '24

x..... Series1 ◆—— Series2

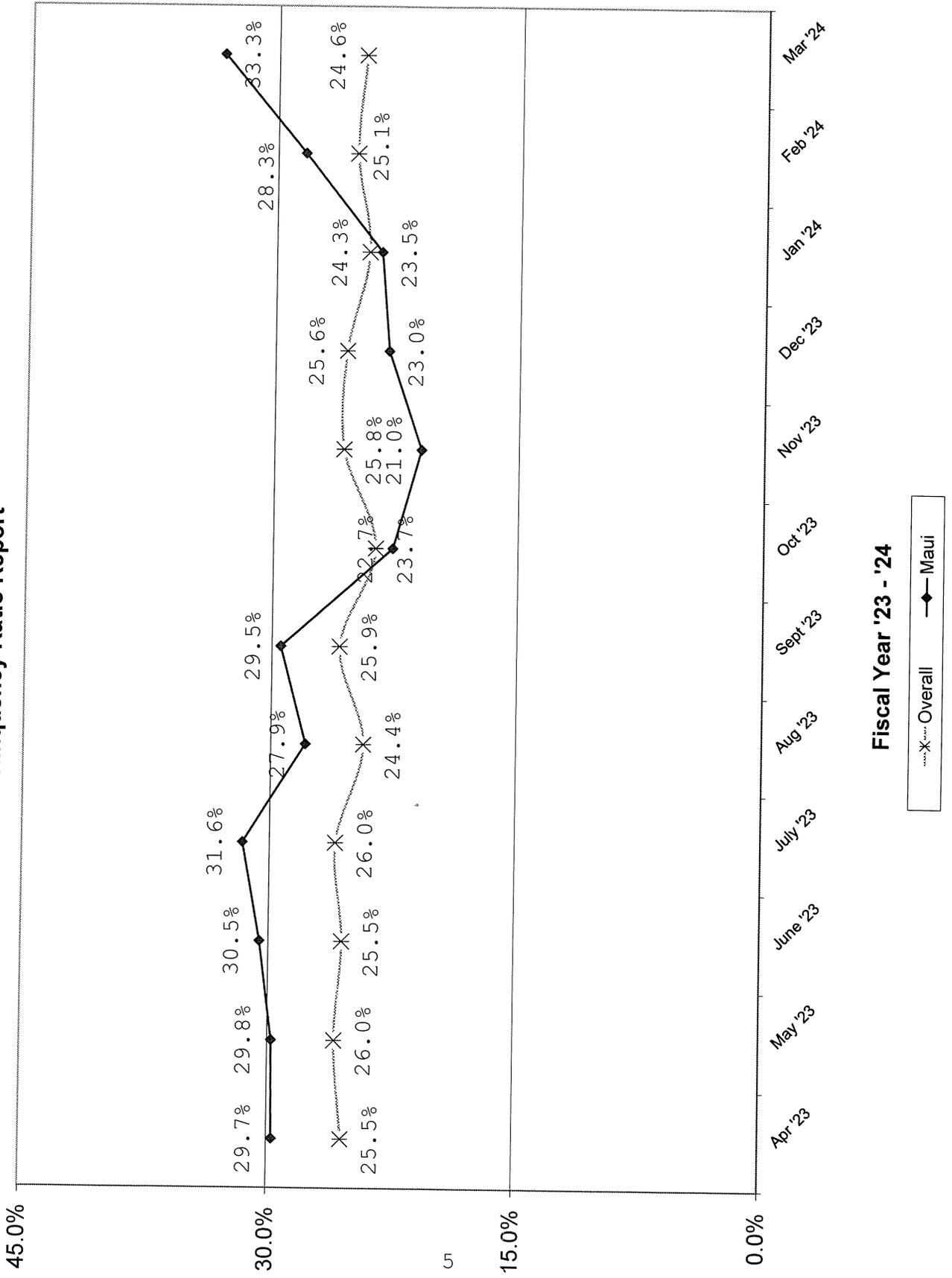
**WEST HAWAII
Direct Loans
Delinquency Ratio Report**



Fiscal Year '23 - '24

Series1 Series2

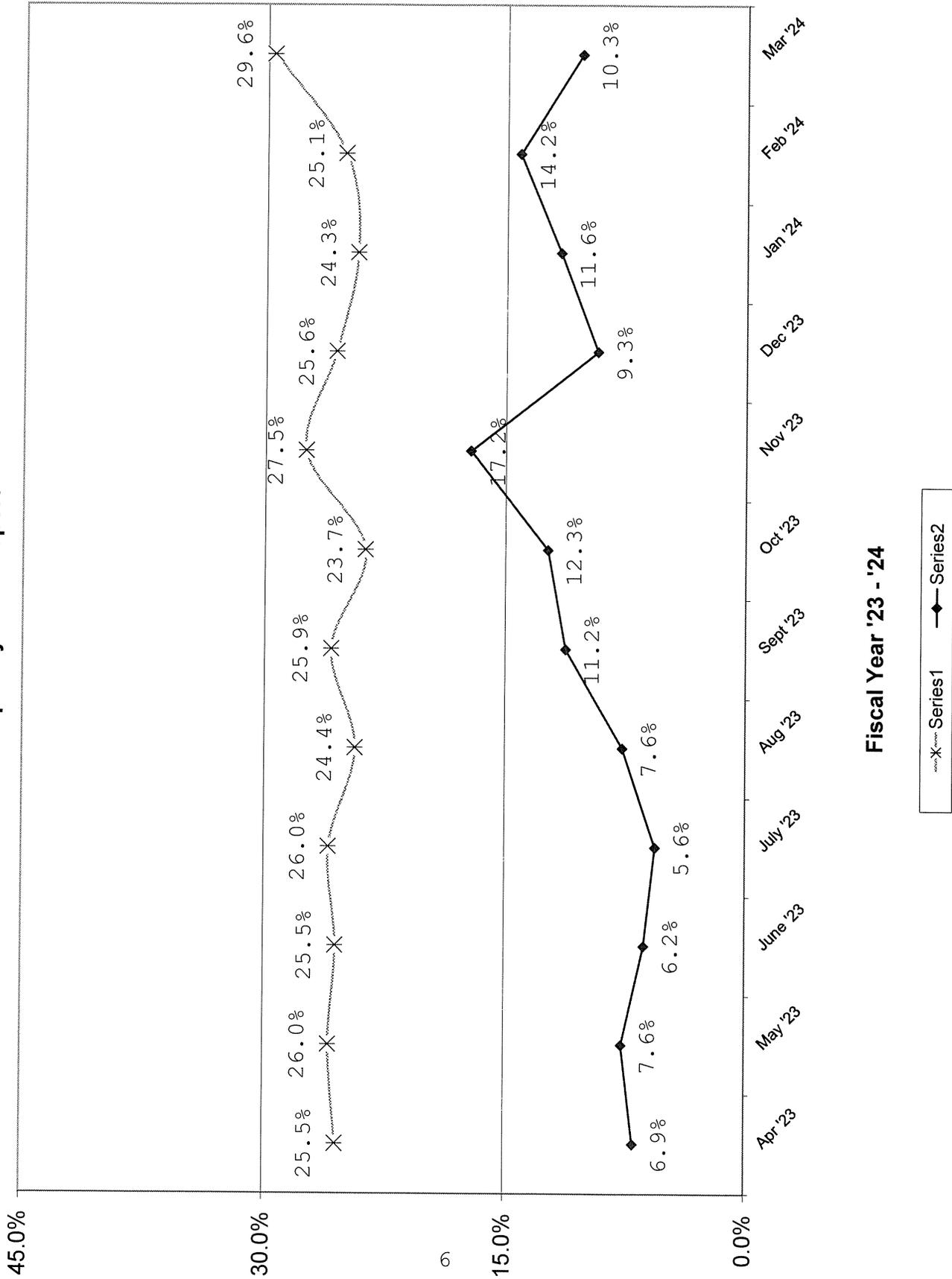
MAUI
Direct Loans
Delinquency Ratio Report



Fiscal Year '23 - '24

.....X..... Overall —◆— Maui

KAUAI
Direct Loans
Delinquency Ratio Report



Fiscal Year '23 - '24

Series 1 Series 2

April 22, 2024

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

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

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

<u>LEASE NO.</u>	<u>AREA</u>	<u>LESSEE</u>	<u>Loan Amount</u>	<u>Date Approved</u>
11144	Anahola	Naihe, Mahiai	\$276,650	3/12/24

	<u>No.</u>	<u>Balance</u>
FY Ending 6/30/23	5	\$ 1,681,571
Previous Months	7	\$ 2,653,823
This Month	<u>1</u>	276,650
FY '23-'24 to date	8	\$ 2,930,473

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2024

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>			
Kanehili Lease No. 11669 TMK: 1-9-1-153:001	SILVA, Royce K. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 600,000
Kanehili Lease No. 11690 TMK: 1-9-1-153:071	KALUA, Leinna K. (Purchase)FHA	SecurityNat- ional Mortg- age Co.	\$ 650,140
Princess Kahanu Estates Lease No. 8462 TMK: 1-8-7-042:089	KAWAI, Kanoa (Purchase)VA	Department of Veterans Affairs	\$ 310,000

OAHU

Kanehili
Lease No. 11685
TMK: 1-9-1-153:020

KAMAKA,
Lloyd B., Jr.
(Purchase) FHA

SecurityNational Mortgage Co. \$ 550,000

Waimanalo
Lease No. 2528
TMK: 1-4-1-020-017

PIZARRO,
Lorraine U. (Cash
Out Refi) FHA

HighTechLending Inc. \$ 259,500

Princess Kahanu Estates
Lease No. 4631
TMK: 1-8-7-042:148

WOLCOTT,
Mareko M. T.
(Purchase) FHA

SecurityNational Mortgage Co. \$ 485,809

MAUI

Waiohuli
Lease No. 10462
TMK: 2-2-2-033:065

GABIN,
Stanley J.
(Construction) VA

Department of Veterans Affairs \$ 415,000

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

HOOPAI,
Noah I.
(Purchase) FHA

loanDepot.com, LLC \$ 650,000

Waiohuli
Lease No. 10350
TMK: 2-2-2-034:011

KANE,
Donald R.
(Construction) VA

Department of Veterans Affairs \$ 470,000

KAUAI

Anahola
Lease No. 3676
TMK: 4-4-8-015:045

KAUVAKA, Ema I. &
KAUVAKA, Sela L.
(Purchase) FHA

SecurityNational Mortgage Co. \$ 375,626

HAWAII

Piihonua
Lease No. 10939
TMK: 3-2-3-025:073

AUGUSTIN,
Rodney D. C.
(Rate/Term Refinance) VA

Department of Veterans Affairs \$ 115,000

ITEM NO. D-2

<u>RECAP</u>	<u>NO.</u>	<u>FHA</u> <u>AMOUNT</u>	<u>NO.</u>	<u>VA</u> <u>AMOUNT</u>
FY Ending 6/30/23	167	\$ 58,188,156	9	\$ 2,325,526
Prior Months	70	\$ 24,370,139	17	\$ 4,861,432
This Month	6	2,971,075	4	1,310,000
Total FY '23-'24	<u>76</u>	<u>\$ 27,341,214</u>	<u>21</u>	<u>\$ 6,171,432</u>

		<u>HUD 184A</u> <u>AMOUNT</u>		<u>USDA-RD</u> <u>AMOUNT</u>
FY Ending 6/30/23	23	\$ 8,018,714	3	\$ 1,081,858
Prior Months	11	\$ 4,314,790	1	\$ 202,000
This Month	1	600,000	0	0
Total FY '23-'24	<u>12</u>	<u>\$ 4,914,790</u>	<u>1</u>	<u>\$ 202,000</u>

ITEM NO. D-2

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2024

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator
Homestead Services Division

FROM: Dean Oshiro, Loan Services Branch Manager

SUBJECT: **Ratification of Loan Approvals**

RECOMMENDED MOTION/ACTION

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

<u>LESSEE</u>	<u>LEASE NO. & AREA</u>	<u>LOAN TERMS</u>
Garrett, Bernadette P.H. 7791, Waimanalo		NTE \$63,000 @4% interest per annum, NTE \$301 monthly, repayable over 30 years.

Loan Purpose: Refinance Contract of Loan No. 18032. Original loan amount of \$84,509 @6% interest per annum, \$507 monthly, repayable over 30 years. A Contested Case Hearing was not held for this account.

<u>REFINANCE</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	14	\$ 1,732,825
Prior Months	8	552,400
This Month	<u>1</u>	<u>63,000</u>
Total FY '23-'24	9	\$ 615,400

<u>REPAIR</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	0	\$ -0-

<u>HOME CONSTRUCTION</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	3	\$ 1,028,750
Prior Months	3	1,205,825
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	3	\$ 1,205,825

<u>FARM</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	0	\$ -0-
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	0	\$ -0-

<u>TRANSFER WITH LOAN</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	1	\$ 143,000
Prior Months	0	-0-
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	0	\$ -0-

<u>AWARD</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	3	\$ 524,500
Prior Months	3	729,000
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	3	\$ 729,000

<u>OTHER</u>	<u>NO.</u>	<u>LOAN AMOUNT</u>
FY Ending 6/30/23	0	\$ -0-
Prior Months	1	10,000
This Month	<u>0</u>	<u>-0-</u>
Total FY '23-'24	1	\$ 10,000

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2024

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

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

DAVIDSON, Elijah M.	06/07/2022	HAWAII	RES	02/01/2024
KEAHI, Joanna M.	07/16/2014	KAUAI	RES	02/08/2024

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

ROLAFF, Marvallie J.N.	08/11/2005	OAHU	RES	12/05/2023
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HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

KASSEBEER, Sherry Sierra K.	05/04/2018	OAHU	AGR	02/13/2024
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KASSEBEER, Sherry Sierra K.	05/04/2018	OAHU	RES	02/13/2024
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SALE, Robert J.

Succeeded to Oahu Islandwide Residential application of Sibling, Randall Sale dated 10/06/2000. Remove application dated 03/28/2007.

WHITE, Francine H.

Succeeded to Oahu Islandwide Residential application of Parent, Antoinette N. White dated 06/15/1999. Remove application dated 11/14/2011.

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

HAOLE-KEAHI, Carlene K.

Succeeded to Maui Islandwide Agricultural application of Uncle, Robert Kepu Keahi dated 09/19/2005. Remove application dated 06/30/2021.

KEAHI, William Halona

Succeeded to Maui Islandwide Pastoral application of Parent, Ruth K. Keahi dated 03/03/2005. Remove application dated 09/07/2004.

KUAANA, Tonya U.

Succeeded to Maui Islandwide Agricultural application of Parent, Evelyn A. Erickson dated 02/23/1987. Remove application dated 02/15/2006.

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

HAOLE-KEAHI, Carlene K.

Succeeded to Maui Islandwide Residential application of Uncle, Robert Kepu Keahi dated 09/19/2005. Remove application dated 06/30/2021.

KUAANA, Tonya U.

Succeeded to Maui Islandwide Residential application of Parent, Evelyn A. Erickson dated 02/23/1987. Remove application dated 08/14/1998.

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

MORIKAWA-SOUZA, Wendy K.

Succeeded to Kauai Islandwide Agricultural application of Sibling, Cathy M. Simao dated 05/07/1986. Remove application dated 03/31/2008.

KAUAI ISLANDWIDE PASTORAL LEASE LIST

ANDRADE, Sean M.

Succeeded to Puu Opae Area / Kauai Islandwide Pastoral application of Uncle, Gilroy Yorkman dated 03/11/1971. Remove application dated 08/08/2017.

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

ANDRADE, Sean M.

Succeeded to Kauai Islandwide Residential application of Uncle, Gilroy Yorkman dated 06/08/2011. Remove application dated 08/08/2017.

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL

Last Month's Transaction Total	12
Last Month's Cumulative FY 2023-2024 Transaction Total	338
Transfers from Island to Island	5
Deceased	1
Cancellations:	
Awards of Leases	3
NHQ	0
Voluntary Cancellations	2
Successorship	14
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	25
This Month's Cumulative FY 2023-2024 Transaction Total	363

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2024

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 March 2024**

RECOMMENDED MOTION/ACTION

To approve the certification of applications of qualified applicants for the month of March 2024. 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

AH QUIN, Dayton K.	09/26/2023
AH QUIN, Oran I.	09/26/2023
IRVINE-HALAMA, Tiffany K.K.	09/27/2023

CHANG, Darryl Y.C.	12/04/2023
KAHELE, Linda K.	12/06/2023
HORSWILL, Adam K.	12/15/2023
HORSWILL, Akamu K.	12/15/2023
HORSWILL, Ken-Adam K.	12/26/2023
HOVEY, Chasity K.	12/28/2023
MAIAVA, Benjaline	01/26/2024
MAKANEOLE, Iakona L.K.	02/01/2024
MAKANEOLE, Kaulupali K.	02/01/2024
KALUNA, Denise H.K.	02/09/2024
KALUNA, Siah G.A.	02/09/2024
KEALOHANUI, Desiree T.M.	02/09/2024

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

AIWOHI RAYNO, Kimberly K.	09/22/2023
AH QUIN, Dayton K.	09/26/2023
AH QUIN, Oran I.	09/26/2023
DANA, Kenzli J.L.	09/26/2023
IRVINE-HALAMA, Tiffany K.K.	09/27/2023
NAHULU, Almoku L.	09/27/2023
PURDY, Leimana K.	12/04/2023
CHANG, Darryl Y.C.	12/04/2023
LEVY, Barry L.	12/05/2023
CAMPBELL, Patrick H.	12/07/2023
BELL, Theresa L.	12/15/2023

HORSWILL, Adam K.	12/15/2023
HORSWILL, Akamu K.	12/15/2023
BRIGHT, Keola K.	12/18/2023
POOMAIHEALANI, Johnnese H.	12/21/2023
HORSWILL, Ken-Adam K.	12/26/2023
AEA, Darcy P.	12/27/2023
HOVEY, Chasity K.	12/28/2023
MAIAVA, Benjaline	01/26/2024
LOPES, Chalei K.	02/01/2024
MAKANEOLE, Iakona L.K.	02/01/2024
MAKANEOLE, Kaulupali K.	02/01/2024
KALUNA, Denise H.K.	02/09/2024
KALUNA, Siah G.A.	02/09/2024
KEALOHANUI, Desiree T.M.	02/09/2024
NAMUO, Stephen Richard P.	02/09/2024

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

PURDY, Leimana K.	12/04/2023
QUICK, Helene K.	12/18/2023
JOHNSON, Koanui P.J.	01/17/2024
MAKUA, Damen B.K.	02/01/2024

MAUI ISLANDWIDE PASTORAL LEASE LIST

ORNELLAS, Taiana-Ulalia K.	12/04/2023
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

ORNELLAS, Taiana-Ulalia K.	12/04/2023
KAHELE, Linda K.	12/06/2023
JOHNSON, Koanui P.J.	01/17/2024
MAKUA, Damen B.K.	02/01/2024

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

AIWOHI RAYNO, Kimberly K.	09/22/2023
NAHULU, Almoku L.	09/27/2023
AKEO, Sharline K.	12/05/2023
AUNA, Aley K., Jr.	01/23/2024
MIRANDA, James K.	01/23/2024
DAVIDSON, Nichole M.	02/01/2024
DELARIES, Casey I.	02/01/2024
NAMUO, Stephen Richard P.	02/09/2024
DOWSETT, Audrey P.	02/13/2024

HAWAII ISLANDWIDE PASTORAL LEASE LIST

HORSWILL, Keith-Adam K.K.	12/26/2023
GRACE, Henrilyn M.	12/29/2023
KUPIHE, Walter O., Jr.	02/02/2024

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

AKEO, Sharline K.	12/05/2023
HORSWILL, Keith-Adam K.K.	12/26/2023
JEREMIAH, Stephen T.	12/28/2023
GRACE, Henrilyn M.	12/29/2023

AH MOW, Walter K., IV	01/03/2024
AUNA, Aley K., Jr.	01/23/2024
MARROTTE, May K.	01/30/2024
DELARIES, Casey I.	02/01/2024
KUPIHE, Walter O., Jr.	02/02/2024

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

AEA, Darcy P.	12/27/2023
NIAU, Lincoln K.	01/24/2024

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

NIAU, Lincoln K.	01/24/2024
ALQUIZA, Oddetta K.	01/29/2024

Previous Cumulative Total for Current FY	364
Current Month's Total	75
Fiscal Year Total: July 2023-June 2024	439

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2024

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 November 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: Date of death: Successor to app rights: Relationship to decedent: Island: Type: Date of Application: Date of Public Notice:	Antoinette N. White July 16, 2020 Francine H. White Child Oahu Islandwide Agricultural June 15, 1999 November 2022
1b.	Island: Type: Date of Application:	Oahu Islandwide Residential June 15, 1999
2.	Deceased Applicant: Date of death: Successor to app rights: Relationship to decedent: Island: Type: Date of Application: Date of Public Notice:	Jacob K. Kalahiki February 21, 2022 Samuel Kalahiki Jr. Sibling Maui Islandwide Residential September 11, 1990 November 2022
3a.	Deceased Applicant: Date of death: Successor to app rights: Relationship to decedent: Island: Type: Date of Application: Date of Public Notice:	Robert Kepu Keahi August 04, 2013 Carlene K. Haole-Keahi Niece Maui Islandwide Agricultural September 19, 2005 November 2022
3b.	Island: Type: Date of Application:	Maui Islandwide Residential September 19, 2005
4.	Deceased Applicant: Date of death: Successor to app rights: Relationship to decedent: Island: Type: Date of Application: Date of Public Notice:	Cathy M. Simao December 16, 2021 Wendy K. Morikawa-Souza Sibling Kauai Islandwide Agricultural May 07, 1986 November 2022

Previous Cumulative Total for Current FY	47
Current Month's Total	6
Fiscal Year Total: July 2023-June 2024	53

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2024

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator
Homestead Services Division

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

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

RECOMMENDED MOTION/ACTION

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

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

DISCUSSION

Twelve (12) assignments of lease.

1. Lessee Name: Lurline M. Aila Sanborn
Agr. Lease No. 6677, Lot No. B
Lease Date: 8/28/2003
Area: Waianae, Oahu
Property Sold & Amount: Yes, \$300,000.00
Improvements: 4 bedroom, 2 bath dwelling

Transferee Name: Barnabas T. S. Sotelo, Jr.
Relationship: Grandson
Loan Assumption: No
Applicant: No

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

2. Lessee Name: Tessa Marie A. Akao
Res. Lease No. 13028, Lot No. 143-B
Lease Date: To be determined
Area: Keaukaha, Hawaii
Property Sold & Amount: Yes, \$121,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Bishop J. Akao
Relationship: Son
Loan Assumption: No
Applicant: No

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

3. Lessee Name: Ruth K. Collins
Res. Lease No. 4503, Lot No. 140-A
Lease Date: 11/25/1977
Area: Nanakuli, Oahu
Property Sold & Amount: Yes, \$300,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Keith G. K. Kekauoha
Relationship: None
Loan Assumption: No
Applicant: No

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

4. Lessee Name: Keith G. K. Kekauoha
Res. Lease No. 12794, Lot No. 13807
Lease Date: 7/14/2017
Area: Maluohai, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Jake M. Kekauoha & Bree K. Kekauoha
Relationship: Son & Daughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

5. Lessee Name: Louis Greenleaf, III
Res. Lease No. 3016, Lot No. 7
Lease Date: 7/27/1956
Area: Kapaakea, Molokai
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Johnathan O. Kauwenaole
Relationship: Nephew
Loan Assumption: No
Applicant: Yes, Molokai IW Res., 1/15/2020

Reason for Transfer: "I want my grandnephew Johnathan Kauwenaole, Jr. to succeed. So I am transferring lease to his father Johnathan Kauwenaole."

6. Lessee Name: Harrilyn S. K. Hindle
Res. Lease No. 5758, Lot No. 11
Lease Date: 2/28/1996
Area: Hoolehua, Molokai
Property Sold & Amount: Yes, \$385,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Leighton N. Pang Kee
Relationship: None
Loan Assumption: No
Applicant: Yes, Hawaii IW Res., 3/28/2012

Reason for Transfer: "I don't live on island." Special Condition: Transferee to obtain funds to pay purchase price. See simultaneous transfer below.

7. Lessee Name: Leighton N. Pang Kee
Res. Lease No. 5758, Lot No. 11
Lease Date: 2/28/1996
Area: Hoolehua, Molokai
Property Sold & Amount: Yes, \$385,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Nohea M. Pang Kee
Relationship: Son
Loan Assumption: No
Applicant: No

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

8. Lessee Name: Angel K. N. Morales
Res. Lease No. 5565, Lot No. 149
Lease Date: 6/3/1985
Area: Lualualei, Oahu
Property Sold & Amount: Yes, \$164,273.00
Improvements: 3 bedroom, 1-1/2 bath dwelling
- Transferee Name: Robert J. K. Irvine-Niau
Relationship: Son
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Giving lease to relative." Special
Condition: Transferee to obtain funds to pay purchase price.
9. Lessee Name: Vernon G. DeMello
Pas. Lease No. 5039, Lot No. 149 & 150
Lease Date: 9/1/1980
Area: Hoolehua, Molokai
Property Sold & Amount: No, N/A
Improvements: None
- Transferee Name: Davidette K. Pa-Kala
Relationship: None
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Giving lease to friend." See
simultaneous transfer below.
10. Lessee Name: Davidette K. Pa-Kala
Pas. Lease No. 5039, Lot No. 149 & 150
Lease Date: 9/1/1980
Area: Hoolehua, Molokai
Property Sold & Amount: No, N/A
Improvements: None
- Transferee Name: Meleana K. P. Pa-Kala
Relationship: Daughter
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Giving lease to relative."

11. Lessee Name: Winnifred K. Lopez
Res. Lease No. 5838, Lot No. 12
Lease Date: 8/1/1985
Area: Kalamaula, Molokai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Celestino K. Lopez
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

12. Lessee Name: Harvey H. Makekau
Res. Lease No. 6104, Lot No. 88
Lease Date: 10/1/1985
Area: Kalamaula, Molokai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Lacey N. K. Santiago
Relationship: Cousin
Loan Assumption: No
Applicant: Yes, Molokai IW Res., 8/08/2022

Reason for Transfer: "Giving lease to relative."

Assignments for the Month of April `24	12
Previous FY '23 - '24 balance	<u>59</u>
FY '23 - '24 total to date	71
Assignments for FY '22 - '23	179

3. Lessee: Harvey H. Makekau
 Res. Lease No.: 6104
 Lot No., Area, Island: 88, Kalamaula, Molokai
 Amendment: To amend the commencement date, and property description due to final subdivision approval. (Transfer)
4. Lessee: Howard K. Pea
 Agr. Lease No.: 4073
 Lot No., Area, Island: 96, Panaewa, Hawaii
 Amendment: To amend the lease to update the property description and to incorporate the currently used terms, conditions, and covenants to the lease. (Successorship)

Amendments for the Month of April '24	4
Previous FY '23 - '24 balance	<u>41</u>
FY '23 - '24 total to date	45
Amendments for FY '22 - '23	88

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2024

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

Forty (40) non-exclusive licenses.

1. Lessee: Alfreida E. K. Achong
Res. Lease No.: 9560
Lot No., Area, Island: 69, Kalawahine, Oahu,
Permittee: Sunrun Installation Services, Inc.

2. Lessee: April K. Aiwohi
Res. Lease No.: 11290
Lot No., Area, Island: 20, Kumuhau, Oahu
Permittee: Sunrun Installation Services, Inc.

3. Lessee: Alexander Y. S. C. Akana
Agr. Lease No.: 7393
Lot No., Area, Island: 14, Keokea, Maui
Permittee: Hawaii Green Energy Infrastructure Authority

4. Lessee: Henry K. Armitage
Res. Lease No.: 4506
Lot No., Area, Island: 53, Nanakuli, Oahu
Permittee: Hawaii Green Energy Infrastructure Authority

5. Lessee: Gary K. Asuncion
Res. Lease No.: 2878
Lot No., Area, Island: 55, Nanakuli, Oahu
Permittee: Hawaii Green Energy Infrastructure Authority

6. Lessee: Eric L. Burch
Res. Lease No.: 10170
Lot No., Area, Island: 23, Waianae, Oahu
Permittee: Sunrun Installation Services, Inc.

7. Lessee: Matilda K. Brezee
Res. Lease No.: 3656
Lot No., Area, Island: 47, Waimanalo, Oahu
Permittee: Sunrun Installation Services, Inc.

8. Lessee: Cynthia A. Cardus
Res. Lease No.: 8395
Lot No., Area, Island: 104, PKE, Oahu
Permittee: Sunrun Installation Services, Inc.

9. Lessee: Derek K. Charles, Kevin K. K.
Charles & Trina N. Gaudia
Res. Lease No.: 9980
Lot No., Area, Island: 214-A, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.

10. Lessee: Gerald F. Crozier
 Res. Lease No.: 7510
 Lot No., Area, Island: 74, Waiohuli, Maui
 Permittee: Sunrun Installation Services, Inc.
11. Lessee: Caroline Lu L. Damo
 Res. Lease No.: 9400
 Lot No., Area, Island: 87, Kaniohale, Hawaii
 Permittee: Sunrun Installation Services, Inc.
12. Lessee: Chestine K. Domingo
 Res. Lease No.: 5325
 Lot No., Area, Island: 74, Waianae, Oahu
 Permittee: Hawaii Green Energy Infrastructure Authority
13. Lessee: Gwendolyn N. Earll
 Res. Lease No.: 8500
 Lot No., Area, Island: 210, PKE, Oahu
 Permittee: Sunrun Installation Services, Inc.
14. Lessee: Michael K. Girod, Bernice L. Mawae
 & Alakai L. C. Mawae-Lujan
 Res. Lease No.: 4679
 Lot No., Area, Island: 30, Kekaha, Kauai
 Permittee: Sunrun Installation Services, Inc.
15. Lessee: Bernice Gomes
 Res. Lease No.: 5145
 Lot No., Area, Island: 85, Nanakuli, Oahu
 Permittee: Hawaii Green Energy Infrastructure Authority
16. Lessee: Liliana O. Hahn
 Res. Lease No.: 8576
 Lot No., Area, Island: 17, Nanakuli, Oahu
 Permittee: Hawaii Green Infrastructure Authority.

17. Lessee: Kaimana M. Hookano
Res. Lease No.: 12188
Lot No., Area, Island: 92, Waiehu 4, Maui
Permittee: Sunrun Installation Services, Inc.
18. Lessee: Sheldene K. Hozaki
Res. Lease No.: 9942
Lot No., Area, Island: 89, Waiehu 3, Maui
Permittee: Sunrun Installation Services, Inc.
19. Lessee: Benjamin M. Ili
Res. Lease No.: 4596
Lot No., Area, Island: 131, Waianae, Oahu
Permittee: Sunrun Installation Services, Inc.
20. Lessee: George Kaleohano
Res. Lease No.: 1974
Lot No., Area, Island: 264, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
21. Lessee: Christina K. Kalili
Res. Lease No.: 5249
Lot No., Area, Island: 21, Nanakuli, Oahu
Permittee: Hawaii Green Energy Infrastructure Authority
22. Lessee: Calvin K. Kamalu
Res. Lease No.: 8338
Lot No., Area, Island: 47, PKE, Oahu
Permittee: Sunrun Installation Services, Inc.
23. Lessee: Ernest Kanehailua, III
Res. Lease No.: 9286
Lot No., Area, Island: 73, Kaniohale, Hawaii
Permittee: Sunrun Installation Services, Inc.

24. Lessee: Edwin Kanui
Res. Lease No.: 9104
Lot No., Area, Island: 44, Waiakea, Hawaii
Permittee: Sunrun Installation Services, Inc.
25. Lessee: Byron L. K. Keahi
Res. Lease No.: 12238
Lot No., Area, Island: 19, Waiehu 4, Maui
Permittee: Sunrun Installation Services, Inc.
26. Lessee: La Noa O Pono Adams Keahinu'uau
Res. Lease No.: 4370
Lot No., Area, Island: 97, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
27. Lessee: Joseph P. Keopuhiwa, III
Res. Lease No.: 8636
Lot No., Area, Island: 48, Nanakuli, Oahu
Permittee: Sunrun Installation Services, Inc.
28. Lessee: John N. Kepaa
Res. Lease No.: 8750
Lot No., Area, Island: 21, Nanakuli, Oahu
Permittee: Hawaii Green Energy Infrastructure Authority
29. Lessee: Pernel C. Morgan
Res. Lease No.: 8480
Lot No., Area, Island: 190, PKE, Oahu
Permittee: Sunrun Installation Services, Inc.
30. Lessee: Shane A. Niau
Res. Lease No.: 11327
Lot No., Area, Island: 42, Kekaha, Kauai
Permittee: Sunrun Installation Services, Inc.

31. Lessee: Tiare R. Ryder-Anderson
 Res. Lease No.: 9224
 Lot No., Area, Island: 11, Kaniohale, Hawaii
 Permittee: Sunrun Installation Services, Inc.
32. Lessee: Anthony John Salvador
 Res. Lease No.: 5211
 Lot No., Area, Island: 80, Nanakuli, Oahu
 Permittee: Hawaii Green Energy Infrastructure Authority
33. Lessee: Jo-Ann M. Shimoda
 Res. Lease No.: 5201
 Lot No., Area, Island: 70, Nanakili, Oahu
 Permittee: Hawaii Green Energy Infrastructure Authority
34. Lessee: Mary F. H. Soares
 Res. Lease No.: 338
 Lot No., Area, Island: 164-B-1, Nanakuli, Oahu
 Permittee: Hawaii Green Energy Infrastructure Authority
35. Lessee: Mark C. Spencer
 Res. Lease No.: 10207
 Lot No., Area, Island: 9, Waianae, Oahu
 Permittee: Hawaii Green Energy Infrastructure Authority
36. Lessee: Lawrence B. Thomas, III
 Res. Lease No.: 3909-A
 Lot No., Area, Island: 4-B, Waimanalo, Oahu
 Permittee: Sunrun Installation Services, Inc.
37. Lessee: Monica A. K. Torres
 Res. Lease No.: 5545
 Lot No., Area, Island: 136, Lualualei, Oahu
 Permittee: Hawaii Green Energy Infrastructure Authority

38. Lessee: Maile K. Tsurusato
 Res. Lease No.: 9521
 Lot No., Area, Island: 83, Waiehu 2, Maui
 Permittee: Sunrun Installation Services, Inc.
39. Lessee: Bobbie K. Waialae
 Res. Lease No.: 12051
 Lot No., Area, Island: 16947, Kaupea, Oahu
 Permittee: Sunrun Installation Services, Inc.
40. Lessee: Charrise K. Wakita
 Res. Lease No.: 10114
 Lot No., Area, Island: 381-A, Keaukaha, Hawaii
 Permittee: Sunrun Installation Services, Inc.

Non-Exclusive License for the Month of April '24	40
Previous FY '23 - '24 balance	<u>194</u>
FY '23 - '24 total to date	234
Non-Exclusive License for FY '22 - '23	102

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2024

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator
Homestead Services Division 

FROM: David Bush, Acting MODO Supervisor 

SUBJECT: **Request for Relocation - Jessie Leilani Wallace**
Residential Lease No. 2784,
Lot No. 25, Kapaakea, Molokai

RECOMMENDED MOTION/ACTION

To approve the relocation for Jessie Leilani Wallace (Auntie Leilani), from Lot No. 25, Kapaakea, Molokai, to any available residential lot on Molokai, for a period not to exceed April 30, 2027, unless further extended with the approval of the Hawaiian Homes Commission.

DISCUSSION

Auntie Leilani acquired Residential Lease No. 2784, Lot No. 25, Kapaakea, Molokai, TMK (2) 5-4-007:017, located at 85 Kapaakea Loop (Lease), by way of the Transfer Through Successorship and Amendment to Lease No. 2784 document dated April 27, 1988. She was designated by her late husband, Charles Wallace, as the successor to the Lease.

Auntie Leilani is requesting to be relocated from Lot No. 25, Kapaakea, due to health and safety concerns. See attached Exhibit A.

Auntie Leilani reports that her homestead lot is impacted by flooding during heavy rains. She is also concerned about the threat of sea level rise.

The existing 940 square feet, 3-bedroom and 1-bathroom dwelling, was constructed in 1957.

The homestead lot is located approximately 366 feet from the shoreline and is located within the tsunami zone and flood hazard area. According to an available online Molokai topography map, Lot 25 is approximately 4 feet above sea level. See Exhibit B.

An article in The Maui News on October 17, 2020, noted that sea levels are expected to rise 3 to 8 inches by 2030. The article also notes that "threats extend inland by way of ground water inundation. As sea level rise, so does the water table." Furthermore, low-lying areas "will become wetlands that flood even higher during king tides and big wave events."

Auntie Leilani is wanting to relocate and avoid the anticipated sea level rise that will undoubtedly impact the Kapaakea homestead subdivision.

D-10 L

Aug. 30, 2023

I, Jessie L. Wallace,

would like to request to be
relocated from Kapoakea Lp
due to health and safety reasons.

2023 AUG 30 PM 12: 03

DEPT. OF HAWAIIAN HOME
LANDS-MOLOKAI DIST. OFC.

Mahalo

Jessie L Wallace

85 Kapoakea Lp.
K'Kai, HI 96748

[REDACTED]

[REDACTED]

[REDACTED]

4/15/24, 8:30 AM

mapimage (3032x2304)



https://www.google.com/maps/d/u/0/mapimage?mid=1L_uoZgQ4pTC_rMTOzQIVSUh13Wc&llsw=21.08142,-157.013392&llne=21.085739,-157.005888&w=758&h=576&scale=4

1/2

ITEM NO. D-10
EXHIBIT B

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2024

TO: Chairman and Members, Hawaiian Homes Commission
THROUGH: Juan Garcia, HSD Administrator
Homestead Services Division 
FROM: James W. Du Pont, West Hawaii District Supervisor
Homestead Services Division
SUBJECT: **Conditional Approval of Subdivision, Transfer of a
Portion of Lease and Amendment to Lease No. 2686, Lot
No. 2, Nienie, Hawaii - LUCRETIA L. LINDSEY**

RECOMMENDED MOTION/ACTION

1. To approve the request of Lucretia L. Lindsey to subdivide Department of Hawaiian Home Lands ("DHHL") Pastoral Lease No. 2686, Lot No. 2, Nienie, Hawaii, consisting of 301.423 acres, and further identified as TMK: (3) 4-6-012-002 into Lots 2-A, 2-B and 2-C, subject to the following conditions:

2. The Lessee is responsible for all cost incurred in the processing and obtaining of all subdivisions, including but not limited to surveying fees, fees imposed by the County of Hawaii (County), fees for utilities (electric, water, etc).

3. An updated ranch plan for each of the three subdivided lots must be submitted within ninety (90) days pursuant to HAR 10-3-26 (f) and 10-3-24.

4. Transfer shall be to lessee's sons, Alvin Ekekiela Chong, III ((Alvin), and Kulike Kahuilanimaumu Chong (Kulike), and nephew, Michael Medio Luta, Jr. (Michael).

5. Amend Lease No. 2686, to reflect the subdivision of Lot 2 into Lot Nos. 2-A, 2-B, and 2-C, and to incorporate the currently used terms, covenants and conditions in the lease.

6. Survey work to be conducted by a licensed surveyor,

including but not limited to the surveying and staking of boundary corners of the lots, submitting to the County of Hawaii, preparing and submitting the legal description of the lots to the Department of Hawaiian Home Lands, applying to the County of Hawaii for subdivision approval, obtain the tax map keys for the Lots and final subdivision approval by the County of Hawaii.

7. Lessee must comply with Chapter 343, of the Hawaii Revised Statutes (HRS), prior to obtaining final subdivision approval by the HHC. Chapter 343 requires that an Environmental Assessment (EA) be conducted for a complex subdivision. A complex subdivision is defined as one lot being subdivided into three or more lots.

8. Detailed plot plans for each of the three (3) subdivided lots along with the respective "Request for Improvements" form to be submitted for review and approval by DHHL. The plot plans shall include location of all improvements, any easements granted or to be granted for utilities. In addition, a building permit for the existing structure with proper identification shall be submitted.

DISCUSSION

Department Pastoral Lease No. 2686, Lot No. 2, located in Nienie, Hawaii (Lease), was transferred to Lucretia L. Bannister Lindsey by way of the Assignment of Lease and Consent instrument, dated July 2, 1992.

Lucretia resides on the lot and is requesting for Department's approval to subdivide Lot No. 2 into three (3) lots. She will transfer 2 of the lots to two of her sons, and both are deemed to be at least 25% Hawaiian ancestry. The 3rd lot will be transferred to her nephew, who has been determined to be not less than 50% Hawaiian ancestry.

The subdivision will result in three pastoral lots that are Lot 2-A (150.000 acres) Lot 2-B (51.423 acres) and Lot 2-C (100.000 acres). Hence, the respective leases will be considered subsistence pastoral lots (Exhibit A).

Lucretia is currently utilizing the entire 301.423 acres pastoral lot by grazing cattle.

Alvin (Lot No. 2-A) submitted a ranch development plan, which shows that he intends to utilize his lot by raising livestock, including sheep, pigs, chickens, cattle and cultivating various crops and trees. Improvements include a cabin, pig pens and storage sheds and container.

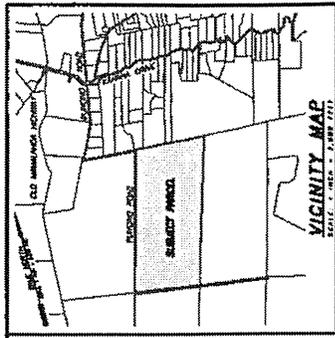
Michael (Lot No. 2-B) submitted a ranch development plan, which shows that he intends to utilize his lot by grazing cattle.

Kulike (Lot No. 2-C) plans to construct a dwelling on his lot. He submitted a ranch development plan, which shows that he intends to utilize his lot by cattle grazing and constructing a corral.

Due to the financial burden that homesteaders would endure, department staff recommends that condition no. 7 of the above recommended motion/action not be a required condition. The agricultural zoning and use as a pastoral lot are not being changed.

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

The Department recommends the approval of its recommendations.



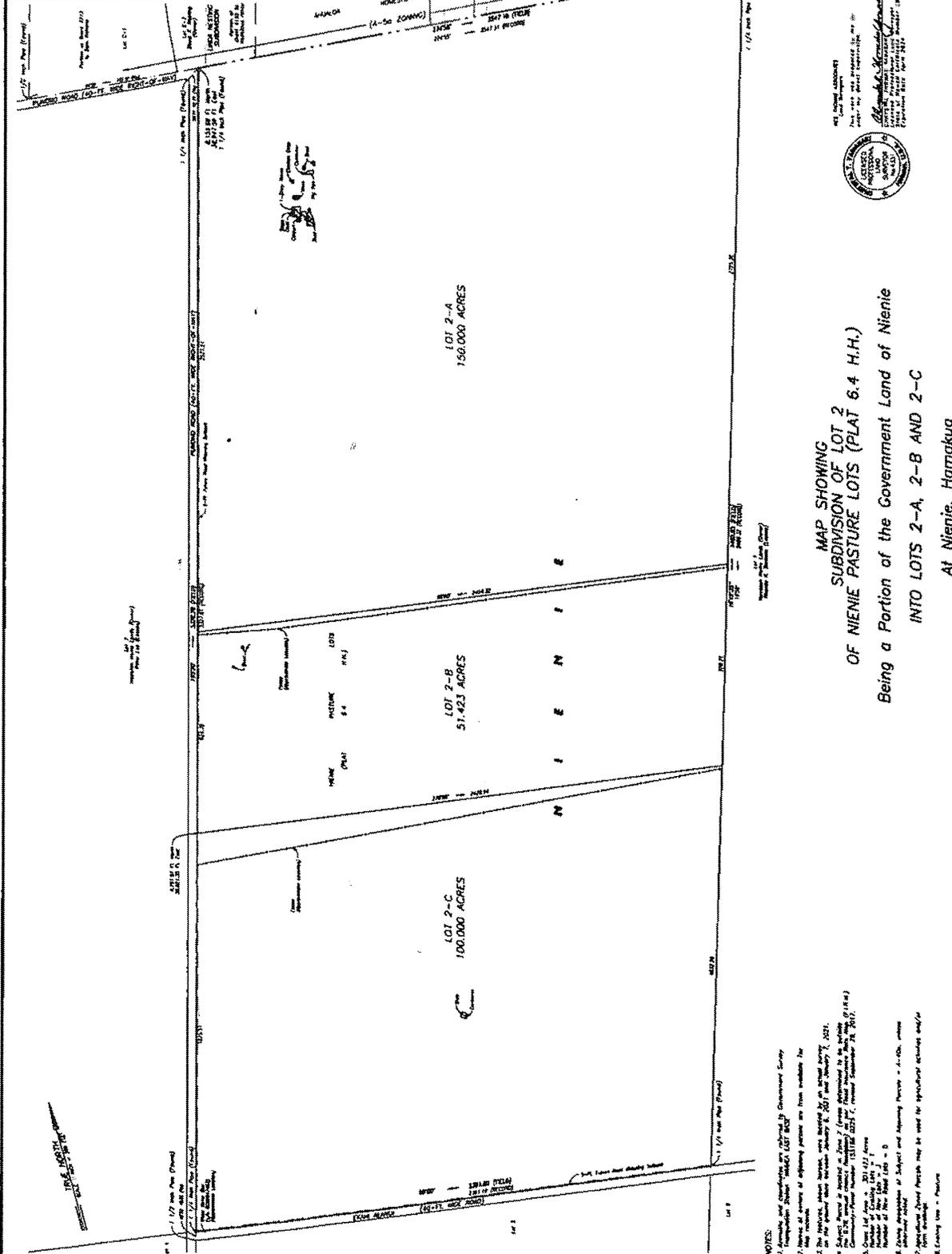
Public of Case 218 for Subdivision of the Same

Subdivision Number
 as Approved by the Department of
 Public Safety, Bureau of Geographical Names
 Name: **Lot 2-1**
 Project Number: 93-1-213

Project of Case 218 in the State of Hawaii

Project of Case 218 in the State of Hawaii

PROJECT NO. 93-1-213
 FIELD BOOK NO. 132
 DATE MAP SET: 8-8-02 (P.D. JACOBY)
 RECORD: SEPTEMBER 9, 2002 (P.D. JACOBY)



**MAP SHOWING
 SUBDIVISION OF LOT 2
 OF NIENIE PASTURE LOTS (PLAT 6.4 H.H.)
 Being a Portion of the Government Land of Nienie
 INTO LOTS 2-A, 2-B AND 2-C
 At Nienie, Hamakua
 Island and County of Hawaii, State of Hawaii**



WES THOMAS ASSOCIATES
 1001 KALANANAKU AVENUE, SUITE 100
 HONOLULU, HAWAII 96813
 PHONE: (808) 241-5337 FAX: (808) 241-1117
 WWW.WES-THOMAS.COM

- NOTES:**
1. All areas and boundaries are defined by Government Survey.
 2. The boundaries of the subject parcel are shown within the boundaries of the subject parcel.
 3. The subject parcel is shown within the boundaries of the subject parcel.
 4. The subject parcel is shown within the boundaries of the subject parcel.
 5. The subject parcel is shown within the boundaries of the subject parcel.
 6. The subject parcel is shown within the boundaries of the subject parcel.
 7. The subject parcel is shown within the boundaries of the subject parcel.
 8. The subject parcel is shown within the boundaries of the subject parcel.



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 22, 2024

TO: Chairman and Members, Hawaiian Homes Commission
THRU: Juan Garcia, Administrator
Homestead Services Division 
FROM: David Bush, Molokai District Supervisor
Homestead Services Division 
SUBJECT: **Consolidation and Re-subdivision of Lot No. 4, TMK (2) 5-2-007:031 and DHHL Unencumbered Lots TMK (2) 5-2-007:079 and (2) 5-2-007:088 – Harry K. Purdy, III, Agricultural Lease No. 106, Lot No. 4, Hoolehua, Molokai, and Approval to Increase Survey Cost to an Amount Not to Exceed \$46,400**

RECOMMENDED MOTION/ACTION

1. To approve the increase of the survey cost to consolidate and re-subdivide TMKs (2) 5-2-07:031, (2) 5-2-007:079, and (2)5-2-007:088, from not to exceed \$25,000 to the amount not to exceed \$46,400.
2. To approve the reduction of proposed Lot No. 4 from “approximately 37 acres” to “approximately 22 acres.”
3. To approve the elimination of the previously proposed 3-acre Subsistence Agricultural Lot 4A.

DISCUSSION

Harry K. Purdy, III, also known as “Tuddie”, operates a macadamia nut farm on his 5 acres agricultural lot which he started in the early 1980s. In addition, he currently has the use of 17 acres which abuts his existing 5 acres, through a right of entry with the Department which allowed him to expand his farm operation .

Tuddie operates the farm along with his Ohana, in the cultivation and harvesting of macadamia nuts.

The farm also provides tours to visitors with hands-on education on the farm operations. Furthermore, Tuddie shares his knowledge of farm operations to the youth of Molokai, as well as other homesteaders who are wanting to cultivate their homestead lots. Tuddie believes that sharing his knowledge of farming is helping to motivate other agriculture lessees on Molokai to farm.

At its meeting on June 21-22, 2021, the Hawaiian Homes Commission approved the consolidation and re-subdivision of Lot No. 4, TMK (2) 5-2-007:031, which is 5 acres in size, covered under Agricultural Lease No. 106 and currently held by Harry K. Purdy, III (Harry), along with Department unencumbered lots, TMKs (2) 5-2-007:79 (parcel 79) and (2) 5-2-007:088 (parcel 88). See attached Exhibit 1.

After the inspection of the parcels, it was found that parcel 88 is entirely a gulch and prevents access to proposed 4A. See Exhibit A of Exhibit 1.

The cost to consolidate and re-subdivide the lots, as previously noted in Exhibit 1, was found to be underestimated as the known cost from the Department survey contractor is \$46,400.

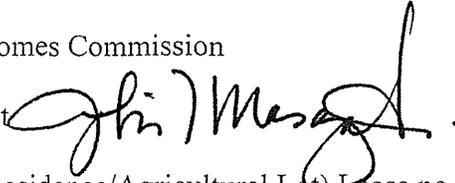
Tuddie is pleased that the approximately 17 acres currently under a right of entry with the Department will be covered under Lease No. 106. With the additional 17 acres, his agricultural lot covered under Lease No. 106 will increase from 5 acres to 22 acres in size. This will allow Harry to access funding sources, including U.S. Department of Agriculture, for the farm operation on the 17 acre parcel, which would not be available under a right of entry.

The Department requests approval of its recommendation.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

June 21-22, 2021

To: Chairman and Members, Hawaiian Homes Commission

From: Jobie Masagatani, Executive Assistant 

Subject: Approval of consolidation of Lot 4 (Residence/Agricultural Lot) Lease no. 106 to HARRY K. PURDY III and Lot 4 (Detached Agricultural Lot) unencumbered and re-subdivision into Lot 4 Agricultural Lot Lease no. 106 to HARRY K. PURDY III and Lot 4A Subsistence Agricultural Lot unencumbered; Ho`olehua, Molokai; authorization to extend the term of Lease no. 106 to HARRY K. PURDY III.

Recommended Action

That the Commission approve the following:

- (1) Authorize the Chair to consolidate Lot no. 4 TMK 5-2-07:31 encumbered by Residence/Agricultural Lease no. 106 to HARRY K. PURDY III with Detached Agricultural Lot 4 TMK 5-2-07:79 and 5-2-07:88 currently unencumbered; and re-subdivide into two lots: (1) Agricultural Lot no. 4 encumbered by Lease no. 106 to HARRY K. PURDY III (approximately 37 acres); and Subsistence Agricultural Lot 4A (approximately 3 acres) with access. The consolidation/re-subdivision is subject to the following conditions:
 - a. Lease terms and conditions are brought up to date;
 - b. Lessee is in good standing; and
 - c. Proposed map and location of the two new lots including access easements is approved by the Chair.
- (2) Authorize the payment of costs to complete item no. 1 including reimbursement to lessee HARRY K. PURDY III for any appropriate costs with prior DHHL approval. Reimbursement costs are not to exceed \$25,000.
- (3) Authorize extension of lease no. 106 for an additional 100 years.

Discussion

At the May 2021 Hawaiian Homes Commission meeting, Item C-4 was presented to the Commission for information (Attached as Exhibit B). At that meeting, Commissioner Neves requested that a conceptual map identifying the approximate location of the two

lots be included as part of the submittal seeking authorization to proceed. Attached as Exhibit A is a map showing the approximate location of the two lots.

Mr. Purdy is currently in compliance with his lease. He occupies his residence, and actively cultivates Lot 4. Further, he has no outstanding loan balance with the Department and his property taxes are paid. A small balance of less than \$20 is outstanding on his lease rent which was brought to the lessee's attention and will be brought current by the lessee before the end of June 2021.

Mr. Purdy has also demonstrated his ability to cultivate a portion of the increased acreage as he currently does so under a right of entry from DHHL. The inclusion of the increased acreage to his homestead lease, however, will allow Mr. Purdy to take advantage of U.S. Department of Agriculture (USDA) financing and other resources that he currently may not be eligible for due to the short-term nature of the right of entry.

New Lot 4 and Lot 4A Configuration

Upon initial review, placement of the new lot 4A to the back of the existing parcel is recommended for the following reasons:

- (1) Proximity to the Department's existing water tanks is closer at the top of the parcel. Therefore, any water lines that may be needed to service the new lot may not need to travel as far to service both Lot 4A and the upper boundary of Lot 4.
- (2) The new Lot 4A driveway could also potentially serve as a secondary emergency road to the DHHL water tanks. This would require further due diligence by DHHL staff, however, to confirm if this is an option DHHL would like to pursue. If upon investigation a secondary access road makes sense without compromising the security of the tanks, DHHL could retain the right to utilize this driveway easement/emergency road as necessary.

If DHHL use of this driveway/emergency road is made clear as a part of the new lease agreement for lot 4A, this is easier to sustain than trying to secure access via an existing driveway after many years of quiet enjoyment by a lessee and expectation that the driveway only serves as an entry into the lot.

According to Mr. Purdy, an infrequently used dirt driveway currently exists on the eastern side of Lot 4 that provides access to the top of the parcel.

- (3) Placement of the access to the east side of Lot 4 minimizes impact to the existing improvements and crops currently in place including an extensive concrete driveway, a mature macadamia nut grove, and additional crops that extend up to the lower border of the gulch.
- (4) The proposed configuration is acceptable to the current lessee, Mr. Harry Purdy.

Further due diligence by DHHL staff is necessary to confirm whether this proposed configuration makes the most sense based on the topography of the land, the existing infrastructure and improvements onsite and offsite, and any other factors that should be considered. As noted in the recommended action, the final configuration of the two lots will require approval by the Chair.

Payment of Expenses

Staff is recommending that expenses incurred by the lessee to complete any survey or other costs that may be necessary to complete the consolidation and re-subdivision of the two lots be reimbursed by DHHL. This recommendation is based on the following:

- (1) The task requires that certain steps be undertaken whether those steps are completed by DHHL or by the lessee. These steps may include surveying, adjustments to property descriptions with the County of Maui, identification of easements, etc. Further, the outcome of two lots - one encumbered by Lease no. 106 and one unencumbered within DHHL's inventory intended for award to the next applicant on the waiting list - is the same whether the process is completed by DHHL or by the lessee.

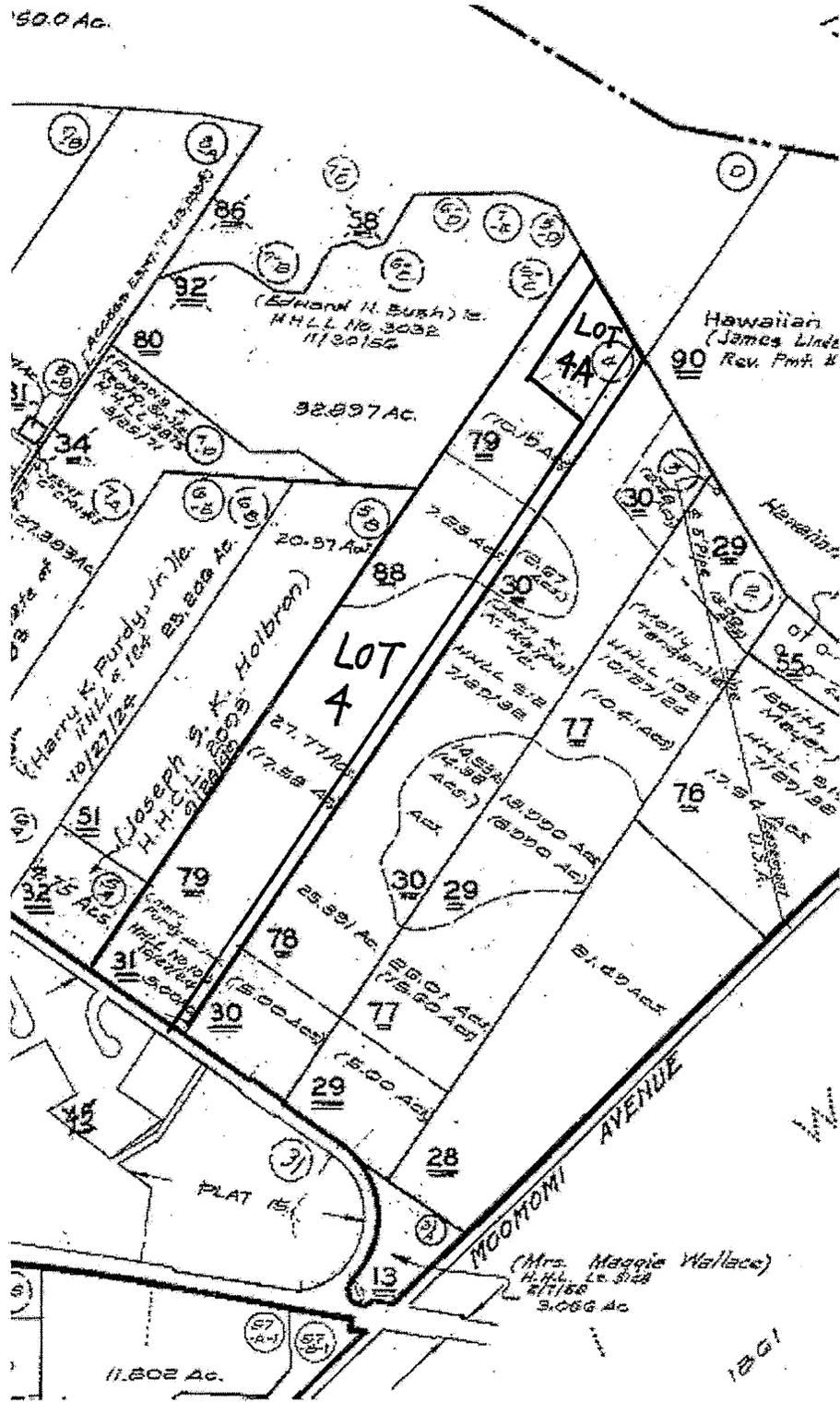
Given current staffing levels, other priorities, and state procurement processes it is highly likely that the lessee will be able to accomplish some, if not all, of the steps in a more expeditious and cost effective manner.

- (2) The Department has reimbursed lessees for subdivision costs in the past, under a program that is no longer in operation, and has provided reimbursement for telecom infrastructure installation, due to extraordinary circumstances. The mechanism and authority to provide a reimbursement to a lessee for DHHL authorized expenses already exists. Note that any reimbursement would require DHHL's prior approval.

Lease Extension

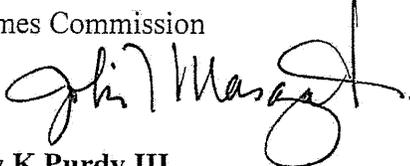
Lease no. 106 is scheduled to end on October 26, 2023. Staff is seeking the Commission's approval to extend this lease for an additional 100 years as authorized under section 208 of the Hawaiian Homes Commission Act, as amended.

NOT TO SCALE



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

May 17-18, 2021

To: Chairman and Members, Hawaiian Homes Commission
From: Jobie Masagatani, Executive Assistant 
Subject: Request for Additional Acreage **Harry K. Purdy III**
Residence/Agricultural Lot Lease no. 106, Lot 4 Hoolehua, Molokai--

Recommended Action

For information only.

Discussion

Request

Mr. Harry K. Purdy III (Mr. Purdy) and his family actively cultivate agricultural products, primarily macadamia nuts, and reside on a five-acre residence/agricultural lot in Hoolehua, Molokai, under residence/agricultural lot lease no. 106, lot 4 (also referred to as lot 4A). The farm is a primary source of income for Mr. Purdy, and inspection of his file indicate that he has consistently maintained and grown his operations since May 1980 when he received the lot via a transfer from Mr. Frank Kupau.

Beginning in February 1990, correspondence from Mr. Purdy to the Department of Hawaiian Home lands (DHHL) indicate that his current lot was at its maximum cultivation, and that additional acreage was needed to expand his operations and reduce his operating expenses due to his need to import nuts for his business from Hawaii Island. Mr. Purdy's request was for the adjoining 35 acre detached agricultural lot 4 (a.k.a. lot 4B) that is land locked, currently unencumbered, and in DHHL's inventory.

Background

Early History

Lot 4 was originally awarded to Mr. Albert Perkins under lease no. 106 with a commencement date of October 27, 1924. The original property description lists the property as "Lot 4 as shown on said Government Survey Registered Map No. 2719." This map, attached as Exhibit A, shows the size of lot 4 at 40 acres.

On September 28, 1949 lease no. 106 was transferred to Mr. Henry W. Kupau. On January 19, 1952 lease no. 106 was transferred from Mr. Henry W. Kupau to Mrs.

Josephine Kupau. On November 3, 1958 lease no. 106 was transferred from Mrs. Josephine Kupau to Mrs. Gladys K. Hulu.

Lot 4 Into Two Parts

On December 12, 1966 Mrs. Gladys K. Hulu transferred lease no. 106 to her son, Frank K. Kupau. However, Commission minutes in the file report that:

“Upon the transfer of Lot 4 (Houselot) by Mrs. Gladys Hulu and the award by the Commission of the said Lot 4 (Houselot) to Mr. Frank K. Kupau, the lease of Lot 4 (Agricultural) to Mrs. Gladys Hulu terminates.

In cases of this nature, it is the Commission's current policy to reaward such agricultural lots to the next person on the established list of Molokai homesteaders waiting for the award of such agricultural lots.

The next person on the waiting list for agricultural lots is Mrs. Evan English, Lot 35-D1&2 (Houselot), Hoolehua, Molokai. The staff recommends the award of Lot 4 (Agricultural), Hoolehua, Molokai, to Mrs. English.”

The Commission approved the staff's recommendation and the award was made on January 20, 1967. The 35-acre detached agricultural lot, at this time, was planted with pineapple and subject to a planter's agreement with the California Packing Corporation that was a source of additional income to the lessee.

From this point forward, lot 4 was divided into two parts: the residence/agricultural portion covered under lease no. 106 to Mr. Frank Kupau and the detached agricultural portion covered under lease no. 3160 to Mrs. Evan English.

The lot is also made up of three TMK parcels: 5-2-07:31 (under lease no. 106), 5-2-07:79, and 5-2-07:88 (under lease no. 3160). Attached as Exhibit B is a copy of the TMK parcels as identified in the current county property tax records, and attached as Exhibit C is a copy of the exhibit attached to the current lessee's Assignment of Lease and Consent document. Note that TMK 5-2-07:88 appears to be a gulch parcel of approximately 7.23 acres.

On January 28, 1977 the Hawaiian Homes Commission accepted Mrs. Evan English surrender of the detached agricultural lot back to DHHL. Since that time the lot has remained unleased in DHHL's inventory.

Lease no. 106 to Mr. Harry Purdy III

On May 23, 1980 Mr. Frank Kupau transferred lease no. 106 to Mr. Harry Purdy III. At the time of the transfer, Mr. Purdy held an agricultural lease to lot no. 69-E that commenced on July 22, 1978.

Lot no. 69-E was eventually subdivided and transferred to two different family members at Mr. Purdy's request. Lot 69-E-2 was transferred to Anne H.P. Ritte on August 29, 1989 and lot 69-E-1 was approved for transfer to Anna L. Chillingworth on March 21, 1995.

Purdy Request for Additional Acreage

The first written request from Mr. Purdy that is included in the file is dated February 28, 1990 and received by the Commission on April 24, 1990. In this letter Mr. Purdy requests either an acquisition of lot 4B or an exchange of lot 4B for lot 69-E.

The response to Mr. Purdy's request is dated April 16, 1990 and was also received by the Commission on April 24, 1990. Both the Purdy request, the Department's response, and the minutes of the Commission meeting when Mr. Purdy discussed his request are included as Exhibit D. The exchange of lots was deemed by the Department not to be an exchange, but a surrender of an existing agricultural lease and an award of a new agricultural lease. This required that the Department award the new lease consistent with the rules governing the process for award of leases. Further, the Department's response identifies lot 4B as intended for the next interested applicant on the waiting list.

The minutes indicate that in order to prepare the lot for award, an easement would need to be secured and water improvements may be necessary. These constraints still exist, and should be addressed before award of the lot to the next interested applicant can occur. Consequently, the lot still remains in DHHL's inventory at the current time.

The current rules governing the award of additional acreage (discussed in greater detail below) are very similar to the rules in place in 1990. Only minor changes have been made since that time. Therefore, although Mr. Purdy has been a consistent and strong advocate for his request for additional acreage (both written requests to the Department and Commission minutes document many appeals by Mr. Purdy), the Department's position and responses to his requests have essentially remained unchanged since 1990.

Revocable Permit/Right of Entry

Mr. Purdy currently holds a right of entry to the 35 acre lot 4B. In April 2015, the Commission reduced the fee he was charged to \$1 per year, to provide him some financial relief in his farm operations.

Options

Option 1: Amend existing DHHL Administrative Rules

Background

Hawaii Administrative Rule (HAR) section 10-3-25 Award of additional acreage indicates that a "lessee of an agricultural or pastoral lot may make a written request for additional acreage of the same class."

The rules also specify how an award of additional acreage is to proceed, which is essentially in the same manner followed for typical lot awards. Section 10-3-7 Priority and preference for award of leases indicates that “applicants shall be considered for award in the order in which their completed applications were received by the department;” provided that awards shall first honor the order established by previous (but now non-operational) waitlists such as area wait lists and wait lists established by priority order.

Section 10-3-7(b) also provides that “in making awards, the department shall give preference to an applicant who is not a lessee, or whose spouse is not a lessee.” Further, section 10-3-7(c) states that “an applicant who is a lessee, or whose spouse is a lessee, shall be placed on a deferred status until each applicant given preference as provided under subsection (b) has been offered a lot...” The pertinent rules related to award of additional acreage is included as Exhibit E. The unofficial version is provided for reading ease.

Although Mr. Purdy has not submitted a DHHL application for additional acreage, the earliest written request for additional acreage in Mr. Purdy’s file is dated February 28, 1990, as noted above.

If the Commission were to accept this as Mr. Purdy’s date of application, under the existing DHHL Administrative Rules, the offer of lot 4B would have to be made to all applicants that are not a lessee or whose spouse is not a lessee, and any lessee with an earlier application or written request date. As of April 30, 2021, the Molokai agricultural waiting list numbered 1,100.

Although the parcel is currently land locked, if the lot were to be accepted by an applicant access to the lot will need to be secured for the new lessee, requiring an easement across lot 4A.

Description of Option

Under this option, the current Administrative Rules would be amended in order to provide greater discretion to the Commission to directly award adjoining land-locked parcels as additional agricultural acreage to a current agricultural lessee who is in compliance with the terms of their lease including active cultivation.

Pros: Addresses Mr. Purdy’s request and provides discretion to the Commission to offer the same option to other lessees in a similar situation.

Other Considerations: This option prevents the opportunity to award the land to another beneficiary on the waiting list who is not an existing lessee or married to a lessee. Any Commission action should evaluate and consider why the benefit of additional acreage to an existing lessee outweighs the benefit of an award of land to an applicant that has yet to receive a lease.

Further due diligence would need to occur to vet the impact of such a rule change on the homesteading program. For example, how many lessees are in a similar situation? On what island? What are the unintended consequences of the rule change?

Finally, staff is concerned about the unforeseen consequences of making a rule change that impact the entire DHHL homesteading program to address a single lessee request with a specific unique set of facts.

Option 2: Consolidate and re-subdivide the lots

Description of Option

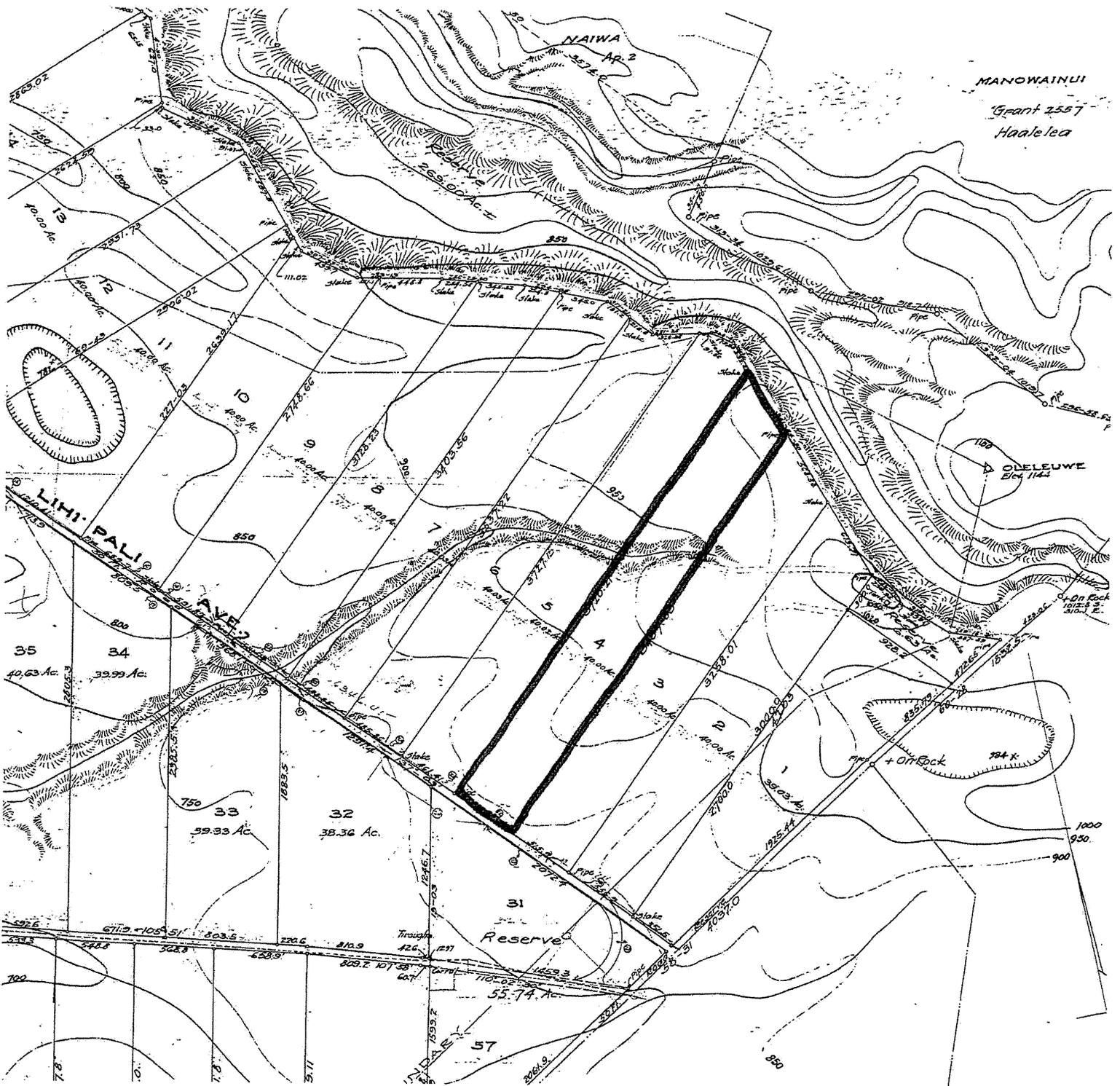
Under this option the two lots, the residence/agricultural lot 4 (5 acres) and the detached agricultural lot 4 (35 acres) would be consolidated and re-subdivided into two lots: subsistence agricultural lot 4B of three acres or less with access; and residence/agricultural lot 4 (approximately 37 acres inclusive of approximately 7.23 acres of gulch.) Mr. Purdy's lot description for lot 4 would be amended to include the new metes and bounds of lot 4 (approximately 37 acres.)

Pros: This option provides a potential win-win providing additional agricultural acreage to Mr. Purdy and a subsistence agricultural lot with access in DHHL's inventory. This option begins with two lots and ends with two lots. Mr. Purdy could continue to utilize subsistence agricultural lot 4B under a right of entry until such time that DHHL's resources allow for it to put in place the necessary infrastructure to award the lot to the next interested applicant on the waiting list.

Other Considerations: Other lessees in a similar situation may request a similar action from the Department.

Next Steps

At this point, staff recommendation is to proceed with Option 2. Following discussion with the Commission of the available options, if there are no objections, staff will proceed with the appropriate follow up to present a submittal to the Commission for action at a future meeting.



Ex B June '21
C-3

Exhibit A

C-4 May 2021 HHC

Lessee: Mrs Evan English
 HHLL #3160, 35 acres agriculture
 dtd, ~~4-11-58~~
 Lot 4 ~~1-20-67~~
 Hoolehua, Molokai

10.19 acres
 pine use

(10.19 ac)

79

7.23 acres
 gulch

(7.23 ac

88

17.58 acres
 pine use

(17.58 ac)

79

6

Lessee: Frank Kupau
 HHLL #106
 dtd 10-27-24
 Lot 4
 TMK: 5-2-07-31

5.00 acres
 houselot

31

LIHI PALI AVE

Ex. B June '21
 C-3

HHC May 2021 C-4
Exhibit C

MAP NOT DRAWN TO SCALE

February 28, 1990

Aloha Chairman Hoaliku Drake,

My name is Harry K. Purdy, III from the island of Molokai, homesteader of lot 4 and 69, Hoolehua.

I have a request to acquire an agriculture lot, TMK: 5-2-07:79 & 88, map attached, which was part of the original 40 acres, I am now lessee of only 5 acres, TMK: 5-2-07:31.

In 1980, I received lot 4-A on a transfer and from 1983 to 1990 I became a self sufficient business, which involves a 62 year old macadamia grove and combined with our visitor industry, both my mom and myself operate and manage this small, but ever growing business. We also employ another homesteader part-time. I have utilized the total 5 acres by planting more macadamia trees and other agricultural products.

I come to the Hawaiian Home Commission now only because: 1) I've utilized all of my property. 2) Our business deems it necessary to plant more to become financially secure. At the present time, I purchase majority of macadamia from the Big Island. My total gross income for the last 4 years has been over \$50,000. When bills are paid, very little is left. 3) It took my wife and I 2 years to acquire agriculture water to our property, now being totally used. I am more than willing to expand with more planting of fruit trees, but need more land. 4) The land I'd like to acquire is not on the list for award. It is landlocked, with no access and has been sitting dormant for the last 10 years with no available water.

In conclusion, as a homesteader, I am asking that you consider my request and grant me a lease to Lot 4-B, so I can continue to grow as an agriculture business, for the betterment of our own family and also to employ more homesteaders in our area.

Lot 69-E was acquired through the waiting list in 1978. When ag water was finally connected in late 1979, I became a successful ti-leaf and flower grower on that property. I would prefer to retain this lot because a lot of hard work was put into it and alot exists on that land.

TMK: 5-2-07:31, lot 4-A	consists of	5.0	ac.
5-2-07:79, lot 4-B	"	27.77	ac.
5-2-07:88, lot 4-B	"	7.23	ac.
5-2-23:08, lot 69-E	"	5.973	ac.
		<u>45.973</u>	

There are three options to consider:

- 1) Acquire lot 4-B which is attached to lot 4-A
- 2) Exchange ag lot 69-E, which is detached for lot 4-B
- 3) If I could transfer lot 69-E to a member of my family.

Your time and consideration will be greatly appreciated. I would appreciate a reply prior to the March 20 Commission Meeting, in case there are any questions that I can answer.

Mahalo A Nui Loa,

Harry K. Purdy, III

Received at HHC Honolulu 4-24-90

Ex.B June '21
C-3

HHC May 2021 C-4 p1 of 4

Exhibit D

L-12

JOHN WAIHEE
GOVERNOR
STATE OF HAWAII



HOALIKU L. DRAKE
XXXXXXXXXXXXXXXXXXXX
CHAIRMAN
HAWAIIAN HOMES COMMISSION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
P. O. BOX 1879
HONOLULU, HAWAII 96806

April 16, 1990

Mr. Harry K. Purdy, III
P. O. Box 84
Hoolehua, Hawaii 96729

Dear Mr. Purdy:

SUBJECT: Request for Additional Agricultural Acreage

Your request to obtain Agricultural Lot No. 4-B, Hoolehua which is situated adjacent to your present Lot No. 4-A is hereby acknowledged.

Lot No. 4-B is not available for awarding at this time as it is land locked. However, when this parcel becomes available for homestead leasing, it will be offered to the next qualified and interested applicant on the waiting list.

Your option of exchanging your detached agricultural Lot No. 69-E for Lot No. 4-B is not an exchange. This would be a surrender of the lease on Lot No. 69-E, and an award of a new lease on Lot No. 4-B. Rules 10-3-25, Award of additional acreage; 10-3-24(a), Agricultural and pastoral leases; and 10-3-7, Priority and preference for award of leases provide for an orderly process of awarding homestead leases including the awarding of additional acreage of the same class.

You may transfer your lease on Lot No. 69-E to any person who is at least one-half Hawaiian, eighteen years old, and who is financially capable to assume any outstanding indebtedness and obligations on the lease. You relinquish your interest in the lease to the transferee who continues the remaining term of the lease. We note that on May 23, 1989, you transferred a 3-acre portion of this lot to Mrs. Anne H. P. Ritte.

Rule 10-2-11 of the department's Administrative Rules require a two-week notification if you wish to appear before the commission. As it is already too late for the March 20, 1990 commission meeting, you may request an appearance for the April 24, 1990, meeting on Oahu, or the June 26, 1990, meeting on Molokai.

Ex. B June 21
C-3
G.H.

Received at HHC Honolulu 4-24-90

P 2 of 4

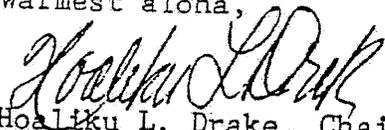
Exhibit D

Mr. Harry K. Purdy, III
Page 2
April 16, 1990

If there are any further questions, please contact
Mr. Gregory G. Helm, Sr., District Supervisor of the Molokai
District Office, telephone 567-6104.

We acknowledge your hard work in the active cultivation of
your farm homesteads, and thank you for your kokua.

Warmest aloha,


Hoaliku L. Drake, Chairman
Hawaiian Homes Commission

HLD:HVY:gl

cc: Molokai District Office

bcc: LESSEE FILE
 APPLICANT FILE (#)
 FISCAL OFC -
 OTHERS -
 APPLICATIONS BR -
 LDD -
 RETURN APP FILE
 O.D.O. Pending File - RKA/LNI/HVY/RKM
 LOANS BRANCH -
 FAMILY COURT FILE
 AWARDS BR -

P.3 of 4

Ex. B June '21
C-3

Exhibit D

MINUTES OF April 24, 1990, Meeting held in Honolulu, Oahu

Other Areas of Concern:

Harry K. Purdy, III - Mr. Purdy of Molokai was on hand to explain his request for additional agricultural acreage. Copies of correspondence between Mr. Purdy and the department were distributed at the meeting and are included within these minutes. He desired to expand his farm through a proposed exchange of one of his two lots for an adjacent land-locked parcel.

Mr. John Hirota explained the department's policy and priority of awarding land to the next qualified and interested applicant on the waiting list. An award would be possible if the department had an easement through Mr. Purdy's lot, installed the necessary infrastructure, and subdivided the parcel. Mr. Purdy argued that the parcel has been vacant for 15 years. He is opposed to a general lease since it would be a short term arrangement. Growth and harvesting of macadamia nut trees requires a longer term lease.

Responding to Commissioner Brandt, Mr. Stewart Matsunaga stated that the department has not taken action to award this parcel since an easement is required and the process is long and tedious. He noted that all the lots on the road are currently leased. In addition, a booster pump may be needed to provide water service. He further reported that the department is focusing on developing infrastructure for the lots awarded during acceleration. Mr. Purdy requested that his needs be considered.

MOTION

Commissioner Brandt moved, seconded by Commissioner Robertson, to defer this matter until legal counsel and staff may consider the situation and arrive at a solution.

DISCUSSION

The commission commended Mr. Purdy for his farming efforts.

ACTION

Motion carried unanimously.

Oahu shall be made to applicants who are residing on the island of Oahu at time of application; provided further that a lessee of an agricultural lot on Oahu shall not be allowed to hold any other homestead lease. [Eff 7/30/81; am 2/3/83; am 8/1/85; am and comp 10/26/98; am 3/31/17] (Auth: HHC Act §222) (Imp: HHC Act §207)



§10-3-25 Award of additional acreage.

(a) A lessee of an agricultural or pastoral lot may make a written request for additional acreage of the same class.

(b) A lessee shall be contacted for an award in accordance with section 10-3-24(a).

(c) A lessee shall be eligible for lot selection provided the lessee has actively cultivated and used the agricultural or pastoral lot and is in compliance with all terms and conditions of existing leases.

(d) Following determination that a lessee is eligible for lot selection, the lessee shall be notified as provided in section 10-3-24(b).

(e) Following lot selection, the lessee shall submit a plan as required in section 10-3-24(c) incorporating into the plan, all existing acreage.

(f) Decision for award shall be based upon the provisions of section 10-3-24(d). [Eff 7/30/81; am and comp 10/26/98; am 3/31/17] (Auth: HHC Act §222) (Imp: HHC Act §207)

§10-3-26 Residence on agricultural and pastoral lots, when.

(a) Upon award of an agricultural or pastoral lot, the applicant shall reside on the island on which the leasehold is located or move to that island within three years.

(b) A lessee of an agricultural lot of not more than three acres shall within three years:

(1) Reside and cultivate subsistence agriculture on the lot. Additional dwelling units shall

Ex. B June '21
C-3

Exhibit E

- (E) The circumstances of the present lessee indicate sufficient need for relocation to justify the department's withholding of the residence lot to be leased from availability to qualified applicants, if any, for leases in that area and the department's awarding of a lease of that residence lot to the relocating lessee.
- (4) Exceptions to this limitation shall be made only after notice of the department's consideration of such action has been given through the posting of the agenda and after full disclosure of the material facts has been made in a public meeting. [Eff 7/30/81; comp 10/26/98] (Auth: HHC Act \$222) (Imp: HHC Act \$207)



\$10-3-24 Agricultural and pastoral leases. (a)

When agricultural or pastoral lots become available for award, the applicant shall be contacted in accordance with section 10-3-7.

(b) The department shall notify applicants of the date, time, and place of lot selection. The department shall defer applicants who fail to appear or select.

(c) Except for agricultural awards of not more than three acres and UXO lands, the applicant shall submit a plan for the development of the lot no later than three months following lot selection. The plan shall include but not be limited to:

- (1) Crops to be grown or livestock to be raised;
- (2) Estimated expenses;
- (3) Estimated gross income;
- (4) Method of financing;
- (5) Market plan;
- (6) Timetable for operation;
- (7) Purpose of farm - subsistence, supplemental, commercial, or otherwise; and
- (8) Other assistance needed in terms of:

Ex. B June '21
C-3

Exhibit E

- (A) Labor, number of individuals, tasks to be performed; and
- (B) Technical assistance.
- (d) Decision for award of agricultural lots of more than three acres and pastoral lots shall be based upon:

- (1) Review and acceptance of the plan's feasibility; and
- (2) Evaluation of the general knowledge and experience of the applicant or the experienced individual who will assist in the development of the lot. That general knowledge or experience or combination thereof may include but not be limited to the following:

- (A) Member of the Hawaii young farmer association or a future farmer of America graduate with two years of training with farming projects;
- (B) Satisfactory vocational agriculture course in high school;
- (C) Satisfactory completion of an agricultural curriculum at a university or community college leading to a bachelor of science or an associate degree in agriculture;
- (D) One year full-time work experience on a farm or ranch;
- (E) Completion of study at classes conducted by the University of Hawaii extension service; or
- (F) Persons who have had at least two years of experience as part-time farmers or ranchers.

(e) For agricultural awards of not more than three, lot size shall be determined in accordance with the current island plan as approved by the commission and lot quality factors such as topography, natural resource availability, and soil quality.

(f) In recognition of the shortage of available lands on the island of Oahu in relation to available lands in the State, an award of an agricultural lot on

on which the lessee resides. [Eff 7/30/81; am 8/1/85; am and comp 10/26/98] (Auth: HHC Act §222; HRS §91-2) (Imp: HHC Act §207)

§10-3-6 Island-wide waiting lists. (a) The department shall maintain area waiting lists until the lists are exhausted. Applicants on a waiting list for any area will be placed on the respective island-wide residential lot, agricultural lot, or pastoral lot waiting list according to the date and time stamp described in section 10-3-3.1(a)(2). Applicants on a waiting list for an area will be considered first for award of any lots in the area. Applicants on the island-wide waiting list shall be considered for award according to the date and time stamp described in section 10-3-3.1(a)(2).

(b) Applicants wishing to transfer their completed application on one island-wide waiting list to another island-wide waiting list may do so. Upon the completion of the transfer, the transfer date will replace the original date of application. No applications will be accepted for any area waiting list. [Eff 7/30/81; am and comp 10/26/98; am 3/31/17] (Auth: HHC Act §222) (Imp: HHC Act §207)

→ **§10-3-7 Priority and preference for award of leases.** (a) Except as otherwise provided in section 10-3-11 relating to Lanai awards, applicants shall be considered for award in the order in which their completed applications were received by the department; provided that awards shall first be made according to ranking in existing priority I, II, and III waiting lists in that order until those waiting lists are exhausted. Thereafter, awards shall be based on numerical designation by date of completed application on the area waiting list, then on the island-wide waiting list, except as otherwise provided in this chapter.

(b) In making awards, the department shall give preference to an applicant who is not a lessee, or whose spouse is not a lessee.

(c) An applicant who is a lessee, or whose spouse is a lessee, shall be placed on a deferred status until each applicant given preference as provided by subsection (b) has been offered a lot; provided that an applicant who is a lessee, or whose spouse is a lessee, shall not be placed on a deferred status and may be offered a lot if the applicant or the applicant's spouse states in writing that the applicant or the applicant's spouse, as the case may be, will transfer an existing lease or surrender an existing lease to the department before, and as a condition for, the award of a new lease.

(d) An exception to subsection (c) may be made if the lessee of a residential lot or the spouse of a lessee of a residential lot is awarded a new agricultural or pastoral lot which is unimproved and on which a residence cannot be constructed. In this case, the transfer or surrender of the residential lease may be postponed until such time as the new agricultural or pastoral lot is improved and a residence can be constructed on the new lot. [Eff 7/30/81; am 1/20/86; am and comp 10/26/98; am 8/6/14] (Auth: HHC Act §222) (Imp: HHC Act §207)

§10-3-8 Transfer of application rights. (a) An applicant may designate an individual relative who is at least eighteen years of age and a native Hawaiian from among the following to succeed to the applicant's application rights upon the death of the applicant:

- (1) Husband or wife;
 - (2) Child;
 - (3) Grandchild;
 - (4) Father or mother;
 - (5) Widow or widower of a child;
 - (6) Brother or sister;
 - (7) Widow or widower of a brother or a sister;
- or

Ex. B. June '21
C-3

Exhibit E

**HAWAIIAN HOMES COMMISSION
APRIL 22 & 23, 2024**

E – ITEMS

LAND DEVELOPMENT DIVISION



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

Moloka'i Island Project Updates

**Item E-1
For Information Only
April 22-23, 2024**



AGENDA



Kalanianaʻole Hall

Project Status



Hoʻolehua Veterans and Homestead Residents Center

Project Status



AGENDA



Molokai Cesspool Assessment

Site Improvements



Molokai Drainage Study

Site Improvements, Photos



AGENDA



Ho'olehua Scattered Lots

Site Improvements, Photos



Nā'iwa Ag Subdivision

Site Improvements



Kalaniana'ole Hall

- Act 88, SLH 2021, as amended by Act 248, SLH 2022, provides for \$1,500,000 to Homestead Services repair improvements
- Contractor: Diede Construction Inc.
- Contract \$1,500,000
- Notice to Proceed April 1, 2024
- Improvements to Kalaniana'ole Hall, including but not limited to:
 - Termite fumigation and ground treatment
 - Foundation work, siding repair, and interior/exterior paint
 - New floor sheathing and bathroom accessories
 - Roof repair, shingle replacement, and insulation as needed





Ho'olehua Veterans and Homestead Residents Center

- New design-build facility for joint use by DHHL Molokai Veterans and Homestead Residents; includes offices, kitchen, meeting rooms, event space, parking lot, new septic tank and leach field.
- Legislative Appropriation \$4,240,000.00 (encumbered)
- Construction began October 4, 2022, with an anticipated completion date in April 2024
- Contractor: Diede Construction Inc.





Ho'olehua Veterans and Homestead Residents Center

- Substantial Completion in Progress





Molokai Cesspool Assessment

Enabling Legislation:

- Act 125, Session Laws of Hawaii, 2021 requires upgrade, conversion, or sewer connection of all cesspools by 2050, unless exempted

Hawaii Engineering Group (HEG) Project Objectives:

1. Build an accurate database of existing cesspools
2. Create baseline engineering drawings for cesspool evaluation
3. Assess existing conditions for conversion of cesspools to comply with Act 125 (SLH 2017) by 2050
4. Evaluate existing infrastructure and make recommendations for possible cesspool conversions



Molokai Cesspool Assessment

Field Survey Completed in September 2022

Homestead	Existing DHHL Data	Field Verified Data
Kapa'akea		
Septic Tank	N/A	8
Cesspool	43	45
One Ali'i		
Septic Tank	N/A	5
Cesspool	26	26
Kalama'ula		
Septic Tank	N/A	67
Cesspool	93	64
Ho'olehua-Pala'au		
Septic Tank	N/A	39
Cesspool	319	268
Total		
Septic Tank	0	119
Cesspool	481	403



Molokai Cesspool Assessment

- **HEG has submitted to DHHL the Final Report dated July 2023 with recommendations for Cesspool conversion options.**
- **Main options for cesspool conversion are individual onsite septic tanks or a decentralized “cluster” wastewater system to serve several homes in a neighborhood**
- **DHHL understands the financial situation within our communities and seeks to lessen the burden on beneficiaries while we all malama the aina and maintain our precious water resources**

Your kōkua is appreciated!



Molokai Drainage Study

The Molokai Island communities have a number of streams that run through the subdivisions. These streams cause flooding of communities during heavy rainstorms as has happened during the December 2022 rainstorm events that hit the island. There are (7) defined streams:

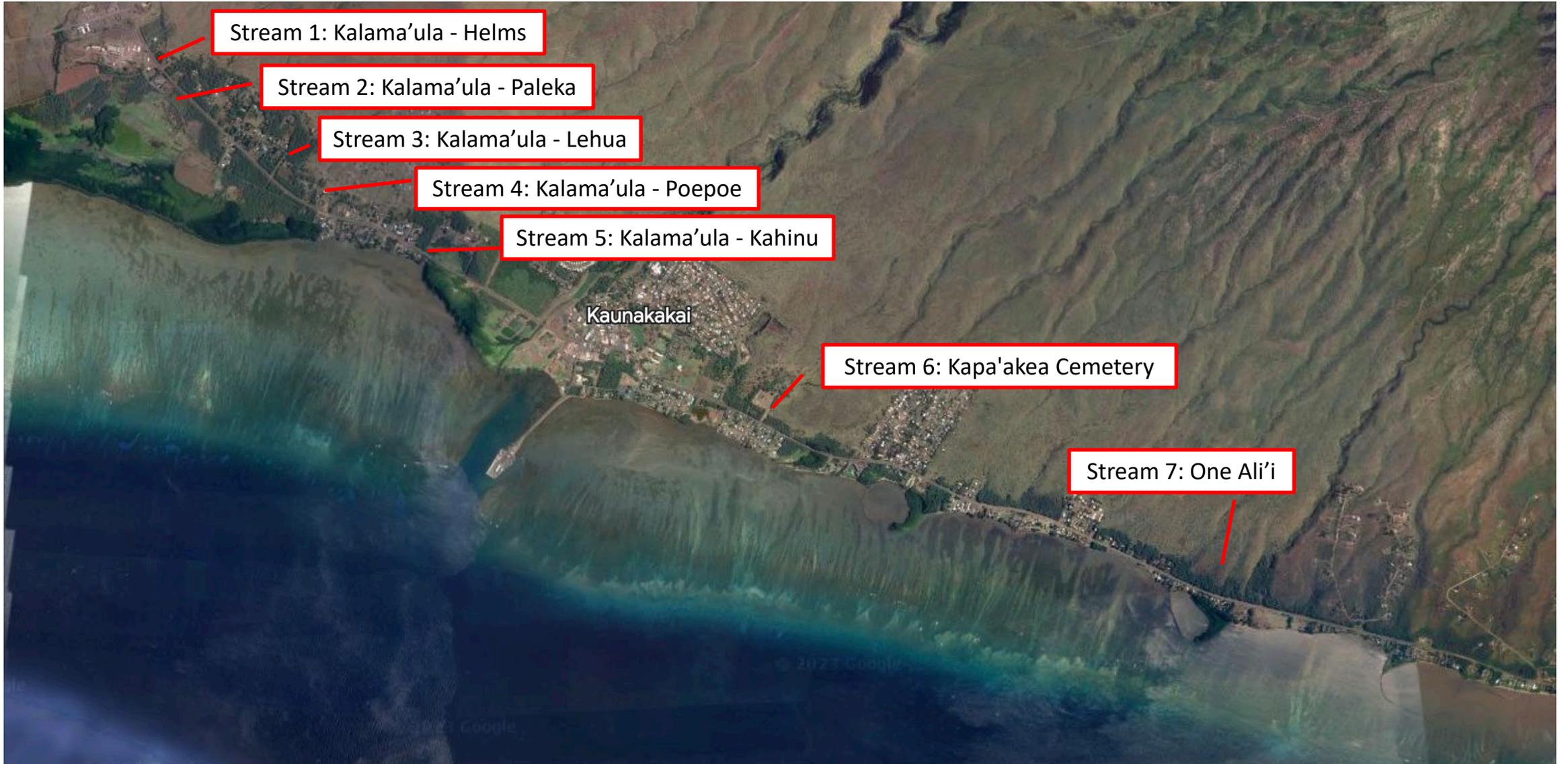
Kalama'ula

- Helms Stream
- Paleka Stream
- Lehua Stream
- Poepoe Stream
- Kahinu Stream
- Kapa'akea Cemetery Stream
- One Ali'i Stream

DHHL has authorized a Hydrologic and Hydraulic (H&H) drainage study of these streams starting in May and is projected to be completed by December 2024



Molokai Drainage Study





Molokai Drainage Study



Kapa'akea Channel 1 During and After Rainstorm



Molokai Drainage Study

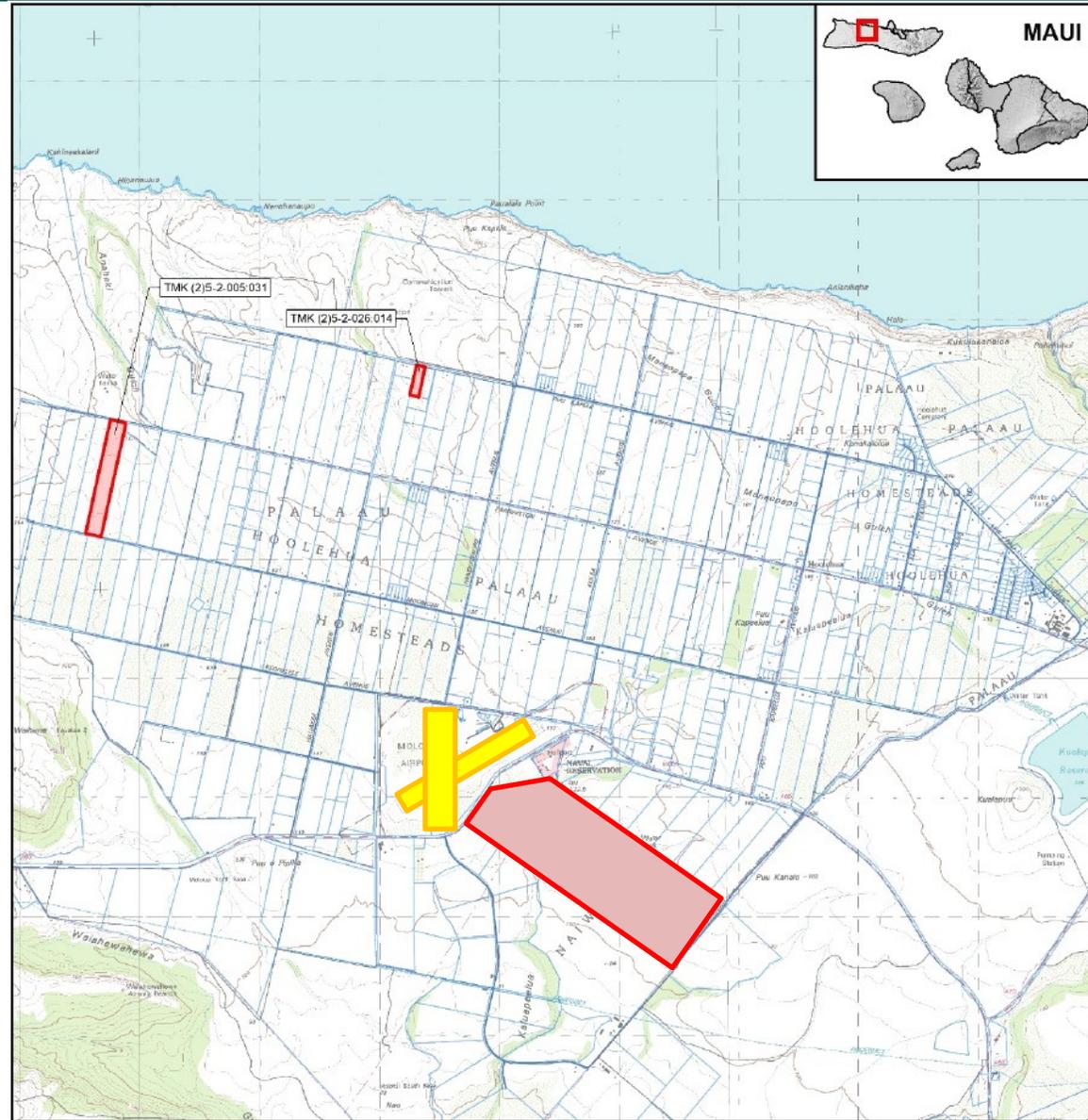


Kapa'akea Channel 2 During and After Rainstorm



Ho'olehua Hawaiian Home Lands

Ho'olehua
Scattered Lots

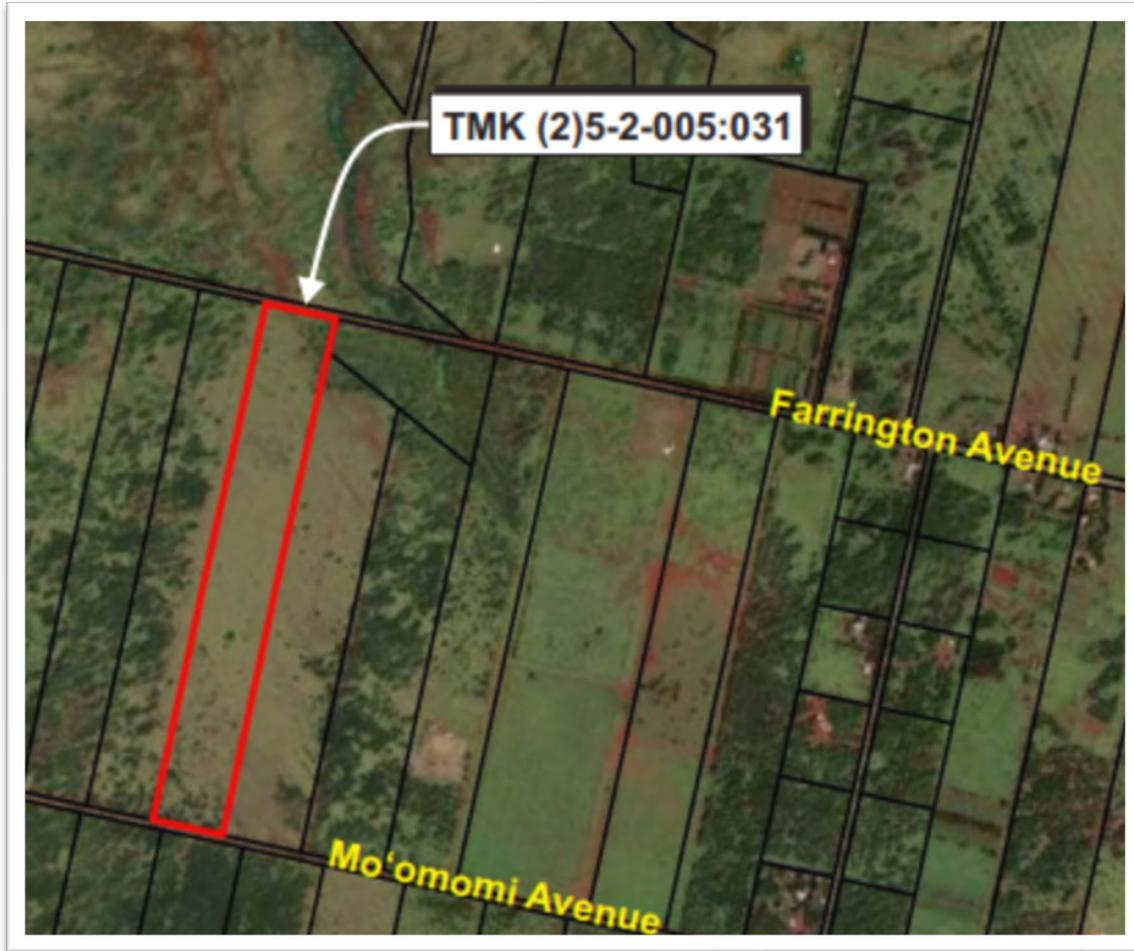


Nā'iwa Agricultural
Subdivision



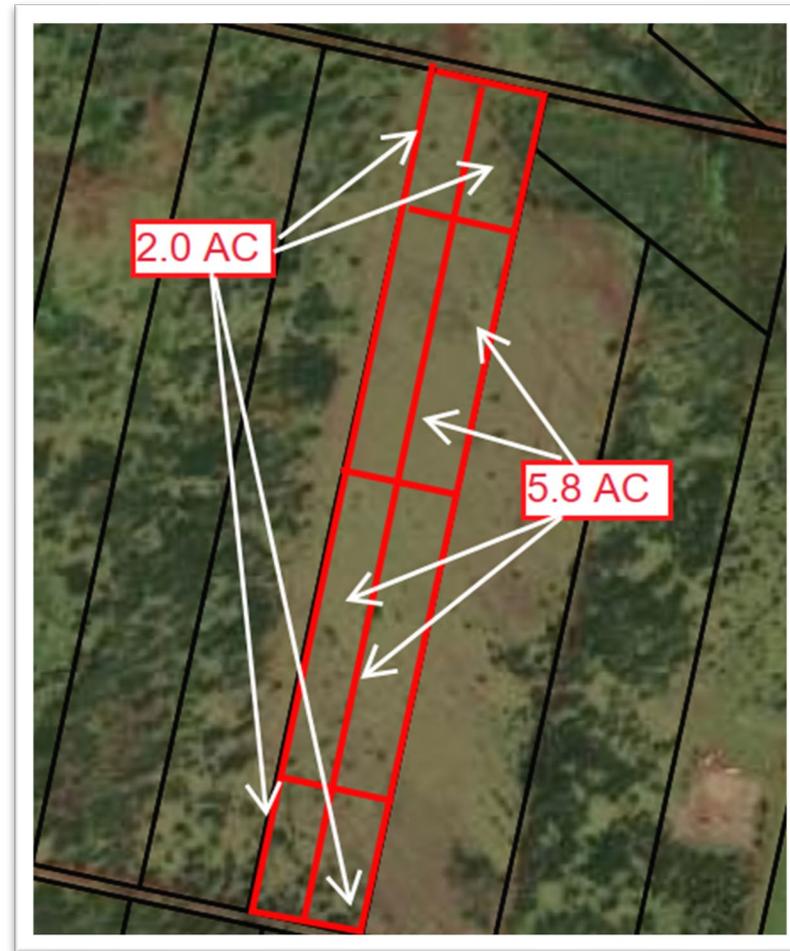
Ho'olehua Scattered Lots – Site Improvements

Approximately 30 acres



PROPOSED LOT SUBDIVISION

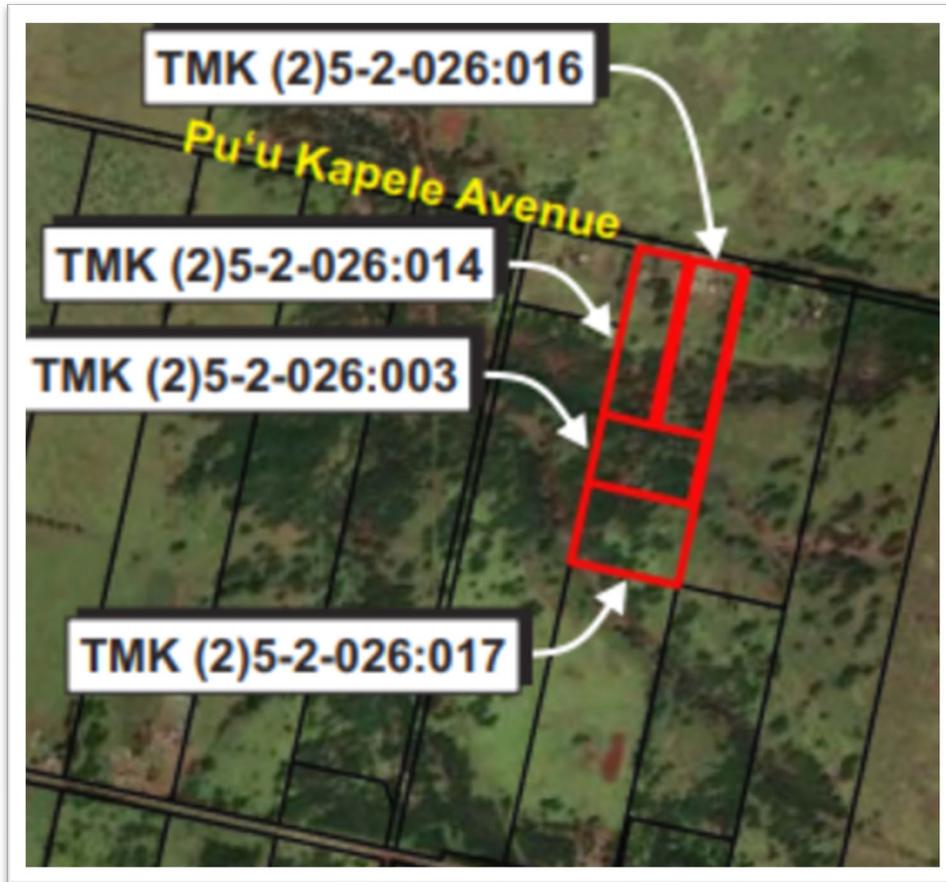
8 Lots



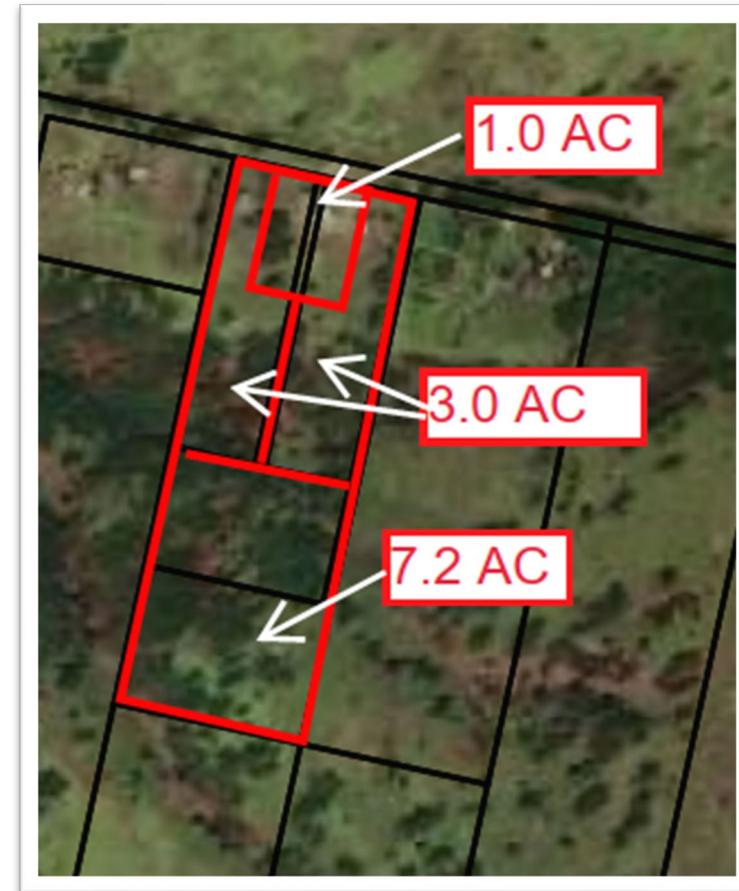


Ho'olehua Scattered Lots – Site Improvements

Approximately 15 acres



PROPOSED LOT SUBDIVISION
4 Lots





Ho'olehua Scattered Lots – Site Improvements

SCOPE OF WORK

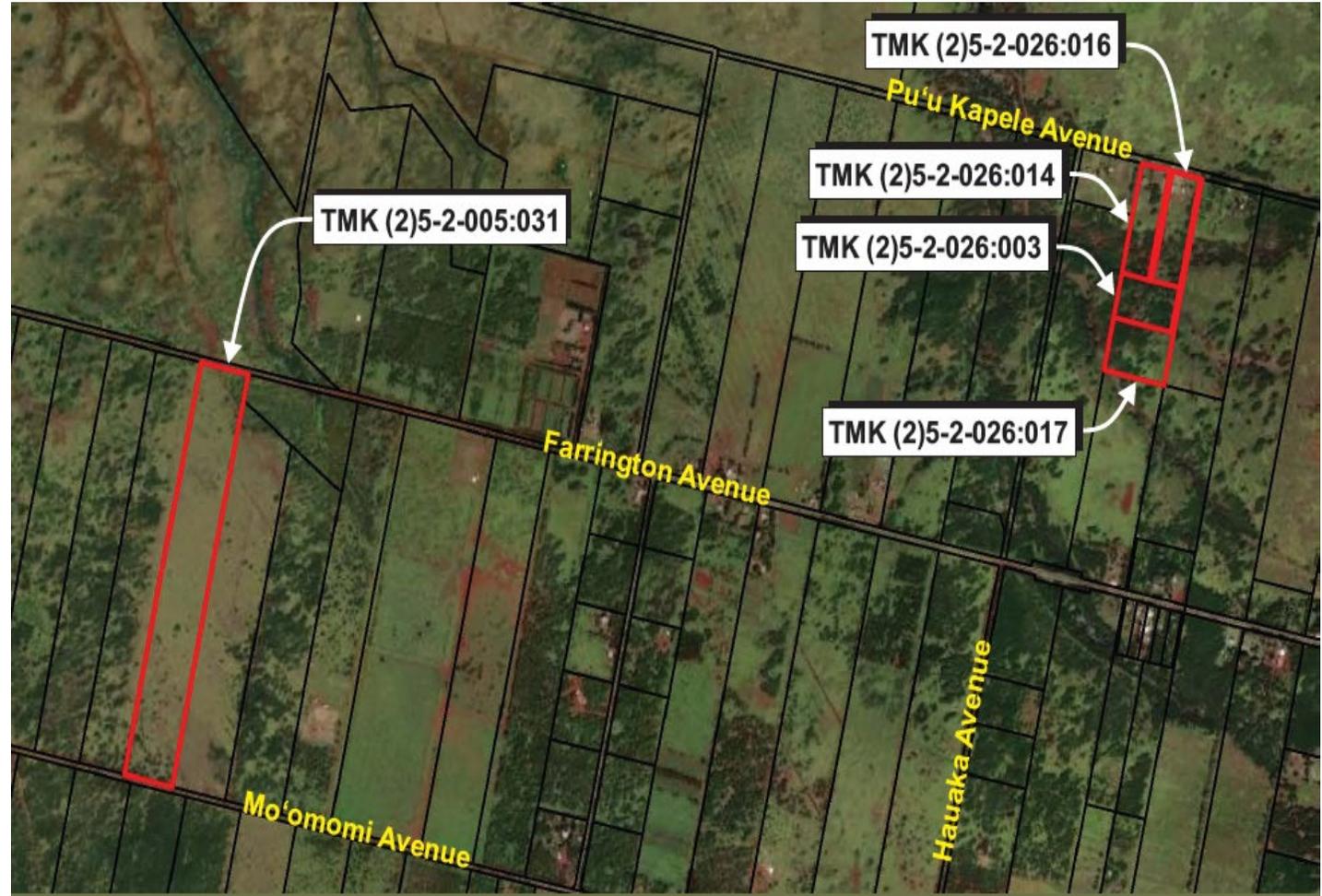
- Possible Infrastructure Improvements
 - Roadway
 - Electrical
 - Potable water
 - Irrigation water

BUDGET

- Act 279
- Act 88

SCHEDULE

- Early 2025: Complete Environmental Documentation
- Early 2025: Complete design
- Early 2025: Advertise bids for construction
- Mid 2025: Begin construction
- Late 2026: Construction completed



*subject to construction funding



Ho'olehua Scattered Lots – Site Improvements

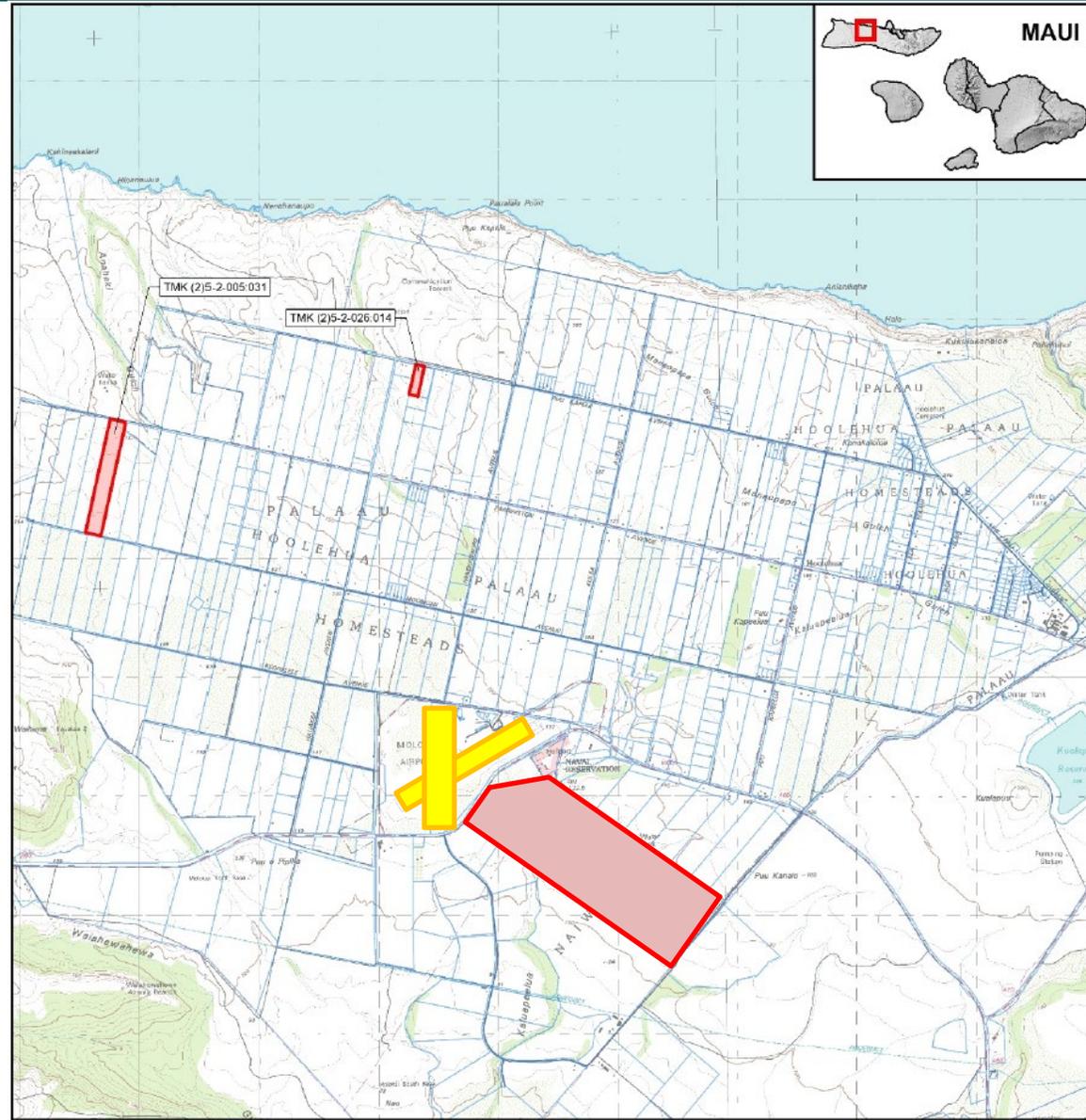
Next Steps:

- Hazardous Materials Assessment - Completed 2023
- Land survey - Completed March 2024
- Updated Preliminary Engineering and Drainage Report - Completed March 2024
- Complete additional interviews for Cultural Impact Assessment - Summer 2024
- Draft Environmental Assessment - Summer 2024



Ho'olehua Hawaiian Home Lands

Ho'olehua
Scattered Lots

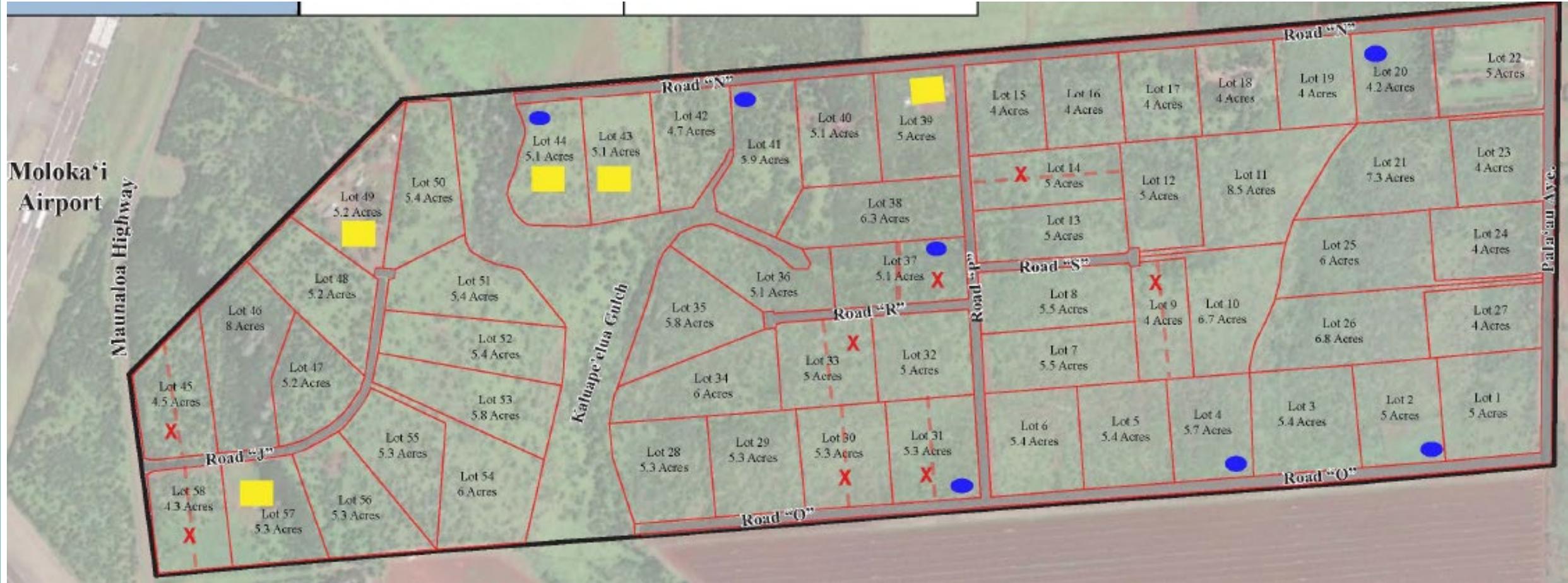


Nā'iwa Agricultural
Subdivision





Preliminary Nā'īwa Agricultural Subdivision





Nā'īwa Ag Subdivision – Site Improvements

PLANNED INFRASTRUCTURE FOR SUBDIVISION UP TO 66 LOTS

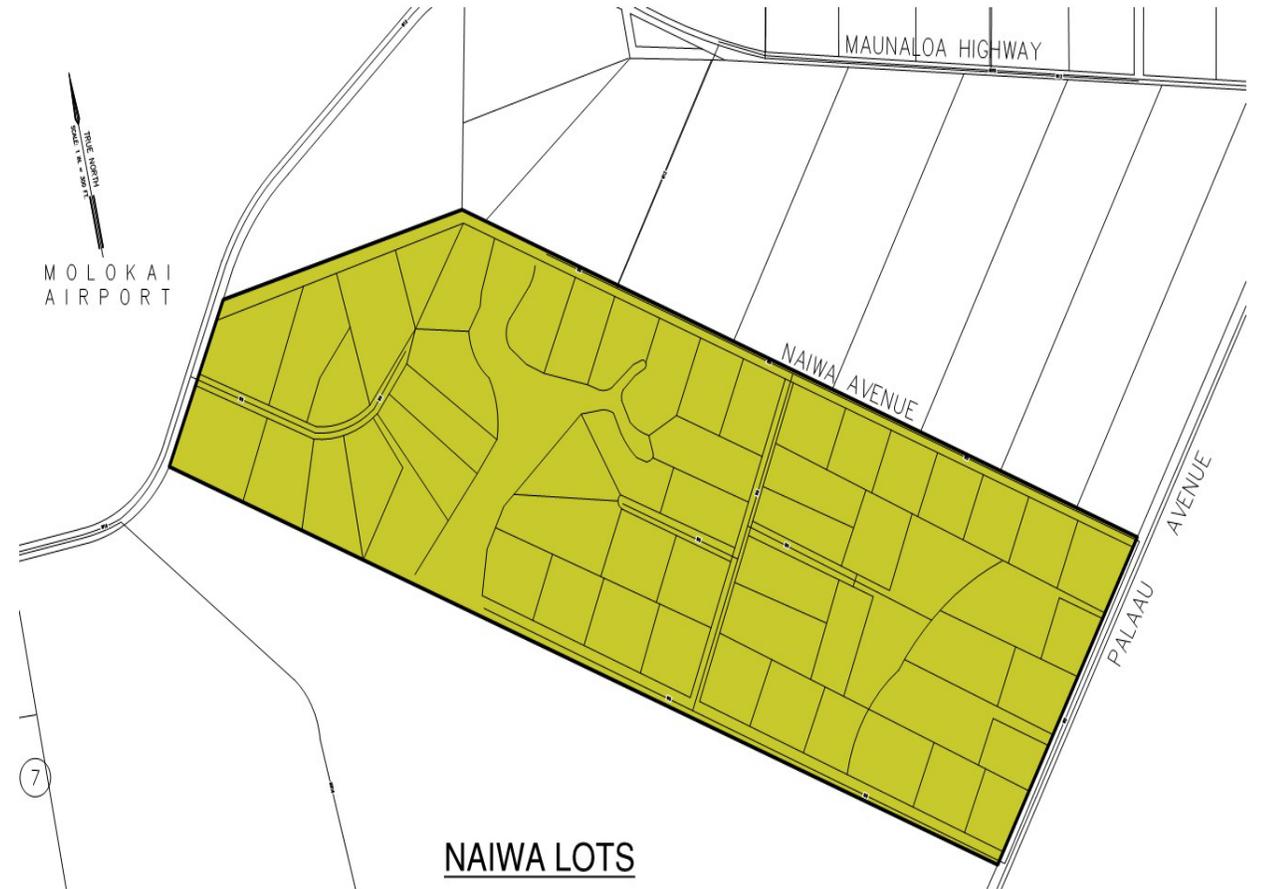
- Paved Roadways
- Potable water
- Irrigation water
- Overhead Electrical Service
- Drainage detention basins in lots

BUDGET

- Act 279
- Act 88

TENTATIVE SCHEDULE

- End 2023: Complete Environmental Documentation
- Mid 2024: Complete design
- Mid 2024: Advertise bids for construction
- Early 2025: Begin construction
- Mid 2026: Construction completed



***Subject to construction funding**



Nā'īwa Ag Subdivision – Site Improvements

Next Steps:

- Final Environmental Assessment - Completed 2023
- Phase I Environmental Site Assessment - Completed 2023
- Archaeological Inventory Survey - Summer 2024
- Invitation to Bid released March 20, 2024; Bids due April 24, 2024



Nā'īwa Agricultural Subdivision - Photos



Facing south east



Nā'īwa Agricultural Subdivision - Photos



Vegetated land



Nā'iwa Agricultural Subdivision - Photos



Nā'iwa Road



Nā'īwa Agricultural Subdivision - Photos



Mauna Loa Highway



Nā'iwa Agricultural Subdivision - Photos



Facing south



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov

**HAWAIIAN HOMES COMMISSION
APRIL 22 & 23, 2024**

F – ITEMS

LAND MANAGEMENT DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22-23, 2024

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Linda Chinn, Acting Administrator 
Hawaiian Homes Commission

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

SUBJECT: Approval to Authorize Implementation of New Revocable Permit Program

RECOMMENDED MOTION/ACTION

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

1. Rescind the action taken by the Hawaiian Homes Commission on May 31, 1985, authorizing the Chairman of the HHC to issue, amend, renew and terminate revocable permits;
2. Approve and adopt a new Revocable Permit program substantially in the form set forth in Exhibit "1" hereto to provide LMD 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);
3. Approve the Application and Qualification Form and the General Guidelines and scoring criteria for each type of Revocable Permit included as parts of the new Revocable Permit program;
4. Approve continuing the current practice of submitting annual renewals of the Revocable Permits that are in full compliance to HHC for approval on an on-island/district meeting basis, with recommendations on permit fees;
5. Approve the conversion of all existing Right-of-Entry permits that are in full compliance to Revocable Permits on an on-island/district meetings basis over the one-year period following HHC approval and adoption of the new Revocable Permit Program; and
6. Authorize DHHL, through its LMD, to commence administrating and using the new Revocable Permit program and employing that means of disposition of non-homestead Trust lands, when and where appropriate, to reduce the number of non-productive commercial

properties and maximize the income and public benefits realized for the Trust and its beneficiaries.

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.

At the January 19-20, 2021 regular monthly meeting, the HHC approved a new Revocable Permit Pilot Program. 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.

Our consultant 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 has adjusted as it moved 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 encumbered for 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 run 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 "1").

1) Parcel Identification and Fee Methodology – establish criteria to evaluate and identify parcels suitable for short term disposition:

- Identified parcels available for each type of short-term use will be posted on DHHL website and at the respective district office. Potential applicants can also submit the Land Request Form directly to LMD for a certain interested parcel for short-term use and LMD will post availability and go through the process.
- Methodology to calculate the minimum base permit fee for General use will be based on the County tax assessed valuation for the parcel and take an 8% rate of return. Because of short-term use, a 50% discount is considered to arrive at the minimum base permit fee.
- Minimum base permit fee for Business (commercial and industrial) use will be based on comparable rates, with a 50% discount for short-term use.
- Community RP will continue at a minimum of \$240.00 per annum.

2) Outreach and Application – reaching out to beneficiaries, beneficiary organizations and businesses to inform of the availability of parcels under month-to-month use:

- The island homestead associations, Office of Hawaiian Affairs, and Native Hawaiian Chamber of Commerce will be informed of the availability of the parcels to share with the community.
- All potential applicants who submitted land request forms for use of parcel under short-term use will also be notified.
- Applicants will be given a set time period to submit applications. LMD will review based on the criteria and guideline established and recommend to the HHC the selected applicants for the short-term use of Hawaiian home lands.

3) 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:

- The Applicant must file and complete the Application and Qualification Form
- The Applicant must be in compliance with the State of Hawaii Vendor requirements (e.g. Hawaii Compliance Express). This only applies to Business RP applicants.
- 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.
- The use of the land proposed by the Applicant can NOT trigger an environmental assessment as determined by OEQC or DHHL Planning Office.
- Applicant who demonstrate that it is proactively making its best effort to reach out to beneficiaries for job training, internship, or employment opportunities will receive extra point during the review process.

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. The scoring process does provide for points for benefits to beneficiaries and for native Hawaiian ownership and control of an applicant entity.

Annual Renewals of Revocable Permits

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. LMD will continue the process of submitting renewals for the HHC to consider on an on-island/district meeting basis with recommendations on permit fees. LMD will only recommend renewal of a revocable permit if it is in full compliance as of the date it is considered at its applicable island/district meeting.

Convert all existing Right-of-Entry Permits in full compliance 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. Right-of-Entry permits are meant for short term dispositions prior to other longer-term dispositions and should be as-needed for specific projects, and are not the right type of disposition for the month-to-month use of Hawaiian home lands.

With this approval of the new Revocable Permit Program, LMD is recommending that all the Right-of-Entry permits carried over from the old program, or permits issue or renewed under the Interim Process should be converted to Revocable Permits, which is the proper documentation for the short-term disposition authorized under Section 171-55, HRS, as amended.

Staff will conduct visits to all Revocable Permit parcels over the next year to ensure whether the permittees are in full compliance with the terms and conditions of their permits. Only those in full compliance will be recommended to the HHC for renewal and conversion to Revocable Permits.

AUTHORITY

Section 204(a), Hawaiian Homes Commission Act, 1920, as amended.

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

RECOMMENDATION

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

EXHIBIT 1
ITEM NO. F-1

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

March 18, 2024

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

FROM: Russell K. Kaupu, Property Development Agent,
Office of the Chairman (OCH),
Department of Hawaiian Home Lands (DHHL)



SUBJECT: Report and Recommendations from the Industrial and
Commercial Properties Permitted Interaction Group

REPORT:

At the December 2023 HHC meetings, Chairman Kali Watson established a Permitted Interaction Group pursuant to HRS Section 92-2.5 and HAR Section 10-2-16(b)(1) “to investigate, consider and recommend priorities and methods of disposition for non-homestead Trust Lands, giving analysis to prioritize specific parcels and alternate methods of disposition as the Department moves forward to reduce the number of non-productive commercial properties and maximize the income and public benefits realized for the Trust and its beneficiaries” (informally referred to as the “Industrial and Commercial Properties PIG” or the “PIG”). The appointed members of the PIG are Hawaii Commissioners Michael Kaleikini (as Chair), Kauai Commissioner Dennis Neves, Maui Commissioner Randy Awo and Chairman Kali Watson. DHHL staff to the PIG are Russell Kaupu, Kahana Albinio and Linda Chinn.

The PIG met a total of four times – on 01/10/2024, 01/18/2024, 03/06/2024 and 03/11/2024. At meeting #1, staff presented the chart attached hereto as **Exhibit “E”**, explaining the different types of dispositions available to DHHL and its Land Management Division (LMD). At meeting #2, staff presented its write-up of the proposed new Revocable Permit Program, as formulated with input from HHC in 2020 and 2021 and piloted by LMD in 2022 and 2023. Comments and suggestions for revisions to this program were solicited and received and, at meetings #3 and #4 (and in the following days via email), agreed upon by the PIG. The resulting revised write-up of the proposed new Revocable Permit Program is attached hereto as **Exhibit “A”** (Purpose, Policy, Process and Procedures), **Exhibit “B”** (Application and Qualification Form and Checklist), **Exhibit “C-1”** (General Guidelines and Scoring Criteria – GENERAL RP), **Exhibit “C-2”** (General Guidelines and Scoring Criteria – BUSINESS RP), **Exhibit “C-3”** (General Guidelines and Scoring Criteria – COMMUNITY RP), and **Exhibit “D”** (Form of Revocable Permit). At meeting #3, staff also presented information on the nine industrial and commercial properties/projects identified in the presentation slides attached hereto as **Exhibit “F”** that LMD would like to move forward on.

RECOMMENDATIONS:

The Industrial and Commercial Properties PIG recommends that HHC, at its April 2024

meetings, at the request of LMD, do the following:

A. *Regarding Revocable Permits*

1. Rescind the action taken by HHC on May 31, 1985, authorizing the Chairman of HHC to issue, amend, renew and terminate revocable permits;
2. Approve and adopt the Purpose, Policy, Process and Procedures of the new Revocable Permit Program as set forth in **Exhibit "A"** hereto to provide LMD with guidance in the disposition of available lands for short-term use through the issuance of revocable permits for various purposes;
3. Approve the Application and Qualification Form and Checklist for the new Revocable Permit Program attached hereto as **Exhibit "B"**, the General Guidelines and Scoring Criteria for each of the GENERAL RP, BUSINESS RP and COMMUNITY RP attached hereto as **Exhibit "C-1"**, **Exhibit "C-2"** and **Exhibit "C-3"**, respectively, and the Form of Revocable Permit attached hereto as **Exhibit "D"**;
4. Approve continuing the current practice of submitting annual renewals of the Revocable Permits that are in full compliance to HHC for approval on an on-island/district meeting basis, with recommendations on permit fees;
5. Approve the conversion of existing Right-of-Entry permits that are in full compliance to Revocable Permits on an on-island/district meetings basis over the one-year period following HHC approval and adoption of the new Revocable Permit Program; and
6. Authorize DHHL, through its LMD, to commence administrating and using the new Revocable Permit Program and employing that means of disposition of non-homestead Trust lands, when and where appropriate, to reduce the number of non-productive commercial properties and maximize the income and public benefits realized for the Trust and its beneficiaries.

B. *Regarding Select Industrial and Commercial Properties/Projects*

Authorize DHHL, through its LMD, to engage consultants and otherwise incur expenses to do such pre-disposition studies and investigations as legally required (*e.g.*, appraisals to set minimum rents for General Leases) or deemed prudent (*e.g.*, "master planning" activities to set guidelines and expectations for Project Developer Agreements) to get the properties identified in **Exhibit "F"** hereto prepared and positioned for their respective dispositions, with each actual disposition still needing HHC approval.

PAU KA HANA - MAHALO:

With the presentation of this report and any follow-up to take place at the April HHC meetings, the work of the PIG will be completed. Mahalo to the PIG Chair, Commissioner Kaleikini, for leading the hui through this process, and to all who participated.

DEPARTMENT OF HAWAIIAN HOME LANDS

SUBJECT: NEW REVOCABLE PERMITS PROGRAM

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, or other uses), COMMUNITY (public, community or homestead related) or BUSINESS (commercial and industrial) 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. Maximize 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.

POLICY:

On April 22-23, 2024, the Hawaiian Homes Commission adopted the following on the issuance of Revocable Permit:

- 1) Rescind the action taken by the Hawaiian Homes Commission on May 31, 1985, authorizing the Chairman of the HHC to issue, amend, renew and terminate revocable permits.
- 2) Approve and adopt the new Policy and Procedure for Issuance of Revocable Permits 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).
- 3) Approve the Application and Qualification Form (attached) and the General Guidelines and scoring criteria (attached) for each type of Revocable Permits.
- 4) Approve the continuance of submitting annual renewals of the Revocable Permits that are in full compliance to the HHC for approval on an on-island/district meeting basis with recommendations on permit fees.

Exhibit "A"

- 5) Approve the conversion of all existing Right-of-Entry Permits that are in full compliance to Revocable Permits on an on-island/district meetings basis over the one-year period following the HHC approval and adoption of the new Revocable Permit Program.

PROCESS AND PROCEDURES

Revocable permits offering and issuance shall be initiated by Land Management Division (LMD). Any prospective Applicant can initiate by submitting a written request to LMD to use a particular parcel of land.

1. LMD 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.

Interested parties could also initiate action by submitting a Land Request Form on parcels that are of interest to them.

- A. Phase 1: Parcel Identification and Methodology to determine Permit Fee 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 Permit Fee 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. LMD 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 LMD 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. Monthly fair market permit fee may be determined by taking an 8% capitalization rate on the most recent County Real Property Tax Assessed Value(s) divided by the twelve months

(Prior HHC approval shall guide permit fee determination)

- c) Business RP – Minimum base permit fee shall be determined by comparable rates, with a 50% discount for short-term use divided by the twelve months
4. Once determination is made, LMD will post notice on DHHL’s website, at the respective district offices, DHHL newsletter Ka Nuhou as well as OHA’s newspaper, and other publications of the availability of such land parcels for short term Revocable Permit use.
5. 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.
6. LMD 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.
7. LMD will present the review result and prepare a recommendation for the issuance of new RPs to the 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.
8. If HHC approves the issuance, LMD shall draft the revocable permit, which is reviewed by LMD Administrator, and assigned the appropriate account number.
9. The draft document shall be forwarded to DHHL’s deputy attorney general for review and approval as to form.
10. 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 permit fee and certificate(s) of insurance, naming DHHL as additional insured.
11. LMD shall prepare Fiscal instrument and route same to Fiscal Office to create new account. Payments shall be deposited and credited to the new account.
12. LMD shall prepare draft of cover letter to Permittee, transmitting a fully executed copy of the revocable permit for permittee’s file.
13. LMD shall prepare Form P-66A (Real Property data) and distribute as follows:
 - (1) City & County of Honolulu - 2 copies of WHITE form;

- (2) County of Maui - 2 copies of BLUE form;
 - (3) County of Hawaii - 2 copies of YELLOW form;
 - (4) County of Kauai - 2 copies of PINK form
 - (5) DHHL LMD subject file - 1 copy
14. LMD 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 "B"

Item C-4

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

REVOCABLE PERMIT APPLICATION CHECKLIST

- Application and Qualification Form (attach additional pages if needed)
- Certificate of Vendor Compliance (individuals may submit, in lieu, 2 years State and Federal tax returns)
- Proof and/or statement of ability to secure insurance
- Statement that the proposed use is in alignment with the Island and Regional Plans
- Statement that the proposed use does not trigger an Environmental Assessment
- Proof of holding all permits and licenses needed for proposed use, if applicable
- Explanation of benefits to DHHL beneficiaries and outreach for job training, internship, or employment opportunities
- Statement of proposed rent and confirmation that it meets or exceeds minimum requirement
- For **corporation** applicant - certified copy of Articles of Incorporation and Bylaws; For **limited liability company** applicant – certified copy of Articles of Organization and Operating Agreement; For **partnership** applicant – Certified copy of partnership agreement
- Proof of 501(c)(3) or other tax-exempt status, if applicable
- Business plan with 3-year pro-forma (*for Business RP or Community RP only*)
- Financial statements for past two years and current year-to-date (*for Business RP or Community RP only*)
- Proof of funds for rent, improvements, and programs, as applicable
- Proof of all professional certificates held, where applicable
- Proof of history as a commercial tenant, where applicable
- Letter from applicant's banker attesting to creditworthiness (*for Business RP only*)
- Resumes and 2 years State and Federal tax returns of principals and key team members (*for Business RP or Community RP only*)
- Copy of current credit report, if applicable (individuals)
- At least 2, but no more than 5, professional/commercial references
- \$75 check for processing fee, or request for processing fee waiver (*for Community RP only*)
- Description of outreach and consultation conducted with the target community (*for Community RP only*)

Applications must be **received** no later than:

4pm HST on _____

Via Email: DHHL.LMDRP@hawaii.gov

In-person at:

DHHL Land Management Division

91-5420 Kapolei Parkway

Kapolei, Hawai'i 96707

Via mail: P.O. Box 1879, Honolulu, Hawai'i 96805

DEPARTMENT OF HAWAIIAN HOME LANDS

Land Management Division

General Guidelines For Application for **GENERAL** Revocable Permits
Revised April 2024

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 can 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.

At its regular monthly meeting of April 22-23, 2024 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 RPs are used to provide a presence on DHHL 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 RP category.

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.
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 upon by the Environmental Council on April 6, 2021 is available on DHHL's official website.
3. Proof of immediately available funds through the most current bank statements for a security deposit of two times (2x) the proposed monthly fee.
4. Proof of funds for improvements, if applicable, through the most current bank statements, credit line availability, loan pre-approval, or other sources of financing.
5. Resume of principals and key team members demonstrating knowledge and experience in the specific field/area of the proposed use, including all professional certificates held.
6. Proof of history as an excellent tenant with no termination or enforcement actions within the past 2 years minimum.
7. Proof of excellent history with DHHL (if currently or a prior lessee or license holder).

Exhibit "C-1"

Item C-4

8. Federal and state tax returns and financial statements for the prior two calendar years and YTD current year. If applicant is an individual and business financial statements are not available, then a copy of an up-to-date credit report may be submitted in lieu thereof.
9. At least 2 and no more than 5 references.

Prospective Applicant must remit a check in the amount \$75.00 for a non-refundable 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 fee</p> <ul style="list-style-type: none"> • Meeting minimum fee = 10 points • 50% above minimum fee = 15 points • 50%+ above minimum fee = 16-20 points 	0-20

QUALIFICATIONS	SELECTION CRITERIA	POINTS
	<p>Applicants can propose additional permit fee options including higher base fee, base plus percentage, etc. to strengthen application.</p> <p>Benefits to beneficiaries:</p> <ul style="list-style-type: none"> • Minimum benefit = 0 – 10 points • Moderate benefit = 10 – 20 points • Maximum benefits = 20 - 30 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 	<p>0-30</p>

DEPARTMENT OF HAWAIIAN HOME LANDS

Land Management Division

General Guidelines For Application for **BUSINESS** Revocable Permits Revised April 2024

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 can 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.

At its regular monthly meeting of April 22-23, 2024 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 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 align with the applicable 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 upon by the Environmental Council on April 6, 2021 is available on DHHL's official website.
3. Proof of immediately available funds through the most current bank statements for a security deposit of two times (2x) the proposed monthly fee.
4. Proof of funds for improvements, if applicable, through the most current bank statements, credit line availability, loan pre-approval, or other sources of financing.
5. Resume of principals and key team members demonstrating knowledge and experience in the specific field/area of the proposed use, including all professional certificates held.
6. Proof of history as an excellent commercial tenant with no termination or enforcement actions within the past 2 years minimum.
7. Proof of excellent history with DHHL (if currently or a prior lessee or license holder).

Exhibit "C-2"

Item C-4

8. Federal and state tax returns and financial statements for the prior two calendar years and YTD current year. If applicant is an individual and business financial statements are not available, then a copy of an up-to-date credit report may be submitted in lieu thereof.
9. 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.
10. If Applicant is a corporation -- certified copies of the Articles of Incorporation and Bylaws and any amendments; If Applicant is a limited liability company -- certified copies of the Articles of Organization and Operating Agreement and any amendments; If Applicant is a partnership, a certified copy of the Partnership Agreement and any amendments; If Applicant is a tax-exempt organization, proper IRS 501(c)(1) or IRS 501(c)(3) documentation is required.
11. Business plan with 3-year pro-forma.
12. Proof of holding all permits and licenses required for the proposed business use for the last 3 years.

Prospective Applicant must remit a check in the amount \$75.00 for a non-refundable processing fee with the application made payable to the Department of Hawaiian Home Lands. If awarded, an additional \$100.00 documentation fee will be due.

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>Proposed Benefit, directly and indirectly to DHHL and its beneficiaries</p>	<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> <p>Proposed monthly Permit Fee</p> <ul style="list-style-type: none"> • Meeting minimum fee = 10 points • 50% above minimum fee = 15 points • 50%+ above minimum fee = 16-20 points <p>Applicant can propose additional fee options including higher base fee, base plus percentage, etc. to strengthen application</p>	<p>0- 5</p> <p>0-20</p>
	<p>Benefit to beneficiaries:</p> <ul style="list-style-type: none"> • Minimum benefit – 0-10 points • Moderate benefit – 10-20 points • Maximum benefit – 20-35 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 	<p>0- 35</p>

DEPARTMENT OF HAWAIIAN HOME LANDS

Land Management Division

General Guidelines For Application for **COMMUNITY** Revocable Permits
Revised April 2024

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 can 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.

At its regular monthly meeting of April 22-23, 2024 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 homestead community organizations or other native Hawaiian organizations for activities that benefit 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 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 align with the applicable 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 upon by the Environmental Council on April 6, 2021 is available on DHHL's official website.
3. Proof of immediately available funds through the most current bank statements for a security deposit of two times (2x) the proposed monthly fee.
4. Proof of funds for improvements, if applicable, through the most current bank statements, credit line availability, loan pre-approval, or other sources of financing.
5. Resume of principals and key team members demonstrating knowledge and experience in the specific field/area of the proposed use, including all professional certificates held.
6. Proof of history as an excellent commercial tenant with no termination or enforcement actions within the past 2 years minimum.
7. Proof of excellent history with DHHL (if currently or a prior lessee or license holder).

8. Federal and state tax returns and financial statements for the prior two calendar years and YTD current year. If applicant is an individual and business financial statements are not available, then a copy of an up-to-date credit report may be submitted in lieu thereof.
9. At least 2 and no more than 5 professional/commercial references.
10. If Applicant is a corporation -- certified copies of the Articles of Incorporation and Bylaws and any amendments; If Applicant is a limited liability company -- certified copies of the Articles of Organization and Operating Agreement and any amendments; If Applicant is a partnership, a certified copy of the Partnership Agreement and any amendments; If Applicant is a tax-exempt organization, proper IRS 501(c)(1) or IRS 501(c)(3) documentation is required.
11. Business plan with 3-year pro-forma.
12. Proof of holding all permits and licenses required for the proposed business use for the last 3 years.
13. Proof that Applicant has conducted adequate outreach and consultation with the targeted community and such proposed use is supported by the community.

Prospective Applicant must remit a check in the amount \$75.00 for a non-refundable processing fee with the application made payable to the Department of Hawaiian Home Lands. If awarded, an additional \$100.00 documentation fee will be due.

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 a 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 fee</p> <p>Applicants can propose additional rent options including higher base fee, base plus percentage, 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**

REVOCABLE PERMIT NO. ***

This Agreement (hereinafter referred to as the "Permit") is executed this _____ day of _____, 20____, (Effective Date) by and between the State of Hawaii, **DEPARTMENT OF HAWAIIAN HOME LANDS**, whose principal place of business is at 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707 ("PERMITTOR") and *****, a *** limited liability company, whose mailing address is ***, HI *** ("PERMITTEE").

THIS PERMIT IS GRANTED UNDER THE FOLLOWING CONDITIONS:

1. **GRANT.** PERMITTOR grants to PERMITTEE, its employees, invitees, agents, and representatives, the right to enter and occupy, that certain parcel of Hawaiian home lands located at ***, Island of **, identified as Tax Map Key No. ***, and being approximately *** acres of land, and any improvements thereon, depicted in the map attached hereto as **Exhibit "A,"** together with those improvements existing thereon as of the Effective Date and any improvements or alterations permitted thereon (Premises).

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 Permit. This Permit shall automatically terminate one year from the Effective Date, unless earlier revoked. Both parties may terminate this Permit, for any or no reason, upon a thirty (30) day advanced written notice given to either party.

3. **PERMITTED USE.** PERMITTEE shall use the Premises solely for ***** in conjunction with PERMITTEE's business. PERMITTEE shall receive PERMITTOR's prior written consent for all other intended uses. Residential use is strictly prohibited.

4. **FEES.** PERMITTEE shall pay the sum of ***** and NO/100 DOLLARS (\$***.00) on the 1st day of each and every month thereafter for the duration of this Permit or until it is terminated or revoked as provided herein. PERMITTEE shall be required to pay a non-refundable processing and documentation fee of \$175.00.

Payment can be made in person or by mail at the following:

In Person

Department of Hawaiian Home Lands
Fiscal Office
91-5420 Kapolei Parkway,
Kapolei, Hawaii 96707

Mailing Address

Department of Hawaiian Home Lands
P. O. Box 1721
Honolulu, Hawaii 96806-1721



Exhibit "D"

- a. If monthly rent is not received at the above address on or before the first day of the month for which it is due, then a service charge of FIFTY AND NO/100 DOLLARS (\$50.00) for any fee payment received after the 10th day of the month in which it is due and interest at twelve percent (12%) per annum shall accrue on any amounts more than thirty (30) days past due. The service charge is in addition to interest on unpaid or delinquent rentals. Payment of such service charge shall not excuse or cure any default by PERMITTEE under this Permit.
- b. PERMITTOR reserves the right to increase or decrease the monthly fee at any time upon thirty (30) days' advance written notice to PERMITTEE.

5. **DEPOSIT**. Upon execution of this Permit, PERMITTEE shall deposit with the DEPARTMENT OF HAWAIIAN HOME LANDS a sum which is equal to two (2) months' fees, in cash, certified check or cashier's check, that sum initially being ***** and NO/100 DOLLARS (\$***.00) as security for the faithful performance on its part of all the terms and conditions, inclusive of the special terms and any conditions under this Permit, which it hereby agrees, or in such other form of security therefor as may be satisfactory to PERMITTOR.

- a. The deposit will be returned without interest to PERMITTEE within a reasonable time after the termination of this Permit only if PERMITTEE has faithfully performed all terms and conditions to the satisfaction of PERMITTOR.
- b. In the event, however, that PERMITTEE does not perform, PERMITTOR, at its option, may declare the deposit forfeited to PERMITTOR or apply it as an offset to any amounts owed under this Permit or to any damages or loss to PERMITTOR caused by PERMITTEE'S breach of such terms and conditions.
- c. The exercise of this option is without prejudice to the right of PERMITTOR to institute action for debt or damages against PERMITTEE or to resort to any recourse against PERMITTEE provided by law for the enforcement of PERMITTOR'S rights under this Permit.

6. **ACCEPTANCE OF RENT NOT A WAIVER**. The acceptance of rent by the PERMITTOR shall not be deemed a waiver of any breach by the PERMITTEE of any term, covenant, or condition of this Permit nor of the PERMITTOR's right of re-entry for breach of covenant, nor of the PERMITTOR's right to declare and enforce a

forefeiture for any breach, and the failure of the PERMITTOR to insist upon strict performance of any term, covenant, or condition, or to exercise any option conferred, in any one or more instances, shall not be construed as a waiver or relinquishment of any term, covenant, condition, or option.

7. **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.

8. **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.

9. **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. PERMITTEE shall not allow trash to spread to surrounding areas.

10. **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.

11. **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.

12. **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.

13. **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, including the examination of its repair and condition; provided that PERMITTOR shall not interfere unreasonably with PERMITTEE'S permitted use(s) of the Premises.

14. **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.

15. **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 the 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 Lessor harmless from and against all attachments, liens, charges, and encumbrances and all resulting expenses.

16. **SURRENDER.** At the end of the lease term or other sooner termination of this Permit, PERMITTEE shall peaceably and quietly surrender and deliver to PERMITTOR possession of the Premises and within thirty (30) 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 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 Permit, 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 Permit.

17. **INSURANCE.** PERMITTEE shall procure and maintain, at its own cost and expense, in full force and effect throughout the term of this Permit, 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 Permit. 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 Permit.

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.

Prior to entry and use of the Premises or within fifteen (15) days after the commencement date of this Permit, whichever is sooner, furnish the State with a policy(s) or other documentation required by the State showing the policy(s) to be initially in force, keep the policy(s) or other documentation required by the State on deposit during the entire Permit term, and furnish a like policy(s) or other documentation required by the State upon each renewal of the policy(s). This insurance shall not be cancelled, limited in scope of coverage, or nonrenewed until after thirty (30) days written notice has been given to the State. The state may at any time require the PERMITTEE to provide the State with copies of the insurance policy(s) that are or were in effect during this Permit period.

PERMITTEE shall provide certificate(s) of insurance necessary to evidence compliance with the insurance provisions of this Permit. PERMITTEE shall keep such insurance in effect and the certificate(s) on deposit with PERMITTOR during the entire term of this Permit.

In addition:

- a. Failure of PERMITTEE to provide and keep in force such insurance shall be regarded as material default under this Permit. PERMITTOR shall be entitled to exercise any or all of the remedies provided in this Permit for default of PERMITTEE.
- b. The procuring of such required insurance policies shall not be construed to limit PERMITTEE'S indemnification obligations under this Permit.
- c. PERMITTOR is a self-insured State agency. PERMITTEE'S insurance shall be primary. Any insurance maintained by PERMITTOR and/or the State of Hawaii shall apply in excess of, and shall not contribute with, insurance provided by PERMITTEE.

Such insurance policy shall (a) be issued by an insurance company or surety company authorized to do business in the State of Hawai'i or approved in writing by the

Chairman, Hawaiian Homes Commission; (b) name the State of Hawai'i and its DEPARTMENT OF HAWAIIAN HOME LANDS as an insured; (c) provide that the DEPARTMENT OF HAWAIIAN HOME LANDS shall be notified at least thirty (30) days prior to any termination, cancellation or material change in the insurance coverage; and (d) cover all injuries, losses or damages arising from, growing out of or caused by any acts or omissions of PERMITTEE, its officers, agents, employees, invitees or licensees in connection with PERMITTEE'S use or occupancy of the Premises.

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

PERMITTEE shall furnish to PERMITTOR upon the execution of this Permit, certificates showing such insurance policy or policies to be in favor of PERMITTOR and to be in force and shall furnish like certificates upon each renewal thereof. In the event of loss, damage, or destruction, PERMITTOR shall retain from the proceeds of the policies such amounts deemed by it to be necessary to cover the loss, damage or destruction of or to the improvements and the balance of such proceeds, if any, shall be delivered to PERMITTEE.

PERMITTOR shall retain the right at any time to review the coverage, form, and amount of the insurance required by this Permit. If, in the opinion of the PERMITTOR, the insurance provisions in this lease do not provide adequate protection for the PERMITTOR, the PERMITTOR may require PERMITTEE to obtain insurance sufficient in coverage, form, and amount to provide adequate protection. The PERMITTOR's requirements shall be reasonable but shall be designed to assure protection for and against the kind and extent of the risks which exist at the time a change in insurance is required. The PERMITTOR shall notify PERMITTEE in writing of changes in the insurance requirements and PERMITTEE shall deposit copies of acceptable insurance policy(s) or other documentation required by the PERMITTOR thereof, with the PERMITTOR incorporating the changes within thirty (30) days of receipt of the notice.

The procuring of the required policy(s) of insurance shall not be construed to limit PERMITTEE'S liability under this lease nor to release or relieve the Lessee of the indemnification provisions and requirements of this lease. Notwithstanding the policy(s) of insurance, PERMITTEE shall be obligated for the full and total amount of any damage, injury, or loss caused by Lessee's or the PERMITTEE'S employees, agents, officers, or invitees' negligence or neglect connected with this lease.

It is agreed that any insurance maintained by the PERMITTOR will apply in excess of, and not contribute with, insurance provided by PERMITTEE'S policy.

18. **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 Permit. The provisions of this paragraph shall remain in full force and effect notwithstanding the expiration or early termination of this Permit. The purchase of liability insurance shall not relieve PERMITTEE of the obligations described herein.

19. **ATTORNEY'S FEES, COSTS, and EXPENSES.** In case the State shall, without any fault on its part, be made a party to any litigation commenced by or against the PERMITTEE (other than condemnation proceedings), the PERMITTEE shall pay all costs, including reasonable attorney's fees, and expenses incurred by or imposed by the State. The PERMITTEE shall pay all costs, including reasonable attorney's fees and expenses which may be incurred by or paid by the State in enforcing the covenants and agreements in this Permit in recovering possession of the Premises, or in the collection of delinquent rental fees, taxes, and any and all other charges.

20. **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 this Permit.

For the purpose of this Permit, 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 this Permit, 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.

21. **ENTIRE AGREEMENT.** This Permit 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.

22. **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 Permit shall bind the persons, and each of them jointly and severally.

23. **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.

24. **REVIEW AND APPROVAL.** The Permit 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 Permit is subject to other terms and conditions that may be deemed prudent by the Chairman of the Hawaiian Homes Commission.

25. **SPECIAL CONDITIONS.**

A. *****.**

[REMAINDER OF PAGE BLANK -- SIGNATURE PAGE FOLLOWS]

DRAFT



IN WITNESS WHEREOF, PERMITTOR and PERMITTEE have caused this Permit to be executed by the duly authorized officers/individuals as of the day and year first above written.

APPROVED BY THE CHAIRMAN,
HAWAIIAN HOMES COMMISSION
on [REDACTED]

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

[REDACTED]
a [REDACTED] company

By: _____

[REDACTED]

Its: [REDACTED]

PERMITTEE



DHHL DISPOSITIONS

1/10/2024

Disposition (when typically used)	HHCA Authorization	Typical Term	How Disposed (HRS Auth.)	Who Approves	Native Hawaiian Consideration	Beneficiary Consultation	Community Benefits Package
1. Property General Lease (Business - income producing)	HHCA §204(a)(2)	LONG - 20+ years	Generally public auction with minimum rent set by appraisal (HRS §171-14, 16 and 32), but a lease may be disposed of by negotiation upon a finding by the Commission that trust interest demands it (HRS §171-59(a))	Commission	HHCA §204(a)(2) - Authorization to negotiate with native Hawaiian before general public (discretionary)	HHCA §228(b) - "Prior to disposition of available land through a request for proposals for an initial lease , the department shall consult with the beneficiaries of the trust in the master planning of the available lands" By policy, with adoption of regulations, BC requirement extended beyond master planning prior to an initial lease (on a regional basis) to be required prior to an initial disposition (on a parcel by parcel basis)	HHCA SILENT, but Department practice is to recommend CBP on "big" projects (e.g., Prince Kuhio Shopping Center, Ka Makana Alii, solar farm GLs)
2. Improvements/Space General Lease (Business - income producing)	HHCA §204(a)(2) ... "or any improvements thereon"	SHORT/MEDIUM - 5 yrs. Max	Act 173 (2014) would permit "lease by direct negotiation and at fair market rents, and for a term not to exceed 5 years" -- DOI says need Congressional approval, but AG disagrees	Commission	HHCA §204(a)(2) - Authorization to negotiate with native Hawaiian before general public (discretionary)	HHCA §228(b) - "Prior to disposition of available land through a request for proposals for an initial lease , the department shall consult with the beneficiaries of the trust in the master planning of the available lands" By policy, with adoption of regulations, BC requirement extended beyond master planning prior to an initial lease (on a regional basis) to be required prior to an initial disposition (on a parcel by parcel basis)	HHCA SILENT
3. Eleemosynary General Lease (Community Exempt Organizations, including qualifying CDCs and Homestead Associations)	HHCA §204(a)(2)	LONG - 20+ years	Department "may lease, at nominal consideration, by direct negotiation and without recourse to public auction, public lands to an eleemosynary organization which has been certified to be tax exempt under section 501(c)(1) or 501(c)(3) of the Internal Revenue Code of 1986, as amended" (HRS §171-43.1)	Commission	None	HHCA §228(b) - "Prior to disposition of available land through a request for proposals for an initial lease , the department shall consult with the beneficiaries of the trust in the master planning of the available lands" By policy, with adoption of regulations, BC requirement extended beyond master planning prior to an initial lease (on a regional basis) to be required prior to an initial disposition (on a parcel by parcel basis)	HHCA SILENT

Disposition (when typically used)	HHCA Authorization	Typical Term	How Disposed (HRS Auth.)	Who Approves	Native Hawaiian Consideration	Beneficiary Consultation	Community Benefits Package
4. License as Easement (Infrastructure)	HHCA §207(c)(1)	AS-NEEDED, including perpetual, with reverter (HAR §10-4-22)	Direct Negotiation (HAR §10-4-21(b)), but by policy, minimum rent set by appraisal for "NB" type licenses - benefit other than native Hawaiians	Commission for "NB" type licenses - benefit other than native Hawaiians (HAR §10-4-21(b)), but by policy, "B" type licenses - exclusively serving homestead lessees - approved by the Chairman	None	Not required	N/A
5. Public Purpose (e.g., "churches, hospitals, public schools, post offices") License	HHCA §207(c)(1)(A) -- only used for lots within a homestead district	MEDIUM - 10+ years	Direct Negotiation (HAR §10-4-21(b))	Commission (HAR §10-4-21(b))	None	Not required	N/A
6. Mercantile (e.g., "theaters, garages, service stations, markets, stores") License (for lots within a homestead district)	HHCA §207(c)(1)(B) -- only used for lots within a homestead district	MEDIUM - 10+ years	Direct Negotiation (HAR §10-4-21(b))	Commission (HAR §10-4-21(b))	HHCA §207(c)(1)(b) - Shall be held by native Hawaiian (mandatory)	Not required	N/A
7. License to the United States	HHCA §207(c)(2)	SHORT/MEDIUM - 5 yrs. max (HAR §10-4-25(a))	Direct Negotiation (HAR §10-4-21(b))	Department and Governor (HAR §10- 4-25(a), with minimum rent set by appraisal (HAR §10-4-25(b))	N/A	Not required	N/A
8. Revocable Permit (Either: (i) "Business" - income producing, but parcel not legally subdivided or condo, so can't GL; (ii) "Community" - some rent but more for community service, or (iii) "General" - occupant to provide presence and insurance for nominal rent)	HHCA §204(a)(2)	SHORT (MTM) with discretionary annual renewal (HRS §171-55(a))	Direct Negotiation (HRS §171-55(a))	Department, but by practice, Commission approves renewals	Proposed RP program considers Native Hawaiian status on a scoring system	Not required	HHCA SILENT
9. Right of Entry (Due Diligence prior to other disposition)	HHCA §204(a)(2)	SHORT (MTM) with discretionary annual renewal (HRS §171-55(a)) when used as replacement for RP Should be as-needed	Direct Negotiation (HRS §171-55(a)) Proposed RP program has an authorization process that was approved by the Commission for the Pilot Program in Aug. 2022	Commission (both issuance and renewals), but by practice, if term is less than 30 days (a "Limited Right of Entry"), then Department may approve issuance	None	Not required	N/A
10. Project Developer Agreement (Business - income producing; can be vehicle for Private-Public-Partnership (PPP))	HHCA §220.5 -- DOI says need Congressional approval, but AG disagrees	LONG - not to exceed 65 years (HRS §220.5(d)(1))	Properly Noticed Sealed Bids under HRS §171-60(a)(3), "provided that the department shall not be subject to the requirements of competitive bidding if no state funds are to be used in the development of the project" HHCA §220.5(a)	Commission	None	Per HHCA §228(a), the provisions of HHCA §228(b) "apply to commercial and multipurpose projects under section 204 or 220.5"	HHCA 220.5(4) -- "The Department then may negotiate the details of the disposition with the developer, including providing benefits to promote native Hawaiian socio- economic advancement"



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

Potential Commercial/Industrial Revenue Generation Opportunities

DRAFT

February 2, 2024 – Permitted Interaction Group Presentation

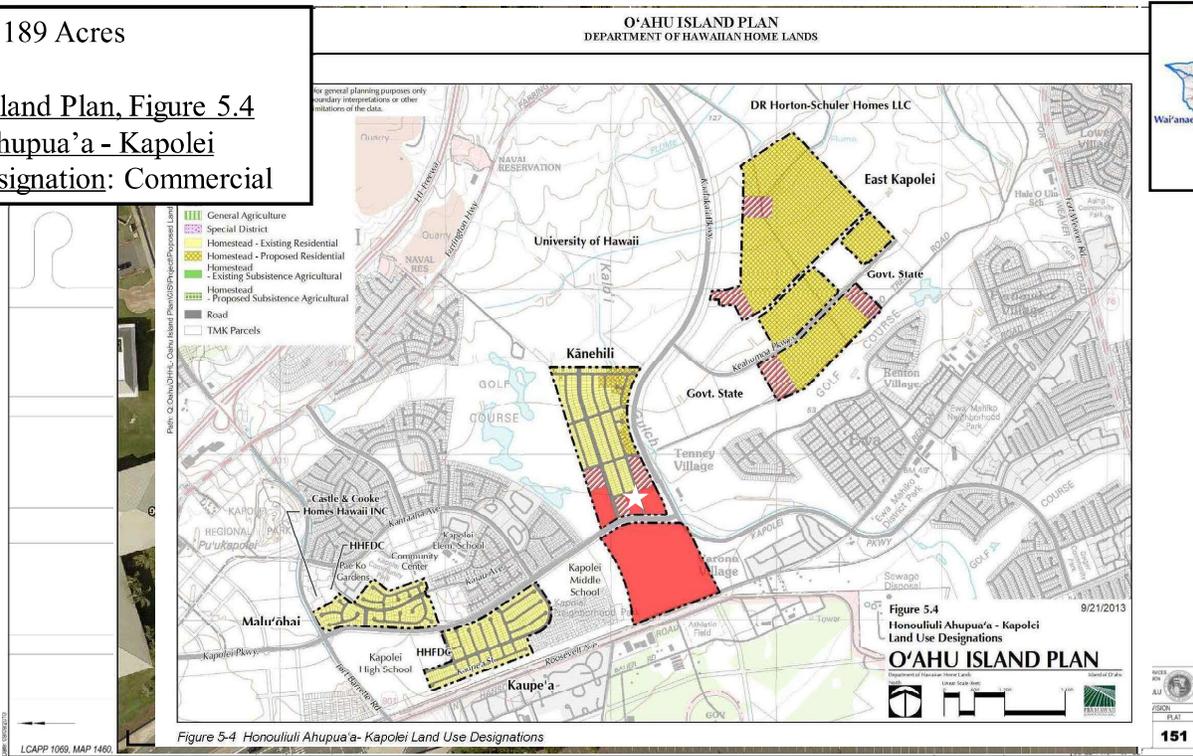
DEPARTMENT OF HAWAIIAN HOME LANDS – LAND MANAGEMENT DIVISION

Exhibit "F"
Item C-4

East Kapolei/Oahu – TMK 9-1-151:058

Land Area: 2.189 Acres

2014 Oahu Island Plan, Figure 5.4
 Honouliuli Ahupua'a - Kapolei
 Land Use Designation: Commercial



DEPARTMENT OF HAWAIIAN HOME LANDS – LAND MANAGEMENT DIVISION

West Kalaeloa/Oahu – TMK 9-1-013:001

Land Area: 43.021 Acres

2014 Oahu Island Plan, Figure 5.5
 Honouliuli Ahupua'a - Kalaeloa
 Land Use Designation: Industrial

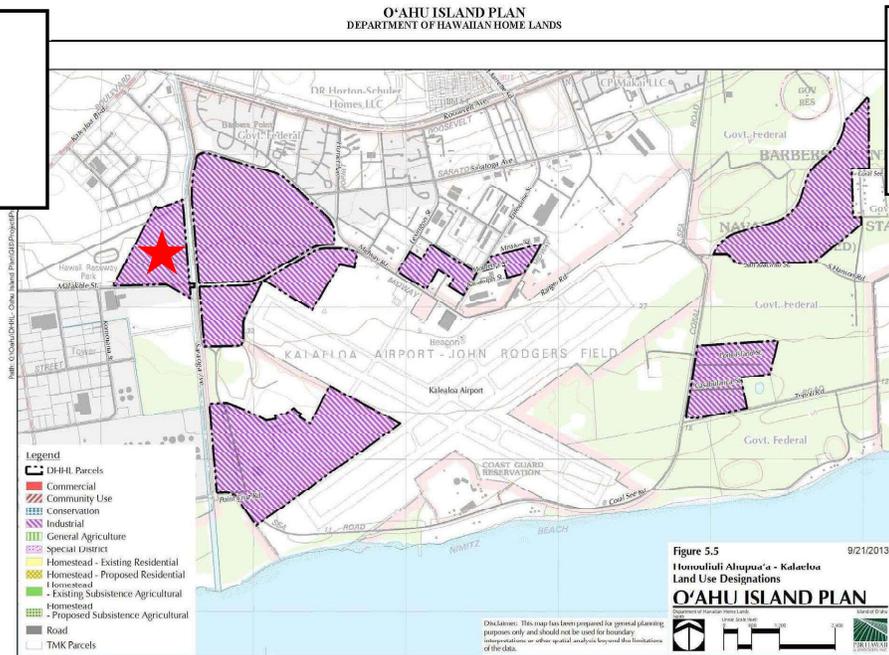
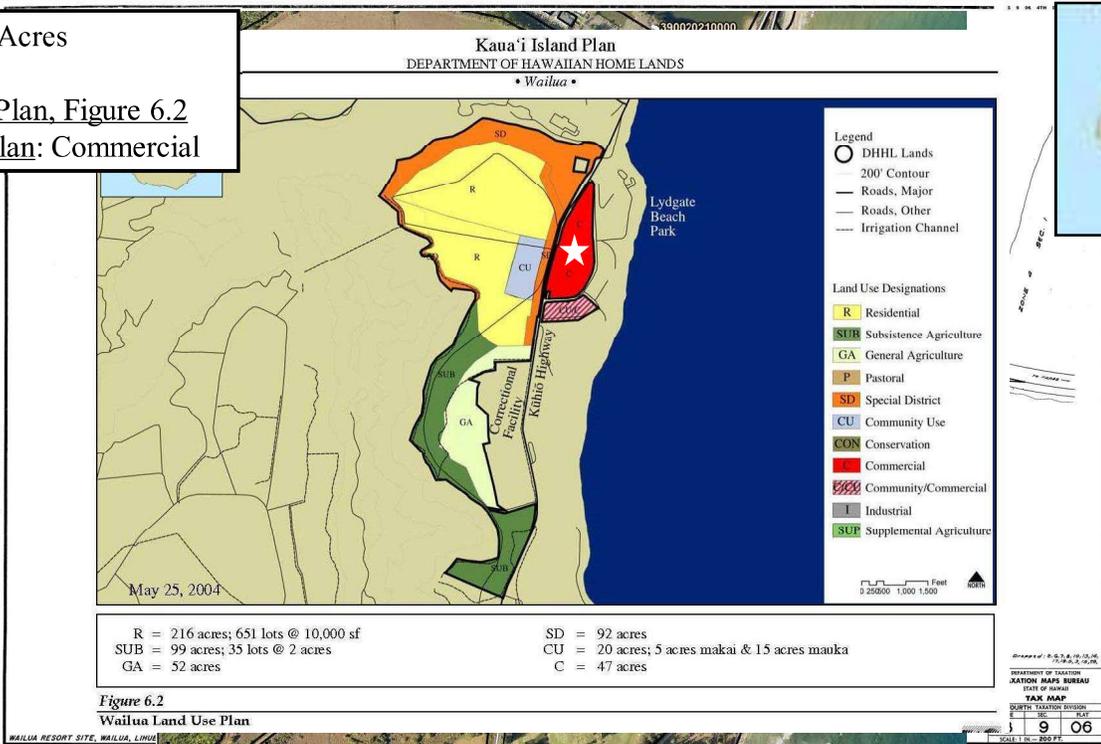


Figure 5-5 Honouliuli Ahupua'a - Kalaeloa Land Use Designations

Wailua/Kauai – TMK 3-9-006:009

Land Area: 41.152 Acres

2004 Kauai Island Plan, Figure 6.2
Wailua Land Use Plan: Commercial



DEPARTMENT OF HAWAIIAN HOME LANDS – LAND MANAGEMENT DIVISION

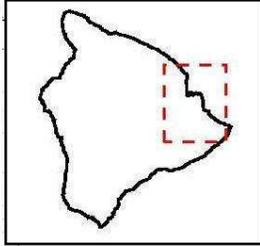
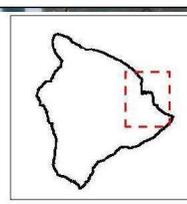
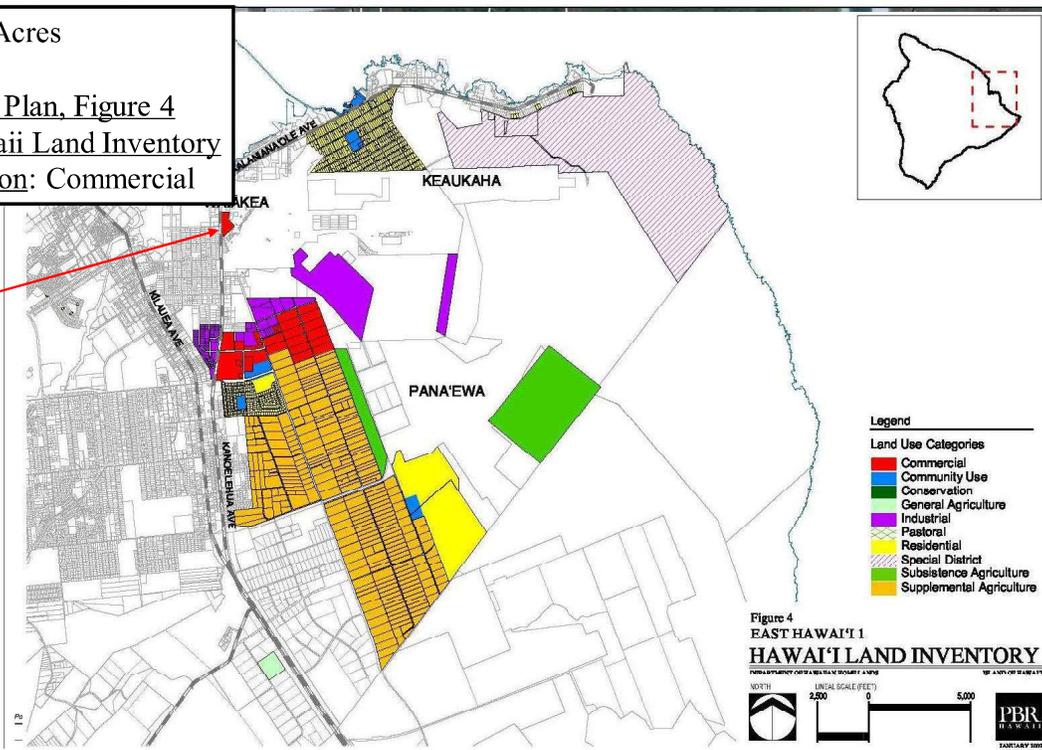


Waiakea/Hawaii – TMK 2-1-012:070

Land Area: 11.685 Acres

2002 Hawaii Island Plan, Figure 4
East Hawaii – Hawaii Land Inventory
Land Use Designation: Commercial

Subject Site



DEPARTMENT OF HAWAIIAN HOME LANDS – LAND MANAGEMENT DIVISION

Waiakea/Hawaii – TMK 2-2-060:1-10, 85-89

Land Area: 8.300 Acres

2002 Hawaii Island Plan, Figure 4
 East Hawaii – Hawaii Land Inventory
 Land Use Designation: Industrial

Subject Site

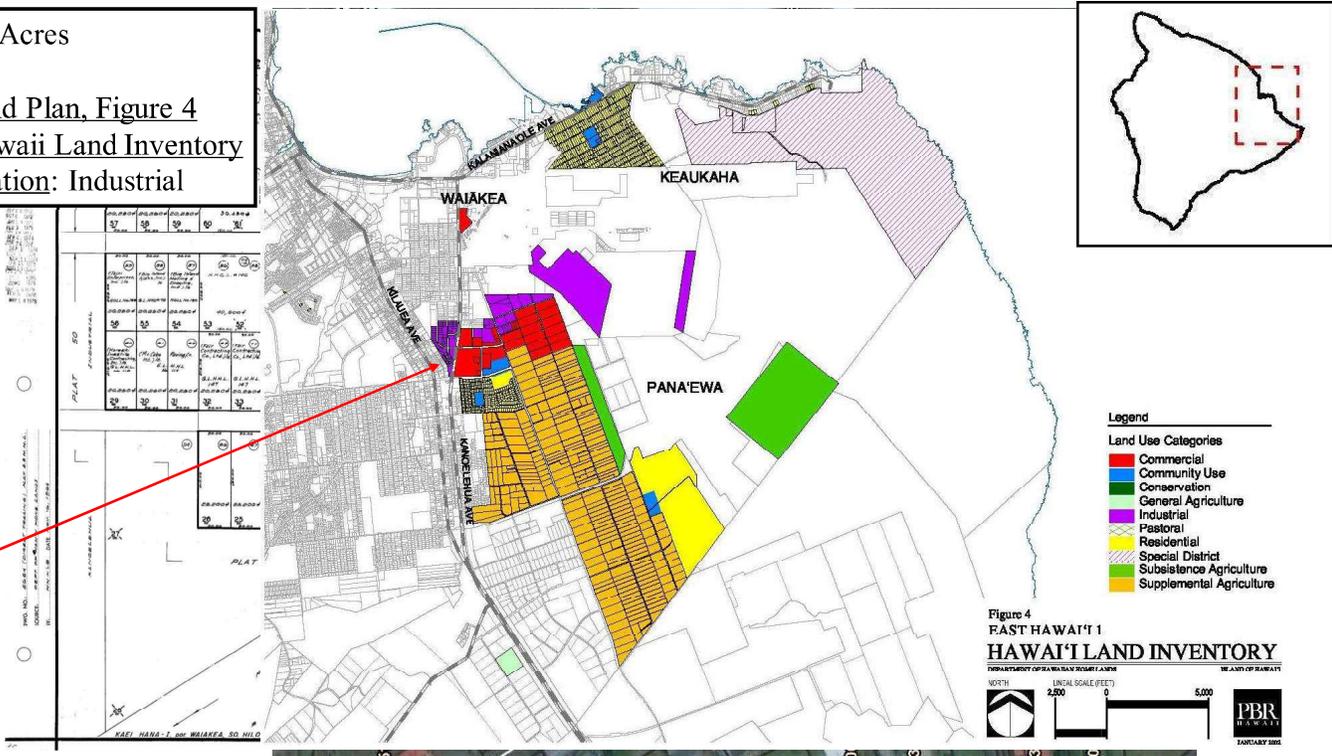
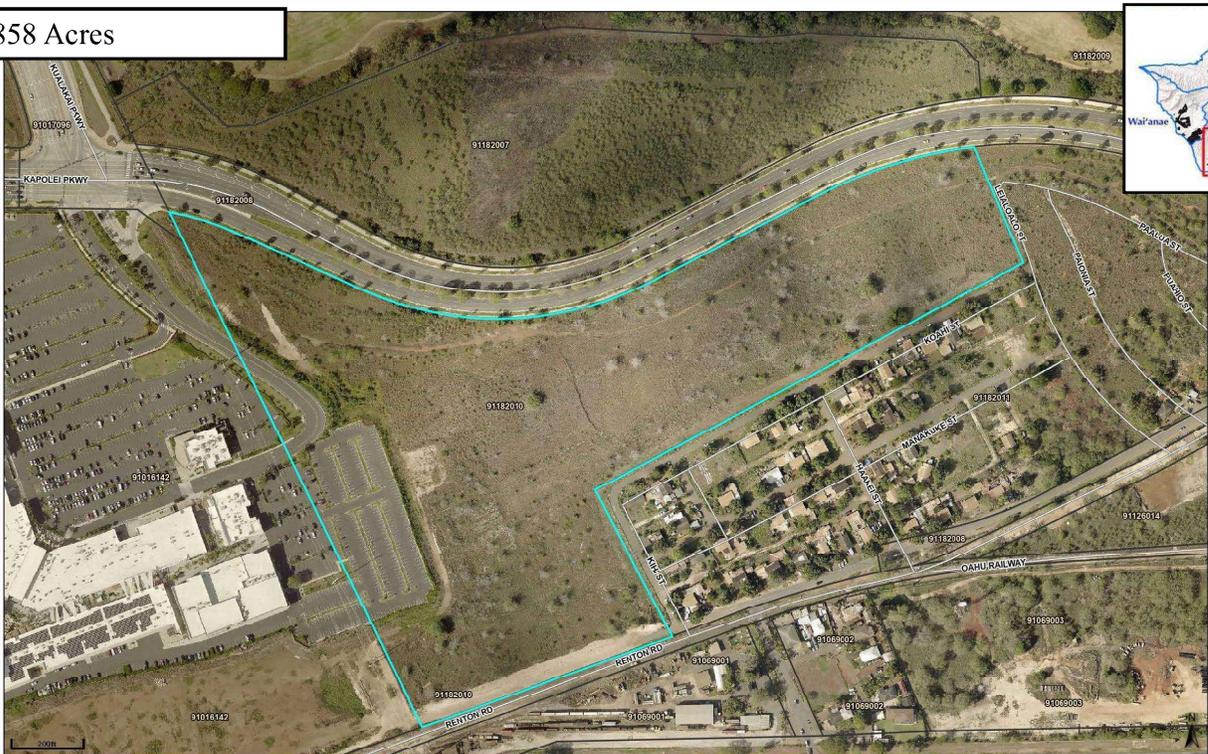


Figure 4
 EAST HAWAII 1
HAWAII LAND INVENTORY
 DEPARTMENT OF HAWAIIAN HOME LANDS
 DEPARTMENT OF LAND AND NATURAL RESOURCES
 LAND AND NATURAL RESOURCES DIVISION
 HONOLULU, HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS – LAND MANAGEMENT DIVISION

E Kapolei/Oahu Varona 1 – TMK 9-1-182:010

Land Area: 31.858 Acres

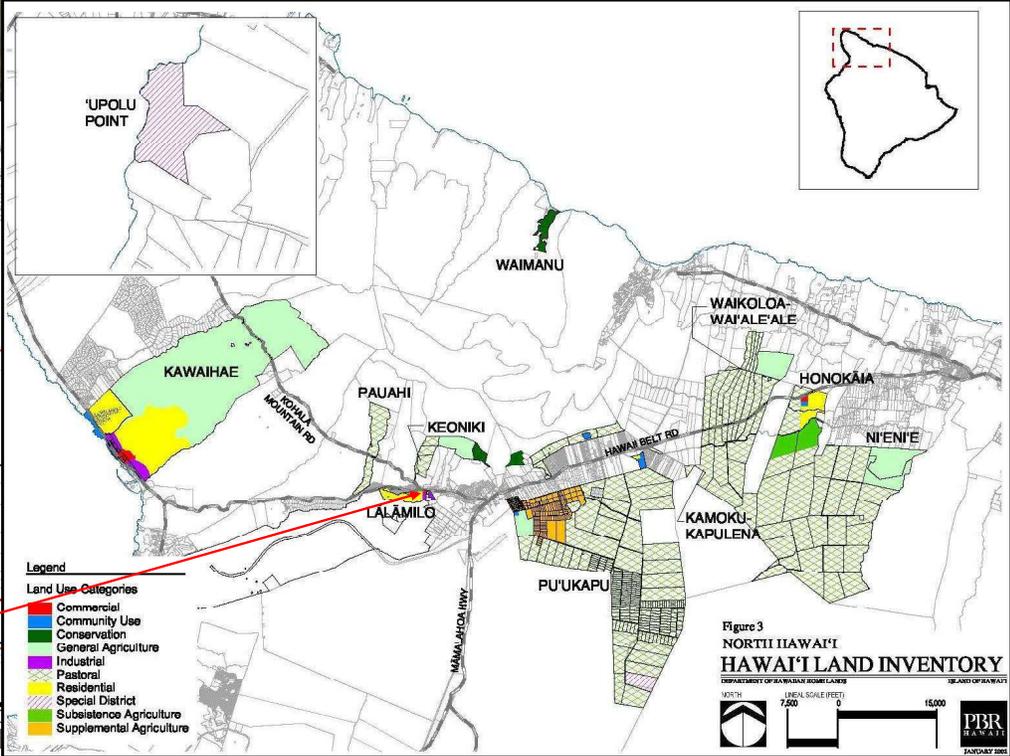


DEPARTMENT OF HAWAIIAN HOME LANDS – LAND MANAGEMENT DIVISION

Waimea, Lalamilo/Hawaii – TMK 6-6-001:077

Land Area: 12.0 Acres

2002 Hawaii Island Plan, Figure 10
 Lalamilo Tract – Hawaii Land
 Inventory Land Use Designation:
 Commercial Industrial



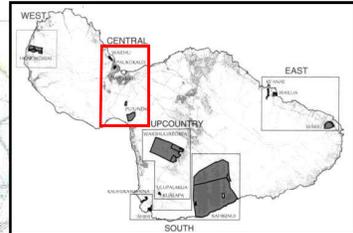
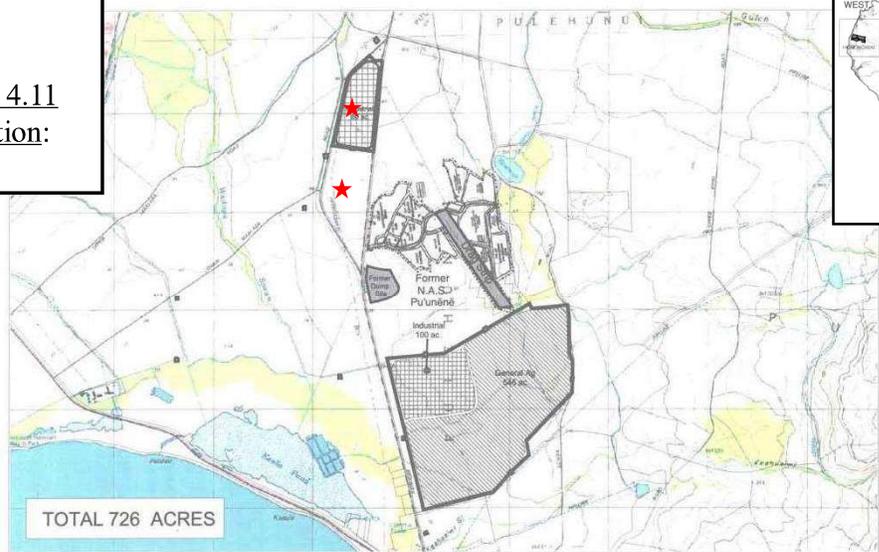
Subject Site

DEPARTMENT OF HAWAIIAN HOME LANDS – LAND MANAGEMENT DIVISION

Pu'unene, Maui – TMK 3-8-008:08,:35,:36

Land Area: 184.359 Acres

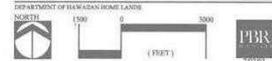
2004 Maui Island Plan, Figure 4.11
 Pu'unene – Land Use Designation:
 Industrial



Legend
 DHHL Land Boundary

Land Use Summary	Acres
General Agriculture	546
Industrial	180
Total	726

Figure 4-11
 PU'UNENE
 Land Use Alternative 2
 MAUI LAND INVENTORY



Source: United States Geological Survey and
 Department of Hawaiian Home Lands



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov

DEPARTMENT OF HAWAIIAN HOME LANDS – LAND MANAGEMENT DIVISION

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 22-23, 2024

To: Chairman and Members, Hawaiian Homes Commission

Thru: Linda Chinn, Acting Administrator *LLS*
Land Management Division

From: Peter "Kahana" Albinio, Jr., General Professional VI
Land Management Division *KA*

Subject: Approval of Disposition pursuant to §204(a)(2) or §220.5, Hawaiian Homes Commission Act, 1920, as amended for the following parcels:

<u>Oahu Island:</u>	<ul style="list-style-type: none">• East Kapolei, TMK No. (1) 9-1-013:010• East Kapolei, TMK No. (1) 9-1-151:058• Kalaeloa, TMK No. (1) 9-1-013:001• Kalaeloa, TMK No. (1) 9-1-013:061
<u>Kauai Island:</u>	<ul style="list-style-type: none">• Wailua, TMK No. (4) 3-9-006:009
<u>Hawaii Island:</u>	<ul style="list-style-type: none">• Waiakea, TMK Nos. (3) 2-1-012:070• Waiakea, TMK Nos. (3) 2-2-060:001-010 & :085-:089• Lalamilo, TMK No. (3) 6-6-001:077
<u>Maui Island:</u>	<ul style="list-style-type: none">• Pu'unene: TMK Nos. (2) 3-8-008:035 & :036

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) approve the disposition of the above-referenced parcels, including the following:

1. To expend budgeted funds necessary for due diligence activities which include but are not limited to a fair market summary appraisal report, environmental assessment, and DHHL beneficiary consultation/information on the subject parcels as deemed necessary or appropriate; and
2. To set all appropriate terms and conditions of the disposition in accordance with the requirements of §204(a)(2) or §220.5, Hawaiian Homes Commission Act, 1920, as amended, and Chapter 171, Hawaii Revised Statutes, as amended.

DISCUSSION

In furtherance of the Department's directives to reduce the number of non-productive commercial and industrial properties in its portfolio and to maximize the income and public benefits realized for the Hawaiian Home Lands Trust and its beneficiaries, LMD seeks authorization to proceed with the disposition of the parcels identified above and discussed below. As part of this process, it is imperative that LMD conduct thorough due diligence to ensure the integrity, viability, and success of its dispositions. The due diligence process will involve research and analysis of various aspects related to the properties under consideration, including but not limited to the following: 1) Evaluation of property conditions, including existing or potential issues that may affect development or leasing or operational efficiency; 2) Assessment of environmental risks and compliance; and 3) Analysis of market trends and competitive landscape to determine optimal development or leasing or operational strategies. By conducting thorough due diligence, it is LMD's intent to mitigate risks, identify opportunities for value creation, and ensure alignment with its purpose to generate revenue for DHHL's programs through its general leasing program. Once the due diligence process is complete for a property, LMD will set all appropriate terms and conditions of the selected disposition in accordance with the requirements of §204(a)(2) (for a competitively bid General Lease) or §220.5 (for a Development Contract or Project Developer Agreement awarded via an RFQ/RFP process), Hawaiian Homes Commission Act, 1920, as amended, and Chapter 171, Hawaii Revised Statutes, as amended.

SELECTED PARCELS

Oahu Island

East Kapolei, Tax Map Key No.: (1) 9-1-182:010 (See Exhibit "A")

The parcel is nearing its acquisition process completion via a land exchange process with the City & County of Honolulu. DHHL has yet to update its Island Plan to specify the designated use for the parcel. LMD is hoping for an industrial-commercial mixed-use project. The 32.0-acre parcel is generally rectangular in shape and is bordered at its southeastern boundary by the existing old Varona Village Plantation homes. On its western boundary, it is immediately adjacent to the Ka Makana Alii Shopping Center, while Kapolei Parkway forms its entire northern boundary. With excellent roadway frontage exposure and access, the parcel is considered advantageous for development. It is raw land, which indicates a lack of any existing structures or improvements. Once the acquisition is completed and the designated use determined, the potential for development, especially in a mixed-use capacity, could be significant.

East Kapolei, Tax Map Key No.: (1) 9-1-151:058 (See Exhibit "B")

This 2.189-acre undeveloped commercial property is in East Kapolei along Kekahili Street, between Kapolei Parkway and Kamokuiki Street. LMD intends the land use and development of the property will be based on the developed standards for the BMX-3 Community Business

Mixed Use District. The parcel is trapezium-shaped and is relatively level and at curb grade with adjacent rights of way. The parcel has frontage along Kekahili Street, its easterly boundary, and frontage along Kamokuiki Street, its northerly boundary, and frontage along Kapolei Parkway, its southerly boundary. The Kapolei Fire Station is adjacent to, and west of, the parcel. The newly developed Ho‘omaka Marketplace is also immediately east of the parcel.

Kalaeloa, Tax Map Key No.: (1) 9-1-013-001 (See Exhibit “C”)

This 43.0-acre parcel is located within the Honouliuli Ahupua‘a. According to the Oahu Island Plan from July 1, 2014, the parcel is designated for industrial development. The parcel is generally triangular-shaped and is surrounded by existing industrial use parcels on its west, north and south boundaries. Malakole Street lies immediately to the south of the parcel, providing excellent roadway frontage exposure and access. Given its high visibility and strategic location, the parcel is deemed ideal for its designated-zoned use as an industrial development.

Kalaeloa, Tax Map Key No.: (1) 9-1-013:061 (See Exhibit “D”)

This 139.0-acre parcel is located within the Honouliuli Ahupua‘a. According to the Oahu Island Plan from July 1, 2014, the parcel is designated for industrial development. The parcel is oddly shaped and is surrounded by existing industrial use parcels immediately on its north, and west boundaries. The eastern border of the parcel is bounded by the Kalaeloa Airport runway. Saratoga Avenue Street is situated immediately to the west of the parcel providing excellent roadway frontage exposure and access. Given its high visibility and strategic location, despite the unique shape and proximity to the airport, the parcel is considered ideal for its designated use as an Industrial development.

Kauai Island:

Wailua, TMK No. (4) 3-9-006:009: (See Exhibit “E”)

This 41.0 acre parcel is located within the Wailua, Ahupua‘a. According to May 2004 Kauai Island Plan, it outlines the development of the makai lands into a regional commercial center, aiming to create a hub that complements the surrounding regional recreational amenities such as Lydgate Park, the County golf course, and nearby hotels. Commercial uses are proposed for this parcel. The potential development which uses could include a traditional shopping mall, hotel, or a big-box retail establishment such as Costco is intended to generate income for DHHL to support future homestead developments.

Hawaii Island:

Waiakea, TMK No. (3) 2-1-012:070: (See Exhibit “F”)

This oddly configured 12.0 – acre parcel of Hawaiian home lands is located within the Hilo area. The property is surrounded by commercial and industrial uses. Access is via the Old Airport from Kanoelehua Avenue. Airport service roads provide access to the eastern portion of the property. The preferred plan involves developing the entire area into a mixed commercial/light

industrial subdivision with the aim of establishing an active commercial/light industrial hub. Potential uses could include a traditional strip mall, or big-box retail establishments such as Walmart, Target, or Costco.

Waiakea, TMK Nos. (3) 2-2-060:001-010 & :085-089: (See Exhibit “G”)

These fifteen (15) parcels are located in the Kaei Hana I Industrial Subdivision area and together form an 8.30 acre site for light to heavy industrial use. The property is surrounded by other industrial and commercial properties. Access to the site is through Holomua Street, and it has great visibility from Kanoelehua Avenue. The plan is to offer the entire site for mixed light industrial park uses, aiming to create a bustling hub for light industrial activities.

Lalamilo, TMK No. 6-6-001:077: (See Exhibit “H”)

This 12.0 – acre parcel of Hawaiian home lands is situated within the Lalamilo Tract of Hawaii Island. Currently the property is surrounded by residential, industrial, and preservation use areas. In the near future, DHHL Lalamilo Homestead Phase II will be built next to this parcel. Access to the site is available via Kawaihae Road. The plan is to designate the entire site for mixed light industrial and retail purposes, with the goal of establishing a vibrant center for light industrial and retail activities.

Maui Island:

Pu’unene, TMK Nos. (2) 3-8-008:035 & :036: (See Exhibit “I”)

This 184.0 - acre parcel is located within the Pu’unene Ahupua’a. According to the September 2004 Maui Island Plan from September 2004, the preferred plan involves developing the entire area into a commercial/light industrial subdivision with the aim of establishing industrial expansion areas to meet future needs and provide space for industrial activities better suited away from urban areas. The parcel is generally rectangular in shape and was previously used for intensive agricultural sugar cane use. The Maui Humane Society is directly adjacent to the North. Mehameha Loop (a private road) bounds the entire western boundary and Mokulele Highway bounds the entire eastern boundary. The Pu’unene lands, with its proximity to the primary transportation corridor (Mokulele Highway) between Kahului (Central Maui) and the Kihei-Wailea region (South Maui), afford the optimum exposure to all travel between the airport and South Maui. The parcel benefits from road frontage and access off Mokulele Highway, although coordination with the Department of Transportation (DOT) will be necessary following the reconfiguration of Mokulele Highway. Proper design controls will be critical in ensuring that the project is developed sensitively and maintains quality, ultimately maximizing the economic return to DHHL.

AUTHORIZATION

Hawaiian Homes Commission Act, 1920, as amended, §204(a)(2) and §220.5
Hawaii Revised Statutes, as amended, Chapter 171
Hawaii Administrative Rules, Section 10-4-1

April 22-23, 2024

RECOMMENDATION

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

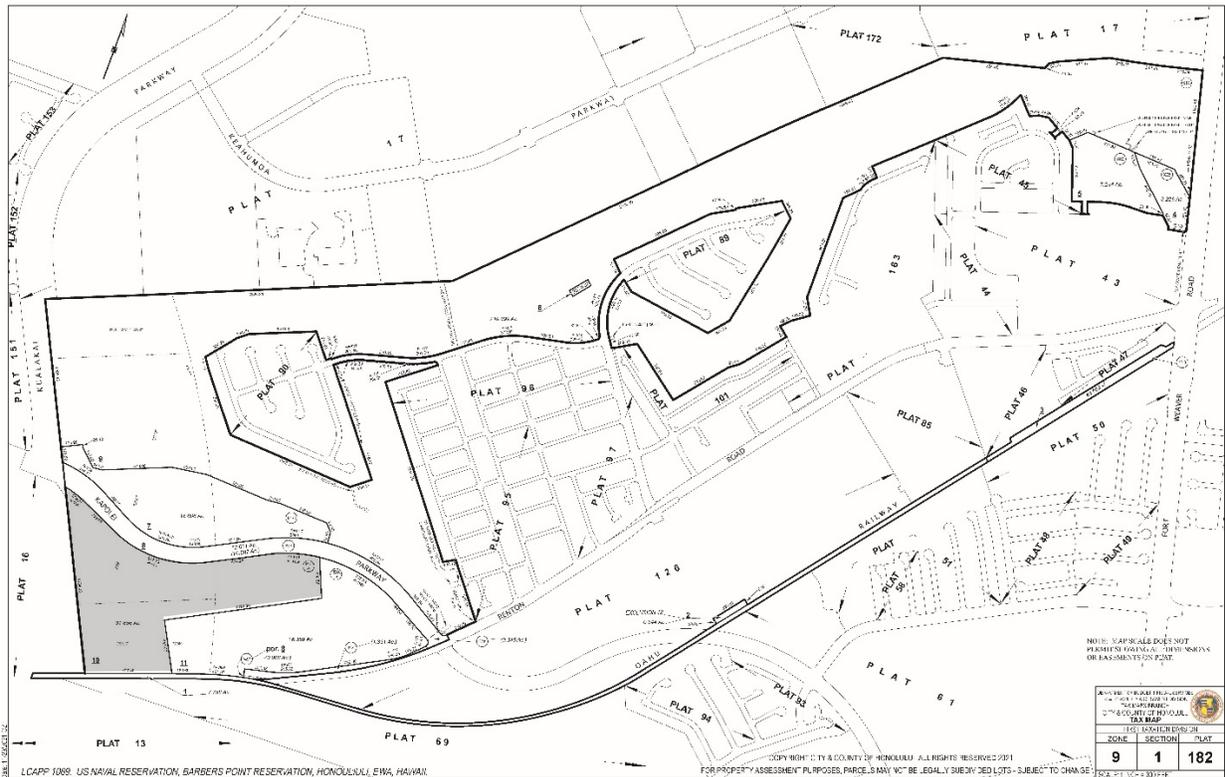


Exhibit "A"
Item No. F-2

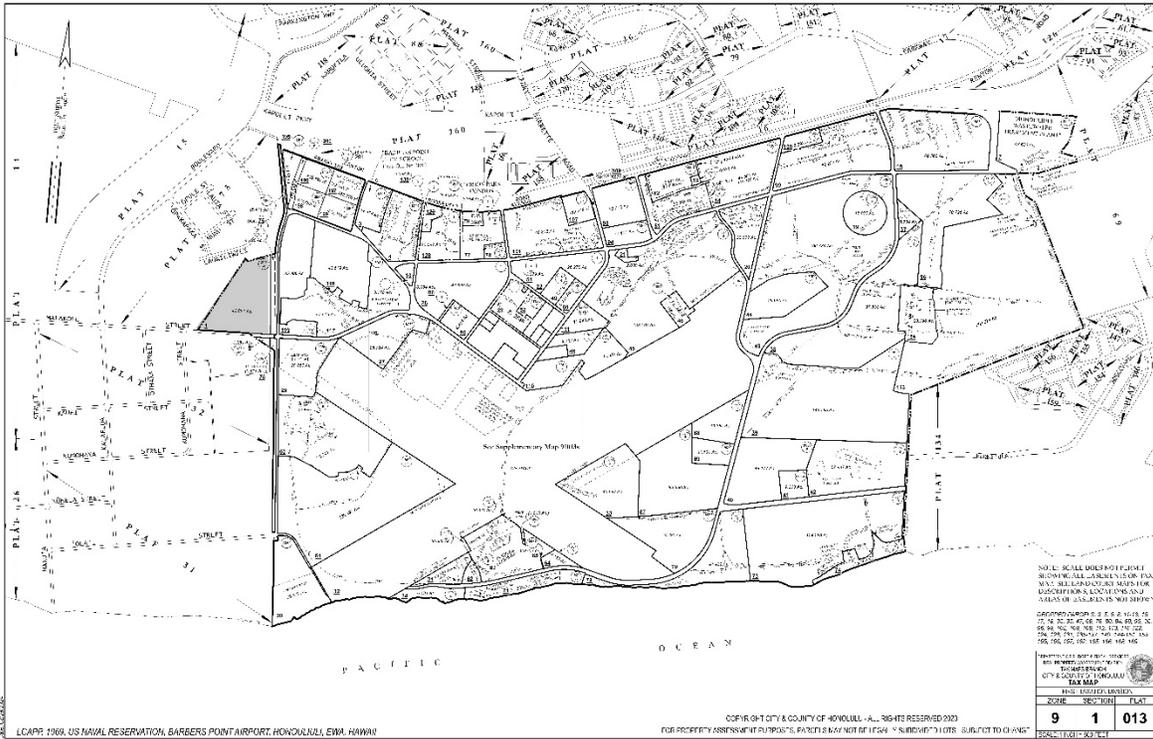


Exhibit "C"
Item No. F-2

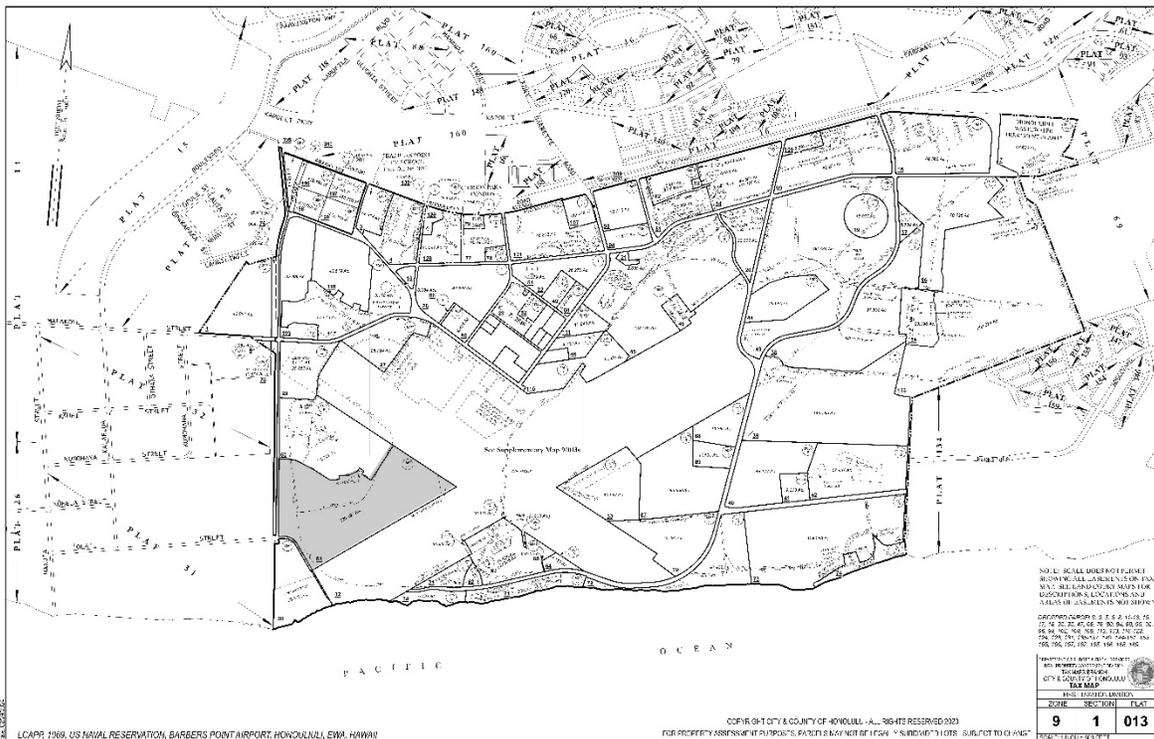
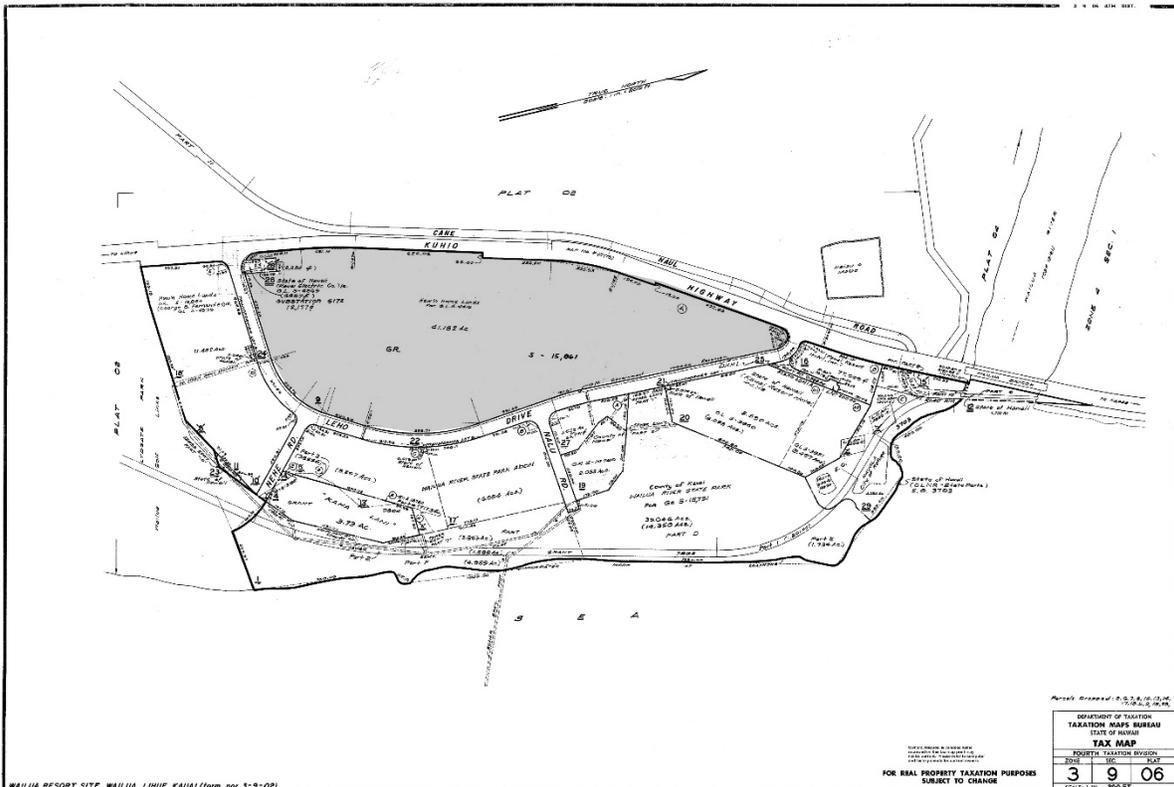


Exhibit "D"
Item No. F-2



390020120000
 390020140000
 390060090000
 390060110000



WAILUA RESORT SITE, WAILUA, LIHUE, HAWAII (Form per 3-9-02)

DEPARTMENT OF TAXATION
 TAXATION MAPS BUREAU
 STATE OF HAWAII
TAX MAP
 HONOLULU, HAWAII
 DATE: 3 9 06
 SCALE: 1 IN. = 200 FT.
 FOR REAL PROPERTY TAXATION PURPOSES
 SUBJECT TO CHANGE

Exhibit "E"
 Item No. F-2

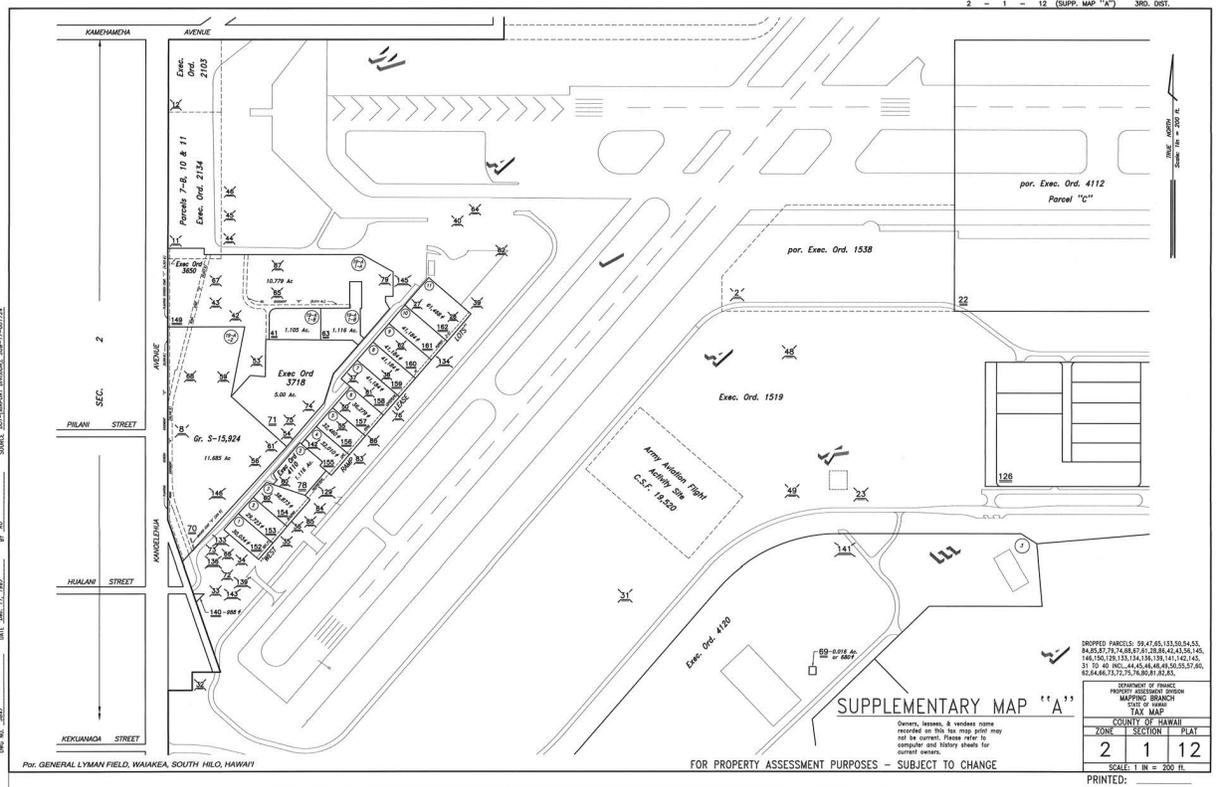


Exhibit "F"
Item No. F-2

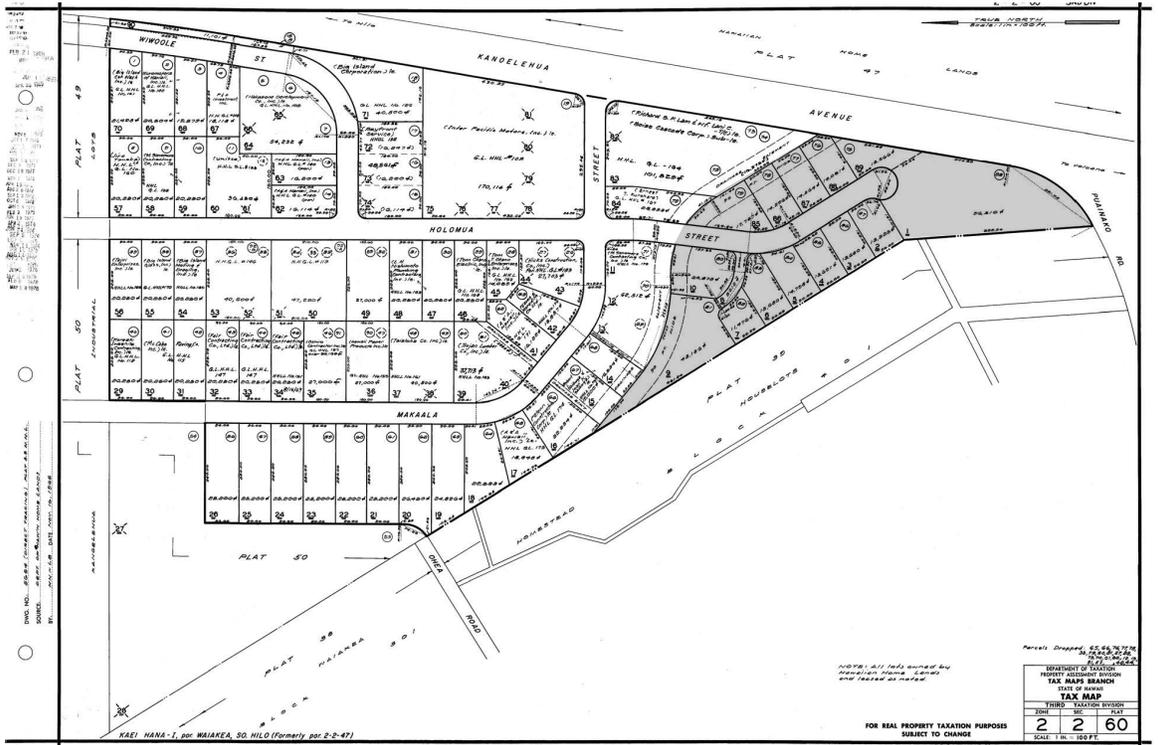


Exhibit "G"
Item No. F-2

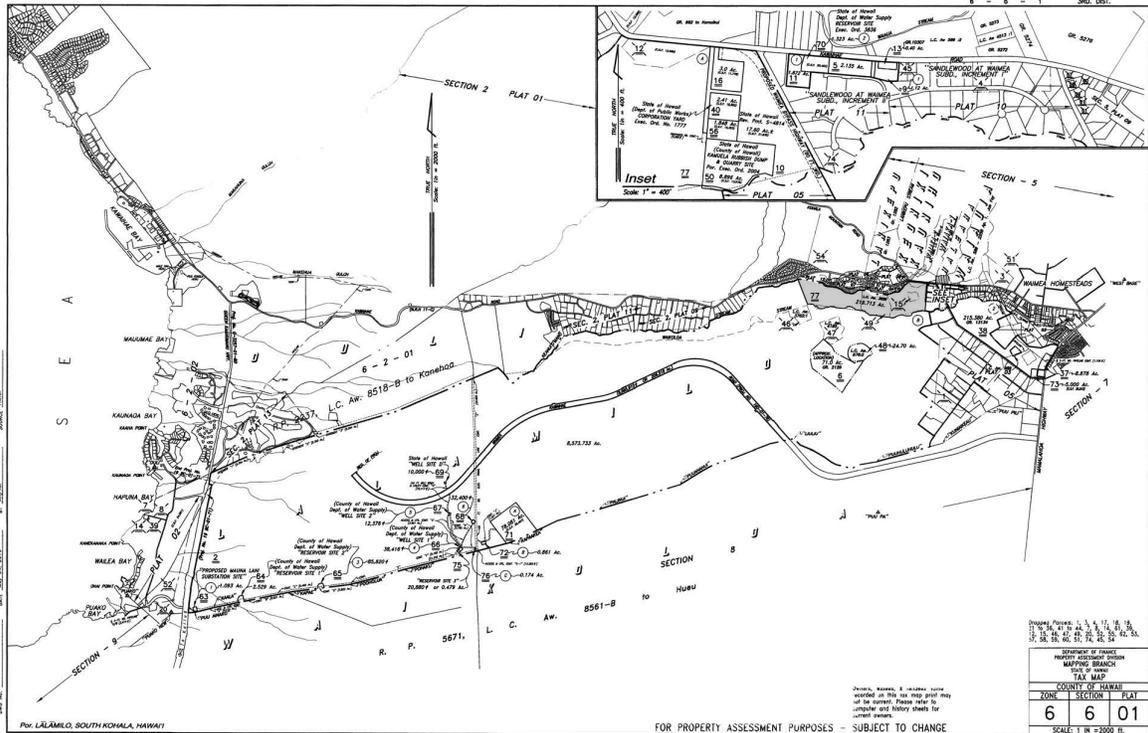


Exhibit "H"
Item No. F-2

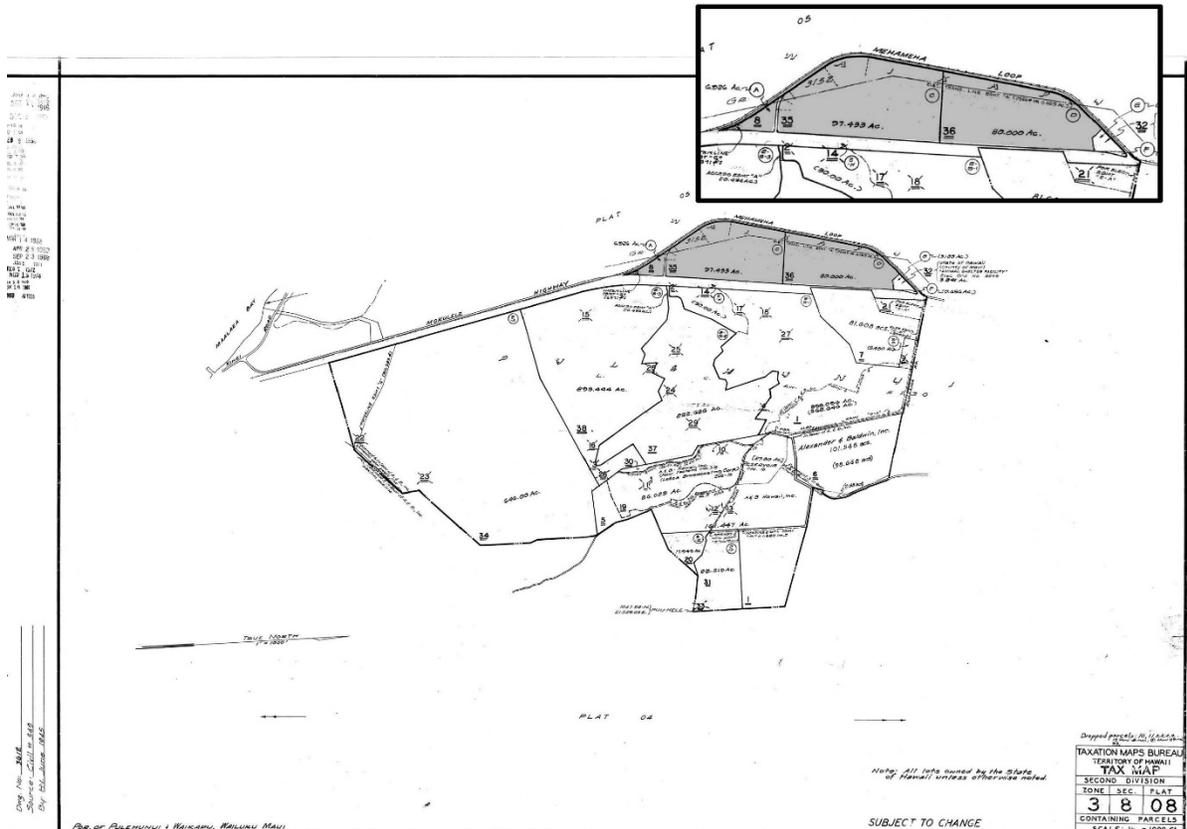


Exhibit "I"
Item No. F-2

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22-23, 2024

To: Chairman and Members, Hawaiian Homes Commission

Thru: Linda Chinn, Acting Administrator
Land Management Division *WS*

From: Peter "Kahana" Albinio, Jr., General Professional VI
Land Management Division *KA*

Subject: Approval to Issue a Right of Entry Permit, Hawaiian Dredging Construction Company, Moiliili, Honolulu, Island of Oahu, TMK Nos.: (1) 2-7-011:008, :009, and :053

APPLICANT:

Hawaiian Dredging Construction Company, Inc. "HDCCI"

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry Permit to "HDCCI" covering the subject area as identified and described below to stage a general contracting operations office as General Contractor to its client Stanford Carr during its DHHL Bowl-O-Drome project and conduct other support service-related activities to its office operations:

Approval and issuance of this Right of Entry (ROE) shall be subject to the following conditions:

1. Authorize the issuance of a ROE Permit to HDCCI, covering the subject area to stage a general contracting operations office as General Contractor to its client Stanford Carr during its DHHL Bowl-O-Drome project and conduct other support service related-activities to its office operations under the terms and conditions cited in this submittal, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current ROE Permit form, as may be amended from time to time.
 - 1) Permittee shall use the Premises to stage a general contracting operations office as General Contractor to its client Stanford Carr during its DHHL Bowl-O-Drome project and conduct other support service related-activities to its office operations. No other use shall be allowed without DHHL's prior written approval.
 - 2) In lieu of providing secured site presence the proposed monthly fee would be GRATIS:
 - 3) Permittee shall pay non-refundable processing and documentation fees totaling \$175.00.
2. This ROE shall conform to Federal, State, and County (government agencies) standards. Permittee 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.
3. Any construction or alteration of the permit area shall require DHHL approval.

4. All utilities (if they choose to install) shall be paid by HDCCI. Approval by the DHHL Main Kapolei Office and the City & County of Honolulu is needed to access potable water and address sewer requirements. Electricity needs the approval of Hawaiian Electric Company (HECO).
5. No residential living on the site unless given prior written approval by the Hawaiian Homes Commission (HHC).
6. No new construction shall be allowed without the prior written approval by DHHL. Should construction be allowed by DHHL all Federal, State and City & County of Honolulu approvals and building permits shall be obtained.
7. DHHL reserves the right to have HDCCI do an Environmental Assessment (EA) if warranted.
8. The ROE document shall be subject to other standard terms and conditions of similar ROE's issued by DHHL.
9. Review and approval by the State of Hawaii, Department of the Attorney General; and
10. 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.

LOCATION:

Hawaiian Home Lands in Moiliili, Honolulu, Island of Oahu. TMK Nos. (1) 2-7-011:008, :009, and :053 (See Exhibit "A")

AREA:

Approximately 3,752 *sf* of bottom floor units (8 units) space and 41,608 *sf* of land

DISCUSSION:

The subject property consists of three tax map key parcels identified as First Division Tax Map Key 2-7-11, Parcels 8, 9 and 53. Parcels 9 and 53 are improved with 20 and 11 vacant and boarded up apartment units, respectively, that have fallen into different degrees of disrepair, and Parcel 8 is vacant and partially used for parking. The respective apartment units are configured in to two (2) two (2) story apartment complexes. Although the units have been secured and boarded up on countless occasions, DHHL has encountered continuous complaints from neighbors about individuals trespassing, squatting, and conducting illegal activities.

To address the complaints DHHL has expended almost \$198,500.00 for the following activities: 1) 93,440.00 for security; 2) \$56,755.00 for securing apartment units; 3) \$42,850.00 for perimeter fencing; and 4) 5,450.00 for general ground maintenance/landscaping. (See Exhibit "B")

Even with the funds expended, the use as proposed would help to diminish and deter illegal activities from occurring. HDCCI is consistently ranked at the top of Building Industry Magazine's annual list of the Top 25 Contractors in the State of Hawaii and has played an integral role in the development of Hawaii's economy and infrastructure, and in improving the quality of life for our island communities. Its diverse portfolio includes the construction of shopping centers, hospitals and medical facilities, State highways and bridges, major hotels and resorts, military housing and defense facilities, industrial parks, and power plants,

April 22-23, 2024

high-rise condominiums, airport and waterfront improvements, and other major county and state improvement projects. (See Exhibit “C”)

PLANNING AREA:

Moiliili, Honolulu, Oahu

LAND USE DESIGNATION:

Not yet determined as parcels were acquired by purchase from Kamehameha Schools in 2020

CURRENT STATUS:

Occupied by HDCCI on a 30 Day Limited Right of Entry permit.

CHARACTERER OF USE:

Future residential Use.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

Exemption Class No. & Description:

Per DHHL’s Re-Organization of June 30, 2015 Comprehensive EXEMPTION LIST FOR TH ESTATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS Submitted for Review to the Environmental Council on March 3, 2021.

Part I. De Minimus Activities., Exemption Class No. 1, “Operations, repairs or maintenance of existing structures, facilities, equipment... no expansion or change of use beyond that previously existed.”

RECOMMENDATION:

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

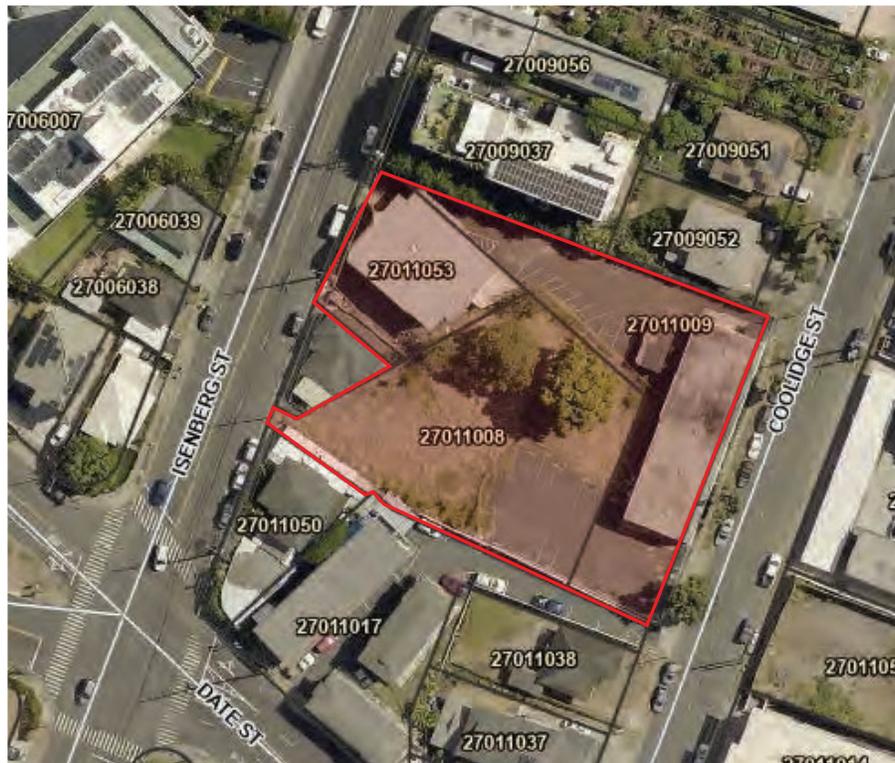


Exhibit A
Item No. F-3

STATE OF HAWAII REQUISITION & PURCHASE ORDER

DEPARTMENT OF HAWAIIAN HOME LANDS

LAND MANAGEMENT
DIVISION

ORGANIZATION

FUNCTION AND ACTIVITY

NOTICE TO VENDORS

Conditions of purchase are listed on the back side of this purchase order.
Please read carefully. Payments may be delayed if all steps are not followed.

ALLIED UNIVERSAL SECURITY
SERVICES
PO BOX 31001-2374
PASADENA, CA 91110-2374

The State of Hawaii is an EQUAL EMPLOYMENT OPPORTUNITY and AFFIRMATIVE ACTION employer.
We encourage the participation of women and minorities in all phases of employment.

CASE NO. 221002	
Date <u>06-APR-22</u> Page <u>1</u> Of <u>1</u>	
Deliver Before _____	
DELIVERY ADDRESS	
91-5420 KAPOLEI PARKWAY KAPOLEI, HI 96707 Attn: ABIGAIL TUBERA	
BILLING ADDRESS	
PO BOX 1879 HONOLULU, HI 96805 Attn: ABIGAIL TUBERA	

QUAN.	UNIT	DESCRIPTION	OBJECT	UNIT PRICE	AMOUNT
1.00	\$	Furnish one (1) uniformed guard services for eight (8) hours per day from 10 PM to 6 AM for 56 hours per week, seven (7) days a week for three (3) parcels as identified in Solicitation #IFB-21-HHL-0015 released on January 12, 2021.	93,	440.00	93,440.00
					- 3,744.50
					- 8,008.37
					- 8,309.94
					- 8,041.88
					- 8,268.06
					- 8,309.94
					- 8,041.88
					- 8,301.57 (Feb)
					- 8,041.88 (Nov)
					- 8,050.26 (Dec)
					- 8,301.56 (Jan)
					- 7,287.96 (Feb)
					- 8,268.06 (Mar)
					- 732.20 (Apr)
				Total:	93,440.00

PETER ALBINIO
ABIGAIL TUBERA

REQUISITIONER TELEPHONE

VOUCHER NUMBER

AUTHENTICATED BY:
Peter C. [Signature] 4/7/2022

AUTHORIZED SIGNATURE

GOODS/SERVICES RECEIVED IN GOOD ORDER AND CONDITION BY DATE

REQUISITION NO. 60764	FOR DEPARTMENT USE ONLY
Properties @ Coolidge and Taenberg Streets, Moiliili, Oahu, Hawaii.	
<i>Previous PO # 210840 under Jan Guard III, Inc.</i>	
VENDOR	
NUMBER SFX XXXXXXXXXXXX XX	
343473 00	

SFX	TC	F	YR	APP	D	OBJECT	CC	PROJ. NO.	PH	ACT	ESTIMATED COST	ACTUAL COST	M	R	OPT DEPT DATA
XX	XXX	X	XX	XXX	XX	XXXX	XXXX	XXXXXXXX	XX	XXX	XXXXXXXXXXXXXX	XX	XXXXXXXXXXXXXX	XX	XXXXXXXXXXXXXX
01	621	T	22	915	I	7110	9000	000000	00000		93,440.00				

Exhibit "B"
Item No. F-3

March 20, 2023

 Department of Hawaiian Home Lands
 91-5420 Kapolei Parkway
 Kapolei, HI 96707

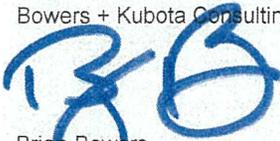
 Attention: Peter Albinio, Jr.
peter.k.albinio.jr@hawaii.gov

 Project: Land Acquisition Due Diligence Assessments
 Contract No. 68675
 Invoice #5

Professional Services: June 1, 2021 through March 17, 2023

	Contract Amount	% Prev Period	% This Period	% Compl To Date	Amount Completed To Date	Amount Requested This Period
T.O. No. 1 - Appraisal Services - Coolidge/Isenberg	\$ 16,805	100%	0%	100%	\$ 16,805.00	\$ -
T.O. No. 2 - Honouliuli Properties - Lots 18278 & 18280-A	\$ 39,298	100%	0%	100%	\$ 39,298.00	\$ -
T.O. No. 3 - Rehab. For Occupancy - Coolidge/Isenberg	\$ 304,876	75%	0%	75%	\$228,657.00	\$ -
T.O. No. 4 - DHHL Ewa Beach Due Diligence/Feasibility	\$ 50,815	90%	0%	90%	\$ 45,733.50	\$ -
T.O. No. 5 - Land Acquisition Property Valuation Assessment	\$ 11,741.36	100%	0%	100%	\$ 11,741.36	\$ -
T.O. No. 6 - Secure Isenberg/Coolidge Site	\$ 56,754.96	0%	100%	100%	\$ 56,754.96	\$ 56,754.96
Reimbursable Expenses for Travel & Misc Services	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	<u>\$480,290.32</u>				<u>\$398,989.82</u>	<u>\$ 56,754.96</u>
Total Due						\$ 56,754.96

 Respectfully,
 Bowers + Kubota Consulting, Inc.



 Brian Bowers
 President




ALLIED SECURITY FENCE

ALLIED SECURITY FENCE CO., LLC
91-444 Komohana Street - Unit D
Kapolei, HI 96707
Phone 808-682-5800
Fax 808.682.8686
Cell 808-479-5807

Lic. No. C-21388

Date: 1/17/24
To: Department of Hawaiian Home Lands
Attn: Rick Speer
Phone: 620-9287/469-1973
Re: Estimate for Chain Link Fence for Isenberg Property

We are pleased to provide a quote for the above-mentioned project as per site visit.

Scope of Work

- 1) Installation of approx. 135' x 8' High Semi-Temporary Chain Link Fence. Fence to have Tension Wire top and bottom and to be braced 1' from top at all terminal posts. Gate and Terminal Posts to be set solid in concrete footing. Line Posts to be plated and bolted down when on concrete and to be pounded into ground when on Asphalt or dirt.
- 2) Installation of (1ea) New Terminal/Gate Post on Isenberg St. Work to include reinstalling existing gate and adding drop rod to gate.
- 3) Installation of 9ga - 3/4" Expanded Metal Sheets to existing fence and gate along Coolidge St. Work to include adding top and bottom braces onto fence to support expanded metal sheets.

Toning to be performed through One Call as necessary.

Exclusions – Clearing, grading, permits, layout, and disposal of excavated materials. (Dirt to be spread out on site)

All for the price of: \$42,850.00

Acknowledged & Approved: _____ **Date:** _____

Sincerely,
ALLIED SECURITY FENCE CO., LLC.

Tammy Coffman
Project Manager

Invoice

Network Enterprises, Inc.
615 Piikoi Street, Ste. 1105
Honolulu, HI 96814
(808) 833-1923

Invoice Number: 0005147-IN
Invoice Date: 3/18/2024
Salesperson:
Tax Schedule: NONTAX

Dept. of Hawaiian Home Lands
Land Development Division
P.O. Box 1879
Honolulu, HI 96805

Customer Number: DHHL LD
Customer P.O.: 240357
Ship VIA:

Contact:

Terms: Net 30 Days

Sales Code	Description	Amount
	Ground Maintenance/Landscaping 720 Coolidge Street PO# 240357 Attn: Kahana Albinio	
DHHLGM	Ground Maintenance General Landscaping - January 2024	5,449.26

Certified as Original Invoice



Scott Watanabe, Controller

Net Invoice	5,449.26
Sales Tax	0.00
Invoice Total	5,449.26



STATE OF HAWAII
STATE PROCUREMENT OFFICE

CERTIFICATE OF VENDOR COMPLIANCE

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

Vendor Name: HAWAIIAN DREDGING CONSTRUCTION COMPANY, INC.

DBA/Trade Name: HAWAIIAN DREDGING CONSTRUCTION COMPANY

Issue Date: 04/08/2024

Status: **Compliant**

Hawaii Tax#: 20458148-01
New Hawaii Tax#: GE-1060038656-01
FEIN/SSN#: XX-XXX8759
UI#: XXXXXX3098
DCCA FILE#: 89051

Status of Compliance for this Vendor on issue date:

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

Status Legend:

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

Exhibit "C"
Item No. F-3

DCCA State of Hawaii

Downloaded on April 8, 2024.

The information provided below is not a certification of good standing and does not constitute any other certification by the State.

Website URL: <http://hbe.ehawaii.gov/documents>

Business Information

MASTER NAME	HAWAIIAN DREDGING CONSTRUCTION COMPANY, INC.
BUSINESS TYPE	Domestic Profit Corporation
FILE NUMBER	89051 D1
STATUS	Active
PURPOSE	TO ENGAGE IN THE PERFORMANCE OF WORK AS A GENERAL CONTRACTOR AND IN ANY OTHER BUSINESS OR ACTIVITY NOT FORBIDDEN BY LAW. (*SEE AMENDMENT DATED 9/18/2002)
ORGANIZED IN	Hawaii UNITED STATES
INCORPORATION DATE	Sep 25, 1992
MAILING ADDRESS	P O BOX 4088 HONOLULU, Hawaii 96812-4088 UNITED STATES
CONSENT NAME	DILLINGHAM CONSTRUCTION PACIFIC, LTD.
TERM	PER
AGENT NAME	JOSEPH P. MAJKUT
AGENT ADDRESS	605 KAPIOLANI BOULEVARD HONOLULU, Hawaii 96813 UNITED STATES

Annual Filings

FILING YEAR	DATE RECEIVED	STATUS
2023	Oct 2, 2023	Processed
2022	Jul 28, 2022	Processed
2021	Sep 17, 2021	Processed
2020	Jul 1, 2020	Processed
2019	Jul 2, 2019	Processed
2018	Jul 2, 2018	Processed
2017	Jul 18, 2017	Processed
2016	Aug 8, 2016	Processed
2015	Jul 10, 2015	Processed
2014	Jul 17, 2014	Processed
2013	Jul 12, 2013	Processed
2012	Jul 6, 2012	Processed
2011	Jul 19, 2011	Processed
2010	Aug 10, 2010	Processed
2009	Aug 3, 2009	Processed
2008	Jul 3, 2008	Processed
2007	Aug 28, 2007	Processed
2006	Aug 25, 2006	Processed
2005	Sep 20, 2005	Processed
2004	Sep 7, 2004	Processed

2003	Sep 3, 2003	Processed
2002		Not Required
2001		Processed
2000		Processed
1999		Processed

Officers

NAME	OFFICE	DATE
MAJKUT,JOSEPH P	P/D	Oct 22, 2021
WONG,ANDRE	V	Jul 1, 2019
MURAYAMA,DARIN S	V	Jul 1, 2023
HASHIZUME,ERIC H.	V	Jul 1, 2019
OTA,CEDRIC T	V	Oct 22, 2021
DEMPSEY,LEONARD J.	V	Jul 1, 2019
SILEN,PAUL D	V	Oct 22, 2021
HOLLOWAY,THERON	V	Jul 1, 2021
BERMUDES,BARBARA M	V	Jul 1, 2023
WAHID,ASDAQ K	S	Oct 22, 2021
KAWAMOTO,TARO	T/D	Jul 1, 2023

Stocks

DATE	CLASS	SHARES	PAID SHARES	PAR VALUE	STOCK AMOUNT
Jul 1, 2003	COMMON	1,000,000	2,600	10.	

Trade Names

NAME	TYPE	CATEGORY	REGISTRATION DATE	EXPIRATION DATE	STATUS
HAWAIIAN DREDGING CONSTRUCTION COMPANY	Trade Name	NO CATEGORY SELECTED	Nov 13, 1992	Nov 12, 2018	Expired
HDC PRECAST COMPANY	Trade Name	NO CATEGORY SELECTED	Sep 29, 1993	Sep 28, 2004	Expired
HDCC-CJA JV	Trade Name	NO CATEGORY SELECTED	Mar 21, 2011	Mar 20, 2016	Cancelled

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22-23, 2024

To: Chairman and Members, Hawaiian Homes Commission

Thru: Linda Chinn, Acting Administrator
Land Management Division 

From: Shelly Carreira, Land Agent
Land Management Division

Subject: Approval to Annual Renewal of Right of Entry Permit(s), Molokai Island

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

- A) Renew all Molokai Island Right of Entry Permit(s) as listed on Exhibit "A" and identified by approximate location on the Molokai Island Map Exhibit "A-1" that are in compliance and issued temporary approvals, as of May 1, 2024.
- B) The annual renewal period, shall be on a month-to-month basis, for up to twelve (12) months, but no longer than April 30, 2025 or at the next scheduled HHC meeting on Molokai island whichever occurs sooner.
- C) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all Molokai Island ROE permit(s) only, which shall effectively expire on April 30, 2024. As a means of maintaining a process by which PERMITEE'S can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit "A" references all Right of Entry Permits on Molokai Island by order of commencement date, land use, then by acreage. While Right of Entry Permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL's respective island plans. DHHL's total Molokai Island land inventory covers approximately 25,900.0 acres¹ or 13% of DHHL's statewide inventory. The short-term disposition(s) cover approximately 9,950.0 acres or 38% of its inventory.

¹ DHHL Moloka'i Island Plan, June 2005

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

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

The table below reflects the revenue generated from ROE permit(s) on Molokai Island, which is less 1.0% (\$14,187) of the ROE total revenues (\$2,809,387) that DHHL receives statewide. Molokai Island holds 7 of the 154 ROE permits Statewide which are used for various purposes outside of industrial/commercial use. Land Management Division (LMD) proposes an average increased rent of 4% to permittees whose land use is designated for commercial/industrial purposes.

FY 2024		Total
Agriculture	\$1	1
Caretaker/Landscape	\$0	-
Commercial	\$2,622	1
Community	\$1,440	2
Industrial	\$0	-
Office	\$7,478	1
Pastoral	\$2,640	2
Preservation	\$0	-
Recreation	\$3	-
Research	\$0	-
Stabling	\$0	-
	\$14,181	7

For FY 2024, renewals for the 7 Right of Entry Permits located on Molokai Island total annual rent revenue of \$14,181 as referenced in the table above. Rental fees for agricultural and pastoral use permits vary and are typically established at less than fair market rates (discounted) but not less than \$240/annum due to various site issues such as, insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc. LMD respectfully recommends maintaining its current rental rates without any increase.

AUTHORITY / LEGAL REFERENCE:

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

RECOMMENDATION:

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

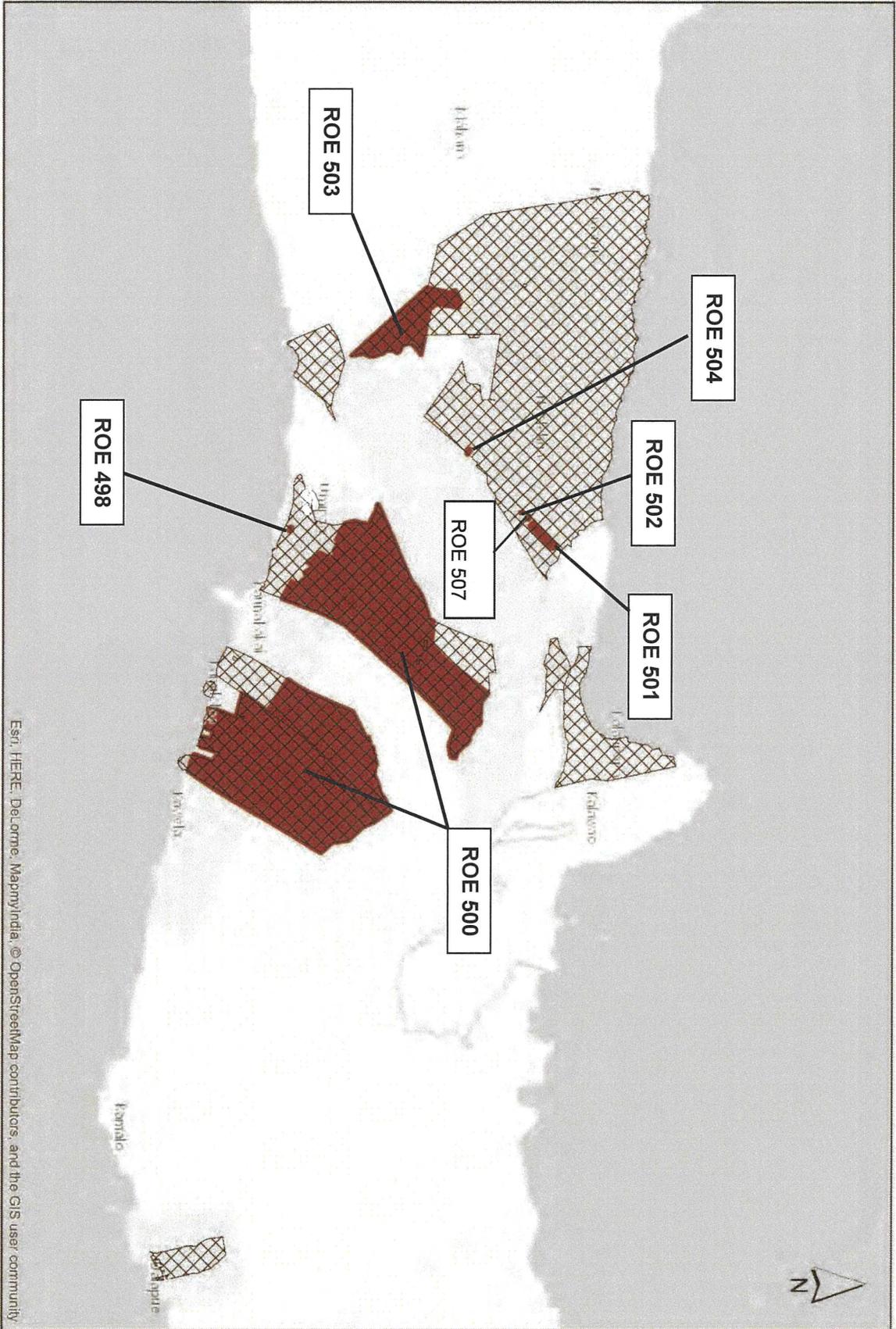
RIGHT OF ENTRY PERMITS - MOLOKAI ISLAND, as of APRIL 2024

NO.	ACRE	USE	PERMITTEE/ADDRESS	TMK	Date Started	Denotes Beneficiary		Comments: rent amount and reasons (site issues - insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.)/why no long-term disposition
						Current Annual Rent	Proposed Annual Rent	
501	35.000	Agricultural	Harry K. & Marlene K. Purdy, III	(2) 5-2-007:079 and:080	4/1/2000	\$1	-	Rent is current; portion of a larger parcel that is designated Subsistence Agricultural Use. Insufficient infrastructure.
498	0.860	Commercial	Patricio Jr. & Cora Sanchez, dba Kalamaula Motors	(2) 5-2-008:107	8/1/1997	\$2,622	-	Rent is current; portion of a larger parcel that is designated Special District Use. Insufficient infrastructure.
504	0.975	Community	Molokai Humane Society	(2) 5-2-004:052	7/1/2007	\$1,200	-	Rent is current; parcel that is designated Community Use.
507	0.490	Community	Ahupua'a O Molokai	(2) 5-2-030:007	9/1/2003	\$240	-	Rent is current; parcel identified as a power line easement; Insufficient infrastructure.
502	0.036	Office	Partners in Development Foundation	(2) 5-2-015:053(P)	4/1/2005	\$7,478	-	Rent is current; parcel that is designated Community Use.
500	9370.000	Pastoral	Molokai Homestead Livestock Association	(2) 5-2-010:001(P) & (2) 5-2-003	5/1/1995	\$240	-	Rent is current; portion of a larger parcel that is designated General Agriculture & Special District Use. Insufficient infrastructure.
503	78.640	Pastoral	Desmund & Christy Manaba	(2) 5-2-001:004 & (2) 5-2-001:030 (p)	4/1/2007	\$2,400	-	Rent is current; portion of a larger parcel that is designated General Agricultural Use. Insufficient infrastructure.

Denotes Beneficiary

Denotes Delinquent

Exhibit "A"
Item No. F-4



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community.

MOLOKAI RIGHTS-OF-ENTRIES (Note map depicts general locations and size of areas under existing ROE.)



Legend
 DHHL Land
 Existing ROE

Exhibit "A-1"
Item No. F-4

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 22-23, 2024

To: Chairman and Members, Hawaiian Homes Commission

Through: Linda Chinn, Acting Administrator *LC*
Land Management Division

Kalei Young, Supervising Land Agent
Land Management Division

From: Shelly Carreira, Land Agent *SC*
Land Management Division

Subject: Approval to Issuance of License Agreement, Molokai Veterans Caring for Veterans, Ho'olehua, Molokai, TMK (2) 5-2-015:053 (por.)

APPLICANT:

Molokai Veterans Caring for Veterans, "LICENSEE"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) grant its approval to issue a license agreement to the Molokai Veterans Caring for Veterans for approximately 24,101 square feet (more or less) of Hawaiian home lands TMK: (2) 5-2-015:053 (por.) located in Ho'olehua, Molokai for the purpose of administrative, fiscal, and physical management and maintenance of the Ho'olehua Veterans and Homesteader Residents' Center.

1. Authorize the issuance of a license agreement to LICENSEE covering the subject area is subject to the following:
 - A. The standard terms and conditions of the most current license agreement form, as may be amended from time to time;
 - B. LICENSEE shall work with the Ho'olehua Homesteader Association to develop an Agreement for Shared Use and Standard Operating Procedures for Shared Use of Space for the purpose of utilizing space to offer programs and services that will benefit homestead beneficiaries;
 - C. LICENSEE shall submit the Standard Operating Procedures for Shared Use of Space to LICENSOR on or before execution of the license document. The Standard Operating Procedures for Shared Use of Space is subject to LICENSOR'S approval;
 - D. At minimum, LICENSEE shall afford the Ho'olehua Homesteaders Association the first right of refusal for scheduling the following events:
 - i. Monthly Board Meeting
 - ii. General Membership Meeting
 - iii. Monthly Farmers Market

The fee for the activities listed in section D. i, ii, iii, shall be consistent with the established user fees set forth in the Standard Operating Procedures for Shared Use of Spaces;

- E. The term of the license agreement shall be two (2) years, commencing upon execution of the license document. The license may be extended by the Hawaiian Homes Commission for an additional five (5) year period provided that LICENSEE has satisfactorily fulfilled the purpose for which the license was issued. LICENSEE must apply for a license extension six (6) months prior to the expiration of the term;
- F. LICENSEE shall notify LICENSOR of any changes to LICENSEE'S Board of Directors within 30-days of the change and continued interest in managing and operating the licensed premise ;
- G. The fee for the term of this license agreement shall be gratis. Licensee shall remit a non-refundable processing and documentation fee in the amount of \$275.00;
- H. LICENSEE shall be responsible to pay all taxes, assessments, utility, security, and telecommunication services commencing on the first day of the fourth (4th) month from the license effective date;
- I. LICENSEE shall be responsible for managing and maintaining the premises and any and all equipment and personal property of LICENSEE upon the premises in a strictly clean, neat, orderly and sanitary condition, free of waste, rubbish and debris and shall provide for the safe and sanitary handling of disposal of all trash, garbage and all other refuse resulting from its activities on the premises;
- J. As part of the LICENSOR'S regular review of LICENSEE activities, and in exchange for gratis base rent, LICENSEE shall submit an Annual Progress Report to the LICENSOR each year on the anniversary date of license commencement. The Annual Progress Report shall document the LICENSEE'S activities of the previous year and shall include, but not be limited to the following:
 - i. LICENSEE shall work with LICENSOR to identify specific reporting requirements and applicable metrics to monitor progress towards achieving the LICENSEE'S charitable purposes. Minimum reporting requirements shall include the number of beneficiaries served and a description of how LICENSEE has been serving beneficiaries of the Hawaiian Homes Commission Act of 1921, as amended.
 - ii. A financial report that includes standard annual financial statements and the LICENSEE'S IRS 990 Form for the preceding fiscal year, as well as a budget for the following year, shall be included in the Annual Progress Report.
 - iii. Letters from the boards of homestead community associations, other community nonprofits, and any other community-based community organization within the respective service area. Letters shall include information on whether the LICENSEE has satisfactorily provided programs and services to beneficiaries in the respective year of the Annual Progress Report.
- K. LICENSEE shall be responsible for providing physical and fiscal management of the subject areas and facilities to include:
 - i. Coordinating reservations for use of the facility.
 - ii. Coordinating kitchen use for users. The kitchen is not certified for commercial food preparations. The kitchen shall be managed in accordance with current Department of Health rules and regulations.
 - iii. Collecting and managing the user fees.
 - iv. Collecting and refunding security deposits.

April 2024

- v. Checking users in and out of the facilities.
- vi. Interior cleaning, janitorial services, maintenance, repair and cleaning of the grounds and common areas of premises after use, including all necessary cleaning supplies, paper products, trash receptacles and bags.
- vii. Maintaining facility equipment and appliances in accordance with instructions identified in the Operations Manuals, Foodservice Equipment.
- viii. Procuring and maintaining the services of a handyman for minor repairs to the facility.
- ix. Service and maintenance of fire suppression equipment, such as portable fire extinguishers and smoke detectors that may be located within the licensed premises.
- x. Service, maintenance, and repairs of solar photovoltaic system.
- xi. Establish and maintain service for refuse pick up and disposal.
- xii. Operations, maintenance, and repairs for the facility security system.
- xiii. LICENSEE shall coordinate large scale events with the Lanikeha Center managers to avoid any scheduling conflicts.

L. The service and consumption of alcohol beverages is not permitted on the licensed premise; and

M. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interest of the Hawaiian Home Lands Trusts.

LOCATION:

Portion of Hawaiian home lands situated in Ho'olehua, Island of Molokai, identified as TMK: (2) 5-2-015:053 (See Exhibit "A")

AREA:

24,101.0 square feet (more or less)

BACKGROUND/DISCUSSION

The State Department of Defense (DoD) was allocated Capital Improvement Project (CIP) funding for building a new veterans center in Ho'olehua, but DoD did not have available lands for the project. The Department of Hawaiian Home Lands (DHHL) agreed to accept the CIP funding and build the center on Hawaiian home lands, see State House Bill 1900 HD1 SD2 CD1 attached Exhibit "B". The project consisted of building a new community facility to serve the needs of both the Molokai veterans and Molokai beneficiaries by improving health, medical and social services and providing spaces for community gatherings and food preparation.

Through the environmental assessment process, the project was named the Ho'olehua Veterans and Homestead Residents' Center (Center). The Center is intended to replicate services provided to Molokai veterans by the current Molokai Veterans Caring for Veterans (MVCFV) facility located in Kaunakakai. Because DHHL community use-designated lands are being used for the project, DHHL must ensure that the Center is also able to serve beneficiaries.

Significant Events:

- DHHL first held beneficiary meeting on the matter was in September 2017;
- The Hawaiian Homes Commission approved HRS Chapter 343 Environmental Assessment for this project in October 2018;
- DHHL received comments from several Ho'olehua lessees expressing desire to have access to the Center for community meeting and gatherings;
- Construction of the Center began in October 2022;

April 2024

- Chair Watson received letters of interest in managing and operating the facility from two groups: Molokai Veterans Caring for Veterans & Ho'olehua Homesteaders Association in 2023;
- DHHL staff met with the Board of Directors from both Molokai Veterans Caring for Veterans & Ho'olehua Homesteaders Association in December 2023 to discuss management options and learn more about each group's interest in the Center;
- DHHL requested business plans to operate the center from both organizations and conducted oral interview with both organizations in January and February 2024;
- While both organizations submitted quality business plans and had great interviews, DHHL had to make a hard decision and choose one organization. The DHHL decision is also based on management experience, including financial capacity;
- DHHL held a beneficiary consultation regarding Ho'olehua Veterans & Homestead Residents' Center License Agreement to Molokai Veterans Caring for Veterans in March 2024;
- Beneficiary Consultation Report to the Hawaiian Homes Commission and seek Commission approval on the license agreement in April 2024.

During the beneficiary consultation held on March 25, 2024, in summary, the beneficiaries felt that the Center should be co-managed by the MVCFV and the Ho'olehua Homesteaders Association (HHA); there should be a pause on decision making until the MVCFV resolve their internal issues; and DHHL should explore options for an alternative recreational site in the Ho'olehua region.

Although DHHL staff recommended a pause with decision making action, the administration would like to take this matter to the Hawaiian Homes Commission for decision making on Molokai island. In consideration of concerns addressed during the consultation process, provisions have been incorporated that would obligate the MVCFV to work with the HHA to develop procedures and an agreement for shared space, including first right of refusal for HHA to calendar specific events. This will ensure the HHA has the opportunity to augment programs and services offered to Ho'olehua veterans and homestead residents.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

The recommended disposition is consistent with the following plans, policies, and programs:

- 1) DHHL General Plan Update (Final Draft, November 2022) goals:

Goal HC-2A: Partner with homestead communities, non-profits, government agencies, and ali'i trusts to provide needed services to communities.

Goal ED-1: Provide economic opportunities for beneficiaries on Hawaiian home lands.

Goal ED-1F: Explore partnerships to utilize Hawaiian home lands to provide economic opportunities for beneficiaries.

- 2) Molokai Island Plan, June 2005
 - Land Use Designation: Community Use, June 2005, Figure 7.2, Ho'olehua-Pala'au Land Use Alternative
- 3) Regional Plan: The proposed use of Hawaiian Home Lands is not identified as a regional priority project in the Molokai Regional Plan dated 2019.
- 4) Beneficiary Consultation: A beneficiary consultation meeting was conducted on March 25, 2024 to obtain beneficiary comments and feedback on the proposed use of Hawaiian Home Lands. DHHL Planning Office will be presenting the beneficiary consultation report to the Hawaiian Homes Commission at it April 22-23, 2024 meeting under submittal item no. G-1.

AUTHORITY

April 2024

§207(c)(1)(A) of the Hawaiian Homes Commission Act, 1920, as amended, authorizes the department to grant licenses for the use of Hawaiian Home Lands for public purposes.

RECOMMENDATION

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



CME & E
 CONSULTING ENGINEERS
 411 S. Linn St.
 Evansville, IN 47713
 812-425-2200
 www.cmeandengineering.com



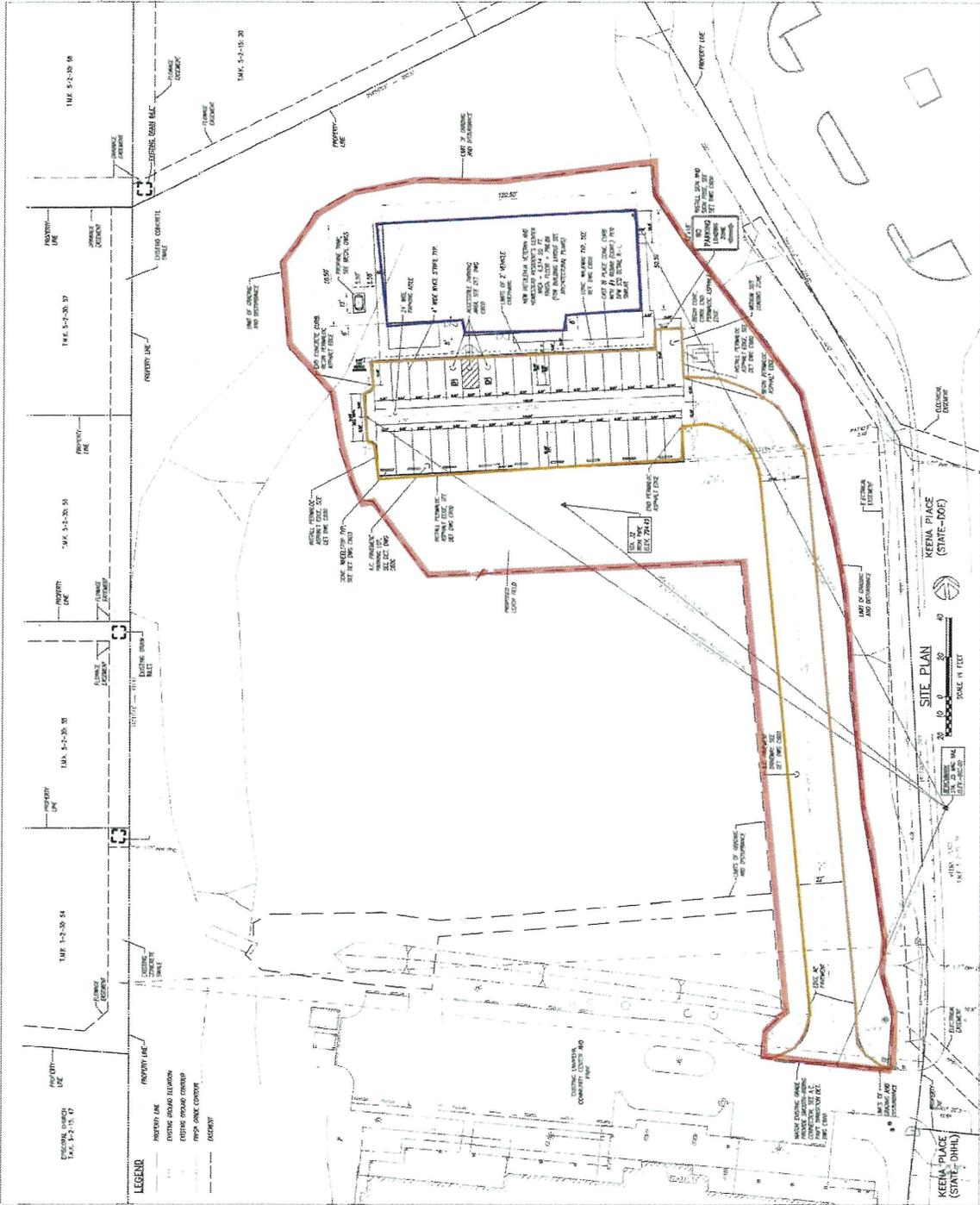
Daniel B. Blevins
 REGISTERED PROFESSIONAL ENGINEER
 No. 11914-C
 State of Indiana
 Mechanical
 11/11/2011

Client:
 GOVERNMENT OF INDIANA
 HOWLANDS
 9130 MAPLEHURST DRIVE
 DANIEL B. BLEVINS
 PROJECT:
 POTTERIA VEDRANI Z
 HOMESTRAD RESIDUES
 3008 SAUNDERS AVE
 POTTERIA, INDIANA 47779

Project No.: 0322-2
 Owner: City of
 City: Evansville, IN
 Date: 03/20/2018
 Scale: AS SHOWN

PROJECT STATUS:
 PRELIMINARY
 SHEET NO.:
 SHEET NAME:

C201



ITEM NO. F-5
EXHIBIT "A"

CAPITAL IMPROVEMENT PROJECTS

ITEM NO.	CAPITAL PROJECT NO.	TITLE	EXPENDING AGENCY	APPROPRIATIONS (IN 000'S)			
				FISCAL YEAR 2017-2018	M O F	FISCAL YEAR 2018-2019	M O F

1							
2	29.05.	MOLOKAI VETERANS CENTER, MOLOKAI					
3							
4		PLANS, DESIGN, CONSTRUCTION AND					
5		EQUIPMENT FOR PARKING LOT PORTABLE					
6		FACILITY AND INSTALLATION OF SEPTIC TANK					
7		AND PHOTOVOLTAIC SYSTEM; GROUND AND SITE					
8		IMPROVEMENTS; EQUIPMENT AND APPURTENANCES					
9		IN HOOLEHUA TO PROVIDE SERVICES TO					
10		VETERANS AND HOMESTEAD RESIDENTS. THE					
11		LEGISLATURE FINDS AND DECLARES THAT THE					
12		APPROPRIATION IS IN THE PUBLIC INTEREST					
13		AND FOR THE PUBLIC'S HEALTH, SAFETY AND					
14		GENERAL WELFARE OF THE STATE.					
15		PLANS					1
16		DESIGN					998
17		CONSTRUCTION					3,000
18		EQUIPMENT					1
19		TOTAL FUNDING	HHL		C		4,000 C
20							

21	29.06.	WAIANAE COAST PARALLEL ROUTE, OAHU					
22							
23		PLANS, LAND ACQUISITION, DESIGN,					
24		CONSTRUCTION, AND EQUIPMENT FOR PARALLEL					
25		ROUTE FOR THE WAIANAE COAST, INCLUDING					
26		BUT NOT LIMITED TO SAFETY IMPROVEMENTS,					
27		SYSTEM PRESERVATION, AND					
28		TRAFFIC/CONGESTION RELIEF.					
29		PLANS					1
30		LAND					1
31		DESIGN					497
32		CONSTRUCTION					1,500
33		EQUIPMENT					1
34		TOTAL FUNDING	HHL		C		2,000 C

35
36



STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22-23, 2024

To: Chairman and Members, Hawaiian Homes Commission

Thru: Linda Chinn, Acting Administrator
Land Management Division *LC*

From: Kalei Young, Supervising Land Agent *KY*
Land Management Division

Subject: Approval to Issue a Right of Entry Permit, Island Construction & Demolition, LLC,
Waianae, Island of Oahu, TMK No.: (1) 8-5-029:019

APPLICANT:

Island Construction & Demolition, LLC. "ICDLLC"

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry Permit to "ICDLLC" covering the subject area as identified and described below to use as a field Office and staging area while they do construction improvements on the sewer lines in the Waianae Homestead Community.

Approval and issuance of this Right of Entry (ROE) shall be subject to the following conditions:

1. Authorize the issuance of a ROE Permit to ICDLLC, covering the subject area to use as a Field Office and staging area while they do construction improvements on the sewer lines in the Waianae Homestead Community, under the terms and conditions cited in this submittal, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current ROE Permit form, as may be amended from time to time.
 - 1) Permittee shall use the Premises to use as a Field Office and staging area while they do construction improvements on the sewer lines in the Waianae Homestead Community. No other use shall be allowed without DHHL's prior written approval.
 - 2) In lieu of providing secured site presence the proposed monthly fee would be GRATIS:
 - 3) Permittee shall pay non-refundable processing and documentation fees totaling \$175.00.
2. This ROE shall conform to Federal, State, and County (government agencies) standards. Permittee 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.
3. Any construction or alteration of the permit area shall require DHHL approval.

4. All utilities (if they choose to install) shall be paid by ICDLLC. Approval by the DHHL Main Kapolei Office and the City & County of Honolulu is needed to access potable water and address sewer requirements. Electricity needs the approval of Hawaiian Electric Company (HECO).
5. No residential living on the site unless given prior written approval by the Hawaiian Homes Commission (HHC).
6. Permittee shall place plywood or similar under vehicles & equipment that use petroleum fuel or any other oil products, to prevent dripping.
7. No new construction shall be allowed without the prior written approval by DHHL. Should construction be allowed by DHHL all Federal, State and City & County of Honolulu approvals and building permits shall be obtained.
8. DHHL reserves the right to have ICDLLC do an Environmental Assessment (EA) if warranted.
9. The ROE document shall be subject to other standard terms and conditions of similar ROE's issued by DHHL.
10. Review and approval by the State of Hawaii, Department of the Attorney General; and
11. 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.

LOCATION:

Hawaiian Home Lands in Waianae, Island of Oahu. TMK No. (1) 8-5-029:019 (See Exhibit "A")

AREA:

Approximately 3.24 acres / 141,134 *sf* of land

DISCUSSION:

The Land Development Division of DHHL awarded a \$7.3 million (approximate) to Island Construction & Demolition to conduct sewer system improvements to the Waianae Hawaiian Homes Community. The location of the subject parcel as proposed under this ROE was strategically selected to simplify the logistics of the project.

PLANNING AREA:

Waianae, Honolulu, Oahu

LAND USE DESIGNATION:

Homestead – Proposed Residential Homestead, Oahu Island Plan (2014) Figure 4.3 Waianae Planning Area Land Use Designations (See Exhibit "B")

CURRENT STATUS:

Vacant

CHARACTER OF USE:

Future – proposed residential homestead use.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

Exemption Class No. & Description:

Per DHHL’s Re-Organization of June 30, 2015 Comprehensive EXEMPTION LIST FOR THE ESTATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS Submitted for Review to the Environmental Council on March 3, 2021.

Part I. De Minimis Activities., Exemption Class No. 1, “Operations, repairs or maintenance of existing structures, facilities, equipment... no expansion or change of use beyond that previously existed.”

RECOMMENDATION:

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

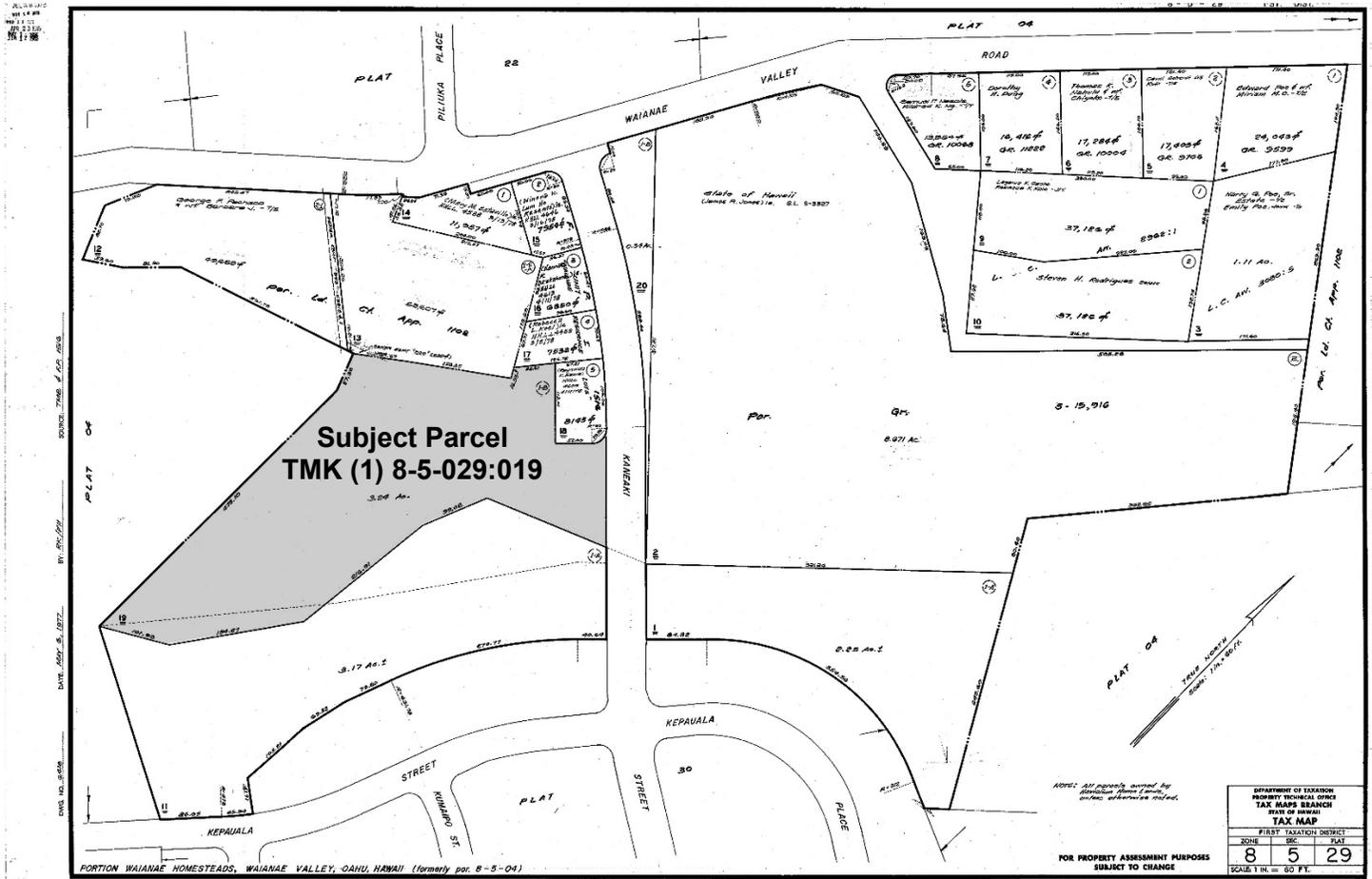
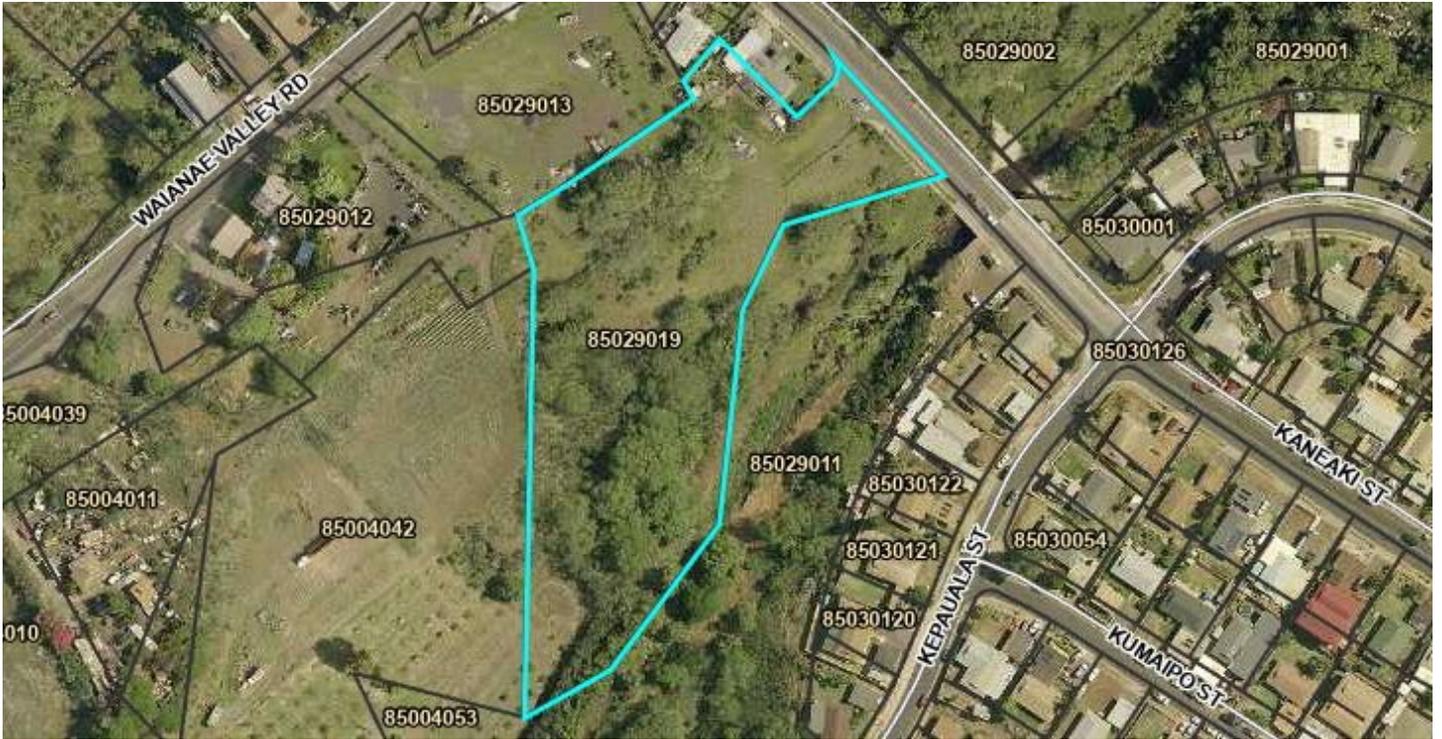


Exhibit "A"
Item No. F-6

Path: Q:\Oahu\DHHL- Oahu Island Plan\GIS\Project\Proposed Land Use Designation\Wainanae.mxd

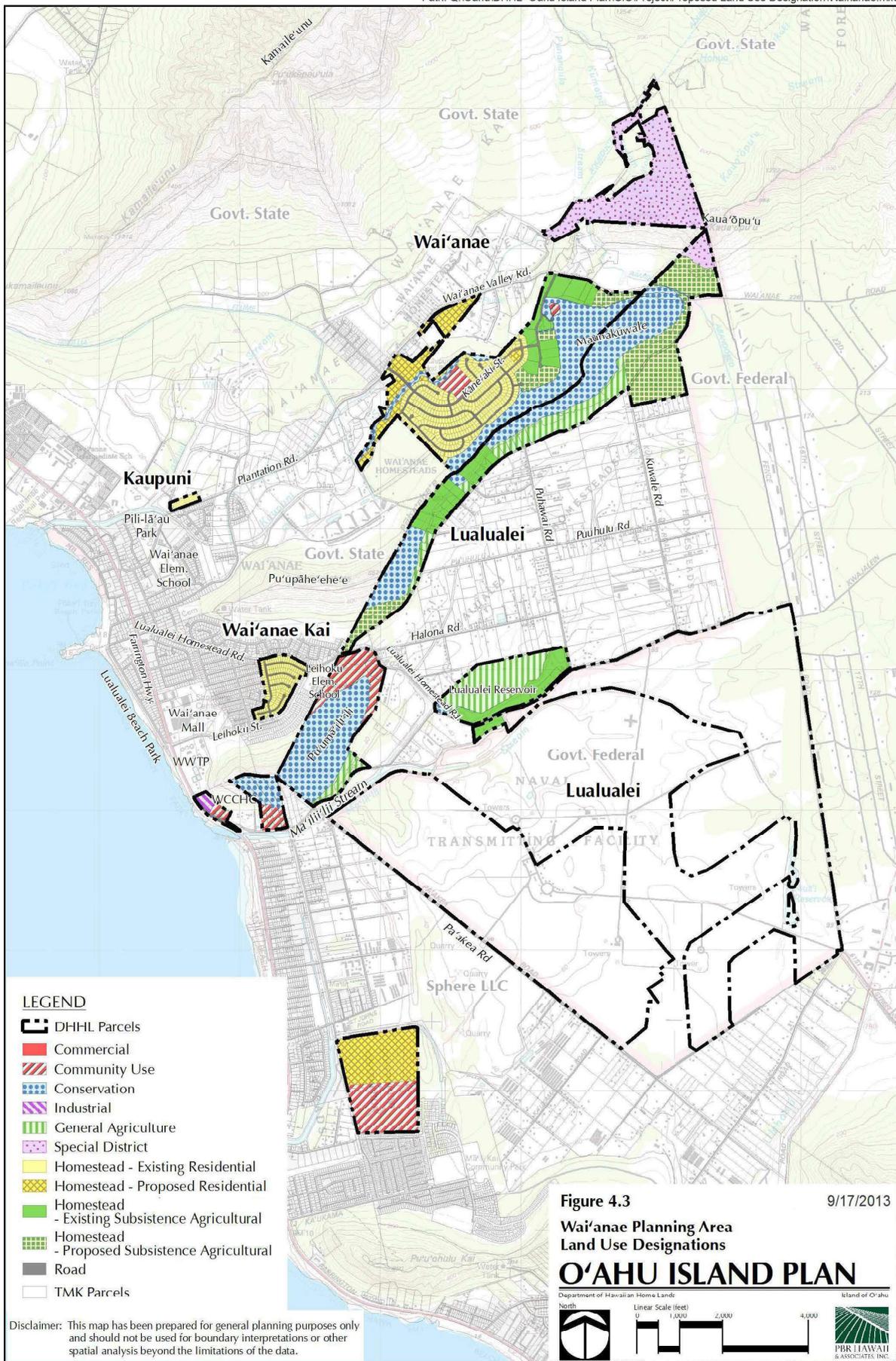


Figure 4-3 Wai'anae Planning Area Land Use Designations

Exhibit "B"
Item No. F-6

**HAWAIIAN HOMES COMMISSION
APRIL 22 & 23, 2024**

**G – ITEMS
PLANNING OFFICE**

PLANNING OFFICE
DEPARTMENT OF HAWAIIAN HOME LANDS

March 18-19, 2024

TO: Chairman and Members, Hawaiian Homes Commission
FROM: Andrew H. Choy, Planning Program Manager *AC*
SUBJECT: Accept the Beneficiary Consultation Report for
Proposed License Agreement to Molokai Veterans Caring
for Veterans Ho'olehua, Molokai, TMK (2)5-2-015:053.

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) accept this Beneficiary Consultation Report as the official public record of beneficiary input and feedback relative to Proposed License Agreement to Molokai Veterans Caring for Veterans Ho'olehua, Molokai.

DISCUSSION

Background

The State Department of Defense (DoD) was allocated Capital Improvement Project (CIP) funding for building a new veterans center in Ho'olehua, but DoD did not have available lands for the project. The Department of Hawaiian Home Lands (DHHL) agreed to accept the CIP funding and build the center on Hawaiian home lands, see attached Exhibit "A". The project consisted of building a new community facility to serve the needs of both the Molokai veterans and Molokai beneficiaries by improving health, medical and social services and providing spaces for community gatherings and food preparation.

A more detailed list of significant events since 2017 associated with this proposed license is included in agenda item F-5.

The purpose of the beneficiary consultation meeting was to provide beneficiaries an opportunity to share their mana'o on the proposed license agreement with the Molokai Veterans Caring for Veterans.

The DHHL recognizes that meaningful, timely, and informative beneficiary consultation is necessary for the successful formulation and implementation of its policies, programs, and projects. In 2009, the HHC adopted a Beneficiary Consultation (BC) Policy (Policy). The purpose of the Policy is to ensure that appropriate beneficiary consultation processes and activities are incorporated into DHHL's planning and decision-making. The Policy requires BC for four types of proposals: 1) Statewide Policy Issues, 2) Amendments to Land Use Designations, 3) Development of DHHL Plans and 4) Proposed long-term use of DHHL lands for non-homesteading uses.

The proposed license to the Molokai Veterans Caring for Veterans constitutes a long-term request for non-homesteading use of DHHL lands and therefore required a beneficiary consultation meeting prior to HHC action on the request. A beneficiary consultation meeting was held on March 25, 2024 at the Lanikeha Community Center in Ho'olehua.

Beneficiary Consultation Process

The proposed use of Hawaiian Home Lands went through the following steps prior to ensure that beneficiaries were informed about the opportunity to provide feedback on the Land Use Request.

STEP 1. THE PROPOSED ACTION IS DESCRIBED AS:

Molokai Veterans and Homestead Residents' Community Center License to the organization Molokai Veterans Caring for Veterans.

STEP 2. BENEFICIARIES WERE NOTIFIED OF OPPORTUNITIES TO CONSULT

The Department conducted a beneficiary consultation meeting at the Lanikeha Center in Ho'olehua on March 25, 2024.

1. Approximately 541 postcards were mailed to Molokai homestead lessees. [Exhibit B]

2. Approximately 556 postcards were mailed to waitlist applicants with a Molokai mailing address. [Exhibit B]

STEP 3. PRESENTATION MATERIALS FOR MEETINGS ARE AVAILABLE FOR FEEDBACK:

A slideshow presentation was prepared for the beneficiary consultation (EXHIBIT C). This slideshow was presented on March 25, 2024 to participants at the meeting.

DHHL created a webpage to disseminate information and provide easy access to information related to this request. The webpage for this consultation meeting can be found here:

<https://dhhl.hawaii.gov/po/molokai/moloka%ca%bbi-veterans-and-homestead-residents-community-center-license/>

STEP 4. COMMENTS ARE COMPILED:

The following table and data below captures the level of participation and engagement at the March 25, 2024 consultation. Typically a 30-day comment period after the meeting is held is afforded to allow beneficiaries to provide additional input. However, a comment period was given from March 25 to April 10 as the administration felt it important to have HHC discussion on the matter while the HHC meeting is on Molokai:

Table 1: Summary of beneficiary participation

Beneficiary Consultation Meeting	Participants	No. Self-ID as DHHL Beneficiaries/Beneficiary Organizations
March 25, 2024	66	52
Written Comments Submitted during the Comment Period	6	6

As reflected in Table 1, approximately sixty-six (66) participants attended the virtual meeting on March 25, 2024. Fifty-two (52) participants in the meeting self-identified as DHHL beneficiaries (lessee, applicant, or both lessee and applicant).

DHHL also received six written comments during the comment period following the beneficiary consultation meeting (EXHIBIT E). All comments and questions are captured in the summary of Beneficiary Comments below.

Summary of Beneficiary Comments:

In summary, the large majority of beneficiaries felt that (1) the Center should be co-managed by the both Molokai Veterans Caring for Veterans (MVCV) and the Ho'olehua Homesteaders Association (HHA), (2) There should be a pause on decision-making until MVCFV resolve its internal issues; and (3) DHHL should explore options for an alternative recreational site in the Ho'olehua region. More detailed meeting notes from the meeting are included as Exhibit D. Comments are further discussed below.

BENEFICIARY CONSULTATION COMMENTS	DISCUSSION
<p>The Veterans and Homestead Residents Center should be co-managed by both MVCV and HHA.</p> <p>One beneficiary also commented that logistically it may be hard to have two managers equally in charge of the facility.</p>	<p>A new condition was added to the proposed terms and conditions of the proposed license agreement (Agenda Item F-5) that provides HHA with more input into the management and use of the facility but the recommendation for sole-management will still be with MVCV.</p> <p>New recommended condition: Licensee shall work with HHA to develop an Agreement for Shared Use and Standard Operating Procedures for Shared Use of Space for the purpose of utilizing space to offer programs and services that will benefit homestead beneficiaries.</p> <p>Another condition of the proposed License agreement is that MVCV shall afford HHA the first right of refusal for scheduling its monthly meetings and farmers' market.</p>

<p>DHHL should pause the decision-making on giving MVCV a license until MVCV resolves its internal leadership issue.</p> <p>Some members of MVCV do not want to manage the new center and would rather see better management of the existing Veterans Center in Kaunakakai.</p>	<p>The Chair's Office would prefer to have discussion on this matter on Molokai at the April HHC meeting to provide beneficiaries with an opportunity to testify on the matter. The HHC can decide to defer the decision on license recommendation until a later date based on beneficiary testimony.</p> <p>A new condition was added to the proposed draft license (Agenda Item F-5):</p> <p>MVCV shall notify DHHL of any changes to MVCV Board of Directors within 30-days of the change and continued interest in managing the licensed premise.</p>
<p>DHHL should not give management of a facility on Hawaiian Home Lands to a non-beneficiary organization. MVCV's mission is to look out for the interest of Veterans first rather than beneficiaries.</p>	<p>MVCV has stated that many of its members are also DHHL beneficiaries including members of its Board of Directors.</p> <p>Conditions were added to the recommended license (see Agenda Item F-5) to require MVCV to work with HHA to ensure that the facility can be utilized by Ho'olehua beneficiaries.</p>
<p>DHHL should explore options for an alternative recreational site in Ho'olehua. The field (where the Veterans Center was constructed) is supposed to be a community park. This area means a lot to the community as a park.</p>	<p>DHHL can look at alternative sites for a community park and field. It may be best to find a suitable location for a park as part of the process to update the Molokai Island Plan.</p>

<p>The decision-making throughout this whole process since 2017 was not transparent or inclusive. It seemed like a "done deal" to site the facility at its location and give it to the Veterans despite Beneficiary concerns that were raised.</p>	<p>Agree. DHHL can always do better to be more transparent. It is important to follow the Beneficiary Consultation Policy that the HHC approved and make sure decision's are more transparent moving forward.</p>
--	---

Recommendation

Staff respectfully requests that the Hawaiian Homes Commission approves the recommended motion to accept this beneficiary consultation report as stated.

Exhibit A G-1

Molokai Veterans and Homestead Residents' Center
Beneficiary Informational Meeting
9/5/17

N. McPherson explained the planning process.

- Molokai Island Plan
- Ho'olehua Land Use Plan
- The parking area above the site was transferred to DOE ownership and management in a "land swap" as DOE was utilizing the area for parking and for agricultural projects in conjunction with Molokai High School.

R. Char introduced the concept plans.

- Current uses at Lanikeha and Kaunakakai Veterans Center
- Molokai Middle School uses the field
- Site Description – location, drainage, existing utilities, impacts to field
- Proposed Building Description – Modular building with meeting room, classroom, restrooms, outdoor space, playground, parking lot
- Potential uses - Available for meetings, classes, events, health, social and medical services, relief shelter

B. Natale gave background on the environmental documentation and public consultation process.

J. Matsunaga discussed the next steps – Phase I and II.

- Phase I is for design and construction of the facility.
- Phase II is management. DHHL will return to beneficiaries for consultation on disposition after the EA and construction have been completed.

Question and Answer

Location

Q: Were alternative sites reviewed?

A: We only looked at Ho'olehua, primarily because it has consistent land use designation. Part of it is also related to the timing issue - any other site would require a change to the land use designation, which takes time. Alternative sites will be evaluated in the Environmental Assessment, but the focus is on this site as the most feasible.

Q: I want to see this project move forward, because there are a lot of veterans that live in Ho'olehua that will not go to Kaunakakai. It is the veterans in the bush that don't want to come out.

Q: I'm not saying I'm not supporting the vets, I'm not supporting the location. When the vets come back, they have post-war syndrome. We have many schools in the area. We don't want to have to worry about our children. We talked about the old marine base. If you have vets that are in this condition, we won't have our children in harm's way.

Q: This bill is limited. It has to be built in Ho'olehua. We only have one chance to spend the money, if we don't spend it we lose it. I'm here to support the facility. As written, it has to serve the veterans. If not, it is not following the law. We can say that it will also benefit the homesteaders, but veterans are priority. Not all veterans are beneficiaries. Will this facility and will the veterans welcome non-beneficiary veterans?



925 Bethel Street
5th Floor
Honolulu, HI 96813
808.523.3546
www.g70.design

CONFERENCE REPORT

TO:	DHHL		
FROM:	Barbara Natale, G70		
DATE:	9/5/17	PROJECT NO:	214041-12
PROJECT:	Molokai Veterans and Homestead Residents' Center		
SUBJECT:	Beneficiary Informational Meeting		
LOCATION:	Kūlana Ōiwi, Kalamā'ula, Molokai	NO. OF PAGES:	4
THOSE PRESENT:	DHHL: Rep. L. DeCoite, J. Masagatani, G.R. Davis, J. Richardson, N. McPherson, S. Carreira, N.L. Kinilau-Cano, R. Speer; G70: R. Char, B. Natale; Beneficiaries and Veterans		

SUMMARY: The Molokai Veterans and Homestead Residents' Center was presented to the beneficiaries for their feedback on the project.

J. Masagatani opened the meeting.

- DHHL staff introductions.
- Reviewed House Bill. The bill is very specific regarding a Veteran's center and uses that would be beneficial to the community. This is an extraordinary opportunity to bring this money to the veterans.
- This information is being brought to the residents to see if this is something they would be willing to support. What services can be co-located in this center? These are draft plans and not final, just meant to start the discussion.

Rep. DeCoite gave background on the house bill.

- The veterans came to DeCoite asking for funds to update current veterans center. This was brought up as a CIP project (instead of a GIA project). Funds for this and other legislation could only be used for projects on state lands. This means that the veterans would have to turn over the land to the DoD, and they said no. The monies were sitting there, use it or lose it due to lapsing funds, if don't use it, it will be difficult to receive future funding. DHHL was approached. Looked at other lands – land use as designated in the Molokai Island Plan, and maintenance. The location in Ho'olehua is on higher lands, and is a better location compared to the existing center in Kaunakakai when planning for climate change. Can also be used as a disaster center.
- The scope of the project must remain veterans focus. Need help to know what to do with the money.

UNLESS WRITTEN OBJECTION IS RECEIVED WITHIN SEVEN DAYS, WE ASSUME STATEMENTS CONTAINED WITHIN ARE ACCEPTED

ARCHITECTURE // CIVIL ENGINEERING // INTERIOR DESIGN // PLANNING & ENVIRONMENT

Moloka'i Veterans and Homestead Residents' Center
Beneficiary Informational Meeting
9/5/17

Use of Facility

Q: Looking at the presentation, this is a done deal. We weren't consulted on the building. The current veteran's center is only two years old. The veterans struggled for that building. We already have facilities that are halfway done. The cemetery is full, we need another one. No one is going to use another center.

Q: The veterans would like to see this building built, would like to get together with the beneficiaries to make it the best for both. Let's get all together with the Hawaiian entities and make a plan. We can do it. Tired of fighting. We are only thinking of the future.

Q: How many veterans are on the island of Molokai?

A: 480 in their directory (with visitors to the island). 200 on island.

Q: I support this program. What about having the ROTC program there? I'm part of the Molokai Farmers Alliance, so when looking at the plan, I think about how would it affect Lanikeha? Would it cut into our business? It would be at the back of the property, so two events could be held at the same time. It will be closer to home, and people can get the services they need.

Youth Facilities

Q: Many years ago, we planned that area as a youth center, because there are many schools in the area. We were taken aback with this new project. We don't want the money to go away, but we need to make sure that is the best place for the vet center. I didn't realize there was zoning (especially in Hawaiian Home Lands), but there is the Alu Like center that is falling apart and not being used. They could probably use the money. We aren't opposed to the veterans, but we wanted a youth center there.

Q: I would really like to see this area as a place to go for the students. We are concerned about what the students are doing after school -- going into the cube. How can I explain to the parents if the cube falls on them? If you understand the history of Ho'olehua (warriors), we have to take care of our veterans. I love the students and the school, and want to work with the veterans to make this a facility for the students as well.

Emergency Relief

Q: I'm looking at hurricanes on the island, and flooding. If 20% of the population could help the rest of the population, it would help my family. If you don't want the facility, then let the money go.

Q: As a Vice Principal of Molokai High School, when I think of a catastrophe and low coastal areas, I think about what hit the classrooms? Is there a place for helicopters to land? Lanikeha is one of the fields that the school uses for fire drills. I see this as an opportunity.

Q: We were looking into making Lanikeha as a certified shelter. \$320,000 just to retrofit the windows in the front. I do agree with the vice-principal that we need a place for shelter. The veterans don't want to come back and continue to fight. We need to look at this for the community. The land is there, the money is there, we need to really think about this and not just focus on the little things. I have a history of working with the veterans for over a year and a half. I honor and respect them. I totally support this project.

Moloka'i Veterans and Homestead Residents' Center
Beneficiary Informational Meeting
9/5/17

Q: The first thing I look at in buildings is safety. Is it in the flood zone? How many people can fit? Are there windows which with the wind it could break and hurt the people? We should look at designing the building so that it will be safe. I would like to see the new building have the kind of windows that could close in a hurricane. To get that money to come to Molokai, we should take advantage of this moment. We know that politics is changing, and we should be concerned. I'm just looking at the whole package -- our young adults and kupuna. For the future of our children.

Q: If we are really concerned about an emergency shelter for our people, we need to update Lanikeha. Get storm windows/doors that we can add.

Resources

Q: I'm just tired of when we have funding, how much of it goes to the project? We don't need the paved road, we can use dirt roads. I understand they don't have water in Ho'olehau - no more water to build homes for my children. How can you give water to this facility if you cannot give water to homesteaders by providing new meters, new homes? We need to get water up there. They have \$4 million and are not spending on homesteaders.

A: Answer is complicated -- school, airport, etc. is on DHHL water. DHHL has a reservation on the water. We are pumping more than our allocation. The issue of water is not only about water, it is also about other areas we want to develop and what the plan is for the future of the homesteaders on the island. It is a more complicated question because it has to do with how the water is allocated. There is enough water available, but it has to do with CWRM regulations. We have only been given permission to pump so much, and because we are pumping more than allocated, there is a moratorium on new meters. So when it came to giving out the actual meters, we had to decide where to give ones out. There were other projects where we wanted to develop -- we were able to get some money for areas that we haven't been able to for over 20 years. Two issues -- getting water to the project, and then getting the meter to pump the water. There are about \$20-30 million in improvements that the water is being reserved for. There are regulatory issues we have to work out with DLNR.

Next Steps

I realize that the needs of the youth are an important part of the community. There is the upper parking lot area under DOE use that could perhaps be a partnership project to build a youth center. If anything, this meeting will begin the conversation for youth, opportunities for the parking lot above, down the road. It all doesn't have to happen here.

BENEFICIARY CONSULTATION MEETING



Moloka'i Veteran's Center License



This is Not an Awards Notice

dhh1.hawaii.gov/po/molokai

Exhibit B 6-1

Beneficiary Consultation Meeting

Molokai Veteran's Center License

When: Monday, March 25, 2024
6:00 p.m. to 8:00 p.m.

Location: Lanikeha Community Center
2200 Farrington Avenue
Hō'olehua, HI 96729

Purpose: DHHL is seeking beneficiary input and feedback on a proposed license agreement between the organization Molokai Veterans Caring for Veterans and DHHL to manage and operate the newly constructed Molokai Veterans and Homestead Residents Community Center in Hōolehua. DHHL will be presenting the draft terms of the license agreement for beneficiary feedback.

Information: dhlh.hawaii.gov/po/molokai
Questions: dhlh.planning@hawaii.gov



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Beneficiary Consultation

Ho'olehua Veterans & Homestead Residents'
Center License Agreement to
Molokai Veterans Caring for Veterans

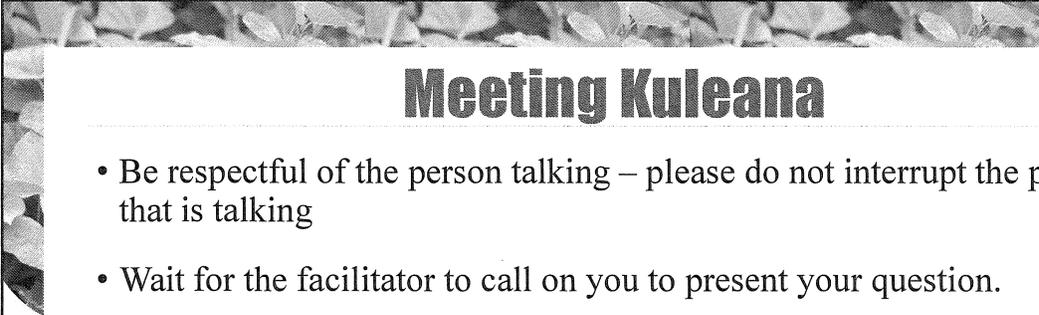
March 25, 2024
6:00 pm – 8:00pm

1

Meeting Purpose

To gather beneficiary mana‘o on License for management of the Ho‘olehua Veterans and Homestead Residents’ Center located on trust Lands in the Ho‘olehua, moku on Molokai.

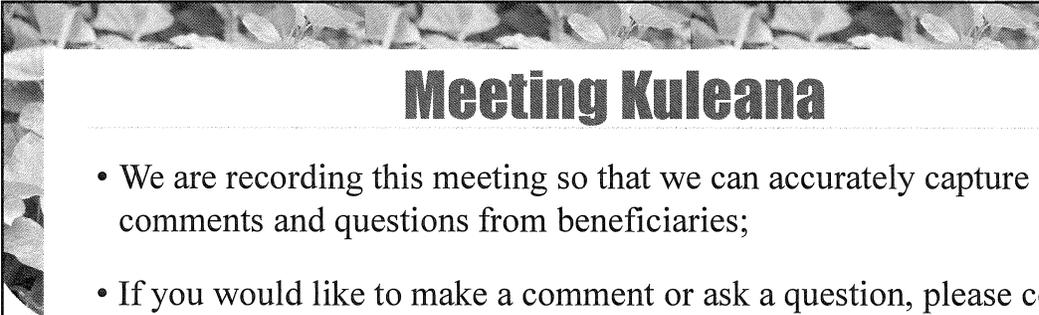
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Meeting Kuleana

- Be respectful of the person talking – please do not interrupt the person that is talking
- Wait for the facilitator to call on you to present your question.
- When addressing other participants, be respectful, show aloha, treat others how you would like to be treated
- Agree to disagree — accept that others may have different perspectives and opinions
- Have an open mind — take home new ideas or new information

3



Meeting Kuleana

- We are recording this meeting so that we can accurately capture comments and questions from beneficiaries;
- If you would like to make a comment or ask a question, please come up to the microphone so that the comment or question is accurately recorded.

4

DHHL Beneficiary Consultation Policy

Beneficiary Consultation is required for four types of proposals that require Hawaiian Homes Commission approval:

- Statewide Policy Issues
- Amendments to Land Use Designations
- Development of DHHL Plans
- Long-term use of DHHL land for a non-homestead use

5

Tonight's Agenda

- Welcome & Introductions
- Project background & history
- Overview of proposed license terms & conditions between DHHL and Molokai Veterans Caring for Veterans
- Beneficiary mana‘o on proposed license terms & conditions
- Wrap-Up & Next-Steps

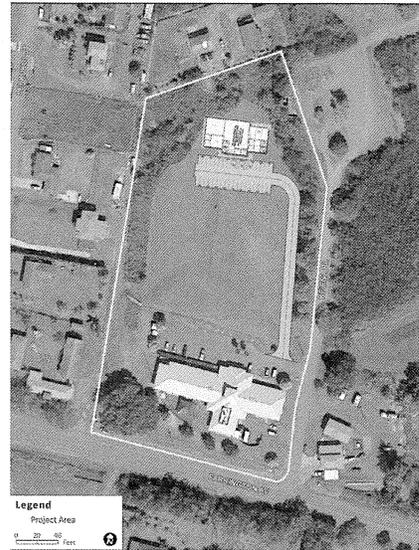
6

Project Location

TMK (2) 5-2-015:053(p)

Ho‘olehua Moku

Island of Molokai



7

Background & History

- DHHL first held beneficiary meeting on this matter in September 2017;
- Hawaiian Homes Commission approved HRS 343 Environmental Assessment for this project in October 2018;
- DHHL received comments from several Ho‘olehua lessees expressing desire to have access to the Center for community meeting and gatherings;
- Construction of the Center began in October 2022;
- Chair Watson received letters of interest in managing and operating the facility from two groups: Molokai Veterans Caring for Veterans & Ho‘olehua Homesteaders Association in 2023;

8



Background & History cont.

- DHHL staff met with both Molokai Veterans Caring for Veterans & Ho‘olehua Homesteaders Association in December 2023 to discuss management options and learn more about each group’s interest in the facility.
- DHHL requested business plans to operate the center from both organizations and conducted oral interviews with both organizations in January and February 2024.
- While both organizations submitted quality business plans and had great interviews, DHHL had to make a hard decision and choose one organization.

9



Background & History cont.

- Based upon business plans submitted and oral interviews conducted, DHHL will recommend to the Hawaiian Homes Commission that a management license for the facility go to Molokai Veterans Caring for Veterans.

10

Preliminary License Terms & Conditions

- Term: 2 year with the option to extend for an additional 5-years subject to approval from the Hawaiian Homes Commission.
- Use: Administrative, fiscal, and physical management and maintenance.
- Fee: Gratis
- Utility, Taxes, Assessments: Licensee shall pay when due all charges for utility service.

11

Preliminary License Terms & Conditions

- Licensee to submit Annual Progress Report to DHHL.
- Licensee shall be responsible for maintaining the premises, including water, gas, plumbing, electrical, fixtures, equipment, and security systems.
- Licensee shall afford Ho‘olehua Homesteaders Association the first right of refusal for scheduling its (1) monthly board meeting, (2) general membership meeting, and (3) monthly farmers’ market.
- Licensee to submit Standard Operating Procedures to DHHL for approval – i.e. protocol for reserving space and user fee schedule.

12

Nīnau & Mana‘o

Questions & Comments on
proposed license agreement for management of the
Ho‘olehua Veterans & Homestead Residents’ Center

13

Next Steps

- Beneficiary Consultation Comment Period:

March 25 – April 10, 2024

Email comments to: dhhl.planning@hawaii.gov

- Beneficiary Consultation Report to the Hawaiian Homes Commission and Seek Commission Approval on Request
April 22-23, 2024 at Kulana Oihi Hall

14

Beneficiary Consultation – March 25, 2024

Ho'olehua Veterans & Homestead Residents' Center License Agreement to Molokai Veterans Caring for Veterans - Meeting Notes

Attendees: 66

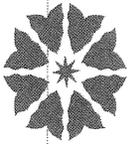
1 applicant; 37 lessees; 13 both, applicant and lessee; 14 other

Meeting discussion

- How can DHHL give the management to a non-beneficiary organization?
Ans: The current Molokai Veterans Caring for Veterans (MVCFV) Board consists primarily of DHHL beneficiaries and has agreed to provide access to the homestead community for use of the facility. There is a special condition in the draft license agreement to allow the Hoolehua Homestead Association (HHA) first right of refusal to access the meeting for its meetings and farmers' market.
- How can DHHL give a license to a board that has been voted out?
Ans: DHHL received written confirmation from the current board that it is the legitimate board. Further, the written confirmation included discussion that the by-laws of the organization were not properly followed during the special election and therefore the election results were not valid.
- The board is not comprised of 100% beneficiaries, it looks out for the interests of Veterans first, not beneficiaries.
- A special meeting was held on January 20, 2024 by members of the Molokai Veterans Caring for Veterans (MVCFV). Every single member of the Molokai Veterans Caring for Veterans was alerted about this special meeting. We held a vote at the meeting to dissolve the existing board members. The people that are asking DHHL for the license are not the legitimate representatives of MVCFV.
- All decisions regarding licensing the Center to MVCFV should be paused until this leadership issue is resolved.
- The majority of members voted for the new interim MVCFV board.
- Twenty-three veterans voted in the December election. Most members were not aware of the December election. More than twenty-three veterans voted in the January 20, 2024 special meeting.
- MVCFV members sent out a survey to other members. An unbiased survey went out. Not many knew about this building being built nor wanted the building to be built.
- Read Dispatch ad. Petition not taken seriously. MVCFV leader is not the commander.
- The field is supposed to be a community park. The park means a lot to the community and is the only park in Hoolehua for the community. I remember the field was used by the high school to support sports and activities. Now we don't have this anymore.
- During the first Beneficiary Consultation (BC) meeting (in 2017) all homestead beneficiary leaders did not want the center. The park means so much to the community. Two centers in one location does not make sense. The veterans speak to the building, but the homesteaders control the lands. There was no process prior to the building being built. DHHL should have done the process right. This caused division in the veterans and community. The Hoolehua Homestead Association (HHA) wanted to share, co-manage.
- MVCFV was super social. The organization was created to keep all veterans together, 400-600 veterans. Veterans did not want the center in Ho'olehua. The center in Kaunakakai is pilau and not managed properly. The current board is not sharing information with other members. Not transparent. We don't need another veterans center. The locks have been

- changed and defunct board is not allowed in the Kaunakakai center. Veterans don't go to the Kaunakakai center. The place is left to the dumps. There's going to be a new election.
- The special election held in January earlier this year was not a valid election because it was not conducted in accordance with the MVCFV by-laws. If you disagree, please ask an attorney to look at my interpretation of the by-laws. But I have a strong feeling that my interpretation of the by-laws are correct and that the January election was not properly held. The current board members are the legitimate representatives of the board. If other members want to see the finances of the organization then please make an appointment with us and we will open up the books.
 - Regarding co-management, I have never seen that work for a business. Have you ever had co-management of a car? Co-management will not work. It needs to be a single entity. We will have a calendar system, you sign up for your time first come first serve. Homesteaders or veterans can sign up.
 - I'm on the waiting list since 2000 and I'm still waiting for a lease. I moved away and came back to Molokai. There's separation between the people. This happened because of Kali Watson. The more leases we make with companies, the less land is available for homesteading. Stop building centers, we need homes. But I know that the Hoolehua Homesteaders do not have a place to call their home to meet.
 - Veterans want to do whatever they want at their hall. Sad to see the arguing.
 - Why can't we share the center? Hoolehua Homesteaders Association has no home.
 - Anybody wishes to see the books of MVCFV we will be happy to show them.
 - MVCFV didn't want co-management. Why couldn't the center be co-managed with the homesteaders?
 - MVCFV considered co-management. We will not stop anyone from coming over. Will take care of our homesteaders and veterans. We will have a calendar system for reservations.
 - Reviewed the 2017 conference report. Homesteader concerns were not considered. The EA would have identified other sites. No other sites were considered. The 2017 meeting was a check the box situation. Potential next steps: (1) Please provide the other lands that were considered. (2) Many veterans suffer from PTSD. Safeguard the preschool. (3) DHHL should provide Ho'olehua homestead with another park in Ho'olehua. (4) Give MVCFV space to resolve its issues before considering the license. Co-management would address the veterans and homesteaders.
 - DHHL started off conversations with both MVCFV and the Hoolehua Homestead Association regarding co-management by the two groups. What happened? I'll tell you what happened, you just need to watch the Senate Ways and Means DHHL budget briefing. [Senator] Decoite gave DHHL a hard time and accused DHHL of bullying people to work together. Everything changed after the WAM meeting and her influence.
 - Lots of respect for the veterans. Empower our beneficiaries. MVCFV needs to resolve its issues, please wait until they do. Co-management is the way to go. It's on Hawaiian home lands. It's not the right time to move forward with the license. Hoolehua Homestead Association is the largest homestead association on the island.
 - Commander Larry Helm was a decorated Vietnam veteran. Truth and justice is with the interim commander. Mike Helm is reaching younger vets. A Democratic election will be held soon. Veterans getting help is important. Most important decision is to abolish alcohol. Mike Helm assisting with helping alcoholics.
 - Put the Hawaiian Homes Commission decision on pause. Homesteaders can sit at the table. A new election will be held in the coming weeks for MVCFV giving every veteran a voice.
 - Veterans and homesteaders should work together.

- The HHA can be a resource to the community. Veterans are fighting with veterans. Things need to get resolved before moving forward. Don't move forward with the license until it is resolved.
- DHHL needs to admit mistakes. DHHL made the decision too fast. I care for vets and homesteaders.
- I am a veteran but not from Molokai. I'm from the mainland. I joined the Veterans group here and they have helped me a lot. The previous leadership found ways to get Veterans to come over and socialize, some times it would involve having a beer. But once we came over to socialize, he helped us talk through our issues and helped create a welcoming place where we felt comfortable to share. It is a credit to his leadership. It does not sit right with me that someone like me who is part of the Veterans group and is not a beneficiary can some day be in charge of this Center because MVCFV will have the license.
- We are working on getting emergency sirens in Ho'olehua. Heartbreaking to see the separation. The community needs to come together. Molokai needs to come together.
- Kuhio's vision is to make sure that Hawaiians are on the land. Homes are falling apart. Hawaiians are not on homestead.
- Veterans are fighting each other. That needs to be solved first.
- Veteran members are losing respect for other members. Why were all homesteaders not informed about the center? Unfortunate was hush hush and not transparent. This is homestead lands. Allow veterans to be one. Veterans and homesteader should work together equally. Come together as one. Collaborate. Be the example and work together.
- Both homesteaders and the veterans are holding the sign. We can work together.
- Why are DHHL and OHA not working together in one building? How do you expect us to work together with the homesteader group if you cannot even work together with OHA?
- DHHL be the mediators.
- Frustration about homesteaders who didn't know about the building. It was a done deal with Masagatani and DeCoite. The kids are looking at us. DHHL screwing us. Not trusting of the system.
- Top heads from DHHL should be here. The staff taking the hit for them. Poho cowardly leadership and disappointing examples.
- Survey needs to be conducted. DHHL is not creditable. DHHL come together and halt issuing the license let the veterans work it out first.



DEPARTMENT OF HAWAIIAN HOME LANDS

DEPARTMENT OF HAWAIIAN HOME LANDS
SIGN-IN SHEET

EVENT BC re Ho'olehua Veterans & Residents Center License MVCFV

DATE March 25, 2024

(Please print)

** (A=Applicant, L=Lessee, Both=Applicant and Lessee, O=Other)**

BENEFICIARY	NAME	MAILING ADDRESS	E-MAIL	TELEPHONE
A (L) B O	Gayla Halimat	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Princess Makoahehe Valencia Kaho George Kaho	[REDACTED]	[REDACTED]	Coconut Wireless
A L B O	H. Douglas Barnard VETERAN	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Gregory O'Shea (V)	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	John L. Aki (V)	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Jason R. Mizula	[REDACTED]	[REDACTED]	[REDACTED]
A (L) B O	Melody Alcou	[REDACTED]	[REDACTED]	[REDACTED]
A (L) B O	Sherry Sasada	[REDACTED]	[REDACTED]	[REDACTED]
A (L) B O	LuAnn Lankford	[REDACTED]	[REDACTED]	[REDACTED]

Please include email if you wish to receive future meeting notifications electronically



DEPARTMENT OF HAWAIIAN HOME LANDS

(Please print)

** (A=Applicant, L=Lessee, Both=Applicant and Lessee, O=Other) **

DEPARTMENT OF HAWAIIAN HOME LANDS
SIGN-IN SHEET

BENEFICIARY	NAME	MAILING ADDRESS	E-MAIL	TELEPHONE
A L B O	Tim MEECE	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Eben Castillo	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Lionel Adachi	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	CLARENCE ADACHI	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	BARBARA HELEN	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	HAWAII HOWE	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Yama Kahaloaa	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Kelly Ukaani Richardson	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Carolyn P. Bush	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Makaha Purdy	[REDACTED]	[REDACTED]	[REDACTED]

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DEPARTMENT OF HAWAIIAN HOME LANDS

(Please print)

** (A=Applicant, L=Lessee, Both=Applicant and Lessee, O=Other)**

DEPARTMENT OF HAWAIIAN HOME LANDS
SIGN-IN SHEET

BENEFICIARY	NAME	MAILING ADDRESS	E-MAIL	TELEPHONE
A L <input type="radio"/> B <input checked="" type="radio"/> O	Princess Kekahuna	[REDACTED]	[REDACTED]	[REDACTED]
A <input checked="" type="radio"/> L <input type="radio"/> B <input type="radio"/> O	TRICIA M L Mersberg	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Michael A. A Helms	[REDACTED]	[REDACTED]	[REDACTED]
A <input checked="" type="radio"/> L <input type="radio"/> B <input type="radio"/> O	Kilia Purdy-Avelino	[REDACTED]	[REDACTED]	[REDACTED]
A <input checked="" type="radio"/> L <input type="radio"/> B <input type="radio"/> O	Wailana Purdy-Avelino	[REDACTED]	[REDACTED]	[REDACTED]
A <input checked="" type="radio"/> L <input type="radio"/> B <input type="radio"/> O	Hala Pa-Kola	[REDACTED]	[REDACTED]	[REDACTED]
A L B <input checked="" type="radio"/> O	July Ann	[REDACTED]	[REDACTED]	[REDACTED]
A L B <input checked="" type="radio"/> O	MARTHA JOEPOE	[REDACTED]	[REDACTED]	[REDACTED]
A <input checked="" type="radio"/> L <input type="radio"/> B <input type="radio"/> O	Walter & Loretta Ritte	[REDACTED]	[REDACTED]	[REDACTED]
A L B <input checked="" type="radio"/> O	Tobani Kaalekahi	[REDACTED]	[REDACTED]	[REDACTED]

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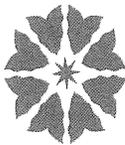
DEPARTMENT OF HAWAIIAN HOME LANDS
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** (A=Applicant, L=Lessee, Both=Applicant and Lessee, O=Other)**

BENEFICIARY	NAME	MAILING ADDRESS	E-MAIL	TELEPHONE
A L B O	Kalani Johnston Sr.	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Mun'gwa Aoyagi	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Valerie Kone Dudot Tenody	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Makiaia, Emily	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Makiaia, Floyd	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	John Kawai	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	M/M WALTER HAWKINS	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Fred & Suki Aki	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	James Tuaniro	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Janet Singson	[REDACTED]	[REDACTED]	[REDACTED]

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BENEFICIARY	NAME	MAILING ADDRESS	E-MAIL	TELEPHONE
A L B O	Iwaloani Kadooaki	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Margaret Keahi-Leany	[REDACTED]	[REDACTED]	[REDACTED]
A P B O	Rafina Kaunwai	[REDACTED]	[REDACTED]	[REDACTED]
A P B O	Wayne Kaunwai	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Crissty Pereira	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Melina Schmidt	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Patricia Sugano	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Samuel Sugarto (V)	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Liko Wallace	[REDACTED]	[REDACTED]	[REDACTED]
A L B O	Keoni Rawlins	[REDACTED]	[REDACTED]	[REDACTED]

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** (A=Applicant, L=Lessee, Both=Applicant and Lessee, O=Other)**

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BENEFICIARY	NAME	MAILING ADDRESS	E-MAIL	TELEPHONE
A L B O	Alice Kaahonui	[REDACTED]		
A L B O	Charles Kaahonui, III	[REDACTED]		
A L B O	Braeden Cabral-Kaahonui	[REDACTED]		
A L B O	Christina Ahi	[REDACTED]		
A L B O	Judie Press	[REDACTED]		
A L B O	Ramiro Castrol (V)	[REDACTED]		
A L B O	M/ra Ronald Cabral M/ra Uli Kahue	[REDACTED]		
A L B O	Mrs. Mrs. Nelson Wideman	[REDACTED]		
A L B O	Irene Kaahonui	[REDACTED]		
A L B O	Judy Caparida	[REDACTED]		

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** (A=Applicant, L=Lessee, Both=Applicant and Lessee, O=Other)**

BENEFICIARY	NAME	MAILING ADDRESS	E-MAIL	TELEPHONE
A L <input checked="" type="radio"/> B O	Rosclani Low	[REDACTED]	[REDACTED]	[REDACTED]
A <input checked="" type="radio"/> L B O	Quayne Kala	[REDACTED]	[REDACTED]	[REDACTED]
A L <input checked="" type="radio"/> B O	Purdy Kai; Wailana	[REDACTED]	[REDACTED]	[REDACTED]
A L <input checked="" type="radio"/> B O	Leanne Kaulani	[REDACTED]	[REDACTED]	[REDACTED]
A L <input checked="" type="radio"/> B O	Lori Buchanan	[REDACTED]	[REDACTED]	[REDACTED]
A L <input checked="" type="radio"/> B O	Judith Coog	[REDACTED]	[REDACTED]	[REDACTED]
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Choy, Andrew H

From: Makaila Purdy [REDACTED]
Sent: Wednesday, April 10, 2024 11:45 AM
To: DHHL.Planning
Subject: [EXTERNAL] VA/Homestead co-Management of 4 million dollar building

To Whom it may concern,

I am a member of the Ho'olehua Homestead Association and very concerned on this new building issue and very disappointed. First, ONLY 1 meeting no more meetings after. I attended that 1 meeting and majority of that meeting did not want the building built on our Park , there were 3 different locations that was suggested! After Covid, 2 years later, to our family's surprise more shocked, the Building is being built!!! DONE DEAL!!!! What happened??? Where was the process? Our officials are failing to Really listen to the people does our voice count? That building has taken away a lot of space that was utilized for events like the Pūnana Leo Kula held their Annual fund raiser and other events!! 4 million dollars! I would like to see the break down of what the money went for each Item of the building? Who are all the names that decided yes for the building to be built on our Park? Yes! it's up the building! but now another problem with Homesteaders and the Veterans we gotta decide if can co-manage between both parties? According to Veterans Commander Timi Meyers it's a no, due to certain laws and regulations. I am kaumaha (sad, heavy heart) to see another building on our Park, the other building was the DHHL CENTER that was delapidated and had to be taken down. Also, a survey was taken by concerned Ho'olehua homesteaders who went door to door, they found that 90 percent of the people did not know of a building being built. They have the survey and will submit to the Board. It is very disturbing and disappointing to trust in the process to hold our officials accountable for their decision on issues that should be transparent. It's always been about being open and honest but NOTHING!! about this building was. So many questions unanswered!!!??????????????

Makaila Purdy
Ho'olehua Homestead Association Member

Choy, Andrew H

From: kaluhi kaluhi [REDACTED]
Sent: Wednesday, April 3, 2024 4:30 PM
To: DHHL.Planning
Subject: [EXTERNAL] Molokai Veterans Center, Hoolehua

Aloha,

Hoping a co-management plan can be agreed by both groups. My ohana lives in Hoolehua & would appreciate the opportunity to be including in this process. Misinformation about our Homestead association by Sen Decoite regarding number of members is incorrect.

KTF

Choy, Andrew H

From: Mahiki Lankford [REDACTED]
Sent: Wednesday, April 3, 2024 4:28 PM
To: DHHL.Planning
Subject: [EXTERNAL] Molokai Veterans Center

Aloha,

Hoping a co-management plan can be agreed by both groups. I am born and raised in Hoolehua & would appreciate the opportunity to be including in this process. Misinformation about our Homestead association by Sen Decoite regarding number of members is incorrect. there are 49 paid members as of today.

Choy, Andrew H

From: Lu Ann Mahiki Lankford-Faborito [REDACTED]
Sent: Wednesday, April 3, 2024 4:26 PM
To: DHHL.Planning
Subject: [EXTERNAL] Molokai Veterans Center

Aloha,

Hoping a co-management plan can be agreed by both groups. As a resident of Hoolehua we appreciate the opportunity to be including in this process.

Lu Ann Mahiki Lankford-Faborito

Choy, Andrew H

From: Hala Pa-Kala [REDACTED]
Sent: Tuesday, April 2, 2024 11:20 AM
To: DHHL.Planning
Subject: [EXTERNAL] Molokai Veterans and HOMESTEAD RESIDENTS CENTER

Aloha mai Kakou,

My name is Hala Pa-Kala, I am a leasee of the Kamiloloa~One Ali'i Homestead area, but my family roots are in Ho'olehua. My great grandfather was one of the original leasees in Ho'olehua, and our family resides there still.

I must say, that from the very beginning there was much discord and division over this project, none of which was taken to heart by our Commissioners because of the almighty American dollar. This project has divided the veterans and the community alike, and unfortunately, it seems as though our Comissioners and the Department as a whole have been listening to a very ONE SIDED view the whole situation, apparently that of 'our' Senator Lynne De Coite, whose own 'Homestead Association' also has their finger in the pie here as well.

If you have had a chance to view the beneficiary consultation meeting last held on Molokai, it is apparent that the Veterans are in turmoil,

Choy, Andrew H

From: Keani N. Rawlins [REDACTED]
Sent: Thursday, March 28, 2024 4:26 PM
To: Choy, Andrew H
Subject: [EXTERNAL] Management of Ho'olehua Veterans and Residents' Center

Aloha Andrew,

Mahalo again for conducting the meeting on the management of the Ho'olehua Veterans and Residents' Center this past Monday, March 25.

This project has deeply divided our community, and serves as a cautionary example of what happens when decisions are made without working with the beneficiaries and general community.

The September 5, 2017, Conference Report completed by G70 clearly describes then Rep Lynn DeCoite pushing for the project funding to "use it before lose it," and warning the community that if that funding is not used, that it would "difficult to receive funding again in the future."

The community described their concerns and urged DHHL to choose an alternative site for reasons, such as:

- 1) The park is used for other things.
- 2) There aren't other open areas like this in the vicinity for events, like Punana Leo's Ho'omau.
- 3) Do not put a center for veterans who may suffer from PTSD so close to the Tutu and Me program and Punana Leo o Molokai preschool.

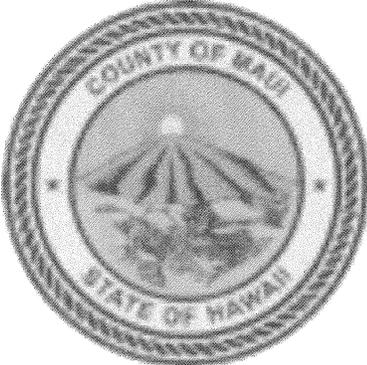
The community suggested other sites, which during the Q&A portion, was said would be addressed in the future EA. And despite opposition, it was already decided that the Ho'olehua park was the best.

I'd suggest the following actions for consideration to the injustice that occurred.

- 1) Admit in writing to the beneficiaries that the decision to construct the Ho'olehua Veterans and Residents' Center at the location its at was made prior to the September 5, 2017, and that the "beneficiary consultation" was just a formality to comply with the policies. The meeting was never intended to inform final decision-making, because the decision was already made with then Rep DeCoite, former Chair Jobie Masagatani, and HCA Commissioner Gene-Ross Davis.
- 2) License management or co-management of the Ho'olehua Veterans and Residents' Center to the Ho'olehua Hawaiian Homestead Association to remedy the injustice experienced by the beneficiaries for the dishonesty and imposing an unwanted facility up on them, without addressing all of their concerns from 2017.
- 3) Before considering management or co-management of the Ho'olehua Veterans and Residents' Center be licensed to the Molokai Veterans Caring for Veterans group, they should resolve their internal issues and better maintain the Kaunakakai Veterans facility built as a result of the advocacy of Uncle Larry Helm. It is disrespectful to Uncle Larry's legacy to leave the facility in its current sad condition.

4) Provide safeguards to protect Punana Leo o Molokai preschool students and staff.

Mahalo!



Keani Rawlins-Fernandez (she/her)
Councilmember
County of Maui
(808) 553-3888

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22 - 23, 2024

To: Chairman and Members, Hawaiian Homes Commission
From: Andrew Choy, Planning Program Manager
Subject: For Information Only - Molokai Water Projects and
Issues Update

RECOMMENDED MOTION/ACTION

None; for information only.

DISCUSSION

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

This submittal is also prepared in the context of our overall efforts to fulfill the responsibilities of the HHC and DHHL as they relate to water. An overview of this context is included as Attachment A: BACKGROUND AND OVERVIEW OF HHC AND DHHL WATER KULEANA.

A general overview of DHHL tracts and implementation of plans DHHL is provided in the status Update on Plan Implementation on Molokai. This submittal focuses on the following five items:

- Issuing New Water Meters for the DHHL Ho`olehua Water System
- The Department of Agriculture (DOA) Proposed Water Rate Increase Amendment for the Molokai Irrigation System (MIS)
- Offer from DOA to transfer the MIS to DHHL

- Securing additional groundwater reservations by rule
- Leadership changes at the Commission on Water Resource Management and possible impacts on Molokai water issues and projects

Issuing New Water Meters for the DHHL Ho`olehua Water System

As was described in detail in the April 2023 and previous submittals, DHHL has been working to expand access additional water sources for the Ho`olehua Water System (Public Water System 230) so it can issue new water meters for residential homestead development. The system currently provides water for approximately 2,400 customers through around 581 service connections, serving close to 33% of island residents. The primary and usually only source of water for the DHHL Ho`olehua Water System are our Kauluwai Wells (Kauluwai 1 & 2).¹ The initial Water Use Permit (WUP) awarded to DHHL by the Commission on Water Resource Management (CWRM) in 1993 was for .367 million gallons a day (mgd), which was less than was actually being pumped and utilized at the time. Working with beneficiaries and others over many years, in July 2022 CWRM approved a new permit allowing which increased our legal ability to pump water from our wells from .367 million gallons a day (mgd) to .595 mgd. This amount was requested as the maximum volume that the groundwater source and existing infrastructure are believed to reliably able to provide. It is calculated as a twelve month moving average (12 MAV), which is calculated as the average of the previous 12 months of total pumping from both wells.

The successful securing of increased authorized pumping in July 2022 allowed staff and consultants to move forward with implementing another goal in the WPP, development of a consistent and equitable method for issuing water meters (on DHHL owned systems) and water credits (an authorization to obtain a meter) on non DHHL owned systems. Following years of discussion and a presentation in August 2022, The "Process for Allocation of Water Credits and Water Meters on Water Systems Serving DHHL Lands", referred to as our "Water Meter Procedures" or

¹ Interconnects exist between the DHHL water system, one of the County water systems, and the Molokai Ranch water system, which are used in case of emergency.

as our "Water Credit Procedures" was approved by this Commission on September 19, 2022.

In 2023, out of the two water meter requests received by the District Office both were issued. One of the meters was requested by a lessee, while another was provided for a DHHL project. Approved requests meet lease compliance requirements and are prioritized lots per DHHL's Processes for the Allocation of Water Credits and Water Meters on Water Systems Servicing DHHL Lands.

DOA Proposed Water Rate Increase Amendment for the MIS

In August 2023, the DOA held a Public Hearing regarding a proposed amendment to Title 4, Subtitle 8, Chapter 57, that would increase the water rates for all DOA irrigation systems across the Pae `āina (Attachment B). The Department had concern regarding the proposed increase of \$1.11 per thousand gallons, which would result in a 222% increase in water toll charges.

In DHHL's 2019 Moloka`i Regional Plan, Priority Project #3, prioritized by beneficiaries of Moloka`i in Beneficiary Consultation meetings, analogously addresses concerns regarding water rate disparities. Priority Project #3 speaks to water rate assessment and desire for a legal analysis of beneficiary rights regarding potable water rate disparities.

In an effort to mitigate the disparity of water rates, DHHL provided written testimony to DOA that requested clarity on if the proposed amendment does in fact impact all DOA users, regardless of which water system they utilize, and how the water rates were determined by the DOA. Similarly, the Moloka`i Irrigation System Water Users Advisory Board, in their October 2023 minutes, also opposed the rate increase, as they disagreed with the results of the financial analysis.

While public testimony was received, the DOA has not sought approval for the increase yet from their governing body, the Board of Agriculture. Concurrently, DOA was in communication with the legislature to seek alternative means of funding. No timeline for next steps regarding this proposed amendment was provided.

Offer from DOA to transfer the MIS to DHHL

In an effort to address DHHL's concerns regarding DOA's proposed amendment, a meeting was held between the DHHL and DOA director. During this discussion, the DOA proposed DHHL acquire the Moloka'i Irrigation System. Following this conversation, a letter was sent from DHHL to DOA communicating steps DHHL must conduct internally prior to deciding on this matter. Response from DOA or the Board has not been received.

The acquisition of the MIS is a listed goal in the HHC's WPP. DHHL will follow up with the DOA to seek the information it has asked for.

Securing additional groundwater reservations by rule on Molokai

As noted in previous Molokai water updates, a DHHL request to secure water from a now withdrawn Maui County WUPA in Ualapu'e gave rise to a DHHL request for additional groundwater reservations for Ualapu'e. In response, CWRM staff asked for additional information and also inquired if the Department wished to secure any other reservations of water on the island, and possibly combine the public hearings on rulemaking that are necessary.

At their [March 2022 meeting](#) CWRM approved an action item authorizing staff to move to rulemaking on these requests. At that meeting while there was considerable beneficiary support, there were also community concerns regarding the use of water in Ualapu'e; ongoing work on the Ualapu'e settlement plan and on preparing for groundwater reservations will hopefully address these concerns and refine and improve the requests for water use. DHHL is currently coordinating with CWRM staff on the timing of a required public hearing for that. DHHL staff were recently informed that the Governor's office has approved proceeding to public hearing on these proposed rules, along with a codification of existing reservations in Maui Komohana (West Maui) to become a reservation by rule.

Leadership changes at the Commission on Water Resource Management and possible impacts on Molokai water issues and projects

As addressed in recent water projects and issue updates for Maui Komohana, a series of water policy controversies emerged after the August 8, 2023 Maui fires. The Deputy Director for the CWRM, the first Native Hawaiian to serve in that role, was "reassigned" from his duties after an accusation was made by a private water company executive. While later reinstated after an investigation, the Deputy later resigned and the position remains filled on an acting basis by existing staff. No timing or process has been announced for their replacement.

At the Water Commission level, there is one seat that is by law required to be filled by someone with "*substantial experience or expertise in traditional Hawaiian water resource management techniques and in traditional Hawaiian riparian usage*" (HRS 174C-7(b)(por.)). That seat is currently occupied by Neil Hannahs, whose term ends June 30, 2024, and who is ineligible to be held over.

CWRM nominees are vetted by a Nominating committee made up of four members; two appointed by the Governor, one by the Senate President, and one by the Speaker of the House. While this seat that they were considering is for someone with "*substantial experience or expertise in traditional Hawaiian water resource management techniques*" none of the four members of the Nominating committee had that background.

While not officially public, widely shared information indicates that at least three individuals highly qualified to meet that qualification were proposed as nominees to the Governor, along with a fourth who is a retired sugar plantation executive. The Governor did not name a nominee by the Senate deadline for confirmation during the 2024 regular legislative session, which means that after the session closes an interim nominee can be named, who will serve until the Legislature again goes into session and either confirms or fails to confirm the nominee.

RECOMMENDATION

None; for information only.

BACKGROUND AND OVERVIEW OF HHC AND DHHL WATER KULEANA

The purpose of this document is to review the water rights and responsibilities (kuleana) of the Hawaiian Homes Commission (HHC) and Department of Hawaiian Home Lands (DHHL). It is meant to be a stand-alone review document for those interested in these matters as well as a standing attachment to submittals on water issues presented to the HHC, updated from time to time.

The HHC and DHHL have four primary water responsibilities:

1. To plan for fulfilling existing and future water needs;
2. To advocate for water rights;
3. To develop water sources; and
4. To manage water systems

To help fulfill these responsibilities, DHHL has distinct water rights based on the Hawaiian Homes Commission Act (HHCA), the Hawai'i State Constitution (HSC), Hawai'i Revised Statutes (HRS), Attorney General's opinions and court cases. These water rights are tools that the Hawaiian Homes Commission (HHC) can use as needed. Evaluating which tool/right is best to use depends on the opportunities at hand and the costs (financial and otherwise) of asserting that tool/right.

The Department has developed three educational handouts which help explain separate aspects of these issues posted on the Department's website:

- The "Lehua Handout" has a summary of these HHC and DHHL water kuleana;
- The "Koa Handout" summarizes the HHC Water Policy Plan (WPP); and
- The "Kalo Handout" summarizes the record on appeal of the decisions of the Commission on Water Resource Management (CWRM), and as they are the trustees of water in Hawai'i, their decision making has significant impacts on the rights of the Department and our ability to fulfill the WPP.

The next sections go into some additional detail, prior to describing how DHHL interacts with CWRM and implements the HHC WPP. It is organized around the four responsibilities reviewed above, pairing the first two (planning and advocacy) due to their significant overlap in activity.

Planning for Water Needs and Advocating for Water Rights

The Department's Water Planning and Advocacy Kuleana include the need to continuously determine the future water needs for all of the `āina ho`opulapula and then seek water reservations from CWRM to set aside sufficient water to meet those needs.

What are water reservations?

Water can be "reserved" - set aside and not allocated to other users - by the CWRM, implementing its powers under the state Water Code, HRS 174C. These powers were conveyed by the Legislature in 1990, in part out of acknowledgement that it can take years between the HHC determining a proposed use of land and the land being developed for that use, due primarily to the lack of capital funds needed for development. Absent water reservations, other competing public and private sector developers can (and in many cases have) developed most or all of the easily available water in an area, either precluding DHHL development or significantly increasing the costs of water development. Reservations are one tool to address that problem.

There are two distinct methods by which CWRM can reserve water. In Water Management Areas (WMAs) - parts of the state which are subjected to a higher level of permitting scrutiny for surface or ground water allocation - water reservations are adopted through rule making. Currently all of O`ahu except for the Wai`anae Aquifer Sector Area, all ground water on the island of Molokai, the `Īao Aquifer of Maui, and groundwater in West Maui are designated as Ground WMAs. The surface waters of Nā Wai `Ehā and the surface waters related to the Lahaina Aquifer Sector Area, both on Maui, are designated as Surface WMAs.

Because of this rule making requirement as well as the permitting requirements in WMAs - which require that all water use permits are subject to the rights of DHHL - the protection of DHHL water rights are more robust in WMAs.

In non-WMAs, the CWRM can simply take action to vote, by a majority of its seven members, to reserve water for DHHL. Reservations by rule and by simple CWRM action are supposed to be included in all elements of the Hawai`i Water Plan, including the Water Resources Protection Plan (WRPP), the State Water

Attachment A

Projects Plan (SWPP), and the County Water Use and Development Plans (WUDPs).

The actions that trigger CWRM consideration of DHHL water reservation needs vary. The state water code (HRS 174C) in section 101(a) requires that: "Decisions of the commission on water resource management relating to the planning for, regulation, management, and conservation of water resources in the State shall, to the extent applicable and consistent with other legal requirements and authority, incorporate and protect adequate reserves of water for current and foreseeable development and use of Hawaiian home lands as set forth in section 221 of the Hawaiian Homes Commission Act."

Some of the most common triggers for adopting DHHL reservations have been related to adoptions of parts of the Hawai'i Water Plan. Most of the groundwater reservations currently held were adopted following the acceptance by CWRM of the 2017 SWPP update.

Another key trigger has been when CWRM has adopted new Interim Instream Flow Standards (IIFSs), which are science and fact based determinations of the minimum amount of water that should remain in a stream before any off-stream uses of water are allowed. The original IIFSs adopted by CWRM around Hawai'i in 1988 were "status quo" standards, only protecting the amount of water in the stream at that time. Since most streams across Hawai'i in 1988 were diverted, and these historic diversions usually took 100% of the flow on non-rainy days, this has meant that there have been few or no legal protections for public trust uses of surface water. For decades after this action, communities around Hawai'i have petitioned CWRM to adopt IIFSs that protect public trust uses of water, including DHHL needs; this has led to well-known litigation such as the Waiāhole and Nā Wai `Ehā cases. In recent years the CWRM has begun to proactively propose IIFS on its own, and has worked with DHHL to propose associated reservations at the same time.

Actions by the Board of Land and Natural Resources (BLNR) can also trigger the adoption of reservations for DHHL. HRS 171-58, which governs the issuance of water leases by the state, specifies in part (g) that "Any lease of water rights or renewal shall be subject to the rights of the department of Hawaiian home lands as provided by section 221 of the Hawaiian Homes Commission Act." In the case of the EMI system requests, DHHL's

Attachment A

reservation consideration is triggered by the current owners of EMI seeking a long-term lease of water.

Limits to reservations

While water reservations are an important policy tool available to DHHL, CWRM, and the HHC, they have limitations. Some of these include:

- Previously, reservation requests by DHHL have been delayed or denied by CWRM staff for unclear reasons
- Reservations do not provide immediate access to "wet water"
- Developing water will still require:
 - Capital Improvement Plan (CIP) funds
 - Detailed design and environmental review
 - Developing source, storage, transmission
 - Agreement with County or others for operation
- In geographically large aquifer systems, locations to develop water can still be remote from DHHL tracts
- The enforceability of reservations, particularly in non-WMAs, has not been legally tested
- DHHL along with CWRM will need to monitor other developments potential impact on DHHL reservations

Water License Receipts

As mentioned above, the issuing of water licenses by the state can be a trigger for the DHHL to seek a water reservation from a particular source proposed for license. Receipts are to be deposited into the Native Hawaiian Rehabilitation Fund, which is the source of revenue for grants to homestead organizations. This arrangement originated in the HHCA as it was passed in 1921, and are codified including in [HSC Art. XII, § 1.](#)

Historically revenue from the licensing of water was significant; however, with the decline of large plantations, along with choices made by the Land Division of the Department of Land and Natural Resources, water license revenue has declined significantly. There are instances around Hawai'i where water originates from state land and currently there is no proposal to issue a water license.

Public Trust Status

As the key Trustee and lead agency in managing water, CWRM is critical in helping DHHL preserve and implement its rights to water. However, since the passage of the Water Code in 1987, a number of significant court decisions have been made on appeals of decisions by the CWRM. That record will be discussed in more detail below. Of significance here is that the courts have identified over a series of cases four "public trust uses" of water, which are to have priority, over private, commercial uses of water. While they are not specifically listed as such under the Water Code, the courts identified these based on interpreting the Code, the specific circumstances of the cases they were ruling on, as well as the long legal history of water law dating back to the Kingdom. Along with Appurtenant Rights - four Public Trust Purposes are:

- Maintaining water in its natural state;
- Water used in the exercise of the traditional and customary practices of native Hawaiians;
- Water reserved for or used by DHHL; and
- The domestic needs of the general public.

Appurtenant water rights refer to the water necessary for the use of kuleana parcels at the time kuleana awards were made - and they enjoy the same high level of priority as the four purposes above.

Private, municipal, and commercial uses of water are not prohibited. However, when CWRM or other agencies make decisions, they need to follow particular processes to ensure that public trust purposes of water are provided for.

As one of the protected public trust uses of water, the DHHL has a particular responsibility to protect that status, as well as to not bring harm to the other public trust uses of water. One way in which DHHL does this is to consider and pursue alternate sources of water when its uses may impact another public trust use of water. Another is to help defend all public trust uses against private commercial uses that could harm its own and other public trust uses.

Water Source Development

Even after the Department has secured water reservations as discussed above, efforts must be made to develop water sources

to enable homesteading. In addition to the general powers that state departments have to expend funds and manage programs, DHHL has particular powers related to water source development.

The most commonly used of these is the power to issue leases or licenses to trust lands. Very frequently, DHHL will develop some combination of water source, storage, and transmission, and then lease, license, or otherwise dedicate those to the Board or Department of Water Supply of the county these lands lie in. In exchange, DHHL, receives a certain number of water credits, which can be used and exchanged for water meters at a future time. Water credits have also been obtained in the past by other parts of the state government developing wells and assigning credits to the DHHL, as well as through litigation.

While it has never used the power, the HHC also has the power to bring eminent domain proceedings against private parties to obtain sites with water sources. It can also "demand" access to state controlled water systems, but like condemnation has not exercised this power.

As discussed above in the review of water reservations, in Designated Water Management Areas (WMAs), all users of water must obtain a "water use permit" from CWRM. By law those permits are conditioned on the rights of the DHHL. Generally, however, DHHS lands do not coincide with existing WMAs. See Figure 1, below, showing WMAs and DHHL lands on Maui.

Water System Management

The last major water kuleana that DHHL has is the ability to develop and manage water systems directly. DHHL currently manages four systems on Molokai, Kaua`i and Hawai`i Islands.

The Commission on Water Resource Management (CWRM) Record on Appeal

While the HHC, DHHL and its beneficiaries have particular and significant water rights as described above, we are largely dependent on CWRM and protecting those rights. Unfortunately, since passage of the code in 1987, it has been a very mixed history. See Attachment B. DHHL and beneficiaries have frequently had to go to court to challenge decisions of CWRM. The most successful instances have been when the DHHL and beneficiaries have worked closely together on those efforts. It

is notable that beneficiaries on the island of Molokai have led the way, and the resulting cases have helped the courts describe the significance of DHHL water rights.

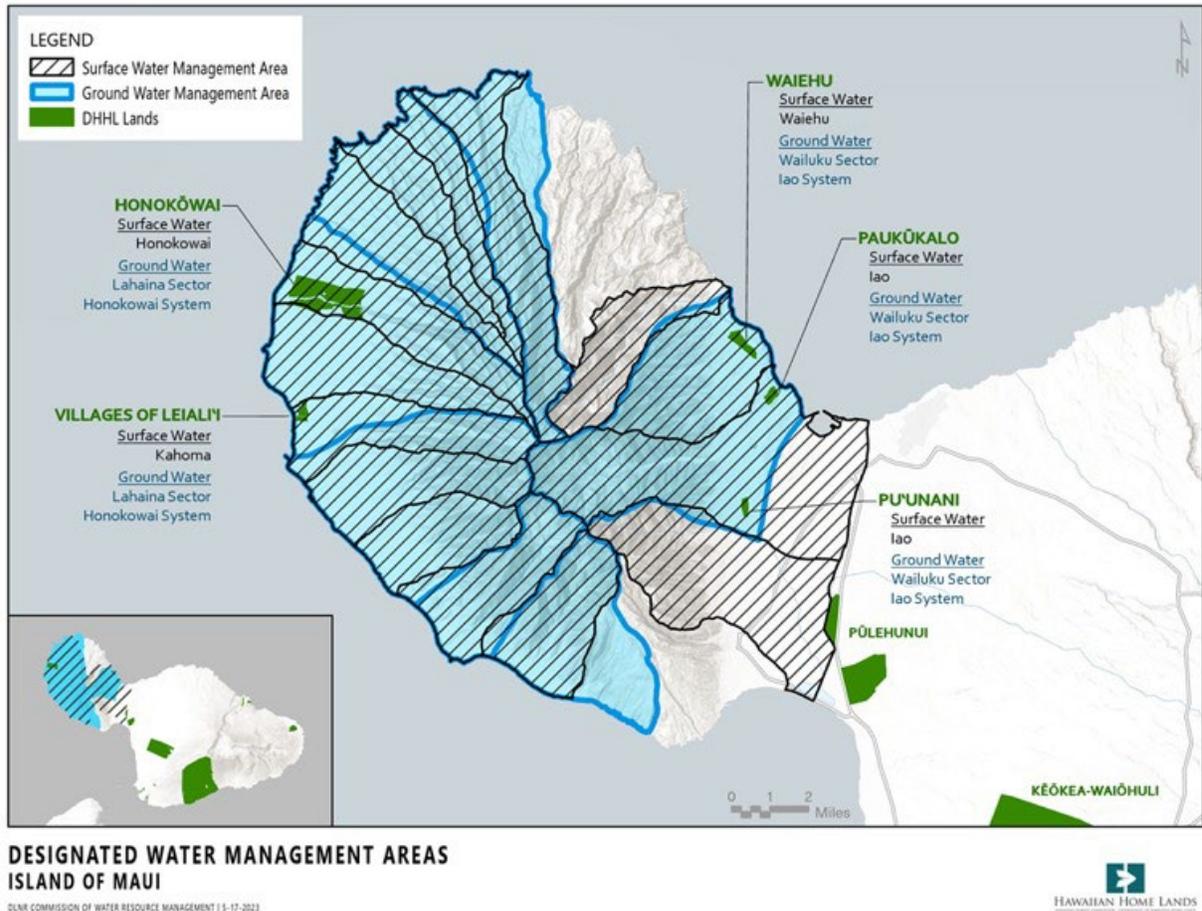


Figure 1. DHHL Lands and Water Management Areas on Maui. Most DHHL lands on Maui and across Hawai`i lie outside WMAs.

HHC Water Policy Plan (WPP)

In order to consistently make water decisions and protect the trust’s water interests, in 2014 the HHC passed a Water Policy Plan (WPP) under the General Plan. This was adopted after two years of research, and two rounds of beneficiary consultation across the archipelago. It is to our knowledge, the first policy regarding water decisions passed by the HHC since passage of the HHCA in 1921. The WPP is also posted on the Department’s website.

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The WPP is comprised of a number of distinct sections. The first section, a vision statement, comes directly from Section 101 of the HHCA. The Mission statement derives from the different water kuleana described above. The next section is on Values and describes four Hawaiian values key to the proper management of water. This is followed by twelve policies to guide water decisions. The core of the WPP are nineteen goals identified by beneficiaries, staff, and the HHC to be the focus of DHHL water activities, with four identified as priority goals. These are:

1. Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis.
2. Aggressively, proactively, consistently and comprehensively advocate for the kuleana of the beneficiaries, the DHHL, and the HHC to water before all relevant agencies and entities.
3. Develop and manage a Water Assets Inventory (WAI).
4. Support watershed protection and restoration on DHHL lands and source areas for DHHL water.

The final substantive portions of the WPP includes a statement on the delegation of authorities, which includes a requirement for the submission to the HHC by the DHHL an annual report on accomplishments as well as a plan for the coming fiscal year. Legal authorities, related plans, and legal references are also included.

In conclusion, DHHL has significant water kuleana - responsibilities and rights - that it can bring to bear in order to bring water to lands across the `āina ho`opulapula and to fulfill the goals of the HHCA. The primary areas of this work are for water planning, advocacy, source development, and system management. The CWRM and the Counties are critical partners to help achieve our goals. The HHC has adopted the WPP as the key policy guidance for this work. The WPP requires a number of actions from DHHL, including annual plans of work, reports on achievements, and annual regional updates on water issues and projects.

~~DEPARTMENT OF AGRICULTURE~~

~~Adoption of Chapter 4-157
Hawaii Administrative Rules~~

~~{September 27, 2005}~~

SUMMARY

~~Chapter 4-157, Hawaii Administrative Rules, entitled "Rules Governing Irrigation Water Service to Consumers of Hawaii State Department of Agriculture Irrigation Systems", is adopted.~~

HAWAII ADMINISTRATIVE RULES

TITLE 4

DEPARTMENT OF AGRICULTURE

SUBTITLE 8

DIVISION OF AGRICULTURAL RESOURCE MANAGEMENT

CHAPTER 157

RULES GOVERNING IRRIGATION WATER SERVICE TO
CONSUMERS OF HAWAII STATE DEPARTMENT OF AGRICULTURE
IRRIGATION SYSTEMS

- §4-157-1 General
- §4-157-2 Definitions
- §4-157-3 General conditions
- §4-157-4 Conservation measures and interruption of water supply
- §4-157-5 Elevation agreement, pressure condition
- §4-157-6 Application for water service and service connections
- §4-157-7 New service connections
- §4-157-8 Meter reading and rendering of bill
- §4-157-9 Payment of bills
- §4-157-10 Non-registering meters
- §4-157-11 Meter tests and adjustment of bills for inaccuracy of measurement
- §4-157-12 Discontinuance of service
- §4-157-13 Restoration of water service
- §4-157-14 Department's equipment on consumer's premises
- §4-157-15 Damage and accessibility to department's property
- §4-157-16 Ingress to and egress from consumer's premises
- §4-157-17 Responsibility for water receiving equipment
- §4-157-18 Unauthorized drawing of water
- §4-157-19 Cross-connections

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- §4-157-20 Resale of water
- §4-157-21 Rate, fee, and charge schedule
- §4-157-22 Honokaa-Paauilo Irrigation System water user advisory board
- §4-157-23 Severability
- §4-157-24 Interim rules for temporary irrigation systems and districts

Historical Note: Chapter 4-157 is based substantially upon Chapters 4-150, 4-151, and 4-152 [Eff 12/4/89; am 7/6/99; R MAR 17, 2006]; Chapter 4-155 [Eff 5/15/00; R MAR 17, 2006]; and Chapter 4-156 [Eff 4/24/00; R MAR 17, 2006].

§4-157-1 General. (a) These rules establish the practices governing the provision of irrigation water for all department of agriculture irrigation systems and define the obligations of the board to consumers and of the consumers to the board.

(b) It is the policy of the board to render adequate and satisfactory service to all consumers and to encourage courtesy to the public by all its employees. The board desires to cooperate with consumers to eliminate water waste and to minimize charges to the consumer.

(c) Prospective consumers are advised to obtain information from the department on the availability of water, pressure conditions, and other pertinent data. [Eff 3/17/06; comp ~~MAR 17, 2006~~] (Auth: HRS §167-5) (Imp: HRS §167-5)

§4-157-2 Definitions. As used in this chapter unless otherwise provided:

"Acreage assessment" means any levy imposed pursuant to this chapter on the agricultural land and pastureland within an irrigation project and any amount charged by the State for the purpose of acquiring, establishing, or maintaining irrigation facilities for an irrigation project.

"Actual need" means the volume of irrigation water consumed by an irrigation customer. The volume of irrigation water shall be actual use as determined by monthly meter readings or as otherwise provided in these rules.

"Administrator-chief engineer" means the person holding the office of administrator and chief engineer of the division of agricultural resource management of the department acting directly or through authorized assistants including the irrigation district manager.

"Board" means the board of agriculture of the State of Hawaii, which is the governing body of the department of agriculture.

"Consumer" means the person, firm, corporation, partnership, association, or any public or private organization, whether owner, tenant, or lessee, whose name appears on the records of the department as responsible and liable for receiving irrigation water service from the board.

"Consumer's supply pipe" means the pipe extending from the consumer's end of the service connection to the consumer's service areas.

"Cost of service connection" means the sum of the cost of the service connection materials, labor, transportation, equipment, and road repair, if any, and other incidental charges necessary for the complete installation of a service connection.

"Department" means the department of agriculture.

"Irrigation system" or "system" means the intakes, ditches, flumes, weirs, siphons, reservoirs, tunnels, pipelines, valves, pumps, and controls, and other elements comprising an irrigation system operated by the board to serve the lands within an irrigation district as defined by the board.

"Irrigation district manager" means the person holding the office of irrigation district manager for a particular irrigation system of the department acting directly or through authorized assistants.

"Livestock" means any animal which is pastured within the boundaries of the project and uses the system. Not all irrigation systems have pastureland

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and livestock that are recognized by the department. Therefore, any references to livestock, pastureland, pasturing, pastoral, herds, livestock watering, and livestock drinking water are only applicable and valid for irrigation systems with pastureland and livestock that are officially recognized within these rules.

"Main" or "main pipe" means the supply or distribution pipe to which service connections are made.

"Measuring device" means a weir, meter, or other suitable means for measuring the amount of water received by the consumer from the irrigation system.

"Pastureland" means agricultural land within an irrigation system that is used for grazing livestock. Only areas identified in section 4-157-3(i) are eligible for pastureland designations.

"Project", "district", "irrigation district", or "irrigation project" means the area, contiguous or noncontiguous, established under chapter 167, Hawaii Revised Statutes, to be served by a unique and specific department of agriculture irrigation system.

"Service connection" means the tap, pipe, fittings, and valves from the mains to and including the meter.

"State" means the State of Hawaii.

"Temporary irrigation system or district" means any irrigation system that is in the process of being constructed by the department.

"Water charges" means the sum of the water tolls and acreage assessments which may include credits as may be applicable.

"Water tolls" means all of the charges established by the board for irrigation water and livestock drinking water supplied by it to consumers.

"Weir" means any device which allows the measurement of a quantity of irrigation water being delivered. Eff MAR 17, 2006 (Auth: HRS §167-5) (Imp: HRS §§167-2, 167-5)

§4-157-3 General conditions. (a) Upon proper application, a prospective consumer whose premises are

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within the service limits established by the board for a specific irrigation system and whose premises are adjacent to the distribution main, where pressure conditions permit, may obtain irrigation water service; provided that there is a sufficient water supply developed to take on new or additional service without detriment to those already served, and the consumer agrees to abide by these rules.

(b) The water supplied by all irrigation systems is intended to be used only for agricultural and aquaculture activities, as defined in section 166-2, Hawaii Revised Statutes, and may include livestock watering and pastoral irrigation. Consumers may not use water for any other purpose except with the express written consent of the board. The board makes no guarantee, warranty, or representation, expressed or implied, as to the quality, quantity, flow rate, condition, or fitness of the water supplied for any use or purpose.

(c) When an extension of the main is necessary or where large quantities of water are required or a substantial investment is necessary to provide service, the consumer shall be informed by the department as to the conditions and charges to be made for that particular area and situation in question before water service may be approved. Before water service commences, the consumer and the board shall execute an agreement, which will include the specific conditions and charges to be made for that particular area. The board shall have the right to refuse service to a consumer if an agreement cannot be executed.

(d) All water supplied by the department will be measured by means of suitable meters or other means as may be applicable at the discretion of the irrigation district manager. The water tolls shall be in accordance with the rates established by the board. The department through the administrator-chief engineer shall determine the location and size of all meters and service connections to the irrigation system. All service connections shall become the property of the department for operation and maintenance after installation and new connections or

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disconnections may be made thereto by the department at any time.

(e) Where applicable, the total cultivatable and pastoral area of the consumer shall be levied an acreage assessment in addition to the water delivery charge. The department shall determine the area of each consumer's land subject to this assessment. The unit of area measured shall be the acre and fractional acres shall be considered to be a full acre. Once an area is levied the acreage assessment, it may not thereafter be withdrawn from this assessment; provided, however, that should the consumer lose the right to cultivate a portion of the consumer's acreage, except by default for nonpayment of water bills, said acreage may be withdrawn from the acreage assessment, with the consent of the board.

(f) To assure the maximum and most efficient use of system water available, no one who owns or occupies less than two acres of agricultural land within the project suitable for irrigation or livestock pasturing or watering will be permitted to become a consumer.

(g) To assure that the irrigation system meets its financial obligations, there shall be levied a minimum acreage assessment equivalent to two acres for those potential consumers who are land occupiers within the boundaries of the irrigation district but do not apply for water service connection.

(h) For the following irrigation systems, no service connection shall be allowed directly from the transmission pipeline prior to the system's reservoir, except upon specific written approval by the board: Waimanalo, Kahuku Agricultural Park, Molokai, Waimea, and Honokaa-Paauilo. Future irrigation systems that have been recognized and established by the board shall be governed under this provision unless specifically exempted by the board.

(i) Pastureland designations may only occur in the Honokaa-Paauilo irrigation system or where otherwise approved by the board. Following approval by the board, pastureland designations for specific consumers must be approved by the administrator-chief engineer. Only consumers with designated and approved

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pastureland will be responsible for pastureland acreage assessments, fees, and adherence to pastureland rule provisions.

(j) These rules shall apply to all irrigation systems and districts that are officially recognized and established by the board, including Honokaa-Paauilo, Kahuku Agricultural Park, Molokai, Waimanalo, and Waimea. Eff MAR 17, 2006 (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-19)

§4-157-4 Conservation measures and interruption of water supply. (a) The department shall exercise reasonable diligence and care to deliver an adequate supply of water to the consumer and to avoid shortage or interruptions in water service, whenever possible, but shall not be liable for any interruption, shortage, insufficiency of supply, or any loss or damage occasioned thereby.

(b) Whenever, in the administrator-chief engineer's opinion, special conservation measures are deemed necessary to forestall a water shortage and a consequent emergency, the administrator-chief engineer may restrict or ration the use of water by any reasonable method of control. Livestock watering customers shall install an automatic water flow control device to prevent waste or continued overflow from livestock drinking troughs. Each device shall be approved by the irrigation district manager prior to installation and shall be tested periodically to determine its functionality.

(c) To ensure that a continuous water supply is available to livestock, the department may require those consumers with a large herd (more than fifty animals) of animals to install an adequate means of storage for water or reservoir on their property.

(d) The department reserves the right at any and all times to shut off water from the mains with reasonable notice for the purpose of making repairs, extensions, alterations, or for other reasons. Consumers who require a continuous supply of water shall provide, at their own cost, emergency water storage and any check valves or other devices

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necessary for the protection of equipment or fixtures against failure of the pressure or supply of water in the department's main. Repairs or improvements shall be carried out as rapidly as practicable and at the time or times as will cause the least inconvenience to consumers.

(e) The department will deliver water to the land of each consumer at the ground elevation and at the outlet site as the department may establish upon each consumer's land convenient with the operation of the department's irrigation system, and it shall be the responsibility of each consumer to provide for the distribution of the water upon the consumer's land by the consumer's own method.

(f) During seasonal drought periods, a shortage of irrigation water within an irrigation system may occur. During these periods, the department shall continue to supply irrigation and livestock drinking water as available. However, the department shall use its best judgment in allocating the available agricultural water in a manner that it deems fair and equitable.

(g) The department reserves the right in times of declared emergency to allow the use of irrigation water for emergency purposes. Charges for the water used shall be established by the board based on the nature of the emergency and attendant circumstances.

(h) The department reserves the right to allocate water use in the following order of priority as it may deem necessary to:

- (1) Preserve crops and harvests on agricultural and aquacultural lands;
- (2) Preserve animal life; and
- (3) Irrigate pasture.

(i) During periods of low rainfall or drought, the department shall develop notices and criteria on the manner in which water will be delivered, restricted, and allocated for the duration of the emergency. Violations of the restrictions or allocations may result in the discontinuance of service, additional water toll surcharges, or the removal of the water connection.

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(j) Upon declaration of emergency conditions and implementation of mandatory conservation measures (i.e., ten per cent, twenty per cent, or thirty per cent cutbacks), consumers exceeding the level of mandatory cutback shall be assessed a surcharge as follows:

(1) Mandatory ten per cent conservation - consumers shall be assessed a surcharge of ten cents per thousand gallons of water consumed in excess of ninety per cent of their average use as calculated by the administrator-chief engineer;

(2) Mandatory twenty per cent conservation - consumers shall be assessed a surcharge of twenty cents per thousand gallons of water consumed in excess of eighty per cent of their average use as calculated by the administrator-chief engineer; and

(3) Mandatory thirty per cent conservation - consumers shall be assessed a surcharge of thirty cents per thousand gallons of water consumed in excess of seventy per cent of their average use as calculated by the administrator-chief engineer.

(k) Notwithstanding any provision herein to the contrary, subsection (j) shall not apply to the users of the Molokai Irrigation System who are also lessees of the department of Hawaiian home lands (homesteaders), provided that an actual need is shown and the homesteader's aggregate irrigation water consumption remains at or below two-thirds of the water developed in the first phase of the construction of the Molokai Irrigation System, based on the most current monthly three year average of non-drought years. Should the homesteader's use exceed the homesteader's two-thirds preference, the homesteader shall be subject to the terms and conditions contained in subsection (j). The homesteader shall be subject to subsection (j) until the homesteader's usage falls to a two-thirds to one-third ratio or less, based on the most current monthly three year average of non-drought years, or until the conservation notice for the Molokai Irrigation System is canceled, whichever

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first occurs. [Eff March 17, 2006] (Auth: HRS §167-5)
(Imp: HRS §§167-5, 167-6, 167-11, 167-19)

§4-157-5 Elevation agreement, pressure condition.

(a) The department shall make every effort to maintain pressure but shall not be responsible for maintaining pressure in its water main.

(b) Where property is situated at an elevation higher than the irrigation system, the consumer, in consideration of a connection with the department's system, shall agree to accept water service as the department is able to render it from the department's existing facilities and to install, if necessary, and maintain at the consumer's own expense a tank and pump of suitable design and of sufficient capacity to furnish an adequate and dependable supply of water. When required, the consumer shall install protective devices between the consumer's supply line and the service connection. The consumer shall execute a written release to the department for all claims on account of any inadequacy of the department's system or inadequacy of the water supply to the consumer.

(c) When the pressure from the department's supply is higher than that for which the irrigation equipment or other facilities are designed, the consumer shall protect the consumer's equipment and other facilities by installing and maintaining pressure reducing and relief valves at the consumer's expense. The department shall not be liable for damage due to pressure conditions caused by or arising from the failure or defective condition of the pressure regulators and relief valves or for damage that may occur through their installation, maintenance, or use. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-19)

§4-157-6 Application for water service and service connections. (a) Each prospective consumer shall be required to sign the standard application form for the water service desired. A nonrefundable

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filing fee shall be required with each water service application. This application fee shall be in accordance with the amount established by the board. By signing the application form, the consumer assumes responsibility for the payment of future water charges at each designated location and to abide by these rules before water is turned on for any use whatsoever. The consumer signing the application form shall be held liable for the payment of all water charges at the designated location. The lessee or owner of the land shall also be liable for the water charges in the event that the consumer fails to pay.

(b) Water charges shall begin when the water service is established and shall continue until due notification from the consumer or until discontinued by the administrator-chief engineer for failure of the consumer to comply with these rules. It is the responsibility of the landowner to notify the irrigation district manager when there is a change in the occupant of the parcel; otherwise, the property owner will incur additional charges.

(c) When an application for water service is made by a consumer who was responsible for and failed to pay all water bills previously rendered, regardless of location or time incurred, the department may refuse to furnish water service until the outstanding bills are paid.

(d) A prospective consumer taking possession of property and using water without applying to the department for water service to the property shall be held liable for the water charges from the date of the last recorded meter reading as well as a new application fee. If proper application for water service is made and if accumulated bills for water service are not paid upon presentation, the water service shall be subject to discontinuance without further notice.

(e) Consumers are required to notify the irrigation district manager at least forty-eight hours in advance of the time they would like water delivery to begin. The department does not guarantee the start date or time, nor amount of irrigation water delivered

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but the department will operate in a manner consistent with its responsibilities set forth in these rules. Consumers may be required to receive water on a defined delivery schedule established by the administrator-chief engineer. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-19)

§4-157-7 New service connections. (a) The application for a new service connection is subject to approval by the department. After approval, the connection shall be installed by the department or its designee at the expense of the applicant and thereafter shall become the property of the department and maintained by the department at the department's expense. There shall be one meter for each service connection unless the department, because of operating necessity, installs two or more meters in parallel. After installation, the department will seal all meters and no seal shall be altered or broken except by one of the department's authorized employees. Meters whose seals have been altered or broken shall be replaced at the expense of the consumer.

(b) A standard deposit for installing a service connection shall be required of the applicant before the connection is installed. The standard deposit shall be in accordance with the rates established by the board as shown in the table entitled [~~"Schedule of Rates, Fees, and Charges for Irrigation Water Delivery Services at All DOA Irrigation Systems",~~ dated ~~September 27, 2005,~~] attached as Exhibit "A" at the end of this chapter and made a part of this chapter. If the actual cost of the connection is in excess of the standard deposit, the applicant shall pay for the difference. Arrangement to make payments in monthly or pre-arranged installments shall be at the discretion of the administrator-chief engineer. If the actual cost is less than the standard deposit, the applicant shall be refunded the difference.

(c) The consumer shall install and connect, at the consumer's own expense, the necessary supply pipe to the shut-off valve or outlet installed by the

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department. The consumer's supply pipe shall at all times remain the sole property of the consumer who shall be responsible for its maintenance and repair. If the consumer's supply pipe exists before the service connection is installed, the department may complete the connection to the consumer's supply pipe, provided it is requested by the consumer prior to installation.

(d) Only employees and designees of the department shall be allowed to connect or disconnect the service connection to or from the department's ditch or main.

(e) Employees and designees of the department are strictly forbidden to demand or accept personal compensation for services rendered.

(f) No service connection or water main shall be installed by the department on any private land until the department is given proper easements for the main or service connection and vehicular access is available.

(g) All meters or suitable water flow measuring devices shall be installed within the public right-of-way or easements, preferably on the boundary line most nearly perpendicular to the main, unless the department, because of operating necessity, provides otherwise. The valve, which is installed before the meter, is only for the use of employees and designees of the department.

(h) When the proper size of the service connection for any consumer has been determined and the installation has been made, the department has fulfilled its obligations for providing the size of the service connection and the location thereof. If thereafter the consumer desires a change in the size of the service connection or a change in the location, the consumer shall bear all costs of the change.

(i) All work and materials involved with the change in location or elevation of any part of the existing irrigation system made necessary by the new service connection shall be at the expense of the applicant or consumer.

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(j) The department shall determine the location and size of all meters and service connections for the consumer's system. [Eff 3/17/06; am and comp March 17, 2006] (Auth: HRS §167-5)
(Imp: HRS §§167-5, 167-6, 167-19)

§4-157-8 Meter reading and rendering of bill. (a) Meters or water flow measuring instruments are read and bills are rendered monthly. Special readings will be made when necessary for closing of accounts or when otherwise required. Consumers using the system to water animals or herds of livestock shall be billed in the same manner and at the same rate as agricultural and aquacultural consumers. Irrigation water delivered by ditches to the consumer shall be measured at weirs at the point or points of delivery to the consumer's land. The agents or employees of the board shall take readings from the weirs at least once during the period of delivery of the irrigation water and the readings taken shall be used by the board to determine the amount of irrigation water delivered. If the board does not deliver the amount of irrigation water requested by the consumer, its agent or employee shall notify the consumer at that time of the amount of water delivered. All protests by the consumer shall be made within seven days of the date of delivery. If no protest is made by the consumer within that period, the amount of irrigation water determined by the board to have been delivered, from its readings pursuant to this section, shall be deemed conclusive.

(b) Closing bills for periods shorter than the standard billing cycle will ordinarily be determined by the amount of water actually used as indicated by the meter reading, plus the acreage assessment for the full billing cycle.

(c) For the purpose of computing charges, all meters serving the consumer's premises shall be considered separately and the readings thereof shall not be combined.

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(d) All notices and bills for water charges shall be mailed by the department to the consumer at

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the address of the consumer stated in the consumer's application until the department is notified in writing by the consumer of a new address. It shall be the responsibility of the consumer to report a change of address or ownership to the department; if the consumer fails to report a change in address or ownership, the consumer shall continue to be liable for all charges and interest that accrue on the account. [Eff March 17,2006] (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-11, 167-19)

§4-157-9 Payment of bills. (a) All bills shall be due and payable when the department deposits the bill in the United States mail, or upon presentation to the consumer, whichever is earlier. Payment shall be made at the office of the irrigation district manager or at the department's option, to duly authorized collectors of the department. If any bill is not paid within thirty days after the department presents the bill directly to the consumer or deposits it in the United States mail for delivery, the water service shall be subject to discontinuance without further notice.

(b) There shall be a service charge for payments made by checks which have been dishonored by the bank for any reason. The service charge shall be as provided in section 40-35.5, Hawaii Revised Statutes, and shall be added to the charges set in section 167-6, Hawaii Revised Statutes.

(c) An interest charge shall be assessed on delinquent balances of more than sixty days and the interest rate shall be consistent with chapter 167, Hawaii Revised Statutes. [Eff March 17, 2006] (Auth: HRS §§167-5, 167-6, 167-11) (Imp: HRS §§167-5, 167-6, 167-11, 167-19)

§4-157-10 Non-registering meters. If a meter fails to register due to any cause except the non-use of water, an average bill may be rendered. This average bill shall be subject to equitable adjustment,

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taking into account all factors before, during, and after the period of the bill. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-11, 167-19)

§4-157-11 Meter tests and adjustment of bills for inaccuracy of measurement. (a) All meters are tested prior to installation. Any consumer who, for any reason, doubts the accuracy of the meter serving the consumer's premises may request a test of the meter. The requesting consumer will be notified as to the time of the test and may witness the test. There will be a charge for meter tests to defray the cost.

(b) If, as a result of the test, the meter is found to register more than two per cent fast under conditions of normal operation, the department shall refund to the consumer the overcharge based on past consumption for a period not to exceed six months, unless it can be proved that the error was due to some cause for which a specific date can be determined, and the cost of the test. Any overcharge shall be computed back to, but not beyond, the determined date. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-11, 167-19)

§4-157-12 Discontinuance of service. (a) Water service may be refused or discontinued by the department for the following reasons:

(1) If the bill has not been paid within thirty days after the mailing or presentation thereof to the consumer. However, acreage assessments shall continue in spite of the discontinuance of service;

(2) If the consumer fails to comply with any of these rules, and noncompliance is not corrected within five days after the department so notifies the consumer;

(3) Without notice by the department, to protect the department against fraud, abuse, or unauthorized use of water

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(4) Where negligent or wasteful use of water exists on any premises, if the conditions are not corrected within five days after the department gives the consumer written notice of the department's intent to refuse or discontinue service; or

(5) Where the demands of the consumer will result in inadequate service to others.

(b) A consumer about to vacate any premises supplied with water by the department shall give prior written notice of the consumer's intention to vacate, specifying the date service is desired to be discontinued. In the event of failure to give such written notice, the consumer shall be held responsible for all water service furnished to the premises until the department has received the notice of discontinuance. A consumer may not vacate only a portion of the consumer's assessed acreage.

(c) The department may remove a meter for non-use if there are no water toll charges for a period of one year after the meter is installed. A consumer whose meter is removed for non-use forfeits all previous fees, and reapplication shall be treated as a new service connection with applicable costs. Acreage assessments will continue to accrue.

(d) Any consumer who sells, assigns, conveys, or subleases the lot being served with irrigation water shall notify the department in writing indicating the name and address or other means of contact for the new consumer together with the notice of discontinuance as provided in subsection (b). [Eff March 17, 2006]
(Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-19)

§4-157-13 Restoration of water service. If water service is turned off because of failure to pay a bill or violation of any of these rules or for other reasons, all outstanding accounts against the consumer shall be paid or satisfactorily secured before water service shall be restored. [Eff March 17, 2006]
(Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-19)

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§4-157-14 Department's equipment on consumer's premises. All equipment belonging to the department and installed upon the consumer's premises for measurement, test, check, or other purpose, shall continue to be the property of the department and may be repaired, replaced, or removed by the department at any time without the consent of the consumer. The consumer shall exercise reasonable care to prevent damage to meters and other equipment of the department upon the premises and shall in no way interfere with the operation of the meters and other equipment. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-19)

§4-157-15 Damage and accessibility to department's property. (a) Any damage to water mains, service connections, valves, standpipes, or other property of the department shall be paid for by the person or organization responsible for the damage.

(b) The consumer shall be liable for any damage to a meter or other equipment or property of the department caused by the consumer or the consumer's tenants, agents, employees, contractors, licensees, or permittees, and the department shall be promptly reimbursed by the consumer for all damages upon demand. In the event settlement for the damage is not promptly made, the department reserves the right to discontinue water service to the premises.

(c) No obstructions shall be placed upon or around any water meter, valve, or standpipe rendering it inaccessible. If an obstruction is placed so as to interfere with the department's meter, the obstruction may be removed by the department without notification to the consumer. Any costs associated with the removal of the obstruction will be billed to the consumer. The department may confiscate the obstruction and may dispose of it without recourse to the consumer.

(d) No animals, livestock, or fowl shall be tethered or tied to any pipe, flume, structure, valve,

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standpipe, meter, or hydrant of the irrigation system, or be permitted to graze or to wander under any structure, or be put or permitted to go into, over, or upon any ditch, ditch bank, flume, reservoir, tunnel, or other element of the irrigation system. The department may confiscate any animal in violation of this subsection and may dispose of the animal without recourse to the owner.

(e) No grass, bushes, trees, or other windbreak or planting shall be grown or be permitted to grow upon the banks of any ditch or so close thereto as to hang into or over any ditch, reservoir, flume, tunnel, standpipe, valve, meter, or hydrant, or other element of the irrigation system, or to inhibit the free passage of water therein. No dirt, trash, cuttings, rubbish, weed, manure, or drainage water from stables, pens, and pastures, or debris of any nature shall be thrown, dumped, or put into or upon, any ditch, ditch bank, flume, reservoir, tunnel, or other element of the irrigation system. The department may remove or correct such obstructions or violations and bill the consumer for the cost of remediation. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-19)

§4-157-16 Ingress to and egress from consumer's premises. Any officer, employee, or designee of the department shall have the right of ingress to and egress from the consumer's premises at all reasonable hours for any purpose reasonably connected with the furnishing of water or other service to the premises, and the exercise of any and all rights secured to the department by law, including these rules. In case any officer, employee, or designee is refused admittance to the premises or after being admitted is hindered or prevented from making the inspection, the department may cause the water to be turned off from the premises after giving twenty-four hours' notice to the owner or occupant of the premises of the department's intention to do so. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-19)

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§4-157-17 Responsibility for water receiving equipment. (a) The consumer shall, at the consumer's own risk and expense, furnish, install, and keep in good and safe condition all equipment that may be required for receiving, controlling, applying, and utilizing water and the board shall not be responsible for any loss or damage caused by the improper installation of the equipment or the negligence, want of proper care, or wrongful act of the consumer, or of any of the consumer's tenants, agents, employees, contractors, licensees, or permittees in installing, maintaining, using, operating, or interfering with any equipment.

(b) The department shall not be responsible for damage to property and losses caused by irrigation equipment, spigots, faucets, valves, and other equipment that may be opened when water is turned on at the meter, either when turned on originally or where turned on after a temporary shutdown.

(c) All of the consumers' valves shall be slow-closing to prevent water hammer. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-19)

§4-157-18 Unauthorized drawing of water. (a) No person or entity shall be permitted to draw water from any part of the system without the written consent of the administrator-chief engineer. No approval shall be granted in cases where, in the opinion of the administrator-chief engineer, the drawing of water may adversely affect the water service extended by the department to other consumers.

(b) Approvals given by the department under this section are subject to revocation upon thirty days' notice. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-19)

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§4-157-19 Cross-connections. (a) No cross-connections shall be made without the written consent of the department.

(b) The department requires the installation of a mechanical or any other methods or devices on the consumer's side of the meter to prevent backflow on all new services at the sole cost and expense of the consumer.

(c) Whenever the consumer maintains a separate pressure system or separate storage facility, or in any way increases the pressure of the water within the premises above the pressure furnished by the department, or has the equipment, devices, or arrangement of piping, storage, or industrial methods or processes that might, under certain circumstances, raise the pressure of the water within the premises above the pressure of the water in the mains of the department, a backflow prevention device shall be specified and approved by the administrator-chief engineer for installation at the sole cost and expense of the consumer.

(d) As a protection to the consumer's water system, a suitable pressure relief valve shall be installed and maintained at the consumer's expense when backflow devices are installed on the consumer's side of the meter.

(e) Any device installed for the prevention of backflow as may be required under these rules shall, unless the department approves otherwise in writing, be located above ground and in a manner safe from flooding or submergence in water or other liquid, properly protected from external damage, freely accessible, and with adequate working room for inspections, testing, and repairing.

(f) All backflow prevention devices, whether mechanical or not, shall be tested and inspected internally not less than once annually. Repairs, replacement of parts, or any other maintenance, shall be made whenever necessary at the expense of the consumer. The annual test and inspection shall be the responsibility of the consumer and shall be made in accordance with methods recommended by the

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manufacturers and approved by the department. Records of tests and inspections shall be made on forms prescribed by and furnished to the department. Failure of the consumer to properly test and submit the records may, at the option of the department, result in the department making the tests, repairing and replacing any equipment, and charging the cost to the consumer.

(g) Upon request by the department, the consumer shall present an affidavit either certifying to the fact that there are no connections or installations of the type prohibited under this rule on the premises or describing in detail all nonconforming connections or installations.

(h) The several conditions relative to the installation and maintenance of connections referred to in this section shall be subject to change to meet changing requirements of the state and county laws, ordinances, and rules.

(i) Failure on the part of the consumer to comply with the department's requirements relative to cross-connection and backflow protection shall be sufficient reason for discontinuing water service until such time that the department's requirements have been met. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-19)

§4-157-20 Resale of water. Unless specifically agreed upon by the board, the consumer shall not resell any water received from the board. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §§167-5, 167-6, 167-19)

§4-157-21 Rate, fee, and charge schedule. The irrigation system rates and charges established by the board are as follows:

(1) Water tolls, fees, and charges are set at the following rates:

(A) [~~Effective October 1, 2005, the~~] The irrigation system rates, fees, and charges established by the board shall be as provided in the table entitled

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~~["Schedule of Rates, Fees, and Charges for Irrigation Water Delivery Services at All DOA Irrigation Systems", dated September 27, 2005,]~~ "Schedule of Rates, Fees, and Charges for Irrigation Water Delivery Services at All DOA Irrigation Systems", dated

_____, attached as Exhibit "A" at the end of this chapter and made a part of this chapter. These rates shall apply to all irrigation and livestock drinking water. Effective July 1, 2011, the board may adjust base water toll charges by no more than two cents per thousand gallons of irrigation water delivered once each fiscal year; and

(B) (The board may temporarily waive the collection of water tolls or acreage assessments, or both, and may provide credits if the board finds that total irrigation system revenue is sufficient to meet the expenditures necessary to administer the program for the current fiscal year. In the event that a grant is received to offset a system or group water rates, the minimum charge per thousand gallons shall be no less than 25 cents. The board may adjust this minimum charge once each fiscal year. Any excess shall be applied to the subsequent year or until the original grant is exhausted.

(2) Any irrigation system that, as a whole, uses more than eight hundred fifty million gallons of irrigation water per fiscal year shall be eligible for a volume usage discount that will lower the system's water rate by 5 cents per thousand gallons of irrigation water for the following fiscal year. Eligibility for this discount will be based on the previous year's usage;

(3) A surcharge for system pumping shall be imposed for individual irrigation systems that require the use of pumps for more than four cumulative months out of the fiscal year. The surcharge will be 5 cents per thousand gallons of irrigation water and will be imposed for the following, complete, fiscal year. Eligibility for this surcharge will be based on the previous year's usage;

(4) Acreage assessments are set for irrigation use pursuant to section 167-19, Hawaii Revised Statutes;

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- (5) Acreage assessments cover a portion of the cost of maintaining irrigation system infrastructure;
- (6) From time to time, it may be necessary to stop the flow of irrigation water to conduct proper maintenance and repair on a particular irrigation system. In support of these efforts, the billing and payment of acreage assessments are mandatory even though irrigation water is not being provided. Acreage assessments may be waived by the board for specific time periods due to natural catastrophes and other external factors beyond the department's control that result in the temporary loss of irrigation water availability; and
- (7) The fee for new service connections shall be charged at cost. [Eff 3/17/06; am and comp ~~March 17, 2006~~] (Auth: HRS §§167-5, 167-6, 167-11) (Imp: HRS §§167-5, 167-6, 167-11, 167-19)

§4-157-22 Honokaa-Paauilo Irrigation System water user advisory board. (a) The board may allow the formation of a voluntary advisory board ("advisory board") of water users and community-based organizations in accordance with the federal assisted watershed project for the Honokaa-Paauilo Irrigation System only. This advisory board shall include the following:

- (1) A farmer water user;
 - (2) A rancher water user;
 - (3) A designee of the Hamakua/North Hilo Agricultural Cooperative;
 - (4) A designee of the Hamakua Farm Bureau;
 - (5) A designee of the Hamakua Soil and Water Conservation District;
 - (6) A representative from Waipio Valley; and
 - (7) Any others who may from time to time be designated by this advisory board to be added.
- The advisory board shall be voluntary and shall be appointed by the board of agriculture for four-year terms. The members shall serve with no compensation

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and shall for administrative purposes be placed within the department.

(b) The purpose of the advisory board is to act as a liaison between the users and the irrigation system as a condition of the federal watershed project which includes the irrigation system. In addition to any other duties as may be required by the federal watershed project, the advisory board's duties and responsibilities may include the following:

- (1) Comment on operational matters concerning the irrigation system;
- (2) Provide support for improvements to the irrigation system's facilities;
- (3) Act as a liaison between the water users and the community; and
- (4) Assist the department in community hearings, meetings, legislative hearings, and informational public meetings.

(c) The advisory board shall elect a chairperson from among its members, whose duty is to conduct the meeting; and shall establish bylaws, which will govern its organization. The advisory board shall meet with the department at least twice a year for the purposes of long-range planning for the irrigation system's improvements. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §167-5)

§4-157-23 Severability. This chapter shall be deemed to be severable, and in the event a section of this chapter is determined to be invalid, such invalidity shall affect that section only and shall not invalidate this chapter in its entirety. [Eff March 17, 2006] (Auth: HRS §167-5) (Imp: HRS §167-5)

§4-157-24 Interim rules for temporary irrigation systems and districts. (a) Boundaries for a temporary irrigation district to be served by new infrastructure shall be defined and set by the administrator-chief engineer. These boundaries will change as necessary, until the temporary irrigation

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system has been completed and the irrigation district is approved and accepted by the board, at which time the boundaries shall become permanent.

(b) Acreage assessments shall not be assessed for consumers in an irrigation district being administered under the interim rules.

(c) Water tolls shall be assessed a surcharge of 6 cents per thousand gallons of irrigation water in irrigation systems being administered under the interim rules over the rates established in the table entitled [~~"Schedule of Rates, Fees, and Charges for Irrigation Water Delivery Services at All DOA Irrigation Systems", dated September 27, 2005,~~] "Schedule of Rates, Fees, and Charges for Irrigation Water Delivery Services at All DOA Irrigation Systems", dated _____, attached as Exhibit "A" at the end of this chapter.

(d) All conditions in this chapter shall apply to a temporary irrigation district. In addition, interim rules shall apply to temporary irrigation districts as defined in this chapter. Where there is a conflict of rules, the interim rules shall supersede this chapter.

(e) Interim rules shall be in effect until the board officially establishes the irrigation district by specifically including it in this chapter. [Eff 3/17/06; am and comp _____ March 17, 2006]
(Auth: HRS §167-5) (Imp: HRS §§167-5, 167 6, 167-11, 167-15, 167-16, 167-17, 167-19)

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Exhibit "A"

Chapter 4-157
~~September 27,~~

2005 _____

SCHEDULE OF RATES, FEES, AND CHARGES
 FOR IRRIGATION WATER DELIVERY SERVICES
 AT ALL DOA IRRIGATION SYSTEMS

FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
WATER TOLL CHARGES (CENTS PER 1,000 GALLONS)					
<u>36</u>	<u>40</u>	<u>42.5</u>	<u>45</u>	<u>47</u>	<u>50</u>
WATER SERVICE AND SERVICE CONNECTION APPLICATION FEE					
<u>\$65.00</u>	<u>\$65.00</u>	<u>\$65.00</u>	<u>\$65.00</u>	<u>\$65.00</u>	<u>\$65.00</u>

<u>FY 2022</u>	<u>FY 2023</u>	<u>FY 2024</u>	<u>FY 2025</u>	<u>FY 2026</u>	<u>FY 2027</u>
<u>WATER TOLL CHARGES (DOLLARS PER 1,000 GALLONS)</u>					
\$1.11	\$1.11	\$1.11	\$1.11	\$1.11	\$1.11
<u>WATER SERVICE AND SERVICE CONNECTION APPLICATION FEE</u>					
\$65.00	\$65.00	\$65.00	\$65.00	\$65.00	\$65.00

DISHONORED CHECK SERVICE CHARGE PLUS INTEREST
 As provided in section 40-35.5, Hawaii Revised Statutes.

STANDARD DEPOSIT FOR A NEW SERVICE CONNECTION
 \$1,000

METER/SERVICE CONNECTION CHARGES
 At Cost

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COPYING FEES FOR DOCUMENTS OR DRAWINGS REQUESTED FROM
THE DEPARTMENT

50 cents per page for pages up to 11" x 17".

All other sizes shall be charged at cost.

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DEPARTMENT OF AGRICULTURE

Amendments to and compilation of Chapter 4-157, Hawaii Administrative Rules, on the Summary Page dated September 27, 2005, whereas adopted on September 27, 2005, following public hearings held on September 7 and 8, 2005-

_____, after public notice was given in the Honolulu Star-Bulletin Advertiser, Hawaii Tribune-Herald, West Hawaii Today, The Maui News, and The Garden Island on August 3, 2005.

The adoption of chapter 4-157 shall take effect ten days after filing with the Office of the Lieutenant Governor.

~~Sandra Lee Kunitomo~~ SHARON

HURD

Chairperson
Board of Agriculture

APPROVED:

~~Linda Lingle~~ JOSH GREEN, M.D.

Governor
State of Hawaii

Dated: _____

APPROVED AS TO FORM:

Deputy Attorney General

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Filed

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

April 21 - 22, 2024

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Andrew H. Choy, Planning Program Manager

Nancy M. McPherson, Planner *NMM*

Subject: For Information Only - Status Update on Plan
Implementation, Island of Moloka'i

Recommended Action

None. For information only.

Background

The Department of Hawaiian Home Lands (DHHL) provides the Hawaiian Homes Commission (HHC) with updates for the respective DHHL geographic regions in which the HHC conducts its regularly scheduled community meetings. The purpose of the monthly update is to provide the HHC with information related to DHHL plans, programs and projects previously adopted by the HHC that are specific to that geographic region. A status report of DHHL's progress in implementing these initiatives is included for the HHC's consideration.

For April 2024, the Planning Office is providing an update on Planning projects for the island of Moloka'i. Note that status updates on the following Planning Office and Land Development Division plans and projects are also provided to the HHC under separate staff submittals:

- Item E-1, LDD Molokai Project Updates
- Item G-2, Molokai Water Issues and Projects Update
- Item G-4, 'Ualapu'e Kuleana Homestead Settlement Plan Status Update

Discussion

EXISTING DHHL PLANS AND IMPLEMENTATION STATUS

DHHL Moloka'i Island Plan (2005)

The purpose of each DHHL Island Plan is to (1) assign land use designations for land holdings on each island; (2) establish land use goals and objectives of the General Plan, specific to each island; and (3) identify island-wide needs, opportunities, and priorities. At a minimum, an island plan shall do the following:

- (1) Apply the criteria from the general plan to identify suitable homestead lands, including areas for new development, infill, and redevelopment;
- (2) Apply criteria to determine available lands not required for homesteading, including areas for revenue generation, community use, and other non-homesteading uses designated in the general plan;
- (3) Prioritize the development or redevelopment of designated homestead lands based on defined criteria;
- (4) Identify infrastructure requirements; and
- (5) Analyze state and county plans to identify potential impacts on department land use and infrastructure.

The DHHL Moloka'i Island Plan was approved by the HHC in June 2005, under the 2002 General Plan. DHHL lands on Moloka'i are situated in five major areas: 'Ualapu'e, Kapa'akea-Kamiloloa-Makakupa'ia, Kalama'ula, Kalaupapa-Pālā'au (Apana 3) and Ho'olehua-Pālā'au (Apana 1 & 2). Since the 2005 Moloka'i Island Plan was approved by the HHC, the following updates have been made:

- The Mo'omomi-Anahaki land use designations for 1,050 acres were amended from "General Agriculture" and "Community Use" to "Special District". This amendment was requested by beneficiaries, underwent extensive beneficiary consultation and was approved by the HHC in December 2010. See Fig. 1, Land Use Amendment for Mo'omomi-Anahaki, below.

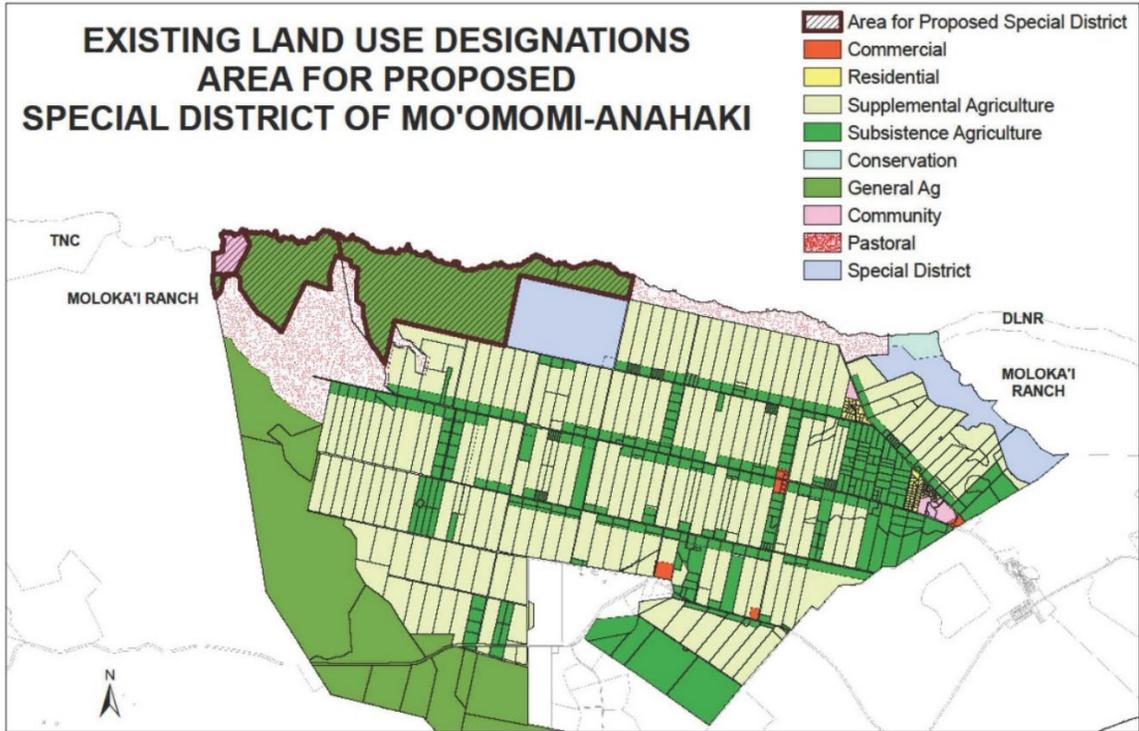


Figure 1 Land Use Amendment for Mo'omomi-Anahaki

- A land exchange of 34 acres of land on Moloka'i for 89 acres of State land in Mā'ili on O'ahu was completed in 2010 in order for DHHL to develop residential homesteads on O'ahu. The 34 acres of land in Ho'olehua consisted of 22 acres in Community Use and 12 acres in Subsistence Agriculture. Transferred to the State Dept. of Education, the land was adjacent to the Ho'olehua Fire Station and the Lanikeha Community Center, and included the Moloka'i High School and Middle School site and the athletic field across Farrington Avenue. See Figs. 2 & 3, below.

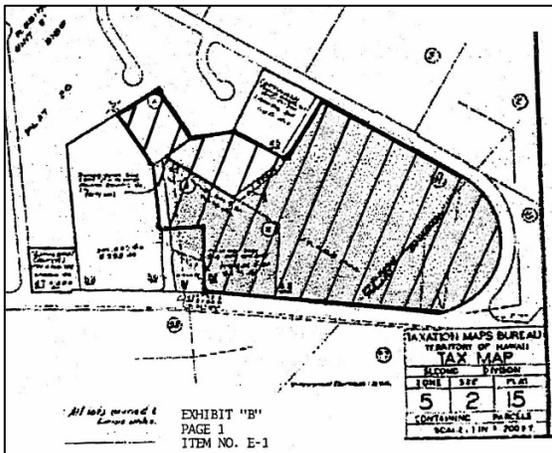


Fig. 2 Land Exchange Map

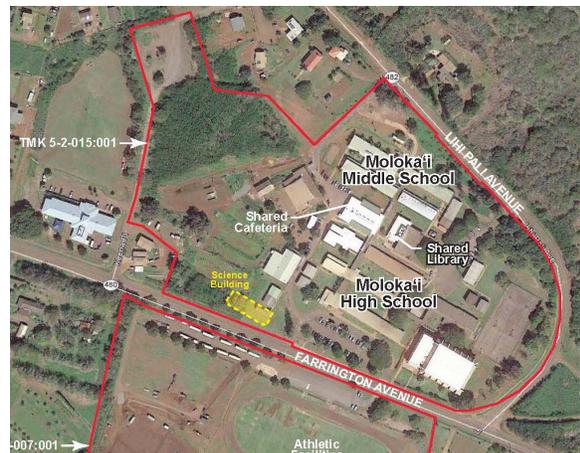


Fig. 3 Land transferred to DOE

- In June 2011, the Department of Land and Natural Resources (DLNR) transferred to DHHL four parcels totaling 4.6 acres at Malama Park, near Kaunakakai Wharf. In January 2018, the HHC approved the recommended land use designation of "Special District" for the Malama Park lands. See Fig. 4.

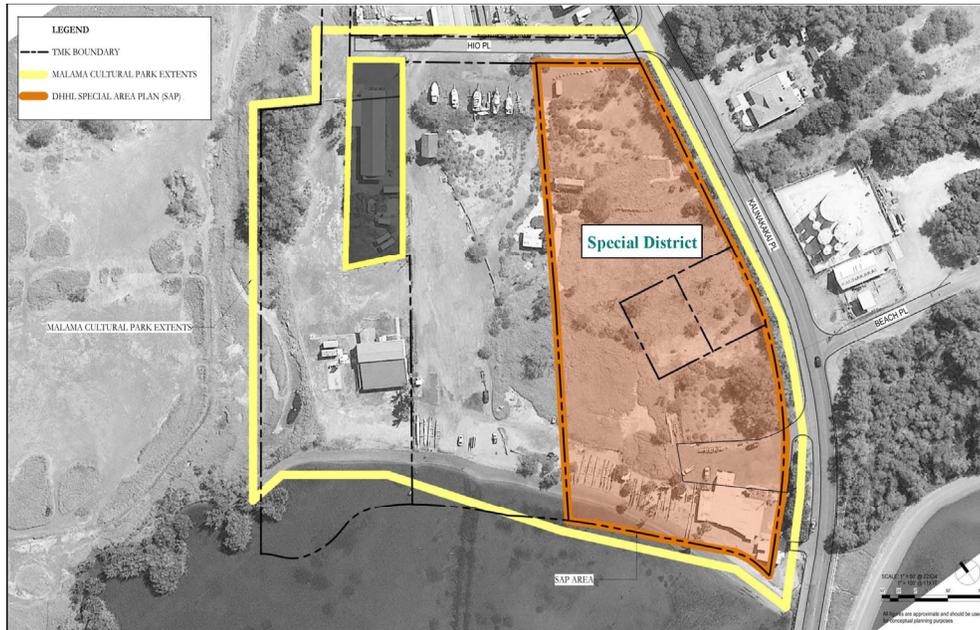


Fig. 4 Malama Park SAP Area - Special District

These amendments to the 2005 Moloka'i Island Plan have resulted in the following land use designations and acreage amounts shown in Table 1, below.

Table 1
Amended Moloka'i Land Use Designations

Moloka'i Land Use Designations	Acres	Percent
Residential Homestead	742	2.87
Subsistence Agriculture	2,338	9.04
Supplemental Agriculture	5,862	22.66
Pastoral	1,927	7.45
General Agriculture	6,415	24.80
Special District	7,758	29.99
Community Use	93	0.36
Conservation	655	2.53
Commercial	58	0.22
Industrial	16	0.06
TOTALS	25,864	100.0

DHHL Moloka'i Island Plan Implementation Status

The following are Island Plan development priorities and their current statuses, as described in the 2005 DHHL Moloka'i Island Plan.

Priority for completion: Nā'iwa Agricultural Homestead

- 58 agricultural lots were awarded in the 1986 Acceleration Program.
- Located on 298 acres southeast of the Moloka'i Airport.
- Implementation challenges: access to and availability of potable water supply from the DHHL Ho'olehua water system (Public Water System No. 230) and non-potable water from the Department of Agriculture Moloka'i Irrigation System, respectively.

Status:

During DHHL's due diligence process, a discrepancy in the DHHL Land Inventory was discovered, which resulted in the BLNR approving the return to DHHL of approximately 42.3 acres in Nā'iwa in January 2021. DHHL is currently pursuing subdivision and infrastructure improvements for up to 66 lots on approximately 341 acres. 50 lots are currently leased to beneficiaries. See Agenda Item E-1, LDD Molokai Projects Update for more information. The Final Environmental Assessment and Finding of No Significant Impact (FEA-FONSI) was approved by the HHC at its meeting in August 2021, and provides further discussion on provision of potable and irrigation water to the subdivision.¹ See Fig. 5, Site Plan, below.

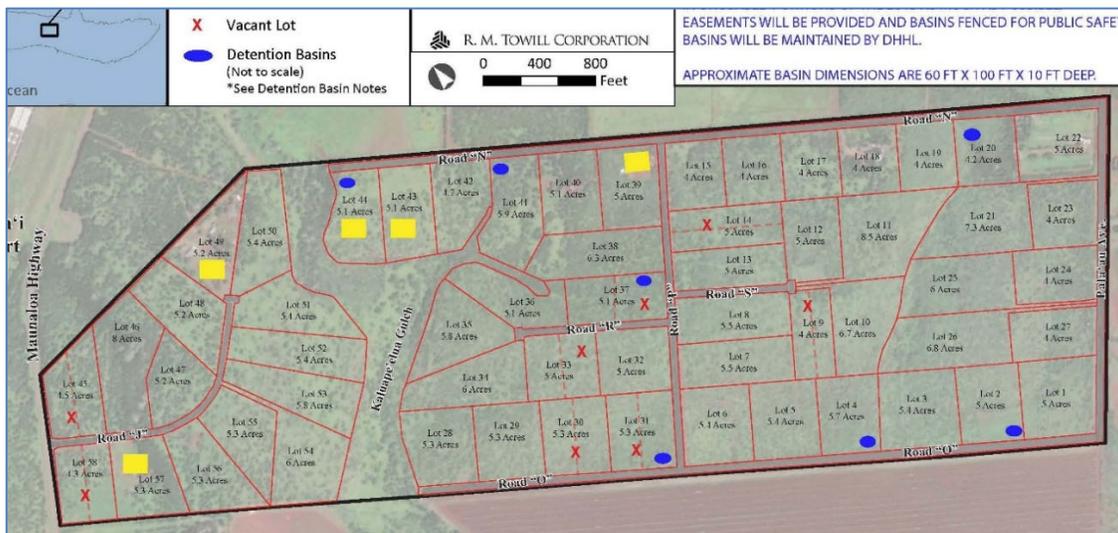


Fig. 5 Preliminary Road Layout and Site Plan

¹ https://files.hawaii.gov/dbedt/erp/Doc_Library/2023-12-08-MO-FEA-Naiwa-Agricultural-Subdivision.pdf

First priority for new residential areas: 'Ualapu'e

- The 2005 DHHL Molokai Island Plan recommended development of 74 residential homestead lots on 25 acres in Mana'e (East End), mauka of Kamehameha V Highway.

Status:

See Agenda Item G-4, 'Ualapu'e Kuleana Homestead Settlement Plan Status Update, for more detailed update status. Based on feedback from the East Molokai community, DHHL looked at potential alternative sites to develop homesteading in East Molokai and conducted meetings with the East Molokai community. East Molokai community members, who are predominantly Native Hawaiian families that have lived there for generations, also expressed tentative support for DHHL homesteading, *but only if homestead opportunities were prioritized for DHHL beneficiaries that were also lineal descendants of the area.* In the interim, the Ahonui Homestead Association is seeking a ROE permit to steward the land.

Update:

- During the 2019-2020 DHHL Moloka'i Regional Plan update process, beneficiaries proposed a Kuleana Subsistence Agriculture Homestead in the 'Ualapu'e tract. This became the number one priority project in the DHHL Moloka'i Regional Plan. More details are provided below in the DHHL Moloka'i Regional Plan implementation discussion and in Agenda Item G-4.

Second priority for new residential areas: Kapa'akea-Kamiloloa-Makakupa'ia

- Develop 286 residential homestead lots on 201 acres two miles east of Kaunakakai, mauka of Kamehameha V Highway.
- An onsite wastewater treatment facility will be required.

Status:

This project is on hold until the County of Maui's water allocation is increased and/or additional water source is identified and developed. DHHL will investigate infrastructure options, including wastewater treatment alternatives, as these lands are at higher elevation and will likely be needed to accommodate existing coastal homesteaders experiencing the impacts of sea level rise.

DHHL Moloka'i Regional Plan (2020)

The DHHL Moloka'i Regional Plan was updated in 2019 and approved by the HHC in February 2020. Moloka'i beneficiaries, responding to outreach and engagement efforts throughout the extensive planning process (over 15 months), identified the

following priority projects:

- (1) 'Ualapu'e Kuleana Subsistence Agriculture Homestead Project and Cultural Resources Management Plan
- (2) Ho'olehua Hale Improvements
- (3) Water Rates Assessment and Legal Analysis of Beneficiary Rights Given Potable Water Rate Disparities
- (4) Shared Farm Equipment for Agricultural lessees
- (5) Road Improvements

DHHL Moloka'i Regional Plan Implementation Status

Table 2 below identifies the "project champion" and summarizes the status of each Regional Plan priority project.

Table 2
2020 DHHL Moloka'i Regional Plan Priority Projects Status

PRIORITY PROJECTS	PROJECT CHAMPION(S)	STATUS
'Ualapu'e Kuleana Subsistence Agriculture Homestead Project and Cultural Resources Management Plan	Ahonui Homestead Association and DHHL	Additional outreach was conducted with the East Molokai Native Hawaiian community over the last year on its concerns that the project may negatively impact their way of life including traditional customary practices. It was also expressed that giving priority for DHHL beneficiaries that are also lineal descendants from the place would be preferable. Ahonui Homestead Association is seeking an ROE permit to steward the land in the interim. See Agenda Item G-4 for more information.
Ho'olehua Hale Improvements	Ahupua'a o Moloka'i	Construction in progress.
Water Rates Assessment and Legal Analysis of Beneficiary Rights Given Potable Water Rate Disparities	DHHL	Not started. Pending staff and resource allocations.
Shared Farm Equipment for Agricultural lessees	Ahupua'a o Moloka'i (AOM)	AOM is partnering with Napualei O Hina and more recently, Ho'opili Farmers Association to continue to implement this project. Napualei O Hina applied for and received a DHHL grant in

PRIORITY PROJECTS	PROJECT CHAMPION(S)	STATUS
		FY `21. Ho`opili Farmers Association also received a DHHL grant for this project in FY 22. DHHL received feedback that grant implementation needs to be better monitored to ensure that funding is being used to assist more beneficiaries. Because DHHL's single full-time grant specialist was re-assigned to federal grants, DHHL does not currently have the capacity to better monitor grant implementation.
Roads Improvements	DHHL	To assist DHHL, Kalama`ula Homesteaders Association applied for and received a DHHL Regional Plan Priority Project grant in FY `22, which was awarded. Initial scope is to inventory roads and conditions and prioritize which roads to address.

OTHER MOLOKAI DHHL PROJECTS IN PLANNING OR IMPLEMENTATION PHASES

Kalama`ula Mauka Agriculture Lots - Planning and Design (LDD & PLO)

- 66 agriculture lots were awarded above the Kalaniana`ole Settlement in the 1985 Acceleration Program (Kalaniana`ole 2nd Series).
- LDD has initiated the procurement process for planning and design of subsistence agriculture lots and needed infrastructure. See Item E-1, LDD Molokai Projects Update for more information on project status.

Next Steps:

- Complete procurement process and select consultant.
- Prepare Master Plan, subdivision design and Environmental Assessment for HRS Chapter 343 compliance.
- Obtain County subdivision approval; provide roads, drainage, water and other infrastructure required for agriculture lots.

Malama Cultural Park Special Area Plan (LMD & PLO)

The final Malama Cultural Park Special Area Plan was approved by the HHC at its July 2022 meeting. The SAP's Implementation Plan describes beneficiary desire for collaboration with the Molokai community to pursue a Community-Based Stewardship Management Model for the Park. The first step in the plan's implementation is to identify potential community partners to help DHHL effectively manage the designated park lands.

Update:

- Hui Ho'okahua Molokai submitted a land use application in November 2023 requesting to be the community entity to manage the park. Hui Ho'okahua Molokai is a 501(c)3 organization that is comprised of six Molokai DHHL Homestead Associations: Ho'olehua, Kapa'akea, Kamiloloa-One Ali'i, Kalamaula Mauka, Nā'iwa, and the Waitlisters of Ahonui Homestead Association.
- DHHL conducted a beneficiary consultation meeting on Hui Ho'okahua Molokai's request on April 4, 2024. The beneficiary consultation process is currently in its 30-day comment period as of the April 2024 HHC meeting.
- DHHL anticipates presenting its beneficiary consultation report on this matter at the May 2024 HHC meeting and possibly seeking HHC approval of a ROE to Hui Ho'okahua Molokai to conduct due diligence studies prior to HHC approval of a long-term disposition (lease or license) to the group.
- DHHL will continue to work with stakeholders to develop a park management structure that meets the needs of all beneficiaries and the greater Molokai community.

Kalaupapa Update -- Beneficiary Consultation

The DHHL Planning Office has been consulting with beneficiaries on issues and concerns surrounding management of and access to Kalaupapa since at least 2004, when the process for the last Molokai Island Plan update was initiated. More recently, two rounds of beneficiary consultation meetings on the National Park Service's (NPS) General Management Plan (GMP) for Kalaupapa National Historic Park (NHP) were conducted in 2011 and 2015.

In response to beneficiary requests and direction from the Hawaiian Homes Commission, the Kalaupapa Beneficiary Working Group (KBWG) was convened by the DHHL Planning Office with facilitation assistance from the Hawaii Alliance for Community-Based Economic Development (HACBED). Four virtual meetings were held from September 2021 to January 2022. The last update on this process was given to the HHC at its meeting in Kapolei in December 2023 (see

Exhibit A, Item G-4, Status Update, Kalaupapa Beneficiary Consultation and NPS Projects) and at its meeting on Molokai in April 2023 (refer to Item G-2, Status Update on Plan Implementation, Island of Moloka'i).

DHHL staff made trips to Kalaupapa in December 2022 and August 2023 and met with beneficiaries who live and work in the Settlement in order to consult and learn from their unique perspectives and 'ike as well as to remedy the lack of opportunities for consultation offered to them in the past. Living and working in Kalaupapa has its benefits but also its challenges, including the inability to attend consultation meetings held in Topside Molokai during the work week. Many of these beneficiaries have generational ties to Kalaupapa as well as to the Backside valleys such as Waikolu and Pelekunu. In some cases, their 'ohana have served patients and maintained the Settlement for generations, with knowledge and history passed down to them by their kūpuna.

"Takeaways" from the two meetings with Kalaupapa beneficiaries were prepared, reviewed by the beneficiaries, then distributed to the KBWG members in the hope that a better mutual understanding could eventually be reached. One idea coming out of the Kalaupapa beneficiary meetings that DHHL would like to pursue is to bring a small group of KBWG members (and potentially others that meet the HHC criteria) down to Kalaupapa to "shadow" the Kalaupapa beneficiaries as they work on various projects in order to learn more about the reality of life in Kalaupapa as well as to reconnect with the place and its cultural sites and history. DHHL is working on scheduling visits in late spring/early summer, prior to initiating larger group meetings Topside, which are tentatively scheduled for early fall.

DHHL attempted to schedule one more meeting with the KBWG members in late 2023/early 2024 to get feedback on how best to bring beneficiaries together to discuss potentially sensitive and contentious issues, but there was not sufficient response, so individual conversations are being held to gauge interest in participating in small group site visits over the next several months.

DHHL staff also attended two NPS Annual Meetings held in April 2024. These meetings are a stipulation in the Programmatic Agreement for the Kalaupapa GMP and intended to share out updates on the various projects being conducted in Kalaupapa, such as repairs to the electrical system and fences, as well as describe ongoing historic preservation work and system maintenance. It was clear from sentiments expressed by some attendees that there is a strong demand for broader community engagement regarding Kalaupapa transition issues and visioning for Kalaupapa's future. DHHL will

continue to engage with NPS on ways to effectively communicate with Molokai beneficiaries.

Kalaupapa Transition Planning

As described in previous updates to the HHC, since 2015 DHHL staff have been participating in multi-agency coordination meetings to address issues and needs that will be triggered by the Department of Health's eventual relinquishment of the roles of caring for patients at Kalaupapa and of Administrator for the County of Kalawao. These meetings have mainly been focused on operations and maintenance, ownership and management of infrastructure and facilities, and access.

Recently, it was realized that administrators and decision makers needed to be included in the conversation, not just staff. Those meetings have been occurring online, and discussions of ways to conduct community outreach on Kalaupapa transition efforts are underway. The Department of Health - Hansen's Disease Branch consistently reminds participants that there are still patients living in Kalaupapa, and conversations about the future of Kalaupapa need to be respectful of that reality and sensitive to the needs and feelings of the patients, who only wish to live out their lives in peace. Recently, one of the patients celebrated his 100th birthday in the Settlement, which was a joyful occasion and is a testament to the care given to patients by DOH as well as to the strength of the human spirit.

Next Steps

- Continue to work with HACBED on refining and framing the issues and improving how DHHL engages with beneficiaries.
- Continue to engage with beneficiaries living and working in Kalaupapa as well as those living Topside Molokai, with the goal of bringing small groups of beneficiary stakeholders to Kalaupapa over the summer to engage in productive dialogue with Kalaupapa beneficiaries about the reality of life in the Settlement and visioning for the future of Hawaiian Home Lands in Kalaupapa.
- Prepare for the next round of wider community discussions, to tentatively start in early fall of 2024. These meetings will include more beneficiary participants that ties to Kalaupapa based on the criteria previously approved by the HHC.
- Continue to participate in transition planning meetings and help develop a community outreach strategy that will meet the needs of DHHL beneficiaries as key stakeholders.

Coastal Zone Management, Climate Change and Community Resiliency

South Moloka'i Shoreline Erosion Management Plan (SM-SEMP)

The Final South Molokai Shoreline Erosion Management Plan (SM-SEMP) was approved by the HHC at its December 2022 meeting. The SM-SEMP process involved coastal homesteaders in serious conversations about shoreline erosion and other changes due to climate change impacts they have been experiencing. It quickly became evident that only focusing on erosion mitigation was not going to adequately address the problems that coastal homesteaders were being affected by such as coastal flooding and wildfire hazards. Implementation of the SM-SEMP recommendations will require an ahupua'a-based approach, which has triggered a community resilience planning effort. SM-SEMP recommendations include the following core strategies and actions, as shown in Table 3 below.

Table 3
SM-SEMP Highlighted Actions

CORE STRATEGIES	Action Highlights ¹
Restore natural shoreline function.	<ul style="list-style-type: none"> • Remove and replace invasive plants and trees with climate adapted, drought tolerant native grasses, shrubs, and trees such as 'aki'aki grass, pōhuehue, naupaka, and milo. • Develop a detailed vegetation management plan to guide shoreline and dune restoration within the SM-SEMP Area. • Remove man-made debris between the high and low water line including tires, appliances, vehicle parts, concrete and asphalt rubble, CMU blocks, pallets, steel and plastic drums, and other non-indigenous materials and dispose of it properly.
Educate beneficiaries on the causes and consequences of sea level rise and coastal erosion, including appropriate mitigation measures.	<ul style="list-style-type: none"> • Provide beneficiaries living in flood prone areas with the following information: <ul style="list-style-type: none"> ▪ "Answers to Questions about Substantially Improved / Substantially Damaged Buildings", FEMA publication 213, August 2018. ▪ "Homeowners Handbook to Prepare for Natural Hazards" 4th Edition, by Dennis Hwang and Darren Okimoto, Sea Grant, University of Hawai'i. ▪ Flood zone and sea level rise exposure maps.
Strengthen the regulation and management of shoreline resources.	<ul style="list-style-type: none"> • Recommend consistency with identified State of Hawai'i and Maui County regulations governing buildings and construction, the shoreline, and flood hazard areas. • Recommend consistency with Federal and State DLNR regulations regarding shoreline surveys, armoring, and coastal construction on submerged lands.
Adapt structures and systems to better withstand coastal hazards.	<ul style="list-style-type: none"> • Require new dwellings to be elevated above flood hazard zones (base flood elevation, SLR inundation) by more than one foot in elevation (freeboard). • Encourage lessees to reconfigure dwellings by moving the kitchen mauka and elevating food preparation areas so that stove, refrigerator, and appliances are elevated or located at the highest, driest part of the property. • Convert cesspools to septic systems wherever feasible to reduce the risk of contaminated water and protect beneficiary health.
Prepare for the relocation or retirement of structures out of areas threatened by sea level rise and coastal erosion.	<ul style="list-style-type: none"> • Prepare a community-based plan for the relocation of vulnerable buildings, infrastructure, and public facilities away from areas threatened by sea level rise and/or coastal erosion. • Prepare and implement a planned obsolescence strategy for infrastructure at risk of damage from SLR, coastal erosion, and flooding including roads, drainages, wastewater treatment, and centralized utility systems and services.

¹ This table includes a sample of the SM-SEMP's highlighted actions. A complete list of the Plan's actions is in Chapter 6.

Next Steps:

- Incorporate SM-SEMP recommendations into the Molokai Coastal Homesteads Community Resilience Plan project (MCH-CRP) underway now (see discussion below), to be completed over the next two years.
- Pursue an investigation of options and alternatives for more effective and responsive coastal management through direct DHHL administration of coastal zone management (CZM) for Hawaiian Home Lands lessees living along coastlines. See discussion on NOAA Project of Special Merit, below.
- Work with Molokai homestead associations and beneficiary-serving organizations to implement the "Restore natural shoreline function" core strategy via community projects supported with grant funding.
- Work with shoreline lessees to adapt to rising sea levels and increased shoreline erosion by using best management practices that are not harmful to the coastal environment.
- Continue to engage with Molokai beneficiary organizations and community organizations such as Sust'Āinable Molokai and Molokai Wetland Partnership to increase community resilience and implement nature-based solutions such as wetland and fishpond restoration and enhancement.
- Continue to seek technical assistance and funding from county, state and federal agencies to address acute coastal hazards and mitigate impacts from sea level rise and other climate change-related hazards along Molokai's southern shoreline, in particular to address the need for financial and technical assistance to convert cesspools to more effective wastewater treatment methods.

*Molokai Coastal Homesteads Community Resiliency Plan (MCH-CRP) --
Developing Community Resilience for Moloka'i Coastal Homesteads*

DHHL received grant funding from the National Fish and Wildlife Foundation (NFWF) National Coastal Resilience Fund (NCRF) to develop a resilience plan for homestead communities on the island of Moloka'i through scientific analyses and modeling of projected sea-level rise, flooding, groundwater upwelling and other increasing coastal hazards.

This 2-year project, currently underway, is analyzing the entire tracts of Kalama'ula, Kapa'akea and Kamiloloa-Makakupa'ia, will also include the DHHL portion of Malama Park, and with extensive beneficiary participation, will identify priorities for projects that will stabilize and restore shorelines, mitigate coastal flooding and sedimentation, and emphasize culturally grounded, nature-based solutions. A comprehensive prioritization plan for community resilience could lead to additional NFWF NCRF grants for project site assessments and preliminary design, final

design and permitting, and restoration, which is DHHL's long term implementation strategy. See Fig. 5 and Fig. 6, below.

Next Steps:

- Conduct data gathering (Jan. to Sept. 2024)
- Conduct beneficiary outreach (March 2024 - March 2025)



Fig. 5 MCH-CRP Project Area

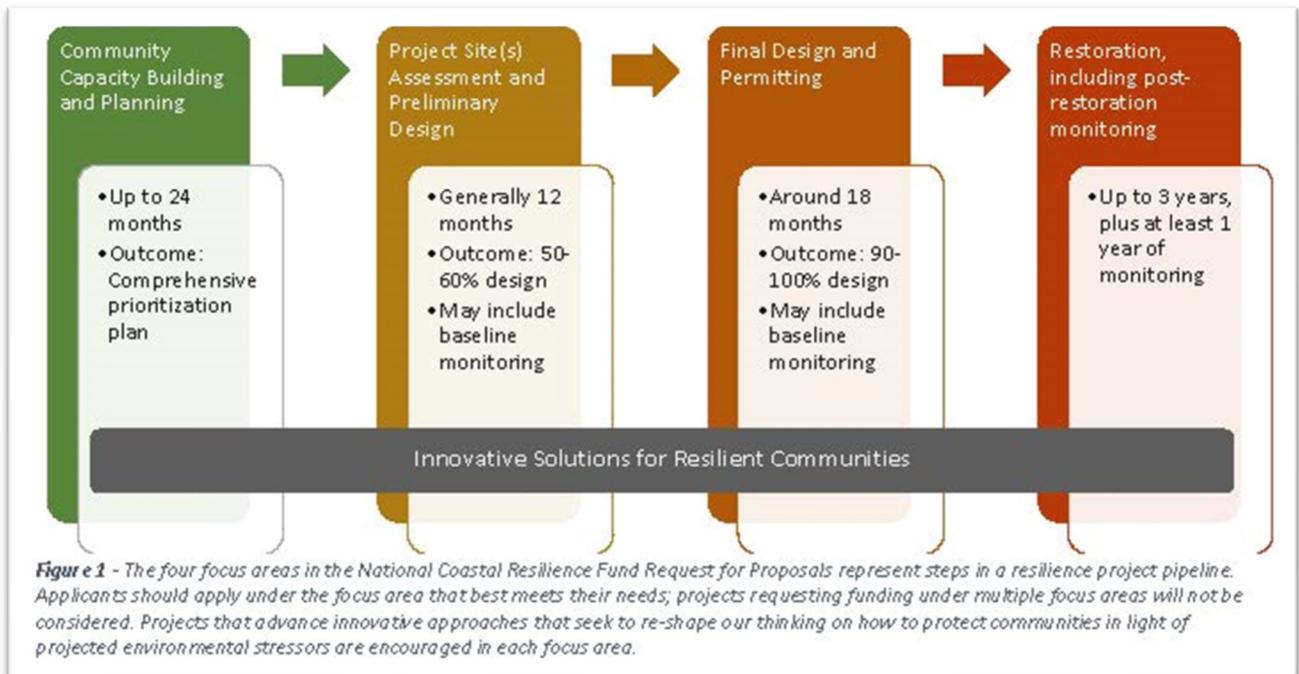


Fig. 6 NCRF Focus Areas

Dry Stream Bed Hydrologic and Hydraulic Drainage Study (LDD-PO)

The Land Development Division had contracted Hawaii Engineering Group to conduct a Hydrologic and Hydraulic (H&H) study for homestead areas on Molokai. This project will study the movement of water including the volume and rate of flow as it moves through a watershed, basin, channel, or manmade structure. H&H studies are completed to ensure structures are sized correctly to handle floodwaters, while not inadvertently increasing flooding up or down stream on Molokai. The project is starting in May 2024. See Agenda Item E-1, LDD Molokai Projects Update, for more information.

NOAA Project of Special Merit - CZM for DHHL

The State Office of Planning and Sustainable Development, Coastal Zone Management (OPSD-CZM) received a National Oceanic and Atmospheric Administration (NOAA) Project of Special Merit (PSM) grant to conduct a project titled "Integrating Coastal Zone Management in Hawaiian Home Lands." This project will improve cross-agency coordination in coastal management by (i) identifying current areas of inconsistent legal interpretations and challenges for DHHL beneficiaries when navigating county and State requirements for conducting activities in the shoreline area, as well as (ii) identifying potential strategies to address these major challenges and inconsistencies.

The results of this project will serve as the first step in a larger initiative, which may lead to the program change of proposing amendments to Hawai'i Coastal Zone Management Law (Hawai'i Revised Statutes (HRS) Chapter 205A) that establish DHHL as an Agency with authority to conduct coastal zone management and developing MOU's/MOA's between DHHL and the County Planning Departments to outline relationships and workflows. DHHL staff have worked closely with OPSD-CZM to design this project, which is currently in the process of selecting a consultant. Beneficiary input, cultural 'ike and Traditional Ecological Knowledge (TEK) will play a central and critical role in the PSM. Successful implementation of the recommendations coming out of the project will facilitate responses to climate change, sea level rise and other changing conditions in Hawaiian Home Lands along the coastline, statewide, as well as implementing the SM-SEMP and the MCH-CRP recommendations on Molokai.

Recommendation

None. For information only.

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

December 18-19, 2023

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager
From: Nancy M. McPherson, Planner, Planning Office *NMM*
Subject: For Information Only - Status Update, Kalaupapa
Beneficiary Consultation and NPS Projects

Recommended Action

For information only. No action required.

Background

In response to beneficiary and Hawaiian Homes Commission (HHC) requests, the Planning Office (PO) continues to provide the HHC with status updates on planning, management, interagency coordination and beneficiary engagement efforts focused on the planning region of Kalaupapa and Pālā'au (Apana 3), in the counties of Maui and Kalawao, Island of Molokai. The following is a list of status reports on Kalaupapa that have been presented at the HHC's regular meetings to date. For the last two updates, see Exhibit A.

- April 2022 (Item G-4, For Information Only - Kalaupapa Update)
- October 2021 (Item G-3, For Information Only - Status Report on Kalaupapa Beneficiary Engagement Process)
- December 2020 (Item G-1, For Information Only - Status Report on Kalaupapa Planning and Management)
- August 2020 (Item G-3, For Information Only - Update on Kalaupapa Management)

Discussion

It has been 20 months since the last update on Kalaupapa to the HHC. The consultation process took a departure from the original timeline in order to address the need to consult with beneficiaries who live and work in Kalaupapa, as will be discussed below.

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DHHL Beneficiary Consultation and Outreach Efforts

Kalaupapa Beneficiary Working Group

Prompted by Hawaiian Homes Commission and beneficiary comments and feedback regarding the desire to create the opportunity for greater input into the management of Kalaupapa during this important transition period as the State Department of Health (DOH) nears the end of its administrative role in Kalawao County, the Kalaupapa Beneficiary Working Group (KBWG) engagement process was initiated by the DHHL Planning Office in September of 2021. Seven beneficiary participants were invited based on the criteria approved by the HHC:

- Beneficiaries of the HHL who are on the Molokai Island wait list.
- Beneficiaries of the HHL who have family members buried in Kalaupapa.
- Lineal descendants of Native Hawaiian 'ohana who were displaced from Kalaupapa in 1865.
- DHHL beneficiaries who have participated consistently in the NPS General Management Plan and Section 106 Consultation processes.
- A beneficiary representative of Ka 'Ohana O Kalaupapa.

The Hawaii Alliance for Community-Based Economic Development (HACBED) was engaged to provide facilitation services for the beneficiary engagement process. Meetings of the KBWG were held virtually from September 2021 to January 2022, and meeting outcomes have been summarized in previous updates. See Exhibit A. It is anticipated that one more meeting with the KBWG will be held in early 2024, to get more feedback on ideas for successfully engaging with the Topside Molokai beneficiary community.

The initial goal for the KBWG was to provide a DHHL-initiated process for beneficiary input on cooperative agreements between DHHL and NPS related to (1) use and settlement of DHHL lands, including community use areas, and (2) revenue producing services and economic opportunities for DHHL beneficiaries. This goal has evolved over time, and the focus for the next meeting will be on the desired composition of a larger group and the focus of a broader conversation with beneficiaries re: Kalaupapa, as well as how best to integrate the various conversations on Kalaupapa in a productive and possibly healing way. DHHL is currently in the process of vetting feedback from the Kalaupapa beneficiaries to be transmitted to the KBWG members for discussion in January.

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Kalaupapa Beneficiaries

While visiting Kalaupapa for several monthly Community Meetings and NPS workshops, DHHL staff engaged with National Park Service (NPS) and DOH employees living and working in Kalaupapa, and it became clear that the voices of these beneficiaries had not yet been heard in the consultation process, due in part to their remote location and unique status. To date, DHHL has engaged with beneficiaries who work in Kalaupapa for NPS, DOH and the State Department of Transportation (DOT) by meeting with them in Kalaupapa on December 13, 2022 (with HACBED facilitation) and August 29, 2023 (DHHL staff only).

A high-level summary of what has been expressed to DHHL by beneficiaries who live and work in Kalaupapa is as follows:

- There is a lot of misinformation and lack of accurate information about what life is really like in Kalaupapa. Beneficiaries suggested several ideas for sharing their lived experiences and what it's like to steward and care for a place like Kalaupapa with Topside Molokai beneficiaries, as well as for getting Molokai youth interested in pursuing career paths that could lead them to employment in Kalaupapa. Currently, over 80% of NPS employees in Kalaupapa are Native Hawaiian from Molokai, and Kalaupapa beneficiaries would like to see that number go even higher.
- Kalaupapa beneficiaries feel that they don't have the same level of access to information from DHHL that Topside beneficiaries do and would benefit from continued conversations with DHHL staff. Most of them are either lessees, successors or applicants on the Molokai waitlist, but feel "out of the loop" sometimes, due to Kalaupapa's geographic isolation and challenges with internet and mobile phone access.
- The truth is that Kalaupapa has always been stewarded by Hawaiians, and still is today, which makes it a Native Hawaiian community with strong traditional values of mālama, kuleana, kōkua, aloha and lōkahi. Several Kalaupapa beneficiaries have parents and grandparents who also lived and worked in Kalaupapa, so the relationship is generational and there is a strong sense of kuleana to mālama the place and its history. Beneficiaries are very aware of the duty to protect iwi kūpuna and be culturally sensitive in everything they do. They feel the presence of the ancestors on a daily basis.

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- Kalaupapa is not for everyone. beneficiaries emphasized the challenges of living and working in such a remote place with limited access, infrastructure, services and supplies. They share resources and look out for one another, as there are hardships that go along with working there, such as separation from families, isolation and having to go without conveniences that most people take for granted. Many also maintain a household Topside, and some have to pay rent both for their housing in Kalaupapa and Topside Molokai, which can be a financial burden.

Kalaupapa Transition Interagency Working Group

Beneficiaries have also consistently expressed interest in the inter-agency coordination and transition planning process for Kalaupapa initiated in 2016 by the State Department of Health, Hansen's Disease Branch (DOH-HDB). As landowner and lessor, and as an advocate for the needs of its beneficiaries, DHHL continues to participate in these discussions while working to provide more transparency and engage stakeholder beneficiaries more actively in the conversation about Kalaupapa's future. Transition information has previously been shared with the HHC and with the Kalaupapa beneficiaries. See Exhibit A and Exhibit B, "Summary of Kalaupapa Interagency Working Group Activities."

The most recent meeting of the Interagency Working Group was held Aug. 9-11, 2023. Desired outcomes included:

- developing a common understanding of the steps NPS, DOH, DHHL and other entities must take to ensure a successful transition,
- identifying obstacles (financial, legal, workforce and policy) to a successful transition,
- developing a list of needed agreements and understandings to facilitate transition efforts,
- Identifying specific future roles and responsibilities as transition proceeds, and
- Developing common "messaging" themes for communicating with each agency's partners and constituents.

National Park Service Activities in Kalaupapa

The National Park Service has been prioritizing staffing and has initiated planning, HEPA/NEPA and HRS Ch. 6E/Section 106 compliance and design-bid-build processes for CIP projects in Kalaupapa National Historical Park (NHP) that address long-

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standing maintenance, repairs and upgrades for critical infrastructure such as the electrical system and refueling of vehicles.

The electrical system for the Settlement, originally built by the DOH and modified by patients, is antiquated and unstable. Plans are underway to rehabilitate the system while maintaining its historic integrity, as it is a contributing feature of the National Historic Landmark. Other projects include rehabilitation of perimeter fences and construction of a new fuel facility, as the DOH's single wall underground storage tanks, which are near the shoreline, need to be decommissioned to comply with state and federal requirements. NPS will provide details of their projects in a presentation at the December HHC meeting under this item.

Summary

- It has been very beneficial for the DHHL outreach effort to conduct consultation with beneficiaries living and working in Kalaupapa. There is a richness of historic and institutional knowledge, as well as a deep sense of place and kuleana, that is unique to these beneficiaries and serves to improve the depth of the dialogue around Kalaupapa's future.
- There are some significant disconnects between the knowledge base of beneficiaries who live Topside Molokai and the actual reality in Kalaupapa. Information exchange and education, if done properly, could accomplish a great deal toward bridging this knowledge gap.
- Kalaupapa beneficiaries as well as Native Hawaiian-serving agencies and organizations could be instrumental in assisting NPS and DHHL in recruiting and preparing Molokai native Hawaiians for employment and commercial services opportunities in the NHP.
- DHHL has a kuleana to
 - o facilitate, monitor and evaluate engagement with NPS and the beneficiaries as NPS proceeds with implementation of the GMP,
 - o explore ways in which Molokai beneficiaries can benefit from the presence of the NHP and Pālā'au State Park via implementation of the DHHL Molokai Island Plan's recommendations for Kalaupapa-Pālā'au (Apana 3),
 - o discuss innovative ideas for long term partnerships, stewardship arrangements, management and access, and
 - o engage with other agencies and elected officials as DOH moves closer to departure from Kalaupapa.

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- DHHL needs to continue efforts to engage with beneficiaries to listen, educate, inform and bring beneficiaries with disparate views of what the future of Kalaupapa should look like together as DHHL contemplates an upcoming update to the Molokai Island Plan.
- DHHL continues to work with NPS to ensure that HEPA and HRS Ch. 6E compliance is satisfied and to serve as a liaison between beneficiaries and the NPS during consultation, as needed and desired by beneficiaries.

Next Steps

Regular conversations with DHHL beneficiaries via the KBWG, Kalaupapa beneficiaries, and a well-designed and informed outreach process involving Topside Molokai beneficiaries will occur throughout 2024. An engagement schedule is currently under preparation.

DHHL will continue to meet with NPS and DOH, and participate in Kalaupapa Transition Interagency Working Group meetings, to ensure a smooth transition of operations, logistics, compliance and project workflows.

Recommendation

For information only. No action required.

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STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

April 18-19, 2022

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager
From: Nancy M. McPherson, Planner, Planning Office
Subject: For Information Only - Kalaupapa Update

Recommended Action

For information only. No action required.

Background

In response to beneficiary and Hawaiian Homes Commission (HHC) requests, the Planning Office (PO) continues to provide the HHC with regular status updates on planning, management, interagency coordination and beneficiary engagement efforts focused on the planning region of Kalaupapa and Pālā'au (Apana 3), in the counties of Maui and Kalawao, Island of Molokai. The following is a list of status reports on Kalaupapa that have been presented at the HHC's regular meetings to date. For the most recent update, see Exhibit A.

- October 2021 (Item G-3, For Information Only - Status Report on Kalaupapa Beneficiary Engagement Process)
- December 2020 (Item G-1, For Information Only - Status Report on Kalaupapa Planning and Management)
- August 2020 (Item G-3, For Information Only - Update on Kalaupapa Management)

Prompted by Hawaiian Homes Commission and beneficiary comments and feedback regarding the desire to create the opportunity for greater input into the management of Kalaupapa during this time of transition, the Kalaupapa Beneficiary Working Group (KBWG) engagement process was initiated by the DHHL Planning Office in September of 2021. The Hawaii Alliance for Community-Based Economic Development (HACBED) was engaged to provide facilitation services for this engagement process.

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EXHIBIT A

History

Various milestones in Kalaupapa's history have been provided in prior informational updates to the HHC. For a brief timeline of major post-contact events pertaining to Kalaupapa, the National Historic Park, and DHHL engagement with beneficiaries on this topic, see Exhibit B, "Kalaupapa Timeline."

The Molokai Island Plan underwent extensive beneficiary consultation prior to being adopted by the HHC in 2005. The Plan delineated Kalaupapa-Pālā'au (Apana 3) as a planning district and gave it three designations, with the following general intentions:

- Special District (will require additional planning and beneficiary input): Establish a pu'u honua - a native Hawaiian health, healing and wellness center
- Community Use: Create gathering spaces that provide a native Hawaiian cultural presence and foster stewardship and reconnection of the place and 'ohana/lineal descendants
- Commercial (Pālā'au State Park, Topside): Development of a cultural community center

Discussion

In seeking the best strategy for successful implementation of the Molokai Island Plan's intent for Kalaupapa, the DHHL Planning Office determined that due to the Settlement's status as part of a NHP and the existence of a General Lease (No. 231) with NPS, it would be advisable for DHHL to participate in the NPS' General Management Plan (GMP) planning process. That process incorporated Molokai Topside community input as well as some of the feedback and recommendations coming out of DHHL's Beneficiary consultations and took twelve years to complete (2008 to 2020). The NPS General Management Plan can be accessed here:

<https://www.nps.gov/kala/getinvolved/planning.htm>

At multiple points during the formulation of the Kalaupapa NHP GMP, beneficiaries expressed frustration with the NPS' planning process and the GMP's Section 106 consultation. Reaching consensus on the Programmatic Agreement intended to protect and mitigate impacts to cultural resources and historic properties in Kalaupapa was especially challenging. Those two processes resulted in unresolved issues and questions that DHHL beneficiaries requested additional consultation on, including a desire for more transparency and outreach from NPS and DHHL and more opportunities to actively participate in park management and planning for the long-term future of Kalaupapa.

There was also beneficiary interest in the inter-agency coordination and transition planning process for Kalaupapa initiated in 2016 by the State Department of Health, Hansen's Disease Branch (DOH-HDB). As landowner and lessor, and as an advocate for the needs of its beneficiaries, DHHL continues to participate in these discussions while working to provide more transparency and engage stakeholder beneficiaries more actively in the conversation about Kalaupapa's future. For more information on this informal effort, please see Exhibit C, "Summary of Kalaupapa Interagency Working Group Activities."

DHHL Beneficiary Consultation and Outreach Efforts

As stated above, the Kalaupapa Beneficiary Working Group was convened by the DHHL Planning Office with facilitation assistance from the Hawaii Alliance for Community-Based Economic Development (HACBED). Initially, a series of up to six meetings was proposed, with the first meeting held in September of 2021. Seven beneficiary participants were invited based on the criteria previously shared with the HHC:

- Beneficiaries of the HHL who are on the Molokai Island wait list.
- Beneficiaries of the HHL who have family members buried in Kalaupapa.
- Lineal descendants of Native Hawaiian 'ohana who were displaced from Kalaupapa in 1865.
- DHHL beneficiaries who have participated consistently in the NPS General Management Plan and Section 106 Consultation processes.
- A beneficiary representative of Ka 'Ohana O Kalaupapa.

The suggested goal for the KBWG was to provide a DHHL-initiated process for beneficiary input on cooperative agreements between DHHL and NPS related to (1) use and settlement of DHHL lands, including community use areas, and (2) revenue producing services and economic opportunities for DHHL beneficiaries. This goal has evolved over time. At the first meeting, the KBWG members felt that it was too early in the process to identify specific vehicles, and that discussions must also include several of the "parking lot" issues raised by beneficiaries during the NPS Section 106 Consultation process, as well as additional issues regarding long term plans for Kalaupapa.

A schedule was proposed for two consecutive sets of meetings, with three meetings in each session. The first three meetings were intended to frame the issues and make recommendations on group size and composition, areas of focus, and meeting structure for the second round of three meetings. Starting on September 8, 2021, meetings were held approximately monthly, depending on the schedules of participants. At the time the third meeting was held, one additional meeting was requested to bring the discussions to some level of resolution and determine next steps.

Meeting notes and slide decks were posted to the DHHL webpage for Kalaupapa, accessible here:

<https://dhhl.hawaii.gov/po/molokai/kalaupapa-nhp-nps-general-management-plan/>

The following table provides a summary of KBWG discussions to date.

Table 1 KBWG Meeting Summaries

Meeting #	Meeting Date	Issues/Topics Discussed	Outcomes
1	Sept. 8, 2021	<ul style="list-style-type: none"> • Want to talk about what real problems are w/NHP • Acknowledge hewa that has been done to beneficiaries • How does NHP benefit us? • NH rights & access for traditional uses, practices • Stewardship, maintenance, invasive species control • General lease issues • Improve communication w/NPS • GMP and Section 106 PA • Employment opportunities • Protection of a sacred place • Overlapping jurisdictions • Enforcement issues 	<ul style="list-style-type: none"> • Requests for add'l info from DHHL on GL, GMP, PA, NPS financials • Need to identify 'ohana connections • Take first couple of meetings to talk about process • Better understanding of purpose, framework, goals of KBWG

Meeting #	Meeting Date	Issues/Topics Discussed	Outcomes
2	Oct. 25, 2021	<ul style="list-style-type: none"> • Conflicts w/fiduciary duty to beneficiaries, trust • Vision of what happens when last kupuna passes, inc. status of Kalawao Co. • Protection & preservation of resources - need to enlarge who has kuleana • Federal mgmt. of tourism; conflicts w/federal regs • How does community benefit from NHP? 	<ul style="list-style-type: none"> • Assurance of more DHHL support • Interest in revisiting PA • Interest in better understanding GL • More info on Interagency Working Group • Include subject matter experts
3	Dec. 13, 2021	<ul style="list-style-type: none"> • Rejoin Kalaupapa w/rest of Molokai • Need separate tracks - interests of group diverge • Potential future scenarios • Develop short- and long-term approaches • Update plans to better reflect beneficiary needs • Role of Ka 'Ohana o Kalaupapa • Outputs, outreach, timeline • "Parking Lot" issues that came out of Section 106 Consultation 	<ul style="list-style-type: none"> • Frame in short-, medium- and long-term goals • Ideas on expanding the group, future meetings • Ideas for add'l beneficiary outreach • Idea of having separate discussions on PA and GL • Decided to have one additional meeting in first round
4	Jan. 31, 2022	<ul style="list-style-type: none"> • Interagency Working Group • Best process to integrate Kalaupapa w/rest of community & island • Update or create new beneficiary-driven plan • Best way to engage w/NPS • DHHL's role & kuleana • Create a safe space for deep discussions on future of Kalaupapa • Need better info on NPS expenditures and status of buildings 	<ul style="list-style-type: none"> • Focus next 3 meetings on community visioning process • Schedule separate meetings on GL & PA w/subject matter experts • Engage elected officials • Schedule separate series of meetings on long term future, governance

Summary

- Since its repurposing as a place of exile for those afflicted with Hansen's Disease, Kalaupapa's history has been fraught, often due to inadequate government funding, oversight and/or management. This has resulted in historic trauma for patients, their descendants, and others affected by Kalaupapa's history.
- Kalaupapa's stories of its people and their ability to transcend their circumstances has also been inspiring to many, as it is a reflection of the indomitability of the human spirit and the strength that faith and community can give one in times of difficulty.
- Kalaupapa's history extends much further back than the inception of the Hansen's Disease Settlement, and beneficiaries would like to reconnect to and reclaim traditional cultural sites in Makanalua and reestablish traditional and customary practices.
- The planning and cultural impact assessment processes used by the National Park Service are not as Native Hawaiian-friendly or culturally sensitive as they could be. There needs to be work done to rebuild trust between NPS and Native Hawaiians regarding Kalaupapa.
- Beneficiaries have made it clear to DHHL that financial issues cannot be the only consideration. Kalaupapa has intangible, spiritual value and needs to be treated as a sacred place with great significance to beneficiaries, as lineal descendants of patients, kōkua, workers and especially as Kanaka 'Ōiwi from Molokai who would like the island to be reunited and healed from the 'eha of the past.
- There also may be economic opportunities that beneficiaries would like to explore with NPS, to ensure that they are accessible to native Hawaiians as well as culturally appropriate and designed at the proper scale for the island of Molokai.
- At this time, DHHL does not have the resources to assume the responsibility of managing, maintaining and operating Kalaupapa, which is why there is a General Lease with the NPS in effect. Alternatives to this arrangement must be explored based on a realistic assessment of fiscal liabilities and with the utmost sensitivity to the wishes of the patients, their families and descendants.
- DHHL has a kuleana to
 - facilitate, monitor and evaluate engagement with NPS and the beneficiaries as NPS proceeds with implementation of the GMP,
 - explore ways in which Molokai beneficiaries can benefit

- from the presence of the NHP and Pālā'au State Park via implementation of the DHHL Molokai Island Plan's recommendations for Kalaupapa-Pālā'au (Apana 3),
- o discuss innovative ideas for long term partnerships, stewardship arrangements, management and access, and
 - o engage with other agencies and elected officials as DOH moves closer to departure from Kalaupapa.
- More regular conversations with DHHL beneficiaries via the KBWG have been productive.

Therefore, engagement with beneficiaries via the KBWG process should continue until a Community Hui or other advisory group is formed that is satisfactory to the beneficiaries and other stakeholders as beneficiaries deem appropriate, with ongoing DHHL engagement as the transition process proceeds.

Next Steps

The DHHL Planning Office and HACBED are currently working with Kalaupapa Beneficiary Working Group members to schedule additional subject matter meetings as well as preparing to start the next round of wider community discussions to include more beneficiary participants that have a tie to Kalaupapa based on the criteria previously discussed. Future meetings may be conducted in person on Molokai depending upon the current state of public health/COVID concerns and beneficiary preference. *Tentatively*, Planning Office is looking at the May or June timeframe to begin these wider discussions.

Recommendation

For information only. No action required.

STATE OF HAWAII`I
DEPARTMENT OF HAWAIIAN HOME LANDS

October 18-19, 2021

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Acting Planning Program Manager
From: Nancy M. McPherson, Planner, Planning Office *NMM*
Subject: For Information Only - Status Report on Kalaupapa
Beneficiary Engagement Process, Kalawao County, Island
of Molokai

Recommended Action

For information only. No action required.

Background

In response to beneficiary and Hawaiian Homes Commission (HHC) requests, the Planning Office (PO) has been providing the HHC with regular status updates on planning and management efforts focused on the planning region of Kalaupapa and Pālā`au (Apana 3), in the Counties of Maui and Kalawao, Island of Molokai. Two status reports on Kalaupapa were presented to the HHC in 2020, one in August (Item G-3) and a second one in December (Item G-1). The Kalaupapa Beneficiary Working Group engagement initiative was formulated in response to beneficiary concerns and requests, and to HHC comments and feedback given to staff during the submittal discussions.

The National Park Service (NPS) completed the Section 106 Consultation's Programmatic Agreement (PA) on the General Management Plan (GMP) for the Kalaupapa National Historic Park (NHP) in June 2021 and finalized the GMP in August 2021. As NPS will now be turning its focus toward implementation of the GMP, it is an opportune time to be conducting the Kalaupapa Beneficiary Working Group meetings.

History

In the late 1970's, in part in response to requests from the Hansen's Disease patients at Kalaupapa, the process to create a National Historic Park (NHP) at Kalaupapa was initiated. Public

ITEM G-4

EXHIBIT A

ITEM NO. G-3

Law 96-565 establishing the Kalaupapa NHP and the Kalaupapa National Historical Park Advisory Commission was passed by Congress on Dec. 22, 1980. The enabling legislation states that the principle purposes of the Park are

(1) to preserve and interpret the Kalaupapa settlement for the education and inspiration of present and future generations.

(2) to provide a well-maintained community in which the Kalaupapa leprosy patients are guaranteed that they may remain at Kalaupapa as long as they wish; to protect the current lifestyle of these patients and their individual privacy; to research, preserve, and maintain the present character of the community; to research, preserve, and maintain important historic structures, traditional Hawaiian sites, cultural values, and natural features: and to provide for limited visitation by the general public and

(3) to provide that the preservation and interpretation of the settlement be managed and performed by patient and Native Hawaiians to the extent practical, and that training opportunities be provided such person in management and interpretation of the settlement's culture, historical, educational and scenic resources.

In 1992, DHHL and NPS entered into General Lease No. 231 for a term of fifty (50) years, commencing on July 15, 1991, for TMK (2)6-1-01:01, which is 1,247 acres in area and includes the cliff, trail and the Kalaupapa Settlement. In 2009, the NPS initiated a planning process to develop a General Management Plan for the Kalaupapa NHP. A GMP is required under the National Parks and Recreation Act of 1978 (PL 95-625), which mandates "the preparation and timely revision of general management plans for each unit of the national park system. NPS Management Policies (2006) call for each GMP to '...set forth a management concept for the park [and] establish a role for the unit within the context of regional trends and plans for conservation, recreation, transportation, economic development and other regional issues...'"¹.

Discussion

Of the five agencies with kuleana in Kalaupapa (DHHL, DLNR, State DOT-Airports, DOH and NPS), only DHHL and NPS have developed land use policy plans with regards to the area. Please refer to the 2020 Kalaupapa updates for more detailed information on DHHL's land use policy language for Kalaupapa.

¹ Draft General Management Plan and Environmental Impact Statement, Kalaupapa National Historic Park, USDOJ-NPS, April 2015.

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EXHIBIT A

ITEM NO. G-3

The Molokai Island Plan, adopted by the HHC in 2005, delineated Kalaupapa-Pālā'au (Apana 3) as a planning district and gave it three designations, with the following general intentions:

- Special District (will require additional planning and beneficiary input): establish a pu'uhonua - native Hawaiian health, healing and wellness center
- Community Use: create gathering spaces that provide a native Hawaiian cultural presence and foster stewardship and reconnection of the place and 'ohana/lineal descendants
- Commercial (Pālā'au State Park, Topside): development of a cultural community center

The DHHL Planning Office determined that due to the Settlement's status as a NHP and the contractual lessor-lessee relationship with NPS, the best strategy for successful implementation of the Molokai Island Plan's intent for Kalaupapa would be to participate in the NPS' GMP planning process. It was thought that facilitating input from beneficiaries in the NPS planning process would help shape the GMP and promote collaborative implementation of both the GMP and the Molokai Island Plan in a way that balances responsiveness to beneficiary needs and concerns and faithfulness to the HHCA, respect for the wishes of the patients and their 'ohana, and NPS requirements for operation of a NHP.

After a twelve year-long planning process that incorporated Molokai Topside community input as well as some of the feedback and recommendations coming out of DHHL's Beneficiary consultations, the National Park Service (NPS) completed the planning process to develop a General Management Plan for the Kalaupapa NHP in 2020. Beneficiaries, however, have expressed dissatisfaction with the extent of responsiveness to beneficiary and DHHL concerns, with the perceived lack of transparency during the NPS' GMP planning process, and with the Section 106 process and Programmatic Agreement intended to protect and mitigate impacts to cultural resources and historic properties in Kalaupapa. There are still discussion items extant that DHHL beneficiaries requested be handled via some sort of consultation process. Beneficiaries have consistently requested more transparency and outreach regarding the NPS GMP and more effective vehicles for participation in planning for the long-term future of Kalaupapa, as well as more ongoing participation in management of the NHP.

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In addition, there is beneficiary interest in more transparency and opportunities to provide input into the State Department of Health, Hansen's Disease Branch's (DOH-HDB) multi-agency transition planning process for Kalaupapa, the Kalaupapa Transition Interagency Working Group (KTIWG). The group has worked on getting to a point where recommendations for public engagement can be made, because it is clear that a larger public process led by a statewide body will be needed at some point to inform and make ultimate governance decisions. As landowner and lessor, and as an advocate for the needs of its beneficiaries, DHHL will continue to participate in these discussions while working to provide more transparency and engage stakeholder beneficiaries more actively in the conversation about Kalaupapa's future.

DHHL Beneficiary Consultation and Outreach Efforts

The Planning Office has acted on beneficiary requests to form a Kalaupapa Stakeholder Beneficiary Working Group by retaining the facilitation services of the Hawaii Alliance for Community-Based Economic Development (HACBED). A series of up to six meetings has been proposed, and the first meeting was held in early September of this year, with seven beneficiary participants that were invited based on the criteria previously shared with the HHC:

- Beneficiaries of the HHL who are on the Molokai Island wait list. These applicants will be impacted by any decisions relating to Kalaupapa.
- Beneficiaries of the HHL who have family members buried in Kalaupapa.
- Lineal descendants of Native Hawaiian 'ohana who were displaced from Kalaupapa in 1865.
- DHHL beneficiaries who have participated consistently in the NPS General Management Plan and Section 106 Consultation processes.
- A beneficiary representative of Ka 'Ohana O Kalaupapa.

The proposed agenda for the first meeting was as follows:

- Introductions
- Background and Commitments from the Department
- Suggested Working Group Goals
- Projected Process
- Discussion

ITEM G-4

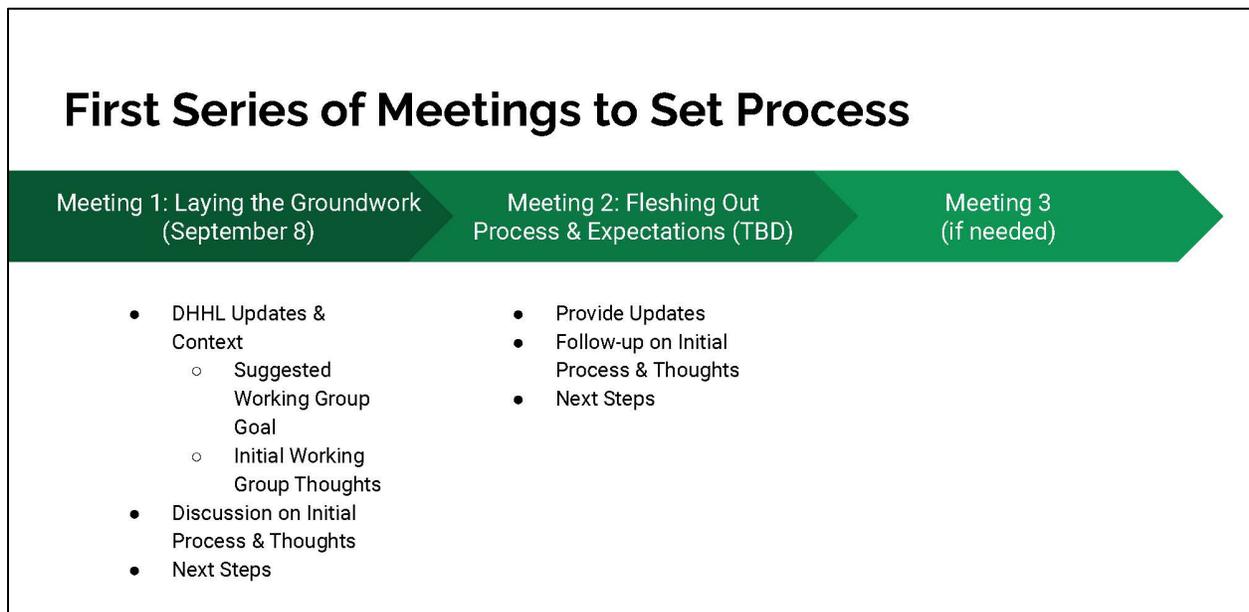
EXHIBIT A

- o Suggested Goals, Potential Participants, Projected Process
- o Potential Areas of Agreement and Non-Agreement
- o Other Helpful Information Regarding Kalaupapa that the Department Can Provide
- Looking Ahead

The suggested Working Group goal to provide a DHHL-initiated process for beneficiary input on cooperative agreements between DHHL and NPS related to (1) use and settlement of DHHL lands, including community use areas, and (2) revenue producing services / economic opportunities for DHHL beneficiaries was critiqued by the group. It was felt that it was too early in the process to determine the specific vehicle that would best serve the beneficiaries, and that more information was needed. Discussions must also include several of the "parking lot" issues raised by beneficiaries during the NPS Section 106 consultation process, as well as additional issues regarding long term plans for Kalaupapa.

Next Steps

While the process is highly iterative and interactive, therefore will be subject to additional adjustments, the following schedule was proposed for two consecutive sets of meetings, with three meetings in each session:



Second Series of Meetings Focused on Feedback for the Cooperative Agreements

Meeting 1: Feedback on Substance

- Introductions
- Updates + Goals for the Process
- Initial Thoughts on Cooperative Agreement Language
- Next Steps

Meeting 2: Feedback on Implementation

- Recap of Feedback
- Suggested Cooperative Agreement Language
- Additional Discussion
- Next Steps

Meeting 3 Finalize Cooperative Agreement

- Recap of Feedback
- Finalize Cooperative Agreement Language
- Next Steps

It is anticipated that meetings will occur once a month, depending on the schedules of participants. The second meeting has been scheduled for October 25, 2021.

Recommendation

For information only. No action required.

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EXHIBIT A

Kalaupapa Timeline

1100 A.D. (approx.)	Settlement of area by Polynesians begins, starting in Waikolu Valley and later moving to Makanalua, the traditional name of the peninsula
1778	First contact with British sailors and explorers, in Kealakekua, Hawai'i
1810	Ko Hawai'i Pae 'Aina declared unified under King Kamehameha I
1830	Year that Hansen's Disease (leprosy) generally believed to be established in Hawai'i
1839	A substation of Kalua'aha Church (first Christian church on Molokai), established on Kalaupapa Peninsula
1850	Hawaiian Kingdom's Board of Health organized by King Kamehameha III, Kauikeaouli, on advice of Privy Council
1853	Calvinist Church built on Kalaupapa Peninsula
1863	Queen's Hospital Medical Director expresses growing concern about the rapid spread of Ma'i Pākē, which later came to be known as Ma'ihō'oka'awale 'ohana, "The Disease that Tears Families Apart"
1865	"An Act to Prevent the Spread of Leprosy" is passed by the Hawaiian Legislature under the reign of Lota Kapuāiwa, King Kamehameha V
1866	First people with Hansen's Disease arrive in Kalawao, Molokai
1871	Siloama Church (Congregational) in Kalawao is dedicated
1872	St. Philomena Catholic Church is erected at Kalawao
1873	William Lunailo is confirmed as King by the Legislature; he dies a year later. Father Damien De Veuster arrives in Kalaupapa
1874	King Kalākaua visits Kalaupapa
1876	"Committee of Thirteen," made up of leading members of Legislature, land at Kalaupapa to investigate condition of residents
1879	First semi-resident doctor arrives at Kalawao
1881	Princess Lili'uokalani visits the settlement
1884	Queen Kapi'olani, Princess Lili'uokalani and Dr. Eduard Arning arrive at Kalaupapa to assess the condition of the settlement
1888	Charles R. Bishop Home is completed at Kalaupapa
1889	Father Damien dies from the effects of Hansen's Disease
1890	King Kalākaua dies in San Francisco. Liliuokalani becomes Queen
1890's	Gradual move of patients to Kalaupapa begins. Kalawao to be abandoned as buildings decay
1893	Overthrow of Hawaiian Kingdom by American businessmen; establishment of Provisional Government of Hawai'i
1894-1898	"Republic of Hawai'i" exercises illegitimate control, against the wishes of a majority of the population of Hawai'i
1895	The last kama'āina, some 'ohana who had acted as kokua for the patients, evicted from Kalaupapa peninsula
1898	Congress passes Joint Resolution ("Newlands Resolution") to provide for annexation. Henry P. Baldwin Home for Boys opens at Kalawao

Kalaupapa Timeline

1900	Congress approves “Act to Provide a Government for the Territory of Hawaii” (“Organic Act”). St. Francis Catholic Church dedicated; destroyed by fire in 1906
1901	Bay View Home is built on the waterfront at Kalaupapa. It burns in 1914 and is rebuilt in 1917
1905	An “Act to Provide for the Investigation of Leprosy” is passed by U.S. Congress. Kalawao County created as part of County system. Construction begins on a hospital and lab at Kalawao
1908	A general hospital is built at Kalaupapa. New St. Francis Catholic Church is completed
1909	Molokai Lighthouse is built. U.S. Leprosy Investigation Station at Kalawao opens; it closes in 1913
1910	McVeigh Home opens; it burns in 1928
1921	The Hawaiian Homes Commission Act of 1920 is passed by Congress. “Kalaupapa” included as one of the original tracts; §203, Parcel II (3) ...Kalaupapa (five thousand acres , more or less)
1930	The Board of Leper Hospitals and Settlement is created
1931	The poi shop and landing dock at Kalaupapa are built
1932	Ice plant and airport completed; new hospital opens. Transfer of all patients to Kalaupapa side of peninsula completed
1934	Post Office/courtroom and service station are built
1940’s	Hansen’s Disease becomes treatable with sulfone drugs
1946	Settlement’s western shoreline hit by destructive tsunami
1949	Board of Hospitals and Settlement is abolished; administration of Hansen’s Disease program returned to Board of Health
1959	Hawai’i admitted to Union as 50 th State
1969	Quarantine lifted on Kalaupapa Settlement
1975	Hawai’i State Legislature passes several resolutions for the preservation of Kalaupapa
1976	The Secretary of the Interior is directed to study the feasibility of adding Kalaupapa Settlement to the National Park System
1977	Father Damien is declared Venerable by the Roman Catholic Church
1980	Public Law 96-565 establishes Kalaupapa National Historic Park. NPS adopts “A Proposal for the Establishment of the Kalaupapa National Historic Preserve” (April 1980) as the General Management Plan for the Kalaupapa National Historic Park in December 1980
1991	July 15, 1991 is effective date of NPS’ 50-year General Lease from DHHL for TMK 6-1-01:01, 1,247 acres, where most of the Settlement lies. Dept. of Health transmits “A Strategic Plan for Transition at Kalaupapa Settlement” to the State Legislature
1993	PL 103-150 (“Apology Resolution”) adopted by Congress

Kalaupapa Timeline

1996	Water Use Permit approved for NPS well in Waihanau for Kalaupapa; \$20 million in capital improvements made to water system
2005	DHHL engages with Beneficiaries to prepare the DHHL Moloka'i Island Plan, which includes a land use plan and policy recommendations for Kalaupapa and Pālā'au (Apana 3) that are approved by the Hawaiian Homes Commission
2009	NPS initiates planning process to develop a General Management Plan (GMP) with "Scoping" phase; DHHL starts discussions with NPS and Beneficiaries. Father Damien is canonized, becoming St. Damien of Moloka'i
2010	Heavy rains cause a catastrophic landslide, washing away part of the Pali trail and bridge that carries mules and pedestrians
2011	<ul style="list-style-type: none"> • DHHL holds several Beneficiary Consultation meetings on Molokai to discuss NPS' "Preliminary Alternatives." • DHHL Comment Letter #1 transmitted to NPS; conveys wishes of Beneficiaries, including that a task force made up of landowners, stakeholders and community leaders be formed to advise and assist NPS in determining best long-term management options for Kalaupapa
2012	Sister Marianne Cope is canonized; renamed St. Marianne of Moloka'i
2015	<ul style="list-style-type: none"> • NPS "State of the Park Report" states that condition of the settlement area was rated as "poor" and noted that "...Kalaupapa NHP has not undergone a comprehensive natural or cultural resources condition assessment exercise or Resource Stewardship Strategy." • DHHL conducts second round of Beneficiary Consultation meetings on Molokai on Draft GMP/EIS and "Preferred Alternative." • Results of Beneficiary Consultations accepted by Hawaiian Homes Commission. • DHHL Comment Letter #2 transmitted to NPS; reiterates concerns from Letter #1; reaffirms desire for NPS to hire native Hawaiian cultural consultants who can properly advise NPS on design of management initiatives; restates that access for traditional and customary practices must be protected and supported by NPS. Particularly objectionable to beneficiaries is the proposal to expand the NHP boundary to include the North Shore valleys of Waiho'okalo, Pelekunu and Papalau
2016	DHHL invited by DOH to participate in an interagency working group to discuss multi-agency coordination and issues that will arise when DOH transitions out of management of Kalaupapa
2017	NPS releases new Foundation Document for Kalaupapa NHP (https://www.nps.gov/kala/getinvolved/foundation-document.htm)

Kalaupapa Timeline

2018	<ul style="list-style-type: none"> • NPS notifies stakeholders that it is withdrawing the Draft GMP/EIS and will resubmit a revised GMP/EA that will be more general. • NPS also withdraws Boundary Proposal that included Pelekunu and Pu'u o Hoku Ranch lands and starts Section 106 Consultation, which is interrupted by federal shutdown. • Landslide in same spot again closes Pali trail
2019	DHHL transmits Comment Letter #3 to NPS expressing concern about poor timing, confusing nature of the change in NEPA Level of Review, and lack of specificity regarding funding and implementation; suggests additional Section 106 Consultation
April/May 2020	<p>NPS restarts Section 106 Consultation for a Programmatic Agreement on NPS GMP; twelve meetings held, starting in May; NPS concludes Section 106 on PA in Jan. 2021. DHHL agrees to Invited Signatory status; Chairman signs PA; NPS issues "Letter of Intent, A Commitment to Continued Conversations and Coordination Regarding Kalaupapa" that commits NPS to continuing discussions on and working toward implementation strategies for:</p> <ul style="list-style-type: none"> - traditional and customary access for farming, cultural practices and subsistence gathering - developing a Community Hui - identifying and jointly address HHCA beneficiary issues regarding Kalaupapa - Developing strategies to improve communication and consultation with HHCA beneficiaries - Addressing HHCA beneficiary and Molokai community concerns regarding visitation and visitor orientation, particularly as DOH reduces its role in visitor use management
April 2020	NPS initiates Section 106 Consultation with SHPD and consulting parties on Electrical System Rehabilitation Project; est. cost \$16 million
Aug. 2020	Status Update #1 on Kalaupapa Planning and Management to HHC; recommends formation of a Kalaupapa Beneficiary Working Group
Dec. 2020	Status Update #2 on Kalaupapa Planning and Management to HHC; outlines purpose and composition of Kalaupapa Beneficiary Working Group (KBWG); meetings to start in 2021. NPS holds public scoping meeting on NEPA EA for Electrical System Rehabilitation Project
Sept. 2021	First KBWG meeting held; second meeting held end of October. Nancy Holman selected as new Kalaupapa NHP Superintendent
Oct. 2021	Status Update #3 on Kalaupapa – Beneficiary Engagement Process to HHC; schedule outlined for two sets of three meetings
Jan. 2022	Fourth KBWG meeting held; group to be expanded, with three more meetings to start in Spring/Summer 2022
April 2022	Status Update #4 on Kalaupapa's Beneficiary Engagement Process presented to HHC

Summary of Kalaupapa Interagency Working Group Activities
(April 2016 through April 2022)

1. List of agency participants

Agency	Division/Office
DHHL	Office of the Chairman Information & Community Relations Office Land Management Division Land Development Division Planning Office
DLNR	Land Division Division of Aquatic Resources
DOH	Communicable Disease & Public Health Nursing Division Hansen's Disease Branch
DOT	Airports Division (Honolulu) Airports Division, Maui, Molokai & Lanai District
Maui County	Mayor's Office Maui Police Department
NPS	Kalaupapa NHP Pacific Islands Office
DOI/ONHR	Office of Native Hawaiian Relations (Honolulu)

2. Date of first meeting and number of meetings held to date:

- a. First meeting held in April 2016
- b. Number of meetings, by year: 2016: 4, 2017: 4, 2018: 3, 2019, 3, 2020: 4, 2021: 4; 2022: 1

3. Purpose(s) of the Interagency Working Group

- a. Originally convened by DOH as a more efficient and effective way to identify knowledge gaps, particularly regarding infrastructure, and meet complex needs with a multi-jurisdictional approach
- b. Encourage government agencies to work together and communicate better to solve problems, some of them long-standing, prior to DOH transitioning out of administrator role
- c. Look for ways to leverage resources and coordinate efforts among agencies
- d. Determine how to best communicate some of the issues being discussed with agency administrators, stakeholders and the broader public

4. Characteristics

- a. Group is informal and has no decision-making power
- b. Notes are taken and disseminated within the group
- c. Staff attending meetings go back to their respective agencies and brief up

5. Issues discussed

- a. Clarify different missions, constituents and decision-making processes
- b. Improve understanding of existing work processes, tasks and functions
- c. Identify logistical issues that require communication and coordination between state agencies and with NPS, e.g. firefighting and other emergency response capabilities, ungulate management, infrastructure (fuel, electricity, waste management, harbor, barge)
- d. Determine jurisdiction and ownership of various legacy assets
- e. Coordinate capital improvement projects (DOH, NPS, DOT)
- f. Identify which agencies assume future responsibilities as transition takes place

Summary of Kalaupapa Interagency Working Group Activities
(April 2016 through April 2022)

6. Decisions, commitments, conclusions
 - a. Continue to coordinate as needed
 - b. Memorialize any agreements in writing
 - c. Provide more transparency and inclusion of the public at the point that it would be most effective
 - d. Any decisions about the long-term future of Kalawao County must be made at a higher level and with stakeholder participation

Kalaupapa Transition Interagency Working Group (KTIWG) Summary
 For DHHL Kalaupapa Beneficiary Working Group
 Jan. 28, 2022
 N. McPherson, Kalaupapa Liaison
 DHHL Planning Office

Summary of Interagency Transition Team Activities To-Date

1. What agencies are members of transition group and who are their respective representatives?
 - a. List of participants, both past and current:

Agency	Participant name	Participant title
DHHL	Shelly Carreira Andrew Choy Nancy McPherson Hokulei Lindsey Jobie Masagatani Cedric Duarte	Land Agent Acting Planning Program Manager Planner Administrative Rules Officer Executive Asst. to the Chairman; fmr. Chair Info & Community Relations Officer
DLNR	Ian Hirokawa Russel Sparks Blue Kaanehe	Land Division, Special Project Coordinator Division of Aquatic Resources Land Division, Appraisal and Real Estate Specialist
DOH	Michael Casey Baron Chan Ken Seamon Glenn Wasserman, MD	Planner, Hansen’s Disease Branch Chief, Hansen’s Disease Branch Administrator, Kalaupapa Settlement Chief, Comm. Disease & Pub. Health Nursing Division
DOT	Hannah Hays Martinez Jacobs Brian Kamimoto Herman Tuiolosega Tracy Lum	Planner Airports Fire Chief Assistant Airport Superintendent Airports Division, Senior Planner Planner
Maui County	Captain Keola Tom Stacy Crivello	Maui Police Department Mayor’s Representative, Molokai
NPS	Nancy Holman Erika Stein Espaniola Melia Lane-Kamahele Amy Sakurada Meredith Speicher Claire Rossi de Leon George Turnbull	Superintendent, Kalaupapa NHP Fmr. Superintendent, Kalaupapa NHP Manager, Pacific Islands Office Chief Ranger, Kalaupapa NHP (and Acting Park Superintendent, May 2021-Dec. 2022) Planner Planner Contractor
DOI/ONHR	Stanton Enomoto	Senior Program Director, Office of Native Hawaiian Relations

2. What was date of first meeting and how many meetings have been held to date?
 - a. Dept. of Health approached DHHL in 2016 to engage in coordination meetings with other state agencies and NPS to identify issues affecting agencies that need to be resolved before DOH is no longer administering Kalaupapa. Since the first meeting in April 2016, the team has met 23 times, as follows:
2016: 4, 2017: 4, 2018: 3, 2019, 3, 2020: 4, 2021: 4, 2022: 1
3. What specific issues are being discussed at the transition meetings?
 - a. Issues and discussion topics have primarily been logistical in nature, due to the need for communication and coordination between state agencies and with NPS. For example, topics include fire protection services for the airport, solid waste management and landfill closures, the telephone system and internet services, fuel storage, COVID-19 pandemic responses, the annual barge, the state of the trail, the County of Maui-DOH Mutual Aid Agreement, and NPS staffing. There have been discussions on determination of jurisdiction and ownership of various legacy assets, such as the water and electrical distribution systems and the harbor. Staff attending then go back to their respective agencies and brief up.
4. Have any significant conclusions/commitments been reached/made by the group to date?
 - a. Mainly to continue to coordinate as needed, memorialize any agreements in writing, and provide more transparency to and inclusion of the public at the point that it would be logical and productive to do so.
5. Have there been any discussion about including non-government Kalaupapa stakeholders on the transition team?
 - a. The purpose of the meetings is to encourage government agencies to work together and communicate better to solve problems, some of which are long-standing. There has been discussion of how to best communicate some of the issues being discussed with stakeholders and the broader public. The group is aware that there is much interest in the future of Kalaupapa, and that key stakeholders will need to be included at some point in the near future, but the decision to initiate broader stakeholder outreach will need to be made at a higher administrative level.
6. Are minutes kept of the meetings?
 - a. Since these are interagency coordination meetings, notes are taken and disseminated within the group, but no formal minutes are generated. The group is informal and has no decision-making power, having been originally convened by DOH as a more efficient and effective way to identify knowledge gaps, particularly regarding infrastructure, and meet sometimes complex needs with a multi-jurisdictional approach.

Excerpt from Item G-1, “For Information Only -- Status Report on Kalaupapa Planning and Management, Kalawao County, Island of Molokai,” Hawaiian Homes Commission, Dec. 2020:

Kalaupapa Transition Interagency Working Group

The State Department of Health Hansen’s Disease Branch (DOH-HDB) has spearheaded a multi-agency transition planning process for Kalaupapa initiated in 2016. The Kalaupapa Transition Interagency Working Group (KTIWG) consists of representatives from the various government agencies that have statutory or administrative responsibilities for the residents, employees, services and resources and a moral responsibility for the historic legacy in Kalaupapa (Kalawao County). This group is researching and gathering information to guide the transition of operations in order to assure as smooth a process as possible upon the eventual shifting of mission of the DOH-HDB. Other agencies that have been identified as stakeholders during this process include DHHL, DLNR, NPS, DOI-ONHR, State Department of Transportation -Airports, and Maui County Emergency Services.

Most efforts to date have involved defining existing work processes, tasks and functions and identifying which entity would have future responsibilities as transition takes place within the parameters of the existing NPS lease of the settlement with DHHL and cooperative agreements with DLNR and DOT. Because of the historic nature of Kalaupapa, management of which has evolved over time from the Board of Health of the Kingdom of Hawai‘i, through the “Republic of Hawai‘i” to the Territorial Board of Health, then to the State of Hawai‘i Department of Health, much of the work has been devoted to fact-finding in order to research and ascertain the at-times murky ownership and jurisdictional issues, and to clarify the different missions, constituents and decision-making processes.

The group is working toward identifying at what point there will be potential opportunities for the public to engage in the relevant portions of the process regarding future governance. It is clear that a larger public process led by a statewide body will inform and make ultimate governance decisions. As landowner and lessor, and as an advocate for the needs of its beneficiaries, DHHL will continue to participate in these discussions while working to provide more transparency and engage stakeholder beneficiaries more actively in the conversation about Kalaupapa’s future.

PLANNING OFFICE
DEPARTMENT OF HAWAIIAN HOME LANDS

April 22-23, 2024

TO: Chairman and Members, Hawaiian Homes Commission

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

SUBJECT: For Information Only - Update on the Kuleana
Homestead Settlement Plan for 'Ualapu'e, Moloka'i TMK
(2) 5-6-002:001, :024, :025, :026, :027, :036, (2)
5-6-006:017 (por.), :040

RECOMMENDED MOTION/ACTION

None. For information only.

DISCUSSION

Background

The 2005 Moloka'i Island Plan (MIP) analyzed all the DHHL lands on Moloka'i and recommended land use designations for each tract. The MIP was created through consultation with the beneficiary community and adopted by the Hawaiian Homes Commission (HHC) on June 21, 2005. 'Ualapu'e, located on the east end of Moloka'i, was identified as a high priority area to provide new homesteads for waitlist beneficiaries. However, development of residential homesteads did not occur because infrastructure upgrades to accommodate residential homesteads was never developed and the existing County water system cannot accommodate the 74 residential homesteads contemplated in the 2005 Moloka'i Island Plan.

In February 2019, the Ahonui Homestead Association (AHA) was founded by a group of Hawaiian Homes successors, lessees, and agricultural applicants who have been waitlisted for Moloka'i lands since 1950 as a grassroot response towards community-based governance. During the 2019 DHHL Moloka'i Regional Plan (MRP) process, AHA proposed to HHC the idea of Agricultural Kuleana Homesteads at 'Ualapu'e in lieu of single-family residential homestead lots. In addition to the beneficiary feedback provided during the 2019 Moloka'i Regional Plan process, 'Ualapu'e was selected for DHHL Kuleana Homestead due to its remote location

that lacked existing infrastructure for residential homesteading, which would otherwise make it costly to consider single-family residential homestead development.

During the Regional Planning meetings with DHHL, beneficiaries identified various opportunities and issues for DHHL lands on Moloka'i, which were consolidated into a list of 24 potential projects. Beneficiaries selected their top five projects from these 24 potential projects. The "'Ualapu'e Cultural Resources Management Plan and Kuleana Settlement Plan" received the highest number of votes of all 24 projects and was thus selected as Priority Project #1 in the 2019 Moloka'i Regional Plan. The Moloka'i Regional Plan was approved by HHC in February 2020.

According to the Kuleana Homestead Program Hawai'i Administrative Rules (HAR) §10-3-30, DHHL is required only to provide a) metes and bounds description of the kuleana homestead lots, and b) an unpaved right-of-way to the awarded lots. Awardees will then have immediate access to their lots. In exchange for immediate access to lots, beneficiaries who decide to accept a kuleana homestead award acknowledge that DHHL is not obligated to provide county standard infrastructure. HAR §10-3-30 also requires that DHHL complete a kuleana homestead settlement plan in consultation with its beneficiaries prior to the awarding of kuleana homestead leases. Consultant G70 began coordinating work to develop this draft 'Ualapu'e Kuleana Homestead Settlement Plan (KHSP) in August 2021.

Studies Completed During the 'Ualapu'e Kuleana Homestead Settlement Plan Process

Prior to Beneficiary Consultation meetings and Community meetings with east Moloka'i residents, pertinent studies, prior planning documents, and environmental studies within and adjacent to 'Ualapu'e were reviewed. In addition, DHHL consultants initiated various studies which were conducted to provide a clear evaluation of existing conditions in 'Ualapu'e. Studies conducted to date include:

- A high-resolution aerial mapping survey and digital elevation model collected via remote sensing light detection and ranging (LIDAR) in a single fly-over mission;
- Archaeological literature review and field study;
- A biological evaluation of plants and animals;
- Wildfire hazard assessment;
- Assessments on water availability and water source options;

- Roads and access study; and
- Potential for community-based economic opportunities.

Outreach Process to Date

As part of this process, a combination of beneficiary consultation meetings and community meetings with east Moloka'i residents were held. Beneficiary consultations were held to provide beneficiaries with a better understanding of the Kuleana Homestead Program, provide information related to the site characteristics and conditions of the project area, and to better understand the beneficiaries' vision for the area and beneficiary preference for lot size and configuration. DHHL has a fiduciary trust obligation to serve and listen to its beneficiaries before others.

Community meetings were held to present the project to, and receive feedback from, the wider community, which primarily consisted of residents from the east end of Moloka'i. Community outreach was conducted via email, newspaper announcements and mailouts to those that live in the ahupua'a from Kahananui to Keōpuka Loa. DHHL created a webpage to disseminate information on this project, located here:

<https://dttl.hawaii.gov/po/molokai/ualapue-kuleana-homestead-project/>

Other than the first site visit and small group meetings, larger beneficiary and community meetings at the start of the planning process were held virtually due to COVID-19 restrictions. In-person meetings were planned once restrictions were lifted. A timeline of meetings for the Project is presented in Table 1 below.

In addition to the beneficiary meetings, members of the Edith Kanaka'ole Foundation (EKF) facilitated a Honuiaiākea session with a small group of members of the Moloka'i community, in an effort to incorporate ancestral knowledge into Hawai'i's community development planning process. Honuiaiākea is a community planning framework that uses 'oli (chants), mele (songs), and ka'ao (stories/fables) interpreted through the eyes and experiences of community members and those who practice in those areas to understand the important resources that are crucial for ecosystem stability and community survival (kapu) and the actions needed to maintain said resources (kānāwai). The formulation of the kapu and kānāwai and their application for community management of 'Ualapu'e is further discussed in Chapter 4 of the Draft 'Ualapu'e Kuleana Homestead Settlement Plan.

Table 1. Timeline of Beneficiary Consultation and Community Meetings		
Meeting	Date	Meeting Type
Beneficiary Consultation #1	October 14, 2021	Virtual
Site Visit and Small Group Meetings	October 25-26, 2021	In-Person
Honuaiākea Process	November 20-21, 2021	Virtual
Community Meeting #1	December 1, 2021	Virtual
Beneficiary Consultation #2	March 2, 2022	Virtual
Community Meeting #2	April 13, 2022	Virtual
Community Meeting #3	October 20, 2022	In-Person
Beneficiary Consultation #3	November 30, 2022	Virtual
Community Meeting #4 & Talk Story Session	July 11-12, 2023	In-Person
Small Group Meetings	February 15, 2024	In-Person
Community Meeting #5	March 13, 2024	In-Person

Below is a list of East Molokai community concerns that were raised at Community meetings one thru 3:

Concerns regarding the project are listed below and were previously presented at the HHC meeting on April 18, 2023:

- Confusion on the way DHHL uses the term “Kuleana Homestead Lot” versus how many Native Hawaiian communities refer to Kuleana lot as a lot their family received during the mahele.
- Impact to Cultural, Historical and Archaeological Sites
- Continued Access for Cultural Practices, Subsistence Hunting and Gathering
- Erosion and drainage
- Site Safety, Wildfire, Roads and Traffic
- Provision of Utilities: water and wastewater
- Prioritization of homestead awards to beneficiaries that are lineal descendants of East Moloka‘i.

Summary of Meetings Held Since 2023 HHC Update

Three meetings and a talk-story session were held since the last HHC update in April 2023. The following provides a high-level

summary of these meetings.

Community Meeting #4 - July 11, 2024

Community Meeting #4 was held on July 11th, 2023 at the Kilohana Recreation Center in 'Ualapu'e. The purpose of this meeting was to present a project update and receive feedback from the community on the Draft Kuleana Homestead Settlement Plan (KHSP). The Draft KHSP was presented to the HHC on April 18, 2023, and is located here:

<https://dhh1.hawaii.gov/wp-content/uploads/2023/04/Item-G-4-Exhibit-A-DHHL-Ualapue-SP-2023-04-10-Watermark.pdf>

This meeting also began the 30-day public comment review period of the Draft KHSP. The presentation discussed concerns raised by the community throughout the project process and recommendations to address those concerns.

A testimony portion of the meeting was held, with those testifying receiving three minutes to testify. It was recommended by the community that the order of testimony be structured with participants from 'Ualapu'e first, those from Mana'e second, and those from outside of Mana'e third.

Many comments were related to participants' concerns that the project was not good for settlement due to the previous concerns that were raised above. Concerns were also raised about the difficulty of living on the project site and who the people that lived there would be - would they be people from Moloka'i? Participants' expressed that Moloka'i people know how to live in rural communities and know how to take care of the land better because of their knowledge of the place based on their families' generational experience.

Others reasoned for settlement, citing the high cost of land and lack of affordable housing alternatives in the area. The archaeological sites were also used as an indication that people had previously settled there. However, some thought that the settlement lots in the initial lot outline could be better, and that the lot layouts may need to change.

Many participants voiced support for the overall DHHL mission to put Hawaiians back on the land, but not on the project area that was proposed. It was suggested that instead of developing on this land, DHHL should look at areas for homestead settlement.

Talk Story Session - July 12, 2024

A Talk Story Session was held on July 12th, 2023 at the Kilohana Recreation Center, to provide an interactive conversation in a format differing from Community Meeting #4. Two focal questions were asked:

- If not 'Ualapu'e, where else in East Moloka'i?
- What environmental actions can we take to care for the land and return it to 'āina?

A key issue of discussion was the availability of water. Archaeological habitation sites around gulches and streams suggest historical access to water in this area. Water may have been recently diverted from the ahupua'a, and the restoration of native trees along with the removal of invasives can help restore some of the water. Some had concerns about the negative effects of habitation on the environment. Others had issues with the current lot layout, citing high wind exposure and poor soils in proposed lots. Some participants provided that the land could be restored with the right knowledge and know-how.

Similar to other meetings, the idea of providing priority in providing homestead awards to those who are from Moloka'i came up again, but it was also noted that those beneficiaries that live on O'ahu (or elsewhere) currently, could also be akamai (smart, skillful) to care for the land, if they come from families that live or have lived on Moloka'i previously. There was also a comment that those from Mana'e should have a say regarding who would settle there.

Some participants recommended examining areas in 'Ualapu'e where others have lived previously, generally in the lower areas of the ahupua'a. Others proposed examining other places on the East End, such as foreclosed homes. Land swaps with other state lands were discussed, and the community expressed the need to keep 'Ualapu'e out of private hands. Lands for sale, such as parts of Moloka'i Ranch, the Heights, and Mākolelau, were provided. Subdivision of DHHL Ho'olehua lots was also explored.

Small Group Meetings

Two small group meetings were held on February 15th, 2024 at the Kilohana Recreation Center. Meeting invitations were sent to immediate neighbors or those who have previously provided oral or written feedback throughout the process. The same information was provided at both sessions. For this meeting, an Alternative Locations Analysis had been conducted to examine potential

alternative parcels for homesteading on the East End of Moloka'i, in response to requests from the July 2023 meetings. The purpose of these meetings was to present the results of this Analysis and obtain input.

The analysis examined seven locations: 'Ualapu'e Lower Lots, Ka'amola, Pua'ahala, Kapuaoko'olau, Mākoalelau 1, Mākoalelau 2, and a small group of parcels named "Kamehameha V Hwy Lots". Fifteen (15) weighted criteria were created and assessed in relation to each alternative location:

1. Location on East End
2. Size of Parcel
3. Number of Potential Lots
4. Slope
5. Landowner
6. Known Historic & Cultural Sites
7. Water Availability
8. LSB Rating (Soils)
9. Rainfall
10. Proximity to Utility Infrastructure
11. Flood Hazard & Drainage
12. Erosion Hazard
13. Wildfire Risk
14. Tsunami Evacuation Zone
15. Sea Level Rise Risk

The community provided their feedback to the Alternative Locations Analysis. The main discussion points are arranged by theme:

Alternative Locations and Site Suitability

- Ka'amola and Pua'ahala, have ongoing conservation work and are not suitable as alternative locations.
- All of the western-most alternative locations, including Kapuaoko'olau, Mākoalelau 1, Mākoalelau 2, and Kamehameha V Hwy Lots are located within a "dark corridor" - an area with little to no light pollution used by native birds for nesting and migration. It was suggested to avoid examining parcels within these corridors.
- It was questioned as to why DHHL was focusing on the Eastern side of Molokai, and not on the Western side where DHHL already has footing and there is infrastructure. It was provided that DHHL's mission is to serve beneficiaries, and it was a specific request by the beneficiaries of this island to examine homesteading possibilities on the East End. AHA advocated that this is legacy land for East Enders. 'Ualapu'e, due to its

resources, is the best choice for beneficiaries. The people who want this land are willing to work for it and know what it takes. The people have made a choice for off-grid, sustainable living.

- As a remaining alternative, a majority of the discussion focused on the 'Ualapu'e Lower Lots, with participants favoring the higher quality soil and protection from elements as compared to lots mauka. These lots are closer to infrastructure and existing development and are more accessible by emergency services.
- Some participants suggested "starting small" and phasing the project incrementally.

DHHL Administrative Rules and Waitlist Concerns

- Prioritization of families from Moloka'i was a primary concern. It must be ensured that those receiving the land are from the area, and that they are ma'a (familiar) to the work and lifestyle involved in order to ensure the likelihood that a future lessee would be successful.
- While there is currently no mechanism in place to ensure prioritization for families from Moloka'i, participants were receptive to the idea of engaging in the DHHL Administrative Rule Change Process to pursue preference.

Environmental Concerns and Conservation Efforts

- Environmental hazards associated with 'Ualapu'e (e.g. siltation of reef, mudslides, erosion) were provided again, and proactive measures must be taken to mitigate these risks.
- Another participant cited issues with the roads, archaeological sites, and the fact that 'Ualapu'e sits on top of a well. The deer are out of control and causing erosion. Fencing is very expensive. There was also a historic fire that cleared everything from 'Ualapu'e to town, so wildfire is a concern. There are lots of problems and no solutions, and he feels that DHHL is just replacing problems with problems. As a resident of 'Ualapu'e, he can attest that the land is hard and difficult to work on, even with his access to utilities. He wants this to be successful, not a problem for the beneficiaries, and would like DHHL to come up with solutions first.

Financial Considerations and Resource Allocation

- There were discussions on the cost of the project, and if the provision of a low number of lots is worth the price tag.
- DHHL stated that cost is a factor, but it is not the only factor DHHL considers. Recently, DHHL has found success in

advocating for the resources it needs to carry out its mission. For this project, getting support from families with generational ties to East Moloka'i is a factor more important than cost.

- Participants cited the need for support systems and training for homesteaders.

Ahonui (AHA) Right-of-Entry (ROE)

- AHA members provided that the association was seeking a ROE from DHHL to begin mālama 'āina activities in 'Ualapu'e. They also seek to develop a natural resource management and hunting/gathering plan in addition to creating a medicinal community garden.

Community Meeting #5 - March 13, 2024

Community Meeting #5 was held on March 13, 2024 at the Kilohana Recreation Center. The purpose of this meeting was to review the planning process to date, present the alternative locations analysis to the wider community, and to discuss the next steps in moving forward with the DHHL administrative rule process and with the AHA ROE.

A participant provided that the alternatives analysis did not examine the possibility of subdividing underutilized agricultural lots in Ho'olehua. Many of these lots are too big for people to hit the requirement of 2/3 utilization of the lot. Subdividing this land would help reduce the number of those who are non-compliant and increase the number of lots in an area with existing infrastructure. DHHL said there are preliminary plans in place to look at unencumbered lots in Ho'olehua for subdivision but more importantly the analysis looked solely at locations in East Moloka'i because of beneficiary desire for homesteading opportunities specifically in East Moloka'i

In regard to the DHHL Administrative Rule Change, it was explained that the process may take 1-2 years. This may impact the timeline for awarding lots. While the current work with G70 ends in June 2024, this does not mean the project comes to an end.

It was asked by the community if there was a way for DHHL to hold the mauka land in perpetuity, or to sell the land? While DHHL cannot sell its land, there are mechanisms to ensure the land is not used for homesteading if the lands are not suitable. There were some at the community meeting that were still opposed to any homestead project in 'Ualapu'e, even if it was only the

lower lots.

Regarding the AHA ROE, it was provided that AHA is seeking an ROE to begin mālama `āina work on approximately 400 acres in 'Ualapu'e, and that G70 has not assisted AHA with the ROE. Regarding the planning process, the community expressed the need for a cultural (not archaeological) monitor to assist with AHA's land management. A cultural monitor knows the proper rules and protocols of the place and can guide and assist in the process. In addition, participants requested that AHA hold a community meeting in addition to a beneficiary consultation on the ROE, to which AHA agreed.

Recommendation

For information only. No action required.

**HAWAIIAN HOMES COMMISSION
APRIL 22 & 23, 2024**

**J – ITEMS
REQUESTS TO ADDRESS THE
COMMISSION**

Hawaiian Homes Commission Meeting

April 22 & 23, 2024

J Agenda

Requests to Address the Commission

- J-1 Glenn Teves – Lease
- J-2 Irene Kaahanui and Judy Caparida – Homestead for Kupuna - Molokai
- J-3 Walter Rawlins – Homestead and Veterans Center - Molokai
- J-4 Liko Wallace – Hui Ho‘okahua Molokai
- J-5 Lori Buchanan – Molokai Issues
- J-6 Moloka‘i Homestead Farmers Alliance
- J-7 Ainaaloha Ioane – Malama ka Aina Hana ka Aina Update
- J-8 Kenna Stormogipson, Summer Yadao, Chris Jungers, Samuel Wampler, Connye Busa, Chasetyn Hasegawa - Waipouli
- J-9 Lawai‘a Naihe - Ho‘akeolapono Trades Academy and Institute.
- J-10 Kekoa Enomoto – Undivided Interest Lease Program
- J-11 Blossom Feiteira – Lahaina Concerns
- J-12 Princeslehanani Kumaewakainakaleomomona – Kahikinui
- J-13 Jojo Tanimoto – Kawaihae Concerns
- J-14 Al Hee - Telecommunications
- J-15 Bo Kahui – La‘iOpua
- J-16 De Mont Manaole – Various Concerns
- J-17 Kapua Keliikoa-Kamai -Various Concerns
- J-18 Degray Vanderbilt – Kalaupapa

J-2/J-3

From: maile.michiko43@gmail.com
To: Request to be on the J-Agenda for April 23,2024 meeting on Molokai
Cc: Friday, April 05, 2024 10:04:27 AM
Subject:
Date:

1 st request	Irene Kaahanui and Judy Caparida	Homestead for Kupuna - Molokai
2 nd request	Walter Rawlins	Homestead and Veterans Center – Moloka`i

Two separate requests Leah.

From: [Liko Wallace](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] J Agenda for April's meeting
Date: Thursday, March 21, 2024 10:59:47 AM

Aloha Leah,

I figured while it is fresh on my mind I'd better email you to get on the J Agenda for April. Please put Hui Ho'okahua Molokai on the J Agenda. Not sure who will be the spokes person but it will be one of our board members.

Mahalo,

Liko Wallace

J-5

From: [Lori Buchanan](#)
To: [Burrows-Nuuuanu, Leatrice W](#)
Cc: [Lori Buchanan](#)
Subject: [EXTERNAL] April 22-23, 2024 HHC meeting
Date: Sunday, April 14, 2024 12:39:37 PM

Aloha Leah,

Hope all is well with you Lea I'm sorry I need help to check on a request I put in online for J agenda on Tuesday, April 9, 2024, but did not get a confirmation. I am worried because that is the same time we were having our electricity off and on on Molokai and I am realizing that I am missing other emails. I just went online again and submitted another request. Maybe I doing something wrong? I'm sorry I never like to bother you since you guys have online submissions. Thank you for checking my girl love you.....aunty Lori

J-7

From: [MAHA INC](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] April J agenda
Date: Monday, March 11, 2024 1:56:57 PM

Aloha Leah,

I would like to request J agenda time in April, under MAHA updates.

Mahalo nui
Ainaaloha Ioane
MAHA President

Sent from my iPhone

From: [Summer Lee Yadao](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] Request time on item J on HHC agenda - Tuesday, April 23rd
Date: Tuesday, April 09, 2024 1:09:10 PM

Aloha e Leatrice,

I sent in testimony request time for six of us:

Kenna Stormogipson
Summer Yadao
Chris Jungers
Samuel Wampler
Connye Busa
Chasetyn Hasegawa

I filled out the forms on the DHHL website for the J-agenda item, with all of their individual emails.

Just wanted to send you an email too, to confirm.

Mahalo!

--

Summer Yadao
Communications Director
Kū Pono ka Leo o ka 'Āina
Cell: (808) 387-1098
Email: summer@kpkoa.org
www.kpkoa.org

From: [Lawaia Naihe](#)
To: [Burrows-Nuuanu, Leatrice W](#); [Dennis Neves](#)
Subject: [EXTERNAL] April J-Agenda for Ho'akeolapono
Date: Monday, April 15, 2024 8:16:05 AM

Aloha Leah,

I am Lawai'a Naihe, Executive Director of Ho'akeolapono Trades Academy and Institute.

I am writing you regarding the April J-Agenda. I have filled out the J-agenda form on the DHHL website but haven't received confirmation.

I do have a presentation to share for the meeting, and I would like to know if I need to submit our presentation for the meeting.

Please let me know what I need to do.

Mahalo NUI

Lawai'a Naihe,

Ho'akeolapono Trades Academy and Institute
lawaia@hoakeolapono.org
(808) 652-4208
3-2600 Kauamuali'i Hwy, Suite 1300 #425
Lihue, HI 96766



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April 15, 2024

Aloha mai kakou e na Hawaiian Homes Commissioners,

I advocate to expand the undivided-interest lessee program to the entire Hawaiian Homes waitlist for three reasons.

. First, under a waitlistwide undivided-interest lessee program, 28,000 would not die on the waitlist without a successor beneficiary.

. Second, establishing a waitlistwide undivided-interest lessee program would provide an opportunity to update DHHL records, as for (1) physical and mailing addresses, (2) contact information, notably email addresses, and (3) designation of successor beneficiary(ies).

. Third, instituting a waitlistwide undivided-interest lessee program is a matter of justice. Reportedly, Prince Kuhio originally wanted the 1920 Hawaiian Homes Commission Act to apply to all Native Hawaiians of 1/32nd blood quantum (vis-a-vis 50 percent blood quantum). Even Gov. Josh Green indicated that his mother-in-law died on the waitlist; so his wife and he, not to mention their children and grandchildren, are among those myriad who will not benefit from this federal-trust entitlement.

And the proposed Waipouli purchase would not necessitate a sort of convoluted trust/foundation component to preserve the entitlements of prospective renters. Also, opponents of LITEC rent-to-own proposals would be appeased in the matter of “what about those who, during the 15-year rent-to-own period, might die without a successor beneficiary.”

Thus, I am advocating to preserve the federal-trust entitlements of a prospective 6.6 or more generations of successor beneficiaries of 28,000 indigenous people of 50 percent native Hawaiian blood quantum.

Therefore, for simplicity, clarity and justice’s sake, I propose to rename the undivided-interest lessee program to the “seven generation lessee program.”

In closing, I was the recent recipient of the Namahana Award of Excellence at the 32nd Celebration of the Arts at the Ritz-Carlton Kapalua resort. The accolade honors “kupuna (elders) who have dedicated their lives to serving the culture . . . with a zest for life.”

I will turn 78 this month, and the Namahana Award was a pre-birthday gift on March 29. The award citation and ensuing news reports began by referring to my veteran, 30-year efforts as a Hawaiian homelands leader and advocate. As a 38-year Maui beneficiary, who daily thanks Akua and Prince Kuhio for the blessing of a Hawaiian homestead award, I sincerely advocate for expansion of the “seven generation lessee program” to the entire 28,000-person waitlist.

Me ka mahalo nui loa,



-‘Anake Kekoa Enomoto

Co-founding director, Pa‘upena Community Development Inc.

Director, Na Kia‘i O Maui.

Immediate past president, SCHHA Maui/Lana‘i Mokupuni Council.
Residential lessee, Waiohuli Hawaiian homestead, Upcountry Maui.

J-11

From: [Blossom Feiteira](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] Testimony on J Agenda
Date: Tuesday, April 09, 2024 8:34:14 AM

Aloha Lea,

Request time on the Hawaiian Homes Commission agenda item J for the April meeting on Molokai.

Mahalo for your time,

Blossom Feiteira
Sent from my iPhone

J-12

From: [princeslehuanani kumaewakainakaleomomona](#)
To: [Burrows-Nuuanu, Leatrice W](#); [Toya Ramos](#); [Cecilio Rosaga](#); [Donna Sterling](#); [Aloha/Alika Smith](#); [Desiree Graham](#); [Ataikekapahalalupauole 7/18/19](#)
Subject: Re: [EXTERNAL] Re: J Agenda Testimony - Hawaiian Homes Commission Meeting - Wednesday, January 17, 2024
Date: Monday, April 01, 2024 3:31:03 PM
Attachments: [image003.png](#)
[image002.png](#)

April 1st, 2024

Happy April Fools day,

Aloha Leah,

I want to request to be on the Jagenda for April.

Topic will be about .. HCR196/HB176... KEANAE TO HANA EASTSIDE MAUI NUI.

Please get me on my MAUI NUI 1920 Awarded DHHL LANDS BEFORE I DIE...

EO...EA

Princeslehuanani Kumaewakainakaleomomona
808-359-1848
Maui Wiatlister since 1993
Living Birth Heir...

[Sent from Yahoo Mail for iPhone](#)

On Wednesday, February 28, 2024, 11:51 AM, Princeslehuanani Kumaewakainakaleomomona <kupunasociety@yahoo.com> wrote:

From: [Jojo Tanimoto](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] HHC meeting April
Date: Tuesday, April 09, 2024 8:05:24 AM

Aloha Leah
Please include my testimony on various issues. Mahalo Jojo Tanimoto
Sent from my iPhone

From: alhee@waimana.com
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] April Mtg
Date: Monday, April 01, 2024 11:37:00 AM

Aloha e Leah,

Please allow me to testify at the April mtg. I will be referring to the many emails I have sent to Kali and asked you to provide to the Commissioners. Have the Commissioners received the emails and attachments?

Mahalo,
al

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J-15

From: [Craig Bo Kahui](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Cc: [Sam Walker](#); [Sam Walker](#); [Dora Aio](#); [Sharleen Kahumoku](#)
Subject: Re: [EXTERNAL] Request to be on the J agenda
Date: Wednesday, March 06, 2024 5:16:09 PM
Attachments: [image002.png](#)
[image002.png](#)

Yes, please place me on the April J agenda.

Thanks

Bo Kahui

On Wed, Mar 6, 2024, 4:44 PM Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov> wrote:

From: hoomanaponollc96792@gmail.com
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: [EXTERNAL] Request to be added to J Agenda for April Commission Meeting
Date: Sunday, March 31, 2024 10:16:10 PM

Aloha Leah.

Please add my name on the J Agenda for this month's Commission Meeting. I have various concerns.

De MONT Kalai Manaole, Co-Manager
Ho'omana Pono, LLC

[Yahoo Mail: Search, Organize, Conquer](#)

From: [Kapua Keliikoa-Kamai](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] April 2024's HHC J-Agenda Request
Date: Wednesday, April 03, 2024 8:45:13 AM

Aloha Leah,

I hope I'm in time to request to be on the J-Agenda. I delay my request to ensure I'm not first but closer to, if not, last. I will speak about beneficiary concerns. Mahalo nui.

a hui hou,
kapua

'A'ohe hana nui ke alu 'ia.

No task is too big when done together by all.

'Olelo No'eau #142

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From: Oliver Vanderbilt <degray.vanderbilt@icloud.com>
Sent: Tuesday, April 9, 2024 3:45 PM
Subject: [EXTERNAL] Upcoming Commission meeting on Molokai

Aloha Louise.

My name is DeGray Vanderbilt. I am a member of the board of Ka Ohana O Kalaupapa.

Glad to hear the commission is coming to Molokai at the end of the month

I've been trying to reach today. Just wanted to ask you a couple questions about registering to testify at the meeting on Molokai.

An issue come up where my partner will be having surgery during the day of the meeting, but she says she may have some breaks.

I would like to testify by zoom and present written testimony. The deadline for applying as I understand it is today can I apply to be on zoom and provide written testimony in a few days or does the written testimony have to be uploaded in the form that's due today.

Please let me know

Mahalo

DeGray
Sent from my iPhone