

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

Hale Pono‘i, 91-5420 Kapolei Parkway, Kapolei, O‘ahu, 96707, and Zoom Meeting ID: 609 754 2925
Monday, December 16, 2024, at 9:30 a.m. to be continued, if necessary,
on Tuesday, December 17, 2024, at 9:30 a.m.

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

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov by Wednesday, September 11, 2024.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes:
 - a. November 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 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-4 Approval to Certify Applications of Qualified Applicants for the month of November 2024 (see exhibit)
- D-5 Commission Designation of Successors to Application Rights – Public Notice 2022, 2023 (see exhibit)
- D-6 Approval of Assignment of Leasehold Interest (see exhibit)
- D-7 Approval of Amendment of Leasehold Interest (see exhibit)
- D-8 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-9 Cancellation of Lease – **DARLAMAE-KANOE C.K.T. VAENUKU**, Residential Lease No. 5644, Lot No. 33, Lualualei, Oahu
- D-10 Commission Designation of Successor – **RUEBEN P. K. KAAHANUI SR.** - Residential Lease No. 11695, Lot No. UNDV152, Kapolei, Oahu

B. REGULAR AGENDA

Office of the Chairman

- C-1 Approval to Authorize the Department of Hawaiian Home Lands to Negotiate an Agreement to Accept the Donation of a 19.354-acre parcel in Ewa, Island of Oahu, TMK (1) 9-1-181-037

Land Development Division

- E-1 Approval of Lease Awards – Honomū Subsistence Agricultural Phase 1, Maku‘u Subsistence Agricultural and Maku‘u Agricultural Lots (see exhibit)

Land Management Division

- F-1 Approval to Issuance of License to Crown Castle Crown Castle/T-Mobile West Tower LLC, Waimanalo, Island of Oahu, TMK No. (1) 4-1-008:002 (por.)
- F-2 Approval of Annual Renewal of Right-of-Entry Permits and Conversion to Revocable Permits, Waimea, Island of Hawaii, and West Oahu, Island of Oahu (See Exhibit F-2)
- F-3 Approval to Issuance of Right-of-Entry to Hui Aloha Puukapu, Waimea, Island of Hawaii, TMK Nos. (3) 6-4-001:159, (3) 6-4-038:007, & (3) 6-4-035:099

Planning Office

- G-1 Declare a Finding of No Significant Impact (FONSI) for the DHHL ‘Ewa Beach Homestead Master Plan, ‘Ewa Beach, District of ‘Ewa, Island of O‘ahu, TMK (1) 9-1-001: 001 (por.)
- G-2 Approval to Proceed to Beneficiary Consultation for a Proposed Administrative Rule Amendment to Establish a Priority Waitlist for Applicants with a Connection to a Place
- G-3 Accept the Beneficiary Consultation Report for the Proposed Process and Procedure for the Hawaiian Homes Commission Representative on the East Maui Regional Community Board’s Water Authority; Approval of the proposed process and procedure; and Notification of the Upcoming Vacancy

III. ITEMS FOR INFORMATION/DISCUSSION

A. REGULAR ITEMS

Office of the Chairman

- C-2 For Information Only – Caretaker PIG Report and Recommendations of the Investigative Committee on Leaves of Absence and the Lessee Appointed Caretaker of the Homestead Lot(s).
- C-3 For Information Only - Status Report of DHHL Enforcement Unit Efforts and Statistics (November 12, 2024 - December 08, 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 Hawaii Community Lending Construction Loans
 - D. DHHL Guarantees for U.S. Small Business Administration

Land Development Division

- E-2 For Information Only – West Oahu Projects Update

Planning Office

- G-4 For Information Only — Status Update on Plan Implementation in the Waiānae Moku, Island of O‘ahu
- G-5 For Information Only - Update on NOAA Project of Special Merit - Integrating Coastal Zone Management in Hawaiian Home Lands (Statewide)

IV. ANNOUNCEMENTS AND RECESS

1. DHHL Community Meeting, Monday, December 16, 2024. 6:30 p.m. Kamehameha School’s Community Learning Center, 87-790 Kulauku Street, Maili, Oahu, 96792

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

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

Tuesday, December 17, 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 DECISION MAKING

- G-6 Approval of Indigent Native Hawaiian Homesteading Pilot Project, Lualualei, Island of O‘ahu, Tax Map Key No: (1) 8-9-001:052 (portion) and Issuance of a 12-Month Right of Entry Permit to Waitlist Applicant D. Manaole to Participate in this Pilot Project

III. ITEMS FOR INFORMATION/DISCUSSION

A. REGULAR AGENDA

- C-4 For Information Only – Update on Ewa Drum/Varona Village Land Exchange
- C-5 For Information Only – National Telecommunications and Information Administration Tribal Broadband Connectivity Program Update

B. GENERAL AGENDA

Requests to Address the Commission

- J-1 Maile H. Requilman-Ka‘ōpua – Waimanalo Lease Transfer Issue
- J-2 Homelani Schaedel – Malu‘ōhai Residents' Association
- J-3 Al Hee - Telecommunications
- J-4 Chanel Josiah - Hawai‘i Community Lending
- J-5 Kahaunani Mahoe Theone – Hawaii Community Lending
- J-6 Liliana Napoleon - Nā‘iwa Agricultural Subdivision Alliance
- J-7 Germaine Meyers – Various Concerns
- J-8 Patty Teruya Kahanamoku – Various Concerns
- J-9 Kahakuakoi Peiper – Waianae Land Encroachment
- J-10 De Mont Manaole – Ho‘omanapono LLC
- J-11 Jojo Tanimoto – Kawaihae Concerns
- J-12 Kekoa Enomoto – Paupena Community Development Corporation

IV. ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Regular HHC Meeting –January 21 & 22, 2025, (Tuesday and Wednesday) Hale Pono‘i, 91-5420 Kapolei Parkway, Kapolei, Oahu, 96707.
- B. Adjournment


Kali Watson, Chairman
Hawaiian Homes Commission

COMMISSION MEMBERS

Dennis L. Neves, Kaua‘i
Michael L. Kaleikini, East Hawai‘i
Sanoe Marfil, O‘ahu
Archie Kalepa, Maui

Pauline N. Namu‘o, O‘ahu
Makai Freitas, West Hawai‘i
Walter Kaneakua, O‘ahu
Lawrence Lasua, Moloka‘i

If you need an auxiliary aid/service or other accommodation due to a disability, contact Michael Lowe at 730-0298 or michael.l.lowe@hawaii.gov as soon as possible, preferably by December 13, 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 December 13, 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
AIKALA, Joseph K.	9979	PKE, Oahu
ASUELA, Kalai	11498	Leialii, Maui
DAVIS-ZINSMAN, Chanile A.P.U.S.	5187	Nanakuli, Oahu
DAVIS-ZINSMAN, Lance-Lionel K.	5187	Nanakuli, Oahu
HANAKEAWE, Tawny K.K.	10639	Laiopua, Hawaii
HOKOANA, Shalay K.	3320	Nanakuli, Oahu
KALAI-CUBAN, Tanyan Akeo	3204	Kewalo, Oahu
KAULIA, Austin H.M.	4471	Waianae, Oahu
KELLY, Ada N.	13010	Anahola, Kauai
LEHANO, Eugene K.	7238	Kawaihae, Hawaii
LOA-CALLIA, Ginger P.A.	8360	PKE, Oahu
NAIHE, Mahiai R.	11144	Anahola, Kauai
SALVADOR, Deanna L.	5211	Nanakuli, Oahu
SPAIN, Jeri Lynn L.	10936	Piihonua, Hawaii
WICKES, Anthony Frank	13118	Puuhona, Maui

ITEM D-3 EXHIBIT

APPROVAL OF HOMESTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT	AREA
CLINE, Edmae N.	Oahu IW Agr
HALE, Manuel K.	Papakolea / Kewalo Area / Oahu IW Res
HULIHEE, Duquesne K.H.	Hawaii IW Res
KAMAKAHI, Raymond M.	Hawaii IW Res to Kauai IW Res
KAOHI, Terry A.N.	Molokai IW Res to Hawaii IW Res
KAUHAAHAA, David K., Jr.	Maui IW Res
KEANINI, Charles I.	Hoolehua Area / Molokai IW Agr
KEAWE-AIKO, Daryl M.O.N.	Maui IW Agr to Oahu IW Agr
KEAWE-AIKO, Daryl M.O.N.	Maui IW Res to Oahu IW Res
KUALAAU, Ronald J.	Maui IW Agr
LACRO, Leslie K.	Hawaii IW Agr to Kauai IW Agr
LACRO, Leslie K.	Hawaii IW Res to Kauai IW Res
LACRO, Lyman K.	Hawaii IW Agr to Kauai IW Agr
LACRO, Lyman K.	Hawaii IW Res to Kauai IW Res
MAKUA, Magnolia K.	Oahu IW Agr to Maui IW Pas
MEDEIROS, Momi	Waimanalo Area / Oahu IW Res
OBADO, Jaysa K.K.	Oahu IW Agr to Hawaii IW Agr
PAGAN, Wesley S.	Maui IW Res
QUEBATAY, Kalani K.K.	Hawaii IW Res
SOARES, Magnolia K.K.	Oahu IW Res

SOMBELON, Dawn Marie K.	Oahu IW Res to Maui IW Res
TAKASHIMA, Alverna C.	Oahu IW Res to Maui IW Res
WAIAMAU-GOMES, Desiree M.	Hawaii IW Res to Oahu IW Res
WAIPA, Susan K.	Hawaii IW Res
	* IW = Islandwide

ITEM D-4 EXHIBIT

APPROVAL TO CERTIFY APPLICATIONS OF QUALIFIED APPLICANTS FOR THE MONTH OF
NOVEMBER 2024

APPLICANT	AREA
AIKALA, Makoa K.K.	Maui IW Agr
AIKALA, Makoa K.K.	Maui IW Res
AIKALA, Manaloa K.K.	Maui IW Agr
AIKALA, Manaloa K.K.	Maui IW Res
AKEO, Robert	Hoolehua Area / Molokai IW Agr
ALDAYA, Mildred	Waimanalo Area / Oahu IW Res
ARLANTICO, Gertrude L.	Nanakuli Area / Oahu IW Res
AU HOY, Henrietta M.	Waimanalo Area / Oahu IW Res
AYAU, Ann Marie L.	Kauai IW Agr
AYAU, Ann Marie L.	Kauai IW Res
BAJI, Alliesen K.	Hawaii IW Pas
BAJI, Alliesen K.	Hawaii IW Res
BAKER, Angela L.	Oahu IW Agr
BAKER, Angela L.	Oahu IW Res
BENITO, Ralph	Waimanalo Area / Oahu IW Res
EBRADA, Carolyn G.	Nanakuli Area / Oahu IW Res
HUSSEY, Makanalani L.H.M.A.H.	Maui IW Agr
HUSSEY, Makanalani L.H.M.A.H.	Maui IW Res
ISAACS-KALAHIKI, Kauanoemakalii	Oahu IW Agr
ISAACS-KALAHIKI, Kauanoemakalii	Oahu IW Res
ISAACS-KALAHIKI, Kuupilioha	Oahu IW Agr
ISAACS-KALAHIKI, Kuupilioha	Oahu IW Res
KAALEKAHI, Roger K., IV	Oahu IW Res
KAALEKAHI, Roger K., IV	Kauai IW Pas
KAALEKAHI-PEREZ, Ada A.	Hawaii IW Agr
KAALEKAHI-PEREZ, Ada A.	Lani IW Res
KAAPUNI, Joseph K.	Waimanalo Area / Oahu IW Res
KALEHUAWHEHE, Naea K.J.	Maui IW Agr
KALEHUAWHEHE, Naea K.J.	Maui IW Res
KAMAI, Mau Loa O.E.K.A.	Maui IW Agr
KAMAI, Mau Loa O.E.K.A.	Maui IW Res
KANIHO, Ellena L.	Hawaii IW Pas
KANIHO, Ellena L.	Hawaii IW Res
KANOA, Maurice-Wayne K.	Waimanalo Area / Oahu IW Res
KAUHI, Debbie L.	Oahu IW Agr

KAUHI, Debbie L.	Hawaii IW Res
KAULIA, Amber H.	Oahu IW Agr
KAULIA, Amber H.	Oahu IW Res
KAULIA, Andrew V.T.K.	Oahu IW Agr
KAULIA, Andrew V.T.K.	Oahu IW Res
KAULIA, Austin H.	Oahu IW Agr
KAULIA, Ervine K.	Oahu IW Agr
KAULIA, Ervine K.	Oahu IW Res
KOESTER, Primrose K.	Oahu IW Agr
LANI, Chaminade K.	Hawaii IW Agr
LANI, Chaminade K.	Hawaii IW Res
MAKANEOLE-WAIOLAMA, Chris T.I.A.	Oahu IW Agr
MAKANEOLE-WAIOLAMA, Chris T.I.A.	Oahu IW Res
MARK, Alvina L.	Oahu IW Res
MUAINA, Luella K.	Hawaii IW Res
NUU, David K.	Waimea Area / Hawaii IW Pas
ORNELLAS, Randal K.	Kauai IW Pas
ROLDAN, Audrey K.	Waimanalo Area / Oahu IW Res
SILVA, Sandra S.	Waimanalo Area / Oahu IW Res
SIMEONA, Daniel	Waimanalo Area / Oahu IW Res
TAVARES, Lynda P.	Waimanalo Area / Oahu IW Res
TORNGREN, Kathleen F.	Waimea Area / Hawaii IW Res
TURALDE, Lane K.M.	Kauai IW Agr
TURALDE, Lane K.M.	Kauai IW Res
VILLASENOR, Kuulei K.M.L.	Oahu IW Agr
VILLASENOR, Kuulei K.M.L.	Oahu IW Res
WAIOLAMA, Jeremiah K.	Oahu IW Res
WAIOLAMA, Jeremiah K.	Maui IW Pas
WAIOLAMA-MAKANEOLE, Jeremiah T.K.	Oahu IW Agr
WAIOLAMA-MAKANEOLE, Jeremiah T.K.	Oahu IW Res
WAIWAIOLE, John H., Jr.	Paukukalo Area / Maui IW Res
YOUNG, Eric K.	Hawaii IW Pas
YOUNG, Eric K.	Hawaii IW Res
	* IW = Islandwide

ITEM D-5 EXHIBIT

COMMISSION DESIGNATION OF SUCCESSORS TO APPLICATION RIGHTS PUBLIC NOTICE
2022 & 2023

LAU, Kanoho R.	Oahu IW Res
WAIPA, Susan K.	Keaukaha / Waiakea Area / Hawaii IW Res
	* IW = Islandwide

ITEM D-6 EXHIBIT

APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
AUWAE, Dorcas R.	1993	Kewalo, Oahu
HALEAKALA, Kevin K.	7595	Waiohuli, Maui
KAIWI, Christian K.	3868	Kuhio Village, Hawaii
KAMELAMELA, Kali K. K.	3858	Nanakuli, Oahu
MUNDON-KAHOONEI, Leona J.	6386	Waiakea, Hawaii
YOCKMAN, Robert K. Y. T.	9096	Waiakea, Hawaii
NAONE, Charles L., Jr.	3426	Nanakuli, Oahu
NOEAU, Leolani H.	7102	Kawaihae, Hawaii
KEPOO, William J.	7102	Kawaihae, Hawaii
PAI, Evelyn U.	4471	Waianae, Oahu
PECK, Naomi K.	9665	Kawaihae, Hawaii
PUNG, Sammie J.	7226	Kawaihae, Hawaii
DACQUEL, Kamlin P.	7987	Puukapu, Hawaii
TANDAL, Maizelette M.	3806	Nanakuli, Oahu
VERTIDO, Lee Ann K.	1751	Waimanalo, Oahu
WERNER, Floyd K.	2929	Nanakuli, Oahu
ASUELA, Kalai J. H.	10306	Waiohuli, Maui
KALANI, David P., IV	11498	Leialii, Maui
DAVIS, John L., Jr.	12915	Lanai, Lanai
HATORI, Joshua L. K.	7449	Keokea, Maui
SPENCER, Karly T. O.	7449	Keokea, Maui
KALANI, Saree P.	13108	Puuhona, Maui
KALUAU, Malcolm A.	7885	Kamaoa, Hawaii
NUUHIWA, Milnora L.	6911	Puukapu, Hawaii
NUUHIWA, Milnora L.	6911	Puukapu, Hawaii
PENROSE, Alton L.	12986	Kaunana, Hawaii

ITEM D-7 EXHIBIT

APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
APOSTOL, Jolene L.	179	Hoolehua, Molokai
HOSINO, Brad K.	3829	Paukukalo, Maui
LEWIS, Doreen K.	298	Nanakuli, Oahu
MAXWELL, Charles K., Jr.	7614	Waiohuli, Maui
NAONE, Charles L.	3420	Nanakuli, Oahu
NAONE, Charles L., Jr.	3426	Nanakuli, Oahu
SARMIENTO, Christina L. P.	4712	Kapaakea, Molokai
YOCKMAN, Robert K. Y. T.	9096	Waiakea, Hawaii

ITEM D-8 EXHIBIT

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

LESSEE	LEASE NO.	AREA
DURAN, Monica K.	3947	Waimanalo, Oahu
KAAA, Thomas H.	12223	Waiehu IV, Maui
KAHALEHOE, Christopher-Wayne K.	11911	Kaupea, Oahu
KAHULA, Lyrik P. T.	11474	Lealii, Maui
KANAHELE, Olive M.	4185	Panaewa, Hawaii
KANAHELE, Ahienaopuna K.	4185	Panaewa, Hawaii
KANE, Elodia K.	1740	Nanakuli, Oahu
ARAKAKI, Raynette M.	1740	Nanakuli, Oahu
MATAMEA, Sharla L. H.	9872	Maluohai, Oahu
MIYASHIRO, Muralyn U. H.	9872	Maluohai, Oahu
MERTENS, Jeffrey S.	3739	Waimanalo, Oahu
PAREDES, Geraldine N.	12037	Kaupea, Oahu
SAMARRIPA, Albertine L.	3845	Nanakuli, Oahu

ITEM NO. E-1 EXHIBIT

APPROVAL OF LEASE AWARDS - HONOMŪ SUBSISTENCE AGRICULTURAL PHASE 1

NAME	APPL DATE	LOT NO.	TAX MAP KEY	LEASE NO.
KEKAWA, Bill	12/4/1978	1	(3) 2-8-011-011	13105
JAENTSCH, Phillip L.	5/10/1984	2	(3) 2-8-011-011	13122
REA, Marietta M.	3/22/1976	3	(3) 2-8-011-011	13123
LEDWARD, Kevin M.	6/3/1983	5	(3) 2-8-011-011	13125
CHO, Georgiana L.	7/5/1983	6	(3) 2-8-011-011	13126
MOKU, David K. IV	8/15/1984	7	(3) 2-8-011-011	13127
KAMA, William H.	4/11/1986	8	(3) 2-8-011-011	13128
KEKOA, William Jr.	3/12/1984	9	(3) 2-8-011-011	13129
STONE-CABAEL, Frances-Ann	9/7/1984	10	(3) 2-8-011-011	13130
OMEROND, John P.	8/17/1984	11	(3) 2-8-011-011	13131
SAITO, Solnette K.H.	6/9/1982	12	(3) 2-8-011-011	13132
ROWE, Raymond K. Jr.	9/2/1984	13	(3) 2-8-011-011	13133
KELEKOLIO, Ralph	8/29/1979	14	(3) 2-8-011-011	13134
MARTIN, Victor Klyle K.	2/9/1984	15	(3) 2-8-011-011	13135
MORRIS, Lucille	5/26/1987	16	(3) 2-8-011-011	13136

APPROVAL OF LEASE AWARDS - MAKU‘U SUBSISTENCE AGRICULTURAL

NAME	APPL DATE	LOT NO.	TAX MAP KEY	LEASE NO.
PICKERING, Genevieve	10/16/1985	6	(3) 1-5-119-006	13138
KEALOHA, Gabriel Luka IV	7/5/1985	7	(3) 1-5-119-007	13139
MARTINEZ, Marilyn K.	7/6/1985	8	(3) 1-5-119-008	13140
PIALOA-UBANDO, Lois N.	6/26/1985	9	(3) 1-5-119-009	13141
ISABEL, Bernell K.	2/23/1984	10	(3) 1-5-119-010	13142
KYSER, Georgette L.	7/10/1985	12	(3) 1-5-119-012	13143
MAKANUI, William H.	9/5/1985	13	(3) 1-5-119-013	13144
OGUMA-MILLER, Jessie K.	7/9/1985	14	(3) 1-5-119-014	13145
CHAVES, Joanna	5/20/1985	15	(3) 1-5-119-015	13146
LYMAN, Raymond R.	8/22/1985	16	(3) 1-5-119-016	13147
RIVERA, Luwika E.	7/10/1985	17	(3) 1-5-119-017	13148
ALAMEDA, Guy S.	7/11/1985	18	(3) 1-5-119-018	13149
LOO, Abigail K.	7/22/1985	19	(3) 1-5-119-019	13150
VELASCO, Paulette U.	9/4/1985	20	(3) 1-5-119-020	13151
BROWN, William H.	8/14/1984	21	(3) 1-5-119-021	13152
NIHOA, Eleu J.Z.	12/23/1985	22	(3) 1-5-119-022	13153
KAJIYAMA, Pearlani P.	1/22/1986	23	(3) 1-5-119-023	13154
CLAVERIA, Sandra K.	9/27/1985	24	(3) 1-5-119-024	13155
KAEO, George Kamuela	3/7/1986	25	(3) 1-5-119-025	13156
CHARTRAND, Hal N.	11/6/1985	26	(3) 1-5-119-026	13157
CHARTRAND, Kehealani H.	10/10/1985	27	(3) 1-5-119-027	13158
BEZILLA, Allsyn Aloha	9/27/1985	29	(3) 1-5-119-029	13159
MENDOSA, Marlene K.	8/29/1985	30	(3) 1-5-119-030	13160
OTA, Rowena L.K.	7/10/1985	31	(3) 1-5-119-031	13161
FREITAS, Hercules E.K.	6/20/1985	32	(3) 1-5-119-032	13162
JOHNASEN, Dale H.	1/23/1984	34	(3) 1-5-119-033	13163
UYETAKE, Verna Mae E.	11/18/1985	39	(3) 1-5-119-039	13164
BOWMAN, Jet Paaaoa	1/8/1986	41	(3) 1-5-119-041	13165
LINDSEY, James Fay	7/3/1985	42	(3) 1-5-119-042	13166
MIKULENKA, Ursula K.	7/8/1985	47	(3) 1-5-119-047	13167
KIYUNA, Keolaokalani M.	7/2/1985	49	(3) 1-5-119-049	13168

APPROVAL OF LEASE AWARDS - MAKU'U AGRICULTURAL LOTS

NAME	APPL DATE	LOT NO.	TAX MAP KEY	LEASE NO.
GRACE, Gracie	3/31/1986	2	(3) 1-5-121-002	13169
MANUIA-MALAKAUA, Jurene N.	1/29/1986	3	(3) 1-5-121-003	13170
GRAY, Samuel K.	3/7/1986	4	(3) 1-5-121-004	13171
KAMEALOHA, Verna K.	12/9/1985	5	(3) 1-5-121-005	13172
DOCTOR, Shirley K.H.	6/19/1985	6	(3) 1-5-121-006	13173

HAIA, Gertrude B.	11/5/1985	7	(3) 1-5-121-007	13174
KAHAAWI-MANU, Lia M	5/31/1985	10	(3) 1-5-121-010	13175
HANOHANO, Charles K.	3/14/1984	14	(3) 1-5-121-014	13176
LEE, Kenneth S.G.A.	11/29/1982	59	(3) 1-5-118-013	13178
HOOMANA, Hanford J.	6/13/1985	70	(3) 1-5-121-022	13179
KAULUKUKUI, Jeanette M.	9/12/1983	80	(3) 1-5-121-032	13180
HEKEKIA, Francis	4/9/1986	81	(3) 1-5-121-033	13181
LEIALOHA, Leona H.	12/9/1985	82	(3) 1-5-121-034	13182
LEIALOHA, Bradford J.	12/9/1985	83	(3) 1-5-121-035	13183
IOANE, Mickey K.	12/18/1985	84	(3) 1-5-121-036	13184
BROWN, Kimi L.M.M.	8/14/1974	85	(3) 1-5-121-037	13185
AKINA, Aaron S.K.	3/27/1986	87	(3) 1-5-121-039	13186
KEKAWA, Grace	4/10/1986	92	(3) 1-5-121-044	13188
WAIKIKI, John Henry K.G.L.	6/6/1980	102	(3) 1-5-118-022	13189

ITEM NO. F-2

ANNUAL RENEWAL OF RIGHT OF ENTRY PERMIT(S), - WEST HAWAII ISLAND

NO.	ACRE	PERMITTEE/ADDRESS	TMK	Date Started
599	381.0	PARKER RANCH	(3) 6-5-001:011 & :019	7/1/1977

ANNUAL RENEWAL OF RIGHT OF ENTRY PERMIT(S), - WEST OAHU ISLAND

NO.	ACRE	PERMITTEE/ADDRESS	TMK	Date Started
600	6.40	KINNARD HICKS	(1) 8-6-028:002(POR)	11/1/2009
511	1,126.0	ROBERT D. LYMAN	(1) 8-9-008:003	06/16/1991
527	438.0	WAIANAE VALLEY FARM, LTD	(1) 8-9-007:002(POR)	02/01/1991

DENOTES BENEFICIARY

Hawaiian Homes Commission Meeting Packet
December 16 & 17, 2024
Hale Pono‘ī, Kapolei, Oahu

C ITEMS

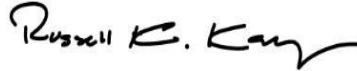
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 2024

TO: Members, Hawaiian Homes Commission

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



SUBJECT: Approval to Authorize the Department of Hawaiian Home Lands to Negotiate an Agreement to Accept Donation of a 19.354 acre parcel in Ewa, Island of Oahu, TMK (1) 9-1-181-037

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission ("HHC") authorize and direct the Department of Hawaiian Home Lands ("DHHL") to: (a) negotiate an agreement to accept the donation of the Property encumbered by a Ground Lease to an affiliate of the donor that: (i) complies with the requirements of HRS Chapter 171; (ii) complies with DHHL's Sublease Rent Participation Policy; (iii) requires that the lessee be wholly responsible for compliance with the requirements of HRS Chapter 343; and (iv) contains such other terms and conditions as DHHL, in its sole and absolute discretion, determines are necessary or appropriate; (b) conduct beneficiary consultation on the planned non-homestead development of the Property; (c) present the negotiated donation agreement, along with the results of the related beneficiary consultation, to HHC for approval; and (d) upon a consummation of the donation of the Property, manage and dispose of the Property "in the same manner and for the same purposes as Hawaiian home lands" per the discretion afforded in §204(b) of the Hawaiian Homes Commission Act of 1920, as amended ("HHCA").

BACKGROUND

KALANIANAOLE DEVELOPMENT, LLC, a Hawaii limited liability company ("KDL"), is a Hawaii real estate development company with Hawaii real estate developer principals Patty Tancayo and Nan Chul Shin. KDL is currently under contract to acquire the Property, which is a 19.354 acre parcel located at the intersection of Old Fort Weaver Road and Fort Weaver Road in Ewa, Oahu, which is zoned partially agricultural and partially R-5 (see Exhibit 1 attached hereto for GIS and TMK maps and property information from the City & County of Honolulu website). KDL is proposing to: (i) consummate the purchase of the Property; (ii) enter into a Ground Lease with a special purpose entity it controls, KU`AI HALE LLC, a Hawaii limited liability company ("KHL"), which was formed to pursue commercial development of the Property; and (iii) donate the

Property encumbered by the KHL Ground Lease (the “KHL Lease”) to DHHL. DHHL would then be the fee owner of the Property and assume the role of ground lessor under the KHL Lease. In DHHL’s hands, the Property would not be subject to City & County of Honolulu zoning restrictions and KHL would be free to pursue its planned development. DHHL would take on the administrative burdens associated with being the owner and ground lessor of the Property but would also benefit from the stream of income during the term of the KHL Lease and “free and clear” ownership at the end of the lease. At DHHL’s request, the KHL Ground Lease will be on terms and conditions that would be required and/or customary if DHHL were making the Gound Lease directly to KHL itself, notably:

- Maximum 65-year lease term;
- Minimum lease rent to be set by independent third-party appraisal based on the fair market value of the Property as of the date of the donation;
- Subject to the HHC Sublease Rent Participation Policy (see Exhibit 2 attached hereto); and
- Community benefits package to promote native Hawaiian socio-economic advancement, including support for community development, job training and placement, and educational and/or cultural programs to be worked out directly with associations impacted by the proposed development.

DISCUSSION

The authority for and limitations of accepting a donation of real property are set forth in HHCA §225(b)(1) and (4):

(1) The department may receive, manage, and invest moneys or other property, real, personal or mixed, or any interest therein, which may be given, bequeathed, or devised, or in any manner received from sources other than the legislature or any federal appropriation, for the purposes of the Act.

...

(4) The real property or any interest therein received by the department through contributions or grants shall not attain the status of Hawaiian home lands as defined in section 201(a).

Although the Property does not automatically attain the status of Hawaiian home lands upon its donation to DHHL, DHHL may elect to treat it as Hawaiian home lands under HHCA §204(b):

(b) Unless expressly provided elsewhere in this Act, lands or an interest therein acquired by the department pursuant to section 213(e), 221(c), or 225(b), or any other section of this Act authorizing the department to acquire lands or an

interest therein, may be managed and disposed of in the same manner and for the same purposes as Hawaiian home lands.

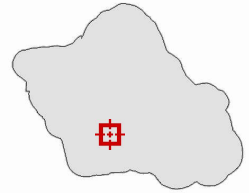
Assuming that the due diligence investigation to be conducted on the Property does not disclose any undue burden or risk of liability upon its owner, OCH believes that the donation of the Property to DHHL subject to a Ground Lease that will allow a donor affiliate to pursue commercial development of the Property that will ultimately provide both financial and community benefits to DHHL, to the donor, and to Hawaiian homes beneficiaries in impacted homestead communities is a WIN-WIN-WIN proposition.

RECOMMENDATION



OCH requests approval of the motion as stated.



Overview



Legend

-  Roads
-  Parcels

Parcel ID	911810370000	Situs/Physical Address	91-2002 C FORT WEAVER RD	Assessed Land Value	\$3,321,700	Last 2 Sales					
Acreage	19.345			Assessed Building Value	\$88,400	Date	0	Price	n/a	Reason	n/a
Class	VACANT AGRICULTURAL; RESIDENTIAL; AGRICULTURAL			Total Property Assessed Value	\$2,239,400	Date	0	Price	n/a	Reason	n/a
				Total Property Exemptions	\$0						
				Total Net Taxable Value	\$2,239,400						

Brief Tax Description LOT 17896-A 19.345 AC MAP 1598 LCAPP 1069
 (Note: Not to be used on legal documents)

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 DEPARTMENT OF BUDGET & FISCAL SERVICES REAL PROPERTY ASSESSMENT DIVISION CITY & COUNTY OF HONOLULU TAX MAP			
ZONE	SECTION	PLAT	
9	1	181	
FIRST TAXATION DIVISION			
SCALE: 1 INCH = 400 FEET			

COPYRIGHT CITY & COUNTY OF HONOLULU - ALL RIGHTS RESERVED 2021
 FOR PROPERTY ASSESSMENT PURPOSES, PARCELS MAY NOT BE LEGALLY SUBDIVIDED LOTS - SUBJECT TO CHANGE

L.C. APP 1069, HONOLULU, EWA, OAHU, HAWAII (Formerly pof. 9-1-017)

Exh.1 - 2

Exhibit 2

Sublease Rent Participation Approved by the Hawaiian Homes Commission on April 24, 1987

"That the Commission rescind its action of June 30, 1983 which adopted a sublease rent participation policy based on charging 10% of the gross sublease income for improvements (building space) and 20% of the general lessee's gross sublease income for raw land and that the following be approved effective August 1, 1982:

1. To limit the Department of Hawaiian Home Lands' (DHHL) participation to only the land. To adopt the sublease rent participation formula on pages 4 and 5 of the attached DHHL Sublease Rent Participation Policy.
2. In lieu of the sublease income assessed for those subleases covering raw lands only, the department shall participate in 50% of the difference of the sublease income charged by the lessee that exceeds the proportionate base rent (less any general excise tax) under the terms of the lease.
3. All monies collected from current general lessees due to sublease rent participation to be credited to future lease rental payments of the respective general lessee.
4. That for current subleasing activities approved by the Hawaiian Homes commission (HHC), there shall be no increase in sublease rent participation due to the new policy."

Extract from Attached Sublease Rent Participation Worksheet

Gross Annual Sublease Rent

LESS: 4% General Excise Tax (if paid by sublessor)
EQUALS: Effective Annual Sublease Rent
LESS: Allowances (costs and investment returns)
EQUALS: Amount of Increase in Lease Rent Due to Subleasing (if any)
X 50% EQUALS: Amount Due to DHHL

DHHL SUBLEASE RENT PARTICIPATION POLICY

DEFINITION OF TERMS

Refer to Worksheet

I. SUBLEASING OF BUILDING SPACE

- Line 1: GROSS ANNUAL SUBLEASE RENT
 The total sublease rent amount collected by a general lessee
 without any deductions
- Line 2: LESS 4% GENERAL EXCISE TAX
 State of Hawaii G.E. Tax; deducted only if not paid by a
 sublessee.
- Line 3: EFFECTIVE ANNUAL SUBLEASE RENT
 Gross annual sublease rent less State G.E. Tax.
- Line 4: LESS ALLOWANCES
 Allowances for costs incurred by a general lessee for
 construction and maintenance of improvements.
- Line 4a: MANAGEMENT, CREDIT LOSS
 Applicable to rent collections, accounting, legal and
 miscellaneous property management expenses, and allowance
 for non-collection of sublease rent. A rate of ten percent (10%)
 of the Effective Annual Sublease Rent is used.
- Line 4b: REPAIR and MAINTENANCE
 Expenses applicable to maintenance and repairs on building(s)
 and premises such as painting, refuse disposal, re-paving,
 utilities, landscaping, security, etc. If detailed expenses are not
 provided by the general lessee, such expenses will be estimated
 at two percent (2%) of Line 3.
- Line 4c: REAL PROPERTY TAXES
 Per current real property tax bill or notice sent by appropriate
 County Real Property Tax Office.
- Line 4d: INSURANCE PREMIUMS
 Premiums paid for fire/liability insurance policies.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 2024

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Juan Garcia, Administrator
Homestead Services Division

SUBJECT: **Report and Recommendations of the Investigative Committee on Leaves of Absence and the Lessee Appointed Caretaker of the Homestead Lot(s)**

RECOMMENDED MOTION/ACTION

For information only.

DISCUSSION

At the July 15-16, 2024, regular meeting of the Hawaiian Homes Commission (HHC or Commission), an investigative committee was appointed to study, evaluate, and recommend policies, guidelines, and strategies related to the use of caretakers by lessees during extended absences. The committee members included Michael Kaleikini, Dennis Neves, and Sanoe Marfil, who served as chair.

BACKGROUND

Under Section 10-2-16(b)(4) of the Department of Hawaiian Home Lands (DHHL) administrative rules, the Chairman of DHHL has the authority to approve leaves of absence. However, these rules lack specific guidelines or policies governing leaves of absence.

Historically, leaves of absence have been approved for lessees required to be away from their homestead for extended periods of time. Typical reasons include:

1. Military deployment,
2. Temporary relocation by an employer or religious organization,
3. Medical treatment,
4. Pursuing higher education, or
5. Health and safety concerns.

Leaves of absence are typically granted for up to 12 months, with the option for lessees to request extensions beyond the initial period.

INVESTIGATIVE COMMITTEE ACTIVITIES:

The committee convened on September 6, October 4, October 31, and December 4, 2024, to examine the following areas:

1. Existing administrative and policy frameworks,
2. Development of an interim policy pending formal rule amendments,
3. Revision and creation of necessary DHHL forms,
4. Drafting a leave of absence agreement, and
5. Defining responsibilities of lessees and caretakers.

The committee considered the following:

1. Existing administrative and policy matters;
2. Development of an interim policy until appropriate administrative rules may be amended;
3. Revisions/creation of necessary DHHL forms;
4. Creation of a leave of absence agreement;
5. Responsibilities of the Lessee(s) and the caretaker;
6. Adding “Other” as an additional reason for requesting a leave of absence, which is to be approved at the discretion of the Chair.

Staff that participated in the discussions included Hokulei Lindsey, Deputy Attorney General, Leah Burrows-Nuuanu, HHC Secretary, and Juan Garcia, HSD Administrator.

KEY CONSIDERATIONS:

1. **Expanded Leave Eligibility:**

The committee proposed allowing leaves of absence for cases where lessees accompany qualified relatives (spouse, child, grandchild, or sibling with at least 25% Hawaiian blood, as required under Section 209 of the Hawaiian Homes Commission Act) who are being relocated.

2. **Incarceration-Related Leaves:**

Discussions addressed the complexities of handling lessee incarceration and DHHL's ability to pursue administrative hearings when lessees cannot physically attend the hearing.

3. **Duration of Leave:**

The committee recommended maintaining the 12-month limit on leaves of absence, with discretionary authority for the Chairman to approve extensions beyond this period.

4. **Information Gathering:**

The DHHL will gather and review details such as:

- o Compliance with lease conditions,
- o Whether the lessee is directly impacted,
- o The role of qualified family members in the request, and
- o Validity of reasons for leave, including military deployment, employment, religious assignments, medical treatment, higher education, health and safety concerns, or other.

RECOMMENDATIONS:

Recommendation that the Commission direct the Department to implement the following:

1. **Draft Interim Policies and Finalize Required Forms:**
 - a) Develop and publish an interim policy to provide immediate guidance while formal rule amendments are pursued.
 - b) Revise and standardize DHHL forms.
2. **Commission Approval of Interim Policy**
3. **Training and Communication:**

Conduct training sessions for DHHL staff on the updated policies and communicate changes clearly to lessees.
4. **Monitor and Evaluate:**

Implement a monitoring mechanism to evaluate the effectiveness of the interim policy and identify areas for improvement.
5. **Formal Rulemaking Process:**

Begin the process of amending administrative rules to reflect the committee's recommendations and ensure clarity and enforceability.

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

December 16 – December 17, 2024

To: Chairman and Members, Hawaiian Homes Commission
From: David Hoke, Administrator, Enforcement Unit
Subject: For Information Only – Monthly Enforcement Unit Efforts and Statistics
(November 12, 2024 – December 8, 2024)

RECOMMENDED ACTIONS:

None. For information only.

DISCUSSION:

Requests for Investigations: 8

- Oahu: 6
- Maui: 0
- Kauai: 0
- East Hawaii:
- West Hawaii: 0
- Molokai: 0
- Lanai: 0
- Office of the Chair: 0
- LMD: 0
- LDD: 1
- ICRO: 1

Total requests received to date in the calendar year: 201

Events and Operations:

- 11/21/24 – Reconnaissance with Sheriff's Department for upcoming operation.

Staff Enrichment and Updates:

- 12/16/24 – Chad Aoki, new investigator start date.

Beneficiary Engagement:

- Maku'u Farmers Association
- Keaukaha - Panaewa Farmers Association NSW
- Kauluokahai NSW

Interagency Collaboration:

- State of Hawaii Sheriff's Department
- County Police (HPD – D8 Narco/Vice, CPT, HCPD – CPT)
- State of Hawaii Emergency Management

Vacant Home Initiative:

Nanakuli: 39 total properties identified as possible vacant homes

- 1 lessee found to be deceased, and death certificate has been requested.
- 3 leases pending transfer with HSD
- 3 lessees received their leases within the last year
- 3 lessees pending a permit to build with Department of Planning and Permitting
- 2 lessees working with NAHASA
- 6 lessees provided sufficient evidence that they are occupying the property
- 6 parcels in DHHL inventory
- 15 Notice of Violations sent out (10 Failure to Occupy and Failure to Maintain & 5 Failure to Maintain)
 - 3 lessees responded with commitments and deadlines to remediate
 - 12 deadlines to respond have not yet expired

Pilot program update:

- 11/30/2024 – Joint Operation with HPD District 8 Narco Vice where 4 home inspections were completed.
- Obtained 1 admission by a lessee that a family member who was residing in the home was distributing drugs. Notice of Violation issued for this issued to lessee, but no action taken at this time. Violation is held in abeyance unless additional violations come up in the future.
- 3 Notice of Violations issued for failing to maintain their property and will require follow up in the future.
- 2 new report of organized criminal activity in the various homesteads that fall into the area of the pilot program.
- 13 reports have been submitted to HPD since the pilot program began on January 1, 2024, with 10 being unsubstantiated, 2 confirmed, and 1 pending a disposition from HPD.
- HPD Crime Mapping Tool was not working as of 12/08/24.
- No longer submit monthly statistics on this or referred to as our “Pilot Program” for organized criminal activity.

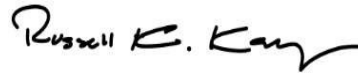
STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 17, 2024

TO: Members, Hawaiian Homes Commission

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



SUBJECT: Update on Ewa Drum/Varona Village Exchange; Request for Approval of Amended and Restated Memorandum of Agreement with the City and County of Honolulu

RECOMMENDED MOTION/ACTION

None – for information only

BACKGROUND

The Department of Hawaiian Home Lands (“DHHL”) and the City and County of Honolulu (“City”) were parties to a Memorandum of Agreement dated March 10, 2010 (“MOA”), that documented their mutual intent to exchange DHHL property then referred to as the “Ewa Drum Facility” in Waiawa, Oahu (see map and info. in Exhibit A hereto) for City property then referred to as “Varona Village” in Kapolei, Oahu (see map and info. in Exhibit B hereto). Although the parties, pursuant to the express provisions of the MOA, promptly executed reciprocal License Agreements to each allow the other use of their respective property pending closing of the transaction and consummation of the exchange, such closing and consummation never occurred.

By Resolution 22-131 adopted on June 1, 2022, the City Council of the City and County of Honolulu approved entering into an Amended and Restated Memorandum of Agreement with DHHL that only substantively differs from the original MOA by stating the appraised values determined for the Ewa Drum site (\$4,990,000) and the Varona Village site (\$4,660,000) and the resulting \$415,323 “Equalization Payment” to be made by City to DHHL, “which represents the \$330,000 difference in appraised values with an adjustment based on the consumer price index since 2008.” A copy of the fully executed Amended and Restated Memorandum of Agreement is attached hereto as Exhibit C.

DISCUSSION

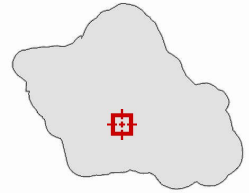
A summary of actions taken by DHHL with respect to the “Ewa Drum Site Land Exchange” is attached hereto as Exhibit D. This summary, which is posted on the DHHL website, provides a chronology of events, starting with the May 2006 Hawaiian Homes Commission authorization of the exchange transaction and running over multiple years up to the June 2022 resolution of the City Council approving the respective appraisals conducted and the resulting “Equalization Payment” to be made by the City.

DHHL is required by Section 204(a)(3) of the Hawaiian Homes Commission Act of 1920, as amended, to get the approval of the Secretary of the Interior to all land exchanges. Over the years, meetings have been held with, and varied documentation has been submitted to, the Office of Native Hawaiian Relations of the U.S. Department of Interior (“ONHR”). The chart below itemizes ONHR requests over the past year. We believe we are on the “final strokes” in this process.



DOI/ONHR Request	Reason	Status
1. Conduct Phase 2 environmental investigation on Varona parcels	Phase 1 report showed prior industrial use	Phase 2 report obtained and provided in 2024 - Soil remediation required for residential use
2. Update title reports on Varona parcels	Reports obtained in 2019 are “stale”	City requesting updated reports from the title company
3. DHHL to certify intent regarding use of Varona parcels	If change in use intended, then NEPA exemption not applicable	DHHL to certify same use as City – land bank for future residential development
4. Do more beneficiary consultation around valuations obtained and Equalization Payment	Although DHHL has already conducted its BC, DOI has its own BC requirements	DHHL is doing this update and will reasonably cooperate and facilitate future DOI BC



Overview



Legend

-  Roads
-  Parcels

Parcel ID	940080100000	Situs/Physical Address	WAIPIO POINT ACCESS	Assessed Land Value	\$7,217,800	Last 2 Sales			
Acreage	23.665			Assessed Building Value	\$0	Date	Price	Reason	Qual
Class	RESIDENTIAL			Total Property Assessed Value	\$7,217,800	n/a	0	n/a	n/a
				Total Property Exemptions	\$7,217,800	n/a	0	n/a	n/a
				Total Net Taxable Value	\$0				

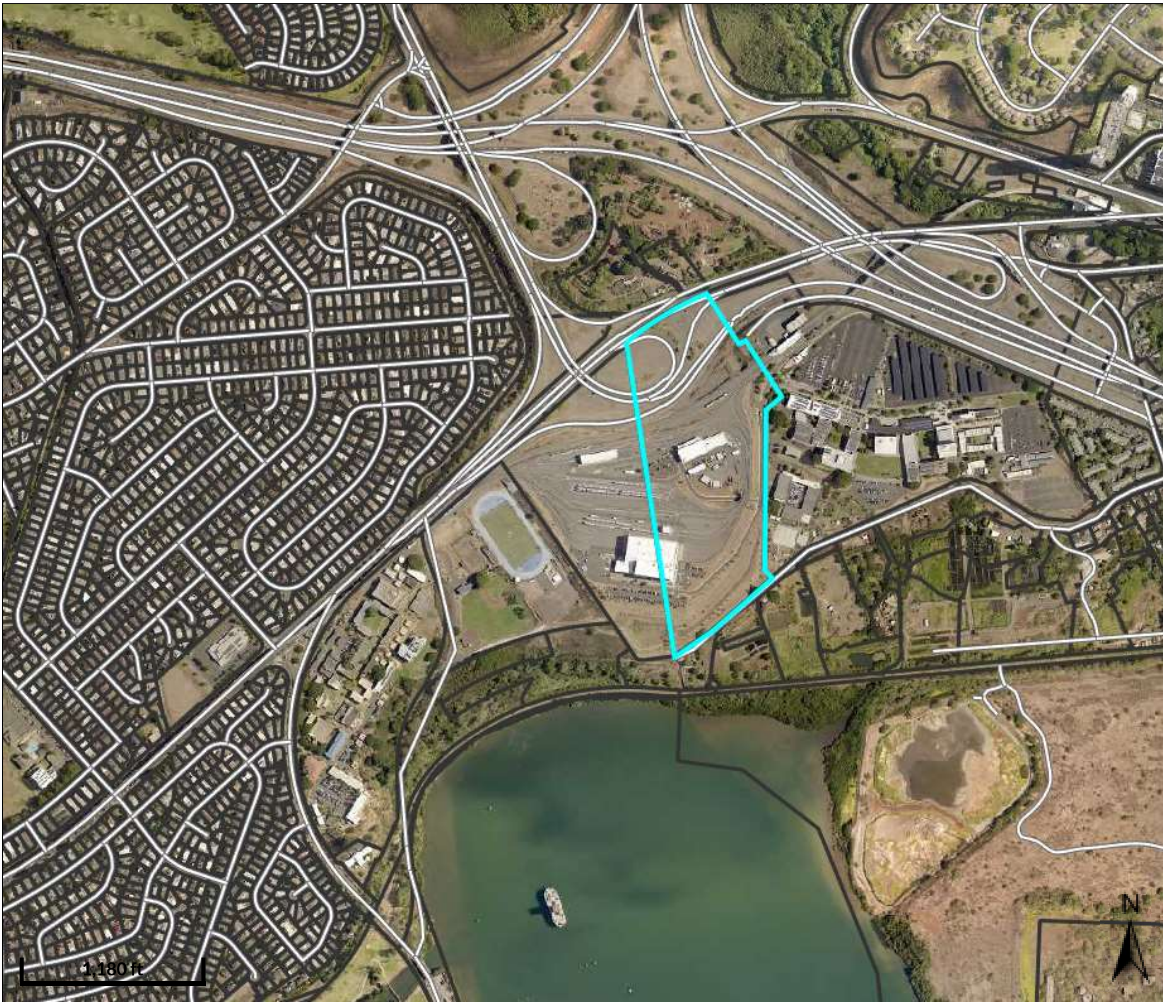
Brief Tax Description LOT 3236 4.683 AC & LOT 3237 18.982 AC MAP 292 LCAPP 1000
 (Note: Not to be used on legal documents)

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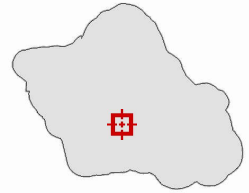
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 GEOSPATIAL



Overview



Legend

- Roads
- Parcels

Parcel ID 960030440000	Situs/Physical Address WAIAWA RD	Assessed Land Value	\$18,351,200	Last 2 Sales			
Acreage 32.177		Assessed Building Value	\$0	Date	Price	Reason	Qual
Class RESIDENTIAL		Total Property Assessed Value	\$18,351,200	n/a	0	n/a	n/a
		Total Property Exemptions	\$18,351,200	n/a	0	n/a	n/a
		Total Net Taxable Value	\$0				

Brief Tax Description POR RP 1142 LCAW 7713:46 & POR AREAS A & B IN US CIVIL NO. 490 ON 5/19/1943 & CIVIL NO 531 32.211 AC DES (DOC AREA)
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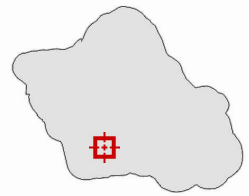
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Overview



Legend

-  Roads
-  Parcels

Parcel ID 91182010000	Situs/Physical Address PARK ROW	Assessed Land Value	\$1,943,300	Last 2 Sales			
Acreage 31.858		Assessed Building Value	\$0	Date	Price	Reason	Qual
Class AGRICULTURAL		Total Property Assessed Value	\$1,943,300	n/a	0	n/a	n/a
		Total Property Exemptions	\$1,943,300	n/a	0	n/a	n/a
		Total Net Taxable Value	\$0				

Brief Tax Description LOT 18280-A MAP 1537 LCAPP 1069 31.858 AC. TOG/E

(Note: Not to be used on legal documents)

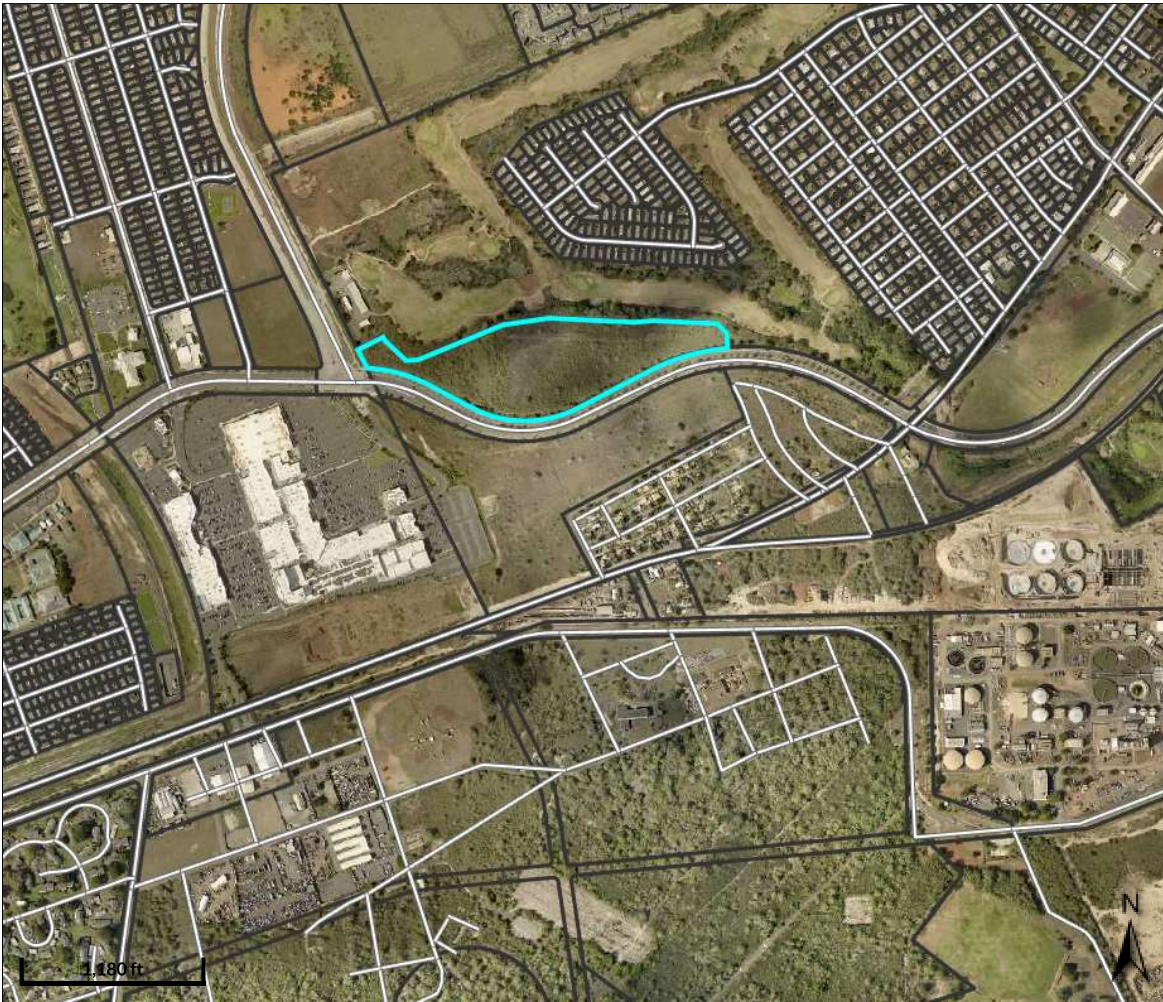
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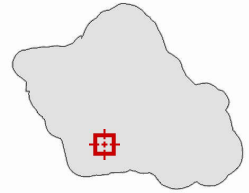
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Overview



Legend

-  Roads
-  Parcels

Parcel ID 911820070000	Situs/Physical Address PARK ROW	Assessed Land Value	\$2,813,700	Last 2 Sales			
Acreage 18.808		Assessed Building Value	\$0	Date	Price	Reason	Qual
Class AGRICULTURAL		Total Property Assessed Value	\$2,813,700	n/a	0	n/a	n/a
		Total Property Exemptions	\$2,813,700	n/a	0	n/a	n/a
		Total Net Taxable Value	\$0				

Brief Tax Description LOT 18278 MAP 1442 LCAPP 1069 18.808 AC TOG/E
 (Note: Not to be used on legal documents)

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AMENDED AND RESTATED MEMORANDUM OF AGREEMENT

This Amended and Restated Memorandum of Agreement ("Amended and Restated MOA") is entered into on this 24 of June, 2022, by and between the Department of Hawaiian Home Lands, State of Hawai'i ("DHHL") and the City and County of Honolulu, a municipal corporation of the State of Hawai'i ("City").

PURPOSE

WHEREAS, DHHL and the City ("Parties") have identified an opportunity to achieve their respective land use and management objectives through the conveyance of certain lands in Waiawa and Kapolei, Oahu, Hawai'i, through either mutual fee simple sale or an equal-value exchange; and

WHEREAS, the Parties have agreed to sell or exchange these parcels of land when the City receives the Record of Decision from the Federal Transit Administration ("FTA") for the Honolulu High-Capacity Transit Corridor Project, a FTA New Starts project; and

WHEREAS, the Parties have agreed that pending the sale or exchange of properties between the Parties, the Parties shall grant each other the necessary property interests in each other's property so that each may take possession of the other's property at the earliest possible moment; and

WHEREAS, the purpose of this Amended and Restated MOA is to guide and govern all actions necessary to accomplish the transfer of title to each respective property from each Party to the other by sale or exchange,

WHEREAS, the Parties entered into that certain Memorandum of Agreement dated March 3, 2010 and wish to amend and restate the agreement in its entirety in this Amended and Restated MOA

NOW THEREFORE, the Parties mutually acknowledge that the consideration for the execution hereof are their respective mutual covenants and their respective benefits inuring herefro and hereby agree to sell or exchange their respective properties according to the following terms, covenants, conditions, and provisions:

EXCHANGE or SALE PROPERTIES

DHHL is the fee owner of the Ewa Facility Drum site, which is suitable for conveyance to the City by sale or exchange. The property is identified as Tax Map Key numbers (1) 9-4-008: 010 and (1) 9-6-003: 044; collectively consisting of approximately 55.842 acres; described in detail in Exhibit A and made a part hereof ("DHHL Property").

The City is the fee owner of certain properties situated in Ewa, O'ahu, which is suitable for conveyance to DHHL by sale or exchange. These properties consist of first, a portion of Tax Map Key: (1) 9-1-182:010, which consists of approximately 31.8580 acres, and the second, a portion of Tax Map Key: (1) 9-1-182:007, which consists of approximately 18.808 acres, both of which are shown more fully on the map attached hereto as Exhibit B and made part hereof ("City Property"). The DHHL Property and the City Property are referred to as the "Exchange Properties."

The Ewa Facility Drum site was one of several federal properties that DHHL acquired pursuant to the Hawaiian Home Lands Recovery Act of 1995 ("HHLRA"), P.L. 104-42. The HHLRA represents the settlement for compensation to DHHL for past use by the federal government of DHHL's lands. Section 203(3) of the HHLRA authorizes the Chairman of the Hawaiian Homes Commission to sell lands designated as compensation for "lost use" of Hawaiian Home Lands. The term "lost use" is defined in the HHLRA, Section 202(7) as the value of the use of the land during the period when the Hawaiian Homes Commission was unable to use the lands because of the use of such lands by the federal government after August 21, 1959. DHHL's independent appraisers valued the "lost use" compensation as \$20,000,000 as of 1998.

Section 203(c)(3) of the HHLRA grants the Chairman of the Hawaiian Homes Commission ("Chairman") with the authority to designate lands to be sold at the time that lands are conveyed to DHHL as compensation for lost use under the HHLRA. The Chairman is authorized to sell such lands under the terms and conditions that are in the best interest of the beneficiaries. The proceeds of such a sale may only be used for purposes described in section 207(a) of the Hawaiian Homes Commission Act, 1920, as amended ("HHCA").

On May 23, 2006, the Hawaiian Homes Commission approved and authorized the Chairman to carry out the necessary actions to complete a land exchange with the City to exchange the DHHL Property for the City Property. At the time, necessary actions to complete the exchange included: finalization and execution of exchange agreements, completion of appraisals for the exchange

properties, determination of additional consideration that may be required to ensure a value-for-value transaction, preparation of an information package to be submitted to the United States Department of Interior, subdivision of the Varona Village site identified in Exhibit B, and recording the exchange deed following approval by the United States Secretary of the Interior.

On June 29, 2009, in accordance with the HHLRA, the federal government conveyed the Ewa Facility Drum site to DHHL on June 29, 2009. On July 7, 2009, the Hawaiian Homes Commission authorized the Chairman to grant his approval to designate the Ewa Facility Drum site to be sold to the City and authorized sale proceeds to be deposited in the Hawaiian Homes Trust Fund to be used for purposes described in section 207(a) of the HHCA. In addition, in a letter dated August 19, 2009, the Chairman of the Hawaiian Homes Commission notified the Secretary of the United States Department of the Interior that he designated the Ewa Drum site for sale as authorized under the HHLRA.

On September 16, 2021, the assigned appraiser, Paul Cool, CRE, MAI completed the appraisals of both properties with a valuation date of June 25, 2008. These values were approved by the United States Department of Interior's Appraisal and Valuation Services Office ("AVSO") on September 29, 2021. The DHHL Property was appraised at \$4,990,000 and the City Property was appraised at \$4,660,000; thus, the appraisals concluded that the DHHL Property is worth \$330,000 more than the City Property.

DHHL has been supportive of Honolulu's High-Capacity Transit Corridor Project because it will provide mass transit services to over 500 acres of Hawaiian home lands in Kapolei with significant homestead (900 existing and 1,000 planned housing units), community, and commercial developments within the larger Kapolei region. The City's planned use for the Ewa Facility Drum site is for a transit corporation yard is an essential element for the Honolulu rail transit system.

AGREEMENT

1. Value of Exchange Properties. The Parties agree that the value of the Exchange Properties shall be based on appraisals of fair market values for the Exchange Properties. The appraisals will be based on the "Uniform Standard of Professional Appraisal Practice" and/or the "Uniform Appraisal Standards for Federal Land Acquisitions." Both Parties and the United States Department of the Interior agreed to use the process set forth in the Appraisal and Valuation Services Office Manual

under which the AVSO would administer the valuation process.

2. Sale or Exchange of Exchange Properties.

a. Sale of Properties. In the event that the Parties agree to the sale of the Exchange Properties, the Parties are obligated to the following:

- (1) DHHL agrees to sell and convey to the City and the City agrees to purchase, the DHHL Property, subject to and in accordance with the terms and conditions set forth in a purchase and sale agreement, the form and content of which shall be mutually agreed upon by the Parties for a sale by quitclaim deed on an "as is", "where is" basis.
- (2) City agrees to sell and convey to DHHL and DHHL agrees to purchase, the City Property, subject to and in accordance with the terms and conditions set forth in a purchase and sale agreement, the form and content of which shall be mutually agreed upon by the Parties for a sale by quitclaim deed on an "as is", "where is" basis, and subject further that the City Property is properly subdivided for conveyance.

b. Exchange of Properties. In the event that the Parties agree to the exchange of the Exchange Properties, the Parties shall execute a Land Exchange Agreement, the form and content of which shall be mutually agreed upon by the Parties for an exchange on an "as is", "where is" basis. Furthermore, in the event of an exchange of the Exchange Properties, the Parties are obligated to the following:

- (1) DHHL shall convey and the City shall accept title to the DHHL Property by duly executed and acknowledged quitclaim deeds.
- (2) The City shall convey and DHHL shall accept title to the City Property by duly executed and acknowledged quitclaim deeds, subject to the City Property being properly subdivided for conveyance.
- (3) In addition to the exchange of the Exchange Properties described above, the City shall make a

payment to DHHL equal to the difference in the appraised values ("Equalization Payment").

- (4) Equalization Payment. The Equalization Payment shall be \$415,323, which represents the \$330,000 difference in appraised values with an adjustment based on the consumer price index since 2008.

This Amended and Restated MOA shall constitute the Land Exchange Agreement referenced in this section.

3. Approval or Review of Governmental Authorities.

- a. In the event of a sale of the properties described herein, such sale shall be subject to DHHL obtaining the approval of the Hawaiian Homes Commission. In the event of an exchange of the properties described herein, such exchange shall be subject to DHHL obtaining the approval of the Hawaiian Homes Commission and the United States of America, acting by and through its Secretary of the Interior.
- b. This Amended and Restated MOA, the disposal by sale or exchange, and any license for the use of the properties described herein shall be subject to the approval of the City Council.

4. Right of Entry and License Agreement. The Parties recognize that each Party will need control and use of the other Party's property prior to the closing of the sale or exchange of the subject properties ("Closing"). Upon the execution of this Amended and Restated MOA, subject to any applicable governmental approvals, and prior to the effective date of the Closing:

- a. DHHL shall execute a License Agreement for the DHHL Property allowing the City and its agents to have access to the property and giving the City full rights of possession of the DHHL Property pending the transfer of title in accordance with the terms and conditions set forth in the License Agreement. The City shall be responsible for all claims, demands, liabilities, costs, and expenses arising out of or in connection with DHHL's provision of the License Agreement to the City.
- b. The City shall execute a License Agreement for the City Property allowing the DHHL and its agents to have access to the property and giving DHHL full rights

of possession pending the transfer of title in accordance with the terms and conditions set forth in the License Agreement. DHHL shall be responsible for all claims, demands, liabilities, costs, and expenses arising out of or in connection with the City's provision of the License Agreement to DHHL.

- c. During the period from the execution of this Amended and Restated MOA to the Closing, neither Party shall allow liens or other encumbrances to attach to any part of the other Party's property.
- d. In the event the City Council, the Hawaiian Homes Commission or the United States Secretary of the Interior, as applicable, disapproves this Amended and Restated MOA, any License Agreements shall terminate immediately; provided, however, that the City shall be allowed on the DHHL Property to remove any improvements made thereon by the City and DHHL shall be allowed access to the City Property to remove any improvements made thereon by DHHL. Each Party shall be solely responsible for the cost and expense for the removal of improvements.

5. Environmental Analyses and Assessments.

- a. The Parties will comply with an environmental analysis and related studies as required by the National Environmental Policy Act ("NEPA") for their respective properties. In the event of an exchange of properties, the environmental analyses shall be reviewed by the United States Department of the Interior.
- b. Both Parties will comply with a Phase 1 Environmental Site Assessment report for their respective property and in the event of an exchange of properties such assessments shall be subject to review by the United States Department of the Interior.
- c. A Phase 1 Environmental Site Assessment for the DHHL Property dated June 2005 was prepared by the U.S. Department of Defense, Department of the U.S. Navy. A Phase 1 Environmental Site Assessment for the City Property dated May 16, 2014 was prepared by Kimura International. The Parties understand the approval of the United States Department of the Interior will require approval of these reports.

- d. Both Parties will comply with environmental assessments for their respective properties as required under Chapter 343, Hawaii Revised Statutes.
6. Inspection. The Parties' representatives are authorized to enter upon the Sale/Exchange Properties for the purpose of completing due diligence inspections, including environmental audits, and for any other purpose required or permitted by this Amended and Restated MOA.
7. Warranties. Except as otherwise provided in this Amended and Restated MOA, the Parties agree to accept the Sale/Exchange Properties "as is" and "where is". Neither Party has made any warranties, express nor implied, concerning the condition of the Sale/Exchange Properties (other than title, as provided herein) or their fitness for any intended use. The Parties agree that each property will be conveyed by way of quitclaim deeds.
8. Encumbrances.
- a. The Parties agree not to sell, convey, or further encumber the Sale/Exchange Properties prior to Closing. Each Party shall convey its Sale/Exchange Property by means of a quitclaim deed free of any mortgages, liens, or other encumbrances.
- b. The Parties agree that the quitclaim deed shall be free of any mortgages, liens, or other encumbrances other than those identified on the two status reports from Title Guaranty of Hawaii, LLC dated November 25, 2019 for the DHHL Property and the two status reports from Title Guaranty of Hawaii, LLC dated June 14, 2022 for the City Property.
9. Closing and Related Costs. All Closing costs incurred at the time of the Closing, including without limitation, escrow fees, recording fees, and conveyance taxes shall be shared equally between the Parties. Each party shall be responsible for their own title insurance costs, if any. There shall be no prorations as of the Closing date. Closing shall occur upon the recordation in the Bureau of Conveyances and filing in the Land Court of the State of Hawai'i, as applicable, of both DHHL's deed for the DHHL Property and the City's deed to DHHL for the City Property. The Parties shall coordinate their efforts to ensure that the deeds are simultaneously submitted for recordation and filing.

10. Escrow. Upon submission of the exchange proposal package to the United States Department of the Interior and receipt of tentative approval, the Parties shall open escrow with Title Guaranty of Hawaii, LLC ("Escrow Agent").

11. Closing Date. The Closing Date shall be mutually agreed upon by the Parties, but shall be no later than thirty (30) days after the last approval is obtained. The Party obtaining the last approval shall promptly notify the other Party and the Escrow Agent of such approval.

12. Closing Documents. The Parties shall submit to Escrow Agent the following documents:

- a. Three original counterparts of the quitclaim deed executed and notarized;
- b. Conveyance tax certificate;
- c. Closing statement;
- d. A deposit of the Equalization Payment (City only); and
- e. All other documents necessary to consummate the Closing contemplated by this Amended and Restated MOA.

13. Closing by Escrow Agent. Upon notification by the Parties of the Closing date and confirmation that the approvals have been obtained, Escrow Agent shall arrange for the following:

- a. Recordation and filing of the two quitclaim deeds in the Bureau of Conveyances of the State of Hawai'i and the Land Court of the State of Hawaii;
- b. Issuance of the respective title policies to the Parties as applicable;
- c. Payment to DHHL of the sum of \$415,323; and
- d. Delivery of a confirmed copy (showing all recording information thereon) of the two quitclaim deeds to each Party.

14. Construction. The Parties have contributed equally to the drafting of this document, which shall not be construed in favor of either. This Amended and Restated MOA shall be construed in accordance with the laws of the State of Hawai'i.

15. Term. This Amended and Restated MOA shall be in force and effect until the land exchange or sale has been completed to the mutual satisfaction of the Parties.
16. Modification. This Amended and Restated MOA may be modified by written consent of both Parties to cover any questions that may arise subsequent to the date of this Amended and Restated MOA. The Amended and Restated MOA may be renewed for an additional term upon written consent of both Parties.
17. Authority. The Parties hereto represent and warrant that this Amended and Restated MOA and all instruments, documents, and agreements to be executed in connection herewith are or when delivered will be duly authorized, executed and delivered by the Parties hereto and will be valid, binding, and enforceable obligations of the Parties charged. Each individual executing this Amended and Restated MOA on behalf of DHHL or the City represents and warrants to each other that he or she is duly authorized to do so.
18. Legal Descriptions. The Parties acknowledge that legal descriptions suitable for conveyance of title may not be available for all properties identified in Exhibits A and B. Prior to conveyance of any properties identified in Exhibits A and B, in consultation with the other Party, each Party shall prepare a legal description, suitable for recordation, for each property.
19. Termination. This Amended and Restated MOA will terminate upon closing by Escrow Agent as set forth in paragraph 13 herein.
20. Assignment. No transfer or assignment of this Amended and Restated MOA, or any part thereof or interest therein, directly or indirectly, voluntarily or involuntarily, shall be made unless such transfer or assignment is first approved in writing by both Parties.
21. Dispute Resolution. The Parties agree to employ a process of negotiation, mediation, or other means of Alternative Dispute Resolution other than binding arbitration to resolve any disagreements that may arise under this Amended and Restated MOA, provided however, that each party reserves the right to litigate any dispute that remains unresolved after good faith attempts at Alternative Dispute Resolution.

22. Counterparts. This Amended and Restated MOA may be executed in one or more counterparts, each of which shall be deemed an original, but all of which, when taken together shall constitute one and the same instrument. This Amended and Restated MOA may be executed and delivered by the exchange of facsimile, .pdf or other electronic image file copies of the executed counterpart signature pages, which shall be considered the equivalent of ink signature pages for all purposes.

IN WITNESS WHEREOF, the Parties have executed this Amended and Restated MOA as of the day and year first written above.

APPROVED AS TO FORM AND
LEGALITY

DEPARTMENT OF HAWAIIAN HOME
LANDS

By Alyssa Marie Yukiko Kau
Deputy Attorney General
State of Hawai'i

By William J. Aila, Jr.
WILLIAM J. AILA, JR.
Chairperson
Hawaiian Homes Commission

APPROVED AS TO CONTENT

CITY AND COUNTY OF HONOLULU

By Ad P. Cannon
Department of Budget and
Fiscal Services
City and County of Honolulu

By Rick Blangiardi
RICK BLANGIARDI
Mayor

APPROVED AS TO FORM AND
LEGALITY

By AK Cliz
Deputy Corporation Counsel
City and County of Honolulu

EXHIBIT A

<u>Properties</u>	<u>Acres</u>	<u>Location</u>	<u>TMK</u>
Ewa Drum Facility	56	Waiawa, Oahu	(1) 9-4-008:010 (1) 9-6-003:044

Acreage amounts are approximate. Precise figures will be obtained and inserted in actual transfer documents.

EXHIBIT B

<u>Properties</u>	<u>Acres</u>	<u>Location</u>	<u>TMK</u>
Varona Village	53	Kapolei, Oahu	(1) 9-1-0182:010 (1) 9-1-0182:007

Acreage amounts are approximate. Precise figures will be obtained and inserted in actual transfer documents.



Established by Prince Kūhiō & the U.S. Congress
Department of Hawaiian Home Lands
Ka 'Oihana 'Āina Ho'opulapula Hawai'i

[Home](#) » [Planning & Construction](#) » [Beneficiary Consultation](#) » [2009 Beneficiary Consultations](#) » Ewa Drum Site Land Exchange

EWA DRUM SITE LAND EXCHANGE

Ewa Drum Site Land Exchange

Background:

The Department of Hawaiian Home Lands acquired TMK Nos. [191182010](#) and [191182007](#) in Waiawa, Oahu in 2006 as part of the Federal Government's Hawaiian Home Lands Recovery Act (HHLRA).

The 1995 [Hawaiian Home Lands Recovery Act](#) provides, in part, for the settlement of claims against the United States through the exchange and transfer of Federal lands for the United States' continued retention of lands initially designated as available lands under the Hawaiian Homes Commission Act, 1920, as amended, and for the lost use of such lands.

Under the HHLRA, the Department can sell property up to that value that was deemed lands give to Hawaiian Home Lands to satisfy any potential income losses.

- May 23, 2006, the Hawaiian Homes Commission authorizes the Chairman to carry out necessary actions to complete a land exchange with the City & County of Honolulu for DHHL's 55-acre Ewa Drum site.
- January 27, 2009, the Hawaiian Homes Commission establishes a Beneficiary Consultation Policy.
- July 29, 2009, DHHL conducted a Beneficiary Consultation for a proposed land exchange with the City & County of Honolulu.
- October 20, 2009, the Hawaiian Homes Commission gave its approval of a Memorandum of Agreement (MOA) between DHHL and the City & County of Honolulu.
- December 16, 2009, the Honolulu City Council subsequently adopts CR-391 and Resolution 09-343, CD1 on the proposed land exchange.

Following these actions, Beneficiary Consultation meetings were conducted:

- January 13, 2010 in Kapolei
- January 14, 2010 at the Hawaii State Capitol

- January 14, 2010 in Wailuku, Maui
- January 15, 2010 in Hilo

Status:

The City and County of Honolulu has a license from DHHL for the use of the Ewa Drum site. DHHL has a license for the use of the Varona Village site. Neither party shall allow liens or other encumbrances to attach to any parts of the other agency’s property and licenses will conclude upon the completion of the land exchange. The City and County of Honolulu and DHHL have agreed to use U.S. Department of the Interior’s appraisal process. A final appraisal was established, presented, and unanimously adopted by the City & County of Honolulu City Council, at its June 1, 2022, regular meeting under CR-147 Resolution 22-131.

1	Agency	Office of Hawaiian Relations, U.S. Department of the Interior
2	Proposed Action or Issue for Discussion	Acquisition of Vacant Varona and Parcels in exchange for Ewa Drum Site
3	Notification	DOI Consultation Notice
4	Presentation and Feedback	Consultation Ewa Drum and Strategic Plan Varona Ewa Drum Consultation
5	Background Information	<ul style="list-style-type: none"> • Ewa Drum Varona HHC Action – October 20, 2009 • Ewa Drum HHC Action – July 7, 2009 • DOI Letter – August 19, 2009 • Background History Ewa Drum – May 23, 2006
6	Draft Report with Comments	<ul style="list-style-type: none"> • Beneficiary Consultation Notes – January 13, 2010
7	HHC Minutes	<ul style="list-style-type: none"> • Hawaiian Homes Commission Submittal – Oct. 2009
8	DHHL License	<ul style="list-style-type: none"> • City & County of Honolulu License

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

Dec 16-17, 2024

To: Chairman and Members, Hawaiian Homes Commission

Thru: Katie L. Lambert, Deputy to the Chairman

From: Jaren Tengan, TBCP Award Program Staff

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

RECOMMENDED MOTION

None; for information only

DISCUSSION

This informational briefing is to provide an update on the Department of Hawaiian Homes Lands (the Department or DHHL) Tribal Broadband Connectivity Program (TBCP) award. The last submittal update was provided at the February 2024 Hawaiian Homes Commission (HHC) meeting.

BACKGROUND

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

On June 3, 2021, the NTIA released its Notice of Funding Opportunity (NOFO 1). In consultation with the NTIA, DHHL amended its original August 31, 2021 TBCP application and submitted its final application on September 30, 2022. NTIA awarded

\$17,284,762.85 in December of 2022, with the remaining balance of the \$90 million available to DHHL when it applies for the second TBCP NOFO (NOFO 2), which was published on or about July 27, 2023.

DHHL's TBCP NOFO 1 application was structured into two parts: 1) Use and Adoption; and 2) a Feasibility and Assessment Study for broadband infrastructure. Use and adoption projects as well as infrastructure projects from NOFO 1 are in various stages of implementation.

DHHL's application for TBCP NOFO 2 was submitted on March 22, 2024. With an estimated total project cost of \$72,708,711, DHHL's TBCP NOFO 2 application focuses on infrastructure needs and was structured by prioritizing each island based on historical access to broadband services with areas of historically low access: 1) Molokai, 2) Kauai, 3) West Hawaii Island, 4) East Hawaii Island, 5) Maui, 6) Lanai, and 7) Oahu. The priority was determined by identifying Broadband Serviceable Locations (BSLs) using the Broadband Data Collection Fabric Map. Using that information on underserved or unserved areas on Hawaiian homelands, 4 objectives were identified to comprehensively address the broadband needs of the Beneficiary community. These objectives are described in more detail in the TBCP NOFO 2 project update below.

PROJECT UPDATES

TBCP NOFO 1

Use and Adoption Projects

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

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

1. Computers for Charter schools \$4,003,913.00

In the "Charter Schools" project, the original goal was to increase the capacity of Hawaiian-focused public charter

schools (HFCS) for distance learning, digital education access, and hybrid learning.

STATUS: The Department is currently working to draft MOAs with charter schools that are currently on Hawaiian Home Lands. Expected execution is Q1 of 2025.

2. Broadband Digital Mapping \$315,530.00

This project has evolved into a digital mapping project for the whole state. The Department is starting work with a data service called Ookla. Ookla is a data service company specializing in broadband and internet performance analysis. By leveraging Ookla's expertise in broadband and internet performance analysis, DHHL can gain valuable insights into the current state of connectivity on Hawaiian home lands. This data can inform targeted infrastructure improvements and investments, ensuring that DHHL lessees have access to reliable and high-speed internet services.

STATUS: DHHL is currently working with Ookla to draft an annual report to help visualize connectivity.

3. Nānākuli Public Library \$745,392.00

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

STATUS: DHHL, State of Hawaii Library staff, and Nanakuli High School staff are working together on the final details of this project. It is anticipated that this project will be subject to procurement.

4. Telehealth (Maternal and Native Hawaiian Telehealth) \$5,832,565.45

This project will support the access and adoption of telehealth through two subprojects: 1) maternal telehealth

services, and 2) Native Hawaiian Telehealth. These initiatives seek to improve health outcomes by increasing access to remote health care services including remote patient monitoring devices and services that enable a patient's health care team to intervene quickly if conditions are indicated.

STATUS: The Maternal Telehealth Memorandum of Agreement (MOA) between DHHL and the John A. Burns School of Medicine (JABSOM) has been signed with a term expiring on June 30, 2025. Under the MOA, \$2,803,065.45 will go to the Hawaii Maternal Telehealth Access Program (HMTAP) for Native Hawaiian expectant mothers.

Telecommunications Infrastructure Assessment and Feasibility Study

The second component of DHHL's NOFO1 award is for a telecommunications infrastructure assessment and feasibility study (Feasibility Study). This portion of the award totals **\$6,387,362.40 million.**

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

On March 29, 2023, DHHL released a Request for Proposals for the Feasibility Study in accordance with the Hawaii State Procurement Code. On April 26, 2023, DHHL awarded the Feasibility Study contract to Hawaiian Telcom. On December 20, 2023, the contract was officially closed and all terms within the Scope of Work were satisfied. Costs for the Study total \$87,716.82.

Other costs associated with this source of funding are: contract for design, planning and engineering services of \$3,885,163.00, g; Broadband Program staff salary for 3 years inclusive of fringe totaling \$837,675.00; and administrative costs totaling \$125,242.40. Remainder after all expenditures totals \$1,066,885.78.

STATUS: DHHL is currently assessing the best use for the remainder of Feasibility Study funds, which may include re-allocating the funds to the Use and Adoption projects described above.

TBCP NOFO 2

The Department of Hawaiian Home Lands was awarded through the second application process \$72,708,711.00 on November 12, 2024. Focusing on infrastructure, DHHL's NOFO 2 application identified 4 priority objectives:

1. Connect unserved (DHHL) households to current middle mile fiber routes that will provide service of at least 1000 Mbps symmetrical;
2. Connect those extremely rural DHHL households with Low Earth Orbit (LEO) satellite connections of at least 100 Mbps downstream and 20 Mbps upstream;
3. Construct conduit and fill it with middle mile fiber to DHHL homestead communities that are currently being constructed;
4. Construct community digital innovation centers to be used for digital workforce development training and digital literacy training courses to build the capacity and knowledge base of our local population.

Not all objectives listed above were identified to be deployed on each island. Not all priority objectives will be deployed in each area since historic and present service needs vary by area. There are also different funding sources that may be available for building out broadband infrastructure in new developments. The objectives are anticipated to be deployed in each area as follows:

Molokai - \$718,655.00

- 1) Connect 30 households within the Hoolehua and Kalamaula Homesteads to current middle mile fiber routes.
- 2) Connect 5 extremely rural households to LEO satellite service within the Hoolehua Homestead and Kalaupapa area.

Kauai - \$14,638,813.00

- 1) Connect 63 households within the Anahola-Residential and Moloaa Homesteads to current middle mile fiber routes.
- 3) Construct and fill new conduit with middle mile fiber that will service the soon-to-be developed Hanapepe subdivision.
- 4) Construct a new community innovation lab in partnership with Kulukulu Kumuhana O Anahola to be used for digital workforce development and digital literacy training courses.

Hawaii Island - \$13,214,275.00

- 1) Connect 478 households within the Panaewa, Makuu, Kamaoa-Puueo, Humuula, Waiakea, Kealakehe, Puukapu, Kawaihae, Nienie, Honokaia, and Keoniki Homesteads to current middle mile fiber routes.
- 2) Connect 8 extremely rural households to LEO satellite service within the Kealakehe, Puukapu, and Nienie Homesteads.
- 3) Construct and fill new conduit with middle mile fiber that will service the soon-to-be developed Honomu subdivision and Waimea Nui Health Clinic.
- 4) Construct a new community innovation lab in partnership with O Makuu Ke Kahua and Keukaha-Pana'ewa Community Alliance to be used for digital workforce development and digital literacy training courses.

Maui - \$6,423,886.00

- 1) Connect 390 households within the Waiohuli, Keokea, Pulehunui, and South Maui Homesteads to current middle mile fiber routes.
- 2) Connect 101 extremely rural households to LEO satellite service with the Kahikinui Homestead.
- 3) Construct and fill new conduit with middle mile fiber that will service the soon-to-be developed Leialii and Puuhona subdivisions.
- 4) Construct a new community innovation lab in partnership with the Waiohuli Hawaiian Homesteaders Association to be used for digital workforce development and digital literacy training courses.

Oahu - \$15,154,440.00

- 1) Connect 5 households within the Waimanalo Homestead to current middle mile fiber routes.
- 2) Construct and fill new conduit with middle mile fiber that will service the soon-to-be developed Kaupea and Kauluokahai.

DHHL has allocated \$1,240,000.00 in TBCP NOFO 2 funds to extend the contract mentioned above (for design, planning, and engineering) to assist in construction project management, developments of long-term broadband strategy, community outreach, and post construction services.

Additionally, DHHL has allocated \$127,000 in TBCP NOFO 2 funds to extend the data mapping service contract with Ookla. This service will be key in assessing the effectiveness of our project deployment.

NEXT STEPS:

Currently the Broadband team is working through the initial paperwork process with NTIA for the newly awarded NOFO2 funds. This includes but is not limited to: submission of initial expenditure plans; verification of environmental assessments; outreach planning; verification of Broadband Serviceable Locations (BSLs); deconflicting from other federally funded broadband initiatives being deployed across the State; and syncing with the State of Hawaii's digital equity initiatives.

Other initiatives that the broadband team is working on are as follows:

- 1) SIC disconnections
- 2) 2.5 GHz wireless frequency build outs
- 3) HIFL undersea cable
- 4) HT middle mile undersea cable

Hawaiian Homes Commission Meeting Packet
December 16 & 17, 2024
Hale Pono‘ī, Kapolei, Oahu

D ITEMS

HOMESTEAD SERVICES DIVISION
AGENDA

December 16-17, 2024

DIVISION	ITEM NO.	SUBJECT
ODO/APPL. LOANS	D-1	HSD Status Reports Exhibits: A - Homestead Lease & Application Totals and Monthly Activity Reports B - Delinquency Report C - DHHL Guarantees for Hawaii Community Lending Construction Loans D - DHHL Guarantees for U.S. Small Business Administration
LOANS	D-2	Approval of Consent to Mortgage (see exhibit)
APPL	D-3	Approval of Homestead Application Transfers / Cancellations (see exhibit)
	D-4	Approval to Certify Applications of Qualified Applicants for the month of November 2024 (see exhibit)
	D-5	Commission Designation of Successors to Application Rights – Public Notice 2022, 2023 (see exhibit)
ODO	D-6	Approval of Assignment of Leasehold Interest (see exhibit)
	D-7	Approval of Amendment of Leasehold Interest (see exhibit)
	D-8	Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
	D-9	Cancellation of Lease – DARLAMAE-KANOE C. K. T. VAENUKU , Residential Lease No. 5644, Lot No. 33, Lualualei, Oahu
	D-10	Commission Designation of Successor – RUEBEN P. K. KAAHANUI, SR. – Residential Lease No. 11695, Lot No. UNDV152, Kapolei, Oahu

Sample Footer 12pt. Times New Roman
(Without Exhibit)


ITEM NO. D-1

(With Exhibit)

ITEM NO. D-1
EXHIBIT A

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 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 Hawaii Community Lending Construction Loans
- Exhibit D: DHHA Guarantees for U.S. Small Business Administration

December 16, 2024

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through November 30, 2024

	As of 10/31/24	Add	Cancel	As of 11/30/24
Residential	8,511	0	0	8,511
Agricultural	1,106	0	0	1,106
Pastoral	438	0	0	438
Total	10,055	0	0	10,055

The cumulative number of Converted Undivided Interest Lessees represents an increase of 578 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

	As of 10/31/24	Converted	Rescinded/ Surrendered/ Cancelled/	As of 11/30/24
Undivided	731	0	0	731

Balance as of 11/30/2024:

Awarded	1,434
Relocated to UNDV	7
Reinstated to UNDV	1
Rescinded	123
Surrendered	6
Cancelled	4
Converted	578
Balance to Convert	731

Lease Report For the Month Ending November 30, 2024

	----- RESIDENCE -----			----- AGRICULTURE -----			----- PASTURE -----			----- TOTAL LEASES -----		
	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL
OAHU												
Kakaina	42	0	0	42	0	0	0	0	0	0	0	42
Kalawahine	90	0	0	90	0	0	0	0	0	0	0	90
Kanehili	399	0	0	399	0	0	0	0	0	0	0	399
Kapolei	173	0	0	173	0	0	0	0	0	0	0	173
Kauluokahai	155	0	0	155	0	0	0	0	0	0	0	155
Kaupea	323	0	0	323	0	0	0	0	0	0	0	323
Kaupuni	19	0	0	19	0	0	0	0	0	0	0	19
Kewalo	248	0	0	248	0	0	0	0	0	0	0	248
Kumuohau	51	0	0	51	0	0	0	0	0	0	0	51
Lualualei	149	0	0	149	30	0	0	30	0	0	0	179
Malu'ohai	225	0	0	225	0	0	0	0	0	0	0	225
Nanakuli	1,045	0	0	1,045	0	0	0	0	0	0	0	1,045
Papakolea	64	0	0	64	0	0	0	0	0	0	0	64
Princess Kahanu Estates	268	0	0	268	0	0	0	0	0	0	0	268
Waiahole	0	0	0	0	16	0	0	16	0	0	0	16
Waianae	421	0	0	421	12	0	0	12	0	0	0	433
Waimanalo	711	0	0	711	2	0	0	2	0	0	0	713
TOTAL	4,383	0	0	4,383	60	0	0	60	0	0	0	4,443
MAUI												
Hikina	31	0	0	31	0	0	0	0	0	0	0	31
Kahikinui	0	0	0	0	0	0	0	0	100	0	0	100
Keokea	0	0	0	0	64	0	0	64	0	0	0	64
Leialii	103	0	0	103	0	0	0	0	0	0	0	103
Paukukalo	178	0	0	178	0	0	0	0	0	0	0	178
Waiehu 1	39	0	0	39	0	0	0	0	0	0	0	39
Waiehu 2	109	0	0	109	0	0	0	0	0	0	0	109
Waiehu 3	113	0	0	113	0	0	0	0	0	0	0	113
Waiehu 4	98	0	0	98	0	0	0	0	0	0	0	98
Waiohuli	590	0	0	590	0	0	0	0	0	0	0	590
TOTAL	1,261	0	0	1,261	64	0	0	64	100	0	0	1,425
EAST HAWAII												
Discovery Harbour	3	0	0	3	0	0	0	0	0	0	0	3
Kamaoa	0	0	0	0	0	0	0	0	25	0	0	25
Kaumana	47	0	0	47	0	0	0	0	0	0	0	47
Keaukaha	473	0	0	473	0	0	0	0	0	0	0	473
Kuristown	3	0	0	3	0	0	0	0	0	0	0	3
Makuu	0	0	0	0	120	0	0	120	0	0	0	120
Panaewa	13	0	0	13	276	0	0	276	0	0	0	289
Piihonua	17	0	0	17	0	0	0	0	0	0	0	17
Puueo	0	0	0	0	11	0	0	11	0	0	0	11
University Heights	4	0	0	4	0	0	0	0	0	0	0	4
Waiakea	283	0	0	283	0	0	0	0	0	0	0	283
TOTAL	843	0	0	843	407	0	0	407	25	0	0	1,275
WEST HAWAII												
Honokaia	0	0	0	0	0	0	0	0	24	0	0	24
Humuula	0	0	0	0	0	0	0	0	5	0	0	5
Kamoku	0	0	0	0	0	0	0	0	16	0	0	16
Kanihale	223	0	0	223	0	0	0	0	0	0	0	223
Kawaihae	192	0	0	192	0	0	0	0	1	0	0	193
Laiopua	274	0	0	274	0	0	0	0	0	0	0	274
Lalamilo	30	0	0	30	0	0	0	0	0	0	0	30
Nienie	0	0	0	0	0	0	0	0	21	0	0	21
Puukapu/Waimea/Kuhio VII	118	0	0	118	111	0	0	111	218	0	0	447
Puupulehu	33	0	0	33	0	0	0	0	0	0	0	33
TOTAL	870	0	0	870	111	0	0	111	285	0	0	1,266
KAUAI												
Anahola	553	0	0	553	46	0	0	46	0	0	0	599
Hanapepe	47	0	0	47	0	0	0	0	0	0	0	47
Kekaha	116	0	0	116	0	0	0	0	0	0	0	116
Puu Opae	0	0	0	0	0	0	0	0	1	0	0	1
TOTAL	716	0	0	716	46	0	0	46	1	0	0	763
MOLOKAI												
Hooilehua	152	0	0	152	346	0	0	346	21	0	0	519
Kalamaula	167	0	0	167	69	0	0	69	3	0	0	239
Kapaakea	47	0	0	47	0	0	0	0	3	0	0	50
Moomomi	0	0	0	0	3	0	0	3	0	0	0	3
One Aalii	27	0	0	27	0	0	0	0	0	0	0	27
TOTAL	393	0	0	393	418	0	0	418	27	0	0	838
LANAI												
Lanai	45	0	0	45	0	0	0	0	0	0	0	45
TOTAL	45	0	0	45	0	0	0	0	0	0	0	45
STATEWIDE TOTAL	8,511	0	0	8,511	1,106	0	0	1,106	438	0	0	10,055

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

ISLAND	AC	AREA / TYPE	11/1/2024	ADDS	DELETES	12/1/2024					
			TOTALS			TOTALS		Agr	Pas	Res	
O'ahu	113	Nānākuli Res	152	2	3	151	0.97%	O'AHU APP TYPE TOTALS <u>Agr</u> + <u>Pas</u> + <u>Res</u> = 15,697 26.81% 0.00% 73.19% 100.00%			
	123	Papakōlea / Kewalo Res	64	3	3	64	0.41%				
	133	Waimānalo Res	516	9	9	516	3.29%				
	143	Wai'ānae Res	132	1	1	132	0.84%				
	191	O'ahu Islandwide Agr	4,202	11	5	4,208	26.79%				
	193	O'ahu Islandwide Res	10,619	20	13	10,626	67.70%				
		Total O'ahu Apps	15,685	46	34	15,697	100.00%				
Maui	213	Paukūkalo Res	50	0	0	50	0.53%	MAUI APP TYPE TOTALS <u>Agr</u> + <u>Pas</u> + <u>Res</u> = 9,453 51.19% 6.62% 42.19% 100.00%			
	221	Kula Agr	4	0	0	4	0.04%				
	222	Kula Pas	3	0	0	3	0.03%				
	291	Maui Islandwide Agr	4,835	3	2	4,836	51.16%				
	292	Maui Islandwide Pas	623	0	0	623	6.59%				
	293	Maui Islandwide Res	3,938	6	7	3,937	41.65%				
		Total Maui Apps	9,453	9	9	9,453	100.00%				
Hawai'i	313	Keaukaha / Waiākea Res	65	1	1	65	0.42%	HAWAI'I APP TYPE TOTALS <u>Agr</u> + <u>Pas</u> + <u>Res</u> = 15,488 47.82% 13.10% 39.08% 100.00%			
	321	Pana'ewa Agr	13	0	0	13	0.08%				
	333	Kawaihae Res	15	0	0	15	0.10%				
	341	Waimea Agr	9	0	0	9	0.06%				
	342	Waimea Pas	45	0	0	45	0.29%				
	343	Waimea Res	44	0	0	44	0.28%				
	391	Hawai'i Islandwide Agr	7,399	6	20	7,385	47.68%				
	392	Hawai'i Islandwide Pas	1,989	2	7	1,984	12.81%				
	393	Hawai'i Islandwide Res	5,953	3	28	5,928	38.27%				
			Total Hawai'i Apps	15,532	12	56	15,488				
Kaua'i	511	Anahola Agr	3	0	0	3	0.07%	KAUAI APP TYPE TOTALS <u>Agr</u> + <u>Pas</u> + <u>Res</u> = 4,408 52.75% 7.71% 39.54% 100.00%			
	512	Anahola Pas	19	0	0	19	0.43%				
	513	Anahola Res	39	0	0	39	0.88%				
	523	Kekaha Res	8	0	0	8	0.18%				
	532	Pu'u 'Ōpae Pas	7	0	0	7	0.16%				
	591	Kaua'i Islandwide Agr	2,322	3	3	2,322	52.68%				
	592	Kaua'i Islandwide Pas	314	0	0	314	7.12%				
	593	Kaua'i Islandwide Res	1,698	2	4	1,696	38.48%				
		Total Kaua'i Apps	4,410	5	7	4,408	100.00%				
Moloka'i	613	Kalama'ula Res	3	0	0	3	0.14%	MOLOKA'I APP TYPE TOTALS <u>Agr</u> + <u>Pas</u> + <u>Res</u> = 2,167 52.70% 9.32% 37.98% 100.00%			
	621	Ho'olehua Agr	17	1	1	17	0.78%				
	622	Ho'olehua Pas	1	0	0	1	0.05%				
	623	Ho'olehua Res	7	0	0	7	0.32%				
	633	Kapa'akea Res	6	0	0	6	0.28%				
	643	One Ali'i Res	1	0	0	1	0.05%				
	691	Moloka'i Islandwide Agr	1,124	3	2	1,125	51.92%				
	692	Moloka'i Islandwide Pas	201	0	0	201	9.28%				
	693	Moloka'i Islandwide Res	806	3	3	806	37.19%				
		Total Moloka'i Apps	2,166	7	6	2,167	100.00%				
Lāna'i	713	Lāna'i Res	70	0	0	70	100.00%	LĀNA'I APP TYPE TOTALS <u>Agr</u> + <u>Pas</u> + <u>Res</u> = 70 0.00% 0.00% 100.00% 100.00%			
		Total Lāna'i Apps	70	0	0	70	100.00%				

STATEWIDE TOTALS				STATEWIDE APP TYPE TOTALS		
10/1/2024	Adds	Deletes	11/1/2024	Agr	Pas	Res
47,316	79	112	47,283	19,921	3,197	24,165

DHHL Applicant Summary as of December 1, 2024

Individuals with only RESIDENTIAL applications:	6,423	21.74%
Individuals with only AGRICULTURAL applications:	4,631	15.68%
Individuals with only PASTORAL applications:	748	2.53%
Individuals with RESIDENTIAL and AGRICULTURAL applications:	15,291	51.76%
Individuals with RESIDENTIAL and PASTORAL applications:	2,449	8.29%
	29,542	100.00%
*Total Number of DHHL APPLICANTS:	29,542	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

December 16, 2024

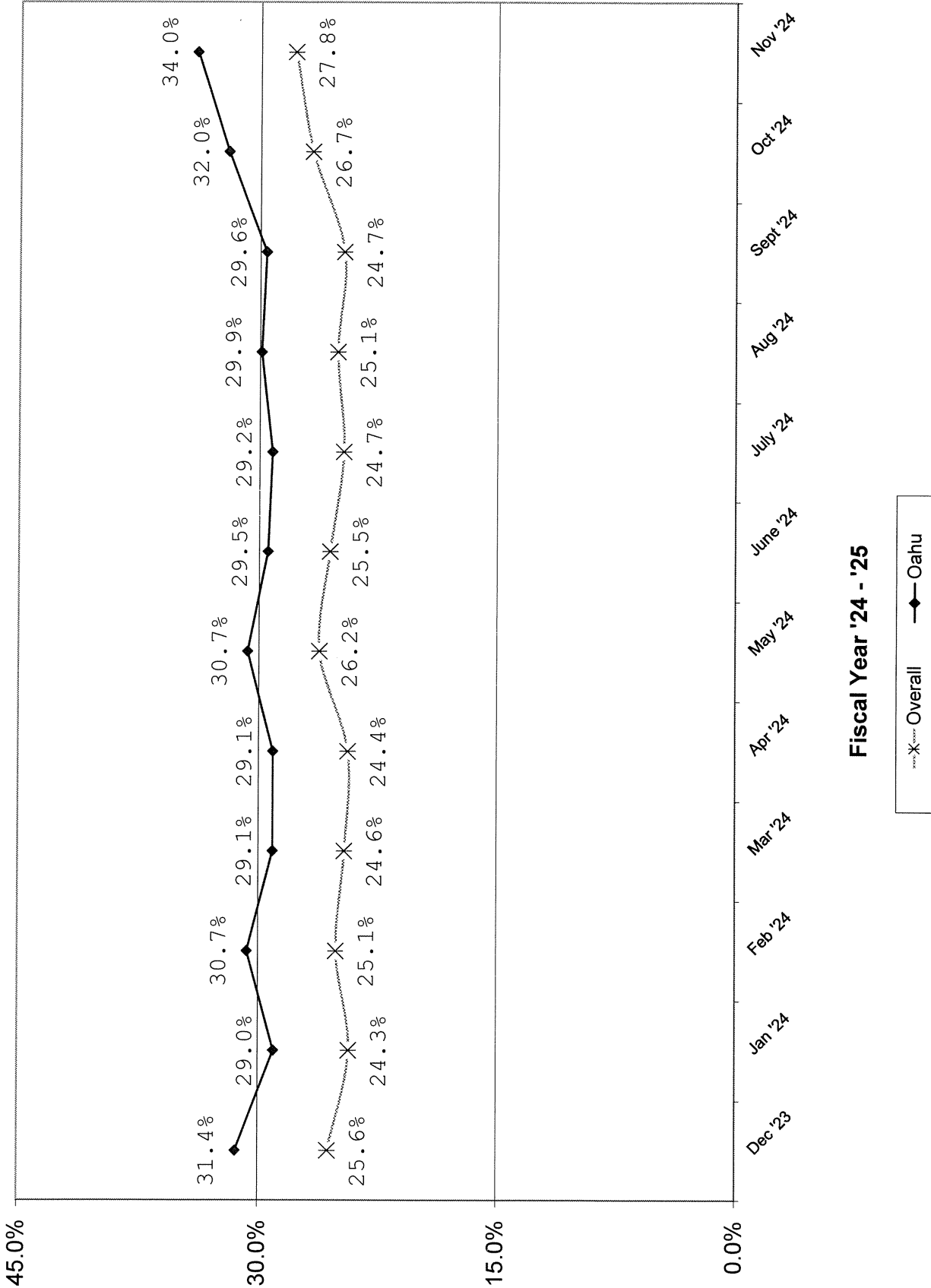
(\$Thousands)

DIRECT LOANS	R I S K												% of Totals 11/30/2024	
	Total Outstanding		Total Delinquency		30 Days (low)		60 Days (Medium)		90 Days (High)		180 Days (Severe)			
	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.	No.	(000s) Amt.		
OAHU	352	35,676	111	12,133	17	1,561	12	1,501	7	770	75	8,301	31.5%	34.0%
EAST HAWAII	185	10,872	49	3,616	2	212	0	0	7	404	40	3,000	26.5%	33.3%
WEST HAWAII	76	7,774	15	1,484	13	1,332	1	3	0	0	1	149	19.7%	19.1%
MOLOKAI	76	6,453	14	649	2	93	0	0	3	224	9	333	18.4%	10.1%
KAUAI	90	8,413	14	880	2	114	3	344	2	28	7	394	15.6%	10.5%
MAUI	112	15,317	34	4,733	7	674	2	296	4	422	21	3,341	30.4%	30.9%
TOTAL DIRECT	891	84,506	237	23,495	43	3,985	18	2,144	23	1,848	153	15,517	26.6%	27.8%
	100.0%	100.0%	26.6%	27.8%	4.8%	4.7%	2.0%	2.5%	2.6%	2.2%	17.2%	18.4%		
Advances (including RPT)	231	5,903	231	5,903	0	0	0	0	231	5,903			100%	100%
DHHL LOANS & Advances	1,122	90,409	468	29,398	43	3,985	18	2,144	254	7,751	153	15,517	41.7%	32.5%
LOAN GUARANTEES as of June 30, 2024														
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			15.7%	18.5%
Habitat for Humanity	32	893	16	429	0	0	0	0	16	429			50.0%	48.0%
Maui County	5	74	0	0	0	0	0	0	0	0			0.0%	0.0%
Nanakuli NHS	1	7	1	7	0	0	0	0	1	7			100.0%	100.0%
City & County	10	204	10	204	0	0	0	0	10	204			100.0%	100.0%
FHA Interim	6	1,366	0	0	0	0	0	0	0	0			0.0%	0.0%
OHA	1	6	1	6	0	0	0	0	1	6			100.0%	100.0%
TOTAL GUARANTEE	331	38,448	71	7,259	0	0	0	0	71	7,259			21.5%	18.9%
PMI Loans	116	15,109	3	312	2	185	0	0	1	127			2.6%	2.1%
HUD REASSIGNED for Recovery	113	12,027	92	10,444	0	0	0	0	3	162	89	10,282	81.4%	86.8%
FHA Insured Loans	2,909	529,341	188	31,229	0	0	0	0	188	31,229			6.5%	5.9%
TOTAL INS. LOANS	3,138	556,477	283	41,985	2	185	0	0	192	31,518	89	10,282	9.0%	7.5%
OVERALL TOTALS(EXC Adv/RPT's)	4,360	679,430	591	72,739	45	4,170	18	2,144	286	40,625	242	25,799	13.6%	10.7%
ADJUSTED TOTALS	4,591	685,334	822	78,642	45	4,170	18	2,144	517	46,528	242	25,799		11.5%

Note: HUD 184A loan program has 517 loans, with a total outstanding principal balance of \$110,117,159 as of June 30, 2024. 10 Loans, totaling \$2,402,108 are delinquent.

The deferred interest for 403 loans comes out to \$1,939,167.13 as of 11/30/2024.

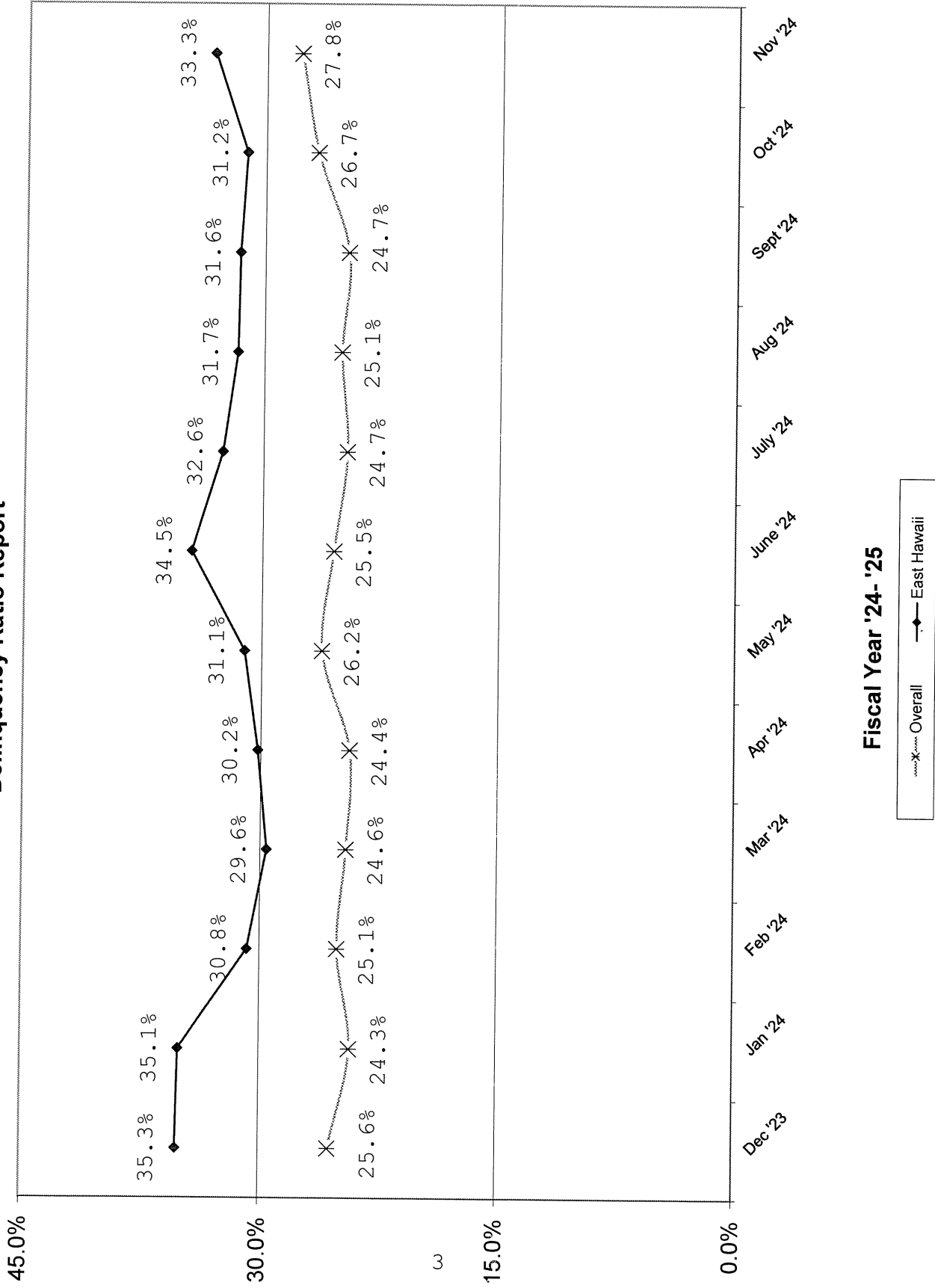
OAHU
Direct Loans
Delinquency Ratio Report



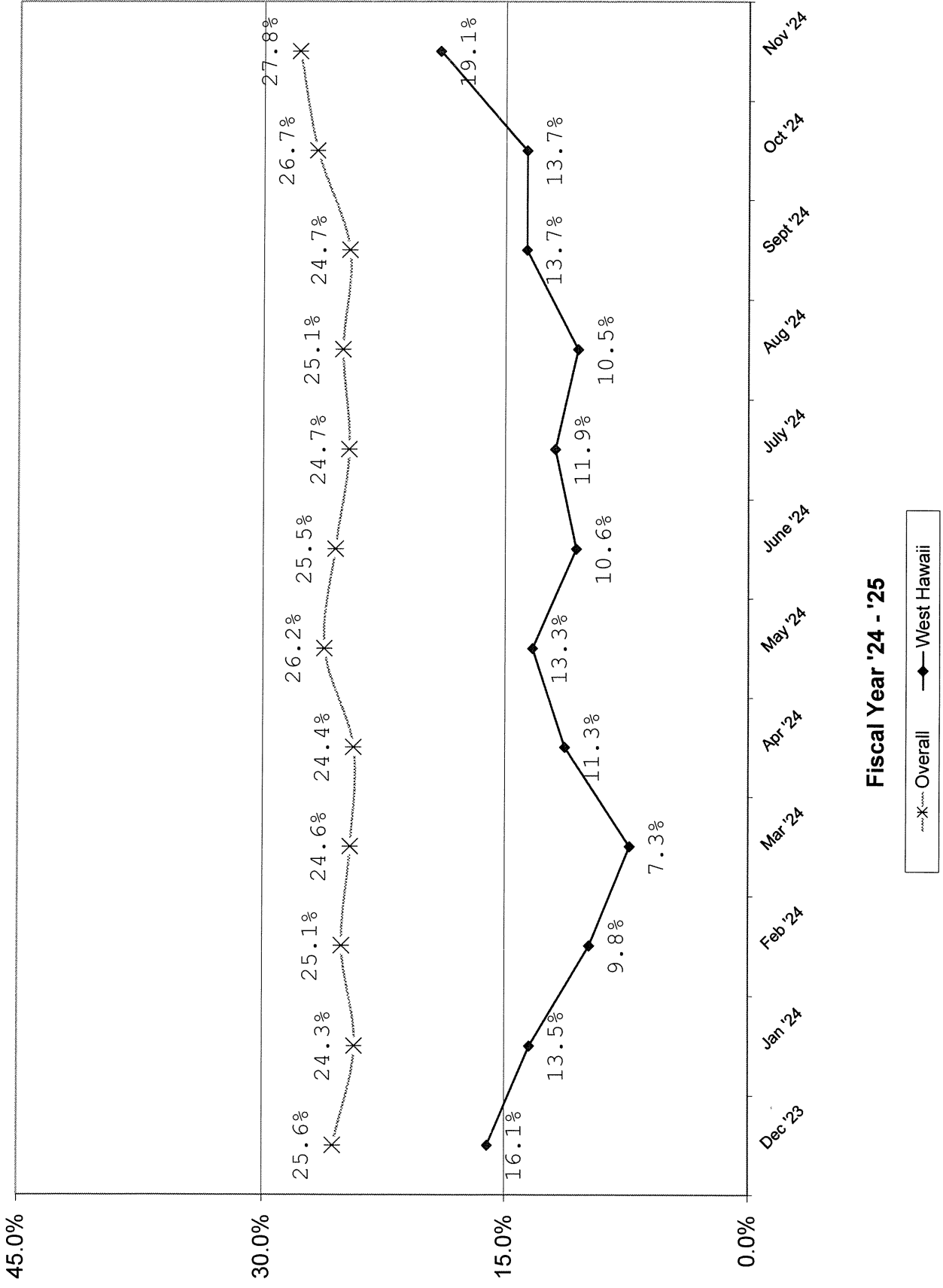
Fiscal Year '24 - '25

Overall Oahu

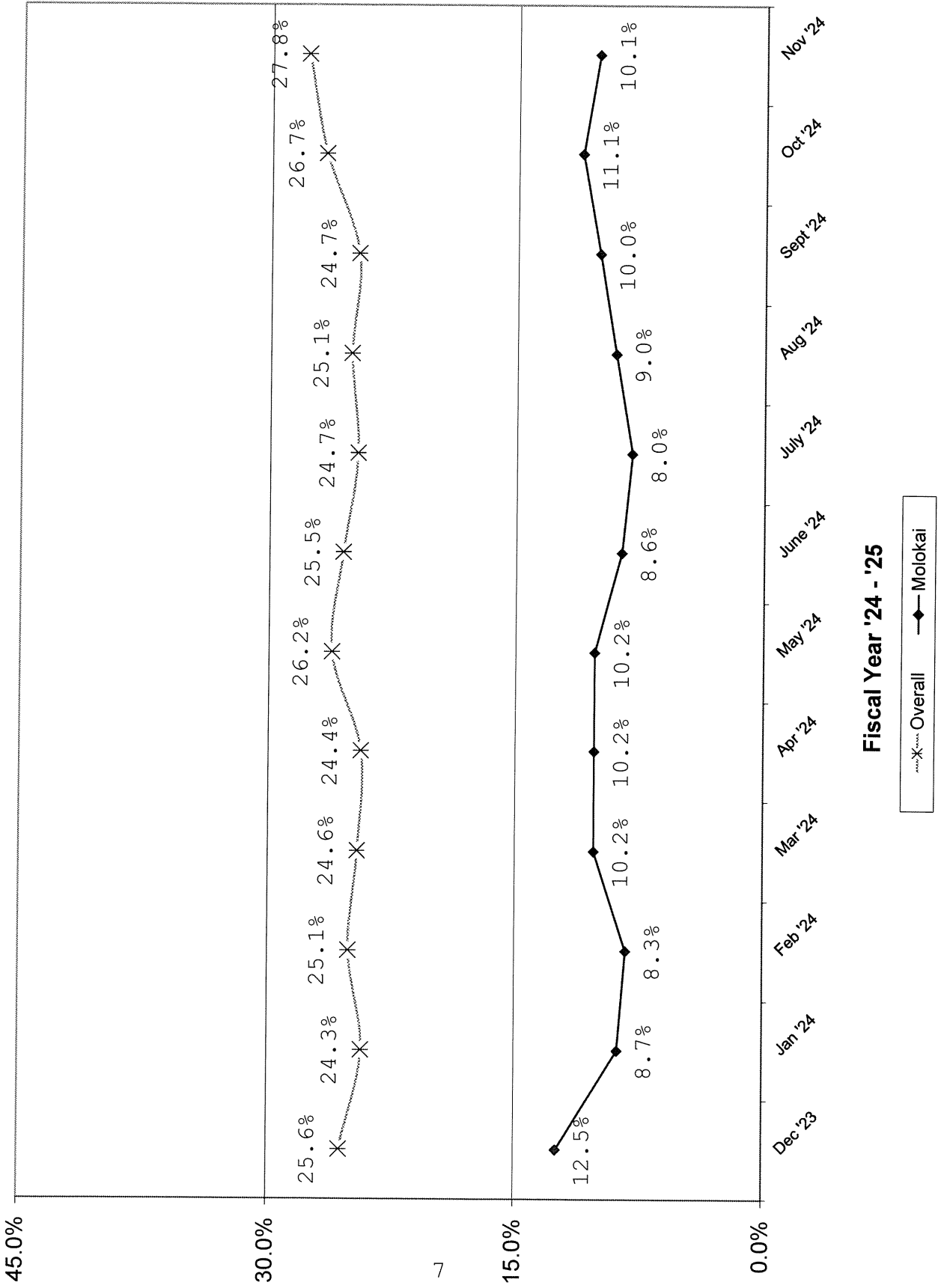
**EAST HAWAII
Direct Loans
Delinquency Ratio Report**



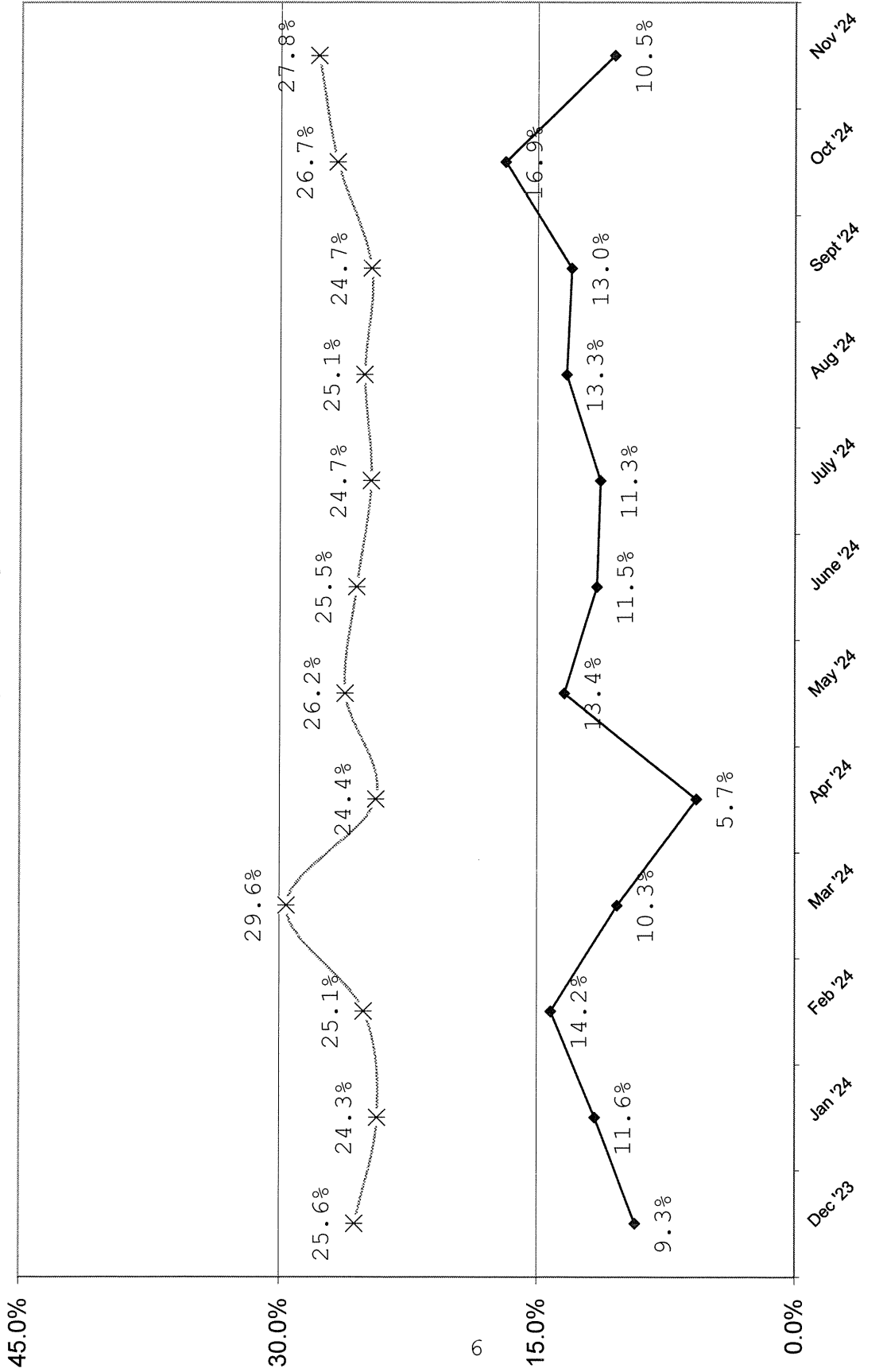
**WEST HAWAII
Direct Loans
Delinquency Ratio Report**



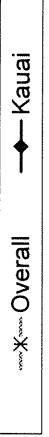
MOLOKAI
Direct Loans
Delinquency Ratio Report



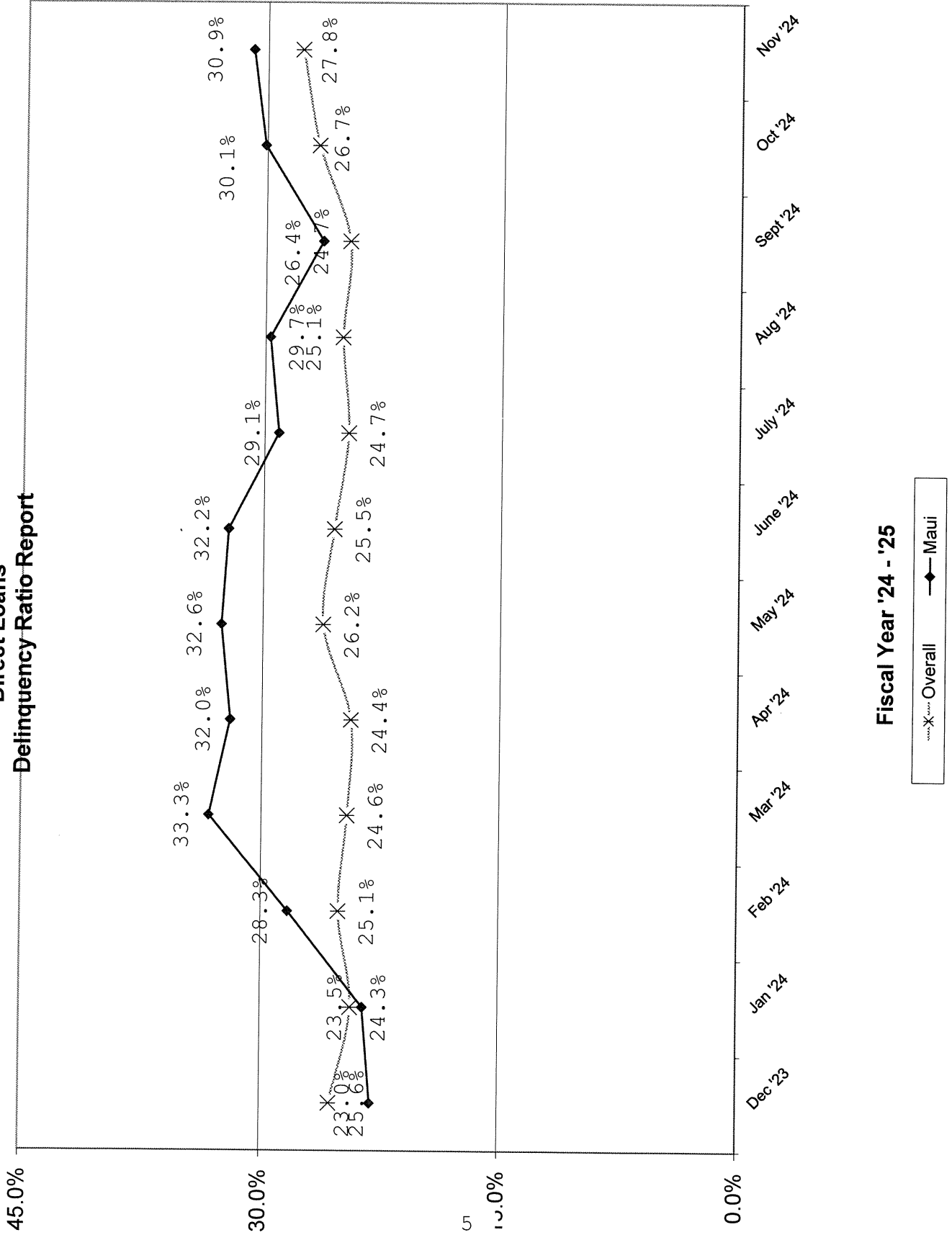
**KAUAI
Direct Loans
Delinquency Ratio Report**



Fiscal Year '24 - '25



MAUI
Direct Loans
Delinquency Ratio Report



Fiscal Year '24 - '25

.....x..... Overall —◆— Maui

December 16, 2024

SUBJECT: **DHHL Guarantees for Hawaii Community Lending
(HCL) Construction Loans**

DISCUSSION: The Department issued guarantees for the following
HCL loans pursuant to a Memorandum of Agreement
(MOA) approved on June 27, 2023:

<u>LEASE NO.</u>	<u>AREA</u>	<u>LESSEE</u>	<u>Loan Amount</u>	<u>Date Approved</u>
10324	Waiohuli	Keahi, Bruce K.	\$420,000	8/5/24

	<u>No.</u>	<u>Balance</u>
FY Ending 6/30/24	1	\$ 249,570
Previous Months	3	\$ 1,133,700
This Month	<u>1</u>	<u>420,000</u>
FY '24-'25 to date	4	\$ 1,553,700

December 16, 2024

SUBJECT: **DHHL Guarantees for U.S. Small Business Administration**

DISCUSSION: The Department issued guarantees for the following SBA loans:

<u>LEASE NO.</u>	<u>AREA</u>	<u>LESSEE</u>	<u>Loan Amount</u>	<u>Date Approved</u>
11483	Leialii	Puaa, Ernest K.	\$293,600	11/1/24

	<u>No.</u>	<u>Balance</u>
FY Ending 6/30/24	2	\$784,900
Previous Months	2	\$ 278,400
This Month	<u>1</u>	<u>293,600</u>
FY '24-'25 to date	3	\$ 572,000

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 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>			
Princess Kahanu Estates Lease No. 8360 TMK: 1-8-7-043:003	LOA-CALLIA, Ginger P. A. (Cash- out Refinance) FHA	Mutual of Omaha Mortgage Company, Inc.	\$ 280,260
Waianae Lease No. 4471 TMK: 1-8-5-031:001	KAULIA, Austin H. M. (Purchase) FHA	HomeStreet Bank	\$ 295,308
Nanakuli Lease No. 3320 TMK: 1-8-9-005:003	HOKOANA, Shalay K. (Purchase) FHA	Guild Mortgage Company	\$ 656,093
Kewalo Lease No. 3204 TMK: 1-2-4-040:031	KALAI-CUBAN, Tanyan Akeo (Purchase) FHA	Guild Mortgage Company	\$ 642,522

Princess Kahanu Estates Lease No. 9979 TMK: 1-8-7-042:092	AIKALA, Joseph K. (Cash-out Refinance) FHA	HomeStreet Bank	\$ 603,932
Nanakuli Lease No. 5211 TMK: 1-8-9-014:010	SALVADOR, Deanna L. (Purchase) FHA	HomeStreet Bank	\$ 356,125
Nanakuli Lease No. 5187 TMK: 1-8-9-013:050	DAVIS-ZINSMAN, Chanile A.P.U.S. & DAVIS-ZINSMAN, Lance-Lionel K. (Purchase) HUD 184A	American Savings Bank	\$ 527,220

MAUI

Leialii Lease No. 11498 TMK: 2-4-5-036:060	ASUELA, Kalai (Purchase) FHA	Click n' Close, Inc.	\$ 674,700
Puuhona Lease No. 13118 TMK: 2-3-5-044-023	WICKES, Anthony Frank (Purchase) FHA	Central Pacific Bank	\$ 692,077

KAUAI

Anahola Lease No. 13010 TMK: 4-4-8-022:108	KELLY, Ada N. (Interim construction loan take out) FHA	SecurityNat- ional Mortg- age Co.	\$ 485,000
Anahola Lease No. 11144 TMK: 4-4-8-022:139	NAIHE, Mahiai R. (Rate and Term Refi) FHA	Central Pacific Bank	\$ 349,412

HAWAII

Laiopua Lease No. 10639 TMK: 3-7-4-027:090	HANAKEAWE, Tawny K. K. (Cash- out Refinance) FHA	PennyMac Loan Ser- vices LLC	\$ 322,818
Piihonua Lease No. 10936 TMK: 3-2-3-025:075	SPAIN, Jeri Lynn L. (Purchase) FHA	HomeStreet Bank	\$ 350,805

Kawaihae
Lease No. 7238
TMK: 3-6-1-009:018

LEHANO,
Eugene K. (Cash-out
Refinance) FHA

V.I.P. Mort- \$ 523,671
gage Inc.



<u>RECAP</u>	<u>NO.</u>		<u>FHA</u> <u>AMOUNT</u>		<u>NO.</u>	<u>VA</u> <u>AMOUNT</u>
FY Ending 6/30/24	88	\$	32,647,026		23	\$ 6,684,116
Prior Months	43	\$	17,345,830		6	\$ 2,760,000
This Month	<u>13</u>		<u>6,232,723</u>		<u>0</u>	<u>0</u>
Total FY '24-25	56	\$	23,578,553		6	\$ 2,760,000

			<u>HUD 184A</u> <u>AMOUNT</u>		<u>USDA-RD</u> <u>AMOUNT</u>
FY ENDING 6/30/24	18	\$	7,258,802	3	\$ 1,380,787
Prior Months	5	\$	1,879,800	0	\$ 0
This Month	<u>1</u>		<u>527,220</u>	<u>0</u>	<u>0</u>
Total FY '24-25	6	\$	2,407,020	0	\$ 0

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 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 AGRICULTURAL LEASE LIST

MAKUA, Magnolia K.	04/28/2006	MAUI	PAS	07/29/2024
OBADO, Jaysa K.K.	04/01/2003	HAWAII	AGR	08/06/2024

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

SOMBELON, Dawn Marie K.	09/26/2013	MAUI	RES	08/15/2024
TAKASHIMA, Alverna C.	09/30/2004	MAUI	RES	07/26/2024

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

KEAWE-AIKO, Daryl M.O.N.	06/30/2008	OAHU	AGR	08/29/2024
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

KEAWE-AIKO, Daryl M.O.N.	06/30/2008	OAHU	RES	08/29/2024
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HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

LACRO, Leslie K.	03/10/1988	KAUAI	AGR	08/15/2024
LACRO, Lyman K.	06/29/1998	KAUAI	AGR	08/07/2024

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

KAMAKAHI, Raymond M.	01/11/2007	KAUAI	RES	09/26/2024
LACRO, Leslie K.	03/10/1988	KAUAI	RES	08/15/2024
LACRO, Lyman K.	06/29/1998	KAUAI	RES	08/07/2024
WAIAMAU-GOMES, Desiree M.	08/04/2023	OAHU	RES	08/30/2024

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

KAOHI, Terry A.N.	12/18/2017	HAWAII	RES	08/27/2024
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2. Deceased Applicants

PAPAKOLEA / KEWALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

HALE, Manuel K.	Applicant's date of death occurred on 10/22/1971, which is prior to the 10/26/1998 amendment of the HAR section 10-3-8, which allows for qualified successors to participate in the Public Notice process. Remove application dated 08/13/1953.
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WAIMANALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

MEDEIROS, Momi	Applicant's date of death occurred on 09/12/1985, which is prior to the 10/26/1998 amendment of the HAR section 10-3-8, which allows for qualified successors to participate in the Public Notice process. Remove application dated 04/13/1972.
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HOOLEHUA AREA / MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

KEANINI, Charles I. Applicant's date of death occurred on 07/24/1994, which is prior to the 10/26/1998 amendment of the HAR section 10-3-8, which allows for qualified successors to participate in the Public Notice process. Remove application dated 07/11/1962.

3. Awards of Leases

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

SOARES, Magnolia K.K. Assigned Residential Lease #8286, Lot 48 in Lualualei, Oahu dated 10/18/2024. Remove application dated 01/31/2012.

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

KAUHAAHAA, David K., Jr. Assigned Residential Lease #7701, Lot 268 in Waiohuli, Maui dated 05/17/2005. Remove application dated 09/19/2003.

PAGAN, Wesley S. Assigned Residential Lease #10610, Lot UNDV313 in Waiohuli, Maui dated 12/15/2020. Remove application dated 12/11/2006.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

QUEBATAY, Kalani K.K. Assigned Residential Lease #10319, Lot UNDV022 in Waiohuli, Maui dated 10/11/2024. Remove application dated 10/20/2000.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

NONE FOR SUBMITTAL

6. Successorship

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

CLINE, Edmae N.	Succeeded to Maui Islandwide Agricultural application of Parent, Edmond P. Amaral dated 04/20/1993. Remove application dated 05/22/2000.
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MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

KUALAAU, Ronald J.	Succeeded to Maui Islandwide Agricultural application of Sibling, Lanette L. Koga dated 01/30/1986. Remove application dated 05/06/2003.
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

HULIHEE, Duquesne K.H.	Succeeded to Molokai Islandwide Residential application of Parent, David Hulihee dated 06/10/1985. Remove application dated 12/20/2005.
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WAIPA, Susan K.

Succeeded to Keaukaha /
Waiakea Area / Hawaii
Islandwide Residential
application of Parent, Frank
K. Waipa dated 01/18/1977.
Remove application dated
05/23/1985.

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments



NONE FOR SUBMITTAL

Last Month's Transaction Total	62
Last Month's Cumulative FY 2024-2025 Transaction Total	551
Transfers from Island to Island	13
Deceased	3
Cancellations:	
Awards of Leases	4
NHQ	0
Voluntary Cancellations	0
Successorship	4
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	24
This Month's Cumulative FY 2024-2025 Transaction Total	575

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 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 November 2024**

RECOMMENDED MOTION/ACTION

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

NANAKULI AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

ARLANTICO, Gertrude L.	02/25/1958
EBRADA, Carolyn G.	05/23/1969

WAIMANALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

ROLDAN, Audrey K.	04/09/1956
TAVARES, Lynda P.	04/12/1961
AU HOY, Henrietta M.	11/27/1961
KAAPUNI, Joseph K.	09/18/1962
SILVA, Sandra S.	03/17/1964
BENITO, Ralph	07/27/1970
SIMEONA, Daniel	06/30/1971
ALDAYA, Mildred	07/05/1972
KANOA, Maurice-Wayne K.	07/11/1972

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

KOESTER, Primrose K.	08/23/2024
ISAACS-KALAHIKI, Kauanoemakalii	08/27/2024
ISAACS-KALAHIKI, Kuupilioha	08/27/2024
MAKANEOLE-WAIOLAMA, Chris T.I.A.	08/29/2024
WAIOLAMA-MAKANEOLE, Jeremiah T.K.	08/29/2024
KAULIA, Amber H.	09/03/2024
KAULIA, Andrew V.T.K.	09/03/2024
KAULIA, Austin H.	09/03/2024
KAULIA, Ervine K.	09/03/2024
KAUHI, Debbie L.	09/04/2024
VILLASENOR, Kuulei K.M.L.	09/04/2024
BAKER, Angela L.	09/05/2024

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

ISAACS-KALAHIKI, Kauanoemakalii	08/27/2024
ISAACS-KALAHIKI, Kuupilioha	08/27/2024
MARK, Alvina L.	08/27/2024
MAKANEOLE-WAIOLAMA, Chris T.I.A.	08/29/2024
WAIOLAMA, Jeremiah K.	08/29/2024
WAIOLAMA-MAKANEOLE, Jeremiah T.K.	08/29/2024
KAALEKAHI, Roger K., IV	09/03/2024
KAULIA, Amber H.	09/03/2024
KAULIA, Andrew V.T.K.	09/03/2024
KAULIA, Ervine K.	09/03/2024
VILLASENOR, Kuulei K.M.L.	09/04/2024
BAKER, Angela L.	09/05/2024

PAUKUKALO AREA / MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

WAIWAIOLE, John H., Jr.	03/31/1962
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MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

KALEHUWEHE, Naea K.J.	08/15/2024
AIKALA, Mako K.K.	09/04/2024
AIKALA, Manaloa K.K.	09/04/2024
HUSSEY, Makanalani L.H.M.A.H.	09/06/2024
KAMAI, Mau Loa O.E.K.A.	09/09/2024

MAUI ISLANDWIDE PASTORAL LEASE LIST

WAIOLAMA, Jeremiah K.	08/29/2024
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MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

KALEHUAWHEHE, Naea K.J.	08/15/2024
AIKALA, Makoa K.K.	09/04/2024
AIKALA, Manaloa K.K.	09/04/2024
HUSSEY, Makanalani L.H.M.A.H.	09/06/2024
KAMAI, Mau Loa O.E.K.A.	09/09/2024

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

LANI, Chaminade K.	08/23/2024
KAALEKAHI-PEREZ, Ada A.	09/03/2024

WAIMEA AREA / HAWAII ISLANDWIDE PASTORAL LEASE LIST

NUU, David K.	06/11/1952
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HAWAII ISLANDWIDE PASTORAL LEASE LIST

KANIHO, Ellena L.	08/23/2024
BAJI, Alliesen K.	09/11/2024
YOUNG, Eric K.	09/11/2024

WAIMEA AREA / HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

TORNGREN, Kathleen F.	10/13/1969
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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

MUAINA, Luella K.	07/21/1978
KANIHO, Ellena L.	08/23/2024
LANI, Chaminade K.	08/23/2024
KAUHI, Debbie L.	09/04/2024
BAJI, Alliesen K.	09/11/2024

YOUNG, Eric K. 09/11/2024

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

TURALDE, Lane K.M. 08/07/2024

AYAU, Ann Marie L. 08/09/2024

KAUAI ISLANDWIDE PASTORAL LEASE LIST

ORNELLAS, Randal K. 08/20/2024

KAALEKAHI, Roger K., IV 09/03/2024

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

TURALDE, Lane K.M. 08/07/2024

AYAU, Ann Marie L. 08/09/2024

HOOLEHUA AREA / MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST

AKEO, Robert 09/29/1965

LANAI ISLANDWIDE RESIDENTIAL LEASE LIST



KAALEKAHI-PEREZ, Ada A. 09/03/2024

Previous Cumulative Total for Current FY	272
Current Month's Total	68
Fiscal Year Total: July 2024-June 2025	340

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 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 & 2023**

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: Kelii J. Lau
 Date of death: January 15, 2016
 Successor to app rights: Kanoho R. Lau
 Relationship to decedent: Sibling
 Island: Oahu
 Type: Islandwide Residential
 Date of Application: July 12, 2006
 Date of Public Notice: November 2023

2.Deceased Applicant: Frank K. Waipa
 Date of death: April 20, 2022
 Successor to app rights: Susan K. Waipa
 Relationship to decedent: Child
 Island: Keaukaha/Waiakea Area / Hawaii
 Type: Islandwide Residential
 Date of Application: January 18, 1977
 Date of Public Notice: November 2022

Previous Cumulative Total for Current FY	46
Current Month's Total	2
Fiscal Year Total: July 2024-June 2025	48

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 2024

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator
Homestead Services Division

FROM: Ross K. Kapeliela, 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

Twenty-five (25) assignments of lease.

1. Lessee Name: Dorcas R. Auwae
Res. Lease No. 1993, Lot No. 167
Lease Date: 8/26/1948
Area: Kewalo, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Preston E. K. Auwae
Relationship: Son
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 7/19/2016

Reason for Transfer: "Giving lease to relative"

2. Lessee Name: Kevin K. Haleakala
Res. Lease No. 7595, Lot No. 194
Lease Date: 2/7/2002
Area: Waiohuli, Maui
Property Sold & Amount: No, N/A
Improvements: 2 bedroom, 1 bath dwelling

Transferee Name: Kevin K. K. Haleakala
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

3. Lessee Name: Christian K. Kaiwi
Res. Lease No. 3868, Lot No. 14-B
Lease Date: 11/25/1970
Area: Kuhio Village, Hawaii
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Gabriel K. Kaiwi
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Medical reasons."

4. Lessee Name: Kali K. K. Kamelamela
Res. Lease No. 3858, Lot No. 404
Lease Date: 10/23/1970
Area: Nanakuli, Oahu,
Property Sold & Amount: No, N/A
Improvements: 6 bedroom, 3 bath dwelling

Transferee Name: Kali K. K. Kamelamela & Joycelyn L. Taamu
Relationship: Lessee & Sister
Loan Assumption: No
Applicant: No

Reason for Transfer: "Adding relative to lease."

5. Lessee Name: Leona J. Mundon-Kahoonei
Res. Lease No. 6386, Lot No. 14
Lease Date: 2/26/1998
Area: Waiakea, Hawaii
Property Sold & Amount: Yes, \$375,000.00
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Robert K. Y. T. Yockman
Relationship: None
Loan Assumption: No
Applicant: No

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

6. Lessee Name: Robert K. Y. T. Yockman
Res. Lease No. 9096, Lot No. 15
Lease Date: 3/1/1991
Area: Waiakea, Hawaii
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Kanani M. Yockman
Relationship: Daughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

7. Lessee Name: Charles L. Naone, Jr.
Res. Lease No. 3426, Lot No. 286-A
Lease Date: 7/20/1962
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Charles L. M. Naone, IV
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

8. Lessee Name: Leolani H. Noeau
Res. Lease No. 7102, Lot No. 47
Lease Date: 10/1/1999
Area: Kawaihae, Hawaii
Property Sold & Amount: Yes, \$418,000.00
Improvements: 2 bedroom, 1 bath dwelling

Transferee Name: William J. Kepoo
Relationship: None
Loan Assumption: No
Applicant: Yes, Hawaii IW Res., 11/08/2006

Reason for Transfer: "Hardship to travel for work." Special
Condition: Transferee to obtain funds to pay purchase
price. See simultaneous transfer below.

9. Lessee Name: William J. Kepoo
Res. Lease No. 7102, Lot No. 47
Lease Date: 10/1/1999
Area: Kawaihae, Hawaii
Property Sold & Amount: Yes, \$418,000.00
Improvements: 2 bedroom, 1 bath dwelling

Transferee Name: Barron K. Kepoo
Relationship: Son
Loan Assumption: No
Applicant: No

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

10. Lessee Name: Evelyn U. Pai
Res. Lease No. 4471, Lot No. 117
Lease Date: 12/16/1977
Area: Waianae, Oahu
Property Sold & Amount: Yes, \$250,000.00
Improvements: 5 bedroom, 3 bath dwelling

Transferee Name: Austin H. M. Kaulia
Relationship: None
Loan Assumption: No
Applicant: No

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

11. Lessee Name: Naomi K. Peck
Res. Lease No. 9665, Lot No. 86
Lease Date: 9/15/2001
Area: Kawaihae, Hawaii
Property Sold & Amount: Yes, \$160,000.00
Improvements: 3 bedroom, 3 bath dwelling

Transferee Name: Morgan K. H. Ii
Relationship: Daughter
Loan Assumption: No
Applicant: No

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

12. Lessee Name: Sammie J. Pung
Res. Lease No. 7226, Lot No. 109
Lease Date: 10/1/1999
Area: Kawaihae, Hawaii
Property Sold & Amount: Yes, \$400,000.00
Improvements: 3 bedroom, 1 bath dwelling

Transferee Name: Cyd L. Smith
Relationship: None
Loan Assumption: No
Applicant: Yes, Hawaii IW Res., 04/11/2005

Reason for Transfer: "Pursuing to build a home on the
Puukapu pastoral lot." Special Condition: Transferee to
obtain funds to pay purchase price.

13. Lessee Name: Kamlin P. Dacquel
Pas. Lease No. 7987, Lot No. 12
Lease Date: 02/01/1991
Area: Puukapu, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Sammie J. Pung
Relationship: Father
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

14. Lessee Name: Maizelette M. Tandal
Res. Lease No. 3806, Lot No. 320
Lease Date: 11/21/1969
Area: Nanakuli, Oahu
Property Sold & Amount: Yes, \$200,000.00
Improvements: 4 bedroom, 2 bath dwelling
- Transferee Name: Stalysa P. L. K. Kaawa
Relationship: None
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 10/01/2019
- Reason for Transfer: "Financial reasons." Special
Condition: Transferee to obtain funds to pay purchase
price.
15. Lessee Name: Lee Ann K. Vertido
Res. Lease No. 1751, Lot No. 47-A
Lease Date: 08/30/1946
Area: Waimanalo, Oahu
Property Sold & Amount: No, N/A
Improvements: 3 bedroom, 1 bath dwelling
- Transferee Name: Vincent F. Vertido
Relationship: Husband
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Adding husband to lease."
16. Lessee Name: Floyd K. Werner
Res. Lease No. 2929, Lot No. 60
Lease Date: 1/13/1955
Area: Nanakuli, Oahu
Property Sold & Amount: No, N/A
Improvements: 2 bedroom, 1 bath dwelling
- Transferee Name: Malia K. K. Werner-Williams
Relationship: Daughter
Loan Assumption: No
Applicant: No
- Reason for Transfer: "Giving lease to relative."

17. Lessee Name: Kalai J. H. Asuela
Res. Lease No. 10306, Lot No. UNDV009
Lease Date: 6/18/2005
Area: Waiohuli, Maui
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Koali M. J. K. K. C. Asuela
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

18. Lessee Name: David P. Kalani, IV
Res. Lease No. 11498, Lot No. 60
Lease Date: 2/5/2008
Area: Leialii, Maui
Property Sold & Amount: Yes, \$650,000.00
Improvements: 2 bedroom, 1-1/2 bath dwelling

Transferee Name: Kalai J. H. Asuela
Relationship: None
Loan Assumption: No
Applicant: No

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

19. Lessee Name: John L. Davis, Jr.
Res. Lease No. 12915, Lot No. 1182
Lease Date: 8/28/2020
Area: Lanai, Lanai
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Ioane K. Davis
Relationship: Son
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

20. Lessee Name: Joshua L. K. Hatori &
Karly T. O. Spencer
Agr. Lease No. 7449, Lot No. 13
Lease Date: 3/16/2010
Area: Keokea, Maui
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: David K. Apolo
Relationship: None
Loan Assumption: No
Applicant: Yes, Maui IW Agr., 6/12/1997

Reason for Transfer: "Giving lease to family friend."

21. Lessee Name: Saree P. Kalani
Res. Lease No. 13108, Lot No. 30
Lease Date: To be determined
Area: Puuhona, Maui
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Lee Ann H. Kalani
Relationship: Sister
Loan Assumption: No
Applicant: Yes, Oahu IW Res., 09/02/2004

Reason for Transfer: "Giving lease to relative."

22. Lessee Name: Malcolm A. Kaluau
Pas. Lease No. 7885, Lot No. 19
Lease Date: 5/1/1987
Area: Kamaoa, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Ernest N. Baker
Relationship: Nephew
Loan Assumption: No
Applicant: Yes, Hawaii IW Pas., 1/24/2014

Reason for Transfer: "Giving lease to relative."

23. Lessee Name: Milnora L. Nuuhiwa
Agr. Lease No. 6911, Lot No. 42
Lease Date: 10/1/1986
Area: Puukapu, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Milnora L. Nuuhiwa
Relationship: Mother
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative." See simultaneous transfer below.

24. Lessee Name: Milnora L. Nuuhiwa
Agr. Lease No. 6911, Lot No. 42
Lease Date: 10/1/1986
Area: Puukapu, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Jonora M. Rosario
Relationship: Granddaughter
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."

25. Lessee Name: Alton L. Penrose
Res. Lease No. 12986, Lot No. 1
Lease Date: 6/30/2023
Area: Kaumana, Hawaii
Property Sold & Amount: No, N/A
Improvements: None

Transferee Name: Kenneth P. Waiiau
Relationship: Uncle
Loan Assumption: No
Applicant: No

Reason for Transfer: "Giving lease to relative."


Assignments for the Month of December `24	25
Previous FY '24 - '25 balance	<u>79</u>
FY '24 - '25 total to date	104
Assignments for FY '23 - '24	107


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 2024

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

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

SUBJECT: **Approval of Amendment of Leasehold Interest**

RECOMMENDED MOTION/ACTION

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Eight (8) amendments of lease.

1. Lessee: Jolene L. Apostol
Agr. Lease No.: 179
Lot No., Area, Island: 52, Hoolehua, Molokai
Amendment: To amend the lease title and lessor's name, update the property description, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
(Amendment)
2. Lessee: Brad K. Hosino
Res. Lease No.: 3829
Lot No., Area, Island: 1, Paukukalo, Maui
Amendment: To amend the lease to incorporate the currently used terms, conditions, and covenants to the lease. (Transfer)

3. Lessee: Doreen K. Lewis
Res. Lease No.: 298
Lot No., Area, Island: 184-B-1, Nanakuli, Oahu
Amendment: To amend the lease tenancy from tenants by the entirety to tenant in severalty due to the death of the entirety and to incorporate the currently used terms, conditions, and covenants to the lease.
(Successorship)
4. Lessee: Charles K. Maxwell, Jr.
Res. Lease No.: 7614
Lot No., Area, Island: 166, Waiohuli, Maui
Amendment: To amend the lease tenancy from tenants by the entirety to tenant in severalty due to the death of the entirety. (Successorship)
5. Lessee: Charles L. Naone
Res. Lease No.: 3420
Lot No., Area, Island: 44, Nanakuli, Oahu
Amendment: To amend the lease title and lessor's name, update the property description, to incorporate the currently used terms, conditions, and covenants to the lease, and to extend the lease term to an aggregate term of 199 years.
(Successorship)
6. Lessee: Charles L. Naone, Jr.
Res. Lease No.: 3426
Lot No., Area, Island: 286-A, Nanakuli, Oahu
Amendment: To amend the lease to extend the lease term to an aggregate term of 199 years, and to incorporate the currently used terms, conditions, and covenants to the lease.
(Transfer)

7. Lessee: Christina L. P. Sarmiento
 Res. Lease No.: 4712
 Lot No., Area, Island: 8, Kapaakea, Molokai
 Amendment: To amend the property description
 due to final subdivision.
 (Transfer)
8. Lessee: Robert K. Y. T. Yockman
 Res. Lease No.: 9096
 Lot No., Area, Island: 15, Waiakea, Hawaii
 Amendment: To update the property description.
 (Transfer)

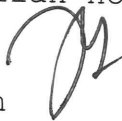
Amendments for the Month of December '24	8
Previous FY '24 - '25 balance	<u>67</u>
FY '24 - '25 total to date	75
Amendments for FY '23 - '24	66


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 2024

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

FROM: Ross K. Kapeliela, 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

Ten (10) non-exclusive licenses.

1. Lessee: Monica K. Duran
Res. Lease No.: 3947
Lot No., Area, Island: 50, Waimanalo, Oahu
Permittee: Sunrun Installation Services

2. Lessee: Thomas H. Kaaa
Res. Lease No.: 12223
Lot No., Area, Island: 86, Waiehu IV, Maui
Permittee: Sunrun Installation Services

3. Lessee: Christopher-Wayne K. Kahalehoe
Res. Lease No.: 11911
Lot No., Area, Island: 17231, Kaupea, Oahu
Permittee: Sunrun Installation Servies

4. Lessee: Lyrik P. T. Kahula
Res. Lease No.: 11474
Lot No., Area, Island: 56, Lealii, Maui
Permittee: Sunnova

5. Lessee: Olive M. Kanahale & Ahienaopuna K. Kanahale
Agr. Lease No.: 4185
Lot No., Area, Island: 63-A, Panaewa, Hawaii
Permittee: Sunrun Installation Services

6. Lessee: Elodia K. Kane & Raynette M. Arakaki
Res. Lease No.: 1740
Lot No., Area, Island: 33, Nanakuli, Oahu
Permittee: Sunrun Installation Services

7. Lessee: Sharla L. H. Matamea & Muralyn U. H. Miyashiro
Res. Lease No.: 9872
Lot No., Area, Island: 13862, Maluohai, Oahu
Permittee: Sunrun Installation Services

8. Lessee: Jeffrey S. Mertens
Res. Lease No.: 3739
Lot No., Area, Island: 1, Waimanalo, Oahu
Permittee: Holu Hou

9. Lessee: Geraldine N. Paredes
Res. Lease No.: 12037
Lot No., Area, Island: 17046, Kaupea, Oahu
Permittee: Sunrun Installation Services

10. Lessee: Albertine L. Samarripa
Res. Lease No.: 3845
Lot No., Area, Island: 330, Nanakuli, Oahu
Permittee: Holu Hou


Non-Exclusive License for the Month of December '24	10
Previous FY '24 - '25 balance	<u>80</u>
FY '24 - '25 total to date	90
Non-Exclusive License for FY '23 - '24	279


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 2024

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator 
Homestead Services Division

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

SUBJECT: **Cancellation of Lease - DARLAMAЕ-KANOE C.K.T. VAENUKU,
Residential Lease No. 5644, Lot No. 33, Lualualei,
Oahu**

RECOMMENDED MOTION/ACTION

To approve the cancellation of Lease No. 5644, Lot 33, Lualualei, Oahu, pursuant to the Hawaiian Homes Commission Act, 1920, as amended, as there are no qualified successors to the Lease interest.

DISCUSSION

Darlamae-Kanoe C. K. T. Vaenuku (Decedent) received the Lease by way of a Transfer Through Successorship dated June 19, 2019, but effective April 20, 2018.

On August 31, 2023, the Decedent passed away without naming a successor to her lease.

On December 14, 2023, the Department received the decedent's death certificate.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star-Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island newspapers on June 6, 13, 20, and 27, 2024, to notify all interested, eligible and qualified heirs of the Decedent to submit their successorship claims to the Lease.

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

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

In response to the public notices, no successorship claims were received by the Department to succeed to the Lease.

Pursuant to Section 209 of the Act, where a decedent leaves no designated successor or relative qualified to be a lessee of Hawaiian home lands, "the land subject to the lease shall resume its status as unleased Hawaiian Home Lands and the Department is authorized to lease the land to another qualified native Hawaiian as provided in [the] Act."

There is a 3-bedroom, 1-1/2 bath dwelling on the property with an existing subsidy balance of \$9,184.65. The City and County of Honolulu Total Property Assessed Value is listed as \$549,400. The Lease rent has a credit in the amount of \$7.00. Real property taxes are delinquent in the amount of \$661.22.

The Department requests approval of its recommendation.

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 2024

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator
Homestead Services Division

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

SUBJECT: **Commission Designation of Successor -
RUEBEN P.K. KAAHANUI, SR. - Residential Lease
No. 11695, Lot No. UNDV152, Kapolei, Oahu**

RECOMMENDED MOTION/ACTION

1. To approve the designation of Rueben Pipiilani Kinney Kaahanui, Jr. (Rueben) as successor to Residential Lease No. 11695, Lot No. UNDV152, Kapolei, Oahu (Lease), for the remaining term of the Lease;

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

3. To stipulate that Rueben's successorship right and interest in the Lease do not vest until Rueben has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Rueben does not sign all such documents on or before **February 28, 2025** (the Deadline), that the Commission's selection of Rueben as a successor is automatically revoked;

4. To authorize the Department to extend the Deadline up to 60 days for good cause; and

5. To declare that if Rueben's selection as a successor is revoked; then under Section 209(a) of the Hawaiian Homes Commission Act, 1920, as amended, "...the land subject to the lease shall resume its status as unleased Hawaiian home lands

and the department is authorized to lease the land to a native Hawaiian as provided by [the] Act.”

DISCUSSION

Rueben P.K. Kaahanui, Sr. (Decedent) received the Lease by way of an Assignment of Lease and Consent on December 02, 2006.

On January 04, 2023, the Decedent passed away without naming a successor to his lease.

On November 09, 2023, the Department received the decedent's death certificate.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star-Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island newspapers on June 6, 13, 20, and 27, 2024, to notify all interested, eligible and qualified heirs of the Decedent to submit their successorship claims to the Lease.

The Department received a successorship claim from the Decedent's son, Rueben, who has been determined to be of at least 25% Hawaiian ancestry and is therefore eligible for successorship to the Lease.

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

1. Husband or wife; or
2. If there is no husband or wife, then the children; or
3. If there is no husband, wife, or child, then the grandchildren; or
4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following

relatives of the lessee who are native Hawaiian:
father and mother, widows or widowers of the
children, widows or widowers of the brothers and
sisters, or nieces and nephews.

Pursuant to Section 209, Rueben is eligible to succeed
to the leasehold interest.

The Department requests approval of its recommendation.

Hawaiian Homes Commission Meeting Packet
December 16 & 17, 2024
Hale Pono‘ī, Kapolei, Oahu

E ITEMS

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 2024

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: R. Kalani Fronda, Acting Administrator ^{RF}
Land Development Division

FROM: Michelle Hitzeman, Housing Project Branch Manager
Land Development Division, Housing Project Branch

SUBJECT: Approval of Lease Award

RECOMMENDED MOTION/ACTION

Approve the awards of Department of Hawaiian Home Lands Lot Leases to the applicants listed below for ninety-nine (99) years.

DISCUSSION

Honomū Subsistence Agricultural – Phase 1

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
KEKAWA, BILL K	12/4/1978	1	(3) 2-8-011-011	13105
JAENTSCH, PHILLIP L.	5/10/1984	2	(3) 2-8-011-011	13122
REA, MARIETTA M.	3/22/1976	3	(3) 2-8-011-011	13123
LEDWARD, KEVIN M.	6/3/1983	5	(3) 2-8-011-011	13125
CHO, GEORGIANA L.	7/5/1983	6	(3) 2-8-011-011	13126
MOKU, DAVID K. IV	8/15/1984	7	(3) 2-8-011-011	13127
KEKOA, WILLIAM JR	3/12/1984	9	(3) 2-8-011-011	13129
STONE-CABAEAL, FRANCES-ANN	9/7/1984	10	(3) 2-8-011-011	13130
OMEROD, JOHN P.	8/17/1984	11	(3) 2-8-011-011	13131
SAITO, SOLNETTE K.H.	6/9/1982	12	(3) 2-8-011-011	13132
ROWE, RAYMOND K. JR	8/2/1984	13	(3) 2-8-011-011	13133
KELEKOLIO, RALPH	8/29/1979	14	(3) 2-8-011-011	13134
MARTIN, VICTOR KYLLE K.	2/9/1984	15	(3) 2-8-011-011	13135
MORRIS, LUCILLE	5/26/1981	16	(3) 2-8-011-011	13136

ITEM E-1

Maku'u Subsistence Agricultural

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
PICKERING, GENEVIEVE	10/16/1985	6	(3) 1-5-119-006	13138
KEALOHA, GABRIEL LUKA IV	7/5/1985	7	(3) 1-5-119-007	13139
MARTINEZ, MARILYN K.	7/6/1985	8	(3) 1-5-119-008	13140
PIALOA- UBANDO, LOIS N.	6/26/1985	9	(3) 1-5-119-009	13141
ISABEL, BERNELL K.	2/23/1984	10	(3) 1-5-119-010	13142
KYSER, GEORGETTE L.	7/10/1985	12	(3) 1-5-119-012	13143
MAKANUI, WILLIAM H.	9/5/1985	13	(3) 1-5-119-013	13144
OGUMA-MILLER, JESSIE K.	7/9/1985	14	(3) 1-5-119-014	13145
CHAVES, JOANNA	5/20/1985	15	(3) 1-5-119-015	13146
LYMAN, RAYMOND R.	8/22/1985	16	(3) 1-5-119-016	13147
RIVERA, LUWIK A. E.	7/10/1985	17	(3) 1-5-119-017	13148
ALAMEDA, GUY S.	7/11/1985	18	(3) 1-5-119-018	13149
LOO, ABIGAIL K.	7/22/1985	19	(3) 1-5-119-019	13150
VELASCO, PAULETTE U.	9/4/1985	20	(3) 1-5-119-020	13151
BROWN, WILLIAM H.	8/14/1984	21	(3) 1-5-119-021	13152
NIHOA, ELEU J.Z.	12/23/1985	22	(3) 1-5-119-022	13153
KAJIYAMA, PEARLLANI P.	1/22/1986	23	(3) 1-5-119-023	13154
CLAVERIA, SANDRA K.	9/27/1985	24	(3) 1-5-119-024	13155
KAE O, GEORGE KAMUELA	3/7/1986	25	(3) 1-5-119-025	13156
CHARTRAND, HAL N.	11/6/1985	26	(3) 1-5-119-026	13157
CHARTRAND, KEHEALANI H.	10/10/1985	27	(3) 1-5-119-027	13158
BEZILLA, ALLSYN ALOHA	9/27/1985	29	(3) 1-5-119-029	13159
MENDONSA, MARLENE K.	8/29/1985	30	(3) 1-5-119-030	13160
OTA, ROWENA L.K.	7/10/1985	31	(3) 1-5-119-031	13161
FREITAS, HERCULES E.K.	6/20/1985	32	(3) 1-5-119-032	13162
JOHNASSEN, DALE H.	1/23/1984	34	(3) 1-5-119-034	13163
UYETAKE, VERNA MAE E.	11/18/1985	39	(3) 1-5-119-039	13164
BOWMAN, JET PAAOAO	1/8/1986	41	(3) 1-5-119-041	13165
LINDSEY, JAMES FAY	7/3/1985	42	(3) 1-5-119-042	13166
MIKULENKA, URSULA K.	7/8/1985	47	(3) 1-5-119-047	13167
KIYUNA, KEOLAOKALANI M.	7/2/1985	49	(3) 1-5-119-049	13168

Maku'u Agricultural

<u>NAME</u>	<u>APPL DATE</u>	<u>LOT NO</u>	<u>TAX MAP KEY</u>	<u>LEASE NO</u>
GRACE, GRACIE	3/31/1986	2	(3) 1-5-121-002	13169
MANUIA-MALAKAUA, JURENE N.	1/29/1986	3	(3) 1-5-121-003	13170
GRAY, SAMUEL K.	3/7/1986	4	(3) 1-5-121-004	13171
KAMEALOHA, VERNA K.	12/9/1985	5	(3) 1-5-121-005	13172
DOCTOR, SHIRLEY K.H.	6/19/1985	6	(3) 1-5-121-006	13173
HAI A, GERTRUDE B.	11/5/1980	7	(3) 1-5-121-007	13174
KAHAAWI-MANU, LIA M.	5/31/1950	10	(3) 1-5-121 010	13175
HANO HANO, CHARLES K.	3/14/1984	14	(3) 1-5-121-014	13176
LEE, KENNETH S.G.A.	11/29/1982	59	(3) 1-5-118-013	13178
HOOMANA, HANFORD J.	6/13/1985	70	(3) 1-5-121-022	13179
KAULUKUKUI, JEANETTE M.	9/12/1983	80	(3) 1-5-121-032	13180
HEKEKIA, FRANCIS	4/9/1986	81	(3) 1-5-121-033	13181
LEIALOHA, LEONA H.	12/9/1985	82	(3) 1-5-121-034	13182
LEIALOHA, BRADFORD J.	12/9/1985	83	(3) 1-5-121-035	13183
IOANE, MICKEY K.	12/18/1985	84	(3) 1-5-121-036	13184
BROWN, KIMI L.M.M.	8/14/1974	85	(3) 1-5-121-037	13185
AKINA, AARON S.K.	3/27/1986	87	(3) 1-5-121-039	13186
KEKAWA, GRACE I.	4/10/1986	92	(3) 1-5-121-044	13188
WAIKIKI, JOHN HARRY K.G.L.	6/6/1980	102	(3) 1-5-118-022	13189

R. Kalani Fronda



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

E-2

West Oahu Project Updates

**Land Development Division
For Information Only**

December 17-18, 2024

DEPARTMENT OF HAWAIIAN HOME LANDS - LAND DEVELOPMENT DIVISION



NĀNĀKULI TRAFFIC CALMING

Nānākuli Traffic Calming Measures Phase

1A:

Emergency speed humps and other traffic calming measures installed in 2022. Collaboration with DOT

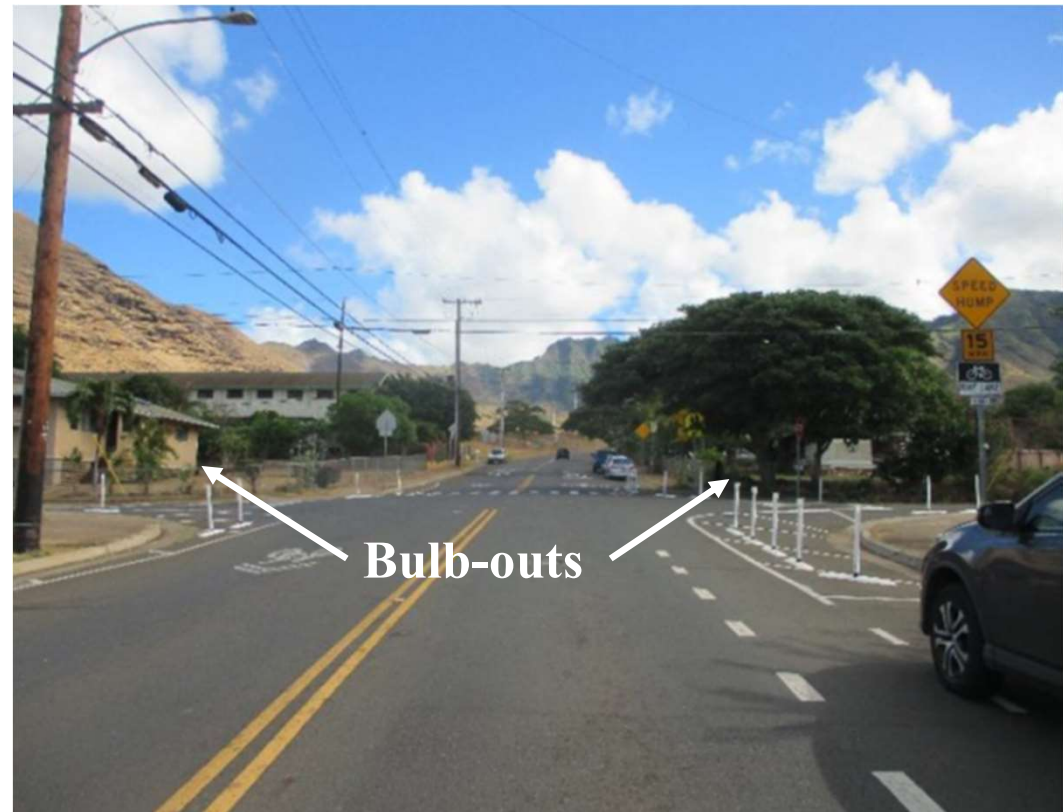
Nānākuli Traffic Calming Measures Phase 1:

Bulb-outs, striping, flexible channelizer post with curb, radar speed signs, and flashing beacons installed in 2023

Nānākuli Traffic Calming Measures Phase

2A:

Speed tables, flashing beacons, and associated signing and striping at lower Nānākuli. In design phase.





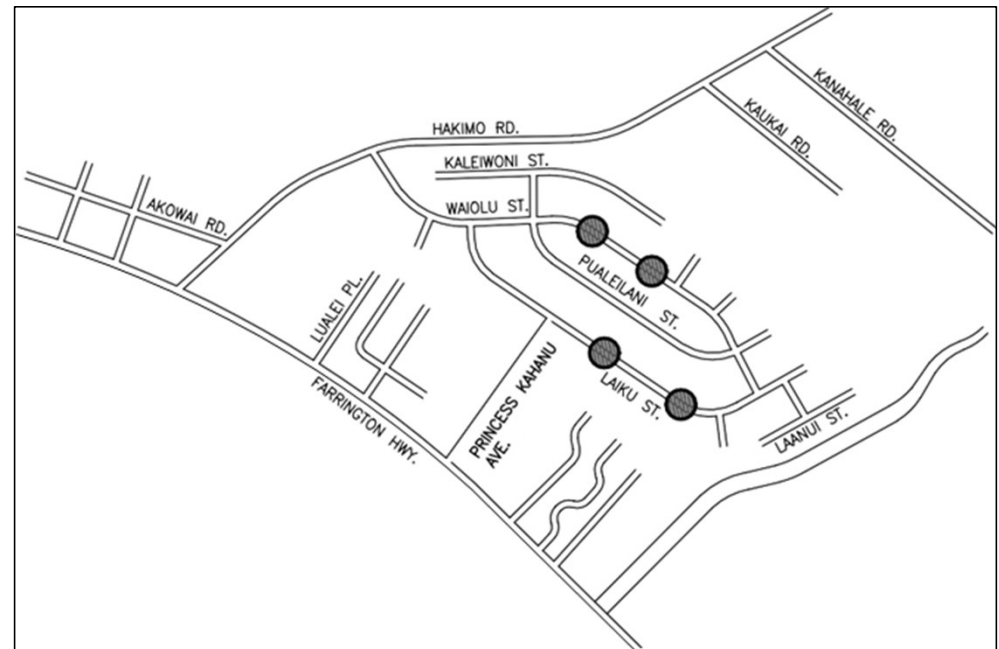
PRINCESS KAHANU ESTATES TRAFFIC CALMING

Scope: Installation of 4 speed humps and related signage.

Contractor: Grace Pacific LLC

Cost: \$200,000

Schedule: Bid Open November 2024
In progress of drafting contract.
Work to start in early 2025.





NANAKULI CEMETERY REPAIRS

Scope: Repairs to fencing and grading of Nānākuli Cemetery

Cost: \$965,793

Schedule: Project Complete. Maintenance has been taken over by the community.



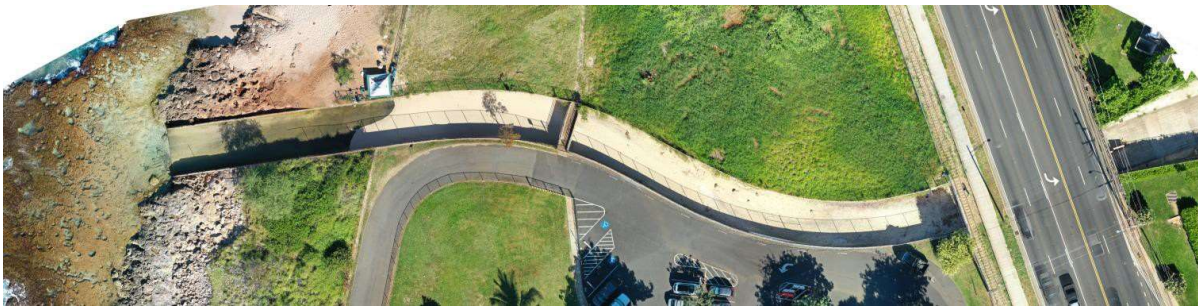


NANAKULI SEAWALL

Scope: Rehabilitation of seawall and pedestrian bridge

Estimated Cost: \$3 million

Schedule: Design Complete November 2022
Permit pending
Out to Bid: Mid 2025





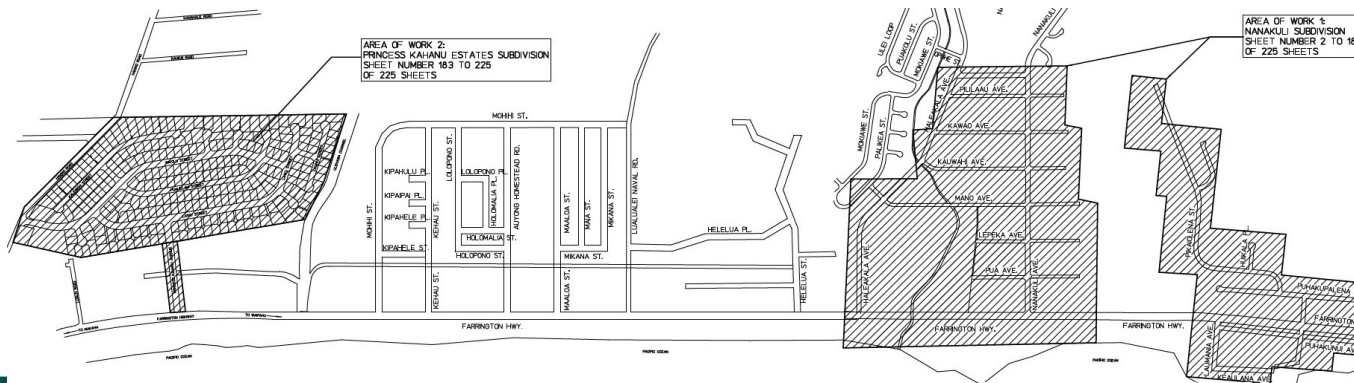
SIDEWALKS & STORMWATER BASIN REPAIRS IN WAI'ANAE

Scope: Repair/replace damaged sidewalks and stormwater basins

Contractor: Kaikor Construction Group

Cost: \$1.23 Million

Schedule: Bid out in November 2024. In progress of drafting contract. Work to start early 2025.





NANAKULI DRAINAGE LATERAL IMPROVEMENTS

Scope: Re-line/Repair channel walls, replace/repair fencing.

Establish fire breaks

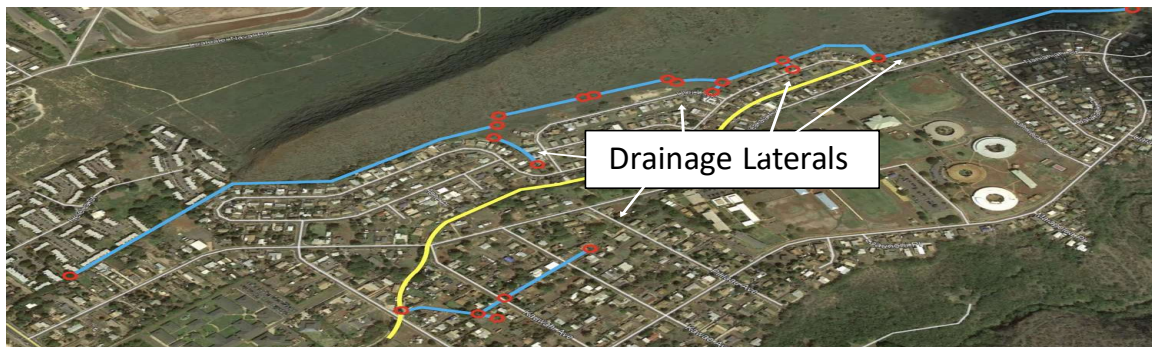
Investigate unauthorized uses of laterals

Estimated Cost: \$4.9 million

Schedule: Design Complete November 2023

Currently out to bid, bids due December 27, 2024

Work to start mid 2025.





West O'ahu Sewers Assessment

Purpose:

Improve existing DHHL sewer collector lines to City and County standards, in Wai'anae, Princess Kahanu Estates, and Nānākuli.

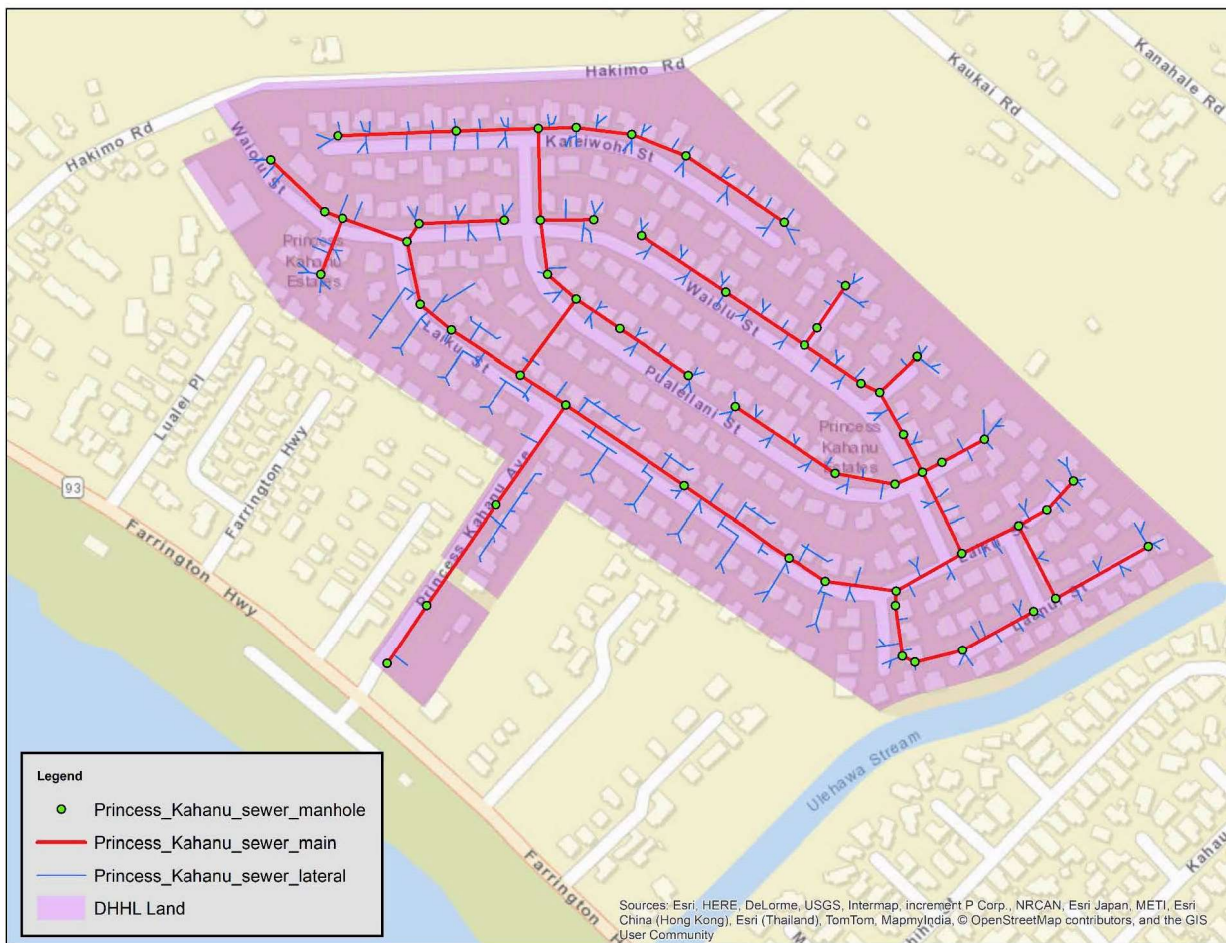
Scope of Work:

- Replace non-conforming sewer lines, manholes, laterals and cleanouts
- Reconnect sewer laterals
- Paving restoration

Status:

- Video-camera inspection, smoke testing, and cleanout surveys completed.
- Wai'anae - Construction in Progress
- Princess Kahanu Estates – Construction plans design work in progress.
- Nānākuli - Construction plans design work in progress.

Princess Kahanu Estates Sewer Improvements



Construction Scope:

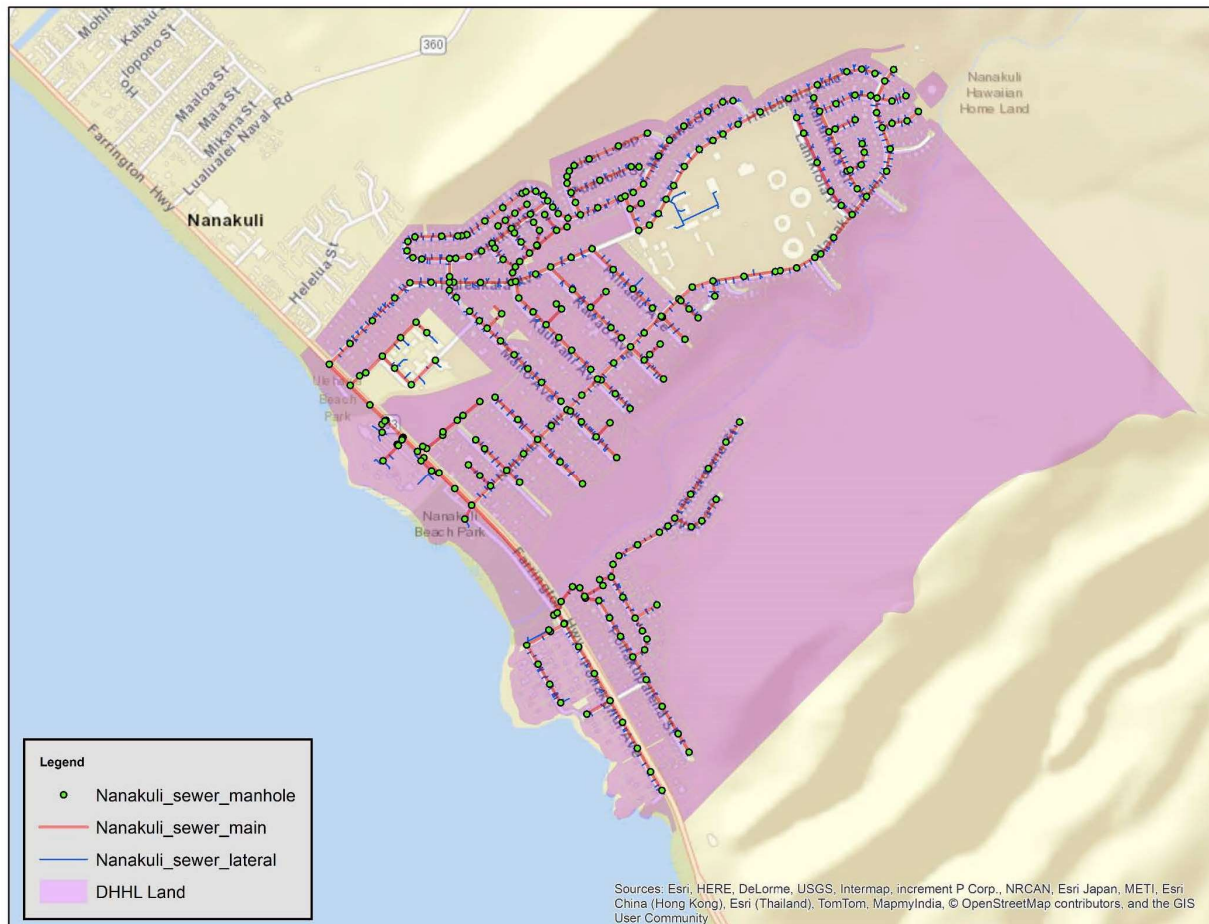
- Replace 6,160 feet of 8" to 12" sewerline
- Replace 180 sewer laterals
- Convert 2,300' of 6" sewer laterals to 8" sewer mains
- Construct/Reconstruct 41 sewer manholes

Construction Timetable:

- Design in progress
- Construction bid: Summer 2025, subject to funding.

Construction estimate: \$15 Million

Nānākuli Sewer Improvements



Construction Scope:

- Replace 18,500 feet of 6" to 15" sewerline
- Replace over 300 sewer laterals
- Construct/Reconstruct 126 sewer manholes

Construction Timetable:

- Design in Progress.
- Construction start estimated 2026, subject to funding.

Construction estimate: \$40 Million



Nānākuli & Wai'anae Cesspool Assessment

Project Description

Background:

Act 125, Session Laws of Hawaii 2017 mandates upgrade, conversion, or sewer connection of all cesspools by 2050.

Project Objectives:

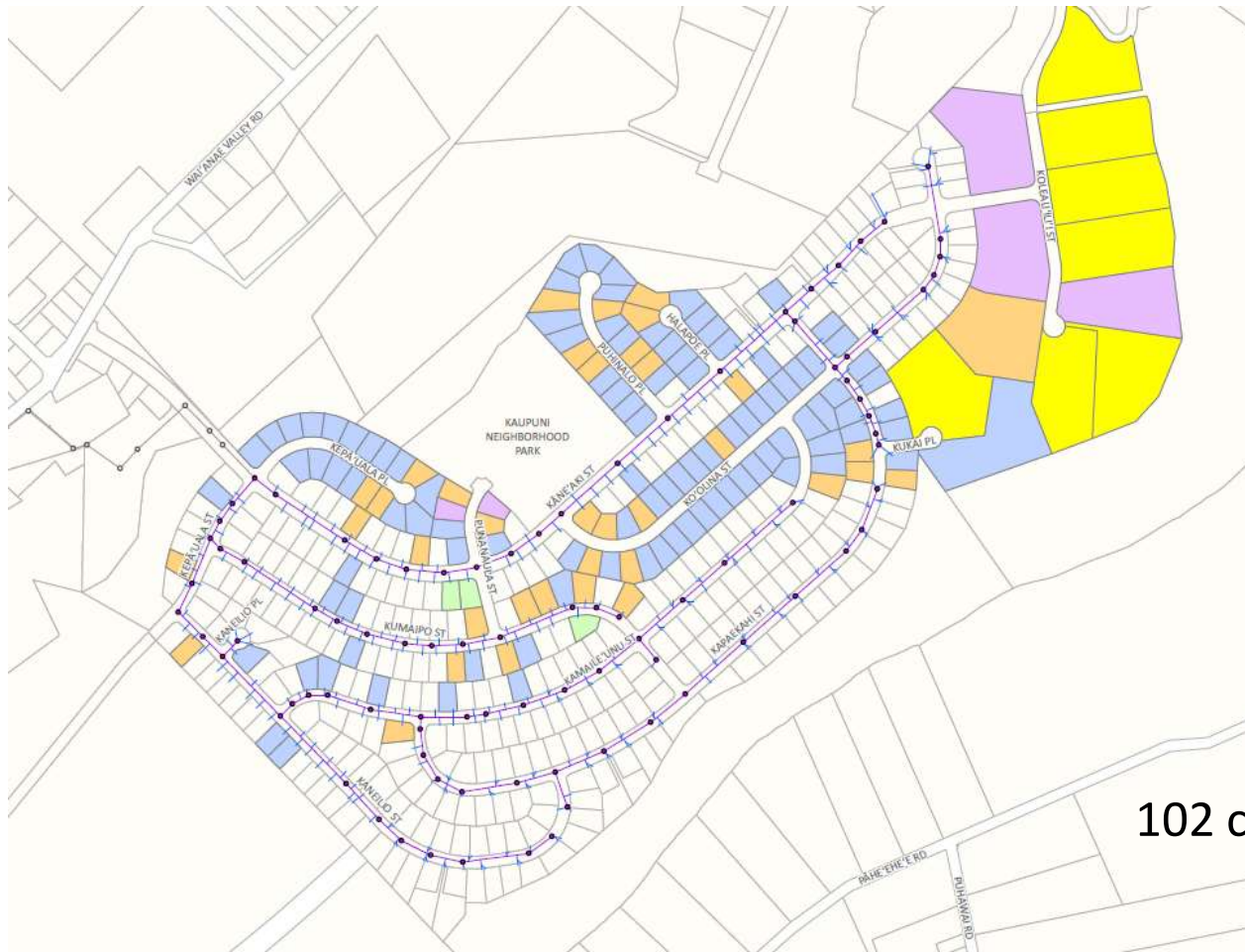
- 1) Identify existing DHHL lots with cesspools
- 2) Assess options for connections to the public sewer

General Scope of Work:

- Identify and conduct physical survey of DHHL lots with cesspools in Wai'anae, Nānākuli, and Waimānalo
- Prepare Assessment report and recommendations for upgrade, conversion, or connection to public sewers



Wai'anae Cesspool Assessment



Legend

- Sewer Manhole
- DHHL Sewer
- Sewer Lateral
- Non-DHHL Sewer
- Parcel

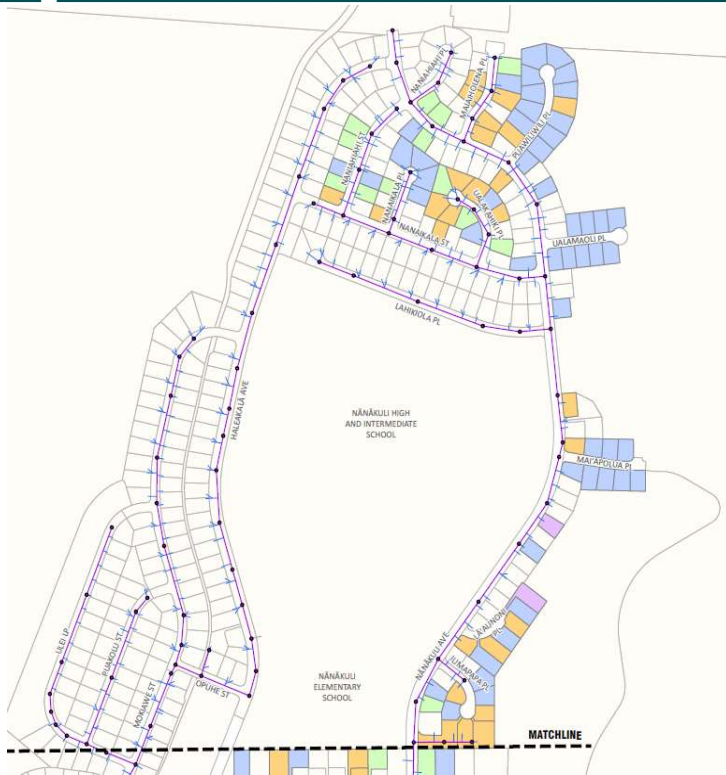
Survey Results

- Cesspool
- Septic Tank
- No IWS or Structure
- No Access
- Sewered

102 cesspools identified



Nānākuli Cesspool Assessment



- Legend**
- Sewer Manhole
 - DHHL Sewer
 - Sewer Lateral
 - Non-DHHL Sewer
 - Parcel
- Survey Results**
- Cesspool
 - Septic Tank
 - No IWS or Structure
 - No Access
 - Sewered

165 cesspools identified



Nānākuli & Wai'anae Cesspool Assessment

Results:

- Existing conditions as shown on maps.
- Recommendation to convert to gravity sewer or Low Pressure Sewer System (LPSS)

Construction Estimate:

- Wai'anae: \$12 million (gravity sewers)
- Nānākuli: \$17 million (gravity sewers + LPSS)

Construction Schedule:

- Subject to funding



DHHL: Scattered Lots



Current Inventory:

- 107 scattered lots across our subdivisions Statewide.

Purpose:

- Scattered lots are returned to DHHL inventory and assessed to determine their condition and future use.
- Based on the assessments, we choose the type development.
- These options are to meet the needs of our Native Hawaiian beneficiaries.

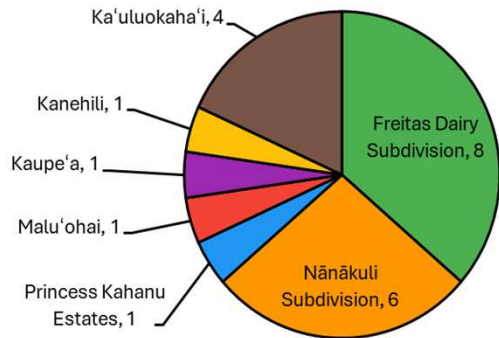
West O'ahu Inventory:

- A total of 22 scattered lots are in Kapolei, Nānākuli, and Wai'anae, covering DHHL lands.

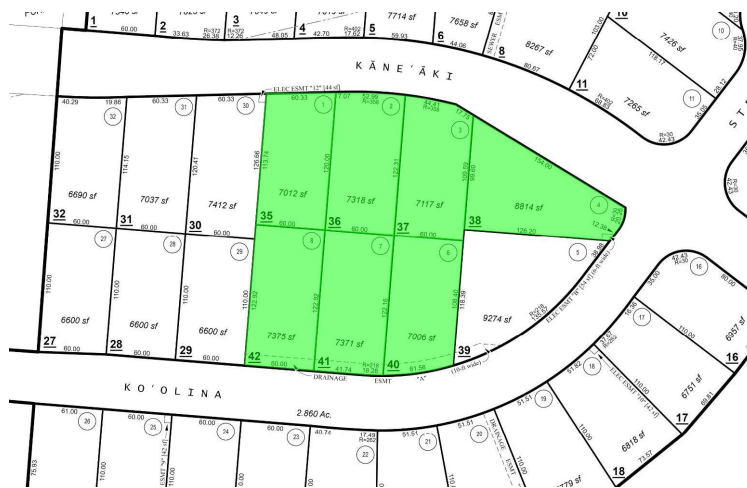


West O'ahu Scattered Lots

West O'ahu Scattered Lots Inventory



Freitas Dairy Active Projects Site Map



Active Projects:

- 11 lots are being developed in West O'ahu. Projects are in the early phases, with site work planned and contractors being sourced.

New Construction:

- 7 new build projects in Freitas Dairy Subdivision.
- 1 new build project in Kānehili.

Renovations:

- 3 renovation projects are being completed at Princess Kahanu Estates, Malu'ohai, and Kaupe'a.



O'ahu: Kaupe'a



- \$8,250,000 acquisition of about 9.1 acres in Kapolei.
- \$ 13,691,321 for sitework and infrastructure for the 60 single family homestead project.
- The project site is located next to Kapolei High School to the west and the existing Kaupe'a neighborhood to the east off Kapolei Parkway.



O'ahu: Ka'uluokaha'i (East Kapolei)



- \$140,846,080 for the sitework and infrastructure of the nearly 115-acre Ka'uluokaha'i Master-Planned Community Increments IIC, IID and IIE and associated backbone roadway and utilities infrastructure, and infrastructure design for IIF.
- Future funding may allow construction of the roadway and utilities infrastructure in IIF.



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov

Hawaiian Homes Commission Meeting Packet
December 16 & 17, 2024
Hale Pono‘ī, Kapolei, Oahu

F ITEMS

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 16-17, 2024

To: Chairperson and Members, Hawaiian Homes Commission

Through: Linda Chinn, Acting Administrator
Land Management Division *WC*

From: Andrew Sante, Land Agent
Land Management Division *AS*

Subject: Approval to Issuance of License to Crown Castle/T-Mobile West Tower LLC
Waimanalo, Island of Oahu, TMK No.: (1) 4-1-008:002 (por.)

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission (HHC) grant approval to the issuance of a non-benefit license to Crown Castle/T-Mobile West Tower LLC, ("licensee") for the exclusive use of approximately 625 square feet of Hawaiian Home Lands on the parcel described above and further described on exhibit "A" attached hereto, to operate a cell phone tower facility subject to the following conditions:

- 1) The term will be for ten (10) years, with two five (5)-year options to extend. The term will commence January, 2025, following the completion of the appraisal.
- 2) The fair market license fee for the first 3 years of the initial 10-year term is set at \$40,000, as determined by a licensed disinterested appraiser. Adjustments to the license fee shall occur on the first day of the 4th, 7th, 10th, 13th, and 16th years of the term, based on a 2.5% annual compound rate of increase, equivalent to approximately 7.5% every three years.
- 3) In addition to paying the fair market license fee of from the commencement of the appraisal, the Licensee will include any back payments owed from current License 659.
- 4) No other uses or subtenants shall be allowed to use the site without prior approval and consent by licensor.
- 5) Licensor shall have the right to place its own cell phone operation equipment on this tower, at any time during the permit term, with 60 days advance notice. Licensor shall be responsible for all costs associated with adding the equipment & for power usage stated above, but not for loss of space or transmission capabilities depleted if the licensor exercises its right to implement this action.

- 6) No expansion or modification of the facility shall be permitted without the licensor's approval and consent. Approval or consent for any requests for expansion shall be contingent on upon the availability of additional land at the time and the willingness of the licensee to pay additional rent acceptable to the licensee.
- 7) Licensor shall have the right to terminate the license or withdraw any portion of the license property upon giving two years advance written notice.
- 8) Licensee shall manage and maintain the cell phone tower facility in neat, clean condition and shall keep the existing eight-foot perimeter chain link fence in good repair;
- 9) This License shall conform to Federal, State, and County (government agencies) standards. Licensee shall obtain applicable permits and approvals from government agencies prior to the commencement of any work on the property that requires such permits and approvals.
- 10) Any construction or alteration of the permit area shall require licensor's approval.
- 11) Licensee shall pay non-refundable processing and documentation fees totaling \$175.00.
- 12) Review and approval of the license by the State of Hawaii, Department of the Attorney General.
- 13) Such other terms and conditions deemed prudent and reasonable by the Chairman of the Hawaiian Homes Commission (HHC) and/or the HHC to serve the best interests of the trust and its Beneficiaries.

DISCUSSION

On August 31, 2006, the Hawaiian Homes Commission approved the issuance of License Agreement No. 659 (LI 659) to Crown Castle. The 10-year license commenced on December 1, 2006, and, as permitted under the terms of the agreement, has been extended until December 1, 2026. The Licensee is now requesting a new license effective January 2025, utilizing the appraised value, to allow for the continued use and operation of the site.

This continued use of the site aligns with DHHL's plans, policies, and programs.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

The recommended disposition is consistent with the following plans, policies, and programs:

- 1) DHHL General Plan (2002) goals and objectives:

Land Use Planning

Goals: Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.

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

2) Oahu Island Plan, July 2014

- Land Use Designation: This utility conforms with community usage designation.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The proposed use will utilize pre-existing improvements and does not significantly differ from the past use of the subject area. Therefore, pursuant to DHHL's updated Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands as approved by the Environmental Council as of April 6, 2021, the subject request is exempt from the preparation of an environmental assessment pursuant to Type 1, under Part I, titled De Minimis Activities, Type 1, "Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing."

AUTHORIZATION

Section 10-4-22, Hawaii Administrative Rules, as amended

Section 207(c), Hawaiian Homes Commission Act, 1920, as amended

RECOMMENDATION

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

EXHIBIT A

Legal Description of Parent Parcel:

T-MOBILE SITE

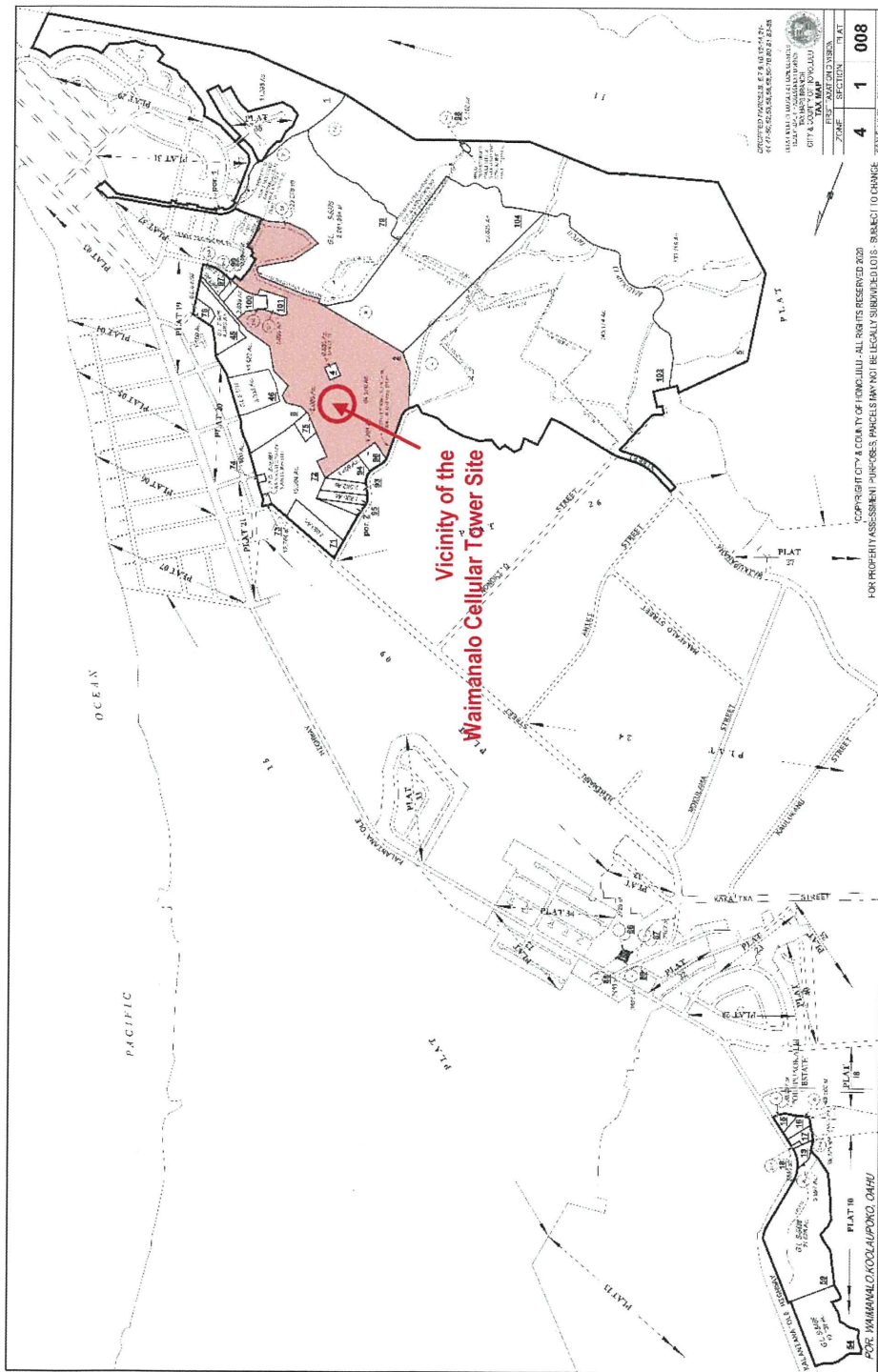
Located within Tax Map Key: (1) 4-1-008: 002, being Hawaiian Home Land At Waimanalo, Koolaupoko, Oahu, Hawaii.

Beginning at the East corner of this site, the direct azimuth and distance from a 3/4" pipe found on the Northwest corner of Lot 87, being also the Northeast corner of Lot 86 of the Waimanalo Residence Lots Third Series being 59°44'20" 1537.21 feet, thence running by azimuths measured clockwise from true South:

- | | | | |
|----|----------|------------|---|
| 1. | 44° 34' | 25.00 feet | along the remainder of Hawaiian Home Land; |
| 2. | 134° 34' | 25.00 feet | along the remainder of Hawaiian Home Land; |
| 3. | 224° 34' | 25.00 feet | along the remainder of Hawaiian Home Land; |
| 5. | 314° 34' | 25.00 feet | along the remainder of Hawaiian Home Land, to the point of beginning and containing an AREA OF 625 SQUARE FEET. |



Arden J. Torcuato
Arden J. Torcuato, L.P.L.S.
Licensed Professional Land Surveyor
Certificate No. 10257




Source: City & County of Honolulu, Department of Budget & Fiscal Services, Real Property Assessment Division.


STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 2024

To: Chairperson and Members, Hawaiian Homes Commission

Thru: Linda Chinn, Acting Administrator 

From: Ashley Tabalno, Land Agent 
Land Management Division

Subject: Approval to Annual Renewal of Right of Entry Permit(s) and Conversion to Revocable Permits: ROE No. 599 - Parker Ranch, West, Hawaii Island; ROE No. 600 - Kenneth Hicks, , ROE No. 511 - Robert D. Lyman, and ROE No. 527 - Waianae Valley Farm, Ltd., West Oahu Island

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) approve the following actions:

- A) Rescind its respective hold-over period for the conversion of Right of Entry Permit to Revocable Permit authorization for the above referenced Hawaii Island ROE, as postponed under LMD Agenda Item No. F-1 at its regular monthly meeting convened on May 20-21, 2024 (See Exhibit A-1) and the above referenced Oahu Island ROE's, as postponed under LMD Agenda Item No. F-1 at its regular monthly meeting convened on September 16-17, 2024 (See Exhibit A-2) .
- B) Pursuant to the Hawaiian Homes Commission approval of LMD Agenda Item No. F-1, at its regularly scheduled monthly meeting held on April 21-22, 2024, all renewed North and West Hawaii Island Right of Entry Permit(s) that have met compliance in accordance with its respective agreement shall be converted to Revocable Permits. Inspection report is referenced under Exhibit "B" attached hereto.
- C) Approve conversion of Right of Entry Permit as listed on Exhibit "A-1" and identified by approximate location on the West Hawaii Island Map Exhibit, and listed on Exhibit A-2" and identified by approximate location on the West Oahu Island Map Exhibit that are in compliance, as of December 1, 2024.
- D) The revocable permit annual renewal period shall be on a month-to-month basis, for up to twelve (12) months, but no longer than the date as specified in Exhibits "A-1" and "A-2" respectively, or whichever occurs sooner.
- E) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed appropriate and necessary.

December 2024

DISCUSSION

The submittal represents the Right of Entry Permit(s) which will be converted to Revocable Permits. Prior to conversion the subject Right of Entry Permits required additional site inspections before conversion approval.

Staff have conducted site visits to all right-of-entry permit parcels, affirms full compliance, and recommends the conversion to Revocable Permits. Site inspection reports for the Hawaii Island ROE is referenced in Exhibit "C-1" and on West Oahu Island in Exhibit "C-2".

Authority/Legal Reference

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

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

RECOMMENDATION

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

Exhibit "A-1"
Item No. F-2

Public Testimony – Patrick Kahawaiola a. Echoed M Kapuniai’s sentiments as it took 12 years for his infrastructure to be put in. He expressed his disapproval unless the new date is for the residents to go in when the roads are built to a standard that the lessees and emergency responders can access the properties.

Commissioner Freitas stated that whichever way this goes will make people happy, but it will not make everybody happy. The issue is the commencement date, and he thinks it best to start it with stipulations. The Department needs to have dialogue with the first responders and the County at the same meeting at the same time to discuss a strategy. Identify the leases that do not have access to their lots and if they are vacant or have homes, people living there, or somewhere else. Move forward.

J. Garcia stated that access to the lots is available for each of the 182 lots. Need to determine why the lessee feels the lot is not accessible. The Department can provide monthly status reports if the Commission requires that. The Department is committed to maintaining the roads.

Chair Watson stated it is an agricultural area and a 20 ft. gravel road should be sufficient for that area. His concern is that close to 100 lots were awarded and how to get individuals to use the land actively. Having the start date in 2024 and the 7-year exemption is helpful, but having potential builders of homes on these lands is important. Those with existing houses, do they have outstanding loans that would impact them with the start date? J. DuPont stated he is not aware of any loans.

Commissioner Neves would feel comfortable if the Fire, Police, and EMS sign off that they will service the area and the items are in the document. He would prefer to defer this to tomorrow. Commissioner Neves asked who does the maintenance. J. DuPont stated it is the Department.

Commissioner Awo was okay with deferring the item if it led to the right compromise. He would like a commitment from the Department to the capacity to do those things.

Public Testimony – Patrick Kahawaiola a. The Hawaiian Homes Commission Act is clear that the roads do not have to be made to county standard, and the County shall maintain the roads over Hawaiian Home Lands whether the roads are of gravel or cinder. Help the beneficiaries.

Public Testimony – Marion Kapuniai. Commented about the roads not being 20 feet wide in all areas. She stated it would be good to study Section 220 of the Hawaiian Homes Commission Act.

Chair Watson stated the item is being **DEFERRED** to tomorrow.

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Annual Renewal of Right of Entry Permit(s) and Conversion to Revocable Permits, North & West Hawai‘i Island (see exhibits)

RECOMMENDED MOTION/ACTION

General Professional Land Management Division Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the Annual Renewal of Right of Entry Permit(s) and Conversion to Revocable Permits, North & West Hawai‘i Island, and approve the four actions listed in the submittal.

- Renew all North & West Hawai‘i Island Right of Entry Permit(s)_
- All respective agreement(s) shall be converted to Revocable Permit(s)

- The Revocable Permit(s) annual renewal period shall be on a month-to-month basis for up to 12 months but no longer than May 31, 2025
- Authorize the Chairman to negotiate and set for the other items and conditions that may be deemed to be appropriate and necessary

MOTION

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

DISCUSSION

Commissioner Neves stated that he noted that a couple of the items did not have a COI, and is that not one of the requirements? K. Albinio stated that is correct. Linda Chinn, Exhibit B, did a report and confirmed that all the Right of Entry Permits had an updated Certificate of Liability Insurance. Commissioner Neves stated that the PIG needs to get on the property, inspect it, and let them know that they are subject to losing their Right of Entry until the Department has access. K. Albinio stated they sent out a letter to each permittee informing them the Department would be coming for an inspection.

Commissioner Kaleikini asked about the appraised value. K. Albinio stated that for commercial and industrial leases, they look at assessed value from the real property assessment, take 8%, and give them a 50% discount off of the 8%. It is short-term.

Commissioner Namu o commended LMD on the report, as there are now details. K. Albinio credited Linda Chinn with that.

Commissioner Neves requested that ROE 599 be removed until it is resolved.

MOTION/ACTION TO AMEND

Moved by Commissioner Neves, seconded by Commissioner Kaleikini, to remove ROE 599 until the issue is resolved and the Department is able to access the property for inspection.

	1	2	A'VE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner						
Commissioner Awo			X			
Commissioner Freitas			X			
Commissioner Helm			X			
Commissioner Kaleikini		X	X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu o		X	X			
Commissioner Neves			X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passed unanimously. Nine (9) Yes votes.						

AMENDED MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to remove ROE 599 until the issue is resolved and the Department is able to access the property for inspection.

Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Freitas			X			
Commissioner Helm		X				
Commissioner Kaleikini			X			
Commissioner Kanekua			X			
Commissioner Marfil			X			
Commissioner Namu'o			X			
Commissioner Neves	X					
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passed unanimously. Nine (9) Yes votes.						

ITEM F-2 Approval to Extension of Lease Term for General Leases No. 217, Harborside Investors, Kawaihae, Island of Hawaii, TMK No. (3) 6-1-006:015

RECOMMENDED MOTION/ACTION

General Professional, Land Management Division Kahama Albinio presented the following: Motion that the Hawaiian Homes Commission approve a 10-year extension to lease term and modification of the ground lease rent so that the aggregate of the original 55-year term and the extended 10-year term span a total of 65 years for General Lease No. 217, located within Kawaihae, Island of Hawaii, for the purpose of obtaining financing for the property.

Land Agent, Land Management Division Brigida Ayson stated the lessee plans to refinance and spend \$100,000 for improvements. The commercial lender requires at least 20 years remaining on the lease in order to refinance the existing mortgage on the lease; hence, the lessee is asking for a 10-year extension to the lease.

MOTION

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

Public Testimony – Kauli Almeida. Items F-2, F-3, F-5, and F- as they are relative to the extension. In 2021, DHHH was notified of a disagreement with the DOI and the notification to the Governor. Kai Kahahele sent letters to the Governor on behalf of the beneficiaries regarding Act 236. The sole responsibility of the Department is to the beneficiaries. She read the letter submitted by Kai Kahahele. The lessees did not pay attention to their leases. The Department should be putting more than 50% of Hawaiians on the land.

Commissioner Awo stated Act 236 allowed the State of Hawaii to take Hawaiian Home Lands and extend it 40 years beyond the 65-year aggregate period. He remembered that several years ago, the Commission was asked to pass this, but the Commission did not have what the federal

May 2024

Island land inventory covers approximately 40,282.0 acres¹ or 20% of DHHL's statewide inventory. The short-term disposition(s) cover approximately 9,508.0 acres or 24% of its inventory.

Revocable 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.

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 was 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 recommended that all the Right-of-Entry permits carried over from the old program or permits issued 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 have conducted site visits to all North & West Hawaii Island right-of-entry permit parcels and affirms full compliance and recommends the conversion to Revocable Permits.

The table below reflects the revenue generated from ROE permit(s) on North & West Hawaii Island, which is approximately 3.0% (\$78,837) of the ROE total revenues (\$2,809,387) that DHHL receives statewide. Hawaii Island holds 9 of the 145 ROE permits Statewide which are used for various purposes outside of industrial/commercial use.

FY 2024	Total
Agriculture	\$0
Caretaker/Landscape	\$0
Commercial	\$33,015
Community	\$0
Industrial	\$0
Office	\$0
Pastoral	\$44,317
Preservation	\$0
Recreation	\$3
Research	\$0
Subling	\$0
	\$78,837
	8

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

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

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

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

May 20-21, 2024

To: Chairman and Members, Hawaiian Homes Commission

Thru: Linda Chinn, Acting Administrator
Land Management Division

From: Peter "Kalana" Albino, Jr., General Professional VI
Land Management Division

Subject: Approval to Annual Renewal of Right of Entry Permit(s) and Conversion to Revocable Permits, North & West Hawaii Island

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) approve the following actions:

- A) Renew all North & West Hawaii Island Right of Entry Permit(s) as listed on Exhibit "A" and identified by approximate location on the North & West Hawaii Island Map Exhibit "A-1" that are in compliance, as of June 1, 2024.
- B) Pursuant to the Hawaiian Homes Commission approval of LMD Agenda Item No. F-1, at its regularly scheduled monthly meeting held on April 21-22, 2024, all renewed North & West Hawaii Island Right of Entry Permit(s) that have met compliance in accordance with its respective agreement shall be converted to Revocable Permits. Inspection report is referenced under Exhibit "B" attached hereto.
- C) The revocable permit annual renewal period shall be on a month-to-month basis, for up to twelve (12) months, but no longer than May 31, 2025 or at the next scheduled HHC meeting in North or West Hawaii Island whichever occurs sooner.
- D) Authorize the Chairman to negotiate and set forth other terms and conditions that may be deemed to be appropriate and necessary.

DISCUSSION

This submittal represents annual renewals for all North & West Hawaii Island ROE permit(s) only, which shall effectively expire on May 31, 2024. As a means of maintaining a process by which PERMITTEES can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

For information purposes Exhibit "A" references all Right of Entry Permits in North & West Hawaii Island by order of commencement date, land use, then by acreage which will be converted to Revocable Permits. While permits generate additional revenue to the Trust, its primary purpose provides DHHL the ability to efficiently manage its lands through the issuance of these short-term dispositions which are typically not needed for longer-term dispositions (such as homesteading or general leases) over a 20-year time period or as dictated by DHHL's respective island plans. DHHL's total North & West Hawaii

RIGHT OF ENTRY PERMITS - NORTH & WEST HAWAII ISLAND, as of MAY 2024

NO.	ACRE	USE	PERMITTEE/ADDRESS	TMK	Denotes Beneficiary			Denotes Delinquent	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
					Date Started	Current Annual Rent	Proposed Annual Rent		
461	0.54	Commercial	Edward J. Laau/Naomi K. Peck	(3) 6-1-003:018 Kawaihae	7/1/1989	\$13,497	-		Rent is current; portion of a larger parcel that is designated Special District Use. Insufficient infrastructure.
462	0.67	Commercial	Kawaihae Spirits	(3) 6-1-002:066 and:068 Kawaihae	2/20/1990	\$13,705	\$14,116		Rent is current; portion of a larger parcel that is designated Subsistence Agricultural Use. Insufficient infrastructure.
464	50.00	Pastoral	Marian Kapuniai	(3) 6-4-038:007 (p) Puukapu	12/29/2012	\$900	-		Rent is current; portion of a larger parcel that is designated Special District Use. Insufficient infrastructure.
466	105.73	Pastoral	Malama Solomon	(3) 6-5-001:010 (p) Waimea	1/1/2000	\$1,260	-		Rent is current; parcel that is designated Community Use.
483	0.56	Commercial	Guy Startzman	(3) 6-1-003:003 Kawaihae	2/14/2011	\$7,002	\$7,212		Rent is current; portion of a larger parcel that is designated Special District Use. Insufficient infrastructure.
484	1420.00	Pastoral	Kahua Ranch	(3) 6-1-001:002 (p) Kawaihae	2/1/2011	\$6,365	\$6,556		Rent is current; parcel that is designated Community Use.
485	7600.00	Pastoral	Palekoki Ranch, Inc.	(3) 6-1-001:003 (p)	6/1/2011	\$31,620	-		Rent is current; portion of a larger parcel that is designated General Agriculture & Special District Use. Insufficient infrastructure.
599	381.00	Pastoral	Parker Ranch	(3) 6-5-001:011 & :019	7/1/1977	\$4,488	\$4,623		Rent is current; portion of a larger parcel that is designated General Agricultural Use. Insufficient infrastructure.

Denotes Beneficiary

Exhibit "A"
Item No. F-1

May 2024

AUTHORITY / LEGAL REFERENCE:

Section 204(a), Hawaiian Homes Commission Act, 1920, as amended.
§171-6, -13, and -55, Hawaii Revised Statutes, as amended, governs the revocable permit process.

RECOMMENDATION:

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

Exhibit B
Item No. F-1

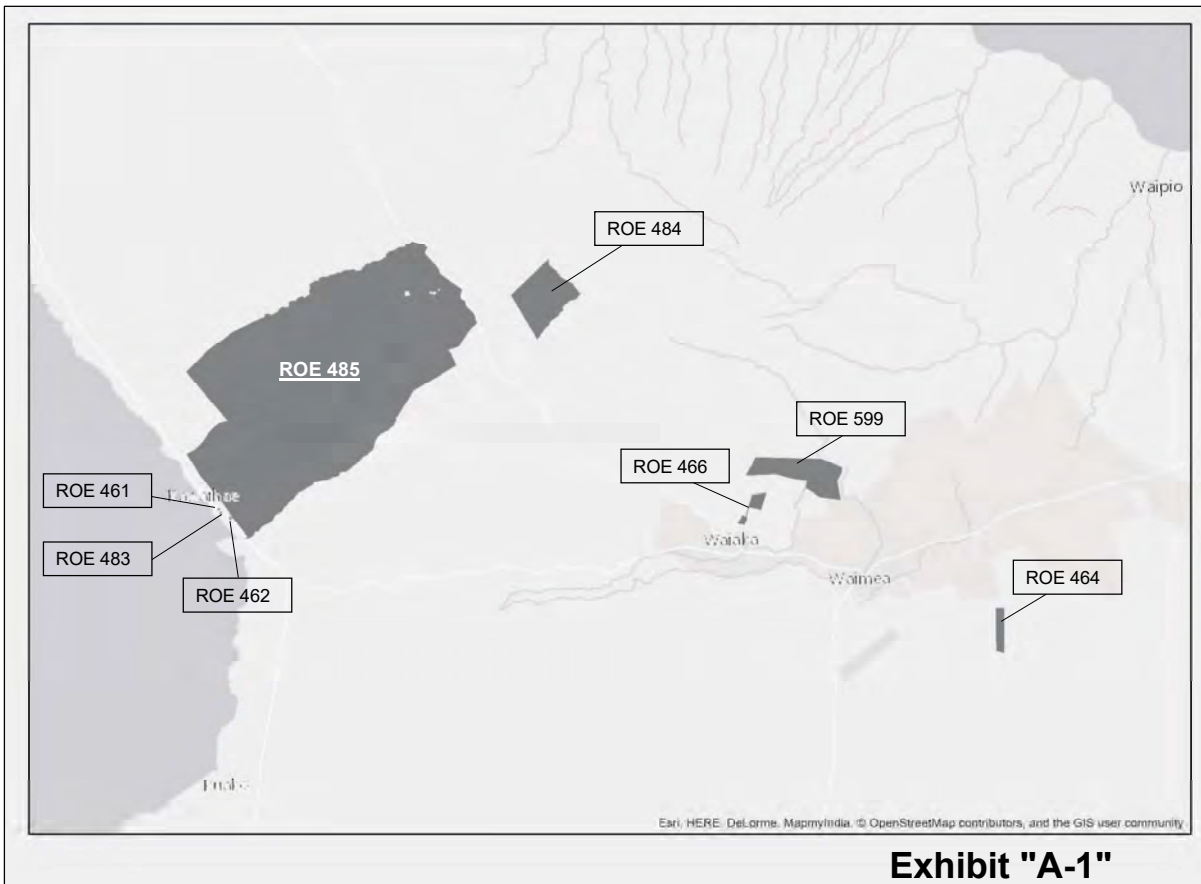


Exhibit "A-1"
Agenda Item No. F-1

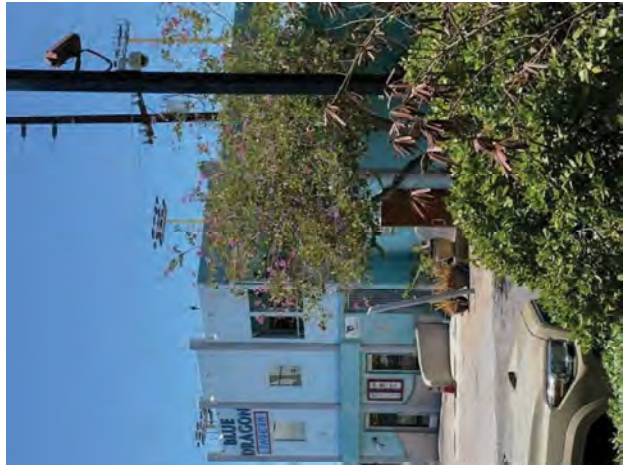


PROPERTY INSPECTION REPORT

GL/LI/ROE/RP NO.: ROE 461	ADDRESS: P. O. Box 461	BY: Linda Chinn
NAME: Edward & Maevyn Laau	TMK/ZONING: (3) 6-1-003,016	PERMITTED USE: Commercial
LOCATION: Kawaiahoala	AREA: 0.645 A	CO/BOND: Current. DP00000-4-5/A02024
RENTAL CURRENT: Paid in full 5/4/2024	DCCA COMPLIANT: n/a	DATE: 05/03/2024

ITEM	ACTION NEEDED	COMMENTS	DHBL ACTION TAKEN	COMPLETED
BUILDINGS, IMPROVEMENTS & OPERATIONS:				
1. Repair/Painting		In decent shape	No action needed	
2. Fence or wall		Barbed wire fence with goats		
3. Site work				
4. Tenant sign(s)				
5. Other Info/Illegal Structure(s)		none		
GENERAL				
1. Landscaping			No action needed	
2. Housekeeping				
3. Parking/Driveway				
4. Land Use Compliance		Yes		
5. Environmental Compliance Concerns		None		
6. Miscellaneous	No retail activities	Only used as cold storage facility		
SUBLESSEE(S) OF RECORD				
None				

Department of Hawaiian Home Lands

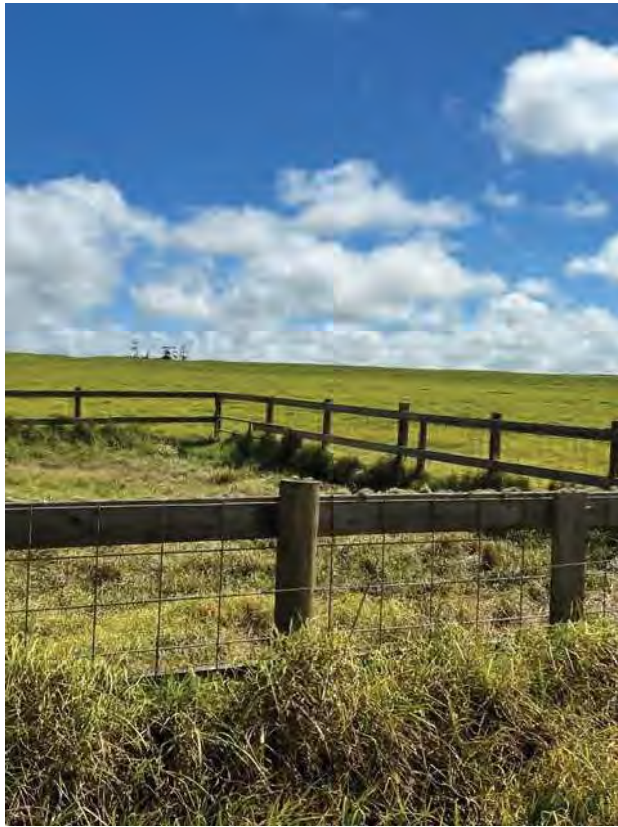


PROPERTY INSPECTION REPORT

GL/LROE/RP NO.: 462	ADDRESS: P. O. Box 537, Hawi, Hawaii 96719	BY: Linda Chinn
NAME: Kawaiaho Spirits, Inc. dba Touching the Earth LLC	TMK/ZONING: (3) 6-1-002:000 & 065 (p)	PERMITTED USE: Commercial
LOCATION: Kawaiaho	AREA: 0.670 A	COI/BOND: Last certificate in 2019
RENTAL CURRENT: \$13,705.00 (current)	DCCA COMPLIANT:	DATE: 05/03/2024

ITEM	ACTION NEEDED	COMMENTS	DHBL ACTION TAKEN	COMPLETED
BUILDINGS, IMPROVEMENTS & OPERATIONS:				
1. Repair/Painting		ROE area in good condition	No follow action needed	
2. Fence or wall				
3. Site work				
4. Tenant sign(s)		Visible		
5. Other Info/Illegal Structure(s)		None		
GENERAL				
1. Landscaping		Limited - no overgrowth	No follow action needed	
2. Housekeeping				
3. Parking/Driveway		In good condition		
4. Land Use Compliance		Yes		
5. Environmental Compliance Concerns		None		
6. Miscellaneous	No COI		Notify Permittee to submit	
SUBLESSEE(S) OF RECORD				
	None			

Department of Hawaiian Home Lands



PROPERTY INSPECTION REPORT

GLLI/ROE/RP NO.: R0E 464	ADDRESS: P. O. Box 6753, Kamaeola, Hawaii 96743	BY: Linda Chinn
NAME: Marian Kamimaa	TMK/ZONING: (3) 6-3-033/007 (p)	PERMITTED USE: Residential
LOCATION: Pukaiaua	AREA: 451.8	COI/BOND: E-1/100 447019.6
RENTAL CURRENT: \$900.00 (current)	DCCA COMPLIANT: n/a	DATE: 05/09/2024

ITEM	ACTION NEEDED	COMMENTS	DIHL ACTION TAKEN	COMPLETED
BUILDINGS, IMPROVEMENTS & OPERATIONS:				
1. Repair/Painting	n/a		No follow up action	
2. Fence or wall		good condition		
3. Site work	n/a			
4. Tenant sign(s)	n/a			
5. Other Info/Illegal Structure(s)	none			
GENERAL				
1. Landscaping		good condition with cattle	No follow up action	
2. Housekeeping	n/a			
3. Parking/Driveway	n/a			
4. Land Use Compliance	yes			
5. Environmental Compliance Concerns	none			
6. Miscellaneous				
SUBLESSEE(S) OF RECORD				

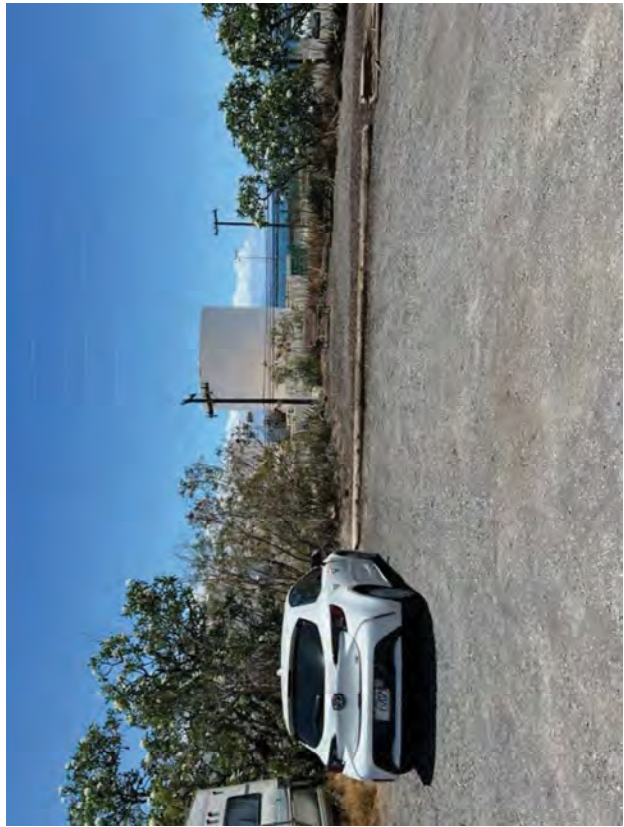
Department of Hawaiian Home Lands



PROPERTY INSPECTION REPORT

GL/L/ROE/RP NO.: ROE 466	ADDRESS: P. O. Box 519, Kamuela, Hawaii 96743	BY: Linda Chnn
NAME: Malama Solomon	TMK/ZONING: (3) 6-5-001:010 (p)	PERMITTED USE: Pastoral
LOCATION:	AREA: 105.727 A	COI/BOND: Current
RENTAL CURRENT: \$1,260.00 (current)	DCCA COMPLIANT: n/a	DATE: 05/08/2024

Department of Hawaiian Home Lands	ITEM	ACTION NEEDED	COMMENTS	DHHL ACTION TAKEN	COMPLETED	
	BUILDINGS, IMPROVEMENTS & OPERATIONS:					
	1. Repair/Painting	n/a				
	2. Fence or wall	yes	In good condition			
	3. Site work	n/a				
	4. Tenant sign(s)	n/a				
	5. Other Info/Illegal Structure(s)	none				
	GENERAL					
	1. Landscaping		Grass is green with cattle			
	2. Housekeeping	n/a				
3. Parking/Driveway	n/a					
4. Land Use Compliance	yes					
5. Environmental Compliance Concerns	none					
6. Miscellaneous						
SUBLESSEE(S) OF RECORD						
	None					



PROPERTY INSPECTION REPORT

GL/LI/ROE/RP NO.: ROE 483	ADDRESS: 81 Puako Beach Drive, Kamuela, HI 96743	BY: Linda Chinn
NAME: Guy Startman	TMK/ZONING: (3) 6, 4-0000003 10	PERMITTED USE: Commercial/parking lot
LOCATION: Moanalua	AREA: 0.640 A	COL/BOND: 06/2024
RENTAL CURRENT: \$7,002.00 (current)	DCCA COMPLIANT: n/a	DATE: 05/08/2024

ITEM	ACTION NEEDED	COMMENTS	DHHL ACTION TAKEN	COMPLETED
BUILDINGS, IMPROVEMENTS & OPERATIONS:				
1. Repair/Painting	n/a		No follow up action required	
2. Fence or wall	n/a			
3. Site work	n/a			
4. Tenant sign(s)	Visible			
5. Other Info/Illegal Structure(s)	None			
GENERAL				
1. Landscaping		In good condition	No follow up action required	
2. Housekeeping		In good condition		
3. Parking/Driveway		In good condition		
4. Land Use Compliance		Yes		
5. Environmental Compliance Concerns		None		
6. Miscellaneous		Parking lot in good condition		
SUBLESSEE(S) OF RECORD				
	None			

Department of Evaluation Home Loans



PROPERTY INSPECTION REPORT

GL/LI/RO/EP NO.: ROE 485	ADDRESS: c/o Verity CPAs, P. O. Box 2957, Kamuela, Hawaii 96743	BY: Linda Chinn
NAME: Pāhāhāki Ranch, Inc.	TMK/ZONING: (2)1 6-1-001-003 (p)	PERMITTED USE: Pāhāhāki
LOCATION: Kāuaia	AREA: 7,600 A	COI/BOND: 04/2025
RENTAL CURRENT: \$31,020.00 (current)	DCCA COMPLIANT:	DATE: 05/08/2024

ITEM	ACTION NEEDED	COMMENTS	DHHL ACTION TAKEN	COMPLETED
BUILDINGS, IMPROVEMENTS & OPERATIONS:				
1. Repair/Painting		n/a	No follow up action required	
2. Fence or wall		Fence in good condition		
3. Site work		n/a		
4. Tenant sign(s)		none		
5. Other Info/Illegal Structure(s)		none		
GENERAL				
1. Landscaping		grass well maintained	No follow up action required	
2. Housekeeping		n/a		
3. Parking/Driveway		gravel driveway		
4. Land Use Compliance		yes		
5. Environmental Compliance Concerns		none		
6. Miscellaneous		none		
SUBLESSEE(S) OF RECORD				
		None		

Department of Hawaiian Home Lands



PROPERTY INSPECTION REPORT

GL/L/ROE/RP NO.: ROE 599	ADDRESS: 67-1349 Ala Ohia Street, Kamaeola, Hawaii 96743	BY: Linda Chinn
NAME: Parker Ranch	TMK/ZONING: (2) 5-5-001:011 & 012	PERMITTED USE: Pastoral
LOCATION: Waimea	AREA: 251 A	COL/BOND: 91/25025
RENTAL CURRENT: \$4,888/month, Current	DCCA COMPLIANT: Yes	DATE: 05/04/2024

ITEM	ACTION NEEDED	COMMENTS	DHHL ACTION TAKEN	COMPLETED
BUILDINGS, IMPROVEMENTS & OPERATIONS:				
1. Repair/Painting			No follow up action required.	
2. Fence or wall				
3. Site work				
4. Tenant sign(s)				
5. Other Info/Illegal Structure(s)		Property not accessible/landlocked	Not able to visit this trip	Visual from afar - looks ok
GENERAL				
1. Landscaping				
2. Housekeeping				
3. Parking/Driveway				
4. Land Use Compliance				
5. Environmental Compliance Concerns				
6. Miscellaneous				
SUBLESEE(S) OF RECORD				

Department of Hawaiian Home Lands

Exhibit "A-2"
Item No. F-2

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Annual Renewal of Right of Entry Permit(s) and Conversion to Revocable Permits, Oahu Island – EXCEPT Kalaeloa (See Exhibit F-1)

RECOMMENDED MOTION/ACTION

Income Properties Manager Kahana Albino presented the following:
Motion to Approve Annual Renewal of Right of Entry Permit(s) and Conversion to Revocable Permits, Oahu Island – EXCEPT Kalaeloa

DISCUSSION

K. Albino requested approval for the permits, clarifying that the highlighted gray areas in the report pertained to beneficiaries.

Commissioner Namuo inquired about a delinquency listed in the report. K. Albino confirmed it was an oversight, assuring that all listed properties were compliant and current with their payments.

Public Testimony – Patty Kahanamoku Teruya

P. Teruya, a witness from Nanakuli, expressed concerns about the compliance of properties under right of entry permits. She argued that some properties, despite being classified as agricultural or ranch land, had structures being rented out for events, violating compliance regulations. Teruya highlighted the importance of ensuring that properties are used in accordance with their designated permits, especially considering safety concerns in the community. She urged the commission to investigate potential violations and work closely with the community to maintain compliance. She called for a proactive approach in investigating properties that may be non-compliant, reinforcing the importance of safety in the community. She voiced support for items F5 and F6, advocating for the Punamaleo program to receive similar waivers to those granted in other areas, emphasizing the need for financial support for the program to continue its work with children.

Public Testimony – George Akana

G. Akana reflected on his experiences over the past year since being awarded a lease at Kilihau Street in the Mapunapuna industrial area. He described the location as somewhat seedy and highlighted his ongoing struggles with the lease, stating that despite being awarded a lease, it remained on a month-to-month basis. This arrangement restricted his ability to make improvements and investments in the property. Akana noted the property's poor condition, emphasizing that it had been ransacked by homeless individuals and lacked utilities, leaving it essentially as a shell. He expressed frustration at having to act as a security guard and cleanup crew.

Akana urged the commission to provide better tools for business owners and beneficiaries to make properties usable and investable, suggesting tenant improvement credits to allow businesses to invest without fear of losing their investments due to sudden lease terminations. He shared his struggles in applying for general leases, citing disqualification due to tax clearance and insufficient improvement details, and criticized the high requirements set by DHHL for property improvements, which he felt were unreasonable given property conditions. He also argued that property value assessments failed to consider local issues, leading to inflated prices and making leasing unfeasible. Emphasizing the challenges faced by Native Hawaiian businesses, Akana called for financial support, while a commissioner acknowledged the need to assist these businesses and suggested exploring discounts or loan programs to help.

Chair Watson discussed potential revisions to policies that govern leases and property management. There was a recognition of the difficulties faced by businesses like Akana's and the importance of

providing a more conducive environment for Native Hawaiian businesses to operate. The need for a balance between generating revenue for the program and supporting local businesses was highlighted, and suggestions were made to reconsider policies regarding rent participation and general lease terms.

Commissioner Neves reiterated concerns about compliance issues and property management in areas like Lyman Ranch and Nanakuli Ranch. Land Manager Katei Young mentioned that the ROE for Lyman Ranch includes a provision to maintain the caretakers' dwellings and the importance of having individuals on-site to ensure properties are well cared for. A call for further investigation into compliance issues was made, particularly concerning reports of potential misuse of properties.

The discussion concluded with a consensus on the importance of engaging the community and ensuring that compliance regulations are upheld. The commissioners agreed on the need for ongoing dialogue about improving the leasing process and supporting Native Hawaiian businesses, recognizing that such businesses are vital to the local economy and community stability.

Public Testimony – Patty Kahanamoku Teruya

P. Teruya reiterated her concerns about illegal structures and the organization of events at Nanakuli Ranch, specifically how these are affecting the community. She mentions complaints about parties and mentions being criticized for trying to stop them.

Commissioner Neves called for more accountability and collaboration with the enforcement team (E-team) to bring people into compliance, emphasizing the risks of allowing non-compliance, including potential accidents on Farrington Highway. The speaker stresses the importance of protecting the homestead.

Commissioner Kalepa asked about the process of fines for illegal activities. K. Albino clarified that the only enforcement mechanism is the termination of the permits.

Commissioner Marfil cautioned about the vacuum effect that would occur if for instance the Akana Brothers, Nanakuli Ranch, and Lyman Ranch, were not there. How easily new occupants could move in after the departure of current ones.

Public Testimony – Germaine Meyers

G. Meyers raised an issue about rent discrepancies, where one non-Hawaiian tenant, Kenneth Hicks, pays only \$20 a month for six acres of land while others pay significantly more. She questioned why non-Hawaiians are being given agricultural land on Oahu while Native Hawaiians remain on waiting lists. He criticizes the Department of Hawaiian Home Lands (DHHL) for allowing this discrepancy and for not including the required property inspection reports with the parcel proposals. He argues that the land in question could be better used for Native Hawaiians waiting for agricultural lots.

Actin Land Management Administrator Linda Chinn reveals that Hicks' land is in a flood zone, which is why it cannot be used as a homestead. While it is currently being used for growing plumeria trees, this situation raises questions about whether the land is being used optimally. Chair Watson suggested converting some parcels to homesteads where possible, and the discussion expands to include examples of other properties, such as a church that lost its lease due to non-payment and neglect.

Commissioner Neves questioned the wisdom of approving the current proposals without more thorough inspections. One commissioner suggests deferring the decision to allow for a more complete assessment, including the use of the E-team to ensure compliance. The commission agrees that land

should be returned to Native Hawaiians or nonprofits to take care of, instead of allowing these issues to persist.

K. Young mentioned staffing challenges, specifically a shortage of land agents, which has made oversight difficult. He expressed gratitude that three new land agents have been hired.

Commissioner Neves asked to defer action on three parcels (Hicks, Wai'anae Farms, and Lyman) until the next month when proper inspections and reports can be submitted.

MOTION/ACTION

Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua		X	X			
Commissioner Marfil			X			
Commissioner Namu'o	X		X			
Commissioner Neves			X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passed unanimously. Nine (9) Yes votes						

ITEM F-2 Approval to Issuance of Right of Entry Permit to STATE OF HAWAII – Department of Land and Natural Resources, Waimānalo, Island of O'ahu, TMK (1) 4-1-011:001 (por.)

RECOMMENDED MOTION/ACTION

Income Properties Manager Kahana Albinio presented the following:

Motion that the Hawaiian Homes Commission (HHC) authorize the issuance of a Right of Entry Permit, covering the subject area identified by Tax Map Key No. (1) 4-1-011:001 (See Exhibit "A") containing approximately 1,306 acres, for the purpose of conducting invasive species search, control, and eradication efforts, specifically for known populations of coqui frogs and goats. The request for access to the subject area would fall between the hours of 8:00 AM and 12:00 AM and include access permission for up to a total of seventy (70) DLNR employees and/or authorized agents. Authorized agents include those programs or entities that are authorized by DLNR employees to assist with control and efforts. This would include staff from the Oahu Invasive Species Committee and the Koolan Mountains Watershed Partnership, both projects of the University of Hawaii Pacific Cooperative Studies Unit, as well as community members that will be subject to DLNR's volunteer protocols. Control and eradication efforts may include habitat modification and the use of aerial equipment to treat remote populations.

September 2024

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

September 16-17, 2024

To: Chairman and Members, Hawaiian Homes Commission

Thru: Linda Chin, Acting Administrator
Land Management Division

From: Kalei Young, Supervising Land Aggrgr
Land Management Division

Subject: Approval to Annual Renewal of Right of Entry Permit(s) and Conversion to Revocable Permits, Oahu Island – EXCEPT Kalaeloa

RECOMMENDED MOTION/ACTION: That the Hawaiian Homes Commission (HHC) approve the following actions:

- A) Rescind its three (3) – month hold-over period for all Oahu Island – outside of Kalaeloa Right of Entry Permit(s) authorization approved under LMD Agenda Item No. F-1 at its regular monthly meetings convened on June 17-18, 2024.
- B) Renew all Oahu Island – Except Kalaeloa Right of Entry Permit(s) as listed on Exhibit “A” and identified by approximate location on the Oahu Island Map Exhibit “A-1” that are in compliance, as of October 1, 2024.
- C) Pursuant to the Hawaiian Homes Commission approval of LMD Agenda Item No. F-1, at its regularly scheduled monthly meeting held on April 21-22, 2024, all renewed Right of Entry Permit(s) that have met compliance in accordance with its respective agreement shall be converted to Revocable Permits. Inspection report is referenced under Exhibit “B” attached hereto.
- D) The revocable permit annual renewal period shall be on a month-to-month basis, for up to twelve (12) months, but no longer than June 30, 2025.
- E) 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 Oahu Island – EXCEPT Kalaeloa, Oahu ROE permit(s) only, which shall effectively expire on September 30, 2024. As a means of maintaining a process by which PERMITTEE’S can be assured that their permits have been renewed, notification letters will be transmitted accordingly.

Please note that this submittal does not address Right of Entry (ROE) permits on O’ahu Island within Kalaeloa.

For information purposes Exhibit “A” references all Right of Entry Permits on Oahu Island – EXCEPT Kalaeloa, organized by acreage, land use, and commencement date. These permits will be converted to Revocable Permits. While these permits generate additional revenue for the Trust, their primary purpose is to allow DHHL to efficiently manage its lands through short-term dispositions. These are typically used for land not needed for longer-term dispositions, such as homesteads or general leases, over a 20-year period or as dictated by DHHL’s respective island plans. DHHL’s total land inventory on O’ahu Island covers approximately 8,154 acres, or 4% of DHHL’s statewide inventory. The short-term dispositions within the O’ahu Island - Kalaeloa inventory cover approximately 61 acres, or almost 1% of the island’s inventory.

Revocable Permits assist in maintaining a presence on DHHL lands, thereby reducing costs associated with land management activities such as signage, landscaping, fencing, trash removal, and preventing trespassing on unencumbered lands. Permittees are required to assume responsibility for the land, post insurance, indemnify the department, and manage and maintain the land.

In 2013, during the interim process approved by the HHC, all RPs that complied with the terms and conditions of their permits were converted to Right-of-Entry (ROE) permits until the new RP Program was approved and adopted. ROE permits are intended for short-term dispositions prior to other longer-term arrangements and should be used on an as-needed basis for specific projects. They are not suitable for the month-to-month use of Hawaiian home lands.

With the approval of the new Revocable Permit Program, the Land Management Division (LMD) recommended that all Right-of-Entry (ROE) permits carried over from the old program, as well as those issued or renewed under the Interim Process, be converted to Revocable Permits. This is the appropriate documentation for the short-term dispositions authorized under Section 171-55, HRS, as amended

Staff have conducted site visits to all ROE Permit parcels on Oahu Island – EXCEPT Kalaeloa, confirmed full compliance, and recommend converting these permits to Revocable Permits.

The table below shows the revenue generated from ROE permits on O’ahu Island - Kalaeloa for FY 2023 compared to the proposed revenue for FY 2024. This revenue accounts for 33.0% (\$836,394) of the total ROE revenue (\$2,565,486) that DHHL receives statewide. O’ahu Island – EXCEPT Kalaeloa has 27 of the 145 ROE permits statewide, which are used for industrial and stabling purposes.

FY 2024		Total
Agriculture	\$18,232	3
Caretaker/Landscape	\$744	3
Commercial	\$19,800	1
Community	\$2,725	2
Industrial	\$750,538	9
Office	\$0	-
Pastoral	\$29,655	4
Preservation	\$0	-
Recreation	\$0	-
Research	\$0	-
Shabling	\$14,700	5
	\$836,394	27

LMD respectfully recommends increasing rental rates that meet the methodology as described under the new revocable permit program. Increases do fluctuate to meet the methodology of calculation.

AUTHORITY / LEGAL REFERENCE:

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

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

RECOMMENDATION:

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

Exhibit "A" Item No. F-1

RIGHT OF ENTRY PERMITS - O'AHU ISLAND - Except Kalaheo, as of September 2024							Denotes Beneficiary		Terminated Acct	Denotes Delinquent - Notices Issued
NO.	ACRE	USE	PERMITTEE/ADDRESS	TMK	Date Started	LOCATION	Current Annual Rent	Proposed Annual Rent	Comments: rent amount and reasons (site issues - insufficient/no infrastructure, no legal access, substandard lot size or irregular shape, etc.) why no long-term disposition	
525	20.000	Agricultural	Sports Turf Hawaii, Inc.	(1) 4-1-008:002(P)	2/1/2005	Waimanalo	\$11,904	\$12,261	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.	
590	8.671	Agricultural	XianXing Huang & Hong Fang Gan	(1) 8-5-029:002(P)	3/1/2006	Waianae	\$6,073	\$6,255	Rent is current; portion of a larger parcel that is designated for future residential use. Insufficient infrastructure, substandard lot size or irregular shape.	
600	6.400	Agriculture	Kenneth Hicks	(1) 8-6-003:002 & 032(p)	11/1/2009	Waianae	\$255	\$263	Rent is current; portion of a larger parcel that is designated as general AG; insufficient infrastructure, substandard lot size or irregular shape.	
586	0.115	Caretaker	Charlene L. Ching	(1) 8-9-007:002(P)	9/1/2000	Nanakuli	\$264	\$240	Rent is current; portion of a larger parcel that is designated as general AG/conservation use. Insufficient infrastructure, substandard lot size or irregular shape.	
608	0.267	Caretaker	Luella K. Kanoa	(1) 4-1-030:053(P)	2/18/1999	Waimanalo	\$240	\$240	Rent is current; parcel identified as a power line easement; insufficient infrastructure.	
609	0.070	Caretaker	Howard Doctorello	(1) 4-1-030:053(P)	4/14/1999	Waimanalo	\$240	\$240	Rent is current; parcel identified as a power line easement; insufficient infrastructure.	
591	78.640	Comm/Ag	Aloun Farm, Inc.	(1) 9-1-016:108 (p)	12/1/2010	East Kapolei	\$19,800	\$20,394	Rent is current; portion of a larger parcel that is designated for future residential use. Insufficient infrastructure, substandard lot size or irregular shape.	
585	0.712	Community	Waianae Coast Comprehensive Health Center	(1) 8-9-005:014(P)	12/18/1995	Nanakuli	\$2,216	\$2,282	Rent is current; parcel designated for community use.	
593	2.000	Community	Waianae Coast Comprehensive Health & Hospital Board, Inc.	(1) 8-6-001:012 & 024(P)	5/2/2007	Waianae	\$509	\$524	Rent is current; parcel designated for community use. Insufficient infrastructure, substandard lot size or irregular shape.	
514	1.000	Industrial	Bears Trucking, Inc., 3411 Aliamanu Street	(1) 9-7-024:050(P)	11/1/2005	Pearl City	\$20,456	\$21,070	Rent is current; portion of a larger parcel that is designated for industrial use. Insufficient infrastructure, substandard lot size or irregular shape.	
515	0.115	Industrial	La'au Structures	(1) 1-1-064: 010 (P)	11/1/2007	Moanalua	\$79,360	\$81,741	Rent is current; portion of a larger parcel that is designated for industrial use.	
517	0.080	Industrial	Professional Commerical Services	(1) 1-1-064:010 (p)	7/1/2010	Honolulu	\$60,056	\$61,858	Rent is current; portion of a larger parcel that is designated for industrial use	
529	2.000	Industrial	Frances Kama-Silva	(1) 8-6-003:003(P)	1/8/1995	Lualualei	\$6,427	\$6,427	Rent is current; portion of a larger parcel that is designated for General Ag use	
693	0.105	Industrial	Servdor	(1) 1-1-064:031 (p)	1/1/2020	Moanalua	\$62,047	\$63,908	Rent is current; portion of a warehouse building designated for industrial use	
733	1.100	Industrial	Akana Bros Construction, LLC	(1) 1-1-064:033 & .021	9/1/2023	Moanalua	\$52,800	\$52,800	Rent is current; portion of a warehouse building designated for industrial use	
734	0.574	Industrial	Lease Properties LLC	(1) 1-1-064:019	1/1/2024	Moanalua	\$162,000	\$166,860	Rent is current; portion of a warehouse building designated for industrial use	
735	0.574	Industrial	Lease Properties LLC	(1) 1-1-064:020	1/1/2024	Moanalua	\$162,000	\$166,860	Rent is current; portion of a warehouse building designated for industrial use	
738	0.278	Industrial	E-Opala Corporation	(1) 1-1-064:031 (p)	4/1/2024	Moanalua	\$145,392	\$149,754	Rent is current; portion of a warehouse building designated for industrial use	
511	1126.000	Pastoral	Robert D. Lyman	(1) 8-9-008:003	6/16/1991	Nanakuli	\$14,304	\$14,304	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.	
527	438.100	Pastoral	Waianae Valley Farm, Ltd.	(1) 8-9-007:002(P)	2/1/1991	Nanakuli	\$11,280	\$11,618	Account is delinquent in the total amount of \$3,760.00. Property is a portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.	
528	8.000	Pastoral	Frances Kama-Silva	(1) 8-6-003:003(P)	5/16/1994	Lualualei	\$2,772	\$2,772	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.	

645	0.700	Pastoral	Allan Silva	(1) 4-1-008:022 (P)	7/1/2013	Waimanalo	\$1,299	\$1,338	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
522	3.949	Stabling	Honolulu Polo Club	(1) 4-1-009:271 & 284	8/1/1993	Waimanalo	\$2,064	\$2,064	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
523	3.250	Stabling	Honolulu Polo Club	(1) 4-1-009:281	8/4/1993	Waimanalo	\$1,960	\$2,019	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
524	3.400	Stabling	Roy & June K. Pires	(1) 4-1-008:094	1/1/1995	Waimanalo	\$6,620	\$6,819	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
603	1.200	Stabling	Mary Ann Higashi	(1) 8-9-007:002(P)	12/1/1994	Nanakuli	\$336	\$336	Rent is current; portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.
613	2.400	Stabling	John Cook & Leiala Cook	(1) 4-1-008:093	8/1/1991	Waimanalo	\$3,720	\$3,832	Account is delinquent in the total amount of \$1,790.00 . Property is a portion of a larger parcel that is designated for General Ag use. Insufficient infrastructure, irregular shape.

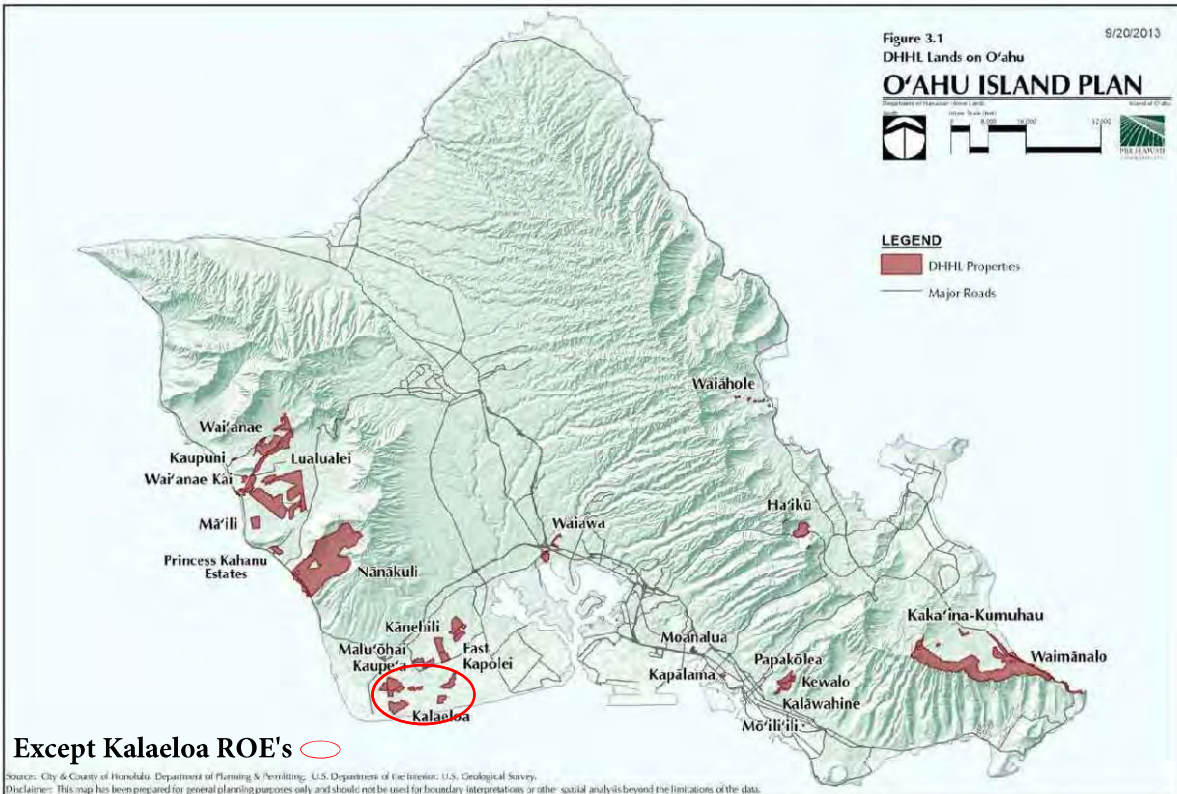
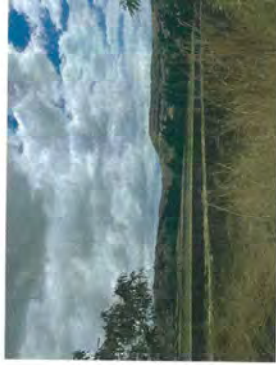


EXHIBIT "B"
Item No. F-1



File 625 - Street view aerial



File 626 - Street view aerial - view from road



026 496 - Schwane - 100% - 100% - 100% - 100%



026 574 - 100% - 100% - 100% - 100%



026 428 - 100% - 100% - 100% - 100%



026 574 - 100% - 100% - 100% - 100%



PHOTO 134 - HAWAIII WIND ENERGY



PHOTO 145 - HAWAIII WIND ENERGY



PHOTO 151 - HAWAIII WIND ENERGY



PHOTO 152 - HAWAIII WIND ENERGY



Fig 495 - Main Street



Fig 493 - Restrooms

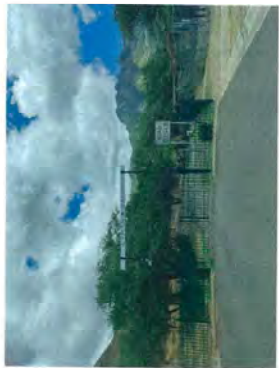


Fig 491 - Other Street



Fig 497 - Unknown Utility Trailer, 1970



Fig. 113 - Anna Hill Commercial



Fig. 114 - Anna Reserve, LLC



Fig. 115 - 11401 Oak + Linden Way



Fig. 116 - Anna Hill Residential



Fig. 111 8-10-14

Exhibit "B"
Item No. F-2

Governor. We live in a different environment, and the Hawaiian Homes Act was passed four generations ago. He thanked Lehua for putting together the budget to address these issues. This is one of many budgets.

Commissioner Namu o thanked Lehua and supported the strategy of doing different things to help the beneficiaries.

Commissioner Freitas stated that it was not an easy choice in January, and it is not an easy choice now. The Commission needs to put all its emphasis on moving forward in returning our people to the 'āina, but when opportunities like this present themselves, it is beneficial for the beneficiaries who need it. He is in support of this, and it was a very hard choice. Do not feel the core value of putting our people back on the land will ever change.

MOTION/ACTION

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

Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Freitas			X			
Commissioner Helm		X				
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu o			X			
Commissioner Neves	X					
Chairman Watson			X			
TOTAL VOTE COUNT			5	4		
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passed unanimously. Nine (9) Yes votes.						

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Authorize Implementation of New Revocable Permit Program

RECOMMENDED MOTION/ACTION

Land Management Division General Professional Kahana Albimio and LMD Acting Administrator Linda Ching presented the following:

Motion that the Hawaiian Homes Commission approve to Authorize the implementation of the New Revocable Permit Program. There are six action items as follows:

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-I, hereto to provide LMD with guidance in the disposition of available lands for (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 administering 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

Property Development Agent Russell Ka'upu stated he was part of the PIG that reviewed and made comments to the Revocable Permit and was in favor of moving this program forward.

MOTION

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

Public Testimony—DeMont Manaole testified in support of Items F-1 and F-2. There will be a fair system with full accountability to regulate immediately. We need to get Hawaiians on industrial lands, and he would like to add the pastoral and agricultural waitlist so people know who is waiting.

Public Testimony – Germaine Meyers. Testified that many of the Revocable Permit issues have never been resolved. Agricultural lands have been given to non-Hawaiians with the revocable permit program who are still on the land. Hawaiians are waiting for Revocable Permits and are not on the land. Non-Hawaiian businesses in Waiānae with 6 acres of agricultural land pay only \$20 per month. Non-Hawaiians on pastoral lands because they are ranchers. Extreme Paintball has not been addressed. People voted by the Commission for eviction are still on the land. DHHL staff know exists, but they are all looking the other way.

Commissioner Neves commented on No. 5, stating “in full compliance,” which means LMD is going to do a full evaluation of who is there and who is not in compliance. The dilemma is that when the Department removes someone from the property, it needs someone ready to go. That is why they have an application process. The reservation with this is how this is going to be managed.

Commissioner Awo stated that the key is the enforcement piece. We did try to create a system that addresses that, but he is not sure how the Department will meet that mandate.

Commissioner Kaleikini echoed what Commissioner Neves and Awo stated. Having the renewals on the island makes it easier to monitor progress and move forward.

Commissioner Neves asked that all of the offers be placed in all the district offices and on the DHHL website.

L. Chinn stated that there are two ways that people can find out after it is offered: it is posted in the office and on the website. There is also a land request form that people can fill out if they see

a piece of property they are interested in. K. Albinio stated that it is shared with the homestead associations.

Commissioner Helm stated that he brought up the idea of providing industrial opportunities for beneficiary businesses on Moloka'i a while ago. The refuse business on Moloka'i was looking for a place to put their equipment. Many native Hawaiians have heavy equipment businesses on Moloka'i, and they have to park their equipment on their homestead. He does not know how long it will take for LMD to research it. K. Albinio stated they will work with Planning to identify that parcel.

Chair Watson thanked the PIG and staff for the detailed analysis and assessment. The Commission is very involved in the process, whether it be a cancellation, an issuance, or an amendment. It must come to the Commission for a decision.

MOTION/ACTION

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

Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Freitas			X			
Commissioner Helm	X		X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu'o			X			
Commissioner Neves			X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						

Motion passed unanimously. Nine (9) Yes votes.

ITEM 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:

- O'ahu Island: East Kapolei, TMK No. (1) 9-1-182:010 and TMK No. (1) 9-1-151:058; Kalaheo, TMK Nos. (1) 9-1-013:001 & ;061
- Kaua'i Island: Waialua, TMK (4) 3-9-006:009
- Hawai'i Island: Waiakea, TMK Nos. (3) 2-1-012:070, (3) 2-2-060:001-010, :085-089, Lalamilo, TMK No. 6-6-001:077; and
- Maui Island: Puunene, TMK Nos. (2) 3-8-008:035 & 036

RECOMMENDED MOTION/ACTION

Land Management Division General Professional Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve Approval of Disposition pursuant to Section 204(a)(2) or 220.5, Hawaiian Homes Commission Act, 1920, as amended, for the following parcels as submitted, inclusive of the following:

- 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

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

Property Development Agent Russell Ka`upu stated he was part of the PIG that reviewed and made comments to the Revocable Permit and was in favor of moving this program forward.

MOTION

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

Public Testimony—DeMont Manaole testified in support of Items F-1 and F-2. There will be a fair system with full accountability to regulate immediately. We need to get Hawaiians on industrial lands, and he would like to add the pastoral and agricultural waitlist so people know who is waiting.

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Commissioner Awo stated that the key is the enforcement piece. We did try to create a system that addresses that, but he is not sure how the Department will meet that mandate.

Commissioner Kaleikini echoed what Commissioner Neves and Awo stated. Having the renewals on the island makes it easier to monitor progress and move forward.

Commissioner Neves asked that all of the offers be placed in all the district offices and on the DHHL website.

L. Chinn stated that there are two ways that people can find out after it is offered: it is posted in the office and on the website. There is also a land request form that people can fill out if they see

a piece of property they are interested in. K. Albinio stated that it is shared with the homestead associations.

Commissioner Helm stated that he brought up the idea of providing industrial opportunities for beneficiary businesses on Moloka`i a while ago. The refuse business on Moloka`i was looking for a place to put their equipment. Many native Hawaiians have heavy equipment businesses on Moloka`i, and they have to park their equipment on their homestead. He does not know how long it will take for LMD to research it. K. Albinio stated they will work with Planning to identify that parcel.

Chair Watson thanked the PIG and staff for the detailed analysis and assessment. The Commission is very involved in the process, whether it be a cancellation, an issuance, or an amendment. It must come to the Commission for a decision.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Awo, to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A`OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Freitas			X			
Commissioner Helm	X		X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves			X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Nine (9) Yes votes.						

ITEM 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:

- O`ahu Island: East Kapolei, TMK No. (1) 9-1-182:010 and TMK No. (1) 9-1-151:058; Kalaeloa, TMK Nos. (1) 9-1-013:001 & :061
- Kaua`i Island: Wailua, TMK (4) 3-9-006:009
- Hawai`i Island: Waiakea, TMK Nos. (3) 2-1-012:070, (3) 2-2-060:001-010, :085-089, Lalamilo, TMK No. 6-6-001:077; and
- Maui Island: Puunene, TMK Nos. (2) 3-8-008:035 & 036

RECOMMENDED MOTION/ACTION

Land Management Division General Professional Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve Approval of Disposition pursuant to Section 204(a)(2) or 220.5, Hawaiian Homes Commission Act, 1920, as amended, for the following parcels as submitted, inclusive of 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

April 22-23, 2024

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 Abernethy, 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 Honouliuli, Island of Hawaii, was made available for pasture use. For the pilot Business RP, a parcel of approximately 1 acre in Kalaheo, 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

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

April 22-23, 2024

TO: Chairman and Members, Hawaiian Homes Commission

THRU: Linda Chin, Acting Administrator
Hawaiian Homes Commission

FROM: Peter "Kaiana" Albino, Jr., General Professional
Land Management Division (LMD) *LA*

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 administering and using the new Revocable Permit program and employing that means of disposition of non-homesite Trust lands, when and where appropriate, to reduce the number of non-productive commercial

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 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 IIG" or the "PIG"). The appointed members of the IIG are Hawaii Commissioners Michael Kaleikini (as Chair), Kauai Commissioner Dennis Neves, Maui Commissioner Randy Awo and Chairman Kali Watson. DHHL staff to the IIG are Russell Kaupu, Kahana Albinio and Linda Chinn.

The IIG 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 IIG. 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 IIG recommends that HHC, at its April 2024

1

Item C-4

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 administering 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 IIG will be completed. Mahalo to the IIG Chair, Commissioner Kaleikini, for leading the hui through this process, and to all who participated.

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Item C-4

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.

- 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"

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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.

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Department of Hawaiian Home Lands

Application

Attach a separate page if more space is 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/>

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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

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Revised April 2024

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, Hawaii 96707

Via mail: P. O. Box 1879, Honolulu, Hawaii 96805

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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"

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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	Applicant has a history as an excellent tenant with no termination or enforcement actions within the last two (2) years. 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. Where relevant, excellent tenant history with DHHL will be considered (depending upon circumstances, history may become a basis for disqualification) Good history = 4 points Great history = 7 points Excellent history = 10 points	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	Applicant must meet minimum monthly fee <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

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.

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 	0-30

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).

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	Applicant has a history as an excellent commercial tenant with no termination or enforcement actions within the last (2) years 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. Where relevant, excellent tenant history with DHHL will be considered (depending upon circumstances, history become a basis for disqualification Good history = 4 points Great history = 7 points Excellent history = 10 points	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

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.

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://dhhll.hawaii.gov/pe/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).

QUALIFICATIONS	SELECTION CRITERIA	POINTS
	<p>Proof of written understanding and acknowledgment that proposed use is exempt from preparing an Environmental Assessment under HRS Chapter 343, per DHHL's March 3, 2021 exemption list as approved by the Environmental Council, which demonstrate knowledge and/or personal experience in dealing with Federal, state, and county regulations and agencies governing such use</p>	0- 5
Proposed Beneficiary, directly and indirectly to DHHL and its beneficiaries	<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>	0-20
	<p>Benefit to beneficiaries:</p> <ul style="list-style-type: none"> • Minimum benefit – 0-10 points • Moderate benefit – 10-20 points • Maximum benefit – 20-35 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 	0- 35

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	Applicant has a history as an excellent tenant with no termination or enforcement actions within the last two (2) years. 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. Where relevant, excellent tenant history with DHHL will be considered (depending upon circumstances, history may become a basis for disqualification) Good history = 4 points Great history = 7 points Excellent history = 10 points	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	Applicant must meet minimum monthly fee Applicants can propose additional rent options including higher base fee, base plus percentage, etc. to strengthen application. Benefits to beneficiaries: <ul style="list-style-type: none"> • Minimum benefit = 0 – 10 points 	0-10 0-50

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.

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:

- 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).
- 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.
- 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.
- 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:

<u>In Person</u>	<u>Mailing Address</u>
Department of Hawaiian Home Lands Fiscal Office 91-5420 Kapolei Parkway, Kapolei, Hawaii 96707	Department of Hawaiian Home Lands P. O. Box 1721 Honolulu, Hawaii 96806-1721



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

forfeiture 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 vandalism 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 Hawai'i 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 Hawai'i 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 Hawaii 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 Hawaii. 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]



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

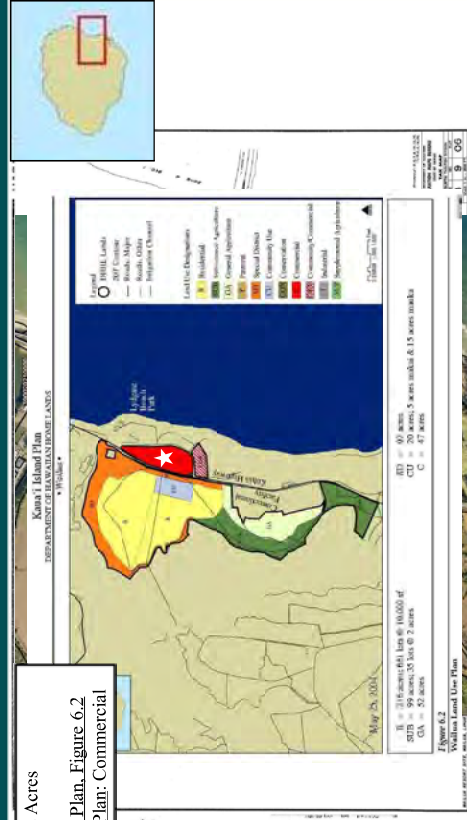
Exhibit "F"
Item C-4

Disposition (when separate used)	HHCA Authorization	Typical Term	How Disposed (see sub)	Who Approves	Native Hawaiian Consideration	Beneficiary Consumption	Community Benefits Package
4. License as Easement (if restricted)	HHCA §197(6)(1)	AS-RETIRED, including period, with reversion (see §197(7))	Direct Negotiation (HHCA §197(2)(D)) Commission for "M" type licenses: HHCA §197(2)(B), and by HHCA §197(2)(C) for "N" type licenses. Not subject to the provisions of HHCA §197(2)(B) or (C).	Commission for "M" type licenses: HHCA §197(2)(B), and by HHCA §197(2)(C) for "N" type licenses. Not subject to the provisions of HHCA §197(2)(B) or (C).	None	Not required	N/A
5. Transfer of Fee Interest, including, but not limited to, fee simple, leasehold, and other interests	HHCA §197(6)(2) - only used for fee simple and leasehold interests	HHCA - 10 years	Direct Negotiation (HHCA §197(2)(D))	Commission (HHCA §197(2)(B))	None	Not required	N/A
6. License as Fee Interest, including, but not limited to, fee simple, leasehold, and other interests	HHCA §197(6)(3) - only used for fee simple and leasehold interests	HHCA - 10 years	Direct Negotiation (HHCA §197(2)(D))	Commission (HHCA §197(2)(B))	HHCA §197(1)(3) - shall be held by HHCA (fee simple) (if necessary)	Not required	N/A
7. License as the United States	HHCA §197(6)(4)	HHCA (HHCA) - 5 years (HHCA §197(7)(1))	Direct Negotiation (HHCA §197(2)(D))	Commission and Governor (HHCA §197(2)(B))	N/A	Not required	N/A
8. Permitted Purpose (if restricted)	HHCA §197(6)(5)	HHCA (HHCA) with the community benefit period (HHCA §197(7)(2))	Direct Negotiation (HHCA §197(2)(D))	Commission (HHCA §197(2)(B))	Proposed IP program conditions shall be included in the IP program	Not required	HHCA §197(1)(3)
9. Right of Entry (if restricted)	HHCA §197(6)(6)	HHCA (HHCA) with the community benefit period (HHCA §197(7)(2))	Direct Negotiation (HHCA §197(2)(D))	Commission (HHCA §197(2)(B))	None	Not required	N/A
10. Permitted Agreement (if restricted)	HHCA §197(6)(7) - only used for fee simple and leasehold interests	HHCA (HHCA) with the community benefit period (HHCA §197(7)(2))	Direct Negotiation (HHCA §197(2)(D))	Commission (HHCA §197(2)(B))	None	Not required	HHCA §197(1)(3)

Wailua/Kauai – TMK 3-9-006:009

Land Area: 41.152 Acres

2004 Kauai Island Plan, Figure 6.2
Wailua Land Use Plan: Commercial

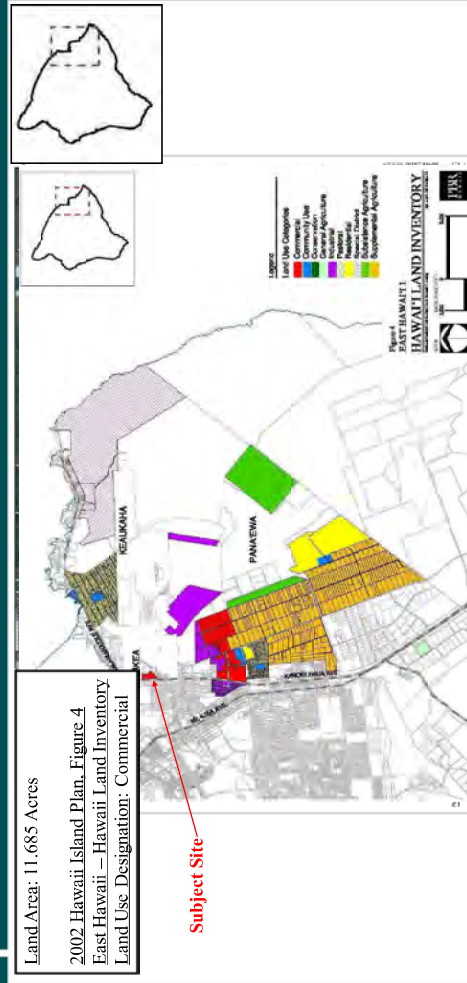


Item C-4

Waikeke/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



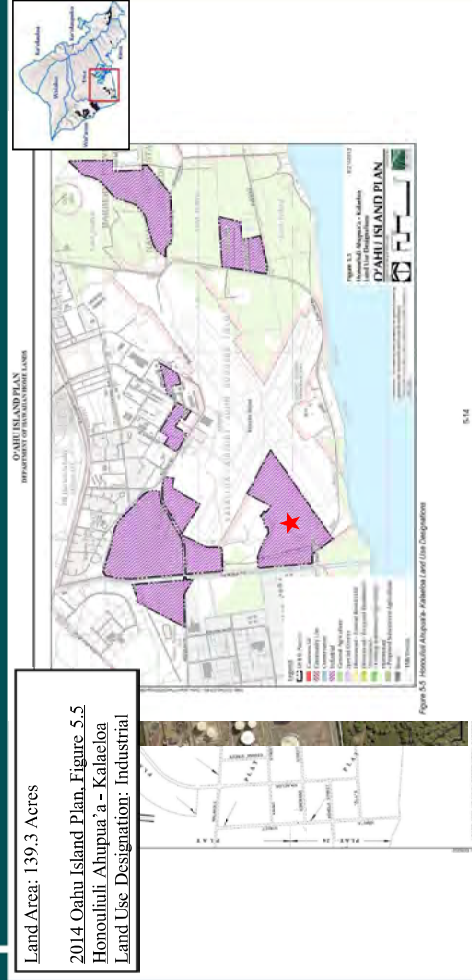
Item C-4



Kalaheo/Oahu – TMK 9-1-013:061

Land Area: 139.3 Acres

2014 Oahu Island Plan, Figure 5.5
Honouliuli Ahupua'a - Kalaheo
Land Use Designation: Industrial



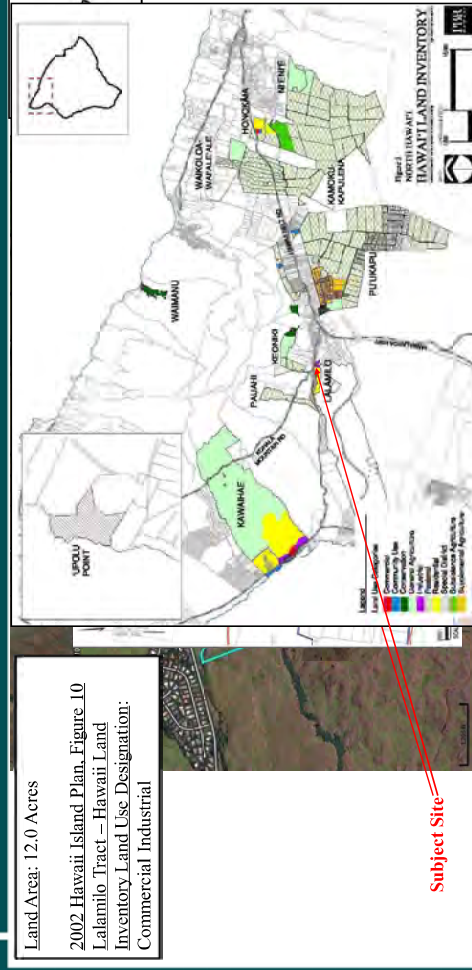
Item C-4



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



Item C-4



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



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov

Exhibit C-1
Item No. F-2



ROE No. 599 - Parker Ranch Photos



Exhibit C-2
Item No. F-2

PROPERTY INSPECTION REPORT

GL/LI/ROE/RP NO.: 600	ADDRESS: Luahueli Homestead Road	BY: Linda Chinn
NAME: Kenard Hicks	TMK/ZONING: (1) 8-6-028:002 (p)	PERMITTED USE: Agriculture
LOCATION: Waianae	AREA: 5.4 acres	COI/BOND: Current
RENTAL CURRENT: \$225.00 per annum	DCCA COMPLIANT: n/a	DATE: 11/07/2024

ITEM	ACTION NEEDED	COMMENTS	DHHL ACTION TAKEN	COMPLETED
BUILDINGS, IMPROVEMENTS & OPERATIONS:				
1. Repair/Painting		None observed		
2. Fence or wall		None observed	No action required	
3. Site work		None observed		
4. Tenant sign(s)		None observed		
5. Other Info/Illegal Structure(s)		Plumeria trees/plants		
GENERAL				
1. Landscaping		Good condition	No action required	
2. Housekeeping		Clean and orderly	No action required	
3. Parking/Driveway		Dirt walkway in good condition	No action required	
4. Land Use Compliance		Agriculture Use - Compliant		
5. Environmental Compliance Concerns		None observed		
6. Miscellaneous		None		
SUBLESSEE(S) OF RECORD				



PROPERTY INSPECTION REPORT

GL/LI/ROE/RP NO.: 511	ADDRESS: Nanakuli	BY: Linda Chinn
NAME: Robert Lyman	TMK/ZONING: (1) 8-9-008:003	PERMITTED USE: Pastoral
LOCATION: Nanakuli	AREA: 1,126.00 acres	COI/BOND: Current
RENTAL CURRENT: \$14,304.00 per annum	DCCA COMPLIANT: n/a	DATE: 11/07/2024

ITEM	ACTION NEEDED	COMMENTS	DHHL ACTION TAKEN	COMPLETED
BUILDINGS, IMPROVEMENTS & OPERATIONS:				
1. Repair/Painting		None observed		
2. Fence or wall		Fence is great shape	No action required	
3. Site work		None		
4. Tenant sign(s)		None observed		
5. Other Info/Illegal Structure(s) GENERAL		House, quonset hut, corrals	All related to pasture activities	
1. Landscaping		Good condition	No action required	
2. Housekeeping		Clean and orderly	No action required	
3. Parking/Driveway		Dirt driveway in good condition	No action required	
4. Land Use Compliance		Pastoral Use - Compliant	No action required	
5. Environmental Compliance Concerns		None observed		
6. Miscellaneous		There is a caretaker living on the property		
SUBLESSEE(S) OF RECORD				



PROPERTY INSPECTION REPORT

GL/LI/ROE/RP NO.: 527	ADDRESS: Nanakuli	BY: Linda Chinn
NAME: Waianae Valley Farm c/o Ernest McKeague	TMK/ZONING: (1) 8-9-007-002 (p)	PERMITTED USE: Pastoral
LOCATION: Nanakuli	AREA: 438.10 acres	COI/BOND: Current
RENTAL CURRENT: \$11,967.00 per annum	DCCA COMPLIANT: n/a	DATE: 11/07/2024

ITEM	ACTION NEEDED	COMMENTS	DHHL ACTION TAKEN	COMPLETED
BUILDINGS, IMPROVEMENTS & OPERATIONS:				
1. Repair/Painting		None observed		
2. Fence or wall		In decent shape	No action required	
3. Site work		None observed		
4. Tenant sign(s)		None observed		
5. Other Info/Illegal Structure(s)		Structure, containers & outdoor are		
GENERAL				
1. Landscaping		Good condition	No action required	
2. Housekeeping		Clean and orderly	No action required	
3. Parking/Driveway		Dirt driveway in good condition	No action required	
4. Land Use Compliance		Pastoral Use - Compliant	Claimed 30-60 heads, did not see	
5. Environmental Compliance Concerns		Equipment in raven	Need to follow up to remove	
6. Miscellaneous		Outdoor gathering area - party	Need to follow up	
SUBSEE(S) OF RECORD				



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 16-17, 2024

To: Chairperson and Members, Hawaiian Homes Commission
Thru: Linda Chinn, Acting Administrator *llj*
From: Ashley Tabalno, Land Agent *ant*
Land Management Division
Subject: Approval to Issuance of Right of Entry Permit to Hui Aloha Pu'ukapu, Waimea, Hawaii, TMK Nos. (3)6-4-001:059, (3) 6-4-038:007, and (3) 6-4-035:099

APPLICANT: Hui Aloha Pu'ukapu, a 501(c)(3) Non-Profit corporation

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) grant its approval to the issuance of a Right-of-Entry Permit, covering approximately 60 acres, subject area as described below, to reduce the risk of wildfire and protect the community's health and safety.

Approval and issuance of this Right-of-Entry Permit (ROE) shall be subject to the following conditions:

1. The three (3) identified parcels are under DHHL jurisdiction and not awarded, located in Puukapu, Waimea, Island of Hawaii, further identified by Tax Map Key Nos. (3) 6-4-001:059, (3) 6-4-038:007 & (3) 6-4-035:009 (See Exhibit "A").
2. The terms of the Right-of-Entry Permit shall be for twelve (12) months, with an option to extend for another twelve (12) months.
3. The monthly Permit Fee and the processing and documentation fees shall be waived.
4. The premises shall be utilized strictly for livestock grazing and holding area and for no other purpose whatsoever. This is in an effort to reduce wildfire risk.
5. Permittee responsible for fencing property to contain livestock. Maintenance and repairs are required. No permanent improvements or structures are permitted.
6. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time, and subject to the review and approval of the Department of the Attorney General.

7. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interests of the Hawaiian Home Lands Trust.
8. Authorize the Chairperson to negotiate and set forth other terms and conditions that may be deemed appropriate and necessary.

DISCUSSION

Through a letter request, Hui Aloha Pu'ukapu is requesting access to three lots that are under the jurisdiction of DHHL (See Exhibit "B"). Hui Aloha Pu'ukapu is a 501(c)(3) Non-Profit, incorporated in August of 2021, with five Board of Directors and approximately 23 members. Following the Mana Road Fire that burned along Old Saddle Road on the slopes of Mauna Kea, Island of Hawaii, Hui Aloha Pu'ukapu is requesting access to various parcels within Pu'ukapu Pastoral Hawaiian Homestead so they can place strategic "temporary" fences throughout the unused and ungrazed lands and combine their livestock to maintain the thick grasses and reduce the risk of wildfire in their community.

The mission of Hui Aloha Pu'ukapu is to elevate and honor the connection between place and people through community stewardship and empower the Rural Community of Pu'ukapu Pastoral Hawaiian Homestead.

The three parcels are portion of Hawaiian home lands situated in Waimea, Island of Hawaii, as described below:

1. TMK: (3) 6-4-001:059 (Partial pastoral land behind WHDO office, next to Punana Leo Campus)
2. TMK: (3) 6-4-038:007 (Partial 50 acres DHHL community lot)
3. TMK: (3) 6-4-035:099 (5.39 acres water tank lot)

Hui Aloha Pu'ukapu's plan is to place strategic "temporary" fences throughout the unused and ungrazed lands and in a coordinated manner, combine their livestock to maintain the thick grasses and reduce the risk of wildfires within their community. The intent is to collectively create a land stewardship program driven and operated by their community to protect their critical water infrastructure and maintain the critical fire breaks that help to protect their homes, livestock and their families.

They are also working with homestead lessees in Pu'ukapu to join in this land stewardship program.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT

The proposed use is for pastoral purposes and does not significantly differ from the past use of the subject area. Therefore, pursuant to DHHL's updated Comprehensive Exemption List for the State of Hawaii, Department of Hawaiian Home Lands as approved by the Environmental Council as of April 6, 2021, the subject request is exempt from the preparation of an

December 16-17, 2024

environmental assessment pursuant to Type 1, under Part I, titled De Minimis Activities, Type 1, “Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.”

AUTHORITY

Section 10-4-1 of the Department’s Administrative Rules, as amended

Section 204(a)(2), Hawaiian Homes Commission Act, 1920, as amended

Section 171-55, Hawaii Revised Statutes, as amended, titled Permits

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

The recommended disposition is consistent with the DHHL 2002 General Plan goals and objectives:

Land Use Planning

Goals: Utilize Hawaiian Home Lands for uses most appropriate to meet the needs and desires of the beneficiary population.

- Develop livable, sustainable communities that provide space for or access to the amenities that serve the daily needs of its residents.

Objectives:

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

Land and Resource Management

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

Objectives:

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

RECOMMENDATION

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

Hui Aloha Pu'ukapu
requests for ROE

EXHIBIT "A"

~~✗~~ DHHL
TMK: 6-4-001-059
(partial- behind WH-DHHL office)



~~✗~~ DHHL
TMK: 6-4-038-007 (partial -
50 acres community lot)

~~✗~~ DHHL
TMK: 6-4-035-099
(5.39 acres - fire tank lot)



Item No. F-3

EXHIBIT "A"

Aloha Commissioners,
Happy Holidays! We hope this letter finds you doing well.

Hui Aloha Pu'ukapu is a 501c(3) Non-Profit, incorporated in August of 2021, with five Board of Directors and approximately 23 members. As a response to the Mana Road Fire which ravaged our community and that of neighboring lands, individual lessees, along with our families, came together as a community and created Hui Aloha Pu'ukapu. Membership is open to all Pu'ukapu lessees, their successors and residents of Pu'ukapu Pastoral Hawaiian Homestead. We are small but continue to build and advocate for our rural community.

Our Mission:

To elevate and honor the connection between place and people through community stewardship and empower the Rural Community of Pu'ukapu Pastoral Hawaiian Homestead.

Our Vision:

A thriving Community balanced by place, self-sufficiency, cultural identity, adequate infrastructure and resources; a legacy to be carried forward in Pu'ukapu by future generations.

We have learned a lot following the Mana Road Fire including the importance of maintaining low fire fuel loadings and adequate fire breaks. We continue to work towards common goals with the Department of Hawaiian Home Lands on proactive measures to reduce the risk of wildfire and protect our health and safety.

As you may know, there are critical water infrastructure within Pu'ukapu Pastoral Hawaiian Homestead surrounded by unused or ungrazed land creating high fire fuel loads of thick grass and vegetation. There are also critical fire breaks that are surrounded by unused or ungrazed lands with high fire fuel loads of thick grass and vegetation.

We are writing to request your support in granting a Right of Entry (ROE) to Hui Aloha Pu'ukapu for our Community Grazing Program. Our plan is to place strategic "temporary" fences throughout the unused and ungrazed lands and in a coordinated manner, combine our livestock to maintain the thick grasses and reduce the risk of wildfires in our community. The intent is to collectively create a land stewardship program driven and operated by our community to protect our critical water infrastructure and maintain the critical fire breaks that help to protect our homes, livestock and our families.

Included in this request are maps of the DHHL areas that we would need access to put into place our fire mitigation/grazing plan. We currently have a request for an ROE for community grazing lots that West Hawaii DHHL Supervisor has granted limited right of entry since the 2021 fire. Below are the TMK of those areas as well. We ask your support in granting an ROE for these areas:

1. TMK: 6-4-001-059 (partial – pastoral land behind the current DHHL office, next to Punana Leo campus) **Request for ROE submitted**
2. TMK: 6-4-038-007 (partial – 50-acres of DHHL identified community pasture) **Request for ROE submitted**
3. TMK: 6-4-035-099 (5.39acres of DHHL pastoral land housing Fire tank) **Request for ROE submitted**
4. TMK: 6-4-037-002 (200-acres of DHHL pastoral land, cinder pit lot)
5. TMK: 6-4-036-001 (DHHL pastoral land currently housing Water 2)

Item No. F-3

EXHIBIT "B"

6. *Access Roads: Makahalau Alanui from Lot 92 – Lot 97
7. *Access Road: Kemole Alanui
8. *Access Road: Kalialai Alanui from Kemole Alanui to Papapa Alanui

** ROE requested for Access Roads to allow for open grazing – these areas are identified as low to no traffic area due to unused/unoccupied pastoral lease land*

We are excited to work closely with the West Hawaii DHHL office in identifying those lease lands that lie within phase one of our grazing plan, which includes educating our Pu'ukapu community on the benefits and necessity of this program.

We appreciate your consideration and look forward to working closely with the Department of Hawaiian Home Lands in ensuring the safety and sustainability of our community. Please feel free to reach out for more information.

Me ke aloha nui,

Hui Aloha Pu'ukapu Board of Directors and Members
hualohapuukapu@gmail.com
PO Box 437142
Kamuela, HI 96743

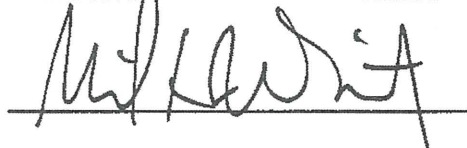
Norman-Keith "Ala" Lindsey, President



Chris Juan, Vice President



William "Keawe" Lindsey-Whittle, Treasurer



Mahana Keakealani, Secretary



Penny Uyetake, Board Member



Hawaiian Homes Commission Meeting Packet
December 16 & 17, 2024
Hale Pono‘ī, Kapolei, Oahu

G ITEMS



DHHL 'EWA BEACH HOMESTEAD PROJECT

Final Environmental Assessment

'Ewa, Island of O'ahu, Hawai'i

Prepared for:
Department of Hawaiian Home Lands



January 2025

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~~Draft~~ Final Environmental Assessment

DHHL 'EWA BEACH HOMESTEAD PROJECT

'Ewa, Island of O'ahu, Hawai'i

Prepared for:

Department of Hawaiian Home Lands



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION
DEPARTMENT OF HAWAIIAN HOME LANDS

Prepared by:

SSFM International, Inc.

SSFM

International

Innovate | Adapt | Sustain

~~September 2024~~ January 2025

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Project Summary

Project Name	‘Ewa Beach Homestead Project
Location	‘Ewa, Island of O‘ahu, Hawai‘i
District	‘Ewa
Project Site Tax Map Key	(1) 9-1-001:001 (por.)
Landowners	Department of Hawaiian Home Lands
Project Site Existing Uses	Vacant Land/Preservation
State Land Uses	Urban
City & County Zoning	Zone F-1 Military and Federal Preservation
Project Description	<p>The State Department of Hawaiian Home Lands (DHHL) is proposing to build a new homestead community in ‘Ewa Beach, O‘ahu. The Project is approximately 80 acres and identified as a portion of Tax Map Key (TMK) (1) 9-1-001:001. The parcel was conveyed to DHHL by the federal government as provided by the Hawaiian Homes Recovery Act, Public Law 104-42. As recently acquired land, the land use is undesignated under DHHL's O‘ahu Island Plan and is currently DHHL’s only parcel in ‘Ewa Beach. DHHL has land use designations specific to Hawaiian Home Lands that are defined in the DHHL General Plan (2022) and implemented through DHHL’s Island Plans. Because the Project Area was not in DHHL’s land inventory at the time of the last O‘ahu Island Plan in 2014, it is undesignated. The DHHL will adopt land use designations for the homestead site when it proceeds with subdivision of the next phase of development. Land use designations would include the following: residential – single family, residential – multi-family, community use, community agriculture, and stewardship. The ‘Ewa Beach Homestead Project is primarily intended to provide residential homesteading opportunities to native¹ Hawaiian beneficiaries on DHHL’s O‘ahu Residential Waitlist. As of August 2024, there were a total of 24,198 applicants on the various residential waitlists statewide, of which 11,497 are on DHHL’s O‘ahu Residential Waitlist. The need for homestead development is the highest priority on O‘ahu and this site offers good conditions for residential homestead development.</p>
Anticipated Impacts	The Proposed Action would have short-term and temporary impacts during construction associated with water resources, faunal resources,

¹ Native Hawaiian with a upper case “N” refers to all persons of Hawaiian ancestry regardless of blood quantum. Native Hawaiian with a lower case “n” refers to those with 50% and more Hawaiian blood.

soils, traffic, air quality, and noise. These impacts would be less than significant. Best Management Practices (BMPs) and other measures would be implemented to minimize impacts, as applicable.

The Proposed Action would have beneficial impacts by providing additional access to homes and community space for native Hawaiians who have been on the DHHL’s O’ahu Residential Waitlist. The Proposed Action would be located adjacent to an existing residential neighborhood and compatible with surrounding community character and planned growth patterns. The implementation of the DHHL housing would have an increased beneficial impact in particular for vulnerable native Hawaiian families and aims to provide access critical services for a growing population.

Proposing Agency Department of Hawaiian Home Lands

~~Anticipated~~ Determination Finding of No Significant Impact

**Project Site Permits/
Approvals Required** See ~~Table 2~~[Table 1](#)

EA Preparer SSFM International
501 Sumner Street, Suite 620
Honolulu, HI 96817
Contact: Jennifer Scheffel
(808) 356-1273

Consultations See **Section 6.1**

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Appendices

Appendix A	DHHL ‘Ewa Beach Homestead Project Master Plan Report
Appendix B	Biological Survey Report
Appendix C	Archaeological Literature Review and Field Inspection Report
Appendix D	Cultural Impact Assessment Report
Appendix E	Traffic Impact Assessment Report
Appendix F	Sea Level Rise Desktop Study Report
Appendix G	Phase I Environmental Site Assessment
Appendix H	Limited Hazardous Materials Survey Report
Appendix I	Magnetic Anomaly Survey Report
Appendix J	Pre-Assessment Consultation Comments and Responses
Appendix K	Draft Environmental Assessment Comments and Responses

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Acronyms

2035 ORTP	2035 O‘ahu Regional Transportation Plan
µg/m³	micrograms per cubic meter
AADT	average annual daily traffic
AIS	Archaeological Inventory Survey
ALICE	Asset Limited Income Constrained Employed
ALRFI	Archaeological Literature Review and Field Inspection
BMPs	best management practices
BWS	Board of Water Supply
CATV	cable television
CCH	City & County of Honolulu
CIA	Cultural Impact Assessment
CZM	Coastal Zone Management
CZMA	Coastal Zone Management Act
DHHL	Department of Hawaiian Home Lands
DOH	Department of Health
DPP	Department of Planning and Permitting
DPR	Department of Parks and Recreation
ENV	Department of Environmental Management
EPA	U.S. Environmental Protection Agency
ESA	Environmental Site Assessment
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
GHG	greenhouse gases
gpd	gallons per day
GSA	General Services Administration
HAR	Hawaii Administrative Rules
HCAP	Honolulu Community Action Program
HDOT	Hawaii Department of Transportation
HECO	Hawaiian Electric Company
HHCA	Hawaiian Homes Commission Act
HRS	Hawaii Revised Statutes
kV	kilovolt
kVA	kilovolt-ampere
LID	low impact development
LOS	Level of Service
MCBH	Marine Corps Base Hawai‘i
MP	milepost
MPH	miles per hour
NAAQS	National Ambient Air Quality Standards

NHPA	National Historic Preservation Act
NOAA	National Oceanic and Atmospheric Administration
NPDES	National Pollutant Discharge Elimination System
NWS	National Weather Service
ppm	parts per million
PRTF	Pu‘uola Range Training Facility
PTWS	Pacific Tsunami Warning System
REC	recognized environmental condition
ROH	Revised Ordinances of Honolulu
SHPD	State Historic Preservation Division
SLR-XA	sea level rise exposure area
TIAR	Traffic Impact Analysis Report
TMK	Tax Map Key
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
V/C	volume to capacity ratio
Vph	volume per hour
WWTP	Wastewater Treatment Plant

1.0 Project Description

1.1 Introduction

The State Department of Hawaiian Home Lands (DHHL) is proposing to build a new homestead community in ‘Ewa Beach, O‘ahu. This Draft Environmental Assessment was prepared in conformance with Hawaii Revised Statutes (HRS), Chapter 343, Environmental Impact Statements, and Hawaii Administrative Rules (HAR), Title 11, Chapter 200.1, Environmental Impact Statement Rules. This project will use State capital improvement funds and as a result, is subject to State environmental documentation requirements. The DHHL serves both as the Proposing Agency and the Approving Agency for this environmental assessment.

1.2 Project Background

The parcel was conveyed to DHHL by the federal government as provided by the Hawaiian Homes Recovery Act, Public Law 104-42. As recently acquired land, the land use is undesignated under DHHL's O'ahu Island Plan and is currently DHHL's only parcel in ‘Ewa Beach. A Master Plan was completed for the proposed project in July 2024 and is included as **Appendix A** of this Draft EA. The goal of the master planning process was to involve beneficiary lessees, waiting list applicants, and the surrounding community in envisioning and shaping the homestead community and ultimately create a thriving homestead community in ‘Ewa Beach that honors culture, environment, and sense of place. The ‘Ewa Beach Homestead community is primarily intended to provide residential homesteading opportunities to native Hawaiian² beneficiaries on DHHL's O‘ahu Residential Waitlist, which currently has the most beneficiaries waiting for homesteads. The need for homestead development is the highest priority on O‘ahu and this site offers good conditions for residential homestead development.

The master planning and environmental assessment process is intended to identify constraints due to topography, sensitive resources, or other characteristics and environmental factors, and confirm the area is suitable for homestead development. In addition, as recently acquired land, the land use is undesignated under DHHL's O'ahu Island Plan and is currently DHHL's only parcel in ‘Ewa Beach. DHHL has land use designations specific to Hawaiian Home Lands that are defined in the DHHL General Plan (2022) and implemented through DHHL's Island Plans. Because the Project Area was not in DHHL's land inventory at the time of the last O‘ahu Island Plan in 2014, it is undesignated. The DHHL will adopt land use designations for the homestead site when it proceeds with subdivision of the next phase of development, as shown in [Figure 1](#) and described in [Table 1](#). These land use designations will require approval from the Hawaiian Homes Commission. The master planning and environmental review process are funded by the Native Hawaiian Housing Block Grant as administered by the U.S. Department of Housing and Urban Development's Office of Native American Programs.

² Native Hawaiian with a upper case "N" refers to all persons of Hawaiian ancestry regardless of blood quantum. Native Hawaiian with a lower case "n" refers to those with 50% and more Hawaiian blood.

Figure 1. Land Use Designations for the 'Ewa Beach Homestead Project

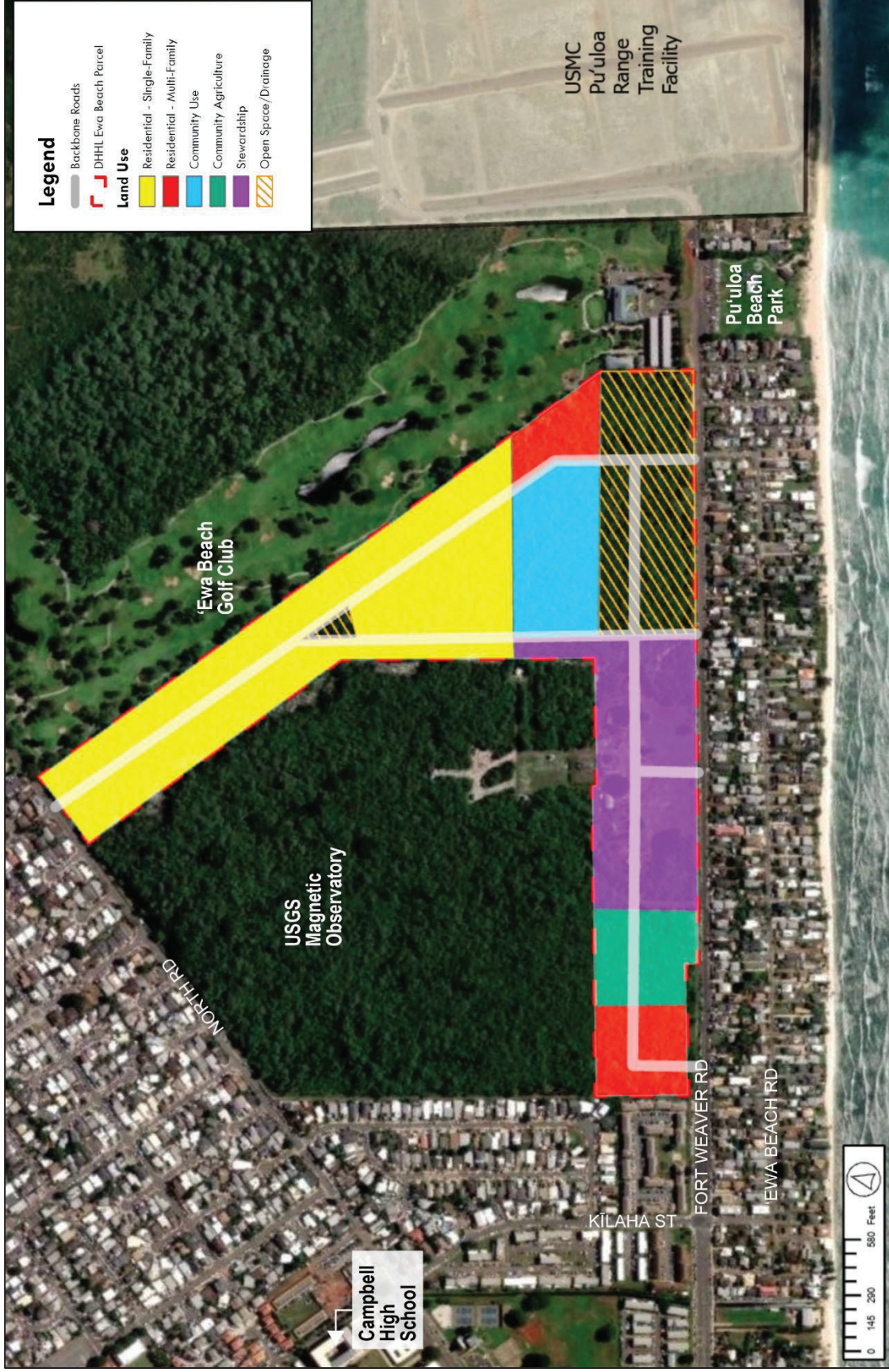


Table 1. Land Use Designations

Land Use Designation	General Plan Definition
Residential – Single Family	Single-family lots at least 5,000 square-feet in size. Residential lot subdivisions are built to County standards in areas close to existing infrastructure.
Residential – Multi-Family	Low-rise multi-family or kūpuna housing ranging between 15-20 units per acre. Residential lot subdivisions are built to County standards in areas close to existing infrastructure.
Community Use	Common areas for community uses and public facilities. Includes space for parks and recreation, cultural activities, community based economic development, utilities, and other public facilities and amenities.
Community Agriculture	Common areas used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. The land must be served by a water supply sufficient to support cultivation practices on the site.
Stewardship	Land not currently used for homesteading. Allow uses that maintain or enhance the value and condition of the land to the benefit of beneficiaries and the Trust. May serve as an interim use until opportunities for higher and better uses become available.
Internal roads/infrastructure	Roadways and underlying infrastructure built to County standards.

1.3 Project Description

The 'Ewa Beach Homestead Project consists of demolition of seven (7) buildings and the construction of sub-surface infrastructure, internal roadways, and vertical construction of residential housing units. Based upon consultation with beneficiaries on DHHL's O'ahu Residential Waitlist, DHHL is proposing to develop approximately 220 single family lots and approximately 120 to 160 low-rise multi-family units. In addition to the infrastructure, roadways, and residential lots; 27 acres would be designated for a combination of community use, community agriculture, stewardship, and open space/drainage. These uses are defined above in [Table 1](#).

1.4 Project Location

The proposed project comprises approximately 80 acres and is identified as a portion of Tax Map Key (TMK) (1) 9-1-001:001 located in the 'Ewa Beach District of Honolulu on the Island of O'ahu. The site is located on the makai end of Fort Weaver Road within a vacant parcel that used to serve as the Pacific Tsunami Warning Center (PTWS) and National Weather Service (NWS). North Road is to the northwest of the project site, 'Ewa Beach Golf Club is to the east, Fort Weaver Road is to the south, and single-family homes and low-rise apartments are to the west. The DHHL property wraps around the U.S. Geological Survey (USGS) Magnetic Observatory property, which occupies 95-acres. [A small portion of the project site consists of above-ground, architectural resources associated with the PTWS-NWS that would be demolished as part of the project.](#) The project location is shown in [Figure 2](#).

Figure 2: DHHL Project Site and Surrounding Area



The project site parcel is favorably situated within the community of ‘Ewa Beach with access to employment centers, public transit, public services, and recreational facilities. A brief summary of surrounding uses is provided below. Photos of the site and surrounding uses are included in **Appendix A**.

- ‘Ewa Beach Golf Course
- ‘Ewa Beach Public Library
- Pohakea Elementary
- Campbell High School Stadium
- Ilima Intermediate School
- ‘Ewa Beach Community Park
- Pu‘uloa Beach Park
- Kaimiloa Elementary School

1.5 Purpose and Need

1.5.1 Purpose of the Proposed Project

The ‘Ewa Beach Homestead community is primarily intended to provide residential homesteading opportunities to native Hawaiian beneficiaries on DHHL’s O‘ahu Residential Waitlist. The DHHL objectives for the proposed homestead community are:

- Provide residential homesteads to beneficiaries on DHHL’s O‘ahu Residential Waitlist.
- Create a thriving homestead community in ‘Ewa Beach that honors culture, environment, and sense of place.

1.5.2 Need for the Proposed Project

According to the August 2024 Hawaiian Homes Commission report, there are currently 11,497 applicants on DHHL’s O‘ahu Residential Waitlist. To address this significant backlog, the DHHL O‘ahu Island Plan recommends acquiring additional lands on the island to expand homesteading opportunities for these beneficiaries. The proposed project is essential for the following reasons:

1. The proposed project aligns with established regulatory frameworks.
2. The proposed project responds to the urgent demand for residential homesteads.
3. The proposed project follows strategic recommendations.
4. The proposed project fulfills the legal and ethical commitment to support the Hawaiian community.

In summary, the proposed project represents a crucial step in bridging the gap between the current availability of homestead lands and the needs of those on DHHL’s O‘ahu Residential Waitlist.

1.6 Permits and Approvals Which May Be Required for the Proposed Project

Implementation of the Proposed Action would require coordination with State and County agencies for permits or approvals. The permits and approvals presented in [Table 2](#) may be required for the

proposed project. Permit requirements would be determined through continued agency coordination during the HRS Chapter 343 and design processes.

Table 2. Permits and Approvals Which May be Required for Implementation of the Proposed Action

Permit or Approval	Description	Regulation(s)	Administrative Authority
Environmental Assessment and Finding of No Significant Impact	Required for projects that “trigger” environmental review, including those that propose the use of state or county lands and the use of state or county funds.	<ul style="list-style-type: none"> • HRS Chapter 343, Environmental Impact Statements • HAR Title 11 Section 200.1, Environmental Impact Statement Rules 	Office of Planning and Sustainable Development, Environmental Review Program
Historic Preservation Review	Required for projects that may affect historic property or a burial site.	<ul style="list-style-type: none"> • HRS Chapter 6E 	Department of Land and Natural Resources, State Historic Preservation Division
National Pollutant Discharge Elimination System	Coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit is required for stormwater discharge associated with construction activities over 1 acre.	<ul style="list-style-type: none"> • Clean Water Act, Section 401 • HAR Section 11-55 	Department of Health (DOH) – Clean Water Branch
County Grading Permit	<p>Required when any one of the following items are exceeded:</p> <ul style="list-style-type: none"> • 100 cubic yards of excavation or fill; • Vertical height of excavation or fill measured at its highest point exceeds 5 feet; or <p>When the general and localized drainage pattern with respect to abutting properties is altered, excavating or filling earth materials (e.g., rock, coral, gravel, soil, recycled asphalt pavement):</p> <ul style="list-style-type: none"> • Greater than three feet in height; or • Greater than 50 cubic yards in volume (excavation or fill, not net); or • To redirect existing surface runoff patterns with respect to adjacent properties. 	<ul style="list-style-type: none"> • Revised Ordinances of Honolulu (2021) Volume IV Chapter 18A- Fees and Permits for Building, Electrical, Plumbing, and Sidewalk Codes <u>Grading, Soil Erosion, and Sediment Control</u> 	City & County of Honolulu (CCH) Department of Planning and Permitting (DPP) - Site Development Division
Community Noise Permit/ Community Noise Variance	Required for construction projects exceeding 78 decibels or has a total cost of more than \$250,000.	<ul style="list-style-type: none"> • HRS Chapter 342F • HAR Title 11, Chapter 46 	DOH – Indoor and Radiological Health Branch

Permit or Approval	Description	Regulation(s)	Administrative Authority
County Building Permit	Required for any project that proposes to erect, construct, enlarge, alter, repair, move, convert, or demolish any building or structure in the County.	<ul style="list-style-type: none"> Revised Ordinances of Honolulu (2021) Volume IV Chapter 18- Fees and Permits for Building, Electrical, Plumbing, and Sidewalk Codes 	CCH-DPP- Site Development Building Division
Permit to Operate or Transport Oversize and/or Overweight Vehicles and Loads Over State Highways	Required for any use of oversized/overweight equipment or loads on State highways.	<ul style="list-style-type: none"> HRS Chapter 291, Section 36 	Department of Transportation, Highways Division

2.0 Proposed Action and Alternatives

2.1 Proposed Action

The Proposed Action would include approximately 220 single-family lots and up to 160 multi-family units that would be available to beneficiaries, as well as community use, community agriculture, stewardship, and infrastructure (e.g., internal roads, electrical/broadband, street lighting, drainage, and open space) as shown in [Table 3](#). The site plan for the Proposed Action is shown in [Figure 3](#). Hazard zones are shown in [Figure 4](#). [The estimated cost to construct the Proposed Action is \\$80,960,000.](#)

Table 3. Proposed Action Land Use

Land Use	Acres	Est. No. of Lots/Units
Residential – Single-Family	25	220
Residential – Multi-Family	8	120-160
Community Use	8	N/A
Community Agriculture	4	N/A
Stewardship	15	N/A
Internal roads, infrastructure, drainage/open space	22	N/A
TOTAL	80	340-380

2.1.1 Residential

The design and style of residential land uses may vary, but the residential density and lot sizes would generally be consistent with current DHHL residential developments as provided in [Table 4](#).

Table 4. DHHL Residential Development Density

Housing Type	Units/Lots per Acre
Single-Family	5,000 to 7,500 square feet with one unit per lot
Low-rise Multi-Family (Townhouse)	Up to 15 units per acre
Low-rise Multi-Family (Cluster or Complex)	Up to 18 units per acre
Low-rise Kūpuna Rental Housing	Up to 20 units per acre

Approximately 25 acres are proposed for single-family housing. Single-family lots would be at least 5,000 square feet in size and built to City & County of Honolulu (CCH) standards in areas close to existing infrastructure on the west side of the 'Ewa Beach Golf Club golf course. Possible single-family housing lots will include three variations, move in ready homes for purchase, move in ready homes for rent with option to purchase, and vacant lots. Single-family lots would be located in areas that are outside designated flood zones, the six (6) foot sea level rise exposure area (SLR-XA), and the tsunami evacuation zone.

Figure 3. Preferred Alternative

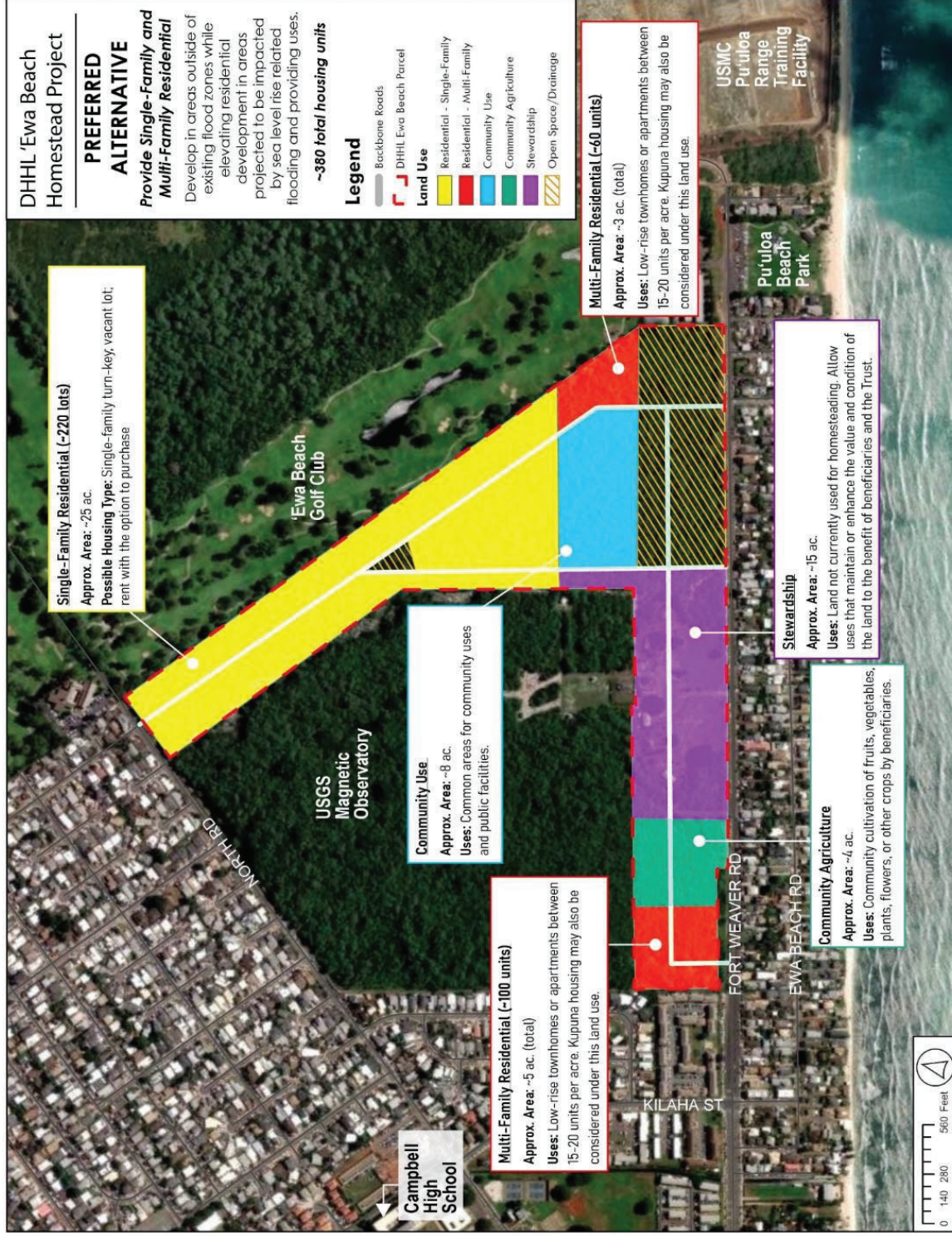


Figure 4. Hazard Zones



Approximately eight (8) acres are proposed for multi-family housing with 15 to 20 units per acre. Approximately five (5) acres would be developed along Fort Weaver Road on the west side of the project site adjacent to the existing multi-family development. Approximately three (3) acres would be developed south of the proposed single-family housing area adjacent to the ‘Ewa Beach Golf Club golf course. Possible housing types include townhouses, low-rise apartment complex, and/or kūpuna housing. The multi-family uses are located in areas that are mostly outside of existing flood zones but may be impacted by sea level rise impacts within the 99-year homestead lease period at current elevations. Risks to development in these areas would be mitigated through land preparation and design measures that ensure safety and resilience, such as elevating habitable structures above the projected six-foot SLR-XA and providing additional drainage and stormwater retention capacity. The multi-family uses are also located within the tsunami evacuation zone.

2.1.2 Community Use

Community use includes common areas for public facilities, including space for parks and recreation, cultural activities, community based economic development activities, and other public facilities and amenities. Approximately eight (8) acres has been designated for community use. The community use area would be located south of the single-family residential area and west of the three (3) acre multi-family residential area. The community use area is located outside the existing flood zone but may be impacted by sea level rise as it is located in the projected six-foot SLR-XA. It is also located within the tsunami evacuation zone.

2.1.3 Community Agriculture

Community agriculture includes common areas for the cultivation of fruits, vegetables, plants, flowers, or herbs by the homestead community. Approximately four (4) acres have been designated for community agriculture east of the five (5) acre multi-family residential area. The community agriculture area is located within the designated flood zone, the six (6) foot SLR-XA, and the tsunami evacuation zone.

2.1.4 Stewardship

Stewardship lands are those that are not currently proposed for homesteading. Approximately 15 acres have been designated stewardship. This land would allow uses that maintain or enhance the value and condition of the land to the benefit of the beneficiaries and the Trust. It may serve as an interim use until opportunities for higher and better uses become available. Since this area is located within in the designated flood zone, the six (6) foot SLR-XA, and the tsunami evacuation zone, it would allow for future flexibility for exploring and analyzing suitability for future homestead development as the information and science regarding flooding and projected sea level rise projections evolve.

2.1.5 Infrastructure

Internal Roads

Access to the development would be provided by one (1) access point from North Road and four (4) access points from Fort Weaver Road. The internal roadways would provide a new connection between Fort Weaver Road and North Road. [DHHL would license the internal roadways to CCH for long-term maintenance.](#)

Electrical/Broadband

The Proposed Action would include the installation of underground electrical infrastructure to be consistent with recent subdivision developments on O‘ahu and in the area. The new system would transition from the existing overhead distribution along the streets to underground upon entering the project site. Underground infrastructure would consist of manholes, handholes, concrete encased ducts, conductors, pad mounted transformers, and pad mounted switches. Underground ducts would be provided to extend Hawaiian Electric Company (HECO) primary service through the site and to each parcel. The HECO distribution system would follow the alignment of the new or existing roadways and would be located within the road right-of-way.

The Proposed Action would include the installation of underground broadband (i.e., telecom, cable television [CATV], internet). The new system would extend from the existing overhead utility poles along Fort Weaver Road and North Road and transition underground upon entering the project site. Underground infrastructure would consist of handholes and concrete encased ductlines with muletape. The system would generally follow the alignment of the proposed underground HECO system and would be designed to allow flexibility in service providers. Conduit stubouts would be provided from the utility company’s handholes to the property line of each lot for future utility services to the properties.

Street Lighting

The Proposed Action would include a new underground street lighting system that would be designed consistent with CCH street light standards. The typical street lighting standard consists of a steel pole with transformer base, steel bracket arm, and “cobra head” street light luminaire. Street light luminaires would have cutoff optics to minimize glare, light trespass, and sky glow and will utilize LED lamps. Power for the street lighting system would be supplied by a new underground secondary lighting circuit consisting of lighting ductlines, handholes, and conductors. New secondary services and a HECO meter cabinet would be provided to power the lighting system.

Drainage/Open Space

Since the Proposed Action would increase the impermeable surfaces on the property, runoff would be required to be retained on-site. A minimum of 12 acres would be designated for drainage and retention/infiltration of stormwater runoff. The Proposed Action designates drainage/open space area in the lowest lying area at the southeast portion of the project site.

2.2 No-Action Alternative

Under the No-Action Alternative, the DHHL residential home lots would not proceed and the purpose of and need for the project would not be met. This would have significant and far-reaching consequences for both the affected community and the broader region. Without the construction of the residential home lots, the current O‘ahu Residential Waitlist for DHHL applicants, which already numbers in the thousands, would continue to grow. This increase would exacerbate the already critical shortage of affordable housing on the island of O‘ahu. The DHHL’s mission to provide housing for native Hawaiian families would be hindered, resulting in prolonged waiting times and heightened frustration for those awaiting their opportunity to secure a home. Additionally, the absence of the DHHL residential home lots means that designated project area would remain underutilized. This underutilization could lead to a missed opportunity to efficiently use available land resources in a manner that aligns with community and State planning objectives. Instead of contributing to the alleviation of housing shortages and the growth of

residential neighborhoods, the area would continue to sit idle, potentially resulting in economic and social inefficiencies.

There would be positive impacts associated with the No-Action Alternative. These include no increase in traffic, no increase in imperviable surface area, and the maintaining of existing open space.

2.3 Alternatives Considered But Not Carried Forward for Further Analysis

Draft conceptual site alternatives were developed to illustrate different ways of meeting the goal of providing leases to DHHL beneficiaries on the O‘ahu Residential Waitlist while considering beneficiaries’ preferences and addressing the existing opportunities and constraints discussed in **Section 6.0**. Three alternatives were proposed for beneficiary feedback via survey and beneficiary consultation. Following the second beneficiary consultation, a preferred alternative was developed in response to the feedback received, which is discussed in **Section 2.1**. The following alternatives include a variety of community and non-homestead uses, with variations in the type and number of residential units.

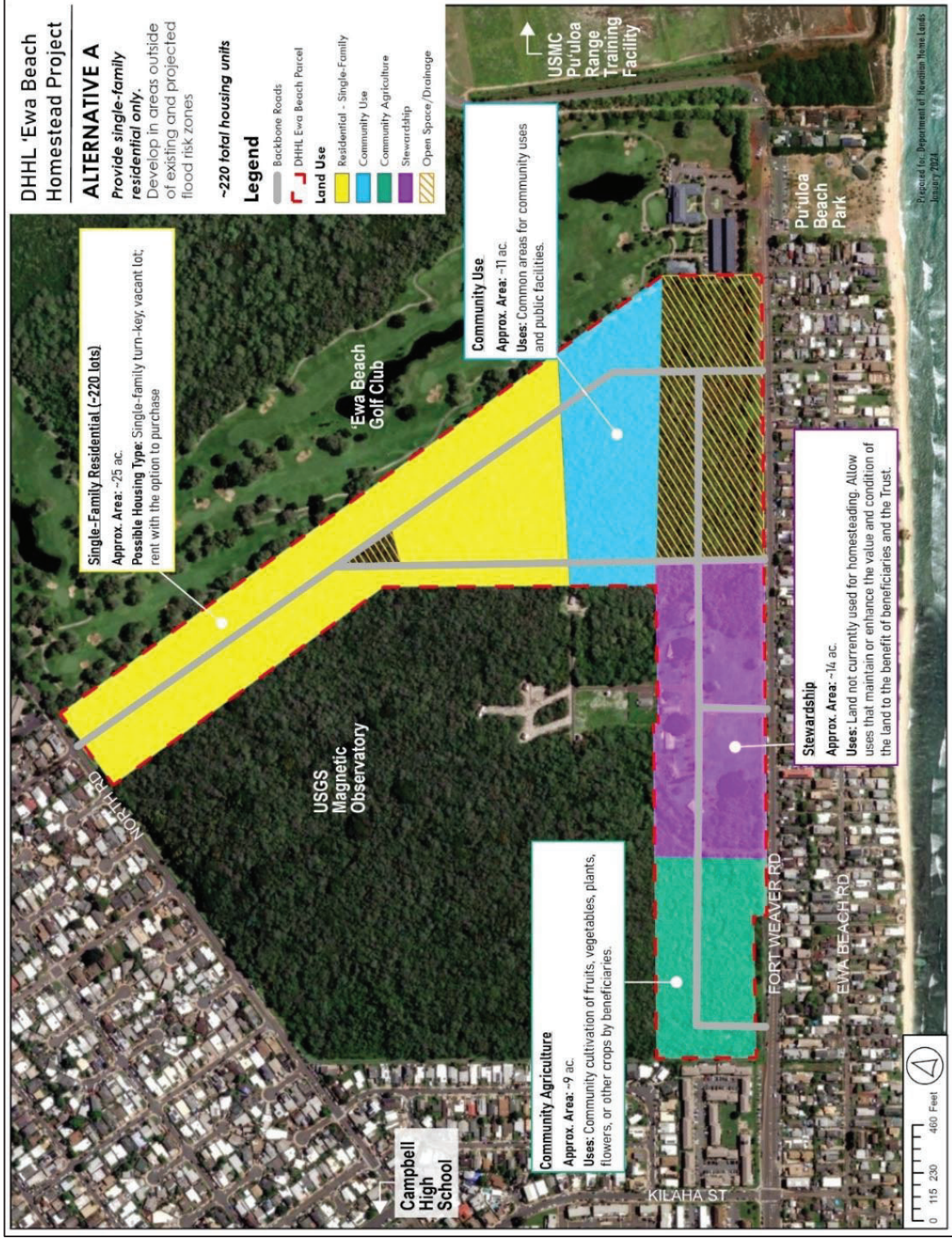
1. **Alternative A:** Provide single-family residential lots only uses
2. **Alternative B:** Provide single-family residential lots with added multi-family residential land uses
3. **Alternative C:** Maximize multi-family residential while maintaining single-family residential lots

2.3.1 Alternative A: Provide Single-Family Residential Lots Only

Alternative A would not include development in areas of the site currently at risk of flooding and tsunami hazards as well as areas projected to be impacted by sea level rise flooding within the 99-year homestead lease and 100-year lease extension timeframe at current elevations. As shown in [Figure 5](#), residential development is proposed only on the mauka side of the property, which would provide approximately 220 single-family residential homestead lots. In addition, a large community use area is included makai of the residential lots and additional non-homestead land use areas for community agriculture and stewardship are identified along Fort Weaver Road. Land dedicated for on-site stormwater retention/infiltration is located in the lowest lying areas.

Alternative A provides the smallest developable area for housing and provides only single-family homestead lots, which are the most expensive housing option and may be financially out of reach for many wait list beneficiaries. However, single-family units were identified as the most preferred housing option in beneficiary surveys and through early beneficiary input on the ‘Ewa Beach Homestead Project. Alternative A provides the lowest risk and lowest land preparation costs for DHHL at approximately \$~~7976~~76,960,000.

Figure 5. Alternative A Site Uses

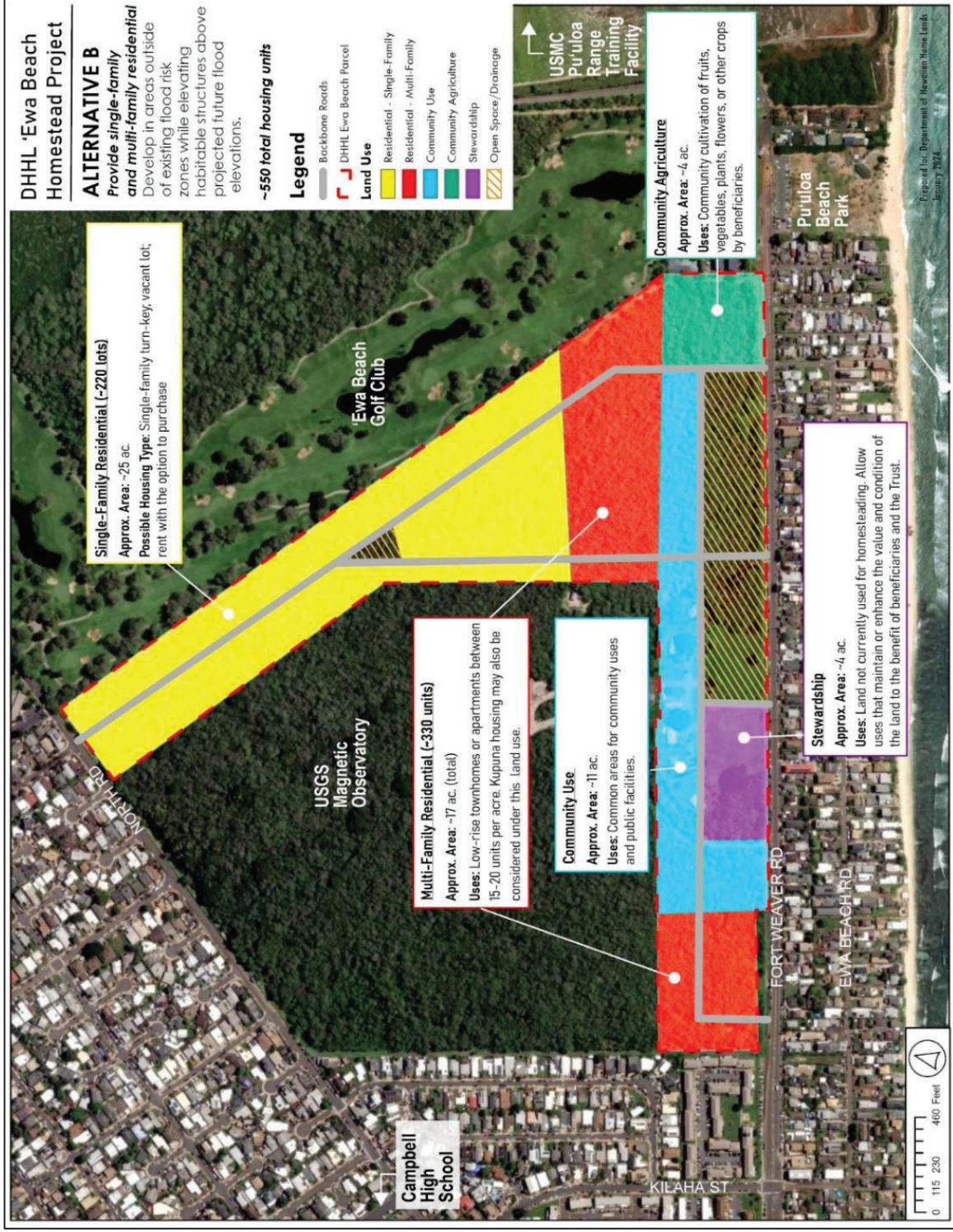


2.3.2 **Alternative B: Provide Single-Family Residential Lots with added Multi-Family Residential**

Alternative B maintains the same footprint of single-family residential lots in the lowest risk area of the property as Alternative A but increases the overall number of housing units with the addition of multi-family residential. Approximately 220 single-family lots and up to 330 multi-family units would be available to beneficiaries. As shown in [Figure 6](#), the multi-family uses are located in areas that are outside of existing hazard zones but may be impacted by sea level rise impacts within the 99-year homestead lease period at current elevations. Alternative B assumes that risks to development in these areas would be mitigated through land preparation and design measures that ensure safety and resilience, such as elevating habitable structures above the projected six-foot sea level rise inundation depths and providing additional drainage and stormwater retention capacity. A large community use area stretches along the makai area of the site. The community use area is intended to be easily accessible from the multi-family units. Smaller non-homestead use areas for community agriculture and stewardship are also included. Land dedicated for on-site stormwater retention/infiltration is identified in the lowest lying areas.

Multi-family housing would provide more affordable residences to a greater number of beneficiaries and could be provided as rentals to beneficiaries or designated specifically for kūpuna housing. Kūpuna housing does not provide beneficiaries with homestead leases but has been identified as a need as affordable housing for kūpuna is in high demand. DHHL rules allow for homestead leases to be awarded for multi-family housing units, but a more detailed program would need to be developed in order to implement multi-family homestead housing. In terms of traffic impacts, multi-family and kūpuna housing also generate less traffic per unit than a single-family home. Alternative B provides a wider range of housing and more affordable housing options through the addition of multi-family residential; however, construction would require more expensive land preparation and development costs to raise residential uses above flood prone elevations. Site preparation for Alternative B is estimated to cost \$92,040,000.

Figure 6. Alternative B Site Layout

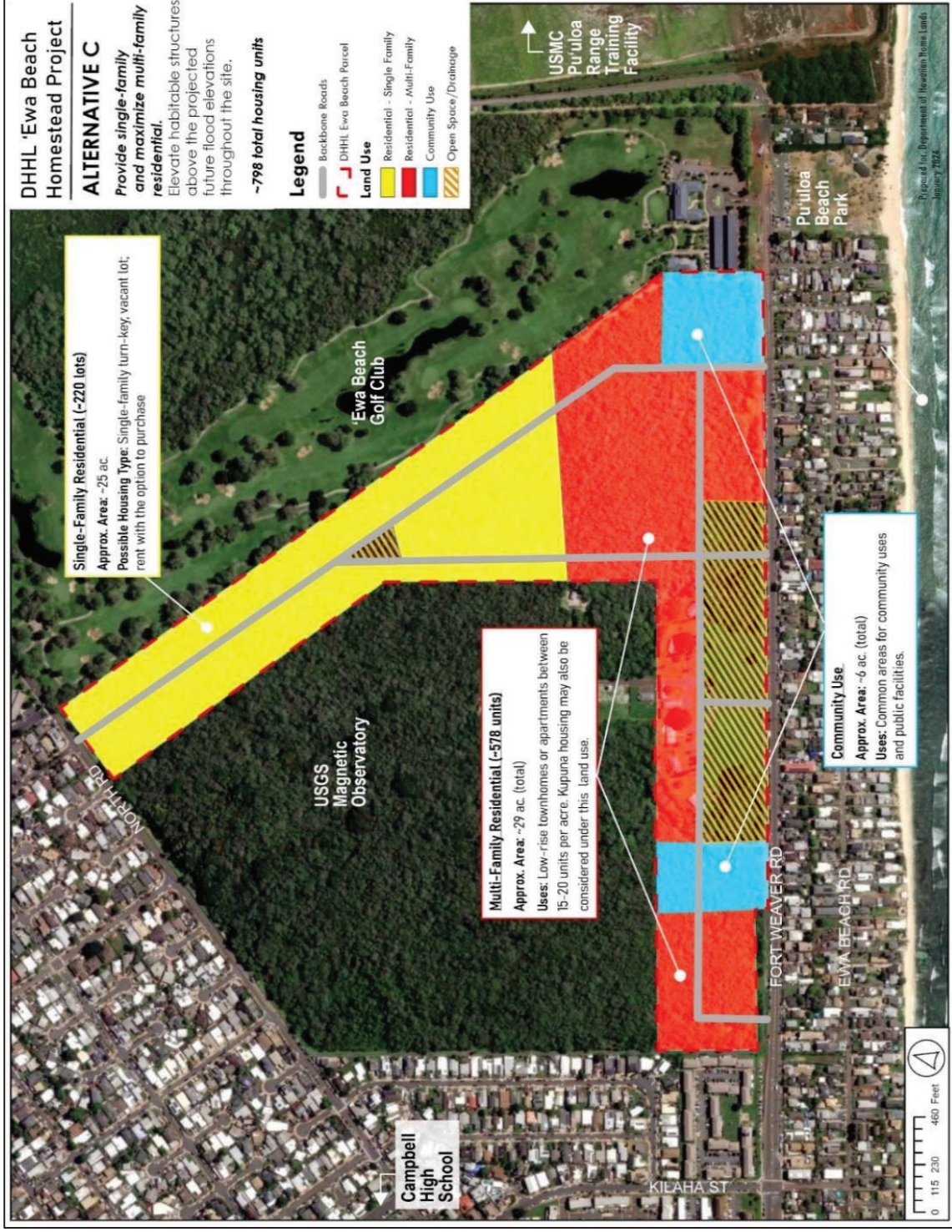


2.3.3 Alternative C: Single-Family and Maximize Multi-Family Residential

Alternative C maintains the same footprint of single-family residential lots as Alternative A and Alternative B but maximizes multi-family housing throughout the makai area of the property. Under Alternative C, 220 single-family lots and 434 to 578 multi-family units would be available to beneficiaries. As shown in [Figure 7](#), the multi-family uses are expanded to areas within makai portions of the site that are projected to be impacted by sea level rise within the 99-year homestead lease at current elevations, which could mean that structures may eventually be uninhabitable. Like Alternative B, buildings would need to be elevated to ensure safety and resilience. Smaller community use areas are in proximity to multi-family residential and the required minimum land area for on-site stormwater retention/infiltration is identified in the lowest lying makai portion of the site. Other non-homestead uses are not included in Alternative C.

Alternative C provides the most units but would require more extensive and costly land preparation to elevate residential uses above flood prone areas and ensure the site design includes adequate on-site stormwater retention/infiltration. Furthermore, Alternative C would result in greater traffic impacts to the Fort Weaver Road corridor and would likely require DHHL to fund roadway improvements to mitigate the traffic impacts generated by the project. Overall, Alternative C is estimated to cost \$108,533,600 for site preparation.

Figure 7. Alternative C Site Layout



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3.0 Affected Environment, Potential Impacts, and Avoidance and Minimization Measures

3.1 Water Resources

3.1.1 Affected Environment

Groundwater, Surface Waters, and Wetlands

As shown in [Figure 8](#)~~Figure 8~~, the project area is located within the Waipahu–Waiawa Aquifer System of the Pearl Harbor Aquifer Sector (Aquifer Code 30203). The Pearl Harbor Aquifer Sector Area is comprised of the Waimalu, Waipahu-Waiawa, and ‘Ewa-Kunia Aquifer Systems.

The Waipahu–Waiawa Aquifer System comprises 60.7 square miles and has an estimated sustainable yield of 105 million gallons per day (MGD) (CWRM, 2019). Between 1890 and 1960, the average withdrawal rate for sugar cultivation was 92.1 MGD. During the 1970s, the average withdrawal rate was 154 MGD. Sugar cultivation in the area ceased in 1994 which greatly reduced the average withdrawal rate from the Waipahu-Waiawa Aquifer System. From 1990 through 1999 the average withdrawal rate was 69.2 MGD; between 2000 and the end of 2012 the average withdrawal rate dropped further to 51.7 MGD (CWRM, 2019).

High pumping rates and deep wells owned by the sugar companies contributed to the salting up of the Waipahu-Waiawa Aquifer System below an elevation of 700 feet mean sea level (msl). Since the mid-1990s, the State of Hawai‘i has adopted sustainable yields for state-wide aquifer systems, controlled the amount of withdrawal, and limited the depth of new wells which has allowed for the freshening of the potable sources. Deep monitor wells show that the structure of the basal lens in the Waipahu-Waiawa Aquifer System has been relatively stable over the last 20 years.

As discussed in [Section 3.5](#), the ‘Ewa coastal plain is a karst landscape composed of limestone. The area is full of sinkholes of various sizes and hidden voids that may be present just a few feet below the ground surface. Groundwater flowing towards the ocean a few feet above sea level may express in springs or be visible in sinkholes. The ground surface of the project site is three (3) to 13 feet above sea level, and groundwater is clearly visible in many of the sinkholes on the project site.

As shown in [Figure 9](#)~~Figure 9~~, there are no surface waters or wetlands within or in the immediate vicinity of the project area. Developments in the surrounding area have altered the historic flow of stormwater, which is likely now diverted along the large, grassed channel running parallel to North-South Road. Both the historical and current conditions at the project site appear insufficient for the development of wetlands.

Figure 8. Aquifers

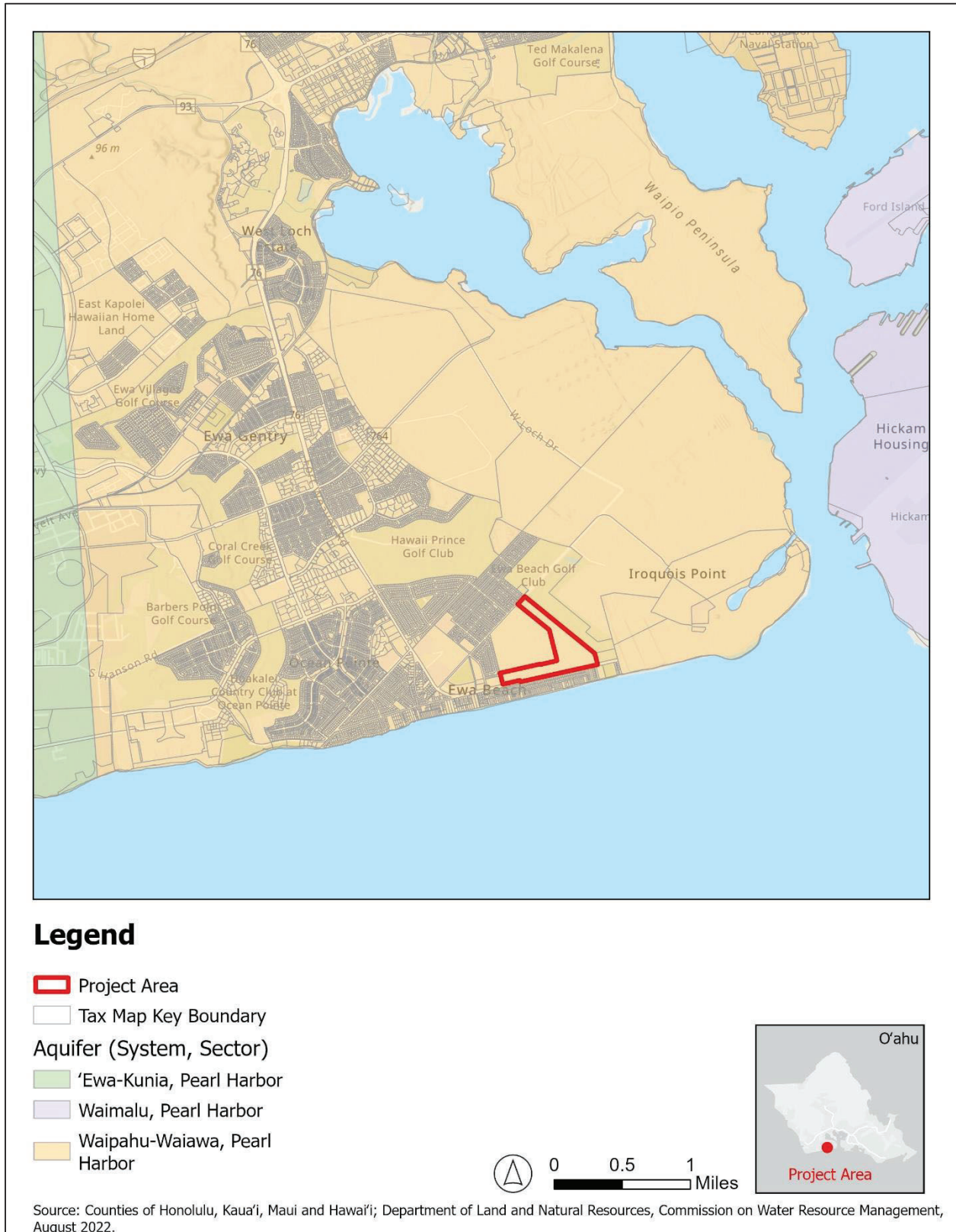
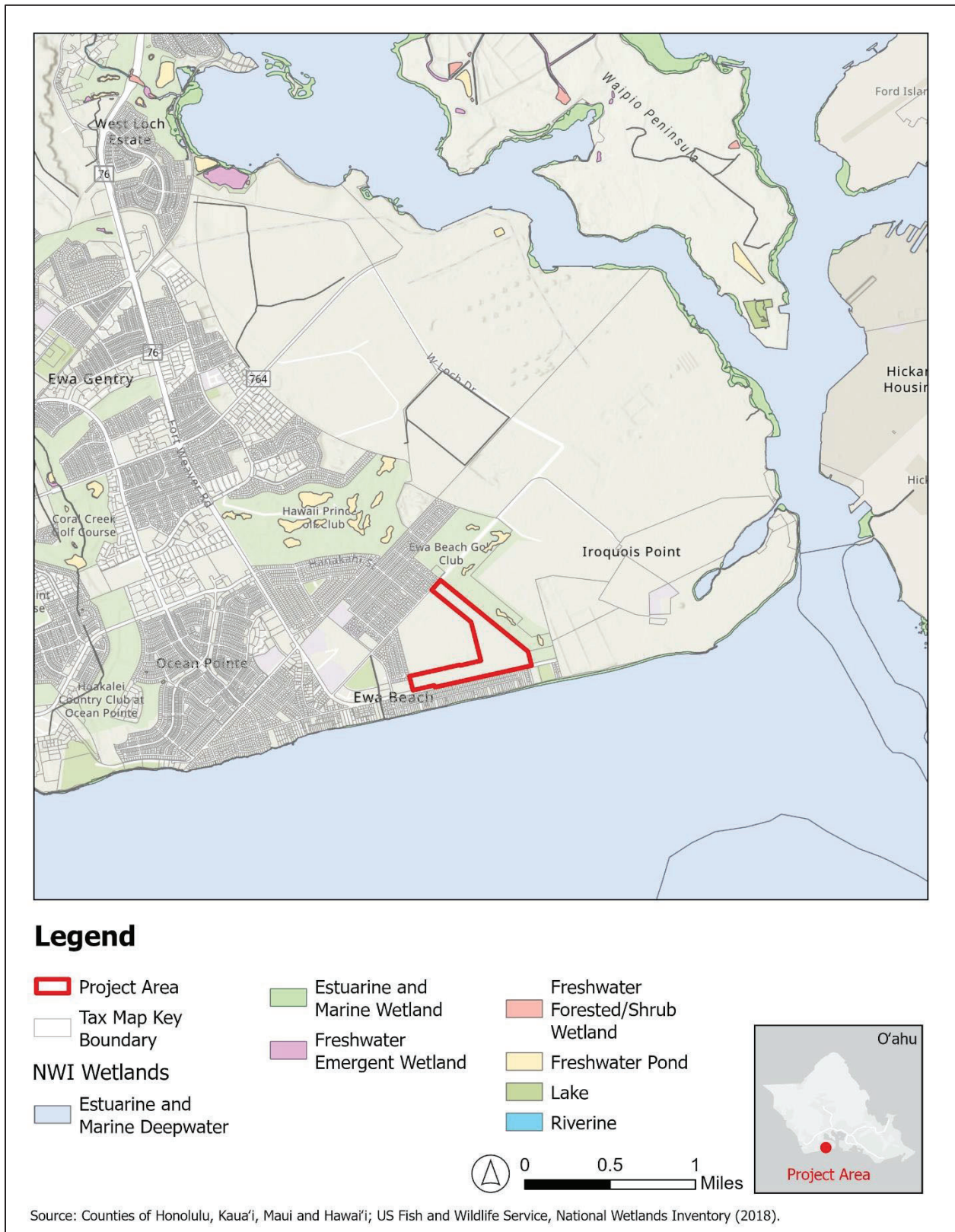


Figure 9. Wetlands and Surface Waters



The State of Hawai'i Department of Health (DOH) Safe Drinking Water Branch (SDWB) and Wastewater Branch (WWB) work together to protect surface and groundwater. The SDWB administers the Underground Injection Control (UIC) program to prevent contamination from injection wells that are used to dispose of water or other fluids into a groundwater aquifer. The boundary between "exempted" aquifers and those that are used as underground sources of drinking water is referred to as the "UIC Line." As shown in [Figure 10](#)~~Figure 10~~, the project area is makai of the UIC Line indicating that the underlying aquifer is not considered a drinking water source.

Storm Water

There is an existing storm sewer along North Road adjacent to the project site. A catch basin is located approximately 565 feet west of the site along Fort Weaver Road. Given the relatively flat slope and pervious surface, it is estimated that less than 10% of the rainfall runs off the site and generally runs toward the ocean.

3.1.2 Potential Impacts

Construction

Proposed Action

Construction of the Proposed Action would consist of grubbing and grading of the chosen parcel. There would be more than one (1) acre of disturbed land area; therefore, construction of the Proposed Action would be considered a Category 5 Priority A project under CCH Rules Related to Storm Water Quality.

- **Category 5** projects require a robust erosion and sediment control plan for implementation during construction that outlines the necessary best management practices (BMPs), maintenance, and inspections.
- **Priority A** projects are required to implement low impact development (LID) strategies to the maximum extent practicable. LID aims to preserve, restore, and create green space using soils, vegetation, and rain harvest techniques.

By implementing BMPs and incorporating LID strategies, no significant impacts to groundwater underlying the project are anticipated during construction. Construction of the project is unlikely to introduce or release any substance into the soil that could adversely affect groundwater quality. Any runoff generated by the construction would be disposed of on-site and not directed toward any adjacent properties. Since there are no surface waters or wetlands on or within the vicinity of the project site, there would be no impacts to surface waters or wetlands from construction.

No-Action Alternative

Under the No-Action Alternative, no construction activities would occur; therefore, there would be no construction impacts to water resources.

Figure 10. UIC Line



Operation

Proposed Action

No significant impact to groundwater, surface waters, or wetlands are anticipated during operation of the Proposed Action. The amount of impervious area of the project site would significantly increase compared to the amount of existing impervious area. A new drainage system would be installed within the proposed development, and any runoff generated would be retained on site with retention/infiltration basins and not directed toward any adjacent properties.

No-Action Alternative

Under the No-Action Alternative, the DHHL ‘Ewa Beach Homestead project would not be constructed. There would not be an increase in impervious surface, and there would be no impacts to water resources.

3.1.3 Avoidance and Minimization Measures

BMPs would be implemented to minimize risk of siltation and pollution through construction related stormwater runoff. BMP measures may include, but not be limited to, the following:

- Watering or applying dust suppressants at active work areas and project access roads, as needed.
- Installing dust screens or wind barriers around the construction site.
- Installation of Filter Sock Perimeter Controls adjacent and downslope from disturbed areas.
- Cleaning nearby pavements and paved roads after construction.
- Covering open trucks carrying construction materials and debris.
- Limiting areas to be disturbed at any given time.

Design features may be considered for the project that would provide ongoing protection from stormwater runoff. These may include, but not be limited to, the following:

- Dikes and swales may be installed as a permanent site drainage control feature.
- Pipe slope drains to contain and convey runoff without coming in contact with bare slope soils causing erosion.
- Sediment traps and ponds.
- Landscaping/riparian buffer restoration.
- Various green infrastructure solutions including retention/infiltration basins/trenches, dry wells, rain gardens, pervious pavement, bioswales, and buffer strips.

3.2 Biological Resources

3.2.1 Affected Environment

A Biological Survey was conducted for the project in 2023 by Geometrician Associates, LLC. The survey included both flora and fauna. The objectives of the botanical survey were to describe the vegetation, list all species encountered, determine the general likelihood of the presence of threatened or endangered plant species, and identify the locations of any threatened or endangered plant species. The faunal survey included a tally of birds and introduced mammals, reptiles, and amphibians, as well as two multi-hour observations focused on the Hawaiian short-eared owl or pueo (*Asio flammeus* subsp. *Sandwichensis*)

conducted at dawn and dusk. The field survey also assessed the general value of the area for native bird habitat. The Biological Survey Report is included in **Appendix B**.

Flora

The vegetation of the 'Ewa coastal plain has been almost completely overtaken by the non-native kiawe (*Prosopis pallida*) and koa haole (*Leucaena leucocephala*). The most extensive vegetation type at the project site is kiawe forest. An open to closed canopy forest of medium-size (15 to 25-foot-tall) kiawe trees along with highly variable numbers of koa haole, *Ficus* sp., 'opiuma (*Pithecellobium dulce*), octopus tree (*Schefflera actinophylla*) and other trees overtops an understory dominated by buffelgrass (*Cenchrus ciliaris*), marsh fleabane (*Pluchea indica*), Chinese violet (*Asystasia gangetica*), Guinea grass (*Megathyrsus maximus*), love-in-a-mist (*Passiflora foetida*), and other herbs, vines and shrubs. Native species 'uhaloa (*Waltheria indica*), kauna'oa pehu (*Cassytha filiformis*), and koali (*Ipomoea indica*) are also widespread. Small sinkholes are very common throughout the forest. They are often hazardously obscured by non-native vegetation but do not seem to support any distinct vegetation or native species.

The remainder of the area has been cleared to accommodate structures, roads and trails, or open space activities. Buffel grass, fingergrass (*Chloris* spp.), lovegrass (*Eragrostis tenella*) and many other grasses dominate the ground layer. A variety of weedy species, including Australian saltbush (*Atriplex semibaccata*) and various euphorbiaceous, chenopod and, malvaceous weeds. Native species present include 'uhaloa, akulikuli (*Sesuvium portulacastrum*), nena (*Heliotropium currasavicum*), 'ilima (*Sida fallax*) and nairo (*Myoporum sandwicense*). Some areas have been landscaped with a great variety of ornamental species such as mango (*Mangifera indica*), coconut trees (*Cocos nucifera*), pink tecoma (*Tabebuia pentaphylla*), agave (*Agave sisalana*), and coral tree (*Erythrina* sp.). Many areas that were previously disturbed are reverting back to kiawe forest.

A total of 89 plant species were identified during the survey. Out of the 89 plant species identified, 11 were listed as native to the Hawaiian Islands, and one (1) was listed as endemic: maiapilo (*Capparis sandwichiana*). The maiapilo is considered rare due to the loss of its coastal leeward habitat to development. The maiapilo was found throughout various locations of the property. Apart from maiapilo, all native plants found in the property area are very common throughout the island of O'ahu and the state.

No state or federal listed threatened, endangered, or candidate plant species were observed in the project area during the survey.

Fauna

The Survey identified 12 species of birds within the boundaries of the property area. The 12 bird species are non-native to O'ahu, and are typically found in similar areas of lowland disturbed habitat. Most common were myna (*Acridotheres tristis*), spotted dove (*Streptopelia chinensis*), red-crested cardinal (*Paroaria coronata*), and Japanese white-eye (*Zosterops japonicus*).

The area of observation extended beyond the project site to the adjacent 'Ewa Beach Golf Course. The open grass and ponds of the golf course attracted three native birds: black-crowned night heron or auku'u (*Nycticorax nycticorax hoactli*), the Pacific golden-plover or kolea (*Pluvialis fulva*), and the endangered Hawaiian stilt or ae'o (*Himantopus mexicanus knudseni*). The project site is poor habitat for these species, and although they may fly over they are not likely to utilize the site for nesting.

No pueo were heard or observed during the dawn and dusk surveys for the species. The project site appears to be poor pueo habitat because of surrounding land uses and extremely dense, thorny vegetation in the upper and middle canopy layers.

Although the survey did not include the use of detection equipment for the Hawaiian hoary bat (*Lasiurus cinereus semotus*), it is assumed that they may be present at the project site as they have been observed in the surrounding and similar areas. Bats may forage for flying insects on and within the vicinity of the project site on a seasonal basis, and the larger shrubs and trees at the site may provide suitable nesting habitat.

The only mammal identified during the survey was a number of Indian mongoose (*Herpestes a. auro punctatus*). It is likely that feral cats (*Felis catus*), mice (*Mus* spp.), rats (*Rattus* spp.), and domestic dogs (*Canis f. familiaris*) are occasionally present. There are no native terrestrial reptiles or amphibians in Hawai‘i. Although not observed, various anoles (*Anolia* sp.), geckoes (Family: Gekkonidae), and skinks (Family: Scincidae) are probably present at times.

3.2.2 Potential Impacts

Construction

Proposed Action

No rare, threatened, or endangered plant or animal species were identified at the project site. However, there is the potential for the presence of the Hawaiian hoary bat, Hawaiian seabirds, and Hawaiian waterbirds.

The Hawaiian hoary bat roosts in woody vegetation across all islands and will leave their young unattended in trees and shrubs when they forage. If trees or shrubs 15 feet or taller are cleared during the pupping season, June 1 through September 15, there is a risk that young bats could inadvertently be harmed or killed since they are too young to fly or move away from disturbance. Hawaiian hoary bats forage for insects from as low as three (3) feet to higher than 500 feet above the ground and can become entangled in barbed wire used for fencing. Measures would be implemented to minimize impacts to the Hawaiian hoary bat as discussed in **Section 3.2.3**.

Hawaiian seabirds may traverse the project area at night during the breeding, nesting, and fledging seasons (March 1 to December 15). Outdoor lighting could result in seabird disorientation, fallout, and injury or mortality. Seabirds are attracted to lights and after circling the lights they may become exhausted and collide with nearby wires, buildings, or other structures or they may land on the ground. Downed seabirds are subject to increased mortality due to collision with automobiles, starvation, and predation by dogs, cats, and other predators. Young birds (fledglings) traversing the project area between September 15 and December 15 in their first flights from their mountain nests to the sea are particularly vulnerable to light attraction. Measures would be implemented to minimize impacts to Hawaiian seabirds as discussed in **Section 3.2.3**.

There are no perennial streams, ponds, or wetlands present to provide waterbird habitat. However, construction activities could result in areas of standing water that could create temporary waterbird habitat. Measures would be implemented to minimize impacts to Hawaiian waterbirds as discussed in **Section 3.2.3**.

No-Action Alternative

Under the No-Action Alternative, no construction activities would occur associated with the Proposed Action. The existing buildings would remain, and the landscaping associated with those buildings would be re-absorbed by the kiawe plant community, furthering the expanse of the invasive kiawe forest.

Operation

Proposed Action

Operation of the project would include outdoor lighting which may impact seabirds. These impacts would be minimized as discussed in **Section 3.2.3**.

The Proposed Action would include drainage retention and/or retention/infiltration basin to address run-off during significant storm events that could create temporary waterbird habitat. Measures would be implemented to minimize impacts to Hawaiian waterbirds as discussed in **Section 3.2.3**.

No-Action Alternative

Under the No-Action Alternative, the ‘Ewa Beach Homestead Project would not be built; therefore, there would be no impacts to biological resources.

3.2.3 Avoidance and Minimization Measures

The following measures would be implemented to minimize potential impacts to the Hawaiian hoary bat:

- Any fences that are erected during the construction of the Proposed Action would have barbless top strand wire to prevent Hawaiian hoary bats from becoming entangled on barbed wire.
- Trees taller than 15 feet would not be removed or trimmed during the bat birthing and pup rearing season (June 1 through September 15).

The following measures would be implemented to minimize potential impacts to Hawaiian seabirds:

- Construction activity would be restricted to daylight hours as much as practicable during the seabird peak fledgling fallout period (September 15 to December 15) to avoid the use of nighttime lighting that could attract seabirds.
- All outdoor lights would be shielded to prevent upward radiation to reduce the potential for seabird attraction and shall not be directed to travel across property boundaries toward the shoreline and ocean waters.
- Automatic motion sensor switches and controls would be installed on all outdoor lights or lights would be turned off when human activity is not occurring in the lighted area.

The following measures would be implemented to minimize potential impacts to Hawaiian waterbirds:

- In areas where waterbirds are known to be present, reduced speed limits would be posted and enforced, and project personnel and contractors would be informed of the presence of endangered species on-site.
- The U.S. Fish and Wildlife Service’s (USFWS) *Best Management Practices for Work in Aquatic Environments* would be incorporated into the project design.

- A biological monitor that is familiar with the species’ biology would conduct Hawaiian waterbird nest surveys where appropriate habitat occurs within the vicinity of the proposed project site prior to project initiation. Surveys would be repeated within three (3) days of project initiation and after any subsequent delay of work of three (3) or more days (during which the birds may attempt to nest). If a nest or active brood is found:
 - The USFWS would be contacted within 48 hours for further guidance.
 - A 100-foot buffer would be established and maintained around all active nests and/or broods until the chicks/ducklings have fledged. Potentially disruptive activities or habitat alteration within this buffer would not be conducted.
 - A biological monitor that is familiar with the species’ biology would be present on the project site during all construction or earth moving activities until the chicks/ducklings fledge to ensure that Hawaiian waterbirds and nests are not adversely impacted.

3.3 Archaeological and Historic Resources

3.3.1 Affected Environment

An Archaeological Literature Review and Field Inspection (ALRFI) was completed in July 2023 by Honua Consulting. The objectives of this study were to document and describe the project site’s land use history in the context of both its traditional Hawaiian character as well as its historic period changes, identify any potential above-ground historic properties or component features, and provide information relevant to the likelihood of encountering subsurface historically significant cultural deposits during construction. The Archaeological Literature and Field Inspection Report is included in **Appendix C**.

History of the Project Area

The project area located within the ‘ili of Pu‘uloa of Honouliuli Ahupua‘a, but sometimes referred to the Pu‘uloa Ahupua‘a. The Honouliuli (translates to dark bay) Ahupua‘a is the largest ahupua‘a on the island of O‘ahu as it is approximately 43,000 acres. This includes approximately 12 miles of marine coastline from Keahi Point in the east to Pili O Kahe in the west at the boundary with Nānākuli.

Around the turn of the 18th to 19th century, and continuing throughout the 19th century, life on O‘ahu was drastically changed with the arrival and increasing influence of foreign political, economic, and ideological systems. As a result, traditional Hawaiian settlement patterns, subsistence, and religious institutions were largely abandoned. By the late 1800s, nearly the entire ahupua‘a of Honouliuli had been purchased by a few large landowners and developed into cattle ranches, sugar cane fields, sisal farms, and other types of agricultural. Military development of the region began in the late 1800s with the construction of the Barbers Point Lighthouse and accelerated significantly in the early 1900s with the creation of several large bases including Naval Air Station Barbers Point, Hickam Field, and Pearl Harbor.

The project site was condemned in 1944, and subsequently occupied by the U.S. Navy. On November 24, 1959, the U.S. Navy transferred the ‘Ewa Beach property to the U.S. Department of Commerce, to be used for the operation of the Honolulu Magnetic Observatory. There are no existing structures from the Navy’s occupation of the site. In 1968, the Intergovernmental Oceanographic Commission established the Intergovernmental Coordination Group for the PTWS. Since the U.S. Department of Commerce had ownership of land for the operation of the Honolulu Magnetic Observatory, it was agreed that the Intergovernmental Coordination Group would use the same site for the operational headquarters of the

PTWS. Since that time, the PTWS has continued to be at the site. In 2014, the NWS who is now in ownership of the PTWS, relocated personnel to the new Pacific Regional Center at another location in Honolulu, and has declared the 'Ewa property surplus to its operational needs.

Previous Archeological Surveys within the Vicinity of the Project Site

No previous archaeological surveys are known to have been conducted on the project site. The most relevant previous archaeological research was conducted east of the project area on the golf course property, once known as the Pu'uloa Golf Course, currently the Ewa Beach Country Club. These studies identified several dozen sites, including traditional Hawaiian above-ground structures as well as sinkholes with cultural material. In total, 11 previous archaeological surveys are known to have been conducted in the vicinity of the Proposed Action. These surveys are summarized in [Table 5](#).

Table 5. Summary of Previous Archaeological Studies and Results in the Vicinity of the Proposed Action

Previous Study	Formal Type	Location	Results & Comments
McAllister 1933	Earliest survey / compilation of sites on O'ahu	O'ahu Island-wide	Citing oral-historic accounts, identified general area near current project area as Site 145 = “. . . site where the first breadfruit tree in Hawaii is said to have been planted.”
McCoy 1972	ARS	(Then) proposed Pu'uloa Elementary School – grounds of current Kaimiloa Elementary School	Identified numerous coral-stacked walls, enclosures & mounds; as well as modified depressions (small sinkholes); most sites were interpreted as historic-period ranching remnants; mounds were interpreted as likely pre-Contact; no State Inventory of Historic Places #s assigned
Davis 1988	ARS	Pu'uloa Golf Course (currently Ewa Beach Country Club)	Identified 25 above-ground rock structures, including 1 habitation enclosure, 11 temporary shelters, 5 mounds, 2 wall-enclosed sinkholes and 1 remnant wall; no SIHP #s assigned
Denham & Kennedy 1992	PP		Preservation plan for 12 sites
Kennedy et al. 1992	AIS		Identified 72 sites, including 15 walls, 17 mounds, 17 enclosures, 16 C- or L-shapes, 13 sinkholes, 2 platforms and 1 site composed of upright stones; sites were in 4 clusters (see Figure 17); test excavations yielded pre-Contact radiocarbon dates
Kennedy & Denham 1992	DR		Data recovery work on 10 sites
Davis & Burtchard 1991	ARS w. 1 subsurface test unit	PPV Housing Area, West Loch of Lualualei Naval Ammunition Depot	No historic properties identified
Hammatt & Borthwick 1997	AIS	Ewa High Frequency Transmitter Station	No historic properties identified

Previous Study	Formal Type	Location	Results & Comments
Jensen & Head 1997	ARS	1,483-acre project area (Naval Magazine Lualualei NAVMAG-West Loch)	281 sites identified, 111 of which were interpreted as traditional Hawaiian from pre-Contact to early historic times; site location data from original report missing from available pdf copies
Sroat et al. 2010	ALRFI	Campbell High School campus	Above-ground finds were limited to 2 filled-in sinkholes
Hazlett 2016	AM (plan)	Solar Electric Installation at Ewa Beach Country Club)	Provided background information near current project area
O'Neill & Spear 2017	AM (report)		No historic properties identified

Abbreviations: AIS = Archaeological Inventory Survey; ALRFI = Archaeological Literature Review and Field Inspection; AM = Archaeological Monitoring; ARS = Archaeological Reconnaissance Survey; DR = Data Recovery; PP = Preservation Plan

Existing Structures

A small portion of the project site consists of above-ground, architectural resources associated with the PTWS-NWS. These buildings have been subject to previous Section 106, National Historic Preservation Act (NHPA), historic preservation consultation. In 2018, the above-ground buildings and structures of the PTWS-NWS were determined not eligible for listing on the National Register of Historic Places by the U.S. General Services Administration (GSA). In a “NHPA Section 106 Historic Preservation Review” letter (LOG: 2018.02473, DOC: 1810KN16) dated October 23, 2018, the State Historic Preservation Division (SHPD) concurred with the GSA’s determination of “no historic properties affected.”

Archaeological Field Inspection

The archaeological field inspection consisted of a pedestrian survey of portions of the project site to obtain a sample of the site types present and to understand the existing conditions of the project site. The archaeological field inspection identified 29 archaeological/historic sites on the project site, as shown in [Table 6](#).

Table 6. Archaeological and Historic Sites Identified During the Archaeological Field Inspection

Site #	Formal Type	Description
Honua 1	Sinkhole	Opening is ~2.0 m wide
Honua 2	Sinkhole	Opening is ~4.5 m wide
Honua 3	Sinkhole	Complex of at least 5 openings; openings are ~2.0 m wide
Honua 4	Sinkhole	Complex of at least 5 openings; openings are ~1.5 m wide
Honua 5	Sinkhole	Opening is ~3.0 m wide
Honua 6	Sinkhole	Opening is ~3.0 m wide
Honua 7	Sinkhole	Opening is ~3.0 m wide; banyan tree in hole
Honua 8	Coral rock pile	~2.0 m long, several courses high, informal construction
Honua 9	Sinkhole	Opening is ~1.0 m wide
Honua 10	Sinkhole	Opening is ~1.5 m wide
Honua 11	Sinkhole	Multiple openings; openings are ~2.0 m wide
Honua 12	Sinkhole	Opening is ~1.5 m wide
Honua 13	Sinkhole	Complex w. several openings; site area is ~10 m diameter

Site #	Formal Type	Description
Honua 14	Push pile	Evidence of past land disturbance (bulldozing)
Honua 15	Sinkhole	Opening is ~0.4 m wide
Honua 16	Sinkhole	Opening is ~2.0 m wide
Honua 17	Filled sinkhole	Complex, at least 3 filled openings
Honua 18	Coral rock push pile	Evidence of past land disturbance (bulldozing)
Honua 19	Basalt and coral rock push pile	Evidence of past land disturbance (bulldozing)
Honua 20	Push pile	Evidence of past land disturbance (bulldozing)
Honua 21	Basalt and coral rock push pile	Evidence of past land disturbance (bulldozing)
Honua 22	Small shed	64 sq. ft. shed constructed of concrete block walls, concrete floor, wood door & corrugated sheet metal roof; part of PTWC-NWS; this site is possibly a fresh-water well
Honua 23	Push pile	Evidence of past land disturbance (bulldozing)
Honua 24	Push pile	Evidence of past land disturbance (bulldozing)
Honua 25	Coral rock mound	--
Honua 26	Coral rock mound	--
Honua 27	Basalt and coral rock push pile	Evidence of past land disturbance (bulldozing)
Honua 28	Crushed coral road bed	Associated with 1960s build out of PTWC-NWS facility
Honua 29	Push pile	Evidence of past land disturbance (bulldozing)

The following general observations regarding the sites are relevant:

1. The entire eastern boundary of the project area contains a discontinuous berm of bulldozed debris, including rocks, uprooted trees and trash, which extends into the project area by as much as 20 or 30 meters in places; this berm was mostly likely the result of bulldozing in the adjacent, golf-course parcel when it was first developed in the 1990s.
2. The 14 sinkhole sites represent only a sample of the potential sinkholes that were observed during the field inspection; these sites require additional investigation determine whether they are cultural, rather than natural, features (and, therefore, historic properties).
3. Patterning of the sites in the project area demonstrates substantial previous ground disturbance (e.g., bulldozing) in three main areas: (1) along the entire eastern boundary, extending into the project area by some 20 to 30 meters; (2) along the lower (makai or southern) portion adjacent to Fort Weaver Road; and (3) in and near the abandoned PTWC-NWS facilities in the lower, central portion of the project area.
4. It is likely that previous ground disturbance (e.g., bulldozing) covered up and/or filled in sinkholes in the lower (makai or southern) portion of the project area; and that sinkholes (whether visible from the ground surface or not) extend throughout the entire project area.

3.3.2 Potential Impacts

Construction

Proposed Action

Construction of the Proposed Action may impact archaeological resources. Since the ALRFI was designed as an identification exercise and only covers a sample of the project area, it is unknown the significance of potential impacts to archaeological features. Therefore, prior to any ground disturbing work, an AIS may be required if requested by SHPD. This is expected to minimize the possibility of construction activity interfering with historic resources of significance. Overall, the probability of adverse impacts in this area seems very low as no historic properties have been identified during archaeological investigations on nearby parcels.

No-Action Alternative

Under the No-Action Alternative, no construction activities would occur; therefore, there would be no impacts to archaeological and historic resources.

Operation

Proposed Action

Operation of the Proposed Action is not expected to have impacts to archaeological and historic resources. However, the Proposed Action includes lands designated for community agriculture which would involve ground disturbing activities that could reveal subsurface archaeological resources.

No-Action Alternative

Under the No-Action Alternative, the ‘Ewa Beach Homestead Project would not be constructed; therefore, there would be no impacts to archaeological and historic resources.

3.3.3 Avoidance and Minimization Measures

The following measures would be implemented to minimize potential impacts to archaeological and historic resources:

- If human remains or burials are identified, all earth-moving activities in the area would stop, the area would be cordoned off, and SHPD and the CCH Police Department would be notified pursuant to HAR Section 13-300-40.
- If any potential historic properties are identified during construction activities, including the discovery of subterranean lava tube entrances at the chosen project site, all activities in the area would cease and SHPD would be notified pursuant to HAR Section 13-280-3.

3.4 Cultural Practices and Beliefs

3.4.1 Affected Environment

A Cultural Impact Assessment (CIA) was conducted by Honua Consulting in June 2024. The purpose of the CIA is to ensure the protection and preservation of traditional and customary Native Hawaiian rights while reasonably accommodating competing private development interests. This is accomplished by identifying valued cultural, historic, or natural resources in the project area, including the extent to which traditional and customary Native Hawaiian rights are exercised in the area; identifying the extent to which those

resources would be affected or impaired by the Proposed Action; and identifying the feasible action, if any, to be taken to reasonably protect Native Hawaiian rights if they are found to exist. The geographic extent of the CIA includes the immediate project area and localized surroundings. The CIA Report is included in **Appendix D**.

Overall, ‘Ewa is an important region for traditional and customary practices, and there are many Native Hawaiian families that continue to live in the area. Practitioners identified plants with culturally importance that grow on the project site, but these plants are common and can be easily found in the larger region.

No intangible cultural resources (i.e., those without physical form such as hula or mele) are known or currently taking place on the property.

3.4.2 Potential Impacts

Construction

Proposed Action

During the construction of the Proposed Action, there would be an increase in noise and dust. These impacts would be temporary and minimized to the extent possible.

Currently, the project site is not known to host cultural gatherings or contain culturally sensitive resources utilized by the community. It is unlikely that construction of the Proposed Action would adversely impact any cultural practices in the area. Although fishing occurs in the coastal areas, those areas are far from the project site and the Proposed Action’s potential to impact this activity is negligible. It is therefore not anticipated that construction activities would impact cultural practices and beliefs.

No-Action Alternative

Under the No-Action Alternative, no construction activities would occur; therefore, there would be no impacts to cultural practices and beliefs.

Operation

Proposed Action

The operation of the project is not anticipated to impact existing cultural gatherings or culturally sensitive resources. As mentioned, there are culturally important plants that grow on the project site, but these plants are available throughout the region; therefore, there would be no adverse impact to cultural practitioners’ ability to access these plants.

Unlike other locations on O‘ahu, this community has not managed to maintain many of the traditional activities that once flourished in the area. The return of native Hawaiians to the area could help restore and uplift the knowledge and traditions that once thrived in this part of ‘Ewa. The Proposed Action is a critical opportunity to reclaim Hawaiian traditional names and knowledge that have been impacted by the area’s development and military use of resources in the area. The Proposed Action is a significant opportunity to restore traditional and customary knowledge that has been partially lost due to the long use of the land by the federal government. [In addition, Native Hawaiians would be able to use the natural resources on the site for traditional and cultural purposes.](#)

No-Action Alternative

Under the No-Action Alternative, the ‘Ewa Beach Homestead Project would not be constructed. The benefits associated with the Proposed Action would not be realized.

3.4.3 Avoidance and Minimization Measures

The minimization measures in **Section 3.3.3** related to archaeological impacts are applicable in the event of the discovery of human remains or historic properties.

3.5 Geology and Soils

3.5.1 Affected Environment

The coastal plain of ‘Ewa is a karst landscape composed of limestone. In the late Pleistocene era when sea-level was approximately 25 feet higher than what it is today, the landscape formed on porous, permeable algal and deposited coralline reefs. Due to this formation of the unique environment, there are various sizes of sinkholes and hidden voids that may be present just a few feet below the ground surface. The groundwater flowing from mauka to makai may express in springs or be visible in sinkholes. Existing topography is relatively flat and generally slopes toward the ocean. Elevations at the Site range from approximately 3 feet to 13 feet mean sea level.

The U.S. Natural Resources Conservation Service classified the soil in the project area as coral outcrop, as shown in [Figure 11](#), which consists of cemented calcareous sand or coral. A majority of the project area surface is rubble or bare rock. There is minimal soil derived from the decay of plant material and windblown sediment in cracks and crevices. This land type is commonly used for urban development, military installations, and quarries.

3.5.2 Potential Impacts

Construction

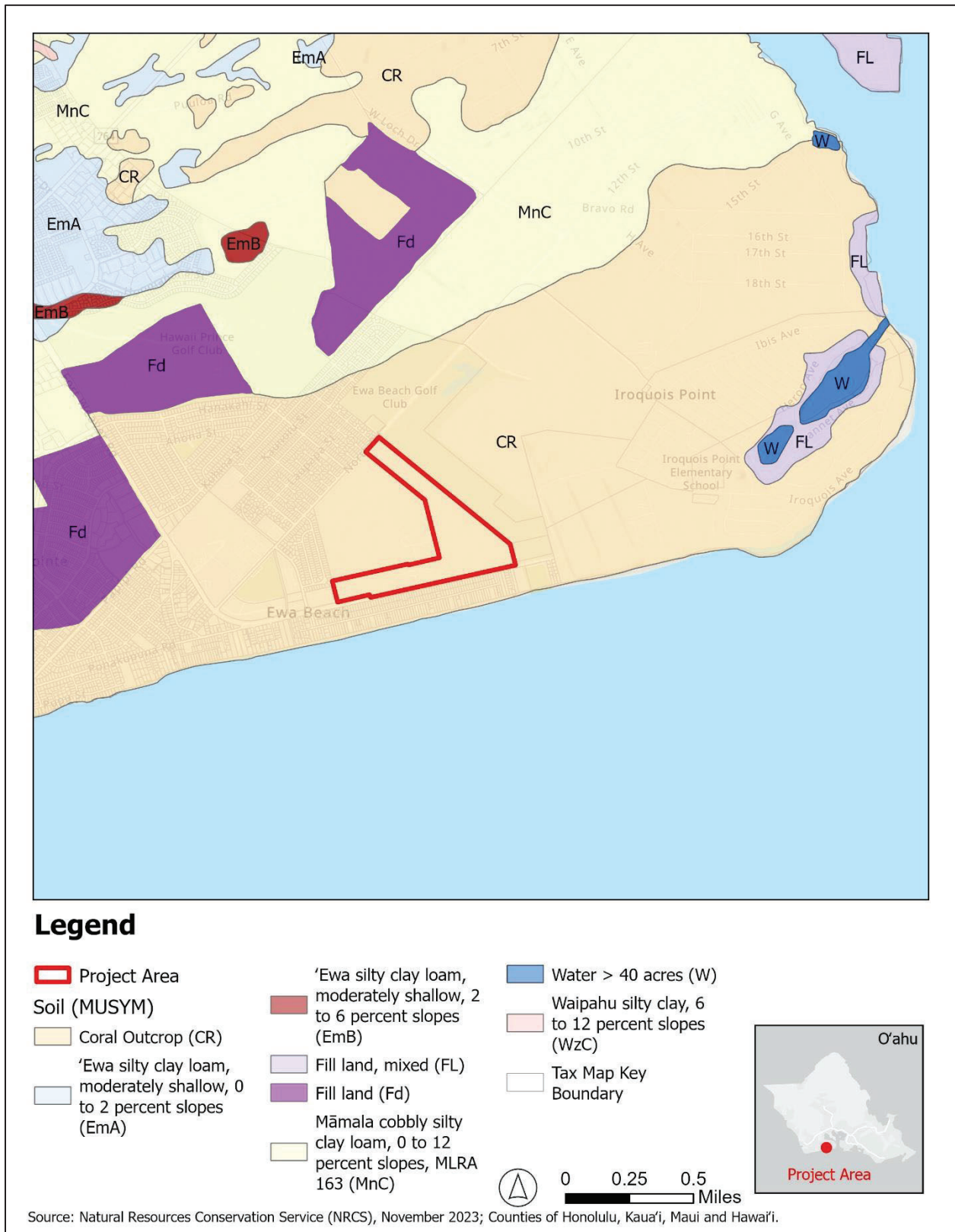
Proposed Action

Construction of the Proposed Action would not substantially alter the overall existing geology and topography. Ground disturbing activities associated with construction have the potential to cause minor soil loss and erosion. The existing sinkholes would be filled during clearing and grading activities. All excavation and grading activities would be limited to the project area to minimize erosion potential.

No-Action Alternative

Under the No-Action Alternative, no construction activities would occur; therefore, there would be no impacts to geology and soils.

Figure 11. Soil



Operation

Proposed Action

DHHL does not anticipate that the operation of Proposed Action would impact existing geology and topography. The Proposed Action would increase the impermeable surfaces on the property, and runoff would be required to be retained on-site. A minimum of 12 acres would be designated for drainage and retention/infiltration of stormwater runoff. The Proposed Action designates drainage/open space area in the lowest lying area at the southeast portion of the project site. Therefore, the Proposed Action is not expected to have impacts on geology and soils.

No-Action Alternative

Under the No-Action Alternative, the ‘Ewa Beach Homestead Project would not be constructed; therefore, there would be no impacts to geology and soils.

3.5.3 Avoidance and Minimization Measures

Any grading would be in conformance with the CCH Grading Ordinance. In addition, DHHL would obtain coverage under NPDES General Permit for stormwater discharge associated with construction activities. As part of the permit process, DHHL would prepare a construction site BMP Plan that would include an erosion and sediment control plan, a site-specific plan to minimize erosion of soil and discharge of other pollutants into state waters, and descriptions of measures that would minimize the discharge of pollutants via stormwater after construction is complete.

BMPs would include some or more of the following measures:

- Watering or applying dust suppressants at active work areas and project access roads, as needed.
- Installing dust screens or wind barriers around the construction site.
- Installation of Filter Sock Perimeter Controls adjacent and downslope from disturbed areas.
- Cleaning nearby pavements and paved roads after construction.
- Covering open trucks carrying construction materials and debris.
- Limiting areas to be disturbed at any given time.

BMPs would be implemented prior to ground-disturbing activities and would be inspected and maintained throughout the construction period.

The following measures would be implemented to minimize impacts associated with contaminated soils:

- Site workers would be informed of the presence of contaminated soil.
 - All work involving contaminated soil would be conducted in a controlled manner protective of the workers, site users, the public, and the environment.
 - All workers would be provided necessary training and hazard communication.
- Any excess excavated contaminated soils not encapsulated on site would be disposed of at an approved facility.

3.6 Roadways and Traffic

3.6.1 Affected Environment

A Traffic Impact Analysis Report (TIAR) was completed for the proposed project in 2024. The TIAR analyzed traffic operations during the AM and PM peak hours for Existing (2022), Future (2034) Without Project, and Future (2034) With Project conditions. The Traffic Impact Analysis Report is included in **Appendix E**.

Roadways

The project area is bounded by the following roadways:

- **Fort Weaver Road:** A state-owned roadway (State Route 76) extending from the Kunia Interchange in the north to the gated access at the Pu‘uloa Range Training Facility near Popoi Place in the south. Fort Weaver Road is oriented in the north-south direction from the Kunia Interchange to Pōhakupuna Road, at which point it transitions into the east-west orientation from Pōhakupuna Road to the eastern terminus. Fort Weaver Road is a six (6) lane roadway north of Geiger Road, a four (4) lane roadway from Geiger Road to Kīlaha Street and continues as a two (2) lane roadway east of Kīlaha Street. A raised median exists from the Kunia Interchange to just south of Keaunui Drive. Sections of Fort Weaver Road have a two-way center turn lane between ‘Aikanaka Street and Kīlaha Street. Raised curb and gutters exist for most of Fort Weaver Road from Laulaunui Street to Kīlaha Street. Bike lanes exist on Fort Weaver Road between Keone‘ula Boulevard to Kīlaha Street. Portions of Fort Weaver Road between Keone‘ula Boulevard to Laulaunui Drive are signed as a bike route. East of Kīlaha Street, a shoulder exists with varying widths that are used by pedestrians, cyclists, or parked vehicles. On-street parking is generally only allowed south of Keone‘ula Boulevard and Hanakahi Street, except where No Parking signs are posted. The posted speed limit is 35 miles per hour (MPH), except for a 25 MPH school zone speed limit between Keone‘ula Boulevard and Parish Street. Fort Weaver Road has three (3) different roadway classifications based on the O‘ahu Straightline Diagram. Fort Weaver Road between the Kunia Interchange and Kolowaka Drive is classified as a “Freeway & Expressway”, transitioning into a “Principal Arterial” from Kolowaka Drive to North Road, and transitioning into a “Minor Arterial” from North Road to the end of Fort Weaver Road.
- **North Road:** North Road is a two (2) lane roadway oriented in the southwest-northeast direction extending from Fort Weaver Road in the west, to West Loch Drive in the east. North Road is CCH-owned from Fort Weaver Road to Haiamū Street, and private-owned from Haiamū Street to West Loch Drive. From Fort Weaver Road to Kihala Street, Pohakea Elementary School, James Campbell High School, and the ‘Ewa Beach Public Library are on the mauka side of North Road. ‘Ewa Beach Community Park is on the makai side across from ‘Ewa Beach Public Library and Campbell High School. All intersections along North Road east of Fort Weaver Road are unsignalized. Crosswalks exist at some intersections along North Road, but not crossing North Road. Sidewalks generally exist on both sides of North Road until ‘Āpoke Place except along ‘Ewa Beach Community Park. From ‘Āpoke Place to Haiamū Street, the sidewalk exists on the mauka side only, which continues to Haiamū Street. The posted speed limit from Fort Weaver Road to Haiamū Street is 25 MPH and increases to 30 MPH from Haiamū Street to West Loch Dive. Four speed humps were installed between late 2023 and early 2024. On-street parking is allowed on the makai side of North Road

from Kīlaha Street to Apoke Place. On the mauka side, on-street parking is allowed from just east of Kīlaha Street to just east of Haiamu Street.

- **Hanakahi Street:** Hanakahi Street is a CCH-owned, two (2) lane roadway extending from Fort Weaver Road in the west for about one (1) mile to North Road in the east. Sidewalks exist on the entirety of the south side of Hanakahi Street and on the north side from Hanaloa Street to North Road. Marked street parking exists on both sides of Hanakahi Street from Hanaloa Street to North Road. All intersections along Hanakahi Street are unsignalized except at Fort Weaver Road. Curb ramps do not exist at any of the intersections except at Fort Weaver Road. Regulatory 25 MPH speed limit signs are posted on Hanakahi Street, with speed humps and 15 MPH speed limit warning signs posted between Fort Weaver Road and Kuhina Street. TheBus routes 42, 44, 91, PH7, and W1 turn left from Fort Weaver Road onto Hanakahi Street, then onto North Road before returning back to Fort Weaver Road in a clockwise travel pattern.

Study Intersections

Twelve (12) study intersections were reviewed as a part of the proposed development. The study intersections along Fort Weaver Road were determined by calculating the “3% percent impact”, which is the project generated traffic compared to the latest traffic volumes. Intersections along Fort Weaver Road that had more than a 3% impact were selected as a study intersection. These include the following:

- **Fort Weaver Road at Keaunui Drive (Route 76 Milepost [MP] 2.585):** A four (4) leg, signalized intersection with protected left turns on Fort Weaver Road and split phasing on Keaunui Drive, with a leading eastbound phase. Channelized right turn lanes exist for all approaches. The westbound dual right turn is channelized with permitted/overlap signal control. The cycle length is 180 seconds during the AM peak hour and varies from 160 to 175 seconds during the PM peak hour. There are marked crosswalks and curb ramps for crossing the west, south, and east legs. Sidewalks exist on each approach. Bus pullouts exist on the far side of the intersection in the northbound and southbound direction. There are no bike facilities at the intersection. The posted speed limit on Keaunui Drive is 25 MPH.
- **Fort Weaver Road at Keone‘ula Boulevard/Hanakahi Street (Route 76 MP 2.098):** Fort Weaver Road at Keone‘ula Boulevard and Hanakahi Street is a four-leg, signalized intersection with protected/permitted left turns on Fort Weaver Road and split phasing on the minor approach, with a leading westbound phase. Keone‘ula Boulevard is a four (4) lane, raised median divided roadway, intersecting Fort Weaver Road from the west. To the east, Hanakahi Street is a two (2) lane undivided roadway with speed humps near Fort Weaver Road and a short, dedicated right-turn lane at the intersection. The traffic signal control is actuated with varying cycle lengths depending on the traffic volume and if there is a pedestrian call. There are marked crosswalks and curb ramps for the west, south, and east legs. Sidewalks exist on Fort Weaver Road and Keone‘ula Boulevard, but not on Hanakahi Street. Bus pullouts exist on the south side of the intersection along Fort Weaver Road. The southbound bike passes through the intersection, while the northbound bike lane ends at the nearside bus stop. The posted speed limits on Keone‘ula Boulevard and Hanakahi Street are 30 MPH and 25 MPH, respectively.
- **Fort Weaver Road at Kaimālie Street (Route 76 MP 1.869):** Fort Weaver Road at Kaimālie Street is a three (3) leg, signalized intersection with a protected/permitted northbound left turn on Fort Weaver Road. The traffic signal control is actuated with varying cycle lengths depending on the traffic volume and if there is a pedestrian call. There are marked crosswalks and curb ramps for

the north and west legs. Sidewalks exist on both sides of Kaimālie Street. Bus pullouts exist on the far side of the intersection in the northbound and southbound direction. Striped bike lanes exist along Fort Weaver Road and pass through the intersection. The posted speed limit on Kaimālie Street is 25 MPH.

- **Fort Weaver Road at Kuhina Street (Route 76 MP 1.682):** Fort Weaver Road at Kuhina Street is a four (4) leg, signalized intersection with protected/permitted left turns on Fort Weaver Road and permissive phasing for the minor street approaches. Kuhina Street intersects Fort Weaver Road from the east across the ‘Ewa Beach Shopping Center, which intersects Fort Weaver Road from the west. The traffic signal control is actuated with varying cycle lengths depending on the traffic volume and if there is a pedestrian call. There are marked crosswalks and curb ramps for all approaches. Sidewalks exist for all approaches except for the north side of Kuhina Street and the ‘Ewa Beach Shopping Center access. A bus pullout exists on the north side of the intersection. Striped bike lanes along Fort Weaver Road pass through the intersection. The posted speed limit on Kuhina Street is 25 MPH.
- **Fort Weaver Road at Pāpipi Road (Route 76 MP 1.610):** Fort Weaver Road at Pāpipi Road is a three (3) leg, signalized intersection with a protected/permitted northbound left turn on Fort Weaver Road. The traffic signal control is actuated with varying cycle lengths depending on the traffic volume and if there is a pedestrian call. There is an uncontrolled driveway intersecting Fort Weaver Road from the east, across of Pāpipi Road. This driveway is not controlled by the traffic signal, nor does it have a stop sign or stop bar. There are marked crosswalks and curb ramps the south and west legs. Sidewalks exists for all approaches. Bus pullouts exists on south side of the intersection near Makule Road. Striped bike lanes exist along Fort Weaver Road in both directions and pass through the intersection. The posted speed limit on Pāpipi Road is 25 MPH.
- **Fort Weaver Road at ‘Aikanaka Road (Route 76 MP 1.438):** Fort Weaver Road at ‘Aikanaka Street is a four (4) leg, signalized intersection with protected/permitted left turns on Fort Weaver Road and permissive phasing for the minor street approaches. The traffic signal control is actuated with varying cycle lengths depending on the traffic volume and if there is a pedestrian call. There are marked crosswalks and curb ramps on the west, south, and east legs. Sidewalks exist along Fort Weaver Road but not on ‘Aikanaka Road. Bus pullouts exist on the south side of the intersection. Striped bike lanes along Fort Weaver Road pass through the intersection. The posted speed limit on ‘Aikanaka Street is 25 MPH.
- **Fort Weaver Road at Kimopelekāne Road (Route 76 MP 1.270):** Fort Weaver Road at Kimopelekāne Road/North Road is a four (4) leg, signalized intersection with protected/permitted left turns on Fort Weaver Road and permissive phasing for the minor street approaches. The traffic signal control is actuated with varying cycle lengths depending on the traffic volume and if there is a pedestrian call. There are marked crosswalks and curb ramps across all legs. Sidewalks exist for all approaches except on Kimopelekāne Road. A bus pullout exists on the far side of the intersection in the southbound direction. Striped bike lanes exist along Fort Weaver Road and pass through the intersection. The posted speed limits on Kimopelekāne Road and North Road are 15 and 25 MPH, respectively.
- **Fort Weaver Road at Pōhakupuna Road (Route 76 MP 1.158):** Fort Weaver Road at Pōhakupuna Road is a three (3) leg intersection with stop control on Pōhakupuna Road. Fort Weaver Road is orientated in the east-west direction from Pōhakupuna Road to the east end of Fort Weaver Road.

Pōhakupuna Road intersects Fort Weaver Road from the south. There is a dedicated westbound left turn lane and two (2) way center turn lane on Fort Weaver Road. There are marked crosswalks and curb ramps for the south and east legs of the intersections. The east leg crosswalk is raised with a “gateway treatment” consisting of plastic delineators on lane lines. Sidewalks exist on each approach. Striped bike lanes exist along Fort Weaver Road. The posted speed limit on Pōhakupuna Road is 25 MPH.

- **Fort Weaver Road at Kīlaha Street/‘Ewa Beach Road (Route 76 MP 0.915):** Fort Weaver Road at Kīlaha Street is a four(4) leg intersection with stop control on Kīlaha Street. Kīlaha Street intersects Fort Weaver Road from the north, while ‘Ewa Beach Road intersects Fort Weaver Road from the south. There are dedicated left turn lanes and two (2) way center turn lanes on Fort Weaver Road. The Hawai‘i Department of Transportation (HDOT) constructed a raised intersection here in late 2022. Marked crosswalks and curb ramps exist on each approach. Corner bulbouts were recently installed on Fort Weaver Road from Kīlaha Street to ‘Aekai Place. The posted speed limit on Kīlaha Street is 25 MPH.
- **North Road at Kīlaha Street:** North Road at Kīlaha Street is a three (3) leg intersection with stop control for Kīlaha Street. Kīlaha Street intersects North Road from the south. There is a parking lot entrance for Campbell High School across of Kīlaha Street. The parking lot across Kīlaha Street has 26 marked stalls, but 145 vehicles were observed turning into this parking lot, mainly using the parking lot as a drop-off and pick-up location for students. Vehicles generally exited the parking lot within one (1) minute, but there was still heavy queueing observed on North Road and Kīlaha Street due to the heavy demand of the parking lot for drop-offs and pick-ups. There are marked crosswalks and curb ramps for the west and south legs of the intersections. Sidewalks exist on the westbound and northbound approaches. There is a pedestrian walkway separated from traffic by an AC berm on the north side of North Road between the ‘Ewa Beach Public Library to west of Kehue Street.
- **North Road at Hanakahi Street:** North Road at Hanakahi Street is a three (3) leg intersection with stop control for the Hanakahi Street approach. Hanakahi Street intersects North Road from the north. On-street parking is allowed on the mauka side of North Road and on both sides of Hanakahi Street. During the AM peak hour, the westbound queue was observed to extend slightly east of this intersection. There are no curb ramps or marked crosswalks at this intersection. Sidewalks exist on the mauka side of the intersection.
- **North Road at Haiamu Street:** North Road at Haiamu Street is a three (3) leg intersection with stop control for Kīlaha Street. Haiamu Street intersects North Road from the north. To the north of the intersection are single family residential homes. To the south of the intersection will be the future project access onto North Road. There are no curb ramps or marked crosswalks at this intersection. Sidewalks exist on the mauka side of the intersection.

Transit Facilities

The CCH bus transit service, TheBus, runs several routes (Route 41, Route 42, Route 44, Route 91, Route 91A, Route E, Route PH7, and Route W1) along the study area. There are about 40 bus stops in the study area, 10 of those being on Fort Weaver Road between Kīlaha Street and the end of Fort Weaver Road (less than 1-mile of roadway) fronting the project site. Benches and shelters exist at most bus stops. The ‘Ewa Beach Transit Center is located on the east side of Fort Weaver Road between ‘Aikanaka Road and Makule Road.

Existing Volumes

Traffic

Historic HDOT counts in the study area on Fort Weaver Road were available from 2016 to 2021. Twenty-four (24) hour tube counts were also collected on Tuesday, November 8, 2022, on Fort Weaver Road between 'Ewa Beach Road and the National Oceanic and Atmospheric Administration (NOAA) driveway. Traffic count data is provided in [Table 7Table-7](#).

Table 7. 2016 to 2021 Average Annual Daily Traffic (AADT)

Location	Year and AADT							Growth Rate
	2016	2017	2018	2019	2020	2021	2022	
Laulaunui Street and Fort Weaver Road	51,800	53,800	53,700	53,000	48,900	52,100	N/A	0.12%
Kolowaka Drive and Geiger Road	41,800	44,300	38,100	37,700	31,900	37,800	N/A	-1.99%
Geiger Road and Keaunio Road	31,300	29,900	30,300	29,700	27,200	31,400	N/A	0.06%
Kaimālie Street and Keone'ula Boulevard	20,400	19,300	21,100	21,200	18,500	20,600	N/A	0.20%
Aekai Place and Parish Street	6,000	6,000	6,100	6,200	5,800	6,200	N/A	0.66%
NOAA and 'Ewa Beach Road	2,300	2,200	2,300	2,100	2,200	2,100	2,015*	-1.80%

* Tuesday, November 8, 2022 (not AADT)

Pedestrian

Intersection pedestrian volumes were taken at the study intersections. As shown in [Table 8Table-8](#), in the AM peak hour, the pedestrian volumes at intersections nearest to schools are extremely high. In the PM peak hour, most of the pedestrian crossings occurred at signalized intersection of Fort Weaver Road and Kuhina Street, which is adjacent to various fast-food restaurants and is the main access to 'Ewa Beach Shopping Center.

Bicycle

The approach bike volumes were collected at each study intersection during the AM and PM peak hours. As shown in [Table 9Table-9](#), in the AM peak hour there is a significant increase in bicycle usage between Keaunui Drive and North Road. Bicycle riders were observed to be mainly Middle School and High School students and were observed heading southbound in the northbound bike lane during the AM peak hour.

Table 8. Existing Pedestrian Crossings

Study Intersection		AM Peak (7:00 AM - 8:00 AM)					PM Peak (3:30 PM - 4:30 PM)				
		North Leg	West Leg	South Leg	East Leg	Total	North Leg	West Leg	South Leg	East Leg	Total
1	FWR at Keaunui Dr	-	1	17	15	33	-	1	22	17	40
2	FWR at Keone'ula Blvd/Hanakahi St	-	6	10	32	48	-	9	8	8	25
3	FWR at Kaimālie St	4	2	-	19	25	3	7	-	11	21
4	FWR at Kuhina St	18	103	42	42	205	32	33	23	26	114
5	FWR at Pāpipi Rd	-	151	82	178	411	-	2	3	1	6
6	FWR at 'Aikanaka Rd	-	45	103	20	168	-	29	11	13	53
7	FWR at Kimopelekāne Rd/North Rd	18	9	0	20	47	2	6	1	2	11
8	FWR at Pōhakupuna Rd	20	-	2	0	22	1	-	1	1	3
9	FWR at Kilaha St	3	0	2	3	8	1	2	1	2	6
10	North Road at Kilaha St	50	119	30	0	199	9	9	4	1	23
11	North Road at Hanakahi Street	3	0	-	0	3	3	0	-	0	3
12	North Road at Haiamu Street	0	3	-	0	3	0	3	-	0	3

Table 9. Existing Approach Bicycle Volumes

Study Intersection		AM Peak (7:00 AM - 8:00 AM)					PM Peak (3:30 PM - 4:30 PM)				
		SB	EB	NB	WB	Total	SB	EB	NB	WB	Total
1	FWR at Keaunui Dr	11	7	12	6	36	2	0	4	2	8
2	FWR at Keone'ula Blvd/Hanakahi St	33	23	2	0	58	4	1	16	1	22
3	FWR at Kaimālie St	60	4	1	-	65	6	2	11	-	19
4	FWR at Kuhina St	79	0	1	1	81	7	1	13	0	21
5	FWR at Pāpipi Rd	78	14	0	-	92	2	0	1	3	6
6	FWR at 'Aikanaka Rd	44	6	3	1	54	7	0	8	4	19
7	FWR at Kimopelekāne Rd/North Rd	12	3	5	1	21	8	2	8	3	21
8	FWR at Pōhakupuna Rd	-	2	1	10	13	-	5	3	4	12
9	FWR at Kilaha St	0	3	1	3	7	4	4	8	5	21
10	North Road at Kilaha St	-	0	4	2	6	-	6	6	3	15
11	North Road at Hanakahi Street	1	4	-	7	12	0	2	-	4	6
12	North Road at Haiamu Street	0	1	-	6	7	0	2	-	4	6

Existing Level of Service

Level of Service (LOS) is a term used to describe the conditions of a roadway based on factors that determine the rate of movement of vehicles along the roadway. LOS are ranked from A (free flow, the optimum condition) to F (forced or breakdown flow, the worst condition). The LOS method can be used as a tool to determine whether modification of a roadway is needed to prevent congestion. The following is a summary of existing LOS at study intersections:

- **Fort Weaver Road at Keaunui Drive:** Fort Weaver Road at Keaunui Drive operates at LOS D during the AM and PM peak hours. The Fort Weaver Road left turns and minor street approaches operate at LOS E or worse. The delay is a result of the traffic volume and the split phasing for the Keaunui Drive approaches. The overall intersection operates at an acceptable LOS. Vehicle queues cleared during every cycle and no major traffic issues were observed.
- **Fort Weaver Road at Keone‘ula Drive/Hanakahi Street:** Fort Weaver Road at Keone‘ula Drive/Hanakahi Street intersection operates at LOS D and LOS C in the AM and PM peak hours, respectively. The Fort Weaver Road southbound left turn, and eastbound left turn and through movements operate at LOS E during the AM peak hour. The delay is a result of the traffic volume and the split phasing for the Keaunui Drive approaches. The overall intersection operates at an acceptable LOS. Vehicle queues cleared every cycle and no major traffic issues were observed.
- **Fort Weaver Road at Kaimālie Street, Kuhina Street/‘Ewa Beach Shopping Center, Pāpipi Street, ‘Aikanaka Road, and Kimopelekāne Road/North Road:** Fort Weaver Road at Kaimālie Street, Kuhina Street/‘Ewa Beach Shopping Center, Pāpipi Street, ‘Aikanaka Road, and Kimopelekāne Road/North Road all operated at LOS C or better, with all movements operating at LOS D or better. Vehicle queues cleared every cycle and no major traffic issues were observed.
- **Fort Weaver Road at Kīlaha Street, Hanakahi Street, and Haiamu Street:** All movements at the unsignalized intersections of Fort Weaver Road at Pōhakupuna Road and Fort Weaver Road at Kīlaha Street operate at LOS D or better.
- **North Road at Kīlaha Street, Hanakahi Street, and Haiamu Street:** All movements at the unsignalized intersections of North Road at Kīlaha Street, Hanakahi Street, and Haiamu Street operate at LOS D or better.

3.6.2 Potential Impacts

Construction

Proposed Action

Potential impacts of construction activities on traffic patterns can be minimized through coordination with emergency services to ensure police, fire, and medical services can still operate effectively and efficiently. Construction activities involving the movement of equipment or roadway construction would be limited to non-peak traffic hours to minimize potential impacts. These impacts overall are expected to be short term and minimal.

No-Action Alternative

Under the No-Action Alternative, no construction activities would occur; therefore, there would be no construction related impacts to roadways and traffic from the Proposed Action.

Operation

Proposed Action

The Proposed Action would increase estimated trips as shown in [Table 10](#).

Table 10. Project Related Development Phasing and Trips Generated

Land Use	AM Peak Hour			PM Peak Hour		
	In	Out	Total	In	Out	Total
Single-Family	42	121	163	138	78	216
Multi-Family	20	64	84	63	39	102
TOTAL	62	185	247	201	117	318

The single-family homes are planned to be located closer to North Road and therefore are anticipated to access the project from North Road. Vehicles accessing the project site through North Road are anticipated to use Hanakahi Street to travel to and from Fort Weaver Road. Traffic volumes at Keaunui Drive and Keone'ula Boulevard/Hanakahi Street will be distributed using 2022 turning movements.

The multi-family homes are planned to be located closer to Fort Weaver Road and are anticipated to access the project from Fort Weaver Road. Vehicles accessing the project site through the four Fort Weaver Road access points will be distributed along Fort Weaver Road using 2022 turning movements. For the Preferred Alternative, about one-half of the multi-family project generated trips are anticipated to use Fort Weaver Road Access #1 and #4, while Fort Weaver Road Access #2 will be used by NOAA.

The following intersections are expected to operate at LOS E or worse:

- Fort Weaver Road at Keaunui Drive:** Fort Weaver Road at Keaunui Drive intersection would continue to operate at LOS D during the AM and PM peak hours. The Fort Weaver Road left turns, and minor street approaches operate at LOS E or worse during the AM peak hour. During the PM peak hour, the Fort Weaver Road left turns and Keaunui Drive westbound approaches operate at LOS E or worse. The delay is due to the split phasing for the Keaunui Drive approaches.
- Fort Weaver Road at Keone'ula Drive/Hanakahi Street:** Fort Weaver Road at Keone'ula Drive/Hanakahi Street intersection would continue to operate at LOS E and LOS C in the AM and PM peak hours, respectively. Various movements will operate at LOS E or worse. The northbound left turn, northbound through, and southbound left turn movements operate with a v/c over 1.00.
- Fort Weaver Road at Kaimālie Street:** Fort Weaver Road at Kaimālie Street is projected to operate at LOS A during the AM and PM peak hours. The eastbound right turn is projected to operate at LOS E (v/c of 0.71) during the PM peak hour. The eastbound right turn volume is 67 vph. This movement would clear the intersection every cycle.
- [DHHL intends to license the internal roadways to CCH for long-term maintenance and would comply with CCH requirements for design and construction of these roadways. In addition, the access points would not be gated or restricted and would be publicly accessible to provide connections between Fort Weaver Road and North Road.](#)

No-Action Alternative

Under the No-Action Alternative, the 'Ewa Beach Homestead Project would not be constructed. Impacts to roadways and traffic would be associated with the future growth rate of the area. The 2016 to 2021

historical HDOT data showed relatively no growth along Fort Weaver Road. The 2035 O‘ahu Regional Transportation Plan (2035 ORTP) used a travel demand forecast model to determine person trips in 2007 and 2035. Person trips include single occupancy vehicles, vehicles with two (2) or more passengers, and transit trips. The 2035 ORTP estimates person trips at various screenlines to compare growth for future year forecasts. The ‘Ewa screenline trips were estimated to be 183,900 trips and 241,300 trips in 2007 and 2035, respectively, resulting in a compound annual growth rate of 0.97%. The following intersections are expected to operate at LOS E or worse:

- **Fort Weaver Road and Keaunui Drive:** Fort Weaver Road at Keaunui Drive intersection would continue to operate at LOS E and LOS D during the AM and PM peak hours, respectively. The Fort Weaver Road left turns, and minor street approaches operate at LOS E or worse during the AM peak hour. During the PM peak hour, the Fort Weaver Road left turns and Keaunui Drive westbound movements operate at LOS E or worse.
- **Fort Weaver Road at Keone‘ula Drive/Hanakahi Street:** Fort Weaver Road at Keone‘ula Drive/Hanakahi Street intersection would continue to operate at LOS D and LOS C in the AM and PM peak hours, respectively. The Fort Weaver Road left turns, and eastbound left turn and through movements would operate at LOS E or worse during the AM peak hour. The delay is due to the split phasing, rather than the inability of vehicles to clear the intersection. Existing vehicle queues cleared every cycle and no major traffic issues were observed. Future (2034) Without Project conditions are expected to operate similarly.
- **Fort Weaver Road at Kaimālie Street:** Fort Weaver Road at Kaimālie Street is projected to operate at LOS A during the AM and PM peak hours. The eastbound right turn is projected to operate at LOS E (v/c of 0.70) during the PM peak hour. The eastbound right turn volume is 67 vehicles per hour. This movement would clear the intersection every cycle.

3.6.3 Avoidance and Minimization Measures

The following measures would be implemented during construction:

- Construction activities involving the movement of equipment or roadway construction would be limited to non-peak traffic hours to minimize potential impacts.
- Construction activity would be restricted to daylight hours as much as practicable during the seabird peak fledgling fallout period (September 15 to December 15) to avoid the use of nighttime lighting that could attract seabirds.

The following mitigation is recommended to mitigate the impacts at the Fort Weaver Road at Keone‘ula Drive/Hanakahi Street intersection:

- Installation of a new signal head (with right arrow) and programming of the traffic controller. This change would not require any roadway construction or restriping. The overlap phase would allow more right turn vehicles to be processed through the intersection.

3.7 Air Quality

3.7.1 Affected Environment

The Clean Air Act of 1972 and its 1990 Amendments and subsequent legislation regulate air emissions from area, stationary, and mobile sources. Both the United States Environmental Protection Agency and the State of Hawai'i have instituted Ambient Air Quality Standards (AAQS) to maintain air quality in the interest of public health and secondary public welfare.

At the present time, seven parameters are regulated: particulate matter, sulfur dioxide, hydrogen sulfide, nitrogen dioxide, carbon monoxide, ozone, and lead. The Hawai'i AAQS are in some cases is more stringent than the comparable National Ambient Air Quality Standards (NAAQS). In particular, the Hawai'i 1-hour AAQS for carbon monoxide is four times more stringent than the comparable national limit. In other cases, the NAAQS is more stringent. [Table 11](#) illustrates the NAAQS and State AAQS and the units of measure (micrograms per cubic meter [$\mu\text{g}/\text{m}^3$] and parts per million [ppm]).

Table 11. State of Hawai'i and National Ambient Air Quality Standards

Pollutant	Units	Averaging Time	Maximum Allowable Concentration		
			National Primary	National Secondary	State of Hawai'i
Particulate Matter <10 microns (PM ₁₀)	$\mu\text{g}/\text{m}^3$	Annual 24 Hours	- 150 ^a	- 150 ^a	50 150 ^b
Particulate Matter <2.5 microns (PM _{2.5})	$\mu\text{g}/\text{m}^3$	Annual 24 Hours	12 ^c 35 ^d	15 ^c 35 ^d	- -
Sulfur Dioxide (SO ₂)	ppm	Annual	-	-	0.03
		24 Hours	-	-	0.14 ^b
		3 Hours	-	0.5 ^b	0.5 ^b
		1 Hour	0.075 ^e	-	-
Nitrogen Dioxide (NO ₂)	ppm	Annual	0.053	0.053	0.04
		1 Hour	0.100 ^f	-	-
Carbon Monoxide (CO)	ppm	8 Hours	9 ^b	-	4.4 ^b
		1 Hour	35 ^b	-	9 ^b
Ozone (O ₃)	ppm	8 Hours	0.070 ^g	0.070 ^g	0.08 ^g
Lead	$\mu\text{g}/\text{m}^3$	3 Months	0.15 ^h	0.15 ^h	-
		Quarter	1.5 ⁱ	1.5 ⁱ	1.5 ⁱ
Hydrogen Sulfide	ppb	1 Hour	-	-	25 ^b

Notes: ^aNot to be exceeded more than once per year on average over three years.

^bNot to be exceeded more than once per year.

^cThree-year average of the weighted annual arithmetic mean.

^d98th percentile value averaged over three years.

^eThree-year average of fourth-highest daily 1-hour maximum.

^f98th percentile value of the daily 1-hour maximum averaged over three years.

^gThree-year average of annual fourth-highest daily 8-hour maximum.

^hRolling 3-month average.

ⁱQuarterly average.

Pollutant	Units	Averaging Time	Maximum Allowable Concentration		
			National Primary	National Secondary	State of Hawai'i

Source: DOH, 2015

In addition to the NAAQS and the State AAQS, the DOH Clean Air Branch regulates fugitive dust. HAR Section 11-60.1-33, Fugitive Dust, states that no person shall cause or permit visible fugitive dust to become airborne without taking reasonable precautions, and no person shall cause or permit the discharge of visible fugitive dust beyond the property lot line on which the fugitive dust originates (DOH, 2014). This rule applies to construction projects and would, therefore, be applicable to the Proposed Action.

Prevailing winds throughout the year in Hawai'i are the northeasterly trade winds. These trade winds generally help maintain good air quality conditions. The DOH operates a network of air quality monitoring stations at various locations around the State. The closest DOH air quality monitoring station is in Kapolei, approximately 8 miles from the project site. Air quality data from the Kapolei monitor consistently trends well below Federal air quality standards.

Locally generated contributors to air pollution in the vicinity of the project site include vehicle exhaust, chemical fumes from construction and maintenance activities, and fugitive dust from various sources.

3.7.2 Potential Impacts

Construction

Proposed Action

During development of the property, there would be short-term impacts to air quality from construction vehicle activities. There are two potential types of air pollution emissions associated with these construction activities: vehicle exhaust emissions from on-site construction equipment and fugitive dust caused by vehicle movements and excavation/fill activities. These impacts would be minimized through the implementation of BMPs to control construction dust and emissions in compliance with provisions of HAR Section 11.60.1-33. All work would be in conformance with the State AAQS and regulations of the State DOH and the NAAQS. The Proposed Action would comply with the most stringent of the State AAQS or NAAQS.

No-Action Alternative

Under the No-Action Alternative, no construction would occur; therefore, there would be no impacts to air quality.

Operation

Proposed Action

The Proposed Action is not anticipated to increase emission sources due to the development being residential lots and community spaces. There would be an increase of traffic in the area, which would increase emissions. However, this increase is not expected to exceed AAQS or NAAQS, whichever is more stringent.

No-Action Alternative

Under the No-action Alternative, there would not be an increase of population or vehicles in the area; therefore, there would be no impact to the existing air quality.

3.7.3 Avoidance and Minimization Measures

All construction activities would comply with the provisions of HAR Chapter 11-60.1, Air Pollution Control, and HAR Chapter 11.60.1-33, Fugitive Dust. A dust control plan would be developed and implemented to minimize fugitive dust during construction. Measures to control fugitive dust during construction may include, but not be limited to, the following:

- Watering of active work areas and project access roads, as needed
- Screening piles of materials from wind, if appropriate
- Covering open trucks carrying construction materials
- Limiting areas to be disturbed at any given time
- Mulching or chemically stabilizing inactive areas that have been disturbed
- Minimizing airborne, visible fugitive dust from shoulders and access roads

Additionally, contractors would be required to maintain equipment with emissions controls.

3.8 Noise

3.8.1 Affected Environment

Noise is defined as “any sound that may produce adverse physiological or psychological effects or interfere with individual or group activities, including but not limited to communication, work, rest, recreation, or sleep” (HAR Title 11, Chapter 46). A number of factors affect sound as it is perceived by the human ear. These include the actual level of the sound (i.e., noise), the frequencies involved, the period of exposure to the noise, and changes or fluctuations in the noise levels (HAR, Title 11, Chapter 200.1 – Occupational Noise Exposure).

The State of Hawai‘i Community Noise Control Rules (HAR Title 11, Chapter 46) defines three classes of zoning districts and specifies corresponding maximum permissible sound levels due to stationary noise sources such as air-conditioning units, exhaust systems, and generators. The accepted unit of measure for noise levels is the decibel. The Community Noise Control Rules do not address most moving sources, such as vehicular traffic noise, air traffic noise, or rail traffic noise. However, the Community Noise Control Rules do regulate noise related to construction activities, which may not be stationary.

The State of Hawai‘i regulates noise exposure in the following statutes and rules:

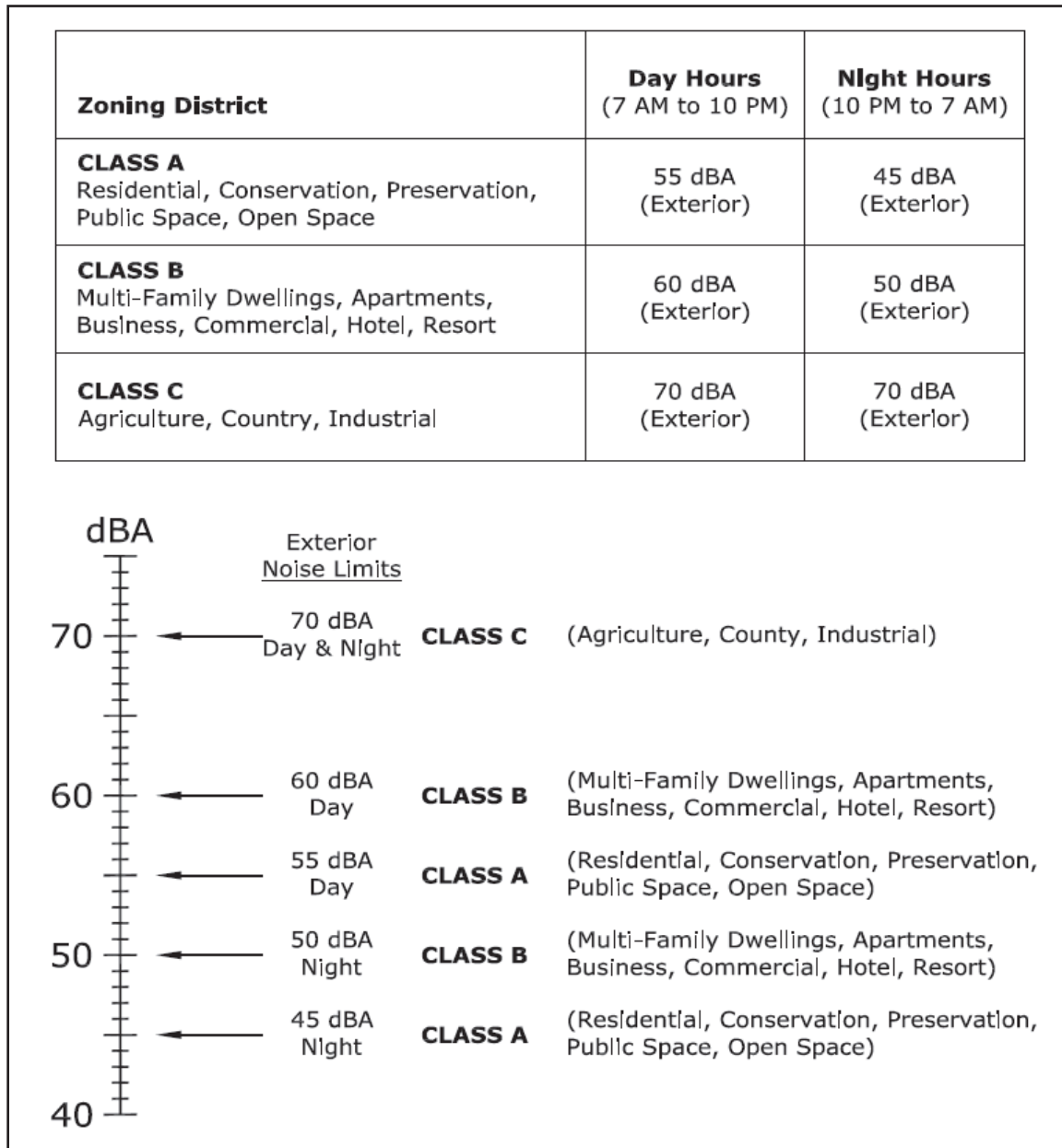
- HRS Chapter 342F – Noise Pollution
- HAR, Title 11, Chapter 46 – Community Noise Control

The maximum permissible noise levels are enforced by DOH for any location at or beyond the property line and shall not be exceeded for more than 10% of the time during any 20-minute period. The specified noise limits are a function of the zoning and time of day as shown in [Figure 12](#). With respect to mixed zoning districts, the rule specifies that the primary land use designation shall be used to determine

the applicable zoning district class and the maximum permissible sound level. In determining the maximum permissible sound level, the background noise level is considered by the DOH.

The DHHL site is located adjacent to the U.S. Navy's Pu'uola Range Training Facility (PRTF), which is operated by the Marine Corps Base Hawai'i (MCBH). Military facilities including the PRTF are required to comply with Federal, State, and local noise regulations. MCBH has been working with the community to respond to noise complaints from the facility's operations in recent years, including concerns about how its operations may affect the Proposed Action.

Figure 12. Zoning Noise Limits



3.8.2 Potential Impacts

Construction

Proposed Action

Noise generated by this project would generally involve short-term construction related noise generated by equipment and ambient noises from the surrounding environment. The noise sensitive properties that are predicted to experience the highest noise levels during construction activities are the existing residences nearby. Construction equipment may include excavators, trucks, and other heavy equipment. Typical noise emission levels for construction equipment are provided in [Table 12](#).

Table 12. Noise Emission Levels for Construction Equipment

Equipment Type	Equipment Type
Air Compressor	81
Backhoe	80
Bulldozer	82
Chain Saw	85
Concrete/Grout Pumps	82
Crawler Service Crane (100-ton)	83
Dump Truck	88
Excavator	85
Front End Loader	80
Generator	81
Jackhammer (compressed air)	85
Lift Booms	85
Pick-Up Truck	55
Power-Actuated Hammer	88
Water Pump	76
Water Truck	55

No-Action Alternative

Under the No-Action Alternative, no construction activities would occur; therefore, there would be no noise-related impacts to nearby residences.

Operation

Proposed Action

In the context of long-term operation, the Proposed Action is not anticipated to affect ambient noise levels. The Proposed Action would be within Zoning District Class A and Zoning District Class B. Daytime maximum permissible noise levels are 55 and 60 decibels, respectively. Nighttime maximum permissible noise levels are 45 and 50 decibels, respectively.

Noise from outside sources, specifically the PRTF, would need to be mitigated. Measures for the PRTF to minimize their operations on the Proposed Action may include reorienting the direction of loudspeakers,

continuing to notify the community when there are changes in the firing schedule, changing the start time of daily training, and continuing to seek impact mitigation while maintaining the use of the PRTF. [Other outside noise sources include single event noise from aircraft operations from the Daniel K. Inouye International Airport and Kalaeloa Airport. These incidences may increase or decrease over time and are dependent on airport operations.](#)

No-Action Alternative

Under the No-Action Alternative, the 'Ewa Beach Homestead Project would not be constructed; therefore, there would be no change in ambient noise levels.

3.8.3 Avoidance and Minimization Measures

According to the DOH Community Noise Control rules, in cases where construction noise exceeds or is expected to exceed the State's "maximum permissible" property line noise levels, a permit must be obtained from DOH to allow the operation of vehicles, cranes, construction equipment, power tools, etc., which emit noise levels in excess of the "maximum permissible" levels. The Contractor would be required to submit a noise permit application to the DOH, which describes the construction activities for the project. Prior to issuing the noise permit, DOH may require action by the Contractor to incorporate noise mitigation into the construction plan. The DOH may also require the Contractor to conduct noise monitoring or community meetings inviting the neighboring residents and business owners to discuss construction noise. The Contractor should use reasonable and standard practices to mitigate noise, such as using mufflers on diesel and gasoline engines, using properly tuned and balanced machines, etc. However, the State DOH may require additional noise mitigation, such as temporary noise barriers or time of day usage limits for certain kinds of construction activities.

Specific permit restrictions for construction activities in the DOH Community Noise Control rules are:

- "No permit shall allow any construction activities which emit noise in excess of the maximum permissible sound levels ... before 7:00 a.m. and after 6:00 p.m. of the same day, Monday through Friday."
- "No permit shall allow any construction activities which emit noise in excess of the maximum permissible sound levels... before 9:00 a.m. and after 6:00 p.m. on Saturday."
- "No permit shall allow any construction activities which emit noise in excess of the maximum permissible sound levels on Sundays and on holidays."
- [With regard to noise emissions from the PRTF, DHHL would notify beneficiaries during orientation of the potential noise impacts to the community.](#)

3.9 Scenic Resources

3.9.1 Affected Environment

The *Ewa Development Plan* (City, 2013) identifies significant views and vistas within the plan area. These include the following:

- Distant vistas of the shoreline from the H-1 Freeway above the 'Ewa Plain;
- Views of the ocean from Farrington Highway between Kahe Point and the boundary of the Waianae Development Plan Area;

- Views of the Waianae Range from H-1 Freeway between Kunia Road and
- Kalo‘i Gulch and from Kunia Road;
- Views of Pu‘u at Kapolei, Palailai, and Makakilo;
- Mauka and makai views; and
- Views of central Honolulu and Diamond Head, particularly from Pu‘u ‘O Kapolei, Pu‘u Palailai, and Pu‘u Makakilo.

The project site is not located within a significant viewplane or vista. The *Ewa Development Plan* establishes guidelines for development in ‘Ewa Beach. These include using landscaping to enhance and complement the City’s urban form, provide continuity between the various districts, and enhance and preserve view corridors wherever possible.

3.9.2 Potential Impacts

Construction

Proposed Action

Construction of the Proposed Action would introduce construction equipment and activity along Fort Weaver Road. Construction activities would be short-term and temporary and would not have significant impacts to the existing scenic and visual environment.

No-Action Alternative

Under the No-Action Alternative, no construction activities would occur; therefore, there would be no impacts to scenic resources.

Operation

Proposed Action

Building and landscape development and improvements would be consistent with the Community Guidelines. The housing would be low rise and would not have a significant impact on surrounding area views. The proposed project would include a landscaping plan that would utilize native flora to the extent practicable.

No-Action Alternative

Under the No-Action Alternative, the ‘Ewa Beach Homestead Project would not be constructed; therefore, there would be no impacts to scenic resources.

3.9.3 Avoidance and Minimization Measures

No measures are proposed or expected to be required to minimize impacts to visual resources.

3.10 Natural Hazards

3.10.1 Affected Environment

Floods

The Federal Emergency Management Agency (FEMA) creates Flood Insurance Rate Maps (FIRM) that delineates flood hazard areas. The FEMA FIRM flood zone designations include the following:

- A – Areas of 100-year flood, base flood elevations not determined
- AE – Areas of 100-year flood, base flood elevation determined
- XS – Areas of 500-year flood; areas of 100-year flood with average depths of less than one foot or within the drainage area less than one square mile, and areas protected by levees from 100-year flood
- X – Areas determined to be outside the 500-year floodplain
- D – Areas in which flood hazard is undetermined
- VE – Areas of 100-year coastal flood with velocity (wave action), base flood elevations determined (Coastal High Hazard District)

As shown in [Figure 13](#), 46% of the subject property is located in Flood Zone X, which represents areas with minimal flood hazard that are determined to be outside the 500-year floodplain. Approximately 54% of the project area is designated as Zone D, which represents areas of undetermined but possible flood hazards. Detailed flood hazard analyses have not been conducted by FEMA.

Tsunami

A tsunami involves the generation of a series of destructive ocean waves that can affect all shorelines. These waves can occur at any time with limited or no warning and are most commonly generated by earthquakes in marine and coastal regions (NOAA, 2017). As shown in [Figure 14](#), the makai side of the project area is located within the tsunami evacuation zone.

Hurricanes and Tropical Storms

Tropical storms and hurricanes have historically had a relatively low probability of occurrence in the vicinity of the Hawaiian Islands. Two powerful hurricanes have impacted O‘ahu: Iwa (1982) and Iniki (1992). Hurricanes have become more frequent in Hawaiian waters, which is likely exacerbated by climate change. In recent years, several hurricanes and tropical storms have made close approaches to O‘ahu. The 2018 Pacific hurricane season produced a total of 23 named storms and is the fourth most active hurricane season on record. Five of the storms threatened the Hawaiian Islands by either close approach or direct landfall. This includes Category 3 Hector, which pounded south and west shores with dangerously large surf, and Category 5 Lane, which was forecast to make landfall but weakened unexpectedly and veered into the open ocean just hours before predicted landfall. In late July 2020, Hurricane Douglas made an extremely close pass with its weak southern eyewall crossing O‘ahu causing minor effects.

3.10.2 Potential Impacts

Construction

Proposed Action

Natural hazards cannot be controlled; however, impacts can be minimized through good project design that minimize exposure and then remediated for after the events occur. The CCH Department of Emergency Management coordinates the emergency management activities and functions of the island of O‘ahu with State, Federal, and other public and private organizations. In the event of a hurricane or tsunami, watches and/or warnings are issued by the Central Pacific Hurricane Center and the PTWC, respectively. In the event of a hurricane or tsunami warning, construction would halt, and loose construction material and equipment would be removed from the site or secured until such time as the warning is lifted.

Figure 13. Flood Zones



Figure 14. Tsunami Evacuation Zones



No-Action Alternative

Under the No-Action Alternative, no construction activities would occur; therefore, there would be no impacts associated with natural hazards.

Operation

Proposed Action

The use of Native Hawaiian Housing Block Grant funds precludes development of residences within floodways or 100-year floodplains. The Proposed Action would not be in an area determined to be a Special Flood Hazard Area. The Proposed Action would be designed to withstand the level of forces necessary to minimize the likelihood that an extreme event would damage the structures. There are no anticipated adverse impacts associated with natural hazards.

No-Action Alternative

Under the No-Action Alternative, the ‘Ewa Beach Homestead Project would not be constructed; therefore, there would be no impacts associated with natural hazards.

3.10.3 Avoidance and Minimization Measures

The following measures would be implemented to minimize potential impacts associated with natural hazards:

- In the event of a severe weather advisory (e.g., hurricanes, tropical storm, tsunami) or when deemed necessary, regular construction operations would stop, and the work crew would secure the project site and evacuate until the severe weather condition has passed.
- The Proposed Action would be designed to withstand natural hazards.
- [The Proposed Action would comply with the applicable General Provisions of the Revised Ordinances of Honolulu \(ROH\) Chapter 21A, Flood Hazard Areas.](#)

3.11 Climate Change and Sea Level Rise

3.11.1 Affected Environment

Climate Change is a long-term shift in patterns of temperature, precipitation, humidity, wind, and seasons. Scientific data show that the earth’s climate has been warming. This warming is mostly attributable to rising levels of carbon and other greenhouse gases (GHG) generated by human activity. These changes are already impacting Hawai’i through rising sea levels, increasing ocean acidity, changing rainfall patterns, decreasing stream flows, and changing wind and wave patterns. While the earth’s climate experiences natural change and variability over geologic time, the changes that have occurred over the last century due to human input of GHG into the atmosphere are unprecedented (Hawai’i Climate Change Mitigation and Adaptation Commission [HCCMAC], 2017). A changing climate creates conditions that increase the frequency and severity of many natural hazards which is discussed in **Section 3.11**.

Sea levels are rising at increasing rates due to global warming of the atmosphere and oceans and the melting of glaciers and ice sheets (HCCMAC, 2017). These rising seas and the projection for more increased tropical storms in the Pacific Ocean would increase Hawai’i’s vulnerability to coastal inundation and erosion.

A sea level rise desktop study was conducted in 2023 by Sea Engineering, Inc., to identify and quantify the vulnerability of the proposed project to sea level rise as well as to inform the selection of sea level rise planning scenarios and design parameters and facilitate development of alternatives to ensure that the community is resilient to sea level rise. The Sea Level Rise Desktop Study is included in **Appendix F**. Potential hazards associated with sea level rise include the following:

- **Passive Flooding:** Elevations that are below the elevation of the combined sea level rise and local mean higher high water are considered passive flood areas. Passive flood areas that are connected to the ocean are considered “marine inundation” areas, while areas that are not connected to the ocean are considered “groundwater inundation” areas.
- **High Wave Flooding:** Also known as high tide flooding, occurs when sea level rise combines with local factors to push water levels above the normal high tide mark.
- **Coastal Erosion:** Shoreline change resulting from a combination of historic erosion pressures on the coastline, rising water levels, and the influence of additional water level on coastal erosion processes.

[Figure 15](#) shows the combined hazard exposure area with 6.0 feet of sea level rise.

3.11.2 Potential Impacts

Construction

Proposed Action

Construction of the Proposed Action would result in emissions of GHG from operation of construction equipment. These emissions would be short-term and temporary and would not be substantial; therefore, construction of the Proposed Action would not have significant impacts that would exacerbate climate change.

No-Action Alternative

Under the No-Action Alternative, no construction activities would occur; therefore, there would be no increase of GHG emissions.

Operation

Proposed Action

The Proposed Action would not add an emission source that could result in climate change impacts. As discussed in **Section 3.7**, the Proposed Action would cause and increase in traffic in the area which would increase emissions from people travelling to and from the housing. However, this increase in traffic would not be substantial and would not have a significant impact on GHG emissions which would exacerbate climate change. [In addition, elements would be incorporated to encourage and enhance the use of multiple types of transportation, including mass transit, biking, and walking.](#)

Figure 15. Projected Sea level Rise Exposure Area



The Proposed Action is not expected to be impacted by coastal erosion due to its location away from the shoreline. Flooding from subaerial and marine sources are the primary hazards that could impact the 'Ewa Beach Homestead Project due to low elevation. Passive flooding may begin to occur with 2.0 feet of sea level rise, which is projected to occur between the years 2053 and 2092. High wave flooding and high tides may begin to occur with 3.2 feet of sea level rise, which is projected to occur between the years 2068 and 2135. Tidal flooding at high tide may begin to occur with 6.0 feet of sea level rise, which is projected to occur between the years 2098 and 2150.

No-Action Alternative

Under the No-Action Alternative, the 'Ewa Beach Homestead Project would not be constructed. Climate change and sea level rise impacts would continue on their current course and would ultimately impact the project site.

3.11.3 Avoidance and Minimization Measures

The Proposed Action would follow FEMA's Federal Flood Risk Management Standards or Base Flood Elevation standards, whichever is more stringent. BMPs would be considered and implemented as applicable to minimize the risk of climate change and sea level rise. Potential options that may be considered during design include the following: elevated structures, flood-resistant structures, flood resistant utilities, and flood-adaptive elements.

3.12 Socioeconomics

3.12.1 Affected Environment

The project area is located within the 'Ewa Beach on the Island of O'ahu. 'Ewa Beach has experienced rapid population growth along with other areas on O'ahu. As of 2020 Census, the population recorded in 'Ewa Beach is 16,415.

Environmental Justice

The U.S. Environmental Protection Agency (EPA) provides guidance for considering environmental justice concerns for a proposed action which puts forward general principles to assist in the process of comprehensive decision-making for impact minimization (EPA, 2015).

Demographic Composition

Demographic data is useful to determine whether minority, low-income, and indigenous populations are present in the area affected by a proposed action. The reported residents that had an income below poverty level is 6.4%. 'Ewa Beach has a mix of middle-income and lower-income households. The median household income is lower than the average for the State of Hawai'i, which can contribute to higher levels of poverty. Additional factors that have contributed to poverty are inflation, COVID-19, wage growth, and expiration of pandemic public assistance (Asset Limited Income Constrained Employed, [ALICE], 2024). For the State of Hawai'i, the number of residents in poverty has decreased (total 11%) but the number of Assisted Limited Income Constrained Employed (ALICE) households increased (total 33%). ALICE, assisted limited income constrained employed, are households that are above poverty level but struggle to afford the basic cost of living. The people who are ALICE normally are unable to qualify for public assistance (ALICE, 2024).

The five largest ethnic groups in 'Ewa Beach shown in [Table 13](#) are Asian (54.4%), Two or More Races (27.6%). Native Hawaiian and Other Pacific Islander (11.6%), White (11.6%), and Hispanic or Latino (11.2%) (Census Bureau, 2020).

Table 13. Ethnic Groups of 'Ewa Beach

Race	Percentage
American Indian and Alaska Native	0.0%
Asian	54.4%
Black or African American	0.0%
Hispanic or Latino	11.2%
Native Hawaiian and Other Pacific Islander	11.6%
White	11.6%
Two or More Races	27.6%

Inter-related Factors

Federal environmental justice guidance proposes that environmental assessments explore inter-related factors that can impact surrounding populations. This includes cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed agency action.

The 2015 Healthcare Association Report identified several subpopulations of people who experience disproportionate impacts and have higher risk factors to environmental conditions. Children, teens, and adolescents were found to have limited access to health care, healthy foods, and outlets for physical activity. They were found to have a higher burden of asthma, mental health issues, substance abuse, and teen birth rates than State averages. Older adults were another vulnerable population with inadequate care services, infrastructure, and support systems. They were found to underutilize preventative services, and there are elevated percentages of seniors living alone or in poverty (Healthcare Association of Hawai'i, 2015).

Public Participation

To identify potential community impacts, ensuring adequate and meaningful representation in the public participation process is essential. **Section 6.0** details the community engagement process for this project in more detail.

3.12.2 Potential Impacts

Construction

Proposed Action

Construction of the Proposed Action would result in temporary, positive economic activity in the form of construction jobs and material procurements.

No-Action Alternative

Under the No-Action Alternative, no construction would occur, and the benefits associated with construction of the Proposed Action would not be realized.

Operation

Proposed Action

Implementation of the Proposed Action is expected to yield significant positive impacts on the surrounding area. The Proposed Action is focused on social equity to provide homes to low-income families, elderly individuals, and native Hawaiians, to prevent exacerbating existing inequalities and to foster inclusive community growth. The development of new housing could improve access to healthcare services for native Hawaiians by bringing them closer to medical facilities and support services. The proximity of new residential developments to job centers could enhance economic stability for residents. This can contribute to better economic outcomes for low-income and vulnerable populations.

Increased housing and community development could stimulate local economic growth by generating demand for goods and services, potentially creating job opportunities and supporting local businesses.

The development of DHHL residential homes and community spaces has the potential to support the revitalization of traditional cultural practices by providing spaces for cultural activities and communities gatherings. This can strengthen community cohesions and cultural identity as shown in other DHHL homestead communities across the State.

By addressing the housing needs of native Hawaiians and reducing DHHL’s O‘ahu Residential Waitlist for homes, the Proposed Action would help alleviate some of the socio-economic challenges currently faced by community members, particularly those exacerbated by rising housing and living costs. The proposed development would not only ease these financial pressures but also offer opportunities for revitalizing and preserving traditional practices in ‘Ewa Beach, thereby fostering a stronger connection to cultural heritage and enhancing community resilience.

No-Action Alternative

Under the No-Action Alternative, the ‘Ewa Beach Homestead Project would not be constructed, and the benefits associated with the Proposed Action would not be realized.

3.12.3 Avoidance and Minimization Measures

No avoidance and minimization measures are proposed for potential socioeconomic impacts, and none are expected to be required.

3.13 Public Facilities and Services

3.13.1 Affected Environment

Emergency Services

Police protection is provided by the Honolulu Police Department. The project site is located in District 8 – Leeward areas, Sector 4, which covers the ‘Ewa Beach area within the larger ‘Ewa District. It is served by the Kapolei Station located at 1100 Kamokila Boulevard approximately seven (7) miles northwest of the project site.

Fire protection is provided by the Honolulu Fire Department. The project site is a part of Battalion 1 and is served by the Fires Station 24 ‘Ewa Beach located at 91-995 Kaileole‘a Drive, approximately 1.5 miles northwest of the project site.

Emergency medical service is provided by the City’s Emergency Services Department, Emergency Medical Services Division. All ambulance units are designated as advanced life support units, meaning they are staffed by at least two people. The project area is served by District 1, which includes the western region of O‘ahu.

The nearest hospital is the Queens Medical Center – West O‘ahu located in ‘Ewa Beach at 91-2141 Fort Weaver Rd, approximately five (5) miles of the project site. The next nearest full service medical facility to the project site is EmPower Health, approximately two (2) miles of the project site.

The location of emergency services are shown in [Figure 16](#)~~Figure 16~~.

Schools

Public schools in the immediate vicinity of the proposed project include James Campbell High School, Pohakea Elementary School, Kaimiloa Elementary School, and Ilima Intermediate School. Other schools that serve the ‘Ewa Beach area include: Calvary Chapel West O‘ahu Preschool, ‘Ewa Beach Elementary School, Honolulu Community Action Program (HCAP) Head Start Kaimiloa Elementary, HCAP Head Start Pohakea Elementary School, ‘Ewa Pre-Plus Head Start, ‘Ewa Makai Middle School, Keone‘ula Elementary School, Holomua Elementary School, Iriquois Point Elementary School.

Recreation Areas

The CCH, Department of Parks and Recreation (DPR) manages and maintains a system of parks on the island of O‘ahu. The proposed project is located in District 3 – Leeward. ~~The nearest DPR-managed parks to the project site include the following:~~DPR owns and manages eight public parks in the vicinity of the project site: Pu‘uloa Neighborhood Park, Asing Community Park, ‘Ewa Beach Community Park, Geiger Community Park, Pu‘uloa Beach Park, One‘ula Beach Park, ‘Ewa Mahiko District Park, and ‘Ewa Pu‘uloa District Park. ~~Pu‘uloa Beach Park, ‘Ewa Beach Park, ‘Ewa Beach Community Park, and Pu‘uloa Neighborhood Park, as shown in Figure 17~~

Comments received from DPR during the Draft EA process noted that ‘Ewa Beach Park should be labeled as Pu‘uloa Beach Park, and that One‘ula Beach Park includes the parcels shown as "One‘ula Beach Expansion (future)". The remaining three parcels labeled "future" parks will not be owned and operated by DPR. Parcels labeled future Laulani Community Park and future Iroquois Point Neighborhood Park are owned by Gentry Homes Ltd. The parcel labeled Keaunui Neighborhood Park is the Thomas H. Geiger Community Park, owned and operated by the 'Ewa by Gentry Community Association. Lastly, there are a few private parks in the project's vicinity that are not shown in the map.

It should be noted that this document uses existing CCH Open Geospatial Data for ~~Figure 17~~Figure 17, which is dated October 2021. The data is maintained by the CCH and provided on the Hawai‘i State Geographic Information System site as a service to the public. More information on the data source can be found here: https://files.hawaii.gov/dbedt/op/gis/data/parks_county.pdf.

Figure 16. Emergency Services

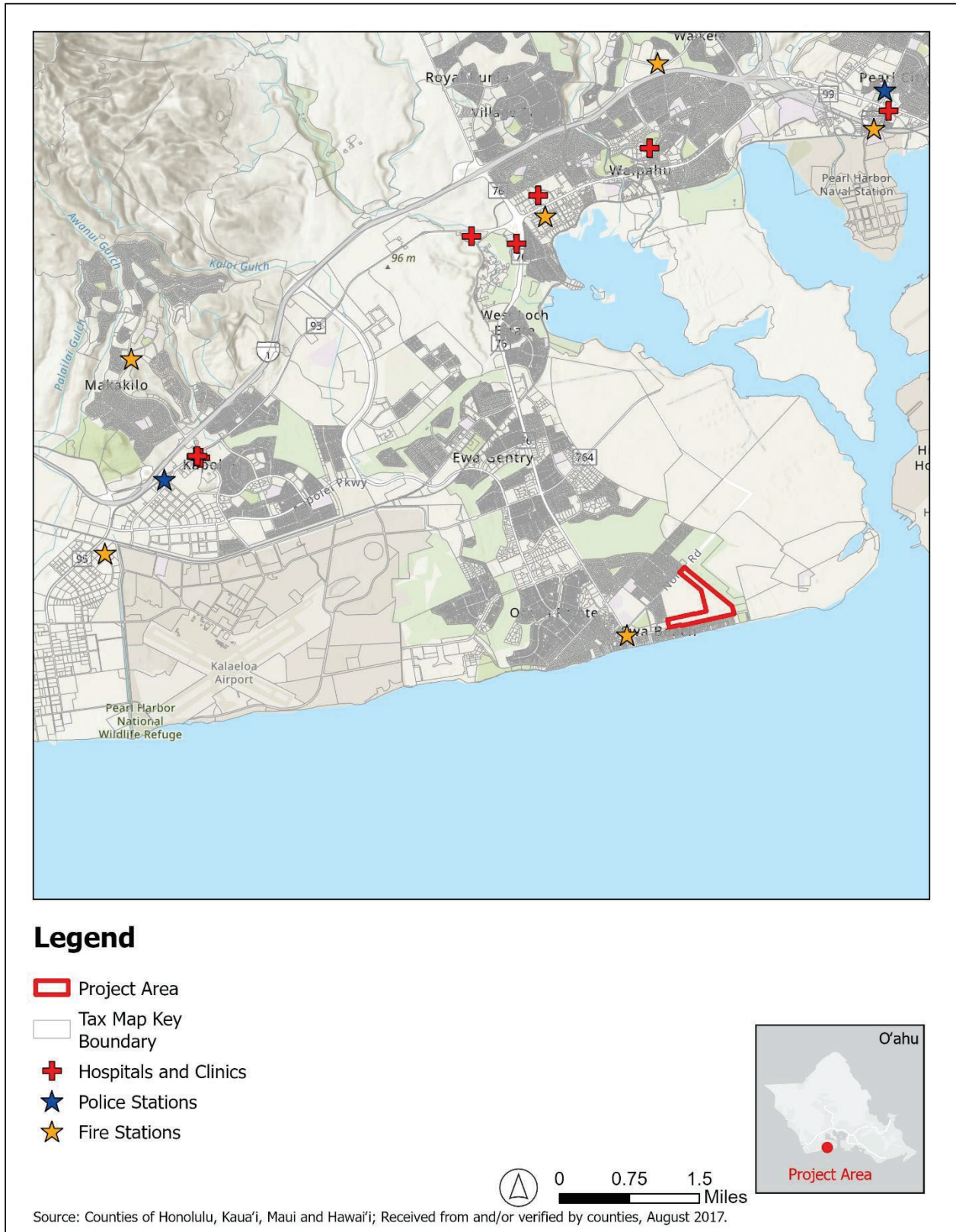
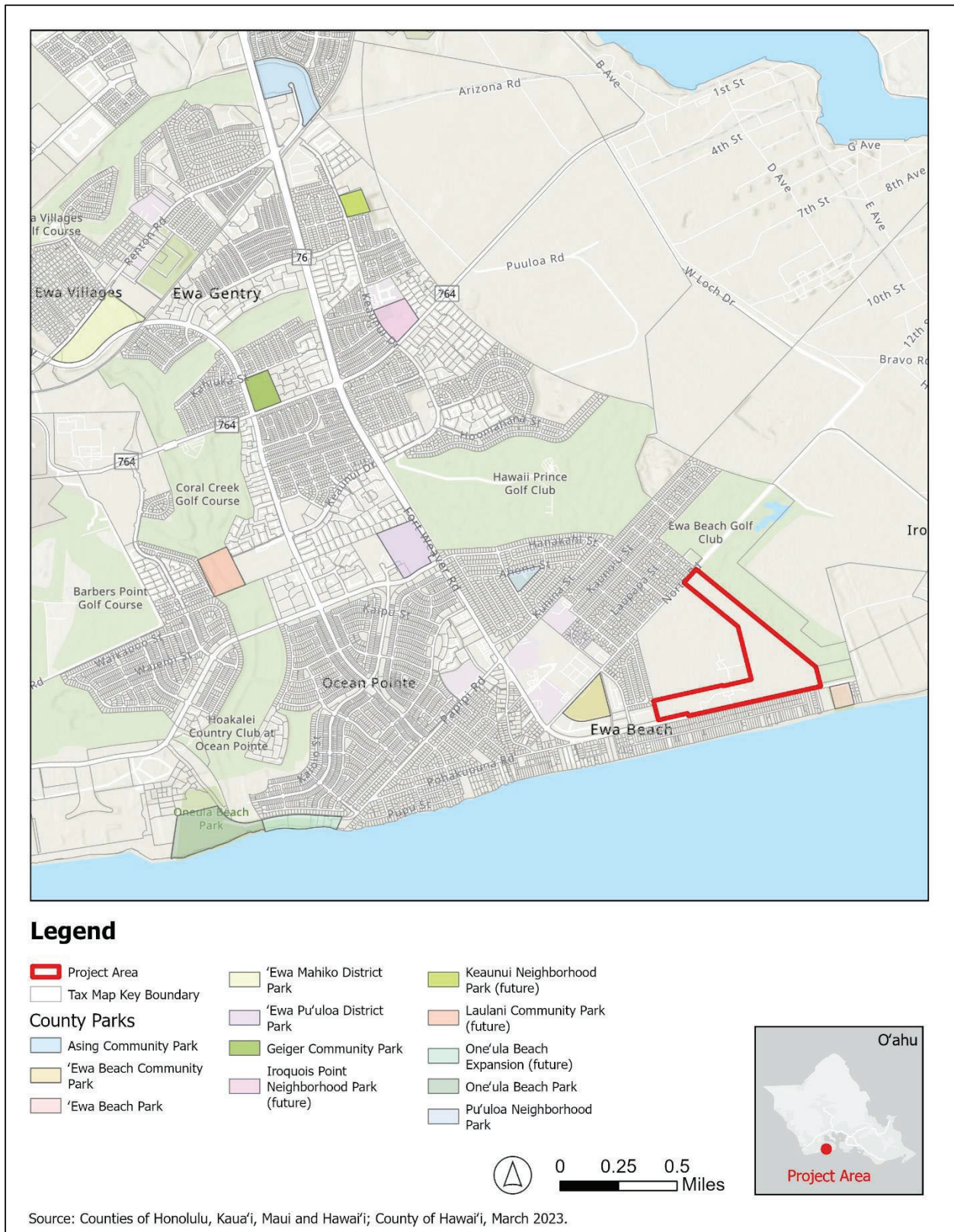


Figure 17. Parks and Recreation in Vicinity of Project



3.13.2 Potential Impacts

Construction

Proposed Action

Construction of the Proposed Action is not expected to have significant negative impacts on community facilities or services, including educational facilities, medical facilities, emergency responders, or community parks and recreational resources. It is not anticipated that construction activities associated with the Proposed Action would result in an increase in calls for fire, police, or medical services. However, if an incident were to occur during construction that required fire, police, or medical attention, the level of demand could be met by the existing emergency service providers.

No-Action Alternative

Under the No-Action Alternative, no construction activities would occur; therefore, there would be no impacts to public facilities and services.

Operation

Proposed Action

There would be an increase of population in the area that would increase the use of community facilities or services, including the educational facilities, medical facilities, emergency responders, and community parks and recreational resources. It is expected that the level of demand could be met by the existing facilities.

No-Action Alternative

Under the No-Action Alternative, the ‘Ewa Beach Homestead Project would not be constructed. Therefore, there would not be increased demand of public facilities and services.

3.13.3 Avoidance and Minimization Measures

No avoidance and minimization measures are proposed for public facilities and services, nor or any expected to be required.

3.14 Utilities

3.14.1 Affected Environment

Water

Potable water supply for the project site is provided by the Honolulu Board of Water Supply (BWS). The water distribution lines adjacent to the project area consist of a 12-inch ~~cast-iron~~ reinforced concrete pipe along North Road and an 8-inch cast-iron pipe along Fort Weaver Road.

Wastewater

There are multiple sewer mains around the project area. A 24-inch diameter cast-iron gravity sewer known as the ‘Ewa Interceptor Sewer runs along the mauka side of Fort Weaver Road and interconnects with an 8-inch vitrified clay pipe that runs along the makai side of Fort Weaver Road. There is also an 8-inch lateral connection from the site connecting to the ‘Ewa Interceptor Sewer.

Electricity & Broadband

There is an existing electrical distribution system in the area that runs overhead along Fort Weaver Road and North Road on wooden utility poles owned by HECO. These overhead power lines consist of 12 kilovolt (kV) and secondary power lines. Three-phase and single-phase pole mounted transformers are utilized to step the 12kV distribution down to secondary utilization voltages. The secondary power lines distribute the power from the pole mounted transformers to the properties along the Fort Weaver Road and North Road.

The project site also has an existing 12kV primary overhead distribution system owned by the NWS with a single HECO meter mounted on the second utility pole on the property. The HECO meter currently meters electrical loads from the seven (7) abandoned NWS building, the antenna tower, and the existing USGS property. Services to the abandoned NWS buildings and USGS property consist of 12kV-120/240 volt, single-phase, three-wire pole mounted transformers and service drops. Overhead broadband services from Hawaiian Telcom and Spectrum also run on the same utility poles and serve the abandoned NWS buildings and USGS property.

3.14.2 Potential Impacts

Construction

Proposed Action

Water

The Proposed Action would include installation of new onsite distribution waterlines that would connect to the North Road and Fort Weaver Road waterlines. Existing water meters and service laterals on the site would need to be removed.

Wastewater

The Proposed Action would include installation of new onsite wastewater lines. It is expected that an eight (8) inch sewer line would be required for each point of connection to the existing wastewater collection system.

Electrical and Broadband

The Proposed Action would include the installation of underground electrical and broadband infrastructure to be consistent with recent subdivision developments on O‘ahu and in the area. The new system would transition from the existing overhead distribution along the streets to underground upon entering the project site.

The underground electrical infrastructure would consist of the installation of manholes, handholes, concrete encased ducts, conductors, pad mounted transformers, and pad mounted switches. Underground ducts would be provided to extend HECO primary service through the site and to each parcel. The HECO distribution system would follow the alignment of the new or existing roadways and would be located within the road right-of-way.

Ownership of the existing HECO meter serving USGS would need to be transferred to USGS. Alternatively, the meter could be removed and a new easement granted to HECO through the project site to maintain the existing overhead electrical distribution system that currently serves the USGS property. The utility

services to the abandoned buildings would be removed. The existing electrical and broadband overhead distribution system would be moved underground.

The underground telecom and CATV distribution system would consist on the installation of handholes and concrete encased ductlines with muletape. The telecom distribution system would generally follow the alignment of the proposed underground HECO distribution system. The telecom underground infrastructure would be designed to allow flexibility in service providers. Conduit stubouts would be provided from the utility company’s handholes to the property line of each lot for future utility service to the properties.

No-Action Alternative

Under the No-Action Alternative, no construction activities would occur. The existing utility infrastructure would remain, and no new utility infrastructure would be installed.

Operation

Proposed Action

Water

Domestic and fire flow demands were estimated using BWS Standards for Water Requirements. The water system would be designed to meet the needs of the community at full build-out. The capacity of the distribution system would deliver the maximum daily demand simultaneously with the required fire flow. The distribution system would also deliver the peak hour flow without fire flow.

Domestic demand was estimated using an average daily demand of 300 gallons per unit for multi-family mid-rise residential buildings and 500 gallons per single-family home or 2,500 gallons per acre, whichever is greater. Fire flow demand is estimated at 1,000 gallons per minute for a one (1) hour duration for single-family home neighborhoods and 2,000 gallons per minute for a two (2) hour duration for mid-rise apartments. Fire hydrants would be spaced no more than 350 feet in the single-family home sections and no more than 250 feet apart in the areas for multi-family use. Water demand calculations are shown in

[Table 14](#) ~~Table 14~~.

Table 14. Water Demand

Housing Type	Potable Water (gallons per day [gpd])	Fire Flow Demand (gpd)	Total (gpd)
Single-Family	110,000	60,000	170,000
Multi-Family	36,000 to 48,000	240,000	276,000 to 288,000
TOTAL	146,000 to 158,000	300,000	446,000 to 458,000

In a letter dated November 23, 2022, BWS stated that the existing water system is generally adequate to accommodate 319 single-family homes and 960 multi-family units. This is far greater than the 220 single-family homes and 120 to 160 multi-family units that are proposed.

A new water main would need to be installed within the new project development. The proposed water main would adhere to the BWS Water System Standards (2002) and its amendments to the roadway being dedicated to the CCH. Preliminary discussions with BWS indicate there are no concerns with the new development connecting to the existing municipal water system. BWS requested that the Proposed Action connect the North Road water line to the Fort Weaver Road water line.

Wastewater

Domestic sewer demands were estimated using the City & County of Honolulu’s Department of Environmental Services (ENV) Wastewater System Design Standards for quantity of wastewater. Demand was based on estimated use, which includes four (4) persons per single-family home and 2.8 persons per multi-family unit at 70 gallons per day (gpd) base flow. Domestic sewer demand calculations are provided in [Table 15](#).

Table 15. Domestic Sewer Demand

Housing Type	Wastewater Flow (gpd)
Single-Family	61,600
Multi-Family	23,520 to 31,360
TOTAL	85,120 to 92,960

To support the new development, a new sewer main would need to be installed. The proposed project would connect to the Honouliuli Wastewater Treatment Plant (WWTP) which is owned and operated by the City & County of Honolulu. The Honouliuli WWTP service area encompasses approximately 76,000 acres and ranges from Red Hill up to Mililani and extends to Ko Olina Resort.

Electrical and Broadband

Electrical demand was estimated based on an average load of 7.5 kilovolt-amperes (kVA) per residential unit. Estimated electrical demand is provided in [Table 16](#).

Table 16. Estimated Electrical Demand

Housing Type	Electrical Demand (kVA)
Single-Family	1,650
Multi-Family	900 to 1,200
TOTAL	2,550 to 2,850

The existing off-site electrical and broadband distribution system is assumed to have sufficient spare capacity to support the development of the Proposed Action. However, the existing HECO substations that currently serve the 'Ewa Beach area may to be upgraded or upsized to support the additional electrical loads. Further coordination with HECO would occur as the project progresses forward into design. If additional substation capacity is required, it is assumed that HECO would upgrade/upsized their existing substations or provide a new substation in an area outside the flood zone that would be sized to accommodate the Proposed Action as well as electrical demands from other parts of 'Ewa Beach.

No-Action Alternative

Under the No-Action Alternative, the 'Ewa Beach Homestead Project would not be constructed; therefore, there would be no impacts to existing utilities.

3.14.3 Avoidance and Minimization Measures

The following measures would be applied to minimize impacts associated with water service:

- DHHL would coordinate with the various utility providers to ensure that any disruptions to service in the area is minimized.
- DHHL shall submit a water master plan for BWS review and approval. The water master plan shall address the following:
 - Proposed system improvements and connections
 - Estimated water demand
 - Estimated fire flow demand
 - Fire protection
 - Phasing

3.15 Solid and Hazardous Waste

3.15.1 Affected Environment

Solid waste collection, disposal, and recycling operations serving ‘Ewa is provided by ENV’s Refuse Division.

A Phase I Environmental Site Assessment (ESA) was conducted by EnviroServices & Training Center, LLC, in July 2020. The survey was conducted to document and assess the environmental condition of the property to identify potential high risk uses that would identify a “recognized environmental condition” (REC). The Phase 1 ESA found no evidence of RECs on the project parcel, although there are limited quantities of solid waste (e.g., tires, debris, rubbish) that should be properly disposed. The Phase I ESA Report is provided in **Appendix G**.

A Limited Hazardous Materials Survey was conducted by EnviroServices & Training Center, LLC, in July 2020. The limited hazardous materials survey studied existing structures to identify presence of hazardous materials above the regulatory limit. The findings included findings of one (1) sample out 178 total taken showing asbestos above the regulatory limit and found that the ceiling panels within the buildings contained detectable levels of arsenic. The report recommends that removal and disposal of materials be done in accordance with applicable regulation prior to demolition activities. The Limited Hazardous Materials Survey Report is provided in **Appendix H**.

A Magnetic Anomaly Survey was conducted by Element Environmental, LLC, in September 2023. The survey identified eight (8) “high priority” magnetic anomalies. It was determined that there is a low likelihood that any of the anomalies are unexploded ordnance. The Magnetic Anomaly Survey Report is provided in **Appendix I**.

3.15.2 Potential Impacts

Construction

Proposed Action

Testing and proper management/disposal of environmental hazards such as lead, asbestos, and arsenic would be required in the early stages of construction of the Proposed Action. Construction activities may

result in an accidental spill of hazardous products in the event of an accident or equipment malfunction. Construction would generate some solid waste, which is typical of construction related activities. The volume of solid waste is expected to be minor and temporary due to the limited area of development.

No-Action Alternative

Under the No-Action Alternative, no construction activities would occur; therefore, there would be no impacts associated with solid or hazardous waste.

Operation

Proposed Action

The ‘Ewa Beach Homestead Project would be serviced by ENV’s Refuse Division or a private waste collection company. The Proposed Action is not expected to affect the existing waste collection operations.

Although residents would keep and utilize standard household chemicals (e.g., cleaning supplies, gas for lawn equipment), the Proposed Action is not expected to have any impacts associated with hazardous materials.

No-Action Alternative

Under the No-Action Alternative, the ‘Ewa Beach Homestead Project would not be constructed; therefore, there would be no impacts to existing solid waste collection operations. There would also be no impacts associated with hazardous materials.

3.15.3 Avoidance and Minimization Measures

The following measures would be implemented to minimize potential solid and hazardous waste impacts:

- All project construction-related debris would be removed and disposed of at an approved site.
- Sanitary waste would be collected from the portable units a minimum of once per week, or as required.
- Asbestos material, if present, would be separated, double-bagged, and disposed of in accordance with regulations of the ENV’s Refuse Division.
- Debris containing arsenic would be separated and disposed of in accordance with regulations of the ENV’s Refuse Division.
- Abatement would comply with worker safety standards provided by the Occupational Safety and Health Administration and land disposal restrictions.

3.16 Secondary and Cumulative Impacts

3.16.1 Secondary Impacts

Secondary impacts are those effects that are caused by an action and are later in time or further removed in distance but are reasonably foreseeable. They may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related to effects on air and water or other natural systems.

The implementation of the Proposed Action would not only produce direct benefits such as increased housing availability and enhanced community spaces, but also give rise to secondary cumulative impacts.

These impacts, though indirect, warrant careful consideration: growth-inducing effects, changes in land use patterns, increased population density, and effects on air and water quality. The Proposed Action is likely to stimulate additional growth in the surrounding areas. The provision of new housing and community amenities will make ‘Ewa Beach a more attractive location for both current residents and new residents. This increased desirability may lead to further residential and commercial development, potentially accelerating the expansion of ‘Ewa urban areas and contributing to a more intensive pattern of land use in the region. The reconfiguration of land use may influence adjacent areas, prompting additional development and altering the landscape of ‘Ewa Beach and its surroundings.

The influx of new residents and the expansion of community facilities may result in increased population density in the area. Higher population density can strain existing infrastructure and services, such as transportation, utilities, and healthcare. This growth may necessitate further investment in these services to meet the demands of a larger population, potentially leading to increased development activities in nearby regions.

Secondary impacts on air and water quality may arise from increased development and population density. The construction of new homes and community spaces can lead to higher levels of vehicular traffic, construction-related emissions, and increased energy consumption. Additionally, with more residents, there could be higher levels of waste generation and runoff, which may affect local water bodies and natural systems. These changes could contribute to cumulative effects on air and water quality over time.

3.16.2 Cumulative Impacts

Cumulative impacts refer to the impact on the environment that results from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant impacts taking place over time.

The following cumulative impacts should be considered related to the Proposed Action: infrastructure strain and environmental degradation. The addition of new residential units and community spaces would increase demand on existing infrastructure, such as transportation networks, utilities, and public services. When aggregated with other development projects, this increased demand may strain infrastructure capacity, necessitating upgrades and expansions. The cumulative effect on infrastructure could lead to greater environmental impacts, such as increased traffic congestion, higher emissions, and more extensive resource use. Cumulative impacts on environmental quality can arise from the combined effects of multiple development projects. The construction and operation of new residential spaces, in conjunction with other local developments, may contribute to degradation of air and water quality, loss of natural habitats, and increased waste production. The aggregate impact of these projects can lead to diminished environmental health, affecting ecosystems, wildlife, and human populations.

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4.0 Relationship to Land Use Plans and Policies

4.1 Department of Hawaiian Home Lands Planning Documents

4.1.1 DHHL General Plan Update (2022)

The DHHL General Plan Update (adopted November 21, 2022), is an update of the DHHL General Plan which was initially adopted in 2002. The DHHL General Plan Update is a comprehensive framework guiding the development and management of Hawaiian Home Lands and sets the vision and establishes goals and policies to guide the decision-making of the HHC and the DHHL plans, programs, and policies for the next 20 years (until 2040). It aims to fulfill the mission of providing land to native Hawaiians as outlined in the Hawaiian Homes Commission Act of 1920. The plan covers various themes, including land use and water resources, infrastructure, housing, food production, healthy communities, natural and cultural resource management, revenue generation, and economic development. The following is a discussion regarding the Proposed Action’s consistency with the applicable objectives of the DHHL General Plan Update.

Land Use and Water Resources

Goal LU-1: Utilize Hawaiian home lands for uses most appropriate to meet the needs and desires of the beneficiary population.

Policy LU-1A: Increase beneficiary participation in the planning, development, and use of Hawaiian home lands and improve communications between DHHL and the beneficiary community.

Policy LU-1B: Provide space for and designate a balanced mixture of appropriate land uses, economic opportunities, and community services in a Native Hawaiian-friendly environment.

Policy LU-1C: Consider opportunities to acquire or exchange lands best suited for purposes of the HHCA, including increasing homesteading opportunities for native Hawaiians.

Policy LU-1D: Incorporate Native Hawaiian mana‘o, traditional place names, historical uses, and cultural knowledge in land use planning to identify appropriate uses in appropriate places.

Discussion: As discussed in **Section 6.2**, two (2) beneficiary meetings were held on December 8, 2022, and April 30, 2024. In addition, a survey was sent to over 1,300 current DHHL applicants to learn more about their preferences and needs for the ‘Ewa Beach Homestead Community (see **Section 6.2.46-2.3**). The first beneficiary meeting introduced the project and engaged the 43 beneficiaries in attendance to envision the plan for the future ‘Ewa Beach Homestead community. The second meeting presented the results from the beneficiary survey and the first beneficiary meeting, an update on the findings of the technical studies, and three draft alternatives for discussion. A third beneficiary meeting will be held following the release of the Final EA.

The parcel for the Proposed Action was conveyed to DHHL by the federal government as provided by the Hawaiian Homes Recovery Act, Public Law 104-42. A Master Plan was completed for the proposed project in July 2024 and is included as **Appendix A** of this Draft EA. The ‘Ewa Beach Homestead community is primarily intended to provide residential homesteading opportunities to native Hawaiian beneficiaries on DHHL’s O‘ahu Residential Waitlist, which currently has the most beneficiaries waiting for homesteads. The

need for homestead development is the highest priority on O‘ahu and this site offers good conditions for residential homestead development. Specifically, DHHL is proposing to develop approximately 220 single family lots and approximately 120 to 160 low-rise multi-family units. In addition to the infrastructure, roadways, and residential lots, 27 acres would be designated for a combination of community use, community agriculture, stewardship, and open space/drainage.

Goal LU-2: Encourage a balanced pattern of contiguous growth into urban and rural centers.

Policy LU-2A: Prioritize the development of homestead communities in areas with suitable development conditions that are close to jobs, transportation, infrastructure, and services.

Discussion: The Proposed Action is located in an area identified in the ‘Ewa Development Plan as designated Urban and is located within the ‘Ewa Community Growth Boundary (see **Section 4.3.2**).

Goal LU-3: Protect life and property from the effects of natural hazards and climate change on Hawaiian home lands.

Policy LU-3C: Incorporate climate change projections and hazard zones into land use development plans by identifying areas vulnerable to climate change and other hazards and applying the Special District Natural Hazards land use designation.

Discussion: The Master Plan for the project included an assessment of natural hazards including sea level rise, flood zones, and tsunami evacuation zone. Through the master planning effort, locations for the various land uses of the ‘Ewa Beach Homestead community were determined:

- **Single-family lots** would be located in areas that are outside designated flood zones, the six (6) foot SLR-XA, and the tsunami evacuation zone.
- The **multi-family uses** are located in areas that are mostly outside of existing flood zones but may be impacted by sea level rise impacts within the 99-year homestead lease period at current elevations. Risks to development in these areas would be mitigated through land preparation and design measures that ensure safety and resilience, such as elevating habitable structures above the projected six-foot SLR-XA and providing additional drainage and stormwater retention capacity. The multi-family uses are also located within the tsunami evacuation zone.
- The **community use** area is located outside the existing flood zone but may be impacted by sea level rise as it is located in the projected six-foot SLR-XA. It is also located within the tsunami evacuation zone.
- The **community agriculture** area is located within the designated flood zone, the six (6) foot SLR-XA, and the tsunami evacuation zone.
- **Stewardship** lands are those that are not currently proposed for homesteading. Since this area is located within in the designated flood zone, the six (6) foot SLR-XA, and the tsunami evacuation zone, it would allow for future flexibility for exploring and analyzing suitability for future homestead development as the information and science regarding flooding and projected sea level rise projections evolve.

Infrastructure

Goal IN-1: Provide and maintain infrastructure for homestead communities within resource limitations.

Policy IN-1A: Design infrastructure to County standards and license systems to the Counties whenever possible for development within Residential, Commercial, and Industrial areas.

Goal IN-2: Promote innovative, cost-effective, and sustainable ways to meet infrastructure needs.

Policy IN-2C: Promote energy self-sufficiency, climate change mitigation, and sustainability by implementing DHHL’s Energy Policy.

Discussion: DHHL intends to design and construct the Project to generally conform with CCH development standards. The Proposed Action would comply with applicable sections of DHHL’s Ho‘omalū Energy Policy. The Proposed Action would include the installation of energy efficient fixtures, appliances, and solar water heating systems in the residences, as feasible.

Housing

Goal HS-1: Increase the number of housing opportunities awarded each year.

Policy HS-1A: Maintain a housing development pipeline in proportion to the number of applicants on the residential waiting list for each island.

Goal HS-2: Provide a mix of housing opportunities that reflect the needs and desires of native Hawaiian beneficiaries.

Policy HS-2A: Provide a variety of residential types that match beneficiary needs in terms of housing products (owner-builder, turnkey, self-help, etc.), types of housing units (single-family, multi-family, kūpuna housing, rental, etc.), and financing.

Discussion: The Proposed Action would include approximately 220 single-family lots and up to 160 multi-family units that would be available to beneficiaries. Possible single-family housing lots would include three variations: move in ready homes for purchase, move in ready homes for rent with option to purchase, and vacant lots. Possible multi-family housing types include townhouses, low-rise apartment complex, and/or kūpuna housing.

Food Production

Goal FP-5: Promote a diversity of food production on Hawaiian home lands.

Policy FP-5B: Designate areas on Hawaiian home lands for communal growing and processing of food through Community Agriculture land use designation.

Discussion: Approximately four (4) acres have been designated for community agriculture east of the five (5) acre multi-family residential area. Community agriculture includes common areas for the cultivation of fruits, vegetables, plants, flowers, or herbs by the homestead community.

Natural and Cultural Resources

Goal RM-1: Be responsible, long-term stewards of the Trust’s lands and the natural, historic, and community resources on these lands.

Policy RM-1B: Identify, preserve, and protect significant natural, historic, and cultural resources on Hawaiian home lands, using Special District or Conservation land use designations to identify areas with resources requiring protection or management.

Discussion: A CIA and ALRFI were completed for the Proposed Action to ensure protection of cultural and historic resources. The DHHL will comply with State rules and regulations regarding the preservation of archaeological and historic sites. Native Hawaiians will be able to use natural resources on the Site for traditional and cultural purposes. For further discussion, see **Section 3.3** and **Section 3.4**.

4.1.2 DHHL O‘ahu Island Plan

The DHHL O‘ahu Island Plan (2014) is a guide for DHHL to use when developing on lands on the Island of O‘ahu as the plan engages with CCH, State, and Federal agencies, as well as private organizations. The plan updates the acres, applicants, and other necessary information to keep track for making informed decisions for Hawaiian home lands. Additionally, the plan identifies current and potential homestead locations and needs of DHHL.

Although the proposed project is not included in the DHHL O‘ahu Island Plan, the ‘Ewa Beach Homestead Project aligns with the DHHL O‘ahu Island Plan as it will provide new housing solutions that meet the needs of Hawaiians. The project specifically targets the needs of applicants who are currently waitlisted for residential homes. By focusing on these individuals and families, the project addresses a critical component of the DHHL O‘ahu Island Plan, which aims to reduce the wait times and improve access to housing for native Hawaiians. Overall, the proposed project helps the goals and plans of the O‘ahu Island Plan by advancing its vision by addressing immediate housing needs, utilizing land resources, and fostering a collaborative approach to development.

4.2 State of Hawai‘i Planning Documents

4.2.1 The Hawai‘i State Plan

The Hawaii State Plan, codified as Chapter 226, Hawaii Revised Statutes, serves as a guide for the future long-range development of the State. The Hawaii State Plan identifies goals, objectives, and policies for the State to: provide a basis for determining priorities and allocating limited resources; improve coordination of Federal, State, and County plans, policies, programs, projects, and regulatory activities; and establish a system for plan formulation and program coordination to integrate major state and county activities. Applicable sections of HRS Chapter 226 are shown in [Table 17](#) and discussed below.

Table 17. Summary of Applicability of HRS Chapter 226 to the Proposed Action

HRS Chapter 226 Hawai'i State Planning Act	Applicability to Project
Part I. Overall Theme, Goals, Objectives, and Policies	
§226-5 Objective and policies for population	Applicable
§226-6 Objectives and policies for the economy--in general	Not applicable
§226-7 Objectives and policies for the economy-- agriculture	Not applicable
§226-8 Objective and policies for the economy--visitor industry	Not applicable
§226-9 Objective and policies for the economy--federal expenditures	Not applicable
§226-10 Objective and policies for the economy--potential growth and innovative activities	Not applicable
§226-10.5 Objectives and policies for the economy--information industry	Not applicable
§226-11 Objectives and policies for the physical environment--land-based, shoreline, and marine resources	Applicable
§226-12 Objective and policies for the physical environment--scenic, natural beauty, and historic resources	Applicable
§226-13 Objectives and policies for the physical environment--land, air, and water quality	Applicable
§226-14 Objective and policies for facility systems--in general	Not applicable
§226-15 Objectives and policies for facility systems--solid and liquid wastes	Not applicable
§226-16 Objective and policies for facility systems--water	Not applicable
§226-17 Objectives and policies for facility systems--transportation	Not applicable
§226-18 Objectives and policies for facility systems--energy	Not applicable
§226-18.5 Objectives and policies for facility systems--telecommunications	Not applicable
§226-19 Objectives and policies for socio-cultural advancement--housing	Applicable
§226-20 Objectives and policies for socio-cultural advancement--health	Not applicable
§226-21 Objective and policies for socio-cultural advancement--education	Not applicable
§226-22 Objective and policies for socio-cultural advancement--social services	Applicable
§226-23 Objective and policies for socio-cultural advancement--leisure	Applicable
§226-24 Objective and policies for socio-cultural advancement--individual rights and personal well-being	Applicable
§226-25 Objective and policies for socio-cultural advancement--culture	Applicable
§226-26 Objective and policies for socio-cultural advancement--public safety	Not applicable
§226-27 Objective and policies for socio-cultural advancement--government	Not applicable
Part III. Priority Guidelines	
§226-103 Economic priority guidelines	Not applicable
§226-104 Population growth and land resources priority guidelines	Applicable
§226-105 Crime and criminal justice	Not applicable
§226-106 Affordable housing	Not applicable
§226-107 Quality education	Note applicable
§226-108 Sustainability	Applicable
§226-109 Climate change adaptation priority guidelines	Not applicable

Section 226-5: Objective and Policies for Population.

- (a) It shall be the objective in planning for the State's population to guide population growth to be consistent with the achievement of physical, economic, and social objectives contained in this chapter;
- (b) To achieve the population objective, it shall be the policy of this State to:
 - (1) Encourage an increase in economic activities and employment opportunities on the neighbor islands consistent with community needs and desires.
 - (3) Promote increased opportunities for Hawai'i's people to pursue their socioeconomic aspirations throughout the islands.
 - (4) Encourage research activities and public awareness programs to foster an understanding of Hawai'i's limited capacity to accommodate population needs and to address concerns resulting from an increase in Hawai'i's population.
 - (7) Plan the development and availability of land and water resources in a coordinated manner so as to provide for the desired levels of growth in each geographic area.

Discussion: The Proposed Action would result in population growth in the 'Ewa Beach community. The proposed development of housing and common spaces for Hawaiian Homelands would support the State's goals by allowing people of Hawai'i to pursue their socioeconomic aspirations by being able to house near the city of Honolulu and use the project area as a space of social, cultural, and economic development.

Section 226-11. Objectives and policies for the physical environment – land-based, shoreline, and marine resources.

- (a) Planning for the State's physical environment with regard to land-based, shoreline, and marine resources shall be directed towards achievement of the following objectives:
 - (1) Prudent use of Hawai'i's land-based, shoreline, and marine resources.
 - (2) Effective protection of Hawai'i's unique and fragile environmental resources.
- (b) To achieve the land-based, shoreline, and marine resources objectives, it shall be the policy of this State to:
 - (1) Exercise an overall conservation ethic in the use of Hawai'i's natural resources.
 - (3) Take into account the physical attributes of areas when planning and designing activities and facilities.
 - (4) Manage natural resources and environs to encourage their beneficial and multiple use without generating costly or irreparable environmental damage.
 - (6) Encourage the protection of rare or endangered plant and animal species and habitats native to Hawai'i.
 - (8) Pursue compatible relationships among activities, facilities, and natural resources.

Discussion: No rare, threatened, or endangered plant or animal species were identified at the project site. However, there is the potential for the presence of the Hawaiian hoary bat, Hawaiian seabirds, and Hawaiian waterbirds. Measures to minimize impacts to these species are provide in **Section 3.2.3**.

Section 226-12. Objectives and policies for the physical environment – scenic, natural beauty, and historic resources

- (a) Planning for the State’s physical environmental shall be directed towards achievement of the objective of enhancement of Hawai’i’s scenic assets, natural beauty, and multi-cultural/historical resources.
- (b) To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:
 - (1) Promote the preservation and restoration of significant natural and historic resources.
 - (2) Provide incentives to maintain and enhance histoic, cultural, and scenic amenities.
 - (5) Encourage the design of developments and activies that complement the natural beauty of the islands.

Discussion: The project site is not located within a significant viewplane or vista. The *Ewa Development Plan* establishes guidelines for development in ‘Ewa Beach. These include using landscaping to enhance and complement the City’s urban form, provide continuity between the various districts, and enhance and preserve view corridors wherever possible. Building and landscape development and improvements would be consistent with the Community Guidelines. The housing would be low rise and would not have a significant impact on surrounding area views. The proposed project would include a landscaping plan that would replicate the naturalized dry shrub and grass lands common to the ‘Ewa Plain.

Section 226-13. Objectives and policies for the physical environment – land, air, and water quality.

- (a) Planning for the State’s physical environment with regard to land, air, and water quality shall be directed towards achievement of the following objectives:
 - (1) Maintenance and pursuit of improved quality in Hawai’i’s land, air, and water resources.
 - (2) Greater public awareness and appreciation of Hawai’i’s land, air, and water resources.
- (b) To achieve the land, air, and water quality objectives, it shall be the policy of this State to:
 - (1) Foster educational activities that promote a better understanding of Hawai’i’s limited environmental resources.
 - (2) Promote the proper management of Hawai’i’s land and water resources.
 - (3) Promote effective measures to achieve desired quality in Hawai’i’s surfaces, ground, and coastal waters.
 - (4) Encourage actions to maintain or improve aural and air quality levels to enhance the health and well-being of Hawai’i’s people.
 - (5) Reduce the threat to life and property from erosion, flooding, tsunamis, hurricanes, earthquakes, volcanic eruptions, and other natural or man-induced hazards and disasters.
 - (6) Encourage design and construction practices that enhance the physical qualities of Hawai’i’s communities.
 - (7) Encourage urban developments in close proximity to existing services and facilities.
 - (8) Foster recognition of the importance and value of the land, air, and water resources to Hawai’i’s people, their cultures and visitors.

Discussion: The Proposed Action would include approximately 220 single-family lots and up to 160 multi-family units that would be available to beneficiaries, as well as community use, community agriculture, stewardship, and infrastructure (e.g., internal roads, electrical/broadband, street lighting, drainage, and open space). The development would be located in close proximity to existing services and facilities. The Proposed Action would not be in an area determined to be a Special Flood Hazard Area. The Proposed Action would be designed to withstand the level of forces necessary to minimize the likelihood that an extreme event would damage the structures.

The Proposed Action is not expected to be impacted by coastal erosion due to its location away from the shoreline. Flooding from subaerial and marine sources are the primary hazards that could impact the ‘Ewa Beach Homestead Project due to low elevation. Passive flooding may begin to occur with 2.0 feet of sea level rise, which is projected to occur between the years 2053 and 2092. High wave flooding and high tides may begin to occur with 3.2 feet of sea level rise, which is projected to occur between the years 2068 and 2135. Tidal flooding at high tide may begin to occur with 6.0 feet of sea level rise, which is projected to occur between the years 2098 and 2150.

BMPs would be considered and implemented as applicable to minimize the risk of climate change and sea level rise. Potential options that may be considered during design include the following:

- **Elevated structures:** Flood protection elevation exceeds Base Flood Elevation
- **Flood-resistant structures:** Post and pier foundations, flood resistant foundations
- **Flood-resistant utilities:** Flood-resistant equipment, utility platforms, elevated utilities
- **Flood-adaptive elements:** Open space, pervious surfaces, wetlands, bioswales, fishponds

Section 226-19. Objectives and policies for socio-cultural advancement – housing.

(a) Planning for the State’s socio-cultural advancement with regard to housing shall be directed toward the achievement of the following objectives:

- (1) Greater opportunities for Hawai’i’s people to secure reasonably priced, safe, sanitary, and livable homes, located in suitable environments that satisfactorily accommodate the needs and desires of families and individuals, through collaboration and cooperation between government and nonprofit and for-profit developers to ensure that more rental and for sale affordable housing is made available to extremely low-, very low-, lower-, moderate-, and above moderate-income segments of Hawai’i’s population.
- (2) The orderly development of residential areas sensitive to community needs and other land uses.
- (3) The development and provision of affordable rental housing by the State to meet the housing needs of Hawai’i’s people.

(b) To achieve the housing objectives, it shall be the policy of this State to:

- (1) Effectively accommodate the housing needs of Hawai’i’s people.
- (2) Stimulate and promote feasible approaches that increase affordable rental and for sale housing choices for extremely low-, very low-, lower-, moderate-, and above moderate-income households.

- (3) Increase homeownership and rental opportunities and choices in terms of quality, location, cost, densities, style, and size of housing.
- (5) Promote design and location of housing developments taking into account the physical setting, accessibility to public facilities and services, and other concerns of existing communities and surrounding areas.
- (7) Foster a variety of lifestyles traditional to Hawai‘i through the design and maintenance of neighborhoods that reflect the culture and values of the community.

Discussion: Implementation of the Proposed Action is expected to yield significant positive impacts on the surrounding area. The Proposed Action is focused on social equity to provide homes to low-income families, elderly individuals, and native Hawaiians, to prevent exacerbating existing inequalities and to foster inclusive community growth. The development of new housing could improve access to healthcare services for native Hawaiians by bringing them closer to medical facilities and support services. The proximity of new residential developments to job centers could enhance economic stability for residents by reducing commute times and improving job accessibility. This can contribute to better economic outcomes for low-income and vulnerable populations.

Increased housing and community development could stimulate local economic growth by generating demand for goods and services, potentially creating job opportunities and supporting local businesses.

The development of DHHL residential homes and community spaces has the potential to support the revitalization of traditional cultural practices by providing spaces for cultural activities and communities gatherings. This can strengthen community cohesions and cultural identity as shown in other DHHL homestead communities across the State.

By addressing the housing needs of native Hawaiians and reducing the O‘ahu Residential Waitlist for homes, the Proposed Action would help alleviate some of the socio-economic challenges currently faced by community members, particularly those exacerbated by rising housing and living costs. The proposed development would not only ease these financial pressures but also offer opportunities for revitalizing and preserving traditional practices in ‘Ewa Beach, thereby fostering a stronger connection to cultural heritage and enhancing community resilience.

Section 226-25. Objective and policies for socio-cultural advancement – culture

- (a) Planning for the State's socio-cultural advancement with regard to culture shall be directed toward the achievement of the objective of enhancement of cultural identities, traditions, values, customs, and arts of Hawai‘i's people.
- (b) To achieve the culture objective, it shall be the policy of this State to:
 - (1) Foster increased knowledge and understanding of Hawai‘i's ethnic and cultural heritages and the history of Hawai‘i.
 - (2) Support activities and conditions that promote cultural values, customs, and arts that enrich the lifestyles of Hawai‘i's people and which are sensitive and responsive to family and community needs.
 - (3) Encourage increase awareness of the effects of the proposed public and private actions on the integrity and quality of cultural and community lifestyles in Hawai‘i.

- (4) Encourage the essence of the aloha spirit in people’s daily activities to promote harmonious relationships among Hawai’i’s people and visitors.

Discussion: Unlike other locations on O‘ahu, the ‘Ewa community has not managed to maintain many of the traditional activities that once flourished in the area. The return of native Hawaiians to the area could help restore and uplift the knowledge and traditions that once thrived in this part of ‘Ewa. The Proposed Action is a critical opportunity to reclaim Hawaiian traditional names and knowledge that have been impacted by the area’s development and military seizure of resources in the area. The Proposed Action is a significant opportunity to restore traditional and customary knowledge that has been partially lost due to the long use of the land by the federal government.

Section 226-104. Population growth and land resources priority guidelines.

(a) Priority guidelines to effect desired statewide growth and distribution:

- (1) Encourage planning and resource management to ensure that population growth rates throughout the State are consistent with available and planned resource capacities and reflect the needs and desires of Hawai’i’s people.
- (3) Ensure that adequate support services and facilities are provided to accommodate the desired distribution of future growth throughout the State.
- (5) Explore the possibility of making available urban land, low-interest loans, and housing subsidies to encourage the provision of housing to support selective economic and population growth on the neighbor islands.

(b) Priority guidelines for regional growth distribution and land resource utilization:

- (1) Encourage urban growth primarily to existing urban areas where adequate public facilities are already readily available or can be provided with reasonable public expenditures, and away from areas where other important benefits are present, such as protection of important agricultural land or preservation of lifestyles.
- (6) Seek participation from the private sector for the cost of building infrastructure and utilities and maintaining open spaces.
- (9) Direct future urban development away from critical environmental areas or impose mitigating measures so that negative impacts on the environment would be minimized.
- (12) Utilize Hawai’i’s limited land resources wisely, providing adequate land to accommodate projected population and economic growth needs while ensuring the protection of the environment and the availability of the shoreline, conservation lands, and other limited resources for future generations.
- (13) Protect and enhance Hawai’i’s shoreline, open spaces, and scenic resources.

Discussion: The ‘Ewa Beach Homestead community is primarily intended to provide residential homesteading opportunities to native Hawaiian beneficiaries on DHHL’s O‘ahu Residential Waitlist. The DHHL objectives for the proposed homestead community are:

- Provide residential homesteads to beneficiaries on DHHL’s O‘ahu Residential Waitlist.
- Create a thriving homestead community in ‘Ewa Beach that honors culture, environment, and sense of place.

- Involve beneficiary lessees, waiting list applicants, and the surrounding community in envisioning and shaping the homestead community.

According to the 2021 DHHL Annual Report, there are currently 11,163 applicants on O‘ahu waiting for residential homesteads. To address this significant backlog, the DHHL O‘ahu Island Plan recommends acquiring additional lands on the island to expand homesteading opportunities for these beneficiaries. The proposed project is essential for many reasons:

- The proposed project aligns with established regulatory frameworks.
- The proposed project responds to the urgent demand for residential homesteads.
- The proposed project follows strategic recommendations.
- The proposed project fulfills the legal and ethical commitment to support the Hawaiian community.

In summary, the proposed project represents a crucial step in bridging the gap between the current availability of homestead lands and the needs of those on the O‘ahu Residential Waitlist.

Section 226-108. Sustainability.

- (a) Priority guidelines and principles to promote sustainability shall include:
- (1) Encouraging balanced economic, social, community, and environmental priorities;
 - (2) Encouraging planning that respects and promotes living within the natural resources and limits of the State;
 - (3) Promoting a diversified and dynamic economy;
 - (4) Encouraging respect for the host culture;
 - (5) Promoting decisions based on meeting the needs of the present without compromising the needs of future generations;
 - (6) Considering the principles of the ahupua‘a system; and
 - (7) Emphasizing that everyone, including individuals, families, communities, businesses, and government, has the responsibility for achieving a sustainable Hawai‘i.

Discussion: The ‘Ewa Beach Homestead community is primarily intended to provide residential homesteading opportunities to native Hawaiian beneficiaries on DHHL’s O‘ahu Residential Waitlist. According to the 2021 DHHL Annual Report, there are currently 11,163 applicants on O‘ahu waiting for residential homesteads. To address this significant backlog, the DHHL O‘ahu Island Plan recommends acquiring additional lands on the island to expand homesteading opportunities for these beneficiaries.

The development of DHHL residential homes and community spaces has the potential to support the revitalization of traditional cultural practices by providing spaces for cultural activities and communities gatherings. This can strengthen community cohesions and cultural identity as shown in other DHHL homestead communities across the State.

By addressing the housing needs of native Hawaiians and reducing the O‘ahu Residential Waitlist for homes, the Proposed Action would help alleviate some of the socio-economic challenges currently faced by community members, particularly those exacerbated by rising housing and living costs. The proposed development would not only ease these financial pressures but also offer opportunities for revitalizing and

preserving traditional practices in ‘Ewa Beach, thereby fostering a stronger connection to cultural heritage and enhancing community resilience.

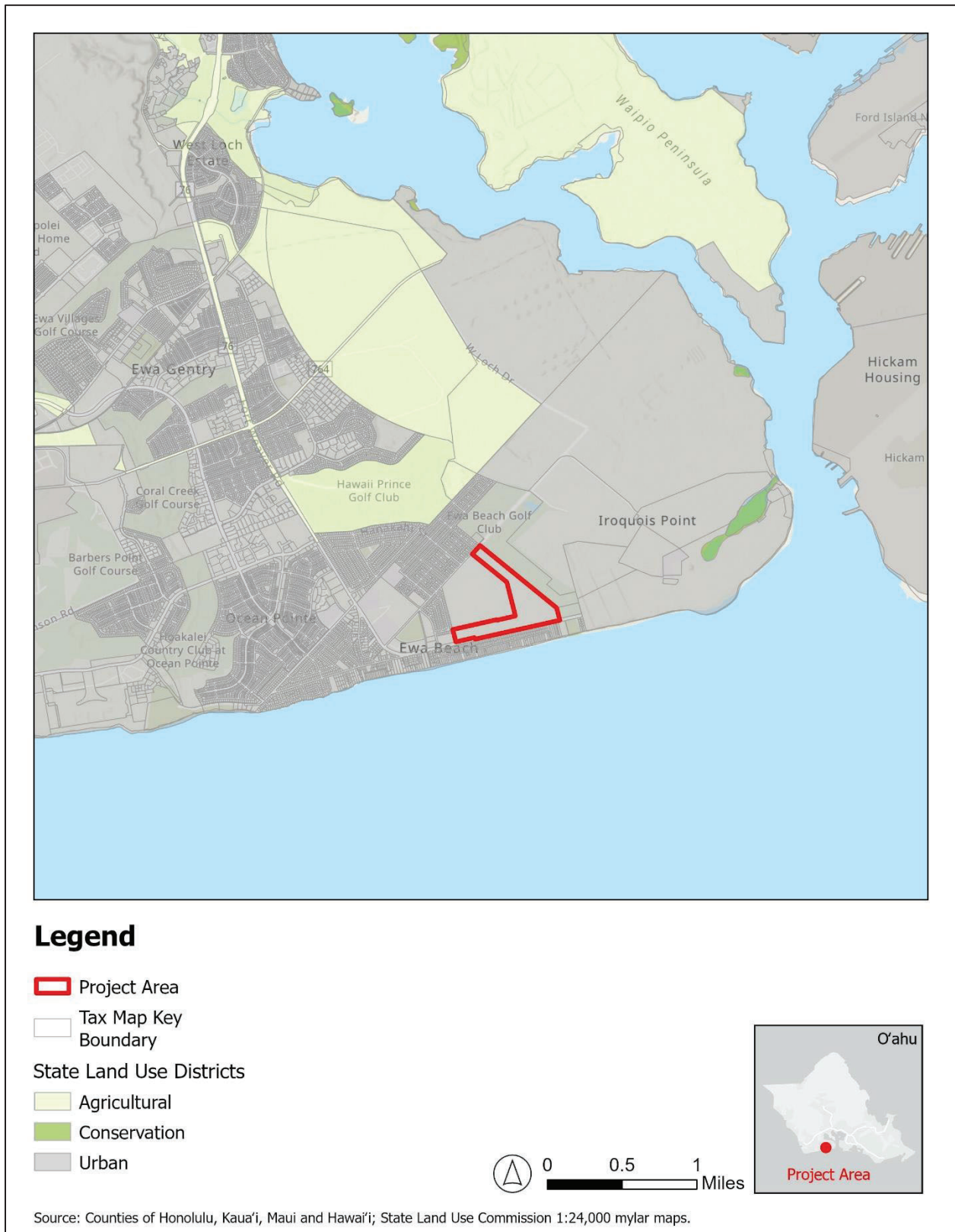
4.2.2 State Land Use Law

Hawai‘i was the first of the fifty states to have a State Land Use Law and a State Plan. Today, Hawai‘i remains unique among the fifty states with respect to the extent of control that the state exercises in land use regulation. The State Land Use Law, HRS Chapter 205, was originally adopted by the State Legislature in 1961. This law establishes an overall framework of land use management whereby all lands in the State of Hawai‘i are classified into one of four land use districts: Urban, Agricultural, Conservation, and Rural.

Discussion: As shown in [Figure 18](#), the Proposed Action is located in the Urban Land Use District. Hawaiian Home Lands are not subject to regulation by the State Land Use Districts nor City and County of Honolulu Zoning. Attorney General opinion 72-21 states “Hawaiian home lands needed for purposes of the Hawaiian Homes Commission Act (HHCA) are to be used and disposed of in accordance with the act and are not subject to County zoning requirements.” Since the lands are to be used to fulfill the purposes of the HHCA, DHHL is not subject to County zoning. However, there are underlying land use designations that are important to understand in the context of the surrounding area and intended broader community character.

DHHL has land use designations specific to Hawaiian Home Lands that are defined in the DHHL General Plan (2022) and implemented through DHHL’s Island Plans. Because the Project Area was not in DHHL’s land inventory at the time of the last O‘ahu Island Plan in 2014, it is undesignated. The DHHL will adopt land use designations for the homestead site when it proceeds with subdivision of the next phase of development.

Figure 18. State Land Use District



4.2.3 Hawai‘i Coastal Zone Management Program

The National Coastal Zone Management (CZM) Program was created with the passage of the Coastal Zone Management Act of 1972 (CZMA). Hawai‘i’s CZM Program, established pursuant to HRS Chapter 205A, as amended, is administered by the State of Hawai‘i Office of Planning and Sustainable Development and provides for the beneficial use, protection, and development in the State’s coastal zone. The objectives and policies of the Hawai‘i CZM Program encompass a wide array of concerns including impacts to recreational resources, historic and archaeological resources, coastal scenic resources and open space, coastal ecosystems, coastal hazards, and the management of development. The Hawai‘i CZM area includes all lands within the State and the areas seaward to the extent of the State’s management jurisdiction. Therefore, the Proposed Action is located within the CZM area.

The Proposed Action is consistent with the following objectives and policies of the Hawai‘i CZM Program:

RECREATIONAL RESOURCES

Objective: Provide coastal recreational opportunities accessible to the public.

Policies:

- (A) Improve coordination and funding of coastal recreational planning and management.
- (B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:
 - (i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas.
 - (ii) Requiring restoration of coastal resources that have significant recreational and ecosystem value, including but not limited to coral reefs, surfing sites, fishponds, sand beaches, and coastal dunes, when these resources will be unavoidably damaged by development; or requiring monetary compensation to the State for recreation when restoration is not feasible or desirable.
 - (iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value.
 - (iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation.
 - (v) Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources.
 - (vi) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters.
 - (vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing.
 - (i) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting such dedication against the requirements of section 46-6.

Discussion: The Proposed Action would not impact shoreline recreational resources as it is not located

on the coastline; therefore, policies regarding shoreline recreational resources are not applicable. To protect the recreational value of coastal waters, the State of Hawai‘i has adopted water quality standards. Generally, these standards require submittal and adherence to the conditions in a NPDES permit. This permit requires compliance with BMPs during construction to minimize soil erosion into adjacent waterways and to maintain water quality during operation. A NPDES permit would be required for the Proposed Action.

HISTORIC RESOURCES

Objective: Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.

Policies:

- (A) Identify and analyze significant archaeological resources.
- (B) Maximize information retention through preservation of remains and artifacts or salvage operations.
- (C) Support state goals for protection, restoration, interpretation, and display of historic resources

Discussion: The presence of archaeological features is not anticipated due to the lack of archaeological resources identified by previously conducted AIS in the surrounding area. Prior to any ground disturbing work, an AIS may be required if requested by SHPD. This is expected to minimize the possibility of construction activity interfering with historic resources of significance. Overall, the probability of adverse impacts in this area seems very low as no historic properties have been identified during archaeological investigations on nearby parcels.

The following measures would be implemented to minimize potential impacts to archaeological and historic resources:

- If human remains or burials are identified, all earth-moving activities in the area would stop, the area would be cordoned off, and SHPD and the CCH Police Department would be notified pursuant to HAR Section 13-300-40.
- If any potential historic properties are identified during construction activities, including the discovery of subterranean lava tube entrances at the chosen project site, all activities in the area would cease and SHPD would be notified pursuant to HAR Section 13-280-3.

SCENIC AND OPEN SPACE RESOURCES

Objective: Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.

Policies:

- (A) Identify valued scenic resources in the coastal zone management area.
- (B) Ensure that new developments are compatible with their visual environment by designing and locating those developments to minimize the alteration of natural landforms and existing public views to and along the shoreline.
- (C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic

resources.

- (D) Encourage those developments that are not coastal dependent to locate in inland areas.

Discussion: The project area is not located in an area designated with “valued scenic resources” and are located away from coastal areas. The final design of the Proposed Action would be consistent with the visual environment of the surrounding area.

COASTAL ECOSYSTEMS

Objective: Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.

Policies:

- (A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources.
- (B) Improve the technical basis for natural resource management.
- (C) Preserve valuable coastal ecosystems of significant biological or economic importance, including reefs, beaches, and dunes.
- (D) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs.
- (E) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.

Discussion: The Proposed Action does not involve coastal development.

ECONOMIC USES

Objective: Provide public or private facilities and improvements important to the State’s economy in suitable locations.

Policies:

- (A) Concentrate coastal dependent development in appropriate areas.
- (B) Ensure that coastal dependent development and coastal related development are located, designed, and constructed to minimize exposure to coastal hazards and adverse social, visual, and environmental impacts in the coastal zone management area.
- (C) Direct the location and expansion of coastal developments to areas presently designated and used for that development and permit reasonable long-term growth at those areas, and permit coastal dependent development outside of presently designated areas when:
 - (i) Use of presently designated locations is not feasible;
 - (ii) Adverse environmental effects and risks from coastal hazards are minimized; and
 - (iii) The development is important to the State’s economy.

Discussion: The Proposed Action would not conflict with the State’s objectives or policies for the general economy. The construction of the new housing should have an overall positive economic impact mainly associated with the creation of short-term construction related jobs and long-term impact to nearby schools, stores, and jobs with the increase of population in the area.

COASTAL HAZARDS

Objective: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.

Policies:

- (A) Develop and communicate adequate information about the risks of coastal hazards.
- (B) Control development, including planning and zoning control, in areas subject to coastal hazards.
- (C) Ensure that developments comply with requirements of the National Flood Insurance Program.
- (D) Prevent coastal flooding from inland projects.

Discussion: The Proposed Action would not be in an area determined to be a Special Flood Hazard Area. The Proposed Action would be designed to withstand the level of forces necessary to minimize the likelihood that an extreme event would damage the structures. There are no anticipated adverse impacts associated with natural hazards.

MANAGING DEVELOPMENT

Objective: Improve the development review process, communication, and public participation in the management of coastal resources and hazards.

Policies:

- (A) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development.
- (B) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements.
- (C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.

Discussion: The master planning process for this project involved a detailed public review process that provided opportunities for impacted community members to share their thoughts on many aspects of the project design and development, as discussed in **Section 6.0**. This Draft EA is being provided for public comment and review. To facilitate the agency review process for the required permits for the Proposed Action, DHHL would meet with the various agencies prior to submitting permit application packages. The permit review process could also provide additional opportunities for public involvement.

PUBLIC PARTICIPATION

Objective: Stimulate public awareness, education, and participation in coastal management.

Policies:

- (A) Promote public involvement in coastal zone management processes.
- (B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities.
- (C) Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.

Discussion: The Proposed Action is not located along the coastal shore. The Proposed Action includes housing along with community areas that could be used for traditional practices and education centered around Hawaiian culture which includes sustainable land management.

BEACH PROTECTION

Objective: Protect beaches for public use and recreation.

Policies:

- (A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion.
- (B) Prohibit construction of private shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities.
- (C) Minimize the construction of public shoreline hardening structures, including seawalls and revetments, at sites having sand beaches and at sites where shoreline hardening structures interfere with existing recreational and waterline activities.
- (D) Minimize grading of and damage to coastal dunes.
- (E) Prohibit private property owners from creating a public nuisance by inducing or cultivating the private property owner's vegetation in a beach transit corridor.
- (F) Prohibit private property owners from creating a public nuisance by allowing the private property owner's unmaintained vegetation to interfere or encroach upon a beach transit corridor.

Discussion: The Proposed Action is located inland, away from shoreline; therefore, there would be no effect on the use of beaches for public use and recreation.

MARINE RESOURCES

Objective: Promote the protection, use, and development of marine and coastal resources to assure their sustainability.

Policies:

- (A) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial.
- (B) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency.
- (C) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone.
- (D) Promote research, study, and understanding of ocean and coastal processes, impacts of climate change and sea level rise, marine life, and other ocean resources to acquire and inventory information necessary to understand how coastal development activities relate to and impact ocean and coastal resources.
- (E) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.

Discussion: The Proposed Action is located inland, away from marine resources. By implementing BMPs and incorporating LID strategies, no significant impacts to marine resources are anticipated during construction. Any runoff generated by the construction would be disposed of on-site and not directed

toward any adjacent properties. Since there are no surface waters or wetlands on or within the vicinity of the project site, there would be no impacts to surface waters or wetlands from construction.

The amount of impervious area of the project site would significantly increase compared to the amount of existing impervious area. A new drainage system would be installed within the proposed development, and any runoff generated would be disposed of on-site and not directed toward any adjacent properties.

4.3 City & County of Honolulu Planning Documents

4.3.1 O‘ahu General Plan

The *O‘ahu General Plan* is a comprehensive statement of objectives and policies which sets forth the long-range aspirations of island residents and shapes the strategies and actions needed to achieve them. The General Plan was adopted in 1992 and most recently amended in 2002. It is the first level of a comprehensive planning process that addresses physical, social, economic, and environmental concerns. The proposed project is consistent with the following objectives and policies of the Honolulu General Plan:

POPULATION

Objective A: To plan for anticipated population in a manner that acknowledges the limits of O‘ahu’s natural resources, protects the environment, and minimizes social, cultural, and economic disruptions.

Policy 2: Seek a balanced pace of physical development in harmony with the City’s environmental, social, cultural, and economic goals by effecting and enforcing City regulations.

Policy 4: Establish geographic growth boundaries to accommodate future population growth while at the same time protecting valuable agricultural lands, environmental resources, and open space.

Policy 5: Support family planning and social equity.

Discussion: The ‘Ewa Beach Homestead community is primarily intended to provide residential homesteading opportunities to native Hawaiian beneficiaries on DHHL’s O‘ahu Residential Waitlist. According to the 2021 DHHL Annual Report, there are currently 11,163 applicants on O‘ahu waiting for residential homesteads. To address this significant backlog, the DHHL O‘ahu Island Plan recommends acquiring additional lands on the island to expand homesteading opportunities for these beneficiaries.

By addressing the housing needs of native Hawaiians and reducing DHHL’s O‘ahu Residential Waitlist for homes, the Proposed Action would help alleviate some of the socio-economic challenges currently faced by community members, particularly those exacerbated by rising housing and living costs. The proposed development would not only ease these financial pressures but also offer opportunities for revitalizing and preserving traditional practices in ‘Ewa Beach, thereby fostering a stronger connection to cultural heritage and enhancing community resilience.

Objective B: To establish a pattern of population distribution that will allow the people of O‘ahu to live, work, and play in harmony.

Policy 2: Encourage development within the secondary urban center at Kapolei and the ‘Ewa and Central O‘ahu urban-fringe areas to relieve development pressures in the remaining urban-fringe and rural areas and to meet housing needs not readily provided in the primary urban center.

Policy 3: Manage land use and development in the urban-fringe and rural areas so that:

- a. Development is contained within growth boundaries; and
- b. Population densities in all areas remain consistent with the character, culture, and environmental qualities desired for each community.

Policy 4: Direct growth according to Policies, 1, 2, and 3 above by providing development capacity and needed infrastructure to support a distribution of O’ahu’s resident population that is consistent with the following [Table 18](#).

Table 18. O’ahu General Plan (2021) Distribution of Residential Population

Location	% Distribution of 2040 Oahu Population*
<i>Policy 1 Area:</i>	
Primary Urban Center	43%
<i>Policy 2 Areas:</i>	
'Ewa	16%
Central O’ahu	18%
<i>Policy 3 Areas:</i>	
East Honolulu	5%
Ko’olau Poko	10%
Ko’olau Loa	1%
North Shore	2%
Wai’anae	5%
	100.0%
* O’ahu’s population is based on DBEDT’s latest population projections. The percent share for each DP area is an approximation derived through rounding.	

Discussion: The proposed project comprises approximately 80 acres and is identified as a portion of TMK (1) 9-1-001:001 located in the 'Ewa Beach District of Honolulu on the Island of O’ahu. The parcel was conveyed to DHHL by the federal government as provided by the Hawaiian Homes Recovery Act, Public Law 104-42. The project site parcel is favorably situated within the community of 'Ewa Beach with access to employment centers, public transit, public services, and recreational facilities. As recently acquired land, the land use is undesignated under DHHL's O'ahu Island Plan and is currently DHHL's only parcel in 'Ewa Beach. DHHL has land use designations specific to Hawaiian Home Lands that are defined in the DHHL General Plan (2022) and implemented through DHHL's Island Plans. Because the Project Area was not in DHHL's land inventory at the time of the last O’ahu Island Plan in 2014, it is undesignated. The DHHL will adopt land use designations for the homestead site when it proceeds with subdivision of the next phase of development. Land use designations would include the following: residential – single family, residential – multi-family, community use, community agriculture, and stewardship.

NATURAL ENVIRONMENT AND RESOURCE STEWARDSHIP

Objective A: To protect and preserve the natural environment.

Policy 4: Require development projects to give due consideration to natural features and hazards such as slope, inland and coastal erosion, flood hazards, water-recharge areas, and existing vegetation, as well as to plan for coastal hazards that threaten life and property.

Policy 6: Design and maintain surface drainage and flood-control systems in a manner which will help preserve natural and cultural resources.

Policy 8: Protect plants, birds, and other animals that are unique to the State of Hawai‘i and O‘ahu and protect their habitats.

Policy 9: Increase tree canopy and ensure its integration into new developments, and protect significant trees on public and private lands.

Policy 10: Increase public awareness, appreciation, and protection of O‘ahu’s land, air, and water resources.

Policy 12: Plan, prepare for, and mitigate the impacts of climate change on the natural environment, including strategies of adaptation.

Discussion: As discussed in **Section 3.0**, the Proposed Action is not expected to have significant impacts to the environment. The final design of the Proposed Action would be consistent with the visual environment of the surrounding area.

HOUSING AND COMMUNITIES

Objective A: To ensure a balanced mix of housing opportunities and choices for all residents at prices they can afford.

Policy 3: Encourage innovative residential developments that result in lower costs, sustainable use of resources, more efficient use of land and infrastructure, greater convenience and privacy, and a distinct community identity

Policy 5: Make full use of government programs that provide assistance for low- and moderate-income renters and homebuyers.

Policy 13: Encourage the production and maintenance of affordable rental housing.

Objective C: To provide residents with a choice of living environments that are reasonably close to employment, schools, recreation, and commercial centers, and that are adequately served by transportation networks and public utilities.

Policy 2: Encourage the fair distribution of low- and moderate-income housing throughout the island.

Policy 3: Encourage the co-location of residential development and employment centers with commercial, educational, social, and recreational amenities in the development of desirable communities.

Policy 4: Encourage residential development in suburban areas where existing roads, utilities, and other community facilities are not being used to capacity, and in urban areas where higher densities may be readily accommodated.

Discussion: Implementation of the Proposed Action is expected to yield significant positive impacts on the surrounding area. The Proposed Action is focused on social equity to provide homes to low-income families, elderly individuals, and native Hawaiians, to prevent exacerbating existing inequalities and to foster inclusive community growth. The development of new housing could improve access to healthcare services for native Hawaiians by bringing them closer to medical facilities and support services. The proximity of new residential developments to job centers could enhance economic stability for residents by reducing commute times and improving job accessibility. This can contribute to better economic outcomes for low-income and vulnerable populations.

Increased housing and community development could stimulate local economic growth by generating demand for goods and services, potentially creating job opportunities and supporting local businesses.

The development of DHHL residential homes and community spaces has the potential to support the revitalization of traditional cultural practices by providing spaces for cultural activities and communities gatherings. This can strengthen community cohesions and cultural identity as shown in other DHHL homestead communities across the State.

By addressing the housing needs of native Hawaiians and reducing DHHL’s O‘ahu Residential Waitlist for homes, the Proposed Action would help alleviate some of the socio-economic challenges currently faced by community members, particularly those exacerbated by rising housing and living costs. The proposed development would not only ease these financial pressures but also offer opportunities for revitalizing and preserving traditional practices in ‘Ewa Beach, thereby fostering a stronger connection to cultural heritage and enhancing community resilience.

TRANSPORTATION AND UTILITIES

Objective B: Provide an adequate supply of water and environmentally sound systems of waste disposal for O‘ahu’s existing population and for future generations, and support a one water approach that uses and manages freshwater, wastewater, and stormwater resources in an integrated manner.

Policy 6: Provide safe, reliable, efficient, and environmentally sound waste-collection, waste-disposal, and recycling services that consider the near- and long-term impacts of climate change during the siting and construction of new facilities.

Policy 9: Require the safe use and disposal hazardous materials.

Discussion: The ‘Ewa Beach Homestead Project would be serviced by ENV’s Refuse Division or a private waste collection company. The Proposed Action is not expected to affect the existing waste collection operations.

The Proposed Action would not use or result in the use of hazardous materials for the operation of the project; therefore, the Proposed Action would not have any impacts associated with hazardous materials.

Objective C: To ensure reliable, cost-effective, and responsive service for all utilities with equitable access for residents.

Policy 1: Maintain and upgrade utility systems in order to avoid major breakdowns and service interruptions.

Policy 3: Facilitate timely and orderly upgrades and expansions of utility systems.

Discussion:

Objective D: To maintain transportation and utility systems which support O‘ahu as a desirable place to live and visit.

Policy 2: Evaluate the social, cultural, economic, and environmental impact of additions to the transportation and utility systems before they are constructed.

Discussion: The purpose of this Draft EA is to evaluate the social, cultural, economic, and environmental impacts associated with the Proposed Action. These impacts are discussed in **Section 3.0**.

PHYSICAL DEVELOPMENT AND URBAN DESIGN

Objective A: To coordinate changes in the physical environment of O‘ahu to ensure that all new developments are timely, well-designed, and appropriate for the areas in which they will be located.

Policy 1: Provide infrastructure improvements to serve new growth areas, redevelopment areas, and areas with badly deteriorating infrastructure.

Policy 2: Coordinate the location and timing of new development with the availability of adequate water supply, sewage treatment, drainage, transportation, and other public facilities and services.

Policy 4: Facilitate and encourage compact, higher-density development in urban areas designated for such uses.

Policy 10: Discourage uses which are major sources of noise, air, and light pollution.

Policy 11: Implement siting and design solutions that seek to reduce exposure to natural hazards, including those related to climate change, flooding, and sea level rise.

Policy 13: Promote opportunities for the community to participate meaningfully in planning and development processes, including new forms of communication and social media.

Discussion: The master planning process for this project involved a detailed public review process that provided opportunities for impacted community members to share their thoughts on many aspects of the project design and development, as discussed in **Section 6.0**.

Draft conceptual site alternatives were developed to illustrate different ways of meeting the goal of providing leases to DHHL beneficiaries on the O‘ahu Residential Waitlist while considering beneficiaries’ preferences and addressing the existing opportunities and constraints. Three alternatives were proposed for beneficiary feedback via survey and beneficiary consultation. Following the second beneficiary consultation, a preferred alternative was developed in response to the feedback received. The preferred alternative is the Proposed Action discussed in this Draft EA.

Objective B: To plan and prepare for the long-term physical impacts of climate change.

Policy 1: Integrate climate change adaptation into the planning, design, and construction of all significant improvements to and development of the built environment.

Policy 3: Prepare for the anticipated impacts of climate change and sea level rise on existing communities and facilities through mitigation, adaptation, managed retreat, or other measures in exposed areas.

Discussion: A sea level rise desktop study was conducted in 2023 by Sea Engineering, Inc., to identify and quantify the vulnerability of the proposed project to sea level rise as well as to inform the selection of sea level rise planning scenarios and design parameters and facilitate development of alternatives to ensure that the community is resilient to sea level rise.

The Proposed Action is not expected to be impacted by coastal erosion due to its location away from the shoreline. Flooding from subaerial and marine sources are the primary hazards that could impact the ‘Ewa Beach Homestead Project due to low elevation. Passive flooding may begin to occur with 2.0 feet of sea level rise, which is projected to occur between the years 2053 and 2092. High wave flooding and high tides may begin to occur with 3.2 feet of sea level rise, which is projected to occur between the years 2068 and 2135. Tidal flooding at high tide may begin to occur with 6.0 feet of sea level rise, which is projected to occur between the years 2098 and 2150.

Objective E: To maintain those development characteristics in the urban-fringe and rural areas which make them desirable places to live.

Policy 2: Coordinate plans for developments within the ‘Ewa and Central O‘ahu urban-fringe areas with the State and federal governments, major landowners and developers, agricultural industries, and the community.

Discussion: The proposed project comprises approximately 80 acres and is identified as a portion of TMK (1) 9-1-001:001 located in the ‘Ewa Beach District of Honolulu on the Island of O‘ahu. The parcel was conveyed to DHHL by the federal government as provided by the Hawaiian Homes Recovery Act, Public Law 104-42. The project site parcel is favorably situated within the community of ‘Ewa Beach with access to employment centers, public transit, public services, and recreational facilities. As recently acquired land, the land use is undesignated under DHHL’s O‘ahu Island Plan and is currently DHHL’s only parcel in ‘Ewa Beach. DHHL has land use designations specific to Hawaiian Home Lands that are defined in the DHHL General Plan (2022) and implemented through DHHL’s Island Plans. Because the Project Area was not in DHHL’s land inventory at the time of the last O‘ahu Island Plan in 2014, it is undesignated. The DHHL will adopt land use designations for the homestead site when it proceeds with subdivision of the next phase of development. Land use designations would include the following: residential – single family, residential – multi-family, community use, community agriculture, and stewardship.

Objective F: To create and maintain attractive, meaningful, and stimulating environments throughout O‘ahu.

Policy 1: Encourage distinctive community identities for both new and existing communities and neighborhoods.

Policy 3: Require developments in stable, established communities and rural areas to be compatible with the existing communities and areas.

Policy 5: Seek to protect residents’ quality of life and to maintain the integrity of neighborhoods by strengthening regulatory and enforcement strategies that address the presence of inappropriate non-residential activities.

Policy 9: Recognize the importance of using Native Hawaiian plants in landscaping to further the traditional Hawaiian concept of mālama ‘āina and to create a more Hawaiian sense of place.

Discussion: The project site parcel is favorably situated within the community of ‘Ewa Beach with access to employment centers, public transit, public services, and recreational facilities. Implementation of the Proposed Action is expected to yield significant positive impacts on the surrounding area. The Proposed Action is focused on social equity to provide homes to low-income families, elderly individuals, and native Hawaiians, to prevent exacerbating existing inequalities and to foster inclusive community growth. The development of new housing could improve access to healthcare services for native Hawaiians by bringing them closer to medical facilities and support services. The proximity of new residential developments to job centers could enhance economic stability for residents by reducing commute times and improving job accessibility. This can contribute to better economic outcomes for low-income and vulnerable populations.

Increased housing and community development could stimulate local economic growth by generating demand for goods and services, potentially creating job opportunities and supporting local businesses.

The development of DHHL residential homes and community spaces has the potential to support the revitalization of traditional cultural practices by providing spaces for cultural activities and communities gatherings. This can strengthen community cohesions and cultural identity as shown in other DHHL homestead communities across the State.

By addressing the housing needs of native Hawaiians and reducing DHHL’s O‘ahu Residential Waitlist for homes, the Proposed Action would help alleviate some of the socio-economic challenges currently faced by community members, particularly those exacerbated by rising housing and living costs. The proposed development would not only ease these financial pressures but also offer opportunities for revitalizing and preserving traditional practices in ‘Ewa Beach, thereby fostering a stronger connection to cultural heritage and enhancing community resilience.

Objective G: To promote and enhance the social and physical character of O‘ahu’s older towns and neighborhoods.

Policy 1: Encourage new construction in established areas to be compatible with the character and cultural values of the surrounding community.

Policy 5: Acknowledge the cultural and historical significance of kuleana lands, and promote policies that preserve and protect kuleana lands.

Policy 6: Support and encourage cohesive neighborhoods which foster interactions among neighbors, promote vibrant community life, and enhance livability.

Discussion: The project site parcel is favorably situated within the community of ‘Ewa Beach with access to employment centers, public transit, public services, and recreational facilities. Implementation of the Proposed Action is expected to yield significant positive impacts on the surrounding area. The Proposed Action is focused on social equity to provide homes to low-income families, elderly individuals, and ethnic minorities, to prevent exacerbating existing inequalities and to foster inclusive community growth.

Increased housing and community development could stimulate local economic growth by generating demand for goods and services, potentially creating job opportunities and supporting local businesses.

CULTURE AND RECREATION

Objective A: To foster the multiethnic culture of Hawai'i and respect the host culture of the Native Hawaiian people.

Policy 1: Recognize the Native Hawaiian host culture, including its customs, language, history, and close connection to the natural environment, as a dynamic, living culture and as an integral part of O'ahu's way of life.

Policy 2: Promote the preservation and enhancement of local cultures, values and traditions.

Policy 3: Encourage greater public awareness, understanding, and appreciation of the cultural heritage and contributions to Hawai'i made by O'ahu's various ethnic groups.

Policy 4: Foster equity and increased opportunities for positive interaction among people with different ethnic, social, and cultural backgrounds.

Policy 5: Preserve the identities of the historical community of O'ahu.

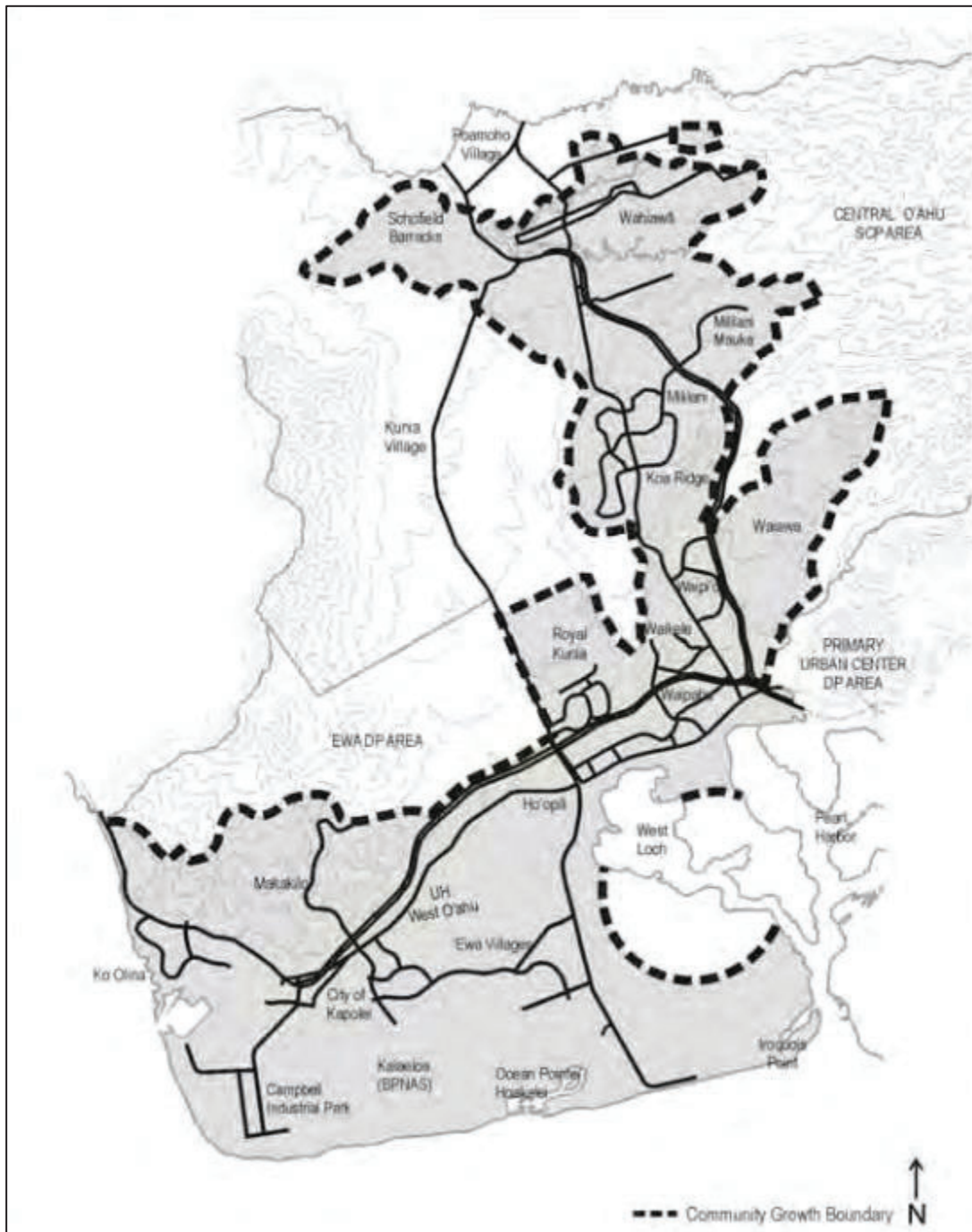
Discussion: The development of DHHL residential homes and community spaces has the potential to support the revitalization of traditional cultural practices by providing spaces for cultural activities and communities gatherings. This can strengthen community cohesions and cultural identity as shown in other DHHL homestead communities across the State.

4.3.2 'Ewa Development Plan

The City's Development or Sustainable Communities Plans consist of conceptual schemes for implementing the development or sustainable community objectives and policies of the City's *General Plan*. The purpose of the plans are to set forth the desired sequence, patterns, and characteristics of future development or sustainability of a region or community. Therefore, these plans are detailed guidelines for the physical sustainability or development of the island. The plans consist of maps depicting the land use pattern, public facilities, open spaces, general principles and common provisions, and specific urban design principles and controls. The *'Ewa Development Plan* was first adopted by the City Council in 1997. The current version of the plan was adopted as Ordinance 20-46 in December 2020.

The Proposed Action is located in an area identified in the plan as designated Urban and is located within the 'Ewa Community Growth Boundary which is shown in [Figure 19](#)~~Figure 19~~.

Figure 19. 'Ewa Community Growth Boundary



Source: 'Ewa Development Plan, Exhibit 2.1

4.3.3 Revised Ordinances of Honolulu Chapter 21, Land Use Ordinance

ROH Chapter 21, Land Use Ordinance, contains ordinances regulating the utilization of land in the CCH. Chapter 21 of the ROH is also referred to as the zoning ordinance and includes the establishment of zoning districts and zoning district regulations in Article 3.

Discussion: Hawaiian Home Lands are not subject to regulation by the State Land Use Districts nor City and County of Honolulu Zoning. DHHL will exercise its exclusive land use authority over Hawaiian Home Lands as provided by the Hawaiian Homes Commission Act that was incorporated into the State Constitution. Attorney General opinion 72-21 states "Hawaiian home lands needed for purposes of the HHCA are to be used and disposed of in accordance with the act and are not subject to County zoning requirements." Since the lands are to be used to fulfill the purposes of the HHCA, DHHL is not subject to County zoning. However, there are underlying land use designations that are important to understand in the context of the surrounding area and intended broader community character.

DHHL has land use designations specific to Hawaiian Home Lands that are defined in the DHHL General Plan (2022) and implemented through DHHL's Island Plans. Because the Project Area was not in DHHL's land inventory at the time of the last O'ahu Island Plan in 2014, it is undesignated. With its land use authority over Hawaiian Home Lands, DHHL will be designating these lands for uses consistent to what is proposed in the preferred master plan alternative. The DHHL will adopt land use designations for the homestead site when it proceeds with subdivision of the next phase of development.

5.0 Findings and Conclusions

5.1 Significance Criteria

HAR Chapter 11-200.1 provides significance criteria for which all projects in Hawai‘i are assessed. These significance criteria and their relationship to the project area are as follows:

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

The Proposed Action would not irrevocably commit a natural, cultural, or historic resource. An Archaeological Literature Review and Field Inspection was completed for the Proposed Action in July 2023 by Honua Consulting. This study, which is included in **Appendix C** was conducted in order to provide DHHL with information regarding the general nature, density, and distribution of archaeological and historic resources that may be expected in the location of the Proposed Action.

Construction of the Proposed Action may impact archaeological resources. Since the ALRFI was designed as an identification exercise and only covers a sample of the project area, it is unknown the significance of potential impacts to archaeological features. Therefore, prior to any ground disturbing work, an AIS may be required if requested by SHPD. This is expected to minimize the possibility of construction activity interfering with historic resources of significance. Overall, the probability of adverse impacts in this area seems very low as no historic properties have been identified during archaeological investigations on nearby parcels.

(2) Curtail the range of beneficial uses of the environment

The Proposed Action would provide homes for those who have been on DHHL’s O‘ahu Residential Waitlist and community spaces for the homesteads to utilize for traditional/ cultural practices, play spaces, and/or restoration and cultivation of native plants. The development of the homes and preservation of land for community spaces would be consistent with future growth plans for the area and would not provide a significant negative environmental impact.

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

HRS Chapter 344 states that “It shall be the policy of the State, through its programs, authorities, and resources to:

- (1) Conserve the natural resources, so that land, water, mineral, visual, air and other natural resources are protected by controlling pollution, by preserving or augmenting natural resources, and by safeguarding the State’s unique natural environmental characteristics in a manner which will foster and promote the general welfare, create and maintain conditions under which humanity and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of the people of Hawai‘i.
- (2) Enhance the quality of life by:
 - (A) Setting population limits so that the interaction between the natural and artificial environments and the population is mutually beneficial;
 - (B) Creating opportunities for the residents of Hawai‘i to improve their quality of life through diverse economic activities which are stable and in balance with the physical and social environments;

- (C) Establishing communities which provide a sense of identity, wise use of land, efficient transportation, and aesthetic and social satisfaction in harmony with the natural environment which is uniquely Hawaiian; and
- (D) Establishing a commitment on the part of each person to protect and enhance Hawai‘i’s environment and reduce the drain on nonrenewable resources.”

As discussed in **Section 3.0**, the Proposed Action would have short-term and temporary impacts during construction that would be less than significant. BMPs and other measure would be implemented to minimize impact, as applicable.

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

The Proposed Action would have beneficial socioeconomic impacts by providing homes to those who have been waiting on DHHL’s O‘ahu Residential Waitlist, provide open areas for community use, and place native Hawaiians close to job centers and recreational activities. The Proposed Action would be designed consistent with the ‘Ewa Beach Neighborhood Guidelines to ensure that the new development maintains the community character and give the opportunity to native Hawaiians to pursue cultural practices. The Proposed Action would result in temporary, positive economic activity in the form of construction jobs and material procurements.

The findings of the cultural-historical background information revealed limited information regarding the identification of valued cultural or natural resources and traditional customary practices specific to the project area. Unlike other locations on O‘ahu, this community has not managed to maintain many of the traditional activities that once flourished in the area. The return of native Hawaiians to the area could help restore and uplift the knowledge and traditions that once thrived in this part of ‘Ewa. The Proposed Action is a critical opportunity to reclaim Hawaiian traditional names and knowledge that have been impacted by the area’s development and military seizure of resources in the area. The Proposed Action is a significant opportunity to restore traditional and customary knowledge that has been partially lost due to the long use of the land by the federal government.

(5) Have a substantial adverse effect on public health.

Construction of the Proposed Action would have some temporary, short-term, minor impacts to water resources, air quality, and the existing noise environment. However, these impacts would be minimized through the implementation of BMPs and other measures, as applicable, and would not affect public health.

(6) Involve adverse secondary impacts, such as population changes or effects on public facilities.

The implementation of the Proposed Action would not only produce direct benefits such as increased housing availability and enhanced community spaces, but also give rise to secondary cumulative impacts. These impacts, though indirect, warrant careful consideration: growth-inducing effects, changes in land use patterns, increased population density, and effects on air and water quality. The Proposed Action is likely to stimulate additional growth in the surrounding areas. The provision of new housing and community amenities will make ‘Ewa Beach a more attractive location for both current residents and new residents. This increased desirability may lead to further residential and commercial development, potentially accelerating the expansion of ‘Ewa urban areas and contributing to a more intensive pattern of

land use in the region. The reconfiguration of land use may influence adjacent areas, prompting additional development and altering the landscape of 'Ewa Beach and its surroundings.

The influx of new residents and the expansion of community facilities may result in increased population density in the area. Higher population density can strain existing infrastructure and services, such as transportation, utilities, and healthcare. This growth may necessitate further investment in these services to meet the demands of a larger population, potentially leading to increased development activities in nearby regions.

Secondary impacts on air and water quality may arise from increased development and population density. The construction of new homes and community spaces can lead to higher levels of vehicular traffic, construction-related emissions, and increased energy consumption. Additionally, with more residents, there could be higher levels of waste generation and runoff, which may affect local water bodies and natural systems. These changes could contribute to cumulative effects on air and water quality over time.

(7) Involve a substantial degradation of environmental quality.

As discussed in **Section 3.0**, the Proposed Action would have short-term and temporary impacts during construction that would be less than significant. BMPs and other measures would be implemented to minimize impacts, as applicable.

(8) Is individually limited but cumulatively has a considerable effect upon the environment or involves a commitment for larger actions.

The following cumulative impacts should be considered related to the Proposed Action: infrastructure strain and environmental degradation. The addition of new residential units and community spaces would increase demand on existing infrastructure, such as transportation networks, utilities, and public services. When aggregated with other development projects, this increased demand may strain infrastructure capacity, necessitating upgrades and expansions. The cumulative effect on infrastructure could lead to greater environmental impacts, such as increased traffic congestion, higher emissions, and more extensive resource use. Cumulative impacts on environmental quality can arise from the combined effects of multiple development projects. The construction and operation of new residential spaces, in conjunction with other local developments, may contribute to degradation of air and water quality, loss of natural habitats, and increased waste production. The aggregate impact of these projects can lead to diminished environmental health, affecting ecosystems, wildlife, and human populations.

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

No rare, threatened, or endangered plant or animal species were identified at the project site. However, there is the potential for the presence of the Hawaiian hoary bat, Hawaiian seabirds, and Hawaiian waterbirds. Measures to minimize impacts to these species are provide in **Section 3.2.3**.

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

Air pollutant emissions from construction activities would include dust or particulate matter and exhaust fumes from vehicular travel to and from the project site and from equipment operations. Potential impacts would be short-term and temporary and would be minimized through the implementation of BMPs and other measures.

There would be no direct impacts to surface waters. Construction activities may produce sediment from soil erosion during and after excavation. In addition, contaminants associated with equipment during construction may percolate in groundwater. With the implementation of BMPs, potential indirect impacts to water resources during the short-term construction period would be less than significant.

The Proposed Action would result in a short-term increase in noise levels during construction activities. Noise generated from short-term construction activities and the use of machinery would be minimized by requiring contractors to adhere to State and County noise regulations, including HRS Chapter 342F, Noise Pollution, and HAR Chapter 11-46, Community Noise Control.

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

The use of Native Hawaiian Housing Block Grant funds precludes development of residences within 100-year floodplains. The Proposed Action would not be in an area determined to be a Special Flood Hazard Area. The Proposed Action would be designed to withstand the level of forces necessary to minimize the likelihood that an extreme event would damage the structures. There are no anticipated adverse impacts associated with natural hazards.

The Proposed Action is not expected to be impacted by coastal erosion due to its location away from the shoreline. Flooding from subaerial and marine sources are the primary hazards that could impact the ‘Ewa Beach Homestead Project due to low elevation. Passive flooding may begin to occur with 2.0 feet of sea level rise, which is projected to occur between the years 2053 and 2092. High wave flooding and high tides may begin to occur with 3.2 feet of sea level rise, which is projected to occur between the years 2068 and 2135. Tidal flooding at high tide may begin to occur with 6.0 feet of sea level rise, which is projected to occur between the years 2098 and 2150.

(12) Have a substantial adverse effect on scenic vistas and viewplanes, during day or night, identified in county or state plans or studies.

Building and landscape development and improvements would be consistent with the Community Guidelines. The housing would be low rise and would not have a significant impact on surrounding area views. The proposed project would include a landscaping plan that would replicate the naturalized dry shrub and grass lands common to the ‘Ewa Plain.

(13) Requires substantial energy consumption or emit substantial greenhouse gases.

The Proposed Action would result in increased energy consumption during the construction and operation stages. GHG emissions may increase in the area due to the increase of population and vehicle use.

5.2 ~~Anticipated~~ Finding of No Significant Impact

Based on the significance criteria set forth in HAR Chapter 11-200.1 and discussed in **Section 5.1**, ~~it is anticipated that~~ the ‘Ewa Beach Homestead Project would not have a significant effect on the environment and ~~that a DHHL is filing this~~ Finding of No Significant Impact ~~would be filed~~ with the State of Hawai‘i Office of Planning and Sustainable Development’s Environmental Review Program ~~following the public comment period~~.

6.0 Agency and Public Consultation

6.1 Early Stakeholder Engagement

Early stakeholder engagement occurred in October and November 2022 to apprise key stakeholders of the project and gather input on community and beneficiary concerns. Dialogue with elected officials began in October 2022 and briefings were provided to Senator Kurt Fevella, Councilmember Augie Tulba, and Councilmember Andria Tupola. In addition, a virtual meeting with Kapolei homestead leaders from Kapolei Community Development Corporation, Malu‘ōhai, Kaupe‘a, Kānehili, and Ka‘uluokaha‘i homesteads was held on November 2, 2022. Agency stakeholders are discussed in **Section 6.4** and [Table 19](#).

6.2 Beneficiary Consultation

6.2.1 Beneficiary Consultation 1

The first beneficiary consultation meeting was held virtually on December 8, 2022. The meeting introduced the project and engaged beneficiaries, particularly applicants on the O‘ahu residential wait list, in envisioning and planning for the future ‘Ewa Beach Homestead community. Forty-three (43) beneficiaries attended the meeting. In addition to group discussions, the meeting utilized Mentimeter live polling to gather real time input. Of the beneficiaries using Mentimeter, 16 answered that they are currently on the wait list for a homestead lease and one (1) attendee answered that they are an existing lessee.

Beneficiaries who attended the December 2022 meeting largely prefer to see single family homes on the ‘Ewa Beach site, and envision community use amenities including a community center, walking/bike paths, community gardens/agriculture and open space. Beneficiaries also expressed that the community MP should include multiple access routes in and out of community, offering a connection away from the areas makai of Fort Weaver Road within the tsunami inundation zone.

6.2.2 Beneficiary Consultation 2

The second beneficiary consultation meeting was held virtually on April 30, 2024, with 51 attendees. The meeting presented results from the beneficiary survey and the first community meeting, as well as an update on the findings of technical studies. Finally, three draft alternatives were presented for input and discussion. Of the beneficiaries using the Mentimeter polling feature, 23 answered that they are currently on the wait list for a homestead lease, one (1) attendee answered that they are an existing lessee, and two (2) indicated they are “Other.”

Beneficiaries in attendance expressed concerns about hazards on the site, and largely preferred Alternative A due to its siting of homestead development outside of sea level rise hazard areas, as well as its lower population density and focus on single family homes. Other expressed urgency around providing housing for beneficiaries and offering affordable options such as multi-family housing. The general consensus was that Alternative A could be modified to include some multi-family options in addition to single family homes. This input resulted in the finalization of the preferred alternative presented in this Draft EA as the Proposed Action.

6.2.3 Beneficiary Consultation 3

The third beneficiary consultation meeting was held virtually on November 14, 2024, with 41 attendees. The meeting provided a summary of the project and an update regarding the project schedule and outreach that has occurred. In addition, the meeting provided a summary of the findings presented in the Draft EA. Beneficiaries in attendance expressed concerns about the multi-family housing and whether the housing would be passed down to successors should a recipient pass away. Other concerns were expressed regarding existing and future school capacity, sea level rise impacts, and water quality.

6.2.3.6.2.4 Beneficiary Survey

SMS surveyed over 1,300 current DHHL applicants to learn more about their preferences and needs for the ‘Ewa Beach Homestead Community. Major findings from this survey research include the following:

- In areas of the homestead community that are at risk of shorter-term flooding, 44% of applicants prefer no housing be built, 18% prefer to build as many homesteads as possible that include flooding mitigation, 9% prefer to build fewer homes in flood prone areas, and 3% prefer that these areas are used for short-term housing rather than homesteads. Nineteen percent (19%) need more information.
- In areas of the property projected to be impacted by a six-foot sea-level rise within the next 50-100 years, 43% of applicants prefer that no housing be built, 15% prefer to build as many homesteads as possible that include flooding mitigation, 9% prefer to build fewer homes in flood-prone areas, and 5% prefer that these areas be used for short-term housing rather than homesteads. Twenty-one percent (21%) need more information.
- Of the three land-use plans presented to applicants, 33% prefer Plan A, 22% Prefer Plan B, 16% prefer Plan C, 10% don’t like any of the plans, 9% like all of them equally, and 10% don’t know what they prefer. Applicants who like Plan A cite the low hazard risks and inclusion of only single-family homes; applicants who like Plan B believe it makes good use of the land, houses a sufficient number of individuals or families, and includes a balanced community by including multi-family housing units with single-family housing units; and applicants who prefer Plan C like the fact that it produces the most housing of the three options. Applicants who don’t like any of the plans primarily have issues with the fact that the property is subject to hazards and sea-level rise, while those who like all plans equally do so because all plans increase the overall DHHL housing stock.
- Plan A is rated highest in terms of types of housing offered and mix of land uses; Plan C is rated highest regarding the number of housing units provided.
- Major concerns about a homestead in ‘Ewa Beach include safety and security, traffic, spacing of houses, and housing options.
- Despite concerns, 69% a somewhat and very likely to accept an award in the ‘Ewa Beach Homestead Community, 9% are somewhat and definitely unlikely to accept an award, and 21% are unsure or don’t know. Nearly 70% would live there alone or with family, and 72% would be available to relocate within the next two years.

- Fifty-six percent (56%) of applicants are interested in an affordable rental if they are not financially ready to purchase a house; of this group, 60% prefer a single-family home.
- Most applicants (58%) currently live in a single-family home (not on DHHL land) and in housing units owned by someone in the household. Applicants have lived in these units for an average of 16 years and have an average of 4.1 people in their household (1.1 are over the age of 62 and 2.0 are employed adults).
- If applicants were to move into a homestead unit, they would have an average of 4.2 people in their households (1.2 would be under the age of 18, and 1.0 would be 62 or older). They would need an average of 3.6 bedrooms and would need to accommodate an average of 2.7 cars at the new home.
- Applicants prefer a turn-key single-family home for purchase above all other property types.

6.3 Community and Stakeholder Consultation

6.3.1 Community Meeting 1

Outreach to the surrounding ‘Ewa Beach community was also conducted following the first Beneficiary Consultation. The community meeting was intended to provide a project overview, preliminary results from the due diligence, technical studies, and outreach efforts to date, and gather community mana‘o on opportunities and concerns around the proposed homestead community. The meeting was hosted at the ‘Ewa Beach Public and School Library on January 26, 2023, and was intended for nearby residents and community stakeholders, regardless of their native Hawaiian beneficiary status. Forty-four (44) people signed the attendance sheet, including 30 people that self-identified as non-beneficiaries, 14 people that self-identified as DHHL wait list beneficiaries, and three (3) people that identified as DHHL homestead lessees.

Community members expressed concern with the flooding conditions of the area, noting that the makai area of the site has poor drainage and floods often and expressed concern that if the site is elevated, it may cause more runoff and flooding in surrounding areas. Community meeting attendees also shared their concerns about noise and lead pollution associated with the [U.S. Marines Corps Base Hawai‘i Pu‘uloa Rifle Range MCBH PRTE](#). Lastly, community members were hopeful that the development of the site would provide needed evacuation routes between Fort Weaver Road and North Road.

A presentation to the ‘Ewa Neighborhood Board was given in the lead up to the community meeting on January 12, 2023.

6.3.2 Community Meeting 2

The second community ~~meeting is scheduled~~was held on for October 9, 2024, and the ‘Ewa Beach Public and School Library. The meeting ~~will~~announced the availability of the Draft EA and the 30-day public comment period and ~~will seek~~sought community input on the Draft EA and Proposed Action. Thirteen (13) people signed the attendance sheet, including two (2) that self-identified as DHHL wait list applicants and 11 that did not self-identify.

[Community members expressed concern with potential traffic during construction and requested that construction vehicles enter and exit the site via North Road. One of the main concerns was regarding school capacities. Specifically, it was stated that the schools in the area are already over capacity and the proposed project would add to that. Another primary concern was the proximity of the MCBH PRTF to the proposed project. It was stated that potential lessees should be alerted to the potential noise impacts and may want to visit the site to experience prior to making a commitment.](#)

6.4 Pre-Assessment Consultation

~~Table 19~~ **Table 19** identifies the State and County agencies and elected officials consulted via a pre-assessment consultation letter dated July 10, 2024, prior to the preparation of the Draft EA, as well as whether a comment was received. All comments received and responses are included in **Appendix J**.

Table 19. Pre-Assessment Consultation and Comments

Agency	Pre-Assessment Consultation Comment Date Received
Federal Agencies	
U.S. Geological Survey	
Natural Resource Conservation Service	
Pacific Islands Region, U.S. Fish and Wildlife Service	07/25/2024
U.S. Department of Transportation, Federal Highways Administration	
State of Hawai'i Agencies	
State of Hawai'i Department of Health - Wastewater Branch	
State of Hawai'i Department of Health – Clean Air Branch	07/19/2024
State of Hawai'i Department of Health – Clean Water Branch	
State of Hawai'i Department of Health – Hazard Evaluation and Emergency Response Office	
State of Hawai'i Department of Health – Safe Drinking Water Branch	
State of Hawai'i Department of Health – Solid and Hazardous Waste Branch	
State of Hawai'i Department of Health – Indoor and Radiological Health Branch	
State of Hawai'i Department of Health – Disability and Communication Access Board	07/23/2024
Hawai'i Housing Finance and Development Corporation	
Office of Planning and Sustainable Development	
Hawai'i Public Housing Authority	
Department of Education	08/21/2024
State of Hawai'i Department of Accounting and General Services – Office of the Comptroller	07/22/2024
State of Hawai'i Department of Land and Natural Resources – Land Division	
State of Hawai'i Department of Land and Natural Resources – State Historic Preservation Division	
State of Hawai'i Department of Transportation	08/05/2024
State of Hawai'i Office of Hawaiian Affairs	
City & County of Honolulu	
Department of Planning & Permitting	08/08/2024
Department of Design & Construction	07/16/2024
Department of Environmental Services	
Department of Facility Maintenance	

Agency	Pre-Assessment Consultation Comment Date Received
Department of Parks & Recreation	
Department of Transportation Services	
Department of Facility Maintenance	
Office of Housing	
Board of Water Supply	07/31/2024
Department of Community Services	08/09/2024
Honolulu Fire Department	07/24/2024
Honolulu Police Department	08/07/2024
Elected Officials	
Council Member Augie Tulba, District 9	
Senator Kurt Fevella, District 20	08/09/2024
Representative Rose Martinez, District 40	07/17/2024
Utility Companies	
Spectrum	
Hawai'i Gas	
Hawaiian Electric	
Hawaiian Telcom	07/30/2024
Other Interested Parties	
'Ewa Neighborhood Board #23	
Kanehili Community Association	08/07/2024
Kapolei Community Development Corporation	
Kauluokhai Hawaiian Homestead Community	
Kaupea Homestead Association	
Maluohai Residents Association	

6.5 Comments on the Draft EA

Table 20 identifies the State and County agencies and elected officials that were sent a Notice of Availability for the Draft EA, as well as whether a comment was received. In addition, five (5) comments were received from the public. All comments received and responses are included in **Appendix K**.

Table 20. Comments Received on the Draft EA

Agency	Draft EA Comment Date Received
Federal Agencies	
U.S. Geological Survey	
Natural Resource Conservation Service	
Pacific Islands Region, U.S. Fish and Wildlife Service	
U.S. Department of Transportation, Federal Highways Administration	
State of Hawai'i Agencies	
State of Hawai'i Department of Health - Wastewater Branch	
State of Hawai'i Department of Health – Clean Air Branch	10/02/24
State of Hawai'i Department of Health – Clean Water Branch	
State of Hawai'i Department of Health – Hazard Evaluation and Emergency Response Office	
State of Hawai'i Department of Health – Safe Drinking Water Branch	10/23/24

Agency	Draft EA Comment Date Received
State of Hawai'i Department of Health – Solid and Hazardous Waste Branch	
State of Hawai'i Department of Health – Indoor and Radiological Health Branch	
State of Hawai'i Department of Health – Disability and Communication Access Board	
Hawai'i Housing Finance and Development Corporation	
Office of Planning and Sustainable Development	
Hawai'i Public Housing Authority	
Department of Education	
State of Hawai'i Department of Accounting and General Services – Office of the Comptroller	
State of Hawai'i Department of Land and Natural Resources – Land Division	
State of Hawai'i Department of Land and Natural Resources – Engineering Division	10/23/24
State of Hawai'i Department of Land and Natural Resources – Commission on Water Resource Management	10/25/24
State of Hawai'i Department of Transportation	10/23/24
State of Hawai'i Office of Hawaiian Affairs	
<u>City & County of Honolulu</u>	
Department of Planning & Permitting	10/22/24
Department of Design & Construction	09/26/24; 10/14/24
Department of Environmental Services	
Department of Facility Maintenance	
Department of Parks & Recreation	10/22/24
Department of Transportation Services	10/23/24
Department of Facility Maintenance	
Office of Housing	
Board of Water Supply	
Department of Community Services	
Honolulu Fire Department	
Honolulu Police Department	
<u>Elected Officials</u>	
Council Member Augie Tulba, District 9	
Senator Kurt Fevella, District 20	09/30/24
Representative Rose Martinez, District 40	
<u>Utility Companies</u>	
Spectrum	
Hawai'i Gas	
Hawaiian Electric	
Hawaiian Telcom	10/24/24
<u>Other Interested Parties</u>	
'Ewa Neighborhood Board #23	
Kanehili Community Association	
Kapolei Community Development Corporation	
Kauluokhai Hawaiian Homestead Community	
Kaupea Homestead Association	
Maluohai Residents Association	

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7.0 References

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STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

December 16-17, 2024

To: Chairman and Members, Hawaiian Homes Commission

Thru: Andrew H. Choy, Planning Program Manager
Lehua Kinilau-Cano, Government Relations Manager

From: Malia Cox, NAHASDA Compliance Specialist

Subject: Approve the Final Environmental Assessment (FEA) and Declare a Finding of No Significant Impact (FONSI) for the DHHL 'Ewa Beach Homestead Project, 'Ewa Beach, District of 'Ewa, Island of O'ahu, TMK (1) 9-1-001: 001 (por.)

RECOMMENDED ACTION

That the Hawaiian Homes Commission (HHC) issue a Finding of No Significant Impact (FONSI) declaration based on the Final Environmental Assessment (FEA) for the DHHL 'Ewa Beach Homestead Project, 'Ewa Beach, District of 'Ewa, Island of O'ahu, TMK (1) 9-1-001: 001 (por.)

Discussion

The State Department of Hawaiian Home Lands (DHHL) is proposing to build a new homestead community in 'Ewa Beach, O'ahu. The Project is approximately 80 acres and identified as a portion of TMK [1] 9-1-001: Parcel 001 located in the 'Ewa Beach District of Honolulu on the Island of O'ahu. The parcel was conveyed to DHHL by the federal government as provided by the Hawaiian Homes Recovery Act, Public Law 104-42. As recently acquired land, the land use is undesignated under DHHL's O'ahu Island Plan and is currently DHHL's only parcel in 'Ewa Beach. The site is located on the makai end of Fort Weaver Road within a vacant parcel that used to serve as the Pacific Warning Tsunami Center and National Weather Station. North Road is to the northwest of the project site, 'Ewa Beach Golf Club is to the east, Fort Weaver Road to the south, and Single-family homes and low-rise apartments to the west. The DHHL property wraps around the USGS Magnetic Observatory property.

The 'Ewa Beach Homestead Project consists of demolition of seven (7) buildings and the construction of sub-surface infrastructure, internal roadways, and vertical construction of residential housing units. Based upon consultation with beneficiaries on DHHL's O'ahu waiting list, DHHL is proposing to develop approximately 220 single family lots and approximately 120 to 160 low-rise multi-family units. In addition to the infrastructure, roadways, and residential lots, 27 acres would be designated for a combination of community use, community agriculture, stewardship and open space/drainage.

Based on the beneficiary survey conducted for the project, nearly 70 percent of the 1,355 respondents stated they would be either very likely or somewhat likely to accept an award in the 'Ewa Beach Homestead Community. Just nine percent stated they would be unlikely or definitely would not accept an award, and 21 percent indicated they were unsure or didn't know.

The project is proposed on DHHL lands and will involve the use of state funds, both of which trigger the preparation of an environmental assessment as prescribed by Hawai'i Revised Statutes (HRS) Chapter 343. As such, an environmental assessment (EA) was prepared to assess the technical characteristics and potential environmental impacts of the proposed project, as well as advance findings and mitigative measures relative to the project. The following technical studies were conducted as part of the design and EA process:

- Environmental Site Assessment and Hazardous Material Survey
- Magnetometer Survey and Magnetic Anomaly Assessment
- Topographic Survey
- Biological Survey
- Preliminary Infrastructure Report
- Archeological Literature Review and Field Investigation
- Cultural Impact Assessment
- Traffic Study
- Sea Level Rise and Coastal Hazards Study

In addition to gathering data through technical studies, a comprehensive stakeholder engagement plan was implemented to engage with the beneficiary community and stakeholders as part of the planning process. The stakeholder engagement process included several opportunities for public awareness, education, and participation among DHHL lessees, beneficiaries, homestead associations and beneficiary leaders, as well as the greater 'Ewa Beach community and relevant agencies. Further engagement as well as comment periods on the Draft EA and opportunities for public input were afforded.

Activities included:

- Four (4) presentations (including this one) to the Hawaiian Homes Commission with opportunity for Commissioner and beneficiary input.
- A Homestead Leaders Meeting with Kapolei Homestead Leaders to discuss what they wanted to see in the 'Ewa Beach homestead community as well as any particular beneficiary needs, concerns, or opportunities specific to the project and community engagement.
- Three (3) beneficiary consultation meetings with lessees and applicants on the O'ahu residential wait list to inform beneficiaries about the project, invite their participation in envisioning the future homestead community, provide updates on the project, gather input on alternatives for the Master Plan and EA, present findings from the Beneficiary Survey, and present the Draft

EA and comments received. The input gathered informed the development of the proposed action included in the Draft EA and revisions incorporated into the Final EA.

- Three (3) Neighborhood Board presentations with 'Ewa Neighborhood Board No. 23 members and elected officials to provide an overview of the project, project objectives, project timelines, work completed to date at the time of the meeting, as well as answer questions and respond to comments.
- Two (2) community meetings open to the public and beneficiaries to introduce the project, gather input for consideration in the EA, and envision a relationship of the lessees, homesteads, and project site to the greater 'Ewa Beach community.
- A Beneficiary Survey mailed to all O'ahu residential wait list beneficiaries to obtain current information on demand for homestead types in the 'Ewa Beach area, and to identify desired types of development, including but not limited to residential and communal use areas and facilities.
- Three (3) town hall meetings organized by Senator Fevella to introduce the project and discuss any particular concerns or opportunities specific to the project and community.
- A 30-day public comment period on the Draft EA, during which comments were collected via mail and e-mail.

Meeting notes from these outreach efforts documenting beneficiary feedback can be found on the project website:

<https://dhh1.hawaii.gov/po/oahu/ewa-beach-homestead-project/>

Based on the information gathered through technical studies and the consultation process, the EA assessed the potential environmental impact of the Proposed Action, as described below.

Figure 1, "Proposed Land Use," depicts the spatial layout of the proposed land uses. In summary, the Proposed Action would have short-term and temporary impacts during construction that would be less than significant. Best Management Practices (BMPs) and other measures would be implemented to minimize impacts, as applicable. The proposed land uses are further described in **Table 1**.

The Proposed Action would have beneficial impacts by providing additional access to homes and community space for native Hawaiians who have been on the DHHL Homestead waitlist. The Proposed Action would be located adjacent to an existing residential neighborhood and in proximity to jobs and critical services. The homestead community will be designed to be compatible with surrounding community character and planned growth patterns and would provide additional roadway access from Fort Weaver to North Road, thereby improving connectivity and community resilience.

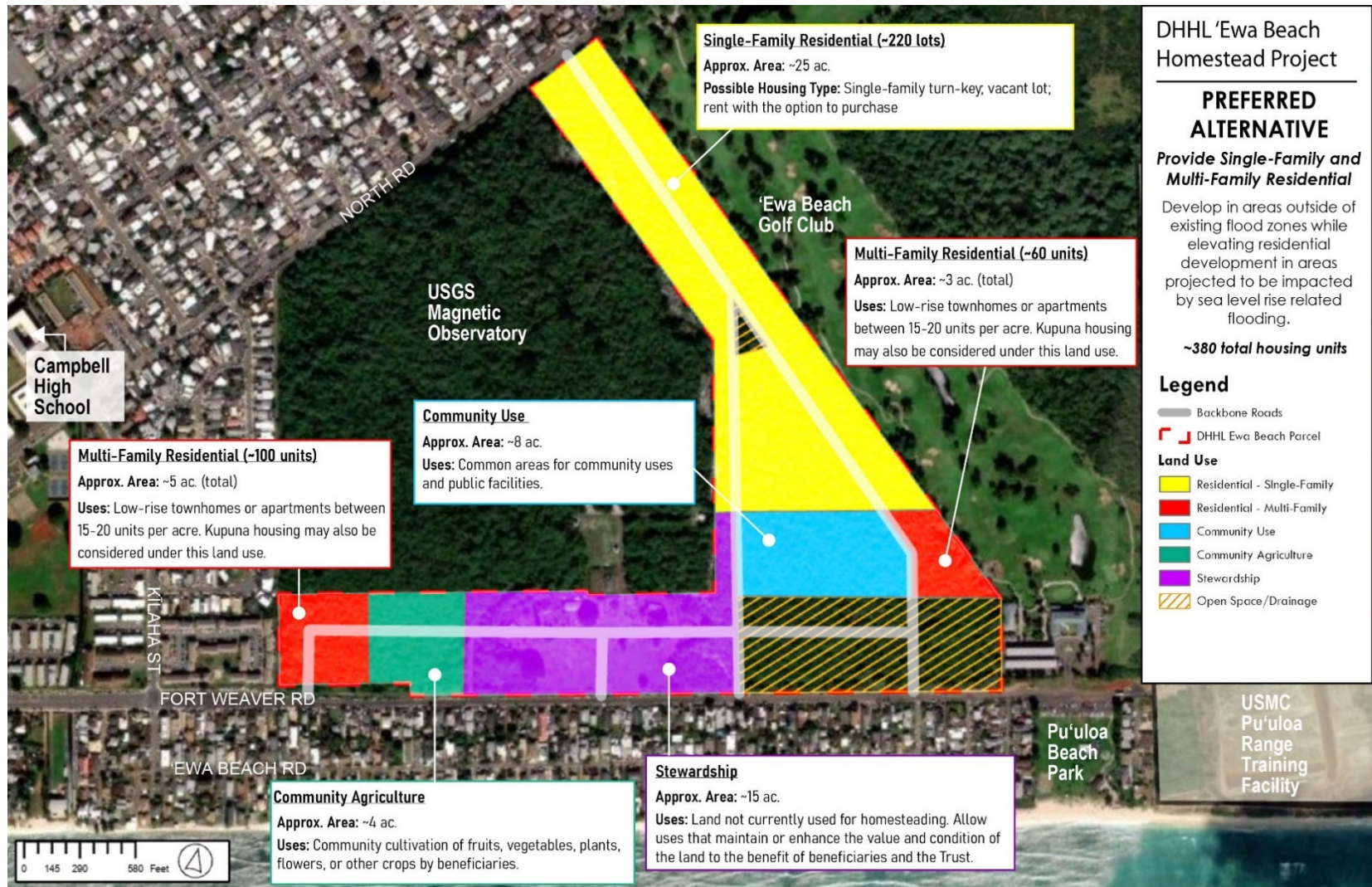


Figure 1: Preferred Land Use Plan

Table 1. Summary of Land Uses included in the Proposed Action

Land Use Designation	General Plan Definition
Residential - Single Family ~25 acres	Single-family lots at least 5,000 square-feet in size. Residential lot subdivisions are built to County standards in areas close to existing infrastructure.
Residential - Multi-Family ~8 acres	Low-rise multi-family or kūpuna housing ranging between 15-20 units per acre. Residential lot subdivisions are built to County standards in areas close to existing infrastructure.
Community Use ~8 acres	Common areas for community uses and public facilities. Includes space for parks and recreation, cultural activities, community based economic development, utilities, and other public facilities and amenities.
Community Agriculture ~4 acres	Common areas used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. The land must be served by a water supply sufficient to support cultivation practices on the site.
Stewardship ~15 acres	Land not currently used for homesteading. Allow uses that maintain or enhance the value and condition of the land to the benefit of beneficiaries and the Trust. May serve as an interim use until opportunities for higher and better uses become available.
Internal roads/infrastructure ~22 acres	Roadways and underlying infrastructure built to County standards.
Total: ~80 Acres	

Infrastructure will provide for the health and safety of the community, as described in **Table 2** below:

Table 2. Proposed Infrastructure

Proposed Infrastructure
<p>Roads and Access</p> <ul style="list-style-type: none"> • A traffic study was prepared for this project to identify the short-term and long-term impacts of build out. • Access to the development would be provided by one (1) access point from North Road and four (4) access points from Fort Weaver Road. • The internal roadways would provide a new connection between Fort Weaver Road and North Road.

Proposed Infrastructure

Electrical Power/Broadband

- The Proposed Action would include the installation of underground electrical infrastructure to be consistent with recent subdivision developments on O'ahu and in the area.
- The new system would transition from the existing overhead power distribution along the streets to underground upon entering the project site.
- Underground infrastructure would consist of manholes, handholes, concrete encased ducts, conductors, pad mounted transformers, and pad mounted switches.
- Underground ducts would be provided to extend HECO primary service throughout the site and to each parcel. The HECO distribution system would follow the alignment of the new or existing roadways and would be located within the road right-of-way.
- The Proposed Action would include the installation of underground broadband (i.e., telecom, cable television [CATV], internet).
- The new system would extend from the existing overhead utility poles along Fort Weaver Road and North Road and transition underground upon entering the project site.
- Underground infrastructure would consist of handholes and concrete encased ductlines with muletape.
- The system would generally follow the alignment of the proposed underground HECO system and would be designed to allow flexibility in service providers.
- Conduit stubouts would be provided from the utility company's handholes to the property line of each lot for future utility services to the properties.
-

Street Lighting

- The Proposed Action would include a new underground street lighting system that would be designed consistent with City & County of Honolulu (CCH) street light standards.
- The typical street lighting standard consists of a steel pole with transformer base, steel bracket arm, and "cobra head" street light luminaire. Street light luminaries would have cutoff optics to minimize glare, light trespass, and sky glow and will utilize LED lamps.
- Power for the street lighting system would be supplied by a new underground secondary lighting circuit consisting of lighting ductlines, handholes, and conductors.

Proposed Infrastructure

- New secondary services and a HECO meter cabinet would be provided to power the lighting system.

-

Drainage/Open Space

- Since the Proposed Action would increase the impermeable surfaces on the property, runoff would be required to be retained on-site.
- A minimum of 12 acres would be designated for drainage and detention of stormwater runoff. The Proposed Action designates drainage/open space area in the lowest lying area at the southeast portion of the project site.

-

Water

- Potable water supply for the project site is provided by the Honolulu Board of Water Supply (BWS).
- The water distribution lines adjacent to the project area consist of a 12-inch cast-iron pipe along North Road and an 8-inch cast-iron pipe along Fort Weaver Road.
- The Proposed Action would include installation of new onsite distribution waterlines that would connect to the North Road and Fort Weaver Road waterlines.
- Existing water meters and service laterals on the site would be removed.

-

Proposed Infrastructure

Wastewater

- There are multiple sewer mains around the project area.
- A 24-inch diameter cast-iron gravity sewer known as the 'Ewa Interceptor Sewer runs along the mauka side of Fort Weaver Road and interconnects with an 8-inch vitrified clay pipe that runs along the makai side of Fort Weaver Road.
- There is also an 8-inch lateral connection from the site connecting to the 'Ewa Interceptor Sewer.
- The Proposed Action would include installation of new onsite wastewater lines. It is expected and an eight (8) inch sewer line would be required for each point of connection to the existing wastewater collection system.
- The Proposed Action would include the installation of underground electrical and broadband infrastructure to be consistent with recent subdivision developments on O'ahu and in the area. The new system would transition from the existing overhead distribution along the streets to underground upon entering the project site.

Solid Waste

- Solid waste collection, disposal, and recycling operations serving 'Ewa is provided by CCH Department of Environmental Services' (ENV) Refuse Division. A Phase I Environmental Site Assessment (ESA) was conducted by EnviroServices & Training Center, LLC, in July 2020.
- The survey was conducted to document and assess the environmental condition of the property to identify potential high risk uses that would identify a "recognized environmental condition" (REC).
- The Phase 1 ESA found no evidence of RECs on the project parcel, although there are limited quantities of solid waste (e.g., tires, debris, rubbish) that should be properly disposed of.
- The Proposed Action is not expected to affect the existing waste collection operations.
-

In September 2024, DHHL staff presented the 'Ewa Beach Homestead Project Draft EA to the Hawaiian Homes Commission (HHC) (the DEA can be downloaded here:

<https://files.hawaii.gov/dbedt/erp/Doc Library/2024-09-23-OA-DEA-Ewa-Beach-Homestead-Project.pdf>.

The Draft EA assessed the potential environmental impact to the surrounding environment and identified mitigation measures. In summary, the Draft EA found that the Proposed Action would have short-term and temporary impacts during construction that would be less than

significant. BMPs and other measures would be implemented to minimize impacts, as applicable.

Based upon the analysis completed in the Draft EA, staff anticipated a finding of no significant impact (AFONSI) for the implementation of the 'Ewa Beach Homestead Project. Per Hawai'i Administrative Rules (HAR) 11-200-11, the Draft EA and AFONSI are required to be published in the state Office of Environmental Quality Control "Environmental Notice" bulletin for a 30-day public review and comment period. The public comment period was from September 23, 2024 to October 23, 2024.

FINAL ENVIRONMENTAL ASSESSMENT (FEA) (SUMMARY)

Public Comments Received on the DEA

The public, as well as various government agencies at the state and county level, commented on the Draft EA. The comments received during the Draft EA 30-day comment period did not warrant significant changes to the Proposed Land Use Plan. A summary of the substantive comments identified by other agencies during the public comment period and how those comments were addressed in the Final EA are in the following table. A complete record of comments received and responses are included in Appendix K of the Final EA.

The second and final Community Meeting with the surrounding Ewa Beach community that was held on October 9, 2024 at the 'Ewa Beach Public and School Library. Community members expressed concern with potential traffic during construction and requested that **construction** vehicles enter and exit the site via North Road. One of the main concerns was regarding school capacities. Specifically, it was stated that the schools in the area are already over capacity and the proposed project would add to that.

Another concern was the proximity of the Marine Corps Base Hawai'i Pu'uloa Range Training Facility to the proposed project. It was stated that potential lessees should be notified by DHHL about the noise impacts from PRTF prior to making a decision to accept a homestead in this development.

During the third and final Beneficiary Consultation meeting with Oahu Waitlist Applicants and Kapolei homestead, which was held virtually on November 14, 2024, via Zoom, attendees expressed concerns about the multi-family housing and whether the housing would be passed down to successors should a recipient pass away. Another topic of discussion included opinions surrounding kūpuna rental/rental options as part of DHHL's offerings. Some beneficiaries did not think that rental options were good in that they set a dangerous precedent for future projects and inhibit beneficiaries from establishing roots in a 99-year lease home. Other attendees were agreeable with rental options since they present a transitional pathway for kūpuna and beneficiaries to progress toward homeownership. Other concerns expressed included comments regarding

existing and future school capacity, land use designations, sea level rise impacts, water quality, and infrastructure conditions and requirements. Beneficiaries felt that DHHL should not be responsible for paying to address longstanding community concerns around schools, traffic, and drainage. Beneficiary Consultation and Community Meeting notes can be found on the project website at <https://dhhl.hawaii.gov/po/oahu/ewa-beach-homestead-project/>

Agency	Comments Received	Response
<p>City and County of Honolulu Department of Planning and Permitting</p>	<p>"This is in response to your letter, received September 23, 2024, requesting comments, on behalf of the State of Hawai'i DHHL, on the Draft EA published in the September 23, 2024, edition of the ""The Environmental Notice"" for the proposed 'Ewa Beach Homestead Project in Honouliuli. We understand that the proposal is to provide residential homesteading opportunities to native Hawaiian beneficiaries on the O'ahu Residential Waiting-list, which includes approximately 220 single-family dwelling lots and 120 to 160 low-rise multi-family dwellings units (Project). We reviewed our previous comments, dated August 8, 2024, and provide the following updated responses based on the information in the Draft EA.</p> <p>Comment 1: Jurisdictions: The Draft EA should discuss the various jurisdictions involved, their relationships, and ultimately what regulations will apply to the Project. According to our records, the subject property is within the F-1 Military and Federal Preservation District and under the jurisdiction of the U.S. Navy. Therefore, the uses and structures are generally not subject to the zoning requirements of the City and County of Honolulu. As indicated in Revised Ordinances of Honolulu (ROH) Chapter 21, Land Use Ordinance (LUO), Section 21-3.40(c) and (d), the purpose of the F-1 Military and Federal Preservation District is to identify areas in military or federal government use and to permit the full range of military or federal government activities. Should lands be removed from federal jurisdiction, all uses, structures</p>	<p>Response 1: Addressed in Section 4.3.3 of the Final EA. Please be aware, that any permits submitted to the Department of Planning and Permitting (OPP) for review should be accompanied by a letter summarizing the provisions to be waived by the DHHL. Section 4.3.3, DHHL will exercise its exclusive land use authority over Hawaiian Home Lands as provided by the Hawaiian Homes Commission Act that was incorporated into the State Constitution. With its land use authority over Hawaiian Home Lands, DHHL will be designating these lands for uses consistent to what is proposed in the preferred master plan alternative.</p> <p>Response 2: Addressed in Section 1.6, Table 2, of the Final EA. However, Table 2 has been revised to address the following changes:</p> <ul style="list-style-type: none"> • The "Description" for County Grading Permits has been revised to: "Required when excavating or filling earth materials (rock, coral, gravel, soil, recycled asphalt pavement):

Agency	Comments Received	Response
	<p>and development standards will be as specified for the P-2 General Preservation District. Based on the current proposal, the Project is removing lands from federal jurisdiction to be utilized by the State of Hawai'i DHHL. As residential uses are limited and otherwise not permitted within the P-2 General Preservation District, we suggest that the Draft EA explain whose jurisdiction the Project will be under and what regulations it will be subject to.</p> <p>Comment 2: Permits and Approvals: The Draft EA should include a discussion of any other discretionary permits and approvals that the proposed project will require prior to the Project's implementation. Specifically, it is unclear from the proposal how the residential portions will be authorized. As mentioned above, residential uses are generally not permitted within the P-2 General Preservation District, so it is unclear if State of Hawai'i DHHL plans on exempting themselves from permits, or plans on waiving the zoning development standards through the HRS Chapter 201 H Housing Program. Please provide clarification if any discretionary permits and approvals are required for the Project and a timeline of when they will be obtained.</p> <p>In addition, we have the following comments that should be addressed in the Final EA.</p> <p>Sewer: In Section 3.14.1 of the Draft EA, the 24-inch municipal sewer main on Fort Weaver Road is made of reinforced concrete, not cast-iron.</p>	<p>greater than three feet in height; or greater than 50 cubic yards in volume (excavation or fill, not net); or to re-direct existing surface run-off patterns with respect to adjacent properties."</p> <ul style="list-style-type: none"> • The "Regulation(s)" for County Grading Permits should be Revised Ordinances of Honolulu Chapter 18A - Grading, Soil Erosion, and Sediment Control. • The "Administrative Authority" for County Building Permits should be the OPP Building Division. <p>Sewer: Mahalo. The correction has been made in the Final EA, section 3.14.1.</p> <p>Traffic:</p> <p>Response 4: Noted. DHHL intends on <u>licensing</u> the road for long term maintenance to the City and would comply with any applicable requirements. See section 2.1.5 of the Final EA.</p>

Agency	Comments Received	Response
	<p>4. Clarify if internal roads will be built to City standards and dedicated to the City or to be private. All subdivided roadways to meet City standards per Subdivision Rules and Regulations.</p>	

Summary of Public Comments Received on the DEA

Finding of No Significant Impact

Based upon the analysis completed in the Draft EA, staff anticipates a FONSI for the 'Ewa Beach Homestead Project. This determination is based upon the 13 criteria of significance that approving agencies must consider as specified in HAR, Section 11-200.1-13. An analysis of the 13 criteria of significance is presented below:

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

The Proposed Action would not irrevocably commit a natural, cultural, or historic resource. An Archaeological Literature Review and Field Inspection was completed for the Proposed Action in July 2023 by Honua Consulting. This study was conducted in order to provide DHHL with information regarding the general nature, density, and distribution of archaeological and historic resources that may be expected in the location of the Proposed Action. The study provided recommendations and guidance on future historic preservation work to support the agency in complying with the applicable State laws and any future CCH development permitting that may be required.

The presence of archaeological features are not anticipated due to the lack of archaeological resources identified by previously conducted AIS in the surrounding area. An AIS would be conducted of the selected Alternative with SHPD review and acceptance prior to any ground-breaking activity.

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

The Proposed Action would provide homes for those who have been on the DHHL waitlist and community spaces for the homesteads to utilize for traditional/ cultural practices, play spaces, and/or restoration and cultivation of native plants. The development of the homes and preservation of land for community spaces would be consistent with future growth plans for the area and would not provide a significant negative environmental impact.

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

HRS Chapter 344 states that "It shall be the policy of the State, through its programs, authorities, and resources to:

- (1) Conserve the natural resources, so that land, water, mineral, visual, air and other natural resources are protected by controlling pollution, by preserving or

augmenting natural resources, and by safeguarding the State's unique natural environmental characteristics in a manner which will foster and promote the general welfare, create and maintain conditions under which humanity and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of the people of Hawai'i.

- (2) Enhance the quality of life by:
 - (A) Setting population limits so that the interaction between the natural and artificial environments and the population is mutually beneficial;
 - (B) Creating opportunities for the residents of Hawai'i to improve their quality of life through diverse economic activities which are stable and in balance with the physical and social environments;
 - (C) Establishing communities which provide a sense of identity, wise use of land, efficient transportation, and aesthetic and social satisfaction in harmony with the natural environment which is uniquely Hawaiian; and
 - (D) Establishing a commitment on the part of each person to protect and enhance Hawai'i's environment and reduce the drain on nonrenewable resources."

The Proposed Action would have short-term and temporary impacts during construction that would be less than significant. BMPs and other measure would be implemented to minimize impact, as applicable.

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

The Proposed Action would have beneficial socioeconomic impacts by providing homes to those who have been waiting on the DHHL Homestead waitlist, provide open areas for community use, and place native Hawaiians close to job centers and recreational activities. The Proposed Action would be designed consistent with the 'Ewa Beach Neighborhood Guidelines to ensure that the new development maintains community character and provides opportunities to pursue cultural practices. The Proposed Action would result in temporary, positive economic activity in the form of construction jobs and material procurements.

The findings of the cultural-historical background information revealed limited information regarding the identification of valued cultural or natural resources and traditional customary practices specific to the project area. Unlike other locations on O'ahu, this community has not managed to maintain many of the traditional activities that once flourished in the area. The return of native

Hawaiians to the area could help restore and uplift the knowledge and traditions that once thrived in this part of 'Ewa. The Proposed Action is a critical opportunity to reclaim Hawaiian traditional names and knowledge that have been impacted by the area's development and military seizure of resources in the area. The Proposed Action is a significant opportunity to restore traditional and customary knowledge that has been partially lost due to the long use of the land by the federal government.

5. Have a substantial adverse effect on public health.

Construction of the Proposed Action would have some temporary, short-term, minor impacts to water resources, air quality, and the existing noise environment. However, these impacts would be minimized through the implementation of BMPs and other measures, as applicable, and would not affect public health.

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

The implementation of the Proposed Action would not only produce direct benefits such as increased housing availability and enhanced community spaces, but also give rise to secondary cumulative impacts. These impacts, though indirect, warrant careful consideration: growth-inducing effects, changes in land use patterns, increased population density, and effects on air and water quality. The Proposed Action is likely to stimulate additional growth in the surrounding areas. The provision of new housing and community amenities will make 'Ewa Beach a more attractive location for both current residents and new residents. This increased desirability may lead to further residential and commercial development, potentially accelerating the expansion of 'Ewa urban areas and contributing to a more intensive pattern of land use in the region. The reconfiguration of land use may influence adjacent areas, prompting additional development and altering the landscape of 'Ewa Beach and its surroundings.

The influx of new residents and the expansion of community facilities may result in increased population density in the area. Higher population density can strain existing infrastructure and services, such as transportation, utilities, educational facilities, and healthcare. This growth may necessitate further investment in these services to meet the demands of a larger population, potentially leading to increased development activities in nearby regions.

Secondary impacts on air and water quality may arise from increased development and population density. The construction of new homes and community spaces can lead to higher levels of vehicular traffic, construction-related emissions, and increased energy consumption. Additionally, with more residents, there could be higher levels of waste generation and runoff, which may affect local water bodies and

natural systems. These changes could contribute to cumulative effects on air and water quality over time.

7. Involve a substantial degradation of environmental quality.

The Proposed Action would have short-term and temporary impacts during construction that would be less than significant. BMPs and other measures would be implemented to minimize impacts, as applicable.

8. Is individually limited but cumulatively has a considerable effect upon the environment or involves a commitment for larger actions.

The following cumulative impacts should be considered related to the Proposed Action: infrastructure strain and environmental degradation. The addition of new residential units and community spaces would increase demand on existing infrastructure, such as transportation networks, utilities, and public services. When aggregated with other development projects, this increased demand may strain infrastructure capacity, necessitating upgrades and expansions. The cumulative effect on infrastructure could lead to greater environmental impacts, such as increased traffic congestion, higher emissions, and more extensive resource use. Cumulative impacts on environmental quality can arise from the combined effects of multiple development projects. The construction and operation of new residential spaces, in conjunction with other local developments, may contribute to degradation of air and water quality, loss of natural habitats, and increased waste production. The aggregate impact of these projects can lead to diminished environmental health, affecting ecosystems, wildlife, and human populations.

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

No rare, threatened, or endangered plant or animal species were identified at the project site. However, there is the potential for the presence of the Hawaiian hoary bat, Hawaiian seabirds, and Hawaiian waterbirds. Measures to minimize impacts to these species are provided above in the **Error! Reference source not found.** section.

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

Air pollutant emissions from construction activities would include dust or particulate matter and exhaust fumes from vehicular travel to and from the project site and from equipment operations. Potential impacts would be short-term and temporary and would be minimized through the implementation of BMPs and other measures.

There would be no direct impacts to surface waters. Construction activities may produce sediment from soil erosion during and after excavation. In addition, contaminants associated with equipment during construction may percolate in groundwater. With the implementation of BMPs, potential indirect impacts to water resources during the short-term construction period would be less than significant.

The Proposed Action would result in a short-term increase in noise levels during construction activities. Noise generated from short-term construction activities and the use of machinery would be minimized by requiring contractors to adhere to State and County noise regulations, including HRS Chapter 342F, Noise Pollution, and HAR Chapter 11-46, Community Noise Control.

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

The use of Native Hawaiian Housing Block Grant funds precludes development of residences within 100-year floodplains. The Proposed Action would not be in an area determined to be a Special Flood Hazard Area. The Proposed Action would be designed to withstand the level of forces necessary to minimize the likelihood that an extreme event would damage the structures. There are no anticipated adverse impacts associated with natural hazards.

The Proposed Action is not expected to be impacted by coastal erosion due to its location away from the shoreline. Flooding from subaerial and marine sources are the primary hazards that could impact the 'Ewa Beach Homestead Project due to low elevation. Passive flooding may begin to occur with 2.0 feet of sea level rise, which is projected to occur between the years 2053 and 2092. High wave flooding and high tides may begin to occur with 3.2 feet of sea level rise, which is projected to occur between the years 2068 and 2135. Tidal flooding at high tide may begin to occur with 6.0 feet of sea level rise, which is projected to occur between the years 2098 and 2150.

The Proposed Action would site all single family residential homestead development outside areas projected to be impacted by sea level rise within the 99-year homestead lease term. The multi-family uses are located in areas that are outside of existing flood zones but may be impacted by sea level rise within the 99-year homestead lease period at current elevations. The Proposed Action assumes that risks to development in these areas would be mitigated through land preparation and design measures that ensure safety and resilience, such as elevating habitable structures above the projected 6-foot sea

level rise inundation depths and providing additional drainage and stormwater retention capacity.

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

Building and landscape development and improvements would be consistent with the Community Guidelines. The housing would be low rise and would not have a significant impact on surrounding area views. The proposed project would include a landscaping plan that would replicate the naturalized dry shrub and grass lands common to the 'Ewa Plain.

13. Requires substantial energy consumption or emit substantial greenhouse gases.

The Proposed Action would result in increased energy consumption during the construction and operation stages. GHG emissions may increase in the area due to the increase of population and vehicle use.

Mitigation Measures Identified in the FEA

- BMPs would be implemented to minimize risk of siltation and pollution through construction related stormwater runoff. BMP measures may include, but not be limited to, the following:
 - o Watering or applying dust suppressants at active work areas and project access roads, as needed.
 - o Installing dust screens or wind barriers around the construction site.
 - o Installation of Filter Sock Perimeter Controls adjacent and downslope from disturbed areas.
 - o Cleaning nearby pavements and paved roads after construction.
 - o Covering open trucks carrying construction materials and debris.
 - o Limiting areas to be disturbed at any given time.
- Design features may be considered for the project that would provide ongoing protection from stormwater runoff. These may include, but not be limited to, the following:
 - o Dikes and swales may be installed as a permanent site drainage control feature.
 - o Pipe slope drains to contain and convey runoff without coming in contact with bare slope soils causing erosion.
 - o Sediment traps and ponds.
 - o Landscaping/riparian buffer restoration.
 - o Various green infrastructure solutions including infiltration basins/trenches, dry wells, rain gardens, pervious pavement, bioswales, and buffer strips.
- The following measures would be implemented to minimize impacts

associated with contaminated soils:

- o Site workers would be informed of the presence of contaminated soil.
- o All work involving contaminated soil would be conducted in a controlled manner protective of the workers, site users, the public, and the environment.
- o All workers would be provided necessary training and hazard communication.
- o Any excess excavated contaminated soils not encapsulated on site would be disposed of at an approved facility.
- Measures to control fugitive dust during construction may include, but not be limited to, the following:
 - o Watering of active work areas and project access roads, as needed
 - o Screening piles of materials from wind, if appropriate
 - o Covering open trucks carrying construction materials
 - o Limiting areas to be disturbed at any given time
 - o Mulching or chemically stabilizing inactive areas that have been disturbed
 - o Minimizing airborne, visible fugitive dust from shoulders and access roads
- Specific permit restrictions for construction activities in the DOH Community Noise Control rules are:
 - o "No permit shall allow any construction activities which emit noise in excess of the maximum permissible sound levels ... before 7:00 a.m. and after 6:00 p.m. of the same day, Monday through Friday."
 - o "No permit shall allow any construction activities which emit noise in excess of the maximum permissible sound levels... before 9:00 a.m. and after 6:00 p.m. on Saturday."
 - o "No permit shall allow any construction activities which emit noise in excess of the maximum permissible sound levels on Sundays and on holidays."
- The following measures would be implemented to minimize potential impacts associated with natural hazards:
 - o In the event of a severe weather advisory (e.g., hurricanes, tropical storm, tsunami) or when deemed necessary, regular construction operations would stop, and the work crew would secure the project site and evacuate until the severe weather condition has passed.
 - o The Proposed Action would be designed to withstand natural hazards.
- The Proposed Action sites the majority of residential homestead development outside of areas projected to be impacted by sea level rise and assumes that any development within the impacted areas will include mitigation measures against sea level rise impacts.
- BMPs would be considered and implemented as applicable to minimize the risk of climate change and sea level rise. Potential options that may be considered during design include the following:
 - o Elevated structures: Flood protection elevation exceeds Base Flood Elevation

- o Flood-resistant structures: Post and pier foundations, flood resistant foundations
 - o Flood-resistant utilities: Flood-resistant equipment, utility platforms, elevated utilities
 - o Flood-adaptive elements: Open space, pervious surfaces, wetlands, bioswales, fishponds
- The following measures would be implemented to minimize potential impacts to the Hawaiian hoary bat:
 - o Any fences that are erected during the construction of the Proposed Action would have barbless top strand wire to prevent Hawaiian hoary bats from becoming entangled on barbed wire.
 - o Trees taller than 15 feet would not be removed or trimmed during the bat birthing and pup rearing season (June 1 through September 15).
- The following measures would be implemented to minimize potential impacts to Hawaiian seabirds:
 - o Construction activity would be restricted to daylight hours as much as practicable during the seabird peak fledgling fallout period (September 15 to December 15) to avoid the use of nighttime lighting that could attract seabirds.
 - o All outdoor lights would be shielded to prevent upward radiation to reduce the potential for seabird attraction and shall not be directed to travel across property boundaries toward the shoreline and ocean waters.
 - o Outside lights not needed for security or safety would be turned off from dusk through dawn during the fledgling fallout period.
- The following measures would be implemented to minimize potential impacts to Hawaiian waterbirds:
 - o In areas where waterbirds are known to be present, reduced speed limits would be posted and enforced, and project personnel and contractors would be informed of the presence of endangered species on-site.
 - o The U.S. Fish and Wildlife Service's (USFWS) Best Management Practices for Work in Aquatic Environments would be incorporated into the project design.
 - o A biological monitor that is familiar with the species' biology would conduct Hawaiian waterbird nest surveys where appropriate habitat occurs within the vicinity of the proposed project site prior to project initiation. Surveys would be repeated within three (3) days of project initiation and after any subsequent delay of work of three (3) or more days (during which the birds may attempt to nest). If a nest or active brood is found:
 - The USFWS would be contacted within 48 hours for further guidance.
 - A 100-foot buffer would be established and maintained around all active nests and/or broods until the chicks/ducklings have fledged. Potentially disruptive activities or habitat alteration within this buffer would not be conducted.

- A biological monitor that is familiar with the species' biology would be present on the project site during all construction or earth moving activities until the chicks/ducklings fledge to ensure that Hawaiian waterbirds and nests are not adversely impacted.
- The following measures would be implemented to minimize potential impacts to archaeological and historic resources:
 - If human remains or burials are identified, all earth-moving activities in the area would stop, the area would be cordoned off, and SHPD and the CCH Police Department would be notified pursuant to HAR Section 13-300-40.
 - If any potential historic properties are identified during construction activities, including the discovery of subterranean lava tube entrances at the chosen project site, all activities in the area would cease and SHPD would be notified pursuant to HAR Section 13-280-3.
- The following mitigation is recommended to mitigate the impacts at the Fort Weaver Road at Keone'ula Drive/Hanakahi Street intersection:
 - Installation of a new signal head (with right arrow) and programming of the traffic controller. This change would not require any roadway construction or restriping. The overlap phase would allow more right turn vehicles to be processed through the intersection.
- The following measures would be applied to minimize impacts associated with water service:
 - DHHL would coordinate with the various utility providers to ensure that any disruptions to service in the area is minimized.
 - DHHL shall submit a water master plan for BWS review and approval. The water master plan shall address the following:
 - Proposed system improvements and connections.
 - Estimated water demand.
 - Estimated fire flow demand.
 - Fire protection.
 - Phasing.
- The following measures would be implemented to minimize potential solid and hazardous waste impacts:
 - All project construction-related debris would be removed and disposed of at an approved site.
 - Sanitary waste would be collected from the portable units a minimum of once per week, or as required.
 - Asbestos material, if present, would be separated, double-bagged, and disposed of in accordance with regulations of the ENV's Refuse Division.

NEXT STEPS FOR OVERALL PROJECT IMPLEMENTATION

In addition to the completion of the Final EA and HHC determination of FONSI for the Project in accordance with Chapter 343, HRS and Title 11-200.1, HAR, the following actions will need to be implemented:

- Coordinate with various State and County agencies
- Continue to coordinate with the DHHL beneficiaries
- Complete design and construction of the Project

Sufficient funding will need to be allocated by the HHC and DHHL to implement the Project. Furthermore, a willingness by current and future decision-makers to follow through with various aspects of the Project will be needed to ensure successful implementation.

Recommendation

DHHL staff respectfully requests approval as recommended.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 16-17, 2024

To: Chairman and Members, Hawaiian Homes Commission

Thru: Andrew H. Choy, Planning Program Manager

From: Julie-Ann Cachola, Planner
Ku'upua Kiyuna, Cultural Resource Specialist

Subject: Approval to Proceed to Beneficiary Consultation for a Proposed Administrative Rule Amendment to Establish a Priority Waitlist for Applicants with a Connection to a Place

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission grant its approval to proceed to Beneficiary Consultation for a proposed new administrative rule to establish a priority waitlist for applicants with a Connection to a Place.

BACKGROUND

Prior Beneficiary Consultation and Community Outreach

Over the last four years, DHHL has engaged in planning processes to develop new homestead communities in rural areas across the state on several islands in which there are existing Hawaiian Home Lands. These include communities in 'Ualapu'e (Molokai), Ke'anae and Wailua (Maui), Wakiu (Maui), and King's Landing (Hawai'i Island). While on different islands with unique histories and traditions, DHHL staff have noted that these communities and DHHL lands share several common characteristics:

1. The DHHL tract is generally isolated or removed from urban centers;
2. The lifestyle of residents includes a substantial amount of subsistence activity and familiarity with "country living";
3. The population of the surrounding area in which the DHHL tract exists are predominantly Native Hawaiian of which

also includes a significant proportion of DHHL native Hawaiian beneficiaries;

4. Native Hawaiian cultural values and traditional cultural practices are regularly practiced and critical to the well-being of these communities;
5. These Hawaiian communities have successfully lived in these areas for multiple generations because of their connection to wahi (place) and associated knowledge of the area through their intimate relationship with that wahi.

During beneficiary consultation meetings and meetings with the wider Native Hawaiian communities in these various planning processes, feedback from participants that attended these meetings also shared similar sentiments among the different communities. While these communities all supported DHHL's homesteading program to settle beneficiaries onto the land, DHHL heard a consistent and strong call for DHHL to develop a preference policy of awarding homestead leases to native Hawaiian beneficiaries who have a connection to that wahi. These communities expressed the need for this policy because maintaining a continuity of settlement by beneficiaries who have a relationship to the area creates a solid foundation for the individual success of the future homestead lessee for several common reasons:

- Often in rural communities, having familial connections and a strong network of family members and/or close neighbors is critical to the success of the future homestead lessee and his/her family during times of need;
- A preference policy would better ensure the sustainability of the subsistence resources and limited infrastructure that are critical to that community's survival by minimizing the potential for a huge increase in the rural area's population;
- Future homestead lessees that have collected knowledge of the place either through their own keen observation of the wahi and/or by generational knowledge passed down by their kupuna, better understand how to sustainably manage subsistence resources and successfully live in these remote rural areas.

Notes that document beneficiary sentiment from the outreach processes in these communities and public testimony at recent HHC meetings are included in **Exhibit A** of this submittal.

Prior Amendments to DHHL Waitlist Administrative Rules that have Established Priority or Preference for Applicants

This proposed rule amendment to the DHHL waitlist is not the first time DHHL has proposed to change administrative rules related to the waitlist (HAR 10-3 Subchapter 1). HAR 10-3 Subchapter 1 and the waitlist was first established by DHHL in 1963. The original waitlist rule ranked applicants by blood quantum with applicants with 100 percent native Hawaiian blood quantum ranked first and applicants with lower blood quantum percentage ranked lower on the waitlist. In 1972, the waitlist rule was amended to institute the current DHHL protocol of ranking applicants on the waitlist by chronological date of completed application rather than by blood quantum. **(EXHIBIT B - 1972 DHHL Ka Nuhou Newsletter)**

Since 1972, HAR 10-3 Subchapter 1 has been amended quite a few times. Several of these post-1972 amendments created exceptions to the protocol of awarding homestead leases simply by the date of completed application. The discussion below is a summary of current provisions in the waitlist HAR that summarize these exceptions.

Section 10-3-7 Priority and preference for award of leases states the normal procedure of awarding leases to applicants in the order in which their completed Homestead Applications were received by the Department. The section identifies a preference to award leases to applicants who are not holding another lease or whose spouse is not holding another lease. An applicant who is a lessee, or whose spouse is a lessee is placed on deferred status until all applicants have been offered a lot. The exception to this is if the applicant or the applicant's spouse states in writing that they will transfer or surrender an existing lease to the Department before they receive an award of a new lease. The other exception to being placed on deferred status is if the lessee of a residential lot or the spouse with a residential lot is awarded a new agricultural or pastoral lot which is unimproved and a residence cannot be constructed on the lot. In this case, the transfer or surrender of the residential lease may be postponed until the new agricultural or pastoral lot is improved and a residence can be constructed on the new lot.

Section 10-3-11, Lāna'i Awards, was established when Lāna'i lands were added to the Hawaiian Home Lands Trust. For Lāna'i homestead awards, preference was given to applicants who were residing on Lāna'i. In making the first award, the Department

used the applicants on any residential waitlist that had a Lāna`i mailing address. From this pool of applicants the Lāna`i Waitlist was created in the order of Priority.

Priority I included the Lāna`i Kupuna (defined as being at least 62 years of age) who had documented genealogy to biological or legal ancestors who resided on the island of Lāna`i prior to 1900, ranked by age. Kupuna who were children of Lāna`i Kupuna were added next, ranked by age. Those kupuna that did not meet the above two criteria were added next, ranked by age.

Priority II were the Lāna`i residents who were under the age of 62 and who were descendants of Lāna`i ancestors ranked by earliest source documents and then by age.

Priority III were applicants who did not meet the Priority I and Priority II criteria, ranked by date of completed application.

Section 10-3-22 Award of leases with outstanding indebtedness. This rule awards leases to applicants who have submitted sufficient evidence to the satisfaction of the Department that confirms that the applicant is financially able to assume any indebtedness incurred on their homestead lot after the lease is awarded. The way this rule is implemented is that applicants are required to submit a financial pre-qualification letter from the lender authorized to do business with DHHL, for the sales price of the home. Only applicants who submit the financial prequalification letter can proceed to Lot Selection. In this way, awards are given to those who can qualify for a home loan. Applicants on the Waitlist, while having a higher waitlist rank by their date of completed application, but do not pre-qualify financially, are skipped over for applicants that can financially qualify.

Section 10-3-24 Agricultural and pastoral leases. Subsection (e) states that due to the shortage of agricultural lands on the island of O`ahu, an award of an agricultural lot on O`ahu shall be made to applicants who are residing on the island O`ahu at the time of application. It further stipulates that a lessee of an agricultural lot on O`ahu is not allowed to hold any other homestead lease. O`ahu Applicants that may have a higher rank by their date of completed application, but are not residing on O`ahu, would be skipped over for applicants ranked lower on the waitlist that are currently residing on O`ahu.

In summary, there have been past precedents in which DHHL has established specific criteria to prioritize applicants for homestead award outside of the waitlist ranking protocol by the date of completed application.

DISCUSSION

Proposed Draft Rule Amendment to Establish a Priority Waitlist for Applicants with a Connection to a Place

The full draft of the proposed rule amendment is included in this submittal as **Exhibit C**. This section summarizes the changes that the rule amendment proposes.

Terms and Definitions

This proposed rule introduces several new terms. These terms and their definitions are provided below:

Familial connection - means an established relationship between the applicant and the wahi that is proven by the applicant's documented genealogy to biological or legal ancestors who resided in the wahi prior to 1900, or the applicant having a family member that is a current resident of the wahi where the award is being made.

Relative - means an individual connected to the applicant by blood and may include but is not limited to children, parents, siblings, grandparents, great-grandparents.

Resident - means an eligible applicant who resides in the wahi in which the award is being made and can verify his or her residency acceptable to the department.

Wahi - means a place or location in which a new DHHL kuleana homestead development is being made or in close proximity to where the award is being made.

Applicability - Rule will apply only in areas that will have Kuleana Homesteads

The current draft of the rule would only apply to DHHL tracts in which DHHL plans to award Kuleana Homestead Leases under DHHL's Kuleana Homestead Program as established under HAR 10-3-30. Common physical characteristics of areas in which

Kuleana homesteads are awarded include areas that are isolated or removed from urban centers and in which minimal provisions of infrastructure would be provided. These areas would require the future homestead lessee to be proficient in off-grid living and have experience with subsistence life-styles.

The current draft of the rule would not apply to DHHL homestead communities in which DHHL intends to provide a higher level of infrastructure or in which higher levels of infrastructure are currently present.

Additionally, per the proposed draft rule, for places where an area waiting list exists, awards shall be made first on the area waiting list, then the priority award list, then the island-wide waiting list, except as otherwise provided in this chapter.

How an Applicant may Qualify to be on the Priority Award List

The draft rules prescribe two options in which a current waitlist applicant who would like to be placed on a Priority List can qualify to be placed on the Priority List:

Option 1 - Be a current or former resident of the wahi.

The applicant would provide documentation to show proof of

current or former residency in the wahi. Specific types of documentation are specified in the draft rule in Exhibit C.

Option 2 - Prove a familial connection to the wahi. The applicant would provide documentation to show proof of a familial connection to the wahi either through:

- (a) Providing documentation that proves the applicant has a relative that is currently residing in the wahi; or
- (b) Providing documentation that proves that the applicant is a lineal descendant of the wahi.

Specific types of documentation needed for each option to qualify are specified in the draft rule in Exhibit C.

DHHL Process and Procedure to Qualify Applicants be on the Priority Award List

The process and procedure to establish a Priority Award List for Applicants that have a connection to place is summarized as follows in the steps below:

1. The HHC will approve the final environmental assessment (FEA) for new kuleana homestead community and DHHL will publish the FEA in the Environmental Notice Bulletin in accordance with HAR 11-200.
2. Upon publication of the FEA, DHHL will provide a notice to applicants on the respective island-wide waitlist that DHHL is accepting applications for the Priority Award List for applicants that have a connection to the wahi in which the Kuleana Homestead will be located.
3. Applicants interested in being placed on the Priority Award List will submit the required documents to qualify as specified in the previous section above. The DHHL notice in Step 2 above will specify the amount of time applicants will have to provide documentation. The amount of time for applicants to apply may vary for

different Kuleana homestead projects due to the unique nature of each project and community.

4. The period to apply to be on the Priority List will end per the date specified in the DHHL notice to the island-wide waitlist.
5. Based on each applicant's documentation, DHHL will determine whether an applicant will qualify for placement on the Priority Award List for the Kuleana Homestead community.
6. DHHL will rank the applicants that qualify for the Priority List in the order in which their original completed applications were received by the department for the island-wide waiting list.
7. DHHL will offer Kuleana lease awards to waitlist applicants on the Priority Award list until that list is exhausted or the amount of available Kuleana Homestead lots are all awarded.

Other Considerations in the Rule

The proposed draft rules have the other following considerations:

- As previously mentioned, for places where an area waiting list already exists, awards shall be made first on the area waiting list first, then the Priority Award list, and lastly to the island-wide waiting list.
- In the awarding of Kuleana Homestead lots, should there be more lots available than there are applicants on the Priority Waitlist (i.e. the Priority Waitlist is exhausted), then DHHL will start making award offers to the highest ranked applicant on the corresponding island-wide waitlist.
- In the awarding of Kuleana Homestead lots, should there be fewer homestead lots available than the number of applicants on the Priority Waitlist, (i.e. the number of lots are exhausted) then the Priority Waitlist will dissolve and applicants on the Priority Waitlist that did not receive a Kuleana Homestead lot will return to

their original rank order place on the island-wide waitlist.

- Applicants that qualify to be on the Priority Waitlist will also keep their place on the respective island-wide waitlist and be eligible for other homestead award offerings should other homestead opportunities become available during the same period in which they are on the Priority Waitlist for Kuleana lots.

NEXT-STEPS IN THE RULE-MAKING PROCESS

Figure 1 below illustrates the steps in the Rule-Making Process and Table 1 provides a tentative timeframe and schedule to carry-out these steps.

Figure 1: Rule-Making Process & Approvals

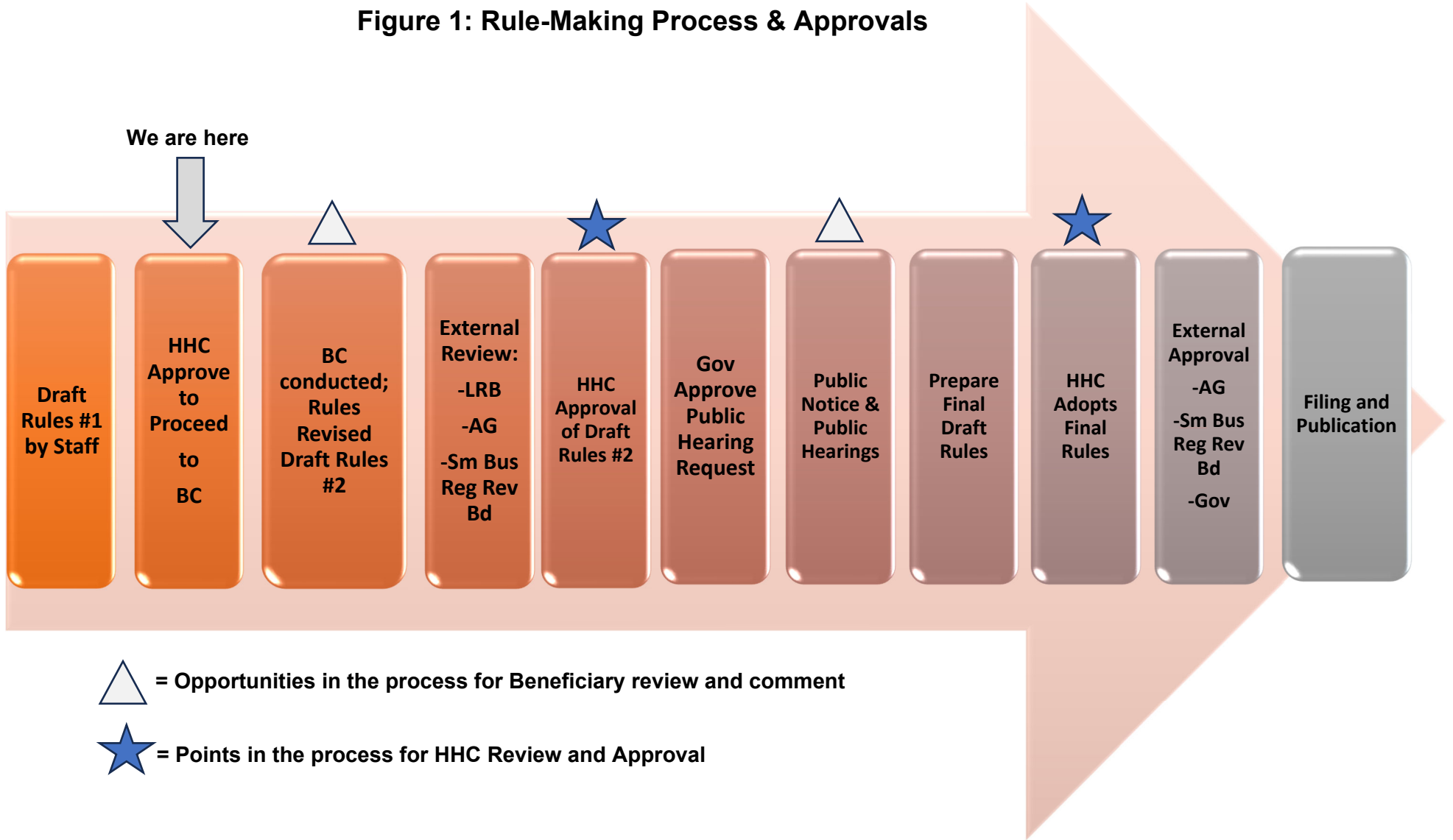


TABLE 1: RULE AMENDMENT PROCESS AND TENTATIVE TIMEFRAME

RULE AMENDMENT PROCESS	TIMEFRAME
1. Draft Rules #1 prepared by staff.	December 2024
2. Draft Rules #1 presented to the HHC. HHC approval to proceed with the Rule Amendment process.	December 2024
3. Statewide Beneficiary Consultation meetings are scheduled, and beneficiaries are notified.	December & January 2025
4. Beneficiary Consultation meetings are conducted statewide to present the Draft Rules #1 and gather beneficiary input. Staff creates Draft Rules #2 based on beneficiary consultation.	1 st Quarter 2025
5. Draft Rules #2 are sent for external review by: <ul style="list-style-type: none">• The Small Business Regulatory Review Board• The Legislative Reference Bureau• The Attorney General	2 nd Quarter 2025
6. HHC Decision-making to Approve Draft Rules #2 for Public Hearings	Summer 2025
7. Governor's approval to conduct public hearings on Draft Rules #2.	Summer 2025
8. Public notice on the public hearing is published in a newspaper with statewide circulation.	Summer 2025
9. Public hearing is conducted to present Draft Rules #2 and to gather public input.	Fall 2025
10. DHHL considers public comments and prepares Final Draft Rules #3.	Fall 2025
11. Final Draft Rules #3 presented to the HHC for review and approval.	November 2025
12. External review and approval of Final Draft Rules #3: <ul style="list-style-type: none">• Attorney General• Small Business Regulatory Review Board• Governor	December 2025
13. Filing and publication of amended Administrative Rule.	1 st Quarter 2026

**Preliminary questions for Beneficiaries to consider during
Statewide Beneficiary Consultation**

Should the HHC act favorably on the recommended motion and action in this submittal. DHHL staff will proceed to take these draft rules out for beneficiary consultation. Some of the preliminary questions DHHL staff would like feedback from beneficiaries on during consultation include:

1. In this first draft of the rules, the definition of "wahi" or place is purposely left general to create flexibility. Should DHHL define wahi with more detail?

If yes, what are your thoughts on how DHHL should define wahi or the process in which DHHL should utilize to come up with a definition of wahi for these rules?

2. Should this rule only apply to areas in which DHHL intends to provide Kuleana homestead leases?
3. What are your thoughts about the qualification requirements to be on the Priority Waitlist for Applicants with a Connection to a Place?

Staff looks forward to engaging with beneficiaries on this important matter.

RECOMMENDATION

DHHL staff respectfully requests approval as recommended.

**EXHIBIT A -- ITEM G-2
HANA HHC MEETING MINUTES**

HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP

Minutes of October 15, 2023

Hana Elementary and High School, 4111 Hana Highway, Hana, Maui, Hawai`i,

Pursuant to proper call, the meeting of the Hawaiian Homes Commission was held both in person and via Interactive conferencing technology, beginning at 2:00 p.m.

PRESENT Kali Watson, Chairman
Randy K. Awo, Vice-Chairman, Maui Commissioner
Zachary Z. Helm, Moloka`i Commissioner
Walter Kaneakua, O`ahu Commissioner
Dennis L. Neves, Kauai Commissioner

EXCUSED Makai Freitas, West Hawai`i Commissioner
Michael L. Kaleikini, East Hawai`i Commissioner
Sanoe Marfil, O`ahu Commissioner
Pauline N. Namu`o, O`ahu Commissioner

COUNSEL Alyssa Marie Kau, Deputy Attorney General

STAFF Katie L. Ducatt, Deputy to the Chairman
Leah Burrows-Nuuanu, Secretary to the Commission
Richard Hoke, Executive Assistant to the Chairman
Andrew Choy, Planning Manager
Julie Cachola, HHL Planner and Maui Project Manager
Juan Garcia, Homestead Services Division Administrator

ORDER OF BUSINESS

CALL TO ORDER

Chair Watson called the meeting to order at 2:05 p.m. Five (5) members were present at the meeting location to establish a quorum.

APPROVAL OF AGENDA

MOTION/ACTION

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

ITEMS FOR INFORMATION/DISCUSSION

PLANNING OFFICE

ITEM G-1 For Information Only – East Maui Homestead Planning Update

RECOMMENDED MOTION/ACTION

None. For Information Only. Planning Program Manager Andrew Choy and Maui Project Manager Julie Cachola presented the following:

EXHIBIT A -- ITEM G-2

HANA HHC MEETING MINUTES

Presentation Outline

- East Maui DHHL Lands
 - The Department has no lands in East Maui with the original Act
 - The DHHL lands in East Maui are part of the settlement in 1995 to settle controversies
 - The State and territories were selling Hawaiian homelands without due compensation
 - The Act stated that DHHL gets 203,500 acres of land, but in 1995, DHHL only had 186,000 acres
 - To make the Trust whole, they had to give DHHL 16,815 acres of state lands from the Trust – how the Maui East lands came
- East Maui Beneficiary Communities
 - Ke‘anae – 150.47 acres, three parcels
 - Wailuanui – 91 acres, 16 parcels. The biggest parcel along the shoreline is 60 acres.
 - Wakiu – 656.3 acres, four parcels
 - The people have a deep genealogical connection to the ‘āina
 - Resources are place-based – you know your area and how to get the resources, and the people know how to manage their resources
 - Beneficiary organizations
 - Na Moku Aupuni O Ko‘olau Hui
 - Wakiu Community Development Corporation
- Master Planning Process – work completed, next steps, and timeframe for completion
 - G70 was hired to help develop a Master Plan, which will be a land use map
- Environmental Assessment (EA) Process – benchmarks and timeframe, and final HHC approval

J. Cachola stated that as a planner, how do you lay the cultural layer first? They asked the Edith Kanaka‘ole Foundation to help form a methodology to lay the cultural foundation. It is called the Honuiaiakea Process, which does research in indigenous knowledge collections to identify chants, mele, stories, natural resources, and ancestral ecological knowledge and pull out all relevant information, past and present.

A workshop was done in Ke‘anae-Wailuanui, and a second workshop will be coming up to identify the land uses and map them out. There will be a break for the holidays, and then resume in January to present the draft master plan. Then, a beneficiary consultation report will be taken back to the Commission in February, along with the EA process, draft mode, final mode, and public review, and it should be completed by April 2025.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Shane Sinenci – Council Member East Maui

S. Sinenci stated they are nearing three generations of kanaka not being housed, a condition which was part of the Statehood Act in 1958. Three generational losses of a home, building home equity, and no established generational wealth, so many have three generations living in one household. Kupuna has left them with generational knowledge of how to thrive where they live and left traditional knowledge on how to protect their natural resources for future generations. Many Hana families have been displaced as there are no DHHL housing projects in East Maui, so some have moved out to find affordable housing. He asked that the Commission please consider

EXHIBIT A -- ITEM G-2 HANA HHC MEETING MINUTES

residential preferences for the people who live here. The State's social programs barely reach their rural community.

PT-2 Janet Redo

J. Redo has been a resident of Ke'anae for the past 65 years. She has been an applicant of DHHL since 1986 and was awarded a 99-year lease in 2005 for the Kula undivided lots. It has been 19 years, and she has still not received her lot in Kula. Her sister also has not received her lot. She does not know why it is taking so long for DHHL to get them on their undivided land. She is part of the Kalima case and believes they will be awarded soon. She is requesting a non-homestead lot located on the Ke'anae peninsula for 50 years. She distributed her application with a map and for the parcel, which she understands is about 1 acre. They have a 501(3)(c), which her daughter runs, and if they should be awarded, they want to help the community. The application indicates what they plan to do. Her request is to find favor and be given the lot.

PT-3 Kanoë Lecker

K. Lecker's bloodline traces from Ke'anae to Wailua, and she now resides in Kipahulu. There are three generations living in her household. She mimics what Shane Sinenci and Janet Redo spoke about.

PT-4 Mary Ann Kahana

M. Kahana stated her main point is to push for the Hana residence preference and lineal descendancy. The generations before her were born and raised in Hana but left because there were no jobs. She is hopeful the Commission will consider lineal descendancy because there have been a lot of people from Hana who have been displaced due to jobs and finances. First preference should go to people from Hana. She believes people would come back for sustainable agricultural lands. The half-million dollar homes cost too much for kanaka.

PT-5 Alohalani Smith

A. Smith acknowledged her ohana names: Aikau, Hewahewa, and Makahilahila. She is the founder and interim secretary of the Wakiu Community Development Corporation (WCDC). She thanked Julie Cachola and Andrew Choy for hiring G70 to assist with the Wakiu and Ke'anae master plans. They are thankful that DHHL is looking at the East Maui lands to award homesteads eventually. The collaborative idea is to push the preference of three generations to generate equity and family for generations for a rule change for an amendment for lineal descendants who live and work in Hana and Ke'anae for preference of awards first. The preference is for a certain period, just like Lanai did. The concern is future problems bringing people from the outside when jobs are already scarce. The competition may be devastating for the Hana people. Existing homes have four to five generations in one house. Hana has lost 115 kupuna and the privilege of passing them on to the next generation.

PT-6 Sam Kalalau

S. Kalalau was born and raised in Hana. One of the top priorities is the preference of lineal descendants. They know that rules have to be made and hope the Commission will support their request. The impact is that highways and bridges are already overwhelmed with tourists. The

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school classrooms are small and overcrowded. Hana has a major job problem, and if people from the outside come in, they would have to leave and go work on the other side like the Hana people. He stated there are many outsiders here who are buying up all the land and living in the bushes and trees. For the natural resources, everybody here knows where there is opihi and fish, and if there are no jobs, the people gather from the ocean and the mountain to make a living. The concern is if there is no preference, the resources will be gone.

PT-7 Loretta Ohara

L. Ohara was born and raised in Hana and is a board member of the WCDC. She agreed with the previous speakers to keep everything in Hana and stay in Hana. Hana needs homes. The people from Hana should have priority and get awarded first.

PT-8 Jerome Kekiwi, Jr.

J. Kekiwi, Jr. is the President of Na Moku Aupuni O Ko'olau Hui, a 501(c)(3) non-profit whose members are the lineal descendants of the adjacent ahupua'a of Ke'anae and Wailuanui. He thanked the Planning staff, G70 sensitivity, and the Commissioners for reaching out and working with their community. They appreciated the efforts of G70 and the practitioners under the leadership of Huihui Kanahela Mossman and Julie Cachola. It is understood that there are 91 acres and 150 acres of DHHL lands in Wailuanui and Ke'anae, and their families trace their lineage to these lands many generations back. When the lands at Ke'anae and Wailuanui were transferred to DHHL, the people had already settled as a community for generations long before the great mahele. The people still engage in customary subsistence practices of gathering, hunting, and fishing. He and his immediate family have the blood quantum to receive an award. Na Moku Aupuni O Ko'olau Hui presented formal testimony in 2003 to the Commission under Chair Micah Kane as part of DHHL's planning process and again on November 19, 2017, before Chair Jobie Masagatani. On January 26, 2020, before Chair William Aila, they submitted results and community surveys to the Commission as part of Na Moku Aupuni O Koolau Hui's testimony. Throughout those years, the testimony has been consistent in expressing concern that the unique traditional character of a community might be irreconcilably damaged. The community wants priority consideration for those who can trace their ancestry to these areas, and the Commission should consider the prequalification criteria of lineal descendancy for the limited number of residential parcels in Ke'anae and Wailuanui.

PT-9 S. `Aina

(Inaudible -did not speak into the microphone, so I could not hear his question) KEEP HANA HANA.

PT-10 Sam Akoi, Sr.

S. Akoi, Sr. testified he was the Manager for Maui Registration and worked on the Hawaiian homestead. He knew the properties were for the Hawaiians, but they were leasing Hawaiian homes to farmers and wondered how they lease the Hawaiian homes when they did not own the Hawaiian homes. He stated that the State was doing this. From what he sees now, the Hawaiians are going to get their land.

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PT-11 Sam Akoi, Jr.

S. Akoi Jr. stated that Pūnana Leo should have their school up here; Kupuna has to drive out to have hospice, and there should be one right here. Hawaiian Homes could have all of that here. His grandma has ʻāina in Lower Keʻanae, and he wants to work with the Department to get that leaseback. The lease was not for 99 years but for 999 years. He asked how he and the Department could collaborate to get the leases back to the rightful lessees.

PT-12 Lucinda Estrella

L. Estrella spoke of Prince Kuhio's intentions and how he wanted to put his people back on the land, to work together, and make sure my people are taken care of." She testified we need each other.

PT-13 Nalani Kaʻauamo

N. Kaʻauamo is the sister of Janet Redo and a descendant of Keʻanae. Their father wanted them to have an education, so he sent them to Kamehameha Schools. She and her husband, Francis, live independently as her husband's parents afforded them property in Wailua. She was afforded Hawaiian homes back in 2005, 18 years ago. She does not want to see the young ones not have the opportunity to have a home. She was elated the day her sons' numbers were called out in 2005. She stated she still holds a lease, but what good is it? There are too many multi-family living in Keʻanae and Hana. Hawaiian Homes needs to do something for the young ones and provide kupuna housing. She asked a kupuna what the secret of living long, and the answer was do not have family live with you. These kupuna need to be relieved of that stress.

PT-14 Oliveira

She mentioned the names of her family and went through the names on the wait list who applied for Hana, but passed away: Margie Akoi, Thelma Akoi, Thomas Epsley, Eric Kanaka`ole, Joseph Ikaina, Moola Cashman, Eleanor Kanai, Bill Kanai, Linda-Mae Sinenci, David Phillips, Robert Malaekini, Beaut Malaekini, B. Ventura-Revella, Peter Pikelos Cosma, Owen Helekahi, Juan Diego, John Kaia, Cynthia Allen-Caster, Robert Kelihoomalua Sr., Zachariah Meisner, Amy Oliveira, Lawrence Pua, Ralph Piilauna, Gladys Sinenci, Herbert Olivera, Raymond Pahukoa, Milinetta Henchett-Ching, Genevieve Chang, Craig Kaokini, and Anthony Badio. She is sure there is more, but maybe they were taken off the list. She asked that the Commission make an amendment to give Hana descendants preference. She thinks Moloka`i and Lanai did it, and hopefully, there is a way for Hana. Get people on the land quicker. Pretty soon, Hana will not be the majority Hawaiian because people have to move away.

PT-15 Lehua Park

L. Park testified both of her parents' dads were born and raised in Hana but moved away because there were no homes in Hana. She married a man born and raised in Hana. She stated they met some weeks ago and strategized what Wakiu could look like, and 98% of those who were at the meeting were present. They all agreed to ask for an amendment so that the people of East Maui would have the choice of living in Hana. She suggested that everyone understand that East Maui has reached its capacity. She has seen that in the homes, the kupuna have the smallest room in the house. She prayed for what the people needed.

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Chair Watson stated he had heard the testimonies and the major issue was giving preference to people from that area. When the Hawaiian Homes Commission Act was passed, they did have specific areas where a person could register on the waitlist for that specific area. It has since been turned into an island-wide waitlist. The Commission and Department need to revisit that, like what it did on Lanai, in giving preference. There will be community meetings again for Ke'anae, Wailuanui, and Wakiu, and through the communities' participation, DHHL can get some guidance as to what the communities want.

The Hawaiian Commission Act has been challenged since it was created. One of the big problems was the lands received were isolated and very hard-to-develop areas with little infrastructure. As a result, only 100 parcels per year were developed. Fortunately, in 2023, the Legislature provided \$600 million with a specific mandate to reduce the waitlist, which is presently at 29,000 people, with an additional 4,000 people on the Maui wait list for residential.

The Hawaiian Homes Commission came up with a Strategic Plan that was required under Act 279. Twenty projects were listed, and on Maui, seven projects were identified from Honokowai to Kahikinui.

The Commission wants to avoid the past practice of bypassing people on the waitlist. The people who could afford and qualify for the large mortgages are the ones who got a lease. That approach must be revised, and the Department needs to create different models. The developers are required to create other categories, such as the rent with the option to purchase using tax credits and bonds, the revolving fund, and use part of the Act 279 funds to help the people who are at 60% and below AMI on the waitlist. These homes are based on income rather than their ability to pay. The people get the benefit of paying a low rent for that house for 15 years and converting it into homeownership with a 99-year lease.

There is also Habitat for Humanity, and for those who want to build their own houses, the Department provides a finished lot with infrastructure. These different approaches give hope that nobody on the waitlist will be bypassed in the future. That is the goal that nobody gets bypassed.

Chair Watson briefed the people on the projects that are being planned and worked on in Maui. There are a lot of things going on. The Department is working with Kamehameha Schools and OHA. Hopefully, what Hana needs will be provided.

Commissioner Awo asked Julie about being midway with G70. What does that mean in terms of time? J. Cachola stated that they are doing the Master Plan's cultural layer process and the first visioning session. They will be doing the design charrette, then take a holiday break and come back in January to continue. After that is done, they will go into the EA process. He asked Ke'anae and Wailuanui to be merged in the talk story process and wondered if that is the best step forward because of the unique distinctions that they speak to. J. Cachola stated they did consider that and agreed.

Commissioner Helm asked what project would be done first when the reality came. A. Choy stated the reality is subject to funding availability.

Commissioner Awo asked if there was any idea of how much of the land in Wakiu is usable. A. Choy stated they have been doing studies on topography, archaeology, and such to figure out which areas are suitable for homestead development. Acreage not known yet. By January, there should be more information. Commissioner Awo asked about the mauka lands in Ke'anae as he heard water and possible flooding. What are your thoughts on the path forward? J. Cachola stated

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they graze cattle up there, and they are worried about the waste getting into the water, so that has to be managed. She would look for additional lands in Ke‘anae. A. Choy stated the scope is on the existing lands in the inventory. He thinks Julie is on the right path.

Commissioner Kaneakua thanked the people for coming.

ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Regular Meeting – October 16 & 17, 2023, Courtyard by Marriott at Kahului Airport, 532 Keolani Place, Kahului, HI 96732
- B. The DHHL Community Meeting on October 16, 2023, will be held at the Maui Waena Intermediate School, 795 Onehee Avenue, Kahului, Maui, Hawai‘i 96732

ADJOURNMENT


4:00 PM

Respectfully submitted:



Kali Watson, Chairman
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

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- Want their kids/grandkids to be able to take over their leases
- The influx of new people in the community has created problems
- Right-of-entry agreements help but are not the same as a homestead lease.

DISCUSSION

Andrew Choy stated the beneficiary consultation #1 meeting will be on October 24, 2023. Commissioner Kaleikini asked if there is a timeframe for awarding leases. A. Choy stated there is a timeframe that takes them to the end of the planning process. Planning will return to the Commission in February 2024, and we hope to have the final Settlement Plan and the final EA in April 2024.

Commissioner Awo asked for a briefing before the final; this is new and complex, and more information helps to get to the end goal.

Chair Watson stated that regarding leases, we are talking about a 1300-acre site that is pretty large. J. Cachola stated they have expressed an interest in subsistence agriculture. A. Choy stated they would have a more solid recommendation once they go through the beneficiary consultation and get the mana`o of what folks see.

Chair Watson also noticed that because it is kuleana, the Department is not looking at anything other than infrastructure funding. There is an effort for flexible criteria for building their residential ag houses. The Department needs to be active in providing funding and assistance in developing a building code that results in safe houses to withstand storms. A loan program may need to be created, independent of our typical products. They are going to need financial assistance.

Note: Slide presentation attached.

Chair Watson announced that Item G-4 is **DEFERRED**.

REQUEST TO ADDRESS THE COMMISSION

ITEM J-1 Skippy Ioane, Ainaaloha Ioane, Gracie Flores, Herman Costa, Nawai Laimana, Lehua Angay, John Waipa – MAHA (Malama Ka `Aina Hana ka `Aina) Updates

Ainaaloha Ioane shared with the community where they could view the MAHA website. She presented the website, MAHA's background and mission of the King's Landing community, photos of her dad and friends, and photos of kupuna. The website also has information about the land tenure of King's Landing and when it came into the Hawaiian Home Lands inventory in 1921. She gave a short bio of herself. The members of MAHA provided their testimony.

Skippy Ioane regarding kuleana land, the person's determination will make the difference in how the person will take care of the land and its community. Necessity is the mother of invention. The people in their tents should be offered the dignity of their poverty.

Gracie Pakani-Flores stated she is one of five generations and was raised in King's Landing. She lives in Waiokawa Bay in King's Landing. She thanked the Department for moving forward with the process of kuleana homesteading designation. She asked that the Department consider amending its Administrative Rules to give preference to the King's Landing beneficiaries who have been residing in King's Landing for generations when it comes to lot selection and awarding

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of leases. She addressed the safety concerns and the lack of enforcement in the community, as non-members reside in and access King's Landing.

Lehua Angay has been with King's Landing since 1998. Her dad raised her and her brother to live off the land and live off-grid. Her father passed away before she and her brother could succeed, and she does not have quantum, and her children have 47% and do not meet quantum. Her children's dad is Jonathan Waipa and has been a part of MAHA since 2000, and they both play a part in helping to govern MAHA. She asked for preference to the administrative rules to keep residing on the land.

`Ainaaloha requested an update from Land Management and asked if the Department secured a third party to help remove structures and vehicles within King's Landing. The front gate is still open, allowing unauthorized people to move into King's Landing. The County Park has advised leaving the Lehia gate open until DHHL secures the King's Landing gate. Lehia has been experiencing negative effects, with both gates being left open.

Nawai Laimana is the Secretary of MAHA. She spoke of her childhood.

ITEM J-2 Kaulani Almeida – Pana`ewa Hawaiian Home Lands Community Association

K. Almeida talked about an initiative of Save Puhi Bay shoreline in Keaukaha. She stated the pipes for the wastewater need to be calibrated to zero waste. She introduced Brittany Zimmerman, who did a presentation to the Commission.

B. Zimmerman talked of her extensive background as an engineer designing aircraft and then working with NASA. Her specialty is keeping humans alive. About 1.5-3 million gallons of wastewater are dumped into Puhi Bay daily. They are working on a solution to bring the waste in and turn it into clean water that will be free to the community. They turn waste into reusables. She stated she is investing about \$300 million to build up the pilot facility they are considering. There is no need for investments from communities, county, government, and DHHL. She is asking that they and the Department work together on this and requesting a spot on the agenda to do their presentation so the Commission can see some of the solutions they have been working on. They need help in ways that will honor the people here. They have built the solutions so the facilities and the benefits get injected into the community.

Chair Watson asked where the \$300 million is coming from. She stated it comes from her. Chair Watson stated he looked forward to seeing her presentation. K. Almeida stated they are asking for the usage of the land. Chair Watson stated they could go through the details at the presentation.

ITEM J-3 Pat Kahawaiolaa – Keaukaha Community Association

P. Kahawaiola`a stated he did send an email regarding his concerns for Keaukaha. He supports Brittany Zimmerman's initiative. She is spending her money, and others do not want to listen. He believes what she says about turning waste into non-waste. He would appreciate it if the Commission gave her the chance.



CONFERENCE REPORT

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TO:	Department of Hawaiian Home Lands (DHHL)		
FROM:	G70		
DATE:	February 15, 2024	LOCATION:	Kilohana Rec Center
PROJECT:	'Ualapu'e Kuleana Homestead Settlement Project	PROJECT NO:	221047-01
SUBJECT:	Small Group Meetings Conference Report	NO. OF PAGES:	8
THOSE PRESENT:	G70: Barbara Natale, Ryan Char, Kahealani Winchester, Pi'ilani Smith DHHL: Andrew Choy	Participants: See Page 6	

SUMMARY:

Two (2) small group meetings were held on February 15, 2024 for the 'Ualapu'e Kuleana Homestead Settlement Project. Meeting invitations were sent to immediate neighbors or those who have previously provided oral or written feedback throughout the process. The purpose of these meetings was to share the process and results of the Alternative Locations Analysis.

Presentation

During the Planning process for the Project (i.e. community meeting feedback and Settlement Plan comments), it was suggested by community members to examine other comparable parcels in Eastern Moloka'i as an alternative location for the Kuleana Homesteads. Seven locations were identified and analyzed: 'Ualapu'e Lower Lots, Ka'amola, Pua'ahala, Kapuaoko'olau, Mākoelau 1, Mākoelau 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. They are as follows:

- | | |
|--|---|
| 1. Location on East End | 9. Rainfall |
| 2. Size of Parcel | 10. Proximity to Utility Infrastructure |
| 3. Number of Potential Lots | 11. Flood Hazard & Drainage |
| 4. Slope | 12. Erosion Hazard |
| 5. Landowner | 13. Wildfire Risk |
| 6. Known Historic & Cultural Resources | 14. Tsunami Evacuation Zone |
| 7. Water Availability | 15. Sea Level Rise Risk |
| 8. LSB Rating (Soils) | |

The influence and assignment of analysis criteria is shown in Figure 1.

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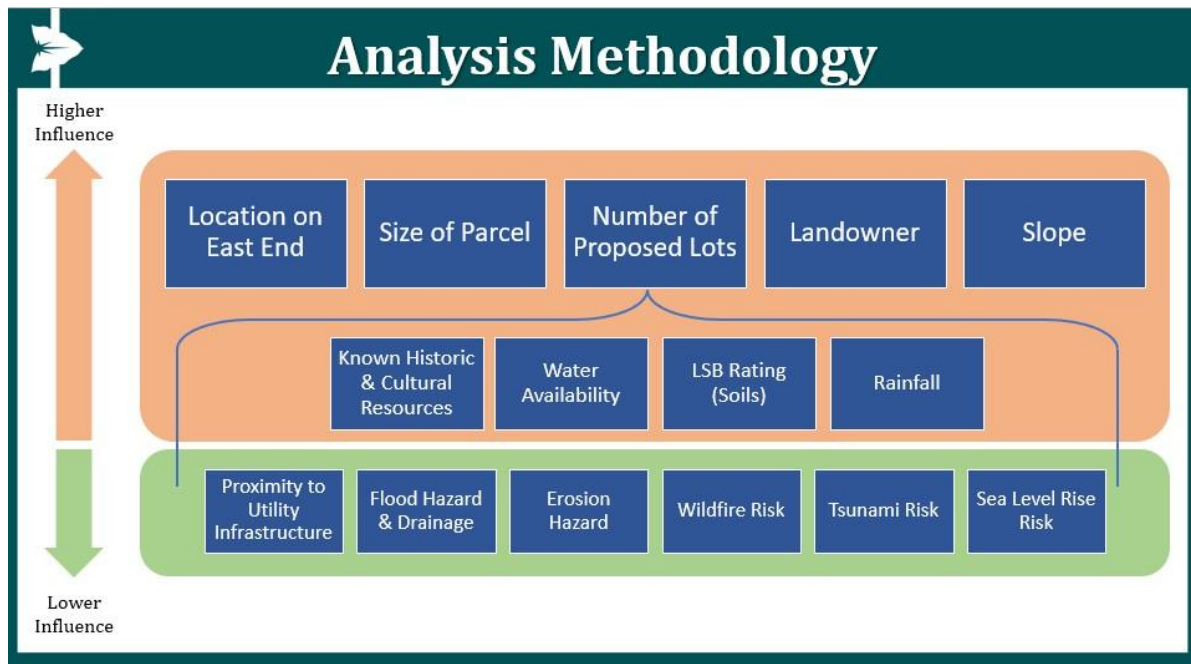


Figure 1. Analysis Methodology

9:30am Talk Story Session

The first session began at approximately 9:30am. A pule was offered by the community, and Ryan Char began the presentation. Ryan introduced the purpose of the alternatives site analysis and what was hoped to be accomplished at the meeting. The presentation started with an overview of the analysis criteria, a brief introduction to each alternative location, and high-level comparisons of the sites with the characteristics of 'Ualapu'e. Before each alternative location was able to be shared in detail, the meeting attendees provided some input into some of the locations, and also asked questions about much of the existing project area as well as the lower 'Ualapu'e lot areas. Some more detailed information was shared about particularly challenging alternatives.

The following discussion highlights key takeaways from the community.

Community members provided that community environmental work is being done in Ka'amola. Some said this location as an alternative was a flat-out "No". Likewise, for Pua'ahala, there is conservation work being done there. One participant said 'Ualapu'e is one of the few state-owned ahupua'a, and the only place where locals can get food, calling 'Ualapu'e the "ice box" of the east end. The two adjacent ahupua'a are private, and hunting/gathering is not allowed.

The community raised concerns about various environmental hazards affecting the 'Ualapu'e region and surrounding areas. A participant said one significant issue is the buildup of silt runoff into the reef, posing a threat to marine ecosystems. Additionally, the potential risk of mudslides and boulder hazards (such as the recent mudslide extending from Kamalō to the Meyers' property) was highlighted, indicating the need for ongoing cleanup and mitigation efforts.

Community members attested that the mauka lots in 'Ualapu'e were noted to have more exposure to strong winds and hard soils, which could contribute to erosion and soil degradation over time. Overall, participants expressed a keen awareness of the environmental hazards facing the area and emphasized the importance of proactive measures to address and mitigate these risks. One

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participant suggested the restoration of the mid-forest before the high forest in 'Ualapu'e, to address erosion and flooding. Another participant suggested planting more vegetation to reduce fire risks and stabilize soil, particularly in areas prone to erosion. The community also raised the need to reintroduce water into gulches to support local ecosystems and prevent further degradation.

Continuing the discussion on the alternative locations, it was noted that there is a gap in the Department of Water Supply (DWS) water main, where one water system stops at a bridge and doesn't start again until the 'Ualapu'e system. There would need to be a well at these locations where the water system doesn't exist. Furthermore, a community member raised a concern about preserving dark corridors - areas with minimal light pollution crucial for native bird navigation and conservation, such as threatened and endangered bird species like 'Ua'u kani (Hawaiian petrel). All of the western-most alternative locations, including Kapuaoko'olau, Mākolelau 1, Mākolelau 2, and Kamehameha V Hwy Lots, are all located within this dark corridor. Participants emphasized the significance of maintaining these dark corridors (therefore no development) to support the natural habitat and migration patterns of indigenous bird species.

As a remaining alternative, a community member turned the discussion back to the lower area of 'Ualapu'e. He felt that these lower lots are the best, as they provide protection from the elements and have good soil. The higher lots have more wind and hard soils. If the historic sites on the lower lots are not as sacred but more like an ag terrace or imu pit, then we should look at the lower lots for the project.

Another participant stated they could live in the higher area in 'Ualapu'e and said they can work with growing plants on hard soils because of their experience with the area. There are agricultural and house sites up mauka too, just need to look at what is already there and manage it how it was taken care of in the past. You need people on the land to help manage it. A beneficiary noted that although beneficiaries deserve all the utilities, some beneficiaries want the land now and can live off-grid. They felt that the community should allow those that want land now to settle on the land as is. This is Kuleana Homestead – it is meant for subsistence agriculture, but one can add a home if they want.

A community member asked for assurance that there would be only 30 lots in 'Ualapu'e and no more. DHHL replied that it does not foresee a number of lots much more than 30 based on the studies that have been completed to date.

The community wants to ensure that those who live in 'Ualapu'e understand how to live on Moloka'i. Some participants feel that the DHHL waitlist would filter out those that wouldn't work here. DHHL pointed out that the waitlist is a creation of the State, not Prince Kūhiō. The rules relating to the DHHL waitlist have been amended several times in the past. The waitlist administrative rules are not set in stone. For example, the current rules require that prospective lessees are financially qualified to take on a lease to better ensure that the lessee can successfully fulfill the requirements of the lease. The qualifications for Moloka'i and other rural areas are different. For this area, Success = Knowledge of the area. Having knowledge of how to live in these conditions is critical. That knowledge is usually possessed by those that have a long connection to place. There is a valid concern that the people moving in will not take care.

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A community member asked if there was a mechanism to be sure that those that understand Moloka'i will be located here? DHHL responded that at the current moment there is not. There needs to be a change in the current DHHL administrative rules related to the waitlist. DHHL has heard similar concerns from other rural communities about providing opportunities to beneficiaries that live in those areas with first preference because they have a familiarity with the area and are more likely to be successful.

The community asked how long the rule-making process takes. DHHL responded that the rule making process usually takes between 1.5 to 2 years to allow for sufficient public input. The administrative rules for the Lanai waitlist could be used as a template for a future rule change. Participants expressed a desire for DHHL to prioritize Moloka'i families in lot allocations and emphasized the importance of transparent and inclusive administrative processes to foster community trust and engagement. Meeting participants voiced concerns regarding the need for community input and involvement in the rule-making process to ensure alignment with local needs and priorities. DHHL stated that this is not a unique situation, as communities across the State with DHHL land (e.g. King's Landing, Ke'anae, Wailuanui, etc.) are having the same discussion.

A community member added that the alternative sites were brought up from the community because they realize that native Hawaiian families will be affected and wanted a way to help find a solution to provide homesteading. If the awards are going to beneficiary families in the room right now, then we are all for it. Whether it will happen or not is up to Ke Akua. 'Ohana on Moloka'i still need to live together.

A participant reiterated again that the community is not against DHHL homesteading but it needs to have the right people to take on that kuleana and know how to live here. The community doesn't want lots that would affect archaeological sites. What if the people don't take care of the sites? Kuleana is responsibility – a responsibility to mālama, Kuleana is not a right. 'Āina tells you how to live with it. Need to do the work to mālama the land in order to introduce yourself to the land. It is hard work.

A participant gave an example of how they joined the Moloka'i Hunting Club to work with the community to take care of a neighboring ahupua'a. Traditionally, you take care of your own ahupua'a and let others take care of theirs. Initially, those living in the ahupua'a did not like the others coming in to do environmental work, however they were unable to take care of it themselves, and came to an agreement with the other volunteers who were from outside of the ahupua'a.

Ahonui Homestead Association (AHA) has applied for a Right of Entry (ROE) to DHHL's 'Ualapu'e parcels so that they can also steward the land and create community collaboration. Similar to what the Moloka'i Hunting Club has done elsewhere, to include creating medicinal gardens. They could work with Kilohana School to teach them about their backyard. AHA wants to work with the community for its benefit.

With this experience, AHA can also be a support system for those moving into the lots. Homesteaders need support from the State DHHL to fill in the holes and be successful. It takes a lot of resources to turn the hard dirt into soil, but from it can feed hundreds. DHHL does want to set beneficiaries up for success, and provides training to communities.

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It was asked by the community if the County and the State are working together for safety? DHHL replied yes – in other locations, while the homesteads may not be connected to the County utilities, DHHL has coordinated EMS services. There is also concern about a fire truck going up to 'Ualapu'e lots. While paving the roads is not required under the Kuleana Homestead rules, DHHL did learn how difficult this was at Kahikinui and is now paving there.

A community member mentioned how they have seen this project go from 300 to 30 to just 9 families in the lower lots. That is a lot of money for just a small number of lots. It was asked if DHHL will have enough financially to move project through? DHHL stated that cost is a factor, but it is not the only factor DHHL considers. Cost is a factor that can be more easily overcome. 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.

A closing pule was offered and the first session ended at approximately 11:35am. A break for lunch was held and the second session began at approximately 1:30pm.

1:30pm Talk Story Session

The same presentation was provided and the floor was opened up for mana'o.

A community member asked why the alternative sites were researched. DHHL clarified that participants in past community meetings had asked for this, and there was also mention of this in the settlement plan feedback. They were curious as to why the team only heard of dark corridors at this point in their research. The concept of "dark corridors" was just introduced in the morning meeting and was something that the team was previously unaware of.

After hearing about all of the alternative locations and reasons that homesteading would not work there, 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.

In addition, it was explained that AHA is requesting an ROE from DHHL to begin work in natural resource management at 'Ualapu'e, and to develop a hunting plan and a gathering plan. There are also plans to do a community garden with medicinal herbs. Ultimately, AHA plans to start restoration activities.

One of the participants has read the settlement plan and followed the process closely. There are 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. The community member suggested to start small to see how it goes - look at the southeastern most lots and start there.

The second session ended at approximately 3:00pm.

EXHIBIT A -- ITEM G-2

Small Group Meetings

February 15, 2024

Page 6 of 6

List of Participants:

Session #1 (9:30am)

Dartagnon Bicoy

Judy Caparida

Cora Schnackenberg

Iwalani Kadowaki

Phil Stephens

Julie Kane

Palmer Naki

Dickie Stone

Koko Kawauchi Johnson

La'a Poepoe

Lori Buchanan

Joe Yamamoto

Tori Yamamoto

Zhantell Dudoit Lindo

Keomailani Hanapi Hirata

Keani Rawlins Fernandez

Pat Tamashiro

Gavin Pelekane Tamashiro

Daniel Pelekane Tamashiro

Charles Pelekane Jr.

Session #2 (1:30pm)

Dulcie Pitcher

John Pitcher

Eric Korpi

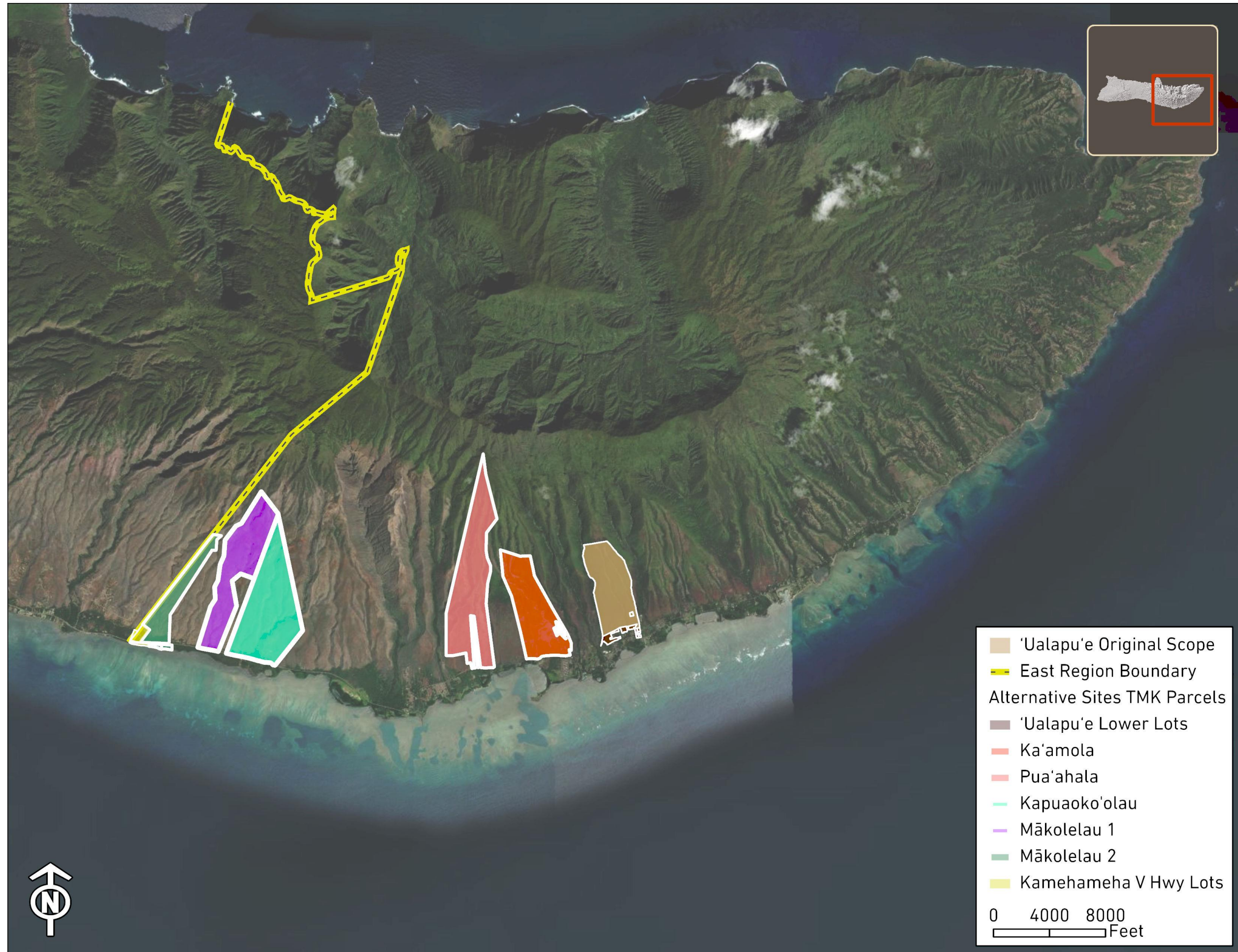
Cora Schnackenberg

‘Ualapu‘e Kuleana Homestead Settlement Project

Alternatives Analysis – Alternative Lots in Comparison to ‘Ualapu‘e

Metrics	Favorable / Better than ‘Ualapu‘e
	Unfavorable / Worse than ‘Ualapu‘e
	Baseline

		Site Name	Original ‘Ualapu‘e Scope	‘Ualapu‘e Lower Lots	Ka‘amola	Pua‘ahala	Kapuaoko‘olau	Mākolēlau 1	Mākolēlau 2	Kamehameha V Hwy Lots
Analysis Criteria (Ranked)	Higher Importance	1. Location on East End	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
		2. Size of Parcel	412 acres	24.847 acres	437.619 acres	672.341 acres	606.432 acres	506.561 acres	229.676 acres	26.946 acres
		3. Number of Potential Lots	30 lots	9 lots	120 lots*	82 lots*	113 lots*	52 lots*	72 lots*	13 lots*
		4. Slope	25% - 30%+	0% - 17%	12.5% - 30%+	25% - 30%+	13% - 30%	12% - 30%+	0% - 22%	3% - 9%
		5. Landowner	DHHL	DHHL	Bishop Estate	State of Hawai‘i	Private Landowner	State of Hawai‘i	Private Landowner	Private Landowner (Multiple)
		6. Known Historic & Cultural Resources	Yes	Yes	No Known Resources at this time	Yes	No Known Resources at this time	No Known Resources at this time	Yes (Adjacent)	Yes
		7. Water Availability	Yes	Yes	Yes	Yes	None	None	None	None
		8. LSB Rating (Soils)	LSB D & E	Unclassified	LSB D & E	LSB C, D & E	LSB D & E	LSB E	LSB E	LSB E
		9. Rainfall	15” – 65”	15” – 35”	15” - 65”	15” – 140”	10” – 35”	10” – 50”	15” – 25”	10” – 15”
	Lower Importance	10. Proximity to Utility Infrastructure	Yes	Yes	Yes	Yes	Partial	Partial	Partial	Partial
		11. Flood Hazard/Drainage	Flooding (Portion)	Flooding (Portion)	Flooding (Portion, less than ‘Ualapu‘e)	Flooding (Portion)	Kapua-o-Koolau Gulch, Flooding (Portion)	Panahaha Gulch, Flooding (Portion)	Puama Gulch, Flooding, Wave Action	Flooding (Portion)
		12. Erosion Hazard	High	Moderate	High	High	Moderate to High	Moderate to High	Moderate to High	Moderate
		13. Wildfire Risk	High to Extreme	High	High to Extreme	High to Extreme	High to Extreme	Moderate to High	High to Extreme	Moderate to High
		14. Tsunami Risk	Yes (Portion)	Yes (Portion)	None	None	None	None	Yes (Portion)	Yes (Portion)
		15. Sea Level Rise	None	None	None	None	None	None	Yes (Portion)	Yes (Portion)



Ka Nūhou



STATE OF HAWAII/DEPARTMENT OF HAWAIIAN HOME LANDS

VOLUME 3, NUMBER 5

HONOLULU, HAWAII

DECEMBER, 1977

HOW THE NEW RULES AND REGULATIONS WILL AFFECT THE APPLICANT LIST?

Historical Review:

- **Pre 1963** No established consistent procedure—Some by lottery (Applications not pulled were not filed); other various procedures and criteria used.
- **1963 to 1972** Priority System was established. Areas were defined and filed; received applications. All applications on hand in the department were placed in the priority ranking by Hawaiian Blood Quantum.

Priority I	Sample Area Listing	Priority II	Priority III
Successor 100% Hawaiian		Successor 50% Hawaiian	No Qualified Successor
1. 1947, Jan. 1		1. 1947, Jan. 1	1. 1947, Jan. 1
2. 1947, Jan. 1		2. 1947, Jan. 1	2. 1947, Jan. 1
3. 1950, Jan. 1		3. 1950, Jan. 1	3. 1950, Jan. 1
4. 1960, Jan. 1		4. 1960, Jan. 1	4. 1960, Jan. 1
5. 1972, Jan. 1		5. 1972, Jan. 1	5. 1972, Jan. 1

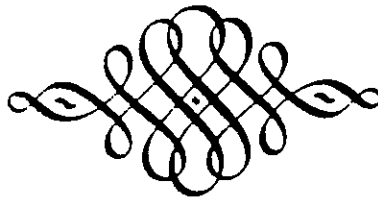
In this system, applicants in priorities II and III never moved. As long as there was an applicant in priority I, the date of application, that applicant was given the first consideration. This is the cause of frequent

1972 New system was established by Rules and Regulations and incorporated existing priority areas. However, within each area applicants would no longer be ranked by Hawaiian blood quantum. The existing priority listing would retain its rank, but as of August, 1972, all new applicants would be ranked in the New System. They were given a number and ranked by time stamp. Added to the Existing Priorities, the application list now looked like this:

any application rec'd prior to 8-18-72

Priority I Successor 100% Hawaiian	Priority II Successor 50% Hawaiian	Priority III No Qualified Successor
1. 1947, Jan. 1	6. 1947, Jan. 1	11. 1947, Jan. 1
2. 1947, Jan. 1	7. 1947, Jan. 1	12. 1947, Jan. 1
3. 1950, Jan. 1	8. 1950, Jan. 1	13. 1950, Jan. 1
4. 1960, Jan. 1	9. 1960, Jan. 1	14. 1960, Jan. 1
5. 1972, Jan. 1	10. 1972, Jan. 1	15. 1972, Jan. 1
New System		
	16. (1) 9:00 a.m. Aug. 30, 1972	
	17. (2) 11:30 a.m. Sept. 4, 1972	
	18. (3) 4:00 p.m. Dec. 1, 1972	
	19. (4) 8:30 a.m. Jan. 1, 1973	
	20. (5) 3:00 p.m. Jan. 1, 1973	

Problem: Any area transfers mandated that the applicant go to the bottom of the list and forego his/her original date of application. New areas established for applicants as Waianae in 1967 gave new applicants a decided advantage over the existing applicants who waited in near futility where land was limited.



1977 November 28, 1977, Island Wide Waiting Lists for all types of awards will be initiated. We are obliged by law to maintain the existing priority and New Section lists for each area. However, all of these existing applicants will also be placed on island wide area list in chronological order. All new applicants will

Sample of how the Island Wide List will incorporate priorities:**Island Rank****Area Rank**

1. January 1, 1947	Priority I
2. January 1, 1947	Priority I
3. January 1, 1947	Priority II
4. January 1, 1947	Priority II
5. January 1, 1947	Priority III
6. January 1, 1947	Priority III (Note in the area priori
7. January 1, 1950	Priority I this person would be
8. January 1, 1950	Priority II ranked number 12)
9. January 1, 1950	Priority III
10. January 1, 1960	Priority I
11. January 1, 1960	Priority II
12. January 1, 1960	Priority III
13. January 1, 1972	Priority I
14. January 1, 1972	Priority II
15. January 1, 1972	Priority III
16. August 30, 1972, 9:00 a.m.	N. S. 1
17. September 4, 1972, 11:30 a.m.	N. S. 2
18. December 1, 1972, 4:00 p.m.	N. S. 3
19. January 1, 1973, 8:30 a.m.	N. S. 4
20. January 1, 1973, 3:00 p.m.	N. S. 5
21. November 28, 1977, 8:00 a.m.	New Applicants
22. November 28, 1977, 11:00 a.m.	New Applicants

- Any awards in existing areas must be selected from the old area list and not the island wide list unless the area list has been depleted.
- If new areas are opened, the awards will be made from the island wide list in chronological rank order. Those who are not interested may defer and retain their rank in hope that an award will be available in the old area.
- The oldest applicants will be considered first in any new area established. We hope this will offset the 30-year waiting periods of applicants with no options for alternate selections. Presently, applicants fortunate to be on lists for areas where development has been possible are receiving awards within one year or six months of their application. The other significant changes are that a spouse or child 50% Hawaiian may assume the application Rank of a deceased applicant.
- The department must notify the applicant of his/her Rank and

EXHIBIT B -- ITEM G-2
**PROFILE OF APPLICATION LIST
 OCTOBER, 1977**

Priority I
 1.1%

Priority II
 35.8%

Priority III
 21.3%

N. S.
 41.8%

100%

Anticipated Pending Awards Deducted

New Rules and Regulations will be printed and mailed to all lessees and applicants. In the meantime, a copy is available for public review in every project office.



*May the Blessings of the Lord
 be with you in this Holiday Season*

Hawaiian Homes Info Centers

DISTRICT	ADDRESS	PHONE	HOURS OPEN
Honolulu (Main Office)	1st & 3rd floors 550 Halekauwila St. Hon., Hi 96813	548-6450	7:45 a.m.-4:30 p.m. Mon.-Fri.
Molokai	Puukapele Ave. Hoolehua, Molokai	567-6296	"
Kauai	160 Baker Ave. Hilo, Hi 96720	935-5575	"
Waimea	Mamalahoa Highway Waimea, Hawaii	885-7091	"
Maui	High & Aupuni St. Wailuku, Maui	244-4248	8:00-11:30 a.m. 2:00- 4:00 p.m. Mon.-Fri.

(Address Correction Requested)
 Return Postage Guaranteed

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 DEPARTMENT OF HAWAIIAN HOME LANDS
 P.O. BOX 1877
 HONOLULU, HAWAII 96805

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 PERMIT NO. 11**

COMPARISON OF HOMESTEADER VS PRIVATE LEASEHOLDER

Conditions/Situation	Hawaiian Homes Lessee	Private Land Lessee Assumptions
Qualification	21 years of age Non property owner 50% Hawaiian blood Not a previous lessee	Financial capability—age of maturity
Valuation of land 10,000 sq. ft.	\$20,000	\$20,000
Leasehold rental for land	\$1 per year	\$300 per year
Taxes per year	Exempt first seven years; thereafter, \$200 or more	\$200—or more annually
Site development assessment. Cost to prepare the lot and the subdivision for home building.	None—developed and paid for by public funds—appropriated by the legislature—some DHHL funds	\$20,000
Home construction cost	\$25,000	\$25,000
Total cost to lessee without land cost	\$25,000	\$55,000
Down payment required	None	FHA—10% of value (90% loan)—\$300 to \$500 Private—1/4 or 1/5 of mortgage amount Conventional mortgage—5% to 20% VA—no down payment up to \$70,000
Average mortgage, land and tax payment per month—8 3/4% interest	\$206 per month, first seven years \$222.67 thereafter \$17,304 1st 7 years	\$453 per month (assume 90% financing) low estimate \$38,052 1st 7 years
Term of note	25–30 years	25–30 years

EXHIBIT B -- ITEM G-2

<p>Lessee moves out temporarily and rents out his home: purpose of move to take another job, advance education, service transfer.</p>	<p>Prohibited by HHCA Section 208 (A) Options: either ignore the stipulation, or pay two mortgages at the same time until job terminates and permits return. (B) Must also write to the HHC for a leave of absence.</p>	<p>Free to do as he pleases as long as his mortgage is paid unless lease prohibits subleasing or includes an escalation clause.</p>
<p>Leaves home for two or three-month period for a trip or vacation.</p>	<p>Must ask for leave of absence, section 208.</p>	<p>Does not need permission.</p>
<p>Wants to build a patio, family room, swimming pool, stone wall, etc., any improvements other than necessities, plan approval.</p>	<p>(1) Plan must be approved by Department and County.</p>	<p>(1) Approval by County.</p>
<p>Financing for improvements above</p>	<p>(2) Department financing will be denied. These improvements are non essentials. Limited public funds cannot be used for luxury items. A. Lessee cannot get private financing unless collateral off Hawaiian Home Lands is used. B. Waiver must be signed in the event of surrender or cancellation. These improvements will not be included in buy back appraisal. C. Equity will not increase. D. Taxes will increase.</p>	<p>(2) Gets financing from private sources. A. Increases value of property. B. Eventually will increase equity. C. Increases taxes.</p>

EXHIBIT B -- ITEM G-2

<p>Ten years have passed and equity has accumulated in the home. Lessee wants to second mortgage his interest to finance the education of a child, expand a business, or buy another parcel of property.</p>	<p>No provision to second mortgage. No funds available to re-finance. May not use improvements on Hawaiian Home Lands as collateral for private financing by H.H.C. Act Section 208. Equity is therefore frozen on the land. Vested interest only collectable upon surrender.</p>	<p>May second mortgage equity. May use funds for own purposes.</p>
<p>Fifteen years: borrow money to repair roof and bath.</p>	<p>May only borrow from the department. Department does not disburse money to lessee—pays only to a licensed purveyor or contractor.</p>	<p>Receives lump sum from any lender; in turn, pays for bills.</p>
<p>Whom does the lessee name to inherit the land and home?</p>	<p>Must name a descendant by a stipulated list in the HHCA, Section 209, who is 50% Hawaiian. No ascendants are permitted. If no one qualifies, may leave the appraisal value of the property to the heirs upon the lessee's death. The value that will accrue to the heir includes only the home. All other value is deleted.</p>	<p>May name any one. The full value of the property will accrue to the heir.</p>
<p>Lessee wishes to transfer the lot.</p>	<p>Assignee must be 21 years of age; 50% Hawaiian; financially qualified.</p>	<p>Assignee may be any one financially qualified.</p>
<p>Lessee defaults on note.</p>	<p>Notice of cancellation hearing to determine due cause. Lease is cancelled. Home improvements appraised; amount due minus amount owing; Section 210.</p>	<p>Notice of cancellation foreclosure. Property is re-sold; amount due minus amount owing.</p>

EXHIBIT B -- ITEM G-2

Lessee defaults on taxes.	No tax foreclosure, Section 208. Commission may cancel lease.	Tax foreclosure.
Lessee elects to sell the property to move to another neighborhood.	Surrender is possible. Home improvements only are appraised; amount due minus amount owing. Payment received after next qualifier is screened. Department must find a lessee who is 50% Hawaiian, 21 years of age, and who wishes to assume the property for the appraised amount.	Lessee puts home up for sale and receives full benefit of all improvements and land value for remaining term, if a buyer can be found.
Responsibility to upgrade off-site improvements in older neighborhoods.	Department of Hawaiian Home Lands responsible if funds are available. No participation by the homeowner.	County and State; prorated share is assessed each property owner for improvement projects.
Maintenance of systems and roads.	Department's responsibility unless transferred to County for maintenance. No deed to roads is necessary by HHCA, Section 220. Roads and improvements are usually in poor condition.	Deeded to County. Public can claim legal responsibility.
30 years, home needs to be replaced.	Only department financing is possible. If the department has no available money, the lessee has no recourse. There are 100 people already waiting for replacement home financing who are in this predicament. Deterioration of the neighborhood results.	Goes to lender for financing. All sources available.

DEPARTMENT OF HAWAIIAN HOME LANDS

**** POLICY MANUAL ****

REVISED AS OF DECEMBER 15, 1961

EXHIBIT B

EXHIBIT B

PO000-4491f

period anew.

C. General rules of priority in awarding leases.

1. Residence and agricultural lots. In the selection of an applicant for award of a residence or agricultural lot, the following rules determine priority:

- a. When there are two or more applicants for a residence or agricultural lot, first priority is given to the married applicant whose spouse is also qualified as a native Hawaiian under the Hawaiian Homes Commission Act who either has children (including stepchildren) dependent upon such applicant or spouse who will be able to succeed, or may have issue who will be able to succeed to the lot.

Note: (Meeting of April 27, 1962, first preference to be given to 100% Hawaiians which includes applicant and spouse.)

Second priority is to be given to a qualified applicant who has children (including stepchildren) dependent upon him or her and who will qualify under the Act to succeed as heir to a lessee. Third priority is to be given to all others. However, applicants will not be awarded leaseholds unless the Commission concludes that to do so will further the basic policy of the Commission as provided for in this policy manual.

- b. When two or more applicants are of equal qualifications after consideration of all factors under (a), above, preference is to be given to the applicant who is in emergency need of housing. "Emergency need" as used herein means the lack of housing meeting minimum standards of decency coupled with the applicant's financial inability to obtain adequate housing.

Frank Kamata

DEPARTMENT OF HAWAIIAN HOME LANDS
GENERAL PROVISIONS

DRAFT 1. RULES AND REGULATIONS

[1964]

11DHHLO210.0003 001
DHHL OQ-00-64
11-DHHL-RULES & REGS
DHHL GENERAL PROVISIONS DRAFT 1
RULES & REGULATIONS

EXHIBIT C

USES AND DISPOSITION OF LANDS4. LEASING OF LANDS

The Department is authorized to lease Hawaiian Home Lands to native Hawaiians (any descendant of not less than one-half part of the blood of the races inhabiting the Hawaiian Islands previous to 1778).

The Department is to receive applications for leases, formulate regulations for the application and granting of leases, and enter into such leases with the applicants whom it feels are qualified to perform the conditions of the lease. The original lessee must be at least twenty-one (21) years old and if married only one of the spouses is entitled to a lease.

A. Lease Agreements. Lease agreements are to be entered into between the Department and each of its lessees. The lease agreements are to be kept current all times and are to reflect the conditions governing occupancy.

B. Criteria for Selection of Recipients of Grants or Leases.

(1) Residential and Agricultural Lots.

Priority I - Both parents 100 percent Hawaiian.

Priority II - (a) Combination of Hawaiian whereby one parent and children qualify.

(b) One parent 100 percent Hawaiian - may be married to non-Hawaiian.

Priority III - All others -- whereby only the applicant may qualify.

(2) Emergency Need. When two or more applicants (a) are of equal qualifications after consideration of all factors under (b) above, preference is to be given to the applicant who is in emergency need of housing. "Emergency need" as used herein means the lack of housing meeting minimum standards of decency coupled with the applicant's financial ability to obtain adequate housing.

EXHIBIT C -- ITEM G-2

RULE AMENDMENTS RELATING TO PRIORITY LIST FOR APPLICANTS WITH A CONNECTION TO PLACE

§10-3-7 Priority and preference for award of leases. (a) Except as otherwise provided in section 10-3-11 relating to Lanai awards, and section 10-3-12 relating to awards to lineal descendants, 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

EXHIBIT C -- ITEM G-2

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 8/6/04; comp DEC 23 2021] (Auth: HHC Act §222) (Imp: HHC Act §207)

§10-3-12 Awards to Applicants Who are Existing Residents or who

have Familial Connection to "Place" (Wahi) (a) Except as hereinafter provided, in the making of the Priority Award Lists for kuleana homesteading program lease awards, preference shall be given to applicants on the respective Island-wide Wait List(s) then residing in the place where the award is being made, and applicants who can establish a familial connection to the place where the award is being made.

(b) Upon completion of the environmental assessment for the kuleana homestead, the department will file the final environmental notice in accordance with HAR 11-200 and will provide a notice to applicants on the respective island-wide waitlist that the department is accepting applications for the Priority Award List. For projects where the final environmental notice was filed prior to this rule amendment, the department will provide a notice applicants on the respective island-wide waitlist regarding the Priority Award List prior to awarding leases. Applicants on the Priority Award List shall be considered for award in the order in which their completed applications were received by the department for the island-wide waiting list until the Priority Award List is exhausted. Awards shall be based on numerical designation by date of completed application. For places where an area waiting list exists, awards shall be made first on the area waiting list, then the

EXHIBIT C -- ITEM G-2

priority award list, then the island-wide waiting list, except as otherwise provided in this chapter.

(c) As used in this section: "Familial connection" means an established relationship between the applicant and the wahi that is proven by the applicant's documented genealogy to biological or legal ancestors who resided in the wahi prior to 1900, or the applicant having a family member that is a current resident of the wahi where the award is being made. "Relative" means an individual connected to the applicant by blood and may include but is not limited to children, parents, siblings, grandparents, great-grandparents. "Resident" means an eligible applicant who resides in the wahi in which the award is being made and can verify his or her residency acceptable to the department. "Wahi" means a place or location in which a new DHHL kuleana homestead development is being made or in close proximity to where the award is being made.

(d) Applicants interested in being on the Priority Award List shall complete an application form wherein the applicant must establish his or her residency in the wahi or establish a familial connection to the wahi to the satisfaction of the department.

(1) An applicant may qualify for the Priority Award List if he or she is a current or former resident of the wahi. To prove former or current residency, the applicant shall provide with their application any of the following information:

- (A) A government issued identification card with picture;
- (B) Tax records;
- (C) Utility bill with a home address;
- (D) Bank statement with a home address; or
- (E) Any other applicable information that helps establish current or former residency.

EXHIBIT C -- ITEM G-2

(2) To prove an applicant's familial connection to the wahi in which the kuleana lease award is being made, the applicant shall submit documentation establishing his or her connection to the wahi either through the applicant's lineal descendancy or establishing that a relative of the applicant is a current resident of the wahi. To prove lineal descendancy, the applicant shall provide with their application any of the following information:

- (A) Documented genealogy to biological or legal ancestors who resided in the wahi prior to 1900;
- (B) Birth certificates;
- (C) Death certificates;
- (D) Obituaries;
- (E) Marriage certificates;
- (F) Probate records;
- (G) Church records;
- (H) Census records;
- (I) Tax records;
- (J) Land conveyance documents, including but not limited to deeds and land commission awards;
- (K) Oral family history; or
- (L) Any other applicable information that helps establish a familial connection between the applicant and the wahi.

(3) If the applicant cannot prove lineal descendancy to the wahi or is not a current or former resident of the wahi, or both, the applicant may be considered eligible for the Priority List if the applicant has a relative that is a current resident of the wahi. The applicant must provide in his or her application information establishing the relative's residency and what the applicant's relationship is to the resident and

EXHIBIT C -- ITEM G-2

provide information demonstrating his or her relative's residency in the wahi by submitting any of the following:

- (A) Genealogical records;
- (B) Copy of a state issued photo identification with a home address;
- (C) Copy of lease agreement;
- (D) Bank statement with a home address;
- (E) Utility bill with a home address;
- (F) Tax records;
- (G) Signed affidavit; or
- (H) Any other applicable information that helps establish the relative's current residency.

(4) The department will verify the applicant's connection to place by utilizing existing resources, records, and information already collected by the department to the extent feasible.

(e) The department shall inform the applicant of its determination in writing within **xx** days of receipt of the application and all supporting materials. If the department confirms the applicant's relationship to wahi, the applicant will be placed on the Priority Award List.

(1) Applicants shall be considered for priority award in the order by date of the original application for the Island wide waitlist was received by the department.

(2) If the department fails to send a determination in writing within the set time, or by a mutually agreed upon date, then the applicant may appeal to the commission for decision.

(f) In making subsequent awards, until the Priority Award List is exhausted, applicants will be considered in the order of preference established in subsection (b), provided:

- (1) Applicants registered on other application lists who accept a kuleana lease award are presumed to have

EXHIBIT C -- ITEM G-2

transferred their existing application to the respective island-wide kuleana lease list. Upon lease award approval, their kuleana application will be cancelled.

(g) If the Priority Award List has been exhausted and there are remaining lots to award, then the department will utilize the respective Island Waitlist to award the remaining lots.

(1) If all lots have been awarded and there are still applicants on the Priority Award List, the remaining applicants who did not receive an award will return to their respective Island Waitlists in their original rank order by date of application.

(2) Once an applicant on the Priority Award List is awarded a lot, he or she will be removed from the respective Island Waitlist for the type of lot awarded.

PLANNING OFFICE
DEPARTMENT OF HAWAIIAN HOME LANDS

December 16, 2024

TO: Chairperson and Members, Hawaiian Homes Commission

THROUGH: Andrew H. Choy, Acting Planning Program Manager

FROM: Cherie-Noelle Ka`anana, Water Program Specialist

SUBJECT: Accept Beneficiary Consultation Report for the proposed process and procedure for the Hawaiian Homes Commission representative on the East Maui Regional Community Board; Approval of the proposed process and procedure; and Notification of the upcoming vacancy

RECOMMENDED MOTION/ACTION

- 1) That the Hawaiian Homes Commission (HHC) accept this Beneficiary Consultation Report as the official public record of beneficiary input and feedback relative to the selection process for the HHC representative on East Maui Regional Community Board;
- 2) That the HHC approves the proposed selection process and procedure for the HHC representative on the East Maui Regional Community Board; and
- 3) That DHHL begins notification of the upcoming vacancy for the HHC representative seat for the East Maui Regional Community Board.

DISCUSSION REGARDING THE BENEFICIARY CONSULTATION PROCESS

Background

The purpose of this DHHL beneficiary consultation was to collect feedback and input on the proposed selection process for vacancy in the DHHL seat to the East Maui Regional Community Board (EMRCB). The HHC approved the action to develop a draft process and procedure to clarify necessary action steps to identify and approve recommendations for the HHC representative on the East Maui Regional Community Board on June 26, 2023, Agenda Item G-3. The proposed selection process provides guidance on the qualifications of a nominee, reporting requirements, notification procedures, and the selection process upon receiving applicants.

Beneficiaries requested that the Department conduct a Beneficiary Consultation (BC) meeting in order to provide beneficiaries with the opportunity to obtain more information, ask questions, and express their opinions related to the proposed process.

This is the first time DHHL has had a seat reserved for a water related board. Although this board is for East Maui, the County Charter amendment that created the East Maui Regional Community Board, and the East Maui Water Authority that it governs, allows for the County Council to create other Water Authorities and associated boards in the future. DHHL staff completed this process with that possibility in mind.

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 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 Proposals, and 4) Development of DHHL Plans.

As provided by Hawaii Administrative Rules 10-4-60, the DHHL conducted a virtual BC via Zoom on October 28, 2024, 6:00 p.m. - 8:00 p.m.

Beneficiary Consultation Process

The proposed process went through the following steps prior to the BC to ensure that beneficiaries were informed about the opportunity to provide feedback on the proposed selection process.

STEP 1: THE PROPOSED ACTION IS DESCRIBED:

Information dissemination and discussion regarding a process for the selection of a HHC representative on the EMRCB.

STEP 2: BENEFICIARIES WERE NOTIFIED OF OPPORTUNITIES TO CONSULT

In order to accommodate for all beneficiaries who may reside in Maui County, including beneficiaries on

Lana`i or Moloka`i, the Department conducted a virtual BC meeting, via the online communications platform Zoom.

1. Approximately 3,063 postcards were mailed to all lessees and applicants residing in Maui County to announce the October 23, 2024 meeting. [Exhibit A]
2. Email notification was sent to approximately 50 Maui County Homestead Community Leaders.

STEP 3: PRESENTATION MATERIALS FOR MEETING IS AVAILABLE FOR FEEDBACK:

DHHL created a webpage¹ to disseminate information and provide easy access to multiple communication pieces including:

1. Weblink to the BC meeting and recording
2. BC Presentation PowePoint Deck
3. Weblinks to related submittals

STEP 4: COMMENTS ARE COMPILED INTO MEETING REPORTS:

The following table and data below captures the level of participation and engagement at the BC meeting:

Table 1: Summary of BC for EMRCB Selection Process

Beneficiary Consultation Meeting	Estimated Attendance	No. Self-ID as DHHL Beneficiaries	No. of Questions and/or Comments
October 28, 2024 (Zoom)	3	2	13
Written Comments Submitted during the 30-Day Comment Period	0	0	0
TOTAL	3	2	13

¹ <https://dhhl.hawaii.gov/po/maui/po-maui-east-maui-water-authority/>

BC attendees did not sign a physical sign-in sheet due to their participation via online platform.

As reflected in Table 1, there were no comments or questions submitted during the 30-day Comment Period. However, the posted video received over 60 views during the Comment Period. The comments and questions received at the BC meeting were provided by self-identified DHHL beneficiaries.

The following exhibit reflects BC meeting notes, participant opinions and/or comments:

Exhibit B - October 28, 2024: BC Meeting Notes, Questions and Comments

Summary of Beneficiary Comments:

The following is a brief summary of beneficiary comments that were received during the BC process. The comments are organized into the four main categories discussed at the meeting regarding the components of the EMRCB selection process.

Qualifications of a Nominee

- What qualifications should a nominee possess?

"A lot of our kia`i wai don't go beyond high school. But yet they have the cultural background - the hands-on feet on the ground kind of qualifications."

"Degree is important to have, like your experience in that is super important, but as far as firsthand experience of those who are from there or familiar with the area or have heard mo`olelo from kupuna. These are important things to carry on so that it can benefit all. And those things aren't really shared - our kupuna they keep a lot of things sacred; they keep within the community because we protect. We are stewards in that area, so we don't expose to many - to outsiders and so forth. But if you can find the right fit of a person who is akamai of the area, willing to serve with all the requirements that you have, then that would benefit all."

Reporting Requirements

- How frequent should check-ins be with the selected member?

"Once a month would be good unless there's something stirring up in East Maui."

Notification of Vacancy

- How should beneficiaries be notified of an upcoming vacancy?

"Send out the flyers. DHHL website. Social media is great. A lot of our people do social media, but don't know what happened tonight."

"When vacancies become available, social media is great, it can reach very fast."

Selection Process

- Any comments or opposition to the proposed process?

No comments.

DISCUSSION REGARDING THE PROPOSED SELECTION PROCESS

Background on the East Maui Irrigation System

Referred to as the East Maui Irrigation (EMI) System, the EMI was developed beginning in the 1820s and until recently wholly owned by Alexander & Baldwin (A&B). This system diverts water from government and private lands and has historically dewatered streams relied upon by the East Maui community. During peak operations it had a recorded average flow of 165 million gallons a day (mgd) and up to 450 mgd². This 75-mile-long network spans across East, Upcountry, and Central Maui. It previously delivered water to sugarcane operations, the Maui County Department of Water Supply, and the Kula Agricultural Park. It has been subject to decades of controversy and litigation.

In 2016 A&B announced the closing of the plantation. Following this, A&B sold 41,000 acres to Mahi Pono, a joint venture between Pomona Farming and Canada's Public Sector Pension Investment Board. The EMI is currently co-owned by Mahi Pono and A&B.

² <https://files.hawaii.gov/dlnr/cwrp/cch/cchma1301/CCHMA1301-20180620-CWRM.pdf>

Many of the long-standing water issues in Maui Hikina are related to the diversion of water from a number of streams to agricultural fields in central Maui with most of the water originating from diversions on state owned lands. The legal agreements (currently revocable permits, with a long-term 30-year water lease being sought from the Board of Land and Natural Resources [BLNR]) allowing diversion from state owned land have been the subject of multiple legal proceedings over decades.

DHHL Interests related to the EMI System

The DHHL and its beneficiaries have three distinct interests when proposed water leases under HRS § 171-58 are sought by private parties and considered by the BLNR:

- First, DHHL has a right to have water reserved for its future use before any lease is issued;
- Second, our beneficiaries may exercise constitutionally protected traditional and customary practices relate to the water that the state seeks to lease; and
- Third, there is a constitutional right to thirty percent (30%) of the revenue generated by water leases.

Water reservations. Hawai`i Revised Statutes (HRS) section 171-58 (g) requires that in regards to proposed water leases, such as those being sought in East Maui:

The department of land and natural resources shall notify the department of Hawaiian home lands of its intent to execute any new lease, or to renew any existing lease of water rights. After consultation with affected beneficiaries, these departments shall jointly develop a reservation of water rights sufficient to support current and future homestead needs. 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 response to a notification from BLNR, in 2020 DHHL requested a water reservation of 11.455 mgd for our lands in Kēōkea, Waiohuli, and Pūlehunui. This request has not yet been fully granted by the Commission on Water Resource Management (CWRM).

Traditional and customary rights. As noted above, the EMI has historically dewatered streams relied upon by the East Maui community, including DHHL lands at Ke`anae and Wailuanui. Insufficient water may impact traditional and customary

practices exercised by beneficiaries such as mahi`ai lo`i kalo (wetland taro farming) and kia`i loko i`a (fishpond management).

30% of water lease revenue. DHHL is entitled by Constitutional provision to 30% of the revenue generated by state water leases (Hawai`i Constitution Article XII Section I). The manner in which the BLNR currently sets the lease revenue excludes a charge for watershed management from being part of the base rent. Subsequently, DHHL has requested from the Attorney General an opinion regarding the exclusion of that revenue from being part of what is due to DHHL.

Background on the East Maui Regional Community Board / `Aha Wai o Maui Hikina

In the November 2022 election, the East Maui Regional Community Board³, also known as `Aha Wai o Maui Hikina, was established by a Maui County charter amendment that called for the creation of "Community Water Authorities." This Board governs the East Maui Water Authority. The purpose of this water authority is to acquire, manage, and control water collection and delivery systems with County staff. Areas of concern are the Nāhiku, Ke`anae, Honomanū, and Huelo water license areas.

This water authority includes a designated seat for a representative of the HHC in the Maui County Charter, Section 8-19.2(1). Regional Community Boards:

The East Maui regional community board...consists of eleven members with a minimum of two members from each license area. Eight members must have experience in water resource management and watershed restoration in the applicable watershed and reside in the applicable community plan area...The three remaining members are appointed by the council based on the following requirements: one member with experience in water resource management who is actively engaged in ranching, farming, aquaculture, or loko i`a in the area where water service is provided; one member with experience in water resource management who resides full-time in the area where water service is provided; and *one member who is a representative of the Hawaiian Homes Commission, and is recommended by the Department of Hawaiian Home Lands.*

After being nominated, board members are required to go through an additional confirmation process through the County. This includes confirmation by the County Council at a public hearing, the filing of a Financial Disclosure Statement with the County

³ <https://www.mauicounty.gov/DocumentCenter/View/139187/CHARTER---January-2023>

Board of Ethics, and to be sworn in with an Oath of Office. Board members are expected to attend all meetings, with a frequency of at least once per month.

Necessity of Adopting Procedures

The inclusion of this designated seat for DHHL on the EMRCB represents a significant milestone in advocating for DHHL's interests in water resources and the assurance of the prioritization of public trust purposes. As stated above, this is the first time DHHL has had a designated seat for a water related board.

Relevant Authorities

Development and implementation of Selection Process Procedures is warranted under three of the four priority goals of the Water Policy Plan:

1. Affirmatively communicate with beneficiaries regarding water decisions, performance, and water rights on a regional and annual basis.
2. Aggressively, proactively, consistently and comprehensively for the kuleana of the beneficiaries, the DHHL, and the HHC to water before all relevant agencies and entities.
4. Support watershed protection and restoration on DHHL lands and source areas for DHHL water.

The Water Policy Plan also includes additional goals related to the proposed selection process for the EMRCB:

Part III. Aggressively understand, exercise, and assert our water rights

10. Advocate that County Boards of Water Supply and other County agencies that affect water have the spirit of the HHC faithfully carried out to protect DHHL water uses as a Public Trust use of water and manage rates so they are affordable by beneficiaries.
11. Ensure that all legal provisions for the licensing of state water are followed.

The Water Policy Plan was itself developed as a means of ensuring compliance with the HHCA. The principal purposes of this Act include the provision of "adequate amounts of water and supporting infrastructure, so that homestead lands will always be usable and accessible[.]" HHCA § 101(b)(4). The Act recognizes the solemn trust created between the United States and the State of Hawai'i and the fiduciary duties of the Commission to administer the Act on behalf of beneficiaries.

In accordance with these obligations to manage, protect, and administer trust assets, the Department developed the proposed procedures.

Overview of Proposed Procedures

The Selection Process Procedures (attached as Exhibit C) include the following tasks and practices for the Department:

Selection Process Policy:

1. Beneficiaries will receive notice of vacancy for the HHC seat through DHHL's website and email notification to homestead leaders.
2. Interested applicants will complete an application form available on the Department's website prior to the posted deadline. This deadline shall allot time for internal review, HHC approval, and County Council approval prior to the current representative's term expiration date.
3. DHHL staff will internally review applications utilizing the guidelines decided upon in beneficiary consultation. This shall include the applicant having affiliation with DHHL through one or more of the following: lessee, applicant, employment, HHC, or consultant. The applicant shall have relevant water experience and knowledge related to the water license areas of the board through one or more of the following: firsthand experience with ranching, farming, aquaculture, or loko i'a; water resource management and watershed restoration experience; advocacy work related to water; completion of the *I Mana i ka Wai: Kūkulu Kahuwai DHHL Water Law and Leadership Training Series*. Needed skillsets shall evolve throughout the various stages of the East Maui Regional Community Board;

representatives shall be selected based upon the related stage of the board.

4. The selected potential representative will be recommended to the HHC via HHC submittal.
5. The HHC will select the board member to represent DHHL and the HHC on the East Maui Regional Community Board

Expectations for the HHC Representative

1. The selected representative shall complete confirmation by the County Council at a Public Hearing.
2. The selected representative shall timely file a Financial Disclosure Statement with the County Board of Ethics.
3. The selected representative shall swear an Oath of Office.
4. The selected representative shall attend all meetings for the board.
5. The selected representative shall have kuleana to the HHC, the DHHL, and the beneficiaries of DHHL.
6. The selected representative shall report meaningful updates to the HHC. This may be included in the Water Projects Update.

Notification of an Upcoming Vacancy

The current HHC representative's term will end on March 31, 2025. There is no hold-over period allowed under Maui County ordinances. Therefore, DHHL will begin the application process upon approval of the proposed process.

Recommendation

- (1) Staff respectfully requests that the Hawaiian Homes Commission accepts the Beneficiary Consultation Report as the official public record of beneficiary unput and feedback relative to the proposed selection process of a Hawaiian Homes Commission representative for the East Maui Regional Community Board.
- (2) That the HHC approve the attached Exhibit C, "Process and Procedure for Selection of the HHC Representative on the East Maui Regional Community Board"

- (3) To begin notification of the upcoming vacancy for the HHC representative seat for the East Maui Regional Community Board

Postcard Notification

**BENEFICIARY CONSULTATION
VIRTUAL MEETING**

East Maui Water Authority Appointment Process

This is Not an Awards Notice

dhhl.hawaii.gov/meetings

**Beneficiary Consultation
Virtual Meeting**

**East Maui Water Authority
Appointment Process**

Monday, October 28, 2024
6:00 p.m. to 8:00 p.m.

Meeting Purpose:

The Department of Hawaiian Home Lands is conducting virtual beneficiary consultation on the qualifications, reporting requirements, and selection process for future applicants who would like to serve as the Hawaiian Homes Commission representative on the East Maui Water Authority.

Join the Virtual Meeting:

dhhl.hawaii.gov/meetings

Questions? dhhl.planning@hawaii.gov



DEPARTMENT OF HAWAIIAN HOME LANDS
P.O. Box 1879 HON, HI 96805

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East Maui Water Authority Selection Process
Beneficiary Consultation
October 28, 2024
Via Zoom
6:00 p.m. – 8:00 p.m.

MEETING NOTES

I. Opening Remarks:

Julie-Ann Cachola, DHHL Planner and Liaison to Maui beneficiaries, welcomed attendees to the Beneficiary Consultation (BC). Ms. Cachola noted that all the applicants on the Maui Island Waitlist who reside on Maui and Maui Island Lessees, were invited to attend. The purpose of this meeting was to receive beneficiary input on the selection process for when there is a vacancy for the Department's seat to the East Maui Regional Community Board.

The purpose of this meeting was to:

- Provide information on the East Maui Irrigation System
- Provide information on the East Maui Regional Community Board
- Collect beneficiary feedback on desired qualifications for a nominee, reporting requirements, preferred notification methods, and the selection process itself

The goal of this consultation is to

- Bring forward a proposed selection process and procedure to the HHC with the feedback of DHHL's beneficiaries

II. Background Information for the Selection Process:

DHHL's Water Consultant and current Representative, Dr. Jonathan Likeke Scheuer, provided background information on

- The East Maui Irrigation System
- The East Maui Regional Community Board

Cherie-Noelle Ka'anana, DHHL's Water Program Specialist, presented on the proposed process and procedures.

III. Discussion:

Ms. Cachola opened the discussion for beneficiary feedback on desired qualifications for a nominee, reporting requirements, preferred notification methods, and the selection process itself. Beneficiaries were encouraged to participate and had the opportunity to submit comments via Zoom's chat function or through email. Comments are summarized below.

- Why are there different terms? *Because the board is brand new – Maui County Charter says when you are nominated to any board or commission you can serve a five-year term and you can*

ITEM G-3 Exhibit B

do that twice. Because this is a brand new board and all the terms were starting, they didn't want five year terms to all start at once and then at the end of five years, they'd have to start with a brand new board, so they purposefully staggered them. So, some two-year, three-year, four-year, and five-year terms. And then it sort of got assigned as people went through the confirmation process in front of the council who got assigned to long. Because the HHC's representative was the last one named, he got put into a two-year term.

- Is it the County Council or the mayor that selects a DHHL representative if we are unable to pick one? *The County Council.*
- When is the next I Mana i ka Wai: Kūkulu Kahuwai DHHL Water Law and Leadership Training Series? *Anticipating for Spring 2025. We'll send out emails to homestead association emails as well.*
- This person should know the water, especially coming from East Maui. They should know the water ways, the diversions, the obstacles that you need to get to the water.”
- A lot of our kia`i wai don't go beyond high school. But yet they have the cultural background – the hands-on feet on the ground kind of qualifications.
- Knowing the water. Knowing the diversions. How much water is diverted from the Koolau is important knowledge to have.
- There are a lot of mahi ai from there that are very familiar but they might not have the degree. But they have the experience in other words because they are familiar with the area.
- Degree is important to have, like your experience in that is super important but as far as firsthand experience of those who are from there or familiar with the area or have heard mo`olelo from kupuna. These are important things to carry on so that it can benefit all. And those things aren't really shared – our kupuna they keep a lot of things sacred, they keep within the community because we protect. We are stewards in that area, so we don't expose to many – to outsiders and so forth. But if you can find the right fit of a person who is akamai of the area willing to serve with all the requirements that you have then that would benefit all
- Check-in once a month would be good unless there's something stirring up in East Maui.
- Once a month to the board.
- Send out the flyers. DHHL website. Social media is great. A lot of our people do social media, but don't know what happened tonight.
- When vacancies become available, social media is great, it can reach very fast.
- How frequent does the HHC meet? *Once a month*
- Does the HHC check the water themselves? *No.*
- Representatives can do more than one term? *Yes – up to two five-year terms*
- Why is this upcoming application window short? *It's a tradeoff- with expiration for enough time for the expiration of the term in March vacancy. Don't know how long the Maui County Council confirmation process will take, so need to allot enough time before the vacancy. Want to have a nominee in place. Need to great to the HHC meetings, because if wait till February, will only give the Council so much time. Have nominee selected in advance to account for any curve balls.*

DEPARTMENT OF HAWAIIAN HOME LANDS

Process and Procedure for Selection of the HHC Representative on the East Maui Regional Community Board

Procedure Number
24-001

Kali Watson, Chairperson
Hawaiian Homes Commission

Date

ITEM G-3 EXHIBIT C

Department of Hawaiian Home Lands Procedure Number 24-001
Process and Procedure for the Selection of the HHC Representative on the East
Maui Regional Community Water Board

Procedure

Subject: Internal Department procedures and workflow for the selection of a Hawaiian Homes Commission (HHC) Representative on the East Maui Regional Community Board when there is an upcoming vacancy for the designated seat

Purpose: This document provides HHC 's policy guidance and procedures for the selection process upon upcoming vacancy for DHHL's designated seat.

Policy: HHC representative shall be selected through the following process:

Selection Process Policy:

1. Beneficiaries will receive notice of vacancy for the HHC seat through DHHL's website and email notification to homestead leaders.
2. Interested applicants will complete an application form available on the Department's website prior to the posted deadline. This deadline shall allot time for internal review, HHC approval, and County Council approval prior to the current representative's term expiration date.
3. DHHL staff will internally review applications utilizing the guidelines decided upon in beneficiary consultation. This shall include the applicant having affiliation with DHHL through one or more of the following: lessee, applicant, employment, HHC, or consultant. The applicant shall have relevant water experience and knowledge related to the water license areas of the board through one or more of the following: firsthand experience with ranching, farming, aquaculture, or loko i'a; water resource management and watershed restoration experience; advocacy work related to water; completion of the *I Mana i ka Wai: Kūkulu Kahuwai DHHL Water Law and Leadership Training Series*. Needed skillsets shall evolve throughout the various stages of the East Maui Regional Community Board; representatives shall be selected based upon the related stage of the board.
4. The selected potential representative will be recommended to the HHC via HHC submittal.

Department of Hawaiian Home Lands Procedure Number 24-001
Process and Procedure for the Selection of the HHC Representative on the
East Maui Regional Community Water Board

5. The HHC will select the board member to represent DHHL and the HHC on the East Maui Regional Community Board.

Expectations of the Representative

1. The selected representative shall complete confirmation by the County Council at a Public Hearing.
2. The selected representative shall timely file a Financial Disclosure Statement with the County Board of Ethics.
3. The selected representative shall swear an Oath of Office.
4. The selected representative shall attend all meetings for the board.
5. The selected representative shall have kuleana to the HHC, the DHHL, and the beneficiaries of DHHL.
6. The selected representative shall report meaningful updates to the HHC. This may be included in the Water Projects Update.

STATE OF HAWAI'I
DEPARTMENT OF HAWAIIAN HOME LANDS

December 16-17, 2024

To: Chairman and Members, Hawaiian Homes Commission
Thru: Andrew H. Choy, Planning Program Manager
From: Julie Cachola, Planner
Subject: For Information Only - Status Update on Plan Implementation
in the Wai'anae Moku, Island of O'ahu

RECOMMENDED ACTION

None for information only.

Discussion

Update will be provided in Power Point presentation to the Hawaiian Homes Commission at its regular meeting and to Beneficiaries at the HHC Community meeting in December.

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 16-17, 2024

To: Chairperson and Members, Hawaiian Homes Commission
Through: Andrew H. Choy, Planning Program Manager
From: Nancy M. McPherson, Planner *Nancy M. McPherson*
Subject: For Information Only - Update on DHHL Coastal Zone
Management Initiatives

RECOMMENDED ACTION

None; for information only.

BACKGROUND

Context

This informational submittal is one of a series of updates to the Hawaiian Homes Commission (HHC) given by the Planning Office regarding Department of Hawaiian Home Lands (DHHL) initiatives and activities in the areas of coastal zone management (CZM), climate change adaptation (CCA), sea level rise (SLR) mitigation, community resilience planning (CRP) and hazard mitigation (HazMit), framed within the general category of sustainability, that began in 2016. See Table 1, "CCA/SLR/CRP/CZM Info Submittals", below, which lists all informational submittals and presentations on these topics provided to date to the HHC by the Planning Office and invited subject matter experts, in descending chronological order.

This update will provide information on DHHL's most recent Coastal Zone Management (CZM) initiative, a National Oceanic and Atmospheric Administration (NOAA) Project of Special Merit (PSM) that is being administered by the State Office of Planning and Sustainable Development (OPSD) in close collaboration with DHHL.

For the most recent data on sea level rise projections that continue to impact Hawaiian Home Lands located along the coastlines of Kaua'i, O'ahu, Maui, Molokai and Hawai'i islands, please see the PacIOOS

(Pacific Islands Ocean Observing System) Viewer, which can be accessed here: www.pacioos.hawaii.edu/shoreline/slr-hawaii.

Other SLR reports and tools can be accessed via the State Climate Change Portal, under HI Adaptation, here: climate.hawaii.gov/hi-adaptation/state-sea-level-rise-resources

HHC Meeting	Item No. & Title	Topics/Description
April 17-18, 2023	Item G-5, Update on Climate Change Impacts Affecting Hawaiian Home Lands, Statewide	Current DHHL climate change-related initiatives & projects; Molokai climate change vulnerabilities; Sea Grant update on anticipated impacts to Hawai'i & mitigation & adaptation measures
November 21-22, 2022	Item G-2, Update on Climate Change Impacts Affecting Hawaiian Home Lands, Statewide	Most recent data on sea level rise projections & groundwater upwelling modeling; drought patterns & projections for Hawai'i statewide.
March 21-22, 2022	Item G-3, The Importance of Land Stewardship in the Face of Climate Change in Hawai'i	Presentation by Dr. Thomas Giambelluca, Dir., UH Mānoa Water Resources Research Center, on temperature and rainfall changes and projections; how improving land stewardship can mitigate climate change impacts.
January 18-19, 2022	Item G-5, In-Depth Update on Climate Change and Resilience Planning Affecting Hawaiian Home Lands, Statewide	Response to HHC request for Climate Change "Deep Dive"; update by Dr. Charles "Chip" Fletcher, UH Mānoa SOEST on carbon dioxide emissions and climate change; update by Leah Laramee, DLNR-DoFAW, on State of Hawai'i climate change-related land use initiatives.
July 19-20, 2021 (Virtual)	Item G-3, Update on Statewide Initiatives and Actions Related to Climate Change and Resilience	Reviewed federal, state & county activities July 2019 to July 2021; summarized DHHL initiatives re: community resilience planning, wetland restoration, and cesspool conversion; discussed climate justice and climate adaptation ideas for natural and working lands.

HHC Meeting	Item No. & Title	Topics/Description
June 17-18, 2019 (O`ahu)	Item G-1, Update on DHHL Efforts: Climate Change and Sea Level Rise Adaptation, Community Resilience and Hazard Mitigation on Hawaiian Home Lands, Statewide	Reviewed federal, state & county activities June 2018 to June 2019. Emphasis placed on best practices and integration of coastal zone management, community resilience, disaster preparedness, vulnerability analysis & hazard mitigation planning.
April 15-16, 2019 (Moloka`i)	Item G-3, Moloka`i Planning Projects Status (pages 5-15)	So. Molokai Shoreline Erosion Management Plan (SM-SEMP) Phase I; CCA & SLR planning activities at federal, state & county levels.
June 18-19, 2018 (O`ahu)	Item G-4, Update on DHHL Efforts: Climate Change & Sea Level Rise Adaptation, Community Resilience & Hazard Mitigation on Hawaiian Home Lands, Statewide	First update, per HHC request at April 2018 meeting. Reviewed federal, state & county activities Sept. 2016 to June 2018. Continued to recommend integrated, ahupua`a based approach.
September 19-20, 2016 (Maui)	Item G-6, Planning for our Makai Communities - Integrating Coastal Zone Management, Community Resilience & Hazard Mitigation on Hawaiian Home Lands Along the Shoreline, Statewide	Outlined CZM jurisdictional issues, DHHL CZM reviews, CZM, CCA, CRP & disaster preparedness efforts at state, county & homestead community levels; listed potential funding sources.

Table 1 - CCA/SLR/CRP/CZM Info Submittals

DISCUSSION

The need for this project arose from over ten years of research and analysis by the DHHL Planning Office of challenges and opportunities for coastal zone management (CZM) on Hawaiian Home Lands (HHL). For decades there have been varying degrees of confusion, both between DHHL and the Counties as well as within DHHL itself, about the jurisdictional status of HHL within the Special Management Area (SMA), a boundary that was drawn statewide in order to allow the Counties to implement the State's Coastal Zone Management Program (CZMP). This has resulted in inconsistent application of the CZM law, CH. 205A HRS, and an unclear and inconsistent exercise of the Hawaiian Homes Commission's (HHC) jurisdiction when DHHL staff reviews projects within the SMA.

The intention of this project is to identify ambiguities in the application of the law and make recommendations for overcoming regulatory barriers while protecting and enhancing coastal and shoreline areas of HHL, ideally streamlining project review and potentially assuming coastal zone management authority by DHHL. Additional information is provided in the slide presentation for Item G-5. (See Exhibit A)

Integrating Coastal Zone Management in Hawaiian Home Lands

The purpose of this project is to conduct an analysis of strategies for integrating coastal zone management (CZM) in Hawaiian Home Lands (HHL). The project is being managed by the State Office of Planning and Sustainable Development (OPSD) in close collaboration with DHHL. The project is funded by a Project of Special Merit grant through the National Oceanic and Atmospheric Administration (NOAA).

The analysis of strategies undertaken by the project will include:

- i. An assessment of current Department of Hawaiian Home Lands (DHHL) processes and practices for permitting activities in DHHL shoreline areas,
- ii. An assessment and analysis of existing laws, regulations, and jurisdictional parameters on HHL with respect to shoreline areas,
- iii. Analysis of roadblocks and challenges through case studies representing a range of factors and project types,
- iv. Identification of potential strategies and alternative management frameworks through which DHHL can address those challenges, and
- v. Creation of a roadmap to implementation outlining the major steps and activities needed to establish DHHL as an administering agency of Hawai'i CZM law (HRS Ch. 205A).

The outcomes of this study may include proposing amendments to Hawai'i CZM law (HRS Ch. 205A), Hawai'i Administrative Rules, and other statutes or rules where applicable, and if indicated, to establish DHHL as an Agency with authority to conduct coastal zone management within HHL. Additionally, the project will:

- 1) Provide a roadmap for DHHL, state, and counties to implement CZM planning on HHL,
- 2) Develop processes for a future dedicated DHHL CZM planner to follow,
- 3) Clarify whether individual lessees are subject to CZM law/County rules,
- 4) Help communicate the "implementation roadmap" to the Hawaiian Homes Commission, DHHL beneficiaries, and other key stakeholders.

The intention of this project is to support DHHL in fulfilling the Hawaiian Homes Act, while protecting beneficiaries, lessees, and licensees from future impacts of climate change and sea level rise and protecting the marine environments that are vital to the community. The project supports DHHL's mission in the following ways:

- 1) Facilitate homestead development by establishing a clear, DHHL-led process and requirements for development in the SMA and coastal areas,
- 2) Reduce confusion by communicating a process that beneficiaries and licensees can follow for development and improvements on HHL,
- 3) Head off potential conflicts between DHHL and Counties over jurisdiction and regulations,
- 4) Protect the Hawaiian Homes Commission's land use authority to regulate and manage development on its lands.
- 5) Enhance resilience of development and homestead communities on HHL.

Thus far, the project team has conducted interviews with the DHHL Planning Office and conducted a presentation to the Ocean Resources Management Plan (ORMP) Action Team. The project team is in the process of conducting research to inform two assessment memos. The first will assess current DHHL practices related to CZM, and the second will assess current laws, regulations, and jurisdiction of coastal activities on HHL. The project team has also identified a number of potential case study locations for this project which will be narrowed to 3-5 as per the scope of work.

Next Steps

Beneficiary engagement will occur throughout the project in the form of Hawaiian Homes Commission presentations, interviews to inform the case studies, sharing of project results, and the development of a DHHL project website.

- Provide two Hawaiian Homes Commission presentations (Dec. 2024 and Sept. 2025)
- Stand up a DHHL project website (under development)
- Conduct Case Study interviews with Homestead Associations and affected beneficiaries
- Share project findings and an implementation roadmap with the HHC and via the DHHL website (Fall 2025)

RECOMMENDATION

None; for information only.

PRESENTATION AGENDA

- 1) Introduce the Project Team.
- 2) Brief the HHC on the project purpose, benefit to DHHL, approach, schedule, and deliverables.
- 3) Receive input from the HHC on project approach, beneficiary engagement, and case study areas.





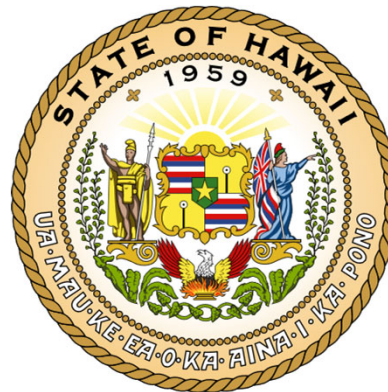
PROJECT TEAM



DEPARTMENT OF HAWAIIAN HOME LANDS

Rachel Beasley
Project Manager

Sarah Chang
Planner



Nancy McPherson
Planner

Julie Cachola
Senior Planner

Andrew Choy
Planning Office Manager



PROJECT TEAM



Melissa May, AICP

Project Manager

Jena Earle

Ollie Lau, AICP



Jonathan Likeke Scheuer

Christina Lizzi



Rebecca Soon

PROJECT OVERVIEW



LEGAL / POLICY BACKGROUND

- The federal Coastal Zone Management Act (CZMA) passed in 1972
 - To “preserve, protect, develop, and where possible, to restore or enhance the resources of the nation’s coastal zone.”
 - The National Coastal Zone Management Program (CZMP) implemented through Federal & State Partnerships in 34 states



LEGAL / POLICY BACKGROUND

- HRS 205A first passed in 1977
 - Statewide compliance overseen by the CZMP in the Office of Planning and Sustainable Development (OPSD)
 - Implementation by the Counties
 - Entire state falls within the Coastal Management Area of the CZMP
 - Particular emphasis on Special Management Areas (SMA) next to the coast
 - DHHL & the HHCA not specifically considered in CZMA or HRS 205A



PROJECT BACKGROUND

- Need to clarify jurisdictional and regulatory issues at the shoreline in Hawaiian Home Lands (HHL).
- Topic has been discussed internally at DHHL and with OPSD and Counties for many years.
- Funding opportunity through OPSD via a National Oceanic and Atmospheric Administration (NOAA) Project of Special Merit (PSM).



PROJECT PURPOSE

Analyze **strategies for integrating coastal zone management (CZM) in Hawaiian Home Lands (HHL)** and establishing DHHL as an administering agency of Hawai'i CZM law (HRS Ch. 205A).

The outcomes of this study will help to propose amendments to Hawai'i CZM law (HRS Ch. 205A), Hawai'i Administrative Rules, and other statutes or rules as needed.



HOW WILL THE PROJECT SUPPORT DHHL'S MISSION?

- 1) **Facilitate homestead development** by establishing a clear, DHHL-led process and requirements for development in the SMA and coastal areas.
- 2) **Reduce confusion** by communicating a process that beneficiaries and licensees can follow for development and improvements on HHL.
- 3) **Head off potential conflicts** between DHHL and Counties over jurisdiction and regulations.
- 4) **Protect the Hawaiian Homes Commission's land use authority** over land use and zoning to manage development on its lands.
- 5) **Enhance resilience** of development and homestead communities on HHL.



PROJECT GOALS

- 1) Provide a roadmap for DHHL, state, and counties to implement CZM planning on HHL.
- 2) Develop processes for a future dedicated DHHL CZM planner to follow.
- 3) Clarify whether individual lessees are subject to CZM law/County rules.
- 4) Help communicate the “implementation roadmap” to the Hawaiian Homes Commission, DHHL beneficiaries, and other key stakeholders.

PROJECT APPROACH

Task 1: Project Management

Task 2: Assessment of Current Practices, Laws, Regulations, and Jurisdiction

- Assessment Memos (2)
- Presentations to ORMP Action Team and Hawaiian Homes Commission.

Task 3: Case Study Development and Analysis

- Case Study Summary Profiles informed by Site Visits
- Case Study Analysis

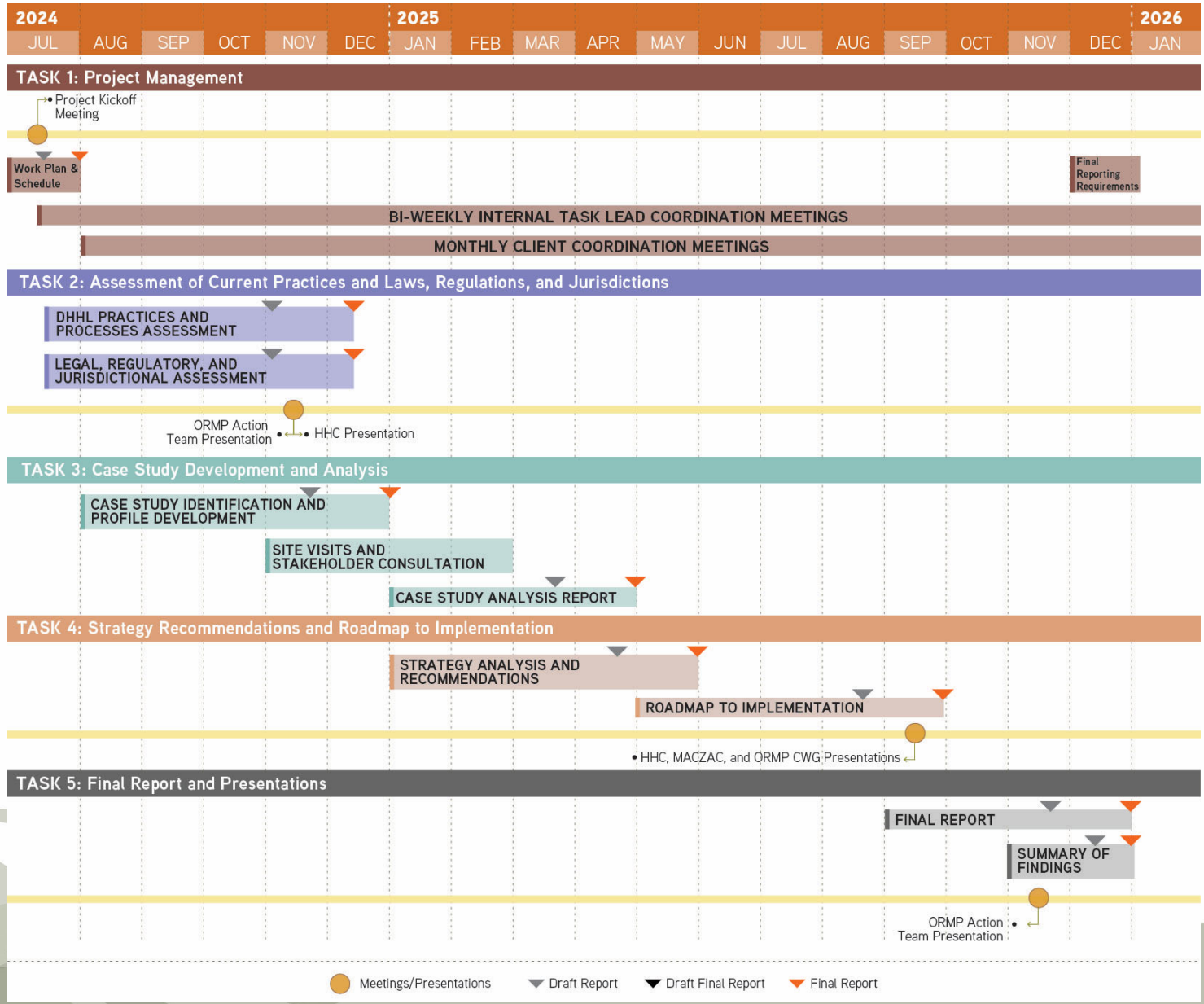
Task 4: Strategy Recommendations and Roadmap to Implementation

- Presentations to Hawaiian Homes Commission, MACZAC, and ORMP Coordinated Working Group
- Case Study Analysis

Task 5: Final Report

- Presentations to ORMP Action Team
- Summary of Resources

SCHEDULE



PROJECT PROGRESS TO DATE

INTERVIEWS

- Interviews with DHHL Planning Office (8/5 & 8/13)
- Presentation and Discussion with ORMP Action Team (11/4)

INITIAL TASKS/DELIVERABLES

- Assessment of current DHHL practices
- Assessment of current laws, regulations, and jurisdiction of coastal activities on HHL

CASE STUDIES

- Up to 5 case studies representing a range of factors, project types, and funding sources
- Developing 1-2 page summary profiles for each
 - Hazards, SLR impacts, & erosion rates
 - Challenges & opportunities
 - Constraints
 - Infrastructure
 - Key stakeholders
 - Relevant demographics
- 3-5 areas to be included in final Case Study Analysis Report



Source: South Moloka'i Shoreline Erosion Management Plan

POTENTIAL CASE STUDIES

- **Anahola, Kauaʻi**
 - Erosion, beach loss, flooding; checkerboarding of DHHL and fee-simple lots
 - Residential and agricultural lessees
- **Nānākuli, Oʻahu**
 - Difficulty with City SMA review impacting federal financial assistance
 - Residential and DHHL-owned infrastructure
- **Kapaʻākea, Molokaʻi**
 - Coastal erosion and inundation; informal hardening of homestead lots
 - Residential homesteads
- **Keaukaha, Hawaiʻi Island**
 - Flooding, checkerboarding of DHHL and fee-simple lots
 - Residential, community use
- **Kalamaʻula, Molokaʻi**
 - High anticipated SLR impacts, Kiowea Park coastal erosion
 - DHHL and Homestead Association Licensee
- **Kamiloloa, Molokaʻi**
 - MECO connection issues and permit requirements impacting lessee and licensee ability to build structures.
 - Residential and Community Use



BENEFICIARY ENGAGEMENT

- Hawaiian Homes Commission Presentations (2)
- DHHL website (under development)
- Case Study Interviews with Homestead Associations and affected beneficiaries
- Sharing of project findings and implementation roadmap with HHC and on DHHL website

DISCUSSION

- Any questions on the material presented?
- Does the HHC have input on how to engage beneficiaries and other stakeholders?
- Any input on the case study sites?

MAHALO!

**SEND YOUR COMMENTS
AND QUESTIONS TO:**

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**Melissa May, SSFM International
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STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

December 16-17, 2024

To: Chairman and Members, Hawaiian Homes Commission

From: Julie-Ann Cachola, Planning Office 
Russell K. Kaupu, Office of the Chairperson 

Subject: Approval of Indigent Native Hawaiian Homesteading Pilot Project, Lualualei, Island of O`ahu, Tax Map Key No: (1) 8-9-001:052 (portion) and Issuance of a 12-Month Right of Entry Permit to Waitlist Applicant D. Manaole to Participate in this Pilot Project

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission do the following:

1. APPROVE an Indigent Native Hawaiian Homesteading Pilot Project on a 2-acre portion of a 4-acre parcel in Lualualei, O`ahu, TMK (1)8-6-001:052 (the "Property") to develop policy, procedure, and program elements and to assess the feasibility of providing individual homesteading opportunities for indigent native Hawaiian beneficiary applicants (e.g., goals, criteria for evaluation, suitability); and
2. APPROVE the issuance of a 12-month Right of Entry Permit (ROE) to De Mont Kalai Manaole as the indigent native Hawaiian beneficiary applicant to participate in this pilot project according to the terms below.

DISCUSSION

BACKGROUND INFORMATION – THE IMPETUS FOR THIS SUBMITTAL

At the November, 2023 Hawaiian Homes Commission meeting, De Mont Kalai Manaole presented on the J-Agenda, a "Position Paper & Proposal to Address Systemic Discriminatory Practices Against Indigent Beneficiaries/Applicants." Mr. Manaole explained that Indigent Applicants have been "systematically over-looked and by-passed by the Department and the Commission." He asserted that the Department's practice of rejecting Applicants, based solely on their inability to meet financial qualifications to

secure a home loan, is a discriminatory practice that divides beneficiaries into those that "Have" and "Have Not," but more importantly, the discriminatory practices against indigent applicants means that the Commission is not meeting its fiduciary responsibilities.

Mr. Manaole shared his personal experience of being in and out of detention homes as a youth and eventually serving hard time in prison. As an ex-convict, he said that it is very difficult to get a good-paying job. He and his wife started a food truck business at Campbell Industrial Park. The income that he makes from selling food out of the back of his truck barely makes ends meet. He describes himself as an indigent native Hawaiian applicant on the Waitlist.

He went on to explain that when he was on the Hawai'i Island Residential Waitlist, he received several offers for residential homestead lots. He participated in each offering, but all of them required a letter from a lender or bank stating that he was pre-qualified for a home loan. He discovered that without that letter, he could not advance to the next step of lot selection. He then understood that since he could never qualify for a home loan, he would never receive a homestead lease. With each offer, he began to realize that his time on the Waitlist does nothing to help his situation. He realized that even if he was number #1 on the Waitlist, if he could not qualify for a home loan, he would never receive a lease. He realized that the Department routinely skips people on the Waitlist who cannot qualify for a home loan. He noted that the Department has no other alternative and does not provide any form of assistance to ensure that indigent applicants are placed on the land.

He explained to the Commission that the Waitlist only helps applicants who have good credit and sufficient income to be able to qualify for a home loan. You are allowed to stay on the Waitlist, which gives the indigent applicant hope that another offering will produce different results. Mr. Manaole believes that there are a significant number of beneficiaries on the Waitlists who are indigent or would not qualify for a home loan. These are applicants who have long-held hopes and dreams that they will someday have a homestead lease - that they will have 'āina they can pass on to their children and grandchildren.

In this way, the Department perpetuates the culture of poverty thesis. Generational poverty is the reality for many Hawaiian families. Mr. Manaole explained to the Commission that DHHL's practices and procedures ensure that the indigent get

nothing, while those with money and good credit (who could otherwise participate in the regular housing market) get land, a home, and a direct subsidy that starts at \$150,000 to \$200,000 per lot (per beneficiary) because the Department pays for on-site and off-site infrastructure and prepares each lot for the construction of a home.

Mr. Manaole closed his presentation to the Commission by asking the Chair for a name of someone in the Department that he can work with to develop and implement a Pilot Project that puts indigent beneficiary applicants on the land. The Chair directed Mr. Manaole to work with Julie-Ann Cachola in the Planning Office.

MR. MANAOLE'S WORK WITH THE DEPARTMENT OVER THE PAST YEAR

Mr. Manaole contacted me and we began meeting to discuss his proposal. He already had identified a parcel of the land that was being used as a dumping ground and it was being used by 4WD vehicles to access an adjacent 100-acre parcel of land which is also owned by the Department.

By July 2024, we secured a Limited Right-of-Entry Permit (LROE) for Mr. Manaole to access the parcel 24-hours a day to perform land management activities. The Limited Right-of-Entry Permit was to engage in the following activity: "Establish and maintain a presence on the premises through various land management activities including: planting, clearing drainage ditches, retaining soil and managing water flow, installing fencing/gates and other lawful and reasonable measures to deter trespassing and dumping on the premises and adjacent DHHL property. Remove and manage brush, trash, and other flammable materials to prevent brushfires. Document land management issues and conditions before and after completion of land management activities. Report to designated staff on land management issues, recommendations to address the issues, and the status of ongoing land management activities."

Mr. Manaole's presence on the property stopped the illegal dumping and illegal 4WD trespassing on the 4-acre parcel and the adjacent 100-acre parcel. He was able to make a lot of progress on clearing the land of the piles and piles of rubbish that was on the parcel. Photos of the parcel, trash on the parcel, and some of the land management improvements Mr. Manaole made on the property is presented in Attachment A.

Mr. Manaole's work on the property and his contributions to the programmatic elements of the pilot project has been

exemplary. As a result, this submittal is requesting HHC approval to issue a 1-year Right-of-Entry Permit to Mr. Manaole to provide a 24-hour presence on the property and to continue land management activities and the documentation of those activities. The 1-year ROE permit would allow our work to continue in order to explore alternatives and develop the policy and programmatic framework for a program that provides 99-year homestead leases to indigent applicants.

The two remaining sections of this submittal will: 1) present more information on the proposed Indigent Native Hawaiian Homesteading Pilot Project; and 2) present more information about the proposed location for the Pilot Project, including:

1. A Description of the Parcel;
2. Issues with the Parcel; and
3. Addressing Issues with the Parcel

The submittal concludes with Mr. Manaole's Goals for the Pilot Project, and the staff recommendation to approve the recommended action. Photos of the Pilot Project Site are presented in Attachment A. .

THE PROPOSED INDIGENT NATIVE HAWAIIAN HOMESTEADING PILOT PROJECT

The purposes of the Indigent Native Hawaiian Homesteading Pilot Project are to:

1. Provide an alternative for indigent native Hawaiian applicants to secure a 99-year homestead lease.

This alternative utilizes trust lands to provide indigent applicants with a stable, permanent base of residence that will help them restore their situation, while providing the Department with a new tool to manage its unencumbered vacant land.

It is the policy and practice of the Department to restrict the award of residential homestead leases only to applicants who can produce a financial pre-qualification letter for a home loan from an approved lender/bank. Indigent applicants are unable to produce the pre-qualification letter, which means that indigent applicants cannot proceed to select a homestead Lot. In fact, they may never receive a residential homestead Lot, even if they were #1 on the Waitlist.

Strategic awarding of unencumbered vacant parcels to indigent applicants under a closely monitored program provides a pathway that could result in the award of a 99-year subsistence agriculture Kuleana Homestead Lease to indigent applicants. Without this alternative, indigent applicants have no meaningful way to secure a homestead lease. Strategic awarding of vacant, unencumbered parcels can also provide 24-hour presence on the land that can deter trespassing, dumping, and unauthorized mining, and can mitigate fire hazards.

2. Identify targeted assistance programs and direct subsidies to support the construction of off-grid housing for indigent applicants. Meet with and/or survey indigent applicants to identify issues and opportunities to create effective assistance programs and supports.

Identify policies, programs, procedures, practices, and requirements that negatively impact indigent applicants, which may require changes or may require the intervention of targeted assistance for indigent applicants. Identify policies, programs, procedures, practices, and supports that have a positive impact on indigent applicants that can be explored in the pilot project and considered for wider application.

Consider the level of financial support that DHHL should provide to assist indigent applicants to reside on small unencumbered vacant lots that is not part of a homestead subdivision community. Identify an appropriate level of direct subsidy that should be provided to bring parity with the level of financial assistance DHHL provides other applicants for the preparation of residential lots. The subsidy should support off-grid housing construction. Other types of assistance should be identified that DHHL could provide or leverage from other agencies.

3. Identify appropriate progressive benchmarks and indicators to document progress and evaluate readiness and suitability for a subsistence agriculture kuleana homestead lease.

We envision several points in the process to assess whether the indigent applicant is ready and able to take on the responsibilities of a 99-year subsistence agriculture Kuleana Homestead Lease. It will be important to identify meaningful and measurable indicators that can be used to document and evaluate progress. The use of incentives and rewards should be

considered that could compel progress on the land and progress in terms of personal development.

4. Develop an operational definition of an “indigent” applicant, based on a current survey of Waitlist applicants.

In general, an “indigent person” is impoverished, living in a state of extreme financial hardship. Federal agencies that service indigent people have different ways to define this population. The U.S. Department of Health and Human Services (DHHS) defines indigency in relation to Poverty Income Guidelines that DHHS issues every year. DHHS issues one set of Poverty Guidelines for the State of Hawai‘i which varies by household size. A common threshold used by many programs to define indigency for purposes like legal aid or eligibility for public services is someone with an annual income that is not greater than 125% of the official poverty level as defined by the Poverty Income Guidelines published by DHHS.

Table 1 identifies the 2024 DHHS poverty guidelines for the State of Hawai‘i, which vary by household size to identify income thresholds that DHHS would use to define an indigent individual or household. Table 1 identifies income thresholds for indigent households at 125% of the poverty guideline on an annual basis and monthly basis, by household size.

Table 1: DHHS Indigent Income Thresholds for Hawai‘i, 2024

2024 DHHS Poverty Guidelines for Hawai‘i		Indigent Income Thresholds at 125% of the Poverty Guideline	
Household Size	Poverty Guideline (per year)	Indigent Income Thresholds (per year)	Indigent Income Thresholds (per month)
1 Person	\$17,310	\$21,637	\$1,803
2 People	\$23,500	\$29,375	\$2,448
3 People	\$29,690	\$37,112	\$3,093
4 People	\$35,880	\$44,850	\$3,737

>4 People	Add \$6,190 for each additional person.
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The U.S. Department of Housing and Urban Development (HUD) does not define indigency. HUD uses a different set of income categories to determine eligibility for housing assistance programs. The income categories are based on the Area Median Income (AMI) which varies by county and household size. Table 2 identifies the HUD income categories and presents 2024 income thresholds for a household of 2 people living on O'ahu which corresponds to the Area Median Income of \$83,850.

Table 2: HUD Income Categories, based on Area Median Income By County and Household Size

HUD Income Categories	Definitions	2024 Income Thresholds for a Household of 2 people living on O'ahu (AMI=\$83,850)
Extremely Low Income	Households earning 30% or less of the AMI.	\$25,155
Very Low Income	Households earning 50% or less of the AMI	\$41,925
Low Income	Households earning 80% or less of the AMI	\$67,080
Moderate Income	Households earning between 80% and 120% of the AMI.	\$67,080 - \$100,620
Above Moderate Income	Households earning more than 120% of the AMI.	> \$100,620

An indigent household of 2 people living in the City and County of Honolulu would fall between the "Extremely Low Income" and "Very Low Income" HUD categories.

If the Commission decides to provide targeted assistance to indigent applicants, we will have to determine how we will define indigency.

5. Determine how indigent applicants would successfully complete the program. Identify the criteria for staff to recommend the award of a small vacant lot (3 acres or less) under a modified subsistence agriculture kuleana homestead lease.

The Kuleana Homesteading Program would be modified to accommodate individual lease awards. The Kuleana Homesteading Program currently applies to large homestead tracts that include many lots configured as a homestead community. A modified subsistence agricultural Kuleana Homesteading Program would allow the award of individual, independent lots that are not a part of a homestead community. There would be no change in other programmatic requirements. Lessees would still be required to construct a home, to secure their own water, wastewater disposal system, power, and telecommunication systems. DHHL would still be responsible to provide access to the Lot and to conduct a metes and bounds survey of the Lot so it may be awarded. If existing TMK parcels are used, then a metes and bounds survey is not required.

It is important to note that the strategic awarding of small unencumbered vacant lots (3 acres or less) to indigent native Hawaiian applicants for subsistence agriculture purposes is not an opportunity to get free land. The proposed program would be a sweat-equity based program where the indigent applicant would prepare a plan for restoring the land and constructing a home. The indigent applicant would be granted a 12-month Right-of-Entry Permit to demonstrate their ability to restore the land, implement their restoration plan, and to utilize the land as a subsistence agricultural lot.

At the end of the 12-month Right-of-Entry Permit, the indigent native Hawaiian applicant should have demonstrated their ability to cultivate and beautify the land and they should have demonstrated that the land was restored, and with it, their own situation was stabilized and improved. The hope is that the Pilot Project would be able to identify appropriate indicators that could be used to award indigent applicants a 99-year subsistence agricultural (modified) kuleana homestead lease.

The decision to award a Kuleana Lease to an indigent applicant would be based on Staff evaluation of whether: 1) the identified parcel of land is suitable for habitation and subsistence agriculture land use activities under a Kuleana Homestead Lease; and 2) the indigent applicant has demonstrated progress in cultivating the land and has improved their personal situation. Staff will assess the indigent applicant to determine that:

- o Progress was made on the land;
- o Promises were kept;
- o The indigent applicant's restoration plan was implemented; and

- o The indigent applicant did something good with the 'āina.

6. To determine the feasibility of the program concept, the pilot project would take an indigent beneficiary (De Mont Kalai Manaole) through the entire process to refine program objectives and parameters.

Mr. Manaole is the proponent champion of developing a program to provide indigent applicants with a homesteading alternative. Mr. Manaole qualifies as indigent under the DSSH indigent income thresholds at 125% of the poverty guideline. He also qualifies under the HUD Income Categories for "Very Low Income," and "Extremely Low Income." He has brought attention to plight of indigent applicants as a result of the Department's policy of awarding residential homestead leases to applicants who can qualify for a home loan.

He has spent the last year contemplating program elements that could help indigent applicants secure a homestead lease and he has spent the last 6 months on the pilot project site, performing land management activities and providing a 24-hour presence on the pilot project site. He has been testing the concept and remains motivated to continue work on the pilot project site. He has established good working relations with relevant staff and is eager to begin working with staff to develop detailed program elements. He has a stake and interest in demonstrating a successful Pilot Project. For these reasons, consulted staff agree that Mr. Manaole should be the indigent beneficiary applicant to participate in the Pilot Project.

7. Over the year of the Pilot Project, staff will gather pertinent data to document the applicant's work on the parcel and to evaluate the feasibility and desirability of the Pilot Project.
8. The Pilot Project is the first step that would be followed with other activities necessary in order to establish an Indigent Native Hawaiian Homesteading Project/Program.

If desirable and feasible, staff would develop policy and programmatic specifications, including necessary amendments to the Department's administrative rules. Upon HHC approval, staff would take the proposed program out for statewide beneficiary consultation. Beneficiary comments and concerns would be reported back to the HHC, necessary changes would be made, and a draft policy and program document would be submitted to the HHC for decision-making.

THE PROPOSED LOCATION FOR THE PILOT PROJECT

Description of the Parcel

TMK (1) 8-6-001:052 is a 4-acre parcel in Lualualei that is in the urban fringe, a transition zone between an urban residential subdivision and large rural, agricultural lots. See **Figure 1** below which identifies the 4-acre parcel within a larger geographic context, including all DHHL lands in the surrounding area. Other existing uses in this transition zone include a church, which is on an adjacent 7-acre parcel of DHHL land.

The parcel selected for the pilot project includes flat ground at three elevation levels that comprise the base of Pu'u Mā'ili'ili. The Pu'u sits on an adjacent 100-acre parcel that is also owned by DHHL. The property is on the mauka side of the Pu'u; the Wai'anae Coast Comprehensive Health Care Center is located on the makai side of the Pu'u, along with other DHHL parcels.

Lualualei Homestead Road provides direct access to the parcel. There is a water meter on the parcel and there are electric lines and poles that run along the road. The parcel has a shallow layer of soil which covers a coral rock base. The parcel has large kiawe trees and tall, dried-up grass. There is a small gulch on the western end of the parcel that is between the property and the adjacent Church licensed parcel. There is also a narrow concrete ditch that collects and channels water from the road into the gulch. The O'ahu Island Plan designates the property for "Community Use" since it is adjacent to the Church and in close proximity to Leihoku Elementary School.

Since the pilot project contemplates a subsistence agriculture kuleana homestead lease, the area for the pilot

FIGURE 1: LOCATION OF PILOT PROJECT AND SURROUNDING DHHL LANDS



FIGURE 2: PROPOSED 2-ACRE PILOT PROJECT SITE



project would have to be 3-acres or less. **Figure 2** identifies the proposed pilot project site that encompasses 2-acres of the 4-acre parcel.

Issues with the Parcel

The parcel is littered with household rubbish, large car parts, piles and piles of tires, bedframes and mattresses, metal pipes, and PVC pipes. When rubbish is removed, more discarded items are revealed which, over time, have been covered and buried in the ground. There are remnants of a fence along the road, however, the gate was removed and thrown to the side. Only small patches of the fence remain. There was a homeless encampment area that provided shelter and a place to sleep. The sheltered area was surrounded with household rubbish, food containers, and other discarded consumable items. In addition to the rubbish on the parcel, there were all kinds of discarded engine parts throughout the parcel, including whole engine blocks and transmissions.

Figure 3 is a close-up of the pilot project site that shows how 4WD vehicles have used the pilot project site as a gateway to illegally access the Pu'u to hunt goats and extract moss rocks for landscaping and for building rock walls. Dirt roads on the Pu'u all lead down to the property. The dirt roads indicate that illegal access to the Pu'u has been going on for many years.

In addition to the large amount of rubbish dumped on the parcel, there are conditions that pose unnecessary liabilities for the Department. The dried grass and kiawe trees are a fire hazard that could damage the Church and other adjacent properties. The concrete drain is full of brush and rubbish which blocks the drainage of water into the gulch and causes the water to flood onto the road and adjacent properties. Vehicular access to the Pu'u involves precarious dirt roads on high slopes. Homeowners that are located on the west side of the Pu'u have expressed concern over the amount of moss rock that has been extracted from the Pu'u because they fear that the removal of the moss rock has compromised the stability of the soil which makes the homeowners more vulnerable to landslides and property damage.

FIGURE 3: CLOSE-UP OF PILOT PROJECT SITE THAT SHOWS ILLEGAL 4WD ACCESS



TERMS OF THE 1-YEAR RIGHT-OF-ENTRY PERMIT

Under the proposed 1-Year Right-of-Entry Permit, which is the term of the Pilot Project, Mr. Manaole's responsibilities would be to:

1. Reside on the parcel for 1-year during the Pilot Project the duration of the pilot project in to provide a presence on the parcel that deters trespassing, dumping, vandalism, and other illegal activities.
2. Clear the property of household rubbish, car parts, metal pipes, and other trash on the property and maintain the site in good condition.
3. Repair the perimeter fence along the road and reinstall the gate to prevent 4WD vehicles from accessing the property and the Pu'u.
4. Clear the concrete drain of any brush and rubbish to allow water to drain to the gulch
5. Subsistence cultivation and residence should be within the 2-acre portion of the parcel.
6. Document with photos and/or a written statement the describe the conditions on the parcel when you first went on the parcel, the land management activities that you used, and document the results of your good work.
7. Meet regularly with the DHHL staff assigned to work with you during the Pilot Project. Prepare a Plan to restore the land, construct a home, and achieve the goals identified in the section below.
8. Do not engage in verbal or physical arguments with anyone on the Lot.
9. Release the State of Hawai'i, from any liabilities pursuant to standard ROE stipulations.
10. Assist DHHL to develop a program for Indigent applicants.
11. Other responsibilities as may be deemed necessary.

Under the proposed 1-Year Right-of-Entry Permit, which is the term of the Pilot Project, DHHL's responsibilities would be to:

1. Assign an appropriate staff person to meet regularly with Mr. Manaole at the Project Site in order to discuss issues, successes and opportunities; to work

- on the developing the program; and to ensure compliance with the conditions of the ROE.
2. Issue Mr. Manaole a 1-year ROE for the Pilot Project on the 2-acre portion of the 4-acre parcel.
 3. Provide Mr. Manaole some assistance by purchasing needed equipment and/or supplies, provided the purchase is approved by LMD and PLO managers.
 4. Engage appropriate staff and the AG's office to review and discuss program recommendations resulting from the Pilot Project.
 5. Monitor progress toward Mr. Manaole's implementation of his restoration/settlement plan.
 6. Other work and duties as may be necessary to support Mr. Manaole's residence on the site.

Under the proposed 1-Year Right-of-Entry Permit, Mr. Manaole and DHHL (assigned staff) would have joint responsibilities to:

1. Maintain frequent and open communication.
2. Develop a system of documenting before and after pictures, recording when and where pictures taken, and the work that was required to produce the "after" condition.
3. Keep a log incidents when trespassers attempted entry, but did not enter the property. Log any other incidents occurring on the parcel.
4. For maintenance activities, identify how often work was required to maintain the property in good condition.
5. Commit regular times to met to work on the pilot project/program specifications.
6. Provide updates to DHHL and the HHC on progress made during the Pilot Project.
7. Perform other duties necessary to support the purpose and intent of the Pilot Project.

Mr. Manaole's Goals for the Pilot Project

Mr. Manaole wants the Pilot Project to demonstrate how beneficiaries can implement off-grid living on the worst lands that the Department has in its inventory. He wants to demonstrate that indigent native Hawaiian applicants can sustain themselves on the land without large capital investments in infrastructure development. He wants to demonstrate that new

technologies are available and are being developed to facilitate off-grid living. He wants to show the benefits of living off-grid so that other beneficiaries can have visible proof that off-grid utilities are possible and can live without utility bills is more desirable than life with utility bills.

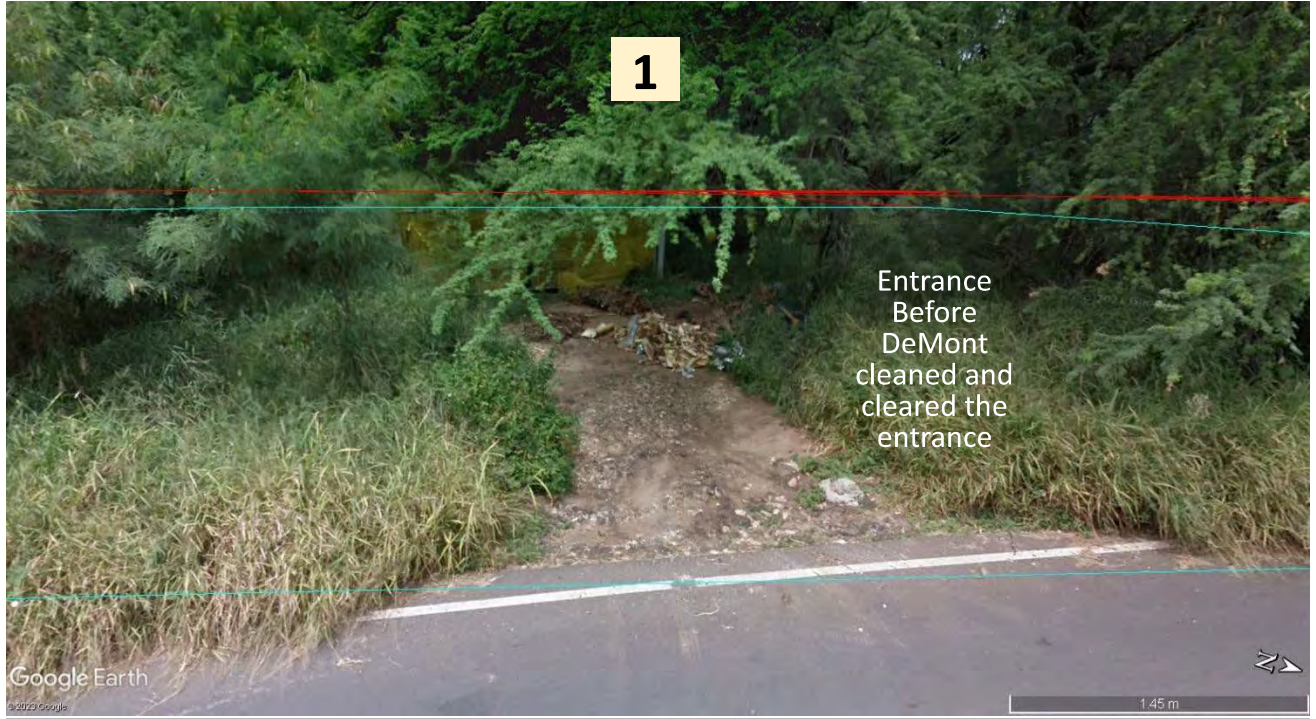
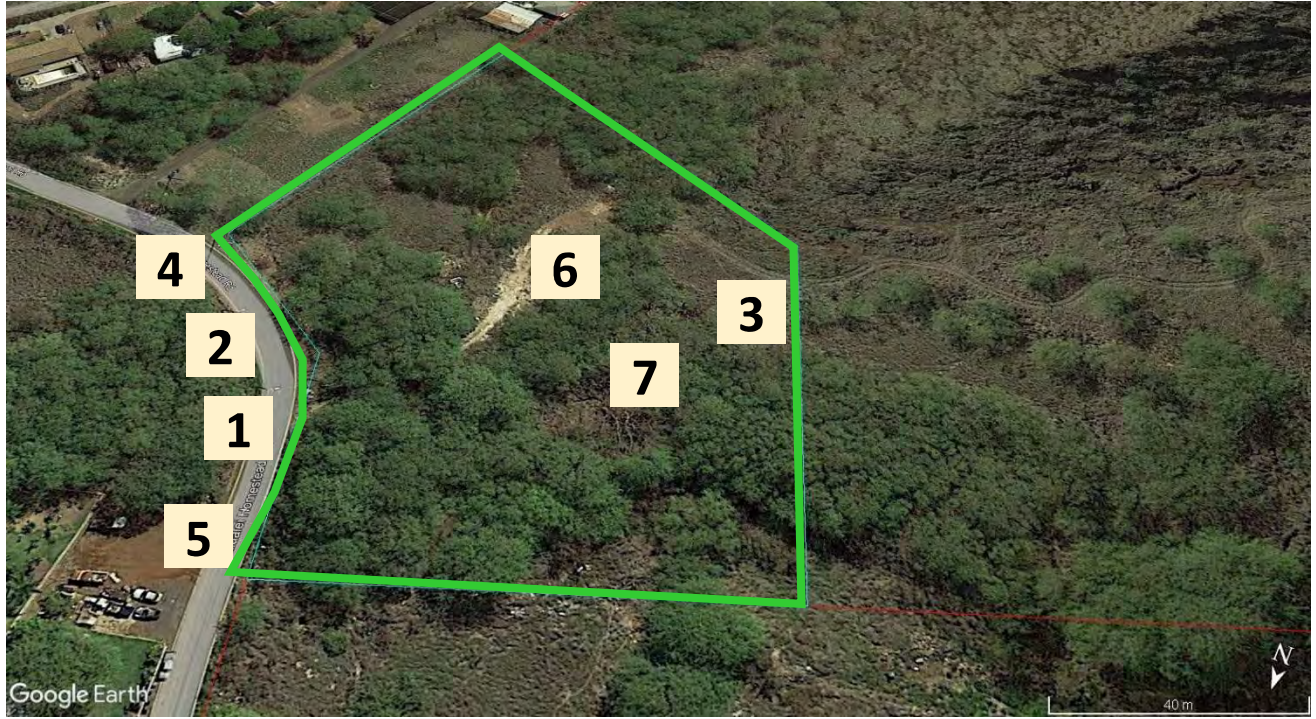
Mr. Manaole wants to demonstrate that establishment of a base camp and living quarters can be done very quickly. He requested a Right-of-Entry permit to prove that within 6-months to a year, he would be able to establish a base camp and living quarters; set up a water catchment system for growing food crops to sustain himself and his family; plant food crops that provide short-term yields; and develop a safe sewage disposal system.

With the exception of the Kuleana Homestead Program and the King's Landing Kuleana Settlement Plan, he pointed out that the Department has no viable plan for beneficiaries who are indigent and just want raw land where they can live off-grid, they want to build their homestead and grow food for themselves and their families. Mr. Manaole asked the Department to propose a program to address the needs of indigent applicants who cannot qualify financially for any of the programs that are currently being offered by the Department. He noted that in the absence of a program that provides a means for indigent applicants to access the Hawaiian Home Lands Trust, indigent beneficiary applicants would have cause to bring legal action against the Department/Commission to force the Department to end its discriminatory practices against indigent beneficiaries. However, instead of pursuing litigation, Mr. Manaole wants to work together with the Department under a Pilot Project that would develop a program to get indigent applicants off the list and onto the 'āina.

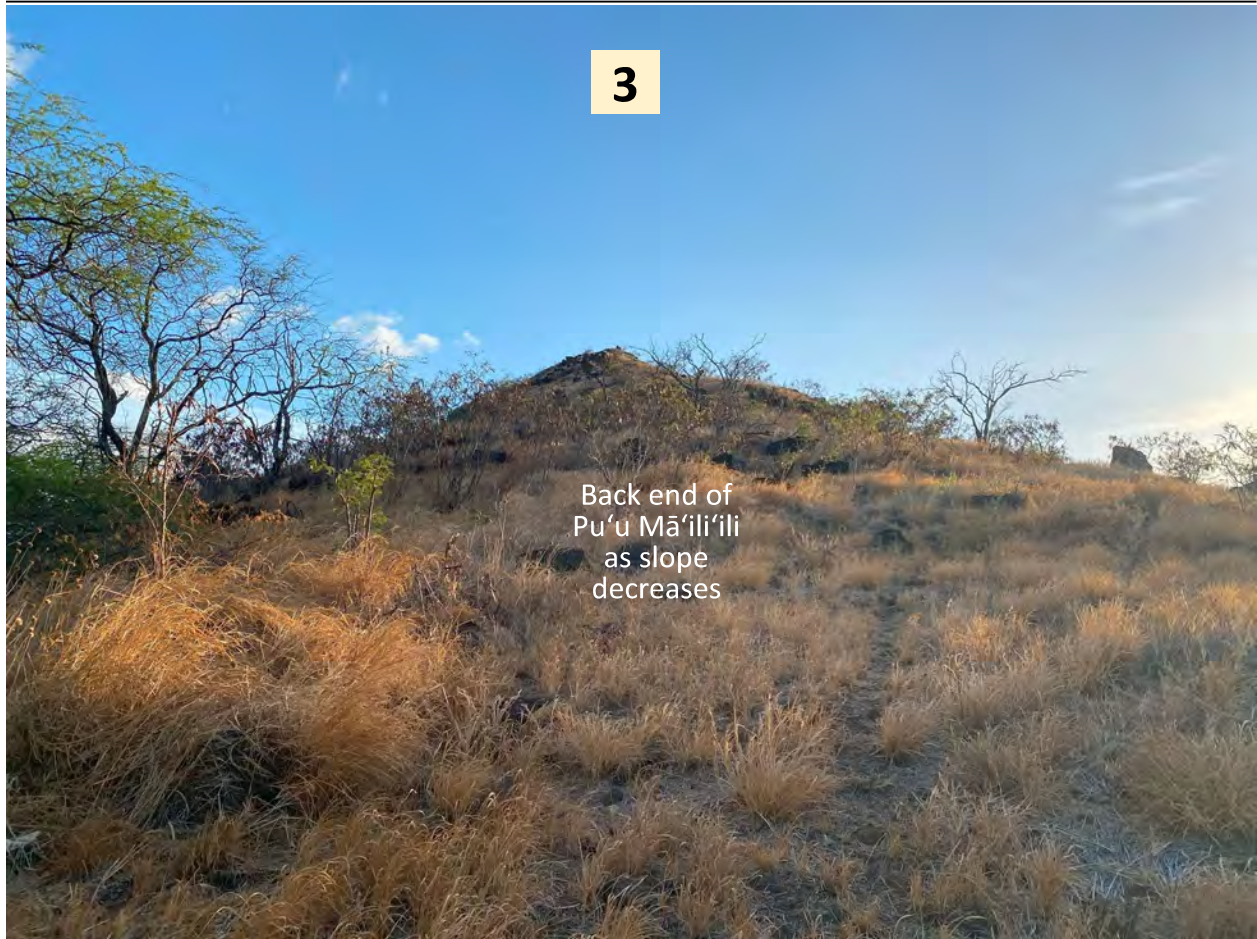
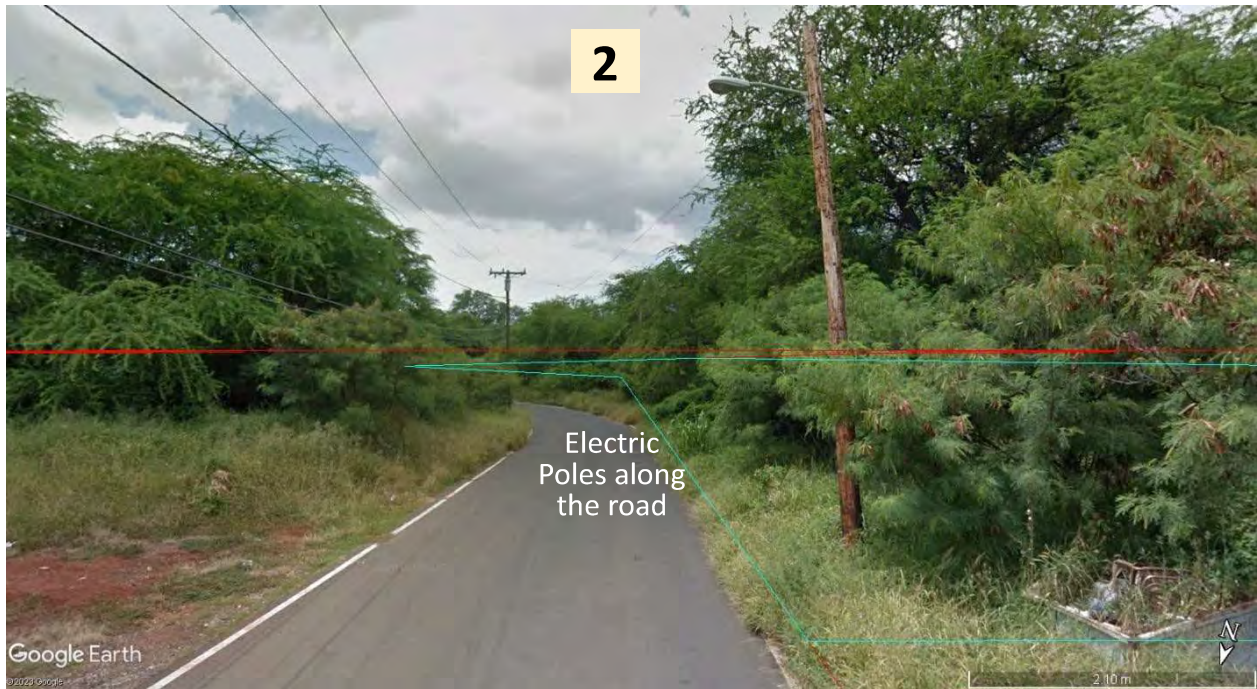
RECOMMENDED ACTION

Staff respectfully requests Commission approval of the Recommended Action.

MAP DEPICTING THE LOCATION OF PICTURES THAT FOLLOW



ATTACHMENT A: PICTURES OF THE PROPOSED PILOT PROJECT SITE



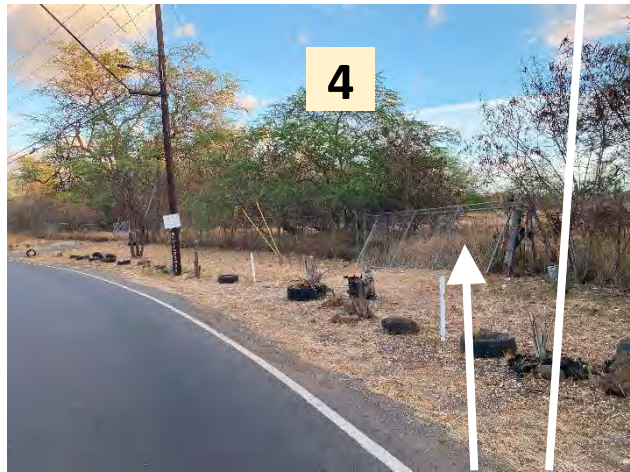
ATTACHMENT A: PICTURES OF THE PROPOSED PILOT PROJECT SITE



Fence along the road needs to be fixed or replaced



Drainage ditch full of rubbish parallel to road that is not able to serve its drainage function which could cause flooding on the road, the church and the school.



DeMont's efforts to secure the parcel along road by covering one of the entrances with a portion of a fence. He also used some of the old tires and large car parts found on the property to create an additional barrier to stop vehicular access to the parcel.

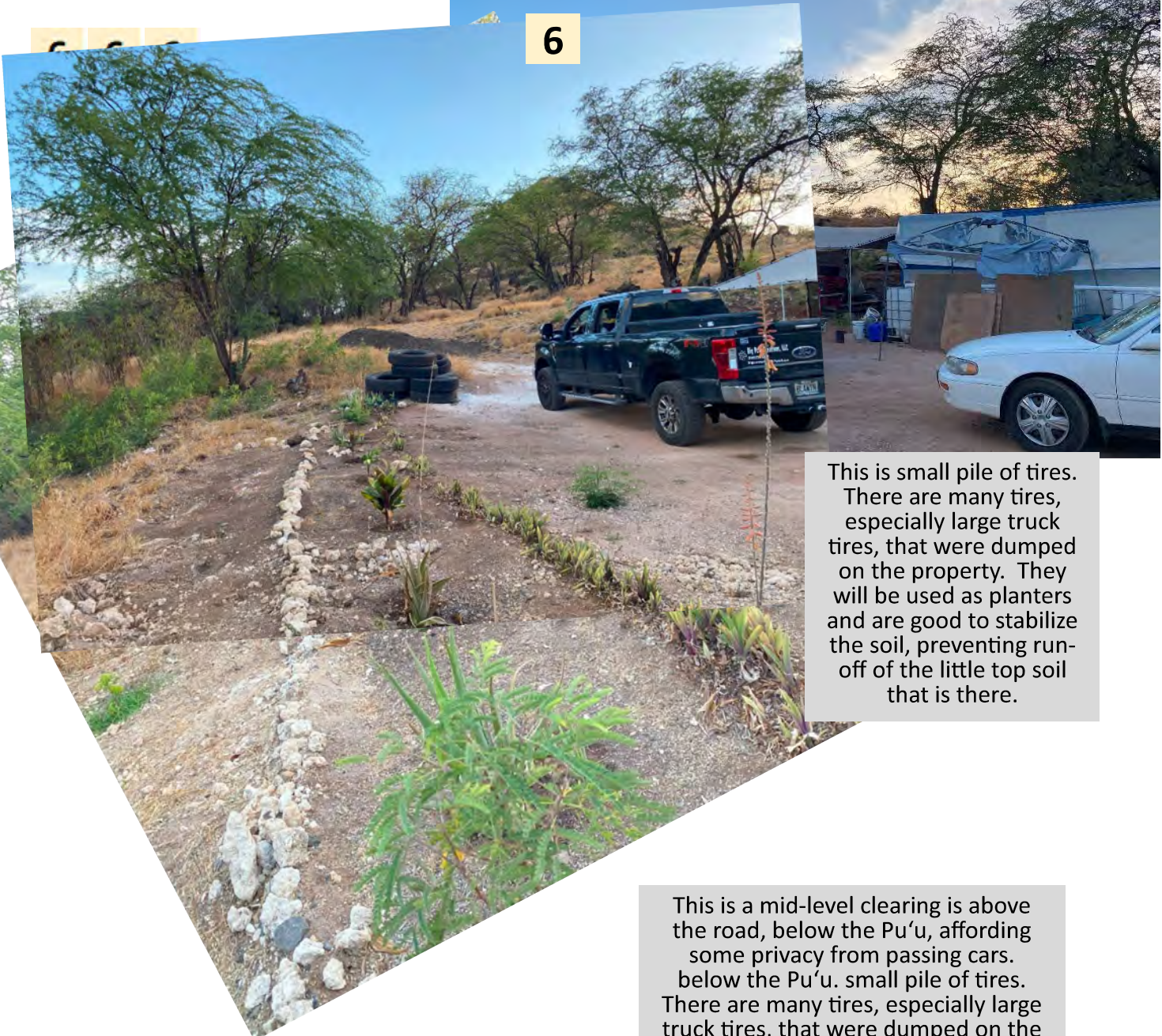


Road and Gate below



Gate is here, road below

6



This is small pile of tires. There are many tires, especially large truck tires, that were dumped on the property. They will be used as planters and are good to stabilize the soil, preventing run-off of the little top soil that is there.

This is a mid-level clearing is above the road, below the Pu'u, affording some privacy from passing cars. below the Pu'u. small pile of tires. There are many tires, especially large truck tires, that were dumped on the property. They will be used as planters and are good to stabilize the soil, preventing run-off of top soil.

He has spent a lot of time cleaning out household rubbish, tires, car parts, clothes, hardware materials, etc. While cleaning out the rubbish, DeMont discovered a large patch of aloe that was able to survive under the Keawe trees.

ATTACHMENT A: PICTURES OF THE PROPOSED PILOT PROJECT SITE



ATTACHMENT A: PICTURES OF THE PROPOSED PILOT PROJECT SITE



Although this parcel is 1 mile inland from the coast (as the crow flies), the land is all coral because the whole area used to be underwater. There is very little top soil. DeMont said that he has to dig over 2-feet down to get to soil.

With soil and by bringing in water every day, the plants are growing.

ATTACHMENT A: PICTURES OF THE PROPOSED PILOT PROJECT SITE



DeMont constructed this raised bed for planting which allows use of nutrient-rich soils brought in from other locations since the land has very little top soil.

This is the back of a small container home unit (8 x 12?). He doesn't live there, but would like to. Most of the 'living' would occur outdoors, under the tarps.



ATTACHMENT A. PICTURES OF THE PROPOSED PILOT PROJECT SITE



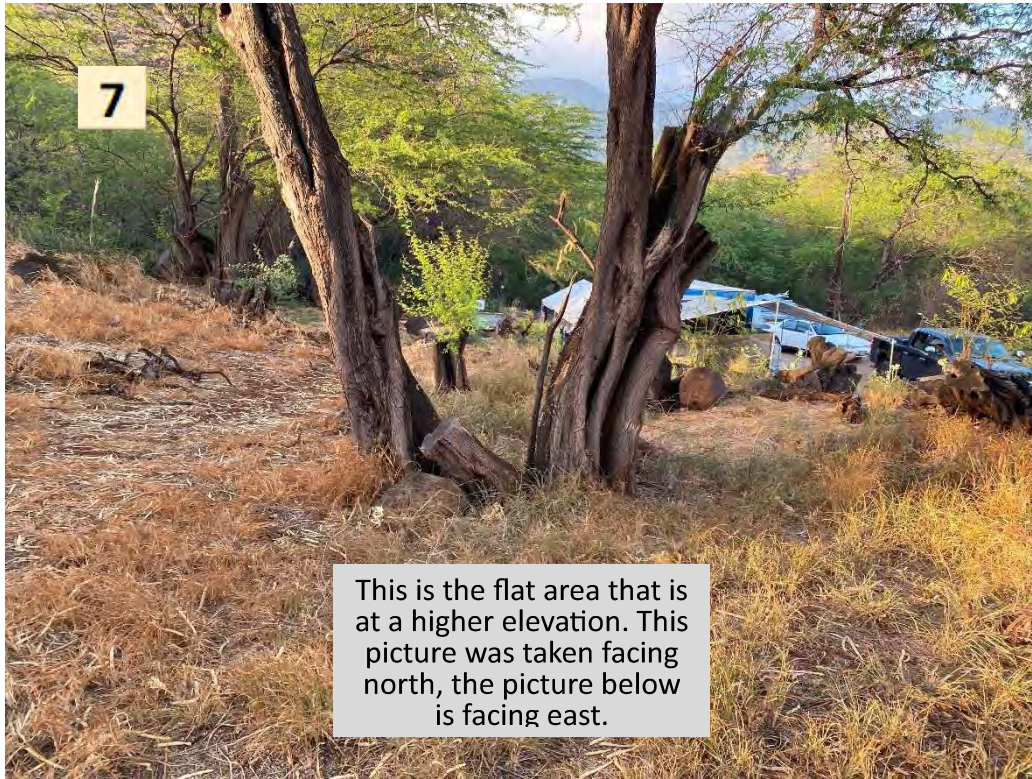
This is a narrow flat area that is above the mid-level area and is right before the slope starts to increase to the Pu'u, .

This is DeMont's imu. At this higher elevation, there is deeper soil.



This is the view from the higher elevation spot, facing east.

ATTACHMENT A: PICTURES OF THE PROPOSED PILOT PROJECT SITE



Hawaiian Homes Commission Meeting Packet
December 16 & 17, 2024
Hale Pono‘ī, Kapolei, Oahu

J ITEMS

Hawaiian Homes Commission Meeting Packet

Hawaiian Homes Commission

J Agenda Requests to Address the Commission

December 17, 2024

- J-1 Maile H. Requilman-Ka'ōpua – Waimanalo Lease Transfer Issue
- J-2 Homelani Schaedel – Malu'ōhai Residents' Association
- J-3 Al Hee - Telecommunications
- J-4 Chanel Josiah - Hawai'i Community Lending
- J-5 Kahaunani Mahoe Theone – Hawaii Community Lending
- J-6 Liliana Napoleon - Nā'iwa Agricultural Subdivision Alliance
- J-7 Germaine Meyers – Various Concerns
- J-8 Patty Teruya Kahanamoku – Various Concerns
- J-9 Kahakuakoi Peiper – Waianae Land Encroachment
- J-10 De Mont Manaole – Ho'omanapono LLC
- J-11 Jojo Tanimoto – Kawaihae Concerns
- J-12 Kekoa Enomoto – Pa'upena Community Development Corporation

Maile H. Requilman-Ka'ōpua
Kapōlei, Hawai'i

December 3, 2024

Department of Hawaiian Home Lands
Hawaiian Homes Commission
P.O. Box 1879
Honolulu, Hawai'i 96805

Subject: Documentation Request – Verification of Loan #19930

Aloha,

My name is Maile H. Requilman-Ka'ōpua, an HHCA Native Hawaiian Beneficiary Lessee. I became a homeowner on Hawaiian Homes Trust Lands in 2021 under Lease #11390, Lot #17154, in Honouliuli, 'Ewa, O'ahu.

I am formally requesting documentation to clarify and verify Loan #19930, which is reportedly linked to my name. I want to emphasize that I have never applied for, consented to, or benefited from any HHCA Section 214 loans or other loans attributed to me by the Department or the State of Hawaii. Such an action fundamentally conflicts with my rights and kūleana as an HHCA Beneficiary, which I value, uphold, and protect. It also undermines the self-determination principles meant to empower Native Hawaiian beneficiaries under HHCA.

The lack of clarity surrounding this loan raises serious concerns about the systems of administration and the use of trust resources intended to benefit Native Hawaiian beneficiaries.

I am requesting the Department to provide, within 30 days, the following documentation to verify and confirm the existence of Loan #19930 in alignment with my rights under the Fair Debt Collection Practices Act and HHCA guidelines:

1. **Original Loan Contract:** A complete copy of the contract for Loan #19930, including all terms, conditions, and referenced schedules.
2. **Promissory Note and Acceptance of Terms:** Documentation of the loan amount requested, repayment terms, and my signature and date confirming my formal agreement.
3. **Counterpart of Original Contract / Proof of Agreement:** Verification that the contract was mutually agreed upon.

4. **Consumer Rights Information:** Instructions on how to dispute this debt, according to the terms of Loan #19930.
5. **Detailed Itemization of Charges:** Records of any services or goods delivered, as applicable under the loan agreement.
6. **Beneficiary Rights Information:** Details on the dispute process for beneficiaries, including DHHL and HHCA policies supporting my rights under the trust.

Additionally, I note that I have been unable to fully occupy the home due to conditions deemed uninhabitable and classified as a "Nuisance in Fact." I submitted testimony regarding this matter in December 2023 but have not received a response from the Department.

Please send all requested documentation to:

% Maile H. Requilman-Ka'ōpua

Waimānalo, Hawai'i

I prefer to be contacted by email at hoonani68@yahoo.com or by phone during business hours.

Mahalo nui for your attention to this matter.

With respect,

Maile H. Requilman-Ka'ōpua

Beneficiary-Lessee

cc:

Josh Green-Governor, State of Hawaii
officeofthegovernor@notify.hawaii.gov

The Hawaiian Homes Commissioners

Juanito P. Garcia-Homestead Services Division
juanito.p.garcia@hawaii.gov

From: homeschaedel@hawaii.rr.com
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] RE: FW: Announcement of the Hawaiian Homes Commission 2025 Meeting Schedule
Date: Thursday, November 21, 2024 8:03:49 PM

Aloha e Leah,

Appreciate you sending the 2025 HHC Meeting Schedule.

Please add me to the December 17, 2024 "J" Agenda to address Malu'ohai issues.
Mahalo piha.

Hauoli La Ho'omaika'i
Aunty Home



Leah Burrows-Nuuanu

Testimony of Al Hee December 10, 2024

Aloha e Commissioners;

Thirty years ago the Commission (HHC) and Department (DHHL) ensured all homesteaders would have telecommunications service by placing conditions on the use of Hawaiian Home Lands (HHL) easements for telecommunications. Waimana, a native Hawaiian company agreed to those conditions and was granted License 372. License 372 LIMITED using HHL telecommunications easements to SERVING ALL BENEFICIARIES and others on HHL at no cost to DHHL. The HHC approved the partial assignment of voice services to Sandwich Isles Communications, Inc. (Sandwich Isles) along with the conditions.

The conditions are not only in License 372, but also in the Consent to Mortgage DHHL issued to the Federal Government which loaned money to Sandwich Isles to build the facilities necessary to serve all homesteaders. This Consent therefore tied the requirement of SERVING ALL BENEFICIARIES to not only the easements, but also to the facilities that were built in the easements using the federal funds.

That Consent ensured that if Sandwich Isles defaulted on the loans the Federal Government could sell the facilities and the new owner would own use of the HHL easements with the same conditions in License 372. So why does DHHL provide unsolicited written support in Federal District Court of Hawaiian Telcom's (HawTel) bid to purchase Sandwich Isles facilities and the use of HHL easements when HawTel's bid says it would not agree to the conditions in License 372? DHHL did so to ensure the Court would confirm HawTel's bid.

In 2017, DHHL petitioned the Federal Communications Commission (FCC) to allow other telecommunications carriers to use HHL, not just Waimana. The FCC said all carriers who wanted to build facilities and

serve HHL must be able to obtain a license. The FCC did not set the conditions of using HHL. Only the HHC can do that. DHHL hasn't issued any other telecommunications carriers a license to use HHL easements because the conditions must be the same as License 372.

I have come before the Commission for several years requesting DHHL treat HawTel and Sandwich Isles equally warning that without equal treatment Sandwich Isles would go out of business and offering to ensure the most vulnerable homesteaders would not lose their service. No Commissioners asked questions after the executive sessions with DHHL's attorney. Sandwich Isles was told it must serve all of HHL while DHHL encouraged HawTel to serve Sandwich Isles' customers using HHL easements without a license.

Sandwich Isles continued to fulfill its License 372 obligations with Waimana's financial support, because it owned the telecommunications facilities to serve homesteaders. When the Federal Government decided to foreclose on Sandwich Isles's loans, there were two bidders. Waimana said it would comply with all conditions in License 372 including continuing to provide service. HawTel said it would not. The winner would own the facilities without any debt. Waimana would be financially able to continue to fulfill the conditions of License 372.

DHHL has a duty to support the HHC's decision made 30 years ago prioritizing the use of HHL easements to ensure all homesteaders would receive service. That decision was not rescinded. Chairman Aila wrote in two emails that License 372 was still valid. Faced with homesteaders not having service, he rescinded DHHL attorney's statement made in court that License 372 was in default. Despite its duty, DHHL supported the Federal Government's choice of HawTel's bid over Waimana's in court. DHHL was not a party, it did not have to file anything. There was no consultation with the beneficiaries who would be affected before

DHHL did this. The court declined to clarify who was responsible for serving homesteaders after DHHL refused to provide an answer. Sandwich Isles stopped providing service because HawTel now owned the facilities and the use of the HHL easements needed to serve all homesteaders. Sandwich Isles would now have to pay HawTel to use the facilities to serve the homesteaders. Homesteaders lost service because DHHL chose allowing HawTel to use HHL to make a profit over the supporting the HHC's decision prioritizing using HHL to ensure all homesteaders receive service.

The HHCA authorized the HHC to require any utility using HHL to serve all of its beneficiaries thirty years ago. The HHCA has not changed. This Commission, not the FCC, PUC or any other Federal or State agency or court, has the authority to ensure HHL is used to benefit native Hawaiians in accordance with the HHCA.

Every native American group says the non-native powers speak with two tongues. Somehow the law can be misused to treat natives worse than non-natives usually with a compromised native's support. The Federal Government, State Government and HawTel do not care if DHHL abuses its authority by allowing HHL to be used by a foreign owned company to make a profit rather than for the benefit of the native Hawaiian beneficiaries. That is the HHC fiduciary duty, not theirs.

The issue simply comes down to this:

Only the HHC has the power and authority to set conditions on the use of HHL. The courts can only review your actions and non-actions for conformity with the HHCA when asked. When License 372 was held by Sandwich Isles, the HHC directed DHHL to enforce their decision that Sandwich Isles must use the HHL easements and facilities built on those easements to provide service to all homesteaders. Now that HawTel holds the easements and facilities, DHHL is not enforcing that decision.

As the fiduciary, you cannot treat a foreign owned corporation preferentially over a beneficiary-owned corporation. In fact, the opposite is true. At a minimum, the conditions for the use of HHL set for the beneficiary-owned corporation must also apply to any other corporation. They should definitely not be more onerous for the beneficiary-owned corporation. You don't need a lawyer to tell you what is right, you need a lawyer to tell you how to NOT do what is right. Just as important to remember, is that under the HHCA DHHL carries out your decisions on the use of HHL not the other way around.

I appear again to ask for equity: enforce all the conditions in Sandwich Isles' License 372 especially providing service to all beneficiaries. When Sandwich Isles owned the facilities and the easements DHHL enforced the conditions. Now that HawTel owns them do the same. HawTel is making millions using facilities on HHL easements serving non-beneficiaries living off of HHL while violating the conditions in License 372. You allow this by issuing rights of entries instead of enforcing the license. HawTel wants the profits it is making using the best interisland network to serve everyone except HHL. Sandwich Isles built that network to only serve HHL. HawTel was confident DHHL wouldn't enforce License 372 and the HHC allowed this without asking any questions, have a workshop, grant a contested case hearing or consult with beneficiaries. With DHHL's written support, HawTel is not liable for any damages. DHHL supported HawTel's use of HHL without conditions in a court filing. It may have to return the HHL easements and abandon the facilities. That would take years of litigation allowing it to make millions in profits using HHL easements without conditions in the meantime. The only ones who lose are the beneficiaries.

Stop blaming Sandwich Isles for the homesteaders losing service. License 372 required Sandwich Isles to build \$400M in facilities that have provided homesteaders service for almost 30 years. Sandwich

Isles simply used the same Federal Government programs Hawaiian Telephone used in Saipan but would not do the same for HHL. Do what is pono.

There is a lot of information here. I will be happy to answer any questions.

J-6

From: Liliana Napoleon <liliana@hawaii.edu>

Sent: Monday, November 18, 2024 5:57:53 PM

To: Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov>

Subject: [EXTERNAL] Re: J Agenda Testimony - Hawaiian Homes Commission Meeting -Tuesday, October 22, 2024

Aloha Leatrice:

May I kindly request to reschedule for the December 2024 or January 2025 commission meeting. I have a conflicting schedule tomorrow.

Naiwa Agricultural subdivision alliance

Mahalo.

Mahalo.

Liliana KI Napoleon, MBA
University of Hawai'i System

Lecturer-Educator-Instructor

"An Investment in Knowledge, pays the best Interest" - Benjamin Franklin

From: [Germaine Meyers](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] J Agenda - December 17, 2024 HHC Meeting
Date: Monday, December 2, 2024 4:43:01 PM

Aloha Leah,

I am submitting a request to be on J-Agenda at December HHC meeting.

Ke Akua pu,
Germaine Meyers
Nanakuli Hawaiian Homestead Lessee

From: [Patty](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] December J agenda
Date: Tuesday, November 26, 2024 9:27:17 AM

Happy blessed Thanksgiving Leah!

Please place me on December J agenda for various concerns.

Mahalo nu'u God bless!
Patty Kahanamoku-Teruya

From: [Piilaniwahine kalanikauleleiawi](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] Re: J Agenda Testimony - Hawaiian Homes Commission Meeting - Tuesday, November 19, 2024
Date: Monday, December 2, 2024 12:59:31 PM
Attachments: [image001.png](#)

I would like to request to be on the Agenda J for the month of December. I look forward to your reply.

Mahalo
Kahakuakoi

On Tue, Nov 12, 2024 at 9:20 PM Burrows-Nuuanu, Leatrice W <leatrice.w.burrows-nuuanu@hawaii.gov> wrote:

J-10

From: [De Mont Kalai Manaole](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] Request to be placed on J Agenda
Date: Sunday, December 1, 2024 7:04:36 PM

Aloha Leah!

Please add me to the J Agenda for this months Commission meeting. I want to speak on Indigent Beneficiary issues.

Mahalo.

De MONT Kalai Manaole

From: dhl.icr1@hawaii.gov
To: [Burrows-Nuuanu, Leatrice W](#)
Subject: New submission from Submit Agendized Testimony
Date: Sunday, December 1, 2024 10:44:12 AM

J-11

Name
Jojo Tanimoto
Email
guavaland622@gmail.com
Please Identify Agenda Item(s):
J
Pick One:
Both - Submit Testimony Below
Message
Various concerns

From: [Kekoa Enomoto](#)
To: [Burrows-Nuuanu, Leatrice W](#)
Cc: [Jimmy Kincaid AG WAITLIST](#); [Robin Leihuanani Keali'inohomoku WAIT](#); [Kainoa EDGE](#); [Janice Setsuko Herrick PAUKUKALO](#); [Janice N. Hoewa'a Kekahuna 'AHAHUI](#); [Ornellas, Daniel L](#); [Kaiea Medeiros KALONIZE](#)
Subject: [EXTERNAL] J Agenda 12/17/24
Date: Monday, November 25, 2024 5:04:17 PM

Aloha mai kua e Leah,

On behalf of Pa'upena Community Development Inc., I would like to RSVP to advocate on the J Agenda during the Hawaiian Homes Commission meeting at/after 11 Tuesday morning 12/17/24 via Zoom.

I plan to discuss the deceased-applicants list; DHHL's water-meter application for Pa'upena's 127-acre homelands parcel, and the CDC's proposed plans for a 646-acre Pulehunui South homelands tract.

Mahalo nui wale no,
- 'Anake Kekoa

Kekoa Enomoto
Member of the board,
Pa'upena Community Development Inc.
(808) 276-2713