

HAWAIIAN HOMES COMMISSION

Minutes of April 22, 2024

Kulana Oiwi Halau, 600 Maunaloa Highway, Kalama`ula, Moloka`i, and
Interactive Conferencing Technology (ICT) Zoom

PRESENT Kali Watson, Chairperson
Randy K. Awo, Vice-Chairman, Maui Commissioner
Makai Freitas, West Hawai`i Commissioner (ICT)
Zachary Z. Helm, Moloka`i Commissioner
Michael L. Kaleikini, East Hawai`i Commissioner
Walter Kaneakua, O`ahu Commissioner
Sanoë Marfil, O`ahu Commissioner
Pauline N. Namu`o, O`ahu Commissioner (ICT)
Dennis L. Neves, Kauai Commissioner

COUNSEL Jordan Ching, Deputy Attorney General

STAFF Katie L. Ducatt, Deputy to the Chairperson
Leah Burrows-Nuuanu, Secretary to the Commission
Richard Hoke, Executive Assistant to the Chairman
Andrew Choy, Planning Manager
Linda Chinn, Acting Land Management Division Administrator
Juan Garcia, Homestead Services Division Administrator
R. Kalani Fronda, Acting Land Development Division Administrator
Kahana Albinio, General Professional, Land Management Division
David Bush, Acting Moloka`i District Manager
Cindy Manaois, Homestead Assistant Moloka`i
Alicia Teves, Moloka`i District Office

ORDER OF BUSINESS

CALL TO ORDER

Chair Watson called the meeting to order at 9:38 a.m. Nine (9) members were present establishing a quorum.

APPROVAL OF AGENDA

Chair Watson entertained a motion to amend the agenda, specifically the executive session item, to review the application of Section 92-3.1, Hawai`i Revised Statutes related to limited meetings. What is currently listed is a section of the law related to the PIG, which was done last month. This month, the Deputy AG has a presentation to review the Commission's duties as they relate to limited meetings ahead of Kalaupapa and Hawai`i Island's limited meetings.

MOTION/ACTION

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

Chair Watson stated Item G-1 would be taken before Item F-5 as they are both related to the Veteran's Center. Tonight's DHHL Community meeting starts at 6:30 pm at the Kulana `Oiwi Halau.

MOTION/ACTION

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

APPROVAL OF MINUTES

March 18 & 19, 2024 Regular Meeting

Commissioner Kaleikini stated that regarding Item E-1 on page 6 of 36, the Stanford Carr Developer's Manager's name is Kaloa Robinson. The second edit is on page 33 of 36, the last paragraph before public testimony, starting at 3:01:13 and ending at 3:05:35 (recording time). His comments regarding the Mo`ili`ili assets have been neglected for many years, and DHHL is not paying any money. He asked that it be included in the Minutes. Commission Secretary Leah Burrows-Nuuanu stated that Commissioner Kaleikini's comments in that section will be entered and included verbatim.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Kaleikini, to approve the March 18 & 19, 2024, Minutes as edited. Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Gay Kaopuiki Item G-3

G. Kaopuiki has lived in Ho`olehua for 15-years and has no street sign on her dirt road. She cannot apply for services because they cannot locate her on the Google map. She asked if there will be a time when there will be names for her dirt road as well as the other beneficiaries who live on dirt roads so they can be identified and have physical address.

Chair Watson asked that she give Juan Garcia the information for analysis and recommendation. .

PT-2 Princess Makaahoa

P. Makaaloa testified she is a citizen of Hawai`i and has assumed her age of majority in the Kingdom of Hawaii as an owner Ku Aupuni

PT-3 Walter Ritte Item G-2

W. Ritte provided information about the water situation in Moloka`i. The Moloka`i Irrigation System (MIS) was built for Hawaiian Home Lands, then it was turned over to DLNR, then it was turned over to DOA, and Hawaiian Homes just sat and allowed the politics to happen. He urged the Department to take another look because it is critical for Moloka`i. Another issue is the National Park, Kalaupapa, which will be beholden to the federal government because some of the patients are not going to be there anymore. The last issue is the park, and he urged the Commission to side with the homesteaders.

PT-4 Wilma Noelani Joy Item D

W. Joy testified that she was the successor to the original lease her grandparents signed in December 1925. It is a 99-year lease that ends in December 2024. She applied for an extension and asked to know what the status is so she does not have to worry about it.

J. Garcia stated the project to extend lease terms started a few years ago and was approved by the Commission. Every year, the Department works on the leases that are expiring, and the staff works on those leases monthly. Staff will get to her lease, if not next month the following month. J. Garcia stated he would personally send her a letter to confirm.

Commissioner Neves asked that the Department write a letter to the kupuna that the Department is working on it and understands about their lease so it does not cause anxiety to the kupuna.

PT-4 Glenn Teves Item C-1

G. Teves testified about a DHHL project in Kealahou, Hawai'i Island. His daughter, Hannah, received a DHHL award for a rental with option to buy over two years ago. In order to qualify, she had to earn 60% or less of the area's medium income. None of the rent payments go towards the purchase, so if the rent was \$1500 per month, in 15 years the renter would have spent \$270,000 and none of that would go towards the purchase of the house. It is unclear what would happen if one earned more than 60% AMI. The rental financial statements are requested annually and, in some cases, twice a year because the company did not process the papers in a timely manner.

At the rent price, the families cannot save money to purchase the home at the end of the 15-year period. This experiment has not been well thought out and these families/renters are the guinea pigs for this experiment. The median house price in Kona is \$892,000, so what will it be 15-years from now. The development is owned by a mainland company and the land is leased by Hawaiian Homes to the developer. Three non-profit corporations are involved having the same leadership, Ikaika `Ohana, 1350 the property managing company, and Bleau company. Another entity involved is HHFDC. He is not sure the Commission has seen the contracts if they are not a party to the contract.

G. Teves asked five questions: (1) what is DHHL's role on the agreement on their land, (2) what is DHHL's kuleana ensuring that a good model for Hawaiian families and that they will be able to afford their rentals in 15-years, (3) what are the Hawaiian families' relationship to the Department as they are not lessees since the land under the house is not leased to them, (4) as a renter are they beneficiaries, and (5) what is Hawaiian Homes legal obligation to these Hawaiian families.

Chair Watson stated he would sit and talk with G. Teves. He responded to some of the questions and mentioned the workshop the Commission had with David Oi of Hawai'i Housing Finance and Development Corporation (HHFDC). When the tenant's income goes up, it does not disqualify the tenant, there is no displacement. He stated G. Teves raised a valid point regarding the lack of a full explanation to the participants and not giving a clear understanding of things when they participate. He stated he and G. Teves can talk more, and Chair Watson will get staff to give him a clearer understanding.

Commissioner Awo clarified that the Legislature passed a bill to issue the leases to the tenants. Chair Watson stated yes. Commissioner Awo stated he would like to see the details.

Commissioner Neves requested, for the record, that the developer agreements and the management agreements be provided to the Commission. The Commission does not know what the agreement says.

Commissioner Kaleikini asked if the folks at La`i `Opua can use the Department's enforcement team and that enforcement include that in their monthly report.

PT-2 Patricia Teruya – Item F-1

P. Teruya testified that the Department needs to take a look at the ROEs that are not in compliance. She mentioned again, Hawai'i Paintball in Kalaeloa that has been there since 2018. She added, the Department needs to do outreach to other organizations for properties available so that they can apply for it. If the Department is moving to another program, it needs to make sure the existing program is working for the beneficiaries. Regarding the Revocable Permits, is the Department allowing people to live on the property because there are ROEs since 2001 where people are living on their ROE parcels. The program is broken and has to be fixed before moving on to a new program.

PT-3 Germaine Meyers – Item C-1

G. Meyers asked that the Commission vote no to the motion. She had questions on the presentation given to the Commission by Lehua Kinilau-Cano at the Maui meeting regarding the NHHBG Annual Housing Plan, so she emailed L. Kinilau-Cano. Based on L. Kinilau-Cano's email response of April 21, 2024, to G. Meyers, G. Meyers stated that she will be submitting a request to the Federal Government, via Claudine Allen, that a full investigation be completed on the DHHL NAHASDA and NHHBG program from 2012 to present, especially an investigation of NAHASDA's staff Lehua Kinilau-Cano and Cynthia Rezentes, and DHHL's Chairmen Jobie Masagatani, William Aila, Ikaika Anderson and Kali Watson, During the draft presentation last month in Lahaina on the NHHBG Annual Housing Plan, 2024-2025, Lehua did not discuss or highlight why the NHHBG budget was \$50 million which Chairman Watson was submitting only \$21.3 million for the annual grant amount on page 4. The fiscal year 2024-2025 annual grant is \$28.7 million short of the budget. Where is the money coming from and why did not Lehua explain the shortfall to the Commissioners and how the monies would be acquired. An investigation will reveal a pattern of past Chairmen's requesting funds from the Commissioners with a plan that was never implemented according to the goals and budget presented to the Commissioners for approval.

PT-4 Jojo Tanimoto – Item F-1

J. Tanimoto testified in opposition of Item F-1 regarding the Revocable Permit. She did not receive any word if Kawaihae is a part of it. She reiterated the problems she has concerns about.

Commissioner Freitas stated he sent emails to her to address the problems.

Chair Watson corrected his prior statement regarding the land trust bill that separates the tax credits from the land. He stated it was passed out of the Senate's Conference Committee and he anticipates the full Legislative body approving it and sending it to the Governor for signature.

ITEMS FOR DECISION MAKING

CONSENT AGENDA

HOMESTEAD SERVICES DIVISION

- ITEM D-2 Approval of Consent to Mortgage (see exhibit)**
- ITEM D-3 Ratification of Loan Approvals (see exhibit)**
- ITEM D-4 Approval of Homestead Application Transfers/Cancellations (see exhibit)**
- ITEM D-5 Approval to Certify Applications of Qualified Applicants for the Month of March 2024 (see exhibit)**
- ITEM D-6 Commission Designation of Successors to Application Rights – Public Notice 2022 (see exhibit)**
- ITEM D-7 Approval of Assignment of Leasehold Interest (see exhibit)**
- ITEM D-8 Approval of Amendment of Leasehold Interest (see exhibit)**
- ITEM D-9 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems or Certain Lessees (see exhibit)**

RECOMMENDED MOTION/ACTION

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

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Kaleikini, to approve the Consent Agenda 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	X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves	X		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 D-10 Request for Relocation – JESSIE LEILANI WALLACE – Residential Lease No. 2784, Lot No. 25, Kapa`akea, Molokai

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
 Motion that the Hawaiian Homes Commission approve the Request for Relocation – JESSIE LEILANI WALLACE – Residential Lease No. 2784, Lot No. 25, Kapa`akea, Moloka`i to any residential lot on Moloka`i for a period not to exceed April 30, 2027 unless further extension be approved by the Hawaiian Homes Commission.

DISCUSSION

Commissioner Helm asked how soon a lot would be available. J. Garcia stated there are a couple of homestead lots available, but he is not sure if there is a relocatee before her. When she is up for selection, she will be offered whatever available lot is available at that time.

Jessie Wallace stated she wants to go to Kalama`ula Mauka because everybody in Kapa`akea will be relocated due to it being in a flood zone, and no one knows when they will be relocated. She asked that the Department help Kapa`akea.

Commissioner Neves asked if the department will not reissue those lots in Kapa'akea once she is relocated. They will be underwater, and he does not think the Department should be reissuing lots. Chair Watson agreed.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves 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		X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves		X	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 D-11 Conditional Approval of Subdivision, Transfer of a Portion of Lease and Amendment to Lease No. 2686A, Lot No. 2, Nienie, Hawai`i – LUCRETIA L. LINDSEY

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following: Motion that the Hawaiian Homes Commission pass a Conditional Approval of a Subdivision, Transfer of a Portion of the Lease, and Amendment to Lease No. 2686A, Lot No. 2, Nienie, Hawai`i – LUCRETIA L. LINDSEY. 301.238 acres subdivided into three lots, 2A, 2B and 2C, subject to conditions listed in the submittal.

J. Garcia highlighted Condition No. 7, which requires the lessee to comply with Chapter 343, HRS, and conduct an environmental assessment. The lots will go to her two sons and her nephew.

DISCUSSION

Commissioner Freitas stated he is in favor of what is being proposed. Aunty is getting older, and the three individuals are 50% beneficiaries, which is also reducing the waitlist. They could raise their families.

Commissioner Neves stated the final comments on page 3 states due to financial burden the homesteaders will not endure DHHL staff’s recommendation of No. 7. What does that mean. J. Garcia stated HSD is recommending that this lessee be exempt from going through the Chapter 343 process. Commissioner Neves stated is not in the submittal, it just says they must comply. Chair Watson stated to amend the document and do the exemption.

MOTION TO AMEND

Moved by Commissioner Freitas, seconded by Commissioner Neves, to amend the motion to exempt the requirement under condition No. 7, Chapter 343, HRS.						
Commissioner	1	2	AYE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Freitas	X		X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Chairman Watson			X			
TOTAL VOTE COUNT			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.						

AMENDED MOTION/ACTION

Moved by Commissioner Freitas, seconded by Commissioner Neves, to approve amended motion as stated.						
Commissioner	1	2	AYE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Freitas	X		X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Chairman Watson			X			
TOTAL VOTE COUNT			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.						

Commissioner Neves asked if the applicant provides a successor and if there is a timeframe for submitting the required information. J. Garcia stated that HSD will be doing a workshop next month regarding the successorship of applications. Commissioner Neves stated there are several applications in limbo because the Department does not require them to turn them in. That needs to be cleared up. If the proposed successor does not turn in the information, can another family member turn in the information if they have quantum? J. Garcia stated that the workshop next

month will hopefully lead to the recommendations of the Commission to proceed with necessary amendments to the Administrative Rules to address that issue.

Commissioner Neves stated he has questions about caretakers, and the responsibilities of caretaking a property. J. Garcia stated that Administrative Rule 10-2-16, Item 7, delegates to the Chairman the approval of leave of absence, and that topic does not have a definition for a caretaker.

To his knowledge, when the chairman approves a leave of absence, the lessee is obligated to the terms and conditions of the lease. The lessee appoints the caretaker to upkeep and maintain the property. The caretaker is also the department's contact person in case of emergencies. The lessee remains responsible for all terms and conditions of the lease, including any financial obligations. Commissioner Neves stated that if the caretaker does not follow the specific rules, the Department should look at steps to repeal the lease.

Commissioner Neves understood that you cannot sell your property as is. J. Garcia stated a lessee is prohibited from selling a vacant lot and there is no improvement.

ITEM D-12 Consolidation and Re-Subdivision of Lot No. 4, TMK (2) 5-2-007:031 and DHHL Unencumbered Lots TMK (2) 5-2-007:079 and (2) 5-2-007:088 - HARRY K. PURDY, III, Agricultural Lease No. 106, Lot No. 4, Ho`olehua, Moloka`i; and Approval to Increase Survey Cost to an Amount not to Exceed \$46,400.00

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following: Motion that the Hawaiian Homes Commission approve the Consolidation and Re-Subdivision of Lot No. 4, TMK (2) 5-2-007:031 and DHHL Unencumbered Lots TMK (2) 5-2-007:079 and (2) 5-2-007:088 for HARRY K. PURDY, III; and Approve to Increase Survey Cost to an Amount not to exceed \$46,400.00; and to approve the reduction of proposed Lot No. 4 of approximately 37-acres to 22-acres; and to approve the elimination of a 3-acres subsistence ag lot. The 3-acres will not be available with the conditions agreed upon.

MOTION

Moved by Commissioner Freitas, seconded by Commissioner Kaneakua, to approve the motion as stated in the submittal.

DISCUSSION

H. Purdy testified that he has been using the 17 acres since 1982. The original 40 acres are in the back of the lot he lives on. There was a land lock on the 35 acres; he requested an additional 5 acres to add more macadamia and other fruit trees. When he requested the land, he was 43 years old, and today, he is 73 years old and hopes that the Commission will approve what is on the agenda.

Commissioner Helm stated he waited 33 years and hoped that this would be a historical day for him and that the rest of the Commissioners would support this proposal.

MOTION/ACTION

Moved by Commissioner Freitas, seconded by Commissioner Kaneakua, 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		X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Kaneakua		X	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.						

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

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

RECOMMENDED MOTION/ACTION

NAHASDA Government Relations Program Manager Lehua Kinilau-Cano presented the following:

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

MOTION

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

DISCUSSION

Commissioner Awo stated when the talk was about creating alternatives to using NAHASDA, two items came up, interest rate reduction and using the money to reduce the mortgage loan amount with down payment assistance. Which item addresses these?

L. Kinilau-Cano stated it is AHP3 – Homeowner Financing. Currently, for families that are 80% and below, NAHASDA finances the home; if it is a Habitat, it is a zero percent interest rate; if it is an outside contractor, then it is a 1% loan. There are no fees if it is up to the appraised value. Guidance from HUD says if NAHASDA is used for down payment assistance, it would trigger Davis Bacon, which increased the cost of the build, defeating the purpose of using NAHASDA as down payment assistance. NAHASDA is now moving towards turnkey developments like Pu`uhona. For families over 80% and less than 100%, NAHASDA can do a down payment and/or interest rate buy down to a certain amount. She intends to bring an item to the Commission next month to talk about those issues, but she needs it in the housing plan in order to implement it

going forward. Commissioner Awo supports exploring these alternatives. rather than invest money into property, utilize it to serve the beneficiaries more directly.

Commissioner Kaneakua asked if the NAHASDA funding is perishable if there is a time limit, and what the history of acquiring it is. L. Kinilau-Cano stated since NAHASDA was enacted in 2000, DHHL has received \$9 to \$12 million annually. There was a large un-expended balance, so the annual amount went down to \$2 million. It zeroed out in one year. The Hawai`i Congressional Delegation advocated strongly for DHHL and NAHASDA, and now NAHASDA receives \$22.3 million. Generally, the Department/NAHASDA has 10 years to spend it, but it does not want to take that long, so the balance is looked at constantly. NAHASDA is now at about \$50 million and expecting another \$22.3 million, thanks again to our Hawai`i Congressional Delegation.

The plan must be approved by HUD even though Congress has included it in its appropriation. It is the actual plan that convinces HUD, and when HUD approves it, the allocation for the next grant comes in. It is incumbent for NAHASDA/DHHL to spend the money. The upside of acquisition is people can move in when the units come in. If the units have to be built, it takes additional time to build the units, and the cost of construction only goes up. Most families in the 80% and below will use NAHASDA because there is not a better financing tool out there. It is the 80-100% who may need the buy down or help with down payment assistance.

Chair Watson stated regarding the 200,000 acres, a lot of it is in isolated areas and very hard to develop and costly to develop. The only reason DHHL/NAHASDA is getting more funds is because they are being spent. The 300 acres in Lihu`e are going to result in 1200 homesteads. He is supportive of what L. Kinilau-Cano is doing.

Public Testimony—Blossom Feiteira. B. Feiteira asked about the allocation of \$25 million. Has a property been identified? Because NAHASDA is income-restricted, sinking NAHASDA into the ground requires the income restriction to be in place. If \$25 million of NAHASDA funds are going to be used for land acquisition, the land or any work the Department does in a development is now restricted to the 80% AMI. The consideration for using it for individual benefit is more in line because it can serve those outside of the income limit. It is a great deal but if the Department is going to use NAHASDA in the acquisition, those 1200 units proposed for that property will be restricted to those with 80% AMI and below.

Chair Watson stated that it was just a percentage of the total cost and not 100% restricted to 80% AMI. The Department is trying to create different categories: 80% AMI, 60% AMI, turnkey, Habitat, and homeowner builder. So there is a variety, but the key is getting land that can be developed, a more affordable and effective approach than dealing with the existing 200,000 acres, which is a challenge and eating up the funds.

Public Testimony – Samuel Waltner. S. Waltner is a resident of the Courtyards at Waipouli on Kaua`i. He spoke on behalf of the Courtyard residents who could not be present. He expressed opposition to the NAHASDA Annual Housing Plan as he heard about the plan to buy the complex in which he resides. It is his right to have the knowledge and be informed of any plan that will result in his eviction. He understands that under federal law, the Department has to share its relocation plan with the residents of the Courtyard of Waipouli. He asked what is NAHASDA's plan for the relocation of the residents of the Courtyard at Waipouli. When does NAHASDA plan to meet with the residents of the Courtyard at Waipouli to talk about the plan?

L. Kinilau-Cano stated that it is a requirement for using federal funds, and NAHASDA will have to provide for relocation and will need a plan that will be part of the implementation. When they have more information, NAHASDA will do its best to communicate with everyone affected.

Commissioner Awo stated he would like to see the plan before the Commission before it renders a decision. L. Kinilau-Cano stated they have an entity preparing all of that information.

Public Testimony – Cora Schnackenberg. She opposed the proposed item. She advocates for the wait listers. She asked that the Moloka`i homesteaders be considered first.

L. Kinilau-Cano stated that vacant lot families are being helped in Kalama`ula Mauka. The oldest homesteads in Kalama`ula Mauka and Ho`olehua have access to home repairs and rental vouchers for relocation if the family needs to demolish and build or if their home repairs are extensive. The kupuna rental subsidy program is statewide, including Moloka`i, and housing counseling is available for anyone utilizing NAHASDA assistance.

Public Testimony—Kekoa Enomoto. The Pa`upena CDC board is in favor of conferring undivided interest lessee status on all wait listers. Under the UI, the successor will be able to succeed under the entitlement. The entitlements are for 99 years, which is 6.6 generations. UI is justice for the wait listers and their families. She is not against rent-to-own, but the UI would allow the successors to succeed to the entitlement.

MOTION

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

EXECUTIVE SESSION IN

12:00 PM

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

1. Application of Section 92-3.1, Hawai`i Revised Statutes related to limited meetings to the Hawaiian Home Commission

EXECUTIVE SESSION OUT

1:30 PM

Public Testimony Misty Griffin. M. Griffin stated she is a successor of Waiehu Kou 2 on Maui and has been a mortgage lender for over 30 years. She opposed the property acquisition for \$25 million. She talked about how much income people would need using the HUD/FHA loans. (she presented 3 slides)

Public Testimony – Iwalani McBrayer. Opposed Item C-1, specifically the developer financing of \$8.5 million and the property acquisition of \$25 million. She thinks that the beneficiaries would benefit if the funding went directly to the beneficiaries and not the developer.

Public Testimony – Germain Meyers. There are discrepancies in the plan, specifically for Goals #1, #2, #3, #9, and #10. She cannot find any marketing plan on how beneficiaries are informed of NHHBG plans.

Public Testimony – Dickenson Stone. He yielded his time to Germaine Meyers. She stated Commissioners need to have training from Claudine Allen for the NAHASDA program.

Public Testimony – Kalani Tassill. K. Tassill is the President of the Paukūkalo Hawaiian Homestead Community Association. NAHASDA funds could be used to give the people their birthright lease for 99 years. Does the Department have inventory of homes that lie dormant and available to be renovated to get families off the list. He believes there are many more ways to put the people on the land. He strongly opposed Item C-1.

Public Testimony – Kainoa MacDonald. Opposed Item C-1 is for the \$8.5 million for developer financing for 60 units of rental housing with an option to purchase, and the \$25 million is for acquiring land to provide rental units. The essence is to move the beneficiaries onto Hawaiian Home Lands and not rentals. Every dollar under NAHASDA should subsidize waitlist beneficiaries, so they receive a lot for a home. Not one dollar should be used to place beneficiaries in tenement housing.

Commissioner Awo stated he continues to believe Waipouli moves the needle in the wrong direction. He repeated the 2020 survey percentages and supported what the beneficiaries said.

Commissioner Helm stated that there is much-unfinished business in Moloka`i, and many beneficiaries have been waiting for a long time. Rentals do not belong on Hawaiian Home Lands.

Commissioner Neves stated his sentiments are the same: He strongly opposes rentals. Rentals do not get the beneficiaries on the land.

Commissioner Kaleikini stated, for the record, that on January 16, 2024, he was the Commissioner who was part of the vote that voted down the Waipouli partnership with Lunalilo Homes because it was not a project to get the people off the waitlist. On January 26, 2024, at the follow-up meeting, one of the changes he supported was, yes, it is a rental, but the Department committed to providing leases. As Chair Watson mentioned earlier, the bill is progressing. He does not see this as an island versus island situation. The fact that people were going to get off the waitlist is why he changed his vote to 29,470 waitlisters.

Commissioner Kaneakua stated he spoke in favor of the Kaua`i project. The second vote removed two of the biggest objections, one of which was having Lunalilo Homes as the partner to administer. He supports a rental to give people on the waitlist the opportunity for shelter while the Department is using \$600 million to get people onto properties and because some of the people are trying to build financial muscle to be qualified.

Commissioner Marfil stated that her kuleana is to the beneficiaries. She thinks the Bowl-O-Drome is a fabulous idea, and there is a huge need for O`ahu. It helps families pay a lower cost, but when she looks at the bigger picture and the purpose of DHHL, she wonders if it is the best opportunity to use the NAHASDA monies. Is there another way to use it? Should the Commission be looking at the different opportunities to use those NAHASDA funds?

Chair Watson stated that it is important to address all the people on the waiting list. Waipouli is not a rental project; it is a combination of a financial approach that addresses the people who would not contemplate being in a homeownership mode. The people we are addressing do not even qualify for a mortgage because they do not have the resources and income to qualify. He anticipates that the bill in the Legislature that separates the land will be signed into law by the

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		X		
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil				X		
Commissioner Namu`o			X			
Commissioner Neves	X			X		
Chairman Watson			X			
TOTAL VOTE COUNT			5	4		
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Nine (9) Yes votes.						

LAND MANAGEMENT DIVISION

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

RECOMMENDED MOTION/ACTION

Land Management Division General Professional Kahana Albinio 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-1, 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 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.

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 Waianae 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: <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

- DHHL beneficiary consultation /information on the subject parcels as deemed necessary or appropriate; and
2. To sell all appropriate terms and conditions of the disposition in accordance with the requirements of 204(a)(2) or 220.5, Hawaiian Homes Commission Act, 1920, as amended, and Chapter 171, Hawai'i Revised Statutes, as amended.

RECESS live stream down
RECONVENED

1:55 PM
2:00 PM

K. Albinio briefed the Commissioners on each parcel and walked them through the exhibits in the submittal.

MOTION

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

DISCUSSION

Public Testimony – Cora Schnackenberg. C Schnackenberg yielded her time to Randy Akau.

Public Testimony – Patti Tancayo. Testified as a beneficiary. She is originally from Moloka'i, and her family and ancestors are from Makanaloha, which is on the north shore of Moloka'i. Her family was there before Father Damien was there, and they helped the lepers. Her great-great-grandfather helped to build all the Catholic Churches around the island. Her great grandmother helped Father Damien with the people in Kalaupapa. Her family moved to the east end of Moloka'i, and some of her family members were able to get Hawaiian homesteads.

She talked of the beneficiary consultation in Kanehili for parcel No. 158. The Kanehili Association and the Kapolei community want to do a community development project there.

Public Testimony – Kekoa Enomoto. Testified about the 184 acres in Puunene, Maui. She read a MOA that was drafted and signed by several Maui beneficiary organizations. Three Hawaiian Homes Beneficiary-owned Valley Isles Entities, Maui Taro Farm LLC, Hui Ola O Maui, and Pa'upena Development Inc., partnered to develop and operate project Pulehunui Akau on 184-acres of Puunene homelands. Hui Ola O Maui is a non-profit 501 c3 that promotes the benefits of ulu and how to grow and prepare it. The County of Maui Department of Agriculture awarded Pa'upena CDC last Thursday a \$199,200.00 grant to build water catchment systems on the Valley Isle Homestead Farms. In an email this morning, she told Chairman Watson that this is the proposal they are making, and the three entities are willing to work with HHL Land Management Division to present a comprehensive business plan and budget and letters of support and commitment to support this lahui.

Commissioner Neves stated he found out that the Department did a beneficiary consultation on March 20 concerning parcel 58. It has not been presented to the Commission, and he is asking to amend and remove that TMK until the Commission can review the beneficiary consultation and defer that to the next Commission meeting. Chair Watson stated that it seems reasonable.

Public Testimony – Randy Akau. Is the President of Kanehili Community Association (KCA) and testifying on the Kanehili TMK No. (1) 9-1-151:058. KCA is requesting that an RFP be conducted for the parcel. KCA unites to express their viewpoint of the beneficiary consultation that was lead by DHHL on March 20, 2024, that the parcel should not be offered for competitive

bidding. The feedback serves as a testament to the Kanehili Community's interest in any development on this parcel being aligned with the Kanehili beneficiaries' visions and aspirations. KCA respectfully calls upon DHHL to initiate a Request for Proposal for this parcel with a preference for projects that deliver concrete benefits to its community. KCA is thankful to DHHL for considering the community's unified perspective. KCA awaits a positive response and is prepared to participate in any dialogue for clarification.

Chair Watson asked Russell Ka`upu to explain the process and that the beneficiaries would have the time to participate.

R. Ka`upu stated he wants to correct something he stated in last month's PIG report. *In the report, the comment that each actual disposition will come back to the Commission for approval.* He was corrected that general lease disposition going out on 204, mandated by Section 171, HRS, once there is disapproval of the Commission, it goes through the statutory process and does not come back to the Commission. The highest bid must be taken on the lease rent for that property. For the projects under 204, there would not be a subsequent item coming back to the Commission for approval.

He thinks that it is what the folks at Kanehili are objecting to. They do not want to be subject to bidding on the project adjacent to their community. Their request is to do an RFP process. That is what would be done under Section 220.5. It allows the department to evaluate and select based on the best project versus the highest rent for a lease. There would be a scoring system, and the Department would come back to the Commission for approval. He wants to go on record and correct his misstatement on the PIG report last month and apologize if that created confusion for anybody.

Commissioner Namu`o asked who would decide what process it would go through. R. Ka`upu states it is up to the Department's Land Management Division to decide which one is more applicable.

Public Testimony – De Mont Manaole. Supports the item and amended his previous testimony because he left out the work of the PIG and did not want to pass by that one. He has a solution where non-native Hawaiians get all the action on the land. One of the solutions is if non-Hawaiian entities get a general lease, the Department should negotiate for native Hawaiians to have long-term sub-leases.

Public Testimony – Patricia Teruya. She testified in strong support of TMK: 058 for the Kanehili 2-acre property. On February 21, 2024, the Kanehili Community Association received a letter of denial for this parcel. She attended the beneficiary consultation and stated there were many voices from homesteads that participated that the parcel should be offered to an RFP process for KCA. She supports the idea that KCA should have the opportunity for an RFP process.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, 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		X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves		X	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-3 Approval to Issue of Right of Entry Permit to Hawaiian Dredging Construction Company, Inc., Mo`ili`ili, Honolulu, Oahu Island, TMK No. (1) 2-7-011:008, :009, and :053

RECOMMENDED MOTION/ACTION

Land Management Division General Professional Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the issuance of a Right of Entry Permit to Hawaiian Dredging Construction Company, Inc., Mo`ili`ili, Honolulu, Oahu Island, TMK No. (1) 2-7-011:008, :009, and :053

No discussion.

MOTION/ACTION

Moved by Commissioner Neves, 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			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves	X		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-4 Approval of Annual Renewal of Right of Entry Permit(s), Moloka`i Island

RECOMMENDED MOTION/ACTION

Land Management Division General Professional Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission to approve the Annual Renewal of Right of Entry Permit(s), Moloka`i Island

No discussion

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, 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		X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves		X	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.						

PLANNING OFFICE

ITEM G-1 Accept the Beneficiary Consultation Report for the Proposed License Agreement to Moloka`i Veterans Caring for Veterans Ho`olehua, Moloka`i, TMK (2) 5-2-015:052

RECOMMENDED MOTION/ACTION

Planning Manager, Andrew Choy and Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission Accept the Beneficiary Consultation Report for the Proposed License Agreement to Moloka`i Veterans Caring for Veterans Ho`olehua, Moloka`i, TMK (2) 5-2-015:052, as an official public record of beneficiary input and feedback to the proposed license agreement.

- Located in Ho`olehua, Moloka`i
- Veteran`s Center built across the field from the Lanikeha Center
- This matter goes back to 2017; Representative Lynn DeCoite stated that State funding was secured, and the decision had to be made to build the center on Hawaiian Home Lands
- In 2018, the Commission approved the EA for the project
- Comments received from Ho`olehua lessees expressing their desire to have access to the center for community meetings and gatherings, and there were also comments of displeasure from several lessees on the location of the project.
- Construction began in October 2022 and is almost completed

- This current Administration received letters of interest in managing and operating the facility from two groups; the Moloka`i Veterans Caring for Veterans and the Ho`olehua Homestead Association
- Construction was completed in 2024
- The Department met with both groups and requested a business plan to operate the center from both organizations and conducted oral interviews with both organizations in January and February 2024
- The Department asked both associations what was the temperature for both organizations working together. It was communicated that it would be difficult for two groups to manage the facility, so the Department entertained competing proposals from both groups.
- Based upon the business plans submitted, oral interviews conducted, the Department recommends that the Moloka`i Veterans Caring for Veterans be considered for a license.
- A beneficiary consultation was held on March 25, 2024
- The Department deviated from the traditional 30-day comment period for this matter.
- The Commissioner's packets contained the full meeting notes from the beneficiary consultation meeting.
- In the packet on pages 5-7 of Item G-1, the beneficiary comments were summarized.
- The Commission could defer the decision on the license recommendation until a later date if it chose to do so
- The Veterans are required to work with the Ho`olehua Homestead Association to make sure the facility can be used by the Ho`olehua beneficiaries.
- The Department should explore options for an alternative recreation site in Ho`olehua

MOTION

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

DISCUSSION

Public Testimony – Irene Kaahanui and Judy Caparida are not against the Moloka`i Veterans Caring for Veterans. She and Aunty Judy go to Congress to get that. She stated they are concerned about the disaster plan for Moloka`i. She stated there is no American flag at the center, and there is no respect for the veterans.

Judy Caparida stated she waited 49-years for her homestead. Everybody should work and love one another and we belong to Jesus.

Public Testimony – Timothy Meyer and Lani Sahagan. He is the Commander of the Moloka`i Veterans Caring for Veterans. He hoped that the Commission would agree to the needs and wants of the Veterans. In October 2023, there was an agreement that the MVCV would be given the lease of the facility. In December 2023, when the MVCV met with the Department, MVCV did not agree to having two entities managing the facility. MVCV did not agree about the grant from DHHL; they expected approval.

L. Sahagan is the MVCV's Board Treasurer and Chaplain. For the record, she echoes the heart of everyone that when it comes to the veterans, beneficiary and non-beneficiary veterans, Hawaiian and non-native Hawaiian veterans, she thanked them for their service. She read a hand-written document "resolved that article of corporation be filed by the state of officials; resolved that there be no compensation to be paid to any officer or director." Since the inception of the document in February 15, 2002, at 9:00 a.m., none has taken compensation. She gave honor to the

three history makers Commander Larry Helm, Vice-Commander Wendell DeFreitas, and Chaplin and Sergeant of Arms Pat Seabird. For the record, she testified at the March 25, 2024 beneficiary consultation meeting, mahalo to Senator Lynn DeCoite and former Chair Jobie Masagatani for their heart and being instrumental in this win-win partnership between DHHL and the Moloka'i Veterans Caring for Veterans.

Public Testimony – James Jaaryal. He is the Vice-Commander of the MVCV. In the event they do not receive the sole license of management, they will contact Congresswoman Tokuda of the Ways and Means Committee and part of passing House Bill 1900 for \$4 million for a Moloka'i Veterans Center. They will also be seeking legal counsel.

Public Testimony – Walter Rawlins. The MVCV welcomes all to sign up. There will be a fee because they have to pay their rent.

Public Testimony – Lu Ann Mahiki Lankford is the Treasurer of the Ho'olehua Homesteaders Association. From her point of view, it would be irresponsible to award a license to the group until they can address their internal concerns and state who the correct and rightful board is at this time.

Public Testimony – Barbara Kelipi. She is a Ho'olehua homesteader. She is uncomfortable about the decision being made now. She thinks there is an opportunity to hear from more people in the community meeting tonight as most people work and cannot make the daytime meeting. Miscommunication or a lack of communication does not allow the community to feel good about the running of the new center. Her testimony is that she hopes there will be a reconsideration before a decision. The decision was made by the staff, but it was never made clear why they chose the veterans group over the Homestead Association. Why was it in the best interest of the MVCV.

Public Testimony – Cora Schnackenberg. The reason why they do not co-manage is that (1) on the 2020 Regional Plan, Ho'olehua Hale became priority No. 2, and DHHL provided money for renovation. It still stands the same, and the money was not utilized for what it was intended; (2) the same group co-managed Lanikeha. The MVCV is a subsidiary model. She suggested looking at the MVCV as the ones to co-steward with Veterans Caring for Veterans.

Public Testimony – Stacy Crivello. If the application is from the homestead association they are fully the beneficiary of the Department. The first kuleana is to the beneficiaries. She hopes that the Commission's decision would be based on the beneficiaries.

Public Testimony – Makaila Purdy. Recalled a meeting on September 5, 2017, and asked what happened to the process. One year later, the Commission accepted the EIS, and in 2022, the building was constructed. What happened from 2017 to 2022? She is not against the veterans, but they wanted the building but not the park, and that was taken to heart. The building is there now, but the Department gave it to the veterans. The beneficiaries should manage the building.

Public Testimony – Charles Kaahanui. He is the President of the Ho'olehua Homesteaders Association. He requested the Commission to defer issuing the approval of issuing the license to the Veterans Caring for Veterans. The request is to take more time to do due diligence and they would like a 30-day period, for the beneficiaries and veterans to comment and defer agenda Item F-5.

Public Testimony – Ronald Cabanting. On January 27, 2024, the MVCV disbanded the Board to stop what they were doing.

Public Testimony – Kilia Purdy. Is a member of the Ho`olehua Homesteaders Association. Many of the presidents of associations voted against the building being built. When the people saw construction in 2022, they wondered what was going on. They asked the Department to conduct a survey. The Association conducted a survey, which was about 267, and it was presented to the Commission in November. AOM has nothing to do with the management of this building. If it is homestead land, homesteaders first, beneficiaries first.

Commissioner Helm stated collaboration was not part of the process. He thinks the Commission needs more time to decide, and it should not be made now. There is a lot of negativity. He believes this should be deferred to next month.

Commissioner Awo stated he supports a deferral to give both groups time to collaborate to work out their differences.

Commissioner Neves stated it needs to find out who is the rightful board. He supports deferring this item.

Commissioner Kaneakua stated he supports a deeper look at this.

Commissioner Marfil stated she would like to defer this and allow the community to kukakuka. Commissioner Freitas stated he supports a deferral also.

Commissioner Namu`o supported a deferral also.

Commissioner Kaleikini stated he also supports a pause to have a time frame to resolve the leadership situation.

Chair Watson stated the facility is pretty much built and we cannot have it sit vacant. He agreed that a decision has to be made and will be a compromise. He also supported a deferral. He asked if there are any suggestions to a deadline.

Commissioner Helm stated he would like to see the association and the veterans sit down and collaborate. He suggested within a few months. Commissioner Helm asked if the building was completed. K. Albinio stated to his knowledge the building has not been powered yet but all the utilities are ready to go. Commissioner Helm suggested a walk-through of the facilities.

Public Testimony – Senator DeCoite. She hopes that the facility will be given to the Moloka`i Veterans Caring for Veterans under Commander Timmy Meyer. It was based on the idea that all veterans would be serviced whether they were homestead or non-homestead. Those who go to service, would be able to come home to have all the things they need, medical attention, and daily needs. She hopes that the Commission sees it fit to put it in the hands of the Moloka`i Veterans Caring for Veterans.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to defer the acceptance of the Consultation Report and the action item for two months.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Freitas			X			
Commissioner Helm	X		X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: <input type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input checked="" type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Nine (9) Yes votes.						

Chair Watson stated that the community is an asset and that it can be shared. For Ho`olehua, you have a place to meet where the community can have functions. Take the time to sit down and talk and work out the details.

Public Testimony – Timothy Meyer. The interim board included only the ones who signed the petition and did not include any other members.

Chair Watson suggested they mediate and work it through. He stated the Department can bring in a third party if they want. T. Meyer stated this is a civil matter complaint, and they need to get this in the court for the judge to decide on the issue. Mediation does not work. Chair Watson stated we can get another mediator.

ITEM F-5 Approval to Issuance of License Agreement, Moloka`i Veterans Caring for Veterans, Ho`olehua, Moloka`i, TMK (2) 5-2-015:053 (por.)

DEFERRED

ITEM F-6 Approval to Issue a Right of Entry Permit, Island Construction & Demolition, LLC, Wai`anae, Island of O`ahu, TMK No. (1) 8-5-029:019

RECOMMENDED MOTION/ACTION

Land Management Division General Professional Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission to approve the Issuance of a Right of Entry Permit, Island Construction & Demolition, LLC, Wai`anae, Island of O`ahu, TMK No. (1) 8-5-029:019; utilized as a staging area while they do construction.

MOTION

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

DISCUSSION

Commissioner Kaleikini asked what the anticipated duration of the project is. K. Albinio stated 18-months.

MOTION/ACTION

Moved by Commissioner Kaleikini, seconded by Commissioner Neves, 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		X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves		X	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.						

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

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

RECOMMENDED MOTION/ACTION

None. For Information Only. Administrator, Enforcement Unit David Hoke presented the following:

D. Hoke stated that for the period between March 9th and April 14th, there were 18 requests for investigation, 27 reports were generated, and to date, 47 reports have been made. Regarding the pilot program, to date, they have a total of five cases that meet the HPD criteria. Nothing major was noted.

Commissioner Namu`o asked where the twelve investigations are on O`ahu. D. Hoke stated they were PKE, Wai`anae side. He believes there were none in Papakōlea.

Commissioner Kaleikini asked who received the email that enforcement sent out asking beneficiaries if they had issues in the area. D. Hoke stated they have a running list, and he keeps adding to it. He is working with the homestead associations for assistance and looking to add to the list from other organizations. Commissioner Kaleikini asked if beneficiaries can volunteer their names to the list. D. Hoke stated yes.

Commissioner Kaneakua stated he had a chance to ride along with the enforcement team. They have three people to take care of all the DHHL properties on all the islands. They came across people yelling at them and went to places where they wanted to take a quick shower after being there. The staffing is not sufficient to take care of all the complaints.

ITEM C-2 For Information Only – Kalama`ula Homestead Association Kupuna Housing Project

RECOMMENDED MOTION/ACTION

None. For Information Only. Chairman Kali Watson presented the following:
Kupuna Rental Housing (FAQ)

Patty Tancayo briefed the Commission on the background of how the project came about.

- She and Keola of Lunalilo Homes talked about kupuna housing about two years ago having it on Hawaiian Home Lands, they also looked at non-Hawaiian home lands
- Keola Dean is the CEO of King Lunalilo Homes, his staff and board did a strategic analysis for the need for kupuna housing and identified Moloka`i, West O`ahu and East Hawai`i Island.
- Last month they made a presentation for the Kalama`ula Homestead Association
- Returned for two days to meet with community members
- Trying to make sure they are addressing community needs and wants
- Aunty Stacey stated Home Pumehana is the County's facility and half of the kupuna's income goes to the rent. It is not project-based, so they do not offer any discounts.
- Chapters 10-7 address this
- There are more discussions that need to be held with the community

Commissioner Helm stated he is not into rentals, but is for the wishes of the people.

Commissioner Awo stated that the Department should not be promoting these models. Rentals do not result in the issuance of leases. Kupuna are saying they want their lease and pass it on to their successors. He does not support LIHTC for the beneficiaries as they have to wait 15 years for a lease. There are other ways to issue leases quicker. He does not support rentals as a general practice if it delays leases to the beneficiaries.

K. Dean stated he is not trying to make Lunalilo Trust whole. He is trying to make the Trust relevant for the future and able to serve the beneficiaries.

Commissioner Awo stated he does not believe the Department is doing enough to utilize NAHASDA funds to create opportunities to reduce the waitlist. If the Department continues down the path of rentals, it is a takeaway from the legacy of Prince Kuhio to return people to the soil.

P. Tancayo stated half of native Hawaiians are 60% below AMI. Sixty percent are 62 years or older, and they cannot qualify for a house. They are struggling beneficiaries and would never be able to qualify for a home, and these are the beneficiaries who need shelter. Rental housing is very appropriate for them to live the rest of their lives in a place that is decent, affordable, and on Hawaiian Home Lands.

Commissioner Awo stated he is not prepared to use anecdotal statements to drive decision-making; We serve those on the waitlist first.

Commissioner Kaneakua stated he will not scold anybody who is giving an opportunity to look for a option to take care of our people.

Commissioner Kaleikini stated he would support a current study or survey of the beneficiaries on the waitlist to determine their current status on the AMI.

Chair Watson stated that there is an outreach on Moloka'i. The question is if they will consider kupuna housing. Rather than relying on a 2020 survey, there needs to be a current survey/study. He is looking forward to how the people of Kalama`ula feel.

Public Testimony – Lehua Kauka. President of the Kalama`ula Homesteaders Association and stated that many people were approaching them. Many are against rentals, and it is still at a talk story point. A survey is needed to know what the kupuna in Kalama`ula say. She has a list of all the homesteaders on Moloka`i.

Commissioner Awo stated it is appropriate to update the survey but have it one by a professional and do it statewide. The submittal also came to the Commission in a different format. This particular submittal should have gone through the Department.

Commissioner Neves stated that if this went through LDD, the Commission would know the funding. He is concerned of how the document is put together. This has to go through LDD to be vetted.

Commissioner Helm stated the issue on Moloka`i is water, and the meters have not gone through yet.

Chair Watson adjourned the meeting because the community meeting was being held tonight. He stated Item D-1 will be tomorrow, Item E-1 is tonight at the community meeting, Items G-2 and G-3 are deferred, and Item G-4 will be tomorrow.

RECESS

4:45 PM

HAWAIIAN HOMES COMMISSION

Minutes of April 23, 2024

Kulana Oiwi Halau, 600 Maunaloa Highway, Kalama`ula, Moloka`i, and
Interactive Conferencing Technology (ICT) Zoom

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

PRESENT Kali Watson, Chairperson
Randy K. Awo, Vice-Chairperson, Maui Commissioner
Makai Freitas, West Hawai`i Commissioner (ICT) (logged in at 9:45 am)
Zachary Z. Helm, Moloka`i Commissioner
Michael L. Kaleikini, East Hawai`i Commissioner
Walter Kaneakua, O`ahu Commissioner
Sanoe Marfil, O`ahu Commissioner
Pauline N. Namu`o, O`ahu Commissioner (ICT)
Dennis L. Neves, Kauai Commissioner

COUNSEL Jordan Ching, 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
Linda Chinn, Acting Land Management Division Administrator
Juan Garcia, Homestead Services Division Administrator
R. Kalani Fronda, Acting Land Development Division Administrator
Kahana Albinio, General Professional, Land Management Division
David Bush, Acting Moloka`i District Manager
Cindy Manaois, Homestead Assistant Moloka`i
Alicia Teves, Moloka`i District Office

ORDER OF BUSINESS

CALL TO ORDER

Chair Awo called the meeting to order at 9:36 a.m. Nine (9) members were present at the meeting location, establishing a quorum.

Chair Watson stated that the day would start with public testimony, item D-1 (technical difficulties). There are lots of people on the J-Agenda, so we need to watch the time. The Commission will recess at 12:30 p.m. for lunch and for a contested case hearing. Should there be any remaining J-Agenda people who did not testify, it will be taken up at that time.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Germaine Meyers

G. Meyers stated that the normal recorded meetings are 6-7 hours, and yesterday's recordings were sliced into seven recordings. She pointed out what was missed in the meeting (audio

difficulty). Chair Watson asked if she was going to testify on the agenda items or criticize the Commissioners. He stated he would appreciate it if she stuck to the agenda.

PT-2 Blossom Feiteira Item C-2

B. Feiteira testified that Kalanianaʻole Development and Lunalilo Trust made some disturbing comments regarding the economic status of our kupuna. If they make less than so much income, they will never be able to own a home. That is taking away their ability to establish their legacy, and it is wrong to have that kind of attitude. She asked the Commission to take those comments seriously.

Commissioner Awo stated he agreed. The developer is entering the community with a narrative that serves them and not the beneficiaries or the legacy of Prince Kuhio. He opposed the idea of the comment that there was no way the kupuna would be able to qualify for a home.

B. Feiteira stated she is a founder of Hawaiʻi Community Assets. Hawaiians do not have bad credit; the problem is they do not qualify for enough of a mortgage loan to buy the house on the property. Hawaiʻi Community Assets brings millions of dollars to Hawaiʻi to subsidize homestead leases. The HUD vouchers are used to subsidize rentals and can also be used to purchase a house or pay a portion of your mortgage. When these entities come before you, please consider the comments made here.

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

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

There were no discussions.

Public Testimony – Cora Schnackenberg. (audio difficulty) she understands the financial dilemma, but she should not stop exploring the need. With the plan, she agrees with No. 1, it was not presented properly. (audio difficulty)

Commissioner Awo (audio difficulty) said that Hawaiians cannot be all things to all economic challenges. (audio difficulty) It feels like for the past nine months (audio difficulty), the socioeconomic needs of our people have been real. When you look at the Alii Trust, the four that were established each had a specific address to the social economic needs. Still, the Department’s responsibility is to reduce the waitlist primarily.

PLANNING OFFICE

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

RECOMMENDED MOTION/ACTION

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

Slide presentation:

- Project Outreach Update
- Alternative Location Analysis
 - Community favors homesteading, just not in this location
 - Suggested to examine other parcels in East Moloka`i
 - Analysis was conducted to examine the suitability of alternative parcels
- Administrative Rule Change
 - Would require an amendment to the DHHL waitlist administrative rules
 - Beneficiaries in other rural communities have expressed the same desire to prioritize beneficiaries from their area for homestead awards for similar reasons
- Ahonui (AHA) Right-of-Entry (ROE)
- Next Steps
- The Ualapu`e Kuleana Homestead Project was identified by beneficiaries as Priority Project #1 in the 2019 Moloka`i Regional Plan
- Top concerns
 - Alternative sites in East Moloka`i for homesteading
 - Access to cultural practices
 - Safety, wildfire, roads and traffic
 - Provision of utilities
- Beneficiaries ma`a to East Moloka`i with its lifestyle will be more likely to be successful kuleana homestead lessees
- If beneficiary families from East Moloka`i are the ones receiving awards, there is less negative impact on the existing community as the project would help those from the community
-

Public Testimony – Cora Schnackenberg. (audio difficult) the G-70 concerns are down to nine. She is still asking for reconsideration of Moloka`i lineage first. She is asking that the Commission reconsider and look at the proposed (audio difficulty). The plan was to put 74 residential in this area. For some reason, money was allocated and money put to the side. (audio difficulty)

Public Testimony – He spoke about the ROE. (audio difficulty) We have to fix it up, put in the native plants, and fix the erosion. This ROE is a great place to start. Asked to give the opportunity to steward the land. (audio difficulty)

RECESS	10:40 AM	1:13:20
RECONVENED	10:55 AM	1:25:34

REQUEST TO ADDRESS THE COMMISSION

ITEM J-1 Glenn Teves – Lease Concerns

Focusing on other aspects of the agreement regarding La`i `Opua, the issue of making more than 60% AMI is not understood. What is the downside as your rent increases? What is the purpose of

annual financials if this is not a concern? Would they need to identify who is going over to maintain a certain percentage of the tenants meeting the 60% AMI? These need to be explained. The feasibility study that has not been completed should be part of the due diligence. Kona has a different economic makeup, with a large segment of communities occupied by the ultra-rich and multi-million-dollar estates. What will be the impact of future housing prices? The relationship between the developer and the renter seems strained, and DHHL could mediate or facilitate it. What is DHHL's role in this agreement? It is DHHL's land, and DHHL is the one awarding the rentals, which should be part of this agreement. There are concerns about why DHHL is buying land when they can be building houses on their own land. They could be backfilling the lands such as Ho'olehua. A 35-acre lot could make about 60-half-acre lots. Need to be more aggressive in seeking out water. Moloka'i Ranch has been taking water without a permit for 27 years. Which is the higher law, the Hawaiian Homes Act or the Water Commission?

Commissioner Awo asked what G. Teves' mana'ō on LIHTC is. G. Teves stated he has a problem because even if you have the land under you, you do not have the house. This is a new experiment, and unless all the ducks are lined up, it is not known. The issue of giving to the next generation is important because we have people dying on the waitlist, and now their children cannot have a homestead. How are we going to fix that? We need to fix that. This model needs to be pa'a.

Commissioner Helm asked G. Teves how he felt about the MIS coming under DHHL and how he would administer the program to the homesteaders. G. Teves stated the MIS was built for the Hawaiian Homes Act. It was the water source for it. There are only two sites in Hawai'i identified in the Hawaiian Homes Act as water for the Hawaiians, Waikolu, and Waimea on Kaua'i. There were two conditions for them to build the MIS: one was that you give some water to the non-Hawaiians, and you also set aside lands for the non-Hawaiians. The other condition is to remove a chapter from the Hawaiian Homes Act that says water is free of charge because they wanted to make sure their loan is repaid. Fast track to today, the Hawaiians want their rights back and want their water back free of charge. The way to do it is to co-manage with the homesteaders. There are issues that the homesteaders need to address; one is to take a million pounds of tilapia out of the reservoir. The help of the Army is going to be needed because two or three guys in Ho'olehua is not going to do it. The MIS has been generating money that has been used to maintain all the other systems on the other islands.

Commissioner Freitas stated that they are trying to figure out the La'i 'Opua issues. They had a LIHTC briefing last month, and listening, he stated there are major contradictions. What the people are going through there is not right. For the water issues, more wells are trying to be acquired. Andrew and the rest of the staff are working on it.

Chair Watson stated the Department is discussing MIS with the Department of Agriculture, as well as discussions with Moloka'i Ranch. The Department is trying to figure out a way to take that over, as Well 17. There are federal funds for these kinds of systems.

Dr. Jonathan Scheuer stated that Uncle Glenn is correct in that gaining control of the MIS is necessary to fulfill the agricultural purposes of ag lessees and future ag aspirations. When the Department of Agriculture offered the Department to take over the MIS, the Department asked them a series of questions about the condition of the system, operation cost, and other things. The Department will follow up. Moloka'i Ranch has approached the Department to take over the Moloka'i mountain water system. A smaller surface water system could provide additional water. It could be valuable to the Department and Moloka'i as there are existing homesteaders now that use the Department's potable water system for irrigation because they have no other alternative,

which is very expensive for the Department and constraining for the beneficiaries. If the Department can get non-potable water to the lessees, it will free up the potable water system.

ITEM J-2 Irene Kaahanui and Judy Caparida – Homestead for Kupuna – Moloka`i

Irene Kaahanui is the Vice President of the Homestead Association of Veterans. She stated they earned that center. There is no respect for the veterans who gave their lives for our freedom. No one is looking down the road for a disaster plan. Judy Caparida stated she is free to do whatever she feels is right.

ITEM J-3 Walter Rawlins – Homestead and Veterans Center – Moloka`i

Krystal Nakihei spoke on behalf of Walter Rawlins. She is the youngest veteran on Moloka`i and a third-generation homesteader and a member of the Board for Veterans Caring for Veterans. She thanked the Department for providing the need and service for the MVCV.

Public Testimony – George Kahinu. On January 27, a special meeting was held, and the members voted to remove the entire board of directors and elect an interim board to oversee the center until an independent election could be held. This was because, on May 15, 2023, the MVCV lost its tax exemption status with the IRS. Tim Meyers was told they needed to comply with the IRS. They are now in the process of re-instating their status, plus paying a \$600 fine. In 2017, their account had \$54,000, and by May 2023, there was less than \$1,000. An internal audit is being conducted to find out what happened to the money. The interim board's job is to make sure the organization created by Larry Helm and Patch Berg is financially secured and operating in accordance with its mission. They are reaching out to the community for help.

ITEM J-4 Liko Wallace and Hala Paakala – Hui Ho`okahua Moloka`i

For the record, Brigit Mowat introduced herself. Liko and Hala Zoomed in. Hala Pa-Kala is the President of the Kamiloloa -One Alii Homesteaders Association and the Secretary of Hui Ho`okahua Moloka`i. They applied for the management of Malama Park and agreed to go through the DHHL process and allow 30 days for comments. If anyone has questions, they can contact her or Liko Wallace.

ITEM J-5 Lori Buchanan – Moloka`i Issues

L. Buchanan stated she is speaking on the West O`ahu Crematory Services that they are trying to open on the Wai`anae Coast. The received the right of entry, a beneficiary consultation was held. They went in with their contractor to do an assessment of what repairs could be done. She wants the West O`ahu families to benefit when someone passes away in their family. She enlisted the help of Kawika McGee of Group 70, who said he would help the Wai`anae Valley Association. He will help them with the presentation. Her understanding is that the Wai`anae Comprehensive Center does not house patients, is an emergency services facility, and has other daytime care but no overnight care. They will be presenting to the Commission next month.

She was part of the Kalaupapa group that met with the park service. It should have been a community meeting, but the community was not allowed to speak, only to listen. She is disheartened by the lack of communication between the park service and the land owner and

beneficiaries of DHHL. She cautioned the Commission that before the Programmatic Agreement was signed by the previous Chair, a beneficiary consultation was not shared with the community. She does support the testimony by Glenn Teves and Blossom Feiteira.

ITEM J-7 Ainaaloha Ioane – Malama ka `Aina Hana ka `Aina Update

`Ainaaloha Ioane introduced her daughter, Wahineikapookaahuakawai`iolu Ioane Carvalho, who she thinks is important to engage her in community advocacy. She was asked to share her love for King's Landing in `ōlelo Hawai`i, and `Ainaaloha will translate.

Ainaaloha is looking forward to seeing the Commissioners on May 19, 2024, at King's Landing. The tour will cover gate security, discuss Phase 2, and provide an opportunity for the Commissioners to see King's Landing and how they live there. She asked that LMD and Enforcement attend the King's Landing visit.

ITEM J-8 Kenna Stormogipson, Summer Yadao, Chris Jungers, Samuel Wampler, Connye Busa, Chasetyn Hasegawa – Waipouli

K. Stormogipson testified on the proposed purchase of Waipouli by DHHL. She noted the \$2.4 million allocation for the predevelopment cost. For the sake of public confidence, she thinks it would be good to know where the contracts have gone, as it is presumed the contracts went out on January 26 when they were approved. Presumably the work has happened because the application is with HHFDC. She would like to know who received the contract for the \$200k architectural fees. She is also curious about what the market study says about beneficiaries moving in.

Commissioner Awo agreed that it should be made public.

Sam Wampler stated he lives at the Courtyard at Waipouli and has been there for about 4-years. Trying to find a place to live and having pit bulls is not easy, as he has been denied. Relocating every single person is going to be difficult. He also heard some benefactors do not want to live in an apartment and prefer a home.

Chris Jungers stated that there is a workforce crisis in Kaua`i, and it is important to address that. Forming the coop will keep businesses operating. Beneficiaries are strongly opposed to living in an apartment.

Summer Yadao stated that for a year, they have actively engaged with the people at the Courtyards at Waipouli because Irving Contrades was being evicted, and they tried to save him from being evicted. He did get into a home but recently passed away. She asked to consider that there are beneficiaries who want a home and not live in an apartment.

Commissioner Awo asked what a housing coop means. K. Stormogipson stated it means they have one blanket mortgage for the entire building, one mortgage for the entire building, and there is a HUD program that funds that, and they qualify for the 213 loans. The corporation owns the building, and residents own shares, and the share gives the resident a right of occupancy. It is limited equity, so you only get a 3% increase every year, and it never goes on the private market and is permanently affordable. Once the government invests once, you never have to reinvest. You have a shared loan. Commissioner Aso asked if they are engaged in a process to achieve the

end goal while the Department is trying for LIHTC. K. Stormogipson stated yes and they have team of experts. Their timeline is in 6-months.

ITEM J-9 Lawai`a Naihe – Ho`akeolapono Trades Academy and Institute

L. Naihe is the Executive Director of Ho`akeolapono Trades Academy and Institute; he is joined by Kelsey Yopman, the Deputy Director for the Nawahine programs. They presented a slide. They are seeking a 30-day RFP for land to build their campus on Kaua`i. They have a grant from OHA, and they can pay, equip, and train native Hawaiian individuals. They were founded in the summer of 2021, and their first class was held at Connections Public Charter School and Kanu Ika Pono Public School.

Commissioner Neves stated he supports this group. The group is being considered for work in the building and architectural trades, and they are expanding to include computer work.

Chair Watson thanked them for cleaning up the area. Chair Watson asked if they were looking for a classroom/dorm type. L. Naihe stated they are looking for both. Chair Watson asked if they were accredited. L. Naihe stated that they have to get started and then get accredited. K. Yopman stated they have graduated students, and the only certifications are through the technical programs.

ITEM J-11 Blossom Feiteira – Lahaina Concerns

B. Feiteira gave her time to Kunani Nihipali. K. Nihipali has lived in Ho`olehua for the last 10 years. Regarding the \$600 million, he stated it seems the Department is only looking at new infrastructure and new homes, yet there are existing lots, homes, and water issues that need to be completed. He is still waiting for his ag water. He stated there are many frustrations on Moloka`i that needs to be addressed.

ITEM J-18 Degray Vanderbilt – Kalaupapa

DeGray testified to be a member of Ka `Ohana O Kalaupapa, a non-profit organization conceived by Kalaupapa's patients. As the numbers of patients grow smaller, their voices will continue to be heard, their rights protected, and the legacy they desire for the future of Kalaupapa will be realized and sustained in perpetuity. He lived in Moloka`i for 33 years and now lives in Maui with his partner Valerie Munson. He is involved in the effort to expedite and complete the mission of the Kalaupapa Memorial so that the few remaining patients can witness its unveiling. Ka `Ohana O Kalaupapa is the patient resident organization. Congress passed legislation authorizing Ka `Ohana O Kalaupapa to operate on Kalaupapa, but there is no sunset date on that legislation. The special mandate for Moloka`i is specific to a part that must be fulfilled. He expressed a few issues that are on the table: (1) the status of DHHL assigned to the patients at Ka `Ohana O Kalaupapa, (2) the government agency transition team looking at who is going to control the operations and jurisdictions at Kalaupapa, (3) DHHL's limited meeting at Kalaupapa tomorrow. Regarding the attached Executive Order from the Department of Health, the DOH will honor the Order for as long as they minister at Kalaupapa. DOH will transfer the house to NPS when there is no longer a patient community. There are five residents in Kalaupapa, and the average age is 92. Ms. Holman of NPS stated Ka `Ohana O Kalaupapa has no formalized authority. He will be in Kalaupapa on the 24th.

Chair Watson appreciated the information shared by Mr. Vanderbilt. There is nothing that precludes him from participating tomorrow.

Chair Watson announced that the Commission will break for lunch and the contested case.

RECESS **1:00 PM**
RECONVENED **3:15 PM**

ITEM J-14 Al Hee – Telecommunications

Al Hee stated the Department will be getting calls because service is being interrupted, and SIC cannot get to them quickly. He is willing to work with the Department.

He stated License 372 was an experiment in business rehabilitation as called for in the Hawaiian Homes Commission Act. License 372 was not a license designated for rehabilitation. However, when it was signed by the Chairman of DHHL, it was designated for rehabilitation. Rehabilitation should not be thought of as just homeownership. There are sections in the HHC Act that call for rehabilitation through business. Businesses that are supposed to be going to beneficiaries to be rehabilitated are going to non-beneficiaries, and this should be changed. He is hopeful that the Department realizes that business rehabilitation can be helpful in solving some of the Department's problems, like the water system.

ITEM J-15 Bo Kahui – La'i `Opua

B. Kahui is the Executive Director for the La'i `Opua CDC, a licensed 501c3 nonprofit. Regarding the pre-school application for the right of entry, the Commission approved the beneficiary consultation report. They are still seeking the right of entry for the pre-school and hope it will be on the agenda next month. A memo was sent to the Lt. Governor's staff regarding the review and commitment of the Act 257 funds, which the Lt. Governor undertook for the development of pre-schools across the state. Chairman Watson was copied on that email outlining his support. He invited the Commission to a site visit to the pre-school. Chair Watson stated he talked to her, and he got a negative from her on that. B. Kahui stated it was not specific to the memo, but they were told she cannot commit the funding because the way the funds are as the funds can only be directed through a state agency. The email requested an interpretation. He hopes that the Department will encumber those funds and expend the funds for the development of their pre-school.

ITEM J-16 De Mont Manaole – Various Concerns

D. Manaole read from the HHC Act Section 204 (a)(2), 207(c)(1)(b). His focus was on mercantile establishments that should be to native Hawaiians. It is his personal opinion that native Hawaiians are entitled to industrial land and long-term general leases. If big companies like Pasha have general leases, part of the deal is they sublease native Hawaiians. The native Hawaiians should get the general lease, and the big companies sublease from the native Hawaiians.

Regarding the LIHTC, people should read IRS Code Chapter 42, which is better than what is told. Projects are committed to a minimum of 30 years. Very rarely will the minority voice be heard; it is usually the loudest, angry, passionate voice in the room that will be heard. LIHTC is a good alternative.

ITEM J-17 Kapua Keliikoa-Kamai - Various Concerns

K. Kamai stated she was surprised with the vote of no to yes regarding rentals. She thinks a lot of people will accept the rentals. She stated there is no guarantee that the Department will get that extra \$600 million. She would like to see the waitlist decrease and not use funds for non-beneficiaries.


ANNOUNCEMENTS AND ADJOURNMENT

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

ADJOURNMENT

4:05 PM

Respectfully submitted:



Kali Watson, Chairman
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

Attachments:

- 1) Public Testimony - Al Hee
- 2) Public Testimony - Kanani Kapuniai C-7, and F-7
- 3) Public Testimony - Robin Danner C-1
- 4) Public Testimony - Kekoa Enomoto
- 5) Public Testimony - Kanehili Community Association

Al Hee Testimony April 2024

Today I would like to testify about two things. The loss of telecommunications and rehabilitation under the HHCA.

Decisions that have been made by DHHL under the last two Chairmen and continued by this Chairman undermine License 372. The decisions have cut off revenue that Sandwich Isles needs to continue to operate. These decisions have been the subject of my prior testimonies and emails which you all have. Unless these decisions are immediately reversed, service to beneficiaries will be negatively impacted and eventually cease. I am anxious to discuss these decisions and prevent the coming loss of service. I do not understand DHHL's decisions to work with HAWTEL both in the field and in meetings but refuse to even meet with me or the beneficiary owned companies that currently provide telecommunications service to beneficiaries and DHHL. The latest example on April 17, DHHL met with HAWTEL in Hilo. We know this because one of our employees happened to be there for other reasons.

License 372 is an example of business rehabilitation as provided for in the HHCA. Rehabilitation of native Hawaiians by returning us to the land occurs in two ways; opportunities for home and business ownership. Everyone is familiar with the opportunity for home ownership but not many are familiar with the opportunity for business ownership. One of the provisions

for beneficiary business ownership is in Section 207(c)(1)(B) which states:

“Theaters, garages, service stations, markets, stores, and other mercantile establishments (all of which shall be owned by native Hawaiians or by organizations formed and controlled by native Hawaiians).”

It is appropriate that rehabilitation through business be discussed at this meeting on Molokai. One of the few or perhaps the only mercantile establishment DHHL granted HHL for under this section was the Ho’olehua Store owned by the Homesteaders Cooperative Association back in 1959.

Today, DHHL issues leases to non-beneficiaries for mercantile establishments rather than to beneficiaries for rehabilitation as required under the HHCA. Each of those leases have a withdrawal clause if the land is needed for rehabilitation. As I have shown with License 372, granting business opportunities to beneficiaries need not cost DHHL anything. In fact DHHL could get a better deal from a beneficiary than from a non-beneficiary. License 372 infused \$400M in infrastructure into HHL without recourse to DHHL. I have attached an independent study commissioned by Mobi which speaks to the economic benefits of License 372. The amounts of Universal Service Funds infused into the state were all from Sandwich Isles at the time of the study.

If we don’t utilize all of the tools the HHCA provides, beneficiaries and DHHL loses. Hawaiians have finally taken

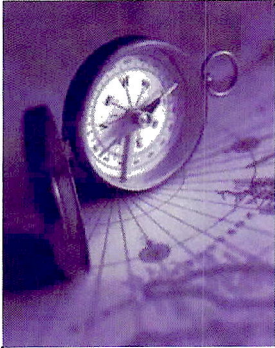
advantage of federal contracting set asides. As Commissioner Kaneakua remarked “there are several very successful Hawaiian contractors doing multimillion dollar federal contracts.” This is in large part due to the support these Hawaiian companies have from the Hawaiian community. 35 years ago, I was asked to assist in kick starting the 8A program of federal set asides. At that time, the Hawaii Army Corps of Engineers, which issued many contracts, was headed by a Hawaiian. He was gracious enough to meet with me. However, when I broached the subject of 8A set asides for Hawaiians, he told me he did not believe Hawaiians needed any statutory help in business. I believe after he retired he rethought his position as he went on to head some of the Hawaiian organizations promoting Hawaiians in business. If Hawaiian owned businesses are going to succeed, Hawaiians in positions of power, like this commission, must support them. This support begins with meetings to find ways to following the law, especially the HHCA to provide the rehabilitative opportunities in both business and home ownership.

When I was asked to solve DHHL’s communications problems decades ago, no one cared because HAWTEL could not figure out how to make money off of Hawaiians. But when I was able to provide beneficiaries with better service than their non-beneficiary neighbors and do so profitably, HAWTEL cared. So began HAWTEL’s led political pressure to give HHL to non-beneficiaries. I ask the commission once again to revoke

HAWTEL's Right of Entry for HHL granted to a beneficiary under License 372.

In the past the Commission has not held the State accountable for shirking its responsibility to provide funding for beneficiary homeownership on HHL. It took many lawsuits and the death of numerous beneficiaries without homes before the State fulfilled its obligations under the HHCA to provide funding, such as the recent appropriation of \$600M, for home ownership. Rehabilitation of beneficiaries through business is another purpose of the HHCA, and hopefully the State and the Commission have learned from their experience so that we do not need to follow the path of numerous lawsuits, beneficiary deaths and challenges to have the State and Commission fulfill the promise to use HHL for rehabilitation of beneficiaries.

We've come a long way but there is still much to do to insure beneficiaries obtain all that the HHCA promises. Without the Commissions' support many beneficiaries will pass and they and their offspring will be denied the benefits Prince Kuhio fought for over 100 years ago.



**QSI Consulting, Inc.
Analytical Study**

**Economic Impact of the Federal Universal
Service Fund Payments Received in the State
of Hawaii**

Prepared on behalf of Coral Wireless LLC dba Mobi PCS

Contributors:

Olesya Denney, Ph.D.
Warren Fischer, C.P.A.



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TABLE OF CONTENTS

EXECUTIVE SUMMARY 1

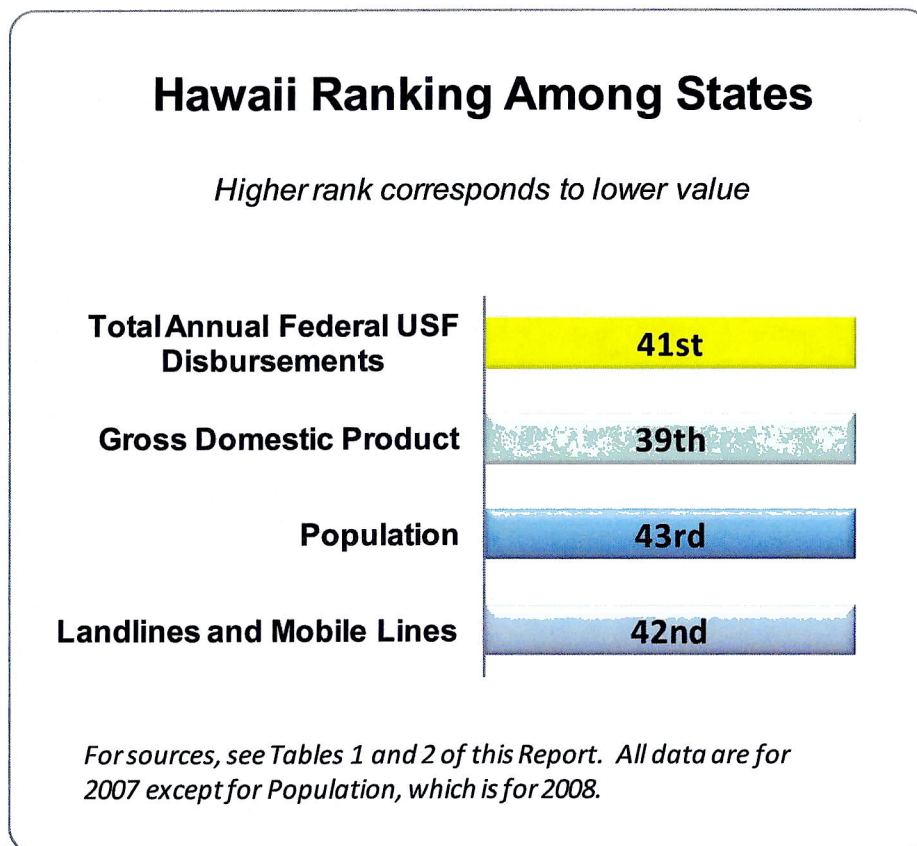
ECONOMIC IMPACT STUDY..... 4

- A. Scope of Analysis.....4
- B. Brief Review of the Federal Universal Service Program4
- C. Hawaii Disbursements from the Federal Universal Service Fund5
- D. Economic Impact of Federal USF Disbursements on the State of Hawaii.....8
 - 1. *The Stimulating Effects of Federal USF*.....8
 - 2. *Increased Choice at Affordable Rates*9
 - 3. *Economic Impact to State Economy*10
- E. Conclusion.....13

ABOUT QSI CONSULTING, INC..... 14

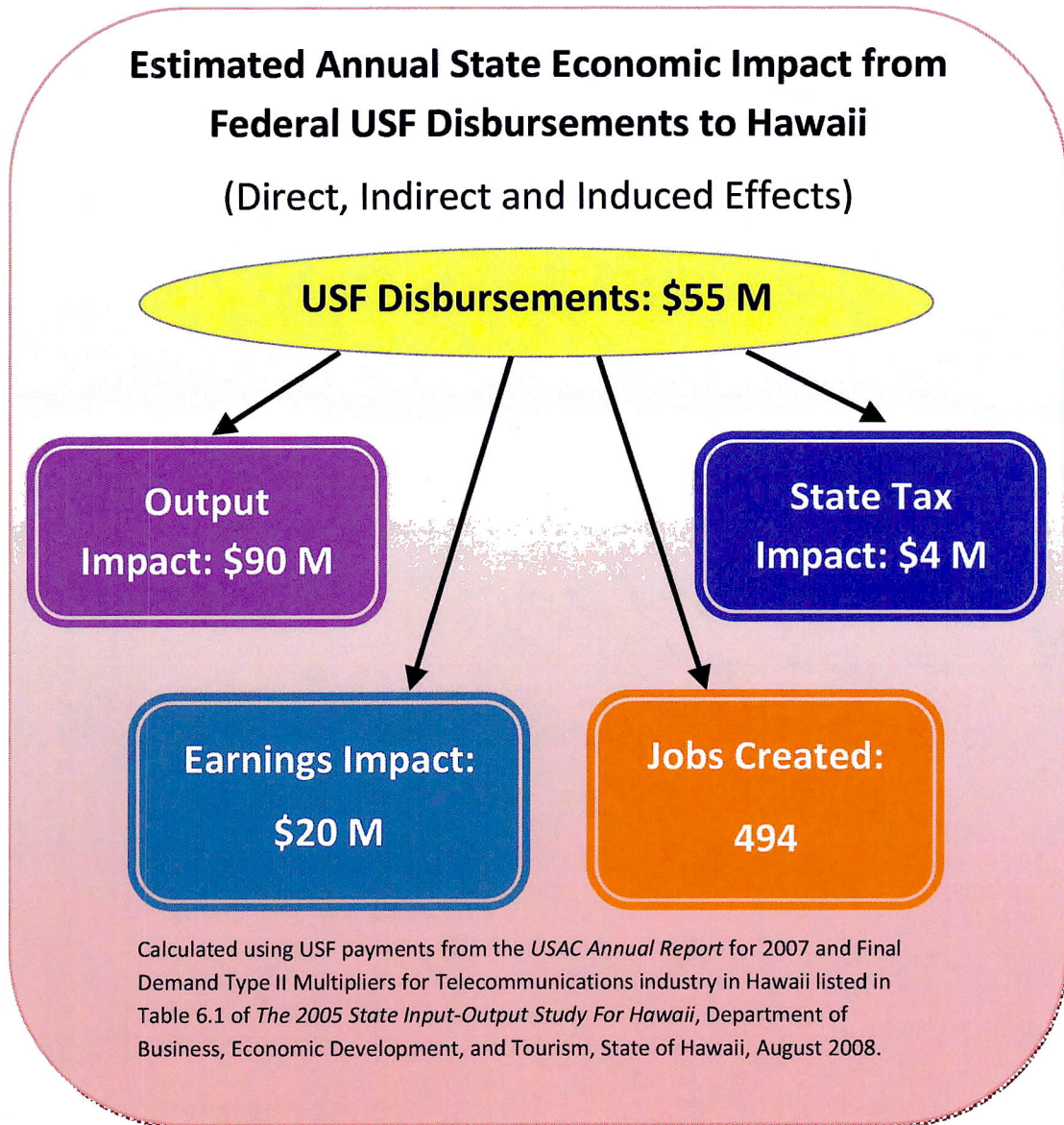
EXECUTIVE SUMMARY

Telecommunications carriers in the State of Hawaii receive approximately \$55 to \$60 million annually in support from the federal Universal Service Fund (“USF”) program. While this amount may appear to be large in absolute terms for a state the size of Hawaii, in fact it is in line with the state’s socio-economic indicators. For example, as shown in the chart below, Hawaii ranks 41st among the states in terms of the federal USF disbursements received by its telecommunications carriers. Comparatively, Hawaii ranks 39th in terms of Gross Domestic Product (“GDP”) and 43rd in terms of population.



The USF disbursements – by providing funds for telecommunications services in high cost areas, to low income persons, schools, libraries and rural healthcare institutions in the state – act as a stimulus to the regional economy. In this regard the USF program functions as a stimulus program just like the American Recovery and Reinvestment Act (“ARRA”) of 2009. As reflected in the chart below, we estimate that annual USF disbursements to the telecommunications carriers in the State of Hawaii result in total economic benefits to the entire state and its citizens as follows: total economic output

increases by approximately \$90 million, total earnings (income) increase by approximately \$20 million, state taxes (taxes paid by all subsequent rounds of spending) increase by nearly \$4 million, and approximately 494 new jobs are created in the telecommunications industry and elsewhere in the state.



**QSI's Economic Impact Analysis
of Federal USF Support in Hawaii**

Additionally, the citizens of Hawaii have increased choice of telecommunications services in all areas of the state at affordable rates that would not be feasible to offer absent support from the federal USF program.

ECONOMIC IMPACT STUDY

A. Scope of Analysis

QSI Consulting, Inc. was retained by Coral Wireless LLC dba Mobi PCS to analyze the support received by the telecommunications carriers in the State of Hawaii from the federal Universal Service Fund ("USF") in absolute terms and relative to USF support received by telecommunications carriers in other states throughout the country. We also examined the increased choices in telecommunications services available to the citizens of Hawaii made possible by federal USF support as well as the economic impact that USF support has on the State of Hawaii. This report does not render an opinion on the efficiency of the federal USF program nor areas of potential reform being contemplated by regulators and legislators.

B. Brief Review of the Federal Universal Service Program

The federal USF was created by the Federal Communications Commission ("FCC") in 1997 to meet the goals of universal service that were set by the Telecommunications Act of 1996 as follows:

- (1) **QUALITY AND RATES.**--Quality services should be available at just, reasonable, and affordable rates.
- (2) **ACCESS TO ADVANCED SERVICES.**--Access to advanced telecommunications and information services should be provided in all regions of the Nation.
- (3) **ACCESS IN RURAL AND HIGH COST AREAS.**--Consumers in all regions of the Nation, including low-income consumers and those in rural, insular, and high cost areas, should have access to telecommunications and information services, including interexchange services and advanced telecommunications and information services, that are reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.¹

The federal USF consists of the following four programs:

- **High Cost Program** ensures that consumers in high-cost regions pay affordable rates for telecommunications services;
- **Low Income Program** (known as Lifeline and Link Up) provides discounts for local telephone service to low income customers;

¹ Communications Act of 1934 (as amended), Section 254 (b).

- **Rural Health Care Program** provides reduced rates to rural health care providers for telecommunications and Internet services;
- **Schools and Libraries Program** (known as E-rate) provides affordable telecommunications and Internet services to schools and libraries.

Participants in the High Cost and Low Income Programs include rural and non-rural incumbent local exchange carriers and competitors that serve customers in the service areas of incumbent carriers. Participants in the Rural Health Care and Schools and Libraries programs are eligible telecommunications and Internet service providers including long distance, local exchange, and competitive local exchange carriers that provide discounted telecommunications service to eligible rural health care providers or schools and libraries. All four programs are funded by the same USF surcharge on telecommunications customers' bills.

C. Hawaii Disbursements from the Federal Universal Service Fund

According to the most recent Annual Report of the federal USF Administrator, the Universal Service Administrative Company ("USAC"), telecommunications carriers within the State of Hawaii received approximately \$55 million in disbursements in 2007 from the federal USF. Table 1 below contains disbursements to carriers in Hawaii for each of the four federal USF programs for 2007,² and the cumulative total amount over the course of the fund history (for the period 1998-2007). This table also contains landline and mobile telephone line counts (listed here to capture the size of Hawaii's telecommunications market). In addition to the total dollar amounts, this table shows Hawaii's relative position to other states measured in two ways – its ranking in the amount of USF support received (the largest recipient would be ranked 1st and the smallest recipient would be ranked 56th)³ and the percentage received of total nationwide amounts. Table 2 below provides additional measures for the High Cost Support program (the largest program within the federal USF in terms of total disbursements), as well as additional socio-economic data that captures the size of Hawaii's economy.

² This is the most recent actual (rather than projected) data that is presently available.

³ Geographic entities in the USF support and landline data summarized in Tables 1 and 2 include fifty states, the District of Columbia and other U.S. territories, including Puerto Rico, American Samoa, Guam, Northern Mariana Islands and U.S. Virgin Islands. Available data on mobile lines and population include fifty states, the District of Columbia and Puerto Rico. GDP data include the fifty states and the District of Columbia.

**QSI's Economic Impact Analysis
of Federal USF Support in Hawaii**

Table 1. Disbursements from All Federal Universal Service Support Mechanisms

Measure	Hawaii Rank	Hawaii Amount	Nationwide Amount	% Hawaii
Annual High Cost Support (2007)	39	\$51,864,000	\$4,286,733,000	1.21%
Annual Low-Income Support (2007)	51	\$574,000	\$822,762,000	0.07%
Annual Schools and Libraries (2007)	49	\$2,282,000	\$1,807,961,000	0.13%
Annual Rural Healthcare (2007)	49	\$182,000	\$37,381,000	0.49%
Total Annual Federal USF Disbursements (2007)	41	\$54,902,000	\$6,954,837,000	0.79%
Cumulative Federal USF Disbursements (1998-2007)	48	\$196,090,000	\$51,356,929,000	0.38%
Landlines and Mobile Lines (2007)	42	1,740,709	407,066,242	0.43%
Schools and Libraries Disbursement per Student	50	\$11.80	\$28.41	

Sources: FCC "Universal Service Monitoring Report" (2008), Tables 1.12 (2007 data for total payments by support mechanism) and 4.5 (Schools and Libraries Disbursements per Student for funding period 7/1/06-6/30/07); USAC Annual Report 2007 (Cumulative USF payments for 1998-2007); and FCC Report "Local Telephone Competition: Status as of December 31, 2007" (released 2008), tables 7 and 14 (landline and mobile lines).

Table 2. Hawaii Receipts of the Federal High Cost Fund are in Line with Its Size

Measure	Hawaii Rank	Hawaii Amount	Nationwide Amount	% Hawaii
Annual High Cost Support (2007)	39	\$51,864,000	\$4,286,733,000	1.21%
Cumulative High Cost Support (1998-2007)	45	\$163,824,000	\$30,235,829,000	0.54%
Gross Domestic Product (2007)	39	\$61,532,000,000	\$13,743,021,000,000	0.45%
Population (2008)	43	1,288,198	308,013,761	0.42%
Landlines and Mobile Lines (2007)	42	1,740,709	407,066,242	0.43%
Landlines (2007)	44	644,528	158,436,758	0.41%

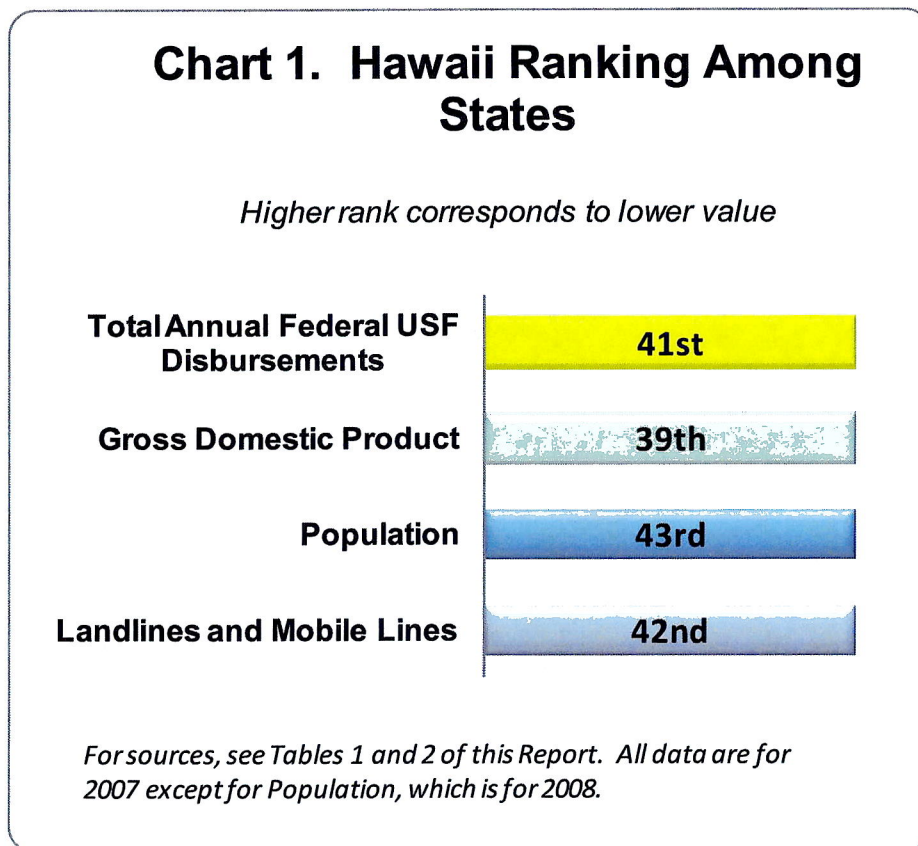
Sources: FCC "Universal Service Monitoring Report" (2008), Table 1.12 (high cost payments for 2007); U.S. Bureau of Economic Analysis Regional Economic Accounts (released June 2008), Table 5 (GDP for 2007); U.S. Census Bureau, Population Estimates (population for July 1, 2008); FCC Report "Local Telephone Competition: Status as of December 31, 2007" (released 2008), tables 7 and 14 (landline and mobile lines).

As seen from Tables 1 and 2 above, Hawaii's USF disbursements are in line with the size of the Hawaiian economy and telecommunications markets. Specifically, Table 1 shows that in 2007 Hawaii was ranked 41st in terms of total federal USF disbursements and 42nd

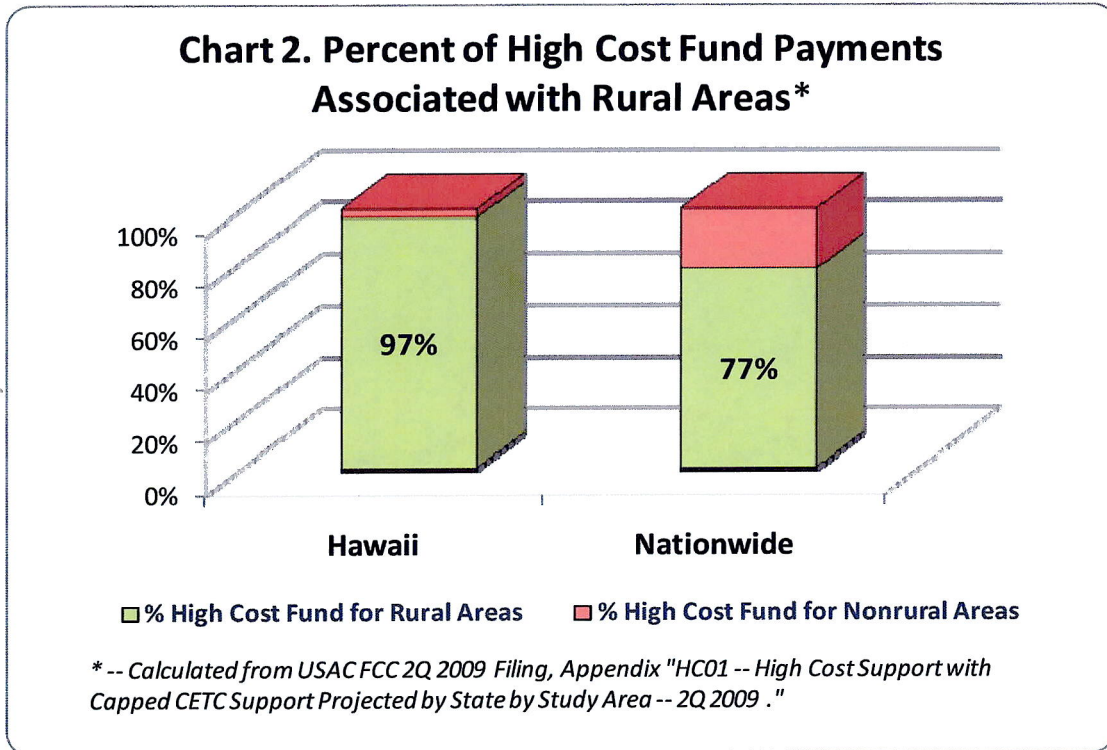
in terms of telephone lines (landlines and mobile lines), and Table 2 shows that in the same year Hawaii was ranked 39th in terms of GDP, and 43rd in terms of population. In addition, Table 1 shows that while Hawaii ranked somewhat higher in terms of the amount of High-Cost Support received by its telecommunications carriers (ranked 39th) in 2007, it ranked disproportionately lower in terms of support from other USF mechanisms, including the Schools and Libraries program (the second largest program) for which Hawaii was ranked only 49th in absolute amounts and 50th in terms of support per student.

Tables 1 and 2 also show that when cumulative historical USF disbursements are considered (rather than more recent annual data), Hawaii's relative ranking drops: For the period 1998-2007 Hawaii's cumulative total USF support ranked 48th while its cumulative High Cost Support ranked 45th.

Chart 1 below provides a compact summary of Hawaii's relative ranking in terms of total federal USF disbursements and major socio-economic measures:



The following Chart 2 provides a breakdown of High Cost disbursements between rural and non-rural areas:



It shows that 97% of Hawaii High Cost disbursements are associated with serving areas of the rural incumbent companies, while on a nationwide level only 77% of high-cost support is associated with serving areas of the rural incumbent companies. Because rural areas tend to have higher service costs than non-rural areas due to the barriers of customer density, distance, and topography factors, this chart explains why Hawaii has a somewhat higher proportion of high-cost support.

D. Economic Impact of Federal USF Disbursements on the State of Hawaii

1. The Stimulating Effects of Federal USF

Federal USF disbursements – by providing funds for telecommunications services in high cost areas, to low income persons, schools, libraries and rural healthcare institutions in the state – act as a stimulus to the regional economy. In this regard the effect of the federal USF is similar to the expected stimulus effect of the American Recovery and Reinvestment Act (“ARRA”) of 2009, which, among other things, focuses on domestic

spending on the nation's infrastructure, education and health care.⁴ The federal USF is a mature, fully-implemented program, with stable and well-defined collection, distribution and oversight mechanisms. These qualities make the USF program particularly effective as a stimulus plan for telecommunications, especially given that building telecommunications networks is a long-term task with large capital outlays, so that stability and predictability are crucial considerations for potential investors.

2. Increased Choice at Affordable Rates

Federal USF disbursements allow companies like Mobi PCS -- the only Hawaii-based mobile wireless carrier in the state -- to expand its network to less populated and higher-cost areas of Hawaii where Mobi PCS would otherwise not be able to offer cellular phone service. Mobi PCS focuses on pre-paid calling plans -- plans that do not lock customers into long-term contracts or subject them to credit checks to qualify for service. Mobi PCS is essentially offering phone service to customers who would not be able to afford phone service otherwise or may not qualify under typical credit check procedures. The company also offers nationwide unlimited calling for a flat fee that is at least 50% less than the cost of similar plans offered by other mobile companies that serve the state of Hawaii. The following table makes this point:

⁴ In fact, when compared to the ARRA's planned stimulus expenditures in the area of telecommunications infrastructure, the federal USF program has some distinct advantages as a mechanism for economic stimulation. First, the USF program has been in place in some form for over a decade, and has a recurring nature, whereas the ARRA's telecommunications infrastructure provisions (which pertain to broadband services, not voice telephone services) are focused only on the next 18 months. Moreover, essentially none of the key details of the ARRA's broadband program have been decided to date, including what specific investments will be made, by whom, under what conditions, and under what oversight and compliance procedures. Note that we are not addressing the overall efficiency of the USF mechanism; we are only pointing out its characteristics as an economic stimulus mechanism.

Table 3. Nationwide Unlimited Calling Plans Offered in Hawaii

Carrier	Monthly Rate	Notes on Plan
Wireless Carriers:		
Mobi PCS	\$46.00	Pre-Paid (No contract / No credit check) Unlimited L-D w/o Roaming
Mobi PCS	\$50.00	Pre-Paid (No contract / No credit check) Unlimited L-D with Roaming
Sprint	\$99.99	Not Pre-Paid
Verizon Wireless	\$119.70	Pre-Paid Daily \$3.99 * 30 days
AT&T Mobility	\$99.99	2 Year Contract
Wireline Carriers:		
Hawaiian Telcom	\$52.85	Local Line Oahu \$14.4 + SLC \$6.5 + Unlimited L-D \$ 25 + VM \$6.95
Oceanic Time Warner	\$48.90	Nationwide Rate for Subscribers of Cable or Internet \$ 44.95 + VM \$3.95
Pacific LightNet	\$52.94	Pacific LightNet Unlimited \$27.95 + Broadband from Hawaiian Telcom \$24.99
Vonage	\$49.98	Vonage Unlimited \$24.99 + Broadband from Hawaiian Telcom \$24.99

Rates collected from carriers' web sites. Voice Mail fee was added (where not included in the plan) to put service plan rates on a comparable basis.

As shown in Table 3 above, Mobi PCS' unlimited calling plans are not only a significant savings over the plans offered by the nationwide wireless providers, but are also comparable to the plans offered by wireline companies (while providing an additional important feature of mobility). In other words, Mobi PCS is providing an affordable alternative to traditional wireline services, which is particularly important to the state now that Hawaii's major incumbent, Hawaiian Telcom, has filed for bankruptcy protection.

3. Economic Impact to State Economy

The economic impact of federal USF disbursements to the State of Hawaii can be evaluated through multiplier analyses – a well-established technique used to estimate

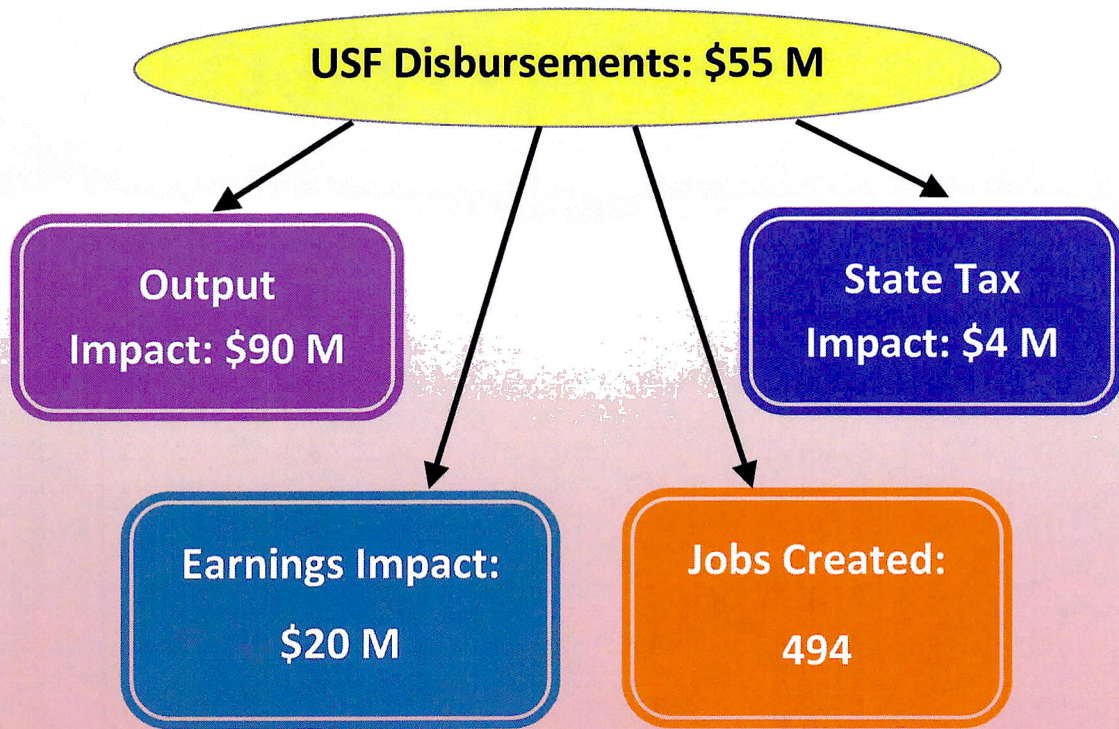
community-wide effects of a change in economic activity.⁵ The notion of economic multipliers captures the fact that an initial (direct) effect – such as new spending in the telecommunications industry – spreads into the regional economy in a chain reaction via *indirect* and *induced* effects. *Indirect* effects refer to the fact that the new spending will increase regional demand for products and services of industries that supply products and services to telecommunications carriers. *Induced* effects refer to the beneficial impacts of the new employees hired by the telecommunications carriers, which in turn create new jobs and additional demand in the regional economy. In the end, the total impact of the initial spending is greater than the amount of the initial spending, and the multiplier captures the relationship between the initial spending and its total impact.

We applied the concept of multiplier analysis to the federal USF disbursements received by telecommunications carriers in the State of Hawaii by using Hawaii-specific multipliers developed by the Department of Business, Economic Development, and Tourism of the State of Hawaii.⁶ Chart 3 below contains the results of this analysis. As seen in the chart, based on the multiplier analysis, the initial amount of annual USF disbursements – approximately \$55 million annually – translates into a state-wide annual economic impact as follows: total output increases by \$90 million, total earnings (income) – by \$20 million, state taxes (taxes paid by all subsequent rounds of spending) – by \$4 million, and approximately 494 new jobs are created in the telecommunications industry and elsewhere in the state.

⁵ For example, United States Department of Agriculture (“USDA”) recently announced that it will be using the multiplier analysis to monitor job creations from implementing ARRA projects (Specifically, USDA selected IMPLAN® multiplier modeling system. See http://implan.com/index.php?option=com_content&task=view&id=269&Itemid=116).

⁶ *The 2005 State Input-Output Study For Hawaii*, Department of Business, Economic Development, and Tourism, State of Hawaii, August 2008, Table 6.1 available at http://hawaii.gov/dbedt/info/economic/data_reports/2005_state_io/.

**Chart 3. Estimated Annual State Economic Impact
from Federal USF Disbursements to Hawaii**
(Direct, Indirect and Induced Effects)



Calculated using USF payments from the *USAC Annual Report* for 2007 and Final Demand Type II Multipliers for Telecommunications industry in Hawaii listed in Table 6.1 of *The 2005 State Input-Output Study For Hawaii*, Department of Business, Economic Development, and Tourism, State of Hawaii, August 2008.

E. Conclusion

The support amounts telecommunications carriers in the State of Hawaii receive from the federal Universal Service Fund are in line with the state's socio-economic indicators. The USF disbursements – by providing funds for telecommunications services in high cost areas, to low income persons, schools, libraries and rural healthcare institutions in the state – act as a stimulus to the regional economy – which is not unlike the designed effect of American Recovery and Reinvestment Act of 2009. We estimate that annual USF disbursements to the telecommunications carriers in the State of Hawaii result in significant economic benefits to the entire state and its citizens, including increases in total economic output (by \$90 million), total earnings (by \$20 million), state taxes (by \$4 million), and employment (by 494 new jobs created in the telecommunications industry and elsewhere in the state).

ABOUT QSI CONSULTING, INC.

QSI is a professional consultancy specializing in economic analysis and modeling as well as litigation and regulatory support, particularly as they relate to regulated telecommunications services. QSI's consultants provide a wide array of services including, but not limited to: (i) analysis of telecommunications carriers' embedded and forward-looking costs, (ii) econometric modeling with specific emphasis on telecommunications cost-of-service, (iii) network design and optimization, (iv) financial and business modeling, (v) complex litigation support including assessment of commercial damages and business impact analysis, (vi) executive-level strategic planning, (vii) telecommunications product development and operational management as well as (viii) training in nearly all aspects of the telecommunications industry (e.g., network technologies, cost modeling and management evaluation of cost-related information, tariffing and service development, etc.).

QSI represents clientele in nearly all aspects of the communications marketplace,⁷ including⁸ both competitive and regulated utilities as well as the regulatory bodies vested with the responsibility to manage the marketplace. Though QSI's client list is diverse, QSI consultants consistently and invariably adopt positions that are grounded in the public interest. This consistent approach stems from QSI's fundamental philosophy that the public interest is served from the lower prices, higher quality services and greater choice available within truly competitive and efficient markets.

⁷ QSI's brochure, explaining QSI's services, clients and consultants, is available for download at the following URL: <http://www.qsiconsulting.com/pdf/QSIElectronicBrochure.PDF>

⁸ More information regarding QSI's clients is available at the following URL: <http://qsiconsulting.com/clients.htm>

SUBMIT AGENDIZED TESTIMONY

"*" indicates required fields

Name *

Marion K A

First

Kapuniai

Last

Email *

mkkapuniai@gmail.com

Please Identify Agenda Item(s): *

C-4

Pick One: *

- Written Only - Submit Testimony Below
- Oral/Live Virtual Only - Enter N/A Below
- Both - Submit Testimony Below

<https://dhh.hawaii.gov/hhc/testimony/>

3/4

Message *

Thank you for providing this Report and Recommendations instellar time!

SUBJECT: NEW REVOCABLE PERMITS PROGRAM EXHIBIT "A"

PURPOSE:

1. Delete "to the general public" "A'OLE" Read HHCA Sec 204. . .
"the department is expressly authorized to negotiate, prior to negotiation with the general public. . . .to a native Hawaiian, or organization or associations owned or controlled by native Hawaiians".

PROCESS AND PROCEDURES:

- 3.b) Insert after "General RP - depending "on infrastructure available",

EXHIBIT D REVOCABLE PERMIT NO. #13. INSERT "When General RP involves pasturing of livestock, RIGHT TO ENTER by PERMITTOR will be by appointment."
#16.SURRENDER Common Neighboring Fencing and other improvements

File

*To Be Discussed,
THANK YOU!*

SUBMIT AGENDIZED TESTIMONY

"*" indicates required fields

Name *

Marion K A

First

Kapuniaia

Last

Email *

mkkapuniaia@gmail.com

Please Identify Agenda Item(s): *

F-1

Pick One: *

- Written Only - Submit Testimony Below
- Oral/Live Virtual Only - Enter N/A Below
- Both - Submit Testimony Below

4/19/24, 2:44 PM

Department of Hawaiian Home Lands | Submit Testimony (J-Agenda and Agendized Items)

Message *

New Revocable Permit Program
3) 5th bullet point Prior Permit for my RP/ROE does not allow for
conducting training nor equestrian activities.
This does not apply to RP for General/Pasturing
of Livestock.

CANNOT COMMENT FURTHER BECAUSE ITEM NO. F-1 is not available for
review.

I support the RECOMMENDED MOTION/ACTION

From: [Robin Danner](#)
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: [EXTERNAL] Testimony on C1
Date: Sunday, April 21, 2024 1:40:16 PM

Aloha Commissioners -

I submit this testimony as an HHCA beneficiary, a homestead leader, an agricultural waitlister, and an expert on housing, the HHCA, NAHASDA, and public policy. I submit this testimony as an individual, and as the CEO of the TiLeaf Group nonprofit, dedicated to good policy and technical expertise in supporting success on Hawaiian Home Lands by the State DHHL, the federal ONHR and the more than 50 HBAs defined in federal code.

Please register my opposition to C1 that would essentially direct \$33.5M in NAHASDA resources to subsidize private non-HHCA beneficiary developers and direct the State DHHL to build or buy rental housing.

I am a proponent of rental housing - but not at the expense of the purposes of the HHCA, of the State obligation to issue homestead lot awards to the 29,000 waitlist beneficiaries, and the empowerment of HBAs, especially with NAHASDA grant funds. These funds are uniquely intended to benefit low income HHCA beneficiaries within the framework of the HHCA – and that is, to become homesteaders, homeowners on residential, farming and ranching lots. The HHCA was indeed enacted a century ago, to move our people away from being renters, back then, called tenement housing. Do not take us backwards.

It is us, HHCA beneficiaries that worked with Senator Inouye 23 years ago to amend Indian Country's NAHASDA to include Hawaiian Home Lands and our low income HHCA beneficiaries as recipients toward the core purpose of the HHCA - homeownership on our homestead lands.

It is us, HHCA beneficiaries that suffered the foolishness of the last Governor, State DHHL Director and HHC that lost upwards of \$70M in NAHASDA funds by not spending it down. The administration was deaf to its own HHCA beneficiaries.

And it is us, HHCA beneficiaries that advocated consistently the last 10 years in the halls of Congress supporting Senator Schatz to return congressional appropriations to \$20M+ after a decade of only \$2M a year.

Now, just 2 years into the Governor Green administration, we see signs of deafness from this administration, from the State DHHL agency, standing on our shoulders, standing on our work, our voices on NAHASDA, to redirect the resources to private developers and rental housing. It is a betrayal. Of HHCA Beneficiaries today, and our unborn.

NAHASDA resources should, must be directed at grants to HHCA beneficiaries to build homes (vertical) on the hundreds of vacant lots out there and to purchase homes built on Hawaiian Home Lands.

The legacy of Governor Green and the second Watson term at DHHL, cannot be a tone deafness, that turns us into renters on our tribal lands, just because it feels “easier”, just because it makes “developers happy”. No. The promise of the HHCA, the promise in the Hawaii constitution is homeownership on lots for residential, farming and ranching. The promise is self – determination by HBAs and HHCA beneficiaries overall.

With a waitlist average age at 60, dying in a rental apartment cannot be Governor Green’s legacy, or the legacy of this Commission. Long after you leave, we will not, and we will remember.

Rental housing is needed everywhere in Hawaii - fulfillment of the HHCA however, is your mandate, as the Kalima case proved. Do not be tone deaf to Kalima. We are tired of suffering the desires of others during their short time in political power, rewarding developers with our resources, foolishly spending it on rentals versus vertical homeownership and lot awards.

We want to see 100% of our NAHASDA funds spent on:

1. lot awards, even in a mass undivided interest initiative,
2. in direct mortgage principle reduction grants to low income HHCA beneficiaries to buy and build homes,
3. in repairing and selling the hundreds of boarded up homes DHHL sits on from its foreclosure inventory,
4. a moratorium on evictions through foreclosure, and instead funding HBAs to implement assistance to delinquent borrowers to pay down mortgage loan balances to the level of affordability of delinquent borrowers.

5. in empowerment and training of HBAs in housing development and property management.

Mahalo for the opportunity to express my mana'o. Good people can disagree and certainly that's what elections and appointments to government commissions are almost always about.

This Governor made a commitment of loyalty to the HHCA, and as public officials on the HHC, each are bound to an exclusive duty to act in the best interest of HHCA beneficiaries.

Issuing \$38.5M in NAHASDA funds to feed non-HHCA beneficiary developers with financial subsidies and our land, to build or buy a lousy 142 rental units is absolutely not in our best interest, nor advances the tenets of the HHCA.

\$38.5M can easily support well over 300 HHCA beneficiaries to own vertical homes to not be trapped in a rental - the promise of the HHCA is clear - issue my people lots to live, farm, ranch and do mercantile. That is your mandate. Not setting up non-HHCA beneficiary developers or the State DHHL to own rentals on our land, not putting rental housing ahead of homestead lot awards and homeownership. Aole.

God bless everyone in this deliberation and absolutely clear choice. Loyalty to the core purposes of the HHCA, or loyalty to the easy short term path of others.

Robin Puanani Danner
TiLeaf Group
808-652-0140

A SCHHA Policy and
Technical Assistance Nonprofit

Supporting Sovereignty & Prosperity on Hawaiian Home Lands

From: [Kekoa Enomoto](#)
To: [Burrows-Nuuuanu, Leatrice W](#)
Subject: [EXTERNAL] Written public testimony; mahalo
Date: Friday, April 19, 2024 4:29:59 PM

Aloha mai e Na Hawaiian Homes Commissioners,
I would like to testify on agendized item F-2 concerning a motion for disposition on Pu'unene homelands.

I led a beneficiary hike onto these Hawaiian Homes federal trust lands at Pu'unene 1/21/24 during the annual SCHHA convention held on Maui. This pristine, beautiful 'aina is bordered by hundreds of acres that Mahi Pono is cultivating in citrus, coffee and other edibles. Forthwith is a signed MOA submitted to DHHL Director Kali Watson on a beneficiary-driven alternative initiative for this Pu'unene acreage:

Memorandum Of Agreement 4/19/24 to DHHL Director Kali Watson on a proposed Project Pulehunui 'Akau

Three native-owned Maui entities — Maui Taro Farm LLC, Hui 'Ulu Ola O Maui, and Pa'upena Community Development Inc. — propose to partner to develop and operate Project Pulehunui 'Akau on 177.4 Pu'unene homeland acres (TMK [2] 3-8-008: 035 and 036). The Pulehunui 'Akau agrotourism complex features, as follows:

- 10-acre kalo farm possibly incorporating a la'au lapa'au medicinal herb garden/orchard.
- 10-acre 'ulu orchard, both 10-acre agricultural endeavors featuring walking tours, water catchments and produce-processing facilities.
- 20-acre retail/cultural center, offering:
 - . Restaurants/tasting rooms/retail shops.
 - . 'Ulu/kalo factory and commercial kitchen.
 - . Native-arts gallery, showcasing cultural practitioners and workshops.
 - . Parking.
- 10-acre solar farm.
- 120-acre housing/community area, encompassing:
 - . 88 one-acre residential/sustainable-ag homestead homes.
 - . 32-person workforce-development housing on 8 acres.
 - . 7-acre education/recreation area with:
 - > 'Opio work/study center affording Punana Leo, and 'olelo Hawai'i immersion school.
 - > Community center.
 - > Adult daycare.

Maui Taro Farm LLC President Uncle Bobby Pahia is a Waiohuli Hawaiian homesteader and the Valley Isle's master kalo farmer, who has been cultivating and managing more than 300 Waikapu acres for a number of years.

Hui 'Ulu Ola O Maui is an IRS 501(c)(3) nonprofit, whose mission is to promote and educate about the nutritional benefits of 'ulu, or breadfruit, and to teach how to cultivate and prepare 'ulu. Leihuanani Keali'inohomoku serves as charter president of the 8-month-old disaster-

relief organization, Na Kia'i O Maui, formed in the wake of the 8/8/23 Lahaina wildfires. The former Kamehameha Maui preschool educator is a Maui Hawaiian Homes residential/agricultural waitlist beneficiary.

Pa'upena Community Development Inc. is a 7-year-old Upcountry Maui-based IRS 501(c)(3) nonprofit. The entity's vision is to fulfill Prince Kuhio's century-old dream for native Hawaiians to reconnect with Waiohuli ahupua'a in thriving agricultural and pastoral communities, and to share this paradigm throughout the pae 'aina, or archipelago. The County of Maui Department of Agriculture just awarded to Pa'upena CDC on 4/18/24 a \$199,200 grant to build water-catchment systems on seven Valley Isle homestead farms. Mahalo nui for your kind consideration,

Signed:

Robert Pahia
President, Maui Taro Farm LLC

Robin Leihuanani Keali'inohomoku
CEO, Hui 'Ulu Ola O Maui

Emma Yap
Chairwoman of the board
Pa'upena Community Development Inc.

Mahalo nui for this opportunity to testify,
-Kekoa Enomoto
board member,

Pa'upena Community Development Inc.

(808) 276-2713

Petition to the Department of Hawaiian Home Lands (DHHL)

DHHL Commissioners

Kali Watson, DHHL Commission Chair

Andrew Choi, Planning Director

Linda Chin, Land Management Director

Subject: Request for RFP Process with Community-Driven Criteria for TMK 1-9-1-151:058 in Kānehili Homestead

Aloha,

We, the undersigned Kānehili Homesteaders, unite to express our collective viewpoint following the beneficiary consultation led by the Department of Hawaiian Home Lands (DHHL) held on March 20, 2024 concerning the future of the land parcel identified as TMK 1-9-1-151:058, located within our Kānehili Homestead.

The beneficiary consultation, carried out in accordance with Hawaii Revised Statutes, was designed to hear the voices of our community. **It emerged from this process that the subject parcel should not be offered for competitive bidding.** The feedback gathered serves as a testament to our community's deep-seated interest in ensuring any development on this land is aligned with the Kānehili Homesteaders' visions and aspirations.

Given our community's input, we respectfully call upon DHHL to initiate a Request for Proposals (RFP) tailored to this parcel, with a preference for projects that deliver concrete benefits to our community. We highlight the necessity of crafting scoring criteria within the RFP that attribute significant value to proposals enriched by the direct input from our Kānehili beneficiaries. Such criteria will not only guarantee alignment with our collective vision but also affirm the commitment to the principle of self-determination, a fundamental aspect of the Hawaiian Homes Commission Act.

Prioritizing proposals with our insights will lead to developments that cater to and reflect the unique requirements of the Kānehili Homesteaders. This approach promises to cultivate a development model that resonates with the act's intention of empowering native Hawaiian communities, thereby fostering environments where our voices, needs, and aspirations are not just heard but are pivotal to the development process.

We are thankful to DHHL for conducting the beneficiary consultation and for taking our unified perspective into consideration. Our trust lies in DHHL's commitment to envisioning a future for the Kānehili Homestead beneficiaries that duly respects and incorporates the wishes of its residents.

Mahalo nui loa for your support and understanding. We eagerly anticipate a positive response and remain prepared to participate in dialogue or provide any necessary clarifications.

With respect and Aloha,

Randy Akau, President 

Kānehili Community Association

KĀNEHILI CA PETITION TO THE DEPARTMENT OF HAWAIIAN HOME LANDS

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* 2/25

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