

HAWAIIAN HOMES COMMISSION

Minutes of July 15, 2024

Hale Pono`i, 91-5420 Kapolei Parkway, Kapolei, O`ahu, 96707, 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
Makai Freitas, West Hawai`i Commissioner
Michael L. Kaleikini, East Hawai`i Commissioner (ICT)
Archie Kalepa, Maui Commissioner
Walter Kaneakua, O`ahu Commissioner
Lawrence Lasua, Moloka`i Commissioner
Sanoe Marfil, O`ahu Commissioner
Pauline N. Namu`o, O`ahu Commissioner
Dennis L. Neves, Kauai Commissioner

COUNSEL Alana Bryant, Deputy Attorney General

STAFF Katie L. Lambert, Deputy to the Chair
Richard Hoke, Executive Assistant to the Chair
Leah Burrows-Nuuanu, Secretary to the Commission
Andrew Choy, Planning Office Manager
Kalani Fronda, Acting Administrator, Land Development Division
Linda Chinn, Acting Administrator, Land Management Division
Kahana Albinio, General Professional, Land Management Division
Juan Garcia, Homestead Services Division Administrator
Lehua Kinilau-Cano, NAHASDA Government Relations Program Manager

ORDER OF BUSINESS

Note: Chair Watson swore in interim commissioners Archie Kalepa and Lawrence Lasua prior to the start of the meeting.

Commissioner Kalepa is from Lahaina and lives in Leiali`i. He will serve the people to the best of his ability, listening attentively to their needs and supporting the Commission's mission.

Commissioner Lasua is a homesteader from Kalama`ula, Moloka`i. He looks forward to the challenges ahead and to doing the best he can for the beneficiaries.

CALL TO ORDER

Chair Watson called the meeting to order at 9:38 a.m. Eight (8) members were present at the meeting, and one member via Zoom, establishing a quorum.

Homestead Services Division Administrator Juan Garcia requested an amendment to the agenda to include the names of lessees in Items D-2 and D-3. The names are included in the submittal but were not on the agenda exhibit listing.

D-2 Consent to Mortgage		
<u>LESSEE</u>	<u>LEASE NO.</u>	<u>AREA</u>
JOHNSON, Edith L.	13007	Kakaina, Oahu
KAIAOKAMALIE, Anuheia L.	7650	Waiohuli, Mau
MCARTHUR, Kazuaki H.R.	5284	Waianae, Oahu
MCDERMOTT, Cheryl M.	3499	Paukukalo, Maui
MERCADO, James L., Jr.	12250	Waiehu Kou IV, Maui
NAPEAHI-AKUI, Neon N.	11989	Kaupea, Oahu
PALAKIKO, Leslie Ann	681	Nanakuli, Oahu
POOUAHI, Doni-Jay K.	7458	Waiohuli, Mau
RAMOS, Maui J.	11179	Panaewa, Hawaii
YOUNG, Patricia K.	5650	Keaukaha, Hawaii
D-3 Ratification of Loan Approvals		
AKAO, Bishop	13029	Keaukaha, Hawaii
KAHUMOKU, Jason	3965	Waimanalo, Oahu

APPROVAL OF AGENDA

MOTION TO AMEND

Moved by Commissioner Neves, seconded by Commissioner Freitas, to amend the agenda to include the list of names for approval in Items D-2 and D-3. Motion carried unanimously.

AMENDED MOTION/ACTION

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

APPROVAL OF MINUTES

- a) **June 13, 2024, 2024 Minutes Budget Workshop**
- b) **June 17 & 18, 2024 Regular Minutes**

Commission Secretary Leah Burrows-Nuuanu noted for the record on the June 17 & 18, 2024 Minutes that there is a correction to the voting results on page 16. The vote was **not unanimous**, and there was **one (1) no** vote. If the Commission approves, it will be amended.

MOTION/ACTION AS AMENDED

Moved by Commissioner Marfil, seconded by Commissioner Neves, to approve the June 13, 2024, Budget Workshop Minutes and the June 17 & 18, 2024 Regular Minutes as Amended. Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Patty Kahanamoku Teruya Item C-3

P. Teruya spoke on behalf of their Neighborhood Security Watch in Nanakuli. She supports Item C-3. The Enforcement Team has done a wonderful job in the community. They have engaged with the community, attended meetings, and provided education about DHHL and enforcement. They are open to communicating with beneficiaries via email about issues and concerns. The community has been having town meetings called Hope Awareness and has asked that the Enforcement Team participate.

PT-2 Jojo Tanimoto Item G-1

J. Tanimoto requested that the approval of Item G-1 - the Kawaihae Regional Plan, be postponed because she does not think the community is aware of this presentation. About 25 people supported the submittal based on the water subsidy. The plan has a lot of informational errors. She submitted testimony last week, but the new plan was not available to her until past Saturday. She requested a water subsidy and for Lālāmilo water access to Kawaihae. She heard that water was coming to Kawaihae, but it was for the commercial area and had nothing to do with the community's needs. She put in the requests but does not see it in the plan. She asked again for the Kailapa emergency road access.

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 June 2024 (see exhibit)**
- ITEM D-6 Reinstatement of Deferred Application (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.

J. Garcia highlighted Item D-7, which includes the transfer transaction for Francine Palama and Lawrence Hao. The parties came before the Commission in June, requesting the transfer be approved by the Commission.

MOTION

Moved by Commissioner Neves, seconded by Commissioner Marfil, to approve the Consent Agenda as stated in the submittal.

DISCUSSION

Commissioner Kaleikini asked about Item D-4, which has pages of folks deceased, and if those are people on the waitlist who passed away in 2023. J. Garcia stated they are individual applicants who do not have a designated successor. The Department went through the public notice process, and no qualified relatives came forward to claim that application. So, HSD is asking for the Commission’s approval to cancel the application.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Marfil, to approve the Consent Agenda as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Marfil		X	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.						

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-1 Approval of Petition for Declaratory Ruling to Determine the Enforceability of the Settlement and Mutual Release and Indemnity Agreement Between DHHL, Bruce K. Parker (dec.), as the Personal Representative of the Estate of Pearl K. Parker, and Lessee Thalia White-Ching (dec.), and the Stipulated Order Regarding Irrevocable Designation of Bruce K. Parker as Successor to Lease No. 2877

RECOMMENDED MOTION/ACTION

Executive Assistant to the Chairman, Richard Hoke, presented the following:
Motion that the Hawaiian Homes Commission approve the Petition for Declaratory Ruling to Determine the Enforceability of the Settlement and Mutual Release and Indemnity Agreement Between DHHL, Bruce K. Parker (dec.), as the Personal Representative of the Estate of Pearl K. Parker, and Lessee Thalia White-Ching (dec.), and the Stipulated Order Regarding Irrevocable Designation of Bruce K. Parker as Successor to Lease No. 2877

Present with R. Hoke is Lisa Parker, Representative to her Husband, Bruce Parker’s (dec) Estate. The case involves litigation that resulted in a settlement. The Estate, represented by his wife, Lisa Parker, is asking that the Commission give valid effect to the settlement and put into effect the intent of the parties to that settlement agreement.

- John Parker was the original lessee, and he conveyed his interest to his wife, Pearl Parker.

- John Parker died, and Pearl Parker took over the lease
- Pearl Parker held the lease until 2020 when she was adjudicated to be incapacitated
- The care worker took Pearl to court that Pearl could not take care of herself
- Three guardians were appointed to her, one being Thalia Ching
- Thalia Ching had Pearl Parker designate her, Thalia Ching, as the successor and also had the lease transferred into her and Pearl Parker's name, so it became a joint lease.
- Several months later, Thalia Ching had Pearl convey the lease under Thalia Ching only.
- When Pearl died, her son, Bruce Parker, filed a lawsuit that Thalia Ching fraudulently attained the conveyance of the lease because his mother, Pearl, lacked capacity as was determined by the court.
- On the eve of the trial, a settlement was reached between the Estate of Pearl Parker, represented by her son Bruce Parker, and Thalia Ching.
- The settlement agreement, except for Exhibit 2, says that Thalia Ching would designate Bruce Parker as the successor to Lease 2877 or designate any other person that Bruce Parker or his Estate names as a successor in the event Bruce Parker is unable to be designated as successor to the lease.
- Thalia Ching would retain the right to remain on the property for the remainder of her life.

Chair Watson asked who the parties to the litigation were. R. Hoke stated the parties were Bruce Parker, individually, the Estate of Pearl Parker, the Department of Hawaiian Home Lands, and Thalia Ching. Since Bruce Parker's death, Lisa Parker has been the representative of the Estate pursuant to a will. Lisa asked the Commission to validate the Settlement Agreement as well as the Stipulation and Order and allow the Estate of Bruce Parker to name the successor to their father's lease.

DISCUSSION

Commissioner Neves asked if Bruce Parker was designated the successor, but he passed away. R. Hoke stated that when Bruce Parker passed away, the position taken by the Department was that he could not designate to a future person because he was a designee and not a lessee. The Department's position is that it will not be following the settlement agreement and the court's Order that the Estate of Bruce Parker be based on the circumstances because it was an initial fraudulent conveyance. The reason for the settlement was to rectify the wrong and return the property to the original lessee, the Parker Estate. However, since Bruce Parker died, based on the settlement agreement, his Estate would name the successor.

In the submittal exhibits are emails between the Attorney for the Department of Hawaiian Home Lands and Bruce Parker, which specifically mentioned this dilemma after Mrs. Parker's death. In the email, Dennis O'Connor tells the Attorney General about the dilemma Bruce Parker faced. The email between the AG for HHL and the AG for Bruce Parker reflects what was going on.

R. Hoke stated Lisa Parker is asking that the Commission review the history of the case, review the settlement agreement between Thalia Ching and the Parkers, review the Stipulation Order signed by the Department's Attorneys, and the communications that were contemporaneous with the signing, and give validity to the settlement agreement and put into effects its terms and conditions which would allow the Estate of Bruce Parker to name the next successor, which for the record, would be his son Kamuela.

Commissioner Neves stated Bruce Parker is designated a successor. He passes away, and he does not have any rights to that lease at that point. The only person who has rights to that lease is Thalia Ching. Bruce Parker is not a lessee, only a successor. Commissioner Neves asked the Homestead Division Administrator to come to the table to explain the process, as he had been doing this for 30 years.

R. Hoke stated the lessee, Thalia Ching, surrendered her lease during the settlement agreement, and she did it because she was on the eve of going to trial with the allegation that she got the lease fraudulently. A court declared Pearl Parker incapacitated. Having an attorney to work something out where Thalia Ching was allowed to be there for life. She is called a lessee because the Department's files called her a lessee. What Thalia Ching had was a life estate, not the full rights of a lessee. Upon her death, she was no longer a lessee. The Thalia Ching line came into position based on a fraudulent act.

J. Garcia stated that the Department has a similar understanding of this process. The settlement agreement called for Thalia Ching to designate Bruce Parker as successor to the lease, whereby the lease interest would vest to Bruce Parker upon Thalia Ching's death. Bruce pre-deceased Thalia, so whatever interest Bruce held terminated upon his death.

J. Garcia responded to Thalia Ching's interest as a lessee. In the Department's file, she did not hold a life interest. She was the lessee and would remain the lessee until her death. Suppose the settlement intended to have Bruce hold the lease. Why did the complainant, Bruce Keppler, not demand that the transfer of the lease be completed from Thalia to Bruce rather than naming him as successor? This would have assured his possession of the lease if the lease had been transferred. Unfortunately, that did not happen. Thalia fulfilled the condition of the Order when she was required to designate Bruce Parker as successor. He apologized to the family of Bruce Parker, but the Department is following the HHC Act Section 209 and HAR 10-3-63, which requires the Department to publish a notice if the lessee fails to have an effective lease.

Commissioner Neves asked if a public notice had been put out. J. Garcia stated not yet. Commissioner Neves asked if he had ever run into this kind of issue before. J. Garcia stated that the Department has followed the Act and the Administrative Rules and has always followed them. Commissioner Neves asked if these types of issues come to the Commission for contested cases. J. Garcia stated the petitioner can request a contested case hearing.

Chair Watson stated he appreciates Juan's time with the Department and understanding of all the rules with respect to the Department's process. He asked J. Garcia if he had any experience with litigation. J. Garcia stated he has no experience as he is not a lawyer and does not profess to be one.

Chair Watson asked J. Garcia, based on his experience, if the Department had any cases where litigation was involved, where the Department acknowledged and enforced the court's rules. J. Garcia stated that, in his experience, he does not recall any situation where the court stepped in and ordered the Commission. His only experience is in bankruptcy court. Chair Watson stated the litigation would probably be deferred to legal counsel, the Attorney General's Office. Would that be a correct statement? J. Garcia stated that is correct.

Chair Watson stated there are different ways to approach this: ask for more information, request a hearing, decide, or defer it. Is the house abandoned, or is someone in there? Lisa Parker stated she heard a grandson was living there, but it was boarded up.

Commissioner Kaleikini stated this is not a simple situation, and there is a lot of legal information. He is used to something like this: going before a hearings officer to determine the findings, facts, and conclusions and come to the Commission with recommendations. He supports this going to a hearings officer.

Commissioner Neves asked the AG to opine on whether it was a valid agreement.

DAG Alana Bryant stated there are a lot of legal issues that could be discussed, and in order to preserve attorney-client privilege, suggested the Commission go into executive session to discuss those legal issues.

Public Testimony – Blossom Feiteira. She asked that the Commission defer decision-making, and she noticed it was also in for executive session. She reads into this that the Court Order is undermining the authority of the Commission and compelling the Commission to make the decision. It can compel the Commission to change its fiduciary duties. She asked the Commission to go into executive session and defer the decision. Whatever the Commission does will have an impact in the future.

Public Testimony – Homelani Schaedel. Her kuleana is to protect the Trust. She also agreed with Blossom that the Commission needs to go into executive session. She did not want the Commission to set another precedent and asked that they be cautious about the decision the Commission is going to make. There are many on the waitlist, and the Department has been sued many times. The Commission's fiduciary duty is to the Hawaiian Homes Commission Act to protect the Trust and to protect its beneficiaries.

Public Testimony – Patrick Kahawaiola`a. He also echoed the sentiment that the Commission's kuleana is to its beneficiaries and then to the Trust. With something that happened 16 years ago, he reminded the Commission that when they go into executive session, the HHC Act, Section 206, clearly states that the powers and duties of the Governor and the State of Hawai'i are restricted. He asked that the Commission does not think they will have to circumvent the power of the Commission or that of the State Court. Hawaiian Homes and the Trust do not subordinate themselves to the whims of the court.

Public Testimony – Germaine Meyers. She also agreed with the testimony of those who testified before her. After the executive session, she hopes that the Commission will come up with a decision to defer what Commissioner Kaleikini suggested.

Public testimony – Puni Kekauoha. She is testifying on behalf of the Parker `Ohana. Her Aunt Pearl was incapacitated in making the decision and was not of sound mind in making that transfer. The assignment went to Bruce. The Department does not look at the kupuna's state of mind. Thalia was taking care of Aunt, but that lease belongs to Bruce and the Parker `Ohana. She supports Lisa. The house in Papakōlea is abandoned, and the roof is falling.

Lisa Parker spoke on behalf of her deceased husband, Bruce Parker, and to support Item C-1. Lease No. 2877 on Tantalus Drive was the home of John and Pearl Parker and their nine children, and their family thrived. She and Bruce worked together for that once-in-a-lifetime entitlement. It was their mission.

MOTION

Moved by Commissioner Freitas, seconded by Commissioner Neves, 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

10:40 AM

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. Discussion Regarding Item C-1 - Approval of Petition for Declaratory Ruling to Determine the Enforceability of the Settlement and Mutual Release and Indemnity Agreement Between DHHL, Bruce K. Parker (dec.), as the Personal Representative of the Estate of Pearl K. Parker, and Lessee Thalia White-Ching (dec.), and the Stipulated Order Regarding Irrevocable Designation of Bruce K. Parker as Successor to Lease No. 2877

EXECUTIVE SESSION OUT

11:05 AM

Executive Session Summary

Chair Watson stated that the Commission had discussed the Parker case and had called on Commissioner Kaleikini.

MOTION/ACTION

Moved by Commissioner Kaleikini, seconded by Commissioner Neves, to approve the motion for a contested case hearing for the Parker situation (Item C-1).						
Commissioner	1	2	AYE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua			X			
Commissioner Kaleikini	X		X			
Commissioner Kalepa			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.						

HOMESTEAD SERVICES DIVISION

ITEM D-10 Denial of the Assignment of Lease Transfer Request – MATTHEW L. A. MIKA, Agricultural Lease No. 6265, Lot No. 160-B, Pana‘ewa, Hawai‘i

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion that the Hawaiian Homes Commission Deny the Assignment of Lease Transfer Request – MATTHEW L. A. MIKA, Agricultural Lease No. 6265, Lot No. 160-B, Pana‘ewa, Hawai‘i

DISCUSSION

Ivan Lui Kwon supported the approval of the transfer of the lease to the potential lessee, William T. Aiona, Sr. He testified as a friend and not an attorney and has known Tommy Aiona for 65 years and attended school together. He spoke respectfully of Mr. Aiona as a friend, a husband, a father, and a police officer. He respectfully asked that the Commission place Mr. Aiona and his ohana upon the soil.

Kamaui Aiona, a Firefighter for Maui County, represented his dad, William Tommy Aiona. He spoke in support of his dad's request for the lease transfer in Pana'ewa Hawai'i. Hawaiian Homes has been a part of their family's upbringing and success. His parents raised him and his brothers, Kamaki and Kaniala, in Pu'ukapu farm lots in Waimea, and they have all flourished academically as well. For the record, he thanked his dad for all they learned and experienced and thanked Hawaiian Homes for making it possible. His family is still a family of farmers, and subsistence has been important to his dad and the ohana. The Pana'ewa lot would help them to grow their farm. If approved, they will make sure to make good use of that lot. They did not know what the denial issue was, so they came in person to present their testimony. They want to know why and if there is information they can provide to the Department.

Public Testimony – Charmaine Poki is a realtor representing Mr. Mika, who inherited the property from his grandfather. A copy of the letter of what they improved on the land was sent to the Commission's Secretary, Leah. It is with the hope that the transfer will get approved. They could never get an answer as to what is an improvement. She was told that the Commissioners have the last say and asked that the transfer be approved.

Commissioner Kaleikini stated in looking at the item regarding the Department's recommendation. Reading through the discussion, it is not simple to figure out why the Department is recommending denial. It states that the undeveloped, undivided interest lot shall not be sold but may be transferred. He took it that Mr. Mika was planning to sell, which is not allowed. He asked Juan Garcia to elaborate on understanding the Department's recommendation of denial.

J. Garcia stated the reason for the denial of the transfer is the HAR 10-3.36, which states that the lessee with written permission may transfer to any individual who is at least 18 years old and qualified under the Act provided that leases for vacant or undeveloped lot and undivided interest or any interest therein, shall not be sold but may be transferred for no consideration or by succession. The transfer request submitted by the lessee, Mr. Mika, and completed by the transferee confirmed that the lease is being sold for \$175,000. There is an email in which the realtor confirmed that the property is being sold. HAR 10-3.36 states the property shall not be sold, and that is the basis for the denial.

Commissioner Kaleikini stated for the record that the testimony heard speaks highly of the Aiona family, and he does not know any of them but thinks highly of them. He asked if the lease transfer was denied and if the lease remains with Mr. Mika. J. Garcia stated that it is corrected. J. Garcia stated he does not question Mr. Aiona's farming but is following HAR 10-3.36 which prohibits the sale of a vacant lot. Still, if the Commission wishes to accept the improvement of the lot and the water meter, it is up to the Commission to accept those improvements as improvements noted in HAR 10-3.36.

Commissioner Namu`o asked about the \$175,000 payment; did they know they could not sell it? Charmaine Poki, a realtor, indicated she knew it could not be sold. Still, they are coming before

the Commission with the hope that for some of the minimal improvements (Charmaine's words), the Commission will consider approving the transfer based on the improvements.

Chair Watson stated there are a few improvements to justify, and that would fall outside of the HAR 10-3.36, and it could be sold for \$175,000.

Commissioner Neves asked if the lot was an agricultural lease. J. Garcia stated it is. You can have detached lots as long as they do not exceed the 40-acre aggregate. This is in the Rules and the Act. Commissioner Neves asked for a copy of the Rule.

Commissioner Kaneakua asked Mr. Mika to improve the lot. Does that fall into the Rules to transfer and give consideration for the improvements? J. Garcia stated again that it is the issue of profiting from a vacant lot and improving it. There was a PIG that did not come up with a conclusion with regards to the sale of leases, but it allowed for the Commission to proceed with the amendment of the Rules in 2017, and HAR 10-3.36 is the result of that amendment to the Rule. It is up to the Commission if they want to allow an individual who received the property by being awarded it and did not make any investment in the property to profit a large sum of money from another native Hawaiian.

Commissioner Freitas stated there are two parts, one of which is what improvements actually are, and the other the profit part of this. The Commission is always tasked with Prince Kuhio's vision, and there are 28,000 people on the wait list who have nothing. Was the Act implemented to make money off the land you were awarded or a successor to? For him, that is a sticking point.

Chair Watson stated there are some improvements. The person trying to dispose of it is houseless and on the street. The Aiona family is trying to make use of it to the max. Even with the strict interpretation of the Rule, there is an improvement, and it is saleable in this transfer under the Rule. He sees that both sides are being helped and the land is being used productively. He is supportive of what is being suggested regarding the transfer.

Commissioner Neves asked to go into executive session because there is a question of value, and the Department must give direction on what is considered value moving forward.

Kamaui Aiona stated that the lot went up for sale, which was higher than they wanted to pay. His dad came in some money from the Kalima case, so that is the money being offered to get that Pana'ewa lot. He feels strongly that Hawaiians should not profit from vacant lands from Hawaiian Homes.

Charmaine Poki stated she has been a realtor for 30 years, and when it comes to pricing, she asked what they want for it and what the buyer is willing to pay.

Chair Watson stated this item would be taken up at noon and then come back.

LAND DEVELOPMENT DIVISION

ITEM E-1 Approval of Lease Awards for Pu‘uhona Subdivision Residential Offering – Phase 1

RECOMMENDED MOTION/ACTION

Acting Administrator Land Development Division Kalani Fronda and Michelle Hitzeman, Acting Housing Project Branch Manager who oversees the Housing Project, presented the following: Motion that the Hawaiian Homes Commission approve the Lease Award for Pu‘uhona Subdivision Residential Offering – Phase 1

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Marfil, to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Marfil		X	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 E-2 Approval of Findings of No Significant Impact (FONSI) for Honokowai Wate System Improvement Project Final Environmental Assessment

RECOMMENDED MOTION/ACTION

Acting Administrator Land Development Division Kalani Fronda and Engineer Neil Nugent presented the following: Motion that the Hawaiian Homes Commission approve the Findings of No Significant Impact (FONSI) for the Honokowai Wate System Improvement Project Final Environmental Assessment

N. Nugent stated that this EA deals with a well that was drilled in 2010, 900 feet deep, and would yield one million gallons of drinking water per day. The Well does not have the necessary equipment to use yet. Still, the project will build a pump station, a control building, a disinfection system, electrical components, a control tank, a Maui Electric company transformer, a standby generator, and about 8,000 feet of 12-inch water main that will transmit the water from the Well to the mixing tank constructed by the Department of Water Supply in Maui.

The land use is not anticipated to have a significant impact on the surrounding environment. The project is consistent with the DHHL General Plan, the Maui Island Plan, the Leiali‘i Regional Plan, and the Water Policy Plan.

Note: Slide presentation attached.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Marfil, to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Marfil		X	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.						

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Annual Renewal of Revocable Permit Pilot Program – Revocable Permits, O`ahu Island

RECOMMENDED MOTION/ACTION

General Professional Land Management Division Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the Annual Renewal of Revocable Permit Pilot Program – Revocable Permits, O`ahu Island

MOTION

Moved by Commissioner Neves, seconded by Commissioner Namu`o, to approve the motion as stated in the submittal.

DISCUSSION

Public Testimony – Patty Teruya stated she supports the submittal. For the record, LMD did a good job with this client, Kane’s Trucking.

Commissioner Neves stated that No. 488 has a delinquent amount of \$47,000; is that with the AG? K. Albinio stated it is with the AG. Commissioner Neves asked if this wraps up O`ahu RPs or if there are more. K. Albinio stated they are in the process of preparing more.

Commissioner Kaneakua asked K. Albinio to discuss the Waimanalo property. K. Albinio stated that it is a property along the highway, and all the members of that association are homesteaders and part of the Limu Hui program. Commissioner Kaneakua wanted that on the record so that the Commission would not approve things without understanding.

Commissioner Marfil asked what the difference is between a month-to-month permit and a one-year permit. K. Albinio stated that revocable permits are annually renewable, but they are month-to-month, so we can give them a 30-day notice.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Namu`o, to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o		X	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.						

K. Albinio stated Item F-2 should have read Approval to Second Amendment of Right of Entry No 708...

ITEM F-2 Approval to *Second* Amend Right of Entry Permit No. 708, Frand V. Coluccio Construction Company, Inc., Honolulu, O`ahu Island, TMK No. (1) 2-2-005:035

RECOMMENDED MOTION/ACTION

General Professional Land Management Division Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the *Second* Amendment Right of Entry Permit No. 708, Frank V. Coluccio Construction Company, Inc., Honolulu, O`ahu Island, TMK No. (1) 2-2-005:035, to extend an additional 12-month period. Conditions are listed in the submittal.

In the submittal, on page 1, in the second paragraph, it states, “approved the second amendment.” It should read “*approved the first amendment.*”

DISCUSSION

Commissioner Namu`o stated the three O`ahu Commissioners had a meeting with Puni Kekauoha in Papakolea. Puni wanted to let the Commission know their association supports this proposal.

MOTION/ACTION

Moved by Commissioner Namu`o, 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 Freitas			X			
Commissioner Lasua			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o	X		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 Amend Right of Entry Permit No. 706, State of Hawai'i Department of Agriculture (HDOA), Waimanalo, O`ahu Island, TMK No. (1) 4-1-011:001

RECOMMENDED MOTION/ACTION

General Professional Land Management Division Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve to Amend Right of Entry Permit No. 706, State of Hawai'i Department of Agriculture (HDOA), Waimanalo, O`ahu Island, TMK No. (1) 4-1-011:001

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Namu`o, to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o		X	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 Authorization to Amend General Lease No. 288, Kapolei Community Development Corporation (KCDC), East Kapolei, Island of O`ahu, TMK No. (1) 9-1-016:018 (p)

RECOMMENDED MOTION/ACTION

General Professional Land Management Division Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission Authorization to Amend General Lease No. 288, Kapolei Community Development Corporation (KCDC), East Kapolei, Island of O`ahu, TMK No. (1) 9-1-016:018 (p). Conditions are listed in the submittal.

KCDC President Michelle Kauhane and Executive Director Chantelle Keliioomalulu shared a presentation with the Commission.

- Overview of KCDC
 - The mission is to foster cultural preservation founded on community, culture, education, and partnerships
 - Vision: instilling a Hawaiian sense of community by incorporating traditional values
 - Logo: Hāpai Pōhaku - build a place of value
- Purpose and programs of Kapolei Heritage Center and Ho`omaka Marketplace
 - Phase I opened on July 16, 2016
 - KCDC operates KHC
 - Two classrooms, certified kitchen, restrooms, and storage
 - Fully booked on a weekly basis
 - Programs and partnerships
 - Health survey, Ike Hula & Pili `āina health program
 - Ola Mau I Ka Hula
 - Kupuna Program – Alu Like
 - Keiki Program – Keiki O Ka `Aina
 - Ukulele classes – Larry Santos
 - Papa `ōlelo – Kapela Wong
 - Ho`omaka Marketplace
 - 59-year sub-lease
 - 1200 sf of eleemosynary space managed by KCDC
- Request for Pad 3 to masterplan Phases II & III within Kipuka
 - Estimated \$11 million
 - Potential to reconfigure parking for additional entrance/exit

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Namu`o, to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o		X	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.						

MOTION

Moved by Commissioner Freitas, seconded by Commissioner Neves, 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

12:10 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:

2. Discussion Regarding Telecommunications on Hawaiian Home Lands
3. Discussion Regarding Section 92-2.5(e), HRS

EXECUTIVE SESSION OUT

1:25 PM

HOMESTEAD SERVICES DIVISION

ITEM D-10 Denial of the Assignment of Lease Transfer Request – MATTHEW L. A. MIKA, Agricultural Lease No. 6265, Lot No. 160-B, Pana`ewa, Hawai`i

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion that the Hawaiian Homes Commission Deny the Assignment of Lease Transfer Request – MATTHEW L. A. MIKA, Agricultural Lease No. 6265, Lot No. 160-B, Pana`ewa, Hawai`i

Chair Watson stated that the Commission had gone into an executive session and reviewed the legal parts, discussed the merits, and felt that the matter should be addressed on a case-by-case basis. Chair entertained a motion to go along with the sale.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Kaneakua, to approve the motion to move along with the sale.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua		X	X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
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

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 Hawai'i Community Lending Permanent Loans
- D. DHHL Guarantees for Hawai'i Community Lending Construction Loans
- E. DHHL Guarantees for USDA-RD Mortgage Loans

No discussion.

OFFICE OF THE CHAIRMAN

ITEM C-2 For Information Only – Appointment of Permitted Interaction Group – Use of Caretakers by Lessees During Their Extended Absence

RECOMMENDED MOTION/ACTION

None. For Information Only. Executive Assistant to the Chairman Richard Hoke presented the following:

The Permitted Interactive Group is to study, evaluate, and recommend policies, guidelines, and strategies related to the use of Caretakers by Lessees during their extended absence.

Chair Watson stated that Commissioners Michael Kaleikini, Dennis Neves, and Sanoe Marfil would serve as chair of the committee. The committee’s work is expected to be completed within 90 days. The committee needs to report its findings and recommendations to the Hawaiian Homes Commission.

Public Testimony – Germaine Meyers. Her testimony is on Item D-10. Her concern is that the Commission voted in favor of the transfer, but what about the ones in the past, where the rules were followed, but they could not sell it due to no improvements made? The Commission is setting a precedent for the future.

ITEMS FOR DECISION-MAKING

REGULAR AGENDA

LAND MANAGEMENT DIVISION

ITEM F-5 Approval to Issue a Right of Entry Permit to Charter Communications Operating, LLC, Ho`olehua, Moloka`i Island, TMK (2) 5-2-023:001

RECOMMENDED MOTION/ACTION

General Professional Land Management Division Kahana Albinio presented the following: Motion that the Hawaiian Homes Commission approve the Issue of a Right of Entry Permit to Charter Communications Operating, LLC, Ho`olehua, Moloka`i Island, TMK (2) 5-2-023:001. Terms and conditions are listed in the submittal.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Watson, to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Chairman Watson		X	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

OFFICE OF THE CHAIRMAN

ITEM C-3 For Information Only – Status Report of DHHL Enforcement Unit Efforts and Statistics (June 16, 2024 – July 15, 2024)

RECOMMENDED MOTION/ACTION

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

- Ten requests for investigation
- 78 total requests in the calendar year
- 15 reports were generated
- Did a trespassing and cleanup for LMD at Camp Faith on Kaua`i, which took three days.
- The beneficiary engagements are helpful
- In Papakōlea vacant parcels: 32 parcels identified
 - 15 appear unoccupied, or occupancy still unconfirmed
- Pilot Program: completed property inspections of 6 homes in Kanehili, Nanakuli, and Wai`anae Valley. Assistance by HPD Narco Vice
- Mahalo to Major Mike Lambert and Narco Vice Unit, and the participating homestead associations and NSWs

DISCUSSION

Commissioner Kaneakua asked how long it took from the beginning of the violation to the cancellation. D. Hoke stated he could not answer that question.

Chair Watson stated the parcels in the Department’s inventory are on the Department to move along. For those that are unoccupied for whatever reason and are leased out, the Department has to meet with the lessee and find out what the issue is to avoid their lease getting canceled.

Commissioner Neves stated that Enforcement at Camp Faith was a lot of work. He made a request to have an assessment for a house that is in the Department’s inventory. D. Hoke stated Camp Faith needs site control.

Public Testimony – Patrick Kahawaiola`a. For clarification, in Keaukaha, Pana`ewa, and Humu`ula, he wants to know when and if Hilo Police can make arrests. If it cannot, there might be some liability to the Trust when others were not arrested.

ITEMS FOR DECISION-MAKING

PLANNING OFFICE

ITEM G-1 Approve the 2024 Kawaihae Regional Plan Update, Kohala, Hawai`i Island

RECOMMENDED MOTION/ACTION

Planning Office Manager Andrew Choy and Planner Lilianne Makaila presented the following: Motion that the Hawaiian Homes Commission approve the 2024 Kawaihae Regional Plan Update, Kohala, Hawai`i Island

This is the third time this Regional Plan has been presented to the Commission. This is an update. August 23, 2023, was the Leadership meeting. There were three Beneficiary Consultation

meetings. The final is being presented at this July 15, 2024 meeting. The ask is that the Commission approve or adopt the DHHL Kawaihae Regional Plan update 2024 and authorize dissemination of the DHHL Kawaihae Regional Plan update 2024.

DISCUSSION

Public Testimony – Jojo Tanimoto. She asked the Commission to postpone this item as many in the community have not seen the final plan. She is testifying to a problem with the plan as the water subsidy was taken without doing a Regional Plan. The water subsidy started with the Department trying to find potable water. Her testimony is to update the plan. Planning did a good job, but the information is in error. She also stated the harbor lots are not in the plan. She sent Andrew her testimony with a matrix. She requested a postponement of the item.

L. Makaila stated the bulk of the plan did not receive substantial revisions and was available to the Community for review since February. In May, she reached out to the participants and gave them the full submittal that was going to be brought before the Commission and notified them that staff would be bringing the final to the Commission in July. The Regional Plan is left to the beneficiaries to prioritize the projects.

MOTION/ACTION

Moved by Commissioner Freitas, seconded by Commissioner Marfil, to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas	X		X			
Commissioner Lasua			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Marfil		X	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.						

Commissioner Kalepa would like to get some assistance for Leiali'i. A. Choy stated they do have a Regional Plan for Maui going through the procurement process. Commissioner Kalepa stated the needs have changed because of what happened in Lahaina.

ITEMS FOR INFORMATION/DISCUSSION

PLANNING OFFICE

ITEM G-2 For Information Only – Status Update on Plan Implementation in the Papakolea Region

RECOMMENDED MOTION/ACTION

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

The Papakolea Regional Plan was updated in July 2020. DHHL landholdings in the Kona Moku, O`ahu is Papakolea, Kalawahine and Kewalo. Mo`ili`ili, Kapalama, and Moanalua. The Moanalua and Kapalama areas are mostly used for revenue generation and transit-oriented redevelopment opportunities. Mo`ili`ili is where the former Bowl-o-Drome was and where the DHHL high-rise affordable rental project is located.

The vision for the Papakolea, Kewalo, and Kalawahine homesteads, called the Papakolea region, thrives on the traditions and values set forth by its founding members and serves as a place of growth and learning for current and future generations.

The priority projects are 1&2. Native Hawaiian Education and Culture Community Center; 3. Build a new Community Center; 4. Care Home for the Kupuna; and 5. Traffic Safety Program.

LAND DEVELOPMENT DIVISION

ITEM E-3 For Information Only – Project Updates (Papakolea – Isenberg)

RECOMMENDED MOTION/ACTION

None. For Information Only. Acting Administrator Land Development Division Kalani Fronda presented the following:

Kehau Quartero of LDD presented the slide on the Papakolea Sewer Improvements

- Repair and or replace damaged and undersized pipes
- Upgrade sewer improvements and access to comply with City and County Standards
 - Phase 1 is completed
 - Working on Phase 2A, which is going out to bid soon, and 2B, still in design

Michelle Hitzeman of LDD presented the slide on vacant parcels in Papakolea

- There are seven lots in the Department’s inventory
- 2 of the 7 are renovations, one is going to be a demo/rebuild, and the remaining are vacant lots that the Department will be doing construction on

Kalani Fronda briefed on what is happening at the Isenberg Redevelopment

- HUD approval for the ground lease: approved by HUD, legal issues resolved, and the DOI’s approval was not needed
- The Environmental Hazard Management Plan was approved by the Department of Health

Slides 1-9 will be shared at tonight’s meeting in Papakolea.

ANNOUNCEMENTS AND RECESS

1. DHHL Community Meeting, Monday, July 15, 2024, 6:30 p.m. Stevenson Middle School Cafeteria, 1202 Prospect Street, Honolulu, Hawai`i 96822

RECESS

2:40 PM

HAWAIIAN HOMES COMMISSION

Minutes of July 16, 2024

Hale Pono`i, 91-5420 Kapolei Parkway, Kapolei, O`ahu, 96707, and
Interactive Conferencing Technology (ICT) Zoom

Pursuant to the 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
Makai Freitas, West Hawai`i Commissioner
Michael L. Kaleikini, East Hawai`i Commissioner (ICT arrived at 9:58 a.m.)
Archie Kalepa, Maui Commissioner
Walter Kaneakua, O`ahu Commissioner
Lawrence Lasua, Moloka`i Commissioner
Sanoë Marfil, O`ahu Commissioner
Pauline N. Namu`o, O`ahu Commissioner
Dennis L. Neves, Kauai Commissioner

COUNSEL Alana Bryant, Deputy Attorney General

STAFF Katie L. Lambert, Deputy to the Chair
Richard Hoke, Executive Assistant to the Chair
Leah Burrows-Nuuanu, Secretary to the Commission
Andrew Choy, Planning Office Manager
Kalani Fronda, Acting Administrator, Land Development Division
Linda Chinn, Acting Administrator, Land Management Division
Kahana Albinio, General Professional, Land Management Division
Juan Garcia, Homestead Services Division Administrator
Lehua Kinilau-Cano, NAHASDA Government Relations Program Manager

ORDER OF BUSINESS

CALL TO ORDER

Chair Watson called the meeting to order at 9:32 a.m. Eight (8) members were present at the meeting, and one (1) via Zoom, establishing a quorum.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

None.

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

PLANNING OFFICE

ITEM G-4 For Information Only – East Maui Master Planning Update and Presentation of Draft Wakiu Homestead Development Plan, Hana, Maui

RECOMMENDED MOTION/ACTION

None. For Information Only. Planning Manager Andrew Choy and Planner Julie Cachola presented the following:

J. Cachola presented the Draft Wakiu Homestead Development Plan, Hana, Maui.

The HHCA land inventory did not have East Maui Lands until 1995. The 656.3 acres (4 parcels) is in the middle of Hana town. Forty-five minutes away is the Ke`anae land, 150.47 acres (3 parcels). Then there are Wailuanui lands, 9.15 acres (16 parcels), and the Ke`anae-Wailuanui lands in the Koolau Moku, 241 acres (19 parcels).

- Master Plan
 - Assess existing conditions, hazards, and constraints to identify developable lands.
 - Engage beneficiaries to identify preferred land use, lot types and sizes, design layout of the land use
 - The result is a land use map and table of land uses, acres, and lots
- Environmental Assessment
 - Early consultation was sent out
 - Required by Chapter 343, HRS
 - Potential impacts of the Master Plan and proposes mitigation measures
 - Comments by federal, state, and county agencies and the public
 - Final Master Plan EA requires HHC approval
- Ke`anae- Wailuanui Beneficiary Organization – Na Moku Aupuna o Koolau Hui
 - Lineal descendants and current residents
- Wakiu in the Hana Moku Beneficiary Organization – Wakiu Community Development Corporation
 - In 2020, Wakiu CDC became an IRS tax-exempt nonprofit organization.

A. Choy stated the sentiments from both Ke`anae and Hana beneficiaries are that they would like to live in the community where they grew up and that their families had grown up in for generations. One of the concerns is that the Department's current rules and policies regarding the waitlist may not guarantee that would happen for these communities. Julie's presentation went in-depth and can be viewed on the DHHL website.

In December 2024, the Draft EA Publication will be out for the 30-day comment period. The Final Draft EA Publication will be presented to the Commission in April 2025, FEA-FONSI Publication.

DISCUSSION

Commissioner Neves stated it was important that she looked into the cultural aspect. The issue of preference has been discussed before. It is time for the Commission to look at that deeply.

Commissioner Kalepa stated his daughter grew up in Ke`anae, and his grandchildren live in Hana. Everything she spoke of is true as far as the community goes. We have to keep it intact, and it is crucial in the awarding process. He appreciates she was able to recognize that and adjust accordingly.

Commissioner Kaneakua stated he likes that the Department is on the cusp of looking at generational preferences. One hundred years ago, the Act had no idea of what things would look like at this point, preserving communities. He thinks the Commission should examine that.

Chair Watson stated the bottom line is how to proceed from here. The important information provided is the preservation of that area. It is similar to Lanai, giving preference to the waitlisters from Lanai. He does see there is a tremendous need and it requires the Commission to take action to create this lineage approach on the waitlist.

A. Choy stated the Department does have an administrative rule for the process, and one of the first steps is to present the Commission with a draft set of rules for permission to go out and do a statewide beneficiary consultation. Staff is working on language for the draft rules, which requires careful thought and looking at language suitable for this situation and similar interests across the pae`aina.

Chair Watson asked if there is any idea of how many Hawaiian families we are talking about in these different areas. J. Cachola stated there are approximately 250 beneficiaries who came for the planning process and lived in the Hana and Ke`anae areas. A. Choy stated these are beneficiaries with mailing addresses in these communities. Chair Watson stated we need to get the rules incorporated. People think he is in a rush, but too many people are dying, so he does not apologize for rushing things. The people have spoken, and the Commission needs to expedite the rules that Andrew talked about and move forward.

Commissioner Namu`o stated this is important as it will lay a foundation to maintain our culture. She agrees with the timeline to move it forward as quickly as possible.

Public Testimony – Alohalani Smith. She supported this item and thanked Andrew and Julie for their work. She also thanked G70. The people are very protective of their area, and there is a need for homes. There are four to five generations living in one home.

Public Testimony – Blossom Feiteira. She supports this item. There were other regional plans for the other homestead area but not for East Maui. Planning has been diligently working on this plan and coming up with innovative ways to address the needs of those communities. These communities came up with a plan to suit their distinct needs. She hopes the Commission sees fit to support this effort, particularly with rule amendments.

Public Testimony – De Mont Manaole. He supports this item. The problem that we all face is the list, and we need to bring the list into the 21st century. Not everyone likes turnkey or self-help; some just want to work the land, and some want their community preserved. Start a PIG to see how the list can be brought into the 21st century.

Note: Slide presentation attached.

ITEM G-3 For Information Only – Draft 2024 Waimanalo Regional Plan Update

RECOMMENDED MOTION/ACTION

None. For Information Only. Planning Manager Andrew Choy and Planner Liliane Makaila presented the following:

- There were four beneficiary consultations
- Today, the draft is being presented
- July-August 15th is the comment period
- The Final Draft will be presented to the Commission at the September 16-17, 2024 meeting.
- It is very challenging to get people in the community to participate, so Planning has created convenient ways for the beneficiaries to participate: an online option with a QR code and link, Google form, hardcopy mailers, telephone contact, and email address.

The five priority projects are:

- Create more DHHL Agricultural homesteads in Waimanalo
 - Interesting that the wording says to create more since the Department does not have any agricultural homesteads in Waimanalo. We have just residential homesteads in Waimanalo.
 - The Wong farm parcel, 52 acres, is included as a priority in the previous regional plan. It is important to look at this Wong farm parcel and other opportunities to increase the availability of agricultural lots in the Waimanalo area.
- Kauhale Waimanalo
- Provide grants from DHHL trust funds to current Waimanalo lessees in need of building, make improvements, do renovations, and have assessments of their lots within three years of the adoption of the original plan
 - DHHL has a history of taking a long time
- Waimanalo Business Park
 - Homestead Association takes the kuleana of the business park
 - Revenue generating to benefit the homestead community
- Allow extensions for perpetuity for homestead lots
 - 199 years is the maximum years for the homestead
 - Changes to the Hawaiian Homes Commission Act require Congressional amendment.
 - Look into ways for extension.
 - The original Act was a 999-year term but, over time, scaled back to be passed by Congress.

DISCUSSION

Commissioner Kaneakua stated Planning did great in getting the community activated.

Commissioner Lasua stated he always wondered what would happen after the lease reaches 200 years. A lot of homesteaders wonder what will happen after the 50% is gone and what will be left over.

Commissioner Kalepa asked how many years is the first lessee in for Waimanalo. L. Makaila stated 1938 was the first. Commissioner Kalepa thinks that the Department needs to start gauging these communities to be at the front of these decisions to protect these communities.

Chair Watson stated his concern is the waitlist, where Waimanalo has 516. There seems to be more demand for agriculture. The statewide list for agricultural alone is over 4,000. How do you balance people on the existing waitlist versus the Waimanalo waitlist of 516? He assumes if the Department goes with subsistence ag lots, the people can put a residence on the lot and get people off two waitlists. The Department has a supportive Administration, the Governor, DOA, and DLNR, so there is an opportunity at this time to go after additional lands for the design work on the Wong parcel and identify additional lands we need to get those going. He thinks a PIG needs to be formed with respect to the lineage approach as well as the extension. He requests that Commissioners Archie Kalepa, Lawrence Lasua, and Michael Kaleikini would consider volunteering to address these issues. He asked that they think about it.

REQUESTS TO ADDRESS THE COMMISSION

ITEM J-1 Jade Smith – Wakiu Homestead Development Plan

J. Smith stated during the opening of Pu‘uhona, her mom, her aunt, and her daughter attended. Her aunt qualified for a 3-bedroom home, but at 63 years old, she would not be able to afford it. People left because they could not pre-qualify for a 3-bedroom home. The homes were incomplete, and extra charges were assessed to paint the garage or add a spigot. When one builds a home, you build with the necessities the homeowner needs and if they want to upgrade, they can at their own expense. Economic times are critical, prices are high, and home affordability is hard.

Her concern is Wakiu on the East end of Maui. Knowing about the people from Pu‘uhona’s opening, she is concerned about Wakiu. She shared solutions like creating affordable homes with options to expand, providing education before lot selection, and speeding up administrative rule changes.

Chair Watson stated that changes in our economy and the cost of construction are an ongoing problem across the nation. It is a challenge for the Department moving forward. Just for the construction, it costs \$376,000 per lot in Leiali‘i. He admits that he was disappointed in the approach used at the Pu‘uhona project, where the more expensive units came out first.

ITEM J-2 Reyn Keali‘i Kaha‘apea – Pana‘ewa Community Alliance – Project Kamoleao

R. Kaha‘apea is the President of the Pana‘ewa Community Association, Hawai‘i Island. He updated the Commissioners on the Kamoleao project. PCA is a 501 c3 nonprofit created in 2013. PCA is the fiscal administrator for the Pana‘ewa Hawaiian Home Lands Community Association (PHHLCA). They are in partnership with PHHLCA and DHHL on two contracts, the Waieka Inc. Community Benefit and Kamoleao, License No. 788. In 2016-2017, DHHL approved \$200,000 to hire PBR to do an environmental assessment for 12.77 acres for the Kamoleao Master Plan brochure.

In 2019, a newly formed association claiming to be PHHLCA versus the original PHHLCA, which was created in 1984, caused a conflict that resulted in Chair Aila, at that time, placing a hold on all parties and freezing the funding. The Associations were told they would have to resolve their issues internally. Kamoleao continued to uphold their licensing and contracts inclusive of insurances and DCCA. Kamoleao has incurred interference with the newly created PHHLCA party. In May 2022, bulldozing began on Kamoleao and excavating acres of Phase 1 and Phase 2. There were no legal permits by the county or DHHL at that time. He submitted a

police report and was told it was DHHL's responsibility. He submitted a formal complaint to DHHL, which was time-stamped by Kahana Albinio, who stated he was unaware of this occurrence. To date, he has not received any follow-up from DHHL about the illegal operations, trees being planted, and digging of two imu pits.

In 2024, he was notified that the newly formed association received an ag grant for Kamoleao with intentions to put a fence around the perimeter. They planted trees in Phases 1A and 1B. This is all unpermitted, and development is obstructing initiative-approved funded plans by DHHL. In May, PCA was notified by Kahana Albinio via certified mail that PCA needs to review a memo by Mr. Watson stating that Ms. Almeida, who is the President of the newly formed PHHLCA, and the rightful President. PCA is requested to review the memo, and if PCA agrees to the terms, PCA needs to sign, acknowledge, and return to DHHL. The Waieka Inc. benefits funds will be dispersed, and it stated that "Ms. Almeida will need to collaborate with PCA and perhaps include DHHL staff to ensure that the benefits of the \$150,000 is dispersed to Pana'ewa Hawaiian Homes Lands Community Association." In June, the PCA members received a letter from Ms. Almeida stating that there is a special membership meeting on June 12, 2024, and the No. 1 agenda was to remove the PCA of a fiscal sponsor and sign a new contract with a new 501 c3. He notified Kahana, Chair Watson, and several DHHL officers via email, and PCA requested guidance and instruction on how to proceed. To date, PCA has not received any response. He asked to move forward on Phase 3 of the plan.

Chair Watson stated he is taken aback by some of the things mentioned like Phase 1A and 1B and the activity that is involved there. The Department does not want to micro-manage but does want the parties working together, but you are saying it is not happening with you and Kauai's group. R. Kahaapea stated, "Not at this time, sir, no." Chair Watson stated that it is not good. R. Kahaapea stated he flew in today to ask the Commission what PCA can do to get this project done. The funds have been held up and it has been sitting for so long. The EPA was done and if PCA could get this done, at least the kupuna would be able to see it. Chair Watson stated he does want to move it forward and there is over \$400,000 that is unused.

Commissioner Kaleikini thanked Keali'i for his mana'o. He recalls the disagreement with PHHLCA and PCA. Kaulani presented several times. Chair Aila recognized Kaulani and their Board. There was also a letter from Kahana asking if the funds were dispersed to PCA and if the funds would also be transferred over to PHHLCA, as it was a concern. He remembers Kaulani asking the Commission to do the Imu project and complaints that went to the county. He is surprised that the Department did not get back to PCA.

ITEM J-9 Patty Teruya Kahanamoku – Various Concerns

P. Teruya commented on the Enforcement Team's presentation as being remarkable. The NAHASDA program could open funds for construction and rehabilitation. Regarding Commissioner Kaneakua's question of how long, she gave an example of a Nanakuli case where it took the beneficiaries 18 years to deal with illegal activities and drugs. The Commission revoked the lease. There is an appeal process which allows them to be on the property. There is another abandoned home on Pua Avenue next to the Church, and there are people there. She distributed testimonies and concerns of the beneficiaries on Pua Lane who strongly oppose a Kauhale Project on Pua Avenue in Nanakuli. DHHL's waitlist should be prioritized for native Hawaiians on the waitlist. It was suggested to use the old Butler building to house the homeless. The Kauhale Project would bring more trouble to Pua Avenue. There was just recently a shooting. She suggested the abandoned home be torn down.

ITEM J-5 Janel Kekumu – Waimanalo Successorship Issue

J. Kekumu is a lessee in Waimanalo, and she does not want to sell her home. For the designation of a successor, the document does not state that her mother, Donna Kekumu, is elected to take net proceeds. She has taken this to First Circuit Court and has been doing it for the past two years. The Circuit Court appointed Gerard Kawashima, a State Planning Attorney, to act upon her as another seller of her DHHL property. For the record, she does not agree with the transfer of her lease with monetary compensation. She asked the Commission and the Department for a document to present for her upcoming court and asked how the Commission and Department could help her.

Blossom Feiteira stated Janel is being compelled/mandated by the Circuit Court to sell her lease. Attorney Kawashima has served her several notices compelling her to sell and entertain offers from buyers. Currently, she has served with a Writ of Possession to appear before the court on August 8. Her mother is forcing her to sell, but the Department document clearly shows that her dad named her as the primary successor, her brother as the alternative successor, and nobody appointed or identified to receive net proceeds from the sale. This usually happens when the person is non-native or does not meet the blood quantum. This is happening in probate court for her to sell her lease for \$750,000. Is the right of this lessee being violated by this court order? Until all the documents are gathered to take a closer look, the question cannot be answered. The ask is for the Commission to schedule this, if it is a contested case hearing or a special meeting. J. Kekumu has to go to court on August 8. What can the Commission do to help her? She is looking for assistance in delaying the August 8th hearing to take a deeper look at the documents.

AG Bryant stated that DHHL has intervened in the past on probate cases and family court cases. She thinks similar issues have come up. DAG's office will need more information so they can figure out if something needs to be filed. Juan Garcia might be the right person to talk to since it is a lease issue. AG Bryant stated she could talk to Department staff to figure out the next steps. It does not sound like Commission action is necessary at this point. We might be able to proceed with intervening in the case. B. Feiteira asked if, once the documents are gathered, they need to email them to staff or AG Bryant. AG Bryant stated it is better to email it to the Department staff and she can speak with them about it.

Commissioner Neves stated the Commission needs to support the beneficiaries in this.

J. Garcia stated he has a copy of an order granting a petition to amend and enforce an order granting in part and denying in part a petition to take elective share and statutory allowance and for allowance of creditors' claims, Docket 1531 filed on April 24, 2003. There appear to be some creditor issues with petitioner Donna Kekumu, Janel's mother. He stated he could provide a copy to Leah, the Commissioners, and the AG.

ITEM J-6 Summer Yadao, Connye Busa, Chasetyn Hasegawa

She testified on behalf of the Waipouli people and gave an update on the Waipouli situation. Several residents attended the HHFDC meeting because Waipouli required further tax credit support in order to be purchased by Hawaiian Home Lands. The 9% tax credit was not granted and it appears it is not being prioritized for the 4% tax credit. Decision-making is not till August 8th, and it does not look like it is going to get the funding from HHFDC. There has not been any response to 300 residents facing displacement. Federal law states that displaced residents have to be provided comparable living in a comparable area so they can not be moved to the Big Island. They have to find another place to live in East Hawai'i. The residents have been asking, and they

have not gotten a good response. The workforce housing shortage in Kauai is real. For moving forward, should the Department go down a path of displacing folks, it would be wise to have a plan for where they are going to relocate to. The plans for the co-op are moving forward.

ITEM J-10 Germaine Meyers – Varius Concerns

G. Meyers is a Nanakuli lessee and a waitlist advocate. Her concern is that the Department is practicing lawlessness. She, along with a group of people, approached the lawmakers at the State Capitol to address the lawless and deceitful practices. A Maui Commissioner and his real estate agent wife were both found guilty and sentenced to jail in a mortgage fraud case. Governor Abercrombie asked the Commissioner to resign. She has been approached by ex-commissioners who witnessed lawlessness during their term. A West Hawai'i Commissioner spoke of the lawlessness practices that he observed and was silent. He shared it with her before his passing. Secondly, her concern is that she heard someone say the waitlist is the issue, but it is not the issue, as it is like saying those who signed up and are on the list are the issue. Thirdly, enforcement of administrative rules and sunshine law (Chapter 92) by the attorney general sitting in the Hawaiian Homes Commission meetings. The administrative rule is the Hawai'i Revised Statutes, Title 10, which includes six Chapters and is not ambiguous. HAR can only be amended by beneficiary consultation, Hawai'i State Legislature, or the DOI with Congress approval. According to Sunshine Law, the beneficiaries are not supposed to be told if they want to testify in the beginning or at the time of the item.

ITEM J-11 Blossom Feiteira – Lease Concerns

B. Feiteira stated they met with beneficiaries in West Kaua'i and talked about the Department's acquisition of the Courtyard at Waipouli and about the potential 82 single-family units, 32 of them LIHTC, in Hanapepe. Almost 100 beneficiaries attended, and Commissioner Neves also attended the meetings. A question asked was what happened to the ag lots for Puu Opae and whether there are pastoral lots available in West Kaua'i. No action is seen happening regarding the Puu Opae project. East Kaua'i beneficiaries do not want to go to West Kaua'i and visa versa. Some beneficiaries were offered a lot in Anahola, but they wanted to stay on the West side. Hawai'i Community Lending was asked to work with the families financially to prepare them. They also talked with the developer to come and talk with the people as to what they were going to do.

Commissioner Neves stated it was a good exchange between the folks. The Puu Opae project was put on hold due to the hydroelectric issue. He is working with the county for the computer literacy program, which is free. There was a big fire that burned out about 500 acres, and luckily, the winds were blowing westerly, no lives were lost, and it was under control. There is going to be a meeting on the 23rd to talk about fire protection and fire breaks around the Kekaha community. Chair Watson asked have they had figured out what caused that fire. Commissioner Neves stated no they have figured it out yet.

ITEM J-12 De Mont Manaole – Various Concerns

D. Manaole introduced Trinity whom he stated read the Hawaiian Homes Commission Act. She will talk to him. He thinks the wait list needs to be revamped. There are also many dead people on the list. When he signed up for the waitlist, there was no option for a condo or a rental. The only choices were homestead, agricultural, or pastoral. He let Trinity know it was time to speak.

Trinity stated people are getting old and dying before they get their land. What could benefit is to interview kupuna and ask what the land would be used for and see if there are available lands.

ITEM J-13 Kapua Keliikoa Kamai

K. Kamai stated regarding illegal activities on the homesteads, even with enforcement, the Department still has a lot more ways to go. When she signed her lease, the smallest infraction meant the lease would be terminated. The Department does not have that hammer now. She also mentioned the vacant lots and homes. The house sits idle and becomes open to squatters, illegal activities, and damage. There are people on the waitlist who need homes. We have vacant lots with no development and abandoned homes with no lessee. Set a timeframe. If the lessee does not comply, he/she should be terminated. For the waitlist, she does want the beneficiaries on the waitlist to be served and they should never be jumped.

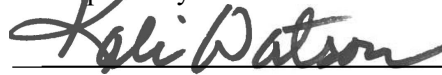
ANNOUNCEMENTS AND ADJOURNMENT

A. Next Regular HHC meeting – August 19 & 20, 2024, Hilton Garden Inn Kaua`i Wailua Bay, Kuhio Ballroom, 3-5920 Kuhio Highway, Kapa`a, Kaua`i

ADJOURNMENT

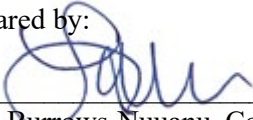
12:50 PM

Respectfully submitted:



Kali Watson, Chairman
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

Attachments:

- 1) Public Testimony Sheets
- 2) Public Testimony Charmaine Poki
- 3) Public Testimony William Aiona
- 4) Public Testimony G-1 Kailapa
- 5) Public Testimony – Jojo Tanimoto
- 6) Public Testimony – Karlyeen Warner
- 7) Item J-1 Presentation - Aloha Smith
- 8) Item E-2 Presentation
- 9) Item F-4 Presentation



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

- Testimony on Agendized Items Only
- Please limit comments to 3 Minutes
- *NEW* Testimony can be given at the start of the meeting OR when the item is called. Please check one :

AGENDA ITEM(s) F-4

Start of Meeting

When ITEM is addressed:

Home Schaedel

NAME

7/15/24

DATE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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AGENDA ITEM(S) B. D-10

Start of Meeting

When ITEM is addressed:

IVAN LUI-KWAN
NAME

7/15/24
DATE

Individual
ORGANIZATION

TITLE

i
EMAIL ADDRESS

COMMENTS: Support Approval of
Draw for 11 of 12

Check here if you have written testimony for Distribution:
written testimony was



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

- Testimony on Agendized Items Only
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- *NEW* Testimony can be given at the start of the meeting OR when the item is called. Please check one :

AGENDA ITEM(s) D-10

Start of Meeting

When ITEM is addressed:

KAMAUI AIONA
NAME —

7/15/24
DATE
SON OF LESSEE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

- Testimony on Agendized Items Only
- Please limit comments to 3 Minutes
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AGENDA ITEM(s) D-10

Start of Meeting

When ITEM is addressed:

WILLIAM ATONA
NAME

7/15/24
DATE

—
ORGANIZATION

LESSEC
TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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AGENDA ITEM(s) D-10

Start of Meeting

When ITEM is addressed:

Charmarie Quilit Poki 7/15/24

NAME Kuller William Honolulu DATE Realtor

ORGANIZATION TITLE

Char

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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AGENDA ITEM(S) 64

Start of Meeting

When ITEM is addressed:

DEMONSTRATION MANAGER

NAME

DATE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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AGENDA ITEM(s) G4

Start of Meeting

When ITEM is addressed:

Blossom Feiteira

NAME

Kpeoa

ORGANIZATION

7/16/2024

DATE

Advocacy

TITLE

Dir.

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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- Please limit comments to 3 Minutes
- *NEW* Testimony can be given at the start of the meeting OR when the item is called. Please check one :

AGENDA ITEM(S) C-1

Start of Meeting

When ITEM is addressed:

Blossom Fiteira

NAME

KPKOA

ORGANIZATION

07/15/2024

DATE

Advocacy Director

TITLE

EMAIL ADDRESS J

COMMENTS:

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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- *NEW* Testimony can be given at the start of the meeting OR when the item is called. Please check one :

AGENDA ITEM(s) C-1

Start of Meeting

When ITEM is addressed:

Home Schaedel 7/18/24
NAME DATE

ORGANIZATION TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

- Testimony on Agendized Items Only
- Please limit comments to 3 Minutes
- *NEW* Testimony can be given at the start of the meeting OR when the item is called. Please check one :

AGENDA ITEM(s) 1-3

Start of Meeting

When ITEM is addressed:

Pady Kabanamatu (sp) 1/15/2024

NAME NSW Keanuwa

DATE

ORGANIZATION nswnsw@gmail.com TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:

July 10, 2024

RE: DHHL COMMISSIONERS MEETING JULY 2024

Homestead Service Division

D-10 Denial of the Assignment of Lease Transfer Request – MATTHEW L. A. MIKA, Agricultural Lease No. 6265. Lot No. 160-B, Pana`ewa, Hawai`i

To the DHHL Chairman and Commissioners,

I am writing to you regarding the lease transfer request of Matthew Mika to myself, William T. Aiona Sr. He is the lessee of Lot 160-B Kahaopea St, Pana`ewa, Hawai`i and should be the primary concern of your office regarding this lease transfer request. I have walked the lot and its perimeter and have noted the water meter, water line, cleared and elevated front 1/3 of the property as well as the old nursery spot where the ground cloth remains.

I am a current lessee and hope to be one until my passing and beyond that for my children. A little background on me if you will take a minute to read this. I was born and raised in Keaukaha Hawaiian Homeland with my nine other siblings. It was a wonderful place to grow up, know your neighbors and feel like an accepted and loved part of the community. I went away to college in 1965 and returned home to find my family had been relocated to Pana`ewa, our home in Keaukaha torn down, destroyed for Hilo Airport expansion. But our family was still intact and Pana`ewa was our new home and I lived there until I joined the police force, got married, transferred to Ka`u. In 1976 I transferred to Hilo Police Station. I had a little bit of money saved up and some newly acquired skills in construction. All I needed was some land to build on. So I approached DHHL to ask for a residential lease in Hilo where I could use my own funds to build my home. I was told that Hawaiian Homes was for the poor Hawaiians. I should build outside. DHHL removed my name from the waiting list for some years until 1978, when I was offered an ag lot in Waimea, Hawai`i. It seemed like a good idea to accept that offer, so I transferred to Honoka`a Police Station, and a few years later to Waimea and started working the five acre farm I had received, with the assurance that I could receive another five acres when it became available. It never became available. I have been farming in Pu`ukapu now about 45 years, and have been happy and appreciative to have been able to caretake the land. When I saw the Kahaopea lot in Hilo, I realized it would be a good fit into our flower business. I had just received a settlement from the Kalima lawsuit because of being denied and removed from the DHHL list those many years ago. So for me, it felt like having a piece of my old home back and that the Kalima settlement money could right that wrong. So, long story short, I would like you to consider my story too, when you are making your decision on whether to approve this lease transfer.

Sincerely and respectfully,



William T. Aiona Sr.

and sons

Kamaki, Kamaui, and Kaniela Aiona

April 9, 2024

Dept of Hawaiian Home Lands
P.O Box 1879
Honolulu, HI 96805

Re: Lessee: Matthew Lee Aloha Mika
Lease No. 6265
Lot No: 160-B Panaewa House and Farm lot

Dear Commissioner,

I am writing to you on behalf of my client Matthew Lee Aloha Mika who is also the Lessee of Lot 160-B in Panaewa. He is on the lease with Ronald Sun Wah Kaiwa Lee, deceased. Matthew is transferring his lease to William Thomas Aiona who has a farm, EKO Farm. The Aiona ohana is currently growing Protea's in Waimea and have been looking for an AG lot in Panewa to grow tropicals. Mr. Aiona has a 5 acre lease in Puukapu.

Matthew Mika received his lease through successorship from his grandfather. The sale of his lease will enable him to get back on his feet. He was recently evicted from his home and is currently houseless on the street. Attached are a few items with descriptions of what was done by Ronald S.W.K. Lee, Matthew's uncle, to show that at one point a portion of the lot was cleared, a meter installed, etc. to hopefully satisfy the Commission as to what type of improvements if any was done.

Many of the vacant lot leases throughout the islands are sitting not being utilized by the lessee for many different reasons. Some are leaving it to their heirs, others are unable financially to do anything and others are successors and are not living on the island. The process has changed whereby vacant lot leases cannot be sold (With exceptions of AG & Pastoral lots with conditions). This prevents Hawaiian's who are ready to work the land from becoming a lessee. It has always been their choice to wait on the list or to purchase. That choice should not be taken away. If a lessee wants to sell for an unreasonable price no one will buy it and will purchase a fee simple property instead.

The alternative is vacant lots sitting for years not being available to other 50% Hawaiian's. Lots that have been awarded often are just sitting, especially the older leases. AG Farm lots and Pastoral lots are heavily sought after. There are people that sincerely want to farm and raise animals. When a lot is purchased there's skin in the game, they didn't get it for free and will work it.

My name is Charmaine Quilit Poki and I am a real estate agent. I specialize in helping lessees and transferees with acquiring and relinquishing of Hawaiian Home Lands properties for the past 38 years. My husband and I and two of our children are beneficiaries.

I appreciate all of you and what you are committed to doing for our Lahui.

Sincerely,
Charmaine Ilima Quilit Poki

Land clearing 2016

Machines used for clearing

Trucks for hauling machine
and hauling debris to green waste

Fuel & Operator Total Cost \$ 7,500

Additional removal of trash 2021
Total \$ 3,000

From: [Shawna Kaulukukui](#)
To: [DHHL ICRO](#)
Cc: [Makaila, Lilliane K](#)
Subject: [EXTERNAL] Testimonies to adopt regional plan
Date: Sunday, July 14, 2024 8:44:43 PM

Aloha,

On behalf off Kailapa Community Association board of directors, I would like to support the adoption of updated regional plan for Kawaihae

Shawna Kaulukukui

KCA president board of directors

Get [Outlook for iOS](#)

From: [Kailapa Board](#)
To: [DHHL ICRO](#)
Cc: [Makaila, Lilliane K](#); [DHHL-Makai Freitas](#)
Subject: [EXTERNAL] Letter of support of regional plan
Date: Sunday, July 14, 2024 8:48:56 PM

On behalf of Kailapa Community Association Board of Directors,
We support the adoption of updated regional plan.

KCA Board of Directors

Get [Outlook for iOS](#)

From: [Jonah Yardley](#)
To: [DHHL ICRO](#); [Makaila, Lilliane K](#); Board@kailapa.org
Subject: [EXTERNAL] Regional Plan for Kailapa
Date: Monday, July 15, 2024 9:01:49 AM

Aloha,

I'm a Kailapa resident and I support Item G1: Adopting the Updated Regional Plan for Kailapa.

Mahalo,
Jonah Yardley

From: [Brandie O](#)
To: [Makaila, Lilliane K](#)
Subject: [EXTERNAL] Supporting Item G-1
Date: Monday, July 15, 2024 8:49:15 AM

> Aloha,
> I am in support of adopting the Updated Regional Plan for the Kailapa Community. We went house to house connecting with everyone's concerns and issues within Kailapa.
>
> Water is our First Priority. The community voted.
>
> Mahalo,
> Alton and Brandie Oye
Kailapa Residents
>

From: [Tiga Kailimai](#)
To: [DHHL ICRO](#)
Cc: [Makaila, Lilliane K](#); [Kailapa assn](#)
Subject: [EXTERNAL] Kailapa G-1
Date: Monday, July 15, 2024 8:55:01 AM

We support Item G1: Adopting the Updated Regional Plan for Kailapa.

Mahalo,
Tiga Kailimai

Science is cool

July 11, 2024

Hawaiian Homes Commission
Testimony

Re: OPPOSITION to this version and request Postponing Approval Until
Information corrected and Updated.
(Item G-1, Planning-Kawaihae Regional Plan-2024, Update)

Aloha Commissioners

Mahalo for the opportunity to share my concerns regarding this version of our Kawaihae Regional Plan.

My name is Jojo Tanimoto and I live in the Kawaihae Homestead, in the Kailapa Subdivision, since 1985. There was no infrastructure yet, except the electrical lines alignment. This is an example of what needs to be corrected in this 82 page document. I have made comments to the team putting this document together and I don't see any changes.

My second request to this Commission is to get this Team to communicate why my comments are not included and why not? This Team has worked very hard meeting with the community, but nothing changed.

What I would like this Commission to address in the Matrix data, found in the Executive Summary, on page (i):

1-The Residential Lots says 227. Of this, Kailapa S/D represents maybe 199 lots-page 9 or 191 lots-page 27 or not sure if you read the document.

There is mention of the Makai S/D with 22 lots; but nothing about the 3 lots at the harbor (where the Commissioners came to visit). Why not? These three have been there since Kawaihae was created. These lots are confusing to me because the Figure maps seem like they are part of the Commercial Leases. Those figures need updating because of the commercial impacts to those homes, even now. Or, this identification of land uses will change information data.

Future planning seems to advocate for Commercial Land Use, including water access to the homestead residential areas. The Lalamilo 10 MGD storage tanks will come for the Commercial lots, according to our local newspaper. Residential land use was not even considered. I'd like to see water for the Kailapa Subdivision, Community needs and future Residential leases, as well.

2-The Community Use is listed as 72 acres. This represents the Wellness Park and Ala Kahakai Trail. Kawaihae also has 14 acres for Community Resource Center(s). The second center is on hold 3 years because we cannot get building permits, without water resource. That 72 number needs to change.

3-I think, it is this Commission's Kuleana to ask where are the 41 Industrial Leases? When I drive through there, I count (8) lots. The Millenium Energy Company went bankrupt years ago. The Matrix on page 29, does not identify who the 33 leases belong to, how much revenue they create, etc.

Examples like these need to be reviewed-again. Please do not approve this Kawaihae Regional Plan-2024; at this time. But, we would appreciate any updates regarding acquiring the Water Subsidy for the Kailapa Subdivision.

Mahalo

Karlyeen Warner
89-207 Pua Ave
Waianae, Hawaii 96792

July 15, 2024

Department of Hawaiian Homelands

To Whom It May Concern:

As a resident of the Hawaiian Home Land located in Nanakuli, specifically the area along Nanakuli Avenue, I have been informed of the plans to put a Development Transitional Home in our neighborhood! This idea is totally unacceptable. As a third generation resident in this area, living on the same property as my ancestors, I find that the idea of such a facility in our peaceful residential neighborhood, frightening and unnecessary.

As a resident, I understand the need for such a facility, however, I also understand that the property in question is a vacant residence on Hawaiian Homelands! There are 30,000 eligible Hawaiian families waiting for a property! They should be first priority for the available property.

On this island there are sufficient choices of areas, less populated that could be suitable for this kind of facility. Areas without families and innocent children. Currently our families are free and secure, without fear of having unknown persons living in our neighborhood. We watch out for each other, we are a community family.

We strongly object to the idea of placing a facility in our neighborhood that would possibly endanger the peace and serenity that we currently enjoy. We ask that you seriously consider other alternatives to your choice of locations.

Sincerely:

Karlyeen S. Warner



***We must continue to
nurture and help one
another to exist.***

SHORT STORY

2005 - I received an award, 1 of 320 residential lots, for a **DHHL's** Undivided Interest in Keokea-Waiohuli Subdivision. Attended 3 years of the Credit Repair & Financial courses with Hawaiian Community Assets to be ready for a Mortgage.

Note: Our Home then burnt down so we bought a CONDO at \$2,900 a month mortgage.

2007 (2 yrs later) - A huge flood caused havoc to change the dynamics for future homes in **DHHL's** Keokea - Waiohuli Subdivision as the neighborhood has a major risk of flooding and this gave the developer some challenges like the drainage and swale designs.

2008 (3 yrs later)- I lost my State job with **DLNR** to the reduction in force by Lingle. We financially lost our condo, did a short sale process as economy was also at its worst. Today in 2024, we continue to pay the mortgage loan for nothing but honor. We lived in tents.

2009 - I joined a Partnership Program thru **DHHL** with Goodwill & the Carpenter's Union. This group of Apprentices were to assist building the future undivided Interest lots of Keokea-Waiohuli but after 3 years, it was all in vain.

In 4 years time change hit hard at a 360 degree direction. Life Events happens in a blink of an eye and circumstances change.

The Survey:

I received a call from Dowling Company who tried to force me to answer the question of where I would want to live in Wailuku because I crossed out that section and wrote, "not interested" & I confirmed that is true that I didn't want to live in Wailuku. Then she stated that my questionnaire would be invalid. I was upset! I asked the woman if she is forcing me to answer?! She said she's not forcing me but I have to complete it. So I said; "please don't force me because this is my Trust that isn't your business and if it's invalid?, then throw it away!"

This Company doesn't know about our Trust or the paper lease from the undivided Interest paper lease and that we may choose our own place!

Situation:

During the opening invitation for Pu'uhona, my Mom- 80 yrs old, Aunty - 63, 2 Sisters and Daughter 39, attended with high hopes. To all of our disappointment None of them could pre qualify ACCEPT my Aunt but.....only for the 3 bedroom home. Even then at 63 yrs old, she wouldn't be able to afford with her health issues therefore her job. The social security can only afford 40% or less of the estimated mortgage. What is the faith of the 80 yr old kupuna who waited 40+ years? How are they to afford? Were they expected to be thrown to the side and wait longer? They are priority on the list, because they will forfeit their chance to pass on their legacy of a Successor. My Mom was excited, then sad to becoming angry and lose her hope in Hawaiian Homes..

Hard Times are here:

To understand that the Developer introduced high costs for these homes opening, at this first phase, with only 2-3 bdrms homes and the rest of the 50+ homes were 2-story homes? Some of the crowd went home because they could only pre-qualify for the 3-bedroom homes.

Then building these in-completed homes and charging our Beneficiaries extra costs for **options and upgrades**? Like painting the garage \$900, adding a water faucet in the back yard where none is installed, Kupuna age in place expense for \$26,496? Our people will be leasing it for 99 years so the age in Place should be factored in all the plans. I learned in Carpentry that you build a home for the owner so they have the necessary necessities. If they want to improve themselves, they have their own **options to upgrade**.

So, It's impossible to afford those homes on the longevity status resulting in high defaults. Our economy is at its worst. Banks are closing. How do they hang onto their loans? There's Insurance increase, Escrow fees maintenance fees to add. Also, Maui already having some mortgage providers leaving the market. Even the Real Estate cycle indicates a potential housing market crash.

Our economic times are so unpredictable and will get to a critical point because the mighty American dollar is already losing its value and power. HYPERINFLATION is the result.

Fact:

Home Affordability In Hawaii Is 'As Bad As It's Ever Been'

Federal Reserve no longer printing money but using Mortgages to make money. Watch the Escrow Companies close on appraisals, they keep unexpectedly billing the Escrow companies to affect the borrower in negative ways. They no longer sell the House but sells Mortgages. After 1 year, mortgages go up from \$500 to \$1,000. Escrow shortages is what will hit. Insurance is going up very high too.

Question: Has DHHL factored all possibility to keep Beneficiaries from defaulting with all these factors?

Concern:

A “huge“ concern for Wakiu in East End of Maui is the Waitlist, development costs, affordability in a remote area and the waiting period. Learning the recent lot selection at the Puuhona Homestead Meeting is very scary for the Beneficiaries had provide a pre-qualification confirmation before a lot could be awarded.

Focusing on East Maui’s Wakiu Master Plan is going to be critical by the time the homestead is ready for development.

Possible Solutions:

1. Create homes really affordable with options to build and/or expand. Install a central base to function and later, expand. The East End has their connections to haul material and would share costs to make it work due to the overcrowded homes.
2. Provide more education before lot selection; annually
3. Better Financial Planning before lot selection; annually
4. Speed up the Administration Rule change process to help the Beneficiary base.
5. Create a Grandfather Clause into economic prices according to beneficiary application date. Looking at the Kupunus who've waited decades.



*May we continue to weave
together to finish a
masterpiece.*

**Mahalo Nui for
this time.**



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

E-2

**Honokōwai Water System Improvements Project
Finding of No Significant Impact (FONSI)
Final Environmental Assessment (FEA)**

July 15, 2024



WEST MAUI





HONOKOWAI WATER SYSTEM

New DHHL well

12" Water Transmission Line from Well Site to Mixing Tank

Proposed 0.5 MG Mixing Tank

Honokowai Agricultural Lots

- New well and well site improvements
- Transmission across Honokowai Gulch
- Connection to County Mixing Tank
- Finding of No Significant Impact
- Draft Environmental Assessment was published April 8, 2024

Proposed Lahaina By-pass

Proposed 0.5 MG Reservoir

Villages of Leiali'i



EA SUMMARY CONCLUSIONS

- Proposed water system and land use are not anticipated to have a significant impact on the surrounding environment
- Project will implement necessary mitigation measures (Ex. Best Management Practices, archaeological monitoring)
- Project is consistent with
 - DHHL General Plan
 - Maui Island Plan
 - Villages of Leiali'i-Honokōwai Regional Plan
 - Water Policy Plan



ENVIRONMENTAL ASSESSMENT TIMELINE

- Informational Briefings:
 - September 19, 2022
 - April 17, 2023
- AFONSI and Draft EA to Hawaiian Homes Commission: March 18
- Publication of Draft EA: April 8, 2024
- FONSI and Final EA to Hawaiian Homes Commission: July 15
- Publication of Final EA: July 23, 2024



MAHALO



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov

HAWAIIAN HOMES COMMISSION MEETING

July 15, 2024



**Kapolei
Community
Development
Corporation**

ALOHA



PRESENTATION

- Share overview of Kapolei Community Development Corporation
- Highlight purpose and programs of Kapolei Heritage Center and Ho'omaka Marketplace
- Request for Pad 3 to masterplan Phases II and III within Kipuka



OUR FOUNDATION



MISSION: *To foster family and cultural preservation founded on the tents of Community, Culture, Education and Partnerships.*

VISION: *Kapolei homesteads are a vital and thriving group...instilling a Hawaiian sense of community by incorporating traditional values in the daily practice of relating to people and places with aloha...*

LOGO: *When our ancestor built a place of value, the people came together to help carry the stones...hapai pohaku*



OUR STORY

- In 2007 Kapolei Homestead leaders became aware of an opportunity to lease DHHL lands to serve Kapolei beneficiaries.
- A door-to-door survey of existing homesteaders resulted in a community initiative to provide a facility and cultural programs aimed at educating, caring for, and strengthening the family.
- KCDC is managed by a volunteer Board of Directors comprised of two (2) homestead representatives from Maluohai, Kaupea, Kanehili, and Kauluokahai.
- Currently serving 1,109 homes with another 1,000 planned for Kauluokahai



OUR SUCCESSION

- 2008: Obtained Federal 501(c)(3) Federal tax-exempt status.
- 2009: Groundbreaking of Kipuka
- 2010: Received certification in DHHL's capacity building program – Kūlia I Ka Nu'u
- 2011: General Lease #290 to develop commercial property - Ho'omaka
- 2012: General Lease #288 to develop community property - Kapolei Heritage Center.
- 2016: Opened Kapolei Heritage Center to serve beneficiaries in Kapolei region.
- 2023: Ho'omaka Grand Opening



COMMUNITY & COMMERCIAL LAND PARCELS



KAPOLEI HERITAGE CENTER



Building Floor Area Summary

GREAT HALL	5,143 NET SF
GREAT HALL SIDE LANAI	2,195 NET SF (1,058x2)
GREAT HALL BACK LANAI	1,128 NET SF
SUBTOTAL GREAT HALL	8,367 NET SF
RESTROOMS	654 NET SF
KITCHEN/ELEC./MAINT.	959 NET SF
STORAGE	709 NET SF
CLASSROOM/CONFERENCE	798 NET SF
SUBTOTAL	3,075 NET SF
OFFICE	664 NET SF
GALLERY	764 NET SF
STOREFRONT	133 NET SF
OUTDOOR LEARNING	479 NET SF
SUBTOTAL	2,280 NET SF
TOTAL	13,737 NET SF

GREAT HALL SEATING
 - LUAAU TABLES: ± 336 (300 with small stage)
 - 10 SEAT ROUND: ± 270 (250 with small stage)

Preferred Master Plan
 Heritage Center

Kapolei Community Development Corporation (KCDC) Island of O'ahu

12/28/12

North

Linear Scale (in feet)



PHASE I COMMUNITY PARCEL OPENED JULY 16, 2016

- Constructed, managed and operated by KCDC
- 11,325 SF includes 2 classrooms, certified kitchen, restrooms, and storage
- weekly users 520, over 2,000 a month and a minimum of 25,000 annually
- Fully booked on a weekly basis



PROGRAMS & PARTNERSHIPS

- 2018 Health Survey – KULA
- Ike Hula & Pili ‘āina - KULA & Washington State University
- Ola Mau I Ka Hula - * Tati
- Kūpuna Program – Alu Like
- Keiki Program – Keiki O Ka ‘āina
- ‘Ukulele classes -* Larry Santos
- Papa ‘ōlelo - * Kapela Wong

* Homestead Residents



HO'OMAKA MARKETPLACE



HO'OMAKA

Groundbreaking June 22, 2022



- KCDC has a 59-year sub-lease with commercial developer KZ Companies
- 217,451 SF (or 4.9 acres) zoned for mixed use
- Construction was delayed due to COVID
- 1,200 SF of eleemosynary space will be managed and operated by KCDC – currently negotiating with Ke Ola Mamo for potential tenancy
- Ground Lease rent supports funding for completion of Phase 2 and 3; operation and maintenance of KHC.
- Increase KHC capacity to serve beneficiaries



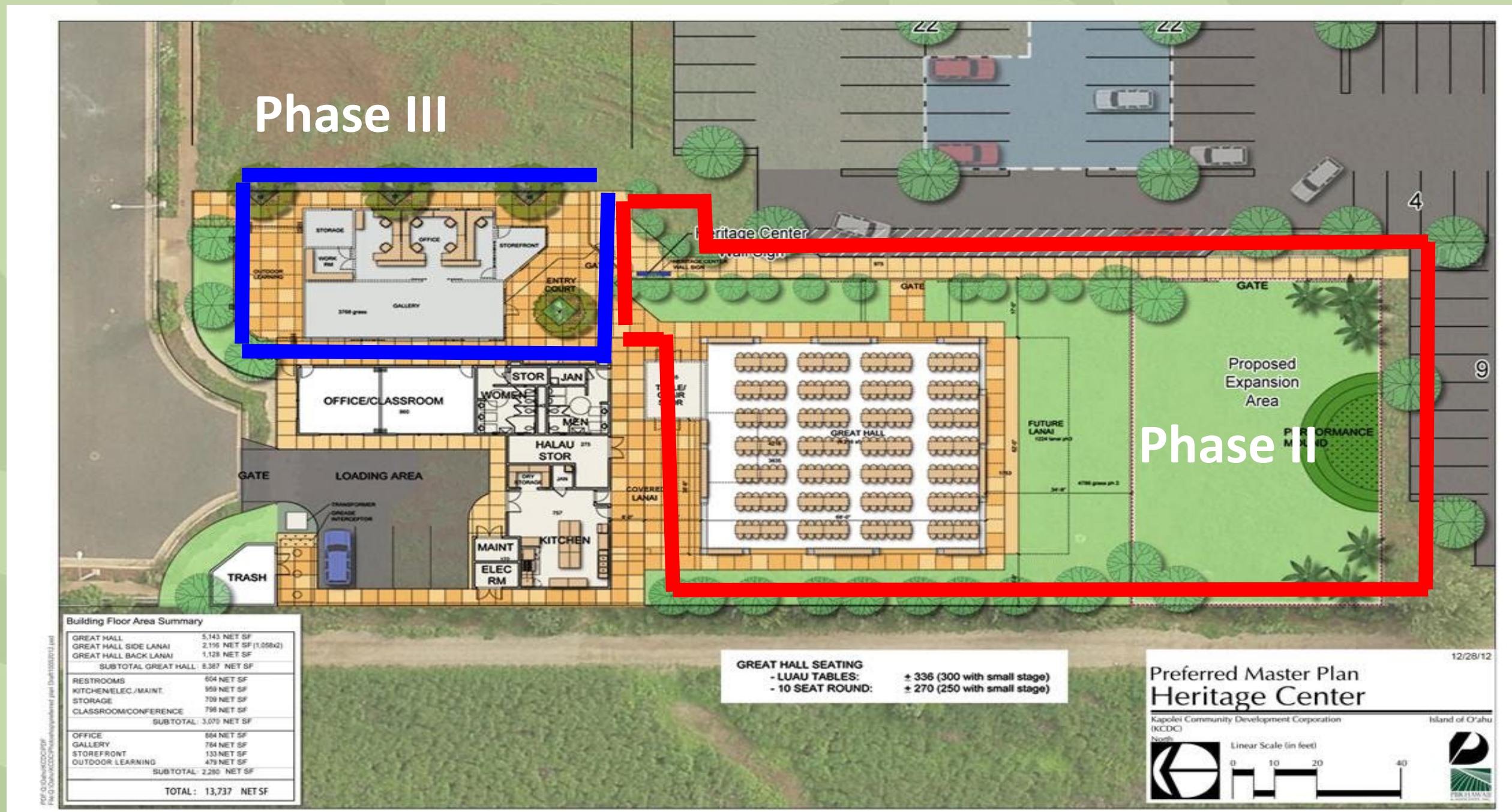


Grand Opening - December 2023

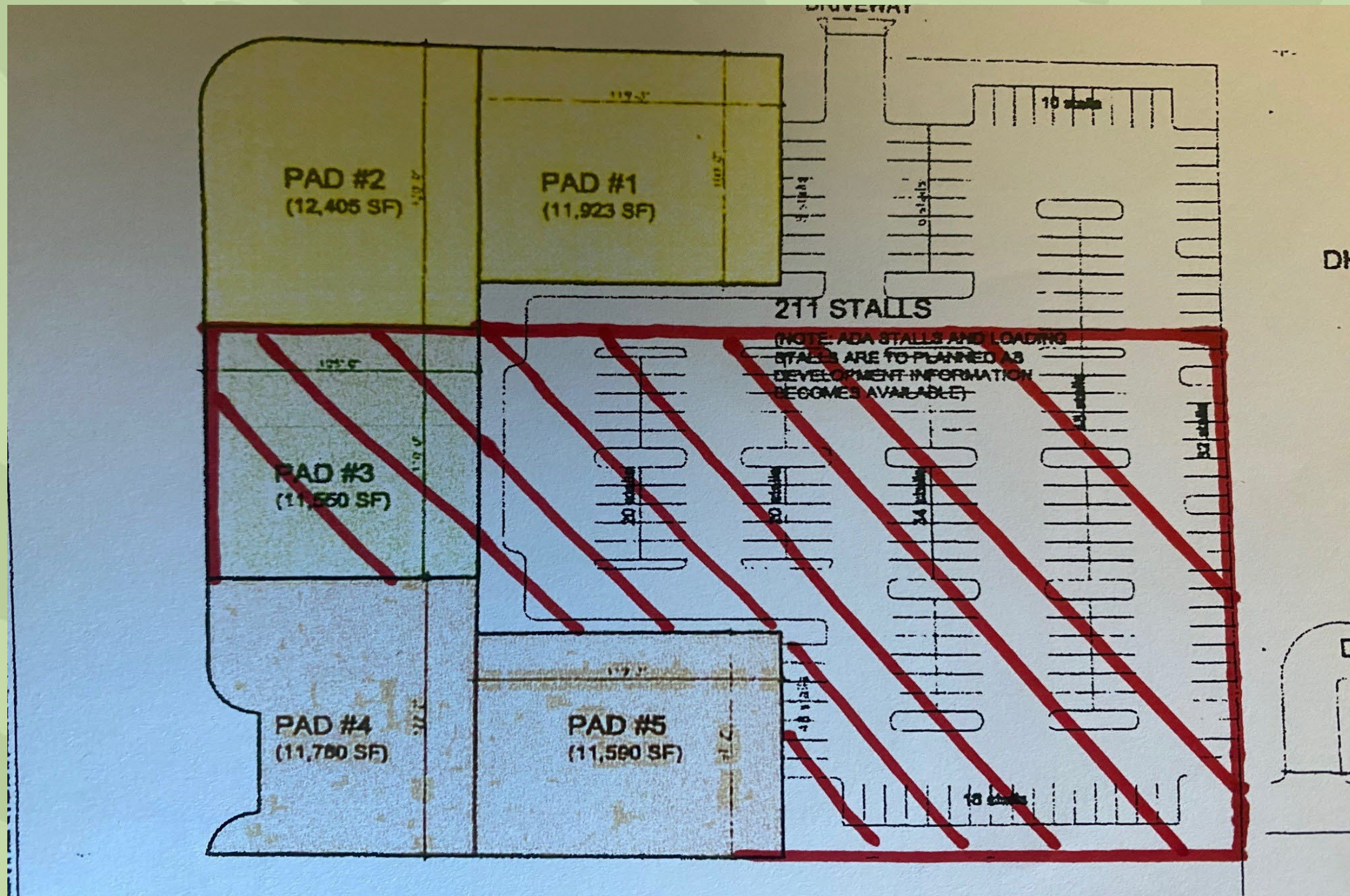


PHASE II & III OUR WORK CONTINUES

- Hālau for large gatherings, additional program space
- Office space for KCDC & 4 homesteads
- Space to honor the legacy of Prince Jonah Kūhiō Kalanianaʻole



KIPUKA



OUR REQUEST

- Requesting amendment to add pad 3 to General Lease 288
- Originally awarded to Ke Ola Mamo
- Will allow KCDC to master plan the remaining Kipuka lands
- Potential to reconfigure parking for additional entrance/exit



MAHALO

www.kcdchawaii.org

