

HAWAIIAN HOMES COMMISSION

Minutes of November 20, 2023

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, Chairman (departed at 3:35 pm)
Randy K. Awo, Vice-Chairman, Maui Commissioner (conducted meeting at 3:35 pm)
Makai Freitas, West Hawai'i Commissioner
Zachary Z. Helm, Moloka'i Commissioner
Michael L. Kaleikini, East Hawai'i Commissioner
Walter Kaneakua, O'ahu Commissioner (arrived at 9:51 am)
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. Ducatt, Deputy to the Chairman
Leah Burrows-Nuuanu, Secretary to the Commission
Richard Hoke, Executive Assistant to the Chairman
Andrew Choy, Planning Manager
Kahana Albinio, Acting Land Management Division Administrator
Juan Garcia, Homestead Services Division Administrator
Neil Nugent, Land Development Division Engineer
Paula Ailā, Acting Contact, and Awards Division Administrator

ORDER OF BUSINESS

CALL TO ORDER

Chair Watson called the meeting to order at 9:43 a.m. Eight (8) members were present at the meeting location, establishing a quorum.

APPROVAL OF AGENDA

MOTION/ACTION

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

APPROVAL OF MINUTES

- a) **OCTOBER 15, 2023 SPECIAL MEETING – HANA**
- b) **OCTOBER 16 & 17, 2023 REGULAR MEETING**

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the October 15, 2023, Meeting Minutes and the October 16 & 17, 2023, Regular Minutes. Motion carried unanimously.

ITEMS FOR DECISION-MAKING

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-2 Approval of Resolution 307 Honoring Patricia “Patty” Kahanamoku-Teruya

RECOMMENDED MOTION/ACTION

Chairman Watson presented the following:

Motion that the Hawaiian Homes Commission approve Resolution 307 Honoring Patricia “Patty” Kahanamoku-Teruya.

Patty Teruya expressed her thanks to Ke Akua, the Commission, and the Beneficiaries of the Trust.

Senator Gabbard and Representative Garcia presented a Resolution by the 32nd Legislature by the State of Hawai‘i in Honor of Patty Kahanamoku-Teruya. Senator Gabbard expressed his heartfelt thanks to the Commission for all it does for the State of Hawai‘i.

MOTION/ACTION

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

ITEM C-1 Approval of Resolution 306 Honoring Russell K. Ka’apu

RECOMMENDED MOTION/ACTION

Chairman Watson presented the following:

Motion that the Hawaiian Homes Commission approve Resolution 306 Honoring Russell K. Ka’apu

Russell Ka’upu expressed his appreciation and aloha to the Commission for the time he spent with them working to better the conditions of the beneficiaries of the Hawaiian Homes Commission Act.

MOTION/ACTION

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

RECESS
RECONVENED

9:55 AM
10:00 AM

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Germaine Meyers – Items C-4, C-6, F-1, F-2 and F-3

G. Meyers testified about the delegation of powers to the Chairman by the Commission. HRS 10-2-16 (a) states the desire of the Commission that functions and duties, administrative in nature, be delegated to the Chairman, and duties requiring the exercise of judgment or discretion continue to reside with the Commission. HRS 10-2-16(b)(7) The Commission shall be deemed to have delegated to the Chairman...(7) to sign Commission resolutions, licenses, leases, and contracts approved by the Commission. The power of judgment and discretion should always remain with the Commissioners. Her concern is that Items C-4, C-6, F-1, F-2, and F-3 have confusing agenda descriptions compared to the packet submittals and will terminate the exercise of judgment or discretion by the Commissioners and transfer the power to the Chairman. For item C-6 regarding the PIG, the Chairman will be the Chair of the PIG that will investigate, consider, and recommend changes, if any, to the Act 279 strategic plan and budget. The Chairman is assigning three new Commissioners to the PIG who were not present when the Act 279 Strategic Plan and budget were approved. Why are the Commissioners who spent months formulating the Strategic Plan not on the PIG? They would provide background about why certain projects were included, and others were not.

PT-2 De Mont Manaole – Items C-4 and F-2

D. Manaole testified on Items C-4 and F-2, for which he supports the intent of the items as they will cut out the bureaucracy that exists when in need of leases, revocable permits, and month-to-months. He hopes that administrative rules will be in place and due process followed.

For the record, he does not know Chair Watson, but he has heard the chatter. At the neighborhood board in Nanakuli, he received a call to come and testify against the Chair because he was putting a ghetto in the homestead. When he got to the meeting, he supported the projects by putting

kanaka in homes. He asked the people at the hearing how many of them put a Hawaiian in a house.

PT-3 Bo Kahui – Item C-4

B. Kahui testified as the Executive Director for the La‘i‘Opua Community Development Corporation. He supports Item C-4. He brought initiatives to the Commission and had to go through the RFP process, but he was not successful. One of them was broadband.

PT-4 Patrick Kahawailoa‘a – Items C-4 and F-2

P. Kahawailoa‘a testified that Item C-4 authorizes negotiation with native Hawaiians first, but it is going into executive session. He is confused by this as it is first up for approval, and then it goes into an executive session. He echoed G. Meyers in that the Chairman is one person, but the Commission has the power. Only one signature is needed, but nine Commissioners are to approve the work. It is questionable to native Hawaiians when the Chairman has that kind of power. For Items F-7 & F-8, what is the plan for the payback by Aloha Machine & Welding, LLC? They are creating a plan, but what is the delinquency amount?

PT-5 Blossom Feiteira – Item C-4

B. Feiteira testified that Section 204 allows the Commission to provide opportunities for general leasing to native Hawaiian businesses. She understands why the policy got set aside as well as the risk identified under the Barrett lawsuit, in which, for the record, she was an intervener as the President of Hui Kako‘o ‘Aina Ho‘opulapula. Risk still exists for native Hawaiians in the federal courts. Reading through the submittal, at that time, she realized that recommendations were made to bring the people up to the same level as non-beneficiary applicants. That is missing in this submittal. Going into the executive session, she strongly recommends that the Commission look at opportunities for capacity building and training on behalf of the native Hawaiian people. Many organizations provide those services.

PT-6 Homelani Schadael – Item C-4

H. Schadael testified in support of the intent of Item C-4. Her concern is to make sure that the Hawaiian Homes Trust is protected. She asked that the Commission consider the unintended consequences that could come from the Commission’s decision this morning.

PT-7 Jojo Tanimoto – Items F-2, F-9, F-10

J. Tanimoto testified of her concern with Item F-2, which raises questions for Kawaihae with granting revocable permits, issuing and authorizing revocable permits, and the Right of Entry for revocable permits. She talked about Item F-9 relating to the Army Corp of Engineers and the UXO. She does not think her community was informed or understood what that was and was grateful the Kahana explained what that was. The community needs to know what it is and its impact. Another issue repeated is their evacuation roads. She asked to include Kawaihae in the Hawai‘i Island plan.

PT-8 Patty Teruya – Items F-1, F-2, F-3, C-4, and C-6

P. Teruya testified that the Commission looks at what is asked for a lot of the agenda items as it is giving the authorization and power to the Chairman. The power stays with all nine

Commissioners. Regarding Item C-6 Act 279, what the Commission adopted in 2022 is the Strategic Plan adopted to put beneficiaries into homes, not into verticals and apartments. The intent was to take wait listers into homes. She also stated that for the first time, a Chairman will Chair a PIG and that the beneficiaries are here to protect the Trust. The agenda item and the Trust are for the beneficiaries, not for developers and not for one Chairman, but for the protection of the Trust. The agenda item is authorizing the Commissioners to give the power up and give it to the Chairman. She asked the Commissioners to think of the people they are serving.

ITEMS FOR DECISION-MAKING

CONSENT AGENDA

HOMESTEAD SERVICES DIVISION

- ITEM D-2** **Approval of Consent to Mortgage (see exhibit)**
- ITEM D-3** **Approval of Streamline Refinance of Loans (see exhibit)**
- ITEM D-7** **Approval of Homestead Application Transfers/Cancellations (see exhibit)**
- ITEM D-8** **Approval to Certify Applications of Qualified Applicants for the Month of October 2023 (see exhibit)**
- ITEM D-9** **Commission Designation of Successors to Application Rights – Public Notice 2021 & 2022**
- ITEM D-10** **Approval of Assignment of Leasehold Interest (see exhibit)**
- ITEM D-11** **Approval of Amendment of Leasehold Interest (see exhibit)**
- ITEM D-12** **Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems or Certain Lessees (see exhibit)**
- ITEM D-13** **Approval of Supplemental Dwelling Units for Certain Lessees (see exhibit)**
- ITEM D-14** **Request for Additional Partial Advancement of Net Proceeds – ESTATE OF WALTER YAU LEE, Residential Lot No. 12743, Lot No. 13745, Malu'ohai, Kapolei, O'ahu**
- ITEM D-15** **Cancellation of Lease – ERNESTINE HEKEKIA, Residential Lease No. 8143, Lot No. 78, Waiakea, Hawai'i**
- ITEM D-16** **Cancellation of Lease – MELVIN K. HO'OMANAWANUI, Agricultural Lease No. 6861, Lot No. 5, Pu'u'eo, Hawai'i**
- ITEM D-17** **Commission Designation of Successor – JULIA ANN KOHLTFARBER, Agricultural Lease No. 4230, Lot No. 177, Pana'ewa, Hawai'i**

RECOMMENDED MOTION/ACTION

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

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Awo, to approve the Consent Agenda as stated in the submittal.						
Commissioner	1	2		A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Freitas			X			
Commissioner Helm	X		X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			

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

REGULAR AGENDA

ITEM C-3 Approval of Hawaiian Homes Commission 2024 Meeting Schedule

RECOMMENDED MOTION/ACTION

Chairman Watson presented the following:

Motion that the Hawaiian Homes Commission approve the Hawaiian Home Commission 2024 Meeting Schedule

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the motion as stated in the submittal.						
Commissioner	1	2		A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Freitas			X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			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 C-4 Approval to Authorize the Department to Negotiate the Disposition of Hawaiian Home Lands for Commercial, Industrial, or Other Business Purposes to Qualified native Hawaiians Prior to Negotiations with the General Public Under Section 204(2) of the Hawaiian Homes Commission Act, 1920 as amended

RECOMMENDED MOTION/ACTION

Property Development Agent Russell Ka'upu presented the following:

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

R. Ka'upu stated that the Office of the Chairman is looking to reinstate the General Leasing policy that was originally adopted in 1981. The submittal included the policy statement and procedures that LMD was following in enacting the program. The policy and program were rescinded on October 23, 2001. Inclusive in the submittal is the memo from the then administrator (no audio 1:05:51)

NOTE: There was a disruption to the audio feed. The meeting was recessed while technicians worked to resolve the issue.

RECESS (AUDIO DOWN)

10:45 AM

RECONVENED

11:00AM

R. Kaupu continued that the concerns that LMD and the prior Commission had with the policy and program can be seen. The Office of the Chairman would like to go back to the native Hawaiian qualification and the program to give native Hawaiians who are qualified the first opportunity to obtain general leases.

There are different types of dispositions, which are licenses such as revocable permits, which are not subject to this policy and program. There are general leases under HHCA 204 which are subject to this policy and program. There is a third type, which is a project and developer agreement under Section 220.5, which is not subject to this policy and program. It has its own set of rules to be followed.

He stated the Commission was at the point where Commissioner Neves was asking for clarification on what the policy the Chairman's office was seeking to reinstate. Referring back to exhibit A, there is a statement of the policy and a statement of where the authority comes from. Then, there are extended procedural steps that need to be followed.

DISCUSSION

Commissioner Neves stated there are acronyms that he is not familiar with and would like a little more detail. Regarding Exhibit B, the Hawaiian Homes Commission's decision to rescind the policy, he had a couple of questions on page 2 regarding the preference policy and the negative aspects. Leases with high attrition rates result in vacancies and loss, and the national or international tenants might be discouraged. The preference exposes the Hawaiian Home Lands program to potentially damaging litigation. He Googled the Barrett Case and distributed copies to the Commissioners. He would like the details on why the policy failed the first time and what the department is doing moving forward to ensure that it does not fail. The Barrett Case talks about this specifically, about the Office of Hawai'i Affairs (OHA) and any preference for any program for native Hawaiians. It does not make any sense to him to take the same flat tire and move ahead. How does the Commission follow the intent without jeopardizing the Trust?

Commissioner Awo stated he supports the intention of the proposal but is concerned about the submittal, which is an attachment of an old policy that was rescinded. There is nothing to address the concerns that were raised by the then-Commission in 2001. They pointed out the failures of high attrition rates of 69% versus non-native Hawaiians, which is 35%, the negative impact on the Trust as a result of lost rent, the Barrett Case, and the litigation that exposes the Trust. A series of recommendations were made then, which he supports, but he stated that none of the recommendations are considered in this submittal. The department cannot give its beneficiaries a fair opportunity to succeed. He stated that with regards to the Barrett Case, the department is not recognized by the federal government, unlike native American Tribes who have that recognition,

and losing ground in the Supreme Court in spite of that protection. How is the Commission going to preserve and protect the Trust? It is troubling to him that he does not find this in the submittal. He feels the department should have been ready to speak to the Commission about the Barrett Case. This submittal is not the best path forward.

R. Ka'upu stated he does not disagree with what Commissioners Awo and Neves said in addressing the risk presented by Barrett. DHHL is preferential by design and by nature and is created that way. Challenges like the Barrett Case, in his opinion, turn the department away from its purpose and why it exists. His personal opinion is that at some point, you have to put your foot down and say this is the right thing to do. Putting this policy and program back in place is just the first step to helping the beneficiaries be successful. Different times, different leadership. He would move forward at this point.

Commissioner Namu'o stated the Commission should focus on moving forward and concentrate on Act 279. She supports the proposal.

Commissioner Awo stated that this is a separate issue from Act 279. In moving forward, we need to be aware that the Commission is promoting success by building into the program everything that is described. He was not talking about the Commission trying to get federal recognition but about the fact that the department does not have it, which is what exposes the department to litigation vulnerabilities.

Commissioner Helm stated that the word "failure" is a word for him and probably for many. For him, he will get up again and learn from it. 69% of beneficiaries failed without training and guidance, and to stop that from happening, changes need to be made regarding guidelines and policies.

Commissioner Kaleikini stated he supports a preference for native Hawaiians. The program in 1981 had some issues, and the Commission needs to understand and make adjustments. This item is also in the executive session, and he would like to understand the Barrett situation better. He does not think the Commission is in a good position to decide until after that discussion.

Commissioner Neves stated that LMD requested the approval to rescind. It was not just the Commission. The department continues to fail and fail. How does the department move forward?

Commissioner Freitas's core goal is to put native Hawaiians in their homes. He sees two parts, one of which is the Barrett Case and the other the capacity building for Hawaiians to be successful, which is not going to happen overnight but will take time. The goal is to put native Hawaiians in their homes and to give them the opportunities to help make them successful.

Commissioner Kaneakua spoke on behalf of successful native Hawaiian organizations that do tremendous work. Native Hawaiian organizations compete against Native American organizations and Native Alaskan organizations. In Hawai'i, there is a tremendous amount selection of qualified native Hawaiian companies that work and are certified by the federal government and Veterans Administration to do large projects. He speaks in favor of an amended proposal.

Commissioner Awo asked to defer the item until all the questions were answered.

Chair Watson stated he agrees with some of the comments made, especially with the submittal, and it needs fixing and the need to address the legal issues. The department cannot put its head in

the sand because there is potential litigation. He is a litigation attorney, and he would be more than happy to fight the fight to advance the needs of our people. He agrees that the submittal needs to be cleaned up and the issues addressed. Chair Watson entertained the motion to defer the item.

Commissioner Neves commented that the State's laws govern the Hawaiian Homes Trust, and the lands are considered public. The other entities are independent and not controlled by the State. He made the motion to defer.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to DEFER Item C-4.						
Commissioner	1	2		A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Freitas			X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: <input type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input checked="" type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed unanimously. Nine (9) Yes votes.						

Public testimony – Patty Teruya. She thought the deferral was fair and thanked the Commission. The program failed because native Hawaiians needed to be educated.

Public testimony – Germaine Meyers. She thanked the Commission for deferring the item. She read Item C-4 and stated that Senator Keohokalole expressed concern and caution that this type of action would compromise the Trust. It may also violate the Ethics Code fair treatment, HRS 84-13, and she asked if the DHHL checked with the Ethics Commission. Tancayo took over the position that Chair Watson resigned from before coming to DHHL as Director. P. Tancayo is committing the use of DHHL lands that never came before the Commission and also committing \$3 million of NAHASDA funds for a project that never came before the Commission.

Commissioner Awo asked AG Bryant if it appears there is some form of negotiation going on on behalf of the department. Can any form of negotiation occur, based on what was heard, without the matters coming before the Commission for consideration and deliberation? Which comes first? Does the Commission have to be part of a deliberation before those negotiations occur?

AG Bryant asked if the question is being asked in the context of general leasing. As it stands now, her understanding is that all general leases have to come before the Commission and be approved by the Commission. The Chair can negotiate the details of the lease.

Commissioner Awo asked if that was correct. Would it be inappropriate for any entity to engage in any form of negotiation before it comes before the Commission? AG Bryant stated without knowing the whole facts, she is hesitant to make a blanket statement and would need to know all

the details and the entities being talked about. It is her understanding that general leases and to whom those leases are awarded should come before the Commission for approval.

Commissioner Awo stated he was concerned and asked AG Bryant what the recommendation is to take a deeper dive to verify if this is, in fact, occurring.

Chair Watson stated there is some inference here that he is acting inappropriately and that the statements previously made regarding negotiations and commitments are totally inaccurate. Those are things that obviously come from the Commission. It is part of his job to talk with different people about different projects. He will continue to do that, but with respect to actions or dispositions to be approved, that all has to come before the Commission. Any innuendoes or comments of unethicity, impropriety, self-serving, or self-dealing are inappropriate. If you have a specific claim or charge, put it on the table. With respect to comments from people who throw whatever out in hopes that part of it hits the fan and spreads to give it some credibility, he takes offense to that. This job is something he has taken on and is committed to, and he has a history of showing a lot of integrity. If anyone wants to question that, he is more than willing to subject himself to any scrutiny and review process. To air it and label it as if he is doing something improper is offensive.

Commissioner Awo stated his comments were in reference to the name that was mentioned. He is responding to a public comment and putting that on the table. Chair Watson stated that person was conducting discussions with him, so there is that connection.

Chair Watson stated he detached himself from HCDB and has no contacts, involvements, or commitments to HCDB other than existing situations that are present before the Commission being considered, such as the Ulu Ke Kukui project in Maili. Anybody who is trying to infer that HCDB is a bad non-profit that is self-dealing and trying to rip off the Hawaiians takes a lot of offense to that.

Public testimony – DeMont Manaole. He stated we fear litigation. The preferential treatment was stopped 25 years ago by Ray Soon, who made the most offensive comment he had ever heard coming from the Department and Commission: Hawaiians do not pay their bill, so DHHL is not going to follow that portion of the Act. D. Manaole stated you follow all of the Act or none of the Act. The Hawaiians deserve that preference.

LAND DEVELOPMENT DIVISION

ITEM E-1 Approval of Finding of No Significant Impact Determination and Final Environmental Assessment for the Nā`iwa Agricultural Subdivision, Ho`olehua-Pala`au, Moloka`i, Hawai`i TMK: (2) 5-2-003:001 and (2) 5-2-004:001, 002, 004, 007, 046

RECOMMENDED MOTION/ACTION

Land Development Division Administrator Stewart Matsunaga, Acting Engineer VI, Neil Nugent, and Planning & Design Engineer Airan Powell presented the following:

Motion that the Hawaiian Homes Commission Approve a Finding of No Significant Impact (FONSI) Determination and Final Environmental Assessment for the Nā`iwa Agricultural Subdivision, Ho`olehua-Pala`au, Moloka`i, Hawai`i TMK: (2) 5-2-003:001 and (2) 5-2-004:001, 002, 004, 007, 046

N. Nugent summarized the project as adding infrastructure to the homesteads in Nā`iwa, Moloka`i. It includes access roads, grading for runoffs, drainage, erosion control, adding an irrigation water supply for non-potable water for agricultural use, electrical power, and telephone service. The lessees will eventually be responsible for the individual wastewater systems.

S. Matsunaga stated the draft was presented to the Commission in March 2023, and the Consultants conducted additional discussions with the community and completed the Kapa`akai analysis. The Engineers are preparing the plans for bidding in early 2024. Part of the project is being funded with Act 279 financing if it can get out early enough to get it encumbered. The ask is that the Commission take favorable action on this item.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the motion as stated in the submittal.						
Commissioner	1	2		A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Freitas			X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously. Nine (9) Yes votes.						

ITEM E-2 Acknowledgement and Approval of Community Initiative to change the name of Pu`unani Homestead Subdivision to Pu`uhona Homestead

RECOMMENDED MOTION/ACTION

Land Development Division Administrator Stewart Matsunaga presented the following:
Motion that the Hawaiian Homes Commission Acknowledge and approve the Community Initiative to change the name of Pu`unani Homestead Subdivision to Pu`uhona Homestead

MOTION/ACTION

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

Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			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.						

S. Matsunaga stated the Commission does not typically approve names, but this was generated from the community and beneficiaries associated with this project. It was noted in the EA that a name change was contemplated.

Public testimony – Blossom Feiteira. It is wonderful that they can have a permanent name. She is for the rent to purchase, but for this project, she thinks it is in a position where it is good to go, and it should go forward as is.

LAND MANAGEMENT DIVISION

ITEM F-1 Authorization to General Lease for Industrial Commercial Mixed-Use Purposes at Kalaeloa (Parcel 3), Island of O`ahu, TMK: (1) 9-1-013:001

RECOMMENDED MOTION/ACTION

Land Agent Kahana Albinio presented the following:

Motion that the Hawaiian Homes Commission Approve the authorization of the General Lease for Industrial Commercial Mixed-Use Purposes at Kalaeloa (Parcel 3), Island of O`ahu, TMK: (1) 9-1-013:001. The ask is to authorize items A, B, C, and D.

Chair Watson stated the item would be deferred subject to the Commission taking action on the preference issue and laying out the other projects.

NOTE: This item was DEFERRED.

ITEM F-2 Approval to Adopt DHHL New Revocable Permit Program; Authorization of the Chairman of the Hawaiian Homes Commission to Grant Renewals of ALL DHHL Compliant Revocable Permits; Approval to Authorize the Chairman of the Hawaiian Homes Commission to Issue, Amend, and Terminate Revocable Permits; and Authorization to Convert all Compliant Existing Right-of-Entry Permits to Revocable Permits as of January 1, 2024

NOTE: This item was DEFERRED.

Commissioner Awo stated there are four (4) motions in the action item, and there are things in the submittal that are concerning to him. He would like the department to separate the requests for approval. K. Albinio asked if a workshop would be helpful. Commissioner Awo stated that it would.

ITEM F-3 Approval to Enter into Procurement for Property Management Services to Manage Multi-Tenant DHHL Properties Statewide; Authorization to Issue a Right-of-Entry Permit to Lease Properties, LLC, Shafter Flats Industrial Subdivision, Moanalua Kai, Island of O`ahu, TMK Nos.: (1) 1-1-064:019 &:020

RECOMMENDED MOTION/ACTION

Land Management Division Planning & Development Coordinator Richard Kuitunen presented the following:

Motion that the Hawaiian Homes Commission Approves issuing a license to Verizon Company, Nanakuli, Island of O`ahu, TMK No. (1) 8-9-001:004 (por.)

This item has multi-tenants, with eight of them in two buildings. The lessee is not operating a business on the property, but they are in a sandwich position. The rent the department is receiving is approximately \$1 per square foot of the building. Fair market rents in Mapunapuna are \$1.50/per sq ft to \$1.75/per sq ft. With the department taking the position of sandwich lessee, it increases the income of the property. Still, it would have to hire an outside property management company because the Land Management Division is not set up to manage properties on a day-to-day basis.

It is proposed that the Commission authorize the solicitation of a property management company. This is the prototype, and if this is successful, the department can duplicate this with other properties and acquire income-producing properties in the future. Should the Commission decide it does not want to get into that business, LMD will proceed with what was proposed at the last meeting, to put this property out for bid once the appraisals are presented and enter into a general lease with the winning bidder.

MOTION

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

DISCUSSION

Commissioner Awo stated this warrants a deferral because the ask is for two different things. He thinks the comprehensive ask to the Commission is not clear. It warrants a deferral and workshop where it can be broken down so the Commission can understand it, make a fair deliberation, and make a decision.

R. Kuitunen stated the two approaches are mutually exclusive. One is the way the department has always followed: get the appraisal and get the property out for a bid, get the best bid, and enter into a general lease with the best bidder. The second is a change that will increase the income to the Trust. It was presented as one item because you take one path or take the other path. The leases have expired.

Commissioner Awo stated one of the things that continues to come up is a trend of delegating to the Chairman (now and in the future) to make certain decisions. It is part of what the beneficiaries are bringing up today.

NOTE: This item was DEFERRED.

ITEM F-4 Approval to Issue a License to Verizon Company, Nanakuli, Island of O`ahu, TMK No. (1) 8-9-001:004 (por.)

RECOMMENDED MOTION/ACTION

Land Agent Land Management Division Kalei Young presented the following:
Motion that the Hawaiian Homes Commission Approve to Issue a License to Verizon Company, Nanakuli, Island of O`ahu, TMK No. (1) 8-9-001:004 (por.)

K. Young stated there are two cell towers on the West side of the O`ahu. The licenses expired while the department was in litigation with another company. The Towers are now being shared by the companies. He proposed that if they are going to share towers, the rents are going to be shared too. The ask is to engage in two licenses with both well established, cell tower companies; the rents will be according to an appraised value. The clause in the leases would stated if the lessee rents and shares the tower with another company, that rent shall be shared with the department.

MOTION

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

DISCUSSION

Commissioner Neves asked if Jaren would explain how it is tied to the broadband. HHL Broadband Coordinator Jaren Tengan stated they are aware of the cell towers and are currently getting an inventory of what there is on Hawaiian Home Lands and formulate a plan or management going forward.

K. Young stated the clause in both the licenses will give the department the flexibility to use the towers if needed.

Public Testimony – Al Hee. He is not against the licenses being issued, as he has licenses like these. He is asking that the terms and conditions to these two non-beneficiary companies be the same as the terms and conditions the Commission gave to him as a beneficiary. He will not object if the Commission should approve it, but he will object if they are given more favorable terms than the license given to him by the previous Commission.

Chair Watson asked how his license terms is different from these. A. Hee stated the license he has requires he provide services to all of Hawaiian Home Lands and all the assets he has go to that. It is a beneficiary benefits license that requires all the monies be used for the benefit of the beneficiaries, and it is not done by an appraisal.

MOTION/ACTION

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

Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously. Nine (9) Yes votes.						

ITEM F-5 Approval to Issue a License to T-Mobile West Corporation, Waianae, Island of O`ahu TMK No. (1) 8-9-003:008 (por.)

RECOMMENDED MOTION/ACTION

Land Agent Land Management Division Kalei Young presented the following:
Motion that the Hawaiian Homes Commission Approve to Issue a License to T-Mobile West Corporation, Waianae, Island of O`ahu TMK No. (1) 8-9-003:008 (por.)

K. Young stated Item F-5 has the same elements as Item F-4, but it is a different cell tower. They are asking an appraiser to let them know what they think is the market rate. The same clauses allow DHHL to put their equipment on it.

Chair Watson asked Al Hee if he had the same comments. A. Hee stated same comments (indiscernible). When he asked Kalei, he was told the terms and conditions still had to be worked out. There is no appraisal yet and will it be based on the terms and conditions of his license or on the conditions that are something else.

K. Young stated when he talked about the term, it is based upon an appraised value, but the LMD does not have an appraisal yet. In order to move forward and spend money on that appraisal, LMD had to hire the appraiser. If it gets approved, it gets put up to bid and get a third party to set the term and which is the rent. A. Hee stated he thinks this is an approval to move forward with setting this up and setting the price and conditions. His ask is to be equal as a beneficiary to Verizon and T-Mobile.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2		A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Freitas			X			
Commissioner Helm	X		X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously. Nine (9) Yes votes.						

Public Testimony – Kapua Kamai. She asked that the Commission hear the plea of A. Hee. What suits the beneficiaries ought to suit the applicants. Parady, equality and justice is what is needed. She also agreed that there is so much on the agenda that the beneficiaries cannot discuss the agenda items.

ITEM F-6 Approval to Issue First Amendment to Right-of-Entry Permit No. 717, State of Hawai'i Department of Land and Natural Resources, Waiohuli, Island of Maui, TMK: (2) 2-2-002:014

RECOMMENDED MOTION/ACTION

Land Agent Shelly Carrieria presented the following:

Motion that the Hawaiian Homes Commission Approve to Issue First Amendment to Right-of-Entry Permit No. 717, State of Hawai'i Department of Land and Natural Resources, Waiohuli, Island of Maui, TMK: (2) 2-2-002:014.

This is for an additional 12-months to conduct axis deer population control and to amend the exhibit to reflect the expanded safety zone areas.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the motion as stated in the submittal.						
Commissioner	1	2		A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Freitas			X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			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-7 Approval of Delinquent Rent Payment Plan, General Lease No. 159, Aloha M & W Properties, LLC, Waiakea, South Hilo, Island of Hawai'i, TMK (3) 2-2-060:036

RECOMMENDED MOTION/ACTION

Land Agent Brigida Ayson presented the following:

Motion that the Hawaiian Homes Commission Approve the Delinquent Rent Payment Plan, General Lease No. 159, Aloha M & W Properties, LLC, Waiakea, South Hilo, Island of Hawai'i, TMK (3) 2-2-060:036

Aloha M & W Properties has three leases with DHHL, GL No. 277, which are current; GL No. 159, which they are delinquent for \$47,175 and the balance today is \$38,250. A payment plan was started in October 2023. A notice of default was sent to them in May 2023, and a notice of

delinquency and termination in August 2023. Aloha M & W Properties reached out to DHHL for a payment plan. Their payment plan of 20-months is being charged an interest rate of 8% on the delinquent balance.

MOTION

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

DISCUSSION

Commissioner Kaleikini asked what happens after the lease terminates in 2-years. They do not have an option to extend the lease as they have exercised their 55-year lease. He asked if the repayment will be done before the termination. B. Ayson stated that is correct.

Public testimony – Patrick Kahawailoa`a. They have more than 2 years left on their lease. She stated they have three parcels but only mentioned two lease numbers. What about GL No. 258. B. Ayson stated it is the next item and lease No. 258 also applied for a payment plan. He asked how far they were in delinquency. Are there only 2 years left for the three properties? She stated there are 2-years left for GL No. 159.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2		A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Freitas			X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			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-8 Approval of Delinquent Rent Payment Plan, General Lease No. 258, Aloha Machine & Welding, Ltd; Waiakea, South Hilo, Island of Hawai`i, TMK (2) 2-2-060:033 & :034

RECOMMENDED MOTION/ACTION

Land Agent Brigida Ayson presented the following:

Motion that the Hawaiian Homes Commission Approve the Delinquent Rent Payment Plan, General Lease No. 258, Aloha Machine & Welding, Ltd; Waiakea, South Hilo, Island of Hawai`i, TMK (2) 2-2-060:033 & :034

The general lease has a 32-month payment plan, and their base rent is doubled with an amortized interest rate of 8%. The tenants have 34 months left on this general lease.

MOTION

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

DISCUSSION

Commissioner Kaleikini asked for clarification. GL 258 owes \$80,000, and the payment plan is for 32 months. The remaining years on the lease is 2057, which means they have 29 more years on the lease. She stated that is correct. He asked for updates like 6-month updates.

Commissioner Kaneakua agreed with Commissioner Kaleikini and stated to be in arrears like this, it is time to cut our loss. If he does not come up to date with his payments, the department should consider terminating his lease.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to approve the motion as stated in the submittal.						
Commissioner	1	2		A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo		X	X			
Commissioner Freitas			X			
Commissioner Helm			X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously. Nine (9) Yes votes.						

Public Testimony – Patrick Kahawailoa`a. He stated they have more than 2-years left on their lease, which was his question from the beginning. In the end report they had up to 2059 and that is a lot and more than 2-years. He stated the three leases are on the same lot. He just wants to be sure the Trust does not lose any more money. The native businesses get bombarded for being late one month, but the non-natives do not.

ITEM F-9 Approval to Amend Right-of-Entry Permit No. 732, U.S. Army Corps of Engineers (USACOE), Kawaihae, Island of Hawai`i, TMK Nos.: (3) 6-1-002, 003, 004, 005, 006, (3) 6-2-001:012, (3) 6-5-001:056, (3) 6-5-001:058, (3) 6-6-001, 004, 007, 012: various

RECOMMENDED MOTION/ACTION

Land Agent Brigida Ayson presented the following:

Motion that the Hawaiian Homes Commission Approve Amend Right-of-Entry Permit No. 732, U.S. Army Corps of Engineers (USACOE), Kawaihae, Island of Hawai`i, TMK Nos.: (3) 6-1-002, 003, 004, 005, 006, (3) 6-2-001:012, (3) 6-5-001:056, (3) 6-5-001:058, (3) 6-6-001, 004, 007, 012: various

The USACOE sent LMD an email on September 27, 2023, adding newly identified parcels of Hawaiian Home Lands situated in and around the Kawaihae, formerly known as the Waiakola Maneuvering area. The USACOE wants to include these in their investigation into potential contamination. The ask is for the approval to amend ROE No. 732 to include these additional parcels.

MOTION

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

DISCUSSION

Public testimony – Jojo Tanimoto. She stated she did testify on this, and they did have a meeting with the USACOE at the hall in Waimea where she talked with Captain Tanaka. She stated surveying Hawaiian Home Lands were not part of their original plan. She is glad that DHHL has the USACOE surveying the land which will probably be their bypass road. Captain Tanaka stated Hawaiian Homes never told them anything. There are burials in that area and USACOE were not informed of that.

Commissioner Freitas stated this is addressing the UXO issues. LMD can communicate with him, and he can pass the information on.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2		A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo			X			
Commissioner Freitas			X			
Commissioner Helm	X		X			
Commissioner Kaleikini			X			
Commissioner Kaneakua			X			
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously. Nine (9) Yes votes.						

NOTE: The Executive Session was DEFERRED

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

RECESS

1:10 PM

RECONVENED

1:45 PM

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

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

RECOMMENDED MOTION/ACTION

None. For Information Only. HHL Broadband Coordinator Jaren Tengan and Broadband Coordinator Assistant Keith presented the following:

Presentation Agenda

- TBCP Award Summary
 - \$17,284,762.45
- Timeline
 - Waiting for feedback
 - Telehealth project routed for signatures
 - Charter school waiting for the end of school year for implementation next school year
 - Mapping is going through procurement – final stages
- Tribal Broadband Connectivity Program
 - Use and adoption projects
 - \$10,897,400.45
 - Charter schools, digital mapping, Nanakuli Public Library, Telehealth and Maternal Telehealth
 - Infrastructure Panning and Feasibility
 - End of November infrastructure study complete
 - December draft application for notice of funding for second half of money, closes in January 2024
 - Finalization of MOAs for use and adoption projects
 - February – community engagements

DISCUSSION

Commissioner Neves asked for an update on Moloka'i. J. Tengan stated they are still waiting for Hawaiian Telcom to finish their infrastructure study. The DOT just finished a fiber project and J. Tengan is trying to figure out where that intersects and what needs to be covered. The service on Moloka'i is not the greatest, so he stated they are going to try to get better internet to Moloka'i. Commissioner Neves asked what the timeline would be. J. Tengan stated they should be getting data at the end of this month, but the implementation depends on when the department is awarded the second round of funding.

Commissioner Helm stated Ho'olehua does not have the best connection. He would like J. Tengan to go to Moloka'i and have a meeting and to emphasize the Ho'olehua area.

Public Testimony – Iwalani McBrayer. In 2020, a report was made of suspicious workers on the utility boxes out of the perimeter of the Kaupea homestead. The information was sent to all the Commissioners and cc'd to Juan Garcia and Darrell Ing. Who does the check and balances because she indicated there was no feedback from the previous administration. Darrell Ing came and a police report was made, and she believes Enforcement is aware. She believes that the

perimeters of Kapolei broadband around the homesteads are already set in with fiber optic cables to connect within and outside. She received feedback from the Attorney General's agent, who will report to her as she has been getting pushback regarding answers about tampering and who the suspicious workers were.

Darrell Ing stated he does not recall getting a police report. He was onsite when she first reported it. He was there to see what the problem was and who should be taking care of it. Chair Watson thanked her for bringing it to the Commission's attention. The department will look at it. She stated she would send the report.

Note: Slide presentation attached.

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

Chair Watson stated there are new Commissioners unfamiliar with this and the strategic plan that was adopted. He thinks it is important for them to understand it as there have been changes as the department put out two RFPs in trying to identify new lands the department is looking to acquire, pursuant to Act 279, and also looking for projects in better locations that might be more cost-effective that might justify adjusting the department's budget as well as the 20-projects that the Commission originally adopted. He wants the new Commissioners to know and understand the past actions of the Commission but get involved in looking at the new projects, which will all be presented to the Commission before any action is taken. Any actions will be vetted as well as decided on by the full Commission.

RECOMMENDED MOTION/ACTION

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

DISCUSSION

Commissioner Neves is concerned about the lack of experience of the new Commissioners. He wished them the best, but he thinks there should be people who are more experienced.

Commissioner Marfil agreed and stated a mixed group with experienced and new Commissioners. Chair Watson stated there is a limit of four Commissioners.

Commissioner Awo stated Commissioner Freitas has been here long enough to have a foundational understanding of these issues. For the new Commissioners, it is that institutional piece that will be missing in this deliberation that will create an imbalance. He supports putting at least one seasoned Commissioner.

Commissioner Freitas volunteered to learn more, but he is willing to step down for what is best moving forward.

Commissioner Kaneakua volunteered to be an advisor, noting his skill set and experience.

Commissioner Namu`o commented the PIG now is one to give new ideas for this big project.

Commissioner Kaleikini commented that it is a great opportunity for the Commissioners to get a better understanding of Act 279. He addressed the AG and asked if there would be nothing wrong

if one of the PIG Commissioners wanted to reach out and speak with an experienced PIG Commissioner one-on-one. AG Bryant responded (indiscernible).

Commissioner Neves suggested having the Deputy Chair the Commission like they did in the past. Chair Watson thanked him for the suggestion.

Public Testimony – Patty Teruya. She suggested Commissioner Neves continue serving on the PIG. She asked why the PIG is moving forward when Act 279 Strategic Plan is in place. Is there more funding being requested, and has the department encumbered the \$600 million? Chair Watson stated the objective is to encumber the entire \$600 million and go in for more funds.

Public Testimony – Germaine Meyers. She asked the PIG to keep in mind that verticles/rentals will not give a 99-year lease. It is to get the beneficiaries off the waitlist.

Public Testimony – Kapua Kamai. She asked Chair Watson to allow all three with a previous Commissioner who served on the last PIG.

WORKSHOPS

HOMESTEAD SERVICES DIVISION

ITEM D-4 For Information Only – Memorandum of Agreement Between the Department of Hawaiian Home Lands State of Hawai`i and Kaua`i Federal Credit Union Regarding the Guaranty of Interim Construction Loans

RECOMMENDED MOTION/ACTION

None. For Information Only. Homestead Services Division Administrator Juan Garcia and Homestead Loans Services Manager Dean Oshiro presented the following:

D. Oshiro stated this was presented a couple of months ago with a different organization, but this time with Kaua`i Federal Credit Union. Normal practice has been to do a workshop for the Commission. The actual decision will not be made till tomorrow's meeting.

The partnership is with Kaua`i Federal Credit Union (KFCU) which was founded in 1947 as Kaua`i Territory & County Federal Credit Union. In 2021 the name changed to Kaua`i Federal Credit Union. They have about \$111 million in deposits, \$130 million in assets, \$14.5 million in net worth and \$41.9 million in loans and mortgages extended, and 7,500 members. The KFCU Kaua`i staff is led by Mr. Sung Jung Lee. The details of the MOA are in the submittal.

Mr. Lee's stated this is a part of their journey to accomplish their development in the community. It is his hope the Commission approves so they can continue their journey.

Chair Watson asked if the contractor defaults and walks, how will KFCU finish the completion of the homes. Mr. Lee stated they will be working with their insurance company. In Kaua`i there are two big places where they can buy all the construction materials and one is HPM. The insurance will look to replace the contractor and work with KFCU to complete the construction site. D. Oshiro stated there normally is a bond. Mr. Lee stated normally HPM will look for a replacement and KFCU will be there to support their decisions because they are the ones who know experienced contractors. Chair Watson asked after they complete the house, then the department reimburses them. D. Oshiro stated if it comes to that worst case scenario and only after the homes are completed.

Note: Slide presentation attached.

REGULAR AGENDA

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

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

LAND DEVELOPMENT DIVISION

ITEM E-3 For Information Only – Kapolei Projects Update

RECOMMENDED MOTION/ACTION

None. For Information Only. Project Manager Land Development Division Darrell Ing presented the following:

The two major projects in Kapolei are Kanehili and Ka'uluokaha'i. Kaupea, Phase 2 was acquired from HHFDC in 2021. There will be 60-single family units and the agreement is with Mark Development.

DISCUSSION

Public Testimony – Iwalani McBrayer. She was informed that the department would work with the community. She stated the MOU states there must be a traffic light, the students are getting banged. 60-homes and no park, that is a false narrative, and she hopes that they can go back to the drawing board and design accordingly. She is disappointed because the previous administration and this administration promised the homesteaders. What she heard is not what the community desired.

S. Matsunaga stated the traffic signal is what the developer is responsible for including in the development. There will be some open areas and putting all the cluster mailboxes in one location. They tried to see if they could get further open spaces, but the main priority was to get 60 homesteads on this parcel. He is not aware that there was a commitment for a community center, but he knows there was discussion about an open area. That is the instructions LDD was provided with and went out for the proposal as part of Act 279.

Note: Slide presentation attached.

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

RECOMMENDED MOTION/ACTION

None. For Information Only. Land Development Division Administrator Stewart Matsunaga presented the following:

S. Matsunaga summarized the Implementation Progress Report for Act 279. He and Chair Watson have been meeting monthly with the House of Representatives Working Group which are provided with an update. For FY 2023, the department encumbered almost \$192.601 million; in FY 2024 the department anticipates encumbering close to \$485 million which will take it over

\$600 million. In addition, what was proposed in the Strategic Plan was to provide financing for developments and partnerships. The department is considering providing interim construction financing for house construction. This is for the developer. In return the developer will reduce the housing cost. The department will far exceed \$600 million.

DISCUSSION

Commissioner Awo asked S. Matsunaga for clarification on the numbers. The matrix is in the submittal. He asked how 61 positions does for \$5 million for staff conform to Act 279. S. Matsunaga stated it is what the department is contemplating to do with the implementation of the projects.

Chair Watson stated to get the projects done, the department will need certain in-house personnel because the department is restricted to its existing staffing. The department has been having a difficult time filling close to 40% of its approved positions. It is important to bring on staff that can implement and get the projects moving because there is a deadline. In his discussions with the Governor, the Governor agreed and made two Emergency Proclamations. One is to speed up the process and bring on staff that the department needs and to speed up the procurement process.

Commissioner Awo asked if the department is going by contract. Chair Watson stated yes, it is primarily contract. S. Matsunaga pointed out that this is not just an LDD thing because it involves all the divisions and our fiscal office to pay the bills. Chair Watson stated the department is going to the Legislature for all kinds of funding.

Public Testimony – DeMont Manaole. He stated he is glad that the department is bringing on staff. He spoke of an incident which he was told he had to take it up with the developer. He is glad there will be an expert who can look at the plumbing and electrical to make sure it is not sub-par, before closing the walls.

Public testimony – Iwalani McBrayer. She stated there is no quality control. Inspections and standards should be of high quality, and she does not think this is being addressed. She is all for building safe homes.

Public testimony – Kapua Kamai. She was trying to download the 474 pages of what was being discussed in the packet. She requested a hard copy be provided at the desk.

LAND MANAGEMENT DIVISION

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

RECOMMENDED MOTION/ACTION

None. For Information Only. Land Agent Kahana Albinio presented the following:

K. Albinio stated the properties identified for revenue-generating purposes. There are 11 slides with renderings for each slide.

DISCUSSION

Commissioner Helm asked if the Shafter Flat properties had already been turned over to DHHL. K. Albinio stated not all of them.

Commissioner Kaleikini asked what the next steps are. K. Albinio stated to identify first, then present it to the Commission. Commissioner Kaleikini asked Leah to send him the different maps and locations.

Commissioner Neves asked if any of this need beneficiary consultation that it be included in the submittal. Planning Program Manager Andrew Choy stated any long-term use of Hawaiian home lands the department is contemplating that it does go up for beneficiary consultation.

Public Testimony – DeMont Manaole. Expressed his concern of the fires on vacant HHL. He stated he would volunteer to clean the aina and suggested the department put out a kahea.

Public Testimony – Kapua Kamai. She thinks it would be good to re-hear the community again.

Public Testimony – Raylena Faagai. Regarding fire mitigation, there will be FEMA funds and other agency funds available for Trust lands.

Note: Slide presentation attached.

ANNOUNCEMENTS AND RECESS

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

RECESS 3:55 PM

HAWAIIAN HOMES COMMISSION

Minutes of November 21, 2023

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, Chairman (departed 1:15 pm)
Randy K. Awo, Vice-Chairman, Maui Commissioner (conducted meeting 1:15 pm)
Makai Freitas, West Hawai`i Commissioner
Zachary Z. Helm, Moloka`i Commissioner
Michael L. Kaleikini, East Hawai`i Commissioner
Walter Kaneakua, O`ahu Commissioner
Sanoë Marfil, O`ahu Commissioner
Pauline N. Namu`o, O`ahu Commissioner
Dennis L. Neves, Kauai Commissioner

COUNSEL

Alana Bryant, Deputy Attorney General

STAFF

Katie L. Ducatt, Deputy to the Chairman
Leah Burrows-Nuuanu, Secretary to the Commission
Richard Hoke, Executive Assistant to the Chairman
Andrew Choy, Planning Manager
Juan Garcia, Homestead Services Division Administrator
Stewart Matsunaga, Land Development Division Administrator

ORDER OF BUSINESS

CALL TO ORDER

Chair Watson called the meeting to order at 9:35 a.m. Nine (9) members were present at the meeting location, establishing a quorum.

Chair Watson announced that the Commission will recess at noon for lunch and recess again at 2:00 pm for the Contested Case Hearings.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Patty Tancayo-Barbee & Keolamaikalani Dean – Item C-4

P. Tancayo-Barbie addressed misinformation and accusations shared at yesterday's meeting and introduced an initiative for the native Hawaiian community. She stepped into Chair Watson's former position of CEO of the Hawaiian Community Development Board when he became the Chairman of DHHL. As the new CEO of HCDB, she met Keolamaikalani Dean, CEO of the Lunalilo Trust, which began the collaboration of addressing the need for kupuna housing.

Many kupuna on the DHHL wait list and the homelands face difficulties of financial and physical demands for homeownership. She founded Ikena Kea Homestead which is dedicated to developing kupuna housing for Lunalilo Trust. This collaboration resulted in a Memorandum of Understanding (MOU) to develop 10 transformative kupuna housing projects across Hawaiian

Home Lands, which will offer independent support for the kupuna. At an OHA meeting, she proposed funding of \$ 1 million per project through a sample budget. She emphasized that the funds are not yet secured because HCDB will need to compete for federal and state tax credit allocations and rental housing trust funds. HCDB will need to propose the use of DHHL funds to the Commission. There are no back-door dealings or improprieties with OHA or DHHL. They are working with homestead associations to identify suitable locations and garner support. The Kalama`ula Homestead Association is in support, and HCDB is inviting more homestead associations to join them. She urges those in the audience to join them. These projects will not request to utilize any of the \$600 million allocated to reducing the waitlist.

CEO of the King Lunalilo Trust and the Lunalilo Home, Keolamaikalani Dean stated he was raised on homestead land in Nanakuli. When he returned home and prepared to take the helm of CEO, from all his journeys through Kamehameha School, Law School, and as a Medicaid Policy Expert, he learned the language in the Trust refers to erecting a building or buildings for the use and accommodation of the poor, needy and infirmed native Hawaiians which give preference to kupuna. This project is about Lunalilo Trust working for Kupuna with Patty Tancayo and her team, who are experienced in LIHTC for low-income affordable housing for Hawaiians.

Chair Watson asked how was the project in Ulu Ke Kukui doing for providing food for the elderly. K. Dean stated it is going well, and they secured funding from Papa Ola Lokahi, Queen's Health System, and the Kaiser Foundation for kupuna meals from Makaha to Kapolei at no cost to the kupuna. The meals are tailored to the local kupuna style and are healthy.

Chair Watson asked P. Tancayo how the Ulu Ke Kukui project was going. She stated last month, they were finally awarded rental housing revolving funds from the State.

Commissioner Awo asked about the values agreed on for the kupuna. A MOU raises a question for him, as the Commission is not aware of any proposals or workshops to inform them. For him, it is a blind spot if there is no information. If they are speaking to OHA, they should be speaking to the Commission as well. K. Dean stated that the MOU is between Lunalilo and Ikena Kea and a way for them to start working together. They had planned to come to the Commission but approached OHA first to secure additional outside monies before coming to the Commission. They want to come to the Commission with a prepared proposal that reflects the interest of the communities they want to work with.

Commissioner Awo is asking for better pathways to inform each other. P. Tancayo requested to inform the Commission and go through their plan in more detail next month.

PT-2 Abner Nakihei – Item F-1 through F-10, C-4 and E-1

A Nakihei testified regarding F-1 through F-10 the number of DHHL Land Management items reflects the overemphasis by LMD, the Department, and the Commission to permit HHL Trust lands to non-Hawaiians and non-beneficiary entities. He supports beneficiary organizations over non-Hawaiian, non-beneficiary entities, such as DLNR, in managing and using Trust lands. He is in favor of agenda items C-4, Section 3-1. For Item E-1, he expressed his gratitude.

PT-3 Princesslehuani Kumaewakainakaleomomona – Item J-15

P. Kumaewakainakaleomomona testified concerning her place on the waitlist. She has been waiting for 30 years to get her lease. She asked that the Commission not wait until she dies.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

HOMESTEAD SERVICES DIVISION

ITEM D-5 Approval of the Memorandum of Agreement Between the State of Hawai'i Department of Hawaiian Home Lands and Kaua'i Federal Credit Union Regarding the Guaranty of Interim Construction Loans

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion that the Hawaiian Homes Commission Approve the Memorandum of Agreement between the State of Hawai'i Department of Hawaiian Home Lands and Kaua'i Federal Credit Union Regarding the Guaranty of Interim Construction Loans

There were no questions or discussion.

MOTION/ACTION

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

ITEM D-6 Approval of the Memorandum of Agreement Between the State of Hawai'i Department of Hawaiian Home Lands and Hawai'i Community Lending

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:
Motion that the Hawaiian Homes Commission Approve a new Memorandum of Agreement between the State of Hawai'i Department of Hawaiian Home Lands and Hawai'i Community Lending

Homestead Services Loan Manager Dean Oshiro stated a workshop was done a couple of months ago for Hawai'i Community Lending (HCL). This is a separate MOA for HCL to do permanent mortgage loans, which the department will guarantee.

Jeff Gilbraith, CEO of HCL, is moving to do their direct mortgage loans as a native Community Development Financial Institution (CDFI). They secured funding from the USDA and did a USDA-type mortgage loan. What CDFI has been approved by the USDA to provide are mortgage loans that are up to a 33-year term. The interest rate will be 1% below the USDA rate at the time of schedule and closing, which will now put the interest rate at 4% for beneficiaries. It will be an affordable mortgage product for families under 80% AMI. USDA has a lack of staffing right now, and HCL was chosen among ten others native CDFIs across the nation to do this demonstration program. He highlighted that they are seeking a 33-year term on their mortgage loans.

MOTION/ACTION

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

REQUEST TO ADDRESS THE COMMISSION

ITEM J- 1 Germaine Meyers – Various DHHL Concerns

G. Meyers stated her presentation documents and videos should be in the Commission inbox after her presentation. She presented a chronology of when Chair Watson became the Chairman and things that were said regarding Ethics Code HRS 84-14 and HRS 84-15. She also talked of HCDB's holdings and how Chair Watson was still affiliated and owner two weeks before this meeting, according to DCCA reports. She provided quotes from Patti Tancayo's presentation to OHA Trustees on September 28, 2023. Ms. Tancayo noted her relationship with Chair Watson and said that with their commitment and Kali's commitment, she would be able to apply for financing. G. Meyers spoke of ten proposed projects presented to the OHA Trustees. One of the projects is a parcel in Waianae where Commissioners approved a solar project and crematory. She finished her testimony with a presentation of HCDB and various partners and affiliations.

ITEM J-2 Charlita Mahoe – Ahupuaa O Nanakuli

C. Mahoe presented a video of the December 10, 2022, Nanakuli Christmas on the Avenue, showing the 80-plus vendors and all the people who attended. The 2023 Nanakuli Christmas on the Avenue will be on December 9th from 4:00 pm to 10:00 pm. The Waianae Economic Development Council holds the financial management to make this happen. There were no incidents during the 2022 event.

ITEM J-3 Allen Cardines Jr. – Neighborhood Security Watch (NSW)

Allen Cardines is part of the Nanakuli Security Watch team (NSW) and a strong supporter of Nanakuli Christmas on the Avenue. He did an update of the NSW's work and showed the top four priority homes that NSW is watching, with three in Nanakuli and one in Kanehili in Kapolei.

ITEM J-4 Kapua Keliikoa-Kamai = Beneficiary Consultation Process and Act 279

K. Keliikoa-Kamai presented along with Jan Makepa, Ally Andrews, and Lori Buchanan. She did an update and stated the Waianae Sustainable Cooperative is ready to move forward to get site control and the finances to do the development needed.

Jan Makepa is the interim Pelekikena for Waianae Valley Homestead Association. She supports the Waianae Sustainable Cooperative and the West O'ahu Funerary Services.

Lori Buchanan started supporting the Cooperative and the Funerary Services. The Waianae Valley Homestead Association and the Waianae Sustainable Cooperative are the leads in this project.

Commissioner Awo asked if it was smokeless, knew that Lori spoke of it, and asked her to talk about what this technology meant. L. Buchanan stated it is a retort oven, which means it gets processed twice. The stack is a heat flume, and there is no visible smoke or ash coming from the flume because it is a retort oven that processes more than once. It is cutting-edge technology and is expensive. It is a heat flume and not a smoke stack. She stated she has a 200-page special report from the EPA, which requires a clean air permit from the EPA, which they will retain and have retained in a different district. It does not have a smell, and you should not see anything emanating from the heat flume.

Chair Watson asked about the ancillary services and asked about the dimensions of the facility. She stated it is small and would fit into one of the three existing structures on the site. It was less than 20 x 20. She stated she could get that exact information from the department. He asked if the existing structure was the warehouse. She stated correctly. He asked if she was thinking of expanding any other services besides processing. She responded she would love to, but that would be up to the Waianae Valley Homestead Association. She stated they are a full-service mortuary with a license to do embalming. There is so much that can be done. Chair Watson asked if the plans prepared showed the expandability to provide these additional services or if something was being considered. She stated that is a Kapua question. Chair Watson stated there was talk about a PV project being built on-site.

K. Kamai stated they would utilize two of the three existing structures and add two carport structures. They opted to go locally with a Makaha developer. They are creating 335 kilowatts,

245 panels with each panel at 480 watts rated, the carports have 371 panels rated at 585 watts. She addressed the odor and smell question and stated the site is nestled between the Waste Management Refuse Center and the Waianae Coast Comprehensive Health Center.

Chair Watson asked if they had done any community engagement or taken surveys. K. Kamai stated they have not. Chair Watson suggested they do that so at least the majority are okay with it, and at least for him, he would be more supportive of it. K. Kamai stated if the Commission would allow them to move forward on the two projects, the association would like to entertain more space so they could provide the ancillary services. She asked that the Commission consider giving the whole parcel.

ITEM J-5 De Mont Manaole – Position Statement on Indigent Beneficiary Applicants

De Mont Manaole talked on indigent native Hawaiians. He deferred homestead offers three times because he could not afford it. He stated the \$600 million will never touch the native Hawaiians because of how the program is set up. He stated maybe sweat equity is something the Department may consider for those who cannot qualify for the program. He asked who in the Department he can see to get agricultural land. Chair Watson stated he could probably talk to Julie Cachola regarding the different types of products the Department has dealing with ag land. Maxine Kahaulelio stated she has been on the land for 11-years, lot 45, 5.4 acres, and asked that the Department put her name on the lease. She stated the Department neglected to take care of her animals.

RECESS

11:27 AM

RECONVENED

11:38 AM

Guy Lee Gasper is a homesteader in Nanakuli, and he founded a non-profit called GGV Ventures, whose focus is to bring attention and solutions to domestic violence. He wants to know who to talk to utilize industrial land to move his non-profit forward. Chair Watson stated the person would be Richard Kuitunen.

ITEM J-6 Patty Kahanamoku Teruya – Various DHHL Concerns

P. Teruya encourages the Waianae Valley Homestead Association to move forward on their projects. She thanked Charlita Mahoe for bringing Christmas to the Avenue in Nanakuli for the people. Regarding crime, she commended Major Lambert who has been working with the Nanakuli Neighborhood Security Watch. Regarding Kalaeloa, she brought attention to the Commission of the Right of Entry for Extreme Paintball. She stated for the four years she sat on the Commission, every year the Commission approves the Right of Entries and not once was Extreme Paintball on the list for Commission approval and they are not on the Annual Report put out by the Department. She asked if the Department has collected rent on this business that has been there since 2018 or less. The business was cited for contaminated dirt. LMD staff brought it to the attention of the Chairman's office. She stated it is a busy business venture.

ITEM J-7 Al Hee – Telecommunications

Al Hee stated no one in the Department will talk to him, and he is reduced to communicating via the J-Agenda. Over the last few months, he has sent to the Department his license, the staff submittal for the approval of the license, and three pieces containing a map and two articles. He thinks there is confusion about what he created in 1996, why it was created, and why, with a lot

of political pressure, nobody can kill it because it is pono. He sat with the DHHL staff and worked out what was in the license, which is a duplicate of what the PUC issued to telephone companies back then. It is called a Certificate of Public Convenience and Necessity (CPCN). This was before cell phones. If someone needs phone service, the holder of the CPCN is obligated to provide it. The PUC did not enforce that obligation on Hawaiian Telcom when it came to Hawaiian Home Lands, and so the Commission came to him. The license is a CPCN, which obligates the companies he forms to provide the infrastructure and connections at no cost to the Department to anywhere on Hawaiian Home Lands. Everything was going fine, and they invested \$450 million into the Department, and any homesteader or the Department repaid none of it. The companies he formed were on the hook for all of it.

ITEM J-9 Iwalani McBrayer – Kaupe`a Homestead Updates

Iwalani McBrayer is the SCHHA’s Statewide Disaster Manager, and Kai MacDonald is a wait lister from Maui. The Hawaiian Homestead Maui Fund (HHMF) dedicates resources to the Maui Wildfire. The HHMF focuses on three things: the Crisis and the short-term effort and supports the Hawaiian Homestead Association’s voices, sovereignty, and empowerment of their efforts on Maui.

Kainoa MacDonald serves as the SCHHA’s Maui Disaster Relief Team Coordinator and the Board Director of the Association of Hawaiians and Homestead Lands Waitlist Organization. Their Disaster Relief Roundtable was held on October 20th at the Maui Beach Hotel with the attendance of Government, State, County, and Federal Organizations. They all worked together to come up with solutions in one day, making it intense and emotional. The mana`o, “When one is in trouble, all give aid.” They all worked on three topics: what is working for the people in Maui, what is not working, and what should be happening that is not happening now. The keynote speaker was Mayor Richard Bisen. She thanked Commissioner Awo for standing in the gap for helping to get things done.

RECESS

12:40 PM

RECONVENED

1:00 PM

ITEM J-11 Sherilyn Wahinekapu – Lease Concerns

Luana Keakealani has the Power of Attorney and spoke on behalf of her mother, Sherilyn Wahinekapu. Her mom is a co-lessee with her brother, James Akiona, Jr., for two leases at Honokaia, Hawai`i. The Department told her and her mom that another family member has Power of Attorney with decision-making powers for the co-lessee. They have requested multiple times that DHHL produce this Power of Attorney. Nothing has been produced by the DHHL nor the individual that purports to have this said Power of Attorney. This hampered USDA’s application for drought assistance. The Department claims that the application cannot be certified without the authorization of this alleged Power of Attorney. Another obstacle is that DHHL will not sign off on another third-party grazing agreement, which is necessary for drought assistance, and the Power of Attorney needs to sign it. The co-lessee has yet to sign, and mom and daughter are still waiting to see if there is that Power of Attorney, as DHHL has continuously claimed. They would like to see what powers are granted to the individual with the said Power of Attorney. They must haul water twice a day for their cattle as this is the driest drought they have seen. They are asking the Commission to help if there really is a Power of Attorney. This runaround has caused

additional hardship, undue stress, harm to their animals, and delayed productivity in their subsistence living.

Commissioner Freitas promised he would call her as soon as he left to find out about the Power of Attorney issue and the water.

ITEM J-12 Randy Akau – Various DHHL Issues

R. Akau is the President of the Kanehili Community Homestead Association (KCHA). His testimony represents KCHA and its members in support of acquiring a general lease agreement with the Department of Hawaiian Home Lands for a 2.189-acre parcel located on the corner of Kapolei Parkway and Kekahili Street, adjacent to the Kapolei Fire Station. Preference to native Hawaiians for business purposes and general leases under the HHCA Section 204(2) qualifies the Kanehili homestead for the proposed parcel. From 2021 to 2023, KCHA sponsored large events that drew 17,000 to 20,000 participants, and each event had the cooperation of Hawaiian Home Lands, Ka Makana Alii, and additional parking on commercial parcels managed by KCDC. The lack of parking hampers the ability of KCHA to plan future events. KCHA is interested in developing street-level parking on the 2.189 acres that will also accommodate boat owners, trailers, and large trucks. The future proposal is to build vertical parking decks for beneficiaries who express interest in retail spaces and offices to operate their businesses. The spaces will be leased out. The proposal will help generate revenue and remain sustainable now and for future beneficiaries. Native Hawaiian beneficiaries should be given first preference when considering land lease agreements.

Commissioner Namu`o stated for the record she supports the request of the KCHA.

ITEM J-14 Raelene Like – Update on Kauluokaha`i Hawaiian Homestead

R. Like is a lessee at Ka`uluokaha`i. Her testimony is for retaining walls to be built for safety and security reasons due to speeders and accidents. There are vinyl fences and no retaining walls. She was told it was a structural engineering mistake. The previous administration told her to put in a request to the Legislature with her concerns and ask for funding for the retaining walls. She was not familiar with the process at the Legislature, so she went door to door with a petition and got under 100 names. She met with Chair Watson, who reviewed the maps and photos and agreed to support the request. He asked Representative Garcia to put a CIP together and talk with Senator Gabbard about bringing it to the Legislature. She is asking for the Commission's support. The Department will look at the designs moving forward.

ITEM J-18 Bo Kahui – La`i `Opua Community Development Corporation

Bo Kahui stated La`i `Opua CDC supports the acquisition of the 50 acres that include a water source that will support the need for water across West Hawai`i. He presented a PowerPoint of the preschool plan. He asked to find out the status of their ROE and asked Commissioner Freitas if he could assist. They also submitted a second ROE for their Community Park.

Commissioner Freitas asked for clarification that B. Kahui wants him to investigate the status of the preschool. B. Kahui states the preschool and the park.

Public Testimony – Lokana Keliikoa. She missed her spot-on Item J-4. She hopes the Commission will continue its support for the Waianae Valley Homestead Association.

ITEM J-15 Princeslehuanaani Kumaewakainakaleomomona – Maui Waitlist

P. Kumaewakainakaleomomona stated today she represents Kahikinui. She has been on the wait list since 1993. She showed a map of Kahikinui and talked about Lot 9 any human should be on that lot which has five caves. It should be made a cultural center. Lot 55 is the biggest lot being offered, 16 acres, but you will need a helicopter to get your things up there.

ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Regular HHC meeting – December 18 & 19, 2023, Kapolei, O`ahu
- B. Next DHHL Community Meeting – December 18, 2023, Nanakuli/Waianae

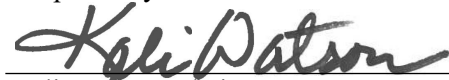
MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to adjourn the meeting.
Motion carried unanimously.

ADJOURNMENT

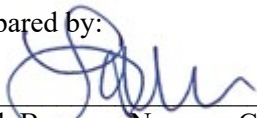
2:05 PM

Respectfully submitted:



Kali Watson, Chairman
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

Attachments:

- 1) Public Testimony – Al Hee

From: alhee@waimana.com
To: [Kuitunen, Richard H](#); [Tengan, Jaren T](#); [Young, Ward K](#)
Cc: [Ducatt, Katie L](#); [Kaupu, Russell K](#); [Burrows-Nuuanu, Leatrice W](#)
Subject: [EXTERNAL] November meeting telecom licenses for approval
Date: Friday, November 17, 2023 1:37:17 PM

Aloha e Jaren,

I do not object to issuance of telecom licenses to other telecom carriers.

However, the telecom license to a non-beneficiary owned company should not be more favorable than the telecom license to a beneficiary owned company. DHHL should not favor non-beneficiary owned companies. That defeats the whole purpose of the Hawaiian Homes Commission Act rehabilitation goals. It is also one of the reasons there are transparency policies and laws.

The Commission issued License 372 to Waimana and approved the assignment for wireless services to Pa Makani. If a carrier does not want to take on the terms and conditions, they can make an agreement with Pa Makani for a wireless tower. That is what Sprint and T-Mobile did in Anahola. If the carrier wants to get a direct license from DHHL, then that license should at a minimum contain all of the terms and conditions as Pa Makani's license. This is in keeping with the FCC's order.

Leah,

Please submit this as testimony for items F-4 and F-5 in November's meeting. How can I testify for these items?

Mahalo,
al

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