

HAWAIIAN HOMES COMMISSION

Minutes of December 18, 2023

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

PRESENT

Kali Watson, Chairman
Randy K. Awo, Vice-Chairman, Maui Commissioner
Makai Freitas, West Hawai'i Commissioner
Zachary Z. Helm, Moloka'i Commissioner (arrived at 9:56 a.m.)
Michael L. Kaleikini, East Hawai'i Commissioner
Walter Kaneakua, O'ahu Commissioner
Sanoe Marfil, O'ahu Commissioner
Pauline N. Namu'o, O'ahu Commissioner (ICT)
Dennis L. Neves, Kauai Commissioner

COUNSEL

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
Richard Kuitunen Land Management Division Planning & Development Coordinator
Kahana Albinio, Land Agent Land Management Division
Juan Garcia, Homestead Services Division Administrator
Paula Ailā, Acting Contact, and Awards Division Administrator
Michael Lowe, Information and Community Relations
David Hoke, Compliance Officer

ORDER OF BUSINESS

CALL TO ORDER

Chair Watson called the meeting to order at 9:40 a.m. Eight (8) members were present at the meeting, establishing a quorum.

Chair Watson announced that Item F-4 will be moved to the Tuesday agenda. The Commission will break at noon for lunch and executive session. The community meeting tonight at 6:30 p.m. will be at the Kamehameha Schools' Community Learning Center, 87-790 Kulauku Street in Wai'anāe.

APPROVAL OF AGENDA

MOTION/ACTION

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

APPROVAL OF MINUTES

- a) **NOVEMBER 19, 2023 SPECIAL MEETING**
- b) **NOVEMBER 20 & 21, 2023 REGULAR MEETING**

Public Testimony - Al Hee suggested the Minutes be amended to reflect better treatment of beneficiaries and to put the onus on the staff to understand the issues.

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the November 19, 2023, and the November 20 & 21, 2023 Regular Minutes. Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Germaine Meyers – Items F-3 and F-4

G. Meyers asked that the Commission defer Item F-4 as there was no submittal in the packet for the beneficiaries and the public to review. She asked the Commission to vote no for Item F-3 and all its recommendations. She reiterated what she said before that duties requiring the exercise of judgment or discretion reside with the Commission. The Commission shall be deemed to have delegated to the Chairman to sign Commission resolutions, licenses, leases, and contracts approved by the Commission. She distributed written testimony to the Commission.

PT-2 Kapua Keliikoa Kamai –

K. Kamai devoted most of her time to what Germaine Meyers said. She agreed with Al Hee that staff should look both ways, so the Commission is voting informed to the best of their knowledge and conscience.

PT-3 De Mont Manaole –

D. Manaole testified he supports F-3. The Commission should consider opposing views because everybody's voice counts. The Governor's Emergency Proclamation suspends laws dealing with homelessness to get people in homes, and for DHHL, it is to get people off the waitlist. He thinks this measure should be supported, but no rule should go unchecked.

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 November 2023 (see exhibit) |
| ITEM D-6 | Commission Designation of Successors to Application Rights – Public Notice 2022 |
| 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) |
| ITEM D-10 | Approval of Subdivision and Transfer of a Portion of Residential Lease No. 2907, Lot No. 30, Nanakuli, O'ahu – JACOB JOHN KU, JR. |

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

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

DISCUSSION

Commissioner Neves asked for clarification on Item D-6, the application rights posted. Are they for those who turned in death certificates? J. Garcia stated that item D-6 notes the death of two applicants who did not designate a successor prior to death. Hence, the department published a Public Notice allowing relatives to come forward. A niece and a child came forward to succeed to the successorship rights of the deceased applicants. The department is asking that these individuals be approved for successorship of the deceased applicant's rights.

Commissioner Kaleikini asked why the date of the applicant's death was years until the department was notified. J. Garcia stated it is due when the department receives the death certificate, and then the department has to verify the 50% quantum.

Public Testimony - Jacob and Trina Ku for Item D-10. They are in favor of Item D-10 and wanted to be clear that they can submit their application to the City and County's Planning & Permitting to get their maps recorded, or do they need to wait for the lender? Chair Watson stated they could proceed and, if they had any trouble, let the department know. He hired someone to help with the process of the permits specifically.

MOTION/ACTION

Moved by Commissioner Helm, seconded by Commissioner Neves, to approve the Consent Agenda 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.						

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

**ITEM C-1 Approval of Lease Award Kahikinui Kuleana Pastoral Lots – Kula, Maui
(see exhibit)**

RECOMMENDED MOTION/ACTION

Acting Contact and Awards Division Administrator Paula Aila presented the following:
Motion that the Hawaiian Homes Commission approve the 25 Leases Awards for Kahikinui
Kuleana Pastoral Lots – Kula, Maui

MOTION/ACTION

Moved by Commissioner Awo, 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.						

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Procure Property Management Services to Manage Multi-tenant Property at Shafter Flats Industrial Subdivision, Moanalua Kai, Island of O'ahu, TMK (1) 1-1-064:019 &:020 ("Pilot Program")

RECOMMENDED MOTION/ACTION

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

Motion that the Hawaiian Homes Commission approve to Procure Property Management Services to Manage Multi-tenant Property at Shafter Flats Industrial Subdivision, Moanalua Kai, Island of O'ahu, TMK (1) 1-1-064:019 &:020 ("Pilot Program")

It is a multi-tenement building with a ground lessee. The department wants to hire a property management company to manage the building, collect the rent, perform leasing and management services, and report back to the department with the financial distribution of the net proceeds. The tenants will pay for the bulk of the management services procured. The pilot program is believed to be the first situation in which the department is taking back a multi-tenant building. If the program is successful, the other buildings may be conducive to multi-tenant usage, individual space leases allowed under the HRS under the Act for a term not to exceed five years. There would be more flexibility in adjusting rents, replacing tenants for re-development, or offering it up for a longer-term disposition.

This position could increase the Trusts by 50% to 75%, assuming all the tenants remain in place. The building is currently 100% occupied.

The recommendation is to procure Property Management Services. It is not an individual being hired but a company. The DHHL Land Management Division does not have property managers on staff. The department is asking for the opportunity to follow private industry practices and utilize a professional property manager.

MOTION

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

DISCUSSION

Commissioner Neves asked how many tenants occupy the building now. R. Kuitunen stated there are two buildings, 8-10 tenants. Commissioner Neves asked what the advantage of the Trust is. R. Kuitunen stated the main benefit is increasing the income to the Trust to help the beneficiaries and also to fund the operations to convert single-tenant buildings to multi-tenant buildings.

Note: Audio difficulties from 50:40 – 55:15.

R. Kuitunen stated he believes the Attorney General's office has looked into the law and opined that the consent and approval of Congress is not necessary for the department to enter into the 5-year space leases. DAG Bryant asked for time to ask her colleagues about the status. The Commission could go into an executive session, or she could find out during a recess.

Commissioner Awo asked that this matter be deferred until clarity from the current AG on what the position is or should be.

Commissioner Freitas stated he likes the concept of hiring a property manager. In acquiring the property entity, would the cost paid to them be spread equally among the tenants on the ground lease as well as the structural lease? R. Kuitunen stated the mechanics proposed would take the ground lessee out of the picture. The property manager would be working for the department, which is the owner of the property. Commissioner Freitas stated that by removing the ground lessee, the department is capturing the lease negotiated with the tenants. Commissioner Freitas stated to make this decision, he thinks the Commission needs more data.

Commissioner Neves asked that it be deferred and the Commission have a workshop. Commissioners Awo, Helm, and Kaneakua agreed.

Public Testimony – Patty Teruya thanked the Commission for considering a deferral. Ka'ala Shea helped to clear out the homeless encampments in Mapunapuna by working with other agencies. She wondered why the department was hiring another management team when the department already had one.

R. Kuitunen stated that Ka'ala Shea works for CBI, which is a qualified property management company, and was hired as a statistical surveyor. He looks forward to CBI being one of the companies that respond to the solicitation for professional services.

Public Testimony – DeMont Manaole supports Item F-1 but stated that it is not ready for prime time. He is leary about outsiders coming into the Trust.

Public Testimony – Germaine Meyers. She repeated what she spoke of regarding the administrative law that licenses, leases, and contracts are to be approved by the Commission. She thanked the Commission for deferring the Item.

Public Testimony – Iwalani McBrayer represented the Kaupea Homestead Association, where she is the President. She thanked the Commission for deferring the Item. A beneficiary consultation should lead to a pathway that is more conclusive. There is more to be discussed. She would like to hear the DOI's (The Department of the Interior) opinion.

Public Testimony – Kainoa McDonald represented the Association of Hawaiians for Homestead Lands. She thanked them for the move to defer as they opposed Item F-1. The plan should be brought to the Commission and open to beneficiary consultation.

Public Testimony – Wendy Kaniaupio-Crespo, Secretary for the Kaupea Homestead Association, thanked the Commission for deferring F-1 as they oppose procurement of a property management entity and said that it needs to be brought forward for beneficiary consultation.

Public Testimony – Abner Nakihei, a homesteader at the Villages of Leiali'i, opposed F-1 and heard it was deferred. He thinks it should be brought for beneficiary consultation. He thanked Commissioner Awo for the trailer near Leiali'i so the people could get help from FEMA. If non-beneficiaries are allowed on DHHL lands, and the beneficiaries can learn their skills, they would like to have the opportunity to learn those skills.

Public Testimony – Kapua Kamai. She is thankful that Item F-1 has been deferred as more information is needed from both sides. She opposed F-1 and F-3.

Chair Watson stated in looking at the industrial lands that were being mismanaged and not generating the income that it should be generating. He brought in Richard Kuitunen because of his background working with HCDA (Hawaii Community Development Authority), in which he turned their program around, and they are now generating millions using the lands that were lying vacant.

Chair Watson stated he is also looking at the lands that are just sitting and not being issued and are fire hazards. He wants to move the department forward with the proper management of its lands. He also recognized that the department is about 40% understaffed, and the staff in place needs a lot of help. This program will run as a business. He understands concerns about outsourcing and having a non-Hawaiian or non-departmental entity receive permission for use. This is for the management of the department's existing industrial and commercial lands by bringing in a property management entity through the procurement process. He has no problem bringing it all to the Commission for action.

Chair Watson also stated that four members of the Commission, which includes himself, will be appointed to look at industrial lands and the authorization under the Act to see what approach complies with the DOI and the HHC Act. He does not agree with everything the DOI says, but he thinks the prerogative, as well as the decision, is with the Commission.

Commissioners Awo, Neves, and Kaleikini, who will be the Chair, and himself will do the analysis, the preference for native Hawaiians approach, the Statutes, and things that will move this program forward and make things happen.

Public testimony – Kauai Almeida. She has been doing community advocacy in Pana'ewa for a long time. Priorities fluctuate with whoever the Chairman of DHHL is. The one group of people that has to be in front of all the decisions of the Commission Act are the beneficiaries, native Hawaiian 50%. She stated that now the people are being told that there is an administrative rule

that makes the beneficiaries' preference, and she stated the beneficiaries are the status quo. The Commission has the authority to put the beneficiaries first.

Public Testimony – Pua Freitas is waitlisted. She attended the event at Kaupea and was grateful to the vendors who participated.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Awo, to DEFER Item F-1.						
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.						

ITEM F-2 Approval to Issue Right-of-Entry Permits to Lease Properties, LLC, Shafter Flats Industrial Subdivision, Moanalua Kai, O'ahu, TMK (1) 1-1-064:019 & 020 ("Existing Tenants")

RECOMMENDED MOTION/ACTION

Land Management Division Planning & Development Coordinator Richard Kuitunen General Professional Land Management Division Kahana Albinio presented the following:
 Motion that the Hawaiian Homes Commission approve to Issue Right-of-Entry Permits to Lease Properties, LLC, Shafter Flats Industrial Subdivision, Moanalua Kai, O'ahu, TMK (1) 1-1-064:019 & 020 ("Existing Tenants")

K. Albinio requested the issuance of a Right of Entry for J.D. Watumull LLC, due to the expiration of the general lease, to deter trespassing people experiencing homelessness from getting into the buildings. The department wants to retain that lessee for a hold over two months Right of Entry.

MOTION

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

DISCUSSION

Commissioner Neves stated the TMK is the same in Item F-1. This action does not affect anything in Item F-1. K. Albinio stated it does not.

R. Kuitunen stated the ground tenant had been a lessee for 40-something years. The department does not want the lessee to have a change of heart and walk away or tell the subtenants that he is not going to continue with their lease. The department wants to maintain the status quo.

Public Testimony – Kainoa McDonald opposed Item F-2 because the agenda does not say who, which is J.D. Watumull. Looking at the agenda, you would not know. Also, it should be brought beneficiary consultation. A business plan should be provided.

Public Testimony – Wendy Kaniaupio-Crespo opposed Item F-2. Having the beneficiary consultation is important.

Public Testimony – Iwalani McBrayer opposed Item F-2 as J.D. Watumull is a non-native Hawaiian. She asked if their rental accounts were for any programs for the beneficiaries.

Public Testimony – Patty Teruya spoke of people experiencing homelessness in Mapunpuna when the buildings are left vacant and potential damage to the buildings. There were several fires in the area this year.

Public Testimony – Guy Gasper. Thought Commissioners should be paid, that they would read deeper and be more responsible if they got paid.

Public Testimony – De Mont Manaole. He heard it said that there is a fear no one will be there if the tenant now goes out and that the lease will be extended for two months. He hopes it does not turn into 2-years or 20-years.

Commissioner Awo requested a workshop be provided to the Commission, with an analysis of the flooding in the area and potential re-development for mix-use for residential as well as commercial.

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-3

Approval to Commence Utilizing Revocable Permits (“RP”); Convert Compliant Existing Right of Entries to RP; Authorization for the Administrator of the Land Management Division to issue Limited Revocable Permits for a Term to Allow Approval of the RP at the next Meeting of the Hawaiian Homes Commission (“HHC”); Authorize the Chairman of the HHC to Issue, Amend, and Terminate Revocable Permits

RECOMMENDED MOTION/ACTION

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

Motion that the Hawaiian Homes Commission approve to Commence Utilizing Revocable Permits (“RP”); Convert Compliant Existing Rights of Entries to RP; Authorization for the Administrator of the Land Management Division to issue Limited Revocable Permits for a Term to Allow Approval of the RP at the next Meeting of the Hawaiian Homes Commission (“HHC”); Authorize the Chairman of the HHC to Issue, Amend, and Terminate Revocable Permits

R. Kuitunen stated a Right of Entry is a non-exclusive, personal right to enter onto land to carry out a specific purpose (due diligence, remove existing improvements upon expiration of lease) for a fixed term or a month-to-month term renewed with the approval of the Commission. Terminable by either party with a 30-day notice.

A Limited Right of Entry is the same as a Right of Entry, but it is issued for less than 30 days for a one-time event or a prelude to allowing the user time while a Right of Entry is being prepared and approved for a longer-term purpose.

A License is a non-exclusive right person to the user to use a portion of the property in conjunction with others and can be for a short period (connection of utility to homestead lot) or longer term (use of community center, repair of fence line issued to neighboring landowner).

R. Kuitunen read from the submittals for License Easement, General Lease, Space Lease, Revocable Permit, and Limited Revocable Permit.

DISCUSSION

Commissioner Awo stated that part of the motion is to cede the authority to the Chairman to be more efficient. R. Kuitunen stated he is proposing the Revocable Permits. If they are more than 30 days, they go to the Commission for consideration and approval.

Commissioner Neves stated the Revocable Permit criteria are not included in the submittal. R. Kuitunen stated this action is on documentation rather than the process of getting a Revocable Permit. Commissioner Neves stated the Commission asks to convert existing Right of Entries to Revocable Permits, which was approved by the Commission several years ago as a pilot program that failed. Why did it fail, and what is needed to amend the process moving forward? R. Kuitunen stated what is being asked is for another submittal for the preference, and this is for documentation.

Commissioner Kaleikini stated the action is trying to establish the approval of the process and asked if that was what was stated. R. Kuitunen stated the department is not using Revocable Permits but will start using them where it is appropriate to do so. The existing ROEs were revocable permits, then the RPs were renamed ROEs, but now LMD is asking to change them back to RPs.

Commissioner Kaleikini stated the motion is asking to approve converting the existing ROEs to RPs. He would put the word “process” in between utilizing and revocable, and he stated he is not sure if that makes sense. The word “process” is not in there, and that is why there is opposition.

Commissioner Awo stated the submittal wasn't clear and generated questions from the Commission and the beneficiaries. Authorizing the Chairman to issue, amend, and terminate revocable permits takes away the representation beneficiaries are entitled to by Commissioners representing their island. Authorizing one person removes the checks and balances.

Chair Watson announced that the Commission would take a recess for lunch and executive session and return to continue the discussion.

EXECUTIVE SESSION IN

12:05 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 matters:

1. Update on legal issues related to Telecommunications and Broadband services on Hawaiian Home Lands
2. Update on legal issues in *Richard Nelson, III, et al., v Hawaiian Homes Commission, et al.*, 1CC071001663

EXECUTIVE SESSION OUT

1:50 PM

ITEM F-3 (Continued) Approval to Commence Utilizing Revocable Permits (“RP”); Convert Compliant Existing Right of Entries to RP; Authorization for the Administrator of the Land Management Division to issue Limited Revocable Permits for a Term to Allow Approval of the RP at the next Meeting of the Hawaiian Homes Commission (“HHC”); Authorize the Chairman of the HHC to Issue, Amend, and Terminate Revocable Permits

Public Testimony – Lori Buchanan does not support F-3 as agendized. There are multiple actions within F-3, and the authorization of the Chairman caused the most concern. The way the Item is written is confusing.

Public Testimony – Patty Teruya does not support F-3, especially authorizing the decisions to the Chairman to issue, amend, and terminate. It is the fiduciary duty of the Commissioners to look over and approve. She does not want to see this moving forward.

Public Testimony – Germaine Meyer does not support F-3.

Public Testimony – Al Hee appreciated the department's desire to manage the lands better, which is well-needed. He does not think the Commission should give up its fiduciary duties to approve any disposition of homelands and that one person should make the decisions for the Commission.

Public Testimony – Kapua Keliikoa Kamai is opposed to any vote being made to the F-3 at this time. It is incomplete and needs more information.

Public Testimony – DeMont Manaole supported F-3.

Public Testimony – Jojo Tanimoto has a problem with passing the authority to the Chairman. She opposed F-3 and saw nothing in it that helped the community of Kawaihae.

Public Testimony – Kainoa MacDonald opposed F-3 because it is obscure as it is agendized. She asked that the department provide printed copies to beneficiaries.

Public Testimony – Iwalani McBrayer, President of the Kaupea Homestead Association, opposed item F-3.

Public Testimony – Abner Nakihei opposed F-3 for giving the authority to the Chairman.

Public Testimony – Patrick Kahawailoa`a opposed F-3. He hoped that the Chair and the Commission would support Act 80 to lower the blood quantum to 1/32. In 1990, the Legislation created Act 305 to increase the aggregate from 99 years to 199 years. The 99 years are coming up, and even with having a quarter of the blood quantum, people may still fail to have their birthright continued in their families.

Public Testimony – Pua Freitas is still on the waitlist. She opposed F-3.

Public Testimony – Alohalani Smith is on the waitlist and advocates for East Maui. She opposed F-3 and requested more time for Commissioners to review the submittals.

Public Testimony – Wendy Kaniaupio-Crespo, Secretary of the Kaupe`a Homestead Association, opposed F-3 on all three counts.

After listening to all the testimonies, Chair Watson agreed that the Chairman should not have the power to issue, amend, and terminate revocable permits. The Commission will issue, amend, and terminate revocable permits. It should stay with the Commission, and that is how it will move forward. Item No. 1 needs to be labeled properly, which involves a specific use, which is an RP process and not really an ROE permit.

Chair Watson stated that Item F-3 would be withdrawn, and the staff would re-write it and bring it back to the Commission for action. Item No. 1 needs to be redone, and the staff can go through all the ROEs so the Commission can look at what the department is doing with those and then relabel them as an RP.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Helm, to REMOVE Item F-3 from the agenda.						
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.						

Commissioner Awo asked if the department could move on to Extreme Paintball without a contested case hearing. He stated the department is embedded in the state system. Still, the Commission is accountable to its beneficiaries and is not in any way, shape, or form accountable to the Governor or any other political entity. That is the Commission's mission. When he hears attempts to apply emergency proclamations to the Hawaiian Homes Commission Act, he firmly disagrees with it because it is an intrusion. It enters a space that belongs to the native Hawaiian people.

PLANNING OFFICE

ITEM G-1 Approve Pa'upena Community Development Corporation (CDC) County Water Credit Allocation Request for TMK 2-2-5-034:026 (por.), and :028 (por.), Kula, Maui

RECOMMENDED MOTION/ACTION

Planning Program Manager Andrew Choy and Dr. Jonathan Scheuer presented the following: Motion that the Hawaiian Homes Commission Approve Pa'upena Community Development Corporation (CDC) County Water Credit Allocation Request for TMK 2-2-5-034:026 (por.), and:028 (por.), Kula, Maui

Request from Pa'upena CDC

- HHC approved Right of Entry in 2019, 127- acre parcel
- Raise cattle, offer community services and economic opportunities, mixed-use space
- No existing water source
- Staff and Chair recommend three credits for Maui County water meters in response to the request
- The recommended motion is that the HHC concur with the Chairman's Recommendation to allocate three water credits to the Pa'upena CDC for their use on TMK 2-2-5-034:026 (por.) and:028 (por.) in accordance with their request and the "Processes for the Allocation of Water Credits and Water Meters on Water Systems Serving DHHL Lands."

Dr. Scheuer walked the Commission through how this is in alignment with the Act.

DISCUSSION

Chair Watson assumed that an area for residential would be developed and asked if that would short-change the individuals from moving forward. Dr. Scheuer stated if the department fails to develop additional water sources in the area and the remaining three water credits go to this, they will not be available for residential use. That is the policy decision. A. Choy stated on page 4 that the Kēōkea/Waiohuli development Phases 3 & 4 are developments planned for in the immediate future, and the department is reserving water for these future developments. The department is also looking for long-term solutions for all its lands in those areas. Dr. Scheuer stated the credits have been in the books since 1997, and there are homestead organizations ready to use land. Land Development Division Administrator Stewart Matsunaga confirmed that all the Kēōkea/Waiohuli water plans are accounted for in the allocation budget for the lots and anticipated meters.

Chair Watson asked if there any steps that the department anticipates taking for the shortage that Dr. Scheuer is talking about? Dr. Scheuer stated the pursuit of a reservation from the East Maui Irrigation System, the development of water well sources, and other potential sources of water.

Chair Watson announced that the department is going into the Legislative session, with the support of DHRD and the Governor, to put the person in his position on that Board. The department will have an advocate on that Board to make sure the department's needs are addressed long-term and immediate.

Commissioner Neves asked if there was a need for three of the meters immediately or if it could be phased in. Dr. Scheuer stated the water demands to fulfill their needs on the 127 acres, and 3 meters is not enough to meet their demands fully.

Commissioner Kaleikini asked if one water credit is enough for one residential, 600 gpd and if it changes if it is agricultural or pastoral gpd in credits. Dr. Scheuer stated he believed the question is if the demand is greater for agricultural and pastoral lots, and it absolutely is greater. Potable water for in-house residential use, because beneficiaries are allowed to build a residence on an ag or pastoral lot, would cover the water demand in their house but not their irrigation demands.

Chair Watson stated what the department would like to do throughout the state is to convert these large areas into pastoral community lots that can be leased out to existing ranchers and ranching lots for development. The department is in discussions with DLNR to acquire the 110 acres in Kalaeloa that has a slaughterhouse so the department not only raises cattle but markets them and processes them. It is being looked at from the perspective of a commercial type of development, and the water is the real key.

Note: Slide presentation attached.

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.						

Public Testimony – Kapua Kamai asked if Board representation was for the water credits. Chair Watson stated it was for the Commission on Water and Resource Management and suggested she talk with Dr. Scheuer.

Public Testimony – Kainoa McDonald is the Kako'o Coordinator for Pa'upena CDC. She supports Item G-1. She read Kekoa Enomoto's testimony in support of Item G-1.

ADMINISTRATIVE SERVICES OFFICE

ITEM H-1 Approval to Increase FY24 Budget to Hire Personnel Using the Hawaiian Home Operating Fund (T-905)

RECOMMENDED MOTION/ACTION

Acting Administrative Services Officer Brian Furuto presented the following:
Motion that the Hawaiian Homes Commission Approve to Increase FY24 Budget to Hire Personnel Using the Hawaiian Home Operating Fund (T-905)

Item H-1 is seeking allowance to use the DHHL Trust Funds to create 22 exempt positions that would largely provide support to the department's district offices for operational support and homestead safety issues. This allows the department to use the Trust Fund for the remainder of FY 2024. The department will be lobbying the Legislature to request the appropriate share of sufficient sums. If this does not happen, the department will go back to the Commission to determine its next move.

MOTION

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

Public Testimony – Jobie Masagatani served as a Deputy to the Chairman for eight years, as Chairman for eight years, and as an Executive Assistant to the Chair. She opposed the motion, citing that it is precedent-setting. The Nelson case provided significant general resources for DHHL's operations, and since that time, DHHL has not utilized its Special Funds and Trust

Funds to pay for personnel expenditures. The action would signal to the Legislature the willingness of DHHL to use its resources to pay for personnel expenditures voluntarily. The amount of General Funding that DHHL was allocated for this fiscal year, over \$25 million, is substantial and the most general funding the department has received. This funding will deal with the 22 positions. It is a significant action that the Commission is taking.

DISCUSSION

Commissioner Awo stated he wanted to hear J. Masagatani's alternatives. J. Masagatani stated the funding that was provided to DHHL has two parts. \$16 million was allocated under the 625 program, the Operating and Administrative expenses, which fund 200 full-time equivalent (FTE) positions.

J. Masagatani indicated that of the 200 FTE positions that are authorized with the \$16 million, 19 positions were not funded, leaving 181 funded positions of the 200 FTE count. Historically, the department has carried a high vacancy balance, and it is not for a lack of effort. In addition, in FY 2024, the department received \$10 million of General Funds unrestricted under the 620 program. Last year, the department also got \$10 million, and the department requested that \$9 million support the homesteads. The \$1 million in general funds could be used, with the Governor's permission, to pay for some of the unfunded authorized positions. The budgeted amount indicated is almost \$1 million for 22 additional positions. The 19 positions that are unfunded are \$1.2 million annually. She recommended seeing if that money could be allowed with the Governor's permission. She encouraged focusing on filling the existing vacancies and providing support in ASO and HSD and not going for the 22 additional positions.

Commissioner Helm stated he has reservations about spending the Trust monies. Will the resource department be able to change some of the positions? She stated the submittal is for new positions, which do not even exist. 200 positions are established, and 181 positions funded. He talked about changing position titles. Exempt positions are easier to change than civil service positions.

Commissioner Kaleikini asked how many of the 181 positions are filled. B. Furuto stated there are 29 civil service vacancies and 12 exempt vacancies. Commissioner Kaleikini stated this Item is asking for 22 more positions. Will it go above the 200 approved? B. Furuto stated the 200 is appropriated, so the 22 is technically not part of the budget in terms of the Legislature's eyes.

B. Furuto stated there are two reasons for the ask, and one is because we do not have them, like the compliance officers. The second is because the position is in the wrong geographic location. The 22 are also identified as necessary and needed for operational support and for homestead safety issues. Great responsibilities are placed on the district office supervisors.

Commissioner Awo stated he understands the need. He asked why the currently funded positions cannot be allocated to fill the needs being described. B. Furuto stated it would take great administrative effort from ASO, DHRD, and B&F, doing redescriptions, converting positions, and a mini reorganization. Jobie is correct that it will be monumental to hire 22 people in 6 months, but after speaking with the divisions and Chair, it was felt that the positions are needed now. It is hoped that the department will get the appropriation at the end of the legislative session. The department will have to make a tough decision because the needs are not going away.

Chair Watson asked how long it would take to redescribe the position realistically. B. Furuto stated the department is not the only one that is dealing with vacancies, and DHRD has the largest

number of vacancies, so we get put in the queue. He stated it would take anywhere from two to three and a half months.

Commissioner Marfil asked how long it would take to develop the new positions being proposed. B. Furuto stated once he was given the directive, HR worked on creating the position descriptions, and if the action passes, it is ready to go for advertisement and recruitment. Commissioner Awo asked about the \$10 million that was mentioned, taking the \$1 million and using it for what is being described. B. Furuto thinks it is a great idea if the department had that as a viable option it would have been something he would have recommended to the Chair. There are two program IDs, 620 and 625, and 620 is where the Legislature intended the \$10 million to be. The department can ask the Governor and B&F to transfer funding, but he is not sure if anybody wants to argue against Legislative intent.

Chair Watson asked if we were to use that excess million, the department would still have to go through the process of getting it approved from DHRD, B&F, as well as the Governor. B. Furuto stated the department would have to go through two processes. It is not \$10 million but \$9 million because every department got cut back 10%. The approval would be B&F through the Governor's approval to transfer funds in the amount of \$963,000. At the same time, the department could take the steps to redescribe and convert and do the mini reorganization. Commissioner Neves asked what the timeline is. B. Furuto stated he was not too sure.

Chair Watson stated Trust Funds have been used for the operational side when there is a shortage. The department has a shortage and is trying to recruit and fill the vacancies. The Commission cannot ignore the fact that the department is not servicing its beneficiaries. It is a new position, but he thinks it was collectively identified. The department will have to advocate at the Legislature for the Sufficient Funds argument, per the Nelson case. The department is not only going to the Legislature for more operational costs but for more funding as the \$600 million is pretty much used up, and there are additional projects. There are risks and it is a decision the Commission will have to make.

Commissioner Awo stated, there are five current vacant Office Assistant positions, can any of those positions be used for the district offices. B. Furuto stated there are six current vacant Assistant Office positions, of which five are unfunded. He would need to check with HR if any can be taken from O'ahu and converted to the neighboring island. Commissioner Awo stated he would support that. He wants to make sure that the proceeding will not jeopardize other portions of the department's operations. How many vacant positions are land agent positions? B. Furuto stated there are four vacant, and one is unfunded.

J. Masagatani stated that in the administrative process, the department could seek an allocation from the expenditures utilized for other current expenses that are not personnel. There is a good percentage that the 10% restriction, or maybe half of it, will be lifted. They do that every year, restrict a portion, and release it about April. She suggested the department use an existing position that is under the department's authorized position count. You would request the Governor an allocation from one program ID to another and put that position out tomorrow for recruitment.

What is being established here is 22 positions that the Governor has already told you he is not going to support in his budget next year, so the department is (1) coming against the Governor, (2) it is not authorized, it is not in the position count, and it does not exist anywhere. The department has to get the Governor's buy-in. He has already said no; he is not including it in next

year's budget. You talked about Legislative intent and increasing your position count from 200 to 222; 22 positions are off-budget. Legislative intent versus money that is already given.

The position descriptions may already have been done, but the department still has to work through DHRD because to get the position set up, it has to go into a system. Maybe with this Governor, the department might be lucky to get those 22 positions authorized in one crack. She suggested that there are professional services that could be brought to DHHL to assist with what has to happen in order to move forward with the existing vacancies. Try to get the 19 unfunded vacancies funded with the existing general funds that the department has versus using Trust Funds. There is no going back once you use Trust Funds to pay for personnel expenditures.

The Castagnetti decision was the turning point for the department, and it has not used Trust or administration account monies for personnel expenditure since. Prior to that, DHHL did not have a choice.

Public Testimony – Homelani Schadael thanked Jobie for bringing forth the information. Her kuleana is to protect the Trust, and moving forward with this recommendation would jeopardize the general fund and it will set a precedent. How many vacancies does the department have right now? If the 22 positions were to be created, how can the department be sure they will be filled when there are existing vacancies now? She asked that the Commission be cautious about the unintended consequences that will need to be dealt with when this Commission is no longer here.

Public Testimony – Kapua Kamai. She does not understand how the funding for personnel works. She agrees the positions are needed.

MOTION/ACTION

Moved by Commissioner Awo, seconded by Commissioner Neves, to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (Yes)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Awo	X			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			3	6		
MOTION: <input type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input checked="" type="checkbox"/> FAILED Motion failed. Three (3) Yes votes. Six (6) No votes.						

ITEM H-2 Approval to Transfer Hawaiian Home Receipts Fund Balance – End of 2nd Quarter, FY24

RECOMMENDED MOTION/ACTION

Acting Administrative Services Officer Brian Furuto presented the following:

Motion that the Hawaiian Homes Commission Approve to Transfer Hawaiian Home Receipts Fund Balance – End of 2nd Quarter, FY24

The current balance in the Hawaiian Homes Receipt Fund is approximately \$664,000 and should be about \$725,000 by the end of December 31, 2023.

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

OFFICE OF THE CHAIRMAN

ITEM C-2 Formation of Permitted Interaction Group to Investigate the Disposition of Industrial and Commercial DHHL Properties Not Used for Homesteading, pursuant to Hawai`i Revised Statutes § 92-2.5 and Hawai`i Administrative Rules § 10-2-16(b)(1)

RECOMMENDED MOTION/ACTION

None. For Information Only. Chairman Kali Watson presented the following:

Chair Watson stated the Item is to appoint a PIG to take a look at the department's unused lands to see how it can be developed, make recommendations, and do the dispositions. There will be four Commissioners: Michael Kaleikini will be the Chairman, Randy Awo, Dennis Neves, and himself.

Public testimony – Germaine Meyers. She stated if you hire someone using general funds and if you do not have general funds anymore, like any for-profit, you eliminate the position, for the PIG takes into consideration proposals for kupuna rentals and multi-family homes on industrial lands.

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

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

PLANNING OFFICE

ITEM G-4 For Information Only – Status Update, Kalaupapa Beneficiary Consultation, and NPS Projects

RECOMMENDED MOTION/ACTION

None. For Information Only. Planning Program Manager Andrew Choy and Planner Nancy McPherson presented the following:

N. McPherson presented the PowerPoint slides. Existing Plans

- Planning area of 1,468 acres
- Land use designation – special district, community use, conservation, and commercial
- Moloka`i Island Plan due for an update in 2025
- NPS general management plan was started in 2008 and finalized in 2020
- Kalaupapa Planning Processes ‘
- Beneficiary Feedback
- Participation in NPS meetings
- Participation in the Kalaupapa Transition Interagency groups
- Topside Moloka`i Associations would like to be included
- Getting feedback from the Kalaupapa beneficiaries and the Kalaupapa Beneficiary Working Group to help design the next phase of the beneficiary engagement process to be implemented in 2024

Acting Deputy Superintendent at Kalaupapa Lynan Kat presented the slides for the NPS update. Superintendent Nancy Holman was available to answer questions.

- Perimeter fencing protecting the ecosystems.
- Rehabilitate and upgrade the existing electrical system
- Installing fuel tanks to ensure the park continued operations
- Completed consultation with US Fish and Wildlife Services
- At DHHL’s request, started an EA for both NEPA and HEPA
- Consistency determination completed

DISCUSSION

Commissioner Helm asked what the count of the patients left there was. L. Kat stated there are eight living patients, and not all of them live in Kalaupapa full-time. He asked about the workers under the DOH or the State as well as the NPS and what the condition of the homes they live in is down the road. N. McPherson stated the NPS has the staff and the funding to keep the structures up to Historic Preservation standards. The employees rent the places. The DOH structures are not in as good a condition as the NPS structures. The department will be meeting with DOH to discuss the issues. Commissioner Helm asked once the eight people were deceased what happened to Kalaupapa. N. McPherson stated the employees. Exit Kalaupapa. Commissioner Kaleikini asked about fuel use on a monthly basis. L. Kat stated the type of fuel is gasoline and some diesel, which is delivered annually. N. Holman stated with a smaller staff. The annual

consumption has been 20,000 gallons of fuel, which includes DOT, DOH, and resident use. Commissioner Kaleikini asked if Kalaupapa has its generators. N. Kat says it uses topside.

Public testimony – Lori Buchanan. She is part of the Kalaupapa Working Group topside. Communication is poor, and nobody knows what is going on with the interagency group. The department should have never signed the Programmatic Agreement because the park has already been operating for over 40 years without a general management plan. All that was presented today was the first time she had seen it. There is no reason why Kalaupapa staff cannot come to the topside for in-person meetings. She wants the Commissioner to consider NPS to work harder and reach out to the community and not pass anything until they ask the community.

Note: Slide Presentation attached.

ANNOUNCEMENTS AND RECESS

1. DHHL West O`ahu Community Meeting – 6:30 p.m. at the Kamehameha Schools' Community Learning Center, 87-790 Kulauku Street, Wai`anae, Hawai`i 96792

RECESS

4:50 PM

HAWAIIAN HOMES COMMISSION

Minutes of December 19, 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 (arrived 11:25 am)
Randy K. Awo, Vice-Chairman, Maui Commissioner
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 10:15 am)
Sanoe Marfil, O`ahu Commissioner
Dennis L. Neves, Kauai Commissioner

EXCUSED Pauline N. Namu`o, O`ahu 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
Richard Kuitunen, Acting Land Management 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

Vice-Chair Awo called the meeting to order at 9:44 a.m. Six (6) members were present at the meeting location, establishing a quorum.

Vice-Chair Awo announced that the Commission would recess at noon for lunch and recess again at 3:00 pm for the Contested Case Hearings. There were carry-over items from Monday's meeting and will be heard in the following order: Items E-1, E-2, F-4, G-2, G-3, and G-5. The Commission will then proceed to the J-Agenda items.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Patty Teruya – Item E-1

P. Teruya testified to secure the Voice of America project in Maili, which is in the approved Act 279 Strategic Plan. Through beneficiary consultations, beneficiaries want homes and not rentals. The Commission also approved the WVHCA industrial project in Wai`anae for the crematorium and the solar project.

PT-2 Germaine Meyers – Item E-1

G. Meyers was concerned about wildfires on the Waianae Coast and the fact that there is only one access road in and out. There are lots of dry grassy areas, and if there were a wildfire like that of Lahaina, the Wai`anae Coast people could get locked in. Nanakuli homestead has 1,050 homestead lots. She suggested using the ocean water and having a blue fire hydrant. Also, for the first time, the Nanakuli Neighborhood Board has nine Hawaiians on the board.

Chair Awo stated it is about lessons learned for Maui and Wai`anae.

Commissioner Neves asked if the beneficiaries turned down the multi-family units and why it is on the plan. A. Choy stated the Maili projects had two rounds of beneficiary consultation, and they were shown two configurations. There was positive feedback on the multi-family units.

Commissioner Neves asked if the multi-family units would be rented with the option to purchase and if it takes them off of the waitlist. A. Choy stated he does not think the purpose went that far regarding rent to purchase. Commissioner Neves' concern is going off the plan of Act 279, which is to get people off the waitlist.

PT-3 Lokana Keliikoa Pua – Item E-1

L. Keliikoa-Pua testified that at the meeting in Wai`anae, Kamaki Kanahele claimed that the parcel next to the Waste Plant in Wai`anae was theirs, the Wai`anae Coast Comprehensive Health Center's land. The Commission approved the Right of Entry to the Wai`anae Valley Homestead Community Association. She asked for clarification that the parcel is for the use of the WWHCA right of entry.

Commissioner Awo stated the Commission would honor what it had approved.

PT-4 Kapua Kamai –

K. Kamai spoke as a beneficiary. The sewer laterals will be done in 2024. She also talked about the traffic impediments.

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

LAND DEVELOPMENT DIVISION

ITEM E-1 For Information Only – West O`ahu Projects Update

RECOMMENDED MOTION/ACTION

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

S. Matsunaga stated that the final EA for the Voice of America has not been brought before the Commission. It is still open; waiting on what SHPD requires and if there is any need to adjust the site plan, grading, and such. It will be brought to the Commission when it is ready.

Kehau Quartero and Sara Okuda covered the following updates: the Nanakuli Traffic Calming, Nanakuli Cemetery Repairs, Nanakuli Seawall, Wai`anae and Nanakuli Sidewalks and Storm Basins, the Nanakuli Drainage Lateral Improvements, West O`ahu Sewers Assessment, Wai`anae & Nanakuli Sewer Improvements, and the Nanakuli & Wai`anae Cesspool Assessment.

S. Matsunaga stated many of the cesspools and sewers are not at county standards, so the Department is responsible for mitigating clogs or breaks. The Department has a contract with Underground Services to take care of the clogs and breaks. It is part of the supplemental budget request to the Legislature. The repair and maintenance ask is over \$200 million.

DISCUSSION

Commissioner Neves asked if the sewer and lateral maintenance are trench or trenchless construction, as trenchless means fewer road closures. S. Matsunaga stated that LDD is planning community meetings before the construction starts.

Commissioner Kaneakua asked about the pumping stations for the low-line housings. S. Matsunaga stated there are areas where the land slopes down, and there are homes. The remedy is a low-pressure system or a gang-lift station, and that depends on how many lots are on that system.

Note: Slide presentation attached.

ITEM E-2 For Information Only – Act 279 Implementation Progress Report

RECOMMENDED MOTION/ACTION

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

S. Matsunaga, along with former Commissioner Patty Teruya honored Darrell Ing, who will be retiring at the end of December. Vice-Chair r Awo stated there would be a big puka without him and thanked him for his service.

S. Matsunaga stated in the submittal that there is a printout of Act 279 status for last month. He walked the Commission through the submittal. He pointed out to the Kaupea community that the site work includes two playgrounds. Once the development agreement is finalized, LDD can share the site plan, which also includes cluster mailbox units.

He stated that LDD expects to encumber \$240 million, and adding to the \$200 million, it brings it to \$440 million. The summary of encumbrance to date is printed out on the third page:

- In FY 2023 – encumbered \$192.6 million
- In FY 2024 – encumbered \$2 million
- Projected for the rest of the year is \$563.7 million, taking it over \$600 million (over by \$158.3 million)

LDD is working with Chair Watson on the projects and with the Attorney General on the development agreements.

DISCUSSION

Vice-Chair Awo asked about the projected encumbrance for FY2025, which is \$809 million. How did it get beyond the \$600 million, and how might that affect existing projects approved by the first PIG? S. Matsunaga stated that currently, under the Strategic Plan, LDD is implementing all of the projects. Some are not ready for bid but should be ready in the early part of next year.

Some projects came in over budget, over what was estimated. When the Strategic Plan was put together, LDD only had estimates available at that time, and projects increased in costs, and in some cases, the projects got larger. It provides more homestead opportunities, but the costs are higher. It is a complex process. Commissioner Awo stated the \$5 million for staff keeps popping up and is something that has to be discussed. S. Matsunaga stated it is something that has to be considered in lieu of the total budget.

Commissioner Neves commented that the \$5 million will be a problem under the current Act and Strategic Plan. He stated that the Kaua'i kuleana project looks like the encumbrance for that is going to push that project back. S. Matsunaga stated that LDD does not have the designs ready to bid and should be ready by June 30, 2024.

Public Testimony – Lokana Keliikoa Pua stated that traffic calming is most needed. There are over 405 homes in the Nanakuli homestead, and there is not one crosswalk. For the sewers and cesspools, she stated they do not want loans; they want grants. The Regional Plan is shared with Wai'anāe Kai, and the parks need help for improvement.

Public Testimony – Germaine Meyers stated nobody uses the bike paths but uses golf carts. She suggested signage for golf carts that it is illegal to be on the road. People do not need a license to drive a golf cart.

Public Testimony – Princess Lehuanani looked at the Nanakuli and commented on how tight the living conditions are for the kanaka. Referring to the Lahaina wildfire, she suggested removing all the light poles on the ground and putting them underneath the ground.

Public Testimony – Kapua Kamai stated the Chairman's will and intent are reflected in the agenda every month. For traffic calming, she suggested the speed limit be reduced to 15 mph.

LAND MANAGEMENT DIVISION

ITEM F-4 For Information Only – O'ahu Island Community Development Updates for Eleemosynary Projects

RECOMMENDED MOTION/ACTION

None. For Information Only. Land Agent Land Management Division Administrator Richard Kuitunen presented the following:

R. Kuitunen presented the slides for the O'ahu Island Community Development Updates for Eleemosynary Projects.

- Governed under HHCA Section 204(a)(2) – 171-43.1.HRS
- Ho'omaka Marketplace, where Longs is located along with other tenants
 - Ground lease rents benefit KCDC
- Waimanalo Hawaiian Homes Association
 - The rents, halau, and commercial kitchen benefit the active and non-members of WHHA
 - The technology center is rented to a public charter school
 - All revenues go to the operation, maintenance, and post-secondary scholarships
- Nanakuli Village Center
 - Multi-development use property – three interconnected service components
 - Commercial center, Kamehameha Schools and Hale Makana O Nanakuli

DISCUSSION

Public testimony – Germaine Meyers stated there is a façade that they have on their homestead and that the association did it. The association’s president has done it for the last 30 years. It fails to disclose that taxpayers pay for it. It is tax credits from federal, city, and state monies that came from the taxpayers and not homestead fees, dues, or fundraisers. She stated there was an outburst about the project because the community did not want it. Five hundred out of a thousand people protested against having the project built. She talked about the association not having meetings since 2013 and the people not being communicated to.

Vice-Chair Awo stated that Chair Kali Watson is back to run the meeting. The video that the Commission was not able to view that can be deferred to another time. The Commission will continue to accept public testimony on Item F-4.

Public Testimony – Kapua Kamai testified that an eleemosynary is recognized under the HRS as a 501 c-1 or a 501 c-3, then she read the definition according to Wikipedia. She asked the Commission to consider adding to the definition of eleemosynary 501 c-12, specifically for the Wai`anae Co-op.

Note: Slide presentation attached.

PLANNING OFFICE

ITEM G-2 For Information Only – Ewa Beach Master Plan and Environmental Assessment Project Update

RECOMMENDED MOTION/ACTION

None. For Information Only. Planning Program Manager Andrew Choy and Planner Pearlyn Fukuba presented the following:

A. Choy honored Pearlyn Fukuba, who will also be retiring at the end of December.

P. Fukuba walked the Commission through the project background, work to date, beneficiary consultation and community outreach, developable land analysis and approach, and next steps and schedule.

- 80-acre parcel
- Beneficiary consultation was conducted in 2021, and 162 responded, and 73% accepted conveyance.
- September 2022, DHHL started the Ewa Beach Project Master Plan and EA.

Malachi Krusha with SFM continued the presentation and covered the Infrastructure Analysis, the Community Master Plan, The Environmental Compliance, and the Community Engagement Program.

- Most preferred single-family housing, and to have a community center and traffic calming and multiple access routes
- A mail survey will be sent out to the residential waitlist.

DISCUSSION

Chair Watson stated it seems that there is not much area left over other than the upper portion next to the golf course. He asked about the adjacent land and if Andrew knew if the Department

could grab that. A. Choy stated the federal government has not indicated if it is surplus property they do not need. Chair Watson stated the site is unusable based on the rise in sea level. M. Krusha stated the site can be elevated and filled, but there are cost considerations.

Public Testimony – DeMont Manaole stated he heard it said that the ways out of Ewa Beach are many. He talked of the traffic, and in the case of a tsunami and people being crazy and frantic, he imagined the chaos. He stated he heard the land was gotten by quick claim deed, which is a red light to him, as it is a property that is transferred with no guarantee or warranty of title.

Public Testimony – Princess Lehuanani testified she lived on Iroquois Point and heard guns and planes. She asked for the safety of the kupuna. She asked how she use HUD to get her homestead.

Andrew Choy stated the Department uses the NAHASDA funds, and that is how HUD is connected.

Note: Slide presentation attached.

ITEM G-3 For Information Only – King’s Landing Kuleana Settlement Plan and Environmental Assessment Project Update

RECOMMENDED MOTION/ACTION

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

Keola Mossman with G70 offered the Draft Environmental Assessment Implementation of the King’s Landing Kuleana Settlement Plan

- Phase I – Planning: Kuleana Settlement Plan and Environmental Assessment
- Phase II – Design and Construction of Roads and Lots
- Phase III – Awarding Homestead Leases Under Kuleana Program
- Phase IV – Community-Defined Codes, Permits, and Processes
- Phase IV – Homestead Empowerment: Community Management of Resources; Community-Based Economic Development
- Worked closely with MAHA, whose interest is in securing lands for future generations
- Beneficiary consultation was held, and a petition created by MAHA received 84 signatures in support of the King’s Landing Kuleana Homestead Settlement.

DISCUSSION

Commissioner Kaleikini asked for clarification if the plan consists of 78 lots, how many are in Phase I, and how many are in Phase II. A. Choy stated that they have not gotten to the recommending phase approach.

Commissioner Kaneakua asked if the runway causes any concerns for the people existing under that traffic pattern. What kind of housing structures will they be. A. Choy answered the second question first. Under the Kuleana Homesteading Program, beneficiaries are allowed to build structures that are affordable to them and meet their financial and social needs. The Department is not going to construct homes on the lots. The airport significantly affects the existing homesteaders in Keaukaha. K. Mossman stated that the way the settlement plan is now, there is no human habitation in the noise contour, and they do not expect any further hazards from the airport at this time.

Chair Watson stated the kuleana approach is where the individuals have the option to build their own. The problem is that they would not be able to qualify for loans. He thinks the Department should make funding available for them and educate them in model housing. With regards to insurance, which the Department requires, it will have to be addressed.

Julie Cachola stated there is an option for the MAHA to develop its own codes, permits, and permit process, which will have to be approved by the Commission. Chair Watson asked about the Kapo'o project and if the Department needs to help with the road construction. The main road needing improvement would be the emergency access road.

Chair Watson stated he noticed the lots are large and how the sizing was determined. There is also a large waiting list. He thinks there were comments about doing smaller lots. He does not want to make it too exclusive, and there is a need to get people off the waitlist. It is a desirable area.

Public Testimony – Ainaaloha Ioane thanked the Chair for bringing this concern up. They will be meeting with two architectural agencies to see which one they will be working with and will be applying for grants for this. In Keaukaha, there is only one road in and out, so the traffic is a concern with the possible addition of homes. The land may look like a large parcel, but the actual livable area is much smaller due to the topography of the land not being flat. There is a lot of kupuna on the waitlist, so near the beginning of King's Landing where there are smaller parcels with quicker access to the paved road. It is about a 45-minute drive on the bumpy road to the end of King's Landing. For the beneficiary consultation, there was a question as to what was MAHA's involvement and the King's Landing's involvement in the planning process. There was not an opportunity for MAHA to provide context for their involvement. She suggested that in future beneficiary consultations, the Department provide information on MAHA's participation and its future in the area. She asked if the PIG could reconvene to discuss prioritizing the existing MAHA members to receive homestead leases. There will be another beneficiary consultation. Chair Watson stated it is something to consider.

Public Testimony – DeMont Manaole supported the G-3 project.

Public Testimony – Princess Lehuanani testified as a beneficiary waiting on the waitlist for 30 years. She is glad for the 25 that got Kahikinui, who waited 40 years.

Public Testimony – Skippy Ioane testified in support of the King's Landing Kuleana process. He built his home. He stated they can use some help, but there will be some static over the procedure process. He also stated he would rather the help of funding be for the toilet instead of the house because the more you put into the house, the more money you got to pay.

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Public Testimony – Patrick Kahawailoa`a asked the Commission what administrative rule created kuleana lands and what was the mandatory process to create that rule. There was an issue of what waitlist will be used for that kuleana as there is the list for residential, pastoral, and agricultural, or is there a kuleana wait list generated by the Department? His understanding is that Kahikinui is a kuleana pastoral, and those individuals in 1990 were given leases to their properties. King's Landing was through a Right of Entry, so will that be converted, and how will people be able to do that? Is the code not necessary there, but it is elsewhere? Is the Department

creating two classes of native Hawaiians from one Hawaiian Homes Commission Act that says you have to comply, and it seems if one lives on kuleana land, there is no need to comply? How and what action will be taken when there is a violation of the Hawaiian Homes Commission Act? He would like the Planning Department or Commission to give input on this matter.

Note: Slide presentation attached.

ITEM G-5 For Information Only – Status Update on Nanakuli and Waianae Plan Implementation, Island of O`ahu

RECOMMENDED MOTION/ACTION

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

Andrew Choy stated this was presented to the beneficiaries who attended the community meeting last evening in Wai`anae. Pearlynn Fukuba presented the slides.

- Plan updated in 2022 and should be a guide for the next 20 years
- Strategic Plans and Island Plans focus on statewide programs and policies
- Regional Plans and Regional Plans identifies projects and future development. There are 22 Regional Plans throughout the state.
- Implementation tools include funding, legislation, and land use
- All plans are periodically evaluated and updated
- Land use: commercial, community, conservation, general agricultural, and residential
- Trust lands in Lualualei: community, conservation, industrial, residential, special district, general agricultural, and subsistence agriculture

Public testimony – Georgiana Navarro and Jan Makepa testified that they fear fire as the land across her is dry land. Their wish list is for the ag land to be re-zoned for a kupuna garden involving the community. They understand that it may be the lessees' responsibility to maintain their property, but who is going to maintain the vacant? What can beneficiaries do to be proactive and help the Department mitigate the mountain area? The property G. Navarro spoke of is slated for agricultural use and is behind her property. The first priority is fire safety and disaster preparedness. She also talked about the golf carts and how very young children, around 8 years old, drive them around the homesteads. Solution: signage by the Department and a message board by the beneficiaries.

DISCUSSION

Chair Watson stated that if they could come up with a game plan, it would be helpful. There are grant applications. Richard Hoke is leading the charge with regard to disaster preparedness. Some people might not appreciate a big message board in their community.

Commissioner Awo stated that fire is not taken lightly and is taken to heart. It's a good starting point if a fire breaks

Public Testimony – DeMont Manaole supported Aunty Georgiana's request.

Public Testimony – Kapua Kamai asked if the Department might consider putting a lock and chain in the back road area where people dump their trash, it would help to deter people from going in and dumping. For safety, she wants the Fire Department and the Police Department to have the keys for the locks.

Note: Slide presentation attached.

Chair Watson announced that there are 17 people on the J-Agenda, and everyone is allowed their 15 minutes which will be over 4 hours. He respectfully asked to keep it to the point and to please stop when the timer goes off. When a person talks beyond their time, they take the time from others, and that is disrespectful.

REQUEST TO ADDRESS THE COMMISSION

ITEM J-2 DOI, Office of Native Hawaiian Relations – Climate Resiliency Grant Program

Brad Wong shared their funding opportunities for beneficiaries and homestead organizations.

- Kapapahuliau funding comes from the Inflation Reduction Act, \$25 million for native Hawaiian individuals
- \$23.5 million for climate resilience and adaption and \$1.5 million for administrative costs
- In May 2023, they did public scoping meetings across the pae‘āina, throughout all the islands, and got feedback from the community organizations
- Make sure the monies get to native Hawaiian communities.
- More information may be found on their website, and there is a link for the climate resiliency program www.doi.gov/hawaiian/climate-resilience
- One can email their grants department at grants.help@kalaimoku.com

B. Wong stated they wanted to be as inclusive as possible. Projects in health, education outreach, and more related to climate resiliency in their community are related to the three priorities of responding, adaptation, and transformational activities.

Chair Watson asked if the Department could apply for the grant funds. B. Wong stated they are focusing on serving native Hawaiian communities and that discussion can be had if the Department is looking at applying. DHHL is a state entity, and he is not sure what the eligibility requirements are.

Commissioner Helm stated there may be associations eligible. B. Wong stated to shoot him an email.

Public Testimony – Jojo Tanimoto asked if it was Hawaiian Homes who asked for their grant or if their association had to ask for the grant. B. Wong stated he assumed the association would apply. That discussion can be done offline to figure something out.

Note: Slide presentation attached.

ITEM J-3 Keolamaikanlani Dean, Patti Barbee – Development of Affordable Rental Housing on DHHL Parcels

K. Dean is the CEO of the King Lunalilo Trust and Lunalilo Homes, and Patti Tancayo-Barbee joined him. To vote, you had to have property rights under King William Charles Lunalilo

- Advocated for voting rights for the people of the Kingdom and eliminated the property rights
- He read the King’s will. The language speaks to the people for affordable housing
- Oihi Wisdom – People thrive where living conditions are good

- Plan to submit an application to HHFDC for funds
- Submitted budget to OHA for \$1 million per project
- Plan to ask DHHL for general or commercial leases
- There is a need for kupuna to have quality housing and quality of life

Commissioner Awo stated it is not that the beneficiaries oppose kupuna housing, but when there are 29,000 people on the waitlist, how does utilizing DHHL lands help them get off the waitlist? Many view 29,000 people on the waitlist as a failure. In greater detail, what does this mean for the waitlist? Kupuna is entitled to quality-of-life opportunities, but he needs to be able to respond to that train of thought.

P. Barbee stated she is a homesteader and many of the kupuna on the waitlist; their earning powers are unfortunately pau. The reality is that they will not be able to qualify for a mortgage, but they need to be taken care of. She stated they are bringing in their own funds to give them a beautiful place to live, and that is how they address the people waiting on the waitlist. K. Dean stated many kupunas living on homesteads could not maintain their homes, and their homes run down as they age.

Commissioner Helm stated for Moloka'i, some communities would benefit from this.

Commissioner Awo stated this is not a lease situation but putting them into housing. K. Dean stated these are rentals.

P. Barbee mentioned a presentation done of her last month for which she faced personal attacks over the past decade. The attacks ranged from emails and confrontations at job sites to disruptive behavior at meetings. It disrupts the critical work that she does. She ensured the Commission that there were no back-door dealings between Chairman Watson and herself. Her commitment to homelessness and housing predates her acquaintance with Chairman Watson.

Commissioner Awo stated that P. Barbee engages the Commission more frequently to communicate with one another.

Note: Slide presentation attached.

ITEM J-5 Guy Gasper – Various Concerns

G. Gasper stated communication is key, and Gigi's Redemption is a non-profit project addressing domestic violence. His project's first preference is the women because the guys run away, and the women are left. He talked about cars like kidney cars that are donated to help the women.

ITEM J-7 Maile Requilman-Kaopua – Kaupe'a Homestead

M. Requilman-Kaopua was awarded in 2020 and became the second homeowner of the lease and lot in Honouliuli. She read the letter that she sent to S. Matsunaga regarding the improper and insufficient installation of the plumbing work done in her home, which the previous owner, her brother, also reported. They paid for a professional plumbing and sewage inspection, and the report concluded that the design, the workmanship, and the materials used in the 2006 construction and installation beneath the ground-level concrete floor were improper, ineffective, and deficient. Per the code, any violations would be unlawful to allow public use. She asked what is the recourse as she is living a health crisis with her family in the home.

Chair Watson asked, prior to her getting the place, if the occupants and owners had the problem. M. Requilman-Kaopua stated her brother Hanson, before he passed away, brought it up to their family Counsel. At a meeting with her brother in 2007, S. Matsunaga brought the report with him so I was backing up a year after her brother moved in. Chair Watson asked if the contractor was given notice back in 2007. She stated they have communication through email.

S. Matsunaga stated when he was informed, he requested that Shioi go to the home to conduct an inspection. This was in 2022. Chair Watson asked what about back in 2007? Kaopua said no inspection was done that day, but they argued that they had to prove there was an issue with the home.

S. Matsunaga stated they urged Shioi to go back, open the walls, and do an investigation to determine what the situation was. Shioi stated he would conduct the work if the Department paid him. If Shioi opens the wall and if it is built to code, then the Department will pay Shioi, but if it is not built to code, then Shioi will have to incur the cost himself. S. Matsunaga stated they have not been able to get beyond that.

Chair Watson asked M. Kaopua about the parts and about having the wrong type, and how she found that out. She stated they paid a company to come in, and she has videos and pictures. She stated the report was not shared with Shioi or S. Matsunaga. Chair Watson stated there is a 10-year limitation, and if Shioi was put on notice back then, which sounds like she did, he believes she would have a cause of action. The Department has a little more leverage in taking up the issue.

AG Bryant stated it sounds like Shioi is not being responsive. Chair Watson stated there is pretty good information, and the main fact is the contractor was put on notice. This is 17 years later, and there is going to be a situation. The key is having a solution and having Shioi pay for it. Chair Watson stated he would bring in the legal beagles. Chair Watson asked her to share her reports with the Commission/Department as it will be used to make the argument. She stated she would speak with her husband and get back to the Chair.

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3:25 PM
3:40 PM

ITEM J-10 Blossom Feiteira – Various Concerns

B. Feiteira shared status of what is happening in Lahaina. Commissioner Awo has been the boots on the ground making sure people get access to the services and resources. They appreciate him.

ITEM J-12 Homelani Schadael – Maluohai

H. Schadael stated earlier in the year, she was disappointed on how the Chairman was moving Act 279 forward because the recommendations brought before the Commission did not have substance, context and clarity for the Commission to make informed decisions. She found he had lacked in many areas and in integral qualities to lead DHHL.

However, when the Governor selected Kali Watson as Chairman of DHHL, she knew he would have all the support he needed. She supports Kali and expects he will use his expertise as a developer to move Act 279 forward. She asked that all do the work with kinaole.

ITEM J-13 Jojo Tanimoto – Kawaihae Issues

J. Tanimoto stated she will be repeating what she has been talking about at the meetings for the last 2-years. She stated Kawaihae has not been a part of the planning for DHHL. She mentioned the water, Kehena Ditch, fires in the watershed, and DHHL needing lots more water. She asked that the Department get them connected to Kehena Ditch, which was in their water plan and master plan back in the 1990s. She also mentioned expanding the harbor traffic situation and asked the Department to jump in on that.

ITEM J-15 Kekoa Enomoto – Pa`upena Community Development Corporation

K. Enomoto invited all to the SCHHA Annual Conference at the Maui Beach Hotel starting on January 24, 2024. Topics covered include undivided interest leases, the Kuhio Awards program, the Kuleana Program, and preference during lot selection to genealogical ties to an area. At the Maui Moku-puni Council meeting, they had 3 Kahikinui lessees talk about how grateful they were for getting their awards on December 2, 2023. She thanked Commissioner Awo for his service. She also invited everyone to their moku-puni council meetings.

ITEM J-16 Kapua Keliikoa – Various Concerns

K. Kamai requested an extension to their ROE for another year and for site control so the two tenants can proceed to the next level. They submitted all their documentation to the appropriate individuals but have not been informed of any concerns pertaining to the environmental assessment (EA) or any other required regulations. She asked the Commission to allow the two tenants who were given the ROE to proceed to the next level so they can make applications to Hawaiian Electric and DPP and whomever else necessary.

Chair Watson stated they would survey to find out what the community wants and see if they support or oppose it. K. Kamai stated regarding the Co-op, the target is the beneficiaries on the Wai`anae Valley Homestead. That community group has been informed, and it is on the rooftop. She stated they surveyed their homestead and on her street, but they did not get any response. They have not gone out to the community yet.

Chair Watson is concerned about Wai`anae Comprehensive Center and the community in general, not just your community. The PV is not an issue. For the crematory, he wants to hear what the community, as a whole, feels about the crematorium. If you are going to do a piecemeal, the survey is not going to help him make a good decision. If you can get the whole community's support, he thinks they should expand what they are doing. Chair Watson stated at least get the support of the majority of the community. She stated they would be doing a survey.

Commissioner Awo stated when talking about expanding the survey, it is part of the due diligence. He supports an extension to continue to do the due diligence, and if part of the request is to do a survey, that is your opportunity to engage. The word crematorium is not a fuzzy word, but it is something that is needed in a community.

Lori Buchanan stated a beneficiary consultation was done, and over 4,000 mailouts were done within that moku. All of this was done by DHHL staff, and there was no negative feedback. She stated eight members of this Commission voted yes to the ROE, which is now eight months in.

Ikaika Hussey stated they did go door to door to get people's feedback, particularly the solar piece. That may not be a formal survey, but they did make an effort to go into the community.

The President of the Wai'anāe Valley Homestead Association, Jan, notified the Commission that they support the request for a conditional site control. They are working on the survey.

Chair Watson asked about the PV and if it could be done separately from the crematory and move the PV forward. I. Hussey stated he thinks it is something that can be done independently. Chair Watson stated the timing might be right for the energy tax credits because there is a ton of money out there for that kind of development.

ITEM J-17 Ainaaloha Ioane – Malama Ka `Aina Hana Ka `Aina

Ainaaloha Ioane stated that at the beneficiary consultation, there was a want to understand what kuleana subsistence living is. There needs to be more information and understanding on why, when, and how it was created, how the administrative rules were created, and how King's Landing is using it in their settlement plan process. In her testimony, she made reference to the January 2022 Item C-2 agenda item, which was the adoption and recommendation of the Phase I PIG for King's Landing, which included the need for a PIG Phase II Committee to focus on the continued transition of King's Landing Settlement Plan. She asked for the continued support of the HHL Land Management Division in securing the gate at King's Landing.

Skippy Ioane stated the people were coming to King's Landing just to camp. The County cannot lock the park gate until the King's Landing people get the squatters out. He also stated that he put dignity back into poverty. Let the people see the end of the tunnel.

ANNOUNCEMENTS AND ADJOURNMENT

- A. Next Regular HHC meeting – January 16 & 17, 2024 (Tue. & Wed.) Kapolei, O'ahu
- B. Next DHHL Community Meeting in January

ADJOURNMENT

4:40 PM

Respectfully submitted:



Kali Watson, Chairman
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

Attachments:

- 1) Public Testimony – Jojo Tanimoto

From: [Jojo Tanimoto](#)
To: [Kuitunen, Richard H](#)
Cc: [Albinio Jr, Peter K](#); [Ayson, Brigida](#); [Choy, Andrew H](#); [Garcia, Juanito P](#); [Matsunaga, Stewart T](#); [DHHL.Director](#); [DHHL-HHC-Makai Freitas](#); [Burrows-Nuuanu, Leatrice W](#)
Subject: Re: [EXTERNAL] Re: phone call
Date: Sunday, December 17, 2023 7:12:21 AM

Please attach to my Hawaiian Homes Commission testimony December 2023

Mahalo Mr Kuitunen

1-I do not have an ROE.

Palekoki Ranch/Kahua Ranch has the ROE, that I opposed at the HHC meetings.

Here is a of issues I would like to have resolved which are connected to this issue.

I just want Kawaihae to move forward. I feel like a traffic flag person where the traffic keeps going. I think it's time to throw the flag at the traffic so the drivers stop.

a) Access to Kailapa Emergency Road #1, access requests to plan to get potable water to Kailapa subdivision. Kawaihae Bypass road above Kawaihae Harbor #2 (Palekoki Stream flooding into beneficiary lot across the harbor, Harbor Bypass/Emergency Road #1, Kailapa Emergency Road #2-could be addressed with infra-structure. Kohala Cement Company air pollution given approvals without discussion with makai subdivision. The original lease was given, but there was no subdivision yet. The renewal has subjected those lessees and successors to hazardous cement dust for the duration of the General Lease.

b) New items-USACE Unexploded Ordnance survey impacting historical sites mediation (Historical Registry-USACE was not aware there were historical burials and sites they are surveying) and no follow up on renewable energy company land-I had no follow-up so I made testimony for the Director and Commissioners to assist me in communication.

2-Given that the Planning Department does a good job of keeping the community aware, the problem is LMD. So I am asking the Commissioners to establish a Beneficiary Consultation Policy from LMD, for issues that affect the community. We need to have a "voice". Especially since we got no responses to the emails and phone calls.

Please provide mitigation services and communicate status going forward.

Mahalo

Sent from my iPad

On Dec 12, 2023, at 11:52 AM, Kuitunen, Richard H
<richard.h.kuitunen@hawaii.gov> wrote:

Aloha Ms. Tanimoto.

I apologize for delay. I requested LMD staff to look into your inquiry and they have not advised me of any open items on our side. I also searched our data base and could not find any ROEs under your name.

Beneficiary consultations are normally done through our Planning Division or Homestead Services Division. Infrastructure improvements falls under our Land Development Division.

Hope this helps clarify your concerns. Sorry I wasn't able to provide more assistance to your concerns.

Mahalo

Richard

From: Jojo Tanimoto <guavaland622@gmail.com>

Sent: Tuesday, December 12, 2023 8:06 AM

To: Kuitunen, Richard H <richard.h.kuitunen@hawaii.gov>

Subject: [EXTERNAL] Re: phone call

Aloha Mr Kuitunen

I'm checking back on responses to my concerns. Please reply. Jojo Tanimoto
Sent from my iPhone

On Dec 1, 2023, at 10:59 AM, Jojo Tanimoto <guavaland622@gmail.com> wrote:

Mahalo

I have testified that this division does not respond or communicate with the homesteaders (I've been told), definitely me. I am asking this issue to change.

My suggestion is to have a beneficiary consultation policy implemented (if there isn't one already). If my request is not the purview of this division, please refer me.

My urgency is that opportunities have been limited to the beneficiaries here and competition for community resources are being used by the affluent neighborhoods.

1. The Kawaihae Regional Plan, Master Plan and Feasibility Plan, report 2 needs that I think we need,

1. Potable water

2. Evacuation Accesses

-Kawaihae Harbor road

-Palihae Stream floods

I would like to hold a discussion because the ROE's are holding up the "show". I'd also like to know updates on our issues.

(Like why LMD did not forward my testimony on USACE survey of UXO

sites in Kawaihae. I'm the one that complained to USACE and DHHL years ago, why DHHL Kawaihae was not included from the beginning. The harbor traffic in Kawaihae had to cross HHL to get to Pohakuloa. Please reply. Mahalo

Sent from my iPhone

On Nov 30, 2023, at 9:53 AM, Kuitunen, Richard H
<richard.h.kuitunen@hawaii.gov> wrote:

Aloha Ms. Tanimoto

Please feel free to send me your inquiry and if I cannot answer I'll pass on to someone who might be able to assist you.

Mahalo

Richard

Richard Kuitunen
Land Management Administrator
Department of Hawaiian Homelands
Phone: (808) 620-9455
Richard.h.kuitunen@hawaii.gov

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