



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

**KICK-OFF MEETING**  
**KA PA'AKAI FRAMEWORK ANALYSIS PROJECT**  
**KONA, HAWAI'I**  
April 18, 2024



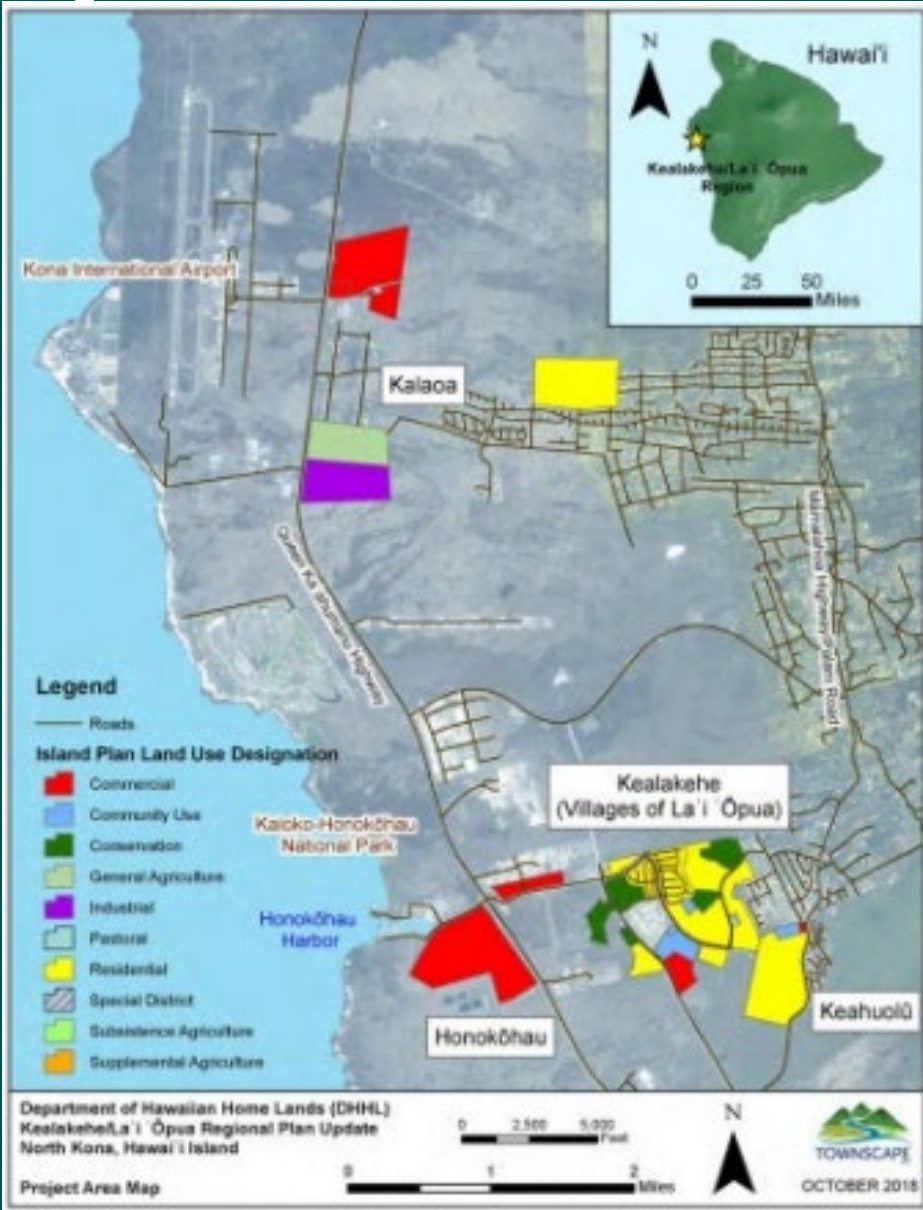
# AGENDA

- Sign in & Mea 'ai – 5:30pm
- Welina & Pule – 5:45pm
- Presentation – 6:00pm
- Introductions – 6:20pm
- Q&A and Open Discussion – 6:30pm



# **Why is DHHL pursuing water source development in Kona?**

# Water accessibility for new homesteads



- DHHL has about 1,400 acres of HHL in North Kona from Kalaoa to Keahuolu
- May acquire more lands at Palamanui for homesteading use
- After the completion of Village 4, DHHL will have exhausted all of its water credits on the County DWS water system and will need additional water credits in order to develop its planned homesteads.
- DHHL's unmet water demand in Kona is estimated to be 3.398 million gallons per day (MGD).
- CWRM approved a water reservation for 3.398 MGD for DHHL in North Kona in 2015.



# DHHL'S PLANNED HOMESTEADS IN KONA

- **Village 3 – Kaniohale (complete)**
  - 224 lots
- **Village 4 – ‘Ākau (complete)**
  - 118 lots (RWOTP)
- **Village 4 – Hema (in-progress)**
  - 125 lots
- **Village 5 (in-progress)**
  - 117 lots
    - 42 turnkey (complete)
    - 20 Habitat (complete)
    - 45 RWOTP (in-progress)
    - 10 Vacant (future)

## FUTURE:

- **Villages 1 & 2**
  - ~200 lots each
  - Dependent on additional water credits from DWS





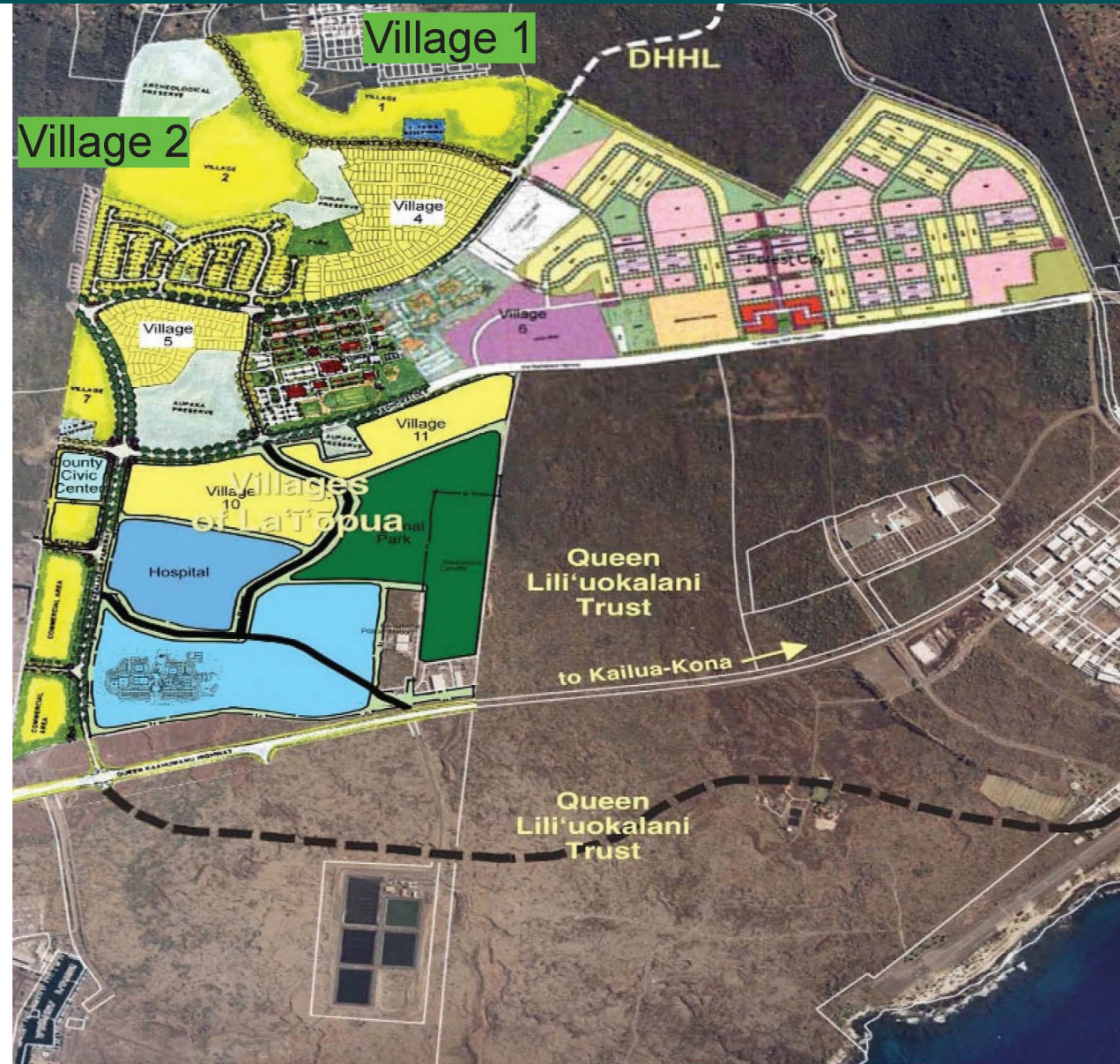
# DHHL'S PLANNED HOMESTEADS IN KONA

## La'i 'Ōpua Village 2

- Start Environmental Compliance and Engineering Designs
  - Funded by Act 279
  - Schedule to be determined
- Approximately 200 lots

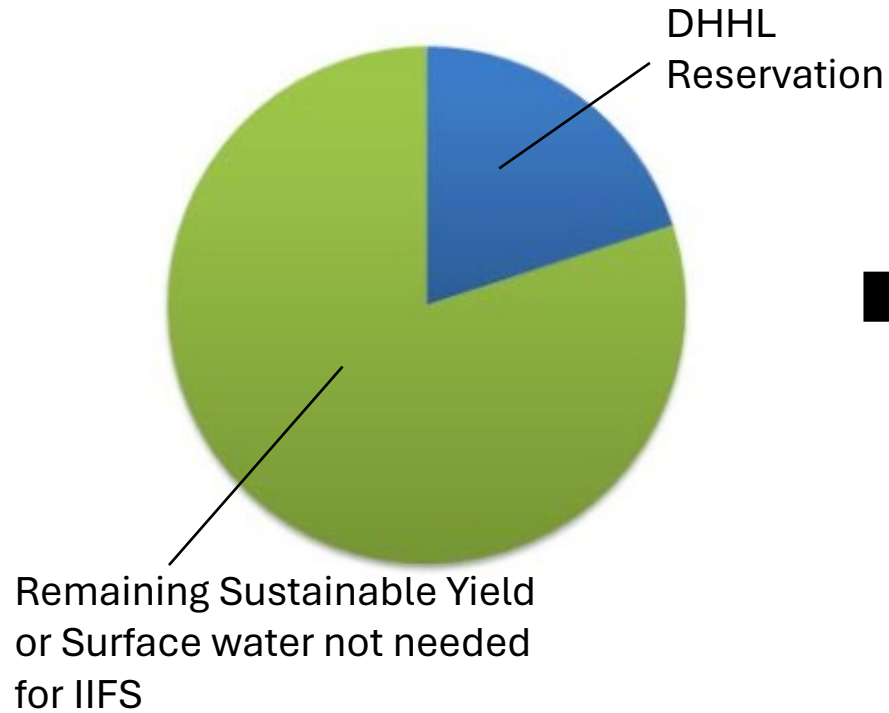
## La'i 'Ōpua Village 1

- Start Environmental Compliance and Engineering Designs
  - Funded by Act 279
  - Schedule to be determined
- Approximately 200 lots





# DHHL Water Reservation Overview



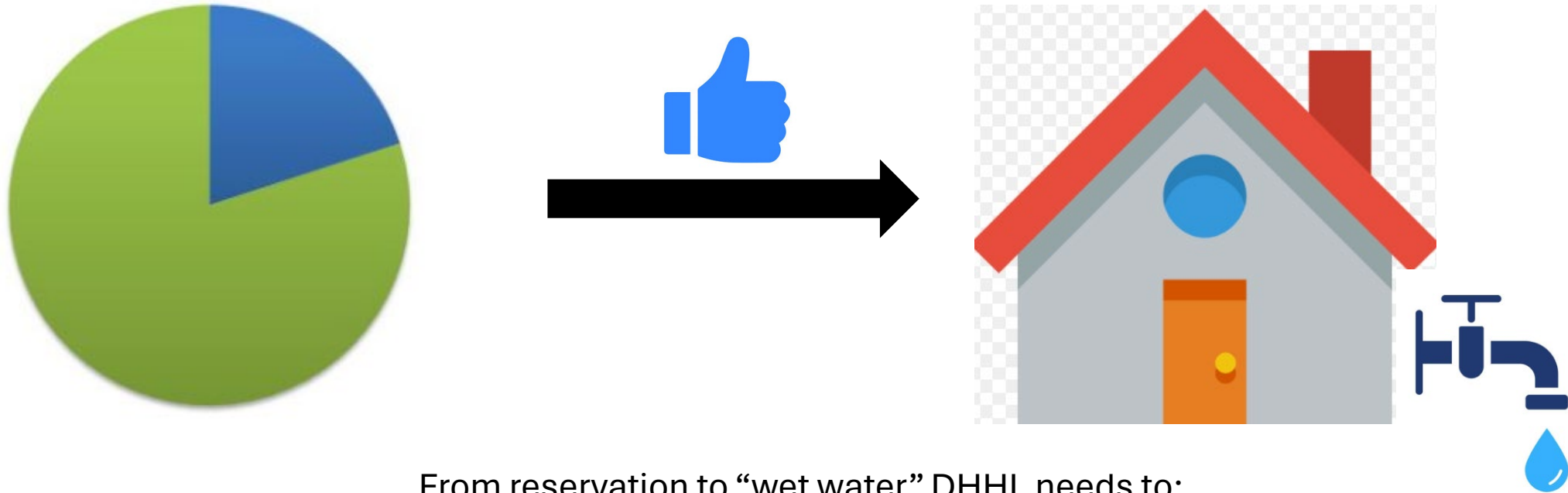
DHHL Water Reservation IS a kapu of water for DHHL use

DHHL Water Reservation is NOT immediate access to “wet water”



# Background

## DHHL Water Reservation Overview



From reservation to “wet water” DHHL needs to:

1. Obtain CIP Funds
2. Develop source, transmission, storage
3. Make **water credit** agreements with County DWS or other water purveyors



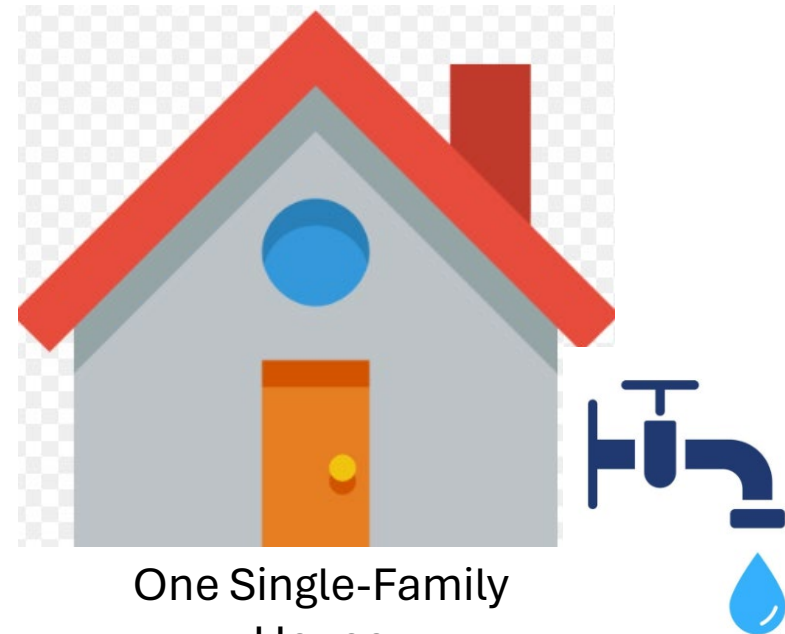


# Background

## County Water Credit



One County  
Water Credit  
(600 gallons per  
day)



One Single-Family  
House



# North Kona Regional Water Challenges

Hawaii News

## DWS lifts yearlong North Kona water restriction

By [Max Dible West Hawaii Today mdible@westhawaii.com](mailto:Max Dible West Hawaii Today mdible@westhawaii.com) | Wednesday, January 10, 2018, 10:05 a.m.



Nov. 2017

**NEWS STORY**

Honokōhau Deepwell has been repaired and is currently operational. However, Hualālai and Keahuolū Deepwells went offline the first & second weeks of October.

Source: Big Island Video News



# North Kona Regional Water Challenges





# DHHL Water Challenges in North Kona

1. County DWS has told DHHL it needs to develop additional wells to provide water for future DHHL development.
2. County DWS has shared that they are more amendable to groundwater wells that are developed south of Keahuolū that access higher level water sources.
3. DHHL does not currently have HHL south of Keahuolū, and has thus been seeking suitable lands to acquire for water source development.



# DHHL Water Source Initiatives



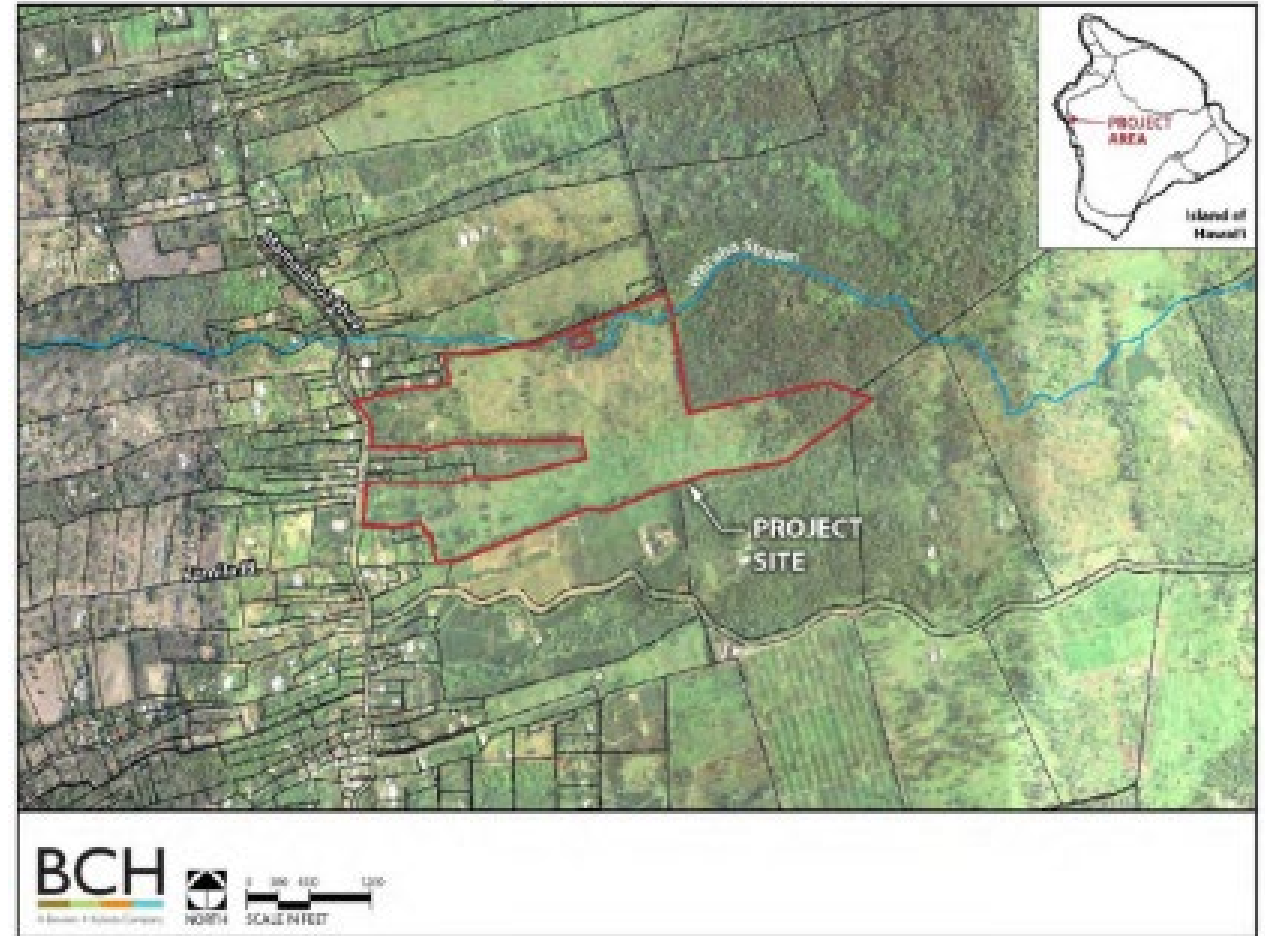
- Gianulias Well Site (Blue)
- KS Well Site (Purple)



# Gianulias Well Site Background

- ~130 acres
- Owned by the Gianulias family (Cannery Commercial LLC)
- Same elevation as existing County DWS well with nearby transmission lines
- Current land use = coffee farming
- Appraised value = \$10.5M (Sept 2022)

Figure 1-1 Project Site Location





# Gianulias Well Site Current Status

- **Acquisition of the property:**

- Letter of Intent signed June 2022
- Due diligence studies on-going
- Purchase and Sale Agreement – signed & executed February 2024
- Closing TBD depending upon completion of HRS 343 and Ka Pa‘akai Analysis (hopeful to close ahead of June 2025)

- **Due diligence includes:**

- Title record research
- Property boundary survey scheduled for January
- Phase I Environmental Site Assessment
- HRS 343 Environmental Assessment
- Ka Pa‘akai Analysis



# Gianulias Well Site Current Status (cont.)

After acquisition of property is completed.....

- Design and construct test well
- Confirm test well results
- Obtain CWRM well construction and pump installation permit
- Finalize Water Credit agreement with the County
- Design and construct production well, storage, and transmission improvements required by the County
- License improvements to the County for long-term operation and maintenance





# KS Well Site Background

- KS developed initial well early 1990s (KS **Well 2**)
- A second proposed well (KS **Well 2A**) not developed
- Well site within proximity of existing County DWS system
- **Well 2** tested and has successfully yielded water
- The KS plan for Keauhou lands have changed – KS future water needs have decreased
- KS approached DHHL to bring **Well 2** and possibly **Well 2A** online to the DWS system
- Approx. KS land area needed for improvements = 2.75 acres





# KS Well Site Status

- Hawaiian Homes Commission approved MOU agreement among KS, DWS, and DHHL 2022
- DHHL completed appraisal of KS well site property and KS property needed for storage tank and water line transmission (\$88,000 for three parcels totaling 2.75 acres) 2023
- Work to finish acquisition of property from KS in 2024/2025
  - Letter of Intent
  - Purchase and Sale Agreement
  - Water Credit Agreement with KS and County (if needed)
- Hydraulic Study (required by DWS) 90 percent complete
- EA schedule and Ka Pa‘akai Analysis schedule the same as Gianulias Property



# KS Well Site Current Status (cont.)

After acquisition of property is completed.....

- Engineering design for Well 2A, Storage Tank, Transmission Lines
- Obtain CWRM well construction and pump installation permit
- Construct Well 2A, Storage Tank, Transmission Lines
- Finalize Water Credit agreement with the County
- License improvements to the County for long-term operation and maintenance



# Potential amount of water to DHHL

- County DWS has verbally told DHHL that it would give DHHL the “full amount” of water from the Gianulias Well and KS Well 2A
- County water credit allocation formula (assuming a well produces 1 million gallons per day)
  - $1,000,000 \text{ gallons} \times \text{two-thirds} = 666,666 \text{ gallons per day}$  (assumes that the well will not be pumping 24 hours a day and will “rest” 8 hours a day)
  - $666,666 \text{ gallons per day} / 600 \text{ gallons per day} = \text{approximately } 1,110 \text{ water credits}$
  - Gianulias Well site + KS Well 2A = 2,220 water credits
- Need: 455 homesteads in La ‘i ‘Ōpua + Kalaoa proposed homesteads + potential palamanui land acquisition for homesteading + community spaces (parks, etc.) + potential Palamanui development + other lands in Kona



# **What is the Ka Pa‘akai Framework and why is DHHL asking for participants?**



# What is the Ka Pa‘akai Framework?

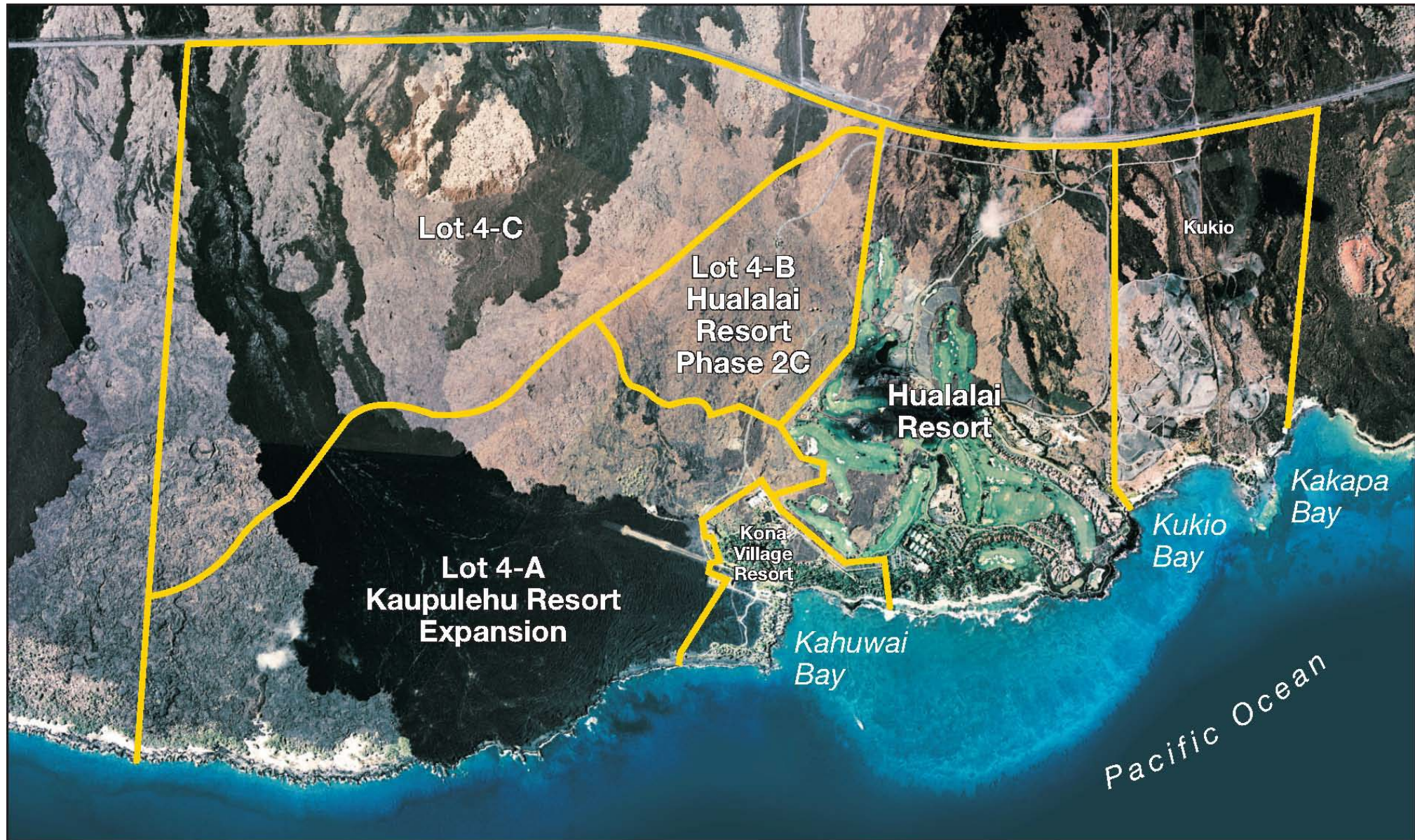
- The Ka Pa‘akai Framework is a three (3) step analytical framework required of State and public entities in Hawai‘i to effectuate **Article XII, Section 7** of the Hawai‘i Constitution, which obligates the State to:
  - protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua‘a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights



# Why Are We Talking About Salt?

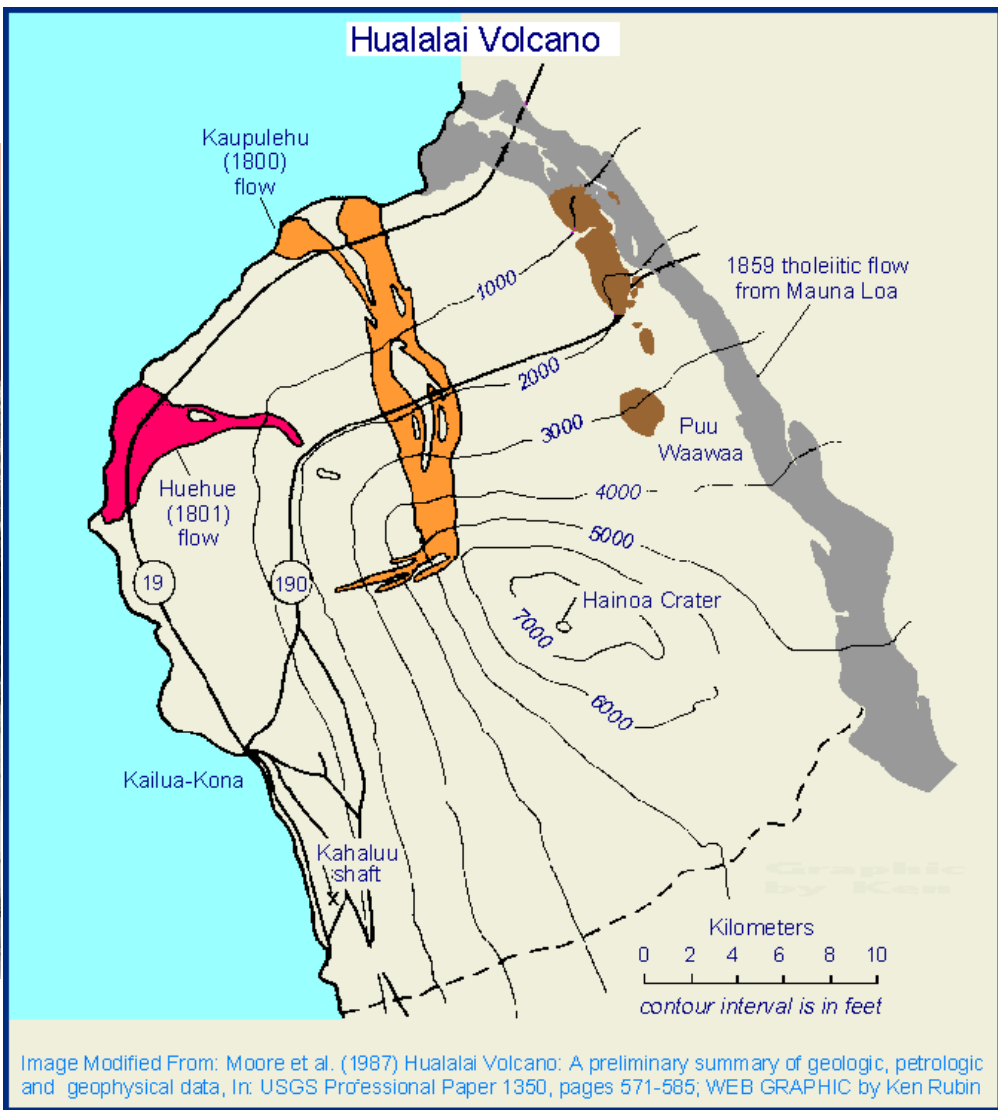
- Often referred to as “Ka Pa‘akai Analysis”, the framework takes its name from the Supreme Court case, Ka Pa‘akai o Ka ‘Āina v. Land Use Commission in 2000
- Ka Pa‘akai o Ka ‘Āina, an association of Ka Lāhui Hawai‘i was one of the petitioners who challenged the Land Use Commission’s decision regarding a State Land Use boundary reclassification

# Ka Pa'akai o Ka 'Āina v. Land Use Commission





# Ka Pa'akai o Ka 'Āina v. Land Use Commission





# Supreme Court Decision

1. The native organizations were aggrieved parties with **standing to appeal** the action of the LUC.
2. The LUC's findings of fact and conclusions of law were **insufficient to determine whether it fulfilled its obligation** to preserve and protect customary and traditional rights of those native to Hawai'i.
3. The LUC **improperly delegated its constitutional obligation** to preserve and protect the customary and traditional rights of native Hawai'i people to a private developer.



# Ka Pa‘akai Framework

1. **Identify the scope** of valued cultural, historical and natural resources in the petition area, including the extent to which traditional and customary native Hawaiian rights are exercised in the petition area.
2. The extent to which those resources, including the traditional and customary native Hawaiian rights, **will be affected or impaired by the proposed action.**
3. The feasible action, if any, to be taken **to reasonably protect native Hawaiian rights** if they are found to exist.



# How does this relate to Chapter 343 & Environmental Review?

- **Chapter 343 of the Hawai‘i Revised Statutes** provides a framework for review of the adequacy of environmental review documents prepared under the Hawai‘i Environmental Policy Act (HEPA).
- Part of this framework includes **reviewing cultural impacts**, similarly to the Ka Pa‘akai Framework.
- Because of this overlap, often **Ka Pa‘akai analysis is folded into environmental review** documents, such as environmental impact statements (EIS) and environmental assessments (EA).
- In this case we will be preparing two separate documents to fulfill **both the Chapter 343 and Ka Pa‘akai frameworks**.



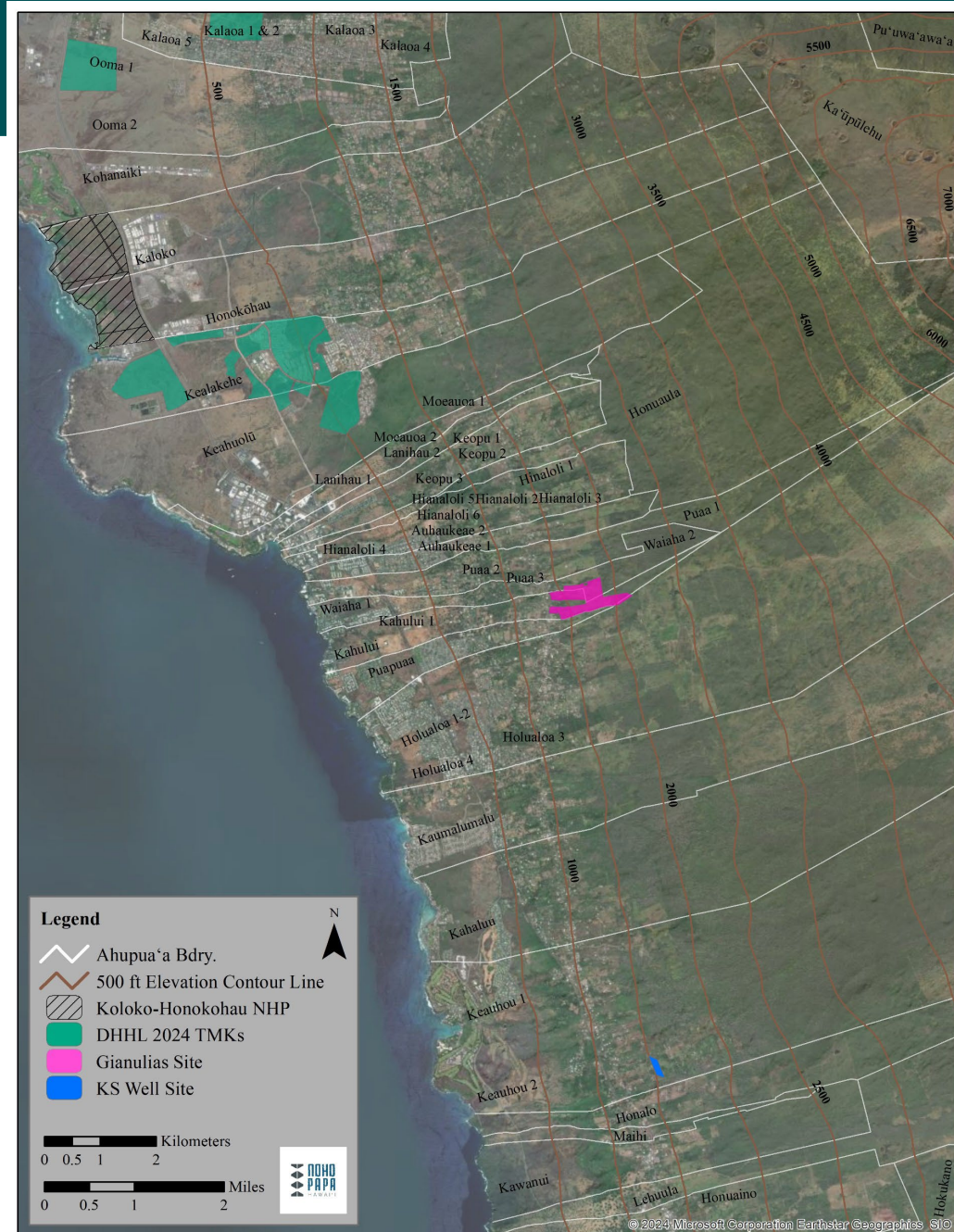
# What is this project meant to do?

- We have **engaged with Nohopapa Hawai‘i** to assist DHHL in completing the Ka Pa‘akai Framework Analysis for future water source development at the two locations described this evening.
- This will include a **review and compilation of historic data** and information as well as **robust consultation** with knowledgeable individuals and groups from Kaloko to Keauhou ahupua‘a.
- We are hopeful that those of you who have joined us this evening can **help us as we begin** this process to ensure our **scope of work** is appropriate, we are **outreaching correctly**, and that we prepare a meaningful and **complete analysis**.



# AHUPUA'A MAP

- DHHL lands:
  - Kalaoa, 'O'oma, Kealakehe, & Keahuolū
- Gianulias Well Site:
  - Wai'aha, Kahului, Puapuaa & Hōlualoa
- KS Well Site:
  - Keaouhou





# INTRODUCTIONS

- **DHHL STAFF:**
  - Lillie Makaila, Planner
  - Ku‘upua Kiyuna, Cultural Resource Specialist
  - Cherie Ka‘anana, Water Program Specialist
- **DHHL Water Consultant:**
  - Dr. Jonathan Likeke Scheuer, Kahālāwai Consulting
- **Project Consultant Team:**
  - Kelley Uyeoka
  - Dominique Cordy
  - Momi Wheeler
  - Rachel Hoerman
  - Wailana Medeiros
  - Kahina Hewitt



Questions?  
Comments?





# How to get involved or stay informed:

Visit the Project Website: <https://dhhl.hawaii.gov/reports/ka-paakai-framework-analysis-project-kona-hawaii/>

Contact Nohopapa Hawai‘i:

- Momi Wheeler [momi@nohopapa.com](mailto:momi@nohopapa.com)
- Kelley Uyeoka [kelley@nohopapa.com](mailto:kelley@nohopapa.com)

Contact DHHL staff:

- Lilliane Makaila [lilliane.k.makaila@hawaii.gov](mailto:lilliane.k.makaila@hawaii.gov) or (808) 620-9484