

HAWAIIAN HOMES COMMISSION

Minutes of October 21 & 22, 2024

Grand Naniloa Hotel, Sandalwood Ballroom, 93 Banyan Drive, Hilo, Hawaii, 96720, and Interactive Conferencing Technology-Zoom

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

PRESENT Kali Watson, Chairperson
Makai Freitas, West Hawai'i Commissioner
Michael L. Kaleikini, East Hawai'i Commissioner
Archie Kalepa, Maui Commissioner
Lawrence Lasua, Moloka'i Commissioner
Sanoë Marfil, O'ahu Commissioner (ICT)
Pauline N. Namu'o, O'ahu Commissioner (ICT)
Dennis L. Neves, Kauai Commissioner

COUNSEL Jordan Ching, Deputy Attorney General

EXCUSED Walter Kaneakua, O'ahu Commissioner

STAFF Katie L. Lambert, Deputy to the Chair
Richard Hoke, Executive Assistant to the Chair
Leah Burrows-Nuuanu, Secretary to the Commission
Juan Garcia, Homestead Services Division Administrator
Kalani Fronda, Acting Administrator, Land Development Division
Kahana Albinio, Land Management Division
Diamond Badajos, Information and Community Relations Officer
Lilliane Makaila, Planner
Shelly Carreira, Land Agent
David Hoke, Enforcement Administrator

ORDER OF BUSINESS

CALL TO ORDER

Chair Watson called the meeting to order at 9:34 a.m. Six (6) members were present in person, and two (2) members attended via Zoom, establishing a quorum. Commissioner Kaneakua was excused.

APPROVAL OF AGENDA

Chair Watson noted that the Commission would recess at noon for lunch and an executive session. The Community meeting will be held at the Keaukaha Elementary School Cafeteria, 240 Desha Ave, Hilo, HI 96720, at 6:30 pm.

MOTION

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

APPROVAL OF MINUTES

a) September 16 & 17, 2024 Regular Meeting Minutes

Commissioner Neves requested the following corrections:

- Page 12, second paragraph, second sentence: Change "this participant" to "Commissioner Neves" so it reads, "Commissioner Neves indicated."
- Page 19, bottom paragraph, second sentence: Correct "NAHAS" to "NAHASDA" for clarity on the 10% cap certification on HUD regulations.
- Page 20, last paragraph under discussion: Clarify that the Attorney General (AG) stated she did not work on the HHFDC voting proposal, implying it was assumed approved, with no conflict of interest.

MOTION

Moved by Commissioner Neves, seconded by Commissioner Lasua, to approve the Minutes as amended. Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

Patrick Kahawaiolaa – Item F-2 Prince Kuhio Plaza Lease Extension

P. Kahawaiolaa welcomed attendees to Hilo, East Hawaii, celebrating Keaukaha's centennial as the first Native Hawaiian community, initially established as Kuhio Settlement in 1924. He shared that this would be his last address to this governing body as a community leader due to organizational bylaw changes. After 25 years in his leadership role, he plans to focus on supporting Native Hawaiians on the waitlist, who, he emphasized, have waited too long to return to the land. He expressed concern over economic barriers—creditworthiness and financial access—hindering Native Hawaiians from achieving homeownership. At the same time, current policies instead focus on low-income rental assistance, which he sees as contrary to Prince Kuhio's mission to elevate Native Hawaiians' self-sufficiency.

Kahawaiolaa highlighted specific agenda items he would discuss, such as F2, the possible lease extension at Prince Kuhio Plaza, and the impact of previous DHHL agreements. He voiced concerns that beneficiary consultations are often insufficient in addressing the needs of Native Hawaiians, contrasting the missions of Lunalilo and Prince Kuhio trusts, where the latter was aimed at rehabilitating and returning Native Hawaiians to their land. Reflecting on the history of the Walmart community benefits package from 1997, he emphasized the ongoing importance of community benefits in upholding trust responsibilities. He thanked the attendees for their support and collaboration moving forward.

Chair Watson recognized the importance of P. Kahawaiolaa's points on community support and self-sufficiency, affirming a commitment to respecting Prince Kūhiō's legacy.

Kepa Kaeo – Item F-4 'Āina Mauna Legacy Program Update

K. Kaeo addressed the Commission on the 'Āina Mauna Legacy issue, stating that there had been no community updates or consultations regarding its status. He highlighted concerns over land management, lack of beneficiary involvement, and transparency regarding contracts awarded to non-beneficiaries. He also voiced frustrations over the department's focus on other islands while, in his view, neglecting issues on Hawaii Island.

Chair Watson acknowledged the need for improved management and beneficiary involvement in land decisions. He expressed openness to meeting with beneficiaries to develop solutions.

Jojo Tanimoto – Kawaihae Issues

J. Tanimoto from the Kawaihae subdivision outlined communication issues with the housing division, describing unreturned calls and emails. She questioned discrepancies in residential lease numbers reported by the department, particularly concerning the residential leases near the harbor. Tanimoto requested a beneficiary consultation to address these issues, as she felt the community had been neglected.

Chair Watson affirmed the importance of beneficiary consultation, stating that communication is a priority and committing to follow up with the housing division on Tanimoto’s concerns.

ITEMS FOR DECISION-MAKING

HOMESTEAD SERVICES DIVISION

- ITEM D-2 Approval of Consent to Mortgage (see exhibit)**
- ITEM D-3 Approval of Homestead Application Transfers/Cancellations (see exhibit)**
- ITEM D-4 Approval to Certify Applications of Qualified Applicants for the month of September 2024 (see exhibits)**
- ITEM D-5 Commission Designation of Successors to Application Rights – Public Notice 2023 (see exhibit)**
- ITEM D-6 Approval of Assignment of Leasehold Interest (see exhibit)**
- ITEM D-7 Approval of Amendment of Leasehold Interest (see exhibit)**
- ITEM D-8 Approval to Issue Non-Exclusive Licenses for rooftop Photovoltaic Systems for Certain Lessees (see exhibit)**
- ITEM D-9 Request for Extension of Deadline to Sign Successorship Documents – SHELBY E.E.O. HOOKAHI, Residential Lot Lease No. 7248, Lot No. 49, Kawaihae, Hawaii**
- ITEM D-10 Request for Extension of Deadline to Sign Successorship Documents - REBECCA TOMAS, Residential Lot Lease No. 3747, Lot No. 82, Kuhio Village, Hawaii**
- ITEM D-11 Request for Extension of Deadline to Sign Successorship Documents - MARVIN K. MEDEIROS, Agricultural Lot Lease No. 4978, Lot No. 17, Waimea, Hawaii**
- ITEM D-12 Commission Designation of Successor – ENO GERARD, Residential Lease No. 8100, Lot No. 70, Waiakea, Hawaii**
- ITEM D-13 Commission Designation of Successor – ENO GERARD, Agricultural Lease No. 6417, Lot No. U1-16, Makuu, Hawaii**
- ITEM D-14 Commission Designation of Successor – MARIE KELSON, Residential Lease No. 3304, Lot No. 57, Waiakea, Hawaii**

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.

Public Testimony – Kawehi Young on Item D-12

K. Young testified on behalf of her father, Gerard Kekoa, to contest the successor designation for residential lease number 8100, lot 70 in Pana‘ewa, originally awarded to her grandmother, Eno

Gerard, who met the 50% Native Hawaiian blood quantum requirement. Following her grandmother's passing in 2016, Young's family submitted extensive genealogical documentation to prove her father's eligibility. However, DHHL rejected this evidence, citing insufficient documentation to confirm her father's blood quantum. Young argued that if state records are lacking, the burden of proof should shift to DHHL to disprove her father's eligibility, as many families face similar challenges due to the absence of pre-1896 birth records or the cost of obtaining certified genealogy records.

Young emphasized that displacing her father contradicts the Hawaiian Homes Commission Act's mission to enable Native Hawaiians' self-sufficiency by securing their connection to 'āina. Her father, who is disabled and relies on SSDI, has been paying the mortgage on the property since his mother's passing but lacks the financial means to secure alternative housing, given Hawaii's high cost of living. Young expressed concern that losing the lease could force her father into homelessness, which would endanger his health. She urged the Commission to reconsider the successor designation, allowing her father to continue living on the land and sustaining himself.

Commissioner Kaleikini asked the Homestead Services Division Administrator, Juan Garcia, for additional details. J. Garcia clarified that the department had thoroughly reviewed the genealogical records but found them insufficient to meet the successor criteria. After staff determined that the designated successors, Gerard and Kaulana, were, in fact, not qualified to succeed, we published a notice calling for qualified relatives to submit their claims. Kekela was the claimant for both leases, who is, again, determined by department staff to have the necessary blood quantum, at least 25%, as a grandson to qualify as a successor to both leases.

Commissioner Kaleikini stated that a contested case hearing may be a better avenue to review the specifics of the records. He suggested the removal of Item D-12 from the Consent Agenda.

Commissioner Marfil added that before moving forward with approval of the Consent Agenda, she would recuse herself from voting, stating that she is related to someone listed in Item D-8.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Lasua, to approve the Consent Agenda, excluding Item D-12.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua		X	X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua						X
Commissioner Marfil					Recused	
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			7		1	1
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED Motion passed. Seven (7) Yes votes. One (1) Recusal						

REGULAR AGENDA

LAND MANAGEMENT DIVISION

ITEM F-1 **Approval to Annual Renewal of Right of Entry Permit(s) and Conversion to Revocable Permits, East, Central and South, Hawaii Island (See Exhibit F-1)**

RECOMMENDED MOTION/ACTION

Land Manager Kahana Albinio presented the following:

Motion to Approve Annual Renewal of Right of Entry Permit(s) and Conversion to Revocable Permits, East, Central and South, Hawaii Island

MOTION

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

DISCUSSION

Commissioner Kaleikini requested the removal of ROE 610 from the list due to unresolved issues with beneficiaries associated with that ROE.

Public Testimony – Patrick Kahawaiolaa

P. Kahawaiolaa raised questions about the rights of entry being approved for a section of land referred to as the "Ginger Patch Center" in the Puainako and Kanoë Lehua area. He was surprised to learn that this radius of land, including parts extending up towards Hopako, is owned by DHHL and maintained by a landscaping service that pays for the rights to landscape it. He sought clarification on whether this right of entry includes full ownership of the land or just the landscaping responsibility, confirming it is only a portion of the area, around two acres, under such an agreement.

Public Testimony – Eugene Beck

E. Beck testified about his revoked lease and loss of access to his land at South Point, where he leased 25 acres and sub-leased an additional 247 acres for cattle grazing. Beck explained that he had about 40-50 cattle, including purebred Simmentals and Zingers, on the land. He expressed confusion and frustration over the lack of communication about the lease revocation, which prevented him from entering his property and checking on his cattle. He mentioned his concern that some of his cattle had been marketed without his knowledge, as his daughter, who acted as the caretaker, had managed the animals independently, providing water, feed, and stock maintenance.

Beck appealed for assistance in understanding the reason for his lease revocation and in resolving the situation with his cattle. He emphasized the urgency of clarifying what had happened to his animals and securing his rights to the land. He also mentioned that he planned to return with other tenants facing similar issues, hoping for further support in addressing these concerns.

K. Albinio explained that, besides his 25 acres, Eugene Beck also utilizes 240 acres under the Native Hawaiian General Services, managed by Jackie Kalua'u, a program established in the early 2000s to support pastoral lessees in Ka'u. Staff reached out to both Beck and Kalua'u to understand their perspectives, aiming to ensure a fair resolution.

Chair Watson expressed interest in exploring the community pasture model as a temporary solution for managing land use while searching for long-term solutions, such as a cooperative approach that could provide access to funding.

Public Testimony – Jojo Tanimoto

J. Tanimoto questioned discrepancies in the FY25 budget matrix, noting a \$1,000 reduction and the lack of adjustments in rate charges, despite community needs like beneficiary consultations. She highlighted an ongoing communication issue with Mr. Elvino, who has not responded to requests for a site visit over the past two years. Tanimoto emphasized urgent safety concerns, especially with the upcoming Ironman event, as Kawaihae has only one entrance and exit, relying on two bridges that are prone to damage. She urged the department to address these access and safety issues promptly, stressing the potential liability for Hawaiian Homes if an emergency exit plan remains unresolved.

Public Testimony – Bo Kahui

B. Kahui testified about his long wait for a pastoral lot, expressing frustration over the 5,000-acre right of entry renewal granted to Native Hawaiian General Services, which he believes should instead benefit individual beneficiaries like himself. He recalled diligently submitting a pastoral ranch plan in the 1980s, securing financing, and meeting all requirements, yet never receiving land. Questioning the role and purpose of Native Hawaiian General Services, stated his disagreement with the renewal and emphasized his desire for a smaller lot to establish a family legacy.

Commissioner Neves asked to defer action on three parcels (Hicks, Wai'anae Farms, and Lyman) until the next month when proper inspections and reports can be submitted.

MOTION/ACTION

Moved by Commissioner Kaleikini, seconded by Commissioner Neves, to approve the motion as stated in the submittal, except for ROE No. 610.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua			X			
Commissioner Kaleikini	X		X			
Commissioner Kalepa			X			
Commissioner Kaneakua						X
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Chairman Watson			X			
TOTAL VOTE COUNT			8			1
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Eight (8) Yes votes						

NOTE: Item F-2 was deferred until just before lunch so that the Commission could introduce it, take public testimony, and resolve it in an executive session.

ITEM F-3 Approval to issue License to replace License 636, Parker Ranch Non-Exclusive Easement to Waipunalei Property, TMK: (3) 3-8-001:009 (por.)

RECOMMENDED MOTION/ACTION

Land Manager Kahana Albinio presented the following:

That the Hawaiian Homes Commission approve the issuance of a non-exclusive, 20-year easement License as delineated in Exhibit "A", of Hawaii, for a 1.38-Acre (60,000 Sq. ft) portion of that certain parcel of Hawaiian home lands identified by TMK (3) 3-8-001:009 (por.), traversing over Department of Hawaiian Home Lands (“DHHL”) situated at Humu‘ula, subject to the following conditions: Approval and issuance of this Right of Entry Permit (ROE) shall be subject to the conditions listed in the submittal.

K. Albinio stated that LMD is seeking approval for the issuance of a nonexclusive 20-year licensed easement as denoted in Exhibit A of Hawaii for 1.38 acres, or about 60,000 square feet, of a certain parcel of Hawaiian Homelands identified by TMK number 38001009, traversing over the Department of Hawaiian Homelands. If there are any questions, Kualii Camara, our land agent for Hawaii Island, is available.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Lasua, to approve motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua		X	X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua						X
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			8			1
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Eight (8) Yes votes						

ITEM F-5 Approval to Issue Licenses for the Management of the Molokai Veterans and Homestead Residents’ Center, Ho’olehua, Molokai, TMK (2) 5-2-015:053 (por.)

RECOMMENDED MOTION/ACTION

Land Manager Kahana Albinio and Land Agent Shelly Carreira presented the following:

1. That the Hawaiian Homes Commission grant its approval to issue a temporary license agreement to the Molokai Homestead Farmers Alliance for approximately 24,101 square feet (more or less) of Hawaiian home lands TMK: (2) 5-2-015:053 (por.) located in Ho'olehua, Molokai for the purpose of interim administrative, fiscal, and physical management and maintenance of the Ho'olehua Veterans and Homesteader Residents' Center, while providing technical assistance and

administrative support to the proposed long-term licensee, the Homestead Association of Veterans.

2. That the Hawaiian Homes Commission grant its approval to issue a license agreement to the Homestead Association of Veterans for approximately 24,101 square feet (more or less) of Hawaiian home lands TMK: (2) 5-2-015:053 (por.) located in Ho'olehua, Molokai for the purpose of long-term administrative, fiscal, and physical management and maintenance of the Ho'olehua Veterans and Homesteader Residents' Center to be entered into after the expiration of the temporary interim license.

K. Albinio stated that standard conditions are listed as Items A through K for the first motion and A through J for the second.

Public Testimony – Cora Schnakenberg and Judy Caparida

C. Schnakenberg expressed her support for the temporary license to the Farmers Alliance and long-term license to the Veterans Association, noting that the process had been a prolonged effort. She encouraged commissioners to understand the issues in-depth and emphasized the need for responsive action to address long-standing waitlist challenges affecting the beneficiaries. J. Caparida supported Schnakenberg's sentiments, noting that the Veterans Association provides essential support to veterans, a critical community in need of these services.

Commissioner Lasua, a veteran himself, thanked Schnakenberg and Caparida for their advocacy and spoke on the importance of this initiative for the Moloka'i veterans. He highlighted plans with other state departments to potentially use the center as a disaster recovery site for vulnerable DHHL lease areas in Moloka'i.

Public Testimony – Walter Rawlins Sr.

W. Rawlins testified about ongoing efforts with Commissioner Lasua and the Farmers Alliance to open the center, emphasizing the hard work and collaboration needed to make progress for both sides. He expressed hope for successful outcomes, including working with the vet at the home center. Rawlins acknowledged the challenges involved but noted that, with Commissioner Lasua's support, everyone has come together to navigate the contentious issues and move forward.

Commissioner Neves expressed concerns over the short five-year term, suggesting that a longer license might allow for more effective center management. He emphasized the value of stable, veteran-centered facilities, voicing general support for the motion.

MOTION/ACTION

Moved by Commissioner Lasua, seconded by Commissioner Neves, to approve motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua	X		X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua						X
Commissioner Marfil			X			
Commissioner Namu`o			X			
Commissioner Neves		X	X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Eight (8) Yes votes						

ITEM F-6 Approval to Issue Right of Entry Permit, Nā Pua A Lunalilo, Kalama‘ula, Molokai Island, TMKS: (2) 5-2-009:012 (por.) & (2) 5-2-008:094 (por.)

NOTE: Commissioner Lasua recused himself from the discussion and vote of Item F-6. He serves as the treasurer of the Kalama‘ula Homestead Association.
Commissioner Marfil excused herself from the meeting at 11:00 AM, she returned at 1:00 PM.

RECOMMENDED MOTION/ACTION

Land Manager Kahana Albinio and Land Agent Shelly Carreira presented the following:

That the Hawaiian Homes Commission (HHC) grant its approval to issue a Right of Entry (ROE) permit to Na Pua A Lunalilo for approximately 10.0 acres (more or less) of Hawaiian home lands TMK: (2) 5-2-009:012 (por.) & (2) 5-2-008:094 (por.) to conduct due diligence studies including but not limited to project master plan, business plan, and related Chapter 343, HRS and Chapter 6E, HRS compliance requirements.

1. Authorize the issuance of a Right of Entry permit to PERMITTEE covering the subject area under the terms and conditions cited below, which are by this reference incorporated herein and further subject to conditions outlined in Items A through I in the submittal.
2. Declare that, after considering the potential effects of the proposed ROE disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, the due diligence studies conducted will probably have minimal or no significant effect on the environment.

S. Carreira introduced the proposal to grant a Right of Entry (ROE) to conduct studies for the Kalama‘ula Kupuna Housing Project. She distributed letters of support received after the packets were prepared.

Keola Dean, CEO of King Lunalilo Trust, Patti Tancayo, CEO of Kalaniana‘ole Development, and Lehua Kauka, President of the Kalama‘ula Homestead Association, provided an overview of the pilot project. Led by the King Lunalilo Trust in partnership with the Kalama‘ula Homesteaders

Association, the project seeks to develop 47 affordable housing units for Native Hawaiian elderly beneficiaries in Kalama‘ula. Intended for waitlisted beneficiaries and those in need of housing support, the development aims to address systemic issues such as elder homelessness and promote self-sufficiency within a culturally supportive environment. K. Dean provided detailed information about the project’s scope, including cultural activities, potential job creation, and long-term care for kupuna. He emphasized the project’s alignment with the Hawaiian Homes Commission Act’s mission and underscored significant community and governmental support.

L. Kauka voiced the community’s support, noting the high demand for kupuna housing on Moloka'i and the project’s cultural and logistical benefits.

Public Testimony Cora Schnakenberg

C. Schnakenberg expressed tentative support for the ROE and requested further discussions on lease logistics and long-term rental policies.

Commissioner Neves questioned Na Pua A Lunalilo's designation of a rental program as a "pilot project." He clarified that, while supportive of the concept, this project should not yet be labeled as a pilot and pointed out the need for Na Pua A Lunalilo to act as the property manager. He also raised concerns over a survey conducted for this project, which only included 140 individuals out of 1,400 on the waitlist. He emphasized the need for broader beneficiary consultation to ensure an inclusive approach.

Neves discussed the project's income-level requirements, noting that the proposed 30% Area Median Income (AMI) threshold could exclude those slightly above this level. He suggested clarifying income-level "tiers" to make the program accessible to a broader segment of the community. He also commented on the prioritization of Kalama‘ula residents, stressing the waitlist, which means priority cannot solely favor local residents; instead, the opportunity must be available to all qualified Native Hawaiians, regardless of location.

Lastly, Neves raised concerns about the program's long-term structure, particularly the ownership transfer plan after the 15-year Low-Income Housing Tax Credit (LIHTC) period, when the Kalama‘ula Homestead Association would potentially partner with Lunalilo. He questioned whether Kalama‘ula has the financial capacity to assume potential debts and argued that control over the property should ideally remain with the Native Hawaiian community. Neves strongly supported proper beneficiary consultation, planning, and the eventual transfer of control to Kalama‘ula to ensure the project aligns with community interests and long-term self-sufficiency for Native Hawaiians.

Chair Watson emphasized the urgent need for facilities and services for elderly Native Hawaiians, noting that many kupuna (elders) are homeless or unable to manage large mortgages. He highlighted that the majority of people on the Hawaiian Homes waitlist are kupuna who seek a supportive community rather than homeownership responsibilities. Watson praised Luna Lilo Homes for offering a safe, community-oriented space where elders can access companionship, meals, and steady care, reflecting on his family’s own experiences with the facility. He voiced strong support for the initiative, pointing out endorsements from community leaders, including the mayor and OHA, indicating that it aligns with the Hawaiian Homes Commission Act’s mission.

He acknowledged the need to provide options beyond traditional land leases for beneficiaries whose needs go beyond working the land. He affirmed that this project, while not yet a general lease, represents a promising step, beginning with a Right of Entry (ROE) to address community needs. Watson appreciated the group’s perseverance, particularly under the support of Commissioner Lasua, and expressed the commission's broader support for the project while noting the importance of

balancing this with opportunities for others seeking land access. He pledged to work closely with Commissioner Lasua to ensure that the project benefits the community without compromising land access for others.

Public Testimony – Patrick Kahawaiolaa

P. Kahawaiolaa expressed concern over using Hawaiian Home Lands for projects that might not solely benefit Native Hawaiians, as stipulated by the Hawaiian Homes Commission Act. He emphasized that while he supports providing housing options for kupuna (elders), the Act only requires beneficiaries to be 18 and have 50% Hawaiian blood. He worried that because of federal funding requirements, the proposed kupuna housing might ultimately be open to non-Native Hawaiians if there aren't enough qualifying Hawaiian applicants. He stressed the need to protect the limited 203,000 acres designated for Native Hawaiians and avoid using these lands for projects that dilute this benefit.

He also voiced opposition to preferences for specific areas, such as prioritizing Kalama'ula residents, stating that the waitlist should determine access. He emphasized that while community-focused facilities for kupuna are appealing, managing such housing projects should remain under the Department of Hawaiian Home Lands (DHHL) to avoid handing control to private entities. He urged the commission to respect its power and responsibility to manage the land exclusively for the benefit of trust beneficiaries across all Hawaiian islands. Pat cautioned against risking a breach of trust by allowing lands intended for Native Hawaiians to be used by others potentially.

MOTION/ACTION

Moved by Commissioner Kaleikini, seconded by Commissioner Frietas, to approve motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas		X	X			
Commissioner Lasua					Recused	
Commissioner Kaleikini	X		X			
Commissioner Kalepa			X			
Commissioner Kaneakua						X
Commissioner Marfil						X
Commissioner Namu`o			X			
Commissioner Neves					Abstained	
Chairman Watson			X			
TOTAL VOTE COUNT			5		1	2
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed. Five (5) Yes votes, One (1) Abstention, One (1) Recusal						

ITEM F-8 Approval to Issuance of Right of Entry Permit, DCI Paradise LLC, Hilton Garden Inn-Kauai, Wailua, Kauai Island, TMK: (4) 3-9-006:009 (por.)

NOTE: Item F-8 was removed from the agenda at the table.

ITEM F-9 Terminate General Lease No. S-4290, Pacific Diving Industries, Inc., Mapunapuna, Island of O’ahu, TMK No. (1) 1-1-064:034

RECOMMENDED MOTION/ACTION

Land Manager Kahana Albinio presented the following:

Motion that the Hawaiian Homes Commission (HHC) authorize the following:

1. Terminate General Lease No. S-4290 issued to Pacific Diving Industries, Inc. a Hawaii Corporation, on TMK: (1) 1-1-064:034, located in Mapunapuna, Oahu for failure to pay lease rent owing in the amount of \$33,786.00 during the period of February 2024 through September 2024 as required by General Lease No. S-4290.
2. Authorize the Department of the Attorney General to initiate legal proceedings against Pacific Diving Industries, Inc, if necessary to initiate legal proceedings against Pacific Diving Industries, Inc. if necessary to enforce the , termination of and forfeiture of General Lease No. S-4290 and collection of delinquent rent and other obligations.
3. Authorize the Chairman to immediately initiate redispotion the property in order to avoid squatters from overrunning & destroying the value of the building, then redispotion this industrial parcel via the standard General Lease disposition procedure that shall include but not be limited to: a) setting of all appropriate terms & conditions in accordance with the requirements of Chapter 171 of the HRS, as amended, or section 220.5 of the Hawaiian Homes Commission Act of 1920, as amended; b) expend budgeted funds to conduct an appraisal report on the subject parcel which is designated for non-residential industrial development; c) and to retain an outside legal counsel, if necessary, in the lease negotiation of the final terms and conditions of the lease agreement.

K. Albinio stated that involved terminating a general lease held by Pacific Diving Industries on Oahu due to payment arrears since February 2024. Legal proceedings were initiated, ensuring procedural adherence to trust management.

MOTION/ACTION

Moved by Commissioner Kaleikini, seconded by Commissioner Freitas, to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas		X	X			
Commissioner Lasua			X			
Commissioner Kaleikini	X		X			
Commissioner Kalepa			X			
Commissioner Kaneakua						X
Commissioner Marfil						X
Commissioner Namu`o			X			
Commissioner Neves			X			
Chairman Watson			X			
TOTAL VOTE COUNT			7			2
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes						

PLANNING OFFICE

ITEM G-1 Approval of the Authorization for the Chairperson to Sign the Stipulation Agreement for the Release of Kaua'i Island Utility Cooperative from their Obligations in the Waimea Watershed Agreement

RECOMMENDED MOTION/ACTION

Water Program Specialist Cherie-Noelle Ka'anana and Water Consultant Dr. Jonathan Scheuer presented the following:

Motion that the Hawaiian Homes Commission (HHC) authorizes the Chairperson to execute on behalf of the Department of Hawaiian Home Lands (DHHL) a Stipulation Agreement regarding the 2017 Waimea Watershed Agreement (WWA), and to take other actions as may be necessary to protect the interests of the trust in this regard.

DISCUSSION

The recommended action involves authorizing the Hawaiian Homes Commission Chairperson to sign an agreement allowing the Kauai Island Utility Cooperative (KIUC) to exit the Waimea Watershed Agreement. Initially, multiple parties, including KIUC, entered the agreement in 2017 to address water and land use in West Kauai, specifically regarding the Waimea watershed and the West Kauai energy project. However, cooperation has since dissolved, and KIUC, having decided not to pursue the energy project, now seeks to withdraw from the agreement. The Commission's action would allow KIUC to leave and ensure continued protection of trust lands and water rights.

The Waimea Watershed Agreement was created to manage water distribution from the Koke'e irrigation system, which diverts water to Kauai's Pu'u 'Opae lands and surrounding areas. Under the original plan, KIUC was to develop a hydroelectric project to pump water between high- and low-elevation reservoirs to generate energy. However, with the project's cancellation, the Kekaha Agribusiness Association (KAA) will instead oversee the irrigation system. KIUC has agreed to pay \$775,000 to KAA to implement a modified system, with remotely controlled gates to regulate water flow to benefit homesteads and agricultural lands.

This shift in management will mean that KAA can control the water system more effectively, allowing for water to be stored and distributed efficiently, particularly to support homestead and agricultural needs. However, without KIUC's capital, the Pu'ulua and Pu'u 'Opae reservoirs won't be restored to their original high-capacity potential, necessitating further funding for any major upgrades. The Commission is now tasked with ensuring water access continues for existing homesteaders, especially for five pastoral leases at Pu'u 'Opae, despite these limitations.

Additionally, the cancellation of the energy project impacts long-term infrastructure and revenue plans. The department will now need alternative funding sources to support the Pu'u 'Opae Homesteading Project, as KIUC was initially expected to provide road and power infrastructure along with lease revenue. The Commission aims to finalize the stipulated agreement promptly so that KAA can secure materials at current prices for the system upgrade, ensuring reliable water management for homestead beneficiaries in the region.

Note: Slide Presentation is attached.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Lasua, to approve motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua		X	X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua						X
Commissioner Marfil						X
Commissioner Namu`o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			7			2
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes						

ITEM F-2 Approval to Authorize Land Management Division (LMD) to negotiate a Developer’s Agreement in accordance with HRS 171.36.5, for the prospective Extension of Lease Term to General Lease No. 202, Prince Kuhio Plaza, LLC, Waiakea, Hawaii, Island, TMK No. (3) 2-2-047:006: 066: & :073

RECOMMENDED MOTION/ACTION

Land Manager Kahana Albinio presented the following:

Motion that the Hawaiian Homes Commission (“HHC”) grant its approval to authorize LMD to negotiate a Development Agreement for the prospective Extension of Lease Term and modification of the ground lease rent, as authorized under §171-36.5 Commercial, industrial, resort, mixed-use, or government leases; extension of term, Hawaii Revised Statutes (“HRS”), as amended, so that the aggregate of the original sixty-five (65)-year term and the extended 40-year term span a total of one hundred five (105) years, for GL No. 202, located within the Waiakea, Island of Hawaii.

Under HRS § 171-36.5, the Commission may extend the rental period of a commercial lease upon its approval of a Development Agreement proposed by the lessee or by the lessee and developer to make substantial improvements to the existing improvements. LMD requests the Commission to authorize the negotiation of a Development Agreement with the current lessee Prince Kuhio Plaza, LLC to facilitate a prospective extension of GL No. 202 as authorized under HRS § 171-36.5. The prospective extension of lease term will be subject to conditions 1 through 5 as stated in the submittal.

DISCUSSION

K. Albinio stated that The Hawaiian Homes Commission's Land Management Division (LMD) requested authorization to negotiate a development agreement with Prince William Plaza LLC, including a prospective lease term extension and ground lease rent modification for a property in Waiakea, Hawaii Island. The request followed Hawaii Revised Statute Section 171.36.5, allowing for an aggregate lease term of up to 105 years, contingent on substantial property improvements.

Public Testimony – Cora Schnackenberg

C. Schnackenberg opposed the lease extension, emphasizing the need for Hawaiian beneficiaries to have access to prime business locations, like the property in question. She argued that current business occupants are non-Hawaiians and advocated for beneficiary consultation in the lease renewal process. Schnackenberg urged the Chair to represent beneficiary interests and oppose the extension in favor of providing business opportunities for Hawaiians.

Public Testimony – Patrick Kahawaiolaa

P. Kahawaiolaa highlighted the Prince Kuhio Plaza’s historical significance and the controversies surrounding its 1985 establishment. He raised concerns about the Commission’s authority and the requirement for federal consent under the Admission Act, urging the Commission to consider Department of Interior (DOI) feedback before proceeding. He cited potential legal conflicts with the Attorney General’s office and the DOI, advocating for a court resolution if necessary.

Public Testimony – Kapono Kekela

K. Kekela representing the Hawai’i Island Native Hawaiian Chamber of Commerce, proposed beneficiary-driven projects as alternatives to the current management structure. He noted the challenges beneficiaries face in communicating with LMD and accessing business spaces. Kekela encouraged the Commission to help build beneficiary capacity through training and resources in business operations and marketing, promoting community-based projects in commercial spaces.

Public Testimony – Kainoa MacDonald

K. MacDonald, representing the Association of Hawaiians for Homestead Lands, testified in opposition to a proposal under Act 236, echoing concerns originally submitted in May 2024. She highlighted her organization’s dedication to addressing the long-standing Hawaiian homelands waitlist, recounting a 2021 visit to Washington, D.C., where she and other leaders requested the Department of Interior and Hawai’i’s congressional delegation to review issues affecting Hawaiian beneficiaries. MacDonald criticized the influence of powerful non-beneficiary interests that bypass consultations with the beneficiaries, asserting that such actions undermine genuine progress for Hawaiians. She argued that decisions allowing extensions, such as those for the Prince Kuhio Shopping Center, only delay meaningful solutions and harm Hawaiian interests.

MacDonald urged the commission to make decisions benefiting homestead communities and local businesses, underscoring the importance of policies that foster opportunities for beneficiaries. She shared the personal impact of the waitlist on her family, noting that both she and her grandmother had been affected. She closed with a call for thoughtful, long-term policy changes that honor both present and future Hawaiian generations.

Public Testimony – Kapua Keliikoa Kamai

K. Keliikoa Kamai supported previous testimonies and advocated for coordination between the department and beneficiary organizations. She emphasized the need for beneficiary-focused policies and stronger partnerships with commercial entities. Kamai suggested that Commission policies foster collaboration to benefit both the Hawaiian homestead communities and the broader community.

Public Testimony – Christine Kubat

Christine Kubat, executive director of Recycle Hawai’i, proposed a community-based recycling project with EPA grant funding, turning Prince Kuhio Plaza’s retail space over to Native Hawaiian businesses. She highlighted the potential for a sustainable business model that could generate jobs and educational opportunities, aligning with DHHL’s sustainability goals. Kubat encouraged the Commission to issue a request for interest (RFI) to gauge community proposals and funding options for commercial spaces.

Public Testimony – Kauai Almeida

In her testimony, Kauai Almeida opposed the 40-year lease extension for Brookfield at Principal Hill Plaza, rooted in concerns over Act 236, which stemmed from Bill 499 which became law in 2022. Almeida provided historical context, noting the differing opinions between the Department of Interior’s solicitor, who raised concerns about the inclusion of Hawaiian homelands in the act, and the State of Hawaii’s leadership, including the Attorney General and Governor. She argued that the extension sets a harmful precedent, allowing non-Native Hawaiian interests to benefit from long-term leases on public lands originally intended to benefit Hawaiians. Almeida questioned the lack of a response from the Department of Hawaiian Home Lands (DHHL) on this matter, stressing the need for a proper acknowledgment of the Department of Interior’s concerns.

Almeida emphasized that granting such lease extensions perpetuates a system where non-Hawaiians hold and extend leases on lands meant for Native Hawaiian use, preventing Hawaiian beneficiaries and associations from accessing and developing these lands for their communities. She voiced frustration over past lease agreements that allowed non-Hawaiians to maintain long-term control, effectively shutting out Native Hawaiian interests. Almeida urged the commissioners to pause the extension decision until these discrepancies with the Department of Interior are addressed, arguing that decisions should prioritize Hawaiian homelands for beneficiaries rather than setting precedents favoring external interests.

MOTION

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

EXECUTIVE SESSION IN

12:10 PM

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

1. Discussion Regarding Legal Considerations for Prospective Extension of Lease Term, GL No. 202, Prince Kuhio Plaza, LLC, Waiakea, Hawaii, Island, TMK No. (3) 2-2-047:006: 066: & :073

EXECUTIVE SESSION OUT

1:10 PM

Continuation of Item F-2.

ITEM F-2 Approval to Authorize Land Management Division (LMD) to negotiate a Developer’s Agreement in accordance with HRS 171.36.5, for the prospective Extension of Lease Term to General Lease No. 202, Prince Kuhio Plaza, LLC, Waiakea, Hawaii, Island, TMK No. (3) 2-2-047:006: 066: & :073

Chair Watson reported that the Commission discussed its duties and liabilities related to the prospective extension of General Lease No. 202.

Note: Commissioner Neves recused himself from the vote citing a familial relationship to Daniel Kea.

Commissioner Kaleikini clarified that the current action under consideration is not to extend the lease but to enter into a negotiation agreement between the lessee and the Department of Hawaiian Home Lands (DHHL) to develop a future plan. This plan, once negotiated, will be presented to the commission, potentially including a presentation for further consideration if they reach a point where a lease extension is proposed.

He highlighted two primary concerns raised in testimonies: the legal issues with the Department of the Interior and the importance of involving Native Hawaiian beneficiaries in commercial opportunities at Principal Hill Plaza. He expressed strong support for including Native Hawaiians in future development plans, encouraging their participation in potential business activities and negotiations related to the property.

Commissioner Freitas echoed Commissioner Kaleikini's comments, noting that the current action is solely to authorize the chair to enter into preliminary negotiations, not to finalize any lease extension. He acknowledged the sensitivity of the issue and emphasized that beneficiary consultation would be a key part of this process. He affirmed the commission's commitment to involving Native Hawaiian communities in the planning process and ensuring their perspectives are integrated into the strategic plan for the property's future, should the project proceed.

Chair Watson emphasized the shopping center's role as a vital asset for the community, providing jobs and business opportunities that enhance homesteading communities. He acknowledged the mall's decline and the need for improvements, suggesting that a lease extension might be warranted to support its revitalization from a business perspective. He highlighted opportunities for Native Hawaiian beneficiaries to engage in business ventures within the center and potentially repurpose abandoned areas, like the soon-to-be-vacant Sears, into residential spaces for beneficiaries, following similar models on the mainland. He also stressed the need to support beneficiaries interested in business, pointing out that while DHHL may lack resources for business loans, the Office of Hawaiian Affairs could help in this area. He encouraged active collaboration with beneficiaries to ensure these developments align with their interests and needs, reaffirming the Commission's commitment to supporting both business and residential opportunities on DHHL lands.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Lasua, to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Lasua		X	X			
Commissioner Kaleikini	X		X			
Commissioner Kalepa			X			
Commissioner Kaneakua						X
Commissioner Marfil						X
Commissioner Namu`o			X			
Commissioner Neves			X			
Chairman Watson			X			
TOTAL VOTE COUNT			7			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously. Seven (7) Yes votes						

ITEMS FOR INFORMATION/DISCUSSION

REGULAR ITEMS

OFFICE OF THE CHAIRMAN

ITEM C-1 For Information Only – DHHL In-house Building Permitting Process

RECOMMENDED MOTION/ACTION

Timothy Hiu, presented the following:

Tim Hiu, a former deputy director at the Department of Planning and Permitting, presented on the Department of Hawaiian Home Lands (DHHL) in-house building permit process, which aims to expedite building permits for specific projects internally rather than through city and county channels. The pilot project used to test this process is the Yorktown Rehab Project in Kailua, converting a former military building into temporary housing for homeless Native Hawaiian beneficiaries on the waitlist. This internal process saved DHHL an estimated 6 to 18 months in permitting time by bypassing the typical city and county permit system. T. Hiu noted that DHHL is training staff to administer building permits and plans to expand this streamlined permit process for projects with minimal county infrastructure impact, starting in Honolulu and eventually extending statewide.

The department also plans to develop an internal permitting system for both residential and selective commercial projects, as well as future accessory dwelling units. T. Hiu emphasized that the in-house permits will meet or exceed county standards, ensuring they are recognized by lenders and insurance providers. To handle inspections across the islands, DHHL will hire both permanent and contract staff to manage the workload. The ultimate goal is to accelerate project timelines, particularly for Act 279 developments, benefiting beneficiaries with quicker access to housing.

Chair Watson assured the public that while the DHHL is streamlining its building permit process, it remains committed to quality and compliance, with plans reviewed by licensed architects and monitored to meet county building codes. He emphasized that the process is not limited to small projects but will support significant developments, including approximately 6,000 new homesteads and improvements to 8,500 existing ones. Watson discussed the need for additional housing options, particularly through accessory or "ohana" units, aimed at easing overcrowding in homesteads and offering displaced family members safe, supportive housing. He noted plans to pilot ohana units in select areas with potential expansion statewide, helping bring displaced family members back to their communities.

He highlighted the importance of expediting permits, noting that lengthy approval times through traditional channels would hinder these efforts. By managing the process internally, DHHL aims to address urgent housing needs more efficiently. He expressed optimism about collaboration with local agencies to ease utility capacity restrictions and maximize housing options on larger homestead lots. The streamlined process will eventually extend to neighboring islands as resources grow, with plans to recruit staff, particularly for inspections, to support operations across all counties.

Public Testimony – Patrick Kahawaiolaa

P. Kahawaiolaa raised questions about how DHHL's in-house permitting process aligns with existing lease requirements, which currently mandate compliance with state and county codes. He sought clarification on whether leases would be amended to reflect the shift to DHHL's internal process while still ensuring compliance with building codes. Additionally, he voiced concerns about utility

access, particularly whether Hawaiian Electric would provide temporary power and water connections based on DHHL permits, given the usual requirement for a county permit.

He also shared a personal request related to his 5.8-acre agricultural lot, asking if he could use it to accommodate three additional dwelling units (ADUs) for his children, who have been on the waitlist for over 30 years. He referenced Hawaii County's recent rule allowing multiple ADUs on agricultural lots and asked if similar flexibility could apply under DHHL rules. Chair Watson expressed willingness to explore the issue, particularly if it could benefit Hawaiian beneficiaries, but noted the need to review current regulations and DHHL's capabilities.

Public Testimony – Cora Schnackenberg

C. Schnackenberg expressed excitement about DHHL's in-house building permit process as a means to expedite housing for beneficiaries but also raised concerns about ensuring cooperation with local planning commissions, such as those in Maui and Molokai. She emphasized the importance of transparency and involvement from DHHL commissioners and beneficiaries to build trust in the process. Schnackenberg questioned whether there would be a collaboration between DHHL and Maui County's planning process, noting the need for consistency and fair enforcement of rules across projects.

She also highlighted that some beneficiaries on the waitlist, particularly those interested in agricultural and pastoral land, do not require a building permit for residential structures. She advocated for prioritizing these "low-hanging fruit" cases, allowing these beneficiaries access to their lands for farming and food production without unnecessary delays. She urged the commission to consider awarding agricultural and pastoral plots more quickly, especially as these plots would help beneficiaries support local food production and reduce reliance on imported goods.

Public Testimony – Jojo Tanimoto

J. Tanimoto highlighted challenges faced by Kawaihae beneficiaries due to a lack of infrastructure and restrictions imposed by the county permitting process. He explained that in 1985, Kawaihae received accelerated awards, granting land without the necessary infrastructure, which made building challenging. She described community efforts to use alternative housing options, such as storage buildings, which were deemed unsuitable by the county, and a plan for kupuna housing that faced opposition from the department despite meeting county requirements. He expressed frustration over the lack of communication and support from DHHL, noting that the department's resistance to alternative solutions has delayed progress for beneficiaries on the waitlist. Tanimoto emphasized the need for improved beneficiary consultation and collaboration to enable faster housing solutions and utilize in-house permitting more effectively.

Public Testimony – Ainaaloha Ioane

A. Ioane the president of the community association MAHA representing King's Landing beneficiaries, expressed enthusiasm about DHHL's in-house permitting process, which empowers beneficiaries in planning their settlement. She inquired if this process would extend to kuleana subsistence agriculture homesteading opportunities and requested flexibility in applying building codes for these areas, particularly for beneficiaries with limited economic resources. Highlighting the absence of county infrastructure at King's Landing—such as roads, electricity, sewer, and water—Aloha emphasized that strict adherence to county codes may be unnecessary and urged consideration for relaxed building standards as the program expands beyond Oahu.

Public Testimony – Kapua Keliikoa-Kamai

Kapua Kamai expressed gratitude for the DHHL's effort to establish a standardized in-house permitting process that aligns with county standards while also addressing beneficiaries' unique

needs. She emphasized the importance of thorough inspections for both homes and land conditions to ensure quality in homestead developments. Reflecting on her own 30-year experience in Waianae Valley, Kamai noted that some homestead communities have faced issues due to poor development quality. She urged that DHHL’s internal team, led by Mr. Hui, prioritize high-quality inspections in larger projects to avoid long-term problems for beneficiaries, as these homes are meant to be permanent residences.

Public Testimony – Edwin Miranda

E. Miranda, a homesteader from Keaukaha, expressed appreciation for efforts to streamline DHHL’s building permit process but voiced concerns about the limitations of aligning too closely with county regulations. He emphasized the need for an independent Hawaiian Homes permitting process, suggesting that the current alignment with county standards doesn’t adequately address the unique needs of homesteaders. Miranda criticized the slow pace and inefficiencies beneficiaries have historically faced, urging the commission to create a process “from our own book” rather than one borrowed from the county.

He also highlighted the importance of long-term, self-determined planning, stressing that homesteaders need a process that honors their vision rather than adhering to outside requirements that feel restrictive. Miranda’s remarks underscored a desire for DHHL to take a bolder, independent approach that genuinely serves Hawaiian beneficiaries and fosters sustainable, community-centered development. He urged commissioners to recognize their unique responsibility to homesteaders and make decisions that genuinely support their aspirations for future generations.

Public Testimony – Chanel Josiah

C. Josiah, the Community Development Director at Hawaii Community Lending, highlighted a recent issue where a homesteader was denied insurance for building a Supplemental Dwelling Unit (SDU) because their older home, built in the 1950s in Anahola, did not meet current code requirements. This forced the homeowner to upgrade the existing structure, adding costs to the SDU project. Josiah emphasized the importance of offering beneficiaries various options, particularly in navigating the home-buying or construction process. She noted that vacant lot construction is currently a more affordable option than turnkey developments, which often exceed appraisal values due to federal requirements like Davis-Bacon wages, leaving families with additional out-of-pocket costs. Josiah advocated for vacant lot construction as a cost-controlled, viable solution for getting more beneficiaries onto their land.

Public Testimony – Bo Kahui

B. Kahui, Executive Director of La‘i‘Ōpua Community Development Corporation, highlighted the recent signing of Bill 123 by Mayor Roth, aimed at increasing affordable housing on the Big Island by supporting rental income opportunities, such as Accessory Dwelling Units (ADUs) and Supplemental Dwelling Units (SDUs), to help homeowners cover mortgages and property taxes. The bill promotes accessible, single-level living for aging residents and provides entry-level housing options for prospective homeowners. Hui urged the DHHL commission to exercise its sovereign land use power to streamline the permitting process, potentially through direct zoning approvals that the commission can sign off on independently. He highlighted the potential for adding ADUs in areas like the Villages of La‘i‘Ōpua and recommended that the commission use its authority to implement a more efficient permitting process that supports community needs.

ITEM C-2 For Information Only – Act 279 Permitted Interaction Group Report and Recommendations - Strategic Plan Update

RECOMMENDED MOTION/ACTION

Land Development Division Administrator Kalani Fronda presented the following:

K Fronda stated that the Permitted Interaction Group was tasked with evaluating the viability of current projects on the Act 279 strategic plan lapse-fix list and identifying new opportunities to better address the Department of Hawaiian Home Lands (DHHL) Waitlist. After a thorough review, we provide the recommendations in the submittal to optimize resource allocation and expedite the delivery of homes to Native Hawaiian beneficiaries. Approval of the recommendations will be brought before the Commission in November.

Act 279 has laid the groundwork for DHHL's strategic initiatives aimed at reducing its Waitlist. In this critical review, our committee has reassessed current projects and identified opportunities for reallocation of funds to more impactful, near-term initiatives. The recommendations reflect a strategic shift to prioritize high-value developments and ensure DHHL can meet its goal of providing housing for native Native Hawaiians as swiftly as possible.

Public Testimony – Patrick Kahawaiolaa

P. Kahawaiolaa raised concerns about potential deviations from Act 279's intent, which he emphasized was to use the allocated \$600 million primarily to help Native Hawaiian beneficiaries move off the waitlist and into homeownership. While Act 279 allows for a 10% deviation (or \$60 million) for alternative uses, Pat questioned whether some initiatives, such as rentals, kupuna housing, and ADUs, align with the act's primary goal if they do not directly assist individuals on the waitlist in acquiring homes. He noted previous issues with leadership deviations from the strategic plan and urged the commission to stay focused on Act 279's original intent to prioritize homeownership for beneficiaries.

Public Testimony – Cora Schnackenberg

C. Schnackenberg expressed concern about housing options for kupuna (elders) on Moloka'i, noting that while there are over 500 leases, many Native Hawaiians remain on the waitlist and have secured housing outside Hawaiian homelands. She questioned whether building ohana (family) additions could be considered for families that are not currently on Hawaiian homestead lands, given the needs of elderly family members. She also voiced her desire for ongoing commissioner and beneficiary involvement in DHHL's in-house processes to ensure that all voices are included in decision-making, particularly for items related to housing development.

Public Testimony – Jojo Tanimoto

J. Tanimoto raised two main questions. First, he inquired if the down payment assistance program initiated by the Office of Hawaiian Affairs (OHA) in 1985 could be reinstated to help waitlisted beneficiaries afford housing, noting it was previously used in subdivisions like La'i'Ōpua and Waihe'e. She asked why DHHL hasn't revived this initiative for current beneficiaries. Second, Jojo requested a site visit approval for the Kailapa area in Kawaihae, which is part of the regional housing plan and needs land and water resources. He emphasized the need for better communication from DHHL, as beneficiaries felt excluded from Act 279 discussions that impact their communities.

Public Testimony – Kapua Keliikoa-Kamai

K. Kamai expressed strong support for prioritizing Act 279's goal of reducing the waitlist for Hawaiian beneficiaries, aligning with Uncle Pat's stance. She appreciated Chair Watson's efforts,

especially his expertise in development and his recruitment of skilled individuals to advance DHHL projects. However, Kapua raised concerns about using HUD funding for rentals on Hawaiian homelands, as it can open housing to non-beneficiaries. She highlighted examples like Waimanalo Kupuna Homes and Nanakuli rentals, questioning how many residents are non-beneficiaries. Kapua emphasized that Act 279 and the Hawaiian Homes Commission Act mandate prioritizing beneficiaries with 50% or more Hawaiian blood quantum. She urged the commission to focus on rent-to-own options for beneficiaries and remain true to the intent of the original act, supporting long-term leases and housing solely for Native Hawaiian beneficiaries.

PLANNING OFFICE

ITEM G-4 For Information Only — Draft Environmental Assessment and Anticipated Finding of No Significant Impact (AFONSI) for Waiohuli Hawaiian Homesteaders Association Inc.’s initiative “Waiohuli Economic Development Opportunities (WE DO),” Waiohuli, District of Kula, Island of Maui, TMKs (2) 2-2-028:181 (portion) and (2) 2-2-002:014 (portion)

RECOMMENDED MOTION/ACTION

Land Development Division Administrator Kalani Fronda presented the following:

Bob Hall and consultant Katie Colson, outlined the Waiohuli Economic Development Opportunities (WeDo) initiative on Maui, developed in partnership with the Waiohuli Hawaiian Homestead Association. The project, initiated in 2019, aims to provide economic opportunities for homestead residents and reduce the need for families to relocate. The presentation focused on the draft Environmental Assessment (EA) for the project, which will soon be open for public comment. The project received a 65-year lease for 150 acres from DHHL in 2022, and initial consultations and technical studies have been conducted since then.

The WeDo initiative is designed to support long-term economic and employment opportunities within the community through a master-planned development. Hall emphasized that the project aims to position the Waiohuli Community to lead its development efforts, thereby promoting self-reliance and sustainability. The homestead organization intends to leverage public and private resources to fund infrastructure, housing, and employment in various sectors, including education, construction, and agriculture. This approach also aligns with the community's goals of offering training and mentorship programs, potentially allowing community members to become developers, contractors, and entrepreneurs.

The conceptual plan includes a range of potential land uses across the 150 acres, with careful consideration of topography, drainage, and existing archaeological resources. Katie Colson explained that the draft EA incorporates a high-intensity development scenario to assess environmental impacts, such as water, traffic, and wastewater demands. While not necessarily the final plan, this model allows for a thorough evaluation of the area's capacity to support development.

The anticipated economic impacts include job creation in sectors like agriculture, energy, kupuna care, and community services. This employment focus distinguishes the WeDo project, which prioritizes building economic resilience and capacity within the Waiohuli homestead community through the development process itself. According to Colson, this community-driven, capacity-building approach is unique among similar land-use projects.

The presentation concluded with an update on the EA’s timeline, indicating that the draft EA will be published for public feedback soon. The feedback collected during this period will be used to create the final EA, expected to be published online, marking a key milestone for the WeDo initiative as it progresses toward its development goals.

Note: Slide Presentation Attached.

ITEM C-3 For Information Only – Status Report of DHHL Enforcement Unit (EU) Efforts and Statistics (September 16, 2024 – October 13, 2024)

RECOMMENDED MOTION/ACTION

Enforcement Administrator David Hoke presented the following:

D. Hoke provided an update covering September 9 to October 13. The unit received 17 new assistance requests, bringing the yearly total to 187. Hoke announced that long-time assistant Annie Ibarra, who has worked with the department for nearly 18 years, will retire, leaving a significant gap in the team. During the past month, the EU completed crime prevention training focused on environmental design, which aims to mitigate criminal risks through thoughtful community design—a strategy increasingly mandated in U.S. cities.

In Waimanalo, the unit identified 33 vacant properties, including cases pending due to deceased lessees and succession issues. They issued 16 notices of violation, with responses and commitments from 10 lessees to address property maintenance. Additionally, the unit’s new legal assistant helped streamline this process, previously handled by the Homestead Services Division (HSD).

The pilot program on organized criminal activity in the Waianae Coast reported no new incidents in the past month. Out of 10 reports to the Honolulu Police Department (HPD), seven were unsubstantiated, one was confirmed, and two remain pending. Hoke acknowledged the cooperation between his team and law enforcement, including recent joint efforts with HPD to address illegal activities on vacant lots.

Hoke highlighted a recent operation with the U.S. Marshals, where they assisted in apprehending a fugitive wanted for two to three years. This incident underscored the safety challenges his unarmed team faces when entering unstable situations and reiterated the need for more trained personnel to ensure safety and effectiveness in the field.

Commissioners commended the enforcement team’s expanding efforts and dedication, noting their collaboration with various agencies like HPD, the Sheriff’s Department, and the U.S. Marshals. The commissioners also expressed ongoing support for additional resources to enhance the unit’s capabilities, recognizing the importance of maintaining a safe environment for staff and beneficiaries.

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia presented the following:

J. Garcia provided commissioners with updates on application and lease activity, as well as delinquency reports. Staff offered to answer questions during the meeting or afterward.

Commissioner Neves raised a concern regarding the status of the successorship application process, noting about 2,000 unresolved cases and the need to address successorship issues to expedite lot allocations. He asked that a permitted interaction group be established to address the situation.

J. Garcia indicated that the successorship process is still in progress, with a final meeting scheduled to resolve caretaker-related issues. He emphasized the importance of resolving these cases to avoid further delays in issuing lots.

LAND MANAGEMENT DIVISION

ITEM F-4 For Information Only – ‘Āina Mauna Legacy Program Updates

RECOMMENDED MOTION/ACTION

Property Development Agent Kualii Camara presented the following:

K. Camara stated that the purpose of this update is to provide the HHC with information related to the implementation of the ‘Āina Mauna Legacy Program Plan and related on-going DHHL management activities in its Humu‘ula/Pi‘ihonua tract on the island of Hawaii.

‘Āina Mauna Legacy Program Plan Purpose

The purpose of the ‘Āina Mauna Legacy Program Plan (the “Plan”), as adopted by the Hawaiian Homes Commission (“HHC”) in 2009, is to restore and conserve the trust resources that exist in the region that include, but are not limited to, the Native Hawaiian koa forest, sensitive environmental resources, and other cultural and historic resources.

The Aina Mauna Legacy Program is a land management initiative for Hawaii's largest contiguous parcel of trust lands on Mauna Kea and Mauna Loa, covering 56,000 acres. The program, approved in 2009, outlines various land uses, including homesteading, pastoral use, commercial forestry, and conservation, considering the unique ecology of the region. The land, known for its misty climate and historic koa forests, has been significantly impacted by the introduction of cattle and invasive plant species over the past two centuries.

A primary challenge addressed in the testimony is the management of gorse, an invasive plant that renders large areas unusable. Gorse has spread across 10,000 acres and is particularly difficult to control due to its thorny thickets, fire adaptability, and 30-year seed bank. Multiple strategies are employed to manage gorse, including mechanical crushing, spraying herbicides from helicopters, and planting shade trees to limit its growth. Despite these efforts, gorse management remains a costly and ongoing struggle due to the plant's resilience and limited vendor availability.

Efforts are also underway to restore native koa forests and implement commercial forestry as a sustainable land use option. Koa and other tree species are being tested as shading solutions to suppress gorse. Research collaborations with the University of Hawaii and Purdue University are exploring alternative approaches, such as directly planting koa and sugi pine into gorse-infested areas without full clearing, which may provide sustainable cover over time.

Community concerns about land allocation and usage were also discussed, particularly from those on the pastoral waitlist who advocate for increased pastoral leases. Although some portions of the land are designated for conservation, 18,000 acres are set aside for pastoral use. There are currently a few

lessees, and efforts to provide homestead leases for pastoral lands are ongoing to address the 2,000 applicants on the waitlist for pastoral use on Hawaii Island.

Lilli Maka'ila, Planner with the Planning Office, highlighted the scale of the Aina Mauna Legacy Plan, which encompasses over 50,000 acres. Of this, around 18,000 acres are designated for pastoral homesteading, a significant allocation within the overall landscape, as approximately 32,000 acres are reserved for conservation. She noted that, aside from conservation and pastoral homesteading, there are no other major proposed land uses for this area.

Currently, only three lessees occupy about 800 acres for pastoral purposes. However, the remaining 17,000 acres are intended to be made available for 99-year pastoral homestead leases, targeting those on the waitlist, which now includes over 2,000 applicants. She emphasized the importance of this pastoral allocation by comparing it to Pu'ukapu, one of Hawaii Island's largest pastoral homestead areas, which has around 9,000 acres. The Aina Mauna plan's proposed pastoral allocation effectively doubles what exists in Pu'ukapu, helping to address the substantial demand on the pastoral waitlist.

Chair Watson expressed frustration with the extensive gorse infestation on the Aina Mauna lands, noting the 10,000 acres affected as a resource-intensive challenge to rehabilitate. He suggested exploring alternative land options that might be more fertile, closer to the coast, and near infrastructure. His priority is to develop lands that can quickly support homesteading rather than investing in long-term preservation or conservation projects on heavily infested lands.

Chair Watson is currently working to identify and assess lands owned by KS and other state lands that could potentially be exchanged or conveyed to the program, aiming for lands that require less remediation and can be developed for homesteading sooner. He emphasized his focus on reducing the homestead waitlist and expressed a desire to allocate resources toward this goal instead of investing heavily in gorse control efforts. He mentioned a potential land exchange or conveyance to the Department of Land and Natural Resources (DLNR) to manage the conservation of heavily infested areas.

He supports the idea of transitioning some parts of Aina Mauna, particularly those designated H1 and areas west of Mauna Kea Access Road, as initial homesteading sites, as they are more accessible and less affected by gorse. For these areas, he proposed developing community pastures or cooperatives that could meet immediate needs while gradually expanding use to adjacent lands.

Chair Watson emphasized the importance of prioritizing beneficiaries by focusing on lands that are suitable for immediate homesteading rather than expending resources on gorse-affected areas aimed at forest restoration. He suggested transferring gorse-infested lands to an entity specializing in conservation or restoration, potentially unlocking more funding and expertise for managing those areas.

He advocated for exploring adjacent lands or more attractive areas closer to the Hamakua Coast, including new acquisitions like Honokaa, which are more accessible and easier to develop for homesteading. He acknowledged the scale of the gorse issue as a major, resource-intensive challenge, indicating that addressing it may detract from their primary mission of supporting homesteaders. The 2009 plan's restoration goals, though appreciated, were seen as overly ambitious and resource-heavy in light of current priorities.

Commissioner Kaleikini expressed deep appreciation for Kualii's dedication to the Aina Mauna Legacy Program, applauding his adherence to the 2009 plan and nominating him as an ideal candidate for "Employee of the Year." He also advocated for additional staff support for Kualii, recognizing

the extensive workload he carries and the positive impact of his work on the conservation and homesteading initiatives. Additionally, he highlighted the importance of conservation efforts, especially concerning water resources and climate change. He commended Kualii's essential role in addressing these environmental challenges, noting that while such efforts may have been underappreciated in the past, they are increasingly critical to sustaining the island's future.

PLANNING OFFICE

ITEM G-2 For Information Only – Status Update on Plan Implementation in East Hawai'i and Hazard Mitigation Efforts on Hawai'i Island

RECOMMENDED MOTION/ACTION

Planner Lilli Maka'ila presented the following:

L. Maka'ila presented an update on the tiered planning system and various initiatives for Hawaiian homelands on Hawaii Island. The Hawaii Island Plan, which guides regional plans and supports the homesteading program, is in the process of being updated, with the next beneficiary consultation scheduled for January. Four regional plans, including those for East Hawaii, Maku'u, and Ka'u, are actively being updated, and recent progress includes completed updates for the Kauai High region.

In terms of regional projects, several agricultural and homesteading initiatives are moving forward. These include awards for subsistence agriculture lots in Honomū and Maku'u, with 32 subsistence ag awards and 21 supplemental ag awards expected soon. In Ka'u, work is ongoing to transfer title for Wai'ōhinu lands to allow for 99-year homestead leases. Community centers, agricultural capacity building, and infrastructure improvements, such as the Maku'u offsite water system and Keaukaha Community Pavilion, are also highlighted as key projects.

She discussed hazard mitigation efforts, including the Waimanui Emergency Operations Center in Pu'ukapu, funded with \$6 million from the Department of Defense. The center will support wildfire response with equipment and a facility for emergency coordination. Additionally, firebreaks are being established across Aina Mauna, Kawaihae, and Ka'u to reduce wildfire risk to homestead lands, with support from DOT.

L. Maka'ila emphasized the importance of grant-funded conservation efforts, including a \$2 million NOAA grant for resource management. The Honokaa Riparian Corridor and Kailapa Fire Fuels Pasture projects aim to reduce fire risks through fencing, grazing, and erosion control measures, protecting homesteads from sedimentation and wildfire hazards.

Looking forward, the Planning Office is preparing a comprehensive hazard mitigation and resilience plan for Hawaiian homelands statewide. A consultant will be hired to begin work on this initiative in late 2025 or early 2026. This plan will address disaster preparedness and community resilience across all Hawaiian homelands.

Note: Slide presentation attached.

ITEM G-3 For Information Only – Status Update on Plan Implementation in East Hawai'i and Hazard Mitigation Efforts on Hawai'i Island

RECOMMENDED MOTION/ACTION

Water Specialist in the Planning Office Cherie Ka'anana and DHHL Water Consultant Dr. Jonathan Scheuer presented the following:

Cherie Kanana, the water program specialist, presented Item G-3, focusing on water issues affecting East and South Hawaii. Accompanied by consultant Jonathan Sawyer, she aimed to further the Hawaiian Homes Commission Water Policy Plan's priority goal of communicating with beneficiaries about water decisions, performance, and rights on a regional and annual basis.

1. Ka'u Water Filling Station:

- **Background:** There are 25 Kamā'oa pastoral lots in Ka'u, each approximately 25 acres, with 24 current lessees. These lots were awarded during the acceleration period but lack the necessary infrastructure for pastoral use.
- **Phase One Improvements:** The Department has secured capital improvement funds for the Ka'u water system improvements. Phase One includes constructing a 100,000-gallon reservoir and installing a new meter, which DHHL will use as a temporary filling station for non-potable water.
- **Phase Two Plans:** Aim to increase system capacity by realigning the water main and installing laterals, providing individual water meters for each lot. This phase requires additional staff time and funding.
- **Beneficiary Outreach:** Based on preferences gathered, the project will include a 5,000-gallon water holding tank and a two-inch hose. Water rates are still being determined. The filling station is highly desired by Ka'u beneficiaries.

2. Changes in the State Permitting Process for Well Construction and Pump Installation Permits:

- **Complex Aquifer Systems:** East Hawaii features both basal aquifers (freshwater floating on saltwater) and deep confined aquifers (freshwater below saltwater, characterized by high pressure).
- **Previous Permit Process:** Historically, the Commission on Water Resource Management (CWRM) staff had the authority to approve well construction and pump installation permits with minimal public notice and without requiring analyses of impacts on public trust uses like DHHL's water reservations.
- **Recent Changes:** In December 2023 and June 2024, CWRM reconsidered this delegated authority. DHHL staff requested a deferral and consultation as a public trust user and water purveyor, citing concerns about transparency and impacts on DHHL's rights.
- **Outcome:** On July 23, 2024, the Water Commission agreed not to delegate permit approvals in aquifers where DHHL has reservations. Instead, these applications will be sent to DHHL for review, and any issues will be brought before the commission. This change enhances DHHL's ability to provide input on water resource developments that may affect its rights.

3. Spring Water Law Training:

- **Background:** In June 2022, a proposed charter amendment aimed to reserve a seat for DHHL beneficiaries on the Hawaii County Council's water board. Although it did not pass, it sparked significant discussion.

- Training Initiative: Beneficiary leaders recommended training for beneficiaries on how to prepare for, apply to, and serve on water boards and commissions.
- Program Details: In partnership with the William S. Richardson School of Law's Ka Huli Ao Center for Native Hawaiian Excellence, DHHL has conducted a four-part training series, completing four cohorts.
- Future Plans: The next cohort is scheduled for spring 2025. Homestead leaders will be notified when applications open, fostering greater beneficiary involvement in water governance.

ANNOUNCEMENTS AND RECESS

Chair Watson Stated that Items not covered today will be carried forward to tomorrow for a future meeting. The community meeting is scheduled to begin at 6.30 p.m. at the Keaukaha Elementary School Cafeteria, Desha Avenue. Tomorrow's agenda starts at 9.30 a.m. in the Sandalwood Room, the Grand Nanihoa Hotel.

RECESS

4:35 PM

HAWAIIAN HOMES COMMISSION

Minutes of October 21 & 22, 2024

Grand Naniloa Hotel, Sandalwood Ballroom, 93 Banyan Drive, Hilo, Hawaii, 96720, and Interactive Conferencing Technology-Zoom

PRESENT Kali Watson, Chairperson
Makai Freitas, West Hawai'i Commissioner
Michael L. Kaleikini, East Hawai'i Commissioner
Lawrence Lasua, Moloka'i Commissioner
Sanoe Marfil, O'ahu Commissioner (ICT)
Dennis L. Neves, Kauai Commissioner

COUNSEL Jordan Ching, Deputy Attorney General
R. Hokulei Lindsey, Deputy Attorney General

EXCUSED Walter Kaneakua, O'ahu Commissioner
Pauline N. Namu'o, O'ahu Commissioner
Archie Kalepa, Maui Commissioner

STAFF Katie L. Lambert, Deputy to the Chair
Richard Hoke, Executive Assistant to the Chair
Leah Burrows-Nuuanu, Secretary to the Commission
Juan Garcia, Homestead Services Division Administrator
Kalani Fronda, Acting Administrator, Land Development Division
Kahana Albinio, Land Management Division
Diamond Badajos, Information and Community Relations Officer
Lilliane Makaila, Planner
David Hoke, Enforcement Administrator

ORDER OF BUSINESS

CALL TO ORDER

Chair Watson called the meeting to order at 9:37 a.m. Five (5) members were present in person, and one (1) member attended via Zoom, establishing a quorum. Commissioners Kaneakua, Kalepa, and Namu'o were excused.

Chair Watson announced that the Commission would defer Item G-5 to a future meeting and start with Public Testimony on Agendized Items before moving on to the J Agenda. At Noon the Commission will recess for lunch, and again at 1:30 p.m. for a contested case hearing.

ITEMS FOR INFORMATION ONLY

REQUESTS TO ADDRESS THE COMMISSION

Note: Sierra Nakea Enos, Bushrod Meyers, Liliana Napoleon, Walter Ritte, Kekoa Enomoto, and Blossom Feiteira were called. There was no response.

ITEM J-1 Jojo Tanimoto – Kawaihae Concerns

Jojo's testimony begins with concerns about hazard mitigation and fire break issues around Kawaihae, specifically addressing wind patterns in the area, which she feels are misrepresented on official maps. Jojo notes that heavy winds in the area form a cyclone rather than following typical island wind patterns, a factor that community planners have not effectively addressed. She emphasizes a lack of action from officials despite community feedback, highlighting a need for better communication and collaboration to resolve issues around hazard mitigation, water subsidy for the Kailapa subdivision, and other long-standing community concerns.

J. Tanimoto further discussed the water resource challenge for Kawaihae, where residents pay substantially higher rates than others. She seeks updates on a long-requested water subsidy and questions why there has been no communication on this matter. She also discusses the need for an evacuation route in Kailapa, which is bordered by gulches, making it difficult for residents to evacuate during emergencies. She also stresses the importance of securing water resources, with nearby wells being redirected to resorts and affordable housing developments, yet Hawaiian Homelands remain without water assurances.

J. Tanimoto further raised concerns about land management and cultural preservation, pointing out that historic sites around Kawaihae, including land tied to Kamehameha's legacy, are not being recognized in current plans. She criticized the lack of consultation with the community and expressed frustration over the lack of beneficiary support, which impacts local schools, cultural sites, and the community's well-being. She concludes by mentioning a rare instance of collaboration between Hawaiian Homes and the planning department on a workforce housing project in Waikoloa, which she felt was a model of community-approved planning.

Commissioner Freitas acknowledged the ongoing water issues in Kawaihae. DHHL Planning Office has been involved in discussions to find solutions, though these options are costly and potentially unsustainable in the long term. He reassures J. Tanimoto that her concerns have been communicated to the staff, who are working with Kailapa leadership on the regional plan. Finally, he encourages Jojo to follow up via email with any remaining questions, and he expresses appreciation for her persistence.

ITEM J-2 Adele Otsuka – Successorship Issue

A. Otsuka's testimony focused on her efforts to transfer her subsistence agriculture lot lease to her granddaughter. She details the timeline of her lease award, transfer request, and submission of a farm development plan. Currently, she awaits the final processing of the transfer and requests an update on its status. She raised concerns about compliance with the lease's requirements, particularly a clause mandating residency and cultivation within three years, with potential lease cancellation if not met. This stipulation worries her since over a year has passed since her lease was awarded. She suggested creating a structured process to help lease awardees meet compliance efficiently, emphasizing a streamlined system to assist recipients in fulfilling requirements on time.

ITEM J-3 Dean Kaniho – Ka'u Leases and Liability

D. Kaniho and his wife, TC, expressed concerns about issues facing beneficiaries on the South side of Ka'u, particularly related to water access and public land management. Despite waiting 30 years for a water system, he highlights that there is still no lateral connection to the 25 lots that the system is intended to serve. He questioned the allocation of funds, pointing out that while significant money has

been spent elsewhere, such as on a high-rise in Mo'ili'ili, beneficiaries in Ka'u are still waiting for basic infrastructure.

Kaniho raised concerns about the lack of implementation of a management plan that was created to address land damage and public access issues in Ka Lae. Unauthorized access by the public has led to significant problems, including vandalism, water system damage, and theft. Tourists and unauthorized vehicles freely enter the land, which he says should only be accessible to the public with a permit. This uncontrolled access has not only led to property damage it has also made it challenging for him and other leaseholders to maintain sustainable practices, such as raising cattle to reduce fire hazards.

He suggested working with the department to establish controlled access by closing certain roads and requiring permits for entry. Kaniho proposes using Kalauala Road as the main access route to nearby beaches and limiting other access points to residents and authorized personnel. He concludes by briefly supporting a friend, Eugene Beck, who he feels was unjustly evicted.

ITEM J-4 Leila Kealoha – Maku'u Lease Concern

L. Kealoha, a third-generation wait-lister, began her testimony with a heartfelt tribute to her father, who had spent 36 years on the waitlist before passing away in 2022. She highlighted the frustration and heartbreak of waiting decades for land, sharing that her father and other family members, including her grandfather and aunt, also died without receiving an award. In 2017, her family initiated steps to occupy a lot in Maku'u, and her father even started clearing and preparing the land. However, after the 2018 eruption, her father was displaced and ultimately resided on the lot until his health deteriorated, underscoring the unmet promise of land.

She drew attention to systemic issues within Hawaiian homesteads, specifically the unoccupied lots in Maku'u, where 120 lots were awarded, but only 30 are occupied. She questioned why unoccupied lots remained unused for so long when numerous families were eager to live on them. Having served as the secretary and treasurer for the Maku'u Farmers and Hawaiian Homestead Association, she had firsthand experience with ongoing issues due to lack of support from authorities, including squatting, theft, and rubbish dumping. She expressed frustration over the department's slow response to community needs, with requests for signage and security measures left unaddressed.

L. Kealoha advocated for immediate action on unoccupied lots, requesting updates on these issues and emphasizing the urgency of assigning unclaimed lots to other families if current awardees remained inactive. Her testimony called for the department to prioritize the needs of longstanding wait-listers and address the challenges within homestead communities.

ITEM J-5 Emily Nae'ole- Maku'u Farmers Association

E. Nae'ole expressed her deep frustration and sorrow after 35 years of waiting on the Hawaiian Homes land she had received at age 29. She described the personal and family losses endured over the years, noting that several family members, including her father and brothers, had died while on the waitlist. Emily, now 68, expressed concern for her sister, who had cancer, and voiced the desperation her family felt after decades of unfulfilled promises.

E. Nae'ole recounted the inequitable treatment of Native Hawaiians and the encroachment of geothermal projects on Hawaiian land. She emphasized the need for the Department of Hawaiian Homes to take more immediate and effective action to address these long-standing issues, particularly the unoccupied lots that remained unused while waitlisted families struggled. She criticized the lack of support and security in her community, explaining how she had personally tried to deter intruders,

vandalism, and drug-related activities, even acting as a "cop" in her area to protect her land and community.

She called for recognition and respect for Hawaiian Homestead Associations and questioned why the Department of Hawaiian Homes did not formally acknowledge them despite requiring their formation. She expressed her love for her community, Maku'u, and her commitment to safeguarding it, calling on the commissioners to provide the necessary support and resources to improve conditions. Her testimony highlighted the urgency of addressing both the waitlist issues and the security and safety concerns within Hawaiian homestead lands.

ITEM J-5 Kauai Almeida – Pana‘ewa Hawaiian Home Lands Community Association

K. Almeda discussed a tree-planting initiative in Pana‘ewa, funded through a federal grant from the Department of Agriculture. She expressed concerns about unutilized lots in Pana‘ewa’s residential areas, where awarded lots remain vacant and only occasionally mowed.

She appreciated Brian Jeremiah’s role in facilitating communication between the community and various department offices, which she believes is essential for effectively tackling issues.

Her main concern is the wastewater management system in Hilo, specifically the discharge into Puhi Bay. Despite previous expectations that the discharge would be discontinued, it remains a potential future outlet, which has led to environmental breaches and restricted use of Puhi Bay for recreation and camping. She questioned why the Department of Hawaiian Homes continues to permit this practice and advocates for exploring alternative solutions to prevent further pollution. The recent breach impacted community activities, as summer camping permits were issued but later invalidated due to the contamination, raising additional concerns over costs and community health.

ITEM J-6 Pat Kahawaiolaa -Keaukaha Concerns

P. Kahawaiola'a began by addressing Ms. Adele Otsuka's situation, sharing how he had encouraged her to accept a lot in Pana‘ewa despite her initial hesitation and noting that her transfer request to her granddaughter had been delayed for over a year, highlighting administrative inefficiencies. He expressed a deep connection to both Keaukaha and Ka'u, emphasizing these areas' historical and environmental value. Pat discussed ongoing issues of unauthorized access, vandalism, and desecration at culturally significant sites in Ka'u, including Green Sands Beach, and called for restricted, permitted access to protect these lands.

He raised concerns over unutilized Hawaiian homestead lots, mentioning that 3,800 lots awarded in 1986 had no infrastructure for years, which delayed occupancy. He shared his experience of waiting 12 years for infrastructure on his lot in Pana‘ewa. He drew parallels to the current struggles faced by Maku'u homesteaders, who faced eviction after years of effort to occupy and improve their awarded land. He criticized the Department of Hawaiian Homes for allowing extended unauthorized stays on trust land, which he argued could be utilized by beneficiaries on the waitlist.

He called for the Commission to enforce occupancy requirements, reclaim vacant lands, and prioritize land use for Hawaiian beneficiaries. He recounted the words of Hawaiian leaders like Liliuokalani, Kamehameha, and Prince Kuhio, urging unity and action to rehabilitate and support the Hawaiian community. His testimony was an impassioned plea for the department to uphold its responsibilities to Native Hawaiians, address longstanding inequities, and honor the mission set by Prince Kuhio.

ITEM J-7 Terri Napeahi– Keaukaha Action Network

T. Napeahi, representing the Keaukaha Action Network and the Aha Moku Hilo Council District, testified about environmental concerns related to the Hilo Wastewater Treatment Plant. She explained that the Keaukaha Action Network was formed to tackle issues of hazardous emissions from local companies near Hawaiian homesteads in Keaukaha and Pana'ewa. Her main request was for mitigation through extended consultation for the Pua Main Force Project, citing Section 106 of the National Historic Preservation Act (NHPA). She advocated for expanding the Area of Potential Effects (APE) due to frequent sewage spills impacting Puhi Bay, where millions of gallons of raw sewage had been released over decades.

T. Napeahi shared that her organizations had gathered extensive data from regulatory agencies, revealing significant environmental injustices in the region. The wastewater treatment plant, which was frequently cited for pollution, had severely affected the local community's health and the marine environment, with contamination reaching Keaukaha's only beachfront. She expressed the cumulative impact of decades of contamination, citing personal experiences and testimonies from her community. Her concerns extended to the safety of recreational waters for Native Hawaiians and the health risks they faced, with reports of illnesses linked to pollution in the bay.

She called on the Department of Hawaiian Homelands to actively address these issues. She emphasized the urgency of finding solutions, whether through litigation or improved waste management systems and asked the commission to support efforts to prevent further contamination. The commissioners responded with empathy, acknowledging the department's past errors and affirming their commitment to seeking solutions, such as exploring federal funding and sustainable waste processing methods.

ITEM J-8 Candice Fargas – Eugene Beck Ka'u Lease Concerns

C. Vargas and Mr. Eugene Beck testified about the severe issues they and other residents faced with Native Hawaiian General Services (NHGS) in Ka'u. Candace described how NHGS, under the management of Jackie Kalau'u, had issued eviction notices to numerous local families, including her own, without clear reasons. She shared that these sudden evictions had left them with only a week to vacate, disrupting their lives and livelihoods. She expressed her frustration with NHGS management, as her repeated efforts to communicate with DHHL's Land Management Division had been ignored despite promises of follow-up.

She elaborated on the difficulties of living under NHGS's management, noting that water access was often controlled and turned off if payments were even slightly late, forcing her and others to spend hours hauling water manually. She also mentioned that lease rates had recently doubled or tripled, adding financial strain on the families. Despite these challenges, she and her family had dedicated themselves to maintaining the land, participating in fire prevention, and even donating cattle to feed the community during COVID-19. She requested an investigation into NHGS and urged the commission to consider issuing long-term leases to the Ka'u people to ensure stability.

Eugene Beck added to Candace's testimony by explaining how he had developed a self-sustaining cattle operation on 25 acres granted by NHGS. His family began this venture to support themselves, and they expanded their herd through a relationship with Gary Yamagata, who entrusted Eugene's daughter with cattle to care for both in Kona and Ka'u. Eugene emphasized that his herd had grown legitimately, countering rumors that the cattle belonged to Yamagata. His goal was to sustain his family and community, particularly given the high cost of beef in the area.

Eugene also recounted the recent distressing experience of discovering that NHGS had taken some of his cattle without his permission, transporting them to market and Kona. He viewed this as theft and expressed a preference for compensation rather than pursuing legal action. He highlighted the insecurity this had created for him and his family, questioning how he could continue ranching if his livestock were taken without consent. Eugene underscored the lack of support from NHGS management and sought the commission's help to address the issue.

K. Albinio announced that NHGS's right of entry was not renewed pending an investigation into these complaints. The department committed to working closely with Candace, Eugene, and other stakeholders to gather documentation and evidence. A site visit and further discussions with NHGS representatives, including Jackie Kalua'u, were planned to ensure a fair and thorough resolution. The commission aimed to address the grievances of the Ka'u residents and establish a more stable environment for those affected by NHGS's management practices.

ITEM J-9 Bill Brown – Pana'ewa Community Alliance

B. Brown, representing the Pana'ewa Community Alliance (PCA) and the original Pana'ewa Hawaiian Homelands Community Association (PHHLCA), raised concerns regarding a conflict with a secondary group that also identified as PHHLCA. Brown stated that the secondary group had interfered with the Kamoleao development project, halted progress, and undertaken unpermitted activities on the site, which he believed were supported by the previous DHHL Chair. He emphasized that PCA had been collaborating effectively with DHHL and had a licensed contractor lined up for the development before the interference from the secondary group began.

He argued that DHHL's decision to recognize the secondary group as the legitimate PHHLCA contradicted prior advice from DHHL to remain neutral on internal leadership issues. He pointed out that PCA had filed complaints with DHHL, requesting an investigation into the secondary group's actions, but had received no response. Brown claimed this had created discrimination and misrepresentation against the original PHHLCA, impairing their contract with DHHL and hindering their work on the Kamoleao project.

Commissioner Kaleikini noted that DHHL's decision was based on former Chair Aila's acknowledgment of the secondary group's leadership, which was backed by an election in 2021. He emphasized that DHHL's approach was based on neutrality and advice from its legal team to avoid involvement in leadership disputes. He pointed to a video record supporting DHHL's position, which Brown was encouraged to review to understand the decision-making process better.

Chair Watson highlighted that the aim of DHHL's funding, which included \$400,000 for community projects, was to support Pana'ewa's beneficiaries and various homestead associations. He stressed that DHHL's intention was for PCA to act as a conduit for disbursing funds to multiple community programs, but the ongoing dispute had stalled this process. Watson urged Brown to seek a resolution outside of litigation to ensure the funds reached the intended beneficiaries, reiterating that DHHL did not wish to interfere but would prioritize the beneficiaries' needs over internal conflicts.

B. Brown requested that DHHL rescind the May 15th memorandum recognizing the secondary group's leadership to allow the dispute to proceed in court. Chair Watson countered that litigation would only delay funding and benefit attorneys rather than the community. He advised Brown to focus on solutions that aligned with DHHL's commitment to beneficiary support. He suggested that DHHL might bypass PCA if necessary to distribute the funds directly to beneficiaries, stressing that DHHL's focus was on tangible community benefits rather than legal battles.

ITEM J-10 Ainaaloha Ioane – MAHA (Malama ka Aina Hana ka Aina)

A. Ioane expressed gratitude to the Commission for their support of the King’s Landing Settlement Plan, emphasizing the historical significance of this project for her community in Maha. She highlighted the importance of this plan in offering security and multi-generational living on ‘āina for the 23 families, including 13 kupuna, residing in King’s Landing. Ms. Ioane asked the commission to consider undivided interest leases to preserve her community's connection to King’s Landing, especially for families with elderly members whose descendants might lose access without such leases.

She described the worsening security situation at King’s Landing, where open gates and seclusion had led to unauthorized occupation, illegal dumping, and an increase in abandoned vehicles. This created a decline in community morale and safety concerns for beneficiaries. Ioane emphasized that securing the area with a locked gate was necessary not to restrict customary fishing practices but to protect the ‘āina and make the space safe for the community.

She also advocated for future discussions on prioritizing lineal descent in homesteading opportunities, sharing her personal story as a lineal descendant of King's Landing. She recounted her family's deep-rooted connection to the land, with generations relying on it for sustenance and cultural practices. Her great-grandfather, grandfather, and father had all lived, fished, and subsisted there, contributing to the Hawaiian Renaissance and maintaining cultural traditions such as the Makahiki ceremony.

The connection to ‘āina, was integral to her family's identity, with her keiki now representing the fifth generation to live on this land. She urged the commission to recognize the importance of lineal descent in homesteading and to support this consideration for communities like Maha, who have long-standing ties to specific areas.

She requested continued support for the undivided interest leases, resources for enhanced security in King’s Landing, and consultation on prioritizing lineal descent to preserve her community’s heritage and connection to the ‘āina.

ITEM J-11 Bo Kahui – La‘i‘Ōpua Community Development Corporation

B. Kahui, Executive Director of La‘i‘Ōpua Community Development Corporation, testified on issues facing residents in the Rent-With-Option-to-Own program in Village 4. He highlighted a recent assault on a rent manager, issues with water bills, and inadequate communication between the developer and residents. He shared that the program’s structure and management had led to confusion and frustration, resulting in tensions within the community. He requested a meeting with housing staff and the developer to address these concerns and prevent further incidents.

B. Kahui noted that residents in Village 4 had faced high water bills, some as high as \$1,200 monthly, as they were responsible for watering common areas—an obligation he believed should fall under association management. After conducting a water audit, he and his team reduced residents' water costs by 70%. He emphasized the need for accountability and adjustments in association governance to ensure residents were treated fairly.

Switching to his role as Executive Director of La‘i‘Ōpua CDC, he discussed ongoing projects, including water development for the department and a proposed boat storage facility to address parking restrictions for boats within homesteads. He outlined a potential mixed-use development plan, which would include housing for kupuna, on a commercially leased property to generate income

for community programs and services. Kahui expressed a willingness to work with the department to bring this vision to fruition.

In response, Commissioner Freitas acknowledged the challenges in Village 4, including the assault incident and the challenges faced by residents. He pledged to coordinate with relevant officials to organize a meeting to discuss these issues further. Chair Watson also noted recent legislative changes allowing homestead leases to be issued separately from financing, ensuring that heirs could retain the property even within the 15-year compliance period of the Rent-With-Option-to-Own program.

ITEM J-4 Lauae Kekahuna – Maku’u Farmers Hawaiian Homestead Association

L. Kekahuna, representing the second generation of the Maku’u Farmers Hawaiian Homestead Association, testified on both the association's recent achievements and ongoing challenges. She highlighted the success of the Maku’u Sunday market, which has grown to about 175 vendors with a 30% increase in community participation. She praised the Mala Ho’oluike program, which has graduated over 75 families in sustainable farming. Local schools, including Keaau and Hilo, participate in sustainable learning programs hosted at Maku’u, benefiting the community.

She then turned to security concerns, specifically with Lots 27 and 26, occupied by Juik Mei and Keahi Lihau, respectively, and reportedly squatted on since 2012. These lots have seen frequent drug-related activities, and a recent incident involved trespassing from Lot 27 onto a neighboring property, raising alarms among residents. She commended the department’s Enforcement Team for their responsiveness in handling these issues.

Additionally, L. Kekahuna raised concerns about Lot 21, managed by Carl Cuneva, where a junkyard reportedly operates, and non-native residents participate in "wolfing" or work-for-lodging arrangements. This lot has led to increased traffic and suspicious activity, restricting residents’ freedom to walk around the homestead due to safety concerns.

She expressed frustration with the prolonged "due process," as these issues have persisted since her initial testimony in 2012. She submitted a binder with detailed reports, including police records and photos, requesting further action to ensure the safety and well-being of the Maku’u homestead community.

RECESSED
RECONVENED

11:55 AM
12:10 PM

ITEM J-12 John M. Rickel – Kanehili Community Association

Attorney J. Rickle, representing the Kanehili Community Association, presented a request to the Hawaiian Homes Commission. The association, which consists of 403 residences and over 2,000 residents, sought authorization under HHCA section 216D to enforce liens and potentially cancel leases for properties with significant delinquent assessments. Rickle highlighted that 6% of the community, representing 20 residences, had accrued \$132,000 in unpaid assessments, with some debts exceeding six years and falling outside the statute of limitations.

J. Rickle emphasized that it was unfair for the 94% of residents who consistently paid their dues to bear the financial burden caused by these delinquencies. He explained that these unpaid assessments contributed to serious maintenance issues, including problems with loose animals, trash accumulation, unmaintained yards, plumbing, sewage, and unattended structures, which affected the quality of life for the community.

The Association requested that the Commission authorize the placing and enforcing of liens on the delinquent properties, with a preference for lease cancellation and replacing the current delinquent residents with new occupants. Alternatively, Rickle suggested a foreclosure sale or any other remedy the commission deemed appropriate to address the situation and improve community conditions.

MOTION

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

EXECUTIVE SESSION IN

12:10 PM

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

EXECUTIVE SESSION OUT

1:10 PM

In response, Chair Watson requested an executive session to consult with legal counsel and determine the commission's authority in handling the association's request for lien enforcement and lease cancellation.

ITEM J-12 Michelei Tancayo – Leiali'i SDU Approval

M. Tancayo, a resident and lessee in Leali'i in Lahaina, testified to expedite the approval of her home improvement application. She mentioned that while her application hasn't yet been submitted to the Commissioners for approval, she has taken proactive steps to advance the process. After her architect forwarded the application to the DHHL Maui office on May 30, it reached the DHHL Planning Department on June 7. Despite ongoing correspondence and meeting the requirements set by her association, she has been waiting five months for DHHL approval.

She expressed frustration at the lack of urgency and likened the experience to being in a prolonged phone queue. She also noted that her Association initially imposed a timeline for approval but removed it after realizing the application was stalled at DHHL. She requested help to expedite her application and encouraged DHHL to reevaluate and improve its processes for efficiency, emphasizing the need to better serve beneficiaries.

ITEM J-13 Chanel Josiah – Hawai'i Community Lending

C. Josiah, from Hawaii Community Lending (HCL), shared updates on the organization's efforts to support Native Hawaiian families in building, buying, and saving homes. She highlighted that HCL currently serves 49 beneficiaries, including new construction projects, major renovations, and demo rebuilds across various homestead areas. Josiah pointed out challenges, such as the high costs of construction driven by Davis-Bacon wage requirements, which leave families unable to cover the financial gap between construction costs and home values.

One significant issue Josiah discussed was the difficulty in locating and assisting Nā'iwa homestead beneficiaries due to a lack of contact information and privacy compliance constraints. She also noted the growing interest in HCL's construction loan program among families facing financial shortfalls

after initially qualifying for NAHASDA assistance. HCL’s technical assistance department remains committed to helping these families through financial counseling and support.

Additionally, Josiah mentioned that some families face barriers like the high costs of demolition, especially in flood zones where properties are not financeable through NAHASDA. She requested that the commission consider grant funding for a program to cover demolition costs and suggested allocating vacant lots to beneficiaries, allowing flexibility in building homes that match their financial capacity.

She urged the commission to explore subsidies that address negative equity without triggering Davis-Bacon requirements, which could help reduce construction costs and extend the reach of available funds. Lastly, Josiah announced upcoming HCL community engagement events to educate beneficiaries on the steps involved in home building and the support HCL offers.

Chair Watson asked about HCL’s support on Maui, especially for Lahaina residents. Josiah agreed to connect with Michelei Tancayo to assist with her SDU application and provide relevant support.

RECESSED
RECONVENED

1:30 PM
1:50 PM

NOTE: The Commission recessed to hold a contested case hearing.

ITEM J-12 De Mont Mana‘ole -Indigent Beneficiaries

D. Mana‘ole, co-manager of Ho'omanapono, LLC, spoke about the challenges faced by indigent Native Hawaiians, who have historically been excluded from resources and opportunities within the system. He emphasized that indigent Native Hawaiians are a real and integral part of the community and should not be overlooked or marginalized. He acknowledged that the exclusion of indigent Hawaiians is a systemic issue, not necessarily the fault of the current commission, and urged the commissioners to recognize and address this gap.

Mana'ole expressed appreciation for Julie Cachola and the department for taking his concerns seriously, highlighting a recent positive shift in the department’s willingness to work collaboratively. Instead of resorting to lawsuits, which he felt were counterproductive and un-Hawaiian, Mana'ole advocated for cooperative problem-solving, emphasizing the Hawaiian tradition of self-reliance and mutual support within the community.

He referenced Section 101 of the Hawaiian Homes Commission Act, which underscores the importance of self-sufficiency, self-determination, and the preservation of Hawaiian values and culture. Mana'ole encouraged both the commission and the community to embrace a mindset that aligns with these principles, fostering independence and collective responsibility. He urged the Commission to support an upcoming pilot project aimed at aiding indigent Native Hawaiians, asking them to remove barriers and avoid allowing opponents to derail the initiative. He spoke of his commitment to this cause in memory of his mother, who passed away on the waitlist after 30 years, expressing a desire to prevent further generational loss.

ANNOUNCEMENTS AND ADJOURNMENT

Chair Watson thanked everyone for attending and reminded everyone that the next Regular HHC meeting is on Maui– November 17 & 18, 2024, at the Courtyard by Marriott Kahului Airport, Haleakala Ballroom.

The Community Meeting is scheduled for King Kekaulike High School Cafeteria, on Monday evening starting at 6:30 p.m.

ADJOURNMENT

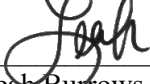
2:30 PM

Respectfully submitted:



Kali Watson, Chairman
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

Attachments:

- 1) Item F-4 Letters of Support Table Distribution
- 2) Public Testimony Sheets
- 3) Public Testimony – AHHL Opposition F-2
- 4) Public Testimony – Grace Gomes
- 5) Public Testimony – Jan Herrick
- 6) Public Testimony – Patrick Kahawaiolaa
- 7) Public Testimony – Kekoa Enomoto
- 8) Public Testimony - Terri Napeahi
- 9) J-2 Addtl Info - Dell Otsuka
- 10) J-3 Addtl Info - Dean Kaniho
- 11) J-9 Addtl Info - Bill Brown
- 12) J-11 Addtl Info - Bo Kahui

Table submitted F-6

OCT 16 REC'D



RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

October 15, 2024

Kali Watson
Chairman
Hawaiian Home Lands Commission
P.O. Box 1879
Honolulu, HI 96805

Aloha Chairman Watson,

I am writing to express my support for the Moloka'i and Kalamaula Community in their efforts to address the urgent housing needs of our kūpuna currently on the Department of Hawaiian Home Lands waitlist, as it aligns with my commitment to prioritize affordable housing for kama'aina.

Supporting our kūpuna is not merely a priority; it is a moral obligation for us in Maui County. I know that you are aware that our elders have significantly contributed to the fabric of our community, and it is essential that we provide them with the dignity and respect they deserve in their later years. This community led project represents a meaningful opportunity for our Native Hawaiian elders to age in an environment that nurtures their physical well-being and cultural heritage surrounded by their 'ohana and na hoaloha.

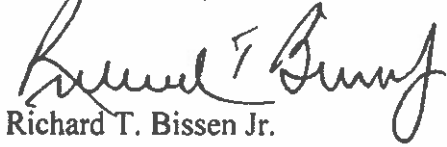
Integrating affordable rentals for kūpuna with the protection of our natural and cultural resources, acknowledges the interconnectedness of our people's well-being with the health of our culture and land. Moreover, the inclusion of culturally enriching elements—such as spaces for traditional Hawaiian practices like lauhala weaving, storytelling, and healing traditions demonstrates a commitment to preserving and perpetuating Hawaiian culture. I commend Molokai and Kalamaula in their effort to provide a safe and affordable living space for our kūpuna while also enabling them to pass on their invaluable knowledge to future generations. A Molokai-led approach underscores the strength of community collaboration and self-determination and promotes economic self-sufficiency for Native Hawaiian communities.

I urge you to support the aspirations of Moloka'i and Kalamaula reflecting the hopes of our community and honoring our kūpuna.

Kali Watson, Chairman
October 15, 2024
Page 2

Thank you for your time and attention. If you have any questions or need further information, please do not hesitate to reach out to my office.

Mahalo nui loa,

A handwritten signature in black ink, appearing to read "Richard T. Bissen Jr.", written in a cursive style.

Richard T. Bissen Jr.
Mayor, County of Maui

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins



Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

October 3, 2024

Hawaiian Homes Commission
Department of Hawaiian Home Lands
P.O. Box 1879
Honolulu, HI 96805

Dear : Members of the Hawaiian Homes Commission

**SUBJECT: LETTER OF SUPPORT FOR THE RESIDENCES AT
KALAMA'ULA**

As the Presiding Officer Pro Tempore of the Maui County Council and the Chair of the Housing and Land Use Committee, I am writing in full support of the Kalama'ula Kūpuna Residences Project on Moloka'i, an innovative and culturally rooted initiative to provide affordable rental housing for Native Hawaiian kūpuna on Hawaiian Home Lands. This project holds deep significance for not only the residents of Moloka'i but also for many on Maui who have strong ties to Moloka'i and are on the Hawaiian Home Lands waitlist, yearning for the opportunity to return home.

The Kalamaula Kūpuna Residences Project addresses a pressing need for affordable, supportive housing for our kūpuna who have long awaited homestead opportunities. The Moloka'i Regional Plan and the Hawaiian Homes Commission Act set a vision of self-determination and cultural preservation for Native Hawaiians, which this project embodies. It is essential to provide a living environment that honors Hawaiian traditions while meeting the modern needs of kūpuna.

Many Maui residents who are on the DHHL waitlist have ancestral or familial roots in Moloka'i and would welcome the chance to return to their homeland. The cultural and community bonds that unite our people across islands make this project a vital opportunity to not only address housing shortages but also to foster reconnection with the 'āina and Hawaiian practices. With over 1,400

October 3, 2024

Page 2

applicants on the Moloka'i waitlist, of which a significant portion are kūpuna, it is clear that the need for this project cannot be overstated.

I believe that the Kalamaula Kūpuna Project is a model for how we can respect the past while ensuring a bright future for our kūpuna. This development will serve as a safe, affordable, and culturally rich environment where kūpuna can live with dignity and participate in traditional practices that are vital to the perpetuation of Hawaiian culture.

I respectfully urge the Hawaiian Homes Commission to approve the issuance of a 65-year general lease for this project, which will be a critical step in its implementation. The collaboration of King Lunalilo Trust, Kalaniana'ole Development, and the Kalama'ula Homesteaders Association demonstrates the strength of community-based partnerships. This is an opportunity to make a lasting impact on the lives of Native Hawaiian elders and future generations.

Thank you for your consideration of this important project. I look forward to its approval and successful completion.

The Maui County Council has not had the opportunity to review this housing proposal. Therefore, I am providing this letter of support in my capacity as an individual member of the Maui County Council.

Mahalo,

A handwritten signature in black ink, appearing to read "Tasha Kama", written in a cursive style.

TASHA KAMA

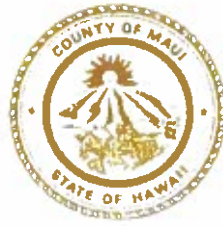
Presiding Officer Pro Tempore
Chair of Housing and Land Use
Committee

cc:

RICHARD T. BISSEN, JR.
Mayor

RICHARD E. MITCHELL, ESQ.
Director

SAUMALU MATA'AFU
Deputy Director



DEPARTMENT OF HOUSING
COUNTY OF MAUI
2065 MAIN STREET, SUITE 108
WAILUKU, MAUI, HAWAI'I 96793
PHONE: (808) 270-7110
FAX: (808) 270-6284

October 14, 2024

Mr. Kali Watson, Chairman
Hawaiian Home Lands Commission
P.O. Box 1879
Honolulu, HI 96805

Dear Chairman Watson,

As the Director of the Department of Housing for the County of Maui, I am pleased to support *The Residences at Kalama'ula* project, which seeks approval under Section 171-43.1, Hawai'i Revised Statutes, for a sixty-five-year general lease to implement the project. The project aligns with the County of Maui's Department of Housing's objectives. Not only does it address the critical shortage in affordable kupuna rental housing in the County's housing inventory, but it also exemplifies the power of public and private collaboration to create effective housing solutions.

The Department of Housing's mission includes the creation of housing opportunities for low and moderate-income residents by partnering with community organizations. Led by the Kalama'ula Homestead Association, King Lunalilo Trust, and Kalaniana'ole Development, *The Residences at Kalama'ula* project embodies this mission through the following objectives:

1. Developing Long-Term Affordable Rental Housing Units:

The project directly contributes to the development of long-term affordable housing, with forty-seven rental units specifically designated for Native Hawaiian kūpuna. By capping rents at thirty percent of household income,

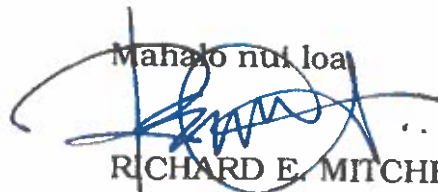
with rental assistance support under the Native American Housing Assistance and Self Determination Act of 1996, the project ensures financial accessibility for seniors who are often on fixed incomes.

2. Developing Special Needs Housing with Appropriate Support Services:

This project goes beyond providing housing by addressing the unique needs of kūpuna through the inclusion of supportive services tailored specifically to their well-being. These services include wellness programs, healthcare referrals, cultural activities, and social work assistance. The project also integrates cultural spaces where kūpuna can engage in traditional Hawaiian practices like lauhala weaving, storytelling, and hula which further enhances the holistic well-being of residents, fostering both physical and emotional health. This ensures that residents not only have a place to live, but live where they can receive the care and support they need to thrive.

By addressing these objectives, *The Residences at Kalama'ula* project stands as a model for future developments, demonstrating how community partnerships can successfully tackle the critical housing challenges faced by our low- and moderate-income populations. It serves as a beacon of innovation and sustainability, and I wholeheartedly support its approval.

Thank you for your continued leadership in addressing the housing needs of our Native Hawaiian community. Please feel free to contact me at (808) 270-7110 or richard.e.mitchell@co.maui.hi.us if you require any additional information regarding my support for *The Residences at Kalama'ula* project.

Mahalo nui loa

RICHARD E. MITCHELL, ESQ.
Director of Housing

September 24, 2024

Patti Tancayo, President, Kalanianaʻole Development
Keola Dean, CEO, Lunalilo Homes
636 Laumaka Street
Honolulu, HI 96819

SUBJECT: KUPUNA HOUSING PROJECT ON MOLOKAI

Aloha e Patti and Keola,

I am writing to extend my full support for the proposed kupuna housing project, **Residences of Kalamaʻula**. This initiative aligns deeply with our shared values of mālama (care) for our elders and the broader kuleana (responsibility) we hold for our ʻohana here on Molokaʻi.

I want to also take a moment to acknowledge the incredible work you both have undertaken in the community over the past year. Your dedication to ensuring that this project does not duplicate existing services but instead enhances the services that are most needed is truly admirable. In particular, your commitment to integrating cultural components into the project is vital, as these connections to our heritage and ʻāina are essential to the well-being of our kūpuna. Your efforts will provide a uniquely enriching space for them, grounded in Hawaiian values and tradition.

As the Trustee for Molokaʻi with the Office of Hawaiian Affairs, I fully recognize the growing needs of our kūpuna, especially for secure, affordable, and culturally relevant housing. The Residences of Kalamaʻula reflect a deeply needed response to these challenges, offering a place where our kūpuna can thrive in comfort, dignity, and community.

Furthermore, I sincerely hope that we can find a meaningful way for the **Office of Hawaiian Affairs** to be involved in this important project. OHA is committed to supporting initiatives that uphold and nurture the well-being of our lāhui (community), and I believe our partnership would strengthen the foundation of this project and its long-term impact on Molokaʻi's kupuna.

Mahalo nui loa for your hard work, dedication, and perseverance in bringing this vision to life. Please know that I stand with you in full support, and I look forward to working with you as we move forward with this essential project for our community.

Me ka haʻahaʻa a me ke aloha,



Luana Alapa

Trustee, Molokaʻi

Office of Hawaiian Affairs



HAWAI'I COMMUNITY FOUNDATION
Amplify the Power of Giving

October 1, 2024

Kali Watson
Chairman
Hawaiian Home Lands Commission
P.O. Box 1879
Honolulu, HI 96805

Dear Chairman Watson,

I am writing to express my strong support for *The Residences at Kalama'ula* project, a critically needed affordable housing solution for our Native Hawaiian kūpuna. As the Senior Vice President and Chief Impact Officer of Hawai'i Community Foundation (HCF), I deeply appreciate the efforts of the Kalama'ula Homestead Association, Kalaniana'ole Development, and King Lunalilo Trust to provide culturally appropriate housing for our elderly population.

At the Hawai'i Community Foundation, we have long understood the importance of serving our island communities, ensuring that every act of giving has the greatest possible impact. In my discussions with Patti Tancayo, the CEO of Kalaniana'ole Development, I was particularly moved by the vision and commitment behind *The Residences at Kalama'ula* project. As a former Deputy Director of the Department of Hawaiian Home Lands, I understand the housing challenges faced by kūpuna and the importance of creating supportive environments that allow them to age with dignity, grounded in our Hawaiian traditions and values.

HCF is honored to explore how we might collaborate with this project to secure resources for kūpuna. We recognize that the project not only addresses the housing needs of the elderly but also seeks to create spaces where Hawaiian culture can thrive—through storytelling, lauhala weaving, and traditional healing practices. This aligns with HCF's mission of fostering equitable, vibrant communities for the generations to come.

We are ready to work alongside the development team to identify charitable solutions and funding opportunities that may support the project's success. This effort resonates with HCF's goal of driving positive, lasting change for our island families, with the well-being of kūpuna at the heart of our work.

I strongly encourage the Hawaiian Home Lands Commission to approve the 65-year general lease, as this will allow *The Residences at Kalama'ula* to fulfill its promise of providing safe, affordable, and culturally enriched housing for kūpuna. Mahalo for your leadership and commitment to our Native Hawaiian community, and I look forward to the opportunity to further discuss how we can support this pivotal initiative.

Warmest regards,

Michelle Kauhane
Senior Vice President



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

AGENDA ITEM(S) J-7

Start of Meeting

When ITEM is addressed:

Terri Napeahi 10/22
NAME K.A.N. (Keaukaha Action DATE Founder
ORGANIZATION Network) KCA TITLE
AHA moku (Hilo District

EMAIL ADDRESS

COMMENTS:

please call asap - as she needs
to head out to work

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

AGENDA ITEM(s) F-2

Start of Meeting



When ITEM is addressed:



Kristine Kubat

NAME

10/21/24

DATE

Recycle Hawaii

ORGANIZATION

Exec Dir

TITLE

director@recyclehawaii.org

EMAIL ADDRESS

COMMENTS:

* please call other testifiers
before me, mahalo!

Check here if you have written testimony for Distribution:





PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

AGENDA ITEM(s) F-1

Start of Meeting

When ITEM is addressed:

Eugene Beck
NAME

10/21
DATE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

AGENDA ITEM(S) FS - F-2 C-1-C2

Start of Meeting

When ITEM is addressed:

Cora Schnackenberg

NAME

10/21/24

DATE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

AGENDA ITEM(S) F-1
F-2, C-1, C-2

Start of Meeting

When ITEM is addressed:

Uncle Pat Kahawaiolaa 10/21
NAME DATE

ORGANIZATION TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

AGENDA ITEM(S) F-5

Start of Meeting

When ITEM is addressed:

Judy Caparida
NAME

10/21/24
DATE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



PUBLIC TESTIMONY on AGENDIZED ITEMS

INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

AGENDA ITEM(S) D-12

Start of Meeting

When ITEM is addressed:

Kamehi Young

NAME

10-21-24

DATE

ORGANIZATION

TITLE

kamehi22@hawaii.edu

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



Dedicated to Ending the Hawaiian Home Lands Waiting List

The Association of Hawaiians for Homestead Lands (AHHL) is a national waitlist governed association founded in 2009, a member of the Sovereign Council of Hawaiian Homestead Associations (SCHHA). The AHHL is a Homestead Beneficiary Association (HBA) registered with the U.S. Department of Interior, meeting the federal definition under 43 CFR Part 48.6. Dedicated to *Ending the Hawaiian Home Land Waitlist* by pursuing reforms and delivering services that create success for native Hawaiians to homestead and build mercantile businesses.

October 21, 2024

Aloha Hawaiian Homes Commissioners

I am submitting testimony today in opposition to F2, or the Homestead Beneficiary Association (HBA) submitted opposition in May 2024 (attached). The SCHHA policy team in 2021 called for an investigation by the Dept. Of Interior Inspector General following up on the DoI Solicitors letter to the Attorney General. In August and September of 2021, a small group of SCHHA leaders went to Washington DC, shared the issue with the DOI and with members of the Hawaii Delegation, requesting their review. We believed it to be a violation of our Hawaiian Homes Commission Act, and indeed the Hawaii Admissions Act unlike anything we've ever seen before.

DoI and Congressman Kahele agreed to review it and submitted the following correspondence attached. We have suffered numerous situations like this over many Governors and DHHL Directors/Deputies. Powerful non-Beneficiary interests have hired DC lobbying firms to influence federal officials in Washington to get DoI to change course in protecting our native Hawaiian interests regarding Act 236. (see attached)

Allowing the extension of the Prince Kuhio Shopping Center Funding is important, but the disloyalty to the HHCA by decades of DHHL appointed officials is truly the center of the problem *“kicking the can”* down the line year after year. Your decisions will affect generations.

Policy makers at every level, county, state and federal, are quite often really good people that ran for office to bring good government to all citizens, and yes, that has to include us too. Sometimes they don't think to ask, sometimes they don't hear us, or understand the harm, and yes of course, sometimes they don't care. We don't have powerful lobbyists, we do have citizen status in our democracy and federal standing under 43 CFR Part 47/48. And we have the Hawaiian Homes Commission Act (HCA) if only DHHL would be loyal to it, as DOI is required. The current DHHL officials have not been.

These decisions result in us dying on the waitlist, while our trust lands are issued for non-homesteading, non-waitlist purposes to non-beneficiaries, My own Tutu Mary Ann Aiulan Enos died while on this waitlist.

Together let's continue the work of policy, to help policy makers do good, do right by Hawaiians. I will never give up for my Tutu. I ask beneficiaries to join us, to speak up for your Kupuna, Makua, 'Ohana Keiki both born and unborn.

Standing in opposition of F2,

Kainoa MacDonald

Kainoa MacDonald

Association of Hawaiians for Homestead Lands

Secretary/Director-Moku Honu



c/o Commission Secretary Leatrice W. Burrows-Nu`uanu
 Department of Hawaiian Home Lands
 91-5420 Kapolei Parkway
 Kapolei, Hawai`i 96707
 Telephone (808) 620-9504
 Email: leatrice.w.burrows-nuuanu@hawaii.gov

May 20, 2024

Aloha mai e na Hawaiian Homes Commissioners,

My name is Kainoa MacDonald, Moku Honu Director, Secretary Association of Hawaiian for Homestead Lands as identified under 201.6 of the Hawaiian Homes Commission Act of 1920 and federally defined Homestead Associations under 43 (CFR) Code of Federal Regulations 47/48.

The purpose and vision of the The Association of Hawaiians for Homestead Lands (AHHL), founded in 2008, is a national Homestead Beneficiary Association (HBA) registered under 43 CFR Part 48.6 with the U.S. Department of Interior, to represent the interests and provision of services to native Hawaiian citizens defined in the Hawaii Constitution and the Hawaiian Homes Commission Act of 1920 (HHCA). Our mission is dedicated to ***Ending the Hawaiian Homelands Wait List***, of which 29,000 of our people languish on a State government Waitlist to receive a homestead lot award.

The discussion on SCHHA Maui/Lanai/Oahu Mokupuni Council meeting on Thursday May 16th on the following agenda items: Executive Session #2 Discussion regarding the U.S. Dept of Interior's position on Act 236 SLH2021 and F-8 Information Only-Implementation of Act 236 and request for extension of general lease of 202- Prince Kuhio Plaza.

In 2021 the legislature enacted, and Governor Ige signed into law, HB499 then became Act 236. When powerful non-Beneficiary interests have hired DC lobbying firms to influence federal officials in Washington to get DoI to change course in protecting our native Hawaiian interests regarding Act 236. A Compilation of Recorded Votes by Hawaii State Legislators on HB499 was provided by SCHHA's policy team on Public Land Leasing - This law gives the state authority to issue any lands held or

administered by the state, well beyond **60 years** DLNR, DoA, ceded lands, etc. UH was exempted. SCHHA, as a coalition of homestead associations and HHCA policy advocates, opposed this law in 2021, especially because it included Hawaiian Homelands. While we don't have powerful lobbyists we can stand on our democracy and federal standing under 43 CFR Part 47/48.

In October 2022, a small group of policy advocates from Sovereign Council of Hawaiian Homestead Associations (SCHHA) leaders traveled to Washington DC, shared the issue with the DOI and with members of the Hawaii Delegation, requesting their review. There are **clear trust violations** of the HHCA, as well as the Hawaii Admissions Act. DoI and Congressman Kahele agreed to review it.

Copies of these correspondence have been given to this commission by Luna Haunio in his testimony earlier today. We ask for a review and consideration of these letters by the Department of Interior; it provides significant concerns to grant extensions of commercial leases that violate federal law of Act 236. The SCHHA policy team called for an investigation by the DOI Inspector General, following up on the DoI Solicitors letter to the Attorney General.

On a letter dated 10/13/22 by Robert T. Anderson then DOI Solicitor to Holly Shikada State of Hawaii Ag's office states I quote:

The United States understands that in mid-October the Commission intends to consider an application for a 40-year lease extension under Act 236 by a commercial lessee of Hawaiian homelands. The United States believes that it would be imprudent for the Commission to entertain granting any lease extensions under Act 236 relating to the Hawaiian homelands until after the requirements detailed in 43 C.F.R. part 48- including summaries of all consultations conducted with the beneficiaries— are complete, as required by the Admission Act, the HHCA, and the Recovery Act.

“Why is this Commission still on the same path, the policy is in place. There should be a moratorium on this until such time that the beneficiaries can consult with the Department of Interior is completed. We keep seeing these breaches of trust obligation like rentals, deviating farther away from Act 279 on spending of the \$600 million going to developers and non-Hawaiians” I am including this quote from the AHHL Chair Mike Kahikina who participated in many meetings & advocacy on this matter.

I challenge the department to consider other options for non-beneficiary organizations who are interested in leasing our trust lands for commercial purposes, including the Prince Kuhio Hilo mall, would do so in partnership with Homestead Beneficiary Associations (HBA) as defined in 43CFR, and in compliance with HHCA Section 207 Mercantile purposes. If not, this Commission has a fiduciary responsibility to its beneficiaries, DO NOT ignore the clear breach of trust, if you allow this action to pass next month until a full review and beneficiary consultation across the pae'aina can be completed- **'Aole to any implementation of Act 236 or any request for extension of general lease of 202- Prince Kuhio Plaza.**



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

William J. Ailā, Jr., Chairman
Hawaiian Homes Commission
91-5420 Kapolei Parkway
Honolulu, Hawai‘i 96707

Dear Chairman Ailā:

Subject: Act 236, 2021 Hawai‘i Session Laws

Thank you for your letter dated February 16, 2022, regarding the above referenced matter. The Department has reviewed your letter and the opinion of the State of Hawai‘i Attorney General (“AG Opinion”) that Act 236, Session Laws of Hawai‘i 2021 (“Act 236”), does not require the consent of the United States because it does not seek to amend the Hawaiian Homes Commission Act (“HHCA”) and does not affect Hawaiian home lands such that United States consent is required. For the reasons articulated below, the Department believes that Act 236 would have a direct effect of allowing for additional encumbrances to be placed on Hawaiian home lands which would trigger the need for Secretarial review and Congressional approval. As such, pursuant to 43 C.F.R. § 48.50, because Act 236 would implicate one of the factors outlined in 43 C.F.R. § 48.20, Act 236 can have no effect on the HHCA until all administrative procedures and responsibilities outlined in 43 C.F.R. Part 48 occur.

This letter is not intended to serve as the Secretary’s formal review of Act 236 pursuant to 43 C.F.R. § 48.20. Rather, this letter serves as notice that Act 236 can have no effect on the HHCA or the Trust pursuant to 43 C.F.R. § 48.50, because Act 236 would impact at least one of the criteria listed in 43 C.F.R. § 48.20 and the administrative procedures outlined in 43 C.F.R. Part 48 have not yet occurred. Our initial review of Act 236 suggests that it would allow for the additional encumbrance of Native Hawaiian home lands. Specifically, if applied to Hawaiian home lands, Act 236 would allow for the extension of lease terms in excess of the previous lease duration limitation as previously provided for in Chapter 171 of the Hawai‘i Revised Statutes. These potential lease extensions would constitute an additional encumbrance on Hawaiian home lands as articulated by 43 C.F.R. § 48.20. As such, unless and until the administrative procedures and responsibilities outline in 43 C.F.R. Part 48 are performed by you, the Secretary, and as necessary Congress, Act 236 cannot have any effect on the provisions of the HHCA or the administration of the Trust pursuant to 43 C.F.R. § 48.50.

The AG Opinion suggests that because Act 236 amends Chapter 171 of the Hawai‘i Revised Statutes (“Chapter 171”) to allow extension of certain leases of public lands within the State of

Hawai‘i (“State”) generally, the inclusion of Hawaiian home lands is incidental and therefore not covered by the requirements of the Hawai‘i Admission Act, the HHCA, the HHLRA, or 43 C.F.R. Part 48. The AG Opinion does acknowledge that Act 236 “allows [the Department of Hawaiian Home Lands] to extend the terms of its leases of Hawaiian Home Lands that it has issued under HRS chapter 171.”¹ Notwithstanding this acknowledgement, however, the AG Opinion goes on to suggest that the change authorized by Act 236 can occur without the review of the Secretary or approval of Congress. The AG Opinion relied on the Department’s analysis of Act 173, Session Laws of Hawai‘i 2014, concerning leases of certain DHHL property for this conclusion.² The AG Opinion unfortunately overlooked a key part of our analysis of Act 173:

Consistent with the limitations in the Admission Act, the HHCA, the HHLRA, and other Federal laws, any state enactment (including amendments to chapter 171 or other chapters it references, such as chapter 102) that meets any of the [criteria expressed at 43 C.F.R. § 48.20], or otherwise impacts the provisions of the HHCA, has no effect on the management of the Trust unless approved by the Secretary or Congress.

More fully stated, the AG Opinion ignores the provision in 43 C.F.R. § 48.50, which provides that any “state enactment that impacts any of the criteria in 43 C.F.R. § 48.20 shall have no effect on the provisions of the HHCA or administration of the Trust.” The AG Opinion admits that Act 236 would allow for the extension of the terms of leases on Native Hawaiian home lands in excess of the number of years previously allowed. As such, Act 236 appears to be a “legislative action that directly or indirectly has the effect of . . . [a]llowing for additional encumbrances to be placed on Hawaiian home lands by officers other than those charged with the administration of the HHCA” as outlined in 43 C.F.R. § 48.20. Therefore, pursuant to 43 C.F.R. § 48. 50, Act 236 shall have no effect on the provisions of HHCA or the administration of the Trust because it directly impacts a criterion articulated in 43 C.F.R. § 48.20.

Finally, if the State intends to allow for the extension of lease terms in excess of the previous lease duration limitation in Chapter 171 to have effect on the provisions of the HHCA or administration of the Trust, then the State would have to either amend Act 236 or enact entirely new legislation to specify that the State is seeking to amend the HHCA and submit the materials and information required by 43 C.F.R. § 48.15.³ The Secretary would then undertake her analysis pursuant to 43 C.F.R. §§ 48.20 and 48.25.

¹ Letter from Craig Y. Iha, Deputy Attorney General, to William J. Aila, Jr., Chairperson, Hawaiian Homes Commission (Dec. 10, 2021).

² See Letter from Scott J. Cameron, Assistant Secretary for Policy, Management and Budget U.S. Department of the Interior to Jobie Masagatani, Chairperson, Hawaiian Homes Commission, (Jan. 24, 2018).

³ Similarly, these requirements and procedures would apply to any other amendments to HRS Chapter 171 that the State intends to have effect on the provisions of the HHCA or administration of the Trust, i.e., Act 215, 2017 Hawai‘i Session Laws.

Again, thank you for your letter and the AG opinion. Please let us know if you have any questions.

Sincerely,

Joan M. Mooney
Principal Deputy Assistant Secretary
Exercising the Delegated Authority of the Assistant Secretary - Policy, Management and Budget

Cc: Congressman Kai Kahele, U.S. House of Representatives



United States Department of the Interior
OFFICE OF THE SOLICITOR
Washington, D.C. 20240

October 13, 2022

The Honorable Holly T. Shikada
Attorney General, State of Hawai'i
425 Queen Street
Honolulu, Hawai'i 96813

Re: Act 236, 2021 Hawai'i Session Laws

Dear Attorney General Shikada:

I am writing to give notice that the United States has significant concerns that any actions by the Hawaiian Homes Commission (Commission) to grant extensions of commercial leases of Hawaiian home lands pursuant to Hawai'i Act 236 (2021 Hawai'i Session Laws) violate Federal law and constitute a breach of trust by the State.

Act 236 amends chapter 171, Hawai'i Revised Statutes (Chapter 171), to authorize the Board of Land and Natural Resources to extend the terms of certain leases of public lands for up to 40 years. The Hawaiian Homes Commission Act (HHCA) allows the Department of Hawaiian Home Lands (DHHL) to lease Hawaiian home lands not required for homesteading to members of the general public "on the same terms, conditions, restrictions, and uses applicable to the disposition of public lands in chapter 171[.]" Your office opined that because Act 236 amends Chapter 171 to allow extension of certain leases of public lands within the State generally, including Hawaiian home lands, such home lands are exempt from the requirements of the Hawai'i Admission Act, the HHCA, and the Hawaiian Home Lands Recovery Act (Recovery Act), or 43 C.F.R. Part 48.¹

The State concluded that Act 236 does not require Secretarial review or Congressional approval based, in part, upon its reading of the 2018 analysis by the Department of the Interior of Act 173 (2014 Hawai'i Session Laws).² Act 173 proposed to amend HHCA § 204(a)(2) by adding an additional proviso to permit DHHL to enter into certain leases of improvements on Hawaiian home lands not required for homestead leasing under section 207(a) of the HHCA.³ The Department concluded that Act 173 required Congressional approval and in discussing its reasoning stated that:

The Department agrees that if the State were to amend chapter 171, maintaining the same procedure for public lands as for the home lands, it could do so,

¹ See letter to William J. Aila, Chairperson, Hawaiian Homes Commission from Craig Y. Iha, Deputy Attorney General (Dec. 10, 2021).

² Letter from the Department of the Interior to the Hawaiian Homes Commission (Jan. 24, 2018) ("2018 Decision Letter").

³ 2018 Decision Letter at 1.

provided such amendment to chapter 171, as determined by Secretarial review, *does not conflict with the HHCA and section 4 of the Admission Act.*⁴

This highlighted language above makes clear that any proposed amendment must not conflict with the HHCA and section 4 of the Admission Act. The State’s analysis of Act 236 does not consider the requirements of those governing statutes.⁵

In compliance with the Admission Act, and as a compact between the State and the United States relating to the management and disposition of the Hawaiian home lands, the State adopted the HHCA, as amended, as a law of the State through Article XII of its Constitution “subject to amendment or repeal only with the consent of the United States, and in no other manner.” The compact “between Hawaii and the United States strictly limits the manner in which Hawaii may manage the homelands and the income they produce.” *Price v. Akaka*, 928 F.2d 824, 826 (9th Cir. 1990). Paramount among the limitations imposed on the State’s management of the Hawaiian home lands is the prohibition against increasing encumbrances on home lands without congressional approval.⁶ Act 236, as the State acknowledges, would have the effect of authorizing DHHL and the Commission to increase encumbrances on Hawaiian home lands. Accordingly, Act 236 must be reviewed by the Secretary and approved by Congress.

The United States understands that in mid-October the Commission intends to consider an application for a 40-year lease extension under Act 236 by a commercial lessee of Hawaiian home lands.⁷ The United States believes that it would be imprudent for the Commission to entertain granting any lease extensions under Act 236 relating to the Hawaiian home lands until after the requirements detailed in 43 C.F.R. part 48—including summaries of all consultations conducted with the beneficiaries—are complete, as required by the Admission Act, the HHCA, and the Recovery Act.

I respectfully request your prompt attention to this matter to avoid unnecessary conflict between the United States and the State, which for more than 60 years have worked cooperatively and collaboratively to ensure that our respective responsibilities under the HHCA are faithfully executed.

Sincerely,



Robert T. Anderson
Solicitor

⁴ 2018 Decision Letter at 15, n. 23 (emphasis added).

⁵ As was noted in the Department’s May 11, 2022, letter to Chairman Ailā, our Act 173 analysis was unequivocal that “any state enactment (including amendments to chapter 171 or other chapters it references, such as chapter 102) that meets any of the [criteria expressed at 43 C.F.R. § 48.20], or otherwise impacts the provisions of the HHCA, has no effect on the management of the Trust unless approved by the Secretary or Congress.” See letter to William J. Ailā, Chairperson, Hawaiian Homes Commission from Joan M. Mooney, Principal Deputy Assistant Secretary Exercising the Delegated Authority of the Assistant Secretary - Policy, Management and Budget (May 11, 2022).

⁶ Section 4 of the Admission Act provides in part: “[A]nd the encumbrances authorized to be placed on Hawaiian home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States[.]” An increase in encumbrances is not “administration.”

⁷ Monthly meeting of the Commission, September 19, 2022, discussing October 17 and 18 hearing agenda.

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SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON TACTICAL AIR AND LAND FORCES
SUBCOMMITTEE ON READINESS

Congress of the United States
House of Representatives
Washington, DC 20515

October 14 2022

The Honorable David Ige
Governor of Hawaii
Executive Chambers
State Capitol
Honolulu Hawaii 96813

RE: Act 236, 2021, Hawaii Session Laws

Dear Governor Ige:

I write with deep concern regarding the Department of Hawaiian Home Lands (DHHL) meeting on September 19, 2022, and public comments made by DHHL officials regarding a DHHL lease extension (agenda item F-5).

HB 499 became law as Act 236 in 2021. Upon review of this newly-enacted law, I had concerns regarding the subsequent impact of this legislation on the Hawaiian Homes Commission Act (HHCA). I requested an opinion from the Department of Interior (DOI) to determine if a review was necessary by the Secretary of the Interior as required by the Admissions Act (73 Stat. 5 §4). On August 17, 2021, I received a response from the DOI (attached) which stated that, consistent with the limitations in the State of Hawaii Admissions Act, the HHCA cannot be amended unless the Secretary determines they are either effective pursuant to the requirements outlined in 43 C.F.R. part 48.45(a) or they have been approved by Congress. The DOI found that since Act 236 would have a substantive impact to the HHCA, Act 236 cannot be applied to leases on DHHL trust lands until the State of Hawaii receives the consent of the federal government.

On May 11, 2022, the DOI sent a letter to DHHL Chairman William J. Ailā, Jr. regarding Act 236 and their response to the State of Hawaii Attorney General (AG) opinion. While the AG's opinion states that Act 236 does not require the consent of the United States because it does not seek to amend the Hawaiian Homes Commission Act (HHCA), DOI disagrees. The Department states in their May 11th letter that Act 236 would directly allow for additional encumbrances to be placed on Hawaiian home lands which would trigger the need for Secretarial review and consent of the United States. In addition, they write that to comply with 43 C.F.R. §48.15, the

State must either amend Act 236 or enact entirely new legislation to specify that the State is seeking to amend the HHCA and provide the legally required materials for DOI to review.

At the September 19, 2022, Hawaiian Homes Commission Regular Meeting, DHHL emphasized that they do not believe they require Department of Interior consent because they disagree with the DOI's determination, and they are "being a bit bold" and want to "push the envelope" regarding this specific lease extension and eventually other DHHL commercial lease extensions.

On October 13, 2022, the DOI sent a letter to Attorney General Shikada conveying that the United States has significant concerns about actions by DHHL regarding the extension of commercial leases. The Department has requested that lease extensions should not be granted until after all the requirements detailed in 43 C.F.R. part 48 are completed.

I am writing to convey my deep concern that DHHL intends to circumvent the DOI and not comply with the requirements laid out in the Admissions Act for consent by the United States for all substantive changes by applying the provisions in Act 236 with DHHL commercial lease extensions. To avoid legal action by the United States against the State of Hawai'i, I am requesting your intervention to address this issue with DHHL. If you have any questions, please contact my Legislative Director, Kana Smith, at Kana.Smith@mail.house.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kaiali'i Kahele', written in a cursive style.

Kaiali'i Kahele
Member of Congress

cc: The Honorable Holly T. Shikada, Attorney General
William J. Ailā, Jr, Chairman
Tyler Gomes, Deputy to the Chairman
The Honorable Lorraine Inouye, Chair of the Senate Committee on Water and Land
The Honorable David Tarnas, Chair of the House Committee on Water and Land
Patricia Kahanamoku-Teruya, Commissioner
Russell Kaupu, Commissioner
Randy Awo, Commissioner
Pauline Namu'o, Commissioner
Zachary Helm, Commissioner
Dennis Neves, Commissioner
Michael Kaleikini, Commissioner

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COMMITTEE ON TRANSPORTATION & INFRASTRUCTURE
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SUBCOMMITTEE ON HIGHWAYS AND TRANSIT

COMMITTEE ON ARMED SERVICES
SUBCOMMITTEE ON TACTICAL AIR AND LAND FORCES
SUBCOMMITTEE ON READINESS

Congress of the United States
House of Representatives
Washington, DC 20515

November 22, 2022

The Honorable Mark Lee Greenblatt
Inspector General
U.S. Department of the Interior
1849 C St, NW
Washington, DC 20240

Dear Inspector General Greenblatt,

I write today to request that your office investigate the role of improper and potentially undisclosed lobbying efforts to influence the Department of Interior's actions regarding the State of Hawaii Department of Hawaiian Home Lands (DHHL) decision to implement a recently-enacted state law that has major implications for beneficiaries of the Hawaiian Homes Commission Act of 1920 (HHCA).

The spirit and intent of this legislation is to return native Hawaiians to their lands with prompt and efficient placement in order to support self-sufficiency and self-determination. As you may know, the HHCA established a federal land trust of approximately 200,000 acres to create a permanent homeland for native Hawaiians, to build homes, farms, ranches and otherwise engage in commercial, industrial or economic mercantile activities. The spirit and intent of this legislation was to economically and socially uplift the native Hawaiian people, yet because of persistent challenges to the trust, over 28,000 applicants are still on the waitlist for a homestead. As a result of recent decisions by entities at the State level responsible for HHCA administration, significant future resources that could benefit the trust and its beneficiaries could be undermined.

In 2021, the State of Hawaii enacted Act 236, relating to extensions of public land leases. Act 236 amends the Hawaii Revised Statutes (HRS), Chapter 171, to authorize the Board of Land and Natural Resources to extend the terms of certain leases of public lands for up to 40 years. Although Act 236 makes no mention of the lands held in trust for beneficiaries of the Hawaiian Homes Commission Act, the Department of Hawaiian Home Lands and the Hawaiian Homes Commission has decided to apply Act 236 to its leasing terms and provisions for its general (commercial, industrial and utility) land leases. Specifically, DHHL intends to grant a 40 year extension on the lease of property for DHHL tenant Prince Kuhio Plaza LLC, a shopping mall on

Hawai'i Island who's parent company is Brookfield Properties, a North American commercial real estate company.

The application of Act 236 to lands under trust per the HHCA is currently a violation of the Hawai'i Admissions Act and of the compact that exists between the United States of America and the State of Hawai'i regarding the administration of the HHCA. The Department of Interior has already expressed serious concerns that the DHHL and the Hawaiian Homes Commission's actions in this regard violate Federal law. On October 13, 2022, the Office of the Solicitor wrote to the State of Hawai'i Attorney General to express that Act 236 must be reviewed by the Office of Native Hawaiian Relations, the Secretary of the Interior and approved by the United States Congress before being implemented, since this legislation would increase encumbrances of Hawaiian Home Lands.

As of this letter's writing, there are a total of three lobbyists who represent Prince Kuhio Plaza, LLC, owned by Brookfield Property Partners, L.P., who have registered in accordance with the Lobbying Disclosure Act of 1995 (LDA). These parties registered as of the second half of 2022. Information has come to my attention from Department of Interior employees that both registered lobbyists, and potentially lobbyists who have not registered properly in accordance with LDA requirements, have engaged multiple DOI staff on Act 236 implementation. These conversations may have started as early as 2021, which may violate the LDA's requirements for registration within 45 days of making a lobbying contact or being first employed by a client.

While the Department of Interior acted in accordance with the law in determining the State's misapplication of Act 236, I am concerned that improper or possibly undisclosed influence was expressed to Department of Interior officials on this matter. I believe it is in the Department's best interest to make any outside influence on this matter publicly transparent as the current action violates Federal law and could shortchange beneficiaries. I also request that you assess to what extent these improper or undisclosed lobbying efforts have affected Department of Interior personnel. While the Department is addressing the issue caused by the State's actions head-on, the public should be allowed to fully understand and evaluate any outside influences that may be trying to impact decision-making in the Federal government. In addition, lobbying that is working to subvert federal lobbying laws must be addressed promptly to prevent future violations.

In addition to my investigation request, I respectfully request the following information from the Department of Interior regarding this matter:

1. Any available details—including names, dates, and the content of any emails and telephone records—of conversations between Department of Interior staff and both registered and unregistered lobbyists between 2021-2022 regarding Act 236; and

2. Any additional available details—including names, dates and the content of any emails and telephone records—of conversations between Department of Interior staff and both registered and unregistered lobbyists regarding the lease extension for Prince Kuhio Plaza LLC, owned by Brookfield Property Partners, L.P.

I respectfully request a response no later than December 16, 2022. If you have any questions, please contact my Chief of Staff Christy Wagner at Christine.Wagner@mail.house.gov.

Sincerely,

A handwritten signature in black ink, appearing to be 'Kaiali'i Kahele', written in a cursive style.

Kaiali'i Kahele
Member of Congress

cc: The Honorable Deb Haaland, Secretary of the Interior
Senator Brian Schatz
Senator Mazie Hirono
Congressman Ed Case

Encl: October 13, 2022 Letter from Solicitor General Anderson to State Attorney General Shikada

May 20, 2024 Aloha mai e na Hawaiian Homes Commissioners,

My name is Gracey Gomes, I am a lessee of Paukukalo Hawaiian Homes a me mokupuni 'o Maui and Vice President of Makana No Ke Kaiaulu, a newly formed Non-Profit. Homestead Land as identified under 201.6 of the Hawaiian Homes Commission Act of 1920 and federally defined Homestead Associations under 43 (CFR) Code of Federal Regulations 47/48. The purpose and vision of this letter is to represent the interests and provision of services to native Hawaiian citizens defined in the Hawaii Constitution and the Hawaiian Homes Commission Act of 1920 (HHCA). Discussion on SCHHA Maui/Lanai/Oahu Mokupuni meeting regarding the following items:

Executive Session #2 Discussion regarding the U.S. Dept of Interior's position on Act 236 SLH2021 and F-8 Information Only.

Implementation of Act 236 and request for extension of general lease of 202- Prince Kuhio Plaza. In 2021 the legislature enacted, and Governor Ige signed into law, HB499 then became Act 236. When powerful non-Beneficiary interests have hired DC lobbying firms to influence federal officials in Washington to get DoI to change course in protecting our native Hawaiian interests regarding Act 236. A Compilation of Recorded Votes by Hawaii State Legislators on HB499 was provided by SCHHA's policy team on Public Land Leasing - This law gives the state authority to issue and be administered by the state, well beyond 60 years DLNR, DoA, Ceded Lands, etc. UH was exempted.

SCHHA, as a coalition of homestead associations and HHCA policy advocates, opposed this law in 2021, especially because it included Hawaiian Homelands.

While we don't have powerful lobbyists, we stand on our democracy and federal standing under 43 CFR Part 47/48.

In October 2022, a small group of policy advocates from Sovereign Council of Hawaiian Homestead Associations (SCHHA) leaders traveled to Washington DC, shared the issue with the DOI and with members of the Hawaii Delegation, requesting their review. There are clear trust violations of the HHCA, as well as the Hawaii Admissions Act. DoI and Congressman Kahele agreed to review it. Copies of these correspondence have been given to this commission by Luna Haunio in his testimony during DHHL Commission meeting on May 20, 2024. We ask for a review and consideration of these letters by the Department of Interior; it provides significant concerns to grant extensions of commercial leases that violate federal law of Act 236. The SCHHA policy team called for an investigation by the DOI Inspector General, following up on the DoI Solicitors letter to the Attorney General. On a letter dated 10/13/22 by Robert T. Anderson then DOI Solicitor to Holly Shikada State of Hawaii Ag's office states I quote: The United States understands that in mid-October the Commission intends to consider an application for a 40-year lease extension under Act 236 by a commercial lessee of Hawaiian homelands. The United States believes that it would be imprudent

for the Commission to entertain granting any lease extensions under Act 236 relating to the Hawaiian homelands until after the requirements detailed in 43 C.F.R. part 48- including summaries of all consultations conducted with the beneficiaries— are complete, as required by the Admission Act, the HHCA, and the Recovery Act.

“Why is the Commission still on the same path”, the policy is in place. There should be a moratorium on this until such time when the **beneficiaries** can consult with the Department of Interior, and that meetup is completed.

We keep seeing these breeches of trust obligation like rentals, deviating farther away from Act 279 as spending of millions of Hawaiian Homestead monies going to developers and non-Hawaiians” I am including this quote from the AHHL Chair Mike Kahikina, who participated in many meetings & advocacy on this matter.

“I challenge the department to consider other options for non-beneficiary organizations who are interested in leasing our trust lands for commercial purposes, including the Prince Kuhio Hilo mall, would do so in partnership with Homestead Beneficiary Associations (HBA) as defined in 43CFR, and in compliance with HHCA Section 207 Mercantile purposes. If not, this Commission has a fiduciary responsibility to its beneficiaries, **DO NOT ignore the clear breach of trust**, if you allow this action to to move forward until a full review and beneficiary consultation across the pae’aina can be completed-

‘Aole to any implementation of Act 236 or any request for extension of general lease of 202- Prince Kuhio Plaza.

Janice S. Herrick
633 Waiehu Beach Road
Wailuku, HI 96793
janhwailuku@gmail.com

c/o Commission Secretary Leatrice W. Burrows-Nu'uanu
Department of Hawaiian Ho. I am a me Lands
91-5420 Kapolei Parkway
Kapolei, HI 96707
Email: leatrice.w.burrows-nuuanu@hawaii.gov

October 21, 2024

Aloha mai e na HawaiianHomes Commissioners,

My name is Janice Herrick. I am a lessee in Paukūkalo Hawaiian Homestead. I grew up here, and later returned to this aina. Here are my concerns regarding the following items on today's agenda:

1. Why are there no beneficiary consultations properly completed?

- F-2 Approval to Authorize DHHL's Land Management Division to Negotiate a Developer's Agreement in Accordance with HRS 171-36.5, for the Prospective Extension of Lease Term, GL No. 202, Prince Kuhio Plaza, LLC, Waiakea, Hawaii, Island, TMK No. (3) 2-2-047:006: 066: & :073
- C-1 For Information Only – DHHL In-house Building Permitting Process

2. These are Hawaiian Homes Commission Act trust violations. Please do not violate the Trust!

- F-2 Approval to Authorize DHHL's Land Management Division to Negotiate a Developer's Agreement in Accordance with HRS 171-36.5, for the Prospective Extension of Lease Term, GL No. 202, Prince Kuhio Plaza, LLC, Waiakea, Hawaii, Island, TMK No. (3) 2-2-047:006: 066: & :073
- C-1 For Information Only – DHHL In-house Building Permitting Process

3. These are deviations from the Act 279 Plan that the Hawaiian Homes Commission already approved. Why so?

- C-2 For Information Only – Act 279 Permitted Interaction Group Report and Recommendations - Strategic Plan Update

You have received in depth reasons for the opposition to the agenda items above from others testifiers. Their reasons are valid, and I am whole heartedly with them.

Mahalo for your time and attention,

Janice Herrick
Paukūkalo Hawaiian Homestead Lessee

From: [Pat Kahawaiolaa](#)
To: [Watson, Kali](#); [Lambert, Katie](#); [Michael Kaleikini](#); [makaifreitas@yahoo.com](#); [Dennis Neves](#); [CAPITOL2023-reptodd](#); [Loy, Susan LK Lee](#); [CAPITOL2023-seninouye](#); [CAPITOL2023-senrichards](#); [Kaloi, Kaini J](#); [Oshiro, Lisa C](#); [Chinn, Linda](#); [Albinio Jr, Peter K](#); [Burrows-Nuuanu, Leatrice W](#)
Cc: [Wendy Waipa](#); [Ron & Doreen Kodani](#); [Maile Luuwai](#); [Kauilani Almeida](#); [Lauae Kekahuna](#); [Jeffrey Kekoa](#); [Duncan Kaohu Seto](#); [Luana Kawelu](#); [Kathleen Kawelu](#)
Subject: [EXTERNAL] Testimony
Date: Sunday, October 20, 2024 11:42:32 PM

Aloha e Leah, attached is my testimony for Monday 10/21/24 DHHL Commission meeting...

Aloha e Chair Watson, Deputy Lambeth and Honorable members of the Hawaiian Home Commission,

I am Patrick Kahawaiolaa, a native Hawaiian, as defined pursuant to the HHCA, 1920 as amended July 9, 1921 (42, 42 stat. 108) 67th Congress and the current president of the Keaukaha Community Association. This will also be my last time before this esteemed body as a leader of the first native Hawaiian community settled on lands having the status of Hawaiian Home lands called then as Kuhio Settlement in December 16, 2024... we are currently celebrating on Centennial Celebration and after 25 years and due to changes in the bylaws that govern the organization of KCA, I will focus my energies to assist native Hawaiian kūpuna who are the largest amount of beneficiaries on the waitlist and help for that gap group is long overdue... They have given a lifetime of assistance and have been waiting tge longest to return to the soil... I understand and hear their cries for Aina, but all they're hearing is that they're to Old, they cannot afford nor can they qualify for financing and are not credit worthy therefore... DHHL and this administration has already began the process to use low income housing tax credits (LIHTC) as a way to, in the language of the Green/Watson administration... to take care of you poor down trodden native Hawaiian, by PROVIDING RENTAL UNITS THAT CAN QUALIFY FOR BECAUSE OF YOUR AGE AND INCOMES...

In my humble opinion, that's counterintuitive to Alii Prince Kuhio legacy which was to raise the self esteem of the native Hawaiians he saw languishing in the tenement buildings of Honolulu, after they were disenfranchised from the Aina by the events of the overthrow of the Monarchy less then a decade earlier and worked very hard to rehabilitate the race by working to return them to the SOIL...not rentals...

There are several agenda items I will be speaking to when called today, for instance item F-2, the possible extension of lease agreement to Prince Kuhio Plaza, even after the Aila administration was admonished by the Solicitor General of the DOI ... that that Act or legislation would constitute a possible Breach of Trust of the HHCA, 1920, as amended...

item F-6 ROE to Na Pua a Lunalilo... if it for kūpuna housing...I believe a full beneficiaries consultation are necessary...the mission of the Lunalilo's trust is "fulling the Eleemosynary Testamentary"...

doing Charitable and understanding and accurately interpreting a will...
UNFORTUNATELY...

Prince Kuhio's mission is to rehabilitate the Race and return them to the soil... this matter is like mixing oil and vinegar ...

I will also be speaking to C-1 and C-2 also when it reaches it place in the agenda...

The history of commercial shopping center began here on Hawaii island 39 years (1985) Prince Kuhio Plaza and 12 years later on or about 1997 the Walmart was built and after peacefully protesting and civil disobedience the Walmart worked out a “community benefits” package plan with DHHL negotiated by I believe Linda Chinn, LMD manager then, there is still about 35+ years left on that package... now a days everyone speaks about a community benefits package for uses of our trust lands...

I can be reached at (808) 937-8217

Aloha,

Patrick L. Kahawaiolaa

Sent from Gmail Mobile Keaukaha Smiles 'Owau me ka ha'a ha'a (I humbly remain) Patrick L. Kahawaiolaa

Aloha mai kakou e Hawaiian Homes Commissioners,

I am Kekoa Enomoto, co-founding director of the Maui-based beneficiary nonprofit, Pa‘upena Community Development corporation. I am advocating on agenda item F-2, Approval to authorize DHHL’s Land Management Division to negotiate a developer’s agreement (for) extension of lease term (for) Prince Kuhio Plaza. I urge you to vote against approval of a 40-year lease extension to Brookfield Properties for Hilo’s Prince Kuhio Plaza for three reasons.

First, the 1920 Hawaiian Homes Commission Act (HHCA) mandates that “this Act is to enable native Hawaiians to return to their lands in order to fully support self-sufficiency for native Hawaiians and the self-determination of native Hawaiians in the administration of this Act,” per HHCA Section 101 Purpose, paragraph 1.

The HHCA goes on, “The principal purposes of this Act include ... Establishing a permanent land base ... upon which they may ... engage in commercial or industrial or any other activities as authorized in this Act.”

The HHCA continues with phrases like, “Placing native Hawaiians on the lands ... in a prompt and efficient manner, and assuring long-term tenancy”; “Preventing alienation of ... these lands,” and “the solemn trust created by this Act.”

Second, the Hawai‘i State Constitution has embedded within it, the HHCA which states, “the United States and the State of Hawai‘i hereby acknowledge the trust established under this Act and affirm their fiduciary duty to faithfully administer the provisions of this Act on behalf of the native Hawaiian beneficiaries of the Act.”

And the third reason to deny a 40-year lease extension lies in Hawai‘i Administrative Rules (HAR) Title 10 governing DHHL and Hawaiian Homes Commission members, including the chairperson. HAR Section 10-2-19(1) states, “As trustees, it shall be the duty of commissioners to Act **exclusively** in the interest of beneficiaries under the act.” According to dictionary.com and Oxford dictionaries, “exclusively” means: “solely . . . for one particular group.”

Moving forward, I recommend that all multi-year shopping-center contracts have a clause stipulating that, after the lease term ends, the physical plant reverts (prospectively under negotiated terms) with the homelands parcel to a beneficiary organization(s). And I assert that DHHL Land Management Division has a **priority kuleana** to capacitive beneficiary organizations to “land manage,” i.e., to administer and maintain such shopping centers in a profit-making manner.

Ironically, the subject entity on Hilo Hawaiian homelands is named Prince Kuhio, who commended in the 1920 HHCA, “strategies to enhance economic self-sufficiency and promote community-based development (so) native Hawaiians shall be forevermore self-sustaining.”

Therefore, the justification to vote down a 40-year lease extension to Brookfield Properties for Prince Kuhio Plaza is substantiated verbatim in the 1920 Hawaiian Homes Commission Act federal trust, the Hawai‘i State Constitution, and Hawai‘i Administrative Rules. A consensus of leadership at Thursday’s joint session of the Maui/Lana‘i and O‘ahu Moku-puni Councils — including Hawai‘i island leaders Patrick Kahawaiola‘a of Keaukaha, and Kau‘ilani Almeida of Pana‘ewa — supported this position to deny a lease extension.

-Kekoa Enomoto 10/18/24

(808) 276-2713, kenomoto1@hawaii.rr.com

W/J-7

Keaukaha Action Network
c/o Terri Napeahi
1787 Auwae Rd.
Hilo, Hawai'i 96720
tnapeahi@yahoo.com
October 4, 2024

Department of Health, Wastewater Branch
2827 Waimano Home Road, Room 207
Pearl City, HI 96782
Att: Chane Hayashida

Subject: Section 106 Consultation Comments on (National Historic Preservation Act NHPA
Request to Initiate Section 106 Consultation
Pua Force Main Installation and Rehabilitation
Clean Water State Revolving Fund (CWSRF) Project No. C150062-43
Waiākea Ahupua'a, South Hilo District, Hawai'i Island
TMK: (POR): (3) 2-1-011:004 & 010 (State of Hawai'i); (3) 2-1-013:002, 143, & 145
(State of Hawai'i), and 146 & 147 (Bishop Estates); and County of Hawai'i Nahale-
Avenue, Pua Avenue, and Kalaniana'ole Avenue right-of-way (No TMK) State
Historic Preservation Division (SHPD) Project No. 2024 PR00241

We are writing to provide comments on the Section 106 consultation for the (Pua Force Main Installation and Rehabilitation Clean Water State Revolving Fund (CWSRF) Project No. C1050062-43 Waiākea Ahupua'a, South Hilo District, Hawai'i Island, which may have potential impacts on historic properties in the area. I appreciate the opportunity to participate in this process, as outlined under the National Historic Preservation Act.

We are concerned about the potential effects of this project on the Native Hawaiian people who live in the area, and their rights, to customarily and traditionally **exercise subsistence gathering, cultural and religious practices (Article XII Section & Hawai'i State Constitution)**. The area of project effects are possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778. Keaukaha, is one of the oldest Hawaiian Home Lands in the State of Hawai'i. Families who have lived in the Waiākea Ahupu'a for a few centuries, still remain in the area. They have survived very harsh circumstances since the taking of their Monarchy. We are descendants of the ancient people of this land and are lineal descendants of the Waiākea Ahupua'a. Many of our Kūpuna protested the idea of constructing a sewer plant on the only beach front DHHL owns on Mōkū 'o Keawe. My grandparents Robert and Abbie Napeahi Sr., along with many other Kūpuna protested the Waste Water Treatment plant when Councilwoman Helene Hayle introduced the ordinance for placement of the Hilo WWTP at Puhi Bay. **We did not approve** of the construction of this sewer plant, and are living witnesses of the degradation and harm it has caused to the shoreline, marine life and the health of our people. There are marine species that are no longer available for food, for example, the Limu 'Ele 'ele, the Kūpe'e, and the Limu Kōhū. The coral reefs in Puhi Bay are no longer thriving like in the past. I personally fished the shoreline my entire life with my ohana, and have seen the depletion of marine life and the degradation of coral. The Government has literally contaminated the environment and caused harm to it's people by placing the Sewer Plant in our home lands and the outfall in our "Ice Box." There have been multiple reports of people getting sick, after Sewage spills into the ocean with untreated sewage. The Department of Health and the Environmental

Protection Agency should be monitoring more frequently the nitrate + nitrite nitrogen limitations. Cumulative excessive emissions could have allegedly contributed to the poor health of the shoreline, reef, marine life and people.

We recommend that the County of Hawai'i Department of Environmental Management Waste Water Division take the following steps to address these concerns:

1. **Consult with Stakeholders:** Engage with the Keaukaha Action Network, Keaukaha Hawaiian Homes Association, Keaukaha Pana'ewa Farmers Association, Pana'ewa Hawaiian Homes Association, and the elders (**Kūpuna**) of the area, to gain a broader understanding of the significance of the properties involved.
2. **Avoid, Minimize, or Mitigate Adverse Effects:** Where feasible, alternatives should be considered that avoid negative impacts or historic resources. If avoiding impacts is not possible, measures to minimize or mitigate these effects should be thoroughly explored and implemented.
3. **Conduct Additional Research or Survey Work: Extend the APE (Area of Potential Effects).** The current information available does not fully capture the significance of the historic resources. Conducting further research or additional surveys will provide a more comprehensive understanding of the cultural and historical importance of the affected area.
 - (a) *“Whereas the State of Hawai'i Department of Health (DOH) Clean Water Branch, Water Quality Advisory issued June 21, 2024 indicates an affected area of 11,853,437 square meters due to discharge of partially treated sewage (chlorination by-pass) from the Hilo Wastewater Treatment Plant, (Attachment A and Attachment B), and*
 - (b) *Whereas this information is absent in the request to initiate Section 106 consultation;*
 - (c) *Whereas, regulatory agencies such as Environmental Protection Agency (EPA), and the State of Hawaii Department of Health should review the current and historical Sewage Spill Reports in accordance with Hawai'i Administrative Rules § 11-62, Appendix B.2.g, Responses for Wasterwater Spill, Overflows, and discharges (“Spills”), for the Hilo Waste Water Treatment Plant (Hilo WWTP). The Department of Health Clean Water Branch Inspection Reports, will be a crucial component to ensure an appropriate review is done, while making a determination of whether or not a request to extend the Area of Potential Effects (APE) is reasonable for the “area” and the project being proposed. The focus of these regulatory agencies should be on the preservation of the area and ultimately to their structural relationships with society at large, and to retain diverse elements of the past, (Native Hawaiian subsistence gathering rights, cultural/religious practices and a healthy environment).*
 - (d) *We, the undersigned, descendants with ancestral, lineal, and cultural ties and concerns, assert that the Area of Potential Effects (APE) must include these 11,853,437 square meters. Literature review and field inspection on these 11,853,437 square meters must be completed to determine potential for project effect on historic and cultural sites and to provide reccommendations;*

We urge the State of Hawai'i Department of Health Clean Water Branch, and the Department of Environmental Management Waster Water Division (Hilo Waste Water Treatment Plant), to fully consider the value of these historic properties, which include the health and well being of a significant group of Native people who have carried the burden of cumulative impacts from the hazardous sewage emissions, since the construction of it's facility in 1967. We believe it is essential to preserve the character of our historic places, and it's Native people for future generations, and Section 106 provides an important opportunity to ensure that these considerations are taken into account.

Thank you for the opportunity to provide these comments. I look forward to remaining engaged in the consultation process and would appreciate updates regarding the project's status and any **mitigation** measures that may be proposed.

Sincerely,

A handwritten signature in cursive script that reads "Terri L. Napeahi". The signature is written in black ink and is positioned above the printed name.

Terri L. Napeahi

Keauhaha Action Network (K.A.N.)
Vice President & Public Relations Specialists

Sewage Spill

ISLAND
Hawaii

LOCATION NAME
Hilo Wastewater Treatment Plant

CAUSE
Chlorination process failure

TITLE
Wastewater Discharge at Hilo Wastewater Treatment Plant, Hawaii

ADVISMENT

The public is advised to avoid waters near the Hilo Wastewater Treatment Plant due to the discharge of partially treated sewage (Chlorination Bypass)

Cause: Chlorination process failure
Start time: 8:15 AM, 6/21/24
Process restored: 12:30 PM, 6/21/24

Signs have been posted
The public is advised to stay out of the affected waters until this advisory has been canceled

For more information, please see <http://hawaii.doh.hawaii.gov/cwb/evencu/818/details/view>

ISSUANCE DATE
Jun 21, 2024

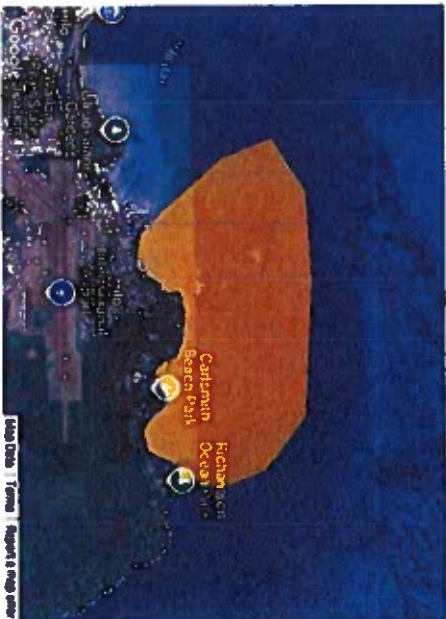
CANCELLED ON DATE
Jun 25, 2024

SIGN POSTED DATE

SIGN TYPE

SIGN REMOVAL DATE
Jun 25, 2024

LOCATIONS 1



BEACHES

DOCUMENTS

CWB Clean Water Branch System

Sign In

Sewage Spill

Details

Locations 1

Beaches

Documents



Existing Locations



Affected Area

Agenda Item:

J-2

Dell Otsuka

To: Hawaiian Homes Commission
Tuesday, October 22, 2024
Hilton Grand Naniiloa Hotel

Good morning Chair Watson and Commissioners,

My name is Dell Otsuka and on July 29 of 2023, I was awarded a half acre Subsistence Agricultural lot in Pana'ewa, Section 2. THANK YOU!

The lease for that lot was recorded on September 7, 2023. A **Homestead Lease Transfer Request** to my granddaughter was filed on September 21, 2023. On March 26, 2024 the **Statement Concerning Transfer of Vacant or Undeveloped Lots** was signed, and the **Farm/Ranch Development Plan**, submitted. We are awaiting the final recorded and certified copies of her lease.

I respectfully request an update on the status of the transfer, thank you.

According to the **SUBSISTENCE AGRICULTURAL LEASE ADDENDUM**, under **Use Restriction No. 5, Use and Occupancy, (b) *Within three (3) years of Lease execution, Lessee shall:**

(i) reside and cultivate food crops or small livestock or both on the lot for subsistence agriculture purposes: or

(ii) actively cultivate food crops or raise small livestock or both on the lot for subsistence agriculture purposes (page 6).

Compliance to these above listed conditions must be met or our Lease will be subject to cancellation. This is a huge concern for us as it has already been over a year. We remain hopeful and excited still.

Thank you for your time and consideration.

Respectfully submitted.



July 5, 2017

Dean & Tissy Kaniho
P.O. Box 87
Na'alehu,
HI 96772

Subject: Cultural Impact Assessment (CIA) for the South Point Resources Management Plan, Ka'ū District, Hawai'i Island.

Aloha e Mr. and Mrs. Kaniho,

At the request of the State of Hawai'i's Department of Hawaiian Homelands (DHHL), Townscape, Inc. (TSI) is conducting a Cultural Impact Assessment (CIA) in accordance with Hawai'i Revised Statute Chapter 343 for an Environmental Assessment for the implementation of the DHHL South Point Resources Management Plan (RMP), located in the district of Ka'ū, on the Island of Hawai'i. DHHL is proposing to implement the RMP in efforts to protect and restore natural and cultural resources on DHHL lands at South Point. The project is located in the ahupua'a of Kama'oa-Pu'ueo, Tax Map Key (TMK) parcel number: (3)-9-3-001:003 (See Map).

The RMP was developed between June 2015 and October 2016 based on information gathered from consultations with community members from Ka'ū. Consultations consisted of two community meetings and a series of talk-story sessions. Through the outreach process, four major goals were identified for South Point which included the following: 1) Restore, preserve, and protect cultural and natural resources; 2) Perpetuate native Hawaiian culture, values, history and language for future generations; 3) Provide a safe, clean, and friendly environment; and 4) Generate revenue in order to sustainably fund cultural and natural resources activities and provide economic opportunities for DHHL beneficiaries and their families. The RMP is available on-line at: https://dhh1.hawaii.gov/wp-content/uploads/2017/06/DHHL-South-Point-Final-Plan_101916_to-DHHL_low-res.pdf.

Unregulated access to DHHL lands at South Point has compromised the integrity of its heritage sites and of coastal ecosystems. Specifically, heavy use of recreational trucks, ATVs, and motor bikes has not only destroyed sacred sites but has resulted in widespread soil and sand erosion. The unregulated use of off-road vehicles, coupled with the site's exposure to the prevailing winds, has left the natural and cultural resources of South Point in critical condition. To address these threats and accomplish the RMP goals, the plan proposes several priority projects to be implemented at South Point which are clustered in 4 main areas and include:

- A: The installation of an entrance gate at the intersection of Kalae Rd. and South Point Rd, and a security booth 0.75 miles north of the intersection along South Point Rd;
- B: Two designated parking areas at the "Barracks" near the Kaulana Boat Ramp and at Ka Lae;
- C: A cultural interpretive walking trail with associated signage/protective barriers around cultural sites;
- D: A pedestrian path and an emergency access road extending from the "Barracks" to Mahana (Green Sands) Bay.

The purpose of this cultural study is to assess potential impacts of actions A-D to cultural resources and practices in the ahupua'a of Kama'oa-Pu'ueo. We are seeking your kōkua and guidance regarding the following:

- General history and present and past land use of the Project area (Within Kama'oa-Pu'ueo).
- Knowledge of cultural sites which may be impacted, E.g., historic, archaeological, and burial sites.
- Knowledge of traditional gathering practices in the Project area, both past and ongoing.
- Cultural associations of the Project area, such as legends and traditional uses.
- Referrals of kūpuna or elders and kama'āina who might be willing to share their cultural knowledge of the Project area and the surrounding ahupua'a lands.
- Any other cultural concerns the community might have related to Hawaiian cultural practices within or in the vicinity of the Project area.

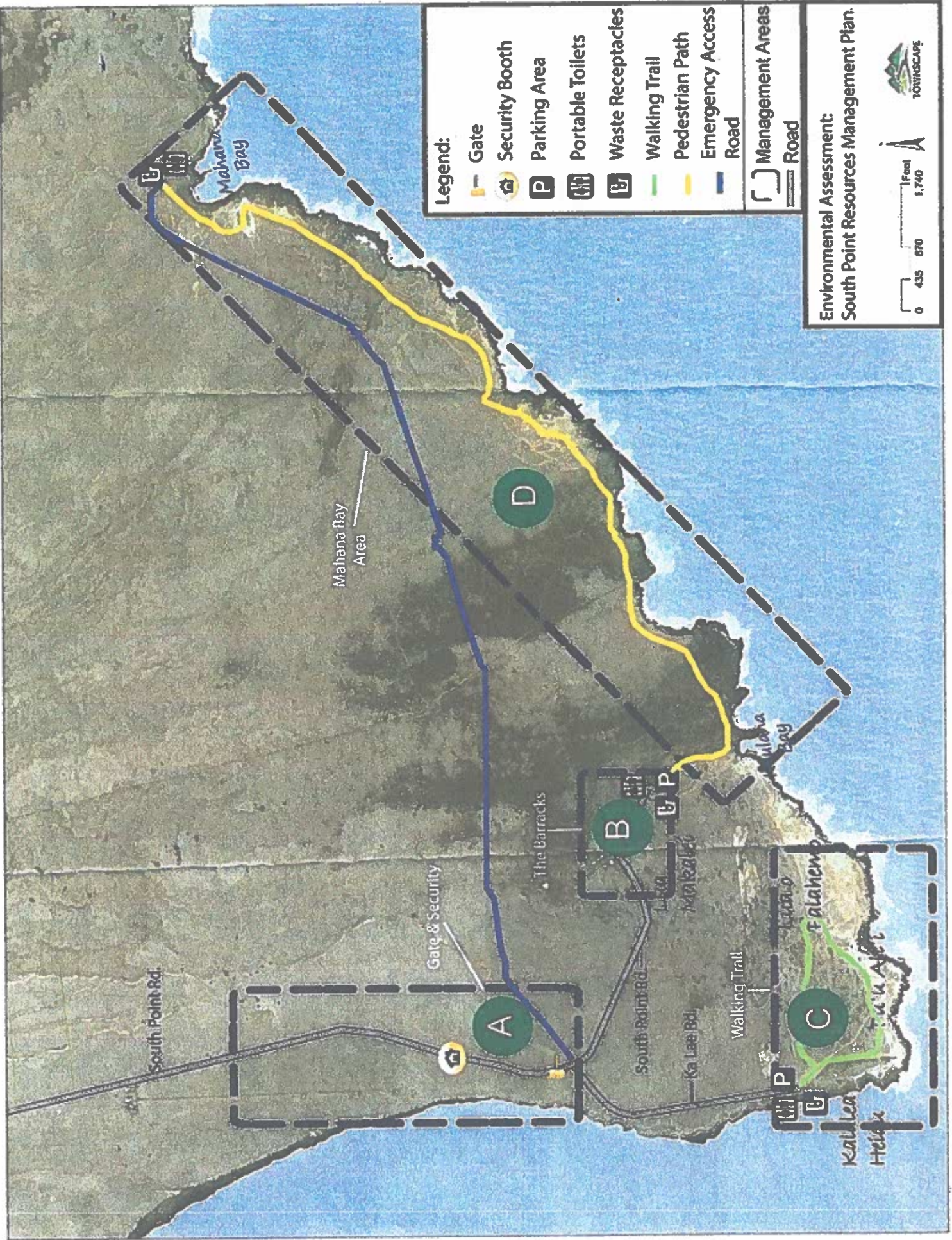
Please contact me, Angela Fa'anunu, at (808) 227-8855 (faanunu@townscapeinc.com), should you have any information you would like to share.

Mahalo nui,



Angela Fa'anunu, PhD.
Townscape, Inc.

P.S. We interviewed Tommy Kaniho last year and he gave important mana'o about South Point. We would like to include his mana'o in this project and wonder if we can get your 'ohana's permission to include his mana'o. If so, please call me @ 808-227-8855 to discuss. Otherwise, I'll call you and follow-up.
Mahalo Nui!
Angela.



South Point Rd.

Gate & Security

The Barracks

South Point Rd.

Ka Lae Bldg.

Walking Trail

Falahepa

Kaula

Heleka

Mahana Bay

Mahana Bay Area

Mahana Bay

A

B

C

D



J-3

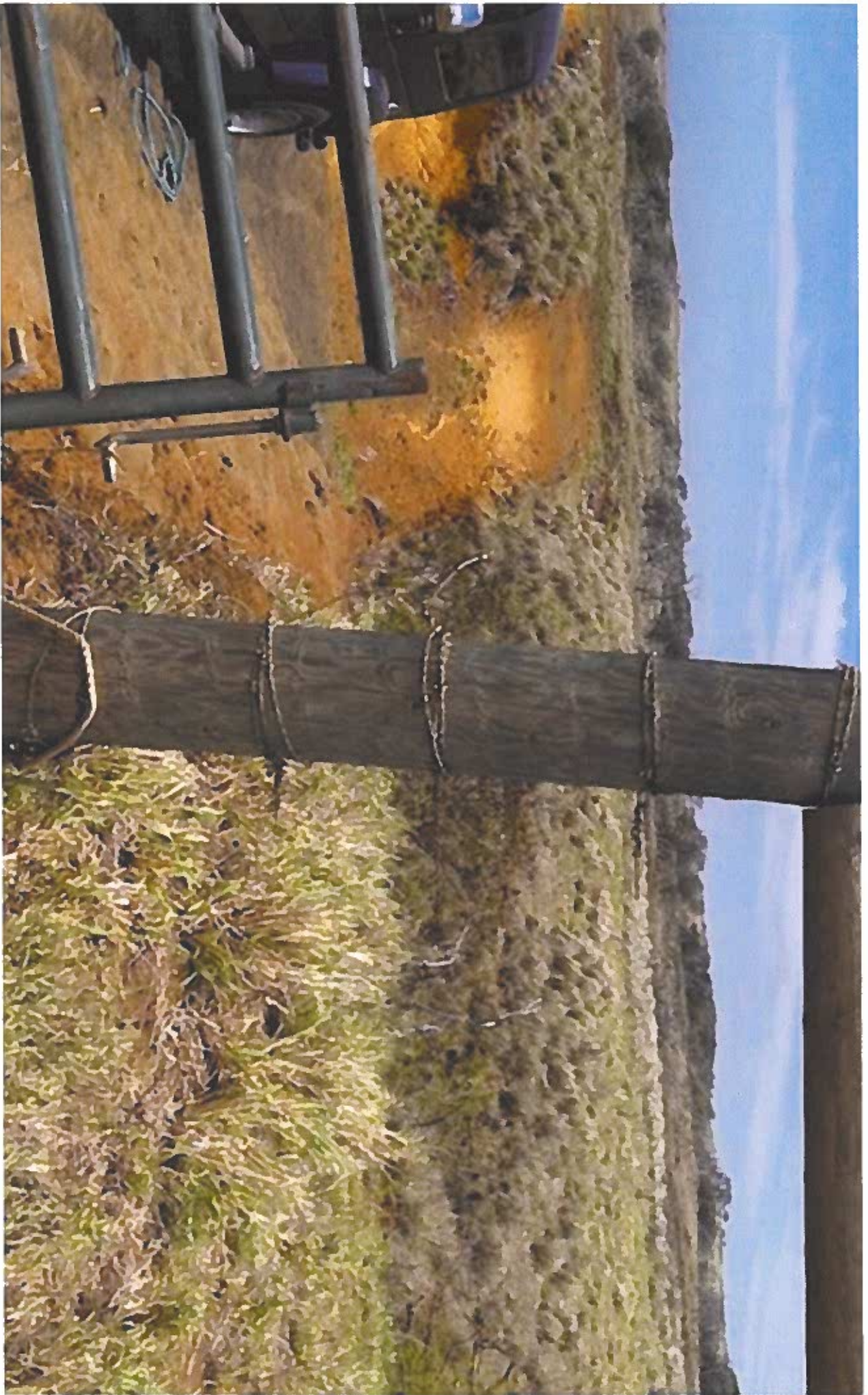
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93-1280
South Point
RD

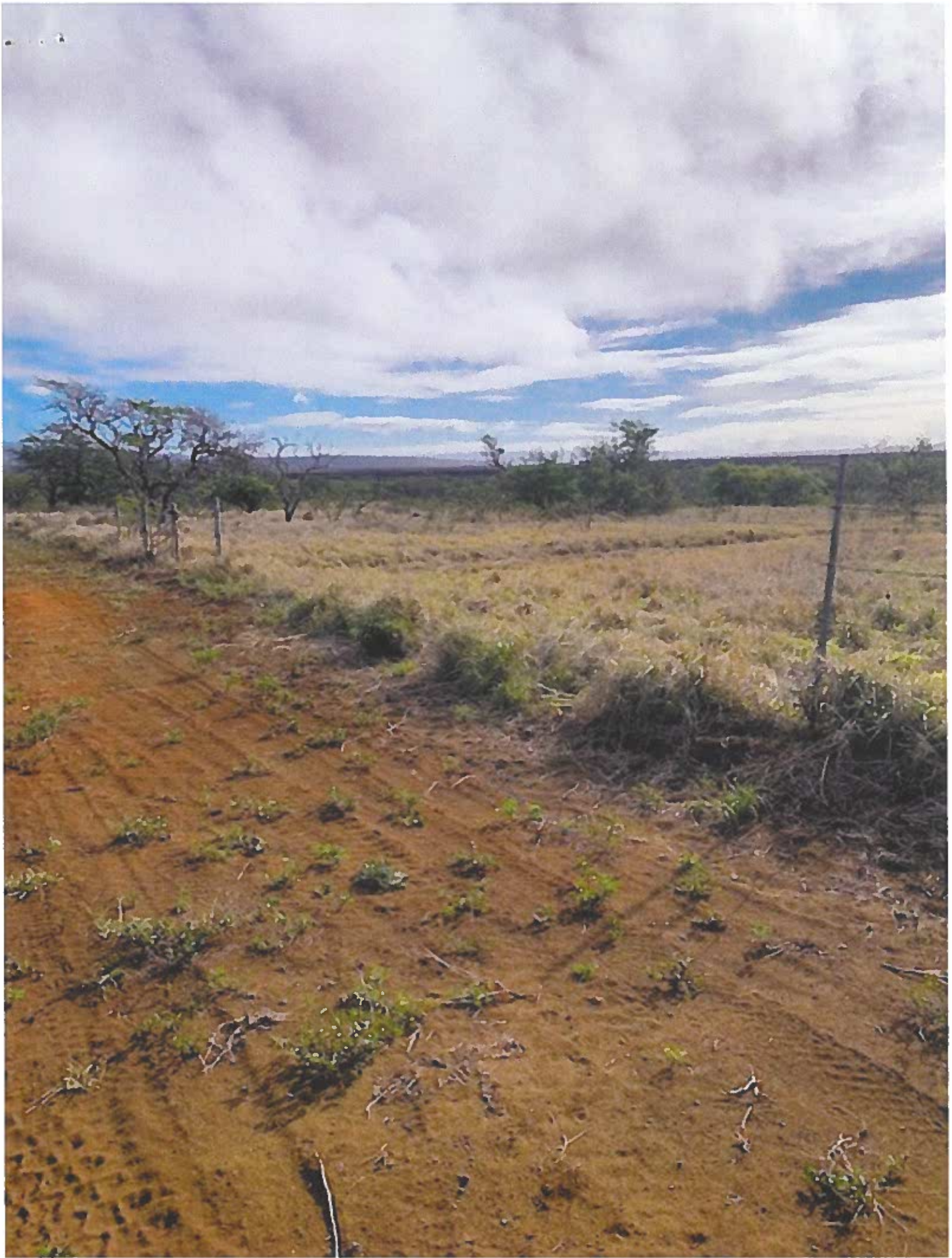


SOUTH POINT
HORSEBACK RIDING
808-300-8044

ICE!









July 5, 2017

Dean & Tissy Kaniho
P.O. Box 87
Na'alehu,
HI 96772

Subject: Cultural Impact Assessment (CIA) for the South Point Resources Management Plan, Ka'ū District, Hawai'i Island.

Aloha e Mr. and Mrs. Kaniho,

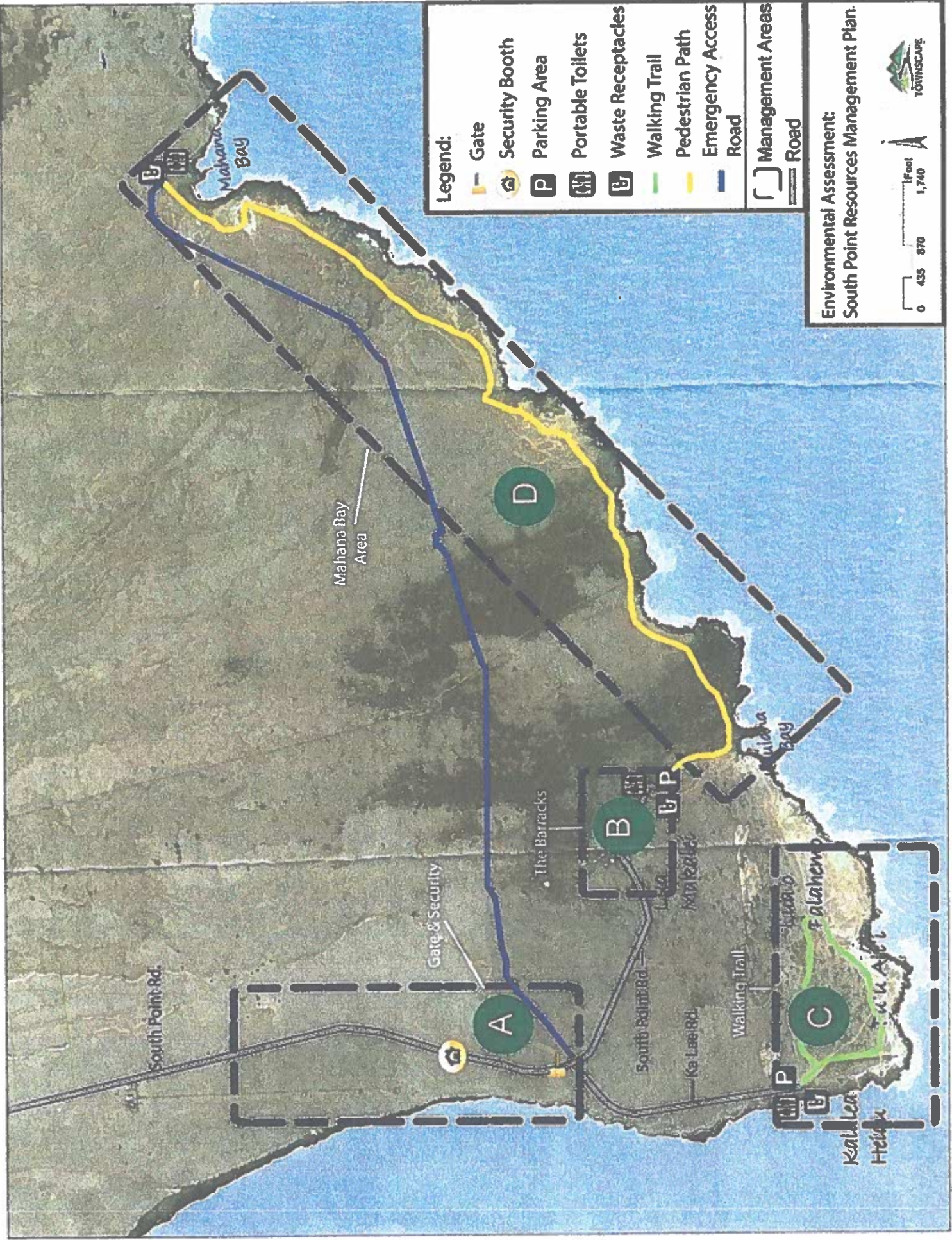
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The purpose of this cultural study is to assess potential impacts of actions A-D to cultural resources and practices in the ahupua'a of Kama'oa-Pu'ueo. We are seeking your kōkua and guidance regarding the following:



Legend:

	Gate
	Security Booth
	Parking Area
	Portable Toilets
	Waste Receptacles
	Walking Trail
	Pedestrian Path
	Emergency Access
	Road
	Management Areas
	Road

Environmental Assessment:
 South Point Resources Management Plan.

0 435 870 1,740 Feet

TOWNSCAPE

Comments by Kapiolani Spencer
DHHL Commission Meeting Oct. 22, 2024 9:30am
J Agenda

Aloha nui kāua e 'anakala Bo,

Mahalo no ka hana ana 'oe i keia kuleana o Villages of La'i'Opua Akau 4 i ka halawai 'ana me DHHL.

Eia kekahi mea o kā mākou hopohopo.

1) for our community we don't feel secure in our own homes, for these reasons a) blood quantum seems to be a question. What is the percentage (blood quantum) required for a beneficiary in a program like this to name as their successor? This is a legitimate and very important question, leading to the fact that DHHL leased land to a Zero Blood quantum and yet some of our families had to move out because either the children didn't have 50% or had 50% but not of age to be named as beneficiary. Also note that developer Ikaika Ohana thirtyone50 LLC, is a mainland company at ZERO BLOOD QUANTUM with 118 leases for it's RTOWP program, Which for a beneficiary on the list we are allowed ONLY one residential and one agricultural/Pastoral lot yet Ikaika 'Ohana thirtyone50 is a mainland firm with ZERO BLOOD QUANTUM. (BIG TOPIC) Blood quantum needs to be lowered, all Kanaka should be able to be on the DHHL waitlist, blood quantum needs to be explored and more options needs to be available for our people.

2) At a Ikaika Ohana thirtyone50 management meeting with property manager Irmma Kalae Yonimura, Amy Sanchez, and Todd at a March 23, 2024 meeting at Kealakehe High School Cafeteria there were many questions at that meeting that was supposed to be recapped at a August 2024 meeting by owner Doug Bigley, Amy Sanchez, Todd and Irmma which didn't take place (the altercation that took place between property manager Irmma Kalae Yonimura and a tenant on LV4 property which took place on August 23, 2024 approximately @ 7:30am, the same day we were supposed to have our follow up meeting with upper management including Doug Bigley which didn't happen due to upper management no show) and still no answers to those questions which were a) How does this program work? b) How are the residents supposed to get ahead in this program, if the rent and utilities increases on a yearly basis? c) at what price after the 15 years are we going to be purchasing our homes at and at what interests rate? Was told that this would be the lenders terms and not Ikaika Ohana or DHHL, is this true? d) why after our 15 year RTOWP do we need to pay for the home again and to whom e) is it DHHL and if so why? f) Why are we having to pay twice for these homes? As it is, Ikaika 'Ohana will NO longer be involved after the 15 years, so g) does this mean that the project is then turned back over to DHHL? ASLO, g) at what price are we buying into these homes? h) is it what we came in at in 2021 or will it be at market value when the time comes for purchase? Big concern is, right now a fair market value my home is priced today at 849,000. As it seems right now we've been told that DHHL has no say in any of our community pilikia due to the fact that DHHL has given all rights for these 118 leases to Ikaika 'Ohana thirtyone50 and was told by James Dupont during conversation on Wednesday October 9, 2024 at a VOLA meeting, that we'd have to contact Land Development Corporation because they are the ones that are working closely with the developer on DHHLands. i) Why is this? And j) why has DHHL given all rights to a mainland corporation and to LDC? k) why hasn't DHHL advocated for us? l) why do we need to contact LDC and why hasn't Makai Freitas and Kali Watson come to do a sit down with our community?

**As it stands, we the community of LV4 would like to set up a sit down meeting with DHHL and Developer Ikaika Ohana to ask legitimate questions to our concerns and hash things out looking for solutions for our community problems. Because right now the LV4 community feels as if NO ONE IS LISTENING from DHHL or Ikaika 'Ohana. It was also mentioned at the October 9, 2024 VOLA meeting per James Dupont to contact Native Hawaiian Legal Corporation because DHHL and Developer Ikaika 'Ohana were not responsive to our community concerns. 3 years going on 4 years of unsettled pilikia with Villages of La'i Opua Akau 4 phase I.

3) another thing that we believe is root problem to all the evictions and remaining pilikia in our community has to do with our water. a) 17 homes on Kanelehu Dr had a water audit retro fit project that seemed to be successful however, the rest of LV4 phase I are waiting for the same results which help to reduce water consumption and bill.

This needs to be revisited by Developer Ikaika 'Ohana thirtyone50. b) what about the families whose common area is their backyard hill? c) would that be considered common area? Please distinguish which is common areas and which are not.

This caused many issues including non rental payments which lead to families receiving a 5 day eviction notices almost a year ago right before the holidays. I remember that because we not only had families received a 5 day eviction notice but we also has an unofficial meeting held at our LV4 community mailbox with Ikaika 'Ohana thirtyone50 property manager Irma Kalae Yonimura which stated that she could lose her job for holding that meeting, with her on that day was Pohaku Appliance owner I believe her name was Courtney. However, was mentioned at this meeting of all the things upper management was going to enforce on us including eviction notices, we have this meeting on recording. Until today we have not had any meeting with landlord developer Ikaika 'Ohana to get the answers to our questions. We feel communication is key for avoiding misunderstandings. 3 years and still waiting for answers and a sit down between DHHL and Ikaika 'Ohana thirtyone50 upper management team. To recap on the water and verbal agreement and I believe email which states that in order for the residents to receive credit on their rental payments a water receipt upon payment needed to be forwarded to management Ikaika Ohana thirtyone50 in order to receive rental credit for paying the water.

Well according to a May 16, 2021 DHHL meeting at 47 minutes and 41 seconds Ikaika 'Ohana thirtyone50 Developer owner Doug Bigley testifies to the fact that he knows there is a water issue and that he was responsible and paying for the water, that was a lie. Many families adhered to this agreement and was deducting the water off their rent, since communication with management was poor after we lost Kelly Lincoln previous property manager. This non payment reflected on their accounts which made them delinquent and was cause for eviction. I'm not sure what happened to many of these families as some had to take out a personal loan or had to move out. d) what rights do we as residents of LV4 have when situations like this and other are presented within our LV4 community? Since it was clarified at the VOLA meeting held on October 9, 2024 that we LV4 are NOT a part of VOLA. e) if we're NOT a part of VOLA, who is our advocate? And f) what happens to our HOA fees? LV4 has so many landscaping issues and other. We like to know if we're able to utilize part of these funds for our community needs, such as landscaping etc..

4) HOA fees, it was brought to our attention that Ikaika Ohana stopped paying for our association fees, it was mentioned in an email part explanation by "Doug Bigley that the HOA fees are NOT the responsibility of the tenant and that the residents would be given rights to vote using our proxies unless it interfere with the development" that we'd have those rights per, Doug Bigley landlord/Developer of Ikaika 'Ohana thirtyone50.

5) Miscommunication and NO property manager. For whatever reasons we keep losing our property management and petitioned to keep Kelly Lincoln on with Ikaika Ohana thirtyone50 as our property manager, she was let go because she refused to take part in some of the duties that Ikaika 'Ohana required of her. I believe she has made contact with both DHHL and Native Hawaiian Legal Corporation in regards to her claims, a solid lead for our LV4 community. This is something I'm mentioning just to fact that we're going on our 5th property manager in 3 years. We have been bullied by our Property Manager Irmma Kalae Yonimura at meetings which have all been recorded. I guess that was partly the conversation she mentioned at a unofficial meeting at the LV4 mailbox.

6) there are other issues that our community are experiencing and that had to do with the construction of the homes. Many families from day 1 have had water, electrical and structural problems. These are some of the things that many in the community are dealing with. Without the proper help and vendors to do repairs a) Where does that leave our families whom now don't have a acting property manager? b) How can DHHL declare a non Hawaiian to micro manage us from the mainland on Hawaiian Home Lands? c) according to the unofficial meeting Irmma held at the LV4 residents mailbox, was mentioned that our initial lease was not a legal document in Hawaii and it was a mainland lease. d) if so, what does this mean for our LV4 community c) do we have a valid lease and if so why haven't we signed a new rental agreement on a yearly basis? As it stands, I hear our initial lease is good for the 15 years and doesn't have to be renewed yearly. d) is this true? Also, our bi - laws on the front cover of our bi - laws states bi - laws for Village 3, NOT Village 4, so e) does these bi - laws even apply towards LV4? When reading the Village 3 bi - laws it was observed that the Village 3 bi - laws talk about Leasee's rather than beneficiaries. f) so at that, I do NOT see how these bi - laws could apply to us. So, honestly if we're being treated as Leasee's, g) why not let us become Leasee's and for those ready to purchase our homes, let us!

So, to conclude, we the residents have so many unsettled issues and questions for our community, please we would appreciate a sit down meeting between developer Ikaika Ohana and DHHL to discuss these concerns. IK it's a lot and feel there are more issues but these are the most important for now. Not to mention we need better representation from DHHL, I'd like to remind DHHL who they really work for, it's us the beneficiaries NOT a mainland firm occupying our lands, this is history repeating itself and this truly hurts our Hawaiian communities. Please DHHL address all of these concerns asap by honoring a promise made by Makai Freitas to come and do a sit down with our community.

Communication is the key to success and avoids the conclusion made by others due to misunderstanding from no communication. So, please take the time to come and sit down and talk things out, what harm would that bring, NONE but hopefully solutions to our on going cared less for community at Villages of La'i'Ōpua Akau 4 phase I.

Mahalo no kou manawa a kako'o me keia pilikia e anakala Bo.

Me ka ha'aha'a,
Nā Kapi'olani Spencer