

HAWAIIAN HOMES COMMISSION

Minutes of December 16th, 2024

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

PRESENT

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

COUNSEL

R. Hokulei Lindsey, Deputy Attorney General

STAFF

Katie Lambert, Deputy to the Chair
Richard Hoke, Executive Assistant
Leah Burrows-Nuuanu, Secretary to the Commission
Juan Garcia, Homestead Services Division Administrator
Andrew Choy, Planning Office Administrator
Julie Cachola, Planner V
Ku'upua Kiyuna, Planner V
Nancy McPherson, Planner V
Russell Kaupu, Property Development Agent
R. Kalani Fronda, Acting Administrator Land Development Division
Michelle Hitzeman, Homestead Housing Development Manager
Kahana Albinio, Land Management General Professional
Andrew Sante, Land Agent
David Hoke, Enforcement Administrator
Chad Aoki, Enforcement Unit

ORDER OF BUSINESS

CALL TO ORDER

Chair Watson called the meeting to order at 10:00 am. Seven (7) members were present in person, and two (2) members attended via Zoom, establishing a quorum.

Chair Watson announced that item F-2 is to be deferred from December to January. Commissioner Kaleikini acknowledged the 100th anniversary of the Keaukaha Homestead, established on December 16, 1924. He expressed his congratulations and emphasized the importance of the milestone. Chair Watson echoed his sentiments, highlighting the community's genuine hospitality, resilience, and accomplishments despite challenges. He commended Keaukaha as an impressive model for other homesteading communities and joined in celebrating their legacy and perseverance.

Chair Watson announced that the Commission would recess at noon for lunch. The DHHL community meeting was scheduled to take place in the evening at the Kamehameha Schools Community Learning Center, located at 87-790 Hulaupu Street, Mā'ili, West O'ahu, 96792.

APPROVAL OF AGENDA

The commission called for a motion to accept the agenda, which was moved, discussed, and approved without opposition.

Motion/Action

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

APPROVAL OF MINUTES – November 18 & 19, 2024

A typographical correction was identified on the second paragraph of page 20. A motion to approve the minutes with this correction was made, seconded, and unanimously approved without opposition.

Motion/Action

Moved by Commissioner Neves, seconded by Commissioner Lasua, to approve the November 18 & 19, 2024 Minutes as amended. Motion carried unanimously.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Peter Soares Jr.

P. Soares Jr. expressed gratitude and presented two proposals. First, he introduced Dry One Fire Retirement Sprays, an Arizona-based company specializing in fire prevention sprays for homes and businesses. Operational since 1958, the company has served clients like the U.S. government, NASA, and Disney. Soares emphasized the product's ability to penetrate building materials, prevent fire spread, and protect properties, offering to raise awareness among Hawaiian homesteaders about its benefits.

Second, he proposed a lease-to-own program to address housing issues in Hawaiian homesteads, such as vacant homes and squatters. The program targets individuals unable to obtain traditional loans, offering affordable terms with a 5% down payment and flexible repayment plans over 7 to 20 years, with payments made directly to Hawaiian Homelands. This initiative aims to help beneficiaries remain in their homes. Soares expressed openness to further collaboration, distributed business cards for follow-up, and concluded with appreciation for the opportunity to present.

PT-2 Kenna StormoGipson - Item D-1

K. StormoGipson testified before Chairman Watson and the commissioners, raising concerns about the department's plan to purchase Waipouli Courtyards. She cited data from the monthly report showing that 1,696 people on Kauai are waiting for residential leases, but only about nine individuals (0.5%) expressed interest in rental or condominium apartments. She noted that the 2020 beneficiary study found 86% of those on the waiting list prefer three-bedroom units or larger, while 75% of Waipouli Courtyards' units are one- and two-bedroom apartments. She concluded that fewer than three individuals on the waiting list are likely to want to move into the property, making it improbable that 82 families would occupy the units. StormoGipson questioned the appropriateness of spending \$25 million in NAHASDA funds on a property that may not align with beneficiary needs. She also raised concerns about compliance with the Uniform Relocation Act, stressing that federal law requires providing comparable housing for all current residents of the 82 units on Kauai, yet no written relocation plan has been presented. She urged the commission to create a relocation plan and confirm a list of interested beneficiaries before moving forward with the purchase to ensure responsible decision-making and compliance with federal requirements.

ITEMS FOR DISCUSSION MAKING

CONSENT AGENDA

HOMESTEAD SERVICES DIVISION

- D-2 Approval of Consent to Mortgage**
- D-3 Approval of Homestead Application Transfers / Cancellations**
- D-4 Approval to Certify Applications of Qualified Applicants for the month of November 2024**
- D-5 Commission Designation of Successors to Application Rights – Public Notice 2022, 2023**
- D-6 Approval of Assignment of Leasehold Interest**
- D-7 Approval of Amendment of Leasehold Interest**
- D-8 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees**
- D-9 Cancellation of Lease – DARLAMA E-KANOE C.K.T. VAENUKU, Residential Lease No. 5644, Lot No. 33, Lualualei, Oahu**
- D-10 Commission Designation of Successor – RUEBEN P. K. KAAHANUI SR. - Residential Lease No. 11695, Lot No. UNDV152, Kapolei, Oahu**

RECOMMENDED MOTION/ACTION

Homestead Services Division Administrator Juan Garcia, presented 9 items (D2 to D10) for approval. Motion to approve the Consent Agenda

DISCUSSION

J. Garcia presented nine consent agenda items for consideration. Garcia noted a correction to agenda item D-4 on page four under the Maui Island-wide Residential Lease List. He explained that the inclusion of the name, last name “Kamai” and first name “Mau Loa” was an error because Kamai is already a residential co-lessee under lease number 5933 in Paukukalo, Maui. He requested the removal of this name from page four of item D-4 and concluded his remarks by inviting any questions.

Commissioner Neves discussed item D-4, emphasizing the importance of staff involvement in confirming applicants. He noted the revised confirmation process implemented during the October meeting and acknowledged the progress made in confirming long-standing applications. Specific examples included applications from 1958, 1969, and 1962 on the first three pages, and from 1952, 1969, and 1965 on page four. Commissioner Neves commended the department for its extensive efforts in addressing these applications and acknowledged the positive impact this progress likely had on the applicants. He expressed gratitude and appreciation for the department’s work.

J. Garcia noted that the Applications Branch has been working diligently to remove applicants who lack the necessary documentation or fail to meet the 50% blood quantum requirement. He recognized the sensitivity of this issue but emphasized the importance of maintaining an accurate and correct list.

Commissioner Neves acknowledged this responsibility, stating that the commission must carefully vet these cases and make difficult decisions when necessary. Chair Watson confirmed that applicants retain the right to challenge their removal.

Public Testimony – Charlita Mahoe – requested help with the successorship transfer of her late parents' Nanakuli property, located at the corner of Haleakala and Farrington Highway. Her father, Charles Naone, passed away in 2023, followed by her mother in September 2024. The property, built by her parents in 1971, is intended to be transferred to her brother, Charles Naone Jr., but has been occupied by another sibling since September. C. Mahoe described efforts to secure the property amid reports of vandalism and obstruction. Her family is legally limited, as her brother cannot claim ownership until the transfer is finalized, and law enforcement cannot act. Despite contacting the department, no wellness or occupancy

checks have been conducted. She urged the commissioners to deploy the enforcement team to secure the property, prevent further damage, and resolve the distressing situation, which has taken an emotional toll on her family.

J. Garcia explained that the delay was due to the department's recent receipt of required death certificates. The commission was asked to approve a lease amendment to update terms and extend it for 100 years, enabling the successorship lease for Charles Naone Jr. and the issuance of a limited right-of-entry document to address the property's issues. Chair Watson outlined that the limited right-of-entry would enable Charles Jr. to assert ownership, work with enforcement to address the occupying sibling, and pursue legal action if needed. Concerns about possible criminal activity at the property were raised, prompting Chair Watson to stress zero tolerance and pledge swift enforcement. The commission approved the motion to proceed with the successorship process and enforcement, ensuring Charles Jr. could secure the property.

MOTION/ACTION

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

Public Testimony – Sam Wampler – a resident of Waipouli Courtyards in Kaua‘i, voiced concerns about the lack of a relocation plan following the property’s purchase, leaving residents uncertain about their housing future. He highlighted the challenges of finding housing in the area and managing daily responsibilities amid the uncertainty. Wampler questioned the purpose of the purchase, noting residents’ opposition and advocating for DHHL beneficiaries to receive land for homesteading instead of apartments. He called for transparency regarding interest in the property and thanked the board, which assured him his concerns would be forwarded to those handling the relocation plan.

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-1 Approval to Authorize the Department of Hawaiian Home Lands to Negotiate an Agreement to Accept the Donation of a 19.354-acre parcel in Ewa, Island of Oahu, TMK (1) 9-1-181-037

RECOMMENDED MOTION/ACTION

Property Development Agent Russell Kaupu presented the following:

Motion that the Hawaiian Homes Commission Authorize the Department of Hawaiian Home Lands to Negotiate an Agreement to Accept the Donation of a 19.354-acre parcel in Ewa, Island of Oahu, TMK (1)-9-1-181-037.

R. Kaupu explained that the proposal involves a donation from Kalaniana'ole Development. He was joined by Patti Tancayo, President and CEO of Kalaniana'ole Development, and Sun Ham, Executive Vice President of Design and Construction. R. Kaupu outlined the donation proposal, explaining that Kalaniana'ole Development intended to donate the 19.354-acre parcel to the department. Accompanying the submittal was a set of exhibits, including maps, to help the commissioners understand the parcel's location. Sun Ham planned to present further details through a PowerPoint presentation.

R. Kaupu detailed the sequence of the proposed agreement:

1. **Acquisition and Lease:** Kalaniana'ole Development was under contract to acquire the parcel. Upon acquisition, the company would lease it to an affiliated entity, Kua'ihale, LLC, which would be responsible for development.
2. **Donation with Lease in Place:** The property would then be donated to the Department of Wai'anae Lands, with the ground lease already established.

The arrangement allowed the department to manage land use independently of Honolulu's zoning restrictions, enabling the development of a commercial project on a parcel zoned as both agricultural and residential. The donation would add the property to the department's income-generating portfolio, providing a steady lease income and eventual ownership of the land free of encumbrances after the lease expired. R. Kaupu emphasized that the lease issued to Kua'ihale, LLC must align with the department's standards. He highlighted the following terms:

- **Lease Term:** The maximum lease term would be 65 years.
- **Lease Rent Assessment:** Minimum lease rents would be determined through an independent third-party appraisal during the due diligence period, funded by the developer.
- **Sublease Rent Participation Policy:** The department would participate in income generated by subleases, per an existing policy adopted by a prior commission.
- **Community Benefits Package:** Developers would be required to collaborate with impacted homestead communities to provide benefits such as job training and community development.

He referenced two sections of the Hawaii Homes Commission Act:

1. **Section 225-B1 and B4:** This section grants the commission authority to accept property donations, even with restrictions or conditions. Properties received as gifts do not automatically qualify as Hawaiian Home Lands to account for such restrictions.
2. **Section 204-B:** This section allows the commission to manage donated properties as Hawaiian Home Lands after ensuring no restrictions conflict with the department's objectives.

R. Kaupu explained that the donation would be unrestricted and designated as Hawaiian Home Lands once finalized. He invited questions from the commissioners before introducing representatives from Kalaniana'ole Development to discuss their proposed project.

DISCUSSION

Commissioner Neves began by expressing confusion regarding the details of the proposal, particularly the references to statutory sections, such as 201-A. He sought clarification on how the revenue from the proposed transaction would be allocated, asking which trust or general fund the money would enter and how it would ultimately benefit the department and its beneficiaries. Commissioner Neves acknowledged the benefit to Kalanianaʻole Development (KDL), particularly the avoidance of zoning restrictions. However, he pressed for a clearer understanding of the tangible benefits of the Department of Hawaiian Home Lands (DHHL).

R. Kaupu explained that DHHL would gain title to the donated property, which would generate revenue through a commercial lease. The department would receive two income streams: base rent determined by independent appraisal and 50% of net sublease revenue after expenses. He noted the complexity of the rent participation policy, as it allows operating expenses to be deducted before revenue sharing.

Commissioner Neves reiterated his desire to see the final negotiated document before fully engaging in the discussion. While he appreciated the donation, he questioned whether the eventual terms would provide reasonable benefits to DHHL beneficiaries. He also raised concerns about the exclusivity of the arrangement, noting that the process seemed limited to the specific contractor, KDL, because they controlled the parcel in question. He emphasized the importance of ensuring due diligence to verify the property's suitability for the department's portfolio.

R. Kaupu emphasized that DHHL would perform thorough due diligence, assessing environmental risks, operational concerns, and cultural considerations to ensure the property's suitability. He assured that the department would apply the same rigorous standards as for other lease transactions to maintain consistency and compliance. He also clarified that the current submittal only sought authorization to begin negotiating the donation agreement. Final terms would be brought back to the commission for approval, along with further details about the community benefits package and input from beneficiary consultations.

Commissioner Neves concluded by emphasizing the importance of maintaining thorough due diligence and consistent guidelines in evaluating the proposal. R. Kaupu confirmed that DHHL would adhere to these principles, ensuring the transaction aligned with the department's fiduciary responsibilities.

Commissioner Kaleikini expressed optimism about the proposal, describing it as an intriguing opportunity and emphasizing that it was only the first step in the process. He noted the importance of beneficiary consultations and the commission's eventual review of the final negotiated terms, which would provide clarity on the project's feasibility and benefits. He asked if such opportunities would be open to other developers who might approach the department with similar proposals.

R. Kaupu addressed skepticism about the donation, noting developers benefit from lifted zoning restrictions but suggesting other motivations, which he deferred to the developers to explain. He emphasized the department's openness to similar proposals and invited Patti to discuss the project's motivations.

Patti Tancayo, CEO of Kalanianaʻole Developments, expressed enthusiasm for an unprecedented proposal to donate a \$6 million property to the department and oversee its development. As a Hawaiian beneficiary, she emphasized her commitment to benefiting the community and addressing injustices faced by Hawaiians. She highlighted her experienced team, including a prominent Hawaiian businessman and his son, an architect with expertise from Samsung. Tancayo explained that the project aims to serve as a template for future developments, significantly increasing the property's value to potentially hundreds of millions after the lease term. The department would gain from lease rents, profit participation, and ownership of a valuable asset. She presented the project as a transformative application of the Hawaiian Home Lands Act and concluded by introducing her team member, San.

Sun Ham, Executive Vice President of Design and Construction for Kalanianaʻole Developments, expressed pride in contributing to the project, despite being a non-beneficiary. He highlighted the project’s potential to strengthen Native Hawaiian communities and enhance the area’s quality of life. Haan introduced the 22.7-acre site, currently zoned 45% residential and 55% agricultural, located near key amenities such as freeway exits, rail stations, and a golf course. He proposed rezoning the site to BMX-3 (business mixed-use) to unlock its full potential and enable a wider range of uses.

S. Haan conducted a SWOT analysis to evaluate the site:

- **Strengths:** High-traffic location near Ewa, Kapolei, and the Ho‘opili development, which is projected to add 14,000 homes, making the site ideal for commercial development.
- **Opportunities:** The region's rapid growth presents significant commercial potential.
- **Weaknesses:** Current zoning restrictions, flood-prone areas in the agricultural zone, and lack of connection to the county sewer system.
- **Threats:** Potential challenges related to rezoning and environmental factors.

He detailed plans to overcome weaknesses through collaboration with DHHL and local communities. The plan included recreational facilities like pickleball courts, batting cages, and a driving range to address flood-prone areas, along with a gas station, car wash, and discounted retail spaces for Native Hawaiian businesses. Additional features included a supermarket, self-storage, and kupuna housing near the golf course, emphasizing community-focused development.

S. Haan outlined a detailed timeline, aiming for project completion by 2030:

- **2024:** Design and environmental assessment.
- **2026:** Securing building permits and financing.
- **2027-2029:** Construction and leasing phases.
- **2030:** Full occupancy and stabilized operations.

S. Haan concluded by thanking the commissioners for their support and interest. He emphasized the project’s potential to deliver significant benefits to Native Hawaiian communities and the surrounding area, offering a mix of commercial, recreational, and residential opportunities tailored to beneficiaries' needs.

R. Kaupu initiated the discussion by clarifying the need to amend the submittal to include an additional parcel for the donation agreement. Initially, the proposal covered a 19.354-acre parcel (TMK 037), but a smaller adjacent parcel (TMK 031) was added to incorporate space for kupuna housing. This amendment increased the total area to 22.7 acres, comprising 10.55 acres of R5 residential zoning and 12.15 acres of agricultural zoning.

S. Haan confirmed the combined acreage and clarified the details of the parcels, noting the updated TMKs. Chair Watson summarized the amendment, stating that the original 19.354 acres of TMK 037 would now include TMK 031, bringing the total to 22.7 acres. R. Kaupu suggested returning the next day with accurate TMK references and acreage details to ensure alignment with City and County of Honolulu records before a vote.

Commissioner Kalepa inquired about Exhibit Two, particularly section two, which outlines the sublease rent participation policy. Chair Watson explained that it dealt with the department's entitlement to a portion of sublease income.

R. Kaupu elaborated, reading from the policy, which specifies that the department would receive 50% of the income difference for subleases involving raw land that exceed the base rent. He acknowledged that the policy’s language was not clearly drafted and suggested seeking input from the Attorney General for clarification, particularly regarding the transition from raw to improved land status.

Chair Watson concluded the discussion by agreeing to revisit the matter the following day. This would allow time to refine the TMK details and resolve uncertainties related to the sublease rent participation policy. Russell thanked the commissioners for their understanding and invited any further questions, signaling the session's closure.

Commissioner Neves requested clarification regarding the TMKs (Tax Map Keys) for the parcels under discussion, emphasizing the importance of confirming the accuracy of the parcel numbers before proceeding. Sun Ham responded that the TMK numbers were sourced from the purchase agreement document and should be correct. Commissioner Neves asked R. Kaupu to verify and correct the TMK details before bringing the amended proposal back to the commission.

Chair Watson agreed with this approach, stating that it would be better to ensure all details were accurate and questions were answered before any action was taken. He confirmed that the revised proposal would be revisited the following day.

Commissioner Kalepa commended the proposal, highlighting its significant potential benefits for Hawaiian homes and expressing gratitude for the efforts of those involved. Commissioner Kaneakua echoed this sentiment, praising the structure of the proposal, which included beneficiary consultation, due diligence, and the opportunity for the commission to review the final agreement. He noted that the proposal represented significant opportunities for the beneficiaries and thanked the presenters for their work.

Public Testimony – Homelani Schaedel – raised concerns about Kalaniana'ole Development's (KDL) proposed land donation to DHHL, questioning its structure and intent. She referenced an email exchange with Patti Tancayo, who stated the donation came without a required community benefits package but hinted at withdrawing the offer if her integrity was doubted. H. Shindell criticized the arrangement, likening it to "giving with the left hand and taking with the right," as it appeared to benefit KDL by circumventing zoning restrictions while leaving DHHL with the administrative burden of managing the land for 65 years before gaining full ownership. She urged the commission to prioritize beneficiary consultation, questioned the rushed process, and advocated for accepting the land donation without conditions to better serve the nearly 11,000 Native Hawaiians on the residential waitlist.

Public Testimony – De Mont Manaole - expressed support for Patti Tancayo, highlighting her groundbreaking role in the male-dominated development industry and NAN Inc.'s unprecedented land donation to DHHL as a beneficial expansion of the trust's portfolio. He praised the collaboration for bypassing bureaucratic hurdles and increasing land diversity, suggesting it could inspire other developers to support Native Hawaiians. Manaole urged unity among Hawaiians, focusing on progress rather than internal disputes, and emphasized the opportunity the proposal represents, concluding with holiday wishes.

Public Testimony – Germaine Meyers – had concerns about the lack of clarity in the C-1 proposal involving Kalaniana'ole Development LLC's land donation, established by Patti Tancayo and her partner in December 2023. She criticized the limited details provided to commissioners, noting discrepancies such as the incorrect company name, "Kuai Hale LLC," which is actually registered as "Kuai Halewai LLC," and this entity would receive a 65-year lease arrangement after DHHL becomes the landowner. Meyers questioned the donation's motivations, suggesting it aimed to bypass City & County of Honolulu zoning restrictions and community pushback. She also speculated about the unclear nature of the planned development, including possibilities like industrial complexes, retail centers, or housing, and expressed concern over the financial benefits to DHHL, citing unclear revenue details and deductions. Additionally, she criticized the undefined community benefits package, with no specifics on affected associations, impact scope, or benefit terms. Meyers urged commissioners to address these uncertainties and approach the decision with wisdom and care.

Public Testimony – Patty Teruya – questioned DHHL's due diligence on property access, the parties involved in drafting the agreement, and plans for the property, including its use for homesteading, rentals, or beneficiaries. She expressed concerns about potential commercial use and the traffic impact on Fort Weaver Road, a congested area affecting the Ewa Beach community. While appreciating the inclusion of beneficiary consultations, she urged Oahu commissioners to thoroughly evaluate the submittal, consider testimonies, and prioritize the trust and beneficiaries in their decisions.

Public Testimony – Kapua Keliikoa-Kamai – stressed the importance of addressing informational gaps before making decisions, advocating for equitable treatment of both lessees and wait-listers. Emphasizing learning from past mistakes, she urged prioritizing unserved beneficiaries while recognizing Director Kali Watson's and Patti Tancayo's efforts. She highlighted the need for thorough documentation, including beneficiary consultations and addressing the Oahu waitlist, and called for deferring the decision until all details were clear. She suggested exploring better solutions, such as outright land purchases, to maximize benefits and urged commissioners to consider comprehensive, forward-thinking options, concluding with gratitude for their service.

Public Testimony – Pat Kahawaiolaa – emphasized concerns about insufficient information and the need to align with cultural and legal principles of land stewardship. Drawing on the makahiki season as a reminder to malama (care for) the land, he clarified that opposition was not personal against Patti but focused on adhering to zoning and building processes under Honolulu's jurisdiction. He criticized DHHL's involvement in matters beyond trust lands, arguing it circumvented established protocols. Kahawaiolaa urged the commissioners to prioritize protecting trust lands for beneficiaries, as mandated by the Hawaiian Homes Commission Act of 1921, and reminded them of their obligation to serve the trust exclusively, citing the Nelson case. He called on Oahu commissioners to lead by adhering to the Act and avoiding conceptual plans that stray from their responsibilities.

Public Testimony – Maysana Aldeguer – a wait-lister since 1985, expressed deep frustration over the decades-long wait for land, recounting how her kupuna passed away without receiving property. She viewed the situation as an attack on wait-listers criticized the lack of progress in addressing the promises made, and felt insulted by discussions of donating land, arguing that DHHL, as one of Hawaii's largest landowners, should focus on providing land and housing for kupuna and wait-listers. M. Aldeguer called for financial support to address these needs and vowed to mobilize other wait-listers to demand action. She stressed that clearing the waitlist should be the department's priority, urging DHHL to honor its obligations and fulfill Prince Kuhio's vision for beneficiaries.

LAND DEVELOPMENT DIVISION

ITEM E-1 Approval of Lease Awards – Honomu Subsistence Agricultural Phase 1, Maku'u Subsistence Agricultural and Maku'u Agricultural Lots (see Exhibits)

RECOMMENDED MOTION/ACTION

Acting Land Development Division Administrator Kalani Fronda, and Housing Project Branch Manager Michelle Hitzeman of the Land Development Division presented the following:

Motion that the Hawaiian Homes Commission approve the Lease Awards – Honomū Subsistence Agricultural Phase 1, Maku'u Subsistence Agricultural and Maku'u Agricultural Lots. Recommending the approval of a 99-year lease award for the listed applicants. She noted a correction to the documentation, explaining that a selectee's name, William Kama, was inadvertently omitted from the agenda item E1, but was included in the exhibit on page 10. William Kama selected Lot 8 in the Honomū subsistence agriculture (AG) area. M. Hitzeman clarified that although Kama's name was missing from item E1 in the agenda, it was correctly listed in the exhibit. She confirmed that this omission did not require any changes to the motion being proposed for approval.

DISCUSSION

Commissioner Neves inquired about the infrastructure available for the Honomū subsistence agriculture (AG) lots, asking specifically about water, power, and meters. K. Fronda responded that drainage and roadways had been completed, along with lighting installed by HELCO to support the roadway system. Water access would require beneficiaries to establish their own catchment systems, and while power poles were available, there were no direct power connections to the lots. Fronda emphasized that the elaborate roadway system ensured access to each of the 16 lots in phase one.

Chair Watson inquired about the requirements for awarding 5-acre agricultural lots, noting that awards were contingent upon awardees submitting farming plans that demonstrate active farming on two-thirds of the lot. M. Hitzeman confirmed that this requirement was correct and explained that the lot agreements were currently being signed, but leases would not be awarded until the farming plans were submitted and reviewed. This process ensures compliance without the need for individual approvals to return to the commission.

Chair Watson clarified that awardees for both subsistence and farm lots have the option to build a house on the property, though it is not a requirement. He then invited further questions or comments.

K. Fronda expressed gratitude to the planning office for establishing a partnership with the University of Hawai‘i’s College of Tropical Agriculture and Human Resources (CTAHR). He highlighted CTAHR’s vital role in assisting beneficiaries with the development of farm plans and in supporting their efforts to successfully cultivate and utilize their properties.

Chair Watson emphasized the value of working with CTAHR, noting their familiarity with the local area and expertise in recommending suitable crops and livestock. He explained that the partnership, supported by a formal contract, ensures beneficiaries receive essential technical guidance. Watson stressed that providing this assistance is critical to helping beneficiaries succeed in their farming endeavors and encouraged further comments on the matter.

M. Hitzeman explained that the lot selection agreement included an extracted version of the administrative rules (ATR), which had been incorporated into the agreement. Awardees are required to complete a 13-page farm plan as part of the process. The College of Tropical Agriculture and Human Resources (CTAHR) is assisting by reviewing 20% of the farm plans and providing recommendations and comments. M. Hitzeman added that enforcement of compliance with the farm plans would fall under the jurisdiction of the Homestead Services Division.

Public Testimony - Patrick Kahawaiolaa – raised concerns about farm plan requirements for new agricultural lot awards, questioning their consistency with past awards and pointing out widespread non-compliance among previous awardees in cultivating the required two-thirds of usable acreage. He criticized the lack of a clear definition for "AG" in the rules and the unclear costs of new requirements like fencing. Highlighting delays in awarding farm lots, he described the process as bittersweet, with many beneficiaries waiting over 45 years, some in poor health. He called for unused land to be reclaimed and reassigned and criticized DHHL for failing to utilize resources like CTAHR to support farmers. He urged the commissioners to adhere to the Hawaiian Homes Commission Act, prioritize beneficiaries with at least 50% Hawaiian blood, and fulfill their duty to trust lands.

Commissioner Neves inquired whether the lots had been cleared of unexploded ordinances (UXO). K. Fronda explained that a clearance process had already been conducted, and the necessary acceptance for UXO clearance was obtained. However, there is an addendum attached to the lease agreements acknowledging the potential presence of UXOs. K. Fronda noted that certain aspects of the area may not qualify for HUD lending, which is why alternative funding and lending sources had been introduced for beneficiaries.

Public Testimony – Kelii Skippy Ioane - addressed the topic of priority selection for connection to the ‘āina (land) and expressed support for this concept, specifically in relation to King's Landing. When Chair Watson clarified that the discussion was about lease awards for Honomū and Maku‘u, Kelii wished the awardees luck but redirected attention to Fort Weaver, making a critical analogy about perceived exploitation in that area. He concluded by reiterating his support for priority selection at King's Landing and ended his testimony.

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 Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Lasua		X	X			
Commissioner Marfil			X			
Commissioner Namu’o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously, Eight (9) Yes votes.						

RECESSED
RECONVENED

12:10 PM
1:15 PM

LAND MANAGEMENT DIVISION

ITEM F-1 Approval to Issuance of License to Crown Castle Crown Castle/T-Mobile West Tower LLC, Waimanalo, Island of Oahu, TMK NO. (1) 4-1-008:002 (por.)

RECOMMEND MOTION/ACTION

General Professional VI of the Land Management Division Kahana Albinio and Land Agent Andrew Sante presented the following:

Motion for the Hawaiian Homes Commission requesting approval to the issuance of a non-beneficiary license for approximately 625 square feet of Hawaiian Home Lands, as detailed in the submission and Exhibit A. K. Albinio also introduced Andrew Sante, a land agent with LMD, and noted that technical representatives were available online to address any commissioner questions. The recommendation included granting the license subject to specific conditions outlined in the submission.

DISCUSSION

Commissioner Neves asked about the back payments mentioned in condition three of the license, seeking clarification on whether any payments were owed by the current licensee. A. Sante responded that the licensee was currently up to date with payments. The provision was included as a precaution for the license transition.

Commissioner Lasua inquired about the determination of the \$40,000 amount for the 10-year term, asking how it was calculated. K. Albinio explained that the amount was established by a disinterested

appraiser commissioned by the department, not by the department itself. When asked about the basis of the appraisal, K. Albinio clarified that it was based on public powers and covered 10 years. He further explained that while the initial term would not reach \$40,000, rents would escalate to that amount during the fourth, seventh, 10th, 13th, and 16th years if the license extended beyond the initial term.

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 Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Lasua		X	X			
Commissioner Marfil			X			
Commissioner Namu'o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously, Eight (9) Yes votes.						

ITEM F-3 Approval to Issuance of Right-of-Entry to Hui Aloha Puukapu, Waimea, Island of Hawaii, TMK Nos. (3) 6-4-001:159, (3) 6-4-038:007, & (3) 6-4-035:099

RECOMMEND MOTION/ACTION

General Professional VI of the Land Management Division Kahana Albinio and Land Agent Ashley Tabalno presented the following:

Motion for the Hawaiian Homes Commission requesting approval to the Issuance of Right-of-Entry to Hui Aloha Puukapu, Waimea, Island of Hawaii

DISCUSSION

K. Albinio clarified that the focus was on obtaining approval for a Right of Entry Permit to Hui Aloha Kaukau Waimea on the island of Hawaii, with the TMK details outlined in the submitted documentation. Ashley Tabalno, a new land agent, drafted the submittal for the commission's review and approval. The Land Management Division (LMD) sought authorization from the Hawaiian Lands Commission to issue a land agent permit for approximately 60 acres to mitigate wildfire risks and protect the community's health and safety, subject to conditions noted in the submittal. K. Albinio emphasized that while the Hui had requested multiple TMKs, the immediate request was limited to three TMKs, as listed in the proposal. He mentioned that the commission could amend the permit in the future to include additional TMKs if needed. The discussion concluded with an invitation for testimony from anyone wishing to provide input.

Commissioner Freitas expressed gratitude to Kahana for organizing the permit proposal, emphasizing its significance. He noted that he had been in contact with the homestead over the past year and highlighted the critical importance of fire mitigation, particularly due to recent wildfires and subsequent flood issues. He believed that granting access to the lots would support the homestead in achieving their goals and voiced his full support for the initiative. K. Albinio thanked the staff and commissioners.

Public Testimony – Kahikina - Operations manager for Hui Aloha Pu‘ukapu, sought clarification on whether the request included only the three TMKs currently listed or the two additional TMKs from their original request letter.

K. Albinio clarified that the commission would proceed with approving the three TMKs listed in the current submittal and would collaborate with Hui Aloha Pu‘ukapu to amend the permit later to include the two additional properties from their original request. Kahikina sought confirmation on whether it was possible to include all five TMKs now, expressing that they were part of the initial request. K. Albinio explained that only the three TMKs were included in the current proposal and suggested that if they preferred to add the other two immediately, the process would require waiting another month. Kahikina acknowledged this and invited further questions from anyone present.

Commissioner Neves asked if the exclusion of the additional TMKs would make operations in the area more difficult, noting affirmative responses through nodding.

Kahikina emphasized that the two excluded TMKs were vital to their nonprofit's efforts to protect critical infrastructure, including a water tank and a 200-acre DHHL lot in a wildfire-prone area near the Pu‘u Kapu subdivision. Despite the importance of these lots, he expressed a willingness to proceed with the current approval to avoid delays. He noted that while they had limited access to the approved TMKs, they intended to prioritize work on the excluded lots once permission was granted.

Commissioner Neves acknowledged the importance of fire prevention efforts and expressed appreciation for the work being done, recognizing the challenges involved. He assured that the department would likely expedite the process to include the additional TMKs and suggested that the matter could be addressed at the next commission meeting to avoid project delays. Chair Watson noted that a limited right of entry was currently in place, which K. Albinio confirmed.

Chair Watson invited Mahana Keakealani to speak, but she stated that she was only present to support Kahikina and assist by answering any questions if necessary, but had nothing further to contribute. Chair Watson thanked the participants and asked if there were any further questions from the commissioners. With no additional questions, he called for a motion, which was moved by Commissioner Neves and seconded by Commissioner Lasua. The motion was then approved unanimously with no opposition.

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 Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Lasua		X	X			
Commissioner Marfil			X			
Commissioner Namu’o			X			
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously, Eight (9) Yes votes.						

PLANNING OFFICE

ITEM G-1 Declare a Finding of No Significant Impact (FONSI) for the DHHL ‘Ewa Beach Homestead Master Plan, ‘Ewa Beach, District of ‘Ewa, Island of O’ahu, TMK (1) 9 1-001:001 (por)

RECOMMENDED MOTION/ACTION

Andrew Choy, Planning Manager, presents the following:

Motion that the Hawaiian Homes Commission issue a finding of no significant impact (FONSI) declaration based on the final environmental assessment for the DHHL Ewa Beach Homestead Project in the Beach District of Ewa, on the island of Oahu. The relevant TMK was listed in the submittal.

A. Choy introduced Melissa May from SSFM International, the primary consultant for the project, who would address the technical aspects of the presentation.

DISCUSSION

A. Choy provided a background on the project, tracing its origins to the Hawaiian Homelands Recovery Act (HHLRA) of 1995, which was enacted to compensate DHHL for the military's use of Hawaiian homelands in Lualualei and Waimanalo. The HHLRA requires the federal government to give DHHL the first right of refusal on surplus federal lands in Hawaii. In 2020, the federal government informed DHHL that it no longer required the property housing a tsunami warning center. After conducting due diligence, the commission approved acquiring the property under the HHLRA without using trust or state resources. The conveyance was finalized in 2021, and by 2022, DHHL initiated the master planning of the property, which was the focus of the current presentation.

M. May from SSFM International provided a detailed presentation to the Hawaiian Homes Commission on the DHHL Ewa Beach Homestead Project. She outlined the project's background, the extensive consultation process with beneficiaries and stakeholders, the technical studies conducted, and the final Environmental Assessment (EA) findings. The project site, covering 80 acres in Ewa Beach, was bounded by North Road, Fort Weaver Road, and the USGS Magnetic Observatory. Surrounding areas included residential neighborhoods, a golf club, and single-family homes. The project's primary goal was to provide homestead lease awards for Oahu waitlist beneficiaries while aligning with county and community vision plans. Beneficiaries and stakeholders were actively engaged in identifying land uses and shaping the master plan.

M. May stated that starting in 2022, the project included three beneficiary consultations and multiple community meetings. Beneficiaries provided input through surveys and meetings, resulting in 1,300 responses that informed the master plan. Stakeholder engagement also included neighborhood boards, town hall meetings, and consultations with community leaders. Preferences focused on single-family homes, low-rise multifamily options, and community facilities. Extensive technical studies included assessments of hazardous materials, topography, biological resources, infrastructure, cultural impacts, and traffic. A study on sea level rise indicated potential risks of up to 3.2 feet by 2100. As a result, high-risk areas were designated for low-intensity uses such as drainage, stewardship, and community agriculture.

Key concerns included traffic congestion, noise from a nearby shooting range, stormwater drainage, and sea-level rise. Mitigation measures addressed traffic impacts, school capacity, and the integration of alternate evacuation routes. Beneficiaries emphasized the need for landscaping, design continuity, and connections to surrounding areas without imposing visual barriers. The EA included best management practices for construction, stormwater retention, and resilience to coastal hazards. Infrastructure upgrades, including a new sewer main and improved road connections, were proposed. Safety improvements and compliance with permitting systems were prioritized. Changes to the EA included updates to ensure alignment with agency requirements and corrections to park department figures. The draft EA was published in September, followed by a 30-day comment period and beneficiary meetings. The final step

involved the commission’s approval and issuance of a Finding of No Significant Impact (FONSI), with publication anticipated in January. M. May concluded by inviting questions from the commission.

A. Choy expressed gratitude to Lehua Kinilau-Cano and William Cox, acknowledging their instrumental roles in the project’s success and emphasizing that it would not have been possible without their contributions.

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

ITEM G-2 Approval to Proceed to Beneficiary Consultation for a Proposed Administrative Rule Amendment to Establish a Priority Waitlist for Applicants with a Connection to a Place

RECOMMENDED MOTION/ACTION

Planning Manager Andrew Choy, Planner Julie Cachola, and Planner Ku’upua Kiyuna presented the following:

Motion that the Hawaiian Homes Commission approve to proceed to Beneficiary Consultation for a Proposed Administrative Rule Amendment to Establish a Priority Waitlist for Applicants with a Connection to a Place.

DISCUSSION

A. Choy asked the Commission to consider approval to proceed with beneficiary consultation for a new administrative rule to establish a priority waitlist for applicants with a connection to a place. He introduced Julie Cachola and Ku’upua Kiyuna to the commission, noting that Ku’upua, the department’s cultural resource specialist, has been with the department for nearly a year. He highlighted her prior experience with the State Historic Preservation Division, where she contributed to crafting administrative rules, and her educational background from the Julia Richardson School of Law.

A. Choy began by outlining the plan for the discussion, indicating that he would present a series of slides to provide context for the day’s request. He highlighted the department’s engagement over the past four years in homestead planning processes with beneficiaries in rural areas across the state, including ‘Ualapu’e, Ke‘anae, Wailua, Wakiu in East Maui, and King’s Landing in Hilo. A. Choy emphasized that while each area has unique characteristics, histories, and traditions, they share common features observed by the staff. These areas are generally remote, situated away from urban centers, and have populations that

predominantly consist of Native Hawaiians, many of whom belong to the beneficiary class. Subsistence living is a significant part of the residents' lifestyles, and traditional and customary practices are both highly valued and actively maintained. A. Choy underscored that these practices are essential for the communities' well-being. Choy further explained that multiple generations of Native Hawaiians have successfully lived in these areas due to the knowledge passed down through traditional practices and customs. This continuity of cultural and traditional practices has been critical in sustaining these communities over time. Concluding his portion, A. Choy passed the discussion to Julie Cachola to provide additional details.

J. Cachola elaborated on the concept of "cultural kipuka," likening it to an oasis preserved amidst a barren lava flow. She explained that these communities, which have maintained their cultural identity and traditions, are like cultural kipuka—intact spaces that foster new growth. This preservation makes them valuable, and beneficiaries in these rural communities strongly expressed the desire for a preference system that recognizes their connection to these places. J. Cachola noted that such preferences align with the communities' wishes to prioritize those with familial and cultural ties to the land. She highlighted the current preference policy, which focuses on financial qualifications, and argued for a parallel policy valuing familial connections, cultural knowledge, and social networks, which increase the likelihood of success for subsistence farmers and lessees in these areas.

J. Cachola emphasized the importance of generational knowledge, local expertise, and a strong connection to place, which are intrinsic to Native Hawaiian identity and crucial for sustainable land management. She introduced the concept of "kula'iwi," the ancestral lands where one's forebears lived and are buried, asserting that such connections instill a deep sense of responsibility and understanding of the land's resources. She shared personal anecdotes to illustrate how ancestral ties provide insight and success in managing specific lands. J. Cachola also noted that communities bound by these shared connections form natural, cohesive groups that work collectively to protect the land, culture, and lifestyle. These tight-knit communities foster mutual accountability and ethical behavior, reinforcing the significance of creating policies that support cultural and community preservation. Finally, she underscored the urgency of adopting this administrative rule to support these communities' resilience and sustainability, passing the discussion back to Andrew Choy.

A. Choy noted that a detailed record of community feedback regarding the proposed rule is included in Exhibit A of the commissioners' packets. He briefly summarized key points but encouraged reviewing the document for a more thorough understanding. He then introduced a historical overview of the waitlist system, which is the basis for the proposed rule being discussed.

The waitlist was first established by rule in 1963, marking nearly 61 years of existence. Prior to its creation, there was no formal waitlist. Initially, applicants were ranked based on their blood quantum, with those possessing a higher quantum placed higher on the list. This approach was later deemed inequitable, leading to a significant amendment in 1972, which shifted the ranking system to prioritize applicants based on the date of their completed application. Over the years, other amendments were made, with the most recent occurring in 2004.

A. Choy outlined several key amendments to the waitlist rule:

- **Section 10-3-7:** This section established priority for applicants who do not already hold a lease or whose spouses do not hold leases. Applicants in this situation were deferred until all others had been offered a lot.
- **Section 10-3-11:** This section introduced the Lana'i waitlist, which provided a tiered preference system for Lana'i residents. Priority was first given to kupuna (elders), followed by residents under the age of 62 who were descendants of Lana'i ancestors, and finally to other applicants ranked by the date of completed application.
- **Section 10-3-22:** This section formalized financial qualifications for applicants, stating that those meeting these qualifications would be awarded lots requiring financing.

- **Section 10-3-24:** Due to limited agricultural lands on O‘ahu, this section stipulated that awards for agricultural lots on the island would be restricted to applicants residing on O‘ahu at the time of application. Additionally, agricultural lessees on O‘ahu were prohibited from holding any other homestead lease.

A. Choy explained that these amendments reflect varying policy perspectives over time, as the department sought to adapt the system to meet specific needs and circumstances. Concluding his presentation, A. Choy introduced Ku‘upua, who was set to provide details on a proposed land ownership system related to the ongoing discussions.

K. Kiyuna provided historical context, explaining that the 1850 Kuleana Act introduced a private land ownership system in Hawai‘i, which previously did not exist. This act allowed Hawaiian commoners, or *maka‘āinana*, to acquire fee simple titles to land. However, with land ownership came the responsibility to respect and care for the land, establishing the principle that landholders must act as wise stewards of the land. This stewardship principle forms the foundation of the Kuleana Lease Program developed by the Department of Hawaiian Home Lands (DHHL). The Kuleana Lease Program is designed to provide beneficiaries with immediate access to land while minimizing infrastructure costs for DHHL. It enables the productive use of lands that might otherwise remain undeveloped and fosters empowerment and engagement among beneficiaries. The program emphasizes both individual and communal responsibilities, aligning with the traditional practices of Hawaiian communities.

K. Kiyuna highlighted that these lessees must actively participate in their Kuleana Homestead Association, ensuring a sense of communal living and responsibility. Lessees also accept their lots in "as-is" condition, with no expectation of further improvements or developments by DHHL. The proposed rule amendment introduced by K. Kiyuna applies exclusively to Kuleana homesteads. It does not extend to areas outside of these homesteads, reinforcing the unique nature of the Kuleana Lease Program and its emphasis on traditional stewardship and communal responsibilities. The proposed amendment aims to further align the program with its foundational principles and the historical context of the Kuleana Act.

A major component of the proposed rule amendment focused on verifying connections to *Wahi* (place) through three distinct avenues. The first avenue required the beneficiary to be a current or previous resident of the *Wahi*. The second avenue allowed eligibility for those who are lineal descendants of the *Wahi*, such as individuals who may have grown up elsewhere but have ancestral ties to the area. The third avenue permitted beneficiaries to qualify if they had a familial relationship with a current resident of the *Wahi*. This broad definition of familial relationship encompassed grandparents, siblings, children, or other relatives, including lateral connections, ensuring flexibility in recognizing various types of ties to the land.

The proposed rule amendment introduced a systematic process for establishing a priority waitlist for beneficiaries connected to a *Wahi* (place). It began with the publishing of a Final Environmental Assessment (FEA) for the area, followed by a notice from DHHL to individuals on the existing item waitlist, announcing the opening of applications for the new priority waitlist. Eligibility required meeting one of three options to verify a connection to the *Wahi*. Option one involved proving current or past residency in the area through specified forms of evidence. Option two required demonstrating lineal descent with documentation, while option three allowed beneficiaries to prove a familial connection to a current resident, which involved verifying both the resident's status and the relationship. Alternative forms of verification were also permitted if standard documentation was unavailable. Once eligibility was verified, beneficiaries could be added to the priority waitlist. Applicants accepting a Kuleana award through this process would have their application transferred to the respective item waitlist, with their original application canceled upon lease approval. If the priority waitlist was exhausted before all lots were awarded, the remaining lots would be distributed using the existing item waitlist. Conversely, if all lots were awarded and applicants still remained on the priority waitlist, they would return to their original position on the item waitlist based on the date of their application. This system ensured a flexible yet structured approach to awarding lots while maintaining fairness. She passes the continued discussion to Andrew Choy.

A. Choy summarized where the proposed rule would apply, highlighting the planned number and types of lots in each area. He noted that in Waiuku, the rule would apply to a mix of Kuleana homestead lots, residential lots, and subsistence agriculture lots, specifically in areas where new Kuleana homestead lots are planned. He then outlined the next steps in the rule-making process, providing an overview of the department's approach. A diagram was presented to illustrate the process, showing key stages where beneficiaries could review and comment and marking points where the commission's approval would be required. The immediate goal was to secure the commission's approval to proceed with beneficiary consultation. The beneficiary consultation process emphasized the importance of ensuring all applicants on the waitlist have the opportunity to provide their input (*mana'o*) on the proposed rule. Beneficiaries expressed concerns about the potential impact of the rule on waitlist applicants and urged the department not to rush the consultation. They recommended making every possible effort to reach out to all affected individuals to ensure broad participation in the rulemaking process.

Additionally, feedback suggested the department extend outreach beyond the Legislative Reference Bureau (LRB), the Attorney General's Office, and the Small Business Regulatory Review Board. Beneficiaries recommended consulting with the Department of Interior to ensure alignment with the Hawaiian Homes Commission Act during the rulemaking process. The department acknowledged this as valuable input and committed to seeking feedback from the Department of Interior.

A. Choy concluded the presentation with an overview of the proposed timeline for the rulemaking process, detailing the steps outlined in a prior diagram and adding projected dates. While previous rulemaking efforts by the department typically took 18 to 24 months, the current leadership encouraged a faster pace. The department aimed to complete the process within a year while ensuring sufficient opportunities for beneficiaries to provide input (*mana'o*). With the commission's approval to begin the process, the rulemaking is projected to conclude by the first quarter of 2026.

DISCUSSION

Commissioner Neves inquired whether one of the requirements for the land donation was that it be awarded first to residents of Lana'i. He noted that he had heard this claim repeatedly but observed that it was not addressed in the presentation, prompting him to bring up the question for clarification.

A. Choy responded that he could not verify whether awarding the land to Lana'i residents first was a formal requirement of the land transfer to the department. He explained that the transfer occurred as part of the 16,000-acre settlement approved by the state in the mid-1990s. However, he confirmed that Lana'i beneficiaries strongly advocated for those lands to be prioritized for Lana'i residents or beneficiaries.

Commissioner Neves asked for clarification on the distinction between a familial connection involving an applicant having a family member who is a current resident of O'ahu, where the award is being made, and the requirement for a blood relation. K. Kiyuna confirmed that the criteria were stated twice to account for different types of relationships recognized in Hawai'i, including *hānai* (adoptive) relationships. She clarified that, in this specific context, the reference required a blood relationship. Commissioner Neves sought further clarification, asking if the term "familiar relationship" referred to both *hānai* and blood relationships, confirming that they were considered separate. The distinction was intentional and the criteria for blood relationships were separate from those for *hānai* relationships.

Commissioner Neves proposed clarifying during the beneficiary consultation process that *hānai* refers to adoptive relationships under the familiar connection criteria, while "relative" refers to blood relationships. K. Kiyuna acknowledged this suggestion as a helpful clarification.

Commissioner Neves expressed concern about the proposed draft for awards, particularly regarding areas with existing waiting lists. While he acknowledged the logic behind prioritizing connections to place, he

highlighted a potential issue: individuals who had originally applied for specific locations but were later placed on general island waiting lists might be overlooked.

Homestead Services Division Administrator Juan Garcia explained that some area lists still exist and have not yet been fully exhausted. Applicants who remain on these existing area lists retain a preference for Homestead Lease Awards in those specific areas. However, new applicants are no longer allowed to join area-specific lists. Instead, they are placed on the respective island-wide waiting lists based on their application. For instance, individuals applying for residence on O‘ahu or Maui are added to the island-wide lists for those islands, regardless of any specific area preferences they may have. This policy ensures consistency for new applicants while preserving the preferences of those already on the remaining area-specific lists.

A. Choy explained that the proposed process involves notifying all applicants on the island-wide waitlist once the department completes an environmental assessment for an area designated for Kuleana Homestead Awards, typically in remote rural locations with limited infrastructure. At that point, applicants would have the opportunity to apply to be added to the priority list by submitting the necessary documentation (*palapala*) to demonstrate their connection to the specific place.

Commissioner Namu‘o asked how applicants would be listed on the priority list, specifically whether it would be based on chronological order or the date of application. Commissioner Kalepa inquired about the housing numbers for different areas, noting that Hana had over 200 homes planned while Ke‘anae was listed as "to be determined," seeking clarification on the discrepancy.

A. Choy and J. Cachola explained that communities in Hana and Ke‘anae were particularly invested in the proposed rule change. J. Cachola noted that residents of these areas were so adamant about ensuring their preferences for local connections would be prioritized that they chose not to participate in the planning process until the rule change guaranteeing these preferences was in place.

Chair Watson sought clarification on how the island-wide waiting list would interact with the proposed rule. Using Maui as an example, he outlined that applicants on the island-wide list would be prioritized by their application date. If an applicant could prove a connection to a specific area, such as Hana, they would then qualify for the priority list specific to that area. J. Cachola confirmed this process, adding that the type of lot—agricultural, residential, or pastoral—would determine which specific island-wide list the applicant would be drawn from.

A. Choy reiterated that applicants on the respective island-wide waiting lists would be notified about opportunities to apply for priority lists in specific remote rural areas. This notification process ensures that applicants are aware of the new rule's benefits and have the chance to demonstrate their connection to the targeted areas.

Chair Watson expressed concern about the lengthy timeline for completing the rulemaking process, projected for the first quarter of 2026. He highlighted the urgency of the matter, noting that some beneficiaries might pass away before the process is finalized. Emphasizing the priority of expediting the rulemaking to provide homestead leases sooner, Chair Watson suggested leveraging the governor's emergency proclamation to potentially fast-track the process. He clarified that the intent would not be to bypass steps but to accelerate progress.

A. Choy acknowledged the importance of Chair Watson's suggestion to expedite the process and stated that he would consult with the Attorney General's office on the matter. He emphasized the need to balance the urgency of moving the process forward with respecting beneficiaries' rights to provide input (*mana‘o*). A. Choy reiterated the importance of the waitlist issue and assured that while efforts would be made to accelerate the process, beneficiaries' opportunities to participate and share their perspectives would be preserved. Chair Watson then opened the floor for any further questions.

Commissioner Neves suggested that during the initial stages of beneficiary consultation, the department should consistently publish updates on its website to keep beneficiaries informed. He proposed sharing details about completed consultations and the feedback received to encourage broader participation.

Chair Watson highlighted that a full draft of the proposed rule amendments was already included for review, allowing beneficiaries to comment and engage with the content early in the process. He emphasized that the rule changes would not be introduced suddenly or without adequate transparency. To ensure broad participation, the department planned to publicize the draft and conduct outreach to communities, potentially holding consultations concurrently in different locations. Chair Watson then opened the floor for further questions or public input.

Public Testimony – Ainaaloha Ioane - a fifth-generation native Hawaiian beneficiary born and raised in the King's Landing (Waikaalulu Bay), expressed support for item G2. She thanked the planning department, specifically Andrew, Julie, and Lily, for their thoughtful and empathetic approach in engaging with the Maha community over the past year. She highlighted the importance of their multi-generational stewardship of the land, subsistence living, and family heritage in King's Landing. A. Ioane emphasized the community's excitement about beneficiary consultation and moving the amendment forward, expressing gratitude to the commissioners and her 'Ohana for enabling this significant discussion.

Public Testimony – Germaine Meyers - a Nanakuli Hawaiian homestead lessee, opposed changes to DHHL waitlist policies, advocating for equal access to housing or vacant lots based on the current list. She shared her family's history of six generations on Nanakuli Homestead, highlighting their resourcefulness and subsistence living. G. Meyers emphasized the need for affordable housing options, such as container homes or RVs, and rejected the "paradise" concept as a mainland idea, asserting that Hawaii is home for Kanaka. She urged practical solutions to address Hawaii's high cost of living and ensure opportunities for native Hawaiians.

Public Testimony – Kapua Keliikoa-Kamai - a resident of Waianae, but originally from Ka'u, supported beneficiary consultation and praised the administration's efforts to ensure inclusivity. She emphasized fairness in the waitlist process, prioritizing application date and time while respecting those who have waited the longest, including deceased applicants whose descendants should retain their place. She opposed creating new lists that bypass existing applicants and highlighted the growing number of beneficiaries, urging continued fairness and diligence in addressing their needs.

MOTION/ACTION

Moved by Commissioner Marfil seconded by Commissioner Namu’o to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Lasua			X			
Commissioner Marfil	X		X			
Commissioner Namu’o		X	X			
Commissioner Neves			X			
Chairman Watson			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						

Motion passed unanimously, Eight (9) Yes votes.

ITEM G-3 Accept the Beneficiary Consultation Report for the Proposed Process and Procedure for the Hawaiian Homes Commission Representative on the East Maui Regional Community Board’s Water Authority; Approval of the proposed process and procedure; and Notification of the Upcoming Vacancy

RECOMMENDED MOTION/ACTION

Planning Manager Andrew Choy and Consultant Dr. Jonathan Likeke Scheuer presented the following: Motion

1. Acceptance of the beneficiary consultation report as the official public record of beneficiary input and feedback regarding the selection process for HHC’s representative on the East Maui Regional Community Board.
2. Approval of the proposed selection process and procedure for appointing the representative to the board.
3. Initiation of the notification process for the upcoming vacancy of the commission's representative seat on the board.

A. Choy acknowledged the complexity of the motion and committed to clarifying its details through the submittal process. He emphasized the importance of these actions in ensuring transparency, proper representation, and beneficiary involvement in the selection process. To further elaborate on the subject, A. Choy introduced Dr. Jonathan Scheuer, the department’s water policy consultant, who would guide the commissioners through the presentation and provide additional insights into the proposed motion and procedures.

Dr. Jonathan Scheuer, DHHL's Water Policy Consultant, provided an overview of the East Maui irrigation system, a 75-mile network of tunnels, flumes, and ditches that diverts water from East Maui to Upcountry and Central Maui. This system, developed in the 1870s and later acquired by Alexander & Baldwin (A&B), primarily uses water from state lands, not private lands. In 2016, following the last sugar crop in Central Maui, A&B sold 41,000 acres to Mahi Pono under conditions requiring A&B to secure a 30-year water lease for at least 30 million gallons per day, failing which A&B would refund \$62 million. A&B has since sought this lease from the state.

Dr. Scheuer outlined DHHL’s multiple interests in East Maui water licenses:

1. **Water Reservations:** DHHL has requested nearly 11.5 million gallons per day to support lands in Keokea, Waiohuli, Upcountry, and Pulehunui. The request, submitted in 2020, remains unfulfilled by the Water Commission.
2. **Traditional Practices:** Beneficiaries retain rights to traditional and customary practices in areas affected by water diversion.
3. **Revenue Sharing:** The Hawaiian Homes Commission Act mandates that 30% of revenue from water licenses go to the Native Hawaiian Rehabilitation Fund to support homesteading projects.
4. **Representation:** In 2022, Maui voters approved creating the East Maui Water Authority, reserving a seat on its board for a DHHL representative—the first such dedicated seat in Hawai‘i.

A beneficiary consultation, led by DHHL staff member Cherie Kaanana (currently on leave), was held virtually on October 28, 2024. Over 3,000 postcards were sent to lessees and applicants in Maui County, and the meeting, conducted via Zoom, received over 60 post-event views. Discussions included nominee qualifications, expectations for reporting back to the department, notification of vacancies, and the selection process. A 30-day comment period followed.

Feedback emphasized the importance of finding qualified nominees, keeping beneficiaries informed via social media and other tools, and providing regular updates on the board’s activities.

Dr. J. Scheuer detailed the proposed process for selecting a DHHL representative:

1. DHHL would issue a vacancy notice and open an application period.
2. Applications would be reviewed against established criteria.
3. A nominee would be recommended to the Hawaiian Homes Commission, which would approve or reject the candidate.
4. Approved nominees would undergo Maui County Council confirmation.

Nominees are expected to complete the confirmation process, file annual financial disclosures, attend meetings, and report regularly to the DHHL and beneficiaries about the board’s activities. Dr. J. Scheuer’s term on the board, a two-year appointment due to its initial structuring, ends on March 31, 2025. To maintain representation, DHHL aims to implement the selection process immediately. If the commission approves the beneficiary consultation report and proposed process, DHHL will post a vacancy notice, with applications due by January 6, 2025. A nominee would be presented at the January commission meeting for confirmation by Maui County.

DISCUSSION

Chair Watson clarified that currently, the chair directly applies to the DHHL representative seat without the proposed process. He noted the urgency of implementing the new process, as the current representative’s term expires on Monday, leaving a short timeframe to identify and submit a new candidate.

Dr. J. Scheuer stated that his term is expiring, but he is eligible and willing to be reappointed if the commission chooses. Chair Watson noted that if the new process is not completed in time, Dr. Scheuer could be reappointed to avoid a lapse in representation. Dr. J. Scheuer acknowledged the possibility of reappointment but emphasized that beneficiaries strongly requested a consultation and open process for filling the seat, following controversy during the initial appointment. He expressed a strong preference to proceed with the proposed process to address these concerns.

Commissioner Kaneakua expressed gratitude for Dr. Scheuer’s work, acknowledging the progress made due to his efforts. He commended Dr. Scheuer for respecting the beneficiaries' request for a selection process and advocating for its implementation, expressing appreciation for his dedication.

MOTION/ACTION

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

ITEMS FOR INFORMATION/DISCUSSION

REGULAR AGENDA

PLANNING OFFICE

ITEM G-5 For Information Only – Update on NOAA Project of Special Merit – Integrated Coastal Zone Management in Hawaiian Home Lands (Statewide)

RECOMMENDED MOTION/ACTION

None. For Information Only. Planning Manager Andrew Choy, Planner Nancy McPherson, and Consultant Melissa May, with SSFM International, presented the following:

DISCUSSION

A. Choy provided an informational update on the NOAA Project of Special Merit, highlighting its focus on integrating Coastal Zone Management in Hawaiian Home Lands statewide. He introduced Nancy McPherson as the department's lead and expert on the Coastal Zone Management project.

M. May, an expert in Coastal Zone Management and Planning, expressed enthusiasm for the project focused on integrating coastal zone management into Hawaiian Home Lands. She outlined the key elements of the presentation, which included introducing the project team, explaining the project's purpose and its alignment with DHHL's mission, and discussing the schedule and deliverables. Additionally, she invited input from the commission regarding the project's approach and strategies for engaging beneficiaries. M. May mentioned the potential participation of team members from the Office of Planning and Sustainable Development (OPSD) to provide remarks about the project's funding.

Sarah Chang, from the State Office of Planning and Sustainable Development's Hawaii Coastal Zone Management Program, introduced herself as a co-lead on the project. She explained that the project is funded through NOAA's Project of Special Merit, a competitive grant aimed at improving coastal management practices through new policy development. The proposal was created in collaboration with DHHL's planning office to address longstanding coastal challenges. She emphasized the timeliness of the project due to increasing coastal hazards and anticipated shoreline activities, including cesspool conversions. She expressed enthusiasm for the initiative and welcomed feedback from the commission before turning the presentation back to Melissa.

N. McPherson explained that her coastal zone management experience with Maui County was a key reason for her hiring by DHHL. She highlighted that her role involved addressing complex legal and jurisdictional issues related to the department's and the commission's standing on coastal matters. She emphasized the importance of healthy shorelines, as many beneficiaries rely on nearshore waters and coastlines for subsistence, despite challenges faced by shoreline homestead communities, such as cesspools, particularly in West Oahu and Molokai South Shore. The project aims to conduct research, clarify the department's position, and develop strategies for moving forward. She expressed gratitude to the State Office of Planning and Sustainable Development for supporting this effort through the project.

M. May highlighted the involvement of Julie Cachola from DHHL and additional consultants, including Jenna Earl and Ollie Lau from SSFM International's planning team. She also mentioned Kahalawai Consulting's team, which includes Jonathan Scheuer, Christina Lizzi (an attorney), and Rebecca Soon, focusing on the policy and legal aspects of the project.

The presentation provided an overview of the Coastal Zone Management (CZM) Act, passed in 1972 to protect and preserve coastal resources. The act is implemented through federal and state partnerships across 34 states, including Hawaii, where it is administered by the Office of Planning and Sustainable Development (OPSD) in collaboration with counties and other agencies. In Hawaii, the enabling statute for CZM, HRS 205A, was passed in 1977 and includes oversight by OPSD. The program applies to the entire state, designating some areas as Special Management Areas (SMAs) for additional regulation.

However, DHHL and the Hawaiian Homes Commission Act are not specifically addressed in the CZM Act, which is a significant reason for initiating this project to ensure these unique considerations are integrated into coastal management efforts.

Dr. Jonathan Scheuer, DHHL's Water Policy Consultant from Kahalawai Consulting LLC, emphasized that the Coastal Zone Management (CZM) Act directly impacts DHHL's authority and powers to control land use on Hawaiian Home Lands. The federal law was not originally designed with DHHL in mind, creating jurisdictional and regulatory challenges for Hawaiian Home Lands at the shoreline. Recognizing this, DHHL and the Office of Planning and Sustainable Development (OPSD) have discussed these issues for years. The availability of NOAA funding presented an opportunity to explore policy solutions at no cost to DHHL or OPSD, aiming to align the commission's interests with federal and state regulations. The project's primary purpose is to analyze and develop strategies to integrate CZM into Hawaiian Home Lands effectively. One of its key goals is to establish DHHL as an administrative agency under the Hawaii CZM law, akin to how counties currently operate. The study's outcome will serve as a policy roadmap, guiding the Hawaiian Homes Commission, DHHL, and other stakeholders on how to protect DHHL's land use authority while collaborating with counties and adhering to the CZM Act.

Dr. J. Scheuer outlined several potential benefits of this initiative:

1. **Facilitating Homestead Development:** By clarifying processes and requirements for areas within Special Management Areas (SMAs), the project aims to eliminate regulatory ambiguities, enabling smoother homestead development.
2. **Reducing Confusion:** The project will communicate clear procedures for beneficiaries and licensees undertaking improvements on Hawaiian Home Lands in SMAs.
3. **Avoiding Conflicts:** It seeks to prevent jurisdictional disputes with counties by defining DHHL's regulatory authority.
4. **Protecting Land Use Authority:** The initiative will safeguard the Hawaiian Homes Commission's control over land use.
5. **Enhancing Coastal Resilience:** By addressing coastal zone issues, the project will improve the resilience of homestead communities to coastal hazards.

Dr. J. Scheuer concluded by handing the presentation back to Melissa, highlighting the importance of aligning DHHL's mission with CZM regulations while supporting beneficiaries and promoting coastal sustainability.

M. May explained that the project's ultimate goal is to develop a consistent roadmap for DHHL to implement coastal zone management (CZM) on Hawaiian Home Lands. This roadmap aims to clarify DHHL's role as an administering agency and standardize processes across its lands. It will also address the rules and regulations applicable to individual lessees developing in coastal areas, ensuring clear communication with the commission, beneficiaries, and other stakeholders.

The project includes several tasks:

1. **Project Management and Research**
2. **Presentations and Case Studies:**
3. **Roadmap Development:**

The project is expected to span 18 months and is currently underway. Early next year, the team will share initial findings, complete case studies, and begin drafting the roadmap. Subsequent steps include consultations with DHHL divisions and stakeholders and finalizing the report.

The team has identified five initial case studies that illustrate a variety of challenges:

- **Anahola:** Mixed-use properties face regulatory challenges due to residential and agricultural activities.
- **Nanakuli:** SMA permit difficulties affect lessees and access to NAHASDA funds, alongside DHHL infrastructure impacts.

- **Moloka‘i:** Coastal erosion threatens residential homesteads.
- **Keaukaha:** Flooding affects DHHL lots in the SMA.
- **Kalama‘ula:** Sea level rise impacts include erosion affecting a park and utility facilities.

These studies aim to highlight diverse challenges and inform the roadmap development process. The project includes interviews with affected beneficiaries, homestead associations, and other stakeholders. A dedicated website will provide updates and resources. Once completed, the roadmap will be shared with the commission and beneficiaries to ensure it meets their needs. M. May invited feedback and questions about the project’s approach and progress.

DISCUSSION

Commissioner Lasua praised A. Choy and his team for their efforts, particularly their study on the Ha‘opili‘o area, and highlighted the severe coastal challenges faced by Moloka‘i. He described how worsening conditions, including flooding, erosion, and damage to homes, have significantly impacted the island. Commissioner Lasua noted that areas like Kalama‘ula are experiencing shoreline erosion, rendering leased parklands underutilized and erasing historical landmarks, such as a World War II lookout. The damage extends to Pālā‘au, where traditional fishponds are deteriorating. He stressed the urgency of addressing these issues, mentioning that relocation may be necessary for heavily impacted areas like Kapa‘akea, while expressing hope that ongoing studies will help guide effective solutions.

M. May explained that the ongoing efforts are tied to broader initiatives such as the Moloka‘i Coastal Homestead Community Resilience Plan, the Moloka‘i Wetland Partnership, and a statewide disaster and hazard mitigation plan. She emphasized that these efforts address challenges like climate change and sea level rise.

Chair Watson acknowledged the widespread coastal issues across the state and emphasized the importance of focusing on solutions. He noted the challenges of addressing sea-level rise, including the high costs of mitigation or relocation, and stressed the need for tailored strategies for affected communities. Using Waikiki’s expensive sand replenishment efforts as an example, he highlighted the difficulty of applying similar solutions to other areas. Chair Watson suggested engaging specialists, like those involved in wildfire mitigation, to create area-specific plans for the five or six identified regions. He encouraged the team to explore partnerships with organizations like FEMA to develop actionable solutions.

Commissioner Lasua raised concerns about the areas of Kapa‘akea and One Ali‘i on Moloka‘i, noting that DHHL owns land above these areas. He questioned whether there are any plans for relocating residents from Kapa‘akea and expressed uncertainty about where they could be moved.

M. May mentioned that DHHL is initiating an update to the Moloka‘i Island Plan, incorporating a focus on hazard mitigation, sea-level rise projections, and related concerns. She explained that this update would help redesignate lands to address these challenges more effectively.

OFFICE OF THE CHAIRMAN

ITEM C-2 For Information Only – Caretaker PIG Report and Recommendations of the Investigative Committee on Leaves of Absence and the Lessee Appointed Caretaker Of the Homestead Lot(s)

RECOMMENDED MOTION/ACTION

None. For Information Only. Homestead Services Division Administrator Juan Garcia presents the following:

J. Garcia stated that the investigative committee, formed during the July 2024 commission meeting, was tasked with evaluating policies and strategies for managing extended absences by lessees and their use of caretakers. Commissioners Neves, Kaleikini, and Marfil (chair) served on the committee. Existing

administrative rules authorize the chair to approve leave requests but lack specific guidelines for consistent application. The absence of clear policies has resulted in inconsistent handling of leave requests.

Historically, leaves were approved for reasons such as military deployment, employer or religious relocations, medical treatment, higher education, and health or safety concerns, typically granted for 12 months with potential extensions. The committee sought to address this gap by reviewing current policies and exploring options for interim measures and long-term solution

The committee met on September 6, October 4 and 31, and December 4, 2024, involving staff such as Deputy Attorney General Hokulei, Commission Secretary Leah, and Juan Garcia. Their discussions focused on examining current administrative rules, drafting interim policies, revising or creating necessary DHHL forms, and defining the responsibilities of both lessees and caretakers. They aimed to create a framework that could be implemented while awaiting formal rule amendments.

The committee proposed several significant updates:

1. **Expanded Leave Eligibility:** Leaves of absence should extend to cases where lessees accompany qualified relatives—spouse, child, grandchild, or sibling with at least 25% Hawaiian blood quantum—relocating for reasons such as military deployment, medical treatment, or education. The proposal also considered incarceration of lessees or related relatives.
2. **Duration and Monitoring:** The committee emphasized clarifying leave durations and enhancing data collection by DHHL staff to ensure effective monitoring.
3. **Interim Policy and Forms:** They recommended drafting interim policies, finalizing necessary forms, and creating a leave of absence agreement to address the responsibilities of lessees and caretakers.

The committee outlined a roadmap for implementation, including:

- Obtaining commission approval for the interim policy.
- Conducting training and improving communication between staff and lessees.
- Monitoring and evaluating the program for effectiveness.
- Initiating the formal administrative rule-making process, which is acknowledged to be lengthy but necessary.

A formal proposal is expected to be presented to the commission next month for approval, aiming to provide clear interim guidelines while formal rule amendments are developed.

DISCUSSION

Commissioner Lasua shared his personal experience with the leave of absence process, recalling that in 1982 he requested and was granted a one-year leave by Hawaiian Homes to facilitate his move back to Moloka'i. During that time, he used caretakers to maintain the property, ensuring the yard was cared for and the house was secure from break-ins. He expressed familiarity with the process and appreciation for the committee's efforts to review and refine it.

OFFICE OF THE CHAIRMAN

ITEM C-3 For Information Only – Status Report of DHHL Enforcement Unit Efforts and Statistics (November 12, 2024 – December 08, 2024)

RECOMMENDED MOTION/ACTION

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

D. Hoke, reported activities from November 12th to December 8th. During this period, the unit received eight new investigation requests, bringing the total number of requests for the calendar year to 201.

D. Hoke introduced Chad Aoki, a new investigator with 25 years of HPD experience in various roles, including patrol and investigations. Since 2023, Aoki worked in private-sector training and as a DLNR site officer. His expertise is a valuable asset to the unit's safety and effectiveness. He stressed the need for tailored safety measures for staff, as existing law enforcement training often doesn't align with the unit's specific needs. He expressed confidence in Aoki's ability to develop effective safety protocols and emphasized the importance of addressing job risks, viewing Aoki's hiring as a key step in improving staff safety.

C. Aoki expressed enthusiasm for his new role, aiming to contribute meaningfully to the department and its beneficiaries. Chair Watson welcomed him warmly to the team.

D. Hoke provided an update on the vacant home initiative, which focused on Nanakuli over the past month. Initially, 39 properties were identified as potentially vacant. He praised the efforts of legal assistant Casey Corpuz for her dedication to managing the letters and responses.

D. Hoke reported on the progress of the pilot program addressing organized criminal activity. On November 30th, the team conducted a joint operation with HPD's Narcotics/Vice Division, inspecting four homes on the Waianae Coast based on reports of organized criminal activity.

D. Hoke announced that the initiative, which began in January as a pilot program, would now operate as a standard practice. He emphasized the program's effectiveness and credited Major Mike Lambert and the HPD Narcotics/Vice team for their significant support. During operations, HPD provided extensive resources, including a lieutenant, a detective, and 12 officers.

Hoke highlighted the importance of the program in conveying two key messages:

1. Allegations of criminal activity will be taken seriously.
2. The partnership between HPD and DHHL is capable of thorough follow-through.

He expressed satisfaction with the results, noting that while organized criminal activity in homesteads was not eliminated, the low numbers were encouraging. D. Hoke reiterated the program's intent to address allegations seriously, rather than seeking to cancel leases, and affirmed its positive impact over the past year.

DISCUSSION

Commissioner Kaneakua congratulated the team on transitioning the program from pilot to established status, acknowledging the hard work involved and the valuable partnership with HPD. He expressed gratitude for their efforts.

HOMESTEAD SERVICES DIVISION

ITEM D-1 HSD Status Reports

- A – Homestead Lease and Application Totals and Monthly Activity Reports
- B – Delinquency Report
- C – DHHL Guarantees for Hawaii Community Lending Construction Loans
- D – DHHL Guarantees for U.S. Small Business Administration

RECOMMENDED MOTION/ACTION

None. For Information Only. Juan Garcia, Homestead Services Division Administrator, presented the division's monthly reports to the commissioners. The reports included:

- **Exhibit A:** Homestead Leasing Application Total and Monthly Activity Reports.
- **Exhibit B:** Delinquency Report.
- **Exhibit C:** Guarantee Issued to Hawaii Community Lending for Home Construction.
- **Exhibit D:** Guarantee for US Small Business Administration for Home Construction.

Public Testimony - Kenna StormoGipson – had concerns regarding the potential purchase of an 82-unit apartment building on Kauai, questioning its appropriateness given departmental data indicating that fewer than three people prefer such housing. She emphasized the need for a written relocation plan, as required by federal law, which must specify actual locations where current residents can move. She criticized the agency for providing a letter outlining potential benefits rather than a concrete relocation plan, stating that federal law mandates clarity on where residents can relocate before the building's purchase. She highlighted the stress and uncertainty faced by the 300 residents involved and urged adherence to the Informed Relocation Act, advocating for the residents' rights to know specific addresses for relocation.

Public Testimony – Kapua Keliikoa-Kamai – highlighted the residents' fortunate position of having state support and compliance with federal guidelines, unlike private acquisitions with minimal notice. She emphasized the Kanaka responsibility to minimize displacement, called for transparency in temporary housing costs, and stressed prioritizing residents' care during the two-year period provided.

ANNOUNCEMENTS AND RECESS

Chair Watson announced the conclusion of the day's agenda, noting that items E2 and G4 would be addressed at the community meeting.

1. DHHL Community Meeting is on Monday, December 18th, 2024, 6.30 PM at the Kamehameha Schools Community Learning Center at 87-790 Hulau'u Street, Wai'alea, O'ahu, 967-92.

RECESS

3:28 PM

HAWAIIAN HOMES COMMISSION

Minutes of December 17, 2024

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

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

COUNSEL R. Hokulei Lindsey, Deputy Attorney General

STAFF Katie Lambert, Deputy to the Chair
Richard Hoke, Executive Assistant
Leah Burrows-Nuuanu, Secretary to the Commission
Juan Garcia, Homestead Services Division Administrator
Andrew Choy, Planning Office Administrator
Julie Cachola, Planner V
Russell Kaupu, Property Development Agent
R. Kalani Fronda, Acting Administrator Land Development Division
David Hoke, Enforcement Administrator

ORDER OF BUSINESS

CALL TO ORDER

Chair Watson called the meeting to order at 9:43 a.m. Six (7) members were present in person, and one (2) member attended via Zoom, establishing a quorum.

Chair Watson outlined the meeting agenda, starting with public testimony on Agendized Items, followed by carried-over item C-1, then items C-4, C-5, and G-6. The J agenda will follow. The meeting would recess at noon for lunch.

PUBLIC TESTIMONY ON AGENDIZED ITEMS

PT-1 Kaipolani Iaea – Item: Various

K. Iaea shared her frustration about being on the waiting list since 1974 without securing a home, despite her application being renewed in 1988 after her file was destroyed in the 1980s. Disabled since 1985, she described decades of hardship for herself and her children, rejecting the suggestion that her children should take out a loan to buy her a home. She expressed disappointment that the current system did not align with Prince Kuhio's vision and asked whether there were specific provisions to assist seniors with disabilities in obtaining a home.

Chair Watson responded by outlining new initiatives within the program, including a transitional housing project in Ma'ili, converting an 80-unit facility into 40 units for individuals on the waitlist without requiring full qualification. He also mentioned that rental subsidies were being offered to help lower-income individuals pay rent at the facility, which was undergoing renovations to become operational.

K. Iaea clarified that she was forced to go on the Maui and Big Island lists in the 1970s because Oahu had no availability at the time. Still, she expressed concern about potentially being placed at the bottom of the list if she transferred to Oahu after 50 years of waiting.

Chair Watson explained that the transitional housing and upcoming kupuna housing projects in Wai'anae, Kalama'ula as well as on multiple islands, including Maui, could provide her with options as long as she remained on the waitlist.

K. Iaea stated that she was told kupuna housing allows residents to live there but does not pass ownership to their children. Chair Watson clarified and outlined several options for her to obtain a homestead, emphasizing efforts to avoid bypassing lower-income individuals like her on the waitlist. He suggested the Habitat for Humanity program, where her family could help build a home using Sweat Equity to lower costs.

K. Iaea, emphasized her age of 70 years and stated that she could not afford a mortgage due to her age. Chair Watson responded by suggesting she work with Hawaii Community Assets to review available options and determine the most suitable solution for her situation.

PT-2 Rodney Kawelo – Item: Various

Testifier Rodney Kawelo asked if assistance would involve qualifying for a loan or providing grants.

Chair Watson explained that the organization would assist through a contracted partnership and outlined plans to award project leases earlier in the process to prevent individuals from remaining on the waitlist indefinitely, especially in cases where beneficiaries pass away before receiving housing.

R. Kawelo expressed approval of this approach. Chair Watson detailed several housing options and initiatives designed to assist individuals on the waitlist. He highlighted the Ka'uluokaha'i project, which includes 700 homestead leases, with 30 lots designated for Habitat for Humanity development, offering different pathways for participants. He emphasized the importance of assessing individual situations through Hawaiian Community Assets to identify suitable programs.

ITEMS FOR DECISION MAKING

REGULAR AGENDA

OFFICE OF THE CHAIRMAN

ITEM C-1 Approval to Authorize the Department of Hawaiian Home Lands to Negotiate an Agreement to Accept the Donation of a 19.354-acre parcel in Ewa, Island of Oahu, TMK (1) 9-1-181-037

RECOMMENDED MOTION/ACTION

Property Development Agent Russell Kaupu presented the following:

Motion that the Hawaiian Homes Commission approve to Authorize the Department of Hawaiian Home Lands to Negotiate an Agreement to Accept the Donation of a 19.354-acre parcel in Ewa, Island of Oahu, TMK (1)-9-1-181-037.

R. Kaupu presented the Item the previous day. He explained that his initial submittal was missing a TMK and had since been updated and corrected. However, he requested that the commissioners defer consideration of the corrected submittal until the next meeting, as advised by the Deputy Attorney General, to follow proper procedural requirements. R. Kaupu clarified that the two TMKs mentioned in the submittal were correct and acknowledged Germaine Meyers for confirming the developer's special

purpose entity name as Ku'ai Halewai LLC, which had been updated in the memo. For the current meeting, he referred back to the original, albeit incomplete, submittal, which grants the department authority to negotiate a land transfer. He noted that the term "transfer of land" could replace "donation" if there were concerns with the terminology and asked the commissioners to consider the original submittal at this time.

Deputy Attorney General R. Hokulei Lindsey clarified that the guidance provided pertained to properly agendizing items. The advice was to defer consideration of the added second TMK to January. However, the original submittal could still be voted on during the current meeting if the commission chose to proceed, with the second TMK addressed in January.

Commissioner Neves preferred to review and approve the item as a complete package rather than addressing it in parts, requesting that it be deferred to the next month. Chair Watson agreed, deciding to defer the entire item to January, to which Commissioner Neves expressed gratitude.

R. Kaupu raised a concern about whether deferring the entire matter to January might impact the developer's ongoing acquisition negotiations, though he believed deferring the second piece alone would not cause delays. Chair Watson decided to defer the item for the time being and suggested he consult with the developers to determine if they wished to proceed with the first part. He added that the developers could present their justification if they wanted to move forward.

ITEM C-4 For Information Only – Update on Ewa Drum/Varona Village Land Exchange

RECOMMENDED MOTION/ACTION

None. For Information Only, Russell Ka'upu, a Property Development Agent, presented the following:

R. Kaupu provided an update on a longstanding property exchange transaction involving Hawaiian Home Lands. The exchange pertained to the Ewa Drum site and Verona Village, spanning several years and administrations. The Ewa Drum site consists of two adjacent parcels acquired by the Department of Hawaiian Home Lands (DHHL) in 2006 as part of the Hawaiian Home Lands Recovery Act. The site, named after military oil and waste drums previously stored there, is now used as the location for a rail maintenance facility for Honolulu's rail system. Negotiations for the exchange began in 2010 under Chair Kaulana Park. The Verona Village parcels, referred to internally as Verona 1 and Verona 2, are located near the Kamakana Ali'i Shopping Center. These parcels were identified as the properties to be acquired by DHHL in exchange for the Ewa Drum site. The parcels hold potential for commercial development but are currently licensed to DHHL.

Key Details of the Property Exchange Agreement

1. A **Memorandum of Agreement (MOA)** was established in 2010 and amended in 2022 to reflect updated property appraisals. The Ewa Drum site was valued at \$330,000 more than the Verona properties. The City and County of Honolulu agreed to pay this difference as an equalization payment.
2. Both properties have been under license agreements, allowing reciprocal use pending the completion of the exchange. The rail maintenance facility is fully operational on the Ewa Drum site.

Challenges and Delays in the Process

1. **Federal Approval Requirement:** The exchange requires consent from the U.S. Department of the Interior (DOI), which involves coordination with the Office of Native Hawaiian Relations.
2. **Appraisal Updates:** Both properties required federally compliant "yellow book" appraisals, completed with adjustments for inflation.
3. **Environmental Assessments and Title Reports:** Updated environmental assessments and title reports were necessary due to the transaction's prolonged timeline.

4. **Beneficiary Consultations:** DOI requested additional consultations with beneficiaries, particularly after the city council approved appraisal numbers and payment differences.
5. **Federal Administration Changes:** A change in the federal administration has delayed progress until mid-2025, as the new DOI leadership requires time to review the transaction.

Initially, DHHL planned to use Verona 1 for commercial development adjacent to the shopping center. However, to avoid triggering federal NEPA requirements, DHHL is now certifying the intent to use the property for future residential development, consistent with prior city use.

DHHL and the City of Honolulu are ready to close the exchange but must wait for DOI to complete its processes. Final steps include:

- Certification of Verona 1 for residential use.
- Completion of updated title reports.
- Ongoing beneficiary consultation facilitated by DOI.

The transaction, spanning over three administrations and involving complex federal and local processes, is expected to close in 2025. DHHL remains committed to completing the exchange and proceeding with development plans for the Verona Village parcels.

Commissioner Neves inquired whether Verona 2 was the residential portion of the property or if that applied to Verona 1. R. Kaupu clarified that both Verona 1 and Verona 2 were designated for residential use, as the Department of the Interior (DOI) required certification that DHHL's intent was to use both properties for residential purposes. Commissioner Neves confirmed that DOI requested certification for both parcels. R. Kaupu explained that while earlier discussions with the commission, including a permitted interaction group, focused solely on Verona 1 for potential commercial development, the DOI's certification requirement applies to both Verona 1 and Verona 2 as a whole.

Commissioner Neves asked about soil remediation requirements for residential use mentioned in the environmental investigation on page 2. R. Kaupu explained that a phase 2 environmental investigation revealed elevated levels of certain substances exceeding residential use standards. While commercial development could proceed with specific steps, residential use would require remediation across the entire property, even though the elevated substance levels were found in a specific area adjacent to the shopping center. This requirement also applies to the site above the Parkway.

Commissioner Neves inquired whether the environmental report findings applied to both Verona 1 and Verona 2. R. Kaupu clarified that the elevated levels unsuitable for residential development were found only in a specific location directly adjacent to the shopping center, which is within Verona 1. However, R. Kaupu noted that the environmental consultant advised that state regulations require remediation of the entire property, encompassing both Verona 1 and Verona 2, even though the issue was isolated to a single location within Verona 1.

R. Kaupu explained that according to the memorandum of agreement, the property exchange was structured as an "as-is" transaction. This determination was based on due diligence conducted in 2008 and 2010, during which the Verona properties were deemed acceptable for exchange with the Ewa Drum site.

R. Kaupu emphasized that, despite reporting on the transaction's status, the department was already effectively committed to the property exchange due to the binding memorandum of agreement with the City and County of Honolulu. He clarified that this agreement was entered into and approved by a prior commission, leaving no option to withdraw from the transaction at this stage. The environmental issues could still be addressed within the framework of the agreement.

Commissioner Neves raised concerns about DOI approval if the Verona parcels couldn't be used for residential purposes. R. Kaupu confirmed DOI's requirement for residential use to maintain the NEPA

exemption and acknowledged the need for remediation. Commissioner Neves stressed the importance of estimating remediation costs for transparency and aligning them with the \$330,000 equalization payment, emphasizing the need to address these financial issues as the transaction proceeds.

Commissioner Kalepa asked if the remediation costs would be shared between parties. R. Kaupu clarified that shared costs were limited to customary closing expenses, such as title reports and escrow fees. He explained that each party was responsible for their respective environmental actions and noted that the city likely underwent more extensive remediation for its project than DHHL would need. DHHL would request the consultant to provide an estimate of the potential remediation costs for the entire property to prepare it for residential use.

Chair Watson asked if the remediation requirements would lower the appraisal value of the property. R. Kaupu explained that the valuation process considered phase one environmental reports but did not include the findings from the phase two report, which was completed later. He noted that the appraisal for the department's property in the exchange also accounted for its condition. R. Kaupu expressed that reopening and re-evaluating the appraisals for both properties was not a step they intended to take at this point.

Public Testimony – Homelani Schaedel – testified about discussions surrounding the Verona parcels dating back to 2009 when Darrell Ing presented the project. She recalled that remediation for the contaminated parcel involved covering it with asphalt, as it had been used during the sugar plantation era to mix chemicals. H. Schaedel highlighted community input from the 2010 Kapolei Regional Plan, which envisioned the land being used as a place of worship, a place of rest, and a columbarium for the homestead community. She also noted that kupuna (elder) housing was a priority for the other parcel, proposing single-story residential complexes for elders. She reminded Commissioners about the importance of community priorities.

Public Testimony – Dana Newman – raised concerns about the lack of consultation with beneficiaries over the past 14 years regarding land use decisions, emphasizing that the understanding and needs of the community evolve over time. He questioned how transferring land might impact access to certain areas, particularly parcels near Wai or Kai, and stressed that restricted access could hinder cultural practices. Newman urged the department to follow the Department of the Interior's guidance and re-engage in consultations with beneficiaries to ensure their voices are considered before making decisions that could permanently alter access and usage of the land.

D. Newman emphasized that the commission's primary responsibility is to safeguard the rights of beneficiaries and make decisions that prioritize their welfare rather than focusing on financial gains. He highlighted that *'āina* is not viewed by Hawaiians as a monetary asset but as an ancestor (*kupuna*), and maintaining access to the land is crucial for preserving the *'ike* (knowledge) connected to it.

Chair Watson affirmed that caring for *kupuna* was a priority for the current administration, highlighting efforts to initiate *kupuna* projects across the state. He emphasized the importance of this focus.

ITEM C-5 For Information Only – National Telecommunications and Information Administration Tribal Broadband Connectivity Program Update

RECOMMENDED MOTION/ACTION

None. For Information Only. Broadband Grants Coordinator Jaren Tengan presented the following:

J. Tengan presented an update on the department's NTIA Tribal Broadband Connectivity Projects (phases 1 and 2) and referred to an accompanying presentation. He proceeded to provide an overview of the funding sources allocated for telecommunications within the Department of Hawaiian Homelands:

- **Tribal Broadband Connectivity 2 Program:**
 - **Award Date:** December 2020 (originally misstated as December 2026 and corrected).
 - **Funding Amount:** \$17 million.
 - **Purpose:** The funds are being utilized for multiple initiatives, including:
 - Establishing the department's broadband program.
 - Conducting an infrastructure study.
 - Implementing digital equity projects, such as provisioning charter schools with computers and other resources.

This overview emphasized the strategic allocation of funds to improve broadband connectivity and promote digital inclusion across communities served by the department. The update highlighted the department's efforts to address digital equity through targeted projects. These initiatives aim to bridge gaps in broadband access by providing essential infrastructure, technology, and resources, ensuring greater accessibility for educational and community development.

The update showcased the department's comprehensive strategy to improve broadband connectivity, foster digital equity, and prepare Hawaiian Home Lands for a digitally-driven future. Jaren acknowledged that further updates were pending as the department worked through additional initiatives.

Commissioner Kalepa inquired about the completion of phase one of the broadband build-out. J. Tengan clarified that phase one was not yet completed and stated that the department was targeting the second build-out with a timeline of 2028, as discussed with the FCC. Current efforts focused on various initiatives: in East Hawaii, they worked with LDD and the Ka'u water tank system to use the frequency for monitoring wells, addressing critical water management needs. On Molokai, they explored partnerships with AT&T and FirstNet to enhance emergency services for first responders. In Kaua'i, they initiated a pilot project with Kanuikapono Public Charter School to expand campus connectivity. On Maui, they secured a contract with Banyan Networks to provide connectivity at a remote bus stop in Kahikinui, aimed at ensuring safety and emergency communication for children using the stop. Jaren concluded by inviting further questions.

Commissioner Lasua asked if the FirstNet response initiative on Molokai included both AT&T and Spectrum. J. Tengan clarified that AT&T is the sole provider of FirstNet nationwide, as they are the only company managing FirstNet services. Commissioner Lasua thanked him for the explanation.

Commissioner Neves asked whether the Pi'ilani Mai Ke Kai subdivision's 51 new lots would use the final mile cable for internet connectivity and if Hawaiian Telcom would be the only service option. J. Tengan explained that the subdivision in Anahola is covered under the Connect America Fund, a separate federal funding program managed by Hawaiian Telcom. However, he clarified that since federal funds were used, the conduits are open access, allowing lessees to request service from Spectrum. Ultimately, it would be Spectrum's decision whether to provide service in the area.

Commissioner Neves shared information about a digital equity initiative called "Kupuna Connection," conducted in partnership with a contractor from San Rafael, California. The program, supported by a contract with the County of Kaua'i and the Community on Aging, focused on teaching basic digital skills to kupuna, including operating phones, accessing the internet, and online safety. Training sessions, held a few times a year, included high school students working alongside kupuna to foster intergenerational learning. Commissioner Neves explained that this grassroots project aimed to prepare youth (opio) for future jobs and support Hawaiian Home Lands. The program, currently operating only on Kaua'i, was in its infancy, with plans to expand to other islands. He highlighted its informal, community-focused approach as a foundational step towards achieving broader digital equity goals.

J. Tengan requested assistance from lessees to verify their street addresses with district offices and the department. He emphasized the importance of ensuring that addresses align with county records, as carriers require county-recognized addresses to build infrastructure for existing homes. Address

discrepancies could delay or complicate the build-out process, and early identification of issues would help facilitate solutions. He urged lessees to assist in this effort to support the project's progress.

Public Testimony – Jojo Tanimoto – inquired if Jaren had received the address she emailed, as it pertained to Kawaihae's fiber optic infrastructure. She explained that while two fiber optic cables pass through Kawaihae—reaching Maui—neither connects to the homestead. She expressed concern about the lack of plans for Kawaihae, noting that broadband discussions over recent months have excluded the area. She requested assistance from both Jaren and the Commission to inform the community about plans, suggesting a beneficiary consultation if necessary. She emphasized the community's desire for clarity and inclusion in broadband initiatives.

RECESSED
RECONVENED

10:46 AM
11:06 AM

ITEMS FOR DECISION MAKING

PLANNING OFFICE

ITEM G-6 Approval of Indigent Native Hawaiian Homesteading Pilot Project, Lualualei Island of O'ahu, TMK: (1) 8-9-001:052 (portion) and Issuance of a 12-Month Right of Entry Permit to Waitlist Applicant D. Manaole to Participate in this Pilot Project

RECOMMEND MOTION/ACTION

Project Development Agent Russell Kaupu and Planner Julie Cachola presented the following:

R. Kaupu introduced a two-part action request for approval:

- 1. Approval of the Indigent Native Hawaiian Homesteading Pilot Project:**
2. The project would utilize a two-acre portion of a four-acre parcel in Lualualei, Oahu, as identified by the TMK. Its primary purpose was to allow the department to:
 - a. Develop policies, procedures, and program elements for individual homesteading opportunities targeted at indigent Native Hawaiian applicants.
 - b. Assess the feasibility and effectiveness of such opportunities.
- 3. Approval of a 12-Month Right of Entry for a Pilot Participant:**

R. Kaupu stated De Mont Manaole, an indigent Native Hawaiian applicant, was selected as the first participant for this pilot project. The right of entry would permit him to occupy and utilize the designated parcel for 12 months, following the terms. The pilot project aimed to address the needs of indigent Native Hawaiians by exploring new approaches to homesteading. The initiative sought to test and refine strategies that could later be scaled or applied to a broader applicant base. De Mont Manaole's participation was integral to gathering insights and evaluating the project's potential. His involvement as the initial participant underscored the department's commitment to tailoring the program to address real-world challenges faced by indigent Native Hawaiians. The request emphasized the dual goals of policy development and practical feasibility assessment, with De Mont Manaole serving as the first participant to provide valuable feedback. Julie was set to explain the specific terms governing his participation, highlighting the collaborative and experimental nature of the pilot project.

J. Cachola proposed a pilot project to address systemic barriers faced by indigent Native Hawaiian applicants in accessing homesteads. The initiative granted a one-year right of entry to De Mont Manaole, an indigent applicant, to a two-acre parcel in Lualualei, Oahu. J. Cachola explains that Mr. Manaole had previously presented a position paper in November 2023 highlighting his statement of discriminatory practices in the homesteading process, noting that applicants unable to qualify for home loans were routinely excluded. The pilot aimed to test alternative pathways, allowing indigent individuals to sustain themselves through off-grid living using technologies like water catchment and safe sewage systems. Mr. Manaole also sought to deter illegal activities such as dumping and trespassing on the parcel while

showcasing the benefits of sustainable, self-reliant living. The parcel, previously neglected and littered with debris, posed safety and liability concerns, making it a strategic site for the project. Proposed responsibilities are addressed as follows:

- **Manaole’s Responsibilities:** Manaole would be required to reside on the parcel, maintain a 24-hour presence to deter illegal activities, clean up rubbish, repair fencing, clear drainage, and engage in subsistence cultivation. He would document his progress and collaborate with DHHL staff to refine the pilot program and prepare a long-term land use plan.
- **DHHL’s Responsibilities:** DHHL is committed to assessing the parcel's suitability for residential use, assigning staff to support the project, monitoring progress, and providing necessary assistance. The department also aimed to develop benchmarks and indicators to evaluate the program’s feasibility and success.
- **Joint Responsibilities:** Both parties would work together to refine the pilot project, ensure compliance with requirements, and address challenges collaboratively.

The pilot program aimed to develop policies and benchmarks to create a feasible program for indigent applicants, with the ultimate goal of offering them an alternative pathway to 99-year leases. The project also sought to define "indigent" for future initiatives and document Manaole’s progress as a model for broader implementation.

DISCUSSION

De Mont Manaole expressed gratitude for the pilot project and emphasized the importance of collaboration over conflict within the Native Hawaiian community. He highlighted the need for solutions through unity and dialogue rather than prolonged legal battles, citing past cases like Kalima and Nelson, which took decades to resolve. D. Manaole explained his approach of presenting a position statement instead of a demand, emphasizing humility and gratitude for the opportunity to contribute, especially as someone who has faced personal challenges, including time in prison. He shared a perspective from a 1980 pamphlet, which referenced the Hawaiian Homes Commission’s purpose to uplift Native Hawaiians by connecting them with land, stating his belief that placing Kanaka on the land fosters healing. Manaole concluded by referencing an impromptu video he created, inspired by visiting the land with his wife, underscoring his personal connection and commitment to the project.

D. Manaole presented a video as a showing and expression of good faith in rehabilitating the ‘aina, himself, and encouraged the viewers why they should be in support of this pilot program.

Commissioner Neves clarified his understanding of the challenges faced by Native Hawaiians in qualifying for residential lots, acknowledging the requirements but expressing concern about the policies and processes in place. He specifically questioned the planning department’s role in the presentation, noting that the Land Management Division (LMD) typically oversees rights of entry.

J. Cachola recounted that during the November meeting when De Mont Manaole presented his position paper, his final statement included a direct question to the chair, asking who in the department he could speak to about working on the issues he raised. The Chairman directed him to contact Julie Ann Cachola, which ultimately led to her involvement in addressing the matter.

Commissioner Neves expressed significant concerns about the presentation of the right of entry request, emphasizing that such matters fall under the Land Management Division (LMD) and not the Planning Department. He stressed the importance of adhering to established processes, noting that involving the Planning Department in a request that places additional responsibilities on the already understaffed LMD creates operational challenges. He also highlighted historical issues with the right of entry and revocable permits, explaining that past abuses, including individuals living on the right of entry and bypassing the homesteading waitlist, led to the creation of stricter rules. In 2023, the commission formally prohibited living on the right of entry to align with administrative rules and the Hawaiian Homes Commission Act under Title 10.

Commissioner Neves warned that approving the request would violate established rules and the commission's fiduciary duties. He noted discrepancies between the information presented and previously reviewed documents, expressing frustration over the lack of alignment. He further emphasized the risk of discriminatory practices by introducing a program that bypasses the G2 Kuleana process, which indigenous Hawaiians can currently participate in. Neves concluded by reiterating that while the issue of assisting indigent Hawaiians is important, the proposed pilot project and its presentation were inappropriate for commission approval in their current form.

K. Albinio confirmed that the limited right of entry had been drafted by the land manager and signed off by the chair. Commissioner Neves pointed out that the limited right of entry lacked proof of insurance, violating established processes and putting the trust at risk. He noted that while the initial right of entry was for 30 days, subsequent extensions were made without informing the commission, which constituted a further violation of proper procedures.

J. Cachola acknowledged that a one-year right of entry was not the appropriate mechanism for the proposal, noting that policy prohibits living on such agreements. Commissioner Neves clarified that this falls under the administrative rules governing the revocable permit program, which the commission had approved the previous year to include right-of-entry policies. J. Cachola pointed out that the proposal was framed as a right of entry rather than a permit.

K. Albinio clarified that the revocable permit program does not permit residential purposes and that rights of entry are distinct from revocable permits. Revocable permits are issued for specific land uses and require a fee, with no allowance for residential living. Commissioner Neves acknowledged and reiterated that all revocable permits explicitly prohibit residency.

Commissioner Neves raised concerns about the proposed project, emphasizing that the land in question was designated for community use in the regional plan. He questioned why the community had not been consulted before the project was approved, asserting that community input is vital for such decisions. J. Cachola acknowledged the need to involve the community and agreed that outreach should have been part of the process. Neves also highlighted the burden the proposal would place on the Land Management Division (LMD), as managing individual projects across the islands would strain resources, especially given ongoing challenges like staffing shortages and cleanup efforts on other projects, such as the 500-acre Anahola stewardship initiative.

J. Cachola explained that the proposal aimed to create an opportunity to address the issue of serving the indigent population, acknowledging that all the answers had not yet been fully developed. Commissioner Neves expressed his understanding of the intent but stated that the approach was misguided, as it would ask the commission to violate its fiduciary duties. J. Cachola countered that the fiduciary responsibility was already being breached by consistently neglecting the indigent population, a cohort that is routinely overlooked in the department's processes. Neves clarified that it was the department's responsibility, particularly planners, to develop a proper process for addressing this issue, after which the commission could make decisions accordingly.

R. Kaupu explained that while the department transitioned from issuing rights of entry (ROEs) to revocable permits (RPs) due to past criticisms, ROEs remain a valid tool for specific cases, as determined by the Land Management Division (LMD).

R. Kaupu explained that the group working on the proposal was not attempting to bypass or circumvent the Land Management Division (LMD) but was collaborating with them on the rights of entry (ROE) component.

Commissioner Namu'o expressed support for R. Kaupu's explanation but acknowledged that legal issues raised by Commissioner Neves warranted clarification, suggesting that the Attorney General's input might be necessary to address those concerns.

Chair Watson emphasized the importance of the program's responsiveness to the diverse needs of beneficiaries, including the elderly, the indigent, and those who have been on the waitlist for decades without resources, many of whom have passed away waiting for land. He noted that addressing beneficiary needs requires policy changes, which are decisions for the commission. Chair Watson stressed that the proposal would include beneficiary input and ultimately be decided collectively by the commission.

R. Kaupu emphasized that the proposal was for a pilot project, not a full program, acknowledging the need for extensive work to develop policy, rules, and processes. The pilot would help determine the feasibility of implementing such a program, and the team had consulted with the Attorney General's office to ensure proper procedures. He stressed the importance of starting somewhere and requested the commission's approval to begin this exploratory phase.

Commissioner Kalepa reflected on the struggles faced by indigent Native Hawaiians, noting the systemic suppression that has contributed to widespread homelessness, a problem he never witnessed as a child but now sees everywhere. Drawing from his familiarity with the property in question, he expressed hope that a successful program could provide much-needed opportunities for those in need.

Commissioner Freitas acknowledged the valid concerns raised and echoed Commissioner Kalepa's sentiment about the difficulty of making tough decisions and addressing challenging issues. He emphasized the importance of seeking solutions, which often require innovative approaches that may differ from past practices. While expressing support for the proposed pilot program, Freitas stressed the need to include beneficiary consultation as part of the program's implementation process.

Commissioner Kaleikini expressed support for the initiative, concept, and idea of the pilot program but also acknowledged Commissioner Neves' concerns regarding the commission's fiduciary responsibilities. Drawing from his experience with the RP program,

Commissioner Kaneakua highlighted the value of pilot programs in exploring possibilities and breaking new ground. While agreeing with Commissioner Neves' concerns about ensuring the program resides in the appropriate structure to comply with the commission's fiduciary responsibilities. He also critiqued one condition of the proposal, which prohibits verbal or physical arguments, deeming it unreasonable and potentially silencing Hawaiians defending their property. Commissioner Kaneakua praised D. Manaole's advocacy for underrepresented individuals and affirmed his full support for the pilot program, provided it aligns with the commission's responsibilities and structure.

Commissioner Marfil expressed strong support for the pilot program, recognizing its potential to create life-changing opportunities for individuals like his auntie and a classmate in the audience, both of whom would benefit from such an initiative. She stressed the importance of the commission conducting due diligence to ensure proper policies and procedures are in place to make the program successful and thanked everyone involved for their efforts.

Commissioner Lasua shared a historical perspective, recounting his family's experience as part of the original demonstration lots, which served as the first "pilot program" for Hawaiian homesteads. He described the hardships faced by early homesteaders, including living on barren lands with no water, cooking with Keawe wood, and catching rainwater in barrels. Despite these challenges, they demonstrated that they could live on the land, planting crops like cabbage and beans, though the economic hardships of selling their produce made survival difficult. He rejected the term "indigent," stating that Hawaiians have always found ways to sustain themselves, even with limited resources. He expressed dissatisfaction with the proposed pilot program, arguing that it echoes the struggles of the past without addressing systemic issues and criticized the bureaucratic rules imposed on the Hawaiian Homes Commission Act. Citing his disapproval of the program's framework and its lack of sufficient clarity or alignment with legal and historical perspectives, he firmly stated his opposition to the proposal.

Public Testimony – Robert Branco – reflected on his journey from hardship to becoming an advocate for the Native Hawaiian community. He emphasized the need to change narratives about Hawaiians, moving away from terms like "indigent" to highlight their resilience. R. Branco shared his experiences of earning degrees, giving back to the community, and working on programs for reentry and housing for Kanakas. He criticized systemic flaws in the Department of Hawaiian Homes, noting favoritism and environmental risks on Hawaiian Homelands that need addressing. While supporting the pilot program, he urged unity, fairness, and a comprehensive approach to ensure safety, honor ancestors, and create opportunities for future generations.

Public Testimony – Rodney Kawelo – expressed strong support for the pilot project, believing it could provide solutions for those currently underserved by Hawaiian Home Lands. He praised Hawaiians' history of innovation and resilience, citing their achievements as wayfinders and their deep spiritual connection. He urged the commissioners to view issues with creativity and love, advocating for flexibility in rules to explore possibilities that could transform lives. R. Kawelo called for decisions rooted in compassion, reminding the commission that Hawaiians' strength lies in their ability to adapt and overcome challenges.

RECESS

12:36 PM

RECONVENE

1:24 PM

Public Testimony – Germaine Meyers - testified about the issuance of a 12-month right of entry permit to De Mont Kalai Manaole for an exclusive pilot project, criticizing the lack of consultation with beneficiaries and questioning how De Mont was selected to occupy a well-equipped two-acre parcel on Lualualei Homestead Road. She described her group's commitment to testifying on community issues. She also mentioned the individual's criminal history and DHHL's vetting process in assuring compliance with restrictions related to proximity to schools. Chair Watson intervened multiple times, redirecting Meyers to focus on the project and ending her testimony after she exceeded her allotted time.

Public Testimony – Dana Newman – testified in support of the pilot project, emphasizing the importance of allowing Native Hawaiian beneficiaries to access and manage land for mutual benefit. Therefore, he speaks on her behalf that she is in support of this pilot program. D. Newman argued that beneficiaries, not DHHL, have the potential to effectively manage vacant lands and mitigate risks like wildfires. Drawing from his own experience in Nanakuli, he acknowledged the struggles faced by individuals like De Mont and commended his efforts to rehabilitate and support others. Newman rejected the notion that past crimes disqualify people from homesteads, emphasizing the cultural importance of 'aina for practices and identity. He criticized administrative rules that hinder these practices and urged the commission to empower commissioners to prioritize beneficiaries' cultural and familial traditions.

Public Testimony – Homelani Schaedel – apologized for her earlier outbursts, expressing her frustration with the current proceedings despite knowing there are existing options for beneficiaries. Addressing the pilot project, she acknowledged the importance of innovation but questioned the need to reinvent solutions. In 2017, the Commission introduced the subsistence agricultural homestead lease, which allows for smaller lots of up to three acres, does not require farm plans, and makes house construction optional. She argued that this program could fulfill the goals of the pilot project without creating new systems. She emphasized the need to prioritize the interests of all waitlisted applicants and follow proper processes, as pointed out by Commissioner Neves. She urged the commission to defer the pilot project and consider using the existing subsistence agricultural program to address these needs.

Public Testimony – Kaukaohu Wahilani - a lessee from Wai'anae Valley Homestead and originally from Nanakuli Homestead, testified in strong support of the pilot project. He explained his support despite already having land because of the 30,000 people still on the waitlist, emphasizing the importance of rehabilitating Native Hawaiians on the land, as intended by the Homestead Act. He highlighted the generational trauma faced by Native Hawaiians since 1778, pointing to systemic inequalities and the need for initiatives that offer hope and healing. While he acknowledged disagreements between testifiers, he

emphasized unity, urging support for a project that could uplift the lahui and address the struggles of those on the bottom of the socio-economic ladder.

Public Testimony – Lena Suzuki – testified in support of the pilot project and challenged the commissioners to address the division she often observes between lessees and waitlisters in various meetings. She highlighted the need for the commission to actively engage with waitlisters, particularly those in Wai‘anae who are houseless, to understand their needs and explore solutions. L. Suzuki emphasized that lessees with established homes and lands should focus on nurturing their homesteads and communities to set a positive example for other villages, fostering a stronger Native Hawaiian community.

Public Testimony – Nani Peterson – urged the Commission to reexamine and adapt outdated policies to meet present needs. She delivered an oli, calling for leaders to act righteously and restore life to the land and its people. She passionately supported the pilot program, framing it as a transformative opportunity for Native Hawaiians to reconnect with the ‘āina, heal generational trauma, and rebuild cultural pride and resilience. She proceeds with a Hawaiian Chant and shares part of her testimony in Hawaiian.

Public Testimony – Maysana Aldeguer – a waitlister since 1985, testified about her concerns regarding the pilot project. D. Manaole applied in 2023 and is ranked 11,299 on the waitlist. M. Aldeguer questioned the fairness of approving a residential pilot project for two acres in the moku while other established projects, such as Ulu ‘Kekukui and Ka‘ala Farms, exist and could serve the same purpose. She criticized the perceived favoritism in selecting projects and argued that resources like Ulu ‘Kekukui already provide housing and planting opportunities. M. Aldeguer expressed frustration over being overlooked despite her long wait and warned that approving this project could lead others in similar positions to occupy land independently. She questioned whether supporting specific individuals or projects was necessary to gain approval, noting her own indigence and efforts to educate and advocate. She emphasized her family's deep ties to the Lualualei area, highlighting her unfulfilled request for a parcel near a rock pit that continues to generate profit from selling rocks. M. Aldeguer urged the commission to consider the impact on long-term waitlisters and their generational aspirations before making a decision.

Public Testimony - James Cowles - a non-beneficiary and non-Hawaiian who has lived in Hawai‘i since 1976 after serving in the military, testified in support of De Mont Mana‘ole and his pilot project. Reflecting on his Hawaiian father-in-law’s 40-year wait for land, Cowles criticized the systemic challenges faced by Native Hawaiians. He praised De Mont’s willingness to rehabilitate a neglected property, which had become a dumping ground, through his sweat equity and commitment to making it usable. Cowles emphasized that De Mont’s past should not define him and advocated for second chances.

Public Testimony – Patty Teruya – expressed concerns about the execution of DHHL's pilot project, highlighting its lack of beneficiary consultation and communication. While acknowledging the good intentions of assisting low-income beneficiaries, she questioned how DHHL would handle similar requests from other beneficiaries and argued that such benefits should be extended to all waitlisters on agricultural (AG) lots. P. Teruya emphasized that Oahu’s AG waitlist has not seen awards in over 20 years and proposed splitting large AG parcels, such as the 486-acre Nanakuli Ranch and the 1,888-acre Liman Ranch, to provide fairness and opportunities to other waitlisters. She criticized the lack of progress on projects funded by Act 279, particularly a \$35 million allocation for Waianae that was diverted to another project, leaving Waianae with no Act 279 developments. She expressed disappointment over the ongoing lack of AG lot awards and called for more equitable distribution of resource.

Public Testimony – Georgie Navarro – used the concept of "O-N-O," representing the process of finding solutions through effort, clearing obstacles, and creating meaningful outcomes. She praised De Mont and his wife and their work on the land, affirming its transformation and potential. She highlighted the value of understanding the struggles and efforts involved before passing judgment, commending De Mont and his family for their dedication and perseverance.

R. Kaupu requested approval of the proposed pilot project as outlined in the submittal. He acknowledged the valid concerns raised by Commissioners Neves, Commissioner Lasua, and others, and proposed the formation of a Permitted Interaction Group (PIG) to oversee and guide the pilot project. While the pilot project's approval would still require a properly agendaized meeting, the PIG would play a critical role in managing the project, monitoring reports from staff and De Mont, and addressing complex issues. The PIG would be tasked with developing the program framework, crafting policies, navigating legal challenges, determining the types of properties involved, and resolving concerns from waitlisters. This proposal was presented as a way to incorporate the feedback and mana'o shared during the meeting while moving the project forward.

Chair Watson initiated a discussion about the next steps for addressing the pilot project, acknowledging the suggestion to create a Permitted Interaction Group (PIG) to oversee it. He agreed to place the establishment of a PIG on the agenda for the following month's meeting but emphasized that the commission first needed to vote on the current pilot project proposal.

Public Testimony - Kapua Keliikoa-Kamai – testified in support of the pilot program but expressed concern that it was premature to decide without first establishing a Permitted Interaction Group (PIG) and conducting beneficiary consultations. She commended De Mont for his dedication, resourcefulness, and efforts to advance the project, as well as the department staff and administration for their openness to new approaches for placing beneficiaries on the 'āina. However, she noted that De Mont had not been on the waitlist for decades like the 11,000 listed above him, which raised fairness concerns but could be an exception for this particular pilot. She cautioned the commission to ensure their decision was well-informed and legally sound to avoid further litigations.

She suggested holding community meetings with individuals in similar situations to further develop the project collaboratively. However, she concluded that the commission was not ready to approve the pilot project at this time, emphasizing the importance of innovation while advocating for more preparation and consultation before moving forward.

Commissioner Neves raised concerns about whether the commission had acted within its fiduciary duties regarding the right-of-entry approvals made in the past year. He requested that the Attorney General (AG) provide clarity on this matter.

Chair Watson acknowledged the need for further legal consultation and announced a request to move into executive session to address potential litigation concerns related to this issue. MOTION

Moved by Commissioner Neves, seconded by Commissioner Kalepa, 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

2:10 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 Approval of Indigent Native Hawaiian Homesteading Pilot Project, Lualualei Island of O'ahu, TMK: (1) 8-9-001:052 (portion) and Issuance of a 12-Month Right of Entry Permit to Waitlist Applicant D. Manaole to Participate in this Pilot Project

EXECUTIVE SESSION OUT

3:02 PM

MOTION/ACTION

Moved by Commissioner Kaneakua, seconded by Commissioner Namu’o, to approve the motion as stated in the submittal						
Commissioner	1	2	AYE (YES)	A’OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua	X		X			
Commissioner Lasua				X		
Commissioner Marfil			X			
Commissioner Namu’o		X	X			
Commissioner Neves				X		
Chairman Watson			X			
TOTAL VOTE COUNT			7	2		
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passed, Seven (7) Yes votes.						

Commissioner Kalepa emphasized after the voting, the significance of the pilot program, highlighting the heavy responsibility it placed on those involved to set an example for others who might follow. He stressed that the success of the program over the next year would be closely watched by both the commission and the broader community. He urged the participants to prove that the initiative could succeed, noting that the commission was supporting it in good faith while recognizing its importance as a potential opportunity for others.

ITEM C-1 Approval to Authorize the Department of Hawaiian Home Lands to Negotiate an Agreement to Accept the Donation of a 19.354-acre parcel in Ewa, Island of Oahu, TMK (1) 9-1-181-037

RECOMMEND MOTION/ACTION

Project Development Agent Russell Kaupu presented the following:

R. Kaupu provided an update regarding the C1 submittal initially presented for the transfer of a single TMK property. During a developer presentation, it became clear that two adjacent parcels, or TMKs, were involved. He proposed correcting the submittal to include the second TMK but, based on advice from the Attorney General, decided to defer the approval of the second TMK to the next commission meeting in January. Commissioner Neves suggested deferring the approval of the entire submittal until January, but R. Kaupu noted that the developer might have reasons to proceed with the approval of the larger TMK immediately.

Chair Watson invited the developer, Patti Tancayo from Kalaniana'ole Development, to explain why they were requesting approval of the first TMK at the current meeting.

P. Tancayo stressed that an immediate decision was critical to begin essential tasks, such as ordering plan specifications, securing lenders, and generating lease revenue for DHHL at no cost to the department. She emphasized that the revenue would help fund infrastructure development and assist beneficiaries in accessing the land. She needed to begin work immediately to initiate plans, designs, and lending processes. She explained that these steps are time-consuming and that starting now would allow for a potential project groundbreaking by 2026. Any delays, she warned, would set the timeline back by three to four months.

R. Kaupu respectfully requested that the commission vote on the original submittal during the current meeting and defer the addition of the second TMK to the January meeting.

Commissioner Neves sought clarification asking whether the directives given the previous day were not included in the current document, which was received the day before. R. Kaupu clarified that the redlined document reflected the correct two TMKs but the commission could not act on it. He stated that the decision regarding the second parcel would need to wait until the January meeting. He requested approval of the original submittal involving only one TMK, which pertained to the negotiation of an agreement for a 19.354-acre parcel in Ewa, Oahu. He emphasized that the current action was only a step to allow negotiations to move forward, signaling to the developer that they could proceed with regulatory processes and necessary expenditures, while the final agreement would still require commission approval.

Commissioner Neves expressed concerns about the nature of the land donation, describing it as conditional and restrictive. He argued that a genuine gift of land should allow beneficiaries the autonomy to decide how it is utilized, rather than imposing terms or conditions.

Public Testimony – Homelani Schaedel – expressed her concerns about the proposal and emphasized the need for accountability to beneficiaries on the waitlist. She clarified that, despite an earlier apology from Ms. Tancayo, she had not felt personally offended during the process but had issues with how the proposal was presented. She highlighted the disconnect between the term "donation" and what she believed was actually a negotiation, which complicated her acceptance of the plan. She noted the urgency of the commission’s approval for the proposers to proceed with securing the land, pointing out the inconsistency in asking for approval without ownership. She urged the commissioners to consider the long-term impact of their decision, arguing that while the proposal may provide funding and rents, the ultimate issue remains the need for beneficiaries to access land. She questioned the department's spending priorities, citing a previous \$25 million purchase for land to build homes and suggesting the department pursue the current 19-acre parcel directly.

Public Testimony - De Mont Manaole – supported the proposal, emphasizing its potential to generate long-term income for the Department of Hawaiian Home Lands (DHHL). He compared the opportunity to developments like Kamakana Ali‘i, suggesting that if DHHL had structured a similar deal, the land and its income would now belong to the department.

MOTION/ACTION

Moved by Commissioner Namu'o seconded by Commissioner Sano'e, to approve the motion as stated in the submittal						
Commissioner	1	2	AYE (YES)	A'OLE (NO)	KANALUA ABSTAIN	EXCUSED
Commissioner Freitas			X			
Commissioner Kaleikini			X			
Commissioner Kalepa			X			
Commissioner Kaneakua			X			
Commissioner Lasua				X		
Commissioner Marfil		X		X		
Commissioner Namu’o	X		X			
Commissioner Neves				X		
Chairman Watson					X	
TOTAL VOTE COUNT			5	3	1	
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passed, Five (5) Yes votes.						

GENERAL AGENDA

REQUEST TO ADDRESS THE COMMISSION

ITEM J-4 Maile H. Requilman-Ka'opua – Waimanalo Lessee

M. Kaopua revisited a longstanding concern regarding her uninhabitable home, which she previously raised in December 2023 but received no resolution due to the retirement of her contact at the department. She requested a meeting to resolve the issue, possibly leading to relocation for her and her husband, as they continue to pay a mortgage on an unoccupied house while also renting elsewhere. Second, she sought clarification on a loan (Loan 19930) reportedly linked to her name, for which she stated she had neither applied nor consented. She formally requested documentation under the Fair Debt Collection Practices Act to verify the loan's legitimacy, including the original contract, repayment terms, and associated details.

M. Kaopua advocated for the development of a procedural safeguard system to address beneficiaries' concerns and provide clear steps for resolution. Drawing from her experience as a special needs parent advocating for her child, she emphasized the need for similar organizational tools for beneficiaries to navigate the Hawaiian Homes Commission Act effectively.

Chair Watson directed Maile to speak with Juan and Kalani to gather the requested information, ensuring a more informed discussion. He agreed to meet with her afterward.

ITEM J-2 Homelani Schaedel – Malu'ōhai Residents' Association

H. Schaedel summarized her efforts on several ongoing projects in Malu'ōhai, which she aimed to address before year-end planning for 2025. Regarding the traffic calming project, which has been in progress for 12 years, she noted that Tsutsumi and Associates presented the anticipated design to the community. She addressed concerns from a lessee about a proposed speed hump location. For the three-easement project, also ongoing for 12 years, she explained that the easements behind lessees' fences were omitted from VOCA paperwork, creating maintenance issues. She requested an update from Land Development Division. She also tackled parking issues within the homestead, noting that her board decided to distribute flyers alongside their calendars, informing residents about upcoming HPD citation checks for traffic violations. She emphasized that adherence to the traffic code was the residents' responsibility and that citations or towing costs would fall on violators. H. Shindell thanked the staff she had contacted for their assistance and expressed optimism about progress.

ITEM J-3 Al Hee – Telecommunications

A. Hee emphasized the critical role of Hawaiian Home Lands in supporting Native Hawaiian culture through business, highlighting the historical marginalization of Hawaiian professionals and the outdated notion that Hawaiian culture was inferior to Western systems. He argued that creating opportunities for Native Hawaiians to succeed in business is essential for cultural preservation and self-determination. He illustrated this with examples of cultural adaptability, such as using modern tools to restore traditional fish ponds, demonstrating how Hawaiian values can harmonize with contemporary practices to address practical needs.

A. Hee shared his experiences in advancing Hawaiian businesses, including his initiative to provide telephone service to all homesteaders when Hawaiian Telephone refused, offering free service for 25 years. He detailed his work deploying inter-island cables and underground infrastructure with minimal environmental impact, ensuring connectivity for Hawaiian communities, especially during emergencies like the Lahaina fire. A. Hee expressed frustration with DHHL for later taking away his projects but urged the commission to support Native Hawaiian entrepreneurs, emphasizing that such efforts foster self-reliance, community development, and cultural sustainability.

ITEM J-6 Liliana Napoleon – Nā’iwa Agricultural Subdivision Alliance

L. Napoleon, representing the Nā’iwa Agricultural Subdivision Alliance on Molokai, provided an update on efforts to support homesteaders in the Nā’iwa subdivision. She highlighted the alliance’s ongoing partnerships with Hawaiian Community Lending and Hawaiian Community Assets as part of a three-year homeowner builder project aimed at building financial and practical capacity for homesteaders to secure mortgages and construct homes on their agricultural lots. She detailed training initiatives in partnership with organizations such as Makaha Learning Center, Good Jobs Hawaii, and UH’s College of Tropical Agriculture and Human Resources (CTAHR), covering carpentry, plumbing, electrical, first aid, CPR, and OSHA compliance. The goal is for homesteaders to actively participate in building homes and barns on their lots. Future plans include incorporating renewable energy and off-grid systems once the infrastructure is in place and continuing hands-on workshops with CTAHR to support homesteaders in meeting their farming obligations. She expressed gratitude to the department for aiding the subdivision’s development and provided the update to inform the commission and public about progress on Molokai.

ITEM J-10 De Mont Manaole – Ho’omana Pono LLC

D. Manaole, co-manager of Ho’omana Pono LLC, expressed his commitment to working with the commission and department to unite efforts in advancing Native Hawaiian advocacy and securing land access for beneficiaries. He highlighted his decade-long, self-funded work advocating for homesteaders and tracking legislative issues related to DHHL, noting recent recognition of his efforts. He invited beneficiaries to seek his help in advocating for their concerns rather than directly opposing the department or commission, emphasizing his intent to unify and support the community. While acknowledging limitations, such as court-ordered evictions, he reaffirmed his goal to move the lahui forward and strengthen trust among Native Hawaiians. D. Manaole expressed gratitude for the commission’s confidence in him, pledging to honor their trust by prioritizing the people and their collective interests.

ITEM J-12 Kekoa Enomoto - Pa’upena Community Development Corporation

K. Enomoto, a Waiohuli Hawaiian homesteader and co-founding director of Pa’upena Community Development Corporation (CDC), detailed Pa’upena’s efforts to address Maui’s post-wildfire housing crisis. In collaboration with other Hawaiian homes beneficiary groups and G70 Planning, Pa’upena proposed developing 245 two-acre subsistence agricultural lots on 646 DHHL acres in Pu’unēnē, Central Maui. A pre-application for long-term land use was submitted on November 14, with DHHL’s Land Management Division required to confirm its completeness by December 30. K. Enomoto noted that the land, despite having an EIS and master plan since 2019, has remained unused. Pa’upena is raising \$327,000 for planning fees through grants and public funding while managing three current grant projects worth \$324,000 to train lessees and waitlisters as multi-generational farmers and ranchers. K. Enomoto emphasized the importance of DHHL’s support in advancing these initiatives and looked forward to their response on the pre-application, underscoring the urgent need for land use to benefit beneficiaries.

ITEM J-11 Jojo Tanimoto - Kawaihae Concerns

J. Tanimoto, a resident of Kawaihae, addressed multiple community concerns and requests for the commission’s assistance. He highlighted broadband connectivity issues in Kawaihae, noting fiber optic lines pass through the area but do not provide service. He raised concerns about outdated information in the housing department’s matrix and requested updates, particularly on industrial leases generating income for Hawaiian Homes. J. Tanimoto urged the department to inform new leaseholders about homeowner property tax exemptions to prevent excessive tax bills. He also noted that the Makai and Harbor subdivisions remain excluded from population data, impacting planning and recognition.

J. Tanimoto expressed concern over the NOAA project’s relevance to Kawaihae and its potential impact on erosion, coral reefs, and fish habitats, calling for a beneficiary consultation. He revisited the unresolved

issue of a water subsidy for the Kailapa subdivision, asking how to extend the county waterline across Honokua Gulch. He noted fire protection challenges due to insufficient water pressure and obstructions from ranches upstream. Additionally, he requested an archaeological report for Kawaihae's fire break system and highlighted traffic and communication issues affecting the area. J. Tanimoto concluded by asking the commission to address these concerns, particularly on property taxes, and thanked them for their time.

ANNOUNCEMENTS AND ADJOURNMENT

Chair Watson thanked everyone for their attendance. The next regular meeting was scheduled for January 21st and 22nd, a Tuesday and Wednesday, at Hale Pono'i starting at 9:30 AM, with no community meeting planned for January. The next community meeting was announced to take place with the Kapolei community in February. The session was then adjourned

ADJOURNMENT

4:30 PM

Respectfully submitted:



Kali Watson, Chairman
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary
Hawaiian Homes Commission

Attachments:

- 1) Public Testimony Sheets
- 2) Al Hee Public Testimony
- 3) Germaine Meyers Public Testimony
- 4) Item C-2 Slide Presentation
- 5) Item C-6 Slide Presentation NTIA Update
- 6) Item G-1 Slide Presentation Ewa Beach FONSI
- 7) Item G-2 Slide Presentation Connection to Place
- 8) Item G-4 Slide Presentation Plan Implementation Waianae Moku
- 9) Item G-5 Slide Presentation NOAA Project
- 10) Item G-6 Slide Presentation and Limited Right of Entry No. 25 049



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AGENDA ITEM(s) *Fire Retardant Sprays*
React to Own

Start of Meeting

~~When ITEM is addressed:~~

Peter Soares Jr
NAME

12/16/2024
DATE

ORGANIZATION

Owner
TITLE

Petersoaresjr@gmail.com
EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) D-1

Start of Meeting

When ITEM is addressed:

Kenna Strong
NAME
Hawaii Hourly Policy
ORGANIZATION
Foundation

12/16/24
DATE
ED
TITLE

EMAIL ADDRESS

Kenna@hawaii.hp-

COMMENTS:

org

Check here if you have written testimony for Distribution:



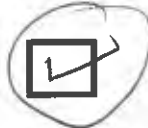
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AGENDA ITEM(S) C-1

Start of Meeting



When ITEM is addressed:



DELMONT R. MANAOGS

12-16-24

NAME

HO'OMANAPONO LLC

DATE

CO-MANAGER

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

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AGENDA ITEM(s) C-1

Start of Meeting

When ITEM is addressed:

Home Schodde

NAME

12/14/24

DATE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

Called last

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) C-1, F-2, G-2,
C-3, E-2, G-4

Start of Meeting

When ITEM is addressed:

Germaine Meyers

NAME

12/16/2024

DATE

Lessee

ORGANIZATION

TITLE

nikino96792@gmail.com

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) _____

Start of Meeting

When ITEM is addressed.

NAME

Patricia Cabanada Lopez
Beneficiary

DATE

12/16/2024

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

F-2 C1

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) 6-1, 6-5

Start of Meeting

When ITEM is addressed:

Melissa Ray
NAME
SSFM
ORGANIZATION

12/16/24
DATE
Planner
TITLE

EMAIL ADDRESS

COMMENTS:

Scheduled presenter

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) Various

Start of Meeting

When ITEM is addressed:

Kepu Keluaka Kamai
NAME

12/16/24
DATE

Self
ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

Various, I'll let you know
Muhalo!

Check here if you have written testimony for Distribution:



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AGENDA ITEM(S) D-7

Start of Meeting

When ITEM is addressed:

Charlita Mahoe

NAME

12/16/24

DATE

ORGANIZATION

TITLE

CharlitaMahoe@aol.com

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) U5

Start of Meeting

When ITEM is addressed:

AL HEE
NAME

12/17/2011
DATE

ORGANIZATION

TITLE

WAIMANA ALHEE@WAIMANA.COM

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) J-1

Start of Meeting

When ITEM is addressed:

Robert Branco

NAME

Le Hui @ Waianai

ORGANIZATION

12/17/2024

DATE

Mentor

TITLE

vbranco@hawaii.edu

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) C-1

Start of Meeting

When ITEM is addressed:

DEMONT MARAOLIS

NAME

DATE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

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AGENDA ITEM(S) Wait list KAPUNAS

Start of Meeting

When ITEM is addressed:

KARPOKANI IASA
NAME

12-17-24
DATE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) GL6

Start of Meeting

When ITEM is addressed:

Robert Branco

NAME

Kupu a Pu'u LCC

ORGANIZATION

12/17/2024

DATE

Peer mentor

TITLE

rbranco@hawaii.edu

EMAIL ADDRESS

COMMENTS:

To address issue

Check here if you have written testimony for Distribution:



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AGENDA ITEM(S) G-6

Start of Meeting

When ITEM is addressed:

Rodney Kawelo
NAME

12/17/2014
DATE

ORGANIZATION

TITLE

rodneycawelo@gmail.com
EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) ~~G-6~~ G-6
ROE Demont
Mansole

Start of Meeting

When ITEM is addressed:

Germaine Meyers
NAME

12/17/2024
DATE

Benedicary
ORGANIZATION

TITLE

hikino96792@gmail.com
EMAIL ADDRESS

COMMENTS:

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AGENDA ITEM(s) 6-6

Start of Meeting

When ITEM is addressed:

Dana Newman
NAME

12/17/24
DATE

ORGANIZATION

TITLE

hukalwa 23 @ gmail.com
EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(S) C-1

Start of Meeting

When ITEM is addressed:

Home Schaedel
NAME

12/17/24
DATE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

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AGENDA ITEM(s) _____

Start of Meeting

When ITEM is addressed:

Kankachu Wahilani

12/17/24

NAME

DATE

Hui Ke Ike Kaku

ORGANIZATION

TITLE

WahilaniKankachu@gmail.com

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) Glo

Start of Meeting

When ITEM is addressed:

Nani Peterson

12/17/24

NAME

DATE

Kanaka Kia'i Hawaii

ORGANIZATION

TITLE

nohawaiola@gmail.com

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) C4

Start of Meeting

When ITEM is addressed:

Dora Newman
NAME

12/17/25
DATE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) G-6

Start of Meeting

When ITEM is addressed:

Lynette Cruz
NAME

12/17/24
DATE

ORGANIZATION

TITLE

EMAIL ADDRESS lcruz96792@gmail.com

COMMENTS:
G-6

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) Cto

Start of Meeting

When ITEM is addressed:

Maysana Aldeguer 12/17/24
NAME DATE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

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AGENDA ITEM(S) 61-6

Start of Meeting

When ITEM is addressed:

James Roules
NAME

17 Dec 24
DATE

ORGANIZATION

TITLE

issac@ycho.com
EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(S) G16

Start of Meeting

When ITEM is addressed:

Lena Suzuteri

12/17/24

NAME

DATE

ORGANIZATION

TITLE

lenasuzuteri@msn.com

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) Various

Start of Meeting

When ITEM is addressed:

Kapua Keliikoa-Kana'i 12/17/24
NAME DATE
Self
ORGANIZATION TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(S) G-10

Start of Meeting

When ITEM is addressed:

NAME Patty Kahana

DATE 12-17-2024

ORGANIZATION Beneficiary

TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



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AGENDA ITEM(s) G-C

Start of Meeting

When ITEM is addressed:

Georgic Nausea

NAME

12/17/24

DATE

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:

Oral Testimony December 17, 2024 HHC meeting.

Aloha e Commissioners;

I submitted written testimony which describe the actions DHHL has taken over the past 10 years to deny me and other homesteaders the ability to use Hawaiian Home Lands to practice our culture. Today I would like to talk about the vital role in perpetuating our culture that Hawaiian Home Lands and the Hawaiian Homes Commission Act have.

Native Hawaiians have always been engineers, doctors, contractors, educators, navigators, artists and linguists. In fact, native Hawaiians have had filled every profession to be a vibrant thriving society. Culture is a living thing.

Sixty-five years ago when I started to attend Kamehameha Schools we were taught Hawaiian culture could not coexists equally with western culture. Those Hawaiian professions that were rarely spoken of were inferior to comparable western professions. The mission of “good and industrious men and women” was measured in western terms.

Kamehameha was to turn out laborers not professionals and certainly not owners of businesses. Hawaiians were not capable of acquiring the knowledge necessary to compete at the highest levels. We were not told about people like Isabella Aiona Abott, an expert Hawaiian botanist. It took the efforts of many people to plant the seeds that today includes all professional as part of “good and industrious men and women” to debunk the myth that Hawaiian society and its culture was inferior.

The next step is to provide opportunities to compete at the highest levels. I was personally told by my Kamehameha graduate college counselor Hawaiians do not go to MIT. A generation later, Hawaiians are provided opportunities to be educated at the best schools if they want to. All of

us, whether we left Hawaii or stayed to be educated were told to learn and help other Hawaiians. The seeds of the Hawaiian Renaissance were planted. The myth of Kon Tiki, that Hawaiians were incapable of navigation and came to Hawaii by the fate of the winds and currents was debunked. The romanticized version of Kamehameha being driven by a divine force to unite the islands where other Ali'i had failed was explained. There may have been a divine force to unite the islands but Kamehameha used resources available to him at the time, guns and diplomacy to unite the islands. It is the Hawaiian culture to use the resources available to better our lives.

I was reminded of a story told by a good personal friend Danny Akaka Jr. of practicing his culture. Danny was the Cultural Curator at Mauna Lani and was responsible for overseeing the repairs to the fishpond on site. One day he was making a makaha, the gate that allows the small fish to come into the pond but keeps the predators, the barracudas looking to eat those fish out of the pond. As he struggled to bind the hao branches together in the traditional and cultural way to ensure the makaha would be strong and uniform in its gaps an old Hawaiian man approached him and asked what he was doing. When Danny explained he was making a makaha. The Hawaiian man remarked, "If had PVC pipe in the 1700's, Hawaiians would have used them."

This reminded me of my own son who was helping to restore Heeia fish pond. He asked me to come to the pond and see if I could help. I did and told him I would bring my heavy equipment and use larger stones to build the walls. I would also use culverts to make the sluice gates so the makaha's would hold. This shocked my son because he was taught at Kamehameha that the fishpond needed to be restored the same way it was built by thousands of hands, not mechanized equipment. He

consulted the people in charge and the fishpond remained in disrepair for years. Today it has been rebuilt using mechanized equipment.

When Hoaliku Drake asked me to provide phones because Hawaiian Telephone would not, I met with individual commissioners who were reluctant to trust a native Hawaiian with such a responsibility. At that time the commission was made up of many Kupuna. I reminded each of them of their own words said to their keiki and moopuna that they are to educate themselves and help other Hawaiians. I explained the next step in ensuring our culture was to provide those opportunities. Here they were faced with Hawaiian Telephone being unwilling to provide service to all of Hawaiian Home Lands and where they did, DHHL paid for the infrastructure. I offered an alternative, grant me the same thing you give to Hawaiian Telephone but condition the use of HHL on providing service to all homesteaders at no cost to DHHL. They did and for the next 25 years all homesteaders that wanted service had service.

Using HHL to keep our culture alive by promoting Hawaiians in business is a major step. It is like the tragic maiden voyage of the Hokulea. It would have been easy for the Polynesian voyaging society to shelve proving that that Hawaiians navigated. You, who are in positions of responsibility and authority have to believe. Having native Hawaiians using HHL to do business will come. However, it is a major threat to western businesses.

So how does a native Hawaiian practice his culture by being returned to the land to do business. It is in our culture to malama aina, protect the land. This morning Commissioner Neves talked about not allowing Hawaiian Home Lands to be used in laying undersea cables by destroying the reef. He spoke about the Limu Project. When we laid our interisland undersea cable connecting Hawaiian Home Lands on each island we bored under the reef. The standard practice was to trench

through the reef. As a Hawaiian that is unacceptable. When we laid terrestrial cable we did it underground to prevent being a part of wildfires like Lahaina. When the fire passed and Leali'i was left largely intact. Those homesteaders had fiber internet connection. I offered to connect the cell towers immediately so others in Lahaina could use their cell phones. The Lieutenant governor said I was being disingenuous. A Hawaiian businessman practices his culture by using Hawaiian Home Lands in a culturally correct manner.

I was able to navigate the business requirements of getting authorized by the PUC and FCC to do this because the Commission believed a native Hawaiian could so DHHL supported us. Waimana threaten the western order of business. The western regulatory powers believed Waimana would fail, that a native Hawaiian corporation could not do what a western corporation would not do. All other indigenous businesses attempting to provide phone service throughout their territory failed. However, the law changed and Waimana succeeded. To restore restore order and allow a non-Hawaiian to prosper, they needed DHHL to stop Waimana.

Western capitalist society defines Hawaiian culture in terms that will allow westerners to make money. Those efforts are centered on Hawaiian culture stopping in the 1700's. Hawaiians were not capitalists so anything that prevents westerners from making money by using Hawaiian resources including promoting a Hawaiian competing against a western company is culturally correct. Each of you as commissioners have a fiduciary duty to ensure Hawaiian Home Lands is used by native Hawaiians to practice our culture. A business that helps other Hawaiians is part of our culture.

The western concept that Hawaiian culture stopped in the 1700s is still promoted today. It spawns individuals like the woman who testified that

the Hawaiian language was a dead language. When business is conducted in Hawaiian, an official language of Hawaii, westerners are at a disadvantage. Similarly, when Hawaiian Home Lands is used to promote Hawaiians doing business, non-Hawaiians are at a disadvantage.

Nuesca, Ruby Lyn D

From: Germaine Meyers <hikino96792@gmail.com>
Sent: Tuesday, December 17, 2024 1:48 PM
To: Nuesca, Ruby Lyn D; Burrows-Nuuanu, Leatrice W
Subject: [EXTERNAL] Fwd: Testimony G-6 of Germaine Meyers
Attachments: Screenshot_20241214_231559_Chrome.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Mahalo for making copies for each Commissioner by paper and digital.

To Chair and Commissioners,

I shared with you below and the attachment my complete testimony that were stopped and censured by Chair Kali.

I did NOT do anything to disrupt others during the meeting while they testified, or while Commissioners were discussing meeting matters. I testified as allowed by Sunshine Law during the time I was given when Chair Kali interrupted me because he censured my freedom to speak. I was speaking truth.

Commissioners, the Chair and DHHL did NOT do their due diligence.

In addition, Julie spoke about Demont not being able to receive a lot. She failed to disclose that Demont submitted his application recently, not decades ago, for Oahu Residential in April 2023 and Oahu Agricultural in January 2023.

Ke Akua pu,
Germaine Meyers

Attachment

----- Forwarded message -----

From: Germaine Meyers <hikino96792@gmail.com>
Date: Tue, Dec 17, 2024, 6:45 AM
Subject: Testimony G-6. During G-6. Demont
To: Germaine Meyers <hikino96792@gmail.com>

- Aloha Chair and Commissioners,

- Others testify with our voices at legislature, city council, neighborhood boards, and Hawaiian Homes Commission meetings.
-
- How did DeMont Manaole get Chair Kali Watson to approve a Limited Right of Entry in July 2024 so that he could EXCLUSIVELY take possession of 2 acres of land, on a 4-acre parcel of DHHL lands on Lualuelei Homestead Road?
-
- A parcel that is located in a developed community with access to hook-up to water, electricity, sewer, landline, cable, and the internet.
-
- How did DeMont get chosen to EXCLUSIVELY participate in a pilot program that was NEVER brought to the beneficiaries for consultation?
-
- DeMont speaks about woman attacking other woman.
-
- Yet DeMont fails to disclose to Commssioners that he's a violent man that attacks and abuses women.
-
- DeMont is a LIFETIME registered sex offender.
-
- According to the registry, his aliases are The Black Rose, Demont Rafael Darwin Conner, Dinky, David Lopaka Tavares, and Demont Kalai Manaole.
-
- Demont was convicted and found guilty of committing crimes against a woman.
-
- He convicted of:
-
- 2 counts of attempted murder,
- 2 counts of robbery in the 1st degree,
- 2 counts of kidnapping,
- 2 counts of burglary in the 1st degree,
- 1 count of sexual abuse in the 1st degree,
- and 2 counts of sodomy in the 1st degree.
-
- Demont received 7 lifetime sentences to be served concurrently because of Hawaii's tough rules on repeat offenders.
-
- He participated in a sex offender treatment program in prison that awarded him parole after meeting the minimum-sentence requirements.
-
- Did the Chairman's office check with the courts to see if DeMont can reside within 1,000 feet of a school.
-
- The 2-acres he would reside on are located 985 feet from Leihoku Elementary School.
-
- When I met DeMont Conner and his ex-wife, who is a Nanakuli Hawaiian Homesteader, he proudly shared he was an ex-con.
-



GIS Map (1,000 max results) Search More

Length: 985 feet
Area: 0 acres

400 ft

POWERED BY **esri**

1582215.33, 98730.82

HAWAIIAN HOME LANDS

86- 369 LUALUALEI

4.00 Acres

[Feedback](#)

View: [Report](#) | [Google Maps](#)

Fort Weaver Land Donation Proposal to DHHL

To Generate Revenue and Strengthen
Native Hawaiian Communities

December 16, 2024

Prepared By



KALANIANA'OLE
DEVELOPMENT



Proposed Development Plan – SWOT Analysis

Strength

- Situated at the signalized intersection of Fort Weaver and Old Fort Weaver Road providing high roadway visibility
- Proximity to the H-1 freeway and Waipahu light rail station
- Located adjacent to West Loch municipal golf course
- Proximity to the Queen’s Medical Center West Oahu

Weakness

- About 55% of the land (12.15 Acres) is zoned AG-2
- Parcel 125 is partially located in Flood Zone “AE” meaning the area is subject to inundation by the 1-percent-annual chance flood event
- No existing municipal waste water infrastructure to service the property

Opportunity

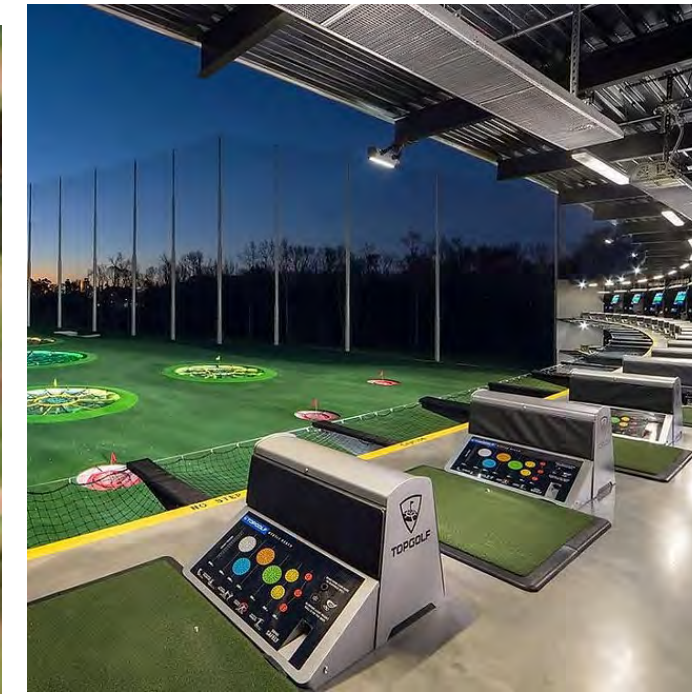
- Located at the gateway of West Oahu, one of Hawaii’s fastest growing communities with a rapid increase in population
- Adjacent to Hoopili community, a development by D.R. Horton with 12,000 proposed new homes
- First intersection off H-1 freeway

Threat

- Potential impacts to traffic: Coordination with DR Horton
- Potential community push backs
- Potential increase in development cost due to flood zone and traffic



Proposed Development Plan – Proposed Use



Proposed Development Plan – Milestones

- 2024: Commission's Approval
- 2025
 - Development Agreement
 - Design, EA, Completion of Land Donation
- 2026
 - Building Permits
 - Financial Closing
- 2027 ~ 2029: Pre-lease / Construction
- 2030: Completion of Lease





HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

Item C- 60CH Status Update on NTIA TBCP 1 and 2

16 DEC 2024



Broadband Funding Sources

Tribal Broadband Connectivity Program 1 (TBCP 1)

- AWARD amount: ~\$17 Million
- SPEND DATE: DEC 2026
- USES:
 - Setting DHHL broadband team/initiative
 - Infrastructure Study
 - Various Digital Equity Projects.
 - Charter school computers
 - Nanakuli Recording studio Pilot project
 - Digital data mapping
 - Telehealth and Maternal Telehealth

Tribal Broadband Connectivity Program 2 (TBCP 2)

- TENTATIVE AWARD AMOUNT: ~ \$72 million
- DUE DATE: NOV 2028
- USES:
 - Infrastructure related projects
 - Fiber to existing homes,
 - Pull fiber in new developments,
 - Building community anchor institutions.)
 - Digital Equity
 - Work force development
 - Dig. Literacy
 - Devices

Covid 19 Capitol Projects Funds (CPF)

- AWARD AMOUNT: ~\$187k
- DUE DATE: DEC 2026
- USES: Money to utilize the 2.5 GHz frequency

A white rectangular area is centered on a dark teal background. The white area has a small white paper-like texture and a white leaf-shaped sticker in the top-left corner. The text is centered within the white area.

TRIBAL BROADBAND CONNECTIVITY PROGRAM 1 (TBCP 1)



TBCP 1 AWARD SUMMARY

Infrastructure Projects	\$6,387,362.00
Feasibility Study/Assessment of Infrastructure	\$6,387,362.00
Use and Adoption Projects	\$10,897,400.45
Computers for Charter Schools	\$4,003,913.00
Digital Mapping	\$315,530.00
Nanakuli Library Pilot Projects: Digital Literacy Courses Traditional/Contemporary Moololo Recording Solar Charging Stations	\$745,392.00
Telehealth/ Maternal Telehealth	\$5,832,565.45
Total Award:	\$17,264,762.45

A white rectangular paper is centered on a dark teal background. A white paperclip is attached to the top left corner of the paper, and a white leaf-shaped sticker is attached to the top edge of the paper. The text is centered on the paper.

TRIBAL BROADBAND CONNECTIVITY PROGRAM 1 (TBCP 2)

TBCP 2 Summary

Infrastructure Projects Budget

Total Funding by Category	Dollar Amount
Administrative	\$1,306,903.00
Construction	\$57,465,193.00
Equipment	\$82,592.00
Miscellaneous	\$1,982,598.00
Contingency	\$6,252,379.00
Total Funding Requested	\$66,052,064.00

Use and Adopt Projects Budget (Digital Equity)

Total Funding by Category	Dollar Amount
Administrative	\$118,093.00
Equipment (i.e computers)	\$2,520,000.00
Contractual (Digital literacy classes/ work force development courses)	\$3,384,627.00
Total Funding Requested	\$6,022,720.00



TBCP 2 Infrastructure Breakdown

Infrastructure: \$66 million

- Creating new connections/updating connections to existing homes on Hawaiian Home Lands
 - Approximately 415,733 ft of fiber for approximately \$10.3 million
 - Island Priority
 - Molokai
 - Kauai
 - West Hawaii
 - East Hawaii
 - Maui
 - Oahu/Lanai
- Build out and fill fiber conduit for planned developments under ACT 279.
 - We are budgeting to build telecommunication infrastructure for approximately 1200 homes across various home steads that have been identified by the Commission to be built under Act 279. Approximately \$42 million.
- Build out of community digital innovation centers across Hawaiian Home Lands
 - Verifying community centers that have been identified in our regional plans. Approximately \$19 million.

Tentative plans. Maybe subject to change.



TBCP 2 Use and Adopt Breakdown

Use and Adopt: \$6 million

- Work Force development: \$1 million
 - Focused on development of a telecom work force (i.e Fiber Optic Technician, Radio Frequency Technician, Telecommunication Technician, ETC.)
- Digital Equity: \$5 million
 - We are planning to call this initiative Digital Equity it will break down to 4 categories
 - Digital Government
 - Digital Health
 - Digital Business
 - Digital Literacy
 - Device Distribution



Covid 19 Capitol Projects Funds(CPF) and 2.5ghz
frequency



2.5GHz Spectrum Overview

Department of Hawaiian Homelands Conditional Licenses for 2.5 GHz Spectrum

Locations	License	1st Buildout Deadline	2nd Buildout Deadline
Maui	WRJS855	10/21/2024	10/21/2028
Moloka'i	WRJS856	10/21/2024	10/21/2028
Hawai'i, Northwest	WRKV806	02/22/2025	02/22/2029
Hawai'i, Southeast	WRKV805	02/22/2025	02/22/2029
Kaua'i	WRJS854	10/21/2024	10/21/2028

NOTE* We are shooting for the 2nd build out date. The requirements to meet that are connecting 2 important locations aka substantial link.



2.5GHz Spectrum

- **East Hawaii:**

- Working with LDD on Ka'u water tank system. We are looking to help provide the monitoring.

- **West Hawaii:**

- Nothing now.

- **Molokai:**

- Working with ATT to see if FirstNet can be used on the 2.5ghz

- **Kauai**

- In talks with Anahola charter, school Kanuikapono Public Charter

- **Maui**

- **Kahikinui Project:** We will engage Banyan Networks in the professional service procurement process based on their proposal to plan, engineer, and provide technical support for the Kahikinui Project. This engagement will be conducted under the third proclamation related to telecommunications services on the Hawaiian Home Lands. Project will be funded with CPF resources.



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

Questions



HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

'Ewa Beach Homestead Project FINAL Environmental Assessment Finding of No Significant Impact (FONSI)

Item G-1 Hawaiian Homes Commission

December 16-17, 2024



Agenda

- **Project Overview & Status Update**
- **Beneficiary and Community Engagement**
- **Overview of Proposed Action**
- **Updates on Draft and Final EA Schedule & HHC Approval**
- **Q&A**



Project Purpose



- Provide residential homesteads to DHHL beneficiaries on the O‘ahu waiting list
- Create a thriving homestead community in ‘Ewa Beach that honors culture, environment and sense of place
- Involve beneficiary lessees, waiting list applicants, and the surrounding community in envisioning and shaping the future homestead community



Background



- Congress passed the Hawaiian Home Lands Recovery Act (HHLRA) in 1995.
- HHLRA was passed to compensate DHHL Trust for military's use of HHL lands (Lualualei & Waimanalo)
- HHLRA requires federal government to give DHHL the first right of refusal (offer DHHL first "dibs") on federal lands in the state if the federal government no longer needs the property.



Background



- 2020 -- federal government notified DHHL that it no longer needed its Pacific Tsunami Warning Center Property in Ewa Beach
- 2020 -- HHC approved acceptance of acquiring the property through the HHLRA
- 2021 – Conveyance of the property to DHHL was completed
- 2022 – DHHL initiated master planning of the property



Background



- 80 acres in 'Ewa Beach, O'ahu
- Bounded by North Road to the northwest and Fort Weaver Road to the south
- Adjacent to USGS Honolulu Magnetic Observatory
- Primarily residential uses to the south
- 'Ewa Beach Golf Club to the east
- Single-family homes and low-rise apartments to the west



Objectives



- Focus on providing homestead lease awards to wait list beneficiaries in a timely manner.
- Involve beneficiaries & other stakeholders in identifying land uses for a homestead community that meets beneficiary needs and reflects community character
- Align as much as possible with existing County & community vision, plans, and policies for 'Ewa Beach



Project Scope

Infrastructure Analysis

Identify needed improvements to water, sewer, drainage, electrical, and transportation infrastructure



Community Master Plan

Develop community master plan alternatives and identify the preferred design



Environmental Compliance

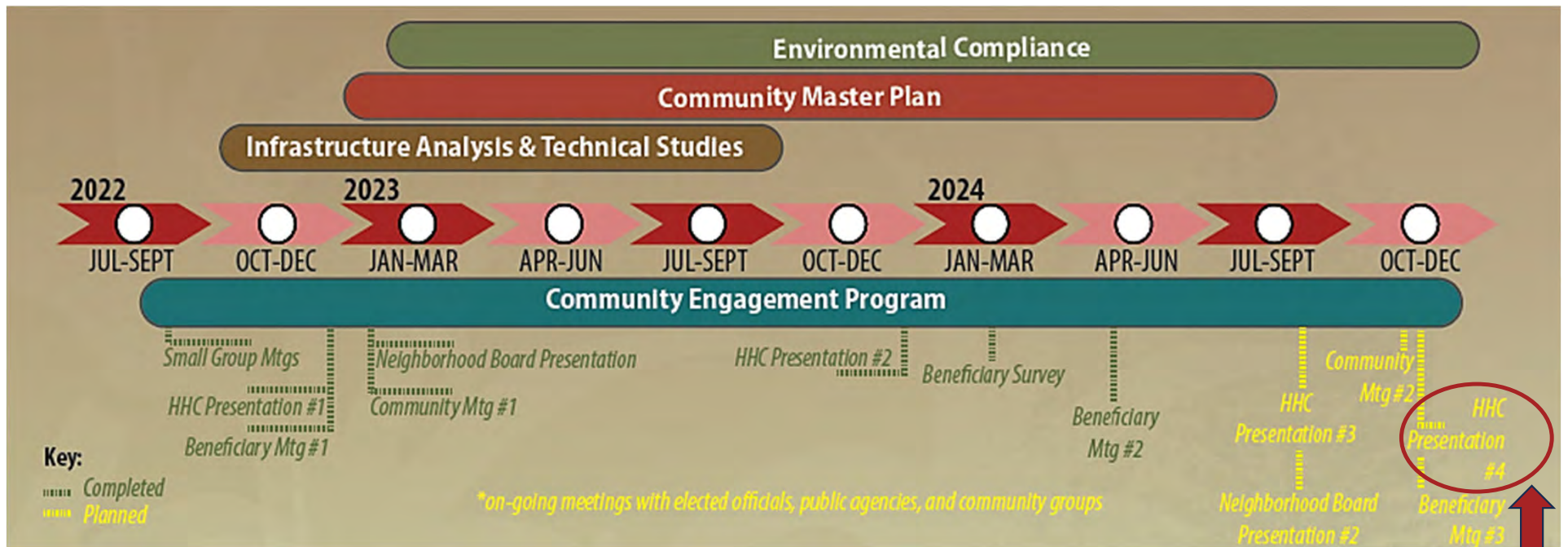
Assess environmental, biological, cultural, historic, traffic, and other impacts of the proposed master plan in accordance with HRS Chapter 343 and HUD NEPA requirements

Community Engagement Program

Seek input from beneficiaries, the 'Ewa Beach community, elected officials, and other community stakeholders, cultural practitioners, and experts throughout the project



Project Schedule



Key:
..... Completed
----- Planned

**WE ARE
HERE**



Beneficiary and Community Consultation

ONGOING:

JEO

- **Hawaiian Homes Commission Presentations – three completed (November 2022, December 2023, September 2024) last one is TODAY**

COMPLETED:

- **Beneficiary Consultation Meetings – three completed (December 2022, April 2024, November 2024)**
- **Beneficiary Survey (February-March 2024) – mail and online, 1,300 responses received (16% response rate)**
- **Community Meetings – two completed (January 2023, October 2024)**
- **Kapolei Homestead Leader Meeting (November 2022) and ongoing updates**
- **Neighborhood Board Presentations – three completed (January 2022, January 2023, September 2024)**
- **Town Hall Meetings with Senator Fevella – three completed (January 2023, September 2023, October 2024)**



Slide 10

JEO

I feel like Melissa verbally corrected one of these events - Pls confirm this is an accurate list

Jena Earle, 2024-12-05T19:04:07.445



Beneficiary Preferences

Housing

- Single-family housing (most preferred)
- Low-rise multi-family housing
- Rent with option to purchase
- Kūpuna housing

Community Use

- Community center/facility for gatherings & events
- Walking/bike paths

Roads/Connectivity

- Traffic calming (speed humps, lower speed limits, narrower streets, etc.)
- Multiple access routes to the community (via Fort Weaver & North Road)



Technical Studies Conducted

- Environmental Site Assessment and Hazardous Material Survey
- Magnetometer Survey and Magnetic Anomaly Assessment
- Topographic Survey
- Biological Survey
- Preliminary Infrastructure Report
- Archaeological Literature Review and Field Investigation
- Cultural Impact Assessment
- Traffic Study
- Sea Level Rise and Coastal Hazards Study



Proposed Action

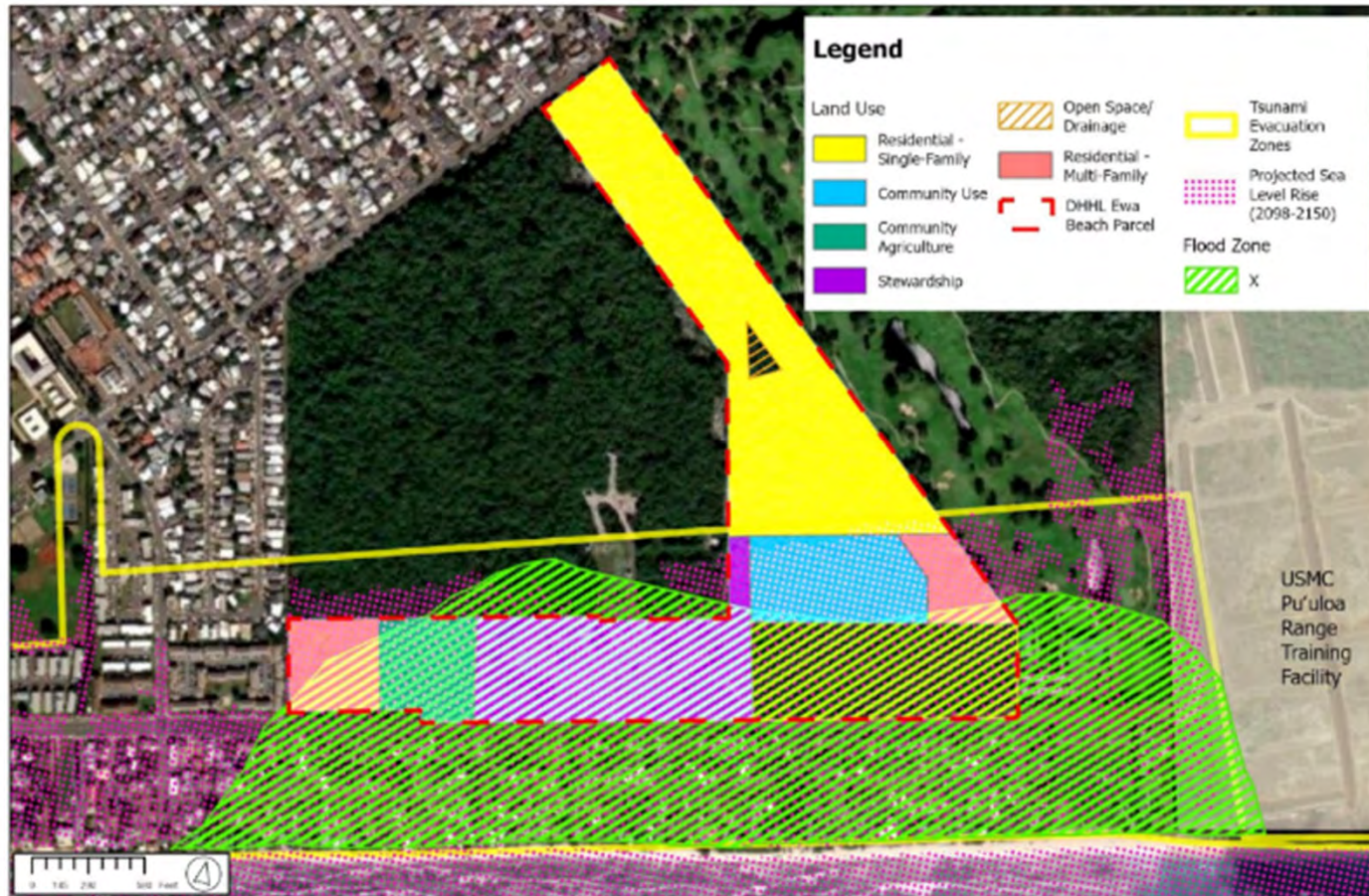
Proposed Action Land Use

Land Use	Acres	Est. # of Lots/ Units
Residential – Single-Family	~25	220
Residential – Multi-Family	~8	120-160
Community Use	~8	N/A
Community Agriculture	~4	N/A
Stewardship	~15	N/A
Internal roads, infrastructure, drainage/open space	~22	N/A
TOTAL	~80	340-380



Hazard Areas in Relation to Proposed Uses

Figure 4. Hazard Zones





Community Concerns

Traffic & Access

- Congestion and commute times
- Connection from Fort Weaver to North Road for connectivity, evacuation
- Traffic design to minimize traffic conflict and increase space
- Minimize construction vehicle traffic impacts on Fort Weaver

Schools & Safe Routes to Schools

- Inadequate school capacity and access (safe routes)
- Pedestrian safety on North Rd and Fort Weaver

Nearby Uses

- Proximity of the shooting range (noise, pollution, adequately informing beneficiaries of potential living conditions)
- Questions about magnetic observatory



Community Concerns

Infrastructure

- Stormwater and drainage retention capacity
- DHHL should not have to foot the bill for larger community infrastructure needs – longstanding needs should be funded by taxpayers

Land Use/Design

- Multi-family housing, rental options
- Landscaping/design elements

Flooding, SLR & Drainage

- Makai area of the site is low-lying and has poor drainage
- Concern about siting homes in flood and sea level rise areas
- Long-term livability design consideration



Environmental Assessment Comments

Draft Environmental Assessment Comment Period: 9/23/24 - 10/23/24

Infrastructure

- New sewer main necessity and capacity concern
- Additional stormwater and drainage retention capacity

Water

- Water demand and calculations
- Wastewater system guidelines and permits and provision compliance
- Conservation, resource management, and efficient water use

Roads/Traffic

- Permit and report compliance
- Traffic design and improvements to minimize traffic conflict
- Minimize construction vehicle traffic impacts
- Sidewalks, bikeways, and shared-use paths for safety
- Internal roadways for use by wider community



Environmental Assessment Comments

Draft Environmental Assessment Comment Period: 9/23/24 - 10/23/24

Nearby Uses

- Proximity to Pu'uloa Range Training Facility (PRTF)
 - Apprising potential residents of sound pollution, potential dangers
 - Support for PRTF relocation

Community Use

- Community recreation areas for wider community/existing residents

Hazards

- Flood zone, sea level rise, flooding

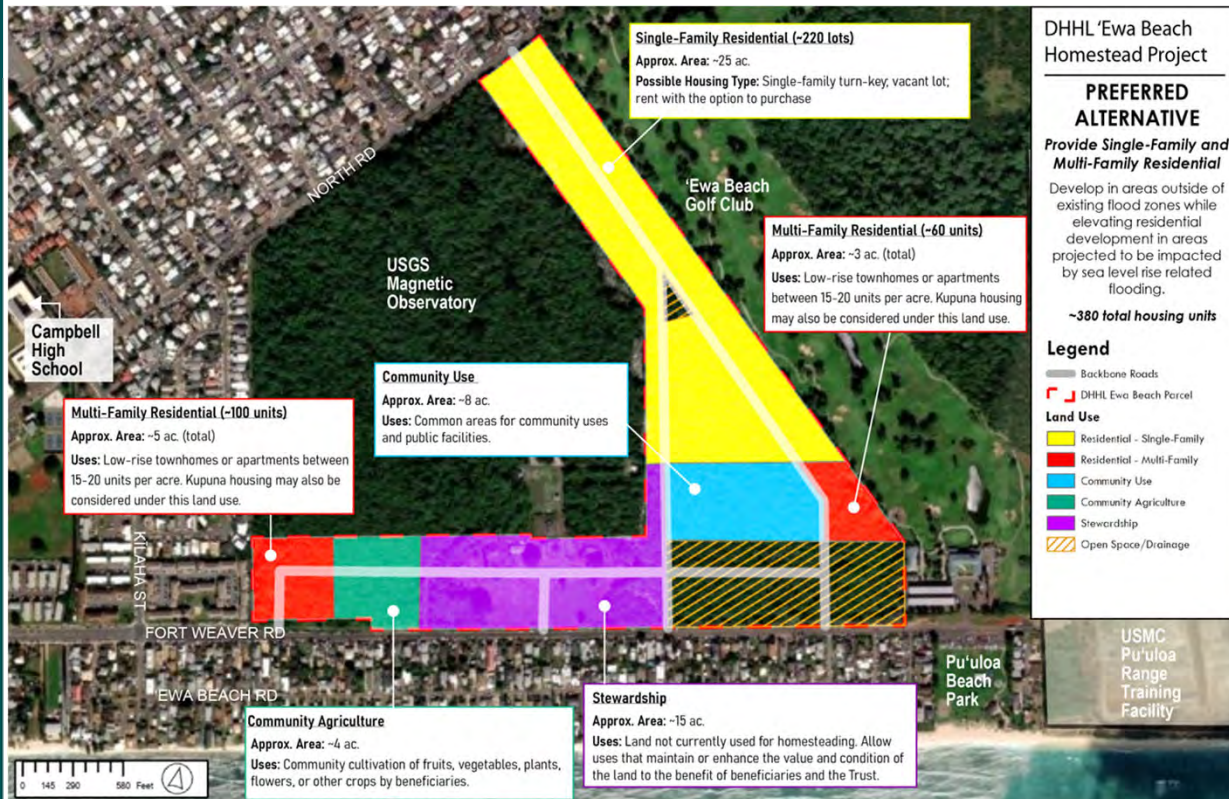
Traditional and Cultural Practices

- Native Hawaiian resources & exercise of traditional and cultural practices

General

- Consistencies with Land Use Plans (Water use, water projects, development plans, General Plans, 'Ewa Development Plan)

Proposed Mitigation Measures



- Construction Related BMP's and compliance with regulations for Stormwater, Dust, Noise, Protected Species, Waste Disposal, Hazardous Materials, and Historic, Cultural and Archaeological Resources
- Stormwater Retention, Treatment, and Drainage
- Siting and adapting development for resilience to coastal hazards and sea level rise
- Providing alternate routes for evacuation and vehicle access
- Improvements to intersection at Fort Weaver/Keoneula Drive/Hanakahi Street



Environmental Assessment Changes

Permits and Approvals

- Verbiage changes to the Permits and Approval discussion

Parks and Recreation Areas

- Updates to Figure 17 based on comments from the City & County of Honolulu Department of Parks and Recreation



Environmental Assessment Schedule

- September 23 - Publication of Draft EA in *The Environmental Notice*
- October 23 – End of public comment period
- November 14 – Beneficiary Meeting #3
- December 16-17 – HHC request for approval of Final EA and issuance of FONSI (TODAY)
- January 2025 – Publication of Final EA and FONSI in *The Environmental Notice*; Completion of NEPA/HUD Environmental Review requirements



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov



ITEM G-2

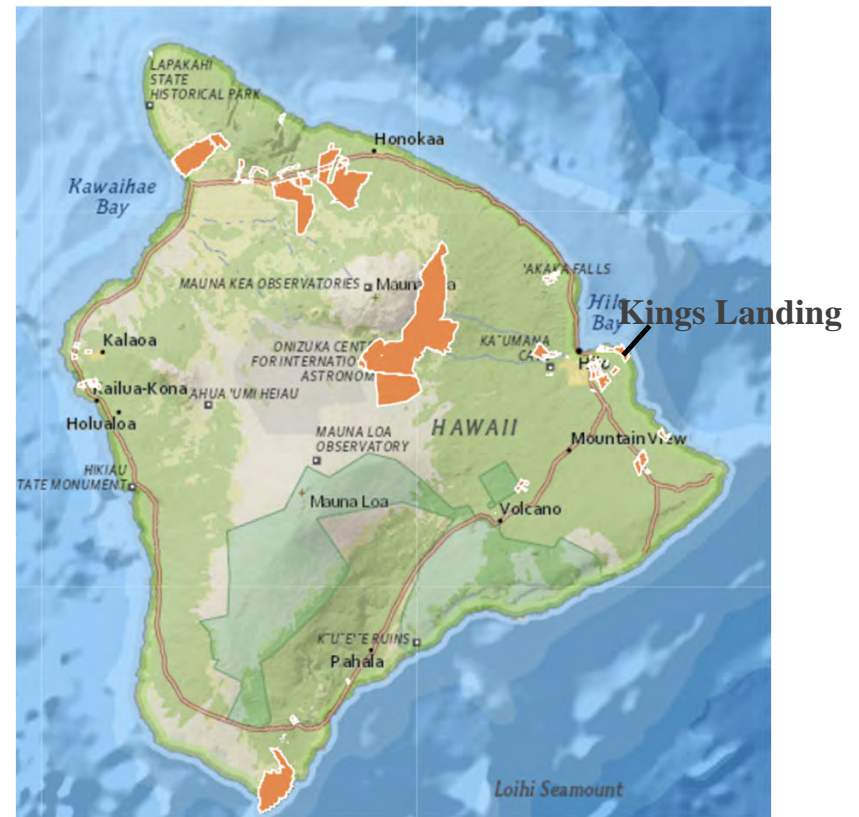
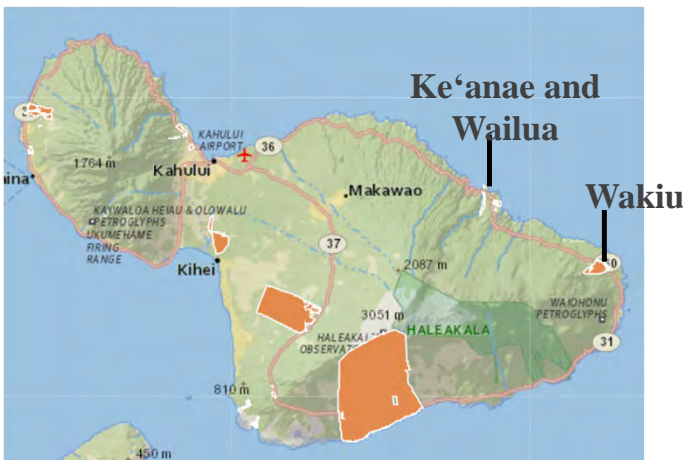
Hawaiian Homes Commission

**Approval to Proceed to Beneficiary Consultation for
a Proposed Administrative Rule Amendment to
Establish a Priority Waitlist for Applicants with a
Connection to a Place**

December 16-17, 2024



PRIOR BENEFICIARY CONSULTATION & COMMUNITY OUTREACH





PRIOR BENEFICIARY CONSULTATION & COMMUNITY OUTREACH



Common Characteristics of these areas:

1. The DHHL tract is generally isolated or removed from urban centers;
2. The lifestyle of residents includes a substantial amount of subsistence activity;
3. The population of the surrounding area is predominantly Native Hawaiian;
4. Traditional cultural values and practices are critical to the well-being of these communities;
5. Multiple generations have had success in these areas because of their connection and intimate relationship with that place.



PRIOR BENEFICIARY CONSULTATION & COMMUNITY OUTREACH



Beneficiaries from these rural communities asked DHHL for a preference policy in awarding of new homesteads for beneficiaries that have a connection to these places because:

1. Familial connections and strong social networks are critical to success in these areas;
2. Better ensure sustainability of resources and limited infrastructure of these places;
3. Beneficiaries with familiarity and knowledge of these places better understand how to manage subsistence resources and will be more likely to have success as homestead lessees.



PRIOR BENEFICIARY CONSULTATION & COMMUNITY OUTREACH



DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE

PRIOR AMENDMENTS TO THE WAITLIST RULES



HOW THE NEW RULES AND REGULATIONS WILL AFFECT THE APPLICANT LIST?

Historical Review:

- **Pre 1963** No established consistent procedure—Some by lottery (Applications not pulled were not filed); other various procedures and criteria used.
- **1963 to 1972** Priority System was established. Areas were defined and filed; received applications. All applications on hand in the department were placed in the priority ranking by Hawaiian Blood Quantum.

Priority I Successor 100% Hawaiian	Sample Area Listing Priority II Successor 50% Hawaiian	Priority III No Qualified Successor
1. 1947, Jan. 1	1. 1947, Jan. 1	1. 1947, Jan. 1
2. 1947, Jan. 1	2. 1947, Jan. 1	2. 1947, Jan. 1
3. 1950, Jan. 1	3. 1950, Jan. 1	3. 1950, Jan. 1
4. 1960, Jan. 1	4. 1960, Jan. 1	4. 1960, Jan. 1
5. 1972, Jan. 1	5. 1972, Jan. 1	5. 1972, Jan. 1

In this system, applicants in priorities II and III never moved. As long as there was an applicant in priority I

- Waitlist was first established by rule in 1963
- Original waitlist rules ranked applicants in order by blood quantum (higher quantum ranked higher than lower quantum)
- Rule was amended in 1972 to the current DHHL protocol of ranking applicants by the date of completed application



PRIOR AMENDMENTS TO THE WAITLIST RULES

- Section 10-3-7, Priority and preference for award of leases
- Section 10-3-11, Lāna‘i Awards
- Section 10-3-22, Award of leases with outstanding indebtedness
- Section 10-3-24, Agricultural and pastoral leases on the island of O‘ahu



PROPOSED RULE AMENDMENT



Rule Only Applies to Areas with Kuleana Homesteads Lots

The **Kuleana Homestead Lease Program (HAR 10-3-30)**.

Kuleana Homestead leases are designated for settlement on unimproved Hawaiian Home Lands. Suitable for use by lessees who wish immediate access to the land for subsistence uses and who are willing to live on the land and accept an unimproved lot.

Common characteristics of areas with Kuleana Homesteads:

1. Areas that are isolated or removed from urban centers in which minimal provision of infrastructure would be provided.
2. Would require future homestead lessee to be proficient in off-grid living and have experience with subsistence lifestyle and be able to sustainably managing the resources of the area.

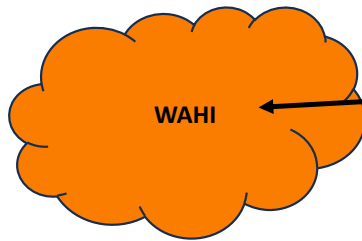
THE RULE WOULD NOT APPLY TO AREAS THAT DO NOT HAVE KULEANA HOMESTEAD LOTS



VERIFYING CONNECTION TO WAHI (PLACE)



**OPTION 1: CURRENT OR PREVIOUS
RESIDENT OF WAHI**

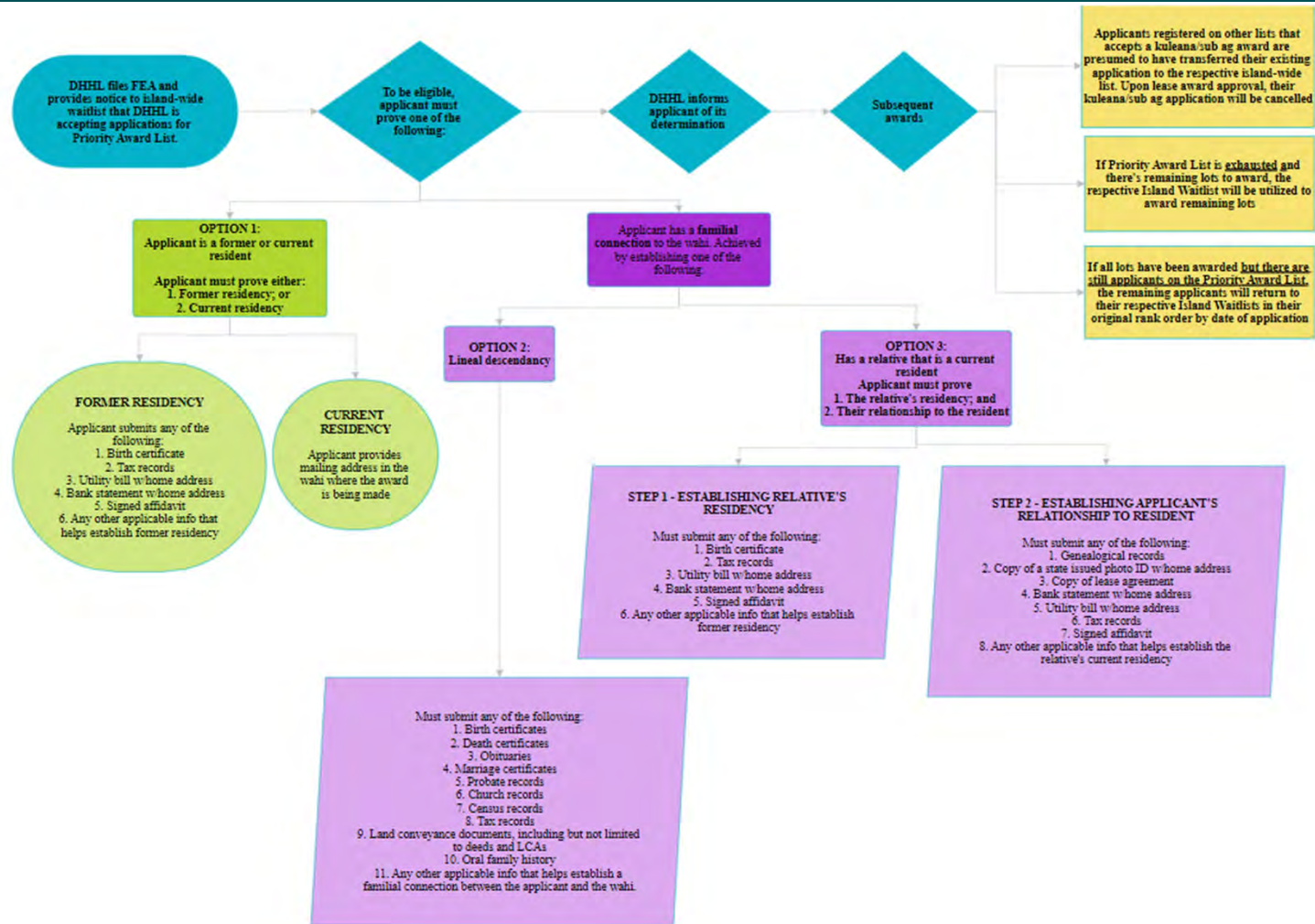


OPTION 2: LINEAL DESCENDANT OF WAHI



**OPTION 3: FAMILIAL RELATIONSHIP THAT IS A
CURRENT RESIDENT OF WAHI**

Overview of Proposed Rule Amendment





PLANNED LOTS

Project Areas with Planned Future Kuleana Homestead Lots	Island	Number of Lots in Project Area
King's Landing	Hawai'i Island	78
Wakiu (Hana)	Maui	204*
Ke'anae & Wailua	Maui	TBD
'Ualapu'e	Molokai	30 or fewer (TBD)
Anahola	Kaua'i	115
Pu'u 'Ōpae	Kaua'i	250
	TOTAL	677

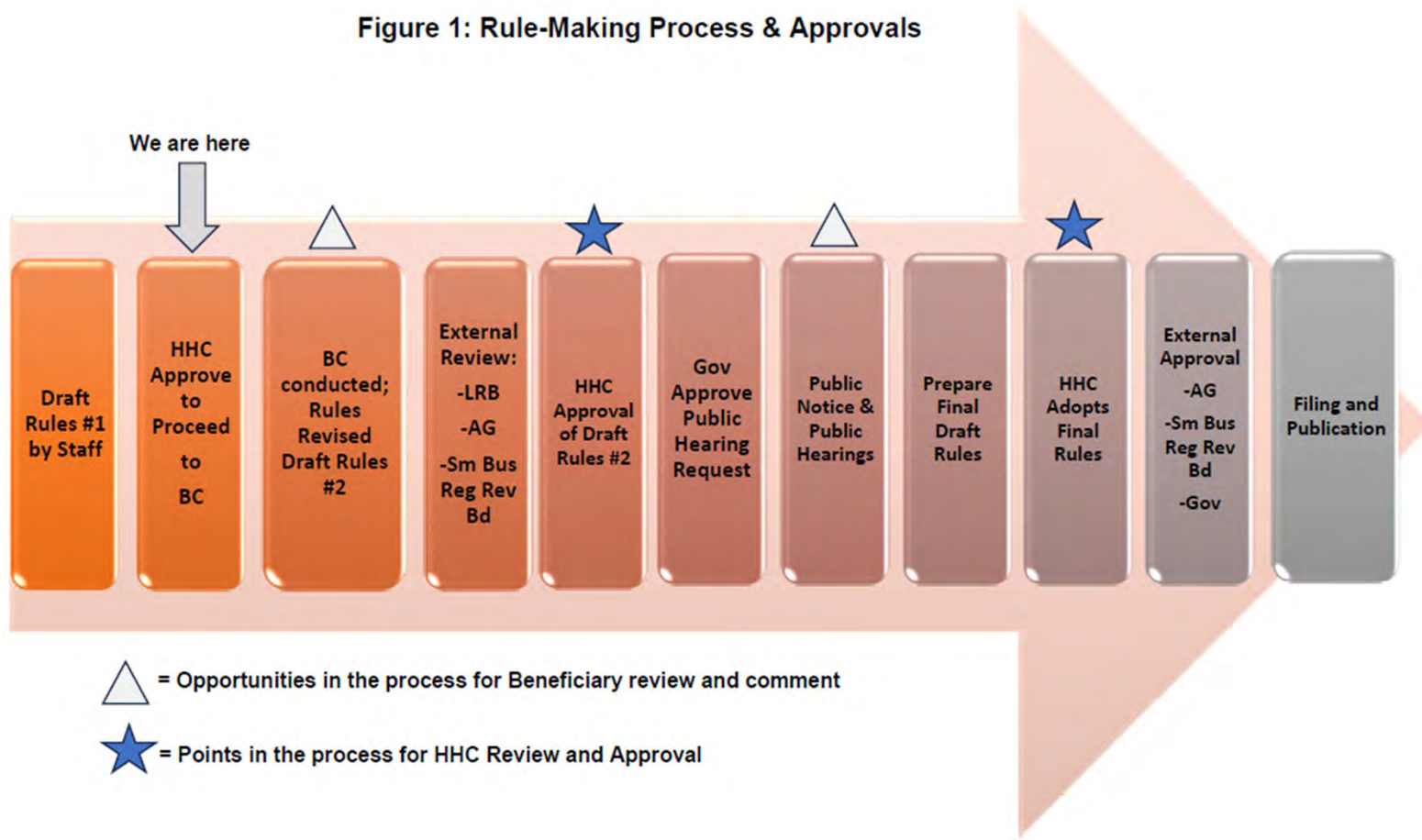
* Includes a mix of planned Kuleana homestead lots, residential lots, and subsistence agriculture lots



RULE MAKING NEXT-STEPS

RULE MAKING NEXT-STEPS

Figure 1: Rule-Making Process & Approvals





RULE MAKING NEXT-STEPS


RULE AMENDMENT PROCESS AND TENTATIVE SCHEDULE	TIMEFRAME
Draft Rules #1 prepared by staff.	December 2024
Draft Rules #1 presented to the HHC. HHC approval to proceed with the Rule Amendment process.	December 2024
Statewide Beneficiary Consultation meetings are scheduled, and beneficiaries are notified.	December & January 2025
Beneficiary Consultation meetings are conducted statewide to present the Draft Rules #1 and gather beneficiary input. Staff creates Draft Rules #2 based on beneficiary consultation.	1 st Quarter 2025
Draft Rules #2 are sent for external review by: The Small Business Regulatory Review Board; The Legislative Reference Bureau; The Attorney General	2 nd Quarter 2025
HHC Decision-making to Approve Draft Rules #2 for Public Hearings	Summer 2025
Governor's approval to conduct public hearings on Draft Rules #2.	Summer 2025
Public notice on the public hearing is published in a newspaper with statewide circulation.	Summer 2025
Public hearing is conducted to present Draft Rules #2 and to gather public input.	Fall 2025
DHHL considers public comments and prepares Final Draft Rules #3.	Fall 2025
Final Draft Rules #3 presented to the HHC for review and approval.	November 2025
External review and approval of Final Draft Rules #3: Attorney General; Small Business Regulatory Review Board; Governor	December 2025
Filing and publication of amended Administrative Rule.	1 st Quarter 2026



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS




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HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

Accept Beneficiary Consultation Report for the proposed process and procedure for the Hawaiian Homes Commission representative on the East Maui Regional Community Board; Approval of the proposed process and procedure; and Notification of the upcoming vacancy

Item G-3
Hawaiian Homes Commission
& Community Meeting
December 16 & 17, 2024

1



Agenda

- I. Critical Background**
- II. Beneficiary Consultation Report**
- III. Proposed Process**
- IV. Notification**
- V. Recommendation**

2

I. Critical Background

3



Background on the East Maui Irrigation System (EMI)

- Alexander & Baldwin (A&B)
- Plantation closed in 2016
- Sold 41,000 acres to Mahi Pono
- EMI co-owned by A&B and Mahi Pono
- A&B seeking 30-year water license



4



DHHL Interest Related to the EMI

- ***Water reservations***
 - 11.455 mgd water reservation requested in 2020
 - Request not fully granted
- ***Traditional and customary rights***
 - Dewatered DHHL lands at Ke`anae and Wailuanui
- ***30% of water lease revenue***
- ***DHHL seat on the East Maui Regional Community Board***

5



Background on the East Maui Regional Community Board

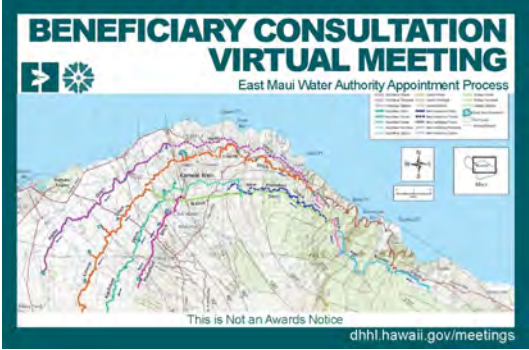
- **Established November 9, 2022**
- **Governs the East Maui Water Authority**
- **Acquire, manage, & control water collection delivery systems**
- **Nāhiku, Ke`anae, Honomanū, and Huelo water license areas**
- **Alternative to the state issuing a long-term license to the EMI to a private party**



6

East Maui Water Authority Selection Process

- **First designated seat for a representative of the HHC**
- **Determine process for selecting a representative when there is a vacancy**
- **Beneficiary Consultation held October 28, 2024**



7

II. Beneficiary Consultation Report

8



Beneficiary Consultation

- **Approximately 3,063 postcards were mailed out**
 - All lessees and applicants in Maui County
- **Via Zoom**
- **Discussed:**
 - Qualifications of a nominee
 - Reporting requirements
 - Notification of an upcoming vacancy
 - The proposed selection process
- **30-day comment period**
 - Recording received over 60 views

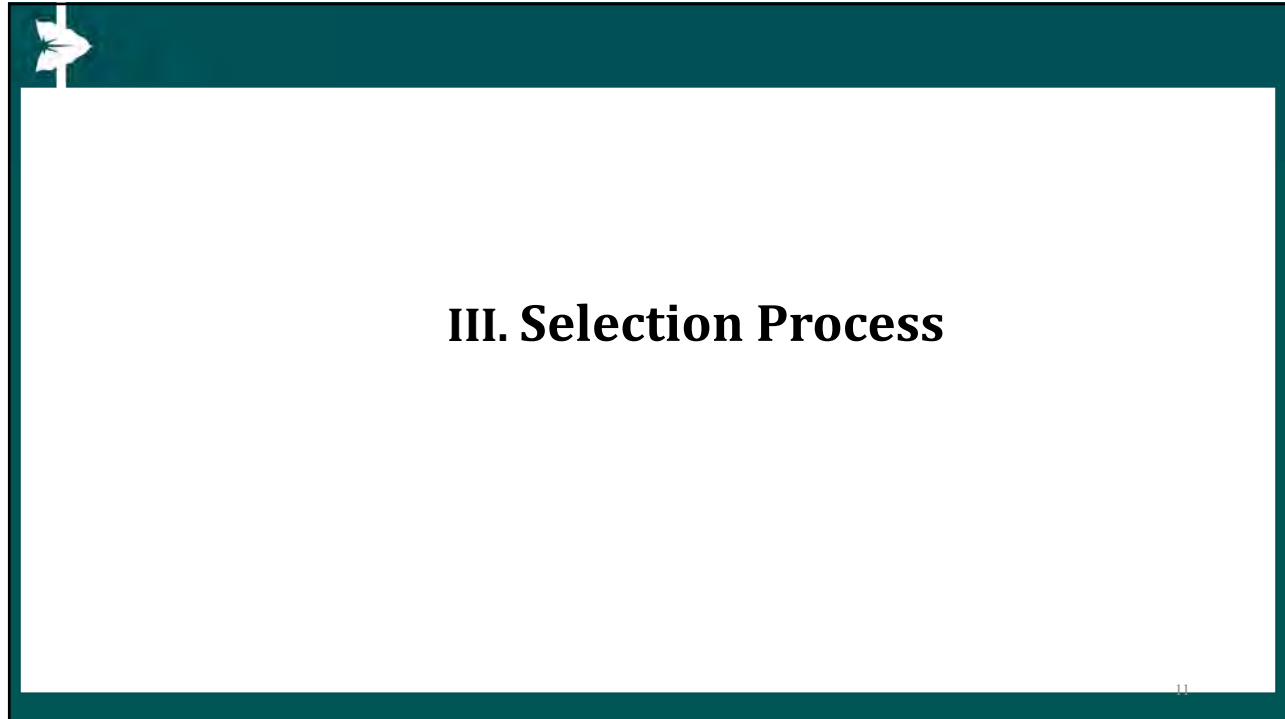
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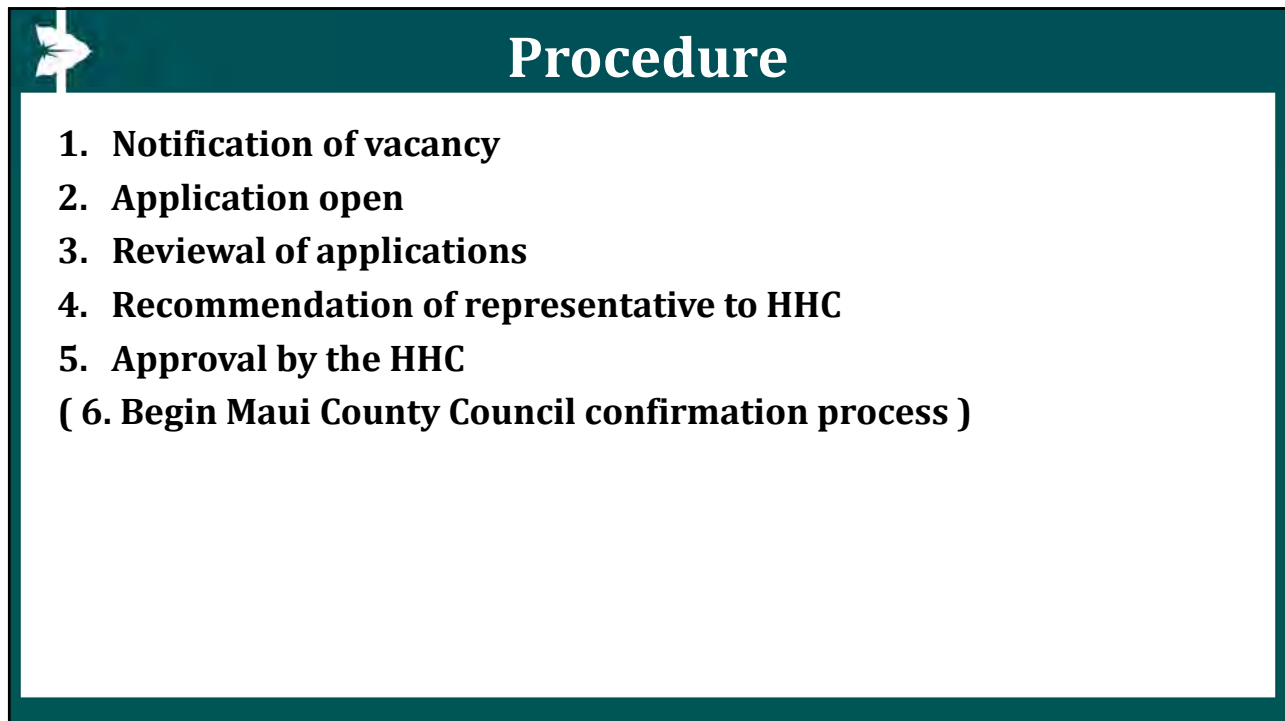
Beneficiary Consultation Report

- *“If you can find the right fit of a person who is akamai of the area, willing to serve with all the requirements that you have, then that would benefit all.”*
- **Desire to be informed of meaningful updates**
- **Social media as a tool highly recommended**

10



11



- 1. Notification of vacancy**
- 2. Application open**
- 3. Reviewal of applications**
- 4. Recommendation of representative to HHC**
- 5. Approval by the HHC**
- (6. Begin Maui County Council confirmation process)**

12



Expectations

- **Complete confirmation by the Maui County Council**
- **Complete Financial Disclosure Statement with the Board of Ethics**
- **Swear an Oath of Office**
- **Attend all meetings**
- **Hold kuleana to the HHC, DHHL, and the beneficiaries of DHHL**
- **Report meaningful updates to the HHC**


13



IV. Notification

14


14



Notification of an Upcoming Vacancy

- **The current HHC representative’s seat will expire March 31, 2025**
- **DHHL will begin accepting applications upon HHC approval**
- **Applications will be available on DHHL’s website at <https://dttl.hawaii.gov/po/water/>**
- **Applications will be accepted until January 6, 2024**


15



Timeline

Action	Timeline
Acceptance of BC Report, approval of Selection Procedure, & Notification of Vacancy	December 16 & 17, 2024
Application deadline	January 6, 2025
Review of applications	January 6 -13, 2025
Submital to the HHC recommending approval of selected representative	January 20 & 21, 2025
Notification to Maui County	January 21, 2025
Maui County Council confirmation process begins	?
Current HHC representative term expires	March 31, 2025


16



V. Recommendation

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That the Commission

- **Accept the Beneficiary Consultation Report for the proposed process and procedure for the HHC representative on the East Maui Regional Community Board;**
- **Approve the proposed process and procedure;**
- **Begin notification of the upcoming vacancy**

18



Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

Nīnau?




HAWAIIAN HOME LANDS
HAWAIIAN HOMES COMMISSION • DEPARTMENT OF HAWAIIAN HOME LANDS

ITEM G-6
Indigent Native Hawaiian Homesteading Pilot Project,
Lualualei, O'ahu
TMK (1) 8-6-001:052 (portion)

Hawaiian Homes Commission
December 17, 2024

1



Indigent Native Hawaiian Homesteading Pilot Project

REQUESTED HHC ACTION:

1. Approve an Indigent Native Hawaiian Homesteading Pilot Project on a 2-acre portion of a 4-acre parcel in Lualualei, O'ahu, TMK (1) 8-6-001:052
 - a. To develop policy, procedure, and program elements that provides individual homesteading opportunities for indigent native Hawaiian applicants.
 - b. To assess the feasibility of providing individual homesteading opportunities for indigent native Hawaiian applicants.
2. Approve the issuance of a 12-month Right-of-Entry Permit (ROE) to De Mont Kalai Manaole, an indigent native Hawaiian applicant, to participate in this Pilot Project according to the terms below.

DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE

2



WHY DE MONT MANAOLE?

- In the November 2023 HHC meeting, De Mont Kalai Manaole addressed the Commission on the J-Agenda. He presented his *“Position Paper & Proposal to Address Systemic Discriminatory Practices Against Indigent Beneficiaries/Applicants.”*
- Mr. Manaole explained that Indigent Applicants have been “systematically over-looked and by-passed by the Department and the Commission.” The Department’s practice of rejecting Applicants, based solely on their inability to meet financial qualifications to secure a home loan, is a discriminatory practice.
- When he was on the Hawai’i Island Residential Waitlist, he received several offers for lease awards and participated in each offering. But every offering required a letter from a lender stating that he was pre-qualified for a home loan. Without that letter, he could not advance to lot selection. He realized that the Waitlist can’t help him...even if he was #1 on the Waitlist, he would never receive a homestead lease.
- He noted that DHHL has no alternative and does not provide any form of assistance to ensure that indigent applicants are placed on the land.

DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE

3



WHY DE MONT MANAOLE?

- DHHL’s practices and procedures ensure that the indigent get nothing, while those with money and good credit—who could participate in the regular housing market—get land and a house, and a direct subsidy of \$150,000 to \$200,000 per lot (off-site and on-site infrastructure).
- Indigent applicants are routinely skipped over—while the applicants who have good credit and sufficient income to qualify for a home loan skip to the front of the line.
- Mr. Manaole said the Department lets you stay on the Waitlist—and this is what gives the indigent applicant hope that another offering will produce different results. He believes there are a significant number of applicants on the Waitlists who are indigent or would not qualify for a home loan.

DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE

4



PROPOSED PILOT PROJECT

Mr. Manaole wants to work with the Department under a Pilot Project to create a program to address the needs of indigent applicants who cannot qualify financially for any of the programs that are currently being offered. He wants to get indigent applicants off of the Waitlist and onto the 'āina. He wants to:

- Demonstrate that indigent applicants can sustain themselves on the land without large capital investments in infrastructure development;
- Demonstrate, through a Pilot Project, that beneficiaries can implement off-grid living on even the worst lands in the Department's inventory;
- Demonstrate that new technologies are available to facilitate off-grid living;
- Show the benefits of living off-grid so that other beneficiaries can have visible proof that off-grid utilities are possible; that life without utility bills is better than life with bills;
- Demonstrate that a base camp, living quarters, a safe sewage disposal system, and a water catchment system for growing food crops can be established very quickly—within 6 months to a year.

DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE

5



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8



ISSUES WITH THE PARCEL

- Littered with household rubbish, car parts, piles and piles of tires, bedframes and mattresses, metal pipes, and PVC pipes. When rubbish is removed, more discarded items are revealed which, over time, have been covered and buried .
- There are remnants of a fence along the road, however, the gate was removed and thrown to the side.
- There was a homeless encampment area that had a sheltered area which was surrounded with household rubbish, food containers, and other discarded consumable items.
- 4WD vehicles have used the pilot project site as a gateway to illegally access the Pu'u to hunt goats and extract moss rocks. Dirt roads on the Pu'u all lead down to the property. The dirt roads indicate that illegal access to the Pu'u has been going on for many years.

DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE

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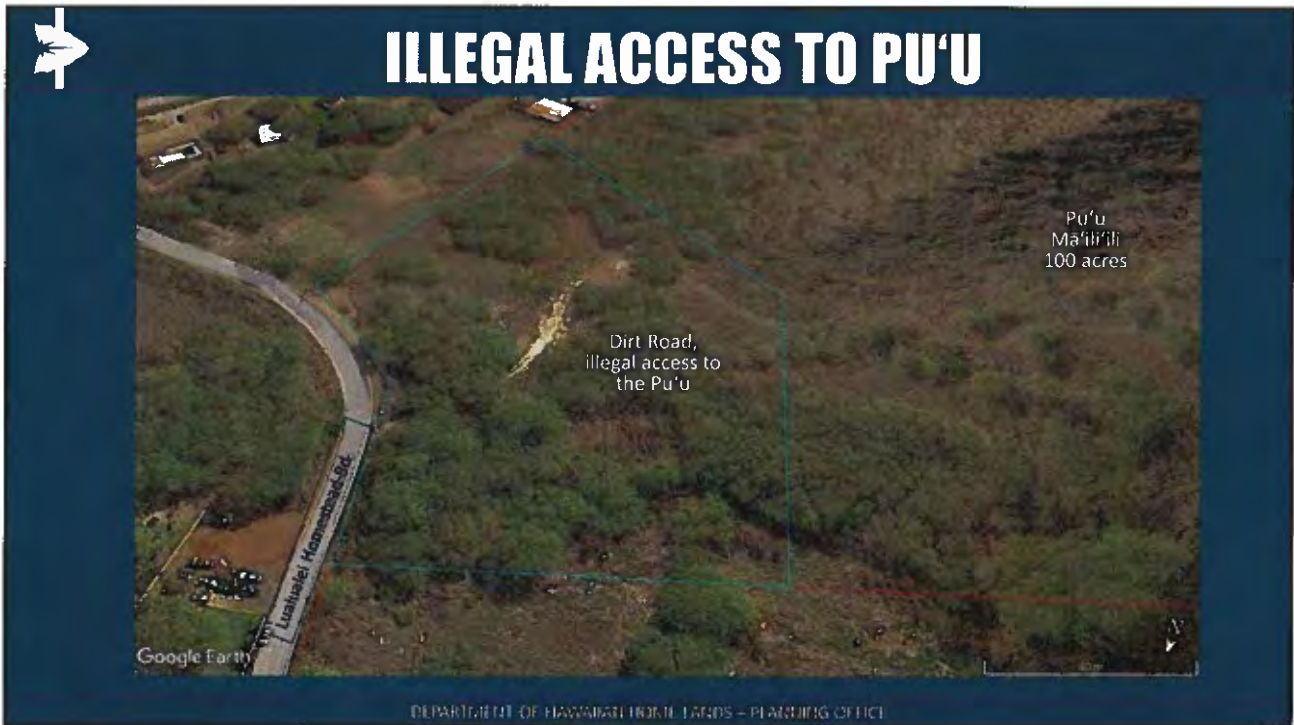


ISSUES WITH THE PARCEL

- There are conditions that pose unnecessary liabilities for the Department.
- The dried grass and kiawe trees are a fire hazard that could damage the Church and other adjacent properties.
- A concrete drain that is supposed to capture water off the road and drain it into the gulch is full of brush and rubbish which blocks the drainage of water and causes the water to back up onto the road and adjacent properties.
- Vehicular access to the Pu'u involves precarious dirt roads on high slopes.
- Homeowners that are located on the west side of the Pu'u have expressed concern over the amount of moss rock that has been extracted from the Pu'u because they fear that the removal of the moss rock has compromised the stability of the soil which makes the homeowners more vulnerable to landslides and property damage.

DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE

10



11

The Purposes of the Pilot Project

1. Provide an alternative for indigent native Hawaiian applicants to secure a 99-year homestead lease.
2. Identify assistance programs and subsidies to support the construction of off-grid housing for indigent applicants.
3. Identify benchmarks and indicators to guide and document applicant's progress and evaluate applicant's readiness and suitability for a modified subsistence agriculture kuleana homestead lease.
4. Develop an operational definition of an "indigent" applicant, based on a current survey of Waitlist applicants.
5. Determine how indigent applicants would successfully complete the program. Identify the criteria for staff to recommend the award of a small vacant lot (3 acres or less) under a modified subsistence agriculture kuleana homestead lease.
6. Determine the feasibility of the program concept, by taking an indigent applicant (De Mont Kalai Manaole) through the proposed Pilot Project to refine program objectives and parameters.
7. Over the year of the Pilot Project, staff will gather pertinent data to document the applicant's work on the parcel and to evaluate the feasibility and desirability of the Pilot Project.

DEPARTMENT OF HAWAIIAN HOME LANDS - PLANNING OFFICE

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Indigent Native Hawaiian Homesteading Pilot Project

TERMS OF THE PARTICIPATING IN THE PILOT PROJECT:

1. Pilot Project activities would be allowed on a 2-acre portion of the 4-acre parcel in Lualualei, O’ahu, TMK (1) 8-6-001:052.
2. Access to the 2-acre Pilot Project site would be initially limited to one-month. As the indigent applicant meets or exceeds benchmark indicators, the duration of the ROE would be
 - a. Initial access to the site would be allowed through a Limited Month-to-Month Right-of-Entry Permit (LROE), which may be extended at the end of each month, for up to 6 months.
 - b. If sufficient progress has been made within 4 to 6 months, staff would request HHC approval to issue a 1-year Right-of-Entry Permit. If not, the LROE will expire, the indigent applicant’s participation in the Pilot Project would end, and the indigent applicant will be required to move off the premises.
 - c. If sufficient progress is made within the year, staff may request approval of a 99-year homestead lease.
3. Access to the project site would be granted to the indigent applicant for the purpose of maintaining a 24-hours a day, 7 days a week, presence on the premises. Planting, soil retention activities, and securing premises, removing all squatters and junks from the premises, take all lawful and reasonable measures to prevent trespassers/vandals from entering the premises, which has been a vehicular access point to DHHL’s adjacent 99-acre parcel (Pu’u Ma’ili’ili). Clearing drainage ditch to document, mitigate, and prevent flooding carrying dirt and debris onto Lualualei Homestead Road.

DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE

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TERMS OF THE 1-YEAR ROE

MR. MANAOLE’S RESPONSIBILITIES

1. Reside on the parcel for 1-year during the Pilot Project the duration of the pilot project in to provide a presence on the parcel that deters trespassing, dumping, vandalism, and other illegal activities.
2. Clear the property of household rubbish, car parts, metal pipes, and other trash on the property and maintain the site in good condition.
3. Repair the perimeter fence along the road and reinstall the gate to prevent 4WD vehicles from accessing the property and the Pu’u.
4. Clear the concrete drain of any brush and rubbish to allow water to drain to the gulch
5. Subsistence cultivation and residence should be within the 2-acre portion of the parcel.
6. Document with photos and/or a written statement the describe the conditions on the parcel when you first went on the parcel, the land management activities that you used, and document the results of your good work.
7. Meet regularly with the DHHL staff assigned to work with you during the Pilot Project. Prepare a Plan to restore the land, construct a home, and achieve the goals identified in the section below.
8. Do not engage in verbal or physical arguments with anyone on the Lot.
9. Release the State of Hawai’i, from any liabilities pursuant to standard ROE stipulations.
10. Assist DHHL to develop a program for Indigent applicants.
11. Other responsibilities as may be deemed necessary.

DEPARTMENT OF HAWAIIAN HOME LANDS – PLANNING OFFICE

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TERMS OF THE 1-YEAR ROE

DHHL'S RESPONSIBILITIES

1. Since the parcel was not identified for homesteading purposes, assess the proposed Pilot Project site to ensure that it is suitable for residence.
2. Assign an appropriate staff person to meet regularly with Mr. Manaole at the Project Site in order to discuss issues, successes and opportunities; to work on the developing the program; and to ensure compliance with the conditions of the ROE.
3. Issue Mr. Manaole a 1-year ROE for the Pilot Project on the 2-acre portion of the 4-acre parcel.
4. Provide Mr. Manaole some assistance by purchasing needed equipment and/or supplies, provided the purchase is approved by LMD and PLO managers.
5. Engage appropriate staff and the AG's office to review and discuss program recommendations resulting from the Pilot Project.
6. Monitor progress toward Mr. Manaole's implementation of his restoration/settlement plan.
7. Other work and duties as may be necessary to support Mr. Manaole's residence on the site.

DEPARTMENT OF HAWAIIAN HOME LANDS - PLANNING OFFICE

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TERMS OF THE 1-YEAR ROE

JOINT RESPONSIBILITIES

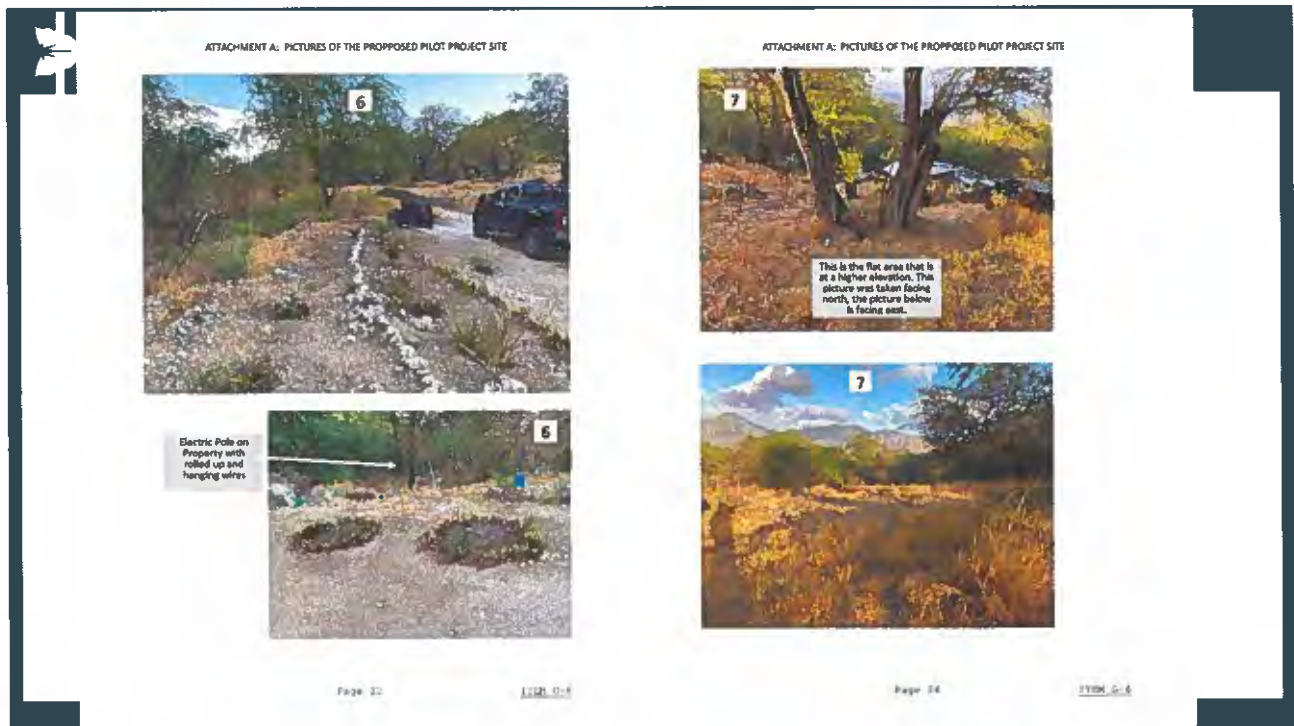
1. Maintain frequent and open communication.
2. Develop a system of documenting before and after pictures, recording when and where pictures taken, and the work that was required to produce the "after" condition.
3. Keep a log incidents when trespassers attempted entry, but did not enter the property. Log any other incidents occurring on the parcel.
4. For maintenance activities, identify how often work was required to maintain the property in good condition.
5. Commit regular times to met to work on the pilot project/program specifications.
6. Provide updates to DHHL and the HHC on progress made during the Pilot Project.
7. Perform other duties necessary to support the purpose and intent of the Pilot Project.

DEPARTMENT OF HAWAIIAN HOME LANDS - PLANNING OFFICE

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ATTACHMENT A: PICTURES OF THE PROPOSED PILOT PROJECT SITE

Although this parcel is 1 mile inland from the coast (so the crew the find), the land is all coral because the whole area used to be underwater. There is very little top soil. DeLorent said that he has to dig over 2-foot down to get to soil. With soil and by bringing in water every day, the plants are growing.

Page 17 EXH. A-1

Page 18 EXH. A-2

DEPARTMENT OF HAWAIIAN HOME LANDS - PLANNING OFFICE

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ATTACHMENT A: PICTURES OF THE PROPOSED PILOT PROJECT SITE

DeLorent mentioned this raised bed for planting which shows use of recycled materials brought in from other locations where the land has very little top soil.

This is the back of a small container house used for a 12/15. He doesn't live there, but would like to. Most of the "beds" would cover outdoors, under the tent.

This is a mid-level clearing is above the road, below the Pu'u, offering some privacy from passing cars. Below the Pu'u, are all sorts of trees. There are many trees, especially large truck trees, that were dumped on the property. They will be used by planters and prepared to stabilize the soil, preventing run-off of top soil.

He has spent a lot of time clearing out household rubbish, tires, car parts, clothes, hard-ware materials, etc. While clearing out the rubbish, DeLorent discovered a large patch of soil that was able to survive under the Koa trees.

Page 19 EXH. A-3

Page 21 EXH. A-4

DEPARTMENT OF HAWAIIAN HOME LANDS - PLANNING OFFICE

20

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ka Kia 'āina o ka Moku 'āina o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia 'āina o ka Moku 'āina
'o Hawai'i*



KALI WATSON
CHAIRPERSON HHC
Ka Luna Ho'okele

KATIE L. LAMBERT
DEPUTY TO THE CHAIR
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawai'i
P. O. BOX 1879
HONOLULU HAWAII 96805

LIMITED RIGHT OF ENTRY PERMIT
LROE Permit No. 25:049

The DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL), STATE OF HAWAII, by its Hawaiian Homes Commission, as PERMITOR, hereby grants a limited right of entry permit to:

PERMITEE Name:	De Mont Kalai Manaole
Project Name:	Land Management Pilot Program
Contact Name:	Attn: De Mont Kalai Manaole Cel. Phone: - (808) 726.5753 Ofc.Ph: - NA Email: demontconner@gmail.com
Address:	86-044 Ho'aha St., Wai'anae, HI 96792

To engage in the following activity:

Establish & maintain a presence on the premises through various land management activities including: planting, clearing drainage ditches, retaining soil and managing water flow, installing fencing/gates and other lawful & reasonable measures to deter trespassing & dumping on the premises and adjacent DHHL property. Remove & manage brush, trash, and flammable materials to prevent brushfires. Document land management issues and conditions before & after completion of land management activities. Report to designated staff on land management issues, and the status of ongoing land management activities.

On the following date(s), time(s) and location(s):

Date: Sunday, 12/1/2024 – Monday, 12/30/2024
Time: 24 hours a day, 7 days a week
Location(s): Lualualei, Waianae, Island of Oahu
Tax Map Key: (1) 8-6-001:052 (Map attached)
Fee: \$0.00

SPECIAL CONDITIONS:

- 1.) The permission granted limits the entry to PERMITEE, its employees, consultant(s) and sub-consultants for the purpose as stated above and for no other purpose;
- 2.) PERMITEE accepts the premises in "as is, where-is" condition. No permanent structure can be constructed on the premises. PERMITEE will take picture to establish condition of the premises before PERMITEE's activities;

DHHL Federal ID #99-0266483

- 3.) PERMITEE and all participants agree to not cause any action instituting any claim, suit or other similar cause against the State of Hawaii and its officers, employees, or agents because of death, personal injury, property damage or property loss, if any, arising out of any accident on the premises covered by this Permit and roadways adjacent thereto occasioned by any act or omission of PERMITTEE and all participants;
- 4.) PERMITEE and all participants agree to save, defend and hold harmless the State of Hawaii, its Department of Hawaiian Home Lands, its officers, employees, and agents, from any reimbursement due to any lawful award based on a suit or claim presented against them; and to defend the State of Hawaii, its officers, employees or agent because of a suit or claim presented against them resulting from said death, personal injury, property damage, or property loss;
- 5.) PERMITEE and all participants hereby assume the risk for any injuries that may be sustained in the pursuit of the activity while on the premises and does hereby remise, release, and forever discharge the State of Hawaii, its Department of Hawaiian Home Lands, its agents, officers, and employees, from any and all actions, suits, damages, claims or judgments, that may result from said death, personal injury, property damage, or property loss that PERMITEE and any participant may sustain while on the premises of the Department of Hawaiian Home Lands while engaged in the activities specified above;
- 6.) PERMITEE shall clear the land of trash and junk and shall keep the premises neat and clean and shall remove all equipment and litter brought onto the property in conjunction with its activities;
- 7.) PERMITTEE and its guests shall ensure no Archaeological sites are in the vicinity they are clearing. If any archaeological sites are inadvertently discovered during the activities covered by this Permit, PERMITTEE and its guests shall cease the activities and contact the PERMITTOR immediately; and

THIS PERMIT IS NOT TRANSFERABLE

PERMITEE

By



 De Mont Kalai Manaole
 Vice President

Date

12-2-24

Approved:

By



 For Kali Watson
 Chairperson, Hawaiian Homes Commission

Date

12.2.24



Subject TMK: (1) 8-6-001:052

APPROX. 1/2 SHEET
SUBJECT TO CHANGE

DEPARTMENT OF LAND AND NATURAL RESOURCES	PLANNING DIVISION
FILE NO. 81601	DISTRICT OFFICE
DATE: 11/11/01	SCALE: AS SHOWN
BY: [Signature]	FOR: [Signature]

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ka Kia'āina o ka Moku'āina 'o
Hawai'i*

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STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Aina Ho'opulapula Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

LIMITED RIGHT OF ENTRY PERMIT
LROE Permit No. 25:030

The DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL), STATE OF HAWAII, by its Hawaiian Homes Commission, as PERMITOR, hereby grants a limited right of entry permit to:

PERMITEE Name:	De Mont Kalai Manaole
Project Name:	Land Management Pilot Program
Contact Name:	Attn: De Mont Kalai Manaole Cel. Phone: - (808) 726.5753 Ofc.Ph: - NA Email: demontconner@gmail.com
Address:	86-044 Ho'aha St., Wai'anae, HI 96792

To engage in the following activity:

Establish & maintain a presence on the premises through various land management activities including: planting, clearing drainage ditches, retaining soil and managing water flow, installing fencing/gates and other lawful & reasonable measures to deter trespassing & dumping on the premises and adjacent DHHL property. Remove & manage brush, trash, and flammable materials to prevent brushfires. Document land management issues and conditions before & after completion of land management activities. Report to designated staff on land management issues, and the status of ongoing land management activities.

On the following date(s), time(s) and location(s):

Date: Friday, 11/1/2024 – Saturday, 11/30/2024
Time: 24 hours a day, 7 days a week
Location(s): Lualualei, Waianae, Island of Oahu
Tax Map Key: (1) 8-6-001:052 (Map attached)
Fee: \$0.00

SPECIAL CONDITIONS:

- 1.) The permission granted limits the entry to PERMITEE, its employees, consultant(s) and sub-consultants for the purpose as stated above and for no other purpose;
- 2.) PERMITEE accepts the premises in "as is, where-is" condition. No permanent structure can be constructed on the premises. PERMITEE will take picture to establish condition of the premises before PERMITEE's activities;

- 3.) PERMITEE and all participants agree to not cause any action instituting any claim, suit or other similar cause against the State of Hawaii and its officers, employees, or agents because of death, personal injury, property damage or property loss, if any, arising out of any accident on the premises covered by this Permit and roadways adjacent thereto occasioned by any act or omission of PERMITTEE and all participants;
- 4.) PERMITEE and all participants agree to save, defend and hold harmless the State of Hawaii, its Department of Hawaiian Home Lands, its officers, employees, and agents, from any reimbursement due to any lawful award based on a suit or claim presented against them; and to defend the State of Hawaii, its officers, employees or agent because of a suit or claim presented against them resulting from said death, personal injury, property damage, or property loss;
- 5.) PERMITEE and all participants hereby assume the risk for any injuries that may be sustained in the pursuit of the activity while on the premises and does hereby remise, release, and forever discharge the State of Hawaii, its Department of Hawaiian Home Lands, its agents, officers, and employees, from any and all actions, suits, damages, claims or judgments, that may result from said death, personal injury, property damage, or property loss that PERMITEE and any participant may sustain while on the premises of the Department of Hawaiian Home Lands while engaged in the activities specified above;
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- 7.) PERMITTEE and its guests shall ensure no Archaeological sites are in the vicinity they are clearing. If any archaeological sites are inadvertently discovered during the activities covered by this Permit, PERMITTEE and its guests shall cease the activities and contact the PERMITTOR immediately; and

THIS PERMIT IS NOT TRANSFERABLE

PERMITEE

By



 De Mont Kalai Manaole
 Vice President

Date

10-31-24

Approved:

By



 For Kali Watson
 Chairperson, Hawaiian Homes Commission

Date

10-31-24

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia 'āina o ka Moku 'āina 'o
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STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho 'opulapula Hawai'i
P. O. BOX 1879
HONOLULU, HAWAII 96805

LIMITED RIGHT OF ENTRY PERMIT
LROE Permit No. 25:020

The DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL), STATE OF HAWAII, by its Hawaiian Homes Commission, as PERMITOR, hereby grants a limited right of entry permit to:

PERMITEE Name:	De Mont Kalai Manaole
Project Name:	Land Management Pilot Program
Contact Name:	Attn: De Mont Kalai Manaole Cel. Phone: - (808) 726.5753 Ofc.Ph: - NA Email: demontconner@gmail.com
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On the following date(s), time(s) and location(s):

Date: Tuesday, 10/1/2024 – Wednesday, 10/30/2024
Time: 24 hours a day, 7 days a week
Location(s): Lualualei, Waianae, Island of Oahu
Tax Map Key: (1) 8-6-001:052 (Map attached)
Fee: \$0.00

SPECIAL CONDITIONS:

- 1.) The permission granted limits the entry to PERMITEE, its employees, consultant(s) and sub-consultants for the purpose as stated above and for no other purpose;
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DHHL Federal ID #99-0266483

- 3.) PERMITEE and all participants agree to not cause any action instituting any claim, suit or other similar cause against the State of Hawaii and its officers, employees, or agents because of death, personal injury, property damage or property loss, if any, arising out of any accident on the premises covered by this Permit and roadways adjacent thereto occasioned by any act or omission of PERMITEE and all participants;
- 4.) PERMITEE and all participants agree to save, defend and hold harmless the State of Hawaii, its Department of Hawaiian Home Lands, its officers, employees, and agents, from any reimbursement due to any lawful award based on a suit or claim presented against them; and to defend the State of Hawaii, its officers, employees or agent because of a suit or claim presented against them resulting from said death, personal injury, property damage, or property loss;
- 5.) PERMITEE and all participants hereby assume the risk for any injuries that may be sustained in the pursuit of the activity while on the premises and does hereby remise, release, and forever discharge the State of Hawaii, its Department of Hawaiian Home Lands, its agents, officers, and employees, from any and all actions, suits, damages, claims or judgments, that may result from said death, personal injury, property damage, or property loss that PERMITEE and any participant may sustain while on the premises of the Department of Hawaiian Home Lands while engaged in the activities specified above;
- 6.) PERMITEE shall clear the land of trash and junk and shall keep the premises neat and clean and shall remove all equipment and litter brought onto the property in conjunction with its activities;
- 7.) PERMITEE and its guests shall ensure no Archaeological sites are in the vicinity they are clearing. If any archaeological sites are inadvertently discovered during the activities covered by this Permit, PERMITEE and its guests shall cease the activities and contact the PERMITTOR immediately; and

THIS PERMIT IS NOT TRANSFERABLE

PERMITEE

By



 De Mont Kalai Manaole
 Vice President

9-30-2024

 Date

Approved:

By



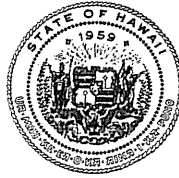
 For Kali Watson
 Chairperson, Hawaiian Homes Commission

9.30.24

 Date

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia 'āina o ka Moku 'āina 'o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia 'āina o ka Moku 'āina
'o Hawai'i*



KALI WATSON
CHAIRMAN, HAWAIIAN HOMES
COMMISSION
Ka Luna Ho 'ōkele

KATIE L. LAMBERT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho 'ōkele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho 'opulapula Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

LIMITED RIGHT OF ENTRY PERMIT
LROE Permit No. 25:018

The DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL), STATE OF HAWAII, by its Hawaiian Homes Commission, as PERMITTOR, hereby grants a limited right of entry permit to:

PERMITEE Name: **De Mont Kalai Manaole**

Project Name: **Land Management
Pilot Program**

Contact Name: **De Mont Kalai Manaole
demontconner@gmail.com
808.726-5753
86-044 Ho'aha St.
Wai'anae, HI 96792**

To engage in the following activity:

Establish & maintain a presence on the premises through various land management activities including: planting, clearing drainage ditches, retaining soil and managing water flow, installing fencing/gates and other lawful & reasonable measures to deter trespassing & dumping on the premises and adjacent DHHL property. Remove & manage brush, trash, and flammable materials to prevent brushfires. Document land management issues and conditions before & after completion of land management activities. Report to designated staff on land management issues, and the status of ongoing land management activities.

On the following date(s), time(s) and location(s):

Date: September 1 thru September 30, 2024
Time: 24 hours a day, 7 days a week
Location: See attached TMK map
Tax Map Key(s): (1)8-6-001:052
Fee: Gratis

Special Conditions:

- 1.) The permission granted only limits the entry to PERMITEE, its employees, its consultant(s), and sub-consultants for the purpose as stated above and for no other purposes;

De Mont Kalai Manaole
LROE 25:018
August 30, 2024

- 2.) PERMITTEE accepts the premises in "as is, where-is" condition. No permanent structure can be constructed on the premises. PERMITTEE will take pictures to establish the condition of the premises before PERMITTEE's activities.
- 3.) PERMITTEE and all participants agree to not cause any action instituting any claim, suit or other similar cause against the State of Hawaii and its officers, employees, or agents because of death, personal injury, property damage or property loss, if any, arising out of any accident on the premises covered by this Permit and roadways adjacent thereto occasioned by any act or omission of PERMITTEE and all participants.
- 4.) PERMITTEE and all participants agree to save, defend and hold harmless the State of Hawaii, its Department of Hawaiian Home Lands, its officers, employees, and agents, from any reimbursement due to any lawful award based on a suit or claim presented against them; and to defend the State of Hawaii, its officers, employees or agent because of a suit or claim presented against them resulting from said death, personal injury, property damage, or property loss;
- 5.) PERMITTEE and all participants hereby assume the risk for any injuries that may be sustained in the pursuit of the activity while on the premises and does hereby remise, release, and forever discharge the State of Hawaii, its Department of Hawaiian Home Lands, its agents, officers, and employees, from any and all actions, suits, damages, claims or judgments, that may result from said death, personal injury, property damage, or property loss that PERMITTEE and any participant may sustain while on the premises of the Department of Hawaiian Home Lands while engaged in the activities specified above;
- 6.) PERMITTEE shall clear the land of trash and junk and shall keep the premises neat and clean and shall remove all equipment and litter brought onto the property in conjunction with its activities;
- 7.) PERMITTEE and its guests shall ensure no Archaeological sites are in the vicinity they are clearing. If any archaeological sites are inadvertently discovered during the activities covered by this Permit, PERMITTEE and its guests shall cease the activities and contact the PERMITTOR immediately.

THIS PERMIT IS NOT TRANSFERABLE

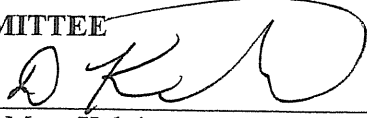
The permission granted shall not extend to any other organization or person and the Permittee(s) agree to save, defend, and hold harmless, the State of Hawaii, Department of Hawaiian Home Lands, its agents employees, against any claim or demand for loss or damage, including claims of personal injury or death to persons, if any, arising out of any accident on the premises covered by the Permit and walkways and roadways adjacent thereto occasioned by any act or omission of the Permittee(s).

The Permittee hereby assumes the risk for any injuries including death or damages that may be sustained in the pursuit of the activity while on the premises and does hereby remise, release, and forever discharge the State of Hawaii, its Department of Hawaiian Home Lands, its agents, officers, and employees, from any and all actions, suits, damages, claims or judgments that may result from any personal injury including

De Mont Kalai Manaole
LROE 25:018
August 30, 2024

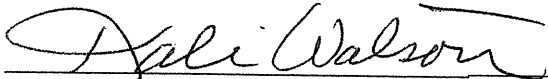
death or property damage the Permittee, its agents, its invitees, or its employees may sustain or cause while on the premises of the Department of Hawaiian Home Lands under authority of this permit.

PERMITTEE

By 
De Mont Kalai Manaole

8/30/24
Date

APPROVED:


Kali Watson
Chairman, Hawaiian Homes Commission

8/30/24
Date

DHHL Federal ID #99-0266483

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ke Kia 'āina o ka Moku 'āina 'o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia 'āina o ka Moku 'āina
'o Hawai'i*



KALI WATSON
CHAIRMAN, HAWAIIAN HOMES
COMMISSION
Ka Luna Ho'okele

KATIE L. LAMBERT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

LIMITED RIGHT OF ENTRY PERMIT
LROE Permit No. 25:009

The DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL), STATE OF HAWAII, by its Hawaiian Homes Commission, as PERMITTOR, hereby grants a limited right of entry permit to:

PERMITEE Name: **De Mont Kalai Manaole**

Project Name: **Land Management
Pilot Program**

Contact Name: **De Mont Kalai Manaole**
demontconner@gmail.com
808.726-5753
86-044 Ho'aha St.
Wai'anae, HI 96792

To engage in the following activity:

Establish & maintain a presence on the premises through various land management activities including: planting, clearing drainage ditches, retaining soil and managing water flow, installing fencing/gates and other lawful & reasonable measures to deter trespassing & dumping on the premises and adjacent DHHL property. Remove & manage brush, trash, and flammable materials to prevent brushfires. Document land management issues and conditions before & after completion of land management activities. Report to designated staff on land management issues, and the status of ongoing land management activities.

On the following date(s), time(s) and location(s):

Date: August 1 thru August 31, 2024
Time: 24 hours a day, 7 days a week
Location: See attached TMK map
Tax Map Key(s): (1)8-6-001:052
Fee: Gratis

Special Conditions:

- 1.) The permission granted only limits the entry to PERMITEE, its employees, its consultant(s), and sub-consultants for the purpose as stated above and for no other purposes;

De Mont Kalai Manaole
LROE 25:009
August 1, 2024

- 2.) PERMITTEE accepts the premises in “as is, where-is” condition. No permanent structure can be constructed on the premises. PERMITTEE will take pictures to establish the condition of the premises before PERMITTEE’s activities.
- 3.) PERMITTEE and all participants agree to not cause any action instituting any claim, suit or other similar cause against the State of Hawaii and its officers, employees, or agents because of death, personal injury, property damage or property loss, if any, arising out of any accident on the premises covered by this Permit and roadways adjacent thereto occasioned by any act or omission of PERMITTEE and all participants.
- 4.) PERMITTEE and all participants agree to save, defend and hold harmless the State of Hawaii, its Department of Hawaiian Home Lands, its officers, employees, and agents, from any reimbursement due to any lawful award based on a suit or claim presented against them; and to defend the State of Hawaii, its officers, employees or agent because of a suit or claim presented against them resulting from said death, personal injury, property damage, or property loss;
- 5.) PERMITTEE and all participants hereby assume the risk for any injuries that may be sustained in the pursuit of the activity while on the premises and does hereby remise, release, and forever discharge the State of Hawaii, its Department of Hawaiian Home Lands, its agents, officers, and employees, from any and all actions, suits, damages, claims or judgments, that may result from said death, personal injury, property damage, or property loss that PERMITTEE and any participant may sustain while on the premises of the Department of Hawaiian Home Lands while engaged in the activities specified above;
- 6.) PERMITTEE shall clear the land of trash and junk and shall keep the premises neat and clean and shall remove all equipment and litter brought onto the property in conjunction with its activities;
- 7.) PERMITTEE and its guests shall ensure no Archaeological sites are in the vicinity they are clearing. If any archaeological sites are inadvertently discovered during the activities covered by this Permit, PERMITTEE and its guests shall cease the activities and contact the PERMITTOR immediately.

THIS PERMIT IS NOT TRANSFERABLE

The permission granted shall not extend to any other organization or person and the Permittee(s) agree to save, defend, and hold harmless, the State of Hawaii, Department of Hawaiian Home Lands, its agents employees, against any claim or demand for loss or damage, including claims of personal injury or death to persons, if any, arising out of any accident on the premises covered by the Permit and walkways and roadways adjacent thereto occasioned by any act or omission of the Permittee(s).


The Permittee hereby assumes the risk for any injuries including death or damages that may be sustained in the pursuit of the activity while on the premises and does hereby remise, release, and forever discharge the State of Hawaii, its Department of Hawaiian Home Lands, its agents, officers, and employees, from any and all actions, suits, damages, claims or judgments that may result from any personal injury including

De Mont Kalai Manaole
LROE 25:009
August 1, 2024

death or property damage the Permittee, its agents, its invitees, or its employees may sustain or cause while on the premises of the Department of Hawaiian Home Lands under authority of this permit.


PERMITTEE

By


De Mont Kalai Manaole

7-31-2024
Date

APPROVED:


For Kali Watson

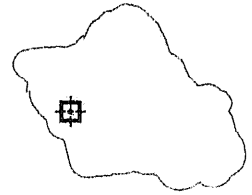
Chairman, Hawaiian Homes Commission

7-31-2024
Date

DHHL Federal ID #99-0266483



Overview



Legend

-  Roads
-  Parcels

Parcel ID 860010520000	Situs/Physical Address 86- 369 LUALUALEI	Assessed Land Value	\$543,400	Last 2 Sales			
Acres 4.0		Assessed Building Value	\$17,200	Date	Price	Reason	Qual
Class AGRICULTURAL		Total Property Assessed Value	\$560,600	n/a	0	n/a	n/a
		Total Property Exemptions	\$560,600	n/a	0	n/a	n/a
		Total Net Taxable Value	\$0				

Brief Tax Description n/a
 (Note: Not to be used on legal documents)

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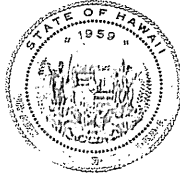
Information shown on these maps are derived from public records that are constantly undergoing change and do not replace a site survey, and is not warranted for content or accuracy. The City does not guarantee the positional or thematic accuracy of the GIS data. The GIS data or cartographic digital files are not a legal representation of any of the features in which it depicts, and disclaims any assumption of the legal status of which it represents. Any implied warranties, including warranties of merchantability or fitness for a particular purpose, shall be expressly excluded.

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 GEOSPATIAL

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Ka Kia'āina o ka Moku'āina 'o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia'āina o ka Moku'āina
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KALI WATSON
CHAIRPERSON, HHC
Ka Luna Ho'okele

KATIE L. LAMBERT
DEPUTY TO THE CHAIR
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawai'i
P. O. BOX 1879
HONOLULU, HAWAII 96805

LIMITED RIGHT OF ENTRY PERMIT
LROE Permit No. 24-100

The DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL), STATE OF HAWAI'I, by its Hawaiian Homes Commission, as PERMITTOR, hereby grants a limited right of entry permit to:

PERMITTEE Name: **De Mont Kalai Manaole**

Project Name: Land Management Pilot Project

Contact Name: De Mont Kalai Manaole
demontconner@gmail.com
Phone: 808-726-5753
86-044 Hō'aha St.
Wai'anae, HI 96792

To engage in the following activity:

Establish and maintain a presence on the premises through various land management activities including, but not limited to: residing on the land; planting; clearing drainage ditches; retaining soil and managing water flow and drainage; installing a fence and security gate; and other lawful and reasonable measures to deter trespassing and dumping on the premises and adjacent DHHL property. Remove and manage brush, trash, and other flammable materials to prevent wildfires. Document land management issues and conditions before and after completion of land management activities. Report to designated staff on land management issues, recommendations to address the issues, and the status of ongoing land management activities.

On the following date(s), time(s) and location(s):

Date: July 1, 2024 thru July 31, 2024
Time: 24 hours a day, 7 days a week

Location: TMK (1) 8-6-001:052 (see Exhibit A), Lualualei, O‘ahu:
Premises includes 4-acres of land.

Fee: Gratis, in consideration of providing 24-hour presence on the
land and for the time and work involved in the land
management activities.

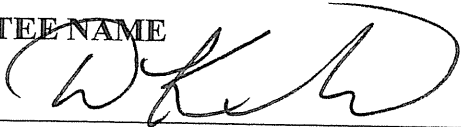
Special Conditions:

- 1) PERMITTEE accepts the premises in “as-is, where-is” condition. Permittee will take pictures to establish the condition of the premises before PERMITTEE’S management activities;
- 2) PERMITTEE will post signage and other markers to demonstrate a physical presence on the premises;
- 3) The permission granted only limits the entry to PERMITTEE and its guests, for the purposes as stated above;
- 4) PERMITTEE and its guests agree to not cause any action instituting any claim, suit or other similar cause against the State of Hawai‘i, its Department of Hawaiian Home Lands, its officers, employees, and agents because of death, personal injury, property damage or property loss, if any, arising out of any accident on the premises and roadways adjacent thereto occasioned by any act or omission of PERMITTEE and its guests;
- 5) PERMITTEE and its guests agree to save, defend and hold harmless the State of Hawaii, its Department of Hawaiian Home Lands, its officers, employees, and agents, from any reimbursement due to any lawful award based on a suit or claim presented against them; and to defend the State of Hawaii, its officers, employees or agent because of a suit or claim presented against them resulting from said death, personal injury, property damage, or property loss;
- 6) PERMITTEE and its guests hereby assume the risk for any injuries that may be sustained in the pursuit of the activity while on the premises and does hereby remise, release, and forever discharge the State of Hawaii, its Department of Hawaiian Home Lands, its agents, officers, and employees, from any and all actions, suits, damages, claims or judgments, that may result from said death, personal injury, property damage, or property loss that PERMITTEE and any guest may sustain while on the premises of the Department of Hawaiian Home Lands;
- 7) PERMITTEE and its guests shall ensure no Archaeological sites are in the vicinity they are clearing. If any Archaeological sites are inadvertently discovered during the activities

covered by this Permit, PERMITTEE and its guests shall cease the activity and contact the PERMITOR immediately;


- 8) PERMITTEE shall clear the land of trash and junk. No digging into the ground is permitted;
- 9) PERMITTEE shall keep the premises neat and clean and shall remove all equipment and litter brought onto the property in conjunction with its activities;
- 10) Legal enforcement of these conditions shall be done by DHHL staff and/or applicable City and County Police Enforcement; and
- 11) This permit is not transferable. The permission granted shall not extend to any other organization or person except the PERMITTEE and its guests.

PERMITTEE NAME

By 
De Mont Kalai Manaole

6-27-24
Date

APPROVED:

By 
For Kali Watson,
Chairman, Hawaiian Homes Commission



6.27.24
Date



Overview



Legend

-  Roads
-  Parcels

Parcel ID 860010520000	Situs/Physical Address 86- 369 LUALUALEI	Assessed Land Value	\$543,400	Last 2 Sales			
Acreage 4.0		Assessed Building Value	\$17,200	Date	Price	Reason	Qual
Class AGRICULTURAL		Total Property Assessed Value	\$560,600	n/a	0	n/a	n/a
		Total Property Exemptions	\$560,600	n/a	0	n/a	n/a
		Total Net Taxable Value	\$0				

Brief Tax Description n/a
 (Note: Not to be used on legal documents)

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