

## **HAWAIIAN HOMES COMMISSION**

Minutes of November 18<sup>th</sup>, 2024

Courtyard by Marriott Kahului Airport, Haleakala Ballroom, 532 Keolani Place, Maui, Hawai'i 96732,  
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

**COUNSEL** R. Hokulei Lindsey, Deputy Attorney General

**EXCUSED** Pauline N. Namu'o, O'ahu Commissioner

**STAFF** Katie L. Lambert, Deputy to the Chair  
Richard Hoke, Executive Assistant to the Chair  
Leah Burrows-Nuuanu, Secretary to the Commission  
Juan Garcia, Homestead Services Division Administrator  
Andrew Choy, Planning Office Administrator  
R. Kalani Fronda, Action Administrator Land Development Division  
Kahana Albinio, Land Management General Professional  
Shelly Carreira, Land Agent  
Diamond Badajos, Information and Community Relations Officer  
David Hoke, Enforcement Administrator  
Nick Bolan, Compliance Officer  
Cherie-Noelle Kaanana, Planning Program Specialist  
Sharene Tam, Office of the Chairman Homestead Housing Specialist  
Raymond Kanna, Office of the Chairman Homestead Housing Specialist

### **ORDER OF BUSINESS**

#### **CALL TO ORDER**

Chair Watson called the meeting to order at 9:34 am. Seven (7) members were present in person, and one (1) member attended via Zoom, establishing a quorum. Commissioner Namuo was excused.

Chair Watson announced that item F-5 is deferred, we will start with public testimonies and agenda items and run through the agenda as listed starting with the Consent Agenda. The Commission will recess at noon for lunch. Community Meeting will be at King Kekaulike High School Cafeteria at 121 Kula Hwy, Makawao, HI 96768 at 6:30pm.

#### **APPROVAL OF AGENDA**

Prior to approving the agenda, Homestead Services Administrator Juan Garcia announced that agenda Item D-4 should say October 2024 instead of September.

**Motion/Action**

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

**APPROVAL OF MINUTES – October 21, & 22, 2024**

Commissioner Neves provided typographical edits, his name was misspelled on page 11. Chair Watson caught a typographical error on page 5.

**Motion/Action**

Moved by Commissioner Neves, seconded by Commissioner Lasua, to approve the October 21 & 22, 2024 Minutes as amended. Motion carried unanimously.

**PUBLIC TESTIMONY ON AGENDIZED ITEMS**

**PT-1 Noelani Paresa – Item**

N. Paresa revisited her advocacy from the previous year for water access and a long-term lease for 127 acres in Kula, previously used by Sakugawa Ranch for livestock grazing. She highlighted that despite ongoing efforts, the Department of Water Supply has not yet installed or agreed to provide a water meter or access to water for the land. Using a slideshow, Paresa discussed Maui’s critical reliance on Wai (water), emphasizing the fiduciary responsibilities of the Department of Hawaiian Homelands (DHHL), the Department of Water Supply, and other agencies to return control of Maui’s water systems to the people. She cited historical agreements, such as the 1973 Memorandum of Understanding, requiring East Maui Irrigation (EMI) to transfer water infrastructure back to the Board of Water Supply in good operational condition at the termination of their agreement.

Paresa also referenced the Hawaii Revised Statutes, the Hawaiian Homes Commission Act, and other legal frameworks affirming DHHL’s distinct water rights. She urged the commission to review documentation, including the outdated 1936 agreement between EMI and the Territory of Hawaii, and consider the findings of the 2019 Board of Water Supply survey, which recommended restoring water control to public agencies. Highlighting potential funding sources, she noted that \$20.4 million from the American Recovery and Reinvestment Act could support water resource return projects. Paresa concluded by acknowledging the technical challenges during her testimony and her demanding schedule as a student, reiterating her commitment to advocating for her community.

**PT-2 Daniel Ornelas – Item C-2 and E-3**

D. Ornelas, a homesteader from Wai‘ehu Kou Homestead, testified against item C2, which proposes reallocating \$60 million previously approved by the Hawaiian Homes Commission in December 2023 for the Wai‘ehu Mauka project on Maui to a development project on O‘ahu, known as Kūnia phase two or the Haseko project. He detailed the history of the Haseko project, noting that 655 acres were reclassified from agricultural to urban in 1996, with 211 acres now owned by Haseko and being sold to the Hawaiian Homes Commission for \$44 million. Ornelas pointed out that the cost of these urban-classified lands far exceeds that of Maui’s agricultural lands, which were acquired for \$12 million. He also emphasized that, despite conditions set by the Land Use Commission (LUC) in 1996 for infrastructure and affordable housing development, Haseko has not made progress in nearly 30 years. He questioned why funds should be redirected to an expensive and unproven project on O‘ahu at the expense of ongoing work in Wai‘ehu.

Ornelas raised critical concerns about the financial and logistical feasibility of the Haseko project. He questioned whether the Department of Hawaiian Homelands (DHHL) would be obligated to fulfill all 25 conditions of the LUC’s 1996 decision, which could significantly delay or complicate the project. Additionally, he criticized the rush to reallocate funds, arguing that the Wai‘ehu project is already progressing with substantial investments made and work underway. Ornelas expressed skepticism about the ambitious

projection of developing over 1,200 homes in two years on 211 acres, which would likely require high-density vertical housing that may not meet the needs or desires of Hawaiian beneficiaries. He urged the commission to defer item C2 until these issues are thoroughly examined and called for a more prudent and informed decision-making process.

**PT-3 Adrienne Kia – Items D-2 and D-7**

A. Kia testified before the commissioners regarding two agenda items: D2, seeking approval for consent to mortgage, and D7, addressing the amendment of her DHHL leasehold interest. She introduced herself as a Waiohuli homesteader, retired Kamehameha Preschool educator, and board member of the Upcountry Maui Organization, Pa‘upena Community Development Corporation.

Kia explained her request for a modest VA loan to pave her steep gravel driveway, stressing the importance of completing the process before 2025 to avoid rising interest rates. She also noted that her leasehold amendment is expected to take at least three months and expressed a desire to expedite the process. Although acknowledging that her concerns might seem minor, she emphasized their significance to her and thanked the commissioners for considering her testimony.

**PT-4 Jojo Tanimoto – Item D-1**

J. Tanimoto focused on errors in the Homestead Services Division delinquency report matrix. She noted that the matrix incorrectly listed Kawaihae residential lots as 192, failing to include 22 homes in the Makai subdivision near the industrial lots and three residential lots across the harbor. Despite raising this issue the previous month, the matrix remained unchanged. The speaker emphasized the importance of correcting the numbers, as they are also reflected in the regional plan, which outlines development for the next 20 years.

Tanimoto also raised concerns about inaccuracies related to industrial lot leases in Kawaihae. General Lease No. 275 (Millennium Carbon Company) continues to show an annual collection of \$168,000 from a company that went bankrupt 15 years ago, and General Lease No. 205A (Duluth Trucking Company) lists \$47,015.88 annually for another inactive company. These discrepancies, they argued, contribute to financial mismanagement and hinder assistance for pressing community needs, such as resolving Kawaihae's water issues. The speaker urged the department to address these inaccuracies by the next agenda, as the matrix is reviewed monthly by the commissioners.

**PT-5 Bo Kahui – Item C-2**

B. Kahui addressed housing development projects on Hawaii Island. He highlighted the planned construction of 580 units in the Villages of La‘i‘Ōpua and noted that additional funding is required for Village 1 and Village 2, despite some support already provided through Act 279. He urged the department and state to assist further with funding. Kahui also referenced a recent agreement with NAN Inc., which donated 18 acres of land within a 725-acre mixed-use development near Kona Airport, close to Palamanui and the University of West Hawaii. He emphasized the critical need for housing for kupuna and families and expressed strong support for the project, which requires \$7 million in reallocated funds from Act 279. He also noted the significant water allocation included in the project, reiterating his full support before concluding his testimony.

**PT-6 Jade Alohalani Smith – Item C2**

A. Smith, a wait-lister, testified in strong opposition to reallocating \$92 million under Act 279, which would prioritize \$60 million for purchasing Kunia in Oahu and \$32 million for due diligence, at the expense of Maui projects like Waiehu Mauka, a shovel-ready housing initiative. She argued that Kunia was not shovel-ready and questioned the commissioners' ability to make such impactful decisions. She emphasized that Maui's housing crisis is critical and the funding reallocation would worsen existing issues. Smith highlighted the severe mental health challenges on Maui, including high suicide rates and widespread stress, and stressed the

need for land-based housing solutions, not dense developments. She called for transparency regarding Kunia's appraisal and urged the commission to vote against this motion.

Smith also voiced environmental and health concerns about the Kamalani project, citing decades of chemical contamination from HC&S (Hawaiian Commercial & Sugar Company) and Monsanto that could harm future residents. She questioned whether the land had been adequately tested and demanded safeguards for beneficiaries' rights if health issues arose. Drawing from her own experiences of health impacts, she proposed DNA testing to monitor long-term effects. Additionally, Smith opposed item F3, citing a lack of consultation with beneficiaries regarding the ROE with Hawaiian Tel and emphasizing the importance of engaging residents before moving forward with projects. She concluded by urging the commission to prioritize Maui's needs and to improve transparency and beneficiary engagement.

## **ITEMS FOR DISCUSSION MAKING**

### **CONSENT AGENDA**

#### **HOME STEAD SERVICES DIVISION**

- ITEM D-2 Approval of Consent to Mortgage (see exhibit)**
- ITEM D-3 Approval of Homestead Application Transfers / Cancellations (see exhibit)**
- ITEM D-4 Approval to Certify Applications of Qualified Applicants for the month of October 2024 (see exhibit)**
- ITEM D-5 Commission Designation of Successors to Application Rights – Public Notice 2023 (see exhibit)**
- ITEM D-6 Approval of Assignment of Leasehold Interest (see exhibit)**
- ITEM D-7 Approval of Amendment of Leasehold Interest (see exhibit)**
- ITEM D-8 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)**
- ITEM D-9 Cancellation of Lease – GINNY L. CORNELIUS, Agricultural Lease No. 6162, Lot No. 4, Puukapu, Hawaii**
- ITEM D-10 Cancellation of Lease – SCOTT G. K. FRIEL, Pastoral Lease No. 8069, Lot No. 95, Puukapu, Hawaii**
- ITEM D-11 Commission Designation of Successor – LLOYD E. REINHARDT, Residential Lease No. 5416, Lot No. 23, Paukukalo, Maui**
- ITEM D-12 Approval of Supplemental Dwelling Unit (SDU) for Certain Lessee (see exhibit)**

#### **RECOMMENDED MOTION/ACTION**

The Homestead Services Division Administrator, Juan Garcia, presented 11 items (D2 to D12) for approval.

#### **DISCUSSION**

Commissioner Kaleikini inquired whether the application date listed in the far-right column of item D4 referred to the date the beneficiary submitted their application. J. Garcia confirmed that the date represents when the beneficiary initially submitted their application. However, many of these applications had been pending due to inadequate documentation to confirm the applicant's blood quantum requirement of 50%.

The administrator explained that approximately 900 applicants were previously categorized as "P applicants" (pending) due to insufficient documentation. The Applications Branch was tasked with auditing these cases, contacting the beneficiaries, and requesting the necessary information to verify eligibility. Over the past two months, 16 applicants per month were cleared and confirmed to meet the 50% blood quantum requirement, ensuring they can be added to the appropriate waitlist for homestead opportunities.

J. Garcia added that the pending list still includes over 800 applicants. Commissioner Neves discussed the importance of clearing these applications quickly to avoid denying eligible individuals opportunities for homestead awards.

Chair Watson stated that efforts are ongoing, with the department working closely with the Department of Health, the Office of Hawaiian Affairs (OHA), and genealogists from the University of Hawaii to access critical historical documents. OHA has scanned a large number of documents, and the department is upgrading its digital systems to improve access across all islands. J. Garcia noted that while some applicants may not qualify, it is equally important to inform those individuals of their status. The effort to resolve the backlog is critical as the department proceeds with additional awards, ensuring that eligible beneficiaries are not overlooked.

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			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously, Eight (8) Yes votes.						

**REGULAR AGENDA**

**OFFICE OF THE CHAIRMAN**

**ITEM C-1 Approval of the 2025 Hawaiian Homes Commissions Meeting Schedule**

RECOMMENDED MOTION/ACTION

Commissioners discussed the approval of the 2025 Hawaiian Homes Commission meeting schedule. Commissioner Neves proposed an amendment to the schedule, specifically to move the Kauai meeting originally scheduled for March to May. This adjustment was suggested to better align with the timing of the Hanapepe awards and presentations, which typically occur in May.

DISCUSSION

After clarification, it was agreed to swap the Kauai meeting with another meeting originally scheduled for May, effectively flipping the two dates.

**MOTION/ACTION**

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

**LAND DEVELOPMENT DIVISION**

**ITEM C-2 Approval of Act 279 Permitted Interaction Group Report and Recommendation - Strategic Plan Update**

**RECOMMENDED MOTION**

Land Development Division Acting Administrator Kalani Fronda presented on behalf of the Act 279 Permitted Interaction Group (PIG) regarding recommendations to optimize resource allocation for Hawaiian homelands. The recommendation highlighted the importance of strategically addressing housing needs for Native Hawaiian beneficiaries. Shereen Tam and Ray Kana accompanied him to answer questions.

The PIG proposed reallocating \$92 million from long-term and non-critical projects to focus on near-term, high-priority developments.

Kunia's acquisition was highlighted as transformative, offering a solution for 1,200 units and reducing waitlists. Infrastructure challenges were noted but deemed manageable due to inter-agency cooperation.

Key recommendations included:

- Kunia Acquisition (\$60 million): To secure 1,200 residential lots, significantly reducing the O'ahu residential waitlist.
- Planning and Development (\$32 million): Funding for due diligence and ongoing projects in Leiali'i, Kaupe'a, Ewa Beach, and Lihu'e.
- Reallocation Sources: Projects such as Wai'ehu Mauka, Kuu Papa'iko, Palamanui, East Kapolei 2A, and Waialua Mill Camp were identified for fund reallocation due to delays or alternative funding opportunities.

The reallocations would maximize near-term impact while maintaining long-term viability.

The PIG identified projects with significant delays or alternative funding sources:

- Wai'ehu Mauka: \$58.6 million reallocated; remaining funds sufficient for immediate needs.
- Kuu Papa'iko, Palamanui, and East Kapolei 2A: Funds were diverted due to acquisition delays and alternate funding.

- Waialua Mill Camp: \$24.2 million reallocated due to a cost-effective alternative.

#### Additional Allocations

- \$20 million for Lahaina-related challenges (e.g., blue rock materials).
- \$2 million for Kaupe‘a site work and studies for infrastructure in Līhu‘e.
- \$5 million for planning efforts in Ewa Beach

Commissioner Kaleikini questioned the status and timeline for encumbering and spending the \$600 million allocated under Act 279, expressing concern about meeting the legislated deadlines. K. Fronda clarified that the legislature had approved a "lapse fix," allowing an extension beyond the original deadline of June 30, 2024. This extension granted the Department of Hawaiian Homelands an additional couple of years to encumber and spend the allocated funds, ensuring greater flexibility and the ability to meet housing development goals effectively.

Commissioner Marfil inquired about the timeline for reallocating \$92 million from long-term and non-critical projects, specifically regarding the Haseko property. They sought clarification on the proposed schedule for this reallocation and how the 1,200 residential lots associated with the project would be allocated. It highlighted a need for detailed timelines and a clear breakdown of the proposed housing units to ensure alignment with the recommendations and overall development objectives.

Homestead Housing Specialist Ray Kanna explained that the property acquisition is expected to close within six to eleven months, depending on the completion of certain tasks by the current owner or developer. Following the closure, construction of the first house is anticipated to begin 18 months later, leveraging permits already secured by the previous developer. The initial phase allows for the construction of 500 units based on existing infrastructure, with the remaining development dependent on additional county infrastructure obligations.

Discussions with county agencies are ongoing to secure assistance in reducing infrastructure costs, which have been a significant obstacle for previous developers. DHHL would benefit from greater inter-agency cooperation, and preliminary agreements have been reached to share infrastructure expenses, estimated at \$100,000 per unit—lower than in many comparable projects. The project provides a housing pipeline for DHHL over the next 10 to 12 years, ensuring consistent progress and availability of housing units.

In addition to the current opportunities, the project also positions the department to negotiate future land acquisitions, such as the adjacent Robinson Estates, which spans several thousand acres. These lands, primarily agricultural, could be developed more feasibly under Hawaiian homelands due to existing infrastructure support from the Haseko project. R. Kanna concluded by expressing optimism that within 30 months, at least 500 leases could be issued, marking significant progress in addressing O‘ahu’s waitlist. The project was described as a transformative opportunity to both meet immediate needs and secure long-term benefits for Hawaiian beneficiaries.

For Wai‘ehu Mauka, it was noted that the project involves substantial work and is being coordinated with other agencies, such as the Department of Transportation (DOT) and county authorities, to synchronize infrastructure developments. By aligning Wai‘ehu Mauka’s schedule with DOT’s expansion projects, the department aims to optimize both costs and timing. Despite challenges, the commitment to funding and advancing Wai‘ehu Mauka under Act 279 remains unchanged, ensuring the project’s completion in alignment with its original goals.

K. Fronda stated that discussions with developers highlighted substantial work to ensure these projects are ready to proceed. These developments reflect significant investments in addressing housing needs across West, Central, and South Maui. The department emphasized its collaborative efforts with the Department of Transportation (DOT) and county agencies to align schedules and leverage resources for projects like Wai‘ehu Mauka. This coordination is critical for optimizing infrastructure costs and ensuring timely project execution.

The department reaffirmed its commitment to Wai‘ehu Mauka, maintaining the promised funding under Act 279 and continuing work with developers to deliver on housing objectives.

Commissioner Neves raised significant concerns about reallocating funds from the Wai‘ehu Mauka project to the Kūnia project, emphasizing that Wai‘ehu Mauka was part of the original strategic plan and already approved, with property purchased. He was concerned about the lack of detailed information about the Kūnia project, including infrastructure costs and current owner obligations. Additional concerns were raised about the Kamalani project next to a former Monsanto site, citing environmental and cultural risks and referencing similar issues in Kekaha, where residents faced prolonged remediation challenges. He stressed the need for clear, detailed information, highlighting the importance of prioritizing beneficiaries’ well-being, cultural integrity, and transparency in the decision-making process.

Commissioner Kalepa expressed concerns about reallocating funds from the Wai‘ehu Mauka project to the Kūnia project, emphasizing that Wai‘ehu Mauka is critical for Maui and should proceed as planned. The reallocation was attributed to road infrastructure delays with the Department of Transportation (DOT), but Kalepa called for renewed discussions with DOT to address these issues and avoid diverting resources. Highlighting their responsibility to advocate for Maui’s priorities, the commissioner stressed the need to keep Wai‘ehu Mauka on a short-term timeline and ensure it meets the community's urgent needs, reaffirming the importance of collaboration to overcome obstacles.

Commissioner Neves expressed additional concerns about the current approach to decision-making on Act 279 projects, highlighting their prior experience as a member of the initial Permitted Interaction Group (PIG). Neves emphasized that during the initial process, the group held multiple meetings and received detailed information, which enabled informed decisions. They criticized the current effort to fast-track decisions, warning it could lead to poor outcomes. Neves recommended revisiting the proposals to ensure sufficient information is available, allowing for well-informed and thoughtful decisions.

K. Fronda explained that the department felt confident about the Waiehu Mauka project due to secured funding from the county's General Excise (GE) tax, which has already accrued approximately \$22 million, with an additional \$60 million expected. While some of these funds are allocated to West Maui, resources remain available for Wai‘ehu Mauka. K. Fronda noted that the project requires significant infrastructure work, which is why some funds are currently unutilized. Unlike other projects where infrastructure is already progressing, Wai‘ehu Mauka still has substantial groundwork to complete. He emphasized this context to clarify the project's status and ensure its future progress.

Commissioner Freitas emphasized the difficulty and emotional weight of decisions involving fund reallocations and project deferrals, particularly considering Maui's recent challenges. They highlighted the need for comprehensive information to make well-informed decisions on complex issues. Freitas noted the varying interpretations of "shovel-ready" projects and suggested further clarification, particularly regarding the current readiness of Wai‘ehu Mauka versus Kūnia. While acknowledging the long-term benefits of investing in Kūnia, they stressed the importance of addressing immediate needs and ensuring funds are allocated effectively. Freitas called for obtaining more detailed information to support commissioners in making decisions they can confidently stand by, emphasizing the need for thoughtful and well-substantiated choices.

Chair Watson acknowledged the concerns raised by the commissioners and agreed that more information was needed to make an informed decision about the project. He clarified that the project was not being abandoned but faced a reduction in funding to adjust its timing and priorities. He emphasized that replacement funds, such as federal funding, county G.E.T. revenues, and CDBGD funding, were being secured to support infrastructure and ensure the project continued. He highlighted the significance of this fifth phase in the broader development plan, which already included four successful phases and over 300 planned units. He proposed deferring the decision to allow time for gathering concrete details, addressing concerns, and working with the PIG to ensure alignment with strategic objectives.



Chair Watson agreed to defer the decision but welcomed public testimony to hear community concerns. Commissioner Kalepa reiterated the importance of prioritizing beneficiary needs while ensuring transparency and accountability in decision-making.

### **Public Testimony - Janice Kekahuna**

J. Kekahuna provided testimony urging the board to update the Act 279 strategy plan to include restoring and awarding vacant homes and lots, particularly in the Paukukalo homestead and other areas, to address the needs of over 24,000 individuals on the residential waitlist. She highlighted long-abandoned properties that could be renovated for immediate use. She suggested funds be allocated for repairs, accessibility upgrades for kūpuna, and general improvements to make these homes desirable for lessees. Kekahuna criticized delays caused by excessive protocols and cited specific examples of homes that have remained vacant for years, urging the board to expedite their distribution. The board acknowledged the concerns and stated that efforts are underway to address and distribute abandoned and scattered lots to beneficiaries.

### **Public Testimony – Grace Gomes and Janice Herrick**

G. Gomes and J. Herrick represented the nonprofit Makana No Ke Kaiāulu, opposed agenda item C2 regarding the reallocation of funds under Act 279. They raised concerns about redirecting \$58 million from Waiehu Mauka to Kunia, emphasizing the importance of preserving Maui projects for local wait-listers, particularly in central Maui, where demand is high. They questioned whether the proposed Kunia project is truly shovel-ready and whether it aligns with Act 279's goal of reducing the waitlist. They expressed skepticism about the feasibility of developing 1,200 lots in Kunia within a short timeframe and emphasized that Maui wait-listers prioritize living in their home region. They urged the commission to vote against the motion, highlighting the need for thoughtful and equitable resource allocation.

### **Public Testimony – Randy Awo.**

R. Awo opposed agenda item C2, which proposed reallocating \$92 million of Act 279 funds, including \$58 million from the Waiehu Mauka project, to purchase land in Kunia. He criticized the lack of transparency, inadequate due diligence, and unrealistic claims about the development of 1,200 lots within one to two years, stating that such promises create false expectations. Awo highlighted concerns about the process, noting discrepancies, missing appraisals, and potential conflicts of interest, as well as questioning the legality of unencumbered funds already allocated through procurement. He emphasized the detrimental impact on both Maui and O'ahu wait-listers and called the proposal harmful and poorly conceived. He urged the commission to uphold its fiduciary duty to beneficiaries and manage funds responsibly, likening it to managing one's personal finances. While expressing relief that the item was deferred, he stressed the need for thorough planning and criticized the flawed process as damaging to beneficiaries.

### **Public Testimony – Kainoa MacDonald.**

K. McDonald echoed Randy Awo's comprehensive testimony. She emphasized the need for deeper scrutiny and for asking critical questions that remain unanswered. She urged the commission to take decisive action, highlighting the frustration of beneficiaries over the constant deferrals and delays in addressing their needs. She called for an end to the persistent postponements, underscoring the urgency of resolving these issues.

### **Public Testimony – Iwalani Laybon McBrayer.**

Iwalani Laybon McBrayer, president of the Kapolei Homestead, expressed gratitude for the deferral of agenda item C2 and raised concerns about changes to the Kapolei 2 project that omitted previously planned elements like a community center and park. She emphasized the need for transparency and collaboration, urging the Department of Hawaiian Homelands and O'ahu commissioners to engage with the Kapolei Homestead board and community in decision-making through beneficiary consultations. McBrayer highlighted the importance of self-governance and self-determination, noting that Kapolei, as one of the largest homesteads in the state,

deserves gathering places in each village, akin to Mililani. She called for continued involvement to ensure the community's needs and input are prioritized.

### **Public Testimony – Patrick Kahawaiolaa**

P. Kahawaiolaa expressed gratitude for the deferral of agenda item C2 and emphasized the critical importance of Act 279's intent, which is to remove beneficiaries from waitlists and enable homeownership. He reminded the commissioners of their primary obligation to the beneficiaries, as affirmed in the Nelson case, which ruled that the Department of Hawaiian Homelands must prioritize beneficiaries over other entities, such as the state or the chair. He urged commissioners not to be distracted and to recognize the collective nature of trust land management. He stressed that issues on one island, such as Maui, can have far-reaching impacts on others, including O'ahu. He highlighted the shared responsibility across all commissioners to protect and serve all beneficiaries, regardless of geographic location. He commended the decision to defer the proposal, underscoring the need for unified, well-considered actions.

Chair Watson thanked the testifiers for their comments.

Commissioner Lasua expressed strong frustration and regret regarding his involvement in the Permitted Interaction Group (PIG) for agenda item C2. He shared that the testimony from beneficiaries during the meeting felt like a wake-up call, comparing it to a reprimand from his father. He admitted feeling unprepared and uninformed about the reallocation of funds discussed in the PIG. He emphasized his desire to serve beneficiaries effectively and apologized for participating in discussions without fully understanding the implications. He expressed a commitment to doing what is right moving forward and acknowledged the discomfort and personal accountability they felt in light of the meeting's discussions.

## **LAND MANAGEMENT DIVISION**

### **ITEM F-1 Approval of Annual Renewal of Right of Entry Permit(s) and Conversion to Revocable Permits, Maui and Lanai Island (See Exhibit)**

#### RECOMMEND MOTION/ACTION

Land Management Division's Kahana Albinio presented four submittals, noting that Item F-5 was deferred. Item F-1, Approval to amend and renew annual right of entry permits and convert them to revocable permits for Maui and Lanai islands. The recommended actions were outlined in the submittal under sections A, B, C, and D.

#### DISCUSSION

Commissioner Neves inquired whether all the right of entry permits were granted exclusively to beneficiaries, to which Kahana confirmed affirmatively and further assured him there would be no increases to the rent.

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			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously, Eight (8) Yes votes.						

**ITEM F-2 Approval to Issue Second Amendments to Right of Entry Permit No. 717, State of Hawaii Department of Land and Natural Resources, Waiohuli, Maui Island, TMK: (2) 2-2-002:014 (por.)**

RECOMMEND MOTION/ACTION

Land Agent Shelly Carreira presented the following:

Motion that the Hawaiian Homes Commission approve a second amendment to Right of Entry Permit No. 717, issued to the State of Hawaii Department of Land and Natural Resources. This amendment extended the permit for an additional 12 months to continue conducting axis deer population control activities on Hawaiian homelands in Waiohuli, Maui. The conditions for approval were outlined in the submittal item.

MOTION/ACTION

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

**ITEM F-3 Approval to Issue Right of Entry Permit, Hawaiian Telecom, Inc., Kahikinui, Maui Island, TMK (2) 1-9-001:003 (por.)**

RECOMMENDED MOTION/ACTION

Land Management Division's Kahana Albinio presented the following:

Motion that the Hawaiian Homes Commission approve granting a right of entry permit to Hawaiian Telecom Inc. This permit encompassed four specified areas outlined in the tax map key for the purpose of staging and storing construction equipment and materials needed for the Hana fiber middle mile backbone project.

The approval was subject to conditions detailed in the comprehensive submittal provided to the commission.

DISCUSSION

S. Carreira explained that Hawaiian Telecom is seeking approval for four staging areas to support their fiber installation project, which begins in Hana and extends past Kahikinui to Kaupo. The project would enhance Wi-Fi services by routing into the backbone that supplies the Kahikinui subdivision, utilizing previously purchased conduits.

Daniel Masutomi from Hawaiian Telecom provided an overview of their project, explaining that they are extending fiber from Kula to Hana. The plan includes tapping into this main line and using a recently purchased conduit system to deliver fiber directly to all residents in the Kahikinui area. He clarified that within Kahikinui, the infrastructure will be entirely underground, while along the highway between Kula and Hana, the fiber will run on aerial pole lines.

Commissioner Lasua inquired whether there were any concerns regarding easement allocation for the Hawaiian Telecom fiber installation project. S. Carreira clarified that the Hawaiian Homes Commission had previously approved a right of entry for last-mile infrastructure, which includes the Kahikinui subdivision. She confirmed that there were no current concerns related to easements.

Commissioner Kalepa inquired about the terrain in the Kahikinui area and the scope of work required for the underground infrastructure. D. Masutomi explained that the underground infrastructure in Kahikinui is already in place, extending down the mountain toward the main road. He noted that minimal new construction would be required once the fiber is connected to the pole line along the highway. While the conduit system has not yet been inspected for potential repairs, Masutomi assured that any necessary fixes would be addressed as they arise.

**Public Testimony – Donna Sterling**

D. Sterling, a long-time Kahikinui resident, opposed Hawaiian Telecom's right of entry and plans to stage four areas for installing telephone poles and fiber cables. She highlighted concerns about the disruption caused by erecting poles, including aesthetic issues, environmental challenges, and safety risks from fires and accidents. Sterling emphasized that alternative solutions, such as Starlink and T-Mobile, have already provided effective and portable connectivity, making the proposed project unnecessary. She criticized the lack of communication with local organizations and residents, arguing that the proposal contradicts Kahikinui's original resettlement vision. Sterling further emphasized the community's history of resisting intrusive projects like geothermal and wind turbines, stating that Kahikinui cannot accommodate a corridor of telephone poles. She suggested exploring less invasive and cost-effective alternatives, such as using existing conduits. Sterling urged the commission to reject the proposal, stating that Kahikinui should not be forced into becoming a connection point for the larger Kula-to-Hana project.

Commissioner Neves raised concerns about potential misinformation regarding the Kahikinui fiber installation project and asked if the department had consulted with Cook and the Kahikinui association. S. Carreira clarified that the fiber infrastructure up to Kahikinui is pre-existing and owned by Hawaiian

Telecom, with no plans for installing poles in the area. She added that the broadband team and Hawaiian Telecom had consulted with Cook, whose support letter was included in the submittal. Cook expressed that the project would provide more opportunities for the community. Neves highlighted that the project offers residents additional connectivity options, complementing existing services like Starlink, and emphasized the importance of providing such choices.

### **Public Testimony – Patrick Kahawaiolaa**

P. Kahawaiolaa asked for clarification about the acquisition of Sandwich Isles's assets by Hawaiian Telecom. Kahawaiolaa noted concerns about Hawaiian Telecom's ability to provide timely service, sharing a personal experience of waiting for connectivity at a residence in Hilo, just three miles from a central location. While acknowledging that many individuals appreciate the connectivity options provided by Starlink, Kahawaiolaa expressed a preference for Hawaiian Telecom due to its affordability despite current service challenges.

Commissioner Neves asked for clarification on the ownership of the final mile. D. Masutomi clarified that Hawaiian Telecom's acquisition from Sandwich Isles focused solely on the conduit system. The network infrastructure owned by Sandwich Isles, including its copper and fiber cables, remains intact and under their ownership. Hawaiian Telecom's earlier purchase, two years ago, involved acquiring ten central office buildings previously operated by Sandwich Isles. Still, the switches and transmission equipment within those buildings were not included in the acquisition. Similarly, the purchase of the conduit system was limited to allowing Hawaiian Telecom and others to place fiber within those conduits without altering any existing Sandwich Isles assets. Sandwich Isles continues to own its network components within the acquired conduits.

Hawaiian Telecom had successfully utilized the conduit system to place fiber at Puukapu and Kēōkea, enabling broadband services for beneficiaries in those areas. He confirmed that the Kahikinui project would follow a similar approach, leveraging the existing conduit system to install fiber and extend connectivity to the community efficiently.

Commissioner Kaleikini sought clarification regarding concerns raised during testimony about the potential need to erect poles for the project in Kahikinui. D. Masutomi confirmed that no poles would be needed within Kahikinui itself. However, he noted that along the highway near the ocean, poles would be erected to fill a 10-mile gap in the existing pole lines.

### **Public Testimony – Jojo Tanimoto**

J. Tanimoto, a resident of Kawaihae, expressed concerns about the need for more communication and benefits related to the fiber optics project that reportedly originates in Kawaihae and extends to Maui. No one has consulted with the Kawaihae community regarding funding or potential benefits from the project. Additionally, she noted that the community is not connected to Hawaiian Telecom's services despite the fiber optics infrastructure being situated nearby, instead relying on connections to a neighboring subdivision. She urged those involved in the project to inform the Kawaihae community about its implications and any benefits they might receive, emphasizing a longstanding disconnect between the area and the infrastructure developments.

MOTION/ACTION

Moved by Commissioner Neves, seconded by Commissioner Kalepa, 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	X			
Commissioner Kaneakua			X			
Commissioner Lasua			X			
Commissioner Marfil			X			
Commissioner Namu'o						X
Commissioner Neves	X		X			
Chairman Watson			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed unanimously, Eight (8) Yes votes.						

**ITEM F-4 Authorized to Accept UH Sea Grant Sub Award for Wildfire Mitigation and Marine Sediment Reduction Activities on DHHL Lands in Kawaihae, TMK NO. (3) 6-1-001:003 (p) & (3) 6-1-001:016 (p)**

RECOMMENDED MOTION/ACTION

Land Management Division's Kahana Albinio and Property Development Agent Kualii Camara presented the following:

Motion for authorization to accept a University of Hawaii (UH) Sea Grant sub-award to secure reimbursable funding. This funding would support wildfire mitigation and the reduction of marine sediment on Department of Hawaiian Home Lands (DHHL) property in Kawaihae, Hawaii Island.

DISCUSSION

K. Camara explained that DHHL had been approached by UH Sea Grant to participate in a larger NOAA grant aimed at reducing marine sedimentation and protecting communities from wildfires. DHHL became a sub-awardee, receiving \$2 million as part of a \$68 million grant awarded to UH Sea Grant. Camara outlined two motions for the Commission's consideration.

The first motion was to enter into a sub-award agreement with UH Sea Grant, which would include a scope of work, standard terms and conditions for federal funding, and any other terms necessary for implementing the project on DHHL lands.

The second motion proposed that DHHL consider supervising upfront funding, as the grant operates on a reimbursement basis, despite there being no matching fund requirements for the \$2 million. Camara mentioned that Katie Hintzman from UH Sea Grant was available to address any questions.

Commissioner Freitas thanked Kualii Camara for his efforts and commented on the importance of maintaining balance in cattle grazing as part of fire mitigation efforts. He noted the goal of achieving an optimal level of grazing to avoid erosion while minimizing fire hazards. Freitas also stressed the need for collaboration with the local community and the Homestead Association throughout the process.

K. Camara explained that the first year of the federally funded project would focus heavily on compliance, including Section 106 compliance and coordination with community groups. This compliance phase would

also include efforts to enhance community engagement. He detailed that the project targets a 310-320 acre area near the community, where 17,000 feet of fencing currently exists but an additional 12,000 feet is required to create a manageable zone for fuel reduction. The grant would fund the installation of this fencing infrastructure, which is essential to facilitate fuel management and attract a partner to assist in maintaining the area. The goal of working directly with the Kailapa Community Association or another partner is to develop a grazing prescription for the area. Kathy Hintzman with the University of Hawaii Sea Grant was available to answer any questions but did not have additional comments

**Public Testimony – Jojo Tanimoto.**

J. Tanimoto expressed concerns about the fire mitigation plan, emphasizing that it neglected the Kailapa subdivision's need for an emergency evacuation route. She explained that she became aware of the project only after fencing was installed, which inadvertently locks Kailapa residents in during emergencies due to the lack of a gate. Jojo pointed out that while the fire break protects the neighboring area across the gulch, it does not address the safety of Kailapa residents, leaving them vulnerable.

She referenced the long-standing issue of an emergency escape route from Kailapa, which was included in the master plan from the 1990s but has never been implemented. She urged the commission to include this evacuation route in the current fire mitigation plan, stressing that without it, Kailapa residents remain at risk. Jojo also requested that a gate be added to the fencing to prevent residents from being trapped during emergencies.

MOTION/ACTION

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

**RECESS**

**11:48 AM**

**RECONVENED**

**12:03 PM**

## ADMINISTRATIVE SERVICES OFFICE

### ITEM H-1 Approval of Addendum to Fiscal Year 2025 Department of Hawaiian Home Lands Budget (Purpose 1 & Purpose 4)

#### RECOMMENDED MOTION/ACTION

Land Development Division Acting Administrator Kalani Fronda presented the following:

Motion that the Hawaiian Homes Commission approve an addendum to the fiscal year 2025 Department of Hawaiian Home Lands (DHHL) budget.

K. Fronda requested \$7.3 million for strategic infrastructure improvements and housing opportunities, with a focus on addressing critical needs and ensuring timely delivery of services:

#### Purpose One: Infrastructure and Housing Development

- Electrical Readiness for Lot Development: \$25,000 was allocated to HECO pre-service applications for Koulu o' Kahai to prepare for electrical service readiness.
- Infrastructure for Maku'u Sub-Agricultural Lots: \$300,000 was requested for facility charges to ensure readiness for 32 sub-ag lots, to be awarded soon to native Hawaiian families.
- Revolving Loan Program: \$7 million was allocated to fund renovations, Ohana units, and scattered lot projects, ensuring a sustainable financing model. Loans would be replenished upon mortgage closure.
- Vacant Lots Initiative: The program targeted 107 vacant lots to meet demand and support community development.

K. Fronda outlined the request for \$9.975 million to enhance operational and community resilience, including:

#### Purpose Four: Operational Efficiency and Community Resilience

- Lālāmilo Phase One Infrastructure: \$2 million to finalize highway connections and resolve contractual issues, ensuring safe community access.
- Engineering Services: \$6 million to support consulting for statewide projects, including wildfire mitigation, addressing Hawaii's vulnerability to wildfires.
- Repair and Maintenance: \$1.975 million for improvements, particularly wildfire prevention, to protect community and land assets.

K. Fronda explained that the addendum addressed urgent needs arising from contractual delays, evolving beneficiary requirements, and increasing wildfire threats. Projects like Lālāmilo Phase One and statewide wildfire mitigation were deemed critical for community access, safety, and long-term development sustainability. He emphasized the addendum as a strategic response to immediate and long-term challenges. It aimed to sustain momentum, meet project timelines, and secure the success of DHHL's programs. He urged the commission to approve the addendum, highlighting its alignment with the department's mission to serve beneficiaries effectively and with integrity.

#### DISCUSSION

Commissioner Lasua asked for an explanation of the carryover of funds that were not spent during fiscal year 2024, and about the location of the funds being used

K. Fronda explained that during the supplemental budget process, the division chose not to request additional funds and instead utilized the carryover funds from the biennium budget for fiscal years 2024-2025. At the time, the division believed the carryover funds would be sufficient based on initial projections. However, as demands increased during the first quarter, particularly for wildfire prevention and essential engineering services, it became clear that supplemental funding was necessary. Fronda emphasized that the carryover consisted only of previously appropriated funds and noted that the approved budget included just \$20 million



in Capital Improvement Program (CIP) funding. He clarified that no further requests were made until the current one to address these emerging needs.

The funds were sourced from a trust fund established in 1995 with a \$600 million appropriation. K. Fronda explained that a portion of this fund remains available to support the current budget request of \$17 million. Commissioner Neves asked about the remaining balance of the \$600 million trust fund, to which K. Fronda responded that approximately \$125 million remained.

Commissioner Neves expressed confusion about the materials being discussed, noting that the summary presented earlier was not included in the document he had. He also inquired about the meaning of "Ohana units" and whether they were being financed. K. Fronda clarified that his earlier statements were a summary of the content, not a verbatim reading of the submitted document. The funds were not for direct financing but rather contributions made through partnerships with entities like county governments and the state homelessness program. These contributions were part of efforts to support and promote Ohana units, including Secondary Dwelling Units (SDUs), across the state.

Commissioner Freitas turned the discussion to the Lālāmilo Phase One infrastructure improvements, particularly its connection to the main road. He highlighted the significance of the project for easing traffic congestion during peak hours, particularly with schools like Parker School, HPA, Waimea Elementary, and commuters from Kailapa and Waikoloa. Freitas emphasized collaboration with the South Kohala Traffic Department and County Councilman James Eustace, chair of the South Kohala Traffic Council.

Commissioner Neves further sought clarification on administrative cost allocations and whether engineering services funding covered multiple projects, which K. Fronda confirmed. Commissioner Neves inquired about potential overlap between funds under purpose one and items in the C2 proposal, emphasizing the importance of deferring funds if applicable to ensure transparency and avoid double-dipping. K. Fronda clarified that purpose one funds were additional and separate from the C2 proposal. He also detailed that Act 279 funding, including projects like Kapolei, allocated funds for specific needs, such as pre-service HECO applications and revolving loans for quick renovations of returned inventory. Neves reiterated the need for clarity and transparency in fund allocation.

**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			
Commissioner Marfil			X			
Commissioner Namu'o			X			
Commissioner Neves			X			
Chairman Watson			X			
TOTAL VOTE COUNT			8			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passed unanimously, Eight (8) Yes votes.						

## ITEMS FOR INFORMATION/DISCUSSION

### OFFICE OF THE CHAIRMAN

#### ITEM C-3 For Information Only – Status Report of DHHL Enforcement Unit Efforts and Statistic (October 14, 2024 – November 11, 2024)

##### RECOMMENDED MOTION/ACTION

Enforcement Administrator David Hoke presented a summary of the unit's activities since the last commission meeting. He provided updates on investigations, operations, and initiatives conducted within the specified timeframe.

##### **Investigation Requests**

Seven new investigation requests were received:

- **Locations:** Five on Oahu, one in Hilo, and one for the land management division.
- **Annual Report Count:** A total of 201 reports were generated for the calendar year.

##### **Major Operation on Mauna Kea**

A two-part operation was conducted in collaboration with the Department of Land and Natural Resources (DLNR) and the Department of Law Enforcement:

- **Objective:** To address unauthorized use of the Department of Hawaiian Home Lands (DHHL) on Mauna Kea by an individual residing there for over five years.
- **Execution:**
  - 18 sheriffs, six DOCA officers, and DHHL staff participated.
  - The operation was praised for being well-organized and ensuring everyone's safety.
- **Acknowledgments:**
  - David Hoke expressed gratitude to the departments involved for their professionalism.
  - Commended Chairman Watson, DAG Lindsay, and EA Hoke for addressing a long-standing issue that spanned two administrations.
  - Highlighted the extensive legal and administrative efforts required to resolve the problem.

##### **Vacant Home Initiative**

David Hoke provided updates on the initiative focusing on vacant homes in Waimanalo:

- **Initial Findings:**
  - 33 homes identified as vacant.
  - **Status of Properties:**
    - Eight pending transfer through successorship.
    - One pending transfer with HSD.
    - Two leases granted in the past year.
    - One removed from the list after evidence of occupancy.
    - Two lots remain in DHHL inventory.
    - Two lots are under NAHASDA management.
- **Recent Progress:**
  - 17 notices of violation issued.
- **Responses:**
  - Ten beneficiaries agreed to clean up properties.
  - One leaseholder is incarcerated and attempting a transfer.
  - Three contacted NAHASDA and are working on compliance.
  - Three did not respond, and final notices will be issued.
- **Future Actions:** Continued tracking and updates, with potential commission involvement for non-responsive cases.

## **Pilot Project Update**

Updates were provided on the pilot project addressing criminal activity in District 8 (Wai'anae Coast, Oahu):

- **Recent Activity:** No new reports of criminal activity in the past month.
- **Total Reports to Date:**
  - 10 reports submitted to HPD.
  - Seven unsubstantiated, one confirmed, and two pending investigation outcomes.
- **Focus:** Ensuring the safety of homesteads in the district.
- **Acknowledgments:** Commended Neighborhood Security Watch groups and associations for their vigilance and contributions.

## DISCUSSION

Commissioner Freitas thanked all involved for their efforts at Mauna Kea, highlighting collaboration with law enforcement and beneficiaries to support sustainable ranching. David acknowledged the progress as a significant first step, with more work needed to prevent future issues. Commissioner Freitas acknowledged the long-standing nature of the issues at Mauna Kea, noting how they can escalate once started. He expressed gratitude to all involved, including the department, Chair, and Richard Hoke, for making significant progress in addressing the situation.

Commissioner Neves thanked the team, along with the Chair and the Attorney General's office, for addressing a five-year-old issue and bringing relief to affected parties. He urged expanding the vacant home initiative to Kauai, citing problems with pests and unauthorized occupants on properties, including a case on Hokualele Road requiring DLNR coordination. Neves also noted the retirement of Kauai's police chief and suggested staying updated on the leadership transition. He commended the team's efforts and emphasized continued collaboration to maintain community safety.

Commissioner Kaneakua acknowledged the complexity of addressing issues like deserted properties and commended the enforcement team for their systematic approach. He specifically mentioned Nick's immediate action in assisting a testifier and commended the trio for their ongoing commitment to their responsibilities. He noted that the enforcement team's work has been instrumental in addressing contested cases, ensuring responsible property use, and removing those who misuse their rights, expressing gratitude for their impactful efforts.

Commissioner Kalepa highlighted the issue of vacant lots on Maui, emphasizing the risks they pose to homeowners if left unaddressed. He acknowledged their efforts in maintaining communication and tackling these challenges from the start and called on the Attorney General's office to help clarify legal ambiguities, enabling the team to act more effectively and support associations, communities, and leaseholders.

D. Hoke also discussed the need for updating outdated rules and explored the possibility of proposing new legislation to help streamline processes and enhance the department's efficiency. While respecting due process, he highlighted the lengthy timelines and the safety concerns that arise in the interim, underscoring the importance of improving procedural efficiency.

Chair Watson expressed gratitude and admiration for the team's efforts, recounting his firsthand experience at Humu'ula, where the operation's scale and professionalism made him feel secure. He highlighted the importance of building strong relationships with organizations like the sheriff's department, which had previously been hesitant to assist. He emphasized the need for further action on the criminal side, if required, and called for additional compliance officers to support the stretched team.

**Public Testimony – Patrick Kahawaiola’a.**

P. Kahawaiola’a expressed gratitude on behalf of beneficiaries to the enforcement team for their efforts in addressing long-standing issues, describing them as "festering problems." He commended the team for their dedication, particularly in Humu’ula, while noting there are still unresolved matters to tackle. Kahawaiola’a also thanked the Chair for supporting the enforcement team's work and acknowledged a commissioner he recently spoke with. He voiced his support for efforts to secure additional compliance officers, especially on the island where most of the lands are located, to help manage the workload and address remaining challenges.

Chair Watson expressed gratitude to Kualii for assisting with logistical efforts, such as managing gates, signage, and terrain guidance during the first phase of securing the land in Humu’ula. He explained that phase two aims to create a long-term solution by converting the secured land for pastoral use, working closely with homestead communities and experts like the Kaniho clan. The plan involves issuing rights of entry for property assessments, removing cattle, and awarding agricultural leases to establish a beneficiary presence on approximately 8,000 to 10,000 acres of land. The approach addresses issues like wildfires and trespassing by ensuring the land is actively used by beneficiaries.

**HOMESTEAD SERVICES DIVISION**

**ITEM D-1 HSD Status Reports**

A – Homestead Lease and Application Totals and Monthly Activity Reports

B – Delinquency Report

Homestead Services Division Administrator Juan Garcia presented the D1 reports, which provided updates on applications, loan services, and district operations related to lease numbers. He addressed earlier testimony from Jojo Tanimoto regarding the status of lots in Kawaihae, noting that approximately 25 lots in Kailapa are pending lease awards. Garcia clarified that these lots are not included in the lease count as they are not yet covered under leases but assured the commission that the matter was being reviewed. He invited commissioners to ask questions during or after the meeting, as he would be available for further discussion.

**Public Testimony – Jojo Tanimoto**

J. Tanimoto clarified her earlier comments, stating that she was referring to lessees already occupying the Makai lots, which were established in 1985 with bulldozing completed by 1990, as well as three lots near the harbor that have been occupied since World War II. She clarified that she was not referring to the additional lots mentioned earlier.

Juan Garcia acknowledged her clarification and stated that he was working with West Hawaii to gather more information about the three lots near the harbor and four vacant lots on the Makai side. He committed to providing updates to Tanimoto and the commissioners once further details are available.

During the discussion, Commissioner Neves reiterated his request to establish a Permitted Interaction Group (PIG) to address waitlist successorship, emphasizing its importance for ensuring pending individuals are accommodated as awards are issued. Chair Watson acknowledged Commissioner Neves’ request, noting his involvement in other PIGs.

**RECESS**

**12:45 PM**

**RECONVENED**

**1:15 PM**

## LAND DEVELOPMENT DIVISION

### ITEM E-1 Maui Projects Update

#### RECOMMENDED MOTION/ACTION

None. For Information Only.

Acting Land Development Division Administrator Kalani Fronda and Engineer Neil Nugent, Land Development Specialist Kehau Quartero, Homestead Housing Development Manager Michelle Hitzman, and Robert Ing presented updates on Maui projects and lands, beginning with an overview of current initiatives.

N. Nugent provided an overview of ongoing land development projects in Central Maui, highlighting several key initiatives. At Pu'uhonua Homestead, construction began on homes for its 161 lots, with roads nearing completion as of November 5th. A water tank is being built to supply the area, and adjacent land has been acquired for the Wailuku Single Family Residential Homestead, which will feature 204 lots. Plans for Waiehu Mauka envision 400 lots, with residential lots of 7,500 square feet, rural agricultural lots of 0.5 acres, and open spaces designated for community use, including a community center. In Pulehunui, a collaboration with other state agencies is underway to construct a miles-long sewer line to service departmental lands and other state-owned properties. This line will connect to the new Central Maui Wastewater Treatment Facility being built by the County of Maui. Nugent emphasized the benefits of this facility, which will provide recycled water for irrigation and other non-potable uses, promoting sustainable practices by reducing wastewater discharge into the ocean or ground.

K. Quartero reported that the improvement project for the Paukukalo Community Center was ongoing, with completion expected by April 2025, pending the arrival and installation of necessary items. Additionally, preparations for Lot 4 of Paukukalo Unit 3, Phase 2, were underway to facilitate a vacant lot award scheduled for the following year. For the Wai'ehu Koa Subdivision Phase 4, the final phase of fence installation along Hale Wai'u Road was nearly complete, with minor obstructions in the area being addressed to finalize the project.

N. Nugent provided updates on developments in upcountry Maui, specifically in Kēōkea and Waiōhuli. He highlighted progress on Phase 1A, which has already been built, and ongoing

M. Hitzman provided an update on preparations for awarding Kula residential lots. Plans were underway to offer vacant lots early next year, with additional details to be shared closer to that time. She confirmed that the lots under discussion would be included in the upcoming vacant lot offer.

N. Nugent stated that in Kēōkea, the department was collaborating with the state to utilize the Department of Agriculture's non-potable irrigation water system for agricultural purposes. Due to the numerous archaeological sites in Kēōkea and Waiōhuli, a community meeting was planned for early 2025 to discuss preservation and stewardship efforts, though the specifics of the meeting were not yet finalized. In Kahikinui, Nugent highlighted the development of Kuleana homestead lots. Phase one of the roadway was partially completed, with much of the remaining roads still unpaved dirt paths. For phase two, the department was seeking grant funding to construct additional sections of the road, allowing existing funds to be allocated to other necessary improvements.

K. Fronda provided an update on Kamalani, reporting plans for the construction of 400 single-family lots in the area. He mentioned visiting the site recently and confirmed the project's anticipated scope.

N. Nugent provided updates on Leiali'i, Waiōhuli, Honokawai, and Kā'anapali, noting the new well DHHL has drilled. The well will be integrated into the County of Maui's water system in the coming years. For

Leiali'i 1B, a development agreement with Dowling Company was established to build 181 single-family lots, as shown in the presentation. Infrastructure improvements, including Leiali'i Parkway and the Honopi'ilani Highway intersection, are also planned as part of the project. A figure detailing the 181 lots was shared before concluding the presentation.

M. Hitzman announced that on January 11th, there would be an orientation meeting for Pu'uhona Phase 2. Additionally, plans are underway to offer vacant lots in Phase 3 developments, with a total of approximately 36 lots to be made available. Further details about the vacant lot offerings will also be shared during this time.

K. Fronda highlighted the significant progress on Maui, emphasizing ongoing efforts to secure additional funding for numerous projects. He noted exciting developments, particularly the upcoming lease awards, with opportunities anticipated in Pu'uhona, Leiali'i, Wailuku Single Family, Kamalani, and Wai'ehu Mauka. Fronda expressed gratitude for the chance to provide updates on these initiatives.

Chair Watson emphasized the significant focus and activity on Maui, noting it exceeds that of other islands. He highlighted the governor's directive to prioritize Maui, particularly following the wildfires, with nearly \$200 million of the allocated \$600 million dedicated to the island. Watson defended the department's efforts, asserting that criticism is unwarranted given the extensive work being done.

## **PLANNING OFFICE**

### **ITEM G-1 Maui Water Issues & Projects Update**

#### RECOMMENDED MOTION/ACTION

None. For Information Only. Planning Program Manager Andrew Choy, Water Program Specialist Cherie Ka'anana and DHHL Water Consultant Dr. Jonathan Likeke Scheuer, provided the following update:

C. Ka'anana updated the Commission on Maui water projects aligned with DHHL's Water Policy Plan priority goal of engaging beneficiaries regarding water decisions and rights. The presentation covered updates on the East Maui Irrigation (EMI) system, groundwater well policies, beneficiary interests, and upcoming water law training. The submittal highlighted future water needs, reservations, and water systems, focusing specifically on EMI updates, Pa'upena CDC water meters, and other key areas.

#### ***East Maui Irrigation System (EMI)***

The EMI system, originally developed by Alexander and Baldwin (A&B) in the 1820s, diverts water across East Maui through a 75-mile network. Currently co-owned by A&B and Mahi Pono, EMI has been controversial due to environmental and legal concerns. DHHL has an interest in this system to secure water reservations for its lands and address traditional rights affected by dewatering in areas like Ke'anae and Wailuanui. DHHL requested 11.5 million gallons per day of water in 2020, which is still under review. The EMI system also intersects with DHHL's rights to water lease revenue and representation on the East Maui Water Authority, established in 2022 to manage local water systems. DHHL has been actively participating in consultations and monitoring contested case hearings to ensure beneficiary rights and interests are protected.

#### ***Groundwater Well Policies***

Ka'anana detailed the complexities of Hawai'i's aquifers, distinguishing between basal and deep-confined aquifers. She highlighted recent procedural changes to improve DHHL's ability to review well construction and pump installation permits, addressing long-standing issues of transparency and impacts on public trust

uses. These changes now allow DHHL to provide input on proposals in areas with water reservations, creating opportunities for better oversight and participation in water management decisions.

### ***Water Law Training***

In response to community interest, DHHL collaborated with the Ka Huli Ao Center for Excellence in Native Hawaiian Law to develop water law training for beneficiaries. This program educates participants on water rights, governance, and how to serve on relevant boards and commissions. Four training cohorts have been completed, with representatives from every island with DHHL lands. The next training session is scheduled for spring 2025.

### **DISCUSSION**

Commissioner Neves inquired about the application process for the training, asking if it was available on the website and how individuals could apply.

Dr. Jonathan Schroyer explained that the training program is conducted in partnership with Ka Huli Ao, which manages the acceptance process. Interested individuals submit their emails, which are forwarded to Ka Huli Ao, who then sends out notices to participants. He mentioned that a newer commissioner, hailing from Moloka‘i, has completed the training and might wish to share their insights, though he did not name them.

Commissioner Lasua shared that they had participated in the training along with two other members from their association and found it to be highly beneficial. They expressed approval of the program and encouraged other associations to participate, emphasizing the valuable knowledge gained through the experience. Lasua urged others to take advantage of the opportunity if possible.

Chair Watson reflected on his own experience navigating water rights issues, specifically during the Department of Land and Natural Resources (DLNR) process involving Mahi Pono’s water license application. He noted that the experience was educational even for someone familiar with water laws and underscored the critical importance of understanding and protecting DHHL’s water entitlements, which take precedence over commercial and private development interests. He emphasized the need to educate beneficiaries, highlighting the value of training sessions led by Dr. Jonathan Scheuer, who provides clear and empowering instruction.

Chair Watson also stressed that water is essential for development projects and acknowledged the ongoing competition for resources, particularly with industries like hotels and plantations. Without asserting rights to water, DHHL risks stalling developments and increasing the already large waitlist. He also pointed out challenges faced at county boards of water supply, where a lack of understanding or appreciation for legal mandates, including DHHL’s constitutional entitlements, creates obstacles. Watson expressed gratitude to Dr. Scheuer, Andrew Choy, and the team for their efforts in advocating for DHHL’s water rights and ensuring beneficiaries are empowered.

Dr. Scheuer emphasized the significance of the East Maui Irrigation (EMI) system for DHHL’s land development. Without access to water from EMI, DHHL cannot reasonably develop 6,000 acres at Keaukēa Waiohuli or the hundreds of acres at Pulehunui. He commended Chair Watson for his principled public opposition at the Board of Land and Natural Resources (BLNR) meeting, despite the complexities of inter-departmental disagreements. Chair Watson’s testimony, along with strong leadership from local government figures such as Mayor Bisson, contributed to the BLNR’s 5-2 vote against a proposed action that would have harmed beneficiary water rights. Schroyer also highlighted the leadership of former Hawaiian Homes Commissioner and current BLNR member Pua Oonto, who introduced the motion that succeeded.

### *Advocacy for Transparent Water Permitting Processes*

Dr. Scheuer discussed the challenges DHHL has faced in monitoring groundwater development outside of designated areas, which include most of the state and DHHL lands. Historically, this limited DHHL's ability to protect its water rights. However, DHHL successfully advocated for procedural changes with the Water Commission, allowing for greater public transparency and the department's right to comment on groundwater developments that could impact its present and future water needs. This improvement safeguards DHHL's ability to meet immediate housing demands and future land development goals.

### *Collaboration with Beneficiaries*

Dr. Schroyer stressed the importance of collaboration between DHHL and beneficiaries in protecting water rights. He noted that while the department or beneficiaries alone may sometimes succeed, major victories—such as those achieved against Molokai Ranch—occur when both groups work together. This united front has proven effective in holding the state accountable for its fiduciary duties. He linked this success to the importance of training programs, which equip beneficiaries to advocate alongside DHHL. These efforts are essential for securing water resources for current and future projects.

### *The Importance of Water Law Training*

Dr. Schroyer underscored the value of the water law training program, organized with the Ka Huli Ao faculty, as a tool for empowering beneficiaries. The training builds the knowledge and skills needed for beneficiaries and DHHL to advocate effectively for water rights. He expressed optimism that this collaborative approach would ensure sufficient water for both immediate projects and long-term homesteading needs, thereby strengthening the Hawaiian community.

Chair Watson encouraged continued efforts, praising Cherie and advising her to learn from Dr. Jonathan Schroyer. Dr. Schroyer emphasized that the work is a collaborative effort.

## **ANNOUNCEMENTS AND RECESS**

1. DHHL Community Meeting is on Monday, November 18, 2024, 6:30 p.m. at King Kekaulike High School Cafeteria, 121 Kula Highway, Pukalani, Hawaii 96768

**RECESS**

**2:01 PM**



## HAWAIIAN HOMES COMMISSION

Minutes of November 19, 2024

Courtyard by Marriott Kahului Airport, Haleakala Ballroom, 532 Keolani Place, Maui, Hawai'i 96732,  
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  
Sanoe Marfil, O'ahu Commissioner  
Archie Kalepa, Maui Commissioner  
Walter Kaneakua, O'ahu Commissioner

**COUNSEL** R. Hokulei Lindsey, Deputy Attorney General

**EXCUSED** Dennis L. Neves, Kauai Commissioner  
Pauline N. Namu'o, O'ahu Commissioner

**STAFF** Katie L. Lambert, Deputy to the Chair  
Richard Hoke, Executive Assistant to the Chair  
Leah Burrows-Nuuanu, Secretary to the Commission  
Juan Garcia, Homestead Services Division Administrator  
Diamond Badajos, Information and Community Relations Officer  
David Hoke, Enforcement Administrator

### **ORDER OF BUSINESS**

#### **CALL TO ORDER**

Chair Watson called the meeting to order at 9:35 a.m. Six (6) members were present in person, and one (1) member attended via Zoom, establishing a quorum. Commissioners Neves and Namuo were excused.

Chair Watson outlined the meeting agenda, starting with Public Testimony on Agenda Items, followed by the J agenda. The meeting would recess at noon for lunch. He announced that next month's regular meeting would take place on December 16-17, 2024, at Hale Pono'i in Kapolei, O'ahu, starting at 9:30 AM. Additionally, the next community meeting is scheduled for December 16, 2024, at the Kamehameha Schools Learning Center in Ma'ili, West O'ahu. Public testimony on Agenda Items will be included in that meeting as well.

#### **PUBLIC TESTIMONY ON AGENDIZED ITEMS**

##### **PT-1 Leonard "Junior" Nakoa – Item C-2 Lahaina**

J. Nakoa expressed concerns about the handling of the Kalai'ola project in Lahaina, highlighting a breakdown in the process that affected Native Hawaiian beneficiaries. He recounted an instance where a kupuna was told to relocate to Kihei despite living near the project area, illustrating how the system can fail individuals. He emphasized the importance of holding decision-makers accountable, including Joe Campos, who intervened to resolve the issue for his aunt. Junior advocated for better oversight and transparency in project management, noting that many Lahaina residents feel overlooked and frustrated by the mismanagement of resources meant to benefit Hawaiians. He stressed the need to prioritize local beneficiaries on the DHHL list and ensure fair treatment.

Junior also shared a personal story about his daughter, who lost her home in the Lahaina fire and struggled to qualify for housing despite being a beneficiary under his lease. He appealed for flexibility to allow her to access housing through the Kalaiola project, as her current FEMA support is insufficient. He underscored the

urgency of addressing gaps in support for Lahaina families affected by the fire and other challenges, urging collaboration and action to resolve these issues. Junior’s testimony conveyed his commitment to advocating for Lahaina residents and ensuring that housing developments fulfill their intended purpose of serving Native Hawaiians.

**PT-2 Michelei Tancayo – Item C-2 Lahaina**

M. Tancayo emphasized the importance of fulfilling the 2022 promise to transfer over 400 acres of Leiali‘i land from HHFDC to the Department of Hawaiian Homes Lands (DHHL). She noted that while the commissioners have made progress on transferring the Kalaiola portion, she sought clarification on the Kilohana area and the upper portion of the land, which are still categorized as HHFDC vacant lands. Michelei urged transparency and accountability, requesting the commissioners to alert the Leiali‘i community if there are any signs of the state or HHFDC renegeing on their commitment. She stressed that these lands are ceded, belonging to Native Hawaiians, and should prioritize addressing the severe housing crisis faced by nearly 30,000 Native Hawaiians on waitlists statewide, including 4,000 on Maui alone.

Michelei also expressed concern about rising infrastructure costs and perceived delays in the transfer process. She questioned why agriculture and pastoral awards, or even long-term preservation for future generations, were not being considered for the land. She criticized the state’s handling of resources and urged the commissioners to continue fighting for the promised land transfer to ensure that current and future beneficiaries, particularly those displaced by recent events in Lahaina, receive the housing and support they need. Michelei called for aloha and accountability, reminding the commissioners of their duty to protect Native Hawaiian interests and uphold the commitments made to the community.

**ITEMS FOR INFORMATION ONLY**

**REQUESTS TO ADDRESS THE COMMISSION**

Note: Kahakuakoi Peiper and Blossom Feiteira were called. There was no response.

**ITEM J-1 Kyle Elama Farm – Ka Ohana O Kahikinui**

K. Farm, president of Ka Ohana O Kahikinui, provided an overview of the community's progress and challenges in managing its isolated 22,000-acre homestead. He highlighted the community's independent efforts to maintain cultural integrity and manage resources, including the ongoing project to enclose and eradicate ungulates from a 4,500-acre parcel. The community relies on off-grid systems for energy and water, and recent infrastructure developments, such as 30,000-gallon water tanks funded by a federal drought relief grant, have improved access to water. Kyle expressed gratitude for the department's continued funding for these initiatives and emphasized the community’s commitment to preserving cultural sites and supporting its growing population, which now includes 99 leases and 36 residences.

Kyle outlined long-term projects aimed at addressing water needs, including a fog drip system at higher elevations and an \$80,000 grant-funded water storage facility built entirely with donated labor. He also detailed additional grants for enclosing the community center and purchasing atmospheric water generators to provide potable water. The community has prioritized road improvements, food distribution, and educational programs, such as a \$45,000 grant to support keiki. Kyle requested continued department funding for water deliveries and active involvement in discussions on road upgrades, thanking the commission for its support in awarding undeveloped Hawaiian homelands and recognizing the leadership of his team.

In closing, Kyle emphasized the community's commitment to being a model for other Hawaiian homelands, showcasing its ability to operate independently while leveraging grants and donations for sustainable development. He expressed appreciation for the department’s collaboration and support, particularly in addressing challenges like permitting and insurance, which are critical for infrastructure and community

safety. Kyle reaffirmed the community's vision to provide a positive example of self-sufficient living on Hawaiian homelands and to inspire similar initiatives across the state.

#### **ITEM J-2 Kalani Tassill – Paukukalo Homestead Association**

K. Tassill, president of the Paukukalo Homestead Association discussed challenges and progress within his community, focusing on the need for infrastructure improvements and sustainable resource management. He highlighted ongoing efforts to enclose and protect a large area from ungulates, which has been a long-standing challenge due to the community's remote location. Kalani also expressed gratitude for recent lease awards, which have helped grow the community to 99 leases and numerous off-grid residences reliant on photovoltaic and water catchment systems. He emphasized the importance of cultural preservation, noting that the community's land remains unaltered by modern development, which further underscores the significance of their stewardship.

Tassill detailed projects aimed at improving water access, including the installation of large water storage tanks funded through federal drought relief grants. He also discussed long-term solutions, such as a fog drip collection system to capture water at higher elevations and additional storage facilities funded through community-led grants. These initiatives were complemented by collaborative efforts to secure grants for educational programs, road improvements, and innovative water technologies like atmospheric water generators. Kalani expressed gratitude for the department's financial support and highlighted the community's proactive approach to addressing its needs despite limited resources.

In conclusion, Tassill emphasized the importance of continued collaboration with the department to overcome challenges like permitting and insurance issues, which are critical for community growth and safety. He urged the commission to maintain its support for water delivery funding and to include the community in discussions about road upgrades. He praised the resilience and independence of his community, which he sees as a model for other Hawaiian homestead initiatives, and reiterated the community's commitment to sustainable living and cultural preservation.

#### **ITEM J-3 Kainoa Lei MacDonald/Daniel Ornellas – Maui/Molokai Moku**

D. Ornelas, representing Wai'oko Hawaiian Homesteads Phases 3 and 4, highlighted the significant growth of the Wai'ehu homestead community, which currently includes over 400 single-family residences with the potential to add 400 more through the development of 232 acres in Wai'ehu Mauka. He emphasized the importance of maintaining open spaces and flood-prone areas, which account for approximately 30 acres of land requiring fire protection and vegetation management. Ornellas expressed enthusiasm for the upcoming regional plan update in 2025, which would identify new priorities and grant opportunities for fire protection and community resilience, such as the Firewise Community initiative. He acknowledged the need for long-term planning for areas like Wai'ehu Mauka, emphasizing the unique beauty of the property and its potential for stewardship opportunities.

Ornellas stressed the importance of integrating land stewardship into the DHHL classification system, particularly for areas unsuitable for residential development, such as steep, flood-prone lands near Wai'ehu Stream. He saw promise in proposed classifications for kuleana, stewardship, and community agricultural uses, which would allow Native Hawaiians to connect with and benefit from the land. He also raised concerns about trespassing, illegal dumping, and other management issues affecting open spaces, calling for enhanced perimeter fencing and ongoing collaboration with the Land Management Division to address these challenges. He praised the department for offering rights of entry and revocable permits, which facilitate community-based maintenance and reduce costs through preventive measures.

Ornella concluded by urging the commission to prioritize funding for ongoing maintenance and stewardship of existing homesteads during budget planning. He highlighted the value of preventive measures in keeping communities safe and reducing long-term expenses. Expressing optimism for future collaboration, Daniel called for continued support from the Planning Office, Land Management Division, and Land Development

Division, noting that their guidance and funding were critical to sustaining and enhancing homestead development. He also referenced previous feasibility studies and partnerships, such as with the Trust for Public Lands, as promising avenues for productive land use and community benefit.

#### **ITEM J-4 James Kincaid – Hawaiian Sailing Canoe Association**

J. Kincaid, representing the Hawaiian Sailing Canoe Association, advocated for a land use request in the Ahihi-Kina‘u area on Maui to establish a base for the association's activities. He highlighted the organization's mission to learn, revive, educate, and practice ancient Hawaiian skills and values related to sailing canoes. James detailed the association's 37-year history, which began in 1987 with a sailing race from Pokai Bay to Nawiliwili. Over the years, the association has connected with communities across the Hawaiian Islands, sharing cultural knowledge and fostering relationships with local Hawaiian beneficiaries. He emphasized the significance of continuing these efforts to preserve and teach Hawaiian cultural traditions.

Kincaid described the proposed 75-acre parcel in South Maui, located slightly inland from the beachfront, as an ideal site for the association's operations. The project aims to create a space for education, conservation, and agriculture, with facilities for training and equipment storage. He noted that the land would serve as a vital resource for beneficiaries, providing opportunities to engage with Hawaiian culture and learn ancient practices. Kincaid requested a 45-year lease with an option to renew, expressing optimism about the project's potential to benefit the community and ensure the preservation of cultural traditions.

In closing, Kincaid thanked the commissioners and shared his hope for approval of the land use request. He expressed gratitude for the support of community partners and the Hawaiian Homes Commission's consideration of the proposal. The commission acknowledged the project's alignment with their goals and expressed willingness to explore land transfers or other avenues to support the initiative. James reiterated the importance of the project for both the association and the broader Hawaiian community, emphasizing its potential to perpetuate cultural knowledge and practices for future generations.

#### **ITEM J-5 Chanel Josiah – Hawaii Community Lending**

Chanel Josiah, Community Development Director of Hawaii Community Lending (HCL), testified about the organization's work in providing financial and housing education to Native Hawaiians. She emphasized the importance of their services, which include workshops, one-on-one counseling, and technical assistance, aimed at helping beneficiaries achieve financial stability and homeownership. These services, provided at no cost in partnership with DHHL, equip individuals with skills like budgeting, debt management, and saving for home purchases, empowering them to pass these skills to future generations. Josiah and her colleague Kawehi Ka‘a‘a highlighted the nonprofit's roots, established in 2000, and its ongoing mission to build the capacity of low- to moderate-income Native Hawaiian communities.

Josiah shared her personal journey, underscoring the impact of HCL's programs. As a former participant, she overcame financial and personal challenges, eventually becoming a DHHL beneficiary in 2021. She also described HCL's ongoing programs, such as the Lahaina Homeowner Recovery Program, and outlined systemic challenges faced by beneficiaries, including difficulty navigating the building process, financial barriers, and lack of adequate support. Josiah called for additional resources, including \$500,000 in demolition funding and mortgage assistance, to help beneficiaries address unsafe housing conditions and avoid lease cancellations. She highlighted HCL's innovative programs, such as the Kanaka Anti-Displacement Loan Program, which supports families displaced by toxic conditions.

In closing, Josiah stressed the importance of expanding HCL's capacity to meet the growing demand for homeownership assistance as DHHL plans to develop thousands of new homesteads. She urged the commission to prioritize technical assistance and provide education on alternatives like transitional and kupuna housing. Josiah highlighted HCL's efforts to streamline its processes through tools like Salesforce and reaffirmed the organization's commitment to providing comprehensive support to beneficiaries. She

emphasized the importance of partnerships between DHHL, community organizations, and financial institutions to ensure Native Hawaiians can access affordable and sustainable housing solutions.

#### **ITEM J-5 Christopher Canto and John Rickle – Kanehili Community Association**

John Rickle addressed the commission on behalf of the Kanehili Community Association, presenting two key items for consideration. First, he shared that the association had prepared a ballot proposal to implement Chapter 10-7 of the Hawaii Administrative Rules, incorporating feedback from Deputy Attorney General Jordan Ching. He requested any additional input from the commission on the proposal, which is intended to be put to a vote at an upcoming association meeting. Rickle noted minor adjustments made to the proposal and emphasized the association's commitment to moving forward with the process.

The second issue raised by Rickle pertained to the enforcement of judgments obtained by the Kanehili Community Association. He provided the commission with copies of five court-granted judgments and requested assistance in enforcing them, potentially through lease cancellations. However, the commission clarified that it could not act on these judgments without adhering to its own contested case process. Deputy Attorney General Ching confirmed that the commission could not enforce judgments or cancel leases until the association's rules were formally adopted and aligned with the administrative rules.

In conclusion, Rickle expressed appreciation for the commission's feedback and willingness to discuss the legal framework for enforcement further. He reiterated the association's intent to move forward with adopting the new ballot proposal at their next meeting. The commission acknowledged the association's efforts and recommended further discussions to address procedural and legal requirements.

#### **ITEM J-6 Sherilyn Wahinekapu – Lease Concerns**

Luana Keakealani testified about the lack of water for her family's cattle ranches at Honoka'ia, a problem affecting three generations of her family. Despite previous testimony and assurances that someone would follow up, she had not received a response in over two months. She described the challenges of obtaining water for their ranch, explaining that federal programs like NRCS and FSA are willing to assist but require forms signed by DHHL representatives. However, her district representative refused to sign the forms due to unresolved leaseholder issues stemming from her late uncle's co-lessee status. Luana expressed frustration with the lack of clarity on the process and the inability to move forward despite available solutions.

She highlighted the critical need for water to prevent fires in the now-dry Honoka'ia area and to sustain their cattle and horses. Luana noted that her family is often called upon to assist other ranches during emergencies, despite lacking sufficient resources for themselves. She emphasized that the lack of water is both a social and health determinant, negatively impacting her family and animals. Luana requested that DHHL amend the commencement dates of their leases, as the family has been ranching without water for 18 years. She also shared that their fence line is adjacent to a water tank that they are unable to access, calling the situation "absurd and shameful."

In closing, Keakealani urged DHHL to consider supporting water delivery as an immediate solution, with truckers ready to transport water to their ranch. She expressed her willingness to be part of broader efforts to address water issues, including serving on boards and commissions, but emphasized that she could not take on this role until her family's basic needs were met. Luana reiterated the urgency of addressing water access not only for her family but for the many homesteaders facing similar challenges across the state. She called for collective action and DHHL's support to resolve this long-standing issue.

#### **ITEM J-7 Jojo Tanimoto – Various Kawaihae Concerns**

Jojo Tanimoto, a resident of Kawaihae Homestead, testified about critical water access issues and the challenges facing her community. She expressed concern over the lack of progress in securing water resources for the homestead, citing the loss of access to the old Uli well, which had been designated for Hawaiian

Homes but was repurposed by a private entity. Tanimoto highlighted the exclusion of Kawaihae from the Lālāmilo well project, with water instead being directed to Waikoloa's affordable housing initiatives. She emphasized the urgent need for a water subsidy, as residents in her area pay six times more for water than others, and called for better communication from the department regarding these subsidies.

Jojo also addressed broader issues related to water resource management in the South Kohala District, noting that new developments and population growth have strained the region's aquifers, impacting the homestead's access to water. She criticized the lack of visibility and representation for Hawaiian Homes beneficiaries in county planning and expressed frustration with the department's delay in approving a site visit to Palekoke Ranch. This visit is crucial for planning firebreak connections and assessing the waterline's route. Tanimoto underscored that current efforts, such as firebreak construction, seem to benefit neighboring areas rather than her community, which still lacks essential infrastructure.

In her closing remarks, Tanimoto raised concerns about the lack of conservation designations and historical site protections in Kawaihae, noting that the burial council and historic preservation division are inactive due to staffing shortages. She warned of potential destruction to historical sites by ongoing development and fire mitigation activities. Tanimoto urged the department to incorporate conservation areas into the island plan and provide clearer guidance on addressing these issues. She also highlighted the urgency of resolving delays in infrastructure projects, such as the bypass road and unexploded ordinance surveys, which are critical to the community's future.

#### **ITEM J-8 De Mont Manaole – Indigent Hawaiians**

De Mont Manaole, co-manager of Ho'omanapono LLC, testified on the importance of supporting small Native Hawaiian businesses through better access to industrial lands. He commended DHHL staff, particularly Julie Cachola and Kalei Young, for their hard work and dedication to fostering collaboration. De Mont emphasized the need to improve the revocable permit program, suggesting it be used as a probationary period for small businesses to demonstrate viability, respect for the land, and good business practices. He argued that successful businesses should be transitioned to long-term leases, enabling them to secure financing and grow sustainably.

Manaole highlighted the challenges small businesses face under the current system, particularly the inability to obtain bank loans due to short-term, month-to-month permits. He proposed carving out smaller portions of larger industrial land parcels to create tailored long-term leases for businesses with proven track records. He underscored the potential for such leases to empower small businesses, fostering economic development while aligning with the Hawaiian Homes Commission Act's purpose of promoting self-sufficiency and self-determination for Native Hawaiians. De Mont stressed the need for DHHL and the commission to take proactive steps to reward businesses that meet these criteria.

In closing, Manaole praised the current administration and commission for their openness and willingness to address community issues. He highlighted the progress made in fostering collaboration and streamlining processes, contrasting it with the challenges of past bureaucratic inefficiencies. Manaole called on the commission to continue promoting Native Hawaiian businesses through thoughtful policies and asked for guidance on how to work with the department to advance his proposals. He expressed optimism about the future, noting the potential of long-term leasing to support economic growth and community well-being.

#### **ITEM J-9 Kapua Keliikoa Kamai – Lease Concerns**

K. Keliikoa-Kamai testified about the importance of careful decision-making and ensuring that funding and development projects on Hawaiian homelands align with the needs of beneficiaries. She expressed concern over reallocating funds from existing, community-supported projects, such as the Voice of America and Maui projects, to newer, less-developed initiatives. Kapua emphasized that while acquiring new lands is forward-thinking, it may not directly address Act 279's goal of reducing the beneficiary waitlist. She urged commissioners to

prioritize projects that are already underway and supported by beneficiaries, advocating for greater transparency and scrutiny in funding allocations.

She highlighted the need for housing developments that respect Kanaka Maoli cultural values, specifically calling for homes that allow extended family support systems to flourish. She criticized restrictive policies from certain developers that limit family visits and occupancy, urging a shift toward models like Ho'olimalima that better address the needs of Hawaiian families. Kapua also stressed the importance of ensuring that funding and contracts for housing developments are strictly limited to beneficiaries, cautioning against reliance on federal funding sources that serve broader populations. She emphasized that protecting beneficiary-specific funding is critical for maintaining Hawaiian cultural and economic self-sufficiency.

In closing, Kapua urged commissioners to remain diligent, thoughtful, and informed in their decision-making, acknowledging the complexity and weight of their responsibilities. She expressed gratitude for the efforts of DHHL staff, particularly Julie Cachola, and for the commissioners' willingness to defer agenda items like C2 to gather more information. Kapua called for unity and respect within the community, reminding everyone of the shared responsibility to support and uplift one another as Kanaka Maoli. She concluded with a heartfelt mahalo for the commissioners' work and encouragement to continue asking critical questions in service of the Hawaiian community.

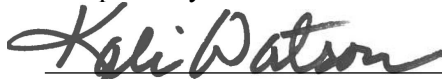
**ANNOUNCEMENTS AND ADJOURNMENT**

Chair Watson thanked everyone for attending and reminded everyone that the next Regular HHC meeting is on December 16 & 17 at Hale Pono'i Kapolei, Oahu, 96707, starting at 9:30 AM. Next month's community meeting is scheduled for Monday, December 16 at the Kamehameha School Learning Center in Ma'ili, starting at 6:30 p.m.

**ADJOURNMENT**

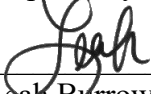
**12:30 PM**

Respectfully submitted:



Kali Watson, Chairman  
Hawaiian Homes Commission

Prepared by:



Leah Burrows-Nuuanu, Commission Secretary  
Hawaiian Homes Commission

Attachments:

- 1) Public Testimony Sheets
- 2) Public Testimony Daniel Ornellas
- 3) Public Testimony Janice Herrick
- 4) Public Testimony Momi Hai
- 5) Public Testimony Al Hee



# 2

# PUBLIC TESTIMONY on AGENDIZED ITEMS

## INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

Act C-2  
 AGENDA ITEM(s) # 279 Strategic  
 Plan, C-2 Approval of  
 act

Start of Meeting

When ITEM is addressed:

Janice N. Kekahuna

11/18/24

NAME

Maui Beneficiary

DATE

Beneficiary

ORGANIZATION

TITLE

mayorofpohala@yahoo.com

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:





41

# PUBLIC TESTIMONY on AGENDIZED ITEMS

## INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

AGENDA ITEM(s) G-1

Start of Meeting

When ITEM is addressed:

Noelani Paresa

11/18/24

NAME

DATE

ORGANIZATION

TITLE

Nparesa76@gmail.com

EMAIL ADDRESS

COMMENTS:

Mahalo Nui!

Check here if you have written testimony for Distribution:



# 4

# PUBLIC TESTIMONY on AGENDIZED ITEMS

## INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

AGENDA ITEM(s) C2

Start of Meeting

When ITEM is addressed:

Janice Herrick

11/18

NAME  
Paukatalo H4

DATE  
Lessee

ORGANIZATION  
maurice@gmail.com

TITLE

EMAIL ADDRESS

COMMENTS:

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Check here if you have written testimony for Distribution:



#5

# PUBLIC TESTIMONY on AGENDIZED ITEMS

## INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

AGENDA ITEM(s) C2

Start of Meeting

When ITEM is addressed:

Gracey Gomes

NAME Pauku Kaho

ORGANIZATION gracey.gomes@hotmail.com

11/18/2024

DATE Lessee/Waitlist

TITLE #2445, Honokawai Ag

COMMENTS:

Check here if you have written testimony for Distribution:



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# PUBLIC TESTIMONY on AGENDIZED ITEMS

## INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

AGENDA ITEM(s) C-2

Start of Meeting

When ITEM is addressed:

*Daniel Ornellas*

NAME

DATE

*Waiehu Kou*

ORGANIZATION

TITLE

EMAIL ADDRESS

COMMENTS:

Check here if you have written testimony for Distribution:



#3

# PUBLIC TESTIMONY on AGENDIZED ITEMS

## INSTRUCTIONS TO ADDRESS THE COMMISSION:

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

AGENDA ITEM(s) 22 D7

Start of Meeting

When ITEM is addressed:

~~K~~ Adrienna Sia \_\_\_\_\_  
 NAME Danpena DATE Board member

ORGANIZATION \_\_\_\_\_ TITLE \_\_\_\_\_

Adrienna Sia 2@gmail.com  
 EMAIL ADDRESS \_\_\_\_\_

COMMENTS:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Check here if you have written testimony for Distribution:

# Waiehu Kou Regional Community Assoc.

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Waiehu Kou Phase 3 Assoc., Inc., P.O. Box 1117, Wailuku, HI 96793 | waiehukouphase3.org

November 18, 2024

To: Chairperson Watson, Maui Commissioner Kalepa & Fellow Commissioners  
Hawaiian Homes Commission

From: Daniel Ornellas, Homesteader  
Waiehu Kou, Maui

Subject: Defer Regular Agenda Item C-2 Entitled Approval of Act 279 Permitted Interaction Group Report and Recommendations – Strategic Plan Update; Due to Lack of Necessary Information for the HHC to Make Prudent Decisions Related to the Defunding of Homestead Development at Waiehu Maui and the Risky Acquisition of Raw Land Abutting Royal Kunia which is Subject to Conditions of the State LUC Amended D&O, Docket No. A92-683, October 1, 1996 .

## Background / Timeline

On August 12, 2020, Haseko Royal Kunia, LLC (Haseko) acquired 211 acres of land which is a portion of a 655-acre planned development referred to as Royal Kunia Phase II located in central Oahu that is subject to the State Land Use Commission (LUC) Amended Decision and Order Docket No. A92-683 (D&O), dated October 1, 1996 that allowed for the reclassification of Important Agriculture Lands (IAL) from the State Agriculture Land Use District into the State Urban Land Use District pursuant to compliance of stipulated conditions.

On August 1, 2022, the City and County of Honolulu, Department of Planning and Permitting, issued to Haseko Cluster Housing Permit No. 2022/CL-2 to develop affordable and market rate housing in Kunia for “not more than 324 cluster housing units” anticipated to commence in late 2026.

On December 12, 2023, under agenda Item E-3, the Hawaiian Homes Commission (HHC) was advised of the status of the Act 279 Implementation Project which included the Waiehu

homestead subdivision project. \$93.87 million (mil) was encumbered for project implementation. \$12.24 mil. was allocated for land acquisition (238 acres) and \$86.63 for development. Notes indicate that a development agreement was executed and funds are encumbered.

On August 15, 2024, the Department of Hawaiian Home Lands (DHHL) reported, to the State of Hawaii, House of Representatives, Act 279 Working Group, that 404 lots, which includes 311 single family residential units and vacant lots, were scheduled for development. Furthermore, HHC Agenda Item E-1, dated November 18, 2024, entitled Maui Projects Update, continues to report that the Waiehu development project is ongoing and states that an Environmental Assessment was completed in the summer of 2023, the design for on-site and off-site infrastructure is ongoing and that site work is anticipated to begin in 2026.

On October 4, 2024, Haseko submitted to the LUC a status report on its compliance with Conditions for Amended Decision and Order Docket No. A92-683 / Annual Status Report (Exhibit A). No affordable housing has been built and no improvements required for the proposed State Agriculture Park has been implemented.

On October 31, 2024, RK II Partners, LLC was denied, by the LUC, its petition for declaratory order to keep lands within the State Urban District in perpetuity (Docket No. DR24-77). The petition aimed to protect Haseko from the anticipated reversion of the State land use classification from urban back to agriculture due to its failure to comply with conditions, imposed by the LUC, namely the installation of off-site infrastructure improvements for the 150-acre State Agriculture Park at no cost to the Department of Agriculture.

On November 18, 2024, under agenda item C-2, DHHL recommends the reallocation of \$58.8 mil from the Waiehu project to allow for acquisition / dev agmt. for lands in Kunia currently owned by Haseko. Notes about the Waiehu project state that “funds not needed so unencumber.” “Seek replacement funds in future.” Furthermore, a new line item is being recommended for acquisition / dev agrmt for lands in Kunia at a cost of \$60 mil. Notes indicate “potential acquisition: \$44.8 mil and pre-dev agreement \$15 mil.”

## Questions

Will DHHL need to comply with all 25 Conditions of the 1996 LUC D&O as amended?

How will compliance / non-compliance with the LUC 1996 D&O, as amended; affect the cost and timing for development of Homestead lots in Kunia?

How is that the cost of \$12.2 mil for 238 acres of unimproved agriculture land on Maui, purchased in December of 2023, 75% less than the cost of 211 acres of the same type of unimproved agriculture lands, with state land use conditions, in central Oahu, valued at \$44.8 mil in November of 2024?

Why is there such a rush to “pivot” from an encumbered, HHC approved, homestead development project that anticipates up to 400 lots to begin in 2 years, to a limited permit for a 324-unit cluster development project on Oahu that is riddled with risk and uncertainty?

Haseko and its predecessors were not able to develop any on-site and off-site improvements for required affordable housing and important agriculture land improvements for over 30 years, what makes DHHL think they can begin to do it in 2 years?

## Conclusion

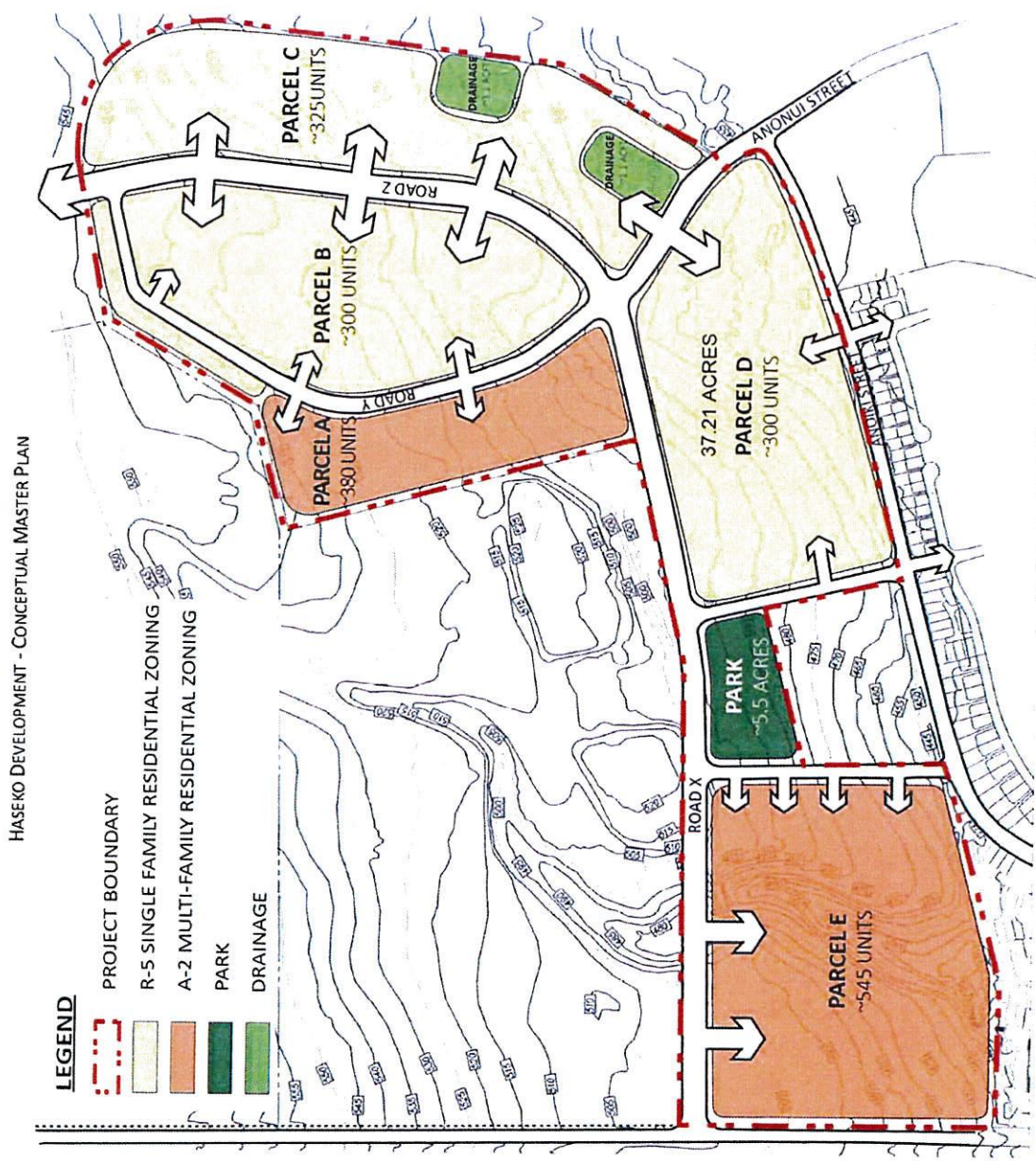
Agenda Item C-2 mis-characterizes the newly acquired lands at Waiehu, Maui as “long-term and non-critical” and states that the uncertain and risky acquisition of lands at Kunia as a “high-impact opportunity.” I pray that the HHC defer Item C-2 to allow yourselves to receive and deliberate upon necessary and useful information for more informed decisions making in the best interest of all native Hawaiians on all islands. Mahalo nui for your consideration of this matter.





Royal Kunia Phase II

EXHIBIT A  
CONCEPTUAL MASTER PLAN



HASEKO DEVELOPMENT - CONCEPTUAL MASTER PLAN

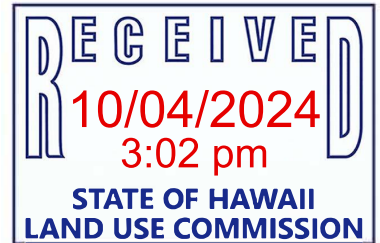
Source: PBR Hawaii & Associates, Inc. - Draft 05/03/2021

(00155 103-2)



**HASEKO**

**HASEKO ROYAL KUNIA, LLC**



October 4, 2024

Mr. Daniel E. Orodener  
Executive Officer  
State of Hawaii  
Land Use Commission  
P.O. Box 2359  
Honolulu, Hawaii 96804-2359

Re: Royal Kunia Phase II  
Compliance with Conditions for Amended Decision and Order  
Docket No. A92-683 / Annual Status Report

Dear Mr. Orodener:

Haseko Royal Kunia, LLC (“Haseko”) is the owner of approximately 211 acres of land at Royal Kunia II identified by TMK Nos. (1) 9-4-002:070, (1) 9-4-002:078, (1) 9-4-002:084, (1) 9-4-002:085, and (1) 9-4-002:086 which it acquired on August 12, 2020. Haseko hereby submits its Status Report on its Compliance with Conditions of Amended Decision and Order (Docket No. A92-683, as amended).

If you have any questions or require further information, please feel free to call me at (808) 689-7772.

Sincerely,  
HASEKO ROYAL KUNIA, LLC,  
By Haseko Development, Inc.  
Its Manager

Masayuki Narahara  
Its President

cc with enclosures:  
Matsubara, Kotake & Tabata

**Status Report on Royal Kunia Phase II Development Compliance with Conditions  
State of Hawaii Land Use Commission Amended Decision and Order (Docket No. A92-683, October 1, 1996) (D&O)  
Submitted by Haseko Royal Kunia, LLC (Haseko), October 2024**

**BACKGROUND.** Haseko Royal Kunia, LLC (“Haseko”) is the owner of approximately 211 acres of land which it acquired on August 12, 2020 (the “Lands” or “Property”).<sup>1</sup> The Lands constitute a portion of the original planned development referred to as Royal Kunia Phase II (“RKII”) located on Oahu, Hawaii.

RKII has had a long and difficult history. As originally envisioned, RKII comprised approximately 655 acres<sup>2</sup> with plans for single-family, two-family, and multi-family residences, an agricultural park, industrial area, public park, and a public-school site. Its original developer went bankrupt and, just as it was emerging from bankruptcy, the development was buffeted by the 2007/2008 financial crisis. This caused RKII to proceed in fits and starts with different developers and, ultimately, to stall for decades leaving the lands of RKII mostly vacant, overgrown, and undeveloped.

Despite this history, in 2008, the Honolulu City Council took the unusual step of overlooking RKII’s technical non-compliance with its two underlying Unilateral Agreements for Conditional Zoning (“Unilateral Agreement”) because the City Council decided that the housing and regional infrastructure benefits of the project outweighed strict compliance with the Unilateral Agreement conditions. In adopting Resolution 08-198, CDI, the City Council provided the Department of Planning and Permitting (“DPP”) with discretion to allow the developer to proceed with the project despite the passing of deadlines for several of the Unilateral Agreement conditions, as long as the developer continues to make reasonable progress in complying with the remaining conditions. Similarly, in approving an update to the Central Oahu Sustainable Communities Plan in early 2021, the City Council confirmed that RKII, especially its residential and regional infrastructure components, remains a Central Oahu development priority.<sup>3</sup>

This status report marks Haseko’s fourth annual report to the Land Use Commission (“LUC”) since acquiring the Lands and addresses the conditions imposed under the LUC’s Amended Decision and Order (Docket No. A92-683, October 1, 1996), and as further amended.<sup>4</sup>

**PROJECT STATUS:** Since acquiring the Lands on August 12, 2020, Haseko has been in discussions with various City and State agencies including the State Department of Transportation (“DOT”) and the State Department of Agriculture (“DOA”). Additionally, Haseko held meetings with adjoining landowners Robinson Kunia Land LLC (“RKL”) and its lessee Ho’ohana Solar I, LLC (“Ho’ohana Solar”), and RK II Partners LLC, the purchaser of the B-1/I-1 zoned lot located *mauka* Haseko’s Property and an affiliate of Jupiter Holding Investors II, LLC, to discuss the various agreements relating to Haseko’s development of its Property. Based partially on those discussions, Haseko developed a draft Conceptual Site Plan for the Property.

On August 1, 2022, the DPP issued Cluster Housing Permit No. 2022/CL-2 approving Haseko’s development of the first residential neighborhood on that portion of its Property rezoned by Ordinance No. 95-08, commonly identified as “Parcel D”. This first residential neighborhood will be a cluster housing development consisting of not more than 324 single family, two family, and multi-family dwelling units, with a mix of affordable and market-rate housing targeting home buyers in the middle-income ranges, enhanced by an internal linear park system and open space having active recreational and play facilities and connecting walkways. Haseko is currently in the process of obtaining its development permits and, barring any unanticipated circumstances, construction of its first production residential units is anticipated to commence in late-2026.

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<sup>1</sup> Oahu TMKs 9-4-002: 070 (13.304 acres), 9-4-002:078 (36.660 acres), 9-4-002:084 (37.42 acres), 9-4-002:085 (32.99 acres), and 9-4-002:086 (90.92 acres)

<sup>2</sup> “Total Phase II Development Area” reflected in Land Use Commission’s Amended Findings of Fact, Conclusions of Law, and Decision and Order filed on October 1, 1996, in Docket No. A92-683.

<sup>3</sup> Central Oahu Sustainable Communities Plan, approved March 30, 2021 (Ordinance 21-6), Table 2.1 and Section 2.2.10.

<sup>4</sup> The LUC D&O was further amended by a First Amendment issued on 10/7/2013. Some conditions were also impacted by LUC Order Granting Successor Petitioner (As to Parcel 52) Ho’ohana Solar I, LLC’s Motion for Modification and Time Extension dated September 29, 2021, and as further amended on November 1, 2021.

**Status Report on Royal Kunia Phase II Development Compliance with Conditions  
State of Hawaii Land Use Commission Amended Decision and Order (Docket No. A92-683, October 1, 1996) (D&O)  
Submitted by Haseko Royal Kunia, LLC (Haseko), October 2024**

Type of Condition	Description of Requirements	Compliance Status as of October 2024	Action Plan for Achieving Full Compliance
1. Affordable Housing	<p>Petitioner shall provide affordable housing opportunities for low to moderate income residents of the State of Hawaii to the satisfaction of the City and County of Honolulu (City). Details as to the location, distribution and other provisions for affordable housing shall be as mutually agreed between Petitioner and City. [The basic affordable housing program requirement is to provide: (a) 10% of the project housing units affordable to households with incomes not exceeding 80% of the City's median income, and (b) an additional 20% of the project's housing units affordable to families with incomes between 81% and 120% of the City's median income.]</p>	<p>Future compliance.</p> <p>Discussions were initiated by Haseko's predecessor, but further action was deferred while the Property was in bankruptcy.</p> <p>Haseko is currently in discussions with the Department of Planning and Permitting on the terms of the agreement in compliance with the Unilateral Agreements ("UA").</p>	<p>The affordable housing requirements are set forth in greater detail in the UAs that rezoned the RKII lands (Ordinances 95-08 and 97-12).</p> <p>Haseko's predecessor-in-interest, Halekua-Kunia, LLC ("HK") submitted a Draft Affordable Housing Agreement as Attachment 1 in the May 2009 UA Project Status submittal. Comments were received from DPP in June 2009 and an updated version of the Agreement was included as Attachment 1 in the June 2010 UA Project Status submittal.</p> <p>Since acquiring the Lands in August 2020, Haseko has been working with DPP regarding the terms of a binding affordable housing agreement. Such agreement between Haseko and DPP will provide details on the general location of the affordable housing units, anticipated construction schedule, size, distribution, and any required buyback or shared appreciation conditions. Haseko submitted the proposed affordable housing agreement to DPP in December 2022 and resubmitted the revised agreement in September 2023. Haseko will make reasonable progress to finalize such an agreement prior to applying for building permits.</p>
2. Transportation Improvements	<p>Amended Condition per Land Use Commission (LUC) 10/7/2013 First Amendment to the D&amp;O:</p> <p>Petitioner shall fund, design, and construct the local transportation improvements necessitated by the proposed development, north of the Cane Haul Road intersection with Kunia Road, as determined and approved by the State Department of Transportation (DOT) and the City and County of Honolulu Department of Transportation Services (DTS), including without limitation the dedication of any rights-of-way to the State or County. Petitioner shall provide its fair share contribution toward regional</p>	<p>Partial completion and future compliance.</p> <p>Construction of a third northbound lane on Kunia Road between Kunia Interchange and the south Kupuna Loop intersection has been completed. Steps toward meeting other portions of this requirement were deferred while the property was in bankruptcy.</p>	<p>HK held initial meetings with DOT, DTS and DPP TRB representatives and RP2, Haseko's immediate predecessor in interest to TMK Parcel 71, followed up as needed to mutually determine and reach agreement on:</p> <ol style="list-style-type: none"> <li>a. Right-of-way acquisition, funding and construction of various roadway and traffic improvements to be provided by HK at project access points and at other on-site and off-site locations.</li> <li>b. Preparation of periodic traffic monitoring reports assessing project-generated impacts on Kunia Interchange.</li> </ol>

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Type of Condition	Description of Requirements	Compliance Status as of October 2024	Action Plan for Achieving Full Compliance
	<p>transportation mitigation improvements, including but not limited to the Interstate H-1 Kunia Interchange and Kunia Road, south of the intersection with the Cane Haul Road, as determined and approved by DOT. Petitioner shall also be required to provide the following:</p> <p>A. All of the other improvements needed (which will not be provided by the Village Park and Royal Kunia, Phase I projects) to make Kunia Road a 4-lane highway with auxiliary lanes for both left and right turning movements (between Cane Haul Road Intersection and the northernmost boundary of Royal Kunia, Phase II) and a third northbound lane between Cane Haul Road Intersection and the north Kupuna Loop intersection, provided that interim measures prior to full build out may be allowed with the approval of DOT.</p> <p>B. A report that analyzes the impact of the proposed Phase II project's traffic on the Kunia Interchange and evaluates alternatives that will mitigate the impacts.</p> <p>C. Petitioner shall submit a revised Traffic Impact Study, including the Kunia Interchange Alternatives Report, and obtain DOT's acceptance prior to preliminary subdivision application.</p> <p>D. Plans for construction work within the State highway right-of-way must be submitted to the DOT, Highways Division for review and approval.</p> <p>Agreement by the DOT on the level of funding and participation shall be obtained prior to the Petitioner applying for county zoning.</p>	<p>Haseko has met with the DOT and DTS on several occasions.</p> <p>Its traffic consultant is preparing a separate Kunia Interchange regional study identifying the Property's percentage traffic contribution to the interchange.</p> <p>In May 2022, a revised TIAR through the full build-out of the residential development was submitted by WOC to both DOT and DTS and was approved with no further comment.</p>	<p>c. HK's participation with other Ewa area developments landowners and developers in fair-share funding of regional transportation improvements.</p> <p>Such an agreement will be executed prior to the submittal to DPP of any applications for the subdivision of building lots.</p> <p>An updated traffic study was completed in May 2008 and submitted in the Planned Development-Housing ("PD-H") Application. The Traffic Impact Assessment Report ("TIAR") (WOC, May 2013) was updated and provided to DPP-TRB and DOT. DPP-TRB did not provide any comments on the TIAR. DOT requested that two separate studies be completed (1) Kunia Road and (2) Kunia Interchange. HK retained Wilson Okamoto Corporation ("WOC"), to update the TIAR. In May 2015 WOC took updated traffic counts which showed conditions have remained consistent with the original analysis.</p> <p>A regional analysis was also prepared to assist with the analysis of cost-sharing responsibilities for the required improvements. Meetings with DOT were held in 2015 to discuss the project. RM Towill Corporation ("RMTC") prepared conceptual roadway plans based on queuing analysis and submitted them to DOT for review in 2014. Comments were addressed and plans/responses were submitted, with a follow-up meeting with DOT held in mid-2015.</p> <p>RP2 met with DOT multiple times in 2019 and 2020. In January 2020, DOT confirmed its willingness to work with RP2 to finalize access and highway plans DOT can support with LUC. In April 2020, an agreement was reached with DOT on the scope of the required traffic study. DOT also confirmed its willingness to get involved with condemnation proceedings if needed to acquire non-RP2 property for the widening of Kunia Road.</p>

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<b>Type of Condition</b>	<b>Description of Requirements</b>	<b>Compliance Status as of October 2024</b>	<b>Action Plan for Achieving Full Compliance</b>
			<p>Since acquiring the Lands in August 2020, Haseko has been taking steps toward confirming prior agreements and understandings previously reached by its predecessors. Haseko had had several meetings with the DOT to address the entire RKII and the development's impacts on the Kunia Interchange and the future widening of Kunia Road. Haseko's traffic consultant, WOC, is in the process of preparing a separate Kunia Interchange regional study identifying the Property's percentage traffic contribution to the interchange.</p> <p>In addition, on August 23, 2021, Haseko's traffic consultant also submitted a TIAR to DPP/DTS to identify and assess the traffic impacts related to the development of RKII, based on a traffic study technical scope approved by DOT in 2020. DPP/DTS has provided its comments and the TIAR was submitted to DOT for final approval. In May 2022, a revised TIAR through the full build-out of the residential development was submitted by WOC to both DOT and DTS and was approved with no further comment.</p> <p>A subsequent and revised TIAR will need to be developed and submitted to DOT and DTS once the industrial parcel owner provides their approved TIAR for the industrial and commercial property through full build-out. This information will be combined with all of the other RKII landowners' TIARs and analyzed by WOC to provide the parameters that will be used to design the local improvements.</p> <p>At the appropriate time, plans for construction work within the State highway right-of-way will be submitted to the DOT Highways Division for review and approval.</p>
3.	Petitioner shall appoint a permanent transportation manager whose function is the formulation, use, and	Prior & future compliance.	To the extent applicable, Haseko will participate in regional highway and transportation planning, including

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<b>Type of Condition</b>	<b>Description of Requirements</b>	<b>Compliance Status as of October 2024</b>	<b>Action Plan for Achieving Full Compliance</b>
Regional Transportation Management Program	continuation of alternative transportation opportunities that would optimize the use of existing and proposed transportation systems. In the alternative, Petitioner may participate in a regional program for transportation management with other developers and/or landowners. This program shall address the transportation opportunities that would optimize the use of existing and proposed transportation systems. The program for either option shall be reviewed and approved by DOT prior to implementation and will continue to be in effect unless otherwise directed by DOT. Petitioner shall conduct a yearly evaluation of the program's effectiveness and shall make a written report of its evaluation available to DOT for program review and modification, if necessary.	HDC was an active participant in Ewa Region Highway Transportation Master Plan Working Group and an active member of Leeward Oahu Transportation Management Association ("LOTMA"), but this activity was suspended while the property was in bankruptcy. Future compliance to the extent applicable.	participation with LOTMA and the Ewa Region Highway Transportation Master Plan Working Group.
4. Traffic Monitoring	Petitioner shall monitor the traffic attributable to the proposed project at on-site and off-site locations and shall undertake subsequent mitigative measures that may be required. The mitigative measures shall be coordinated with and approved by DOT and DTS.	Future compliance. In May 2022, a revised TIAR through the full build-out of the residential development was submitted by WOA to both DOT and DTS and was approved with no further comment.	A monitoring program will be drafted and submitted to DOT & DTS for review and approval no later than when home construction is initiated. Approval will be obtained prior to occupancy of any homes on its Lands. In addition, on August 23, 2021, Haseko's traffic consultant also submitted a TIAR to DPP/DTS to identify and assess the traffic impacts related to the development of RKII based on a traffic study technical scope approved by DOT in 2020. DPP/DTS has provided its comments and the TIAR was submitted to DOT for final approval. In May 2022, a revised TIAR through the full build-out of the residential development was submitted by WOA to both DOT and DTS and was approved with no further comment.
5. Integrated Solid Waste Management Act	Petitioner shall cooperate with the State Department of Health (DOH) and the City and County of Honolulu Department of Public Works [now Department of Environmental Services (DES)] to conform to the program goals and objectives of the Integrated Solid Waste Management Act, Chapter 342G, Hawai'i Revised Statutes, in accordance with a schedule satisfactory to the DOH and DES.	Future compliance, as necessary in light of the City's Automated Cart Collection program.	With DES implementation of its Automated Cart Collection program, participating residences receive a set of three carts for sorting refuse, green waste, and mixed recyclables. This program eliminates the need for the development of a waste management plan since Haseko intends to design its various residential developments to qualify for the City's Automated Cart Collection program.



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Type of Condition	Description of Requirements	Compliance Status as of October 2024	Action Plan for Achieving Full Compliance
6. School Facilities	<p>Petitioner shall contribute to the development, funding, and/or construction of school facilities on a pro rata basis as a result of the development on the Property, as determined by and to the satisfaction of the Department of Education (DOE). Agreement by DOE on the level of funding and participation shall be obtained prior to Petitioner applying for county zoning.</p>	<p>Partial completion and future compliance.</p> <p>Per the March 6, 2007, School Site Agreement, the 12-acre school site has been conveyed to RKES, LLC</p>	<p>Haseko has received preliminary approval from DES to have its first cluster housing project eligible for the Automated Cart Collection program.</p> <p>HDC and DOE entered into a letter agreement dated September 26, 1996, that outlined the terms of HDC's contribution to the development of school facilities in satisfaction of this condition. The letter agreement was subsequently replaced with an updated "School Site Agreement" executed by HDC, RKES, LLC, and DOE on March 6, 2007.</p> <p>The School Site Agreement provides for the (a) transfer of a 12-acre elementary school site to RKES, LLC in satisfaction of the dedication component of DOE's fair share requirement, and (b) the payment to DOE of a total of \$500,000 in five installments that are due upon the closing of: (1) the 1,000<sup>th</sup> unit, (2) the 1,250<sup>th</sup> unit, (3) the 1,500<sup>th</sup> unit, (4) the 1,750<sup>th</sup> unit, and (5) the last unit. The amounts due will be escalated over time based on the Consumer Price Index.</p> <p>The 12-acre site has been conveyed to RKES, LLC, and a copy of the March 6, 2007, School Site Agreement will be filed with DPP concurrently with the submittal of initial subdivision plans.</p> <p>The required cash contributions will be made in accordance with the schedule of installments outlined in the March 6, 2007, School Site Agreement.</p>
7. Water Requirements	<p>Petitioner shall coordinate with the Honolulu Board of Water Supply (BWS) and the State Department of Land and Natural Resources (DLNR) to obtain water required for the project. If water is not available from existing sources due to insufficient supply, Petitioner shall fund and develop the necessary water source, storage, and transmission systems and facilities.</p>	<p>Prior and future compliance.</p>	<p>HK met with BWS in August 2016 to discuss compliance with requirements for the project. Haseko will coordinate with BWS as necessary to obtain the required water from the existing BWS system and develop additional water resources and/or supply system improvements for dedication to BWS. Haseko submitted an updated water master plan to BWS in June 2021 which reflects the</p>

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Type of Condition	Description of Requirements	Compliance Status as of October 2024	Action Plan for Achieving Full Compliance
			<p>projected water demand based on BWS' system standards applied to the projected development for the various areas of RKII. Haseko submitted the updated Water Master Plan on August 9, 2022, and received approval on April 10, 2023. Addendum 1 to the approved Water Master Plan was submitted on June 9, 2023, and approved on January 26, 2024.</p> <p>Haseko has contracted RMTC to coordinate with BWS and design any additional water system improvements required by BWS.</p>
8. Civil Defense Measures	<p>Petitioner shall participate, on a pro rata basis, in the funding for construction and installation of appropriate civil defense measures as determined by State and City civil defense agencies.</p>	<p>Future compliance.</p> <p>Haseko is working with the State Hawaii Emergency Management Agency on coming to an agreement for the funding, installation, and conveyance of a Civil Defense siren.</p>	<p>Since acquiring the Lands in August 2020, Haseko has been working with the Hawaii Emergency Management Agency, a division of the State of Hawaii, Department of Defense, to reach an agreement for the funding, installation, and conveyance of a Civil Defense siren to be located on an adjacent property within RKII.</p>
9. Chain Link Fence  10. Clearance and Maintenance of Land	<p>Petitioner shall erect a chain link fence along the eastern boundary of the Property that is common with the Waikole Branch of Naval Magazine, Lualualei.</p> <p>Petitioner shall clear and maintain the land situated within 20 feet of the eastern boundary of the Property, free of trees and vegetation taller than eight inches high.</p>	<p>Future compliance by others.</p>	<p>HDC never acquired the land on which this fence and cleared area would be located, and Haseko does not plan to add it to its Lands. Title is still held by RKL and it is still zoned for agricultural use. Future erection of a fence and maintenance of clear area along this boundary, if still required (it is noted that the high-security Naval Magazine in Waikole Gulch is no longer in operation and ownership is being transferred to a private developer), will be the responsibility of any future developer of RKL.</p>
11. Pollutants	<p>Petitioner shall coordinate with the DOH and DES to establish appropriate systems to contain spills and prevent materials, such as petroleum products, chemicals, solvents, or other pollutants from leaching into the storm drainage system and adversely affecting the groundwater and coastal waters.</p>	<p>Future compliance.</p>	<p>Haseko will meet with DOH and DES prior to initiating construction on its Lands to agree upon a plan and program for compliance with this requirement and will establish pollution control systems and implement and other actions as are called for in the approved plan and program.</p>

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Type of Condition	Description of Requirements	Compliance Status as of October 2024	Action Plan for Achieving Full Compliance
12. Wastewater Treatment	Petitioner shall participate on a pro rata basis in the funding and construction of adequate wastewater treatment, transmission, and disposal facilities, as determined by the DOH and DES.	Future compliance.	Haseko will meet with DOH and DES prior to initiating construction on its Lands to establish an approved program for compliance with this requirement and will implement this program. Haseko submitted an updated wastewater master plan to DES in June 2021 which reflects the wastewater demand estimates based on the DES wastewater system design standards (July 2017) against the projected development of the various areas of RKII.
13. Soil Erosion and Dust Control	Petitioner shall implement effective soil erosion and dust control measures both during and after construction to the satisfaction of the DOH.	Future compliance.	Haseko will meet with DOH prior to initiating construction on its Lands to establish an approved soil erosion and dust control program and will implement this program.
14. Air Quality Monitoring	Petitioner shall participate in an air quality monitoring program as specified by the DOH.	Future compliance.	Haseko will meet with DOH prior to initiating construction on its Lands to establish an agreement defining its participation in a DOH-specified air quality monitoring program for the area where the construction site is located.
15. Agricultural District Pollution	Petitioner shall provide notification to all owners and occupants of the Property of the potential odor, noise, and dust pollution resulting from surrounding Agricultural District lands, and that the Hawai'i Right-to-Farm Act, Chapter 165 HRS, limits the circumstances under which pre-existing farming activities may be deemed a nuisance.	Future compliance.	Haseko will provide such notification along with any sales or leases of residential lots or other portions of the Property to other parties. It will be the responsibility of these other parties to notify any new occupants of their properties that result from their resale, sub-lease and/or rental.
16. Drainage Improvements	Petitioner shall provide drainage improvements for the subject project and shall coordinate off-site improvements with adjoining landowners and developers, and/or other Federal, State, and City agencies.	Partial completion and future compliance. HDC completed the majority of required off-site drainage improvements for the RKII property in connection with the infrastructure construction for	HDC completed the majority of required off-site drainage improvements for the Royal Kunia Phase II property in connection with the infrastructure construction for Village Park and Royal Kunia Phase I. Prior to the initiation of construction at RKII, Haseko will work with adjoining landowners and developers, and with appropriate Federal, State and City agencies, to coordinate and agree on the type and completion schedule for any future required off-site drainage improvements.

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17. Archaeological Resources	Should any archaeological resources such as artifacts, shell, bone or charcoal deposits, human burials, or rock or coral alignments, paving or walls of historic or prehistoric significance be encountered during the development of the Property, Petitioner shall immediately stop work on the impacted area and contact the DLNR Historic Preservation Division (SHPD).	Village Park and Royal Kunia Phase I.	Haseko submitted updated drainage master plans to the Civil Engineering Branch of DPP in July 2021, which reflects the new master plan for Royal Kunia Phase II. Such drainage master plans were approved by DPP on August 11, 2021. RMTTC on behalf of Haseko submitted and received approval of Supplemental Drainage Calculations for Storm Flow Routing Evaluation of the Royal Kunia Country Club Golf Course on October 6, 2023, and received approval from DPP on November 13, 2023.
		Partial completion and future compliance.	Haseko will fully comply with all established procedures to protect any archaeological resources that might be encountered during the development of its Lands. Haseko retained SWCA Environmental Consultants (“SWCA”) to assist Haseko in compliance with HRS Chapter 6E. In early September 2021, SWCA initiated an HRS 6E-42 historic preservation review for the Lands pursuant to DPP’s new process through the SHPD’s HICRIS computerized system. Despite SHPD indicating that the DPP’s new process does not comply with HRS 6E, SWCA initiated discussions with SHPD staff on the historic preservation review, including mitigation procedures. Based on these discussions, if significant historic sites are present, SWCA will work with SHPD to devise mitigation commitments as needed.  In a meeting with SHPD in April 2023, SHPD requested that Haseko submit an Archaeological Inventory Survey (“AIS”) testing strategy, an Archaeological Inventory Survey (“AIS”) report, and a Reconnaissance Level Survey (“RLS”) report before HRS 6E approval. In September 2023, Haseko filed the RLS report in HICRIS for SHPD’s review. In December 2023, Haseko filed the AIS testing strategy for SHPD’s review. In January 2024, SHPD accepted the AIS testing strategy submitted by SWCA, and acknowledged that Federal Clean Water Act permitting is not required per the US Army Corps of

**Status Report on Royal Kunia Phase II Development Compliance with Conditions  
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Submitted by Haseko Royal Kunia, LLC (Haseko), October 2024**

Type of Condition	Description of Requirements	Compliance Status as of October 2024	Action Plan for Achieving Full Compliance
18. Development Plan Approvals	Petitioner shall obtain Development Plan approvals from the City within five (5) years from the date of this Order.	Fully met.	<p>Engineers. The AIS report was finalized and submitted in September 2024 for final review and approval to address SHPD review comments. The RLS was also revised and submitted in September 2024 to address SHPD review comments.</p> <p>Haseko will continue working with SHPD to fulfill its requirements with the HRS 6E review.</p>
19. Agricultural Park	Amended and new conditions per LUC 11/1/2021 Amended Order Granting Successor Petitioner (as to Parcel 52), Ho’Ohana Solar 1, LLC’s Motion for Modification and Time Extension	Partial completion and future compliance.	<p>All required Development Plan approvals have been obtained, and the RKII project is in full compliance with the current Central Oahu Sustainable Communities Plan. No further action is required.</p> <p>In 2009, HK obtained PD-H approval from DPP. The PD-H permit has since expired.</p> <p>Since acquiring the Lands in August 2020, Haseko has been diligently working on its overall plans for its Lands. The DPP issued Cluster Housing Permit No. 2022/CL-2 for development of Haseko’s first residential neighborhood on a portion of its Lands commonly known as “Parcel D”. This first residential neighborhood will consist of not more than 324 single family, two family, and multi-family dwelling units, with a mix of affordable and market-rate housing targeting home buyers in the middle-income ranges, enhanced by an internal linear park system and open space having active recreational and play facilities and connecting walkways. Haseko is currently in the process of obtaining its development permits and, barring any unanticipated circumstances, construction of its first production residential units is anticipated to commence in late-2026.</p> <p>HK previously met with DOA on May 9, 2007, to begin the process of establishing an agreed-upon plan and program to implement the provisions of the Amended MOU.</p>

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	<p><u>Royal Kunia Agricultural Park Offsite Infrastructure.</u> Within six (6) months of the date of the LUC's Order, the landowner(s) within the Petition Area shall execute an amendment to the Memorandum of Understanding (MOU) (dated 1993 and subsequent amendments in 2007, 2009, 2012, 2015 and 2020) with the DOA, and comply with this amended MOU. This MOU shall require that off-site infrastructure to the State of Hawai'i's Kunia Agricultural Park be completed no later than June 30, 2023. "Offsite-infrastructure" includes, but is not limited to, all utilities and appurtenant works, roadways, potable water lines, electrical utilities, sewer lines, utility connections, and the non-potable waterline appurtenances in place, complete.</p> <p><u>Revised Master Plan.</u> All landowners within the Petition Area shall submit revised master plan(s) and schedule(s) for the development of their respective Increments 1, 2, and 3, comprising the Royal Kunia Phase II project to the LUC no later than December 31, 2021.</p> <p><u>Status Report.</u> By March 31, 2021, all landowners within the Petition area shall submit to the LUC a status report on the development of their respective parcels of land and their construction or contribution to the construction of the off-site infrastructure.</p> <p><u>Notice to LUC.</u> Petitioner shall provide notice to the LUC of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the subject property prior to or during development of the subject property, excluding, however, sales or leases of the 53 individual lots or condominium units in a residential development, or leases in an industrial development.</p>	<p>Title to the 150-acre agricultural park was transferred to the State of Hawai'i in 2004.</p>	<p>HK subsequently worked with DOA regarding compliance with the MOU conditions and amending deadlines, which were set forth in the following:                      -1st Amendment to Amended MOA 2009                      -2nd Amendment to Amended MOU 2011                      -3rd Amendment to Amended MOU 2015.</p> <p>HK submitted the preliminary site plan and design of the off-site infrastructure improvements to DOA for review in October 2016.</p> <p>Since acquiring a portion of RKII, RP2 worked with DOA towards satisfying this condition. Most recently, RP2, Haseko's predecessor in interest, held status calls with DOA every two weeks and reached an agreement to extend the deadlines for RP2 to obtain DOA's approval of RP2's offsite infrastructure plans and to construct irrigation infrastructure and other offsite infrastructure. On February 20, 2020, RP2 submitted an executed 4th Amendment to the Amended MOU, which incorporated these extended deadlines.</p> <p>Since acquiring the Lands in August 2020, Haseko has had several virtual meetings with DOA to discuss the terms of a proposed 5<sup>th</sup> Amendment to the Amended MOU. Haseko's infrastructure master plan includes permanent infrastructure facilities to serve the Agricultural Park which will be provided in conjunction with the development of an interior roadway (Roadway Y) and temporary infrastructure facilities which will serve the Agricultural Park before the completion of Road Y. Both utility infrastructure will be brought to the <i>makai</i> boundary of Agricultural Park. Haseko has been in discussion with DOA to coordinate Roadway Y and related infrastructure that will allow the utility infrastructure to be brought to the boundary of the Agricultural Park. In addition, Haseko, with Ho'ohana Solar 1, LLC, started construction on the Irrigation</p>

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	<p><u>Compliance with Representations.</u> Failure of the landowners to construct the off-site infrastructure for the Kunia Agricultural Park will constitute good cause for the LUC to issue an Order to Show Cause to the landowners pursuant to HAR §15-15-93 of the Commission’s Rules.</p> <p><u>Failure of Solar Project.</u> Should Ho’ohana fail to construct and complete the Solar Project, the easement(s), construction, maintenance, and cost of the non-potable waterline described under Condition B.1. shall revert to the responsibility and expense of the landowners.</p>		<p>Infrastructure in July 2023 to provide non-potable irrigation water to the Agricultural Park. The Irrigation Infrastructure was completed and operational to the boundary of the State Agricultural Park in August 2024.</p> <p>On January 10, 2024, Haseko and DOA executed the 5<sup>th</sup> Amendment and Restatement to the Amended MOU, with revised deadlines for the Temporary and Permanent Infrastructure.</p> <p>At the April 4, 2024 LUC meeting, the LUC voted to approved Haseko’s Motion to Extend the Off-Site Infrastructure deadline. The written order of approval is still pending.</p> <p>Haseko intends to fully comply with the required conditions set forth in the revised LUC Order issued on November 1, 2021.</p>
20. Compliance with Representations	<p>Petitioner shall develop the Property in substantial compliance with the representations made to the Land Use Commission (LUC). Petitioner’s or its successor’s failure to so develop the Property may result in reversion of the Property to its former classification or change to a more appropriate classification.</p>	<p>Partial completion and future compliance.</p>	<p>Haseko fully intends to continue to fulfill the requirement to develop the Haseko-owned portions of RKII in substantial compliance with representations made by its predecessors in interest to the LUC. Haseko understands that failure on its part (or on the part of the other owners of property within the reclassification area) to develop the reclassified lands in substantial compliance with such representations could result in a reversion of part or all the subject land to its former land use classification, or in a change to different land classification.</p>
21. Transfer of Petitioner’s Interest in the Property	<p>Amended Condition per LUC 1/28/2015 Order Granting Successor Petitioner (to Parcel 52), Ho’Ohana Solar 1, LLC’s Motion for Order Amending the D&amp;O and First Amendment to the D&amp;O:</p> <p>Petitioner shall provide notice to the LUC of any intent to sell, lease, assign, place in trust, or otherwise voluntarily alter the ownership interests in the subject</p>	<p>Partial completion and future compliance.</p>	<p>Haseko will provide notice to the LUC of any transfer or conveyance of the Lands it acquired in August 2020.</p>

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22. Annual Reports	<p>property prior to or during the development of the subject Property, excluding, however, sales or leases of the individual lots or condominium units in a residential development, or leases in an industrial development.</p> <p>Petitioner shall promptly provide, without any prior notice, annual reports to the LUC, OSP and DPP in connection with the status of the project and Petitioner's progress in complying with the conditions imposed. The annual reports shall summarize: (1) Petitioner's progress in complying with the conditions imposed; and (2) changes to the project as represented to the LUC. They shall also include a written statement from each State and City and County agency affected by these conditions that Petitioner's representations in the annual report related to the respective state or county agency being affected are true and accurate.</p>	Partial completion and future compliance.	This annual report is submitted pursuant to this condition. Haseko will submit future annual reports in compliance with this condition.
23. Release of Conditions	<p>The LUC may fully or partially release these conditions as to all or any portions of the Property upon timely motion and upon the provision of adequate assurance of satisfaction of these conditions by Petitioner.</p> <p>Adequate assurance of satisfaction may be evidenced by execution of a certificate of satisfaction in recordable form stating that such condition has been satisfied, in whole or in part. OSP will certify for itself and all state departments and agencies, and DPP will certify for itself and all County departments and agencies. Any other party to the boundary amendment proceeding may be asked to indicate whether they concur in the certification of satisfaction.</p>	Future compliance. No motions for a full or partial release of conditions have been filed to date.	Haseko intends to apply to the LUC for such releases in the future, as appropriate.



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24. Recording of Statement Re Property Subject to Conditions	Within 7 days of the issuance of the LUC's Decision and Order for the subject reclassification, Petitioner shall (1) record with the Bureau of Conveyances a statement to the effect that the Property is subject to conditions imposed by the LUC in the reclassification of the property; and (2) shall file a copy of such recorded statement with the LUC.	Fully met.	No further action is required.
25. Recording of Conditions	Petitioner shall record the conditions imposed by the LUC with the Bureau of Conveyances pursuant to Section 15-15-92, Hawai'i Administrative Rules.	Fully met.	No further action is required.

LIST OF ACRONYMS	
AIS	Archaeological Inventory Survey
BWS	City and County of Honolulu Board of Water Supply
DES	City and County of Honolulu Department of Environmental Services
DLNR	State of Hawaii Department of Land and Natural Resources
D&O	Decision and Order
DOA	State of Hawaii Department of Agriculture
DOE	State of Hawaii Department of Education
DOH	State of Hawaii Department of Health
DOT	State of Hawaii Department of Transportation
DPP	City and County of Honolulu Department of Planning and Permitting
DTS	City and County of Honolulu Department of Transportation Services
HDC	Halekua Development Corporation
HK	Halekua-Kunia LLC
LOTMA	Leeward Oahu Transportation Management Association
LUC	State of Hawaii Land Use Commission
	MOU
	PD-H
	OSP
	RKII
	RKL
	RLS
	RMTC
	RP2
	UA
	SHPD
	SWCA
	TIAR
	TRB
	WOC

**From:** [Janice Herrick](#)  
**To:** [Burrows-Nuuuanu, Leatrice W](#)  
**Cc:** [Gracey Gomes](#)  
**Subject:** [EXTERNAL] Agenda C2  
**Date:** Friday, November 15, 2024 1:25:58 PM

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O wai kou inoa Gracey Gomes. Noho mai au aina ho‘opulapula nā Paukūkalo a me mokupuni ‘o Maui.

I join in unity with Maui to oppose this agenda item for the following reasons:

- Why is DHHL re-encumbering funds for property acquisition? Are these new projects shovel ready?
- Will the movement of funding fulfill the priority of Act 279 to reduce the waitlist?
- By taking \$58 million from Waiehu Mauka for the acquisition of Kunia, a “high value project” that “will unlock the potential for 1,200 residential lots” what makes this so?

To my Island Commissioner Archie Kalepa, listen to the opposition before you by beneficiaries. Vote NO to this motion. I will be submitting my testimony as well for public record to be entered in the draft minutes of my opposition to C-2.

Mahalo nui.

Gracey Gomes Lessee  
Wait-list #2445  
Paukūkalo Hawaiian Homes

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

November 14, 2024

Aloha mai e na Hawaiian Homes Commissioners,

My name is Momi A. Hai.

I am currently on the MAUI ISLAND-WIDE AGRICULTURAL waitlist since 1/26/2005 which is over 18 years now.

I STRONGLY OPPOSE agenda item C-2 Act 279 Permitted Interaction Group's recommendations as follows:

- 1- Reallocate \$92 million from long-term and non-critical projects
- 2-Prioritize the acquisition of Kunia by allocating \$60 million for its purchase
- 3-Allocate the remaining \$32 million for critical due diligence.

During the monthly SCHHA Maui/Lanai/Oahu Mokupuni Council meeting held via Zoom on Nov. 14th where there was discussion between approx 30 homestead leaders & waitlist beneficiaries in attendance.

I join in unity with Maui to oppose this agenda item for the following reasons;

- Why is DHHL re-encumbering funds for property acquisition? Are these new projects shovel ready?
- Will the movement of funding fulfill the priority of Act 279 to reduce the waitlist?
- By taking \$58 million from Waiehu Mauka for the acquisition of Kunia, a "high value project" that "will unlock the potential for 1,200 residential lots" what makes this so?

To my Island Commissioner, listen to the opposition before you by beneficiaries. To vote NO to this motion. I will be submitting my testimony as well for public record to be entered in the draft minutes of my opposition to C-2.

Mahalo nui.

MAUI ISLAND-WIDE (AG)/Momi A. Hai, Waitlist #3062

November 18, 2024

Chairman Kali Watson  
HHC Members

Re: Agenda Item no. F-3

Aloha,

As a beneficiary and as representative of Licensees of License 372 which remains valid, I oppose issuing of a ROE to Hawaiian Telcom. My opposition is because:

1. There was no meaningful opportunity for beneficiary consultation
2. DHHL has been giving Hawaiian Telcom ROEs to use HHL to the detriment of promoting homesteaders' efforts to successfully engage in commercial telecommunications businesses.
3. DHHL has and continues to allow Hawaiian Telcom to use HHL to provide telecommunications services without the same obligations DHHL imposed on Licensees of License 372.
4. Hawaiian Telcom has refused the obligation to serve all of the homesteaders as a condition to use HHL.
5. Hawaiian Telcom is proposing to install poles to provide overhead fiber optic telecommunications service. The poles will contribute to another Lahaina disaster as those poles will be used by MECO to supply the electricity needed to operate fiber optic facilities.
6. Sandwich Isles installed underground infrastructure at no cost to DHHL or the homesteaders in Lei Alii in Lahaina. Licensees of License 372 are the ONLY utilities that are not part of the Lahaina disaster settlement because all of Licensees' facilities were underground.
7. I repeatedly warned the HHC at several HHC meetings over the last three years that DHHL's policy of not imposing the same obligations to use HHL on Hawaiian Telcom would lead to Sandwich Isles not being able to continue to provide service.
8. I offered to work with DHHL and the HHC to ensure there would not be any loss of service before Sandwich Isles was forced to terminate service.

9. The Governor's emergency order is being misused to circumvent the laws in regards to Kahikinui. Service to Kahikinui can easily be restored by Hawaiian Telcom using the infrastructure Hawaiian Telcom purchased. That infrastructure was used by Licensees of License 372 to provide service. All that is necessary is DHHL requiring Hawaiian Telcom to meet the same conditions DHHL required of Licensees of License 372
10. The Governor's emergency order does not apply to extending service to Kaupo. Licensees of License 372 did not serve and therefore did not cut off service to Kaupo. If Hawaiian Telcom wants to do that they should be required to comply with all of the laws that Licensees of License 372 were required to comply with.

Mahalo for the opportunity to present written testimony.

*ASN Hee*

Albert S.N. Hee