

STATE OF HAWAI'I  
DEPARTMENT OF HAWAIIAN HOME LANDS

February 17-18, 2026

To: Chairman and Members, Hawaiian Homes Commission  
Thru: Lillie Makaila, Acting Planning Program Manager  
From: Julie-Ann Cachola, Planner  
Subject: Report of the Public Hearing for Administrative rules to Establish a Pilina-Based Priority Waitlist and Adoption of Proposed Amendments Related to a Pilina-based Priority

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission adopt the Proposed Amendments Related to a Pilina-based Priority and Approve Proceeding to Compilation of Hawaii Administrative Rules Chapter 10-3 and Promulgation.

DISCUSSION: REPORT OF PUBLIC HEARING

***Rulemaking Process and Activities:***

In December 2024, the Department of Hawaiian Home Lands (DHHL) began its process for administrative rulemaking for proposed rule amendments related to homestead lease awards to applicants who are lineal descendants or existing or long-term residents in the area where homestead leases are being awarded. The rulemaking process takes an average of 24-months to complete. However, due to the Department's unprecedented number of lease awards projected over the next 2-years, this rulemaking process was expedited and could be completed in 14-months.

**Table 1** below provides a summary of the actions taken by the Hawaiian Homes Commission (HHC) and DHHL in this rulemaking process. It also identifies activities required after approval to secure the Governor's approval. Once approved, Chapter 10-3 will be compiled and transmitted. Focus would then turn to the implementation of the rule, creating forms, procedures, verification criteria, acceptable documentation, and user-friendly educational/instructional materials to facilitate

creation of Pilina-based Priority Waitlists for projected awards.

**Table 1: Rule Amendment Process and Timeline**

DATE	RULE AMENDMENT ACTIVITY
December 2024	<ul style="list-style-type: none"> <li>• Draft Rule prepared by staff and presented to HHC.</li> <li>• HHC approval to proceed to beneficiary consultation.</li> <li>• HHC Submittal Item G-2: Approval to proceed to beneficiary consultation for a proposed administrative rule amendment to establish a priority waitlist for applicants with a connection to a place</li> </ul>
February-June 2025	Island-specific postcards sent to all beneficiaries, including out-of-state beneficiaries, regarding Beneficiary Consultation meetings on administrative rule amendments
March-June 2025	Statewide Beneficiary Consultation Meetings (17 in-person meetings and 4 virtual meetings)
September 2025	<p>HHC Submittal Item G-1: For information: Accept the Beneficiary Consultation Report on proposed amendments to Hawai'i Administrative Rules relating to Pilina-Based Priority and Lessee Leave of Absence.</p> <p>HHC Submittal Item G-2: Approval to proceed to Public Hearing for a Proposed Administrative Rule to establish a priority waitlist for applicants with a connection to a place (Pilina-based Priority)</p>
December 2025	Statewide publication of public notices for public hearings pursuant to Chapter 91, HRS.
Jan. 28, 2026	<p>Public Hearings Conducted:</p> <ul style="list-style-type: none"> <li>• 12:00 p.m. via video conferencing technology</li> <li>• 6:00 p.m. via video conferencing technology and in-person at Hale Pono'i, DHHL Headquarters, Kapolei</li> </ul>
February 2026 (Current)	HHC Submittal Item G-1: Report of the Public Hearing for Administrative rules to Establish a Pilina-Based Priority Waitlist and Adoption of Proposed Amendments Related to a Pilina-based Priority.
March 2026 (Approvals and Transmittal)	<ul style="list-style-type: none"> <li>• Department of the Attorney General's (AG) approval</li> <li>• Department of Budget and Finance (B&amp;F) approval</li> </ul>

DATE	RULE AMENDMENT ACTIVITY
	<ul style="list-style-type: none"> <li>• Small Business Regulatory Review Board (SBRRB) review</li> <li>• Governor's (GOV) approval</li> <li>• Compilation of Chapter 10-3, HARS Native Hawaiian Rehabilitation Program</li> <li>• Transmittal of Compiled Chapter 10-3, HARS to HHC, GOV, Lieutenant Governor's Office (LG), AG, Legislative Reference Bureau (LRB), DHHL Staff, Homestead Associations, Participants in rulemaking process. The rules become effective 10-days after filing with the LG.</li> </ul>
April 2026 (Implementation)	<ul style="list-style-type: none"> <li>• Establish in-house working group to develop Pilina-based Priority Waitlist application, submittal requirements, evaluation criteria, application and verification process, and instructional guides.</li> </ul>

***Commission Amendments and Approval to Proceed to Public Hearings***

At its September 2025 meeting, the Hawaiian Homes Commission (HHC) accepted the Beneficiary Consultation Report (Item G-1) and under a separate submittal (Item G-2), the HHC approved further amendments to the original administrative rule proposal to respond to comments and concerns raised in the Beneficiary Consultation meetings. The submittal also gave approval for staff to proceed to conduct public hearings, pursuant to Chapter 91, HRS. **Exhibit A** provides excerpts from the approved Minutes of the September 2025 HHC Meeting pertaining to Items G-1 and G-2.

**Table 2** identifies the amendments to the original rule proposal that the HHC approved in its September meeting. For each amendment, the table identifies the related concerns or comments raised in Beneficiary Consultation meetings that the amendment is addressing. The table also provides the rationale/justification for the amendment to the original rule.

***Notices of Public Hearings:***

Following approval of the Hawaiian Homes Commission (HHC) at its September 2025 regular meeting, staff conducted two public hearings pursuant to Chapter 91, Hawai'i Revised Statutes, which included one virtual public hearing and one hybrid public hearing (conducted in-person and virtually at the

same time). Both hearings covered the same information relating to the administrative rule amendments.

**TABLE 2: HHC Amendments that Responded to Beneficiary Concerns**

<b>HHC Amendment to Rule Proposal</b>	<b>Beneficiary Consultation Comments</b>	<b>Rationale for Amendment</b>
<p>1. The HHC clarified that applying for the Pilina-based Priority Waitlist is optional.</p>	<p>Beneficiaries noted that the application process to qualify for the Pilina-based Priority Waitlist is onerous and creates another means to disqualify applicants when they have already qualified for the Islandwide Waitlist.</p>	<p>Comments received indicated that the rule was unclear as to whether applicants were required to apply for this priority waitlist if they met the requirements. Therefore, staff recommends the additional language in HAR §10-3-12(b) to clarify that the waitlist is optional and applying for the waitlist is at the beneficiary's discretion.</p>
<p>2. The HHC clarified that an applicant may only be awarded one homestead lease through the Pilina-Based Priority Waitlist process.</p>	<p>Beneficiaries noted that an applicant could claim connection to multiple places through lineal descendency and/or residency.</p>	<p>The HHC acknowledged that applicants could claim connection to multiple places, however, if an applicant is claiming their pilina to place, the applicant must choose one place to apply for Pilina priority and may only do so once.</p>
<p>3. To qualify for residency, the applicant must prove residency in the area for at least 18-years.</p>	<p>Beneficiaries commented that the rule lacked clarity regarding how long an applicant needs to live in a place to claim residency as their connection to place. Beneficiaries noted that it would take at least 20-years for an applicant to</p>	<p>The HHC agreed that it would take at least one generation to understand and apply place-based knowledge. The HHC determined that one generation could be quantified as 20-years, but upon further discussion, they agreed to a residency requirement of 18-years to prevent delays in accessing the Pilina-based</p>

HHC Amendment to Rule Proposal	Beneficiary Consultation Comments	Rationale for Amendment
	<p>become familiar with the place and its resources. They noted that place-based information and management practices are passed from generation to generation. They felt that the residency requirement should correspond to at least one generation. Without this residency requirement, many worried that it would unfairly prioritize an applicant who recently moved to the area over applicants who have waited for decades on the Waitlist.</p>	<p>Priority Waitlist for those reaching eligibility (age), which also aligns with mortgage eligibility requirements.</p>
<p>4. Eliminated residency qualification which allowed applicants to qualify through a family member's residency.</p>	<p>Beneficiaries noted that an applicant who has a relative who lives in the area does not mean that the applicant is knowledgeable about the area's resources or that the applicant has established a pilina to that place.</p>	<p>This was 1 of 3 pathways to qualify for residency. It was eliminated because it diluted the intent of the rule amendment which valued applicants with place-based knowledge. The HHC determined that the applicant needs to be one who meets the residency requirement; residency cannot be met through a 3rd party relative.</p>
<p>5. The term "wahi" was removed and replaced with "place." It was</p>	<p>Beneficiaries commented that administrative rules should not use Hawaiian</p>	<p>The original rule amendment used the term "wahi" (place) to broadly define the area where</p>

<b>HHC Amendment to Rule Proposal</b>	<b>Beneficiary Consultation Comments</b>	<b>Rationale for Amendment</b>
<p>clarified that "place" will be used to define the area that would be used to qualify lineal descendants and long-term residency. "Place" would be larger than the homestead area being awarded and will be defined by each community as DHHL engages beneficiaries in the area to develop the respective homestead settlement/master plan.</p>	<p>words because they have multiple meanings which could be interpreted in different ways.</p>	<p>applicants would have to reside or where applicants would have to prove an ancestor resided. The intent of using the broad definition was to allow flexibility in the area definition which would be clarified as homestead master/settlement plans are being developed with beneficiaries who reside in the area. The amendment responds to beneficiary concerns about Hawaiian words having many meanings. It also responds to concerns about special considerations that should be given to Ni'ihau beneficiaries and their relationship to Pu'u 'Ōpae. The amendment maintains the premise that members of a community should define their own boundaries. Therefore, the term "wahi" was replaced with "place," and it was clarified that the definition of the area for the application of the Pilina rule will be determined by each community as beneficiaries engage in the planning process for each new homestead area.</p>

HHC Amendment to Rule Proposal	Beneficiary Consultation Comments	Rationale for Amendment
<p>6. The HHC expanded the application of the Pilina-Based Priority Waitlist from Kuleana Homestead lease awards to all homestead awards.</p>	<p>Beneficiaries supported the Pilina concept, but noted that there were only a small number of Kuleana homestead areas (Pu`u `Ōpae, Anahola, `Ualapu`e, Wākiu-Hāna, Ke`anae-Wailuanui, King’s Landing). Beneficiaries were concerned that their area (Waimānalo, Ka`ū, Kona, Wai`anae-Nānākuli) was excluded from the kuleana homestead list which meant that the Pilina Based Priority would not apply, despite being born and raised in older, established homestead communities. Beneficiaries expressed despair and concern that they were unfairly excluded and would not be able to utilize the Pilina based priority policy to secure their homelands and to secure continuity of generational place-based knowledge. The deep connection to the land is one way to ensure sustainable management of</p>	<p>Staff clarified that the Pilina Waitlist rule amendment was limited to kuleana lots as a practical compromise to manage staff workload. The HHC discussed the need to expand the Pilina Waitlist rule to other areas in addition to the Kuleana homesteads. The Chair noted that DLNR and OHA had approached DHHL about transferring lands to DHHL. OHA lacks leasing authority and DLNR lessees lack entitlements and survivorship rights. DHHL can offer better terms for beneficiaries who are holding DLNR leases. The Chair noted that the Pilina rule should be expanded beyond kuleana areas to include improved lots, allowing for broader application to ensure that communities with existing infrastructure are not excluded. He expressed an urgency to expand the Pilina administrative rule to broader rural Hawaiian communities.</p>

<b>HHC Amendment to Rule Proposal</b>	<b>Beneficiary Consultation Comments</b>	<b>Rationale for Amendment</b>
	lands and its resources. If homesteads in their area were not planned for Kuleana leases, they wanted to know how they could get Kuleana homesteads to be planned in the areas where they had lineal descendency or where they had pilina to place.	

Public notices were published in newspapers statewide pursuant to Chapter 91, HRS on December 27, 2025 (West Hawai'i Today and The Garden Island); December 28, 2025 (Honolulu Star-Advertiser and Hawai'i Tribune Herald); December 31, 2025 (Molokai Dispatch); and January 1, 2026 (Maui News). **Exhibit B** provides the information provided in each published public notice.

In addition to the public notices, on January 27, 2026, a reminder email (**Exhibit C**) was sent directly to 189 beneficiaries who attended a Beneficiary Consultation meeting and provided a legible, working email address.

A dedicated page was created on DHHL's website with information about the rule amendment proposal (<https://dhh1.hawaii.gov/administrative-rules-pilina-based-priority-waitlist/>). All forms of notification included meeting links, what to expect at the hearing, and how to submit testimonies.

### ***Informational Briefing and the Public Hearing***

Two public hearings were held on January 28, 2026: a virtual public hearing was held at 12:00 p.m. and a hybrid public hearing offering both in-person and virtual attendance was held at 6:00 p.m. at Hale Pono'i, located at DHHL's Main Office located at 91-5420 Kapolei Parkway, Kapolei, Hawai'i 96707. An informational briefing was held immediately before the hearing. The briefing and the hearing were open to beneficiaries and public members.

The informational briefing consisted of a powerpoint presentation that explained the purpose of the public hearing which was to receive oral and written testimony from beneficiaries and the public on proposed administrative rule amendments. It explained that State law requires the Department to receive testimony; staff and Commissioners cannot respond to questions or engage in any dialogue or discussion during the public hearing. As a result, the agenda for the meeting was separated into two distinct parts.

Part 1 was an informational briefing where staff presented a powerpoint presentation (**Exhibit D**) that covered:

- The Process - What we did, Where we are now, What's next?

- The Origin of the Rule Amendment: As the Planning Office was developing homestead master plans in rural Hawaiian communities ('Ualapu'e, Ke'anae-Wailuanui, Wākiu-Hāna, and King's Landing), beneficiaries raised similar issues and arrived at the same conclusion that lineal descendants and long-term residents should be the ones to receive homestead awards in that area.
- What Beneficiaries Told the Department During Beneficiary Consultation meetings
- Key Changes that the HHC made based on input provided during the Beneficiary Consultation meetings.
- The current proposed rule amendment to HAR §10-3-7 and §10-3-12 (**Exhibit E**)
- How to submit written testimony after the public hearings. What happens after the public hearings?
- Questions and Answers

Part 2 was the formal public hearing, pursuant to Chapter 91, HRS, during which time:

- The Hearing Officer called on participants to present their testimonies in the order of registration
- Participants presented their testimony (we requested that testifiers limit their testimonies to 3 minutes).
- There was no dialogue or discussion

### ***Public Hearing Record***

The oral testimonies provided during the formal Public Hearing and the written testimonies submitted after the Public Hearings constitute the official public hearing record (**Exhibit F**). In total, 12 testimonies were submitted. There were 7 testimonies in support of the rule amendment, and 5 testimonies were opposed or expressed concern about the rule amendment. The list below captures the main points raised in each testimony.

### **Testimony Points in Support of the Rule Amendment**

- Pilina ensures generational Ike. It ensures that what my grandfather taught my dad about the coastline of Kings Landing is passed down to me and then to my keiki. It ensures that the connection I have to King's Landing through my kupuna, my great grandfather, lives and breathes on through my experiences and my ohana practices.

- Pilina gives preference to kupa of the aina. It gives me preference to my homeland, to the sands of births, to the aina that raised me, because being a kupa of the aina is what makes us Hawaiian. It is a Hawaiian legacy. It is a Hawaiian way of life. It is a Hawaiian way of thought. Knowing your Aina is what makes us an expert of our place.
- The same fear that people share of someone getting their lease before someone else, is the same amount of fear that I feel about not being able to go home.
- Applicants should not be transported from where they are kupa`āina to other ahupua`a where they never lived.
- Pilina would award homestead Leases to families who have long relationships with the ahupua`a with which they are connected.
- I am aina. Alohaaina Waika`alulu Ioane. I was named for the deep-rooted aloha that my ohana has practiced with the `āina of Waika`alulu, Kings Landing. My name is a reflection of our multi-generational stewardship pilina to our Aina of Waika`alulu.
- 100% support this pilina based priority as it will ensure our legacy as stewards of the aina
- In favor of creating a Pilina-Based Policy that awards homestead leases to native Hawaiian beneficiaries (100% and 50% of Hawaiian Lineage) who have a connection to that wahi. I agree that it is essential to maintain continuity of settlement by beneficiaries and their families to their success and need to build positive connections during times of need and the understanding to live a self-sufficient lifestyle.
- I understand the concerns raised by others, but I believe the Commission is being very fair in setting guidelines for qualifying Applicants, i.e., 18 years of living in the wahi, 100% or 50% of Hawaiian lineage requirements. I believe it is essential that we not uproot people of Hawaiian descent who have lived on the land alongside their parents, played there, raised cattle, pigs, chickens, vegetable gardens, ulu trees, avocado trees, lychee, mangoes, fished in our rivers, etc., and who grew up into a self-sufficient lifestyle.
- We need to be able to bring our children and grandchildren back home who have been priced out of the ability to carry on generations of living here. We are being priced out of

our land by millionaires who purchase acres by the hundreds and block our ability to farm, fish, swim on the land that once was ours.

- It is essential that we stand in unity and provide a place where it can be done for the generations who were, are, and will be.

### **Testimony Points in Opposition to the Rule Amendment**

- Rule amendments directly conflict with the actual Beneficiary Consultation conducted by the Planning Office from March through June 2025, which clearly indicated the Pilina Priority Waitlist would apply to Kuleana awards only.
- At its September meeting, the HHC removed the term "Kuleana." This action allows the Pilina process to be applied to all leases. This change affects all of the 29,000+ on the Waitlists.
- Implementing this amendment without proper consultation and without respecting the island-wide waitlist system disregards the thousands of beneficiaries who have patiently waited for homestead opportunities,
- Changes of this magnitude require full transparency, equitable access, and meaningful input from all affected beneficiaries.
- This Pilina-based priority waitlist rule expands beyond what beneficiaries were consulted on, yet the DHHL did not consult with the Office of Native Hawaiian Relations (ONHR) to ensure alignment under and with the federal trust standards.
- At the September 2025 HHC meeting, the chairman proposed amending the rule to remove the term "kuleana." Well, it's not a term. Kuleana is an award category. This amendment drastically altered what was presented to our beneficiaries over the several months and many meetings that we had this discussion.
- The HHC Submittal was to accept the report and the proposed amendments to the HAR, not to change what was presented to the beneficiaries. This action by the commission is a discredit to the expertise of the planning department and inappropriate and disrespectful to our beneficiaries.

- Auntie's husband was on the list for 50 years, and now somebody else that just got on the list can get land before he does? That doesn't seem fair to me. It just feels like we should just put people on the land.
- I really believe that the meaningful consultation to include the right organizations, as well as reaching out to the ONHR, has been missed. The pathway to our lands cannot be rewritten without that voice or Leo of the people it serves. This is kuleana, our rights, and our legacy. You cannot change the pathway to a homestead award without fully informing beneficiaries and ensuring the rules meet trust obligations.
- Applies rules that go beyond the requirements of the Hawaiian homelands waitlist system, further disadvantaging those who have waited for decades on the original island-wide waitlist

#### **Testimony Points that are Based on Misinformation**

- I question whether this amendment has been approved by the Department of the Interior, given its significant impact on beneficiary rights and the original provisions of the HHCA.
  - The DOI has no authority over DHHL's rulemaking as rulemaking is captured in the Hawaii Administrative Rules (HAR) and not in the Hawaiian Homes Commission Act of 1921, as amended.
- Over the years, not one notification was sent to me regarding meetings or applications for the Pilina-Based Priority program. This lack of notification and outreach undermines transparency and prevents beneficiaries like myself from participating in decisions that directly affect our opportunities for homestead lands. Wants to know what it takes to be on the Pilina-Based Priority Waitlist. Request by the applicant to place her and her son on the Pilina-Based Priority Waitlist for Waimanalo.
  - Commenter thinks that the Pilina Priority Waitlist has been in effect and she was not properly informed, therefore she is submitting an official request for her and her son to be placed on the Waimānalo Pilina Priority Waitlist.
- The HHCA established an island-wide waitlist system, and it is unlawful to allow a separate application system to be implemented that favors certain demographics while disadvantaging long-waiting beneficiaries like myself.

- o The proposed rule does not favor certain demographics as it may be utilized by current and future applicants on the Waitlist.

### Testimony Requests/Demands on the Department

- Formal request to conduct a new round of Beneficiary Consultation on all islands to include all waitlist applicants.
- Provide clear justification for the amendment's authority and compliance with the HHCA.
- Explain how waitlist priorities are being altered.
- Ensure full disclosure of beneficiary notification efforts.
- Confirm whether this amendment was reviewed and approved by the Department of the Interior.
- Allow meaningful opportunity for all beneficiaries to provide input before any further action.
- I am requesting that the department conduct another full beneficiary consultation with the Commission's modifications to the rule or remove the amendment. We got to have our cards out front and tell people what we're doing. We spent all this money, all this time, and we had 900 people, and we have 29,000 people on the wait list. If you would have said this was for all of it, you'd have more people providing their mana'o.

### DISCUSSION: PROPOSED AMENDMENTS

In December 2024, DHHL began its process for administrative rulemaking for the proposed rules related to establishing a Pilina-based Priority Waitlist. See Table 2 above for a summary of the important actions taken by the HHC and DHHL in the process.

Based upon comments received during the public hearing process, staff recommends the following changes for clarification and consistency. Staff believes these changes are not substantive nor do they alter the meaning or impact of the proposed rules. Rather, the changes are administrative in nature and respond to comments by clarifying existing language. Refer to **Exhibit E** for the current proposed amendment to HAR §10-3-7 and §10-3-12.

**Staff recommended changes**

**§10-3-7 Priority and preference for award of leases.** (a) Except as otherwise provided in sections 10-3-11, relating to Lanai awards, and 10-3-12, applicants shall be considered for award in the order in which their completed applications were received by the department; provided that awards shall first be made according to ranking in existing priority I, II, and III waiting lists in that order until those waiting lists are exhausted. Thereafter, awards shall be based on numerical designation by date of completed application on the area waiting list, then on the island-wide waiting list, except as otherwise provided in this chapter.

**§10-3-12 Awards to Applicants Who are Lineal Descendants or Previous or Existing Residents.** (a) As used in this section: "Familial connection" means an established relationship between the applicant and the place where the department is planning ~~kuleana~~ homestead lease awards that is proven by the applicant's documented genealogy to biological or legal ancestors who resided in that place prior to 1900. "Residency" means the act of living in a particular place for a minimum of eighteen years. "Resident" means an eligible applicant who previously resided or currently resides in the place in which the award is being made for a minimum of eighteen years and can verify his or her residency acceptable to the department.

(b) The Pilina-Based Priority Waitlist shall be applicable ~~only~~ in places where the department is planning ~~kuleana~~ homestead lease awards. ~~Applicants may apply for the Pilina-Based Priority Waitlist for any lease awards in a place the homestead community where the department is also offering kuleana homestead leases.~~ The Pilina-Based Priority Waitlist is an optional waitlist that applicants on the respective Island-wide Waitlist may choose to be ~~listed on~~ a part of if the applicant can establish:

- (1) a former or current residency in the place; or
- (2) a familial connection to the place.

If the applicant can establish his or her former or current residency or familial connection to multiple places where the department is planning ~~kuleana~~ homestead lease awards, the applicant may only choose one place to apply to be part of the Pilina-Based Priority Waitlist for.

(c) The area where applicants must establish their residency or familial connection to may be larger than the footprint of the planned ~~kuleana~~ homestead settlement. The specific areas to which this rule applies shall be defined in the settlement plan that is developed for the ~~kuleana~~ homestead. For existing ~~kuleana~~ homesteads, the area shall be defined by

the location and description of the tract of land included in the master plan or settlement plan that was approved by the commission.

(d) The department will provide notice to applicants on the respective island-wide waitlists that the department is accepting applications for the Pilina-Based Priority Waitlist. Applicants on the Pilina-Based Priority Waitlist shall be considered for award in their existing rank order on the island-wide waiting list. For places where an area waiting list exists, awards shall be made first on the area waiting list, then the Pilina-Based Priority Waitlist, then the island-wide waiting list, except as otherwise provided in this chapter.

(e) Applicants interested in being on the Pilina-Based Priority Waitlist shall complete an application form wherein the applicant must establish their former or current residency in the place or establish a familial connection to the place to the satisfaction of the department.

(1) To prove former or current residency, the applicant shall submit with their application any of the following pieces of information:

- (A) A government issued identification card with picture and home address;
- (B) School district records;
- (C) Utility bill with a home address;
- (D) Bank statement with a home address; or
- (E) Any other applicable information that helps establish current or former residency.

(2) To prove an applicant's familial connection to the place in which the ~~kuleana~~ homestead lease award is being made, the applicant shall submit documentation establishing his or her connection to the place through the applicant's lineal descendancy. To prove lineal descendancy, the applicant shall provide with their application any of the following pieces of information:

- (A) Documented genealogy to biological or legal ancestors who resided in the place prior to 1900;
- (B) Birth certificates;
- (C) Death certificates;
- (D) Obituaries;
- (E) Marriage certificates;
- (F) Probate records;
- (G) Church records;
- (H) Census records;
- (I) Tax records;
- (J) Land conveyance documents, including but not limited to deeds and land commission awards;
- (K) Oral family history; or

(L) Any other applicable information that helps establish a familial connection between the applicant and the place.

(3) The department will verify the applicant's connection to place by utilizing existing resources, records, and information already collected by the department to the extent feasible.

(f) If the department confirms the applicant's former or current residency of the place or familial connection to the place, the applicant will be placed on the Pilina-Based Priority Waitlist.

(g) In making subsequent awards, until the Pilina-Based Priority Waitlist is exhausted, applicants will be considered in the order of preference established in HAR § 10-3-12(c).

(h) The Pilina-Based Priority Waitlist shall expire when all the lots in the ~~kuleana~~ homestead development are awarded. Once an applicant on the Pilina-Based Priority Waitlist becomes a lessee, he or she will be removed from the respective island-wide waitlist for the type of lot awarded.

(1) If the Pilina-Based Priority Waitlist has been exhausted and there are remaining lots to award, then the department will utilize the respective island-wide waitlist to award the remaining lots until all lots have been awarded.

(2) If all lots have been awarded and there are still applicants on the Pilina-Based Priority Waitlist, the remaining applicants who did not receive an award will return to the respective island-wide waitlist in their original rank order by date of application. Those applicants may apply for a Pilina-Based Priority Waitlist for another area if he or she meets the qualifications established in HAR § 10-3-12(b).

#### RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission adopt the Proposed Amendments Related to a Pilina-based Priority and Approve Proceeding to Compilation of Hawaii Administrative Rules Chapter 10-3 and Promulgation.

**HAWAIIAN HOMES COMMISSION**

Minutes of Monday, September 15, 2025, at 9:30 a.m.  
Grand Naniloa Hotel, Sandalwood Ballroom, 93 Banyan Drive, Hilo, Hawaii, 96720,  
and Interactive Conferencing Technology (ICT) Zoom

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

**EXCUSED**     Archie Kalepa, Maui Commissioner

**COUNSEL**     Hokulei Lindsey, Deputy Attorney General

**STAFF**         Katie Lambert, Deputy to the Chairman  
                 Richard Hoke, Executive Assistant to the Chairperson  
                 Leah Burrows-Nuuanu, Secretary to the Commission  
                 Juan Garcia, Homestead Services Division Administrator  
                 Russell Kaupu, Property Development Agent to the Office of the Chair  
                 Kalani Fronda, Land Development Division Acting Administrator  
                 Michelle Hitzeman, LDD Homestead Housing Development Manager  
                 David Hoke, Enforcement Administrator  
                 Kahana Albinio, Land Management Income Property Manager  
                 Lilliane Makaila, Planning Office Acting Administrator  
                 Lehua Kinilau-Cano, NAHASDA Government Relations Officer  
                 Oriana Leao, NAHASDA Government Relations Program Specialists

**ORDER OF BUSINESS**

**CALL TO ORDER**

The meeting was called to order at 9:40 am by Chair Kali Watson. Six (6) members were present in person, two (2) on Zoom, and one (1) excused, establishing a quorum.

Chair Watson announced a request from HSD to amend the agenda to include item D7, Assignment of Leasehold Interest number 55, transferring from Warrick Aiwohi to Kimberly Abe. Commissioner Kaneakua moved to approve the amendment, seconded by Commissioner Lasua, and the motion passed unanimously.

J. Garcia informed the Chairman that due to an administrative oversight, Exhibit A was missing from item D10 in the consent agenda packet, and he had now distributed the missing exhibit to the Commissioners.

**APPROVAL OF AGENDA**

Chair Watson confirmed changes to the agenda, including rescheduling item H1 to 11 a.m., moving item G3 to follow F1, and noting the Commission would enter executive session and break for lunch at noon. He announced community meetings at 6:30 p.m. that evening at Keaukaha Elementary and the next night in Ka'u at Pahala Community Center. The amended agenda was approved unanimously.

**MOTION/ACTION**

Moved by Commissioner Kaleikini, seconded by Commissioner Kaneakua, to approve the agenda. Motion carried unanimously.

**APPROVAL OF MINUTES**

Chair Watson asked if there were edits or amendments to the August 18 & 19 minutes. There were none.

**MOTION/ACTION**

Moved by Commissioner Kaleikini, seconded by Commissioner Kaneakua, to approve the August HHC Minutes. Motion carried unanimously.

**PUBLIC TESTIMONY ON AGENDIZED ITEMS****PT-1 Kenna Stormogibson – Item C-4: Ewa Land Donation**

K. Stormogibson, executive director of the Hawaii Housing Policy Foundation, expressed concern over the land's condition, citing photos from 2001 and 2002 that showed signs of heavy industrial activity, including trucks and barrels, suggesting possible contamination. She criticized the current memorandum of agreement (MOA) for failing to address cleanup responsibilities, warning that beneficiaries could be liable for potentially costly remediation, estimated between \$500,000 and \$1 million. Although the MOA included an environmental assessment clause, it focused only on surrounding community impacts, not the land itself. She urged the Commission to conduct a site assessment for soil contamination and revise the MOA to ensure the developer, not beneficiaries, covers cleanup costs. She emphasized the importance of due diligence before accepting land donations and referenced a prior meeting where R. Kaupu advised verifying land suitability to avoid burdening the trust. She then concluded by requesting amendments to the MOA and noted concern that such critical information had not been disclosed earlier.

**PT – 2 Jojo Tanimoto – Item C-5**

Tanimoto expressed deep frustration over Hawaiian Homes' inaction on a long-promised evacuation road from Kawaihae. She said no progress had been made despite assurances in March about installing a gate and completing an archaeological review. With the Ironman Triathlon closing the only highway access for 12 hours, she stressed the urgent need for an alternate route through Kailapa subdivision. She noted the fire department had previously used this path for emergencies, yet it remains unpaved and blocked by Kohala Ranch. Tanimoto urged Hawaiian Homes to support the emergency road, improve transparency, and communicate more openly with the community.

**PT-3 De Mont Manaole – Item C1 & C2**

D. Manaole submitted a formal letter of support for C2. He emphasized his desire to be on record and shared a personal saying from his mother, "niele oukou," meaning people should refrain from speaking on matters that are not their kuleana, especially without accurate facts. He then objected to the comments made by the first testifier, suggesting her criticism stemmed from losing the Waipouli issue and was now unfairly targeting others. He defended the deal as beneficial and urged individuals to research before commenting. He voiced frustration over non-trust beneficiaries creating conflict among Native Hawaiians and reaffirmed that such matters are the kuleana of the beneficiaries. He concluded by reiterating his strong support for C1 and C2 and stated he would speak further when those items were addressed.

**PT-4 Kalei Kailikini – ITEM G-2**

K. Kaleikini expressed deep concern over the waitlist. She had been on the list since 1986, was 77 years old, and was part of the Kalima lawsuit, yet she still had not received a lease. She criticized the Department for prioritizing other developments like Pōhakuloa and Pana'ewa while neglecting elderly beneficiaries. She also emphasized the financial hardship faced by retirees, noting that many cannot afford homes priced at \$200,000 and that monetary compensation from the lawsuit was insufficient due to Hawaii's high cost of living. She urged the Commission to prioritize elderly applicants fairly, provide lots without cost, and uphold the Homestead Act of 1920, which she argued was being violated by selling undeveloped lots. She called for

compassion, transparency, and immediate action, speaking on behalf of many seniors who could not attend hearings and were burdened by stress and disappointment.

**PT-5 Iwalani McBrayer – Item C-1**

McBrayer voiced strong support for agenda item C1, noting that the Native Hawaiian beneficiary developer’s donation would add a valuable, income-producing property to DHHL’s portfolio and strengthen the trust’s financial base without tapping existing funds. She confirmed that DHHL leaders have been in contact with the donor. On item C2 involving Legacy Ventures LLC, she expressed concern that Kapolei homestead leaders were not consulted despite claims of beneficiary support. McBrayer warned that excluding homestead leadership from such major decisions undermines transparency and sets a poor precedent. She urged the Commission to defer C2 until genuine consultation with Kapolei homestead leaders occurs.

**PT-6 Homelani Schaedel – Item C-1**

H. Schaedel expressed concern that the project appeared to have been approved before being presented to the Commission and beneficiaries. She emphasized the importance of beneficiaries documenting their support or opposition to projects that may affect the Trust. Referring to the January 21, 2025 meeting minutes, she cited Commissioner Neves’ confirmation that the 19-acre parcel included R5 residential zoning and R. Kaupu’s statement that the developer must comply with Chapter 343 environmental review, including securing a Finding of No Significant Impact (FONSI) at their own cost. She reiterated that the developer should bear all costs. She requested that the last line of page 3, item 7 of the MOA be amended to explicitly state that KHL would be responsible for all FONSI-related expenses.

**PT-7 Kama Keone – Item C1 & C-2**

K. Keone expressed support for agenda item C1 and opposition to item C2. He celebrated the Department of Hawaiian Homes being projected as the largest homestead in Hawai‘i and was pleased with the recent lease and lot selections. Regarding C1, he acknowledged concerns about soil and debris, but supported the project, noting the land had been used for farming for decades and cleanup was expected. For C2, involving Legacy Ventures LLC, he voiced opposition due to the lack of transparency and communication, stating the company was from the mainland and had not reached out to local beneficiaries despite plans to become neighbors. He questioned whether they shared Hawaiian values and criticized the absence of consultation, likening it to strangers entering a home uninvited. He emphasized that beneficiaries deserved to know who would be part of their community and called for open dialogue, stating that his homestead currently opposed the project

**II. ITEMS FOR DECISION MAKING**

**A. CONSENT AGENDA**

**HOMESTEAD SERVICES DIVISION**

- D-2 Approval of Consent to Mortgage (see exhibit)
- D-3 Approval of Streamline Refinance of Loans (see exhibit)
- D-4 Approval of Homestead Application Transfers / Cancellations (see exhibit)
- D-5 Approval to Certify Applications of Qualified Applicants for the month of August, 2025 (see exhibit)
- D-6 Commission Designation of Successors to Application Rights – Public Notice 2024 (see exhibit)
- D-7 Approval of Assignment of Leasehold Interest (see exhibit)
- D-8 Approval of Amendment of Leasehold Interest (see exhibit)
- D-9 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)

**PLANNING OFFICE****ITEM G-1      Accept the Beneficiary Consultation Report on Proposed Amendments to Hawai'i Administrative Rules relating to Pilina-Based Priority and Lessee Leave of Absence.**RECOMMENDED MOTION/ACTION

Acting Planning Program Manager Lillianne Makaila and Planner V Julie Cachola presented the following: Motion the Hawaiian Homes Commission to Accept the Beneficiary Consultation Report on Proposed Amendments to Hawai'i Administrative Rules relating to Pilina-Based Priority and Lessee Leave of Absence.

J. Cachola explained that the beneficiary consultation process involved 17 in-person and five virtual meetings, each documented in detailed reports she distributed to the Commissioners. The reports included meeting dates, attendance, number of comments, and categorized feedback. She emphasized that comments were often more meaningful than attendance numbers and noted that the reports also contained participant status and visual data like pie charts to show composition.

She highlighted strong conceptual support for the Pilina-based priority wait list, which gives preference to lineal descendants, aligning with Hawaiian values of kuleana and ancestral connection to land. Beneficiaries understood and agreed with the intent, though concerns remained about implementation details, especially regarding the existing wait list. One proposed method to prove Pilina was to trace genealogy through historical records, a process that would be explained further by Kaipo.

The Pilina proposal outlined three ways to demonstrate connection to a homestead: current or past residency, ancestral ties through a living relative, or genealogical lineage. While beneficiaries supported the concept, many felt the process was too complex and worried it would unfairly prioritize new applicants over those already on the waitlist. To address this, a 20-year residency requirement was proposed to ensure genuine community ties, and amendments were suggested to limit applicants to one Pilina claim and apply the Pilina waitlist only to kuleana homesteads. The strong demand for kuleana homesteads across communities reflected indirect support for the Pilina concept.

Regarding the leave of absence rule, beneficiaries expressed strong opposition, viewing it as invasive and overly restrictive. Concerns included privacy, caretaker qualifications, and the broader issue of abandoned homes leading to unauthorized occupancy and community disruption. Beneficiaries urged DHHL to conduct audits to identify which lessees were actively occupying their lots and to use data-driven enforcement rather than imposing blanket rules. They emphasized that the issue was not just enforcement but lease management, and that future proposals should be backed by clear rationale and community impact data.

Chair Watson explained that the rule amendments were designed to give Native Hawaiians preference in homesteading areas like Hana, King's Landing, Miloli'i, and Kahana Valley. He noted that agencies like DLNR and OHA had approached DHHL about transferring lands, but OHA lacked leasing authority. He emphasized that many DLNR lessees lacked entitlements and survivorship rights, and DHHL could offer better terms, including long leases and access to resources. Chair Watson recommended changing the residency requirement from 20 to 18 years to align with mortgage eligibility. Additionally, the rules would be expanded beyond kuleana areas to include improved lots, allowing for broader application in future homestead communities.

He further stressed that these rule changes were not yet finalized and would require further beneficiary consultation. He acknowledged that some ideas were new and might be received differently across communities. He highlighted that Native Hawaiians with expired DLNR leases were sometimes treated unfairly and that transferring lands to DHHL could correct this by offering proper leases and support. J. Cachola asked if the rules would apply beyond kuleana areas, and Chair Watson confirmed they should include improved lots to ensure communities with existing infrastructure were not excluded.

L. Makaila clarified that the pushback received during consultations was specifically related to rulemaking for leave of absence and caretaker provisions. At the same time, there was overwhelming support for moving forward with rulemaking based on Pilina. She explained that beneficiaries questioned the necessity of formal rules for leave of absence, noting that the current process, handled on a case-by-case basis at the Chair's discretion, was sufficient and not overly burdensome. Most beneficiaries preferred to approach the department when needed rather than have the department impose rules. Chair Watson agreed, stating that the leave of absence process should remain administrative, with decisions made quickly and simply at his discretion to avoid unnecessary complications.

J. Garcia explained that the current rules under section 10-2-16 delegate authority to the Chairperson to approve leave of absence requests. Still, they do not provide any criteria or conditions for making such decisions. He noted that this lack of guidance could be problematic for future Chairs. Chair Watson responded that he did not feel burdened by responsibility and preferred to keep the process simple and efficient rather than shifting it to the Commission, which would require a rule change. L. Makaila asked about the frequency of such requests, and Garcia confirmed they were very rare, indicating it was not a significant administrative issue. He expressed comfort with maintaining the current process unless the Commissioners preferred otherwise.

### DISCUSSION

Commissioner Kaleikini explained that the Leave of Absence (LOA) rule discussion stemmed from beneficiary complaints about non-lessees occupying homestead homes, prompting the creation of a Permitted Interaction Group. Chair Watson noted that such concerns were more about enforcement than rulemaking, and consultation feedback showed beneficiaries opposed new LOA rules. J. Cachola added that while beneficiaries valued the ability to retain their lease during absences, they wanted a simple process. Commissioner Kaleikini supported that but pointed out the lack of formal criteria, as decisions were solely at the Chair's discretion.

Commissioner Kaleikini emphasized that lessees are required to occupy their homes, and violations were common. J. Garcia added that past practice focused on the lessee being directly affected. Still, consultations supported expanding leave eligibility to include family members listed in section 209, allowing lessees to request leave to accompany impacted relatives.

Commissioner Ornellas shared her concerns about the Pilina-based proposal, drawing from her attendance at meetings in Anahola and Kekaha. She noted that the initiative stemmed from communities like Hana, King's Landing, and possibly Pu'u'opae, which have unique but similar dynamics. She emphasized that there is already a waitlist with tens of thousands of names and questioned the need to create a new Pilina-based list, which could complicate the process and potentially unintentionally exclude groups.

She specifically highlighted the impact on the Ni'ihau 'ohana, many of whom have been transient between islands for generations and may not be able to claim Pilina to areas like Kekaha or Waimea. Commissioner Ornellas advocated for community-specific Pilina policies rather than broad legislation, warning that sweeping rules could exclude long-standing Native Hawaiian families and expose the department to legal challenges. She stressed that while the intent was to include, the result could be exclusion, and urged careful consideration to avoid unintended harm, especially to the Ni'ihau community.

L. Makaila acknowledged the difficulty in summarizing the diverse perspectives from 21 beneficiary consultations and commended Julie for providing a comprehensive overview. She highlighted Waimānalo on O'ahu as an area with a unique response, noting that residents were disheartened by their exclusion from kuleana homesteading opportunities despite being born and raised in older homestead communities. This reaction contrasted with the views of the Ni'ihau 'ohana in Kekaha, illustrating the wide range of sentiments surrounding the issue. Lehua Makaila emphasized the complexity of the topic and noted that further administrative rule amendments and testimonies were forthcoming.

J. Garcia explained that the Pilina-based administrative rule was originally intended only for kuleana lots, and expanding it to all awardable lots would place a significant burden on HSD staff due to the increased research required to verify applicant eligibility. He emphasized that limiting the rule to kuleana lots was a practical compromise to manage workload.

**Public Testimony – Skippy Ioane-** expressed deep appreciation for the department, saying it had taught him patience through years of waiting. He strongly supported the Pilina-based proposal, viewing it as a lifeline for struggling communities like Ni‘ihau and the Big Island, which he described as “dying together.” He emphasized the emotional toll of waiting and urged leaders to take bold action, comparing leadership to fishing, saying one must jump in the water, not wait on shore. He closed with heartfelt support for Pilina as a way to stop the decline, shared personal reflections, and warmly acknowledged Linda Chinn.

**Public Testimony – Ainaaloha Ioane -** thanked the department for supporting Kuleana subsistence homesteading and emphasized that the Pilina-based administrative rule change would help preserve their rural lifestyle, cultural traditions, and generational connection to the ‘āina. He explained that the change would strengthen their community’s settlement plan, offer comfort to kupuna, and ensure successors could return home. She stressed that expanding paper leases would protect King’s Landing from non-beneficiary encroachment and confirmed strong support from residents, naming several who wished to attend but couldn’t stay through the meeting.

**Public Testimony - Gracie Flores -** testified in support of Items G1 and G2, urging preference for King's Landing residents in lease awards. She shared her family's deep ties to the ‘āina, noting her grandfather William Kulakauka Pakani had stewarded the land since the 1960s and helped found the association in 1982. Flores, now a grandmother, emphasized her kuleana to pass down traditional practices and protect the sacred land. She quoted her grandfather’s 1977 statement detailing years of labor to develop the land for subsistence, and called for continued support of the rule change.

**Public Testimony – Sherri Cummings -** who had been vocal during Kaua‘i consultations, advocated for Ni‘ihau’s inclusion due to her lineal ties and Pilina to the island. She cited historical records from 1853 linking Ni‘ihau to the Kona Moku and Hanapepe River region, emphasizing her kupuna’s subsistence practices across those lands. She challenged assumptions about Ni‘ihau’s barrenness, highlighting its past agricultural success, and stressed that Ni‘ihau and Pu‘u ‘Opae were geographically distinct.

MOTION/ACTION

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

**ITEM G-2            Approval to Proceed to Public Hearing for a Proposed Administrative Rule to Establish a Priority Waitlist for Applicants with a Connection to a Place (Pilina-based Priority)****RECOMMENDED MOTION/ACTION**

Acting Planning Program Manager Lillianne Makaila and Cultural Resource Specialists Ku'upua Mossman presented the following:

Motion the Hawaiian Homes Commission to Approval to Proceed to Public Hearing for a Proposed Administrative Rule to Establish a Priority Waitlist for Applicants with a Connection to a Place (Pilina-based Priority).

K. Mossman presented a detailed overview of the Pilina-based administrative rule amendment, explaining that it was developed in response to five years of DHHL planning and extensive beneficiary consultations. The rule aimed to prioritize Native Hawaiian beneficiaries with deep connections to rural communities, particularly in areas designated for Kuleana homesteads. She noted that the initial draft left the definition of “wahi” (place) broad, but due to varied interpretations and feedback, the term was removed and replaced with a process allowing each community to define its place through settlement plans. This change was intended to better include communities like Ni‘ihau in areas such as Pu‘u ‘Ōpae.

She addressed three major themes from the consultations: connection to place, residency qualifications, and application clarity. She explained that the rule was revised to eliminate the pathway allowing applicants to qualify through a family member’s residency, as it diluted the intent of place-based knowledge. Residency was further defined to require at least one generation, later clarified as 18 years. The application process was clarified to show that the Pilina-based wait list was optional, tied to specific settlements, and limited to one application per offering. If an applicant was not awarded a lot, they could return to the general wait list and reapply elsewhere. K. Mossman concluded by outlining the next steps, including internal reviews, legal evaluations, and eventual submission for public hearing and publication.

Chair Watson shared a personal experience from before his time with the department, when he tried to help a Waimānalo resident living in a bus by building a home, but was blocked due to the absence of formal rules. He expressed concern about limiting oversight and emphasized the urgency of expanding the administrative rule to include not just Kuleana homesteads but broader rural Hawaiian communities, some of which already had infrastructure but were restricted by DLNR leases that lacked succession rights and homesteading benefits. He noted DLNR’s receptiveness to conversion and highlighted the advantages of longer leases and access to loan products. To expedite support and avoid tragic delays, he proposed amending the rule to remove the term “Kuleana,” apply it to all homesteads, and reduce the residency requirement from 20 to 18 years. He then made a motion to approve these changes, which was seconded by Commissioner Kaleikini.

**DISCUSSION**

Commissioner Lasua raised the issue of the Ni‘ihau people, prompting Chair Watson to clarify that the Commission must identify specific areas for applying the lineal descent criteria. He questioned whether places like Ke‘anae and Hana had been officially designated. K. Mossman responded that only areas slated for Kuleana homesteads had been identified, not those outside that scope. Chair Watson then asked whether lineal descent for Ni‘ihau beneficiaries would be tied specifically to Hanapepe or extend beyond it.

Commissioner Kaneakua emphasized the importance of including individuals with direct ties to Kaua‘i, stating they should not be excluded from opportunities. Chair Watson agreed and suggested that this concern be addressed through an amendment. Commissioner Kaneakua recommended formally including Ni‘ihau in the motion related to Kuleana homesteads. Chair Watson supported the idea and proposed adding a catch-all provision to the rules to cover other areas like Kahuna Valley and any additional regions not yet identified but deemed suitable for homesteading.

L. Makaila explained that settlement plans typically defined areas and their connection to place, making them suitable for implementing homesteading policies. Chair Watson noted that the areas he referred to were

already settled with infrastructure and proposed converting DLNR leases in Hawaiian villages into homestead leases to provide better terms and succession rights. He emphasized that non-Native Hawaiians could retain their DLNR leases until expiration, at which point conversion could occur, as in the Waimānalo case.

**MOTION/ACTION to AMEND**

Commissioner Ornellas moved, and Commissioner Kaneakua seconded to amend the motion that the Pilina-based waitlist would apply to all homestead awards. The motion on the amendment was approved unanimously. Chair Watson asked for a vote on the main motion as amended.

**MOTION/ACTION**

Moved by Chair Watson, seconded by Commissioner Kaleikini to approve the motion as stated in the submittal.						
Commissioner	1	2	AYE (YES)	A'OLE(NO)	KANALUA	EXCUSED
Commissioner Freitas			X			
Commissioner Kaleikini		X	X			
Commissioner Kalepa						X
Commissioner Kaneakua			X			
Commissioner Lasua			X			
Commissioner Marfil			X			
Commissioner Namu’o			X			
Commissioner Ornellas			X			
Chairman Watson	X		X			
TOTAL VOTE COUNT			8			1
MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED Motion passed unanimously, Eight (8) Yes votes, One (1) Excused						

**ITEM G-4 Adopt the Final Waimea Nui Regional Plan Update 2025**

**RECOMMENDED MOTION/ACTION**

Acting Planning Program Manager Lillianne Makaila presented the following:  
Motion the Hawaiian Homes Commission to Adopt the Final Waimea Nui Regional Plan Update 2025.

L. Makaila noted that the previous plan was over 15 years old and that the Waimea Nui region had worked diligently to revise it. The planning process included a leadership meeting early in the year, followed by four beneficiary consultations held between April and August, with strong community participation and input. Priority project voting occurred in late June, and feedback from the consultations was incorporated into the final version. She reminded Commissioners that the draft had been presented the previous month and confirmed that the plan was now ready for approval. A motion was made by Commissioner Marfil and seconded by Commissioner Kaleikini, with one public testimony scheduled.

**Public Testimony – Mike Hodson** - agreed with Skippy Ioane about the lengthy nature of the regional planning process. He explained that the original intent of the regional plan, based on HART 10-6, was focused on rehabilitating Native Hawaiians, but over time, it became cluttered with unrelated issues like land management and development due to the department’s limited involvement. He emphasized that infrastructure and land placement were the department’s kuleana, while beneficiaries were responsible for shaping the regional plan to support self-sufficiency and self-determination. He also noted that updating such extensive plans every two years was unrealistic and that the process had become convoluted. He praised planner L. Makaila for her exceptional organization and ability to keep meetings focused and timely. He highlighted the vast scope of their region, covering nearly 85,000 acres with diverse land types and an active homestead community, and closed by commending the planning staff for their dedication.

Exhibit B:  
Public Notice Regarding Public Hearings  
Published in Newspapers Statewide

STATE OF HAWAI‘I  
DEPARTMENT OF HAWAIIAN HOME LANDS  
NOTICE OF PUBLIC HEARINGS ON PROPOSED  
ADMINISTRATIVE RULE AMENDMENTS  
PILINA-BASED PRIORITY WAITLIST

Pursuant to Chapter 91, Hawai‘i Revised Statutes, and Title 10, Hawai‘i Administrative Rules, notice is hereby given that the Department of Hawaiian Home Lands (DHHL) will conduct a **virtual public hearing** and a **hybrid public hearing** that provides both in-person and virtual participation. The purpose of the public hearings is for DHHL to receive oral and/or written comments on proposed administrative rule amendments that will establish a **Pilina-Based Priority Waitlist** for Hawaiian Home Lands homestead lease awards.

An **Informational Briefing** will be held as an introduction, before the formal public hearing begins, in order to explain the proposed amendments and answer questions. DHHL will then start the public hearing to receive testimonies. During the public hearing, DHHL can only receive testimony.

**Description of Proposed Amendments:** DHHL is proposing amendments to Hawai‘i Administrative Rules (HAR) Section 10-3-7 Priority and Preference for Award of Leases, and is adding a new Section 10-3-12 Awards to Applicants Who are Lineal Descendants or Previous or Existing Residents. The proposed rule amendments establish a “Pilina-Based Priority Waitlist” for each homestead area where homestead leases will be awarded. Before DHHL awards homestead leases, it will notify all applicants on the respective islandwide waitlist (agricultural, residential, pastoral) that the Department is accepting applications for the Pilina-Based Priority Waitlist for the homestead area. To qualify for the Pilina-Based Priority Waitlist, existing applicants must document and DHHL must verify that the applicant is:

1. A former or current resident who has resided in the area for at least 18 years; **or**
2. A Lineal Descendant with ancestors who resided in the area prior to 1900.

If the applicant’s documents are verified by DHHL, the applicant will be placed on the Pilina-Based Priority Waitlist by date of application. When DHHL awards homestead leases, if an “Area Waiting List” exists, homestead leases would be awarded first to those on the Area Waitlist. When the Area Waitlist is exhausted or if there is no Area Waitlist, DHHL will award homestead leases to applicants on the Pilina-Based Priority Waitlist. If the Pilina-Based Priority Waitlist is exhausted, DHHL will award homestead leases to applicants on the respective Island-wide Waitlist.

This rule amendment gives preference to lineal descendants and long-term residents of the homestead area when homestead leases are awarded. This rule is intended to award 99-year homestead leases to applicants who have ancestral ties to the homestead area. This amendment supports the continued presence of family lines on their ancestral lands so they may strengthen their pilina to place, exercise their kuleana and knowledge of natural

and cultural resources, wahi pana, cultural traditions, and practices. Maintaining family ties to their ancestral lands strengthens family networks, preserves cultural knowledge, and promotes successful homestead settlement.

**Hearing Dates and Times (HST):**

**Virtual Public Hearing:** Wednesday, January 28, 2026, 12:00 p.m.

- Via Zoom, Meeting ID: 879 5786 7412 Passcode: 121

**Hybrid Public Hearing:** Wednesday, January 28, 2026, 6:00 p.m.

- In-person at Hale Ponoʻī, DHHL Headquarters, 91-5420 Kapolei Prkwy, Kapolei, HI 96707; or
- Via Zoom, Meeting ID: 890 2031 9272 Passcode: 121

The proposed rule, meeting links, and testimony instructions are available online at **[dhh.hawaii.gov/administrative-rules-pilina-based-priority-waitlist/](https://dhh.hawaii.gov/administrative-rules-pilina-based-priority-waitlist/)** or in person at any DHHL District Office.

**How to Submit Testimony:** Provide your name, resident address, status (Lessee, Applicant, or General Public). Oral and/or Written testimony may be given in person or virtually by attending one of the public hearings (3-minute limit). In addition, written testimony will be received after the Public Hearings. Email comments to: **[dhh.planning@hawaii.gov](mailto:dhh.planning@hawaii.gov)** or mail comments to: **DHHL-Planning Office, 91-5420 Kapolei Parkway, Kapolei, HI 96707. Deadline for submittal of comments: Wednesday, February 4, 2026.**

For more information, please contact the DHHL Planning Office at:

 [dhh.planning@hawaii.gov](mailto:dhh.planning@hawaii.gov)

 (808) 730-0347

Exhibit C:

Reminder Email to BC Participants Regarding Public Hearings



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**Reminder: Public Hearings on Pilina-Based Priority Proposed Administrative Rule — January 28, 2026**

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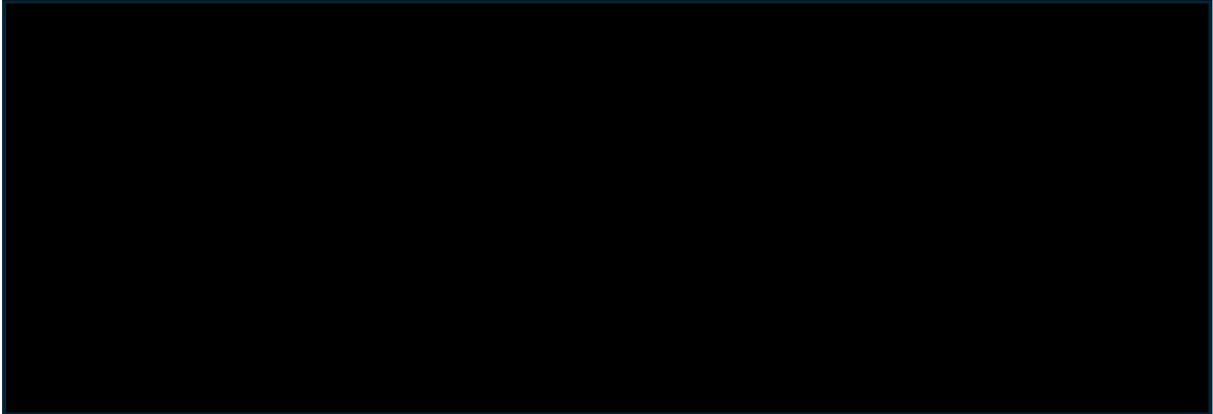
**From** Cachola, Julie-Ann <julie-ann.cachola@hawaii.gov>

**Date** Tue 1/27/2026 1:32 PM

**To** Cachola, Julie-Ann <julie-ann.cachola@hawaii.gov>

**Cc** Makaila, Lilliane K <lilliane.k.makaila@hawaii.gov>

**Bcc**



Aloha Hawaiian Home Lands Beneficiaries:

Mahalo again for participating in one of the 22 Beneficiary Consultation meetings we held regarding proposed administrative rule amendments. Your time, mana'o, and engagement were invaluable in shaping the draft administrative rule now moving forward to public hearing. Based on your input, the Leave of Absence rule amendment is NOT moving forward, however, the Pilina-Based Priority Waitlist, giving preference to lineal descendants and previous and existing residents of an area, is moving forward, with some changes.

We hope that you saw the legal notices that DHHL published in all local newspapers at the end of December, announcing the public hearings at the end of January. Since the public hearings are open to the general public, we wanted to send this friendly reminder directly to the beneficiaries who attended our Beneficiary Consultation meetings. As the public notices stated, the public hearings will take place **tomorrow, January 28, 2026**.

**Public Hearing Schedule – January 28, 2026**

**12:00 p.m. (HST) – Virtual Public Hearing**

**Virtual Meeting Link:** <https://dhhhl-hawaii-gov.zoom.us/j/87957867412?pwd=bJybW9afa0geURMiLsKrra49MrqVKA.1>

- Meeting ID: 879 5786 7412
- Passcode: 121

**6:00 p.m. (HST) – Hybrid (in-person and virtual) Public Hearing**

**In-Person Location:** Hale Ponoʻī, 91-5420 Kapolei Parkway, Kapolei, HI 96707

**Virtual Meeting Link:** <https://dhhhl-hawaii-gov.zoom.us/j/89020319272?pwd=Y7eKXakpdndOY6vhhQG8OyjSfWePqi.1>

- Meeting ID: 890 2031 9272
- Passcode: 121

**What to Expect at the Hearing**

The hearing will begin with an **Informational Briefing**. During this first portion, DHHL staff will:

- Explain the proposed administrative rule changes

- Provide background and rationale
- Explain the changes that the HHC made based on beneficiary comments
- Answer questions

After the briefing concludes, we will formally open the **Public Hearing**. During the formal hearing:

- We can **only accept testimonies (oral or written)—3 minutes please**
- We **cannot** answer questions or engage in discussion
- All comments will be recorded for the official hearing record

#### **Submitting Written Testimony After the Public Hearing**

We will accept written comments after the public hearing. Deadline for written comments: **February 4, 2026**.

Written testimony may be submitted by:

- **Email:** [dhhl.planning@hawaii.gov](mailto:dhhl.planning@hawaii.gov)
- **Regular mail:** DHHL-Planning Office, 91-5420 Kapolei Parkway, Kapolei, HI 96707

#### **More Information**

- [Current version of the proposed rule amendments](#)
- [Background information on the rule amendment](#)

Mahalo again for your participation and continued engagement. Your voice is essential in shaping policies that reflect the needs and values of our homestead communities.

Mahalo,

Julie-Ann Cachola, AICP  
Planner  
Department of Hawaiian Home Lands  
(808) 779-5084



DEPARTMENT OF HAWAIIAN HOME LANDS  
BENEFICIARY CONSULTATION

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**PUBLIC HEARING ON PROPOSED AMENDMENTS TO THE  
DEPARTMENT OF HAWAIIAN HOME LANDS  
ADMINISTRATIVE RULES**

**January 28, 2026 – 12:00 pm (Virtual)**

**January 28, 2026 – 6:00 pm (Hybrid)**

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**Virtual attendees: [Go to Chat to register; enter all your info then hit enter.](#)**

**Register with your first and last name; identify whether you are a lessee, applicant, both, or other public member; identify the City where you reside and the State if not in Hawai'i. State: I want to testify; or I don't want to testify; or Not sure about testifying. This will establish the order of testifiers.**



# Public Hearing

- The public hearing is conducted pursuant to Chapter 91, HRS.
- The purpose of the Public Hearing:
  - To receive oral and written testimony from beneficiaries and the public on proposed administrative rule amendments.
  - To formally place testimony into the administrative rulemaking record.
- Public Hearing Protocol:
  - DHHL staff and Commissioners cannot respond to questions or testimony during the hearing.
  - Testimony may express support, concerns, or recommend changes.
  - State law requires us to receive testimony without responding, but every comment becomes part of the official record.
  - No dialogue, no discussion.



# Agenda

## **Part 1: Informational Briefing on Pilina Priority**

- The Process – What we did, Where we are now, What's next?
- What were the main points that beneficiaries raised during the consultation meetings? How did the HHC address them?
- What is the current proposed rule amendment?
- Questions and Answers

## **Part 2: Formal Public Hearing, Chapter 91, HRS**

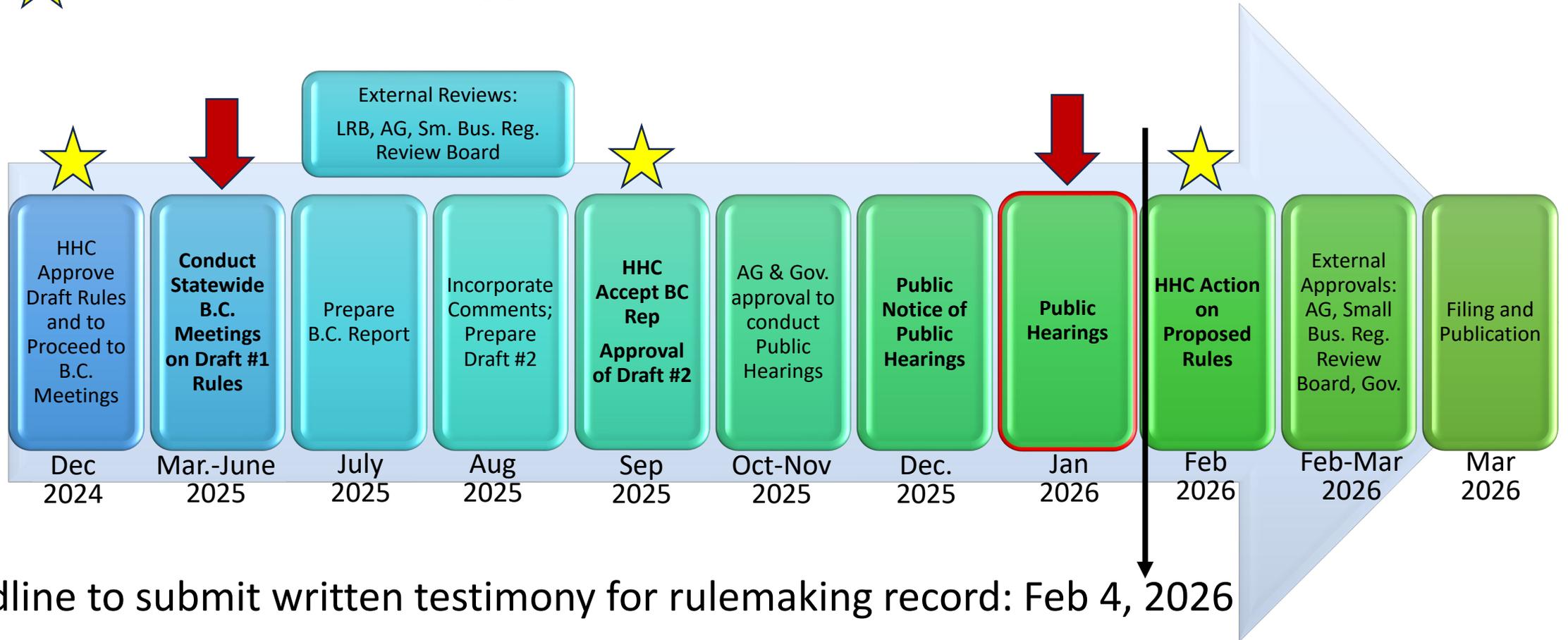
- Hearing Officer will call testifiers in the order of registration
- There is no dialogue; we cannot answer questions
- Please limit testimony to 3 minutes.
- DHHL will accept written testimony after the Public Hearing—Feb. 4



# RULE AMENDMENT PROCESS

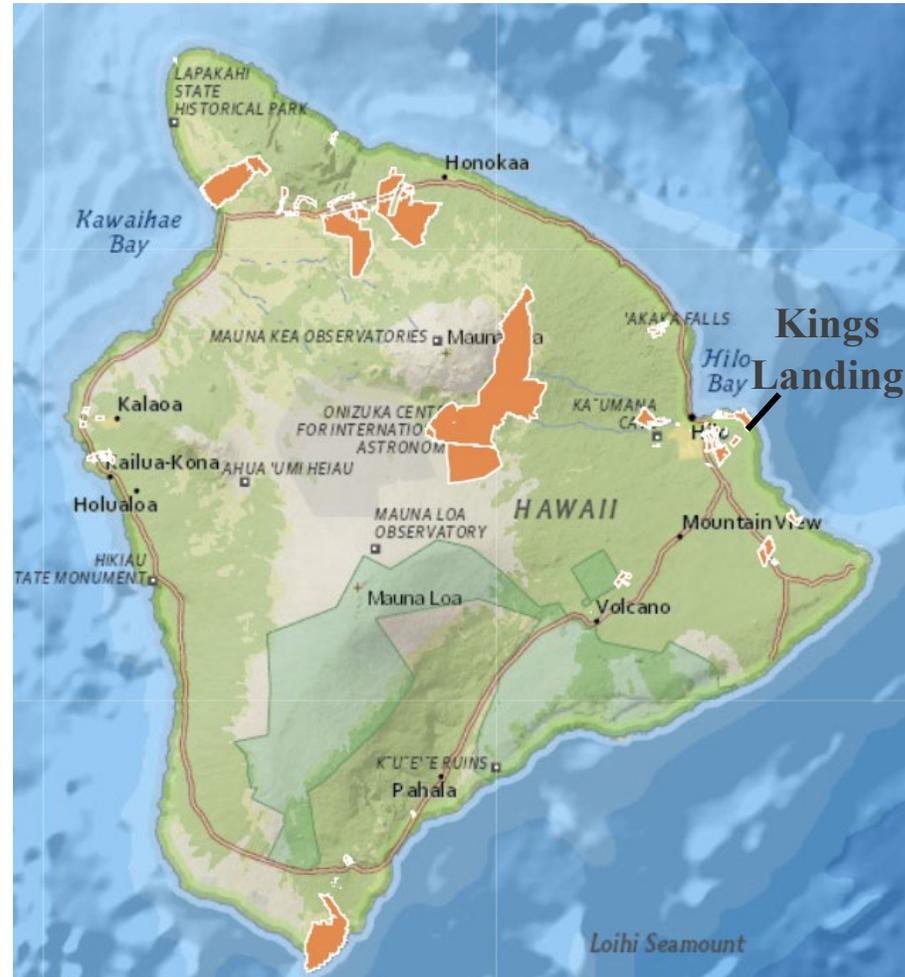
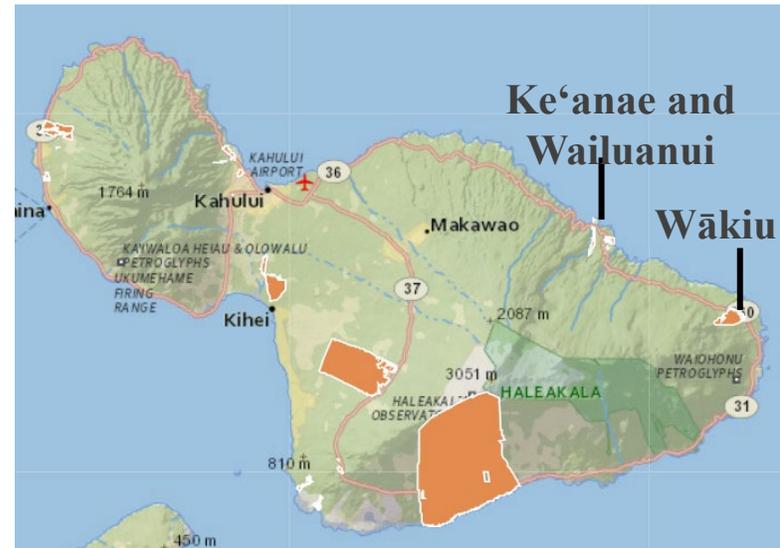
↓ = Opportunities for Beneficiary Review and Comment

★ = HHC Review and Approval



# BENEFICIARY ISSUES AND CONCERNS

## Developing Homestead Master Plans with Beneficiaries



- Native Hawaiian communities
- “Cultural Kīpuka”-- Community held fast to cultural traditions and practices.
- Subsistence economies rely on sustainable management of resources.



# THE PLIGHT OF RURAL HAWAIIAN COMMUNITIES

ITEM G-1 EXHIBIT D

- Each community was dealing with the depletion of habitat--Resources were not in balance and it was affecting their ability to feed their families.
- They were losing the ability to manage their natural and cultural resources—affecting their ability to practice and pass-on traditional knowledge, ‘ike kupuna of managing resources to support generations of thriving Hawaiian families.
- As their families grew, the supply of housing shrunk, prices soared. Priced out of paradise, family members were forced to leave the community to find affordable housing, which made room for more outsiders to come into their community. The tight-knit fabric of the community was changing.
- When we asked beneficiaries in these rural Hawaiian communities to plan for a new homestead, they all arrived at the same question:

***“Who are we planning for? Our mo‘opuna or more outsiders?”***



# PROPOSED RULE AMENDMENT WITH HHC CHANGES

- Establishes a Pilina-Based Priority Waitlist for areas where DHHL is awarding ~~Kuleana~~ Homestead leases.
- When notified by DHHL, Applicants on the respective Islandwide Waitlist can apply for the Pilina-Based Priority Waitlist for the specific homestead if the Applicant can document that he/she is:
  - A former or current resident who has lived in the **area\*** for at least ~~20~~ 18 years; OR
  - A lineal descendant of an ancestor who lived in the **area\*** prior to 1900.
  - ~~Related to a current resident of the wahi~~
- The **qualifying area\*** around the homestead being awarded that the Applicant or the Applicant's ancestor would have to reside within to qualify for the Pilina Priority Waitlist will be determined in the planning process for the particular homestead.
- While Applicants could potentially qualify for the Pilina Priority Waitlist for a number of homesteads, Applicants are restricted



# PROPOSED RULE AMENDMENT WITH HHC CHANGES

ITEM G-1 EXHIBIT D

- Establishes the process:
  - When DHHL publishes the Final Environmental Assessment for a new homestead, DHHL shall notify applicants on the respective Islandwide Waitlist(s) that it is accepting applications for the Pilina-Based Priority Waitlist for the new homestead.
  - Applying to the Pilina-Based Priority Waitlist is optional. If the Applicant chooses to submit an application, the Applicant is responsible to secure and submit to DHHL, all documents needed to verify the Applicant's former or existing residence in the area for at least 18-years, or the Applicant's ancestor's residence in the area prior to 1900.
  - DHHL verifies documentation, notifies applicant, puts applicant on Pilina Waitlist by date of application.
  - DHHL awards homestead leases. First to those on the Area Waitlist (if one exists), then to those on the Pilina Waitlist, then to those on the Islandwide Waitlist.
  - When all leases have been awarded for the homestead, if applicants still exist on the Pilina Waitlist, they return to their original position on the respective Islandwide Waitlist(s) and the Pilina Waitlist for that homestead is finished/eliminated.



# Top Reasons for Support

- **Strengthening community pilina**
  - Keeping families, relationships, and networks intact
- **Honoring genealogy and place**
  - Recognizing ancestral ties and kuleana to ‘āina
- **Protecting cultural continuity**
  - Maintaining Hawaiian practices, ‘ike, and values in homestead areas
- **Improved stewardship of land**
  - Belief that lineal/community-connected beneficiaries will better care for DHHL lands
- **Keeping homesteads rooted locally**
  - Preventing displacement and absentee residency



# Top Issues & Concerns Raised in BC Meetings

- **Equity / Fairness concerns**
  - Fear of perceived favoritism or exclusion of otherwise qualified beneficiaries
- **Need for clearer definitions**
  - Requests to clearly define “lineal descendant,” “community ties,” and verification standards
- **Legal / constitutional risk**
  - Worries about legal challenges or rule vulnerability
- **Implementation burden**
  - Questions about how DHHL would verify ancestry or residency without slowing awards
- **Risk of exclusion or community division**
  - Concern about unintended tension between beneficiaries



# What Beneficiaries Told Us During Consultation

- Beneficiaries expressed strong support for the concept of Pilina-based priority:
  - Preference for lineal descendants and those with deep ties to place
  - Alignment with Hawaiian values of kuleana, genealogy, and stewardship
- At the same time, beneficiaries raised important concerns:
  - Fairness to those already on the waitlist
  - Risk of exclusion if rules were too rigid
  - Need for clear, simple, and transparent criteria
  - Desire to avoid over-regulation and unnecessary complexity



# Key Changes Made Based on Beneficiary Input

Based directly on beneficiary feedback, the Hawaiian Homes Commission:

- Expanded applicability to include all homestead awards
- Clarified Pilina qualifications to focus on lived connection to place
- Reduced the residency requirement to 18 years (one generation)
- Removed eligibility based solely on a family member's residency
- Limited applicants to one Pilina-based application per offering
- Made Pilina-based priority optional, not mandatory
- Shifted from fixed definitions of “place” to community settlement plans



# Why The Changes Were Made

The Commission refined the rules to:

- Honor beneficiary support for Pilina-based preference
- Protect fairness and integrity of the existing waitlist
- Avoid unintended exclusion of long-standing Hawaiian communities
- Respect differences among communities and islands

Chair Watson explicitly framed Pilina Priority as a tool to:

- Stabilize rural Hawaiian communities
- Prevent continued displacement and loss of cultural continuity

The proposed rule reflects both beneficiary values and beneficiary concerns.

# Submitting Written Testimony After the Public Hearing

- DHHL will be accepting written testimony until the close of business on Wednesday, Feb. 4, 2026
- Email Testimony to: [dhhl.planning@hawaii.gov](mailto:dhhl.planning@hawaii.gov)
- Or Mail to: DHHL-Planning Office, 91-5420 Kapolei Parkway, Kapolei, HI 96707

# Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

# Item G-1

For view Exhibits E & F, please visit:

<https://dhhl.hawaii.gov/administrative-rules-pilina-based-priority-waitlist/>