STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS <u>HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA</u>

91-5420 Kapolei Parkway, Kapolei, Oʻahu, Hawaiʻi, Interactive Conference Technology (ICT) Monday, December 20, 2021, at 9:30 a.m. to be continued, if necessary, on

Tuesday, December 21, 2021, at 9:30 a.m.

Livestream available at <u>www.dhhl.hawaii.gov/live</u>

Note: Commission Meeting Packets will be available at dhhl.hawaii.gov by Thursday, December 14, 2021.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Approval of Agenda
- C. Approval of Minutes for November 15 & 16, 2021
- D. Public Testimony on Agendized Items see information below

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 Ratification of Loan Approvals (see exhibit)
- D-5 Approval of Homestead Application Transfers / Cancellation (see exhibit)
- D-6 Commission Designation of Successors to Application Rights Public Notice 2013 (see exhibit)
- D-7 Approval to Certify Applications of Qualified Applicants for the Month of November 2021 (see exhibit)
- D-9 Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
- D-10 Approval of Assignment of Leasehold Interest (see exhibit)
- D-11 Approval of Amendment of Leasehold Interest (see exhibit)
- D-12 Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
- D-13 Commission Designation of Successor **KLYDE K. KAIMANA**, Residential Lease No. 5616, Lot No. 87, Lualualei, Oahu
- D-14 Commission Designation of Successor ELWOOD K. AKEN, Residential Lease No. 8334, Lot No. 43, PKE, Oahu
- D-15 Request to Surrender Residential Lease No. 11104, UNDV 103, Anahola, Kauai **BERNADINE U. CAPELL**
- D-16 Approval of Subdivision, Transfer of a Portion of Residential Lease No. 3372, Lot No. 66, Anahola, Kauai **HELEN KON BREDE**
- D-17 Request for Extension of Deadline to Sign Successorship Documents **ROBERTA F.U. FERNANDEZ**, Residential Lease No. 11123, Lot No. UNDV 122, Anahola, Kauai
- D-18 Request for Extension of Deadline to Sigh Successorship Documents CHERVONNE LEHUANANI SMITH MAGAOA, Agricultural Lease No. 499, Lot No. 33F-1 & 33F-2, Ho'olehua, Molokai

B. REGULAR AGENDA

Homestead Services Division

D-8 Approval to Cancel Applications for Non-Qualified Applicants (see exhibit)

Office of the Chairman

C-1 Approval of Lease Award Ka'uluokaha'i Increment B Residential Subdivision Vacant Lot, Kapolei, Oahu, Approval of Lease Award Kalama'ula Preowned Residential Home Kaunakakai, Molokai, Approval of Lease Award Anahola Preowned Residential Home, Anahola, Kauai (see exhibit)

Land Management Division

F-1 Approval to Issuance of a Temporary "Three (3) Month" Right of Entry Permit, Mutual Housing Association of Hawaii, Inc., Kapolei, Oahu Island, TMK (1)9-1-017:156(por.)

Planning Office

G-1 Declare a Finding of No Significant Impact for the Barbers Point Solar Project, east Kalaeloa, 'Ewa District, O'ahu, Final EA TMKs (1) 9-1-013:038, (1) 9-1-013:040, and (1) 9-1-016:027

Administrative Services Office

H-1 Transfer of Hawaiian Home Receipts Fund at the End of the Second Quarter, FY 2022

III. ITEMS FOR INFORMATION/DISCUSSION

A. REGULAR ITEMS

Homestead Services Division

- D-1 HSD Status Reports
 - A.-Homestead Lease and Application Totals and Monthly Activity Reports B.-Delinquency Reports

Land Development Division

- E-1 For Information Only Nanakuli and Waianae Projects Update
- E-2 For Information Only Draft Environmental Assessment for Redevelopment of the 820 Isenberg Street Property, Mo'ili'ili, Waikiki District, Oahu, and Anticipated Finding of No Significant Impact (AFONSI), TMK Nos. (1) 2-7-008:018 and 020

B. WORKSHOPS

Planning Office

- G-2 For Information Only Status Update on Plan Implementation in the Nānākuli and Wai'anae Regions
- G-3 For Information Only DHHL Wai'anae Moku Future Water Needs and Possible Designation of a Wai'anae Ground Water Management Area (GWMA)
- G-4 For Information Only DHHL Cost of Water Service Analysis

STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP AGENDA

91-5420 Kapolei Parkway, Kapolei, Oʻahu, Hawaiʻi, ICT - Zoom Tuesday, December 21, 2021, at 9:30 a.m.

I. ORDER OF BUSINESS

- A. Roll Call
- B. Public Testimony on Agendized Items see information below

II. ITEMS FOR INFORMATION/DISCUSSION

A. GENERAL AGENDA

Requests to Address the Commission

- J-1 Kaui Almeida Pana'ewa Hawaiian Home Lands Community Association
- J-2 Kekoa Enomoto Kēōkea/Waiohuli Cultural Management Plan
- J-3 Rufina Kaauwai Ho'olehua Successorship Concern
- J-4 Donna Sterling Kahikinui
- J-5 Allen Cardines Nānākuli Neighborhood Security Watch
- J-6 Leila Kealoha Maku'u Farmers Association
- J-7 Naomi Mitchell -Kalaeloa
- J-8 Blossom Feiteira Various Concerns
- J-9 Al Hee Sandwich Isles Communication

HI. EXECUTIVE SESSION

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

- 1. Update on issues related to Telecommunications and Broadband services on Hawaiian Home Lands:
- 2. Discussion on *In re Paniolo Cable Company*, *LLC*, Case No. 18-01319 (RJF) before the U.S. Bankruptcy Court, District of Hawai'i; and
- 3. Discussion on *United States of America vs. Sandwich Isles Communications, Inc., et al.,* Case No. 18-00145 (JMS-RT) before the U.S. District Court for the District of Hawai'i
- 4. Discussion on Kanahele et al. v. State of Hawai'i et al., ICCV-20-000235

IV. ANNOUNCEMENTS AND ADJOURNMENT

- A. Waianae/Nanakuli Community Meeting, December 20, 2021, 6:30 p.m., (ICT) Zoom. See below
- B. Next HHC Meeting January 18 & 19, 2021, (ICT) Zoom
- C. Adjournment

William J. Kila Jr., Chairman Hawaiian Homes Commission

COMMISSION MEMBERS

Randy K. Awo, Maui Patricia A. Teruya, Oʻahu Pauline N. Namuʻo, Oʻahu Michael L. Kaleikini, East Hawaiʻi Zachary Z. Helm, Moloka'i David B. Ka'apu, West Hawai'i Dennis L. Neves, Kaua'i Russell K. Ka'upu, O'ahu

Pursuant to the Governor's Proclamation Relating to the COVID-19 Delta Response, Hawai'i Revised Statutes Chapter 92 regarding public agency meetings and records is currently suspended in part through till December 30, 2021 to the extent necessary to minimize the potential spread of COVID-19 and its variants.

If you need an auxiliary aid/service or other accommodation due to a disability, contact Michael Lowe at 620-9512, or michael.l.lowe@hawaii.gov, as soon as possible, preferably by December 16, 2021. If a response is received after then, we will try to obtain the auxiliary aid/service or accommodation, but we cannot guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats.

Public Testimony on Agendized Items can be provided either as: (1) written testimony or (2) live, oral testimony online by submitting a form <u>at least 24 hours prior</u>, at <u>https://dhhl.hawaii.gov/hhc/testimony/</u>, with your name, phone number, email address, and the agenda item on which you would like to testify. Once your request has been received, you will receive an email with the Zoom link via which to testify. You will need a computer with internet access, video camera and microphone to participate. If you require access by phone only, please indicate that in your request. Testimony will be limited to a maximum of three (3) minutes per person.

Community Meeting Link available via the Department of Hawaiian Home Lands website at https://dhhl.hawaii.gov/hhc/2021-hawaiian-homes-commission-meeting-schedule/

ITEM C-1 EXHIBIT

APPROVAL OF LEASE AWARDS KA'ULUOKAHA'I INCREMENT B RESIDENTIAL SUBDIVISION-KAPOLEI, OAHU

NAME	APPL DATE	LOT NO	TAX MAP KEY	LEASE NO
JEWEL K. AKAMINE	03/15/1989	45	(1) 9-1-017-110	12973
DAILYNNE L. HELEPOLOLEI	05/23/1989	10	(1) 9-1-017-110	12972
BARRINGTON A. DEBLAKE	12/22/1989	50	(1) 9-1-017-110	12970
KARL W. NOA	07/30/1987	6	(1) 9-1-017-110	12971

APPROVAL OF LEASE AWARD KALAMA'ULA PREOWNED RESIDENTAL HOME-KAUNAKAKAI, MOLOKAI

<u>NAME</u> HENRY H. LUULOA	<u>APPL DATE</u> 03/15/1989	<u>LOT NO</u> 11A	<u>TAX MAP KEY</u> (2) 5-2-008-043	<u>LEASE NO</u> 12974		
APPROVAL OF PRE-OWNED RESIDENTAL HOME-ANAHOLA, KAUAI						
NAME	APPL DATE	LOT NO	TAX MAP KEY	LEASE NO		

<u>INAIVIL</u>	AFFL DATE	LUI NU	IAA MAF KEI	LEASE NO
MITCHELL K. ALAPA	09/14/1990	9	(4) 4-8-017-038	12975
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ITEM D-2 EXHIBIT

APPROVAL OF CONSENT TO MORTGAGE

LESSEE	LEASE NO.	AREA
AHUNA, Kihei A.	6323	Keaukaha, Hawaii
AKAKA, Jacob L.	7647	Waiohuli, Maui
AKANA, Aulani W.	7212	Kawaihae, Hawaii
AKAO, Iris B. P.	10792	Laiopua, Hawaii
ALBINIO, Peter K. P., Jr.	736	Waimanalo, Oahu
ARMITAGE, Sandra K. I.	4579	Waianae, Oahu
CHONG, Pamela Ann C. P.	12047	Kaupea, Oahu
CHOY, Avery K.	8562	Princess Kahanu Estates, Oahu
CORPUS, Jessica K.	9361	Kaniohale, Hawaii
DELA CUESTA, Ramona E.	11847	Kanehili, Oahu
DUQUE, Maury M.	12591	Kanehili, Oahu
ENOS, Julie H. P.	5959	Waiehu, Maui
FIGUEROA, James C., Jr.	11890	Kanehili, Oahu
FUQUA, Cherisse N.	7631	Waiohuli, Maui
GROANING, Trixy	8991	University Heights, Hawaii
HOPEAU, Israel K. J.	10241	Waianae, Oahu
HOPEAU, Moses	10241	Waianae, Oahu
HUBBARD, Eva K.	8586	Nanakuli, Oahu
JOHN, Leeann L.	10714	Laiopua, Hawaii
JONES, Pualani D.	2956	Nanakuli, Oahu
KAAHANUI, Isaiah K. J.	9762	Maluohai, Oahu
KAHALIOUMI, Keenan K.	4263	Keaukaha, Hawaii
KAHANA, Alfred A. K.	3695	Waimanalo, Oahu
KAHOOPII, Orson D.	8913	Nanakuli, Oahu
KALANI, Gerard K.	9294	Kaniohale, Hawaii
KEALOHI, James R.	11804	Kanehili, Oahu

KEKAHUNA, John K.	9415	Kaniohale, Hawaii
KELLY, Edward Hai, Jr.	8378	Princess Kahanu Estates, Oahu
KEOHOKAPU-MERIA, Kahokulani M.	4135	Waimanalo, Oahu
KUKONA-PACHECO, Melanie P.	9442	Waiehu 2, Maui
LONGAKIT, Laenette N.	5372	Panaewa, Hawaii
MARIA, Edward E. K.	1686	Nanakuli, Oahu
MARUMOTO, Mark M. M.	7054	Puupulehu, Hawaii
MASAKI, Cherri M. Y.	1907	Kewalo, Oahu
NEKAIFES, Maraea K.	7491	Waiohuli, Maui
SANCHEZ, Bonnie Jay	3392A	Puukapu, Hawaii
SMITH, Davelyn K.	11681	Kanehili, Oahu
WEZA, Keola S.	9269	Kaniohale, Hawaii

ITEM D-3 EXHIBIT

APPROVAL OF STREAMLINE REFINANCE OF LOANS

LESSEE

LEASE NO. 10192

AREA

Kaumana, Hawaii

<u>ITEM D-4 EXHIBIT</u>

RATIFICATION OF LOAN APPROVALS

LESSEE FERGERSTROM, Ronnie K. KAHALIOUMI, Kristen K.

KAILIPAKA, Kim L.

MORGAN, Greer

LEASE NO. 10208 9405

3118

AREA Kawaihae, Hawaii

Kaniohale, Hawaii Waimanalo, Oahu

ITEM D-5 EXHIBIT

HOMSTEAD APPLICATION TRANSFERS / CANCELLATIONS

APPLICANT

AKAMU, Roberta L. AKAMU, Roberta L. BERARD, Brucella H. BERARD, Brucella H. CALL, Louise W. CALL, Louise W. COX, Jo-Hy COX, Jo-Hy KAHANANUI, Benjamin K. KAHOIWAI, Puaaloha E. KAMALANI, Daniel K. KAMALII, Richard A. KAMOKU, Angelina K. KAMOKU, Mark P. KEPA, Samson K., III KUOHA, Chester K.

AREA

Hawaii IW Agr to Oahu IW Agr Hawaii IW Res to Oahu IW Res Kauai IW Agr to Hawaii IW Agr Kauai IW Res to Hawaii IW Res Oahu IW Agr to Hawaii IW Agr Oahu IW Res to Hawaii IW Res Hawaii IW Agr Oahu IW Res Kauai IW Res to Oahu IW Res Oahu IW Res Hawaii IW Agr Hawaii IW Pas to Hawaii IW Agr Oahu IW Res to Hawaii IW Res Oahu IW Res to Hawaii IW Res Oahu IW Res to Maui IW Res Oahu IW Res

LEE, Lorraine S.L. LUM KING, Henry R. MARCIEL, Suzanne L. MUNDON-KAHOONEI, Leona J. PUPUHI-TOGIA, Mehanaokala K. Molokai IW Res Oahu IW Res Maui IW Agr Kauai IW Res Oahu IW Res to Molokai IW Res

* IW = Islandwide

ITEM D-6 EXHIBIT

COMMISSION DESIGNATION OF SUCCESSORS – PUBLIC NOTICE 2013

APPLICANT

COX, Jo-Hy

COX, Jo-Hy

AREA

Maui IW Agr Kauai IW Res

* IW = Islandwide

ITEM D-7 EXHIBIT

QUALIFIED HOMESTEAD APPLICANTS FOR APPROVAL

APPLICANT

AREA

NOA, Angelica M.N.	Maui IW Agr
NOA, Angelica M.N.	Maui IW Res
NOA, Kanawai A.	Maui IW Res
NOA, Kanawai A.	Maui IW Pas
PALKO, Violet K.	Hawaii IW Pas
PALKO, Violet K.	Hawaii IW Res
KEOHULOA, Lottie K.T.K.	Oahu IW Res
KEOHULOA, Lottie K.T.K.	Oahu IW Agr
SOARES, Liko P.K.	Hawaii IW Pas
SOARES, Liko P.K.	Oahu IW Res
SPENCER, Theodoro S.	Oahu IW Res
TAMAYORI, Shirlene K.A.	Oahu IW Res
LAPEZ, Ethan Taylor O.	Molokai IW Agr
LAPEZ, Ethan Taylor O.	Kauai IW Res
STEINKAMP, Roxanne A.	Kauai IW Agr
STEINKAMP, Roxanne A.	Kauai IW Res
HERNAEZ, Caydon K.	Oahu IW Res
KEOLA, Abcde K.	Oahu IW Res
FISO, Dorothy M.	Oahu IW Res
VELASCO, Pedro K.	Hawaii IW Agr
VELASCO, Pedro K.	Oahu IW Res
KANEHAILUA, Brenda L.	Hawaii IW Res
SHINTANI, Christy U.	Maui IW Res
FREITAS, Geris K.	Hawaii IW Agr

KUHEANA, David FREITAS, Geris K. MAE-HUIHUI, William K. MAE-HUIHUI, William K. NAEOLE, Kilinahe K. NAEOLE, Kilinahe K. Hawaii IW Res Hawaii IW Res Hawaii IW Agr Hawaii IW Agr Oahu IW Res

* IW = Islandwide

AREA

ITEM D-8 EXHIBIT

NON QUALIFIED HOMES TEAD APPLICANTS FOR CANCELLATION

LESSEE

AH NEE, Audrey CUTLER, Maxine K. CUTLER, Maxine K. GLENDON, Edward G. GLENDON, Edward G. KAMALANI, Joshua K. KAMALANI, Joshua K. KAMALANI, Matthew W. KAMALANI, Matthew W. KAMALANI, Peter K. KAMALANI, Peter K. NAKAMOTO, Saneyuki G.K. NAMAUU, Samuel, Jr. PATRIA, Barbara P. PATRIA, Barbara P. PUU, Dacky A. PUU, Dacky A. STEIN, Sheryl E. STEIN, Sheryl E. TORRES, Segundo, Jr. TORRES, Segundo, Jr.

Papakolea/Kewalo Area / Oahu IW Res Oahu IW Res Maui IW Agr Hawaii IW Agr Hawaii IW Res Kauai IW Agr Kauai IW Res Kauai IW Agr Kauai IW Res Hawaii IW Agr Hawaii IW Res Maui IW Agr Maui IW Res Maui IW Pas Hawaii IW Res

* IW = Islandwide

ITEM D-9 EXHIBIT

APPROVAL OF DESIGNATION OF SUCCESSORS TO LEASEHOLD INTEREST AND DESIGNATION OF PERSONS TO RECEIVE THE NET PROCEEDS

LESSEE	LEASE NO.	AREA
CASTRO, Haaheo F.	4441	Waianae, Oahu
KEKAUOHA, John K., Jr.	3472	Keaukaha, Hawaii
LUCAS, Mary Ann	2818	One Alii, Molokai
NAIHE, Lillian K.	3711	Waimanalo, Oahu
SORIANO, Lorraine K.P.	682	Hoolehua, Molokai
VICTOR, William K.	935	Nanakuli, Oahu

ITEM D-10 EXHIBIT APPROVAL OF ASSIGNMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
AUWAE, Stephen K.I.	9762	Maluohai, Oahu
BERNARDINO, Rogeitte G.P.	12968	Kauluokahai, Oahu
DAVID, Jessie	12967	Kauluokahai, Oahu
DEBLAKE, Barrington A.	12970	Kauluokahai, Oahu
FERGERSTROM, Gayle R.	2441	Keaukaha, Hawaii
IOKIA, Samuel D.	3377	Nanakuli, Oahu
KAHAUOLOPUA, Tony L.	1453	Keaukaha, Hawaii
KAHOLOAA, Natasha-Lynn L.N.	7846	Hoolehua, Molokai
KAIALOA, Henry R.M.	3057	Anahola, Kauai
WILCOX, Dallas K.	3057	Anahola, Kauai
LIILII, Shannon P.W.W.	3799	Nanakuli, Oahu
MACHADO, Stuart	12195	Waiehu Kou IV, Maui
ONEKEA, Edward K., III	11688	Kanehili, Oahu
PUAA, Ann K.	687	Hoolehua, Molokai
WONG, Wallis K.	4441	Waianae, Oahu
REGAN, Sharron L.	4441	Waianae, Oahu
SAGIAO, Gail P.	4579	Waianae, Oahu
TSUTSUI, Lyndelle M.	12230	Waiehu Kou IV, Maui
AQUINO, Georgina L.	10555	Waiohuli, Maui
KAHINU, George R.P., Jr.	3	Hoolehua, Molokai

ITEM D-11 EXHIBIT APPROVAL OF AMENDMENT OF LEASEHOLD INTEREST

LESSEE	LEASE NO.	AREA
ADVIENTO, Rowena Y.	1621	Keaukaha, Hawaii
CHU, Rena K.	112	Hoolehua, Molokai
VENTURA, Anna L.	6123	PKE, Oahu
CORTADO, Luzviminda D.	6123	PKE, Oahu
DAVIS, Gene Ross K.	7	Kalamaula, Molokai
DEMENT, Bert O.	3125	Waimanalo, Oahu
FERGERSTROM, Gayle R.	2441	Keaukaha, Hawaii
JOY, Sarah	3617	Kalamaula, Molokai
KAHAUOLOPUA, Tony L.	1453	Keaukaha, Hawaii
KAHAUOLOPUA, Lorna	1453	Keaukaha, Hawaii
KAHINU, George R.P., Jr.	3	Hoolehua, Molokai
KAIALOA, Henry R.M.	3057	Anahola, Kauai
LEE, Wilford L., Jr.	137	Hoolehua, Molokai
LUCAS, Mary Ann	2818	One Alii, Molokai
LUM-KING, Henry M.	3247	Waimanalo, Oahu
MASAKI, Cherri M.Y.	1907	Kewalo, Oahu
NAIHE, Lillian K.	3711	Waimanalo, Oahu
PALAKIKO, Clayton	378	Nanakuli, Oahu

MALUO, Lindy L.	951	Keaukaha, Hawaii
PAULO, Peter K., Jr.	951	Keaukaha, Hawaii
VICTOR, William K.	935	Nanakuli, Oahu
TEXEIRA, Pauline L.	935	Nanakuli, Oahu

ITEM D-12 EXHIBIT

APPROVAL TO ISSUE A NON-EXCLUSIVE LICENSE FOR ROOFTOP PHOTOVOLTAIC SYSTEMS FOR CERTAIN LESSEES

LESSEE

DUTRO, Hansrenda K.M.

LEASE NO. 1577

AREA

Keaukaha, Hawaii

HAWAIIAN HOMES COMMISSION DECEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY

C – ITEMS OFFICE OF THE CHAIRMAN

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO:	Chairman	and	Members,	Hawaiian	Homes	Commission

Andrew

Contact & Awards Division

FROM: Michelle Hitzeman, HALE Manager Moana Freitas, Case Management Specialist Kaila Bolton, Case Management Specialist Contact & Awards Division

SUBJECT: Approval of Lease Award

RECOMMENDED MOTION/ACTION

Approve the awards of Department of Hawaiian Home Lands Residence Lot Leases to the applicants listed below for ninety-nine (99) years, subject to the purchase of the existing improvements on the lot by way of a loan or cash.

DISCUSSION

Ka'uluokaha'i Increment B Residential Subdivision -Vacant Lot, Kapolei, Oahu

NAME	APPL DATE	LOT NO	TAX MAP KEY	LEASE NO
JEWEL K. AKAMINE	03/15/1989	45	(1) 9-1-017-110	12973
DAILYNNE L. HELEPOLOLE	I 05/23/1989	10	(1) 9-1-017-110	12972
BARRINGTON A. DEBLAKE	12/22/1989	50	(1) 9-1-017-110	12970
KARL W. NOA	07/30/1987	6	(1) 9-1-017-110	12971

Kalama'ula Pre-owned Resider	ntial Home - Kau	<u>nakakai, Mol</u>	<u>okaʻi</u>	
NAME	APPL DATE	LOT NO	TAX MAP KEY	LEASE NO
HENRY H. LUULOA	03/15/1989	11A	(2) 5-2-008-043	12974

Anahola Pre-Owned Residentia	al Home – Anaho	ola, Kauai		
NAME	APPL DATE	LOT NO	TAX MAP KEY	<u>LEASE NO</u>
MITCHELL K. ALAPA	09/14/1990	9	(4) 4-8-017-038	12975

HAWAIIAN HOMES COMMISSION DECEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY

D – ITEMS

HOMESTEAD SERVICES DIVISION

HOMESTEAD SERVICES DIVISION AGENDA

December 20, 2021

DIV.	ITEM	NO. SUBJECT
	D-1	HSD Status Reports Exhibits:
ODO/APPL. LOANS		A - Homestead Lease & Application Totals and Monthly Activity Reports B - Delinquency Report
LOANS	D-2	Approval of Consent to Mortgage (see exhibit)
	D-3	Approval of Streamline Refinance of Loans (see exhibit)
	D-4	Ratification of Loan Approvals (see exhibit)
APPL	D-5	Approval of Homestead Application Transfers / Cancellations (see exhibit)
	D-6	Commission Designation of Successors to Application Rights – Public Notice 2013 (see exhibit)
	D-7	Approval to Certify Applications of Qualified Applicants for the Month of November 2021 (see exhibit)
	D-8	Approval to Cancel Applications of Non-Qualified Applicants (see exhibit)
DO	D-9	Approval of Designation of Successors to Leasehold
		Interest and Designation of Persons to Receive the Net Proceeds (see exhibit)
	D-10	Approval of Assignment of Leasehold Interest (see exhibit)
	D-11	Approval of Amendment of Leasehold Interest (see exhibit)
	D-12	Approval to Issue Non-Exclusive Licenses for Rooftop Photovoltaic Systems for Certain Lessees (see exhibit)
	D-13	Commission Designation of Successor – KLYDE K. KAIMANA, Residential Lease No. 5616, Lot No. 87, Lualualei, Oahu
	D-14	Commission Designation of Successor – ELWOOD K. AKEN, Residential Lease No. 8334, Lot No. 43, PKE, O'ahu
Kauai DO	D-15	Request to Surrender Residential Lease No. 11104, UNDV 103, Anahola, Kauai – BERNADINE U. CAPELL
	D-16	Approval of Subdivision, Transfer of a Portion of Residential Lease No. 3372, Lot No. 66, Anahola, Kauai – HELEN KON BREDE
	D-17	Request for Extension of Deadline to Sign Successorship Documents – ROBERTA F.U. FERNANDEZ , Residential Lease No. 11123, Lot No. UNDV 122, Anahola, Kauai
	D-18	Request for Extension of Deadline to Sign successorship Documents – CHERVONNE LEHUANANI SMITH MAGAOA, Agricultural Lease No. 499, Lot No. 33F-1 & 33F-2, Hoolehua, Molokai

Sample	Footer	12pt.	Times	New	Roman			
	(With	nout Ex	xhibit))		ITEM	NO.	D-1
	(Wi	th Exh	ibit)			ITEM	NO.	D-1

EXHIBIT A

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

From: Juan Garcia, HSD Administrator

SUBJECT: Homestead Services Division Status Reports

RECOMMENDED MOTION/ACTION

NONE

DISCUSSION

The following reports are for information only:

Exhibit A: Homestead Lease & Application Totals and Monthly Activity Reports

Exhibit B: Delinquency Report

December 20, 2021

SUBJECT: Homestead Lease and Application Totals and Monthly Activity Reports

LEASE ACTIVITY REPORT

Month through November 30, 2021

	As of			As of
_	<u>10/31/21</u>	Add	Cancel	11/30/21
Residential	8,480	4	0	8,484
Agricultural	1,093	0	0	1,093
Pastoral	413	0	0	413
Total	9,986	4	0	9,990

The cumulative number of Converted Undivided Interest Lessees represents an increase of 536 families moving into homes. Their Undivided Interest lease was converted to a regular homestead lease.

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<u></u>	As of 10/31/21	Converted	Rescinded/ Surrendered/ Cancelled	As of 11/30/21
Undivided	785	0	0	785
Balance as of 11/30/2021				
Awarded		1,434		
Relocated to UNDV		7		·
Rescinded		111		
Surrendered		5		
Cancelled		4		
Converted		536		
Balance to Convert		785		

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Lease Report For the Month Ending November 30, 2021

Leaf Month And Cancel TOTAL Last Month Add Cancel TOTAL Last Month Add Cancel Markan 20 0 23 0 <			RESID	ENCE	······		AGRIC	ULTUR	Ę		PAS	TURE		7	ГОТА	L LEASE:	S
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ITEM NO. D-1 EXHIBIT-A

DISTRICT AREA Last Month Add Cancel TOTAL Oalu District 936 0 2 934 Maui District 936 0 2 934 Maui District 129 0 0 129 Kauai District 1,186 0 2 1,184 Molokai District 1,186 0 2 1,184 NOTAL 1,186 0 2 1,184 Molokai District 1,186 0 2 1,184 Molokai District 1,186 0 2 1,184 Molokai District 1,0070 5 4 8 5,841 Maui 5,845 4 8 5,841 7 Maui 5,845 4 8 5,841 7 Molokai 1,650 0 0 2 7 7 Molokai 1,74 0 2 2 2 7 7 CAHU 74 <th></th> <th></th> <th></th> <th></th> <th>UQ[]}0<c< th=""><th></th><th></th></c<></th>					UQ[]}0 <c< th=""><th></th><th></th></c<>		
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0 2 1 0 0 1 1 10 29 22 7,313 1,100 1,100 29 22 7,313 1,100 1,100 1,100 23 3		3 7	7,285	1,909	3	1,906	15,032
0 1 10 29 22 3,880 4,696 1,100 1,100 1,100 1,100 3,880 3,800 3,800 3,222 3,13 1,100 3,223 3,330 3,330 3,330 3,330 3,340 3,4000 3,4000 3,4000 3,4000 3,4000 3,4000 3,40000000		0	2,251	302		302	4,203
0 0 10 29 22 3,880 4,696 7,313 1,100 1,100 1,100 1,254 1,100 1,100 1,253 3,3	820 1084		1083	206		206	2,109
10 29 22 3 880 4,696 7,313 1,100 1,100 19,243 3	74 0	0	0	0		0	74
AG 3,880 7,380 7,313 7,133 1,100 19,243 3	.91 19,199	4 12	19,191	3,040	0	3,035	44,517
AG 3,880 4,696 7,313 1,313 1,100 1,100 19,243 3							
3,880 4,696 7,313 2,254 1,100 19,243	PAS TOTAL		ADDITIONS			CANCELLATIONS	S
4,696 7,313 2,254 1,100 19,243	0 14,876	New Applications	ications	14	New Leas	New Lease Awards	13
7,313 2,254 1,100 19,243		Applicatio	Application Transfers	0	Applicatio	Application Transfers	0
2,254 1,100 19,243	15,235	Lease Re	Lease Rescissions	0	Succ'd an	Succ'd and Cancel Own	0
1,100 0 19,243 3		App Reins	App Reinstatements	0	Public Not	Public Notice Cancel	0
0 19,243		HHC Adjustments	Istments	0	Voluntary	Voluntary Cancellations	0
19,243	0 74		TOTAL	14	Lease Sur	Lease Successorships	0
	14 45,832				HHC Adjustments Dec'd No Successo Additional Acreace	HHC Adjustments Dec'd No Successor Additional Acreace	0 0 C
					NHQ Unqualified		35
						TOTAL	48

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING November 30, 2021

WAITING LICT AREA

<u>ITEM NO.D-1</u> EXHIBIT A

HOMESTEAD AREA AND ISLANDWIDE APPLICATIONS WAITING LIST MONTHLY REPORT FOR THE MONTH ENDING November 30, 2021

					nmavon	00 30, 202	1707						
		RESIL	RESIDENCE		•	AGRICULTURE	-TURE			PASTURE	URE		
OAHU DISTRICT	Last Month	Add	Cancel	TOTAL	Last Month	PPQ	Cancel	TOTAL	Last Month	Add	Cancel	TOTAL	TOTAL
Nanakuli	161	0	0	161	0	0	0	0	0	0	0	o	161
Waianae	141	0	0	141	0	0	0	0	0	0	0	0	141
Lualualei	0	0	0	0	0	0	0	0	0	c	C	C	C
Panakolea/Kewalo	67	o	• •	67		0	• •		• c) C			, 73
	CEO C) (• c	667	• c) (• c			• •	• c		
	800		N 1	100		.						-	/66
Subtotal Area	926	Þ	N	934	Ð	5	0	Þ	Ð	0	0	0	934
Islandwide	10,070	5	13	10,062	3,879	1	0	3,880	0	0	0	0	13,942
TOTAL OAHU APPS	11,006	5	15	10,996	3,879	-	0	3,880	0	•	0	0	14,876
MAUI DISTRICT				·									
Paukukalo	05	C	c	50	C	c	c	c	C	C	c	c	C Y
	, c) (oc	3	•) (, ,						0
	•	.		• •	4.	.		4	0			0	מ
Subtotal Area	20	0	D	50	4	0	0	4	2	0	0	ŝ	59
Is! andwide	3,848	~ ~	ŝ	3,844	4,695	0	ę	4,692	623	0	2	621	9,157
TOTAL MAUI APPS	3,898	-	ŝ	3,894	4,699	0	e	4,696	628	0	2	626	9,216
HAWAII DISTRICT													
Keaukaha/Waiakea	69	0	0	69	0	0	0	0	0	0	0	0	69
Panaewa	0	0	0	0	16	0	0	16	0	0	0	0	16
	• c	• •	• c	• c	2 C	• c	• c	<u>.</u> c		• c) c) c	, c
	- ç	,		2		,	5 0		.	,	.		D (
Kawainae	<u>9</u> :	-		9	• :		-	- :	э ·	э.	5	Ð	16
Wаітеа	44	0	0	44	12	0	0	12	46	0	0	46	102
Subtotal Area	129	0	0	129	28	0	0	28	46	0	0	46	203
Islandwide	5,845	4	8	5,841	7,289	ო	~	7,285	1,909	0	ო	1,906	15,032
TOTAL HAWAII APPS	5,974	4	æ	5,970	7,317	m	7	7,313	1,955	0	m	1,952	15,235
MAUAI DIS I KICI	:			:									
Anahola	43	0	0	43	m	0	0	'n	20	0	0	20	99
Kekaha/Puu Opae	8	0	0	ø	0	0	0	0	7	0	0	7	15
Subtotal Area	51	0	0	51	ę	0	0	ę	27	0	0	27	81
Islandwide	1,652	0	2	1,650	2,252	0	-	2,251	302	0	0	302	4,203
TOTAL KAUAI APPS	1,703	0	2	1,701	2,255	0	-	2,254	329	0	0	329	4,284
MOLOKAI DISTRICT													
Kalamanja	V	C	c	V	c	c	c	c	c	C	c	c	V
	rα	• c	• c	τα	, t	• c	• c	, t) •	• c) c	، (+ y
	1 C	,		1 C	2 4	,		<u>-</u> •	- (- (1
Napaakea	~ •	,	.	- •		.	.			.			
One Alit		Þ	D	-	5	D	D	D	C	S	S	c	F
Subtotal Area	20	0	0	20	17	0	0	17	-	0	0		38
Islandwide	821	0	1	820	1,084	0	-	1,083	206	0	0	206	2,109
TOTAL MOLOKAI APPS	841	0	~	840	1,101	0	-	1,100	207	0	0	207	2,147
LANAI DISTRICT													
Is!andwide	74	0	0	74	0	0	0	0	0	0	0	0	74
TOTAL LANAI APPS	74	0	0	74	0	0	0	0	0	0	0	0	74
TOTAL AREA ONLY	1.186	0	2	1.184	52	0	0	52	62	0	0	67	1.315
TOTAL ISLANDWIDE	22.310	ę	29	72,291	19.199	4	12	19.191	3.040	c	10	3.035	44.517
TOTAL STATEWIDE	23,496	9	3	23,475	19,251	4	15	19,243	3,119	0	- 10	3,114	45,832
Ţ													

<u>ITEM NO. D-1</u> EXHIBIT A

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-4-

RISK RISK al Outsanding Total Delinquency 30 Days (low) 60 Days (her) 30 Days (her) 100 Days (her) 101 Days	% of Totals 11/20/2021	1 2021	\$ 27.2%	33.4%	7.9%	9.7%	15.5%	29.4%	24.1%	100%	29.3%	0.0% 47.7% 0.0% 98.5% 9.0% 11.4% 13.6%	2
RISK RISK all Outstanding Total Delinquency 30 Days (low), so Days (low), so Days (High) 180 Days (High	% of 1		<u>No.</u> 29.7%	28.6%	10.7%	19.8%	19.6%	31.6%	26.2%	100%	40.4%	0.0% 51.1% 0.0% 91.7% 91.7% 91.7% 91.7% 100.0% 100.0% 10.0% 12.5% 16.4%	
Ial Outstanding Total Definetuency 30 Days (hot) Am R I S K $N_{\rm 0}$ $M_{\rm 0}$	(Severe)	(000s)	<u>Amt.</u> 6,147	2,989	364	353	538	<u>1.695</u>	12,085 14.0%		12,085	14,521 14,521 26,607 26,607	
RI S K R I S K ait Outstanding Total Delinquency 30 Days (low) 60 Days (Medium) 90 Days (r) Mo $\frac{Amt}{Amt}$ No $\frac{Amt}{Amt}$ No $\frac{Amt}{Amt}$ No $\frac{Mos}{Amt}$	180 Dave		<u>9</u> 8	41	4	6	8	<u>13</u>	143 15.0%		143	110 253 253	
Ist Outstanding Total Delinquency 30 Days (low) 60 Days (low) R delumination 38,343 Tit7 10,444 22 1,947 7 455 38,343 117 10,444 22 1,947 7 455 206 12,259 59 4,090 10 361 3 315 81 6,985 16 57 4 312 1 1 455 82 3,333 311 1,110 6 450 1 6 81 6,985 16 51 4 312 31 315 92 13,258 31 3,885 4 5 296 2 2 91 10,000 51 3,110 1,110 6 450 1 6 92 13,258 31 3,120 1,430 2 3,430 2 3,430 91 10000 10000 50 2 2	(Hich)	(1000)	<u>Amt.</u> 1,895	425	0	0	116	246	2,681 3.1%	6,374	9,056	6,335 6,335 733 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7	->>
all Outstanding Total Delinquency 30 Days (low) 60 Days (low) 6	ISK 90 Dave		<u>8</u> 8	ŝ	0	0	ę	4	32 3.4%	228	260	24 24 24 28 23 28 28 28 28 28 28 28 28 28 28 28 28 28	}
Ial Outstanding Total Definemency 30 Days (low) $NO.$ (000s) $NO.$ (000s) $NO.$ $Amt.$ $NO.$ $Amt.$ 39.43 117 $10,444$ 22 $1,947$ 206 $12,259$ 59 $4,090$ 10 361 81 $6,985$ 16 674 5 296 81 $6,985$ 16 674 5 296 92 $7,152$ 18 $1,110$ 6 450 92 $7,152$ 18 $1,110$ 6 450 92 913 313 3896 4 $53%$ 450 92 92 31 3286 $4,17$ $6,73$ 3888 1070 100.07 22.2 24.1% 5.3% 4.5% 92 92 226 273 24.1% 5.3% 4.5% 112 733	R (Medium)	(1000s)	<u>Amt.</u> 456	315	÷,	26	G	1,430	2,234 2.6%	0	2,234	2,436 2,436 2,436	, , , , , , , , , , , , , , , , , , ,
Ial Outstanding Total Delinquency 30 Days (I No. Amt. No. (000s) $(000s)$	60 Davs		<u>No.</u>	e	-	2	-	10	24 2.5%	0	24	00000000000000000000000000000000000000	2
al Outstanding Total Delinquency No. Amt. No. Amt. 38,343 117 10,444 304 38,343 117 10,444 206 12,259 59 4,090 84 8,620 9 677 92 7,152 18 1,110 92 7,152 18 1,110 92 13,258 31 3,895 93 13,258 31 3,895 93 13,258 31 3,895 94 8,6518 250 20,889 955 86,618 250 20,889 913 13,258 31 3,895 92,992 478 27,264 183 92,992 478 27,264 183 92,992 478 27,264 183 92,992 478 27,264 183 92,992 478 27,264 183 1,535 24 73 279 32,123 49 6,335 279 32,123 24 7 279 35,051 37 7 280 35,052 37 7 2	(ma) sv	(sooo)	<u>Amt.</u> 1,947	361	312	296	450	523	3,888 4.5%	0	3,888	4 4 10 10 10 10 10 10 10 10 10 10	
tal Outstanding Total Delinque (0006)	30 Da		23 10 10	10	4	ŝ	G	41	51 5.3%	0	51	00000000000000000000000000000000000000	;
Isl Outstanding Total No. Amt. Total 394 38,343 1 394 38,343 1 394 38,343 1 395 84 8,620 81 6,985 1 92 7,152 2 93 13,258 2 93 13,258 2 183 92,992 47 183 92,992 47 1 2 7 2 32,123 2 47 1,536 2 1 35,051 9 2 35,051 9 35,051 35,051 1 146 20,924 1 2 26,611 1 2 35,051 9 35,051 53,3599 3 161 53,3599 3	Inditency	(s000)	<u>Amt.</u> 10,444	4,090	677	674	1,110	3.895	20,889 24.1%	6,374	27,264	0 6,335 7 7 260 0 260 0 840 15,054 15,054 15,054 840 83,033 89,033 89,033	
al 0 0 0	Total Del		117 117	59	0	16	18	<u>अ</u>	250 26.2%	228	478	24 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	**
Total Out OANS Total Out OANS 394 AWAII 206 ANAI 206 AI 81 AI 955 IRECT 9100.0% IRECT 925 Including RPT) 228 ANS & Advances 1,183 INHS 1,183 Or Humanity 47 Outy 12 Inthy 25 Inthy 26 Inthy 27	standino	(sooo)	<u>Amt.</u> 38,343	12,259	8,620	6,985	7,152	13.258	86,618 100.0%	6,374	92,992	77 32,123 1,536 7 7 264 961 961 961 16,611 16,611 20,924 16,611 655,268 655,268	!
OANS AWAII AWAII AWAII AI S (including RPT) ANS & Advances JARANTEES as of June 30 JARANTEES as of June 30 UNHS ounty INHS ounty INHS ounty INHS Solution S Coans IJARANTEE INHS Solution S Coans S Coans S COANS	Total Out		394 	206	84	81	92	88	955 100.0%	228	1,183		2221L
			DIRECT LOANS OAHU	EAST HAWAII	WEST HAWAII	MOLOKAI	KAUAI	MAUI	TOTAL DIRECT	Advances (including RPT)	DHHL LOANS & Advances		-

Note: HUD 184A loan program has 507 loans, with a total outstanding principal balance of \$112,122,650 as of June 30, 2021. 27 Loans, totaling \$6,600,376 are delinquent.

The deferred interest for 512 loans comes out to \$2,442,961.75 as of 11/30/2021.

EXHIBIT B

DELINQUENCY REPORT - STATEWIDE December 20, 2021 (\$Thousands)



Direct Loans

OAHU

ITEM NO. D-1 EXHIBIT B



EAST HAWAII



WEST HAWAII

ITEM NO. D-1 EXHIBIT B



MAUI

ITEM NO. D-1 EXHIBIT B



KAUAI

-+-Kauai



MOLOKAI

ITEM NO. D-1 EXHIBIT B

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator / Homestead Services Division

FROM: Dean Oshiro, Loan Services Manager

SUBJECT: Approval of Consent to Mortgage

RECOMMENDED MOTION/ACTION

To approve the following consents to mortgages for Federal Housing Administration (FHA) insured loans, Department of Veterans Affairs (VA) loans, United States Department of Agriculture, Rural Development (USDA, RD) guaranteed loans, United States Housing and Urban Development (HUD 184A) guaranteed loans and Conventional (CON) loans insured by private mortgage insurers.

DISCUSSION

PROPERTY	LESSEE	LENDER	LOAN AMOUNT
OAHU			
Princess Kahanu Estates Lease No. 8562 TMK: 1-8-7-033:032	CHOY, Avery K. (Cash Out Refi) FHA	HomeStreet Bank	\$ 320,000
Nanakuli Lease No. 8913 TMK: 1-8-9-016:107	KAHOOPII, Orson D. (Rate & Term Refi) FHA	Mid America Mortgage Inc.	\$ 167,000
Waianae Lease No. 10241 TMK: 1-8-5-036:022	HOPEAU, Moses &, HOPEAU, Isreal K. J. (Cash Out Refi) FHA	HomeStreet Bank	\$ 174,384

OAHU

Kanehili Lease No. 11847 TMK: 1-9-1-153:136	DELA CUESTA, Ramona E. (Cash Out Refi) FHA		\$ 380,000
Waianae Lease No. 4579 TMK: 1-8-5-030:025	ARMITAGE, Sandra K. I. (Purchase)FHA	HighTechLen- ding Inc.	\$ 499,833
Nanakuli Lease No. 8586 TMK: 1-8-9-012:044	HUBBARD, Eva K. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 229,000
Kanehili Lease No. 12591 TMK: 1-9-1-153:107	DUQUE, Maury M. (Cash Out Refi) FHA	_	\$ 467,100
Princess Kahanu Estates Lease No. 8378 TMK: 1-8-7-043:021	KELLY, Edward Hai, Jr. (Purchase)FHA	Guild Mortgage	\$ 382,828
Kaupea Lease No. 12047 TMK: 1-9-1-140:009	CHONG, Pamela Ann C. P. (Purchase)FHA	Mann Mortgage LLC	\$ 353,000
Waimanalo Lease No. 3695 TMK: 1-4-1-029:077	KAHANA, Alfred A. K. (Cash Out Refi) FHA	Mortgage	\$ 203,000
Kanehili Lease No. 11681 TMK: 1-9-1-153:102	SMITH, Davelyn K. (Cash Out Refi) FHA	HomeStreet Bank	\$ 477,480
Waimanalo Lease No. 4135 TMK: 1-4-1-031:105	KEOHOKAPU-MERIA, Kahokulani M. (Purchase)FHA	Mid America Mortgage Inc.	\$ 403,000

OAHU

Nanakuli JONES, HomeStreet \$ 477,480 Lease No. 2956 Pualani D. (Cash Bank Out Refi) FHA TMK: 1-8-9-006:029 \$ 259,500 Kewalo MASAKI, HomeStreet Lease No. 1907 Cherri M. Y. (Cash Bank TMK: 1-2-5-022:005 Out Refi) FHA FIGUEROA, Mid America \$ 254,000 Kanehili Lease No. 11890 James C., Jr. (Rate Mortgage & Term Refi) FHA Inc. TMK: 1-9-1-152:032 Mid America \$ 457,000 Maluohai KAAHANUI, Lease No. 9762 Isaiah K. J. Mortgage (Purchase)FHA TMK: 1-9-1-119063 Inc. SecurityNat- \$ 433,000 Kanehili KEALOHI, ional Mortg-Lease No. 11804 James R. (Cash Out Refi) FHA age Company TMK: 1-9-1-152:022 SecurityNat- \$ 750,000 MARIA, Nanakuli ional Mortg-Lease No. 1686 Edward E. K. (Cash TMK: 1-8-9-005:063 Out Refi) FHA age Company \$ 587,787 HomeStreet Waimanalo ALBINIO, Peter K. P., Jr. Lease No. 736 Bank TMK: 1-4-4-016:012 (Cash Out Refi) FHA \$ 160,000 HomeStreet Waiohuli AKAKA, Jacob L. (Rate & Lease No. 7647 Bank Term Refi) HUD 184A TMK: 2-2-2-027:142 HomeStreet \$ 342,540 Waiehu 2 KUKONA-PACHECO, Lease No. 9442 Melanie P. (Cash Bank Out Refi) FHA тмк: 2-3-2-022:004

MAUI

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Waiehu Lease No. 5959 TMK: 2-3-2-021:005	ENOS, Julie H. P. (Cash Out Refi) HUD 184A		\$ 228,000
Waiohuli Lease No. 7631 TMK: 2-2-2-027:057	FUQUA, Cherisse N. (Rate & Term Refi) HUD 184A		\$ 250,000
Waiohuli Lease No. 7491 TMK: 2-2-2-028:014	NEKAIFES, Maraea K. (Cash Out Refi) FHA	Mid America Mortgage Inc.	\$ 256,000
HAWAII			
Kaniohale Lease No. 9415 TMK: 3-7-4-023:102	KEKAHUNA, John K. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 255,000
Puukapu Lease No. 3392A TMK: 3-6-4-004:055	SANCHEZ, Bonnie Jay (Streamline Refi) FHA	Mid America Mortgage Inc.	\$ 310,000
Keaukaha Lease No. 6323 TMK: 3-2-1-021:040	AHUNA, Kihei A. (Cash Out Refi) FHA		\$ 333,000
Puupulehu Lease No. 7054 TMK: 3-6-4-032:028	MARUMOTO, Mark M. M. (Rate & Term Refi) HUD 184A	HomeStreet Bank	\$ 160,000
Kaniohale Lease No. 9361 TMK: 3-7-4-023:048	CORPUS, Jessica K. (Cash Out Refi) FHA	HomeBridge Financial Services, Inc.	\$ 228,360

HAWAII

Keaukaha Lease No. 4263 TMK: 3-2-1-021:070	KAHALIOUMI, Keenan K. (Cash Out Refi) FHA		\$ 317,000
Kaniohale Lease No. 9269 TMK: 3-7-4-022:056	WEZA, Keola S. (Cash Out Refi) HUD 184A	Bank of Hawaii	\$ 271,000
Kawaihae Lease No. 7212 TMK: 3-6-1-009:040	AKANA, Aulani W. (Rate & Term Refi) FHA		\$ 282,000
Laiopua Lease No. 10792 TMK: 3-7-4-027:096	AKAO, Iris B. P. (Rate & Term Refi) FHA	Mortgage	\$ 232,000
Kaniohale Lease No. 9294 TMK: 3-7-4-022:081	KALANI, Gerard K. (Cash Out Refi) FHA	Mann Mortgage LLC	\$ 138,000
Panaewa Lease No. 5372 TMK: 3-2-2-061:066	LONGAKIT, Laenette N. (Streamline Refi) FHA	Mid America Mortgage Inc.	\$ 238,000
University Heights Lease No. 8991 TMK: 3-2-4-024:154	GROANING, Trixy (203k Rehab) FHA		\$ 252,234
Laiopua Lease No. 10714 TMK: 3-7-4-027:114	JOHN, Leeann L. (Cash Out Refi) HUD 184A	HomeStreet Bank	\$ 321,937

RECAP	NO.	FHA <u>AMOUNT</u>	<u>NO.</u>	VA AMOUNT
FY Ending 6/30/21	535 \$	172,610,901	26 \$	8,186,829
Prior Months This Month Total FY `21-`22	212 \$ 31 243 \$	68,924,487 10,459,526 79,384,013	5 \$ 0 5 \$	2,336,312 0 2,336,312
		HUD 184A AMOUNT		USDA-RD AMOUNT
FY Ending 6/30/21	77 \$	23,021,162	13 \$	5,288,000
Prior Months This Month Total FY `21-`22	30 \$ <u>6</u> 36 \$	9,513,371 1,390,937 10,904,308	4 \$ 4 4	874,000 0 874,000

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STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator Homestead Services Division

FROM: Dean Oshiro, Loan Services Branch Manager

SUBJECT: Approval of Streamline Refinance of Loans

RECOMMENDED MOTION/ACTION

To approve the refinancing of loans from the Hawaiian Home General Loan Fund.

DISCUSSION

The following lessees have met the "Streamline/Interest rate reduction loan" criteria, which was approved by the Hawaiian Homes Commission at its August 19, 2013 meeting. This criteria includes twelve (12) consecutive monthly payments, borrower's current interest rate is higher than the current DHHL interest rate, current with their Homeowners Insurance, Real Property Tax, Lease Rent, county sewer/refuse fees, and does not have any advances made by DHHL on the borrowers behalf.

HSD's recommendation for approval is based on actual payment history, over the past twelve (12) months and the review of the above-mentioned criteria. Streamline/Interest Rate Loan refinancing will provide lessees a chance to simply reduce their interest rate and payments without DHHL having to credit and/or income qualify the borrower.

The following lessee(s) has met the aforementioned criteria and is recommended for Streamline/Interest rate reduction loan refinance program:

LESSEE	LEASE NO. & AREA	REFINANCING LOAN TERMS
Kailipaka, Kim	L. 10192, Kaumana	NTE \$201,000 @4% interest per annum, NTE \$960 monthly, repayable over 30 years.
Loan Purpose:	Refinance Contract of Loar Original loan amount of \$2 per annum, \$1,271 monthly, over 30 years. A Contested Hearing was not held for t	211,900 at 6% repayable d Case

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STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator Homestead Services Division

FROM: Dean Oshiro, Loan Services Branch Manager ()

SUBJECT: Ratification of Loan Approvals

RECOMMENDED MOTION/ACTION

To ratify the approval of the following loan previously approved by the Chairman, pursuant to section 10-2-17, Ratification of Chairman's action, of the Department of Hawaiian Home Lands Administrative Rules.

LESSEE LEASE NO. & AREA LOAN TERMS Fergerstrom, Ronnie K. 10208, Kawaihae NTE \$133,000 @ 4% interest per annum, NTE \$1,036 monthly, repayable over 14 years Loan Purpose: Refinance of Contract of Loan No. 18249 in

Loan Purpose: Refinance of Contract of Loan No. 18249 in conjunction with lease transfer to remove colessee and to reduce interest rate. Original loan amount of \$172,000 at 6% per annum, \$1,032 monthly, repayable over 30 years. A contested case hearing was not held for this account.

LESSEE	LEASE NO. & AREA	LOAN TERMS
Kahalioumi, Kr	isten K. 9405, Kaniohale	NTE \$178,000 @ 4% interest per annum, NTE \$940 monthly, repayable over 25 years
Loan Purpose:	Refinance HUD buyback Loa reduce interest rate. Ori \$128,187 at 4.875% per an repayable over 30 years. was not for this account.	ginal loan amount of num, \$679 monthly, A contested case hearing
Morgan, Greer	3118, Waimanalo	NTE \$139,000 @ 4%
		interest per annum, NTE \$964 monthly, repayable over 16-1/2 years
Loan Purpose:	Refinance HUD buyback Loa previous lessee, Henry Wa reduce interest rate. Ori \$148,846 at 6.375% per an repayable over 30 years. was not for this account.	<pre>\$964 monthly, repayable over 16-1/2 years n No. 19693 (under iolama, deceased) and to ginal loan amount of num, \$716 monthly,</pre>

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REFINANCE	NO.	LOAN AMOUNT
FY Ending 6/30/21 Prior Months This Month Total FY '21-'22	7 0 <u>2</u> 2	\$ 823,100 -0- 317,000 \$ 450,000
REPAIR	NO.	LOAN AMOUNT
FY Ending 6/30/21 Prior Months This Month Total FY '21-'22	0 0 <u>0</u>	\$ -0- -0- -0- \$ -0-
HOME CONSTRUCTION	NO.	LOAN AMOUNT
FY Ending 6/30/21 Prior Months This Month Total FY '21-'22	3 0 <u>0</u> 0	\$ 814,195 -0- -0- \$ -0-
FARM	NO.	LOAN AMOUNT
FY Ending 6/30/21 Prior Months This Month Total FY '21-'22		\$ -0- -0- -0- \$ -0-
TRANSFER WITH LOAN	NO.	LOAN AMOUNT
FY Ending 6/30/21 Prior Months This Month Total FY '21-'22	0 0 <u>1</u> 1	\$ -0- -0- <u>133,000</u> \$ 133,000
AWARD	NO.	LOAN AMOUNT
FY Ending 6/30/21 Prior Months This Month Total FY '21-'22	4 0 0 0	\$ 290,000 -0- <u>-0-</u> \$ -0-
OTHER	NO.	LOAN AMOUNT
FY Ending 6/30/21 Prior Months This Month Total FY '21-'22		\$ -0- -0- -0- \$ -0-

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator

FROM: Nicole F. Bell, Specialist V Application Branch, Homestead Services Division

SUBJECT: Approval of Homestead Application Transfers/Cancellations

RECOMMENDED MOTION/ACTION

To approve the transfers and cancellations of applications from the Application Waiting Lists for reasons described below:

DISCUSSION

1. Requests of Applicants to Transfer

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST

CALL, Louise W.	02/22/2002	HAWAII	AGR	07/20/2021
OAHU ISLANDWIDE RESIDENTIAL	LEASE LIST			
CALL, Louise W.	02/22/2002	HAWAII	RES	07/20/2021
KAMOKU, Angelina K.	02/16/2011	HAWAII	RES	08/18/2021
KAMOKU, Mark P.	02/16/2011	HAWAII	RES	08/18/2021
KEPA, Samson K., III	10/14/2004	MAUI	RES	08/18/2021
PUPUHI-TOGIA, Mehanaokala K.	07/15/2008	MOLOKAI	RES	09/20/2021

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

AKAMU, Roberta L.	05/14/2014	OAHU	AGR	08/13/2021
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HAWAII ISLANDWIDE PASTORAL L	EASE LIST			
KAMALII, Richard A.	02/06/2007	HAWAII	AGR	09/29/2021
HAWAII ISLANDWIDE RESIDENTIA	L LEASE LIST			
AKAMU, Roberta L.	05/14/2014	OAHU	RES	08/13/2021
KAUAI ISLANDWIDE AGRICULTURA	L LEASE LIST			
BERARD, Brucella H.	09/03/1987	HAWAII	AGR	09/10/2021
KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST				
BERARD, Brucella H.	09/03/1987	HAWAII	RES	09/10/2021
KAHANANUI, Benjamin K.	12/08/1986	OAHU	RES	09/09/2021

2. Deceased Applicants

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

KAMALANI, Daniel K. Applicant's date of death occurred while the 8/1/1985 amendment of the HAR section 10-3-8 was in effect. This version of the rule precedes the current 10/26/1998 amendment, which allows for qualified successors to participate in the Public Notice process. Remove application dated 07/01/1985.

3. Awards of Leases

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

KAHOIWAI, Puaaloha E.

Assigned Residential Lease #8458, Lot 167 in Princess Kahanu Estates, Oahu dated 09/21/2021. Remove application dated 03/29/2004. KUOHA, Chester K.

Assigned Residential Lease #3920, Lot 1 in Waimanalo, Oahu dated 12/16/2020. Remove application dated 02/07/2020.

LUM KING, Henry R.

Assigned Residential Lease #8778, Lot 14 in Waimanalo, Oahu dated 08/11/2016. Remove application dated 03/07/2003.

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

MARCIEL, Suzanne L.

Assigned Residential Lease #7398, Lot 58 in Keokea, Maui dated 09/25/2012. Remove application dated 06/19/1986.

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

MUNDON-KAHOONEI, Leona J.

Assigned Residential Lease #6386, Lot 14 in Waiakea, Hawaii dated 08/23/2021. Remove application dated 02/10/1995.

4. Native Hawaiian Qualification

NONE FOR SUBMITTAL

5. Voluntary Cancellation

MOLOKAI ISLANDWIDE RESIDENTIAL LEASE LIST

LEE, Lorraine S.L.

Cancel application dated 03/15/1979 at the request of applicant received on 11/12/2021.

6. Successorship

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

COX, Jo-Hy

Succeeded to Kauai Islandwide Residential application of Parent, Agnes K. Cox, dated 11/17/1995. Remove application dated 09/25/2013.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

COX, Jo-Hy

Succeeded to Maui Islandwide Agricultural application of Parent, Agnes K. Cox, dated 11/17/1995. Remove application dated 09/25/2013.

7. Additional Acreage

NONE FOR SUBMITTAL

8. HHC Adjustments

NONE FOR SUBMITTAL

Last Month's Transaction Total	13
Last Month's Cumulative FY 2021-2022 Transaction Total	161
Transfers from Island to Island	12
Deceased	1
Cancellations:	
Awards of Leases	5
NHQ	0
Voluntary Cancellations	1
Successorship	2
Additional Acreage	0
HHC Adjustments	0
This Month's Transaction Total	21
This Month's Cumulative FY 2021-2022 Transaction Total	182

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DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator

FROM: Nicole F. Bell, Specialist V Application Branch, Homestead Services Division

SUBJECT: Commission Designation of Successors to Application Rights - Public Notice 2013

RECOMMENDED MOTION/ACTION

1. To designate the following individuals as successors to the application rights of deceased applicants who did not name a qualified successor.

2. To approve the certification of applications to successorship rights of qualified successors. The Department has verified the native Hawaiian blood quantum requirement of each prospective successor according to section 10-3-2 of the Hawaii Administrative Rules.

DISCUSSION

The following qualified applicants passed away on or after October 26, 1998, without naming qualified successors. Pursuant to 10-3-8(c) of the Hawaii Administrative Rules, a public notice listing the names of deceased applicants and calling for possible successors to their application rights was published in the Honolulu Star-Advertiser, The Maui News, Hawaii Tribune Herald, West Hawaii Today, and The Garden Island on the last two consecutive Sundays of November for the year the Department received notification. Requests to succeed to the decedents' application rights were submitted within the required 180 days following the last date of publication. Prospective successors were the sole respondents and are deemed by the Department to have met the requirements of successorship according to section 10-3-8(b) of the Hawaii Administrative Rules. HSD recommends approval of the following designees:

- 1a. Deceased Applicant: Date of death: Successor to app rights: Relationship to decedent: Island: Type: Date of Application: Date of Public Notice:
- 1b. Island: Type: Date of Application:

.

Agnes K. Cox July 22, 2000 Jo-Hy Cox Child Maui Islandwide Agricultural November 17, 1995 November, 2013

Kauai Islandwide Residential November 17, 1995

Previous Cumulative Total for Current FY	60
Current Month's Total	2
Fiscal Year Total: July 2021-June 2022	62

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator

FROM: Nicole F. Bell, Specialist V Application Branch, Homestead Services Division

SUBJECT: Approval to Certify Applications of Qualified Applicants for the month of November 2021

RECOMMENDED MOTION/ACTION

To approve the certification of applications of qualified applicants for the month of October 2021. The Department has verified the native Hawaiian blood quantum requirement of each applicant according to section 10-3-2 of the Hawaii Administrative Rules.

DISCUSSION

At its October 2020 regular meeting, the Hawaii Homes Commission adopted the recommendation of the HHC Investigative Committee on the Native Hawaiian Qualification Process to recall to the HHC, pursuant to Hawaii Administrative Rules § 10-2-16(a), the authority to accept the Native Hawaiian Quantum (NHQ) determination for an individuals as a function requiring the exercise of judgement or discretion. The recommendation included a process to implement the Commission's review and acceptance of NHQ determinations. These applicants have been deemed by the Department to have met the native Hawaiian blood quantum requirement through the kumu 'ohana process.

OAHU ISLANDWIDE AGRICULTURAL LEASE LIST	
KEOHULOA, Lottie K.T.K.	9/30/2021
OAHU ISLANDWIDE RESIDENTIAL LEASE LIST	
KEOHULOA, Lottie K.T.K.	8/27/2021
SOARES, Liko P.K.	8/31/2021

SPENCER, Theodoro S.	9/1/2021
TAMAYORI, Shirlene K.A.	9/1/2021
HERNAEZ, Caydon K.	9/27/2021
KEOLA, Abcde K.	9/28/2021
FISO, Dorothy M.	9/28/2021
VELASCO, Pedro K.	9/29/2021
NAEOLE, Kilinahe K.	11/5/2021
MAUI ISLANDWIDE AGRICULTURALAL LEASE LIST	
NOA, Angelica M.N.	8/27/2021
MAUI ISLANDWIDE PASTORAL LEASE LIST	
NOA, Kanawai A.	8/27/2021
MAUI ISLANDWIDE RESIDENTIAL LEASE LIST	
NOA, Angelica M.N.	8/27/2021
NOA, Kanawai A.	8/27/2021
SHINTANI, Christy U.	10/28/2021
HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST	
VELASCO, Pedro K.	9/29/2021
FREITAS, Geris K.	11/5/2021
FREITAS, Geris K. NAEOLE, Kilinahe K.	11/5/2021 11/5/2021
NAEOLE, Kilinahe K.	11/5/2021

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ITEM NO. D-7

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HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST	
PALKO, Violet K.	8/27/2021
STEINKAMP, Roxanne A.	9/2/202
KANEHAILUA, Brenda L.	10/19/2021
KUHEANA, David	10/26/2021
FREITAS, Geris K.	11/5/2021
MAE-HUIHUI, William K.	11/8/2021
KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST	
STEINKAMP, Roxanne A.	9/2/2021
KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST	
LAPEZ, Ethan Taylor O.	9/2/2021
MOLOKAI ISLANDWIDE AGRICULTURAL LEASE LIST	·····
LAPEZ, Ethan Taylor O.	9/2/2021
Previous Cumulative Total for Current FY Current Month's Total	45,049 30

45,079

Fiscal Year Total: July 2021-June 2022

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator

FROM: Nicole F. Bell, Specialist V Application Branch, Homestead Services Division

SUBJECT: Approval to Cancel Applications of Non-Qualified Applicants

RECOMMENDED MOTION/ACTION

To approve the cancellations of applications from the Application Waiting Lists due to Native Hawaiian Qualification. The Department has been unable to verify the following applicant's native Hawaiian blood quantum requirement per the *Hawaiian Homes Commission* Act, 1920, as amended.

DISCUSSION

PAPAKOLEA/KEWALO AREA / OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

AH NEE, Audrey

Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 11/10/1971.

OAHU ISLANDWIDE RESIDENTIAL LEASE LIST

CUTLER, Maxine K.

Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 10/15/1986.

MAUI ISLANDWIDE AGRICULTURAL LEASE LIST

CUTLER, Maxine K.

Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 10/15/1986.

STEIN, Sheryl E.

Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 1/29/1986.

MAUI ISLANDWIDE PASTORAL LEASE LIST

TORRES, Segundo, Jr.

Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 9/22/1993.

MAUI ISLANDWIDE RESIDENTIAL LEASE LIST

STEIN, Sheryl E.

Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 1/29/1986.

HAWAII ISLANDWIDE AGRICULTURAL LEASE LIST

GLENDON, Edward G.

KAMALANI, Peter K.

NAKAMOTO, Saneyuki G.K.

PATRIA, Barbara P.

PUU, Dacky A.

native Hawaiian ancestry, cancel application dated 1/13/1986. Applicant unable to substantiate

Applicant unable to substantiate

native Hawaiian ancestry, cancel application dated 9/22/1998.

Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 6/30/1992.

Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 11/3/1986.

Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 10/13/1988.

HAWAII ISLANDWIDE RESIDENTIAL LEASE LIST

GLENDON, Edward G.

Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 1/13/1986.

KAMALANI, Peter K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 9/22/1998.
NAMAUU, Samuel, Jr.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 9/30/1991.
PATRIA, Barbara P.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 11/3/1986.
PUU, Dacky A.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 10/13/1988.
TORRES, Segundo, Jr.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 6/16/2000.

KAUAI ISLANDWIDE AGRICULTURAL LEASE LIST

KAMALANI,	Joshua K.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 3/3/1995.
KAMALANI,	Matthew W.	Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 1/23/1995.

KAUAI ISLANDWIDE RESIDENTIAL LEASE LIST

 KAMALANI, Joshua K.
Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 3/3/1995.
KAMALANI, Matthew W.
Applicant unable to substantiate native Hawaiian ancestry, cancel application dated 1/23/1995.

Previous Cumulative Total for Current FY	35
Current Month's Total	21
Fiscal Year Total: July 2021-June 2022	56

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

- THROUGH: Juan Garcia, Administrator
- FROM: Ross K. Kapeliela, Acting ODO Supervisor
- SUBJECT: Approval of Designation of Successors to Leasehold Interest and Designation of Persons to Receive the Net Proceeds

RECOMMENDED MOTION/ACTION

1. To approve the designation of successor to the leasehold interest and person to receive the net proceeds, pursuant to Section 209, Hawaiian Homes Commission Act, 1920, as amended;

2. To approve and accept that designated successors are of no less than the required 25% or 50% Hawaiian ancestry as appropriate pursuant to Section 209, Hawaiian Homes Commission Act, 1920 as amended.

*See attached list of Lessees.

FY 2021 - 2022 Total to Date

Leasehold Interest:	
Ratified for December 2021	6
Previous FY 2021 - 2022	34
FY 2021 - 2022 Total to Date	40
Ratified for FY '20 - '21	92
Net Proceeds	
Ratified for December 2021	0
Previous FY 2021- 2022	0

Ratified	for	FΥ	` 20 -	′ 21		0

LIST OF LESSEES WHO DESIGNATED SUCCESSORS TO THEIR LEASEHOLD INTEREST FOR MONTH OF DECEMBER 2021

Deceased Lessee

 Haaheo F. Castro Lot No.: 21 Area: Waianae, Oahu Res. Lease No. 4441 Designated Successor

PRIMARY: Joint Tenants Wallis K. Wong, Sister Sharron L. Regan, Sister

ALTERNATE: N/A

DESIGNEE TO RECEIVE NET PROCEEDS: N/A

 John K. Kekauoha, Jr. Lot No.: 178 Area: Keaukaha, Hawaii Res. Lease No. 3472

PRIMARY: Kaylah N. Kekauoha, Daughter

ALTERNATE: N/A

DESIGNEE TO RECEIVE NET PROCEEDS: N/A

3. Mary Ann Lucas Lot No.: 11 Area: One Alii, Molokai Res. Lease No. 2818

PRIMARY: Robin Patricio, Daughter

ALTERNATE: Aridis Naehu, Sister

DESIGNEE TO RECEIVE NET PROCEEDS: N/A Lillian K. Naihe Lot No.: 22 Area: Waimanalo, Oahu Res. Lease No. 3711

PRIMARY: Jade M. Bedell, Daughter

ALTERNATE: Kamuela Naihe, Son

DESIGNEE TO RECEIVE NET PROCEEDS: N/A

5. Lorraine K. P. Soriano Lot No.: 41 A&B Area: Hoolehua, Molokai Res. & Agr. Lease No. 682

PRIMARY: Tenants in Common Derrus K. Pa, Nephew Don W. Pa, Nephew

ALTERNATE: N/A

DESIGNEE TO RECEIVE NET PROCEEDS: N/A

6. William K. Victor Lot No.: 28 Area: Nanakuli, Oahu Res. Lease No. 935

PRIMARY: Pauline L. Texeira, Sister

ALTERNATE: N/A

DESIGNEE TO RECEIVE NET PROCEEDS: N/A

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

- TO: Chairman and Members, Hawaiian Homes Commission
- THROUGH: Juan Garcia, Administrator / Homestead Services Division
- FROM: Ross Kapeliela, Acting ODO Supervisor

SUBJECT: Approval of Assignment of Leasehold Interest

RECOMMENDED MOTION/ACTION

1. To approve the assignment of the leasehold interest, pursuant to Section 208, Hawaiian Homes Commission Act, 1920, as amended, and subject to any applicable terms and conditions of the assignment, including but not limited to the approval of a loan.

2. To approve and accept that transferees are of no less than the required 25% or 50% Hawaiian ancestry as appropriate pursuant to Section 208, Hawaiian Homes Commission Act, 1920, as amended.

DISCUSSION

Nineteen (19) assignments of lease.

1. Lessee Name: Stephen K. I. Auwae Res. Lease No. 9762, Lot No. 13711 Lease Date: 7/1/2001 Area: Maluohai, Oahu Property Sold & Amount: Yes, \$650,000.00 Improvements: 4 bedroom, 2-1/2 bath dwelling

Transferee Name: Isaiah K. J. Kaahanui Relationship: None Loan Assumption: No Applicant: Yes, Oahu IW Res., 12/1/2014

Reason for Transfer: "Medical reasons." Special Conditions: Transferee to obtain funds to pay purchase price.

2. Lessee Name: Rogeitte G. P. Bernardino Res. Lease No. 12968, Lot No. 2 Lease Date: To be determined Area: Kauluokahai, Oahu Property Sold & Amount: Yes, \$360,000.00 Improvements: 3 bedroom, 2 bath dwelling

> Transferee Name: Ian N. K. Bernardino Relationship: Son Loan Assumption: No Applicant: No

Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.

3. Lessee Name: Jessie David Res. Lease No. 12967, Lot No. 44 Lease Date: To be determined Area: Kauluokahai, Oahu Property Sold & Amount: Yes, \$310,000.00 Improvements: 4 bedroom, 3 bath dwelling

> Transferee Name: Elias David Relationship: Son Loan Assumption: No Applicant: Yes, Oahu IW Res., 7/10/2020

Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.

4. Lessee Name: Barrington A. DeBlake Res. Lease No. 12970, Lot No. 50 Lease Date: To be determined Area: Kauluokahai, Oahu Property Sold & Amount: Yes, \$572,690.00 Improvements: 4 bedroom, 2 bath dwelling

> Transferee Name: Bradley K. DeBlake Relationship: Son Loan Assumption: No Applicant: No

Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.

5. Lessee Name: Gayle R. Fergerstrom Res. Lease No. 2441, Lot No. 305B-1 Lease Date: 8/31/1950 Area: Keaukaha, Hawaii Property Sold & Amount: No, N/A Improvements: 3 bedroom, 1 bath dwelling Transferee Name: Kandi-Bert Kauka Relationship: Daughter Loan Assumption: No Applicant: No Reason for Transfer: "Giving lease to relative." 6. Lessee Name: Samuel D. Iokia Res. Lease No. 3377, Lot No. 57-A Lease Date: 10/27/1961 Area: Nanakuli, Oahu Property Sold & Amount: No, N/A Improvements: 3 bedroom, 2 bath dwelling Transferee Name: Kamuela B. K. W. Iokia Relationship: Son Loan Assumption: No Applicant: Yes, Oahu IW Res., 5/23/2006 Reason for Transfer: "Giving lease to relative." 7. Lessee Name: Tony L. Kahauolopua Res. Lease No. 1453, Lot No. 249 Lease Date: 4/25/1940 Area: Keaukaha, Hawaii Property Sold & Amount: No, N/A Improvements: 3 bedroom, 1 bath dwelling Transferee Name: Sherilynn P. P. Tajon Relationship: Daughter Loan Assumption: No Applicant: Yes, Hawaii IW Res., 6/14/2002 Reason for Transfer: "Giving lease to relative."

8. Lessee Name: Natasha-Lynn L. N. Kaholoaa Res. Lease No. 7846, Lot No. 19 Lease Date: 1/28/1996 Area: Hoolehua, Molokai Property Sold & Amount: No, N/A Improvements: 3 bedroom, 2 bath dwelling Transferee Name: Emmit-Joseph M. Kaholoaa Relationship: Son Loan Assumption: No Applicant: No Reason for Transfer: "Giving lease to relative." 9. Lessee Name: Henry R. M. Kaialoa Res. Lease No. 3057, Lot No. 24-A Lease Date: 2/8/1957 Area: Anahola, Kauai Property Sold & Amount: Yes, \$395,000.00 Improvements: 3 bedroom, 1 bath dwelling Transferee Name: Dallas K. Wilcox Relationship: None Loan Assumption: No Applicant: Yes, Kauai IW Res., 11/20/2012 Reason for Transfer: "Medical reasons." Special Conditions: Transferee to obtain funds to pay purchase price. See simultaneous transfer below. 10. Lessee Name: Dallas K. Wilcox Res. Lease No. 3057, Lot No. 24-A Lease Date: 2/8/1957 Area: Anahola, Kauai Property Sold & Amount: Yes, \$395,000.00 Improvements: 3 bedroom, 1 bath dwelling Transferee Name: Chanel-Marie K. Josiah Relationship: Daughter Loan Assumption: No Applicant: No Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.

11. Lessee Name: Shannon P. W. W. Liilii Res. Lease No. 3799, Lot No. 408 Lease Date: 8/22/1969 Area: Nanakuli, Oahu Property Sold & Amount: Yes, \$58,000.00 Improvements: 4 bedroom, 1 bath dwelling

> Transferee Name: Malisa M. Kaleikula-Kele Relationship: Aunty Loan Assumption: No Applicant: No

Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.

12. Lessee Name: Stuart Machado Res. Lease No. 12195, Lot No. 79 Lease Date: 12/27/2007 Area: Waiehu Kou IV, Maui Property Sold & Amount: Yes, \$500,000.00 Improvements: 3 bedroom, 2 bath dwelling

> Transferee Name: Guy P. K. Purdy Relationship: None Loan Assumption: No Applicant: Yes, Maui IW Res., 9/23/2004

Reason for Transfer: "Moving off island." Special Condition: Transferee to obtain funds to pay purchase price.

13. Lessee Name: Edward K. Onekea, III Res. Lease No. 11688, Lot No. 18670 Lease Date: 12/13/2008 Area: Kanehili, Oahu Property Sold & Amount: Yes, \$570,000.00 Improvements: 3 bedroom, 2 bath dwelling

> Transferee Name: Debbie Nalani Aloy Damas Relationship: None Loan Assumption: No Applicant: Yes, Oahu IW Res., 11/15/2010

Reason for Transfer: "Moving off island." Special Condition: Transferee to obtain funds to pay purchase price. 14. Lessee Name: Ann K. Puaa Agr. Lease No. 687, Lot No. 28 Lease Date: 12/14/1939 Area: Hoolehua, Molokai Property Sold & Amount: No, N/A Improvements: 1 bedroom, 1 bath dwelling

> Transferee Name: David K. Puaa Relationship: Brother Loan Assumption: No Applicant: No

Reason for Transfer: "Giving lease to relative."

15. Lessee Name: Wallis K. Wong & Sharron L. Regan Res. Lease No. 4441, Lot No. 21 Lease Date: 10/7/1977 Area: Waianae, Oahu Property Sold & Amount: Yes, \$250,000.00 Improvements: 3 bedroom, 2 bath dwelling

Transferee Name: Marcilina N. Kaimimoku Relationship: Niece Loan Assumption: No Applicant: Yes, Oahu IW Res., 1/3/1996

Reason for Transfer: "Giving lease to relative." Special Condition: Transferee to obtain funds to pay purchase price.

16. Lessee Name: Gail P. Sagiao Res. Lease No. 4579, Lot No. 30 Lease Date: 10/21/1977 Area: Waianae, Oahu Property Sold & Amount: Yes, \$499,000.00 Improvements: 3 bedroom, 2 bath dwelling

> Transferee Name: Sandra I. K. Armitage Relationship: Sister Loan Assumption: No Applicant: Yes, Oahu IW Res., 10/5/2015

Reason for Transfer: "Moving off island." Special Condition: Transferee to obtain funds to pay purchase price.

17. Lessee Name: Lyndelle M. Tsutsui Res. Lease No. 12230, Lot No. 33 Lease Date: 4/1/2008 Area: Waiehu Kou IV, Maui Property Sold & Amount: Yes, \$500,000.00 Improvements: 5 bedroom, 3-1/2 bath dwelling

Transferee Name: Curtis L. K. Puli Relationship: Brother Loan Assumption: No Applicant: No

Reason for Transfer: "Moving and selling to sibling." Special Condition: Transferee to obtain funds to pay purchase price.

18. Lessee Name: Georgina L. Aquino Res. Lease No. 10555, Lot No. UNDV258 Lease Date: 6/18/2005 Area: Waiohuli, Maui Property Sold & Amount: No, N/A Improvements: None

> Transferee Name: Marcelino M. Aquino Relationship: Brother Loan Assumption: No Applicant: No

Reason for Transfer: "Giving lease to relative."

19. Lessee Name: George R. P. Kahinu, Jr. Agr. Lease No. 3, Lot No. 14 Lease Date: 1/1/1923 Area: Hoolehua, Molokai Property Sold & Amount: No, N/A Improvements: None

> Transferee Name: George R. P. Kahinu, III Relationship: Son Loan Assumption: No Applicant: No

Reason for Transfer: "Giving lease to relative."

Assignments for the Month of December `21	19
Previous FY '21 - '22 balance	<u>105</u>
FY '21 - '22 total to date	124
Assignments for FY '20 - '21	201

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator M Homestead Services Division

FROM: Ross K. Kapeliela, Acting ODO Supervisor

SUBJECT: Approval of Amendment of Leasehold Interest

RECOMMENDED MOTION/ACTION

To approve the amendment of the leasehold interest listed below.

DISCUSSION

Eighteen (18) amendments of lease.

1.	Lessee: Res. Lease No.: Lot No., Area, Island: Amendment:	Rowena Y. Adviento 1621 277, Keaukaha, Hawaii To amend the lease title and lessor's name, to update the property description, to incorporate the currently used terms, covenants and conditions in the lease, and to extend the lease term to an aggregate term of 199
		term to an aggregate term of 199 years.

2. Lessee: Rena K. Chu Res. Lease No.: 112 Lot No., Area, Island: 39, Hoolehua, Molokai Amendment: To amend the lease to incorporate . the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years. 3. Lessee: Anna L. Ventura & Luzviminda D. Cortado Res. Lease No.: 6123 Lot No., Area, Island: 41, PKE, Oahu Amendment: To amend the tenancy due to the death of a joint tenant lessee, and to update the commencement date, due to final subdivision approval. 4. Lessee: Gene Ross K. Davis Agr. Lease No.: 7 Lot No., Area, Island: 13A, Kalamaula, Molokai Amendment: To amend the lease to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years. 5. Lessee: Bert O. Dement Res. Lease No.: 3125 Lot No., Area, Island: 3, Waimanalo, Oahu Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.

- 6. Lessee: Gayle R. Fergerstrom Res. Lease No.: 2441 Lot No., Area, Island: 305B-1, Keaukaha, Hawaii Amendment: To amend the lease to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
- 7. Lessee: Res. Lease No.: Lot No., Area, Island: Amendment:

Sarah Joy 3617 31, Kalamaula, Molokai To amend the lease to incorporate the currently used terms, covenants, and conditions in the lease.

- 8. Lessee: Tony L. Kahauolopua & Lorna Kahauolopua Res. Lease No.: 1453 Lot No., Area, Island: 249, Keaukaha, Hawaii Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants and conditions in the lease, and to extend the lease term to an aggregate term of 199 years.
- 9. Lessee: George R. P. Kahinu, Jr. Agr. Lease No.: 3 Lot No., Area, Island: 14, Hoolehua, Molokai Amendment: To amend the lease title and Lessor's name.

10. Lessee: Henry R.M. Kaialoa Res. Lease No.: 3057 Lot No., Area, Island: 24-A, Anahola, Kauai Amendment: To amend the lease title and lessor's name, to incorporate the currently used terms, covenants and conditions in the lease, and to extend the lease term to an aggregate term of 199 years. 11. Lessee: Wilford L. Lee, Jr. Agr. Lease No.: 137 Lot No., Area, Island: 24, Hoolehua, Molokai Amendment: To amend the lease title and lessor's name, to update the property description, to incorporate the currently used terms, covenants and conditions in the lease, and to extend the lease term to an aggregate term of 199 years. 12. Lessee: Mary Ann Lucas Res. Lease No.: 2818 Lot No., Area, Island: 11, One Alii, Molokai Amendment: To amend the lease title and lessor's name, to update the lease number, and to incorporate the currently used terms, covenants and conditions in the lease. 13. Lessee: Henry M. Lum-King Res. Lease No.: 3247 Lot No., Area, Island: 96, Waimanalo, Oahu Amendment: To amend the lease to incorporate the currently used terms, covenants, and conditions in the lease, and to extend the lease term to an aggregate term of 199 years. ITEM NO. D-11

-4-

14. Lessee: Cherri M. Y. Masaki Res. Lease No.: 1907 Lot No., Area, Island: 179, Kewalo, Oahu Amendment: To amend the lease title and Lessor's name, to incorporate the currently used terms, covenants and conditions in the lease, and to extend the lease term to an aggregate term of 199 years. 15. Lessee: Lillian K. Naihe Res. Lease No.: 3711 Lot No., Area, Island: 22, Waimanalo, Oahu Amendment: To amend the lease to incorporate the currently used terms, covenants, and conditions in the lease. 16. Lessee: Clayton Palakiko Res. Lease No.: 378 Lot No., Area, Island: 97, Nanakuli, Oahu Amendment: To amend the lease title and lessor's name and to incorporate the currently used terms, covenants and conditions in the lease. 17. Lessee: Lindy L. Maluo & Peter K. Paulo, Jr. Res. Lease No.: 951 Lot No., Area, Island: 133, Keaukaha, Hawaii Amendment: To amend the commencement date and to extend the lease term to an aggregate term of 199 years.

18.	Lessee:	William K. Victor & Pauline L.
	Res. Lease No.: Lot No., Area, Island: Amendment:	Texeira 935 28, Nanakuli, Oahu To amend the lease title and lessor's name, to incorporate the currently used terms, covenants, and conditions in the lease, to extend the lease term to an aggregate term of 199 years and to amend the tenancy from tenants in common to tenant in severalty.
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Amendments for the Month of December `21	18
Previous FY '21 - '22 balance	61
FY '21 - '22 total to date	79
Amendments for FY '20 - '21	112

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ITEM NO. D-11

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DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

- THROUGH: Juan Garcia, Administrator
- FROM: Ross K. Kapeliela, Acting ODO Supervisor
- SUBJECT: Approval to Issue a Non-Exclusive License for Rooftop Photovoltaic Systems for Certain Lessees

RECOMMENDED MOTION/ACTION

To approve the issuance of a non-exclusive license to allow the Permittee to provide adequate services related to the installation, maintenance, and operation of a photovoltaic system on the premises leased by the respective Lessees.

The non-exclusive license is necessary as the Lessee can not issue his/her own licenses.

DISCUSSION

One (1) non-exclusive licenses.

1. Lessee: Hansrenda K. M. Dutro Res. Lease No.: 1577 Lot No., Area, Island: 366, Keaukaha, Hawaii Permittee: Sunrun Installation Services, Inc.

Non-Exclusive License for the Month of December '211Previous FY '21 - '22 balance28FY '21 - '22 total to date29

Non-Exclusive License for FY '20 - '21 64

ITEM NO. D-12

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator Homestead Services Division

- FROM: Ross K. Kapeliela, Acting ODO Supervisor
- SUBJECT: Commission Designation of Successor -KLYDE K. KAIMANA, Residential Lease No. 5616, Lot No. 87, Lualualei, Oahu

RECOMMENDED MOTION/ACTION

1. To approve the designation of Kim Georgette Holu Kaimana (Kim), as successor, to Residential Lease No. 5616, Lot No. 87, Lualualei, Oahu, for the remaining term of the lease;

2. To approve and accept that Kim is of no less than the required 25% Hawaiian ancestry and is therefore a qualified successor pursuant to Section 209 of the Hawaiian Homes Commission Act, 1920, as amended;

3. To stipulate that Kim's right and interest in the Lease does not vest until Kim has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Kim does not sign all such documents on or before **February 28**, **2022** (the Deadline) that the Commission's selection of Kim as a successor is automatically revoked;

4. To authorize the Department to extend the Deadline up to 60 days for good cause;

5. To declare that if Kim's selection as a successor is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "the lease shall resume its status as unleased Hawaiian home lands the department is authorized to lease the land to a native Hawaiian as provided by the Act."

DISCUSSION

Klyde Kihapiilani Kaimana (Decedent) received the Lease by way of an Assignment of Lease and Consent on June 22, 2011.

On August 3, 2016, the Decedent passed away without naming a successor to his lease.

On October 29, 2018, the Department received the Decedent's death certificate.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star Advertiser, Hawaii Tribune Herald, West Hawaii Today, Maui News, and The Garden Island newspapers on December 1, 8, 15, 22 and 29, 2019, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claim to the Lease.

The Department received a successorship claim from the Decedent's wife, Kim, who has been determined to be at least 25% Hawaiian ancestry and eligible for successorship to the Lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee designates an ineligible successor, the Commission is authorized to terminate the Lease or to continue the Lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

- 1. Husband or wife; or
- If there is no husband or wife, then the children; or
- 3. If there is no husband, wife, or child, then the grandchildren; or
- If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
- 5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the

ITEM NO. D-13

children, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

Improvements to the homestead lot consist of a 4-bedroom and 2-bath, single family dwelling, which was constructed in 1989.

There is no outstanding mortgage to the lease.

The lease rent account reports a credit balance of \$62.00 and the real property tax is current.

The Department requests approval of its recommendation.

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator ⁴ Homestead Services Division

- FROM: Ross K. Kapeliela, Acting ODO Supervisor
- SUBJECT: Commission Designation of Successor -ELWOOD K. AKEN, Residential Lease No. 8334, Lot No. 43, PKE, Oahu

RECOMMENDED MOTION/ACTION

1. To approve the designation of Carrie Sachi Kuuipoikaheepueone Ming-Toy Inamasu-Aken (Carrie), as successor, to Residential Lease No. 8334, Lot No. 43, PKE, Oahu, for the remaining term of the Lease;

2. To approve and accept that Carrie is of no less than the required 25% Hawaiian ancestry and is therefore a qualified successor pursuant to Section 209 of the Hawaiian Homes Commission Act, 1920, as amended;

3. To stipulate that Carrie's right and interest in the Lease does not vest until Carrie has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Carrie does not sign all such documents on or before **February 28, 2022** (the Deadline) that the Commission's selection of Carrie as a successor is automatically revoked;

4. To authorize the Department to extend the Deadline up to 60 days for good cause;

5. To declare that if Carrie's selection as a successor is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "the lease shall resume its status as unleased Hawaiian home lands the department is authorized to lease the land to a native Hawaiian as provided by the Act."

DISCUSSION

Elwood K. Aken (Decedent) received the Lease by way of an Assignment of Lease and Consent on September 22, 2005.

On April 26, 2019, the Decedent passed away without naming a successor to his lease. The Department subsequently received the Decedent's death certificate on November 22, 2019.

As the Decedent's wife would have priority to succeed to the Lease after the publication of a legal notice, staff attempted to assist her with research to clear her bloodline at the requisite 25 percent Hawaiian ancestry; however, the collaborative results were inconclusive and ultimately insufficient to allow for her to succeed to the Decedent's Lease.

In compliance with Administrative Rule 10-3-63, the Department published legal notices in the Honolulu Star Advertiser, Hawaii Tribune Herald, West Hawaii Today, Maui News, and The Garden Island newspapers on June 7, 14, 21, and 28, 2021, to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claim to the Lease.

The Department received a successorship claim from the Decedent's daughter, Carrie, who has been determined to be at least 25% Hawaiian ancestry and eligible for successorship to the Lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee designates an ineligible successor, the Commission is authorized to terminate the Lease or to continue the Lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

- 1. Husband or wife; or
- If there is no husband or wife, then the children; or
- 3. If there is no husband, wife, or child, then the grandchildren; or

- 4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
- 5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

Improvements to the homestead lot consist of a 3-bedroom and 2-bath, single family dwelling, which was constructed in 1997.

There is an outstanding mortgage with Veterans Affairs dated March 10, 2017, with an original loan amount of \$369,562. Carrie is aware of the outstanding loan and has agreed to accept the loan obligation should she be designated as successor.

The Lease rent account reports a credit balance of \$73.00 and the real property tax is current.

The Department requests approval of its recommendation.

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator Homestead Services Division

FROM: Erna Kamibayashi, Kauai District Office Supervisor Homestead Services Division

SUBJECT: Request to Surrender Residential Lease No. 11104, Lot No. UNDV 103, Piilani Mai Ke Kai Subdivision, Anahola, Kauai—Bernadine U Capell

RECOMMENDED MOTION/ACTION

To approve the surrender of Department of Hawaiian Home Lands (DHHL) Residential Lease No. 11104 (Lease), Lot No. UNDV 103, situated in the Piilani Mai Ke Kai Subdivision at Anahola, Kauai and further identified as a portion of Tax Map Key: 4-8-003-003.

DISCUSSION

On May 13, 2006, Residential Lease 11104, Lot No. UNDV 103 located in the Piilani Mai Ke Kai Subdivision located in Anahola, Kauai was awarded to Bernadine U. Capell (Bernadine) during the DHHL's Undivided Interest (UNDV) lease award program.

On November 19, 2021, the Department received a Notice of Surrender of Residential Lease 11104 from Ms. Bernadine U. Capell. She stated in her request that she was surrendering her lease to accept the successorship of her brother Russell Haluapo's residential lease No. 6488, Lot 59. (EXHIBIT A)

The Department request approval of its recommendation.

DAVID Y. IGE GOVERNOR STATE OF ILAWAD

JOSH GREEN LT GOVERNOR STATE OF HAWAII



WILLIAM L AILA, JR. Chagdian Hawaiian hoyo 5 coloossion

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STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS JOID EIWA STREET. ROOM 201 LIITUE, HAWAII 2016

NOTICE OF SURRENDER OF LEASE

I. <u>Bernadine U Capell</u>, hereby freely and voluntarily submit my notice of surrender of my interest in and to Department of Hawaiian Home Lands Agricultural/Pastoral/Residential (Circle one) Lot Lease No. <u>11104</u>, demising Lot No. <u>UNDV</u> <u>103</u>, situate at <u>PMKK, Anahola</u>, on the island of <u>Kauai</u>, Hawaii

I have been named successor to my brother Russell Haluapo's residential lease identified as Lease 6488, Lot 59. Located in Anahola, Kauai. To receive this lease, I must surrender the UNDV 103 lease located in Piilani Mai Ke Kai, Anahola, Kauai.

I understand that the surrender of my interest in and to the Lease is not effective until:

- 1. The surrender is accepted by the Chairman of the Hawaiian Homes Commission ("Commission");
- 2. The surrender is ratified by the Hawaiian Homes Commission; and
- 3. A Surrender of Lease Interest document is executed by the Department of Hawaiian Home Lands ("Department") and me.

Because this is a UNDV lot there are no outstanding debts owed.

I further understand that, if I desire to rescind this Notice of Surrender, any such rescission will be permitted at the sole discretion of the Commission. If the Commission allows me to rescind this Notice of Surrender, I shall be responsible to repay the Department, upon demand, all costs incurred with the processing of my surrender.

Persodene Illulari Capel

<u>ITEM NO. D-15</u> EXHIBIT A

Lease No. ___11104____ Lot No. UNDV 103 Date: <u>002.15</u>T

Surrender Accepted/Rejected

William Aila Jr. Chairman, Hawalian Homes Commission

22/2 Date:

Ratified by the Hawaiian Homes Commission On_____

STATE OF OFEGON SS. COUNTY OF HASHINGTON 15* 2021----On this day of November ---____,before me appeared BERNADINE U. CAPELL, to me personally known, who, being by me duly sworn, did say that he/she is the person who executed the foregoing instrument and acknowledged to me that he/she executed the same freely and voluntarily for the use and purposes therein set forth.



Notary Public, State of _____ Printed Name: Orlands Vancyas My commission expires: 04/04/2025

<u>ITEM NO. D-15</u> EXHIBIT A

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NOTARY CERTIFICATION STAT	
Document Identification or Descrip	ption:
- Oregon Drivis Licen	12 cyp 5/12/2022
Document Date: 11 /15 %/	2011
No of pages:2	Jurisdiction: <u>Washington County</u> Circuit (in which notarial act is performed)
Signature of Notary	Date of Notarization and Certification Statement
- Octanio Venegas	
Printed Name of Notary	

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ITEM NO. D-15 EXHIBIT A

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DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

- THROUGH: Juan Garcia, HSD Administrator Homestead Services Division
- FROM: Erna Kamibayashi, Kauai District Office Supervisor

SUBJECT: Approval of Subdivision, Transfer of a Portion of Residential Lease No. 3372 Lot No. 66, Anahola, Kauai—Helen Kon Brede

RECOMMENDED MOTION/ACTION

1. To approve the request of Helen Kon Brede (Helen) to subdivide Department of Hawaiian Home Lands Residential Lease No. 3372, Lot No. 66, Anahola, Kauai consisting of 23,566 square feet, into Lots 66-A and 66-B, provided that the Lessee is responsible for all cost incurred in the processing and obtaining of the subdivision, including but not limited to surveying fees, fees imposed by the County of Kauai (County), fees for utility (electric, water, etc.) and other fees associated with the subdivision of Lot No. 66.

- 66-B.
- 2. To approve the designation of Residential Lease No 3372, demising Lot No.

3. To approve the transfer of Lot No. 66-B, under Lease No. 3372, from Helen Kon Brede to her grandson, Alstan Kamai Sa (Alstan).

4. The above are subject to the completion of the survey work done by a licensed surveyor, including but not limited to the surveying and staking of boundary corners of the lots, submitting the required number of final subdivision maps to the County, preparing and submitting the legal description of the lots to the Department of Hawaiian Home Lands (Department), applying to the County for subdivision approval, obtaining the tax map keys for the Lots, and final subdivision approval by the County of Kauai.

DISCUSSION

Department Residence Lot Lease No. 3372, Lot No. 66, was awarded to William Andrew Brede, Jr. commencing on September 22, 1961. On January 16, 2021 the decedent passed

away and the lease was succeeded by instrument dated October 27, 2021 to his wife Helen Kon Brede.

Helen is requesting the approval to subdivide her lot into two lots and to gift Alstan the new lot. (EXHIBIT A)

Alstan's Hawaiian Blood Quantum was deemed to be at least 25% Hawaiian ancestry and is therefore qualified to receive a transfer of a portion of his grandmother's lease. Once the lot is subdivided, Alstan will retain the newly created lot identified as 66-B.

Section 10-3-38 of the Administrative Rules (Rules) states that "a lessee of a residential lot, with approval of the commission, may subdivide and transfer a portion of the lot for the remaining term of the lease to any individual who is native Hawaiian and is at least 18 years old; provided that after the transfer, each lot conforms to County zoning standards. The department shall not be required to finance the construction of the house on the transferred portion." The Rules also state "The Department shall not be required to pay for any costs incurred in the processing and obtaining of the subdivision."

Attached is "Exhibit B" of the plot plan for Lot 66 illustrating the lessee's desire to subdivide the lot into two lots, of similar size. The existing home is located on the front portion of Lot No. 66 which is to be retained by Helen.

Existing improvements consist of a three-bedroom, one bath single family dwelling built in 1961, with an enclosed carport and utility shed. Helen plans to demolish utility shed to accommodate newly subdivided lease.

As of November 30, 2021, there is no outstanding loan attached to the lease. Lease Rent has a credit of \$11. Kauai County is exempt from Real Property Taxes. Trash pick up fees are current through February 20, 2022.

The Department recommends the approval of its recommendations.

ITEM NO. D-16

October 29, 2021

Ms. Erna A. Kamibayashi Kauai District Supervisor Department of Hawaiian Home Lands 3060 Eiwa Street Room 201 Lihue, Hi 96766-1886

Aloha,

My name is Helen Brede. I recently succeeded to lease 3372, Lot 66, identified as TMK: 4-8-016-004 located in Anahola, Kauai. Lot size is 23,566 square feet.

I would like to divide this lot and transfer the back portion to my grandson, Alstan Eurtado. I understand that I will be responsible to pay the surveying cost.

Sincerely,

Helen K. Brede

Helen Brede P**olitik** Analitik Phone: (**Januar 19**

> <u>ITEM NO. D-16</u> EXHIBIT A



DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

Homestead Services Division

THROUGH: Juan Garcia, Administrator Homestead Services Division
FROM: Erna Kamibayashi, Kauai District Office Supervisor

SUBJECT: Request for Extension of Deadline to Sign Successorship Documents ROBERTA FRANCINA UILANI FERNANDEZ,

Residential Lease 11123, Lot UNDV122, Anahola, Kauai

RECOMMENDED MOTION/ACTION

To approve the extension of the Deadline for Sanoe Moana Fernandez (Sanoe) and Maile Mapu'ana Fernandez (Maile) to sign that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Sanoe and Maile does not sign all such documents on or before January 31, 2022 (the Deadline) that the Commission's selection of Sanoe and Maile as the successor(s) is automatically revoked.

DISCUSSION

The Commission approved Sanoe and Maile as successors to Residential Lease No. 11123, Lot No. UNDV122 located in the Piilani Mai Ke Kai Subdivision located in Anahola, Kauai for the remaining term of the Lease. (EXHIBIT A)

Sance and Maile failed to sign the aforementioned documents on or before the Deadline of September 30, 2021. The Department is requesting an extension of the Deadline to January 31, 2022.

The Department request approval of its recommendation.

DEPARTMENT OF HAWAIIAN HOME LANDS

July 19, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator / Homestead Services Division

FROM: Erna Kamibayashi, Kauai District Office Supervisor Homestead Services Division

SUBJECT: Commission Designation of Successor Roberta F.U. Fernandez, Lease No. 11123 Lot No. UNDV 122, Anahola, Kauai

RECOMMENDED MOTION/ACTION

1. To approve the designation of Sanoe Moana Fernandez (Sanoe) and Maile Mapu'ana Fernandez (Maile), as joint tenant successors, to Residential Lease No. 11123, Undivided Lot, Anahola, Kauai, for the remaining term of the lease;

2. To approve and accept that Sanoe and Maile are no less than the required 25% Hawaiian ancestry and are therefore qualified successors pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920;

3. To stipulate that Sanoe and Maile's right and interest in the Lease does not vest until Sanoe and Maile has signed that: (i) transfer through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Sanoe and Maile does not sign all such documents on or before **September 30**, 2021 (the deadline) that the Commission's selection of Sanoe and Maile as a successor is automatically revoked;

4. To authorize the Department to extend the Deadline up to 30 days for good cause; and

5. To declare that if Sanoe and Maile's selection as successors is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "the lease shall resume its status as unleased Hawaiian home lands the department is authorized to lease the land to a native Hawaiian as provided by the Act."

DISCUSSION

Roberta F.U. Fernandez (Decedent) was awarded an undivided lot in the Pi'ilani Mai Ke Kai Subdivision under

ITEM NO. D-12

ITEM NO. D-17 EXHIBIT A Residential Lot Lease No. 11123, Lot No. UNDV 122, Anahola, Kauai (Lease).

On January 2, 2017, the Decedent passed away without naming a successor to her Lease.

In compliance with the Administrative Rules 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, The Hawaii Tribune Herald, West Hawaii Today, The Maui News, and The Garden Island newspapers on June 4, 14, 18 and 28, 2017, to notify all interested, eligible and qualified heirs of the Decedent, to submit their lease successorship claims.

On October 3, 2017 the Department received successorship claims from the Decedent's sister, Suzette Gurtler (Suzette), on behalf of the Decedent's two minor daughters, Sanoe and Maile. Prior to Suzette being able to provide the Department with Conservatorships for her two nieces, they both reached the age of majority.

Sance and Maile are deemed to be at least 25% Hawaiian ancestry and eligible for successorship to the Lease.

Pursuant to Section 209 of the Hawaiian Home Commission Act of 1920 (Act), as amended, when a lessee fails to designate a successor, the commission is authorized to terminate the lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives in priority order:

- Husband or wife; or
- If there is no husband or wife, then the children; or
- 3. If there is no husband, wife, or child, then the grandchildren; or
- 4. If there is no husband, wife, child, or grandchild, then brothers or sisters; or
- 5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

There are no existing improvements to this lease.

The Department requests approval of its recommendation.

ITEM NO. D-12

ITEM NO. D-17 EXHIBIT A

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, Administrator Homestead Services Division

- FROM: Mona Kapaku, Homestead District Operations Manager Homestead Services Division
- SUBJECT: Request for Extension of Deadline to Sign Successorship Documents - CHERVONNE LEHUANANI SMITH MAGAOA, Agricultural Lease No. 499, Lot No. 33F-1 & 33F-2, Hoolehua, Molokai

RECOMMENDED MOTION/ACTION

To approve the **extension** of the Deadline for Carah Cedrick Kamahele Smith (Carah) to sign that: (i)Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; on or before **December 31, 2021.**

DISCUSSION

At its June 21, 2021, regular meeting, the Hawaiian Homes Commission approved Carah as successor to Agricultural Lease No. 499, Lot No. 33F-1 & 33F2, in Hoolehua, Molokai with a document signing deadline of **August 31, 2021** (Deadline). (EXHIBIT A)

As Carah did not sign the aforementioned documents on or before the Deadline, the Department is requesting an extension of the Deadline to December 31, 2021.

Carah signed the aforementioned documents on October 19, 2021.

The Department requests approval of its recommendation.

DEPARTMENT OF HAWAIIAN HOME LANDS

June 21, 2021

TO: Chairman and Members, Hawaiian Homes Commission

THROUGH: Juan Garcia, HSD Administrator A Homestead Services Division

- tor M
- FROM: Mona Kapaku, Homestead District Operations Manager Homestead Services Division
- SUBJECT: Commission Designation of Successor -Chervonne Lehuanani Smith Magaoa, Agricultural Lease No. 499, Lot No. 33F-1 & 33F-2, Hoolehua, Molokai

RECOMMENDED MOTION/ACTION

1. To approve the selection of Carah Cedrick Kamahele Smith (Carah) to succeed to the interest of Chervonne Lehuanani Smith Magaoa (Chervonne) in Agricultural Lease No. 499, Lot Nos. 33F-1 & 33F-2, Hoolehua, Molokai (Lease), for the remaining term of the Lease;

2. To stipulate that Carah's right and interest in the Lease does not vest until Carah has signed that: (i) Transfer Through Successorship of Lease; (ii) Lease Addendum; and such necessary and appropriate instruments; and that if Kimmie does not sign all such documents on or before **August 31**, **2021** (the Deadline) that the Commission's selection of Kimmie as a successor is automatically revoked;

3. To authorize the Department to extend the Deadline up to 30 days for good cause; and

4. To declare that if Carah's selection as a successor is revoked; then under Section 209 (a) of the Hawaiian Homes Commission Act, as amended, "the lease shall resume its status as unleased Hawaiian home lands the department is authorized to lease the land to a native Hawaiian as provided by the Act."

DISCUSSION

Chervonne received the lease by way of the Transfer Through Successorship lease document dated April 26, 2017.

ITEM NO. D-13

ITEM NO. D-18 EXHIBIT A On August 31, 2017, the Decedent passed away without naming a successor to her lease.

In compliance with the Administrative Rule 10-3-63, the Department published legal ads in the Honolulu Star Advertiser, the Hawaii Tribune Herald, the West Hawaii Today, The Garden Island newspapers on December 1, 8, 15, 22 and 29, 2020 and The Maui News on June 4, 11, 18 and 25, 2020 to notify all interested, eligible and qualified heirs of the Decedent, to submit their successorship claim to the Lease.

The Department received a successorship claim from the Decedent's brother, Carah, who has been determined to be at least 37% Hawaiian ancestry and eligible for successorship to the Lease.

Pursuant to Section 209 of the Hawaiian Homes Commission Act of 1920, as amended (Act), when a lessee fails to designate a successor, the commission is authorized to terminate this lease or to continue the lease by designating a successor. Section 209 states in part that the department may select from only the following qualified relatives of the decedent:

- 1. Husband or wife; or
- 2. If there is no husband or wife, then the children; or
- 3. If there is no husband, wife, or child, then the grandchildren; or
- 4. If there is no husband, wife, child, or grandchild, then the brothers or sisters; or
- 5. If there is no husband, wife, child, grandchild, brother, or sister, then from the following relatives of the lessee who are native Hawaiian: father and mother, widows or widowers of the children, widows or widowers of the brothers and sisters, or nieces and nephews.

There are no improvements on the homestead lot and the annual Lease rent is paid current. Real Property tax is delinquent \$1,253.31. If Carah is approved as the successor, he will arrange with the County to pay the outstanding amount due.

The Department requests approval of its recommendation.

ITEM NO. D-13

ITEM NO. D-18 EXHIBIT A

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HAWAIIAN HOMES COMMISSION DECEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY

E – ITEMS

LAND DEVELOPMENT DIVISION

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20-21, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Stewart Matsunaga, Acting Administrator, Land Development Division

SUBJECT: Item E-1 For Information Only Land Development Division Nanakuli and Waianae Project Updates

RECOMMENDED MOTION/ACTION

None – For Information Only

ITEM NO. E-1

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HAWAIIAN HOME LANDS

HAWAIIAN HOMES COMMISSION · DEPARTMENT OF HAWAIIAN HOME LANDS

Nānākuli / Wai'anae

Project Updates

Land Development Division

Item E-1

For Information Only

December 20-21, 2021

Former Voice of America Property, Māʻili

ULU KE KUKUI REDEVELOPMENT PV Carports over parking, typical.

- Developer: Hawaiian Community Development Board
- Convert 80 transitional housing units into 40 affordable rental units
- Finalizing construction plans and securing financing
- Department of Human Services, Homeless Programs Office contract with Catholic Charities Hawaii completed 11/24/21



• Rent-up scheduled to start 2023

Former Voice of America Property, Mā'ili

DHHL New Residential Community

- Approximately 40 acres
- Mixture of single-family lots and multifamily townhouses; approximately 250-340 units
- Legislative Appropriations \$800,000 (Planning, Designs)
- Estimated site construction cost \$48 million
- June 2021: Beneficiary Consultation
- Feb 2022: Draft Environmental Assessment
- 2023 to 2024: Infrastructure Design
- 2025 to 2026: Infrastructure Construction
- 2026 to 2027: House Construction / Multifamily Development





Nānākuli Drainage Channel Improvements

PHASE 1

Scope:Re-line channel walls - 5,000 linear feetCost:\$3.2 millionSchedule:Construction completed - Summer 2021

ADDITIONAL PHASES

Scope:Additional repairs to lateral channelsBudget:\$2.2 Million CIP funding requiredSchedule:Designs in progress; bid in Fall 2021









Nānākuli Traffic Calming

Traffic calming, to include flashing beacons, speed humps and tables, crosswalk signals, curbs, striping and signage.

Locations to include, but not limited to:

- 1. Nānākuli Ave & Pua Ave
- 2. Haleakalā Ave & Mano Ave
- 3. Nānākuli Ave & Pililaau Ave.
- 4. Nānākuli Ave & Ilimapapa Ave.
- 5. Haleakalā Ave. & Opuhe St.
- 6. Haleakalā Ave. & Mokiawe St.
- 7. Haleakalā Ave. & Pililaau St.
- 8. Mano Ave fronting Nānāikapono Elementary School
- 9. Nānākuli Ave. outside Nānākuli High School
- 10. Nānākuli Ave. & Lepeka Ave.

DHHL Trust funds: \$315,000 (Design) Legislative Appropriation: \$1,000,000 (Construction)



Nānākuli Traffic Calming, Phase 1

NANAKULI TRAFFIC CALMING

AustinTsutsumi Engineers & Surveyors

Phase 1: Construction of flashing beacons and crosswalk improvements to start in first Quarter 2022.

Phase 2: Designs in progress for speed humps and other traffic calming measures



FIGURE 3

TRAFFIC CALMING RECOMMENDATIONS

Nānākuli Cemetery Repairs



Proposed Repair Scope:

- Fencing installation: 1,000 linear feet
- Wall Repair: 700 linear feet
- Remove excess excavated soil
- Repair water line

Cost estimate:

• \$370,000 Operating Fund

<u>Schedule</u>

- Permit approval in progress
- Open Bids: January 2022



Wai`anae Valley, Increment 4



- Lots range from 7,071 square feet to 9,274 square feet.
- Project Construction Cost: \$1,325,243.00
- Contractor: Close Construction, Inc.
- Estimated Construction Schedule:
 - Start Construction:
 - **Completion:**

December 2019 December 2021


Wai`anae Coast Emergency Access Road



Wai'anae Coast Emergency Access Road

- Legislative CIP funding: \$3,000,000
- Assess routes, conduct research, analyze alternatives, consult with community.
- No viable routes through Nānākuli community.
- No further assessments to be conducted.

DEPARTMENT OF HAWAIIAN HOME LANDS - LAND DEVELOPMENT DIVISION



PURPOSE: Improve existing sewer collector lines to City and County standards

LOCATIONS:

DHHL Sewerlines in Wai`anae, Princess Kahanu Estates, and Nānākuli.

SCOPE OF WORK:

- Replace non-conforming sewer lines, manholes, laterals and cleanouts
- Reconnect sewer laterals
- Paving restoration
- STATUS:
- Video-camera inspection, smoke testing and cleanout survey completed.
- Designs in progress for Wai'anae and Princess Kahanu Estates.
- Initiate designs for Nānākuli area in 2022.

Wai anae Sewer Assessment



Construction Scope:

- Replace 2,580 feet of 8" to 15" sewerline
- Replace 66 sewer laterals
- Construct/Reconstruct 33 sewer manholes

Construction Timetable:

- Prefinal design completed; under City review.
- Construction bid in 2nd Quarter 2022.

Construction estimate: \$4.5 Million

Princess Kahanu Estates Sewer Assessment



Construction Scope:

- Replace 6,160 feet of 8" to 12" sewerline
- Replace 180 sewer laterals
- Convert 2,300' of 6" sewer laterals to 8" sewer mains
- Construct/Reconstruct 41 sewer manholes

Construction Timetable:

- Design in progress
- Construction bid: First Quarter 2023

Construction estimate: \$15 Million

Nānākuli Sewer Assessment



Construction Scope:

- Replace 18,500 feet of 6" to 15" sewerline
- Replace over 300 sewer laterals
- Construct/Reconstruct 126 sewer manholes

<u>Construction Timetable</u>: Design start in mid-2022, subject to Leg CIP funding. Construction start estimated early 2024.

Construction estimate: \$40 Million

Nānākuli & Wai'anae Cesspool Assessment

Project Description

• <u>Background</u>:

Act 125, Session Laws of Hawaii 2017 mandates upgrade, conversion, or sewer connection of all cesspools by 2050.

- <u>Project Objectives</u>:
 - 1) Identify existing DHHL lots with cesspools
 - 2) Assess options for connections to the public sewer
- <u>General Scope of Work</u>:
 - Identify and conduct physical survey DHHL lots with cesspools in Wai`anae, Nānākuli and Waimānalo
 - Prepare Assessment report and recommendations for upgrade, conversion or connection to public sewers

Nānākuli & Wai`anae Cesspool Assessment





Source: Hawaii Statewide GIS Program - On-site Sewage Disposal Systems (OSDS) Lots without dot: connected to public sewers or undeveloped

DEPARTMENT OF HAWAIIAN HOME LANDS - LAND DEVELOPMENT DIVISION

Nānākuli & Wai'anae Cesspool Assessment

Two-Phased Project Approach

• <u>Phase I</u>

- Background desktop research
- Public notification
- Field verify Onsite Sewage Disposal System (OSDS) lots and identify cesspools
- <u>Phase II</u>
 - Phase II topographical survey of OSDS lots
 - Connection option assessment
 - Design for sewer connection: gravity sewer or pump station connection

Nānākuli & Wai'anae Cesspool Assessment

Pre-survey Desktop Research



Nānākuli Subdivision Results

DEPARTMENT OF HAWAIIAN HOME LANDS - LAND DEVELOPMENT DIVISION

Nānākuli & Wai`anae Cesspool Assessment

Construction Budget Estimates

Cost to convert to gravity sewer or low pressure sewer system (LPSS) Wai'anae: \$12 million (gravity sewers) Nānākuli: \$17 million (gravity sewers + LPSS)

Construction Schedule Estimates

Preliminary Completion Schedule (subject to CIP appropriations)Wai'anae:Late- 2025Nānākuli:Mid- 2027

DEPARTMENT OF HAWAIIAN HOME LANDS - LAND DEVELOPMENT DIVISION

Nānākuli & Wai'anae Cesspool Assessment

Phase I Field Survey

- Notification Letter: inform lessees of the project and schedule
- Lessee Questionnaire:
 - o Preliminary OSDS information
 - o Contact information to inform lessees of lot survey
 - o Consent to enter lot agreement

Successful project progress is highly dependent on kokua from lessees to enter lot to conduct field survey.

Mahalo



DEPARTMENT OF HAWAIIAN HOME LANDS

www.dhhl.hawaii.gov

DEPARTMENT OF HAWAIIAN HOME LANDS - LAND DEVELOPMENT DIVISION

STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS

December 20-21, 2021

- TO: Chairman and Members, Hawaiian Homes Commission
- FROM: Stewart Matsunaga, Acting Administrator Land Development Division
- SUBJECT: Item E-2 For Information Only
 Draft Environmental Assessment for Redevelopment of the 820 Isenberg
 Street Property, Moiliili, Waikiki District, Oahu, and Anticipated Finding of
 No Significant Impact (AFONSI), TMK Nos. (1) 2-7-008: 018 and 020

RECOMMENDED ACTION

None - for information only

DISCUSSION

PURPOSE

The purpose of this informational briefing is to update the HHC on the status of the Redevelopment of the 820 Isenberg Street Property; to present summary highlights of the Draft Environmental Assessment (DEA); and to notify Commissioners of the Draft Environmental Assessment (DEA) prior to publication in the Office of Environmental Quality Control's *The Environmental Notice (TEN)* periodical.

The DEA will be posted on DHHL's website.

BACKGROUND

DHHL acquired the property from the State Department of Land and Natural Resources in 1995. It is the site of the former Stadium Bowl-O-Drome bowling alley which operated from 1955 to 20004. DHHL leased the exterior portion of the site to Oahu Auto Service, Inc. on a permit basis from 2003 to May 2017. The site is currently unoccupied.

In August 2019, DHHL issued a Request for Proposals (RFP) for Redevelopment the 820 Isenberg Street Property (RFP-20-HHL-003). Five proposals were received prior to the November 15, 2019 deadline for submittals. The selection committee scored each proposal based on the criteria specified in the RFP. Pursuant to Section 103D-303, Hawaii Revised Statues relating to procurement of by way of competitive sealed proposals, on January 3, 2020, the Chairman approved the selection committee's recommendation to award to the partnership of Stanford Carr Development, LLC / Hawaiian Dredging Construction Company.

PROJECT DESCRIPTION

Project Location:	820 Isenberg Street, Honolulu, Hawaii
	The project is bounded by Stadium Park to the north and west, the Scenic Tower condominium to the south, and Isenberg Street to the east.
Tax Map Key:	(1) 2-7-008: 018 and 020
Ownership:	Department of Hawaiian Home Lands
Lot Area:	40,000 SF (0.918 acres) for 2-7-008:018
	42,493 SF (0.975 acres) for 2-7-008:020
	Total: 82,493 SF (1.893 acres)
Zoning: Special District:	The project area is P-2, General Preservation. The Department is not subject to County Zoning. DHHL has declared that the project will be designed and constructed in accordance with BMX-3, Business Mixed Use zoning standards. The project is not located in a Special District.
-	
State Land Use:	Urban
Existing Land Use:	The project site is located on lands that were formerly in use as the Bowl-O-Drome bowling alley and parking lot. The use was established in 1955 and ceased operations in 2004. The elevated single-story 22,346 square foot building has been vacant since the closure of the bowling alley function while the adjacent parking area was in use by a towing company until 2017.
	In general, the surrounding areas consist of a mix of commercial uses along the major thoroughfares and a very diverse mix of single-family, low-density and medium to high density apartment buildings. The overall character is one of a medium density urban residential community.
Nature of Development:	The project will demolish the former Stadium Bowl-o-drome bowling alley and redevelop the property as a multi-family residential affordable-rent facility for native Hawaiian beneficiaries. The proposed development will be a 210-foot tall tower and podium consisting of 277 dwelling units in studio, one-bedroom, two-bedroom, three-bedroom and three-bedroom townhome configurations. The commercial component of the project will include 4,680 square feet of retail space located on the ground floor. Parking for the complex will consist of approximately 277 residential stalls and 18 retail/commercial stalls for a total of 295 parking stalls.

Total Project Cost:	Approximately \$100,000,000
Project Schedule:	The project is anticipated to commence in 2023 and will be completed in 2025.

DEA SUMMARY

Following is a summary of the evaluations conducted as part of the environmental assessment process on the natural and human-made resources within the Project area:

Geological Characteristics

<u>Topography</u>: The project site consists of flat urban lands. The entire block other than the adjacent Stadium Park is fully developed and in urban use.

<u>Climate</u>: The geography of the Honolulu District is typically warm and dry in climate. Prevailing trade winds arrive from the northeast.

<u>USDA Soil Survey Report</u>: The project site is located on soils classified KIA, Kawaihapai clay loam, 0 to 2 percent slopes.

Water Resources

<u>Hydrologic Hazards and Resources</u>: According to the Federal Emergency Management Agency Flood Insurance Rate Map, the project site is predominantly located in Zone X, an area determined to be outside of the floodplain.

<u>Tsunami Inundation</u>: According to the National Ocean and Atmospheric Administration (NOAA), the project site is located in an extreme tsunami evacuation area on the Tsunami Hazard Map. This area represents extraordinary event occurrence.

<u>Special Management Area</u>: The project site is not located within the boundaries of the Special Management Area (SMA) Map.

<u>Sea Level Rise Vulnerability</u>: The 820 Isenberg project lies outside of the 3.2 foot sea level rise zone.

Historical, Cultural and Archaeological Assessment

The ahupua'a (traditional land division) of Waikīkī, literally "spouting water", encompassed the land from Honolulu to Maunalua Bay and from the ocean to the ridge of the Ko'olau mountain range. The Waikīkī of yesterday was an important political seat and a highly utilized area for agriculture and aquaculture. The Waikīkī of today is highly urbanized, densely populated, and has the highest concentration of visitor accommodations in the State.

The subsurface testing program at the Stadium Bowl-O-Drome (SIHP No. 50-80-14-08721) resulted in the identification of a single archaeological site (SIHP No. 50-80-14-08210). This site

is a historic dumping area. A total of 141 artifacts were recovered from the site. The artifacts recovered from the deposits range in age between 1886 and the 1960s and are associated with the historic use of the area by residents who lived in the vicinity in the early 1900s, as well as the use of the area for a stadium parking lot and bowling alley. Based on the presence of historic artifacts associated with historic residences in Mō'ili'ili, archaeological monitoring is recommended for any future excavation work with the project area.

The Stadium Bowl-O-Drome is not listed in the National or Hawaii Registers of Historic Places. However, as the result of an Intensive level Architectural Survey of the property undertaken in 2017, the building appears to meet the criteria for listing in the Hawaii and National Registers of Historic Places. In order to mitigate the adverse effect of the building demolition, a Historic American Building Survey report, which included large format photographic documentation, was submitted to the National Park Service for transmittal to the Prints and Photographs Division of the Library of Congress.

Traffic Conditions

The conclusion of the traffic assessment is that the proposed 820 Isenberg Street Redevelopment Project is not expected to significantly impact transportation operations in the vicinity.

Noise Environment

Based on the worst-case results of Day-Night Average Sound Level (DNL) at 63 L_{DN} for noise assessment locations (NAL) #1-9, the tower units are considered "Acceptable". Based on the worst-case results of DNL at 68 L_{DN} for NALs #10-11, the townhome units are considered "Normally Unacceptable" without considering the exterior wall assemblies at these locations. Based on the provided exterior wall assemblies and minimum sound transmission class (STC) 30-rated windows, each NAL achieves the HUD maximum interior noise level of 45 dBA and is considered "Acceptable".

Air Quality and Hazardous Materials

The proposed project will have short-term and long-term effect on ambient air quality. The existing contaminated building will be demolished and contaminants removed from site. During demolition and excavation, dust will be generated however fugitive dust is generally controlled by frequent watering and perimeter screening. These impacts are typical of any new construction project.

Biological Characteristics

<u>Flora</u>: The project lot is presently covered with an existing building and asphalt paving. The project site is essentially devoid of any plant material.

Fauna: The site does not serve as a wildlife habitat although avifauna, feral cats, and rodents may be found on-site.

Infrastructure and Utilities

<u>Water</u>: The project will continue to be serviced by the existing water system. The Board of Water Supply has stated that the existing water system can accommodate the project.

<u>Stormwater</u>: The site presently drains towards Isenberg Street where a curb and gutter system collects and conveys stormwater. The proposed project will be required to control drainage according to prevailing drainage regulations. All storm water runoff from the proposed improvements will be reviewed for conformance with City and County of Honolulu Ordinance 96-34 regarding peak runoff.

<u>Wastewater</u>: Approval from City and County of Honolulu Department of Planning and Permitting for municipal sewer system connection to accommodate the proposed project has been issued. Sewer mains are located along each street frontage and an appropriate sewage connection system will be designed in consideration of the most effective connection points.

<u>Solid Waste</u>: It is expected that private refuse collection service will be used to service the project location.

<u>Telephone and Electrical Services</u>: Telephone and electrical services are available to the site. Coordination with the local electric and telephone service providers will be expected during the design and construction phases.

Public Facilities

McCully-Moiliili Fire Station Number 29 provides fire protection service to the project area as well as emergency medical service. The station is located at 2424 Date Street and is located approximately three blocks from the project site. Response time to the site is less than 5 minutes.

Police service is provided by the Honolulu Police Department (HPD) District 7, Sector 4, Beat 754. Response time to the site is less than 5 minutes.

Public schools serving the project area are Lunalilo Elementary School, Washington Middle School and Kaimuki High School. The project will increase enrollment at these schools. The Department of Education (DOE) is required to provide education for all school-aged children. Discussions with DOE staff stated schools serving the project are currently operating with excess capacity and will continue to have excess capacity over the next five years.

Public schools serving the area presently have limited capacity to accommodate the projected student demand however school enrollments in the project area is expected to increase significantly taxing limited Department of Education facilities. Presently, there are no fees or school impact assessments placed on new developments. In the event that school capacity is reached, the developer will be open to discussion with the Department of Education regarding possible solutions.

The project site is located near the active recreational centers of Moiliili Neighborhood Park

located one block away to the north, and the Ala Wai Field located five blocks away in the makai direction. The large but passive activity Old Stadium Park is located adjacent to the project site and is an integral part of the projects design parameters.

Anticipation of a Finding of No Significant Impact

Based upon the analysis completed in the DEA, staff anticipates a finding of no significant impact for the Project. This determination is based upon the 13 criteria of significance that approving agencies must consider as specified in Hawai'i Administrative Rules 11-200.1-13. An analysis of the 13 criteria of significance is presented below:

1. Irrevocably commit a natural, cultural, or historic resource.

The proposed action will occur on an existing developed site and will not impact any surrounding topographical features other than the removal or relocation of some existing trees. Subsurface archaeological artifacts are a possibility, therefore, an archaeological monitor will be present during the construction. In the event that any archaeological remains are uncovered during the course of construction, all work will stop and the State Historic Preservation Office will be contacted for appropriate action.

2. Curtail the range of beneficial uses of the environment.

The proposed use will result in a significant change from its existing and former uses but represents an appropriate use that will benefit the public and will be environmentally consistent with the surrounding urban area. The proposed project will not curtail beneficial uses of the environment. The proposed project will provide needed housing inventory in Primary Urban Center and is considered a highest and best use in the public interest.

3. Conflict with the State's environmental policies or long-term environmental goals established by law

The proposed action is consistent with the goals and guidelines expressed in Chapter 344, Hawaii Revised Statutes and NEPA.

4. Have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State.

The proposed action will make a positive contribution to the welfare and economy of the State and City by providing desirable and needed affordable rental housing to the State of Hawaii. The facility will also contribute positively to the community through the use of goods and services in the area, through construction related employment, and through secondary and tertiary spending and taxes. The proposed action will not have any impact on any native cultural practices as the site has been in urban use for over 100 years.

5. Have a substantial adverse effect on public health.

The proposed improvements are not expected to have any direct impact on public health but will provide housing for a targeted occupants that may not otherwise have an opportunity for centrally located affordable housing. No recreational resources will be impacted by the project, nor will the project increase any undesirable environmental impacts. The existing contaminated building will be demolished and contaminants removed from the site.

6. Involve adverse secondary impacts, such as population changes or effects on public facilities.

The proposed action will increase the population within the community and will increase the demand for public facilities. These impacts are consistent with residential development of this nature and are not considered adverse impacts. The change in population and demand for public facilities will be readily met by existing infrastructure and services.

7. Involve a substantial degradation of environmental quality.

The proposed action will not degrade environmental quality. Impacts associated with the project, such as traffic impact and noise quality have been assessed to be minimal. The project is located in a highly urban environment that is expected to be heavily developed in the future. In that respect, the project is consistent with the overall land use of the district.

8. Be individually limited but cumulatively have substantial adverse effect upon the environment, or involves a commitment for larger actions.

The 820 Isenberg project is very beneficial in offering a diverse mix of housing types, commercial activity in consonance with the intent and overarching plans for the Primary Urban Center. The site will be appropriately entitled for the proposed activities and through the 201H process and does not serve as a component of a larger development.

9. Have a substantial adverse effect on a rare, threatened or endangered species or its habitat.

The proposed action will not affect any rare, threatened or endangered species of flora or fauna, nor is it known to be near or adjacent to any known wildlife sanctuaries.

10. Have a substantial adverse effect on air or water quality or ambient noise levels.

The proposed action will not impact air or water quality. Noise levels will change from those associated with vacant land use to a mixed-use development. The change in noise level is expected to be negligible and will not significantly affect surrounding properties. The project will reuse grey water.

Minimal impacts on air quality and noise are anticipated during construction, but will be limited by normal construction practices and Department of Health construction mitigation standards.

11. Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters.

The project is not on or near an environmentally sensitive area.

12. Have a substantial adverse effect on scenic vistas and view planes, during day or night, identified in county or state plans or studies.

The proposed action will not affect any scenic vistas or view planes as surrounding developments already tower around the proposed project. The project is located in a highly urban environment.

13. Require substantial energy consumption or emit substantial greenhouse gases.

The project will increase electrical energy consumption over the existing use. This increase will be consistent with residential use and will be typical of any high-density urban use. The project will include energy conservation measures to the greatest extent practicable. General conservation goals include: meeting State energy conservation goals, using energy saving design practices and technologies, and recycling and using recycled-content products. Photovoltaic energy will be used for common areas.

Based on the above stated criteria, the proposed 820 Isenberg mixed use development is not expected to have a significant effect on the environment beyond those associated with a master planned community. As such, a Finding of No Significant Impact (FONSI) is anticipated for the project by Hawaiian Home Land Commission and the Housing Finance and Development Corporation.

NEXT STEPS FOR EA COMPLETION

The following is a list of anticipated next steps and milestones in the completion of the EA.

- DEA anticipated to be published in the December 23, 2021, OEQC TEN
- 30-day public comment period on the DEA ends January 24, 2022.
- Revise DEA per public comments and complete Final Environmental Assessment (FEA) by February 1, 2022.
- Present FEA to HHC; HHC issues Finding of No Significant Impact (FONSI) declaration for the project February 22-23, 2022.
- HHC FONSI declaration for the project and FEA submitted to OEQC by March 1, 2022 for publication in OEQC *TEN* on March 8, 2022.

NEXT STEPS FOR OVERALL PROJECT IMPLEMENTATION

In addition to the completion of the FEA and HHC declaration of FONSI for the project in accordance with Hawaii Revised Statutes Chapter 343 and HAR 11-200.1, the following actions permits, approvals, and coordination are needed.

Permit or Approval	Approving Agency
National Pollutant Discharge Elimination System (NPDES) Permit	State Department of Health – Clean Water Branch
Community Noise Permit	State Department of Health – Indoor and Radiological Health Branch
Chapter 201H Approval	Honolulu City Council
Building Permits	Dept. of Planning and Permitting
Certificate of Occupancy	Dept. of Planning and Permitting
Construction Dewatering Permit	Dept. of Planning and Permitting
Grading and Stockpiling Permits	Dept. of Planning and Permitting
Sewer Connection Permit	Dept. of Environmental Services
Trenching Permit	Dept. of Planning and Permitting
Erosion Control Plan/Best Management Practices	Dept. of Planning and Permitting
Permit to Work Within County Right- of-Way	Dept. of Transportation Services

HAWAIIAN HOMES COMMISSION DECEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY

F – **ITEMS**

LAND MANAGEMENT DIVISION

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20-21, 2021

To:	Chairman and Members, Hawaiian Homes Commission
From:	Peter "Kahana" Albinio, Jr., Acting Administrator
	Land Management Division
Subject:	Approval to Issuance of a Temporary "Three (3) Month" Right of Entry Permit,
1.1.1	Mutual Housing Association of Hawaii, Inc., Kapolei, Island of Oahu, TMK No.:
	(1) 9.1.017:156(por.)

APPLICANT:

MUTUAL HOUSING ASSOCIATION OF HAWAII, INC. "MHA"

RECOMMENDED MOTION/ACTION:

That the Hawaiian Homes Commission (HHC) authorize the issuance of a Temporary "Three (3) Month" Right of Entry Permit, to "MHA" covering the subject area identified by Tax Map Key No. (1) 9.1.017:156(por.) delineated more specifically on Exhibits "A-1" & "A-2" attached hereto consisting of approximately 60,000 square feet, more or less, of Hawaiian home lands situated at Kapolei, Island of Oahu for the purpose of installing a temporary parking lot that will accommodate approximately 166 temporary parking stalls for its tenants while it constructs its permanent parking structure at its adjacent housing facility.

Approval and issuance of this Temporary "Three (3) Month" Right of Entry Permit (ROE) shall be subject to the following conditions:

- 1. Authorize the issuance of a Temporary "Three (3) Month" Right-of-Entry permit to "MHA" covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - A. The standard terms and conditions of the most current right-of-entry permit form, as may be amended from time to time;
 - B. The premises shall be utilized strictly for installation of temporary parking lot w/ approximately 166 temporary parking stall purposes ONLY and for no other purposes whatsoever; and
 - C. Such other terms and conditions as may be prescribed by the Hawaiian Homes Commission to best serve the interests of the Hawaiian Home Lands Trust;

2. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR this project will probably have minimal or no significant effect on the environment.

LOCATION:

Hawaiian Home Lands situated at Kapolei, Island of Oahu, identified as TMK No.: (1) 9-1-017:156 (por.)

AREA:

Containing approximately 60,000 square feet, more or less

DISCUSSION:

MHA submitted a request to use a 60,000 square foot portion of DHHL land identified by TMK No.: (1)-9-1-017:156, as identified in Exhibit "A-1 and A-2", for temporary parking purposes. MHA expressed that the temporary 3-month period would suffice while they construct its own parking facility at its housing adjacent housing complex.

MHA agrees and understands the following: 1) The temporary parking lot area will not exceed 60,000 square feet with a base monthly rental rate established at TWO THOUSAND SEVENTEEN AND NO/DOLLARS (\$2,017.00) see Exhibit "B" for calculation; 2) will provide Liability Insurance naming DHHL additionally insured if requested; and 3) upon completion of the project, the area will be restored to a condition as good as or better than that which existed prior to it's use.

PLANNING AREA:

Kapolei, Island of Oahu

LAND USE DESIGNATION:

Community Use, Oahu Island Plan (July, 2014), Figure 5.4 – <u>Honouliuli Ahupua'a – Kapolei Land</u> <u>Use Designations</u>,

<u>CURRENT STATUS</u>: Vacant

CHARACTRER OF USE:

Community Use

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

Triggers:

Use of State Lands

In accordance with Hawaii Administrative Rule Sections 11-200.1 and the revised Exemption List for the Department of Hawaiian Home Lands reviewed and concurred by the Environmental Council on April 6, 2021, (See Exhibit "C") the subject request is exempt from the preparation of an environmental assessment pursuant to <u>General Exemption Type 1</u>, Operations, repairs, or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

- 1. Fertilizing, sprinkling, mowing, weeding, trimming, brush cutting, clearing, grubbing, aerating, road cleaning and patching, sweeping, removal of debris, and other routine maintenance of the following agency maintained lands and facilities:
 - a. Ditches, channels, and common areas
 - b. Streets, roads, highways, bike paths, pedestrian ways, trails, parking lots and appurtenances
 - c. Flood control, erosion control, and drainage facilities
 - d. Parks
 - e. Landscaped areas

Applicant also confirms that if any ko'oloa'ula plants are discovered by its botanist, they would not disturb or remove the plants.

CONSISTENCY WITH DHHL PLANS, POLICIES AND PROGRAMS

DHHL General Plan (2002)

The recommended disposition is consistent with the following General Plan goals and objectives:

Land and Resource Management

Goals:

• Be responsible, long-term stewards of the Trust's lands and the natural, historic and community resources located on these lands.

Objectives:

• Manage interim land dispositions in a manner that is environmentally sound and does not jeopardize their future uses.

<u>Kapolei Regional Plan (2010)</u>

The site is designated for Community Use consistent with the Kapolei Regional Plan (November 2010)

AUTHORIZATION / LEGAL REFERENCE:

§171-55, Hawaii Revised Statutes, as amended, a "permit on a month-to-month basis may continue for a period not to exceed one year from the date of issuance; provided that the commission may allow the permit to continue on a month-to-month basis for additional one-year periods."

<u>RECOMMENDATION</u>:

Land Management Division respectfully requests approval of the motion as stated.

Albinio Jr, Peter K

From:	David Nakamura <dnakamura@mutual-housing.org></dnakamura@mutual-housing.org>
Sent:	Wednesday, November 24, 2021 12:15 PM
To:	Albinio Jr, Peter K
Subject:	[EXTERNAL] Ko`oloa`ula
Attachments:	MH-Koo-Offsite Parking_112321.pdf

Happy Thanksgiving.

I hope you are well. Here is a site plan of how we anticipate laying out the temporary parking on your lot in the East Kapolei II subdivision. We estimate that the area we would grub and use as temporary parking would be 60,000 square feet. It would accommodate approximately 166 temporary stalls.

David M. Nakamura Mutual Housing Association of Hawaii, Inc. 900 Fort Street Mall, Suite 1690 Honolulu, Hawaii 96813 (808) 550-0804 Fax (808) 550-0607

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Exhibit "A-1" Item No. F-1



Parcel ID910171560000Acreage8.965ClassAGRICULTURAL

Situs/Physical Address KEAHUMOA PKWY

Assessed Land Value \$1,950,800 Assessed Building Value \$0 Total Property Assessed Value Total Property Exemptions Total Net Taxable Value \$1,950,800 \$1,950,800 \$0

Last 2 Sales
 Date
 Pri

 10/3/2017
 0

 n/a
 0
 Reason Qual NO SALE PRICE OR SCT U n/a n/a Price Reason

Brief Tax Description

LOT 19890 8.965 AC MAP 1667 LCAPP 1069 TOG/ESMT, SUBJ/ESMT (Note: Not to be used on legal documents)





Land Area (approximate sq ft) Land Area (acres)	Property Class	Legal Information	Project Name	Location Address	Parcel Number	Parcel Information
390,515 8,9650	AGRICULTURAL	LOT 19890 8.965 AC MAP 1667 LCAPP 1069 TOG/ESMT, SUBJ/ESMT		KEAHUMOA PKWY	910171560000	

Exhibit "B"

<u>Item No. F-1</u>

Plat Map PDF GIS Parcel Map

Owner Names Email us at bfsrpmailbox@hc ulu.gov regarding Supplemental Plat Map PDFs.

STATE OF HAWAII Fee Owner

Any ownership changes after assessment date of October 1 will be reflected on website after assessment roll certification on or after January 31.

Property Class			Assessment Year Property Class
		F	Assessed Land Value
		\$0	Dedicated Use Value
Square Footage		\$1,950,800	Land Exemption
	How to calcul	\$0	Bhow Historical Assessments Net Taxable Assessed Land Building Walue Value
Acre	<u>ow to calculate real property taxes</u>	\$0	istorical Assessments Assessed Building Value
<u>taxes</u> Acreage	101	\$0	Building Exemption
		\$0	NetTaxable Building Value
Agricultural Use Indicator		\$1,950,800	Total Property Assessed Value
		\$1,950,800	Total Property Exemption
		\$0	Total Net Taxable Value

AGRICULTURAL

Map



	~
Based on the figures above the base monthly rental fee is established as follows:	Example 2 Based on the figure
	h
Department of Planning and Permitting (DPP)	
8.965	390,515

\$5.00/sf/annum X 8.0% (Market Rtrn Rate) = \$0.40/sf/annum

\$0.40/sf/annum X 60,000/sf = \$24,200/per annum

\$24,200/12 = <u>\$2,017/mo</u>

No data available for the following modules: Condominium/Apartment Unit Information, Appeal Information, Agricultural Assessment Information, Residential Improvement Information, Residential Additions, Commercial Improvement Information, Sketches, Other Building and Yard Improvements, Permit Information, Current Tax Bill Information, Historical Tax Information, Sketches, Other Building and Yard Improvements, Permit Information, Current Tax Bill Information, Historical Tax Information, Historical Tax Information, Sketches, Other Building and Yard Improvements, Permit Information, Residential Additions, Commercial Improvement Information, Sketches, Other Building and Yard Improvements, Permit Information,

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Exhibit "C" Item No. F-1

FILE COPY

concurred upon by the Environmental Council on April 06, 2021

Re-organization of June 30, 2015 Comprehensive EXEMPTION LIST FOR THE STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS Submitted for review to the Environmental Council on March 3, 2021 The Department of Hawaiian Home Lands (DHHL) is comprised of the following divisions and offices:

- Office of the Chairman (OCH)
 - Planning Office (PO)
- Administrative Services Office (ASO)
 - Fiscal Office (FO)
- Information and Community Relations (ICRO)
 - Homestead Services Division (HSD)
 - Land Development Division (LDD)
 - Land Management Division (LMD)

HISTORICAL NOTE

The current exemption list for the Department of Hawaiian Home Lands was reviewed and concurred upon by the Environmental Council on June 30, 2015. The 2015 list supersedes the previous list that was reviewed and concurred upon by the Environmental Council on October 18, 1982.

GENERAL NOTE

Chapter 343, HRS authorizes the Environmental Council to establish procedures to exempt specific types of actions from the need to prepare an environmental assessment because the actions will have minimal or no significant effect on the environment. If DHHL determines, through its judgment and experience, that a proposed action will individually and cumulatively probably have minimal or no significant effects, and the action is one that is eligible for exemption under HAR 11-200.1, subchapter 8, DHHL may prepare an exemption notice in have a significant effect on the environment and will not be exempt, if it may

- Irrevocably commit a natural, cultural, or historic resource;
 Curtail the range of beneficial uses of the environment;
 - 3) Conflict with the State's environmental policies or long-term

environmental goals established by law;

Re-organization of DHHL's June 30, 2015 Comprehensive Exemption List

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- 4) Have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State;
 - Have a substantial adverse effect on public health;
 Involve adverse secondary impacts, such as population cha
- 6) Involve adverse secondary impacts, such as population changes or effects on public facilities;
 - Involve a substantial degradation of environmental quality;
 Be individually limited but cumulatively have substantial
- adverse effect upon the environment or involves a commitment for larger actions; 9) Have a substantial adverse effect on a rare, threatened, or
- endangered species, or its habitat; 10) Have a substantial adverse effect on air or water guality or
- 10) maye a substantial adverse effect on an UL water quanty of ambient noise levels? 11) Have a substantial adverse effect on or be likely to suffer
 - 11) Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;12) Have a substantial adverse effect on scenic vistas and
 - 12) Have a substantial adverse effect on scenic vistas and viewplanes, during day or night, identified in county or state plans or studies; or
- 13) Require substantial energy consumption or emit substantial greenhouse gases.

Actions declared exempt from the preparation of an EA by DHHL are not exempt from complying with any other applicable statutes or rules.

Pursuant to HAR §11-200.1-8, all exemptions under Subchapter 8 are inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

Part I: De Minimis Activities

Pursuant to HAR §11-200.1-16, DHHL considers activities listed in Part I to be routine and ordinary functions within its jurisdiction and that by their nature do not have the potential to individually or cumulatively adversely affect the environment more than negligibly. Examples of routine activities and ordinary functions may include, among others: routine repair, routine maintenance, purchase of supplies, and continuing administrative data collection, installation of routine signs

<pre>ix. Energy systems d. Fencing, curbing, gates, walls, and retaining walls e. Steps and stairways f. Handicapped accessibility improvements, including walkways, stairways, ramps, and handrails g. Individual and cluster unit mailboxes h. Signage i. Existing structures, including, but not limited to:</pre>	-H Q	Electri vaults Power, install Heating ("HVAC" Odor cc Securit Securit Telecon supervi ("SCADP	<pre>ix. Irrigation controllers x: Telephone stations x: Telephone stations xi. Emergency electrical generators xii. Lifts provided for handicapped accessibility 1. Traffic calming devices, including, but not limited to, new traffic and pedestrian control devices - speed humps, speed bumps, speed tables, traffic signals, directional, informational and regulatory signs, pavement markers, and striping</pre>
---	------	--	--

a. Ditches, channels, and common areas b. Streets, roads, highways, bike paths, pedestrian ways,

facilities:

c. Flood-control, erosion-control, and drainage

e. Landscaped areas

facilities

d. Parks

f. Beach accesses h. Cemeteries

g. Beaches

. 7

trails, parking lots and appurtenances

Fertilizing, sprinkling, mowing, weeding, trimming, brush outting, clearing, grubbing, aerating, road clearing and patching, sweeping, removal of debris and other routine maintenance of the following agency maintained lands and

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exempt from the preparation of an EA and the requirements of HAR

chapter 343, HRS, environmental review. Part I activities are

\$11-200.1-17 because the activities are considered de minimis.

structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond

that previously existing.

г.

Type 1. Operations, repairs or maintenance of existing

existing facilities; interior alterations involving things such not consider these activities to rise to the level of requiring

construction or placement of minor structures accessory to

as partitions, plumbing, and electrical conveyances. DHHL does

and markers, financial transactions, personnel-related matters,

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Re-organization of DHHL's June 30, 2015 Comprehensive Exemption List

Re-organization of DHHL's June 30, 2015 Comprehensive Exemption List

b. Repairs to existing homestead homes c. Structures required for essential utilities, including, but not limited to: i. Water system components such as pumps, valves and

Water and sewage handling and treatment systems

Sanitary sewage systems

ii. iii. i∢.

Drainage systems

Communication systems Electrical systems Irrigation systems

vi. vii. viii.

⊳.

Gas systems

controls, pipes and channels, water storage tanks, wells and other water sources

cleaning, polishing, greasing, oiling, and servicing of the

following facilities, structures, and equipment:

Operation, maintenance, repairing, repainting, reroofing,

a. Existing buildings, offices and community facilities

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- escape ramps, sidewalks, bollards, and vehicle access m. Traffic and pedestrian safety measures - guardrails, barriers
- street lights, parking lot lights, security lighting, ball field and play court lighting, bollards, and wall n. Exterior lighting, including, but not limited to, sconces
 - i. Recreation buildings, multi-purpose buildings, o. Existing recreational facilities, structures, and equipment, including, but not limited to:
- Administration buildings, storage and operations clubhouses, and education buildings
 - Comfort stations, bathhouses, and locker room buildings, and caretaker residences facilities iii.
- iv. Water tanks developed to serve park or community use needs
- Outdoor showers, drinking fountains, ornamental and swimming pools, and hose bibs .⊳
 - Security and visitor information kiosks, concession stands, and phone booths vi.
- Life guard towers and accessory or appurtenant structures vii.
 - Athletic fields, athletic courts, play court practice walls, skate parks, and appurtenant equipment and facilities viii.
- Gymnasiums, skating rinks and related facilities Planter boxes, arbors, botanical and community цх. ×
- Bandstands, pavilions, shelters, tent platforms, gardens, and plant nurseries . K
- benches, picnic tables and charcoal disposals Signs and posts, and bike racks xii.
 - Security lighting of grounds, structures, and parking lots xiii.
 - Equipment sheds and canoe hale xiv.
- xv. Pedestrian bridges in park or community use areas xvi. Play equipment, fitness exercise stations Patching, resurfacing, striping and cleaning of pavement
 - surfaces including, but not limited to, streets, roads, highways, pedestrian ways and walkways, bike paths, driveways, parking lots and appurtenances . M
- Repair and maintenance of established footpaths, trails and 4.
 - bike paths, including those to beaches and beach accesses Operation, repair, testing, and maintenance of vehicles
 - Abandoned vehicle pickup program operations . 5. 7.
- Collection of refuse and recyclables, and schedule changes

Re-organization of DHHL's June 30, 2015 Comprehensive Exemption List

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- repairs, and maintenance of existing cemeteries, including the digging and covering of new graves Operation, . ∞
- and per guidelines provided in Hawaii Administrative Rules Chapter 13-300, as approved by the Island Burial Councils Protection and Repatriation Act (NAGPRA, 43 CFR Part 10), according to regulations for the Native American Graves affected or are threatened to be affected by erosion, Relocation of cemetery grave contents that have been . б
 - Clearing of earth berms, drainage swales, culverts, stream banks, and streams including, but not limited to streams with direct outlet to the ocean 10.
- structures where such removal will not have an adverse a. Routine maintenance and removal of dirt, rock, debris, impact on downstream waters, bays, or the environment and accumulated boulders from canals, streams, and flood-control debris basins and debris/catchment
 - b. Vegetation clearing from streams, improved and unimproved drainage ditches, or swales. Work may involve removing and cutting of debris, brush, grasses, and trees
- Removal of domestic sewage from residential and commercial material into municipal wastewater treatment facilities waste and wastewater systems and the disposal of such 11.
 - Construction staging areas and temporary storage of Chemical control of vector 12. 13.
- construction equipment and materials within project boundaries
- Actions necessary for compliance with Occupational Safety & Health Administration requirements 14.
 - Repair and maintenance of civil defense warning sirens 15.]

Type 2. Replacement or reconstruction of existing structures and g facilities where the new structure will be located generally the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced.

- change in use), or installation of any building, structure, facility, equipment or utility, including, but not limited 1. Replacement, reconstruction, alteration, modification (no t0:
- a. Homestead residential dwellings and accessory structures such as garages and barns
- Community use structures such as recreation buildings. multi-purpose buildings, clubhouses, and education buildings . p

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- Administration buildings, storage and operations buildings, and caretaker residences . บ
- Replacement of cesspools with Individual Wastewater Systems approved by the State Department of Health ч.
- energy savings, including but not limited to solar hot Installation of systems with improved technology for water and photovoltaic systems . U
- Exterior door and window replacement
- Steps and stairways . . . ਘ ਨਸ਼
- Handicapped accessibility improvements, including walkways, stairways, ramps, and handrails
 - Individual and cluster unit mailboxes
 - Signage ч. . . К. .. .
- Fencing, curbing, gates, walls, and retaining walls [excluding seawalls]
 - Landscaping, clearing, grading, and grubbing Clearing and maintenance of areas for emergency . . ш Г
- mitigation and access including, but not limited to, firebreaks, emergency landing zones, and properly staged operations and staging sites
 - projects, including, but not limited to sprinkler Utility support systems for exempt landscaping systems installation ч.
- driveways, parking lots, carports, walkways, bikeways, Pavements including, but not limited to, roadways, jogging paths, multi-use pathways, and covered walkways sidewalks, . 0
- to, new traffic and pedestrian control devices speed Traffic calming devices, including, but not limited humps, speed bumps, speed tables, traffic signals, directional, informational and regulatory signs, pavement markers, and striping . д
 - escape ramps, sidewalks, bollards, and vehicle access Traffic and pedestrian safety measures - guardrails, barriers . ש
- less than one lane width, adding shoulders, adding auxiliary lanes for localized purposes (i.e., turning, substandard curves and intersections, and grading cut Highway improvements for safety purposes - widening passing, decelerating lanes, etc.), correcting slopes to a minor extent . н
- Bridge repair and/or replacement (for bridges without historic value) as long as the new bridge is limited include bicycle route, pedestrian walkway and safety to two traffic lanes. New bridge replacement could improvements to meet Federal and State Highway Standards . Ω

Re-organization of DHHL's June 30, 2015 Comprehensive Exemption List

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- Footbridge replacement and repair ÷.
- u. Public transportation shelters and bus stops
- Upgrading of existing street lighting system [in .⊳
- Litter containers, trash enclosures, trash compactors, and recycling collection bins compliance with HRS §201-8.5] . Μ
- for clean yard waste and landscape debris generated in Recycling drop-off and redemption centers serving the surrounding residential community, and drop-off areas the surrounding community ×
 - Storage sheds, maintenance sheds, electrical sheds, pump houses, and athletic equipment storage sheds ٠ ۲
- Drainage structures and facilities, earth berms, and stream banks without historic value
 - aa.Comfort stations, bathhouses, and locker room facilities
- bb. Water tanks developed to serve park or community use needs
- cc. Outdoor showers, drinking fountains, ornamental and swimming pools, and hose bibs
 - dd. Security and visitor information kiosks, concession stands, and phone booths
 - ee.Life guard towers and accessory or appurtenant structures
- ff.Athletic fields, athletic courts, play court practice walls, skate parks, and appurtenant equipment and facilities
 - gg.Gymnasiums, skating rinks and related facilities hh.Flanter boxes, arbors, botanical and community
 - ii.Bandstands, pavilions, shelters, tent platforms, benches, picnic tables and charcoal disposals gardens, and plant nurseries
- jj.Signs and posts, and bike racks kk.Security lighting of grounds, structures, and parking
 - lots [in compliance with HRS §201-8.5]
 - 11. Equipment sheds and canoe hale
- mm. Play equipment, fitness exercise stations
- nn.Civil defense warning sirens
- 2. Replacement, reconstruction, alteration, modification (no change in use), or installation of equipment, including, but not limited to:
 - a. Pumps
- b. Motors
- c. Electrical transformers, cabinets, panels, and vaults
 d. Power, light, and telephone pole systems
 e. Solar hot water and photovoltaic systems

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- Installation of systems with improved technology for energy savings . ч
 - Measures to increase resilience of structures, including but not limited to hurricane clips . ס
- HVAC . д
- Odor control systems
- Security systems and alarms
- Communication systems including antenna
 - Irrigation controllers SCADA
 - . m
- Telephone stations ч.
- Emergency electrical generators .0
- Lifts provided for handicapped accessibility . д
- Replacement, reconstruction, alteration, modification (no change in use), or installation of utility services, including, but not limited to:
- air conditioning, odor, irrigation, and fuel systems, subject to compliance with all applicable permitting Water, wastewater, drainage, electrical, communications, telecommunications, control systems, including SCADA systems, security, fire protection, requirements, including State Department of Health requirements
- the overall capacity of the system beyond the capacity service requirements in an established existing County providing the action does not involve any increase in Existing sewer lines and sewer service laterals, required to meet current and anticipated future wastewater system service area . A
 - Removal or filling of decommissioned cesspools with required permit . บ
- Replacement or reconstruction of domestic water wells for homesteading purposes ч.
- 4. Interior alterations to buildings or structures that do not the occupancy, including the floor area or change but not limited to increase
- Expansion of utilities as need dictates in existing Construction work to maintain existing utilities ч. Б.а
 - result in conservation of energy, water, or other Upgrades to plumbing and electrical systems that structures . บ
 - reductions in waste production or resource demand Installation of office partitions, electrical outlets, lighting ч.

Re-organization of DHHL's June 30, 2015 Comprehensive Exemption List

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- Renovations and reconstruction required to bring existing structures into compliance with current building codes and applicable health and safety regulations e.
 - Renovations that will result in energy or other operational cost savings . ч
 - Installation of security lights and alarms . . ਯੂਯੂ
- partitions, floors, ceiling, roof, and other building This Normal removal and replacement of windows, doors, exemption does not include procedures needed to accessories/components due to wear and tear. handle lead paint, asbestos, and other toxic substances

벙 facilities or structures and the alteration and modification the same, including, but not limited to: Type 3. Construction and location of single, new, small

- feet, as measured by the controlling law under which the proposed action is being considered, if not in conjunction with the building of two or more such (a) Single-family residences less than 3,500 square units;
 - No de minimis actions <u>9</u>
- Stores, offices, and restaurants designed for total structure, if not in conjunction with the building occupant load of twenty individuals or fewer per of two or more such structures; and ΰ
- Water, sewage, electrical, gas, telephone, and other appurtenant structures including garages, carports, serve such structures or facilities; accessory or essential public utility services extensions to patios, and fences; and acquisition of utility easements. (g
- Construction of new structures on DHHL lands (to include leased lands) of any of the following: ч.
- a. Single family residences constructed by owner/builder on vacant lot within a new DHHL Homestead subdivision that has been issued a Finding of No Significant conjunction with the building of two (2) or more such ർ Impact, or accepted by the accepting authority of Final Environmental Impact Statement not in units
- essential public utility services extensions to serve such types of structures or facilities, with required b. Water, sewage, electrical, gas, telephone and other permits

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- c. Accessory or appurtenant structures including collection, distribution and storage systems; small structures needed to house utilities, garages, carports, patios, driveways, swales, and individual and cluster unit mailboxes
- Construction of modifications, such as ramps and lifts for building/facility access, to ensure compliance with
 - existing/new codes and regulations 3. Installation of new, small ground water, surface water or atmospheric monitoring and data collection equipment and
- 4. Installation of electrical and telemetry systems to serve data collection equipment and structures that house or protect them
- 5. Re-burial of previously identified or inadvertently discovered remains over fifty (50) years old, with Department approval, and according to regulations for the Native American Graves protection and Repatriation Act (NAGFRA, 43 CFR Part 10) and guidelines provided in Hawaii Administrative Rules Chapter 13-300
- 6. Construction, alterations or modification of small facilities which support department activities, to include lifeguard stations and similar public safety structures [excluding comfort stations, and waterless or composting toilef facilities]
- 7. Construction of traditional Native Hawaiian hale and halau using renewable materials, traditional construction techniques, and permeable foundations such as 'ili'ili, in general conformance with materials requirements and design standards as described in Maui County Code Chapter 16.26B.3800 "Hawaii Provisions for Indigenous Hawaiian Architecture Structures" and Revised Ordinances of Honolulu Chapter 16 Article 12, "Indigenous Hawaiian Architecture". No concrete or other modern materials for foundations or flooring
 - 8. Construction or placement of minor structures accessory to existing facilities.
 - a. Installation of roof top water catchment systems b. Placement of aerators for increasing the dissolved
 - oxygen content for fish populations in reservoirs, nurseries, or ponds c. Installation of utilities (telecommunications,
- c. inscattation of actificates (refecommunications, electrical, drainage, waterlines and faucets, sewers) for use within a site/property d Thstallation of equipment and valves;
- d. Installation of equipment such as pumps and valves; electrical transformers, cabinets, panels and vaults; power, light, and telephone poles/cables; heating,

Re-organization of DHHL's June 30, 2015 Comprehensive Exemption List

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- ventilation, and air conditioning; irrigation controllers; emergency electrical generators; and lifts provided for handicapped accessibility e. Construction of retaining walls, perimeter walls and
- walls for traffic safety purposes less than four (4) feet in height that are properly engineered so as to not affect drainage on the site f. Installation of items to facilitate compliance with
 - f. Installation of items to facilitate compliance with construction best management practices procedures and requirements
 - g. Installation of signage (regulatory, directional, informational) and pavement markings
- h. Construction of telecommunication equipment and sheds less than four (4) feet in heighti. Installation of glare screens, bollards, vehicular
- access barriers, energy attenuators, and other appurtenances designed to protect the motoring public
 - j. Construction/installation of ground water or utility tanks with less than 10,000 gallon capacity. Spill containment shall be provided when appropriate
- k. Installation of hurricane protection devices and other minor structural accessories that will facilitate resistance to damaging effects of natural hazards

Type 4. Minor alteration in the conditions of land, water, or vegetation.

- Removal and/or cutting of trees that are burned, destroyed or diseased, or otherwise endanger life or property
- Removal of gravel, rocks, trees (non-endangered species) and/or other materials necessary to make agricultural lands more productive and useful for grazing, farming and other related agricultural purposes
- 3. Landscaping alongside roadways, around buildings, and within existing parks and community use areas, including, but not limited to, planting of groundcover, grass, shrubs, and trees, sodding of bare areas for dust and erosion control, and installation of community gardens, involving minimal or no grading
- 4. Minor vegetation clearing and management, including mowing, pruning, and trimming. Work under this exemption shall be performed by the Department or its contractor. Work shall involve cutting and removal of brush, grass, and small trees or bushes. Vegetation shall be hauled by truck to an approved sanitary landfill site, or allowed to remain onsite where feasible for use as compost or mulch
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- (NAGPRA, 43 CFR Part 10) and guidelines provided in Hawaii Department approval, and according to regulations for the Native American Graves Protection and Repatriation Act of previously identified or inadvertently discovered remains over fifty (50) years old, with Administrative Rules Chapter 13-300 Re-burial . 2
- Minor grading and grubbing of lands not requiring a grading permit . 0
- Removal or filling of decommissioned cesspools with required permit . 7
 - Pest control. Work under this exemption shall be performed placement of approved toxic baits, kill traps, live traps, snares, repellent and using EPA-regulated, commercially-available pesticides. Label instructions shall be strictly adhered to. No pesticides shall be allowed to enter State by the Department or its contractor. Work shall involve waters
 - Installation of guard rails 9. 10.
- embankment, spillway, or outlet works of a dam facility with of the facility. May also include clearing required for the mobilization of equipment or personnel to accomplish the could pose a threat to the embankment or impede inspection the intent of removing tall and/or woody vegetation which Vegetation clearing and removal work on or near the task
- Vegetation clearing and removal work to stabilize existing slopes and mitigate rockfall including work required to mobilize equipment and personnel to accomplish the task 11.

result in a serious or major disturbance to an environmental management, and resource evaluation activities which do not Type 5. Basic data collection, research, experimental resource.

- Ч О Surveys, research, and investigations into all aspects г.
 - water use, quantity, and quality Planning data collection
- Studies for the purpose of identifying hazardous conditions
 - Noise monitoring surveys
 - Drainage studies
- Flood control studies
- Site inventories and site assessments
 - Building evaluations Economic analyses

Re-organization of DHHL's June 30, 2015 Comprehensive Exemption List

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- vegetation in direct association with site evaluation and 10. Archaeological surveys, not to include clearing of mapping
 - Air quality surveys
- Water quality surveys 12.
- Foundation surveys and subsurface investigations (borings) 13.
 - Ecological and botanical surveys for which no permit is provided cultural remains are not disturbed required 14.
 - aspects of forest natural resource management, including native Surveys, research and investigations into all restoration and invasive species removal 15.
 - Environmental impact research
- Hazardous materials surveys
- Topographic, metes and bounds, sounding, wave, littoral Data collection in accordance with NPDES requirements 16. 17. 18.
- transport and location surveys
- Ground cover survey inspection of property for appraisal Development feasibility studies 20. 21. 22.
- Installation of staff gauges, water monitoring and reporting minimal site grading and improvements for the safe operation equipment at dam facilities and appurtenant works to include trenching work and construction of supporting features such as equipment sheds, transmitting devices, solar panels, and and installation of these features
- Phase II Investigation work on a dam or reservoir, including soil sampling and drilling, water monitoring, and/or test pit excavations. This may include clearing or needed to 23.
 - the mobilize equipment or personnel to accomplish the task prescribed method and practices of, or acceptable to, U.S. Geological Survey, installation of surface water Measurements of stream flow in accordance with the 24.
- monitoring equipment, and collection of data Collection of ground water resource data and conducting of ground water monitoring 25.
 - Collection of atmospheric data and conducting of 26.
- climatological monitoring in accordance with the methods and practices of, or acceptable to, the National Weather Service Installation of new, small ground water, surface water or and collection of data 27.
 - atmospheric monitoring and data collection equipment and structures that house or protect them
 - Installation of electrical and telemetry systems to serve ЯО data collection equipment and structures that house protect them 28.
 - Permission to enter state lands for the purpose of conducting the activities listed above 29.

Page 15 of 24 March 3, 2021 Type 6. Demolition of structures, except those structures located on any historic site as designated in the national reservent or Hawaii register as provided for in the Historic Preservation Act of 1966, public Law 89-665, 16 U.S.C. §470, as amended, or chapter 65, HRS.

Demolition and removal of structures on Hawaiian Home Lands, except in cases where the structures to be demolished contain known hazardous substances such as asbestos and lead based paint, including but not limited to:

- Demolition and removal of abandoned private property from Hawaiian Home Lands
- Demolition and removal of buildings and structures prior to or concurrent with the construction of a new or replacement building or structure, except those structures located on any historic site
 - 3. Demolition and removal of old, dilapidated, unsafe, buildings or structures which pose a hazard in accordance with building, housing, or health codes and regulations, including but not limited to, the decommissioning and backfilling of cesspools
- Demolition and removal of utilities and utility structures or portions thereof
 - 5. Demolition and removal of roadway paving, drainage structures, and security fencing
- Demolition and removal of unusable, obsolete, abandoned, or unauthorized structures or improvements on DHHL lands

Exemption Type #7: Zoning variances except shoreline setback variances;

No specific actions identified for de minimis

Exemption Type #8: Continuing administrative activities

Continuing administrative activities including, but not limited to purchase of supplies and personnel-related actions.

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- Continuing DHHL administrative activities including, but not limited to, purchase of supplies and personnel-related actions
- Purchase, maintenance and repair of supplies, services, equipment, and motor vehicles to support existing operations
 Procurement of appraisals and other related studies and
- reports 4. Land consolidation of remnant parcels to provide additional
 - land area for homesteading purposes
 f. Minor subdivisions, defined as single-lot subdivisions
 involving one lot divided into two lots
- 6. Acquisition of interests, including easements, guitclaim, fee simple, and leaseholds, in real property on which existing DHHL facilities are situated, provided that DHHL has conducted an environmental site assessment pursuant to the Comprehensive Environmental Response Compensation and
- cup comprehensive mry comment response compensation and Liability Act ("CERCLA"), and the U.S. Environmental Protection Agency ("EPA"), regulations under 40 CFR Part 312 and/or the American Society of Testing and Materials ("ASTM") standards under ASTM E1527-05 or E2247-08
 - 7. Land exchanges including, but not limited to, transactions to correct existing roadway alignments and easement locations, public park facilities, and title transfers between DHHL and other State departments and between DHHL and County or federal agencies involving no monetary consideration
 - 8. Subdivision consolidation of public lands to facilitate their transfer between the city and state for continuing public use without change in existing land use
- Operation of initial or continuing DHHL programs consistent with established land use, including, but not limited to, stream debris clean-ups, storm drain stenciling, beach debris clean-up

Exemption Type #9: Acquisition of land and existing structures, including single or multi-unit dwelling units, for the provision of affordable housing, involving no material change of use beyond previously existing uses, and for which the legislature has appropriated or otherwise authorized funding None have been specifically identified in this reorganization of DHHL's 2015 list.

Re-organization of DHHL's June 30, 2015 Comprehensive Exemption List

Page 17 of 24 March 3, 2021 Exemption Type #10: New construction of affordable housing, where affordable housing is defined by the controlling law applicable for the state or county proposing agency or approving agency, that meets the following:

- (A) Has the use of state or county lands or funds or is within Waikiki as the sole triggers for compliance with chapter 343, HRs;
 - (B) As proposed conforms with the existing state urban land use classification;
- (C) As proposed is consistent with the existing county zoning classification that allows housing; and
- (D) As proposed does not require variances for shoreline setbacks or siting in an environmentally sensitive area, as stated in section 11-200.1-13(b)(11).

None have been specifically identified in this reorganization of DHHL's 2015 list.

Part II: General Types of Actions Eligible for Exemption

Pursuant to HAR §11-200.1-15, DHHL considers the general types of actions listed in Part II to be eligible for exemption. An action is eligible for exemption if it will probably individually and cumulatively have minimal or no significant effects. DHHL does not consider these activities to rise to the level of requiring chapter 343, HRS, environmental review. Part I activities are eligible for exemption from the preparation of cumulative and or significant affects.

Exemption Type #1: Operations, repairs, or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing

- Overhauling the following facilities, structures, and equipment:
- a. Existing buildings, offices and community facilities
 - b. Repairs to existing homestead homes
- c. Structures required for essential utilities,
- including, but not limited to: i.Water system components such as pumps, valves and controls, pipes and channels, water storage tanks, wells and other water sources
 - ii.Water and sewage handling and treatment systems

Re-organization of DHHL's June 30, 2015 Comprehensive Exemption List

iv.Heating, ventilation, and air conditioning ("HVAC" v.0dor control systems vii.Communication systems including antennae vii.Telecommunications and control systems, including supervisory control and data acquisition ("SCADA") d. Fencing, curbing, gates, walls, and retaining walls including, but not limited to: ii.Electrical transformers, cabinets, panels, and iii.Power, light, and telephone systems, including including xii.Lifts provided for handicapped accessibility equipment and sheds j. Stationary and mobile motorized equipment k. Equipment, including, but not limited to: f. Handicapped accessibility improvements, walkways, stairways, ramps, and handrails g. Individual and cluster unit mailboxes h. Signage ix.Plant nursery sheds and hothouses xiv.Manhole and junction box covers xi.Emergency electrical generators panel sheds vi.Security systems and alarms xiii.Recycling collection bins i. Pumps, valves and motors iii.Sanitary sewage systems ix.Irrigation controllers vi.Communication systems installation of poles v.Irrigation control x.Telephone stations v.Electrical systems vii.Irrigation systems viii.Telecommunication xi.Litter containers i. Existing structures, iv.Drainage systems ii.Electrical sheds x.Trash enclosures xii.Trash compactors e. Steps and stairways iii.Electric panels ix.Energy systems vii.Mechanic shops i.Storage sheds viii.Gas systems iv.Pumphouses vi.Garages systems vaults Page 18 of 24 March 3, 2021

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informational and regulatory signs, pavement to, new traffic and pedestrian control devices - speed 1. Traffic calming devices, including, but not limited humps, speed bumps, speed tables, traffic signals, markers, and striping directional,

m. Traffic and pedestrian safety measures - guardrails, escape ramps, sidewalks, bollards, and vehicle access barriers

- ball field and play court lighting, bollards, and wall street lights, parking lot lights, security lighting, n. Exterior lighting, including, but not limited to, sconces
 - o. Existing recreational facilities, structures, and
 - equipment, including, but not limited to: i.Recreation buildings, multi-purpose buildings, clubhouses, and education buildings
- ii. Administration buildings, storage and operations buildings, and caretaker residences
 - iv.Water tanks developed to serve park or community iii.Comfort stations, bathhouses, and locker room facilities
- v.Outdoor showers, drinking fountains, ornamental and use needs
- vi.Security and visitor information kiosks, concession swimming pools, and hose bibs
- vii.Life guard towers and accessory or appurtenant stands, and phone booths
 - viii.Athletic fields, athletic courts, play court practice walls, skate parks, and appurtenant structures
- ix.Gymnasiums, skating rinks and related facilities x.Planter boxes, arbors, botanical and community equipment and facilities
 - xi.Bandstands, pavilions, shelters, tent platforms, benches, picnic tables and charcoal disposals xii.Signs and posts, and bike racks xiii.Security lighting of grounds, structures, and gardens, and plant nurseries
 - - xiv.Equipment sheds and canoe hale parking lots
- xv.Pedestrian bridges in park or community use areas xvi.Play equipment, fitness exercise stations
- General actions involving the rehabilitation or restoration of existing structures at historic sites . 7

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- maintenance purposes as permitted by the U.S. Army Corps of Removal of sand from ocean ponds or drainage ways for Engineers and the State Department of Health . m
 - accessways, by easement or deed, for the purpose of stream Acquisition of land presently utilized as maintenance cleaning 4.
 - construction equipment and materials outside project Construction staging areas and temporary storage of boundaries . ك
- emergency landing zones, and properly staged operations and Clearing and maintenance of areas for emergency mitigation and access including, but not limited to, firebreaks, staging sites. . 9

Exemption Type #2: Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced

NONE

modification of the facilities or structures and installation of modification of the equipment or facilities, including, but not Exemption Type #3: Construction and location of single, new, new, small equipment or facilities and the alteration and small facilities or structures and the alteration and limited to:

- controlling law under which the proposed (a) Single-family residences less than 3,500 conjunction with the building of two or action is being considered, if not in square feet, as measured by the more such units;
 - more than four dwelling units if not in conjunction with the building of two or Multi-unit structures designed for not more such structures; (q
 - structure, if not in conjunction with Ч designed for total occupant load Stores, offices, and restaurants the building of two or more such twenty individuals or fewer per structures; and ΰ
 - swimming pools, (q

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Construction of new structures on DHHL lands (to include leased lands) of any of the following: . ,

- on vacant lot that has not been issued a Finding of No Significant Impact, nor been accepted by the accepting a. Single family residences constructed by owner/builder authority of a Final Environmental Impact Statement, not in conjunction with the building of two (2) or more such units
 - b. Multi-unit structure designed for not more than four (4) dwelling units if not in conjunction with the building of two (2) or more such structures
 - c. Stores, offices, health clinics and restaurants persons or less, if not in conjunction with the designed for total occupant load of twenty (20) building of two (2) or more such structures
- d. Essential public utility services extensions to serve domestic water source development for homesteading such types of structures or facilities, including purposes, with required permits
- e. Accessory or appurtenant structures including domestic carports, patios, swimming pools, driveways, parking collection, distribution and storage systems; small water source development for homesteading purposes, structures needed to house utilities, garages, areas, swales, and individual and cluster unit mailboxes
- new equipment necessary for the operation and/or maintenance Modifications to facilitate the storage or on-site repair of of the facility 2.
- facilities which support department activities, to include comfort stations, and waterless or composting toilet Construction, alterations or modification of small facilities . ო
 - natural resources management purposes Construction of fencing, gates, lighting, security alarms, Installation of fencing for agricultural and cultural and Installation of civil defense warning sirens 4.
- camera systems and similar items for security and/or safety ъ.
 - Construction of interior roadways, driveways, parking lots, sidewalks, curbs, and gutters . 9
 - portable modular buildings measuring less than 500 square Construction of utility storage sheds, maintenance sheds, electrical sheds, pump houses, trash enclosures, and 7.
 - concessions, or other structures accessory to existing Alteration or addition of comfort stations, pavilions, facilities to meet facility needs feet in total area . ∞

Re-organization of DHHL's June 30, 2015 Comprehensive Exemption List

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Exemption Type #4: Minor alterations in the conditions of land, water, or vegetation

- lands where flows are kept within preexisting levels and for Construction of seepage drains/detention basins on DHHL which a drainage study has been completed . ,
 - Re-grading of road shoulders and installation of pedestrian/bike sidewalks and bike paths 2.
 - Construction of walkways
- Paving of previously existing graded parking areas and roadways 4.
- embankment, spillway, or outlet works of a dam facility with the intent of removing tall and/or woody vegetation which could pose a threat to the embankment or impede inspection of the facility. May also include clearing or construction of site improvements required for the mobilization of Vegetation clearing and removal work on or near the equipment or personnel to accomplish the task ۍ ک
 - a. The sea/retaining wall or armoring is structurally Removal of an existing sea/retaining wall or shoreline armoring, subject to the following criteria: . 0
 - b. Removal of the sea/retaining wall or armoring is unsound as certified by a Structural Engineer; determined as a mitigative measure to impacts
- c. The sea/retaining wall or armoring is determined to be certified professional engineer and/or coastal identified by a technical study prepared by a geologist;
 - a safety hazard to the public or environment, and the armoring are determined greater than removal; or impacts of retaining the sea/retaining wall or
 - ч performed in conjunction with beach nourishment. Beach nourishment and sand dune restoration activities -1 1 d. Removal of the sea/retaining wall or armoring

. -

been permanently discontinued, that have either been allowed seal production, monitoring and geothermal wells which have quality, uncontrollable, buried, or are in such a state of Construction and Pump Installation Standards, required to to become unsealed, leaking, polluting, deteriorating in disrepair that continued use is impractical or unsafe less than 10,000 cubic yards of beach quality sand Construction, in accordance with the Hawaii Well . ∞

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Exemption Type #5: Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource

- Archaeological surveys that include clearing of vegetation in direct association with site evaluation and mapping
 - 2. Construction of site improvements needed to mobilize equipment or personnel to accomplish the task
- 3. Construction of exploratory wells not more than 8 inches in diameter to provide ground truth for water resource investigations, in accordance with the Hawaii Well Construction and Pump Installation Standards
 - Subsurface trenching or digging necessary to install scientific or geological data collection devices

Exemption Type #6: Demolition of structures, except those structures that are listed on the national register or Hawaii Register of Historic Places

Demolition and removal of structures on Hawaiian Home Lands, except in cases where the structures to be demolished contain known hazardous substances such as asbestos and lead based paint, including but not limited to:

- Removal of an existing sea/retaining wall, shoreline armoring, or groin, subject to the following criteria:
- a. The item to be removed has been either determined to be structurally unsound as certified by a Structural Engineer or determined to have ceased to perform its function;
- b. Removal of the item is determined as a mitigative measure to impacts identified by a technical study by a certified professional engineer;
- c. The item has been determined to be a safety hazard to the public or environment, and the impacts of retaining it have been determined to exceed those of its removal;
 - d. Removal is performed in conjunction with beach maintenance or restoration work

<u>Exemption Type #7</u>: Zoning variances except shoreline setback variances;

NONE

Re-organization of DHHL's June 30, 2015 Comprehensive Exemption List

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Exemption Type #8: Continuing administrative activities

- Acquisition and leasing of land and facilities/improvements acquired for continued use, provided that the Department conduct a site assessment
 - Acquisition, but not improvement of property, for DHHL use (including easements) and minor subdivision and consolidation of parcels for acquisition of property for DHHL use (including rounding corners and minor street
- widening) 3. Acquisition of lands for drainage purposes where there is a natural, existing drainage watercourse

Exemption Type #9: Acquisition of land and existing structures, including single or multi-unit dwelling units, for the provision of affordable housing, involving no material change of use beyond previously existing uses, and for which the legislature has appropriated or otherwise authorized funding

NONE

Exemption Type #10: New construction of affordable housing, where affordable housing is defined by the controlling law applicable for the state or county proposing agency or approving agency, that meets the following:

- (A) Has the use of state or county lands or funds or is within Waikiki as the sole triggers for compliance with chapter 343, HRS;
- (B) As proposed conforms with the existing state urban land use classification;
 - (C) As proposed is consistent with the existing county zoning classification that allows housing; and
- (D) As proposed does not require variances for shoreline setbacks or siting in an environmentally sensitive area, as stated in section 11-200.1-13(b)(11).

NONE

HAWAIIAN HOMES COMMISSION DECEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY

G – ITEMS PLANNING OFFICE

STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS

December 20-21, 2021

То:	Chairman and Members, Hawaiian Homes Commission
From:	Andrew H. Choy, Acting Planning Program Manager
Subject:	Declare a Finding of No Significant Impact for the Barbers Point Solar Project, east Kalaeloa, 'Ewa District, O'ahu, Final EA TMKs (1) 9-1-013:038, (1) 9-1-013:040, and (1) 9-1-016:027.

Recommended Action

That the Hawaiian Homes Commission (HHC) issue a Finding of No Significant Impact (FONSI) declaration based on the Final Environmental Assessment (EA) for the Barbers Point Solar Project, east Kalaeloa, 'Ewa District, O'ahu, Final EA TMKs (1) 9-1-013:038, (1) 9-1-013:040, and (1) 9-1-016:027.

Discussion

BACKGROUND

In July 2019, the HCC authorized the Chairman to issue a Right-of-Entry permit (ROE) to Innergex Renewables USA LLC (Innergex) to conduct due diligence activities to assess the potential of developing a solar project in Kalaeloa, Island of O'ahu. The completion of the Draft Environmental Assessment (DEA) and Final Environmental Assessment (FEA) reports are part of the due diligence activities that the company has been undertaking over the last two years. The DEA was presented to the HCC on September 21, 2021. The DEA was published in *The Environmental Notice* periodical on October 8, 2021. A statutory 30-day public review and comment period occurred from October 8 to November 8, 2021. A public information meeting was held October 20th by Innergex. The meeting was held via the WebEx platform due to COVID-19 restrictions. In total, comments were received from a total of 26 commenting parties. In accordance with HAR §11-200.1-20, comments received on the DEA were considered and incorporated into the FEA, as appropriate, and copies of the comments received, and responses provided are included in Appendix L of the FEA.

The main body of the FEA is attached as Exhibit A.

PROJECT DESCRIPTION

Barbers Point Solar, LLC¹ is proposing to build and operate the Barbers Point Solar Project (Project) located in east Kalaeloa, within the ahupua'a of Honouliuli in the 'Ewa District, on the island of O'ahu. The Project will consist of a 15 megawatt (MW) solar photovoltaic (PV) system coupled with a 15 MW, 4-hour (60 MW-hour) photovoltaic coupled battery energy storage system (PV-Coupled ESS) as well as ancillary support infrastructure. The Project area encompasses approximately 163 acres and is bordered by Tripoli Road to the south, Coral Sea Road to the west, the Barbers Point Golf Course and Kalaeloa Renewable Energy Park to the east, and vacant land and Roosevelt Avenue/Geiger Road on the north. The Project area is primarily composed of two parcels owned by DHHL: TMK 9-1-013:038 and TMK 9-1-013:040. Barbers Point Solar, LLC anticipates that the total combined footprint of the Project components located on DHHL lands will be less than 100 acres, of which the solar panels will cover approximately 45 acres. In addition, linear areas for access roads, collector lines, and a generation-tie line are located within ROWs owned by HDOT (Coral Sea Road, Roosevelt Avenue, and Roadway Lot 13083-B) and a portion of the generation-tie line will be located on TMK 9-1-013:027 owned by a private landowner, Kapolei Infrastructure, LLC. Access to the Project will be via Coral Sea Road. See Figure 1 for a map of the Project area and layout.

The Project includes the following major components: (1) solar PV system, (2) direct current (DC) electrical collector lines, (3) power conversion systems including PV-Coupled ESS units and step-up transformers, (4) alternating current (AC) electrical collector lines, (5) Project collector substation, (6) a generation-tie line (combination overhead and underground), (7) communication equipment, (8) access roads and fencing, and (9) temporary laydown areas. Each of these components is described in detail in the FEA. All major components will be located within the Project fence line with the exception of the generation-tie line, select access roads, and portions of the collector lines. The preliminary site plan is included in Figure 2-1 of the FEA and schematics of the Project components are shown in Figures 2-2 through 2-8 of the FEA.

The Project will interconnect to the Hawaiian Electric Company (Hawaiian Electric) island-wide grid via an approximately 1.2-mile generation-tie line that would extend from the Project's collector substation to a new interconnection point on an existing transmission line near the intersection of Franklin D. Roosevelt Avenue and Coral Sea Road. The power generated by

¹ Barbers Point Solar, LLC is a Delaware limited liability company and a wholly owned subsidiary of Innergex Renewables USA, LLC, which is a wholly owned subsidiary of Innergex Renewable Energy Inc. (Innergex). Innergex is a Canadian independent renewable power producer which develops, acquires, owns, and operates hydroelectric facilities, wind farms, and solar farms in Canada, the United States, France, and Chile. For over 30 years, Innergex and its employees (collectively, Innergex) have built strong, long-term relationships with the communities that host its projects and have seen firsthand how renewable energy projects can make positive, long-term impacts on society, economics, and the environment. Innergex achieves these positive community relationships through its commitment to conducting itself with integrity, transparency, and respect. Beginning with extensive predevelopment consultations and community outreach, Innergex takes the time to engage the local community to learn about their needs and oftentimes work with them to ensure Innergex designs the best possible project, where commercially reasonable.

the Project would be sold to Hawaiian Electric under a new 25-year power purchase agreement (PPA).

Estimated construction start is the fourth quarter of 2022 with commercial operations commencing at the end of 2023. Typical maintenance of the solar PV panels will include surface cleaning to remove accumulated dust and dirt to optimize performance. Based on environmental conditions and rainfall, it is anticipated cleaning cycles will be every 18 months. Vegetation within the Project fence line and along the generation-tie line will be managed throughout the life of the Project.

Based on the Project's PPA with Hawaiian Electric, the Project is expected to operate for approximately 25 years (through 2048). At the end of the PPA term, the Project may be repowered under a renegotiated PPA or other contract (with subsequent permits/approvals) or decommissioned. Decommissioning will involve removal of all equipment associated with the Project and returning the area to substantially the same condition as existed prior to Project development. Decommissioning plans will be communicated with the landowner, the public and the regulatory agencies, prior to and during the decommissioning planse, as appropriate.

Current Land Uses

After the closure of the Naval Air Station Barbers Point (NASBP), TMK parcels 9-1-013:038 and 9-1-013:040 were transferred from the U.S. Navy to DHHL in 1996 as part of a settlement agreement under the Hawaiian Home Lands Recovery Act (1996). Extensive ground disturbance has occurred in the Project area from past commercial agriculture use followed by military development. Many remnants of traditional use in the Project area that may have existed are most likely disturbed, if not destroyed. However, structures from the military era, such as aircraft revetments and associated structures, are still preserved. Some of these structures are recognized in the National Register of Historic Places (NRHP) and the northern portion of TMK 9-1-013:038 is located within the 'Ewa Battlefield Historical District and the central portion of TMK 9-1-013:038 is located in the proposed Revetment Historic District (see Figure 2). The Project's Archaeological Inventory Survey resulted in the identification and documentation of 17 historic properties containing a total of 438 archaeological features. The 17 historic properties consist of limestone structures or modified limestone pits used for Hawaiian habitation, agriculture, and ceremonial activities; unmodified limestone pits of an undetermined function; and intact historical buildings and remnant infrastructure associated with Marine Corps Air Station (MCAS) 'Ewa and NASBP military bases that date from the 1940s to the late 1950s.

The majority of the two DHHL parcels are currently vacant and overgrown by kiawe and koa haole; however, there are large cleared, concrete and asphalt paved areas, as well as debris and abandoned vehicles and equipment. However, some of the historic revetments are being reused by DHHL tenants. An approximately 0.25-acre area located in the revetments area on TMK 9-1-013:038 is leased to FPS Painting Contractors and this area would be avoided by the Project. Approximately 9 acres of TMK 9-1-013:040 are leased to two tenants: Ihilani Miller-Cummings for agricultural purposes and to Hawai'i Explosives & Pyrotechnics, Inc for commercial/industrial purposes. Barbers Point Solar, LLC is working with DHHL and the

existing tenants occupying approximately 9 acres on TMK 9-1-013:040 to explore alternative unencumbered areas within the Project parcels and/or off site locations to minimize impacts to the existing tenants so as to allow for safe construction or operation of the solar project.

A private horse stable business operates in revetments located on TMK 9-1-013:164 immediately adjacent to and east of TMK 9-1-013:038. Other surrounding land uses include the Kalaeloa Airport and industrial development to the west, several golf courses to the east and north, residential and urban development to the north and east and the Kalaeloa Renewable Energy Park located directly adjacent and to the west of the northern portion of TMK 9-1-013:038.

DHHL Land Use Designations

The DHHL 2014 Oahu Island Plan is a comprehensive development plan that required extensive beneficiary consultations and public meetings. This plan provides land use designations for all DHHL landholdings on Oahu. There are four homesteading designations and five non-homesteading designations. Non-homesteading designations are assigned to lands better suited for non-residential purposes due to location, adjacent land uses, existing and former uses, natural resources, revenue generating opportunities, or other conditions. Revenues from lands used for commercial, industrial, and other income-producing purposes support administration of the homestead program.

According to the DHHL 2014 Oahu Island Plan, the lands makai of Roosevelt Avenue within Kalaeloa have been primarily designated for industrial uses. The lands mauka of Roosevelt Avenue have been designated for homestead residential, commercial, and community uses. The two DHHL parcels in the Project area are designated as "Industrial" in the Oahu Island Plan (see **Figure 3** below). Activities envisioned in the industrial land use include energy production.

In addition to the Oahu Island Plan, DHHL has completed regional plans to identify issues and opportunities that affect specific regions. The Regional Plans are developed through a series of meetings with beneficiaries and stakeholders. The 2010 Kapolei Regional Plan guides development in Kalaeloa. And has designated the two DHHL parcels in the Project area as "Mixed Use" and intended for revenue generation as the parcels lack infrastructure for residential development.

Consistency with DHHL Plans and Benefits to DHHL and Homesteaders

Based on both the DHHL Oahu Island Plan and Kapolei Regional Plan, lands in the Kalaeloa area are not intended for residential development but rather are intended for revenue generation. Solar development therefore complies with this land use requirement and the Project will provide valuable revenue stream to DHHL over the 25-year term of the Project. As noted in DHHL's approval of the Project's right-of-entry, the Project is in the best interests of the DHHL Trust as it will generate a substantial revenue stream over at least 25 years on land that lacks infrastructure, had use restrictions and limitations for [residential] development, and has not generated much revenue in the past (DHHL 2019). Furthermore, the Project will directly support

Objective 2 of the Ho'omaluō Energy Policy through the leasing of DHHL lands for production of solar energy and in support of DHHL's Ho'omaluō Energy Policy, the DHHL and HECO entered into an Energy Partnership Charter in August 2009 agreeing to work together to achieve energy self-sufficiency and sustainability, specifically including the leasing of lands owned by DHHL for renewable energy projects.

The mission of DHHL is to effectively manage the Hawaiian Home Lands Trust and to develop and deliver lands to native Hawaiians. The DHHL has identified lands not suitable for homestead leasing, that can be leased for renewable energy projects with the objective of generating revenue from these lands and providing benefits for the impacted communities (DHHL 2018). The Project site was identified in DHHL's 2014 Island Plan as having desirable conditions for solar energy generation (DHHL 2014). DHHL may use revenues developed from industrial leasing of these available lands in east Kalaeloa to develop new homesteads in suitable residential areas throughout the state.





Figure 2- Historic Districts



Figure 3- DHHL Oahu Island Plan



BENEFICIARY AND STAKEHOLDER CONSULTATION

Hawaiian Homes Commission and Beneficiary Consultation

As discussed above, the result of the DHHL 2014 Oahu Island Plan process, which included extensive beneficiary consultations and public meetings, was to designate DHHL lands in Kalaeloa as not suitable for homesteading due to their proximity to a nearby airport as well as their remote locations, physical characteristics, and lack of infrastructure for residential development. While all DHHL lands in Kalaeloa are zoned for Industrial use, several parcels were designated for renewable energy production in 2014 through the Department's beneficiary consultation process and in accordance with DHHL's 2009 Ho'omaluō energy policy. In 2018 and in 2019, DHHL ran consecutive competitive solicitation processes for the disposition of these sites by general leases for renewable energy projects. The DHHL RFP was widely advertised and all qualified applicants were welcomed to bid. Innergex/Barbers Point Solar, LLC was selected by DHHL as the final applicant for the proposed project site and to continue with the leasing process that included consultation meetings with DHHL's beneficiaries and public hearings.

On March 21, 2019, DHHL and Innergex hosted a beneficiary consultation meeting on the proposed Project from 6:00 pm - 8:00 pm at the Kapolei Middle School. The meeting was advertised through DHHL mailed invitation letters to 1,453 Lessees and Applicants that reside in the Kapolei (96707) area and a notice on DHHL's website. Ten (10) beneficiaries participated in the consultation meeting and one (1) beneficiary emailed written comments. The public comment period for the Project ran until April 5, 2019 (2 weeks). The Beneficiary Consultation Report, including presentation, can be found in Appendix I of the FEA. The questions from the beneficiaries were mostly focused on understanding how the Project will benefit the beneficiaries. As noted below, the primary benefit of the Project to the beneficiaries is providing a revenue stream to DHHL that can be used to help fund the development of new homesteads in suitable residential areas throughout the state.

At a Hawaiian Homes Commission Public Hearing on July 8, 2019, DHHL presented their renewable energy development plans on DHHL Parcels 38 and 40 and introduced Innergex as the company that was selected by DHHL to continue negotiations for a Right of Entry Lease to develop the Project. On July 9, 2019, the Hawaiian Homes Commission approved the issuance of a Right-of-Entry Permit and Conditional Approval for a General Lease to Innergex Renewables USA LLC and Delegated the HHC Chairman the Authority to Negotiate the Final Terms and Conditions of the Lease at Kalaeloa, Oahu, Tax Map Key No. (1) 9-1- 013:038 & 040.

A non-exclusive Right-of-Entry (ROE) was issued on August 1, 2019 for an initial period of two years with the option to extend for three additional one-year periods to conduct due diligence activities and investigation related to the development of a solar project. The First Amendment to the ROE for the first extended term was executed March 5, 2021. Innergex sought a 25-year term lease to match the power purchase agreement. At the end of the PPA,

Innergex is committed to remove the solar equipment and return the site to its previous condition.

Stakeholder Consultation

Barbers Point Solar, LLC began conducting community engagement and public outreach activities during the early stages of the Project's development process and continues to engage with the community with Project updates and coordination on community benefits. Barbers Point Solar, LLC and its consultants have held nearly 100 meetings with individuals, community organizations, businesses, and government official and also held two public open houses prior to the publication of the DEA. A description of the Project's community engagement approach and a detailed description of stakeholder consultation conducted to date and feedback received is included in the Project's Community Outreach and Engagement Report in Appendix I of the FEA.

In addition to the general community outreach and agency coordination conducted by Barbers Point Solar, LLC, additional consultation has been conducted specifically for the HRS Chapter 343 environmental review process. These efforts included the mailing of pre-assessment scoping letters to various agencies, elected officials, community organizations and interested individuals. A total of 21 comment letters were received in response to the pre-assessment scoping letters, with copies of the comment letters and the responses provided in Appendix K of the FEA. In accordance with the intent of HAR §11-200.1, the information and input received through the pre-assessment process was considered in the preparation of the Draft EA.

The DEA was published in *The Environmental Notice* periodical on October 8, 2021. A statutory 30-day public review and comment period occurred from October 8 to November 8, 2021. A public information meeting was held October 20th from 5:30 pm to 7:00 pm Hawaii Standard Time. The meeting was held via the WebEx platform due to COVID-19 restrictions. A total of 12 participates attended the public meeting and a total of 5 comments were submitted during the question-and-answer portion of the meeting. Eighteen comment letters were received during the 30-day public review period. Three comment letters were also received on the Draft EA prior to the start of the 30-day review period as the Draft EA was made available on the project's website prior to the publication in *The Environmental Notice*. In total, 26 commenting parties provided comments on the Draft EA.

In accordance with HAR §11-200.1-20, comments received on the DEA were considered and incorporated into the FEA, as appropriate, and copies of the comments received, and responses provided are included in Appendix L of the FEA. Information on the public comments received on the DEA is provided in the "Final Environmental Assessment (FEA) Summary" below.

COMMUNITY BENEFITS

As discussed above, the Project will contribute to DHHL's Ho'omaluō Energy Policy (DHHL 2009), will accommodates DHHL's long-term plans for commercial/industrial development in east Kalaeloa, and will provide a long-term (25 year or more) revenue stream to

ITEM NO. G-1

DHHL that can be used to support homestead development on other DHHL lands designated for residential development.

In addition to the above stated Project benefits, the Project will also provide direct community benefits through the development of a community benefit package. The community benefit package is under development; however, the initial components of the package include the following. More detailed information is provided in Appendix I of the FEA.

- Dedicated Funding to Kapolei Heritage Center. Innergex has committed dedicated funds (1 percent of the actual gross project revenues) for the Kapolei Heritage Center, which will provide funds for the operations and maintenance of the center. The Innergex team will also work with the Kapolei Heritage Center Board to provide in-kind services to implement this financial support for the expansion plans for the center.
- Support Solar Training Program. Conversations with the Center for Native Hawaiian Advancement (CNHA) President and the Innergex team have taken place to outline creative ways to help the native Hawaiian community benefit from renewable energy projects. One of CNHA's priorities is to train its constituents so that they can become employable in new and expanding fields (e.g., solar project installation) and further career advancement in areas requiring skilled trades. In October 2019, Innergex connected the CNHA Training Program Manager with the President of Makaha Learning Center, which teaches apprenticeship and certificate programs primarily to native Hawaiians in the Makaha-Waianae communities. In 2020, Makaha Learning Center developed a focused curriculum for this course in collaboration with the CNHA team and held their first solar training program. Innergex has provided support for this program where they could directly meet and talk with solar contractors. To watch a video on the solar training program please visit the project website.
- Partnership with Wai'anae Gold to generate local food opportunities. Innergex has partnered with Wai'anae Gold to make the kiawe pods on the project site available to be collected so that they can be turned into kiawe bean pod flour and 'Āina Bars. To watch a video where Wai'anae Gold's Vince Kana'i Dodge shows the behind the scenes of kiawe bean pod flour production and discusses the importance of partnerships like with Barbers Point to generate local food opportunities please visit the project website.
- Working in Collaboration with Existing Tenants & DHHL. Innergex is working in collaboration with DHHL and the existing tenants to explore alternative unencumbered areas within the parcels (e.g., revetment area) and/or off site locations to minimize impacts to the three existing tenants so as to allow for safe construction or operation of the solar project.
- Local Employment & Contracting. Construction and operation phases will create benefits in terms of new employment opportunities, as well as the use of local suppliers. Preference would be given to retaining local persons, consultants, businesses and contractors throughout the development of the project.
- Sponsorships and memberships to various community organizations. Innergex is committed to evaluating sponsorships annually and providing support to a variety of

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events and causes. Through memberships in various community organizations, Innergex will participate in specific programs that support the missions of the organization and help to advance mutually held values and goals.

As a renewable energy project, the Barbers Point Solar Project will provide benefits to the climate by reducing greenhouse gas emissions through the replacement of a portion of electricity that is currently generated by burning fossil fuels. In total, the Project is expected to offset approximately 1,139,396 barrels of fossil fuel consumption by Hawaiian Electric's generating units and reduce net lifecycle greenhouse gas emissions by approximately 455,598 metric tons of carbon dioxide equivalents over its lifecycle (Hawaiian Electric 2020). The Project will also lessen Hawaii's reliance on imported fuels, thus improving the state's energy stability and grid resilience.

FINAL ENVIRONMENTAL ASSESSMENT (FEA) SUMMARY

Public Comments Received on the DEA

Various government agencies at the federal, state and county level and individual stakeholders commented on the DEA. The comments received during the DEA 30-day comment period did not warrant significant changes to the FEA. A summary of the comments received during the public comment period are provided in the below table along with a summary of responses and edits made to the FEA (Table 1). Detailed responses to each comment are provided in Exhibit B. A complete record of comments received, and responses are appended to the FEA (see Attachment L).

Commenting Party	Summary of Comments	Summary of Response and Changes Made to FEA
1. John Bond, Kanehili Cultural Hui	Reports don't address 1943-45 US Navy SeaBee camp facility or Leina a ka uhane documented as part of the HART rail project. Reports did not use extensive documentation provided.	The former Seabee camp was discussed in Section 3.5 of the Draft EA, Historical Properties, and was evaluated for significance and integrity in accordance with HRS Section 6E-42. The historic and cultural landscape of the Project site is addressed in Section 3.5 of the Draft EA. The draft AIS report includes reference to the Plain of Kaupe'a (Fig. 6, p. 19), but not to the Leina a ka uhane, as this was not well-defined in the background literature. However, Pacific Legacy gathered additional information from Mr. Bond as well as other sources on this and it has been added to the revised draft of the AIS report. In the draft AIS report, personal communication with John Bond is

Table 1. Summary of Draft EA Review Comments Received and Changes Madeto FEA

C	ommenting Party	Summary of Comments	Summary of Response and Changes Made to FEA
			referenced in Section 4.4 and also in the site description for the SeaBee Camp included in the draft report's Appendix A. Engagement activities with Stakeholders, including John Bond, are summarized in Table 7-1 of the Draft EA and site visits and concerns raised during those visits and in email correspondence are included in consultation summary in Section 4.8 of the Draft AIS report. In response to Mr. Bond's comments, minor edits made to Section 3.5 and 3.6 of the Final EA. Edits were made to the Draft Archaeological Inventory Survey (AIS) Report (Appendix A of FEA).
			Archaeological monitoring is recommended for all ground disturbance associated with this Project. Additional information on Leina a ka
2.	Ross W. Stephenson, PhD/Hawaii Railway Society	ciety Potential makai extension of Kaualakai Parkway and	uhane was added to the Draft AIS report. It is DHHL's primary mission to effectively manage the Hawaiian Home Lands Trust and to develop and deliver lands to native Hawaiians. However, the Project will also provide secondary benefits to the wider community and the state
			The transfer covenants of navy lands to DHHL do not require a Section 106 consultation. NHPA is not triggered because the Project does not require use of federal lands, federal funding or federal licensing.
		Ewa extension of Geiger Road across Marine Corps Station Ewa Field are opposed by large sections of the Ewa community.	Comment noted. The Project's proposed action does not involve the potential makai extension of Kaualakai Parkway or Ewa extension of Geiger Road.
			In response to Mr. Stephenson's comments, minor edits made to Section 3.5 and 3.6 of the Final EA. Edits were made to Section 3.1.3 of the Draft AIS Report (Appendix A of FEA).
3.	Jan Becket	Requests clarification on several archeological features.	In response to Mr. Becket's comments, no edits made to the Final EA. Minor edits were made to Section 4.4 of the Draft AIS Report (Appendix A of FEA).
4.	Roger Babcock, Jr., Ph. D., P.E./City and County of Honolulu Department of Facility Maintenance	During construction and upon completion of the project, any damages/deficiencies along the roadway on Tripoli Street shall be repaired to City standards and accepted by the City and at no cost to the City and County of Honolulu.	As discussed in Section 3.12.2 of the FEA, a Traffic Management Plan would be prepared prior to construction, which would detail the measures that would be implemented to avoid, minimize and

Commenting Party	Summary of Comments	Summary of Response and Changes Made to FEA
		mitigate potential impacts. It is expected that the measures would include the following: Repair of existing roadways or sidewalks, as applicable to the Project. Any roads or sidewalks damaged by the Project construction would be repaired in accordance with current design standards. No edits required to the FEA. Section 3.4.1 of the FEA discusses the documented 'akoko located in TMK 9-1-
5. Lindsy Asman/U.S. Fish and Wildlife	 EA should: Describe 'akoko on adjacent parcel and potential for 'akoko on project site Describe avoidance & minimization measures for potential 'akoko on project site if the listed plant is found on the development site in the future Elaborate on Project risks to listed waterbirds. Replace nighttime lighting measure to avoid seabird fallout Elaborate on use of barbed wire at substation. 	documented 'akoko located in TMK 9-1- 013:039, which is adjacent to the Project area. Based on the substrate observed in the majority of the Project area, and the distance from known 'akoko plants documented in the recent survey, Tetra Tech's biological team believes it is unlikely that 'akoko will establish in the Project area. However, appropriate avoidance and minimization measures have been added to the FEA to avoid impacts to this species were it to be observed on site during construction or operation of the Project. Please see the section on federally listed waterbirds on in Section 3.4.2 of the Draft and Final EA. The lake effect is a hypothesis. No studies have found a causal link for the source of waterbird mortalities observed in the continental U.S. Hawai'i has extensive rooftop solar, and commercial solar facilities have been in place since 2008. There are no public records that indicate waterbird mortality is an issue. There is no suitable habitat for federally listed birds in the Project Area and suitable habitat will not be created. The Project would avoid construction activities at the solar array areas that require nighttime lighting during the seabird fledging period (September 15- December 15). However, portions of the Project's transmission line located in HDOT right-of-way may require some night lighting if HDOT determines construction must occur during low traffic hours. If it were to occur, nighttime construction would be limited as much as possible and would occur along portions of the HDOT roads where

Commenting Party	Summary of Comments	Summary of Response and Changes Made to FEA
		there are currently street lights. All precautions would be taken to avoid take to listed seabirds and night lights would be shielded and pointed down where possible. Biological monitors would be present as specified in this avoidance and minimization measure. As noted in the avoidance and minimization measures, barbed wire would not be installed on the perimeter fencing around the solar sites. However, safety code requires barbed wire on the fencing at the substation (see 2014 National Electrical Code NEC 110.31 and 250.194 and National Electrical Safety Code NECA 110.A.1.b). Due to this safety code requirement, substations in Hawaii have barbed wire along their perimeter fences. Therefore, the proposed barbed wire is not unique to Barbers Point Solar's substation. In response to Ms. Asman's comments, text was added to Section 3.4 of the FEA and to the Biological Resources Survey Report (Appendix C).
6. Tracy Anduha	If this project is being developed on Hawaiian Homelands, why isn't it only benefiting Native Hawaiians?	As noted, the Project is proposed to be built on Hawaiian homelands. The lands were identified in the DHHL 2014 Oahu Island Plan as industrial use, including energy production. Renewable energy generation will provide a revenue source for DHHL to help their beneficiaries and development of homes on other lands in the region; therefore, one of the main benefits of the project for DHHL and the homesteaders will be revenue generation through the project. Additional community benefits from the Project's partnership with native Hawaiian organizations and businesses are discussed in Section 7.1.1 of the Draft and Final EA. No edits made to FEA in response to this comment.
 Christopher Delaunay/ Pacific Resource Partnership Organization 	We need more of these types of projects that will generate clean energy helping Hawaii reach its goal of 100% renewable energy by 2045.	Comment acknowledged. The Project will help Hawai'i meet the state's need for renewable energy by providing up to 15 MW of solar energy and 60 MWh of battery energy storage.

Commenting Party		Summary of Comments	Summary of Response and Changes
			Made to FEA
			No edits made to FEA in response to this comment.
8.	Meg Turner/Community Liaison for Hawaii State Senator Mike Gabbard	Is this considered a CBRE project?	This is not a project solicitated under the Hawaiian Electric Community Based Renewable Energy (CBRE) Project RFP. This project was solicited by Hawaiian Electric under the RFP for Variable Renewable Dispatchable Generation and Energy Storage for the Island of O'ahu. No edits made to FEA in response to this comment.
9.	Kimo Palakiko/ Ahahu'i o Ka'uluokaha'i Interim President	How will materials be supplied with so many projects going on simultaneously?	Most of the construction materials for this Project are expected to be imported, typically from the mainland United States but also from places outside of the United States. While all of the Project's battery systems will be manufactured in the United States, some of the solar panels may come from places outside of the United States. In terms of the construction work force, the use of the local workforce is to the advantage of both the Project and the community. Barbers Point Solar LLC is looking for an appropriate, locally licensed contractor with a local workforce. With the numerous projects being constructed simultaneously, the availability of the local work force may be strained; therefore, some of the workforce may come from neighboring islands or from outside of Hawaii. However, the priority will be to use local work forces as much as possible. No edits made to FEA in response to this comment.
10.	Tracy Anduha	How many DHHL residents will benefit verses non residents?	Renewable energy generation will provide a revenue source for DHHL to help their beneficiaries and development of homes on other lands in the region more suitable for residential development; therefore, one of the main benefits of the project for DHHL and the homesteaders will be revenue generation through the project. The energy produced by the project will be sent to the Hawaiian Electric grid. Most of the time this energy will be used in the local Kalaeloa community first,

Commenting Party	Summary of Comments	Summary of Response and Changes Made to FEA
		which includes four neighboring Homestead associations. If there is a lack of local usage of the electricity generated by the project, it will be moved into the wider grid for use in the larger area. No edits made to FEA in response to this comment.
11. John Bond/Kanehili Cultural Hui	There are numerous errors in the draft EA about the military history. Requests schematic information on the type of solar PV technology to be used. Will heavy equipment bulldozing be required?	The commenter does not specify the errors in the draft EA and did not provide corrections or a cultural landscape report; therefore, no further response is required at this time. See Section 2.1, Project Components, and Figure 2-2, Schematics of Project Components, of the Draft and Final EA. As discussed in Section 2.2.3, some grading may be needed to level the ground surface of the laydown/staging areas and geotextile materials and compacted gravel will be installed as needed. Clearing, grubbing, and grading will be conducted using equipment such as bulldozers, excavators, compactors, graders, and front-end loaders. No edits made to FEA in response to these comments.
12. John Bond/Kanehili Cultural Hui	Will there be a Programmatic Agreement to protect native Hawaiian and historic WW-II National Register sites? Will equipment and cleaning agents impact groundwater?	As noted in Section 3.5, Appendix A (Draft Archaeological Inventory Survey), and Appendix E (Cultural Impact Assessment) of the DEA and FEA, the AIS identified that the Project would result in impacts to historic properties within a WW-II National Register site and would be mitigated to a less than significant level. To avoid and minimize potential project-related impacts to historical properties, before initiation of any ground-disturbing activities related to Project construction, approval will be obtained from Hawai'i State Historic Preservation Division, including approval of a Project-specific Archaeological Monitoring Plan, Data Recovery Plan and Preservation Plan. Full-time archaeological monitoring will be conducted during all ground-disturbing activities to ensure that all sites slated for avoidance and/or preservation will be protected during construction and that

Commenting Party	Summary of Comments	Summary of Response and Changes Made to FEA
		all the mitigation measures have been implemented. Compliance with these plans by the contractors and workers concurrently with monitoring would ensure that the project would not result in significant adverse impacts to historical properties. In addition, contractor archaeological/environmental awareness training will occur prior to the commencement of construction. No direct interaction with groundwater is anticipated from the construction activities described in Section 2.2 of the Draft and Final EA. As discussed in Section 2.3 of the Draft and Final EA, a mild, biodegradable detergent may be used in conjunction with the water for cleaning. This detergent, if used, would be biodegradable and would not leach into groundwater resulting in impacts to the shoreline, limu, or reef ecosystems. Additionally, other more innovative water-less and dry brushing techniques will be explored as an option. No edits made to FEA in response to these comments.
13. Kenneth Takasaki	Require all new homes and business to have solar panels. Select a different location instead of infringing on the cultural and historic areas.	As discussed in Section 1.1 of the Draft and Final EA, Hawaiian Electric's current Power Supply Improvement Plan (PSIP, published in 2016 which provides a detailed 5-year plan with specific actions to accelerate the achievement of Hawai'i's renewable energy goals) assumes there will be strong growth in distributed energy resources including an assumption that 100 percent of all single- family homes and 20 to 25 percent of commercial customers will have rooftop solar PV producing the same amount of PV energy as they consume (net zero) by 2045. However, even with these high forecasts of distributed PV energy resources, the PSIP concluded that additional grid-scale PV generation would be required. Specific to the island of O'ahu, the PSIP identified approximately 352 MW of new grid-scale solar energy and 64 MW of grid-scale wind energy by 2021 (Hawaiian Electric 2016). To meet these resource requirements Hawaiian

Commenting Party	Summary of Comments	Summary of Response and Changes Made to FEA
		Electric established a process for solicitation and procurement of grid-scale renewable dispatchable generation through which the Barbers Point Solar Project was selected. Pacific Legacy, Inc. conducted an Archaeological Inventory Survey (AIS) of the Project area. The Project will potentially impact 90 of the 438 total documented features. Mitigation measures approved by SHPD would be implemented to avoid and minimize potential Project-related impacts to historic properties. With implementation of these measures, the Project would not be expected to result in significant adverse impacts to historic properties. As discussed in Section 4.2 of the Draft EA, the Project site was identified in DHHL's 2014 Island Plan as having desirable conditions for solar energy generation and as intended for revenue generation as the land was considered not suitable for residential development. No edits made to FEA in response to these comments.
14. Professor Trenchard	GSA rules were not adhered to when the DHHL properties were transferred from the Navy.	Comments acknowledged. As discussed in the Draft and Final EA, Section 1.3, TMK parcels 9-1-013:038 and 9 1 013:040 were transferred from the U.S. Navy to DHHL in 1996 as part of a settlement agreement under the Hawaiian Home Lands Recovery Act (HHLRA, P.L. 1-4-42). Per the HHCA of 1921, DHHL has the authority to issue commercial leases on DHHL trust lands. The land transfer of TMK 9-1-013:038 and TMK 9-1-013:040 from the U.S. Navy to DHHL is not part of the proposed Project and is therefore is not being evaluated in the Environmental Assessment. No edits made to FEA in response to these comments.
15. Peter Rucci	The solar farm proposal would upgrade the land and have a positive impact toward zero emissions and long-term sustainability.	Comment noted. No edits made to FEA in response to these comments.

C	ommenting Party	Summary of Comments	Summary of Response and Changes Made to FEA
16.	Jacob Ledesma	Can energy independence be coupled to also address food security concerns?	The Project site is not prime agricultural land, is mostly overgrown by kiawe and koa haole, and is not zoned for agricultural use. However, Barbers Point Solar has been partnering with Wai'anae Gold to generate local food opportunities on the site in advance of Project construction. As described in Section 7.1.1 of the Draft EA, Barbers Point Solar has partnered with Wai'anae Gold to make the kiawe pods on the Project site available to be collected so that they can be turned into kiawe bean pod flour and 'Āina Bars. However, after Project construction commences and during Project operation, the primary use of the Project site will be as a solar facility and collection of kiawe pods will be limited to areas outside the solar array fence line. No edits made to FEA in response to these comments.
17.	Jade T. Butay/State of Hawaii Department of Transportation	Draft EA sufficiently addresses HDOT-A's prior concerns with the project. HDOT-HWY concurs with Draft EA traffic impact analysis and recommends traffic construction management. Information to be included in the Final EA includes clarification on ownership of Roadway Lot 13083-B and addition of HDOT-HWY approvals and status.	Comments noted. Minor edits made to the Traffic Impact Assessment Report (Appendix H of the FEA) regarding the ownership of Roadway Lot 13083-B.
18.	Christine L. Kinimaka/ State of Hawaii Department of Accounting and General Services	No comments as the proposed project does not impact any of the Department of Accounting and General Services' projects or existing facilities.	Comment noted. No edits to the FEA required.
19.	Lisa M.M. Wallace/ Environmental Health Office, Clean Air Branch	Comments regarding Air Pollution Control Permits, activities that involve asbestos, and fugitive dust.	Comment noted. No edits to the FEA required.
20.	Kirsten Baumgart Turner/Hawai'i State Energy Office	Requests additional information including: expanding on PPA agreement; include estimated bill savings; provide additional analysis on economic impacts; provide brief discussion on the methodology of the GHG analysis; discuss impacts related to sea level rise; expand on decommissioning funding and recycling during operation and decommissioning.	Additional information added to Sections 1.2, 3.1, and 2.4 of the Final EA to address Ms. Baumgart Turner's comments on the PPA agreement, bill savings, economic impacts, GHG analysis, sea level rise impacts, and decommissioning.

Commenting Party		Summary of Comments	Summary of Response and Changes Made to FEA
21.	21. Carty S. Chang/DLNR Engineering Division	No additional comments	Comment noted. No edits to the FEA required.
22.	Kiersten Faulkner/Historic Hawaii Foundation	HHF agrees to the finding of effects and proposed mitigations as detailed in the Draft AIS and proposes that DHHL/Innergex develop and nominate the identified historic properties in Site T- 02, Aircraft Revetments, to be listed on the Hawai'i and National Registers of Historic Places. HHF requests to be a participant and consulting party in the development of that Preservation Plan.	Comment noted. The project team is committed to including Historic Hawaii Foundation as a participant and consulting party in the development of the Preservation Plan. Minor edits made to Sections 4.4 and 6.3.2 of the Draft AIS (Appendix A of the FEA).
23.	Dean Uchida/City and County of Honolulu Department of Planning and Permitting	Requests clarifications to: consistency with Kalaeloa Master Plan, Oahu General Plan, Ewa Development Plan, and ROH Chapter 33A and; use of vegetative screening.	DHHL is not subject to the land use controls of other state or county agencies unless it decides to subject itself to those controls for health and safety reasons. For the purposes of this Project, DHHL directed the Applicant to comply with and seek building permits from City and County of Honolulu Department of Planning and Permitting. Although DHHL lands are not required to be consistent with the City and County of Honolulu or HCDA's planning documents and development codes, the Draft and Final EA does evaluate the proposed actions' consistency with this plan. Edits made to Section 5.9 and 5.10 of the FEA in response to Mr. Uchinda's comments on consistency with Kalaeloa Master Plan, Oahu General Plan, Ewa Development Plan, and ROH Chapter 33A and; use of vegetative screening.
24.	Deepak Neupane, P.E., AIA/ Hawaii Community Development Authority	Requests clarifications regrading: ride share assumptions; use of R-1 water; akoko shrub location; traffic hazards; Eco-Industrial Open Space overlay land use. Project required CUP approval, SHPD concurrence letter, and FAA/DOT Glare and Glint report approval.	DHHL is not subject to the land use controls of other state or county agencies unless it decides to subject itself to those controls for health and safety reasons. For the purposes of this Project, DHHL directed the Applicant to comply with and seek permits HCDA. Although DHHL lands are not required to be consistent with the Kalaeloa Master Plan and its implementing provisions, an evaluation of the Project's compliance with these plans is included in the Draft and Final EA. As discussed in Section 3.12.2 of the DEA and FEA, a Traffic Management Plan would be prepared prior to construction, and would detail the measures that would be implemented to avoid,

C	ommenting Party	Summary of Comments	Summary of Response and Changes Made to FEA
			minimize and mitigate potential traffic impacts. The Traffic Management Plan would include encouragement of carpooling among construction workers and phasing of construction works. Minor edit made to Section 2.2.3 to clarify that there are no known 'akoko plants in the Project area. Regarding the Eco-Industrial Open Space overlay, a portion of TMK 9-1-013:038 is subject to this overlay. However this overlay conflicts with DHHL's conflicts with DHHL's intended use for the parcel per DHHL's Kapolei Regional Plan which envisions this parcel as mixed use intended for revenue generation. Minor edits made to Section 5.9.2 of the Final EA in response to Mr. Neupane's comments.
25.	John Bond/Kanehili Cultural Hui – Save Ewa Field	Provides several documents commenting on: DHHL deed covenants; Project site historical assessment and impacts to historic resources; pollution of underground water ways; impacts to native wildlife.	Detailed responses to these various documents provided in Exhibit B. A number of edits were made to the Draft AIS in response to these comments. Section 3.1.3, Spiritual Realms, has been added to the revised draft AIS report and includes information about the leina a ka'uhane. Additional information added to Section 3.2.4 of the revised draft AIS report concerning the military development of the area. Additional information from Mr. Bond's documents were added to Section 3.2.4 on the SeaBee Camp and attributed to Mr. Bond.
26.	David G. Smith/ Department of Land and Natural Resources, Division of Forestry and Wildlife	Provides additional avoidance and minimization measures.	Barbers Point Solar agrees with the avoidance and minimization measures and these are in line with those included in the Draft and Final EA.

Findings of No Significant Impact

Based upon the analysis completed in the FEA, staff recommends a finding of no significant impact for the Project. This determination is based upon the 13 criteria of significance that approving agencies must consider as specified in Hawai'i Administrative Rules 11-200.1-13. An analysis of the 13 criteria of significance is presented below:

(1) Irrevocably commit a natural, cultural, or historic resource

Natural, cultural, and historical resources have been documented in Project specific studies including a Biological Resources Survey Report and Supplemental 'Akoko Survey (Appendix C of FEA), an AIS (Appendix A of FEA), and CIA (Appendix E of FEA).

The Project area is dominated by non-native vegetation and has been disturbed by past military use. At the end of its useful life, the Project would be decommissioned, with all Project-related equipment removed and the Project area returned to substantially the same condition as existed prior to development. As detailed in Section 3.4.2 of the FEA, measures would be implemented during construction and operations to avoid or minimize impacts to natural resources.

With respect to historic resources, the AIS identified 17 historic properties within the Project area, containing 438 component features. Based on the conclusions regarding the significance and documentation to date, pursuant to HAR §13-284-7 and subject to review and concurrence by SHPD, the effect determination for the Project is anticipated to be "effect, with proposed mitigation commitments."

As detailed in Section 3.6 of the FEA, the CIA did not identify any cultural practices as currently existing within the Project area. Therefore, the Project is unlikely to affect cultural practices within the Project area. Based on this analysis, implementation of the Project would not be expected to result in an irrevocable commitment to loss or destruction of important natural, historical, or cultural resources.

(2) Curtail the range of beneficial uses of the environment

The range of beneficial uses of the environment is determined by the physical setting and the land use controls that define its use. The majority of the Project area is currently vacant and overgrown by kiawe and koa haole. In DHHL's approval of the Project's right-of-entry, it notes that it believes the Project is in the best interests of the DHHL Trust as it will generate a substantial revenue stream for the DHHL Trust over at least 25 years on land that lacks infrastructure, has use restrictions and limitations for [residential] development, and has not generated much revenue in the past (DHHL 2019). Furthermore, the Project is compatible with DHHL's General Plan, Oahu Island Plan, Kapolei Regional Plan and Ho'omaluo Energy Policy.

The Project would be decommissioned at the end of its useful life, with Project-related equipment removed and the Project area returned to substantially the same condition as existed prior to development, thus preserving the full range of potential future land uses. As the Project

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would provide clean renewable energy while allowing for ongoing agricultural activities and would not preclude any future land use following decommissioning, it would not be expected to curtail the range of beneficial uses of the environment.

(3) Conflict with the State's environmental policies or long-term environmental goals established by law;

The Project would not conflict with the State's environmental policies or long-term environmental goals, which are specified in HRS Chapter 344.

(4) Have a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State;

The Project would be expected to positively impact the economic and social welfare of the community by creating local employment opportunities, as well as providing a source of revenue for the DHHL Trust. Based on information gathered from the cultural and historical background, as well as community consultation conducted as part of the AIS and CIA, with implementation of biological avoidance and minimization measures listed in the FEA, the Project would not be expected to significantly affect cultural or natural resources identified as existing within the Project area. Contemporary cultural practices occur in the adjacent Kalaeloa Heritage Park parcel, which involve caring for archaeological features and natural resources. The Project would not interfere with these, or other cultural practices in the Project area vicinity. As such, Project implementation would not result in a substantial adverse effect on the economic welfare, social welfare, or cultural practices of the community and State.

(5) Have a substantial adverse effect on public health;

The Project would be consistent with existing land uses and would not be expected to directly affect public health. Over the long term, operation of the Project would generate clean renewable energy that would replace a portion of electricity that is currently generated by burning fossil fuels, thus reducing greenhouse gas emissions and other forms of pollution that are detrimental to human health.

(6) Involve adverse secondary impacts, such as population changes or effects on public facilities;

While the construction and operation expenditures associated with the Project may provide a direct benefit to the local economy, the amounts are relatively too small to cause significant secondary effects in the local economy. The Project would not induce changes in land use, development, or population size in the 'Ewa District. Public facilities would not be adversely affected, nor would additional use of public facilities occur as a result of Project implementation.

(7) Involve a substantial degradation of environmental quality;

The Project would not involve substantial degradation of environmental quality. The Project area has been extensively modified by previous activities and is dominated by non-native habitat. Noise levels and airborne dust would likely increase as a result of Project construction

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and decommissioning, but these effects would be short term and minimized through implementation of BMPs such that impacts would be minimal. BMPs would also be implemented to minimize the potential discharge of pollutants associated with stormwater runoff during both construction and throughout operations, as well as during decommissioning. Following decommissioning, the Project area would be returned to substantially the same condition as existed prior to development. All aspects of Project implementation would comply with applicable federal, state and local environmental regulations.

(8) Be individually limited but cumulatively have substantial adverse effect upon the environment or involves a commitment for larger actions;

The proposed Project does not involve a commitment to a larger action; although it would provide electricity for the island of O'ahu and would replace energy that is currently generated by fossil fuels. However, it would not be a precursor for other future projects. When considered in combination with other actions, the Project could potentially contribute to cumulative impacts, including those related to stormwater, noise, air quality, and traffic. However, avoidance and minimization measures would be implemented, such that cumulative impacts would be less than significant.

(9) Have a substantial adverse effect on a rare, threatened, or endangered species, or its habitat;

None of the plant species observed in the Project area are federal or state listed threatened, endangered, proposed listed, or candidate plant species. As the Project area is dominated by non-native vegetation, measures would be implemented to avoid or minimize impacts to the wiliwili trees on the site and the endangered 'akoko known to occur nearby (off site), implementation of the Project is not expected to have a significant impact on vegetation.

Most of the wildlife in the Project area is non-native to the Hawaiian Islands, and native habitats have been disturbed by previous activities and the introduction of invasive species, which has reduced the presence of native wildlife. The state listed pueo was observed within the Project area, and Hawaiian stilts were seen flying over the Project area during the biological surveys. Several other threatened and endangered wildlife species could occur within or traverse over the Project area. Consistent with recommendations provided by USFWS and DOFAW, the Project would incorporate measures specifically intended to avoid and minimize impacts to these species. With implementation of these measures, the Project would not be expected to have a substantial adverse effect on these listed species or their habitat.

(10) Have a substantial adverse effect on air or water quality or ambient noise levels;

Project implementation would result in minimal, short term impacts related to air and water quality, as well as ambient noise levels; mitigation measures would be implemented to minimize these impacts. The Project would also include permanent BMPs to provide long term retention and filtration of stormwater within the Project area. No substantial adverse water quality or air quality impacts are anticipated over the long term. Operation of the Project would

generate some noise, primarily associated with the inverters and transformers within the solar arrays and substation; however, operational noise is expected to fall below the maximum permissible sound levels and is not expected to significantly impact any noise sensitive receptors, especially in the context of the airport activities in the Project vicinity.

(11) Have a substantial adverse effect on or be likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, sea level rise exposure area, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;

As the Project area is not located within a flood hazard zone or a tsunami evacuation zone, it is extremely unlikely that conditions associated with flood or tsunami inundation would occur within the site, nor would the Project contribute to increased risk of flooding or inundation. The Project is in an extreme tsunami evacuation zone, but extreme tsunamis are rare, and the Project is likely to not be affected. The Project would be designed and constructed in compliance with all applicable federal, state, and local environmental protection, design, and building standards and regulations, including the Federal Flood Insurance Program, and would not contribute to coastal flooding. Implementation of the Project would not affect any environmentally sensitive area, nor would the Project be affected by environmental hazards associated with any such area.

(12) Have a substantial adverse effect on scenic vistas and viewplanes, during day or night, identified in county or state plans or studies; or

Based on a viewshed assessment (which considers terrain only and not existing vegetation or structures that may obstruct the view), it is anticipated that views of the Project would be primarily from areas immediately adjacent to the Project site. The Project will not block mountain or ocean views. From viewpoints from the adjacent public roadways and from locations within the 'Ewa Battlefield, the visual impact analysis shows that in many cases the Project will be partially or fully screened by existing vegetation. Where the Project is visible along Coral Sea Road, the visual contrast will be mitigated with the addition of Project landscaping. After decommissioning, the Project site will be returned to substantially the same condition as existed prior to Project development. Considering all features, the Project is expected to have minimal or no significant impact on the City and County of Honolulu's scenic and visual resources.

(13) Require substantial energy consumption or emit substantial greenhouse gases.

Construction of the Project would use some energy for site preparation and equipment installation. However, once installed, the Project would function to generate clean renewable

energy, thus providing a net increase in energy and reducing emissions of GHG by replacing a portion of the electricity that is currently generated by burning fossil fuels.

MITIGATION MEASURES IDENTIFIED IN THE FEA

Table 2. Mitigation Measures for Project

FEA Section	Mitigation Measure
3.1.2	In order to minimize GHG emissions associated with Project construction, Project vehicles and
Climate	equipment will be maintained in proper working order and in compliance with federal and state emissions standards.
3.3.2 Water Resources	The Project would utilize mitigation measures to protect and limit indirect impacts to surface waters, including but not limited to:
	 Minimizing grubbing and disturbance of soils by limiting tree removal and grading activities.
	 Revegetating the site following construction for soil stabilization.
	 Maintaining natural stormwater drainage patterns and utilizing LID techniques.
	 Minimizing soil compaction by limiting traffic to established gravel roads.
	• Minimizing creation of impervious surface by utilizing permeable ground vegetation around solar panels.
	• Directing stormwater runoff to vegetated areas by means of vegetated stormwater infiltration basins, water detention basins, and planned vegetation management.
	• Utilizing LID measures and BMPs such as groundwater infiltration basins and sedimentation basins.
	 Avoiding earthwork during adverse weather conditions and revegetating or stabilizing disturbed areas as soon as possible.
	• Preparing a Spill Prevention, Containment, and Countermeasure Plan prior to construction, to
	include measures for the safe transport, handling, and storage of hazardous materials.
	• Preparing an Erosion Sediment Control Plan, which will include more specific BMPs.
	Obtaining an NPDES Construction Stormwater Permit.
3.4.2 Biological Resources Vegetation	 With implementation of these measures, the Project would not be expected to result in significant adverse impacts to vegetation, including federally and state-listed species. The Project would maintain a 328-foot (100-meter) buffer from the remaining 'akoko individuals recorded in TMK 9-1-013:039, as recommended by DOFAW and USFWS (USFWS 2018).
-	 The Project would establish an environmental education and observation program to educate all
	construction and operational personnel about the nearby endangered 'akoko and critical habitat. Staff would be trained to identify the 'akoko and to take appropriate steps if the species is found.
	 Vegetation clearing and temporary watering following hydroseeding in the portions of the Project area adjacent to the 'akoko critical habitat has the potential to create more suitable habitat for 'akoko. In addition to the environmental education and observation program (described above), a post-construction 'akoko survey will be conducted during the first wet season following end of construction. The post-construction 'akoko survey would be limited to the portion of the Project area located within 200 feet (60 meters) north of San Juacinto Road (which is north of the critical habitat) in areas with suitable 'akoko habitat. This distance is based on historical locations of 'akoko on TMK 9-1-013:039, the likely dispersal ability of the species, and buffer recommendations from
	 USFWS. If 'akoko were to establish in the Project area, re-initiation of consultation with DOFAW and USFWS would be necessary. If 'akoko is found in the Project area during construction, all ground disturbing activities would cease within 328 feet (100 meters) of the plant(s) until further consultation with USFWS and DOFAW is coordinated. Further specifics would be determined in consultation with the relevant agencies depending on the location. If 'akoko is found in the Project area during operations, vegetation control activities would follow the recommended buffer distances by

	1
	USFWS (2018)until further consultation with USFWS and DOFAW occurs (e.g., no mowing would
	occur within 20 feet [6 m] of 'akoko plants, and no hand application of herbicide would occur
	within 10 feet [3 m] of 'akoko plants).
	• If landscaping is installed along the perimeter of the Project for visual screening or due to HCDA
	requirements, non-invasive plants will be used and native plant species will be incorporated to the
	maximum extent practicable.
	• The Project will develop an Emergency Response Plan and Vegetation Management Plan to reduce
	potential fire risk to/from the Project.
	• The following measures would be implemented to avoid the unintentional introduction or
	transport of new invasive species to the area: utilize on-site gravel, rock, soil when practicable, or
	purchase raw materials (e.g., gravel, rock, soil) from a local supplier when practicable; utilize
	certified, weed-free seed mixes; and wash and/or visually inspect (as appropriate) construction
	materials or equipment arriving from outside O'ahu for excessive debris, plant materials, and
	invasive or harmful non-native species before transport to the Project area.
	• The Project would coordinate with HDOT on their efforts to control the invasive rubbervine
	(Cryptostegia grandiflora) known to occur along Coral Sea Road and Tripoli Road.
3.4.2	With implementation of these measures, the Project would not be expected to result in significant
Biological	adverse impacts to wildlife, including federally and state listed species.
Resources	• The Project would establish an environmental education and observation program for all
Wildlife	construction and regular on-site staff. Staff would be trained to identify listed species that may be
	found on-site or the vicinity (including 'akoko, pueo, listed Hawaiian waterbirds, listed Hawaiian
	seabirds, and the Hawaiian hoary bat) and to take appropriate steps if these species are observed.
	 If downed listed species are observed during construction or operations, USFWS and DOFAW
	would be notified using the standard protocol (USFWS 2020).
	• Prior to clearing vegetation or ground-disturbing activities with heavy machinery within areas of
	suitable pueo nesting habitat within the Project area, pre-construction ground pueo nest surveys
	would be conducted by a qualified biologist to confirm pueo are not nesting in the area.
	• If a pueo is observed in the Project area at any time (prior to construction, during construction, or
	during operation), all activities in the immediate vicinity would stop immediately. The location of
	the bird would be reported to a designated representative, and a qualified biologist would check
	the area for the presence of a pueo nest.
	• If a ground nest or a pueo nesting on the ground is observed at any time (prior to construction,
	during construction, or during operation), an approximately 100-foot (30-meter) buffer would be
	established around the nest and marked in the field by a qualified biologist. DOFAW would be
	notified immediately. If the nest is confirmed as a pueo nest, no work would occur in the buffer
	until pueo nesting is complete.
	• No rodent baiting would occur as part of the Project to prevent secondary poisoning from toxins in
	pueo prey.
	 No surface water features would be created by the Project during construction or operation.
	Stormwater retention areas would drain within 48 hours and would be kept free of emergent
	vegetation to avoid attracting listed waterbirds to areas with sub-optimal habitat.
	• If listed waterbirds are found in the Project area during active construction, all activities within 100
	feet (30 meters) of the bird(s) will cease, and a biological monitor that is familiar with the species'
	biology will conduct Hawaiian waterbird nest surveys where appropriate habitat occurs. The
	surveys would be repeated again after any subsequent delay of work of 3 days or more (during
	which birds may attempt nesting). If a nest of a listed waterbird is not discovered, work may
	continue after the listed waterbird leaves the area of its own accord. If a nest of a listed waterbird

is discovered, USFWS and DOFAW will be contacted and a 100-foot (30-meter) buffer will be
established around all active nests and/or broods until the chicks/ducklings have fledged.
• Construction activities would be restricted to daylight hours as much as possible during the seabird
peak fallout period (September 15–December 15) to avoid the use of nighttime lighting that could
attract seabirds.
• Should nighttime construction be required during the seabird peak fallout period, a biological
monitor would be present in the construction area from approximately 0.5-hour before sunset to
0.5-hour after sunrise to watch for the presence of seabirds. Should a seabird (or other listed
species) be observed and appear to be affected by the lighting, the monitor would notify the
construction manager to reduce or turn off construction lighting until the individual(s) move out of
the area.
 During operation, any on-site lighting would be fully shielded, triggered by motion detector, and
fitted with light bulbs having a correlated color temperature of four thousand Kelvin or less, to the
extent possible. Lighting would also be directed away from the solar arrays to minimize the
potential for reflection and would only be used when necessary.
• No trees or shrubs greater than 15 feet tall would be disturbed, trimmed, or removed during the
Hawaiian hoary bat birthing and pupping season (June 1 through September 15).
• Fencing erected as part of the Project would not have barbed wire to prevent entanglements of the
Hawaiian hoary bat, except as required for safety and code compliance around the Project collector
substation which is anticipated to be 500 feet by 250 feet for a total of 1,500 feet of fencing.
Typical security fencing includes three strands of barbed wire within a 1-foot vertical area at the
top of the 6-foot chain link fence.
The Desired officients the investor of the 100 best desired at the following of the following of the time of time of time of the time of t
The Project will potentially impact 90 of the 438 total documented features. The following mitigation measures will be subject to review and concurrence by SHPD. The measures listed below would be implemented to avoid and minimize potential Project-related impacts to historical properties. With implementation of these measures, the Project would not be expected to result in significant adverse impacts to historical properties.
1) Historic Properties Recommended for Preservation
A total of 348 features from 12 historic properties are recommended for preservation. Five historic properties will be completely avoided and preserved (see Table 3-4) while features included in seven additional historic properties will also be avoided and preserved. Properties/features recommended for preservation include most of the traditional Hawaiian features (n=110) and limestone pits (n=188) in the Project area, six U.S. military bunkers in TMK 9-1-013:040 (T-01), the majority of buildings and contributing elements included in the proposed Revetments Area Historic District (Site T-02), and the underground chambers and associated features that make up Site T-09. The makahiki grounds (Feature 34 of Site 05106) is a significant cultural feature located outside the Project's proposed fence line (but within the Project area) and will be avoided and preserved. Opportunities for community engagement as part of the preservation of this site will be explored during the preparation of the Preservation Plan. All the aircraft revetments associated with Site T-02 are recommended for preservation and will be avoided and preserved by the Project. Full-time archaeological monitoring will be conducted during all ground-disturbing activities to ensure that all sites slated for preservation will be protected in accordance with an accepted Preservation Plan.
2) Historic Properties Recommended for Data Recovery
Data recovery is recommended for 42 features from seven of the historic properties. These include 34 unmodified limestone pits (SIHP 50-80-12-01733, -01745, -05094, -05106, T-03, T-10, and T-11), one modified limestone pit (SIHP 50-80-12-05106, Feature 2), two limestone mounds (SIHP 50-80-01733, Feature 6 and SIHP 50-80-12-05106, Feature 8), a limestone enclosure (SIHP 50-80-12-80-05106, Feature 70), three limestone wall sections (SIHP 50-80-12-05106, Feature 43, 71, and 99), and a subsurface cultural layer (T-12). These 42 features are recommended for data recovery because they will be impacted by the Project and data recovery investigations will be carried out to recover

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	any significant archaeological or paleontological deposits from the features. The limestone pits are also culturally sensitive for the Native Hawaiian community, as previous investigations have identified limestone pits that contain human remains near the project area. Data recovery in these instances will ensure that no human remains are adversely impacted by the proposed project.
	3) Historic Properties Recommended for No Further Work
	The remaining 48 potentially impacted features from six historic properties are recommended for no further work because sufficient archaeological data have been collected from the features during previous investigations and the current AIS. The documented features recommended for no further work consist of:
	All 27 structural remnants associated with the former U.S. Navy Seabee camp (SIHP 50-80-12-
	05099). These structures include mainly concrete features and metal elements representing
	underground utilities (sewer, water, and drainage) and asphalt surfaces once serving as roads and a
	tennis court (Feature 26). One of the features is a large soil and debris berm (Feature 23) formed
	during dismantlement and demolition of the former camp.
	• 13 military training features included in SIHP 50-80-12-05106. These features consist of stone
	features, including one stone-masoned feature (Feature 28), associated with training and land
	modification that were once part of an active training area at NASBP. All military features in SIHP 50-80-12-05106 have been fully documented during the current AIS and the more obvious features
	(Features 1, 8, and 28) were recorded during previous investigations (Tuggle and Tomonari-Tuggle
	1997; Wickler and Tuggle 1997; Beardsley 2001) and included subsurface testing and surface
	artifact collection at Feature 28. Feature 69 is a pre-Contact or early post-Contact modified sink
	that was previously excavated and all contents from within the sink were removed and analyzed
	(Beardsley 2001). Thus, all site data have been collected from the sink feature.
	 One concrete curb associated with a military building foundation at Site T-01.
	• The two military features at Site T-02 including a training C-shaped wall built into a revetment (Feature 56), and a quarry pit from which limestone was extracted to build the surrounding revetments.
	• The four aviation-related features that comprise Site T-08 and were part of the former MCAS 'Ewa
	airfield that postdate the December 7, 1941 attack. These four features consist of two parking
	aprons built between 1942 and 1944 (Feature 1), two plane tie-downs on the parking apron
	(Feature 2), a concrete utility box (Feature 3), and an irrigation ditch between the parking aprons (Feature 4).
	• One concrete foundation at Site T-11.
	• Archaeological monitoring is recommended for the Project. Before initiation of any ground-
	disturbing activities related to Project construction, approval will be obtained from SHPD, including
	approval of a Project-specific Archaeological Monitoring Plan. The features recommended for No
	Further Work shall be called out in the Archaeological Monitoring Plan. Full-time archaeological monitoring is recommended during all ground-disturbing activities.
3.6.3 Cultural	Archaeological monitoring during construction and development of an archaeological data recovery program is recommended. The cultural descendants who participated in the CIA should be further
Resources	consulted to develop protocols for the appropriate protection and preservation of sites, and these
	protocols should be recognized in future land uses and transactions. Their mana'o (thoughts, ideas,
	opinions) on procedures for clearing, caring for, and reactivating the kahua would be invaluable as well. Given the existence of Hawaiian burials in close proximity to the Project area, there is potential
	for natural limestone pit features to contain burials. Should a burial be identified during the
	construction of the Barbers Point Solar Project, an appropriate protocol for treatment will be
	developed in close consultation with DHHL, SHPD, the O'ahu Island Burial Council and other key stakeholders. This protocol will be developed as part of an archaeological monitoring plan for the Project prior to its construction. Archaeological monitoring during construction and development of
	an archaeological data recovery program is recommended. The cultural descendants who

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3.9.2	 participated in the CIA should be further consulted to develop protocols for the appropriate protection and preservation of sites, and these protocols should be recognized in future land uses and transactions. Their mana'o (thoughts, ideas, opinions) on procedures for clearing, caring for, and reactivating the kahua would be invaluable as well. Given the existence of Hawaiian burials in close proximity to the Project area, there is potential for natural limestone pit features to contain burials. Should a burial be identified during the construction of the Barbers Point Solar Project, an appropriate protocol for treatment will be developed in close consultation with DHHL, SHPD, the O'ahu Island Burial Council and other key stakeholders. This protocol will be developed as part of an archaeological monitoring plan for the Project prior to its construction.
Air Quality	to air quality are expected to be less than significant.
An Quanty	 To the extent practicable, off-road and portable diesel-powered equipment would be fueled with
	motor vehicle diesel fuel (#2 diesel fuel). Examples of equipment include bulldozers, graders,
	cranes, loaders, scrapers, backhoes, generator sets, compressors, and auxiliary power units.
	Construction vehicles and equipment would be routinely maintained according to the
	manufacturer's specifications.
	• To the extent practicable, the quantity of vehicles commuting to and operating within the project
	area would be limited.
	• Construction site and access would be limited. Vehicle speeds would not exceed 25 mph on gravel,
	dirt, or other unpaved roads within the Project area.
	Idle times for vehicles and equipment would be limited so that unnecessary emissions would be
	reduced. A maximum idle time would be established (e.g., no more than 15 minutes idle time).
	• All trucks hauling soil or other loose materials would be covered for containment purposes.
	Water trucks or sprinkler systems would be used to control fugitive dust within the Project area. No
	chemical additives would be used in the water trucks or sprinklers.
	 Carpooling would be encouraged among construction workers to minimize emissions from commuting.
	 Soils that have been temporarily disturbed during construction would be revegetated. The
	vegetation would be maintained to minimize the potential for erosion and fugitive dust.
3.10.2 Noise	 Construction activities would generate noise that would intermittently exceed ambient noise levels potentially cause a temporary and short-term disturbance. Efforts would be made to minimize the noise levels associated with Project construction to the extent practicable, including measures such as those listed below. Construction activities would occur on weekdays and Saturday between 7:00 am and 7:00 pm. Speed limits would be established and enforced during the construction period Using electrically-powered equipment instead of pneumatic or internal combustion powered equipment, where feasible; Loud procedures would be restricted to weekdays during daylight hours to minimize noise impacts; Material stockpiles, mobile equipment staging, parking, and maintenance areas would be located as far as practicable from noise-sensitive receptors; Noise-producing signals, including horns, whistles, alarms, and bells, would be used solely for safety or warning purposes; and Noise-producing construction equipment and vehicles would utilize mufflers, air-inlet silencers, and any other shrouds, shields, or other noise-reducing features, ensuring these items are in good operating condition that meet or exceed original factory specification.
2 1 1 2	
3.11.2 Hazardous	A spill prevention plan will be developed that describes measures that will be taken to avoid and minimize potential impacts associated with refueling, handling and storage of hazardous materials.
Materials	
3.12.2	A Traffic Management Plan would be prepared prior to construction, which would describe the
Transportation	potential impacts to the surrounding roadway network and would detail the measures that would be

anal	inglemented to evold minimize and mitigate actuation ingreate based on Complete Character
and Traffic	implemented to avoid, minimize and mitigate potential impacts based on Complete Streets principles. It is expected that the measures would include the following:
ITAIIIC	 Scheduling delivery of construction materials and equipment in oversized or overweight trucks
	during off-peak traffic hours. Other deliveries of construction materials and equipment would be
	scheduled for off-peak traffic hours to the extent practicable.
	• Timing of deliveries would be coordinated to minimize cumulative traffic-related impacts. If any
	construction projects are planned to occur on nearby properties during the same time frame,
	deliveries would be coordinated and staggered to reduce impacts to traffic.
	Notification of necessary parties regarding Project construction and potential traffic impacts would
	be conducted. Local area representatives, the neighborhood board, area residents, businesses,
	emergency personnel, and public transit services would be notified as appropriate.
	 Repair of existing roadways or sidewalks, as applicable to the Project. Any roads or sidewalks
	damaged by the Project construction would be repaired in accordance with current design
	standards.
	Maintenance of existing pedestrian, bicycle and vehicle facilities shall be safely maintained. If
	roadway, sidewalk, or crosswalk closures are necessary, alternate routes would be provided for
	vehicles, pedestrians, and bicyclists. Alternate routes would be clearly marked for increased safety.
	Coordination with local agencies would be conducted. The Traffic Management Plan would be
	submitted to HDOT, the City and County of Honolulu Department of Transportation Services, and
	City and County of Honolulu Department of Planning and Permitting for review and approval prior
	to Project construction.
	• Installation of stop signs and stop bars at Project driveway entrances, as required.
3.13.2	Fire prevention mitigation measures to be employed at the Project area include installation of fire
Natural Hazards	breaks and vegetation management in the Project area.
	Barbers Point Solar, LLC will develop an emergency response plan with the appropriate agencies,
	including Honolulu Fire Department. The emergency response plan will establish protocols for
	minimizing risk of fire ignition and providing fire response (should it be needed) during construction
	and/or operations and maintenance. In the event of an emergency, local fire and police stations will be notified immediately.
	be notified initiately.

DETERMINATION

Based upon the analysis and findings presented in the FEA, implementation of the Project is not expected to result in a significant adverse direct, indirect, or cumulative impact on the quality of the environment. As such, staff recommends the HHC issue a FONSI in accordance with HRS Chapter 343. This determination is based on an evaluation of the Project impacts in relation to the significance criteria specified in HAR §11-200.1-13, as detailed above.

NEXT STEPS FOR OVERALL PROJECT IMPLEMENTATION

In addition to the completion of the FEA and HHC declaration of FONSI for the project in accordance with Hawaii Revised Statutes Chapter 343 and HAR 11-200.1, the following actions permits, approvals, and coordination are needed.

Permit/Approval	Regulating Agency	Status
HRS Chapter 343 Compliance	DHHL (approving agency)	Draft EA published for public review
Development Permit	HCDA	Application to be submitted following HRS Chapter 343 EA process
Variance	HCDA	Application to be submitted following HRS Chapter 343 EA process
CUP	HCDA	Application to be submitted following HRS Chapter 343 EA process
HRS Chapter 6E Compliance (Historic Preservation Review)	State Historic Preservation Division (SHPD)	Draft AIS submitted to SHPD for review on September 8, 2021
NPDES Permit	Department of Health (DOH), Clean Water Branch	To be obtained prior to construction
Community Noise Permit	DOH, Indoor and Radiological Health Branch	To be obtained prior to construction
Building Permit	DPP	To be obtained prior to construction
Grading and Grubbing Permit	DPP	To be obtained prior to construction
Use and Occupancy Permit	HDOT	To be obtained prior to construction, as applicable
Permit to Perform Work Upon State Highways	HDOT	To be obtained prior to construction, as applicable
Weekly Lane Closure Form	HDOT	To be obtained prior to construction, as applicable
Permit to Operate or Transport Oversize and/or Overweight Vehicles and Loads	HDOT	To be obtained prior to construction, as applicable
Movement of Oversize and/or Overweight Vehicles and Loads Permit	DTS	To be obtained prior to construction, as applicable
Notice of Proposed Construction or Alteration (Form 7460-1)	Federal Aviation Administration (FAA)	To be submitted prior to construction
Notice of Actual Construction or Alteration (Form 7460-2, Part 2)	Federal Aviation Administration (FAA)	To be submitted within 5 days after construction reaches its greatest height

Table 3. Anticipated Permits and Approvals Required for Project

Recommendation

DHHL staff respectfully requests approval as recommended.

References

- DHHL. 2009. Hoʻomaluō Energy Policy. January 2009. Available online at: <u>https://dhhl.hawaii.gov/wp-content/uploads/2011/05/DHHL-Energy-Policy.pdf.</u>
- DHHL. 2019. Hawaiian Homes Commission Meeting Packet, July 5, 2019.
- DHHL. 2014. Oahu Island Plan. July 2014. Available online at: <u>https://dhhl.hawaii.gov/wp-content/uploads/2013/04/DHHL-OIP-Final-140708.pdf.</u>
- DHHL. 2018. Disposition of Hawaiian Home Lands by General Leases for Renewable Energy Project on Oahu and Maui, December 21, 2018.
- Hawaiian Electric. 2020c. Hawaiian Electric Company, Inc's Application, Exhibits 1–9, Verification and Certificate of Service. In the Matter of the Application of Hawaiian Electric Company, Inc. For Approval of Power Purchase Agreement for Renewable Dispatchable Generation with Barbers Point Solar, LLC. Docket No. 2020-0143. Filed September 15, 2020. https://dms.puc.hawaii.gov/dms/DocumentViewer?pid=A1001001A20I16B50133J01218.
- Yoklavich, A. 1997. Architectural History Report for Naval Air Station, Barbers Point.
 Appendix C, in A Cultural Resource Inventory of Naval Air Station, Barbers Point, O'ahu, Hawai'I; Part I: Phase I Survey and Inventory Summary by Tuggle, H.D. and M.J. Tomonari Tuggle. Prepared by International Archaeological Research Institute, Inc.,Honolulu for Belt Collins Hawaii, Honolulu.

STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

- To: Chairman and Members, Hawaiian Homes Commission
- Thru: Andrew Choy, Acting Planning Program Manager $\beta \subset$
- From: Pearlyn Fukuba, Planner plf Julie-Ann Cachola, Planner
- Subject: For Information Only Status Update on Nānākuli and Wai'anae Plan Implementation

Recommended Action

None; For information only.

Background

By request of the Chairman, the Planning Office provides the HHC with a status report on prior policies and/or plans that affect lands and homestead communities where the HHC conducts its monthly community meeting. For December 2021, the Planning Office will be providing an update on the regional plans for Nānākuli and Wai`anae-Lualualei.

Discussion

EXISTING PLANS & IMPLEMENTATION STATUS

O'ahu Island Plan Policies Related to the Wai'anae Moku

The purpose of each DHHL Island Plan is to:

- Provide a comprehensive resource for planning and land management purposes;
- (2) Establish Land Use Designations for all land holdings to promote orderly land use development and efficient development of infrastructure systems; and
- (3) Identify island-wide needs, opportunities, and priorities.

The O'ahu Island Plan was adopted by the HHC in 2014. The Island Plan delineated four planning regions or moku for the island of O'ahu: Wai'anae, 'Ewa, Kona, and Ko'olaupoko.

The 2014 O'ahu Island Plan identifies the following land use designations and acreage amounts for Wai'anae, Lualualei and Nānākuli.

Land Use Designation				Total	Percent of LUD in	Percent of LUD
(LUD)	Wai'anae	Lualualei	Nānākuli	Acres	Wai'anae	on Oʻahu
Special District	95	10		105	3%	42%
Conservation	75	190	825	1,090	32%	42%
General						
Agriculture		95	705	800	24%	88%
Residential	130	125	745	1,000	30%	61%
Pastoral	-	-	-	-	-	-
Subsistence						
Agriculture	50	140		190	6%	86%
Supplemental						
Agriculture	-	-	-	-	-	-
Industrial	-	3	-	3	0.8%	0.4%
Community Use	10	75	55	140	4%	45%
Commercial	-	-	10	10	.2%	11%
TOTALS	360	638	2,340	3,338	100%	50%

O'ahu Island Plan: Priorities and Recommendations (2014)

The O'ahu Island Plan, adopted in 2014, serves as a 20-year development guide for DHHL landholdings. The following Wai'anae Moku initiatives support the plan's Priorities and Recommendations:

1. Homestead Development:

Mā'ili Homestead Community Residential Plans: DHHL is planning the design of approximately 40 acres of land in Mā'ili, O'ahu. The project is anticipated to provide residential opportunities for DHHL's waitlist beneficiaries on the former Voice of America site. It is anticipated that approximately 200 single-family homes could be accommodated on the parcel. Should the development design include a combination of singlefamily and multi-family units, approximately 330 units could be produced. On June 22, 2021, DHHL conducted Beneficiary Consultation #1 to share project information, answer beneficiary questions and gauge beneficiary preferences.

2. Revenue Generation:

Community Based Renewable Energy Project:

- At its August 2020 Regular Meeting, the HHC authorized the Chairman to solicit renewable energy development proposals for four specific DHHL tracts in (1) Nānākuli, O`ahu, (2) Ho`olehua, Moloka`i, and two Hawai`i Island locations at (3) Kawaihae and (4) Kalaoa, North Kona.
- Following HHC authorization, on August 31 2020, DHHL issued a request for proposals from renewable energy developers for these four parcels.
- DHHL conducted initial beneficiary information meetings to inform beneficiary communities about these RFP solicitations and provide information about the HECO Community-based Renewable Energy Program in October thru December of 2020.
- From January to February 2021, DHHL selected three preliminary development proposals from renewable energy developers for three of the four sites. No developer submitted a proposal for the Ho`olehua site.
- DHHL selected International Center for Appropriate Sustainable Technology (ICAST)to advance in the process to lease revenue-generating property in Nānākuli.
- After its selection to advance in the process, ICAST requested additional time to complete due diligence studies to prepare a development proposal to DHHL for a second beneficiary consultation meeting with the Nānākuli community. A development proposal would include lease terms and conditions including percent savings on individual beneficiary electric bills, lease rent to DHHL, and other proposed community benefits by the developer.
- ICAST conducted its due diligence from April to November 2021.
- At the conclusion of its due diligence, ICAST concluded that the Nānākuli parcel had limiting constraints that would make a community-based renewable energy development project infeasible.

• DHHL documented in writing ICAST's decision to withdraw from the solicitation process on November 23, 2021. (Exhibit A)

REGIONAL PLAN PRIORITY PROJECTS

Nānākuli Regional Plan (2018)

- 1. Disaster Preparedness Nānākuli homestead communities have identified issues of disaster preparedness, community resilience, and broader climate change adaptation as high priorities. Perhaps the most visible of related projects is the Wai'anae Coast Emergency Access Road (WCEAR). Alongside the WCEAR, a second/parallel access road is being considered. Perhaps most importantly, homesteaders identified needs for both short-term disaster preparedness - evacuation routes and emergency plans to ensure immediate safety - and long-term disaster resiliency, which could come as a result of community self-sufficiency.
- 2. Improve Community Access to Non-Homesteading Areas Nonhomesteading areas, utilized by communities in ways other than living, are vital to the wellbeing and connectedness of the Nānākuli homestead communities, as well as to the Wai'anae Coast as a whole. Potential spaces within the Nānākuli homestead communities have been identified, each with varying levels of feasibility.
- 3. Street Repairs and Improvements for Health and Safety in the Region - Several roadway-related issues were identified by Nānākuli homesteaders, all of which directly influence the safety of homesteaders and their families. Measures necessary to combat identified issues and advance opportunities - in addition to general repair and maintenance of homestead and regional roadways - will require coordination among multiple entities including the State, the City & County, the Department of Transportation, DHHL, and private stakeholders, among others.
- 4. Establish Community-Based Education Programs Education is critically important to the Nānākuli homestead communities, as it is one of many factors that drives communities forward, connecting them and raising up the next generation. A main focus of community education in the Nānākuli homestead communities is Hawaiian language and culture. In addition to cultural and 'āina-based education

programs, community members have expressed interest in other forms of education.

5. Identify and Pursue Opportunities for "Pono Economic Development" and Community Action - "Pono Economic Development" for the Nānākuli homestead communities means providing sustainable opportunities for all to support ourselves and our communities. Economic development can be accomplished by a variety of means and can also include services provided to community members, which in turn strengthen resiliency and sustainability.

Wai'anae and Lualualei Regional Plan (2018)

- 1. Increase Capacity for Specific Community-Based Projects Community-based projects and economic development for the Wai'anae and Lualualei homestead communities means providing sustainable opportunities for all to support ourselves and our communities. Economic development can be accomplished by a variety of means and can also include services provided to community members, which in turn strengthen resiliency and sustainability.
- 2. Improve Community Access to Non-Homesteading Areas Nonhomesteading areas, utilized by communities in ways other than living, are vital to the wellbeing and connectedness of the Wai'anae and Lualualei homestead communities, as well as to the Wai'anae Coast as a whole. Potential spaces within the Wai'anae and Lualualei homestead communities have been identified, each with varying levels of feasibility.
- 3. Homestead Infrastructure & Maintenance Several infrastructure- and maintenance-related needs were identified by Wai'anae and Lualualei homesteaders. Measures necessary to combat identified issues and advance opportunities - in addition to general repair and maintenance of homestead and regional roadways - will require coordination among multiple entities including the State, the City & County, the Department of Transportation, DHHL, and private stakeholders, among others.
- 4. Safety & Community Enforcement Safety hinges upon all aspects of a community, including its infrastructure, its policies and laws, and the people that inhabit it. The Wai'anae and Lualualei homestead communities have indicated a readiness to enforce safety-related policies and

regulations, and a goal is to establish the necessary community education and framework to do so.

5. Disaster Preparedness & Coordination - Wai'anae and Lualualei homestead communities have identified issues of disaster preparedness, community resilience, and broader climate change adaptation as high priorities. Perhaps the most visible of related projects is the Wai'anae Coast Emergency Access Road (WCEAR). Alongside the WCEAR, a potential second/parallel access road is being considered. Perhaps most importantly, homesteaders identified needs for both short-term disaster preparedness - evacuation routes and emergency plans to ensure immediate safety - and longterm disaster resiliency, which could come as a result of community self-sufficiency.

REGIONAL PLAN IMPLEMENTATION STATUS

The Tables that follow describe each Priority Project and reports on the current status of the project.

. The Nānākuli Regional Plan (July 2018)				
Priority Project	Objectives	Current Status		
A. Disaster Preparedness	 A safe community with comprehensive emergency procedures, routes, and facilities, prioritizing the safety of our kupuna and keiki. A disaster preparedness and climate change mitigation via community self-sustainability. Coordinated and efficient disaster- minded roadway improvements, including the Wai'anae Coast Emergency Access Road (WCEAR) and Wai'anae Coast Parallel Route. 	The State Department of Transportation (DOT), Highways Division, completed the Farrington Highway Corridor Study in March 2021. The corridor study identified interim measures to keep Farrington Highway functioning acceptably while the long-term plans to widen Farrington Highway is completed (estimated completion date 2035). The list of projects include improvements for safety, congestion relief and resilience.		
B. Improve Community Access to Non- Homesteading Areas	 Maintain and improve DHHL- designated Community use and non-homesteading areas in Nānākuli. Availability of needed Community Use and non-homesteading areas, redesignated underused or unused areas. Growth in the Nānākuli communities as a result of community centers. Non-homesteading areas available, cultivated, and utilized, which will lead to increased community financial sustainability. Non-homesteading areas that provide safety in case of a disaster or emergency, stocked with emergency supplies and easily accessible by viable roadways and evacuation routes. 	A blessing for the Nānākuli Village Center was held in November 2019. Commercial tenants include CVS/Longs, Wendy's and Taco Bell/Pizza Hut and Starbucks. On April 27, 2021, Kamehameha Schools opened the Kalanihookaha Community Learning Center, that will provide 'āina-based programs, career development and training. The facility includes a large multi- purpose room with flexible space, covered lānai for indoor and outdoor use, serving kitchen, pavilion and pā/outdoor staging area. The Nānākuli Village Center is a joint effort of the Nānākuli Hawaiian Homestead Community Association and the Hawaiian Community Development Board. DHHL also initiating repairs to the Nānākuli Cemetery. See HHC Agenda Item E-1 for more information.		
C. Street Repairs and Improvements for Health and Safety in the Region	 Clog-free residential roadways, creating safer environments for both drivers and pedestrians. Decreased traffic and increased road safety using roadway improvements and traffic-calming measures. Safer pedestrian environments in homestead areas. 	DHHL continues to work with the City & County of Honolulu (City) to assume responsibility for proper roadway maintenance and improvement within homesteads. DHHL Nānākuli Traffic Calming Project in progress. See HHC Agenda Item E-1 for more info.		

Priority Project	Description	Current Status
D. Establish Community- Based Education Programs	 Access for Nānākuli homestead communities and their residents, from keiki to 'ōpio to mākua to kūpuna, to quality, values-based, and skills-focused education that is responsive to their communities' needs. 	Community led initiatives are ongoing.
	 Opportunities for keiki – the next generation – to learn from their kūpuna. 	
	 Opportunities for kūpuna to live affordably (kūpuna housing), age in place, and pass their mana'o to the next generations. Proper compensation for kūpuna's time, effort, and knowledge. 	
	 Nānākuli homestead communities in which homesteaders of all ages feel welcome and encouraged to contribute to our communities. 	
E. Identify and Pursue Opportunities for "Pono "Economic	 Opportunities for culture-based, community-led economic development in the Nānākuli homestead communities. 	Community led initiatives are ongoing.
Development" and Community Action	 Strengthened financial, resource, and cultural sustainability of our communities as a result of community economic development. 	
	 Community and organizational capacity built to ensure the impact of community economic development for generations. 	
	 Meaningful opportunities for everyone, from keiki to kūpuna, to participate in and contribute to the development of our homestead communities. 	

2.Wai`anae and Lualualei Regional Plan (December 2018)				
Priority Project	Description	Current Status		
A. Increase Capacity for Specific Community- Based Projects	 Management of community use spaces for revenue generation. Community-owned and community-led commercial development that elevates and supports local businesses. Capacity building within local organizations, associations, and communities to effect desired change and coordinate among multiple entities. Sustainable culture-oriented, often 'āina-based opportunities that provide connection to place, education, healthy food, and self- sufficiency. 	Community led initiatives are ongoing. DHHL offering capacity building grants for associations in its FY 22 Grant solicitation		
B. Improve Community Access to Non- Homesteading Areas	 Maintained and improved DHHL- designated Community use and non-homesteading areas in Wai'anae and Lualualei. Availability of needed Community Use and non-homesteading areas, redesignated underused or unused areas. Growth in the Wai'anae & Lualualei communities as a result of community centers. Non-homesteading areas available, cultivated, and utilized, which will lead to increased community financial sustainability. Non-homesteading areas that provide safety in case of a disaster or emergency, stocked with emergency supplies and easily accessible by viable roadways and evacuation routes. 	Community led initiatives are ongoing.		
C. Homestead Infrastructure & Maintenance	 Clog-free residential roadways, creating safer environments for both drivers and pedestrians. Decreased traffic and increased road safety using roadway improvements and traffic-calming measures. 	DHHL continues to work with the City & County of Honolulu (City) to assume responsibility for proper roadway maintenance and improvement within homesteads. DHHL coordinates recurring meetings with the City to help keep the focus on collaboration,		

2. Wai`anae and Lualualei Regional Plan (December 2018)

	 Safer pedestrian environments in homestead areas. Areas re-assessed for homesteading use, such as unused or underused areas and Pāhe'ehe'e Ridge. 	aligning priorities and addressing issues. DHHL working on West O`ahu Sewer System Improvements. See HHC Agenda Item E-1 for more information.
D. Safety & Community Enforcement	 Safer homestead environments for all residents. Safer homestead environments for all residents by recognizing that safety starts with our families and neighbors. 	Community led initiatives are ongoing.
E. Disaster Preparedness & Coordination	 A safe community with comprehensive emergency procedures, routes, and facilities, prioritizing the safety of our kupuna and keiki. Disaster preparedness and climate change mitigation via community self-sustainability. Coordinated and efficient disaster- minded roadway improvements, including the Wai'anae Coast Emergency Access Road (WCEAR) and the Wai'anae Coast Parallel Route. 	The State DOT Highways Division completed the Farrington Highway Corridor Study in March 2021. The corridor study identified interim measures to keep Farrington Highway functioning acceptably while the long-term plans to widen Farrington Highway is completed (estimated date 2035). The list of projects include improvements for safety, congestion relief and resilience. DHHL coordinating WCEAR. See HHC Agenda Item E-1 for more information.

Recommendation

For information only. No action required.

DAVID Y. IGE GOVERNOR STATE OF HAWAII

JOSH GREEN LT. GOVERNOR STATE OF HAWAH



WILLIAM J. AILA, JR CHAIRMAN HAWAHAN HOMES COMMISSION

TYLER I. GOMES DEPUTY TO THE CHAIRMAN

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

P. O. BOX 1879 HONOLULU, HAWAII 96805

November 23, 2021

VIA ELECTRONIC MAIL: ravim@icastusa.org

Mr. Ravi Malhotra, President International Center for Appropriate Sustainable Technology 7400 W 14th Avenue Denver, CO 80214

Dear Mr. Malhotra:

Subject:

Notice of Cancellation to Proceed with Leasing Process - 2020 Renewable Energy Projects Solicitation

This Notice of Cancellation serves to confirm the Department of Hawaiian Home Lands ("DHHL") acknowledgment and acceptance of your team's intent to withdraw its interest in the community solar project on Hawaiian home lands at Nanakuli, Island of Oahu, identified as a portion of Tax Map Key No.: (1) 8-9-007:002. Pursuant to November 22, 2021, email communication, (see attached) we understand that after due diligence efforts were completed, unfortunately, results rendered a development project that was not viable.

We appreciate your efforts in the process and opportunity to learn more about your team as well. Your contact information will be kept on file as we look forward to your interest in future DHHL solicitations for renewable energy projects.

If you have any questions, you can contact Peter "Kahana" Albinio, Jr., Acting Administrator, Land Management Division, at (808) 620-9451 or email peter.k.albinio.jr@hawaii.gov.

Aloha,

all

William J. Aila, Jr., Chairman Hawaiian Homes Commission

c: LMD

ITEM G-2 EXHIBIT A

STATE OF HAWAI'I

DEPARTMENT OF HAWAIIAN HOME LANDS

DECEMBER 20 - 21, 2021

To: Chairperson and Members, Hawaiian Homes Commission

From: Andrew Choy, Acting Planning Program Manager AC

Subject: For Information Only - DHHL Wai`anae Moku Future Water Needs and Possible Designation of a Wai`anae Ground Water Management Area (GWMA)

I. RECOMMENDED MOTION/ ACTION

None; for information only.

II. DISCUSSION

This submittal to the Hawaiian Homes Commission ("HHC") provides an overview of water needs of the Department of Hawaiian Home Lands ("DHHL") in the Wai`anae Moku, which includes tracts in Wai`anae, Lualualei, and Nānākuli ahupua`a on the island of O`ahu. It first reviews the lands and associated water needs of the DHHL tracts in this area. It then examines the implications of a recently announced initiative by the Honolulu Board of Water Supply (BWS) to petition the Commission on Water Resource Management (CWRM) to designate the Waia`anae Aquifer Sector Area as a Ground Water Management Area (GWMA) under the state Water Code, HRS 174C.

A. Overview of Wai`anae Moku Tracts and Ground Water Resources

DHHL holds in trust approximately 4,783 acres of Wai'anae Moku lands. These holdings are summarized in Table 1, below.

- 1 -

DHHL Planning	Homestead Communities in Region	Other Areas	Acreage
Region			
Wai`anae	Kaupuni Wai`anae Wai`anae Kai Lualualei	Mā`ili	2,472
Nānākuli	Nānākuli Princess Kahanu Estates		2,311

Table 1. Wai`anae Moku Regions, Homesteads, and Acreage¹

Sixty percent of DHHL lands on O`ahu lie in the Wai`anae district, generally the driest area of O`ahu. Among their duties, the CWRM is required for planning purposes to divide each county into sections corresponding to distinct hydrologic units, and also assign to each of these units a "Sustainable Yield" (SY). (HRS 174C-31(h).

As implemented by the CWRM, the SY for each represents the practical outer limit of the amount of ground water that could be pumped indefinitely into the future under ideal conditions. For planning purposes, the CWRM has divided each of the islands into larger "Aquifer Sector Areas" consisting of one or more "Aquifer System Areas"; the SY for each Sector comprises the total of each of the System's SY's.

While the total SY for O`ahu is currently set at 393 million gallons per day (mgd), the SY for the entire Wai`anae Sector Area is only 13 mgd. See Figure 1, below; the peach colored area is the Wai`anae Sector Area.

The DHHL Wai`anae Moku tracts lie entirely within the Wai`anae Sector Area. See Figure 2, below.

¹ Adapted from the DHHL O`ahu Island Plan, 2014, Table 1-1



Fig. 1. O`ahu Hydrologic Units and Sustainable Yields.²

Fig. 2. DHHL lands on O'ahu by aquifer system area.³



² https://files.hawaii.gov/dlnr/cwrm/maps/gwhu_oahu.pdf

³ State Water Projects Plan Update-DHHL (Fig. 3.3) (Final report 2017) ("SWPP").

B. Wai`anae Moku Tracts and Ground Water Needs

Overall, for all uses (DHHL and others), the projected water demands for the Wai`anae Moku by the year 2030 range from an increase of 2.3 mgd to 6.0 mgd of additional water.⁴ The Wai`anae Aquifer Sector is already a net importer of water; over half of the water used in the area are imported from the Pearl Harbor area, as shown in Figure 3 below.

Fig. 3. Estimated Wai`anae Consumption by Water Infrastructure Owner.⁵



Additional BWS sources in `Ewa and Central O`ahu districts will likely be the primary source to serve these

⁴ Board Water Supply, City & County of Honolulu, Wai`anae Watershed Management Plan, at OV-21 (Aug. 2009) *available at*:

http://www.boardofwatersupply.com/bws/media/files/waianaewmp-final-report-full-2009-08.pdf ("BWS Wai'anae Watershed Plan").

⁵ BWS Wai'anae Watershed Plan Fig. 3-1.

additional amounts, as well as nonpotable wells in Nānākuli and Lualualei and water conservation programs.⁶

Nānākuli Lands and Water Needs

DHHL owns approximately 1,916 acres in Nānākuli. As depicted in Figure 4 below, Parcel "A" is the Princess Kahanu Estates, which consists in 270 single-family residences on 53 acres. Parcel "B" contains Nānākuli Hawaiian Homesteads, which consists in 1,040 single family residences on 260 acres. Parcel "C" is Nānākuli's Upper Valley, which is 1,126 acres. Parcel "D" is the 13.65 acre site of the planned Nānākuli Village Center. Parcel "E" is the 17-acre former Nānāikapono School site. Parcel "F" is known as the Nānākuli Ranch. These uses are also summarized in Table 1, below.



Fig. 4. Nānākuli parcels.⁷

⁶ BWS Wai'anae Watershed Plan at ES-12.

⁷ DHHL, Nānākuli Regional Plan, at 16 (Dec. 2009).

Planning Area	Acreage
Princess Kahanu Estates	53
Nānākuli Hawaiian Homesteads	260
Nānākuli Upper Valley	1,126
Future site of Nānākuli Village Center	13.65
Former Nānāikapono School Site	17
Nānākuli Ranch	448

Table 1. Nānākuli Existing land uses⁸

For these existing land uses, the SWPP estimated a current demand of 0.0544 mgd of potable water. Future demands are calculated based on the land use designations adopted by the HHC in the Island and Regional Plans for the area. The current land use designations for Nanākuli, rounded to five acre unites, are summarized in Table 2, below.

Table 1. Nānākuli Land Use Designations 9

Uses	Acreage
1,835 residential homesteads	320
(proposed)	
Residential (existing)	390
Community use	50
Conservation	825
Commercial	10
General agriculture	710

The SWPP estimates a 20 year build out potable water demand for the area of 1.3069 mgd, an increase of 1.25 mgd. In addition, use of the general agricultural lands of 710 acres at a water duty of 2,500 gallons per acre per day (gad) would result in a non-potable water demand of an additional 1.775 mgd. The same 2017 SWPP calculates a high demand scenario for non-potable water at 2.46 mgd.¹⁰

⁸ Nānākuli Regional Plan 2018, Table 2.

⁹ Nānākuli Regional Plan 2018, Table 2.

¹⁰ SWPP, Appendix D.

Mā`ili Lands and Water Needs

DHHL owns a tract located between Nānākuli and Lualualei ahupua`a at Mā`ili. DHHL's planned Mā`ili development will include Kamehameha Schools Community Learning Center at Mā`ili, and approximately 260 residential units to be constructed in two phases by DHHL, which will require potable water only. DHHL transferred a portion of its water credits with BWS to KS to service the school immediately and KS will be responsible for installing the water system improvements required to service the ultimate buildout demand. SWPP at 4-16. Long term potable demand for Mā`ili will increase to 0.1160 mgd in the year 2012 and then $0.1960 \mod 10$ the year 2026. SWPP at 4-16. Of this amount DHHL's water credits will provide 0.066 mgd. SWPP at 4-16, with an unmet need of .13 mgd.

Wai`anae and Lualualei tracts and water needs

Lualualei and Wai'anae tracts are non-contiguous land areas. Land use designations for the Wai'anae and Lualualei tracts are as follows in Table 3.

Uses	Acreage
Residential (existing and	255
proposed)	
140 subsistence ag lots	190
(proposed)	
Community use	85
Special district	105
Conservation	265
Industrial	3
General agriculture	95

Table 3. Wai'anae and Lualualei land Use Designations ¹¹

The SWPP estimates a 20-year build out potable water additional demand for the Wai`anae and Lualualei areas of 0.338 mgd. Some of these demands are for non-potable uses but the only available sources are potable. These are detailed in Table 4, below.

¹¹ Wai'anae and Lualualei Regional Plan 2018 at i-ii.

The Ka'ala Farm area is a portion of the Wai'anae tract currently used for and also anticipated for cultivation of lo'i kalo. Medium long term non-potable demands for Ka'ala Farm are 7.275 mgd.

	2016	2021	2026
Lualualei (potable)	0	0	0.1290
Lualualei (nonpotable,	0	0	0.0714
using potable)			
Wai`anae (potable)	0	0.0040	0.1240
Wai`anae (nonpotable,	0	0.0136	0.0136
using potable)			
Total potable demand	0	0.0176	0.3380

Table No.	4:	Avera	ge	daily	Ро	table	demand	for	Wai	anae
and L	ual	ualei	Tr	acts,	20	year	plan(mg	d) ¹²		

Existing reservations and future needs

DHHL holds a water reservation for 1.724 mgd with CWRM for future water allocations for Wai'anae district developments. This is one of three areas in the state where DHHL holds water reservations by administrative rule (§13- 171-61 HAR) under Part III of the state Water Code, which allows for reservations to all entities for future water uses in designated Water Management Areas. In nondesignated areas, DHHL holds significant ground and surface water reservations adopted by CWRM action, a process being implemented in accordance with the Department's Water Policy Plan (2014).

Tract	Unmet Potable	Unmet Non-Potable
	Needs	Needs
Nānākuli	1.31	2.46
Mā'ili	0.20	0.00
Wai`anae /	0.39	7.28
Lualualei		
Total	1.9	9.74

Table No. 5: Unmet Water Needs by Tract (mgd)

Based on Table 5, the existing water reservation for this area for potable ground water is insufficient by approximately 0.18 mgd. In addition, in order to make DHHL

¹² SWPP, Section 4.5.2.1, page 4-17.

lands usable and accessible in accordance with the Water Policy Plan, nearly 10 mgd of non-potable water resources will be needed with existing land use designations.

C. Implications of a Proposed Petition to designate Wai`anae as a Ground Water Management Area

Unlike every other aquifer system area on O'ahu, Wai`anae was not a designated Ground Water Management Area (GWMA) under the State Water Code (HRS, Chapter 174C). See figure 5, below.



Fig. 5. Ground Water Management Areas in Hawai` i^{13}

Four of the major groundwater systems of O`ahu became GWMAs at the passage of the Water Code in 1987 (the Pearl Harbor, Honolulu, Central (which was part of Pearl Harbor) and North), as they were already subject to ground water regulation under a previous law. Soon after passage of the Code, in the early 1990s, windward farmers and other community interests successfully petitioned for the designation of windward O`ahu as GWMA. While it has been

¹³ https://files.hawaii.gov/dlnr/cwrm/maps/gwmainfo.pdf

discussed by various members of the community in Wai`anae, to date non one has petitioned to have Wai`anae designated, despite the high demand and low availability of water in the area.

There are emerging conflicts over water in the district. In the Wai'anae and Mākaha areas, there is a desire by Hawaiians, some of whom are also DHHL beneficiaries, to have stream restoration for reestablishment of farming and fishing practices. This could require reducing both private and BWS pumping of wells, but because the area is not designated as a GWMA, BWS pumping has no higher legal protection over private pumping, which could affect their actual ability to deliver water to customers (including on DHHL lands).

In response to these issues, and additional concern with significant future impacts resulting from global warming, the Honolulu BWS has begun the process to develop and submit a petition for designation of a GWMA for Wai`anae. They have retained Kahālāwai Consulting to assist in petition preparation and community engagement.¹⁴ On October 25, 2021, the Board of Water Supply staff and consultants presented this proposal to their Board in an informational briefing.¹⁵

The rights of DHHL and its beneficiaries to water are enhanced in GWMAs in numerous ways, which is why WMA designation was pursued (successfully) on Molokai by homesteaders in the early 1990s. Some of the ways in which DHHL and beneficiary water rights are enhanced are as follows.

> • The ability to secure enforceable water reservations by administrative rule. As discussed briefly above, DHHL is able to secure water reservations in all areas of the state. However, the enforceability of those

¹⁴ Kahālāwai Consulting is the firm of Dr. Jonathan Likeke Scheuer who also consults to DHHL on the implementation of the HHC's Water Policy plan.

¹⁵ Presentation and discussion viewable (beginning at 29:45): <u>https://www.boardofwatersupply.com/about-us/board-</u> meetings/2021#oct25

reservations has only been tested in areas with GWMAs ((Waiola o Molokai, 103 Hawai'i 401, 83 P.3d 664 (2004) and Kukui Molokai, 116 Hawai'i 481, 174 P.3d 320 (2007))

- The ability to comment on, object to, and request contested cases on the proposed water uses of other parties. In non GWMAs, new wells are permitted via Well Construction and Pump Installation permits, which are noticed in a "Water Resources Bulletin" published by CWRM. Past administrative practice of CWRM has been to treat these permits as ministerial, meaning comments from agencies or beneficiaries need not be responded to, even if the proposed use may harm DHHL or beneficiary rights. Thus DHHL and beneficiaries lack legal tools to defend their water rights in non-GWMAs that exist in GWMAs.
- Water Use Permits are conditioned on DHHL uses. In GWMAs, the water code requires the issuance of publicly noticed Water Use Permit Applications (WUPA) and for any permit subsequently issued, "All permits issued by the commission shall be subject to the rights of the department of Hawaiian home lands as provided in section 221 of the Hawaiian Homes Commission Act, whether or not the condition is explicitly stated in the permit." (HRS 174C - 49(7)(e)). While not tested, this means that in areas where all water resources are allocated, DHHL could theoretically secure water made available by reducing the uses of non public trust uses of water.

It is important to note that on O`ahu, the Honolulu BWS has continually been cooperative in the provision of water to DHHL, which is one of the reasons why the Department has been able to consistently deliver homesteads on this island. However, BWS's ability to control and use their sources in Wai`anae, which deliver significant water to DHHL homesteads, will be enhanced with designation.

III. CONCLUSION

DHHL lands located in the Wai`anae district face unique water issues, primarily due to water resource constraints and the absence of a State Water Management Area designation. Ensuring sufficient water for DHHL's existing and planned developments in the Wai`anae district will require coordination with Honolulu BWS to implement existing water reservations and with CWRM to finalize increased water reservation amounts. Emerging demands for non-homestead, traditional and customary uses of water will require a balancing of public trust needs for water. Water availability to DHHL and beneficiaries would be enhanced by designation of a GWMA as being pursued by the Honolulu BWS.

IV. RECOMMENDED MOTION/ACTION:

None; for informational only.

State of Hawaii

Department of Hawaiian Homes Lands

December 20 – 21, 2021

TO: Chair and Members, Hawaiian Homes Commission

Through: Andrew H. Choy, Acting Planning Program Manager

FROM: Gigi O. Cairel, Grants Specialist

Subject: DHHL Cost of Water Service Analysis

RECOMMENDED MOTION/ACTON

None. For informational only.

BACKGROUND AND PURPOSE

The Department of Hawaiian Home Lands (DHHL) owns and operates four (4) water systems statewide. The first three (3) are regulated Public Water Systems (PWS¹), thus are required to meet federal and state drinking water quality standards. The Pu'ukapu Water System is a non-potable irrigation water system that is not regulated.

- Ho'olehua Water System (PWS 230) on Moloka'i
- Anahola Farms Lots Water System (PWS 432) on Kaua'i
- Kawaihae Unit #1 (PWS 164)
- Pu'ukapu Water Systems on Hawai'i island

These four water systems serve a total of 881customers — 814 lessees and their families and 67 non-beneficiaries. The DHHL Ho'olehua water system is the only DHHL system that serves a mix of beneficiaries and non-beneficiaries, including the Airport, Post Office, schools, churches, businesses on Moloka'i.

As the owner of water systems, the Hawaiian Homes Commission (HHC) and DHHL are responsible for providing safe, clean water and protecting community health and and safety, while maintaining compliance with federal and state laws. These include the following:

- Federal Safe Drinking Water Act (SDWA) of 1974, as amended
- Federal Clean Water Act (CWA)
- State of Hawaii, Department of Health, Hawaii Administrative Rules

¹ PWS is a regulated Public Water System with an identification number assigned by the Department of Health.

As the governing board of water systems, the HHC is to possess and demonstrate what is called, "Technical, Managerial, Financial Capacity" or TMF. TMF capacity guidance comes from the US Environmental Protection Agency (USEPA). Annual TMF orientation for the HHC is a condition of the \$30 million financing package from the US Department of Agriculture Rural Development (USDA RD) for the Ho'olehua and Anahola water system improvements projects. Since 2017, DHHL conducted three (3) workshops on TMF capacity for the HHC. The most recent workshop was conducted July 2021 at a regularly scheduled HHC meeting. In addition, HHC workshops on "Cost of Water Service" were conducted in 2017 and 2018. (See Exhibits A and B)

Within "Financial Capacity", there are five (5) basic elements. While there are policies and procedures, the department faces many challenges in all areas.

- Policies and procedures
- Budget and Cost of Water Service
- Accounting, Record Keeping, Reporting
- Planning, Forecasting and Rate Analysis
- Financial Oversight

Current department policies and procedures related to water systems are as follows.

- Hawaiian Homes Commission Act, 1920, as amended
- HHC Water Policy Plan, 2014 (Exhibit C)
- HHC Enterprise Accounting Policy, 2012 (Exhibit D)
- Hawaii Administrative Rules Chapter 10-4.1 Management of Water Systems, 2021 (Exhibit E)

Today's workshop will focus on the Financial Capacity element of "Budget and Cost of Water Service." DHHL completed its first Cost of Water Service Analysis in 2017 for FY2015 and FY2016; and a second Analysis was completed in 2021 for FY2017 and FY2018. The following discussion is a summary of the major findings in the second 2021 Cost of Water Service Analysis.

DISCUSSION

The Cost Analysis is an analytical tool to determine the True Cost of providing water service to the community. Such Analysis is the basis for budget controls, for determining revenue requirements, and for setting water utility rates for customers. The DHHL systems serve less than 1,000 customers and is considered a "small system" by water industry standards. As such, DHHL faces financial management challenges as do other small systems nationwide. These include:

- Operating costs exceed revenue billed
- Disadvantaged end of economies of scale
- Fixed costs are disproportionately higher in the budget than found in large utilities
- DHHL must continue to subsidize costs with trust funds to break even on costs to operate the system

DHHL accomplished the following since the 2017 Cost Analysis.

- The 2017 Cost Analysis led us to complete our first Water Rate Study. HHC approved rate increases for all systems, except Pu'ukapu in 2018.
- DHHL also refreshed the "Effective Utility Management" paper, which led us to submission of the Water Branch concept proposal, which included proposed organizational structure and position descriptions.
- New Administrative Rules for Management of Water Systems became effective in June 2021. Rules include enforcement provisions to address water bill delinquencies and tampering of the DHHL water systems.

Data Quality Issues

The Cost Analysis is only as good as the data quality and assumptions that go into it. Even data with high uncertainty can help the department to improve, including identifying how we can improve the data, which can lead to more useful results. Data challenges noted in both studies include the following:

- Water system budgets. The department's current accounting system is not structured to budget by water system. Instead, the department's system is structured by division or office. Water system expenses and billing revenue were found in six (6) divisions/offices.
- Meter readings are inconsistent and inaccurate.
- Water billings and collections are not completed on a timely manner.
- Inconsistent use of the DHHL Account Codes.
- Inadequacy of the water billing software.
- De-centralized management and operations. With department staff performing water system functions spread out in six (6) different divisions and reporting to different managers, there are inconsistencies, errors and limited oversight on data management.

Findings – Cost of Service Analysis

Both the 2017 and 2021 Cost Analyses had similar major findings.

- HHC Enterprise Accounting Policy, 2012 Though adopted by the HHC in 2012, the department has yet to implement Enterprise Accounting and establish water system budgets for each system and one summary budget.
- De-centralized management and operations With a de-centralized structure, water system administration is inefficient and oversight is limited; for example, the department continually faces inconsistencies in following procedures to use the accounting codes related to water systems.
- DHHL Financial Management System (FMS) While it appears the FMS has the capacity to track water system expenses and other DHHL enterprises, department implementation is needed.
- Technology needs

There are multiple software applications that support the administration of the water systems. Some are limited in functionality for DHHL purposes. Additionally, the systems

are not integrated and require manual and dual entry, which is an inefficient use of staff time and can be prone to error.

• Customer Education and Rules Enforcement provisions The ability of any rate structure to generate adequate revenue will depend on maintaining a vigorous customer education, billing collection and enforcement policy, up to and including disruption of water service, if necessary, to keep delinquent accounts at a minimum.

DHHL Water System Shortfall

Table 1 below shows the budget shortfall between revenue collected from customer rates and operating and maintenance direct expenses. In total, the shortfall is \$778,063. This information is based on the best available data collected at the time of the 2021 Cost Analysis. Further, the table shows the first and second highest expense items in each water system – electricity and fee for service. Fee for service includes the contracted operator, vendor repairs, and consultants for planning studies. Lastly, the table shows the percent of delinquent customer accounts.

Table 1
FY 2018: DHHL Water System Shortfall
Comparison of Revenue Collected from Rates and O&M Expenses

	Ho'olehua Water System	Anahola Farms Lots Water System	Kawaihae Unit #1 Water System	Pu'ukapu Water System	TOTAL
Collected					
(customer rates)	\$326,525	\$54,684	\$92,567	\$59,161	\$532,937
O&M Expenses	\$618,000	\$168,000	\$300,000	\$225,000	\$1,311,000
Shortfall	-\$291,475	-\$113,316	-\$207,433	-\$165,839	-\$778,063
Highest expense	Electricity \$386,000	Fee for Service \$141,000	Fee for Service \$231,000	Fee for Service \$164,000	
Next highest	Fee for Service \$135,000	Electricity \$20,000	Maintenance \$56,000	Water \$35,000	
Delinquent Accounts (estimate)	Commercial 22% Beneficiaries 40%	43%	24%	20%	

Information is based on best available data provided by DHHL at the time the Cost Analysis was conducted.

Revenue billed versus collected

Table 2 below shows a snapshot at the end of FY2018 of revenue billed and collected. At the end of FY2018, there was a total of \$384,259 of un-paid water bills. Until DHHL can complete water billings and collections on time (monthly), the department is unable to generate aging reports to track delinquencies.

	Ho'olehua Water System	Anahola Farms Lots Water System	Kawaihae Unit #1 Water System	Pu'ukapu Water System	TOTAL
Beginning Balance	\$151,222	\$46,290	\$55,363	\$16,825	\$269,700
FY2018 Billed	\$435,852	\$66,138	\$123,410	\$63,408	\$688,808
FY2018 Adjustments	<\$36,852>	\$0	<\$5,995>	\$1,535	\$44,382
FY2018 Payments	<\$326,525>	<\$54,684>	<\$92,567>	<\$59,161>	<\$532,937>
FY2018 Balance	\$72,474	\$11,455	\$24,848	\$5,783	\$114,560
Ending Balance	\$223,697	\$57,744	\$80,211	\$22,607	\$384,259

Table 2
FY2-18: DHHL Water Systems Billing and Collection Balance

Information is based on best available data provided by DHHL at the time the Cost Analysis was conducted.

DHHL Water System Budget

DHHL is unique in that we are a Trust; we are a state executive branch level agency; and we are a homesteading program created by the US Congress. Unlike County Water Departments or Tribal Utility Authorities, DHHL's agency budget is organized by Division/Office that initiates the purchase. DHHL water system oversight, management and operations is decentralized across six (6) divisions/offices. Unlike an Enterprise, this de-centralization makes it extremely difficult to build the department's internal financial capacity to manage the water systems.

To improve, one of the first steps is to manage and treat the water systems as enterprises; essentially, isolate the water system budgets from the DHHL agency budget. True costs of each water system should be considered. This includes not only direct operations, repairs and maintenance, but also regulatory compliance, funder requirements, administration, planning/studies, education and enforcement and budgeting for reserves. Typically, water systems have four (4) reserves: emergency, operating, capital improvement, and debt service. Implementation of Enterprise Accounting will help greatly to track water system expenses; revenue billed, collected and delinquent accounts; determine and track Trust subsidy; and generate financial reports (eg aging reports) and financial statements (eg Balance Sheet) to DHHL management and federal funders (USDA).

Financial Outlook

DHHL is facing the following issues in the financial outlook for the water systems.

- Increasing operational costs due to the current pandemic, inflation, and rate increases from the purchase of water supply.
- Project cost overruns for the Ho'olehua and Anahola water system improvements projects.
- Postponement of the photo-voltaic component in the current scope of the Ho'olehua water system improvements project.
- Re-payment of \$14 million in federal loan funds.

Balancing the Budget

There is only one way to balance any budget – Increase Revenue and Reduce Costs. Table 3 below offers suggestions on next steps to strive to balance the budget.

Increase revenue	Decrease expenses
 Address un-collectibles Increase rates Pursue State Legislature for consistent funds for Repairs and Maintenance Minimum charge to all lessees within service area Leaks/un-accounted for water Expand water service to non- beneficiaries "Right size" the system for what is needed. Do not over-build. 	 Complete Ho'olehua and Anahola water system improvements Convert operator contracts to positions Centralize management and operations Smart meters for Kawaihae, Pu'ukapu, and future systems

Table 3. Balancing the Budget

Next Steps

Next steps in 3 months

Water system management and operations

- Appoint interim point of contact for internal communication and coordination among divisions
 - With water expertise and decisionmaking
 - Coordinate across divisions, including community communications
 - Contract oversight review scopes, review invoices
- Centralize billing and collections
 - Recruit water billing position Moloka'i District Office
 - Support District Offices to process water billing on time

Next steps in 6 months

Water system management and operations

- Increase accuracy in meter readings
- Centralize billing and collections
 - Separation of duties
 - Assess billing delinquencies

DHHL Financial Management System (FMS)

• Consistent use of coding across all divisions

Next steps in 12 months

Water system management and operations

• Implement Water Branch

DHHL FMS

• Produce financial reports directly from FMS for DHHL management and USDA

Implement rigorous education and enforcement

- Develop education and communications program to address delinquencies
- Implement new Rules enforcement provisions

Technology

- Assess billing system (Utility Star)
- Improve cell signal for smart meters
- Automate data collection

Long term: Other next steps

- Rate Setting
 - Consider new policy to charge a minimum fee to lessees within the water system service area, irregardless if lessee signs up for water service. This is to help off-set fixed costs incurred by DHHL to operate the water systems.
 - Make explicit the Water Rate Setting policy is to charge customers both a base rate and a variable rate based on customer water usage.
- Equipment inventory
- GIS Recruit a full-time GIS Specialist
- Reserves policy
 - USDA reserve requirements
 - CIP reserve funding schedule
- Current and Future DHHL water systems
 - Improve internal coordination in planning, design, construction, system management and operations, system budgets, and communications with community and stakeholders

RECOMMENDATION

None. For information only.

EXHIBIT A
STATE OF HAWAII

Department of Hawaiian Home Lands

July 19 - 20, 2021

то:	Chairman and Members, Hawaiian Homes Commission
Through:	Andrew H. Choy, Acting Planning Program Manager
FROM:	Gigi O. Cairel, Grants Specialist
SUBJECT:	FOR INFORMATION ONLY - Water System 101: Technical, Managerial, Financial Capacity

RECOMMENDED MOTION / ACTION

None; For information only.

BACKGROUND

Water System owners are responsible to provide access to clean and safe drinking water for the protection of public health and safety

The Hawaiian Homes Commission (HHC) and the Department of Hawaiian Home Lands (DHHL) own and operate four (4) water systems throughout the state. This submittal provides a report on DHHL progress made in addressing the Technical, Managerial, Financial Capacity (TMF) capacity objectives for the DHHL Water systems statewide and as required by the US Department of Agriculture (USDA) funding conditions for the DHHL water system major capital improvement projects in Ho'olehua and Anahola.

DHHL Water System	Service Area
Hoʻolehua Water System, Molokaʻi	Ho`olehua, Kalama`ula
Anahola Farm Lots Water System,	Anahola Farm Lots, Bayview
Kaua`i	residential
Kawaihae Unit #1 Water System,	Kailapa residential homestead
Hawai`i	
Pu`ukapu Water System, Hawai`i	Pu`ukapu pastoral homestead
(non-potable)	

Table 1 DHHL Water Systems Statewide

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Three (3) out of the four (4) systems meet the definition of a Public Water system (PWS), thus are regulated by the Department of Health (DOH) for drinking water quality standards. The Pu'ukapu Water System in Waimea is a non-potable water system. Currently, DHHL systems meet all federal and state water quality standards. And, each system maintains a "no significant deficiencies" status from the most-recent DOH sanitary surveys (inspections). DHHL personnel directly operate the Ho'olehua Water System. Operations for all others are contracted out to private entities. The Ho'olehua system is the only DHHL-owned system that serves beneficiaries, non-beneficiaries, and the general public - Moloka'i airport, US Post Office, schools, churches, businesses.

- Total number of water hook-ups: 916
 - o Ho'olehua 644 total consisting of 586 beneficiaries and 58 non-beneficiaries/commercial accounts
 - Anahola 78 beneficiaries, plus one emergency connection to Kauai County Department of Water
 - o Kawaihae total of 152 beneficiaries
 - o Pu'ukapu total of 42 beneficiaries
- Total beneficiary population served: 3,480 (approximately)

F	
Total Operating and Maintenance Costs	\$1,300,000
(excluding payroll costs)	
Total Capital Improvement Project Costs	\$1,300,000
Total Costs in FY 2018	\$2,600,000
Water Billing Revenue (from customer rates)	\$690,000
Total Trust Subsidy	\$1,910,000

Table 2 Fiscal Year 2018 Costs, Revenue, Subsidy

These figures do not include funding for reserve accounts such as for emergencies and capital improvement projects. Note that the USDA funding conditions for the current Ho'olehua and Anahola water system improvements projects require DHHL to maintain reserves for short-lived assets and debt service. DHHL will need to consider factoring in reserve funds in the overall Water System budgets, which will increase the overall Trust subsidy.

More than 97% of the nation's Public Water Systems are small systems, meaning they serve 10,000 or fewer people. DHHL

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systems are considered very small by industry standards. Small systems face unique financial and operational challenges in consistently providing drinking water that meets US Environmental Protection Agency (USEPA) and DOH quality standards and requirements.

The most common challenges for small water systems are:

- With a small customer base, small water systems struggle to financially break even while keeping customer water rates affordable.
- Another challenge for small systems is recruiting and retaining qualified certified operators and professionals to manage and operate the system.
- Small systems rely heavily on informal "mutual aid" agreements with neighboring jurisdictions such as share equipment.

One of the requirements from USEPA is that all water systems large and small - must demonstrate Technical, Managerial and Financial Capacity or "TMF" to manage and operate the system on a sound business plan. TMF Capacity enables water systems to have the capabilities to consistently provide safe drinking water to the public. Federal funders such as USDA require that the governing board of water systems "possess the necessary TMF capacity skills . . . it is recommended members receive training within one year of appointment and a refresher training for all governing members on a routine basis." In 2016 and 2018, DHHL applied for and was awarded over \$30 million in USDA funds for the following water system improvements projects: Ho'olehua Water System (PWS 230), Moloka'i; Anahola Farm Lots Water System (PWS 432), Kaua'i; and La'i 'Opua Village 4 Hema Water (County PWS 131) /sewer/storm drain, Hawai'i. DHHL's last TMF training for the HHC was held at the January 2020 HHC regularly scheduled meeting.

DISCUSSION

At the January 2020 regularly scheduled HHC meeting, a twoyear work plan was presented to establish objectives for DHHL to achieve. Some objectives were met and others were not, particularly on staffing matters. A more detailed report on the full objectives and status is attached as Exhibit A. Below are highlights and updates since the last report in January 2020.

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TECHNICAL CAPACITY

Water systems are required to have properly licensed and DOH-certified operators (24/7) to operate and maintain the system so that it delivers safe, clean drinking water to customers. This includes maintaining all system components properly and in compliance with federal and state safe drinking water standards - from source to storage, treatment and distribution. Further, the system should have no "significant deficiencies" as determined by DOH.

DHHL Water	DOH Required	Operated by
System	Operator	
	Certification	
	Level	
Hoʻolehua,	Distribution	DHHL personnel
Moloka ` i	System Operator	
	Level 2	
Anahola,	Distribution	Contractor – Aqua
Kaua`i	System Operator	Engineers, Inc.
	Level 1	
Kawaihae,	Distribution	Contractor - Pural
Hawai ` i	System Operator	Water Specialty Co.
	Level 1	
Pu`ukapu,	N/A	Contractor - Pural
Hawai ` i		Water Specialty Co.

Table 3 Current Operators for each DHHL Water System

Updates since January 2020

(non-potable)

- The State Commission on Water Resources Management (CWRM) accepted DHHL's Water Use Permit Application to increase DHHL's water pumping allocation for the Ho'olehua water system. DHHL is awaiting the final decision from CWRM.
- DHHL successfully completed the new annual State-required Water Audit for calendar years 2019 and 2020. (Per Act 169, State Legislature of Hawaii, 2016)
- To support the DHHL Moloka'i water operators, DHHL has an on-call contracted operator, through DHHL's existing maintenance contract with Pacific Electro Mechanical, Inc.

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EXHIBIT A

- DHHL continues to face staffing challenges, including the following.
 - Recruiting personnel with expertise to consistently manage and provide guidance to DHHL water system personnel and the contracted operators, statewide.
 - o Filling vacancies such as the Water System Supervisor and Water Resources Specialist positions.
 - o Increasing staff time to 100% dedicated to water system operations.
 - o Adding two (2) new operator positions, as recommended by DOH in 2018. Given the size and complexity of the DHHL Ho'olehua water system, DOH recommends a total of four (4) full-time operators.

MANAGERIAL CAPACITY

Typically, water systems have a manager to provide overall leadership and oversight of the water systems, make major decisions, and report to the governing body - similar to a department director for a County Water Department. The water manager oversees and manages all aspects of the water systems. Typical duties include hires and supervises personnel; oversees system operators; handles procurement/contracting; prepares the overall budget for each water system; engages in long-range planning, including major CIP; maintains asset inventory; and handles customer service.

DHHL continues to operate in a highly de-centralized structure involving at least three divisions and three district offices. None of these divisions have staff dedicated 100% time to the DHHL water systems. This has resulted in inconsistent procedures across the DHHL water systems statewide, inefficiencies, and lack of accountability and transparency.

Updates since January 2020

- An Acting Water Branch team was formed in March 2021 and meets monthly. The Team consists of representatives from the various divisions that manage and operate the DHHL water systems.
- Construction for the Ho'olehua and Anahola water system improvements projects began. These projects are funded by Trust and USDA federal funds.
- The new Water Administrative Rules became effective as of June 2021. The first phase to implement the rules is to focus on procedures and workflow process to address water bill delinquencies and enforcement.

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• For Fiscal Year 2022, HHC approved a budget for DHHL to engage in Long Term Operations and Maintenance Planning, particularly for the Ho'olehua water system. This is good timing, given the major CIP in progress.

FINANCIAL CAPACITY

Financial Capacity has to do with sound fiscal responsibility including budgeting; tracking expenses; preparing cost analysis and rate setting studies; customer water billings and collections; preparing financial statements; federal grants management, reporting and compliance.

Updates since January 2020

- For the USDA funds, DHHL achieved its first milestone, which was to fully expend the DHHL applicant contribution of \$3.7 million for the Anahola Farm Lots Water System improvements project. CIP expenses moving forward will be reimbursed by USDA federal funds. For Ho'olehua, DHHL projects reaching a similar milestone in nine (9) months.
- The new Water Administrative Rules became effective as of June 2021. The priority phase for implementation will be to address water bill delinquencies.
- The Cost of Water Service Analysis for Fiscal Years 2017 and 2018 are currently underway. Expected to be completed by October 2021.

RECOMMENDATION

None. This is for information only.

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Exhibit A

Progress Report Technical, Managerial and Financial Capacity for Managing the DHHL Water Systems

Work Plan Period: January 2020 - December 2021

Status	 DHHL staffing matters on HOLD. State required annual water audits for CY 2019 and CY 2020 completed. 	 Acting Water Branch Team established, March 2021. Creation of new formal Water Branch on HOLD. New Water Admin Rules became effective June 2021. Construction began for the USDA RD- funded projects. Ho'olehua started
Objectives	 Satisfactorily address DOH recommendations from the DOH Sanitary Surveys, including the addition of two operators for the Ho'olehua system. Incrementally increase DHHL operator time to at least 50% on water system operations, with the goal of reaching 100% time within four years. Recruit personnel with experience, expertise and appropriate skill level to continue the functions of overseeing all four DHHL water system operations statewide - both DHHL operators and contracted operators. Complete the water audits, per new State Rules. 	 Establish new Water Branch, includes increase staff with appropriate skills and expertise. In lieu of the branch, formally establish an interim core team to be led by the Office of the Chair. This "core team" would be responsible to oversee all TMF capacity areas.
Capacity Area	Technical	Managerial

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January 2020. Anahola Phase 1 is near completion.	 Cost of Water Service Analysis for FY 2017 and FY 2018 currently underway. Expected to be completed by October 2021. Reached first milestone with the USDA-funded Anahola project by full spend down of the DHHL applicant contribution of \$3.7 million. CIP expenses moving forward can now be reimbursed by USDA.
 Create an internal communications and work coordination protocol. Conduct public hearings and secure Governor approval on Water Admin Rules. Start construction on the USDA RD- funded projects. Improve internal planning and coordination on future water system projects serving homesteads. Customer education on DHHL water systems. 	 Complete Cost of Service and Rate Analysis studies. Conduct orientation and training for staff - data entry and subject matter staff - on water system budgeting and expense tracking. Produce financial reports for each water system. Research new water billing software Develop strategy, including communications, to address water bill delinquencies. Successfully utilize and manage the USDA RD federal funds.
	Financial



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HHC Item G-4 Exhibit A

EXHIBIT B

State of Hawaii

Department of Hawaiian Home Lands

January 29 - 30, 2018

To: Chair and Members, Hawaiian Homes Commission

Through: M. Kaleo Manuel, Acting Planning Program Manager

From: Gigi O. Cairel, Grants Specialist / E. Halealoha Ayau, Water Resources Specialist

Subject: DHHL Water Systems: Cost of Service

RECOMMENDED MOTION/ACTION

None. For information only.

BACKGROUND AND PURPOSE

The Department of Hawaiian Home Lands (DHHL) owns and operates 4 water systems statewide: Ho'olehua on Moloka'i; Anahola Farm Lots on Kaua'i; Kawaihae and Pu'ukapu in West Hawai'i. Three are regulated Public (drinking) Water Systems and one - Pu'ukapu - is a non-potable water system that is not regulated.

At the June 2017 regularly scheduled Hawaiian Homes Commission (HHC) meeting, a workshop was conducted by a federal 501(c)(3) nonprofit organization on the Technical, Managerial, Financial or "TMF" capacities for water system owners. (See Exhibit A). Today's workshop will expand on the Financial Capacity area, particularly the following.

- DHHL costs to provide water service
- Trust subsidy to break even
- Water rate analysis
- Organizational structure to effectively manage the Water Systems

As the owner of water systems, HHC and DHHL are responsible for providing safe, clean water and protecting community health and safety, while maintaining compliance with federal and state laws. These include the following.





- Federal Safe Drinking Water Act (SDWA) of 1974, as amended
- Federal Clean Water Act (CWA)
- State of Hawaii, Department of Health Hawaii Administrative Rules (HAR)

<u>Authority</u>

- Hawaiian Homes Commission Act of 1920, as amended, Section 221f. "Water systems under the exclusive control of the department shall remain under its exclusive control."
- DHHL HAR, Section 10-3-76(i). "Water from department systems shall be sold at rates established by the commission. The department shall establish the frequency of billing and may determine a minimum monthly charge."
- Public Utilities, Hawaii Revised Statutes Chapter 269, Section 31(a), regarding setting water rates. "This chapter shall not apply to . . . public utilities owned and operated by the State, or any county, or other political subdivision."
- Water Policy Plan, HHC approved July 2014
 - o <u>Mission</u>: Understand our trust water assets and manage water systems.
 - <u>Priority Policies</u>: Develop, manage and steward water in a manner that balances cost, efficiency measures, and Public Trust uses; and educate beneficiaries, DHHL, HHC and other stakeholders continually on our water kuleana.
 - o <u>Goals</u>: Secure revenue and reduce operation costs to break even; and increase security and reliability for DHHL beneficiaries and water system users.
- Enterprise Accounting Policy, HHC adopted 2012 DHHL will budget for the Water System utilizing an enterprise account accounting structure.

RECOMMENDATION

None. For information only



What we'll cover

- Refresher Policies & Legal Authorities
- "TMF Capacity"
 - Financial Capacity
 - Cost of Water Service
 - Rate Analysis
- Summary
- Next Steps



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	At-a-glance				
	Hoʻolehua PWS 230	Anahola PWS 432	Kawaihae PWS 164	Pu'ukapu PWS n/a	
Age of system	85 years est.	30 years est.	20 years est.	3 years	
Service area	Hoʻolehua, Kalamaʻula, Naiwa, Pālāʻau & Comm. Fac.	Anahola Farm Lots & Bay View residents	Kailapa residential	Pu'ukapu pastoral lots	
Avg. # service connections	600	77	151	43	
Water source	DHHL-owned Groundwater well	DHH-owned Groundwater well	Kohala Ranch	County of Hawaii	
Dept. of Health regulated?	Yes - Certified Level 2	Yes - Certified Level 1	Yes - Certified Level 1	No	
Operations handled by:	DHHL personnel	Contracted operator	Contracted operator	Contracted operator	

Refresher

- ✓ HHCA 1920 as amended, Section 221f
- ✓ HAR 10-3-76(i) water rates are set by HHC
- HRS Chapter 269, Section 31(a) Public Utilities
- ✓ HHC Water Policy Plan, July 2014
 - Mission, Priority Policies, Goals
- ✓ HHC Enterprise Accounting Policy, August 2012 (USDA Condition)
- ✓ USDA obligates \$15.9 million, August 2016
- "Water System 101 Technical, Managerial, Financial (TMF) Capacity" workshop for HHC, June 2017 (USDA condition)

Refresher

- ✓ Cost of Service Analysis completed, June 2017
- Water Administrative Rules, Beneficiary Consultation completed, August 2017 (USDA Condition)
- ✓ Effective Utility Management paper completed, October 2017
- Community education meetings on DHHL Water Systems, November 2017









Typical Water System Expenses

OPERATIONS

- Certified Operator
- Well Pumps
- Electricity
- Storage tank
- Booster pumps, PRVs
- Appurtenances: distribution lines, pipes, fire hydrants
- Security: lights, fences, gates, locks, security cameras

RESERVES

- Operating
- Emergency
- Capital improvement
- Debt service

ADMINISTRATION

- Planning
- Accounting
- Community relations
- Enforcement

Cost of Service - FY 2016 **Scenario 1**

Scenario 1

Operating Costs: \$1,492,304 Revenue (billed): \$ 632,684 *** Shortfall: \$ 859,620 ***



Cost of Service – FY 2016 Scenario 2

Scenario 2 - Un-collectibles

Operating Costs: \$1,492,304 Revenue (billed): \$632,684 *** Shortfall: \$859,620 *** Un-collectibles: \$233,430 *** Shortfall: **\$1,093,050** ***

Cost of Service – FY 2016 Scenario 3

Scenario 3 - with Recommended Reserves

Operating Costs: \$1,492,304 Revenue (billed): \$632,684 *** Shortfall: \$859,620 *** Un-collectibles: \$233,430 *** Shortfall: \$1,093,050 *** Recommended Reserve Funds: \$1,244,543 *** Shortfall: \$2,337,593 ***



	% of Total	Amount
Personnel & related costs	49%	\$394,943
Electricity	39%	309,600
Operations, Repair, Maintenance	6%	45,564
Vehicles	3%	25,959
Baseyard building	2%	18,739
Office expenses	1%	6,598
Freight & delivery	0%	2,030
Reserves	0%	-0-
TOTAL	100%	\$803,433





Anahola Water System Expenses Fiscal Year 2015 - 2016			
	% of Total	Amount	
Personnel - DHHL	16%	\$40,906	
Contracted Operator, includes:	71%	175,758	
✓ O&M Service			
✓ Repair, Maintenance, Other			
Operations, Repair, Maintenance	0%	649	
Electricity	10%	24,469	
Telephone	0%	175	
Fee for Service	3%	6,806	
Reserves	0%	-0-	
TOTAL	100%	\$248,763	





	% of Total	Amount
Personnel - DHHL	4%	\$9,082
 Contracted Operator, includes ✓ 0&M Service ✓ Repair, Maintenance, Other 	19%	42,016
Water Purchase – Kohala Ranch	72%	164,553
Electricity	5%	11,018
Reserves	0%	-0-
TOTAL	100%	\$226,669





	% of Total	Amount
Personnel - DHHL	4%	\$7,568
Contract Operator, includes ✓ 0&M Service ✓ Repair, Maintenance, Other	86%	183,496
Water Purchase – Hawaii County	10%	21,761
Electricity	0%	614
Reserves	0%	-0-
TOTAL	100%	\$213,439





Cost Summary – FY 2016					
Water System	(A) Expenses	(B) Revenue (billed) % of (A) exp.	(C) Un-collectible % of (B) rev.	(D) Revenue Shortfall % of (A) exp.	
Hoʻolehua	\$803,433	\$395,997 (49%)	\$121,360 (31%)	\$528,796 (66%)	
Anahola	\$248,763	\$66,985 (27%)	\$40,172 (60%)	\$221,950 (90%)	
Kawaihae	\$226,669	\$117,155 (52%)	\$56,269 (48%)	\$165,783 (73%)	
Pu'ukapu	\$213,439	\$52,547 (25%)	\$15,629 (30%)	\$176,521 (83%)	
TOTALS	\$1,492,304	\$632,684 (42%)	\$233,430 (37%)	<mark>\$1,093,050</mark> (73%)	

What to do to "Break Even"

Decrease Expenses

- Review operator contract costs
- > Leak detection
- Un-accounted for water
- Increase routine maintenance

Increase Revenues

- Address Un-collectibles
- Increase rates
- > Trust subsidy
- > USDA \$16M CIP> Other CIP



Cost of Service: Major Findings

Purpose of the Cost of Service Analysis (COS)

 Tool to determine the "True Cost" of providing water service to the community.

Major findings:

- No clear lines of responsibilities and decisionmaking.
- DHHL does not budget as a utility, so gathering data was challenging. COS figures are "after the fact".
- DHHL accounting code system has the capacity to track water system costs, however, there's inconsistent uses of DHHL accounting codes.
- Technology Water system billing software.

Challenges

- Economies of scale: DHHL systems are considered "very small" – less than 1,000 service connections
- Capture "hidden costs"
- Current rates are extremely low
- > Payment delinquencies



Cost of Service: Recommendations

- Establish Central Water Division dedicated staff
- ✓ Set up budgets for each water utility enterprise
- Increase oversight & provide staff training on using DHHL accounting codes
- ✓ Establish asset inventory
- ✓ Establish policies for reserve accounts
- Closely examine costs & where you can achieve efficiencies
- ✓ Water Billing software that meets DHHL needs today & the future

Water Rate Setting

What it involves:

- ✓ Enterprise Accounting
- ✓ Water system budgets
- ✓ Budget monitoring Budget-to-Actual reports
- ✓ Cost of Service
- ✓ Rate Analysis

Criteria:

- > Beneficiary
- > Rate affordability
- ➢ Equitability
- Fiscal sustainability "break even"



In		er Rate Stu ogress)	dy
Pre		en scenario ibers (per mont	:h)
	Avg. Water Bill Today	Full Cost Recovery plus Reserves	% Increase
oʻolehuz -	\$30	\$144	49006

Hoʻolehua – Residential	\$30	\$144	480%
Hoʻolehua – Agriculture	\$75	\$360	480%
Anahola	\$78.50	\$451	575%
Kawaihae	\$52	\$268	515%
Pu'ukapu	\$122.41 Flat rate	Not available	Not available







TECHNICAL	MANAGERIAL	FINANCIAL
Completed ✓ 3 Certified Operators ✓ Increased 0&M Contract oversight	Completed ✓ HHC Water Policy 2014 ✓ Ad hoc Committee ✓ Effective Utility Management study	Completed ✓ \$16M USDA grant funds ✓ HHC Enterprise Accounting Policy 2012 ✓ Cost of Service Analysis
In Progress ➤ Add 1 Operator level 2 ➤ Improve consistency in O&M Contract Scopes ➤ Shift O&M contracts to Water Division staff	 In Progress Water Admin Rules – public hearings Public education Interim Rate Study (planning/forecasting) 	 In Progress > Implement Enterprise Accounting > USDA grant compliance
To Do ☐ Dedicate 100% staff time on Water Operations	To-bo Central Water Division Water Facility Master Plan - Asset Inventory & Record Keeping Customer Service	To Do Dedicate Fiscal staff Water billing, collection delinquencies Data automation



Next Steps: Water Rates Schedule subject to change		
January	 HHC approval to conduct public hearings on Water Admin Rules Water Rate Study expect to be completed 	
February	 HHC - Water rate options workshop Seek HHC approval BC consultation 	
March	Conduct BC Molokai	
April	 Seek HHC approval for new Ho'olehua rates Conduct BC West Hawaii 	
Мау	 Seek HHC approval for new Kawaihae & Pu'ukapu rates Seek HHC approval for Anahola rate extension 	
July	> Conduct BC Anahola	
August	> Seek HHC approval for new Anahola rates	





EXHIBIT C

HAWAIIAN HOMES COMMISSION WATER POLICY PLAN

July 22, 2014

Vision

Our vision is that there will be adequate amounts of <u>water</u> and supporting infrastructure so that homestead lands will always be usable and accessible, to enable us to return to our lands to fully support our self-sufficiency and self-determination in the administration of the Hawaiian Homes Commission Act (HHCA), and the preservation of our values, traditions, and culture.

Mission

In a manner consistent with our <u>values</u>, the Hawaiian Homes Commission (HHC) and Department of Hawaiian Home Lands (DHHL) shall strive to ensure the availability of adequate, quality <u>water</u> by working cooperatively to:

- Understand our trust <u>water</u> assets;
- Plan for our <u>water</u> needs;
- Aggressively understand, exercise and assert our <u>kuleana</u> as stewards of <u>water</u>;
- Develop and protect <u>water</u> sources; and
- Manage <u>water</u> systems.

Values

- 1. Waiwai: Mohala i ka wai ka maka o ka pua. Unfolded by the water are the faces of the flowers. The availability of water to our lands and people is integral to the trust and our mission.
- 2. Waihona: <u>Ua lehulehu a manomano ka `ikena a ka Hawai`i</u>. Great and numerous is the knowledge of the Hawaiians. Honoring and documenting our knowledge about <u>water</u> is essential to managing it.
- Mālama: <u>He ali`i ka `āina; he kauwā ke kanaka</u>. The land is a chief; man is its servant. We consider <u>water</u> to be part of our genealogy and so we manage it in a manner that cares for its long-term sustainability for all things, as we also use it productively for our mission.
- 4. Laulima: <u>E lauhoe mai nā wa'a; i ke kā, i ka hoe; i ka hoe, i ke kā; pae aku i ka 'āina</u>. Everybody paddle the canoes together; bail and paddle, paddle and bail, and the shore is reached. We are one people who now share Hawai'i with others. DHHL is only one of many Hawaiian serving institutions. We will assert our rights while considering our larger lāhui 'õiwi and the larger world in which we live.





Policies

The HHC and the DHHL are seeking to be proactive in our management of water. Our Priority Policies are to:

- Expressly determine and plan for future <u>water</u> needs and actively participate in broader <u>water</u> management, use and protection efforts in Hawai'i in order to secure <u>water</u>.
- 2. Aggressively exercise, reclaim, and protect Hawaiian home land water kuleana.
- 3. Develop, manage, and steward <u>water</u> in a manner that balances cost, <u>efficiency</u> <u>measures</u>, and <u>Public Trust</u> uses in the short and long term.
- Affirmatively communicate our decisions, our reasoning, and our performance in managing, stewarding, and using <u>water</u> before and after making major <u>water</u> decisions.

Additionally, the HHC and the DHHL should consider in their work the following statements:

- Educate beneficiaries, the DHHL, HHC, and other stakeholders continually on our water kuleana.
- 6. Foster self-sufficiency of beneficiaries by promoting the adequate supply of <u>water</u> for homesteading when developing or managing <u>water</u>.
- Foster the self-determination of beneficiaries by seeking ways for beneficiaries to participate in the management of <u>water</u> by delegating authority related to <u>water</u> subject to the discretion of the HHC as described in the <u>HHCA</u>.
- 8. Make <u>water</u> decisions that incorporate traditional and place-based knowledge of our people and are clear and methodical in their reasoning.
- 9. Make efforts to understand, maintain, and improve the quality of <u>water</u> as it moves into and through our lands and is used by beneficiaries.
- 10. Affirmatively consider the development and use of <u>alternative sources</u> of <u>water</u> and <u>efficiency measures</u> in <u>water</u> decision-making.
- 11. Ensure that <u>water</u> decisions are consistent with other Departmental <u>policies</u>, programs, and plans including but not limited to the <u>Energy Policy</u> and Agricultural Program.
- 12. Explicitly consider <u>water</u> availability and the costs to provide adequate <u>water</u> when developing new homestead areas, designating land uses, issuing land dispositions, or exchanging properties.



Goals

To make progress on achieving our Mission and complying with our Policies, the Priority Goals of the HHC and the DHHL are to:

- 1. Affirmatively communicate with beneficiaries regarding <u>water</u> decisions, performance, and <u>water</u> rights on a regional and annual basis.
- 2. Aggressively, proactively, consistently and comprehensively advocate for the <u>kuleana</u> of the beneficiaries, the DHHL, and the HHC to <u>water</u> before all relevant agencies and entities.
- 3. Develop and manage a Water Assets Inventory (WAI).
- 4. Support watershed protection and restoration on DHHL lands and source areas for DHHL <u>water</u>.

Additional goals that DHHL and the HHC shall seek to achieve, based on the availability of resources, organized by Mission activities, are:

Part I. Understand our trust water assets

- 1. Revise the DHHL submittal template to the HHC for water related decisions.
- Revise budgets to show the total costs of a) <u>water</u> system management b) all spending on <u>water</u> issues.
- 3. Staff and organize the DHHL consistent with importance of water to the trust.

Part II. Plan for our water needs

- Determine current and foreseeable future needs based upon periodic reviews of water availability projections that incorporate climate change, projected beneficiary demand, <u>alternative sources</u> and <u>efficiency measures</u>.
- 5. Design homesteads and manage lands to create and enhance <u>water</u> availability, optimizing costs, use of <u>alternative sources</u> and <u>efficiency measures</u>.

Part III. Aggressively understand, exercise and assert our water rights

- 6. Secure adequate and enforceable reservations of <u>water</u> for current and foreseeable future needs for all of its lands across the islands.
- 7. Partner with trust beneficiaries in water advocacy efforts.
- 8. Engage in updates to all <u>Hawai'i Water Plan</u> elements to ensure DHHL <u>water</u> needs and rights are addressed.
- 9. Advocate that all <u>Water Use Permit Applications</u> properly address the <u>water</u> rights of DHHL and other Hawaiian <u>water</u> rights.
- 10. Advocate that County Boards of Water Supply and other County agencies that affect <u>water</u> have the spirit of the <u>HHCA</u> faithfully carried out to protect DHHL

Page 3 of 6



water uses as a <u>Public Trust</u> use of <u>water</u> and manage rates so they are affordable by beneficiaries.

11. Ensure that all legal provisions for the licensing of state water are followed.

Part IV. Develop and protect water sources

- Carefully weigh alternatives regarding the dedication or DHHL management of new <u>water</u> systems.
- 13. Methodically and consistently manage and allocate water credits.
- 14. Support the drilling of wells by beneficiaries for their own use on lots where appropriate.
- 15. Partner with Department of Health and others on <u>water</u> quality education and outreach.
- 16. Continue to pursue development of agricultural water systems.

Part V. Manage water systems

- 17. Secure revenue and reduce operation costs so DHHL <u>water</u> systems break even financially over the long term.
- 18. Increase security and reliability for DHHL water users.
- 19. Pursue resolution by the Department of Agriculture of prior audit findings in the management of the Moloka'i Irrigation System and full repair of the System



Delegation of Authorities, Reporting, and Consultation

- 1. Delegation
 - a. The HHC delegates authority to the Chairperson to prepare an Implementation Program for this Water Policy Plan, which shall be subject to the approval by HHC. The Program shall identify tasks to implement each goal, and shall specify tasks that apply statewide as well as tasks that apply to different islands or regions under each goal.
- 2. Reporting
 - a. The Chairperson shall submit the proposed Implementation Program to the HHC annually in conjunction with the Department's budget request.
 - b. The Chairperson shall annually report on progress on execution of the approved Implementation Program and overall progress towards achieving the goals of and maintaining compliance with the Water Policy Plan.
- 3. Consultation
 - a. The Chairperson shall consult with the HHC on any major water issues not contained in the Implementation Program.

Legal Authorities

- 1. Hawai'i State Constitution
- 2. Hawaiian Homes Commission Act of 1921, as amended
- 3. Hawai'i State Water Code, HRS 174C
- 4. In the Matter of Water Use Permit Applications (Waiāhole I case)
- 5. <u>Wai`ola o Moloka`i</u>
- 6. Kauai Springs, Inc. v. Planning Commission of the County of Kauai

Related Plans and Policies

- 1. DHHL General Plan
- 2. DHHL Energy Policy
- 3. Hawaiian Homes Commission Beneficiary Consultation Policy

References

- 1. 1983. Pūku`i, Mary Kawena. 'Õlelo No'eau: Hawaiian Proverbs & Poetical Sayings. Honolulu: Bernice Pauahi Bishop Museum.
- 2. Aia i hea ka wai a Kane? (Traditional chant, "Where is the water of Kane?")



Definitions

Alternative sources: Alternative sources include but are not limited to the water developed through reuse and recycling technologies and best practices, capture of flood waters, desalinated waters, and other sources as may be appropriate for proposed uses.

Hawai'i Water Plan: The Hawai'i Water Plan and its parts, as detailed in Part III of the Hawai'i State Water Code (HRS 174C), is the state's "program of comprehensive water resources planning to address the problems of supply and conservation of water" (HRS 174C-2(b)).

Efficiency Measures: Efficiency measures include optimal design and development, alternative energy utilization, changing in behavioral practices and technologies that support onsite distributed wastewater systems.

Kuleana: Kuleana encompasses both rights and responsibilities. DHHL's water kuleana includes its responsibilities under its mission and the legal rights to water enshrined in the HHCA and state Constitutional and statutory provisions. Kuleana exists within the genealogical and spiritual relationship between water and the lāhui `õiwi.

Public Trust: As delineated in the Hawai`i Supreme Court <u>Waiāhole I</u> and <u>Wai`ola</u> <u>O Moloka`i</u> cases, public trust uses of water include domestic uses, traditional and customary Hawaiian rights, the protection and procreation of fish and wildlife, the maintenance of proper ecological balance and scenic beauty, and reservations of water for the DHHL.

Water: In this policy, water includes mists, fog, rain, and other precipitation; water as it flows above or below ground, and into the ocean; water used for homesteading; alternative sources including waste, brackish, and salt water; water used in the exercise of traditional and customary practices; infrastructure used to produce, store and transmit water; and water we use as well as water to which we have rights.

Water Assets Inventory (WAI): A comprehensive geographically referenced database of the water assets of the DHHL, including traditional knowledge related to water, DHHL owned water infrastructure, current and future water demand, water agreements, water credits, and potential water sources.

Approval Date

Policy approved by the Hawaiian Homes Commission on July 22, 2014.



EXHIBIT D

STATE OF HAWAII DEPARTMENT OF HAWAIIAN HOME LANDS

August 20, 2012

- To: Chairman and Members, Hawaiian Homes Commission
- From: Dreana Kalili, Policy and Program Analyst A-Ray Enos, Land Issues Officer R
- Subject: Management and Accounting Guidelines for the Water Systems Owned and Operated by the Department of Hawaiian Home Lands to Submit with USDA-RUS Applications

RECOMMENDED MOTION/ACTION

That the Hawaiian Homes Commission adopt these management and accounting guidelines for water systems owned and operated by the department.

DISCUSSION

Within Hawaii, water is free, however, there is a cost to pump, store, treat, and transport the water to homes, businesses, and public facilities like schools. On Hawaiian Home Lands, water systems have been and continue to be constructed by the department, and then are either leased to the applicable County water department, or are operated and maintained by the department. Water users of the system pay a fraction of the cost to operate the system and the operating costs of the water systems owned and operated by the department are heavily supplemented by trust funds.

Since 2008, the department has partnered with Na Kupaa O Kuhio to apply for and receive grant and low-interest loan assistance from the U.S. Department of Agriculture Rural Utilities Service (USDA RUS) to develop water systems for homesteaders. The department is eligible to directly apply for USDA-RUS assistance. However, under the department's current accounting structure, the water system expenses and receipts are imbedded in the overall department budget process and as such, the department is not able to demonstrate financial sustainability throughout the life of the improvements and meet the USDA-RUS grant determination criteria.

Section 213(e) of the Hawaiian Homes Commission Act, as amended,

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authorizes the Operating portion of the Hawaiian Home Operating Fund to be used for the construction, operation and maintenance of revenue-producing activities that are intended to serve principally occupants on Hawaiian home lands (such as the Molokai Water System, and the Anahola Farm Lots Water System, on the island of Kauai, and the Kawaihae Water System on the island of Hawaii).

The department is able to create separate enterprise accounts for all water system revenue producing activities in the Operating portion of the Hawaiian Home Operating Fund. The separate ledger accounts will be referred to collectively as the Hawaiian Home Lands (HHL) enterprise account.

In basic terms, this method of accounting will effectively isolate the water system budget from the department's larger budget. An enterprise account establishes a separate accounting and financial reporting mechanism for services for which a fee is charged in exchange for goods or services. The Administrative Services Office has indicated that the enterprise account, as an alternative method of accounting, can be prepared using existing accounting records.

The specific management and accounting guidelines for the water systems owned and operated by the DHHL are found attached in Exhibit A.

USDA RUS Grant Criteria

The purpose of USDA-RUS Water and Environment Program is to provide loan and grant funds for water and waste projects serving the most financially needy communities. Financial assistance from the program should result in reasonable user costs for rural residents, rural businesses, and other rural users. The excerpts of the grant criteria are found in Exhibit B and are designed to ensure this program purpose is met.

As a grant and loan applicant, DHHL must meet these criteria and demonstrate the following:

- That grants it receives will not result in an Equivalent Dwelling Unit (EDU) costs below similar system user cost. The EDU means the level of service provided to a typical rural residential dwelling;
- 2) That the debt service portion of the average annual EDU cost, for users in the applicant's service area, exceeds the following percentages of median household income by 0.5% when the median household income of the service area is equal to or below 80% of the statewide nonmetropolitan median income (in other words, if the median income for

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the service area is \$48,000, a water system is eligible for a grant if the debt service portion to individual system users is more than \$240 over one year);

- That its annual cost for delivery of service is subsidized; and
- 4) That water system user charges are reasonable, or the planned revenue should be sufficient to provide for all debt service, debt reserve, operation and maintenance, and, if appropriate, additional revenue for facility replacement of short-lived assets without building a substantial surplus.

The staff recommendation is to adopt the "Management and Accounting Guidelines for the Water Systems Owned and Operated by the Department of Hawaiian Home Lands" to align DHHL's operating and accounting processes related to these water systems with the USDA-RUS program criteria and goals.

It is critical that DHHL demonstrate these criteria are met so it can qualify for the maximum grant award allowed per project. These grant funds are needed to increase the operating efficiency of its water systems to decrease trust subsidies, and maximum grant awards means less funds expended from the trust.



MANAGEMENT AND ACCOUNTING GUIDELINES FOR THE WATER SYSTEMS OWNED AND OPERATED BY THE DEPARTMENT OF HAWAIIAN HOME LANDS

August 2012

- 1) The Water System will carry out the Department's goals, objectives and policies through a service delivery system financed through the utility's operating and capital budgets. The relationship between the operating and capital budgets will be explicitly recognized and incorporated into the budget process in a manner consistent with sound accounting and management practices. Funding for these budgets shall be adequate to provide operating services and maintenance or enhancement of fixed assets needed to support the demand for the water utility. The Commission will establish all user charges fees at a level related to the full costs (operating, direct, indirect and capital) of providing the service. Supplemental funding for the Water System enterprise account may be made by the Commission in order to avoid rate shock to the users. The Commission will review fees/charges at least every four years. As the need arises the Commission may adjust the rates by resolution. The Department will maintain records to document compliance with the user charge requirements, including records of the review, and such records will be available to the users.
- 2) The Water System user charge shall consist of a base rate and a consumption charge which combined shall be considered the water utility user charge. The Department Budget Officer shall establish a account or account within the Department's budget for the Water System utility charges. Moneys received as a result of the Water System utility user charge shall be allocated to the Water System Enterprise Account in the amounts established in the water utility charge resolution of the Commission. Except as otherwise provided or allowed by state law, the utility account or accounts shall be used solely for the purposes of the utility.
- 3) It is recognized that in order for the Water System to be a sustainable, self-supporting enterprise, there would need to be a substantial rate increase to users which would result in rate shock and have undesirable consequences. It is recognized that the utility rate for the Water System will need to be reviewed and reauthorized by the Commission. The Water System

EXHIBIT A



enterprise account may continue to be subsidized by the Department as to avoid rate shock and the Commission may consider financial self-sufficiency and sustainability along with its other goals and objectives when establishing the Water System rates in the future.

4) DHHL will budget for the Water System utilizing an enterprise account accounting structure that is subsidized by the Department's other funds. However, the Commission may authorize the Department's budget officer to transfer moneys from other funds into the Water System Enterprise account to address emergency conditions or public health and safety considerations.

EXHIBIT A



U.S. DEPARTM. . I OF AGRICULTURE RURAL U. . ITIES SERVICE WATER AND WASTE LOANS AND GRANT CRITERIA (Excerpts from the Code of Federal Regulations, Title 7, Part 1780)

§ 1780.1 General. (Excerpts)

(c) RUS debt instruments will require an agreement that if at any time it shall appear to the Government that the borrower is able to refinance the amount of the indebtedness to the Government then outstanding, in whole or in part, by obtaining a loan for such purposes from responsible cooperative or private credit sources, at reasonable rates and terms for loans for similar purposes and periods of time, the borrower will, upon request of the Government, apply for and accept such loan in sufficient amount to repay the Government and will take all such actions as may be required in connection with such loan.

(j) Water and waste applicants must demonstrate that they possess the financial, technical, and managerial capability necessary to consistently comply with pertinent Federal and State laws and requirements. In developing water and waste systems, applicants must consider alternatives of ownership, system design, and the sharing of services.

§ 1780.3 Definitions and grammatical rules of construction. (Excerpts)

Equivalent Dwelling Unit (EDU) means the level of service provided to a typical rural residential dwelling.

Rural and rural areas means any area not in a city or town with a population in excess of 10,000 inhabitants, according to the latest decennial census of the United States.

Rural Development means the mission area of the Under Secretary for Rural Development. Rural Development State and local offices will administer this water and waste program on behalf of the Rural Utilities Service.

RUS means the Rural Utilities Service, an agency of the United States Department of Agriculture established pursuant to section 232 of the Department of Agriculture Reorganization Act of 1994 (Pub. L. 103–354, 108 Stat. 3178), successor to the Farmer's Home Administration and the Rural Development Administration with respect to certain water and waste disposal loan and grant programs.

Service area means the area reasonably expected to be served by the project.

Similar system cost means the average annual EDU user cost of a system within a community having similar economic conditions and being served by the same type of established system. Similar system cost shall include all charges, taxes, and assessments attributable to the system including debt service, reserves and operation and maintenance costs.

§ 1780.7 Eligibility.

Facilities financed by water and waste disposal loans or grants must serve rural areas.

(a) Eligible applicant. An applicant must be:

(1) A public body, such as a municipality, county, district, authority, or other political subdivision of a state, territory or commonwealth;

(2) An organization operated on a not-for-profit basis, such as an association, cooperative, or private corporation. The organization must be an association controlled by a local public body or bodies, or have a broadly based ownership by or membership of people of the local community; or

(3) Indian tribes on Federal and State reservations and other Federally recognized Indian tribes.

EXHIBIT B



(c) Eligible projects. (1) Projects must serve a rural area which, if such project is completed, is not likely to decline in population below that for which the project was designed.

(2) Projects must be designed and constructed so that adequate capacity will or can be made available to serve the present population of the area to the extent feasible and to serve the reasonably foreseeable growth needs of the area to the extent practicable.

(3) Projects must be necessary for orderly community development and consistent with a current comprehensive community water, waste disposal, or other current development plan for the rural area.

(d) Credit elsewhere. Applicants must certify in writing and the Agency shall determine and document that the applicant is unable to finance the proposed project from their own resources or through commercial credit at reasonable rates and terms.

(e) Legal authority and responsibility. Each applicant must have or will obtain the legal authority necessary for owning, constructing, operating, and maintaining the proposed facility or service and for obtaining, giving security for, and repaying the proposed loan. The applicant shall be responsible for operating, maintaining, and managing the facility, and providing for its continued availability and use at reasonable user rates and charges. This responsibility shall be exercised by the applicant even though the facility may be operated, maintained, or managed by a third party under contract or management agreement. Guidance for preparing a management agreement is available from the Agency. Such contracts, management agreements, or leases must not contain options or other provisions for transfer of ownership.

(f) Economic feasibility. All projects financed under the provisions of this section must be based on taxes, assessments, income, fees, or other satisfactory sources of revenues in an amount sufficient to provide for facility operation and maintenance, reasonable reserves, and debt payment. If the primary use of the facility is by business and the success or failure of the facility is dependent on the business, then the economic viability of that business must be assessed.

(g) Federal Debt Collection Act of 1990 (28 U.S.C. 3001 et seq.). An outstanding judgment obtained by the United States in a Federal Court (other than in the United States Tax Court), which has been recorded, shall cause the applicant to be ineligible to receive a loan or grant until the judgment is paid in full or otherwise satisfied.

[62 FR 33478, June 19, 1997, as amended at 64 FR 29946, June 4, 1999]

§ 1780.9 Eligible loan and grant purposes.

Loan and grant funds may be used only for the following purposes:

(a) To construct, enlarge, extend, or otherwise improve rural water, sanitary sewage, solid waste disposal, and storm wastewater disposal facilities.

(b) To construct or relocate public buildings, roads, bridges, fences, or utilities, and to make other public improvements necessary for the successful operation or protection of facilities authorized in paragraph (a) of this section.

(c) To relocate private buildings, roads, bridges, fences, or utilities, and other private improvements necessary for the successful operation or protection of facilities authorized in paragraph (a) of this section.

(d) For payment of other utility connection charges as provided in service contracts between utility systems.

EXHIBIT B



(e) When a necessary part of the ______, ect relates to those facilities authorize. _____. paragraphs (a), (b), (c) or (d) of this section the following may be considered:

(1) Loan or grant funds may be used for:

(i) Reasonable fees and costs such as: legal, engineering, administrative services, fiscal advisory, recording, environmental analyses and surveys, possible salvage or other mitigation measures, planning, establishing or acquiring rights;

(ii) Costs of acquiring interest in land; rights, such as water rights, leases, permits, rights-of-way; and other evidence of land or water control or protection necessary for development of the facility;

(iii) Purchasing or renting equipment necessary to install, operate, maintain, extend, or protect facilities;

(iv) Cost of additional applicant labor and other expenses necessary to install and extend service; and

(v) In unusual cases, the cost for connecting the user to the main service line.

(2) Only loan funds may be used for:

(i) Interest incurred during construction in conjunction with multiple advances or interest on interim financing;

(ii) Initial operating expenses, including interest, for a period ordinarily not exceeding one year when the applicant is unable to pay such expenses;

(iii) The purchase of existing facilities when it is necessary either to improve service or prevent the loss of service;

(iv) Refinancing debts incurred by, or on behalf of, an applicant when all of the following conditions exist:

(A) The debts being refinanced are a secondary part of the total loan;

(B) The debts were incurred for the facility or service being financed or any part thereof; and

(C) Arrangements cannot be made with the creditors to extend or modify the terms of the debts so that a sound basis will exist for making a loan; and

(v) Prepayment of costs for which RUS grant funds were obligated.

(3) Grant funds may be used to restore loan funds used to prepay grant obligated costs.

(f) Construction incurred before loan or grant approval.

(1) Funds may be used to pay obligations for eligible project costs incurred before loan or grant approval if such requests are made in writing by the applicant and the Agency determines that:

(i) Compelling reasons exist for incurring obligations before loan or grant approval;

(ii) The obligations will be incurred for authorized loan or grant purposes; and

(iii) The Agency's authorization to pay such obligations is on the condition that it is not committed to make the loan or grant; it assumes no responsibility for any obligations incurred by the applicant; and the applicant must subsequently meet all loan or grant approval requirements, including environmental and contracting requirements.

EXHIBIT B



(2) If construction is started with Agency approval, post-approval in accuance with this section may be considered, provided the construction meets applicable requirements including those regarding approval and environmental matters.

(g) Water or sewer service may be provided through individual installations or small clusters of users within an applicant's service area. The approval official should consider items such as: quantity and quality of the individual installations that may be developed; cost effectiveness of the individual facility compared with the initial and long term user cost on a central system; health and pollution problems attributable to individual facilities; operational or management problems peculiar to individual installations; and permit and regulatory agency requirements.

(1) Applicants providing service through individual facilities must meet the eligibility requirements in §1780.7.

(2) The Agency must approve the form of agreement between the applicant and individual users for the installation, operation, maintenance and payment for individual facilities.

(3) If taxes or assessments are not pledged as security, applicants providing service through individual facilities must obtain security necessary to assure collection of any sum the individual user is obligated to pay the applicant.

(4) Notes representing indebtedness owed the applicant by a user for an individual facility will be scheduled for payment over a period not to exceed the useful life of the individual facility or the RUS loan, whichever is shorter. The interest rate will not exceed the interest rate charged the applicant on the RUS indebtedness.

(5) Applicants providing service through individual or cluster facilities must obtain:

(i) Easements for the installation and ingress to and egress from the facility if determined necessary by RUS; and

(ii) An adequate method for denying service in the event of nonpayment of user fees.

§ 1780.10 Limitations.

(a) Loan and grant funds may not be used to finance:

(1) Facilities which are not modest in size, design, and cost;

(2) Loan or grant finder's fees;

(3) The construction of any new combined storm and sanitary sewer facilities;

(4) Any portion of the cost of a facility which does not serve a rural area;

(5) That portion of project costs normally provided by a business or industrial user, such as wastewater pretreatment, etc.;

(6) Rental for the use of equipment or machinery owned by the applicant;

(7) For other purposes not directly related to operating and maintenance of the facility being installed or improved; and

(8) A judgment which would disqualify an applicant for a loan or grant as provided for in §1780.7(g).

(b) Grant funds may not be used to:

(1) Reduce EDU costs to a level less than similar system cost;

EXHIBIT B



(2) l'ay any costs of a project whe. ... ine median household income of the set. ... is area is more than 100 percent of the nonmetropolitan median household income of the State;

(3) Pay project costs when other loan funding for the project is not at reasonable rates and terms; and

(4) Pay project costs when other funding is a guaranteed loan obtained in accordance with 7 CFR part 1779 of this title.

(c) Grants may not be made in excess of the following percentages of the RUS eligible project development costs. Facilities previously installed will not be considered in determining the development costs.

(1) 75 percent when the median household income of the service area is below the higher of the poverty line or 80% of the state nonmetropolitan median income and the project is necessary to alleviate a health or sanitary problem.

(2) 45 percent when the median household income of the service area exceeds the 80 percent requirements described in paragraph (c)(1) of this section but is not more than 100 percent of the statewide nonmetropolitan median household income.

(3) Applicants are advised that the percentages contained in paragraphs (c)(1) and (c)(2) of this section are maximum amounts and may be further limited due to availability of funds or the grant determination procedures contained in \$1780.35 (b).

[62 FR 33478, June 19, 1997, as amended at 64 FR 29946, June 4, 1999; 66 FR 23151, May 8, 2001]

EXHIBIT B



EXHIBIT E

DEPARTMENT OF HAWAIIAN HOME LANDS

Adoption of Chapter 10-4.1 Hawaii Administrative Rules

[JUN 2 5 2021]

SUMMARY

Chapter 10-4.1, Hawaii Administrative Rules, entitled "Management of Water Systems", is adopted.



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HAWAII ADMINSTRATIVE RULES

TITLE 10

DEPARTMENT OF HAWAIIAN HOME LANDS

CHAPTER 4.1

MANAGEMENT OF WATER SYSTEMS

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SUBCHAPTER 1

GENERAL PROVISIONS

§10-4.1-1 Purpose. The purpose of this subchapter is to promote the health, safety, and general welfare of the community by providing standards for governing water service provided by water systems in the exclusive control of the department. [Eff JUN2 2021] (Auth: HHC Act §222) (Imp: HHC Act §221) **\$10-4.1-2** Applicability. This subchapter shall apply to all water systems under the exclusive control of the department. [Eff JUN 2 5 2021] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

§10-4.1-3 Definitions. As used in this chapter, unless plainly evident from the context that a different meaning is intended:

"Applicant" means any person who submits an application for water service or additional water service.

"Application" means a written request for water service or additional water service.

"Consumer" means the person, firm, corporation, association, or governmental entity, whether owner or tenant, whose name appears on the records of the department as the party responsible and liable for receiving water service from the department.

"Consumer's water system" means the pipes and plumbing extending from the water service connection.

"Cross-connection" means any actual or potential connection between the public water supply and a source of contamination or pollution.

"County" means the county where the department water service is located.

"Department of health" means the State of Hawaii department of health.

"Governmental entity" means any State of Hawaii or county department or office.

"Main" or "main pipe" means the department's supply or distribution pipe from which service connections are made.

"Non-potable water" means water that has not been certified by the department of health as suitable for cooking, drinking, and bathing purposes.

"Potable water" means water that has been certified by the department of health as suitable for cooking, drinking, and bathing purposes.

"Premises" means a parcel of real property and any structures thereon which have water service, will

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require water service, or requires additional water service.

"Public water system" means a water system which provides water for human consumption as provided by the department of health in title 11, Hawaii administrative rules chapter 20.

"Service lateral" means the main tap and complete installation of pipes, fittings, and appurtenances from the main to and including the meter.

"Water meter" or "meter" means a device that measures the volume of water delivered to any premises.

"Water service" means the delivery of water to any premises.

"Water spigot" means a water spigot or standpipe that is maintained by the department and connected to a public water system for lessee access to potable water.

"Water system" means a network of pipelines, main taps, storage, facilities, pumps, shut-off valve, and other appurtenances, wells, water filtration treatment facilities, or other sources which furnishes a supply of water to the premises. [Eff JUN 2 5 2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-4 General conditions for water service.

(a) Any applicant whose premises is located within service limits established by the department and adjacent to a distribution main where pressure conditions permit may obtain water service, provided that:

- (1) The existing water system servicing the area has adequate physical and legal capacity, as determined by the department, for such intended use without impairing service to existing consumers or future lessees;
- (2) All applicable fees and deposits for such service have been paid in full;
- (3) The applicant is not delinquent on other services in his or her name; and,

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(4) The applicant agrees to abide by the rules, regulations, and policies of the department relating to water service.

(b) Water service shall be restricted to the property for which the application is made.

(c) All water service supplied by the department shall be measured by means of meters furnished by the department and only the department is authorized to install water meters on department water systems.

(d) The department shall determine the final location and size of the service lateral. Service laterals shall be operated and maintained by the department.

(e) The department shall only be responsible for the operation and maintenance of water systems in its exclusive control, which may include contracted operationend maintenance services. [Eff] (Auth: HHC Act §222) (Imp:

HHC Act §221)

§10-4.1-5 Water pressure conditions and

elevation agreement. (a) The department shall exercise due diligence and reasonable care to maintain adequate pressure in its water mains but accepts no responsibility to maintain such pressure.

Where a premise is situated at such an (b) elevation that it cannot be assured of a dependable supply or of adequate service from the department's distribution system, the consumer, in consideration of water service and connection to the department's system:

- (1)Shall agree to accept such service as the department is able to render from its existing facilities;
- (2) Shall agree to install, if necessary, and maintain at the consumer's expense a tank and pump, with an air gap between the consumer's supply pipe and the department's system, of suitable design and of sufficient

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capacity to furnish an adequate supply of water; and

(3) Shall execute a written release in favor of the department for all claims due to any inadequacy in the department's system or inadequacy of water supply to the premise including but not limited to lack of fire department services in the event of a fire.

(c) When the pressure of the department's supply fluctuates or is higher than that for which individual fixtures are designed, the consumer shall protect such fixtures by installing and maintaining pressure reducing, or relief valves, or both. The department shall not be liable for damage due to pressure conditions or for damages caused by or arising from the failure of, or the defective condition of such pressure regulators or relief valves, or for damage that may occur through the installation, maintenance, or use of such equipment. [Eff JUN 2 5 2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-6 Application for water service. (a) Each prospective consumer shall complete a standard application form for the water service desired. Prospective consumers shall assume responsibility for the payment of future charges for service at the location identified on the application before water is turned on for any use. The department shall inform the applicant in writing that the application is complete and accepted or if the application is deficient, what specific information is necessary to complete the application. The department shall assign an account number when the application is complete. The person, entity, or organization executing the application form shall be liable for the payment of all charges for water service at the designated location including a meter charge with each billing cycle as provided in section 10-4.1-31 and 10-4.1-42.

(b) Charges for service shall begin when the service lateral and the consumer's water system are

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physically joined and water is made available to the consumer, and will continue until:

- The consumer makes a written request to discontinue service;
- (2) A judicial order to discontinue service is issued; or
- (3) The department discontinues service for failure of the consumer to comply with the provisions of this subchapter.

(d) When an application for water service is made by a former consumer who was responsible for and failed to pay all bills for water service previously rendered, regardless of location or time incurred, the department may refuse to furnish service to the premises of the applicant until the outstanding bills are paid.

(e) A consumer taking possession of the premises and using water without having made application for the transfer of water service shall be held liable for the water delivered from the date of the last recorded meter reading. If application for transfer is not made, and accumulated bills for water service are not paid upon presentation, the water service may be discontinued ten business days after written notice is sent to the consumer. [Eff JUN 2 5 2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-7 Installation of water service. (a) When an application for water service has been approved, water service shall be installed as approved. There shall be one meter for each service, unless the department, because of operating necessity, installs a combination meter, or two or more meters in parallel. All meters shall be tested for accuracy before installation. All meters shall be installed along the property boundary, unless, due to operating necessity or other extenuating situations, the department approves installation of the meter elsewhere.

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(b) It is the consumer's responsibility and expense to install their supply pipe and water system, to connect such system to the department's service lateral, and to install an approved backflow prevention device on the consumer's system on the downstream side of the meter. The department may provide backflow prevention devices to lessees as a means to protect the public water system, however the cost of installation shall be paid by the consumer within thirty days of installation. The consumer's water system shall, at all times, remain the sole property of the consumer, who shall be responsible for its maintenance, repair, and replacement.

(c) A readily accessible shutoff valve controlling all outlets shall be installed by the department on the consumer's water service supply pipe at a location to be determined by the department. In addition, the department may install a shutoff valve before the meter for the use of employees of the department. If a replacement of the shutoff valve is necessary on the consumer's side of the service supply pipe, it shall be installed by the department and paid for by the consumer.

(d) The department may make the connection to the consumer's water service supply pipe once the consumer installs the supply pipe at the approved location.

(e) Only the department may connect or disconnect the water service to or from the department's main.

(f) When the proper size of service lateral for any premises has been determined and the department has made installation at the location specified by the consumer, the department has fulfilled its obligations insofar as the size of the service and the location thereof are concerned. If the consumer desires a change in size of the service lateral or a change in the location thereof, the consumer shall bear all costs of such change.

(g) Whenever a check valve or pressure reducing valve is installed on the consumer's cold water supply line between the meter and the hot water storage tank

or heater, there shall be installed on the consumer's hot water distribution system a suitable pressure relief valve.

(h) Once installed, any costs associated with the repair or replacement of damaged or missing meters and services will be charged to the consumer. Such costs include but are not limited to gaskets, meter boxes, lid inserts, meters, pressure regulator valves, related labor, equipment, vehicles, and materials. This does not include replacement of meters that are operating outside of tolerances. [Eff JUN 25 2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-8 Responsibility for equipment. (a) At the consumer's own risk and expense, the consumer shall furnish, install, and keep in good, safe, and operating condition all equipment that may be required for receiving, controlling, applying, and utilizing water. The department shall not be responsible for any loss or damage caused by the improper installation of such equipment, or the negligence, want of proper care, or wrongful act of the consumer.

(b) Water service may be discontinued to any consumer whose water system includes plumbing fixtures or water containers in any form, or of any use, which in the opinion of the department may contaminate the department's water supply or may endanger the public water supply from a public health standpoint. Any such discontinuation of service shall continue until such dangerous fixtures or uses have been corrected, removed or discontinued, and the department is assured that the dangerous fixtures or uses will not be reinstalled or resumed.

(c) The department shall not be responsible for damage to property caused by spigots, faucets, valves, and other equipment that may be open when water is turned on at the meter either when turned on originally or when turned on after temporary shutdown.

(d) All service laterals are the property of the department and shall be operated and maintained by the department.

(e) All equipment belonging to the department and installed upon the consumer's premises for measurement, test, check, or any other purpose, shall continue to be the property of the department, and the department may access the consumer's premises without consent whenever necessary to inspect, maintain, repair, replace, or remove the equipment. The consumer shall exercise reasonable care to prevent damage to meters and other equipment of the department upon the premises and shall in no way interfere with the operation of the same.

(f) Any cost to repair damaged water mains, service laterals, valves, fire hydrants, or other property of the department shall be paid for by the party responsible for the damage. The consumer shall be liable for any damage to a meter or other equipment or property of contractors, licensees or permittees, on the consumer's premises, and the department shall be promptly reimbursed by the consumer for any such damage upon presentation of the bill thereof. In the event settlement for such damage is not made within thirty days, the department may discontinue water service to the premises according to 10-4.1-10.

(g) When a meter is found to have been damaged by hot water or steam emanating from the premises served, the consumer shall pay for all costs required to repair the meter. [Eff $JUN \ 2\ 5\ 2021$] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-9 Payment of bills and delinquency. (a) All bills shall be due and payable within twenty-one days from the bill date. Payment shall be made at the office of the department or, at the department's option, to duly authorized collectors of the department. Any bill not paid within thirty days from the bill date, shall be considered delinquent and the water service shall be subject to shut-off. There

shall be a service charge for payments made by check or electronic debit which have been dishonored for any reason. The service charge shall be as set in section 40-35.5, HRS. On accounts where payments have been dishonored more than four times in one calendar year, the department may require payment on the account to be made by cash, by certified or cashier's check or by money order, and may require a deposit equal to the highest amount billed in the last twelve months to be held.

(b) An account is delinquent when it is not paid in full within thirty days after the bill date. A late payment charge shall be assessed at an amount of one per cent for each month or fraction thereof against the delinquent balance. When a delinquent account remains unpaid twenty-one days after the second regular billing, water service for the account may be discontinued.

(c) The department may enter into a payment agreement with a consumer to facilitate the payment of delinquent water charges. The terms of a payment agreement between the department and a lessee-consumer may include alternative payment methods and shall not exceed the term of five years. Current charges shall continue to be paid when due. The agreement shall be signed by the department and the consumer, and breach of such an agreement by the consumer shall result in further collection efforts including disconnection.

- (1) Alternative payment methods are goods that are grown, caught, or produced by the consumer and donated to the homestead community on island or services provided by the consumer free of charge to the department. Goods shall be dropped off at the district office at a time determined by the district office supervisor for distribution among beneficiaries. Services shall be provided to the department as determined by the district office supervisor.
- (2) The value of the alternative payment methods rendered shall not exceed five per cent of

the delinquent amount. All terms regarding alternative payment methods, including the goods or services or both to be donated, valuation, and dates and times of service or drop off shall be included in the payment agreement. [Eff JUN 2.5.2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-10 Discontinuation of service. (a) The department may refuse or discontinue water service for any of the following reasons:

- (1) Non-payment of bills or fees. If the consumer fails to pay any sums due, the department may discontinue service five business days after written notice is given to the consumer.
- (2) Noncompliance with rules and regulations. If the consumer fails to comply with any of the department's rules and regulations and noncompliance is not corrected within five business days after written notice is given to the consumer, the department may discontinue service.
- (3) Unauthorized use of water. Without notice, the department may refuse or discontinue water service to any premises or consumer to protect itself against fraud, abuse or unauthorized use of water. For unauthorized use of water, a surcharge may be assessed as provided in section 10-4.1-31 and 10-4.1-42.
- (4) Wasteful use of water. Where negligent or wasteful use of water exists on any premises and such conditions are not corrected within five business days after written notice is given to the consumer, the department may discontinue service.
- (5) Service detrimental to others. The department may refuse to furnish water and may discontinue the service to any premises

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where the demands of the consumer will result in inadequate service to others. Where discontinuation of water service for (b) any of the above reasons is proposed, the department shall, prior to the proposed shut off, give the consumer written notice at least five business days before shut off. The notice shall specify the reasons for the proposed shut off as well as inform the consumer of the right to dispute the shut off by making appropriate request to the department at the address or phone number provided on the notice. The notice shall further inform the consumer that once water service has been discontinued, water service may be restored but only in accordance with section 10-4.1-11.

If the consumer wishes to dispute the shut (C) off, the consumer shall within five business days from the date of the notice of shut off, request a billing conference. Once requested, the billing conference shall be scheduled at the earliest reasonable opportunity for the consumer and in no case more than ten days from the request and the consumer shall be given the option of having the conference over the phone or in person with a district office supervisor from another district office that manages a department water system. If an in person conference is requested, the district office supervisor shall travel to meet with the consumer on the consumer's island. The district office supervisor conducting the billing conference shall not have previously been involved in the case, shall objectively review the basis for water shut off, shall be subject to all state ethics rules on conflicts of interest, and shall exercise impartial judgment in deciding the merits of the consumer's request for reinstatement of water service.

(1) At the billing conference, the consumer shall have the right to submit evidence, present and cross examine witnesses, and bring a representative to aid in presenting the case. The consumer shall have the right to see the department's records concerning the account and shall have the right to

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reasonable explanation for any matter concerning the proposed discontinuance of service. The district office supervisor conducting the billing conference shall be empowered to correct any errors in billing and to take whatever remedial action is necessary if the consumer presents evidence that would demonstrate by a preponderance of the evidence that the consumer is not responsible for conditions leading to the department's decision to shut off service other than non-payment of the water bill. The district office supervisor conducting the billing conference shall make a written decision within three business days of the conference.

(2) If the consumer is dissatisfied with the decision from the billing conference, the consumer shall have the right within five business days of receipt of the written decision to appeal the matter to the chairman or the chairman's designee. The amount due shall be paid into an escrow trust account after the billing conference with the district office supervisor and shall not be postponed pending the appeal. The chairman or the chairman's designee shall review the consumer's written appeal and the billing conference record and decision for compelling factual, legal, or procedural errors, or any combination thereof, and render a final written decision affirming the district office supervisor's written decision or remanding the matter to the district office supervisor for further handling pursuant to the chairman's or the chairman's designee's written decision and direction on appeal. The decision of the chairman shall be final.

(d) A charge of \$150 shall be added to each account in which service is discontinued if the consumer or other party cuts the lock and turns the

meter on without prior approval of the department. The meter shall be removed and the water service capped off. Water service shall not be reconnected until the consumer has paid the past due water charges, water disconnection charges, and the meter disconnection and reconnection charges.

(e) An account that remains disconnected or suspended because of delinquent payment shall continue to accrue monthly base rate service charges as well as late fees.

(f) A consumer about to vacate any premises supplied with water by the department shall give written notice of their intention to vacate, specifying the date service should be discontinued. If the consumer fails to give such notice, the consumer shall be responsible for all water service furnished to such premises until the department has received a notice of discontinuance. Before buildings with water service are demolished, the department shall be notified so the water service can be shut off.

(g) The department may remove a meter for nonuse after one year of non-use. A consumer whose meter is removed for non-use forfeits all previous fees and reapplication shall be treated as a new service connection with applicable costs. [Eff **JUN 2 5 2021**] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-11 Restoration of water service. Water service shall not be resumed until all of the consumer's delinquent accounts, including all charges, fees, and reinstallation costs, including one hour of labor, and materials, transportation, and any other overhead costs for the meter reinstallation and reactivation, have been paid in full or the consumer has entered into and signed an approved payment plan. [Eff JU 25 2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-12 Meter test and adjustment of bill.

(a) Any consumer who has a reasonable doubt of the accuracy of the meter serving his or her premises may request a test of the meter. The consumer may request to be notified as to the time of the test and may witness the test. No charge shall be made for meter tests unless such tests are requested more often than once every twelve months.

(b) If, as a result of the test, the meter is found to register more than five percent fast under conditions of normal operation, the department shall refund to the consumer the overcharge based on past consumption, for a period not exceeding six months, unless it can be proven that the error was due to some cause, the date of which can be fixed, then the overcharge shall be computed back to, but not beyond, such date.

(c) The consumer has sole control of the water delivered beyond the department's meter and the department is not responsible for the maintenance and repairs to pipes and fixtures beyond the meter.

(d) If the meter fails to register due to any cause except the non-use of water, an average bill may be rendered. Such average bill will be subject to equitable adjustment taking into account all factors before, during, and after the period of said bill. [Eff JUN 2 5 2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-13 Underground leak adjustment. (a) If a consumer experiences a leak within their water line, the consumer may request the department provide a leak adjustment for excessive bills provided a leak adjustment was not granted to the consumer within the twelve month period prior to the request and the leak was reported to the department and repaired within thirty days of detection. The adjustment shall be one-half of the excess consumption over a normal bill.

(b) No additional refunds shall be given.

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(c) If there is not an existing value on the consumer side of the meter, there shall be no credit processed on the account until a value is installed.(d) Department personnel shall be dispatched to

inspect the consumer's meter to verify the leak has been repaired. [Eff JUN 2.5.2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-14 Water charge adjustment. Errors in billing or collection shall be corrected in a timely manner by the department. Resulting credits on accounts or refunds the made as expeditiously as possible. [Eff] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

\$10-4.1-15 Obstructed meter fine. (a) The department shall charge the consumer an obstructed meter fine of twenty-five dollars per billing period when access to the water meter is significantly obstructed by landscaping or other barriers and the meter cannot be read. This fine shall be applied only after the property owner has been notified, via a door hanger, that the obstruction exists and that the problem must be corrected by the time of the next meter reading.

(b) If the consumer fails to remove the obstruction, the department may remove the obstruction and bill the consumer twenty-five dollars for the cost of remediation. [Eff JUN 252021] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-16 Tampering prohibited. (a) Any person found tampering with service laterals, water meters, the valve, or stopcock before the meter shall be guilty of a misdemeanor, pursuant to section 701-107(3), HRS, and shall be liable for all costs

associated with any repair to the service lateral, water meter, valve, or stopcock.

(b) A late payment charge shall be assessed at the rate of one per cent for each month or fraction thereof against costs associated with repairs for tampering that go unpaid for thirty days following the date of billing. After sixty days, the delinquency shall be reported to the commission and the amount due turned over to collections. Further legal action may be taken with commission approval. [Eff JUN 2.5 2021] (Auth: HHC Act §222) (Imp:

HHC Act §221)

§10-4.1-17 Accessing the consumer's premises. Any properly identified officer or employee of the department shall have the right of ingress to and egress from the consumer's premises at any reasonable hour, and at any hour during an emergency, for any purpose reasonably connected to the protection of the public drinking water system and furnishing of water to said premises and the exercise of all rights secured to it by law or this subchapter. If the officer or employee is prevented from carrying out the duties, the department may shut off water service to said premises five business days after written notice is given to the consumer. [Eff JUN 2 5 2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-18 Cross-connection control and backflow prevention. (a) No cross-connections shall be made without the written consent of the department.

(b) It is unlawful for any person to make, maintain, or cause temporarily or permanently, any cross-connection that has a potential for backflow between their plumbing pipes or water fixtures and the department's water system. Existing cross-connections between the department's water system and any auxiliary water supply shall be eliminated or

protected by means of an approved backflow prevention assembly. Cross-connection control and backflow prevention requirements for facilities and premises shall be in accordance to this subchapter.

(c) The department may require installation of an approved backflow prevention assembly on the consumer's side of the meter at the consumer's expense before service will be provided. The department may provide for the installation of an approved backflow prevention assembly to homestead lots in the service area.

(d) If uninterrupted water service is necessary, an additional backflow prevention assembly may be installed in an approved manner to ensure continued water service whenever inspection, testing and repair procedures is being performed on any one of these assemblies.

(e) The backflow prevention assembly installed in accordance with these rules shall, unless otherwise approved by the department in writing, be located above ground and in a manner safe from flooding or submergence in water or other liquid, properly protected from external damage, freely accessible, and with adequate working room for inspections, testing, and repairing.

(f) All backflow prevention devices shall be tested at least once annually and as often as required by the department where successive tests indicate repeated failure. Repairs, replacement of parts, or any other maintenance shall be made whenever deemed necessary by the department and at the expense of the consumer. The annual test shall be the responsibility of the consumer and shall be made in accordance with methods approved by the department. Upon request by the department, the consumer shall present an affidavit certifying that there are no crossconnections of the type prohibited under this rule on the premises or describing in detail all nonconforming connections or installations.

(g) Records of tests, repairs, parts, and inspections shall be made on forms prescribed by the department and furnished to the department. Failure

of the consumer to properly test and submit the records may, at the option of the department, result in termination of service or the department making the tests, repairing and replacing any equipment, and charging the cost to the consumer.

(h) When a backflow prevention assembly fails in service, the consumer shall notify the department. Repairs are the responsibility of the consumer. A certified general tester shall perform the testing. Backflow prevention assembly test forms shall be completed and sent to the department for confirmation that the device has been properly repaired and functions as required. Inspection and approval by the department shall be conducted before the device is put back into operation.

(i) When the department encounters water uses that represent a clear and immediate hazard to the department's water supply that cannot be immediately abated, the department shall terminate water service at the premises immediately. Written notice shall be given to the consumer after water service termination.

(j) For other situations requiring backflow protection where there is not apparent and immediate hazard to the water supply, the department may terminate water service to a consumer's premises after proper notification has been sent.

(k) Conditions relative to the installation and maintenance of cross-connection control and backflow prevention referred to in this section shall be subject to change to meet changing requirements of federal, state, and county laws, ordinances, and rules. [Eff JUN 2.5~2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-19 Interruption of water supply. (a)

While the department shall exercise reasonable diligence and care to deliver an adequate supply of potable water under reasonable pressure, the department shall not be financially liable for any direct or consequential damages resulting from water

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supply interruption, shortage, insufficiency of supply, inadequate or excessive water pressure, leakage on the consumer's premises, or temporary colored and turbid water quality conditions caused by emergency repair of water mains. The department further disclaims all warranties, expressed or implied, and reserves the right to shut off water mains for repairs, extensions, or alterations, and to terminate water service as provided herein for conservation measures, during emergency conditions, and for other reasons deemed by the department to be necessary and proper without notice.

(b) The department may shut off water from the mains without notice for making repairs, extensions, alterations, or for other reason. Consumers depending upon a continuous supply of water shall provide for their own emergency water storage and any check valves or other devices necessary for the protection of plumbing or fixtures against failure of the pressure or supply of water in the department's mains. Repairs or improvements shall be completed as rapidly as practicable. [Eff [Multi HHC Act §222] (Imp: HHC Act §221]

§10-4.1-20 Meter disconnection or reconnection fees.

(a) The department shall charge a fee equal to one hour of labor and overhead costs to those consumers requesting disconnection or reconnection of a water meter when not related to an account delinquency. The department shall apply such charges to the consumer's account.

(b) Upon request and payment of a turn off fee the department shall turn off the water at the meter during regular business hours. Upon request and payment of a turn on fee, the department shall turn on the water at the meter during regular business hours. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221) §10-4.1-21 Change in service administration fee.
(a) The department shall levy a charge when a change in service status requires administrative action or a special meter reading by department personnel.

(b) When a change in account status requires a special water meter reading by the department a fee equal to one hour of labor and costs shall be charged to the consumer. When a change in account status does not require a special water meter reading by the department the standard change of owner fee shall be charged to the consumer. [Eff $JUN \ 25 \ 2021$] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-22 Department fire hydrants and fire protection. (a) Any use of a fire hydrant, fire protection reservoir, or the taking of water from one for purposes other than fire protection by persons other than authorized employees of the fire department or of the department is prohibited without a written permit from the department. The fire department shall have the prior right to use any hydrant at any time and shall have the authority to remove peremptorily, if necessary in case of emergency, any connection approved by the department. The fire department shall notify the department when use of water during nonfire events, including training, is contemplated. Hydrant main line valves shall not be used to control flows. The fire department shall coordinate with the department during a fire emergency to prevent damage to the water system.

(b) The department may provide water to a governmental entity provided the governmental entity first submits a written hydrant permit application and agrees to all the terms and conditions contained therein including but not limited to notifying the department when any use of water is contemplated, paying a security deposit for a meter assembly and backflow prevention device and utilizing the meter assembly and backflow prevention device. Any failure of the permittee to properly utilize the meter

assembly to record water taken through the fire hydrant shall constitute a violation of the hydrant permit and shall immediately terminate the hydrant permit and the permittee's right to draw water. Hydrant permits shall not be issued for a period longer than six months. Renewal shall be allowed on a case by case basis.

(c) Any damage to fire hydrants, and any consequent resulting loss or damage to property, or any injury to persons arising from or out of the damage to fire hydrants shall be paid for by the person or legal entity responsible for the damage. All repairs for any damage to fire hydrants shall be paid by the person or entity responsible for the damage.

(d) Any persons or entities, or both, found to have used, obstructed, or tampered with a department fire hydrant without the express written consent of department shall be assessed fees and charges including the estimated amount of the water taken, water discharged by the department to clear the mains, labor and materials, and administrative costs. Each invoice not paid within ten calendar days of date thereon will accrue a late charge equal to five per cent of the unpaid balance at the time it becomes delinquent and an additional five per cent for each month delinquent thereafter.

(e) The department shall, if it approves the request for a change in location of a hydrant, change such location; provided, that all labor, material, equipment, and all other costs and charges are paid in advance by the consumer. [Eff JUN 252021] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-23 Water spigots. (a) The department may provide water spigots connected to public water systems. The water spigot shall be labeled with the appropriate public water system number as issued by the department of health. Each water spigot, and water spigot area, shall be maintained by the

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department in a manner suitable for lessee access to potable water.

(b) Each spigot shall be metered and the commission shall set the maximum amount that may be drawn from each spigot during a single billing cycle.

(c) The department shall manage access to the spigot by reasonable means.

(d) The department may restrict spigot use during time of water restrictions.

(e) The department guarantees potable water only to the point of withdrawal from the public water system. [Eff] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-24 Consumer's sale of water. Subject to civil or criminal prosecution or both, unless specifically agreed upon by the commission, the consumer shall not sell any water received or purchased from the department. [Eff JUN 2 5 2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-25 Electrical grounding. (a)

Protective grounding of alternating current secondary distribution circuits made to the water system shall conform in all details with the national electrical code of the national board of fire underwriters and with the county building code where the water system is located.

(b) The department shall not be responsible for any damage or injury caused by any electrical grounding.

(c) No grounding of direct current to any portion of the water system shall be permitted.

(d) No grounding other than as provided in this section shall be made to any portion of the water system without the department's written approval.

(e) The department shall not be responsible for the maintaining of a continuous metallic water piping
system and reserves the right, without liability to public utility electric companies, electric consumers, or any other agency, consumer, or individual, to create a physical break in its service laterals and mains, or to incorporate non-metallic pipes and appurtenances in its system and to make joints of any materials, without regard to their efficiency as conductors of electricity and without giving notice. [Eff JUN 2 5 2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-26 Unscheduled meter replacement. If a consumer requests a meter replacement prior to the scheduled routine replacement, the consumer will be billed for the service call plus the current cost of the meter. As is the case with all new meters, upon installation the meter becomes the property of the department. [Eff JUN 2 5 2021] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

\$10-4.1-27 Compensation. Employees of the department are strictly forbidden to demand or accept personal compensation for services rendered. [Eff _____]2 5 2021 [Auth: HHC Act \$222) (Imp: HHC Act \$221)2 5 2021

\$\$10-4.1-28 to 10-4.1-30 (Reserved)

SUBCHAPTER 2

HAWAIIAN HOME LANDS PUBLIC WATER SYSTEMS

13398

\$10-4.1-31 Water service rates. (a) The department shall conduct a cost of service study annually, based upon enterprise accounting, and a water service rates analysis at least every three years.

(b) Water service rates for each department owned public water system shall be established by the commission and attached to this chapter. Effective July 1, 2019, once each fiscal year the commission may adjust base water service charges by no more than ten per cent per thousand gallons of water delivered. Effective upon approval by the commission, water service rates are set as follows:

- (1) The table entitled, "Hoolehua Water System Service Rates Approved on April 17, 2018", dated April 17, 2018, attached as Exhibit "A" at the end of this chapter and made part of this chapter.
- (2) The table entitled, "Kawaihae Water System Service Rates Approved on May 14, 2018", dated May 14, 2018, attached as Exhibit "B" at the end of this chapter and made part of this chapter.
- (3) The table entitled, "Anahola Water System Service Rates Approved on August 21, 2018", dated August 21, 2018, attached as Exhibit "C" at the end of this chapter and made part of this chapter. [Eff JUN 2 5 2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-32 Meter reading and rendering of bills.

(a) Meter readings and billings shall be on at least a bi-monthly basis, except for closing of accounts for special conditions with the approval of the department.

(b) Closing bills for a period shorter than the regular billing period shall be determined by the sum of the charges per water meter reading and prorating of the monthly service charge. If a meter cannot be read, an estimated bill shall be rendered following

acceptable practices using the reading, where available, of the same time the previous year.

(c) Bills for metered water service shall be on a per meter basis. If the consumer has more than one metered installation on the premises, each meter shall be billed separately. [Eff $JUN \ 25 \ 2021$] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-33 Conservation and emergency measures. (a) Whenever, in the department's opinion, special conservation measures are advisable to forestall water shortage or an emergency, the department may restrict the use of water by any means or method of control. The department shall also have the right to limit the quantity of water taken from any of its facilities. In determining the priorities in restricting the use of water, the health and safety of the public shall be given first consideration over other uses.

(b) When the department's water supply usage exceeds the rate of resupply, the commission may declare a water shortage or emergency and further restrict the use of water by any means or method of control.

(c) The department shall notify consumers of emergency conditions by written communication through mailing, electronic posting, or the newspaper, or combination thereof. [Eff $JUN \ 25 \ 2021$] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

\$\$10-4.1-34 to 10-4.1-40 (Reserved)

SUBCHAPTER 3

PUUKAPU NON-POTABLE WATER SYSTEM

4.1-27

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\$10-4.1-41 General conditions. (a) The water supplied by the Puukapu non-potable water system is intended to be used only for pastoral uses consistent with pastoral leases. Consumers may not use water for any other purpose except with the express written consent of the department. The department makes no guarantee, warranty, or representation, expressed or implied, as to the quality, quantity, flow rate, condition, or fitness of the water supplied for any use or purpose.

(b) The department shall deliver water to the lot of each consumer at the ground elevation and at the outlet site as the department may establish upon each consumer's land convenient with the operation of the department's irrigation system, and it shall be the responsibility of each consumer to provide for the distribution of water upon the consumer's lot by the consumer's own method. [Eff 25202] (Auth: HHC Act §222) (Imp: HHC Act §221)

§10-4.1-42 Monthly maintenance fee. (a) The lease shall provide service conditions and for the assessment of the monthly maintenance fee set as follows: the table entitled, "Puukapu Maintenance Fee" Approved on May 19, 2014 and Extended on May 15, 2018", dated May 15, 2018, attached as Exhibit "D" at the end of this chapter and made part of this chapter. [Eff JUN 2.5 2021] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-43 Conservation measures and emergency conditions. (a) Whenever, in the department's opinion, special conservation measures are deemed necessary to forestall a water shortage and a consequent emergency, the department may restrict or ration the use of water by any method or means of control. Livestock watering consumers may be required to install an automatic water flow control device to

4.1-28

prevent waste or continued overflow from livestock drinking troughs. Each device shall be approved by the department prior to installation and shall be tested periodically to determine its functionality.

(b) The department reserves the right in times of declared emergency to allow the use of water for emergency purposes. Charges for the water used shall be established by the commission based on the nature of the emergency and attendant circumstances.

(c) During periods of special conservation measures, the department shall develop notices and criteria for the manner in which water will be delivered, restricted, and allocated for the duration for the emergency. Violations of the restrictions or allocations may result in the discontinuance of service, additional water toll surcharges, or the removal of the water connection.

(d) Upon declaration of emergency conditions and implementation of mandatory conservation measures (i.e., ten per cent, twenty per cent, or thirty per cent cutbacks), consumers exceeding the level of mandatory cutback shall be assessed a surcharge as established by the commission. [Eff JUN 2 5 202]] (Auth: HHC Act §222) (Imp: HHC Act §221)

\$10-4.1-44 Unauthorized drawing of water. (a) No person or entity shall be permitted to draw water from any part of the system without the written consent of the department. No approval shall be granted in cases where, in the opinion of the department, the drawing of water may adversely affect the water service extended by the department to lessees.

(b) Approvals given by the department under this section are subject to revocation upon thirty days written notice. [Eff $JUN \ 2\ 5\ 202!$] (Auth: HHC Act \$222) (Imp: HHC Act \$221)

4.1-29

Exhibit "A" April 17, 2018

> HOOLEHUA WATER SYSTEM SERVICE RATES APPROVED ON APRIL 17, 2018

Lessee Service Rates:

Lessee water service delivery (usage) tiers:

	Gallons Bi-Monthly
Tier 1	0 - 10,000
Tier 2	10,001 - 25,000
Tier 3	Over 25,000

Residential lessee meter service (base) fees:

Meter size (inches) Bi-Monthly	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
5/8"	\$6.21	\$6.82	\$7.43	\$8.04	\$8.65	\$9.26	\$9.87	\$10.48	\$11.09	\$11.70
3/4"	\$7.76	\$8.53	\$9.29	\$10.05	\$10.82	\$11.58	\$12.34	\$13.10	\$13.87	\$14.63
1"	\$12.75	\$14.01	\$15.26	\$16.51	\$17.77	\$19.02	\$20.27	\$21.53	\$22.78	\$24.04
1 1/2"	\$24.40	\$26.80	\$29.19	\$31.59	\$33.99	\$36.39	\$38.79	\$41.18	\$43.58	\$45.98
2"	\$33.27	\$36.54	\$39.81	\$43.08	\$46.35	\$49.62	\$52.89	\$56.16	\$59.43	\$62.70
3"	\$66.54	\$73.08	\$79.62	\$86.16	\$92.70	\$99.24	\$105.78	\$112.32	\$118.86	\$125.40
4"	\$121.99	\$133.98	\$145.97	\$157.96	\$169.95	\$181.94	\$193.93	\$205.92	\$217.91	\$229.90
6"	\$216.26	\$237.51	\$258.77	\$280.02	\$301.28	\$322.53	\$343.79	\$365.04	\$386.30	\$407.55
8"	\$332.70	\$365.40	\$398.10	\$430.80	\$463.50	\$496.20	\$528.90	\$561.60	\$594.30	\$627.00

Residential lessee water service delivery (usage) fees:

Per 1,000 gallons	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
Tier 1	\$1.53	\$1.65	\$1.76	\$1.8 7	\$1.99	\$2.10	\$2.22	\$2.33	\$2.44	\$2.56
Tier 2	\$2.06	\$2.22	\$2.37	\$2.52	\$2.67	\$2.83	\$2.98	\$3.13	\$3.29	\$3.44
Tier 3	\$2.43	\$2.61	\$2.79	\$2.97	\$3.15	\$3.33	\$3.51	\$3.69	\$3.87	\$4.05

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Meter size (inches) Bi-Monthly	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
5/8"	\$6.21	\$6.82	\$7.43	\$8.04	\$8.65	\$9.26	\$9.87	\$10.48	\$11.09	\$11.70
3/4"	\$7.76	\$8.53	\$9.29	\$10.05	\$10.82	\$11.58	\$12.34	\$13.10	\$13.87	\$14.63
1"	\$12.75	\$14.01	\$15.26	\$16.51	\$17.77	\$19.02	\$20.27	\$21.53	\$22.78	\$24.04
1 1/2"	\$24.40	\$26.80	\$29.19	\$31.59	\$33.99	\$36.39	\$38.79	\$41.18	\$43.58	\$45.98
2"	\$33.27	\$36.54	\$39.81	\$43.08	\$46.35	\$49.62	\$52.89	\$56.16	\$59.43	\$62.70
3"	\$66.54	\$73.08	\$79.62	\$86.16	\$92.70	\$99.24	\$105.78	\$112.32	\$118.86	\$125.40
4"	\$121.99	\$133.98	\$145.97	\$157.96	\$169.95	\$181.94	\$193.93	\$205.92	\$217.91	\$229.90
6"	\$216.26	\$237.51	\$258.77	\$280.02	\$301.28	\$322.53	\$343.79	\$365.04	\$386.30	\$407.55
8"	\$332.70	\$365.40	\$398.10	\$430.80	\$463.50	\$496.20	\$528.90	\$561.60	\$594.30	\$627.00

Agriculture lessee meter service (base) fees:

Agriculture lessee water service delivery (usage) fees:

Per 1,000 gallons	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
Tier 1	\$1.53	\$1.65	\$1.76	\$1.87	\$1.99	\$2.10	\$2.22	\$2.33	\$2.44	\$2.56
Tier 2	\$2.06	\$2.22	\$2.37	\$2.52	\$2.67	\$2.83	\$2.98	\$3.13	\$3.29	\$3.44
Tier 3	\$0.82	\$0.88	\$0.94	\$1.00	\$1.06	\$1.12	\$1.19	\$1.25	\$1.31	\$1.37

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Exhibit "A" April 17, 2018

Non-Beneficiary Service Rates:

Non-Beneficiary water service delivery (usage) tiers:

	Gallons Bi-Monthly
Tier 1	0 - 10,000
Tier 2	10,001 - 30,000
Tier 3	Over 30,000

Non-Beneficiary commercial / non-agriculture meter service (base) fees:

Meter size (inches) Bi-Monthly	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
5/8"	\$40.35	\$50.70	\$61.05	\$71.40	\$81.75	\$92.10	\$102.45	\$112.80	\$123.15	\$133.50
3/4"	\$59.18	\$74.36	\$89.54	\$104.72	\$119.90	\$135.08	\$150.26	\$165.44	\$180.62	\$195.80
1"	\$94.15	\$118.30	\$142.45	\$166.60	\$190.75	\$214.90	\$239.05	\$263.20	\$287.35	\$311.50
1 1/2"	\$182.92	\$229.84	\$276.76	\$323.68	\$370.60	\$417.52	\$464.44	\$511.36	\$558.28	\$605.20
2"	\$282.45	\$354.90	\$427.35	\$499.80	\$572.25	\$644.70	\$717.15	\$789.60	\$862.05	\$934.50
3"	\$524.55	\$659.10	\$793.65	\$928.20	\$1,062.75	\$1,197.30	\$1,331.85	\$1,466.40	\$1,600.95	\$1,735.50
4"	\$860.80	\$1,081.60	\$1,302.40	\$1,523.20	\$1,744.00	\$1,964.80	\$2,185.60	\$2,406.40	\$2,627.20	\$2,848.00
6"	\$1,708.15	\$2,146.30	\$2,584.45	\$3,022.60	\$3,460.75	\$3,898.90	\$4,337.05	\$4,775.20	\$5,213.35	\$5,651.50
8"	\$2,690.00	\$3,380.00	\$4,070.00	\$4,760.00	\$5,450.00	\$6,140.00	\$6,830.00	\$7,520.00	\$8,210.00	\$8,900.00

Non-Beneficiary commercial / non-agriculture water service delivery (usage) fees:

Per 1,000 gallons	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
Tier 1	\$2.21	\$2.63	\$3.04	\$3.46	\$3.87	\$4.28	\$4.70	\$5.11	\$5.53	\$5.94
Tier 2	\$4.12	\$4.89	\$5.66	\$6.43	\$7.20	\$7.97	\$8.74	\$9.51	\$10.28	\$11.06
Tier 3	\$6.09	\$7.23	\$8.37	\$9.50	\$10.64	\$11.78	\$12.92	\$14.06	\$15.20	\$16.34

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Meter size (inches) Bi-Monthly	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
5/8"	\$40.35	\$50.70	\$61.05	\$71.40	\$81.75	\$92.10	\$102.45	\$112.80	\$123.15	\$133.50
3/4"	\$59.18	\$74.36	\$89.54	\$104.72	\$119.90	\$135.08	\$150.26	\$165.44	\$180.62	\$195.80
1"	\$94.15	\$118.30	\$142.45	\$166.60	\$190.75	\$214.90	\$239.05	\$263.20	\$287.35	\$311.50
1 1/2"	\$182.92	\$229.84	\$276.76	\$323.68	\$370.60	\$417.52	\$464.44	\$511.36	\$558.28	\$605.20
2"	\$282.45	\$354.90	\$427.35	\$499.80	\$572.25	\$644.70	\$717.15	\$789.60	\$862.05	\$934.50
3"	\$524.55	\$659.10	\$793.65	\$928.20	\$1,062.75	\$1,197.30	\$1,331.85	\$1,466.40	\$1,600.95	\$1,735.50
4"	\$860.80	\$1,081.60	\$1,302.40	\$1,523.20	\$1,744.00	\$1,964.80	\$2,185.60	\$2,406.40	\$2,627.20	\$2,848.00
6"	\$1,708.15	\$2,146.30	\$2,584.45	\$3,022.60	\$3,460.75	\$3,898.90	\$4,337.05	\$4,775.20	\$5,213.35	\$5,651.50
8"	\$2,690.00	\$3,380.00	\$4,070.00	\$4,760.00	\$5,450.00	\$6,140.00	\$6,830.00	\$7,520.00	\$8,210.00	\$8,900.00

Non-Beneficiary commercial / agriculture meter service (base) fees:

Non-Beneficiary commercial / agriculture water service delivery (usage) fees:

Per 1,000 gallons	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
Tier 1	\$2.21	\$2.63	\$3.04	\$3.46	\$3.87	\$4.28	\$4.70	\$5.11	\$5.53	\$5.94
Tier 2	\$4.12	\$4.89	\$5.66	\$6.43	\$7.20	\$7.97	\$8.74	\$9.51	\$10.28	\$11.06
Tier 3	\$6.09	\$7.23	\$8.37	\$9.50	\$10.64	\$11.78	\$12.92	\$14.06	\$15.20	\$16.34

(END Exhibit "A")

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Exhibit "B" May 15, 2018

KAWAIHAE WATER SYSTEM SERVICE RATES APPROVED ON MAY 15, 2018

Residential Lessee Service Rates:

Residential lessee meter service (base) fees:

Meter size (inches) Bi-Monthly	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
5/8"	\$49.07	\$63.37	\$77.70	\$92.06	\$106.46	\$120.90	\$135.37	\$149.88	\$164.42	\$179.01

Residential lessee service delivery (usage) tiers:

	Gallons Bi-Monthly
Tier 1	0 - 10,000
Tier 2	10,001 - 30,000
Tier 3	30,001 - 80,000
Tier 4	Over 80,000

Residential lessee service delivery (usage) fees:

Per 1,000 gallons	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 2 7	FY 28
Tier 1	\$3.67	\$4.73	\$5.81	\$6.88	\$7.95	\$9.03	\$10.11	\$11.20	\$12.28	\$13.37
Tier 2	\$4.92	\$6.35	\$7.79	\$9.23	\$10.68	\$12.12	\$13.58	\$15.03	\$16.49	\$17.95
Tier 3	\$6.89	\$8.90	\$10.92	\$12.94	\$14.96	\$16.99	\$19.02	\$21.06	\$23.10	\$25.15
Tier 4	\$8.30	\$10.73	\$13.15	\$15.58	\$18.02	\$20.46	\$22.91	\$25.37	\$27.83	\$30.30

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Exhibit "B" May 15, 2018

Kailapa Community Association Service Rates:

Kailapa Community Association meter service (base) fees:

Meter size (inches)	EX 10	ET Z AO								
Bi-Monthly	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
5/8"	\$49.07	\$63.37	\$77.70	\$92.06	\$106.46	\$120.90	\$135.37	\$149.88	\$164.42	\$179.01

Kailapa Community Association water service delivery (usage) tier:

	Gallons
	Bi-Monthly
Tier 1	9,999,999

Kailapa Community Association water service delivery (usage) fees:

Per 1,000										
gallons	FY 19	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28
Tier 1	\$11.41	\$14.73	\$18.06	\$21.40	\$24.75	\$28.11	\$31.47	\$34.84	\$38.22	\$41.61

(END Exhibit "B")

ANAHOLA WATER SYSTEM SERVICE RATES APPROVED ON AUGUST 21, 2018

Residential Lessee Service Rates:

Residential lessee meter service (base) fees:

Meter size (inches)	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	FY 29
5/8"	\$28.08	\$32.16	\$36.24	\$40.32	\$44.40	\$48.48	\$52.56	\$56.64	\$60.72	\$64.80
3/4"	\$37.44	\$42.88	\$48.32	\$53.76	\$59.20	\$64.64	\$70.08	\$75.52	\$80.96	\$86.40
. 1"	\$58.50	\$67.00	\$75.50	\$84.00	\$92.50	\$101.00	\$109.50	\$118.00	\$126.50	\$135.00
1 1/2"	\$105.30	\$120.60	\$135.90	\$151.20	\$166.50	\$181.80	\$197.10	\$212.40	\$227.70	\$243.00
2"	\$175.50	\$201.00	\$226.50	\$252.00	\$277.50	\$303.00	\$328.50	\$354.00	\$379.50	\$405.00
4"	\$514.80	\$589.60	\$664.40	\$739.20	\$814.00	\$888.80	\$963.60	\$1,038.40	\$1,113.20	\$1,188.00

Residential lessee water service delivery (usage) tiers:

	TIER 1	TIER 2	TIER 3
METER	Gallons	Gallons	Gallons
SIZE	Bi-monthly	Bi-monthly	Bi-monthly
5/8"	0 - 20,000	20,001 - 40,000	> 40,000
3/4"	0 - 70,000	70,001 -	> 140,000
		140,000	
1"	0 - 200,000	200,001 -	> 400,000
		400,000	
1 1/2"	0-600,000	600,001 -	> 1,200,000
		1,200,000	
2"	0-1,200,000	1,200,001 -	> 2,400,000
		2,400,000	
4"	0-6,000,000	6,000,001 -	> 12,000,000
		12,000,000	

Residential lessee water service delivery (usage) fees:

Per 1,000 gallons	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	FY 29
Tier 1	\$3.23	\$3.70	\$4.17	\$4.64	\$5.11	\$5.58	\$6.04	\$6.51	\$6.98	\$7.45
Tier 2	\$3.74	\$4.29	\$4.83	\$5.38	\$5.92	\$6.46	\$7.01	\$7.55	\$8.10	\$8.64
Tier 3	\$5.27	\$6.03	\$6.80	\$7.56	\$8.33	\$9.09	\$9.86	\$10.62	\$11.39	\$12.15

(CONTINUED)

Agricultural Lessee Service Rates:

Meter size										
(inches)	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	FY 29
5/8"	\$28.08	\$32.16	\$36.24	\$40.32	\$44.40	\$48.48	\$52.56	\$56.64	\$60.72	\$64.80
3/4"	\$37.44	\$42.88	\$48.32	\$53.76	\$59.20	\$64.64	\$70.08	\$75.52	\$80.96	\$86.40
1"	\$58.50	\$67.00	\$75.50	\$84.00	\$92.50	\$101.00	\$109.50	\$118.00	\$126.50	\$135.00
1 1/2"	\$105.30	\$120.60	\$135.90	\$151.20	\$166.50	\$181.80	\$197.10	\$212.40	\$227.70	\$243.00
2"	\$175.50	\$201.00	\$226.50	\$252.00	\$277.50	\$303.00	\$328.50	\$354.00	\$379.50	\$405.00
4"	\$514.80	\$589.60	\$664.40	\$739.20	\$814.00	\$888.80	\$963.60	\$1,038.40	\$1,113.20	\$1,188.00

Agricultural lessee meter service (base) fees:

Agricultural lessee water service delivery (usage) tiers:

		TIER 1	TIER 2
METER SIZE	# of structures	Gallons	Gallons
		Bi-monthly	Bi-monthly
5/8"	N/A	0-25,000	> 25,000
3/4"	1	0-25,000	> 25,000
3/4"	2	0-50,000	> 50,000
1 1/2"	1	0-25,000	> 25,000
1 1/2"	2	0 - 50,000	> 50,000
2"	1	0 - 25,000	> 25,000
2"	2	0 - 50,000	> 50,000

Agricultural lessee water service delivery (usage) fees:

Per 1,000 gallons	FY 20	FY 21	FY 22	FY 23	FY 24	FY 25	FY 26	FY 27	FY 28	FY 29
Tier 1	\$3.23	\$3.70	\$4.17	\$4.64	\$5.11	\$5.58	\$6.04	\$6.51	\$6.98	\$7.45
Tier 2	\$0.82	\$0.94	\$1.06	\$1.18	\$1.30	\$1.41	\$1.53	\$1.65	\$1.77	

(END Exhibit "C")

4.1-37

13398 EAL

Exhibit "D" May 15, 2018

PUUKAPU MAINTENANCE FEE

APPROVED ON MAY 19, 2014 AND EXTENDED ON MAY 15, 2018

COST COMPONENT	RATE PER MONTH
• Standby Charge: 4-Inch Master Meter \$255.00 month. \$255.00/184 lots = \$1.39 per lot	per \$ 1.39
• Flat Rate Water Charge	\$ 18.00
• Electricity Charge (\$1,692/40 users)	\$ 42.30
 Operations and Maintenance (10,761/184 users 	\$ 58.48
 Potable Water via Spigot (600 gpd/40 users) 	\$ 2.24
TOTAL	\$122.41

One-time equipment and installation costs:

EQUIPMENT/INSTALLATION	COST
5/8" Meter	\$114.00
Backflow Preventer	\$675.00
TOTAL	\$789.00

(END Exhibit "D")

DEPARTMENT OF HAWAIIAN HOME LANDS

Chapter 10-4.1, Hawaii Administrative Rules, on Summary Page dated [], following public hearings held on November 18, 19, and 20, 2020, after notice was given on October 19, 2020 in the Honolulu Advertiser, The Maui News, West Hawaii Today, Hawaii Tribune-Herald, and The Garden Island.

The adoption of chapter 10-4.1 shall take effect ten days after filing with the Office of the Lieutenant Governor.

WILLIAM J. ÁILA, JR., Chairman Hawaiian Homes Commission

APPROVED:

IGE, DAVID Y. ⁄Gove State of Hawaii

Dated: 6/15/21

APPROVED AS TO FORM:

LIEUTENANT GOVERNOR S DEFICE

P2:39

JIN 15

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Deputy Attorney General

Filed

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HAWAIIAN HOMES COMMISSION DECEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY

H – ITEMS ADMINISTRATIVE SERVICES OFFICE

STATE OF HAWAII

DEPARTMENT OF HAWAIIAN HOME LANDS

December 20, 2021

TO: Chairman and Members, Hawaiian Homes Commission

FROM: Rodney K. M. Lau, Administrative Services Officer

SUBJECT: Transfer of Hawaiian Home Receipts Money at the End Of the Second Quarter, FY 2022

RECOMMENDED MOTION/ACTION

That the Commission approve the transfer of the entire receipts deposited in the Hawaiian Home Receipts Fund as of December 31, 2021 to the Hawaiian Home General Loan Fund.

DISCUSSION

Section 213 (g) of the Hawaiian Homes Commission Act, 1920, as amended, reads in part as follows:

"(3) Hawaiian home receipts fund. All interest moneys from loans or investments received by the department from any fund except as provided for in each respective fund, shall be deposited into this fund. At the end of each quarter, all moneys in this fund may be transferred to the Hawaiian home operating fund, the Hawaiian home administration account, the Hawaiian home trust fund, and any loan fund in accordance with rules adopted by the department."

Section 10-3-52(b) of Title 10, DHHL Administrative rules, provides that:

"If the Commission fails to approve a plan for transfer, all moneys in the Hawaiian home receipts fund shall be transferred at the end of that respective quarter as follows:

- (1) Nine per cent to the operating fund; and
- (2) Ninety-one per cent to the general loan fund."

As of December 31, 2021, the estimated balance in the Hawaiian Home Receipts Fund will be approximately \$1,100,000. Based on

the on-going loan requirements for fiscal year 2022, it is recommended that cash receipts in the Hawaiian Home Receipts Fund for the quarter ending December 31, 2021 be transferred to the Hawaiian Home General Loan Fund.

HAWAIIAN HOMES COMMISSION DECEMBER 20 & 21, 2021 INTERACTIVE CONFERENCE TECHNOLOGY

J – ITEMS REQUESTS TO ADDRESS THE

COMMISSION

STATE OF HAWAI'I DEPARTMENT OF HAWAIIAN HOME LANDS HAWAIIAN HOMES COMMISSION MEETING/WORKSHOP Tuesday, December 21, 2021

JAGENDA INDEX

- J-1 Kaui Almeida Pana'ewa Hawaiian Home Lands Community Association
- J-2 Kekoa Enomoto Kēōkea/Waiohuli Cultural Management Plan
- J-3 Rufina Kaauwai Ho'olehua Successorship Concern
- J-4 Donna Sterling Kahikinui
- J-5 Allen Cardines Nānākuli Neighborhood Security Watch
- J-6 Leila Kealoha Maku'u Farmers Association
- J-7 Naomi Mitchell -Kalaeloa
- J-8 Blossom Feiteira Various Concerns
- J-9 Al Hee Sandwich Isles Communication



From:	dhhl.icro1@hawaii.gov
Sent:	Tuesday, November 23, 2021 12:30 PM
То:	Burrows-Nuuanu, Leatrice W
Subject:	New submission from Submit J-Agenda Testimony

Name

Kauilani Almeida

Email

kumukauilani@gmail.com

Message

I am the President of the Panaewa Hawaiian Home Lands Community Association (PHHLCA) requesting placement on Agenda item J at the December 2021 Commission meeting. Our homestead election's of our Officers and Directors 2022 - 24 ((3 year term) at our annual General Membership meeting will be held on Thursday, December 16, 2021. We will also provide a brief summary of how our homestead handled the COVID pandemic, pipi project with Kualii Camara, and Kamoleao. how do we submit paperwork to Commission for their perusal before December Commission meeting.



From:	Kekoa <kenomoto1@hawaii.rr.com></kenomoto1@hawaii.rr.com>
Sent:	Monday, November 29, 2021 6:32 PM
То:	Burrows-Nuuanu, Leatrice W
Cc:	Matsunaga, Stewart T
Subject:	[EXTERNAL] RSVP for J Agenda at Hawaiian Homes Commission meeting 12/20 or 12/21/21

Aloha mai e Leah,

Ke `olu`olu, may I reserve to advocate on the J Agenda at the Hawaiian Homes Commission meeting 12/20 or 12/21/21 re: Keokea/Waiohuli cultural-preserves management plans.

Mahalo nui,

- `Anake Kekoa Enomoto
- cell/text (808) 276-2713

On Nov 9, 2021, at 5:48 PM, Burrows-Nuuanu, Leatrice W wrote:



From:	dhhl.icro1@hawaii.gov
Sent:	Thursday, December 02, 2021 2:58 PM
То:	Burrows-Nuuanu, Leatrice W
Subject:	New submission from Submit J-Agenda Testimony

Name

Rufina Kaauwai

Email

myrosebudscreations@gmail.com

Message

Need to address the committee about the situation of my late mom's (Fannie Agliam) homestead transfer.



Burrows-Nuuanu, Leatrice W

From:	donna sterling <dhelekunihi44@protonmail.com></dhelekunihi44@protonmail.com>
Sent:	Wednesday, December 01, 2021 12:01 PM
То:	Burrows-Nuuanu, Leatrice W
Subject:	[EXTERNAL] J agenda December 21, 2021

Aloha Leah

Please add my name to address Commissioners on Tuesday December 21, 2021 on the J agenda.

Mahalo nui

Donna Sterling Kahikinui updates

Sent from ProtonMail for iOS



From:	acardinesjr@gmail.com
Sent:	Monday, December 06, 2021 11:45 AM
То:	Burrows-Nuuanu, Leatrice W
Subject:	[EXTERNAL] RE: New submission from Submit J-Agenda Testimony

From: dhhl.icro1@hawaii.gov Sent: Monday, December 06, 2021 10:43 AM To: Burrows-Nuuanu, Leatrice W leatrice.w.burrows-nuuanu@hawaii.gov Subject: New submission from Submit J-Agenda Testimony

Name	
Allen Cardines	
Email	
acardinesjr@gmail.com	
Message	
Nanakuli Neighborhood Security Watch Update	

1

From:	dhhl.icro1@hawaii.gov
Sent:	Tuesday, December 07, 2021 9:55 AM
То:	Burrows-Nuuanu, Leatrice W
Subject:	New submission from Submit J-Agenda Testimony

Name

Leila Kealoha

Email

makuufarmersassociation@gmail.com

Message

The Maku'u Farmers Hawaiian Homestead Association (MFHHA) is seeking the attention and support of the Department of Hawaiian Homelands (DHHL). MFHHA works towards the betterment of our community and helping our homestead lessees feel protected and supported.

According to the Hawaiian Homes Commission Act of 1920:

[§201.6.] Community based governance on Hawaiian home lands. [Text of section subject to consent of Congress.] It is the policy of the State to support participation in governance by promoting the empowerment of democratically-elected Hawaiian homestead community self-governance organizations.

In furtherance of this policy, and with the consent of the Congress of the United States, the State may delegate to a democratically-elected organization representing a Hawaiian homestead community or communities the authorities delegated to the State by the United States relating to the administration of the Hawaiian Homes Commission Act, 1920, as amended. The commission may establish a working relationship with a democratically-elected Hawaiian homestead community self-governance organization to promote community welfare. The selection of authorities to be delegated shall be left to the Hawaiian homestead community and whether a Hawaiian homestead community organization is eligible for delegation. Criteria for eligibility shall include but not be limited to the following:

(1) The organization and its leadership is a bona fide representative body of native Hawaiian residents, homestead lessees, qualified successors residing within the homestead community, and native Hawaiians who have designated that homestead community as their primary choice of residence with the department of Hawaiian home lands and who are awaiting an award of a lease under this Act;

(2) The organization is governed by free and fair elections; and

(3) The organization demonstrates sufficient capacity to implement the authorities that are delegated.

The commission may contract with and delegate authority to a Hawaiian homestead community self-governance organization to perform governmental services for the homestead community represented by that homestead organization. Any such contract shall include a requirement that the government service shall be performed at a level and quality comparable to the services that would otherwise be provided by the department of Hawaiian home lands.

The department of Hawaiian home lands may adopt rules in accordance with chapter 91, Hawaii Revised Statutes, to implement this section. [L 2001, c 302, pt of §2]

MFHHA seeks the support of DHHL in our self-governance and are requesting the DHHL to acknowledge our association. We are also requesting that DHHL recognize that the association is connected to DHHL. MFHHA is bound to the rules and regulations of DHHL and the liability is carried on by the association, yet nothing is acknowledged or covered by DHHL. We are requesting this recognition and support.

We currently have a neighborhood watch program and have been working on cleaning up our neighborhood and ensuring that it is a safe place to live, breathe and enjoy the quality of life. In order for this to occur, we need the support of DHHL in addressing numerous lessess/lots in our homesteads.

The following lesses/lots need your attention:

Harry Keawe Kamal'ii Jr., Lot# 38, TMK No. 151180070000, Address 15-2250 Kahokumaka Place. Who is the current lessee of this lot? There has been consistent traffic associated with drug use occurring on a daily basis.

Late Jolan Keahilau; successor Jewek Mae Lot #, Parcel No. 15120010000, Address 15-1146 KEKUEWA STREET. Who is the current lessee of this property? Jay and Violet are currently living there and there has been consistent traffic associated with drug use occurring on a daily basis and illegally occupying lot.

Ethan Cuba, Lloyd Cuba, and Jason Cuba, Lot # U2-33, TMK# No. 151180020000, Address 15-2310 KAHOKUMAKA PLACE. There has been consistent traffic associated with drug use occurring on a daily basis.

Karl Kunewa: Gordon Kunewa, Parcel 151210430000, Address 15-1385 KAOHUWALU DRIVE, What is the status of this parcel? Many cars are seen coming and going to this property on a daily basis confirming that his business here in Maku'u is still on going.

Kaheaokeola Street, where the cars were removed from the properties. What is the status on the Department of Health of these parcels?

Another request is that if DHHL is giving permission to agencies or organizations to do work in the neighborhood, please contact us prior to this occurring. This allows us to know if those coming in have the proper permission to be in there. We appreciate this.

Many cars are coming into the homesteads on a daily basis and we are unsure of who they are. As a neighborhood watch program, it is important to know who lives in our neighborhood. We would like to invite all of our neighbors to be a part of the neighborhood watch, yet we need to know who are the actual lessees are and/or who has permission to be residing on the property. In order for us to carry out this function, we need current mailing addresses of lessees so that we can mail them letters.

MFHHA is requesting that the DHHL update all lessees current mailing addresses to the County of Hawaii real property tax office. With this being said, association dues are required by all lessees in the homesteads. This is a requirement of all lessees by DHHL. The majority of lessees in MFHHA do not pay their dues. Currently, there are 175 lessees in our homesteads and we generally get about 30 lessees who pay their dues. How do we circumvent this issue? In the past, our association has generated association due letters for all registered lessees in our homesteads and have dropped off the letters at the DHHL East Hawaii office. We have not seen any payments come back to our association over the last 30 plus years.

MFHHA is also requesting support in providing signs for our homesteads. We would like assistance with the following signs: Maku'u Farmers Hawaiian Homestead Association

No Trespassing Violators will be prosecuted No Hunting No Dumping No Loitering

We are requesting that we get issued an official MFHHA "Homestead" sign so people know where they are entering. The police have shared that the signs will help with the prosecution of people who are entering into the homesteads and doing wrongful acts.

Lastly, our board has recently changed our officers and board of directors. The following names are the current officers and board of directors. President: Paula Kekahuna Vice-President: Shirley Pedro Secretary and Treasurer: Leila Kealoha Board of Directors: Laua'e Kekahuna, Georgette (Dottie) Kyser, Pua Fernandes, Kalae Hauanio

The Maku'u Farmers Hawaiian Homestead Association greatly appreciates you working with us and fulfilling these requests. The acknowledgement and working relationship of our association and the Department of Hawaiian Homelands working together will help us all get the job done, be able to feel safer living in our community and have open lines of communication to move forward in our future endeavors.

Me ke aloha pumehana,

Leila Kealoha

Leila Kealoha MFHHA Secretary/Treasurer (808) 937-7991

J-8

Burrows-Nuuanu, Leatrice W

From:	Blossom Feiteira <blossom96708@yahoo.com></blossom96708@yahoo.com>
Sent:	Tuesday, December 07, 2021 10:54 AM
То:	Burrows-Nuuanu, Leatrice W
Subject:	[EXTERNAL] Re: J Agenda???? Deadline is today

Aloha Lea,

Would like to request time on the Hawaiian Homes Commission agenda under item j for December 21-22, 2021.

Mahalo and Happy Holidays!!

Aloha,

Blossom

Sent from my iPhone

From: alhee@waimana.com <alhee@waimana.com>
Sent: Monday, December 6, 2021 4:22:04 PM
To: Aila Jr, William J <william.j.ailajr@hawaii.gov>; leah.burrows-nuuanu@hawaii.gov>

Subject: [EXTERNAL] request to address the HHC

Aloha Chairman Aila!

I request the opportunity to address the HHC at its December meeting to give an update to the Hawaiian Telcom – Sandwich Isles' relationship. The Bankruptcy Judge issued an order that limited what Hawaiian Telcom owns to what they purchased. Of special note, Hawaiian Telcom does not have a right to the circuit plans for the critical providers they were trying to obtain and which the HHC's attorney, Mr. Young gave a passionate plea at the hearing, for the judge to force Sandwich Isles' to give them to Hawaiian Telcom. Hawaiian Telcom had been trying to expand the items they purchased by threatening to cut off service to homesteaders.

The Bankruptcy Judge also reserved judgement on whether or not the agreement the Paniolo Trustee reached with Waimana and its affiliates regarding the use of Sandwich Isles License for access to their Central Offices they purchased in return for continued uninterrupted service to the homesteaders is part of Hawaiian Telcom's purchase. We have offered to negotiate another agreement directly with Hawaiian Telcom but have not heard back from them.

Now that things are settling and the immediate threat to continued uninterrupted service to homesteaders has subsided, I hope that DHHL will not take any further preemptive actions, like issuing the Right of Entry for the Central Offices, without notice and the opportunity to comment by the affected parties (Waimana and its affiliates and the homesteaders). That action emboldened Hawaiian Telcom to threaten to cut off service to homesteaders by end of September. These are business negotiations between Sandwich Isles and Hawaiian Telcom with continued uninterrupted service in the balance. DHHL's involvement only complicates the negotiations and violates License 372.

I hope you had a good Thanksgiving!

Mahalo, al