

STATE OF HAWAII  
HAWAII COMMUNITY DEVELOPMENT AUTHORITY  
**KALAELOA BUSINESS MEETING**

Wednesday, February 5, 2020

**MINUTES**

**I. CALL TO ORDER/ROLL CALL**

A regular business meeting of the Kalaeloa Members, Hawaii Community Development Authority (“Authority” or “Board”), a body corporate and a public instrumentality of the State of Hawaii, was called to order by, John Whalen Chair of the Authority at 10:05 a.m., February 5, 2020 at the Authority’s principal offices at 547 Queen Street in Honolulu, Hawaii, 96813.

**Members Present:** Mitchell Tynanes  
Maeda Timson  
Shirley Swinney  
David Rodriguez, DOT  
Chason Ishii  
Wei Fang, Secretary  
Robert Yu (B&F)  
John Whalen, Chair

**Members Excused:** Dept. of Hawaiian Homelands Representative  
Kathy Sokugawa, DPP

**HCDA Staff Present:** Garrett Kamemoto, Interim Executive Director and Interim Kakaako  
Planning and Development Director  
Francine Murray, Interim Compliance Assurance & Community  
Outreach Officer  
Lindsey Doi, Asset Manager  
Garet Sasaki, Administrative Services Officer  
Tommilyn Soares, HCDA Secretary

**Legal Counsel:** Max Levins, Deputy Attorney General

## **II. APPROVAL OF MINUTES**

Member Timson stated she will not be approving minutes due to not receiving a board packet.

Chair Whalen noted that packets are available online and that he would give Member Timson time to read through the meeting minutes.

Member Timson requests receiving board materials “on time and does not want to read minutes for approval during the meeting and as a volunteer does not want to use her personal paper and printer to print board materials online.” Member Timson emphasized she would like her comments, concerns and frustrations noted in these meeting minutes.

The remaining board members approved the Kalaeloa Authority meeting minutes for November 6, 2019 and January 8, 2020 as presented.

## **III. ACTION ITEMS**

**Shall the Authority Authorize the Executive Director to amend Right of Entry (ROE) Granted to the Kalaeloa Heritage and Legacy Foundation to Extend the Term of the ROE for an Additional Six Months to Negotiate Appropriate Milestones in Anticipation of the Stewardship Agreement?**

Ms. Lindsey Doi presented the report provided in the board packet. Ms. Doi explained the Kalaeloa Heritage and Legacy Foundation (KHLF) currently holds a Right of Entry (ROE) for preserving and maintaining the archaeological, cultural and natural resources in the Kalaeloa Heritage Park, which expires on May 17, 2020. This ROE is in place until a longer-term Stewardship Agreement can be negotiated.

Ms. Doi explained that HCDA and KHLF have engaged in numerous discussions over the past few months, and both sides have finally come to the mutual agreement on what the Stewardship Agreement would entail. Although KHLF previously proposed building new structures and installing utilities, KHLF is now in agreement with HCDA that the long-term Stewardship Agreement would essentially afford the same rights as the existing ROE and would not seek to add capacity.

An extension to the existing ROE for an additional six-months will allow more time to finalize and execute the Stewardship Agreement and would also allow KHLF to continue stewarding the Heritage Park to ensure historic and cultural sites do not fall into disrepair. The proposed ROE amendment would also require KHLF to complete certain milestones prior to the new ROE termination date of November 17, 2020. HCDA will not entertain further options to extend the current term of the ROE or enter into a new Stewardship Agreement unless these milestones are met. A draft of the amended ROE with the proposed milestones is included in the board packet. Approval of the long-term stewardship agreement would be brought before the Board before the ROE’s new expiration date in November 2020.

Member Fang asked if there are due dates attached to the milestones?

Ms. Doi stated, if the board would like to include due dates or additional milestones and/or comments,

Ms. Doi would include them before finalizing the documents.

Member Swinney stated that the existing ROE expires in May, and questioned why the board is being asked in February to authorize an amendment to the ROE?

Ms. Doi responded that the final ROE will take a few months to process and route for review/editing and execution; and therefore, HCDA staff is presenting the item for board approval today.

Member Yu asked what happens if the milestones are not met by the November date? He mentioned the staff report is pretty definitive in stating that an additional extension or the Stewardship Agreement would not be entertained if the milestones were not met.

Ms. Doi mentioned that the staff report was written that way in hopes of expediting the execution of the Stewardship Agreement, as it has taken longer than expected to negotiate the terms. Ms. Doi noted that she believes the milestones can all be achieved by the November date, but if an unforeseen problem arises that is out of KHLF's control, this matter could be brought back to the board prior to November.

Member Ishii asked about whether any financial stability reports are required as milestones. Ms. Doi replied that financial reporting had originally been on her list of milestones when KHLF proposed a larger Scope of Work for the proposed Stewardship Agreement. Ms. Doi noted she would have required KHLF to provide information on grants and applications to show financial capacity. However, after further discussion with KHLF, Ms. Doi noted that KHLF would no longer pursue adding structures or utilities that would require great financial expenditures. As such, these financial reports were removed from the milestones.

Member Swinney asked if the word "approvals" could be added to Milestone #8, and Ms. Doi agreed to add it into the final version. Member Swinney invited Mr. Dwight Victor, President of the Kalaeloa Heritage and Legacy Foundation, up to answer questions.

Mr. Victor explained KHLF has had discussions with Ms. Doi and believes KHLF does not have the capacity to expand at this time, and the Stewardship Agreement will be limited to maintaining the park as is currently done under the ROE. Mr. Victor stated KHLF reviewed the Milestones and believes they are doable; although some will be challenging. He noted that regarding Milestone #8, KHLF has worked on drafting building plans for the kauhale, as well as working on a burial vault permit. However, he noted all of the previous approvals were done verbally and nothing is in writing, so KHLF will continue to work with SHPD and other agencies to obtain the necessary documents to comply with HCDA's requirements.

Member Swinney stated she is familiar with the site and understands the intentions of KHLF, however, she asked about the organization's documentation, policies, and procedures.

Mr. Victor responded that one of KHLF's goals is to work on and improve that part of the organization. He also noted that regarding the feral animals, KHLF is doing what they can to manage the chickens and peacocks. However, he mentioned that they roam freely on and off the site and will continue to do so unless the site is protected by a fully enclosed fence.

**PUBLIC TESTIMONY**

Mr. Dwight Victor, President of KHLF, stated he supports the extension of the current ROE to November 2020 to allow KHLF to continue stewardship of the site and will work with HCDA to finalize a long-term Stewardship Agreement.

Chair Whalen noted the written testimonies that were received in support of the extension.

There was no more public testimony.

Member Swinney asked if KHLF envisions a transitional plan where opportunities are open to organizations and groups like UH West Oahu to provide educational opportunities as well as partnerships.

Mr. Victor stated it's always been KHLF's plan to provide educational opportunities for UH as well as school groups; however, has not been able to reach out to other schools and organizations. He added that increasing partnerships will be valuable with organizations that conduct similar work, as they may have a greater capacity.

There were no further comments, questions and no public testimony.

Chair Whalen called for a motion.

**MOTION:**

Member Timson motioned for the Authority to authorize the Executive Director to amend ROE granted to the Kalaeloa Heritage and Legacy Foundation to the Extend the Term of the ROE for an Additional Six Months to Negotiate Appropriate Milestones in Anticipation of the Stewardship Agreement?

Member Tynanes seconded.

Ms. Lindsey Doi conducted the roll call vote.

Motion passed with 8 yes votes.

**REPORT OF THE EXECUTIVE DIRECTOR**  
**Monthly Activities Update of the Kalaeloa Office**

Mr. Kamemoto deferred to the report provided in the packet. He highlighted the updated status of the stockpile. There are a few more days left of hauling the remaining stockpile and the Contractor will grass over the area.

Member Swinney asked if the grass over is necessary.

Mr. Kamemoto responded that DOH requires the area of the stockpile be grassed over.

Member Swinney requested the P.I.G.'s work be noted and reported in the monthly ED Report.

Member Timson followed up on her request from one year ago, for a list of vendors/businesses who are in Kalaeloa. She reiterated her request to be kept updated on information and activities that go on in Kalaeloa.

There were no further questions, comment and no public testimony

**VI. ADJOURNMENT**

Chair Whalen adjourned the regular meeting at 11:01 a.m.

Approved and Submitted by,

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John Whalen, Chairperson

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Date Approved by HCDA Board