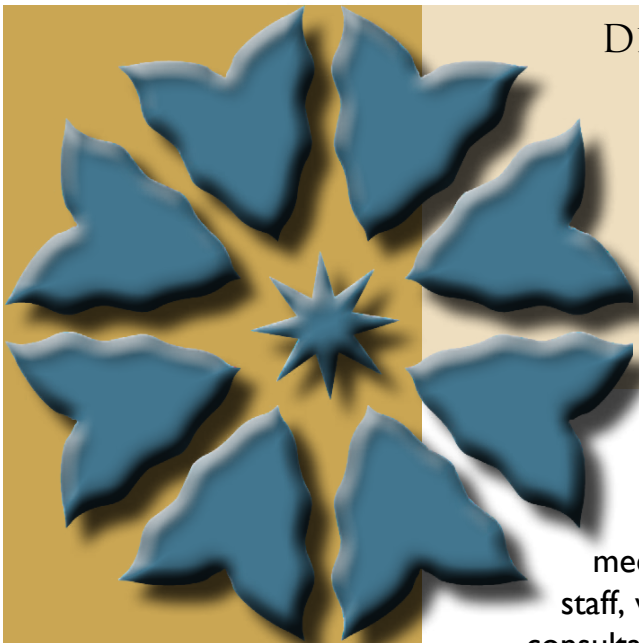


Proposed Policy on Beneficiary Consultation



What is beneficiary consultation?

When the Department of Hawaiian Home Lands seeks beneficiary and community views on issues and proposals. Consultation is a stage in the decision-making process.

The Hawaiian Homes Commission keeps an open mind and makes its final decision after beneficiary consultation has been completed. There are different types and forms of consultation and some forms already occur in our communities in the form of meetings, surveys, reports, and newsletters. Consultation could be a simple educational workshop or a process that is extended over a period of time.

Aloha Hawaiian Home Lands Beneficiaries:

After several meetings with our homestead leaders, eleven meetings in our communities, and in-house discussions among our staff, we are pleased to present this proposed policy on beneficiary consultation.

This proposed policy incorporates our existing consultation efforts and outlines a new process to address issues relating to statewide policies (like blood quantum questions, or the sale of leases), and changes in land use designations (like agricultural to commercial).

In this brochure, you will find an explanation of:

- **Why we are committed to consultation,**
- **Who would be involved in consultation,**
- **How we propose to consult, and**
- **When we will consult.**

Please take time to review this proposed policy and we are asking for your written feedback. We will gather your comments through **December 31, 2008.**

We understand many of you are interested in receiving more information on our existing policies and programs, like how successorship works, lease requirements or construction updates. We've heard your requests for information and are currently working on different ways to get that information out to you.

Thank you for contributing your time and mana'o to improve the way we can relate to each other and learn from each other so that the Hawaiian Home Lands Trust can continue to be responsive to native Hawaiian needs and opportunities.

Aloha and mahalo,

Micah A. Kāne, Chairman
Hawaiian Homes Commission

WHY

WHO

Policy Statement

As an agency entrusted to administer, manage, and invest trust resources to accomplish a variety of goals and objectives that benefit native Hawaiians and their successors, the Hawaiian Homes Commission and Department of Hawaiian Home Lands recognizes that meaningful, timely and effective beneficiary consultation is essential to the successful implementation of commission/department policies, programs and projects.

Meaningful beneficiary consultation helps promote civic engagement and governance. It builds trust in government and lays a foundation for future partnership.

Timely beneficiary consultation ensures that beneficiary concerns and comments are considered when decisions are being made.

Effective beneficiary consultation improves the quality and effectiveness of our plans and decisions.

Purpose The purpose of this policy is to ensure that appropriate beneficiary consultation processes and activities are incorporated into our planning and decision-making, and that they are consistent with the goals, objectives, and **guiding principles** identified below.

- **Timely and consistent consultation builds relationships, trust and beneficiary capacity**
- **Consultation is inclusive and respectful**
- **Consultation provides education**

Who is a beneficiary? DHHL beneficiaries are defined as all native Hawaiians (50% or more Hawaiian) and their successors. This includes:

- **Existing lessees** (residential, agricultural, and pastoral);
- **Applicants** on the Wait List; and
- **Native Hawaiians** who have not applied for a homestead award.

Hawaiian Homes Commission members serve as the decision makers who will consider beneficiary comments and concerns gathered through the consultation process. Each member of the commission represents a specific geographic region and will make recommendations for decisions that impact her or his region.



La'i 'Ōpua lessees attend a DHHL informational meeting in November 2008.

Beneficiary Consultation

- 1 To formalize existing consultation processes and consider beneficiary concerns through
- 2 To use various methods to disseminate information
- 3 To establish a predictable procedure
- 4 To ensure that decisions are not made in isolation of larger policy, program or geographic
- 5 To identify where beneficiary consultation fits into the planning and development process

HOW

WHEN

DHHL proposes the use of four types of consultation: informing, planning, consulting and partnering.

- A Informing** To be used when a decision has been made and communication is required. This type of consultation is used to explain existing policies and procedures, for example, conditions of a homestead lease.
- B Planning** To be used when information is needed to help make a decision. Gathering information on opinions, attitudes and priorities to inform decision-making.
- C Consulting** To be used when differing viewpoints will be taken into consideration when making a decision. The HHC and DHHL will consider various views on proposals or initiatives and take them into account when decisions are made.
- D Partnering** To be used when HHC and DHHL are making a decision with others. This type of consultation involves a commitment and agreement to work in partnership. In this case, there could be joint decision-making with beneficiaries.

Goals

Processes that properly include and consult about the process
provide information and gather input
for timely consultation
made on the spot, but over time, in a
context (regional) context
consultation can be most effective in DHHL's

DHHL's four types of consultation occur at different times.

Informing and **planning** consultations are **always occurring**. Many of you have already participated in these consultations that include HHC community meetings, homestead leadership meetings, informational workshops and regional plan meetings.

In addition to those types of consultation, DHHL proposes a new **seven-step consultation process** that we will implement **once a year**.

This **consulting** process applies only to changes in land use designations and statewide policies. These steps ensure proper notification and provide opportunities for beneficiaries to offer their input and concerns.

- E**
 - 1 Proposed Action or Issue for Discussion
 - 2 Notification
 - 3 Presentation and Feedback
 - 4 Draft Report with Comments Received
 - 5 Review Period
 - 6 Final Report
 - 7 Decision-Making

Partnering consultation is another new process DHHL looks forward to using in the **future**, especially as more Hawaiian homestead associations build their capacity and resources to become partners in the community.

- A** *These symbols correspond to parts of the "Beneficiary Consultation Policy Framework" chart on the following page*

IMPLEMENTATION

The commission and department recognize that certain changes need to be made in how we conduct our business. This section identifies the specific departmental actions that will occur to ensure the successful implementation of this Beneficiary Consultation Policy.

The Planning Office will manage the beneficiary consultation process by:

- 1
 - Assessing proposals for applicability to the appropriate level of consultation.
 - Maximizing beneficiary consultation when developing and revising DHHL plans (General Plan, Island Plans, and Regional Plans) according to planning update schedules.
 - Conducting the beneficiary consultation process.
 - Preparing of Beneficiary Consultation Reports for the Commission that contain an analysis of beneficiary comments, and staff findings and recommendations. When the consultation involves development in a particular region, Beneficiary Consultation Reports shall give more weight to comments raised by beneficiaries living in the region, since they will be directly impacted by the development proposal.
 - Periodically monitoring and enforcing HHC approved conditions.

The Planning Office will make land use development proposals available for beneficiary consultation.

Proposals consistent with Island Plan land use designations:

- 2
 - Development proposals for revenue generation.
 - Development proposals for homestead lots for lands designated in the Island Plan for residential, agriculture, and pastoral purposes.
 - Development proposal for community uses and community economic development. This could be accomplished through the regional planning process. For example,

a homestead association's proposal for a community center would be available for beneficiary consultation.

Proposals not consistent with Island Plan land use designations:

- Proposals to change land use designations in an Island Plan would include a description and justification for the proposed land use concept, plan objectives, acres, location, proposed land use designations and impacts.

3 The Planning Office will facilitate consultation on the development of state-wide policies. The Planning Office will receive proposals for new policies and legislation for community consultation.

4 The Department will inform and engage beneficiaries by widely disseminating information through various media (printed newsletters, website development, electronic e-mails, etc.).

Implementing mechanisms

The commission and department are committed to Beneficiary Consultation. This document is a critical step because it establishes the overall goals, objectives, scope and procedures that the department will use to consult. Some of these methods are tried and true and will continue. Other approaches identified here are new. As more consultations occur, the Planning Office will be able to identify elements that should be codified in our Administrative Rules. As a part of the Hawaii Administrative Rules (HAR), our beneficiary consultation policy and processes remain in place, regardless of changes of leadership over time.

Another mechanism that could establish this policy is legislation, but due to the detailed nature of the consultation policy framework and process, it is clear that general legislative language will not be adequate to specify the entire process. Instead, the Hawaii Administrative Rules provide a more appropriate means to codify the consultation process because Rules specify administrative and procedural matters-- they can be very detailed. And they also have the force and effect of law.

Beneficiary Consultation Policy Framework

ASSESS TYPE OF CONSULTATION

A

INFORMING

Decision is made; need information

Referred to respective Division for Follow-Up

B

PLANNING

Long-range land use or program decisions

General Plan
Island Plan
Regional Plan processes

C

CONSULTING

1. Statewide policies
2. Changes in Island Plan land use designations

Seven-step consultation process

D

PARTNERING

1. Priority projects
2. MOUs

Individual Partnership Agreements

E

1. Proposed Action or Issue for Discussion
2. Notification
3. Presentation and Feedback
4. Draft Report with Comments Received
5. Review Period
6. Final Report
7. Decision-Making

A

These symbols correspond to descriptions of the consultation process on the previous page

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Honolulu, Hawaii 96805

P. O. Box 1879

DEPARTMENT OF HAWAIIAN HOME LANDS



We need your mana‘o

DHHL is interested in your comments regarding our policy on Beneficiary Consultation. We will compile your comments and present them to the Hawaiian Homes Commission at its regular meeting in January. The proposed policy in its entirety, as it was submitted to the commission in November 2008, may be viewed on our website at www.hawaii.gov/dhhl.

Please mail, e-mail or fax your comments to us no later than

December 31, 2008

MAIL P.O. Box 1879, Honolulu, HI 96805

E-MAIL dhhl.planning@hawaii.gov

FAX (808) 620-9599

Mai ko kākou mana‘o, e hālupa no kākou - From our ideas, we flourish