

# CHRONOLOGY

- 1978** **HAWAI'I CONSTITUTION, ARTICLE XII, SECTION 6**  
OHA entitled to pro rata portion of income & proceeds from Public Land Trust
- 1980** **HRS § 10-13.5**  
OHA entitled to 20% of "funds" from public land trust (\$1.5M/yr)
- 1987** **OHA V. YAMASAKI DECISION**  
Held 10-13.5 ambiguous & Legislature directed to clarify
- 1990** **ACT 304**  
Act defined public land "revenues" & established OHA's right to interest

# CHRONOLOGY

- 1993** **\$130M PAYMENT**  
OHA & State settled most revenue claims by applying Act 304 (\$15M/yr)
- 1994** **OHA VS. STATE OF HAWAI'I**  
OHA sought disputed revenues (WDF, hospitals & HHA)
- 1997** **FORGIVENESS ACT**  
Act barred payments of airport revenues to OHA
- 2001** **OHA / DECISION**  
Held Act 304 invalid; Governor Cayetano immediately stops payments (\$0/yr)

# CHRONOLOGY

- 2003**      **GOVERNOR LINGLE ISSUED EXECUTIVE ORDER 03-03**  
Reinstated non-airport revenues (\$9M/yr)
- 2006**      **OHA II DECISION**  
Held Legislature has constitutional obligation to fairly set amount of past due disputed revenues
- 2006**      **LEGISLATURE APPROVED ACT 178**  
Annual payment to OHA increased (\$15.1M/yr)

# PAST DUE SETTLEMENT

Kaka`ako Makai - 18.5 acres.....	\$92 million
Kalaeloa Makai - 110 acres.....	\$59 million
Hilo Banyan Drive - 80.4 acres.....	\$34 million
Cash.....	\$13 million
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<b>TOTAL SETTLEMENT.....</b>	<b>\$200,000,000</b>

# PAST DUE RELEASE

OHA waives right to further income & proceeds  
from the Public Land Trust under Article XII, Section  
4 & 6, between November 7, 1978 to June 30, 2008

No waiver of overthrow claim or right to ownership  
of ceded lands

# GOING FORWARD SETTLEMENT

OHA cannot sue for more trust revenues  
as long as a minimum of  
\$15.1 million per year is paid, but can lobby for more.

*\* Settlement agreement contingent upon passage of legislation*

# KAKA'AKO MAKAI

Waterfront Commercial Zoned  
18.5 acres

## Key Characteristics

- Mix of vacant and leased areas
- Rebuilt infrastructure and utilities
- Adjacent to open space lands
- Engage community

# KALAELOA MAKAI

Industrial Zoned  
110 acres

## Key Characteristics

- Completely unleased
- Infrastructure is limited
- Surrounding use is intensive industrial
- Within the area of the highest solar energy potential on the island

# KAHUA HILO

Resort Hotel Zoned  
80.4 acres

## Key Characteristics

- Completely leased
- Infrastructure tailored for resort use
- Self-contained resort area known as Banyan Drive
- Proximate to Mokuloa sacred site