Kaialiʻi Kahele - Chairperson
Keoni Souza - Vice Chairperson
Dan Ahuna - Trustee, Kauaʻi & Niʻihau
Kaleihikina Akaka - Trustee, Oʻahu
Keliʻi Akina, Ph.D. - Trustee, At-Large
Luana Alapa - Trustee, Molokaʻi & Lānaʻi
Brickwood Galuteria - Trustee, At-Large
Carmen "Hulu" Lindsey - Trustee, Maui
John D. Waihee IV - Trustee, At-Large



Phone: (808) 594-1888 Fax: (808)-1868

## OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES

560 N. Nimitz Hwy., Suite 200 Honolulu, HI 96817

### MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, November 13, 2025

TIME: 10:00 A.M.

PLACE: Remote Meeting via Interactive Conference Technology

This meeting will be held virtually and may be viewed live via OHA's website at <a href="https://www.oha.org/livestream">www.oha.org/livestream</a> or listened to by phone by dialing (213) 338-8477 and entering Webinar ID: 832 0104 7485. A physical meeting location will be open to the public for those who wish to provide oral testimony or observe the meeting in person at: Office of Hawaiian Affairs, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817.

### **AGENDA**

- I. Call to Order
- II. Status of OHA Activities: Interim Administrator / Chief Operations Officer Update of OHA activities
- III. New Business
  - A. Alaka'i Award Recipients (July September 2025)
  - B. Committee on Beneficiary Advocacy and Empowerment November 12, 2025
    - 1. **BAE Action Item #25-08:** Approval of Bills for OHA's 2026 Legislative Package (Relating to Commercial Aquarium Collection; Proposing an Amendment to Article XI of the Hawaii State Constitution to Prohibit Live-Fire Military Training on Public Trust Lands; Relating to Rent Stabilization)
    - 2. **BAE Action Item #25-09:** Administration Request to Support Maui County Bill 9 (2025), Amending Chapters 19.2, 19.32, and 19.37, Maui County Code, Relating to Transient Vacation Rentals in Apartment Districts (HLU-4)
  - C. Committee on Budget and Finance November 12, 2025
    - 1. **Action Item BF #25-84 (revised):** Approval of OHA funding for a Hoʻākoakoa Lāhui Event Sponsorship to The Queens Court for The 'Onipa'a Peace March 2026 Event on January 16, 2026, in the amount of \$15,000.00.
    - 2. **Action Item BF #25-85 (revised):** Approval of OHA funding for a Hoʻākoakoa Lāhui Event Sponsorship to Mutual Aid Ka Lāhui for The 'Onipa'a Peace March 2026 Event on January 17, 2026, in the amount of \$7,500.00.
    - 3. **Action Item BF #25-99:** Approval of a Budget Adjustment (\$78,000) to Realign Funds from Personnel to Professional Services.
    - 4. **Action Item BF #25-100:** OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) Realignment #5 Approval of Core and Non-Core Budget Realignments.
    - 5. Amend the BF Committee recommendation on Action Item BF #25-52 to authorize approved

carryover funds to be distributed as additional payments to each homeowner and renter previously awarded an OHA Kanaaho Maui Wildfire Relief disaster aid grant to OHA beneficiaries

- D. Committee on Investment and Land Management November 12, 2025
  - 1. Action Item ILM #25-12: Approval of OHA Investment Policy for Legacy Lands. Ist Reading
  - 2. Action Item ILM #25-13: Approval of OHA Management Policy for Legacy Lands. Ist Reading
  - 3. **Action Item ILM #25-14:** Approval of OHA Management Policy for Investment Lands. *I*<sup>st</sup> *Reading*
  - 4. **Action Item ILM #25-15:** Approval for OHA to enter into negotiations with the Department of Hawaiian Homelands (DHHL) pertaining to the development of Kaka'ako Makai Lot I, O'ahu, TMK No. (1) 2-1-015:061.
  - 5. Amend the ILM Committee recommendation on Action Item ILM #25-04 Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Ahupua'a 'O Kahana parcels, Kahana, O'ahu to the Office of Hawaiian Affairs
- **E.** Action Item BOT #25-15: Approval of Office of Hawaiian Affairs insurance policy renewals for the period from December 1, 2025 to December 1, 2026
- **F.** Request for approval to waive Action Item BAE #25-10: Approval of OHA's responsive external actions to ongoing military land lease and funding negotiations between the State of Hawai'i and the U.S. federal government from the Committee on Beneficiary Advocacy and Empowerment to the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (September 4, 2025) Article VIII, Section M.
- **G.** Action Item BAE #25-10: Approval of OHA's responsive external actions to ongoing military land lease and funding negotiations between the State of Hawai'i and the U.S. federal government

#### IV. Executive Session §

- **A.** Consultation regarding OHA insurance policy renewals for the period from December 1, 2025 to December 1, 2026. Pursuant to HRS Section 92-5(a)(4), consult with Board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding OHA properties, operations, and claims.
- V. Community Concerns and Celebrations
- VI. Announcements
- VII. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Keola Fong at (808)626-5484 or by email at keolaf@oha.org as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone number and Webinar ID provided at the beginning of this agenda. Meeting recordings will be made available on OHA's website https://www.oha.org/about/leadership/board-of-trustees/ as soon as practicable after the meeting.

Public Testimony will be called for each agenda item and must be limited to matters listed on the meeting agenda. Community Concerns and Celebrations is not limited to matters listed on the meeting agenda. Hawai'i Revised Statutes, Chapter 92, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

The board packet will be available for the public to inspect at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817, no later than three full business days before the meeting. The board packet will also be made available on OHA's website, https://www.oha.org/bot as soon as practicable thereafter.

 $\S$  Notice: This portion of the meeting will be closed pursuant to HRS  $\S$  92-5.

Testimony can be provided to the Board of Trustees either as: (1) written testimony or (2) live, oral testimony online or at the physical meeting location during the remote meeting.

(1) Persons wishing to provide written testimony on items listed on the agenda should submit testimony via email to botmeetings@oha.org or via postal mail to Office of Hawaiian Affairs, Attn: Board of Trustees Meeting Testimony, 560 N. Nimitz Hwy.,

Suite 200, Honolulu, HI 96817. Testimony is requested to be received at least twenty-four hours prior to the scheduled meeting to allow board members with sufficient time to review the testimony before the meeting. All written testimony will be posted on OHA's meeting website. Please omit or redact any personal information (e.g., name, email address, phone number, home address, or materials) that you do not want to be disclosed publicly online.

(2) Persons wishing to provide oral testimony online during the remote meeting, please click on the link below: <a href="https://us06web.zoom.us/j/83201047485">https://us06web.zoom.us/j/83201047485</a>

To provide oral testimony online, you will need:

- (1) a computer or mobile device to connect to the remote meeting;
- (2) internet access; and
- (3) a microphone to provide oral testimony.

Persons wishing to provide oral testimony at the physical meeting location can sign up the day-of the meeting at the physical meeting location.

Once your oral testimony is completed, you may be asked to disconnect from the meeting. If you willfully disrupt the meeting or do not disconnect on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Oral testimony online or at a physical meeting location will be limited to five (5) minutes. Oral testimony by telephone/landline will not be accepted at this time.

Trustee Kaiali'i Kahele

Trustee Kaiali'i Kahele Chairperson, Board of Trustee 11/7/2025



- Status of OHA Activities: Interim Administrator / Chief Operations Officer Update of OHA activities
- II. New Business
  - A. Alaka'i Award Recipients (July September 2025)

• There are NO Handouts for these items



- B. Committee on Beneficiary Advocacy and Empowerment November 12, 2025
  - 1. BAE Action Item #25-08: Approval of Bills for OHA's 2026 Legislative Package (Relating to Commercial Aquarium Collection; Proposing an Amendment to Article XI of the Hawaii State Constitution to Prohibit Live-Fire Military Training on Public Trust Lands; Relating to Rent Stabilization)
  - 2. BAE Action Item #25-09: Administration Request to Support Maui County Bill 9 (2025), Amending Chapters 19.2, 19.32, and 19.37, Maui County Code, Relating to Transient Vacation Rentals in Apartment Districts (HLU-4)

Due to the quick turn around – A final Committee Report will be distributed once recieved from the BAE Committee.



- C. Committee on Budget and Finance November 12, 2025
  - 1. **Action Item BF #25-84 (revised):** Approval of OHA funding for a Hoʻākoakoa Lāhui Event Sponsorship to The Queens Court for The 'Onipa'a Peace March 2026 Event on January 16, 2026, in the amount of \$15,000.00.
  - 2. **Action Item BF #25-85 (revised):** Approval of OHA funding for a Hoʻākoakoa Lāhui Event Sponsorship to Mutual Aid Ka Lāhui for The 'Onipa'a Peace March 2026 Event on January 17, 2026, in the amount of \$7,500.00.
  - 3. **Action Item BF #25-99:** Approval of a Budget Adjustment (\$78,000) to Realign Funds from Personnel to Professional Services.
  - 4. **Action Item BF #25-100:** OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) Realignment #5 Approval of Core and Non-Core Budget Realignments.
  - 5. Amend the BF Committee recommendation on Action Item BF #25-52 to authorize approved carryover funds to be distributed as additional payments to each homeowner and renter previously awarded an OHA Kanaaho Maui Wildfire Relief disaster aid grant to OHA beneficiaries

Due to the quick turn around – A final Committee Report will be distributed once recieved from the BF Committee.



- **D. Committee on Investment and Land Management –** *November 12, 2025* 
  - 1. **Action Item ILM #25-12:** Approval of OHA Investment Policy for Legacy Lands
  - 2. **Action Item ILM #25-13:** Approval of OHA Management Policy for Legacy Lands
  - 3. **Action Item ILM #25-14:** Approval of OHA Management Policy for Investment Lands
  - 4. **Action Item ILM #25-15:** Approval for OHA to enter into negotiations with the Department of Hawaiian Homelands (DHHL) pertaining to the development of Kaka'ako Makai Lot I, O'ahu, TMK No. (1) 2-1-015:061.
  - 5. Amend the ILM Committee recommendation on Action Item ILM #25-04

     Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Ahupua'a 'O Kahana parcels, Kahana, O'ahu to the Office of Hawaiian Affairs

Due to the quick turn around – A final Committee Report will be distributed once recieved from the ILM Committee.



**E. Action Item BOT #25-15:** Approval of Office of Hawaiian Affairs insurance policy renewals for the period from December 1, 2025 to December 1, 2026



## **OFFICE OF HAWAIIAN AFFAIRS**

Action Item

## **BOARD OF TRUSTEES**

**November 13, 2025** 

Approval of Office of Hawaiian Affairs insurance policy renewals

**Action Item:** 

## **BOT #25-15**

for the period from December 1, 2025 to December 1, 2026.							
Prepared by:	Erew Oste	11/06/2025					
1 0	Everett Ohta	Date					
	General Counsel						
Reviewed by:	S.f. Sp.	11/07/2025					
·	Summer L.H. Sylva Interim Administrator	Date					
Reviewed by:		11/06/2025					
·	Kaiali'i Kahele	Date					

[Action Item continues on the following page]

Chairperson, OHA Board of Trustees

#### I. PROPOSED ACTION

Approve the annual renewal of insurance policies for the Office of Hawaiian Affairs, as set forth in Attachment A to this Action Item, and authorize Administration to execute all necessary applications and instruments necessary to effect and bind coverage. Administration is further authorized to negotiate and accept revised insurance premium quotes for the listed coverages that differ from those set forth in Attachment A, provided that the revised insurance premiums fall within prior approved program budgets.

### II. ISSUE

Whether to approve the annual renewal of insurance policies for the Office of Hawaiian Affairs, as set forth in Attachment A, and authorize Administration to execute all necessary applications and instruments necessary to effect and bind coverage and further authorize Administration to negotiate and accept revised insurance premium quotes for the listed coverages that differ from those set forth in Attachment A, provided that the revised insurance premiums fall within prior approved program budgets.

### III. BACKGROUND & DISCUSSION

As part of OHA's annual insurance renewal process, the OHA Corporate Counsel office has been working with OHA's insurance broker, Marsh, Inc. (Marsh), to obtain quotes for various insurance coverages across OHA's range of operations. The proposed insurance renewals are for the following coverages:

- (1) Casualty coverages:
  - (a) General liability ("GL")
  - (b) Automobile liability ("Auto")
  - (c) Workers' Compensation ("WC")
  - (d) Umbrella liability
  - (e) Foreign Travel package
- (2) Professional Liability coverages:
  - (a) Public Officials Liability ("POL")
  - (b) Bankers' Professional Liability ("BPL")
- (3) Property coverages
  - (a) All Risk Property ("Property")
  - (b) Difference in Conditions ("DIC")

OHA also carries Employed Lawyers, Pollution Legal Liability, and Temporary Disability Insurance coverages but these are multi-year policies that do not expire this year. OHA also carries cyber liability coverage under the State's cyber liability insurance coverage that extends to OHA through the DAGS-Risk Management Office.

Due to revisions in the Operational Delegation of Authority, OHA Administration is submitting this Action Item for BOT approval. The purchase of insurance, including insurance broker services, is exempt from state procurement under Haw. Admin. R. §3-120-4, Exh. A no.4.

### A. Renewal Summaries:

OHA's insurance renewal proposal is described in further detail in Attachment A to this Action Item, which was prepared by Marsh Inc., OHA's insurance agent and broker, which provides insurance placement and coverage support services throughout each policy period. Additional details on the marketing and bases for the presented premiums will be covered in a presentation by Marsh representatives and OHA General Counsel.

## 1. Casualty Coverages:

## a. General Liability:

- Philadelphia, the incumbent carrier, provided a renewal quote.
- \$1M per occurrence/\$2M aggregate limits.
- The new GL premium (inclusive of surplus lines tax for non-admitted insurers) is \$117,690 compared with the \$111,274 expiring premium.

### b. Automobile:

- Philadelphia, the incumbent carrier, provided a renewal quote
- \$1M limit per occurrence for vehicles owned, non-owned, and hired
- The new auto premium is <u>\$9,637</u> compared with the \$8,225 expiring premium.

## c. Workers Compensation:

- HEMIC, the incumbent carrier, provided a renewal quote.
- Workers' compensation statutory limit, inclusive of employers' liability.
- Despite increased payroll and employee count, improved experience modification (claims history) resulted in decrease in premiums.
- The new WC premium is <u>\$66,203</u> compared with the \$85,861 expiring premium.

## d. <u>Umbrella</u>:

- Philadelphia, the incumbent carrier, continues to offer \$6M excess coverage for claims above the policy limit for our general liability, employee benefit liability, auto liability, and employer's liability (POL) policies.
- The new umbrella liability premium (inclusive of surplus lines tax for non-admitted insurer) is <u>\$55,074</u> compared with the \$48,013 expiring premium.

## e. Foreign Travel package:

- AIG, the incumbent carrier provided a renewal quote that accounted for increased international travel by OHA staff.
- The new foreign travel package premium is \$2,914, although Administration recommends the acceptance of a two-year renewal of **\$5,828** total (15% discount) compared to the \$4,625 expiring two-year premium.

## 2. Professional Liability coverages:

## a. Public Officials Liability (POL):

- Chubb is the incumbent carrier for the POL policy and is offering the same terms as expiring, including a \$6M limit with a \$150K retention.
- The new POL premium (inclusive of surplus lines taxes for non-admitted insurer) is **\$209,360** (subject to revision) compared with the \$187,964 expiring premium.

## b. Bankers' Professional Liability (BP):

- BRP is the incumbent carrier for the BP policy and is offering the same terms as expiring, including a \$2M limit, a \$150K retention, and coverage for the OHA NHRLF and Consumer Micro Loan Program.
- The new BP premium (inclusive of surplus lines taxes for non-admitted insurers) is <u>\$45,852</u>, compared with the \$44,687 expiring premium.

### 3. Property coverages

### a. Property:

- Swiss Re is the incumbent carrier and provided a renewal quote for \$120M policy limit with \$50,000 deductible, with exceptions for Lot L warehouse and vacant AAFES building.
- The new property premium is <u>\$398,500</u> compared with the \$437,600 expiring premium.

## b. Difference in Condition (DIC):

- Westchester Surplus Lines (Illinois Union Insurance Co), the incumbent carrier, provided a renewal quote for DIC coverage for the peril of earthquake and flood.
- The new DIC premium (inclusive of surplus lines taxes for non-admitted insurers, rejecting terrorism coverage) is \$\frac{\$102,063}{\$}\$ compared with the \$107,658 expiring premium.

### **B.** Summary:

OHA's total insurance premium is \$\frac{\\$1,007,293}{\}\$ for the coverage period. Overall, OHA's premiums decreased by \$\frac{26,302}{\}\$ or -2.5% less than expiring, when not factoring in the Employed Lawyers' and Pollution Legal Liability policies, which are not up for renewal this year.

This total insurance premium and the premiums listed above are subject to revision by insurance carriers in response to operational changes and recent claims filed against OHA. As the insurance premiums were budgeted for in the FY26 BOT-approved budget, OHA Administration seeks authorization to negotiate through Marsh and approve revised quotes

offered by the named carriers without returning to the BOT if the carriers revise their renewal quotes prior to our acceptance and bind order.

## IV. TIMEFRAME

Immediate action is recommended. OHA current insurance coverages are set to expire on <u>December 1, 2025</u> and a bind order on renewed coverage must be made before that date to avoid a lapse in insurance coverage.

## V. BUDGET AUTHORIZATION

Budget for OHA's insurance premiums are found across OHA Corporate Counsel (2300), Kakaako Makai (8210), Na Lama Kukui (8220), 500 N Nimitz (8230), and 501 Sumner (8240) program budgets.

ROV # (BF 25- 51) +	AL	APPR	FUND	ED PROGP*	PROGRAM	BUDGETED PROGRAM DESC •			ACCOUNT CODE DESCRIPTION	SERVIC E PROCE AM	FY2026	EXPENSE DESCRIPTION / BUDGET PROVISO	R0 V # (P*
1952	2026	930	TRUST	2300		2300 CORPORATE COUNSEL	OVERHEAD	55910-INSURANCE	Includes leasehold liability, general liability, professional liability, event liability coverage. All insurance paid by Programs other than Corporation Counsel (Code 2300) should be cleared with Corp. Counsel prior to payment.	2300	650,000	Insurance premiums: WC, TDI, POL, GL, Excess, Auto, Cyber, Prop, DIC, NFIP, Bankers, Lawyers, Intl Travel, DAGS-cyber	

Α	В	С	D		E	1	1	К	L	М	N	V	Υ
ROW# (BF 25-5	FISCA	APPR	FUND =	REQUESTED PROGRAM			EXPENSE CATEGORY	GLACCOUNT DESC	ACCOUNT CODE DESCRIPTION	SERVICE PROGRAM CODE *	FY2026	EXPENSE DESCRIPTION / BUDGET PROVISO	ROW# (BF 25- 51) *
4806	2026	938	TRUST - COMMERC IAL	8210	8210 KAKAAKO MAKAI	8210 KAKAAKO MAKAI	OVERHEAD	55910-INSURANCE	includes leasehold liability, general liability, professional liability, event liability coverage. All insurance paid by Programs other than Corporation Counsel (Code 2300) should be cleared with Corp. Counsel prior to payment.	8210	221,676	Property Insurance Lot L & Lot E	4806
5179	2026	939	TRUST - COMMERC IAL	8220	8220 NA LAMA KUKUI	8220 NA LAMA KUKUI	OVERHEAD	55910-INSURANCE	includes leasehold liability, general liability, professional liability, event liability coverage. All insurance paid by Programs other than Corporation Counsel (Code 2300) should be cleared with Corp. Counsel prior to payment.	8220	283,470	Property Insurance & Flood Insurance	5179
5365	2026	950	TRUST - COMMERC IAL	8230	8230 500 N NIMITZ	8230 500 N NIMITZ	OVERHEAD	55910-INSURANCE	includes leasehold liability, general liability, professional liability, event liability coverage. All insurance paid by Programs other than Corporation Counsel (Code 2300) should be cleared with Corp. Counsel prior to payment.	8230	137,760	Insurance (5% over FY25 premium)	5365
5551	2026	951	TRUST - COMMERC IAL	8240	8240 501 SUMNER	8240 501 SUMNER	OVERHEAD	55910-INSURANCE	includes leasehold liability, general liability, professional liability, event liability coverage. All insurance paid by Programs other than Corporation Counsel (Code 2300) should be cleared with Corp. Counsel prior to payment.	8240	21,158	Insurance (5% over FY2025 premium)	5551

## VI. BUDGET CERTIFICATION

The following is the certification by the Budget Chief and Chief Financial Officer that the funds are available:

Grace Chen

**Budget Chief** 

Date: <u>11/06/2025</u>

#### VII. RECOMMENDATION

Approve the annual renewal of insurance policies for the Office of Hawaiian Affairs, as set forth in Attachment A to this Action Item, and authorize Administration to execute all necessary applications and instruments necessary to effect and bind coverage. Administration is further authorized to negotiate and accept revised insurance premium quotes for the listed coverages that differ from those set forth in Attachment A, provided that the revised insurance premiums fall within prior approved program budgets.

### VIII. ALTERNATIVES

- A. Take no action. (Strongly advise against).
- B. Renew some portion of insurance coverages listed above.
- C. Request additional information or marketing action and schedule a new board meeting for decisionmaking.

### IX. ATTACHMENTS

A. Office of Hawaiian Affairs Insurance Proposal December 1, 2025 – December 1, 2026 by Marsh (Nov. 13, 2025).

## **ATTACHMENT A**:

Office of Hawaiian Affairs Insurance Proposal December 1, 2025 – December 1, 2026 by Marsh (Nov. 13, 2025)



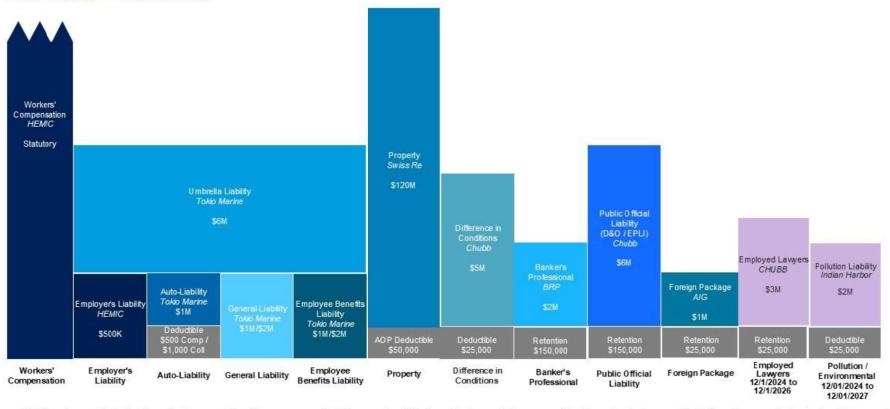
# Office of Hawaiian Affairs Insurance Proposal December 1, 2025 – December 1, 2026

November 13, 2025

A business of Marsh McLennan

# **Current Program**

12/01/2025 - 12/01/2026



This figure is a graphical, rather than a literal, representation of the coverage provided. For example, a DIC policy, and subsequently the excess policies, frequently will not cover sublimited lines of coverage in a local policy. Please consult the terms and conditions of the actual policies, which necessarily govern. Not to scale.



Period: 12/01/25 - 12/01/26

Coverage	Description	Limit	Deductible	Carrier	2024-2025 Premium	2025-2026 Premium	Notes
General Liability	Provides protection against claims of bodily injury, property damage, and personal injury arising from their operations, products, or premises. It is designed to protect businesses from financial losses resulting from lawsuits or legal claims filed by third parties, such as customers, clients, or members of the public.	General Liability \$2,000,000 General Aggregate \$2,000,000 Products And Completed Operations Aggregate \$1,000,000 Advertising Injury And Personal Injury Aggregate \$1,000,000 Each Occurrence \$5,000 Medical Expenses \$100,000 Damage To Premises Rented To You  \$25,000 Abuse Sublimit per Person / \$50,000 Aggregate  Employee Benefits Errors Or Omissions \$1,000,000 Each Occurrence \$2,000,000 Aggregate	None	Tokio Marine Specialty (Philadelphia)	\$111,274	\$117,690	
Auto Liability	Provides financial protection to individuals or businesses in the event they are held responsible for causing bodily injury or property damage to others while operating a vehicle.	\$1,000,000 Limit of Liability	\$1,000 Comprehensive \$1,000 Collision	Philadelphia Indemnity Ins. Co.	\$8,225	\$9,637	

Marsh

3

Period: 12/01/25 - 12/01/26

Coverage	Description	Limit	Deductible	Carrier	2024-2025 Premium	2025-2026 Premium	Notes
Property	Protects OHA for damage or loss to their physical property. It is designed to help protect against the financial consequences of unexpected events, such as fire, smoke, explosion, theft, vandalism, water damage, named windstorm or other covered perils.	\$120,000,000 loss limits for Building; Personal Property, Business Income, Equipment Breakdown; Named Windstorm, Convective Storm, and Sprinkler Leakage.	\$50,000 All Other Perils, Equipment Breakdown, transportation, convective storm; 3% for Named Windstorm subject to \$250K per occ.; Except \$250K for 30 Forrest Avenue location and Vacant location; and \$500K for 919 Ala Moana location.  Business Income: 48 hour waiting period	Swiss Re	\$437,600	\$398,500	
DIC (Difference in Conditions) –	Coverage for 560 N. Nimitz and 500 N. Nimitz locations for building, contents, business income, ordinance or law coverage against Catastrophic Perils of Earthquake and Flood.	\$5,000,000 Each Occurrence And Aggregate for peril of Earthquake, Earthquake Sprinkler Leakage and Flood, applied separately	Earthquake: 5% of the total values at time and place of loss per occurrence, subject to \$50,000 minimum. Flood: each \$500,000 Building, Content, Business Income and / or excess National Flood Insurance Policy limits. All other perils: \$25,000 per occurrence	Illinois Union Insurance Co. (non-admitted)	\$107,658	\$102,063	

Period: 12/01/25 - 12/01/26

Coverage	Description	Limit	Deductible	Carrier	2024-2025 Premium	2025-2026 Premium	Notes
Workers Compensation & Employers Liability	Workers Compensation provides coverage for employee injuries or disabilities sustained as a result of their employment. Employers Liability covers liability arising out of employees' work-related injuries that do not fall under the workers compensation statute.	Workers Compensation: Statutory limit  Employers Liability: \$500,000 Bodily Injury (each accident); \$500,000 Bodily Injury by Disease (each employee); \$500,000 Bodily Injury by Disease (policy limit)	None	HEMIC	\$85,861	\$66,203	Payroll increased by 75% Employee count increased by 41% Ex Mod decreased by 33%
Umbrella	Policy provides additional limits of liability above the primary policies: General Liability, Employee Benefit Liability, Auto Liability and Employers Liability.	\$6,000,000 Each Occurrence \$6,000,000 General Aggregate \$6,000,000 Personal & Advertising Injury and \$6,000,000 Products Completed Operation Aggregate	\$10,000 retention	Tokio Marine Specialty (Philadelphia) (non-admitted)	\$48,013	\$55,074	

Period: 12/01/25 - 12/01/26

Coverage	Description	Limit	Deductible	Carrier	2024-2025 Premium	2025-2026 Premium	Notes
Public Official Liability  IA1: protects the Insured Persons for non-indemnifiable claim against financial liabilities.  IA2: pays on behalf of OHA for indemnifiable claim against the Insured Person.  IB: protects OHA for damages and claims that OHA is legally obligated to pay.  IC – protects OHA for damages and claims for Employment Practices Liability that OHA is legally obligated to pay.	Coverage if provided for the public entity against claims arising from wrongful acts committed in the course of their official duties. The coverage afforded protects against actual or alleged acts, errors, omissions, misleading statement, neglect or breach of duty by an Insured Person that result in financial loss or harm to third parties.  Coverage also includes Employment Practices Liability, which protects OHA against alleged wrongful acts by employees for wrongful termination, discrimination, sexual harassment, and other employment related issues.	\$6,000,000 Each Claim \$6,000,000 Aggregate	IAI: \$0 IA2: \$150,000 IB. \$150,000 IC. \$150,000	Illinois Union Insurance Company (Chubb) (non-admitted)	\$187,964	\$209,360	

Period: 12/01/25 - 12/01/26

Coverage	Description	Limit	Deductible	Carrier	2024-2025 Premium	2025-2026 Premium	Notes
Bankers Professional Liability  Cov. A: Lending Professional Liability  Cov. B: Misc Financial Professional Liability	Policy covers financial losses suffered by clients or third parties due to mistakes or failures in professional services regarding lending services, loan servicing, such as loan processing and loan payment errors.	\$2,000,000 each Claim \$2,000,000 Aggregate	\$150,000 each Claim	Lloyd's of London (BRP) (non-admitted)	\$44,687	\$45,852	
Foreign Package	Comprehensive coverage for General Liability, Automobile, Foreign Voluntary Workers Compensation & Employers Liability, Travel Accident & Sickness and Kidnap & Ransom. It provides coverage for OHA while traveling abroad to a foreign destination.	1. Liability: \$1M Occ / \$2M Aggregate 2. Auto: \$1M Liability 3. Vol. WC: Statutory by State of Hire Employers Liability: \$1M 4. Travel Accident: \$100K 5. Kidnap & Ransom: \$250K	2. Auto - Hired Physical Damage: \$1,000 4. Accident Sickness: \$250	AIG	\$2,313	\$2,914	2 yr term  • \$4,625 (expiring)  • \$5,828 (renewal)
Total Premium					\$1,033,595	\$1,007,293	-\$26,302 / (-2.5%)

## **Marsh Team**

## **Scot Sterenberg**

## SENIOR RELATIONSHIP OFFICER

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## **Stephanie Tsumoto**

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## **Guy Okano**

## LIABILITY CLAIM ADVOCACY

Vice President (808) 222-3704 Guy.Okano@marsh.com







- **F. Request for approval to waive Action Item BAE #25-10:** Approval of OHA's responsive external actions to ongoing military land lease and funding negotiations between the State of Hawai'i and the U.S. federal government from the Committee on Beneficiary Advocacy and Empowerment to the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (September 4, 2025) Article VIII, Section M.
- G. **Action Item BAE #25-10:** Approval of OHA's responsive external actions to ongoing military land lease and funding negotiations between the State of Hawai'i and the U.S. federal government



## **ACTION ITEM**

## **Board of Trustees November 13, 2025**

## **BAE #25-16**

Action Item Issue: Approval of OHA's responsive external actions to ongoing military land

lease and funding negotiations between the State of Hawai'i and the U.S.

federal government

Co-Prepared by: Leina'ala Ley 11/07/2025

Advocacy Staff & Leinā'ala L. Ley

Date

Ka Pou Kihi Kū (Chief Advocate)

Reviewed by: 11/07/2025

Everett Ohta Date

Ka Paepae Puka (General Counsel)

Reviewed by: 11/07/2025

Summer Lee Haunani Sylva Date

Ka Pouhana Kūikawā (Interim Administrator)

Reviewed by: 11/07/2025

Kaiali'i Kahele Date

Chairperson, Board of Trustees

### I. PROPOSED ACTION

Approve OHA's responsive next steps regarding the State's military lease negotiations with the U.S. Government including:

- (a) hosting bi-monthly community consultation sessions on OHA's military lease negotiating positions to further inform OHA's negotiating position on military leases;
- (b) engaging in Governor Green's "Joint Negotiation Team" and "Technical Working Group" announced on November 5, 2025 as a representative for the Native Hawaiian community and to advocate for additional community representation on these bodies.

#### II. ISSUE

Whether or not the BOT will commit to engage OHA in the ongoing military lease negotiations on behalf of the Native Hawaiian community by: (a) committing OHA to holding public community consultation sessions on a bi-monthly schedule to build upon Hawai'i Island Community meetings on November 4, 5, and 6, 2025 and further inform OHA's negotiating position on military leases, and (2) formally requesting that Governor Green add the OHA Board Chairperson or his designee to the state's military lease negotiating team announced on November 5, 2025

### III. BACKGROUND & DISCUSSION

## A. Background

The lands of Mākua Valley, Kahuku, and Kawailoa-Poamoho on Oʻahu, Pōhakuloa on Hawaiʻi Island, and Waimea/Kekaha on Kauaʻi are subject to 65-year leases between the State of Hawaiʻi and the various branches of the United States military that are set to expire between 2027 and 2030. The expiration of these leases presents a once in a generation opportunity for Native Hawaiians to reestablish connection with former crown and government lands of the Hawaiian Kingdom (legally referenced as the "ceded lands"). However, following the Board of Land and Natural Resources' (BLNR's) historic May decision to reject the Army's Final Environmental Impact Statement for Pōhakuloa, the Army and Governor Green have embarked on an accelerated campaign to finalize lease renewal details, largely outside of the public eye, and without public input, particularly from the Native Hawaiian community.

In response to Governor Green's negotiating tactics, and expressed intention to adopt a negotiating timeline that would not enable the military branches or state to comply with the environmental review process or applicable laws protecting natural and cultural resources, Native Hawaiian organizations gathered at 'Iolani Palace on September 2, 2025, to issue a letter to the Governor formally demanding Native Hawaiian consultation on military leases, and setting forth other principles. *See* Attachment A ("September 2nd Letter"). On October 16, 2025, representatives from the

community coalition joined the OHA Board of Trustees meeting to formally ask that OHA sign on to the September 2nd Letter. Representatives also asked OHA to consult with the community about legal and political strategies related to ongoing lease negotiations.

Most recently, on November 4, 2025, Governor Green proposed a \$10 billion investment package as a potential settlement of any further condemnation lawsuit against the state for title to the currently leased lands, or to guide a negotiated agreement on lease renewal ("November 4th Letter"). Governor Green proposed to identify members and compose within ten days a "Joint Negotiation Team" and "Technical Working Group" to develop and finalize details of the high-level proposal. Key components of Governor Green's proposal include investment in housing; investment in environmental mitigation measures including eliminating cesspools as required by Hawai'i law and remediating contaminated lands at Mākua Valley and other locations; investment in transportation projects including the rail; and investment in liquified natural gas and geothermal development.

Notably, while calling for development of a "Joint Negotiation Team" and "Technical Working Group" the November 4th Letter does not commit to Native Hawaiian engagement or representation on these bodies or provide a response to the September 2nd Letter. Moreover, the November 4th Letter does not suggest a potential shorter lease term option, rent separate from the other proposed forms of in-kind compensation, restitution for past underpayment on prior military leases, or a long-term commitment to addressing Native Hawaiians' governance claims to former crown and government lands of the Hawaiian Kingdom.

Additionally, the National Defense Authorization Act for Fiscal Year 2026, Senate Bill 2296 (119th Congress), clarifies the power of the military branches to acquire the military leased lands through "exchange or lease." The language authorizes leases for 25 to 50 years, with potential advance payment of rent, and discretion to exchange land of higher market value for land of lesser market value in an exchange scenario, up to \$2.5 million dollars.

## B. Discussion

OHA has moral kuleana and standing under the Hawai'i State Constitution to represent Native Hawaiians in lease negotiations and to advocate against alienation of crown and government lands until resolution of Native Hawaiians' sovereign claims to these lands. OHA has previously sued the State of Hawai'i to prevent the alienation of crown and government lands taken during the overthrow of the Hawaiian Kingdom. In *OHA v. HCDA*, the Hawai'i Supreme Court recognized that "OHA, which is charged 'with managing proceeds derived from the ceded lands and designated for the benefit of native Hawaiians,' can be said to be representing the interests of the native Hawaiian beneficiaries to the ceded lands trust." In that case, the court further held that the state

<sup>&</sup>lt;sup>1</sup> Off. of Hawaiian Affs. v. Hous. & Cmty. Dev. Corp. of Hawaii (HCDCH), 117 Haw.

has a duty to "preserve the corpus of the public lands trust, specifically, the ceded lands, until such time as the unrelinquished claims of the native Hawaiians have been resolved."<sup>2</sup>

As a direct outgrowth of the settlement reached in *OHA v. HCDA* following remand from the United State Supreme Court, the legislature adopted Hawai'i Revised Statutes ("HRS") section 171-64.7, which requires legislative approval prior to the alienation of ceded lands by the executive branch, as does a land exchange involving such lands. *Id.* § 171-50. Subsequently, OHA adopted BOT Policy 2.1.f which reaffirms OHA's "policy to protect the ceded lands corpus until the unrelinquished claims of Native Hawaiians are resolved," and directs OHA to "oppose the alienation of any ceded lands by the State of Hawai'i" except in two specific situations with limited applicability. Notably, any proposed military lease renewal or land exchange would require legislative approval pursuant to statute as cited above, as well as three months advance notice to the legislature and OHA prior to regular session. HRS §§ 171-50, 64.7.

Established pursuant to the terms of Section 5 of the Admissions Act, Pub. L. No. 86–3, 73 Stat. 4, 6 (1959), and Article XII sections 4, 5, and 6 of the Hawai'i State Constitution, OHA serves as a semiautonomous agency and trust vehicle for the betterment of the conditions of Native Hawaiians. The powers and duties of the trustees include: "to manage and administer the proceeds from the sale or other disposition of the lands, natural resources, minerals, and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the [public lands] trust." Haw. Const. Art. XII, § 6. Under Hawai'i Revised Statutes Chapter 10, implementing the State's constitutional trust obligations to Native Hawaiian, OHA is also the designated receptacle for reparations. HRS § 10-3(6).

Thus, in addition to opposing alienation of crown and government lands, OHA has a duty to ensure that the maximum possible benefits accrue to Native Hawaiian beneficiaries of the public lands trust, under future military leases (if any are adopted). This includes fair and just lease rent; restitution for prior military use of crown and government lands; clean-up and remediation of lands polluted by the military; protection of natural and cultural resources; and a portion of housing or other investments offered as compensation for military use of state lands. These existing rights and duties are consistent with the principle set forth in the September 2nd Letter to Governor Green, and actions OHA has already taken in public comments on the draft and final environmental impact statements, in one-on-one policy discussions with administrative decisionmakers, and in other public and private forums. Further, OHA is advancing as part of its proposed 2026 Legislative Package a bill to amend the Hawai'i State Constitution to prohibit live-fire training on public trust lands, to minimize further destructive use of public trust lands if lease renewal

<sup>174, 195, 177</sup> P.3d 884, 905 (2008), <u>rev'd and remanded sub nom.</u> <u>Hawaii v. Off. of Hawaiian</u> <u>Affs.</u>, 556 U.S. 163, 129 S. Ct. 1436, 173 L. Ed. 2d 333 (2009) (citation omitted).

<sup>&</sup>lt;sup>3</sup> See BOT Executive Policy Manual 2.1.f at p.15 (the first exception concerns housing interests that accrued prior to lawsuit; the second DLNR's sale of remnant parcels that aren't culturally significant).

proceeds.

Therefore, in furtherance of existing Board Policy, constitutional and statutory duties, and alignment with community and OHA actions to date, staff recommends that the Board of Trustees:

- (a) host bi-monthly community consultation sessions on OHA's military lease negotiating positions to further inform OHA's negotiating position on military leases. Such bimonthly sessions will also enable OHA to provide the community with additional updates about OHA's efforts to address military lease termination and renewal issues.
- (b) engage in Governor Green's "Joint Negotiation Team" and "Technical Working Group" announced on November 5, 2025, as a representative for the Native Hawaiian community and to advocate for additional community representation on these bodies.

#### IV. TIMEFRAME

Urgent action is required to enable OHA to more fully and publicly engage in an ongoing negotiation process between the State and U.S. federal government.

### V. RECOMMENDATION

Approve OHA's responsive next steps regarding the State's military lease negotiations with the U.S. Government including:

- (a) hosting bi-monthly community consultation sessions on OHA's military lease negotiating positions to further inform OHA's negotiating position on military leases;
- (b) engaging in Governor Green's "Joint Negotiation Team" and "Technical Working Group" announced on November 5, 2025 as a representative for the Native Hawaiian community and to advocate for additional community representation on these bodies.

### VI. ALTERNATIVES

- A. Take no action
- B. Amend the Proposed Motion to include other responsive actions directed by the OHA BOT.

#### VII. ATTACHMENTS

A. Community Letter

ATTACHMENT A:

**COMMUNITY LETTER** 



September , 2025

Governor Josh Green State of Hawai'i Executive Chambers State Capitol 415 South Beretania St. Honolulu, Hawai'i 96813

### Governor Green;

As a network of Native Hawaiian organizations, committed to the protection of our 'āina, culture, communities, and people, we stand united in calling on the State of Hawai'i to uphold its legal and moral responsibilities by ensuring Native Hawaiian community representation in all decision-making related to expiring U.S. military land leases across the Hawaiian Islands.

In recent weeks, U.S. Secretary of the Army Daniel Driscoll called for a more aggressive timeline for the negotiations over Pōhakuloa Training Center. Fast-tracking new land agreements or "frameworks" for Pōhakuloa and the other leases expiring in 2029/2030 would be a serious misstep.

The U.S. military land holdings in Hawaiʻi total nearly **222,000** acres, including over 91,890 acres of Hawaiian Kingdom crown and government lands transferred between 1917 and 1964 from the Territory of Hawaiʻi and State of Hawaiʻi to the U.S. military, over 5,258 acres taken from the trusts of Queen Emma and Ke Aliʻi Pauahi by the U.S. military, and **39,000 acres** of State-leased public lands for the Army, Navy, and Air Force military training and activities at **Pōhakuloa Training Area (PTA)** on Hawaiʻi Island; **Kahuku Training Area**, **Mākua Military Reservation**, and **Kawailoa-Poamoho Training Area** on Oʻahu; **Pacific Missile Range Facility (PMRF)** on Kauaʻi; and at various other locations throughout the islands.

These are Hawaiian national lands and sacred ancestral lands, which are currently entrusted to the State for the benefit of present and future generations.

As stated in Public Law 103-150, the Hawaiian people **never directly relinquished our claims** to **sovereignty** as a people or over our **national lands** to the United States, either through our monarchy or through a plebiscite or referendum. We emphasize that these are **our** claims, and therefore no state actor should make unilateral determinations on the best course of action for the benefit of Native Hawaiians with regard to lease negotiations.

We further emphasize that the military's long-term presence in Hawai'i has had wide-ranging and harmful effects on the well-being of Native Hawaiians and other impacted communities, including:

- Forced displacement of Native Hawaiians from their homes to make way for military installations, as in Mākua Valley.
- The degradation of environmental and cultural sites through live-fire training, unexploded ordnance, fuel spills, contamination, and wildfires. Notable examples are Pōhakuloa, Kahoʻolawe, and Red Hill.
- Severely restricted access to land for traditional practices and subsistence.
- Exacerbation of Hawai'i's housing crisis, as military personnel and resources increase competition for limited housing, inflating prices and reducing availability for local families.
- Chronic underinvestment in land restoration and community health, even as military use continues.

Given these conditions, we call on you, Governor Green, as well as the Board of Land and Natural Resources (BLNR), and the Department of Land and Natural Resources (DLNR) to take the following steps:

- 1. Include Native Hawaiian Community Representation in Decision-Making
  As a people recognized by the United States as having never relinquished our claims to sovereignty or our national lands, and as named beneficiaries of the Public Land Trust under the Hawaiii Constitution, Native Hawaiians must have representation in decision-making and in all ongoing discussions concerning lands to which we hold national, ancestral, and spiritual ties, especially Native Hawaiian communities, organizations, and individuals who have fought for the care and return of these lands for many years.
- 2. Vigorously Pursue the Cleanup and Return of all Lands Leased to the Military The State must enter negotiations with the explicit aim of significantly reducing the military's geographic footprint and impact in Hawai'i, securing the prompt return of land to Native Hawaiian community stewardship for cultural, conservation, agricultural, and housing uses. The reduction must go well beyond Mākua Valley, which the Army already relinquished use of over 20 years ago. We strongly oppose any attempts to *expand* the military's control over Hawaiian lands.
- 3. Center Accountability, Oversight, and Restitution
  Negotiations must seek bold compensation and/or restitution for the military's past
  egregious breaches in lease terms and for the historic and ongoing impacts of
  militarization.

## 4. Follow the Law

All proposed land agreements must undergo rigorous environmental, cultural, and legal review in compliance with the Hawai'i State Constitution, Hawai'i Revised Statutes, National Environmental Policy Act, Hawai'i Environmental Policy Act, the National Historic Preservation Act, and other applicable laws.

## 5. Commit to Transparency and Consent

Principles of free, prior, and informed consent are critical. This requires a transparent, inclusive process that engages impacted communities directly, allows sufficient time for deliberation, and ensures full public access to all relevant information — not token consultation or selective outreach to pre-approved representatives. No agreements should proceed otherwise.

This is a moment of consequence. The decisions made over the next few years will shape the future of our lands for generations. As organizations rooted in kuleana, aloha 'āina, justice, and self-determination, we urge the State to resist Federal pressure to act with haste—but rather with the values aligned with the ancestral kuleana to steward the lands and govern for the people of Hawai'i on behalf of past and future generations.

## Do not bypass the people.

## Do not negotiate away our future.

We stand ready to engage and protect our land and community in a respectful, inclusive, and solutions-oriented process in which we are rooted in the core value aloha 'āina—one that honors our shared kuleana to protect in a peaceful and pono manner, the health of our land, water, and lāhui.

## Signed,

PROTECT KAHO'OLAWE 'OHANA

MĀLAMA MĀKUA

NĀ KIA'I O PŌHAKUI OA

KO'OLAU WAIALUA ALLIANCE

ROYAL ORDER OF KAMEHAMEHA I

HAWAI'I COUNCIL OF THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS

KO'OLAULOA HAWAIIAN CIVIC CLUB

'ĀINA ALOHA ECONOMIC FUTURES

HAWAI'I UNITY AND LIBERATION INSTITUTE (H.U.L.I.)

HUI ALOHA 'ĀINA

KANAEOKANA

'ĀĮNA MOMONA

LĀ HOʻIHOʻI EA HONOLULU

I OLA WAILUANUI

HUI IWI KUAMO'O

HAWAI'I PEACE AND JUSTICE

PĀ KĀKAU UHI HAWAI'I

HUI O KUAPĀ

NĀ 'AIKANE O MAUI

'ĪLIO'ULAOKALANI COALITION

HŌ'Ā, LLC

KUMANO I KE ALA

ALOHA KUAMO'O 'ĀINA

'AHA KĀNE FOUNDATION

NOHOPAPA HAWAI'I

HULIAUAPA'A

LĀLĀKEA FOUNDATION

HO'IWAI FUND

HAWAI'I INVESTMENT READY

HAU'OPO A KŪLA'IĀKEA

KĀKALAIOA (OAHU)

KA POHOLIMA KĀ'EO (MAUI)

LAU 'ALE LEHUA O ALAKOKO (KAUA'I)

HALE MUA O KOʻOLAU

KŪPA'A KUILIMA

LĀHUI FOUNDATION

**DEFEND O'AHU COALITION** 

**KEEP HAWAI'I PONO** 

KEEP THE COUNTRY COUNTRY

CC: Dawn Chang, Chair, Board of Land and Natural Resources



## IV. Executive Session§

**A.** Consultation regarding OHA insurance policy renewals for the period from December 1, 2025 to December 1, 2026. Pursuant to HRS Section 92-5(a)(4), consult with Board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding OHA properties, operations, and claims.

• There are No Handouts for this agenda item.