

Kaiali'i Kahele - Chairperson
Keoni Souza - Vice Chairperson
Dan Ahuna - Trustee, Kaua'i & Ni'ihau
Kaleihikina Akaka - Trustee, O'ahu
Keli'i Akina, Ph.D. - Trustee, At-Large
Luana Alapa - Trustee, Moloka'i & Lāna'i
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, December 4, 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 www.oha.org/livestream or listened to by phone by dialing (213) 338-8477 and entering Webinar ID: 863 8536 6454. 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. Approval of Minutes**
 - 1. October 10, 2024**
 - 2. October 17, 2024**
 - 3. April 17, 2025**
 - 4. October 2, 2025**
 - 5. November 6, 2025**
- III. Status of OHA Activities: Ka Pouhana/Interim Administrator Update on OHA activities.**
- IV. New Business**
 - A. Committee on Investment and Land Management – November 12, 2025**
 - 1. Action Item ILM #25- 12:** Approval of OHA Investment Policy for Legacy Lands – 2nd reading
 - 2. Action Item ILM #25-13:** Approval of OHA Management Policy for Legacy Lands – 2nd reading
 - 3. Action Item ILM #25-14:** Approval of OHA Management Policy for Investment Lands – 2nd reading
 - B. Action Item BOT #25-16:** Acceptance of the 2024 Performance Evaluation of the OHA Ka Pouhana / Administrator, Stacy K. Ferreira.
 - C. Presentation on the process for the 2025 Performance Evaluation of the OHA Ka Pouhana / Administrator, Stacy K. Ferreira**
 - D. Presentation of the findings and recommendations of the Investigative Permitted Interaction Group established by the Board of Trustees on February 6, 2025, pursuant to Action Item BOT #25-02, to investigate the United States Army's and the State of Hawai'i's progress on Army Training Land Retention efforts. *No discussion, deliberation, or decision-making shall occur at the time the report is presented, in accordance with HRS § 92-2.5 (b)(1)(B).***

V. Executive Session§

A. Approval of Executive Minutes

1. November 24, 2025

B. 2024 Performance Evaluation of the OHA Ka Pouhana / Administrator, Stacy K. Ferreira.

The Board anticipates convening in an executive meeting pursuant to HRS § 92-5(a)(2) and (4) to receive updated information, consult with its legal counsel, and take any necessary action regarding the Board's powers, duties, privileges, immunities, and liabilities with respect to matters relating to the 2024 Performance Evaluation of the OHA Ka Pouhana / Administrator, including possible issues related to Stacy Kealohalani Ferreira v. OHA, Civil No. 1CCV-25-0001822.

C. Legal Matters. The Board anticipates convening in an executive meeting pursuant to HRS § 92-5(a)(4) to receive updated information, consult with its legal counsel, and take any necessary action regarding the Board's powers, duties, privileges, immunities, and liabilities with respect to matters relating to *Stacy Kealohalani Ferreira v. OHA*, Civil No. 1CCV-25-0001822.

VI. Community Concerns and Celebrations

VII. Announcements

VIII. 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.

§ Notice: This portion of the meeting will be closed pursuant to HRS § 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:

<https://us06web.zoom.us/j/86385366454>

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
Chairperson, Board of Trustee

11/26/2025

Date



II. Approval of Minutes

1. October 10, 2024
2. October 17, 2024
3. April 17, 2025
4. October 2, 2025
5. November 6, 2025

DRAFT

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(In-Person Meeting)

The OHA Board of Trustees meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listened by phone: (213) 338-8477.

A physical meeting location open to the general public will be available at the
A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy.,
Suite 200, Honolulu HI 96817.

This meeting can be viewed at: <https://youtu.be/czExoGhrLFU?si=aDw5CyyMFYgZtGcD>

**Minutes of the
BOARD OF TRUSTEES MEETING - WORKSHOP
MINUTES
October 10, 2024
10:00 a.m.**

ATTENDANCE:

Chairperson Hulu Lindsey
Trustee Kalei Akaka
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brickwood Galuteria
Trustee Keoni Souza
Trustee Mililani Trask
Trustee John Waihe'e

BOT STAFF:

Amber Kalua, Trustee Aide
Kanani Iaea, Trustee Aide
LeiAnn Durrant, Trustee Aide
Melissa Wennihan, Trustee Aide
Richelle Kim, Trustee Aide
Carina Lee, Trustee Aide
Kyla Hee, Trustee Secretary
Ruben Sierra, Trustee Aide

ADMINISTRATION:

Kēhaulani Pu'u, COO
Everett Ohta, Interim General Counsel
Hailama Farden
Elena Farden
Ryan Lee
Kamakana Ferreira
Poni Askew, Dir. Economics & Business
Sam Chung
Vijoy Chattergy
Arlene Aguinaldo, IT
Kelce Wade, IT
Kevin Chak, IT Mngr.

GUEST:

Paul Quintiliani
Linda Schatz
Wayne Tanaka
Keali'i Makekau
Germaine Meyers
Patten Kauwe

(2:41 | 10:03 am)

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Thursday, October 10, 2024 at 10:03 a.m. Board Secretary, please do a roll call.

MEMBERS			Present	Notes
TRUSTEE	DAN	AHUNA	Excused	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA		Joined mtg at 10:15am
TRUSTEE	BRICKWOOD	GALUTERIA	X	
TRUSTEE	KEONI	SOUZA	X	
TRUSTEE	MILILANI	TRASK		Joined mtg at 10:20am
TRUSTEE	JOHN	WAIHE'E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			6	

At the Call to Order, **six (6)** Trustees are PRESENT, thereby constituting a quorum.

Chair Hulu Lindsey Welcomes everyone to the Board of Trustees workshop and shares that the workshop can be viewed via livestream www.oha.org/livestream.

Stacy Ferreira introduces administration attending the Board meeting.

Chair Hulu Lindsey asks if there is anyone signed up to testify ont he next agenda item.

Board Secretary There is no one signed up.

(4:31 | 10:05 am)

Approval of Minutes

II. A. March 14, 2024

Chair Hulu Lindsey

Trustee Akina moves to approve the minutes.

Trustee Waihe'e Seconds the motion.

Trustee Akina Moves to						
A. March 14, 2024						
Trustee Waihe'e Seconds the motion.						
Vote Taken at 10:06 am	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA	X		X			
TRUSTEE LUANA ALAPA						
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE MILILANI TRASK						
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			6			
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with Six (6) Yes votes, Zero (0) No votes						

(6:05 | 10:06 am)
New Business

- A. Club of Hawai'i presentation on Hawai'i water issues, including Kapūkakī (Red Hill), water management area designations, Commission on Water Resource Management, 'Aha Wai o Maui Hikina (East Maui Community Water Authority), and Waikoloa interim instream flow standards - Wayne Tanaka, Director

(6:31 | 10:07 am)
Testifier

Germaine Meyers summarized. The speaker emphasized the need to prioritize water consumption in Hawai'i, noting the high use by tourists in hotels and beach amenities while urging that local residents also be considered in planning. They raised concerns about communal facilities for the unsheltered, particularly since many are Native Hawaiian or Pacific Islander, and stressed that water is a finite resource requiring equitable management for both visitors and residents.

(13:16 | 10:13 am)

Wayne Tanaka summarized. Wayne Tanaka, Executive Director of the S Club for the Ho‘i chapter and former OHA public policy staff, presented on water resource issues, referencing the OHA Water Policy established in 2015. He highlighted foundational principles recognizing water as a sacred resource and kinolau of Kanaloa, emphasizing its management under the Public Trust Doctrine to ensure conservation, equitable access, and use for current and future generations. The policy also calls for advancing Native Hawaiian needs and rights related to water, including for homesteads, cultural practices, and food security. Tanaka discussed current water concerns, focusing on Kapūkakāi (Red Hill), where a 2021 fuel spill released approximately 19,000 gallons into the Navy’s drinking water system, affecting 93,000 people. Ongoing detections of polycyclic aromatic hydrocarbons in AO wells suggest potential westward movement toward municipal wells. In response, the Board of Water Supply and the City Council have requested the Navy to conduct weekly groundwater testing to monitor potential contamination and protect both municipal and cultural water sources.

State of Our Wai: Select Updates

Wayne Tanaka, Sierra Club of Hawai‘i



OHA Wai Policy: Basic Principles

- Recognize that wai is central to the Native Hawaiian worldview and who we are as a people, connecting past, present, and future generations.
- Understand that wai is critical to ho‘ouluāhui and to provide for our nation’s lands, people, and culture.
- Acknowledge the vital importance of wai to all people, yet also its unique significance to Native Hawaiians, including pre-existing Native Hawaiian rights to wai.



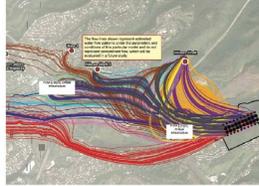
The speaker discussed the need for improved monitoring and accountability regarding the Red Hill fuel contamination. They emphasized the importance of using third-party experts for testing, establishing an EPA-certified water lab in Hawai‘i, and developing groundwater and contaminant transport models to inform long-term remediation. They highlighted that remediation may take decades and stress the necessity of political independence and robust public engagement to ensure the Navy is held accountable, and resources are effectively managed.

The speaker outlined anticipated legislative measures, including establishing a Water Remediation Authority, increasing the Water Commission’s independence from political influence, allowing for emergency action, strengthening penalties for water violations, and legally binding regulations for underground storage tank releases. They noted ongoing federal lawsuits seeking funds for remediation and recovery, including \$1.2 billion for new monitoring of wells and research, which will inform broader decisions regarding compensation and water protection for affected communities.

The need for strong Kānaka ‘Ōiwi representation in decisions and actions related to the Red Hill contamination. They stated that a Native Hawaiian voice is essential to ensure cultural, environmental, and community priorities are upheld throughout the remediation process. They suggested that OHA could serve as a key entity to help advocate for this representation, noting that more than one Native Hawaiian voice should be involved. The speaker underscored the severity of the harm to wai and stressed the importance of culturally grounded leadership to ensure the Navy fully addresses and cleans up the contamination.

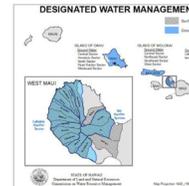
Updates: Kapūkakī

- 'Aiea Well PAH Detection
 - BWS, City Council demands:
 - Weekly third-party testing
 - More monitoring wells
 - Testing for **PFAS**
- Also: EPA Certified Water Lab - on the horizon?
- Note: Remediation will take 30+ years or more
- Department of Health is key



Updates: Maui Komohana Water Management Area Designation

- CWRM evaluating water use permit applications
 - Must protect Public Trust purposes and priority reasonable beneficial uses
 - PT uses: Traditional and customary rights, kuleana/taro land water rights, DHHL reservations, domestic uses (e.g. drinking water), waters in their natural state
 - Other possible reasonable beneficial uses: non-T&C agriculture, Moku'ula, affordable housing, etc.



(48:47 | 10:49 am)

B. Workshop to discuss the development of a real estate strategy covering investment and non-investment property holdings of OHA

Testifier

(49:20 | 10:49 am)

Keali'i Makekau *summarized.* The speaker asked whether they could pose relevant questions, acknowledging that the forum is typically reserved for trustees. They noted they had reviewed both the presentation and the publicly available materials. They would only speak if their questions were pertinent and would defer otherwise, stating that the previous speaker had already addressed many of the issues effectively.

(50:22 | 10:51 am)

Germaine Meyers *summarized.* The speaker emphasized that trustees, not administration, hold the kuleana to create policies for OHA investment lands, noting deficiencies identified in State Audit Report 23-04. They highlighted the importance of adopting asset-allocation targets and a real estate investment policy. They expressed strong concern over using single-purpose LLCs for managing 'āina assets, arguing this removes oversight, bypasses ethics and procurement laws, and creates risk for fraud and abuse, while OHA remains legally responsible and liable.

Paul Quintiliani and Linda Schatz have a discussion with the Trustees.

(56:47 | 10:57 am)

Sam Chung Introduces Paul Quintiliani and Linda Schatz for their presentation.

Paul Quintiliani *summarized.* The workshop reviewed OHA's current portfolio and strategic planning process, emphasizing two categories of lands: investment lands and Legacy lands, rather than the existing four-category typology. Recommendations for investment lands include improving financial returns, adopting specific asset-allocation targets, integrating them into the Native Hawaiian trust fund, establishing rigorous investment policies, and enhancing reporting and operational efficiency. For Legacy lands, the focus is on sustainable stewardship, expanding programmatic use, engaging the Native Hawaiian community, adopting performance metrics, and mitigating operational risks.

Tactical recommendations include creating a profit-enhancement team, achieving pay parity to strengthen staff capacity, isolating assets in single-purpose LLCs to limit financial risk, shifting development risk to third parties, and improving environmental characterization and remediation at Hakuone. Overall, the strategy seeks

to balance financial performance, risk management, and cultural and environmental stewardship in alignment with OHA's statutory responsibilities and strategic plan.

For Hakuone, OHA should shift development responsibilities to third parties or a dedicated LLC to manage risks, fund pre-development through a capital plan, stabilize infrastructure, and plan for a cultural center. Strategies emphasize optimizing returns while achieving non-financial outcomes, including cultural, environmental, and economic stewardship.

For Legacy lands, OHA should ensure stable funding for stewardship, expand revenue and programming uses, create actionable management plans with performance metrics, train staff, and use tools like GIS to manage risk and acquisitions, all aligned with statutory obligations and mission priorities.

(1:36:56 | 11:37 am)

Q & A with Trustees

Trustee Souza summarized. Your experience with Kamehameha Schools and developing, do you agree with an appraisal?

Paul Quintiliani *summarized.* The appraisal of \$50 million is accurate for a bulk sale, but selling individual parcels over time with improved entitlements and addressing major issues could yield significantly higher returns. It is recommended to designate and set aside land for a cultural center first, treating it as a trust expenditure separate from the Native Hawaiian trust fund, and begin development to ensure its strategic and cultural significance.

Trustee Souza *summarized.* Another recommendation is for OHA to act as a developer, but eventually I would like to establish an in-house development team, similar to how Kamehameha Schools retains about 13 staff.

Paul Quintiliani *summarized.* When we started the process in 2003, it took about six months to complete our strategic planning. We then began hiring and building internal capabilities, but our first major development, Royal Hawaiian, was completed with a third-party developer. By 2008–2009, we had established a full in-house development team, so it took approximately five to six years to fully develop internal capacity.

As a board, it's important to recognize that development carries significant risk. While the desire to have a meaningful impact on the land is valid, OHA's current governance structure, including monthly meetings, Sunshine Law requirements, and sensitive negotiations, makes development more complex than at Kamehameha Schools. It is possible, but the existing structure may not be conducive to efficiently managing development projects.

Trustee Akina I understand and support prioritizing Hakuone as a strategic direction because of its significance, but what is the rationale for not prioritizing 'Iwilei as well?

Paul Quintiliani *summarized.* 'Iwilei is not prioritized for development because its current uses generate substantial returns, over 10% cash-on-cash to embedded equity. It is recommended to maintain this income stream, allow neighboring developments to improve infrastructure, and focus organizational efforts on Hakuone to maximize strategic impact.

Trustee Waihe'e summarized. I wanted just to say, this is just me and my thought if the idea was to get consensus on this presentation and moving forward with it, I don't support putting the assets into an LLC. The recommendation is based on examples where this approach has worked well and served as an ideal scenario. However, my experience with OHA's use of LLCs has not been positive.

Paul Quintiliani summarized. Explains they are not familiar with Trustee Waihe'e's past experiences but notes that, in most LLC structures they have worked with, OHA would likely create an overarching LLC that serves as the managing member for a Hakuone-related LLC. Although OHA would be the primary owner, control is maintained through major decision points in the LLC agreement, which require supermajority or unanimous member approval. This structure allows OHA to retain oversight and decision-making authority while operating through an LLC.

Chair Hulu Lindsey summarized. The speaker recounts past challenges with OHA's LLCs, noting that all were closed except for the successful Waimea Valley LLC, which operates independently with its own board and strong leadership. They emphasize that Waimea Valley is an exception, not a model easily replicated.

They also raise fiduciary concerns about establishing a new LLC for Hakuone. From the first day, the entity would incur significant costs with limited revenue to offset expenses. The board would need to fund a governing board, hire a qualified CEO—estimated at around \$500,000—and cover ongoing operational costs. These financial obligations, they argue, must be carefully considered before moving forward.

Paul Quintiliani summarized. Clarifies that the strategy presented is the board's, not theirs, and their role is to facilitate discussion and provide recommendations. If the board decides against pursuing the LLC option but agrees with other proposals, adjustments can be made. They note that the team came prepared with their best recommendations and have a report ready to finalize and present, pending any feedback on elements the board may wish to change.

Chair Hulu Lindsey allows Keali'i Makekai to come forward and share his comments.

(1:55:06 | 11:55 am)

Keali'i Makekai summarized. He commends the PowerPoints and asked whether the plan accounts for external pressures affecting OHA, such as government condemnation of certain lots for infrastructure like water or sewer lines. They noted that such actions could override OHA's financial and strategic goals, and inquired whether the plan considers potential losses from these scenarios.

Conclusion

(2:04:07 | 12:04 pm)

Paul Quintiliani summarized. A more concise pros and cons summary will be provided at the next meeting. If OHA wants to develop Hakuone within its current structure, it could pursue a master joint venture, master ground lease, or master sale agreement. To sell individual parcels and maximize outcomes, a different decision-making structure would be required.

(2:07:19 | 12:08 pm)

Community Concerns and Celebration

Patten Kauwe *summarized.* The speaker described a patented soil-treatment product he and a former partner developed years ago, which was successfully tested but not widely used. He shared his experience in Hawai‘i Island coffee farming, where pests and environmental challenges devastated crops, and noted that unused resources and contaminated soil and water remain a concern for development. He emphasized that the product could remediate these issues and expressed interest in collaborating with OHA in an advisory role, not to manage the project, while highlighting the potential for OHA to assist with financing and the importance of holding responsible parties accountable.

(2:18:21 | 12:19 pm)

Germaine Meyers. *Summarized.* The “United in Aloha 96792” event will be held Saturday from 9 a.m. to 1 p.m. at Kalaniana‘ole Beach Park in Nanakuli, featuring ice cream, activities for keiki, meals for ‘ohana, and entertainment by The Katinas and Sons of Yeshua. The gathering emphasizes community unity and healing, particularly in response to recent violent incidents affecting Native Hawaiian ‘ohana on both state and private lands. Local leaders, including Mayor Blangiardi and Prosecutor Steve Alm, will participate. The event and related initiatives, such as vigils and prayer gatherings led by the Ark of Safety Church, aim to provide spiritual support, address grief and trauma, and encourage community service and guidance through faith.

(2:28:18 | 12:28 pm)

Announcement

Trustee Akaka *summarized.* Shares information on the upcoming Board of Trustees site visits along with the Resource Management meeting.

Chair Hulu Lindsey *summarized.* Reminds everyone that October is a busy month. There is also a Board meeting on October 19th, and Mea‘ai and Mana‘o on Moloka‘i.

(2:30:01 | 12:30 pm)

Adjournment

Trustee Souza Moves to adjourn the meeting.

Trustee Waihe‘e Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						X
KALEI	AKAKA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
J. KEONI	SOUZA	X		X			
MILILANI	TRASK						
JOHN	WAIHE'E		X	X			
CHAIR CARMEN HULU	LINDSEY			X			

TOTAL VOTE COUNT			7			
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Chair Hulu Lindsey Adjourns the Board of Trustees meeting at 12:30 p.m.

Respectfully submitted,

 Lehua Itokazu
 Board Secretary

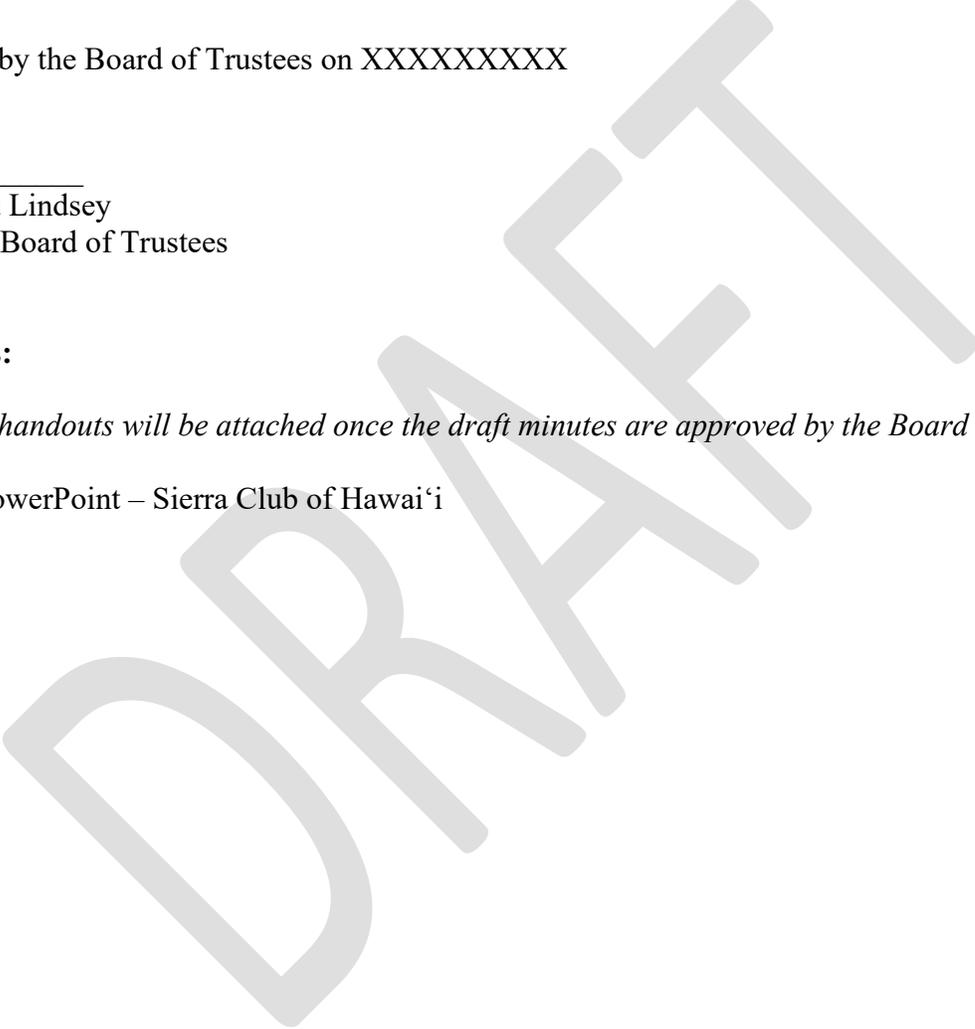
As approved by the Board of Trustees on XXXXXXXXXX

 Carmen Hulu Lindsey
 Chairperson, Board of Trustees

Attachments:

***all handouts will be attached once the draft minutes are approved by the Board of Trustees.*

1. PowerPoint – Sierra Club of Hawai‘i



DRAFT

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(In-Person Meeting)

The OHA Board of Trustees meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listened by phone: (213) 338-8477.

A physical meeting location open to the general public will be available at the
A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy.,
Suite 200, Honolulu HI 96817.

This meeting can be viewed here: <https://youtu.be/Bc1mWVXv9cl?si=KMvgYbXzo4V8Oau2>

**Minutes of the
O'AHU ISLAND COMMUNITY MEETING
MINUTES
October 17, 2024
10:00 a.m.**

ATTENDANCE:

Chairperson Hulu Lindsey
Trustee Kalei Akaka
Trustee Luana Alapa
Trustee Brickwood Galuteria
Trustee Keoni Souza

ADMINISTRATION:

Stacy Ferreira, CEO
Kēhaulani Pu'u, COO
Hailama Farden Dir. of Hawaiian Cultural Affairs
Elena Farden, Sr. Dir. of Strategy Implementation
Ku'ike Kamakea-Ohelo, Dir. of 'Ōiwi Well-being
Poni Askew, Dir. of Econ. Bus. Resilience
Ilima Kela, BSA Mngr.
Kaimo Muhlestein
Kelce Wade, IT
Kevin Chak, IT Mngr.

BOT STAFF:

Lehua Itokazu, Board Secretary
Amber Kalua, Trustee Aide
Kanani Iaea, Trustee Aide
Kauikeaolani Wailehua, Trustee Aide
LeiAnn Durrant, Trustee Aide
Mark Watanabe, Trustee Aide
Nathan Takeuchi, Trustee Aide
Richelle Kim, Trustee Aide
Sommer Soares, Trustee Secretary

GUEST:

Thomas Lenchanko
Jonah Apo
Keali'i Makekau
Kaiali'i Kahele

(0:17 | 6:00 pm)

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Thursday, October 17, 2024 at 6:00.m. Board Secretary, please do a roll call.

MEMBERS			Present	Notes
TRUSTEE	DAN	AHUNA	Excused	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA		X
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRICKWOOD	GALUTERIA	X	
TRUSTEE	KEONI	SOUZA	X	
TRUSTEE	MILILANI	TRASK		X
TRUSTEE	JOHN	WAIHE'E		X
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			5	3

At the Call to Order, **FIVE (5)** Trustees are PRESENT, thereby constituting a quorum.

Chair Hulu Lindsey Welcomes everyone to the Board of Trustees workshop and shares that the workshop can be viewed via livestream www.oha.org/livestream.

(1:43 | 6:07 pm)

Introduction Each Trustee introduces themselves and their staff present.
Ka Pouhana also introduces Administrative staff present.

(8:24 | 6:13 pm)

Status of OHA Activities

Stacy Ferreira, Ka Pouhana summarized. O‘ahu currently has 32 active grantees providing services totaling \$22 million, with 14 serving O‘ahu exclusively. In addition, 26 active Native Hawaiian Revolving Loan Fund and Consumer Micro-loan Programs are providing \$1.7 million in loans to OHA beneficiaries on the island. In response to a beneficiary inquiry regarding the operational status of Hawai‘i Emergency Management Agency (HI-EMA) sirens in the Wai‘anae moku, retired Colonel James Barros reported that HI-EMA is working with state agencies to bring all sirens designated “red” to operational status by the end of 2024. Statewide, 37 sirens are listed as red; of these, 19 are on O‘ahu, including those in Nānākuli, Mā‘ili, Mauna Lahilahi Beach, and Ka‘ena Point State Beach Park, with additional red sirens located across Ko‘olau-poko, Ko‘olauloa, and Waialua.

OHA remains committed to the protection, restoration, and repatriation of iwi kūpuna through its role in identifying and vetting nominees for the Island Burial Councils statewide in accordance with state law. Representatives are selected from the Native Hawaiian community based on knowledge of culture, history, burial practices, and customs. On October 1, OHA launched an updated online application to address current vacancies, including an O‘ahu seat representing a landowner/developer. Qualified individuals are encouraged to apply through OHA’s website for consideration by the Governor.

(11:45 | 6:17 pm)

Time is turned over to Trustee Akaka to lead the rest of the O‘ahu Island Community meeting.

Community Presentations

(12:03 | 6:17 pm)

A. The Friends of ‘Iolani Palace: Paula Akana, Executive Director*

Could not attend in person but shared a few words that Trustee Akaka read for everyone.

Testifier

(14:41 | 6:20 pm)

Germaine Meyers *summarized.* The speaker described a deep personal connection to ‘Iolani Palace formed while working for the Department of Hawaiian Home Lands from 1985 to 1989. Their daily commute took them through the palace grounds and past the Queen Lili‘uokalani statue, grounding their appreciation for the site’s historic and cultural significance. She urges OHA to prioritize long-term support for ‘Iolani Palace, including fundraising and stronger educational outreach. She emphasized that the palace being the only royal residence in the United States is vital to Hawaiian identity and should be preserved and kept open for future generations.

(23:48 | 6:29 pm)

B. The Hawaiian Civic Club of Wahiawa (HCCW)*

Thomas Lenchanko *summarized.* The speaker expressed appreciation to the Board for funding the University of Hawai‘i Community Design Center’s work on the conceptual master plan for Kūkaniloko. They described earlier discussions with Senator Donovan Dela Cruz and noted that federal REPI funds, combined with OHA’s contribution, totaling approximately \$7.2 million for site development. The speaker reviewed the draft plans to identify any gaps before they are finalized and forwarded to Senator Dela Cruz for potential matching funds, emphasizing the cultural importance of Kūkaniloko, which their family has protected for generations.

They also described current site management, including groundskeeping, signage, and coordination of visits through an online contact process. The speaker noted safety concerns and cited past incidents near the area, expressing hope that the development proposal will help improve security, reduce trespassing, and strengthen community understanding of the significance of Kūkaniloko. They concluded by thanking the Board for its support.

(36:38 | 6:42 pm)

C. Polynesian Voyaging Society (PVS): Jonah Apo*

Jonah Apo *summarized.* The speaker, a development coordinator and crew member of the Polynesian Voyaging Society, thanked board members who attended a recent site visit and provided an overview of the Moananuiākea Voyage. They described the historical significance of Hōkūle‘a since its first launch at Kualoa in 1975 and noted that the original 1976 voyage to Tahiti led to nearly five decades of continued voyaging to honor ancestral teaching. Moananuiākea is a circumnavigation of the Pacific Rim aimed at advancing ocean stewardship and inspiring “planetary navigators” to lead their communities toward a sustainable future. The voyage began in Alaska in 2023, covering roughly 43,000 nautical miles across 36 countries, with more than 90 crew members in the first year, the majority of whom were kānaka ‘Ōiwi.

The speaker highlighted the voyage’s global partnerships with scientists, conservationists, and Indigenous groups, as well as the connection it provides to Native Hawaiians living abroad. After returning Hōkūle‘a home in December, the organization has focused on training new navigators and participating in FESTPAC. This year’s statewide sail includes visits to over 30 Hawai‘i ports to prioritize education for Hawai‘i’s students and communities. More than 40 school groups have participated in field trips, and community engagements continue as preparations begin for the 50th anniversary celebration before the canoe returns to the South Pacific.

(1:21:09 | 7:26 pm)

Community Concerns and Celebration

Germaine Meyers summarized. The speaker addressed community concerns, noting that Wendy’s in Nānākuli Village will reopen its drive-thru tomorrow, with the dining room opening at lunch. A portion of the day’s profits will support the ‘ohana of a young man who passed on October 6, assisting with expenses for his celebration of life. The speaker encouraged community members to support the restaurant and continue to pray for the workers, many of whom reside on the west side. An invitation was extended to O‘ahu trustees to attend Representative Kila’s second annual “Lawmakers Listen” Town Hall on October 22 at Nānākuli High and Intermediate School, featuring legislators and officials discussing community needs, including DHHL lot development under Act 279.

The speaker also expressed appreciation to Ka Pouhana Stacy for submitting a written report for beneficiaries, noting the importance of transparency, accountability, and data to evaluate the effectiveness of programs, policies, and contracts. They emphasized that community advocacy priorities are guided by prayer and the Holy Spirit to ensure efforts support beneficiary empowerment and engagement.

(1:31:17 | 7:36 pm)

Announcement

Trustee Alapa shares that Ka Pouhana and her team did an excellent job on Moloka‘i with the follow up meetings with the beneficiaries.

(1:51:53 | 7:57 pm)

Adjournment

Chair Hulu Lindsey Moves to adjourn the meeting.

Trustee Alapa Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						X
KALEI	AKAKA			X			
KELI'I	AKINA						X
LUANA	ALAPA		X	X			
BRICKWOOD	GALUTERIA			X			
J. KEONI	SOUZA			X			

MILILANI	TRASK						X
JOHN	WAIHE'E						X
CHAIR CARMEN HULU	LINDSEY	X		X			
TOTAL VOTE COUNT				5			

Chair Hulu Lindsey Adjourns the Board of Trustees meeting at 7:57 p.m.

Respectfully submitted,

 Lehua Itokazu
 Board Secretary

As approved by the Board of Trustees on XXXXXXXXXX

 Carmen Hulu Lindsey
 Chairperson, Board of Trustees

Attachments:

***All handouts will be attached once the draft minutes are approved by the Board of Trustees.*

1. Island Community Report

DRAFT

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(In-Person Meeting)

The OHA Board of Trustees meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listened by phone: (213) 338-8477.

A physical meeting location open to the general public will be available at the
A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy.,
Suite 200, Honolulu HI 96817.

This meeting can be viewed at Video 1: https://www.youtube.com/watch?v=4YOgN4_a3hE

Video 2: <https://www.youtube.com/watch?v=CzJcbqYv5gM>

**Minutes of the
BOARD OF TRUSTEES MEETING
MINUTES
April 17, 2025
10:00 a.m.**

ATTENDANCE:

Chairperson Kaiali'i Kahele
Trustee Dan Ahuna
Trustee Kalei Akaka
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brickwood Galuteria
Chair Emerita Carmen Lindsey
Trustee Keoni Souza
Trustee John Waihe'e

ADMINISTRATION:

Stacy Ferreira, CEO
Kēhau Pu'u, COO
Ramona Hink, CFO
Everett Ohta, Interim General Counsel
Elena Farden, Dir. of Strategic Implementation
Naiwi Wurdeman, Board Counsel
Bill Brennan, Dir. Communications
Grace Chen, Financial Analyst
Ryan Lee, Dir. Endowment
Royce Cambell, Operations Manager
Sandra Stancil, EA
Kelcie Wade, IT

BOT STAFF:

Summer Sylva, Chief of Staff
Lehua Itokazu, Board Secretary
Kauikealani Wailehua, Trustee Aide
Kanani Iaea, Trustee Aide
Yvonee Mahelona, Trustee Aide
Richelle Kim, Trustee Aide
Remy Keli'ihō'omalū, Trustee Aide
Kyla Hee, Trustee Secretary
LeiAnn Durrant, Trustee Aide
Melissa Wennihan, Trustee Aide
Pohai Ryan, Trustee Aide
Sommer Soares, Trustee Secretary

ADMINISTRATION CONT.

Daniel Santos, IT

GUEST:

Napua Castro-Howell
Germaine Meyer (Zoom)

Call to Order (6:20 | 10:06 am)

Chair Kaiali'i Kahele Calls the Board of Trustees Meeting to order for Thursday, April 17, 2025 at 10:06 a.m. Board Secretary, please do a roll call.

MEMBERS			Present	Notes
TRUSTEE	DAN	AHUNA	X	Left mtg at 3:00 pm
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRICKWOOD	GALUTERIA	X	
TRUSTEE	CARMEN "HULU"	LINDSEY	X	
TRUSTEE	KEONI	SOUZA	X	
TRUSTEE	JOHN	WAIHE'E		Joins mtg at 10:08 am and left mtg at 2:50 pm
CHAIRPERSON	KAIALI'I	KAHELE	X	
			8	

At the Call to Order, **eight (8)** Trustees are PRESENT, thereby constituting a quorum.

Chair Kaiali'i Kahele This meeting can be viewed via live stream on all his website at www.oha.org/livestream For those joining us on Zoom to testify or listen, please note that we are using the webinar platform rather than the standard Zoom meeting format. As an attendee, you will be able to watch and listen to the proceedings. If you wish to testify on a specific agenda item, please follow these steps:

1. Raise your hand to indicate that you would like to speak.
2. We will change your status from attendee to panelist when it is your turn. This may take a few seconds, so we appreciate your patience.
3. As a panelist, you will have the option to turn on your camera and unmute yourself to provide testimony.
4. Once you have finished testifying, please mute yourself, and you will be returned to attendee status.

Today we have our Board Counsel, Richard Naiwi Wurdeman joining us. I will call on our Ka Pouhana to introduce her staff.

Stacy Ferriera, CEO Introduces administrative staff attending the Board meeting.

(9:50 | 10:09 am)

Approval of Minutes

- A. March 6, 2025
- B. March 27, 2025*

Trustee Lindsey moves to approve the minutes.

Trustee Akina Seconds the motion.

10:09 a.m. Trustee Lindsey moves to						
A. March 6, 2025 B. March 27, 2025						
Trustee Akina seconds the motion						
Vote: 10:10 a.m.	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA		X	X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY	X		X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR KAIALI'I KAHELE			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with Nine (9) Yes votes, Zero (0) No votes						

(10:43 | 10:10 am)

New Business

A. Update on OHA Administrator's Performance Evaluation: proposed performance evaluation timeline, BOT participation, procurement, and related considerations.

Chris Stanley, Procurement Manager *summarized*. OHA is in the final stages of its solicitation process. The initial request for quote through competitive sealed bidding did not meet the desired price point, so the process shifted to professional services under pre-approved legal categories. At the outset, only two eligible firms were available, but state rules require a minimum of three. To comply, OHA posted a 10-day notice for statements of qualifications, and one additional firm responded.

The next step is to convene a three-member review committee, recommended by corporate counsel, to determine if the new firm qualifies. If accepted, a selection committee, recommended by the Chair, will rank the eligible firms. There are no mandated minimum timelines for this process, so decisions could be made as early as next week. Following committee rankings, the Chair will approve the recommendation, and OHA will enter negotiations with the top-ranked vendor.

(28:31 | 10:29 am)

B. Action Item BOT # 25-06: Reexamine OHA’s sponsorship funding to Kuana‘ike for the Ho‘ākoakoa Lāhui “Spirit Fest 2025” event, scheduled for March 21, 2025, in the amount of \$15,000, with the intent to affirm, rescind or amend prior Board approval on March 6, 2025.

10:30 AM Discussion along with questions and answers take place with Ryan Souza and Keolamau-Tengan take place

Keolamau-Tengan summarized. Shares that he is the person that turned in the application and can speak to it in terms of the context of the application. Spirit Fest is in its fourth year, and over the past two years, we have collected roughly 120 hours of digital content from community leaders and speakers supporting the lāhui. Our current challenge is the limited capacity to record, edit, and distribute this content effectively. The goal of the project is to create an accessible archive of teachings and stories that can benefit both local and mainland Kanaka communities, including displaced families from Lahaina. This resource will be freely available and designed to outlive the event itself, ensuring long-term community impact. Support for equipment and editing will make this vision more achievable.

Ryan Souza summarized. The intention behind everything we do is to share aloha with the world through Kuana‘ike, preserving and spreading Hawaiian teachings. Producing and formatting the extensive content requires significant equipment and funding, which is why the application was submitted. While financial support, such as the \$15,000, would greatly expand our reach, we remain committed to moving forward with or without it. Our work is grounded in the truth of who we are, using aloha as a guiding principle to inspire and educate both local and global communities. Ultimately, our purpose is to consistently share aloha and uphold the values embedded in Kuana‘ike.

Testimony (40:19)

for full testimony click here: https://www.youtube.com/watch?v=4YOgN4_a3hE

Germaine Meyers summarized. Points out that not all material was included in the board packet. She also discusses the cost of video editing. She asks if the event is selling the final video to the participants for a fee.

(46:11 | 10:46 am)

Vice Chair Souza moves the motion and Chair Emerita Lindsey seconds the motion.

Motion: Reexamine OHA’s sponsorship funding to Kuana‘ike for the Ho‘ākoakoa Lāhui “Spirit Fest 2025” event, scheduled for March 21, 2025, in the amount of \$15,000, with the intent to affirm, rescind or amend prior Board approval on March 6, 2025.

Discussion takes place. No vote takes place.

(1:48:27 | 11:52 am)

Chair Emerita Lindsey moves to amend motion and Trustee Souza seconds the motion.

Motion: Moves to amend the previous action and affirm to award \$11,250.00.

Discussion takes place among the Trustees.

(2:01:52 | 12:02 pm)

Chair Emerita Lindsey moves to withdrawl motion and Trustee Souza seconds the motion.

Motion: Moves to withdrawl previous motions and lets the original action stand

Naiwi Wurdeman, Board Counsel The vote is to amend or rescind because we have already approved this action. Unless there is a motion to amend or rescind the action stands.

Chair Kaiali‘i Kahele Asks the Trustees if there is a motion to amend or recind. Hearing none, **Chair announces that the motion stands.**

No votes were taken.

(2:05:44 | 12:05 pm)

Committee on Beneficiary Advocacy and Empowerment – April 16, 2025

**Trustee Galuteria Chair, I would like to Request for approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 20, 2025) Article VIII, Section M:
The Committee on Beneficiary Advocacy and Empowerment
2025 Legislature: OHA Position on Bills Naming OHA-Matrix 2 and
2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Housing-Matrix 5**

Trustee Waihe‘e seconds the motion.

*Testimony offered at 12:06pm. Full testimony can be viewed at:
https://www.youtube.com/watch?v=4YOgN4_a3hE&t=7206s*

Germaine Meyers Trustee Meyers stated that the Board has not taken an official position on HCR 192, which proposes forming a Native Hawaiian Economic Development Working Group to (1) identify initiatives benefiting Native Hawaiians, (2) study gaming definitions and opportunities, and (3) include OHA as a member. She raised concern that OHA submitted written testimony in strong support—twice—without BAE Committee or full Board approval. Oral testimony was also scheduled, but the representative did not attend.

Trustee Akaka explains why she will be voting no. That there is a process to go through committee meetings first then to be further vetted, and up for discussion. She has her own concerns regarding how OHA landed on HCR192 decision with testimony as well.

Chair Kaiali‘i Kahele Agrees with Trustee Akaka and explains the mishap with the postage and mail outs that happened last week and it was out of staff control. Some of the items that are being taken up were on those agendas that were cancelled.

12:06 p.m. Trustee Galuteria

**Request for approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 20, 2025) Article VIII, Section M:
The Committee on Beneficiary Advocacy and Empowerment
2025 Legislature: OHA Position on Bills Naming OHA-Matrix 2 and
2025 Legislature: OHA Position on Bills Affecting Native Hawaiian Housing-Matrix 5**

Trustee Waihe‘e seconds the motion

Vote: 12:18 pm	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA	X		X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE JOHN WAIHE‘E		X	X			
CHAIR KAIALI‘I KAHELE			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with Nine (9) Yes votes, Zero (0) No votes						

Stacy Ferreira, CEO offers an update on Matrix : OHA reported that the House passed its budget bill unamended and fully supported OHA’s funding requests. In contrast, the Senate proposed a status quo budget of \$3 million. As a result, the matter will proceed with the conference committee. OHA staff stated they will submit correspondence to the conferees affirming support for the House position over the Senate's

Trustee Akaka request to bifurcate HCR192. There are strong concerns that have been shared from community members. She would like to know how OHA came to the conclusion of strong support of this resolution.

Leina’ala Ley, Director of Advocacy Took responsibility for the procedural oversight regarding testimony submitted in support of HCR 192. The resolution was initially communicated by a legislator to OHA staff as a measure to form a working group focused on Native Hawaiian economic development, with OHA not originally included. Because the measure was a resolution—not a bill—and appeared to be non-controversial, the representative approved the testimony without personal review, assuming it only requested OHA's inclusion in the working group. It was later discovered, through inquiry, that the working group would also explore gaming as a potential pathway for economic development.

Stacy Ferreira, CEO Request moving forward the Board have agreement on various stances regarding controversial issues.

Trustee Akaka Request to remove HCR 192 from Matrix 2 or list it separately, as it is currently marked as “support” and Trustee does not support this

Trustee Souza Does not see a need to bifurcate.

Chair Emerita Lindsey Explains that the bifurcation does not hurt anyone if it is removed.

12:32 p.m. Trustee Akaka						
Moves to bifurcate HCR 192 from matrix 2						
Trustee Waihe'e seconds the motion						
Vote at: 12:33 pm	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA				X		
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA				X		
TRUSTEE JOHN WAIHE'E		X	X			
CHAIR KAIALI'I KAHELE				X		
TOTAL VOTE COUNT			6	3		
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with Six (6) Yes votes, Three (3) No votes						

Chair Kaiali'i Kahele Do we have any additional discussion on the underlying motion, the now bifurcated, matrix 2?

Leina'ala Ley, Director of Advocacy Comments on matrix 2 that includes SB903, as written it says comment but OHA voted last week to oppose to give administration maximum flexibility. It should read oppose. The board granted us the authority last week to oppose it if it was not amended, the settlement language was not taken out which is what we talked about and what we are working on right now.

12:32 p.m. Trustee Galuteria						
2025 Legislature: OHA Position on Bills Naming OHA-Matrix-2						
Trustee Waihe'e seconds the motion						
Vote at: 12:34 pm	1	2	'AE (YES)	'A'OLE (NO)	KANALUA	EXCUSED

					(ABSTAIN)	
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR KAIALI'I KAHELE			X			
TOTAL VOTE COUNT			9			
MOTION: [9] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with Nine (9) Yes votes, and Zero (0) No votes						

There is more discussion among the Trustees regarding HCR192

Trustee Akaka expresses that she will vote no as she does not feel comfortable the way OHAs testimony was provided as written.

Trustee Galuteria wants to be clear that the Board will be voting on something that is not alive.

Trustee Akaka points out that it is for the record.

Chair Kaiali'i Kahele States that OHAs testimony will stand and this will not retract the testimony.

12:32 p.m. Trustee Akaka						
the current position as it stands for HCR 192 <i>in support</i>						
Trustee Waihe'e seconds the motion						
Vote at: 12:55 pm	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X			X		
TRUSTEE KELI'I AKINA				X		

TRUSTEE LUANA ALAPA				X		
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY				X		
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIR KAIALI'I KAHELE			X			
TOTAL VOTE COUNT			5	4		
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with Five (5) Yes votes, and Four (4) No votes						

Trustee Galuteria moves to adopt the approval of staffs recommendation for positions on bills affecting Native Hawaiians in Housing as reflected in Matrix 5.

Trustee Waihe'e Seconds the motion.

12:57 p.m. Trustee Galuteria moves to adopt the approval of staffs recommendation for positions on bills affecting Native Hawaiians in Housing as reflected in Matrix 5. Trustee Waihe'e seconds the motion						
Vote at: 12:58 pm	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA	X		X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIR KAIALI'I KAHELE			X			

TOTAL VOTE COUNT			9		
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED					
Motion passes with NINE (9) Yes votes, and Zero (0) No votes					

*Recess at 12:58 pm
Reconvenes meeting 1:05 pm*

Committee on Budget and Finance

**Trustee Alapa Chair, I would like to Request for approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 20, 2025) Article VIII, Section M:
The Committee on Budget and Finance Action Item BF #25-22: Approval of OHA funding for Event Sponsorship to the Merrie Monarch Festival for the 2025 Merrie Monarch Festival on April 20, 2025 to April 26, 2025, in the amount of \$25,000**

Trustee Ahuna Seconds the motion.

Trustee Akaka expresses that she will be voting yes but would like on record that she prefers that the Board not rush. She understands the timing of the event but in the future she would like these items to go through committee first.

1:06 p.m. Trustee Alapa moves						
approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 20, 2025) Article VIII, Section M						
Trustee Ahuna seconds the motion						
Vote at: 1:24 pm	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA		X	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA	X		X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE JOHN WAIHE‘E			X			

CHAIR KAIALI‘I KAHELE			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with Nine (9) Yes votes, and Zero (0) No votes						

Trustee Alapa moves approve and authorize FY 2025 sponsorship funding for Merrie Monarch Festival for the 2025 Merrie Monarch Festival on April 20-26, 2025, in the amount of \$25,000.

Proposed Action

Approve and authorize FY 2025 sponsorship funding for Merrie Monarch Festival for the 2025 Merrie Monarch Festival on April 20-26, 2025, in the amount of \$25,000.

Organization Name	Event	Award Amount Recommendation
Merrie Monarch Festival	Merrie Monarch Festival 2025 4/20/2025 - 4/26/2025 9:00 AM - 10:00 PM Edith Kanaka'ole Multi-Purpose Stadium, 350 Kalanikoa St, Hilo, HI 96720 (Hawai'i Island)	\$25,000
Total Recommendations (1)		\$25,000

Chair Emerita Lindsey Seconds the motion.

Testimony given at 1:09 pm. The full testimony can be seen here:
<https://www.youtube.com/watch?v=CzJcbqYv5gM>

Kathy and Luana Thanks Chair Kahele for sitting down and meeting with them. She apologizes for any delay and explains that she did not want to take money for the sake of taking money. She truly loves what she does, it is her mother’s legacy she wants to continue. She is thankful to OHA for everything.

Committee on Investment Land and Management

Action Item ILM #25-06: Reappointment of Leilani Kūpahu-Marino Kaho‘āno as a Non-OHA LLC Manager for Hi‘ilei Aloha LLC for a 1-Year Term from April 1, 2025 to March 31, 2026* *March 19, 2025**

Trustee Souza Chair, I move for the approval of the reappointment of Leilani Kūpahu-Marino Kaho‘āno as a non-OHA limited liability company Manager for Hi‘ilei Aloha LLC for a 3-Year Term from April 1, 2025 to March 31, 2028*

Trustee Waihe‘e seconds the motion.

1:25 p.m. Trustee Souza moves

approval of the reappointment of Leilani Kūpahu-Marino Kaho‘āno as a non-OHA limited liability company Manager for Hi‘ilei Aloha LLC for a 3-Year Term from April 1, 2025 to March 31, 2028.						
Trustee Waihe‘e seconds the motion						
Vote at: 1:26 pm	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA	X		X			
TRUSTEE JOHN WAIHE‘E		X	X			
CHAIR KAIALI‘I KAHELE			X			
TOTAL VOTE COUNT			9			
MOTION: <input checked="" type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with Nine (9) Yes votes, and Zero (0) No votes						

Action Item ILM #25-07: Approval of OHA Hawai‘i Real Estate Strategic Plan (strategies for OHA’s ownership, management, and decision making over investment and non-investment real estate).* *1st reading*

Motion for the waiver:

Trustee Souza Chair, I would like to Request for approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 20, 2025) Article VIII, Section M:

The Committee on Investment Land and Management Action Item #25-07: Approval of OHA Hawai‘i Real Estate Strategic Plan. *1st reading*

Trustee Waihe‘e Seconds the motion.

Trustee Akaka States for the record that she prefers that the Board go through committee first before taking up an issue at the Board level and to follow procedure. She inquires if this item is time sensitive.

Chair Kaiali'i Kahele Replies that the action requires two readings. Given the due date to respond to the State Auditor, this matter is time-sensitive in order to meet the deadline.

1:27 p.m. Trustee Souza moves						
Request for approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 20, 2025) Article VIII, Section M:						
The Committee on Investment Land and Management Action Item #25-07: Approval of OHA Hawai'i Real Estate Strategic Plan. <i>1st reading</i>						
Trustee Waihe'e seconds the motion						
Vote at: 1:28 pm	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA	X		X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIR KAIALI'I KAHELE			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with Nine (9) Yes votes, and Zero (0) No votes						

Motion for action item ILM #25-07

Trustee Souza Move to approval of OHA Hawai'i Real Estate Strategic Plan, as set forth in Attachment A.

Trustee Waihe'e Seconds the motion.

Discussion

Paul Quintiliani The Board requested the development of a real estate strategic plan, which coincidentally aligned well with existing timelines. The result is an OHA-branded Real Estate Strategic Plan that builds upon earlier tactical and strategic planning efforts completed in the fall. many trustees had already reviewed versions

of the plan included in the action item and attachments. He shared that the planning process began in July of the previous year and involved vetting current practices, establishing guiding principles, and reviewing industry best practices. These efforts culminated in a set of core principles and specific strategies for both investment and legacy lands. Rather than giving a full presentation due to time constraints, Paul opened the floor for any questions or discussion from the Board.

Chair Kaiali'i Kahele Staff presented the overarching goals, objectives, and purpose for OHA's land assets, which include investment lands, legacy lands, potential development lands, income-generating lands, and fallow lands not currently producing revenue. The strategic plan consolidates and integrates previously Board-approved policies and concepts from various governance documents. This new plan now supersedes those prior documents, offering a unified framework. Staff acknowledged the thorough work of Paul and Linda in reviewing and synthesizing the materials to ensure alignment under a single strategic vision.

Trustee Akina Expresses support for the Real Estate Strategic Plan, echoing the Chair's remarks and commending the private presentation provided by staff. The trustee appreciated the plan's comprehensive nature, which balances short-term action with a long-term vision. Trustee also acknowledged that staff are considering the State Auditor's recommendations related to Kaka'ako Makai in their consultation with administration and expressed gratitude for their efforts.

1:29 p.m. Trustee Souza moves						
Move to approval of OHA Hawai'i Real Estate Strategic Plan, as set forth in Attachment A.						
Trustee Waihe'e seconds the motion						
Vote at: 1:34 pm	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA	X		X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIR KAIALI'I KAHELE			X			
TOTAL VOTE COUNT			8			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						

Motion passes with Eight (8) Yes votes, and Zero (0) No votes

Community Concerns and Celebrations 1:35 pm Full testimony for all testifiers can be found here: <https://www.youtube.com/watch?v=CzJcbqYv5gM&t=1s>

Napuaokalani Castro-Howell A testifier submitted a proclamation and petition to affirm Hawaiian national identity and strengthen relations with OHA and the State Legislature. Napua thanks Trustee Lindsay for facilitating a meeting with the CEO and noted a draft resolution was filed with the Bureau of Conveyances. She looks forward to continued discussions with OHA leadership.

Germaine Meyers Expressed strong concerns regarding OHA's support of HCR 192, a gaming-related resolution. She noted that OHA's administration submitted written testimony in support of the measure without informing the Board before related committee meetings. She believes the bill exploits Native Hawaiians by suggesting gaming as a solution to poverty. Concerns were raised about the limited representation of OHA in the proposed working group, the potential for increased addiction, domestic violence, and sex trafficking, and the lack of community consultation, particularly with those impacted by gambling-related harm. She referenced Department of Health reports outlining the negative impacts of gambling on families and youth and urged OHA to seek broader input from the Native Hawaiian community before supporting such initiatives.

Status of OHA Activities: Ka Pouhana/CEO and Administration's Update on OHA's activities.*

1. Update on Pacific Missile Range Facility (PMRF) Barking Sands, Kaua'i site visit on March 21, 2025.

Stacy Ferreira, CEO Myself and Kamakana Ferreira, visited the Pacific Missile Range Facility (PMRF) in Mana, Kaua'i, as part of ongoing discussions with the State Historic Preservation Division (SHPD) on reintering iwi kūpuna currently stored in SHPD offices. The visit included a site inspection of culturally significant dunes at Nohili, a historic burial area affected by coastal erosion, and a review of preservation practices and a burial crypt (Lua) where interments occur annually during the summer solstice.

PMRF staff, including a lineal descendant and archaeologist, shared insights on the crypt's design, cost, and interment protocols. OHA is considering how these practices could inform similar efforts on Kaua'i and potentially other islands, working with Aha Moku and burial councils. The facility is also engaged in dune restoration to support in-place preservation whenever possible.

Trustee Akaka expresses that she would like to hear from the Kaua'i Trustee on his experience with the community and what they have shared with him. She is also interested in the relationship moving forward and if this is apart of the state, federal, or county level.

Trustee Ahuna Emphasized the importance of ongoing communication with the Pacific Missile Range Facility (PMRF), particularly regarding the impacts of military activity on Native Hawaiian lands. He acknowledged his support for veterans, including those in his own family, but expressed concern about the environmental and cultural consequences of military use, especially in areas of cultural significance like Polihale and the surrounding dunes. He highlighted that access to these sites is vital due to their spiritual importance as places where souls are believed to depart.

Working with the military, he noted, is often difficult, but continued dialogue is necessary to address and mitigate harm. He voiced particular concern about ongoing bombing activities on and around Kaua‘i, stating that despite raising objections, these actions persist, and it remains unclear how to effectively stop or remediate them. He also expressed hope in the expertise of team member Lena‘ala Ley, who has experience in these areas. He also raised concerns about the growing presence of radar and other large sites in culturally sensitive areas, urging careful consideration moving forward.

Trustee Akaka Inquires what kind of lands are these.

Chair Kaiali‘i Kahele The Navy is currently conducting an Environmental Impact Statement (EIS) and preparatory work related to its land leases at the Pacific Missile Range Facility (PMRF), many of which, including sites such as Puaakōlo and Makua Valley, are set to expire around 2029. A particular focus is on the area of Polihale, which is believed to involve both State and Federal lands. Some of this land may also be classified as former or current ceded land. The overlapping jurisdictions—State-leased, Federal, and potentially ceded lands—raise important considerations regarding land use, stewardship, and cultural sensitivity. This preparatory work is part of the broader effort to renew or re-negotiate lease agreements. The Office of Hawaiian Affairs continues to monitor these developments to ensure that Native Hawaiian interests and concerns are represented and protected.

2. Travel Announcement: Administrator - Omidyar Travel to Aotearoa May 1, 2025, to May 13, 2025, research focus on successful indigenous models of decolonization.

Stacy Ferreira, CEO Announces that she will be leaving on a trip from May 1 – 13, 2025. The trip is a part of her Omidyar Program. Part of her fellowship is the impact project, she has chosen to do project on research dealing with successful models of decolonization.

3. Upcoming Events:

a. Gabby Pahinui Waimānalo Kanikapila, Saturday, April 19, 2025 from 9:00 AM to 6:00 PM at Nā‘ālehu Theatre (Waimānalo).

b. Mele Manaka 3 Day Community Event, Thursday April 24, 2025 to Saturday, April 26, 2025 from 9:00 AM to 3:00 PM at SCP Hotel, Hilo, Hawai‘i.

Stacy Ferreira, CEO Saturday, April 19, 2025 – Gabby Pahinui Kanikapila and then starting on April 24th – the Mele Manaka Event in Hilo. Wrapping up on the signing bonus program. In one weeks time, OHA has doubled – grants division and public policy has doubled in applications and there is sustained interest in the other positions.

Executive Session

Chair Kaiali‘i Kahele asks for a motion to recuse into executive session.

Chair Emerita Moves to move the Board into executive session.

Trustee Waihe‘e Seconds the motion.

The Board recuses into Executive Session at 2:03 p.m.

Motion to recuse into executive session pursuant to HRS Section§92-5						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA						
TRUSTEE BRICKWOOD GALUTERIA			X			
TRUSTEE CARMEN HULU LINDSEY	X		X			
TRUSTEE KEONI SOUZA			X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON KAI KAHELE			X			
TOTAL VOTE COUNT			8			
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with a Eight (8) Yes votes, Zero (0) No votes and Zero (0) Excused vote.						

Board returns to open session at 3:06 p.m

Chair Kaiali'i Kahele reports the following the Board of Trustees had a discussion and reviewed agenda items with Interim General Counsel Everett Ohta and Board Counsel Richard Naiwieha Wurdeman on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities pertaining to

1. Status Update re complaint and claim for a wrongful employment action against the Office of Hawaiian Affairs.
2. Review of litigation strategy in OHA's involvement in lawsuits against the State of Hawai'i for mismanagement of Mauna Kea and establishment of the Mauna Kea Stewardship and Oversight Authority under Act 255 – **NO Action was taken.**

Announcements

Chair Kaiali'i Kahele shares the next Board of Trustees meeting is set for Thursday, May 1, 2025 at 10:00 am.

- Next Wednesday there is an unscheduled meeting for our Budget and Finance Committee at 10 AM
- Next week we are busy with our Hilo office blessing, Merrie Monarch, and the parade
- Artwork displayed around the BOT suite. Mahalo nui to the State Foundation on Culture and Arts – Elizabeth Baker.
- Miloli'i – this weekend for Uncle Willie Kaupiko, it is his 80th birthday. We all signed his certificate.

Trustee Akaka Friday, April 11, 2025 Nana I ke Kumu, celebrating the legacy of Mary Kawena Pukui. Speaking at the vent was Trustee Dan Ahuna. Also present was Trustee Akina, Trustee Alapa, and myself. Mahalo to Hailama for arranging the beautiful Ilima lei as well as team Ahuna, Anuheia Diamond for the beautiful lei and her sister who did the oli for OHA.

Adjournment

Chair Kaiali'i Kahele asks for a motion to adjourn.

Trustee Lindsey Moves to adjourn.

Trustee Souza Seconds the motion.

Adjournment – vote at 3:12 pm							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						Left mtg at 3:00 pm
KALEI	AKAKA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
CARMEN HULU	LINDSEY	X		X			
KEONI	SOUZA		X	X			
JOHN	WAIHE'E						Left mtg at 2:50 pm
CHAIR KAIALI'I	KAHELE			X			
TOTAL VOTE COUNT				8			

Chair Kahele Adjourns the Board of Trustees meeting at 3:12 p.m.

Respectfully submitted,

 Lehua Itokazu
 Board Secretary

As approved by the Board of Trustees on XXXXXXXXXX

 Kaiali'i Kahele
 Chairperson, Board of Trustees

Attachments: (all handouts will be attached once the minutes are approved)

DRAFT

DRAFT

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(In-Person Meeting)

The OHA Board of Trustees meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listened by phone: (213) 338-8477.

A physical meeting location open to the general public will be available at the
A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy.,
Suite 200, Honolulu HI 96817.

This meeting can be viewed at:

Video 1: <https://www.youtube.com/live/UU3PNLoFkqc?si=hLNqlkoBuQyq3nV0>

Minutes of the
BOARD OF TRUSTEES MEETING
MINUTES
October 2, 2025
9:00 a.m.

ATTENDANCE:

Chairperson Kaiali'i Kahele
Vice Chair Keoni Souza
Chair Emerita Lindsey
Trustee Kaleihikina Akaka
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brickwood Galuteria
Trustee John Waihe'e IV

ADMINISTRATION:

K.Sean Kekina, COO
Ryan Lee, Interim CFO
Elena Farden, Dir. of Strategy and Implementation
Everett Ohta, General Counsel
Kapono K., External Counsel
Poni Askew, Dir. of Economics
Bill Brennan, Dir. of Communications
Royce Cambell, Mngr. Of Operations
Lauwae Clayton, Exec Assistant
Arlene Aguinaldo, IT
Kyle Saucier, IT

BOT STAFF:

Alena Auyoung, Interim COS
Lehua Itokazu, Board Secretary
Richelle Kim, Trustee Aide
Kauai Robello, Trustee Secretary
Kyla Hee, Trustee Secretary
LeiAnn Durrant, Trustee Aide
Kanani Iaea, Trustee Aide
Remy Keliioomalua, Trustee Aide
Carina Lee, Trustee Aide
Pohai Ryan, Trustee Aide

GUEST:

Germaine Meyers

(01:05 | 9:12 am)

Call to Order

Chair Kaiali'i Kahele Calls the Board of Trustees Meeting to order for Thursday, October 2, 2025 at **9:12 a.m.** Board Secretary, please do a roll call.

MEMBERS			Present	Notes
TRUSTEE	DAN	AHUNA		excused
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRICKWOOD	GALUTERIA	X	
TRUSTEE	CARMEN "HULU"	LINDSEY	X	
TRUSTEE	KEONI	SOUZA	X	
TRUSTEE	JOHN	WAIHE'E	X	
CHAIRPERSON	KAIALI'I	KAHELE	X	
			8	

At the Call to Order, **EIGHT (8)** Trustees are PRESENT, thereby constituting a quorum.

Chair Kaiali'i Kahele This meeting can be viewed via live stream on all his website at www.oha.org/livestream For those joining us on Zoom to testify or listen, please note that we are using the webinar platform rather than the standard Zoom meeting format. As an attendee, you will be able to watch and listen to the proceedings. If you wish to testify on a specific agenda item, please follow these steps:

1. Raise your hand to indicate that you would like to speak.
2. We will change your status from attendee to panelist when it is your turn. This may take a few seconds, so we appreciate your patience.
3. As a panelist, you will have the option to turn on your camera and unmute yourself to provide testimony.
4. Once you have finished testifying, please mute yourself, and you will be returned to attendee status.

(03:14 | 9:14 am)

K.Sean Kekina, COO introduces staff attending the Board meeting.

(05:21 | 9:17 am)

Approval of Minutes

- A. April 3, 2025
- B. June 26, 2025
- C. July 15, 2025 Kaua'i Island Community Meeting
- D. July 16, 2025 Kaua'i Island Board of Trustee Meeting
- E. July 24, 2025
- F. August 7, 2025

11:29 a.m. Trustee Souza moves to approve the following:						
A. April 3, 2025						
B. June 26, 2025						
C. July 15, 2025 Kaua'i Island Community Meeting						
D. July 16, 2025 Kaua'i Island Board of Trustee Meeting						
E. July 24, 2025						
F. August 7, 2025						
Vote: 9:17 a.m.	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA	X		X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR KAIALI'I KAHELE			X			
TOTAL VOTE COUNT						
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with EIGHT (8) Yes votes, Zero (0) No votes						

(06:02 | 9:18 am)

Committee on Investment Land and Management

1. Action Item ILM #25-09: Approval of the 2025 Native Hawaiian Trust Fund (NHTF) Private Markets Program Commitment Plan. September 17, 2025

Trustee Souza I would like to move for the approval of 2025 Native Hawaiian Trust Fund Private Markets Program Commitment Plan dated September 17, 2025.

There is no discussion.

9:18 a.m. Trustee Souza moves to approve the following:						
the approval of 2025 Native Hawaiian Trust Fund Private Markets Program Commitment Plan dated September 17, 2025.						
Vote: 9:18 a.m.	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA	X		X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIR KAIALI‘I KAHELE			X			
TOTAL VOTE COUNT						
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with EIGHT (8) Yes votes, Zero (0) No votes						

(07:10 | 9:19 am)

- Action Item ILM #25-10: Approval to proceed with Due Diligence Phase 2 on proposed acquisition of 1,980 acres of agricultural land adjacent to OHA’s Wao Kele o Puna Property, Hawai’i Island, TMKs 1-2-010:001 and 1-2-008:016. September 17, 2025**

Trustee Souza moves for the approval to proceed with due diligence phase 2 on proposed acquisition of 1980 acres of agricultural land adjacent to OHA’s Wao Kele o Puna Property, Hawai’i Island, TMKs 1-2-010:001 and 1-2-008:016. September 17, 2025

No discussion takes place

9:19 a.m. Trustee Souza moves to approve the following:						
approval to proceed with due diligence phase 2 on proposed acquisition of 1980 acres of agricultural land adjacent to OHA’s Wao Kele o Puna Property, Hawai’i Island, TMKs 1-2-010:001 and 1-2-008:016. September 17, 2025						
Vote: 9:19 a.m.	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X

TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA	X		X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR KAIALI'I KAHELE			X			
TOTAL VOTE COUNT						
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with EIGHT (8) Yes votes, Zero (0) No votes						

(08:08 | 9:20 am)

3. Action Item ILM #25-11: Approval to proceed with Due Diligence Phase 2 activities for Wailupe, O'ahu, TMK: No. 1-3-6-023:006 for proposed land transfer to OHA. September 17, 2025

Trustee Souza I'd like to move for the approval to proceed with due diligence phase 2 activities for Wailupe Oahu TMK number 136023006 for proposed land transfer to OHA outdated September 17, 2025.

No Discussion takes place.

9:20 a.m. Trustee Souza moves to approve the following:						
the approval to proceed with due diligence phase 2 activities for Wailupe Oahu TMK number 136023006 for proposed land transfer to OHA outdated September 17, 2025.						
Vote: 9:20 a.m.	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			

TRUSTEE J. KEONI SOUZA	X		X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR KAIALI'I KAHELE			X			
TOTAL VOTE COUNT						
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with EIGHT (8) Yes votes, Zero (0) No votes						

With unanimous consent Chair Kahele takes the agenda out of order and will take up item D and E. next.

(09:48 | 9:21 am)

D. Request for approval to waive Action Item BF #25-83: Review and Approval of OHA November 2025, December 2025, and January 2026 Paid Holiday Break and Observances from the Committee on Budget and Finance to the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (September 4, 2025) Article VIII, Section M.

Chair Kahele We will take up item number D which will be the request for approval to wave action item BF number 2583. This would be a review and approval of OHA's November 2025, December 2025 and January 2026 paid holiday break and observances from the committee on budget and finance to the board of trustees pursuant to the office of wine affairs board of trustees bylaws uh which were adopted on September 4, 2025. Do we have a motion?

Trustee Souza So moved.

Public Testimony (10:47 | 9:22 am)

Germaine Meyers *summarized.* representing Beneficiary Advocacy and Empowerment and a resident of Nānākuli Hawaiian Homestead, provided public testimony. She began by expressing appreciation for the opportunity to speak on the agenda item requesting approval of the waiver for Action Item BF25-83. She notes that the meeting packet did not include the proposal or explain the purpose for the waiver. She questioned why the matter was being treated as an emergency requiring a waiver to bypass the normal review process of the Budget and Finance (BF) Committee. She stated her understanding that, under OHA's structure and policies, all budget and finance matters should be reviewed by the BF Committee under the leadership of its Chair, Trustee Luana Alapa, whom she described as fully capable of handling such items. Requesting sufficient justification and a clear explanation of the urgency behind this waiver request. She concluded by reiterating her expectation that OHA follow its established procedures and uphold transparency in its decision-making process.

Chair Emerita Lindsey states she had the same question on why a waiver was being requested.

Chair Kahele *summarized.* The intent of the proposal was to present the Office of Hawaiian Affairs' holiday schedule directly to the Board, rather than routing it through the Budget and Finance (BNF) Committee, to provide OHA employees with ample time to plan their holiday vacations and time off. Staff benefit from having early notice of the holiday schedule, as it allows them to make necessary personal and family arrangements during the busy holiday period.

While it was acknowledged that the BNF Committee could review the item, deferring it for two additional weeks would delay final Board approval until mid- or late October. This would, in turn, postpone notice to employees and limit their ability to prepare accordingly. The proposal therefore emphasized timeliness and consideration for staff planning needs while remaining consistent with the procedural requirements of Hawai‘i Revised Statutes Chapter 92-9, ensuring proper notice and transparency in Board decision-making.

9:21 a.m. Trustee Souza moves to approve the following:						
approval to wave action item BF number 2583. This would be a review and approval of OHA's November 2025, December 2025 and January 2026 paid holiday break and observances from the committee on budget and finance to the board of trustees pursuant to the office of wine affairs board of trustees bylaws uh which were adopted on September 4, 2025						
Vote: 9:30 a.m.	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA	X		X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIR KAIALI‘I KAHELE			X			
TOTAL VOTE COUNT						
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with EIGHT (8) Yes votes, Zero (0) No votes						

(19:20 | 9:36 am)

E. Action Item BF #25-83: Review and Approval of OHA November 2025, December 2025, and January 2026 Paid Holiday Break and Observances

Public Testimony (20:03 | 9:36 am)

Germaine Meyers summarized. The proposal presented by Board Chair Kahele requests approval for an additional 6.5 days, or 52 hours, of paid time off for staff, in addition to the existing 24 hours of paid holiday leave for Thanksgiving, Christmas, and New Year’s Day. Concerns were raised regarding this proposal,

highlighting the potential misuse of excessive benefits as a form of organizational “love bombing,” a manipulative practice intended to gain loyalty and control rather than foster accountability and transparency. It was emphasized that true leadership should be grounded in consistency, respect, and honesty, ensuring benefits are provided equitably and without ulterior motives. The statement urged the Board of Trustees to uphold integrity and fairness in decision-making, in accordance with Hawai‘i Revised Statutes Chapter 92-9, and to deny the proposed additional benefits.

Trustee Alapa to approve the OHA November 2025, December 2025, and January 2026 Holiday Breaks observances and paid administrative leave.

9:36 a.m. Trustee Alapa moves to approve the following:						
approve the OHA November 2025, December 2025, and January 2026 Holiday Breaks observances and paid administrative leave.						
Vote: 9:52 a.m.	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA					X	
TRUSTEE LUANA ALAPA	X		X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA			X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIR KAIALI‘I KAHELE			X			
TOTAL VOTE COUNT			7		1	
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with SEVEN (7) Yes votes, Zero (0) No votes and ONE (1) Abstention						

(41:13 | 9:54 am)

B. Request for approval to waive Action Item BF #25-82: Review and Approval of OHA CEO Salary Alignment with the 2025 Commission on Salaries’ Tier 2 Department Directors Executive Salary Recommendations from the Committee on Budget and Finance to the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (September 4, 2025) Article VIII, Section M.

Trustee Alapa

9:54 a.m. Trustee Alapa moves to approve the following:						
Vote: 9:52 a.m.	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA						X
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA				X		
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRICKWOOD GALUTERIA			X			
CHAIRPERSON HULU LINDSEY			X			
TRUSTEE J. KEONI SOUZA	X		X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIR KAIALI‘I KAHELE			X			
TOTAL VOTE COUNT			7	1		
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with SEVEN (7) Yes votes, One (1) No votes						

(54:13 | 10:06 am)

C. Action Item BF #25-82: Review and Approval of OHA CEO Salary Alignment with the 2025 Commission on Salaries’ Tier 2 Department Directors Executive Salary Recommendations

Public Testimony (54:36 | 10:06 am)

Germaine Meyers *summarized*. The testimony supports the approval of Ka Pouhana (CEO) Stacy Ferreira’s salary alignment under action item BF25-82, citing constitutional and legal mandates that define the Board of Trustees’ authority and responsibilities. Article XII, Section 6 of the Hawai‘i State Constitution states that the Board “shall” exercise control over the Office of Hawaiian Affairs (OHA) through its executive officer—the administrator—making this a mandatory and non-waivable duty.

(59:54 | 10:11 am)

Discussion takes place among the Board.

(1:53:35 | 11:05 am)

Trustee Souza withdraws his original motion moves to defer this action item.

There is unanimous consent for the withdrawal and to defer action item BF #25-82.

(1:54:19 | 11:06 am)

Community Concerns and Celebrations

Germaine Meyers summarized. The testimony raises concerns regarding OHA’s biennium budget for fiscal years 2026–2027, approved by the Board on June 30, 2025. According to CEO (Ka Pouhana) Stacy Ferreira’s contract, her duties include developing OHA’s biennium budgets for Board approval in alignment with the agency’s strategic plan, spending policy, and applicable laws. However, it was stated that the final budget presented to the Board was developed by the Budget and Finance (B&F) Chair and his staff, not by the CEO, which raises issues of authority and compliance with OHA’s governing framework.

The speaker further cited HRS §10-14.5, which requires that OHA provide opportunities for beneficiaries in every county to participate in the preparation of each biennium and supplemental budget, as well as for trustees to provide an accounting of funds expended and program effectiveness. The testimony questioned whether these statutory participation and accountability requirements were fulfilled. It concluded that the budget’s preparation by the B&F Chair rather than the CEO may constitute a violation of OHA’s organizational structure, the Hawai‘i State Ethics Code, and the constitutional provisions that define the CEO’s administrative authority.

(1:57:26 | 11:11 am)

Announcements

Trustee Alapa Announces a new show showcasing our young beneficiaries on Peacock called Oahu Shores.

Trustee Akaka Shares her appreciation to everyone who made the Oahu community meeting that took place September 23, 2025. The turnout was amazing, and it was the first televised community meeting via ‘Ōlelo TV.

Chair Kahele Shares the Alaka‘i nominations will be extended due to a glitch – the new date will be Friday, October 10th. OHA will have a big presence in Seattle for the Hawaiian Council Conference. OHA will also be present at the Civic Club Convention at the end of the month in Kailua-Kona. This will be the first time ever that OHA will hold all standing committee meetings and the Board of Trustees meeting in conjunction with the Civic Club Convention.

(02:05:17 | 11:17 am)

Adjournment

Trustee Souza moves to adjourn the Board meeting.

Adjournment – vote at 11:17 am							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA						X
KALEI	AKAKA			X			

KELI'I	AKINA			X		
LUANA	ALAPA			X		
BRICKWOOD	GALUTERIA			X		
CARMEN HULU	LINDSEY			X		
KEONI	SOUZA	X		X		
JOHN	WAIHE'E			X		
CHAIR KAIALI'I	KAHELE			X		
TOTAL VOTE COUNT				8		

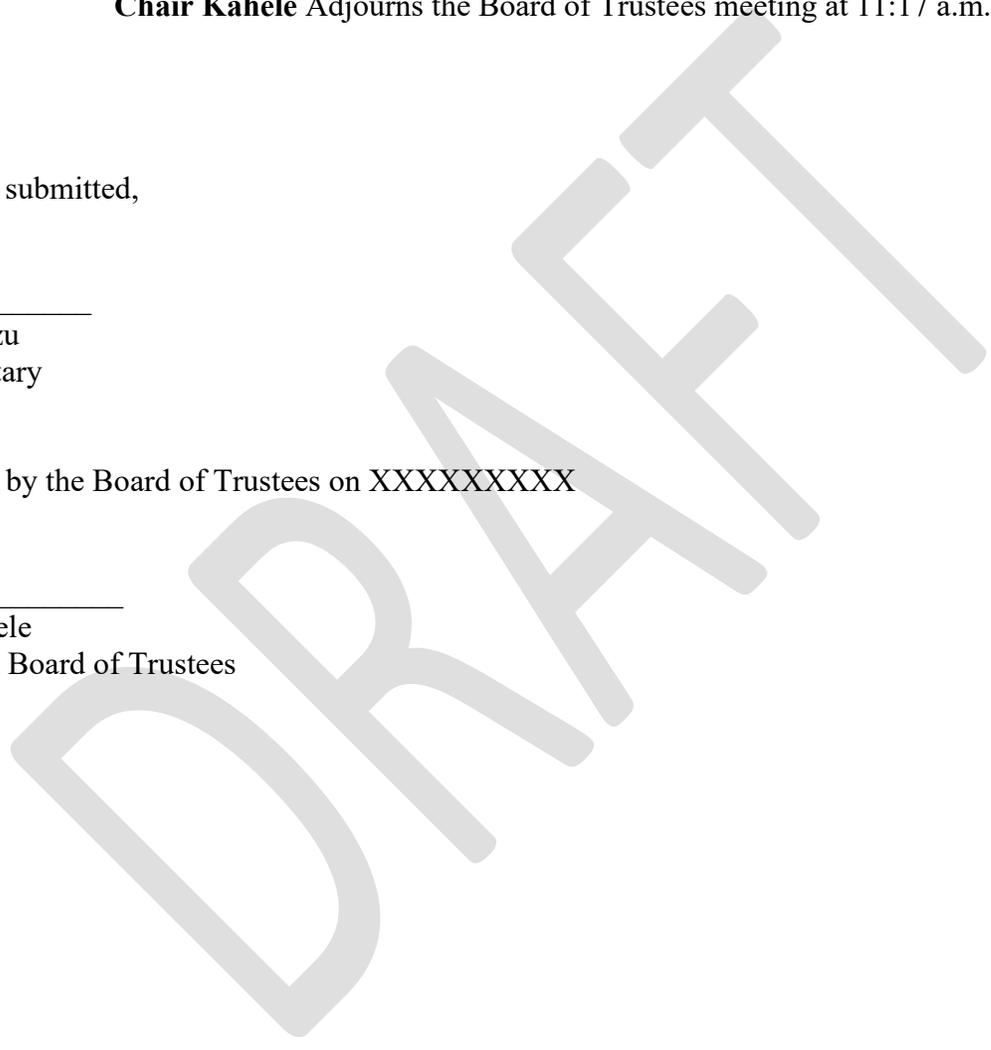
Chair Kahele Adjourns the Board of Trustees meeting at 11:17 a.m.

Respectfully submitted,

 Lehua Itokazu
 Board Secretary

As approved by the Board of Trustees on XXXXXXXXXXX

—
 Kaiali'i Kahele
 Chairperson, Board of Trustees



STATE OF HAWAI‘I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(In-Person Meeting)

The OHA Board of Trustees meeting can be viewed and observed via livestream on OHA’s website at www.oha.org/livestream or listened by phone: (213) 338-8477.

A physical meeting location open to the general public will be available at the

A physical meeting location open to the general public will be available at
Ka Haka ‘Ula O Ke’elikōlani College of Hawaiian Language, University of Hawai‘i at Hilo

This meeting can be viewed at: https://www.youtube.com/live/KVgE_3XFRkc?si=sXiojqWwniEPlbDg

Minutes of the
HAWAI‘I ISLAND BOARD OF TRUSTEES MEETING
MINUTES
November 6, 2025
9:00 a.m.

ATTENDANCE:

Chairperson Kaiali‘i Kahele
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli‘i Akina
Trustee Brickwood Galuteria
Trustee John Waihe‘e IV.

BOT STAFF:

Aleena Auyoung, Interim COS
Lehua Itokazu, Board Secretary
Jasmine Bronco, Trustee Aide
Melissa Wennihan, Trustee Aide
Remy Keli‘iho‘omalua, Trustee Aide
LeiAnn Durrant, Trustee Aide
Nathan Takeuchi, Trustee Aide
Yvonne Mahelona, Trustee Aide

ADMINISTRATION:

Summer Sylva, Interim CEO
K.Sean Kekina, COO
Ku‘ikeokalani Kamakea-Ohelo, Dir. of ‘Oiwī Well-Being and ‘Āina Momona
Poni Askew
Kahelelani Keawekane
Royce Cambell, Operations Manager
Lise Vaughan-Sekona, Dir. of Community Engagement
Paul Thomes, BSA
Iokepa
Sharde
Kaweni Ibarra
Jason Lees, Multi-Media Designer
Kevin Chalk, Systems Engineer
Kelli Soileau, Communications Strategist

Call to Order (2:27 | 9:16 am)

Chair Kaiali'i Kahele Welcomes everyone to the Kaua'i Island Community meeting. Mahalo nui for taking the time to be with us this . Calls the Board of Trustees Meeting to order for Thursday 6, 2025 at 9:01 a.m. Board Secretary, please do a roll call.

MEMBERS			Present	Notes
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA		Excused
TRUSTEE	BRICKWOOD	GALUTERIA	X	
TRUSTEE	CARMEN "HULU"	LINDSEY		Excused
TRUSTEE	KEONI	SOUZA		Excused
TRUSTEE	JOHN	WAIHE'E	X	
CHAIRPERSON	KAIALI'I	KAHELE	X	
			6	

At the Call to Order, **SIX (6)** Trustees are PRESENT, thereby constituting a quorum.

This meeting can be viewed on OHAs website at www.oha.org/livestream. Before we begin I would like to ask each Trustee to introduce themselves and their staff.

(3:00 | 9:19 am)

Introduction

Trustees take a moment to introduce themselves and their staff.

K.Sean Kekina, COO takes a moment to introduce OHA staff.

New Business

Community Presenters

Ka Haka 'Ula O Ke'elikōlani College of Hawaiian Language, University of Hawai'i at Hilo – Ka'iu Kimura, Interim Director



Ka‘iu Kimura It is an honor to support your community and Board meetings here in East Hawai‘i. This college, named in honor of Princess Ruth Ke‘elikōlani, granddaughter of Kamehameha I, continues her legacy as a staunch advocate for the Hawaiian language and culture. Although educated in English, Princess Ruth insisted on using ‘Ōlelo Hawai‘i at all times, even requiring non-Hawaiian businessmen to address her in the language. Our language remains the fabric of our cultural identity, and at Ka Haka ‘Ula O Ke‘elikōlani, we aim not only for fluency and excellence, but also to serve as a piko where ‘Ōlelo Hawai‘i can thrive as a living language within families, communities, and society across Hawai‘i.

During the Hawaiian Kingdom, ‘Ōlelo Hawai‘i was the dominant language of government, commerce, education, and daily life. Following the 1893 overthrow and the 1896 ban on the Hawaiian language in schools, its use declined drastically. Kūpuna born before 1920 were largely the last primary speakers. Many were punished in schools for speaking their mother tongue, a federal policy that sought to suppress Indigenous languages across the United States. Prior to the territorial period, approximately 90% of Hawai‘i’s population spoke Hawaiian, making Native Hawaiians among the most literate people globally. By the 1980s, however, fluent speakers had dropped to roughly 0.2% statewide, and educational outcomes for Native Hawaiians also declined sharply.

The Hawaiian language revitalization movement emerged in the late 1970s and early 1980s through the efforts of advocates such as Dr. Larry Kimura, Dr. Kāwika Kamanā, Dr. Namaka Rawlins, and Dr. Pila Wilson. Their leadership, alongside community partners, led to the 1978 Constitutional Convention, which recognized Hawaiian as an official state language and mandated its promotion. OHA (Office of Hawaiian Affairs), established after the Convention, played a vital role in supporting early initiatives such as Pūnana Leo, founded in 1982 to immerse young children in Hawaiian. Despite initial legal barriers, the ‘Aha Pūnana Leo successfully advocated for the 1986 repeal of the ban on Hawaiian in education, creating a foundation for immersion programs within the Department of Education.

OHA’s partnership with ‘Aha Pūnana Leo expanded through continued funding and advocacy, including support for Kula Kaiapuni (Hawaiian immersion schools) and the Hale Kuamo‘o curriculum center, which developed educational materials and new Hawaiian terminology. In 1994, OHA funded the creation of Ke Kula ‘O Nāwahīokalani‘ōpu‘u, a model total Hawaiian language school that remains the largest of its kind in the United States. By 1996, collaboration between OHA, ‘Aha Pūnana Leo, and the University of Hawai‘i at Hilo established Ka Haka ‘Ula O Ke‘elikōlani College of Hawaiian Language—the first college in the U.S. dedicated to an Indigenous language, offering degrees through the doctoral level.

Today, Ka Haka ‘Ula O Ke‘elikōlani, together with ‘Aha Pūnana Leo and OHA, has made Hawai‘i a global leader in Indigenous language revitalization. The college’s programs span from infant care to Ph.D. studies, supported by initiatives such as the Hale Kuamo‘o resource center and the EMI law and science center. Online archives and digital dictionaries now serve millions of users worldwide, contributing to a resurgence of ‘Ōlelo Hawai‘i speakers. As of 2024, more than 32,000 individuals about 2.3% of the state’s population identified as Hawaiian speakers, marking a significant increase and reaffirming the success of generational efforts to restore the language as a vibrant part of Hawai‘i’s identity and future.

Waikā Consulting – Geothermal Development on Hawai‘i Island – Mālama Solomon, Kawehi Correa, and Ryan Matsumoto

There are three testifiers on this item.

(34:32 | 9:51 am)

Bronson Anzama *summarized.* The speaker voiced concern about the island’s vulnerability to landslides and environmental risks linked to geothermal and energy projects. While acknowledging the need for sustainable energy, they suggested exploring alternative opportunities on DHHL lands that support economic growth without harming the environment. Emphasizing caution and cultural awareness, the speaker urged decisions grounded in both science and Hawaiian values, noting that the last eruption near a former geothermal site underscores the potential long-term risks.

(36:36 | 9:54 am)

Terry Napeahi *summarized.* The speaker, representing ‘Ohana Napeahi o Wao Pele, expressed gratitude for the opportunity to address the council and spoke on behalf of their ancestors and family with deep roots in the area. They referenced Hawai‘i’s long history of opposition to geothermal development and chose not to repeat that background, instead posing two direct questions: whether the council endorses geothermal development under the current Memorandum of Understanding (MOU) or on any other island, and whether it plans to support DBED and DHHL proposals for geothermal projects statewide. The speaker requested clear answers, asking if a response could be provided within 30 days.

(38:52 | 9:55 am)

Kanoe Case *summarized.* The speaker thanked the council for the opportunity to speak and urged that all voices be heard equally regarding geothermal projects, particularly on DHHL and other lands. Drawing on their mental health work, they emphasized that generational and ongoing trauma affects Native Hawaiians and must be considered in decision-making. They called for Cultural Impact Assessments (CIA) and Environmental Impact Statements (EIS) to include mental health and psychosocial effects, urging the council to set a standard for other agencies and developers to ensure culturally and emotionally informed decisions that support community well-being.

Mālama Solomon *summarized.* strongly supports the development of geothermal energy as part of our sovereign rights as Native Hawaiians. For over 50 years, I have been an advocate for this cause, emphasizing that initiatives like this must include native governance in their development. The “native-to-native” model, developed by former trustee Millie Lenny Tra during her work with the United Nations, ensures that Indigenous people have a voice in the management of our resources, including geothermal energy. This approach aligns with protecting our cultural values while advancing economic and energy sovereignty.

Her family lineage traces back to Kamehameha the Great on my father’s side, and my mother’s family is from Hilo. Throughout her 35 years serving in the Hawaii State Senate, she consistently supported efforts to bring geothermal energy to benefit both Native Hawaiians and the broader public, fostering economic independence and sustainable energy for our homeland. Today, representing Waikā Consulting, she presents a historic opportunity to honor our kūpuna and Pele while promoting energy independence, economic stability, and generational wealth for the Lāhui. Requesting OHA to invest \$5 million as a founding partner in a \$275–750 million geothermal project, expected to generate five to ten times the investment over 30+ years, create hundreds of jobs, and reduce energy costs for Hawaiian families. Additional details of the project will be shared electronically to ensure all stakeholders are fully informed.

Kawehi Correa *summarized.* Acknowledging the sensitivity of the topic and emphasizes the economic pressures Native Hawaiian families face, including high utility costs and the difficulty of remaining in Hawai‘i. It highlights the legal mandate to achieve 100% renewable energy by 2045 and explains that geothermal resources are classified as minerals under state law, making them part of the ceded lands trust and a public asset benefiting Native Hawaiians. She stresses that geothermal energy offers reliable, renewable base-load capacity and significant long-term economic benefits, especially if Native Hawaiians lead its development. They note that a Native-to-Native model, similar to successful examples abroad, could strengthen community programs, advance economic stability, and support broader energy sovereignty. The testimony ultimately asks OHA to partner in responsibly pursuing geothermal resources to promote sustainability and help keep Native Hawaiians in their homeland.

Ryan Matsumoto *summarized.* The project seeks to honor kūpuna while advancing energy independence, economic stability, and generational wealth for the Lāhui. The proposal requests a \$5 million investment from OHA to serve as a founding partner in a \$275–\$750 million geothermal project projected to generate five to ten times the initial investment over a 30-year period. The initiative is expected to create hundreds of local jobs and reduce energy costs for Hawaiian families.

Speakers emphasized that the project aligns with Hawai‘i’s 100% renewable energy goals and addresses the financial challenges faced by many Native Hawaiian households, noting that approximately 43% of families report difficulty paying utility bills. The presenters urged OHA to consider the opportunity as a path toward Native Hawaiian energy sovereignty and long-term community benefit.

Kawehi Correa summarized.

Trustee Akina asks who the principles of the Innovations Development Group are.

Mililani Trask shares that Waikā Consulting is the overall body however, there's subcontracts being given out which I have one and that is the cultural resource research on the geothermal development. That is why the presentation was arranged to do the slideshow first and the commentary there after.

(1:04:07 | 10:20 am)

B. Committee on Beneficiary Advocacy and Empowerment

1. Action Item BAE #25-07: Approval of Bills for OHA’s 2026 Legislative Package. *October 29, 2025*

Trustee Galuteria Your committee on beneficiary advocacy and empowerment having met on October 29, 2025, and after full and free discussion, recommends approval of the following motions to the board of trustees. This action item BAE #25-07 has three motions.

Motion 1- RELATING TO ISLAND BURIAL COUNCILS

Approve, as part of the 2026 OHA Legislative Package, the proposed measure, “Relating to Island Burial Councils,” to amend Hawai‘i Revised Statutes (HRS) Chapter 6E to: (1) enable OHA to provide stipends for geographic region members of the Island Burial Councils (IBCs) if it so chooses; (2) reduce quorum requirements for IBCs to meet and do business; and (3) extend the time allotted to nominate members for the IBCs when a vacancy occurs during a council member’s term, as provided in Attachment A.

No discussion.

10:21 a.m. Trustee Galuteria moves to approve the following:						
<u>Motion 1- Relating to Island Burial Councils</u>						
Approve, as part of the 2026 OHA Legislative Package, the proposed measure, “Relating to Island Burial Councils,” to amend Hawai’i Revised Statutes (HRS) Chapter 6E to: (1) enable OHA to provide stipends for geographic region members of the Island Burial Councils (IBCs) if it so chooses; (2) reduce quorum requirements for IBCs to meet and do business; and (3) extend the time allotted to nominate members for the IBCs when a vacancy occurs during a council member’s term, as provided in Attachment A.						
Vote: 10:22 a.m.	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA						X
TRUSTEE BRICKWOOD GALUTERIA	X		X			
CHAIRPERSON HULU LINDSEY						X
TRUSTEE J. KEONI SOUZA						X
TRUSTEE JOHN WAIHE‘E			X			
CHAIR KAIALI‘I KAHELE			X			
TOTAL VOTE COUNT			6			3
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with SIX (6) Yes votes, Zero (0) No votes – THREE (3) Excused						

(1:06:43 | 10:23 am)

Trustee Galuteria reads the following motion.

Motion 2 - RELATING TO HISTORIC PRESERVATION

Approve, as part of the 2026 OHA Legislative Package, the proposed measure “Relating to Historic Preservation” to amend HRS Chapter 6E to effectuate a partial repeal of Act 293 (2025) which opened up loopholes to the historic review process for private projects within “existing residential property” or in “nominally sensitive areas,” as provided in Attachment B.

No discussion.

10:23 a.m. Trustee Galuteria moves to approve the following:						
<u>Motion 2 - RELATING TO HISTORIC PRESERVATION</u>						
Approve, as part of the 2026 OHA Legislative Package, the proposed measure “Relating to Historic Preservation” to amend HRS Chapter 6E to effectuate a partial repeal of Act 293 (2025) which opened up loopholes to the historic review process for private projects within “existing residential property” or in “nominally sensitive areas,” as provided in Attachment B.						
Vote: 10: 24 a.m.	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA						X
TRUSTEE BRICKWOOD GALUTERIA	X		X			
CHAIRPERSON HULU LINDSEY						X
TRUSTEE J. KEONI SOUZA						X
TRUSTEE JOHN WAIHE‘E			X			
CHAIR KAIALI‘I KAHELE			X			
TOTAL VOTE COUNT			6			3
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with SIX (6) Yes votes, Zero (0) No votes – THREE (3) Excused						

(1:07:44 | 10:24 am)

Trustee Galuteria reads the following motion.

Motion 3 - RELATING TO THE LAND USE COMMISSION

Approve, as part of the 2026 OHA Legislative Package, the proposed measure “Relating to the Hawai‘i State Land Use Commission (LUC)” which would amend HRS section 205-1 to (1) add an additional member to the LUC who has “substantial experience or expertise in the area of water resource management; and (2) designate OHA as the nominating agency for the existing seat held by a member with “substantial experience or expertise” in traditional Hawaiian land usage and knowledge of cultural land practices” as provided in Attachment C.

No discussion.

10:24 a.m. Trustee Galuteria moves to approve the following:						
<u>Motion 3 - RELATING TO THE LAND USE COMMISSION</u>						
Approve, as part of the 2026 OHA Legislative Package, the proposed measure “Relating to the Hawai‘i State Land Use Commission (LUC)” which would amend HRS section 205-1 to (1) add an additional member to the LUC who has “substantial experience or expertise in the area of water resource management; and (2) designate OHA as the nominating agency for the existing seat held by a member with “substantial experience or expertise” in traditional Hawaiian land usage and knowledge of cultural land practices” as provided in Attachment C.						
Vote: 10: 25 a.m.	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA					X	
TRUSTEE LUANA ALAPA						X
TRUSTEE BRICKWOOD GALUTERIA	X		X			
CHAIRPERSON HULU LINDSEY						X
TRUSTEE J. KEONI SOUZA						X
TRUSTEE JOHN WAIHE‘E			X			
CHAIR KAIALI‘I KAHELE			X			
TOTAL VOTE COUNT			5		1	3
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with FIVE (5) Yes votes, Zero (0) No votes – THREE (3) Excused						

(1:09:49 | 10:26 am)

C. Action Item BOT #25-13: Approval of the immediate disbursement of up to \$6.1 Million in Office of Hawaiian Affairs (OHA) emergency assistance funding to provide short-term financial relief and essential support services to Native Hawaiians impacted by the October 1, 2025 federal government shutdown, including Hawai‘i residents who are federal civilian employees and their families, and recipients of Supplemental Nutrition Assistance Program (SNAP) benefits, along with delegations and authorizations necessary to implement the disbursement.

Summer Sylva, Interim Administrator summarized. Recommended approach to provide immediate relief to beneficiaries most affected by the federal shutdown, emphasizing humility, aloha, and cultural grounding in the development and administration of the program. The proposal includes up to \$350 in essential needs support for disabled and low-income individuals excluded from the state’s relief program and up to \$1,200 in income bridge support for furloughed Native Hawaiian federal workers. Beyond financial assistance, the effort has

strengthened internal collaboration, renewed trust with partners, and reinforced servant leadership principles. The administration seeks Board approval to distribute \$6.1 million in emergency aid swiftly, equitably, and with dignity, ensuring relief reaches those in greatest need while honoring fiduciary responsibilities and the values of OHA.

Poni Askew, Director of Economic and Business Resilience summarized. Option one recommends establishing two relief initiatives to support Native Hawaiian households most affected by the federal shutdown. The first initiative targets Native Hawaiians who receive SNAP benefits but are excluded from the state's Hawaii Relief Program, including kupuna age 60 and older, disabled adults, and low-income adults awaiting delayed state or federal payments. This portion of the program would allocate 80% of the \$6.1 million, serving approximately 14,000 individuals with up to \$350 each for essential needs such as food, medicine, and housing, distributed via check, ACH, or debit gift card.

The second initiative provides an income bridge stipend for verified Native Hawaiian federal civilian workers furloughed due to the shutdown, earning no more than 400% of the federal poverty level and excluded from the Hawaii Relief Program. This portion would allocate 20% of the funds, totaling approximately \$1.2 million, to support around 1,000 beneficiaries with a one-time stipend of up to \$1,200 to offset missed wages and ensure continued financial stability. Both initiatives are designed to reach those left out of existing aid, ensure pono use of trust funds, avoid duplication with state programs, and provide targeted support to the most vulnerable households.

Trustee Akina Asks what the source of the funds is and if they were available in the OHA budget? Have they been repurposed or did they have an intention from the beginning to be used otherwise?

Summer Sylva, Interim Administrator *summarized*. The board is being asked to authorize the transfer of \$6.1 million from carryover funds into the current operating accounts to enable rapid distribution should the relief program be approved. The funding has already been identified and is immediately available for implementation. At the prior board meeting, the \$6.1 million allocation was confirmed as unutilized carryover funds previously budgeted for emergency relief. This amount represents the total available to support the proposed initiatives and can be deployed without delay once the board provides approval.

Trustee Galuteria Do we have the bandwidth internally to do stuff like this or are we going to get a third-party partner to actually do the work? And do we have a drop dead date that we want this to start?

Poni Askew, Director of Economic and Business Resilience We are looking on to bringing on a third-party partner to support the internal operations that we would have to assume if we were to deploy this. We would also be looking to deploy Monday, November 10, 2025

K.Sean Kekin, COO As of last night we have had 2,746 applications to date

Trustee Akaka How in which communication will be going out to our beneficiaries so that they are aware of how they can qualify and what the process is going forward along with the timeline.

Summer Sylva, Interim Administrator *summarized*. Once the we get approval by the Board our Communications team will work in close coordination with the vendor who will administrate the funds.

To answer Trustee Akina's earlier question, the surplus budget from FY22, FY23 and FY24 in the core operating budget in the grants category is where these unspent unencumbered funds were sourced and so they

were invested in our Native Hawaiian trust fund portfolio. We're withdrawing that amount from our portfolio in order to make liquid liquidity available to fund this disaster relief effort.

(1:43:26 | 11:00 am)

Trustee Galuteria Moves to approve disbursement option one as further described in this action item for the disbursement of up to 6.1 million in OHA emergency assistance funding for short-term relief and essential support services to Hawai'i residents across two OHA beneficiary groups.

11:00 a.m. Trustee Galuteria moves to approve the following:						
Moves to approve disbursement option one as further described in this action item for the disbursement of up to 6.1 million in OHA emergency assistance funding for short-term relief and essential support services to Hawai'i residents across two OHA beneficiary groups.						
Vote: 11:00 a.m.	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA					X	
TRUSTEE LUANA ALAPA						X
TRUSTEE BRICKWOOD GALUTERIA	X		X			
CHAIRPERSON HULU LINDSEY						X
TRUSTEE J. KEONI SOUZA						X
TRUSTEE JOHN WAIHE'E			X			
CHAIR KAIALI'I KAHELE			X			
TOTAL VOTE COUNT			5		1	3
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with FIVE (5) Yes votes, Zero (0) No votes – THREE (3) Excused						

(1:44:41 | 11:01 am)

D. Action Item BOT #25-14: Authorize an agreement between Ka Haka 'Ula O Ke'elikōlani College of Hawaiian Language, University of Hawai'i at Hilo and the Office of Hawaiian Affairs (OHA) to reaffirm and strengthen OHA's statutory obligation to support the College, consistent with Act 315 (1997) and Act 226 (2001). This agreement formalizes OHA's recommitment to sustaining the College's mission of Hawaiian language and cultural renewal.

Testifier (1:45:12 | 11:02 am)

Kainoa Azama *summarized*. Speaker emphasized that future legislative priorities should acknowledge broader systemic issues contributing to current challenges, noting that many concerns are symptoms of Hawai‘i’s political and historical context within the United States. They highlighted that many in the younger generation continue to call for dedicated time and space to discuss potential legal remedies related to the acknowledged illegal overthrow of the Hawaiian Kingdom.

(2:04:14 | 11:21 am)

Trustee Akina Moves to authorize of an agreement between Ka Haka ‘Ula O Ke‘elikōlani College of Hawaiian Language, University of Hawai‘i at Hilo and the Office of Hawaiian Affairs (OHA) to reaffirm and strengthen OHA’s statutory obligation to support the College, consistent with Act 315 (1997) and Act 226 (2001).

11:21 a.m. Trustee Galuteria moves to approve the following:						
to authorize of an agreement between Ka Haka ‘Ula O Ke‘elikōlani College of Hawaiian Language, University of Hawai‘i at Hilo and the Office of Hawaiian Affairs (OHA) to reaffirm and strengthen OHA’s statutory obligation to support the College, consistent with Act 315 (1997) and Act 226 (2001).						
Vote: 11:22 a.m.	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA						X
TRUSTEE BRICKWOOD GALUTERIA	X		X			
CHAIRPERSON HULU LINDSEY						X
TRUSTEE J. KEONI SOUZA						X
TRUSTEE JOHN WAIHE‘E			X			
CHAIR KAIALI‘I KAHELE			X			
TOTAL VOTE COUNT			6			3
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with SIX (6) Yes votes, Zero (0) No votes – THREE (3) Excused						

(2:05:16 | 11:22 am)

Community Concerns and Celebrations

(2:05:16)

Kalanikea Wilson *summarized.* A speaker thanked the board for visiting and urged continued engagement as Pōhakuloa development advances. They highlighted ongoing challenges Native Hawaiians face, including legislative constraints and the psychological and cultural trauma tied to suppressing Hawaiian identity. They acknowledged past advocates, shared progress toward becoming a genocide scholar, and emphasized that these unresolved pressures continue to affect the community's mental well-being.

(2:12:43)

Davis Price *summarized.* The speaker expressed gratitude for the board's action on beneficiary relief and highlighted the growing need seen by community providers. They emphasized that federal policies have created deep dependency and hardship for Native Hawaiians and connected these issues to longstanding concerns over resource control and military land use. Representing 39 Native Hawaiian organizations, they reiterated their request for OHA to support the joint statement calling for lawful, transparent processes regarding military lease negotiations. They raised concerns about the governor's recent unilateral proposal, noting the lack of community input, absence of necessary appraisals, underestimated cleanup costs, and misleading references to condemnation. They urged OHA to analyze the true opportunity costs of lost land stewardship and requested that the board dedicate resources to conduct the legal analysis needed to protect the interests of the Lāhui.

(2:18:32)

Pua Case *summarized.* A long-time protector of Mauna kea expressed concern over three major issues impacting Hawai'i Island: the construction of the TMT, military leases at Pohakuloa, and potential geothermal development on DHHL lands. They highlighted the rushed approval processes, the superficial incorporation of Hawaiian values in project write-ups, and the resulting irreversible environmental and cultural harm. Emphasizing the spiritual, genealogical, and cultural responsibility to the ma, Case called for transparency, rigorous environmental, cultural, and legal review, and meaningful engagement with Native Hawaiian communities, including free, prior, and informed consent, stressing that economic incentives or external models should not override the protection of sacred lands and the voices of those directly impacted.

(2:25:19)

Leilani Kapu'i *summarized.* Echoes her testimony to be the same as Pua Case and Davis Price and ask that the OHA stand with the Lāhui against the renewing of military leases.

(2:30:56)

Skye *summarized.* The speaker urged OHA, as a major stakeholder, to firmly oppose any renewal, extension, or trade of military leases on Native Hawaiian lands.

(2:35:34)

Wahine Koa *summarized.* The speaker emphasized that true sovereignty is lived daily through cultural practices, community engagement, and self-determination, rather than relying on external funding or government programs.

(2:41:20)

Bronson Anzama *summarized.* The speaker emphasized that the injustices faced by Native Hawaiians stem from the illegal overthrow and long-standing occupation, and that meaningful legal remedies must be pursued to

restore the nation's sovereignty. They challenged the notion that the U.S. Apology Resolution limits the paths available for restoring self-governance, asserting that Native Hawaiians must reclaim their legal authority independent of U.S. control.

(2:46:56)

Makoa *summarized*. The speaker raised concerns about ongoing harm to Native Hawaiians and lands, criticizing Governor Josh Green for allegedly bypassing Hawaii law and facilitating backroom deals to retain U.S. military control over Pohakuloa. They urged OHA to advocate for the protection and return of crown lands, hold the governor accountable, oppose military leases, ensure decontamination, end live-fire exercises, and actively support Hawaiian self-determination.

(2:50:08)

Kalei Kailikini *summarized*. The speaker emphasized the importance of improving the health of Native Hawaiians through nutrition, cleansing practices, and balanced lifestyles, drawing on their background in naturopathic healing. They urged OHA to expand health and wellness efforts, noting that current program participation is low compared to community need. The speaker also voiced concerns about environmental harms, including land and water contamination at Pohakuloa and pressures on Mauna Kea, stressing the need to protect Hawai'i's aquifers and natural resources.

(2:55:43)

ChloeWater *summarized*. The speaker opposed ongoing desecration of the land, arguing that proposed solutions like geothermal development and military leases serve outside interests rather than the well-being of Native Hawaiians, often creating more harm than good. They compared these interventions to invasive species that worsen environmental problems over time and stressed the cumulative impact of unaddressed historical injustices. The speaker encouraged community engagement and introduced the organization Truth for the People, which documents local experiences with geothermal development over the past fifty years.

(2:28:09)

Terri Napeahi *summarized*. The speaker introduced the work of Truth for the People, a community group documenting more than fifty years of lived experience and concerns related to geothermal development across Hawai'i. They highlighted past legal challenges, environmental risks, and the drilling that has already reached a high-quality water source on Mauna Kea, emphasizing the potential contamination and the long history of problems at other geothermal sites. The speaker requested a formal opportunity to present this evidence to OHA within the stated 30-day window so trustees can fully consider the impacts of current geothermal proposals.

(3:04:38)

Edward Halealoha Ayau *summarized*. The speaker highlighted extensive contamination of lands in Hawaii and elsewhere caused by U.S. military training, testing, and unexploded ordnance, noting that many sites remain unpremeditated, including active federal facilities and formerly used defense sites (FUDS) on islands such as Oahu, Maui, and Kahoolawe. They emphasized that extending military leases would perpetuate environmental damage and threaten the health of the land and the Hawaiian community, citing historical examples and past military behavior as indicators of future negligence. The speaker concluded by stressing the sacred responsibility to protect the land, framing environmental stewardship as integral to Hawaiian life, culture, and spirituality.

(3:10:12)

Patrick Kahawaiola‘a *summarized*. The speaker requested clarification on whether the agenda items marked with double pluses fall under Chapter 92 regarding executive sessions. They reflected on the absence of a pule at meetings and would like to see OHA add that to the agenda in the future.

(3:16:14)

Ritti Torres Pastana *summarized*. The speaker claims the Board is fraudulent and sell outs. He is not mad but he is angry. The speaker criticized systemic conditions that have pushed many Kanaka into poverty, noting long lines for food assistance and the struggle to escape hardship. They condemned the use of the term “native,” arguing that it reflects a colonial mindset rather than the true identity of Kanaka.

(3:21:56)

Terry Shibuya *summarized*. The speaker expressed gratitude for holding the meeting locally and introduced efforts to establish a Hawaiian Cultural Center in partnership with OHA, highlighting progress with land acquisition, environmental assessments, and blueprints. They emphasized the center’s role in preserving Hawaiian culture, language, and traditions while supporting community sustainability and economic development. They noted strong support from local leaders, mayors, and Governor Josh Green, and requested OHA’s partnership to help make the cultural center a lasting resource for the community.

(3:27:28)

Kau‘i Lopes *summarized*. The speaker urged the board to uphold their kuleana by practicing pono leadership, which means being in harmony spiritually, emotionally, mentally, and physically, as well as with the land, the gods, and the Hawaiian people. They emphasized that consultations must include knowledgeable practitioners, such as hula and Pele specialists, to provide authentic guidance on cultural and spiritual impacts, rather than relying solely on paid opinions. The speaker concluded that ignoring the voices of Native Hawaiians who have opposed geothermal development for over 50 years is not pono, and decisions must consider the well-being of future generations and the land.

(3:33:04)

Kamalani Kapeliela *summarized*. The speaker emphasized that being Native Hawaiian does not automatically confer trust or authority, and decisions should not be driven by external interests or nepotism. They highlighted that the current generation is discerning, forward-looking, and willing to sacrifice present comforts for the benefit of future generations. The speaker urged leaders to pause, consult with kupuna, and thoughtfully integrate innovation to avoid complicity in causing irreparable harm.

(3:39:20)

David *summarized*. The speaker opposed geothermal development on the Waikā site and Mauna Kea, emphasizing the cultural and ecological harm, including impacts on native plants, watersheds, and wildlife. They criticized the focus on monetary value over reciprocal relationships with ‘āina and questioned whether OHA prioritizes accounting over accountability and aloha. They urged the board to reject corporate complicity in the desecration of ‘āina, regardless of the proposer.

(3:41:32)

John McBride *summarized*. The speaker emphasized that true empowerment for Native Hawaiians requires education, guidance, and understanding of the political system, warning that without it, they risk becoming collateral damage in decisions made by others. They highlighted the difference between value and worth, illustrating that the inherent worth of Native Hawaiians exceeds superficial measures and must be recognized.

The speaker called for stronger leadership and awareness in the legislature to ensure Hawaiians are active participants rather than passive observers in governance.

(3:46:37 | 1:00 pm)

Announcements

Chair Kahele the office of Hawaiian Affairs would like to mahalo uh the Ka Haka ‘Ula O Ke‘elikolani College of Hawaiian Language here at the University of Hawai‘i at Hilo for the use of this space. We'd like to also mahalo those that took the time since Monday to come to our workshops, those that helped facilitate our community visits starting on Monday in Kona. Mahalo to our staff working behind the scenes. We really appreciate that. And finally to our trustees and their staff who took the time to come to our huaka‘i’s and meeting. Our next Board meeting will be next week November 13, 2025.

(3:54:05 | 1:11 pm)

Adjournment

Trustee Ahuna Moves to adjourn.

Adjournment – vote taken at 1:11 pm							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA	X		X			
KALEI	AKAKA			X			
KELI'I	AKINA			X			
LUANA	ALAPA						X
BRICKWOOD	GALUTERIA						Left mtg at 12:05 pm
CARMEN HULU	LINDSEY						X
KEONI	SOUZA						X
JOHN	WAIHE'E						Left mtg at 12:20 pm
CHAIR KAIALI'I	KAHELE			X			
TOTAL VOTE COUNT				4			

Chair Kahele Adjourns the Board of Trustees meeting at 1:11 pm

Respectfully submitted,

Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on XXXXXXXXXXXX

Kaiali'i Kahele
Chairperson, Board of Trustees

Attachments: (All handouts will be added once minutes are approved)

1. Excuse Memo – Trustee Alapa
2. Excuse Memo – Trustee Lindsey
3. Excuse Memo – Trustee Souza
4. Slide Presentation - 'Ōlelo Hawai'i-Transformation and Connection Through the Power of Language
5. Slide Presentation – Waikā Consulting Presentation
6. BOT Action Item #25-13



III. Status of OHA Activities: Ka Pouhana/Interim Administrator Update on OHA activities.

- There are no materials for this agenda item.



IV. New Business

A. Committee on Investment and Land Management – November 12, 2025

- 1. Action Item ILM #25- 12:** Approval of OHA Investment Policy for Legacy Lands – *2nd reading*
- 2. Action Item ILM #25-13:** Approval of OHA Management Policy for Legacy Lands – *2nd reading*
- 3. Action Item ILM #25-14:** Approval of OHA Management Policy for Investment Lands – *2nd reading*



Keoni Souza - *Chairperson*
John D. Waihe'e IV - *Vice Chair*

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

MEMBERS

Dan Ahuna
Kaleihikina Akaka
Keli'i Akina, Ph.D.
Luana Alapa
Brickwood Galuteria
Kaiali'i Kahele
Carmen "Hulu" Lindsey

OFFICE OF HAWAIIAN AFFAIRS
KE'ENA KULEANA HAWAI'I
INVESTMENT AND LAND MANAGEMENT COMMITTEE
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

ILM COMMITTEE REPORT 2025 November 12

November 12, 2025

The Honorable Kaiali'i Kahele, Chairman of the Board

Office of Hawaiian Affairs

Chair Kahele,

Your Committee on Investment and Land Management, having met on November 12, 2025, and after full and free discussion, recommends approval of the following **five (5) action items** to the Board of Trustees:

ACTION 1 - regarding: Action Item ILM #25-12

Action Item ILM #25-12 - Approve the OHA Investment Policy for Legacy Lands.

ACTION 2 - regarding: Action Item ILM #25-13

Action Item ILM #25-13 - Approve the OHA Management Policy for Legacy Lands.

ACTION 3 - regarding: Action Item ILM #25-14

Action Item ILM #25-14 - Approve the OHA Management Policy for Investment Lands.



Keoni Souza - *Chairperson*
John D. Waihe'e IV - *Vice Chair*

Phone: (808) 594-1888
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OFFICE OF HAWAIIAN AFFAIRS
KE'ENA KULEANA HAWAI'I
INVESTMENT AND LAND MANAGEMENT COMMITTEE
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

ACTION 4 - regarding: Action Item ILM #25-15

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.

ACTION 5 - regarding: Action Item ILM #25-04

Rescind the ILM Committee's prior recommendation to the BOT on ILM Action Item #25-04 to undertake Due Diligence Phase 2 activities of the Ahupua'a 'O Kahana parcels, Kahana, O'ahu and, accordingly, to discontinue all further due diligence work related to a proposed transfer of Ahupua'a 'O Kahana parcels unless further directed by the Board of Trustees of the Office of Hawaiian Affairs.



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

Keoni Souza - *Chairperson*
John D. Waihe'e IV - *Vice Chair*

MEMBERS

Dan Ahuna
Kaleihikina Akaka
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OFFICE OF HAWAIIAN AFFAIRS
KE'ENA KULEANA HAWAI'I
INVESTMENT AND LAND MANAGEMENT COMMITTEE
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

Attachment 1: Roll Call Vote Sheet

Please refer to the 11/12/2025 ILM Electronic Meeting Folder/Packet at <https://www.oha.org/ilm/>

Respectfully submitted:

Trustee Keoni Souza, ILM Chair

Trustee John Waihe'e, IV, ILM Vice Chair

Trustee Dan Ahuna, Member

Trustee Kaleihikina Akaka, Member

Trustee Keli'i Akina, Member

Trustee Luana Alapa, Member

Trustee Brickwood Galuteria, Member

Trustee Kaiali'i Kahale, Member

Trustee Carmen Hulu Lindsey, Member

ROLL CALL VOTE SHEET

COMMITTEE ON INVESTMENT AND LAND MANAGEMENT(ILM)	DATE: November 12, 2025 Start: 1:00PM
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AGENDA ITEM:
II. Approval of Minutes from the Committee on Investment and Land Management
 A. September 17, 2025

MOTION: Approval of Minutes from the Committee on Investment and Land Management

VOTE						1:15PM	
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA						Excused
LUANA	ALAPA						Did not arrive until 2:18PM
BRICKWOOD	GALUTERIA			X			
KAIALI'I	KAHELE			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA	1		X			
JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7			1

VOTE: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED

ROLL CALL VOTE SHEET

COMMITTEE ON INVESTMENT AND LAND MANAGEMENT(ILM)

DATE: November 12, 2025 Start: 1:00PM

AGENDA ITEM:

II. New Business

A. Action Item ILM #25-12 - Approval of OHA Investment Policy for Legacy Lands

MOTION: Action Item ILM #25-12 - Approve the OHA Investment Policy for Legacy Lands

VOTE						1:21 PM	
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA						Excused
LUANA	ALAPA						Did not arrive until 2:18PM
BRICKWOOD	GALUTERIA			X			
KAIALI'I	KAHELE			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA	1		X			
JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7		0	1

VOTE: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED

ROLL CALL VOTE SHEET

COMMITTEE ON INVESTMENT AND LAND MANAGEMENT(ILM)

DATE: November 12, 2025 Start: 1:00PM

AGENDA ITEM:

III. New Business

B. Action Item ILM #25-13 - Approval of OHA Management Policy for Legacy Lands

MOTION: Action Item ILM #25-13 - Approve the OHA Management Policy for Legacy Lands

VOTE						1:24PM	
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA						Excused
LUANA	ALAPA						Did not arrive until 2:18PM
BRICKWOOD	GALUTERIA			X			
KAIALI'I	KAHELE			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA	1		X			
JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7			1

VOTE: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED

ROLL CALL VOTE SHEET

COMMITTEE ON INVESTMENT AND LAND MANAGEMENT(ILM)

DATE: November 12, 2025 Start: 1:00PM

AGENDA ITEM:

III. New Business

C. Action Item ILM #25-14 - Approval of OHA Management Policy for Investment Lands

MOTION: Action Item ILM #25-14 - Approve the OHA Management Policy for Investment Lands

VOTE						1:27PM	
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA						Excused
LUANA	ALAPA						Did not arrive until 2:18PM
BRICKWOOD	GALUTERIA			X			
KAIALI'I	KAHELE			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA	1		X			
JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7			1

VOTE: [] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

ROLL CALL VOTE SHEET

COMMITTEE ON INVESTMENT AND LAND MANAGEMENT(ILM)

DATE: November 12, 2025 Start: 1:00PM

AGENDA ITEM:

III. New Business

D. 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.

MOTION: 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.

VOTE							2:53PM
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA						Excused
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
KAIALI'I	KAHELE			X			
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA			X			
JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				8			1

VOTE: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED

ROLL CALL VOTE SHEET

COMMITTEE ON INVESTMENT AND LAND MANAGEMENT(ILM)

DATE: November 12, 2025 Start: 1:00PM

AGENDA ITEM:

III. New Business

E. 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.

MOTION: Rescind the ILM Committee’s prior recommendation to the BOT on ILM Action Item #25-04 to undertake Due Diligence Phase 2 activities of the Ahupua'a 'O Kahana parcels, Kahana, O'ahu and, accordingly, to discontinue all further due diligence work related to a proposed transfer of Ahupua'a 'O Kahana parcels unless further directed by the Board of Trustees of the Office of Hawaiian Affairs.

VOTE						2:54PM	
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA						Excused
LUANA	ALAPA			X			
BRICKWOOD	GALUTERIA			X			
KAIALI'I	KAHELE			X			
CARMEN HULU	LINDSEY	1		X			
KEONI	SOUZA			X			
JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				8			1

VOTE: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED

ROLL CALL VOTE SHEET

COMMITTEE ON INVESTMENT AND LAND MANAGEMENT(ILM)

DATE: November 12, 2025 Start: 1:00PM

AGENDA ITEM:

IV. Executive Session

A. Approval of Minutes from the Committee on Investment and Land Management

1. April 2, 2025
2. September 17, 2025

MOTION: Approval of Minutes from the Committee on Investment and Land Management

1. April 2, 2025
2. September 17, 2025

VOTE						1:47PM	
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA						Excused
LUANA	ALAPA						Did not arrive until 2:18PM
BRICKWOOD	GALUTERIA			X			
KAIALI'I	KAHELE						Arrived in person at 1:59pm
CARMEN HULU	LINDSEY			X			
KEONI	SOUZA	1		X			
JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				6			1

VOTE: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED



IV. New Business

B. Action Item BOT #25-16: Acceptance of the 2024 Performance Evaluation of the OHA Ka Pouhana / Administrator, Stacy K. Ferreira.



OFFICE OF HAWAIIAN AFFAIRS
Action Item

BOARD OF TRUSTEES

December 4, 2025

BOT #25-16

Action Item: **Acceptance of the 2024 Performance Evaluation of the OHA Ka Pouhana / Administrator, Stacy K. Ferreira.**

Kapono Kiakona

12/01/2025

Prepared by:

Kapono Kiakona
Board Counsel

Date

K.

12/01/2025

Reviewed by:

Keoni Souza
Vice Chairperson, Board of Trustees

Date

[Action Item continues on the next page]

Action Item BOT #25-16: Acceptance of the 2024 Performance Evaluation of the OHA Ka Pouhana / Administrator, Stacy K. Ferreira

I. PROPOSED ACTION

Accept and adopt the 2024 Performance Evaluation of the OHA Ka Pouhana / Administrator, Stacy K. Ferreira, subject to revision based on the discussions of the Board of Trustees (BOT).

II. ISSUE

Whether to accept and adopt the 2024 Performance Evaluation of the OHA Ka Pouhana / Administrator, Stacy K. Ferreira, and whether to make additional revisions based on the discussions and deliberation of the OHA BOT.

III. BACKGROUND & DISCUSSION

Under the oversight of the OHA BOT Vice-Chair, Keoni Souza, the OHA BOT conducted a performance evaluation of the OHA Ka Pouhana/Administrator, Stacy K. Ferreira, for the period of November 1, 2023 to October 31, 2024 (“2024 Performance Evaluation”). The evaluation was assisted by HR consultant, Verna Wong, who prepared the 2024 Performance Evaluation document based on written evaluations and interviews with the individual OHA Trustees, except for Hawai‘i Island Trustee and OHA Chairperson Kaiali‘i Kahele, who was not an OHA Trustee during the time period for the 2024 Performance Evaluation.

The 2024 Performance Evaluation document was also sent to OHA Administrator Stacy Ferreira for her review and feedback. Ms. Ferreira provided her written response for the BOT’s consideration.

IV. TIMEFRAME

Immediate action is recommended.

V. BUDGET AUTHORIZATION

No funding is required.

VI. RECOMMENDATION

Accept and adopt the 2024 Performance Evaluation of the OHA Ka Pouhana / Administrator, Stacy K. Ferreira, subject to revision based on the discussions of the Board of Trustees (BOT).

VII. ALTERNATIVES

- A. Take no action (defer acceptance of the 2024 Performance Evaluation).
- B. Make revisions to the 2024 Performance Evaluation based on the BOT's discussion or review of Ka Pouhana Ferreira's feedback and adopt the 2024 Performance Evaluation, as amended.



IV. New Business

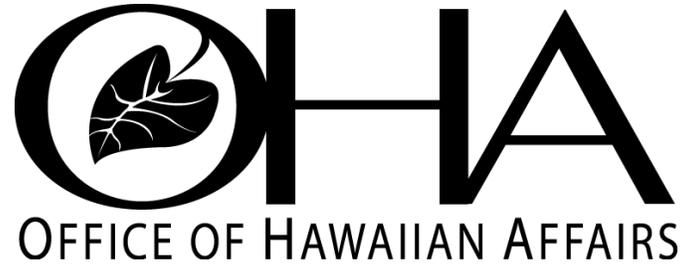
C. Presentation on the process for the 2025 Performance Evaluation of the OHA Ka Pouhana / Administrator, Stacy K. Ferreira

* There is no material for this agenda item.



IV. New Business

- D. Presentation of the findings and recommendations of the Investigative Permitted Interaction Group established by the Board of Trustees on February 6, 2025, pursuant to Action Item BOT #25-02, to investigate the United States Army's and the State of Hawai'i's progress on Army Training Land Retention efforts. *No discussion, deliberation, or decision-making shall occur at the time the report is presented, in accordance with HRS § 92-2.5 (b)(1)(B).***



Office of Hawaiian Affairs
Final Report of the Permitted Interaction Group to
Investigate Army Training Land Retention Efforts

December 4, 2025

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I. EXECUTIVE SUMMARY

- A. **Overview.** On January 18, 2025, via Action Item BOT #25-02, the Board of Trustees (“BOT” or “Board”) approved the formation of a Permitted Interaction Group (“PIG”) to investigate the status of negotiations and discussions between the State of Hawai‘i and the U.S. Army concerning the future of long-term military leases on State-owned, ceded lands at:

- Pōhakuloa Training Area (PTA) – Hawai‘i Island
- Mākua Military Reservation (MMR) – O‘ahu
- Poamoho Training Area – O‘ahu
- Kahuku Training Area – O‘ahu

These lands were leased in August 1964 for \$1.00 for a 65-year term and are scheduled to expire in August 2029.

Over the last ten months, the PIG executed an unprecedented level of due diligence, investigation, community engagement, and intergovernmental outreach on behalf of Native Hawaiian beneficiaries. This Final Report documents the PIG’s work, findings, and recommendations.

- B. **Permitted Interaction Group - Purview.** The purview of the PIG, as established by Action Item BOT #25-02, was to investigate and assess:

- The status of discussions and negotiations between the U.S. Army and the State regarding land retention.
- How OHA may contribute to State decision-making concerning these ceded lands.
- Impacts to Native Hawaiian beneficiaries and OHA’s trust obligations.

The PIG was explicitly tasked with reviewing EIS documents, engaging State and federal officials, analyzing Army retention strategies, and conducting beneficiary outreach statewide.

- C. **Permitted Interaction Group – Members.**

- Trustee Kaiali‘i Kahele – Chair
- Trustee Keoni Souza – Vice Chair
- Trustee Brickwood Galuteria
- Trustee Luana Alapa

- D. **Permitted Interaction Group - Term/Duration.** The PIG’s term extended until completion of its investigative mandate or at the discretion of the BOT Chair, but no later than December 31, 2025.

- E. **PIG Investigation Activities and Related Recommendations.** The PIG held meetings, conducted site visits, reviewed federal and State documents, engaged the Hawai‘i Congressional Delegation, met with Pentagon and Army officials, and participated in military briefings and training site visits. The PIG also launched extensive statewide community engagement and developed public education tools.

Upon completing its investigative mandate, the PIG recommends:

1. Dissolution of the Investigative PIG.
2. Formation of a Negotiation PIG (2026–2029) to represent OHA as Hawai‘i approaches the 2029 lease expirations and to develop the Board’s negotiation and litigation strategy.
3. Quarterly Board updates, as needed.
4. Staff support for legal, historical, environmental, and technical research (Ka Pa‘akai analysis).
5. All strategy grounded in Native Hawaiian rights and Public Land Trust obligations.
6. Creation of an OHA Military-Leased Lands Technical Advisory Group.
7. Multi-platform communications strategy (long-form, short-form, and digital media) for statewide and national education.
8. Budget & Finance (B&F) Committee engagement with Advocacy and Communications staff (paia) to present a Negotiation PIG annual budget for BOT approval (January 2026).

This transition marks a shift from assessment to strategic action.

- F. Report Distribution.** This report is scheduled for distribution during the December 4, 2025 Board meeting. Consistent with practice, no discussion will occur at the time of distribution. Full discussion and any related Board actions may occur at the Board meeting on December 18, 2025.

II. PERMITTED INTERACTION GROUP WORK

- A. Purview.** The PIG was tasked with investigating and assessing the status of Army–State negotiations regarding Pōhakuloa, Mākua, Poamoho, and Kahuku. These lands, originally Crown and Government Lands of the Hawaiian Kingdom, were illegally seized following the overthrow of the Hawaiian Kingdom on January 17, 1893, and later transferred to the State under the Admission Act. Today, they are part of the Public Land Trust for Native Hawaiians and the general public.
- B. Context.** The four Army training areas under review were originally leased in 1964 for 65 years for \$1.00. These leases expire in 2029. The Army seeks long-term renewal of all four leases despite:
- Incomplete archaeological and biological inventories.
 - Unresolved environmental contamination.
 - Cultural access barriers.
 - Deferred cleanup obligations.
 - Unsettled public trust duties.
 - Significant Native Hawaiian beneficiary impacts.
 - Gaps in HEPA and NEPA documentation.
 - Failure to evaluate impacts within the federally owned Impact Area at PTA.

Given the extraordinary legal, cultural, and environmental stakes, OHA’s participation in all

forthcoming negotiations is both legally required and consistent with its constitutional mandate.

C. Engagement with U.S. Army Pacific (USARPAC), Army Corps of Engineers, and Federal Contractors. Before the PIG's formal establishment, Chair Kahele conducted a site visit to Headquarters, U.S. Army Pacific (USARPAC) at Fort Shafter to meet with:

- Alice Roberts, Army Training Land Retention (ATLR) Program Manager, and
- Federal DoD contractors.

Engagement Objectives:

1. Conduct due diligence and receive technical briefings.
2. Clarify Army EIS and land retention processes.
3. Identify officials responsible for future negotiations.
4. Establish lines of communication and build trust.
5. Convey OHA's fiduciary role concerning ceded lands.

D. Federal Engagement and High-Level Meetings in Washington, D.C.

Chair Kahele traveled to Washington, D.C. to meet with the Hawai'i Congressional Delegation and senior civilian military leadership at the Pentagon.

1. Meeting with U.S. Representative Jill Tokuda

(Serves on the House Armed Services Committee)

Topics included:

- FY2026 NDAA Section 2831
- Condemnation authorities and risks
- EIS requirements under a new federal administration
- Public Land Trust obligations
- Ensuring Congressional oversight of Army land retention

2. Pentagon Meeting with Senior DoD Officials

Participants:

- Robert "Bob" Thompson, Principal Deputy Assistant Secretary of Defense (Energy, Installations & Environment)
- Noe Kalipi, Senior Advisor, Hawai'i Coordination Cell, Office of the Assistant Secretary of Defense for Energy, Installations and Enviro

Topics included:

- Army Land Retention Efforts at PTA, Mākua, and O'ahu
- Cultural access and workforce opportunities
- Avoiding premature State–Army agreements
- Safeguards for Native Hawaiians

- DoD commitments to procedural transparency

E. Review of Draft and Final Environmental Impact Statements (EIS)

The PIG obtained full hard-copy EIS documents for PTA and O‘ahu Army Training Land Retention.

OHA submitted formal comment letters identifying critical deficiencies, including:

- Incomplete archaeological inventory surveys,
- Insufficient biological assessments,
- Lack of evidence of cleanup compliance,
- No justification for 65-year terms,
- Missing or weak mitigation measures,
- Inadequate cultural access provisions,
- Environmental justice concerns, and
- Insufficient analysis of alternatives.

OHA publicly opposed both final EIS documents. Ultimately, BLNR rejected both the PTA and O‘ahu FEIS, validating PIG concerns.

F. Engagement with State Officials (Governor, DLNR)

The PIG engaged:

- Governor Josh Green’s Senior Advisor on Military-Leased Lands, and
- DLNR Director and BLNR Chair Dawn Chang.

Key messages delivered:

1. OHA requires a mandatory seat in all negotiations.
2. All land-swap concepts must be fully transparent.
3. Ceded land appraisals must follow Public Land Trust standards.
4. Negotiations must not occur unilaterally.
5. Community consultation must drive decisions.

The PIG also reviewed DLNR’s October 2025 Legislative Report prepared pursuant to House Resolution 199.

G. Participation in U.S. Army Exercises and Site Visits to Pōhakuloa Training Area

1. JPMRC Distinguished Visitors Day – PTA (October 17, 2025)

Hosted by MG James Bartholomees and U.S. Army Hawai‘i leadership.

Included:

- HIMARS live-fire demonstration
- Stewardship briefings (cultural and environmental)

- Training modernization discussions

2. *PTA Commander Briefing – October 30, 2025*

Briefing conducted by PTA Commander Lt. Col. Tim Alvarado and staff.

3. *OHA Trustee and Staff Site Visit – November 5, 2025*

Trustees and staff conducted:

- Field inspections
- Cultural site visits
- Environmental assessments
- Reviews of State-leased training lands
- Observation of a live Army C-17 Joint Forcible Entry airdrop at Ke‘āmuku

4. *OHA Community Meetings – Hawai‘i Island (Nov. 3–5, 2025)*

Locations: Kona, Waimea, Hilo.

H. Outreach to Congress and the Governor

Chair Kahele transmitted major correspondence to the following:

- Congressional leadership regarding support for Section 2831 in the NDAA
- Governor Josh Green, urging lawful negotiation processes and formal inclusion of OHA in the Joint Negotiation Team and Technical Working Group

I. Media Engagement and Public Education

PIG activities generated extensive media coverage via:

- Civil Beat
- Honolulu Star-Advertiser
- Hawai‘i Public Radio
- Hawai‘i News Now, KITV, KHON
- Big Island Video News
- Associated Press

Coverage highlighted OHA as:

- A proactive trustee of ceded lands
- A mandatory stakeholder in negotiations
- A defender of Native Hawaiian rights
- A check on unilateral or opaque State–Army actions

J. Launch of OHA Education & Engagement Platforms

1. *OHA’s Aloha ‘Āina Website*

www.oha.org/aloha-aina

Includes:

- History of military-controlled lands
- Lease timelines
- EIS summaries
- Legal frameworks
- Maps and resources

2. Ongoing Statewide Community Survey

Collects beneficiary views on:

- Cultural access
- Cleanup obligations
- Military use
- OHA advocacy priorities

3. OHA Community Meetings

- UH Hilo – November 26, 2025
- Kamehameha Schools Community Learning Center at Mā‘ili – December 17, 2025
- Additional meetings planned in 2026

K. OHA BOT Adoption of 2026 Legislative Package

Included proposal:

- **Amend Article XI of the Hawai‘i State Constitution** to prohibit live-fire military training on Public Land Trust lands.

III. REFERENCE DOCUMENTS

- BOT Action Item #25-02 (Jan. 18, 2025)
- DLNR Legislative Report to the Legislature (HR 199, 2025)
- OHA Correspondence to the Hawai‘i Congressional Delegation (Nov. 2025)
- OHA Correspondence to Governor Josh Green (Nov. 2025)
- DoD Instruction 4710.03 – Native Hawaiian Organization (NHO) Consultation
- DLNR Non-Acceptance of Final EIS (May 14, 2025)

IV. CONCLUSION AND NEXT STEPS

Consistent with HRS §92-2.5(b)(1), the PIG has completed the investigative tasks authorized under BOT #25-02. Over ten months, the PIG conducted a comprehensive assessment of Army land retention strategies and the State’s negotiation posture.

With the 2029 lease expirations approaching, OHA must now transition from investigation to active negotiation.

The PIG therefore recommends the following:

1. Dissolution of the Investigative PIG.
2. Formation of a Negotiation PIG (2026–2029) to represent OHA as Hawai‘i approaches the 2029 lease expirations and to develop the Board’s negotiation and litigation strategy.
3. Quarterly Board updates, as needed.
4. Staff support for legal, historical, environmental, and technical research (Ka Pa‘akai analysis).
5. All strategy grounded in Native Hawaiian rights and Public Land Trust obligations.
6. Creation of an OHA Military-Leased Lands Technical Advisory Group.
7. Multi-platform communications strategy (long-form, short-form, and digital media) for statewide and national education.
8. Budget & Finance (B&F) Committee engage with Advocacy and Communications staff (paia) to present a Negotiation PIG annual budget for BOT approval (January 2026).

The future of these lands – ceded lands taken without the consent of the Hawaiian people – requires principled, strategic, and unified action.

OHA must be at the table.
OHA must assert its rights.
OHA must lead.

V. ATTACHMENTS

- BOT Action Item #25-02
- DLNR Legislative Report (HR 199, 2025)
- OHA Congressional Delegation Correspondence (Nov. 2025)
- OHA Correspondence to Governor Green (Nov. 2025)
- DoD Instruction 4710.03 – NHO Consultation
- DLNR Non-Acceptance of Final EIS (May 14, 2025)



OFFICE OF HAWAIIAN AFFAIRS
Action Item

BOARD OF TRUSTEES

January 23, 2025

BOT #25-02

Action Item Issue: Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawaii's (State) progress in Army Training Land Retention efforts and inform the Office of Hawaiian Affairs (OHA) Board of Trustees (BOT) on how OHA might contribute to the State's decision-making on the future of these leased lands, pursuant to Haw. Rev. Stat. §92-2.5(b)(1)(A).

Prepared by: *Kaiali'i Kahele* 01/21/2025
Kaiali'i Kahele Date
Ke Kauhuhu o ke Kaupoku
Chair, Board of Trustees

Reviewed by: *Everett Ohta* 01/21/2025
Everett Ohta Date
Ka Paepae Puka Kūikawā, Interim General Counsel

Reviewed by: *Stacy Ferreria* 01/21/2025
Stacy Ferreria Date
Ka Pouhana, Chief Executive Officer

Reviewed by: *Kaiali'i Kahele* 01/21/2025
Kaiali'i Kahele Date
Ke Kauhuhu o ke Kaupoku
Chair, Board of Trustees

Action Item BOT #25-02 Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawaii's (State) progress in Army Training Land Retention efforts.

I. Proposed Action

Approve the formation of a Permitted Interaction Group (PIG) to: (1) investigate the status of negotiations between the United States Army (Army) and State of Hawai'i (State) regarding the Army's Training Land Retention efforts at Pōhakuloa Training Area (PTA), Mākuā Military Reservation (MMR), Poamoho Training Area, and Kahuku Training Area; (2) inform the Office of Hawaiian Affairs (OHA) Board of Trustees (BOT) how OHA might contribute to the State's decision-making on the future of these "ceded" lands currently leased to the Army.

Scope. The purview of the PIG is for the Board of Trustees (BOT or Board), BOT staff, and OHA Administration staff to work together to investigate the status of the United States Army's (Army) and State of Hawai'i's (State) Army Training Land Retention efforts and make findings to the OHA BOT and recommendations on ways in which it may engage or participate in the decision-making regarding the subject state parcels.

Members. The membership of the PIG is proposed as follows:

(a) Trustee Kaiali'i Kahele; (b) Trustee Brickwood Galuteria; (c) Trustee Keoni Souza; and (d) Trustee Luana Alapa. Trustee Kaiali'i Kahele will serve as the Chair of the PIG and Trustee Keoni Souza will serve as its Vice Chair.

Term/Duration. The term of the PIG expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than December 31, 2025.

II. Issue

Whether or not the Board of Trustees (BOT) will approve the formation of a Permitted Interaction Group (PIG) to: (1) investigate the status of negotiations between the United States Army and State of Hawai'i regarding the Army's Training Land Retention efforts at Pōhakuloa Training Area, Mākuā Military Reservation, Poamoho Training Area, and Kahuku Training Area; (2) inform the Office of Hawaiian Affairs (OHA) Board of Trustees (BOT) how OHA might contribute to the State's decision-making on the future use of these "ceded" lands currently leased to the Army.

III. Background and Discussion

A. History of Army Leases:

In 1964, the State of Hawai'i leased State-owned land to the U.S. Army for training-related purposes at Pōhakuloa Training Area (PTA), Mākuā Military Reservation (MMR), Poamoho Training Area, and Kahuku Training Area.

For PTA, the State granted a 65-year lease covering approximately 23,000 acres for a nominal fee of \$1.00. This lease, set to expire on August 16, 2029, allowed PTA to become the largest Department of Defense installation in Hawai'i, encompassing nearly 133,000 total acres. As the lease expiration approaches, the Army is pursuing a renewal, proposing to lease approximately 22,700 acres, 19,700 acres, or 10,100 acres under different proposed alternative actions.

Action Item BOT #25-02 Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawaii's (State) progress in Army Training Land Retention efforts.

For MMR, a similar lease formalized the Army's ongoing use of the land, which began during the territorial era. Covering 782 acres, it was also granted for \$1.00 and will also expire in 2029. Live-fire training ceased in Makua Valley in 2004 due to legal and community opposition. In December 2023, the Army announced it no longer requires the area for live-fire training, but the Army is pursuing a renewal, proposing to lease approximately 782 acres or 572 acres under different proposed actions.

For Poamoho Training Area and Kahuku Training Area, both areas were also leased under similar agreements in 1964 that are expiring in 2029. Of the 4,390 acres currently leased for the Poamoho Training Area, the Army is pursuing a lease of either 4,390 acres or 3,170 acres. Of the 1,150 acres currently leased for the Kahuku Training Area, the Army is pursuing a lease of either 1,150 acres or 450 acres.

The approaching lease expirations in 2029 have initiated environmental reviews and public engagement, with increasing community scrutiny on cultural preservation, environmental justice, past mismanagement, and the best use of these lands in the future.

These leased lands are almost entirely comprised of "Ceded" Lands, i.e. former Crown and Government of the Kingdom of Hawai'i that were illegally confiscated and subsequently ceded and transferred to the United States at the time of the annexation of Hawai'i in 1898.

B. Ceded Lands and Public Trust Lands

"Ceded lands" refer to the approximately 1.8 million acres that once comprised the Crown and Government lands of the Hawaiian Kingdom. Following the 1893 illegal overthrow of the sovereign Kingdom of Hawai'i by a small group of non-Hawaiian residents of the Kingdom known as the Committee of Safety, a Provisional Government was established that illegally confiscated what was then the Government lands of the Kingdom as well as the Crown lands that belonged to Queen Lili'uokalani. These lands were then transferred to the Republic of Hawai'i which was established on July 4, 1894 and subsequently was then ceded and transferred to the United States of America in absolute fee and ownership upon annexation on July 7, 1898.

Upon granting Hawai'i statehood on August 21, 1959, the United States transferred 1.4 million acres of these lands to the new State of Hawai'i via the 1959 Admission Act. The Admission Act also established the Public Land Trust and transferred the Hawaiian Home Lands obligation and lands to the State. The Admission Act specified that the public land trust was to be held in trust for five purposes: the support of public schools and other educational institutions; the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, of 1920, as amended; the development of farm and home ownership; public improvements; and the provision of lands for public use. The federal government retained significant acreage of "ceded" lands, including over 200,000 acres in U.S. National Parks and other lands used for military purposes (e.g. other lands at Pōhakuloa, part of Mākua Valley, "Barking Sands", etc). As with all "ceded" lands, Native Hawaiians have never relinquished their claims to and continue to assert their rights to these lands (see e.g. U.S. Public Law 103-150 known as the Apology Resolution).

Action Item BOT #25-02 Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army’s (Army) and State of Hawaii’s (State) progress in Army Training Land Retention efforts.

To reiterate, “Ceded lands” comprise about 1.8 million acres of former crown and government lands of the Kingdom of Hawai‘i that were ceded and transferred to the United States at the time of the annexation of Hawai‘i in 1898. The Public Land Trust was established under the Admission Act, and includes over one million acres of these “ceded lands,” their associated natural resources, and the revenue generated from them. In other words, Public Land Trust lands are a portion of the “ceded” lands corpus.

C. The Role of OHA

OHA’s mission is rooted in the historical, legal, and cultural context of Ceded Lands and the Public Land Trust. Established in 1978 through a constitutional amendment, OHA was created to advance the betterment of conditions for Native Hawaiians and native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920, a purpose explicitly tied to the Public Land Trust. Under the terms of Hawai‘i’s Admission Act, the Public Land Trust—comprised of lands ceded to the United States from the Hawaiian Kingdom and later returned to the State—was to be used for five purposes, including the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, of 1920, as amended.

OHA has an inalienable interest in the future and management of all Ceded Lands, because these lands represent a tangible legacy of the Hawaiian Kingdom and form the basis of the trust established to benefit native Hawaiians. Moreover, proceeds from the use of Public Trust Lands—through leases, rents, and other revenue-generating activities—are meant to fund programs that address critical needs in housing, education, healthcare, and cultural preservation for Native Hawaiians. By law, OHA is entitled to a pro rata share of the revenues generated from these lands, symbolizing a recognition of Native Hawaiian claims and rights tied to their historical land base.

However, OHA’s mission also reflects broader tensions surrounding Ceded Lands and the Public Land Trust. Not all Ceded Lands were returned to the State at the time of statehood, as significant portions remain under federal control, particularly for military purposes. These lands, although not part of the Public Land Trust, are part of the historical narrative of dispossession that OHA should seek to address.

D. Environmental Impact Statement: Pōhakuloa Training Area

The initial Draft EIS was released on April 8, 2022, followed by a Second Draft EIS published on April 19, 2024, to incorporate public feedback and additional analyses. The PIG is encouraged to read the latest Second Draft Environmental Impact Statement, including OHA’s submitted comment letter.

E. Environmental Impact Statement: O‘ahu Lease Lands (Kahuku Training Area, Kawaiiloa-Poamoho Training Area, and Mākua Military Reservation)

The Draft EIS, which includes three training areas on O‘ahu including MMR, was made available for public review on June 7, 2024. The PIG is encouraged to read the Draft Environmental Impact Statement, including OHA’s submitted comment letter.

Action Item BOT #25-02 Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawaii's (State) progress in Army Training Land Retention efforts.

F. Actions by State of Hawai'i

Chair Dawn Chang of the Board of Land and Natural Resources (BLNR) has publicly stated that the State may entertain conducting a land swap with the U.S. Army, whereby the U.S. Government would acquire specific leased State-owned lands via fee simple land title in exchange for the State acquiring other existing U.S. Government-owned land via fee simple land title. Neither Chair Chang, BLNR, nor the Army have publicly identified which lands might be considered for a land swap.

On April 12, 2024, BLNR considered authorizing the Chairperson to negotiate and execute a contract for appraisal services to determine the fair market value of State-owned land leased to the U.S. Army at PTA and the other O'ahu training areas. The issue was tabled and BLNR did not take action.

IV. Funding Source

No dedicated funding is needed to authorize and form a PIG. Any resources needed to carry out PIG related activities will conform with existing budgetary (e.g., realignment), spending and procurement authorities, policies and procedures.

V. Recommended Action

Approve the formation of a Permitted Interaction Group (PIG) to: (1) investigate the status of negotiations between the United States Army (Army) and State of Hawai'i (State) regarding the Army's Training Land Retention efforts at Pōhakuloa Training Area (PTA), Mākua Military Reservation (MMR), Poamoho Training Area, and Kahuku Training Area; (2) inform the Office of Hawaiian Affairs (OHA) Board of Trustees (BOT) how OHA might contribute to the State's decision-making on the future of these "ceded" lands currently leased to the Army.

Scope. The purview of the PIG is for the Board of Trustees (BOT or Board), BOT staff, and OHA Administration staff to work together to investigate the status of the United States Army's (Army) and State of Hawai'i's (State) Army Training Land Retention efforts and make findings to the OHA BOT and recommendations on ways in which it may engage or participate in the decision-making regarding the subject state parcels.

Members. The membership of the PIG is proposed as follows:

(a) Trustee Kaiali'i Kahele; (b) Trustee Brickwood Galuteria; (c) Trustee Keoni Souza; and (d) Trustee Luana Alapa. Trustee Kaiali'i Kahele will serve as the Chair of the PIG and Trustee Keoni Souza will serve as its Vice Chair.

Term/Duration. The term of the PIG expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than December 31, 2025.

Action Item BOT #25-02 Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawaii's (State) progress in Army Training Land Retention efforts.

VI. Action to be Completed by the PIG

A. Synthesize and compile findings of draft EIS documents.

As a deliverable to the BOT, the PIG shall synthesize and compile findings of the draft EIS documents and provide a report back to the BOT. This synthesis shall include an overview of the EISs' Proposed Action; the analyzed alternatives; the level of impacts to analyzed resources; and Army efforts for community engagement. The report should also include copies of the comment letters on the EIS documents submitted by the Department of Land and Natural Resources (DLNR) and OHA, including the Army's responses to DLNR and OHA comments.

As part of this deliverable, the PIG shall gather information on whether this EIS could cover a potential land swap. The PIG is encouraged to engage with legal experts on land use and HRS 343 and HAR 11-200.1, collectively known as HEPA, to make this determination.

As part of this deliverable, the PIG shall also provide an overview of next steps under the EIS process driven by HRS 343 and HAR 11-200.1, collectively known as HEPA. This should include, but is not limited to, when Final EISs can be expected; identify future opportunities for public engagement; provide various scenarios on outcomes after either acceptance or non-acceptance by BLNR.

B. Request update from the Governor and the BLNR on status of land swap discussions with Army.

As a deliverable to the BOT, the PIG shall engage with the Office of the Governor, the BLNR, the DLNR and the Office of the Chairperson to determine the status of any land swap discussions, past or planned, that have occurred with the Army. Of note, the PIG shall inquire if any further steps have been taken for the Chairperson to acquire an appraisal of the Army-leased, State-owned land. As a deliverable to the BOT, the PIG shall provide a memo detailing information acquired from BLNR, the DLNR, the Office of the Chairperson, and the Office of the Governor.

C. Provide memo of Army Training Land Retention related offices, staff and personnel

As a deliverable to the BOT, the PIG shall provide a list of key Army offices and leadership engaged with Army Training Land Retention projects. This includes, but is not limited to, U.S. Army Garrison-Hawaii (USAG-HI); U.S. Army Garrison-PTA (USAG-PTA); USAG Public Affairs Officers; U.S. Indo-Pacific Command (USINDOPACOM); U.S. Army Pacific (USARPAC); U.S. Army Corps of Engineers (USACE). This list will assist the BOT in understanding the crucial partners and leadership within the Department of Defense that are engaged in land retention discussions.

D. Develop questions the BOT may consider for the Army and recommendations for future engagement

As a deliverable to the BOT, the PIG shall provide a list of questions the BOT might consider asking the Army regarding land retention efforts. These questions should be informed by Deliverables A and B. The PIG shall also make appropriate recommendations on how OHA might contribute to the State's decision-making on the future of these "ceded" lands currently leased to the Army and individual and organizational stakeholders for future engagement regarding these lands.

Action Item BOT #25-02 Request to establish a Permitted Interaction Group (PIG) to investigate the United States Army's (Army) and State of Hawaii's (State) progress in Army Training Land Retention efforts.

E. Engage with beneficiaries, community groups and organizations that are involved or have an interest in the Army's proposed land retention efforts.

As a deliverable to the BOT, the PIG shall engage with beneficiaries, community groups, and organizations that are involved or have an interest in the Army's proposed land retention efforts. This can include but not be limited to Mālama Makua, Kahoahoa Working Group, Waianae Moku Kūpuna Council, Hawai'i Chamber of Commerce Military Affairs Council, Waianae Coast Neighborhood Board, Waimea Community Association, Kāpele 'Ohana and others. The PIG shall include in its report the nature of these engagements and the outcomes or feedback gathered during these engagements. This includes documenting the perspectives, concerns, and recommendations of these groups regarding the Army's proposed land retention efforts. The PIG shall also assess the alignment or divergence of these viewpoints with OHA's mission, vision, and values.

The report should highlight key themes or trends that emerge from the discussions, as well as any actionable suggestions that could inform OHA's position or strategies moving forward. Additionally, the PIG should include any identified opportunities for collaboration or partnership with these groups to address shared concerns and objectives.

Furthermore, the PIG shall ensure that the engagement process is conducted in a manner that respects cultural protocols, fosters transparency, and provides equitable opportunities for all stakeholders to participate meaningfully. This ensures that the voices of beneficiaries and impacted communities are authentically reflected in the final recommendations to the Board of Trustees.

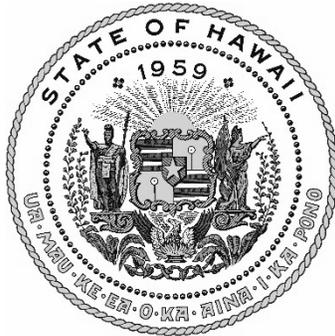
VII. References

- USAG-HI ATLR PTA Project Website: <https://home.army.mil/hawaii/ptaeis/documents>
- USAG-HI ATLR O'ahu Project Website: <https://home.army.mil/hawaii/OahuEIS/documents>
- BLNR Meeting, April 12, 2024: <https://dlnr.hawaii.gov/meetings/blnr-meetings-2024/land-board-submittals-04-12-24/>

VIII. Attachments - None

REPORT TO THE THIRTY-THIRD LEGISLATURE
STATE OF HAWAI'I
2026 REGULAR SESSION

COMPREHENSIVE ECONOMIC ANALYSIS OF ALL MILITARY-LEASED LANDS
AND
FORMAL PUBLIC PROCESS FOR THE LEASE RENEWAL NEGOTIATIONS



Prepared by

Department of Land and Natural Resources
State of Hawai'i

In response to House Resolution 199 (2025)

October 2025

REPORT TO THE THIRTY-THIRD LEGISLATURE
STATE OF HAWAI'I
2026 REGULAR SESSION

COMPREHENSIVE ECONOMIC ANALYSIS OF ALL MILITARY-LEASED LANDS AND
FORMAL PUBLIC PROCESS FOR THE LEASE RENEWAL NEGOTIATIONS

PURPOSE

House Resolution (HR) 199 was introduced during the 2025 Legislative Session and subsequently adopted. HR 199 requested that the Department of Land and Natural Resources (DLNR) conduct a comprehensive economic analysis of all military-leased lands to assess the following:

- (1) Lost economic opportunities from the unavailability of these lands for beneficial trust purposes pursuant to section 5(f) of Public Law 86-3, including agriculture, education, and housing, and the betterment of conditions of Native Hawaiians;
- (2) The comprehensive costs for cleanup, including contaminants and unexploded ordnance of trust lands;
- (3) The costs of restoration and development of these trust lands to productive economic use;
- (4) Lost income to the State had these trust lands been leased at fair market rents, instead of the \$1 leases agreed to between the State and the United States; and
- (5) Lost tax dollars to the State had these trust lands been utilized for productive purposes under section 5(f) of Public Law 86-3.

HR 199 also requested that DLNR establish a formal public process for the lease renewal negotiations, including public hearings, community consultations, and stakeholder engagement ensuring that all affected parties have an opportunity to provide input before any new agreements are signed.

LEASE REQUESTS

As of September 2025, DLNR has received the following Department of Defense (DoD) requests for lease renewals¹:

Department of the Army:

- Pōhakuloa Training Area, Hawai'i Island: approximately 2,300 acres; Expires August 16, 2029
- Kahuku Training Area, O'ahu: Tract A-1 is approximately 450 acres and Tract A-3 is approximately 700 acres; Expires August 16, 2029

¹ The acreages are based on the current leased areas set to expire.

- Kawaiiloa-Poamoho Training Area, O‘ahu: Poamoho Tract is approximately 3,170 acres and the proposed NAR Tract is approximately 1,220 acres; Expires August 16, 2029
- Mākua Military Reservation, O‘ahu: Makai Tract is approximately 210 acres, North Ridge Tract is approximately 320 acres, Center Tract is Approximately 162 acres, and South Ridge Tract is approximately 90 acres; Expires August 16, 2029

The Army has indicated its intent to reduce its training footprint, however, no formal applications have been received indicating the exact acreage of lands it is seeking to retain at each training site.

Department of the Navy:

- Pacific Missile Range Facility (PMRF), Kaua‘i: Approximately 684 acres of leased lands, 7,488 acres of easements, and 7,680 acres of submerged lands (ocean right-of-way); Leases expire August 19, 2029, and December 16, 2030, with easements expiring as early as January 8, 2027. The ocean right-of-way expires on December 16, 2030, and the Navy will not be pursuing a new land disposition as they will continue to use this area pursuant to Section 1314(a) of the Submerged Lands Act, 43 U.S.C. sections 1301 et seq., and U.S. Constitution Article 1, Section 8, Clause 3.

Department of the Air Force:

- Ka‘ala Air Force Station, O‘ahu: 1.8 acres; Expires April 18, 2028
- Ka‘ena Point Space Force Station, O‘ahu: 86.72 acres of leased lands and 51.47 acres of easements; Expires August 16, 2029
- Koke‘e Air Force Station, Kaua‘i: 8.45 acres; Expires August 31, 2030

STATUS UPDATE

The Final Environmental Impact Statements for the Army Training Land Retention at Pōhakuloa Training Area and the Army Training Land Retention at Kahuku Training Area, Kawaiiloa-Poamoho Training Area, and Makua Military Reservation were not accepted by the Board of Land and Natural Resources (BLNR) on May 9, 2025, and June 27, 2025, respectively. Without completing the environmental review process, no new leases can be contemplated at this time by the BLNR. DLNR is aware that the Governor and U.S. Army Secretary Dan Driscoll signed a non-binding statement of principles on September 29, 2025, which recognizes Hawai‘i’s role in national security while respecting local communities, considering options to return land to Hawai‘i, exploring ways to clean up unexploded ordnance and improve stewardship, and discussing possible federal support for housing, infrastructure, and energy development. Nevertheless, decision making regarding the leases will ultimately be at the discretion of the BLNR and require compliance with State laws.

The Navy published the Draft EIS for the PMRF in the June 23, 2025, edition of The Environmental Review Program’s The Environmental Notice. The 45-day comment period on the Draft EIS ended on August 7, 2025. The Final EIS is anticipated to be published and brought before the BLNR in the second quarter of 2026.

The Air Force has had several meetings with the DLNR, however, they have not formally begun the environmental review process for the three sites and it is DLNR’s understanding that will not

commence until sometime next year. It is DLNR's understanding that the Air Force will be completing three (3) separate Environmental Assessments (EAs), one for each of the sites.

ECONOMIC ANALYSIS AND PUBLIC PROCESS

Regarding the request to conduct a comprehensive economic analysis for the military leases, while DLNR is not opposed to conducting such a study, HR 199 did not provide a source of funding. Preparation of such analysis would require the Department to contract a consultant to perform the analysis and produce a report. A request of this breadth would likely exceed \$2 million and saddle the Department with an unfunded mandate that it cannot afford. Therefore, DLNR felt it prudent to rely on resources that are already available. One such resource would be the EAs or Environmental Impact Statements (EIS) prepared by the applicants which would be needed to complete the environmental review process pursuant to Hawai'i Revised Statutes (HRS) Chapter 343 and Hawai'i Administrative Rules (HAR) Chapter 11-200.1. It should be noted that the completion of the environmental review process is a prerequisite for any lease disposition to be heard by the BLNR.

As outlined in HAR, Chapter 11-200.1, the content of the applicants' EAs or EISs should cover many of the requested topics under HR 199. It is the DLNR's intent to request (or have already requested) that such information be included, to the extent the rules allow, information and analysis such as an economic impact analysis of the proposed long-term retention of State lands; hazardous material and remediation studies in order to inform the public of the existing conditions of the leased lands, especially for those lands in which live fire training was conducted; as well as the thorough exploration and analysis of the No Action Alternative which should include discussion on the restoration of leased lands in order to allow redevelopment for other uses by the State and the public.

Regarding the request for a formal process for the lease renewal negotiations, the lease process will follow HRS Section 171-95, in which the BLNR can, without public auction, lease to governments and agencies public lands for terms up to, but not in excess of, 65 years. It should be noted that while HRS Section 171-95 does not require rent at fair market value, the BLNR may elect to require the payment of rent at the fair market value for the term of the lease, including any stepped or annual increases as proposed by the appraiser as a condition for the approval of any new lease. Agencies must submit formal applications to the Land Division for processing, and as stated earlier, compliance with the environmental review process is a prerequisite for the consideration of a lease by the BLNR. The environmental review process is one way that will allow for public input as it is required by HRS Chapter 343 and HAR, Chapter 11-200.1, and that any Final EA/FONSI determination or acceptance of a Final EIS would be brought before the BLNR for decision making at a public meeting subject to notice pursuant to HRS Chapter 92 (Sunshine Law). Furthermore, the leases themselves will also be brought before the BLNR for decision making at a public meeting subject to Sunshine Law, separate and subsequent of BLNR action on the environmental review process documents.

In addition, much of what HR 199 requests for consideration is consistent with what DLNR has already requested of the applicants as DLNR is aware of public sentiment and concern regarding the DoD lease renewals. The Chairperson has consistently emphasized the need for additional

public outreach in addition to the required public comment periods and scoping meetings as required under the environmental review process. In addition, the agencies have been highly encouraged to consult with the State Aha Moku Advisory Committee (AMAC) who is tasked with advising the BLNR and bringing forward regional concerns so that issues can be addressed and if needed, mitigated.

If the Legislature determines that more information than what is already provided in an EA or EIS is needed in order to fulfill the purpose of HR 199, then DLNR respectfully recommends that an appropriation in the amount of \$2 million be provided to contract for the requested comprehensive economic analysis.

Kaiali'i Kahele
Chairperson
Board of Trustees

Phone: (808) 594-1855



OFFICE OF HAWAIIAN AFFAIRS

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

November 17, 2025

The Honorable Roger Wicker
Chairman
Committee on Armed Services
United States Senate
Washington DC 20510

The Honorable Jack Reed
Ranking Member
Committee on Armed Services
United States Senate
Washington, DC 20510

The Honorable Mike Rogers
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20510

The Honorable Adam Smith
Ranking Member
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20510

**SUBJECT: TARGETED SUPPORT FOR SECTION 2831, S.2296 (119th CONGRESS) —
LAND CONVEYANCES: AUTHORIZATION TO ACQUIRE THROUGH EXCHANGE OR
LEASE CERTAIN LAND USED BY THE ARMED FORCES OF HAWAI'I**

Aloha e Chairman Wicker, Ranking Member Reed, Chairman Rogers, and Ranking Member Smith:

As Chairperson of the Board of Trustees of the Office of Hawaiian Affairs (OHA), **I write in strong personal support of Section 2831 of S.2296 (119th Congress) and respectfully request its inclusion—along with a targeted amendment requiring consultation with OHA and Native Hawaiian organizations—in the final version of the Fiscal Year 2026 National Defense Authorization Act (NDAA).**

Section 2831 represents a balanced, measured, and responsible approach to addressing a complex set of issues that affect the State of Hawai'i, the Department of Defense, local communities, and the Native Hawaiian people. The provision establishes a clear, structured framework that allows for thoughtful deliberation, lawful process, and transparent engagement across all military services with expiring leases—not only the Army, but also the Navy, Air

Force, and other federal agencies. It also ensures that affected communities, including Native Hawaiians, are meaningfully included in discussions that will shape the future use of public trust lands.

Purpose and Effect of Section 2831

Section 2831 provides the State of Hawai‘i and the Department of Defense with the necessary time and structure to negotiate responsibly regarding long-term military leases expiring between 2028 and 2031. These include:

- Pōhakuloa Training Area (Hawai‘i Island);
- Mākua Military Reservation, Kahuku Training Area, and Kawaihoa–Poamoho (O‘ahu);
- Pacific Missile Range Facility and the Kōke‘e Park Geophysical Observatory (Kaua‘i); and
- Ka‘ena Point Space Force Station and Ka‘ala Air Force Station (O‘ahu).

The section’s sunset clause—“**lease or acquisition...authority shall expire on December 31, 2031**”—ensures that negotiations occur within a defined window, encouraging timely decision-making while preventing indefinite delay. It also promotes a coordinated federal–state process, rather than fragmented or service-specific approaches.

Ensuring Predictability and Public Confidence

The Hawai‘i State Legislature retains the authority to enact a short-term extension to allow Section 2831’s process to function as intended. Such an extension would provide predictability for all parties and preserve continuity while detailed negotiations proceed. Ensuring that these actions occur transparently and with community engagement will help maintain public confidence and support enduring relationships between the military and Hawai‘i’s communities.

Amendment to Section 2831 – Formal Consultation

To align Section 2831 with longstanding federal principles governing Native Hawaiian trust responsibilities, I respectfully request the inclusion of language requiring consultation with OHA and other Native Hawaiian organizations prior to the execution of any lease renewal, extension, or land exchange authorized under this section. This request is grounded in decades of federal practice and reflects over 250 federal statutes reaffirming the political and trust relationship between the United States and Native Hawaiians.

Supporting background on the trust relationship and state obligations is provided in Enclosure A.

With these considerations in mind, Section 2831—appropriately amended—would:

- Ensure transparent and lawful negotiation of military leases across all affected lands and military services;
- Reaffirm the United States' political and trust relationship with Native Hawaiians;
- Promote decision-making that strengthens public trust; and
- Support a long-term, sustainable partnership between the United States military and the people of Hawai'i.

Mahalo for your leadership and for your continued attention to Hawai'i's unique responsibilities and contributions to our Nation's defense.

With Aloha,



Kaiali'i Kahele
Chairperson, Board of Trustees
Office of Hawaiian Affairs

Enclosure: Background on the Public Land Trust, the Hawai'i Admissions Act, and the Federal–Native Hawaiian Trust Relationship

cc:

The Honorable Dan Sullivan, Chairman, Subcommittee on Readiness & Management Support
The Honorable Mazie K. Hirono, Ranking Member, Subcommittee on Readiness & Management Support
The Honorable Jack Bergman, Chairman, Subcommittee on Readiness
The Honorable John Garamendi, Ranking Member, Subcommittee on Readiness
The Honorable Brian Schatz, United States Senate
The Honorable Ed Case, U.S. House of Representatives
The Honorable Jill N. Tokuda, U.S. House of Representatives
The Honorable Josh Green, M.D., Governor, State of Hawai'i
The Honorable Ronald D. Kouchi, Senate President, Hawai'i State Senate
The Honorable Nadine K. Nakamura, Speaker of the House, Hawai'i State House of Representatives



OFFICE OF HAWAIIAN AFFAIRS

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Enclosure A:

Background on the Public Land Trust, the Hawai'i Admissions Act, and the Federal–Native Hawaiian Trust Relationship

I. Overview of the Public Land Trust

The vast majority of lands currently leased by the United States military in Hawai'i originate from the **Crown Lands and Government Lands of the Hawaiian Kingdom**, which were seized following the 1893 overthrow and subsequently transferred to the United States. Under **Section 5(b)** of the **Hawai'i Admissions Act of 1959 (Public Law 86-3)**, these lands—approximately 1.4 million acres—were conveyed to the State of Hawai'i “**as a public trust**” for five purposes, including the betterment of conditions of Native Hawaiians.

Section 5(f) of the Act codifies the fiduciary nature of the State's obligations, requiring that all revenues, proceeds, and uses of these lands be managed in accordance with trust principles and for the benefit of the trust's beneficiaries.

The **Hawai'i State Constitution, Article XII, Section 4**, reaffirms the State's fiduciary responsibility, declaring that all “public lands...shall be held by the State as a public trust for native Hawaiians and the general public.”

II. Role of the Office of Hawaiian Affairs (OHA)

The **Office of Hawaiian Affairs** was established by a Hawai'i state constitutional amendment in 1978. Article XII, Sections 5 and 6:

- Recognize OHA as the entity responsible for ensuring the State's compliance with its trust duties toward Native Hawaiians;
- Empower OHA to manage and administer income and proceeds from the public trust; and

- Affirm OHA’s role as a trustee charged with protecting Native Hawaiian rights, resources, and beneficiaries.

As the **designated trust agency for Native Hawaiians**, OHA has both the authority and the responsibility to:

- Provide oversight of state actions involving trust lands;
- Protect Native Hawaiian rights, cultural sites, resources, and beneficiaries; and
- Participate in governmental decision-making that affects trust lands and Native Hawaiian interests.

See also Hawai‘i Revised Statutes chp. 10.

III. Federal Recognition of the Political and Trust Relationship

The United States has repeatedly acknowledged a **special political and trust relationship with Native Hawaiians**—not as a racial classification, but as an Indigenous people with whom the United States maintains a recognized political relationship.

This acknowledgment is reflected in **over 250 federal statutes**, including:

- **Public Law 103-150** (The Apology Resolution), which acknowledges the role of the United States in the 1893 overthrow and the subsequent seizure of Crown and Government Lands;
- The **Hawaiian Homes Commission Act (1920)**, establishing homestead lands for Native Hawaiians under federal trust principles;
- Federal Native Hawaiian education, health, housing, and cultural resource protection laws;
- Statutes and policies requiring consultation with Native Hawaiian organizations where cultural, historical, or sacred resources may be affected.

These laws collectively affirm Native Hawaiians as an Indigenous people whose trust relationship with the United States parallels that enjoyed by American Indians and Alaska Natives.

IV. Military Use of Public Trust Lands

Between 1964 and 1965, the State of Hawai‘i executed multiple 65-year leases to the U.S. military for long-term use of public trust lands across Hawai‘i Island, O‘ahu, Maui, Kaua‘i, and Ni‘ihau. Most leases were issued for nominal consideration and without comprehensive cultural or environmental review by today’s standards.

These leases—including those at Pōhakuloa, Mākua, Kahuku, Kawailoa–Poamoho, PMRF, and Ka‘ena Point—**expire between 2028 and 2031**, presenting a once-in-a-generation decision point regarding continued military use of public trust lands.

Renewal, extension, exchange, or modification of these leases must comply with:

- The Hawai‘i Admissions Act;
- The Hawai‘i State Constitution;
- State trust law and fiduciary principles;
- Federal Native Hawaiian consultation norms and statutory obligations; and
- Cultural, historic preservation, and environmental protections.

V. Importance of Consultation and Transparency

Given the trust nature of these lands and the federal–state–Native Hawaiian relationship, meaningful consultation with OHA and Native Hawaiian organizations is essential to:

- Ensure decisions reflect fiduciary duties;
- Protect cultural and natural resources;
- Maintain public confidence and transparency;
- Uphold U.S. commitments under federal law; and
- Support long-term, sustainable defense posture in the Indo-Pacific.

Consultation is not merely a courtesy—it is an expression of the trust relationship, consistent with decades of federal policy governing Indigenous communities, and foundational to maintaining long-term federal–community partnerships.

Summary

The legal and historical framework governing Hawai‘i’s public trust lands requires that any military lease renewal, extension, or land exchange:

1. Comply with the fiduciary obligations established under the Hawai‘i Admissions Act and Hawai‘i Constitution;
2. Recognize OHA’s constitutional role as a trustee for Native Hawaiians;
3. Respect the United States’ special political and trust relationship with the Native Hawaiian people; and
4. Include meaningful consultation with OHA and Native Hawaiian organizations.

The forthcoming expiration of the 1960s-era military leases presents a rare opportunity for the United States and State of Hawai‘i to reaffirm these commitments and uphold the integrity of Hawai‘i’s public trust.



OFFICE OF HAWAIIAN AFFAIRS

560 N. Nimitz Hwy., Suite 200
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November 7, 2025

Honorable Josh Green, M.D.
Governor of the State of Hawai'i
Executive Chambers
Hawai'i State Capitol
Honolulu, HI 96813

Aloha e Governor Green,

I write to respectfully offer the partnership and expertise of the Office of Hawaiian Affairs (OHA) as a negotiating party to help advance and protect the State's—and OHA's—respective rights, interests, and fiduciary duties under the public land trust established by Article XI, section 4 of the Hawai'i State Constitution.

Specifically, OHA requests to be included as a member of both the “Joint Negotiation Team” and the “Technical Working Group” referenced in your October 29, 2025, letter to Secretary of the Army Dan Driscoll. Furthermore, OHA respectfully requests to be designated as a co-lead State agency—alongside the Department of Land and Natural Resources (DLNR)—within the Technical Working Group, to participate in negotiating and developing detailed scopes of work and/or community benefit agreements on behalf of the State and the Native Hawaiian community.

Our shared goal is simple but profound: to ensure that decisions involving public trust lands are made in partnership, transparency, and alignment with the law and with Hawai'i's constitutional commitment to Native Hawaiians.

With that spirit of collaboration and shared responsibility, I must respectfully raise several observations and concerns regarding the State's current negotiating position as expressed in your letter.

First, the end-of-year deadline for completing lease negotiations effectively precludes compliance with a range of legal and constitutional requirements, including but not limited to environmental review, historic and cultural preservation, endangered species protection, and land use permitting. This compressed timeline sidelines both the OHA and the general public—who have rights to notice and participation under these laws—and the Legislature, which must approve any executive decision to alienate public trust lands. See HRS §§ 171-50, -64.7.

Additionally, the proposed schedule overlooks the State's independent duty to conduct a meaningful Ka Pa'akai analysis of cultural impacts under Article XII, section 7 of the Hawai'i State Constitution.

OHA respectfully suggests that the more prudent approach would be to seek temporary military lease extensions, if necessary, to allow the State to meet these statutory and constitutional obligations. A negotiated extension would preserve the State's credibility and bargaining position, whereas a rushed timeline risks weakening it and advantaging the federal government.

Second, the proposal as written does not address the State's responsibility to preserve the integrity of the public land trust pending reconciliation of Native Hawaiians' unresolved governance claims over the former Crown and Government Lands seized during the overthrow of the Hawaiian Kingdom.

The expiration of the current sixty-five-year military leases presents a once-in-a-generation opportunity to restore balance—to safeguard public trust lands, honor Native Hawaiian claims, and reset the terms of Hawai‘i’s relationship with the federal government. Proceeding without meaningful consultation with Native Hawaiian communities, or without seriously exploring shorter lease terms or reduced footprints, risks perpetuating historic inequities and undermining the State’s commitments to its Indigenous people.

OHA believes that genuine consultation with the Native Hawaiian community and broader public would not only strengthen the State’s negotiating position but also advance your own stated goals of ensuring fair compensation for the use of public lands and reducing the risk of litigation.

To this end, OHA is actively considering legislative proposals, including a constitutional amendment that would prohibit the use of public trust lands for live-fire military training while allowing other compatible training activities, as well as a short-term lease extension proposal. These policy discussions, together with community engagement, could help foster a shared consensus on the future of Hawai‘i’s relationship with the Armed Forces and the stewardship of these lands.

Finally, I want to acknowledge the energy and thoughtfulness you and your administration have shown in pursuing federal partnerships to advance critical priorities—such as expanding affordable housing and funding for land remediation and UXO clean-up. Those efforts reflect a genuine commitment to improving the quality of life for Hawai‘i’s people.

In that same spirit, I respectfully urge you to extend a similar level of consultation and collaboration to the Office of Hawaiian Affairs and the Native Hawaiian community as decisions are made regarding lands that form the core of our public trust. Doing so will not only fulfill the State’s constitutional obligations but will also ensure that all of Hawai‘i’s people—its elected representatives, voters, and beneficiaries—have a meaningful voice in shaping our collective future.

Me ke aloha ‘imi pono,
(With aloha in pursuit of what is right)

A handwritten signature in black ink, appearing to be 'Kaiali'i Kahele', written in a cursive style.

Kaiali‘i Kahele
Chairperson, Board of Trustees
Office of Hawaiian Affairs

cc:

Sylvia Luke, Lt. Governor, State of Hawai‘i
Anne E. Lopez, Attorney General, State of Hawai‘i
Ronald D. Kouchi, Senate President, Hawai‘i State Senate
Nadine K. Nakamura, Speaker of the House, Hawai‘i State House of Representatives
Brooke Wilson, Chief of Staff to Governor of Hawai‘i, Josh Green



Department of Defense

INSTRUCTION

NUMBER 4710.03

October 25, 2011

Incorporating Change 1, August 31, 2018

USD(A&S)

SUBJECT: Consultation With Native Hawaiian Organizations (NHOs)

References: See Enclosure 1

1. PURPOSE. This Instruction:

a. Reissues Directive-Type Memorandum 11-001 (Reference (a)) as a DoD Instruction in accordance with the authority in DoD Directive 5134.01 (Reference (b)).

b. Establishes policy and assigns responsibilities for DoD consultation with NHOs when proposing actions that may affect a property or place of traditional religious and cultural importance to an NHO.

c. Provides the DoD Components in Hawaii with a framework to develop localized processes to facilitate consultation.

2. APPLICABILITY. This Instruction:

a. Applies to OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the DoD (IG DoD), the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD with consultation responsibilities to NHOs (hereinafter referred to collectively as the "DoD Components").

b. Is intended only to improve the internal management of the DoD Components regarding their consultation responsibilities and is not intended to, nor does it, create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity by any party against the DoD, its Components, officers, or any person.

3. DEFINITIONS. See Glossary.

4. POLICY. It is DoD policy that:

a. The DoD respects the traditions and cultures of all native peoples of the United States as well as the strong desire of Native Hawaiians to maintain their rich history and tradition amidst other prevalent influences in American society.

b. The DoD recognizes the special status afforded NHOs by the U.S. Government through various Federal laws, regulations, and policy. The Military Services' long presence in Hawaii has provided the DoD with a strong appreciation for the importance of consultation when proposing actions that may affect a property or place of traditional religious and cultural importance to an NHO.

c. The DoD shall conduct meaningful consultation for the purpose of avoiding or minimizing, to the extent practicable and consistent with law, the effects of DoD Component actions on a property or place of traditional religious and cultural importance to an NHO.

5. RESPONSIBILITIES. See Enclosure 2.

6. PROCEDURES. Enclosure 3 provides procedures and requirements for when, with whom, and how to consult with NHOs, including considerations for natural and cultural resources.

7. RELEASABILITY. UNLIMITED. This Instruction is approved for public release and is available on the Internet from the DoD Issuances Website at <http://www.dtic.mil/whs/directives>.

8. SUMMARY OF CHANGE 1. This change reassigns the office of primary responsibility for this Instruction to the Under Secretary of Defense for Acquisition and Sustainment in accordance with the July 13, 2018 Deputy Secretary of Defense Memorandum (Reference (c)).

9. EFFECTIVE DATE. This Instruction is effective upon its publication to the DoD Issuances Website.



Frank Kendall
Acting Under Secretary of Defense for
Acquisition, Technology, and Logistics

Enclosures

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ENCLOSURE 1

REFERENCES

- (a) Directive-Type Memorandum 11-001, “Consultation with Native Hawaiian Organizations,” February 3, 2011 (hereby cancelled)
- (b) DoD Directive 5134.01, “Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)),” December 9, 2005
- (c) Deputy Secretary of Defense Memorandum, “Establishment of the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment,” July 13, 2018
- (d) Sections 691-716 of title 48, United States Code (also known as “The Hawaiian Homes Commission Act, as amended”)
- (e) Public Law 86-3, “The Admission Act,” March 18, 1959
- (f) Sections 4321-4370f¹ and 2000bb-1² of title 42, United States Code
- (g) Sections 470-470x-6 of title 16, United States Code (also known as “The National Historic Preservation Act of 1966 (NHPA), as amended”)
- (h) Sections 3001-3013 of title 25, United States Code (also known as “The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), as amended”)
- (i) DoD Instruction 4710.02, “DoD Interactions with Federally-Recognized Tribes,” September 14, 2006
- (j) Public Law 103-150, “Overthrow of Hawaii,” November 23, 1993 (also known as “The Apology Resolution”)

¹ Also known as “The National Environmental Policy Act of 1969, as amended”

² Also known as “The Religious Freedom Restoration Act of 1993, as amended”

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY AND LOGISTICS (USD(AT&L)). The USD(AT&L) shall establish DoD policy for interactions with federally recognized tribes and requirements for DoD consultation with NHOs.

2. DEPUTY UNDER SECRETARY OF DEFENSE FOR INSTALLATIONS AND ENVIRONMENT (DUSD(I&E)). The DUSD(I&E), under the authority, direction, and control of the USD(AT&L), shall:

a. Develop policy and guidance for interactions with federally recognized tribes and for consultation with NHOs.

b. Designate responsibilities and provide procedures for DoD consultation with NHOs.

c. Enhance DoD Component understanding of NHO issues and concerns through education and training programs and outreach activities.

d. Assist the DoD Components in identifying requirements of Presidential Memorandums, Executive orders, statutes, and regulations governing DoD consultations with NHOs.

e. Designate an NHO liaison within the Office of the DUSD(I&E) (ODUSD(I&E)) to coordinate DoD consultation activities.

f. As requested, assist the DoD Components with consultation with NHOs.

3. HEADS OF THE DoD COMPONENTS WITH CONSULTATION RESPONSIBILITIES TO NHOs. The Heads of the DoD Components with consultation responsibilities to NHOs shall:

a. Ensure compliance with the applicable requirements of Presidential Memorandums, Executive orders, statutes, and regulations regarding DoD consultations with NHOs, and integrate required consultation activities into mission activities in order to facilitate early and meaningful consultation.

b. Plan, program, and budget for Presidential Memorandum, Executive order, statutory, and regulatory requirements applicable to consultation with NHOs consistent with DoD guidance and fiscal policies, and within available resources.

c. Ensure that consultation with NHOs occurs in accordance with Enclosure 3 of this Instruction.

d. Notify the DUSD(I&E) of NHO issues that are controversial, cannot be resolved at the DoD Component level, and have the potential to be elevated to the USD(AT&L) for resolution.

e. Assign NHO liaison responsibilities to staff at the headquarters level to coordinate NHO consultation issues with ODUSD(I&E).

f. Assign a point of contact in Hawaii to ensure that NHO inquiries are channeled to appropriate officials and responded to in a timely manner.

g. Develop consultation procedures and provide cultural communications training for military and civilian personnel with consultation responsibilities.

ENCLOSURE 3

PROCEDURES

1. WHEN TO CONSULT

a. The DoD Components shall consult with NHOs:

(1) When proposing an undertaking that may affect a property or place of traditional religious and/or cultural importance to an NHO.

(2) When receiving notice of or otherwise becoming aware of an inadvertent discovery or planned activity that has resulted or may result in the intentional excavation or inadvertent discovery of human remains, funerary objects, sacred objects, or objects of cultural patrimony on Federal lands or lands administered for the benefit of Native Hawaiians pursuant to sections 691-716 of title 8, United States Code (U.S.C.) (also known as “The Hawaiian Homes Commission Act, as amended”) (Reference (d)) and section 4 of Public Law 86-3 (Reference (e)).

(3) When proposing an action that may affect a long term or permanent change in NHO access to a property or place of traditional religious and cultural importance to an NHO.

(4) When proposing an action that may substantially burden a Native Hawaiian’s exercise of religion (as defined in the Glossary).

(5) When proposing an action that may affect a property or place of traditional religious and cultural importance to an NHO or subsistence practices, and for which the DoD Components have an obligation to consult pursuant to sections 4321-4370f of title 42, U.S.C. (also known as “The National Environmental Policy Act of 1969, as amended” (Reference (f))) or any other statute, regulation, or Executive order.

b. The DoD Components shall conduct their consultation activities early enough in the DoD project planning process to allow the information provided to be meaningfully considered by DoD project planners and decision makers.

c. Recognizing that consultation is most effective when conducted in the context of an ongoing relationship, the DoD Components are encouraged to, insofar as practicable, establish and maintain relationships with NHOs separate from consultations related to specific actions. As part of this effort, the DoD Components and NHOs may exchange information related to operational and mission requirements, concerns about stewardship of important cultural resources and culturally-important natural resources, procedures to streamline action-specific consultations, and long-term planning.

2. WHOM TO CONSULT

a. The DoD Components shall make a reasonable and good faith effort to contact and consult with NHOs whose members perform cultural, religious, or subsistence customs and practices in an area that may be affected by a proposed DoD Component activity in Hawaii.

b. As a State of Hawaii organization established to promote the interests of Native Hawaiians, the Office of Hawaiian Affairs (OHA) (see <http://www.oha.org/>) may provide the DoD Components with up-to-date information and recommendations for appropriate contacts relative to a particular proposed action. OHA may also assist the DoD Components with consultation through dissemination of notices and announcements of proposed DoD Component actions that may affect resources of religious and cultural importance to NHOs.

c. As a practical matter, the DoD Components may find it helpful to contact:

(1) Individual Native Hawaiians and others who may have specific knowledge about the history and culture of an area that may have the potential to be adversely affected by a proposed DoD Component action.

(2) Individual Native Hawaiians and others who live near an area that may be affected by a proposed DoD Component activity and who regularly use the area for cultural, religious, or subsistence purposes.

(3) The U.S. Department of Interior, Office of Hawaiian Relations, which maintains an NHO Notification List at <http://www.doi.gov/ohr/nativehawaiians/list.html>.

(4) The Hawaii State Historic Preservation Officer at <http://hawaii.gov/dlnr/hpd/hpgreeting.htm>.

3. HOW TO CONSULT. The DoD Components shall fully integrate, including staff officers at the installation level, the principles and practices of meaningful consultation and communication with NHOs by:

a. Providing interested NHOs an opportunity to participate in pre-decision consultation that will ensure that NHO concerns are given due consideration whenever a DoD Component proposes an action that may affect historic properties or places of traditional religious and cultural importance to an NHO as defined by sections 470-470x-6 of title 16, U.S.C. (also known and hereinafter referred to as “The National Historic Preservation Act of 1966 (NHPA), as amended” (Reference (g))).

b. Considering the advice and recommendations of OHA to facilitate effective consultation between NHOs and DoD Components, with the understanding that no single NHO is likely to represent the interests of all NHOs.

c. Consulting in good faith, whenever a DoD Component proposes an action that may adversely affect resources of traditional religious or cultural importance to NHOs, and for which the DoD Components have an obligation to consult under any Presidential Memorandum, statute, regulation, or Executive order.

d. Initiating and maintaining effective communication with NHOs using tools and techniques designed to facilitate greater understanding and participation.

e. Providing continuity by ensuring new commanders are provided, as soon as possible, information regarding existing written agreements between the installation and NHOs, points of contact, and NHO areas of special interest concerning installation activities.

f. Recognizing the importance of improving communication between the DoD Components and NHOs by establishing a process for outreach regarding DoD activities that may have an effect on a property or place of traditional religious and cultural importance to an NHO or subsistence practices on each island to foster a positive relationship between the DoD Components in Hawaii and NHOs.

g. Involving the Hawaii State Historic Preservation Officer in consultations in accordance with NHPA, and, with respect to sections 3001-3013 of title 25, U.S.C. (also known and hereinafter referred to as “The Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), as amended” (Reference (h))), appropriate Burial Councils.

4. CULTURAL AND NATURAL RESOURCE CONSIDERATIONS. The DoD Components shall recognize and respect the significance that NHOs give to resources of traditional religious and cultural importance by:

a. Undertaking DoD Component actions and managing DoD lands and water resources so as to protect and preserve, to the extent practicable and consistent with the law and operational and readiness requirements, places that NHOs have identified, consistent with law, as being of particular significance to Native Hawaiian traditional religious and/or cultural practices.

b. Enhancing the ability of NHOs to help the DoD Components protect and manage a natural resource that is also a property or place of traditional religious and cultural importance to an NHO on DoD lands, through NHO participation in the development of Integrated Cultural Resource Management Plans (ICRMP).

c. Accommodating, to the extent practicable and consistent with the safety of NHO representatives, military training, security, and readiness requirements, NHO access to a property or place of traditional religious and cultural importance to an NHO for religious or cultural activities.

d. Developing written agreements to the extent practicable, appropriate, or required, among the DoD Components, the Secretary of the Interior, and NHOs to protect confidential information regarding a property or place of traditional religious and cultural importance to an NHO.

e. Developing written agreements, to the extent practicable, appropriate, or required, between the DoD Components and the Hawaii State Historic Preservation Officer, in consultation with NHOs, to address the effects of proposed DoD undertakings on a property or place of traditional religious and cultural importance to an NHO.

ENCLOSURE 4

COMPLIANCE MEASURES OF MERIT

1. POLICY IMPLEMENTATION. The ODUSD(I&E) shall assess the number of DoD Components that have incorporated a process for consultation with NHOs as part of an ICRMP when a property or place of traditional religious and cultural importance to an NHO has been identified.

2. NAGPRA. The ODUSD(I&E) shall assess compliance with NAGPRA in accordance with the compliance measures of merit included in DoDI 4710.02 (Reference (i)).

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

DUSD(I&E)	Deputy Under Secretary of Defense for Installations and Environment
ICRMP	Integrated Cultural Resource Management Plans
NAGPRA	Native American Graves Protection and Repatriation Act of 1990
NHOs	Native Hawaiian Organizations
NHPA	National Historic Preservation Act of 1966
ODUSD(I&E)	Office of the Deputy Under Secretary of Defense for Installations and Environment
OHA	Office of Hawaiian Affairs
U.S.C.	United States Code
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology and Logistics

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purpose of this Instruction.

consultation. Seeking, discussing, and considering the views of other participants and, when feasible, seeking a mutually acceptable understanding regarding the matters at hand. As appropriate to the circumstances, consultation may include, but is not limited to, the exchange of written communications, face-to-face discussions, and telephonic or other means of exchanging information and ideas.

cultural patrimony. Defined in section 2(3)(D) of Reference (h).

culturally affiliated. Defined in section 2(2) of Reference (h).

exercise of religion. Defined in section 2000bb-1 of Reference (f) (also known as “The Religious Freedom Restoration Act of 1993, as amended”).

human remains, funerary objects, sacred objects, or objects of cultural patrimony. Defined in Reference (h).

Native Hawaiian. Defined in Public Law 103-150 (also known as “The Apology Resolution” (Reference (j))).

NHOs. Organizations that serve and represent the interests of Native Hawaiians have a primary and stated purpose of providing services to Native Hawaiians, and have expertise in Native Hawaiian affairs. Pursuant to NHPA and NAGPRA, NHOs include OHA and Hui Malama I Na Kupuna ‘O Hawai’I Nei (see <http://huimalama.tripod.com/>). The DoD Components may identify any other organization as an NHO if they determine that the organization meets the criteria in this definition.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT

RYAN K.P. KANAKA'OLE
FIRST DEPUTY

CIARA W.K. KAHAHANE
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

May 14, 2025

Mary Alice Evans, Director
Office of Planning and Sustainable Development
Environmental Review Program
235 South Beretania Street, Suite 702
Honolulu, HI 96813
Sent via the ERP Online Submittal Form

and

Colonel Rachel D. Sullivan
Department of the Army
U.S. Army Installation Management Command
Head Quarters, United State Army Garrison Hawaii
745 Wright Avenue, Building 107, Wheeler Army Airfield
Schofield Barracks, Hawaii 96857-5013

Dear Ms. Evans and Colonel Sullivan:

SUBJECT: Non-Acceptance of the Final Environmental Impact Statement for Army Training Land Retention at Pōhakuloa Training Area, Island of Hawai'i
Tax Map Keys (TMKs): (3) 4-4-015:008; 4-4-016:005; and 7-1-004:007

On May 9, 2025, the Board of Land and Natural Resources (Board), the Accepting Authority for the final Environmental Impact Statement (EIS), voted to not accept the final EIS for the subject project. The Board heard from Department Staff and the Applicant and members of the public were granted an opportunity to testify on the EIS. After a question-and-answer session followed by discussion, the Board voted two assenting, and five dissenting on a motion to accept the Final EIS. A subsequent motion was then made to deny the final EIS, resulting in a vote of 5 assenting, one dissenting, and one abstaining, thus the motion passed to deny the acceptance of the final EIS.

Pursuant to Hawai'i Administrative Rules, Section 11-200.1-28(e)(2)(a), specific findings and reasons for non-acceptance are provided in the attached Staff submittal and via the Board's YouTube video of the May 9, 2025 meeting which can be viewed at: <https://www.youtube.com/watch?v=oWZU3uaHxp4>. Testimony from the public which also helped

to inform the Board's decision can be found at <https://dlnr.hawaii.gov/meetings/blnr-meetings-2025/land-board-submittals-05-09-25/> under Agenda item D-1.

Should you have any questions, please contact Lauren Yasaka of our Land Division at lauren.e.yasaka@hawaii.gov or at 808-587-0431.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dawn N.S. Chang', with a long horizontal flourish extending to the right.

DAWN N.S. CHANG,
Chairperson

Attachment

cc: Alice Roberts, ALTR Program Manager
Jeff Overton, G70

From: webmaster@hawaii.gov
To: [DBEDT OPSD Environmental Review Program](#)
Subject: New online submission for The Environmental Notice
Date: Tuesday, May 20, 2025 7:26:59 AM

Action Name

Non-Acceptance of the Final EIS for Army Training Land Retention at Pohakuloa Training Area

Type of Document/Determination

Final environmental impact statement (FEIS) acceptance or non-acceptance

HRS §343-5(a) Trigger(s)

- (1) Propose the use of state or county lands or the use of state or county funds
- (2) Propose any use within any land classified as a conservation district

Judicial district

North Kona, Hawai'i

Tax Map Key(s) (TMK(s))

(3) 4-4-015:008; 4-4-016:005; 7-1-004:007

Action type

Applicant

Other required permits and approvals

none

Discretionary consent required

Long-term land disposition for State-owned lands

Agency jurisdiction

State of Hawai'i

Approving agency

Board of Land and Natural Resources

Agency contact name

Lauren Yasaka

Agency contact email (for info about the action)

lauren.e.yasaka@hawaii.gov

Agency contact phone

(808) 587-0431

Agency address

1151 Punchbowl Street Room 220
Honolulu, Hawaii 96813
United States
[Map It](#)

Accepting authority

Board of Land and Natural Resources

Applicant

US Army Garrison Hawaii

Applicant contact name

Alice Roberts

Applicant contact email

alice.k.robers.civ@army.mil

Applicant contact phone

(808) 786-0269

Applicant address

745 Wright Avenue, Building 107, Wheeler Army Airfield
Schofield Barracks, Hawaii 96857-5013
United States
[Map It](#)

Is there a consultant for this action?

Yes

Consultant

G70

Consultant contact name

Jeff Overton

Consultant contact email

jeff@g70.design

Consultant contact phone

(808) 523-5866

Consultant address

111 S. King Straeet, Suite 170
Honolulu, Hawaii 96813
United States
[Map It](#)

Action summary

The Pōhakuoloa Training Area (PTA) on Hawai'i Island encompasses approximately 132,000 acres of U.S. Government-owned and State-owned land. The U.S. Government leases approximately 23,000 acres from the State of Hawai'i. The lease expires on August 16, 2029. The Army proposes to retain up to 22,750 acres of State-owned land in support of continued military training. The retention will preserve maneuver area, provide austere environment training, enable access between major parcels of U.S. Government-owned land, retain infrastructure investments, allow for future modernization, and maximize use of the impact area. Loss of this land would impact the ability of the Army to meet training requirements and its mission of readiness. The Proposed Action is a real estate action that would enable continuation of ongoing activities. It does not include construction or changes in ongoing activities. Revisions between the Second Draft EIS and Final EIS are generally in Volume 1. If you are

experiencing any ADA compliance issues with the above project, please contact U.S. Army Garrison-Hawai'i Directorate of Public Works at usarmy.hawaii.nepa@army.mil or 808-656-6821.

Attached documents (signed agency letter & EA/EIS)

- [D-1-Stamped-Final-May-9-2025-BLNR.pdf](#)
- [PTA-FEIS-Notice-of-Non-Acceptance-signed.pdf](#)

ADA Compliance certification (HRS §368-1.5):

The authorized individual listed below acknowledges that they retain the responsibility for ADA compliance and are knowingly submitting documents that are unlocked, searchable, and may not be in an ADA compliant format for publication. The project files will be published without further ADA compliance changes from ERP, with the following statement included below the project summary in The Environmental Notice: "If you are experiencing any ADA compliance issues with the above project, please contact (authorized individual submitting the project and phone and/or email)."

Action location map

- [ATLRPTAEIS_StateOwnedLands2.zip](#)

Authorized individual

Lauren Yasaka

Authorized individual email

lauren.e.yasaka@hawaii.gov

Authorized individual phone

(808) 587-0431

Authorization

- The above named authorized individual hereby certifies that he/she has the authority to make this submission.

DENIED

STATE OF HAWAI'I
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawai'i 96813

May 9, 2025

Board of Land and Natural Resources
State of Hawai'i
Honolulu, Hawai'i

Hawai'i

Decision Making Regarding the Acceptance or Non-Acceptance of the Final Environmental Impact Statement (EIS) for the Army Training Land Retention at Pōhakuloa Training Area, Island of Hawai'i, Tax Map Keys (TMKs) (3): 4-4-015:008; 4-4-016:005; and 7-1-004:007

The final EIS is available for review through the following links:

https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-04-23-HA-FEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-1.pdf

https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-04-23-HA-FEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-2.pdf

https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-04-23-HA-FEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-3.pdf

Pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes (HRS), the Board may go into Executive Session in order to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities.

APPLICANT:

United States (U.S.) Army Garrison-Hawaii (USAG-HI) and U.S. Army Installation Management Command (IMCOM)

LEGAL REFERENCE:

Hawai'i Revised Statutes (HRS) Section 343-5(a)

Hawai'i Administrative Rules (HAR) Chapter 11-200.1, Subchapter 10

LOCATION:

Pōhakuloa Training Area (PTA)

denied
~~APPROVED~~ BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON
May 9, 2025 KH

Ka‘ohe, Hāmākua, and Pu‘uanahulu, North Kona, Island of Hawai‘i

Identified by Tax Map Keys (TMKs): (3): 4-4-015:008; 4-4-016:005; and 7-1-004:007

AREA:

Approximately 22,700 acres, more or less

ZONING:

State Land Use District: Conservation

County of Hawai‘i Zoning Open District and Forest Reserve

CHARACTER OF USE:

Military purposes

EXECUTIVE SUMMARY

The Board is being asked to make a decision regarding the acceptance or non-acceptance on the Applicant’s (herein referred to as USAG-HI) final Environmental Impact Statement (EIS) which contemplates a long-term land disposition for the current State-leased lands portion of PTA.

Determining the acceptance or the non-acceptance of a final EIS is based on the satisfaction of three (3) criteria as prescribed in HAR 11-200.1-28(b) which are as follows:

- (1) The procedures for assessment, consultation process, review, and the preparation and submission of the EIS, from proposal of the action to publication of the final EIS, have all been completed satisfactorily as specified in this chapter;***
- (2) The content requirements described in this chapter have been satisfied; and***
- (3) Comments submitted during the review process have received responses satisfactory to the accepting authority, including properly identifying comments as substantive and responding in a way commensurate to the comment, and have been appropriately incorporated into the final EIS.***

Summary of Staff’s analysis is as follows:

1. PROCEDURE:

Staff found an unintentional omission of the inclusion of the “*reasons supporting the determination to prepare and EIS*” (HAR Section 11-200.1-23(5)) in the EISPN. While Staff notes that this could be construed as a procedural error, we

believe that it is not a critical error and all other requirements regarding procedures for assessment, consultation process, review, and the preparation and submission of the final EIS appears to have been satisfactorily complied with.

2. CONTENT REQUIREMENTS:

Content requirements fall within two (2) categories; the content requirements of a draft EIS and the content requirements of a final EIS. The content requirements of the draft EIS should be reflective in the final EIS and therefore any issues in the draft that were not properly addressed in the final would still be considered to be outstanding.

Throughout the EIS process, Staff had and continues to have concerns with the following:

1. That the contents of the draft/final EIS do not fully declare the environmental implications of the proposed action and does not discuss all reasonably foreseeable consequences; and
2. The data and analysis do not commensurate with the importance of the impacts.

Staff's main concerns are as follows:

1. Lack of evaluation of impacts in the Federally owned impact area which is the main receiving area for live rounds being fired during training activities. USAG-HI has stated that under the "*Under the No Action Alternative...the Army would have no land access to the impact area...which would cease or severely limit Army activities in those areas.*" According to the State Historic Preservation Division (SHPD) and numerous commenters on the draft EISs, the impact zone is home to numerous historic and cultural properties, including 'iwi kupuna. USAG-HI also states that the 2018 Section 106 Programmatic Agreement for PTA determined that "*previously military training and related activities have had adverse impacts on historic properties at PTA, primarily within the impact area.*" Thus, by USAG-HI retaining the State lands through a long-term land disposition, any impacts to the impact area are expected to continue.

Refer to Volume I, Section 3.4, page 3-71 or page 179 of the electronic file for USAG-HI's discussion on Historic and Cultural Resources and Cultural Practices.

2. Staff and SHPD have concerns that the inventory of archaeological sites is incomplete. It became recently known to the Department that a number of artifacts were taken from State lands into USAG-HI possession and that USAG-HI believes NAGPRA to be the controlling authority. The Department disagrees as historic properties located on State lands are the property of the State and by

allowing NAGPRA to prevail, the Department would no longer have rights as HRS, Chapter 6E would no longer be the controlling authority.

3. Lack of current studies and/or robust summaries to provide data and analysis regarding endangered biological resources. Most concerning is that USAG-HI is proposing to conduct studies after the EIS is completed (a 2025 Programmatic Biological Opinion (BO) and an invertebrate survey) when those studies should have been done beforehand in order to provide the most current information in the EIS document. Further the 2025 BO is anticipated to include two species, the anthracinan yellow-faced bee and the Blackburn's sphinx moth that Staff had previously noted was lacking data and analysis to determine impacts.

Refer to Volume I, Section 3.3, page 3-27 or page 135 of the electronic file for USAG-HI's discussion on Biological Resources.

4. That military use is neither consistent with the overall objective nor the allowable uses in the Conservation District and that a rule amendment to allow such use may not be a likely scenario. USAG-HI did not include any other alternatives in which they could comply with the Conservation District, i.e. applying for a Land Use District Boundary Amendment to move PTA out of the Conservation District into a more appropriate district designation that would allow for military use.

Refer to Volume I, Section 5.3.2, page 5-16 or page 482 of the electronic file for USAG-HI's discussion on the consistency of their proposed action with the Conservation District.

3. COMMENTS AND RESPONSES:

Staff recognizes that the issue of whether comments have been satisfactorily responded to can be subjective. Nevertheless, Staff's feedback is that our comments as they related to noise impacts on wildlife and birds, the incompleteness of the archaeological surveys, and the breadth and appropriateness of those who were interviewed for Cultural Impact Assessment (CIA) received responses that cannot necessarily be viewed as "satisfactory." Nevertheless, Staff believes the Board should take into account all testimony before determining whether this criterion has satisfactorily been met.

The Department's comments can be found in Volume III, Appendix N. Comments on the first draft EIS begin on page HI-24 under the Draft EIS Comments section which is page 487 of the electronic file and comments on the second draft EIS begin on page HI-13 under the Second Draft EIS Comments section which is page 1195 of the electronic file.

USAG-HI's responses to our comments on the first draft EIS can be found in Volume II, Appendix D, Responses to Draft EIS Comments Section, starting on page D-35 or page 205 of the electronic file.

USAG-HI's responses to our comments on the first draft EIS can be found in Volume II, Appendix D, Responses to Second Draft EIS Comments Section, starting on page D-217 or page 391 of the electronic file.

DESCRIPTION OF THE PROPOSED ACTION:

The proposed action contemplated by USAG-HI is to retain use of the current State-owned leased lands through a long-term land disposition that would allow USAG-HI to continue military training at PTA.

The subject of this agenda item on the Board's May 9, 2025 meeting agenda is the sufficiency of the final Environmental Impact Statement (EIS), which is available to the public online at:

https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-04-23-HA-FEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-1.pdf

https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-04-23-HA-FEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-2.pdf

https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-04-23-HA-FEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-3.pdf

STANDARD EVALUATION OF THE FINAL EIS:

Pursuant to HAR Section 11-220.1-28(a), "*Acceptability of a final EIS shall be evaluated on the basis of whether the final EIS in its completed form, represents an informational instrument that fulfills the intent and provisions of chapter 343, HRS, and adequately discloses and describes all identifiable environmental impacts and satisfactorily responds to review comments.*"

Further, HAR Section 11-200.1-28(b) states that "*A final EIS shall be deemed to be an acceptable document by the accepting authority only if all of the following criteria are satisfied:*

- (1) The procedures for assessment, consultation process, review, and the preparation and submission of the EIS, from proposal of the action to publication of the final EIS, have all been completed satisfactorily as specified in this chapter;*
- (2) The content requirements described in this chapter have been satisfied; and*

(3) Comments submitted during the review process have received responses satisfactory to the accepting authority, including properly identifying comments as substantive and responding in a way commensurate to the comment, and have been appropriately incorporated into the final EIS.

Pursuant to HAR Section 11-200.1-2:

“Acceptance means a formal determination that the document required to be filed pursuant to chapter 343, HRS, fulfills the requirements of an EIS, as prescribed by section 11-200.1-28. Acceptance does not mean that the action is environmentally sound or unsound, but only that the document complies with chapter 343, HRS, and this chapter.”

Accordingly, the Board’s decision regarding the acceptability of this final EIS is distinct from any management decisions that the Board may make in the future regarding the issuance of any long-term land disposition requested by this final EIS.

Acceptability of the final EIS is based on the three criteria listed above. An EIS is not intended to resolve conflicts of opinion on the impacts of a proposed action. Rather, an EIS only intends to provide the relevant information to the deciding agency.

“[W]hether or not the parties disagree, or even whether there is authority which conflicts with the agency’s decision is not the yardstick by which the sufficiency of an EIS is to be measured. Rather it is whether the EIS as prepared permitted informed decision making by the agency.”

Price v. Obayashi Hawaii Corp., 81 Haw. 171, 181-182, 914 P.2d 1364, 1375 (1996).

In other words, an EIS need not be exhaustive to the

Point of discussing all possible details bearing on the proposed action but will be upheld as adequate if it has been compiled in good faith and sets forth sufficient information to enable the decision-maker to consider fully the environmental factors involved and to make a reasonable decision after balancing the risks of harm to the environment against the benefits to be derived from the proposed action, as well as to make a reasoned choice between alternatives.

Id. at 183 (citing *Life of the Land v. Ariyoshi*, 59 Haw. 156, 164-65, 577 P.2d 1116, 1121 (1978)).

DISCUSSION:

Pursuant to HAR Section 11-200.1-28(e)(2)(B), for applicant actions, the accepting authority shall “*Notify the applicant and the office [The Environmental Review Program]*

of the acceptance or non-acceptance of the final EIS within thirty days of the final EIS submission to the agency...”

The Department and the Environmental Review Program (ERP) received the submission of the final EIS on April 14, 2025. This grants the Board until May 14, 2025 to either accept or not accept the final EIS.

It should be noted that while HAR Section 11-200.1-28(e)(2)(B) allows the applicant to request an extension period not to exceed 15 days, it specifically states that an extension shall not be granted merely for the convenience of the accepting authority.

Further, HAR Section 11-200.1-28(e)(2)(B) states that *“If the accepting authority fails to make a determination of acceptance or non-acceptance of the EIS within thirty days of receipt of the final EIS, then the statement shall be deemed accepted.”* Therefore, decision making on this agenda item cannot be deferred unless a special meeting of the Board is called on or before the May 14, 2025 deadline.

As stated earlier, HAR Section 11-200.1-28(b), states that *“A final EIS shall be deemed to be an acceptable document by the accepting authority only if all of the following criteria are satisfied:*

- (1) The procedures for assessment, consultation process, review, and the preparation and submission of the EIS, from proposal of the action to publication of the final EIS, have all been completed satisfactorily as specified in this chapter;*
- (2) The content requirements described in this chapter have been satisfied; and*
- (3) Comments submitted during the review process have received responses satisfactory to the accepting authority, including properly identifying comments as substantive and responding in a way commensurate to the comment, and have been appropriately incorporated into the final EIS.*

Below is Staff’s analysis regarding the acceptability of the final EIS:

1. THE PROCEDURES FOR ASSESSMENT, CONSULTATION PROCESS, REVIEW AND THE PREPARATION AND SUBMISSION OF THE EIS, FROM PROPOSAL OF THE ACTION TO PUBLICATION OF THE FINAL EIS, HAVE ALL BEEN COMPLETED SATISFACTORILY AS SPECIFIED IN THIS CHAPTER.

USAG-HI prepared and submitted an Environmental Impact Statement Preparation Notice (EISPN) which was published in the September 8, 2020 edition of the ERP’s *The Environmental Notice*. An electronic version of the EISPN can be found at: https://files.hawaii.gov/dbedt/erp/Doc_Library/2020-09-08-HA-EISPN-Army-Training-Land-Retention-at-Pohakuloa-Training-Area.pdf

Staff reviewed the EISPN to determine if the document was prepared in accordance with HAR Section 11-200.1-23. Staff found the following:

- (1) *Identification of the proposing agency or applicant;*
 - Refer to Section 1.1 of the EISPN
- (2) *Identification of the accepting authority;*
 - Refer to Section 1.1 of the EISPN
- (3) *List of all required permits and approvals;*
 - Refer to Table 1-1 of the EISPN
- (4) *The determination to prepare an EIS;*
 - Refer to Chapter 5 of the EISPN
- (5) *Reasons supporting the determination to prepare an EIS;*
 - Staff could not find supporting reasons
- (6) *A description of the proposed action and its location;*
 - Refer to Sections 2.1 and 2.2 of the EISPN
- (7) *A description of the affected environment, including regional, location, and site maps;*
 - Refer to Chapter 3 and figures found throughout the EISPN
- (8) *Possible alternatives to the proposed action;*
 - Refer to Section 2.3 of the EISPN
- (9) *The proposing agency's or applicant's proposed scoping process, including when and where any EIS public scoping meeting will be held; and*
 - Refer to Chapter 6 of the EISPN
Note that the USAG-HI provided a link for scoping meeting dates (<https://home.army.mil/hawaii/index.php/PTAEIS>)
- (10) *The name, title, email address, physical address, and phone number of an individual representative of the proposing agency or applicant who may be contacted for further information.*
 - Refer to Section 1.1 of the EISPN. Staff notes that no title was provided for the contact individual).

Pursuant to HAR Section 11-200.1-5(e)(4), hard copies of the EISPN were distributed to Hilo Public Library, Kailua-Kona Public Library, Thelma Parker Memorial Public and School Library, and the Hawai'i Documents Center.

The EISPN was circulated for public review and comment and public comments were accepted during a 40-day period following publication. Approximately 36 verbal

comments and 240 written responses were received. Comments received during the comment period were considered in assessing the impacts of the proposed action.

A draft EIS for the proposed action was published in the April 8, 2022 edition of ERP's *The Environmental Notice*. Pursuant to HAR Section 11-200.1-5(e)(5), Staff has confirmed that:

1. The draft EIS was signed and dated;
2. The required attestation that "*the draft EIS and all ancillary documents were prepared under the signatory's direction or supervision and that the information submitted, to the best of the signatory's knowledge fully addresses document content requirements as set forth in [HAR Chapter 11-200.1] subchapter 10*" was included.

Staff notes that in their attestation, USAG-HI references HAR Section 11-200.1-24 rather than subchapter 10 per the rules;

3. The draft EIS was filed simultaneously with the Department and ERP on April 1, 2022;
4. Hard copies of the draft EIS were distributed to Hilo Public Library, Kailua-Kona Public Library, Thelma Parker Memorial Public and School Library, and the Hawai'i Documents Center; and
5. USAG-HI submitted a copy of the original audio file of "*all oral comments received at the time designated within any EIS public scoping meeting for receiving oral comments.*"

The draft EIS included copies of all written comments received during the 40-day public comment period following the publication of the EISPN, as well as USAG-HI's written responses. The draft EIS was circulated for public review and comment and comments were accepted during a 60-day public comment period following publication. Approximately 58 verbal comments and 669 written comments were received.

Due to substantive comments received during the draft EIS public comment period, the Army, at the Department's recommendation, decided to publish a second draft EIS that was published in the April 23, 2024 edition of *The Environmental Notice*. Pursuant to HAR Section 11-200.1-5(e)(5) Staff has confirmed that:

1. The second draft EIS was signed and dated;
2. The required attestation that "*the draft EIS and all ancillary documents were prepared under the signatory's direction or supervision and that the information submitted, to the best of the signatory's knowledge fully addresses document*

content requirements as set forth in [HAR Chapter 11-200.1] subchapter 10” was included.

Staff notes that in their attestation, USAG-HI referenced HAR Section 11-200.1-24 rather than subchapter 10 per the rules;

3. The draft EIS was filed simultaneously with the Department and ERP on April 12, 2024;
4. Hard copies of the draft EIS were distributed to Hilo Public Library, Kailua-Kona Public Library, Thelma Parker Memorial Public and School Library, and the Hawai‘i Documents Center; and
5. USAG-HI submitted a copy of the original audio file of “*all oral comments received at the time designated within any EIS public scoping meeting for receiving oral comments.*”

The second draft EIS included copies of all written comments received during the first draft EIS public comment period, as well as the Applicant’s responses. The second draft EIS was circulated for public review and comments and comments were accepted during a 45-day public comment period following publication. Approximately 63 oral comment and 882 written comments were received.

The final EIS for the proposed action was published in the April 23, 2025 edition of ERP’s *The Environmental Notice*. Pursuant to HAR Section 11-200.1-5(e)(6), Staff has confirmed that:

1. The final EIS was signed and dated;
2. The required attestation that “*the final EIS and all ancillary documents were prepared under the signatory’s direction or supervision and that the information submitted, to the best of the signatory’s knowledge fully addresses document content requirements as set forth in [HAR Chapter 11-200.1] subchapter 10*” was included.

Staff notes that Applicant corrected the prior attestation error as noted for the two draft EIS documents;

3. The final EIS was filed concurrently with the Department and ERP on April 14, 2025

Volume III, Appendix N of the final EIS includes reproductions of the comments received during the EIS process including the scoping comments, draft EIS comments, and second

draft EIS comments. The Applicant's responses to the comments can be found in Volume II, Appendix D.

Based on the above analysis, it appears there was an unintentional omission of the inclusion of the "*reasons supporting the determination to prepare and EIS*" (HAR Section 11-200.1-23(5)) in the EISPN. While Staff notes that this could be construed as a procedural error, we believe that it is not a critical error and all other requirements regarding procedures for assessment, consultation process, review, and the preparation and submission of the final EIS appears to have been satisfactorily complied with.

2. THE CONTENT REQUIREMENTS DESCRIBED IN THIS CHAPTER HAVE BEEN SATISFIED

The content requirements of an EIS are outlined in two separate sections of HAR Chapter 11-200.1. The first is HAR Section 11-200.1-24 which establishes the content requirements for a draft EIS. The second is HAR Section 11-200.1-27 which establishes the content requirement of a final EIS. Staff has reviewed the final EIS for compliance with these two sections and offers the following analysis:

Draft EIS Content Requirements:

Pursuant to HAR Section 11-200.1-24:

(a) The draft EIS, at minimum shall contain the information required in this section. The contents shall fully declare the environmental implications of the proposed action and shall discuss all reasonable foreseeable consequences of the action. In order that the public can be fully informed and that the accepting authority can make a sound decision based upon the full range of responsible opinion on environmental effects, an EIS shall include responsible opposing views, if any, on significant environmental issues raised by the proposal.

Discussion:

Staff has concerns that the second draft EIS did not, and therefore the final EIS does not, "*fully declare the environmental implications of the proposed action*" and that the Board has not been given the "*full range of responsible opinion on environmental effects.*" It should be noted that this issue has been consistently raised since the publication of the first draft EIS. Please refer to Volume III of the final EIS for Staff's and the Department's comments on the first and second draft EISs. Comments on the first draft EIS begin on page HI-24 under the Draft EIS Comments section which is page 487 of the electronic file and comments on the second draft EIS begin on page HI-13 under the Second Draft EIS Comments section which is page 1195 of the electronic file. We have included the link to Volume III here for ease of reference:

https://files.hawaii.gov/dbedt/erp/Doc_Library/2025-04-23-HA-FEIS-Army-Training-Land-Retention-at-Pohakuloa-Training-Area-Vol-3.pdf

One main concern that Staff has is the lack of the evaluation of impacts due to activities that occur outside of the State-owned lands but would be allowed to continue because of the retention of the State-owned lands¹. One area of particular concern is the impact area which located on Federally owned lands.

The impact area is approximately 51,000 acres extending from central PTA to the southern boundary of the installation and is the main receiving area for live rounds being fired during training activities at the live-fire ranges and firing points (FPs), as well as from aviation live-fire training.

It should be noted that the USAG-HI has stated that “*Under the No Action Alternative, the Army would have ... (2) limited to no ability to train in or access the impact area and training ranges south of the State owned land, ... and (5) no ability to fire indirect-fire weapons from three FPs within U.S. Government-owned portions of PTA northwest of the State-owned land into the impact area.*”

USAG-HI was directed early on in this process that the expectation of the EIS, at least from the Hawai‘i Environmental Policy Act (HEPA) perspective, would require the analysis of impacts of those uses that would continue as a result of the retention of the State-owned lands, even if occurring outside the State lease area on lands owned by the Federal government, i.e. the impact area.

Staff is particularly concerned with impacts within the impact area as both the State Historic Preservation Division (SHPD) as well as numerous comments from the general public during the draft EIS review periods have acknowledged the presence of historic and cultural properties, including ‘iwi kupuna, within the impact area. Moreso, the Army states in Section 3.4.4.4 of their final EIS that “*The 2018 Section 106 PA [Programmatic Agreement] for PTA determined that previous military training and related activities had adverse impacts on historic properties at PTA, primarily within the impact area on U.S. Government-owned land.*”

Nevertheless, the USAG-HI believes that the impact area is outside of the region of influence (ROI) for the proposed action. This sentiment is confirmed both within their response to Land Division comments on the second draft EIS and the final EIS in Section 3.4.3 where USAG-HI states that “*The ROI for historic and cultural resources includes the State-owned lands within PTA.*” Staff continues to disagree with this perspective as impacts within the impact area would either cease to exist or diminish greatly if a long-term land disposition is not granted. Further, the true range of impacts cannot be known without the proper surveys.

¹ The Board should also be aware that on March 27, 2025, Maunakea was listed on the National Register of Historic Places and is now identified as a Traditional Cultural Property (TCP) and District by the federal government. PTA is located between Maunakea, Mauna Loa, and Hualālai.

Source: <https://mauinow.com/2025/04/10/maunakea-listed-on-national-register-of-historic-places/>

There are also additional concerns regarding impacts to historic and cultural resources as it relates directly to the State-owned leased lands. As pointed out in Staff's comment letter, as well as SHPD's comment letter on the second draft EIS, the inventory of archaeological sites still appears to be incomplete. The Archaeological Literature Review was updated since the first draft EIS to give explanation on why certain areas could not be surveyed (i.e. areas being inaccessible due to recent lava flows which create hazardous conditions), but there are still other areas that were indicated as not being surveyed (refer to Figure 3-8 of the final EIS). The reasons for not doing surveys included not utilizing an area for training and an area being fenced off for the protection of natural resources. Staff disagrees that these reasons preclude the USAG-HI from doing proper due diligence on lands they are requesting a long-term land disposition for.

Moreso, SHPD's comments on the second draft EIS noted that

“As expressed in comments previously provided by SHPD in consultation meetings with the U.S. Army, SHPD requested that archaeological inventory surveys be completed for the entirety of the State-owned portion of PTA in accordance with the [HRS Chapter 6E] historic preservation review process as part of the development of a draft EIS. The draft as proposed fails to set forth sufficient information to enable SHPD, DLNR, and the public to fully consider the potential impacts of the proposed action and preferred alternative, as required per HRS Chapter 343. SHPD notified the U.S. Army in consultation meetings that the process proposed in the draft EIS, which would involve conduction of cultural inventory surveys following the EIS process, would result in a draft deficient per Chapter 343 standards and Chapter 6E standards. As a result of this lack of sufficient information, SHPD is unable to adequately assess the potential environmental impacts to cultural resources within each of the proposed retention areas.”

Staff notes that Section 3.4 of the final EIS which discusses Historic and Cultural Resources and Cultural Practices does not reflect any effort to address SHPD's concerns nor provide any additional data and/or analysis. Rather, the final EIS includes the following:

“This EIS complies with the requirements of NEPA and HEPA. Because the Proposed Action of this EIS is an administrative action, which is not the type of undertaking that has the potential to cause an effect on historic properties, Section 106 consultation regarding the Proposed Action is not required.”

Staff disagrees with USAG-HI's characterization of the proposed action as merely “an administrative action”. The Department and Board are tasked with the protection of natural and cultural resources on behalf of the State of Hawai'i. Notwithstanding USAG-HI's view of the proposed action as an administrative action of a real estate transaction that may not impact historic properties and thus would not require Section 106 consultation (which is a Federal process of complying with the National Historic

Preservation Act), it does not preclude them from providing data and analysis on the impacts of historic properties as the issuance of a new long-term land disposition, regardless of the method of retention (i.e. by fee or lease), allows impacts to historic properties and other archaeological and cultural resources to continue. Such data and analysis should be as robust as possible to satisfy the purpose and intent of HRS Chapter 343 and HAR Chapter 11.200-1, Subchapter 10.

Moreso, Staff recently learned that when historic and cultural artifacts are discovered on the State-owned lands at PTA, the procedures followed by USAG-HI may compromise the State's ownership interests in such artifacts as defined in statute.

It should be noted that pursuant to HRS Section 6E-7, "*All historic property located on lands or under waters owned or controlled by the State shall be the property of the State. The control and management of the historic property shall be vested in the department.*" Further, according to HRS Section 171-36.1 "*The board of land and natural resources shall, in leases of public lands retain the rights to all prehistoric and historic remains found on such lands.*"

From what Staff has learned, dating as far back as 1997, USAG-HI has been removing artifacts found on the State-leased lands and storing them in the PTA curation facility. According to the final EIS, on-going best management practices and mitigation for archaeological and cultural artifacts are guided by an Integrated Cultural Resources Management Plan (ICRMP) and a Section 106 Programmatic Agreement (PA), both which were finalized in 2018. Staff notes that the 2018 PA was signed off by Chairperson of the Department at time of completion.

Staff is concerned that, 1. Removing the artifacts may in and of itself cause damage to the artifacts, and 2. By removing the artifacts and placing them within the PTA curation facility, the State's rights to the artifacts are impacted as USAG-HI believes that the National American Graves Protection and Repatriation Act (NAGPRA), 25 U.S.C. Chapter 32 and the implementing regulations provided in 43 CFR Part 10 is the controlling authority over those artifacts not HRS Chapter 6E. This impact, nor the inventory of artifacts found on State lands that are in USAG-HI's possession have been disclosed to the Board in this final EIS document.

Staff, along with SHPD (per their comments on the second draft EIS), also believes that the final EIS should have disclosed that there was a significant incident regarding the removal of artifacts/cultural items from State-owned land that occurred in 2022. Cultural Resources Staff at PTA found significant traditional Hawaiian artifacts in a lava tube located on TMK (3) 7-1-004:007 and at the request of Native Hawaiian Consulting parties, removed them as there was concern that the items were subjected to potential damage. Native Hawaiian Consulting parties identified the artifacts as moepū (funerary objects) and SHPD staff further clarified that the artifacts appeared to be wooden ki'i. According to SHPD Staff, this find could be one of the most significant finds in the last 100 years. However, because the artifacts were taken into USAG-HI

possession, USAG-HI has begun the NAGPRA process for repatriation. This is a concern for the Department because if NAGPRA prevails, the State may no longer have any rights to these artifacts/cultural items and thus there exists an impact to historic and cultural resources that should rightfully belong to the State.

Staff is also concerned that not all the impacts to biological resources have been fully declared/disclosed. This is another issue that Staff had previously flagged during the draft EIS phase.

Particularly, Staff finds it unusual that the Army is anticipating completing a Programmatic Biological Opinion (BO) by the end of 2025. Staff feels that this Programmatic BO would most likely have addressed concerns that the Department had during the draft EIS phase and would have provided current data, including take limits for protected species, thus providing better information for the Board to understand the full breadth of impacts to biological resources. Moreso, Staff believes that having access to, or at least a well written summary of this Programmatic BO is important as it is supposed to cover “*all protected species analyzed under previous BOs as well as Schiedea hawaiiensis (mā‘oli‘oli), Exocarpos menziesii (Menzie’s ballart, heau), Festuca hawaiiensis (Hawaiian fescue), Portulaca villosa (hairy purslane, ‘ihi), Sicyos macrophyllus (Alpine bur cucumber, ‘ānumu), Hydrobates castro (band-rumped storm petrel, ‘akē‘akē), Hylaeus anthracinus (anthracinan yellow-faced bee), and Manduca blackburni (Blackburn’s sphinx moth).*”

The biological resource information provided in the final EIS relies on information from BOs completed in 2003, 2008, and 2013. Staff notes that the Land Division had requested that the BOs be provided so that the Department (DOFAW specifically) could properly review the effects of the proposed action on protected species, especially as both the 2003 and 2008 BOs contained incidental take statements for the Hawaiian hoary bat and the nēnē (Hawaiian goose).

It should be noted that a summary of the BOs is provided in Appendix E and links to the documents were provided in Chapter 6, but the links provided were either broken (error message) or inaccessible for some unknown reason (internet browser session times out). In consultation with DOFAW, Staff confirmed that DOFAW was able to obtain the documents either from the U.S. Fish and Wildlife Service or by doing a deep dive Google search. DOFAW confirmed that the additional information and data found within the BOs would have been helpful/more informative especially as it provided more specificities about the take provisions for the nēnē and the Hawaiian hoary bat.

Understanding the incidental take of the Hawaiian hoary bat is important as wildfires in 2018 and 2022 exceeded the annual take limit (118.5 acres per year) of potential available tree land roosting habitat. The 2022 fire also exceeded the cumulative allowance of 3,324 acres. However, Staff is unable to determine what is the equivalent take of the species on a per acre basis and if mitigation credits (or something similar) are required to offset the incidental take of the species.

This also holds true for the nēnē as USAG-HI has an incidental take statement for the species, but Staff could not find the take limit, regardless of the fact that USAG-HI states that no take was documented for the 2022-2023 reporting period. Staff does note that Appendix E included a statement that “*The Army may benefit the Hawaiian goose by funding an off-site project at Hakalau Forest National Wildlife Refuge, as recommended in the 2013 Biological Opinion, in a phased approach as the Refuge allows/permits work to progress. The project may include the construction and maintenance of two 20-acre predator-proof fences as well as personnel (one full-time equivalent) to maintain the fences, control predators, improve vegetation, and encourage the use of the fenced areas by the Hawaiian goose both passively and aggressively. The goal is to produce 21 adults from 26 fledglings per year over a 20-year period starting by year five.*” However, it is unclear what the status or success rate of the project is.

Staff further notes that unlike other projects (non-Federal projects) involving the take of endangered species (i.e. Kaheawa Wind Farm), PTA does not have State issued incidental take license (ITL) or habitat conservation plan (HCP) that would normally help to inform the Board of impacts to endangered species as well as provide appropriate mitigation measures that have been vetted by the U.S. Fish and Wildlife Service and DOFAW through the HCP. Staff does wish to mention that in our comments on the second draft EIS, we had requested that USAG-HI provide how they are/will comply with HRS Chapter 195D in an effort to verify if USAG-HI would indicate any willingness to apply for a State ITL and HCP. However, the response from USAG-HI did not provide any indication that they have intentions to pursue such approvals.

Staff is also confused as to why one of the mitigation measures proposed by the USAG-HI is to “*conduct an installation invertebrate study to identify the presence and types of invertebrates located within PTA.*” For context, Section 3.3.4.4 discusses invertebrates and the last survey done of terrestrial arthropods was conducted between 1996 and 1998. In Staff’s comments on the second draft EIS, we noted that the survey could be considered stale (over 10 years old) and should be updated as appropriate. In addition, Staff had concerns that surveys to determine the presence of the anthracinan yellow-faced bee or the Blackburn’s sphinx moth were not prepared as there have been documented occurrences at PTA (though supposedly not on the State-owned leased lands). Moreso, the Army is now preparing a programmatic BO that will cover these two species.

Without complete information/data/analysis, the Board may find they do not have enough information to make “*a sound decision based upon the full range of responsible opinion on environmental effects*” when a long-term land disposition is brought before them for decision making.

- (b) *The scope of the draft EIS may vary with the scope of the proposed action and its impact, taking into consideration whether the action is a project or a program. Data and analyses in a draft EIS shall commensurate with the importance of the impact, and*

less important material may be summarized, consolidated, or simply referenced. A draft EIS shall indicate at appropriate points in the text any underlying studies, reports, and other information obtained and considered in preparing the draft EIS, including cost-benefit analyses and reports required under other legal authorities.

Discussion:

Staff notes that the EIS does not distinguish the proposed action as either a “project” or a “program.”

Pursuant to HAR §11-200.1-2, a “*project*” is defined as “*a discrete, planned undertaking that is site and time specific, has a specific goal or purpose and has potential impact to the environment.*”

A “*program*” is defined as “*a series of one or more projects to be carried out concurrently or in phases within a general timeline, that may include multiple sites or geographic areas, and is undertaken for a broad goal or purpose. A program may include: a number of separate projects in a given geographical area which, if considered singly, may have minor impacts, but if considered together, may have significant impacts; separate projects having generic or common impacts; an entire plan having wide application or restricting the range of future alternative policies or actions, including new significant changes to existing land use plans, development plans, zoning regulations, or agency comprehensive resource management plans; implementation of multiple projects over a long time frame; or implementation of a single project over a large geographic area.*”

Staff also has concerns that the data and analyses as presented in the final EIS does not commensurate with the importance of the impacts as it relates to biological, historical, and cultural resources for the reasons that are discussed in the above section.

- (c) *The level of detail in a draft EIS may be more broad for programs or components of a program for which site-specific impacts are not discernable, and shall be more specific for components of the program for which site-specific, project level impacts are discernable. A draft EIS for a program may, where necessary, omit evaluating issues that are not yet ready for decision at the project level. Analysis of the program may discuss in general terms the constraints and sequences of events likely to result in any narrowing of future options. It may present and analyze in general terms hypothetical scenarios that are likely to occur.*

Discussion:

Staff notes that there are two issues in which distinguishing the proposed action as either a “program” versus as “project” may be important (please refer to the above discussion regarding the definitions of a “program” and “project.”)

The first issue is the use of Conservation District lands for military training. The final EIS uses the “hypothetical scenario” that the “*BLNR would establish a new subzone*

through a rule amendment that would allow military uses in the conservation district...” OCCL, however, disagrees that this scenario could be contemplated as “likely to occur” as military use is not consistent with the overall purpose of the Conservation District. In addition, another option would be for USAG-HI to apply for a Land Use District Boundary Amendment with the State Land Use Commission to remove PTA from the State Conservation District to a more appropriate district designation that would allow for military use. Nevertheless, should the Board take the position that the proposed action is a program, then the Board could find that this content requirement is satisfactorily complied with given that this requirement allows for the analysis of hypothetical scenarios.

The second issue is that comments from agencies and the public have requested that the Army provide more information and analyses regarding clean-up activities should the State-leased lands be returned to the State public trust. The final EIS states that “...after expiration of the current lease, the Army would follow federal law and regulations to determine how and when cleanup and restoration activities for hazardous substances and munitions and explosives of concern (MEC), within the State-owned land not retained would occur under the Comprehensive Environmental Responses, Compensations, and Liability Act (CERCLA), which is outside of this EIS process.” If the Board should take the position that the proposed action is considered a program, then this content requirement could be considered satisfactorily complied with as it allows for omission of “evaluating issues that are not yet ready for decision at the project level.”

(d) *The draft EIS shall contain a summary that concisely discusses the following:*

- (1) *Brief description of the action (see ES.6)*
- (2) *Significant beneficial and adverse impacts (see ES.9);*
- (3) *Proposed mitigation measures (see ES.11);*
- (4) *Alternatives considered (see ES.8);*
- (5) *Unresolved issues (see ES.12);*
- (6) *Compatibility with land use plans and policies (see ES.13); and*
- (7) *A list of relevant EAs and EISs considered in the analysis of the preparation of the EIS (see Table ES-2).*

Discussion:

The required summary can be found in Volume 1 of the final EIS as the Executive Summary which starts on page ES-1 and the specific section references have been provided above.

(e) The draft EIS shall contain a separate table of contents.

Discussion:

The table of contents can be found starting on page i of Volume I of the final EIS.

(f) The draft EIS shall contain a separate and distinct section that includes the purpose and need for the proposed action.

Discussion:

The purpose and need for the proposed action can be found in Chapter 1 of the final EIS.

(g) The draft EIS shall contain a description of the action that shall include the following information, but need not supply extensive detail beyond that needed for evaluation and review of the environmental impact:

- (1) A detailed map (such as a United States Geological Survey topographic map, Flood Insurance Rate Maps, Floodway Boundary Maps, or state sea level rise exposure area maps, as applicable) and a related regional map;*
- (2) Objectives of the proposed action;*
- (3) General description of the action's technical economic, social, cultural, and environmental characteristics;*
- (4) Use of state or county funds or lands for the action;*
- (5) Phasing and timing of the action;*
- (6) Summary of technical data, diagrams, and other information necessary to enable an evaluation of potential environmental impact by commenting agencies and the public; and*
- (7) Historic perspective.*

Discussion:

1. Detailed maps can be found throughout the document. A list of figures can be found starting on page x as a part of the Table of Contents in Volume I.
2. Objectives of the proposed action can be found in Sections 1.3.2 and 1.3.3.
3. Chapter 3 provides the general description of the action's technical economic, social, cultural and environmental characteristics.
4. Section 1.1 states that "*the Army's Proposed Action involves retention of State-owned land*" which indicates the use of state lands for the action.
5. Section 2.1 includes a discussion on the phasing and timing of the proposed action.

6. Summary of technical data, diagrams, and other information is found throughout the final EIS though as noted earlier, Staff has concerns regarding the quality of the data provided.

(h) The draft EIS shall describe in a separate and distinct section discussion of the alternative of no action as well as reasonable alternatives that could attain the objectives of the action. The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks of the action. Examples of alternatives include:

- (1) Alternatives requiring actions of a significantly different nature that would provide similar benefits with different environmental impacts;*
- (2) Alternatives related to different designs or details of the proposed action that would present different environmental impacts; and*
- (3) Alternative locations for the proposed action.*

In each case, the analysis shall be sufficiently detailed to allow the comparative evaluation of the environmental benefits, costs, and risks of the proposed action and each reasonable alternative. For alternatives that were eliminated from detailed study, the section shall contain a brief discussion of the reasons for not studying those alternatives in detail. For any agency actions, the discussion of alternatives shall include, where relevant, those alternatives not within the existing authority of the agency.

Discussion:

Section 2.2 of the final EIS discusses the alternatives for the proposed action. Alternatives considered included:

1. Maximum retention: USAG-HI would retain approximately 22,750 acres of the State-owned lands;
2. Modified retention: USAG-HI would retain approximately 19,700 acres of the State-owned lands;
3. Minimum retention: USAG-HI would retain approximately 10,100 acres of the State-owned lands; and
4. The no action alternative.

In all scenarios, USAG-HI has stated that the 250 acres of State lands under the jurisdiction of the Department of Hawaiian Homelands will not be retained.

Alternatives that were considered, but ultimately dismissed as they did not meet the objectives of the proposed action are discussed in Section 2.2.5.

Chapter 3 of the final EIS includes analyses and evaluation of the environmental impacts for each of the above listed alternatives.

- (i) *The draft EIS shall include a description of the environment setting including a description of the environment in the vicinity of the action, as it exists before commencement of the action, from both a local and regional perspective. Special emphasis shall be placed on environmental resources that are rare or unique to the region and the action site (including natural or human-made resources of historic, cultural, archaeological, or aesthetic significance); specific reference to related actions, public and private, existent or planned in the region shall also be included for purposes of examining the possible overall cumulative impacts of such actions. Proposing agencies and applicants shall also identify, where appropriate, population and growth characteristics of the affected area, any population and growth assumptions used to justify the proposed action, and any secondary population and growth impacts resulting from the proposed action and its alternatives. The draft EIS shall expressly note the sources of data used to identify, qualify, or evaluate any and all environmental consequences.*

Discussion:

Please refer to the discussion starting on page 8 of this submittal regarding Staff's concerns.

- (j) *The draft EIS shall include a description of the relationship of the proposed action to land use and natural or cultural resource plans, policies, and controls for the affected area. Discussion of how the proposed action may conform or conflict with objectives and specific terms of the approved or proposed land use and resource plans, policies, and controls, if any, for the affected area shall be included. Where a conflict or inconsistency exists, the draft EIS shall describe the extent to which the agency or applicant has reconciled its proposed action with the plan, policy, or control, and the reasons why the agency or applicant has decided to proceed, notwithstanding the absence of full reconciliation.*

Discussion:

Section 5.3 of the final EIS discusses the proposed action's consistency with Federal, State, and County land use plans, policies, and controls.

As discussed earlier, OCCL would disagree that a rule amendment to allow for military use in the Conservation District would be a likely scenario. Therefore, a more robust discussion regarding other options including, but not limited to a State Land Use Boundary Amendment, could have been included in the analysis to make for a more well rounded discussion.

- (k) *The draft EIS shall also contain a list of necessary approvals required for the action from governmental agencies, boards, or commissions or other similar groups having jurisdiction. The status of each identified approval shall also be described.*

Discussion:

Table 1-1 of the final EIS contains a list of necessary approvals as well as their status.

- (l) *The draft EIS shall include an analysis of the probable impact of the proposed action on the environment, and impacts of the natural or human environment on the action. This analysis shall include consideration of all consequences on the environment, including direct and indirect effects. The interrelationships and cumulative environmental impacts of the proposed action and other related actions shall be discussed in the draft EIS. The draft EIS should recognize that several actions, in particular those that involve the construction of public facilities or structures (e.g., highways, airports, sewer systems, water resource actions, etc.) may well stimulate or induce secondary effects. These secondary effects may be equally important as, or more important than, primary effects, and shall be thoroughly discussed to fully describe the probable impact of the proposed action on the environment. The population and growth impacts of an action shall be estimated if expected to be significant, and an evaluation shall be made of the effects of any possible change in population patterns or growth upon the resource base, including but not limited to land use, water, and public services, of the area in question. Also, if the proposed action constitutes a direct or indirect source of pollution as determined by any governmental agency, necessary data regarding these impacts shall be incorporated into the EIS. The significance of the impacts shall be discussed in terms of subsections (m), (n), (o), and (p).*

Discussion:

Cumulative impacts are discussed in Volume I, Chapter 4 of the final EIS.

Please see discussion sections below regarding subsections (m), (n), (o), and (p) respectively.

- (m) *The draft EIS shall include in a separate and distinct section a description of the relationship between local short-term uses of humanity's environment and the maintenance and enhancement of long-term productivity. The extent to which the proposed action involves trade-offs among short-term and long-term gains and losses shall be discussed. The discussion shall include the extent to which the proposed action forecloses future options, narrows the range of beneficial uses of the environment, or poses long-term risks to health and safety. In this context, short-term and long-term do not necessarily refer to any fixed time periods, but shall be viewed in terms of the environmentally significant consequences of the proposed action.*

Discussion:

The relationship between short-term use of the environment and long-term productivity is discussed in Section 5.6 of the final EIS.

While this section discusses the fact that fee ownership by USAG-HI would foreclose on any future use of the lands, Staff believes that this is also true for a lease scenario as a lease would foreclose on any future uses for the term of the lease. While a lease may allow for provisions to ensure that the range of beneficial uses of the environment is

preserved, without including a discussion of what beneficial uses of the environment would be narrowed otherwise, does not provide any helpful information that could be used to craft any potential lease.

In addition, an EIS is supposed to include opposing views. Staff believes that this section should have included a discussion that the issuance of a long-term land disposition, whether via lease or fee ownership, would foreclose on the use of public trust lands for uses that would benefit the public such as for recreation and cultural practice purposes.

- (n) The draft EIS shall include in a separate and distinct section a description of all irreversible and irretrievable commitments of resources that would be involved in the proposed action should it be implemented. Identification of unavoidable impacts and the extent to which the action makes use of non-renewable resources during the phases of the action, or irreversibly curtails the range of potential uses of the environment, shall also be included. The possibility of environmental accidents resulting from any phase of the action shall also be considered.*

Discussion:

Irreversible and irretrievable commitments of resources are discussed in Section 5.5, of the final EIS.

The final EIS states that while the proposed action does not involve non-renewable resources, the analysis of irreversible and irretrievable commitment of resources does pertain to historic and cultural resources, as well as cultural practices. However, USAG-HI claims that existing CRM programs and actions would continue to preserve and protect historic cultural resources.

For reasons discussed earlier (refer back to the discussion starting on page 8 of this submittal), Staff disagrees that the current CRM programs and actions protects State-owned archaeological and cultural resources. Further, while wildfires and their impacts are discussed within Chapter 3, it would have been prudent for the Applicant to include it in this section as it could be classified as a possible “*environmental accident*” resulting from the proposed action.

- (o) The draft EIS shall address all probable adverse environmental effects that cannot be avoided. Any adverse effects such as water or air pollution, urban congestion, threats to public health, or other consequences adverse to environmental goals and guidelines established by environmental response law, coastal zone management laws, pollution control and abatement laws, and environmental policy including those found in chapters 128D (Environmental Response Law), 205A (Coastal Zone Management), 342B (Air Pollution Control), 342C (Ozone Layer Protection), 342D (Water Pollution), 342E (Nonpoint Source Pollution Management and Control), 342F (Noise Pollution), 342G (Integrated Solid Waste Management Plan), 342H (Solid Waste Recycling), 342I (Special Wastes Recycling), 342J (Hazardous Waste, including Used Oil), 342L*

(Underground Storage Tanks), 342P (Asbestos and Lead), and 344 (State Environmental Policy), HRS, and those effects discussed in this section that are adverse and unavoidable under the proposed action must be addressed in the draft EIS. Also, the rationale for proceeding with a proposed action, notwithstanding unavoidable effects, shall be clearly set forth in this section. The draft EIS shall indicate what other interests and considerations of governmental policies are thought to offset the adverse environmental effects of the proposed action. The draft EIS shall also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects.

Discussion:

Section 5.4 of the draft EIS discusses unavoidable significant impacts.

The adverse impacts determined are as follows:

1. Adverse impacts to land use as it relates to the fact that the land in question should be held in the public trust for the use and benefit to Native Hawaiians and the public;
2. Continued adverse impacts to Hawaiian hoary bat habitat due to the potential of training-related wildland fires;
3. Continued adverse impacts to access for cultural practices; and
4. Continued adverse impacts to communities with environmental justice concerns as a long-term land disposition would alienate these ceded lands from the public trust that is intended to benefit Native Hawaiians, limit access for cultural practices, and impact biological resources that are important to the cultural practices of Native Hawaiians.

USAG-HI provides the rationale that land retention at PTA supports the Army's mission and thus national defense. Continued use of these lands is "*paramount to the Army's readiness in Hawai'i; the maneuver area and training and support facilities and features on the State-owned lands at PTA are need for USARHAW to fulfill its mission.*"

Staff notes that this content requirement states that "*the draft EIS shall also indicate the extent to which these stated countervailing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects.*" Per Appendix A of the final EIS, the Applicant indicates that the references back to specific sections in Chapter 3 is meant to fulfill this particular requirement.

- (p) The draft EIS shall consider mitigation measures proposed to avoid, minimize, rectify, or reduce impacts including provisions for compensation for losses of cultural, community, historical, archaeological, and fish and wildlife resources, including the*

acquisition of land, waters, and interests therein. Description of any mitigation measures included in the action plan to reduce significant, unavoidable, adverse impacts to insignificant levels, and the basis for considering these levels acceptable shall be included. Where a particular mitigation measure has been chosen from among several alternatives, the measures shall be discussed and reasons given for the choice made. The draft EIS shall include, where possible, specific reference to the timing of each step to be taken in any mitigation process, what performance bonds, if any, may be posted, and what other provisions are proposed to ensure that the mitigation measures will in fact be taken in the event the action is implemented.

Discussion:

Mitigation measures are discussed throughout Chapter 3 of the final EIS. A summary of mitigation measures is provided in Section 3.17.2 as Table 3-39 and the timing for the mitigation measures is provided in Table ES-4.

(q) The draft EIS shall include a separate and distinct section that summarizes unresolved issues and contains either a discussion of how such issues will be resolved prior to commencement of the action, or what overriding reasons there are for proceeding without resolving the issue.

Discussion:

Section 5.2 discusses unresolved issues. Issues include:

- Land retention estates and methods (i.e. lease vs fee (which could include a land exchange));
- Conditions of a new lease and/or easement;
- Lease compliance actions and cleanup and restoration activities; and
- Greenhouse gas emissions (GHGs) – Staff notes that USAG-HI states that they do not have emission data specifically for ongoing activities on the State-owned land and cannot reasonably estimate such data.

Given that as OCCL believes that military use within the Conservation District is not consistent with the overall purpose of the Conservation District, Staff believes that this topic should have been included as an unresolved issue.

In addition, the statements regarding GHGs are questionable as they could have been analyzed as a cumulative impact as the retention of the State-owned lands allows for much of the military training to occur at PTA.

(r) The draft EIS shall include a separate and distinct section that contains a list identifying all governmental agencies, other organizations and private individuals

consulted in preparing the draft EIS, and shall disclose the identity of the persons, firms, or agency preparing the draft EIS, by contract or other authorization.

Discussion:

Chapter 7 of the final EIS provides “*the identity of the persons, firms, or agency preparing the draft EIS, by contract or other authorization.*”

Table 8-1 contains the list of “*all governmental agencies, other organizations and private individuals consulted in preparing the draft EIS.*” This list is inclusive of those who were consulted on the initial draft EIS as well as the second draft EIS.

(s) *The draft EIS shall include a separate and distinct section that contains:*

- (1) *Reproductions of all written comments submitted during the consultation period required in section 11-200.1-23;*

Discussion:

Reproductions of all comments can be found in Volume III of the final EIS.

- (2) *Responses to all substantive written comments made during the consultation period required in section 11-200.1-23. Proposing agencies and applicants shall respond in the draft EIS to all substantive written comments in one of two ways, or a combination of both, so long as each substantive comment has clearly received a response:*

- (A) *By grouping comment responses under topic headings and addressing each substantive comment raised by an individual commenter under that topic heading by issue. When grouping comments by topic and issue, the names of commenters who raised an issue under a topic heading shall be clearly identified in a distinctly labeled section with that topic heading. All substantive comments within a single comment letter must be addressed, but may be addressed throughout the applicable different topic area with the commenter identified in each applicable topic area. All comments, except those described in paragraph (3), must be appended in full to the final document;*
or

- (B) *By providing a separate and distinct response to each comment clearly identifying the commenter and the comment receiving a response being responded to for each comment letter submitted. All comments, except those described in paragraph (3), must either be included with the response, or appended in full to the final document;*

Discussion:

Responses to comments can be found in Appendix D of final EIS (see Volume II).

- (3) *For comments that are form letters or petitions, that contain identical or near-identical language, and that raise the same issues on the same topic:*
- (A) *The response may be grouped under paragraph (2)(A) with the response to other comments under the same topic and issue with all commenters identified in the distinctly labeled section identifying commenters by topic; or*
 - (B) *A single response may be provided that addresses all substantive comments within the form letter or petition and that includes a distinct section listing the individual commenters who submitted the form letter or petition. At least one representative sample of the form letter or petition shall be appended to the final document; and*
 - (C) *Provided that, if a commenter adds a distinct substantive comment to a form letter or petition, then that comment must be responded to pursuant to paragraph (2);*

Discussion:

Form letters and responses were reproduced pursuant to 11-200.1-24(s)(3)(B) in Appendix D of the final EIS.

- (4) *A summary of any EIS public scoping meetings, including a written general summary of the oral comments made, and a representative sample of any handout provided by the proposing agency or applicant related to the action provided at any EIS public scoping meeting;*

Discussion:

Summary and samples of handouts at the EIS public scoping meeting are included as Appendix C in Volume II of the final EIS.

- (5) *A list of those persons or agencies who were consulted and had no comment in a manner indicating that no comment was provided; and*

Discussion:

Table 8-1 provides the list of consulted persons or agencies and indicates whether or not comments were received accordingly.

- (6) *A representative sample of the consultation request letter.*

Discussion:

Applicant indicated that this can be found in Appendix C. Staff believes it is the Direct Mail Postcard.

- (t) *An addendum to a draft EIS shall reference the original draft EIS to which it attaches and comply with all applicable filing, public review, and comment requirements set forth in subchapter 10.*

Discussion:
Not Applicable.

Final EIS Content Requirements

HAR Section 11-200.1-27 establishes the content requirements of a final EIS. The content requirements are as follows:

- (a) *The final EIS, at a minimum, shall contain the information required in this section. The contents shall fully declare the environmental implications of the proposed action and shall discuss all reasonably foreseeable consequences of the action. In order that the public can be fully informed and the accepting authority can make a sound decision based upon the full range of responsible opinion of environmental effects², an EIS shall include reasonable opposing; views, if any, on significant environmental issues raised by the proposal.*

- (b) *The final EIS shall consist of:*

- (1) *The draft EIS prepared in compliance with this subchapter, as revised to incorporate substantive comments received during the review process in conformity with section 11-200.1-26, including reproduction of all comments and responses to substantive written comments;*

Discussion:

Please refer to the discussion on the contents of the draft EIS regarding's Staff's concern on whether the draft EIS was prepared in compliance with HAR Chapter 11-200.1, Subchapter 10.

² HAR § 11-200.1-2 provides in relevant part:

"Effects" or "impacts" as used in this chapter are synonymous. Effects may include ecological effects (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic effects, historic effects, cultural effects, economic effects, social effects, or health effects, whether primary, secondary, or cumulative. Effects may also include those effects resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.

"Environment" means humanity's surroundings, inclusive of all the physical, economic, cultural, and social conditions that exist within the area affected by a proposed action, including land, human and animal communities, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

Staff acknowledges that substantive comments received during the review process were incorporated into the final EIS and reproductions of all comments and responses are provided in Appendix N and D, respectively.

- (2) *A list of persons, organizations, and public agencies commenting on the draft EIS;*

Discussion:

Appendix N contains a list of persons, organizations, and public agencies commenting on both the initial and second draft EIS.

- (3) *A list of those persons or agencies who were consulted in preparing the final EIS and those who had no comment shall be included in a manner indicating that no comment was provided;*

Discussion:

Table 8-1 provides the list of consulted persons or agencies and indicates whether or not comments were received accordingly.

- (4) *A written general summary of oral comments made at any EIS public scoping meeting; and*

Discussion:

The summary of oral comments can be found in Appendix C of the final EIS (see Volume II)

- (5) *The text of the final EIS written in a format that allows the reader to easily distinguish changes made to the text of the draft EIS.*

Discussion:

Applicant uses redline format which allows the reader to easily distinguish changes.

- 3. Comments submitted during the review process have received responses satisfactory to the accepting authority, including properly identifying comments as substantive and responding in a way commensurate to the comment, and have been appropriately incorporated into the final EIS.**

Given that there are hundreds of comments on the first and second draft EIS, Staff does not feel that it is appropriate that they alone determine whether or not the responses are “satisfactory.” Rather, Staff believes that the individual divisions, agencies, organizations, and members of the public who commented on the draft EIS and second draft EIS and have attended this May 9, 2025, Board meeting can attest to whether they feel their comments have received satisfactory responses.

Staff, however, provides the following feedback and insight regarding examples of the responses given to some of our more significant comments on the second draft EIS:

- Staff had concerns regarding how USAG-HI came to certain conclusions as they related to impacts to biological resources as Staff felt that necessary data and robust summaries of studies were not properly included.

Specifically, there was a concern regarding the impacts to birds and other wildlife as a result of the noise levels from military training. In the second draft EIS, USAG-HI states that they have reviewed “*multiple studies*” including a monarch flycatcher study done on Schofield Barracks and Makua Military Reservation to draw the conclusion that “*most wildlife in vicinity are expected to be habituated to noise associated with training activities.*” Given that the study was not included nor was summary data provided, Staff questioned the validity of the statement.

The Applicant’s response was to refer to Section 3.3.4.4, 3.3.6, 3.7.4. and 3.7.6 of the final EIS where additional wildlife and noise study information was added.

Upon review of these sections, Staff was appreciative that the Army included the opposing view that there have been documented impacts to birds and wildlife and that “*multiple studies have documented that birds and other wildlife are bothered by traffic and human generated noises and may not become habituated to external noise stimuli, impacting foraging, normal behaviors, and responses.*” Staff also notes that USAG-HI provided additional references to studies and sources of data as it pertained to impacts of military training on surrogate species as “*very little noise impact research has been done of PTA species.*”

Nevertheless, the conclusion on impacts from noise is that “*Limited research has been conducted to ascertain noise impacts on invertebrates; however, there is evidence that anthropogenic noise may impact invertebrate communication and increase heartrates (Raboin & Elias, 2019; Davis et al., 2018). The Army natural resources staff have documented wildlife habituation over time to noise associated with training activities.*”

Overall, the additional information presented in the final EIS on noise impacts to wildlife and birds appears to be disjointed and unclear. Staff questions how the statement that “*The Army natural resources staff have documented wildlife habituation over time to noise associated with training activities*” reflects data and analysis being commensurate with the importance of an impact.

Staff notes that the Center for Biological Diversity, Sierra Club Hawai‘i Island Group had similar comments regarding the noise impacts and provided many study references in their letter indicating potential impacts to wildlife from noise.

- Staff had continued concerns that the inventory of archaeological sites appeared to be incomplete. This was a concern that was expressed on the first draft EIS. Staff noted that note utilizing an area for training or because it is a part of a fenced area for protection of a natural resource does not preclude the Army from doing proper due diligence, especially as they are requesting a long-term land disposition on State-owned lands regardless of being done by fee or lease methods.

The response from the Applicant was to refer us to review Section 3.4.4.3 which was not updated to provide any further explanation as to justify why areas were not studied nor was it updated to include a supplemental survey to close the data gaps.

As mentioned in the discussion beginning on page 8 of this submittal, SHPD has similar and greater concerns regarding the data gaps and received a similar response.

- Staff expressed concerns regarding the individuals that were consulted with on the Cultural Impact Assessment (CIA). Staff reviewed the CIA participant list with the Executive Director of the State Aha Moku in which she noted that there were several kūpuna from Waimea that are active practitioners at PTA that should have been consulted. In addition, the Executive Director herself holds knowledge of the area and would have been a valuable resource for the CIA. We noted that the Army was strongly encouraged numerous times to reach out to the Aha Moku at the direction of the Department's Chairperson.

The response from the Applicant was to reference Section 2.2 of the CIA which included the outreach methods used to “*identify those with expertise and knowledge of cultural resources, practices, and beliefs relevant to the project area and broad geographical area.*” In other words, by omission, it appears that no effort was made to consult with the State Aha Moku Council. Staff further notes that one of the outreach methods included direct outreach to specific organizations and individuals as shown in Appendix A of the CIA. Staff reviewed the list and neither the State Aha Moku nor the Executive Director by name was listed.

Staff also wishes to note that SHPD had a similar comment on the CIA in which they found the CIA to be insufficient and encouraged USAG-HI to “*undertake an effort to individually interview a larger number of knowledgeable persons with strong cultural connections to PTA.*” USAG-HI's response to SHPD was along the same lines of those provided to Land Division's comment.

Based on this discussion, Staff is hesitant to consider the responses to our comments as being “satisfactory.” Thus, Staff asks the Board take into account all testimony on this matter prior to determining whether this particular criteria on whether comments were responded to “satisfactorily” has been satisfied.

Staff notes that the final EIS was shared with other divisions of the Department for assistance with the analysis regarding the acceptability of the final EIS. Comments received from the other divisions are attached as Exhibit A.

Staff acknowledges that the Board will ultimately determine whether the final EIS satisfactorily meets the criteria for acceptance. Given the high level of public interest and involvement in this matter, Staff defers on a formal recommendation and instead recommends that the Board consider all testimony on this matter in addition to Staff's analysis prior to determining whether the criteria for acceptance has been satisfied. Staff instead presents two options to the Board as noted below.

RECOMMENDATION:

Recognizing that *no decision or recommendation* on a long-term land disposition is being made at this time³, the Land Division recommends that the Board either:

1. Determines that the final EIS complies with applicable law and adequately discloses the environmental impacts of the proposed action, and thus accepts the final EIS as submitted by USAG-HI and IMCOM.

OR

2. Determines that the final EIS does not comply with applicable law and does not adequately disclose the environmental impacts of the proposed action, and thus rejects the final EIS as submitted by USAG-HI and IMCOM.

Respectfully submitted,



Lauren Yasaka, Staff Planner

And



Ian Hirokawa, Acting Administrator

³ The Board will need to make a separate determination at a later date regarding whether to approve a long-term land disposition and any terms and conditions that may be appropriate.

APPROVED FOR SUBMITTAL:



Dawn N.S. Chang, Chairperson

Land Board Meeting May 9, 2025; Item D1 Denied.

Denied. The Board rejected the final EIS, finding that it did not comply with applicable law and did not adequately disclose the impact of the proposed action, and the following additional findings of deficiencies:

Ka Pa'a Kai analysis and its relevance to the document;
Codified consultant log;
Complete biological opinion;
Accurate weapon, UXO, uranium inventory acceptable to the Board and staff;
Complete greenhouse gas emission data inventory;
Cumulative analysis of such impacts;
Detailed inventory of disposition and future disposition of iwi kupuna and moepu;
Clarify whether Section 106 is required or not required by law;
Justification of why area of influence is narrowed or restricted, and if not the area should be studied appropriately;
More serious consideration of alternative 4;
Use of lands in conservation district.

Department Comments on Final EIS

Yasaka, Lauren E

From: Gomes, Noah J
Sent: Monday, April 28, 2025 10:46 AM
To: Yasaka, Lauren E
Cc: Calpito, Jordan V; Puff, Jessica L
Subject: SHPD Comments Regarding the FEIS for the Army Training Land Retention at Pōhakuloa Training Area

Aloha Lauren,

On April 11, 2025 a memorandum was distributed to the administrators of the divisions of Department of Land and Natural Resources (DLNR) from DLNR Chair Dawn Chang requesting comments on the Final Environmental Impact Statement (FEIS) for the Army Training Land Retention at Pōhakuloa Training Area (PTA).

Comments from the History and Culture Branch of the State Historic Preservation Division (SHPD) regarding the FEIS are as follows:

1. SHPD requests that PTA develop formal mitigation protocols for possible inadvertent impacts to native Hawaiian cultural sites through routine military training activities, such as wildfires.

In the CIA of the FEIS (Appendix I), community members expressed concerns about wildfires in PTA. The Army has also proposed increased mitigation measures for wildfire control under Alternative 1, and it would be appropriate to also include mitigation of wildfire impacts to cultural and historic sites as a part of this effort. Additionally, live-fire training activities carry an inherent risk of negative impacts on cultural and historic sites. Page 3-76 of the FEIS notes that previous military training and activities have had negative impacts on historic properties at PTA. Careful consideration of possible impacts and plans to mitigate those potential impacts is pertinent.

2. SHPD requests that formal access for both cultural and lineal descendants of native Hawaiian burials located in PTA are included under the formalized access plan proposed as a mitigation measure for Alternative 1.

In section 3.4.6.1 of the FEIS, potential mitigation measures to reduce adverse impacts to cultural practices are listed. The Army has proposed developing a formalized access plan for "Native Hawaiian organizations, individuals, consulting parties, 'ohana, lineal descendants, and cultural practitioners." Both lineal and cultural descendants of native Hawaiian burials should also be included in this formalized access plan.

3. SHPD requests an archaeological survey of the unsurveyed state lands that may be retained by the army under a renewed lease to better understand the potential impacts to cultural and archaeological sites in those areas of PTA.

In section 3.4.4.3 (page 3-75) of the FEIS, it is noted that there are unsurveyed portions of state-owned land currently leased by the Army. While the Army does continue to assess and document historic

properties at PTA, it is difficult to estimate the potential impact of the renewal of this lease without sufficient information on any potential historic or cultural sites in these unsurveyed areas.

4. SHPD requests the development of regular communication procedures between SHPD and the army to better monitor impacts, discoveries, and documentation of cultural and historic sites in PTA.

While this comment is not directly related to the FEIS, there have been previous issues with timely communication between the Army and SHPD regarding impacts to cultural and historic properties. We would like to address these concerns by creating a better standard of communication between the Army and SHPD.

Mahalo for the opportunity to comment on this FEIS. If there are any questions regarding these comments, please contact Noah Gomes, SHPD Ethnographer.

Noah J. Gomes
Ethnographer

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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

April 29, 2025

Memorandum

To: Ian Hirokawa, Acting Administrator
Land Division

From: David G. Smith, Administrator *DGS*
Division of Forestry and Wildlife

Subject: Comments on Pōhakuloa Training Area Final Environmental Impact Statement

Dear Acting Administrator Hirokawa,

The Division of Forestry and Wildlife (DOFAW) provides the following comments to the Land Division regarding the Pōhakuloa Training Area Final Environmental Impact Statement (PTA FEIS). The PTA FEIS is necessary for compliance with Chapter 343, Hawai'i Revised Statutes, for the leasing of up to 22,750 acres of state-owned land by the United States Army (Army) for continued military training activities for at least 25 years. Army's current lease of PTA expires in 2029. PTA is located on Hawai'i Island within tax map keys (TMKs) (3) 4-4-015:008, (3) 4-4-016:005, and (3) 7-1-004:007. Army does not propose any new construction or changes to ongoing activities.

Proposed Action

Army proposes retaining up to 22,750 acres of the 23,000 acres of state-owned land at PTA to support continued military training. DOFAW prefers support for Alternative 2, the exclusion of 3,300 acres north of Daniel K. Inouye Highway (DKI) from the lease renewal, because those lands would be returned to DLNR and managed by DOFAW as part of the Mauna Kea Forest Reserve and Ka'ohē Game Management Area. This alternative meets all five screening criteria for the Army. Excluding this area from the lease would allow the public access to these areas for cultural use, hunting, recreation, and sheep and goat removal to protect Palila's critical habitat (required under federal court mandate). This would also allow DOFAW to mitigate fire fuels between DKI Highway and Palila Critical Habitat to help protect it from wildfire caused by roadside ignitions.

DOFAW also supports a modified version of Alternative 3, which means all of Training Areas 1, 2, and 21 on the Eastern side of PTA are returned to DLNR. This area still has remaining native forest/Palila Critical Habitat that can be better managed by opening it up to public hunting to reduce feral ungulate numbers. Additional staff trapping and fencing will occur to reduce ungulate populations and collisions on DK1 Highway in cooperation with the State Department of Transportation.

Public Access and Natural Resource Management Access

According to the PTA FEIS, the PTA 2019-2023 Integrated Natural Resource Management Plan allows for recreational activities consistent with the use of the land and subject to military training schedules to occur on PTA, including hunting game animals and game birds. Public hunting is allowed in Units A, E, and G. Public hunting in Unit A is not subject to the PTA training schedule. DOFAW recommends adding this unit to the PTA FEIS.

PTA hunting is open to the public within Training Areas (TAs) 1 through 4, and 9 through 16, on weekends and national holidays when the PTA Commander opens it for hunting. DOFAW requests that the Army provide increased hunting days and bag limits for game mammals due to high ungulate populations, overgrazing of native vegetation, and increased recreational game bird hunting when there is no training. DOFAW and DOCARE are willing to assist in staffing the hunts to alleviate PTA's limited staffing concerns. Details for coordination should be more clearly defined. Lease terms now leave it to the PTA Commander, and there's a need for more available open hunting days in the unit E lease land area.

DOFAW requests access to the quarry's rock and gravel in TAs 5, 9, 13, and 21 for DOFAW projects on adjoining managed lands to maintain roads and firebreaks.

PTA and its contractors should not use roads, including Old Saddle Road, within the Mauna Kea Forest Reserve South of DK1.

DOFAW would like public and management access to Pu'u Anahulu Game Management Area from DK1 through the Army's fee simple land (Keamuku) in two locations.

Historic Trails

DOFAW requests Army coordinate with Nā Ala Hele program.

Signage

The PTA FEIS did not include language about adding boundary trespass signs (see page ES-14, 3-24, 3-320). DOFAW requests that this language be added back in.

Fire Suppression

PTA has 13 dip tanks, 7 of which are on state-leased land. The PTA FEIS does not discuss the locations of dip tanks. DOFAW requests the maintenance/filling schedule of the dip tanks and their shared use during fire response. DOFAW suggests adding four additional tanks below Pu‘u Ke‘ekee, near the bottom of DKI in Keamuku, near Kilohana Girl Scout Camp, and on the eastern side of TA 1.

Threatened and Endangered Plants and Wildlife

In 2003, 2008, and 2013, the United States Fish and Wildlife Service issued Biological Opinions (BOs) to the Army assessing the impacts of the Army’s activities on the property on federally listed species under the Endangered Species Act. DOFAW found these BOs through Google searches and contact with the USFWS. The links provided in the PTA FEIS did not work.

In the 2013 BO, the Army formally consulted with USFWS about impacts from proposed actions on the property to five federally listed plants (*Asplenium peruvianum* var. *Insulare*, *Kadua coriacea*, *Silene hawaiiensis*, *Spermolepis hawaiiensis*, and *Zanthoxylum hawaiiense*); and Hawaiian goose, or nēnē; and informally consulted with the Army about impacts to Hawaiian hoary bats, or ‘ōpe‘ape‘a, and Hawaiian petrels, or ‘u‘au. Through formal consultation, the USFWS required the Army to undertake conservation measures for the five federally listed plant species and nēnē. Take avoidance measures for plants include controlling the introduction of invasive plants, surveys for plants before and after any construction activities, creating buffer zones around listed plants, fencing to reduce damage from construction, ungulate control, and education for personnel and contractors on avoiding fenced plant enclosures. USFWS also provided take-avoidance measures for nēnē, including best management practices for driving and live fire training on the property. The Army may haze nēnē to reduce the risk of mortality or injury. To benefit nēnē offsite of the property, the Army funded the construction and maintenance of two 20-acre predator-proof fences at Hakalau Forest National Wildlife Refuge. The goal is to produce 21 adult nēnē per year over the 20-year term of the 2013 BO (until 2033), to offset the potential loss of 20 adult nēnē per year. Refuge personnel funded by the Army may move and attract nēnē into these enclosures to enhance survivorship. Through informal consultation, USFWS provided best management practices to avoid incidental take of ‘ōpe‘ape‘a and ‘u‘au and concurred with the Army that activities are not likely to adversely impact ‘ōpe‘ape‘a or ‘u‘au.

A. Threatened and Endangered Plants

Section 3.3.4.3 of the PTA FEIS discusses annual monitoring of federally listed plant species. DOFAW requests that all state-listed plants or plant clusters have a 50-foot managed fuel break maintained for the lease and include signs so that active-duty personnel, contractors, and anyone else can avoid those areas. DOFAW requests access to all state-listed plants on state lease land for propagule collection. DOFAW requests the Army maintain ungulate-free conservation units within PTA and on federal land.

B. Threatened and Endangered Wildlife

DOFAW provides the following comments for state-listed threatened and endangered wildlife:

1. DOFAW recommends consultation with DOFAW for any unavoidable take of state-listed species.
2. 'Ōpe'ape'a
 - a. The 2008 Biological Opinion assessed 'ōpe'ape'a best management practices based on the finding of one 'ōpe'ape'a on a barbed wire fence. The Army promised to upgrade all existing Natural Resource Program fences with barbed wire and replace those fences with two-meter fences without barbed wire. The expected completion of the project was by 2018. Approximately 8.6 km (5.4 miles) of security fences would still have barbed wire, which would be checked for 'ōpe'ape'a quarterly. DOFAW recommends that checks increase to monthly.
 - b. DOFAW requests updates to 'ōpe'ape'a studies completed as required in 2013 Biological Opinion.
3. Nēnē
 - a. 2008 Biological Opinion requires USFWS to be notified of nest or nest failures within 48 hours. DOFAW requests contact as well.
 - b. 2008 Biological Opinion requires the USFWS to know who will translocate hatched broods. DOFAW requests contact as well.
 - c. DOFAW requests a briefing on current avoidance and minimization measures to avoid nēnē take and requests no hazing of nēnē that are nesting. If nesting nēnē are found, a 100-ft buffer should be kept around the nest to prevent disturbance until the nēnē have vacated the area.
 - d. DOFAW requests an update on the two 20-acre predator-proof fences and annual reports on the reproductive success of nēnē within these predator-proof fences at Hakalau Forest National Wildlife Refuge, discussed in the 2013 BO.
4. 'Io (Hawaiian hawk)
 - a. DOFAW recommends vegetation clearing activities in areas with trees over five meters to be cleared by surveying for active 'io nests 10 days before the start of vegetation clearing from March to September (breeding season). Contact DOFAW if active nests are found and follow DOFAW's best management practices provided in the comments on the Draft EIS.
 - b. DOFAW notes that although the USFWS delisted 'io, this species is still listed as endangered by the State of Hawaii and is protected by state laws. Therefore, it requests consultation on the impacts on this species.
5. Palila
 - a. Humu'ula section is in palilia critical habitat and needs ungulate management. Returning TAs 1,2 and 21 to DLNR will allow DOFAW to reduce the ungulate population to allow the forest to recover.
6. 'Akē'akē (Band-rumped storm petrel)

- a. DOFAW requests consultation on ‘akē‘akē. The Army is currently consulting with the USFWS on a programmatic biological opinion that would include this species.
- 7. ‘U‘au
 - a. DOFAW requests consultation and updates to studies completed as required in the 2013 Biological Opinion.
- 8. Invertebrates
 - a. Starting in 2028, the Army proposes to conduct an invertebrate survey to determine the presence and types of invertebrates within PTA at three locations within five habitat types. DOFAW requests that this type of survey occur more than once over the life of the lease and requests the report findings from these surveys.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII
KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

REF:OCCL:TM

Correspondence: HA 25-173

TO: Lauren Yasaka, Staff Planner
Land Division

FROM: K. Tiger Mills, Staff Planner 
Office of Conservation and Coastal Lands

APR 30 2025

SUBJECT: Comments on the Final EIS for the Army Training Land Retention at Pōhakuloa Training Area, Ka'ōhe, Hāmākua, and Pu'uanahulu, North Kona, Hawai'i, Tax Map Keys: (3): 4-4-015:008; 4-4-016:005; and 7-1-004:007

The subject EIS most likely is the final document for an evaluation of the land and the natural and cultural resources, should the military proposal to retain the majority of the existing lease lands move forward based upon statements made in the EIS.

"The Army anticipates the EIS and ROD to cover the range of impacts that would occur under any selected land retention estate and method, and any associated State terms would only decrease adverse impacts or increase beneficial impacts."

"Selection of the land retention estate(s) and method(s) and any associated State terms, would occur after completion of the Record of Decision and would not be subject to public involvement."

The EIS does not establish a baseline for evaluation of what existed previously. "Military training is discussed only in the context of ongoing activities and their impacts because of land retention, and no changes in training are proposed" and "The proposed action is an administrative action that does not propose new land uses. Therefore, the EIS relies on existing studies."

The current land uses of Pohakuloa were never reviewed or regulated by the State therefore to state that "no changes in training are proposed," and not disclosing how the land was previously used leaves a large gap as to what was the true baseline to make evaluations on what the existing impact of training was to the land and resources; and what future impacts there shall be. Especially when alternative 1 and 2 and 3 are expected to result in unavoidable significant adverse impacts regarding land use, biological resources, cultural practices, and environmental justice.

In addition, comments from communities affected by the noise, vibrations, and tremors caused by warfare training, a potential health hazard must be discussed more fully. More information

should be disclosed about blast exposure and the effects of the training on nearby communities. While training may be temporary for military staff as soldiers train and leave; the residents (Waimea, Waikaloa, Humu'ula, Waiki'i) are permanent and are subject to these sensations. Recent studies have shown repeated low-level blast exposure can lead to brain injuries and other psychological disorders. The response to comments were: "Because the proposed action does not include construction, modernization, or changes to ongoing activities...noise modeling is beyond the scope of the EIS."

The speculation in the EIS regarding the proposed subzone amendment, "For analysis purposes, this EIS assumes that the BLNR would approve a rule amendment for a new subzone that allows military uses in the conservation district per HAR Chapter 13-5 under a new lease or easement." The assumption that the BLNR would approve a rule amendment is inappropriate as the use is not consistent with the Conservation District. The EIS is to retain the military leasing of State lands to continue the bombing of Hawai'i that shall result in unavoidable significant adverse impacts to land use, biological resources, cultural practices, and environmental justice.

As previously stated, "The incompatibility of military training with the cultural and traditional practices of the Hawaiian people, the incompatibility of military training with the cultural beliefs of the Hawaiian people, mālama 'aina, and potentially with Hawai'i State law are **unresolved issues and should be stated in the EIS** with a broader discussion and information regarding resolution prior to commencement or what overriding reasons there are for proceeding without resolution.

Additional information the EIS should include are:

- The draft Programmatic Biological Opinion that was recently commissioned as existing information used for the EIS is over 10 years old
- A complete inventory of archeological sites that have been or may be impacted by training
- A discussion of the NAGPRA process vs. HRS 6E regarding artifacts
- A response to the Hawaii County Council regarding Resolution 639-08 based upon comments
- Additional discussion of the rare environmental setting as a high-elevation sub-alpine tropical dryland ecosystem
- Wastewater compliance and cesspool closure information as the document notes non-compliance

The retention of the leased land appears to defer land clean-up.

An EIS is a disclosure document that discloses the environmental setting of a proposed action, analyzes the effects of the proposed action on the environment in terms of direct, indirect and cumulative impacts, discusses alternative methods, modes or designs of the proposed action, and formulates mitigation to eliminate, reduce, rectify adverse impacts of the proposed action. Public consultation must be sought and incorporated into the document. An EIS must provide sufficient information for decision makers in considering the environmental effects of a proposed action. The subject document appears to be insufficient based upon the comments above.

Yasaka, Lauren E

From: Okano, Ryan LY
Sent: Tuesday, April 29, 2025 12:42 PM
To: Yasaka, Lauren E
Cc: Neilson, Brian J; Teague, Christopher H
Subject: Pohakuloa Comments

Dear Lauren

Below you will find Pohakuloa comments from the Division of Aquatic Resources.

Aloha

Ryan

Although Pōhakuloa is land locked with no shoreline aspect, many in Hawai'i believe what happens on land does have an influence on the nearshore resources. The connector in this case being groundwater. It is highly likely that waters contained in aquifers residing under Pōhakuloa eventually make its way down to the shoreline and often presents itself as shoreline springs. A common phenomenon on the Hawaiian islands. While we at the Division of Aquatic Resources (DAR) do not have jurisdiction over groundwater resources, some of the species that we do manage are highly dependent on shoreline springs. These places are know as groundwater dependent ecosystems, estuaries, a place of mixing and productivity, and key ecological hotspots to the overall nearshore environment contributing to total biodiversity. There are a number of culturally significant algae that often persist in these estuarine habitats. These include pālahalaha (*Ulva lactuca*), 'ele'ele (*Ulva prolifera*), huluhuluwaena (*Grateloupia filicina*), and others. Additionally, there is a number of cultural significant fish connected to these groundwater dependent systems. These include 'ama'ama (*Mugil cephalus*), āholehole (*Kuhlia xenura*), moi (*Polydactylus sexfilis*), and others. Any deterioration of the quality and quantity of the groundwater that feeds such systems may influence the abundance of these species. Which would not only alter the nearshore ecosystem, but threaten cultural practices associated with these places and species. Due to the uncertainties that comes with groundwater management relative to surface water management, DAR asks the military to be vigilant in managing the groundwater resources associated with Pōhakuloa. Best management practices should be adhered to. Activities that posse a threat to the quality of groundwater should be avoided. If those activities are deem necessary, threats of polluting the groundwater should be mitigated to the fullest extent possible. Additionally, the taking of water from aquifers associated with Pōhakuloa should be curtailed or limited, until the influence that this take has on aquatic resources such as algae and fish is better understood. In the mean time water conservation best practices should be reviewed, updated, and adhered to in an effort to limit detrimental impacts to nearshore groundwater dependent ecosystems.



V. Executive Sessions

A. Approval of Executive Minutes

1. November 24, 2025

B. 2024 Performance Evaluation of the OHA Ka Pouhana / Administrator, Stacy K. Ferreira. The Board anticipates convening in an executive meeting pursuant to HRS § 92-5(a)(2) and (4) to receive updated information, consult with its legal counsel, and take any necessary action regarding the Board's powers, duties, privileges, immunities, and liabilities with respect to matters relating to the 2024 Performance Evaluation of the OHA Ka Pouhana / Administrator, including possible issues related to Stacy Kealohalani Ferreira v. OHA, Civil No. 1CCV-25-0001822.

C. Legal Matters. The Board anticipates convening in an executive meeting pursuant to HRS § 92- 5(a)(4) to receive updated information, consult with its legal counsel, and take any necessary action regarding the Board's powers, duties, privileges, immunities, and liabilities with respect to matters relating to Stacy Kealohalani Ferreira v. OHA, Civil No. 1CCV-25-0001822.

- **There is no material for these agenda items**