



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

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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

**DATE:** Wednesday, January 22, 2025

**TIME:** 2:00 p.m.

**PLACE:** Remote Meeting by Interactive Conference Technology  
and in-person at OHA Maui Ola Boardroom  
Nā Lama Kukui  
560 N. Nimitz Hwy.  
Honolulu, HI. 96817

viewable at <https://www.oha.org/livestream> OR

Listen by phone: (213) 338-8477 Webinar ID: 894 2078 6167

**This meeting can be viewed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listened to by phone using the call-in information above. A physical meeting location, open to members of the public who would like to provide oral testimony or view the meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817.**

- I. Call to Order**
- II. Approval of Minutes from the Committee on Investment and Land Management**
  - A. January 8, 2025\*
- III. Unfinished Business –None**
- IV. New Business**
  - A. **Action Item ILM #25-01:** Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan\*
  - B. **Action Item ILM 25-02:** Approve the completion of due diligence and to coordinate the land transfer of Mauna'ala, Nu'uaniu, O'ahu to the Office of Hawaiian Affairs\*
  - C. **Action Item ILM #25-03:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei'olouma Heiau Complex, Kōloa, Kaua'i to the Office of Hawaiian Affairs\*
  - D. **Action Item ILM #25-04:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Ahupua'a 'O Kahana parcels, Kahana, O'ahu to the Office of Hawaiian Affairs\*

- E. **Action Item ILM #25-05:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai‘i parcels, Waimanālo, O‘ahu to the Office of Hawaiian Affairs.\*

## V. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at [everetto@oha.org](mailto:everetto@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.

\* Document(s) associated with this agenda item are anticipated to be included in the board packet for this meeting. 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, OHA’s neighbor island offices, and on OHA’s website <https://www.oha.org/ilm/> no later than two business days before the meeting. The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

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](mailto: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.
- (2) Persons wishing to provide **oral testimony online** during the remote meeting, please use the link below:  
<https://us06web.zoom.us/webinar/89420786167>

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.



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Trustee Keoni Souza  
Chairperson of the  
Committee on Investment and Land Management

01/16/2025

Date



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

Phone: (808) 594-1888  
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**INVESTMENT AND LAND MANAGEMENT COMMITTEE**  
560 N. Nimitz Hwy., Suite 200  
Honolulu, HI 96817

**Board Packet**

**II. Approval of Minutes from the Committee on Investment and Land Management**  
A. January 8, 2025\*

**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)  
COMMITTEE ON INVESTMENT AND LAND MANAGEMENT  
MINUTES**

**January 8, 2025 2:00 p.m.**

**ATTENDANCE:**

Chairperson J. Keoni Souza  
Vice-Chairperson John Waihe'e, IV  
Trustee Dan Ahuna  
Trustee Kaleihikina Akaka(On Zoom)  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brickwood Galuteria(On Zoom)  
Board Chair Kaialii Kahele  
Trustee C. Hulu Lindsey

**EXCUSED:**

None

**BOT STAFF:**

Anuheia Diamond  
Crayn Akina  
Carina Lee  
Lehua Itokazu  
Lei-Ann Durant  
Mele Moniz  
Melissa Wennihan  
Morgan Kauai Robello  
Nathan Takeuchi  
Pohai Ryan  
Remy Kelihoomalua  
Richelle Kim  
Sommer Soares

**ADMINISTRATION STAFF:**

Stacy Ferreira, CEO / Ka Pouhana / Administrator  
Kēhaulani Pu'u, COO / Ka Pou Nui  
Everett Ohta, Interim General Counsel  
Nietzsche Ozawa, Interim Senior Legal Counsel(Online)  
Hailama Farden, Sr. Director of HAWAIIAN Cultural Affairs  
Ramona Hinck, Chief Financial Officer  
Kū'ike Kamakea-'Ohelo, Dir. OIWI Well-Being and Aina Momona  
Poni Askew, Dir. Economic & Business Resilience  
Ku'uleianuheia Awo-Chun, Dir. Education & Culture Based Learning  
Lori Walker, Interim Land Director  
Bill Brennan, Director of Communications  
Lise Vaughn-Sekona, Dir Community Engagement  
Kevin Chak, IT  
Kelcie Wade, Solution Delivery Tech  
Arelene Aguinaldo, Systems Eng & Administrator  
Kahelelani Keawekane, Admin Asst  
Lauwaeomakanakauaaloa Clayton, Sr Exec Assistant  
Micah Kuhiwa, Intern  
Sandra Stancil, Sr Exec Assistant

**GUESTS:**

Naiwi Wurdeman, Board Counsel  
Sam Chung, BOT Real Estate Consultant  
Paul Quintiliani, Peregrine (Online)  
Linda Schatz, Peregrine (Online)  
Vijoy Chattergy, Consequent Capital Management  
Germaine Meyers  
Kealii Makekahu

**I. CALL TO ORDER**

**Chair Souza** calls the Committee on Investment and Land Management meeting for Wednesday, January 8, 2025 to order at **2:00 p.m.**

**Chair Souza** roll call that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (2:00 p.m.)	TIME ARRIVED
CHAIR	J. KEONI	SOUZA	PRESENT	
VICE-CHAIR	JOHN	WAIHE'E, IV	PRESENT	
TRUSTEE	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	PRESENT	

TRUSTEE	KAIALII	KAHELE	PRESENT	
TRUSTEE	BRICKWOOD	GALUTERIA		Arrived at 2:05pm
TRUSTEE	C. HULU	LINDSEY	PRESENT	

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

## II. APPROVAL OF MINUTES

- A. October 16, 2024 – RM Committee
- B. October 23, 2024 – RM Committee

**Chair Souza** Reads the standard language for testifiers, no testifiers.

There is no discussion.

**Chair Souza** calls for a **ROLL CALL VOTE**.

MOTION							2:02 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
LUANA	ALAPA		2	X			
BRICKWOOD	GALUTERIA			X			
KAIALII	KAHELE			X			
CARMEN HULU	LINDSEY			X			
VICE-CHAIR JOHN	WAIHE'E	1		X			
CHAIR J. KEONI	SOUZA			X			
TOTAL VOTE COUNT				9	0	0	0

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

**Chair Souza** notes for the record that all members present vote 'AE (YES) and the **MOTION PASSES**.

## III. UNFINISHED BUSINESS

None

## IV. NEW BUSINESS

### A. Administrative reports

1.) Informational Briefing on the Memorandum of Understanding between the Hawai'i Seaglider initiative, Regent Craft Inc., and the Office of HAWAIIAN Affairs regarding collaboration on renewable maritime transportation and sustainable development.\*

**Chair Souza** recognizes beneficiary Germaine Meyers

**Germaine Meyers summarized:** Expressed appreciation for the ILM Chair Souza's new leadership role and their commitment to transparency, highlighting the importance of the Sunshine Law. OHA beneficiary and a resident of the Nanakuli Hawaiian Homestead. Concerns were raised about the glider proposal involving Regent Craft Incorporated, a Rhode Island-based startup still in early development stages, with no completed prototypes and only simulation testing of their electric-powered gliders. Noted potential safety risks, the lack of federal regulatory compliance, and insufficient investment details in the MOU. Compared the situation to the fraudulent startup Theranos, warning against premature investment in unproven technologies and urging OHA to conduct due diligence to protect its beneficiaries and resources.

### **Chair Souza recognizes Administration- Pouhana Ferreira and Interim Land Director Walker**

**Pouhana Ferreira summarized:** addressed the beneficiary that just testified, OHA not been asked to invest in this company. There's no appropriation at all regarding this MOU.

**Interim Land Director Walker summarized:** Clarified OHA's obligations under a Memorandum of Understanding (MOU) entered into in November of last year with the Hawai'i Sea Glider Initiative and Regent Aircraft Incorporated. The MOU aims to explore the potential for sustainable inter-island maritime transportation at Kewalo Basin near OHA's Kaka'ako Makai land holdings.

Key benefits include increased transit options for underserved communities, support for economic and workforce development, contributions to Hawai'i's renewable energy goals, and the opportunity to secure federal funding for infrastructure improvements at Kewalo Basin. It was emphasized that OHA has not committed funding but is focused on exploration at this stage.

**David Uchiyama, Hawai'i Seaglider Initiative** shows presentation and video

**Summarized:** The presentation detailed Regent Craft's development of electric sea gliders, which will undergo certification with the U.S. Coast Guard. These vehicles can travel at 180 mph and are expected to benefit from advancements in battery technology by the time of their anticipated commercial release between late 2026 and early 2027.

Two models are being developed: the **Viceroy**, a 12-seater already ordered by Mokulele, and the **Monarch**, a 100-seater developed in partnership with Hawaiian Airlines. The sea gliders will offer applications in passenger transport, freight, coastal touring, and emergency services. They operate at one-third the cost of conventional vehicles, potentially reducing transportation costs for neighbor islands and supporting agriculture and healthcare accessibility.

Regent has engaged in extensive outreach with government officials, community groups, and agencies, including NOAA, to address safety, environmental concerns, and community input. Key efforts include developing systems to avoid sea mammals and birds and ensuring minimal noise levels. Federal funding opportunities for underserved communities and infrastructure improvements are being explored, with support from stakeholders like IBEW, trades councils, and local carriers.

The project aligns with Hawaii's 2045 sustainability goals, focusing on culture, community resilience, emergency response, workforce development, and infrastructure. Multiple terminal locations and funding sources are under consideration, emphasizing the exploratory and feasibility phase of the initiative.

3 Minute VIDEO- they do have a military or defense contract as well with Marine Fighting Labs. for the Asia Pacific region, because of what's been going on within the islands in the Asia Pacific.

### **Chair Souza recognizes Trustee Akina**

**Trustee Akina summarized:** Thank you David. Great presentation. I'm sure you recall the feelings we all had when Super Ferry came out. We were very hopeful that the broken bridges between our neighbor islands and Oahu could be repaired, that we could actually have commerce, travel, families going back and forth. We're one of the few island regions in the country in the world that doesn't have a ferry system. What are the factors that you're looking to tell us that it's going to be a different story here (from the SuperFerry)?

**David Uchiyama, Hawai'i Seaglider Initiative summarized:** I think community acceptance is going to be first and foremost feasibility study right now, which would then lead us to an EIS. The economics are there because the operational cost is 1/3. Fuel powered engines are much more maintenance heavy than an electric motor. The electric motors on this vehicle weigh about 16 lbs and can be basically changed by two people. And so that's why the military is looking at this vehicle.

### **Chair Souza recognizes ILM Vice Chair Waihe'e**

**ILM Vice Chair Waihe'e summarized:** raised the question about the status of full-size prototypes, specifically whether they are operational and being tested or still in the testing phase to meet government regulations and safety requirements. Clarification was sought on the guidelines being followed for compliance, noting the unique nature of the vehicle as neither a traditional aircraft nor a conventional vessel.

**David Uchiyama, Hawai'i Seaglider Initiative summarized:** it's going through Coast Guard certification. it's tied to Coast Guard application. Besides being able to develop the vehicle so it can be put into commercial use, it has to go through the certification process and meet that approval before it can actually go into service. So we're trying to time this and get to an EIS so that hopefully we'll be able to get the vehicle through certification and once it's complete, we'll be able to introduce it into service. That would be for Mokulele because they have other routes on the East Coast. If we don't get to the EIS process and get that cleared and have community acceptance, then when this vehicle comes off of the assembly line, they're going to use it on the East Coast versus bringing it here to Hawai'i.

**ILM Vice Chair Waihe'e** But the craft itself is already done? Like a guy can ride it and drive it right now?

**David Uchiyama, Hawai'i Seaglider Initiative summarized:** No, they're in the final phase of completion of the full scale prototype and then it's going, it's supposed to go into the water in the first quarter of this year. And then from there, it goes through a foiling phase and then it goes into a foil and air base.

### **Chair Souza recognizes Trustee Galuteria**

**Trustee Galuteria summarized:** I'm very curious but really feel positive about this next mode of transportation. What appeals to me is its ability to access rural communities. And even the smallest of the of the planes, what is the docking facilities necessary for it to get into very rural communities? Would we be able to get it into harbors like say Hanalei or without major structural improvements?



**David Uchiyama, Hawai'i Seaglider Initiative** Right now is the feasibility phase and how we would connect to existing docks that would help us minimize the impact on the EIS side, the vehicle, the Viceroy has a 5 foot draft. pretty much can enter into Hanalei Bay or any of the small boat harbors like Kewalo Basin.

**Trustee Galuteria** How fast can it go?

**David Uchiyama, Hawai'i Seaglider Initiative** Yeah, it actually the lift off and landing will take only a space of a football field. And it doesn't take much speed for it to lift off because the motors are on the leading edge of the wing and it's pulling the vehicle through and lifting the vehicle out of the water.

**Trustee Galuteria** So hypothetically, if there is an emergency situation in Hanalei, but the plane was in Lihue, it could literally drive to Hanalei, pick up the patient and fly off instead of using the ambulance service.

**David Uchiyama, Hawai'i Seaglider Initiative** Yeah

**Chair Souza recognizes Trustee Akaka**

**Trustee Akaka summarized:** requested elaboration on the sea glider's ability to navigate rough seas, particularly concerning safety and comfort for passengers, including those requiring medical care. The importance of a smooth ride to ensure the well-being of passengers during transport.

**David Uchiyama, Hawai'i Seaglider Initiative summarized:** the sea glider will ensure a smooth ride by operating 30–60 feet above the ocean's surface, avoiding the motion of swells, including those up to 30 feet in the channels. Advice from Young Brothers' boat captains was incorporated to address the challenges of rough seas, differentiating the sea glider from traditional vessels like Sea Flight or the Super Ferry.

**Trustee Akaka** when there's high waves. Is it where there's just no operations at all?

**David Uchiyama, Hawai'i Seaglider Initiative** If the high waves are coming into the harbor area where this would take off and land or right outside of the harbor area, there wouldn't be any operations. The vehicle is capable of going through to 5-8 foot swells with the hydrofoil.

**Trustee Akaka summarized:** inquired about MARSEC (Maritime Security) training requirements for the sea glider operation, particularly if it operates on OHA properties. David Uchiyama of the Hawai'i Seaglider Initiative stated he was unfamiliar with MARSEC training but noted the operation would comply with all U.S. Coast Guard regulatory requirements. Trustee Akaka recommended considering MARSEC training, as it is a common safety practice for seafaring operations, including cruise ships.

**Chair Souza recognizes Trustee Alapa**

**Trustee Alapa summarized:** What are the costs for passengers?

**David Uchiyama, Hawai'i Seaglider Initiative summarized:** clarified that, unlike the Super Ferry, Regent will not operate the sea gliders in Hawaii. Local companies would need to purchase or lease the vehicles for operation. He shared that the operational cost per seat for the Viceroy is \$27, and for

the Monarch, with its larger capacity, it is approximately \$23. However, he could not provide details on the pricing for passengers, as that would be determined by the operators.

**Chair Souza recognizes Trustee Lindsey – unrecognizable question(microphone not on)**

David Uchiyama outlined that the sea glider project is still in the feasibility study phase. Identified harbors on each island will undergo a technical feasibility assessment, considering traffic, access to renewable energy facilities, and connectivity to public transportation. Following this, an Environmental Impact Statement (EIS) will be conducted. The goal is to minimize impact by connecting to existing docks, reducing the scope of the EIS. Community input will also be incorporated.

**Chair Souza** assured regular updates to the committee and beneficiaries as the project progresses.

**IV. NEW BUSINESS**

**A.**

**2.) Informational briefing on proposed Land Transfers in relation to OHA's first phase of due diligence for the following areas:\***

- Mauna'ala, Nu'uaniu, O'ahu
- Kānei'olouma Heiau Complex, Kōloa, Kaua'i
- Kahana Valley, Kahana, O'ahu
- Nation of Hawai'i, Waimānalo, O'ahu

**Chair Souza recognizes beneficiary Germaine Meyers.**

**Germaine Meyers summarized:** raised concerns about missing information in the packet, specifically on the due diligence phase and property details. She noted that important elements like property conditions, statements of intent, community outreach, financials, and evaluations were not included. She stressed the significance of understanding the statement of intent for land use, particularly for the Lāhui. Regarding the Ahupuaa O Kahana property, Meyers expressed concern over the large preservation zone and potential risks, questioning if the land would be developed by DHHL. She also raised concerns about using the land for hemp or marijuana cultivation, noting the potential negative health effects of marijuana use. Meyers also questioned the handling of the Kauai Hill complex parcel and the possibility of favoritism in land distribution, particularly concerning Bumpy Kanahele's lease. She called for equitable opportunities for all Native Hawaiians and expressed a desire to understand the full intent behind the proposals. She concluded by requesting more information and clarification before making assumptions.

**Chair Souza** Mahalo Germaine and that that's fair. There is no action item and OHA is not engaged in any type of business. We will continue to have conversations and appreciate your feedback. Thank you, Germaine.

**Chair Souza recognizes Pouhana Ferreira**

**Pouhana Ferreira summarized:** expressed gratitude to the Chair for clarifying the situation and acknowledged the beneficiaries' concerns about incomplete components. The update was meant to provide a snapshot of progress, as the work is still ongoing. OHA had a meeting with Governor Green's Chief of Staff regarding opportunities for land transfer between OHA and DHHL, as both

organizations have strategic plans requiring land to achieve their goals, such as housing, economic resilience, and food systems. While no promises or negotiations have been made, the discussion is seen as historic, with the Governor and mayors engaging in talks about returning land to OHA. The properties under consideration were suggested by the Department of Agriculture and DLNR, specifically parcels in Hawaiian communities facing eviction. Pouhana Ferriera emphasized that due diligence was necessary to provide trustees with the information needed to make informed decisions. Lori Walker was introduced to give an overview of the due diligence approach, with Kū'ike Kamakea-Ōhelo to present further details.

**Director of Ōiwi Wellbeing and Āina Momona Kamakea-Ōhelo summarized:** Today's briefing is a result of a collaboration between the strategy and implementation team and OHA's Land Division. We'll be updating you on the process and due diligence over the past several months concerning potential land transfers from the state of Hawai'i and Kauai County. Our discussions will focus on the why, what and whom and these initiatives.

We have the revised versions in front of you.

Generational trauma among Native Hawaiians stems from colonization, the illegal overthrow of the Hawaiian Kingdom in 1893, and disconnection from ancestral lands. This trauma has disrupted cultural practices, community structures, and sovereignty, deeply affecting identity and well-being. The disconnection has perpetuated cycles of poverty, health disparities, and social fragmentation among Native Hawaiians.

The Hawai'i Revised Statutes (HRS) provide the purpose and powers of the Office of Hawaiian Affairs (OHA), emphasizing the betterment of conditions for Native Hawaiians. HRS 10-3 and 10-4 outline OHA's responsibilities, including the acquisition, maintenance, and disposition of property to fulfill its mission while respecting Native Hawaiian rights and culture. Additionally, HRS 10-H-2 highlights the importance of self-governance for Native Hawaiians, empowering them to manage resources and make decisions about their lands, culture, and welfare. That's your kuleana.

The OHA strategic plan, under the Mana I Maui Ola framework, focuses on strengthening cultural identity, promoting self-governance, and supporting āina, moomeheu and communities. Key outcomes include the preservation of Hawaiian language, traditions, and cultural sites, as well as increased community stewardship of natural resources. The collaboration between OHA's Land Division and Strategy & Implementation aims to secure a land base that goes beyond property, empowering communities to heal from historical injustices and creating a more just and equitable future for Native Hawaiians.

**Interim Land Director Walker summarized** The due diligence process comprises two phases.

**Phase 1** involves a high-level internal assessment of the property, including general information (e.g., location, zoning, ownership, and transaction details), visual site inspections, and evaluations of infrastructure, natural and cultural resources, and potential risks. Based on this preliminary information, a statement of intent is established to identify alignment with strategic goals and mission. This phase also includes community outreach to gather input from stakeholders and a financial analysis of costs, risks, and funding mechanisms.

**Phase 2** involves contracting third-party experts for comprehensive external reports and surveys. These include a preliminary title report, property boundary surveys, environmental assessments,

property condition reports, land use and zoning studies, and resource evaluations. Additional reviews address development considerations, existing agreements, insurance concerns, and litigation risks. Findings inform decisions on property acquisition and management.

**Director of 'Ōiwi Wellbeing and 'Āina Momona Kamakea-'Ōhelo summarized** Ahupuaa o Kahana, 44 parcels approximately 5300 acres of land. Approximately 26-28 residential parcels on site but the majority of the land is preservation. There's a lot that we can do with preservation especially when it comes to securing resources, securing 'āina, securing assets for our beneficiaries. In Phase 2 due diligence will involve potential mitigation plans that may come up to address those risks.

Current use is a State Park. The general property information, TMKS and then in the AI, there's more information.

Map - approximately 5300 acres in totality in the in the pink and the red circle is outlined or circled the residential areas under consideration for transfer is the entire ahupuaa. Mauka to Makai. OHA wants to consider all of it.

Nation of Hawai'i is one parcel approximately 46 acres and it's agriculture specifically AG2 and under the jurisdiction of the Department of Agriculture, Chair Herd. There are residents there. Amended slide - The correction was the total acreage in the orange bar at the header. Page 19, it's 45.6 acres.

Kānei'olouma Heiau, Kauai. Total acreage is there is approximately 19.3. It's inclusive of these five parcels, totaling 19.3 acres. Initially when we were in conversations with the Mayor's office, we also inquired for Hoowili Rd. that connects the highway to the beach park to be considered with this.

Currently it's a cultural and it's zoning preservation and current use there's two parking lots located there and also a commercial building.

This slide highlights the importance of cultural, archaeological, and historical sites, specifically related to the heiau complex, which is being re-established by Anakala Rupert Rowe and his Hui. This effort is part of the broader goal to advance Maui Ola (spirituality) and strengthen the cultural foundation of the community. The initiative underscores the importance of not only preserving culture but also re-establishing spiritual sites that were significant to our kupuna.

The idea to focus on Kānei'olouma heiau came directly from Mayor Kawakami, who, during a meeting with Trustee Ahuna and his team, emphasized the need to prioritize the transfer of this land. The response was positive, affirming the inclusion of Kānei'olouma heiau in the land transfer discussions.

Mauna'ala It's self-explanatory. It's very simple. This is the resting place of our Alii. We already steward the one of the important critical birthplaces of our Alii of Oahu. It would behoove us to also steward and malama the resting place of our Alii nui. This is a single parcel TMK totaling 3.3 acres. It's currently zoned residential and there is a Hale Kahu.

Due diligence phase one was to prepare an action item packet or packets for your review. After this meeting we will be sending out a digital version for the Kahana and Nation of Hawai'i parcels. And then we're hopeful that on the 22nd in this very meeting that we will be able to get agendized.

**Chair Souza recognizes Trustee Ahuna**

**Trustee Ahuna summarized:** Thank you for the updates, especially for the island of Kauai. I know there was more lands that they wanted to actually transfer to us, salt ponds. But we, we spoke with the, the beneficiaries and whatever they wanted. But Kānei'olouma was one of them and regarding the road because the road is illegal.

**Director of 'Ōiwi Wellbeing and 'Āina Momona Kamakea-'Ōhelo** Currently the road is under a county jurisdiction. Whether the it's a legal road or not, we're hopeful that we can suss it out in phase two. This is just a high level overview - so we can get the permission to pursue phase 2.

#### **Chair Souza recognizes Trustee Ahuna**

**Summarized discussion: Trustee Ahuna** raised a concern regarding the inalienable status of Mauna'ala, questioning what it means that the state cannot transfer the land. **Pouhana Ferreira** explained that while Mauna'ala is technically inalienable, it has been transferred multiple times throughout history, including from Public Works to DAGS and then to DLNR. Despite its current status under DLNR and the state parks system, the land is not considered a state park by Kanaka 'Oiwī. It has fallen into disrepair over time.

**Trustee Ahuna** further questioned whether transferring Mauna'ala to OHA would place it under state governance and affect the rights to self-determination, as OHA is a state entity. **Ferreira** confirmed that legislation is being proposed by Senator Lorraine Inouye to transfer the land to OHA, and while the land would remain under OHA for the time being, future self-governance by the Native Hawaiian community will be determined later. The concern was about potential legal implications of remaining under state governance during the transition to self-determination.

#### **Chair Souza recognizes Trustee Akina**

**Trustee Akina summarized** Good presentation, Kū'ike. When we have a budget of what it will cost for us to take ownership and maintain the property in terms of everything from personnel, keeping it from being overgrown by weeds, security, handling, liability and all of that, can you give us an idea as to when we'll be able to look at those figures in order to be part of the decision making?

**Interim Land Director Walker** Phase 1- high level financial assessment. Phase 2- deeper dive into financials. It also is contingent on a lot of conversation in terms of what the transfer would involve. No purchase fee. It's also contingent on the Co-stewardship relationship that we would establish with the community to be able to identify what would be responsible for operationally.

There's no timeline yet. Additional conversations will take place. If approved for Phase 2 more financials can be shared with trustees.

#### **Chair Souza recognizes Trustee Galuteria had to leave the meeting**

#### **Chair Souza recognizes Trustee Lindsey**

**Trustee Lindsey** I just wanted to share with the with the board that in conversations with the Governor's office on these land transfers, I made it extremely clear more than one time that these land transfers should not be part of monies that they owe us for the Public Land Trust.

So I have reinforced and reinforced that in discussions with the Governor's representative because they could say, wow, we gave you 5000 acres or, you know, so I just want to make it clear and I want all the trustees to know that I did share that with the Governor's office more than one time.

**Pouhana Ferreira** Trustee Lindsey is absolutely correct. She was very adamant about that. And those conversations were with representatives of the attorney general's office as well as chief of staff and, and they agreed that it would, it would not be used towards any kind of, of any kind of settlements. Mahalo.

**Chair Souza recognizes Trustee Akina**

**Trustee Akina** We would actually be taking financial liabilities off the hands of the state. It would be costing us.

**Chair Souza recognizes Trustee Akaka**

**Trustee Akaka summarized** What does that look like to properly maintain the sanctity of these lands and also with Mauna'ala with the amount of Aloha and care that goes into the cost of maintaining that accompanying the transfer. In terms of Mauna'ala being referred to as a park, it that has been a very painful and sore point. And in reiterating that time and time and again in each of our meetings and interactions with DLNR, with the Native Hawaiian organizations the Alii trust and so forth, there was a resounding agreement each time that I said, this is not a park. This is a WAHI KAPU, it was very well received and there were even tears in people's eyes because of their Aloha and passion. In order to do what is right and truly of believing and supporting that the Office of HAWAIIAN Affairs would be the more appropriate and proper steward to Kuleana these lands.

Concerns were raised about the liabilities associated with property transfer, including the condition of structures, funerary areas, and the potential impacts of natural disasters or electrical incidents. Questions were posed regarding OHA's financial and operational capacity to ensure the properties meet code requirements and are properly maintained if conveyed. Further updates from the administration were requested on these matters.

**Pouhana Ferreira** All financial and facilities, infrastructure, all of that, will be on that second phase of due diligence. And risk mitigation.

**Trustee Akaka** Is there any word from the Governor's office or DLNR, the Department of Agriculture when the next Land Transfer Working Group meeting will be held?

**Pouhana Ferreira** It has transitioned to our new Chair of Land and Investment Management.

**Trustee Akaka** And who is the other trustee on that?

**Chair Souza** That'll be Trustee John Waihee, Vice chair, ILM Committee

**Pouhana Ferreira** I was just reminded by Hailama that in addition to Senator Inouye's legislation in support of the transfer of Mauna 'ala to OHA, There are two other resolutions supported by the Lāhui. One came from the Association of Hawaiian Civic Clubs and Hale o Na Ali O Hawai'i also did a resolution both in support.



**Chair Souza** Great presentation. Lori, thank you for all your hard work. We intend to bring an action item on the January 22nd meeting to ask for your support of phase two of the due diligence work that we need to do.

#### **IV. NEW BUSINESS**

**A.**

##### **3.) Informational Briefing on Limited Liability Companies in relation to OHA's Real Estate Strategies and status updates on real estate governance. \***

#### **Chair Souza recognizes Germaine Meyers**

**Germaine Meyers summarized:** Meyers expressed concerns regarding the recommendation to use Limited Liability Corporations (LLCs) in managing OHA's assets, particularly highlighting issues with OHA's past LLCs. Noted that OHA previously claimed privacy rights when responding to UIPA requests for records related to LLCs. Also raised concerns about LLCs violating state laws related to public trust lands, referencing the Agri Business Development Corporation (ADC) as an example.

Shared troubling findings from a 2021 performance audit of ADC, led by State Auditor Les Kondo, which identified serious shortcomings in ADC's operations. This included failure to conduct required market research, poor land management and record-keeping, inadequate oversight by the ADC Board, and the presence of criminal activity on its properties. Warned that OHA could face similar risks if it continued to use LLCs to manage land and assets, urging OHA to review the audit findings for potential liabilities.

#### **Chair Souza recognizes Sam Chung, Board Consultant**

**Sam Chung, Board consultant summarized:** overview of the real estate strategies that were approved early December and discuss critical component that was deferred for further deliberation and analysis. Including the governance piece and specifically talk about the LLC structure.

**Paul Quintiliani, Peregrine Realty summarized:** The discussion on Hawai'i real estate strategy for OHA, a continuation from the October 31, 2024 meeting, highlighted a structured methodology to align the strategy with state law, the constitution, OHA's strategic plan, and board-level policies.

#### **Approved Items:**

##### **1. Investment Lands:**

- **Increase Financial Returns:** Approved tactics included adopting an investment policy, excluding development properties from future purchases, improving operational efficiency, forming a profit enhancement team, and achieving pay parity for staff.
- **Performance Management & Reporting:** Adopted the use of the National Property Index as a benchmark, selection of additional performance metrics, and redesigning performance reports to cover cash flow, return on capital, and other measures for investment lands.
- **Reduce Operational Risks:** Approved recommendations included setting a 10%-20% allocation to Hawai'i investment lands within the Native Hawaiian Trust Fund, staff training, developing plans for environmental remediation, bulkhead retention for Kakaako Makai, and debt level management.

## 2. Legacy Lands:

- **Provide Financial Stability for Stewardship:** Approved aligning stewardship budgets to the Native Hawaiian Trust Fund or the organization's overall budget, forming a revenue enhancement group, developing on-site revenue opportunities, and transferring non-mission-aligned lands.
  - **Optimize Environmental and Cultural Stewardship:** Approved streamlining land management plans, engaging with the Native Hawaiian community, achieving pay parity for staff, and targeting high-concentration cultural or environmental properties.
  - **Expand Programmatic Outcomes:** Approved adopting metrics, expanding educational offerings, partnering with DHHL for housing, and utilizing GIS systems.
  - **Reduce Operational Risks:** Approved holistic insurance reviews, risk mitigation plans, and integrating risk management into investment criteria.
3. **Non-Financial Outcomes:** Approved generating outcomes aligned with OHA's strategic plan without diluting financial performance. Tactics included adopting environmental ethos, waste management, promoting Native Hawaiian businesses, and supporting iwi kūpuna care.

## Deferred Items:

1. **Kakaako Makai Development:** Deferred were recommendations to unlock embedded value through:
  - Transferring the property to a wholly-owned LLC.
  - Entering into a joint venture, master ground lease, or bulk sale of properties.
2. **LLC Structure:** Deferred recommendations included holding each asset in a separate LLC to isolate financial losses and shifting Makai vertical development risk to third parties.
3. **Legacy Lands Strategy 4:** Deferred the proposal to use joint ventures, ground leases, sales, or an LLC for certain legacy land properties.

The two primary options for Kakaako development were the **Master Joint Venture** or a **Single-Purpose LLC**.

1. **Master Joint Venture:** This option offers external expertise and funding but involves diminished OHA control over development decisions.
2. **Single-Purpose LLC:** Recommended by consultants as the preferred option, this would give OHA more control through an independent board and staff, with major decisions retained by OHA. However, OHA must fund pre-development costs, potentially through property sales or identifying silent capital partners.

The recommendation also emphasized that OHA's cultural responsibility must remain central to its development strategy, ensuring alignment with the organization's mission to serve the Native Hawaiian community. Any development plan should integrate stewardship principles, prioritize cultural and environmental preservation, and safeguard the community's connection to the land. Reiterated that all options except the status quo were viable, depending on OHA's priorities.

**Chair Souza:** Mahalo what are the costs involved to start up an LLC?

**Linda Schatz, Peregrine Realty shares screen of options on costs**

**Paul Quintiliani, Peregrine Realty summarized** Here's a summary of the financial overview based on the previous fiscal year, focusing on income, expenses, and the four options analyzed: LLC

structure and Joint Venture — across four categories to estimate initial setup costs and annual operating budgets. Both options have similar annual operating costs, but the setup costs differ.

**1. Joint Venture Setup Costs:**

- The joint venture will have higher initial costs, including land transfer fees, consultant advisors, and an RFP process. These costs are expected to total about \$1,000,009, which would be covered by the joint venture partner as part of their equity contribution, diluting OHA's returns.

**2. LLC Setup Costs:**

- The LLC structure will have setup costs similar to those of the joint venture, but the annual operating budget for the LLC is estimated to be approximately \$2,000,000. These costs will be covered by OHA's operating cash flow.

**3. Annual Operating Budget:**

- The joint venture has operating costs covered by the partner's equity contribution, while the LLC requires OHA to use its operating cash flow to cover annual expenses.

Both options were estimated based on staff composition and compensation programs, yielding the figures for each structure's operating budget.

**Linda Schatz, Peregrine Realty** In either scenario, OHA is paying through whether it's the diluted profits in the JV structure or outright. I wouldn't say it's completely apples to apples, but OHA is paying a relatively somewhat equivalent costs to some degree in terms of both structures.

**Chair Souza recognizes Trustee Akina**

**Trustee Akina summarized:** Thank you Paul and Linda for your presentations and for being available to us. My concern about the LLC structure is not the cost. I recognize that regardless of whether we do a single purpose LLC or a, a master joint venture, we're going to make use of LLC at some point and we do so already for protection in terms of our Waimea Falls property. I don't have a recommendation against an LLC.

Emphasized the need for due diligence, citing concerns from past issues within the Hawaiian community, such as the fiscal mismanagement at Kamehameha Schools' Bishop Estate in the 1990s. According to *Broken Trust* by Randall Roth and Judge Samuel Wilder King, LLCs were used in that case to obscure financial mismanagement. Roth previously raised similar concerns to OHA's board, noting parallels between OHA's use of LLCs and Bishop Estate's practices, particularly the potential for LLCs to bypass legal obligations like trustee accountability and compliance with procurement and sunshine laws.

In fact, one of his concerns was that the OHAs, the LLCs were quote, reminiscent of drop down entities that Kamehameha School's Bishop Estate, a multi million dollar private trust created in the 1990s to hide fiscal mismanagement. And here are a couple of things that he said. In fact, I'll just read one thing that he said to our board.

Either way, OHA and OHA trustees cannot properly use wholly owned LLC subsidiaries to avoid otherwise applicable legal duties such as a trustee's duty to provide full accountings when legally required to do so or a government official's duty to comply with procurement and sunshine laws. And his point is well taken because in certain instances through some independent audit reports that we commissioned, we found that some of those things took place.

My concern is not to be against LLCs, but to make sure that we do our due diligence before we choose the governance structure. And in particular, I would recommend to our board that we get very good legal review on this issue so that we will be able to see that the structure we choose with regard to LLCs will allow us to maintain our fiduciary duties for accountability and transparency.

I appreciate Peregrine's recommendation and I give merit to it, they are playing a certain role in our real estate development and a certain kind of expertise. But we need legal expertise to tell us, as fiduciaries that we as trustees will not be forfeiting our fiduciary duties. We will not be failing at it by going into a certain form of LLCs. I think it would behoove us to make sure whatever structure we use, we actually have that kind of review and due diligence of that would be very important.

The other point emphasized the need for time to conduct due diligence when deciding between a single-purpose LLC and a master joint venture, acknowledging the merits and costs of each. While a master joint venture may offer less control, it could provide valuable expertise, capital, and potentially a partner with a shared beneficiary base, such as Kamehameha Schools, ensuring benefits still reach Hawaiian beneficiaries. The speaker stressed the importance of obtaining a thorough legal review to ensure fiduciary responsibilities, accountability, and transparency are maintained in the chosen structure.

**Chair Souza** Right on Mahalo, Trustee Akina, I just want to make note that I don't know what trustees he was talking about in that document, but these trustees are not those people. And now we're moving forward. It's a new time here at OHA. I'm going to make sure we do our homework.

#### **Chair Souza Recognizes Trustee Akina**

**Trustee Akina** Thank you so much. I'm absolutely in agreement with you, Chair. We have a board of firmly committed people of high integrity. I believe that and that's the reason I believe we will want to show to our beneficiaries and to the public the highest level of transparency on this issue. Thank you, Sir.

**Chair Souza** We have been talking about this for a while now and we have had opportunities to do our due diligence right and also to get legal advice.

**Trustee Akina** Chair, I would appreciate it if we give consideration to getting that legal review to ensure that whatever structure we look at will be consistent with our being able to keep our fiduciary responsibilities for accountability and transparency both internal and to state agencies.

**Chair Souza summarized:** Absolutely, Trustee. Chair emphasized the importance of trustees seeking legal advice and thoroughly preparing ahead of board meetings, highlighting the significance of their votes and voices. He noted that during a recent budget briefing, both the Senate Ways and Means and the House Finance Committees expressed concerns about OHA's finalized real estate tactical plan. Lawmakers are closely monitoring OHA's actions, particularly regarding efforts to lift entitlements and restrictions on parcels, to ensure they maximize revenue potential and serve beneficiaries effectively. That is very important to know that they did ask those questions. But I do understand your concerns, Trustee Akina.

**Trustee Akina** Mahalo, thank you for understanding and I fully support and I'm with you in terms of the speed with which we need to proceed to succeed. I just want to make sure that we as OHA seek the legal counselor we need. I'll appreciate that review.

## Chair Souza recognizes Sam Chung

**Sam Chung, Board Real Estate Consultant summarized:** whether the trustees consider LLC structure a joint venture, I think what I want to emphasize that under both structures, LLC is going to be required. An LLC 100% owned by OHA, doesn't preclude you from doing a joint venture whether it's on one parcel or all the parcels. We need to look at the legal aspect and maybe it's subject to a legal review if that is allowed. An LLC benefit, compared to status quo, is that I think the challenge has been the ability to make decisions. Real estate development has to move, whether that's being slowed down by procurement. You know, a simple thing like, potentially getting a demo permit on Lot E, but the procurement process does slow things down in terms of the timing of it and, and the risk of not being able to move quick and not having the adequate staff that's required because of the restrictions on compensation as a state agency. I think that also inhibits the ability to get a development moving, but development business by nature does need to move at real time members.

## Chair Souza recognizes Trustee Ahuna

**Trustee Ahuna summarized:** I just wanted to speak up for the school that I attended for years, Kamehameha schools. You know, they had amazing trustees back then and amazing trustees today and throughout the years. You know when I look at these situations from 50,000 feet, you know what I see was the amazing what Kamehameha schools was doing is protecting their trust when you have LLCs. It protects you from lawsuits and things, but not just that, they went from a million dollar corporation to a billion dollar corporation. I just want to make sure that we understand that they did a lot of good things too as well.

**Chair Souza summarized:** When we bring in the action item to the Board from this committee it is meant to complete our real estate tactical plan. There are recommendations by our real estate consultants. Review the slides and materials, reach out to attorneys or legal consultation, whatever you may need in order to do your homework and come back to the board and be ready to go. Mahalo Nui, If there's no other questions, I'll look for a motion to adjourn this meeting.

## V. ADJOURNMENT

**Trustee Lindsey moves to adjourn the ILM meeting.**

**Trustee Alapa seconds the motion.**

There is zero discussion.

**Chair Souza calls for a ROLL CALL VOTE.**

							2:24 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
LUANA	ALAPA		2	X			

BRICKWOOD	<b>GALUTERIA</b>						<b>Left meeting at 3:19pm</b>
KAIALII	<b>KAHELE</b>			<b>X</b>			
CARMEN HULU	<b>LINDSEY</b>	<b>1</b>		<b>X</b>			
VICE-CHAIR JOHN	<b>WAIHE'E</b>			<b>X</b>			
CHAIR J. KEONI	<b>SOUZA</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>				<b>8</b>	<b>0</b>	<b>0</b>	

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

**Chair Souza** adjourns the ILM meeting at 4:24 p.m.

Respectfully submitted,

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Richelle Kim  
Trustee Aide  
Committee on Investment and Land Management

As approved by the Committee on Investment and Land Management (ILM) on January 8, 2025

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Trustee J Keoni Souza  
Chair  
Committee on Investment and Land Management





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

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MEMBERS

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

**OFFICE OF HAWAIIAN AFFAIRS**  
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**Board Packet**

**IV. New Business**

- A. **Action Item ILM #25-01:** Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan\*




## ACTION ITEM

### COMMITTEE ON INVESTMENT AND LAND MANAGEMENT January 22, 2024

ILM #25-01

**Action Item Issue:** Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan

Prepared by:  Jan 16, 2025

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Ryan Lee  
Director of Endowment

Date

Reviewed by:  Jan 16, 2025

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Ramona G. Hinck  
Chief Financial Officer


Date

Reviewed by:  Jan 16, 2025

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Stacy Ferreira  
Ka Pouhana, Chief Executive Officer

Date

Reviewed by:  Jan 16, 2025

---

Ke Kua, Trustee Keoni Souza

Date

Luna Ho‘omaluku o ke Kōmike Investment and Land Management  
Chair of the Committee on Investment and Land Management

**Action Item ILM #25-01: Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan**

**I. PROPOSED ACTION**

Administration recommends the Committee on Investment and Land Management:

- 1. Approval of the Updated Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan.

**II. ISSUE**

Whether or not the Committee on Investment and Land Management (“ILM”) should approve and recommend to the Board of Trustees (“Board” or “BOT”) the updated guidelines for the NHTF Private Markets Commitment Plan.

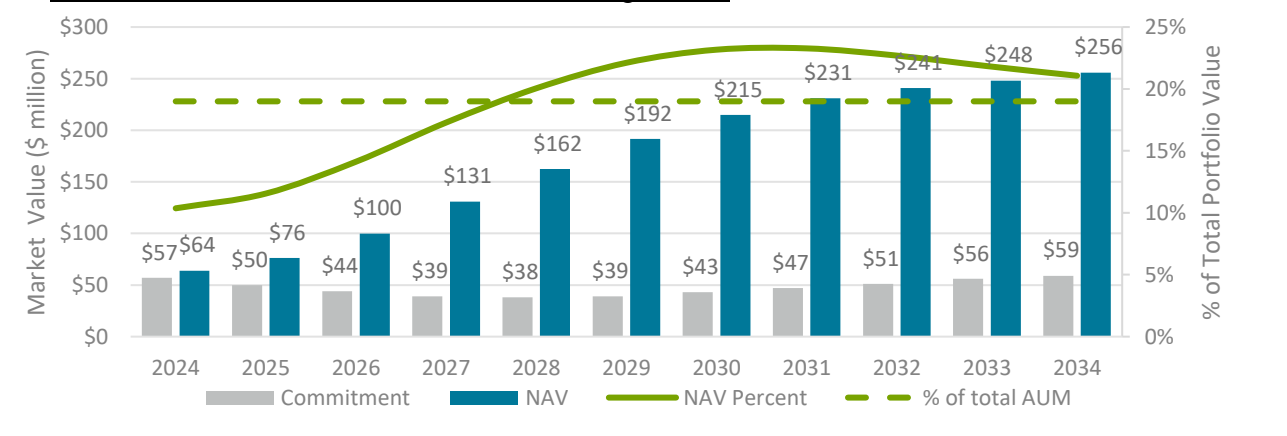
**III. BACKGROUND**

The Native Hawaiian Trust Fund (NHTF) currently allocates 12.0% (\$73.2 million) to Private Investments, falling 7% short of its 19% policy target as of November 30, 2024. Private markets offer higher potential long-term returns compared to public markets and provide diversification across strategies, stages, industries, geography, and other dimensions. Without new commitments to increase exposure, the private equity allocation will decline further, potentially impacting the returns needed to support the fund’s mission.

On September 12, 2024, the Board of Trustees approved Action Item RM #24-36: Approval of the Native Hawaiian Trust Fund (NHTF) Private Markets Program and Commitment Plan for 2024. For the remainder of 2024, the Board approved a private equity commitment budget of \$45–\$60 million and adopted a "discretion in a box" approach. This framework enables the Administration to commit \$5–\$20 million to 4–8 firms within 2024 fund vintages, with larger commitments directed toward secondary and co-investment strategies to enhance diversification and accelerate portfolio ramp-up.

A commitment pacing model has been developed to achieve the 19% target by 2028, slightly exceeding it by 2029 before stabilizing. This model is based on specific return and cash flow assumptions and will be updated as market conditions evolve.

Chart 1: Private Markets Commitment Pacing Model



## Action Item ILM #25-01: Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan

### IV. Private Markets Program and Strategy Guidelines

The NHTF is transitioning to direct primary fund investments, moving away from a manager-of-manager (MoM) approach to target top-tier private equity managers directly, aiming to enhance returns and reduce fees. With its growing assets and increasing sophistication, this strategic shift aligns with the best practices of other asset owners.

As of December 31, 2024, the OHA Administration has made the following investment commitments:

Table 1: 2024 Commitment Budget Plan as of December 31, 2024







2024 Budget	Committed YTD	Remaining	Commitments
\$45-\$60m	\$15m	\$30-\$45m	Secondary Fund – 1 Manager; \$15m

Deploying capital late in 2024 has been challenging, as many top-tier private equity funds have closed fundraising. To address this, the OHA Administration recommends increasing secondary strategy allocations from 30% to 60% to capitalize on current market opportunities.

The secondary market offers attractive returns by addressing the liquidity needs of Limited Partners (LPs) and General Partners (GPs), allowing investors to acquire mature, diversified portfolios at discounted valuations. LPs seek liquidity for portfolio rebalancing or capital requirements, while GPs use secondaries to extend fund life or restructure assets. For investors, secondary transactions reduce risk, accelerate cash flows, and enhance returns through discounted pricing. This strategic focus on the secondary market positions NHTF to capitalize on these advantages and supports efficient capital deployment, helping meet allocation targets and advancing its long-term investment objectives.

The table below highlights the recommended strategy allocation changes:

Table 2: Updated 2024 Commitment Strategy

Private Markets Sectors	Approved Target (+/- 5%)	Commitment (million)	Updated Target (+/- 5%)	Commitment (million)	Managers
Secondary Strategies	30%	\$15 - \$30	60% 	\$15 - \$35	2
Co-Investments	15%	\$10 - \$12	15% 	\$10 - \$12	1
Buyout	20%	\$10 - \$15	15% 	\$10 - \$15	3-4
Venture Capital/Growth	15%	\$10 - \$15	10% 	\$10 - \$15	2-3
Real Assets	10%	\$0 - \$10	0% 	\$0	
Credit/Special Situations	10%	\$0 - \$10	0% 	\$0	
Total	100%	\$45 - \$60	100%	\$45 - \$60	4 to 8

**Action Item ILM #25-01: Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan**

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OHA Administration will return for approval for the 2025 Private Markets Commitment Budget, focusing on other private market strategies. This will allow more time for due diligence and alignment with NHTF's long-term goals.

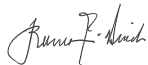
**VII. REFERENCE DOCUMENTS**

The following reference documents provide support for the action item:

- A. Action Item RM #24-36: *Approval of the Native Hawaiian Trust Fund (NHTF) Private Markets Program and Commitment Plan for 2024.*

**VIII. CERTIFICATION**

The following is the certification by the Chief Financial Officer that the funds are available for the proposed actions.



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Ramona G. Hinck  
Chief Financial Officer

Date: Jan 16, 2025

**IX. RECOMMENDED ACTION**

Approve the NHTF Private Markets Updated Commitment Plan Guidelines for 2024.

**X. ALTERNATIVE ACTIONS**

- A. Amend the recommended action(s); or
- B. Reject the recommended action, leading to continued decline in Private Markets exposure and potentially impacting long-term performance.
- C. Propose and take other actions.

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## Action Item ILM #25-01: Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan

### Appendix 1: Primate Markets Guidelines(No Changes)

**Private Markets** The private markets program aims for diversification across industry sectors, investment strategies, vintage years, geographic locations, and investment managers. Most investments will be made through primary partnership vehicles, with opportunistic investments in Fund-of-Funds for diversified exposure to specific private market investments, such as venture capital and emerging managers.

Table 1: Investment Guideline - Eligible Investments

Private Equity Vehicles	<p><b>Primary fund investment:</b> An investor commits to a private equity fund that, via a general partner, makes investments in companies. This provides diversification of underlying holdings across the private equity portfolio.</p> <p><b>Fund of funds:</b> An investor commits a vehicle or a fund that, in turn, makes commitments to individual private equity funds. These commitments are typically quite diverse, with investments across managers and portfolio companies.</p> <p><b>Secondary fund:</b> In a secondary fund, the manager buys more mature or seasoned limited partnership stakes from other limited partners, often at a discount.</p> <p><b>Co-investment:</b> Interests in individual assets held within private equity funds. Co-investments are typically made alongside individual funds and are often available with reduced or zero fees and carried interest. These can be made through vehicles designed for single assets or diversified pools.</p> <p><b>Private Debt:</b> Investment in the debt of private companies that provide fixed income returns with an illiquidity premium.</p>
Private Market Sectors	<p><b>Buyouts:</b> Investment in established companies using a combination of debt and equity financing. This group is divided into small, medium-, and large/mega-cap buyouts.</p> <p><b>Growth Capital:</b> Typically working in partnership with a founder or entrepreneur, the private equity investor provides capital to help a company grow.</p> <p><b>Venture Capital:</b> Investment in new, potentially high-growth businesses alongside company management. Venture-capital financed companies may carry more risk than the other private equity segments due to the early stage of the business.</p> <p><b>Special Situations:</b> Involves restructuring of companies from a financial and operational standpoint and may involve purchasing distressed assets or debt.</p> <p><b>Private Debt:</b> Loans or credit provided by private lenders to companies, usually outside traditional banking. It includes senior secured loans, mezzanine financing, and distressed debt, often offering higher returns due to its higher risk and illiquidity.</p> <p><b>Real Assets:</b> Investments in tangible assets such as infrastructure, physical</p>



**Action Item ILM #25-01: Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan**

	commodities, natural resources, and land & buildings.
Public Equity Assets	Shares of publicly traded equity securities distributed by private equity partnerships will generally be liquidated as soon as practicable.
Geographic Guidelines	The program will primarily focus on North America, with up to 30% allocated to Europe, Asia, and other regions.
Sector Exposures	Check sector portfolio weights while maintaining appropriate diversification across other sectors. Avoid over exposure to any one sector. Provide commentary on the investment's impact on sector exposures.
Manager Selection	
Existing GP Relationships	Maintain exposure to existing, high conviction managers (top quartile) that are back in market in 2024 where possible and are directly invested in or are an underlying top-quartile GP managers within OHA's fund-of-fund investments; this would include the re-evaluation of the strategic and performance value of these relationships to the overall portfolio.
New GP Relationships:	Top quartile performing track record since inception when measured against industry peers within one of the major private markets benchmarking services (i.e. Cambridge, Burgiss, StepStone).
Fund Series	The Fund offering is the GP's Fund III or greater within the series and/or within the strategy.

**Action Item ILM #25-01: Approval of the Updated 2024 Guidelines for the Native Hawaiian Trust Fund (NHTF) Private Markets Commitment Plan**

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**Appendix 2: Target Allocation Framework  
2024 Private Markets Commitment Plan and Guidelines(Updated)**

			2024 Private Markets Plan		
Private Equity Assets and Sub-Asset Classes	NHTF as of 3/31/24	Proposed Long-Term Range	2024 Commitment Plan Target (+/- 5%)	Maximum Commitment per Manager	Expected Number of Managers
Buyouts	39.9%	50% - 70%	30%	\$12m	3-4
Large Buyouts	18.2%				
Medium Buyouts	21.7%				
Small Buyouts					
Venture Capital/Growth Equity	26.6%	20% - 40%	10%	\$5m (\$10m FOF)	2-3
Venture Capital	26.6%				
Growth Equity					
Credit/Distressed	1.7%	0% -10%			
Real Assets	20.9%	0% -10%			
PE Multi-Manager- Secondary Funds/FOFs	11%	0% -30%	60%	\$20m	1-3
<b>Total</b>	<b>100%</b>		<b>100%</b>	<b>\$45-\$60m commitments</b>	<b>4-8</b>



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

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Brickwood Galuteria  
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Carmen "Hulu" Lindsey

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**Board Packet**

**IV. New Business**

- B. **Action Item ILM 25-02:** Approve the completion of due diligence and to coordinate the land transfer of Mauna'ala, Nu'uaniu, O'ahu to the Office of Hawaiian Affairs\*



**OFFICE OF HAWAIIAN AFFAIRS**

**Action Item**

**COMMITTEE ON INVESTMENTS & LAND MANAGEMENT**

**January 22, 2025**

**ILM #25-02**

**Action Item Issue:** Approve the completion of due diligence and to coordinate the transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs.

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**Action Item ILM #25-02: Approve the completion of due diligence and to coordinate the transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs.**

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**Table of Contents**

I.	PROPOSED ACTION .....	1
II.	ISSUE .....	1
III.	BACKGROUND & DISCUSSION .....	2
	A. Legal Basis for Land Transfer & Alignment to OHA’s Strategic Plan.....	2
	B. Location and General Property Information .....	6
	C. Cultural & Historical Significance .....	7
	D. Current Stewardship Model .....	8
	E. Property Condition .....	9
	F. Stakeholder Engagement Process .....	14
	G. Preliminary SWOT Analysis .....	14
IV.	TIMEFRAME .....	15
V.	RECOMMENDATION .....	16
VI.	ALTERNATIVES.....	16
VII.	REFERENCES.....	16

## **I. PROPOSED ACTION**

Approve the completion of due diligence and authorize the CEO to:

- 1) Coordinate the transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs;
- 2) Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for phase two due diligence to inform the potential transfer of land from the DLNR to OHA;
- 3) Take all other reasonable actions necessary and appropriate to implement the foregoing.

## **II. ISSUE**

Should the Board of Trustees approve the completion of due diligence and authorize the CEO to coordinate the transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs, for the following purposes and in accordance with the following directional outcome from the Mana i Maui Ola: OHA’s 15-Year Strategic Plan for 2020-2035:<sup>1</sup>

- Strengthened ‘Ōiwi (cultural identity), Ea (self-governance), ‘Āina Momona (healthy lands and people), Pilina (relationships), Waiwai (shared wealth), Ke Akua Mana (spirituality)<sup>2</sup>;
- Strengthened capability for ‘ohana to meet living needs, including housing<sup>3</sup>; and
- Strengthened economic capability and resilience for ‘ohana, Native Hawaiian communities, and Hawaiian-owned Businesses to build and sustain generational wealth and economic systems that are regenerative, sustainable and reflective of ‘ike kūpuna<sup>4</sup>.
- Strengthened sense of long-term permanence for OHA beneficiaries; and
- Successful establishment of an ahupua‘a and konohiki system which includes housing, food production, utility and broadband infrastructure, economic development, and mālama of iwi kūpuna.

Stewardship of Mauna‘ala reinforces OHA’s commitment to maintaining sacred lands with cultural integrity and reverence; supports spiritual, cultural, and emotional well-being by ensuring a connection to the past and to Hawaiian heritage; and exemplifies Native Hawaiian self-determination through asserting cultural and historical governance over this sacred site.

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<sup>1</sup> See [https://www.oha.org/wp-content/uploads/MiMO\\_StrategicPlan-1.pdf](https://www.oha.org/wp-content/uploads/MiMO_StrategicPlan-1.pdf).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

### **III. BACKGROUND & DISCUSSION**

#### **A. Legal Basis for Land Transfer & Alignment to OHA’s Strategic Plan**

##### **Legal Basis**

The legal bases for the proposed action are rooted in Hawai‘i Revised Statutes (H.R.S.), Title 1, Chapter 10, which describes the purposes and powers of the Office of Hawaiian Affairs.

Per H.R.S. § 10-3, OHA’s purposes include, in relevant part: “(1) The betterment of conditions of native Hawaiians,” and “(2) the betterment of conditions of Hawaiians.”

Per H.R.S. § 10-4 (2), OHA, under the direction of the Board of Trustees, shall have to power to “acquire in any lawful manner any property, real, personal, or mixed, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; and to sell, lease, or otherwise dispose of the same at such time, in such manner and to the extent necessary or appropriate to carry out its purpose.”

Per H.R.S. § 10-5, in relevant part, the Board shall have the power in accordance with law to:

(1) Manage, invest, and administer the proceeds from the sale or other disposition of lands, natural resources, minerals, and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section 10-3...

(2) Exercise control over real and personal property set aside to the office by the State of Hawaii, the United States of America, or any private sources, and transferred to the office for native Hawaiians and Hawaiians...

(6) delegate to the administrator, its officers and employees such powers and duties as may be proper for the performance of the powers and duties vested in the board.

##### **Alignment of Land Acquisition to OHA Strategic Plan**

OHA’s Strategic Plan, “Mana I Maui Ola”<sup>5</sup> (Strength to Wellbeing) includes three foundations: ‘Ohana (family), Mo‘omeheu (culture), and ‘Āina (land and water). OHA recognizes these foundations have the power to affect the wellbeing of Native Hawaiians. Therefore, these foundational aspects of Kānaka ‘Ōiwi are woven into OHA’s plans to affect change in the areas of education, health, housing, and economics. Through these four directions, OHA has implemented strategies, aligned with our

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<sup>5</sup> For Mana I Maui Ola Strategic Plan (2020-2035), see <https://www.oaha.org/about/mana-to-maui-ola>.



foundations and directions to achieve our envisioned outcomes for a thriving and abundant Lāhui.

To mālama Hawai‘i’s people and environmental resources, and OHA’s assets, toward ensuring the perpetuation of the culture, the enhancement of lifestyle and the protection of entitlements of Native Hawaiians, OHA must enable the building of a strong and healthy Hawaiian people and Lāhui, recognized nationally and internationally. Through the identification of health outcomes determined to strengthen ‘Ōiwi (cultural identity), Ea (self-governance), ‘Āina Momona (healthy lands and people), Pilina (relationships), Waiwai (shared wealth), and Ke Akua Mana (spirituality), OHA must advance policies, programs and practices that strengthen the health of the ‘āina and mo‘omeheu, and further strengthen Hawaiian resource management knowledge and skills to meet the needs of Kānei‘olouma.

By executing this land transfer with the Hawai‘i State DLNR, OHA has an opportunity to accomplish the following Mana i Maui Ola strategic outcomes:<sup>6</sup>

#### **4.1. Preservation and perpetuation of Hawaiian language, culture, traditions, identity and sense of Lāhui.**

Mauna‘ala, as a sacred site and the final resting place of our ali‘i, holds immense cultural and historical significance. It symbolizes the continuity of Hawaiian sovereignty and the depth of the Hawaiian people's connection to their history. By placing this site under the stewardship of OHA, an organization dedicated to advancing the well-being of Native Hawaiians, the cultural and spiritual importance of Mauna‘ala would be respected and amplified in ways that prioritize Hawaiian values and practices.

OHA, as an entity focused on promoting the welfare of their people, is uniquely positioned to protect and manage such a sacred site in a culturally sensitive and informed manner. With a deep understanding of Hawaiian traditions and language, OHA would be able to ensure that Mauna‘ala is preserved in a way that aligns with Hawaiian cultural practices, guiding its management with respect for the traditions and protocols that have governed the site for generations. This alignment with Native Hawaiian leadership ensures that Mauna‘ala is not just preserved physically, but that its cultural significance continues to be upheld and honored.

One of the key benefits of this transfer would be the opportunity to further incorporate Hawaiian language and cultural practices into the site's management and interpretation. With OHA’s commitment to language revitalization and cultural preservation, the site could become a hub for educational programs and cultural activities that prioritize the Hawaiian language. Hawaiian language signage, guided tours, and educational materials could be provided to ensure that visitors not only learn about the

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<sup>6</sup> See [https://www.oaha.org/wp-content/uploads/MiMO\\_StrategicPlan-1.pdf](https://www.oaha.org/wp-content/uploads/MiMO_StrategicPlan-1.pdf).

history of Mauna‘ala but also engage with the language that is an integral part of the Hawaiian identity. This would help nurture the Hawaiian language in a living, functional context and increase its visibility in public spaces.

This potential transfer offers OHA an opportunity to reinvigorate traditional Hawaiian cultural practices, including ceremonies and protocols, which have historically been part of Mauna‘ala. These practices, which are rooted in Hawaiian cosmology, spirituality, and identity, are best understood and carried out by those who are deeply embedded in the Hawaiian community.

Through the stewardship of Mauna‘ala, OHA would be positioned to strengthen Hawaiian identity in both a cultural and political sense. It would serve as a symbol of Ea and Native Hawaiian and self-determination, affirming the ability of Hawaiians to care for and maintain their sacred places and cultural heritage. The continued presence of Mauna‘ala within the Hawaiian community under OHA's leadership would provide a tangible connection to Hawaiian royalty and history, reinforcing a sense of pride, unity, and resilience within the Hawaiian people. By transferring the site, the state would be acknowledging the importance of Native Hawaiian governance over its cultural and historical assets, reinforcing the broader movement toward cultural sovereignty and self-determination for future generations.

#### **4.2. Increase community stewardship of Hawai‘i’s natural and cultural resources that foster connection to ‘āina, ‘ohana, and communities.**

As a sacred site with strong ties to Hawaiian history, Mauna‘ala is an integral part of the collective identity of the Hawaiian people. By placing the stewardship of this site under the care of OHA, it empowers the community to take an active role in preserving and nurturing both the physical and cultural aspects of the land. This process would not only honor the history of the site but also strengthen the relationship between Hawaiians and the land by promoting greater involvement from local communities in its preservation.

OHA has long prioritized initiatives that bring Native Hawaiians closer to their cultural heritage and natural environment. If Mauna‘ala were managed by OHA, the land would be stewarded in a way that integrates Hawaiian cultural practices, values, and traditions. Such stewardship involves not just the physical care of the site but also the revitalization of cultural practices, such as traditional agricultural methods, ceremonies, and community gatherings. In this way, OHA can help foster a holistic sense of connection to the ‘āina, reinforcing the Hawaiian worldview that the land is sacred and must be cared for as a living entity. This shift would naturally encourage communities to engage more deeply with their natural surroundings and participate in hands-on activities that promote environmental sustainability.

**Action Item ILM #25-02: Approve the completion of due diligence and to coordinate the transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs.**

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By involving families and local groups in the caretaking of Mauna‘ala, OHA would facilitate programs that allow individuals of all ages to engage with the land in meaningful ways, whether through educational workshops, volunteer efforts, or cultural ceremonies. These activities would not only serve as opportunities for learning but also strengthen the intergenerational transmission of Hawaiian cultural knowledge.

Incorporating community-based stewardship models into the management of Mauna‘ala would also foster a stronger sense of ownership and responsibility among local residents. The more that individuals feel personally connected to the land and its cultural heritage, the more likely they are to participate in its protection. OHA has a history of engaging Hawaiian communities in meaningful ways, and its efforts to include the broader Hawaiian public in the decision-making process surrounding the mausoleum would empower local communities to take charge of their cultural spaces. This would be a vital step toward re-establishing the trust between Native Hawaiians and governmental institutions, ensuring that the care of these sacred places reflects the collective will of the community.

As OHA continues to work toward Ea for Native Hawaiians, empowering the community to steward sites like Mauna‘ala aligns with the greater goal of fostering resilience and sustainability in both the natural and cultural landscapes. The increased sense of belonging that comes with direct involvement in the care of sacred sites would deepen the connections between Hawaiians, their ‘ohana, and ‘āina, creating a more sustainable future for the preservation of the land and culture. In this way, the stewardship of Mauna‘ala by OHA would not only enhance local engagement but also contribute to a broader movement of cultural revitalization and environmental protection throughout Hawai‘i.

**4.3. Increase restoration of Native Hawaiian cultural sites, landscapes, kulāiwi and traditional food systems.**

Stewardship of Mauna‘ala by OHA would allow for a more culturally grounded approach to its management, rooted in Native Hawaiian traditions. By returning this sacred site to the control of an organization committed to the well-being of Native Hawaiians, OHA could facilitate the revitalization of cultural practices and the restoration of the land in a way that aligns with Hawaiian values and worldviews.

OHA's greater involvement in managing Mauna‘ala could lead to the restoration of the surrounding landscape in a manner that honors traditional Hawaiian environmental knowledge. Hawaiians have a deep-rooted connection to the land, and traditional practices such as sustainable agriculture, water management, and forest restoration are vital to the long-term health of Hawai‘i’s ecosystems. By utilizing indigenous methods of land stewardship, OHA would be able to restore the kulāiwi of Mauna‘ala to a state that reflect its spiritual significance.

**Action Item ILM #25-02: Approve the completion of due diligence and to coordinate the transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs.**

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The transfer of Mauna‘ala to OHA also poses the potential to strengthen community involvement in the restoration process. Community-based restoration projects would empower individuals and families to take an active role in reclaiming their cultural heritage. This active participation would not only restore the physical landscape but also help re-establish cultural practices and a sense of belonging, as individuals reconnect with their ancestral traditions.

OHA remains committed to creating best practices for co-stewardship of this historical site, including following Hawaiian protocols (loina) and kapu in managing Mauna‘ala; collaborating with the ali‘i trusts, royal societies, and Hawaiian civic clubs through the Mālama Mauna‘ala Working Group; engaging stakeholders and the broader community to ensure alignment with cultural and historical values; and, emphasizing community-led governance, traditional ecological knowledge, and culturally respectful practices in site management.

## **B. Location and General Property Information**

Mauna‘ala is located in the ahupua‘a of Nu‘uanu in the moku of Kona on the island of O‘ahu. The parcel is situated adjacent to Nu‘uanu Avenue located at 2261 Nu‘uanu Avenue



*Image 1. Location of 2261 Nu‘uanu Avenue on O‘ahu.*



*Image 2. Map of TMK (1) 2-2-021:012.<sup>7</sup>*

The parcel is specifically identified as TMK (1) 2-2-021:012 and is a residential parcel zoned for residential use encompassing 3.341 total acres. The property is owned by the DLNR and has trust land status. Per the City and County of Honolulu, the total property assessed value is \$2,691,500 for 2025.<sup>8</sup>

### **C. Cultural & Historical Significance**

Mauna‘ala remains one of Hawai‘i’s most revered and treasured places, embodying the spiritual, cultural, and historical legacy of the Hawaiian Kingdom. It stands as the eternal resting place for Hawai‘i’s ali‘i, with the exception of King Kamehameha Pai‘ea and HM King William Charles Lunalilo and includes many consorts and significant members of Hawai‘i’s royal families. This sacred wahi kūpuna (ancestral place) is unparalleled in its significance, housing the remains of leaders who shaped the history and identity of Hawai‘i.

Mauna‘ala’s importance extends beyond its role as a burial site; it is a living testament to the continuity of Hawaiian culture, governance, and identity. The royal

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<sup>7</sup><https://qpublic.schneidercorp.com/Application.aspx?AppID=1045&LayerID=23342&PageTypeID=4&PageID=9746&Q=982153089&KeyValue=220210120000>.

<sup>8</sup> Ibid.

mausoleum is home to five publicly known tombs—the Kamehameha Tomb, the Kalākaua Crypt, the Wyllie-Rook Tomb (Queen Emma’s ‘ohana), the John Young Burial Place, and the Tomb of Princess Abigail Kawānanakoa—along with numerous unmarked graves believed to belong to kaukau ali‘i (chiefly retainers) and other significant individuals. Surrounding the Mauna‘ala Chapel, these graves are complemented by the treasured artifacts within the Chapel, including kāhili (feather standards), pūlo‘ulo‘u (kapu sticks), pews, and biers.

Despite its immense cultural and spiritual value, Mauna‘ala has suffered from decades of mismanagement and neglect under the stewardship of the Department of Land and Natural Resources (DLNR). The lack of consistent inspections and culturally appropriate care has diminished the sanctity of this sacred site. For example, the caretaker’s residence, built in the 1990s, has required extensive renovations twice, with the latest costing \$300,000. Such neglect underscores the inadequacy of a "state department" approach to the stewardship of a site as sacred and significant as Mauna‘ala.

The recent burial of Princess Abigail Kinoiki Kekaulike Kawānanakoa in March 2024 highlights the ongoing importance of Mauna‘ala as a living site of cultural and historical relevance. The sacred grounds continue to serve as a place of reverence and connection for the descendants of Hawai‘i’s ali‘i and the broader Hawaiian community.

The stewardship of Mauna‘ala must be elevated to reflect its profound significance. The grounds and structures demand meticulous care and preservation guided by traditional Hawaiian protocols and values. This stewardship should involve a collaborative approach, engaging Native Hawaiian organizations, royal societies, and other key stakeholders to honor the ali‘i interred there and the cultural integrity of the site. Mauna‘ala’s continued care and protection are imperative for the preservation of Hawaiian identity, history, and spiritual well-being, ensuring that this sacred wahi kupuna remains a beacon of Hawaiian heritage for generations to come.

## **D. Current Stewardship Model**

The current stewardship model raises serious concerns about the wisdom and appropriateness of the DLNR as stewards of Mauna‘ala. Since 1967, Mauna‘ala has been under the custody of DLNR. Prior to this, it was managed as an inventory property under the Department of Accounting and General Services, and before that, it was included in the Public Works inventory.

Over the past 70 years, the role of Curator at Mauna‘ala was filled by individuals who upheld traditional values and practices. ‘Iolani Luahine, respected Kumu Hula, Lydia Nāmahana (Taylor) Maioho served as Curator until 1995, after which her son William "Bill" Maioho assumed the position. Upon Bill Maioho’s passing, the veneration of stewardship seemed wane. The upkeep and monitoring of the degradation of the Caretakers

house became evident by even the general public and visitors. Even though Bill’s son, William Bishop Kaihe‘ekai Maioho intended to uphold the family’s stewardship as Kahu, it became obvious that Kaihe‘ekai, could not uphold the tradition. He resigned in June 2023. Though the Curator position was a state appointment, tradition honored descendants of High Chief Hoapili, with few exceptions. Notably, the title "Kahu" was first introduced by Bill Maioho, replacing prior designations such as "Curator," "Caretaker," or "Custodian."

In 2024, DLNR diverged from tradition by appointing Doni Leinā‘ala Chong as both Curator and Administrator, breaking from the longstanding practice of selecting individuals with ties to the Hoapili lineage. While non-Hoapili appointments are not unprecedented, the real issue lies in the DLNR’s complete disregard for stakeholder engagement during the selection process. Historically, appointments involved consultation with key Native Hawaiian stakeholders, including royal societies, ali‘i trusts, and civic organizations, as demonstrated in the selection processes dating back to the 1940s with William Edward Bishop Kaihe‘ekai Taylor.

Under the guidance of DLNR’s Chair, multiple missteps undermined the integrity of the selection process and stewardship:

1. **Disregard for Stakeholder Input:** Letters from OHA, Hawaiian Royal Societies, and the Association of Hawaiian Civic Clubs were ignored, sidelining key voices in decisions regarding Mauna‘ala’s care.
2. **Deviation from Established Processes:** The hiring process used for selecting the previous Kahu in 2015 was disregarded. Instead, the position was framed as that of an "Administrator" rather than a "Kahu," diluting the role’s cultural and spiritual significance.
3. **Neglect of Infrastructure Needs:** Persistent neglect of the caretaker’s residence and the grounds has led to ongoing deterioration. The caretaker’s home is currently undergoing its second extensive renovation since its construction in the 1990s, with costs nearing \$300,000.

This pattern of neglect and exclusion underscores the unsuitability of DLNR as stewards of Mauna‘ala. The lack of culturally grounded oversight has not only disrespected the sacred nature of this site but also jeopardized its physical and spiritual integrity. These failures highlight the urgent need for a new stewardship model led by OHA, which possesses the cultural expertise and community trust necessary to honor and protect Mauna‘ala for future generations.

## **E. Property Condition**

### **Structures & Existing Infrastructure**



**Action Item ILM #25-02: Approve the completion of due diligence and to coordinate the transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs.**

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Mauna‘ala is home to several notable structures and infrastructure that reflect its historical and cultural significance. The main feature of the property is the mausoleum itself, which houses the remains of many ali‘i, including King Kamehameha II, King Kamehameha IV, Queen Emma, and other members of the royal family. The mausoleum building is a unique structure, designed in a blend of traditional Hawaiian and Western architectural styles. Its exterior features a large, imposing stone structure with a prominent dome, offering a solemn atmosphere that matches the sacred nature of the site. Inside, the mausoleum is decorated with various commemorative plaques, historical markers, and symbols representing the Hawaiian monarchy. Other existing structures include the Kalākaua Crypt, the Kamehameha Tomb, the John Young Tomb, the Charles Reed Bishop Tomb, the Wyllie Tomb, the Abigail Kawanānakoia Tomb, the caretaker’s residence, a comfort station, and site areas.

Adjacent to the mausoleum is the Kapuāiwa Royal Mausoleum Chapel, which has also served as a place for quiet reflection and prayer. This chapel has been part of the site since its creation and is integral to the site’s spiritual significance. It has been maintained and used for ceremonial purposes, with occasional royal events and memorials held within its walls. The chapel, with its simple yet elegant design, also embodies the fusion of traditional Hawaiian and Christian influences that were prevalent during the period of the Hawaiian monarchy. Its architecture, while modest, reflects the reverence Hawaiians held for their royalty and the sacredness of the space.

In addition to the main structures, Mauna‘ala is also equipped with certain practical infrastructure elements, such as pathways, fencing, and lighting. These elements are intended to provide both safety and accessibility to visitors while maintaining the site’s integrity. Other Infrastructure includes historic wrought iron fences and gates. Roadway, markers, stone walls, and other elements on the site are also contributing features.

Despite the existing structures and infrastructure, there is ongoing conversation regarding the need for further restoration and revitalization of Mauna‘ala. This includes potential updates to infrastructure, such as enhanced visitor facilities, more educational signage, and the development of programs that engage the community in cultural and historical education. Renovations occurred in 1922, 1974, 1987, and 2024 respectively. There is ongoing cyclical maintenance of structures and grounds. With respect to the Mauna‘ala cottage repair and renovation project, the residential curator’s underwent necessary interior repair and renovation during the period of July 2024 through November 2024. A trailer is in position as a temporary office until the cottage renovation is completed. Previous maintenance efforts for the structures located at Mauna‘ala are listed below:

- Kawānānakoia Tomb - Cleaning the surfaces of the tomb at least every other year to remove mold growth and annual inspection.
- A major restoration of the Chapel was done from 1978 to 1984.

**Action Item ILM #25-02: Approve the completion of due diligence and to coordinate the transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs.**

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- The Kamehameha Tomb and Charles Reed Bishop Monument were cleaned and repaired in 1987.
- Extensive work was done on the Kalākaua Crypt in 1992.
- Additional work was conducted between 2008 and 2012, including the repair of walls and fences, repairs to the Chapel, repairs to the Kalākaua Crypt, repairs to the Kamehameha Tomb, and minor repairs to the John Young Crypt in accordance with the Existing Condition Report for Mauna‘ala from December 2007.

**Access, Easements, and Restrictions**

Access to the property is primarily provided via Nuuanu Avenue, leading visitors to the entrance of the mausoleum. However, given the site's sacred nature, the primary intent is to limit and regulate the number of visitors to ensure the solemnity and dignity of the space. Access is typically restricted to those with specific purposes, such as visiting the gravesites of Hawaiian royalty, participating in cultural ceremonies, or engaging in educational activities.

In addition to public access, the Mauna‘ala property is subject to various easements that allow for the provision of essential utilities and services. These easements enable the installation and maintenance of infrastructure such as water, electricity, sewer, and telecommunications systems that are necessary for the operation and upkeep of the site. However, these easements are carefully regulated to minimize their impact on the visual and environmental integrity of the property. Utility lines and other infrastructure elements must be discreetly integrated into the landscape to avoid disrupting the cultural and aesthetic aspects of the mausoleum and its surroundings. Any changes or expansions to these easements typically require approval from relevant authorities to ensure they align with the property’s cultural preservation goals.

Restrictions on the Mauna‘ala Royal Mausoleum property are primarily focused on maintaining the site’s sanctity and cultural significance. Due to its role as the final resting place for members of the Hawaiian royal family, there are strict guidelines regarding the activities allowed on the property. Unauthorized construction, alterations, or modifications to the structures or landscape are prohibited, ensuring that the historic integrity of the mausoleum remains intact. Additionally, activities such as commercial filming, large-scale events, or public gatherings that might disrupt the solemn nature of the site are often restricted. These measures help protect the sacredness of the space and ensure that it remains a place of reverence and reflection for all who visit.

As the site is sacred to Native Hawaiians, cultural protocols are paramount. Ceremonies or rituals must be conducted in a manner that aligns with Hawaiian customs and is often overseen by cultural practitioners or elders. To preserve these practices, certain restrictions are in place to prevent activities that could infringe upon the land’s spiritual significance. These protocols often extend to the types of events or visitors allowed at the site, ensuring that the space is used appropriately and respectfully.

Mauna‘ala property is also subject to zoning and land use regulations that provide additional restrictions and guidelines for its management and preservation. These regulations ensure that the site remains consistent with its cultural purpose and prevents any activities that could potentially damage or detract from its significance. The land use and zoning restrictions help safeguard Mauna‘ala as an important piece of Hawaiian heritage, supporting ongoing efforts to maintain its historical integrity for future generations.

The drainage systems at Mauna‘ala are an essential component of its infrastructure, ensuring that water is effectively managed to protect the site’s historical structures and surrounding landscapes. Given the property's location in Nu‘uanu Valley, where rainfall can be significant, proper drainage helps prevent flooding and water accumulation that could damage the mausoleum, chapel, and gardens. The system is designed to channel excess water away from critical areas, such as burial sites and cultural landmarks, to maintain the site's integrity. Additionally, the drainage system plays a role in preserving the lush landscaping and native vegetation by promoting proper water flow without causing erosion or waterlogging. Careful management of drainage is vital to maintaining both the aesthetic and environmental quality of the sacred site.

### **Utilities**

While primarily a cultural and historical site, Mauna‘ala is equipped with essential utilities to support its operation and maintenance. Electric power is supplied to the site, providing lighting for the mausoleum and surrounding grounds, as well as electricity for any on-site facilities such as the chapel and administrative buildings. The electric infrastructure is necessary to ensure the safety and functionality of the site, particularly for lighting key areas and supporting maintenance activities. However, given the historic and sacred nature of the property, there is a focus on ensuring that the infrastructure remains unobtrusive and respectful of the cultural significance of the location.

Water services at the Mauna‘ala property are crucial for both the maintenance of the grounds and the preservation of the site’s landscaping. The property relies on water for irrigation, keeping the gardens and surrounding areas lush and visually appealing. Proper hydration of plants also helps preserve the cultural and environmental integrity of the site, especially as efforts are made to restore and rejuvenate native Hawaiian plant species. Additionally, water is necessary for sanitation and for maintaining cleanliness in any structures such as restrooms or facilities used by staff or visitors. Like the electric infrastructure, water systems are integrated in a way that minimizes their visual impact, ensuring that the natural beauty of the site remains the focal point.

The property also utilizes a sewer system to manage waste and ensure the site remains clean and hygienic for visitors and staff. Given the nature of Mauna‘ala as a sacred site with historical and ceremonial importance, the sewer system is an essential

component to ensure that the mausoleum and its surrounding areas are properly maintained. Waste management infrastructure is important not only for the comfort of visitors but also for environmental health, particularly since the site is situated in an area with unique vegetation and wildlife. The systems in place are designed to meet the functional needs of the site while also being respectful of the surrounding environment.

Telecommunications infrastructure, including telephone and internet services, is another important utility on the Mauna‘ala property. These services are necessary for operational purposes, allowing staff to manage the site efficiently, communicate with visitors or other government entities, and maintain a level of security at the site. While the primary function of the site is cultural and historical preservation, telecommunications are crucial for the modern operations of the mausoleum, including managing visitor information, scheduling events, and addressing logistical needs. However, it is important that such systems are discreetly integrated into the property to avoid disrupting the serene and traditional atmosphere of Mauna‘ala.

Refuse and garbage collection is also an essential utility for Mauna‘ala, helping to maintain the cleanliness and integrity of the site. Waste management services are necessary to handle the trash generated by visitors, staff, and any events held on the property. Given the site's status as a public space, responsible waste disposal is crucial for both environmental sustainability and the respect for its cultural significance. Regular garbage collection ensures that the property remains pristine and suitable for reflection, ceremonies, and visits. In line with efforts to preserve Hawaiian traditions, there may be opportunities to incorporate sustainable waste management practices, such as recycling and composting, to further reflect values of environmental stewardship in the care of Mauna‘ala.

### **Environmental & Cultural Resources**

In addition to the royal resting places of our ali‘i, the mausoleum itself is an important cultural resource. Designed in a blend of traditional Hawaiian and Western architectural styles, the structure represents a fusion of cultural influences that marked the era of Hawaiian monarchy. The building's design reflects both Hawaiian reverence for their rulers and the Western aesthetic that became prevalent during the 19th century. The intricate stonework, the large dome, and the religious symbols embedded in the structure provide insight into the cultural exchanges that shaped the Hawaiian kingdom. As a historical and architectural landmark, the mausoleum serves as a physical reminder of the kingdom's history, governance, and cultural identity.

The surrounding gardens and landscaping at Mauna‘ala also serve as significant cultural resources. The property is home to lush tropical plants and trees that not only beautify the site but also hold cultural importance, and in some cases registered historic status.

However, of the utmost importance remains the mana and ‘ike from our ali‘i that reside at Mauna‘ala. Cultural protocols associated with Mauna‘ala, including the ceremonial practices and the respect shown to the site, are an essential part of its cultural resources. The site is governed by Hawaiian traditions, which dictate the proper ways of interacting with the land and the royal graves. Ceremonial events, including annual memorial services for the royal family and other cultural observances, continue to be held at Mauna‘ala, reinforcing its role as a living cultural site. The practice of honoring the ali‘i through hula, chanting, and other cultural protocol is an important cultural resource that perpetuates Hawaiian traditions. These cultural practices help maintain a strong connection between the past and present, ensuring that the site remains a vibrant space for learning, remembrance, and cultural continuity.

## **F. Stakeholder Engagement Process**

Over the past year, OHA’s Executive Administration, Strategy & Implementation Division, alongside OHA’s Legacy Land team, have been consulting with the DLNR, the Governor’s office, State legislators, the ali‘i trusts, royal societies, and Hawaiian civic clubs through the Mālama Mauna‘ala Working Group, as well as community members about the proposed land transfer.

Throughout these engagements, OHA was fortunate to have Senator Lorraine Inouye sponsor Senate Bill 4<sup>9</sup> which seeks to transfer all rights, powers, functions, and duties of the DLNR regarding the stewardship of Mauna‘ala to the Office of Hawaiian Affairs. As this piece of legislation could effectuate a full transfer of Mauna‘ala to OHA, it is imperative that this bill be monitored and supported to the fullest extent throughout the 2025 legislative session.

## **G. Preliminary SWOT Analysis**

With the information gathered to date, a high-level preliminary SWOT analysis of a potential transfer of Mauna‘ala into OHA’s Legacy Lands portfolio is provided below for consideration.

### Strengths

- Strategic Alignment: Aligns with Ch. 10 mandate and Mana i Maui Ola strategic directions and outcomes
- Purchase Price: No purchase price
- Stakeholder Concurrence: State legislators, the ali‘i trusts, royal societies, and Hawaiian civic clubs supportive of transfer to OHA

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<sup>9</sup> See [https://www.capitol.hawaii.gov/sessions/session2025/bills/SB4\\_.pdf](https://www.capitol.hawaii.gov/sessions/session2025/bills/SB4_.pdf).

**Action Item ILM #25-02: Approve the completion of due diligence and to coordinate the transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs.**

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Weaknesses and Proposed Mitigation Strategies

- Reluctancy from DLNR
  - *Work with DLNR to come to a unilateral agreement about what is best for the future of Mauna‘ala*
- Risk Exposure: Fidelity to property boundaries, royal burial site, access, theft, and flooding/drainage issues
  - *Develop action plan with community to support compliance measures and safety updates*
- Environmental Concerns: Invasive species
  - *Develop/support a vegetation maintenance plan for invasive species mitigation and repurposing opportunities*

Opportunities

- Ensure Permanency: Ensure the proper preservation and mālama of ali‘i at rest; Ensures lands are held in trust for the benefit of Native Hawaiians
- Stewardship: Potential to demonstrate stewardship of sacred ‘āina
- Facilitate Ea: Support beneficiary rights to practice self-determination, self-governance, and cultural religious/spiritual practices

Threats and Proposed Mitigation Strategies

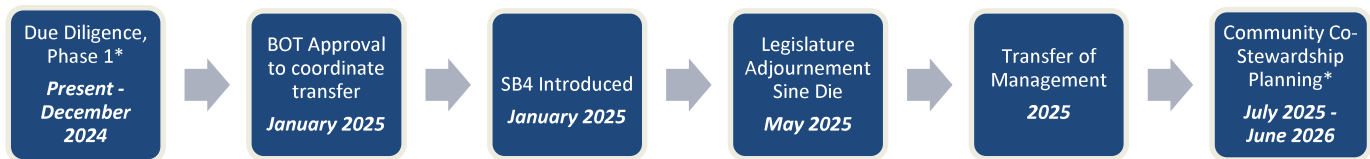
- Public Perception: As always, OHA will be exposed to public critique
  - *Manage, communicate, and operate with integrity*
- Stability of Transfer: Unless a title transfer, management authority can be overturned with change of administration
  - *Work with DLNR, State Legislators, and Governor’s office to formalize a permanent agreement*

#### **IV. TIMEFRAME**

The timeframe surrounding the potential acquisition of this parcel is quite unique in nature due to the verbal support expressed by the Governor’s Office. Should the strict timeline below be executed by the Office of Hawaiian Affairs Administration and BOT, the Governor has verbally expressed interest in announcing the transfer at his next State of the State address scheduled for January 21, 2025. This presents an excellent opportunity for OHA to publicly announce progress and efforts underway alongside support from the Governor of the State of Hawai‘i.

**Action Item ILM #25-02: Approve the completion of due diligence and to coordinate the transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs.**

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## **V. RECOMMENDATION**

Approve the completion of due diligence and authorize the CEO to:

- 1) Coordinate the transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs;
- 2) Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for phase two due diligence to inform the potential transfer of land from the DLNR to OHA;
- 3) Take all other reasonable actions necessary and appropriate to implement the foregoing.

## **VI. ALTERNATIVES**

- A. Take no action. Cease all further efforts.
- B. Further information is needed. Do not approve the completion of due diligence and do not authorize the CEO to coordinate the transfer of Mauna‘ala, Nu‘uanu, O‘ahu to the Office of Hawaiian Affairs.

## **VII. REFERENCES**

1. See [https://www.oha.org/wpcontent/uploads/MiMO\\_StrategicPlan-1.pdf](https://www.oha.org/wpcontent/uploads/MiMO_StrategicPlan-1.pdf).
2. See <https://qpublic.schneidercorp.com/Application.aspx?AppID=1045&LayerID=23342&PageTypeID=4&PageID=9746&Q=982153089&KeyValue=2202101200>.
3. See [https://www.capitol.hawaii.gov/sessions/session2025/bills/SB4\\_.pdf](https://www.capitol.hawaii.gov/sessions/session2025/bills/SB4_.pdf).
4. See [https://ksdigitalfiles.ksbe.edu/elearn/huakai/maunaala2/maunaala\\_en/maunaala\\_main.Html](https://ksdigitalfiles.ksbe.edu/elearn/huakai/maunaala2/maunaala_en/maunaala_main.Html).
5. Hawaii Administrative Rules, Title 13, Department of Land and Natural Resources, Subtitle 6, State Sarks, Shapter 146, Hawai‘i State Park System, 1981.





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**Board Packet**

**IV. New Business**

- C. **Action Item ILM #25-03:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei'olouma Heiau Complex, Kōloa, Kaua'i to the Office of Hawaiian Affairs\*



**OFFICE OF HAWAIIAN AFFAIRS**  
Action Item

**COMMITTEE ON INVESTMENTS & LAND MANAGEMENT**

**January 22, 2025**

**ILM #25-03**

**Action Item Issue:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs.

**Co-prepared by:**  Jan 17, 2025

Kū‘ikeokalani Kamakea-‘Ōhelo  
Director of ‘Ōiwi Wellbeing and ‘Āina Momona  
Date

**Co-prepared by:**  Jan 17, 2025

Lori K. Walker  
Interim Land Assets Director  
Date

**Reviewed by:**  Jan 17, 2025

Ramona G. Hinck  
Chief Financial Officer  
Date

**Reviewed by:**  Jan 17, 2025


Everett Ohta  
Interim General Counsel  
Date

**Reviewed by:**  Jan 17, 2025

Kēhaulani Pu‘u  
Chief Operating Officer  
Date

**Reviewed by:**  Jan 17, 2025

Stacy K. Ferreira  
Chief Executive Officer  
Date

**Reviewed by:**  Jan 17, 2025

Keoni Souza  
Chairperson, ILM Committee  
Date

## **Table of Contents**

I.	PROPOSED ACTION .....	1
II.	ISSUE .....	2
III.	BACKGROUND & DISCUSSION .....	2
A.	Legal Basis for Land Inclusion & Alignment to OHA’s Strategic Plan.....	2
B.	Location and General Property Information .....	10
C.	Cultural & Historical Significance .....	12
D.	Current Stewardship Model .....	14
E.	Property Condition .....	15
F.	Stakeholder Engagement Process .....	18
G.	Preliminary SWOT Analysis.....	19
IV.	TIMEFRAME .....	20
V.	BUDGET AUTHORIZATION .....	20
VI.	BUDGET CERTIFICATION .....	20
VII.	RECOMMENDATION .....	21
VIII.	ALTERNATIVES.....	22
IX.	REFERENCES.....	22

**Action Item ILM #25-03: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs.**

## **I. PROPOSED ACTION**

Approve and authorize the CEO to delegate to OHA administration the authority to:

- 1) Undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs;
- 2) Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for phase two due diligence to inform the potential transfer of land from the County of Kaua‘i to OHA;
- 3) Increase the budget for the Land Assets Program (Program Code 8300) up to \$50,000 to cover necessary costs incurred for, or associated with the due diligence phase, subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Realignments;
- 4) Take all other reasonable actions necessary and appropriate to implement the foregoing.

To clarify, this action item seeks BOT approval of the due diligence phase 1, and authorization of OHA Administration to undertake due diligence phase 2 as a part of OHA’s broader interest in supporting an ahupua‘a stewardship model throughout Hawai‘i. Due diligence phase 2 will seek to expend OHA trust funds to solicit third-party review if the following areas needing further exploration:

- 1) Risk Assessment
  - a. Invasive flora and fauna
  - b. Unpermitted structures, cesspools and burial sites
  - c. Running bodies of water
  - d. Fire threats
  - e. Unsecured access
- 2) Risk Mitigation Action Plan
- 3) Financial Considerations
  - a. Economic development potential/business plan
  - b. Ongoing management needs and costs
  - c. 1, 5, 10-year projected budget
- 4) Community Plan/Management Plan

## **II. ISSUE**

Should the Board of Trustees authorize the CEO to delegate to OHA administration the authority to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs for the following purposes and in accordance with the below directional outcomes from the Mana i Maui Ola: OHA’s 15-Year Strategic Plan for 2020-2035<sup>1</sup>:

- Strengthened ‘Ōiwi (cultural identity), Ea (self-governance), ‘Āina Momona (healthy lands and people), Pilina (relationships), Waiwai (shared wealth), Ke Akua Mana (spirituality)<sup>2</sup>;
- Strengthened capability for ‘ohana to meet living needs, including housing<sup>3</sup>; and
- Strengthened economic capability and resilience for ‘ohana, Native Hawaiian communities, and Hawaiian-owned Businesses to build and sustain generational wealth and economic systems that are regenerative, sustainable and reflective of ‘ike kūpuna<sup>4</sup>.
- Strengthened sense of long-term permanence for OHA beneficiaries; and
- Successful establishment of an ahupua‘a and konohiki system which includes housing, food production, utility and broadband infrastructure, economic development, and mālama of iwi kūpuna.

## **III. BACKGROUND & DISCUSSION**

### **A. Legal Basis for Land Transfer and Alignment to OHA Strategic Plan**

#### **Legal Basis**

Per HRS §10-3(1) OHA’s purposes include, in relevant part, “the betterment of conditions of native Hawaiians” and subsection (2) “the betterment of conditions of Hawaiians.”

Further explained in HRS §10-4(2), OHA, under the direction of the BOT, shall have the power to “acquire in any lawful manner any property, real, personal, or mixed, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; and to sell, lease, or otherwise dispose of the same at such time, in such manner and to the extent necessary or appropriate to carry out its purpose.”

According to HRS §10-5, in relevant part, the BOT shall have the power in accordance with law to:

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<sup>1</sup> See [https://www.oha.org/wp-content/uploads/MiMO\\_StrategicPlan-1.pdf](https://www.oha.org/wp-content/uploads/MiMO_StrategicPlan-1.pdf).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

**Action Item ILM #25-03: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs.**

(1) Manage, invest, and administer the proceeds from the sale or other disposition of lands, natural resources, minerals, and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section 10-3.

(2) Exercise control over real and personal property set aside to the office by the State of Hawaii, the United States of America, or any private sources, and transferred to the office for native Hawaiians and Hawaiians.

(6) Delegate to the administrator, its officers and employees such powers and duties as may be proper for the performance of the powers and duties vested in the board.

The responsible transfer of land to OHA is a critical action in which OHA must continually invest to fulfill its fiduciary responsibility to protect, preserve, and perpetuate special elements that constitute the essence of Hawaiian identity and Ea, the foundation for self-governance. As stated in Hawai‘i Revised Statutes (HRS) Title 1 Chapter 10H-2, OHA has the legal prerogative to:

...provide for and to implement the recognition of the Native Hawaiian people by means and methods that will facilitate their self-governance, including the establishment of, or the amendment to, programs, entities, and other matters pursuant to law that relate, or affect ownership, possession, or use of lands by the Native Hawaiian people, and by further promoting their culture, heritage, entitlements, health, education, and welfare.

The proposed transfer of the Kānei‘olouma Heiau Complex to OHA also aligns with OHA’s Real Estate Vision, Mission, and Strategy Policy that OHA serve as a receptacle for diverse property that will become “part of a land base to support the future Nation.”<sup>5</sup> Undertaking this action is a logical progression for OHA as it continues to invest in, secure, and protect a land base for the future of its beneficiaries.

### **Alignment of Land Acquisition to OHA Strategic Plan**

OHA’s Strategic Plan, “Mana I Maui Ola”<sup>6</sup> (Strength to Wellbeing) includes three foundations: ‘Ohana (family), Mo‘omeheu (culture), and ‘Āina (land and water). OHA recognizes these foundations have the power to affect the wellbeing of Native Hawaiians. Therefore, these foundational aspects of Kānaka ‘Ōiwi are woven into OHA’s plans to affect change in the areas of education, health, housing, and economics. Through these four directions, OHA has implemented strategies, aligned with our foundations and directions to achieve our envisioned outcomes for a thriving and abundant Lāhui.

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<sup>5</sup> Office of Hawaiian Affairs, *Board of Trustees Board Executive Policy Manual* (October 31, 2024), 151.

<sup>6</sup> For Mana I Maui Ola Strategic Plan (2020-2035), see <https://www.oha.org/about/mana-to-maui-ola>.

**Action Item ILM #25-03: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs.**

To mālama Hawai‘i’s people and environmental resources, and OHA’s assets, toward ensuring the perpetuation of the culture, the enhancement of lifestyle and the protection of entitlements of Native Hawaiians, OHA must enable the building of a strong and healthy Hawaiian people and Lāhui, recognized nationally and internationally. Through the identification of health outcomes determined to strengthen ‘Ōiwi (cultural identity), Ea (self-governance), ‘Āina Momona (healthy lands and people), Pilina (relationships), Waiwai (shared wealth), and Ke Akua Mana (spirituality), OHA must advance policies, programs and practices that strengthen the health of the ‘āina and mo‘omeheu, and further strengthen Hawaiian resource management knowledge and skills to meet the needs of Kānei‘olouma.

By executing this land transfer with the County of Kaua‘i, OHA has an opportunity to accomplish the following Mana i Maui Ola strategic outcomes:

**3.4. Empower communities to take care of iwi kūpuna.**

An archaeological inventory survey of Po‘ipū Beach Mauka Preserve was conducted by Cultural Surveys HI, Inc., in 2005.<sup>7</sup> Habitation, agricultural, animal husbandry, and irrigation features were described. Findings evidence use of the Kānei‘olouma complex dating from the mid-1400’s. The authors note:

“The current inventory survey and previous research has documented the continual use of the Kōloa area from the mid-1400’s to the post-contact historic period. Sites within the current project area also document this history of use from initial traditional agriculture to the later addition of historic functions such as animal husbandry and sugarcane agriculture.”<sup>8</sup>

Eight sites consisting of 68 component features were documented in the survey and recommended for preservation. The authors state:

“All of the identified sites and their component features retain the potential to yield important information concerning the prehistory and history of Kaua‘i and are recommended for passive preservation by the County of Kaua‘i.”<sup>9</sup>

Six of the eight recommended sites were classified by the survey as significant under National Register of Historic Places Criterion D; one site under Criteria C and D; and one site under D and E<sup>10</sup> (definitions below, Table 1).

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<sup>7</sup> Dockall, J.E., Hammatt, H.H., Rainalter, U. & Masciangelo, S. (Cultural Surveys Hawaii, Inc. Kailua HI: 2005). Archaeological Inventory Survey Po‘ipū Beach Park, Mauka Preserve, Kōloa Ahupua‘a, Kona District, Kaua‘i Island. TMK 2-8-14:12.

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.



**Action Item ILM #25-03: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs.**

C	Site is an excellent or unique example of a particular site type, period of occupation, or method of construction.
D	Site has yielded or has the potential to yield information important in prehistory or history.
E	Site has cultural significance, probable religious structures or burials present.

*Table 1. Historic Significance Criteria: Definitions<sup>11</sup>*

Further mentioned in the 2012 Kānei‘olouma Heiau Complex Master Plan is a Royal Cemetery on the property. It states,

“One of the cemetery occupants is Captain Beckley and his royal wife who holds a prominent position in Hawaiian history. He was the adopted son of Kamehameha I, first commander of the fort in Honolulu, sailed all of Kamehameha I trading expeditions to China, west coast and beyond. He is married to the high Chiefess Ahia, the foster sister of Kamehameha I. Why they are here still remains a mystery. There are other royal occupants yet their descendants must be consulted prior to revealing this information.”

Uncle Rupert Rowe has also mentioned during one of OHA’s Mea‘ai and Mana‘o Meetings held on Kaua‘i that there is an iwi kūpuna internment vault under the ki‘i post, along with other known iwi on the parcel identified as Manokalanipō Park.

Further research and archaeological inventory surveys should be conducted to be certain of iwi on the property to best prevent the disruption of any kūpuna at rest located on the parcels. OHA should continue to work with the Hui, the County of Kaua‘i, the Kaua‘i Island Burial Council (KIBC), and the Department of Land and Natural Resources’ (DLNR) State Historic Preservation Division (SHPD) to best ensure complicate with all federal, state, and county laws regarding burial sites.

In lieu of the further research needed regarding any potential iwi kūpuna on the parcel, acquisition of this parcel via transfer to OHA poses and opportunity to ensure that the betterment of the conditions of iwi kūpuna are exercised under OHA’s care and co-stewardship management alongside the Hui and the community.

#### **4.1. Preservation and perpetuation of Hawaiian language, culture, traditions, identity and sense of Lāhui.**

Members of the group, Hui Mālama o Kānei‘olouma, have been the caretakers of the grounds of the Kānei‘olouma Complex during the first decade of the 21st century. The group has an enduring vision and mission to protect, restore, interpret, and share Kānei‘olouma as a public cultural preserve and resource. Cultural experts are recruited

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<sup>11</sup> Ibid.

from various Hawaiian disciplines to work together to assist in this endeavor. Under a stewardship agreement signed in August 2010, the County of Kaua‘i granted formal custodianship of Kānei‘olouma to the group. The importance of this work to all of Kaua‘i has been recognized by inclusion of this project in Mayor Bernard Carvalho’s Holo Holo 2020 Plan.<sup>12</sup>

This sense of the importance of honoring Hawaiian culture, people, and history is shared by many Kaua‘i residents, in increasing numbers. In 2005, 43% of Kaua‘i residents surveyed replied that preservation of the native Hawaiian culture is a “big problem,” versus only 29% in 2002.<sup>13</sup> Consistent with the above, the goals of our interpretive programs are to honor and perpetuate native Hawaiian culture and history and to expand and enrich the cultural aspects of the visitor experience at Po‘ipū.

With the alignment of the Hui’s mission and OHA’s vision to “Ho‘oulu Lāhui”, acquisition of these parcels alongside their community will further allow for collaboration and better equip between both entities to create a vibrant and thriving community that embraces and celebrates the ancestral wisdom, traditions, and values of the Native Hawaiian people. By preserving and promoting the sophisticated religion, language, and culture of the Native Hawaiians, both entities aim to empower current and future generations to forge a harmonious and sustainable future.

#### **4.2. Increase community stewardship of Hawai‘i’s natural and cultural resources that foster connection to ‘āina, ‘ohana, and communities.**

There are multiple components to this complex, including religion, agriculture, and aquaculture (fish ponds). This site also contains the sacred spring of Wai‘ōhai.<sup>14</sup> By some estimates among the richest historical and cultural resources on the island, the complex contains the remnants of a pre-contact Hawaiian village. Elements include extensive walled enclosures, taro patches, irrigation channels, a series of large fishponds, house platforms, cooking areas, house sites for ali‘i, altars, shrines, pōhaku idols, numerous bases for temple images, and terracing throughout (see Image 1 below). At the eastern boundary lie remnants of a rock wall that ran for miles from the ocean toward the mountains, demarcating the historic ahupua'a boundary between Kōloa and Weliweli.

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<sup>12</sup> See <https://www.kaneiolouma.org/assets/docs/Sign5-Kaneiolouma-History.pdf>.

<sup>13</sup> County of Kaua‘i (2006). Kauai Tourism Strategic Plan 2006-2015. at <[http://www.hawaii-tourism-authority.org/default/assets/File/about/Kauai%20County%20TSP\\_FINAL.pdf](http://www.hawaii-tourism-authority.org/default/assets/File/about/Kauai%20County%20TSP_FINAL.pdf)>

<sup>14</sup> Hui Malama O Kānei‘olouma (2010). County of Kauai. Kāne-i-o-lo-u-ma Heiau Complex: Historical Overview. Report presented to Mayor Bernard Carvalho, August 2010.

**Action Item ILM #25-03: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei'olouma Heiau Complex, Kōloa, Kaua'i to the Office of Hawaiian Affairs.**



*Image 1: Aerial view of the Kānei'olouma complex, looking south, September 9, 2011. Selected cultural features are indicated. Aerial photo by Randy Wichman.*

As community participation and volunteer efforts have been guiding principles for the restoration of Kānei'olouma, the importance of volunteers cannot be overemphasized. In order to accomplish restoration of this massive heritage site and its reintegration into daily Kaua'i life, volunteers are needed from the community of Po'ipū, the district, and island wide. Volunteers will dedicate their weekends to repairing pre-historic structures under traditional protocols, much of it in the blazing sun. Their reward is the sense of giving back to something great, the friendships that come from shared work for a goal that benefits all, and the personal pride that comes from preserving heritage. We estimate 8-12 volunteers daily for a fully efficient team. Volunteer labor may be augmented by supervised Community Work Service personnel. It is anticipated that the masons will be hired for a two-year period and will work three days a week, Friday-Saturday-Sunday, 10-hour days, supported by the

volunteers. This weekend schedule allows the volunteer workforce more flexibility to participate and creates a steady momentum for two years.<sup>15</sup>

The Kānei‘olouma restoration project is a volunteer-driven, knowledge-rich, partnership-based endeavor which honors the values, traditions, and achievements of Hawaiian ancestors in southern Kōloa. The work is informed and guided by Hawaiian culture and strengthened by County and community support.<sup>16</sup> Through this potential and transfer OHA has an opportunity to further support current efforts to preserve in perpetuity, for all people, the sacred site at Kānei‘olouma and ensure that its irreplaceable knowledge and heritage are passed on, to the future.

#### **4.3. Increase restoration of Native Hawaiian cultural sites, landscapes, kulāiwi and traditional food systems.**

Henry Kekahuna, the gifted and prolific surveyor, wrote extensively about preserving Hawaiian culture. In a 1959 monograph<sup>17</sup> entitled “A Genuinely Authentic Hawaiian Village for Kaua‘i,” he laid out a descriptive blueprint for restoration of Kānei‘olouma. Kekahuna’s writings sets the framework for the current restoration of Kānei‘olouma being undertaken by the Hui. In this project, preservation activities are dedicated to authentic restoration of the site to its pre-historic state. This involves primarily stabilization and repair of deteriorated structures, and in some cases reconstruction of missing elements.

Under the current Adopt-a-Park agreement with the county of Kaua‘i, the Hui maintains the grounds within the boundaries of Po‘ipū Beach Park Mauka Preserve, including security, landscaping, sign maintenance, and coordination of volunteer efforts by other organizations; and may sponsor volunteer projects and educational tours. Restoration, interpretive work, archaeological excavation and any construction will be subject to approval by the County of Kaua‘i, with consultation from the Kaua‘i Historic Preservation Review Commission and the state Department of Land and Natural Resources State Historic Preservation Division as required.<sup>18</sup>

Other restoration efforts undertaken by the Hui include restoration of the rock walls, fishponds, lo‘i kalo, houses and house site details, religious areas, and pathways.

The guidance of Kekahuna is also followed in planning for re-establishment of native Hawaiian plants within the kahua. This includes use of indigenous species plus the so-called canoe plants, which were carried to the island by Polynesian settlers and depended upon by

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<sup>15</sup> Kānei‘olouma Heiau Complex Master Plan, Hui Mālama o Kānei‘olouma, Rupert Rowe, Po‘o and president, v.1.1, May 21, 2012.

<sup>16</sup> Ibid.

<sup>17</sup> Kekahuna, H.E.P. (1959). A Genuinely Authentic Hawaiian Village for Kaua‘i.

<sup>18</sup> Kānei‘olouma Heiau Complex Master Plan, 2012.

the ancient Hawaiians. Kekahuna provided a comprehensive list of important plants and others to be used as guidelines in landscaping. Native Hawaiian plants were an integral part of ancient Hawaiian life, used for everything from food, medicine, and materials to symbolic roles in ceremonies. The planned revegetation will restore the site authentically toward its historic appearance and will also protect the soil from rain and wind, providing erosion control.<sup>19</sup>

Hui Mālama O Kānei‘olouma is working with experts in multiple fields, including archaeology, geology, and botany, to guide the work, as well as cultural experts, historians, and local kūpuna. All available non-invasive tools and technologies are being embraced by the Hui to improve understanding or assist work at the site.<sup>20</sup> With that, through this land transfer OHA has an opportunity to further assist with potential resources to enhance the current restoration efforts underway and moving forward at Kānei‘olouma.

### **5.3. Increased safety, stability, social support networks, and cultural connection in Native Hawaiian communities.**

To this day, many of OHA’s beneficiaries suffer from a multi-generational traumatic effect of a lack of permanency for Native Hawaiians. It is a fact that to establish a sense of sovereignty and self-determination for Native Hawaiians, there must be a land base that one can connect to, resulting in the foundational grounding that is needed to establish Ea. Systemic division of kānaka from ‘āina continues to be a driving factor that makes it harder for Native Hawaiians to practice self-determination and establish a sense of Ea. It has become evident that a lack of permanency for OHA beneficiaries is a trending culturally traumatic repercussion of American occupation resonating across all Native Hawaiian communities statewide. The overall risk of losing this spiritually sacred space has always been a reality for the community members of Kaua‘i, yet their trial and tribulation toward the efforts of self-determination has always been the guiding factor leading them on their quest toward Ea.

Through collaborative efforts alongside the Hui and the County of Kaua‘i, OHA has an opportunity to provide that sense of permanency that has been absent from the lives of many kānaka. Stability and establishing a sense of home sets the guiding foundation for a community to grow and advance toward a brighter and greater future for themselves determined by the community, for the community. With the ongoing programs and efforts currently being conducted by both entities, there is an opportunity for OHA to set the leading example of self-determining practices and advancement toward self, household, communal, and eventual national Ea.

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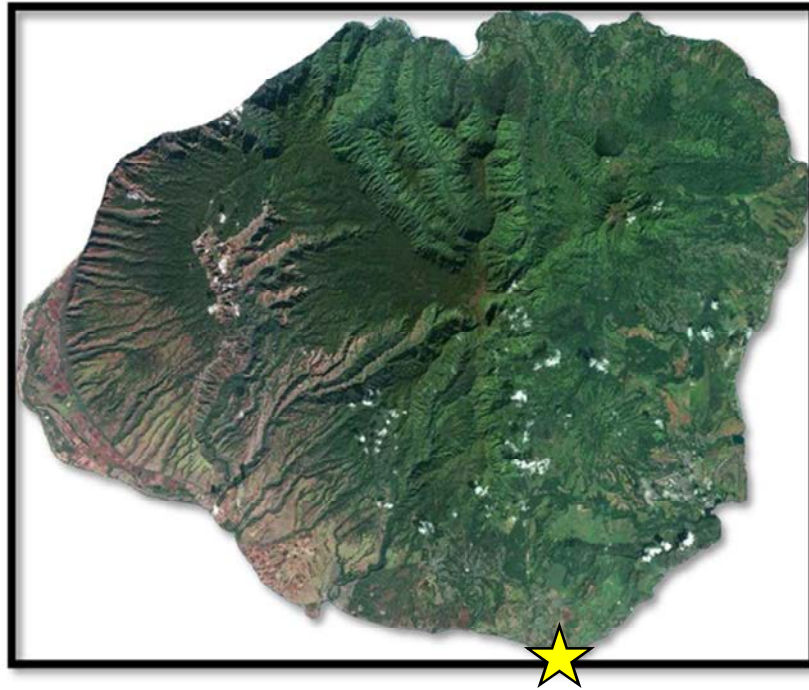
<sup>19</sup> Ibid.

<sup>20</sup> Ibid.



## **B. Location and General Property Information**

The Kānei‘olouma Heiau Complex and Manokalanipō Park are in the district of Kona on the South shore of Kaua‘i. These parcels border two ahupua‘a: Kōloa to the West and Weliweli to the East. Both parcels are situated makai of Po‘ipū Road and run parallel along Ho‘owili Road to Ho‘ōne Road.



*Image 2. Location of the Kānei‘olouma Heiau Complex and adjacent parcel on Kaua‘i.*

Recognizing the cultural and historic significance of this area, the County of Kaua‘i established the Po‘ipū Beach Mauka Preserve, which grouped together four contiguous parcels that make up the Kānei‘olouma Heiau Complex. The total acreage of the Kānei‘olouma Heiau Complex is 11.04 and is identified in Image 2 as parcels one, two, three, and four.

**Action Item ILM #25-03: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs.**



*Image 3. The Kānei‘olouma Heiau Complex and adjacent parcel.*

In addition to the Kānei‘olouma Heiau Complex, OHA is also seeking to transfer Manokalanipō Park from the County of Kaua‘i as well. This parcel is to the immediate West of the Kānei‘olouma Heiau Complex and across Ho‘owili Road. Identified in Image 2 as parcel five, it is 8.27 acres. All five parcels total 19.31 acres. See [Exhibit 1](#) for the plat map of the relevant parcels.

Parcel	Tax Map Key	Acreage	Fee Owner	Zoning <sup>21</sup>
1	4-2-8-17:13	1.25	County of Kaua‘i	O/ST-P/ST-C <sup>22</sup>
2	4-2-8-17:24	7.938	County of Kaua‘i	O/ST-P/ST-C
3	4-2-8-17:14	0.86	County of Kaua‘i	O/ST-P/ST-C
4	4-2-8-17:23	0.992	County of Kaua‘i	O/ST-P/ST-C
5	4-2-8-17:11	8.27	County of Kaua‘i	O/ST-P/ST-C

*Table 2. Property information (tmk, acreage, fee owner, & zoning)<sup>23</sup>*

<sup>21</sup> County of Kaua‘i, “County of Kauai Zoning Map,” accessed on December 3, 2024, <https://kauaigis.maps.arcgis.com>.

<sup>22</sup> The O/ST-P/ST-C abbreviation refers to open space/special treatment-public/special treatment-cultural.

<sup>23</sup> For TMK, acreage and fee owner, see “Local Government GIS for The Web,” accessed on December 3, 2024, <https://qpublic.schneidercorp.com>.

## **C. Cultural & Historical Significance**

*“If you don’t have the past in a culture, you’ll never have a future.”*

–Rupert Rowe, Executive Director, Hui Mālama O Kānei‘olouma<sup>24</sup>

The cultural history of the Kānei‘olouma Heiau Complex and Manokalanipō Park unfortunately tracks the same way as the history of the Hawaiian language in Hawai‘i, one of near disappearance, rediscovery, and continuous protective cultural maintenance. In August 2010, [Hui Mālama O Kānei‘olouma](#) (Hui),<sup>25</sup> a 501(c)(3) organization and the current steward of the Kānei‘olouma Heiau Complex, presented a report to then Kaua‘i County Mayor, Bernard Carvalho that provided an exhausted cultural, social, and political history of the area.<sup>26</sup> In the report, Hui traced the reemergence of Kānei‘olouma Heiau from 1885, as the once thriving historical site had disappeared from collective memory and transgenerational knowledge. In 1885, students from Lahainaluna school located 23 heiau in Kōloa, Kaua‘i and the name “Olouma,” as in Kānei‘olouma Heiau, was in this list.<sup>27</sup> Esteemed Hawaiian scholar Mary Kawena Pukui translated Kānei‘olouma as “Kane-who-drove-and-pushed.” Kāne is regarded as a principle god in Hawaiian religion and in relative relation to other Hawaiian gods manifests life and wellbeing. The area in and around Kānei‘olouma Heiau is also representative of Lono, the god of agriculture, and Kanaloa, the god of the ocean.<sup>28</sup>

The area of Kānei‘olouma Heiau was studied intermittently throughout the twentieth century by archaeologists, historians, and surveyor, Henry Kekahuna, until its cultural reawakening in the twenty-first century as a result of the restorative work by Rupert Rowe, Billy Kaohelauli‘i, and the late James Kimokeo. In 1907, Thomas George Thrum documented Kānei‘olouma Heiau in “Heiau and Heiau Sites Throughout the Hawaiian Islands.”<sup>29</sup> Later in 1928-1929, archaeologist Wendell Clark Bennet sketched the area of Kānei‘olouma Heiau in his field notes. Then in 1950, plantation manager Hector Moir wrote in a report to the Kaua‘i Historical Society about the presence of complex and organized stone structures in that same area.<sup>30</sup> As a result, the Kaua‘i Historical Society commissioned Henry Kekahuna to survey the site. Kekahuna produced a meticulous rendering of Kānei‘olouma Heiau as seen in [Exhibit 2](#). Aided by Hawaiian

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<sup>24</sup> Hui Mālama O Kānei‘olouma, “The Story of Kānei‘olouma,” accessed on Dec. 3, 2024, <https://www.kaneiolouma.org/assets/docs/Sign5-Kaneiolouma-History.pdf>.

<sup>25</sup> See Hui Mālama O Kānei‘olouma’s website for more information about the history of Kānei‘olouma and their effort to continuously protect and maintenance it at <https://www.kaneiolouma.org>.

<sup>26</sup> Hui, “County of Kauai Kane-i-o-lo-u-ma Heiau Complex Historical Overview,” accessed on Dec. 3, 2024, [https://www.kaneiolouma.org/pdf/Overview\\_Report.pdf](https://www.kaneiolouma.org/pdf/Overview_Report.pdf).

<sup>27</sup> Hui, 8.

<sup>28</sup> Hui, 9.

<sup>29</sup> Hui, 24.

<sup>30</sup> Hui, 15-17.



**Action Item ILM #25-03: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs.**

language scholar, Theodore Kelsey, they passionately wrote about and advocated for the preservation of Kānei‘olouma Heiau and the Hawaiian culture.<sup>31</sup>

In the early 2000s, Rupert Rowe, Billy Kaohelaui‘i, and the late James Kimokeo undertook the kuleana to mālama Kānei‘olouma Heiau and deployed their effort through the Garden Island Resource, Conservation, and Development non-profit. In 2009, they formally organized and established Hui, a non-profit organization, to address the continued need to revitalize, reawaken, and reincorporate Kānei‘olouma Heiau and the area surrounding it into contemporary Hawaiian culture, awareness, and lifeways. Hui’s mission is to “perpetuate the Hawaiian culture by preserving, protecting, and to rehabilitate the Kānei‘olouma Heiau Complex, otherwise known as the Poipu Beach Park Mauka Preserve, and to provide cultural education by the perpetuation of the Hawaiian cultural traditions practiced at Southern Kōloa, Kona, Kauai.”<sup>32</sup>

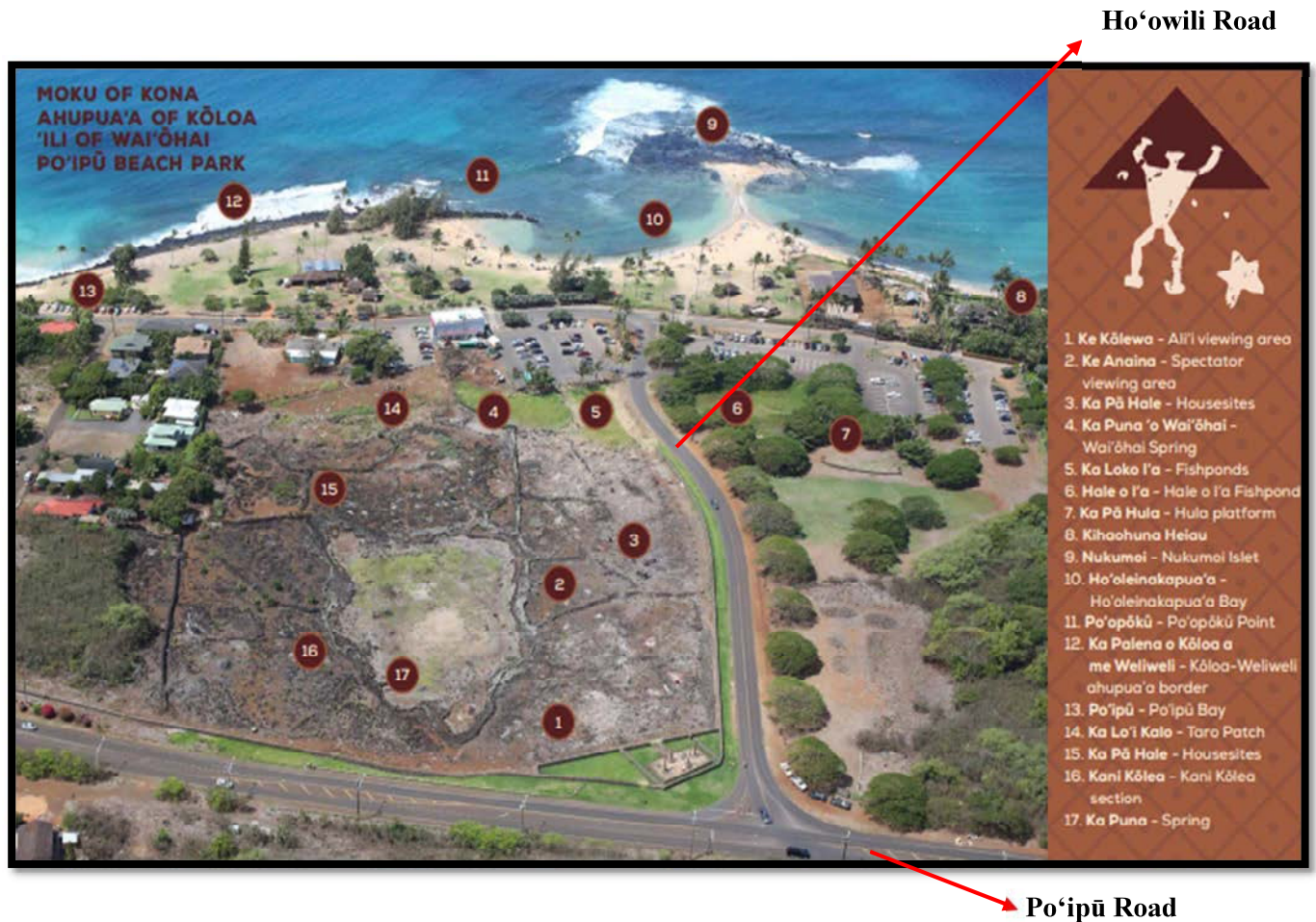
The area specified in this proposed action item for possible land transfer to OHA is teeming with remnants of Hawaiian history and culture. Image 3 highlights a myriad of historical and cultural sites that, without great care and attention, may devolve into unimportance. There are numerous pā hale “house sites” (numbers 3 and 15) that implies the presence of a once thriving community. Additionally, the lo‘i kalo “taro patch” (number 14) demonstrates agricultural activity. A unique and special feature of the area is ka puna ‘o Wai‘ōhai and ka loko i‘a, which are a natural spring and fishpond. Hui has worked hard in leading the County of Kaua‘i and local community to rediscover and reconstitute these important historical and cultural sites. However, continued care and maintenance are required to ensure that preservation work is not wasted and cultural/experiential activities can continue to take place on site.

While the term Kānei‘olouma Heiau Complex specifically refers to parcels one, two, three and four (as listed in Table 1), it’s only part of a system of Hawaiian cultural sites that extend well beyond Kānei‘olouma Heiau Complex and into adjacent parcels. In Image 3, number six – Hale o I‘a (Hale o I‘a fishpond) and number seven – Ka Pā Hula (hula platform) are located in parcel five, a parcel that is adjacent to Kānei‘olouma Heiau Complex and across Ho‘owili Road. Therefore, and logically, this proposed action item to undertake phase two due diligence regarding the potential transfer of both areas, the Kānei‘olouma Heiau Complex (TMK 4-2-8-17:13, 14, 23 and 24) and Manokalanipō Park (TMK 4-2-8-17:11) would further enable OHA to ensure both of these spiritually sacred lands are held in trust for the betterment of the lives and conditions of Native Hawaiians.

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<sup>31</sup> Hui, 20-23.

<sup>32</sup> Hui, 4.



*Image 4. Identified Cultural Sites<sup>33</sup>*

## D. Current Stewardship Model

As previously mentioned, Hui is the current steward of the Kānei‘olouma Heiau Complex by formal agreement between the County of Kaua‘i under the county’s charter, section 31.03. On July 23, 2010, Hui and the County of Kaua‘i, through the county’s Adopt-A-Park program, entered into an agreement to “preserve, protect, and enhance” the Kānei‘olouma Heiau Complex.<sup>34</sup> The agreement was effective for 10 years and was extended on October 27, 2017, by both parties to last an additional 10 years through July 22, 2030. See [Exhibit 3](#) and [Exhibit 4](#), respectively, for the Adopt-A-Park agreement and the amendment to extend the Adopt-A-Park agreement. Parcel five (TMK 4-2-8-17:11) is not part of Hui’s Adopt-A-Park agreement with the County of Kaua‘i even though the

<sup>33</sup> Hui, “The Story of Kanei‘olouma,” accessed on Dec. 3, 2024, <https://www.kaneiolouma.org/assets/docs/Sign5-Kaneiolouma-History.pdf>.

<sup>34</sup> See [Exhibit 3](#), 2.

county is the title holder. Parcel five is culturally and materially meaningful and is part of this proposed action item to the BOT.

Hui is a 501(c)(3) tax-exempt organization (EIN 80-0254784) with an operating structure and activities that demonstrate Hui’s comprehensive and responsible stewardship and management of the Kānei‘olouma Heiau Complex. The founding directors of Hui are Rupert Rowe (Executive Director) and Billy Kaohelaui‘i (‘Āina Momona Director). The members of Hui’s leadership council are Ke‘eamoku Kapu (Cultural Advisor), Peleke Flores (Kumu Uhau Humu Pōhaku), and Kaina Makua (Kumu Kūkulu Hale). The officers for the board of directors are Tesse Kinnaman (Secretary) and John Spaar (Treasurer). The remaining board members are William Blitz, Kimo Burgess, Kaulani Kahaelekai, Sandi Quinsaat, Moani Tolentino and Miles Vienna.<sup>35</sup>

In May 2012, Hui submitted a 104 page [master plan](#)<sup>36</sup> to the County of Kaua‘i that outlined, in great detail, a restoration plan to reawaken the cultural and prolific site and to bring the wider community – physically, culturally, and spiritually – into its sacred space. While Hui has accomplished many initiatives in its master plan, additional work is still required. Phase two due diligence intends to clearly articulate outstanding initiatives, and to outline a plan and process moving forward.

## **E. Property Condition**

### **Structures & Existing Infrastructure**

The Kānei‘olouma complex is presently shrouded at the perimeter by dense screens of vegetation including haole koa and guinea grass. The surrounding area displays new roads and expanding development since the early maps of Moir and Kekahuna. However, inside the protected perimeter, the complex has remained hidden from view and largely undisturbed. The wealth of pre-historic structures within the kahua is remarkably intact, deteriorated by time but for the most part untrammelled by modern occupation. The archaeological record exhibits notably little imprint from modern use and the site offers continuing potential for discovery.

There is a single existing commercial structure located on TMK: 4-2-8-17:23 identified as Parcel 4 in Image 2. However, further due diligence would be needed to ensure that there is in fact a commercial business operating on Parcel 4. This would be confirmed with verified parcel surveys that would need to be conducted, if not already undertaken, for accuracy purposes.

Existing roads across the parcels include Po‘ipū Road on the Northern perimeter, and Ho‘ōne Road to the South. The Kānei‘olouma Heiau Complex and Manokalanipō

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<sup>35</sup> Hui, “Leaders,” accessed on Dec. 3, 2024, <https://www.kaneiolouma.org/leaders>.

<sup>36</sup> Hui, “Master Plan,” accessed on Dec. 3, 2004, <https://www.kaneiolouma.org/assets/docs/Kaneiolouma-Master-Plan-v1.1.pdf>.

Park is split by Ho‘owili Road which runs North to South connecting the aforementioned Po‘ipū and Ho‘ōne Roads. It is important to note that although brought up in conversation with officials from the Mayor’s Office that OHA would be interested in the inclusion of Ho‘owili Road in the transfer, the County remains firm on their decision to exclude Ho‘owili Road in current discussions relating to the potential transfer of the Kānei‘olouma Heiau Complex and Manokalanipō Park.

Refuse pickup service is provided by the County of Kaua‘i along Ho‘ōne Road servicing the Po‘ipū Beach Park and nearby residences. Regular pickups for refuse is scheduled for pickup every Thursday. Should additional refuse, recycling, or green waste need to be taken in excess of the bins provided by the county, the nearest refuse collection yard would be at the Līhu‘e Refuse Transfer Station, located at 3450 Ahukini Rd.<sup>37</sup>

As the Kānei‘olouma Heiau Complex and Manokalanipō Park are places frequented by visitors and kama‘aina, there is regular public bus service that runs along Po‘ipū Road providing access in, out, and around Kōloa to the public and residents of the ahupua‘a. There are two bus stops in the vicinity of Kānei‘olouma Heiau Complex serviced by route 30 (Kōloa Shuttle). The first stop located at Po‘ipū Rd. + Ho‘owili Rd., and the second stop at Po‘ipū Rd. + Kiahuna Dr. provides regular 7-day a week service by route 30 starts pickups/drop-offs around 6:30am with the last pickup/drop-off is around 8:31pm. Current Kaua‘i shuttle fares range from \$0.50 for a one-way ride for the general public, and \$0.25 as a discounted rate for Kūpuna (65+ years), Youth (7-18 years) , and those covered under the Americans with Disabilities Act (ADA).<sup>38</sup>

### **Access, Easements, and Restrictions**

As the Kānei‘olouma Heiau Complex is a frequent tourist destination when visiting Kaua‘i, and Manokalanipō Park is currently under the status of a County Park, access across Manokalanipō Park is open to the public during park hours however, access to any of the parcels encompassing the Heiau Complex is strictly forbidden unless granted accompanied access with Uncle Rupert and the Hui. Currently, the public has direct access to Ho‘owili Road as it is owned and operated by the County of Kaua‘i. The road extends to parking lots that front the Po‘ipū Beach Park, a popular beach destination for tourists and kama‘aina.

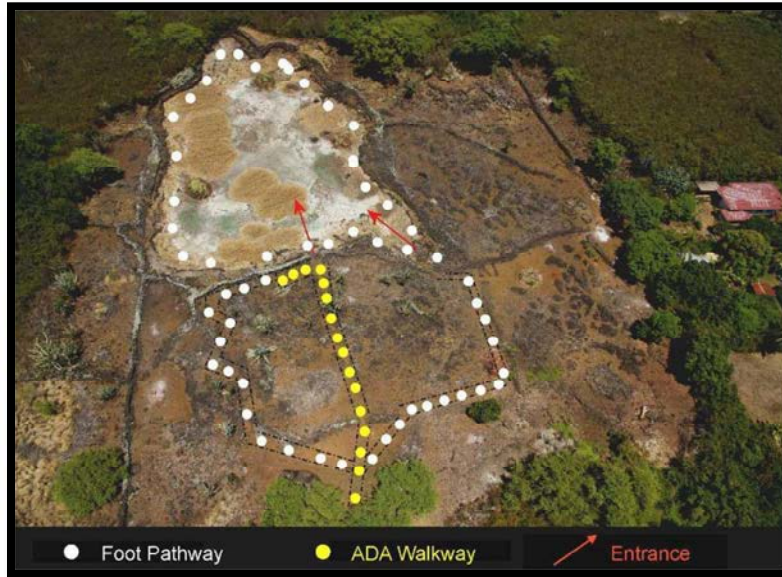
After review of current maps there does not appear to be any current easements of any kind located across the parcels however, this is something that can be determined under due diligence Phase 2 as we take a deeper dive into the critical parcel information included with the potential transfer of these lands.

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<sup>37</sup> See <https://www.kauai.gov/Government/Departments-Agencies/Public-Works/Solid-Waste/Recycling/Transfer-Stations>.

<sup>38</sup> See <https://www.kauai.com/kauai-bus>.





*Image 5: Proposed public pathways<sup>39</sup>*

Image 5 above shows the proposed layout of the main public pathways as explained in the 2012 Master Plan. Additional smaller side paths (not shown) may provide access to interpretation points for restored hale pili and planting areas exhibiting native and traditional plants. Interpreted viewing stations around the perimeter path will provide good visibility of fishpond, ‘auwai, sporting and competition arena, and some religious sites.<sup>40</sup> However, not all pathways through the heiau complex, and not all areas within the complex, may be fully ADA accessible. Construction required to achieve accessibility will not be performed if changes would disrupt sacred sites or essential historic features or significant ancient attributes of the rocky terrain. ADA access to a central viewing platform and as many viewing sites as possible plan to be provided once further restoration efforts have been completed.

### **Utilities**

Water delivery service is provided by Kōloa Wells 16-A & 16-B, along with Kōloa Wells C, D, E & F, providing potable water from the County of Kaua‘i Department of Water via the two 1,500,000 gallon tanks in Po‘ipū.<sup>41</sup> A 2009 Water Quality Report conducted by the County of Kaua‘i Department of Water showed all water currently being delivered to the Kōloa-Po‘ipū area is testing clean with no indications of

<sup>39</sup> Kānei‘olouma Heiau Complex Master Plan, 2012.

<sup>40</sup> Ibid.

<sup>41</sup> Water Quality Report, County of Kaua‘i, Department of Water, 2009. See <http://www.kauaiwater.org/wqrkoloa.pdf>.

chemical contaminants, coliform bacteria, or heavy metals appearing in any samples taken.<sup>42</sup>

Although there is no wastewater or electricity connection to any of the parcels being considered under this transfer, there is a sewer connection that is good to be aware of that connects to the commercial food establishment adjacent to Parcel 4.<sup>43</sup> Potential repairs and maintenance may encroach the current parcels under consideration, therefore having the provided information regarding surrounding sewer connection is important to note as well. Electricity is delivered across Kaua‘i via power lines that access the Kaua‘i Island Utility Cooperative (KIUC) grid. With no current electrical connection, ongoing intent moving forward would be to reserve the Heiau Complex in its current state and continue its management without any major electrical connection.

### **Environmental and Cultural Resources**

In its entirety, both Kānei‘olouma Heiau Complex and Manokalanipō Park are environmental and cultural resources in their own respect. With extensive remnants of Hawaiian culture across the parcels, including a heiau, ko‘a, fishponds, house sites, stone-walled enclosures, ‘auwai, agricultural terraces, walls and planting areas. Kekahuna also writes about the reintroduction of crop plants important to the ancient planters such as mai‘a (banana), ‘ulu (breadfruit), kō (sugarcane), niu (coconut), uhi (yam). Additionally, reintroduction of other plants extensively cultivated like wauke (paper mulberry) for tapa-cloth making, ‘awa as a narcotic, ipu (gourd) for containers and musical instruments, hala for mats, and many other useful and medicinal plants. However, crop tending activities were most focused on kalo and ‘uala. Regarding shrubs, Kekahuna recommends the noni apple, as well as wauke and po‘aha‘aha, both used for tapa-cloth. Among highly valued medicinal herbs, he advocates including koali pehu (moon flower) and koali maoli (true koali), pōpolo (black nightshade), ‘ihi (*Oxalis spp.*, a clover-like wood sorrel), ‘ala‘ala wainui (*Peperomia leptostachya*), and ‘uhaloa (*Waltheria indica*) for sore throats, coughs and colds.

Continued efforts by the Hui and Kaua‘i residents seek to further enable the traditional practice of communal land tenure through the ahupua‘a system to create a vibrant and thriving community that embraces and celebrates the ancestral wisdom, traditions, and values of the Native Hawaiian people.

## **F. Stakeholder Engagement Process**

Over the most recent months, OHA’s Strategy & Implementation Division, alongside OHA’s Legacy Land team have been engaging with the Hui and the County of

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<sup>42</sup> Ibid.

<sup>43</sup> See <https://geoportal.hawaii.gov/search?q=sewage>.

**Action Item ILM #25-03: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs.**

Kaua‘i in Phase 1 due diligence meetings to ascertain current conditions, infrastructure, document collection and reviews and site visits to various parts of the parcel.

Throughout the engagement process with community, Hui leadership, and the Office of Kaua‘i Mayor Derek Kawakami, all parties agree that there are benefits to the transfer of this parcel from the County of Kaua‘i to OHA for the betterment and conditions of Native Hawaiians.

## **G. Preliminary SWOT Analysis**

With the information gathered to date, a high-level preliminary SWOT analysis of a potential transfer of the Kānei‘olouma Heiau Complex and Manokalanipō Park into OHA’s Legacy Lands portfolio is provided below for consideration.

### Strengths

- Strategic Alignment: Aligns with Ch. 10 mandate and Mana i Maui Ola strategic directions and outcomes
- Existing Management and Governance: Internal community alignment and governance model simplifies community planning activities with existing vision and practices
- Purchase Price: No purchase price
- Stakeholder Concurrence: County of Kaua‘i supportive of transfer to OHA, Hui desires community co-stewardship model

### Weaknesses and Proposed Mitigation Strategies

- Risk Exposure: Fidelity to property boundaries, royal burial site, access, theft, and flooding/drainage issues
  - *Develop action plan with community to support compliance measures and safety updates*
- Environmental Concerns: Invasive species
  - *Develop/support a vegetation maintenance plan for invasive species mitigation and repurposing opportunities*

### Opportunities

- Ensure Permanency: Prevent displacement of heiau for coastal development
- Strategic Partnership: Potential to demonstrate co-stewardship of ‘āina using a community land trust framework
- Facilitate Ea: Support beneficiary rights to practice self-determination, self-governance, and cultural religious/spiritual practices
- Economic Development: Support and learn from existing and developing agricultural and small business models

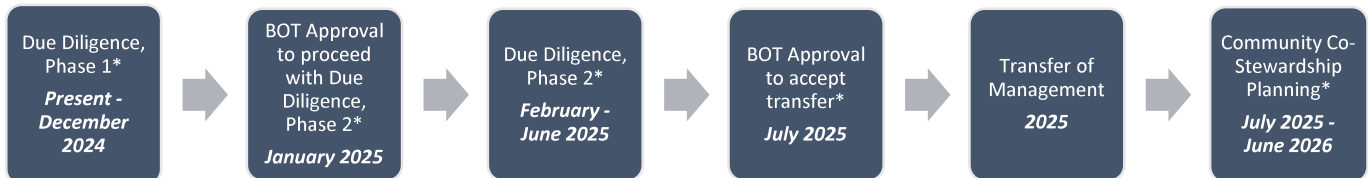
**Action Item ILM #25-03: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs.**

Threats and Proposed Mitigation Strategies

- Public Perception: As always, OHA will be exposed to public critique
  - *Manage, communicate, and operate with integrity*
- Stability of Transfer: Unless a title transfer, management authority can be overturned with change of administration
  - *Work with County of Kaua‘i and Mayor’s office to formalize a permanent agreement*

#### **IV. TIMEFRAME**

The timeframe surrounding the potential acquisition of this parcel is quite unique in nature due to the verbal support expressed by the Governor’s Office. Should the strict timeline below be executed by the Office of Hawaiian Affairs Administration and BOT, the Governor has verbally expressed interest in announcing the transfer at his next State of the State address scheduled for January 21, 2025. This presents an excellent opportunity for OHA to publicly announce progress and efforts underway alongside support from the Governor of the State of Hawai‘i.



#### **V. BUDGET AUTHORIZATION**

Increase the budget for the Land Assets Program (Program Code 8300) up to \$50,000 to cover necessary costs incurred for, or associated with the due diligence phase, subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Realignments.

#### **VI. BUDGET CERTIFICATION**

The following is the certification by the Chief Financial Officer that the funds are available subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Realignments:

Ramona G. Hinck



**Action Item ILM #25-03: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs.**

Chief Financial Officer

Jan 17, 2025

Date: \_\_\_\_\_

## **VII. RECOMMENDATION**

Approve and authorize the CEO to delegate to OHA administration the authority to:

- 1) Undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs;
- 2) Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for phase two due diligence to inform the potential transfer of land from the County of Kaua‘i to OHA;
- 3) Increase the budget for the Land Assets Program (Program Code 8300) up to \$50,000 to cover necessary costs incurred for, or associated with the due diligence phase, subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Realignments;
- 4) Take all other reasonable actions necessary and appropriate to implement the foregoing.

To clarify, this action item seeks BOT approval of the due diligence phase 1, and authorization of OHA Administration to undertake due diligence phase 2 as a part of OHA’s broader interest in supporting an ahupua‘a stewardship model throughout Hawai‘i. Due diligence phase 2 will seek to expend OHA trust funds to solicit third-party review if the following areas needing further exploration:

- 1) Risk Assessment
  - a. Invasive flora and fauna
  - b. Unpermitted structures, cesspools and burial sites
  - c. Running bodies of water
  - d. Fire threats
  - e. Unsecured access
- 2) Risk Mitigation Action Plan
- 3) Financial Considerations
  - a. Economic development potential/business plan
  - b. Ongoing management needs and costs
  - c. 1, 5, 10-year projected budget
- 4) Community Plan/Management Plan

## **VIII. ALTERNATIVES**

- A. Take no action. Cease all further efforts.
- B. Further information is needed. Do not give Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of Kānei‘olouma Heiau Complex, Kōloa, Kaua‘i to the Office of Hawaiian Affairs.

## **IX. REFERENCES**

1. For legal basis of Action Item, refer to HRS §10-4(2); §10-3(1), and (2); and §10-5(1), (2) and (6).
2. See [https://www.oha.org/wp-content/uploads/MiMO\\_StrategicPlan-1.pdf](https://www.oha.org/wp-content/uploads/MiMO_StrategicPlan-1.pdf).
3. Office of Hawaiian Affairs, *Board of Trustees Board Executive Policy Manual* (October 31, 2024), 151.
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**OFFICE OF HAWAIIAN AFFAIRS**  
*KE'ENA KULEANA HAWAI'I*  
**INVESTMENT AND LAND MANAGEMENT COMMITTEE**  
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**Board Packet**

**IV. New Business**

- D. **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\*



**OFFICE OF HAWAIIAN AFFAIRS**  
Action Item

**COMMITTEE ON INVESTMENT AND LAND MANAGEMENT**

**January 22, 2025**

**ILM #25-04**

**Action Item Issue:** 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.

**Co-prepared by:**  Jan 17, 2025

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Kū'ikeokalani Kamakea-Ōhelo  
Director of 'Ōiwi Wellbeing and 'Āina Momona

Date

**Co-prepared by:**  Jan 17, 2025

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Lori K. Walker  
Interim Land Assets Director

Date

**Reviewed by:**  Jan 17, 2025

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Ramona G. Hinck  
Chief Financial Officer

Date

**Reviewed by:**  Jan 17, 2025

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Everett Ohta  
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Date

**Reviewed by:**  Jan 17, 2025

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Kēhaulani Pu'u  
Chief Operating Officer

Date

**Reviewed by:**  Jan 17, 2025

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Stacy K. Ferreira  
Chief Executive Officer

Date

**Reviewed by:**  Jan 17, 2025

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Keoni Souza  
Chairperson, ILM Committee

Date

**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.**

**Table of Contents**

I.	PROPOSED ACTION .....	1
II.	ISSUE .....	1
III.	BACKGROUND & DISCUSSION .....	2
	A.    Legal Basis for Land Inclusion & Alignment to OHA’s Strategic Plan.....	2
	B.    Location and General Property Information .....	10
	C.    Cultural & Historical Significance .....	14
	D.    Current Stewardship Model .....	17
	E.    Property Condition .....	20
	F.    Stakeholder Engagement Process .....	25
	G.    Preliminary SWOT Analysis.....	25
IV.	TIMEFRAME .....	26
V.	BUDGET AUTHORIZATION .....	27
VI.	BUDGET CERTIFICATION .....	27
VII.	RECOMMENDATION .....	27
VIII.	ALTERNATIVES.....	28
IX.	REFERENCES.....	28

**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.**

**I. PROPOSED ACTION**

Approve and authorize the CEO to delegate to Office of Hawaiian Affairs (OHA) administration the authority to:

- 1) 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;
- 2) Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for due diligence to inform the potential transfer of the aforementioned parcels from the DLNR to OHA;
- 3) Increase the budget for the Land Assets Program (Program Code 8300) up to \$75,000 to cover necessary costs incurred for, or associated with the due diligence phase, subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Realignments;
- 4) Take all other reasonable actions necessary and appropriate to implement the foregoing.

To clarify, this action item seeks BOT approval of the due diligence phase 1, and authorization of OHA Administration to undertake due diligence phase 2 as a part of OHA’s broader interest in supporting an ahupua‘a stewardship model throughout Hawai‘i. The land transfer process will be determined at a later date in consultation with the residents of the Ahupua‘a ‘O Kahana, DLNR, and the Office of Governor Josh Green, M.D. Due diligence phase 2 will seek to expend OHA trust funds to solicit third-party review of the following areas needing further exploration:

- 1) Risks Assessment
  - a. Invasive flora and fauna
  - b. Unpermitted structures, cesspools, and burial sites
  - c. Running bodies of water
  - d. Fire threats
  - e. Unsecured access
- 2) Risk Mitigation Action Plan
- 3) Financial Considerations
  - a. Economic development potential
  - b. Business Plan
  - c. Ongoing management needs and costs
  - d. 1, 5, 10-year projected budget
- 4) Community Plan/Management Plan

**II. ISSUE**

**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.**

Should the Board of Trustees authorize the CEO to delegate to OHA administration the authority 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 for the following purposes and in accordance with the below directional outcomes from the Mana i Maui Ola: OHA’s 15-Year Strategic Plan for 2020-2035<sup>1</sup>:

- Strengthened ‘Ōiwi (cultural identity), Ea (self-governance), ‘Āina Momona (healthy lands and people), Pilina (relationships), Waiwai (shared wealth), Ke Akua Mana (spirituality)<sup>2</sup>;
- Strengthened capability for ‘ohana to meet living needs, including housing<sup>3</sup>;
- Strengthened economic capability and resilience for ‘ohana, Native Hawaiian communities, and Hawaiian-owned Businesses to build and sustain generational wealth and economic systems that are regenerative, sustainable and reflective of ‘ike kūpuna<sup>4</sup>.
- Strengthened sense of long-term permanence for OHA beneficiaries; and
- Successful establishment of an ahupua‘a and konohiki system which includes housing, food production, utility and broadband infrastructure, economic development, and mālama of iwi kūpuna.

### **III. BACKGROUND & DISCUSSION**

#### **A. Legal Basis for Land Inclusion & Alignment to OHA’s Strategic Plan**

##### **Legal Basis**

The legal bases for the proposed action are rooted in Hawai‘i Revised Statutes (H.R.S.), Title 1, Chapter 10, which describes the purposes and powers of the Office of Hawaiian Affairs.

Per H.R.S. §10-3, OHA’s purposes include, in relevant part: “(1) The betterment of conditions of native Hawaiians,” and “(2) the betterment of conditions of Hawaiians.”

Per H.R.S. §10-4 (2), OHA, under the direction of the Board of Trustees, shall have to power to “acquire in any lawful manner any property, real, personal, or mixed, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the same; and to sell, lease, or otherwise dispose of the same at such time, in such manner and to the extent necessary or appropriate to carry out its purpose.”

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<sup>1</sup> See [https://www.oha.org/wp-content/uploads/MiMO\\_StrategicPlan-1.pdf](https://www.oha.org/wp-content/uploads/MiMO_StrategicPlan-1.pdf)

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

**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.**

Per H.R.S. §10-5, in relevant part, the Board shall have the power in accordance with law to “(1) Manage, invest, and administer the proceeds from the sale or other disposition of lands, natural resources, minerals, and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section 10-3...(2) Exercise control over real and personal property set aside to the office by the State of Hawaii, the United States of America, or any private sources, and transferred to the office for native Hawaiians and Hawaiians...(6) delegate to the administrator, its officers and employees such powers and duties as may be proper for the performance of the powers and duties vested in the board.”

**Alignment of Land Acquisition to OHA Strategic Plan**

OHA’s Strategic Plan, “Mana i Maui Ola” (Strength to Wellbeing) includes three foundations: ‘Ohana (family), Mo‘omeheu (culture), and ‘Āina (land and water). OHA recognizes these foundations have the power to affect the wellbeing of Native Hawaiians<sup>5</sup>. Therefore, these foundational aspects of Kānaka ‘Ōiwi are woven into OHA’s plans to affect change in the areas of education, health, housing, and economics. Through these four directions, OHA has implemented strategies, aligned with our foundations and directions to achieve our envisioned outcomes for a thriving and abundant Lāhui.

To mālama Hawai‘i’s people and environmental resources, and OHA’s assets, toward ensuring the perpetuation of the culture, the enhancement of lifestyle and the protection of entitlements of Native Hawaiians, OHA must enable the building of a strong and healthy Hawaiian people and Lāhui, recognized nationally and internationally. Through the identification of health outcomes determined to strengthen ‘Ōiwi (cultural identity), Ea (self-governance), ‘Āina Momona (healthy lands and people), Pilina (relationships), Waiwai (shared wealth), and Ke Akua Mana (spirituality), OHA must advance policies, programs and practices that strengthen the health of the ‘āina and mo‘omeheu, and further strengthen Hawaiian resource management knowledge and skills to meet the housing needs of the ‘ohana residing in the Ahupua‘a ‘O Kahana.

By executing this land transfer with the Hawai‘i State DLNR, OHA has an opportunity to accomplish the following Mana i Maui Ola strategic outcomes<sup>6</sup>:

**4.1. Preservation and perpetuation of Hawaiian language, culture, traditions, identity and sense of Lāhui.**

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid.



**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.**

In 1851, the Land Commission made yhirty-four Kahana kuleana land awards totaling approximately 96.0 acres. The remaining lands, over 5,000 acres of the Kahana area, were awarded to the high ali‘i Annie Keohokālōle, the mother of the King Kalākaua and Queen Lili‘uokalani<sup>7</sup>. Today, Kahana remains the last undeveloped ahupua‘a on O‘ahu and is unique in being the only remaining ahupua‘a in the major Hawaiian Islands owned by a single owner, and furthermore, the only intact ahupua‘a in Hawai‘i owned by the State in its entirety.

As outlined in OHA’s Real Estate Plan, the Office of Hawaiian Affairs is encouraged to engage in “property involvements that promote and respect Native Hawaiian places and their sacred cultural traditions.” Through this potential land transfer, OHA has an opportunity to highlight the key work and communal land tenure efforts that the residents of Kahana have tirelessly worked toward throughout their many years living in the Ahupua‘a ‘O Kahana. The community in Kahana has always been under the scope of the State as they have continuously fought against evictions to make way for mass tourism development in an area on O‘ahu that is extremely rural, and best suited for agricultural development and conservation and preservation of our pristine natural resources. By working with the Kahana community to determine their best path forward to preserve and perpetuate Hawaiian language, culture, traditions, identity and sense of Lāhui, OHA further enables itself to fulfil its statutory mandates to better the lives and conditions of Hawaiian and Native Hawaiians as outlined in H.R.S. Chapter 10.

**4.2. Increase community stewardship of Hawai‘i’s natural and cultural resources that foster connection to ‘āina, ‘ohana, and communities.**

In Act 5, Session Laws of Hawai‘i 1987, the legislature found that Kahana “possesses unique historical and natural resources” and that its long-time residents are “knowledgeable and qualified to interpret” these resources for the public benefit<sup>8</sup>. As a completely intact ahupua‘a, Kahana remains rich in natural and cultural resources precious to Native Hawaiians on their pathway to self-determination. Kahana’s most valuable resource is without a doubt water. Ahupua‘a ‘O Kahana State Park is one of the few watersheds entirely owned by the State of Hawai‘i and is one of the wettest valleys on O‘ahu. The region supports an abundance of important ecological, recreational, and cultural features. With an average annual rainfall of about 75 inches per year at the shoreline to 300 inches per year in the mountains, the Ahupua‘a ‘O Kahana supports dense forests and perennial streams critical for crop irrigation throughout the year. Kahana Bay and Huilua fishpond have been an important local fishing area for hundreds of years and further add to the importance of the resources that are housed in the

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<sup>7</sup> Townscape, Ahupua‘a ‘O Kahana State Park Master Plan, 2018.

<sup>8</sup> Act 5, Session Laws of Hawaii 1987, section 1.

**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.**

Ahupua‘a ‘O Kahana. With a potential co-stewardship model of communal land tenure with Kahana and its residents, OHA has the opportunity to partner with Kahana lessees to develop a communal land management system that incorporates the konohiki model to allow Kahana lessees to assume leadership roles to steward the lands with support, technical assistance and resources from OHA.

Today, the Kahana community strives to uphold the availability, health, and wealth of the natural and cultural resources that surround them in their ahupua‘a and continues to engage in regular educational activities for schools across the island. Collaboration efforts with DOE schools, private entities such as Kamehameha Schools, and other organized non-profit entities aim to increase the knowledge and engagement between kānaka and ‘āina through field trips and workdays for classes and cohorts to get hands-on experience working the land and understanding the concepts and systems implements by our kūpuna.

As outlined in the OHA BOT Executive Policy Manual, OHA shall advocate for, “The protection of and access to natural resources that are an important part of the culture and lifestyle of Native Hawaiians.”<sup>9</sup> As Kahana remains a water-rich ahupua‘a ideal for agricultural crop production and traditional ways of living, OHA has a huge opportunity to acquire the Kahana Watershed and hold it in perpetuity for the benefit of Native Hawaiians and future generations of our mo‘opuna.

**4.3. Increase restoration of Native Hawaiian cultural sites, landscapes, kulāiwi and traditional food systems.**

The most recent example of restoration of Native Hawaiian cultural sites, landscapes, and food systems is the Kahana Stream Restoration Project performed in 2017.<sup>10</sup> The primary purpose of this project was to improve stream conditions for migrating aquatic organisms in Kahana stream by restoring the channel through hau (*Hibiscus tiliaceus*) removal. *Hibiscus tiliaceus* is a fast-growing tree that produces tall stems which will fall over from their own weight. Once fallen, the branches continue to grow as new stems, producing an interwoven growth of vegetation. The roots of *H. tiliaceus* form dense mats across the channel, trapping sediment and slowing stream velocity. These roots and branches choke the stream channel, forcing water across the surface, altering the hydrology, and eliminating habitat.

The primary objective of this project was to improve the mauka to makai connectivity of habitat in Kahana Stream for native and endemic aquatic fauna by manually removing *H. tiliaceus*. The project restored approximately 1,000 linear feet and

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<sup>9</sup> Office of Hawaiian Affairs Board of Trustees Executive Policy Manual updated Oct. 31, 2024, p. 14.

<sup>10</sup> Commission on Water Resource Management, *Kahana Stream Restoration Project*, 2017.

**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.**

over 1-acre of riparian corridor previously dominated by *H. tiliaceus*. By replacing *H. tiliaceus* with native wetland species the project recreated riparian habitat that will benefit other native insect and bird fauna. The new stream corridor restored the natural hydrologic conditions which support stream fauna, including the widening of the stream channel, reduced canopy cover to support algae growth, and a replacement of sediment and leaf litter with cobble and gravel substrate. These benefits all support fish habitat and fish passage.

Currently, the community actively farms several terraces of kalo production farmed for self-subsistence and community donations. Regular maintenance and restoration efforts of other Native Hawaiian cultural sites and landscapes, such as various ‘auwai and other waterways, are conducted to ensure healthy and consistent food production using traditional Native Hawaiian systems. Furthermore, Kahana residents continue to collaborate with State, County, Private, and Non-Profit entities towards the reclamation and restoration of the ahupua‘a communal land tenure system. As the Ahupua‘a ‘O Kahana stands as a leading example of Native Hawaiian self-determination, the strategic collaboration of efforts and activities between OHA and the Kahana residents will further enhance the continuous work towards bettering the lives and conditions of Native Hawaiians by establishing one’s own sense of sovereignty throughout their households, communities, and lives. Increasing opportunities and outreach alongside existing efforts lead by community members will further assist OHA in the restoration of our Native Hawaiian cultural sites, landscapes, kulāiwi, and traditional food systems, and further provides OHA an opportunity to advocate for “the integrity of the Native Hawaiian culture and cultural sites.”<sup>11</sup>

**5.3. Increased safety, stability, social support networks, and cultural connection in Native Hawaiian communities.**

To this day, many of OHA’s beneficiaries suffer from a multi-generational traumatic effect of a lack of permanency for Native Hawaiians stemming from multiple causes. From development plans forcing evictions to the lack of affordable housing currently available statewide, these aspects of living in Hawai‘i today make it even harder for Hawaiians to remain in Hawai‘i. It is a fact that to establish a sense of sovereignty and self-determination for Native Hawaiians, there must be a land base that one can connect to, resulting in the foundational grounding that is needed to establish Ea. The systemic division and alienation of kānaka from ‘āina continues to be a driving factor that makes it harder for Native Hawaiians to practice self-determination and establish a sense of Ea. It has become evident that a lack of permanency for OHA beneficiaries is a trending culturally traumatic repercussion of American occupation dating back to the illegal

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<sup>11</sup> Act 5, Session Laws of Hawaii 1987, section 1.

**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.**

overthrow and as a result of the continued systematic oppression of Hawaiians, which now resonates across all Native Hawaiian communities statewide. The overall risk of eviction and homelessness has always been a reality for the community members of the Ahupua‘a ‘O Kahana since the State acquired the ahupua‘a and designated it as a State Park, yet their trial and tribulation toward the efforts of self-determination has always been the guiding factor leading them on their quest toward Ea.

Through collaborative efforts alongside the Kahana residents, OHA has an opportunity to provide that sense of permanency that has been absent from the lives of many kānaka. Stability and establishing a sense of home sets the guiding foundation for a community to grow and advance toward a brighter and greater future for themselves determined by the community, for the community. With the ongoing programs and efforts currently being conducted by both entities, there is an opportunity for OHA to set the leading example of self-determining practices and advancement toward self, household, communal, and eventual national Ea alongside its beneficiaries.

**7.2. Increased access to capital and credit for community strengthening Native Hawaiian businesses and individuals.**

Thanks to tribal self-determination, tribal governments are a significant part of the United States’ national economy. The USA’s 574 federally recognized tribes have authority over more than 60 million acres within the 325 Indian reservations and other lands under the jurisdiction of the tribes. Tribal governments and their enterprises directly employ almost 350,000 workers and indirectly support an additional 600,000 jobs and generate \$40 billion per year in wages and benefits along with an additional \$9 billion spillover impact in state and regional economies. By affirming tribes’ inherent right to pursue economic development on their lands, the Indian Gaming Regulatory Act, one of several modern pro-tribal sovereignty policies, has ushered in an extraordinary era of economic development funded by gaming revenues that has not only stabilized tribal economies, but also made them economic anchors in their regional economies. Today’s economic successes show the potential and resilience of Native Americans, who are still working to overcome generations of wrenching geographic displacement and oppressive bureaucratic supervision much like Native Hawaiians here in the islands. The high levels of persistent poverty, chronic health problems, and substandard housing for many Native Americans are current manifestations of economic and cultural shocks that deprived Native Americans of their livelihoods and social infrastructure—the deliberate decimation of the North American bison and the assimilation of Indian children via forced placement in residential schools are prominent examples.<sup>12</sup>

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<sup>12</sup> See <https://www.epi.org/publication/the-power-of-self-determination-in-building-sustainable-economies-in-indian-country/>.

**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.**

For OHA to advance policies, programs and practices that strengthen ‘ohana opportunities to pursue multiple pathways toward economic stability, it is critical to address Native Hawaiian small businesses on their paths toward self-determination and helping craft what that model could potentially look like on a larger scale with the collaboration of OHA and the residents of the Ahupua‘a ‘O Kahana. Through this potential land transfer, OHA has an opportunity to strengthen economic capability and resilience for ‘ohana, Native Hawaiian communities, and Hawaiian-owned businesses in Kahana to build and sustain generational wealth and economic systems that are regenerative, sustainable, and reflective of ‘ike kūpuna.

Capital and credit are crucial for a community because they provide the financial resources necessary for businesses to start, grow, and invest in local projects, ultimately driving economic development, creating jobs, and improving the overall quality of life within that community. Essentially, without access to capital and credit, communities struggle to fund essential infrastructure, support entrepreneurship, and provide necessary services for residents. Community capital, frequently called "social capital," is defined as the "banked good will that helps build trust between various groups within a community."<sup>13</sup> An important component of a strong civil society, community capital is built in the third sector by nonprofits and voluntary associations. Social capital enables trust between people, which fuels economic growth, improves health and increases happiness. That's because when we're connected, we're more likely to get involved in the community and support those in need. And these behaviors knit the fabric of society.<sup>14</sup>

It's widely recognized that small businesses are the engine of the global economy, and that is true now more than ever. According to the Economic Innovation Group, more than 5 million small businesses were formed in the United States in 2022 with about 34% of those planning to hire employees.<sup>15</sup> Small businesses employ more than 61.7 million people, form beneficial partnerships, share knowledge with other business owners and contribute to their local economy. However, there's an old saying, "It takes money to make money," and this is often the challenge for small businesses—having the money to make money. It can be hard for business owners to accurately forecast their cash flow needs when first starting. Once they're up and running, they have the experience—and the data necessary—to better understand and predict their cash flow needs. Lacking the resources and time to improve their ability to forecast those needs is a key barrier to capital access for small businesses. Collaborative efforts with the community alongside OHA could potentially further explore these efforts and how they could be utilized to their maximum potential to benefit the community.

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<sup>13</sup> See <https://www.learningtogive.org/resources/community-capital>.

<sup>14</sup> See <https://social-legacy.com/the-importance-of-social-capital>.

<sup>15</sup> See <https://www.forbes.com/councils/forbesfinancecouncil/2023/08/29/access-to-capital-in-the-most-challenging-of-times/>.

**7.3. Increased number of Native Hawaiian ‘ohana who are resource stable (financial, subsistence, other).**

According to the ‘Imi Pono Hawai‘i Wellbeing Survey conducted in 2022, one in six Hawai‘i residents experience food insecurity, skipping or reducing meals on a weekly or daily basis.<sup>16</sup> However, OHA beneficiaries, specifically families, are most at-risk. Twenty-five percent of Native Hawaiian households, and twenty-three percent of Native Hawaiian households with school-age children experience food insecurity at rates higher than the statewide population.<sup>17</sup> With the Kahana residents, there are examples of families living paycheck to paycheck, forcing Native Hawaiian households to eat local less often due to the high cost of living and the current inflation on local produce in supermarkets and grocery stores. The lower cost and convenience of imported food are the primary barriers to residents accessing local food. According to surveys conducted with Hawai‘i residents, the cost of food is a significant factor in deciding what to eat for sixty-two percent of Native Hawaiians.<sup>18</sup> Based off the survey results in 2022, the top three things that would encourage Hawai‘i residents to grow or raise their food are additional space, access to starter plants and animals, and training and workshops.<sup>19</sup>

Through the collaborative efforts between the Kahana residents and OHA, there lies yet another opportunity to work with the community to see how OHA can best assist the ongoing training and workshops that currently take place on the parcels. Collaborating with the Kahana residents to determine the community’s best assets and how to best utilize them to produce a regenerative model of self-sustaining income for the community is something that can potentially be explored through the successful execution of this land transfer. Together, both entities can engage in strategies to enhance the economic development and financial empowerment of the residents to ensure that community members and OHA beneficiaries progress toward a state of economic stability.

**7.4. Increased Native Hawaiian employment rate.**

OHA can play a pivotal role in increasing Native Hawaiian employment by creating and supporting targeted workforce development programs that align with the specific needs and aspirations of the community. By partnering with educational institutions, vocational training centers, and private businesses, OHA can help facilitate access to skill-building opportunities in high-demand industries such as healthcare, technology, and renewable energy within the Ahupua‘a ‘O Kahana. Tailored mentorship programs, internships, and apprenticeships could provide hands-on experience and

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<sup>16</sup> See [https://www.ksbe.edu/assets/pdfs/Imi\\_Pono-Local\\_Foods-Sept\\_2022.pdf](https://www.ksbe.edu/assets/pdfs/Imi_Pono-Local_Foods-Sept_2022.pdf).

<sup>17</sup> Ibid.

<sup>18</sup> Ibid.

<sup>19</sup> Ibid.

**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.**

establish stronger pathways to stable, well-paying jobs. Additionally, OHA could work to develop a robust network of Native Hawaiian-owned businesses that not only create jobs but also nurture entrepreneurship and small business growth within the community.

The rate of urban unemployment generally remains higher than rural. But the latter is considered more severe mainly because the causes of rural unemployment are more deep-rooted and hence, are more difficult to address, compared to urban unemployment.<sup>20</sup> Factors such as decreasing land holding size, lack of infrastructure — especially irrigation infrastructure, lack of other job opportunities and continuous depletion of forest resources are considered the main reasons for rural unemployment.<sup>21</sup>

A key strategy for increasing Native Hawaiian employment in rural communities is advocating for policies that promote inclusive hiring practices in both public and private sectors. Through this land transfer, OHA has the potential to collaborate alongside the Kahana community to work with the legislature and other state departments to create incentives for hiring Native Hawaiians, such as tax breaks or grants, while encouraging businesses to adopt diversity and inclusion initiatives. Further, OHA can amplify its efforts in influencing governmental decision-making to prioritize Native Hawaiian workforce representation in public projects and key industries. By strengthening the cultural competency of employers and enhancing awareness of Native Hawaiian history, traditions, and values, OHA can help foster a more inclusive and supportive environment that benefits both the Ahupua‘a ‘O Kahana and the broader economy.

## **B. Location and General Property Information**

The Ahupua‘a ‘O Kahana State Park is located on the windward side of O‘ahu, in the moku of Ko‘olaupua, between Ka‘a‘awa and Punalu‘u, and 26 miles from Honolulu. The Ahupua‘a ‘O Kahana is a resource-rich valley and is the only completely intact ahupua‘a owned in its entirety by the State of Hawai‘i encompassing a total of 5,269.43 total acres.<sup>22</sup>

In 1965, State Senator John J. Hulten prepared a report for DLNR noting that Kahana was ideally suited to be a regional park, offering seashore water sports, mountain camping, and salt and freshwater fishing, and a tropical botanical garden.

Instead, from 1965 to 1969, the State initiated eminent domain proceedings to acquire the land to prevent a proposed resort development and to retain the open space and rural character of the area. In 1965, the State condemned the property for park purposes with a \$5,000,000 price, paid in five annual installments by the DLNR State

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<sup>20</sup> See <https://www.downtoearth.org.in/economy/rural-unemployment-in-central-india-why-ativasi-communities-are-worst-hit-86903>.

<sup>21</sup> Ibid.

<sup>22</sup> Townscape, Ahupua‘a ‘O Kahana State Park Master Plan, 2018.

**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.**

Parks Division. The State appropriated the final installment of the last remaining \$1 million in Act 155, SLH 1969 and acquired the entire Ahupua‘a ‘O Kahana in fee from the estate of Mary Foster and six individual lessees, prompted to do so by a 1965 report that portrayed Kahana as a blank slate to be developed in a highly commercial way, including 1,000 camping sites, a hotel, cabins, restaurant, a botanical garden, a manmade lake, and shops. In 1970, the State of Hawai‘i completed the acquisition of the Ahupua‘a ‘O Kahana for development as a state park.<sup>23</sup>

The families living in Kahana at that time had long-standing ties to the valley and lobbied the Legislature to allow them to stay in the park and preserve their lifestyle.

In 1987, the Hawai‘i State Legislature enacted Act 5, Session Laws of Hawai‘i (SLH), which authorized DLNR to issue long-term, 65-year, residential leases to those Kahana residents who met the following qualifications:

- 1) Persons who at the time of enactment of this Act reside in Kahana Valley on land acquired for Kahana Valley State Park and have lived continuously on this land since before 1970; or,
- 2) Persons who on the effective date of this Act have permits issued by the department of land and natural resources allowing them to reside on designated parcels of land acquired for Kahana Valley State Park.

On December 1, 1993, the Board of Land and Natural Resources (BLNR) issued thirty-one leases to families living in Kahana, and in most cases the lessees relocated, as a condition for receiving the leases, from their traditional homes near the coast to new residential subdivisions within Kahana and outside of the coastal flood zone. The leases, good for 65 years, were for 10,000-squarefoot residential lots. Families were eligible for the Kahana Loan Program, which offered low-interest (3%) loans of \$50,000 to build homes to those who qualified.<sup>24</sup>

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<sup>23</sup> Legislative Reference bureau, *Kahana: What Was, What Is, What Can Be*, 2001.

<sup>24</sup> Ibid.



**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.**

In lieu of a monetary payment, the State determined that as a condition of their lease, each Kahana family would contribute a set amount of hours of interpretive services through cultural programs per month to the park, to preserve, restore, and share the history and rural lifestyle of the ahupua‘a with the public, effectively implementing the DLNR’s “Living Park” model. The original intent of the Living State Park model was to exploit the culture of Native Hawaiians through a makeshift drive-thru exhibit of how Native Hawaiians traditionally lived. The State wanted something to show tourists who came through Kahana something that represented the lifestyles of the native peoples as development plans at the time painted a much different future for Kahana than what we know today. As a part of the lease agreement, each family had to have its adult members contribute twenty-five hours of “interpretive services” each month to the park in exchange for their land lease.



*Image 1. Location of the Ahupua‘a of Kahana on O‘ahu.*

The total acreage being considered in this land transfer of the Ahupua‘a ‘O Kahana is 5,269.43 acres and is outlined below in Image 2, indicated by the blue and yellow outlines. A mix of forty-four total Preservation and Residentially zoned parcels are under consideration for inclusion. Please see the list of parcels below:

**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.**



*Image 2. TMK boundaries of the Ahupua‘a ‘O Kahana parcels included in this potential transfer.*

<b>Parcel</b>	<b>Tax Map Key</b>	<b>Acreage</b>	<b>Special Management Area<sup>25</sup></b>	<b>Fee Owner</b>	<b>Zoning<sup>26</sup></b>
1.	5-2-002:001	1,338.66	Yes	State of Hawai‘i	P-1 <sup>27</sup>
2.	5-2-001:001	3,881.94	No	State of Hawai‘i	P-1
3.	5-1-005:021	5.47	Yes	State of Hawai‘i	P-1
4.	5-1-005:001	7.00	Yes	State of Hawai‘i	P-1
5.	5-2-005:001	4.97	Yes	State of Hawai‘i	P-1
6.	5-2-005:021	12.86	Yes	State of Hawai‘i	P-1
7.	5-2-005:022	0.31	Yes	State of Hawai‘i	R
<b>Parcel</b>	<b>Tax Map Key</b>	<b>Acreage</b>	<b>Special Management Area</b>	<b>Fee Owner</b>	<b>Zoning</b>
8.	5-2-005:023	0.28	Yes	State of Hawai‘i	R
9.	5-2-002:040	0.23	Yes	State of Hawai‘i	R
10.	5-2-002:039	0.26	Yes	State of Hawai‘i	R

<sup>25</sup> “Special Management Areas,” accessed on December 4, 2024, <http://geoportal.hawaii.gov>

<sup>26</sup> “Zoning – Land Use Ordinance,” accessed on December 4, 2024, <https://geoportal.hawaii.gov> and “Real Property Tax Assessments,” accessed on December 4, 2024, <https://qpublic.schneidercorp.com>

<sup>27</sup> The P-1 & R abbreviations refer to Restricted Preservation District & Residential District respectively.

**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.**

11.	5-2-002:041	0.23	Yes	State of Hawai‘i	R
12.	5-2-002:042	0.23	Yes	State of Hawai‘i	P-1
13.	5-2-002:051	0.23	Yes	State of Hawai‘i	P-1
14.	5-2-002:050	0.23	Yes	State of Hawai‘i	P-1
15.	5-2-002:049	0.23	Yes	State of Hawai‘i	P-1
16.	5-2-002:052	0.23	Yes	State of Hawai‘i	P-1
17.	5-2-002:043	0.23	Yes	State of Hawai‘i	R
18.	5-2-002:044	0.23	Yes	State of Hawai‘i	R
19.	5-2-002:048	0.27	Yes	State of Hawai‘i	R
20.	5-2-002:047	0.27	Yes	State of Hawai‘i	R
21.	5-2-002:046	0.27	Yes	State of Hawai‘i	R
22.	5-2-002:045	0.28	Yes	State of Hawai‘i	R
23.	5-2-002:021	0.29	Yes	State of Hawai‘i	R
24.	5-2-002:020	0.23	Yes	State of Hawai‘i	R
25.	5-2-002:022	0.23	Yes	State of Hawai‘i	R
26.	5-2-002:023	0.23	Yes	State of Hawai‘i	R
27.	5-2-002:024	0.23	Yes	State of Hawai‘i	R
28.	5-2-002:025	0.23	Yes	State of Hawai‘i	P-1
29.	5-2-002:026	0.23	Yes	State of Hawai‘i	R
30.	5-2-002:027	0.23	Yes	State of Hawai‘i	R
31.	5-2-002:028	0.23	Yes	State of Hawai‘i	R
32.	5-2-002:029	0.23	Yes	State of Hawai‘i	R
33.	5-2-002:030	0.23	Yes	State of Hawai‘i	R
34.	5-2-002:031	0.23	Yes	State of Hawai‘i	R
35.	5-2-002:032	0.23	Yes	State of Hawai‘i	R
36.	5-2-002:033	0.23	Yes	State of Hawai‘i	P-1
37.	5-2-002:034	0.23	Yes	State of Hawai‘i	R
38.	5-2-002:035	0.23	Yes	State of Hawai‘i	R
39.	5-2-002:036	0.23	Yes	State of Hawai‘i	R
40.	5-2-002:037	0.23	Yes	State of Hawai‘i	R
41.	5-2-002:038	0.23	Yes	State of Hawai‘i	R
42.	5-2-002:006	0.23	Yes	State of Hawai‘i	R
43.	5-2-005:020	1.48	Yes	State of Hawai‘i	P-1
44.	5-2-005:003	8.36	Yes	State of Hawai‘i	P-1

*Table 1. Property Information (TMK, Acreage, Special Management Area, Fee Owner, & Zoning)*

### **C. Cultural and Historical Significance**

At 5,269.43 acres, Kahana is the second-largest state park in the state park system.<sup>28</sup> It is estimated that the ahupua‘a may have had between 600 and 1,000 people

<sup>28</sup> Only Na Pali Coast State Park is larger, at 6,175 acres. See the sites at

**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.**

before Western contact.<sup>29</sup> After great numbers of Kānaka Maoli died due to Western diseases, at the time of the Mahele, there were an estimated 200 people in the ahupua‘a.<sup>30</sup>

After the Mahele in 1848, which was a single transaction that commenced between January 28 - March 7, 1848 and divided lands between Kamehameha III, the chiefs, and the konohiki, was authorized by the Privy Council in December 1847. The ahupua‘a of Kahana was granted to Annie Keohokālōle<sup>31</sup>, the mother of King Kalākaua and Queen Lili‘uokalani, with thirty-three much smaller awards within the ahupua‘a going to the maka‘āinana and a high ali‘i agent, and for the school and the road (collectively referred to in this study as the maka‘āinana awards).<sup>32</sup> Keohokālōle received 5,050 acres, and the maka‘āinana awards totaled less than 200 acres.<sup>33</sup> One authority is of the opinion that "all or nearly all of the people of Kahana were given land or were in families who received land."<sup>34</sup> While 200 acres compared to 5,050 may seem inordinately small, the maka‘āinana shares were among the most valuable in the ahupua‘a<sup>35</sup>, as they were the developed house lots (pahale) and lo‘i kalo. The remainder of the ahupua‘a, while it did contain freshwater rights, rights in the Huilua fishpond, and certain fishing rights in the bay, also included vast tracts of undeveloped, and perhaps undevelopable uplands.<sup>36</sup>

In 1856, Keohokālōle and her husband Kapa‘akea put all their holdings into an asset pool, a type of trust for the benefit of their son, David Kalākaua.<sup>37</sup> As trustee of this asset pool, Keohokālōle sold Kahana in May 1857 to AhSing (also known as Apakana), a Chinese merchant.<sup>38</sup> Keohokālōle's portion of the ahupua‘a passed through the hands of a few other Chinese merchants<sup>39</sup> before being bought by a land hui composed of Hawaiian members of the Church of Latter-Day Saints<sup>40</sup>, called the Ka Hui Kū‘ai i Ka ‘Āina ‘o

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<http://mano.icsd.hawaii.gov/dlnr/dsp/kauai.html>, "State Parks on the Island of Kauai";  
<http://mano.icsd.hawaii.gov/dlnr/dsp/oahu.html>, "State Parks on the Island of O‘ahu";  
<http://mano.icsd.hawaii.gov/dlnr/dsp/molokai.html>, "State Parks on the Island of Moloka‘i";  
<http://mano.icsd.hawaii.gov/dlnr/dsp/maui.html>, "State Parks on the island of Maui"; and  
<http://mano.icsd.hawaii.gov/dlnr/dsp/hawaii.html>, "State Parks on the island of Hawai‘i" listing the comparative sizes of the parks in the state system. According to Kaua‘i DLNR staff, Na Pali, while larger, is not a complete ahupua‘a.

<sup>29</sup> Mark Lewin, "Social Impact Assessment of Kahana Valley State Park, Oahu, Hawaii" (1992) at 7, and Kahana State Park Development Plan, Draft 7, Kahana Advisory Council, December 1985, at 5.

<sup>30</sup> Kahana State Park Development Plan, Draft 7, Kahana Advisory Council, December 1985 at 5.

<sup>31</sup> Land Tenure in Kahana, Hawai‘i, 1846-1920, University of Hawai‘i at Mānoa dissertation by Robert Hammond Stauffer, May 1990, at 113 (hereafter Stauffer I).

<sup>32</sup> Stauffer I at 30 and 62.

<sup>33</sup> Ibid, 34.

<sup>34</sup> Ibid, 33.

<sup>35</sup> Ibid, 133.

<sup>36</sup> Ibid, 100, 115.

<sup>37</sup> Ibid, 134.

<sup>38</sup> Ibid, 138.

<sup>39</sup> Ibid, 141-142.

<sup>40</sup> Ibid, 178-179.

**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.**

Kahana in 1874.<sup>41</sup> The hui had 95 members. Kahana was divided into 115 shares, with most members getting one share, and a few receiving multiple shares.

The land tenure of the Hui was more similar to the pre-Mahele usage than to strict Western land usage. Each shareholder had his or her own house lot (pahale) and lo‘i kalo, but all had an undivided interest in the pasture and uplands, and in the freshwater rights, ocean fishing rights, and the Huilua fishpond.<sup>42</sup> Each member was allowed an equal share in the akule that were caught and could have up to six animals running freely on the land (additional animals would be paid at a quarter per year).<sup>43</sup> Some of the farmable common lands were leased to rice planters for the group benefit.<sup>44</sup> This started a change in the agricultural nature of the valley, as the lo‘i kalo began to be converted to rice paddies. This change continued as more lands were leased to rice farmers, and as shares were purchased by Kāne‘ohe Ranch, both for their income when leased to rice planters, and for their own use as pasture for the ranch's cattle.<sup>45</sup>

While the maka‘āinana all held their land awards up to 1873, the advent of the Mortgage Act of 1874, allowing non-judicial foreclosure, spelled the beginning of the end for these individual owners. This Act allowed the mortgages of the rural landowners to foreclose without the safety of court procedures. The lands were gradually either mortgaged and foreclosed on<sup>46</sup>, or sold outright<sup>47</sup> to major players such Kāne‘ohe Ranch and Mary Foster<sup>48</sup> (a member of the prominent Robinson family) and her husband Thomas.<sup>49</sup>

Mary Foster strongly objected to Kāne‘ohe Ranch's practice of burning off the indigenous trees and ground cover to create pasturage out of native forests. She began a "bitter economic and legal struggle" with the Ranch for control of Kahana.<sup>50</sup> An out of court settlement was reached in 1901, in which Mary Foster bought out the Ranch's interest, including their leases, in the Hui shares, giving her a controlling interest in Kahana.<sup>51</sup> Even after the settlement, she continued to acquire shares in Kahana, both from original owners and from other land "collectors" such as Lincoln McCandless, increasing her dominance.<sup>52</sup> In that way, Mrs. Foster gained even more of the shares, until she

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<sup>41</sup> Ibid, 180-181, 183.

<sup>42</sup> Ibid, 182 and 235-236.

<sup>43</sup> By-laws of the Hui `Aina o Kahana (1882), sections 4 and 18.

<sup>44</sup> Stauffer I at 189.

<sup>45</sup> Ibid, 235-236.

<sup>46</sup> Ibid, 200-216.

<sup>47</sup> Ibid, 212.

<sup>48</sup> See "City and County of Honolulu, Foster Botanical Garden, Master Plan, Background Information," at <http://www.co.honolulu.hi.us/parks/facility/foster/info.htm> (retrieved October 26, 2001).

<sup>49</sup> Stauffer I at 220.

<sup>50</sup> Ibid, 237.

<sup>51</sup> Ibid, 239.

<sup>52</sup> Ibid, 244, 255, 259.

**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.**

finally held 97% of the land by 1920.<sup>53</sup> By the time of her death, she held all but six parcels in the valley, or well over 99%.

From the standpoint of preserving the Hawaiian rural lifestyle, it is unfortunate that the shares were made alienable and eventually lost by the maka‘āinana whose families had lived there for multiple generations. However, Foster, who wanted to preserve its natural state and fought burning the forests for pasture, was the best of the possible options, and allowed the Native Hawaiian families of Kahana, as well as the members of the different ethnic groups who had moved to Kahana, to remain on the land on month-to-month tenancies. Foster continued to lease much of the lands she acquired, including leasing to Chinese rice planters, and Japanese sugar cane farmers.

Mrs. Foster died in 1930, and the Ahupua‘a ‘O Kahana passed to her estate and was held in trust for her heirs. Over the ensuing years, Kahana remained a quiet valley, with a peaceful rural lifestyle incorporating many Hawaiian cultural values. The multicultural mix of people in the ahupua‘a fit into the Hawaiian rural lifestyle.<sup>54</sup> Sugar production was phased out and ceased in the 1930s, and many residents drifted away and moved to Honolulu.

#### **D. Current Stewardship Model**

On December 1, 1993, the BLNR issued thirty-one leases to families living in Kahana, and in most cases, the lessees relocated, as a condition for receiving the leases, from their traditional homes near the coast to new residential subdivisions within Kahana and outside of the coastal flood zone. The leases, good for 65 years, were for 10,000 square foot residential lots. Families were eligible for the Kahana Loan Program, which offered low-interest (3%) loans of \$50,000 to build homes to those who qualified.<sup>55</sup>

In lieu of a monetary payment, the State determined that as a condition of their lease, each Kahana family would contribute interpretive services per month to the park, to preserve, restore, and share the history and rural lifestyle of the ahupua‘a with the public, effectively implementing the DLNR’s “Living Park” model. As a part of the lease agreement, each family had to have its adult members contribute twenty-five hours of “interpretive services” each month to the park in exchange for their land lease. The scope of the term, “interpretive services” was not well defined, which was soon to become a real problem. But as some of the original lessees died and relatives took over the leases, fewer participated in the cultural practices, and DLNR has not enforced the requirement.

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<sup>53</sup> Ibid, 267.

<sup>54</sup> Ibid.

<sup>55</sup> Legislative Reference bureau, *Kahana: What Was, What Is, What Can Be*, 2001.

**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.**

Today more than two-thirds of families are delinquent, owing hundreds and even thousands of hours, state records show.<sup>56</sup>

In a 2019 interview with the Honolulu Star Advertiser, Curt Cottrell, Parks Administrator for DLNR, agreed that the living park concept is not working and that the status quo in Kahana is unacceptable, stating his agency, “is good at managing parks but doesn’t have the training or expertise to manage a residential community.”<sup>57</sup> Cottrell believes DLNR, valley residents, the attorney general’s office, legislators and the broader community need to discuss the future of Kahana, including whether the living park concept should be retained and what happens after 2058 when the leases expire. Cottrell said the residents, through their community association, would be in a better position than DLNR to police the look of the neighborhood, developing their own standards for such things as yard upkeep and storing derelict vehicles.

The Legislative Reference Bureau (LRB) contacted twenty-four state, federal, and county agencies about their jurisdiction over or involvement with Kahana. The agencies fell into three categories: some of the agencies had no involvement in Kahana; some had regulatory powers over proposed changes to the ahupua‘a but otherwise were not involved; and others had active jurisdiction over a portion of Kahana and could generate their own projects within their limited jurisdiction. It was agreed that the agency with primary jurisdiction is the Department of Land and Natural Resources’ State Parks Division.<sup>58</sup>

Two management structures were examined. The first is one in which the management entity has control over the entity, like the Kaho‘olawe Island Reserve Commission (KIRC). In the other model, each government agency retains its current jurisdiction and the management entity serves as a coordinator between the agencies and as an ombudsman between the lessees and the agencies.<sup>59</sup>

Over the past 40+ years, there have been several “master plans” developed for Kahana. Plans developed in the early to mid-1970s were commissioned by the state. From 1979 on, there were several plans developed by Kahana residents. Some of these plans were traditional park plans that focused on physical resources and facilities; several plans also addressed cultural resources and programs. None of these plans were approved by DLNR, and none of these plans addressed the most critical issues that make this state park unique – and often difficult to manage. These overarching critical issues are:

- 1) The cultural living park model;

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<sup>56</sup> Ibid.

<sup>57</sup> See <https://www.staradvertiser.com/2019/04/07/hawaii-news/kahana-valley-living-park-concept-broken/>.

<sup>58</sup> Legislative Reference bureau, *Kahana: What Was, What Is, What Can Be*, 2001.

<sup>59</sup> Ibid.



**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.**

- 2) The 65-year leases that dictate the terms under which Kahana families are permitted to live in the valley; and,
- 3) Overall management of the Ahupua‘a ‘O Kahana.

These issues are inter-related and no one issue is more important than the others. However, these three critical, overarching issues must be addressed and must be resolved, at least in principle, before a meaningful physical resources and facilities master plan can be developed and implemented.

Alternative management options presented in the 2018 Townscape Master Plan offered five potential management alternatives for Kahana.<sup>60</sup> The preferred alternative management strategy favored by DLNR State Parks Division entails that the State Parks Division continues to manage Kahana mauka, makai and recreational areas, in partnership with other DLNR Divisions, and converts residential areas to affordable monetary leases or to affordable fee simple ownership for Kahana families. However, the preferred alternative management strategy favored by OHA entails that DLNR State Parks Division continues to manage Kahana recreational areas but relinquishes management of the mauka, makai and residential areas to the Office of Hawaiian Affairs.

OHA’s Real Estate Plan states that, “OHA shall seek to partner with other organizations to pursue all its land-based objectives — rather than independently trying ‘to do it all’.”<sup>61</sup> Managing an entire ahupua‘a is a large lift for any government entity, especially with its current status as a State Park, the inclusion of residents, today’s current state government workforce shortage, and the constant battle against climate change and coastal erosion that effect the Ahupua‘a ‘O Kahana and its community members. Additionally, OHA’s Real Estate Plan states that, “OHA shall pursue control of Native Hawaiian properties beyond ceded lands in order to be the catalyst to transform Hawai‘i land stewardship.”<sup>62</sup> Through the proposed co-stewardship model of communal land tenure, OHA has an opportunity to work alongside its beneficiaries in Kahana to reassess and improve the current situation regarding residential leases and those six Kahana families who are currently without a lease.

There are six house lots that are currently occupied by Kahana families that do not have leases with State Parks. These six house lots are located in the coastal flood zone. The six house lots and other Kahana coastal houses were scheduled to be abandoned in 1993 when long-term leases were offered to Kahana families for residential lots outside of the floodplain. Most of the Kahana families moved to the new residential lots, as they had agreed. However, some members of the six families chose to remain in houses

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<sup>60</sup> Townscape, Ahupua‘a ‘O Kahana State Park Master Plan, 2018.

<sup>61</sup> OHA Real Estate Vision, Mission, and Strategy Policy, Office of Hawaiian Affairs Board of Trustees Executive Policy Manual updated Oct. 31, 2024, p. 152.

<sup>62</sup> Ibid.



**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.**

located in the floodplain. Upon a pending eviction action by DLNR, the six families obtained political support that led to the enactment of Act 15, SLH 2009. Act 15 included a 2-year moratorium on eviction of the six families<sup>63</sup>.

**E. Property Condition**

**Structures & Existing Infrastructure**

There is a total of thirty residential and thirteen preservation parcels across Kahana included in this transfer. Of the thirty residential parcels, there are also twenty-eight lessees of Kahana residential lots, and six families living in Kahana who have been awaiting State leases per decision of the BLNR since 2013. There are sixteen lessees living in Residential Area A on Kahana Valley Road along with two registered, unassigned lots, and one forfeited lot. In Residential Area B on Trout Farm Road, there are nine lessees, with three registered, unassigned lots and two forfeited lots. Along Kamehameha Highway is a single lessee on lot 4-A, and two additional lessees on the lots makai of Kamehameha Highway located across the entrance to Trout Farm Road identified as lots 27-C and 27-B. Furthermore, there are six unpermitted homes that were once the sites of old homes that were built before the State had acquired Kahana Valley, which houses many of the individuals awaiting lease awards from the BLNR. Two are located mauka of Kamehameha Highway between Trout Farm Road and Kahana Valley Road, and four on the left-hand side of the entrance to the State Park, adjacent to the Kahana Community Center.

Existing roads across the parcels include Trout Farm Road owned and operated by the City & County of Honolulu, and Kahana Valley Road owned and operated by the State of Hawai‘i. Maintenance and upkeep of these roads are critical to the residents of Kahana as these are the sole one-way access points of entry to their homes.

Refuse and recycling pickup service is provided by the City and County of Honolulu with current lessees possessing the standard black (refuse), blue (recycling), and green (green waste) 65-Gallon wheeled-trash cans given by the county for regular pickups. Regular pickups for recycling and green waste occur on rotating Tuesdays, while refuse is scheduled for pickup every Friday. Should additional refuse, recycling, or green waste need to be taken in excess of the bins provided by the county, the nearest refuse collection yard would be at the Lā‘ie Collection Yard, located at 56-020 Kamehameha Highway.<sup>64</sup>

As the Ahupua‘a ‘O Kahana is currently a State Park, there is regular public bus service that runs along Kamehameha Highway providing access in and out of Kahana to

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<sup>63</sup> Act 15, Session Laws of Hawai‘i 2009.

<sup>64</sup> See [https://opala.hnl.info/refuse\\_collection/](https://opala.hnl.info/refuse_collection/).

**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.**

the public and residents of the ahupua‘a. There are six bus stops in Kahana serviced by route 60 (Honolulu-Kāne‘ohe-Hale‘iwa), and express route 88A (North Shore-Ala Moana Express via Kahekili). Stops include Stop 2398: Kamehameha Hwy. + Kahana Valley Rd.; Stop 2475: Kamehameha Hwy. + Opp. Kahana Valley Rd.; Stop 2474: Kamehameha Hwy. + Kahana Bay; Stop 2399: Kamehameha Hwy. + Opp. Kahana Bay; Stop 2400: Kamehameha Hwy. + Trout Farm Rd.; and Stop 2473: Kamehameha Hwy. + Opp. Trout Farm Rd. Regular 7-day a week service by route 60 starts pickups/drop-offs around 7:15am with the last pickup/drop-off is around 11:15pm. Express route 88A runs only on weekdays and has two regular pickups in Kahana at around 5:00am and 5:40am, and then returns to drop-off passengers at around 5:45pm and 6:25pm respectively. Current bus fares range from \$2.00 for a one-way ride with a HOLO card, to \$880.00 for an annual pass.<sup>65</sup>

### **Access, Easements and Restrictions**

As the Ahupua‘a ‘O Kahana is currently under the status of a State Park, access across the parcels is open to the public however, access is relatively limited in comparison to the entirety of the valley, which encompasses over 5,000 acres. Currently, the public has direct access to Kahana Valley Road and Trout Farm Road as these are owned and operated by the State and County respectively. The road extends to the last lot in the residential area where a DLNR gate prevents any vehicles from going any further into Kahana Valley. Kahana is also home to O‘ahu Public Hunting Area Unit F, which allows hunters with a valid Hawai‘i hunting license to hunt one-half hour before sunrise and one-half hour after sunset. All hunters must check in and check out when entering and exiting the hunting grounds. This can be done either physically at an established hunter check-in station or using DLNR’s mobile application called OuterSpatial.<sup>66</sup>

Registered Map No. 4158 prepared by registered Land Court Surveyor, Laurence M. Masuda on July 3, 1993, indicate existing easements in Residential Area A on Kahana Valley Road that include two drainage easements. One behind lot A-19, and one that runs behind, and adjacent to lot A-4 and A-3. There are also two access easements located just before lot A-1 and A-3, and another between lot A-14 and A-19. That same map also indicates several easements in Residential Area B on Trout Farm Road. One drainage easement that runs along the back side of lots B-7 through B-10, and six access easements from the entrance of the road to lot B-5. The last easement near any residences would be the access easement from Kamehameha Highway to lot 4-A, which serves as a driveway to the home of the current lessee. Registered Map No. 4159

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<sup>65</sup> See <https://www.thebus.org/Fare/TheBusFares.asp>.

<sup>66</sup> See <https://dlnr.hawaii.gov/recreation/hunting/oahu/>.

**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.**

prepared by the same Land Court Surveyor further indicates eighteen additional access easements along Kahana Valley Road from the entrance of the road to lot A-3. The same map further identifies an access road allowing Honolulu Board of Water Supply to access the Kahana Well I for routine service and upkeep, which is located just before lot A-3. (See Exhibits 45 & 46)

## **Utilities**

Water delivery service is provided by one water tank located mauka of the Residential Area A, providing potable water from the Honolulu Board of Water Supply (BWS) via the City and County of Honolulu water system. Access to this water tank is via the gated road at the end of Kahana Valley Road. Maps indicate this service road as Watertank Access Road, which runs adjacent to the Nākoa Trail.

Wastewater is managed via septic system for all current lessees residing in the Ahupua‘a ‘O Kahana, as this was put in upon the transition of Kahana to the State of Hawai‘i to allow the residents to remain in place, while using them toward the development of the “Living Park” model of living in rural Hawai‘i. Residents in Kahana living in the unpermitted homes awaiting leases from DLNR currently manage their waste using port-a-potties with regular cleanings and visits from the servicer to provide and maintain the status of their temporary wastewater systems.

Electricity is delivered across the parcels via power lines that access the Hawaiian Electric Company (HECO) grid. Solar panels are found on the rooftops of the residences located on lot A-9; A-11; A-12; B-1; B-2; B-9; B-10; and 27-B. All residents pay unsubsidized HECO rates as per usual with any typical customer. However, as the Ahupua‘a ‘O Kahana is in a remote area of O‘ahu, many residents have acquired their own personal generators as a backup to essential utilities located on the property to ensure critical services continue to be delivered to Kahana’s residents in the event of any loss of power, natural disaster, or emergency.

As reliable forms of communication remain to be a critical factor for kānaka living in 2024, especially in rural areas of Hawai‘i, most residents have gone about purchasing their own home routers providing Wi-fi in an area that is poorly serviced by cellular reception. The cellular signal is lost once passing the hard left turn near The Crouching Lion Bar and Grill and remains absent until reaching the Kahana Bay Launch Ramp Facility. This key utility enables the Ahupua‘a ‘O Kahana’s residents to practice self-determination with the knowledge and skillset of modern practices and methods, and further enables the residents of Kahana to remain in contact with those outside of the ahupua‘a in the event of emergencies or natural disasters.

## **Environmental and Cultural Resources**

Water has and continues to be Kahana’s most valuable commodity. Kahana is a robust watershed with a historic and functioning lo‘i and a historic fishpond, a popular hiking trail, a public hunting area, a popular beach campground adjacent to a bay that still provides subsistence fishing opportunities in addition to ocean recreation. Kahana was a thriving fishing and farming community prior to Western contact. Those living in Kahana had an abundance of fresh water and fertile soil on the valley floor to cultivate kalo, the staple crop. The lo‘i were irrigated by ‘auwai that diverted water from the streams to the fields. Kahana Bay provided a wealth of fish and shellfish.<sup>67</sup> There are extensive remnants of Hawaiian culture in the valley, including a heiau, ko‘a, fishponds, house sites, stone-walled enclosures, ‘auwai, agricultural terraces, walls and planting areas. While many of these sites are inaccessible to the public, Kapa‘ele‘ele Ko‘a and Keaniani Kilo (lookout) are accessible via a trail on the west side of the valley mouth. From the kilo, the kilo i‘a, or fish watcher, spied schools of akule in the bay and signaled to valley residents who would collectively net them.<sup>68</sup> Huilua Fishpond, the most impressive site in the valley, is presently under restoration by community members while they actively bring in groups and classes to teach traditional aquaculture methods still used by Native Hawaiians to this day. The fishpond can be visited from the east side of the bay, as there is a locked gate that prevents the public from accessing the loko i‘a. The property is abundant with natural, cultural, and historical resources.

The Kahana stream system occurs in the amphitheater-shaped valley of Kahana. The 21.7 square-kilometer (8.38 square-mile) drainage basin is headed by the 2500-foot high Ko‘olau crest and bordered by two spur ridges. This catchment provides large quantities of surface water to Kahana Stream as well as two major tributaries: Kawa on the east and Hanalele on the west. Rainfall at the crest of the Ko‘olau exceeds 760 centimeters (300 inches) per year. Ground water also contributes to the system via low permeability dikes in the upper valley and groundwater input in mid-valley reaches. As a result, the stream gains water continuously from headwater to mouth with an average flow exceeding 38 cubic-feet per second (24.5 million-gallons per day). Mid-valley reaches are characterized by clear, cool water with turbulent flows and infrequent deep pools between riffle stretches. Streamflow slows, becomes less clear, and warmer in the lower valley as the channel meanders through a low-gradient wetland before graduating into one of twenty true estuaries in the Hawaiian archipelago. In terms of surface flow, the Kahana system is the largest stream-wetland-estuary complex on windward O‘ahu. The relatively undisturbed condition of the upper drainage, with few human impacts in

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<sup>67</sup> See <https://dlnr.hawaii.gov/dsp/parks/oahu/ahupuaa-o-kahana-state-park/>.

<sup>68</sup> Ibid.

**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.**

the floodplain and coastal area, suggests that Kahana Estuary is of higher natural quality than its few ecological counterparts elsewhere on O‘ahu.<sup>69</sup>

The Kahana stream system contains high biological diversity, and supports the full complement of native freshwater fish, shrimp, and mollusks. This includes regular observation of ‘o‘opu nopili (*Sicyopterus stumpsoni*), which is very rare on O‘ahu. In 2002, a single ‘o‘opu ‘alamo‘o (*Lentipes concolor*) was observed near the headwaters; this is notable because until recently, this species was regarded as extinct on O‘ahu. Also inhabiting the stream are several species of introduced animals (at least three fishes and two decapod crustaceans). Unfortunately, these non-native species surpass native species in abundance. Kahana Estuary supports a variety of native fish and invertebrates that are of recreational, commercial and cultural importance. These include ‘ama‘ama (*Mugi cephalus*), pāpio (*Caranx spp.*), āholehole (*Kuhlia xenura*) and ‘o‘opu akupa (*Eleotris sandwicensis*). There is a popular recreational/subsistence crab-pot fishery for the introduced Samoan crab (*Scylla serrata*) and Tahitian prawn (*Macrobrachium far*).<sup>70</sup>

The mid-valley reaches of Kahana Stream system are characterized by alien wet tropical rainforest. The swampy environment in the relatively flat areas adjacent to the stream are dominated by hau shrub (*Hibiscus tiliaceaus*), California grass (*Brachiaria mitica*), and exotic trees including false kamani (*Terminia catappa*), and ironwood, (*Asuarina equisetifolia*). In recent decades, unimpeded growth of hau altered the flow of water and changed the stream channel characteristics in the middle and lower sections of the stream and estuary. These changes have gradually increased in severity over the last few decades; impeding migration of native fish. DLNR and community-led efforts have initiated the clearing of hau, restoration of the stream channel, and restoration of native vegetation in the lower reaches of Kahana Stream to increase native fish and invertebrate populations, improve cultural uses of natural resources, and enhance recreational uses of the stream and estuary.<sup>71</sup>

Continued efforts by the Kahana residents seek to further enable the traditional practice of communal land tenure through the ahupua‘a system to create a vibrant and thriving community that embraces and celebrates the ancestral wisdom, traditions, and values of the Native Hawaiian people. Today, the Ahupua‘a ‘O Kahana remains a leading example of making the necessary legal assertions against the State of Hawai‘i to remain on ‘āina and keep kānaka on their ancestral lands.

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<sup>69</sup> See <https://dlnr.hawaii.gov/dsp/files/2019/02/Supplemental-Report.pdf>.

<sup>70</sup> Ibid.

<sup>71</sup> Ibid.

**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.**

**F. Stakeholder Engagement Process**

Over recent months, OHA’s Strategy & Implementation Division, alongside OHA’s Legacy Land team have been engaging with the Kahana Community and DLNR in Phase 1 due diligence meetings to ascertain current conditions, infrastructure, document collection and reviews and site visits to various parts of the parcel. Throughout the engagement process with the Chairperson of DLNR, the Kahana community members, and the Office of Governor , all parties agree that there are benefits to transferring these parcels from DLNR to OHA, including the betterment and conditions of Native Hawaiians.

**G. Preliminary Strengths, Weaknesses, Opportunities, Threats (SWOT) Analysis**

With the information gathered to date, a high-level preliminary SWOT analysis of a potential transfer of the Ahupua‘a ‘O Kahana Preservation and Residential parcels into OHA’s Legacy Lands portfolio is provided below for consideration.

Strengths

- Strategic Alignment: Aligns with Ch. 10 mandate and Mana i Maui Ola strategic directions and outcomes
- Existing Management and Governance: Internal community alignment and governance model simplifies community planning activities with existing vision and practices
- Purchase Price: No purchase price
- Stakeholder Concurrence: DLNR supportive of transfer to OHA

Weaknesses and *Proposed Mitigation Strategies*

- Risk Exposure: Unpermitted structures and infrastructure
  - Develop action plan with community to support compliance measures and safety updates
- Environmental Concerns: Flooding
  - Develop/support a flood maintenance and mitigation plan
- Environmental Concerns: Invasive species
  - Develop/support a vegetation maintenance plan for invasive species (flora and fauna) mitigation and repurposing opportunities

Opportunities

**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.**

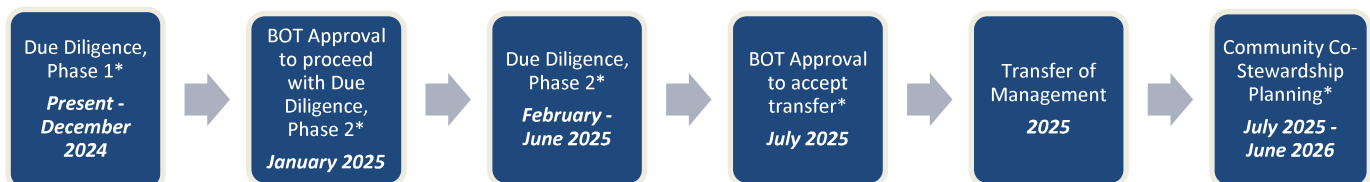
- Ensure Permanency: Prevent displacement of families subject to lease terms with DLNR and explore options of formalizing leases with the remaining six families currently without a lease
- Strategic Partnership: Potential to demonstrate co-stewardship of ‘āina using a community framework (Communal land tenure)
- Facilitate Ea: Support beneficiary rights to practice self-determination and self-governance
- Economic Development: Support and learn from existing and developing agricultural and small business models

Threats and *Proposed Mitigation Strategies*

- Public Perception: As always, OHA will be exposed to public critique
  - Manage, communicate, and operate with integrity
  - Community consultation
  - Clear, effective communications from OHA on actions and plans
- Stability of Transfer: Unless a title transfer, management authority can be overturned with a change of administration
  - Work with DLNR and the Governor’s office to formalize a permanent agreement

#### **IV. TIMEFRAME**

The timeframe surrounding the potential acquisition of this parcel is quite unique in nature due to the verbal support expressed by the Governor’s Office. Should the strict timeline below be executed by the Office of Hawaiian Affairs Administration and BOT, the Governor has verbally expressed interest in announcing the transfer at his next State of the State address scheduled for January 21, 2025. This presents an excellent opportunity for OHA to publicly announce progress and efforts underway alongside support from the Governor of the State of Hawai‘i.



**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.**

**V. BUDGET AUTHORIZATION**

Increase the budget for the Land Assets Program (Program Code 8300) up to \$75,000 to cover necessary costs incurred for, or associated with the due diligence phase, subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Realignments.

**VI. BUDGET CERTIFICATION**

The following is the certification by the Chief Financial Officer that the funds are available subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Realignments:



\_\_\_\_\_  
Ramona G. Hinck

Chief Financial Officer

Date: Jan 17, 2025  
\_\_\_\_\_

**VII. RECOMMENDATION**

Approve and authorize the CEO to delegate to OHA administration the authority to:

- 1) 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;
- 2) Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for due diligence to inform the potential transfer of land from the DLNR to OHA;
- 3) Appropriate funds up to \$75,000 [Contingent on approval of Q1 Budget Variance Request - 8300 Legacy and Programmatic Lands] to cover necessary costs incurred for, or associated with the due diligence phase;
- 4) Take all other reasonable actions necessary and appropriate to implement the foregoing.

To clarify, this action item seeks BOT approval of the due diligence Phase 1, and authorization of OHA Administration to undertake due diligence Phase 2 as a part of OHA’s broader interest in supporting an ahupua‘a stewardship model throughout Hawai‘i. The land transfer process will be determined at a later date in consultation with the residents of the Ahupua‘a ‘O Kahana, DLNR, and the Office of Governor Josh Green, M.D. Due diligence Phase



**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.**

2 will seek to expend OHA trust funds to solicit third-party review of the following areas needing further exploration:

- 1) Risks Assessment
  - a. Invasive flora and fauna
  - b. Unpermitted structures, cesspools, and burial sites
  - c. Running bodies of water
  - d. Fire threats
  - e. Unsecured access
- 2) Risk Mitigation Action Plan
- 3) Financial Considerations
  - a. Economic development potential
  - b. Business Plan
  - c. Ongoing management needs and costs
  - d. 1, 5, 10-year projected budget
- 4) Community Plan/Management Plan

## **VIII. ALTERNATIVES**

- A. Take no action. Cease all further efforts.
- B. Further information is needed. Do not approve to authorize the CEO to delegate to OHA administration 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.

## **IX. REFERENCES**

1. See [https://www.oha.org/wp-content/uploads/MiMO\\_StrategicPlan-1.pdf](https://www.oha.org/wp-content/uploads/MiMO_StrategicPlan-1.pdf)
2. Townscape, Ahupua‘a ‘O Kahana State Park Master Plan, 2018.
3. Act 5, Session Laws of Hawaii 1987, section 1.
4. Office of Hawaiian Affairs Board of Trustees Executive Policy Manual updated Oct. 31, 2024, p. 14.
5. Commission on Water Resource Management, *Kahana Stream Restoration Project, 2017*, see [https://files.hawaii.gov/dlnr/cwrmp/publishedreports/USFWS\\_Kahana.pdf](https://files.hawaii.gov/dlnr/cwrmp/publishedreports/USFWS_Kahana.pdf).
6. Act 5, Session Laws of Hawaii 1987, section 1.
7. See <https://www.epi.org/publication/the-power-of-self-determination-in-building-sustainable-economies-in-indian-country/>.
8. See <https://www.learningtogive.org/resources/community-capital>.
9. See <https://social-legacy.com/the-importance-of-social-capital>.

**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.**

10. See [https://www.ksbe.edu/assets/pdfs/Imi\\_Pono-Local\\_Foods-Sept\\_2022.pdf](https://www.ksbe.edu/assets/pdfs/Imi_Pono-Local_Foods-Sept_2022.pdf).
11. “Special Management Areas,” accessed on December 4, 2024, <http://geoportal.hawaii.gov>
12. “Zoning – Land Use Ordinance,” accessed on December 4, 2024, <https://geoportal.hawaii.gov> and “Real Property Tax Assessments,” accessed on December 4, 2024, <https://qpublic.schneidercorp.com>
13. The P-1 & R abbreviations refer to Restricted Preservation District & Residential District respectively.
14. For TMK, acreage and fee owner, see “City and County of Honolulu’s Real Property Assessment and Tax Billing Information website,” accessed on December 4, 2024, <https://qpublic.schneidercorp.com>.
15. Only Na Pali Coast State Park is larger, at 6,175 acres. See the sites at
16. <http://mano.icsd.hawaii.gov/dlnr/dsp/kauai.html>, "State Parks on the Island of Kauai";
17. <http://mano.icsd.hawaii.gov/dlnr/dsp/oahu.html>, "State Parks on the Island of O‘ahu";
18. <http://mano.icsd.hawaii.gov/dlnr/dsp/molokai.html>, "State Parks on the Island of Moloka‘i";
19. <http://mano.icsd.hawaii.gov/dlnr/dsp/maui.html>, "State Parks on the island of Maui"; and
20. <http://mano.icsd.hawaii.gov/dlnr/dsp/hawaii.html>, "State Parks on the island of Hawai‘i" listing the comparative sizes of the parks in the state system. According to Kaua‘i DLNR staff, Na Pali, while larger, is not a complete ahupua‘a.
21. Mark Lewin, "Social Impact Assessment of Kahana Valley State Park, Oahu, Hawaii (1992) at 7, and Kahana State Park Development Plan, Draft 7, Kahana Advisory Council, December 1985, at 5.
22. Kahana State Park Development Plan, Draft 7, Kahana Advisory Council, December 1985 at 5.
23. Land Tenure in Kahana, Hawai‘i, 1846-1920, University of Hawai‘i at Mānoa dissertation by Robert Hammond Stauffer, May 1990, at 113 (hereafter Stauffer I).
24. By-laws of the Hui `Aina o Kahana (1882), sections 4 and 18.
25. See "City and County of Honolulu, Foster Botanical Garden, Master Plan, Background Information," at <http://www.co.honolulu.hi.us/parks/facility/foster/info.htm> (retrieved October 26, 2001).
26. OHA Real Estate Vision, Mission, and Strategy Policy, Office of Hawaiian Affairs Board of Trustees Executive Policy Manual updated Oct. 31, 2024, p. 152.
27. See <https://www.staradvertiser.com/2019/04/07/hawaii-news/kahana-valley-living-park-concept-broken/>.
28. Legislative Reference bureau, *Kahana: What Was, What Is, What Can Be*, 2001.
29. See <https://dlnr.hawaii.gov/dsp/parks/oahu/ahupuaa-o-kahana-state-park/>.
30. See <https://dlnr.hawaii.gov/dsp/files/2019/02/Supplemental-Report.pdf>.



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

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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

**Board Packet**

**IV. New Business**

- E. **Action Item ILM #25-05:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai'i parcels, Waimanālo, O'ahu to the Office of Hawaiian Affairs.\*



**OFFICE OF HAWAIIAN AFFAIRS**


**Action Item**

**COMMITTEE ON INVESTMENTS & LAND MANAGEMENT**

**January 22, 2025**

**ILM #25-05**

**Action Item Issue:** Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai'i parcel, Waimanālo, O'ahu to the Office of Hawaiian Affairs.

**Co-prepared by:**  Jan 17, 2025

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Kū'ikeokalani Kamakea-Ōhelo  
Director of Ōiwi Wellbeing and Āina Momona

Date

**Co-prepared by:**  Jan 17, 2025

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Lori K. Walker  
Interim Land Assets Director

Date

**Reviewed by:**  Jan 17, 2025

---

Ramona G. Hinck  
Chief Financial Officer

Date

**Reviewed by:**  Jan 17, 2025

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Everett Ohta  
Interim General Counsel

Date

**Reviewed by:**  Jan 17, 2025

---

Kēhaulani Pu'u  
Chief Operating Officer


Date

**Reviewed by:**  Jan 17, 2025

---

Stacy K. Ferreira  
Chief Executive Officer

Date

**Reviewed by:**  Jan 17, 2025

---

Keoni Souza  
Chairperson, ILM Committee

Date

**Action Item ILM 25-05: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai‘i parcel, Waimanālo, O‘ahu to the Office of Hawaiian Affairs.**

**Table of Contents**

I.	PROPOSED ACTION .....	1
II.	ISSUE .....	2
III.	BACKGROUND & DISCUSSION .....	2
	A. Legal Basis for Land Inclusion & Alignment to OHA’s Strategic Plan.....	2
	B. Location and General Property Information .....	9
	C. Cultural & Historical Significance .....	10
	D. Current Stewardship Model .....	11
	E. Property Condition .....	12
	F. Stakeholder Engagement Process .....	14
	G. Preliminary SWOT Analysis.....	15
IV.	TIMEFRAME .....	16
V.	BUDGET AUTHORIZATION .....	16
VI.	BUDGET CERTIFICATION .....	16
VII.	RECOMMENDATION .....	17
VIII.	ALTERNATIVES.....	18
IX.	REFERENCES.....	18

**Action Item ILM #25-05: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai‘i parcel, Waimanālo, O‘ahu to the Office of Hawaiian Affairs.**

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**I. PROPOSED ACTION**

Approve and authorize the CEO to delegate to OHA administration the authority to:

- 1) Undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai‘i parcels, Waimanālo, O‘ahu to the Office of Hawaiian Affairs;
- 2) Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for due diligence to inform the potential transfer of land from the HDOA to OHA;
- 3) Increase the budget for the Land Assets Program (Program Code 8300) up to \$75,000 to cover necessary costs incurred for, or associated with the due diligence phase, subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Realignments;
- 4) Take all other reasonable actions necessary and appropriate to implement the foregoing.

To clarify, this action item seeks BOT approval of the due diligence phase 1, and authorization of OHA Administration to undertake due diligence phase 2 as a part of OHA’s broader interest in supporting an ahupua‘a stewardship model throughout Hawai‘i. Due diligence phase 2 will seek to expend OHA trust funds to solicit third-party review if the following areas needing further exploration:

- 1) Risks Assessment
  - a. Invasive flora and fauna
  - b. Unpermitted structures, cesspools, and burial sites
  - c. Running bodies of water
  - d. Fire threats
  - e. Unsecured access
- 2) Risk Mitigation Action Plan
- 3) Financial Considerations
  - a. Economic development potential/Business Plan
  - b. Ongoing management needs and costs
  - c. 1, 5, 10-year projected budget
- 4) Community Plan
- 5) Management Plan

## **II. ISSUE**

Should the Board of Trustees authorize the CEO to delegate to OHA administration the authority to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai‘i parcel, Waimanālo, O‘ahu to the Office of Hawaiian Affairs for the following purposes and in accordance with the below directional outcomes from the Mana i Maui Ola: OHA’s 15-Year Strategic Plan for 2020-2035<sup>1</sup>:

- Strengthened ‘Ōiwi (cultural identity), Ea (self-governance), ‘Āina Momona (healthy lands and people), Pilina (relationships), Waiwai (shared wealth), Ke Akua Mana (spirituality)<sup>2</sup>;
- Strengthened capability for ‘ohana to meet living needs, including housing<sup>3</sup>; and
- Strengthened economic capability and resilience for ‘ohana, Native Hawaiian communities, and Hawaiian-owned Businesses to build and sustain generational wealth and economic systems that are regenerative, sustainable and reflective of ‘ike kūpuna<sup>4</sup>.
- Strengthened sense of long-term permanence for OHA beneficiaries; and
- Successful establishment of an ahupua‘a and konohiki system which includes housing, food production, utility and broadband infrastructure, economic development, and mālama of iwi kūpuna.

## **III. BACKGROUND & DISCUSSION**

### **A. Legal Basis for Land Inclusion & Alignment to OHA’s Strategic Plan**

#### **Legal Basis**

The legal bases for the proposed action are rooted in Hawai‘i Revised Statutes (H.R.S.), Title 1, Chapter 10, which describes the purposes and powers of the Office of Hawaiian Affairs.

Per H.R.S. §10-3, OHA’s purposes include, in relevant part: “(1) The betterment of conditions of native Hawaiians,” and “(2) the betterment of conditions of Hawaiians.”

Per H.R.S. §10-4 (2), OHA, under the direction of the Board of Trustees, shall have to power to “acquire in any lawful manner any property, real, personal, or mixed, tangible or intangible, or any interest therein; to hold, maintain, use, and operate the

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<sup>1</sup> See [https://www.oha.org/wp-content/uploads/MiMO\\_StrategicPlan-1.pdf](https://www.oha.org/wp-content/uploads/MiMO_StrategicPlan-1.pdf).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Ibid.

same; and to sell, lease, or otherwise dispose of the same at such time, in such manner and to the extent necessary or appropriate to carry out its purpose.”

Per H.R.S. §10-5, in relevant part, the Board shall have the power in accordance with law to “(1) Manage, invest, and administer the proceeds from the sale or other disposition of lands, natural resources, minerals, and income derived from whatever sources for native Hawaiians and Hawaiians, including all income and proceeds from that pro rata portion of the trust referred to in section 10-3...(2) Exercise control over real and personal property set aside to the office by the State of Hawaii, the United States of America, or any private sources, and transferred to the office for native Hawaiians and Hawaiians...(6) delegate to the administrator, its officers and employees such powers and duties as may be proper for the performance of the powers and duties vested in the board.”

### **Alignment of Land Acquisition to OHA Strategic Plan**

OHA’s Strategic Plan “Mana i Maui Ola” (Strength to Wellbeing) includes three foundations: ‘Ohana (family), Mo‘omeheu (culture), and ‘Āina (land and water). OHA recognizes these foundations have the power to affect the wellbeing of Native Hawaiians. Therefore, these foundational aspects of Kānaka ‘Ōiwi are woven into OHA’s plans to affect change in the areas of education, health, housing, and economics. Through these four directions, OHA has implemented strategies, aligned with our foundations and directions to achieve our envisioned outcomes for a thriving and abundant Lāhui.

To mālama Hawai‘i’s people and environmental resources, and OHA’s assets, toward ensuring the perpetuation of the culture, the enhancement of lifestyle and the protection of entitlements of Native Hawaiians, OHA must enable the building of a strong and healthy Hawaiian people and Lāhui, recognized nationally and internationally. Through the identification of health outcomes determined to strengthen ‘Ōiwi (cultural identity), Ea (self-governance), ‘Āina Momona (healthy lands and people), Pilina (relationships), Waiwai (shared wealth), and Ke Akua Mana (spirituality), OHA must advance policies, programs and practices that strengthen the health of the ‘āina and mo‘omeheu, and further strengthen Hawaiian resource management knowledge and skills to meet the housing needs of the ‘ohana residing in the Nation of Hawai‘i.

By executing this land transfer with the Hawai‘i State Department of Agriculture (HDOA), OHA has an opportunity to accomplish the following Mana i Maui Ola strategic outcomes:



**4.1. Preservation and perpetuation of Hawaiian language, culture, traditions, identity and sense of Lāhui.**

The Sovereign & Independent Nation State of Hawai‘i was officially established on January 16, 1994, through the enactment of their Hawai‘i Constitution, which was ceremoniously signed at ‘Iolani Palace in Honolulu, Hawai‘i. The core purpose of their Constitution was to reaffirm the “right to self-determination as a people” and to seek the “restoration of political, economic, social, and cultural rights” for all Native Hawaiians, as well as the citizens of the Nation.

The establishment of the Nation of Hawai‘i is rooted in U.S. Public Law 103-150, also known as the Apology Resolution, which was passed by the United States Congress in 1993. This significant legislation acknowledged the historical significance of the illegal overthrow of the Kingdom of Hawaii on January 17, 1893. The resolution recognized the subsequent suppression of the inherent sovereignty of the Native Hawaiian people and the violation of their right to self-determination, thus providing a foundation for the Nation of Hawai‘i to reclaim its sovereignty.

The mission of the Nation of Hawai‘i is, “To restore, maintain and preserve the sophisticated religion, language and culture of the Native Hawaiian people.” With the goal to restore the political, economic and social rights, including educational advancement for all Native Hawaiians. With the alignment of the Nation’s mission and OHA’s vision to “Ho‘oulu Lāhui”, acquisition of this parcel alongside their community will further allow for collaboration and better equip between both entities to create a vibrant and thriving community that embraces and celebrates the ancestral wisdom, traditions, and values of the Native Hawaiian people. By preserving and promoting the sophisticated religion, language, and culture of the Native Hawaiians, both entities aim to empower current and future generations to forge a harmonious and sustainable future.

**4.2. Increase community stewardship of Hawai‘i’s natural and cultural resources that foster connection to ‘āina, ‘ohana, and communities.**

The Nation of Hawai‘i is situated in the mauka region of the ahupua‘a of Waimānalo, the largest ahupua‘a in all of Ko‘olaupoko, extending from the ridge behind Ke‘olu Hills, around Makapu‘u and ending at Kuli‘ou‘ou Ridge, incorporating what was once the large fishpond of Maunalua, now known as Hawai‘i Kai.

This ahupua‘a was a flourishing farming area in ancient times, with food products such as kalo, ‘ulu, ‘ōhia‘ai, kukui, ‘uala, and kō covering the land. The area was once the location of many sacred places of worship, including Hāwea, Pahua, and other heiau, along with fishing shrines, ko‘a, along the shoreline.

Today, the Nation of Hawai‘i strives to uphold the availability, health, and wealth of the natural and cultural resources that surround them in their Pu‘uhonua o Waimānalo. Through an organized structure of departments and ministries within their community, the Nation of Hawai‘i offers regular community days such as land restoration days, free food distributions, monthly markets to support local Native Hawaiian small businesses, film screenings, talks on economics and energy independence and school work days for students to learn about food security, while also educating community members on the systematic multi-layered approach taken by our kūpuna to ensure a sustainable and frugal co-existence between kānaka and ‘āina. Documentation and supplemental video footage across their website <https://www.nationofhawaii.org> and social media sites such as @hawaiiannational, @nationofhawaii, and @nationofhawaiiagency on Instagram and other platforms.

Community efforts include fostering sound use of land and water resources; protecting fish, wildlife, and biological diversity; preserving the environmental and cultural values of national parks and historical places; and providing for the enjoyment of life through outdoor recreation. Additionally, the Nation regularly assesses their mineral resources and works to ensure that their development is in the best interests of all people by encouraging stewardship and citizen participation in their care.

The Nation of Hawai‘i is recognized as an Indigenous Peoples Organization by the United Nations Permanent Forum on Indigenous Issues (UNPFII), which allows it to make interventions, entailing a 3-minute speech with recommendations to the Permanent Forum, during the yearly UNPFII meetings. The Nation of Hawai‘i used this UN status to engage representatives from other countries in governmental and economic development initiatives.

#### **4.3. Increase restoration of Native Hawaiian cultural sites, landscapes, kulāiwi and traditional food systems.**

Since their relocation from Makapu‘u Light House and Kaupō Beach to what is now the Nation of Hawai‘i in the Pu‘uhonua o Waimānalo, the community has worked tirelessly to clear acres of dense overgrown Albizia, Eucalyptus, haole koa, and other various invasive species from the parcel to revive and implement several lo‘i terraces that were located on the mauka region of the property. Currently, the community actively farms 11-terraces of kalo production farmed for self-subsistence and community donations. Regular maintenance and restoration efforts of other Native Hawaiian cultural sites and landscapes, such as the Waimānalo Stream, are conducted to ensure healthy and consistent food production using traditional Native Hawaiian systems. Invasives like Albizia are repurposed in this process and have contributed to massive community efforts

such as the construction of the village hale at the 2024 Fest Pac event held at the Honolulu Convention Center.

The Nation of Hawai‘i continues to collaborate with State, County, Federal, Private, Tribal, and Non-Profit entities towards the reclamation and restoration of the ahupua‘a communal land tenure system. As the Nation of Hawai‘i stands as a leading example of Native Hawaiian self-determination, the strategic collaboration of efforts and activities between OHA and the Nation will further enhance the continuous work towards bettering the lives and conditions of Native Hawaiians by establishing one’s own sense of sovereignty throughout their households, communities, and lives. Increasing opportunities and outreach alongside existing efforts lead by community members will further assist OHA in the restoration of our Native Hawaiian cultural sites, landscapes, kulāiwi, and traditional food systems.

### **5.3. Increased safety, stability, social support networks, and cultural connection in Native Hawaiian communities.**

To this day, many of OHA’s beneficiaries suffer from a multi-generational traumatic effect of a lack of permanency for Native Hawaiians. It is a fact that to establish a sense of sovereignty and self-determination for Native Hawaiians, there must be a land base that one can connect to, resulting in the foundational grounding that is needed to establish Ea. Systemic division of kānaka from ‘āina continues to be a driving factor that makes it harder for Native Hawaiians to practice self-determination and establish a sense of Ea. It has become evident that a lack of permanency for OHA beneficiaries is a trending culturally traumatic repercussion of American occupation resonating across all Native Hawaiian communities statewide. The overall risk of homelessness has always been a reality for the community members of the Nation of Hawai‘i, yet their trial and tribulation toward the efforts of self-determination has always been the guiding factor leading them on their quest toward Ea.

Through collaborative efforts alongside the Nation of Hawai‘i, OHA has an opportunity to provide that sense of permanency that has been absent from the lives of many kānaka. Stability and establishing a sense of home sets the guiding foundation for a community to grow and advance toward a brighter and greater future for themselves determined by the community, for the community. With the ongoing programs and efforts currently being conducted by both entities, there is an opportunity for OHA to set the leading example of self-determining practices and advancement toward self, household, communal, and eventual national Ea.

**7.2. Increased access to capital and credit for community strengthening Native Hawaiian businesses and individuals.**

For OHA to advance policies, programs and practices that strengthen ‘ohana abilities to pursue multiple pathways toward economic stability, it is critical to address Native Hawaiian small businesses on their paths toward self-determination, and helping craft what that model could potentially look like on a larger scale with the collaboration of OHA and the Nation of Hawai‘i. Through means of this potential land transfer, OHA has an opportunity to strengthen economic capability and resilience for ‘ohana, Native Hawaiian communities, and Hawaiian-owned businesses in the Nation of Hawai‘i to build and sustain generational wealth and economic systems that are regenerative, sustainable, and reflective of ‘ike kūpuna.

Capital and credit are crucial for a community because they provide the financial resources necessary for businesses to start, grow, and invest in local projects, ultimately driving economic development, creating jobs, and improving the overall quality of life within that community. Essentially, without access to capital and credit, communities struggle to fund essential infrastructure, support entrepreneurship, and provide necessary services for residents. Community capital, frequently called "social capital," is defined as the "banked good will that helps build trust between various groups within a community<sup>5</sup>." An important component of a strong civil society, community capital is built in the third sector by nonprofits and voluntary associations. Social capital enables trust between people, which fuels economic growth, improves health and increases happiness. That's because when we're connected, we're more likely to get involved in the community and support those in need. And these behaviors knit the fabric of society<sup>6</sup>. With the current establishment of Aloha Coin, the Nation's form of cryptocurrency, they have already made efforts toward the establishment of their own Central Bank system, which is governed by Wong Kok Wai, and overseen by Weston Kanahele, Minister of the Treasury. Collaborative efforts with OHA could potentially further explore these efforts and how they could be utilized to their maximum potential to benefit the community.

**7.3. Increased number of Native Hawaiian ‘ohana who are resource stable (financial, subsistence, other).**

According to the ‘Imi Pono Hawai‘i Wellbeing Survey conducted in 2022, one in six Hawai‘i residents (18%) experience food insecurity, skipping or reducing meals on a weekly or daily basis<sup>7</sup>. However, OHA beneficiaries, specifically families, are most at-risk. Native Hawaiians (25%) and households

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<sup>5</sup> See <https://www.learningtogive.org/resources/community-capital>.

<sup>6</sup> See <https://social-legacy.com/the-importance-of-social-capital>.

<sup>7</sup> See [https://www.ksbe.edu/assets/pdfs/Imi\\_Pono-Local\\_Foods-Sept\\_2022.pdf](https://www.ksbe.edu/assets/pdfs/Imi_Pono-Local_Foods-Sept_2022.pdf).

with school-age children (ages 3-18) (23%) experience food insecurity at rates higher than the statewide population<sup>8</sup>. With the Nation of Hawai‘i, there are examples of families living paycheck to paycheck forcing Native Hawaiian households eat local less often than their counterparts due to the high cost of living and the current inflation on local produce in supermarkets and grocery stores. The lower cost and convenience of imported food are the primary barriers to residents accessing local food. In addition, the cost is a more significant factor for Native Hawaiians (62%) than non-Hawaiians (52%)<sup>9</sup>. Based off the survey results in 2022, the top three things that would encourage Hawai‘i residents to grow or raise their food are additional space (43%), access to starter plants and animals (32%), and training and workshops (31%)<sup>10</sup>.

Through the collaborative efforts between the Nation of Hawai‘i and the Office, there lies yet another opportunity to work with the community to see how OHA can best assist through the ongoing training and workshops that currently take place on the parcel. Determining the Nation’s best assets and how to best utilize them to produce a regenerative model of self-sustaining income for the community is something that can potentially be explored through the successful execution of this land transfer. Together, both entities can engage in strategies to enhance the economic development and financial empowerment of the Nation to ensure that community members and OHA beneficiaries progress toward a state of economic stability.

#### **7.4. Increased Native Hawaiian employment rate.**

OHA can play a pivotal role in increasing Native Hawaiian employment by creating and supporting targeted workforce development programs that align with the specific needs and aspirations of the community. By partnering with educational institutions, vocational training centers, and private businesses, OHA can help facilitate access to skill-building opportunities in high-demand industries such as healthcare, technology, and renewable energy within the Nation of Hawai‘i. Tailored mentorship programs, internships, and apprenticeships could provide hands-on experience and establish stronger pathways to stable, well-paying jobs. Additionally, OHA could work to develop a robust network of Native Hawaiian-owned businesses that not only create jobs but also nurture entrepreneurship and small business growth within the community.

Another key strategy for increasing Native Hawaiian employment is advocating for policies that promote inclusive hiring practices in both public and private sectors. OHA could collaborate alongside the Nation of Hawai‘i to further work with the legislature and other state departments to create incentives for

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<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

hiring Native Hawaiians, such as tax breaks or grants, while encouraging businesses to adopt diversity and inclusion initiatives. Further, the Office can amplify its efforts in influencing governmental decision-making to prioritize Native Hawaiian workforce representation in public projects and key industries. By strengthening the cultural competency of employers and enhancing awareness of Native Hawaiian history, traditions, and values, OHA can help foster a more inclusive and supportive environment that benefits both the Nation of Hawai‘i and the broader economy.

## **B. Location and General Property Information**

The Nation of Hawai‘i is located at 41-1300 Waikupanaha Street on the island of O‘ahu, in the moku of Ko‘olaupoko, in the mauka region of the ahupua‘a of Waimānalo.



*Image 1. Location of 41-1300 Waikupanaha Street on O‘ahu.*

On the property, a string of roughly twenty-four separate residential dwellings lay adjacent to the main, and only paved road in the community. The parcel is specifically identified as TMK (1) 4-1-010:103 (formerly TMK (1) 4-1-010:080 por, 096, 097, 098, 099), and is an agricultural parcel zoned for agricultural use encompassing 45.696 total acres. Currently under the ownership of HDOA, the parcel was transferred from DLNR as the previous owners, to HDOA via former Governor Linda Lingle’s Executive Order #4305, dated January 12, 2010, as a part of the Act 90 agricultural land transfer mandate codified in statute in 2003 under Lingle’s administration. The property is currently being leased by HDOA to the Nation of Hawai‘i’s registered 501(c)(3) non-profit entity, Aloha First, under a 55-year lease at a cost of \$3,000 a year, about \$60 annually per adult.





*Image 2. Parcel Boundary Map of TMK (1) 4-1-010:103*

### **C. Cultural & Historical Significance**

On July 13, 1987, Nation of Hawai‘i President/Head of State, Pu‘uhonua Dennis “Bumpy” Kanahele led his extended family in the reclamation and occupation of their family lands at Makapu‘u Light House, essentially kicking off the movement that eventually established the Independent and Sovereign Nation of Hawai‘i. After 15-months of occupation at Makapu‘u, former Governor John Waihe‘e III intervened. The Governor proposed a deal: If Kanahele and his group left the beach peacefully, the State would give their non-profit entity, Aloha First, 45-acres above Waimānalo in the foothills of the Ko‘olau Mountains.

When Kanahele accepted the deal proposed by the former Governor in June of 1994, the awarded lands were initially heavily overgrown with invasive flora after being neglected for decades by former land owner, the Hawai‘i State Department of Land and Natural Resources (DLNR), and further neglected upon transfer of the parcel from DLNR to HDOA as a part of Act 90, Session Laws of Hawai‘i 2003, which set forth a process for DLNR to transfer non-agricultural park lands to HDOA for agricultural production. The parcel was officially transferred between the two State agencies via former Governor Linda Lingle’s Executive Order #4305 dated January 12, 2010.

Nearly 25-years after the Kalama Valley Protests sparked the modern Native Hawaiian Kū‘ē movement in 1971, future movements like the Nation of Hawai‘i’s became not only a possibility, but a reality. The path paved by those fighting for the rights of Native Hawaiians in the 1970’s have further enabled poli-cultural Native Hawaiian movements such as the establishment of the Protect Kaho‘olawe ‘Ohana

(PKO) in their fight against the U.S. Navy to stop bombing activity on Kaho‘olawe, the occupation of the Nation of Hawai‘i at Makapu‘u and Kaupō, the anti-Thirty-Meter Telescope (TMT) Kū Kia‘i Mauna protests on the Mauna Kea Access Road , and the fight for our pu‘uhonua and iwi kūpuna at Hūnānāniho.

## D. Current Stewardship Model

The property in question is fully managed and operated by the Nation of Hawai‘i leadership team and community members, with no current involvement from HDOA as the landowners. Routine repair and maintenance of the property and its surrounding landscape and infrastructure is regularly conducted by community members to ensure the safety, longevity, and prosperity of the Nation, and to further exercise practices in alignment with self-determining pathways.

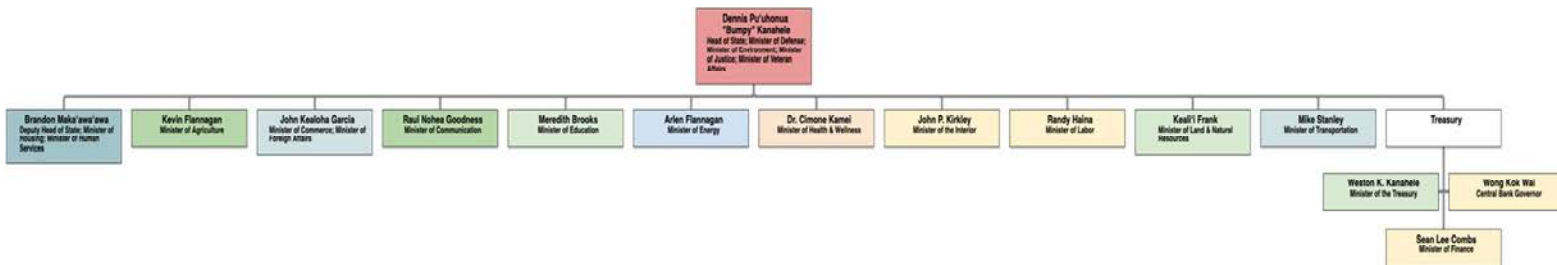


Image 3. Nation of Hawai‘i Ministry Organizational Chart. (See Exhibit WW)

The Nation’s governmental management structure is further organized into ministries and departments as outlined in their constitution, encompassing the many critical aspects involved with self-determination. Ministers appointed by the Head of State work to develop charters and assist the Legislative General Assembly to organize and maintain the business of the Nation in the advancement of transition and independence. The Nation’s ministries cover a wide range of topics including Agriculture; Commerce; Communication; Defense; Education; Energy; Environment; Foreign Affairs; Health & Wellness; Housing; Human Services; Interior; Justice; Labor; Land and Natural Resources; Transportation; Treasury and Veteran’s Affairs.

Nation of Hawai‘i President/Head of State, Dennis Pu‘uhonua “Bumpy” Kanahele has already organized a succession plan and has named Nation of Hawai‘i Vice-President/Deputy Head of State Brandon Maka‘awa‘awa as the successor to the Head of State upon resignation from his current role. As outlined in Article VIII, Section 9 of the Nation of Hawai‘i Constitution, “In the event of the absence of the Head of State, the Deputy (Head of State) shall preside over the affairs of the Nation<sup>11</sup>.”

<sup>11</sup> See <https://www.nationofhawaii.org/legal/constitution/#complete>.



The determination of the what the co-steward community land trust model used going forward will look like, relating to the Nation of Hawai‘i agricultural parcel in Waimanālo, shall be determined in Phase 2 due diligence pending BOT approval.

## **E. Property Condition**

### **Structures & Existing Infrastructure**

There is a total of (32) built structures on the property including; (24) residences housing roughly 60-individuals; (4) greenhouses previously used for agricultural production; (1) community pavilion to host community events, workdays, farmers markets, and meetings; (1) processing facility to further process the agricultural products farmed in the greenhouses; (1) wood mill that assists with the clearing of invasive species and promotes economic opportunities for the Nation to generate self-sustaining revenue and; (1) movie set left from the production of the film *Aloha (2015)*, which is currently used as a hale for special events and ceremonies. It is important to note, however, that although all structures on the property are unpermitted, the Nation of Hawai‘i has addressed fulfilling a hefty need for housing as many of the current residents of the Nation had once been residents of the Waimanālo Hawaiian Homestead but, due to overcrowding in their family homes, individuals were forced into homeless situations and settled at the nearby Waimanālo and Kaupō Beach Parks.

Existing natural infrastructure on the parcel include a natural spring located in the lo‘i terraces where groundwater emerges from the aquifer below to become surface water; the Maunawili Ditch which runs along the mauka boarder of the property line; various water flumes and the Waimanālo Stream. As all these natural forms of infrastructure are water-based, these systems are primarily used as irrigation methods to ensure healthy and regular agricultural crop production.

Man-made infrastructure on the property includes (1) paved road that derives from Waikupanaha Street and extends further West to the top of the village to Hale Aloha (Movie Set Structure); several dirt/gravel roads that lead into the forest area to the West end of the property, and another dirt road that heads South to the ponds. The water flume located on the property is intact and can be very useful to transfer water from the Western side to the Eastern side of the property. Like the existing structures on the parcel, the solo paved road along with the cesspools used for wastewater collection are unpermitted as well.

### **Access, Easements and Restrictions**

Although there are no public access points that would impact the control or responsibility of specific areas, existing easements across the property include; (4) 25ft. and 50ft. wide flowage easements to irrigate the Waimanālo agricultural lands via the Waimanālo Stream that runs along the West end of the property, also marking the Western boundary of the parcel; (2) existing electric transmission line/power line

easements on the mauka portion of the parcel providing right of way access to HECO for power line maintenance, which extends over the top of the mountain runs parallel to the Ko‘olaupoko range; (1) waterline easement along Waikupanaha Street and the northern makai edge of the Nation of Hawaii and; (1) 5ft. wide centerline pipeline running through the ravine behind the community center and Northern residential dwellings.

Previous maps prepared by Akinaka & Associates, LTD. dated October 2, 1992, also indicate (2) proposed roadway access easements; (1) allowing access through the parcel to service the Maunawili Ditch along the hillside behind the community center and (1) to allow access to the private land owner located at TMK (1) 4-1-010:062 via the Southern makai boundary of the Nation of Hawai‘i parcel, and through the DLNR parcel located at TMK (1) 4-1-010:095. However, through physical site inspections and recent arial images, it is evident that the private landowner located at TMK (1) 4-1-010:062 had built a driveway granting them access to their parcel, located just prior to the Nation of Hawai‘i main gate along Waikupanaha Street. Images of this driveway through the Nation of Hawai‘i parcel begin to show up in GIS maps in 2021, yet the Real Property Assessment Division of the City & County of Honolulu’s Department of Budget and Fiscal Services notes a “Grant of Easement” for TMK (1) 4-1-010:062 on August 31, 2010. However, there is no record of any permit submitted through the City & County of Honolulu Department of Planning and Permitting relating to the Grant of Easement recorded with the County.

### **Utilities**

Existing utilities on the property include (5) cesspools and (3) septic tanks for wastewater treatment. However, currently only (2) septic tanks are in operation on the property, while the other is waiting on the building of a residence. Water delivery service is provided by (4) water tanks providing potable water from the Honolulu Board of Water Supply (BOWS) via the City & County of Honolulu Water system. Internal upgrades were done to convert from galvanized metal to polyvinyl chloride (PVC) piping to ensure the longevity and safety of the system for the residents of the Nation.

Electricity service to the property is currently provided by the Hawaiian Electric Company (HECO). However, when HECO had contacted the Nation stating that an additional transformer would need to be purchased at the Nations expense of \$50,000 to add any further residences to the village, the required expense was too great a cost for the Nation to burden. Due to this, there has been a waitlist for the past 3-years for additional members to join the village and practice self-determining methods of self-sustainable communal land tenure. However, the Nation of Hawaii leadership is also planning to utilize a grant recently awarded to Aloha First, the Nations non-profit entity, to build a microgrid system alongside SoCool, a prominent air conditioning service company based out of Singapore, specializing in air conditioning servicing and repair, to expand their grid without the need of a HECO connection. As a backup to essential utilities located on the property, the Nation is also prepared to utilize their (2) 200-amp

gas & diesel generators to ensure essential services continue to be delivered to the Nation’s residents in the event of any loss of power, natural disaster, or emergency.

As reliable forms of communication remain to be a critical factor for kānaka living in 2024, especially in rural areas of Hawai‘i, fiber optic cables have been installed on the property to deliver reliable quality broadband internet service for the village. This key utility enables the Nation’s residents to practice self-determination with the knowledge and skillset of modern practices and methods.

### **Environmental and Cultural Resources**

Water has and continues to be the Nation’s most valuable commodity. The property is abundant with natural, cultural, and historical resources including the Waimānalo watershed; punawai; ‘auwai; muliwai; lo‘i, native medicinal plants such as noni and ‘olena; ancient rock walls; ancient foot-trails throughout the forest in the mauka region of the parcel and native and invasive hardwoods that help generate self-sustaining revenue through use of the wood mill on property, and the sale of finished products.

Continued efforts by the Nation of Hawai‘i seek to further enable the traditional practice of communal land tenure through the ahupua‘a system to create a vibrant and thriving community that embraces and celebrates the ancestral wisdom, traditions, and values of the Native Hawaiian people. Today, the Nation of Hawai‘i remains as a leading example of making the necessary legal assertions against the State of Hawai‘i to reclaim ‘āina and return kānaka to their ancestral lands.

Other various educational components further enable the use of the properties natural, cultural, and historical resources to teach community members basic skills involving, thatching, hale construction, ‘ōlelo Hawai‘i, Native Hawaiian rights and history, ahupua‘a land management, communal land tenure, and essential social services via external expertise and internal ‘ike kūpuna.

## **F. Stakeholder Engagement Process**

Over the most recent months, OHA’s Strategy & Implementation Division, alongside OHA’s Legacy Land team have been engaging with NOH and DOA in Phase 1 due diligence meetings to ascertain current conditions, infrastructure, document collection and reviews and site visits to various parts of the parcel. Throughout the engagement process with the Chairperson of HDOA, the Nation of Hawai‘i leadership, and the Office of the Governor, all parties agree that there are benefits to the transfer of this parcel from HDOA to OHA for the betterment and conditions of Native Hawaiians.

## **G. Preliminary Strengths, Weaknesses, Opportunities, Threats (SWOT) Analysis**

With the information gathered to date, a high-level preliminary SWOT analysis of a potential transfer of the Nation of Hawai‘i Waimānalo Agricultural parcel into OHA’s Legacy Lands portfolio is provided below for consideration.

### Strengths

- Strategic Alignment: Aligns with Ch. 10 mandate and Mana i Maui Ola strategic directions and outcomes
- Existing Management and Governance: Internal community alignment and governance model simplifies community planning activities with existing vision and practices
- Purchase Price: No purchase price
- Stakeholder Concurrence: HDOA supportive of transfer to OHA, Nation of Hawai‘i desires community land trust partnership

### Weaknesses and Proposed Mitigation Strategies

- Risk Exposure: Unpermitted structures and infrastructure, fidelity to property boundaries, modern burial site, access/egress and flooding
  - *Develop action plan with community to support compliance measures and safety updates*
- Environmental Concerns: Invasive species
  - *Develop/support a vegetation maintenance plan for invasive species mitigation and repurposing opportunities*

### Opportunities

- Ensure Permanency: Prevent displacement of families subject to lease terms with HDOA
- Strategic Partnership: Potential to demonstrate co-stewardship of ‘āina using a community land trust framework
- Facilitate Ea: Support beneficiary rights to practice self-determination and self-governance
- Economic Development: Support and learn from existing and developing agricultural and small business models

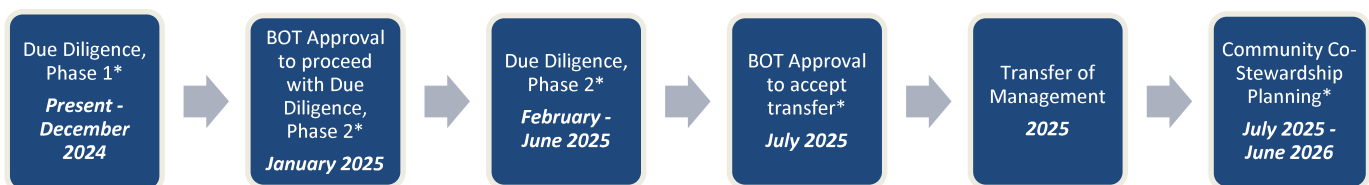
**Action Item ILM #25-05: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai‘i parcel, Waimanālo, O‘ahu to the Office of Hawaiian Affairs.**

Threats and Proposed Mitigation Strategies

- Public Perception: As always, OHA will be exposed to public critique
  - *Manage, communicate, and operate with integrity*
- Stability of Transfer: Unless a title transfer, management authority can be overturned with change of administration
  - *Work with HDOA and Governor’s office to formalize a permanent agreement*

#### IV. TIMEFRAME

The timeframe surrounding the potential acquisition of this parcel is quite unique in nature due to the verbal support expressed by the Governor’s Office. Should the strict timeline below be executed by the Office of Hawaiian Affairs Administration and BOT, the Governor has verbally expressed interest in announcing the transfer at his next State of the State address scheduled for January 21, 2025. This presents an excellent opportunity for OHA to publicly announce progress and efforts underway alongside support from the Governor of the State of Hawai‘i.



#### V. BUDGET AUTHORIZATION

Increase the budget for the Land Assets Program (Program Code 8300) up to \$75,000 to cover necessary costs incurred for, or associated with the due diligence phase, subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Realignments.

#### VI. BUDGET CERTIFICATION

The following is the certification by the Chief Financial Officer that the funds are available subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Realignments:

Ramona G. Hinck

**Action Item ILM #25-05: Approval to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai‘i parcel, Waimanālo, O‘ahu to the Office of Hawaiian Affairs.**

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Chief Financial Officer

Date: Jan 17, 2025

## **VII. RECOMMENDATION**

Approve and authorize the CEO to delegate to OHA administration the authority to:

- 1) Undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai‘i parcels, Waimanālo, O‘ahu to the Office of Hawaiian Affairs;
- 2) Execute and/or procure all necessary agreements, instruments, applications, and other appropriate documents necessary for due diligence to inform the potential transfer of land from the HDOA to OHA;
- 3) Increase the budget for the Land Assets Program (Program Code 8300) up to \$75,000 to cover necessary costs incurred for, or associated with the due diligence phase, subject to the approval of Action Item BF #25-01: OHA Biennium Budget for the Fiscal Biennium Periods 2023-2024 (FY24) and 2024-2025 (FY25) - Realignment #3 – Approval of Core and Non-Core Realignments;
- 4) Take all other reasonable actions necessary and appropriate to implement the foregoing.

To clarify, this action item seeks BOT approval of the due diligence phase 1, and authorization of OHA Administration to undertake due diligence phase 2 as a part of OHA’s broader interest in supporting an ahupua‘a stewardship model throughout Hawai‘i. Due diligence phase 2 will seek to expend OHA trust funds to solicit third-party review if the following areas needing further exploration:

- 1) Risks Assessment
  - a. Invasive flora and fauna
  - b. Unpermitted structures, cesspools, and burial sites
  - c. Running bodies of water
  - d. Fire threats
  - e. Unsecured access
- 2) Risk Mitigation Action Plan
- 3) Financial Considerations
  - a. Economic development potential/Business Plan
  - b. Ongoing management needs and costs
  - c. 1, 5, 10-year projected budget
- 4) Community Plan/Management Plan

## **VIII. ALTERNATIVES**

- A. Take no action. Cease all further efforts.
- B. Further information is needed. Do not Approve and authorize the CEO to delegate to OHA administration the authority to undertake Due Diligence Phase 2 activities for a proposed land transfer of the Nation of Hawai‘i parcels, Waimanālo, O‘ahu to the Office of Hawaiian Affairs.

## **IX. REFERENCES**

- 1. <https://www.nationofhawaii.org/>.
- 2. [https://www.oha.org/wp-content/uploads/MiMO\\_StrategicPlan-1.pdf](https://www.oha.org/wp-content/uploads/MiMO_StrategicPlan-1.pdf).
- 3. <https://www.learningtogive.org/resources/community-capital>.
- 4. <https://social-legacy.com/the-importance-of-social-capital>.
- 5. [https://www.ksbe.edu/assets/pdfs/Imi\\_Pono-Local\\_Foods-Sept\\_2022.pdf](https://www.ksbe.edu/assets/pdfs/Imi_Pono-Local_Foods-Sept_2022.pdf).
- 6. <https://www.nationofhawaii.org/legal/constitution/#complete>.