



OFFICE OF HAWAIIAN AFFAIRS
Action Item




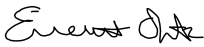

BOARD OF TRUSTEES

December 18, 2025

BOT #25-18

Action Item: Request to establish a Permitted Interaction Group (PIG), pursuant to Hawai'i Revised Statute §92-2.5(b)(2)*, for the purpose of negotiating the official position of the Office of Hawaiian Affairs (OHA) regarding the U.S. military land leases scheduled to expire between 2028 and 2031 with the United States Army, United States Air Force, United States Navy, and the National Aeronautics and Space Administration (NASA). These leases concern public trust lands identified under Public Law 86-3, Section 5, for which the United States of America, the State of Hawai'i, and the Office of Hawaiian Affairs share legally enforceable responsibilities, including fiduciary obligations to protect the interests of Native Hawaiians.

**This corrects the 12/18/2025 agenda citation to HRS §92-2.5(b)(1)(A).*

Prepared by:		12/14/2025
	Kaiali'i Kahele Chairperson, Board of Trustees	Date
Reviewed by:		12/14/2025
	Alena Auyoung Board of Trustees, Interim Chief of Staff	Date
Reviewed by:		12/15/2025
	Kaponi Kiakona Board Legal Counsel	Date
Reviewed by:		12/15/2025
	Everett Ohta Ka Paepae Puka (General Counsel)	Date
Reviewed by:		12/15/2025
	Summer Sylva Ka Pouhana Kūikawā (Interim Administrator)	Date

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I. PROPOSED ACTION

Request to establish a Permitted Interaction Group (PIG), pursuant to Hawai'i Revised Statute §92-2.5(b)(2), for the purpose of negotiating the official position of the Office of Hawaiian Affairs (OHA) regarding the U.S. military land leases scheduled to expire between 2028 and 2031 with the United States Army, United States Air Force, United States Navy, and the National Aeronautics and Space Administration (NASA). These leases concern public trust lands identified under Public Law 86-3, Section 5, for which the United States of America, the State of Hawai'i, and the Office of Hawaiian Affairs share legally enforceable responsibilities, including fiduciary obligations to protect the interests of Native Hawaiians.

II. ISSUE

Whether the BOT should establish a Permitted Interaction Group (PIG), pursuant to Hawai'i Revised Statute §92-2.5(b)(2), for the purpose of negotiating the official position of the Office of Hawaiian Affairs (OHA) regarding the U.S. military land leases scheduled to expire between 2028 and 2031 with the United States Army, United States Air Force, United States Navy, and the National Aeronautics and Space Administration (NASA). These leases concern public trust lands identified under Public Law 86-3, Section 5, for which the United States of America, the State of Hawai'i, and the Office of Hawaiian Affairs share legally enforceable responsibilities, including fiduciary obligations to protect the interests of Native Hawaiians.

III. BACKGROUND & DISCUSSION

History of Military Land Leases in Hawai'i

In the summer of 1964, the State of Hawai'i—through the Department of Land and Natural Resources (DLNR)—leased thousands of acres of public trust lands to the U.S. Department of Defense for 65-year terms. Most leases were issued for \$1 for the entire duration and were executed in lieu of having the federal government set aside these lands under sections 5(d) and 5(e) of Public Law 86-3, the Hawai'i Admission Act of 1959.

These military leases and easements, held by the United States Army, Navy, and Air Force across Hawai'i, O'ahu, Maui, Kaua'i, and Ni'ihau, begin expiring between 2028 and 2031. All are situated on lands that form part of the Public Land Trust and originate from the Crown and Government lands of the Hawaiian Kingdom, confiscated after the illegal overthrow on January 17, 1893.

Major Leased Sites and Expiration Dates

Department of the Army

- Pōhakuloa Training Area, Hawai'i Island – ~2,300 acres; expires Aug. 16, 2029
- Kahuku Training Area, O'ahu – 450-acre Tract A-1 and 700-acre Tract A-3; expire Aug. 16, 2029
- Kawailoa–Poamoho Training Area, O'ahu – ~3,170-acre Poamoho Tract and ~1,220-acre proposed NAR Tract; expire Aug. 16, 2029
- Mākua Military Reservation, O'ahu – Four tracts totaling ~782 acres; expire Aug. 16, 2029

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Department of the Navy

- Pacific Missile Range Facility (PMRF), Kaua'i – 684 acres leased, 7,488 acres of easements, and 7,680 acres of submerged lands; leases expire Aug. 19, 2029 and Dec. 16, 2030. Some easements expire as early as Jan. 8, 2027. The Navy will continue using the ocean right-of-way pursuant to Section 1314(a) of the Submerged Lands Act and U.S. Constitution Art. I, Sec. 8, Cl. 3.

Department of the Air Force

- Ka'ala Air Force Station, O'ahu – 1.8 acres; expires Apr. 18, 2028
- Ka'ena Point Space Force Station, O'ahu – 86.72 acres leased + 51.47 acres easements; expires Aug. 16, 2029
- Koke'e Air Force Station, Kaua'i – 8.45 acres; expires Aug. 31, 2030

Environmental and Community Review

The approaching expirations—especially in 2029—have triggered environmental review processes and statewide public engagement. Communities have raised concerns regarding:

- cultural and historic preservation,
- environmental justice,
- past mismanagement of training areas, and
- determining the best and highest use of these lands after 65 years of military occupancy.

Ceded Lands and the Public Land Trust

“Ceded lands” refer to the ~1.8 million acres that once comprised the Crown and Government lands of the Hawaiian Kingdom. After the illegal overthrow in 1893, these lands were seized by the Provisional Government, transferred to the Republic of Hawai'i in 1894, and then ceded to the United States in absolute fee upon annexation on July 7, 1898.

When Hawai'i became a state on August 21, 1959, the U.S. conveyed 1.4 million acres of these lands to the State through the Hawai'i Admission Act, establishing the Public Land Trust to be used for five purposes:

1. Support of public schools and educational institutions;
2. Betterment of the conditions of native Hawaiians (definition by the Hawaiian Homes Commission Act);
3. Development of farm and home ownership;
4. Public improvements;
5. Provision of lands for public use.

The federal government retained over 200,000 acres of ceded lands, including national parks and military lands, such as Pōhakuloa, portions of Mākua, and Barking Sands (PMRF).

Native Hawaiians have never relinquished their claims to these lands, as recognized in Public Law 103-150—the Apology Resolution.

Public Land Trust lands are a subset of the broader ceded lands corpus.

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The Role of the Office of Hawaiian Affairs (OHA)

State Constitutional Mandate

OHA was established by constitutional amendment in 1978. Article XII, Sections 5 and 6:

- Recognize OHA as the entity responsible for ensuring the State's compliance with its trust duties toward Native Hawaiians;
- Empower OHA to manage and administer income and proceeds from the Public Land Trust;
- Affirm OHA's role as a trustee charged with protecting Native Hawaiian rights, resources, and beneficiaries.

Because the Public Land Trust includes Crown and Government lands of the Hawaiian Kingdom, OHA has an irrevocable interest in their use, disposition, and management.

Trust Revenues and Fiduciary Duty

Revenues generated from Public Trust lands—leases, rents, easements, and other income—are intended to support programs addressing:

- housing,
- education,
- healthcare,
- economic development, and
- cultural preservation for Native Hawaiians.

By law, OHA is entitled to a pro rata share of these revenues.

OHA and Military-Controlled Ceded Lands

Although some ceded lands remain under federal control for military use and therefore outside the Public Land Trust corpus, they remain part of the historical dispossession of Native Hawaiians. OHA has a responsibility to advocate for fair treatment, access, cultural protection, and the highest possible outcomes for these lands.

Department of Defense Requirements for Consultation With OHA

Department of Defense Instruction (DoDI) 4710.03

DoDI 4710.03 requires DoD Components to:

- respect Native Hawaiian cultural and religious practices;
- recognize the special status of Native Hawaiian Organizations (NHOs);
- conduct meaningful consultation when actions may affect cultural or religious sites.

The Instruction identifies OHA as the State of Hawai'i organization established to promote Native Hawaiian interests and designates OHA as a key resource for:

- identifying NHO contacts,
- providing cultural information, and
- disseminating consultation notices.

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FY26 National Defense Authorization Act (S.1071)

Congress strengthened federal recognition in the annual national defense bill, of OHA's role in the Department of Defense by explicitly naming OHA as a Native Hawaiian Organization (NHO):

“The term ‘Native Hawaiian organization’ ... includes the Department of Hawaiian Home Lands and the Office of Hawaiian Affairs.”

This statutory designation requires the Department of Defense to consult with OHA on federal actions impacting Native Hawaiian resources, lands, or cultural practices.

State-Level Engagement: Governor's Advisory Committee

On November 13, 2025, Governor Josh Green announced the creation of an Advisory Committee to guide discussions related to military-leased lands and help determine next steps for the State. OHA Interim Administrator Summer Sylva was appointed to this committee, ensuring OHA's direct involvement in state-level decision-making.

Federal Recognition of the Political and Trust Relationship

The United States has repeatedly affirmed a special political and trust relationship with Native Hawaiians—not based on race, but on Indigenous status. This recognition appears in more than 250 federal laws, including:

- Public Law 103-150 (Apology Resolution) acknowledging the U.S. role in the overthrow;
- Hawaiian Homes Commission Act (1920);
- Federal laws supporting Native Hawaiian education, health, housing, and cultural resource protection;
- Statutes requiring consultation with Native Hawaiian organizations when federal actions affect cultural or sacred resources.

Together, these laws affirm Native Hawaiians as an Indigenous people whose trust relationship with the United States parallels that of American Indians and Alaska Natives.

IV. RECOMMENDED ACTION

Approve the formation of a Permitted Interaction Group (PIG), pursuant to Hawai'i Revised Statutes §92-2.5(b)(2), for the purpose of developing and negotiating the official position of the Office of Hawaiian Affairs (OHA) regarding the U.S. military land leases scheduled to expire between 2028 and 2031 with the United States Army, United States Air Force, United States Navy, and the National Aeronautics and Space Administration (NASA). These leases concern public trust lands identified under Public Law 86-3, Section 5, for which the United States of America, the State of Hawai'i, and the Office of Hawaiian Affairs share legally enforceable responsibilities, including fiduciary obligations to protect the interests of Native Hawaiians.

Scope

1. Formation of a Negotiation PIG (2025-2026)

Establish a Negotiation PIG to represent OHA as Hawai'i approaches the 2029 military lease expirations and to develop the Board's negotiation strategy. The PIG will initiate formal

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outreach to the Department of the Army, Department of the Navy, Department of the Air Force (through their respective Service Secretaries), NASA, and Hawai'i's Congressional Delegation to establish and maintain communication channels.

2. Quarterly Board Updates

Provide quarterly updates, at minimum, to ensure continuous oversight, transparency, and alignment with Board policy.

3. OHA Staff Support and Research

Direct Advocacy and Research & Evaluation staff to provide legal, historical, environmental, and technical research support, including a comprehensive Ka Pa'akai analysis to ensure Native Hawaiian traditional and customary rights are fully protected and integrated into all strategic decisions.

4. Rights- and Trust-Based Strategic Framework

Ensure all strategies are grounded in Native Hawaiian rights and Public Land Trust obligations, affirming OHA's constitutional, statutory, and fiduciary responsibilities.

5. OHA Military-Leased Lands Technical Advisors

Identify Technical Advisors to support the Negotiation PIG. Membership will consist of subject-matter experts in:

- Negotiation
- Valuation and appraisal
- Legal, litigation, and administrative law
- Kia'i / 'Āina Stewards/Cultural Practitioners
- Cultural and natural resource law and policy
- Military experts, advisors, and individuals (including retired members of the United States Armed Forces) with military training and infantry experience
- Political science and public policy
- International law, history, and academic research
- 'Ōpio / Next generation of Hawaiian leaders

6. Multi-Platform Communications Strategy

Develop a statewide and national communications strategy—including long-form, short-form, and digital media—to educate beneficiaries, policymakers, and the general public regarding OHA's position, responsibilities, and advocacy related to military-leased lands.

Members

The proposed membership of the PIG is as follows:

- **Trustee Kaiali'i Kahele** (Chair)
- **Trustee Keoni Souza** (Vice Chair)
- **Trustee Carmen "Hulu" Lindsey**
- **Trustee Brickwood Galuteria**

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Term / Duration

The term of the PIG will extend until completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event beyond **November 3, 2026**.

Justification for Recommended Action

The approaching expiration of the 1964 military leases represents a once-in-a-generation opportunity for OHA to assert its constitutional and fiduciary responsibilities over Ceded Lands and the Public Land Trust. These lands—taken from the Hawaiian Kingdom, held in trust for Native Hawaiians, and utilized for 65 years for military purposes—are of profound cultural, historical, legal, and environmental importance.

The complexity of federal, state, cultural, and international considerations involved requires a proactive and highly coordinated strategy grounded in Native Hawaiian rights, Public Land Trust obligations, and modern best practices in negotiation, valuation, environmental review, community consultation, and legal advocacy.

The recommended actions ensure that OHA is fully prepared to protect beneficiary interests; engage meaningfully with federal, state, and community stakeholders; respond to cultural and environmental concerns; and shape the long-term stewardship and future of these lands. Establishing the Negotiation PIG—supported by technical experts and a comprehensive communications strategy—positions OHA to negotiate from a place of strength, uphold its trust duties, and secure outcomes that honor 'āina, the lāhui, and future generations of Native Hawaiians.

V. TIMEFRAME

Immediate action is recommended.

VI. BUDGET AUTHORIZATION

No funding is required at this time; however, if established, the PIG will work with the Advocacy and Communications teams and the Budget Chief to formulate an FY26 and FY27 annual budget to support its efforts. The proposed budget adjustment will be presented to the Budget & Finance (B&F) Committee for consideration in the 1st quarter of 2026.

VII. ALTERNATIVES

A. Take no action