



COMMITTEE ON RESOURCE
MANAGEMENT
Dan Ahuna, Chairperson
Robert K. Lindsey, Jr., Vice Chairperson
Leina'ala Ahu Isa, At-Large
Kalei Akaka, O'ahu
Keli'i Akina, At-Large
Brendon Kalei'aina Lee, At-Large
Carmen Hulu Lindsey, Maui
Colette Y. Machado, Moloka'i/Lāna'i
John Waihe'e IV, At-Large

**STATE OF HAWAII'
OFFICE OF HAWAIIAN AFFAIRS**

COMMITTEE ON BENEFICIARY ADVOCACY
AND EMPOWERMENT
John Waihe'e IV, Chairperson
Kalei Akaka, Vice Chairperson
Leina'ala Ahu Isa, At-Large
Dan Ahuna, Kauai/Ni'ihau
Keli'i Akina, At-Large
Brendon Kalei'aina Lee, At-Large
Carmen Hulu Lindsey, Maui
Robert K. Lindsey, Jr., Hawai'i Island
Colette Y. Machado, Moloka'i/Lāna'i

**JOINT MEETING OF THE COMMITTEE ON RESOURCE MANAGEMENT AND
THE COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**

DATE: Tuesday, March 5, 2019
TIME: 10:00 am
PLACE: OHA Board Room, Nā Lama Kukui
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

AGENDA

- I. Call to Order
- II. Public Testimony*
- III. Approval of Minutes[†]
 - A. June 19, 2018
 - B. June 26, 2018
- IV. Executive Session[†]
 - A. Approval of Minutes[†]
 1. July 12, 2016
 2. June 19, 2018
 3. June 26, 2018
 - B. Consultation with Attorney Randall Sakumoto, Esq. and Board Attorney Robert G. Klein, Esq. pertaining to the OHA Board of Trustees' powers, privileges, immunities, and liabilities regarding the potential Sale of Kaka'ako Makai Parcel Lot I, TMK (1) 2-1-015:061, to City & County of Honolulu. Pursuant to HRS section 92-5(a) (4).
- V. New Business[†]
 - A. Action Item RM/BAE #19-01: 1) Authorize and approve OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding the disposition of Kaka'ako Lot I, TMK (1) 2-1-015:061, and 2) approval of legislative resolution related to potential sale of Kaka'ako Lot I, TMK (1) 2-1-015:061, to the City and County of Honolulu.
- VI. Announcements
- VII. Adjournment

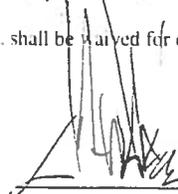
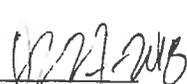
If you require an auxiliary aid or accommodation due to a disability, please contact Albert Tiberi at telephone number 594-1754 or by email at: albertt@oha.org no later than three (3) business days prior to the date of the meeting

*Notice: Persons wishing to provide testimony are requested to submit 13 copies of their testimony to the Chief Executive Officer at 560 N. Nimitz, Suite 200, Honolulu, HI, 96817 or fax to 594-1868, or email BOTmeetings@oha.org 48 hours prior to the scheduled meeting. Persons wishing to testify orally may do so at the meeting, provided that oral testimony shall be limited to five minutes.

†Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

†Notice: This portion of the meeting will be closed pursuant to HRS § 92-5.

 2/27/19
Trustee Dan Ahuna Date
Chairperson, Committee on Resource Management

  
Trustee John Waihe'e, IV. Date
Chairperson, Committee on Beneficiary Advocacy & Empowerment

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. Nimitz Hwy, Suite 200
HONOLULU, HI 96817**

**Minutes of the Office of Hawaiian Affairs Joint Committee on Resource
Management and Beneficiary Advocacy and Empowerment
June 19, 2018
10:05am**

ATTENDANCE:

Trustee Rowena Akana
Trustee Keli'i Akina
Trustee Colette Machado

Trustee Carmen Hulu Lindsey
Trustee John Waihe'e, IV

STAFF PRESENT:

Kamana'opono Crabbe, CEO
Albert Tiberi
Alvin Akee
Claudine Calpito
Everett Ohta
Kauikeaolani Wailehua
Lee Miller
Lehua Itokazu

Liana Pang
Lisa Victor, COO
Lopaka Baptiste
Maria Calderon
Miles Nishijima
Paul Harleman
Raina Gushiken

GUESTS:

Kamuela Kala'i
Clare Apana

I. CALL TO ORDER

Chairperson Hulu (H.) Lindsey – Calls the Joint Committee on Resource Management and Beneficiary Advocacy and Empowerment to order at 10:05 am.

Chairperson H. Lindsey notes that the following trustees are present:

	Present	Excused	Comments
TRUSTEE LEI ISA AHU		X	
TRUSTEE DAN AHUNA		X	
TRUSTEE ROWENA AKANA	X		

TRUSTEE KELI'I AKINA	X		
TRUSTEE PETER APO		X	
TRUSTEE ROBERT LINDSEY		X	
TRUSTEE COLETTE MACHADO	X		
TRUSTEE JOHN WAIHE'E	X		
CHAIRPERSON HULU LINDSEY	X		
TOTAL	5	4	
At the Call to Order, there are eight (5) Trustees PRESENT and one (4) EXCUSED.			

II. PUBLIC TESTIMONY

Kamuela Kala'i greets the board and announces that her testimony will be on iwi kupuna. She advocates for all iwi kupuna and speaks on proper burial and reburial. She is at the meeting to follow up on a request to OHA to create an Ad Hoc Committee to address the iwi issue at Kawaiha'o and every where on every island. She wants to know if OHA can help, she is requesting an answer from OHA.

Committee Chair Hulu Lindsey states that she would serve on the Ad Hoc Committee but will leave the appointment to Chair Machado to decide who else will be serving.

Kamuela Kala'i inquires on how does the Ad Hoc Committee get formed.

Trustee Colette Machado states the issue needs to be determined by administration if they have been resolved. Her understanding is the Kawaiha'o matter has been resolved. The request for the Ad Hoc Committee would be helpful if it came from the burial council. To establish an Ad Hoc Committee purviews need to be prepared and approved by the Board of Trustees.

Committee Chair Hulu Lindsey requests to refer this matter to administration.

Trustee Rowena Akana asks Kala'i what she wants OHA to do.

Kamuela Kala'i states that she would like the Ad Hoc Committee to address all issues of iwi kupuna on all islands. She would like suport at the burial council meetings, training on burial laws, and assist with filling the seats of the burial council to meet quorum. She would like the exisiting laws to be tightened.

Committee Chair Hulu Lindsey thanks Kamuela and states that administration will take a look at her request and make recommendations to the board. Clare Apana is called to the table.

Clare Apana greets the Trustees and speaks on the topic of iwi kupuna. She asks the trustees to support the Ad Hoc Committee that Kamuela is asking for. She believes OHA is not being vigilant enough. She also thanks the OHA staff for the letters written to Maui County which none have been answered. She believes that a letter sent to the Department Works of Maui from State Historic Preservation Department that went unanswered is the cause of allowing the sand mining permit to be renewed continue in the County of Maui. She states they really need the support. OHA needs to come through and consider their presence on getting the iwi kupuna protected. She is not sure what the next step is but would like to be on the agenda to present the sand mining case of the iwi kupuna issues of Maui related to the sand extraction. She expresses to Chair Machado that she is not sure on how to get on the agenda.

Trustee Colette Machado tells Claire Apana that she must scrub down all of the implications that you have laid out. Regarding litigation, she must raise the issue with administration through the respected staff you've been working with and then they would approach the board on how to proceed. Until that is done coming to the board meeting and testifying under public testimony or community concerns is the best thing.

Clare Apana asks if it is possible to be placed on the agenda?

Trustee Colette Machado replies to back by stating that she come with a loaded agenda, to allow her to come back and free range at the table, does not them to focus on decision making. She explains it is their job to scrub it down and come back with something reasonable so that a decision can be made. The Ad hoc committee being proposed is an investigated approach, this is not to be at your beck and call. We need to know what this investigated committee will be doing. This will not be an ongoing thing to assist you with the burial council. It must be in a manner where they can focus on some type of outcome.

Committee Chair Hulu Lindsey asks Clare if she has asked Kamana'o on how to proceed?

Clare Apana states no she has asked for help and clarification with some of the on-going sand mining moratorium and getting laws that would help protect our iwi kupuna. She states she could ask him how to put this on the agenda so that I could ask you formally if your would be willing to be an interveiner.

Committee Chair Hulu Lindsey suggests to Clare that she and Kamuela meet with KP. Kamana'o can then make recommendations to the Chair to agendaize items on the subject matter. She asks Clare if this acceptable.

Clare Apana replies yes. She apologizes to Chair Machado. She states she is not accusing her personally.

Trustee Colette Machado replies, it is not her but the agency. She explains that community concern is limited and no discussion or questions and answers. You need to get this resolved with our policy division before you come back to the Chair. You are welcome to the table as often as you choose to come that is not an issue.

Committee Chair Hulu Lindsey states to please take the suggestions given today and meet with Kamana'o. She also announces that items III.A. and I.V.A will be deferred on today's agenda. Next, she asks for a motion to recuse into executive session.

III. EXECUTIVE SESSION

Trustee John Waihe'e moves to resolve into Executive Session.

Trustee Colette Machado seconds the motion.

Hearing no discussion Committee Chair Hulu Lindsey asks for a roll call vote.

Trustee John Waihe'e, moves to resolve into Executive Session. Trustee Colette Machado seconds the motion.						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSE D
TRUSTEE LEI ISA AHU						X
TRUSTEE DAN AHUNA						X
TRUSTEE ROWENA AKANA			X			

TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						X
TRUSTEE ROBERT LINDSEY						X
TRUSTEE COLETTE MACHADO		X	X			
TRUSTEE JOHN WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			5			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passes with nine (5) YES votes and zero (4) EXCUSED						

The Board moved into Executive Session at 10:30 a.m.

The Board reconvened in Open Session at 11:50 a.m.

V. COMMUNITY CONCERNS

None

V.I. ANNOUNCEMENTS

None

VII. ADJOURNMENT

Trustee Keli'i Akina moves to adjourn meeting.

Trustee Rowena Akana seconds the motion.

Committee Chair Hulu Lindsey asks for a roll call vote.

Trustee Keli'i Akina moves to adjourn the RM meeting. Trustee Rowena Akana seconds the motion.

	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA						X
TRUSTEE DAN AHUNA						X
TRUSTEE ROWENA AKANA		X	X			
TRUSTEE KELI'I AKINA	X		X			
TRUSTEE PETER APO						X
TRUSTEE ROBERT LINDSEY						X
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			5			

MOTION: UNANIMOUS PASSED DEFERRED FAILED

Motion passes with seven (5) YES votes and three (4) EXCUSED votes.

RM meeting adjourns at 11:55 a.m

Respectfully Submitted,

Lehua Itokazu
Trustee Aide
Committee on Resource Management

As approved by the Chairpersons of the Joint Committee on Resource Management and Beneficiary Advocacy and Empowerment on _____.

Trustee Carmen Hulu Lindsey
Committee Chair
Committee on Resource Management

Trustee Robert Lindsey
Committee Chair
Committee on Beneficiary Advocacy and Empowerment

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. Nimitz Hwy, Suite 200
HONOLULU, HI 96817**

**Minutes of the Office of Hawaiian Affairs Joint Committee on Resource
Management and Beneficiary Advocacy and Empowerment
June 26, 2018
9:04 a.m.**

ATTENDANCE:

Trustee Rowena Akana
Trustee Keli'i Akina
Trustee Colette Machado
Trustee Lei Ahu Isa

Trustee Dan Ahuna
Trustee Carmen Hulu Lindsey
Trustee John Waihe'e, IV.
Trustee Robert Lindsey

STAFF PRESENT:

Claudine Calpito
Everett Ohta
Kauikeaolani Wailehua
Lee Miller
Lehua Itokazu

Liana Pang
Lōpaka Baptiste
Maria Calderon
Paul Harleman
Raina Gushiken

GUESTS:

Sam Chung
Randall Sakumoto

I. CALL TO ORDER

Chairperson Hulu Lindsey – Calls the Joint Committee on Resource Management and Beneficiary Advocacy and Empowerment to order at 9:04 a.m.

Chairperson Hulu Lindsey notes that the following trustees are present:

		Present	Excused	Comments
TRUSTEE LEI	AHU ISA	X		
TRUSTEE DAN	AHUNA	X		
TRUSTEE ROWENA	AKANA			Arrives at 9:05 a.m.
TRUSTEE KELI'I	AKINA	X		
TRUSTEE PETER	APO		X	

DRAFT

TRUSTEE ROBERT	LINDSEY	X		
TRUSTEE COLETTE	MACHADO	X		
TRUSTEE JOHN	WAIHE'E			Arrives at 9:25 a.m.
CHAIRPERSON HULU	LINDSEY	X		
TOTAL		6	1	
At the Call to Order, there are six (6) Trustees PRESENT and one (1) EXCUSED.				

Chairperson Hulu Lindsey seeks a 72 hr. waiver for item IV. B. on the agenda

Trustee Robert Lindsey moves to seek a 72 hr. waiver for item IV. B. Action Item RM/BAE #18-02 – Kaka'ako Makai Lot I TMK (1)2-1-015:061 sale negotiations with City & County of Honolulu

Trustee Dan Ahuna seconds the motion.

Trustee Robert Lindsey moves to seek a 72 hr. waiver for item IV. B. Action Item RM/BAE #18-02 – Kaka'ako Makai Lot I TMK (1)2-1-015:061 sale negotiations with City & County of Honolulu							
Trustee Dan Ahuna seconds the motion.							
		1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI	AHU ISA			X			
TRUSTEE DAN	AHUNA		X	X			
TRUSTEE ROWENA	AKANA						
TRUSTEE KELI'I	AKINA			X			
TRUSTEE PETER	APO						X
TRUSTEE ROBERT	LINDSEY	X		X			
TRUSTEE COLETTE	MACHADO			X			

DRAFT

TRUSTEE JOHN WAIHE'E					
CHAIRPERSON HULU LINDSEY			X		
TOTAL VOTE COUNT			6		1
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED					
Motion passes with six (6) YES votes and one (1) EXCUSED					

Chairperson Hulu Lindsey seeks a motion to recuse into executive session.

Trustee Dan Ahuna moves to recuse into executive session.

Trustee Keli'i Akina seconds the motion.

Chairperson Hulu Lindsey asks for roll call.

Trustee Dan Ahuna moves to recuse into executive session.						
Trustee Keli'i Akina seconds the motion.						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA	X		X			
TRUSTEE ROWENA AKANA						
TRUSTEE KELI'I AKINA		X	X			
TRUSTEE PETER APO						X
TRUSTEE ROBERT LINDSEY			X			

DRAFT

TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E						
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			6			1
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with six (6) YES votes and one (1) EXCUSED						

The Board moved into Executive session at 9:05 a.m.

The Board reconvened in Open Session at 9:29 a.m.

IV. NEW BUSINESS

A. Approval of minutes March 7, 2018

Trustee Robert Lindsey moves to approve the minutes dated March 7, 2018.

Trustee John Waihe'e seconds the motion.

Trustee Robert Lindsey moves to approve the minutes dated March 7, 2018.						
Trustee John Waihe'e seconds the motion.						
	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA			X			

TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						X
TRUSTEE ROBERT LINDSEY	X		X			
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passes with eight (8) YES votes and one (1) EXCUSED						

B. RM/BAE #18-02 Kaka'ako Makai Lot I TMK (1) 2-1-015:061 sale negotiations with the City and County of Honolulu

Trustee Robert Lindsey moves to accept the recommendations by Administration and Council on RM/BAE #18-02 Kaka'ako Makai Lot I TMK (1) 2-1-015:061 to cease sale negotiations with City and County of Honolulu and a letter to that effect be prepared for the CEO to be signed and sent to the City and County.

Trustee John Waihe'e seconds the motion.

Trustee Robert Lindsey moves to accept the recommendations by Administration and Council on RM/BAE #18-02 Kaka'ako Makai Lot I TMK (1) 2-1-015:061 to cease sale negotiations with City and County of Honolulu and a letter to that effect be prepared for the CEO to be signed and sent to the City and County. Trustee John Waihe'e seconds the motion.						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			

TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						X
TRUSTEE ROBERT LINDSEY	X		X			
TRUSTEE COLETTE MACHADO			X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			8			1
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with eight (8) YES votes and one (1) EXCUSED						

V. COMMUNITY CONCERNS

None

V.I. ANNOUNCEMENTS

Committee Chair Hulu Lindsey announces that Chair Colette Machado will take the seat as soon as the Joint RM and BAE meeting adjourns to ratify the referral.

VII. ADJOURNMENT

Trustee John Waihe'e moves to adjourn meeting.

Trustee Rowena Akana seconds the motion.

Trustee John Waihe'e moves to adjourn meeting.

Trustee Rowena Akana seconds the motion.

DRAFT

		1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI	AHU ISA			X			
TRUSTEE DAN	AHUNA			X			
TRUSTEE ROWENA AKANA			X	X			
TRUSTEE KELI'I AKINA				X			
TRUSTEE PETER APO							X
TRUSTEE ROBERT	LINDSEY			X			
TRUSTEE COLETTE MACHADO				X			
TRUSTEE JOHN	WAIHE'E	X		X			
CHAIRPERSON HULU LINDSEY				X			
TOTAL VOTE COUNT				8			1
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED Motion passes with eight (8) YES votes and one (1) EXCUSED							

Joint RM/BAE meeting adjourns at 9:31 a.m

Respectfully Submitted,

Lehua Itokazu
Trustee Aide
Committee on Resource Management

As approved by the Chairpersons of the Joint Committees on Resource Management and Beneficiary Advocacy and Empowerment on .

Trustee Carmen Hulu Lindsey
Committee Chair
Committee on Resource Management

Trustee Robert Lindsey
Committee Chair
Committee on Beneficiary Advocacy and Empowerment

OFFICE OF HAWAIIAN AFFAIRS
Action Item

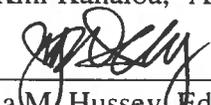
**Joint Committees on Resource Management
and Beneficiary Advocacy and Empowerment**

March 5, 2019

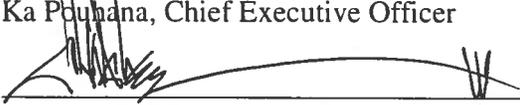
RM/BAE #19- 01

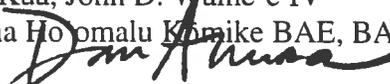
Action Item Issue: (1) Authorize and approve OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding the disposition of Kaka'ako Makai Parcel Lot I, TMK (1) 2-1-015:061, and (2) approval of legislative resolution related to potential sale of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061, to the City & County of Honolulu.

Prepared by:  02/28/2019
Miles T. Nishijima Date
Pou Kihī Kanaloa, 'Āina, Land Assets Director

Reviewed by:  3/1/2019
Sylvia M. Hussey, Ed.D. Date
Ka Pou Nui, Chief Operating Officer

Reviewed by:  2/28/19
Kamana'opono M. Crabbe, Ph.D. Date
Ka Pūhaha, Chief Executive Officer

Reviewed by:  03/04/2019
Ke Kua, John D. Waihe'e IV Date
Luna Ho'omalū Kōmike BAE, BAE Chairperson

Reviewed by:  03/04/2019
Ke Kua, Dan Ahuna Date
Luna Ho'omalū Kōmike RM, RM Chairperson

I. Proposed Action:

Authorize and approve the OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding a possible disposition of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061.

II. Issue:

Whether to authorize the OHA CEO/Administration to resume negotiations with the

City & County of Honolulu regarding a possible disposition of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061 or to authorize the OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding a possible sale of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061 and approval of a legislative resolution related to the potential sale of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061, to the City and County of Honolulu.

III. Discussion:

A. Background

Lot I is an approximately 3.3 acre property located in Kaka'ako Makai. The property is bordered by Ala Moana Boulevard, Forrest Avenue, Ilalo Street, TMK (1) 2-1-015:062 (containing the City's existing sewer pump station) and TMK (1) 2-1-015:063 (containing the historic Kaka'ako Pump Station). HCDA's Kaka'ako Makai Area Rules allow for Mixed Use development, with a maximum floor area ratio of 3.5 and a maximum height of 200 feet. HCDA is prohibited by statute from allowing residential use in the Kaka'ako Makai area, which applies to all of OHA's Kaka'ako Makai properties. Lot I is partially encumbered by a sewer easement and an existing coral block wall along Ala Moana Boulevard could possibly be deemed historic.

Lot I is undeveloped and partially paved, and is currently being used for short-term surface parking. The property is not contiguous to any of OHA's other land parcels in Kaka'ako Makai, and the Comprehensive Master Plan concluded that the highest and best use under existing entitlements would be a mid-rise commercial development.

Discussions with the City started at the end of 2015, when OHA was approached by the City about its interest in acquiring Lot I as a site for a new sewer pump station to serve East Honolulu. Lot I was considered ideal for the siting because it was adjacent to the City's existing sewer pump station. Initially, OHA and the City discussed a long-term lease, but the City later changed its position and instead sought a fee purchase of Lot I.

Since OHA's acquisition of Lot I, the parcel has generated approximately \$2.6 million of revenue. Prior to the 2012 settlement with the State of Hawai'i, by which OHA acquired Lot I and its other Kaka'ako Makai parcels, the appraised value of Lot I was \$23.9 million, as of December 29, 2011. According to a December 5, 2017 appraisal, Lot I's valuation was \$29.64 million. According to a January 26, 2019 appraisal, Lot I's current valuation is \$30.14 million.

On June 26, 2018, following review and discussion of the final Purchase and Sale Agreement terms proposed by the City, the Board of Trustees approved Action Item RM/BAE #18-02, which authorized the OHA CEO to cease ongoing negotiations. However, the City recently expressed a strong interest in resuming negotiations.

B. Legislative approval requirements

Hawai'i Revised Statutes (HRS), section 171-64.7 requires all state agencies and departments to obtain legislative approval prior to the sale of former crown or government lands. OHA staff have previously determined that Lot I was formerly government land, as well as ceded land and public land trust land.

To obtain legislative approval, a state agency must receive approval of the potential sale through a concurrent resolution adopted by two-thirds of the members of each legislative chamber. The concurrent resolution must include:

- (1) the specific location and size of the parcel to be sold;
- (2) the appraisal value of the land;
- (3) the names of all appraisers performing appraisals of the land;
- (4) the date of the appraisal valuation;
- (5) the purpose for which the land is being sold;
- (6) a detailed summary of any development plans for the land; and
- (7) a statement of whether the land is, or is not, land that was classed as government or crown lands previous to August 15, 1895, and a detailed explanation of how the state department or agency made this determination.

The state agency proposing the sale must also conduct a public informational briefing on the proposed sale in the community where the parcel is located. The state agency proposing the sale is also required to submit a draft resolution to OHA three months prior to the convening of the legislative session, to provide OHA time to determine whether the parcel proposed for sale is subject to the requirements of HRS §171-64.7.

A draft house concurrent resolution, which complies with HRS §171-64.7, is attached and incorporated herein by reference (See Attachment A). If the resolution is approved for introduction in 2019, then house and senate concurrent resolutions would need to be introduced by Thursday, March 8, 2019, the deadline for substantive resolutions to be introduced for the 2019 legislative session.

C. Sale of ceded lands:

OHA has sought to maintain the ceded lands corpus and has generally opposed the alienation (sale) of ceded lands in order to protect the long-term interests of Native Hawaiians in their unresolved and un-relinquished claims arising from the overthrow of the Native Hawaiian government and resulting transfer of former crown and government lands to the United States. To this end, the OHA Board of Trustees (BOT) adopted its Ceded Lands policy on February 7, 2013, as section 2.1 of the OHA Executive Policy Manual.

A sale of Lot I would not violate OHA's Ceded Land policy or OHA's long-standing position on ceded lands. As noted earlier, Parcel I is a ceded lands parcel. The City and County of Honolulu is a political subdivision of the State of Hawai'i; therefore, Lot I would still remain part of the ceded land corpus following a sale to the city. Although OHA has previously raised concerns that inter-agency sales of ceded land from a state agency to the federal or county

governments would remove the subject parcel from the protections of HRS §171-64.7 should a future sale occur, such concerns are minimal here, where the city has long-term plans to build sewer facilities on the property that would make a future sale highly unlikely. Similar transfers, such as the sale or gift of state road parcels to the counties, have not been opposed by OHA. A sale of Lot I to the City and County of Honolulu would similarly maintain Native Hawaiians' long-term interests in the parcel.

Pursuant to OHA's Board of Trustee's Executive Policy Manual, Series 1030 Trustee Duties, Responsibilities, and Conduct, section 1.3.n, the BOT must approve all transactions involving the conveyance of land. Although this action is not currently seeking BOT approval of a conveyance, this action is intended to provide guidance to the administration as to whether the BOT would like OHA to devote resources towards resuming negotiations with the City and County of Honolulu. If the BOT wishes to resume negotiations toward a sale, Administration is also seeking approval to submit the required resolution to the legislature for introduction.

IV. Recommended Action:

Authorize and approve OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding the disposition of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061.

V. Alternatives:

(1) Authorize and approve OHA CEO/Administration to resume negotiations with the City & County of Honolulu regarding the disposition of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061 and (2) approve a legislative resolution for introduction related to a potential sale of Kaka'ako Makai Lot I, TMK (1) 2-1-015:061, to the City and County of Honolulu.

VI. Time Frame:

Immediate action is recommended. If a legislative resolution is to be introduced in the 2019 legislative session, OHA Administration would need to coordinate with senate and house leadership immediately, in order to meet the Friday, March 8, 2019 deadline to introduce substantive resolutions.

VII. Funding Source and Certification of Funding Availability:

Funds to continue negotiations and introduce resolution to legislature are available in current budget.

VIII. Attachment:

House Concurrent Resolution: Approving the Sale of Certain Office of Hawaiian Affairs Land to the City and County of Honolulu

ATTACHMENT A

House Concurrent Resolution: Approving the Sale of Certain Office of Hawaiian Affairs
Land to the City and County of Honolulu

1

HOUSE CONCURRENT
RESOLUTION

APPROVING THE SALE OF CERTAIN OFFICE OF
HAWAIIAN AFFAIRS LAND TO THE CITY AND COUNTY
OF HONOLULU.

2 WHEREAS, the state of Hawai‘i transferred to the Office of Hawaiian Affairs the fee
3 simple interest to certain parcels in Kaka‘ako, including Tax Map Key (“TMK”) no. (1) 2-1-
4 015:061 (“Parcel I”), pursuant to Act 15, Session Laws of Hawai‘i 2012; and

5 WHEREAS, section 171-64.7, Hawai‘i Revised Statutes, requires the prior approval of
6 the Legislature, by concurrent resolution, to sell in fee simple certain lands classed as
7 government or crown lands previous to August 15, 1895, or acquired or reserved by the
8 government upon or subsequent to that date by purchase, exchange, escheat, or the exercise of
9 the right of eminent domain, or any other manner; and

10 WHEREAS, section 171-64.7(c), Hawai‘i Revised Statutes, states that “[t]he concurrent
11 resolution shall contain the following information:

- 12 (1) The specific location and size in square feet or in other precise measure of the
13 parcels of land to be sold or given;
- 14 (2) The appraisal value of the land to be sold or given;
- 15 (3) The names of all appraisers performing appraisals of the land to be sold or given;
- 16 (4) The date of the appraisal valuation;

- 1 (5) The purpose for which the land is being sold or given;
- 2 (6) A detailed summary of any development plans for the land to be sold or given;
- 3 and
- 4 (7) A statement of whether the land is, or is not, land that was classed as government
- 5 or crown lands previous to August 15, 1895, or was acquired by the State in
- 6 exchange for such lands, and a detailed explanation of how the state department
- 7 or agency made this determination”; and

8 WHEREAS, the Office of Hawaiian Affairs desires to obtain legislative approval to sell
9 the fee interest in Parcel I and provides the following information pursuant to section 171-64.7,
10 Hawai'i Revised Statutes:

- 11 (1) Parcel I is located on Forest Avenue and Ala Moana Boulevard, Honolulu,
12 Hawai'i in the Kaka'ako Makai Area. TMK no. (1) 2-1-015:061. The size of the
13 parcel is approximately 141,832 square feet;
- 14 (2) The fee interest in Parcel I was appraised to have a fair market value of
15 \$30,139,000.00;
- 16 (3) Parcel I was appraised by Nathan W. Alexander of CBRE, Inc.;
- 17 (4) The appraisal valuation date is January 26, 2019;
- 18 (5) The primary purpose for a sale to the City and County of Honolulu would be to
19 address municipal sewage needs and increase system capacity to service the east
20 Honolulu service basin, including other Kaka'ako Makai lands owned by the
21 Office of Hawaiian Affairs;

1 (6) The development plans for Parcel I would be to build a major pump station and/or
2 other wastewater facility, as determined by the needs of the City and County of
3 Honolulu; and

4 (7) Parcel I was classed as government or crown lands previous to August 15, 1895.
5 This status was determined through title research conducted by staff of the Office
6 of Hawaiian Affairs in connection with the acquisition of Parcel I by the Office of
7 Hawaiian Affairs; and

8 WHEREAS, a draft of this concurrent resolution was submitted to the Office of Hawaiian
9 Affairs three months prior to the convening of the regular session of 2019; and

10 WHEREAS the Office of Hawaiian Affairs duly conducted an informational briefing on
11 the sale of Parcel I at a publicly noticed meeting of the Office of Hawaiian Affairs on March 5,
12 2019 in the ahupua'a of Honolulu, moku of Kona, mokupuni of O'ahu; now, therefore,

13 BE IT RESOLVED by the House of Representatives of the Thirtieth Legislature of the
14 State of Hawai'i, Regular Session of 2019, the Senate concurring, that the sale of the fee simple
15 title in Parcel I from the Office of Hawaiian Affairs to the City and County of Honolulu is
16 approved; and

17 BE IT FURTHER RESOLVED that a certified copy of this Concurrent Resolution be
18 transmitted to the Chairperson of the Office of Hawaiian Affairs and the Mayor of the City and
19 County of Honolulu.

20

21 INTRODUCED BY: _____

By Request

22