REPORT OF THE COMMITTEE ON ZONING & PLANNING

Voting Members:
Esther Kiaʻāina, Chair; Tommy Waters, Vice-Chair;
Radiant Cordero, Val A. Okimoto, Andria Tupola

Committee Meeting Held
June 25, 2026

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning & Planning, which considered Resolution 26-151 entitled:

"RESOLUTION APPROVING THE EXPENDITURE OF CLEAN WATER AND NATURAL LANDS FUNDS TO ACQUIRE A PERPETUAL CONSERVATION EASEMENT OVER ONE PARCEL OF LAND, TAX MAP KEY: (1) 3-6-023:006 (CPRs 0001-0008) SITUATED IN WAILUPE, OʻAHU, HAWAIʻI,"

transmitted by Departmental Communication 418 (2026), dated June 18, 2026, from the Department of Land and Housing Management ("DHLM") and introduced on June 18, 2026, reports as follows:

The purpose of Resolution 26-151 is to approve the expenditure of Clean Water and Natural Lands ("CWNL") funds to acquire a perpetual conservation easement over one parcel of land totaling approximately 2.9078 acres, located in Wailupe, Oʻahu, Hawaiʻi, and identified as Tax Map Key: (1) 3-6-023:006 (CPRs 0001-0008) (the "Property").

The proposal was submitted to the Department of Housing and Land Management ("DHLM") and the Clean Water and Natural Lands Advisory Commission ("Commission") by Puʻuhonua o Wailupe, a 501(c)(3) nonprofit organization that works to protect iwi kūpuna, cultural sites, natural resources, and traditional Native Hawaiian rights and practices.

ADOPTED ON JUL 8 2026

COMMITTEE REPORT NO. 190(26)

Upon acquisition, the Office of Hawaiian Affairs ("OHA") will acquire a fee simple ownership interest in the Property from current landowner L and K Investments LLC (the "Landowner"), with the City holding a conservation easement over the Property at an estimated price of up to $7 million, to ensure permanent protection in perpetuity, and Pu'uhonua o Wailupe will continue its stewardship and protection of the Property.

The Landowner is willing to sell the Property, and with the Landowner's permission, Pu'uhonua o Wailupe has been stewarding the Property since June 2022.

An archaeological inventory survey ("AIS") for the site was completed in 2024 by the International Archaeological Research Institute, Inc. ("Consultant"). The AIS documented two rock shelters with burials, a trail segment with associated walls, and two modified ceremonial pits. These sites are interpreted as a cultural landscape that extends across a large portion of the Property.

Stewardship will be guided by a 2025 Preservation Plan prepared by the Consultant, and involves restoration of native species; use of hand tools only; erosion mitigation; site security; pathway maintenance; ongoing consultation with Wailupe descendants, OHA, the City, the Consultant, and other community partners; observance of cultural protocols; and incorporation of community workdays.

The Commission found that the proposal aligns with four purposes of the CWNL Fund under Section 9-204.2(a), Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), which requires the CWNL funds to be used to acquire real estate or a perpetual conservation easement for:

1. Public outdoor recreation and education, including access to beaches and mountains;

2. Preservation of historic or culturally important land areas and sites;

3. Protection of significant habitats or ecosystems, including buffer zones; and
4. Conservation of land to significantly reduce erosion, floods, landslides, and runoff.

Protecting the Property would:

1. Provide perpetual protection of iwi kūpuna under burial treatment and preservation plans approved by the State Historic Preservation Division;

2. Safeguard irreplaceable burial caves, cultural landscapes, and historical resources; and

3. Facilitate access for lineal and cultural descendants, and provide educational and cultural programming for the community.

At your Committee's meeting on June 25, 2026, the Chief Executive Officer ("CEO") of the OHA Board of Trustees testified that OHA's core mission acknowledges that natural resources are cultural resources, and caring for the āina (land) is akin to caring for the people and the community. The CWNL program and its funding perpetuate this kuleana (responsibility) that the health of our land is inextricable from the health of our people. The OHA CEO stated that OHA is poised to receive, steward, and safeguard these lands. OHA's philosophy and practice of stewardship recognizes that the communities closely connected to these lands are the foundation on which OHA co-stewards and strengthens its relationship with those communities. The OHA CEO indicated that this philosophy highlights OHA's partnership with Pu'uhonua o Wailupe, which has been dedicated to the stewardship of the Property. The OHA Board of Trustees supports the Resolution and encourages the City to explore CWNL Fund initiatives, which advance the shared responsibility to steward and protect the precious natural resources that make Hawaii unique.

The Board Treasurer of Pu'uhonua o Wailupe, a Native Hawaiian organization recognized by the U.S. Department of the Interior, provided a presentation on the proposal and the Property, and responded to questions from Councilmembers.

The Conservation Office Program Manager of the Department of Housing and Land Management ("DHLM") testified that the proposal is an example of the diversity of projects that the DHLM is evaluating, and the DHLM anticipates bringing more projects to the Council for consideration.

Pu'uhonua o Wailupe and two individuals testified in support of the Resolution. Four individuals offered comments on the Resolution.

Your Committee received written testimony in support of the Resolution from Nā Maka Ihe Kahikina, Pu'uhonua o Wailupe, Nā Wāhine Ko'i, 'Ahahui o Hawai'i, Ke Kula Kaiapuni o Kailua, Sierra Club of Hawai'i, United States Coast Guard, Nation of Hawai'i, and 28 individuals. Aina Haina Community Association and two individuals submitted comments on the Resolution.

Your Committee prepared a CD1 version of the Resolution that makes the following amendments:

A. Deletes the sixth WHEREAS clause and adds a new seventh WHEREAS clause to provide that on June 8, 2026, the Department of Housing and Land Management ("DHLM") transmitted to the Clean Water and Natural Lands Fund ("CWNL Fund") Advisory Commission ("Commission") a qualified proposal for expenditures from the CWNL Fund, proposed by Pu'uhonua o Wailupe ("POW") to serve as steward of certain land in Wailupe, with the Office of Hawaiian Affairs ("OHA") acquiring a fee simple ownership interest in the land, subject to a perpetual conservation easement to be held by the City.

B. Adds a new eighth WHEREAS clause to describe the land the proposal relates to ("Property").

C. Deletes the 10th and 11th WHEREAS clauses and adds a new 10th WHEREAS clause to describe the proposed stewardship of the Property, which will be guided by a 2025 preservation plan.

D. Amends the 12th WHEREAS clause to clarify that the Commission found the proposal aligns with four purposes of the CWNL Fund set forth in Charter Section 9-204.2 (public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; and conservation of land to significantly reduce erosion, floods, landslides, and runoff).

E. Deletes the 13th WHEREAS clause and adds a new 13th WHEREAS clause providing that the Council finds protecting the Property would:

1. Provide perpetual protection of iwi kūpuna under burial treatment and preservation plans approved by the State Historic Preservation Division;

2. Safeguard irreplaceable burial caves, cultural landscapes, and historical resources;

3. Facilitate access for lineal and cultural descendants, and provide educational and cultural programming for the community; and

4. Be an important and essential consideration for the City to acquire a perpetual conservation easement over the Property.

F. Amends the BE IT RESOLVED clause to provide that the Council approves the expenditure of a specified amount of funds from the CWNL Fund for the City to acquire a perpetual conservation easement over approximately 2.9078 acres of land identified as Tax Map Key: (1) 3-6-023:006 (CPRs 0001-0008), subject to the following conditions:

1. The maximum amount of funds from the CWNL Fund that may be used toward the City's acquisition of a perpetual conservation easement is $7,000,000, the specific amount to be subject to a formal conservation easement appraisal.

2. Prior to the closing of the conservation easement transaction, the City Administration shall complete all due diligence as deemed necessary or desirable by the Department of the Corporation Counsel, and standard transaction closing practices must be implemented, including obtaining a formal conservation easement appraisal and title review.

3. All commitments relating to the protection, preservation, conservation, and stewardship of the property included in the application submitted by POW, in collaboration with OHA, must be incorporated into the final Grant of Conservation Easement and Declaration of Covenants.

4. In the event the acquisition in fee simple of the property by OHA (as purchaser) from L&K Investments LLC (as seller) is terminated or cancelled for any reason by any party, the resolution and the authorized expenditure of funds from the CWNL Fund for the City to acquire a perpetual conservation easement over the property will be rendered null and void.

REPORT OF THE COMMITTEE ON ZONING & PLANNING

Voting Members:
Esther Kia'āina, Chair; Tommy Waters, Vice-Chair;
Radiant Cordero, Val A. Okimoto, Andria Tupola

G. Adds a new BE IT FURTHER RESOLVED clause to provide that six months after the effective date of the resolution, and every six months thereafter until the land acquisition transaction closes, the DHLM Director is required to submit a report to the Council detailing the progress of the City's due diligence efforts, and the status of the City's perpetual conservation easement transaction.

H. Amends the BE IT FINALLY RESOLVED clause to add the Chief Executive Officer of the Office of Hawaiian Affairs as a recipient of a copy of the resolution.

I. Makes miscellaneous technical and nonsubstantive amendments.

Your Committee on Zoning & Planning is in accord with the intent and purpose of Resolution 26-151, as amended herein, and recommends its adoption in the form attached hereto as Resolution 26-151, CD1. (Ayes: Cordero, Kia'āina, Okimoto, Tupola, Waters – 5; Noes: None.)

Respectfully submitted,

Committee Chair

HONOLULU CITY COUNCIL
Ke Kanihela o ke Kalana o Honolulu
CITY AND COUNTY OF HONOLULU

ADOPTED ON JUL 3 2026

COMMITTEE REPORT NO. 190(26)

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. **26-151, CD1**

RESOLUTION

APPROVING THE EXPENDITURE OF CLEAN WATER AND NATURAL LANDS FUNDS TO ACQUIRE A PERPETUAL CONSERVATION EASEMENT OVER ONE PARCEL OF LAND, TAX MAP KEY: (1) 3-6-023:006 (CPRs 0001-0008) SITUATED IN WAILUPE, O'AHU, HAWAI'I.

WHEREAS, Section 9-204.1, Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended (the "Charter"), establishes the Clean Water and Natural Lands Fund ("CWNL Fund"); and

WHEREAS, Charter Section 9-204.2 provides that moneys in the CWNL Fund shall be used to purchase or otherwise acquire real estate or any qualified interest therein for land conservation in the City and County of Honolulu ("City") for the following purposes:

1. Protection of significant watershed lands to preserve water quality and water supply;

2. Preservation of significant forests, beaches, coastal areas, and agricultural lands;

3. Public outdoor recreation and education, including access to beaches and mountains;

4. Preservation of historic or culturally important land areas and sites;

5. Protection of significant habitats or ecosystems, including buffer zones;

6. Conservation of land to significantly reduce erosion, floods, landslides, and runoff; and

7. Acquisition of public access to public land and open space to yield a significant public benefit; and

WHEREAS, Charter Section 9-204.8 requires the Department of Housing and Land Management ("DHLM") to receive proposals for expenditures from the CWNL Fund, and submit qualified proposals to the Clean Water and Natural Lands Advisory Commission ("Commission"); and

RESOLUTION

WHEREAS, the Commission is responsible for reviewing qualified proposals and submitting recommendations to the City Council ("Council") regarding the approval of expenditures from the CWNL Fund; and

WHEREAS, the Office of Hawaiian Affairs ("OHA"), is a semi-autonomous State agency established to better the conditions and promote the rights of Native Hawaiians, and administers a Legacy Lands Program dedicated to the responsible stewardship of landholdings across the Hawaiian archipelago, prioritizing the connection between ʻāina and people; and

WHEREAS, Puʻuhonua o Wailupe ("POW"), a Hawaiʻi nonprofit 501(c)(3) organization, is comprised of lineal descendants with deep cultural and familial ties to Wailupe, and is dedicated to the perpetuation of traditional cultural practices and the stewardship of ancestral lands; and

WHEREAS, by communication dated June 8, 2026, the DHLM transmitted to the Commission a qualified proposal for expenditures from the CWNL Fund, proposed by POW to serve as steward of certain land in Wailupe, with OHA acquiring a fee simple ownership interest in the land, subject to a perpetual conservation easement to be held by the City; and

WHEREAS, the POW proposal involves the City's acquisition of a perpetual conservation easement over approximately 2.9078 acres of land identified as Tax Map Key: (1) 3-6-023:006 (CPRs 0001-0008), as highlighted on the map attached as Exhibit A, and incorporated by reference herein ("Property"), which consists of culturally significant land, including iwi kūpuna sites, rock shelters with burials, trail segments, ceremonial pits, and other features determined significant under criteria (d) and (e) of § 13-284-6, Hawaii Administrative Rules; and

WHEREAS, OHA seeks to acquire the Property in fee simple as part of its Legacy Lands Program, and seeks to partner with POW to support community stewardship of the Property to preserve a cultural landscape where iwi kūpuna are respected in perpetuity, perpetuate ʻāina-based education, allow for cultural practices, and restore native plants; and

WHEREAS, according to the application, stewardship will be guided by a 2025 preservation plan, and involves restoration of native species; use of hand tools only; erosion mitigation; site security; pathway maintenance; ongoing consultation with Wailupe descendants, OHA, the City, an archaeological consultant, and other

community partners; observance of cultural protocols; and incorporation of community workdays; and

WHEREAS, Section 198-1, Hawai'i Revised Statutes ("HRS"), defines a conservation easement to be "an interest in real property created by deed, restrictions, covenants, or conditions, the purpose of which is to:

(1) Preserve and protect land predominantly in its natural, scenic, forested, or open-space condition;

(2) Preserve and protect the structural integrity and physical appearance of cultural landscapes, resources, and sites which perpetuate indigenous native Hawaiian culture;

(3) Preserve and protect historic properties as defined in [HRS] section 6E-2, and traditional and family cemeteries; or

(4) Preserve and protect land for agricultural use;" and

WHEREAS, at its meeting on June 12, 2026, the Commission, having reviewed the application and finding that the proposal aligns with four purposes of the CWNL Fund set forth in Charter Section 9-204.2 (public outdoor recreation and education, including access to beaches and mountains; preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems, including buffer zones; and conservation of land to significantly reduce erosion, floods, landslides, and runoff), unanimously recommended the expenditure of CWNL Fund moneys to fully fund the City's acquisition of a perpetual conservation easement over the Property in an amount not to exceed the appraised value of the conservation easement, which is estimated at $7,000,000; and

WHEREAS, the Council finds that protecting the Property would:

1. Provide perpetual protection of iwi kūpuna under burial treatment and preservation plans approved by the State Historic Preservation Division;

2. Safeguard irreplaceable burial caves, cultural landscapes, and historical resources;

3. Facilitate access for lineal and cultural descendants and provide educational and cultural programming for the community; and

4. Be an important and essential consideration for the City to acquire a perpetual conservation easement over the Property; and

WHEREAS, the Council having received and considered the findings and recommendations of the Commission, desires to approve the expenditure of a specified amount of CWNL Fund moneys for the City to acquire a perpetual conservation easement over the Property, subject to appropriate terms, covenants, and conditions as may be determined by the DHLM; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that it approves the expenditure of a specified amount of funds from the Clean Water and Natural Lands Fund for the City to acquire a perpetual conservation easement over approximately 2.9078 acres of land identified as Tax Map Key: (1) 3-6-023:006 (CPRs 0001-0008), subject to the following conditions:

1. The maximum amount of funds from the Clean Water and Natural Lands Fund that may be used toward the City's acquisition of a perpetual conservation easement is $7,000,000, the specific amount to be subject to a formal conservation easement appraisal.

2. Prior to the closing of the conservation easement transaction, the City Administration shall complete all due diligence as deemed necessary or desirable by the Department of the Corporation Counsel, and standard transaction closing practices must be implemented, including obtaining a formal conservation easement appraisal and title review.

3. All commitments relating to the protection, preservation, conservation, and stewardship of the property included in the application submitted by Pu'uhonua o Wailupe, in collaboration with the Office of Hawaiian Affairs, must be incorporated into the final Grant of Conservation Easement and Declaration of Covenants.

4. In the event the acquisition in fee simple of the property by the Office of Hawaiian Affairs (as purchaser) from L&K Investments LLC (as seller) is terminated or cancelled for any reason by any party, this resolution and the authorized expenditure of funds from the Clean Water and Natural

RESOLUTION

Lands Fund for the City to acquire a perpetual conservation easement over the property will be rendered null and void; and

BE IT FURTHER RESOLVED that six months after the adoption of this resolution, and every six months thereafter until the perpetual conservation easement transaction closes, the Director of Housing and Land Management shall submit a report to the Council detailing the progress of the City's due diligence efforts, and the status of the City's perpetual conservation easement transaction; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, the Director of Housing and Land Management, the Director of Budget and Fiscal Services, the Chair of the Clean Water and Natural Lands Advisory Commission, the Chair of the Office of Hawaiian Affairs Board of Trustees, the Chief Executive Officer of the Office of Hawaiian Affairs, and the Executive Director of Pu'uhonua o Wailupe.

INTRODUCED BY:

Tommy Waters (br)

DATE OF INTRODUCTION:

June 18, 2026
Honolulu, Hawai'i

Councilmembers

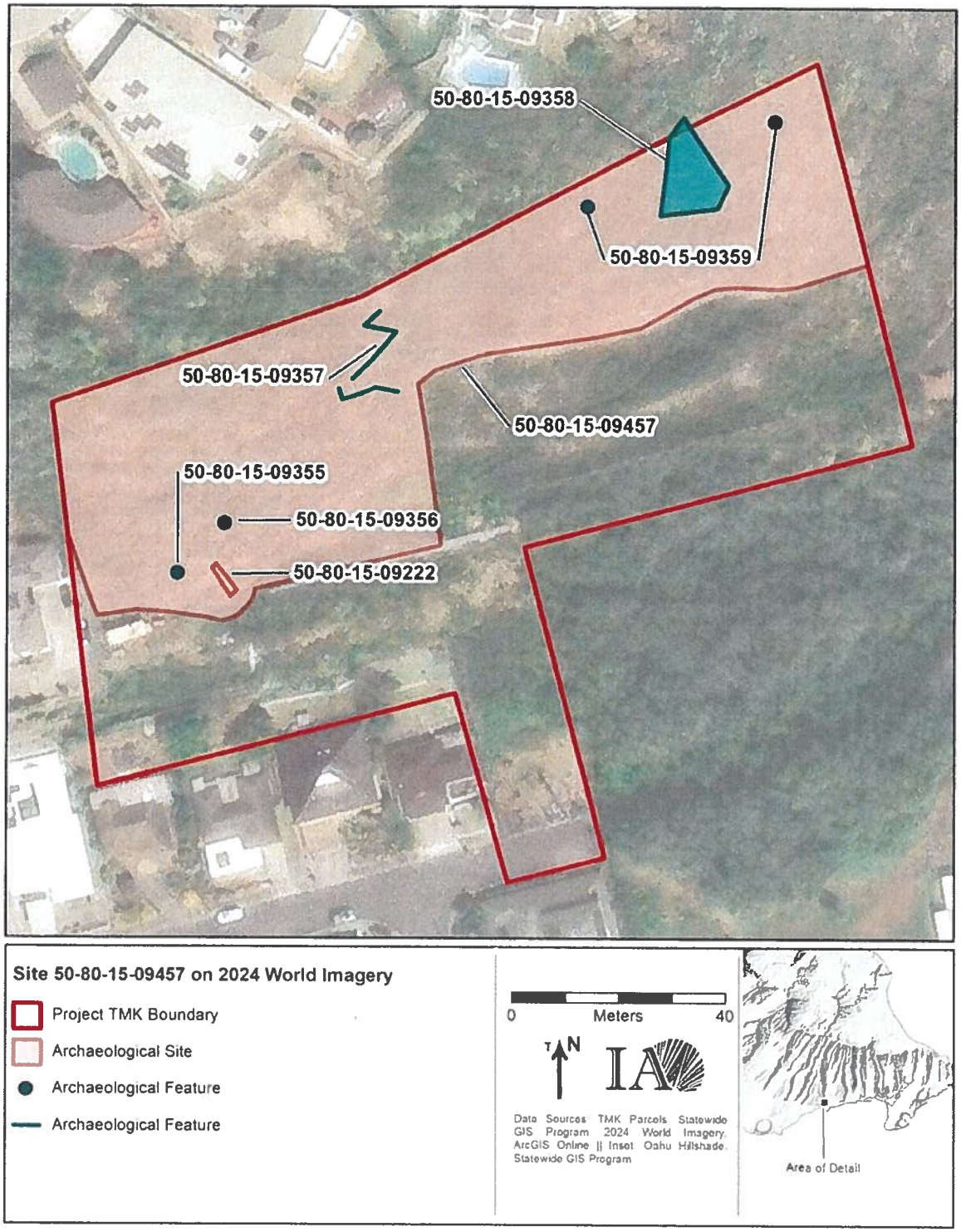


Figure 3. The locations of burialSites 50-80-15-09222, 50-80-15-09355, and 50-80-15-09356 in relation to the cultural landscape and its other components (Site 50-80-15-09457).

Report Title:
Clean Water and Natural Lands Fund; Approval of Expenditure; Pu'uhonua o Wailupe; Puuhonua o Wailupe; Department of Housing and Land Management ("DHLM"); Department of Budget and Fiscal Services ("BFS"); Clean Water and Natural Lands Advisory Commission; Office of Hawaiian Affairs; Wailupe Ahupua'a of Waikīkī, District of Kona, O'ahu; Wailupe Ahupuaa of Waikiki, District of Kona, Oahu

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.