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

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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

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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

EXHIBIT A

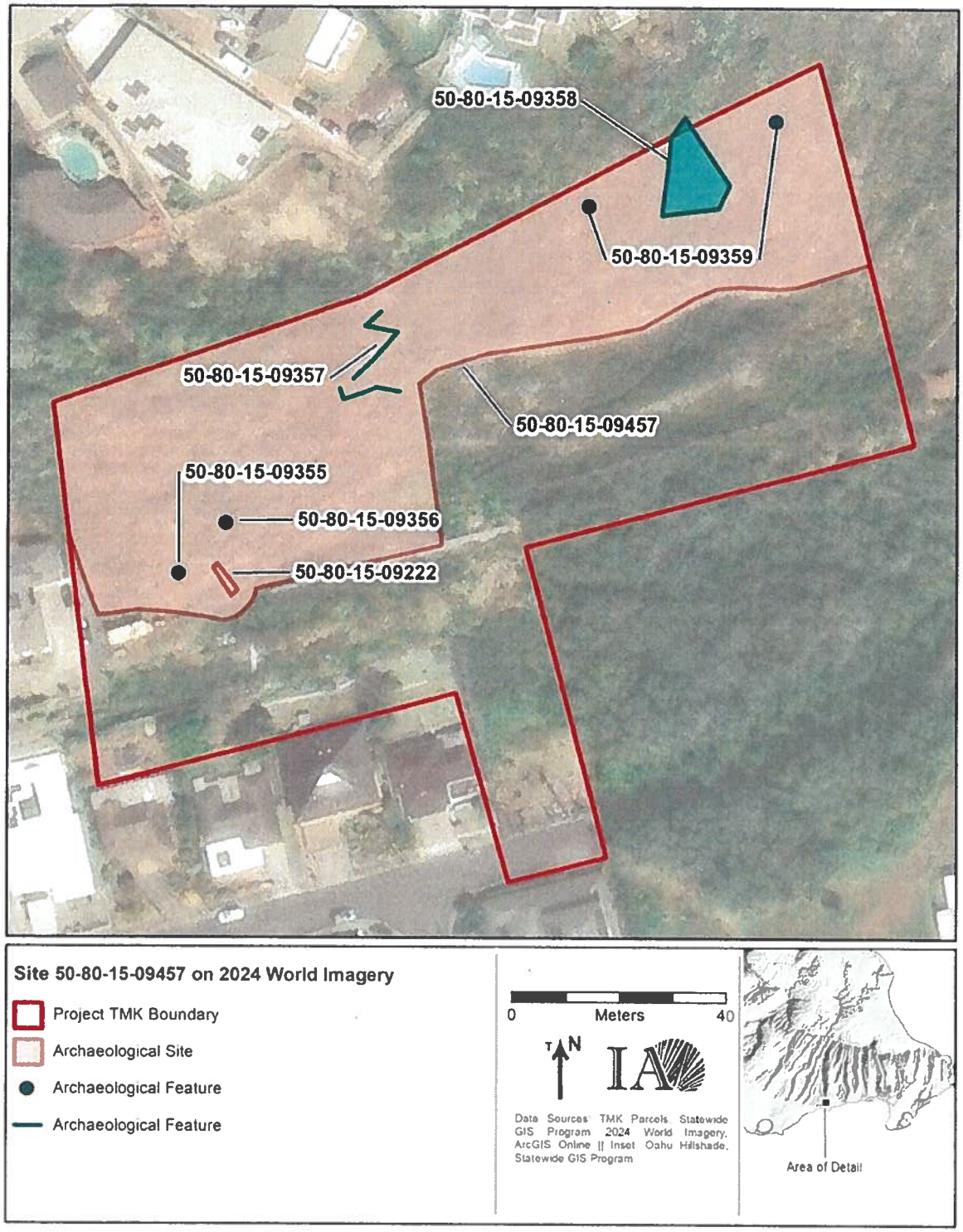

Figure 3. The locations of burialSites 50-80-15-09222, 50-80-15-09355, and 50-80-15-09356 in relation to the cultural landscape and its other components (Site 50-80-15-09457).

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 26-151, CD1

Introduced: 06/18/26 By: TOMMY WATERS - BY REQUEST Committee: ZONING & PLANNING (ZON)

Title: 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.

Voting Legend: * = Aye w/Reservations

06/18/26	INTRO	Introduced.
06/25/26	ZON	Reported out for adoption as amended in CD1 form. CR-190(26) 5 AYES: CORDERO, KIA'ĀINA, OKIMOTO, TUPOLA, WATERS
07/08/26	CCL	Committee report and Resolution as amended were adopted. 8 AYES: CORDERO, DOS SANTOS-TAM, KIA'ĀINA, NISHIMOTO, OKIMOTO, TUPOLA, WATERS, WEYER 1 ABSENT: TULBA

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

CHADD KADOTA, ACTING CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER