

ASSOCIATION OF HAWAIIAN CIVIC CLUBS

A RESOLUTION

No. 2017 - 34

URGING THE HAWAI'I STATE LEGISLATURE AND GOVERNOR OF THE STATE OF HAWAI'I TO PROVIDE THE OFFICE OF HAWAIIAN AFFAIRS WITH THE FIRST RIGHT OF REFUSAL FOR ALL REMNANT LANDS WITHIN THE STATE OF HAWAI'I

WHEREAS, Article 12, Section 5 of the Constitution of the State of Hawai'i, established the Office of Hawaiian Affairs (OHA) to hold title to "all the real and personal property now or hereafter set aside or conveyed to it which shall be held in trust for native Hawaiians and Hawaiians," and established a board of trustees; and

WHEREAS, Article 12, Section 6 of the Constitution of the State of Hawai'i further delineated the powers for the board of trustees of the Office of Hawaiian Affairs, including "to exercise control over real and personal property set aside by state, federal or private sources transferred to the board for native Hawaiians and Hawaiians;" and

WHEREAS, the Office of Hawaiian Affairs currently owns approximately 28,000 acres in Waimea Valley (1,800 acres), Wao Kele o Puna (25,856 acres), Pahua Heiau (1.15 acres), Kaka'ako Makai (30.7 acres), Kekaha Armory (1.46 acres - lease), Kūkaniloko (511 acres), Na Lama Kukui (183,000 square foot commercial property and 4.98 acres), Palauea Cultural Preserve (20.7 acres), and Waialua Courthouse (1.06 acres - lease); and co-manages Papahānaumokuākea Marine National Monument (139,797 square miles); and

WHEREAS, under Public Law 103-150, the Apology Resolution, the U. S. Congress acknowledged that in 1898, through the federal Newlands Resolution, the self-declared Republic of Hawai'i ceded 1.8 million acres of crown, government, and public lands of the Kingdom of Hawai'i, without the consent of or compensation to the Native Hawaiian people of Hawai'i or their sovereign government, to the United States; and

WHEREAS public lands also largely consist of "ceded" lands, acquired through the illegal overthrow of the Hawaiian Kingdom, to which Native Hawaiians have never relinquished their claims; and

WHEREAS, in recognition of the importance of our public lands, their historic character, and to protect public lands from being sold without the most compelling justification, advance notice to OHA and a 2/3 supermajority approval of the legislature are generally required prior to their sale (known as the "Act 176 process"); and

WHEREAS, it is intended that remnants are meant to be a narrow exception to the legislative approval requirement, mainly applicable to formerly condemned lands or abandoned roads, ditches, or similar rights-of-way, however, the state has recently sold five acres of public, “ceded” lands in Hāna, Maui, including a stream and waterfall, as a “remnant” – for a mere \$5,000 an acre, and a seven acre parcel of public lands in Nu‘uani, both without advance notice to OHA and without legislative approval; and

WHEREAS, the Association of Hawaiian Civic Clubs have expressed concerns about the inappropriate sale of “ceded” and public land trusts lands in the past; and

WHEREAS, continued misuse of the remnant exception for the sale of public lands may severely undermine if not dismantle existing protections of the Native Hawaiian people’s public land base; and

WHEREAS, OHA’s mission to better the conditions of Native Hawaiians and its authority to hold lands in trust for Native Hawaiians aligns with the call by Native Hawaiians to stem the loss or depletion of the lands initially transferred to the United States under the Newlands Resolution; and

WHEREAS, the State of Hawai‘i is the largest land holder in the State of Hawai‘i with at least 1.3 million acres of land; and

WHEREAS, given that the State of Hawai‘i comprises only 4 million acres of land, Hawai‘i’s complex land tenure system, scarcity of available land, high cost of living, and high percentage of Native Hawaiian who are homeless, the conditions of Native Hawaiians through the increase and preservation of lands into public trust for their benefit will serve the State of Hawai‘i’s interests.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 58th Annual Convention in Seattle, Washington, in the malama of ‘Ikuwā and the rising of Māhealani, this 4th day of November 2017, urging the Hawai‘i State Legislature and Governor of the State of Hawai‘i provide the Office of Hawaiian Affairs with the first right of refusal for all remnant lands within the State of Hawai‘i; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Governor of the State of Hawai‘i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate Committee on Hawaiian Affairs, Chair of the State House Committee on Ocean, Marine Resources & Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of 'Ikuwā and the rising of Māhealani on the 4th day of November 2017, at the 58th Annual Convention of the Association of Hawaiian Civic Clubs in Seattle, Washington.

Annelle C. Amaral
Annelle C. Amaral, President