
SENATE CONCURRENT RESOLUTION

AUTHORIZING THE ISSUANCE OF A TERM LEASE COVERING A PORTION OF
STATE SUBMERGED LANDS AT KAHALU'U, NORTH KONA, ISLAND OF
HAWAI'I.

1 WHEREAS, at its meeting on February 9, 2018, under agenda
2 item D-5, the Board of Land and Natural Resources approved a
3 sixty-five year direct lease between the State and the Trustees
4 of the Estate of Bernice Pauahi Bishop for approximately 3.992
5 acres of land at Kahalu'u, North Kona, Island of Hawai'i,
6 identified as tax map key number (3) 7-8-013: portions of 002
7 and 043; and

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9 WHEREAS, the public purpose for the direct lease, as
10 approved, is for educational, cultural, and historic site
11 preservation purposes; and

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13 WHEREAS, section 171-53(c), Hawaii Revised Statutes,
14 provides that the Board of Land and Natural Resources, with
15 prior approval of the Governor and prior authorization of the
16 Legislature by concurrent resolution, may lease state submerged
17 lands and lands beneath tidal waters under the terms,
18 conditions, and restrictions set forth in chapter 171, Hawaii
19 Revised Statutes; and

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21 WHEREAS, section 171-43.1, Hawaii Revised Statutes,
22 provides that the Board of Land and Natural Resources may lease,
23 at a nominal consideration, public lands to an eleemosynary
24 organization that has been certified to be tax exempt under
25 section 501(c)(1) or 501(c)(3) of the Internal Revenue Code of
26 1986, and that the public lands leased shall be used by an
27 eleemosynary organization for the purposes for which the
28 eleemosynary organization's charter was issued and for which the
29 eleemosynary organization was certified by the Internal Revenue
30 Service; and

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1 WHEREAS, the Estate of Bernice Pauahi Bishop is certified
2 to be tax exempt under section 501(c)(3) of the Internal Revenue
3 Code of 1986; and
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5 WHEREAS, the Trustees of the Estate of Bernice Pauahi
6 Bishop propose to use the land subject to the direct lease as
7 part of the Kahalu'u Ma Kai Educational and Cultural Complex,
8 which the Trustees of the Estate of Bernice Pauahi Bishop find
9 is consistent with the Estate's mission of providing high
10 quality educational experiences for Native Hawaiian children and
11 families, and which will be the piko (center) of the Trustees'
12 educational offerings in the West Hawai'i region; and
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14 WHEREAS, as part of the Kahalu'u Ma Kai Educational and
15 Cultural Complex, the Trustees of the Estate of Bernice Pauahi
16 Bishop propose to include a managed public access plan and the
17 restoration and interpretive management of several sacred heiau
18 and the Pa o Ka Menehune Fishpond, which are located adjacent to
19 the submerged lands subject to the direct lease; and
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21 WHEREAS, a dispute previously arose between the Department
22 of Land and Natural Resources and the Trustees of the Estate of
23 Bernice Pauahi Bishop as to the location of the shoreline and
24 the ownership of the submerged lands subject to the direct
25 lease; and
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27 WHEREAS, in order to work collaboratively rather than in
28 conflict, the Department of Land and Natural Resources and the
29 Trustees of the Estate of Bernice Pauahi Bishop have "agreed to
30 disagree" as to the location of the shoreline and the ownership
31 of the submerged lands, with the parties specifically reserving
32 all rights, claims, and defenses, and proceed to issue the
33 Trustees of the Estate of Bernice Pauahi Bishop the direct
34 lease; now, therefore,
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36 BE IT RESOLVED by the Senate of the Twenty-ninth
37 Legislature of the State of Hawaii, Regular Session of 2018, the
38 House of Representatives concurring, that the Board of Land and
39 Natural Resources is hereby authorized to issue a lease of
40 sixty-five years for approximately 3.992 acres of land covering
41 state submerged lands at Kahalu'u, North Kona, Island of Hawai'i,
42 identified as tax map key number (3) 7-8-013: portions of 002



1 and 043 pursuant to section 171-53, Hawaii Revised Statutes;
2 provided that the parties shall determine nominal consideration
3 for the lease pursuant to section 171-43.1, Hawaii Revised
4 Statutes; and

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6 BE IT FURTHER RESOLVED that a certified copy of this
7 Concurrent Resolution be transmitted to the Chairperson of the
8 Board of Land and Natural Resources.

