

STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Land Division  
Honolulu, Hawaii 96813

May 23, 2025

Board of Land and Natural Resources  
State of Hawaii  
Honolulu, Hawaii

Ref No. GL6088

Oahu

Amend General Lease No. S-6088 Issued to Ho'ola Na Pua for Residential Treatment Facility Purposes, Waialeale and Pahipahialua, Koolauloa, Oahu, Tax Map Key: (1) 5-8-001:051

The purpose of amending the document is to change the lease language for future rental reopenings so that such reopenings will be based on the Board's then prevailing minimum rent policy.

APPLICANT:

General Lease No. S-6088: Ho'ola Na Pua, a Hawaii nonprofit corporation and an Internal Revenue Code Section 501(c)(3) tax-exempt organization.

LEGAL REFERENCE:

Sections 171-6 and -43.1, Hawaii Revised Statutes ("HRS"), as amended.

LOCATION:

Portion of a Government (Crown) Land of Waialeale and Pahipahialua, Koolauloa, Oahu, (1) 5-8-001:051, as shown on the attached map labeled **Exhibit A1 & A2**.

AREA:

12.854 acres, more or less.

ZONING:

State Land Use District:	Agricultural
City and County of Honolulu CZO:	AG-2 (Agriculture)

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act.

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: No.

CHARACTER OF USE:

Residential Treatment Facility Purposes

TERM OF LEASE:

Thirty (30) years, commencing July 1, 2016 to June 30, 2046.

CHAPTER 343 – ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules ("HAR") § 11-200.1-15 and -16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, that states, "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features , involving negligible or no expansion or change of use beyond that previously existing". Part 1, Item 40, that states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existing." The subject request is a de minimis action that will probably have minimal or no significant effect on the environmental and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR, as a de minimis action.

DCCA VERIFICATION:

Place of business registration confirmed:	Yes
Registered business name confirmed:	Yes
Applicant in good standing confirmed:	Yes

BACKGROUND:

At its meeting on September 11, 2015 under agenda item D-8, the Board of Land and Natural Resources ("BLNR") authorized the issuance of a thirty (30) year direct lease to the Applicant for Residential Treatment Facility purposes. General Lease No. S-6088 was issued effective July 1, 2016 and was amended at its meeting on October 28, 2022 under agenda item D-10, related to subletting and to consent to a Solar Power Purchase Agreement between the Applicant and Holu Hou Energy LLC or its affiliated designee. The Amendment of General Lease No. S-6088 and

Consent to Sublease (Solar Power Purchase Agreement) were entered into on December 13, 2024.

DISCUSSION:

Rent for the subject lease was set at \$480.00 per year, further subject to rental openings every 10 years during the lease term. The specific language in the lease regarding reopening on page 2, paragraph C. states, "the Board may determine the rental for an ensuing period to be discounted rent value attributable to the Lessee's non-profit corporate status. If the Board has not made such a determination by eight (8) months prior to the reopening date, then the rent shall be the fair market rental at the time of reopening."

The current language in the non-profit lease documents prepared by the Department of the Attorney General provides, "The annual rent reserved shall be reopened and redetermined on every tenth (10<sup>th</sup>) year during the term of the lease, subject to the Board policy on minimum rent applicable at the time of reopening." It does not require the eight (8) months advance determination by the Board as provided in the subject leases.

Staff believes the current language used for non-profit leases is preferred and easier to administer, further noting that the Applicant has established the residential treatment facility for the victims of sex trafficking and provides treatment for the girls to reintegrate back into society as health, whole and productive young women.

At the time of writing this submittal, the Applicant is compliant with the terms and conditions of their leases and have not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions. There are no other pertinent issues or concerns, and staff recommends the Board authorize the requested amendment approve the request.


RECOMMENDATION: That the Board:

1. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200.1-15 and -16, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment as a de minimis action.
2. Authorize the amendment of General Leases No. S-6088 by deleting the paragraph C. relating to the determination of rent upon reopening in both leases in its entirety. subject to the terms and conditions cited above, and

further subject to the following:

- a. The most current amendment of lease form, as may be amended from time to time;
- b. Replacing the entire paragraph C. relating to determination of rent upon reopening with the following: "The annual rent reserved shall be reopened and redetermined on every tenth (10<sup>th</sup>) year during the term of the lease, subject to the Board policy on minimum rent applicable at the time of reopening."
- c. Review and approval by the Department of the Attorney General; and
- d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,

  
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Patti E. Miyashiro  
Land Agent

APPROVED FOR SUBMITTAL:

  
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Dawn N. S. Chang, Chairperson



# EXHIBIT A1



TAX MAP KEYS: (1) 5-8-001:051

**EXHIBIT A2**