



# DOI Authority and Procedures for HHL Trust Land Exchanges



Provided for:

**HHCA Beneficiaries and Native Hawaiian Community Leaders  
Virtually over Zoom on July 16, 2025 - Honolulu, O'ahu**



# Welcome & Introduction

## About the Office of Native Hawaiian Relations

- Administer federal laws governing the Hawaiian Home Lands Trust. [42 Stat. 108, 73 Stat. 4, 109 Stat. 357]
- Assist federal agencies on topics affecting Native Hawaiian Community interests. [118 Stat. 445, 104 Stat. 3048]
- Fulfill the U.S. Government's responsibilities to effectuate and implement the special political and trust relationship between the United States and the Native Hawaiian Community. [109 Stat. 357, 118 Stat. 445]
- Continue the process of reconciliation with the Native Hawaiian people. [107 Stat. 1510, 118 Stat. 445]



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# Purpose of this Information Session

Provide an overview of who and what are involved in a proposed land exchange involving lands of the Hawaiian Home Lands Trust, whether “available lands” or “Hawaiian home lands,” including --

- who can propose a land exchange;
- what statutes and regulations apply;
  - what exclusions apply;
- the basis of the exchange and how the properties are appraised;
  - exceptions for recovered lands;
- how the interests of HHCA beneficiaries inform the Secretary’s determination; and
- where to find more information.





# Information Session Overview

- Role of the Department of the Interior
- Authority for Hawaiian Home Lands Trust Land Exchanges - HHCA & HHLRA
- Federal Procedures - 43 CFR Part 47
- Special Provision for HHLRA Recovered Lands
- Consultation with HHCA Beneficiaries
- ONHR HHL Trust Land Exchanges Webpage
- Consultation on Proposed 'Ewa Drum for Varona Village Land Exchange
- Q & A





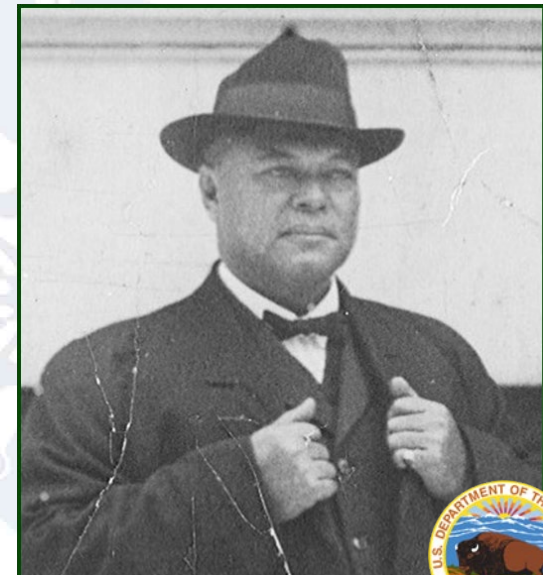
# Department of the Interior Oversight

**1898** - With the passage of the Newlands Resolution, Hawai'i became the United States' first insular possession and came under the **primary responsibility of the Department of the Interior.**

**1900** - [Hawaiian Organic Act](#) provided a government for the Territory of Hawai'i, with its Governor appointed by the President of the United States with the advice and consent of the Senate of the United States.

**1921** - The [Hawaiian Homes Commission Act](#) (HHCA) was enacted as an amendment to the Hawaiian Organic Act. The Governor served as the Chairman of the Hawaiian Homes Commission (Commission). Hawaiian homesteading under the HHCA began as a 5-year pilot on the islands of Moloka'i and Hawai'i in designated regions. In the HHCA, Congress authorized the Commission to take various actions with respect to the selection of Hawaiian home lands and withdrawal of lands from general leases for Hawaiian homesteading purposes, **with the approval of the Secretary of the Interior.**

**1954** - In February, Congress amended section 204 of the HHCA authorizing the Commission, **"with the approval of the Governor and the Secretary of the Interior,"** to "exchange title to **available lands** at Waimānalo [] for similarly located publicly owned **lands of an equal value.**" By June, Congress amended section 204 again, expanding the possibility of land exchanges of **available lands** for publicly owned lands to anywhere, not just at Waimānalo. [In 1986, Congress approved an amendment by the State to allow **available lands** to be exchanged for private lands as well.]





# DOI Oversight - continued

**1959** - [Admission Act](#) - As a compact accompanying terms and conditions of Statehood, Congress and the **Department of the Interior (DOI)** retained oversight responsibilities, while the State assumed day-to-day administration over the Hawaiian Home Lands Trust.

**1983** - [Federal-State Task Force](#) identified problems with the State's administration of the Trust; **recommended stronger federal oversight by DOI** and designation of officers or employees, one in D.C. and another in Hawai'i, as contacts on matters related to the Trust.

**1995** - Congress enacted the [Hawaiian Home Lands Recovery Act](#) mandating the **Secretary**:

- Administer federal laws governing the Trust.
- Review State proposed amendments to the HHCA and determine whether congressional approval is required.
- **Determine whether to approve land exchanges involving Hawaiian Home Lands.**
- Conduct a boundary survey of Hawaiian Home Lands.
- **Designate an individual or Assistant Secretary PMB as lead for the Department.**

**2000** - DOI & DOJ Report on Reconciliation - [From Mauka to Makai: The River of Justice Must Flow Freely](#) recommended establishment of a permanent Native Hawaiian office within DOI.

**2004** - Congress established the Office of Native Hawaiian Relations by statute.

**2016** - DOI adopted regulations for the Trust at [43 CFR Parts 47 & 48](#).

FEDERAL-STATE TASK FORCE  
ON THE  
HAWAIIAN HOMES COMMISSION ACT

REPORT TO  
  
UNITED STATES SECRETARY OF THE INTERIOR  
AND THE  
GOVERNOR OF THE STATE OF HAWAII

FROM MAUKA TO MAKAI:

THE RIVER OF JUSTICE  
MUST FLOW FREELY

REPORT  
ON THE  
RECONCILIATION PROCESS  
BETWEEN  
THE FEDERAL GOVERNMENT  
AND  
NATIVE HAWAIIANS

PREPARED BY  
  
THE DEPARTMENT OF THE INTERIOR  
AND  
THE DEPARTMENT OF JUSTICE

OCTOBER 23, 2000





# Statutory Land Exchange Authority

## Hawaiian Homes Commission Act (HHCA)

- Section 204(a)(3) - The department, **with the approval of the Secretary of the Interior**, in order to consolidate its holdings or to better effectuate the purposes of this Act, may exchange the title to available lands for land, privately or publicly owned, of an equal value. All lands so acquired by the department shall assume the status of available lands as though the land were originally designated as available lands under section 203 of this Act, and all land so conveyed by the department shall assume the status of the land for which it was exchanged. . . . .

No such exchange of land publicly owned by the State shall be made without the approval of two-thirds of the members of the board of land and natural resources. For the purpose of this paragraph, lands “publicly owned” means land owned by a county or the State or the United States.





# Statutory Exchange Authority - cont.

## Hawaiian Home Lands Recovery Act (HHLRA) of 1995

- Section 205. Land Exchanges.

(a): If the Chairman of the Hawaiian Homes Commission “recommends for approval an exchange of **Hawaiian Home Lands**, the Chairman shall submit a report to the Secretary [of the Interior] on the proposed exchange.” . . . .

(b): The Secretary shall approve or disapprove the proposed exchange no later than 120 days after receiving the proposed land exchange packet and notify the Chairman, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives of the reasons for the approval or disapproval of the proposed exchange.

(c): The Secretary may recommend to the Chairman an exchange of Hawaiian Home Lands for Federal lands and shall submit a report on the proposed exchange to the Chairman who then has 120 days to notify the Secretary of the approval or disapproval of the proposed exchange.





# Hawaiian Home Lands Recovery Act

## Hawaiian Home Lands Recovery Act (HHLRA) of 1995

- Section 206. Administration of Act by United States.
- (a): “[T]he Secretary shall designate an individual from within the Department of the Interior to administer the responsibilities of the United States under [the HHLRA and HHCA.]” The designation defaults to the Assistant Secretary for Policy, Management and Budget.
- (b): The individual designated in subsection (a) shall, in administering the HHLRA and HHCA, advance the interests of the beneficiaries; and assist the beneficiaries and the Department of Hawaiian Home Lands in obtaining assistance from programs of the Department of the Interior and other Federal agencies that will promote homesteading opportunities, economic self-sufficiency, and social well-being of the beneficiaries.

NOTE: HHLRA section 202(2) defines “beneficiary” as having “the same meaning as [] the term “native Hawaiian” under the HHCA.





# HHLRA Land Settlement

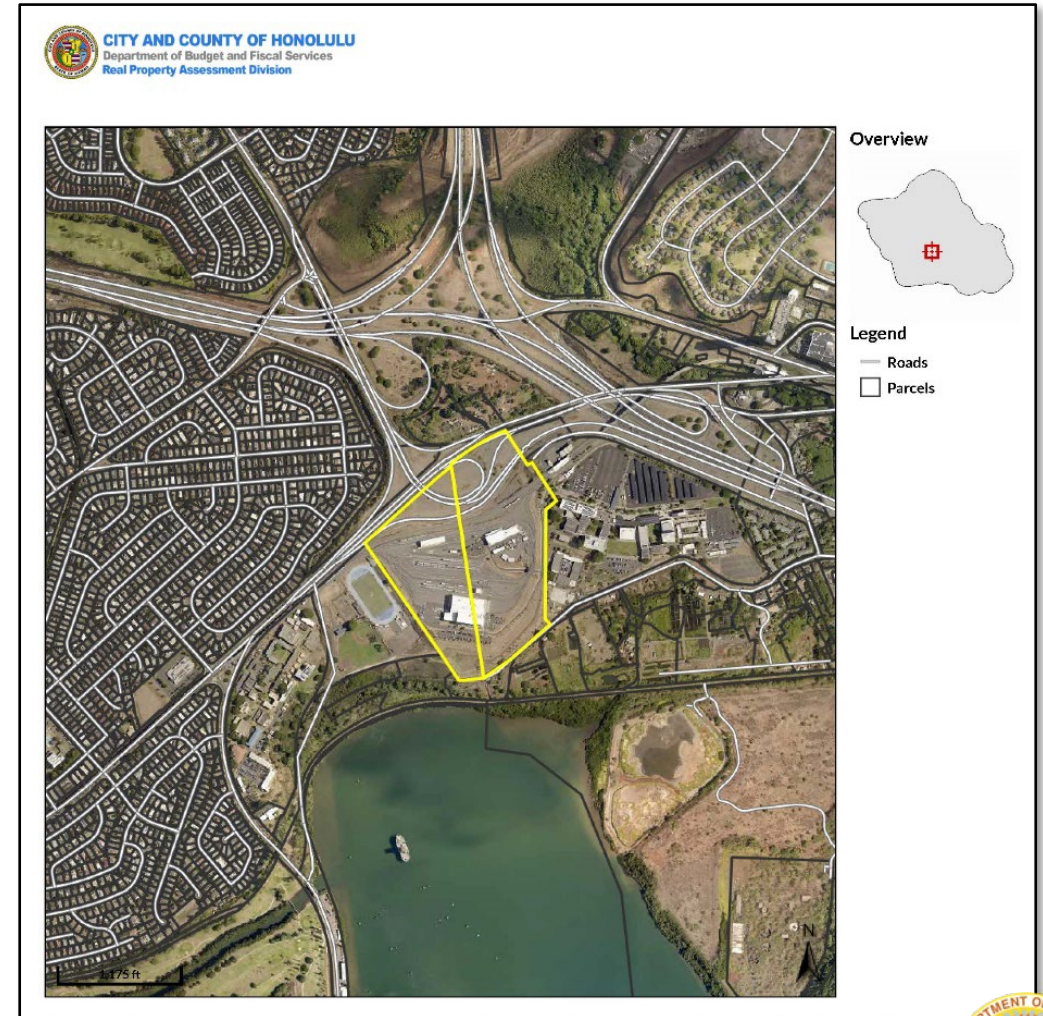
BARBERS POINT	586 acres	FINAL TRANSFER JULY 2008
MANANA HOUSING	20 acres	FINAL TRANSFER MARCH 1999
UPOLU POINT	38 acres	FINAL TRANSFER APRIL 2000
OMEGA HAIKU	167 acres	PARTIAL TRANSFER JULY 1999 *
EWA DRUM	56 acres	FINAL TRANSFER JUNE 2009
BARBERS POINT RACEWAY	16 acres	FINAL TRANSFER DECEMBER 2002
LUALUALEI BUFFER	27 acres	FINAL TRANSFER OCTOBER 2008
HALAWA LAUNDRY	3 acres	<i>Credit to be determined</i>
WAIPAHU FCC MONITORING STN	47 acres	<i>\$16.9 million credit in lieu of transfer; reduced to \$6.9 million with transfer of the Former Pacific Tsunami Warning Center site</i>
FORMER PACIFIC TSUNAMI WARNING CENTER	80 acres	FINAL TRANSFER JUNE 2021 <i>Reduced Waipahu FCC Monitoring site credit by \$10 million</i>



# Recovered Land Provisions

## HHLRA Section 203(c)

- (1) Lands conveyed to the Department of Hawaiian Home Lands (DHHL) under the HHLRA shall have the status of available lands under the HHCA;
- (2) Lands conveyed to DHHL under paragraph 203 may subsequently be exchanged pursuant to section 204(3) of the HHCA;
- (3) Notwithstanding any other provision of law, the Chairman may, at the time that lands are conveyed to DHHL as compensation for lost use under the HHLRA, designate lands to be sold. The Chairman is authorized to sell such land under terms and conditions that are in the best interest of the beneficiaries. The proceed of such a sale may only be used for the purposes described in section 207(a) of the HHCA, for the award of Hawaiian homestead lots.

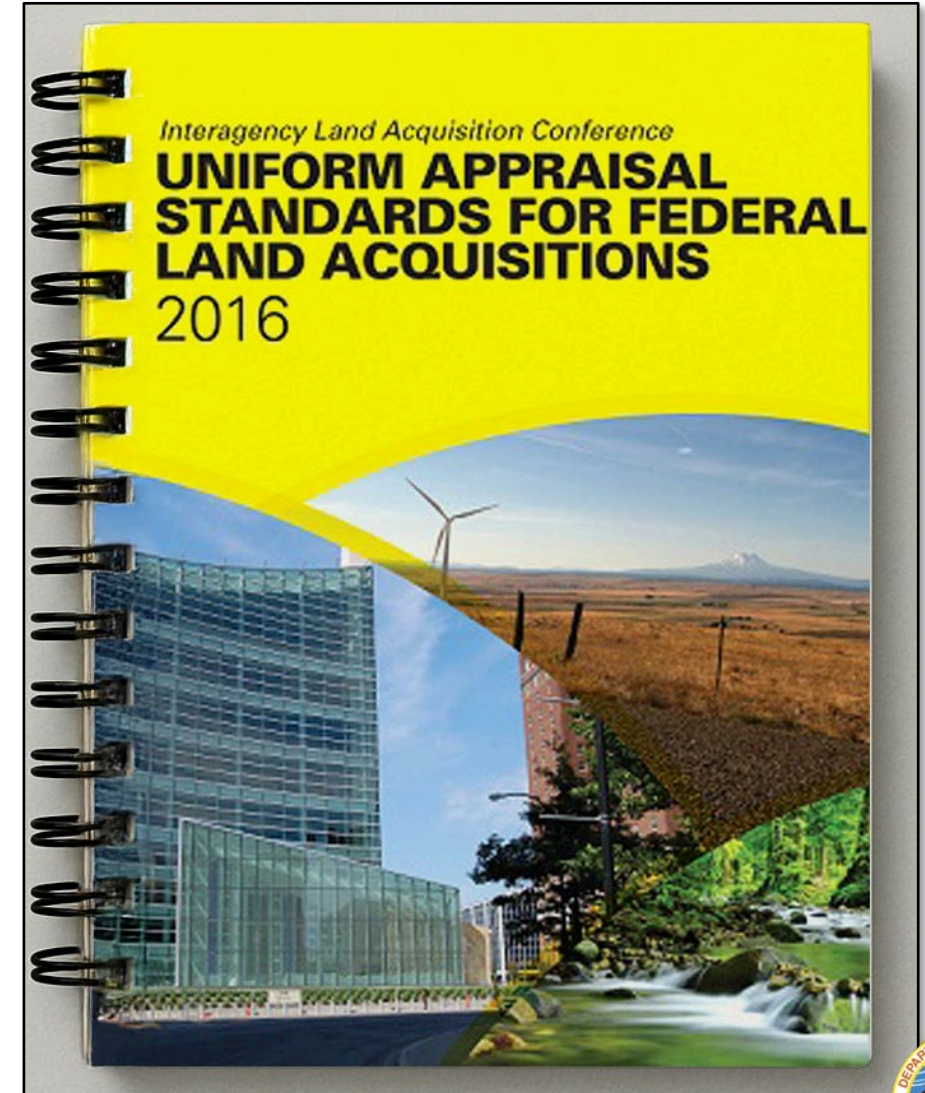




# Land Exchange Procedures

## 43 CFR Part 47

- 47.5 What is the purpose of this part?
- 47.10 What definitions apply to terms used in this part?
- 47.15 What laws apply to exchanges made under this part?
- 47.20 What factors will the Secretary consider in analyzing a land exchange?
- 47.30 When does a land exchange advance the interests of the beneficiaries?
- 47.35 Must lands exchanged be of equal value?
- 47.40 How must properties be described?
- 47.45 How does the exchange process work?
- 47.50 What should the Chairman include in a land exchange proposal for the Secretary?
- 47.55 What are the minimum requirements for appraisals used in a land exchange?
- 47.60 What documentation must the Chairman submit to the Secretary in the land exchange packet?
- 47.65 When will the Secretary approve or disapprove the land exchange?
- 47.70 How does the Chairman complete the exchange?





# What Laws Apply to Exchanges?

## § 47.15 What laws apply to exchanges made under this part?

- (a) The Chairman may only exchange land under the authority of the HHCA in conformity with the HHLRA.  
(b) When the Chairman makes any land exchange, the following laws and regulations constitute a partial list of applicable laws and regulations:

### Legislation or regulation

### Citation

- |   |   |
|---|---|
| (1) The National Historic Preservation Act, 1966                                  | <a href="#">16 U.S.C. 470</a> et seq.                                     |
| (2) Implementing regulations for the National Historic Preservation Act           | <a href="#">36 CFR part 800</a> .   |
| (3) Sec.3 of the Native American Graves Protection & Repatriation Act (NAGPRA)    | <a href="#">25 U.S.C. 3002</a> .  |
| (4) Implementing regulations for NAGPRA   | <a href="#">43 CFR part 10</a> .  |
| (5) The National Environmental Policy Act, 1969 (NEPA)                            | <a href="#">42 U.S.C. 4371</a> et seq.                                    |
| (6) Implementing regulations for NEPA   | <a href="#">40 CFR parts 1500-1508</a> ; <a href="#">43 CFR part 46</a> . |
| (7) The State of Hawai'i Admission Act  | 73 Stat. 4.   |
| (8) Hawaiian Homes Commission Act, 1920, as amended                               | 42 Stat. 108.   |
| (9) Hawaiian Home Lands Recovery Act, 1995  | 109 Stat. 537.  |
| (10) Comprehensive Environmental Response, Compensation, & Liability Act (CERCLA) | <a href="#">42 U.S.C. 9601</a> et seq.                                    |
| (11) Implementing regulations for CERCLA  | <a href="#">40 CFR part 312</a> .   |





# NEPA Categorical Exclusion

## Department of the Interior Departmental Manual (DM)

516 DM 7: Managing the NEPA Process - Office of Native Hawaiian Relations

**7.5 Categorical Exclusion.** In addition to the actions listed in the Departmental categorical exclusions specified in section 43 CFR Part 46.210, the following action is categorically excluded unless any of the extraordinary circumstances in section 43 CFR Part 46.215 apply, thus requiring an EA or an EIS:

Approval of conveyances, exchanges, and other transfers of land or interests in land between DHHL, and an agency of the State of Hawaii, or a Federal agency, where no change in the land use is planned. This activity is a single, independent action not associated with larger, existing, or proposed complexes or facilities.

### Department of the Interior Departmental Manual

**Effective Date:** 7/22/10

**Series:** Environmental Quality Programs

**Part 516:** National Environmental Policy Act of 1969

**Chapter 7:** Managing the NEPA Process – Office of Native Hawaiian Relations

**Originator:** Office of Native Hawaiian Relations

#### 516 DM 7

**7.1 Purpose.** This chapter provides supplementary requirements for the Office of Native Hawaiian Relations to implement the provisions of the Department's NEPA regulations at 43 CFR Part 46 and the provisions of 516 DM 1 – 3.

**7.2 NEPA Responsibility.** The Director of the Office of Native Hawaiian Relations (ONHR) is responsible for:

A. NEPA compliance for ONHR activities.

B. Providing direction and oversight for environmental activities, including the





# Factors Considered by the Secretary

## § 47.20 What factors will the Secretary consider in analyzing a land exchange?

The Secretary may approve an exchange only after making a determination that the exchange will **advance the interests of the beneficiaries**.

Considerations include the extent to which the exchange will-

- (a) Achieve better management of Hawaiian home lands;
- (b) Meet the needs of HHCA beneficiaries and their economic circumstances by promoting: . . . .
- (c) Promote development of Hawaiian home lands for residential, agricultural, and pastoral use; . . . .
- (f) Expand homestead communities;
- (g) Accommodate land use authorizations;
- (h) Address HHCA beneficiary needs; and
- (i) Advance other identifiable interests of the beneficiaries consistent with the HHCA.



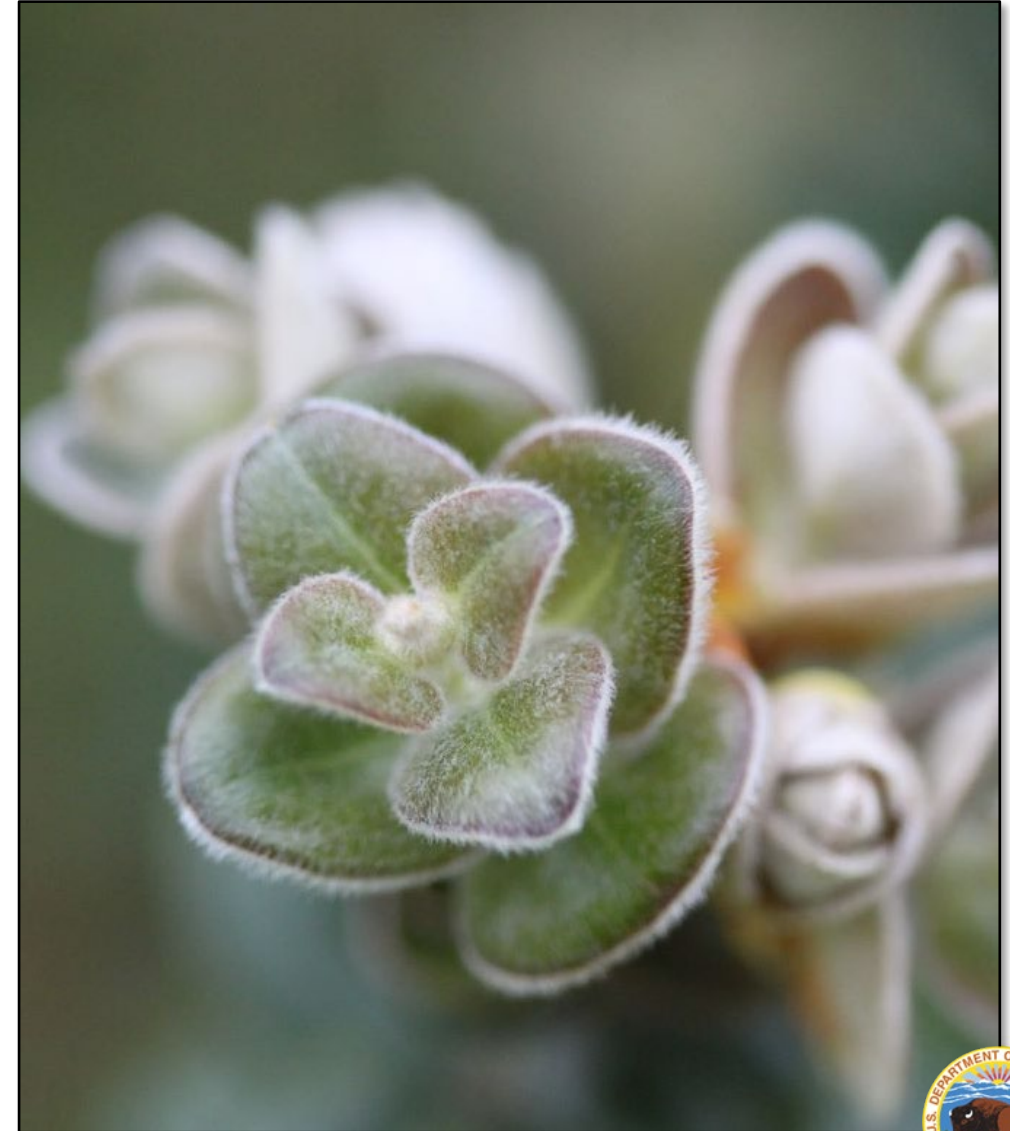


# Interests of the Beneficiaries

## § 47.30 When does a land exchange advance the interests of the beneficiaries?

A determination that an exchange advances the interests of the beneficiaries **must find that:**

- (a) The exchange supports perpetuation of the Hawaiian Home Lands Trust;
- (b) The interests of the beneficiaries in obtaining non-Hawaiian home lands exceeds the interests of the beneficiaries in retaining the Hawaiian home lands proposed for the exchange, based on an evaluation of the factors in [§ 47.20](#); and
- (c) The intended use of the conveyed Hawaiian home lands will not significantly conflict with the beneficiaries' interests in adjacent Hawaiian home lands.





# Consultation with the Beneficiaries

## **§ 47.65 When will the Secretary approve or disapprove the land exchange?**

On receipt of the complete land exchange packet from the Commission, the Secretary will approve or disapprove the exchange within 120 calendar days.

(a) Before approving or disapproving the exchange, the Secretary will review all environmental analyses, appraisals, and all other supporting studies and requirements to determine whether the proposed exchange complies with applicable law and advances the interests of the beneficiaries.

(b) The Secretary may consult with the beneficiaries when making a determination if a land exchange advances the interests of the beneficiaries.

(c) After approving or disapproving an exchange, the Secretary will notify DHHL, the Commission, and other officials as required by section 205(b)(2) of the HHLRA. The Secretary will post notice of the determination on the DOI Web site and give email notice of the posting to all those on the notification list maintained by the Office of Native Hawaiian Relations requesting notice of actions by the Secretary.





# Homestead & Beneficiary Assn. List

- Established in 2016 to support implementation of the Hawaiian Home Lands Recovery Act of 1995 (HHLRA)
  - 43 CFR Part 47 – Land Exchanges
  - 43 CFR Part 48 – Amendments to the Hawaiian Homes Commission Act
- Definition in 43 CFR §§ 47.10 and 48.6.
- Intended to assist DOI and other federal agencies communicate and work with HHCA beneficiaries on matters concerning the Hawaiian Home Lands Trust
- Similar to NHO Notification List
  - Voluntary and placement is for 5 years and renewal optional
  - Is not federal recognition nor establishes a gov't-to-gov't relationship with the U.S.
- Currently 12 HBAs on the List
- How to apply? See: [www.doi.gov/hawaiian/homestead-beneficiary-associations](http://www.doi.gov/hawaiian/homestead-beneficiary-associations)

## Homestead & Beneficiary Associations List

The HBA List is maintained by the U.S. Department of the Interior, Office of Native Hawaiian Relations (Office) in accord with applicable 43 CFR parts 47 & 48. The information contained on these pages is provided by the individual HBAs.

- [Waimea Nui](#)
- [Sovereign Council of Hawaiian Homestead Associations](#)
- [Association of Hawaiians for Homestead Lands](#)
- [Kailapa Community Association](#)
- [Hba Reg Kau Hawaiian Home Lands Assoc Recvd 20200526-1 \[pdf\]](#) (10.18 MB)
- [Hba Reg Kaumana Hawaiian Homes Comm Assoc Recvd 20200526 \[pdf\]](#) (11.1 MB)
- [Kahikinui Hawaiian Homestead Association](#)
- [Piipihonua Hawaiian Homestead Community Association](#)
- [Keaukaha Pana'ewa Farmers Association](#)
- [Waimānalo Hawaiian Homes Association](#)
- [Ho'olehua Homesteaders Association](#)
- [Paukukalo Hawaiian Homes Community Association](#)





# DOI Consultation Policy & Procedures

- **DOI Policy on Consultation with the Native Hawaiian Community [513 DM 1]**
  - It is the policy of the Department to recognize and fulfill its obligations to -
    - identify and protect Native Hawaiian Community Trust lands;
    - carry out its special political and trust relationship with the Native Hawaiian Community; and
    - consult with the Native Hawaiian Community on Actions.
  - All Bureaus and Offices must engage in robust, interactive, pre-decisional, informative, and transparent consultation on Actions.
  - Agencies should consider and include Indigenous Knowledge and seek consensus with the Native Hawaiian Community through the consultation process when the Actions relate to broader interests of the entirety of the Native Hawaiian Community, such as self-governance, Trust lands, or rights.
- **Procedures for Consultation with the Native Hawaiian Community [513 DM 2]**
  - Provides the procedures and process for government-to-sovereign consultation between the Department of the Interior officials and the Native Hawaiian Community through Native Hawaiian Organizations and Native Hawaiian Community Leaders.





# Consultation on Proposed 'Ewa Drum for Varona Village Land Exchange

- Comment period is open until Wednesday, **September 3, 2025 at 11:59 pm HST.**
- Written comments may be submitted to [doi\\_onhr\\_hhl@ios.doi.gov](mailto:doi_onhr_hhl@ios.doi.gov) with subject "Proposed 'Ewa Drum for Varona Village Land Exchange"
- **In-person Consultation**  
Thursday, July 31, 2025 @ 6:30 pm HST  
Hale Pono'i, 91-5420 Kapolei Parkway  
Register at <https://forms.office.com/g/w7dpt5uhh0>
- **Virtual Consultation via Zoom**  
Friday, August 1, 2025 @ 12:00 pm HST  
[https://doitalent.zoomgov.com/meeting/register/tN\\_ar7Z7QPS\\_whA-sC4TxDQ](https://doitalent.zoomgov.com/meeting/register/tN_ar7Z7QPS_whA-sC4TxDQ) for pre-registration (Required)
- [www.doi.gov/hawaiian/home-lands-exchanges](http://www.doi.gov/hawaiian/home-lands-exchanges)





# Questions & Answers

## Resources

- [Hawaiian Homes Commission Act](#)
- [Hawaiian Home Lands Recovery Act](#)
- [43 CFR Part 47](#)

## Proposed and Past Land Exchanges

- [www.doi.gov/hawaiian/home-lands-exchanges](http://www.doi.gov/hawaiian/home-lands-exchanges)

## Email for Questions

- [doi\\_onhr\\_hhl@ios.doi.gov](mailto:doi_onhr_hhl@ios.doi.gov)





# Mahalo Piha!

