

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES

March 24, 2021 1:30 p.m.

ATTENDANCE:

Chairperson Kaleihikina Akaka
Vice-Chairperson Keola Lindsey
Trustee Leina'ala Ahu Isa
Trustee Dan Ahuna
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brendon Kalei'aina Lee
Trustee C. Hulu Lindsey
Trustee John Waihe'e, IV

BAE STAFF:

Brandon Mitsuda
Mark Watanabe

ADMINISTRATION STAFF:

Hussey, Sylvia, Ka Pouhana / CEO
Brown, Casey / COO
Hinck, Ramona / CFO
Wong, Sterling / Chief Advocate
Tanaka, Wayne / Public Policy Manager
Gushiken, Raina, Senior Legal Counsel
Ohta, Everett, Assistant Legal Counsel
Chak, Kevin, IT

EXCUSED: NONE

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 24, 2021 to order at **1:32 p.m.**

Chair **Akaka** notes for the record that PRESENT are:

MEMBERS			AT CALL TO ORDER (1:32 p.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
VICE-CHAIR	KEOLA	LINDSEY	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	EXCUSED	1:35 p.m.
TRUSTEE	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **EIGHT(8)** Trustees are PRESENT, thereby constituting a quorum.

II. PUBLIC TESTIMONY on Items Listed on the Agenda*

None

III. APPROVAL OF MINUTES

A. February 17, 2021

Chair Akaka: I will entertain a motion to approve the minutes.

Trustee Ahu Isa: So moved, to approve.

Board Chair Hulu Lindsey: Second

Chair Akaka: The motion has been made by Trustee Ahu Isa and seconded by Trustee Hulu Lindsey. Members are there any changes to the minutes? Seeing none, Brandon can I please have a **roll call vote** to approve the minutes.

							1:38 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA	1		X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY		2	X			
<i>VICE CHAIR</i> KEOLA	LINDSEY			X			
JOHN	WAIHE'E			X			
<i>CHAIR KALEIHIKINA</i>	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

IV. UNFINISHED BUSINESS

A. 2021 OHA Legislative Package Updates - Matrix 1**

Chair Akaka yields the floor to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey yields the floor to Chief Advocate Sterling Wong.

Chief Advocate Wong: Aloha, everybody, I'm gonna go through the calendar just to give us a sense of where we are in session. Today's the 24th so budget crossovers to the state budget bill will be moving as well, you will see that it is a major, couple major deadlines. So we have a second lateral deadline, so bills that have crossed over have to be into their second to last committee by tomorrow and you know with the holiday that really sort of expedites everything. In addition, today is the lateral for concurrent resolutions so we saw a flurry of bills and resolutions being heard over the last few days. I think over the weekend 40 came in so staff was busy with those. Session will kind of die down a little bit, actually there's the crossover for resos. so most

resos. will get another hearing next week, including like our Kaka'ako Makai reso., well the Speaker's reso. and then we're looking at decking and this lateral for resos. I guess stuffs gonna actually move pretty quickly moving forward, but a lot a lot of bills have already died off and resos. as well, but not meeting these deadlines.

I'll take you guys through the package. As you know, OHA-1, HB204, is our vehicle for our budget bill. As we mentioned last week, it passed out as an SD1 blanked out the dollar amount. Still with an effective date and it needs to be heard by WAM sometime in the next two weeks.

OHA-2, OHA-3, are all dead. But OHA-4 the resolution on our data governance is still moving. They both passed, this HCR3 has a HD1, but it's just a non tech, non substantive amendments and they should both be getting hearings hopefully next week in their final committees to make the crossover deadline. That's our package update, Madam Chair. If there's no questions, that will close off the presentation on this agenda item, mahalo.

B. 2021 OHA Legislative Package Updates - Matrix 2**

Chair Akaka yields the floor to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey yields the floor to Public Policy Manager Tanaka.

Public Policy Manger Tanaka: Thank you, alright good afternoon everyone. So we have five more weeks to go before sign die. It's been a busy week of hearings and testimonies. You'll see more bills die off. Although we do have GM 's coming in, so Governors nominations to boards and commissions.

I'll go over the OHA named bills first including a couple of new positions that we're recommending. The first new bill that names or I guess resolution names OHA is HCR131. It's very similar to another measure HCR133, which has a Senate counterpart SCR206, which has a single body counterpart SCR171. But these resolutions all create a burial site working group, burial sites working group. HCR131 would include three members from OHA. So two OHA staff. One OHA Trustee. The other resolutions would only have one OHA staff member on the working group. So they what they would do is kind of look at some of the longstanding issues and challenges that we have been struggling with, getting the Historic Preservation Division to address and that the you know, I think the Island Burial Councils have also expressed concerns. So for example, looking at you know the administrative performance of SHPD and supporting the Island Burial Councils. You know looking at the issue of vacancies. HCR131 talks about developing statewide inventory and survey of historic properties and burial sites just so that we have you know kind of like a one stop shop to make sure that we can anticipate where there may be historic properties and burials that need protection. We're recommending for HCR131 a position of support with amendments. This is the version that would have three OHA members, so two OHA staff and one OHA Trustee. We do think this is a good step forward, but having that much of an agencies resources committed to this working group might be a little bit disproportionate. We do believe our staff can adequately represent the concerns that they've been tracking for a number of years now. So we would recommend support with amendments just to have one OHA staff as a member of that working group. For the the other reso. that has just one OHA staff, we're recommending straight support.

The other new OHA named bill I'd like to highlight is HCR175. So this is essentially a cut and paste of our data governance reso. or OHA-4. We met with Rep. McKelvey as part of our outreach to key legislators on our package and I guess he was so excited about our data governance resolution that he asked us if he could take it and also introduce on his own as a separate vehicle and get other legislators to sign onto it and so that's what he did, and so recommending supporting this resolution.

Alright so these are all old bills, we're not recommending any changes. With regards to the Public Land Trust Kaka'ako SB321. This was the Public Land Trust bill that would have lifted the 15.1 million dollar cap among other things transfer the CFTHA so forth. It has died as it has miss the triple referral deadline, so unless it gets rereferred it's probably not going to move.

As you know, the Kaka'ako Makai Bill SB1334 died last week, but there are two resolutions. HCR129, which has a single body HR111 and its Senate counterpart, SCR216. Essentially these are the resolutions we talked about last week that would set up a working group that includes Representatives from the Legislature as well as the Kaka'ako Makai Planning Committee to kind of determine what OHA should do with Kaka'ako Makai lands. We're in opposition to these measures as you recall. Our Chair did a really good testimony yesterday in opposition to HCR129 and HR111. It did pass out of that committee. So it's on its way to Judiciary and Hawaiian Affairs. Hopefully they won't hear it or if they do hear it, then they'll you know, I think listen more closely to our concerns so we'll be watching that.

Chair Akaka recognizes Chief Advocate Wong.

Chief Advocate Wong: Background on this reso. HCR129. So I'm just looking at it had a floor vote today. Zero reservations, one no vote from Representative Daniel Holt. I think most likely my guess is that this resolution will have a hearing next week to clear the deadline next week for the resos. and my assumption is. Well, I don't know what's going to happen with the reso. once it crosses into the Senate, but the fact of the matter is, if it clears JHA next week, the stand alone HR111 will have been adopted and that would be a like a fully adopted reso. and so we would need to have a discussion to see. My guess is like the speaker would try and convene the working group and then we would need to have a discussion I think with the Trustees about whether OHA would actually participate in the group. So just something to think about moving forward. Mahalo, I'll turn it back over to Wayne.

Chair Akaka: Mahalo, Sterling, just for reference members, JHA is the House Committee Judiciary and Hawaiian Affairs.

Public Policy Manger Tanaka: Okay, so moving on, the two surviving OHA election bills. So that's SB238, which is the randomization bill and SB981, which is a public funds for OHA campaigns bill. They're both still alive. They passed with amendments last week on the 16th and I checked last night and there's still no HD1 for these so we're still waiting to see what the amendments are to these measures and but yes they're still alive. All the other OHA campaign bills including the reapportionment bills are dead.

And then our SB1409, which is the training course compliance bill, which is pretty closely similar to what we were proposed last year as part of the package. This bill is still alive. Just like the OHA election bills, it passed with amendments last week. We think we know what those amendments might be, but I checked last night and there's still no HD1 so we'll have to wait for that to come out to be sure. And that's it for the OHA named bills.

So now we jump over to the big matrix. But before we get to that, I do have a handful of table changes so some Governor's nominations to add. These are all Island Burial Council nominees. We're in support of all of them. Quick summary, so GM739. This would confirm Kalena Blakemore as a large land owner Rep. on the Island Burial Council. Miss Blakemore is a former OHA nominee, she's also a current OHA employee, so she's managing our conservation lands on Hawai'i Island, Wao Kele o Puna. She has a long history of dedication to cultural natural resource protection.

GM740 would confirm Randall Higa as the Haumakua Rep. on the Hawai'i Island Burial Council. Mr. Higa is also a former OHA nominee. He lives in a Haumakua and has genealogical ties to Waipio. He's helped with the restoration of various Wahi Kapu, Hula Pa and traditional Hale.

GM741, this would confirm Charles Mitchell as the Kona Rep. on the Oahu Island Burial Council. He's also former OHA nominee. He's actually been serving as the Waianae Rep. since 2016, but now he's like shifted his focus to the Kona Moku to sit in that seat.

Next One is GM745, this would nominate Kamao Mills as a landowner Rep. on the O'ahu Island Burial Council where he you know, he was actually formerly worked at SHPD as a Burial Site Specialist. He is an employee of Kamehameha schools. He currently serves in the Clean Water and Natural Land Commission and is a member of the Society for Hawaiian Archaeology. He's been serving on the O'ahu Island Burial Council since 2016.

GM746, this would confirm Kahele Dukelow as the Honolulu Rep. on the Maui and Lana'i Island Burial Council. So she is a current nominee. She was in our 2020 and 2021 letters to SHPD. She's super dedicated perpetuating Hawaiian cultural practices and knowledge. She's an instructor at UH Maui. Also has decades of experience being a combat like cooler company. She's actually been serving on the Maui and Lana'i Island Burial Council since 2014, so she will be terming out.

GM747, this would nominate Dean Maxwell as the Lahaina Rep. on the Maui and Lana'i Island Burial Council. His family you know, well known for their legacy of Malama Iwi practices and culture preservation and his grand father was Charles Maxwell, who was part of the Honokahua reinterment efforts. He's been serving on the Maui and Lana'i Island Burial Council for seven years and actually has been sharing it for the last three. and so he kind of like a heavy duty load.

GM748, this would confirm Kyle Nakanelua as the Hana Rep. He's also our nominee. I'm sure you're familiar with his deep lineal connections to Hana, East Maui. Has worked there on his family farm for like over three decades now. He has been a cultural consultant, member of Royal Order, sits on several historic site advisory committees.

And that's it for new measures we like to add to the matrix. Real quick, It didn't have a position change. In the bill positions for reconsideration section, we have one bill and we wanted to change this bill from support to comment. But then we forgot to put the comment part, so there's a little typo. So it's on page 17, item 94, so we were supporting this, it would have clarified that the State Coordinator on Houselessness along with HICH, which we're a member of, would be able to work with counties to develop plans for the use to coordinate the services and shelter facilities of each county to kind of meet the concerns of the communities impacted by or experiencing homelessness in their respective counties. The bill was amended to mandate that they now, the Coordinator on Houselessness and HICH now develop plans and then so the coordinator raised some concerns about this potentially leading to conflicts with the counties given its mandatory nature and he'll be forced to kind of force them to develop this plan. So we're recommending changing our position from support to comment, where we will be supporting the intent, but just deferring to you know, the Governor's Coordinator as to what the appropriate language would be.

And that's it for table changes and I just have a handful of new bills I'll go over on the big matrix. So the first is on page 1, item 1, HCR66. It has a Senate counterpart, SCR207. Essentially, this resolution would approve a land exchange between Parker Ranch and the State. So for land exchanges, there's a law HRS171-50 that requires, just like if the state wants to sell public lands, It requires before any exchange that there be three months notice provided to OHA. And then a resolution that's approved by super majority of the Legislature to ratify that exchange, and we supported this requirement because again it would give us an ability to first to check to see if there's any ceded lands that are going to be exchanged out from the State's inventory and then to make sure that any lands the state receives in return are commensurate in value and that those lands that the state receives, but then you know, if the state lands are going out where ceded lands to make sure that lands coming in, then acquire the status of ceded lands and so that's pretty much what happened here. We did get notice reviewed the exchange. The lands are commensurate in value and the resolution does explicitly acknowledge that these lands coming in from Parker Ranch will now become considered part of the ceded

lands corpus. So we're just offering comments to provide that. I just did note are non opposition to the measure and to remind legislators about these requirements.

The next new position HDR111 has a Senate counterpart, SCR140 and then also too HCR112 and its counterpart HR90. So these resolutions would recognize racism as a public health crisis. We do know that you know systemic or institutional racism pervades the social determinants of health such as education, housing, environmental justice, even criminal justice interactions and racism itself is a pretty significant social determination of health for Native Hawaiians, for other underserved communities here in Hawai'i, and so you know, we think it's important to acknowledge the role that systemic racism can play in the health outcomes of Native Hawaiians and other communities and we also note that you know, in order to achieve the goals of these resolutions to address systemic racism as a public health matter. State Agencies will probably have to improve their data governance practices consistent with our data governance resolution and so for those reasons, we recommend supporting these bills.

I'd like to highlight SCR78, which would request the State Auditor to conduct performance audits of SHPD. We're recommending support of this resolution. As is I think pretty clear you know, SHPD does have a range of chronic performance issues for the last 2-3 decades. You know this audit could be a step towards bringing these problems further into the light and highlighting them for legislators and others that can you know, hopefully take action to resolve them. So we're recommending supporting this resolution. It will also provide an opportunity just in our support to highlight some of the concerns, the longstanding concerns that we've been having with SHPD.

I'll touch on HCR161. We're recommending a position of support on this resolution which would essentially adopt the digital equity declaration that was put forth by the Broadband Hui, which we participate in. For beneficiaries, you know that digital inequities have been of particular concern, especially for the rural areas, which are predominantly Native Hawaiian and for Native Hawaiian students who we know are less likely to have access to both digital devices and affordable broadband services which is you know super critical now with education taking the virtual shifting to virtual medium. Addressing such disparities, digital inequities will be very helpful for our beneficiaries so we recommending supporting this resolution.

Chair Akaka recognizes Trustee Ahuna

Trustee Ahuna: Wayne, I just have a quick question about the racism bill. What are they going to be talking about? I mean they're talking about the correlation of health. We can talk about disparities about Hawaiians on Hawaiian Homes and we can talk about that Hawaiians are the only ones who have a blood quantum. I mean that's the only race that has a blood quantum in Hawai'i. Why is that? That's racism.

Public Policy Manger Tanaka: So I think the goals of these resolutions, especially HCR112, which actually focuses specifically on points in Hawaiian history where both explicit and systemic racism, and the historical injustices that have uniquely impacted Hawaiians have resulted in ongoing inequities. And so I think the goal is to kind of identify how if you look at all these different areas like criminal justice, like housing, like there's all these disparities that do correlate with race and ethnicity and then so and I think for our perspective to the extent that they're trace these historical injustices have had unique harms and unique impacts to Native Hawaiians. Those things need to be addressed. Especially knowing how they impact the health of Native Hawaiians and the health of the Lahui.

Trustee Ahuna: Thanks Wayne, because I really truly believe that because of this blood quantum, a lot of people have a lot to say about Native Hawaiians and they're allowed to say anything about Native Hawaiians and we hear it on and on. I think because we have a blood quantum on us and how the state is run, people not of Hawaiian can be the one speaking for the Native Hawaiian. The reason why I'm bringing this up is because Sam Gong got nominated for BLNR, for the Hawaiian seat and he's not Hawaiian. This is what's happening.

We're being represented by people who are not Hawaiian on Hawaiian seats. So I was just hoping that that's what that bill would reflect, but if it's other things, we're gonna be stuck. But thank you, Wayne.

Board Chair Hulu Lindsey: I like what Trustee Ahuna said because I'm feeling like the Hawaiians are being discriminated against. Maybe we can introduce something next session that is more broad and see where it goes. In these particular two resolutions, they're only talking about public health crisis. But we have a bigger problem and it's something that we should consider next year probably. That's all, thank you.

Public Policy Manger Tanaka: Okay, well if there's no more questions or anything about the new positions I'll just do a quick rundown of the high profile bills. So I'll first start with DHHL bills. So there's actually a couple exciting bills that are still moving. So HB753, this would exempt DHHL from school impact fees. So it did pass with amendments out of House Education and the Senate Education and Hawaiian Affairs Committees. There's still no SD1 out as of last night so we'll wait to see what those amendments are.

SB1121, this would exempt DHHL from general excise taxes and so this bill is also moving. It passed out of JHA, House Judiciary and Hawaiian Affairs Committee. Still no HD1 as of last night so we'll wait to see what those amendments are.

And then finally HCR76, HR64. These are the Act 14 resos. I talked about this last time, I think maybe but essentially act 14 is basically the act that was supposed to resolve the improper and uncompensated use of Hawaiian Homelands Trust Lands by the state that was never fully implemented and so this resolution would create a task force to assess the status of Act 14. Both resos. did get heard so they made the lateral they're gonna make the resolution lateral deadline and they passed unamended so they're on their way to House Finance Committee.

Next is the ceded lands bills that are still alive, so SB2 is a bill that we oppose. This bill would let lands leased or set aside to HHFDC to be exempted from what 171 and we know what they want to do is issue 99 year leases for these massive mixed use developments on public lands and because 99 year leases are tantamount amount to a sale of land, and that these lands are likely to be ceded lands we've been very concerned. We've been opposed. We've also been offering again, you know for all of these opposed bills, even offering language that would at least minimally give the Board of Trustees a seat at the table before they dispose of ceded lands for more than 65 years. You know folks still aren't. SB2, unfortunately was passed unamended so despite our testimony and the testimony of a lot of people who have the same concerns as us so that is on its way to finance.

Chair Akaka recognizes Chief Advocate Wong.

Chief Advocate Wong: I just wanted to just really quickly add on to what Wayne's saying. I think these 99 year lease and other lease extension bills are going to be our main sort of focuses moving for the rest of session, and I think certainly legislators may raise concerns with Trustees you know private, and I just want to be clear and emphasize what Wayne is saying. The amendments we're proposing are actually really open ended and real compromises and I think we've been trying to be really, really reasonable and we've been kind of just taken out of the bills and our suggestions sort of dismissed out of hand, but I just want to be sure that the Trustees know like the proposals we have for like the housing the 99 year lease one. It on its face does not conflict with fair housing laws, with federal fair housing laws. It's very open ended and certainly if any Trustees get questions from legislators we would love to help answer any questions, but yeah, I just want to make sure the Trustees know that we're very, very reasonable in these compromises that we're offering, mahalo Madam Chair, I'll turn it back to Wayne.

Public Policy Manger Tanaka: I'll just add that we also have been you know trying to see to the extent that they don't like our amendments, like you know what their specific concerns are and the only response we've

gotten from HHFDC is that developers think it'll be too bureaucratic, which doesn't make a lot of sense. As Sterling said, it's super open ended. It just requires Board of Trustees approval of terms and conditions. So you know, it's not going to take the kind of timelines that like a EIS would do or building infrastructure for these kinds of projects would take. Maybe not surprising, but a little disappointing that considering that we've as agency have invested \$40,000,000.00 over the last decade in housing and housing security and financial stability programs and services for beneficiaries. And so we're clearly demonstrably invested in housing issues that they would think that we're going to somehow jam up a good housing project so yeah, I'll leave it at that.

Chair Akaka recognizes Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey: Thank you, Sterling if you could come back on and just expand for the Trustees the seemingly parallel track. But that whole discussion that we had last week in terms of protecting the ceded land corpus and working to find housing solutions for our people and sometimes they look in opposition of each other, but really we're trying to do both, we're protecting and so if you could help remind us about that I'd appreciate that. Madam Chair, if that's okay for Sterling to do that.

Chief Advocate Wong: The bills and I keep reminding legislators when I testify on the bills and when we talked to them that you know they're real two issues relating to the bill. There's our housing needs of our beneficiaries, which separate and apart from this bill, we have long worked on you know, we've worked with HHFDC for a long time on joint funding, on their housing planning study, which the last one came out in 2019 and there's going to be another one. I'm sorry. It's pouring in why he was so there might be some background rain. And then we have all of our grants with you know Hawaiian community assets. And I think a lot of those services provided through that funding are actually super innovative like with the IDAs and the match to save programs that have actually been I think replicated throughout the state in other programs as well. So those are the housing needs and you know certainly want to work. You know, Denise Iseri-Matsubara who was our former CE Director at OHA is now at HHFDC and you know, we've always worked well with Janice Takahashi over there, so look forward to continuing to work. You know, regardless of what happens with this bill with Representative Nakamura and other legislators of the Housing Committee and with HHFDC, but still at the same time you know. I mean in a way it's reminding the legislators about the commitments and promises they have made to our Lahui in terms of reconciling for the loss of our lands. It's about reminding, but it's also about holding them to the promises that they seem to break regularly. I mean, I want to pull out my hair because you know, it's like they have our. So I testified yesterday. I said look if you guys really wanted to address the housing needs of Native Hawaiians, fully fund DHHL, fully fund OHA so we can expand our programming and then if you really, really want to address the housing needs of our beneficiaries, give us back our stolen land and then we could put our beneficiaries in you know, the vision of self-determination back on our lands and the one time the state actually gave us back our lands, they prevented us from putting housing on it, which is just the irony, but anyway, not to go sideways. But yeah, so there's definitely two separate things we're doing, and we are, we are diligently working on both.

Public Policy Manger Tanaka: Okay, I'll just keep going down the list then, so that bill is still alive SB2. SB749, which would do basically the same thing but for the Hawai'i Public Housing Authority. It was heard yesterday by the Consumer Protection and Commerce Committee and the committee deferred it so that bill is dead. Also got a lot of, you know, prior to the hearing yesterday, there wasn't much engagement, but yesterday you know, the huge turn out from you know folks that share their concerns. And so you know shout outs to CPC Chair Johanson and the members of the committee for differing that measure.

HB 499, this would allow for 40 year lease extensions for any public land lease that's commercial, industrial, resort or government. It was heard last week I think in water land, so we're in opposition because this 40 year extensions would put public and ceded lands in the hands of private you know of a single private entity for up to a century, more than a century at a time, which often can and does lead to the permanent alienation. In addition to essentially being an alienation in and of itself, so we're still waiting for the SD1 to come out.

It just has to have one committee hearing in Ways and Means for it to make it to conference so yeah, keeping a close eye on that one.

The school facilities agency bill that we were a little bit concerned about we're just commenting. This is SB808 on page 67, item 249. It did pass with amendments last week, but again there's no HD1 that's come out. So we're gonna have to wait to see what those amendments are.

Next I'll jump over to historic preservation bills. So HB497, we're opposing this measure. It would tie the counties' hands in terms of requiring, it will prevent the counties from requiring state consultation, state agency consultation that consultation with OHA for developers of residential developments if consultation isn't required under state law and the statute and so it's taking away an important tool that counties use to provide additional oversight to protect historic properties and iwi kupuna from developments. We're opposing, the bill was heard last week and it passed with amendments. But again, there's no SD1 as of last night so we're still waiting for the draft.

The other historic preservation bill is HB1311. This is the Leali'i affordable housing project bill that would, it used to be an exemption from Chapter 6E. This version would water down the phasing provisions by allowing for historic preservation review to occur in phases but without the programmatic agreement that exists under statute. You know we heard when they passed it last week that they were going to address their concerns by taking out any kind of exemption from our or watering down of historic preservation processes. But again, the SD1 as of last night has not come out so until we see that language where you know gonna hold our oppose position.

In terms of Criminal Justice, SB1128. This is the revolving fund for the Office of Youth Services, so essentially let the former Hawaii Correctional Facilities, you know strength based vocational training program for youth there to be financially self sustaining. This measure did pass out of committee yesterday or Monday, so it's on its way to finance. So excited about that one.

And then finally the Aha Punana Leo bills, so HB546. This would established Aha Punana Leo as a permanent invited voting member of the Early Learning Board. This had a hearing this week, but based on what the committee chair said they're going to essentially gut and replace it to be something, basically make the complex area superintendents for DOE report to the superintendent of the DOE. So it's probably gonna be gut and replaced we haven't seen the SD1 come out yet. So we'll be watching for that. But you know when it happens we'll probably ask for a position change.

And then the other similar bill is SB1384. The seat Aha Punana Leo occupies now, would relieve them from the current two term limit that effectively limits their representative to a four year maximum term before they have to like phase out and so this bill was passed, and then it was amended to get rid of the sunset date that the Senate put in there, so we're happy about that. And so it is on its way to finance in the House.

One last update, SB850. This would create the broadband task force. So this measure was deferred in Ways and Means. We were supporting it, but yeah, Ways and Means thought it would be. Oh, sorry not Ways and Means, Higher Education and Technology. So the committee didn't think it was worth pursuing so they deferred it. And that's all the high profile bill updates that was you know going to kind of touch on today. I'm happy to answer any questions about anything on the big matrix.

Chair Akaka: Mahalo, Wayne, I see that we don't have any questions regarding these bills. But before we go any further, I wanted to recognize and mahalo Kamaile Maldonado, who is our Senior Public Policy Advocate. She's on this meeting as well and I just wanted to mahalo her for all of her good work here at the Office of Hawaiian Affairs and wish you the very best moving forward and knowing that we will continue to work together for our community and for our Hawaiian people. So I wanted to acknowledge her and if anybody would like to share further on this.

Public Policy Manger Tanaka: I'd be happy to talk a little bit about Kamaile's tenure here at OHA. She's been actually with Public Policy since before I have been here, so and she's been one of the first people I really got to know when I joined the team. She really helped me realize you know working here is like, it's a privilege in and of itself but she helped me realize how much fun and meaningful that this kind of work can be. She's been the glue that's held the Public Policy team together over all these years in all its manifestations, which in turn has really helped us become you know a pretty you know significant force for change I think for the Lahui. You know, some of the things that she's worked on just 'cause she does a lot of stuff behind the scenes. But just so you folks know, she helped initiate our involvement with No Vote No Grumble, she planted the seeds for what has been a massively successful get out the vote effort. She's continued to build beneficiary capacity and empower our beneficiaries even outside our agency to civically engage. So she's featured in a number of OHA videos to talk about how bills are made, how to testify. She worked with Waianae High School students to kind of get them up to speed on legislative process and how they too can become change agents, which I think was extremely transformative and hugely inspiring for the students, from what I have been hearing. You know, she's become one of the leading experts in historic preservation and many issues and challenges that we continue to face in that in that area. She wrote and passed the law that removed the landowner requirement for the Island Burial Councils. That was a huge barrier to them getting quorum and since that time, she's created the process by which we solicit and vet Island Burial Council applicants. You know, she's shepherded through dozens and dozens of successful OHA appointments to the Island Burial Councils. I think the majority of council members actually came from the applicants that we vetted and we provided to them and it's a model too that we are applying in other contexts like for appointments for other commissions and boards.

Her criminal justice work is historic like you know for the last decade she's been tirelessly working to address the disproportionate impact of criminal justice system on Native Hawaiians. The HR85 Prison Reform Task Force, the HDR137 Pre Trial Reform Task Forces, they could not have done what they did without her work, without her facilitation, research, report writing, her expertise. You know because of that, they were able to get this huge criminal justice reform measure passed in 2019 and that's why we have our representation on the Oversight Commission. And if it weren't for her and for other staff like Jen, the Oversight Commission would have been dead in the water, especially during the early pandemic periods because the funding and the staff that they were supposed to get was never released by the Governor so you know, she's a leading criminal justice expert again. She's just shaped the landscape of law and policy and set the course for the transformation for criminal justice approach here to be less punitive and more rehabilitative, which has already benefited and will continue to benefit our beneficiaries and their families. Yeah, I mean also to like all our legislative advocacy, our tracking stuff, she helps run trainings on our tracker system, she troubleshoots all the bugs, she does writing and oral advocacy workshops for staff, she even overseas contracts, which I'm still grateful for personally, silent 'cause I wouldn't want to do that. She's been indispensable in helping our new team come together. Like I said she's the glue that helps Public Policy together and these are just some of the highlights of the many highlights of the many things that she's done. I have to say you know, I think there's a huge debt of gratitude that we owe to Kamaile. You know from our advocacy, from the agency and really from the entire Lahui for all the incredible work that she's done and it's gonna be tough to lose her. Her last day is next week Wednesday.

She is here today. So I'm not sure if she wants to say a few words of aloha to the Trustees, to the folks watching.

Kamaile Maldonado: I just want to say mahalo nui for everything. It's been my profound honor to advocate on behalf of our Lahui at the Office of Hawaiian Affairs for the past 10 years and my sincere joy to have studied under Sterling Wong, Jocelyn Doane and Wayne Tanaka. The 'ike and kuleana that they've imbued within me, I think I'll take with me throughout the rest of my career. I'm on a voyage right now. I'm in a bit of a voyage in my life, but I just know that OHA will always feel like home and like Trustee Akaka said, this is just a hui hou, mahalo nui.

Chair Akaka: Mahalo, Kaimaile and mahalo, Wayne for sharing many of Kamaile's contributions and accolades here at the Office of Hawaiian Affairs. All right is there any other further discussion? Wayne, Sterling, I believe that would be the tail end of the new bills, older bills and the positions. If so then we'll move on. Alright mahalo, so I will then entertain a motion if I may have a motion to approve and we should.

Trustee Ahuna: Madam Chair, real quick, I just wanted to know if we picked up on GM681. And this is what I was referring to before that's why.

Public Policy Manger Tanaka: So Trustee Ahuna yes, GM681, this would nominate Sam Gon to the Board of Natural Resources for another term. We're not recommending a support position and I think 'cause of some of the concerns that you raised, we did have some concerns when he was appointed last time because of you know OHA was the one that advocated for the seat that he'd be occupying as a personal expertise in Native Hawaiian cultural practices. We were hoping that when the Governor fills these seats because Ulalia Woodside was stepping off you know, so we're trying to figure out who we could get onto the seat. We're hoping that the Governor at least consult with us, but like the second she stepped off then he was already like lined up to go so I think he had already made his decision. I don't know if we can, so it's hard for us to oppose people just 'cause, unless we know we're gonna be able to succeed in our opposition it's tricky like 'cause we end up having to go before them later and asking them to make decisions for us. So I'm not sure if we you know, despite the concerns, I don't know if there's gonna be enough opposition to stop his nomination. He does have significant background, cultural background and training. But yeah, it has been a concern that we've noted.

Trustee Ahuna: Thank you, Wayne, you know, we created this position for a Native Hawaiian and we have a non Native Hawaiian in this position. I was just hoping that we can, just like them, we could oppose it and then nominate our own person. Can that happen?

Public Policy Manger Tanaka: If we were to oppose, the only way we'd be able to nominate our own person is if we succeed in the opposition. So yeah, I'm not too sure. At this point I don't if we have enough political capital to defeat his nomination. Especially given you know, I think some of the positions, platforms of the Water Land Committee which would be vetting his nomination.

Chief Advocate Wong: Madam chairman may I add something as well? I think this is a really good discussion, Trustee Ahuna.

Trustee Ahuna: I'm talking about the terms, he has been there for a while. Doesn't he term out or anything like that?

Public Policy Manger Tanaka: Yeah, there's an eight year continuous term limit, so he was there for a while then he stepped off, and so his eight years restarted again when he came back on last time he was nominated. So yeah, I have to see.

Chief Advocate Wong: Trustee, I would note that the position, so there was a time in the mid 2000s, where we tried to get as many of these seats as possible on boards and commissions throughout the state and they are not based on any ethnic or race or political class, what they are based off of is expertise on whatever sort of cultural perspective that board or commission would need. So like the BLNR seat is not, I think a lot of people call it the Native Hawaiian seat, but it's a cultural expert seat. It's not necessarily an ethnic expert seat, so for us to oppose him we'd have to oppose him based off of his qualifications for the position, which is fine. But we would just have to be very clear that we're opposing him for some sort of qualification issue and ethnicity is not a qualification. I would just note that and so we can definitely talk about like why we think we should oppose and you know related to his qualifications, but okay, I just want to throw that out there.

Chair Akaka recognizes Trustee Ahu Isa.

Trustee Ahu Isa: This is an announcement, item six on the agenda announcements. I was asked to share this with you, Papakolea Community Development Corporation.

Chair Akaka: Does that have to do with any of the bills Trustee Ahu Isa, because if not we'll hold off on that till announcements.

Trustee Ahu Isa: Okay, mahalo.

Chair Akaka: Wayne is there any other further sharing regarding the matrix?

Public Policy Manger Tanaka: No, I think we're on the motion.

Chair Akaka: Alright, mahalo, going back to the motion then, may I have a motion to approve administration 's recommendations on new bills and positions.

Chair Akaka recognizes BAE Vice Chair Lindsey.

Vice Chair Lindsey: I move **To approve Administration’s recommendations on: NEW BILLS (Items 1-93) and BILL POSITIONS FOR RECONSIDERATION (Item 94), along with the following revisions:**

ADD Measures

- GM739, as SUPPORT
- GM740, as SUPPORT
- GM741, as SUPPORT
- GM745, as SUPPORT
- GM746, as SUPPORT
- GM747, as SUPPORT
- GM748, as SUPPORT

CHANGE Measures:

- Item 94, from SUPPORT to COMMENT

On the OHA Legislative Positioning Matrix dated March 24, 2021

Board Chair Hulu Lindsey: I second.

Chair Akaka: Mahalo, so the motion has been made by our BAE Vice Chair Lindsey and seconded by our Board Chair Hulu Lindsey. Is there any other discussion on these members? Alright, seeing none, if we can please have a **roll call vote** Brandon.

							2:37 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY		2	X			

VICE CHAIR KEOLA	LINDSEY	1		X			
JOHN	WAIHE`E			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

V. NEW BUSINESS

A. Action Item BAE #21-01: Approval of Wilmina K. English as the Moloka'i Island Representative for the Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD)

Chair Akaka yields the floor to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey: Thank you, Chair Akaka, Trustees this is a consistent process. The Native Hawaiian Revolving Loan Funds operating procedures have been carried out, their Board of Directors has approved this, a new member seat and it is for action to affirm that with the Board of Trustees for OHA. Once that action is taken, we will convey this information to the Administration for Native Americans, the federal program that oversees the Native Hawaiian Revolving Loan Fund. We hope the action item is self explanatory and we are here to answer any questions that you may have?

Chair Akaka recognizes Board Chair Hulu Lindsey.

Board Chair Hulu Lindsey: I move that we approve this action item.

Chair Akaka: Mahalo, is there a second.

Trustee Waihe'e: Second.

Chair Akaka: Alright, it has been moved by our Board Chair Trustee Hulu Lindsey and seconded by our RM Chair Trustee Waihe'e. Is there any other discussion members?

Chair Akaka recognizes BAE Vice Chair Lindsey.

Vice Chair Lindsey: Just one question, it's more of a procedural question on the process that I think KP touched on? Do we have an idea of what the turn around time is for the commissioner, the ANA Commissioner to take action or is that really up in the air at this point?

Ka Pouhana Hussey: That's a good question because the ANA Commissioner is an interim appointed commissioner, the previous ANA Commissioner was appointed by the previous administration and so with the new administration coming in, we have an interim. We have reached out, the Native Hawaiian Revolving Loan Fund has reached out to establish you know relationships, but it's as quickly as we can hope. I don't have a definite date. But as soon as we can get this out, yeah. Which wouldn't stop the operationalization. Ms. English

is ready to participate in the Board meetings that will be convened and just as a note, remember we have a new Native Hawaiian Revolving Loan Fund Manager and that's Ikui Kalima, who used to be in our grants program so we have a puka in our grants program that we need to fill. But Ikui is now the manager and then working with the Board on their loan products and their programming.

Chair Akaka: Mahalo for that clarification Ka Pouhana. Any other questions from our members? Seeing none, alright Brandon, may I please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE`E		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

2:41 p.m.

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

VI. ANNOUNCEMENTS

Chair Akaka: Members, are there any announcements at this time? And actually we will have our Board Vice Chair Trustee Ahu Isa, if you'd like to share the announcement you wanted to share earlier.

Trustee Ahu Isa: It was asked by Papakolea community, they wanted me to share this with you because it has to do with their goal of Kapua Hawaiian Language Program. They're having something for Prince Kuhio and it's being supported by Kamehameha Schools, US Administration for Native Americans. It's to celebrate Prince Kuhio Anniversary. They're having some kind of a play up their virtual but they're also selling Lau Lau \$15.00 order in advance and pick up, they give a phone number. They also said this is going to support their Hawaiian Kapuai Hawaiian Language Program and you can pick up the lau lau in the Papakolea Tantalus Drive, the the Papakolea Park at 4:00-5:30 on Friday. So if you're interested you can ask me, I can email you or text you the information.

Trustee Ahuna: Their having a Prince Kuhio celebration. I just got the memo from Hawaiian Homes actually so yeah, they're doing a good job. I like what they're doing, they gave shots to all the Kupunas this past week.

My mom got shuttled down to get the shot at the rec center and shuttled back and it's just amazing what the things that they're doing so mahalo to all the people.

VII. ADJOURNMENT

Chair Akaka recognizes Board Chair Hulu Lindsey.

Board Chair Hulu Lindsey: I move that we adjourn.

Chair Akaka: Mahalo, Board Chair Trustee Hulu Lindsey, is there a second?

Trustee Waihe'e: Second

Chair Akaka: It has been seconded by Trustee Waihe'e. Alright, if I could have a **roll call vote** on that, mahalo.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE`E		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

2:45 p.m.

MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED

Chair Akaka: The meeting is now adjourned, mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

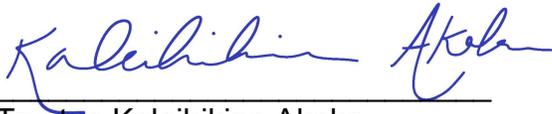
Chair Akaka adjourns the BAE meeting at **2:46 p.m.**

Respectfully submitted,

A handwritten signature in black ink that reads "Brandon R. Mitsuda". The signature is stylized with a large, looped 'B' and a long horizontal stroke extending to the right.

Brandon Mitsuda Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on 8/4/2021.

A handwritten signature in blue ink that reads "Kaleihikina Akaka". The signature is fluid and cursive, with a prominent 'K' and 'A'.

Trustee Kaleihikina Akaka
Chair
Committee on Beneficiary Advocacy and Empowerment