

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

April 7, 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, April 7, 2021 to order at **1:33 p.m.**

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

MEMBERS			AT CALL TO ORDER (1:33 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	PRESENT	
TRUSTEE	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **NINE(9)** Trustees are PRESENT, thereby constituting a quorum.

II. PUBLIC TESTIMONY on Items Listed on the Agenda*

None

III. APPROVAL OF MINUTES

A. February 24, 2021

Chair Akaka recognizes Board Chair Hulu Lindsey.

Board Chair Hulu Lindsey: I move that we approve the minutes of February 24, 2021.

Chair Akaka: Is there a second?

Trustee Waihe'e: Second

Chair Akaka recognizes Trustee Lee.

Trustee Lee: On page one of the minutes for the roll call, it stipulates that at the order, at the call of order eight and then it notifies the number seven Trustees are present. And if you look at the roll call ahead of it, there were seven but it says eight.

Chair Akaka: Thank you, any other changes to be made? Alright then if I can please have a **roll call vote** with this edited version, amended version of the minutes.

Board Chair Hulu Lindsey: Madam Chair, I'd like to withdraw my motion, so that I can amend it.

Chair Akaka: Madam Chair, it's already been amended, no new motion is needed.

Chair Akaka: Okay, thank you for that clarification.

							1:40 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	1		X			
<i>VICE CHAIR</i> KEOLA	LINDSEY			X			
JOHN	WAIHE`E		2	X			
<i>CHAIR KALEIHIKINA</i>	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

IV. UNFINISHED BUSINESS

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

Chair Akaka yields the floor to COO Casey Brown.

COO Casey Brown yields the floor to Chief Advocate Sterling Wong.

Chief Advocate Wong: Aloha everybody, Sterling Wong, Chief Advocate for the Administration. I'm just gonna take us through the legislative calendar to get a sense of where we are for this session. Today it's the 7th. So we have a couple of big I mean, we're in the last month of session so a lot of stuff, a lot of deadlines, a lot of stuff moving. Tomorrow is the lateral deadline for concurrent resolutions so that means they have to be into their final committee by tomorrow and then the big deadline is the 9th, which is second decking, which means all bills got to be out of their final committee that they've been referred to by this deadline to make crossover which is next week. And then we have the 15th which is the crossover and then very importantly, the agree disagree on those bills and I think it's really important to remember that sessions cut short this year and they cut that week. They made it short by cutting a week off of conference, so conference is going to be very compact. If your bills have defective dates and they're going into conference, maybe a little bit of the kiss of death and if they don't get a conferees scheduled early and quick, there's a good chance the conferees won't even convene so I think a lot of bills that have defective dates are most likely gonna die. We're looking at also the 19th which is the second crossover for all concurrent resos. So with that I'll take us through our legislative package.

HB204, OHA-1, this is our budget bill. The HB is the vehicle. It did have a hearing. Unfortunately the committee WAM cut our budget in half with an effective date so that essentially means that this bill is done. It's not going to conference and they cut out half so we're getting 1.6 million dollars in general funds. From what I can tell we'll definitely look at the SD2 when it comes out in the conference committee report but it looks like based off the discussion in WAM that they cut all the admin operations and they kept hold the provisos for the grants and if I could just, I took some notes on the hearing, Chair Dela Cruz in the Committee said he wanted to thank the Chair, the OHA Board and the CEO. He said he met with the Chair and the Board to discuss the general funds cuts and he said they really understand our fiscal situation, he believes this is a turning point between the relationship with OHA and the Leg. and he said OHA said they were able to work it out to live within their means and this was a good faith effort to build trust with the Legislature. This is the biggest cut I think OHA has ever received in general funds that I've seen this is maybe the lowest amount of funds combined PLT and general funds I think OHA has received since the Cayetano Administration. Well, not the cut well since the Supreme Court invalidated Act 304. And just as a reminder as I brought this up in the early discussions on our general fund budget bill during the great recession OHA received the 10% cut I believe. I believe it was a 10% cut, I can verify that. During the great recession to our budget and we will be taking a look at how our 50% cut in general funds compares to other state agencies. But I don't think any other state agency received this level of cut. So I mean, I would say Native Hawaiians probably are proportionately making a greater sacrifice to close the state's economic shortfall than anyone else. With that I'll go onto HB2.

Chair Akaka recognizes Trustee Lee.

Trustee Lee: Thank you, Chair, Sterling I watched that hearing as well. Can Trustee Hulu Lindsey or Chair Akaka expand on what Senator from WAM, what Senator Dela Cruz said? Who from the Board did he meet with? I heard him say that he met with the Chair and the Board and the Executive Team. I was never in a meeting with Senator Dela Cruz and I do not recall the Board ever approving a 1.5 reduction in our budget, so when and who did this meeting take, if it did take place with?

Chair Akaka: Board Chair Hulu Lindsey would you like to elaborate on that?

Board Chair Hulu Lindsey: We were in a meeting, myself, our CEO and Trustee Akaka. Were you their Trustee Akaka?

Chair Akaka: No

Board Chair Hulu Lindsey: Okay, it was just Sylvia and I. We were in a meeting with Senator Dela Cruz and he asked the CEO how much we really wanted and she responded that we would at least want to have the provisos which totaled the 1.6 million. He took that to heart and actually was quite happy to hear that we're okay with the 1.6. There was no response from me. So he actually called me this morning and asked me if the 1.6 that we mentioned in that meeting was still okay and I told him no we asked for 3,000,000. He says yes, but your CEO said 1.6 was enough. I said, well it's not enough, but you need to do what you have to do Senator and he said well it's either 1.6 or zero. I said well of course we'll take 1.6 but we asked for 3,000,000 plus. So that's how that came about Trustee Lee.

Trustee Lee: Thank you for clarifying that Trustee Hulu Lindsey. So Chair Akaka, I want it on the record that Senator Dela Cruz misspoke. He never met with the Board of Trustees with the Office Hawaiian Affairs, which he said on record that he did. He never met with the Board of Trustees. He also never got an approval by our Administration. Our Administration informed him that we would like to make sure that we cover our provisos of 1.6 million dollars. That is not the same as saying that we are okay with a 1.5 million dollar reduction in our budget, which is what Senator Dela Cruz said. And I want that on the record that Senator Dela Cruz stated not only untrue information, but it's misleading the public. At no point did, according to Trustee Lindsey with her conversation with him this morning, at no point did the Office of Hawaiian Affairs, the Chair of the Office of Hawaiian Affairs, or the Board of Trustees of the Office of Hawaiian Affairs, approve the State Legislature of cutting our general fund budget by 1.5 million dollars. Thank you, Madam Chair.

Chair Akaka: Mahalo, Trustee Lee for sharing that and also for our Board Chair Hulu Lindsey for providing that clarification.

Chair Akaka recognizes Trustee Ahuna.

Trustee Ahuna: I am not okay with the 1.6 million dollars. I'm so sorry. I am not okay with it. I just wanted to reiterate that, thank you.

Chair Akaka: Mahalo, any other further discussion members?

Chair Akaka recognizes Trustee Lee.

Trustee Lee: One more point, you know, with his threat of 1.6 or nothing. You know it's one thing for the Chair of the Ways and Means Committee to say you know what OHA, we understand you want 3.1, but I'm sorry all we can give you is 1.6. It's a total different thing to say that we came to the table and say that we were okay with taking this cut. You know for the State Legislator to threaten us with either a reduction or zero in my mind is ethically questionable. You know like I said, it's one thing to come to OHA and say you know, we can only give you 1.6, we're really sorry, versus saying that we told them that we're okay with taking this cut. Thank you, Madam Chair.

Chair Akaka: Mahalo for your mana'o.

Chair Akaka recognizes Trustee Ahu Isa.

Trustee Ahu Isa: They consider us a semi autonomous state agency. I don't think we should even be a state agency if they're going to treat us like this. You know they give us half so what, we don't have to obey half of their regulations, their laws. You know they they don't give us, they make us, they audit us. They tell us what

we have to do, what we cannot do. The regulation stuff they put on trust funds like we don't even have a salary commission. They giving themselves raise 10%, their going to make almost 70 grand. I got in here seven years ago. I get the same amount as when I got in 2014. And yet they can tell us, they could cut this, but give themselves raises. That's why the public is so mad that they don't even give a minimum raise. That's my take, I want it on record, mahalo.

Chair Akaka: Mahalo for your mana'o Trustee Ahu Isa, and I believe we have a separate commission that determines the amount for salary from the legislature, Office of Hawaiian Affairs has a separate one.

Chair Akaka recognizes BAE Vice Chair Lindsey.

Vice Chair Lindsey: Thank you, Madam Chair, you know, I want to extend my appreciation to our Board Chair and Administration for holding the line on the amount we believe this agency is due for the work we do for our people. I also find the amount that is taken away is unacceptable, but understand that this process is moving forward. The comment that kind of echoes to me across the landscape of where we're at, is how this action is being viewed as a turning point between the relationship of OHA and the Legislature...(inaudible) comments about what that means, but that really jumps out to me and time is going to tell what that really means and I think we need to be very cognizant of that part of this issue. Thank you, Madam Chair.

Chair Akaka: Mahalo, any other further discussion members? Mahalo everyone for sharing your mana'o and upholding your passion for our work for our people. We'll continue to see what more we can do as a Board and continue to work towards positive relationships and so forth, and helping share our story as to why it's so important in the work that we do and why we are here. Alright, Sterling Wong if you can please continue.

Chief Advocate Wong: Thank you, Madam Chair. So going on to OHA-2, the CIP for Wahiawa. As you know, that died a long time ago. OHA-3 also died a long time ago. OHA-4 is actually doing well, this is our resolution on data governance. So the HCR is dead, it didn't crossover. But the SCR is still alive. It had a hearing yesterday. It passed out without any amendments so that one just has to pass. It has to get one more hearing than I think it'll make crossover, so we're looking good. Yeah, Madam Chair unless there's any other questions from Trustees, that concludes my presentation, mahalo nui.

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

Chair Akaka yields the floor to COO Casey Brown.

COO Casey Brown yields the floor to Public Policy Manager Tanaka.

Public Policy Manger Tanaka: Thank you, alright good afternoon Chair, Members of the Committee. So as Sterling mentioned, there's three more weeks to go before CNDA. Decking is Friday so bill hearings will have to be done this week, so any bill that doesn't have its last hearing scheduled by tonight for Friday. Or if they get a waiver by tomorrow for Friday. It's not gonna make decking and it's not gonna pass. We do still have reso. hearings going on, Governor nominations going on and those will be ongoing for a while longer. So this week same as before, I'm going to go over the OHA named bills. It's in that separate smaller table that you folks have. I'll also go over a new bill position in terms of OHA named bills and a couple change positions and highlights some other high profile OHA named bills.

The first new position for a measure that names OHA. This is actually three resos. So SCR163 and SCR165 and it's single body companion I guess, SR130. Both of these resos. would urge the Federal Congress to reduce the blood quantum requirement for successors of DHHL leases. SCR163, it's actually dead already, it

was deferred, but would have urged reducing the blood quantum requirement to 1/8 for successors, where currently is 1/4. SCR165 would track Act 80 of 2017, which we did support and that one would urge reducing the blood quantum to 1/32. So basically for spouses, children, grandchildren, siblings to inherit a DHHL lease. So we did Support Act 80 or reducing the blood quantum requirement in the past due to significant concerns that were raised by beneficiaries during consultation meetings run by DHHL that you know their successors would have, may have insufficient blood quantum to succeed in the lease and thereby their family would lose homesteads that have been in their families for generations. We know they also incentivize investments in maintenance on homestead lands by current homesteaders. We did note concerns that you know, relaxing or reducing the current blood quantum requirement would delay opening of homesteads potentially for waitlisters, but you know, we did believe that it would be better to address the wait list issue by appropriately supporting DHHL rather than by you know, kicking you know current homestead families off of their lots. And so we're recommending supporting these measures, although SCR163 is dead already, it was deferred.

A couple bill position changes. So HB541, SD1, so this bill would amend the statutory or responsibilities of an existing working group that's tasked with addressing behavioral health, substance abuse and homelessness issues to more specifically say that this working group should identify gaps and services, coordinate funding sources and come up with outcome measures. The SD1 that came out now includes an OHA representative on the working group, so that's why its name is OHA and that's why we're recommending a position change to comment. We do think it's a good idea to include us on this working group. You know, Native Hawaiians have desperate health and houselessness challenges and you know it would give us an opportunity to make sure that these challenges are understood and addressed by the working group. We do have concerns about you know, some of the funding implications, so that's why we're just commenting. We probably in addition to highlighting that Native Hawaiians have desperate you know outcomes and challenges that we would also be able to highlight work in these areas through our comments, and so recommending changing position to comment on this on bill.

The next bill HCR131, so this is very similar to SCR206 which we're supporting. This bill and SCR206 would set up working groups to look at the burial sites program in SHPD, in the State Historic Preservation Division. Both measures were actually amended to make OHA the convener of this working group which you know and we talked about it internally with administration we're okay with that and we do have capacity I think and to convene these working groups and facilitate. For HCR131, we did have a position of support with amendments because that reso. had three OHA representatives on the working group and we thought that was a little bit excessive in terms of how much you know in terms of limited capacity and we do have expertise housed in folks that we think one person would be sufficient. And so they took our amendment and so now we have one representative on that working group, in addition to being the convener and so we're recommending changing our position from support with amendments to support.

I'll just do a quick rundown of higher profile OHA named measures that are still in play or that just died. So yeah, as you know the PLT bills, Kaka'ako bills are dead. The reso. HCR129 that would convene a Kaka'ako Makai Task Force to discuss the future development of Kaka'ako Makai. So that measure passed, the HCR129 crossed out of the House. HR111, which is its single body companion or counter part, that one was adopted by the House. It resos. were amended to add two additional representation from the Senate and in the House. So there would be two senators and two representatives on the task force and it was also amended to take out the Kaka'ako Makai Community Planning Council. We strongly oppose these measures. For HCR129, we've outreached to, I believe the Chair reached out to the Committee Chairs of the Committees that the resos. are referred to ask them not to hear the bill. We pulled out Kahea to our beneficiaries to also do the same. HR111, we are currently working on a letter to the working group once it's established to you know, let them know about our opposition and concerns that we're probably not going to be participating.

In terms of the OHA campaign bills. There are two bills still alive. SB238 and SB981. I'm not sure what's going on with these. So SB238 was the randomization bill, so it randomized names of Trustee candidates on ballots. SB981 would have increased public funding available for OHA Trustee candidates and also randomized their

names. And for some reason they switched the contents of these bills so they they took out the contents of SB238 and put it in SB981 and it took out the contents of SB981 and put it in SB238 and so I'm not sure why or what's going on with that. Yeah, but it's bizarre, but those have both been passed with amendments. We're waiting for the HD1s to come out.

A couple other OHA named bills that are of note, SB1409. This is a training course compliance bill. The most recent issue HD1 draft would allow for video recordings to be provided for the training course attendees. It passed finance with a defective date. So it is going to conference, so we'll see if it gets a hearing scheduled, conference committee representatives appointed and a hearing scheduled in that last week of session.

HCR41, this is the Mauna Kea reso. that crossed over. Unless it gets a, something happens, and it gets a hearing. It's going to miss the lateral so it's probably going to be dead. HR33 single body counterpart was adopted by the House. It didn't have to crossover and so we are putting out a call for Native Hawaiian organizations to think about representatives to represent the Native Hawaiian seats on the working group. The deadline also too was extended for a couple weeks. So supposed to be this week I think and they've extended it till I think the 26th. So we also sent out an update I think recently to let folks know about that development.

So now we'll jump to the big matrix. There's no table changes today, so it just goes straight to the new bill positions, position changes, and then I'll highlight again some of the higher profile non OHA named measures in this matrix. So first one I'd like to talk about is SCR129, SR103. So this would urge the Governor and the BLNR to terminate University of Hawaii's lease of Mauna Kea. It recognizes the ceded and public land trust of Mauna Kea, acknowledges the historical mismanagement of this summit and says it's critical for Native Hawaiians, including Hawaii Island DHHL beneficiaries to be empowered to you know, plan for the future use and management of Mauna Kea. We did bring this up to the ad hoc committee and you know it is a little aggressive in terms of asking for the termination of UH's lease by 2021, but I think you know based on discussion, it is consistent with our legal position that UH should not be the manager of these, you know singularly sacred and neglected lands, so the recommendation was to support. And that's a recommendation to the BAE today.

Okay, and then the next few are on page 16, starting with item 85. These are all Island Burial Council nominations. We support all of them or the ones I'm going to talk about. So the first is GM766. This is for Keomailani Hirata to be on the Moloka'i, Lana'i, Island Burial Council. She has a lot of like generational involvement with the Burial Councils. Her parents were involved with the Moloka'i Island Burial Council and they served as council members and she has also been educated in federal and state laws concerning burial sites in Hawai'i and her parents have also trained her in cultural protocols in terms of caring for iwi kupuna. She is also an OHA nominee.

And below that, GM767. This would nominate Wayne Harada to the Kaua'i, Ni'ihau Island Burial Council. He is also an OHA nominee. He actually previously served two terms on the Burial Council, and he had to take a break because of term limits, and now he's seeking to return back to represent the Waimea and Na Pali regions. In addition to his experience on the Council in the past, you know he's an educational coordinator with the Hanalei Watershed Hui. He's also a cultural specialist for a bunch of different programs involved with Na Pua Noeau, Pualani Foundation, Kanuikaponu Public Charter School. He's definitely demonstrated significant commitment to the work of the Burial Council.

GM768, this is for Sandra Quinsaas to be nominated to the Kaua'i, Ni'ihau Island Burial Council. She is also an OHA nominee. She has previously served on the Burial Council and she currently is a Chair of the Burial Council actually so lots of experience on the councils. She's known for her collaborative problem solving approaches, and she's also a project manager at the Grand Hyatt Hawai'i Resort. And she's witnessed many burial discoveries during the construction of the resort, as well as the construction of the adjacent hotels, you

know, when this happens, she has assisted in reinterment protocols and she's also on the Protocol Committee of the Hyatt

The next GM769 and GM770. These are actually for the same person Sherri-Lee Cummings Yokotake. One is just to help her to confirm her finishing up the current term and then next month for the subsequent term. So that's why there's two GMs. She is from the Anahola Hawaiian Homestead on Kaua'i. She is the founder of Malama Anahola, and she's actually a owner of LYC Construction Company for the last seven years. And so she has demonstrated a strong commitment to work with all homeowners that contractor to develop culture mitigation plans prior to the start of her projects. She has been able to mitigate a number of potential inadvertent discoveries of iwi kupuna in that manner, you know she's definitely demonstrated high level commitment and integrity to her kuleana. And she also, you know, through her work, has an understanding of land development, construction issues as well.

And that's it for the new bill positions I wanted to highlight, we did have two position changes I wanted to talk about. So first is HB546. This is on page 18, item 92. This used to be the Aha Punana Leo so we're supporting it. It was gut and replaced to be something completely different. So basically what it says is that Complex Area Superintendents in the Department of Education instead of reporting to the Deputy Superintendent, they have to report directly to the Superintendent of Education of the DOE. So we don't really have a position on that. We're recommending just monitoring this bill and self supporting as we had.

HB1311, this is a measure that would have provided for a watered down phasing historic preservation review process for the Leali'i Affordable Housing Project on Maui. We were originally opposing because of that watered down provision that could have inadvertently expose iwi kupuna burial sites to unnecessary harm. They took out that provision that we didn't like, so we're recommending just dropping our oppose and just monitoring this bill. And that's it for the new stuff, the action stuff that I wanted to talk about today. I'll just pause real quick to see if there's any discussion or questions about other bills or about the bills I just talked about.

Chair Akaka recognizes Trustee Ahu Isa.

Trustee Ahu Isa: Wayne, kalamai but going back to page 7, HR33. I'm sorry, I guess you discussed it already about the working group that Speaker wants to convene and the Muana Kea group. Is this the one where OHA submits a name, one name?

Public Policy Manger Tanaka: Yes.

Trustee Ahu Isa: And the other people submit how many names?

Public Policy Manger Tanaka: So there's 15 members on the working group. OHA has one representative that we directly nominate to the group, and then there's seven other positions for Native Hawaiians who are submitted, selected by the Speaker but submitted to the Speaker by Native Hawaiian organizations. We had some discussion about you know whether we should encourage folks to engage. Even though we don't like the reso. you know, there's all kinds of issues with the balancing and who's getting selected that it was still important for, you know, beneficiaries to try and take advantage of any opportunity they can to address the mismanagement of Mauna Kea.

Trustee Ahu Isa: The question is why only one when we represent hundreds of thousands of Hawaiian people? Why only one to this working group when Mauna Kea belongs to us? And how can he just say one to represent and then I think we submit names to him like seven and he picked one? I forget seeing that bill.

Public Policy Manger Tanaka: Yeah, there's seven that not us but other Native Hawaiian organizations would submit. I guess we could submit. So I think Sterling Wong is actually our designee. This you know it's already been announced. I think there's a news article or something about it.

Trustee Ahu Isa: Proportionately, it's really not fair to the Hawaiian people. Thank you, Chair that's all I wanted to say.

Public Policy Manger Tanaka: Okay, if there's no other questions, I'll just go run down our other high profile measures. So HB753, this is the school impact fee exemption for DHHL. It passed with amendments out of Ways and Means so we're still waiting for the SD2, so it'll probably go to conference, but it is still alive.

SB1121, which is on page 49, item 201. This would provide the general excise tax exemption to DHHL. It needs a hearing in FIN by Friday, by the decking deadline, but in the House Finance Committee, so unless it gets scheduled tonight, it's probably going to be dead. I think there's some concerns about ARPA, like the big Federal relief bill that President Biden just signed. There's a provision in there about states receive funds not being able to use those funds to offset cuts like tax cuts or revenue cuts. So I think there's some concerns about any tax cuts or tax credits being implicated by that federal legislation. And at least that's what seems to be the concern in finance, so we'll see, we're keeping an eye on it. Hopefully it does get a hearing. You know there are ways to work around that, and there's probably guidance coming out from the Treasury Department soon about what that provision in ARPA means. But again, unless this gets scheduled, it's probably going to die.

And then finally HCR76. This is on page 57, item 238. This is the Act 14 reso. to set up a working group to assess the status of Act 14, which is supposed to address the uncompensated and inappropriate use of Department of Hawaiian Homeland lands by the state. So it has a hearing I think tomorrow, yup, in Hawaiian Affairs and Water Land and then we're supporting this measure so we'll see what happens tomorrow.

Trustee Ahu Isa: Chair, can I share with Wayne what happened with the exemption of the general excise tax when I was in the House of Representatives and Jeff Stone wanted to bail out Ko'olina. He got 75 million in tax credits, exempting labor, supplies, equipment from paying GET, 75 million. Maybe OHA can do the same when we build.

Public Policy Manger Tanaka: Yeah, DHHL. This would be really helpful for them to allow them to. You know the funds they get from the state to build homesteads. It will let them use those funds to build homesteads instead of the state kind of recapturing some of those funds into the GET, which is actually a kind of a significant amount, like hundreds of thousands of dollars per development so. We're able to get folks to come out and support this measure as well. It's just a matter I think of yeah, certain issues with the current federal legislation that it's providing relief for COVID. And that's it for DHHL bills that are still in play.

So next couple ceded lands bills that are of concern. So SB2, which is a 99 year lease bill. That one has a decision making hearing right now, so we have staff monitoring that hearing to see what happens. HB902, which is its counterpart, passed out of Ways and Means with a defective date. So it's going to go to conference.

And then HB499, which is the lease extension bill. It would allow for 105 year leases of public lands and likely ceded lands. That is also just this morning passed out of Ways and Means with a defective date. So it is going to conference as well. So again, keeping a close eye on those, I'm trying to keep folks informed about the status.

In terms of historic preservation, there's one measure, HB497. This is the bill that says that counties can't require residential developments to seek advice from state agencies unless there's some kind of state law that says that they can do that. And so it really takes away an important mechanism where you know, like SHPD and OHA can kind of provide a double check to make sure that there's not gonna be inadvertent significant impacts on historic properties, iwi kupuna. It needs a FIN hearing by Friday. Again, it hasn't been scheduled yet when I checked last night, so unless it gets a hearing scheduled tonight for Friday, it's probably gonna die.

One resolution that's getting a lot of attention and support from the communities, SCR135. This would establish 2022 as the year of the limu, it just hearing today. So we submitted testimony in support. I think we testified in support as did a lot of other folks, so just giving folks a heads up that it has been getting a lot of attention. It would be really good, you know. We support it because we think that you know it's important to highlight both the cultural and ecological significance and importance of limu, which is often overlooked in land use and other decision making.

So jumping in criminal justice, SB1128. This is the Kawaihoa bill that would allow for the vocational training program they have for the youth there to be financially self sustaining. It's made it all the way to finance again, but again this bill needs to get scheduled for hearing by Friday otherwise it's going to miss the decking deadline. Unfortunately, last couple years this is what happened to the bill. It makes it all the way to finance and dies. Yeah, so we'll be watching for hearing notices tonight.

SB905, which is a copy and paste of our mental health bill from two sessions ago. It did crossover, but it hasn't had a hearing, so it's dead unfortunately.

And then finally SB1384. This is the other Aha Punana Leo bill. It needs a hearing in finance. So we'll be and I don't think a hearing was scheduled. Let me double check. I don't think the hearing is scheduled, so we'll just have to see if it comes out tonight. Yeah, oh no wait, no sorry it is still alive, it's passed with defective date so it's going to go to conference.

And then the last thing I wanted to talk about is GM861. I'm not sure if it's on the tracker, but this is the nomination for Sam Gon to the Board of Land and Natural Resources. To specifically fill the cultural practices experts seat. So that GM was actually withdrawn by the Governor. We did send a letter to the Governor and to the DLNR Director Suzanne Case to kind of express appreciation for the difficult decision they made to withdraw his nomination. We did note about our own concerns about Doctor Gon. We don't dispute that he is an expert in traditional customary practices as is required for that seat, but we did have some concerns about you know, the fact that he hasn't attended a Native Hawaiian law and public trust training course in the four years that he's been on the BLNR most recently. It also seems like he has to recuse himself in any decisions that involve Alexander and Baldwin because of their association with employer, which can be really problematic because of those decisions like the East Maui decision can have significant impacts on Native Hawaiian traditional customary practitioners and you know, also what it offers, knowing that it's so hard, it is really hard for the Governor to find volunteers to fill these roles that we offered to help the Governor find an appropriate candidate for the traditional and customary practices expert seat on the BLNR. We would basically use a similar process that we use to find and vet Island Burial Council candidates that we recommend to the Governor. But given you know this substantial amount of time and resources that we invest in this process. We we did request, you know, a good faith commitment on the Governor's end to choose from a list of candidates that we provide to him. So we sent a letter out I think yesterday. Yesterday so yeah, hopefully we'll get a response. I'm talking about talking with other internally also to about maybe following up with a statement of some sort. And and that's all I had for highlights.

Chair Akaka recognizes BAE Vice Chair Lindsey.

Vice Chair Lindsey: I apologize, I know we've gone past it a bit, but can I go back to SCR129 please.

Public Policy Manger Tanaka: Yes

Vice Chair Lindsey: So it's still a possibility this is going to be heard if I'm correct, if I understood?

Public Policy Manger Tanaka: It only has a single referral for a joint committee hearing, so Water Land and Higher Education needs to come together to schedule this reso. I mean the Chair of Water Land isn't, hasn't, I can't imagine her wanting to support this resolution, so I'd actually be pretty surprised if it does get a hearing.

Vice Chair Lindsey: Okay, I guess that answered my question. So if it were to pass and if the Governor and the BLNR were actually to take the action it's directing them to take, terminating UH's lease by the end of the year. What happens the next day or in the next hour if action were to be taken? Everything stops there, someone else manages it, like what's the effect of the action?

Public Policy Manger Tanaka: So the resolution, in addition to urging a termination of lease also talks about convening a I guess a collective of folks including the Mayor of the County of Hawai'i Island, the BLNR, the Governor, the Native Hawaiian community, including DHHL beneficiaries and other Public Land Trust beneficiaries to develop a new plan for the structure and management of Mauna Kea. I mean beyond that it doesn't really say what the plan would include other than the restoration of Mauna Kea to its natural state, and yeah. And the state and the county are urged to support that plan. Whatever plan they come up with.

Vice Chair Lindsey: Sure, but that doesn't answer the question of what happens the hour after the lease is terminated right.

Public Policy Manger Tanaka: I mean I could speculate about the kinds of you know, like I don't know if there's like legal challenges and so forth.

Vice Chair Lindsey: I'm just curious and maybe that's something that will come up later. Thank you, Madam Chair.

Chair Akaka recognizes BAE Vice Chair Lindsey.

Vice Chair Lindsey: I move **To approve Administration's recommendations on: NEW BILLS (Items 1-90) and BILL POSITIONS FOR RECONSIDERATION (Items 91-96), On the OHA Legislative Positioning Matrix dated April 7, 2021**

Board Chair Hulu Lindsey: Second

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

							2:27 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			
<i>VICE CHAIR</i> KEOLA	LINDSEY	1		X			
JOHN	WAIHE`E			X			
<i>CHAIR</i> KALEIHIKINA	AKAKA			X			

TOTAL VOTE COUNT			9	0	0	0
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MOTION: [] **UNANIMOUS** [] **PASSED** [] **DEFERRED** [] **FAILED**

V. NEW BUSINESS

None

VI. ANNOUNCEMENTS

Chair Akaka: Members, are there any announcements at this time?

Board Chair Hulu Lindsey: Madam Chair, I just want to remind our Trustees that we have a BOT meeting at 10:00 a.m. tomorrow morning.

Chair Akaka: Mahalo

VII. ADJOURNMENT

Chair Akaka: Can I please have a motion to adjourn the meeting.

Board Chair Hulu Lindsey: So moved.

Trustee Ahu Isa: Second

Chair Akaka: Motion has been made by our Board Chair Trustee Hulu Lindsey and seconded by our Board Vice Chair Ahu Isa. Can I please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA		2	X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
<i>VICE CHAIR KEOLA</i>	LINDSEY			X			
JOHN	WAIHE`E			X			

2:29 p.m.

CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

MOTION: 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.

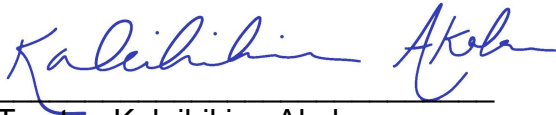
Chair Akaka adjourns the BAE meeting at **2:29 p.m.**

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 08/18/21.

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