

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

January 25, 2022 10:00 a.m.

ATTENDANCE:

Chairperson Kaleihikina Akaka
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
Kamali'i, Na'u / Chief Advocate
Ohta, Everett / Interim General Counsel
Aguinaldo, Arlene, IT
Santos, Dan, IT

EXCUSED:

Trustee Keola Lindsey

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Tuesday, January 25, 2022 to order at **10:01 a.m.**

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

MEMBERS			AT CALL TO ORDER (10:02 p.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
VICE-CHAIR	KEOLA	LINDSEY	EXCUSED	
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, **EIGHT(8)** Trustees are PRESENT, thereby constituting a quorum.

II. PUBLIC TESTIMONY on Items Listed on the Agenda*

Ron Jarrett: My name is Ron Jarrett, I'm speaking on behalf of the Association of Hawaiian Civic Clubs. I'm here to speak on a matter involving the US Army land lease retention issue as it relates to your agenda item regarding consideration of an OHA military engagement policy. We would like to encourage the Office of Hawaiian Affairs to have such a policy as it covers a wide range of Native Hawaiian land, water, cultural and sustainability topics that affects the lives of Native Hawaiians under the control of the Department of Defense. In particular, besides our wide ranging concerns involving Red Hill, we also have an interest in advocating for Native Hawaiians to be represented in the negotiations between the US Army and the State of Hawai'i over the US Army land lease retention issue. These proposed leases cover over 6,000 acres of land, some ceded lands and all former Native Hawaiian lands. We believe that if the Army wishes to retain these lands that Native Hawaiians must have a say and should benefit economically from such a transaction. At this year's Convention, the Association of Hawaiian Civic Clubs passed Resolution BQ urging the Office of Hawaiian Affairs and the Board of Land and Natural Resources to establish the Mākua Task Force as the lease for Mākua Valley is set to expire August 16th, 2029. As we know, Mākua Valley is part of those 6,000 plus acres I mentioned above. There is also Poamoho and two parcels in Kahuku on O'ahu and PTA on Hawai'i Island. We believe that our resolution ties in perfectly with OHA's consideration of a broader military engagement policy. We encourage OHA to have a military engagement policy and facilitate gatherings of Native Hawaiians together to address these critical issues. Thank you for your time Trustees, aloha.

Sydney Keli'ipuleole: Good morning, Committee Members. Trustees, my name is Sydney Kelly Keli'ipuleole, I am here to offer some perspectives on this agenda item regarding a policy for OHA engagement with the DoD/Military in Hawai'i. I speak with representation on behalf of the Native Hawaiian Chamber of Commerce, and a group you may not know the Native Hawaiian Advisory Council to the US Army Garrison, Hawai'i. I'm a member of both Boards and offer a perspective not about positions as Ron has stated with regard to various initiatives going on but wondering about how the military sees Native Hawaiian issues in Hawai'i. So number one, the Chamber had a few months ago, provided comments to the Army Training Lands Retention Initiative for the EIS process. We provided comments, we did not provide positions. So the wondering is, on behalf of the Chamber is what's going on? Where do these comments go? How does the Chamber of Commerce perspective fit into the process, we're wondering. The Chamber being a part time organization, we have no staff, we have no government person, we have no particular liaison that can follow this. Having the Office of Hawaiian Affairs be somehow involved as an organized representative of the Native Hawaiian community would be something we would very much welcome. So that's one perspective. What's going on? Who's watching how the military, how the DoD is treating, is receiving and processing comments from the Native Hawaiian community. Second, as I speak as also as a member of the Native Hawaiian Advisory Committee to the US Army Garrison, Hawai'i. We too as community members on the Council wonder to what extent does our Committee membership represent itself to the army. We feel like that we are maybe providing just a check the box perspective and would like to have the Army take us more seriously or at least take us and recognize that there is a process for us to provide our comments on the various initiatives that both the Army, maybe even the Navy and other services are taking for project initiatives in Hawai'i. Again, OHA having a policy to engage with the military, to engage with the DoD would be a step up for us at the Chamber, us at the Council, and perhaps all of the organizations that are not representative with a strong, organized voice in Hawai'i. Thank you, those are my perspectives that I wanted to offer on this matter. Thank you, Madam Chair.

III. APPROVAL OF MINUTES

A. December 8, 2021

Chair Akaka: Can I please get a motion to approve the December 8, 2021 BAE minutes.

Trustee Waihe'e: So moved, Madam Chair.

Trustee Akina: I second, Madam Chair.

Chair Akaka: Members, are there any changes to the minutes? If not, Brandon can 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		2	X			
LUANA	ALAPA			X			
BRENDON KALEI'AINA	LEE			X			
CARMEN HULU	LINDSEY			X			
VICE CHAIR KEOLA	LINDSEY						EXCUSED
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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

B. December 25, 2021

Chair Akaka: Can I please get a motion to approve the December 25, 2021 BAE minutes.

Trustee Waihe'e: So moved, Madam Chair.

Board Chair Hulu Lindsey: Second

Chair Akaka: Members, are there any changes to the minutes? Seeing none, Brandon can 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'AINA	LEE			X			
CARMEN HULU	LINDSEY		2	X			
VICE CHAIR KEOLA	LINDSEY						EXCUSED
JOHN	WAIHE'E, IV	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

10:13 a.m.

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

IV. NEW BUSINESS

- A. **Workshop: Policies - Series 2000 – Beneficiary Support and Services: Protect Ceded Lands, OHA Water Policy and Water Backgrounder, Policy on Protecting Iwi Kūpuna, International Engagement, Beneficiary Support Services, Advocacy, Collaborations with Other Agencies and Organizations, Repatriation, Housing, Wai, Iwi Kūpuna, Disaster Resourcing; and consideration of a newly drafted Military Engagement Policy.**

Chair Akaka yields the floor to Ka Pouhana Hussey.

Ka Pouhana Hussey: Thank you, Chair Akaka. Good morning again, Trustees. This workshop is intended to be the start of an aggregation of our organization’s policy work. Back in December, the Board approved the policy framework on the second reading on the 29th, and so what we have as an organization is a policy framework in which the number of policies that we have, I describe them as policy tiles. We will hang different policy tiles and the Board has already been engaged in significant policy discussion on fiscal policies, endowment, spending, investment, debt management, etc. and that work will continue. This workshop is to tee up other policies that relate to beneficiary and advocacy, and you'll see that policies already exist in the executive policy manual and we have drafted an additional complementary, what administration feels is a complementary policy for the Board to consider.

So process wise, this workshop and in the memo provided to the Board were some prompts that we asked the Trustees to think about in terms of are there any gaps in the policy? Are there any clarifications in the policy that's written? Are there any follow-ups before Administration harmonizes, aligns, puts it into the format and brings it back to the Trustees for approval. So with that, that's the context for today's workshop. It's what we have. You can see it's the continuing work of crosswalking the current executive policy manual into the

framework, and then with the intention of putting everything online so our stakeholders both internal and external, can clearly see the policy framework of the Office of Hawaiian Affairs. So with that I will stop and the prompt questions that are there, we also of course have Chief Advocate Na'u Kamali'i who has extensive experience in the policy of the drafted military engagement and has some unique perspectives. So she is here if you have any questions about any of the process, but the time is yours Trustees to provide your feedback. Administration will take notes to be able to frame and redraft accordingly and bring that back to you so no action today and the reason the policy pieces are being brought here is to take advantage of this time on this meeting in preparation next week will be the formal presentation of the package leg., you know, leg. just opened last week. There were some very exciting, interesting announcements as it relates to Native Hawaiian commitments by the Legislature, so the Advocacy team wants to be able to sort through and as you can imagine, over 2000 some odd bills, so we just wanted to let you know that today's session is a workshop on policy and next week there will be the full complement of that discussion on Legislature, just in case you're wondering where is it going to be in discussion. So with that Chair Akaka, I'll leave it open to Trustees for comments, questions to help guide Administration's drafting of future policy for the Board's consideration.

Board Chair Hulu Lindsey: Madam Chair, I think our Trustees need time to review this as we just recently got it. To revisit and brush up on what our present policies are and what is being added to it. So I would have, me personally would have a difficult time discussing without reviewing, so I think we need the time between now and when it's going to be in full discussion next week to know what we're talking about and review what we haven't looked at for a few months and maybe a year, thank you.

Chair Akaka recognizes Trustee Lee

Trustee Lee: Thank you, Madam Chair. Ka Pouhana, as I reviewed the packet over the weekend about policy gaps, I don't know if this is a gap per say, so if you refer to attachment 5, page 5-6. The second full paragraph down, housing development projects.

Ka Pouhana Hussey: Got it

Trustee Lee: Have we taken a look at this yet and does Administration or Kalani's shop have any recommendations to Trustees about this? Because as it's written, this could be problematic in the future. Right, housing development projects, site specific projects that involve the planning, design, construction and sale or rental of residential units, OHA's role would be to provide assistance in the development process rather than to develop a project on its own. Especially given, I mean based on this policy, weren't we kind of in violation of this policy during last year's leg.?

Ka Pouhana Hussey: That's a good point out Trustee, in terms of alignment, when the policy was adopted whenever this policy was, and then the current situation. So thank you for calling that out. That would be part of the alignment and harmonizing.

Trustee Lee: So have we flagged that or did it just get flagged?

Ka Pouhana Hussey: No, so that's been flagged as part of the overall policy work and the contradiction right that currently exists.

Trustee Lee: Okay, thank you, Madam Chair. That's really the only question I had after going through 100 pages of attachments that we got. That was the only one that really stood out that was an issue. Thank you, Madam Chair.

Chair Akaka: Mahalo, Trustee Lee. Members, are there any other questions?

Chair Akaka recognizes Trustee Ahu Isa

Trustee Ahu Isa: I'm reading Ed Kalama's, I don't know if this pertains to what's on the agenda, but I see in the agenda it says protect ceded lands. So this is a news release and it quotes Chair Hulu Lindsey. Somebody gotta correct this. Spectrum News, OHA Officials were unable for comment, but in a statement included as part of a draft document submitted to Spectrum News, Carmen Hulu Lindsey, Chair of OHA's Board of Directors, said the proposed legislation is meant to help the office fulfill its obligation to its Native Hawaiians. We're not board of directors, we are Trustees. Big difference, directors and trustees, fiduciary duty. So can somebody correct Spectrum News? Michael Tsai is the author. Mahalo, Chair.

Chair Akaka: Members, are there any other questions, comments regarding the workshop?

Chair Akaka recognizes Trustee Lee

Trustee Lee: Thank you, Madam Chair. So Ka Pouhana, on the agenda it says consideration of a newly drafted military engagement policy. So are we not going to review that today as a Committee?

Ka Pouhana Hussey: Administration drafted it to complement all of the information to consider in the totality of all of the policies. So it's part of workshop. When we bring back, you know the complement of policies, then we'll have that discussion, or that discussion will be available. If the Trustees feel that another workshop after time to Trustee Hulu's point, has been given to sort of, you know, consider all of that then that would make sense for us to bring back, but the discussion of feedback should be, you know, shared now so that we can consider all of that to bring back to the Trustees. There is a draft policy that's been there. Discussion can be had now in a workshop setting, yes.

Trustee Lee: Okay, so unless we have specific questions then we're not going to review it at all. We're not going to consider that now. I mean, I understand we're not taking any action which I guess we could, because the word consideration does infer action, but so unless Trustees have specific questions, we're done?

Board Chair Hulu Lindsey: Excuse me CEO, since this is a new policy I think it's a good idea that Trustee Lee thinks that we should discuss it because we should all be educated on it so we can think more about it before the next meeting. So I'm in favor of the discussion. What's included in this military policy? I even got a phone call from a beneficiary telling us it's about time that we have such a policy. So I'd like to hear more about it from your perspective.

Ka Pouhana Hussey: As we shared in the memo, as we looked at all of the policies and the top of mindness of military engagement, the land use and of course Red Hill. We looked through and really OHA doesn't have a policy on military engagement, so as Administration went through, OHA being involved in all kinds of, you know, ceded lands, the military and of course vestiges of the impact of Kaho'olawe and Mākuā and Barking Sands and all of that. As we call out, are very visceral matters for Hawaiians, and yet we don't have a policy and so this is why Administration brought forward a policy regarding engagement, not a position policy, right. Not a position on whether, you know, renew the lease or well and that's another clarification. It's not a renewal of lease, these leases expire, so it's not a position policy, it is a engagement policy. This is the policy of the Office of Hawaiian Affairs too and then we outline all of the alignments that need to be made right, whatever the engagement has to be beneficial to our 'ohana or mo'omeheu and our 'āina. It has to address that, so this is why the Administration brought forward a draft for that because we felt that there was a gap as it relates to that kind of statement.

Chair Akaka recognizes Trustee Lee

Trustee Lee: Thank you, Madam Chair. I just want to express caution, Ka Pouhana. I'm not against, you know, a policy per se about OHA's engagement with the military. But my caution is, by calling out a specific policy that says specifically about engaging in matters that affect Native Hawaiians, that in the future, when OHA tries

to engage with other entities with issues that are specific to Native Hawaiians, which our authority is vested in the State Constitution that others don't come back and say, well, you don't have a policy for that so you can't do it and what I mean by that is issuing new leases on ceded lands is absolutely OHA's responsibility. No question, Chapter 10 makes that explicitly clear. So do we need a policy to engage with the military on that? No, I don't believe we do because that is absolutely our kuleana. So again, I'm not saying I'm against a policy saying, but when we have to engage with the military because it's issues that are pertinent to Native Hawaiians, don't we have not only a fiduciary responsibility, but a legal responsibility to do that anyway, policy or no policy. So I just want to express that to Administration when they're working on this going forward, that my concern is when we start making policies that call out specific ways of engaging on issues that matter to Native Hawaiians, that later down the line when other issues that we cannot foresee today, just like there are issues that we're dealing with today that we could not foresee 40 years ago, that others don't say, well, you don't have a policy for that, so you can't engage on this. So thank you, Madam Chair.

Ka Pouhana Hussey: Madam Chair, could I just make sure I understand Trustee Lee's point?

Chair Akaka: Yes

Ka Pouhana Hussey: Trustee Lee, so make sure Administration thinks through potentially some unintended consequences or maybe some language that notwithstanding this policy, it doesn't absolve the statutory constitutional responsibility of the Office of Hawaiian Affairs. Consideration of that kind of broader language.

Trustee Lee: Yes, along those lines, Ka Pouhana because otherwise all of a sudden the Office of Hawaiian Affairs Board of Trustees are going to have to start having policies on every single different way that we're going to engage with issues or entities that deal with issues that have, we don't have a policy with dealing with Board of Water Supply, we don't have a policy with dealing with well, whatever, right. So yes, exactly that right. If we're going to have specific policies calling out the military, then why don't we have policies calling everybody else specific? So that's it, right. These are issues that are important. Well, they're not just important to Native Hawaiians. It's our fiduciary responsibility, right, this is our land. So do we need a policy to go and engage with them about this? No, they actually have to come and engage with us, we don't have to engage with them, they can't issue this lease without coming to talk to OHA. The Constitution makes that clear right, when the state did it back in 1959 that wasn't the case. Today, that is the case, they cannot issue a new lease without talking to us. The Constitution says we have to be at that table. Thank you, Madam Chair.

Chair Akaka recognizes Trustee Akina

Trustee Akina: Thank you, Madam Chair, I have a question for Sylvia, this is Trustee Akina. I'm taking a look at the first exhibit which follows page 6-7. Just following 6-7, there's an exhibit and it's called Department of Defense instruction and its subject is consultation with Native Hawaiian organizations. It looks to me as if this is a directive or a guideline from the DoD to the military instructing them on how to engage what they term Native Hawaiian organizations and I wanted to ask what the context or the relevance of including that in our briefing today is? What role does this play in the analysis or the discussion?

Ka Pouhana Hussey: Thank you, Trustee Akina and I'm going to ask our Chief Advocate to provide that context. Who actually was the author.

Chief Advocate Kamali'i: Just let me clarify, I wasn't the author, but ten years ago when this document was engaged, was created, I participated in that effort as well as the Office of Hawaiian Affairs. So in the creating of the instruction, which is, you are correct. It is likened to a very powerful law or guidance to the installation. So being that this is a workshop, guiding people through the instruction itself. First, it is authored by the then acting under Secretary of Defense Acquisition, Technology and Logistics. So it lies within the Department of Defense Office and then it has application to the installations which what we would know as Air

Force, Army, Navy etc. It does direct, it is not our policy with the DoD, but DoD's policy and guidance with how to engage with NHOs. They are the authors and they made the choice to engage with NHOs as opposed to the Native Hawaiian people. That's what their instruction is. So the definition of NHOs is within the document itself. It is not what we are commonly used to as a definition. It is the definition that they use, so it would behoove the Board to understand that. Note as well that this was created, consulted on i.e. this document was taken around the islands. OHA have participated at that time in facilitating the DoD to be able to consult on the document itself, having gone to different islands and got input from the Native Hawaiian people and others on the language and then it was approved and executed, noting that this was done in 2018. So well over 10 years ago and also not 2018, it was done in October of 2011. It was reviewed again in 2018. So knowing that this is still in effect and I believe it was looked at to be under review again, but for COVID. So that subsequent review is still pending. So when we look at the instruction itself, the reason why it sort of raises eyes with this. Why is this brought to this Board, it may not be known, but the Office of Hawaiian Affairs is written into the instruction itself. As a particular NHO and I had the page, I apologize, I went back in time. As a particular NHO that would assist the Department of Defense in the consultation. So what does that mean? Has it been invoked in modern times since its enactment? It has not. So as all these issues with regard to the Department of Defense rise, so does this guidance which provides policy and procedures to the Department of Defense. When to consult? Who to consult with? That's in the guidance. Are they following it for some of the issues that are involving our people? Well, I think you can figure that out when you read it yourself, but that's why it's attached. So as Trustee Lee raises the issue of is it necessary for specific policies with OHA as a state agency every time we interact with the federal agency, I think the way to raise that question is to put a policy before the the Board of Trustees, and if the Trustees believe that that is not necessary, then they can vote it down. If they believe that it is necessary, then they can vote to adopt. But I believe this is Administration's view to raise the issue in light of everything that is happening and that is what it is. But I did want to just. I'm sorry, I'm looking to see the policy. I didn't highlight it in the exhibit, but it is actually contained in the language within the consultation policy i.e. the Office of Hawaiian Affairs is specifically named. I don't know if that answers your question, Trustee Akina.

Trustee Akina: Thank you, Na'u, it gives me further understanding of the context for including the document, and if I understand you correctly, I think you're saying that this is not binding per se upon OHA, this is something from the DoD side framing for them, their protocols for engagement.

Chief Advocate Kamali'i: Yes, so any federal policy with regard to consultation, even the what we are many communities are familiar with which is the 106, which are not rise to the level of an instruction, but guidelines with regard to how to deal with iwi kupuna point and sacred sites. Those are all on the federal government side, so it does beg the question, if they decide to consult, what does the Native Hawaiian side look like and OHA is written into that policy. Are we bound by it? I'm just raising and I've raised with Administration that it is this and OHA is written into it. The politic at the time I can't say, I wasn't at OHA at the time. My concern was that it be fully consulted with by the people before it be adopted by the Department of Defense, so I was not an author of it as much as a critical of it. At the under secretary level, sometimes they write these policies and we have no idea that they're being written. So my wish at the time was that they take this policy to the Native Hawaiian people so that they are aware and have the opportunity to participate and comment to the Department of Defense in the DoD's drafting of its policy.

Trustee Akina: Na'u, thank you.

Chair Akaka recognizes Trustee Ahu Isa

Trustee Ahu Isa: Chair, before I forget because it's relating to Trustee Lee's statement and line of questioning. Can I speak before Na'u explains more to Trustee Akina?

Chair Akaka recognizes Trustee Ahu Isa

Trustee Ahu Isa: Kala mai, I just need to say that I'm going to get all mixed up then I forget what I'm going to say here because I'm a kupuna, sorry about that. Relating to Trustee Lee's (inaudible), I want you to be aware that there is a bill tomorrow being heard. This relates to the Military Engagement Policy. On Wednesday, January 26, Senate Bill 2172, if passed, will prohibit the State Department of Health from issuing any new permits for the underground storage tank. So this is dealing with the military. Was OHA involved? Did we ever get asked about this? Did we get asked about anything when we were in the Schofield land was given us. Junkie land, they don't want it. They gave it to Kamana'o, well OHA. Like Na'u explained, we weren't really, although we're supposed to be, but we weren't really asked to sit down to anything and now it's turn to the Legislature where they got to create a law. Submit a bill, create a law telling the military you better ask, prohibiting the state, and we're considered what, a state agency. So we gotta do this too? That's where I get confused, are we a state agency, we're not a state agency and people think I'm crazy, I'm always bringing this up. But yeah, it governs us and (inaudible). I'm just bringing this up now. I'm not complaining, I just want us to be aware there is a Senate bill that's really important, mahalo, Chair.

Chair Akaka: Na'u or Ka Pouhana, did you want to respond to that?

Chair Akaka recognizes Trustee Lee

Trustee Lee: Thank you, Madam Chair. To be clear, when the Navy put those tanks in place, not only did OHA not exist, the State of Hawai'i and the Department of Health did not exist. We were not a state. Those tanks started construction in 1943 and were completed in 1945. So my understanding of that bill is it's just a way to tell the Navy we're never going to let you do this again. If they were gonna put tanks in the ground again, unless it was on ceded lands or OHA wouldn't be consulted because that's not our, unless it's ceded lands or PLT lands, it's not our kuleana.

Trustee Ahu Isa: It's our water.

Trustee Lee: That particular one is water, but there are plenty places that they could put it that doesn't come near and don't get me wrong because I've heard twice already today people say something that is not what I said. I'm not saying I'm in favor at all of new tanks being put in the ground, ever. In today's technology there is absolutely no reason or necessity for that, none whatsoever. So I am not at all saying that, but the what was brought up was, well, we weren't consulted. Well we didn't exist then, this Senate bill is a way of telling the Navy we're never going to let you do it again because in order for you to do it, the Department of Health has to sign off of it and we're going to pass a law saying the Department of Health can't do that. So that bill has nothing to do with OHA or our engagement with the military, which I again, I am not against. I think we absolutely should engage with the military. We have a kuleana to do that. A large part of their installations and land that they use in the State of Hawai'i is our land, so we should be engaging with that. Thank you, Madam Chair.

Trustee Ahu Isa: I'm agreeing with you, we should, you're correct okay

Chair Akaka: Mahalo, members are there any other questions or comments? Seeing none, Ka Pouhana, Na'u.

Ka Pouhana Hussey: Trustee, as always Administration stands ready to have more detailed conversations, walk through the materials, take any reference materials that Trustees may have that you would like Administration to incorporate or consider when drafting and bringing back, and then we'll also look to the Trustees to let us know if workshops on specific things and generally Administration will approach it that way. We'll bring forward a workshop on the drafted policy, vet that before an actual action comes for that, so we'll follow that format, workshop and then actual policy action items for the Committees and then the Board to consider. That's it, thank you, Trustees.

Chief Advocate Kamali'i: May I add comments?

Chair Akaka: Yes

Chief Advocate Kamali'i: With regard to the instruction, during the pause I was able to find the reference to the Office of Hawaiian Affairs, which is on page 9. At the top of the page, under to whom to consult, read it as State of Hawai'i organization established to promote interests of Native Hawaiians, the Office of Hawaiian Affairs may provide the DoD components with up-to-date information, recommendations for appropriate contacts relative to particular proposed action. OHA may also assist the DoD components with consultation through dissemination of notices and announcements of proposed DoD component actions that may affect resources of religion and cultural importance to NHOs. So federal agencies, and we're talking about engagement. They will look to process and procedure. So this provides some process and procedure for them and allowing the as it says, the component to work with the agency. Doesn't say they can't work with others, but it gives clear guidance to the Department of Defense to work with OHA, that's all that says. The challenge in engaging with the military installation is process and procedure. In the absence of that, it looks like installations have different ways in which they engage with people with NHOs, with state agencies etc. and we all experience that. In the context of tribes, it's a little bit clearer in terms of how they are to engage with tribes. Not to say simply it is what it is, but it certainly it is a challenge, mindful of your comments Trustee Ahu Isa as to how we are to engage and what process or procedures we are to follow in engagement. With more clarity people are able to engage meaningfully, i.e., with meaningful consultation on the particular issue that is being raised to be addressed. I.e. in the case of Red Hill etc. That's all I wanted to add, to point out that this is where OHA is named in this particular policy, thank you.

V. ANNOUNCEMENTS

Board Chair Hulu Lindsey: Just our RM meeting at 1:30

VI. ADJOURNMENT

Chair Akaka: Can I please get a motion to adjourn this meeting.

Board Chair Hulu Lindsey: So moved, Chair

Trustee Ahuna: Second

Chair Akaka: It's been moved and seconded. Is there any other discussion members? Seeing none, Brandon can I please have a **roll call vote** to adjourn.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA		2	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'AINA	LEE			X			

10:48 a.m.

CARMEN HULU	LINDSEY	1		X			
VICE CHAIR KEOLA	LINDSEY						EXCUSED
JOHN	WAIHE`E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	1

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.

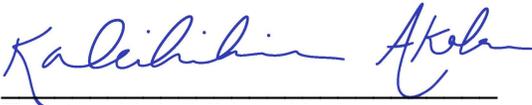
Chair Akaka adjourns the BAE meeting at **10:48 a.m.**

Respectfully submitted,

Handwritten signature of Brandon R. Mitsuda in black ink, written over a horizontal line.

Brandon Mitsuda Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on 3/1/22.

Handwritten signature of Kaleihikina Akaka in blue ink, written over a horizontal line.

Trustee Kaleihikina Akaka
Chair
Committee on Beneficiary Advocacy and Empowerment