

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

February 1, 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
Ozawa, Nietzsche / Interim Senior Counsel
Ohta, Everett / Interim General Counsel
Aguinaldo, Arlene, IT
Nakama, Erin, IT

EXCUSED:

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Monday, February 1, 2022 to order at **10:01 a.m.**

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

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

II. PUBLIC TESTIMONY on Items Listed on the Agenda*

U'ilani Naipo: Aloha Ka Pouhana Hussey, Board of Trustees and the Committee on Beneficiary Advocacy and Empowerment, mahalo nui for allowing me to provide testimony this morning. I'm testifying in support of the resolution supporting Community Based Subsistence Fishing Area designation and rules. I am U'ilani Naipo, lineal descendant of Miloli'i and the greater area of Kapalilua, granddaughter of Eugene Keaweiki and Sarah Capella-Kaupiko. My 'ohana, Kaupiko, Pohina, Kaleuna has always been populating the area of Kapalilua. 'Alae Haukalua Ho'opūloa, Miloli'i, Kapu'a and well into Wai'ōhinu. This morning I'm very excited, I reviewed the resolution again, and as I read each paragraph, I take a breath and that breath represents all the hard work that everyone has put forth from previous generations, as well as to other communities like Miloli'i who have worked tirelessly and put forth all their hard work to create communities, subsistence fishing areas like Miloli'i. We're very excited that OHA has taken this supportive stance with us, and then we we also have to mahalo the uncles that have done this before us. 'Anakala Mac of Moloka'i, 'Anakala Presley from Hā'ena and appreciate all the hard work that Kevin of KUA has done for us. After all has been said and this resolution is put forth and it calls out what it needs to call out and makes assertions on behalf of the lāhui, we're happy that OHA is making this resolution and announcing those that needed to be asserted out. The culture strengths of Miloli'i are within steep traditions of fishing practices passed down from generation to generation, most notably 'ōpelu fishing and the legacy ko'a that spans the entire coastline. Not widely shared, but these ko'a have name and those names in the kuleana to feed and care for these still remain with our families. These traditional fishing practices itself are the cultural identity for us, the people of Miloli'i. Our health and well being are reflected in the conditions of our ocean and its resources. In 1994, Community Based Subsistence Fishing Area was first defined and the definition of subsistence was noted as the customary and traditional Native Hawaiian uses of renewable ocean resources for direct, personal or family consumption or sharing. As stewards to the area of Kapalilua, Miloli'i has worked for many years to put forth our marine management plan with proposed boundaries and rules. On behalf of my 'ohana and the 'ohana of Miloli'i, we support your adoption of this resolution for our 'āina kūpuna of Miloli'i and the greater area of Kapalilua, mahalo nui.

Laila Kaupu: Aloha kakahiaka kākou. 'O wau 'o Laila Kaupu ko'u inoa. No Omoka'a a me Miloli'i mai au. Noho au ma Miloli'i, Ho'opūloa. E kama'āina wau no kēia wahi. My name is Laila Kaupu, I am from Omoka'a and of Miloli'i. I live in the Ho'opūloa housing lots designated for the relocation of families that were affected by the April 18th, 1926 lava flow that engulfed the entire village of Ho'opūloa. I am a lineal descendant of these places and more, but I am also an outreach kāko'o for the organization of Kalanihale here in Miloli'i, aloha nui. First off, I would like to mahalo nui loa Ka Pouhana, OHA Board of Trustees and OHA Committee on Beneficiary Advocacy and Empowerment for your space and time this morning in allowing me to share. I come from a long line of lawai'a where the never ask why, just watch and learn. Where the pa'a ka waha and hana ka lima was and still is one of the many values of life. We still live in these times, even though generations have passed on. It's the Hawaiian traditions, cultural practices, Hawaiian values, codes of conduct and the knowing what you're going to give back before taking. It is that in which the word subsistence is what we continue to thrive on and live by. The generational inheritance of stewardship to 'āina, not just the land, sea and all the inbetweens, but the care for 'āina that in which feeds. This is also my kuleana as a makua to feed 'ike and mo'olelo of people, 'ohana and place. To feed values and best practices to be that 'āina for my son, Pōhaku Kaupu. But I just gotta say in order for me to continue feeding, I too must be fed. Since 2018, I, along with some of the 'ohana of Miloli'i have had the privilege of diving deeper into these lawai'a pono practices of subsistence fishing. Through our Mohala Nā Konohiki Apprentice Program, it helps us to get educated and grow into becoming better stewards of the 'āina. All of which is done under the loving care and keen guidance of Uncle Mac Poepoe. Nui ke aloha wau iā 'oe e 'Anakala Mac, mahalo nui loa. I Laila Kaupu, and behalf of the 'ohana of Miloli'i support you adopting this resolution in the support of the Miloli'i Community Based Subsistence Fishing Area. To conclude, I would like to just mahalo, Uncle Presley Wann, Uncle Mac Poepoe and Kevin Chang for your continued effort and yes, for being here today and supporting us, but most of all, mahalo for all the hana hana and the foundations you have laid before communities like ours. Hā'ena, Mo'omomi, Kīpahulu,

Miloli'i and so much more yet to come. It really speaks volumes. Mahalo kākou, ke Akua pū, Kung Hee Fat Choy and a hui hou, mahalo.

Kevin Chang: Aloha Ka Pouhana, Chair Akaka and the BAE Committee of the Office of Hawaiian Affairs Board of Trustees. My name is Kevin Chang, Kung Hee Fat Choy. Kind of cool to be testifying on the first day of the year 4719. I'm the Executive Director of Kua'āina Ulu 'Auamo which means grass roots growing through shared responsibility, our nickname KUA or acronym KUA means backbone. We are created as a mechanism or a backbone by the communities who are all working on CBSFAs. In 2011, to serve as a mechanism to bring common communities together across the state, rural and Native Hawaiian communities working to mālama 'āina and uniquely this group we call Lawai'a Pono, working to forward community based fisheries through a unique state law, which I believe is an important mechanism for OHA to support because it is the only law I know of on the books that allows a community to begin to comanage and cogovern their resources in partnership with the state, and if the foundation of that law is traditional and customary practice and subsistence fishing management, so mahalo for taking up again this resolution. I was part of this process in 2014, working with Trustee Ahuna when the first community successful attempt to get CBSFA rules were passed for Hā'ena. I'm a proud former employee of the Office of Hawaiian Affairs, so I'm always grateful to be able to speak or meet with all of you. I stand on and stand behind, we stand on this testimony, stand behind the testimony of the community of Miloli'i and the others who will speak today to support their efforts to further grassroots growing through shared responsibility, and if you have any questions of the past history of this resolution, I'm available for questions. I would also like to add that I'm hoping soon that the community of Kīpahulu will also be moving forward a similar resolution for your consideration. Both communities, Miloli'i and Kīpahulu are currently working on passing rules this year, which will be not only significant to the Hawaiian community, but significant to our state, and as an example to the world of what indigenous people can do to care for our planet, mahalo.

Ka'uiki Lind: My name is Ka'uiki Lind, I was born in Hāna, one of the last generation to be born at the state hospital at that time. Other than that now the kids have to be born outside. I'm here to support Miloli'i's effort and whatever capacity you guys can to help them imua with their CBFSA and hopefully you can take into consideration our opportunity to apply for the CBFSA. We're two communities trying to pass the area as we see the changes in our community our villages. Again, we're off the grid out here in Kīpahulu, so this is Ka'uiki Lind, voicing support for Miloli'i to have their CBSFA and with OHA's support. Thank you, aloha.

Mac Poepoe: I'm Mac Poepoe, I'm from Moloka'i. I'm just part of, I guess the engineer for this CBSFA back in 1993 when Governor Waihe'e was in office and he wanted to know the needs of Moloka'i and so it's kind of like how it got started from the office of DBEDT at that time, I don't think they get that anymore. But there we came together to look at the needs and one of the needs was subsistence and I just like kind of emphasize a little bit more on subsistence because, you know in the state fishing rules and regulations they don't recognize subsistence fishing, they only recognize commercial and recreational. So it's really important that the subsistence fishing be part of the equation not to stuff it under a rock like everything else that used to be Hawaiian and not anymore. Subsistence is really important to us like everybody else has said earlier. The other thing that I like touch on is CBSFAs is about the people and their places and if you recognize like Miloli'i, they're off the grid too just like Kīpahulu. So we have communities that are isolated and pretty much occupied by families that came, you know from generations before and continue to this day. So their way of life continues. In the way of the people that came before them so I think it's really important that we understand all this and I don't need to say I support this because automatic, yeah. It's more important for the people that don't understand it and we need to kind of like get moving on this because even the Governor he like do his 20 by 30 thing and they're still looking for answers. None of the answers lie within this way of managing our resources, so I like stop right there hopefully we got a good idea of what we're talking about here. So mahalo for listening and mahalo for having me over here.

Healani Sonoda-Pale: Kung Hee Fat Choy, hello everyone, thank you so much for allowing me the opportunity to testify. Dear Chair Akaka and members of the Beneficiary Advocacy and Empowerment Committee, OHA was created from the 1917 Hawai'i State Constitutional Convention and mandated with bettering the conditions of both Native Hawaiians and the Hawaiian community in general with funds from your pro rata share of revenues from the state lands designated as ceded. Since then, OHA has been the representative voice for the Kānaka Maoli community on various levels. Ka Lāhui Hawai'i Kōmike Kālai'āina sees the need for a strong voice at the Hawai'i State Legislature right now because of the direction that legislative leadership is headed when it comes to the future of ceded lands which makes up the corpus of the public lands. The majority of the lands held by the State of Hawai'i are ceded lands or Hawaiian Kingdom crown and government land. Professor Williamson Chang stated in a lecture given on October 1st, 2014, entitled Hawai'i Ceded Lands in the Ongoing Quest for Justice in Hawai'i, that the joint resolution of annexation was incapable of acquiring these Hawaiian Kingdom public lands. Despite this analysis, the former crown and government lands of the Kingdom of Hawai'i were illegally transferred to the US in 1898 and as a condition of statehood, was transferred to the State of Hawai'i, to be held as a public trust for five purposes, including the betterment of the conditions of Native Hawaiians as defined in the Hawaiian Homes Commission Act of 1920. The Admissions Act further states that any other object besides the five purposes, shall constitute a breach of trust for which suit may be brought by the United States. Ka Lāhui Hawai'i Kōmike Kālai'āina has concerns over the use of these lands outside of the five purposes set out in Hawai'i State Constitution and actions that could be interpreted as land grabbing, especially when the claims of the Kānaka Maoli people to 1.8 million acres of these lands and our sovereignty over them have yet to be settled. The Apology Bill, aka US Public Law 103-150 passed by Congress and signed by President Clinton in 1993, recognized that the indigenous people never relinquished their claims to their inherent sovereignty as a people or over the national lands United States, and that the Republic of Hawai'i also ceded 1.8 million acres of crown, government and public lands of the Kingdom of Hawai'i without the consent or compensation to the Native Hawaiian people or their sovereign government. When it comes to the ceded lands, Kānaka Maoli claims have not been quieted. With that in mind, here are some measures dealing with public lands that have been introduced and have had hearings or have upcoming hearings at the Hawai'i State Legislature. Senate Bill 2068 transfers out public lands, aka 5F lands, aka stolen Hawaiian Kingdom crown and government lands from DLNR and allows for the extension of leases for agricultural purposes quote unquote. Senate Bill 2251 paves the way for 99 year leases of ceded lands. Senate Bill 3375 repeals the requirement for the Board of Land and Natural Resources approval for lease extensions in the Hilo Community Economic District requires the Department of Land and Natural Resources to use the current tax assessed value in offering these extensions to lessees. These measures are concerning and should be concerning not just to the Kānaka Maoli people, but to OHA, and we urge OHA to take a strong stance in opposition to these measures and to take strong opposition to any measure that seeks to transfer these stolen Hawaiian Kingdom crown and government lands out of the Department of Land and Natural Resources, or seeks to allow for 99 year leases of these stolen lands. The only people who should be having 99 year leases are Hawaiian homesteaders, not corporations, not for profit entities, not anyone outside of Native Hawaiians or Kānaka Maoli. Lastly, I just wanted to and this is not related to that agenda item, but I wanted to put in my two cents about the nomination for the now empty seat for Hawai'i Island that has been recently vacated by Trustee Keola Lindsey, Ka Lāhui Hawai'i will be nominating in writing, we will be nominating Paul Neves and we will be nominating Mililani Trask as a replacement for Keola Lindsey. We are supportive of those two to replace him.

Both are residents of Hawai'i Island and I know it's your choice and I urge you Trustees to please do not leave the choice of the next Hawai'i Island representative for the Board of Trustees to our Governor, he has shown us time and time and again he does not have the best interests of our people at heart and we should stand together and I hope we can get the minimum six votes to nominate someone pono, someone that you choose to be in this seat. Even if it's not who Ka Lāhui Hawai'i are nominating, we plead with you to please consider the fact that we really need you to step up to the plate and come together as one and choose someone pono to fill that seat. So I wanted to just mahalo you for the time and I just know that we say this with aloha and with respect to all of you, mahalo.

Scott Crawford: Aloha Trustees and Members of the Committee, mahalo for the opportunity to testify today.

I'm testifying on behalf of the Kīpahulu 'Ōhana. Following up, just supporting what Ka'uiki Lind had shared earlier. Kīpahulu 'Ōhana and the Kīpahulu Moku have also been working on a parallel track with the Miloli'i community regarding the development of our Community Based Subsistence Fishing Area proposals, designation and rules packages and we've been working for years with the appreciating support of the Miloli'i community for our own efforts and providing our support for their efforts, learning a lot from each other, seeing the hard work that they're doing within their community to develop their plans and develop support in their community for the plans and taking some of the things that they've done as seeing those as really good ideas that we've incorporated into our own efforts. We just really support their work, support the end goal of not just the designation or the implementation of the rules in the CBSFA, but the real practical implementation of these through the understanding of the community of the reasons behind the rules and why these are pono practices that you know within the best tool that we have available under the state law to protect cultural practices and Hawaiian lifestyles is the Community Based Subsistence Fishing Area model. So we really support Miloli'i's efforts towards this, having these rules put in place and we encourage the Office of Hawaiian Affairs to adopt a resolution in support of the Miloli'i community's efforts, and as Kevin Chang expressed, in Kīpahulu we are also moving forward with our own efforts seeking to get our designation in place this year where we've been working on it for almost 10 years now. But we're close to the end and you know, we're ready to really move through the final steps of that process. So we will be coming back to the committee seeking the support of the Trustees for a similar resolution on behalf of people Kīpahulu Moku as well. So mahalo for your support for Miloli'i and for Kīpahulu and all of our communities who are seeking to use traditional Hawaiian knowledge and cultural practices to manage the resources in their areas for sustenance, for subsistence and to pass on that knowledge and those practices to future generations, mahalo. Brandon, please have the name of the next step.

Maile David: Aloha kakahiaka and Kung Hee Fat Choy to everyone, Honorable OHA Board and Board of Trustees. My name is Maile Medeiros David, Hawai'i County Councilmember representing the districts of South Kona, Ka'ū and portions of Volcano Village. I have been a participant in some of the scoping sessions for Miloli'i Fishing Village CBSFA and I am privileged to continue my advocacy. Mahalo a nui loa for the opportunity to convey my support of OHA's Committee on Beneficiary Advocacy and Empowerment's resolution that reiterates and renews its initial resolution adopted in 2014 that supports culturally grounded Community Based Subsistence Fishing Area designations. As a Native Hawaiian of Kona, I have witnessed cultural resource areas that historically sustained generations of Kona 'ohana disappear. I strongly believe it is the duty of decision makers to do everything we can to minimize impacts to our cultural resource areas and to protect and perpetuate the constitutional rights of Native Hawaiians. Miloli'i fishing village is an excellent example of a living cultural resource area where generations of 'ohana continue to engage in traditional and customary practices to sustain their families. Establishing a CBSFA for Miloli'i Fishing Village and surrounding areas are critically important and necessary to perpetuate these practices and malama these significant cultural resources. Adoption of this resolution by the Honorable Board of Trustees of OHA will send a positive and hopeful message to our people who have endured generational challenges and loss of critical subsistence areas. I also wish to express my sincere mahalo a nui loa to Kevin Chang, Uncle Mac Poepoe and Uncle Presley Wann for their insight, dedication and contributions in formulating and supporting CBSFAs. CBSFAs begin the critical process of healing, revitalizing, preserving and perpetuating our unique and special cultural resources and more importantly, our traditional and customary practices. I humbly request your favorable consideration and continued support of CBSFAs and especially of Miloli'i Fishing Village. Mahalo a nui loa, aloha and a hui hou.

Ka'imi Kaupiko: My name is Ka'imi Kaupiko, I am the Director and Founder of Kalanihale. Kalanihale reflects a special place in Miloli'i where 'ohana can surf, feed the fish and the reef and to respect the abundance of this place we love. We're the organization pushing forward our CBSFAs with completion and adoption and allowing our 'ohana, the kahua, to manage this place and the spaces to fulfill Ke Akua's preference of this space here on earth. Our mission is to provide the educational, environmental and cultural well being of our community. Our vision is for Miloli'i to be and South Kona to be a thriving fishing village for the communities with a healthy environment of an abundant marine resources and successful families that have a strong sense of place and

identity, pride in their Hawaiian culture and a healthy quality of life, socially, economically, and culturally. Our work is a reflection of who we are and what we are. Tomorrow we envision a better Hawai'i, a vibrant place that is abundant, healthy and thriving. We commit to that vision of our people and 'āina. Today, I reflect on the resolution to reaffirm Miloli'i's commitment and relationship to the resources that have provided the feeding, to feed our family for generations. Miloli'i CBSFA is 18.6 miles of pristine coastline in Miloli'i and its surrounding areas. Our traditional practices have provided our family with food and a source of livelihood for as long as I can remember. We humbly ask that the Board supports our work today. For my entire life and the life of my forefathers, we have fished and protected and preserved the ancient practices. My dad has taught me my whole life the importance of this place and have caused me to advocate for all things that pertain to this place. We have for the past 15 years carried the torch to work and to build this entire process for our proposal and if it was not for those families that live in Miloli'i that continued the practice, we would not be here, but I am blessed to stand here on the precipice of the resolution, and hopefully the adoption of our rules to allow Miloli'i people to manage this precious place. Our deep relationship to the research will not be deterred, for we will carry on this practice as long as we live. We thank those who have come before us, that have left us and they continue to inspire and to be the first of who we are. I also thank all those that are supporting and helping us from all the different communities. Current and past, specifically Hā'ena and Uncle Wes, Uncle Mac Poepoe from Moloka'i, he's our kumu, and for Kevin Chang with KUA. We thank you all and for all the support, supporting our inherent right that will allow us not only to, in the present, but also for the future generations that believe we should do their fishing practice. In closing, mahalo Ke Akua, Ka'imi Kaupiko, mahalo.

IV. NEW BUSINESS

A. Action Item BAE #22-01: A Resolution Supporting Community Based Subsistence Fishing Area Designations and Rules at Miloli'i, Hawai'i

Chair Akaka yields the floor to Ka Pouhana Hussey.

Ka Pouhana Hussey: Thank you, Trustee. I will invite Shane Nelson as well as Kama to be able to share the overview with Trustees.

Trustee Aide Hopkins: Aloha Madam Chair, Trustees. Kama Hopkins for the Board of Trustees, Hawai'i Island. On behalf of Trustee Keola Lindsey as well as our Hawai'i Island team and staff and our community from Miloli'i. We really wanted to thank all of you today, Chair Akaka for allowing this resolution of support to come forward. You know, it has been a long time coming. We've heard testimony from different community members, not only from Miloli'i, but from Maui and others you know, to share in their support for this endeavor. The resolution itself is self explanatory. For those of you that were able to read through all of it, we hope you saw the depth of support really that the community has for its own work and its own management of the fisheries in their area of Miloli'i, rather than go through the whole entire reso. we just wanted to share our own support as employees of OHA, but also people who have family out in that area of South Kona and especially Shane, who is 'ohana to those that are in Miloli'i. If any of you have any questions I'm going to turn the time over to Shane to allow him to share his mana'o, but Shane and I are here and we want to send a special thanks to our Chief Advocate Na'u Kamali'i, who also joined in on this on the rounds of meetings with us to help bring this resolution forward and as well as Kevin of KUA for really sticking in there and helping our community to get it to this point. But most importantly Trustees, we want to thank our community, our people from Miloli'i. Without them, this effort would not have come forward at all. At this time, I'd like to ask Shane to share his mana'o.

Shane Palacat-Nelsen: Mahalo, Kama, Chair Akaka and Trustees. Mahalo nui for allowing me to provide a little bit of insight. The community in Miloli'i has gone through some major changes like most of our rural

communities, particularly the fishing ones, dealing with commercial fisheries, also being in remote areas off grid as you heard through some other testimonies. And it's not about addressing the hardships, but it's about addressing lifestyle to me and so, as I spent about four years going down every month, talking stories, even bringing some of other Trustees down at some point with Kama, spending time with them, they've been working hard for the past I think 10 years in trying to come up with their plans, their visions and their documents and even pushing forward within the last five years in advocating support for their CBSFA. As I stood next to them going through this process, I realized how much work the average Native Hawaiian has to do in order to understand the policies, the procedures, and everything that they have to go through just to get traditional and customary practices recognized and implement it, and so I hope that through this resolution which I worked with the community on as well to build some of the language, some of the initial language in there, aside from using some of the ones from Kevin Chang. I'd like to mahalo our Miloli'i community for stepping forward and working so hard and trying to advocate their positions. But most important, recognizing the Office of Hawaiian Affairs as an advocating agent as well to support them, and so I'd just like to give a little bit of update, nothing real fancy or big, but if you guys have any questions I'm here to answer any type of questions right now.

Trustee Aide Hopkins: And one last thing, Chair, before we entertain any questions. There is a time sensitivity to this resolution and in the coming week or weeks we hope to also entertain a resolution of support for the community of Kīpahulu for their CBSFA. We believe that the public comment period for these applications will be coming up soon, definitely within the first quarter of this year. So in order to be prepared, we would encourage Trustees to pass the resolution so that as soon as the public comment period opens, OHA can be right in there sharing our support for the applications for Miloli'i, as well as Kīpahulu when it comes forward. Thank you, Madam Chair. Shane and I are here to answer any questions that you may have.

Chair Akaka: Members, are there any questions?

Chair Akaka recognizes Board Chair Hulu Lindsey

Board Chair Hulu Lindsey: I just want to make a motion that the Board of Trustees BAE Committee approve a resolution supporting Community Based Subsistence Fishing Area designations and rules, Miloli'i, Hawai'i.

Trustee Ahuna: Second

Chair Akaka: It's been moved and seconded. Are there any other questions or comments members? Seeing none, Brandon, may we please have a **roll call vote**.

							10:48 a.m.
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'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
JOHN	WAIHE`E, IV			X			
<i>CHAIR</i> KALEIHIKINA	AKAKA			X			

TOTAL VOTE COUNT			8	0	0	0
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MOTION: [] **UNANIMOUS** [] **PASSED** [] **DEFERRED** [] **FAILED**

B. Presentation by Administration: 2022 State Legislative Session Update

Chair Akaka yields the floor to Ka Pouhana Hussey.

Ka Pouhana Hussey: Thank you, Chair. I’m going to immediately toss it too Na’u and she will walk the Trustees through the presentation and discussion and decisions.

Chief Advocate Kamali’i: Aloha e Board of Trustees, Chair Akaka, Kung Hee Fat Choy, Happy New Year. We all come with a little something sometimes and I happen to have Chinese, so it’s a very good day for me in that respect. The presentation today is going to be rather diverse in the sense it will assist the Board to understand perhaps where Advocacy is headed and Casey is going to assist with the presentation. But I want to say generally that we’re looking at systemic stability, utilizing technology and moving from what is about the advocates to community advocacy and the presentation prior is a stellar example, mahalo nui to the community of Miloli’i and those who worked on community based fishing areas, as in the western designation, for bringing their concerns, policy concerns to the Office of Hawaiian Affairs in asking us to support their effort by way of a resolution process. So that is one way in which policy is working with community at the same time the obvious is that there’s legislation but also ongoing is our work with the Congressional Delegation with the White House. And this is not the work of the the team that is in DC. This is the work of all the policy advocates, whether their community based, whether they’re policy sitting more generally as public policy advocates, because policy developed in those areas affects us at home, including Papahānaumokuākea, Mauna Kea, those larger efforts that have crossed jurisdictions of state, federal and I mentioned the White House, which is the administration. So in that context, we will present where we are at, at this point in time with the Legislature.

I want to start with, if that’s possible, if we could bring up the OHA website. We have worked and attempted to redesign the website so that it is more engaging and more user friendly. So if we look at the “our role section,” that tab there, which brings us to Advocacy. This part of the web page was redesigned so that it can be a tool for our people to testify. As you scroll down through that, you see that there is the clicks to the Capitol, clicks to the Legislature. But if you’ve never engaged and if you’re motivated by what we’re trying to do with the Public Land Trust and engage our people to speak to the Legislators, the policymakers regarding those funds that are due or past due. They have to know how to sign up. So we’ve put these YouTubes in there. If you Scroll down some more, how to submit, how a bill becomes law. Those are tools that we will continue to integrate within social media to the extent possible and I know that already the hashtag pass PLT has included, for example, the short video with regard to the PLT legislation, but also as you scroll down. More importantly, we have areas of advocacy that OHA has engaged in, and those areas will continue to grow. Continue to be a resource, for example, just looking at Miloli’i you know we have Hawai’i Island, we have Maui, we have those who want to learn from others who have engaged in policy. This would be an area where we could expand not just the Public Land Trust, but other areas where we could expand and continue to use the website as a resource. I.e. expanding the systemic stability within technology. Also, as we go through the resources, there are common links that our people, I do, I would love to use our own websites as the first go to, which is again the Legislature, but also DLNR, DHHL, SCHHA the Homestead Association and what is happening at the county level. So as we get more feedback from our community, we can continue to redesign it so it becomes a place that can facilitate our beneficiaries participation in advocacy. So it’s not about what the advocates have done. It’s about

what the advocacy for the hana ka lima or the work that needs to be done and how we can best facilitate that with our people.

There's also section on the OHA Legislative Package which highlights the PLT status. I want to note that and you can click on the SB2122, we're trying to make it more interactive as well, so we have the SB2122 which we have testified on, the House version 1474. When you click on at 2122, it will take you directly into the State Legislature. So the thinking here is that with the Advocates that we have in house, it becomes an insurmountable task to track and be up to speed on over 3000 bills. So in using technology, those who get into it can see the real time status of the bills. To the right we see testimony. Now this is important because as you click on the testimony, not only will that include OHA's testimony, but it also includes testimony from those who might oppose from other agencies. So to our Trustees, you can use this tool to get in and see what's happening, what DLNR's position is etc. When your constituents ask, this is how you can resource it. I would say it is probably a much quicker way to get your answer from the primary source. If you've got it through us or the secondary source, and sometimes it's a filtered source. So you can look at that and you will get the primary source, not to foreclose the ability to talk to us and see what a strategy might be or what the mana'o is on what somebody is presenting, but this is about getting access to the materials quickly and first hand. In order to have a done this, I cannot thank enough our Communications Department, Alice and everybody there who's worked hand in hand and also Nina Ki who took the lead on this effort. Our Public Policy Advocate, who unfortunately will be leaving OHA, but this was the thinking.

You'll note that we testified on 2122. There's the other bill, that HB1474. So by putting the bills side by side, you can click on it again. You can see that there's referrals, but there is no hearing yet. So when we have companion bills like this we're having to track both houses and they crossover or they die and there's just one bill, so this will be available to Trustees as well to see where one vehicle, where the status of one vehicle in the House is and the status of the other vehicle in the Senate. Particularly in our package bills are all important, PLT Bill. And then also scrolling down there are you know, this was electronically the representation of what was in Ka Wai Ola that people can get into if they don't receive Ka Wai Ola. Also scrolling down, the quick video regarding you know, getting everybody to come out quickly. What is the PLT bill and then also presented by Everett, the Public Land Trust Bill gives more of an understanding of the numbers behind the bill. So the idea this year is to facilitate advocacy so that our people can get in there, get the information and engage and it's a working process. We get feedback, we will improve, but that is where we're headed with this.

So the other idea is under state advocacy. You see "Eō! Let Your Voice Be Heard!," but you also see "STAY TUNED More information about OHA's positions this Legislative session coming soon." With a little bit more work and up to date referencing, the idea here is to actually include a representation, a form of an Excel spreadsheet. The other question that comes in quite a bit is hey, what's OHA's position on this? Well, technically if we just post the position and there's a hyperlink to the bill, not only do they get the position, but they immediately get the status. That has yet to be inserted, why? Because we haven't had a vote yet from the Committee, so when that happens as we come to Committee each week, the idea is that the positions will be updated to as best they can, which is not real time. But at least it will facilitate our people to not only understand the position, but also to engage with the Legislature on their own position, that would be a policy dream if everybody jumped in and told the Legislature what they thought about OHA or about the Legislative position, whatever that is. The engagement and policy is advocacy, as opposed to what are the advocates doing. So that is the intent there.

Moving forward, we'll go to where we are at. I don't know if this is a time to pause about this, but hold your questions. If you have questions, certainly to answer Chair, I don't know if this is the time to engage, but if not then I will roll or move forward with the matrix itself.

Chair Akaka: I see no discussion from Members.

Chief Advocate Kamali'i: One more thing, there was a little thing that said stay tuned and you fill in your name. That populates last from our Communications Department. There was a thing that you have to fill in on the side and you fill in your name and you fill in your email address. That goes into a databank and it is a way for us to blast what are the critical notices of hearings. So for example, if we got the next hearing date and time on the PLT bill in WAM, we could immediately give it to communications who could put it out in a blast. So that's another tool that's available on our website.

We can go to the matrix itself. So in looking at the matrix, I talked to Trustees, other OHA staff members. I myself, my experience with the matrix as a new employee and that's only been here a couple of months, so this is a tool that I was to use. Honestly, I didn't quite understand it initially, but as I use it, I come to understand it more internally for the advocates, for the BAE and for the community at large. In doing so, there is a lot of information to filter through. It is filtered through a software package that OHA uses and that package is able to develop spreadsheets. The spreadsheets and what we highlight, whether it's the bill number, the report, description status, referrals and position. We do a little bit of cleansing to make it relevant. So that's what this reflects, at least just initially. Also, if you look at the bottom of the page. Now this is to reflect some of the consideration. If we look at the bottom there are sheets there that can be broken out to make it easier for you to see and find, i.e. distinguish. The old school would be 65 pages with a tabby right, a little post tabby to find out what pages has OHA's position. Electronically, moving to this we can click on the sheet. So we'll click on it and these are the OHA positions. What does that mean? Well, distinguish from what we're looking at, what we're monitoring. So trying to distill it further for you, positions that you support, that you oppose, that we comment on, there are many other positions that we take, but those that rise to things that we will likely issue testimony on or trying to break it out for you so that you can click on it and it's more user-friendly. Additionally, in the OHA positions you'll see a little pink highlighting on the side of one and two. Those are the OHA package bills. There will be a sheet break out for the OHA package bills, probably by next Board meeting all of that will be done, but it's a work in progress, so right now it's identified, then it'll have its own sheet on the bottom.

We broke out OHA named bills. That's where bills where OHA is named to do something or another and you know, that's how that's broken out. And then after we have our BAE meeting, we have approved positions and that would be blank because the approval hasn't been made. What happens if a position changes? There will be an additional sheet which shows the reconsideration process, i.e., what might be something that's monitored that becomes something that is supported or something that was supported, it kind of falls off the page and it's just something we want to comment on. All those changes are available. This is just to help us see what we're doing and what was done. Now, obviously it is old, the minute it is created and it's constantly being updated. So that's what we're doing all the time. So I do want to address and mahalo and thank our community, Healani, her testimony for example, she's not the only one that's calling us and saying, hey you guys forgot this bill, or that bill. Mahalo to the community for being additional eyes for things that the limited staff we have are able to see and certainly those bills that were highlighted in community testimony and testimony today, they will be added to the list, absolutely, 2068, 2251 and 3375 rise and the band of the advocates that we have, because we have a staffing issue will do their best to be there, and certainly it's risen so to submit testimony. So please encouraging those who are watching send emails to publicpolicy@oha.org, you could send it to me at nauk@oha.org, or any of the other Advocates so that we can keep this current and we can keep the advocacy at its highest level, elevating it so that it's pono and we do the best job for our people. I will say on the outset there are a lot of Red Hill bills and resolutions that did not make this version of the BAE matrix. We are putting them all together, there's quite a few so they're being distinguished, obviously to support and oppose mostly support what is going on, but the the distinguishing is in process. It will be on the list next on the 8th when we come, which means it will be on a list presented to the Board in a couple of days. So that is just the the presentation of the matrix itself.

I had thought as a way to proceed, is just to go through what the positions are. This being my first, so to speak dance with the matrix and the BAE board. Is that Chair what you would like to do at this time or entertain any questions?

Chair Akaka recognizes Trustee Lee

Trustee Lee: It seems like Chief Advocate Kamali'i is asking for a little guidance, so given that no one else is speaking up, in the past, even though this matrix is small compared to what's out there, right Na'u. What the Advocacy team is seeking from the Committee, which will then rise to the Board on Thursday, is our approval to either support, comment or not support bills at the Legislature. Resolutions as well, but even if they're on the matrix, we don't normally discuss them right now because they're not timely. Resolutions aren't going to come before a committee till much, much later on. So basically what they do is they just take us through the matrix, not necessarily page by page, but they highlight the things that they need approval on. So maybe they'll go through all the bills that have OHA named, and then they'll go through all the bills that they're asking for the Trustee's approval on. So just calling out bills that we're supporting, and bills that we're commenting on, and bills that we're not supporting and then after that, if there's anything that we're monitoring that they feel are important that the Trustees just should have in their mind because later they might change to support or we might actually take a position on, they'll pull those out and then that's it. So it's not necessarily going through every single measure that's listed on the matrix in front of us. I hope that helps.

Chief Advocate Kamali'i: Yes it does, thank you, Trustee and that in listening too I can imagine if we went through everything that's in the all positions category, which includes those that are being monitored, it would take a while and when we broke out to the OHA position and inclusive of those that we hear that did not make that list to the extent that they can be approved, I would just speak to it and I'll leave it to the Board and Admin to determine what a motion might look like. So I would take you where we are, which is the OHA positions and we can go through it.

The two that are highlighted, one and two, those are our bills. So the position of support, not to waste your time, but these are our bills. I'm assuming we can go through it, which is number one, the Build Back Pono. It's gone through this Committee many times. You're familiar with the language which you approved as well as 1474, which is the House version of our bill, support. The next one, relating to regenerative tourism, 1508. There is a provision, or there are provisions in that bill which speaks to culture preservation and in that regard our position is to support. Now the other thing that is really good about this as I'm talking to it just by way of example, this is a short bill so try click on HB1508. When you look at it, there's a little interplay. Some of the bills you want to see right away, you can click the bill number, HB1508, so if I were controlling it, scroll down a little bit, you can see the actual language. I'm going to summarize, so this is the actual language I'm speaking to you can see the cultural positioning there. This is what the advocates are reviewing and the time during which they decide that we have to support this. So if it's all right with the Committee, not to go through that detail, but to know that that resources is yours or do you want me to go through this detail with this bill, for example, this is the actual language of the bill, and this is why we're supporting it. Okay, we can go back to the matrix. In summary, it's because it deals with Hawaiian culture preservation.

Alright next bill, which is a bill which eliminates the monetary bail and requires defendants to be released on their own recognizance for traffic offenses, violations, etc. This bill addresses the nonviolent crimes and often are people who weren't able to make bail were held at OCCC until they're hearing. The idea of this bill is for nonviolent crimes, which deal with these particular classes of petty, misdemeanor and certain Class C felony offenses that so long as they showed up, they would be released on their own recognizance, which means they can walk away. So long as they are required by the judge etc., and they get a hearing date. They come back, so if they don't come back to court, that's when sanctions would be imposed. But there are also certain exceptions where one might be looking at their record, where they would not be released and that might be if it's a non violent crime, but they're on felony probation, so that's an example of an exception, so they would not be released. So in that case, however, we do support and support because many of our people fall into this category or those who do, if they're held and they're not able to go to work, they might lose their job, or if they're held obviously they cannot support their family, or if they're the sole custodian in a single family household, you've got issues with who's going to take care of the keiki. So those are things that are in the back of it. We don't know how judiciary might feel about it, but we support.

Making an appropriation for Kona Hospital. That kind of speaks for itself. We support that, more money is going to the hospital. Relating to regenerative tourism, that's the same bill that I was talking about but another version, but the same idea with regard to tourism relating to geothermal royalties. That kind of speaks for itself in its description, which increases the percentage royalties received from the state from geothermal resources that are paid to the county. So it puts more money back into the county. So that is a comment. We're still looking at it to see how that might shake out, but that seems like a good idea so far.

Relating to elections, the description speaks for itself, requires the exterior of the envelope containing the ballot package to include instructions on how to obtain language translation services in Hawaiian and foreign languages. So supporting our 'Ōlelo Hawai'i in the election process, commenting. HB1885, establishing a Chief Data Officer, there has been, you know, some activities, but those advocates that are looking at the particulars of that bill are supporting it with amendments, so that's in process. 1986, relating to the Board of Education, we've been a support of education, Kaiapuni schools. We support that bill, consistent with the Board's positions in favor of Hawaiian immersion favorable bills, so this makes the list and so therefore it's going to be supported, requiring at least one at large member of the Board of Education to be a Hawaiian immersion expert. Again, in terms of government facilitating our voice on the Board of Education relative to Hawaiian Immersion schools.

HB2110, relating to Native Hawaiian Trust beneficiaries. The Kalima v. State situation again is dealing with the final calculation of damages owed. So yes, in short we would support that. Mauna Kea, we have committee on Mauna Kea. There are many I guess responses to the Mauna Kea report etc. So at this time we are just quote unquote commenting on it, not taking a position. I think there's more work, perhaps internally, that this is one that might shift depending on what happens to HB2024. HB2202, designating ohia lehua as an endemic tree. Kind of speaks for itself, support. Next one, SB206, prohibits discrimination including an advertisement for available real property based on participation in housing assistance, etc. Discriminatory laws, of course, that seek to correct that. I'm being very simplified in this, we are supporting, but we are also watching. There are, I believe, at this one, another draft that has already come out, FD2 and awaiting so this one is moving very quickly, so we'll pay close attention to that. But the housing assistant programs rise in terms of you OHA's involvement and this one rises i.e., because it deals with rental discrimination. So we support.

SB570, relating to historic preservation. Our Compliance Department in terms of who's handling these things. Kai and Kamakana who are intimately involved in iwi kūpuna and preservation issues are addressing this. It did pass out of committee. There was testimony on it, so we'll see how that one progresses, but right now we're commenting on it. It has to do with whether OHA is going to pay, or whether DLNR is going to pay for certain activities that are engaged in when our iwi kūpuna are exposed in a climate change circumstance. As you know, sometimes they are exposed when there is beach erosion and there might be iwi that are shown and so we're going to watch and comment on that as the responsibility settles out for that legislation. SB2121, that is another PLT bill.

Chair Akaka recognizes Trustee Lee

Trustee Lee: Na'u, you were just talking about SB570, correct?

Chief Advocate Kamali'i: Yes

Trustee Lee: That amends the definition of historic property. The one about iwi kūpuna is SB2067, which is not on our matrix.

Chief Advocate Kamali'i: I made reference to the wrong bill, you're correct. It deals with the definition of historic property. The other bill was in my mind, because we testified on it and it meets the criteria for being entered into the Hawai'i Register of Historic Places. So dealing with preservation law, that's why we're just commenting and observing. I mean commenting on it rather than taking a position on it at this time. So thank

you, Trustee Lee, you were correct in your reference, i.e. amending the definition of historic property, I apologize.

Trustee Lee: Na'u, what's also helpful to Trustees is if we're just commenting, if you could just give us a very brief synopsis. Just so if you're asking our approval to comment on something, it would be nice if we knew what those comments are going to be. Like we don't have to know what their testimony is going to be and read us the entire testimony. But you know, Trustees, Senate Bill 570, that has to do with historic property and the definition of historical property as it relates to preservation of law, the comments that we're offering are X.

Chief Advocate Kamali'i: Alright, thank you very much. I think at this point the actual comments, i.e., the testimony. I am not certain because I have to be clear what the point is on that and sometimes the comment is just too, maybe just make comment regarding the definition itself. So you want to have the actual comments, which would lend itself to be the actual testimony.

Trustee Lee: We don't need to know the actual comments, just the gist because what your team is doing today is asking the Committee's approval to take these stances and to make these comments, and how can we do that if we don't know what's happening. If we just hear, we're going to comment on this bill, so we need you to vote yes to comment. Okay well, what are we commenting? I'm not going to be comfortable approving voting yes on that, if I don't know what those are. Same with the support bill, the Advocacy team is asking the Trustees for our approval to support a bill, then we just need to know basically a synopsis of the bill. Why do you want us to support this? So I didn't say it earlier when you were saying like if we went through everything monitored, this will take a while. Even with taking all of those out when we just go over the bills that you do need our approval on for support, not support and comment. It takes a while during the Legislature, these BAE meetings runs 2-3 hours long. Because you're asking the Trustees for us to vote on this and we need confidence that we know what we're voting on.

Chair Akaka recognizes Trustee Ahuna

Trustee Ahuna: Mahalo, Chair, I have one concern you were talking about a bill on the appropriation to the Kona Hospital. There is a Board policy against supporting appropriations, so there are rare cases where we have gotten special approval to testify in the past if there's substantive material that is so important. That it wants OHA's testimony. So what I'm trying to say is, what is our position on this?

Chief Advocate Kamali'i: To support and it is an appropriation bill, so my apologies. I'm not as up to speed or aware of all the historical positions. You know, part of the task at this point is to pare down the 3000 to the 200 to the 30, which is the OHA position, so I apologize, Trustee. We will take a look at that then if that is in question and if Admin is aware of that position that we do not support bills which address appropriations, then we'll stand corrected, and change the position.

Trustee Ahuna: Mahalo

Chief Advocate Kamali'i: Is there anyone from Admin that can speak to that?

Ka Pouhana Hussey: I can, but Chair Akaka would you like to recognize Trustee Ahu Isa before I comment?

Chair Akaka recognizes Trustee Ahu Isa

Trustee Ahu Isa: If you look at that Na'u, three referrals if you're familiar, three referrals is not going anywhere, even if we support, I'm talking about the Kona Hospital appropriation. This is a House bill, so House got 51 members, three referrals first go around. You know, it's going to take forever. The other thing is, my question is to Chair Akaka, what about the lobbyist? We talked about this so much all these years. We need a lobbyist because that one PLT bill is the most important bill and the eight years I've been on here we had one before

that got us Kaka'ako Makai during Abercrombie's time, that was a lobbyist. So my question is, I don't know if to you Chair, Chair Hulu and I, we talked about this even Vice Chair Luana and John, Chair of Resource Management. But now, were you familiar with this that we were discussing about, I guess I should address Ka Pouhana, about getting a lobbyist?

Chair Akaka yields the floor to Ka Pouhana Hussey.

Ka Pouhana Hussey: So first I'm going to Trustee Ahuna's question on a policy regarding not supporting bills with appropriation. I'm confident that that was a practice for sure. I will follow up on the specific policy. Trustee Ahuna, thank you for reminding us about the policy basis. I know for sure as a practice that had been practiced. As it relates to the lobbyist, Trustee Ahu Isa. That's a matter of an operational decision that the Board makes and then we execute contracts and professional services. So that's a decision that the Board can make. And then finally Chair Akaka, if I could ask our Interim General Counsel to give us some advice about our current discussion.

Interim General Counsel Ohta: Thank you, Chair Akaka and good morning Members. I would advise that this Committee based on the agenda item as well as the feedback received from the Trustees not take action at this time to approve the positions on the matrix, and rather that those actions be brought up at next week scheduled BAE meeting where we also don't have a bill position approval agendized for this Thursday's BOT meeting. So that would come at next week's BAE meeting.

Chair Akaka recognizes Trustee Lee

Trustee Lee: Then I guess this question is for Counsel, for Everett. Madam Chair, at this time I move that we go into Executive Session so that Trustees may consult with our attorneys in respect to. Although it's not on the agenda for Executive Session, for the matters regarding the Trustees positions on matters at the Legislature, I believe that the questions that are going to be brought up will warrant it being done in Executive Session. So Madam Chair, at this time I move that we move into executive session.

Board Chair Hulu Lindsey: I second

Chair Akaka: Its been moved and seconded. Brandon, could we please have a **roll call vote**.

							11:34 a.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	1		X			
CARMEN HULU	LINDSEY		2	X			
JOHN	WAIHE`E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			

TOTAL VOTE COUNT			8	0	0	0
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MOTION: [] **UNANIMOUS** [] **PASSED** [] **DEFERRED** [] **FAILED**

The BAE Committee recuses into Executive Session at 11:35 a.m.

The BAE Committee resumes open session at 11:57 a.m.

Chair Akaka: Ka Pouhana, if you folks would like to continue with the presentation.

Ka Pouhana Hussey: Unless Trustees have other questions about the matrix, Na'u was there additional information that you wanted to share with Trustees?

Chief Advocate Kamali'i: Thank you very much. The understanding of the approval of this matrix, I'm not sure if that is happening within the Committee. Are you saying that you would like me to continue or otherwise I could give an update on the PLT-1 which is our main bill and status on the Build Back Pono.

Chair Akaka: Chair Akaka, what would you like Chief Advocate to provide?

Chair Akaka: I'm sorry, can you please repeat what you were saying, I want to make sure I heard it correctly.

Chief Advocate Kamali'i: Given the motion that was made in the consideration regarding of what is not agendized for the the BOT meeting and the apparent concern with regard to whether or not the matrix can be approved, would the Board or the BAE still like us to continue with this OHA supported positions or wait until next week, when certainly it'll be flushed out, other bills, as for example raised by Healani will be included. Other bills which we note are not on here, which are because of the timing, all of the Red Hill bills. Do you want us to continue or simply to focus on our package bills, i.e., the status of the PLT and Build Back Pono?

Chair Akaka: I think that we should continue on with the presentation so that our members are more familiar with the information that we have ready for today and then we will continue the conversation and look towards an action item in our next meeting scheduled for February 8th, which would then be followed by a BOT meeting for February 10th.

Chair Akaka recognizes Trustee Lee

Trustee Lee: I would like to make a motion at this time. I move that we forgo the rest of the presentation, given that the landscape and matters will change by next week. So rather than waste our Chief Advocate's time of going over the rest of the matrix and then having to redo it again next week, because everything is going to change since there is no decision making today. I move that we forego the rest of the presentation and that we allow Chief Advocate to only update us on what has already been approved, which is our package, the PLT Bill.

Trustee Ahuna: Second

Chair Akaka: It's been moved and seconded, mahalo.

BAE Staff - Brandon: Chair, would you like me to call the roll?

Chair Akaka: For clarification, do we need a roll call vote for this one or can we just continue on with the presentation?

Trustee Lee: I made a motion, Madam Chair, it needs to be voted on unless you want to rule me out of order.

Chair Akaka: Sure okay, can we please have a **roll call vote**.

							12:01 p.m.
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'ĀINA	LEE	1		X			
CARMEN HULU	LINDSEY			X			
JOHN	WAIHE'E, IV			X			
<i>CHAIR</i> KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	0

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

Chair Akaka: Na'u, if you can please continue.

Chief Advocate Kamali'i: Alright, thank you with regards to the PLT bill, which is our package bill. There are two bills in our package which we had referred to as Build Back Pono, I can address that which has been not been given a hearing in either the House or Senate and policy is making calls to get a hearing heard, so that's the status of that. With regard to the PLT bill, we had an early hearing with a measure that was introduced by Senator Keohokalole. It raised again the issue of whether or not there should be a committee to look at the accounting issue and it also looked at let me just pull it up. So 2021, in light that it had brought up issues was early on in the Senate process. Our position was to support without amendments, just to move it forward knowing that we would be getting a hearing two days later on our bill. So that was adopted by the Committee. That particular bill moved forward, unamended. Our bill, the PLT2122 was in consideration and given our testimony which focused in on what we thought DLNR might address, anyway, focus in on the definition. The definition of what our income and proceeds and also address and held the obligation of the Office of Hawaiian Affairs to raise the issue of what is due and what is passed due relative to the ceded land trust funds. That having been considered by the Committee, they determined that they would move both that measure, our bill 2122 and Senator Keohokalole's bill, which had already moved out, that they would move both bills out unamended.

There are two referrals, one is Hawaiian and one is WAM, Ways and Means. So that means that the bill is headed towards Ways and Means. I stand corrected, the passed with amendments. The amendments were we had two figures in the bill. One was the 78.9, the other one was the 638. They removed the figures so it was blank. It's blank in the bill but retained the figures in our original bill in the committee report. So the position of OHA is retained in the committee report. The bill itself was blank. So essentially the question is, what numbers are going to be accepted by WAM? Or what does WAM want to do with what it sees as an annual sum due or the past due sum. So those moved out of committee.

For testimony today at 1:00 o'clock is a bill that surfaced and as I say surface, it's not on the list. It's SB2594, which interjected into the mix, that PLT funds would be able to be paid to either the Department of Hawaiian Homelands or to the Office of Hawaiian Affairs. There were other considerations which were like the considerations in 2021, i.e., referring to Senator Keohokalole's introduced bill. So the position of the office was that constitutionally, this bill must be held and this is still up for hearing. That it must be held in committee because the governance and the constitutional authorities imbued in the Office of Hawaiian Affairs are distinctly distinct from how or what the nine Commissioners and the Chair of the DHHL are situated, i.e., they're an appointed body.

So we took that position that because it requires the transfers of the 20% share of PLT income and proceeds in the bill say that it may be paid to either Department of Hawaiian Homelands or the Office of Hawaiian Affairs, and also that there are these other bills, i.e. 2021 and 2122, in all other respects that it should be held. You know, the Hawai'i State Constitution does establish that OHA is to manage and administer incoming proceeds from the Public Land Trust, onto DHHL. So that is our position, it is fairly straightforward. We will stand on our testimony and in about an hour or so that testimony will be provided and we will see what the Committee decides to do with that. There are different referrals for that bill. But I feel fairly good about it. DHHL also provided testimony, or an indication also that they see that there is a distinction in the constitutional framework that OHA holds to administer the PLT bills, which they do not hold. Also in the past this bill has come up and it was held in committee, it was deferred. So we'll see what happens with the actual, the determination on this bill.

Chair Akaka: Mahalo, Na'u, it is good to hear that DHHL and OHA aligned in this.

Chair Akaka recognizes Trustee Lee

Trustee Lee: Thank you, Madam Chair. I think I need to point out that the matrix that's on the screen does not align with the matrix that we have. On our matrix, Senate Bill 2122 is relating to the room confinement of minors and the PLT bill is Senate Bill 2227, and likewise with Senate Bill 2121, relating to environmental review on our matrix, it's Senate Bill 2211.

Chief Advocate Kamali'i: That's correct, whatever was sent out was an error and I note that you know this hearing is held fairly soon. The bills, the last batch of bills that we got were on the 26, so there is somewhat of a challenge, I apologize Trustee.

Board Chair Hulu Lindsey: I have a question, Chair.

Chair Akaka: Yes

Board Chair Hulu Lindsey: I just wanted to ask Na'u if somebody would be up testifying for OHA live at the 1:00 o'clock session?

Chief Advocate Kamali'i: Yes, and that will be me.

Board Chair Hulu Lindsey: Thank you, just wanted to be sure because you know, many times our general public don't know what the written testimony says, so to have our people hear our voices is important, so thank you, Na'u.

Chief Advocate Kamali'i: Yes, thank you, Trustee and what I can say about generally, what we would say with regard to the Department of Hawaiian Homelands. OHA does not object to the Department of Hawaiian Homelands receiving revenues that will help them to provide needed services with that department. This becomes complicated in this bill because the source of funds are either PLT income and proceeds is one that constitutionally is paid to the Office of Hawaiian Affairs. So we'll try to, that's why this is not a good bill. That's

pretty straightforward on that. The testimony when you'll be able to see it online on the website is fairly straightforward.

Board Chair Hulu Lindsey: Chair Akaka, I just want to say that as Trustees of OHA, we're happy that Hawaiian Homes has been committed \$600 million and they surely, surely needed it and as a sister agency to them, we totally support it. But it would have to come from a source that doesn't involve the Public Land Trust revenues, thank you.

Chair Akaka: Thank you, Board Chair. Na'u, if you can please continue.

Chief Advocate Kamali'i: Just to summarize, we have two bills that are headed forward. SB2021 is also SB2122. We hope, given the testimony that this 2594 will be held or deferred. On the House side, we have not been given a hearing. So that's where we are with the PLT. Also with the Build Back Pono, that measure has not been given a hearing.

Chair Akaka: Mahalo. Na'u, I do want to highlight and mahalo you, Alice, the Advocacy and Communications Team, all that are involved on the excellent addition of having an interactive OHA website. Where we're able to have our people further engage with legislation and support measures that we are working hard on. There is an opposition or support comment and this matrix is much improved and it's greatly appreciated having the color coding and the hyperlink that takes you to the bill where we can more easily track to see where the bill is at the time and it makes it so much easier, so mahalo nui.

Chief Advocate Kamali'i: Thank you, Chair. I think in closing, I'd like to thank the Advocates during this time of transition, both those who are in transition and those who will be staying on for continuing to do the work, continuing to focus on their advocacy on behalf of our people and they are passionate. You know, Shane is on the team as much as he's introducing the prior part of the team that dealt with the Miloli'i resolution, those other aspects of advocacy don't stop. Including meetings that we have with the White House regarding Red Hill, meetings that we have with Hui's that address the concerns of the Congressional delegation. Those aspects and points of advocacy are ongoing, in addition to what we're doing at the legislature, so mahalo to the support of the Board for being present at the PLT hearing. I take great pleasure and pride and being able to say that you were all there watching and listening to ensure that the important measure, the Public Land Trust bill, which will bring significant funding to our Native Hawaiian people for programs, for grants, for potential memorandums of understanding with agencies, etc., it matters, and I appreciate your support in that way. It's nice to be able to say it. I know that it is true that this is a unanimous Board on the matter of the PLT Trust Funds and upholding its obligation, its constitutional obligation to the Native Hawaiian people, so thank you.

Board Chair Hulu Lindsey: And Na'u, I just want to say that you did a great job for the presentation.

Chair Akaka: Is any other discussion members?

Chair Akaka recognizes Trustee Lee

Trustee Lee: Thank you, Madam Chair. I would be remiss if I don't mention this, so this is in regards to Senate Bill 2067 which is not on our matrix, but Na'u touched on it a little bit earlier and this is in regard to the repatriation of iwi kūpuna when it comes to climate change. I attended this Senate hearing and to be quite honest, Chair, I was embarrassed. To have Senator Inouye, who I will give you, historically does not understand how PLT funds works, to call OHA up for questioning and then proceed to pontificate for 10 minutes on how embarrassed she was and how shameful it was that OHA is not willing to kick funds into this measure and then to have the person for OHA testifying not respond at all and then to have Senator Fevella come and ask the question, does OHA receive 20% pro rata funds? I want to hear from OHA. So Senator Fevella is trying to help and has teed OHA up and the response he got, and I will quote Madam Chair. "We

don't always receive the full 20%.” We have never in 40 years received 20%, Madam Chair and to have whoever was providing it, if it's not, it should be a policy within OHA. That OHA's stance, until we get 20%, is our response to that to any Legislator who calls us an embarrassment for not kicking in money to do their job. It's not our responsibility to fund these things, Madam Chair, it's the state's responsibility and it should always be our stance to point that out to the legislators and remind them when they get it wrong over and over again, that we do not and have never received our 20%. If Senator Inouye would like to vote in favor of our 20% and actually receiving that then she can pontificate all she wants about how shameful she thinks it is that we're not paying for the state's responsibility but, Madam Chair, I was embarrassed. To sit there and watch OHA just get raked over the coals and no one stood up for us even when another Senator tried to come to our aid.

Chair Akaka: Any other discussion members?

Board Chair Hulu Lindsey: Chair, I move that we adjourn.

Chair Akaka: Before we adjourn, before I ask for a second, are there any other announcements?

V. ANNOUNCEMENTS

NONE

VI. ADJOURNMENT

Chair Akaka: Seeing none, is there a second?

Trustee Lee: Second, Madam Chair.

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			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE		2	X			
CARMEN HULU	LINDSEY	1		X			
JOHN	WAIHE`E, IV						EXCUSED
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	1

12:19 p.m.

MOTION: [] UNANIMOUS [X] 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 **12:19 p.m.**

Respectfully submitted,

Handwritten signature of Brandon 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