

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200**

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES**

January 27, 2016 1:30 p.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Vice-Chairperson Peter Apo
Trustee Lei Ahu Isa
Trustee Dan Ahuna
Trustee Rowena Akana
Trustee Haunani Apoliona
Trustee Hulu Lindsey
Trustee Robert Lindsey
Trustee Colette Machado

ADMINISTRATION STAFF:

Kamana'opono Crabbe, Ph.D., Pouhana / CEO
Lisa Victor, Pou Nui / COO
Grant Keli'iwa'anui, COO
Jacob Aki, ADV
Jocelyn Doane, PUBL
John Kim, RM
John Rosa, OUTR
Joseph Kuhio Lewis, CMTY ENG
Mehana Hind, COO
Momilani Lazo, CEO
Sterling Wong, PUBL
Wayne Tanaka, ADV

BOT STAFF:

A. U'ilani Tanigawa
Crayn Akina
Davis Price
Dayna Pa
Harold Nedd
Lady Elizabeth Garrett
Laurene Kaluau-Kealoha
Lehua Itokazu
Liana Pang
Melissa Wennihan
Reynold Freitas

GUESTS:

Keali'i Makekau

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, January 27, 2016 to order at **1:30 p.m.**

Chair Waihe'e notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (1:30 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	ROWENA	AKANA	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
TRUSTEE	CARMEN "HULU"	LINDSEY	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	COLETTE	MACHADO	PRESENT	
TRUSTEE	PETER	APO	PRESENT	Arrived at 1:32 p.m.
TRUSTEE	LEI	AHU ISA	PRESENT	Arrived at 1:44 p.m.

At the Call to Order, **SEVEN (7) Trustees** are **PRESENT**, thereby constituting a quorum.

Chair Waihe'e: At this time members, I would like to take a moment of silence and contemplation, in honor of our late Senator, friend, and mentor Gilbert Kahele.

The BAE Committee pauses in silence to honor Senator Gilbert Kahele.

II. APPROVAL OF MINUTES

A. December 16, 2015

Trustee Ahuna moves to approve the minutes of December 16, 2015.

Trustee Apoliona seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e asks if anyone votes NO or ABSTAINS. There are no replies.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	1:31 p.m. EXCUSED
LEI	AHU ISA						Arrived at 1:44 p.m.
DAN	AHUNA	1		X			
ROWENA	AKANA						
VICE-CHAIR PETER	APO						Arrived at 1:32 p.m.
HAUNANI	APOLIONA		2	X			
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO			X			
CHAIR JOHN	WAIHE'E			X			
TOTAL VOTE COUNT				7	0	0	2

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

Chair Waihe'e notes for the record that all members present vote 'AE (YES) and the MOTION CARRIES.

III. COMMUNITY CONCERNS*

None

IV. NEW BUSINESS

A. BAE 16-01: To approve an OHA Board of Trustees Executive Policy on International Engagement

Chair Waihe'e turns it over to Ka Pouhana Kamana'opono Crabbe.

Pouhana Crabbe: Good Afternoon and thank you very much Chair Waihe'e. Good Afternoon Trustees. Before you, Administration is submitting the action item to approve an OHA BOT Executive Policy on International Engagement. The genesis of this really started back in 2013 and into 2014 regarding some of the activities of Administration. For example, our former Chief Advocate Breann Nu'uhiwa, as well as other OHA staffers attended a forum at the United Nations that we felt was imperative to understand. Subsequently and since then, in moving forward with our nation-building efforts, staffers have been doing other research regarding the international arena; regarding the perpetuation of the rights of indigenous people. We've also noticed throughout the history of OHA that there have been many activities such as repatriation and involvement in terms of global environmental issues. For example, former BOT Chair, Trustee Haunani Apoliona had gone on a visit regarding Papahānaumokuākea.

Trustee Apoliona: It wasn't a visit, it was to stand for the decision-making on Papahānaumokuākea with UNESCO.

Pouhana Crabbe: Right. In 2014, I had submitted a request to the former Chair at that time, Trustee Machado, regarding all of these different activities. She had asked that we do more research and come back with a much more comprehensive Action Item and Executive Policy on International Engagement; that is what you have before you today. This is not a program. This is just a policy that takes into account the different activities and areas in which OHA engages with the international and global community. So we thought it was important to come up with a policy for approval that takes into account, not just the *advocacy* part, but for instance say global warming and issues regarding the marine resources. With that I'd like to call on Mehana Hind who we worked with to craft the action item. Mehana will present the action item in its entirety. After she's done presenting we will then open it up for questions or feedback.

Knowledge-Based Specialist Mehanaokalā Hind: Aloha Mai Kakou. As you have probably perused through the policy and as Ka Pouhana has said, OHA has its role already well-established in the international arena; having done activities throughout the areas that we focus on within the policy itself. We are also approaching a time where Native Hawaiians as indigenous people are becoming globally-recognized citizens and leaders in some areas, especially in education and health for indigenous peoples. Native Hawaiians are also followers in some sense and need kokua from our international brothers and sisters from around the world. That's more so in the political arenas and also gaining more rights in different venues from throughout the world. We are at a unique stage in our history; we are at a pinnacle and your work engages directly within that nexus where yesterday, today, and tomorrow are kind of at a head right now.

The next step for Native Hawaiians will logically be more participation as peoples, not necessarily as OHA, but as peoples in the international arena.

The areas that we chose to focus on in the policy itself talks about identifying as indigenous Hawaiians under international law. Those arenas occur in the U.N., both in New York and Geneva, but also more importantly there's a focus here on this policy pertaining to the work that we do first in the Pacific. The Pacific right now is a hotbed of activity in the areas of biodiversity and global climate change; we are actually as Pacific peoples, the lead. Hawai'i has the opportunity to actually shift these discussions around climate change, biodiversity, and the keeping of indigenous knowledge to be able to affect those arenas. We have a unique ability here in Hawai'i to be able to do that. So the focus of this one, even though there's other international bodies around the world, would be to look to the Pacific; look to our relatives in the Pacific to be helpful and also learn from each other.

The next area is international efforts to address global environmental issues and those areas of politics and environmental issues overlap a lot. The arenas that we will participate in or support our people to participate in have ample crossover between those two arenas; an example being international repatriation efforts with our kuleana to repatriate our iwi kupuna and our other cultural patrimony here in Hawai'i and throughout the United States. We have also already taken part in international repatriations of our iwi kupuna and we are about to embark on probably one of the most epic return homes of cultural patrimony that we have seen yet in our lifetime and that's the A'ahu'ula and the Mahiole of Kalaniopu'u. This policy would help give those kinds of efforts a little more guidance to be able to retrieve valued items.

The next area is to establish best practices. Believe it or not, Native Hawaiians travel the earth now as business people, as academics, as policymakers, and contribute to what's going on in the international arena. The most closely aligned relationship of course is between us and our Maori cousins. We go back-and-forth between helping lead the education movement and helping follow behind the progress they have made. We are also helping to set policy around the world. I just participated in a conference on Monday for indigenous languages. We had the Gaelic people from Scotland, we had Greenlandic people there, and the two highlights for those two groups were the Hawaiian and the Maori, and the work that we actually do. So they're turning and looking to us on how we can help them revive their languages in terms of media, education, and policymaking. We are also looking at others who have great creative ways to infuse their languages as well.

Seeking international funding sources - up until now we haven't really partnered largely with organizations that draw in money from around the globe to help out different things that we can impact here in Hawai'i. For instance, agencies like the Ford Foundation where even though it is based in New York City, the Ford Foundation is very international in its scope and works along with other funding agencies around the world. The Sami Parliament for instance, has given money for indigenous people to do work around the world. The money is not only for political work and for the advancement of native rights, but also to assist in the areas of: education of sustainable economies and also indigenous knowledge.

The last understanding that we have for the policy is to be able to take into consideration what was a large concern of the trustees, and that was the issue of actual travel. In there, we have language that makes sure that all of our travel policies that are set up and that help us guide how money is expended, is followed. So this is a guiding document to answer the questions of *what* and *who*.

Trustee Robert Lindsey: Thank you, this is a good policy. Clearly we live in a time where everything has gone global from commerce to politics to culture. So I want to thank Mehana and Ka Pouhana for bringing this policy to the table today.

Trustee Ahuna: Thank you I like this discussion. We took a stance to go towards federal recognition. *How does this help to open international doors outside of federal recognition?*

Knowledge-Based Specialist Hind: This policy was not intended to be a position statement on governance. So even though the language mentions international law, there are many facets within international law that hit specific areas that we're already doing, like: health, education, housing initiatives, culture, and some language. There are so many policies internationally that fall under these guidelines. This is not a policy statement and/or decision-making on behalf of the OHA Board that takes a stance other than the one you folks already decided to take.

Trustee Apo: *How would this policy translate into budget?*

Pouhana Crabbe: Usually the activities are planned out by each *Paia* or Program. So it has to be put into their work plan and then the budget is usually assigned to it and that includes the travel or any other activity that is part of it. We were very careful in crafting this policy. This does not preclude or limit trustees; that would be the discretion of the Chair. There is still authority at the Board level to make the decisions. We're also conscientious of activities as Administration, to maintain and manage what the activity is.

Controller John Kim: From a budgetary perspective, any international travel has been and will continue to be funded out of the "Out-of-State" travel budget. Currently for FY14, the Board has approved just under 244,000 dollars for "Out-of-State" travel. As of December 2015, we expended about 110,000 dollars of it. This is total "Out-of-State" for both BOT and Administration. My understanding of this action item is that it's not coupled with any request for additional funding. So if any international travel is planned, pursuant to this action item, it would be funded out of the remaining "Out-of-State" budget.

Trustee Robert Lindsey: The Trustees' portion of "Out of State" Travel remaining is just about 14,000 dollars. My recollection is that our portion was far less than what Administration needed.

Trustee Akana: There's something wrong with that.

Pouhana Crabbe: We will provide a memo to the trustees on exactly what the financial status is. We may need to look further into it and discuss differentiating between *domestic* and *international* travel.

Trustee Akana: Something else we need to look into is airspace.

Knowledge-Based Specialist Hind: Right, thank you for that. There are economic development opportunities in the Pacific that are looking at things of that nature. That's a great thing to add to our research.

Trustee Machado: I just want to go on record and reiterate the issue on travel. Because when you get into the “entourage” aspect of it; taking a specialist who can chant because of protocol is a big deal. *Entourage* is something we need to clarify. Attending an event that’s related to discussions between different countries, then that’s different. Then there are the gifts you have to give, etc.; it all adds up. So I just wanted to go on record at this meeting to share that there are issues on how we manage international travel. If we revisit the policy, we should give a little stricter review.

Knowledge-Based Specialist Hind: Mahalo Trustee. I would like to reiterate because there’s a lot of discussion about travel as related to the policy. We have travel policies that are identifiably outlined, but I wanted to state that a lot of this work can happen without travel too. There is much work that happens here in Hawai’i through teleconferencing that we are actively engaging with all the time and sometimes emails are going back and forth. We are seeking the ability to have guidance in what areas it is that OHA itself wants to go into. Once we get that, then that kind of communication can happen more freely. With the world shrinking in the sense of our global connectivity, we can have a lot of the work going on, without actually going anywhere. The things that we do and the places we go are very specific, purposeful, and well-chosen. Sometimes they do include larger groups of people because unfortunately or fortunately that’s our way; the Hawaiian way to do things. In representing ourselves, everybody who goes has a function, but again a lot of this can happen right here, in utilizing the technologies that we have.

Trustee Hulu Lindsey: Now with that being said, first of all I want to say that I hear you’re very eloquent Mehana and you are known to represent OHA very well and I am very proud of you. When the trustees travel we have to turn in a travel report, and it would be good for the trustees to be able to see a report such as you describe. We want to know what others are accomplishing on their work travels because we are not there with you. So I’m just suggesting that maybe the trustees get a copy of the international travel reports and some of the key domestic trip reports as well.

Pouhana Crabbe: Yes, that’s fair.

Knowledge Based Specialist Hind: Yes, we do submit travel reports, so hopefully we can do a push-out to the trustees or have them accessible for trustees to obtain at their leisure because there is some really exciting work being accomplished. I’m sad that sometimes there’s so much passion and work put into my reports and no one is as excited to read it.

Pouhana Crabbe: This is good discussion for us to digest administratively, so we’re hoping to get these reports uploaded to the BOT, for BOT access.

Trustee Apo moves to adopt and codify an OHA Board of Trustee Executive Policy on International Engagement that will align with OHA’s mission: “to mālama Hawai‘i’s people and environmental resources, and OHA’s assets, toward ensuring the perpetuation of the culture, the enhancement of lifestyle and the protection of entitlements of Native Hawaiians, while enabling the building of a strong and healthy Hawaiian people and nation, recognized nationally and internationally.”

Trustee Apoliona seconds the motion.

Chair Waihe’e asks if there is further any discussion. There is none.

Chair Waihe’e asks if anyone votes NO or ABSTAINS. There are no replies.

						2:25 p.m.
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI AHU ISA			X			
DAN AHUNA			X		1=KANALUA 2='AE (YES)	
ROWENA AKANA			X		1=KANALUA 2='AE (YES)	
VICE-CHAIR PETER APO	1		X			
HAUNANI APOLIONA		2	X			
CARMEN HULU LINDSEY			X			
ROBERT LINDSEY			X			
COLETTE MACHADO			X			
CHAIR JOHN WAIHE'E			X			
TOTAL VOTE COUNT			9	0	0	0

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

IV. NEW BUSINESS

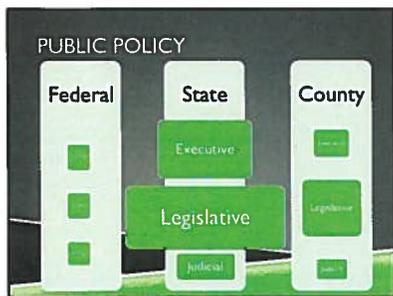
B. Administration’s Update to the Committee on Testimony Process

Pouhana Crabbe: Trustees, we wanted to just have a clarification regarding Administration testimony and the role of Trustees. This is also trying to be consistent with what we are trying to develop as a “One Voice, One OHA” policy coordination for the legislature. We felt it was imperative that we share how we work together, as the Board and Administration, in many of our initiatives. Then perhaps we’ll share the work we do in terms of Public Policy and Compliance and the significance that the Trustees bring in terms of public testimony.

Senior Public Policy Advocate Doane: Aloha. You are all aware of our OHA strategic plan which was adopted by the Board in 2010, that lays out priorities and results that we want to achieve. It's been determined that OHA will serve in four significant roles: Researcher, Community Engager, Asset Manager, and Advocate. So we will focus on our Advocacy role. Advocacy tries to change laws, policies, and practices which impact positively our beneficiaries. Advocacy also works to prevent the same types of laws, policies, and practices that would be adverse to our beneficiaries. This is done at the federal, state and county levels and as we know the different government levels have different branches. Public Policy specifically focuses much of its efforts on the state level, much of it legislatively, as well as some administratively. Of course we also participate in litigation when the need arises. As you also know, the Trustees adopt policies and then give directives to Administration to give to the Line of Businesses to act consistently and in furtherance of the Board's policies. Whenever we're involved in litigation, the Trustees always have to approve our participation in that area. However when we participate in legislation and administration, the existing timelines and processes may not always allow us to come to the Board every time and before an action happens. With the state legislative process, and with what time allows us to do, we do come to the Trustees every time to seek a position on state legislation. Sometimes there may be a hearing on a bill before we have time to come to the trustees, but whenever that happens we only submit testimony in those situations. Especially when it's a matter of significant importance to our beneficiaries and we have a position that the Board has taken previously. So we rely upon understanding Board positions so we advocate consistently with the Trustees' positions. When the administration submits testimony on legislation prior to Board approval, we're really clear that that position is *approved by the CEO*, so it would be considered Administrative testimony.

The county processes are really different, because they're year-round; they don't really have deadlines. Basically, there are substantially less bills, but they don't have requirements like you have to have a hearing within the first two weeks and then another hearing in the second two weeks, etc. So because of the fluid nature of their schedule, we don't generally come to the Trustees for positions on things for the county legislature, but to be fair we don't really advocate that much in front of the County Councils anyway. If we do however testify or take a position on a bill we will be sure it's consistent with the positions the Board has taken in the past.

We also advocate a lot in front of the different administrative bodies such as the Board of Land and Natural Resources and the Land Use Commission, etc. We monitor about 20 different agencies and their actions and agendas. Because of the types of documents that we monitor, the intense nature of the documents, and time that we're given, we don't normally bring them to the Board to get a position. We have a couple of handouts for you to give you an example of why it's a challenge.



- ### BOARD POLICIES
- BOT adopts formal policies
 - Administration ensures compliance with BOT policies
 - Administration sets administrative directives and procedures consistent and in furtherance of BOT policies

- ### LITIGATION
- Always Approved by BOT

- ### COMMON PRACTICE LEGISLATION
- If OHA introduced BOT always approves position, not testimony itself
 - State Admin seeks BOT approval for all positions. If bill heard prior to BOT meeting, admin may advocate consistently
 - County Admin advocates consistent with BOT policies testimony is that of Admin

- ### COMMON PRACTICE EXECUTIVE & OTHER AGENCY ACTIONS
- Admin advocates consistently BOT approval not sought
 - Agencies: BLMR, CWRM, DOH, LUC, DOA, Charter School Commission, BOE, County Planning Commissions
 - Actions: environmental review documents, land use planning, permit approvals, lease approvals
 - Testimony is that of Administration
 - Turnaround very quick
 - BLMR agenda: staff has 3-4 business days before hearing to review 20-30 agenda items; flag for in-depth review; outreach to stakeholders and subject matter experts; draft (multiple) testimony; obtain CEO approval

BEST POSITIONING OHA TO ADVOCATE

Public Policy Manager Wong: In how we work together as an agency between Administration, Trustees and Staff, there have been really good examples of how our partnerships have been successful at the legislature. I think of Kaka'ako Makai and our residential entitlements issues in the past. The one thing we constantly hear from legislators and what they want is to hear from fellow decision-makers and to meet face-to-face with them. There is real value to having trustees attend with staff and to work together. When we're on the same page and partnering up, we can be very successful. On the flip side, we have had past situations where it didn't work well because there was not as strong of a partnership. I've been at hearing tables where we've testified the Board-approved position and literally legislators have said *"who approved this position, because I just got a call from a trustee last night"* or they've had trustees go to their office to say that they don't agree with the Board's position and it makes it very difficult for us to advocate in positions like that. That's why the top of our testimony at the Legislature states who approved the testimony whether it is from Administration or the Board.

Trustee Hulu Lindsey: Thank you, I can't impress on my colleagues enough about how much the legislators want to see us. Sometimes they actually feel insulted that we're not there. Especially at this Friday's hearing, we should all be there backing-up our staff.

Trustee Apo: Yes, I agree. Too bad we can't always be there, but please continue to notify us when you feel it's important for us to attend.

Public Policy Manager Wong: Absolutely.

V. UNFINISHED BUSINESS

None

VI. BENEFICIARY COMMENTS*

None

VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

Trustee Hulu Lindsey moves to adjourn the BAE meeting.

Trustee Ahuna seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e asks if any members vote NO or ABSTAIN. There are no dissenting votes.

						2:53 p.m.
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEI AHU ISA			X			
DAN AHUNA		2	X			
ROWENA AKANA			X			
VICE- CHAIR PETER APO			X			
HAUNANI APOLIONA						Departed at 2:37 p.m.
CARMEN HULU LINDSEY	1		X			
ROBERT LINDSEY			X			
COLETTE MACHADO			X			
CHAIR JOHN WAIHE'E			X			
TOTAL VOTE COUNT			8	0	0	1

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

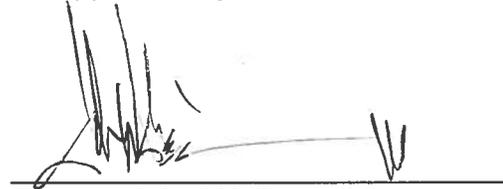
Chair Waihe'e adjourns the BAE meeting at 2:53 p.m.

Respectfully submitted,



Melissa Wennihan
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on February 17, 2016.



Trustee John Waihe'e, IV
Chair
Committee on Beneficiary Advocacy and Empowerment

ATTACHMENT(s):

- NONE