

BOARD OF TRUSTEES
 Colette Y. Machado, *Chairperson*
 Brendon Kalei'āina Lee, *Vice Chairperson*
 Leina'ala Ahu Isa, *At-Large*
 Dan Ahuna, *Kaua'i & Ni'ihau*
 Kalei Akaka, *O'ahu*
 Keli'i Akina, *At-Large*
 Carmen Hulu Lindsey, *Maui*
 Robert K. Lindsey, Jr., *Hawai'i Island*
 John Waihe'e IV, *At-Large*



STATE OF HAWAII'
OFFICE OF HAWAIIAN AFFAIRS
MEETING OF THE BOARD OF TRUSTEES

DATE: Thursday, November 7, 2019

TIME: 9:30 am

PLACE: OHA Board Room, Nā Lama Kukui
 560 N. Nimitz Hwy., Suite 200
 Honolulu, HI 96817

AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. September 18, 2019 (Community Meeting) †
 - B. September 19, 2019 †
 - C. September 19, 2019 (Site Visit) †
- III. Public Testimony*
- IV. Unfinished Business
 - A. Interim CEO's 15-Minute Update on Ho'oulu Lāhui Aloha and OHA Activities
- V. New Business
 - A. Action Item BOT #19-17: Approval of an OHA Board of Trustees' Resolution "honoring the life and contributions of Larry Kamakawiwo'ole to the Native Hawaiian community and other marginalized communities in Hawai'i. †
 - B. Action Item BOT #19-18: Extend the time for the Permitted Interaction Group, approved on May 30, 2019, to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L - Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Level Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents, from December 31, 2019 to no later than June 30, 2020. †
 - C. Report of the Permitted Interaction Group to investigate complaints against a Trustee for alleged violations of the Trustee Code of conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decision, without discussion. *Pursuant to HRS §92-2.5(b)(1)(B)* †
- VI. Executive Session‡
 - A. Consultation with Acting Board Counsel Kurt W. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities relating to the State Auditor's request for confidential and Attorney-Client privileged materials and information in connection with the legislatively mandated audit per Act 37. *Pursuant to HRS §92-5(a)(4).*



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**

B. Receive and take action on the Joint BAE/RM's recommendation of a candidate for the position of OHA Chief Executive Officer (CEO); and, consultation with Acting Board Counsel Kurt W. Klein, Esq. regarding the terms and conditions of employment to be offered to the presumptive CEO, Pursuant to HRS §92-5(a)(2), 92-5(a)(4).

VII. Community Concerns*

VIII. Announcements

IX. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact Raina Gushiken at telephone number 594-1772 or by email at: rainag@oha.org no later than three (3) business days prior to the date of the meeting.

*Notice: Persons wishing to provide testimony are requested to submit 13 copies of their testimony to the Chief Executive Officer at 560 N. Nimitz, Suite 200, Honolulu, HI, 96817 or fax to 594-1868, or email BOTmeetings@oha.org 48 hours prior to the scheduled meeting. Persons wishing to testify orally may do so at the meeting, provided that oral testimony shall be limited to five minutes.

† Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

‡ Notice: This portion of the meeting will be closed pursuant to HRS § 92-5.

Colette Y. Machado
Trustee Colette Y. Machado
Chairperson, Board of Trustees

10/30/19
Date

Office of Hawaiian Affairs
Board of Trustee Meeting
November 7, 2019
9:30 am

II. Approval of Minutes

- A. September 18, 2019 (Community Mtg.)
- B. September 19, 2019 *
- C. September 19, 2019 (Site Visit)†

** The Sept. 19, 2019 BOT meeting minutes were not available at the time of folder distribution. They will be distributed once they are available.*

†The Sept. 19, 2019 Site Visit minutes will be removed from the agenda. Because of a lack of quorum for the meeting, a record of the site visit will be listed for distribution at another BOT meeting.

**STATE OF HAWAI‘I
OFFICE OF HAWAIIAN AFFAIRS**
Pāhala Community Center
96-1149Kamani St.
Pāhala, Hawai‘i 96777

**Minutes of the Office of Hawaiian Affairs Board of Trustees Hawai‘i Island Community Meeting
Wednesday, September 18, 2019
6:00 pm**

ATTENDANCE:

TRUSTEE COLETTE MACHADO
TRUSTEE DAN AHUNA
TRUSTEE KALEI AKAKA
TRUSTEE W. KELI‘I AKINA
TRUSTEE BRENDON KALEI‘ĀINA LEE
TRUSTEE CARMEN HULU LINDSEY
TRUSTEE ROBERT LINDSEY

ROBERT G. KLEIN, BOARD COUNSEL

EXCUSEED:

TRUSTEE LEINA‘ALA AHU ISA
TRUSTEE JOHN WAIHE‘E IV

ADMINISTRATION STAFF:

SYLVIA HUSSEY, ICEO
STERLING WONG, PRO
MEHANA HIND, CE
JASON LEES, DPM
KEOLA LINDSEY, PP
KAWENA CARVALHO-MATTOS, DPM
CELIA CONOL, COC
SHANE PALACAT-NELSEN, COC
ALICE SILBANUZ, DPM
DAVIS PRICE, CO
MISTI PALI-ORIOLO, OUTR

BOT STAFF:

CAROL HOOMANWANUI
NATHAN TAKEUCHI
CLAUDINE CALPITO
BRANDODN MITSUDA
LŌPAKA BAPTISTE
DAYNA PA
MARIA CALDERON
LEI-ANN DURANT
LEHUA ITOKAZU
KAMA HOPKINS
KAUIKEAOLANI WAILEHUA
CRAYN AKINA

GUESTS:

KAWEHI RYDE
KEONI FARIAS
SOPHIA HANOA
PERNELL HANOA
DARYL KALUAU, SR.
ELIZABETH NAHOLOWA‘A MURPH
PATRICIA HANOA WONG
EARL LOUIS
ELIZABETH KAHOLOA‘A-POLIDO
GEORGEANA KAILIAA

I. CALL TO ORDER

Chair Colette Machado Calls the Community meeting to order at 6:06 pm. Roll call is taken; Trustees Ahuna, Akaka, Akina, Lee, Carmen Hulu Lindsey, Robert Lindsey and Machado are present; constituting a quorum of seven (7) trustees. Excuse memos were recieved from Trustee Leina‘ala Ahu Isa and Trustee John Waihe‘e IV.

II. INTRODUCTIONS

Chair Colette Machado asks that each Trustee introduce themselves. Each Trustee present introduces themselves and thanks the community for coming out to the meeting. They each ask that the community please share any concerns that they have. She calls on the Interim CEO Sylvia Hussey.

Sylvia Hussey introduces herself and shares about growing up on Hawaii Island. She thanks the community for coming tonight. She introduces all administration staff as well as Hawaii Island staff that are in attendance tonight.

Chair Colette Machado introduces Robert G. Klein, Board Counsel.

Robert G. Klein, Board Counsel introduces himself and thanks the community for their hospitality. He states, as with the Trustees he is here to listen to the concerns of the community.

Chair Colette Machado calls on Chief of Staff Carol Ho‘omanawanui.

Carol Hoomanawanui introduces herself and introduces all Board of Trustees staff present. She asks that the staff stand to be recognized.

Chair Colette Machado states for the record that the Board received testimony via email from Sam King in support of the TMT and also testimony from Veronica Ohara. *(Both testimonies are attached to the minutes.)* Chair Colette Machado then turns the gavel over to Trustee Robert Lindsey to conduct the meeting.

III. COMMUNITY PRESENTATIONS

Trustee Robert Lindsey calls on Terry Lee Shibuya who will be the first community presentation.

A. Summer and after school cultural programs in Ka‘ū – Terry Lee Shibuya

Terry Lee Shibuya shares that this issue goes back to 1994, they tried to build a cultural center and they are still pursuing this cultural center. She states that there is a need in Ka‘ū for jobs and they want to keep it culturally sensitive. *(She distributes to the Trustees Hana Laulima Lāhui O Ka‘ū Inc. newsletter Volume 1, Issue 2 dated January 1, 1998. The document is attached to the minutes.)*

Dane Shibuya goes over with the Trustees the layout of the proposed cultural center and what they hope to achieve.

Terry Lee Shibuya states that they need to do something for the keiki and haumana. There is nothing currently for them in Ka‘ū right now. They hope that they can get this project started again and make it happen for Ka‘ū. They hope that with the cultural center they will be able to educate keiki, tourist or even help small businesses. She thanks the Trustees for her time and hopes that OHA can help in building this cultural center.

She also shares about their family’s business Masazo Pig Farm and the various projects they have happening on their farm. Their program targets keiki, they learn about pig farming, culture that is integrated with sustainability, hands on activities and at the end, they have a ho‘ike and share with their ‘ohana what they have learned and achieved.

Leina‘ala shares her support of this project for the keiki in the area. She states that is a worthwhile project and is something that is desperately needed for the community.

B. Traditional and Customary practices on Maunakea and Wao Kele o Puna – T‘Jaye Forsythe

Trustee Robert Lindsey calls on T‘Jaye Forsythe.

(Distributed to Trustees “Right of Entry Proposal”, handout is attached to minutes.)

T’Jaye Forsythe thanks the Trustees for standing up for the Hawaiian people. He states that they need all the help they can get. He introduces himself and thanks the Trustees for this opportunity. He shares with the Trustee his right of entry proposal for spiritual and cultural gathering practices on Maunakea. *(please see attached handout)*

C. Miloli‘i House lots – Ka‘imi Kaupiko

Trustee Robert Lindsey calls on Ka‘imi Kaupiko.

Ka‘imi Kaupiko address the Trustees regarding the issue of the Miloli‘i house lots and the current situation that is taking place there. He asks for OHA’s help to propose a plan to BLNR for OHA to take over management of Miloli‘i. He asks for timely action and is open to meet with staff to have more discussions. *(please see his attached handouts dated September 19, 2019.)*

Trustee Robert Lindsey explains that the previous CEO has several conversations with Deputy Director Matsuda from BLNR as well as the staff has had different conversations. He recalls that it was left with BLNR where they were supposed to come back to OHA with responses to a number of issues and concerns that Dr. Crabbe had. He thanks Ka‘imi for coming tonight.

D. Proposed Spaceport – U‘ilani Naipo

Trustee Robert Lindsey calls on U‘ilani Naipo for the proposed Spaceport.

U‘ilani Naipo greets the Trustees and introduces herself. She briefly shares her support of Ka‘imi and the Miloli‘i area. She then proceed on the proposed spaceport. She goes over her handout. *(Please see attached handout)*

Trustee Robert Lindsey thanks U‘ilani.

Chair Colette Machado asks if the landowner is Shipman and if they are going through the process before the County of Hawaii.

U‘ilani Naipo states that she is not sure when Shipman came in.

Chair Colette Machado states that OHA can probably first help to find out what process Shipman is going through.

Sylvia Hussey states that Keola has confirmed that whomever owns the property, the process is going to involve County, State and Federal. So we will try to help navigate.

Chair Colette Machado states that the community needs to maka‘ala.

U‘ilani Naipo thanks the Trustees.

Trustee Robert Lindsey thanks Terry, T’Jaye, Ka‘imi and U‘ilani for your presentations. He then moves on to Community Concerns.

IV. STATUS OF OHA ACTIVITIES

A. Interim CEO Update on Ho‘oulu Lāhui Aloha and OHA Activities

No update.

V. COMMUNITY CONCERNS

Trustee Robert Lindsey states that there are 7 individuals that have signed up to share their views on various issues. He states that each individual will have about 5 minutes. He calls Kawehi up first.

Kawehi Ryder greets the Trustees and thanks the Trustees for the support with the Taro Task Force for the State. He shares that he has one area that he would like to extend a hand to and this is an idea that came out of a think tank that comes from the Ka'ū Complex School through the Department of Education. He shares that the Hawaii Island District superintendent is also here tonight to show his sincerity and the importance of what they are trying to seek in terms of something that can be done in a joint partnership. This is in regards to build a Pu'uhoonua traditional hale. He shares that they want to build a hale about 30x20; it will give the opportunity to teach and nurture the students in cultural practices.

Keone Farias introduces himself and give a little background on his work. He also shares background on Kawehi's project. He shares that it's important for OHA to get involved. He states that they are not sure how OHA can help. That it is also something that you don't see every day in the schools and they want to be the model, by listening to the community to provide student with the opportunity for entrepreneurship, college and a way that they can return home if they do choose to go away to college. He states that he support Kawehi and getting this project done.

Trustee Robert Lindsey thanks Kawehi and Keone. He calls on Sophia.

(Name given is indiscernible) she states that she is from Molokai. She states that she is simply supporting Sophia.

Sophia Hanoa greets the Trustees and shares about her background. She asks for OHA's kōkua to help save sacred sites in Ka'ū. She goes over her handouts. *(Please see attached handout.)* She states that there are too many people coming from the outside and getting funds to teach their culture to the children and they are not form the area. Something is wrong with the picture. She also shares that stewardships are given to people who are not even from the area. Also asks OHA when giving grants to people from Ka'ū to make sure they are from Ka'ū and they are invested in the community.

She shares that right now in Ka'u there is no respect to the Kupuna. She asks if OHA can help with Makanau Heiau. She states that Ka'u is sacred and the area is special they are trying to protect and preserve the sacred places and to keep Ka'u, Ka'u.

Trustee Robert Lindsey calls on Pernell.

Pernell Hanoa greets Trustees and shares that he is a country boy born and raised in Ka'ū. He states that he has two concerns, one is about stewardship. He shares that in the last couple years there have been individuals that no one knows, are not from Ka'u, wasn't raised in Ka'u and no one knows them. They have come into the area and are awarded stewardship of cultural sites in Ka'u along with grant money. He states that this grant money is not being used to take care of the land he doesn't see them doing any stewardship on the land. He also asks if there is something OHA can do to vet those that come into the area. He feels that those that steward the land should have some connection to the land. His second concern is the disrespect regarding the heiau at Makanau. He asks OHA for help in protecting cultural sites. To make sure they are left as they are. He shares that the best way to take care of our kuleana is to leave it alone.

Trustee Robert Lindsey calls on Daryl.

Daryl Kaluau, Sr. introduces himself and greets the Trustees. He states that he is a homesteader in South Point. He asks if OHA can help, Hawaiian Homes put water down in South Point on the Homestead. He shares that Hawaiian Homes stated that they were going to put up a 100,000-gallon tank at a meeting a few months ago. He points out that here is 11,000 acres of Hawaiian Homes property at South Point. His concern is that Hawaiian Homes has been talking about this water plan for many years but there has been no action. Hawaiian Homes also needs to utilize the land and lease the lands to those people who are from that area. He shares that he hauls his own water in for his cattle he enjoys his homestead. He emphasizes that the administration changes at Hawaiian Homes and they keep talking about the same thing repeatedly and nothing changes, lands don't get utilized down in South Point and Hawaiian Homes is not doing their job. He asks that maybe OHA can help them do their job.

Trustee Robert Lindsey calls on Elizabeth.

Elizabeth Naholowa'a Murph introduces herself; she is the Community Director for Hawaii Island for Catholic Charities of Hawaii. She shares information and her work on Imua Ka'u. She shares background on the Ka'u Cultural Center and supports the development of the center for the residents of the area. She asks if OHA can provide funding for the project as well as helping to navigate the land lease for the center.

Trustee Robert Lindsey calls on Malia.

Malia introduces herself. She states that she her tutu comes from Hawai'i Island as well as Kauai. She shares with the Trustees the various work herself and her Ohana has faced in protecting the aina. They have worked together to stop the wrongs that she feels are taking control of the lands. She states that all the Hawaiian agencies need to work together to help the people protect the land, put people on the land and protect the kupuna. She wants OHA's help so that she can get the original inventory of all the lands that were placed under DLNR, DHHL. She states that she needs this. She also states the Maunakea is scared and that the State cannot be playing around with people's lands and people's lives.

Trustee Robert Lindsey calls on Patricia Wong.

Patricia Hanoa Wong greets the Trustees and introduces herself. She shares her support to protect the heiau and also the cultural center. The cultural center is important for the keiki so that they can go there to learn about their ancestors. She asks for OHA's support in both the cultural center and in protecting the heiau. She states the center is much needed in the community because drugs is also a problem in the community.

Trustee Robert Lindsey calls on Earl.

Earl Louis greets the Trustees and welcomes them to Ka'u. He states that everyone is all talk and no action. He shares that he is the one that goes up to Makaanau. He goes there to malama the area because the ancestors told him to do so. It is a special place. He explains the significance of the heiau in the area. He shares what his family and he has done in the community. He states that he does not desecrate the heiau and is upset of all the false talk about what he is doing at the heiau. He invites the Trustees to come and see the heiau to see how being a kanaka is. There is enough talk, namunamu, hewa going on, need to see what is really going on.

Trustee Robert Lindsey calls on Elizabeth.

Elizabeth Polido greets the Trustees and introduces herself. She states that she did move away but she came back in 2000. She shares that since moving back and getting involved in the community she has seen that there is need for land for a community cemetery. She has also started a petition and has talked to the County Council. She thanks the Trustees for being there.

Trustee Robert Lindsey calls on Georgeana.

Georgeana Kailiaa greets the Trustee and shares that she was born and raised in Ka‘u. Thanks the community members who are out there supporting and protecting the various sacred sites. She shares the dysfunction that is happening about the awarding process at the Department of Hawaiian Home Lands. She asks for support for the people.

Trustee Robert Lindsey thanks the community for coming out tonight. He thanks the Ka‘u Civic Club for the ono mea ai, and for the hospitality.

VI. ANNOUNCEMENTS/FYI

None

IX. ADJOURNMENT

Trustee Carmen Hulu Lindsey moves to adjourn the meeting.

Trustee Dan Ahuna seconds the motion.

Trustee Robert Lindsey adjourns the meeting

The meeting was adjourned at 8:49 pm.

Respectfully submitted,

Dayna Pa, Board Secretary

As approved by the Board of Trustees on _____.

Colette Y. Machado, Chairperson
Board of Trustees

Attachment:

1. Trustee Leina‘ala Ahu Isa – Excuse Memo
2. Trustee John Waihe‘e IV - Excuse Memo
3. Handout from Terry Lee Shibuya – Hana Laulima Lāhui o Ka‘ū, Inc.
4. Handout from T’Jaye Forsythe – Right of Entry Proposal Spiritual & Cultural Gathering Practices
5. Handout from Ka‘imi Kaupiko
6. Handout for U‘ilani Naipo – Opposition to the Pacific Spaceport Complex – Hawai‘i
7. Testimony of Sophia Hanoa – Protect and preserve Kohaikalani Heiau on Pu‘u o Makaanau and all sacred sites in Ka‘ū



OFFICE OF HAWAIIAN AFFAIRS MEMORANDUM

Mea ho'omana'o a ke Ke'ena Kuleana Hawai'i

To: Chairperson Colette Y. Machado
From: Trustee Leina'ala Ahu Isa, Ph.D.
Date: September 16, 2019
Re: Excused Absence

Please be advised that I am unable to attend the Hawai'i Island Community Meeting on Wednesday, September 18, 2019, at 6:00 P.M. due to my doctor's recommendation that I refrain from all activities because of a medical condition.

If you have any questions, please contact my staff.

Mahalo!

PHONE (808) 594-1888



FAX (808) 594-1868

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
HONOLULU, HAWAII 96817

MEMORANDUM

TO: Trustee Colette Y. Machado, Chair
Board of Trustees (BOT)

FROM: Trustee John Waihe'e, IV, Member / At-Large

CA for 

DATE: September 13, 2019

SUBJECT: ATTENDANCE FOR COMMUNITY MEETING, BOT MEETING, AND
SITE VISIT TO MAUNA A WĀKEA ON HAWAII ISLAND

I am unable to attend the 09/18 Community Meeting, the 09/19 Board of Trustees meeting, and the 09/19 Site Visit to Mauna a Wākea on Hawai'i island due to conflicts in my schedule.

Please EXCUSE my absence and extend my apologies to the rest of the Board of Trustees.

Mahalo.

2019 SEP 13 P 3:09

OFFICE OF
HAWAIIAN AFFAIRS
STATE OF HAWAII
RECEIVED-BOT

Carol Ho'omanawanui

From: Sam King
Sent: Tuesday, September 17, 2019 5:06 PM
To: BOT Meetings
Subject: Testimony in Support of TMT for September 18-19, 2019 meetings

Aloha OHA Board,

At your August 22, 2019 meeting I testified concerning threats made to OHA beneficiaries by other OHA beneficiaries protesting, or supporting the protests against, the Thirty Meter Telescope. You can find a copy of my remarks (as near as I could recall from my notes) here:

<https://www.imuatmt.org/safehouse-statements-oha/>.

At that time I requested a resolution from OHA condemning threats of violence and bullying from the protesters.

I would like to reiterate that request. As we saw from the Governor's recent press conference, the threats of violence are getting more brazen. Threatening posts are being made against individual police officers. Someone joked about a mass shooting at the state capitol on the Facebook Live feed of the Governor's press conference. The Kia'i are losing control on the Mauna, as we saw from the illegal structure built which was condemned by the Royal Order. Protesters are also growing more desperate, as seen by the nailing of a Hawaiian flag on that structure in such a way as to create precisely the social media explosion that was created when the police offer cut the flag to gain entry to the building. Also, the manner in which that unfortunate event was spun up by the protesters as a horrible desecration instead of an unfortunate accident speaks to this desperation as well. Hawaiian Kingdom advocates recently appeared in Mayor Kim's office wearing bullet proof vests.

The Governor's statements against bullying are not enough. The protesters and their supporters need to see news stories about OHA's condemnation of such vitriol. Without that, and because OHA has funded the protests, OHA will ultimately be complicit in the first death caused by the bullying perpetrated by the protesters.

Please speak out for your beneficiaries who support TMT. We deserve your respect and empathy as well.

Mahalo,

Sam King

Carol Ho'omanawanui

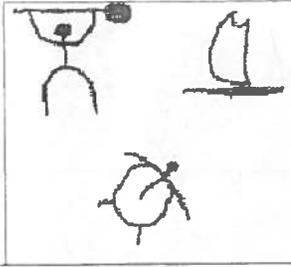
From: Veronica Ohara
Sent: Tuesday, September 17, 2019 6:51 PM
To: BOT Meetings
Subject: TMT meetings

Aloha OHA Board Members,

I would like you make a clear statement condemning the blockade of the Maunakea Access Road and the rising vitriol against TMT supporters; many of us are native Hawaiians. During these past months you appeared on the news and shown support for the blockade, the protest against the construction of TMT. It's no secret that you fund air tickets for people to fly to Hilo to join the protest. Some of you have taken an unconditional stance against the Thirty Meter Telescope. By doing so you widen the divide between the very community you should be supporting. The native Hawaiian TMT supporters, who elected you into office, are worthy of your consideration and respect.

The emotional arguments against TMT have heightened, attracting worldwide attention. OHA must realize we Hawaiians who support TMT are fully aware of what the social and economic problems of our people. We sympathize but cannot support an unlawful blockade that is clearly hurting Hawaii. What about the astronomy, physics, engineering, robotics graduate students who are on scholarships, who dream of observing with TMT on Maunakea? What about the construction workers who have patiently waited for the court cases to end? We are all local people whom you cannot ignore because we voted for you; you are in office to serve us.

The blockade has gone on for far too long and out of control; the comments on Gov. Ige's Facebook page are unacceptable, and



Hana Laulima Lahui O Ka`u, Inc.

KA`U HAWAIIAN CULTURAL

CENTER PROJECT UPDATE

January 1998

Volume 1, Issue 2

Ka`u nu hou kuloko

Hana Laulima Lahui O Ka`u, Inc.

Hana Laulima Lahui O Ka`u, Inc. ("Hana Laulima") is a community based 501 (c) (3) non-profit organization.

The mission of Hana Laulima is to support the development of a new economic base for the District of Ka`u that will enhance economic growth, advance a secure economic future for the community and the children of Ka`u, while preserving the people of Ka`u's cultural heritage and respect for the aina (land).

Hana Laulima's Goals Are:

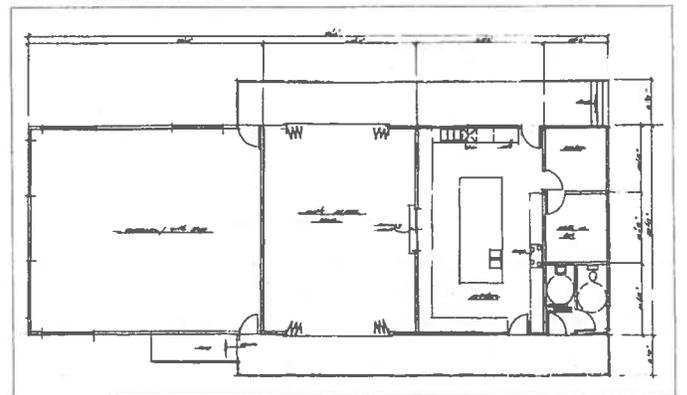
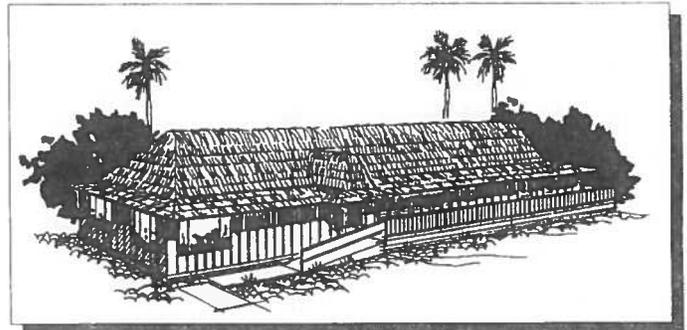
- 1 To preserve Ka`u's unique Hawaiian cultural heritage and history.
- 2 To preserve and present authentic hands-on educational and cultural programs for the children, the community and visitors so that they may know and experience the true Hawaiian spirit.
- 3 To malama (preserve and protect) Ka`u's rich natural environment and pristine beauty for future generations.
- 4 To support the restoration and preservation of Ka`u's coastal shorelines, shoreline fish ponds, historic sites, and native species.
- 5 To preserve and portray authentic Hawaiian culture and the heritage and history of Ka`u and its people.
- 6 To preserve and portray traditional Hawaiian arts and crafts native to Ka`u.
- 7 To promote and strengthen community self-esteem and identity.
- 8 To promote and retain community cultural anchors.
- 9 To promote and reinforce community social, cultural and economic values.
- 10 To contribute to the educational development and growth of people in Ka`u.
- 11 To promote, incubate and support small businesses and cultural entrepreneurs.

LATEST NEWS REGARDING THE KA`U HAWAIIAN CULTURAL CENTER

The Conservation District Use Application, Conservation District Use Application Management Plan, Special Management Area Use Permit, and the Final Environmental Assessment have been completed by Pacific Business Insights, Inc., project consultant, and submitted to the appropriate government agencies for the purpose of obtaining a long-term lease for a 5.25 acre parcel of State land designated as Conservation - General Subzone by the State and zoned Open by the County.

Hana Laulima Lahui O Ka`u, Inc. is seeking community support to develop and construct the Ka`u Hawaiian Cultural Center (KHCC) on a 5.25 acre parcel of State land. The KHCC project includes a stage, modest building which includes a multi-purchase room with folding walls (for

(Continued on page 2)



Architectural drawing of proposed Ka`u Hawaiian Cultural Center

Ka`u Hawaiian Cultural Center Will Enhance the Ka`u Community

The proposed parcel for the KHCC is State land and was surveyed by archaeologists in 1970 as part of a larger survey and excavation project undertaken for the Ka`u Historical Society. No historic sites were found on the small 5.25 acre parcel and it is highly unlikely that any would exist because of its location bordering the Mamalahoa Highway.

Due to the site's previous usage for nursery, (experimental citrus orchard), arboretum, and landscaping purposes, any indications of historical significance no longer exist due to previous clearing, planting and landscaping of the parcel.

The Department of Land and Natural Resources - State Historic Preservation Division and Office of Hawaiian Affairs have indicated that the KHCC project will have "no effect" on any significant historic sites.

The parcel is currently not maintained and is overgrown with weeds.

The Ka`u Hawaiian Cultural Center will enhance the State parcel and the Ka`u community.



(Continued from page 1)

classes, dining, meetings); museum/gift shop, commercial kitchen, public bathrooms, and Native Hawaiian Botanical Gardens.

The Ka`u Hawaiian Cultural Center museum will feature Hawaiian artifacts, art, sculpture and carvings, petroglyphs, historical items and photographs about the people and history of Ka`u.

Most of the 5.25 acres will be the KHCC Native Hawaiian Botanical Garden which will cultivate native and indigenous plants used by Hawaiians for *na mea hana laulima* (handicrafts), traditional Hawaiian tools, Hawaiian seasonings for cooking, and agricultural products. The Native Hawaiian Botanical Garden will be linked with the Hawaiian museum as a visitor and resident attraction. The agricultural products grown in the Native Hawaiian Gardens will be used in creating gift items for the gift shop such as Hawaiian foods, arts and crafts, herbal teas, potpourri, lotions, oils, floral leis, decorated gourds and ceremonial items.

Findings set forth in the Final Environmental Assessment supports that the proposed land use for the Ka`u Hawaiian Cultural Center is a superior public use to that which the subject land has been appropriated and does not endanger or threaten the purpose of conservation distinct as set forth in HRS 205-2 a 4-e which states: Conservation districts shall include areas necessary for protecting watersheds and water sources; preserving scenic and historic areas; providing park lands, wilderness, and beach reserves; conserving indigenous or endemic plants, fish, and wildlife, including those which are threatened or endangered; preventing floods and soil erosion; forestry; open space areas whose existing openness, natural condition, or present state of use, if retained, would enhance the present or potential value of abutting or surrounding communities, or would maintain or enhance the conservation of natural or scenic resources; areas of value for recreational purposes; other related activities; and other permitted uses not detrimental to a multiple use conservation concept.



Dane Shibuya, President of Hana Laulima

Message from the President

Aloha Ka`u Ohana,

The Hana Laulima Lahui O Ka`u, Inc. proposed community-based economic development project - the Ka`u Hawaiian Cultural Center (KHCC) belongs to the Ka`u community. The KHCC is for all us who live in Ka`u, and is especially important for our keiki and our keiki's keiki. We have an unique and very special culture, history, ecology and way of life in Ka`u, which the KHCC will help preserve and share with visitors, residents and future generations.

As announced in the *The Ka`u Connection* December 1997-January 1998 issue, our election was held on December 8th. The new Hana Laulima leadership is as follows: directors Pele Hanoa, Momi Oliveira, Trinidad Marques, Herbert Waltjen Jr., Raphael Hulihe`e; Dane Shibuya, president, Keamalu Waltjen, vice-president, Terry-Lee Shibuya, treasurer, and Keola Hanoa, secretary. All directors and officers have committed to be active "working" members.

Our 4th Prince Kuhio Day Ho`olaule`a, will be on Saturday, March 28, 1998 from 8:00 am to 7:00 pm at Na`alehu Park. If you are interested in having a booth, contact Lena Beck at 929-9667 for food, and Malu Waltjen or David Poland for arts & crafts.

There will be no admission fee to the Ho`olaule`a, but donations to support the Ka`u Hawaiian Cultural Center will be greatly appreciated.

Hana Laulima meetings are held the second Monday of each month at 7:00 pm. All are welcomed, and if you are not a member, please join Hana Laulima.

Architectural Site Plan for the proposed Ka'u Hawaiian Cultural Center

Hana Lulima Lahui O
Ka'u, Inc. is a Community-
Based Organization.

The State of Hawaii assists community-based development through loans and grants administered by the Department of Business Economic Development and Tourism (DBEDT).

Traditional and small community-based enterprises play an important part in providing opportunities for Hawaii residents and communities.

Community-based enterprises are characterized by their interests in community empowerment and helping the community to be self-sufficient.

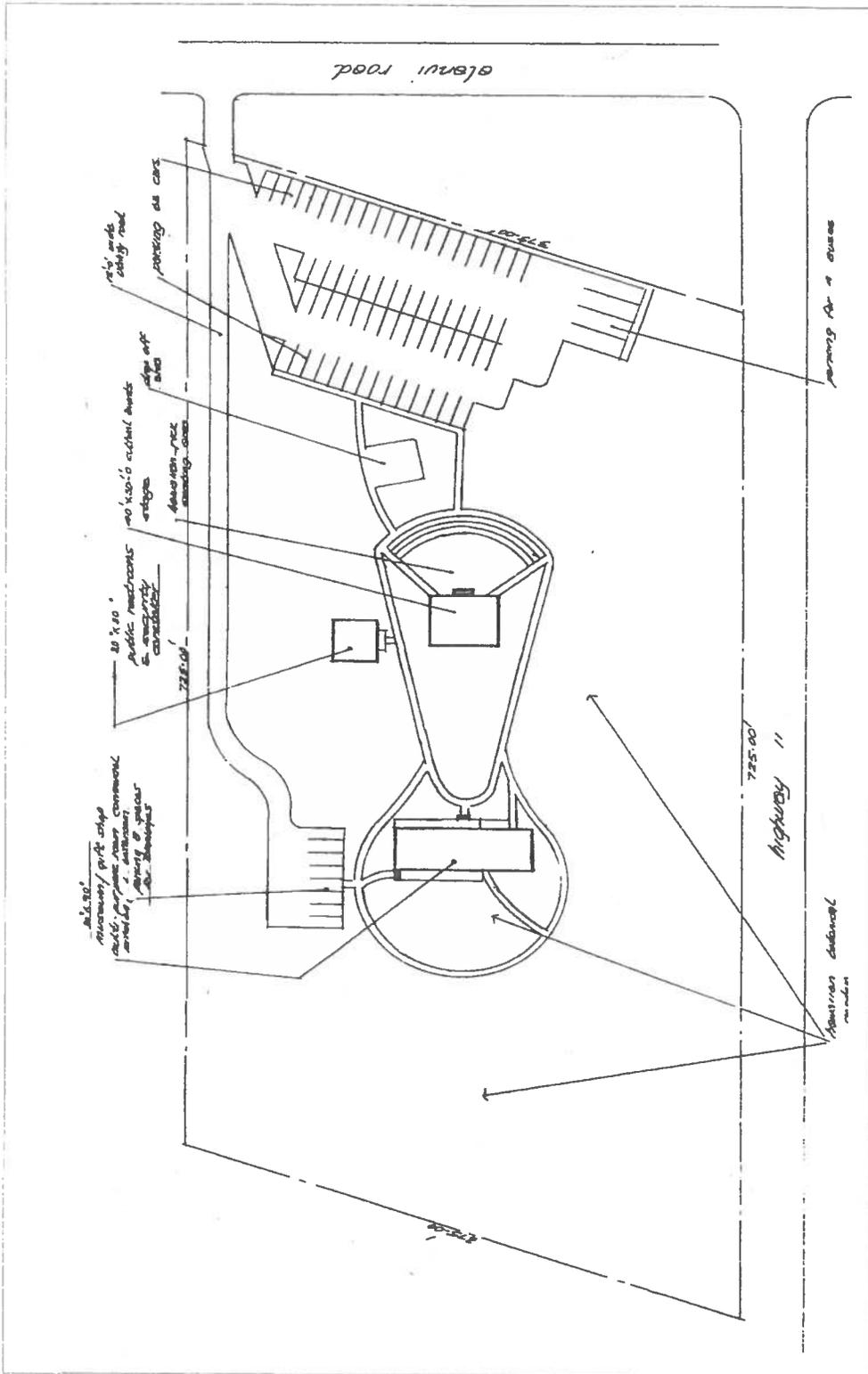
DBEDT has developed loan and grant programs to assist community-based enterprises increase community self-sufficiency, provide employment opportunities, strengthen community identity, retain and create community cultural anchors, reinforce community social, cultural, economic, and spiritual values, and securing economic opportunities.

In 1994, Hana Lulima initiated the community-based Ka'u Hawaiian Cultural Center project. Recognizing the value of a community-based Ka'u Hawaiian Cultural Center, DBEDT awarded two grants to Hana Lulima to assist in the planning and development of the KHCC project.

The County of Hawaii awarded an R&D grant to help purchase materials to build the KHCC cultural events stage and Hawaiian rock seating arena.

What can you do to help? Community-based means everybody in Ka'u working together to help make the Ka'u Hawaiian Cultural Center a reality for the community.

Please join with Hana Lulima and add your voice to this community-based project.



Site Plan for proposed Ka'u Hawaiian Cultural Center at Mamalahoa Hwy and Alanui Rd.

Hana Lualima Lahui O Ka`u, Inc

P. O. Box 839

Naalehu, Hawaii 96772

**BULK RATE
AUTO CR.
US POSTAGE PAID
NAALEHU, HI
PERMIT NO. 14**

To: Ka`u Ohana

P.O. Boxholder

How to Become Involved with the Ka`u Hawaiian Cultural Center

The proposed Ka`u Hawaiian Cultural Center is a community-based project for Ka`u. If you would like to help make the KHCC a reality, please fill out the membership form and help us preserve the people of Ka`u's cultural heritage and love for the aina (land).

Annual Membership \$10.00/year

SEND TO:
Hana Lualima Lahui O Ka`u, Inc.
P. O. Box 839
Naalehu, Hawaii 96772

Name _____
Address _____
City _____
State/Province _____
ZIP/Postal Code _____
Payment _____

**INTERESTED IN
HELPING MANAGE AND
OPERATE THE KHCC?**

Attend the "Visitors Attraction Leadership and Management Training" class planned for Saturdays May 2 and 9, 1998 from 9:00 am to 5:00 pm.

The class is in conjunction with the Hana Lualima DBEDT\CBED Project Matching Grant.

The class is open to all in the Ka`u community and is free for Hana Lualima members. There is a \$10 fee for non-members to attend the class.

For registration and/or more information call Hana Lualima at 929-7159.



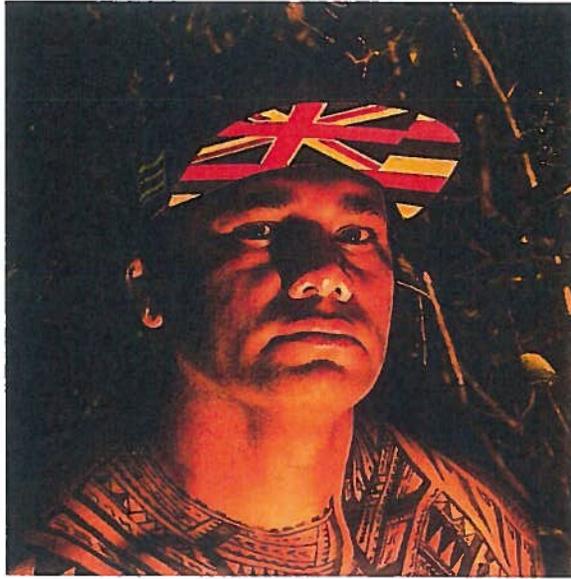
RIGHT OF ENTRY PROPOSAL

Spiritual & Cultural Gathering Practices

T`Jaye Keawemauhili-Forsythe

1581 Kaunala Way
Hilo, Hawaii 96720

Phone: (808) 990-1601
Email: tjaye161@hawaii.rr.com



Introduction

ABOUT ME

I am not perfect. I grew up with very little and lived off the *aina* in a tent for several years. I have a past that I'm not always proud of. I struggled in life to choose the right. In 1993, I was shot and a 9mm bullet grazed my head, in a gang related incident. As a result, I was hospitalized for six months where I had to learn how to walk and talk again. I almost lost my life.

It was through these pivotal events, that I finally made the decision to change my life. I needed to save myself. With all my faults and failures, my next car ride would have definitely been to the morgue.

For healing and guidance at such a dire level, I looked towards the *aina*, but more specifically the *mauna*. I felt that the powers of recovery by being one with the *mauna*, would be the therapy and spiritual healing I so desperately needed for my broken soul. As the years past, and as I continue to visit the *mauna* to pray for guidance, this has proven to be the spiritual necessity that saves my life. Without access to the *mauna*, there is no me. Without the *mauna*, my heart aches and I feel lost because the *mauna* is my sanctuary of peace and serenity. It is where I pray for counsel. It is where my soul's foundation is rooted. No other place gives me life and hope, like the *mauna*.

Spiritual & Cultural Practice

WHY I AM A SPIRITUAL & CULTURAL PRACTITIONER

This is real. This is truth. This is true happiness. I've seen enough good and bad in my life to know for myself that this practice is true. I do not doubt the truthfulness of the teachings of this practice. I know it's true. Being a practitioner has brought true happiness in my life. Real happiness that last and gives me hope and peace for a brighter and better tomorrow. I choose to stay a practitioner because it is my strength and foundation. Without God and the *mauna*, I am nothing. I've faced death so many times in my life that I've come to realize that God spared me because he has a greater purpose for me in life and my work on this earth is not done. Being a practitioner gives me freedom to choose the course of my life. Freedom gives me truth. The truth allows me to believe in something that is my own.

The feelings and spiritual enlightenment I get on the *mauna* are true. I know this because of this burning feeling of truthfulness in my heart that has brought me to tears. I rarely cry, but these tears of joy mean`s that something has moved my heart so much that I can no longer deny the truthfulness of it. I was taught you must search and find for yourself what you want from life.

I choose to be free and happy and to never feel alone. Being a practitioner gives me this priceless gift at no cost. I will forever be a practitioner by choice because it's my guide in an uncertain world. My testimony and life will only get stronger as I choose to live my life as a spiritual & cultural practitioner on the *mauna*.

SPIRITUAL & CULTURAL HEALING STUDY

Body Chemistry and the forces of nature, when connecting these concepts towards healing practices, work in cells to build a fortress of health in your tissues. This is the key metrics of health for all humans. The science behind how our body can regenerate itself in the presence of certain stimulus and the importance of our environment and connection with mother nature will promote optimum health.

SACRED SPIRITUAL & CULTURAL PRACTICE

When I think about the *aina* on the Big Island of Hawaii, I feel deeply spiritually connected to the *aina* that reside in the Office of Hawaiian Affairs (OHA) and the Department of Hawaiian Home Lands (DHHL) inventory. Specifically, the *moku*'s of the *mauna*.

The phrase "*Hale Ho'ola*" (house of healing) comes to my mind and heart. For me, the *mauna* is my "house of healing". I come here to pray, connect through meditation and practice *ho'oponopono* which means 'to make right'. It is a mantra and healing practice that naturally extends from oneself to the *aina*.

The mantra I use to practice *ho'oponopono* through prayer is:

Acknowledging God

I'm sorry

Please forgive me

I love you

Thank you

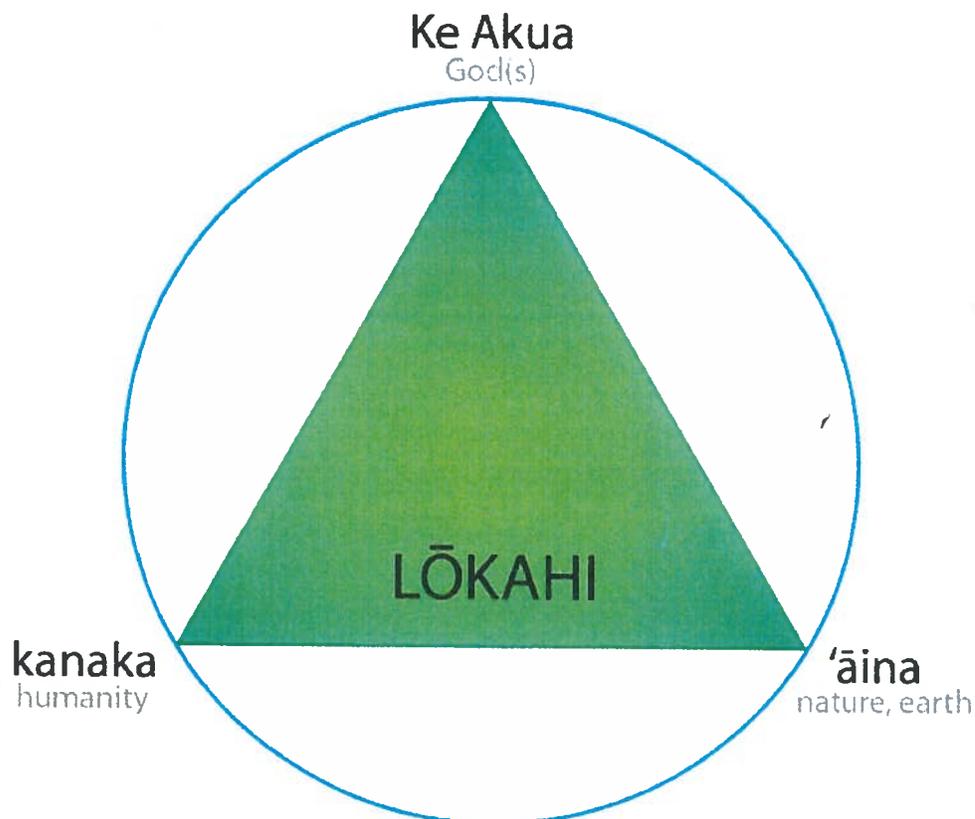
I need guidance

This mantra allows me to focus my energy on empowerment and mana increasing my spirituality and enlightenment, seeking forgiveness and healing. The *mauna* is the place I choose to practice and become one with God.

This sacred cultural mantra of connection between *aina*, *kanaka* and *Ke Akua*, developed and implemented by the early Hawaiians, is still used by native Hawaiians and spiritual cultural practitioners, like myself today. It is called the "*Lokahi Circle*".

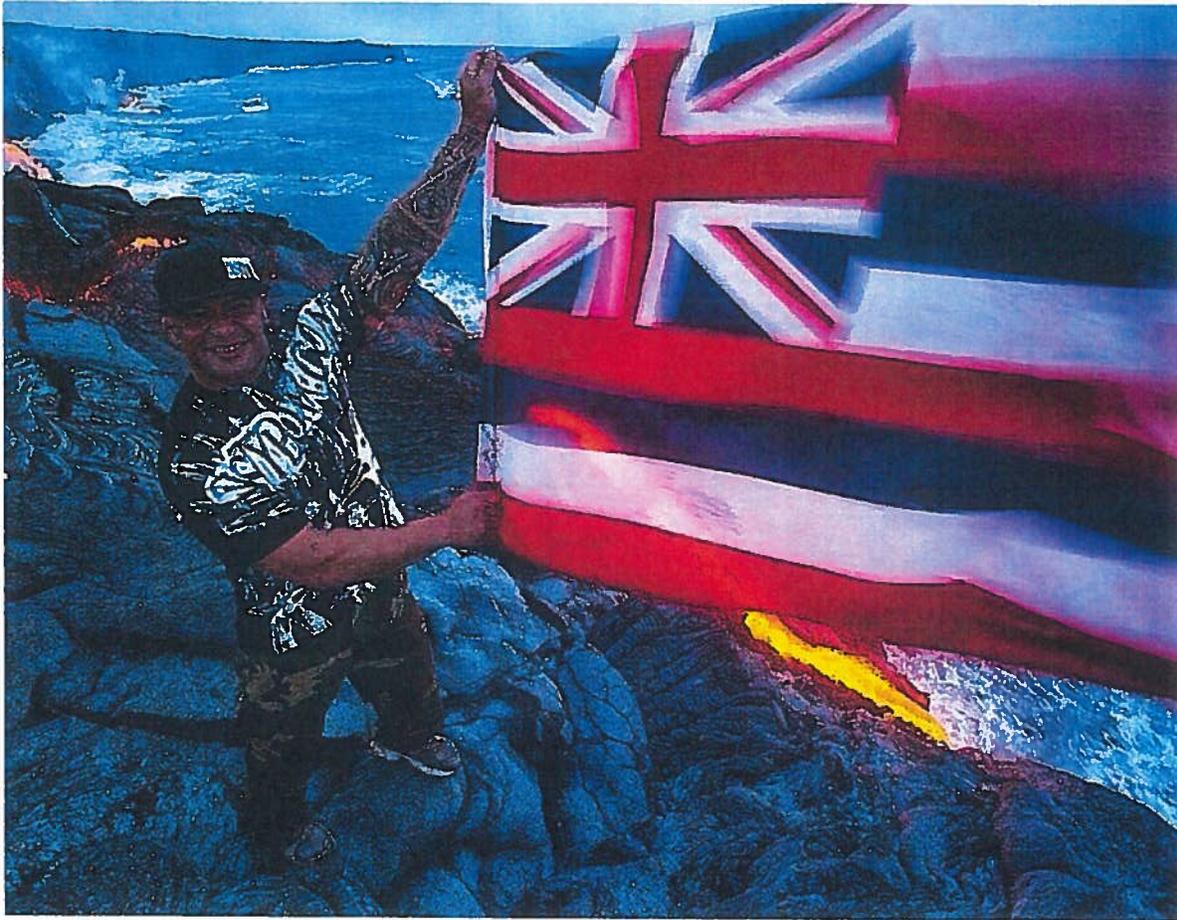
The *Lokahi* Circle concept (pictured below) comes into play on the *mauna*, as I pray. (Science in Hawai'i: Na Hana Ma Ka Ahupua'a, [While on the *mauna*, I feel the presence of my grandmother, Loika Keawemauhili, who passed away in 2005. She is 100% hawaiian and daughter of Mamane Keawemauhili, and when I pray on the *mauna*, I feel her near me. With her comfort, I know I am there on the *mauna* as a *kanaka* with purpose. She brought me to the *mauna* as a child which is why I will forever be spiritually connected to this *aina* and *moku*.](http://ulukau.org/gsd/2.81/cgi-bin/cbnahanamakaahupuaa?a=pdf&d=D0.2&aurl=/gsd/2.81/collect/cbnahanamakaahupuaa/index/assoc, last visited Sept. 17, 2019)</p>
</div>
<div data-bbox=)

I've learned from personal experience as a practitioner, that the *Lokahi* Circle and *Hale Ho'ola* is sacred. It is based on understanding nature and personal connection with nature. Once you comprehend and marry those two concepts together, only then will you begin to translate, define and understand the word sacred.



To experience spiritual and cultural practices on the same *aina* as my ancestors is essential to my well-being. The term *Ike Maka*, comes to mind as I spiritually connect mentally and physically to the *aina* and replicate the same cultural practices in the same places that my ancestors have walked, prayed and gathered on. It is a blessing, honor, and privilege to have the ability to gather sustenance for my *ohana* on the very moku and ahupuaa that my ancestors practiced and lived on.

So, I must always remember this, if we don't practice and build a foundation for ourselves that preserve and perpetuate the ancient culture and customs of our ancestors, that our *ohana* have handed down to us, sadly, our Hawaiian culture and practices, will be lost.



Genealogy and State Constitutional Rights

LINEAL ORIGINS OF DESCENT

I am a lineal descendant of King *Keaweikēhāliiokamoku*, “Keawe the Great” (1665-1725) of Hawaii island, and his son Prince *Kalaninui-ʻI-amamao* of Hawaii Island, and his son High Chief Aliʻi Nui Kapu *Keawemauhili* (1729-1790) of Hawaii Island. These men are the founders of the *Keawe* dynasty from the house of Keawe and original *ahupuaʻa* tenants, which make up *Moku O Keawe*.

I have my genealogy below that traces my lineal descent rights:

- My mother is Sharon Vatia Fanene-Keawemauhili (50% Hawaiian / 1952-present)
- My grandmother is Louise Loika Keawemauhili (100% Hawaiian / 1915-2005)
- My great-grandfather is Mamane Keawemauhili (100% Hawaiian / 1877-1909)
- My great-grandfather (6X) is High Chief Aliʻi Nui Kapu Keawemauhili
(100 % Hawaiian / 1710-1790)

- My great grandfather (8X) Prince Kalaninui-I-amamao known as Lonoikamakahiki (100 % Hawaiian) (circa 1690)
- My great grandfather (10X) King Keaweikekahialiiookamoku known as Keawe the Great (100% HAWAIIAN / 1665-1725)

Being a lineal descendant of this land, I qualify under the Hawaii State Constitution, Article 12, Section 7, TRADITIONAL AND CUSTOMARY RIGHTS, to have access to these lands. The article states that:

“The State reaffirms and shall protect all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes and possessed by ahupua'a tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights. [Add Const Con 1978 and election Nov 7, 1978]”

PUBLIC TRUST

Also, in the Hawaii State Constitution, Article 12, Section 4, PUBLIC TRUST, it states that:

“The lands granted to the State of Hawaii by Section 5(b) of the Admission Act and pursuant to Article XVI, Section 7, of the State Constitution, excluding therefrom lands defined as available lands” by Section 203 of the Hawaiian Homes Commission Act, 1920, as amended, shall be held by the State as a public trust for native Hawaiians and the general public. [Add Const Con 1978 and election Nov 7, 1978]”

This is a reminder that these lands are held in trust for the “native Hawaiians and general public”. This further justifies the reasons I should have access to these lands.

COMPLIANCE WITH TRUST

Furthermore, in the Hawaii State Constitution, Article 16, Section 7, COMPLIANCE WITH TRUST, it states that:

“Any trust provisions which the Congress shall impose, upon the admission of this State, in respect of the lands patented to the State by the United States or the proceeds and income therefrom, shall be complied with by appropriate legislation. Such legislation shall not diminish or limit the benefits of native Hawaiians under Section 4 of Article XII. [Ren Const Con 1968 and election Nov 5, 1968; ren and am Const Con 1978 and election Nov 7, 1978]”

This states that any “trust provision” that Congress has imposed shall be complied with by appropriate legislation and that these legislations “shall not diminish or limit the benefits of native Hawaiians under Section 4 of Article XII”.

CULTURAL RESOURCES

Finally, in the Hawaii State Constitution, Article 9, Section 9, CULTURAL RESOURCES, it states that:

“The State shall have the power to preserve and develop the cultural, creative and traditional arts of its various ethnic groups. [Add Const Con 1978 and election Nov 7, 1978]”

This declaration acknowledges the state’s “power” and authority to “develop” cultural and “traditional arts of its various ethnic groups” as it relates to the public’s health and welfare.

RECENT FEDERAL RECOGNITION

In June 2019, the Federal Government announced what it calls “a major expansion of hunting and fishing access in the nation’s wildlife refuges.”

The United States, Secretary of Interior, David Bernhardt stated that “The plan affects 1.4 million acres on federal public lands, including 74 national wildlife refuges.” This plan and proposal would also allow hunting and fishing for the first time at 15 national fish hatcheries.

“It’s a dramatic statement about our commitment to access,” Bernhardt said, adding: “The goal is to get more people out.”

Lack of access to hunting and fishing sites is one of the most common reasons people don't begin those activities, Bernhardt said.

This movement by the Federal Government shows a major push and initiative to get people back on the land.

CONCLUSION

It is for all these reasons above that I humbly ask for your permission for a right of entry to these lands held in trust for "native Hawaiians and the general public". My request for permission of once a week access for spiritual, cultural and gathering practices to these lands is a very reasonable request. Like a person who may go to their place of worship every Sunday, the *aina* and *mauna* is the place I need to go to at least once per week. I go to "fill my cup" and allow myself to be one with the *mauna* and my God. Restricting my access to these lands is a direct violation of my rights, but most importantly, causing harm, hurt and injury to my physical, spiritual and mental well being.

Mahalo piha for your consideration in my request.

September 14, 2019

Dear Members of the OHA Board of Trustees

I am writing on behalf of myself Ka'imi Namaielua Kaupiko, which represents majority of the voices of the residents from Miloli'i, who are facing a challenge to our future survival as the last Hawaiian fishing village in Hawai'i. We ask for the support of the Office of Hawaiian Affairs to assist us by assuming direct managerial responsibility for the ceded lands that underlie our 52 residential lots in the village. We request this shift in management responsibility from the current management by the DLNR because of the incompatibility with rent criteria employed by that department, which will likely undermine the ability of current 'ohana members in Miloli'i to continue living in our village as they face future management decisions under that department. In these times of severe economic challenges to our continued ability to live as Hawaiians in this modern era, we turn to OHA for the help we need to preserve our cultural way of life.

The Current Challenge Under DLNR Management. Most recently, over the past year, the State Department of Land and Natural Resources has notified residents of a 300% increase in the lease rent for our individual residential lots (from \$120 to \$480), effective June 1, 2017 through. This increase is based on statutory and regulatory standards that do not take into account the unique historic and cultural circumstances that distinguish Miloli'i from other state residential leaseholds. Our residents can trace their lineage back through multiple generations that go back to times preceding Western contact. As such, this legacy has imbued Miloli'i with a distinctive history filled with deep cultural relationships, customs, and traditions that are unique to most other places in Hawai'i outside of Ni'ihau. Miloli'i is a prime example of a "cultural kipuka." We believe this history makes Miloli'i an invaluable cultural resource worthy of protection and conservation so the 'ohana from this village can perpetually survive under a Hawaiian-based management scheme, rather than under the DLNR and its legal framework.

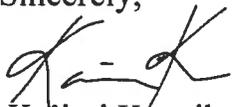
Our Request. We ask OHA to recognize this distinction and step in to accept a transfer of legal responsibility for managing the leases of the residential lots in Miloli'i from the DLNR. Given its current mission, OHA, rather than the DLNR, is much better suited to assuming this role. According to its website, "OHA is focused on strategic priorities for improving the conditions of Native Hawaiians in the areas of 'āina, culture, economic self-sufficiency, education, governance, and health." Specifically, in the area of economic self-sufficiency, OHA is, in part, focused on increasing homeownership and housing stability for renters. In the area

of culture, it is focused on “cultural vibrancy” by applying “Hawaiian perspectives and approaches to all of [its] advocacy and initiatives.” We note that OHA has been “identifying opportunities that can bring significant value to its efforts to increase the number of Native Hawaiians who appreciate their history and culture. The initiative also calls for increasing Native Hawaiian participation in cultural activities.” We believe the assumption of responsibility for managing the residential leases of Miloli‘i residents fits well within these approaches. In fact, as a living community with deep ties to the ocean and fishing, Miloli‘i presents a grand opportunity to promoting the appreciation of Hawaiian history and culture, while encouraging the participation of its residents to continue its cultural activities as it has for generations.

Justification. As Hawaiians with visions compatible with OHA’s broad goals and objectives, Miloli‘i residents are well positioned to advance OHA’s strategic plan. We are also very interesting in becoming a role model in advancing OHA’s vision of self-governance and economic self-sufficiency. We believe that we can partner with OHA to exercise local self-governance over our day-to-day affairs under a village entity we could organize with the democratic participation of all of its residents. This arrangement would localize the kuleana over management issues facing Miloli‘i, including issues related to determining appropriate lease rent values, creating rules over village matters, communicating with residents to disseminate information affecting them, regulating common areas, planning for and recommending improvements to infrastructure, and other management challenges. In addition, we would welcome the assistance of OHA to promote economic self-sufficiency, to supplement the income of village residents with employment and entrepreneurial opportunities that will assure the future viability of living in our community.

Conclusion. I welcome the opportunity to open a conversation with your staff on developing a plan to propose to the BLNR so that OHA can take over management of Miloli‘i, including developing options for such a transfer. We ask for timely action on this request, as we all face these rent increases that eventually will erode our ability to continue living in our community. Please feel free to contact me if there are any questions.

Sincerely,



Ka'imi Kaupiko

The settlement at Miloli‘i in the South Kona District of Hawai‘i Island remains the most traditional fishing village in Hawai‘i. Established as a settlement dating back to the early polynesian seafarers from the South Pacific, Miloli‘i families have been fishing the offshore and nearshore waters for generations. The village has about 250 residents and about 50 single-family homes. The majority of the residents are Native Hawaiian. Authorities differ on the meaning of Miloli‘i. Some translate it as “fine twist” in reference to the excellent sennit which was produced from the olonā bark to make fine cord and highly valued fishing nets (Nolan 1981). Others indicate that “Miloli‘i” means, “small swirling,” a reference to the many ocean currents that flow past the village (Pukui 1981).



Families have been fishing the offshore and nearshore waters for generations.

The Miloli‘i community lies in the shadow of its most dominant geologic feature, the vast southwest slope of the 13,000-foot Mauna Loa volcano. Eruptive lava flows from Mauna Loa have continually influenced the area. Since 1832, the volcano has erupted forty times. Eight flows have traversed the slopes into North and South Kona, and four reached the ocean (1859, 1919, 1926, and 1950). On

April 18, 1926 the houses at the fishing village of Ho‘opūloa, adjacent to Miloli‘i, were buried by lava from the Pu‘u ‘O Ke‘oke‘o vent of Mauna Loa. A few families moved to Miloli‘i and the others dispersed to higher elevations. Over the years, residents of Miloli‘i have continued to occupy the land. Their right to do so has never been questioned, but legal tenancy or ownership had never been conferred. In 1931 the territorial governor set aside the area as a public park under the control of the County government (Executive Order 473). Under the park provision the Governor gave the County full authority to create a “Hawaiian Village” at Miloli‘i. The County had the village subdivided into house lots in 1941. Requests were submitted to occupy the house lots between 1943 and 1954. While some of the house lots were awarded, residents never received title to them. In 1968 Governor Burns canceled Executive order No. 473 and the land reverted to DLNR, for what was intended to be a land swap with the Department of Hawaiian Homelands (DHHL). However, the exchange never took place, as DHHL did not have the legal means of directly leasing lands to Miloli‘i residents.

In 1982, the State Legislature approved Act 62 which authorized DLNR to, “negotiate and enter into long-term residential leases”, with residents living at Miloli‘i and others who were displaced by the 1926 lava flow. The residents of Miloli‘i and the homes that occupy 3 residential phases are a result of Act 62 which was signed into law by Governor George Ariyoshi in the summer of 1985.

The present coastal village of Miloli‘i is located on the relatively flat Kapalilua coastal plain. The three bays in the immediate area, Ho‘opūloa Bay, Miloli‘i Bay, and Omoka‘a Bay, offer little or no protection from ocean waves and surge. Shoreline features in the community include a black sand beach at Ho‘opūloa Bay; the broad, gently sloping lava flows extending into the sea between Ho‘opūloa Bay and Miloli‘i Bay; and the shallow and exposed lava platform reefs extending from Miloli‘i Bay to Omoka‘a Bay. The 1926 lava flow dominates the coastline on the Ho‘opūloa side of the community. The other flows date from prehistoric times.



Hau'oli Kamana'o Congregational Church is an example of architectural style with historical significance. The church was originally built in 1865.

Between 1973 and 1974 the state conducted a survey in the Miloli'i area in an attempt to identify sites and structures for the "Hawai'i Register of Historic Places." A number of churches and characteristic structures were identified. In the village of Miloli'i many of these still remain to this day.

They are:

The Magoon House – a unique example of a small wooden "Kona House" built in the late nineteenth century of the area. Elvis Presley stayed in this house when he came to Miloli'i in the 1950's to film "Girls, Girls, Girls"

St. Peter's Catholic Church – a fine example of this architectural style. The Church was built in 1932 by Father Steffen to replace an earlier St. Peter's destroyed by the 1926 lava flow.

Hau'oli Kamana'o Congregational Church – an example of architectural style with historical significance. The church was built in 1865 under the direction of the Rev. John D. Paris and is an excellent example of early missionary wood construction. It is made famous by the song “Lā ‘Elima”.

Pa’a Pono Miloli’i Inc. a community formed 501 (c)(3) incorporated for the purpose to preserve and protect the cultural, historical, environmental and archaeological life and heritage within the ahupua’a of Ho’okena, Pāpā, Ho’ōpūloa, Miloli’i, Omoka’a, Kalihi, Honomalino, Okoe and Kapu’a. Pa’a Pono Miloli’i was first formed in 1980 (and formally incorporated in 1983), as Pa’a Pono Miloli’i Inc. to improve the quality of life for the residents of the “Last Hawaiian Fishing Village in the State of Hawai’i”.

Among Pa’a Pono Miloli’i’s first major efforts was to create a Master Plan for the community that focused on supporting residents to secure land rights and build safe affordable homes in the village. Working directly with OHA, DLNR, and the Legislative and Executive branches of the State of Hawai’i, Act 62 was passed in 1984 which provided homes to the descendants of the 1926 Ho’ōpūloa lava flow from Mauna Loa which destroyed the fishing village of Ho’ōpūloa.

Building on the great success of this effort, Pa’a Pono Miloli’i Inc. has carried out numerous community projects over the years. One of its earliest accomplishments was the short film documentary “The Song of South Kona” released in 1986 and created with support from the State Foundation on Culture and the Arts. The 30 minute documentary directed by Volcano resident Boone Morrison chronicled Miloli’i’s residents and their unique lifestyle as a native Hawaiian fishing village caught between their rich and storied past and a rapidly changing world around them.

Pa’a Pono Miloli’i Inc. was granted non-profit 501(c)(3) status by the Internal Revenue Service in 2004 and continues its mission to improve the lives of the residents of the South Kona fishing village. Today Pa’a Pono Miloli’i Inc. is dedicated to supporting Miloli’i residents to improve the quality of their lives through environmental marine sustainability, youth education, and enhancing cultural practice.

OPPOSITION
TO THE
PACIFIC SPACEPORT COMPLEX - HAWAII

U'ILANI NAIPO
KEAUKAHA - PANA'EWA FARMERS ASSOCIATION
U'ILANI.NAIPO@ME.COM

ADVERSE IMPACTS

- Adverse Impact to Native Hawaiian Communities
- Risks to Native Hawaiians & Hawaiian Language
- Risk to Endangered Native Animal Species & Natural Resources - `Ōpe`ape`a, `Io, Ground Water
- Lack of Good Faith & Insignificant Benefits for the Community
- Heightened Risk of an Explosive Event

NATIVE HAWAIIAN COMMUNITIES AT RISK

3 Department of Hawaiian Home Lands Communities

- Keaukaha - Panā`ewa Farmers Association
285 agricultural lots w/ residential homes
- Panā`ewa Homestead Association
394 residential lots, 1,307 Hawaiians
- 6 unencumbered lots (1,027 acres)
400-acre Residential Zone, closest to PSCH site

NATIVE HAWAIIAN COMMUNITIES AT RISK

- Add to already existing adverse conditions of commercial and industrial businesses generating traffic, noise, light, and air pollution to Native Hawaiian Communities
 - Hilo International Airport
 - Hilo County Landfill & Solid Waste Facilities
 - Mass Transit Agency Base Yard
 - Hilo County Dragstrip
- Lessees at risk for securing HUD, USDA, OR FHA loans due to the catastrophic risk and potential pollution exposure
- Organic farmers risk their organic certification due to potential environmental pollution from PSCH
- Heightened emotional fear of catastrophic fallout

NATIVE HAWAIIAN EDUCATION COMMUNITIES AT RISK

- Kamehameha Schools Hawai'i Campus 1,120 K-12 Students,
Hawaiian Language Speaking Teachers/Staff
- Hawaiian Immersion / Medium Education
Kula o Nāwahīokalani`ōpu`u Iki * 426 students,
Pūnana Leo o Hawai'i - Hilo *
- Ka Haka `Ula `o Ke`elikōlani / University of Hawai'i *
Kahuwaiola Indigenous Teacher Education Program
- University of Hawai'i Agriculture Farm Laboratory
110-acre agriculture, farming and self-sustaining initiatives

ENDANGERED NATIVE ANIMAL SPECIES & NATURAL RESOURCES AT RISK

- Noise & Air Pollution Impacting Native Animal Species -
`ōpe`ape`a and `io
- Impact subsistence fishing for Native Hawaiians.
- In a catastrophic ground event, ground water contamination is estimated to extend as far as 9000 ft. Impact is unknown regarding airborne oxidation byproducts.

LACK OF GOOD FAITH

- Disclosure of 2014 Failed Launch and environment impact
- AAC publicizes it is “aligned with the Department of Military and Veterans Affairs”
- AAC’s financial position appears to be tenuous
 - State and Federal Funding
 - Transition from state-owned business to private
- Hawai‘i Taxpayers are paying the bill for the EA.

INSIGNIFICANT BENEFITS

- Unproven contribution / commitment to educational programs.
- Proposed 6 full-time employees are not consistent with their publicized staffing strategy:
 - utilize part-time on-demand contracted staff
 - utilize core staff from Alaska
 - designed and pre-assembled remotely
 - staffing does not warrant creating a UH degree program or long-term career opportunities
- Unrealized potential for Internship program

Makaia!

U'ILANI NAIPO

KEAUKAHA - PANA'EWA FARMERS ASSOCIATION
UILANI.NAIPO@ME.COM

To: The Office of Hawaiian Affairs,



**Protect and preserve Kohaikalani Heiau on
pu'u o Makaanau and all sacred sites
In Ka'u.**

By: Sophia Hanoa

Hanoa.sophia@aol.com

808 – 928-6235

INTRODUCTION

Aloha, my name is Sophia Hanoa. I was born, raised and currently reside in Pahala, Ka'ū. I am married to Pernell Hanoa who is the youngest son of Pele and James Hanoa. I have been part of the Hanoa 'ohana since the age of 13. Being respectful and connected to the 'aina was and continues to be a way of life here in Ka'ū. It was Mama Ka'ū who raised and nurtured us, mauka to makai. Over the years foreigners and development has threatened our natural resources and lifestyle. It's even harder to defend our 'aina when the desecrating is done by members of our own community. Physical as well as spiritual Kuleana was handed down from generation to generation to some of the 'ohana, from Ka'alaiki to Punalu'u. When C. Brewer caused damage to Kohaikalani heiau around the 1920's, it was the people of the community who took it upon themselves to maintain it when saw fit. For years there was cattle grazing and the elders were okay with that. Throughout the years since, there have been no imminent danger to any of our Heiau until Mama Pele passed in 2016. We must now stand to right the wrongs. If we don't preserve and protect our sacred sites and the mo'olelo that goes with it, how can we face our ancestors? My husband and I have 4 children and 13 grandchildren. We are invested in keeping Mama Ka'ū, her natural beauty and sacredness for everyone, especially for future generations.

STOKES & DYE: HEIAU OF HAWAII I

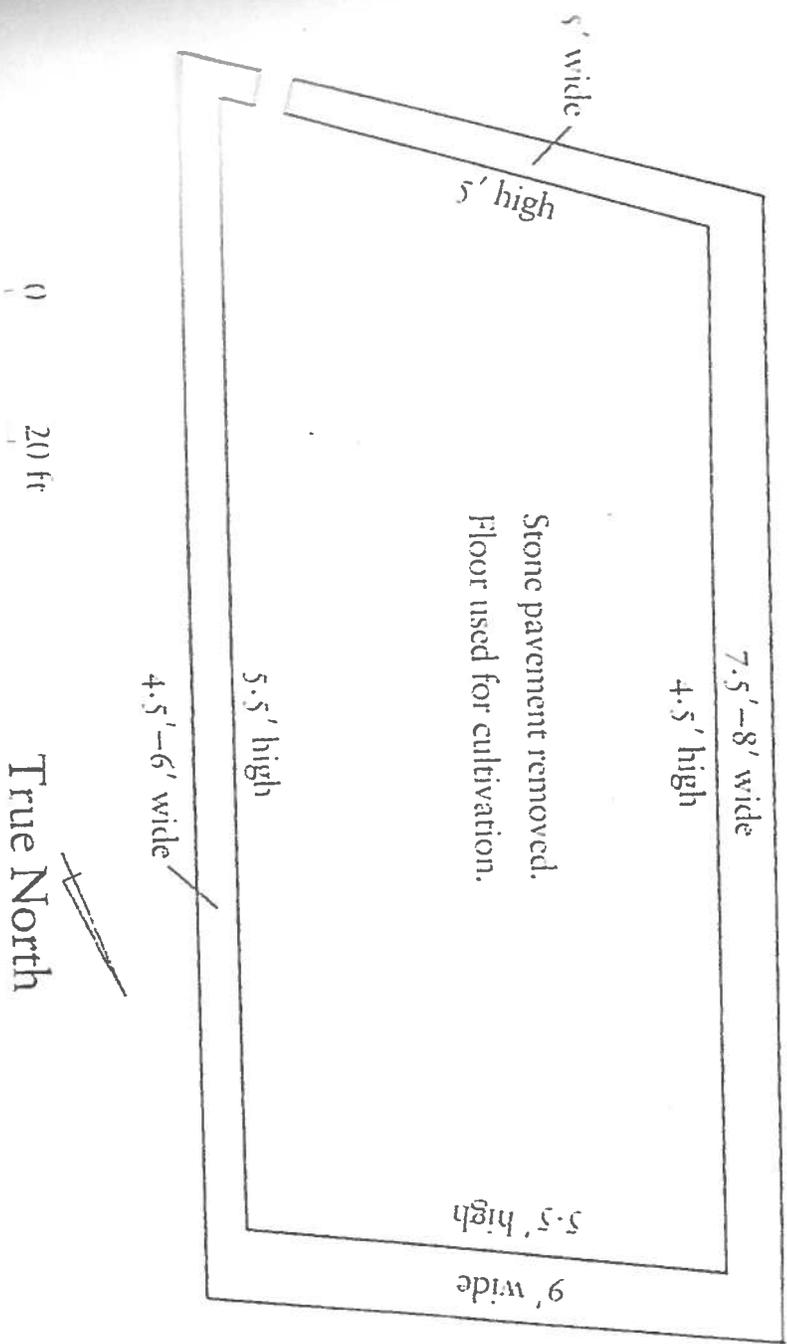


Fig. 65. Heiau of Kohaikalani at Hilea I, Ka'u, plan view. Stokes plan H.36.

Heiau of Kohaikalani, land of Hilea 1, Kau [Site Ha-B10-9] [Figs. 31 & 32]

On the southern brow of Makaanau plateau, Puu Enuhe bears 205°36, 11,448 ft. Plan H.36. An enclosure with walls from 4.5 to 5.5 ft. high inside, and averaging 6.5 ft. on the outside. All the interior fittings have gone, taken to raise cane. The entrance is now the southern corner. The names of two men are given who are supposed to have built this heiau; one Kaiawa, and other Kohaikalani, more commonly known as Koha. The latter was the Kau king who was killed at this heiau, (which he is said to have been building), through a conspiracy of the common people in which the priest joined. It is a well known story locally, and is still being related in Kau, but it may prove not out of place to give here a version of it translated from Jules Remy (Recis d'un Vieux Sauvage, Chalons-sur-Marne, 1859) and privately printed (W.T.B.)[*] 1868 p. 31. "Kohaikalani was, according to tradition, the most important chief on the island, and reigned in royal state at Hilea. He it was who built the heiau situated on the great plain of Makaanau. The sea-worn pebbles may still be seen, which Kohaikalani had his people carry up to the height, about two leagues from the shore. These pebbles were intended for the interior pavement of the temple. The people, worn out by the great difficulty of transportation, tired of the yoke of royalty, and incited by disloyal priests, began to let their discontent and discouragement show itself. A conspiracy was soon formed by these two classes leagued against the chief, and a religious ceremony offered on occasion to rid themselves of the despot.

"The temple was completed, and it only remained to carry a god up there. The divinity was nothing but an ohia tree of enormous size, which had been cut down in the forest of Ninole. At the appointed day, the chief priests and people set to work to draw the god to his residence. In order to reach the height of Makaanau, there was a very steep pali to be ascended. They had to carry up the god on the side towards Ninole, which

was all the better for the execution of their premeditated plan. Arrived at the base of the precipice all pulled at the rope; but the god either by the contrivance of the priests, or owing to the obstacles which the roughness of the rock presented, ascended only with great difficulty. 'The god will never come to the top of the pali,' said the kahuna, 'if the chief continues to walk before him; the god should go first by right of power, and the chief below, following, to push the lower end; otherwise we shall never overcome his resistance.' The high chief Kohaikalani, complied with the advice of the priests, placed himself beneath the god, and pushed the end from below. Instantly priests and people let go the cord, and the enormous god rolling upon the chief, crushed him at once. The death of Kohaikalani is attributed chiefly to the kahuna." Kaiawa perhaps. It was a heiau for human sacrifices [Figs. 31 and 32].

Majestic Kā 'u : Mo'olelo of Nine Ahupu'a By: Marion Kelly



The heiau at Makanau is cared for by Demetrius Oliveira of Pahala, under an agreement with Olson. Photo from Debbie Ryder



Maui's first Maui's night festival
held in 1993 at the heiau

September 18, 2019

To: The Office of Hawaiian Affairs,

‘Ōlelo No‘eau 994 Hilina‘i Puna kālele iā Ka‘ū. *Puna leans and reclines on Ka‘ū.* Said of one who leans or depends on another. The ancestors of these two districts were originally of one extended family. The time came when those of each district decided to have a name of their own, without breaking the link entirely. Those in Ka‘ū referred to themselves as the Mākaha and those in Puna as the Kūmākaha. These names are mentioned in the chants of the chiefs of Ka‘ū.

This is just one of many proverbs that speak of the unique cultural ties and life style of the people of Ka‘ū and Puna. The people of Ka‘ū are resilient and have been able to live through the harshest of conditions and situations. From cruel chiefs, lava flows and the changing of times.

What remains consistant is our faith and trust in the wisdom and knowledge of our Kupuna who were steadfast in the belief that our ‘āina (land) will provide for our every need. The belief that the ‘āina will sustain us through the hardest of times and here we are in the 21 centry generations later holding strong to what our Kūpuna left for us a legacy to maintain into perpetuity.

Places like Kohāikalani, Makanau, Pu‘u ‘Enuhe, Punalu‘u (just to name a few) are places that have great mana for our people because they hold mo‘olelo (history) that cannot be found anywhere else in the world because these stories and history belong to us, the people of Ka‘ū/Puna. These places contain the blood, sweat and tears of our kūpuna and descendants who lived and continue to live, who cultivated and continue to cultivate (gather, hunt), who fought and continue to fight and who died and will continue to die preserving the mana and love for these places that are dear and sacred to us.

Please consider a different approach to the utilization of these places. The trees that provide oxygen for us to breath, these same trees welcome the rain that provides us water, that soil that provides us food.

The heiau and ancient structures are classrooms for our keiki to study our past and a memory for our kupuna to share their stories. To destroy means to never be able to bring it back. It is gone forever. To preserve and share means the world will have an opportunity to see and relive the history of Ka'ū that only the people of Ka'ū can share.

You have the key that can make a positive change now and for the future. I hope it is one that is not self fulfilling or only for the wealthy but one that exemplifies our great chiefs Keoua and Kamehameha Nui who cared for all ke kanaka iki a me ke kanaka nui.

Mahalo nui for allowing me to share my aloha for this land, Ka'ū Kūmākaha!

'O wau me ka ha'aha'a,

Piilani Kaawaloa

Ku Kahakalau shared a link.

August 13

Kapu Ka'ū is not just a slogan to put on hats, shirts and bumper stickers, but a statement endorsed by the kūpuna of Ka'ū, who shared with us their aloha nui for this very special, very sacred land. This includes Pu'u Makanau, home of the famous heiau built during the time of Kohaikalani – which incidently cost him his life, but that's another story. This heiau is said to be “a heiau for human sacrifices,” a practice called hai kanaka in Hawaiian.

http://data.bishopmuseum.org/archaeology/docs/DRS_80_2MajesticKau.pdf

Until today, altering, misusing, or in any way using/abusing such luakini, for any purpose, is at best dangerous, but more often than not turns out to be deadly. No laila, e mālama pono kākou i nā wahi pana o nā kūpuna.

DATA.BISHOPMUSEUM.ORG

data.bishopmuseum.org

Office of Hawaiian Affairs
Board of Trustee Meeting
November 7, 2019
9:30 am

V. New Business

- A. Action Item BOT #19-17: Approval of an OHA Board of Trustees' Resolution "honoring the life and contributions of Larry Kamakawiwo'ole to the Native Hawaiian community and other marginalized communities in Hawai'i. †

†Action Item BOT #19-17 was not available at the time of folder distribution. It will be distributed once it is received.

Office of Hawaiian Affairs
Board of Trustee Meeting
November 7, 2019
9:30 am

V. New Business

B. Action Item BOT #19-18: Extend the time for the Permitted Interaction Group, approved on May 30, 2019, to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L - Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Level Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents, from December 31, 2019 to no later than June 30, 2020.

OFFICE OF HAWAIIAN AFFAIRS
Action Item

BOARD OF TRUSTEES

November 7, 2019

BOT #19-18

Action Item Issue: Extend the time for the Permitted Interaction Group (PIG), approved on May 30, 2019, to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents from December 31, 2019 to no later than June 30, 2020.

Prepared by:

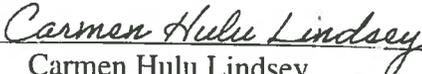


Sylvia M. Hussey, Ed.D.
Ka Pouhane Kūikawā, Interim Chief Executive Officer

10/29/19

Date

Reviewed by:



Carmen Hulu Lindsey
Permitted Interaction Group Member

10-30-19

Date

Reviewed by:

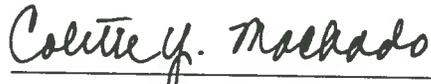


Robert K. Lindsey Jr.
Permitted Interaction Group Member

10.30.19

Date

Reviewed by:



Colette Y. Machado
Vice Chair, Permitted Interaction Group

10/30/19

Date

Reviewed by:



Brendon Kaler āina Lee
Chair, Permitted Interaction Group

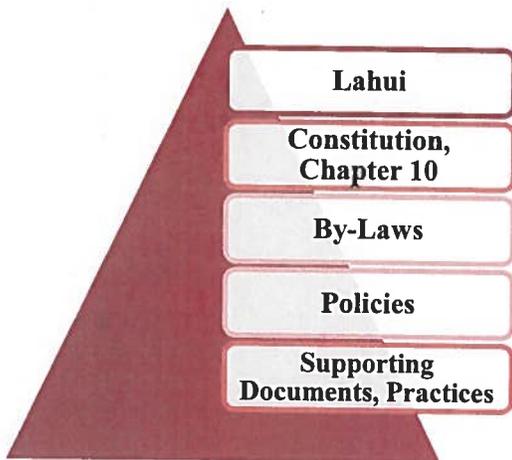
10/30/19

Date

Action Item BOT #19-18

Extend the time for the Permitted Interaction Group (PIG), approved on May 30, 2019, to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents from December 31, 2019 to no later than June 30, 2020

I. Action Item:



Extend the time for the Permitted Interaction Group, approved on May 30, 2019, to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents from December 31, 2019 to no later than June 30, 2020.

II. Issue:

Whether or not the Board of Trustees (BOT) will approve the extension of the time for the Permitted Interaction Group (PIG), approved on May 30, 2019, to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents from December 31, 2019 to no later than June 30, 2020

The approved PIG is organized consistent with Hawai‘i Revised Statutes§92-2.5(b).

III. Discussion:

As the implementation of the Board Governance Framework progresses, it was deemed necessary to incorporate the completed and approved work products from each of the PIGs into the Framework itself. Therefore, via Action Item BOT #19-08, on May 30, 2019, the BOT approved a PIG to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

From Action Item BOT #19-08, the following was approved:

- *Permitted Interaction Group - Purview.* Via this Action Item, approval is sought to form a second new PIG to continue the implementation of the Board Governance Framework elements. The purview of the new PIG is for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to:

Action Item BOT #19-18

Extend the time for the Permitted Interaction Group (PIG), approved on May 30, 2019, to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents from December 31, 2019 to no later than June 30, 2020

(1) Establish consistent format, review and update parameters, mechanisms and processes for each of the completed and approved work products of the Board Governance Framework from the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies PIG;

(2) Maintain the Board Governance Framework elements and integrate each final approved work product;

(3) Create and define on going Board Governance Framework maintenance roles and responsibilities; and

(4) Align and update related Board governance documents (e.g., policies, procedures, handbooks, manuals).

- **Permitted Interaction Group – Members.** *The membership of the Permitted Interaction Group is as follows:*

1. Trustee Colette Machado, BOT Chairperson

2. Trustee Brendon Kalei 'āina Lee, BOT Vice Chairperson

3. Trustee Robert K. Lindsey, Jr, Resource Management Vice Chairperson

4. Trustee Carmen Hulu Lindsey

5. ~~Kamana 'ōpono M. Crabbe, Ka Pouhana~~ [as of July 1, 2019, no longer a member of the PIG]

6. Sylvia M. Hussey, Ka Pou Nui [as of July 1, 2019, Ka Pouhana Kūikawā, Interim CEO and continuing as project manager]

Trustee Lee will serve as the Chair of the Permitted Interaction Group and Trustee Machado will serve as its Vice Chair.

Permitted Interaction Group - Term/Duration. *The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, **but in no event later than December 31, 2019.** [emphasis added]*

IV. Funding Source:

Not applicable, no dedicated funding needed to extend the time the Permitted Interaction Group's work.

V. Recommended Action:

Extend the time for the Permitted Interaction Group (PIG), approved on May 30, 2019, to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents from December 31, 2019 to no later than June 30, 2020.

Action Item BOT #19-18

Extend the time for the Permitted Interaction Group (PIG), approved on May 30, 2019, to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents from December 31, 2019 to no later than June 30, 2020

VI. Timeframe:

Extension of the PIG recognizes the plan and sequence noted below which is to “operationalize” the Board Governance Framework elements no later than the end of the fiscal year, June 30, 2020:

1. Development of L-Lahui level policies – Action Items BOT #19-05 (April 4, 2019) and #19-06 (approved by the BOT at the May 30, 2019 meeting) – done;
2. Alignment and update of existing BOT By-Laws – Action Item BOT #19-07 (formation approved by the BOT at the May 30, 2019 meeting); BOT #19-07A extends PIG from July 31, 2019 to no later than September 30, 2019; extended to January 31, 2020 via BOT meeting on October 17, 2019 – in progress;
3. Development of T-Trustee level policies – scheduled to request approval of formation at the November 7, 2019 BOT meeting;
4. Development of C-CEO level policies - TBD; and
5. Incorporation of completed and approved work products of the Board Governance Framework and alignment and update of existing Board governance documents – approved via Action Item BOT #19-08 at the May 30, 2019 meeting; requesting extension via this action item.

- VII. Attachment:** Action Item BOT #19-08 - Approve the formation of a Permitted Interaction Group (PIG) to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

OFFICE OF HAWAIIAN AFFAIRS
Action Item

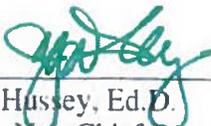
BOARD OF TRUSTEES

May 30, 2019

BOT #19-08

Action Item Issue: Approve the formation of a Permitted Interaction Group (PIG) to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

Prepared by:



Sylvia Hussey, Ed.D.
Ka Pou Nui, Chief Operating Officer

5/23/19

Date

Reviewed by:

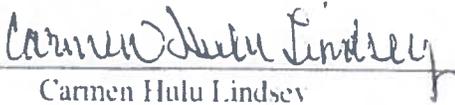


Kamana Opouno Crabbe
Ka Pouhana, Chief Executive Officer

5/22/19

Date

Reviewed by:

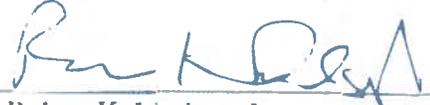


Carmen Hulu Lindsey
Permitted Interaction Group Member

5/22/19

Date

Reviewed by:

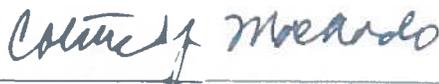


Robert K. Lindsey, Jr.
Permitted Interaction Group Member

5/22/19

Date

Reviewed by:



Colette Y. Machado
Vice Chair, Permitted Interaction Group

Date

Reviewed by:



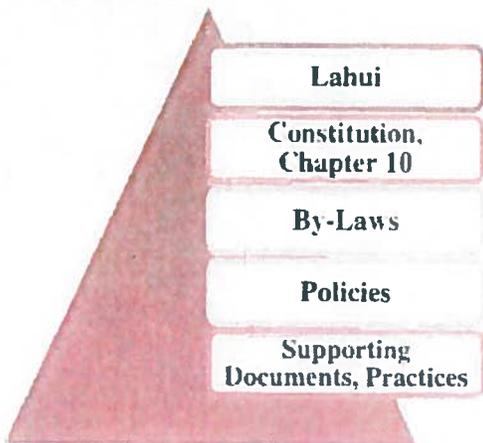
Brendon Halei'aina Lee
Chair, Permitted Interaction Group

5/23/19

Date

Approve the formation of a Permitted Interaction Group (PIG) to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

I. Action Item:



Approve the formation of a Permitted Interaction Group (PIG) to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

II. Issue:

Whether or not the Board of Trustees will approve the formation of the Permitted Interaction Group (PIG), consistent with Hawai'i Revised Statutes §92-2.5(b), to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

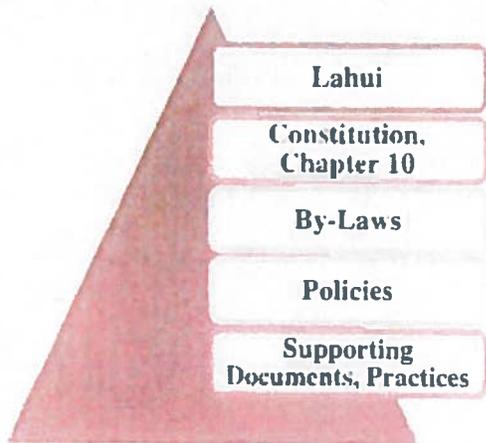
III. Discussion:

A. Applicable Law in Hawaii Revised Statutes, Permitted Interaction Groups

In accordance with HRS, CHAPTER 92, PUBLIC AGENCY MEETINGS AND RECORDS §92-2.5 (b) Permitted interactions of members: (b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to: (1) Investigate a matter relating to the official business of their board: provided that: (A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board; (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and (C) Deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board; or (2) Present, discuss, or negotiate any position which the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board prior to the presentation, discussion, or negotiation.

Approve the formation of a Permitted Interaction Group (PIG) to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lāhui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

B. Board Governance Framework Permitted Interaction Groups To Date



Board Governance Framework. In January 2019, the Board approved the formation of a Permitted Interaction Group (PIG) to: Investigate various elements of governance frameworks and models, including but not limited to cultural, indigenous, native, national and international contexts. The PIG was established with: 1) Trustee Brendon Kalei‘āina Lee as Project Sponsor and Chair; 2) Trustee Colette Machado as Business Process Owner and Vice Chair of the PIG; and 3) Trustees Robert Lindsey¹ and John Waihee² as members. The PIG was supported by Trustee Machado, Lee, R Lindsey and Waihee’s Aides; and Administration, Ka Pouhana, Kamana`opono

Crabbe, Ka Pou Nui, Sylvia Hussey and staff. The PIG presented its final report and recommendations to the Board of Trustees (BOT) at its March 28, 2019 meeting; and on April 4, 2019, via Action Item BOT# 19-04, the BOT approved the five elements of OHA’s Board Governance Framework: 1) Identity; 2) Values and Mana; 3) Statutory Basis; 4) Policies; and 5) Supporting Documents and Practices (Operations).

L-Lāhui Level Policies. On April 4, 2019, via Action Item #19-05, the BOT approved the formation of a Permitted Interaction Group to investigate the development of L-Lāhui level policies for OHA’s Board Governance Framework. The PIG was supported by Trustee Machado, Lee, H Lindsey and R Lindsey’s Aides; and Administration, Ka Pouhana, Kamana`opono Crabbe, Ka Pou Nui, Sylvia Hussey and staff. The PIG presented its final report and recommendations to the Board of Trustees (BOT) at its May 16, 2019 meeting. Via Action Item #19-06, scheduled for the May 30, 2019 BOT meeting, the Board will consider the findings of the PIG and recommended approval of L-Lāhui Level Policies: (1) E Mālama (to protect); (2) E Ho‘omau (to perpetuate); (3) E Pūpūkahi i Holomua (to unite in order to progress); (4) E ‘Imi ‘Ike (to seek knowledge); (5) E Ho‘oulu Lāhui (to grow the Lāhui), developed in accordance with the approved PIG purview.

¹ Interim Chair of the Resource Management Committee at the time of the formation of the Permitted Interaction Group

² Chair of the Beneficiary, Advocacy and Empowerment Committee

Approve the formation of a Permitted Interaction Group (PIG) to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

C. 1st New Permitted Interaction Group, Board Governance Framework – Board of Trustees By-Laws – Action Item BOT #19-07

Via Action Item BOT #19-07, at the May 30, 2019 Board meeting, approval will be sought to form a Permitted Interaction Group to investigate the alignment and update of the existing Board of Trustees By-Laws for OHA's Board Governance Framework. The purview of the new PIG is for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to: (1) Investigate the alignment and update of existing BOT By-Laws and related documents; (2) Establish consistent format, review and update parameters, mechanisms and processes; and (3) Integrate the developed BOT By-Laws and related documents into the Board Governance Framework. The proposed members of the PIG are: Trustees Lee, Machado, R Lindsey and H Lindsey, including their aides; and Administration, Ka Pouhana, Kamana'opono Crabbe, Ka Pou Nui, Sylvia Hussey and staff. Trustee Lee will serve as the Chair of the Permitted Interaction Group and Trustee Machado will serve as its Vice Chair. The term of the Permitted Interaction Group is proposed to expire at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than July 31, 2019.

D. 2nd New Permitted Interaction Group, Board Governance Framework – Investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents – Action Item BOT #19-08

As the implementation of the Board Governance Framework progresses, it is necessary to incorporate the completed and approved work products from each of the PIGs.

Permitted Interaction Group - Purview. Via this Action Item, approval is sought to form a second new PIG to continue the implementation of the Board Governance Framework elements. The purview of the new PIG is for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to:

- (1) Establish consistent format, review and update parameters, mechanisms and processes for each of the completed and approved work products of the Board Governance Framework from the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies PIG;
- (2) Maintain the Board Governance Framework elements and integrate each final approved work product;

Approve the formation of a Permitted Interaction Group (PIG) to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

(3) Create and define on going Board Governance Framework maintenance roles and responsibilities; and

(4) Align and update related Board governance documents (e.g., policies, procedures, handbooks, manuals).

Permitted Interaction Group – Members. The membership of the Permitted Interaction Group is as follows:

1. Trustee Colette Machado, BOT Chairperson
2. Trustee Brendon Kalei'āina Lee, BOT Vice Chairperson
3. Trustee Robert K. Lindsey, Jr, Resource Management Vice Chairperson
4. Trustee Carmen Hulu Lindsey
5. Kamana'opono M. Crabbe, Ka Pouhana
6. Sylvia M. Hussey, Ka Pou Nui

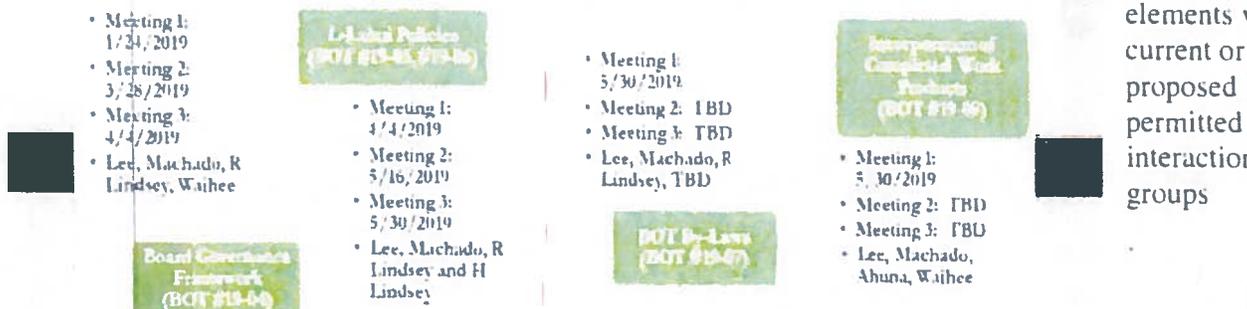
Trustee Lee will serve as the Chair of the Permitted Interaction Group and Trustee Machado will serve as its Vice Chair.

Permitted Interaction Group - Term/Duration. The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than December 31, 2019.

E. Summary of Board Governance Framework Implementation Tracking via Permitted Interaction Groups

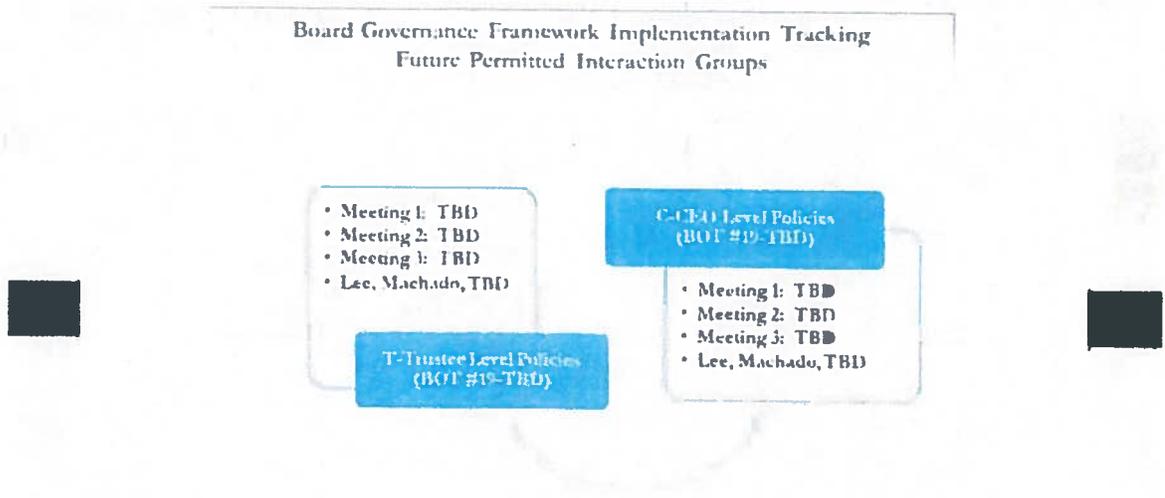
Board Governance Framework Implementation Tracking
Current (or Proposed) Permitted Interaction Groups

The slide at left summarizes the implementation of Board Governance Framework elements via current or proposed permitted interaction groups



Approve the formation of a Permitted Interaction Group (PIG) to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

The slide below summarizes the implementation of Board Governance Framework elements via new, to be approved, permitted interaction groups



IV. Funding Source:

Not applicable, no dedicated funding needed to authorize and form a new Permitted Interaction Group to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

V. Recommended Action:

Approve the formation of a Permitted Interaction Group (PIG) to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

Approve the formation of a Permitted Interaction Group (PIG) to investigate the incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents.

VI. Timeframe:

Immediate action is recommended to ensure that the following newly formed and executed PIGs (subject to BOT approval) can be launched to “operationalize” the framework elements no later than December 31, 2019:

1. Development of L-Lahui level policies – Action Items BOT #19-05 (April 4, 2019) and #19-06 (on the May 30, 2019 BOT agenda);
2. Alignment and update of existing BOT By-Laws – Action Item BOT #19-07 (on the May 30, 2019 BOT agenda);
3. Development of T-Trustee level policies - TBD;
4. Development of C-CEO level policies - TBD; and
5. Incorporation of completed and approved work products of the Board Governance Framework PIG, L-Lahui Level Policies PIG, Board of Trustees By-Laws PIG, T-Trustee Level Policies PIG, and C-CEO Level Policies; and alignment and update of existing Board governance documents. - Action Item BOT #19-08 (on the May 30, 2019 BOT agenda).

VII. Attachment: None

Office of Hawaiian Affairs
Board of Trustee Meeting
November 7, 2019
9:30 am

V. New Business

- C. Report of the Permitted Interaction Group to investigate complaints against a Trustee for alleged violations of the Trustee Code of conduct involving allegations that the Trustee breached the duty of care and loyalty to OHA and the duty to obey and support the Board's decision, without discussion. *Pursuant to HRS §92-2.5(b)(1)(B)**

****Any material for this item will be distributed at the BOT Meeting on November 7, 2019***

Office of Hawaiian Affairs
Board of Trustee Meeting
November 7, 2019
9:30 am

VI. Executive Session‡

A. Consultation with Acting Board Counsel Kurt W. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities relating to the State Auditor's request for confidential and Attorney-Client privileged materials and information in connection with the legislatively mandated audit per Act 37. *Pursuant to HRS §92-5(a)(4).*

B. Receive and take action on the Joint BAE/RM's recommendation of a candidate for the position of OHA Chief Executive Officer (CEO); and, consultation with Acting Board Counsel Kurt W. Klein, Esq. regarding the terms and conditions of employment to be offered to the presumptive CEO, *Pursuant to HRS §92-5(a)(2), 92-5(a)(4).*

‡Any material for this item will be distributed at the BOT Meeting on November 7, 2019 in Executive Session.