

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
Kūlana 'Ōiwi Hālau
600 Kamehameha Highway
Kalama'ula, Moloka'i, Hawai'i 96748

Minutes of the Office of Hawaiian Affairs Board of Trustees Meeting
Thursday, August 9, 2018
10:00 am

ATTENDANCE:

TRUSTEE COLETTE MACHADO
TRUSTEE ROWENA AKANA
TRUSTEE W. KELI'I AKINA
TRUSTEE CARMEN HULU LINDSEY
TRUSTEE JOHN WAIHE'E IV

ROBERT G. KLEIN, BOARD COUNSEL

EXCUSED:

TRUSTEE LEINA'ALA AHU ISA
TRUSTEE DAN AHUNA
TRUSTEE PETER APO
TRUSTEE ROBERT LINDSEY

ADMINISTRATION STAFF:

KAWIKA RILEY, CHIEF ADV
JOCELYN DOANE, PP
GAYLA HALINIAK-LLYOD, CO
JASON LEE, DPM
KAWENA CARVALHO-MATTOS, DPM
ALICE SILBANUZ, DPM

BOT STAFF:

CAROL HOOMANAWANUI
DAYNA PA
LAURENE KALUAU-KEALOHA
CRAYN AKINA
NATHAN TAKEUCHI
MARIA CALDERON
LEHUA ITOKAZU
KAMA HOPKINS

GUESTS:

LOUISE MILILANI HANAPI
ALAPAI HANAPI
JUDY LOKELANI NAKI CAPARIDA
BETTY PUA
IWALANI KADOWAKI
STACY HELM CRIVELLO

I. CALL TO ORDER

Chair Colette Machado Calls the Board of Trustees meeting to order at 10:01 am. Roll call is taken; Trustees Akana, Akina, Carmen Hulu Lindsey, Waihe'e and Machado are present; constituting a quorum of five (5) trustees. Excuse memos were received from Trustee Leina'ala Ahu Isa, Trustee Dan Ahuna, Trustee Peter Apo, and Trustee Robert Lindsey.

Before I move forward, I would like to defer action on the approval of Minutes from July 12, 2018.

Trustee John Waihe'e IV moves to defer the minutes of July 12, 2018.

Trustee Carmen Hulu Lindsey seconds the motion.

Chair Colette Machado – Any discussion? Hearing none roll call vote.

Trustee John Waihe'e IV moves to defer the minutes of July 12, 2018.
Trustee Carmen Hulu Lindsey seconds the motion.

| TRUSTEE | 1 | 2 | 'AE (YES) | A'OLE (NO) | KANALUA (ABSTAIN) | EXCUSED |
|--|---|---|--------------|---------------|----------------------|---------|
| TRUSTEE LEINA'ALA AHU ISA | | | | | | Excused |
| TRUSTEE DAN AHUNA | | | | | | Excused |
| TRUSTEE ROWENA AKANA | | | X | | | |
| TRUSTEE KELI'I AKINA | | | X | | | |
| TRUSTEE PETER APO | | | | | | Excused |
| TRUSTEE CARMEN HULU LINDSEY | X | | X | | | |
| TRUSTEE ROBERT LINDSEY | | | | | | Excused |
| TRUSTEE JOHN WAIHE'E | | X | X | | | |
| TRUSTEE COLETTE MACHADO | | | X | | | |
| TOTAL VOTE COUNT | | | 5 | | | 4 |
| MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with five (5) YES votes, and four (4) excused. | | | | | | |

II. APPROVAL OF MINUTES

A. July 12, 2018 - *(The July 12, 2018 minutes were deferred.)*

III. PUBLIC TESTIMONY

Chair Colette Machado – We have people who have signed up under community concerns so we will move forward to Unfinished Business. I'd like to call on Kawika Riley.

IV. UNFINISHED BUSINESS

A. **Ka Pouhana/CEO's 15-Minutes Update on Ho'oulu Lāhui Aloha and OHA Activities**

Kawika Riley – Aloha mai Kakou. Thank you Chair for this opportunity to provide Administration's update and mahalo to the community of Molokai. Beneficiaries and others for hosting us here and for the chance to update you. Administration has four items that we would like to provide update at this time. The first is with respect to OHA's disaster relief efforts. As many of you know on April 14th flash floods of historic proportions struck the island of Kauai. Most especially the northern portion or the north shore. Less than a month later, starting on May 3rd seismic and volcanic activities in the Puna region on the island of Hawaii started a pathway, what has led to damage and destruction of hundreds of homes and various farms, individuals, families, businesses and others in the Puna area and other parts of Hawaii Island.

In response to what we were seeing, the information that was coming in and requests from many beneficiaries who were effected by both of those disasters, the Office of Hawaiian Affairs decided to partake in a disaster response effort. By the end of the month of May the action item had moved and been approved by the appropriate committee of jurisdiction, the Resource Management Committee under the Chairpersonship of Trustee Carmen Hulu Lindsey. On June 7th the Board of Trustees approved the relief effort which allocated half a million dollars to help native Hawaiian households harmed by those two disasters.

Administration wanted to provide an update in terms of getting that relief to Native Hawaiian individuals and 'ohana. Starting with the island of Kauai, in partnership with Catholic Charities and the Waipa Foundation we are pleased to report that at this time all but \$30,000 of that relief has made its way to where it needs to go to the households and individuals who need it. Tomorrow we will be holding a meeting on Kauai with our partners and others to determine how best we can conduct an additional wave of outreach to get these monies

to individuals and ‘ohana who need it. What we are hearing from community members and what we are seeing ourselves is that there is a high likelihood that there are other native Hawaiians who were affected and qualify but for whatever reason may not have been forthcoming to respond to our initial outreach. We will be meeting on how best to connect with them. To let them know if this is something that they need it is available to them.

With respect to the Puna disaster response, our community partner is Neighborhood Place of Puna. Working with our partner we have identified a 119 native Hawaiian households who qualify and have complete the applications to receive aid for that disaster. We will be allocating the first \$100,000 of the \$250,000 of aid to some of those individuals tomorrow. The aid is moving and we are working proactively with our community partners to see that this aid gets to the families and individuals that need it.

Secondly, I wanted to provide an update on the ‘āina summit. On June 29th and 30th, the Office of Hawaiian Affairs along with Kamehameha School and the Department of Land and Natural Resources hosted the first ever ‘āina summit in Kaneohe on the Island of Oahu. Over 120 participants, this was a very diverse group of participants. From Government officials to farmers, cultural practitioners, non-profit leaders, service providers, and many other who gathered to share best practices, ideas and talk about challenges and opportunities to mālama ‘āina with a greater excellence. On August 24th, the steering committee for the summit will be meeting and will be looking at the feedback and data that resulted from the summit and determining the appropriate next steps.

Third, we wanted to give a brief update on OHA’s strategic plan. The Strategic plan was referenced by some of the testifiers. The strategic plan is an important document for Office of Hawaiian Affairs. It states our priorities and guides where we place out focus, where we place our emphasis in terms of resources and attention. The current strategic plan was from 2010-2018. We are currently in the close out period of the current plan. What we are doing is we are focusing on completing the activities on this last year of the plan and at the same time doing data assessment to determine the reach or the outcome of the activities that we undertook. We expect to complete the research and analysis close out portion by the end of this year. The Trustees recently formalized an Ad Hoc committee consisting of Trustees and staff for the strategic plan. As we close out the current plan we are going to be shifting into the process of coming up with the next strategic plan. It is our goal that plan will be the product of staff work, community input, Trustee decision making and the approval of our Board of Trustees. This will be approved in 2019 and we will start that strategic plan implementation in 2020.

Lastly, we wanted to provide a brief update on OHA activities related to the Aloha Poke controversy. As many of you are aware earlier this summer a non-native Hawaiian owned Chicago based business began sending cease and desist letters to other businesses, including some of which were native Hawaiian owned, with the words Aloha and or Poke in their name. The aggressive actions of this business has sparked a great deal of controversy and shock not just the Native Hawaiian community but really local, State, National and International. Last night I read an article from the London Guardian highlighting the issue; it has been in the New York Times, the Washington Post. This poor decision on company has generated a lot of bad publicity for it. Certainly as we all know this is not the first time non-Hawaiian business has attempted to profit off the use of ‘ōlelo Hawaii or representation of Hawaiian culture. What is especially appalling is this effort to use the threat of legal action to bully others from the use of Hawaiian language and the representation of Hawaiian culture. There are a few activities that OHA has been involved with in response. Conducting background research to appropriately understand the circumstances and legal issues at play. In terms of those who have requested direct legal assistance, we have our legal services provider, Native Hawaiian Legal Corporation. In OHA’s statement is that we are appalled by the actions of this company and reminding everyone that representation of our culture and use of our language is non-negotiable and is a matter of self-determination for the native Hawaiian people.

There will also be a number of activities, sign waiving, demonstrations, workshops on the topic of control, self-determination of traditional language that will be taking place this weekend in Chicago. We are supporting community leaders who are participating in those activities both to elevate the voices of our people and to use this opportunity to provide a broader context to the issue. This sort of thing is something that isn't coming up for the first time. It is a recurring issue every so many years. The larger topic of use and control of traditional knowledge, language and attempts to commodify our culture and native Hawaiian voice is something that deserves significant discussion and consideration. That is the sum of administrations updates. We appreciate the opportunity to share them with the Molokai Community and wanted to express on behalf of staff our gratitude to everyone who attended last night. For all of the updates that you shared there as well. It is a pleasure and honor to be here. Thank you Chair.

Chair Colette Machado – Any questions from the Trustees to Kawika. If not I'd like to ask our Board Attorney to give us a briefing on what the Aloha Poke and the trademark issue and the impact it has on Native Hawaiian Culture and 'ōlelo Hawaii.

Robert G. Klein, Board Counsel - What happened with Aloha Poke in Chicago is that they created a business and a logo for the business that's been pretty successful. What they do is that they sell poke bowls, you folks have seen that, it's a bowl and has good tasting fish and what not. They've monetized the name Aloha Poke, they have a trademark in the federal system that protects the logo, and then of course they tried to protect the name Aloha Poke as well as a trade name. They have those protections under Federal Law in place. Based in that, that is why they sent the cease and desist letter. This is not a court order; this is a letter from their lawyer to people who they've located all over the United States who use the name Aloha Poke. In Alaska, they had a Hawaiian wahine who used Aloha Poke in her family business. She gave up, she didn't fight it, and she changed the name to Lei's Poke. It happened in California as well, the person who was using Aloha Poke was a native Hawaiian and he caved in he didn't want to fight it.

Here in Honolulu, there has been quite an uproar about Aloha Poke. Well there should be, just by way of the law, the law provides that the first user of the name has common law protection and can't be drummed out of business by someone who subsequently registers the name. Under the law, use is the most important, first use gets protected. I am not sure of the chronology of whether the local Hawaiian Business and businesses actually used the phrase Aloha Poke in their business prior to the trademark registration by the Chicago Company. As I understand from reading articles, that was in 2016 that they actually got a registration and began using the name. So if our people used it prior to that time they would be protected and they couldn't be drummed out of business by a cease and desist letter. That is just on the legal side.

On the cultural side, it's a more interesting struggle. What I read in the articles were Kuhio Lewis of CNHA, took an aggressive stance and said we are going to look with our lawyers into actually suing the Chicago operations. That is all well and good if you have a reason, a claim, or a legal basis upon which you can bring a suit. I didn't read that in the article and I was wondering what that claim would actually be. Cultural appropriation is obviously where a minority group has long cultural tradition, in this particularly using the word Aloha. If you can imagine how can you appropriate the word Aloha. The more majority culture tries to take that, monetize it, and use it out of its cultural context. There has been a lot written on the subject. I think it's an interesting subject but it hasn't really coalesce into legal rights and duties. This is more of a cultural struggle than it is a legal one. I am glad that OHA has been really Akamai about following this and participating and I congratulate the staff and Trustees in jumping into the mix. Because our voice needs to be heard. If you are not going to jump in on Aloha what else would you jump in on? I think more needs to be done. More background and more understanding of what remedies are available. I would not want to be a Chicago company coming to Hawaii trying to enforce cease and desist on the word Aloha or Aloha Poke or any combination of those. I don't think they would get far in the legal system. Mahalo Chair.

Chair Colette Machado – Last night we heard public testimony on OHA’s official testimony with the CBSFA of Moomomi. I’d like to call Jocelyn Doane to the microphone to summarize our involvement and participation with Hui Mālama o Moomomi.

Jocelyn Doane – Aloha. I think, as most people know Molokai has been at the forefront of reintegrating community based fisheries management concepts throughout Hawaii. Moomomi was the very first community based subsistence based fisheries areas established by the State as a pilot project. OHA has strongly supported our beneficiaries’ use of traditional fishing practices generally and for subsistence purposes, specifically this is consistent with our position on protecting the rights of native Hawaiian traditional and customary practices. We have, with leadership of the community been at the forefront of the laws that have shaped how the State views traditional, customary practices. Of course, we have the Judge that wrote the opinion on it too, thankfully.

As it relates to the more recent iterations of community based subsistence fisheries areas, our board has taken a position in support, specifically of the concept and we have advocated strongly for models that integrate place based management practices. Models that look to the kupuna that have kuleana in that area. Moomomi, the ideas of what Moomomi’s management should look like has changed over time. If you look at fisheries management you can start at one end of the spectrum is no take, on the other end of the spectrum is free for all and so without management it’s a free for all. What we have with Moomomi is place based and some limitations but certainly not any no take in that specific area. That is the jest of the summary.

What has happened so far is that there have been numerous meetings here. The Board of Land and Natural resources approved for draft rules to go out to the public. Which means that there will be more hearings and we are waiting on the Governor to give the go ahead to have hearings. After the hearings, the BLNR will be given the option to passing the rules then the Governor will have to sign it for it to become effective. We are still in the early stages even though it has been decades now that this community has been trying to get some additional regulations and place based specific regulations in place to ensure that the people of this place can fish appropriately there forever. There is no regulations that prevent people from other places coming in, it’s been what the community has asked for over time has been watered down, but it is certainly place based and community based and kupuna based. Mahalo.

Chair Colette Machado – Members is there anything else. If not we are going to move right into community concerns.

V. COMMUNITY CONCERNS

Chair Colette Machado – We have four people who have signed up as community concerns. I wanted to acknowledge that under the community concerns portion that you completed a form, each testifier will be limited to 5 minutes I will be handling the time cards to manage the time. Outside of that under community concerns you are able to address any topic that you choose to bring to us the Trustees. With that said, I would like to call Mililani Hanapi to the microphone please, followed by Alapai Hanapi.

Ms. Louise Mililani Hanapi – Aloha Trustees and welcome back to Molokai. Actually what I wanted to talk about quite a few subjects. The Office of Hawaiian Affairs, and myself we do have a relationship and I appreciate your folk’s help and your support when I came before the Board in 2009. Since then there has been process. What I really wanted to speak about is that I just came back from Maui and this pertains to land taxes. I believe that if we do any auditing we should be auditing these tax offices. I am actually an 80% owner of kuleana lands. Some people might think that we never kept tradition but in our household, they did. They always said never sell outside, you sell to your family.

I have been privileged to have that all, however lands no small legacy that is what David Malo said. Land is no small legacy. It certainly isn’t for my husband and myself. We have been illegally taxed since 1930. I had

to hire Yuklin Aluli about 5 years ago and she found out all these bad things that they were doing. I was being taxed for stuff that don't exist and the tax office cannot claim ignorance as a defense. I never went for the kuleana land taxes, one was because our taxes were already out of control and didn't make sense before Office of Hawaiian Affairs and everybody passed that kuleana exemption. One of our lands, it was easier because it was cheaper and you have to clear your taxes first. The larger piece that I am on, and it is on the beachfront, since 1853 to the present time my family has been paying taxes. I did a tax history for real when I first began my research on our lands. I had a privilege of meeting a man named Albert Like, he was 94 at the time and he was the one who instructed me to do a tax history. So during that time it was on Bethel Street, you get as much as you can and then you go to the archives. We went to the actual books when they come through every ahupua'a on every island. My father and I, there were about 90 books, and we flipped through every single page. Of course, as you see other families' names you say e kala mai I don't mean to call you guys, I just looking for my own. So we found them, this is what really neutralized the attorneys when we went into our lawsuit. So now, we are still at the enforcement part of it. Which is quite an experience to go with a lawsuit from the beginning and now to the end, the death throws is what I call it.

That's only for one part of our ahupua'a. The other part of the ahupua'a that I live on is where the taxes are weird and terrible and we are being illegally taxed. I won two of my tax appeals, as citizens we can go and ask other citizens; they ruled in my favor, I was given land tax exemption for ag. Those who know my husband and myself we really do live on the land. I grow wauke and I make stuff. I actually harvest something, produce it and sell it. So that is all under the definition of farming. My husband is a woodcarver; we have huge trees that he has kept for maturity. The agricultural land exemptions for landowners, my husband and I were certainly entitled to it for 20 years, we were given it, and then it disappeared. So it's really weird how they have been taxing us and like I said, I had to hire an attorney. Then we did get them to come down to a number then all of a sudden, things got busy. I deferred my last one; I just came back from the island of Maui where they were having again our tax appeal. They should be having it here on the island of Molokai. Why I came before the Office of Hawaiian Affairs is because like I said, I am a beneficiary and I think you folks for your hard work, love, and dedication to even be here. We are volunteers in our community ourselves and we love the land, we are grateful for the ancestors for giving it to us and we look forward to the real management of it. Again, I really am asking the Office of Hawaiian Affairs if someone could either be appointed to us to help us sort this out administratively. Why should we have to sue and clear all this. Even I am secure, its 80% is ours. I am going to walk away with something. I don't think that we should bring everything, do a quiet title. Our families are really tight, I would never shaft them, and it's a wonderful thing to understand what *Ua Mau Ke Ea O Ka 'Aina I Ka Pono* really means. For us I'd like to continue to honor my ancestors and actually, we are pretty good at what we do as artist. I'd like to do a museum over there, something that tells our story of the ahupua'a. Our story of the struggles, our story of the relationship. Again, my family lived there since 1853; I actually did a tax history to the present time. It went from three acres to two acres, to one acre and no one in my family ever sold. So this is where I am staying. If we ever do an audit, I think that is something we should do is the audit on these tax offices and the way they are handling things. I wouldn't have known if I didn't hire somebody. Now I ask you for help. Thank you, you folks.

Chair Colette Machado – Mahalo, Alapai Hanapi. Mili you can come back after the last speaker if you have more to say. Thank you.

Mr. Alapai Hanapi – Welcome to Molokai. Taxes is a big thing like my wife says. They are literally ripping us off, encumbering our titles and deeds. The relators are bringing in another class of people who don't care. They be selling it cash. If there is a \$1.5 million parcel, they are going to buy it cash. That brings into question, what about my, how come no one has title, nobody like do quiet title any more. But the mayor gives out a deed from a land option where all the titles are encumbered. Where the kanaka maoli loses their kuleana because of illegal assessment methods. So we do need your help in that.

I am up here to talk about something else. This is about our Mana'e, or east end community, we formed a hui of kuleana landowners and the native tenants from Kamalo to Halawa. We are called Hui Aloha Aina o Mana'e.

So I'm here on behalf, I am a member and I am also an advisory. We are a free association but we do have officers, a president, vice preside, treasurer, secretary and my wife and I are advisors of the group. We are here on all of our behalf to ask for another comprehensive and accurate study and report of the east end community plan that was done in 1981 when all the kupuna, when I say the kupuna I am talking about the ones that have passed. They said no commercial activity up Manae to fragile, kuleana ole no. Native tenant wale no. Now all of a sudden we have poe haole, foreigner buying up and no even live over here and we have all these bunch of legal and illegal vacation rentals. I mean what is it man, is it our culture or is it recreation. I mean if I have to out there and fight 20 kite surfers on grounds that I depend upon to sustain my family and subsistence, no fair. So I want to know who is enforcing our native rights. We talk about our constitution native rights but I don't see no action. But I see plenty enforcement for private owners, private property owner's rights. Where is ours? I see plenty money, I see fence lines; I see all kinds of stuff going to homesteaders who don't even own their land. We own our land and yet nothing comes to us. We are left to judicial, like we can afford it. I stand over here we get plenty land but we indigent. I live in a tent, ok, I take all you guys down Manae now and I show you all our people who live in the bush and tent. That is the condition down there.

So I am asking for funding for another accurate report for the Manae Community Plan. We don't want the 1981 changed. We want the one where the kupuna was still alive, it was pono, and they said no commercial activities. And tell me if realty is a commercial activity on the east end of Molokai. They are selling us out. They are coming in here and taking our kuleana. We are not going to take it. How about the social impact, how about the suicides over here, how about the multiple suicide. Because our young people don't understand. Just like when the mahele came and the old people said I don't understand this and I am going to continue living by the konohiki. Same thing happening today. So we need funding for that report because the last one that was done was not accurate and does not reflect the true, accurate, current happenings of our kanaka maoli in Manae. We are asking for funding, something please kōkua us. You know what homesteaders are taken cared of. Us kuleana guys are in a war, just no bloodshed. I am sorry for the way I talk but we trauma, we get kanaka trauma. We been in it for over 30 years, they pulled soldiers out of wars after 1 year, 2 year, 3 year, us guys we been in it 30 plus years. It has affected us for three generations and now we are going down to our fourth. That Yankee dollar stops with us. We don't want this kaumaha to be passed down to our children and our children's children. So please fund us so we can do an accurate report and we ask for your folks help.

Chair Colette Machado – Mahalo Alapai.

Trustee Rowena Akana – This plan that he is asking for, are you familiar with it and how do we get a copy of it?

Chair Colette Machado – The question is about the East End Policy Statement.

Jocelyn Doane – So the original East End Policy Statement was finished in 1981 and when Maui County moved to have the Molokai Community Plan updated. Members of the community, they actually talked about taking it out the planning department because it was not updated. They suggested that it wasn't necessarily relevant because it was old. By the way this a really unusual situation, that no other community plan has a vision statement in the plan. This is very Molokai thing and it's a great thing but it is very unusual. So the planning department and the way that they thing, it didn't make sense to them that this would be in the plan itself. Anyway, the Community made it clear that they wanted to continue to have the plan in there and they had numerous meetings to update the plan so that it was more relevant. So that they could argue with the planning department that it still made sense to have it in the plan. Because again, this was created almost 40 years ago, so the planning department didn't think it made sense to leave it in there because so much time has changed. As plans are meant to be fluid and updated, some plans are community growth plans, some plans are sustainable plans, I am talking about overall because we look at the different community plans.

My understanding is, uncle I don't know your specific involvement with the update, there were numerous meetings in the community to update it. So in looking at the opportunities for folks had to participate we were supporting, again not the specifics in the plan itself. But the process by which the people had the opportunity to have input on it.

Trustee Rowena Akana – So are you saying what he is speaking to is no longer in the plan and it's too late.

Jocelyn Doane – What I am saying is he supports, as many of the people on the east side, the original plan which was developed 40 some odd years ago. It has been subsequently updated, so the Molokai Planning Department wanted to take that out and the community said 'a'ole, we want it in. So they updated it, the plan still needs to be approved by the Council. There is a four-step process to this, there is a local community process, then the Molokai Planning Commission, then it goes to the County Council. There have been numerous hearings by the different committees of the Council so it's still in there. It's still in there but it's an updated version, which Uncle likes, less than the older one, which I understand correctly. But the planning department wants to take the whole thing out. What we have been advocating for is ensuring that something stays in.

Trustee Rowena Akana – Relative to the kuleana portion of lands. I know we've been involved for 8 years in the kuleana land thing. With their particular parcel, you folks have your genealogy right. So how can OHA assist them in what they are asking for relative to the kuleana portion?

Jocelyn Doane – Do you guys qualify for the tax exemption?

Ms. Hanapi – I think Kuleana tax exemptions are premature. What I mean is that when something is newly started with all the different things coming up it can easily be dismissed and if you have an amount, I am like \$60,000, so something like \$60,000 they don't give it to you unless it is zeroed out. So the land that we could zero out we have kuleana tax exempt. So for me I don't mind taking agricultural. If I take agricultural exemption I get to keep my equity, I get to keep my privacy, not everybody maha'oe what my genealogy is and the other thing I liked about it, again I call it immature because the lands that I live on is the kupuna wahine. The man she marries, because of the respect for our men, of course during the mahele. While he was alive and her they deed it again to the family. Again, I was always told that it made it more binding. That way when he died it didn't go to all the other children that man had but stayed in one line. That is very Hawaiian. That is my line, she was the Chiefess not him. Next door was her brother my sister lives on. We do have kuleana exemption because it is not on the beach. So it's not like \$3,000 a year taxes and being taxed for a house that doesn't exist. Like my husband said we live on the land and they cannot claim ignorance at all the tax office, they been to my house. They've given me tax exemption. Again my husband and I we have the age also and the economics. Kuleana lands I thought of is immature. I gave my genealogy to you folks, I never heard back and I continue to do my due diligence and I continue to deal with the tax office on my own.

Trustee Rowena Akana – Can you call my office and I'll check on your genealogy and follow up on this.

Chair Colette Machado – The question that Trustee Carmen Hulu Lindsey has, have you folks been working with Lucy Meyer.

Ms. Hanapi – I was given to Lucy Meyer but I never really got to hook up with her, which I should. Because like I said, a lot of things are immature when, because kuleana land taxes just recently happened. Like I said the Kupuna Kane, it's not his land it's her land. But we respected our men so if I am going to follow his line but I was told he was an Uncle but that's it.

Trustee Rowena Akana – But if you can work with my office and Lucy, we can help.

Ms. Hanapi – Yes, because I think it can be administratively done and we got them real close to settling on a number before.

Mr. Alapai- That is only us Trustee Akana. There is a whole bunch of us that there have been cases with NHLC where the State takes the mauka side after it is over the lawyers take Makai and sell and get their monies back and they leave the kanaka maoli muddling around in the middle to subdivide and figure out where they are at. There are a lot more cases than just that. The thing is kuleana and the rest of the private properties is the economics. How can we get ahead when we are encumbered where we live and we are the land and the land is us? Can you imagine and trauma and stress our people have, it is there and it's real. We can't even get ahead because we are stuck behind to get our kuleana unencumbered.

Chair Colette Machado – Our next speaker is Judy Naki Caparida.

Ms. Judy Naki Caparida – I am going to continue from yesterday. The community plan that brother is talking about has been upset. They have trying to dig up all this stuff that say they putting it up to date. They putting this fishing thing inside, they inserting it inside. They have a problem up there, it's a conflict and they are trying to put it inside when they don't know they don't need Manae. The fisherman know, they given a lot of monies to train all our children in school about all this kind of stuff. And yet it is not sustainable enough. They still want to stick something in there that they having problems over there. That is why you guys got to get involved. It's not taking someone else's word. You guys have to come over here and see it because you don't live here. That is why inside my heart, I tell myself, when you was raised when you was little, you come big you train all your children you never have a problem. Because they know how to do it. But for those that don't they having education now. And they giving money for them to get educated in school. This is why I say to myself the planning commissioner, they making stuff they want to do. They want to rezone the place this is where the problem is. Manae, they are rezoning it and that is why guys make money. The don't got any land anymore around so they come out Mahoe on Molokai and they making business. You know what, culture is when you make food, residence is where you live, business is where you go over there for business. But they making business right next door and they don't care. They think they own everything. This is what is the difference with us on Molokai. My sister and I go to every meeting. If get two meetings, I go to one and she goes to the other and we come home in the evening and we sat down and we talk it over and we pray over it. This is not no small thing because god is the one that blesses us. He is the one. If you don't believe it, and it is not my problem. But I can tell you that we are so blessed.

I went to Maui and the Puwalu and they are struggling over there. Those Hawaiian people out there, and yet they are so contented. We got a lot of stuff here. We get a lot of blessings here but they use and abuse it. I don't have to tell you the truth because you guys should know, you guys should serve us. We put you there, you service us. The community not one small group. This is the way we do it. This is how they do it, one small group then they go to Honolulu, they spread their germs over there and then they listen. This is why, you know what, everything that we do on Molokai you have to honest, be open. I never talk like this long time. But you know what the Lord says to me, all the lies have to stop, and that is why I am here to tell you. We are here because God gave us all these blessings and these blessings were given to us free. And we still have to pay for everything. I telling you the kuleana land, if you own land up Manae you can go and do what you want to do. Come to the community. I never went inside and have any talk about this. You guys signing up for me, I want you guys to take it off because people is going, and you guys are going to get sued. They asking for attorneys now because you signed something that you guys never come back to the community. You just took it on someone else's word to do it. This fishing stuff, hey you have a problem solve. If they want to come as one, the Manae side we come as one. I get land over there and I am the community. So I thank you guys for hearing me out because you guys got to do something. I wanted it removed, it's so easy to sign your name but you don't live the life. This is what I am asking. Thank you.

Chair Colette Machado – Mahalo Aunty Judy. Our next speaker is Betty Puaa.

Ms. Betty Puaa – Good morning. If you can see across the street, there is a certified kitchen that was done there, and that was about 5 years ago. What I wanted to know, I just found out from your niece, that you guys gave \$82,000 to start it. But it's still there not finished. So what does OHA when you loan money, people come to you, is there a promise that you are going to finish the project? Do you folks just let it go like over there? Who can answer that? When they come with a promise that they are going to build something for the community, they have to tell you how long going take right. You guys gave \$82,000 on that project that is Hawaiian Homes across there. That was the liveliest park on the island. All the Hawaiians go there, we have luau there, family campouts. Why is that certified kitchen necessary.

Chair Colette Machado – Auntie Betty, our funds that we provided was a planning grant for the overall planning of that site there. OHA's limitation, Kalama'ula Association received a grant, it was to hire a team of people to come up with a design, it was only a planning grant. It never was intended to take it from the permitting. I cannot answer you that. Because the nonprofit that oversees it after our funding ended and the compliance of the grant was made as a planning grant. To assess how to do the planning. As far as the kitchen that was something that the community determined. That didn't involve OHA. I believe they also got funds from the State Legislature to complete it.

Ms. Puaa – But you know what you folks look only a certified kitchen. Still no pau but they thing is with that project going nobody can use the pavilion down by the beach where we take our mo'opuna.

Chair Colette Machado – Are you aware that the lease with the Hawaiian Homes is with the Kalama'ula Homestead Association? Not OHA.

Ms. Puaa – Yes, but one by one all those people are dying. When the people die who is taking over, who supposed to finish that park over there that you guys spend \$82,000 on.

Chair Colette Machado – And the Legislature gave over half a million to complete the project. OHA is not involved that is what I am trying to say. The grant ended when the planning capacity was done by Kalama'ula.

Ms. Puaa – Yeah, but you guys get plenty projects that you guys give them the money and that's it. Doesn't anyone check, how the thing going? Who is monitoring it? If you guys owed the money to the bank, they would put penalties on you already. You now they even take it away, of course they cannot take that away because it is Hawaiian Home Lands but you know somebody do something. 5 years, shame for the Hawaiians. Every time they start something they no finish um. It's going to be like the rail, they run out of money they never reach their destination. This one auwe we supposed to be enjoying the park already.

Chair Colette Machado – Our grant that we gave was not intended to see the project completed it was only a planning grant.

Ms. Puaa – But \$82,000 is a lot of money.

Chair Colette Machado – You know how much we gave for Kalaniana'ole took half a million. The Department of Hawaiian Homes shut that project down.

Ms. Puaa – So who we got to see?

Chair Colette Machado – Hawaiian Homes.

Ms. Puaa – So you go Hawaiian Homes and when they get their meeting like this, oh, we will look into it but they never get back to you on any of the problems. My suggestion, OHA when you give monies, hey it's the

Hawaiian's money, when you give money kind of have someone monitor how you folks doing. Is the project pau. Thank you.

Chair Colette Machado – Based on the grant they got they complied to all of their threshold objectives that they wanted to achieve so the grant was closed. Completed, final and closed. Anything that came after the planning grant that is something that you have to figure out from the Kalama'ula Homestead and also the Department of Hawaiian Homestead. Do we have jurisdiction on the property? Absolutely not. That is under Hawaiian Homes inventory and who has the lease is Kalama'ula Homestead Association. Not the Office of Hawaiian Affairs.

Ms. Puaa- My point is if you folks are using the Hawaiian's money somebody monitor, monitor. If it was Bank of Hawaii, those guys would have so much interest on there.

Chair Colette Machado – That grant was given over 6 years ago.

Ms. Puaa – Grants are grant but you know I hard head. I go to the very end. How you folks going monitor that thing? Make shame for the Hawaiians.

Trustee Keli'i Akina – I think that both our Chairperson and Aunty Betty are correct. I am going to agree with our Chairperson that this project was not an OHA project so other people are responsible for the completion of it. But Aunty you raise an important point, we were involved in a little bit of it in the front end and we as Trustees need to be responsible to say what is that \$82,000 effective in the long run. I have been advocating that we create a budgeting system so that when the budget comes around we have to look at number and say did that item work. I am calling for an adoption of a program planning budgeting system.

Trustee Rowena Akana – Thank you Aunty Betty. I have a sore spot with DHHL because we have given them so much money over the years from 1993 we've been subsidizing them big time. Once we give them money we don't know what they are doing with it. We've given money to them for everything that we asked for. Right now, we are carrying their debt. \$3 million a year on their bonds. And even the State Auditor can't find where they are putting all their money. This is something we need to call them on. I will personally call DHHL and ask them about this project. Thank you.

Chair Colette Machado – Our next speaker is Iwalani Kadowaki.

Ms. Iwalani Kadowaki – Aloha Trustees. I am Iwalani Kadowaki. First of all, I love everyone. It might not be what you are doing I don't totally agree but the love is there. I am looking at OHA as empowering us Hawaiians. Because you people are the conduit for our wishes and needs and I thank you for that. I need to address the matter that Judge Robert Klein had mentioned about Aloha Poke that was used and it was cease and desist. I have a comment regarding that. Only because our Hawaiian language is sacred. It originated here and it remains here. Having to commercialize it, it's like ripping the heart out of our families. Because I treasure families because that is where the aloha is. And poke is when we get together and eat together and enjoy each other. I feel for what Judge has said and I really would encourage you look at the sacredness of our language.

Another matter is, in regard to land. I have a report from Dr. Alfred DeZayas; he is the United Nations Independent expert Office of the High Commission for Human Rights. His memorandum was sent out to Judge W.B. Chang which is the land court Judge and also to Jeanette H. Castagnetti, she is the Frist Circuit Court Judge in regards to the land. In entirety, he had sent memorandum to the entire Judiciary staff of the State of Hawaii. This was regarding land tax. One of his findings is that the United Nations of the High Commission for Human Rights pointing out historical and ongoing plundering of the Hawaiian land is particularly of those heirs and decedents with land titles that originate from the distribution of lands under the authority of the Hawaiian Kingdom. This is pursuant to the US Supreme Court in the Paquete Habana Case

1900. This goes far back as his research. I'd like to make it short, it has been found that the US Courts have to take international law and customary law in to account in property dispute. The State of Hawaii Court should not lend themselves to flagrant violation of the rights of the land titleholders in consequence of pertinent international norms. Therefore, the courts of the State of Hawaii must not enable or collude in the wrongful taking of private lands, bearing I mind that the right to property is recognized no only US Law but also in Article 17 of the Universal Declaration of Human Rights, adopted under the leadership of Eleanor Roosevelt. Like I said our land court Judge, Judiciary System of Hawaii are put on notice regarding these findings. This is a current issue out on May 2018. If anyone interested I do have the site you can gather all the information. I am just sharing this information to the public. Thank you.

Chair Colette Machado – Our next speaker is Councilmember Stacy Helm Crivello.

Stacy Helm Crivello, Councilmember – Aloha everyone. I actually just came in from Maui and I wanted to hear what your meeting was about. The timing is good. If I may, there are several items that falls in line with the County of Maui. For instance, the kuleana lands that the Hanapi family has concerns about. Trustee Akana if you will be assisting them great. But we really are lucky that we are able to have no taxes with our kuleana land process. Hands off with the County of Maui with the Real Property taxes as far as once you get the stamp from OHA and it is noted through OHA and is notified to the Real Property and you have all your genealogy in place more power. They have to hands off you. Now on the assessment side, that is something I am willing to bring the department and have a conversation on how do we address it. I think it is necessary for us, sometime we appeal our assessments and that is the process that is available to us. I just wanted to touch base on that.

I wanted to touch further, somehow when I listened to all the different concerns. Short-term rentals, you know that the community plan as well as the attempt for us for zero out, there is no cap; it is to zero out on the Manae side. That is going through a process with the Land Use Committee and that would be before the Council before the end of the year. But it's already in the East End policy with the Community Plan.

The other thing I wanted to touch base on is our Molokai Community Plan. Every 10 years the community plans are revisited. Nobody paid attention to our community plan after 17 years we are addressing the old plan. So we brought it up from the Councils end. We have a process we go through the community that is called the CPAC made up of 13 Molokai residents. It started from 2016, hundreds of meetings were held and community participated. We all know how our community is, we are never in agreement but we agree to disagree and that is what has happened to that process. Then after they are done, they make their recommendation and it goes to the Molokai Planning Commission. I was able to participate in a lot of CPAC meetings that is the first step. The East End Policy was talked about, practically brought up by the residents of Molokai. Then there was the West End side that said we want something too, at that point their community gathered and came up and we have a West End Policy. What that young lady said was correct; you would never see this in any plan, never. That was the challenge we had with our planning department. I will stand up before you, whether it was responsible on my part, because I passed through the planning commission and before it even came to council I support had a heavy intense conversation with our planning department, this is a policy that before in the existing it was put on the back burner. For me I am representing the community, they did not want it to be just an appendix, we wanted to hold power in that plan. The response is that we cannot enforce it, we cannot implement it, it's not real, you are talking about cultural lands, you talking about everything traditional. How do we implement it? But we got it through. Even as we come to the process where the Council and the Committee level we got it passed. Maybe not everyone on Molokai agreed to that East End Policy but my golly we've come out ahead by having our own policy for the areas that people are most concerned about. The East Manae and the West and it touches base on everything from water, from Mauka to Makai to the kuleana land, the traditional style of our living and what have you. They don't understand that but we do. I would hope that those values are imbedded in our plan before anybody says, oh I never know and develop this in Manae, that plan will say, no can, you have to follow these, this is what is in the plan not just shove underneath as an appendix.

We talk about community-based subsistence fishing area. County has no jurisdiction over that. But we decided we cannot get involved with the hakakā going on with Moomomi, north shore and what have you. But my golly, if our young people jump on the boat to save our mea ai that outside people are coming to the islands to just hoard our community should have a say as to how we want to protect or let it go or forget about it and that is what community based is all about. Community based is a mantra that we live by on this island. I just want to add to that. It is a concept but we have no jurisdiction but we put that mention in there because we talk about subsistence throughout our whole plan. With that being said Department planners we want to say our community embraces subsistence and it's based on what the community wants. Not any individual or organization but what that particular community wants.

I want to add on something about over there. I am a Kalama'ula Homesteader, been all my life and was also part of the kick off to get it going. This started back more than 5 years. When my late brother Greg Helm and our late Richard Negrillo. They were volunteers. Brother passed, next was Uncle Richard. We don't have the funding, we put in a proposal just to plan and design because you have to get stamp of approval from the County and that is what they did. We also used whatever funds we had to get materials to get it started. This was built by volunteers. Then you find that you have to meet other regulations and it is going to take more funds. Funding is not easily acceptable, so you still have that opportunity to leverage; we are working with Department of Hawaiian Homes. Do you think it's easy to pass and see this not completed. Many of us feel hurt about it but we have a process that we have to go through. We have to pay to do an Environmental Assessment and we couldn't afford for people to do it so some of us figured out how to do it to be accepted. All these different steps but all with volunteer kōkua. Now we had to do the roofing because it didn't meet what we had to. That took about \$127,000. But as I sat here, I saw many topic that involve the County and Auntie Betty your last one I would love to talk story with you further. Our association can go a little farther on that. But it's nothing out of neglect, as Richard passed on, and he was getting sick he was basically the konohiki, and now it takes another group to step up and finish it up. I believe we will.

Ms. Puaa – Did they abandon it?

Councilmember Crivello – It is not abandoned.

Ms. Puaa – If we abandon it will they open the park.

Councilmember Crivello – I don't think it is the intent of the organization to abandon it. I think for the access for the other side I am not sure what the lease said. But I think the conversation can be with the association and Department of Hawaiian Home Lands. Thank you all pau.

VI. ANNOUNCEMENTS/FYI

NONE

VII. ADJOURNMENT

Chair Colette Machado – Is there anyone else who would like to address the Trustees at this time. If not then the Chair would like to entertain a motion to adjourn.

Trustee Carmen Hulu Lindsey moves to adjourn the meeting

Trustee John Waihe'e IV Seconds the motion.

Chair Colette Machado – Roll call please.

Trustee Carmen Hulu Lindsey moves to adjourn the meeting
 Trustee John Waihe'e IV Seconds the motion.

| TRUSTEE | 1 | 2 | 'AE (YES) | A'OLE (NO) | KANALUA (ABSTAIN) | EXCUSED |
|-----------------------------|---|---|--------------|---------------|----------------------|---------|
| TRUSTEE LEINA'ALA AHU ISA | | | | | | Excused |
| TRUSTEE DAN AHUNA | | | | | | Excused |
| TRUSTEE ROWENA AKANA | | | X | | | |
| TRUSTEE KELI'I AKINA | | | X | | | |
| TRUSTEE PETER APO | | | | | | Excused |
| TRUSTEE CARMEN HULU LINDSEY | X | | X | | | |
| TRUSTEE ROBERT LINDSEY | | | | | | Excused |
| TRUSTEE JOHN WAIHE'E | | X | X | | | |
| TRUSTEE COLETTE MACHADO | | | X | | | |
| TOTAL VOTE COUNT | | | 5 | | | 4 |

MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED
 Motion passed with five (5) YES votes, and four (4) excused.

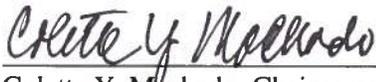
The meeting was adjourned at 11:20 am.

Respectfully submitted,



Dayna Pa, Board Secretary

As approved by the Board of Trustees on September 6, 2018.



Colette Y. Machado, Chairperson
 Board of Trustees

Attachment:

1. Trustee Leina'ala Ahu Isa Excuse Memo
2. Trustee Dan Ahuna Excuse Memo
3. Trustee Peter Apo Excuse Memo
4. Trustee Robert Lindsey Excuse Memo



OFFICE OF HAWAIIAN AFFAIRS
Interoffice Memorandum

DATE: July 24, 2018

TO: Trustee Colette Machado, Chairperson

FROM: Trustee Leina'ala Ahimsa 

RE: **Molokai Board of Trustee Meeting – Thursday, August 9, 2018**

Aloha,

Please excuse my absence for the upcoming Board of Trustee meeting scheduled for Thursday, August 9, 2018. Should you have any questions or concerns please feel free to contact my office staff.

Mahalo.



OFFICE OF
HAWAIIAN AFFAIRS
STATE OF HAWAII
RECEIVED-BOT

2018 JUL 31 P 3:54

Office of Trustee Dan Ahuna
OFFICE OF HAWAIIAN AFFAIRS
Interoffice Memorandum

Date: July 31, 2018
To: Trustee Colette Y. Machado, Chair
Board of Trustees
From: Trustee Dan Ahuna 
Subject: **Molokai Island BOT Meetings Absence**

I am unable to attend the Molokai BOT meetings scheduled for August 8-9, 2018. Please extend my excused absence and my sincere apologies to the members of the board.

Mahalo.



INTEROFFICE MEMORANDUM

TO: Trustee Colette Machado, BOT Chair
Trustee Dan Ahuna, BOT Vice-Chair

FROM: Trustee Peter Apo

DATE: August 7, 2018

RE: BOT Meeting Absence on August 9, 2018

I am unable to attend the BOT Meeting on Thursday, August 9, 2018 to be held on Moloka'i at 10 a.m. Please excuse my absence and extend my apologies to the members of the Board.

If you have any questions, please call my office at 594-1879.

Mahalo.



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

July 13, 2018

TO: Trustee Colette Machado
Chair, Board of Trustees

Trustee Dan Ahuna, IV
Vice – Chair, Board of Trustees

Members of the Board of Trustees

FROM: Trustee Robert K. Lindsey, Jr.

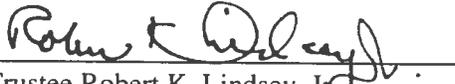
SUBJECT: Excused Absence Moloka'i BOT Meeting

Aloha e Chair Machado:

I am unable to attend the Moloka'i Board of Trustees meeting at Kūlana 'Ōiwi on Thursday, August 9, 2018.

Please extend my excused absence and sincere apologies to the board members.

With sincere aloha,


Trustee Robert K. Lindsey, Jr.
Hawaii'i Island, Board of Trustees