STATE OF HAWAI'I  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT  
MINUTES  
July 8, 2015  1:30 p.m.

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

EXCUSED:  
Trustee Colette Machado  

BOT STAFF:  
Claudine Calpito  
Crayn Akina  
Davis Price  
Kama Hopkins  
Kauikealani Wailehua  
Lady Elizabeth Garrett  
Lehua Itokazu  
Liana “Ani” Pang  
Louise Yee Hoy  
Melissa Wennihan  
Reynold Freitas  
Ui’ilani Tanigawa  

ADMINISTRATION STAFF:  
Kamana’opo’ono Crabbe, Ph.D., Pouhana / CEO  
Auli’i George, CMTY OUT  
Christopher Lum Lee, RES  
Derek Kauanoe, ADV-GOV  
Jim McMahon, ADV  
Jim Patterson, PROG  
Jocelyn Doane, PUBL  
Joseph Kuhio Lewis, CMTY ENGMT  
Kamakana Aquino, RES  
Leona Kalima, CULTU  
Monica Morris, ADV  
Sterling Wong, PUBL  

GUESTS:  
Kamana’o Mills  
Keali‘i Makekau  
Michelle Kauhane  

I. CALL TO ORDER  

Chair Waihe‘e calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, July 8, 2015 to order at 1:31 p.m.  

Chair Waihe‘e notes for the record that PRESENT are:  

<table>
<thead>
<tr>
<th>MEMBERS</th>
<th>AT CALL TO ORDER (1:31 p.m.)</th>
<th>TIME ARRIVED</th>
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<tr>
<td>CHAIR</td>
<td>JOHN WAIHE‘E, IV</td>
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<td>TRUSTEE</td>
<td>DAN AHUNA</td>
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<td>TRUSTEE</td>
<td>ROWENA AKANA</td>
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At the Call to Order, FIVE (5) Trustees are PRESENT, thereby constituting a quorum.
EXCUSED from the BAE Meeting are:

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<thead>
<tr>
<th>MEMBERS</th>
<th>COMMENT</th>
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<tr>
<td>TRUSTEE</td>
<td>COLETTE MACHADO</td>
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<td>MEMO – REQUESTING TO BE EXCUSED</td>
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II. APPROVAL OF MINUTES

A. April 22, 2015
B. May 6, 2015

Trustee Hulu Lindsey moves to approve the minutes of April 22 & May 6, 2015.

Trustee Ahuna seconds the motion.

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

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

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<th>TRUSTEE</th>
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1:32 p.m.

Arrived at 1:33pm

Arrived at 1:52pm

Arrived at 1:35pm

Arrived at 1:35pm

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

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

Michelle Kauhane shares CNHA’s perspective on where they are at regarding the proposed rules for the Hawaiian Homes Commission Act. She shares with the committee copies of 4 different documents: CNHA annual policy priorities, Hawaiian Homes Commission Resolution Number 283 "urging the United States Department of the Interior to consult with the Department of Hawaiian Home Lands and the Beneficiaries of the Hawaiian Homes Commission Act Regarding Proposed Rules 43 C.F.R. parts 47 & 48", The Hawaiian Homes Commission Act (Title II), and CNHA/SCHHA Consultation on Federal Rules on Hawaiian Home Lands (printed PowerPoint slides) and reviews and highlights information contained in the handouts.

IV. NEW BUSINESS

A. ACTION ITEM BAE 15-04: Approval of Nominee for the Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors

Trustee Ahuna moves to approve Ms. Jessica Kaneakua to serve as the Hawai‘i Island Representative for the NHRLF Board of Directors.

Trustee Hulu Lindsey seconds the motion.

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

Chair Waihe‘e calls for a ROLL CALL VOTE.

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

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

B. Discussion of Proposed Rule of the U.S. Department of the Interior under the Hawaiian Homes Commission Act (HHCA) relating to Procedures for Land Exchanges and for HHCA Amendments

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

Pouhana Crabbe: Good Afternoon Trustees, presenting on this item today will be Senior Public Policy Advocate Jocelyn Doane.

Senior Public Policy Advocate Doane: Aloha Trustees and mahalo for the opportunity to provide this update. It was at one of our meetings on Moloka‘i last month that some beneficiaries had some concerns about the rules. Some trustees wanted an update, so forgive me for what could potentially be one of the most technical updates we’ve ever given. It’s overly complicated and we really tried to do our best to make sure we understood what the rules would do; which required us to understand what the law currently requires and the processes laid out in the statutes now. We also hope to understand some of the concerns that have been raised and some of the reasons why people felt like we needed rules. So with all that said, we will move into the PowerPoint presentation.

Senior Public Policy Advocate Doane talks about the information listed in the PowerPoint presentation below (this is an updated version of the PowerPoint that was sent to the Trustees after the conclusion of the meeting). Highlights that are not included in the PowerPoint are included in text within the slides.

--

DOI Proposed Rule
Hawaiian Homes Commission Act (HHCA)
Procedures for Land Exchanges & HHCA Amendments

07/08/15
BAE
Public Policy

Resources
- DHHL Deputy William Aila
- DHHL Staff
- CNHA & Members
- NHLC Staff
- Public Submitted Comments

Senior Public Policy Advocate Doane: Listed on slide 2 under “Resources” are some of the people that we’ve been speaking with, since the request, a couple of weeks ago.
Senior Public Policy Advocate Doane: As the Trustees are probably familiar with, slide 4 – *Relevant Statutory Authorities*, lists the statutory authorities that we needed to review.

- Addresses Compliance Issues [Parts 48.15, 48.35]
- Clarifies status of applicable provisions of HHCA [Parts 48.35, 48.40, 48.45]
- Reaffirm Federal kuleana [Parts 48.10, 48.35]
- Impact to native Hawaiians considered [Parts 48.15, 48.25]
- Big Picture – leadership & commitment

**Erosion of State authority? Expansion of secretary authority?**


- Clarifies State (DHHL) Responsibilities
  - how proposal amendments would advance beneficiary interests [48.15(b)(1)]
  - Description of events that led to enactment [48.15(b)(2), 48.15(b)(4), 48.15(b)(5), 48.15(b)(6)]
  - Record of views expressed [48.15(b)(7)]
  - Description of DHHL outreach (if any) [48.15(b)(9)]
  - DHHL mana'o = informative for Secretary

Part 48 - HHCA Amendments Concerns

- Secretary = one person = cabinet member
- No Recourse for Secretary determination
- Administrative burden [48.15]
- Additional Materials – need clarification
- Overly ambitious
- Notice to DHHL
- May make good amendments difficult

DHHL Land Exchanges

Senior Public Policy Advocate Doane: The Rules would cover any land exchange that the Department wants to take, whether it be with the Federal government, the State or Private.
Chair Waihe'e: Based on what Senior Public Policy Advocate Doane presented, does anyone have any concern with any part of the information? I would like to get a consensus from this BAE committee that allows OHA Advocacy to proceed with its remarks on behalf of our whole office.

Pouhana Crabbe: If anyone does have thoughts that they would like to add, please get it to OHA Administration by this Friday so that Advocacy may begin drafting our testimony. Out of respect to DHHL, Kamana‘o Mills is here and I would like to allow him some time to speak.

Kamana‘o Mills: Aloha Trustees, it is good to be sitting here again. The DHHL Chair apologizes that she could not be here today. She is in court and William Aila is prepping for the upcoming Hawaiian Homes Commission meeting in which this is also part of their agenda. I have to hand it to Jocelyn, as that was one of the best PowerPoint presentations that I have seen in covering all of the policy points; you did a fantastic job. I would also like to thank OHA for your support in this. There is nothing more I can add to Jocelyn's presentation, she hit all of the points really well.

Chair Waihe'e: Thank you Kamana‘o.

Pouhana Crabbe: Perhaps we may want to reconsider the reconvening of regular joint meetings between DHHL and OHA.

Kamana‘o Mills: That would be maika‘i.
The BAE committee agrees

V. UNFINISHED BUSINESS

None

VI. BENEFICIARY COMMENTS*

None

VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

Trustee Apoliona moves to adjourn the BAE meeting.

Trustee Ahuna seconds the motion.

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

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

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<th>TRUSTEE</th>
<th>1</th>
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MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

Chair Waihe'e adjourns the BAE meeting at 3:04 p.m.
Respectfully submitted,

Melissa Wennihan
Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on August 13, 2015.

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

ATTACHMENT(s):
- Notice of Excused Absence (1)
- Community Sign-In Sheet dated July 8, 2015 (1)
- Beneficiary Comment and Community Concern Form (1)