

**STATE OF HAWAI'I  
OFFICE OF HAWAIIAN AFFAIRS  
Lāna'i Elementary and High School Cafeteria  
555 Fraser Ave.  
Lāna'i City, HI 96763**

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Wednesday, July 12, 2017  
10:30 am**

**ATTENDANCE:**

TRUSTEE COLETTE MACHADO  
TRUSTEE LEINA'ALA AHU ISA  
TRUSTEE DAN AHUNA  
TRUSTEE W. KELI'I AKINA  
TRUSTEE PETER APO  
TRUSTEE JOHN WAIHE'E IV

ROBERT K. KLEIN, ESQ. BOARD COUNSEL

**EXCUSED:**

TRUSTEE ROWENA AKANA  
TRUSTEE ROBERT LINDSEY  
TRUSTEE CARMEN HULU LINDSEY

**ADMINISTRATION STAFF:**

KAMANA'OPONO CRABBE, CEO  
JOSEPH LEWIS, OUTR  
EVERETT OHTA, CC  
KAWIKA RILEY, CHIEF  
JOHN ROSA, OUTR  
ANTHONY PACHECO, COC

**BOT STAFF:**

CAROL HO'OMANAWANUI  
LADY GARRETT  
CLAUDINE CALPITO  
KAMA HOPKINS  
DAYNA PA  
MAX MUKAI  
MARIA CALDERON  
NATHAN TAKEUCHI  
MAKANA CHAI  
CLAUDINE CALPITO  
LOPAKA BAPTISTE

**GUESTS:**

BUTCH GIMA  
RON MCOMBER  
MARGARET PEARY  
SIMON TAJIRI  
DALE PHILIPS  
RANDALL KAM

**I. CALL TO ORDER**

**Chair Colette Machado** Calls the Board of Trustees meeting to order at 10:37 am. Roll call is taken; Trustees Ahu Isa, Ahuna, Akina, Apo, Waihe'e and Machado are present; constituting a quorum of six (6) trustees. Excuse memos were received from Trustee Rowena Akana, Trustee Robert Lindsey, and Trustee Carmen Hulu Lindsey.

I would like to bring Anthony to the Microphone and ask him to introduce our first speaker who is Mr. Ron McOmber.

**Anthony Pacheco** – Aloha today we have a community presentation by uncle Ron McOmber Lanaians for Sensible Growth.

**Mr. Ron McOmber** – Can I wait till after Butch?

**Chair Colette Machado** – Whatever you want Mr. McOmber, so Butch you are up, please introduce Butch please.

**Anthony Pacheco** – Yes, Butch is the President of Lanaians for Sensible Growth.

**Chair Colette Machado** – Butch I am not going to limit you to just the Lanaians for Sensible Growth if you have other areas you would like to address the Trustees feel free to do so.

## **II. COMMUNITY PRESENTATIONS**

### **A. Lanaians for Sensible Growth**

**Mr. Butch Gima** – Morning Trustees, thank you very much for giving me and Lanaians for Sensible Growth the opportunity to share some information about our organization and some of the critical issues facing our island community. I think you've been handed a synopsis of what Lanaians for Sensible Growth is about and has been about for over three decades. And also a synopsis of the three memorandums of agreements that OHA is a signatory to in two of them. I will be talking about LSG in general, about the MOAs and unilateral agreement, and I will also talk about Lānaʻi's water and lastly about the recent land use commission hearing decision and order.

So as you can see LSG has been in existence since 1987. Our mission is noted on your hand out there. We have in the back some of our board members, already introduced in Ron McOmber who is one of the charter members of Lanaians for Sensible Growth and then we also have John Ornellas, Simon Tajiri and Kelli Gima. Michelle Fujie is not here but she is one of the newer board members also. I wanted to make note that over probably the last 4-5 years Lanaians for Sensible Growth has moved towards bringing on younger board members. The older board members, Ron, John and myself think it is a time to pass the torch on to the younger members of the community to take on the responsibility. It's their turn. It's important for the community to have younger board members because ever since Larry Ellison bought the island there has been a change in the community dynamics and I think it behooves both our community and for Pūlama Lānaʻi to work with the younger members of our community.

Over the years and most recently Lanaians for Sensible Growth has not only involved in just our water issues but issues such as the acute housing needs of our island and also the need for affordable housing. We've been trying to work diligently with the County of Maui, but we've run in to a number of roadblocks and this endeavor for Lanaians for Sensible Growth has spanned at least three and a half years. And to date we don't have anything solid yet. In the past we've partnered with Friends of Lānaʻi, when we opposed the big wind efforts of Castle and Cook and David Murdock. We've partnered with the Hawaii Alliance for Community Based Economic Development about 5 or 6 years ago in helping the community to come up with the vision for our future and preserving what is important to our community and looking also what the economic future would look like for this island. LSG has consistently discussed issues in our community on a monthly basis at our board meetings, we've offered testimony before different boards, and commissions, the County Council and I wanted to mention this because I think we are the only organization that meets on a regular basis that addresses such issues like housing, water and community relations. Lanaians for Sensible Growth I think historically has provided that checks and balances for our community, because there are no regulatory agencies on Lānaʻi and so over the years Lanaians for Sensible Growth has taken on that task.

In addition Lanaians for Sensible Growth has actual membership seats on several committees. One is the Lānaʻi Archeological Committee. John Ornellas is the interim Chair for that committee. The Lānaʻi Advisory Committee, which has been in existence since the early '90s, I currently chair that committee. And the Hulopoʻe Beach Park Council, which evolved out of the Memorandum of Agreement in the mid '80s. In the past Lanaians for Sensible Growth members also sat on the Lānaʻi Planning Commission. In fact Kelly Gima is the Chair of the Planning Commission right now. Although that is not a LSG seat. Ron McOmber and myself participated in the County's 10-year community plan advisory plan committee. We are participated in that but those were not LSG seats. There have been other organizations that LSG members have participated

in but again we were not designated LSG members, but just wanted to point out that LSG participates in a lot of the community boards and commissions.

So onto the MOAs and the Unilateral Agreements, although there are four, OHA has been a signatory to two of them. The 1987 MOA and the 1990 MOA. The 1987 MOA as noted on your handout established the Historic Preservation Management Committee and a Historic Preservation Management Plan. Also it established standards and conditions relating to the disinterment of possible graves at Hulopo'e. The 1990 MOA which seems to be a very significant one in that it relates to the Mānele Golf Course and at that time the future residential development down at the Mānele Project District. Specifically there was language in the 1990 MOA regarding no use of water from the high-level aquifer for golf course maintenance or irrigation. Another part of the 1990 MOA was the development of the Community Development Corporation unfortunately that lasted for a couple of years and I don't remember the specifics on why it failed. There is also language in there that reinforces the previous MOAs creating the Hulopo'e Beach Park Council and the Lāna'i Archeological Committee.

Lāna'i's water has been an issue for our community in an out of the LUC proceedings for going on 25 years now. Unlike other islands, Lāna'i's water is managed by a private water company, which is the Lāna'i Water Company, which is like a subsidiary of Pūlama Lāna'i. Therefore, the major water user on the island is also the water purveyor. As such, Lanaians for Sensible Growth has taken a rather conservative approach when helping to develop policy on allocation and use. For several reasons, we only have one aquifer on this island. Of that one aquifer, we have two sub aquifers and the leeward aquifer basically is the aquifer that is being tapped for all of the water being used on Lāna'i. There is probably about three to four percent of the windward aquifer that is being tapped. Unlike other islands, we have no surface water. Much to everyone's surprise 67% to 75% of all water pumped on the island daily goes down to the Mānele project district. The sustainable yield for Lāna'i is 6 million gallons a day. To give you some context, Maui's sustainable yield is 400 million gallons per day and Moloka'i is 84 so we have somewhat of a small fragile aquifer and sustainable yield. Again, thus the reason why LSG wanted to take a lot more conservative approach.

To Lāna'i Water Company's credit they have done a number of things to cut down on losses and unaccounted water. At one time in the Pālāwai area they could not keep track of 44% of their water, they brought it down to under 15%. They changed out pipes, put in pressure release valves, they've done a wonderful job doing that. The water use on Lāna'i is governed by the Water Use and Development Plan. Our Lāna'i Water Advisory Committee, which evolved out of the violation back in 1992, was tasked with developing the water use and development plan. The draft was completed in the late '90s and it didn't get into ordinance until probably couple of years ago. In any event, the Lāna'i Water Advisory Committee is tasked with monitoring and implementing the water use and development plan. That's a quick synopsis of Lāna'i's water, one last thing the Lāna'i Water Advisory Committee is comprised of two representatives from Pūlama Lāna'i, two representatives from LSG, the standing council member, a representative from the Lāna'i Planning Commission and then we have three at large community members with ex-official members from the Department of Water Supply and the Commission of Water Resource Management.

On May 31<sup>st</sup> of this year, the Land Use Commission had their final vote on the decision order from the Land Use Commission Hearing that concluded in April. Pūlama Lāna'i prevailed in those proceedings and they are allowed to continue using waters from wells in the Pālāwai basin to irrigate the Mānele Golf Course. It was a rather confusing proceeding and a rather confusing decision and order. Basically, the decision and order relied on an interpretation of what potable water meant in the initial Land Use Commission Hearing back in the early '90s. So as a result of that, that met one of the intermediate court of appeals remands. That specific remand has Pūlama Lāna'i utilize potable water from the high-level aquifer to irrigate the golf course. There are four

total remands so in addition to that question there was also, what does the phrase potable mean in condition 10, the scope of the remand is limited to wells 1 and 9 to irrigate the golf course although there are two other wells in the Pālāwai that irrigate the golf course. The fourth remand was is there leakage of potable water to the wells in the Pālāwai basin and if so does leakage constitute utilization of potable water as prohibited by condition 10.

LSG provided evidence that the Pālāwai wells were tested by the Lāna‘i Water Company and found to be potable although be it brackish water. The test proved that wells 1 and 9 are not non-potable wells. This evidence came from testimony from Cliff Jamile who was a former City and County of Honolulu Department of Water Supply Director. When he was the Director of the Lāna‘i Water Company years ago, unfortunately Cliff had passed, he was not able to provide testimony at the LUC proceedings. What was very confusing for many during these proceedings and people that attended the hearing was what is the difference between potable, non-potable and brackish.

In simplest terms potable water is drinkable water, you cannot drink non-potable water. Brackish water is potable you can drink it although depending on the salt content it may have a bad taste but you can drink it. Brackish water is mixed with potable water to get a sweeter blend. But you cannot consider brackish water non-potable. So the 25-year-old case has been litigated before the Land Use Commission, the First Circuit, Intermediate Court of Appeals and the Hawaii Supreme Court and I can't thank the Native Hawaiian Legal Corporation enough. For their kōkua not only for Lanaians for Sensible Growth but for our community in not only helping to provide the checks and balances but to ensure that our water overall and the water that was being litigated was properly addressed. Alan Murakami for years has been the attorney that has come to Lāna‘i met with the Community and LSG and has been extremely passionate about representing our Community and LSG and now we have Kauila assisting LSG.

So in closing what are our options? LSG could appeal the Land Use Commission decision and order. Given the LUC's decision, LSG and our attorneys are also considering enforcement of the 1990 MOA provision as an avenue for protecting Lāna‘i's high-level aquifer. The third option is to do both the fourth is do nothing. So that's where LSG stands on the Land Use Commission and order. Thank you.

**Chair Colette Machado** – We will open up now with questions from Trustees. Trustee Apo.

**Trustee Peter Apo** – What is your annual operating?

**Mr. Gima** – We are an all-volunteer organization we have no real financial standing. At one time, we talked about becoming a 501(c)(3) but after 911 it was so much humbug and we didn't have the means to do that so we basically have been living off of the Bill Gate's lawsuit where Lanaians for Sensible Growth received a \$25,000 settlement as a result of that.

**Trustee Peter Apo** – And you have been hanging in since 1987 without a budget to speak of?

**Mr. Gima** – Yes.

**Trustee Peter Apo** – That is commendable.

**Mr. Gima** – And thanks to Native Hawaiian Legal Corporation for providing their legal services.

**Trustee Peter Apo** – So brackish water when it is included as drinkable isn't brackish water, the degree of salinity at some point makes it non-drinkable. You can't drink ocean water, is that true or not?

**Mr. Gima** – You can drink ocean water but there is going to be some severe consequences. I think testimony was introduced by various parties at several of the Land Use Commission Hearings where several water districts throughout the State will mix brackish water with like 400 parts per million chloride with sweeter water and that is provided the community as drinkable water.

**Trustee Dan Ahuna** – Does Lāna‘i have any open ditches?

**Mr. Gima** - We don't have any surface water so all water is pumped.

**Trustee Keli‘i Akina** – Butch I want to thank you and Lanaians for Sensible Growth. I commend your hard work. You've described a dire situation in terms of affordable housing and in terms of water and you did give us a few options on what could be done about water. I'd be interested to know what your organization feels is the best way to solve the housing shortage and what you think should be done with respect to the water situation.

**Mr. Gima** – Before the recession in the late 2000 there was an affordable housing project put together. I think it was in 2006 or 2007, plans were drawn and everything. Recession hit, people left the island so the need no longer was there. But three or four years ago Lanaians for Sensible Growth with the sale of the island to Larry Ellison, people started moving back, housing became tight, Lanaians for Sensible Growth convened stakeholders from our community and from Maui County to get the ball rolling again. And we were moving along because County Council had appropriated \$1 million to \$2 million for planning. We were moving along and then we hit a roadblock and administration kind of stopped it and then they shifted to a different department. Then fast forward Department of Housing and Human Concerns for the County of Maui was then going to work with Pūlama Lāna‘i on an affordable housing project below the Police Station. Prior to that, we have 73 acres below Department of Hawaiian Home Lands property for the affordable housing project. Now supposedly it's back to that 73 acres and Munekiyo and Hiraga have been contracted by the Department of Housing and Human Concerns to again restart the planning on the affordable housing project but we have not had County officials back here since September. Trustee Akina I think you were at the affordable housing workshop along with John Ornellas from LSG. I think that is the most viable option to do it down at the 73 acres. Land is free we are just waiting for Munekiyo and Hiraga to come up with a plan on how they are going to start this whole process again.

**Trustee Keli‘i Akina** – As to the water which of the options that you listed would you like to pursue and how would you like to pursue that?

**Mr. Gima** – My preference although the board hasn't made a formal decision on that, my preference would be to appeal the decision order of the LUC and at the same time invoke the clause in the 1990 MOA. We were quite flabbergasted with the decision and order by the Land Use Commission. Because we had direct evidence that wells 1 and 9 were not non-potable wells. Despite the 25-year history of this issue and a number of rulings that have gone against for Lanaians for Sensible Growth and the Community we're not all that optimistic but we don't want to give up because we have evidence to show that wells 1 and 9 are not non-potable wells. Pūlama Lāna‘i has other options to irrigate their golf course and that's just one part of the overall water picture for our island. I mean in terms of drinking water we are ok right now because overall water usage has decreased from pineapple days. During the pineapple days sometimes they would pump 3.5 million gallons a day, we are down to 2 million gallons a day. But there is a caveat to that because even though we are pumping less water there are approvals that Pūlama has and that's basically reserved water and if there were able to develop any more they would either have to develop new water sources or they would have to get rid of those reserved waters for approved projects that they have on the books. I feel good about the fact that we have the Lāna‘i Water Advisory Committee. For years we have been trying to institutionalize this very informal

committee by ordinance. Because what we want to do is whenever an application comes before the Planning Department for any project on Lāna‘i that has to do with water, they send out the application to Federal, State and County departments for comment. We want them to send that application to the Lāna‘i Water Advisory Committee so that we can comment on whether they are meeting the conditions and the allocations in our Lāna‘i Water Use and Development Plan. Right now the Kō‘ele Project District has a project that’s going to come before the planning commission next week and Pūlama Lāna‘i has presented that project before the Lāna‘i Water Advisory Committee last week. There were some glitches in their numbers and they corrected them and were supposed to meet this Friday in preparation for Lāna‘i Planning Commission. Having that process in place I think is helpful in ensure that we monitor water use, making sure that they don’t exceed the allocations and that there’s an ongoing community process to take responsibility for our water and not have a quorum or a the Department of Water Supply who are off island and have not a vested interest in our water like our community members do.

**Trustee Leina‘ala Ahu Isa** – November 9, 2016 in the two public hearings on Lāna‘i evidence and testimony was presented that they followed the condition of using the brackish water so now they changed it April 5, 2017 back to potable water.

**Mr. Gima** – No they are saying wells 1 and 9 are, that’s the thing way back from the initial LUC Hearing in the early ‘90s brackish water and non-potable water were used interchangeably. And I think all would agree that they did not do a good job in defining what is potable, brackish and non-potable. That’s what I think lead to this real confusing decision from our standpoint. But their contention is that wells 1 and 9 based on the salt chloride content of wells 1 and 9 is not potable water as such it’s ok for them to use the water in wells 1 and 9 at the golf course down at Mānele.

**Trustee Leina‘ala Ahu Isa** – It doesn’t make sense because the MOA 10/10/90 OHA’s name is on that MOA? You got OHA on here, Castle and Cook and LSG.

**Mr. Gima** – Yes

**Trustee Leina‘ala Ahu Isa** – Now we are here 2017, I think it’s a misunderstanding I agree with you that we should appeal this because it’s a misunderstanding with this LUC Commissioner who was not on the commission, new people get appointed all the time, he is confusing that brackish and potable. To me its common sense, when I was in the legislature and we had to put a moratorium on building golf courses on the Big Island. I worked for Malama Solomon at that time, we were concerned about the water because ciguatera was going back into the ocean and fish was making everyone sick. So brackish water should really be used for the golf course. The definitions of these two are confusing.

**Mr. Gima** – Correct you are right there is still a lot of confusion on the definition and that’s why the intermediate court of appeals in part of their remand asked what was the definition of potable as stated in conditions in 10 that originated back in 1992 or 1991 LUC decision. But I have to make it clear that the 1990 MOA which OHA is a signatory to was not litigated in the Land Use Commission hearings because in the Land Use Commission hearings the wording had to do with use of potable water whereas in the 1990 MOA it’s no water from the high level aquifer, there is no mention of potable, non-potable. No water from the high-level aquifer should be used for golf course irrigation.

**Chair Colette Machado** – Has any discussion with LSG to Native Hawaiian Legal Corporation to appeal the decision of Jonathan Scheuer.

**Mr. Gima** – Yes, LSG has had discussions with Native Hawaiian Legal Corporation on what are options are. The board has had several meetings and we've shared that with Native Hawaiian Legal Corporation and they have subsequently recommended what to do or what are options are. I believe the notice to appeal has been submitted because I think there was a 30 day window.

**Chair Colette Machado** – Yes, that would protect that option. Are you ready now Ron because the next question is how can OHA provide the kind of support you are looking for. I think we are asking for some of that clarity. One is to examine and we brought OHA's in house attorney Everett Ohta to update everyone on the status of the MOA with OHA. So after you folks under Kamana'opono he will be able to present where we are. Hopefully we can summarize after we have some feedback and before we leave today we should be able to get a more direct approach on how we want to kōkua, how we can kōkua. We will now have Ron McOmber come up.

#### **IV. Public Testimony/Community Concerns**

*(Chair Colette Machado takes out of order public testimony and community concerns.)*

**Mr. Ron McOmber** - Aloha, I see a lot of strange faces that I haven't seen before. I've seen boards come and go. My name is Ron McOmber I'm one of the original members of LSG we sat in Martha Evans living room discussing what Murdock was going to do with Hulopo'e and Mānele. That is what started this whole thing. Because when Murdock showed up over here he didn't even know he owned Lāna'i. When he showed up over here he brought his entire contingency and they went down to Hulopo'e and they closed the gate and they had their own party down there one day to show off his prize possession. Once we got the hint that this was going to happen we went oh, oh. We got a problem on our hands because Hulopo'e and Mānele, Hulopo'e is the marine life conservation district the third one in the State. The two before that is Kealakekua Bay and Hanauma Bay. We are the third one. And we knew that we had to do that so prior to Murdock buying Castle and Cook we already had lobbied the Legislature and the State and we got Hulopo'e a Marine Life Conservation district. This is the bases on how LSG started out. We knew we had to protect that beach because that beach belongs to the residents and guests of Lāna'i. And it has turned out as probably one of the prettiest beach, if you ever get a change to do down there and see it, you need to go down and see the jewel of Lāna'i. Of course, around Hulopo'e now is the hotel called Mānele and the golf course. What's going on today in Lāna'i just drives me absolutely insane because we can't get the legislature, we can't get people to come in and understand how important that is to us and we argue this constantly. Hulopo'e right now is being attack on a daily bases from outside boats, coming from Maui because they don't have any beaches on Maui that they can go to, Kā'anapli and all that. So residents are gravitating to Lāna'i. I sit on the Hulopo'e Park Council and I have been a member of that from the beginning this is 30 some years.

What's happening to Lāna'i right now is we have people spending money that is just insane, they are about to go up to Kō'ele which is a very special spot on Lāna'i. If you've ever been up to Kō'ele it's a very special spot. They are now going to turn that into a health spa and they are spending multi millions of dollars. You think we can get any money from them to help us with our affordable housing project. We can't get the County to come up with \$4.5 million for infrastructure money. We have 70 some acres down below the Hawaiian Homestead land that has been there for almost 30 years. This is frustrating for us on Lāna'i. I am a builder the reason I can't walk today is because I've built 15 homes on this island myself. This is not fun folks, this is not fun for us who are separated from Pūlama. The reason why you don't see this place full of Pūlama people because they can't come because they don't have the right to come and speak on their own behalf. It's a lot like what happened with the windmills. Murdock had everybody worked up, you had to have the windmills and if you spoke against him you lose your job. It's no different today with Pūlama then it is with

the windmills. You don't give us what we want, they want to come in here and do this thing. I just saw a letter from Riki Hokama yesterday on my email advising the planning commission to look at this project coming up at Kō'ele and look at the affordable housing aspect of that. I was pleased to see that I hope that Rikki goes through with that.

I'm asking you folks, even though you folks are supporting the Hawaiian Community, there is much more to this community than the, the Hawaiians are very important don't get me wrong. But there are so many people on this island that cannot stand up and speak for themselves and there are only a few of us that can actually stand in this room and tell you what we think without retribution, without me losing my job. I am a retired State Employee they can't do anything to me. I own property here. But there are so many people who don't, it's a very oppressed community whether you like it or not. The realization is they cannot say what they want to say. And it's really hard to get people to do that.

I appreciate you folks coming here and you need to understand what the situation is. It's kind of funny that you get a haole sitting over here talking to Hawaiians. I've raised my family here, I lost my wife of cancer here, I've been here for 46 years if I'm not a kama'āina I have no idea what the hell I am. This is a very special place to all of us, Butch covered the technical stuff we've been down this road we've had stuff thrown at our face we are still here, we are still working on affordable housing but you can't get affordable housing if you don't have housing to put the people in. We have so many talented people on this island that can build their own homes. I can put groups together to build their own homes. But it just doesn't happen if you don't have the land. I don't know what we are going to do about that. We need to see what Riki is going to do with the planning commission but they've got to turn this project down at Kō'ele until they can work out something that is palatable to the community. The potable water is not the concern here it is the land and getting these people in homes that need it and deserve it. We get people working for Pūlama, they can't be here today and talk to you because if they talk negative they will lose their job I am sure of that. So thank you for coming and thank you for listening to this cranky old haole but I tell you right now I appreciate it, I've come here almost every year that you guys come. And I appreciate you coming and keep on coming because we need your support and whatever you did on Hawaiian Homestead land that was a great job. I wish that we could that good a job just below that with our housing project. Thank you very much.

**Chair Colette Machado** – Thank you Ron any questions for Mr. McOmber? We have Margaret Peary you've signed up to address the Trustees.

**Ms. Margaret Peary** – Aloha, like Ron whom just spoke I'm also a haole. But I am Hawaiian in my heart. I've been told that many times. I'm a fairly new comer to Lāna'i, about 4 years. I came from Oahu, so I didn't move that far. But I came here because of the quality of life. I came here from Oahu because Lāna'i offered something very special. When people told me, oh we don't lock our doors and we leave our keys in the car, I hope the police aren't here because I've heard we are not supposed to do that. But we can because this is Lāna'i. So what I am concerned about right now is what Ron touched on and that is our beautiful, beautiful section known as Kō'ele. Most people have been there even off island people have been there to go to the lodge, maybe to golf, maybe to just enjoy the activities. We had fabulous music events there when the lodge was open. It was a gathering place. Not just for the tourist but for us too. That's gone, that stopped, no more gathering, no more nothing. So last month I attended an event, which was open to all of the residents, and I would call it more of a PR event. Where they feed you and talk nice to you and tell you how wonderful this project is going to be. How advantageous it would be. And so they want to turn Kō'ele Lodge into a wellness destination resort. I have brochure and its entitled Reinventing Kō'ele.

So my question is this, why does Kō‘ele need to be reinvented? And the beautiful ‘āina be ruined by what appears to be a zip line which I would characterize as more of an amusement park and if you think I am kidding, if you were there and saw the video that ran continuously with a gentlemen in front of it touting the virtues of this fabulous attraction. I was shocked I was so angry I quickly went around to all the other stations with all the features that are coming to Lāna‘i and I left because I was afraid if I didn’t I’d say something that was really unkind. When I say it looks like an amusement park this is an elevated zip line not made of timbers like you see other zip lines, steel girders that go way up in the air, a big wide track that these thrill seekers can zip along. To me it was nothing short of a roller coaster ride that is what it looked like. On our beautiful ‘āina in Kō‘ele. I couldn’t even believe what I was seeing.

So in this brochure on the second page it talks about catering to the wellness tourism that quote, “celebrates natural environments”. Quite frankly I don’t see what an amusement park typeset up for a zip line has to do with the natural environment. There is nothing natural about it. I mean even it was made of timbers like you see other zip line and ropes and things like that, that would at least be natural. But steel or aluminum girders I don’t think so. So here is my point even if OHA is not charged with the responsibility of protecting our land here on Lāna‘i at the very least I would hope you would ask to see the plans and perhaps make some comments regarding the need to respect the ‘āina by preserving the land in its natural state. And I don’t mean to waste your time, I don’t know what you might be able to do, I heard you say with Butch that your in house attorney may be able to review what’s going on with the legal action and what have you. And again I apologize for not really understanding what you are charged with but at the very least like I said I hope that because we care about our natural environment that you also would care that you could maybe put in a comment or something. I dare say if you see what I saw I don’t think you would like it. I don’t think you’d say, oh this is perfect, this is a perfect use for the ‘āina, this is just fabulous. I don’t think so. So now I just heard that they are coming before our planning commission I’ll be off island so I won’t be in attendance but I am sure this project is going to go on for many, many months if not years. So it’d give you folks time if you so choose to put your two cents in and help us here on Lāna‘i because I don’t think we really matter at all. Thank you.

**Chair Colette Machado** – I wanted to just acknowledge that you may not know this but the Native Hawaiian Legal Corporation that has been supporting this island for over three decades is funded 100% from OHA and the Legislature. We match a dollar for dollar and they determine if they must have native Hawaiian beneficiaries that apply and if they meet eligibility they become a client. So if you don’t think we are not doing enough I can tell you there is a commitment from Native Hawaiian Legal Corporation and with OHA too. So I just wanted to put that back into your folks’ lap that don’t give us the race card ma’am.

**Ms. Peary** – No, no race card. No. I don’t know what you are capable of in terms of here we are, Ron talked about Kō‘ele and I’m talking about Kō‘ele. I don’t even know if that’s part of something that you folks can get involved in, in terms of a comment or something. That is all I am saying.

**Chair Colette Machado** – And this development is brand new to us, this is the first that we’ve heard of it. We do have an office, I am going to put the burden on our OCC for not asking for the kind of help that we may need but hopefully you will stick around after we present our side of the story and get the policy division to provide the kind of input that says we do care for Lāna‘i. But I also understand that you have severe limitations with 99% of the land is owned by one owner we know water is very scarce on the island we know you need to be protecting that, that is a high priority. Do you think they should be using potable water to water the golf course absolutely not. Everywhere else in the State they do other uses, they treat their water and they use that water for the golf course. So that’s a good appeal and we need to argue over that too. That’s all I want to say but I look at you and we welcome you to this island and to our State but please let us do our job.

We've been very favorable to the Lāna'i Community from the very beginning we are committed to provide a balance approach and not just by being placed in a situation you have one land owner who is a billionaire that think he can control you folks by the laho, Hawaiian you know what that mean. So whatever small amount of you, you have to rise up and keep fighting these battles as Butch and Ron have been doing. I've seen the Kaopuiki's past, you know they were responsible for getting the land for the Hawaiian Homes Community. Aunty Elaine and Uncle Sam they were precious kupuna to me, you go back all those years on how they advocated at the Land Use Commission Hearings. They put their soul on the land to make sure that those generations that will follow after them will have a place to say, whether its Murdock or Ellison now, this is Hawaiian land and you have a small acreage only 50 acres but that is Hawaiian Land now under Hawaiian Homes. So some of those things took forever to do and these kupuna were right on the front line pushing hard to do that and we are not over the hump and we may never ever get over the hump. The issue on water is critical, very critical to your island. Development will cause the loss of your water and the more you can do with the Land Use Commission, the Planning Department and work on Riki your councilman and if he is turning a page here. Mr. McOmer, you know sometimes Riki he just walks the line. If he is really wanting to support you folks he can deliver on the housing aspect too. So that's where it's kind of at the County Council we can do what we can if there is a letter that we want to oppose the plan if it seems to be so ridiculous I think we can do a response letter to say that it does not meet or is compatible. I recall the Richardson family they were like the main family up there. I remember when Bart Kane live in that little house and he was the librarian. I remember when Sol Kahooalahala had is daughter's first year old birthday up there. You talk about the kind of chicken feeling out there in the Mānele area and the Richardson home that is priceless. And you know I agree with you but we all have to try to do all that we can in our own approach.

**Ms. Peary** – Absolutely.

**Chair Colette Machado** – So if I've been hard on you it's that we are stuck in the middle with what we can do, this is private land but we try to do it at the policy level and at the political level and even to some degree litigation and legal that is the only reason that we have come so far. It's to make sure that the NHLC is in their face and that their clients are there to remind them that no matter if people tell you that you only got 200 Hawaiians on this island we claiming 100%. Because as you know the Hawaiians were here way before the plantation came in and those are the remnants that are still here today with the sites that visit every year. Those things make a big difference. I apologize if I am getting hot under the collar but this is an ongoing issue it never ends. This is the kind of belly of the beast as Ron McOmer, I remember when we used to come to Lāna'i he is in our face telling, reminding us what we should be doing. And I remember Aunty Elaine and Uncle Sam, they were keiki o ka 'āina of this land and how they just wanted to make sure that the Hawaiians voice were not neglected. And they hala now, we get uncle, all of the kupuna and we look at them and they are gone. So I remember those kupuna that stood strong 40 years ago. And we not going to give up we will what we can, we will encourage Native Hawaiian Legal Corporation to support the appeal and whatever we need to do to help them we are committed to make sure you don't lose that opportunity to protect your rights to make sure your water is protected for your next generation. So thank you and I apologize to you because you got me hot under the collar, if I called you racist I am sorry.

**Ms. Peary** – I am not. Ok.

**Trustee Peter Apo** – It looks like, I mean basically what you have here is a plantation model but instead of pineapple you are growing tourist. I'm not saying that is bad or good but the reality is that the single land owner is powerful so the question is how can the community empower itself without threats of losing jobs to get a seat at the table that can actually sit with a voice that is listened to, to become an integral part of planning the growth model. The growth model clearly is tourism. At least in the foreseeable future. So the first thing

you have to do is accept that, that is the growth model and the numbers have to work. I don't know how you do that but there are other things that can be done you know what I mean. But let me go back to the original plantation model and how that community empowered itself. Largely it was through the union. The ILWU which brought resources to the island, which brought political clout, which brought council people and brought legislators. You don't have an ILWU I don't know if the hotels are union but that is the wrong kind of union. So you know until you can figure out a way to one, increase your access or resources either through a union style model. Two, be able to deal with people who are fearful of losing their jobs therefore they will not show up at meetings. And third how can you trigger and I am speaking out of ignorance because I don't know what the relationship between and its council people and its legislators are, figure out a way to get them maybe involved at a higher level of intensity. I'm not sure how you are going to answer this, to me that is the reality. You are dealing with the plantation and old style was union I don't know if it's the answer here but that is just my analysis.

**Trustee Keli'i Akina** – Margaret thank you for coming and Ron thank you for presenting a little earlier too I think you heard from our Chair a woman of great dignity whom I respect deeply that she and I believe the Trustees on this board have a tremendous passion for the people of this island Lāna'i, and throughout the State. By constitution we are charged with the advancement and betterment of the native Hawaiian people but I want to thank you Margaret and Ron in particular and all of you on Lanaians for Sensible Growth because you are pointing out something. Our problems we share in common, our need for affordable housing, our need for water, our need for sustainable environment, it doesn't matter if we are native Hawaiian or not whether we are Hawaiian by blood or Hawaiian by heart we are all in the same boat. And you've shown a heart that shows that to raise the water level of one boat we have to raise the water level of all boats. So I am very privileged to be part of the board here that although charged with the advancement of Native Hawaiians is being looked to, to provide solutions for everyone and as we all rise we all rise together. Mahalo Margaret.

**Trustee Leina'ala Ahu Isa** – I wanted to introduce myself because I didn't introduce myself. I am Trustee Lei Ahu Isa and I am the Trustee at Large so I do cover Maui, Kauai, Big Island, Oahu, I think my fellow board members heard this about me about being in the State House of Representatives. I go way back when we had the Hurricane hit and Murdock was the owner of the island I can talk freely now because I am not in the legislature anymore. Your pier got damaged, Young Bros couldn't bring goods over here. And he didn't want to pay to fix the pier he wanted the State to pay for it. When I became a member of the State Board of Education your reading scores were going down, your math scores, I remember this meeting right here in this cafeteria. I was on the Finance Committee we had a meeting, Chair Calvin Say was there and Joe Souki, myself and we sat down with Mr. Murdock and we had to negotiate with him, you pay for the schools reading program, you pay to bring people in here, I want to see that happen before we even help you with the pier. We was going to pay half of it but not all of it, he said it was ours. Union I agree with Trustee Apo's think the union, ILWU they are the Hotel Union for the neighbor islands local 5 is Oahu. I disclose I also work for Hilton so I know Local 5. But this is the kind of stuff we have to negotiate. I was trying to teach Aunty Claire when I was on Maui with the dunes, we have to negotiate and she said how do you do that? I said you have to give something for something, you sacrifice for this. I wish I knew about Ellison buying OHA should have come in and bought this whole place because I think he got it for like \$350 million which is not that much. Today's prices, appraisals have gone way up and I just want to share that story with you about how we had to deal with Murdock and how to give in to something so your waters are sacred, its precious, we never know when we are going to have a draught like California. We have to look at different ways, what does he want. I really good friends with Lynn McCrory cause I worked with her on Pahio Resort when I lived on Kauai. But we got to look at some kind of need he wants that what does he give us. He wants that \$75 million reservation what does he gives us.

**Chair Colette Machado** – Margaret you have a parting comment that you would like to make? Anybody else would like to ask Margaret questions? Thank you Margaret and our next speaker is Randall Kam representing the Lāna‘i Community Health Center. He is the Dental Director.

**Mr. Randall Kam** – Aloha, I am a Pakuiholo brother of Trustee Apo here. In my day job I am the dental director for the Lāna‘i Community Health Center, we are a block up that was. I’m lucky to be here. It allows me to put together my western training with my lā‘au lapa‘au training from Pakuiholo. We’re doing a great job providing integrated health to this special, special community. A lot of Polynesians here, Hawaiians, Cosaryans, Ilocanos. An integrated health is just the ‘ōlelo haole for lā‘au lapa‘au. They are just discovering that there is a mind and a soul and teeth attached to a human body. We’re making a difference, we are changing health outcomes in a community that has the worst health indexes in the State and they State not that hot anyway. But you all know people in your ‘ohana that are affect by hypertension, diabetes, heart disease. We’re making a difference with all of those as well as oral health and I just wanted to say Aloha welcome to Lāna‘i and invite you while you are here or maybe in the future trip if you want to see a state of the art community built and funded health care facility that’s providing care, its state of the art, that’s providing care in a cultural correct way. Give us a call come by. Aloha.

*Conversation indiscernible*

**Mr. Kam** – We are FQAC just like Wai‘anae Coast. We have a number of little grants here and there. We have very good grant writers.

**Chair Colette Machado** –Asks if there are other questions? Thank you. If there are other community people who would like to address the Trustees you can now come forward please.

**Mr. Simon Tajiri** – Wēlina mai o Simon Kainoa Tajiri. Na Lāna‘i mai au. Mahalo ia ou kou for coming all this way to our small island and considering the things that we are thinking about here. Two things I just want to say mahalo for, first I work at the school with trying to support the building of the Hawaiian Language program and I think earlier this year our kupuna in the school ‘anakē Irene she wrote to you folks asking for some support with some lei making workshops. And with your support we were able to help every student in elementary to make and wear a lei. Aunty was so adamant about every child having a lei and we used it for our May Day program. With that kind small support it is really helpful to us as we try to bring our population our settler population to more culturally rooted and based. Then the second mahalo I wanted to say was thank you so much for considering our questions that we are dealing with, with water. As a younger generation sitting here and listening to uncle Ron folks about how they got together in the late ‘80s to try and figure our these questions. For me it’s a question of integrity across generations. When they made those documents in ‘89, 1990, they thought long and hard about what was the best way to care for the water. Not just for that time period but for the rest of the history having the golf courses and hotel down at Mānele. What I am afraid of is my generation not knowing, not having that memory of why we have things like the Hulopo‘e Beach Park and why we have the Lāna‘i Cultural and Heritage Center. The importance of holding those MOAs and that even today what they elders of our community, what our kupuna decided is not obsolete that it still holds truth. I really want to thank you guys for helping us to think through those questions maybe we are faced with a different time, it’s a new landowner and so some of the relationships have changed but what is still true about those document and how do we be true to them. Thank you so much for coming all this way and thinking about those things.

**Chair Colette Machado** – I wanted to ask you if there has been any progress made about securing a teacher to teach ‘ōlelo Hawai‘i in the schools.

**Mr. Tajiri** – We are trying the best we can by working with what we have. This year was the first year that we were able to have a full time kupuna back at the school. There's small things like for example last year there was two student, the two students that were part of the lawsuit, they came up to me one day, eh Kumu how come at our old school we chanted in the morning. I said oh man I don't know if we can get the whole do that every day. But there their family was like if you like do you come out and do it yourself. So the first day we were in front of the flag pole, the two of them holding hands and me and we oli kahea to start the day. The next week had about 9 and by the end of the school year had about 30 kids that lined up. It started to be problem because the teachers were like, eh every time you have your class, they hearing chanting all day. So kind of loud, so this year that student-initiated movement has grown to now we are going to have that kind of opening protocol for the whole elementary. There are small things like that but as far as finding someone who is able to come and make that commitment and living in our community and actually building the support because there still isn't a strong support for an immersion program here. I think it's a long way away and for me it's going to be awhile till I am qualified to help with that.

**Chair Colette Machado** – Any other questions? Thank you so much. Is there anybody else that would like to address the board. I am going to item number III. which is the CEO's update. Kamana'o can you take care of the Everett presentation.

### **III. UNFINISHED BUSINESS**

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

**Kamana'opono Crabbe** – Mahalo Chair, Good afternoon and mahalo to all of you from Lāna'i . In response to Lanaians for Sustainable Growth as Chair Machado has shared we did prepare and review the pass MOAs and hearing your concerns we did bring one of our Corp Counsel individuals to respond in terms of maybe an update. But also given your concerns regarding the water and the structure here, we also work with Native Hawaiian Legal Corporation but if there is any additional things that we could do we wanted to bring him along so that we could also facilitate with Native Hawaiian Legal Corporation as well. Water is a big issue on Maui and here so I think that I'll ask Everett to comment on that as well as the other MOAs in terms of OHA's kuleana or responsibility in reciprocating and addressing your issues.

**Everett Ohta** – Trustees thank you also for everyone here in attendance today. Again my name is Everett Ohta I am with the OHA Corporation Counsel in house attorneys for OHA. I'll the one serving as the point of contact for issues relating to the MOAs particularly the water issues that are being considered by Lanaians for Sensible Growth. As Mr. Gima put together in this handout that is before the Trustees OHA has been a party to two MOAs that are still relevant to the ongoing issues on Lāna'i. That's is the 1987 and the 1990 MOAs. As you can see on the bottom of this yellow page OHA is a signatory to both of those agreements. OHA was previously a part of preceding before the Land Use Commission along with Lanaians for Sensible Growth but that was really back in the early '90s when this was really a part of their petition for the district of boundary amendments resulting in the 1990 MOA. So OHA still has a role under these agreements but we haven't been active. Certainly not to the extent of the LSG. To the extent that LSG is looking at the 1990 MOA as a possible avenue to look at the water issues going forward that might have an implication on OHA. Again as a signatory to the MOA so we would be involved communicating with LSG, they attorneys as well as taking the direction of the Trustees as to how OHA is going to be involved looking at our rights going forward. I can continue to provide you all with that information at this point I think it is kind of dependent on which way the actions go. As the decisions of the LSG Board goes forward and then again we will be available to assist with what OHA needs to do on our end.

**Chair Colette Machado** – Butch could you please come forward there is an offer being made to LSG and if you are not clear about the offer let's talk about it.

**Mr. Gima** – LSG definitely appreciates the offer and the support of Office of Hawaiian Affairs I think in our discussion with Native Hawaiian Legal Corporation if we choose to pursue invoking that clause the 1990 MOA it would have to be in conjunction with OHA. I don't think we can have opposing views if we invoke that clause. So to hear your support and offer is very much appreciated.

**Chair Colette Machado** – Everett you have identified yourself as the point of contact, could you let him know how to contact him.

**Kamana'opono Crabbe** – Several years ago the Board of Trustees adopted a water policy. So that helps to provide guidance to our organization in we as a State entity in terms of our authority or as Margaret has shared, that we can provide comment. But the governing structure here on Lāna'i is unique because you have a private landowner, you have the County of Maui and then Land Use Commission. So I want to ask a clarifying question to Everett. A lot of time we interact with the Water Commission which may or may not, I think that is what we are clarifying here, so that it helps provide guidance for him as well as our other staff in the degree in which we can advocate on your behalf of the community.

**Everett Ohta** – At this point there is really not any decisions pending before the Water Commission. It's really for the Land Use Commission which was the most recent decision that LSG was a part of. And as I mentioned earlier we haven't been active in those cases to enforce the various conditions imposed by the Land Use Commission back in the early '90s. But if there was anything to seek a remedy under the MOA that's where OHA would have an interest. As I think Mr. Gima shared earlier there are these different options that are available. So if it's anything before the Land Use Commission, any kind of appeal that would be up to their group. If there is anything that looks the MOA and enforcing the terms of the MOA then that's where OHA would have some involvement. Because as we are again a signatory to document. The Water Commission unless with new wells or something along those lines there really wouldn't have a role, it's not a water management area so there is not that same involvement of the Water Commission as has been the case in Maui or some of the other areas that we've had an interest in water.

**Kamana'opono Crabbe** – So one suggestion Mr. Gima for you and your organization is that given that this MOA was executed in 1990 its many years later, its 2017, so moving forward given the clauses in it maybe a review and a discussion with Everett whether or not that MOA needs to be updated to address the current challenges you have. So that we can properly collaborate with you in advocating water issues and so forth. So he will be the point of contact and have these discussions and then we can bring it back for the Board as an update.

**Mr. Gima** – Thank you.

**Kamana'opono Crabbe** – So as a follow up Madame Chair I'd like to call upon our Chief Advocate Kawika Riley to share with the community some of the updates from this past legislature but also some of it moving forward with the new special session.

**Kawika Riley** – Mahalo Ka Pouhana, aloha Board of Trustees, staff and community members of Lāna'i. My name is Kawika Riley I am the Chief Advocate here at the agency and pleased to be able to provide you a brief update on some of the highlights regarding the most recent regular Legislative Session. Three bills that I wanted to mention and highlight and happy to answer any questions from community members or the Trustees. For the Trustees I did want to share up front that advocacy is coordinating with the BAE Chair's

office to schedule a comprehensive regular session legislation wrap up that should be held late August is what we are talking about right now. For the time being the three bills that I wanted to make sure to mention:

1. HB335 – That was OHA’s budget bill for this fiscal year and the following fiscal year a Biennium Budget.

This was the major measure that OHA prioritized for this year. The budget bill with the State represents our partnership the way that we see it. We have beneficiaries who are at the same time the constituents, the voters, the residents and citizens of the State of Hawaii. We believe that we are in a great position to leverage General Fund dollar is the State wants to partner with us in that fashion. So that’s how we propose our budget. For this year we received a budget total per year of \$3,000,037 this is an increase of about \$47,000 per biennium. The increase is in the area of personnel. So it’s a slight increase over the recent years. Which we then have to balance against some of the unfunded mandates in the form of fringe that the State has placed on us. Sort of a balancing act that had to take place at the Trustee level with our recent budget. That is number 1 with the passage of our budget bill.

2. HB451 – Related to lowering the blood quantum for Hawaiian Homes Commission Act lessee successors.

This is a very important one to us as well. This was not part of OHA’s package but our Board of Trustees adopted a position strongly supporting this measure. We’re happy to say that this measure passed. So what does is that it will change when approved after going through the Federal steps. If approved after going through its Federal stages it will lower the blood quantum for Hawaiian Homestead Lessee successors. So not individuals coming off of the wait list. But when an individual lessee is to pass away they can designate a successor. Now as it currently stands the blood quantum requirement for a successor is  $\frac{1}{4}$ . We support this measure which would change it to  $\frac{1}{32}$ . As many of you know when Prince Kūhiō was our Congressional Delegate in the US Congress and was advocating for what eventually became the Hawaiian Homes Commission Act originally he did not want there to be any blood quantum. He didn’t think that, that made sense. Of course he had to negotiate and when he was pushed and said what blood quantum would you accept, his original response was  $\frac{1}{32}$ . So this is a way for us to help ensure that things like blood quantum do not result in Hawaiian families being removed from their homestead simply because they don’t have that quantum. It’s something that now moves to the US Department of Interior for review prior to being put before the US Congress.

3. SB895 – Related to criminal trespass.

I did also want to share this one measure that OHA did not support which unfortunately did become law in this session. We were concerned about this measure which was something the Governor supported, it came out of the office of the Attorney General because we’re concerned that the results of this, if its enforced zealously could provide a chilling effect for our beneficiaries and their rights to engage in traditional and customary practices. Which are supposed to be protected under Article 12 section 7 of our State’s constitution. So we raised concerns about our beneficiaries rights, we also raised concerns about the over representation of Native Hawaiians among the homeless that again if enforces zealously this law could in effect lead to people being put in jail for the reason that they are homeless. Before the Legislature the Attorney General’s office said it was not their intention to criminalize homelessness. And we don’t question what their intention is but we have been concerned about the effect. I will say that the silver lining with that measure though it did become law OHA was able to engage with the Attorney General and his staff and they did adopt some changes to the bill before conference that addressed some of our concerns regarding criminalization of homelessness and those types of things. We were able to, we still believed in the Trustees supported continuing to oppose that bill but

we were able to address some of the concerns through negotiation and I think it's important for us to take every avenue that we can when we try to oppose legislation to stop it from becoming law. But we also pursue other tracks to try to have the best possible results for our beneficiaries.

Those are the three measures that I wanted to discuss at this time. I also did want to share as I believe most of the Trustees are aware the State Legislature has announced the House and Senate Leadership announced that they will be holding a special session. It is going to be from August 28<sup>th</sup> to September 1<sup>st</sup>. The big topic, the purpose of convening is to discuss funding for rail. However I have heard from at least one of the Executive Branch Department Director's Offices that they are being told that other measure are going to be considered as well. So it will be a really important time for OHA to be maka'ala, we are turning on all of the engines again at OHA advocacy, our public policy division to make sure that we are watching for what's happening and we will be sure to keep you posted. Thank you.

**Trustee Peter Apo** – The purpose of the trespass bill?

**Kawika Riley** – The purpose of the trespass bill is to criminalize trespass on State Lands. The concern that was raised from the Attorney General's office is that you have individuals despite the trespass signs who are trespassing on State Land sometimes for allegedly for the purpose of doing graffiti other forms of vandalism, stealing copper, things of that nature and their problems with that. We argued that there are already existing laws on the books that can deal with those types of issues so we didn't believe that, we appreciated the need that they presented, but we believed that there is already laws on the books to handle those problems.

**Trustee Peter Apo** – So under the native rights act there are gathering right. So as long as the land is undeveloped even though its privately owned and it was traditionally and customary for Hawaiians to access whatever they had to access for flowers, that sort of trumped everything. So how does that match up against this trespass law?

**Kawika Riley** – Well it should Trustee, and one of the things with talking to the Attorney General's office was we reminded the Attorney General's office of that part of the constitution. And asked for explicit language that said that this does not apply, these trespass provisions do not apply when there is a native Hawaiian who is trespassing solely for the purpose of engaging in her or his traditional and customary practices. The Attorney General's office was not willing to do that so where we are now is that this is something that may potentially, unfortunately be litigated. When that happens our beneficiaries and it should it be NHLC or whoever their lawyer will be will certainly make that argument, that this may be a State Law but you have constitutional language that may trump it subject to the State's right to regulate.

**Trustee Peter Apo** – So this really concerns me that we need to bring clarification whatever it takes on that because this is vital.

**Trustee Leina'ala Ahu Isa** – (conversation indiscernible)

**Kawika Riley** – To me it's a reminder that advocacy is one of the major ways that OHA betters the conditions of Native Hawaiians and that it's not only our package and the bills that we support but the work that we try to do to oppose these types of bad ideas. But unfortunately in this case it ended up getting passed.

**Trustee Leina'ala Ahu Isa** – Not only the Attorney General's office must be DLNR, got to be a Department pushing this for the Governor to sign it.

**Chair Colette Machado** – What is your estimated timetable for the Federal approval and what steps will it be engaging?

**Kawika Riley** – Regarding the blood quantum for Hawaiian successors?

**Chair Colette Machado** – Yes, Hawaiian Homes, because the Governor signed it already. It is a Hawaii State Law.

**Kawika Riley** – Yes, were this not to be part of the, relating to the Hawaiian Homes Commission Act the Governor's signature would make it law. But per the Hawaiian Home Commission Act Congress has to approve certain measures that start here at the State level but then go up to the Federal Level. With the changes that were made during the Obama administration and the establishment of the Federal rule making for the Hawaiian Homes Commission Act. Now the first step is going to US Department of the Interior. The point office within DOI for Hawaiian issues is the Office of Native Hawaiian Relations under Stanton Enomoto. So it will go to him for review and then they'll be able to make a call and move it up for Congressional review. We met with the Office of Native Hawaiian Relations recently they don't have a timetable for it right now. Certainly one of the issues that, even once it reaches the point where it is ready for Congressional consideration, our delegation will have to consider whether this is the right environment in the US Congress to introduce a measure that will amend the Hawaiian Homes Commission Act. It may very well be that this is a very good measure but this isn't a right time to be opening up the HHCA given the composition of the US House and Senate. To answer your question there is an unclear timetable although the steps are clear.

**Chair Colette Machado** – I was afraid of that answer. We can celebrate at the State but we have to be more patient at the Congressional level since it is kind of an unfriendly environment for Native Hawaiians.

**Kamana'opono Crabbe** – I was going to ask because we haven't heard, some Trustees may in terms of the President's decision of the review of national monuments and Papahānaumokuākea.

**Kawika Riley** – As you all recall in April of this year President Trump issued an executive order that directed his Secretary of the Interior to review all national monuments of a certain size, I believe it is in excess of a 100,000 acres created between 1996 and last year through the Antiquities Act. Specifically a lot of the discussion around this executive order is not Hawaii focused but rather focused on the State of Utah and two monument designations. One that occurred last year the Bears Ears Monument and then another that occurred back in 1996 and that was I believe its Grand Staircase-Escalante and also in the State of Utah. However even if the focus is on a different State Papahānaumokuākea and all other national monuments created through the executive authority granted to a President through the Antiquities Act is subject to this review. The final decision has not been issued yet that is expected to come out latter in August. But per the executive order US DOI Secretary Zinke did issue an interim report and he listed the need he believed to look carefully at the Bears Ears Monument, Papahānaumokuākea was not included in that interim report. So that is a positive sign for us. Certainly given our co-Trustee status it would certainly be effected if the monument was eliminated. But we do have to wait for the final report and that final report could recommend any number of things, it could recommend executive action by the President, it could recommend Legislation by Congress to change certain monument or it could make other types of administrative recommendations. In the meantime as a co-Trustee for Papahānaumokuākea OHA continues to move forward with the monument management plan and be engaged in all of the different processes for the new monument.

**Kamana'opono Crabbe** – That concludes our presentation Chair.

## **V. Announcements**

**Chair Colette Machado** – (conversation indiscernible) Trustees would you like to say any closing comments before we close our meeting and I seek adjournment.

**Dale Philips** - I would like to thank OHA for all your help that you did for the Lāna‘i Limu restoration. We do have limu growing, my dad was the one who formally did it but he passed away so now my sister is taking over. We doing it. We have some help through KUA, Wally Ito so we had a big gathering last year and we had 50 people that came to Lāna‘i and they all camped down there. They were so surprised with all the limu that we had that went grow. Just want to say thank you. And you hear our name come up in case they apply for grants. But thank you so much for everything.

**Chair Colette Machado** – Trustee Leina‘ala Ahu Isa any closing comments?

**Trustee Leina‘ala Ahu Isa** – I thought someone would have brought up TMT.

**Ms. Philips** – My sister went to the Maui one and they stayed at Pā‘ia. They went down there so they had fun and camp out and everything. Was nice. They really enjoyed it.

**Trustee Keli‘i Akina** – I want to say thank you, what a beautiful island and beautiful people, mahalo for coming today.

**Trustee Peter Apo** – I really feel for this business of this community the long history essentially of their disenfranchisement and not able to have the opportunity and the wherewithal to really be part of influencing the growth model. I don’t think it just started with Ellison, and others and I don’t know what to do about it. Anytime you have a segment of the Hawaiian Community that is disenfranchised from full participation in determining the quality of growth and the direction you have a problem and it just doesn’t seem right. I am just frustrated, my aloha to all of you, good luck.

**Trustee Dan Ahuna** – Aloha mai kākou, my name is Dan Trustee Dan Ahuna I represent the island of Kaua‘i and Ni‘ihau, thank you for having all of us here. I am very honored to be here and also I like listening to all of your issues and comments that you had. One of the biggest platform that I stand on is education. I like what Simon did with the lei making and his ‘ōlelo classes. But also my passion is football and I noticed that you guys have an eight-man football team. I saw a lot of the players at our GPA football clinic at Saint Louis and I was hoping that if you guys need any help in that area education wise, lei making whatever I would be more than happy to participate and become a part of your guys educational, things that you guys do in school with culture. Thank you.

**Trustee John Waihe‘e** – I just want to thank everyone for coming out and for hosting us and sharing your mana‘o and I also think it’s been an honor to be here. Thanks again.

**Chair Colette Machado** – I wanted to clarify that Trustee Akina made a statement it may have appeared that we represented all of Hawaii. But I wanted to be real clear with all of you that OHA’s trust funds must have a purposeful use and it must benefit Hawaiians and native Hawaiians only, not first, but only native Hawaiians and Hawaiians. If Hawaiian people do not benefit from the Trust Funds with our expenditures we are doing illegal work. So when I say Native Hawaiian Legal Corporation can only help you because their clients have to be Native Hawaiians. Because they live here on the island Lāna‘i it could include the broader subject areas such as what they have been fighting for all these years. In the past the principal parties were kupuna as I mentioned Uncle Sam and Auntie Elaine, however I would reach out to LSG to see if you can, I know Ross Morita, I know he is inactive, find a little bit more younger, those with the blood to join you folks and make an effort.

**Mr. Ron McOmber** – (*conversation indiscernible*)

**Chair Colette Machado** – I am just looking for more increasing in your board with Native Hawaiians so just kind of look around and include them. I know Ross Morita has Hawaiian blood but it says he is inactive. Its ok but I want to make it clear that our funds is only limited to Native Hawaiians. For Native Hawaiians and also for the 50% and the 50% plus and we want to encourage to do what is right for your island. So I thank you all for coming, I thank the work of our OCC here and also there is a lot more we can do and lets all work together. With that said I would like to entertain a motion to adjourn.

## **VI. ADJOURNMENT**

**Trustee John Waihe'e Moves to adjourn the meeting**

**Trustee Dan Ahuna Seconds the motion.**

**Chair Colette Machado** – Is there any opposition for the adjournment, hearing none the meeting is adjourned.

The meeting was adjourned at 12:20 pm.

Respectfully submitted,



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Dayna Pa, Board Secretary

As approved by the Board of Trustees on August 1, 2017 .



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Colette Y. Machado, Chairperson  
Board of Trustees

Attachment:

Excuse Memo from Trustee Rowena Akana  
Excuse Memo from Trustee Carmen Hulu Lindsey  
Excuse Memo from Trustee Robert Lindsey  
Lanaians for Sensible Growth –LSG Handout