

STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 No. Nimitz Highway, Suite 200  
Honolulu, HI 96817

Minutes of the Office of Hawaiian Affairs Committee on Resource Management  
Wednesday, March 9, 2016 9:30 a.m.

**ATTENDANCE:**

TRUSTEE COLETTE MACHADO, CHAIR  
TRUSTEE HAUNANI APOLIONA, VICE-CHAIR  
TRUSTEE LEI AHU ISA  
TRUSTEE PETER APO  
TRUSTEE CARMEN HULU LINDSEY  
TRUSTEE JOHN WAIHEE

**ADMINISTRATION STAFF:**

LISA VICTOR, COO  
HAWLEY IONA, CFO  
ERNIE KIMOTO, CORP. COUNSEL  
MILES NISHIJIMA  
JONATHAN CHING  
STERLING WONG  
JOCELYN DOANE

**GUESTS:**

DON CAGLE  
TOM LENCHANKO  
KEKUEWA KIKILOI  
VICKI PAKELE  
JO-LIN LENCHANKO KALIMAPAU

**EXCUSED:**

TRUSTEE DAN AHUNA  
TRUSTEE ROWENA AKANA  
TRUSTEE ROBERT LINDSEY

**BOT STAFF:**

LIANA PANG  
CLAUDINE CALPITO  
DAYNA PA  
U'ILANI TANIGAWA  
LOUISE YEE-HOY  
LAURENE KALUAU-KEALOHA  
LEHUA ITOKAZU  
KAUIKEAOLANI WAILEHUA  
LADY GARRETT  
DAVIS PRICE  
CRAYN AKINA

MARIE DOO  
NOELANI DEVINCENT  
DAVID SMITH  
MAHEALANI HARRIS

**I. CALL TO ORDER**

**Chair Colette Machado** – Called to order the meeting of the Committee on Resource Management, Wednesday, March 9, 2016, at 9:38 a.m. For the record, there was one excused absence from Trustees Dan Ahuna, Trustee Rowena Akana and Trustee Robert Lindsey.

Trustee	Present	Excused	Comments
TRUSTEE LEI AHU ISA	X		
TRUSTEE DAN AHUNA		X	
TRUSTEE ROWENA AKANA		X	
TRUSTEE PETER APO	X		

TRUSTEE HAUNANI	APOLIONA	X		
TRUSTEE HULU	LINDSEY	X		
TRUSTEE ROBERT	LINDSEY		X	
TRUSTEE JOHN	WAIHE'E	X		
CHAIR COLETTE	MACHADO	X		
<b>TOTAL</b>		<b>6</b>	<b>3</b>	
At the Call to Order, there are Six (6) Trustees that are Present which constitutes a quorum.				

**II. A. APPROVAL OF MINUTES**

**Chair Machado** – Sought a motion to approve the RM minutes of January 13, 2016 as presented.

**Trustee Apoliona** – Moved to approve the RM minutes of January 13, 2016 as presented.

**Trustee Hulu Lindsey** – Seconded the motion.

**Chair Machado** – Asked for any discussion. Hearing none. Called for the vote.

<b>Resource Management January 13, 2016 minutes APPROVED.</b>							
<b>TRUSTEE</b>		<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>A'OLE (NO)</b>	<b>KANALUA/ ABSTAIN</b>	<b>EXCUSED/ ABSENT</b>
LEI	AHU ISA			X			
DAN	AHUNA						X
ROWENA	AKANA						X
PETER	APO			X			
HAUNANI	APOLIONA		X	X			
HULU	LINDSEY	X		X			
ROBERT	LINDSEY						X
JOHN	WAIHE'E			X			
CHAIR COLETTE	MACHADO			X			
<b>TOTAL VOTE COUNT</b>				<b>6</b>	<b>0</b>	<b>0</b>	<b>3</b>
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>							
Motion passed with Six (6) YES votes, none (0) NO vote, no (0) abstentions and none (3) excused.							

**III. COMMUNITY CONCERNS\***

**Chair Machado** – I'd like to call on Onipa'a o Waimanalo, Don Cagle.

**Mr. Don Cagle** – I am president of Onipaa na kupuna o Waimanalo, it is a nonprofit 501 (c) (3), it's a tax exempt organization and we have a development in Waimanalo, a Kupuna development of 87 units. The

development was originally a grant funded by OHA and DHHL and developed as a low income tax credit affordable housing project to keep Hawaiians on Homelands. In a letter dated March 1, 2016, we received a notice from Locations Property Management that we would incur a rent increase effective May 1<sup>st</sup>. The letter was received by the Kupuna this past Thursday. As president what I am trying to do is initiate some action, talking to you, we have already talked to locations, we have a meeting tomorrow to inform the kupuna as to what we have discussed. I have a letter that I received a very simple letter it had an intro paragraph and a second paragraph as far as justification, and a third paragraph as far as reason for increase. They mentioned that HUD has established some annual income and maximum rent schedule guidelines that they felt that they could follow. And in light of the economic conditions that there was going to be a minimal increase in our rents. Is a \$100 a minimum increase; is \$60 a minimum increase? On an average out increase went from \$60 to \$400. Me personally, it went up \$400 that is a 64% increase in my rent.

All of us here are on fixed incomes, so if I were to tell you that you would have an increase like the one that we incurred, obviously you would have a standard of living and make adjustments. For us Kupuna we are on fixed incomes it is kind of difficult. The reason I am here is we have a meeting tomorrow at 4 pm and if we could have one of the board members or someone to come and listen to the kupuna. We are going to have Gina Garcia Hee from Locations, I sent an email to Kaipō from Land Management DHHL but he is unable to attend. Somehow Layla Fujimori from the Advertiser got word of this and I've had some communication with her so ensure that she had the right information. I think she might be there tomorrow. As far as what I am doing with you is hoping that you can assist us either at some point on a one to one to have some conversations on how we may be able to proceed. Thank you.

**Trustee Hulu Lindsey** – Who made that decision to increase your rent and whom do they represent?

**Mr. Cagle** – Locations and they represent the developers.

**Trustee Apo** – It is a private lease.

**Trustee Hulu Lindsey** – It's a private lease on Hawaiian Homes Lands?

**Mr. Cagle** – Yes.

**Trustee Hulu Lindsey** - So do you folks have any HUD assistance in that project?

**Mr. Cagle** – No, we have 87 units and out of the 87 units there are 10 which fall under section 8, there also are 30 individuals that came in prior to 2008 that have an agreement with DHHL when Micah was head, and their agreement was that they would be subsidized as far as the rent is concerned, till the day they die. There is nothing in writing all of this was verbal. Per that verbal agreement they are holding to it so everyone got an across the board increase but locations is supposed to follow up with a letter to those 30 kupuna that came in prior to 2008 to tell them what their assistance is going to be from DHHL. As far as other that came in after 2008, I am part of that group, we have to bite the bullet.

**Trustee Apo** – Not a question but as I understand it, it's a private lease and there are some other problems. Have you folks been privy to the lease agreement itself.

**Mr. Cagle** – No we are not, because we're trying to obtain a copy of it but they are saying that we really encourage you not to.

**Trustee Apo** – Really?

**Mr. Cagle** – Yes, I just came on board, this is process that I am going to go through to obtain a copy to make sure that this is not the end of it. I am concerned about the rent increase but I am more concerned about down the road. I am 71, if I am in that property till 80, I can manage with this I am still healthy I can go out and do things part time. But when I am not able to do what is the rent going to be at that time.

**Trustee Apo** – *conversation indiscernible*...should they start looking at the lease...what is the agreement...lacking any protection. Because this is sold as a kupuna housing so you think Hawaiian, its not really about Hawaiian, although Hawaiian bought in.

**Mr. Cagle** – I am not privy to any of that. I want to try and get a copy of the lease because I think with that I can get a better understanding of what is entails, what are options are, who we can go to. I figure because of this meeting, the timing of it, that I would stop here and make you guys aware so that if anything happens down the road, you can mention that Don Cagle talked to us and made us aware of the situation.

**Trustee Hulu Lindsey** – I'd like to try and help you. Other than a Trustee I am a Real Estate Broker. I think if our office requests from the DHHL for the lease, we probably can get it faster, and maybe we can start there. I will be willing to help you do that, and maybe refer you to someone that can help you.

**Mr. Cagle** – That is all I am trying to do now. Just gather information I figure that some point in time when we get enough information we can get to the next step and we've got things there so that when we get in front of someone else we can explain to them because we are more knowledgeable about the development and the history and everything else. I am not here to make any kind of demands.

**Trustee Hulu Lindsey** – No it's good to make us aware because this is happening in the County in order for these people to get building permits. They are making commitments that this is going to be Kupuna housing, so maybe they are held to a certain number of years. So I am looking at, was it built in 2008?

**Mr. Cagle** – Not it was probably 15-16 years because there was tax credits, and the tax credit are just about ready to expire. It's been about that long.

**Trustee Hulu Lindsey** – I am thinking that they probably committed to a certain number of years for the certain kind of rent and maybe now that period is expiring they can go above that. But what they haven't looked at is the tenants that will be extremely hurt.

**Mr. Cagle** – It kind of goes back and we all know the history with the State where they owe DHHL them money and DHHL owes Locations money. And this chain goes down and it comes to us and the utilities have increase and we are the ones that are affected by it.

**Chair Machado** – Have you presented your situation to Representative Thielen that represents your district at the legislature?

**Mr. Cagle** – We had that conversation but because this is County, I am thinking that they can only do so much on the County level if they want to bring buses in the front. Again after this meeting tomorrow I am going to put some bullet points down and talk about some things that we might be able to do to move forward. One of the things that we discussed, Ikaika Anderson lives in Waimanalo but you know I am going to throw all these things out and try to explore everything and then again get back to Kaipua Duncan at DHHL, and try to set something up and really get the word on what is going on.

**Chair Machado** – I want to give you a head start, today at 1:30, under the leadership of Trustee John Waihee, Jobie Masagatani will be here, she will be presenting to the Committee on Beneficiary Advocacy and Empowerment on the legislative issues, so I would suggest that if she is here you might be able to meet her by chance.

**Trustee Waihe'e** – We might have a problem with quorum.

**Trustee Apo** – I had the opportunity a couple weeks ago to visit with some of the kupuna that are there and correct me if I am wrong, as I understand it, there are kupuna there the reason they are there is that they have been waiting 40-50 years for a lease and they couldn't get one so their only other option was this.

**Mr. Cagle** – That is part of it too and again it goes on and on and I don't want to get into that, that is not what I am here for.

**Trustee Apo** – The thing that I wonder about most is that you mentioned that you were discouraged from looking at the lease.

**Mr. Cagle** – I didn't say I was discouraged, I want to look at the lease.

**Trustee Apo** – No what I mean is that someone discouraged you.

**Mr. Cagle** – Yes, it was Kapio Duncan, he said he could explain to us what we need.

**Chair Machado** – The only thing is that I can suggest to you Mr. Cagle is that we have our Chief Operating Officer here today and our CEO is away on travel with our Chair and the Vice-Chair of the board, maybe there could be some discussion on how we might be able to kokua them for this meeting.

**Mr. Cagle** – That is all I am trying to do is follow up. Set up an appointment talk story and let me know what I can do.

**Trustee Ahu Isa** – Your presence here is to request someone to be at your meeting?

**Mr. Cagle** – If possible, so you personally can hear emotionally what they are saying.

**Trustee Ahu Isa** – There was bill in the legislature that the land use commission that approved the developers doing these things that are promising they are going to do this and do that, to hold their feet to the fire but the bill died. This also happened in Kunia that the developer said that he was going to develop all this land and was going to build a school. Years go by all the kids being bussed all over the place and there is nothing anyone can do to hold the developer responsible. You mentioned Micah Kane, that is was a vocal thing and nothing in writing.

**Mr. Cagle** – It was just verbal, I think Oz was there also and then the Developer. And they meet at the Waimanalo in our Community Center and verbalized that this is what is was, we have some people that took notes but nobody put anything down in writing.

**Trustee Ahu Isa** – Did you ask Micah?

**Mr. Cagle** – Again, I know him personally I went go school with his dad and I we were classmates. But I've talked to him at times but he is just so busy, it's kind of hard.

**Trustee Apoliona** – Lisa you folks are going to cover this.

**Ka Pou Nui Victor** - Yes we do have content experts on lease agreement and things like that so we'd like to offer to help. To ask our real estate team to help you further understand the lease agreements that is what I would expect for us to start. To get you to an approach and what it is we are committed to.

**Mr. Cagle** – Can I expect the time frame on that to have a meeting first.

**Chair Machado** – Where is the meeting for tomorrow?

**Mr. Cagle** – On property at 4:00 pm.

**Trustee Apoliona** – This is to get the Kupuna together.

**Chair Machado** - This is with Locations?

**Mr. Cagle** – Last Friday, they told us I wanted to set up the appointment, so I set the appointment up I didn't want it to stretch to long so I did it Thursday. After mentally thinking it through, I was going to do the presentation myself, and I thought this is not a good idea, so I went and called Gina, I wanted to get Kaipo there so that we could totally understand but I wasn't able to do that with much success. I was able to get Gina there, and that is good start.

**Chair Machado** – Who is Gina is she with DHHL?

**Mr. Cagle** – No she is with Locations, she is the affordable manager for Locations the division. Gina Garcia Hee.

**Chair Machado** – You will be assigned a staff member to help, and we are going to see if we can get the lease from DHHL.

**Trustee Apoliona** – There is some other individuals here.

**Mr. Cagle** – Yes, Mahealani Harris is here.

**Mahealani Harris** –We understand the lease agreement with DHHL for them to subsidize and they were not paying their lease for a long time and they were not paying their subsidies for a long time and they just got back in and there are starting to pay again. But according to Locations its not enough for the expenses that were made. So far that place is all Hawaiians; it's basically all the residents are Hawaiian. They are very upset right now, the older ones, the ones that can't afford it, some them their \$200 rents are high. Some will be on the street with the increases. In a way time is of the essence, we have to move somewhere to figure out how to help them. The ones who can't afford it are very upset. The ones that are subsidized there are 30 of them; there are 47 people who are not subsidized at all. There are 10 people who have section 8 but 47 do not and the 47 are the ones that we are here for. They are really struggling hard. The originals have a verbal agreement and the verbal agreement seems to be holding so far. I think they tried to chase Micah around for a written agreement but Micah kept running around. They didn't get that. They do have a verbal agreement so that part is ok. Getting the lease from them would be ok, would be good, but all that it will show is, I think what DHHL is expected to pay the renters. It would be good to know why it falls on us and not DHHL. I think in some ways we would like some legal counsel. That would be very ideal for us. For someone to help us to understand what our rights are. They are raising it by the location of the place not by the income of the person. So some places that are closer to the gate are higher rents, some are low.

**Chair Machado** – I wanted to announce that the BAE Committee has been canceled. So Jobie will not be here today.

**Ka Pou Nui Victor** – We will follow up with Mr. Cagle.

**Chair Machado** – Our next person is Tom Lenchanko representing Aha Kukaniloko Koa Mana Mea Ola Kanaka Maui and we will be distributing a string of emails that Tom had sent to Kamana‘o and Kamana‘o’s response.

**Tom Lenchanko** – ‘Ano‘ai wēlina Aloha, Thomas Joseph Lenchenko Kingdom of Hawaii, Hawaii National Private Citizen. This morning I just wanted to follow up with the inclusion of the old land and property committee with the new committee here we just want to follow up on four bullets that concern the beneficiary part and one concerns presentation of Kukaniloko this morning. Back on May 5<sup>th</sup> and I think May 9<sup>th</sup> 2004 there was a query put to the Department of State if the Kingdom still exists, because that question was posed it is important to everything that we are trying to do, because if the Kingdom does exist then our rights are being disenfranchised. So we wanted to understand that and then on September 14<sup>th</sup> we submitted a note on criminal liability. Following the May 5<sup>th</sup> document to understand if the current Trustees supported an understanding that they were liable because if the kingdom exist. We never had an answer to that question. I think there was a letter to rescind so it created two avenues, if the Kingdom exists we are still under occupier law so we are running two venues here. We just wanted to make this clear.

So September 4<sup>th</sup> was a document that queried criminal liability on OHA and also the 1988 legal opinion from the Department of Justice. I think that is what the actual May 5<sup>th</sup> document was hopeful to recede the 1988 question the actually metes and bounds of the Hawaii Archipelago, it was never clear. In that testimony someone in some gray matter area supported the kingdom does exist. Our questions here and our discussions that continue to go on in order for us to guard and manage and care for Kukaniloko are caught in two lines. We wanted to make clear of the line that we are following. Are we in a Kingdom state or occupier law? That is bullet number one.

Bullet number 2 we wanted to understand if consultation was trigger back in 2012 in the purchase of the Galbraith Properties where the Federal Government put in so many millions of dollars for a right away through the Galbraith Lands. We questioned the Army on this because they are the actual receiver of the property and we went through a whole issue with TMKs and we understand that the TMKs do not transfer ownership to land. So this because the question there and if the Federal dollars that were supplement to the total purchase price from the Bank of Hawaii, we trying to understand we brought this before compliance and we haven’t receive and answer yet. I think they still have more people coming on board who may be more articulate in something that may trigger consultation with the affected parties. That was something that we needed to understand if the Army money was federal under taking then it becomes questionable. Can help us with that understanding?

The third issue, February 3, 2013 the OHA properties Lands and Grants program there is an excess 20,206 acres that were paid from and accepted through settlement of \$228 million these lands are 9 properties that OHA owned. What we wanted to understand were TCP analysis or preservation plans considered for those plans now that Kukaniloko is going through this exercise. We wanted to understand were other properties that OHA had settled on or owned fall under that same jurisdiction where a preservation plan needs to be put in place and then also per the request of those guardians that may manage those properties, may also have a TCP analysis be done on their behalf. We believe that on the federal standing dealing with the Federal Government, the Striker Brigade, we believe it is the highest level of understanding the relationship between

Hawaiian people among themselves the land its resource and so forth. This way you get a clear document that supports any form of development to the land there. And that is the first three bullets on my beneficiary concern.

The final note was for Kukaniloko and I submitted the document that you have dated March 6 to Kamana‘opono Crabbe, regarding notice, fiduciary, strict standard of diligence, responsibility and honesty. The subject; remember Ohana appreciation of traditional Hawaiian comprehension and practices requiring learning less oppressive and/or majority perspective and practices. Historians and leaders learn to distinguish between “illegal occupies history” and then often oppressed narratives of the occupied disenfranchised. Then we went down through the discussion to try to meet with Kekuewa and I think we have come to the understanding that we are going to meet to further is expertise on producing a fair preservation plan for Kukaniloko and also a TCP analysis for Kukaniloko. That would kind of like intertwine and work together to create an avenue that we can understand what is going on from a Hawaiian perspective which is important to us. So just as a note since February 15, 2008 we formally initiated and requested a traditional cultural property analysis for Kukaniloko which we knew at the time would resolve and assist in matters of planning, design and implementation, while remaining sensitive to Traditional Hawaiian Comprehension.

This for us is important. But if we are walking two lines it is hard to put energy to it, either we are following supposed Kingdom law or are we on the occupied law. My closest understanding is the 1852 constitution parallels the states constitution just on Article 10 section 1 Bill of rights. Thank you for this time.

**Chair Machado** – Can we call on Land to clarify some of the requests?

**Trustee Hulu Lindsey** – Actually maybe the presentation on Kukaniloko latter might answer some of his questions.

**Tom Lenchanko** – That is fine. Thank you so much.

**Trustee Hulu Lindsey** – Uncle Tom you know that we are going to have presentation.

**Chair Machado** – Yes that is why he came, you also have in circulation dated February 22, 2016 with a huge attachment.

**Tom Lenchanko** – Yes, that response was because the lengthy time we had on contract to do the perimeter of the 5 acre parcel. With the incident where the three Kupuna got robbed public safety and health, it was always a concern, when the Bank of Hawaii had the property they always helped us with the 100 ft buffer around the property. You have visual from the people of the community, from people passing on the road can see what is going on out there. I think today the contractor is out there they are going to brush cut the perimeter within 7 days this should be complete. My intent is that is this is going to drag out much more we have the benefactor that was going to give us some dollars so that we can rent a machine and go in there and knock all the grass down and establish the 40 foot they cut initially. But is a 100 ft. that is required for the fire department. There are issues there, the additional traffic is just out of control. We need to sit down with those road tour companies and have a general understanding that if they want to go out there they need to contact the legacy land folks and coordinate some kind of program with the guardians. Where people can be assisted when they go out there and not just trample the site. That’s our concern and a letter to cordon off and enclose an area of 200 ft by 100 ft, is the actual preservation area. The remaining site that was buffered was a DLNR issue was to block out the pineapple at that time. These are on going issues that it becomes very concerning because we are being patient for 1,000 years and we just trying to get going. I know Miles, Jonathan, Brutus, they are working diligently to make the thing happen. The community doesn’t see, they see little bit the thing stop. It

becomes a concern on the public safety part, if there is a fire it can get out of control. Those are the issues we are trying to address. That is our kuleana to guard the kapu of Kukaniloko.

**Chair Machado** – Thank you Tom, we are going to move back to our agenda under New Business a presentation and update by Resource Management Land Assets, we are going to start off with Palauea and move to Kukaniloko. Thanked Tom for raising the issue of public safety. I will then ask that the Trustees support recusing ourselves into executive session for that purpose to talk about our powers, duties, privileges, immunities and liabilities regarding this property. I could not have said it any better the issue of public safety on the property. So we will do that in executive session but I agree with Trustee Hulu Lindsey, let us talk about the key issues that were raised by Tom in the open session.

#### **IV. NEW BUSINESS**

**Chair Machado** – We have presentations and updates by Resource Management Land Assets. Starting with Palauea and followed by Kukaniloko. Thanked Tom for raising the issue of public safety and agrees with Trustee Hulu Lindsey, to talk about the key issues raised by Tom in the open session. Who will be presenting the first item Palauea?

**Ka Pou Nui Victor** – Thanked Chair and called Miles Nishijima and Jonathan Ching to the table. They are our Land and Resource Property Management paia.

**Miles Nishijima** – Passed the floor to Jonathan Ching, Land Manager.

*(For details, refer to material distributed: Land and Property Management Program Update: OHA Empowering Hawaiians, Strengthening Hawai'i dtd: March 9, 2016)*

**Jonathan Ching** - Aloha Madam Chair, Trustees and recognized the ohana from Kukaniloko in the crowd. Also introduced their newest member of the Land Management team. Natural Resource Specialist Olu Campbell, who is also helping us work on the Kukaniloko project.

As we know Palauea is our 20 acre parcel we have in Maui in the ahupuaa of Palauea. We purchased the property, actually the University of Hawaii was slated to get the property previous to 2013 and for reasons due to their AG's office, and they were unable to pick the property so OHA stepped in. So part of the agreement why we acquired the property was to preserve the sites, enable stewardship that integrates the Hawaiian community and to work with UH Maui to be the steward.

Just a quick update as to what we have been doing. As far as any kind of maintenance or actions on the property associated with Palauea. We have not been able to do anything, we have not been able to do anything with the land management division is because our budget was limited to for the stewardship. The problem with that became the stewardship expired in Dec. 31, 2015 and we extended it to June 30, 2016 to give some time for figuring out what to do next. In short, the only thing we did last year was emergency tree trimming around the perimeter of the property to really protect the Trust in case of any trees falling or damaging the neighboring properties. We've been behind on updating the Maui County Cultural Resources Commission, the last update was in 2013 given by Koa Kaulukukui, which at the time is when acquired the property. Since then Olu has assisted us with reaching out to the Commission and providing an update for them, which will be read at their next meeting.

I'll take a step back and talk about the stewardship for Palauea and the US Maui College that we have a (MOA) right of entry with them and that's tied to their stewardship. There was about \$5,000.00 that was

associated with that, they've utilized that and we've paid them (invoice is closed) and there's nothing outstanding. Right now between now and June 30<sup>th</sup>, there is no monies tied to the project. But what we do have with them is a DRAFT Lease Agreement that we put together to provide a Ground Lease for the University. Kamana'opono has spoken with Chancellor Lui Hokoana and has come to an agreement to look at the option. We have sent that over to Chancellor Hokoana and currently under review. Our recommendation for FY17 is twofold. 1. If the draft lease agreement is accepted as is, then it should be no problem and UHMaui can take care of the property. 2. If there is any kind of discrepancy or if that drags on, were recommending to a.) Start a preservation plan, b.) Work on some risk management access, especially for compliance, there's an easement, a water easement and a drainage easement that needs to be inspected annually that we haven't been doing. According to Ikaika Nakahashi the former Natural Resource Manager, it's in good shape, there is nothing holding it back, but we haven't had the professional inspection for some time. We would like to move forward a comprehensive management plan. The \$30,000.00 that is represented in there is already in our budget to for the stewardship of the property to the University of Hawaii. However, we need an agreement with the University of Hawaii to be able to enable that transfer of funds for the property. That's the update for Palaua.

**Chair Machado** – Any questions for Jonathan or Miles?

**Trustee Hulu Lindsey** – When did you get the draft lease to UH?

**Jonathan Ching** – In early January 2016, sent that to Chancellor Hokoana. We have been asking for an update, but I think he is a bit busy. Corporate Counsel has also recently drafted a letter to ask for an update that went out last week just to see where it's at.

**Chair Machado** – If there are no further questions, you can proceed to Kukaniloko.

**Jonathan Ching** – I apologize, I added another piece of information this morning, I thought it would be much easier to explain if I showed you the construct of our process plans for Kukaniloko.

The reason why OHA acquired the 511 acres surrounding Kukaniloko was to Protect the Site, to Explore Compatible Agriculture and to Contribute to Food Security. What we have there is a very significant cultural sight and resource adjacency to Lake Wilson and historically was Lowland forests, so the ecology of the area is what we consider as part of the resource. We are located here in the middle of Oahu, very much serving as the piko in more than one way, but even in physiologically in the geographical location. In general before I go into the update, I'll tell you a little bit about how it's organized, were going to talk about the five acre parcel which is the buffer zone around the actual stones at Kukaniloko that we go to visit. That's currently still held with the DLNR, but we do have an update on the transfer of the parcel to OHA. We will also talk about our conceptual direction, planning process and where we are, and then a current status about conditions on the property.

Title Transfer from DLNR to OHA: Basically, what happened when OHA gets the property in 2012, the DLNR had made an error in the recordation of the title for the 5 acre parcel, it was stuck in land court for many years and every time we ask about it, no movement. Finally this year, actually last year maybe the second half of last year, DLNR recognizing the issue, assigned Gavin Chun a representative of the DLNR to then work on this transfer and to see what the problem was. So since then he has worked with Title Guaranty and they've got everything in order and there coming up with a process in order eventually by executive order give the property to OHA. I can give you more updates as I get them, but this has been the furthest it's been since I've been aboard.

Any questions? As I go into the handout from the Conceptual Direction we did three things but, were in the process of creating the Preservation Plan for the 5 acre parcel. That Preservation plan provides the background, historic and cultural information. There's ethnography involved, field work, preservation recommendations and long term maintenance. That is all underway, and we are going to talk about that and introduce our contractor who is here today. Other than that we've also started another contract with Water, Soil and Ag report. The water options we will have out there, the soil conditions, remediation and recommendations with different types of agriculture based on that information.

The next thing is Master Planning (yellow on your sheet in the middle). Our RFP to find a firm to help us with master planning is going out and in the final thrall; it may be up for signature and will be going out onto the procurement website very shortly. What that would be is a chance to take information from the preservation plan from the Water/Soil/Ag report, put it all together in a participatory process to see what our options are, finalize our uses, identify, analyze and provide OHA the options of what can happen out there based on the resources we are aware of and some input from the community as well. That will help justify decision making and at the same time, we are going to do what's called an Archaeological Survey Plan. This is not a required thing; this is a pro-active action on our part. What that helps us to do is better position ourselves for once the master plan is ready to move much more quickly through implementation of that. Once we get everything together and then starting to being constructed, if there is any construction, then a Comprehensive Management Plan will follow. The property will than have a very Comprehensive Planning and a Management Plan for the property.

**Trustee Hulu Lindsey** – How long is that going to take?

**Jonathan Ching** – The Preservation Plan and the Water/Soil/Ag reports should be completed closer to the end of this year or so or sooner. Master Planning is anticipated to take once it's started, 12 – 18 months depending on how much interaction we have with the community. There will be some parts that were not under control of as far as timing and how we move through it. We're very confident that the product of that will be something that is best for our beneficiaries for future generations to come. That's why we're putting a lot of mana into this process and a lot of resources and time, so that what we do out there can be brought before the Board to make decisions and it can be something we can follow thereafter and have a solid course to follow. That is very important for this property as well.

**Trustee Hulu Lindsey** – Thinks that you folks are doing it the right way. My only concern is the time that is going to take to do this. We've taken so much time already, and as you folks know we are getting complaints from our neighbors down there, particularly a Senator. He is really jamming us, like what are we doing, we are going on to two years now and nothing done.

**Jonathan Ching** – Some of the timing for the report in the Master Planning, we can try to fast track it. But, I think it is important to let that process take as much time that it needs to within reason, so we get the right output. In the interim though, we can take some liberties with interim maintenance and management not only of the 5 acres but the 511 acres and that'll be dependent on whatever budget we are allowed to spend out there and what we want to do and strategically work towards an interim Management Plan to get us prepared as the Master Planning is getting ready to roll out. It will be some things that would be allowed on the property that are visual and very experiential but we want to make sure that it doesn't interfere with the planning process.

**Trustee Apo** – Do we have a projected budget over the long term? And if it's a rough guess, as to in the end, how I described it as revitalization and what it will cost us?

**Jonathan Ching** – We have some preliminary figures, it really depends on what we end up doing. I could tell you for example if you wanted to cut 23 acres of invasive trees, cut grass down and maintain for one to two years, were looking at anywhere from \$125,000 to \$250,000 and that is to chip and mulch the trees down to the ground. The thing were trying to avoid is using herbicides that would prohibit us from using organic certification. So were also being mindful of that. It gives you the scale and magnitude of interim management. As far as if we're going to do any kind of construction and those kinds of things out there, it really depends on what we would want to do. Our water infrastructure we'll have a better idea shortly as soon as the water/soil/ag report is drafted.

**Trustee Apo** – Madam Chair, I'm thinking about if we have, and if we don't, we should at least begin to cost center of maintaining all the Legacy properties which is beginning to mount up. So we know what we're getting into down the line. Kukaniloko was probably one of the really important ones.

**Trustee Hulu Lindsey** – We could have monies budgeted for Kukaniloko right?

**Jonathan Ching** – Yes.

**Trustee Hulu Lindsey** – What is the latest on the easement with the water with our neighbors?

**Jonathan Ching** – With EDC.

**Trustee Hulu Lindsey** – Yes.

**Jonathan Ching** – We've worked with EDC to help gather water pipes operational and Brutus LaBenz who is out there today, worked with him and it's now running. We haven't come to an agreement or even entered discussions about an easement at this point. Previously under Kawika Burgess' direction we met with both the Senator Donovan Delacruz and we also talked with Jimmy Nakatani. When we asked about if we can secure water through that pipe for the parcels, he didn't want to enter into any kind of discussion with us about that until we had a plan. He was asking, well, I need to know how much water you want before I can make any agreement with you.

**Trustee Hulu Lindsey** – That makes sense.

**Jonathan Ching** – And we are saying, we need to know how much water you can give us, so that we can start our plans. So in essence, we have moved forward because that seemed to be at an impasse. We are now moving forward with the Water/Soil/Ag report, then that way we can enter into those discussions with a bit more well informed background information.

**Chair Machado** – Jonathan I wanted to go back to the letter that the Trustee just received this morning dated Feb. 22, 2016 to Tom Lenchanko from Kamana'opono. Outline here are three issues: First. How are you addressing the tourism issues that unacknowledged access roadway to the Kukaniloko. This is something that Tom them have been consistent about? Secondly. His request to have some input on the TCP. And lastly, the Master Planning.

**Jonathan Ching** – So the first one, how were addressing the tourists going into the 5 acre parcel on the easement. Currently, OHA has a right-of-entry for management. The easement is ours and that is part of the 511 acres, however, it still registered and is a State Park. So, per DLNR, state parks need to remain accessible. We as OHA only having a right-of-entry for management, we don't have the ability to restrict access to that site at this time. What we do have is we basically have worked with the Hawaiian Civic Club and they

maintain the vegetation that area and provide educational access through their organization. But other than that OHA does not actively have a security guard or any kind of docent out there.

**Chair Machado** – Are you looking for a security guards out there to give a message to the tour operators that they can't keep doing it without any kind of involvement.

**Jonathan Ching** – I think as it stays a state park, we don't really have a place to stand as far as to being able to deny access to people.

**Chair Machado** – I know that one of the visits that Trustee Akana went and she happened to be there or the daughter went and she was telling the mom how busy it gets. As a Trustee we need to get an idea of what the count is like on a given day spread out over a monthly basis. Is it in the hundreds, thousands, because when it starts going up higher than it should be a real urgent issue.

**Jonathan Ching** – Aunty Jo-Lin, would you mind sharing about the counts.

**Jo-Lin Lenchanko Kalimapau** – In 2012 the Civic Club took a survey, we used the format that the State uses to take surveys of their state parks and we were on-site for a total of 32 days. In the morning from 9:00 a.m. - 11:00 a.m. and in the afternoon from 4:00 p.m. - 6:00 p.m. and then Saturdays and Sundays we were on site from 9:00 a.m. – 3:00 p.m. sometimes longer because the flow of people didn't stop and we took 600 surveys and have that information and would love to share it with you. The different questions we asked were why they were there? Why they came? How did they find out about it? A lot of detail went into that survey, and the total count of people in 2012 in the months of May through June which is the high months (summer) was 3092 people who walked down that road with wheel chairs, carriages, on foot interested in Kukaniloko. And we asked them the questions when they came out which is part of our survey how did they feel? How did it impress them? What did they gain from coming there? And the information we gathered was very important, now yesterday I thought 3092 people that is really high that's summer, even if we took that number and put it in half at 1500 x 12 months a year minus the rainy times (they still go down). Yesterday it rained and they still went down, it's still almost 20,000 people who come down that road. There is no facilities to park, they precariously park and bang into each other. The tour people are constantly there bringing their people, the guides just sit in the van and let the people walk down and back up. So they basically allow them to do whatever they want them to do. We can't be there 24 hours of the day watching that. The restriction to keeping them from going there flowing on their own desire is really important. We are trying to establish the signs so that they have instructions and information of what to do. This is to give you an idea of what we have to deal with. We can sit there and worked every third Saturday with the community and while were there hundreds of them come down and they just understand there's something there, but don't know what it is. So we need to give them instructions and directions. We take care of Kukaniloko because it is sacred to us and we want them to know it is sacred to the world, not just too Hawaiian people, but to the entire world. They come, they don't know why, and they come and it pulls them. We want to be ready for them, we don't want to be patient with them that they touch things and we have to constantly say don't stand on the stones, don't let your kids run around, don't bring your dog's here. If we had a sign they would understand that they can't do those things. But right now, their pretty free to do what they want because there is no directions. This is why, when we say tourists, it really isn't, its visitors. That's why we wanted to establish a Visitor's Welcoming Center so we can inform them of who we are, it is the piko of our people and through that piko, this is the only way we can teach, we can say all we want here, think all we want, plan all we want, but we can only talk from our na'au and that's where we ask for your help. Thank you.

**Chair Machado** – Jonathan, do you have that information from Aunty that she just described on the survey back in 2012?

**Jonathan Ching** – Yes, when Ikaika Nakahashi was here he was talking story with Aunty folks and we were much aware of what Aunty has shared it with us a number of times on that study and survey. I do want to say that we do have one sign in the interim that is planning to go up, that is more along a state parks of a sign, it is brown with the yellow writing. It does have some instruction about this is a sacred site. This will be going up shortly in the interim and then as we work in the preservation plan, there is a number of options we have for interim signage that we should go over as we go through the preservation plan. At the end of the preservation plan we should have a very robust and solidified interpreted sign.

**Chair Machado** – I'll go back to Trustee Hulu's question. How long is that going to take for them to get the appropriate signage? To me, one is inadequate.

**Jonathan Ching** – The interim signage will be up in a matter of weeks. It's only one. Why it's only one at this point is to minimize the visual distractions as you get in, but it would be situated closer to the entry of that on the outside, but near the entry of where people walk down that road. That would be the interim sign. And then we will work with our contractor and the preservation plan to figure out a better set of signage thereafter.

**Trustee Apo** – I think the information management is important and probably the easiest objective to achieve over the long term in dealing with all of these Legacy properties. What is the difference with Kukaniloko and Iolani Palace, there equal? But the palace, it comes under special rules where we have control over ingress, not we, but the state has exercise control over ingress, egress, access fees and how they deal with the tour companies. We might want to take a look at that and creating some kind of special designation that takes the Iolani Palace model of controlling the sacredness of the place.

**Chair Machado** – thanked Jo-Lin and the Hawaiian Civic Club for the work you're doing for this area. And if we have neglected you, I apologize because it is a serious issue and a transgression that we paying the kind of respect you are requiring us. An the letter that Kamana'o sent to Tom on the 22<sup>nd</sup>, I am reading this which such interest because specifically you folks asked OHA to allow us to be a part of the process and can we review the TCP plan if it is completed and allow us to be part of your process on the master planning. I think you folks are on the ground, so hopefully we can make some improvements there to help you folks. Thanked them for everything their doing.

**Jonathan Ching** – So what we have done, as we have the preservation plan begin, the contractors are instructed to reach out to the Hawaiian Civic Club and Tom Lenchanko specifically first before anyone else. And there will also be opportunities to be on a major part of the master planning process. One more thing, once we get the transfer from DLNR, than we will start planning ahead of time, but we will be able to do a lot more out there than we were able to do at this point.

That is how the construct of the planning will go and I just want to get into a little bit more of the details of the two contracts that we have. The Preservation Plan has been contracted to Nohopapa Hawaii, here with us today is Kekuewa Kikiloi who is a principal investigator in one of the founders of Nohopapa. Called him to the table. I will introduce him and give you some understanding of what we're doing with him and then allow him to speak of his qualifications and a little bit about the project. And then if you have any questions for him. Whats interesting there is members of Nohopapa who were part of the traditional culture study that was conducted in 2011-2012 by Ross Corte and so it's nice that these people now work with Na Ho Papa. What they're doing is their gathering the background information and looking at the TCP study which is still in draft form, they are actually going to help us finalize that. Looking at the information, conducting a new

ethnographic interviews and then they'll be doing some field work to determine what was their historically based on all the report that exist and then what's there now. They will also provide recommendations for preservation and therefore long term maintenance afterwards. Part of that is interpretive signage and then after all is said and done, we'll have a preservation plan for the 5 acre parcel that we'll use to inform everything that happens on the 511 acre parcel. But more importantly, it will help to really control the issues that are in desperate need out there. Like controlling access and how it is preserved and taken care of.

**Kekuewa Kikilo** – My name is Dr. Kekuewa Kikilo, I'm the Principal Investigator and Co-Owner for Nohopapa Hawaii, LLC. We are a Hawaiian owned and operated cultural resource management firm. My background has been in cultural resource management for the past 20 years, going to school trying to get my doctorate and at the same time working on important projects like Papahanomokuakea, working for Kamehameha Schools Land Assets Division previously and now I'm a professor in the Kamakakualani Center for Hawaiian Studies in the school of Hawaiian Knowledge. I help with these projects part-time and my partner Kelley Uyeoka is the other Co-Owner and Principal Investigator on this project. Were really excited to work with you guys and on this preservation plan Kukaniloko is probably one of the most important assets that you folks have in your Land Legacy sort of portfolio. We recognize that it's a very important ali'i birthing site tied to one of our eight most ancient sort of traditions leading up to the ali'i Kapawa in the genealogies of our chiefs and were working closely with Tom and the Hawaiian Civic Club to try to develop a plan for you folks. Within this 5 acre parcel, we definitely are trying to create a plan that will help you to be in compliance with Historic Preservation law but also has a very strong progressive sort of Hawaiian lens on top of it. I think our Hawaiian studies background mandates that we try to do that all the time and I think that's the direction we as a collective of Hawaiians have been trying to do for archeology and for anthropology fields of that sort. We definitely have background expertise in all of the different categories of sort of the components of the study from the historical research to archeological research to geographical research. So for the most part that's usually the bread and butter of sort of these studies, where we are doing a very thorough historical background to understand the significance of the place. We are doing a background on archeological research that has already been done there as well as taking a current assessment of the site because of the site has evolved over time and also were doing a very rigorous consultation process with the community, starting primarily with the kahu Tom Lenchanko and the Wahiawa Hawaiian Civic Club. Do you have any questions about the planning process or any specifics?

**Chair Machado** – Gotta hire more staff, so you can move quicker on the reports. Not sure how that all work because a lot of it is doing data research.

**Kekuewa Kikilo** – We are going to try and complete it by the end of the year. One of the challenges I think for this project is because it's the level of significance, it requires more attention to make sure that everybody is on the same page. A lot of it is trying to create unity and cohesion instead of division.

**Chair Machado** – Has this site been nominated to the Historic Preservation sites?

**Kekuewa Kikilo** – I think one of the challenges we are encountering because one would think that that designation is a good thing. But by American values it is, because you want it on the register and want to have that esteem and protection, but at the same time, American values also dictate that you have open access to places like that and so as a result kahu Tom is like having a difficult challenge trying to deal with 3000 people a day which is on par with the volume of people who are going through Hanauma Bay if you think about it. We need to figure out ways to slow that down and I think that can happen only once when the transfer of the property happens so that it is out of the hands of DLNR.

**Trustee Apo** – You know the Hanauma Bay model is interesting because under Harris, I think what they did is the bay was being totally disrespected. And by creating the choke point, you have to go through the education program to even go down to the bay. It might be a model for us to look at.

**Kehuewa Kikiloi** – I think it seems in line with what the Civic Club is trying to say. And I think having a more direct presence on the property as you folks are moving forward with your plan is also going to help a lot.

**Trustee Apoliona** – Maybe you got to put it on the back burner the World Wide Heritage. Why stop it?

**Kekuewa Kikiloi** – High level of protection.

**Chair Machado** – Any other questions? Okay whose next?

**Jonathan Ching** – I did want to make mention of one other archeological related component that we will be entering into as I mentioned earlier and Archeological Inventory Assessment Plan, that again is not required but we're going to do that to fast track on the forefront of fast tracking of what comes out of the Master Plan. What happens is it gets us to be in communications with SHPD, if we want to do anything as we move into implementation it will be able to move much quicker. So that will be coming soon.

The other contract with regard to Water, Soil and Agriculture and Lauren Roth is here, she is the Owner and President of Roth Ecological Design International. Called Lauren to the table. What Lauren is helping us with is get three major things. One is Water, and there is four options for water that we know of, and she is also using her expertise which I'll have her explain a little bit about herself. But to look at natural catchment in the EDC water pipe and the feasibility there. Water that comes from the treatment plants and also Lake Wilson. The second component is Soil and looking at the soil types, the health of the soil, the PH levels etc. And what it would take to rehabilitate and have a soil conservation plan. And the third element is Agriculture, so everything from reforest station to types of crops we should consider, whether it be diversification or what we would like to do organic certification etc. But really the revitalization of the area. That is her specialty which is sustainability and ecological design.

**Lauren Roth** – a little bit of background of myself, I'm the founding Principal and President of Roth Ecological Design, our focus is green water infrastructure as a specialty. What that means is we do a lot of strategic water planning an understanding that water is a resource and many types of waters that can be captured, treated and applied for different types of land uses. So instead of looking at waste water as pollution for example, we see it as water being wasted and how we can look at different types of systems, filter it so it can be clean to have good end use. So part of that ecological systems are rally an important role and so by putting back certain types of collagens we can begin restorative approach to managing our water systems and also healing our lands. So, another hat I wear and to give you the passion of my background in water particular, my academic backgrounds in the water sciences in policies, I have served in public service roles including sitting on the State Dept. of Health Water Re-Use Advisory Committee, also sat on the Advisory Role for the State Water Commission for the Water Conservation Plan. I'm currently the Chair for the Committee for the U.S. Green Building Council here in Hawaii. So, I'm honored to be working on this project, we are really serving more on the technical level of this planning, so as Jonathan mentioned we've gone out and inquired with the variety of owners of different treatment plants in the area including the City, which is the Wahiawa Wastewater Plant and toured the plant. We have also been over to Schofield and talked with aqua engineers who are managing that plant. We've started taking some water quality out of Wahiawa Reservoir Lake Wilson to look at the water quality as a resource. We've also done some hydrological modeling of the existing 511 acres to get a base on what kind of rainfall would cause runoff and is that a

potential we could actually capture, filter and have as another secondary source of water. But importantly as decisions are being made that will change the hydrology of the site and how we should maybe think about best managing practices. We've also taken on the soil end taken some samples of the existing soil and are analyzing that for a variety of conditions including residual contaminants. We're in the process of getting all that information and with that we will compile the baseline study which will have the technical knowledge. And then will look how that will guide some of the choices moving forward and really provide a selection of tools of information to decide which of the water resources for example might make the most sense and also what we may need to do to have a regenerative design process in the soils. That is a lot of information. But if you have any questions for me, I'll be more than happy to entertain them.

**Jonathan Ching** – Just to touch upon the Master Planning process and that is coming, as I mentioned earlier the RFP is just about ready to go out, it has taken some time to get it through to this point. Once it gets out on the market, after we contract the vendor it is expected to last from 18 - 24 months. Again participatory in nature that we will be going out to our beneficiaries and referencing the preservation plan and referencing the Ag report and will be finalizing what we see in our Conceptual direction and make more sense of that as far as the preservation, education and the agricultural pieces. I'll talk about problematic uses there, about the cultural center and dig how that is going to serve and what is going to cost. Not only to permit an build but to maintain in the long run and how this place can be self-sufficient so that the monies that are raised there can go into the preservation and into the development for the care of the 511 acres and plus the 5 acres. The idea here is to be self-sufficient as much as possible and hopefully it creates more opportunities for this area and for the people. Also talk about how it would be managed, what partnerships we should be looking at and then really in the long run, how is his decision going to help for generations to come after were gone.

**Trustee Ahu-Isa** – Stepped out at 10:54 a.m.

**Trustee Apoliona** – Jonathan is it 12 – 18 months or 18 – 24 months?

**Jonathan Ching** – Will get back with the answer.

**Chair Machado** – Asked for a motion to recuse into Executive Session to consult with OHA Corporate Counsel Ernie Kimoto, Esq. on questions and issues pertaining to the Board of Trustees' powers, duties, privileges, immunities and liabilities regarding OHA's Resource Management Land Assets' update on Kukaniloko pursuant to HRS§ 92-5 (a)(4).

**Trustee Apoliona** – Motioned to move into Executive Session.

**Trustee Apo** – Seconded the motion.

<b>Trustee Apoliona MOVED, SECONDED by Trustee Apo to approve.</b>							
<b>Motion to recuse into Executive Session Approved at 11:01 a.m.</b>							
	<b>TRUSTEE</b>	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>A'OLE (NO)</b>	<b>KANALUA/ ABSTAIN</b>	<b>EXCUSED/ ABSENT</b>
LEI	AHU ISA			<b>Not present at time of vote</b>			
DAN	AHUNA						<b>X</b>
ROWENA	AKANA						<b>X</b>
PETER	APO		<b>X</b>	<b>X</b>			
HAUNANI	APOLIONA	<b>X</b>		<b>X</b>			

HULU	LINDSEY			X		
ROBERT	LINDSEY					X
JOHN	WAIHE'E			X		
CHAIR COLETTE	MACHADO			X		
<b>TOTAL VOTE COUNT</b>						
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b> <b>Motion passed with Five (5) YES votes, none (0) NO vote, no (0) abstentions and Four (4) excused.</b>						

V. EXECUTIVE SESSION\*\*\*\*\*

Meeting recuses into Executive Session at 11:06 a.m.

Meeting convenes back in Open Session at 11:35 a.m.

VI. BENEFICIARY COMMENTS\*

None

VII. ANNOUNCEMENTS

None

VIII. ADJOURNMENT

**Chair Machado** – Moved to adjourn the meeting and asks if everyone in favor say I.

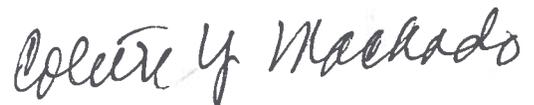
**Trustee Apoliona** - Seconded the motion.

**Chair Machado** – Recognizes we came out of Executive Session and LOST quorum. Meeting adjourned at 11:37 a.m.

Respectfully submitted,



Laurene Kaluau-Kealoha, Aide  
Committee on Resource Management



Colette Y. Machado, Chair  
Committee on Resource Management

Approved: RM Committee meeting March 23, 2016