STATE OF HAWAI‘I
OFFICE OF HAWAIIAN AFFAIRS
560 N. Nimitz Hwy, Suite 200
HONOLULU, HI 96817

Minutes of the Office of Hawaiian Affairs Committee on Resource Management
August 23, 2017
10:00pm

ATTENDANCE:
Trustee Dan Ahuna
Trustee Rowena Akana (arrived at 1:05pm)
Trustee Keli‘i Akina
Trustee Peter Apo
Trustee Carmen Hulu Lindsey

Trustee Robert K. Lindsey, Jr.
Trustee John Waihe‘e, IV
Trustee Leina‘ala Ahu Isa

STAFF PRESENT:
Kamana‘opono Crabbe, CEO
Alvin Akee
Johnathan Ching
Kama Hopkins
Kauikeaolani Wailehua
Lady Garrett
‘Olu Campbell
Paul Harleyman
Maxwell Mukai

Lehua Itokazu
Liana Pang
Lopaka Baptiste
Makana Chai
Melissa Wernihian
Miles Nishijima

GUESTS:
Leila Kealoha
Peter Young
I. CALL TO ORDER

Committee Chair Hulu Lindsey – Calls the Committee on Resource Management to order at 10:03pm, noting for the record the following Trustees present:

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<th>Trustee Name</th>
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At the Call to Order, there are six (6) Trustees present.

II. APPROVAL OF MINUTES

Trustee John Waihe‘e, IV moves to approve the minutes dated May 3, 2017. Trustee Robert Lindsey seconds the motion.

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Trustee Apo moves to approve the minutes dated June 7, 2017 with the following amendments: to strike a portion of the minutes of June 7, 2017, pursuant to OHA Bylaws, Article XVI: Section G, which provides in part: “Defamation & Slander. OHA is concerned that no defamatory material or statements are presented at OHA Board of Trustee and committee meetings. … Such information will be stricken from the record, if necessary.”

Therefore, he moves to strike the following language at the top of page 3, where Mililani Trask is quoted: “She claims that the non-profit, Awaiaulu has been receiving grants from OHA since 2010, owned by former Trustee Oswald Stender, in the amount of $1.7 million. She claims no grant report was tendered. She outlines that they have applied for grants again of $500,000, and that OHA is going to grant $353,000, and questions why they are being considered for a grant, due to the fact that she cannot find a 9-90 Forms for 2016, and there hasn’t been a report since 2010. She claims that the grant report made in 2011 is missing the $500,000 granted to former Trustee Stender’s non-profit, and thinks that it is not a mistake due to Trustee Stender’s ARM Chairpersonship.”

He says the quoted language above is defamatory because at the Joint BAE/RM meeting of June 26, 2017, Kau’i Sai-Dudoit, the Projects Director of Awaiaulu, testified that (1) they are not owned by Trustee Stender, he is simply on their board, (2) they did not receive any grant from OHA in the amount of $1.7 million or any other amount, (3) they were not required to submit a grant report because they did not receive a grant, (4) their Form 990s are current, (5) this is the first time that Awaiaulu has been recommended to be given an OHA grant, and Trustee Stender has been gone from OHA for 3 years now.

He further moves that the stricken language in the minutes of June 7, 2017, be redacted by blacking out the language, and inserting a comment that reads, “The preceding language was stricken from the record pursuant to a Motion to Strike passed by the RM Committee at its meeting of August 23, 2017.”

Trustee Robert Lindsey seconds the motion.

Trustee Hulu Lindsey defers motion.

Discussion:

Albert Tiberi was brought to the table to let the board know that he wanted to just clarify the protocols with the Office of Information Practices, and suggested this motion be deferred.

Trustee Apo says that he brought this to the table to ensure protocols are developed...
when dealing with comments that are slanderous.

Trustee Akina asks again if the comments made by Mililani Trask were followed up with and verified.

Trustee Machado reaffirms that everyone has the right to say whatever they would like at the OHA table.

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

Motion is deferred.

III. COMMUNITY CONCERNS

Leila Kealoha reads a written testimony from Jennifer Johansen from the Ho‘oulu Lehua and Aha Kūkā (AK). Her written testimony can we found with the OHA Records Management Specialist.

She then continues with her personal testimony to describe the many things that are special with Wao Kele o Puna (WKOP). She says WKOP is what feeds her people with water, and it is the water shed of her community for many generations. She mentions that it is the seed for everything and it goes from mauka to makai. She wants the BOT to understand the importance of this place. She makes it clear that the power to take this to the next step is in the hands of the Board. She restates how important WKOP is to her people providing as a gather place, a place for food, and spiritual sustenance. She says that it is an educational living laboratory for the people. She claims that it is not about the funding but the community that is willing to be a part of the process. She states that there is a lot of support. She says that she wants her son to be able to go up there and gather the maile that they have had for many years and it is important to carry out these traditions.
She thought about bringing something from the forest, but she says, that she is a person that comes out of WKOP. She finally encourages the Board to proceed with the Comprehensive Management Plan (CMP). She thanks the Board for allowing her to have a voice in this matter.

**Trustee Ahu Isa** says that she visited the area and she understands. She says that it is a place for education, where the Board can use. She has a question on the geothermal portion of the testimony that she provided.

**Leila Kealoha** explains that in the 1980’s they were drilling in the sites. She says that she protested geothermal with her Aunty and it has been a part of the community for so long, and because of that they people made sure they didn’t drill in to this wahi pana, sacred place. She says that it was the community who made sure that the place was protected from development.

**IV. NEW BUSINESS**

**A. Wao Keo o Puna Update and Presentation**

Chair **H. Lindsey** calls upon CEO Crabbe to have the land committee to present the CMP of WKOP.

**CEO Crabbe** calls up Jonathon Ching. He says, “I want to acknowledge Jonathon and his staff, Olu Campbell, Brutus La Benz, and then also Miles. Because I actually recall about three years we were venturing down this, and to see it is actually coming to be a reality and coming to life is a great hallmark. We will be introducing the partners we have been working with on the CMP.”

**Jonathon Ching** says, “As Leila was saying, it has been about three years on the project. For the last 2 years we have had consultants help. Forest Solutions is represented by Nick Koch and they bring the best forest knowledge that we could find. Archeology in WKOP, which is a really big place, Hal Hammitt did cultural surveys. A lot of Ethnography that was performed and even before and during our process by Noho Papa, represented by Momi Wieler. And finally, Ho‘okuleana who did a lot of the writing and the mastermind behind the ordering of the plan and how it is put together is Peter Young. I just want to clarify that what you Trustees will approve today is the plan that sets the direction for what we do going forward and there are implications of budget in here that we aren’t asking for your approval on right now. We will ask for that as we go, and Peter will talk a lot about it, but what’s in this plan has costs in there that we can understand the magnitude of the costs that we can expect and we can find different ways to fund them, whether it is through our funding, 3rd parties, grants, or partnerships. It is a long road ahead of us but this is the most direction we have had in a long time and it is support by a lot of members of the community through the AK. We have had a couple of community
meeting along the way, where we did solicit a good amount of community input and a lot of ethnography.”

Chair H. Lindsey says a copy of the CMP plan will be located in her office, if the Trustees would like to review it.

Peter Young says, “You guys got to experience a few minutes of feedback from Leila, representing the AK. We were fortunate to have had two years of working with them. Over 15 meetings, three hours each, but never felt like it was a burden. It was always a great opportunity to talk about this special place.” He states that he will continue his presentation from last time. He further explains, “WKOP is a wet rainforest. It is 25,800 acres, almost the size of Kahoolawe. And for your Oahu perspective, the coastline to the Koʻolau, Bishop Museum to Waiʻalae Country Club; six miles by seven miles. Management of a landscape scale is not like backyard kind of management. It is a way different scale. But as Leila noted, it was recognized for a lot of important things, for the watershed and the water recharge. It is the habitat for endangered species. It is a known place for traditional gathering, and it is the seed bank when the lava comes in to be able to replenish, and have forest return to areas. Those are the reasons why back in 2006 when the discussions were going on about the acquisition about why it ought to be protected. All those same arguments apply now.” He presents a photo of a public meeting with the community and members of the AK. He notes that there were two public meetings and 15 with AK. He says, “Part of working with AK it actually started that part of the bulk of this document… I have to say it early, when we started on this I had a vision that we would try to get a plan that was about 100 pages, that could really get focused on actions, but it became very apparent from the beginning that it was not the right way to do it. There was so much other good information out there that we needed people to see it. One of those really good things is the ethno-historical study that was done in anticipation of doing this plan. And then there were additional interviews that came after that. That help serve as a guide in working with the AK on what ended up being called ‘Hot Topics.’ And so, what we wanted to do is continue to get feedback from community are these issues still the same? A lot of it just boils down to community is looking for involvement with OHA and the management of this. I’ll talk about that a lot. But I will talk more about that later. Some level of community based management. How to deal with invasive species (INS)? How do we deal with Rapid ʻŌhia Death (ROD)? How do we deal with hunting? How do we deal with regular traditional gathering? How can this be used as a tool to get education, and work in to the OHA programmatic, and other, where we can get people in to the forest. So that was really a part of the way we worked with AK is dealing with the hot topics. We had the meetings, but we also gave surveys, prior to each meeting, there was a survey that went to everyone so we could get their individual feedback as well. And all of that has been incorporated in to this. In addition in this is that ethno-historical study. When I was working on the preparation of each chapter, I reread the executive summary of the ethno-historical study.
I also read a one page paper that the Pele Defense Fund (PDF) put out, called Pele Perspectives, and so in preparing for the chapters, it is making sure you keep that context of what is important. For the ethno-historical talks about the traditional importance of this place. And so we have incorporated the traditional perspectives as well as modern management practices in dealing with a landscape scale forest. Additional studies are in here dealing with archeology. There is a burial treatment plan, a variety of traditional forest perspectives evaluations; flora, fauna, that kind of thing. All of these are within the plan. What was a motivator for a lot of us to get involved in this plan, is that OHA wanted something different. Within our contract they wanted something that was referred to as a culturally competent planning process. And we have incorporated that. This plan is different because it really focuses on the traditional context first, and then it talks about the forest and the place later. So anybody who reads this gets a background perspective. And then how does this property apply to that. And more importantly, how do the people deal with that. So there is a lot of emphasis about appropriate kind of attitude and behavior that people really need to take in to account when they get in to the forest.

Another thing that was tried was us being a little different, and this image (that is on the slide show that he is presenting, which can be acquired from our Record Management Specialist) is the symbol of it. It is an ‘ōhia tree. And so rather than a regular Western formatted management plan, where you have a chapter 1 and within that chapter your sub heading is 1.1, and your sub-sub heading is 1.11 kind of thing. There is no numbering in here. None of the chapters are labeled in the traditional format. Each chapter starts with an ‘Ōlelo No‘eau (ON). Then we give the translation. And then for someone who may not fully understand that we give them a better idea, of what it is talking about. The idea is to talk about those saying that became important in this area for this kind of property. So we have separated the headings with an ON, but like looking at an ‘ōhia Lehua tree, you are drawn to the blossom. So the first main heading is red, within the report. It has a different type style for each of the other sub headings. But it is red for the main heading, the sub section is green, like the leaves of the ‘ōhia lehua tree, and the sub section of that is brown like the trunk of the tree, and the sub section of that is black like the lava that it grows in. Because it is different, we also have a readers guide in the very beginning to say, if you are ready to read a regular conventional CMP, on landscape scale, you are going to find everything that you would expect in that, but it is formatted differently. So be a little patient when you read it in the beginning because we want you to understand the cultural context first. And then you are going to find it. You are going to find what you normally find in every other management plan. It is all in here. It is just in a different order, different formatting. And rather than hide recommendations in a chapter, all of the recommendations are in the final chapter.”

Trustee R. Lindsey says, “I like what you have shared with us. In my mind in order to build cultural context, it needs to come out of the community.”
Peter Young says, "So this is the overall habitat quality for WKOP. That is looking at the conditions of the forest overstory and the understory. So it is a combination. Kind of relative coloring, it doesn’t relate to the ‘ōhia, but green is generally good and red is generally bad, and the orange and yellow are the transition zones. WKOP is not a pristine forest. There is a significant invasion by significant types and numbers of INS. Not unlike other forests all over the islands, ‘ōhia is the primary tree, ROD is killing ‘ōhia on the island of Hawaii. We all need to recognize that we may not have ‘ōhia on the island of Hawaii in the future. And that is a concern because in this forest the hapu‘u will become the predominant overstory. And the pigs like that a lot. There are a lot of pigs up here. One of the recommendations is to do some experimental planning to see what else might be able to grow here."

Chair H. Lindsey says, “What is the status of ROD?”

Peter Young says, “It’s continuing to expand on the island. It started in the Puna area, and it is almost looking like how the trade winds work. It started to go on the South, to Ka‘ū. Some of it started to go up the Kona coast. And some of it has spread to the Hāmākua coast. They talk about a little beetle. And the holes that it digs in to the tree. What they call frass, which is a talc consistency of the residue that comes from that process that may end up in a wedge in a tree and find its way to infect that tree. It will be very unfortunate if more and more ROD is appearing. In a prior presentation, I showed a slide that had a lot of red dots on it if you remember. That was the impact it was having on this forest. And it’s not like the whole area is dying, it’s just scattered trees, sometimes adjoining, sometimes skipping trees. Just in context, if it is green it is good, but it also has invasive species. So it is not perfect. The red is bad, but it also has endangered plants, so it is not all bad. That is just some context. So landscape scale; This is the forest management plan in 12 plus 2 words; work with community, protect the best, kill the weeds, manage the pigs. That’s landscape scale forest management. That’s what this says. And at the bottom it says, ‘management matters.’ Doing something is better than doing nothing. But doing something strategic and thoughtfully is more important than just doing anything. So over time, as you manage this forest, you continue to move forward. If you do nothing you are going to fall back and the forest is going to fall back and it is going to be a lot less green and a lot redder. But as you move forward, more of that green is going to come back to the forest. We are going to talk more specifically some of the things that you can do under each of these categories. So this is the ON this is the last chapter in the CMP. Not knowing the Hawaiian, but when I read, ‘when the time to catch anything is in the early morning’ reminded me of action that when you want to do something the time to do it is now. So this is the heading for our action chapter. And it calls for specific actions. All the text beforehand helped lead up to that. All the text beforehand gave various alternatives. And some of those specifics are in the final chapter. But there is flexibility also throughout the CMP, where you can do a variety of things. It’s not like you have to do this, it’s here are some choices that you can choose from. Some of those
recommendations are dealing with, and really part of the reason why we are all here is because of the challenge people felt about continuation of traditional and customary gathering in this area. When PDF came in and protested, and ultimately led to you guys [OHA] owning the property. Relative to the cultural context is entry and exit protocols. As a reminder for people that when they go into the forest, it is not because it’s there so you can take it, it’s there and maybe it’s something you would take or not, but have a more appropriate behavior in the forest. You don’t go in everyone’s house and take anything. When you go in to the forest, don’t feel you can do the same thing. Part of that also than is, when we talk about these briefings, is anybody that goes in to the forest please be reminded about that. Be reminded about the importance of protecting the cultural context of it; the natural resources that are there. And on the safety, there are huge cracks that are 30 feet across and have a sheer drop. There is a significant safety issue up here that people need to be aware of. We talked about the uluhe that is over grown, that you don’t walk through it, you walk on it. And if you are walking on it, and you come to a crack, you might have gone beyond the firm land, on to the uluhe that has grown over the crack, and find yourself 30-50 feet down. So there is a safety briefing in there. Not only invasive species briefings but invasive species protocol. Typically, some people feel you can just drive in there and walk in wherever you want. But every time you drive in or walk in to a place, you are bring stuff with you, on you, that can end up in the forest. Likewise, there are some bad stuff in that forest that gets on you when you’re in there when you exit and take with you someplace else. So it is dealing with wash downs for vehicles, as well as scrubbing your boots before you go in and out. Access is one of the issues that is, you can’t manage what you can’t get to. And right now the only place, the only way to really get some place is to fly there. And it is $3,000 per trip to get people in and out, flying by helicopter. That is pretty inefficient. And right now there is only one way in, and it is only a part of the way in, we will see a map. Access becomes a concern, part of that is working with the neighbors. There are private subdivisions, see if there is a way to get access through there for management. And then access through the property. We know vehicles are vectors for invasive species to be spread around. And so not only the wash down, but the proposed road system goes on the new lava flow, rather than through the forest. Don’t go bulldoze a forest to go protect the forest, as much as you can, go on the lava flow to get to the areas you then can manage. Community based management again, I am going to talk more about that, but it is a tool that at a landscape scale, it allows you to share in the management, share in the cost, share in the effort, get the community ownership and participation. The entire property at WKOP is in the conservation district, and it is in the protective subzone. There are four main subzones. And in a scale of least permissive to the most opportunities, is the protective is the least permissive. There are fewer things you can do even with a permit in the protective subzone. You can do a little more in the resource, you can do a little more in the limited, and you can do a little more in general. A lot of the recommendations in this plan, you can’t even do in the general subzone. There is a recommendation to use the 5th subzone, which is not commonly used, and that is to create a special subzone (SS). WKOP is
special, WKOP deserves a SS. Hawaii Loa campus in Kaneohe, now the HPU campus, by Hawaii Castle Junction, is in a SS. It is conservation district, but they have a SS. Sealife Park is in a conservation district. They have a SS. Those subzone allow them to do more than what the regular conservation district rules allow you to do. The recommendation is to submit an application for SS, that everything called for in here is a permissible use, in a SS. By having that SS you are also further calling attention to the specialness of the area and the attitude of the OHA about sharing that with others. That is the potential. I can’t see the downside to it. I can’t see why anyone would not note that this is a special place that deserves a special designation. That allows certain things for the community. It allows the community to do certain things up there.”

Chair H. Lindsey asks, “Mr. Young, is that a SS now, or are we applying for it?”

Peter Young says, “The recommendation is that you would apply for it. And in the interim, until you get it, just follow the regular guidelines. OHA there is a recommendation to consider making special rules for WKOP. Right now, there is a rule making level that because it is in the forest reserve, the forest reserve rules apply. That helps management. You don’t have to make new rules and get legislative authority to make rules, this plan isn’t saying those things. This plan says, you only have to consider them. That maybe you want your own rules. And we even create a kapu for this system. You have your own kānāwai for this. This plan as it moves forward in management, and you do more, there are some recommendations for added staff. You don’t have to add staff now. The recommendation is don’t add them now. Your staff in Hilo and Honolulu is adequate to do the initial stages of management and the implementation of this plan. As it grows, so will the responsibility. We are talking about something that is massive. There are only a couple people in the Hilo office. At that scale, you’re going to need it in the future. But that is something you can plan for. It is not like you have to do it now. One of the people that we call attention to is someone that can deal with grant management, applications, fulfillment, and contract management as well. So this plan doesn’t say you need a whole new land management division, it suggests you contract that out in the interim, and add people as you need it. But the opportunities for grants are there. DLNR gets a lot of grant money to do forest management. OHA ought to be up there getting a lot of grant money to do forest management. Then you need someone who can do that processing of grants and the reporting on the grants. Community assembly area and plots, it started with the PDF, and it is the core of the management issues that the PDF raised. During our process and working this plan, the AK and us, had a presentation from the PDF on their plan, the issues they raised in their plan are in this plan. One of the key issues of their plan and this plan is taking that area where the geothermal well was, it is a hole in the ground filled with concrete right now. About five acres. It’s cleared, it’s in grass, it is getting mowed now. It’s to have a community assembly there. Take the products of the forest and build a traditional hālau that people can gather in. you may even take some of the products of the forest and build hale that people can stay overnight in. That is the recommendation to do
those kinds of things. You can imagine that a community group might want to go up there, you guys could go up there, to stay and be in the forest. If it is improved in here it would be approved in the SS. Also to note what Leila had commented, use this site for people to learn. And beyond just trees, the forest is not about the trees. There are so many levels of importance that goes beyond the trees. The ethnohistorical study speaks of the gods that were in and around this area. The gathering that can go on, the experience that someone can feel about being in native forest. That opportunity exists for you guys, and an opportunity to share with others. The plan speaks of traditional forest management. Dealing with those invasive species, protecting the rare species, doing experimental planting, and then looking at reforestation if there is a loss of 'ōhia. There are some areas that are open that you can consider reforesting now, and monitoring. In the cultural context it was observing and making decisions based on what was observe. In the modern context, it is the same thing. It is observing what the impact is and making adjustments to do other actions. So the property was taken from that overall habitat quality; overstory and understory. And then was put in to forest management units. It is about a way and place to manage places. The green is the good, yellow is not so good, orange is less good, and red is not good. Going back to the structure of the 12 words of landscape scale of forest management; work with community. Work with them. They are your best friends. The experience we had in dealing with those meetings with those people and the other people that they spoke of and the community meetings that we had, there is a lot of support for this. And there is an opportunity for you guys to expand that exposure. But that second level, protect the best. The tendency some people have, ‘that is bad over there I need to fix it.’ If you only do that you’re fixing a bad, and all your good is getting worse. So protect the best first, and then get in to other areas. Let’s talk about management. We are suggesting that initially, you consider a budget in the range for about $250,000. Right now for the last 10 years, you’ve been paying $228,000. So it is about the same. Management matter, it is doing something. You can’t do all the things that are in this plan until you have the SS, or a conservation district use permit. So while you are trying to get the SS in, look at some of the things you can work on at a smaller scale. So going back to this map, if you look up here, there are some green dots in the lava. When we refer to going in to the kīpuka, and protecting it, it is out in this area. It’s good forest surrounded by lava flow. So it has less of a chance of being impacted by pigs, because they are going to stay in the forest where they know they are getting their food. They’re not going to go across the lava to find other food. But this is that cleared area we talked about, right here. There is one road coming in. So when we say, ‘Go to the kīpuka,’ that’s this out here. So start protecting this area. Cause you got the lava flow that’s actually your friend. It’s created the buffer from the bad areas. So work on those first. And then, along this road way, go about 300 feet down, it is the gate in to WKOP. It is an opportunity; it is easy to get to because you can drive there. So while you are working to get the bigger permit to do the bigger issues, work with DLNR to get permission to go and remove invasive species here do some experimental planning. What I am hoping can happen is, you get a community group that really focuses on this area
and try find a way to create access to get to the lava flow and then see how easy it is to drive on the lava flow. We may find, right now it is only aerial, when people get out here, they may be able to at least drive up some of this area. Makes management less expensive to drive to a place rather than to fly to a place. So it is really focusing up here in that early stage. That’s what the $250,000 talks about. But it is not the only thing you do. In the handout you have, there is a list of initial actions. It speaks of go process, permit for your special conservation district SS. But while you are doing that, work with DLNR, and I believe this is an opportunity, to get the approval to build a traditional hālau and other hale up there using the forest products, working with the community. It gives a place for the community to gather. It gives everyone a protected place for community to gather. WKOP is a wet forest, that’s what the name means. There are some good days, and then there are regular days there. But if you have a hālau, everyone can gather there. When the celebration of the transfer happened, they put tents up. Imagine being under ʻōhia poles and traditional hālau cover. That would be way cool. So look to do that, get permission from DLNR and work with the community in clearing these areas. Those are the initial actions. Also in that beginning time, you can start working on the paper work things, how are you going to deal with hunting? Who do you let up? How often do they go up? There is a strong statement that came from the community. Not only do they want to help, but they want to be able to have a place that different groups might be able to raise specific forest products for their own gathering. Not like a farm thing, but having products. You have a hula hālau that is special for them, they may want a place that they can plant there. We call them community plots (CP). So when you see a reference to CP, for forest plot, it may start off as a half or quarter acre, but the planning needs to be done. How do you set it up? So they start with a quarter acre but they have a master plan that will take them to 5-10 acres. Remember, this is 25,800 acres. There’s plenty of land to do this. So that’s another thing. Work on the details on that. How do you choose? Who gets to do what? Who gets to do it first? Those kinds of decisions you can work on with the community.”

Trustee Apo says, “This sounds really good. I am curious to see how in the end the governance of this forest is going to work out. When you look at contemporary conditions of managing natural resources in Hawaii, that require participation by the Hawaiian community, one hand you have public policies that are determined to policy processes with respect to conservation use. You also have the responsibility of making sure that those cultural, traditional, and customary practices are validated. The part that interests me is the experience we are going through with Oho Pulo, where there is introduced genealogical claims on who gets to make calls that may be authorized by public policy, but flies in the face of genealogical claim, or family claim, dating back for centuries. I know there is no solution today, but hopefully as the plan begins to develop, we are able to anticipate and be proactive and trying to work out how the situations, if they do occur, and I say that because the forest right now in its condition is apparently requires human intervention in order to manage. And with human intervention always comes problems,
which is why the conservation model we use in the marine, is less humans the better. So
kick them all out at Papahānaumokuakea. So to me the forest is kind of the same way, so
I hope we are able to work out the cultural basis in decision making and anticipating that
there is going to be times when that cultural approach to management flies in the face of
what public policy says, and then you end up in court.”

Peter Young says, “There is no question in my mind that the traditional practices as in all of
the landmark cases, other than Oni vs. Meek, because that was a pasturing of a horse, but all
the ones after that, all say in undeveloped areas, which this is, which is will likely always be,
that that traditional and customary practices must be allowed. Part of that question is
how do you manage that? How do you manage that? OHA has an opportunity to
demonstrate how that ought to happen, so that everyone else can follow. Also you have
an opportunity to demonstrate to others about looking and managing a forest not just for
the trees. It is not about the trees, that’s just a part of what is up there. I am hoping that
through your efforts on this, that this becomes that demonstration for everyone else here.”

Trustee R. Lindsey says, “I think you have been saying that we can do that by working closely
with the community. It has to be at the top of the list.”

Peter Young says, “That is the first thing. Work with Community. Your management has to
involve work with the community, otherwise you will be managing the conflict, rather
than managing the forest.”

Trustee Machado says, “These are all nice words, but we don’t have a blank checkbook. Most
of our revenue is based on very limited commercial properties that we generate. And we
are beholden to the state of Hawaii through the public land trust that we get our annual
contribution. And I can tell you Peter that it sound wonderful but OHA was never a
welcome partner to this arrangement at WKOP. It met with such disagreement from
community members and also my good friend Palikapu Dedman, and PDF. There had
seemed to be a concern as to whether or not we had the credentials or the heart to manage
the forest. And it has taken eleven years from acquisition to where we are today. We
worked with DLNR to help us get to a management level and that failed. And now we are
at a point where we are going to adopt a CMP for WKOP. I am still not convinced that
we will be embraced by the community. It just goes flip-flop as the tide comes and
leaves, the ebbing of the tides. Today they like OHA, but maybe tomorrow they aren’t
going to like OHA. And if we start looking at these plots for people to use, ‘Oh we are
favoritism,’ you know what I mean? So we’ve been there done that. And for 11 years, all
I can say is this is a good management plan, we don’t have a blank check. I think
considerably we are looking at the contributions that we have made throughout this
period for the last 11 years, and it is a good thing. And we should just keep moving if
BLNR, if we seek application to get a SS recognized and if appropriate legislative kinds
of requirements that allow us to do certain things, that is great, but my long-term is to
always have these practitioners to oversee much of this, because they come with a
volunteer spirit. And this is where I think we have to start developing a stronger relationship with the OHA, not because we write the checks, or we have staff there, but that’s how I’ve always felt. And I’ve had huge arguments with Dr. Aluli and Palikapu over this stuff. We became a secondary provider to do the land acquisition because all else failed. It was an arrangement that occurred and that when it came to managing the property, we had huge arguments on the island of Kauai where we took action. So it was never an agreeable amount because it didn’t look like when the end product was going to transfer and how we were going to do things. My whole point is we were never embraced as a serious issue with the kind of aloha that I feel that we have given for 11 years. And I want to make that point to everyone in this room and those that are watching. We took lickings from Fay Hano, and see Emily Nac‘ole’s name, we going acknowledge her next month. These are all people that I know, not that I raised with them, but I am familiar with their activist work. And I respected all of them, but because I became an elected Trustee at that point in time since 1996, they said, ‘you on that side, we on this side.’ I just putting that on the table because this is great stuff you talking about but I still don’t feel we have been embraced.”

Peter Young says, “We heard it too. There are some out there that are still concerned about OHA. And really, there is an opportunity to move beyond that now. Our recommendation here is OHA ought to have a representative at all the community meetings. You are surrounded, if you look at the top of this map, these are private subdivisions all up here. They all have road committees, they all meet regularly to talk about the roads. OHA ought to be at those meetings with them. Be with them and understand them and share information and find ways to work together. It’s not going to be immediate. But the opportunity is there. The community is saying, ‘We want to help.’ That is all we heard from the AK, everyone says, ‘We and others want to help.’ And I think the opportunity is move beyond past because we can’t do anything about it, but learn from it, and move forward and work with the community. And it’s going to be some painful times. But as you move through that process, it is like the same principal as management matters. If you make baby steps, you’re moving forward. You’re still moving forward. And sometimes it is only going to be baby steps. But then there is that opportunity. I believe you guys have this opportunity. This plan guides you some of that. The community has open arms right now. I think you can move forward.”

Trustee Akina thanks Peter Young for the good work. He says, “I must confess that the level of detail and management decisions that are being recommended is something that we at the Board table don’t have the competence for. So we rely on people like you and our administration in order to decide which way to go in terms of many of these recommendations. But what I did want to express especially to my fellow Trustees is agreement with Chair Machado, very strongly. I think there is some concern here. I am a bit concerned about the title of this document, ‘CMP.’ It certainly is a philosophy, it certainly is a catalog of recommendations, it’s an excellent philosophy and catalog of

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recommendations, but as a plan, it doesn’t present a long range goal with a budget. It
doesn’t tell us the amount of money that we as Trustees should be generating in the trust.
Maybe a million a year, half a million a year for the next ten years, 20 years. It doesn’t
tell us where we are going to go. So there is a bit of liability because, if we say to the
public we have adopted a plan and this plan contains numerous, dozens, and hundreds of
recommendations, we will be judged by not having fulfilled that plan. So while I have no
criticism of the work, it is necessary work to establish a philosophy. It is necessary to see
our options and to see the different potential actions that can be taken. It terms of the
work of this board here, this doesn’t tell us what place this should take in terms of the
overall resources of OHA. Whether we need to generate money, are we looking in to a
project which we want to put millions of dollars for the next ten years and how this will
interact about decisions we make for Kaka‘ako, and so forth. So please don’t take my
comments as discouragement by any means, I think this was essential work and I
commend all those that work on it. And I see it not as a plan however, but rather a
philosophy and a catalog of recommendations that could be considered.”

Trustee Akana says, “Good morning Peter. You were at DLNR when we took this land. It was
your recommendation at the time. While we all supported it, I did have some concerns at
the time because it was a real big slice for us to take on. I had no idea what this was going
to mean for us, we had no experience managing land of this magnitude. And we are still
at that point. Nothing has changed really. While I was listening to all of the discussion
and the financial costs, I really had some questions for our staff. I know that we have
monies that we have not used, that when we took back monies from DLNR for the
management, I was thinking that while we still have the monies we can use those monies
to supplement this plan that almost immediately have to apply with DLNR for grants to
keep this up. With that said, what the other Trustees before me have talked about is the
long-term implementation. I see that it will be much more than $250,000 over time. And
so, to manage this vast resource, and to make it in to something [inaudible], is going to
take more than our lifetime. I don’t think anyone on this Board will be alive to see this
really materialize in this wonderful dream. But with that said, my main concern is when
we adopt the management plan, and it’s a good one, it really talks about the necessity to
do these things, we have to begin some place, without it we had nothing before this, so I
am really grateful to have this information. But I am perplexed about owing to accept it
because it means we are committed to implement this plan. And I am not sure if we could
meet all of the commitments, especially the financial piece.”

Trustee Machado says, “What I found in the action item, I will move to support this, because
this is part of an obligation that we affixed in 2006 as part of an MOA. This fulfills that
obligation with DLNR and the Forest Legacy Program, which helped fund the acquisition
with OHA. So the CMP is the final trigger that we had agreed to in the MOA when we
signed off on the acquisition. There was a partnership that purchased WKOP. It wasn’t
just our [OHA] money. This was the obligation that we worked toward a CMP. So this
project that is 1,000 pages that is being recommended is something that is going to fulfill that commitment that we are affixed to. What I am concerned about is no matter how much we do and look at the long-term commitments to continue to upkeep this work, and believe me, WKOP began with Pele’s appeal with PDF, they went through the Hawaii Supreme Court, they raised the religious issues relating to the issues of Pele. Thousands of people were a part of the take down of the fence and was tremendous work that was done. But nonetheless it was a successful outcome. I don’t have an issue with the funding, because we’ve been providing for that but anything beyond that we are going to have to really scale down and ask the real hard questions that you’ve raised, Trustee Akana, on how we are going to provide. These are legacy lands, we don’t generate any revenue from it. It is not anticipated to give us any kind of income. So we are going to have to figure out how to fund it. And there’s going to be some very lean years. But we are obligated to pass this CMP plan that has been prepared, cause that was an obligation that we committed to, when we did the land acquisition.”

Trustee Apo says, “Ohikiolo and WKOP are going to at some point, put us at a trust management crossroads. The crossroads is rooted in the fact that we are a mission driven, we are not a stock holder driven trust. Which means that we cannot measure success by how much money we are spending, so the obligation with respect to culture properties that we have purchased for whatever the reason of the initial purpose was, has always been rooted in the notion of nationhood. And that we felt that through the years, or OHA felt that it had a responsibility to begin making up for all the stolen land by buying it back and creating a geopolitical cultural footprint. So that if the day comes that there is a nation, it is land based. That is going to be a tricky navigation when it comes to managing the fiscal responsibility we have. Because clearly, places like this have a really important role in the identity of a nation, when it comes. And how we do it is going to be a really interesting political passage that we will have to go through. I would say that the more we can frame these opportunities in cultural terms, for instance is the governance model for WKOP could have some cultural framing, for instance konohiki was the first time that the state established that position in law. Where it is an actual position with a salary attached. So that kind of language used to describe cultural governance model I think could be helpful. So that is something we can look at for this model that could be helpful.”

Peter Young says, “We have a recommendation for a Konohiki.”

Trustee Akana says, “Let me clarify, you know, I was on the Board along with Colette, when we bought WKOP. It was during the Lingle Administration. Remember, this was land to that belonged to was it Castle? [Campbell] This is where they were drilling for geothermal, and they have these open wells, the state did an exchange of land. Now you know, I am a practical person, and the state is not stupid, they were dumping lands that were draining them. Well let’s dump it on OHA. You know, let’s be practical. Yes, this is a cultural valley. Yes, this is important to our people, but let’s also look at the other side,
that the state had its purpose for just giving it to OHA. You know, and why would they give us all this land for just $250,000 or whatever we paid for it. Cause they knew they could not manage these lands. They could not. It was a drain on the state. And it'll be a drain on us. I will support it if it is the will of the Board, but let's all be clear about this. Yes, it is important to our people, and we should have a land based nation, but be very clear here, what we are getting is an expense that the state could not afford, and that is the reason they were willing to turn it over to OHA. Make no mistake about that. And when this was presented to us, the whole plan was not given to us. We didn't know that the state had a contract with the Forest, this other forest entity. That was not part of the Action Item that I remember sitting here at that Board knowing that at the time. That came to us much later. All of a sudden we have to keep this obligation that the state entered in to before turning over that land to us. Come on. I am just so sick of being, you know, 'let's give it to the Hawaiians they don't know the difference.' I don't mind this, but I dislike the fact that, come on, 'Hawaiians don't understand the damn difference. They cannot rule themselves. Let's dump on them.' I don't like that. And I think we should not have our eyes closed. Have them wide open when we accept things like this. Know the consequences and know what we are getting into.

Trustee Akina says, “When it comes time to consider the motion, I'd like to put before us an amendment. And it would be simply this that we change the title to ‘Comprehensive Management Guidelines’ (CMG) and that means, we can accept the work fully, which is great work, it can fulfill the function of being guidelines, but it won't obligate us to any specific plan as other Trustees have pointed out would have political dimensions, financial dimensions, and so forth. So if we adopt today a CMG, we can continue work on an actual plan that would have a timetable and have budget and other items for the long run, and we could debate that separately from this. That is what I would like to do when it comes time to consider the motion.”

Peter Young says, “Purposefully, the plan, which it is speaks of various levels of funding and management actions based on those levels of funding. We did not want to tell you how much money to spend. We wanted to show you that if you wanted to spend this much money, here's what you could do. And if you wanted to spend more, this is something else you would do. So this plan allows the flexibility. It is not a guideline. We did not want to dictate to you, you have to spend ‘x’ amount of dollars and for that you are going to get this. We wanted to give you the opportunity to deliberate on how much should you spend and then we can show you what that means will happen in the forest. I want to step back to 2005. Even though the transaction happened in 2006, I was the Chair of DLNR. At the time, Campbell estate had this excess land that it wanted to sell. And the Trust for Public Land (TPL), a watch dog to be able to protect lands like this, made contact with Campbell about, if we could find a buyer, would you be willing to sell through the TPL. Waimea was acquired the same way. I can tell you the story of Waimea and how you ended up with that as well. Cause that was when I was involved, but I am going to stay
with this one. DLNR wanted to buy this. DLNR did not dump it on OHA. For a couple of years, I had regular meetings with the Chair of the Trustees and Clyde on a monthly basis. Just to give them updates on what was happening at DLNR, and I was aware of their interest in looking at potential land things. But what happened specifically, with WKOP is there was sufficient money raised from the legacy land fund from DLNR and others to acquire the property, and it was going to DLNR. All DLNR was happy about that. All the staff was happy about that. They liked it so much that one of the first site visits I did was an over flight of this area. We went and looked. You can’t see the boundaries but you can see the forest. Over the objection of staff, when we realized that we were $300,000 short, over the objection of DLNR staff, that wanted to have this property, I made the decision, because I knew that there was an interest of OHA to acquire it, that if they come up with the $300,000, we would let them acquire the property. All the other paper work had been done, it was that last bit of dollars to make it up. That’s what happened.”

**Trustee Ahu Isa** says, “I am in strong support of WKOP CMP. I am new to this. I only went up to visit that charter school, that I realized that whole area was connected and I didn’t know they were all private residences above. That’s the yellow part? So learning about the history, I think it’s time we vote to support this and approve the plan. Thank you Chair.”

**CEO Crabbe** says, “Thank you Chair and Trustees. As I am following the discussion, and you know, certain Trustees are in support or have reservations about the plan. There are some options in terms of your rights and powers as the Board. As Trustee Akina has shared, he is proposing a guideline. Today’s action item is the approval of the plan so you could defer, and the defer, you can add additional suggestions in terms of directing staff for administration to come back with much more detail in terms of outcomes or so forth. Or you can approve the plan because, what it proposed here is, I would say is, what you’re saying is a minimum of $250,000 of investment. So even if we had to do that, you would need to come back before the Board for a budget realignment. So the Board holds that discretion. I think was the plan is calling for based on the community input is that we have gone through all the vetting and the input to a plan that we can move forward but yet, I think the Trustees have a relevant concern in terms of the long-term, I guess, business expense of what the specific outcomes we’re looking for on how we are actually going to fund that. So saying that this would be more consistent with the Board’s fiduciary in terms of how we look at totally all of our assets and part of the fiscal sust‘ānability planning. So I am just providing you options in terms of regarding actions on the current action item.”

**Trustee R. Lindsey** says, “I argue, I will be supporting, approving the CMP. Number one, from a cultural standpoint, ‘āina is one of our strategic priorities in our strategic plan. And what I see here is a tremendous opportunity at WKOP to reconnect to our people of Puna to that ‘āina, to their ‘āina. So from a cultural standpoint, I am arguing on that basis my
support for this plan. When it comes to financing this plan, you know Peter [Young] mentioned the community, he has ideas, we could look at applying for grants and opportunities that way. I know that OHA enjoys royalties from Puna Geothermal venture, and I know at one time, this is several years ago, the royalties from PGV to OHA was around $300,000. And then looking forward in to the future, I think the opportunity, and I hope it does come through again, Trustee Ahu Isa, because I know you were very supportive of OHA applying for a medical marijuana permit. I hope that opportunity comes our way again because that could be an economic engine. Puna has the biggest green house in Hawai‘i to grow pakalōlō and I know that my friends out in Puna grow great pakalōlō. So you know that’s a future opportunity for us to look very seriously at.”

Trustee Ahu Isa says, “It is better to do something now than nothing. Look at the invasive species. Look at our plants. That’s kind of sad that OHA didn’t take this step. This is 11 years now. You know it’s, we got to do something than nothing. Yah medical marijuana I want to write my next article in the September Ka Wai Ola about the opportunity we had and we missed it. And now this boy is making $1M a month.”

Trustee Akina says, “Quickly I do want to say this that I am completely in favor of our affirmation of the document that has been presented and its work. It’s excellent and we need to do that. I would alter my earlier statement and not use the word guidelines. I see that what has been presented is a set of comprehensive management recommendations. What I am suggesting is that we adopt it as comprehensive management recommendations because we need another document. We need another document that will bind us. You see, this 1,000 pages doesn’t bind us to doing what is inside of it. It’s a set of good recommendations. But if we are serious about the future, we need to come back with a plan that specifically binds us and says, we are going to put in to it $500,000 a year or a million a year or whatever. So I am totally in favor of this work today, but I am recommending we call it comprehensive management recommendations, and we go back to the drawing board and come up with a plan that actually binds us to act.”

Trustee Apo says, “I would argue that we should not be put off or fearful of any fiscal challenge that will begin to rise as a result of this plan. That is our kuleana. With respect to the nomenclature, you know, out of respect for the community, who spent all this time working on the plan, they went to these meetings expecting, and feeling good that they were actually being consulted on a CMP. I think for us to change the nomenclature so that it looks like we did a little pushback and now they didn’t come up with a plan, they came up with some recommendations. In all deference to you. I think that would be strategically not a very good move, one, and secondly we have nothing to fear. We aren’t signing off any money today. Let the process continue on the same basis of expectations with respect to getting input from the community and what the rules of the game are.”

Chair H. Lindsey says, “I worked with Jonathon and Olu and listened to them as they progressed in this CMP. And I totally, fully support it. Now there is not a plan on this
Earth that cannot be amended. So this plan should stay in place. I encourage my colleagues to support it today and you [Trustee Akina] promised me you would vote for it. I compare this plan to the island of Kahoolawe. It has so much cultural richness on it that our people cherish. I mean just listen to Leila tell us all the activities that can occur. That’s the same activities that occur on Kahoolawe today. So there’s no reason why we cannot start a plan like we’ve progressed on the island of Kahoolawe. I think this is just so exciting, it’s like a second huge project that our people can take on. And our neighbors, our community, and not only the Puna community, the whole state of Hawaii, the hālau will go to WKOP and kōkua with invasive species. It can be a project of different hālau. We have many, and they’re numerous in bodies. So this can be a wonderful project for our people. I would encourage us to apply for the SS first. And Jonathon, I ask you, don’t we have monies already in this budget for WKOP?"

**Jonathon Ching** says, “Yes we do. We have for this biennium. It’s similar rate that we have been putting towards WKOP for the past ten years. And then we do have monies that were re-encumbered back from DLNR that are around $850,000. So we have up to three years at the $250,000 rate to figure things out. Just to address Trustee Akina’s comments, there are financials in here that tell us how much things cost and we can throw as much as we want at it, but it does show how we can phase it out. To be clear, our administration will be back to ask for those recommendations and reference this plan. And this is what you are approving today, something we point back to and reference that has been informed by the community and a lot of different folks. So an action plan will be forth coming that we will be coming to see you over time about as well.”

**Chair H. Lindsey** calls Trustee Waihe‘e to make a motion for this action item.

| Trustee John Waihe‘e, IV moves to approve the Wao Kele o Puna Comprehensive Management Plan (CMP). |
|---|---|---|---|---|
| TRUSTEE LEI | AHU ISA | X | | |
| TRUSTEE DAN | AHUNA | | | X |
| TRUSTEE ROWENA | AKANA | X | | |
| TRUSTEE KELI‘I | AKINA | X | | |
| TRUSTEE PETER | APO | X | | |
| TRUSTEE ROBERT | LINDSEY | X | X | |
| TRUSTEE COLETTE | MACHADO | X | | |
| TRUSTEE JOHN | WAIHE‘E | X | X | |
| CHAIRPERSON HULU | LINDSEY | X | | |

Committee on Resource Management 8/23/17
TOTAL VOTE COUNT | 8 | 1
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MOTION: [ ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED

Motion passes with eight (8) YES votes and one (1) EXCUSED vote.

B. [RM #17-12]: Resolution recognizing and thanking the ‘Aha Kūkā Advisory Council members, the Pele Defense Fund, the Maku‘u Farmers Association, and the U.S. Forest Service for participating in the creation of the Comprehensive Management Plan for Wao Kele o Puna.

Chair H. Lindsey calls for Trustee Waihe‘e to make a motion for the resolution.

Trustee John Waihe‘e, IV moves to approve the attached resolution recognizing and thanking the ‘Aha Kūkā Advisory Council members, the Pele Defense Fund, the Maku‘u Farmers Association, and the U.S. Forest Service for participating in the creation of the Comprehensive Management Plan for Wao Kele o Puna. Trustee Robert Lindsey seconds the motion.

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

Motion passes with eight (8) YES votes and one (1) EXCUSED vote.

Chair H. Lindsey calls for any discussion on the motion.
Trustee Machado says, “Just a point of reference that we preempted the resolution, we plan to distribute them on our September 6 community meeting in Kona. So my staff will be asking you so sign 12 individual signatures of the resolutions for both WKOP the AK and this group too. So be prepared so we can get them framed and be able to pack and send them when we go to Kona. Thank you for your cooperation in advance.”

Jonathon Ching says, “We want to take this opportunity and learning from previous endeavors that we’ve worked with the community to really show the support and appreciation of the organization, and on behalf of the Trustees to those who have put so much effort to this on their own free time, in the evenings for 2.5 years. So thank you.”

[Applause]

Chair H. Lindsey calls for the vote. (As see above)

V. BENEFICIARY COMMENTS

Germaine Meyers notifies the Board that they were sent an email regarding her written testimony quoting Queen Liliuokalani and her encouragement to us to never cease to act to save our heritage. She inquires if the land of WKOP is owned by OHA or by an LLC. Her concern is this land will be transferred to an LLC, which may give away the land asset without community input and knowledge similar to the Kauai poi factory. She is concerned that this land doesn’t have a comprehensive fiscal sustainability plan. She says that if the budget of $100M per biennium budget will bankrupt the trust in ten years. She is in favor of lā‘aulapa‘au and is against LLCs. She encourages the Board to stay in open session. She also states that she thought the Akina lawsuit was over.

VI. ANNOUNCEMENTS

Chair H. Lindsey announces that the next RM meeting is September 13, 2017, and there is a 1:00pm BAE meeting to follow today’s meeting.

VII. ADJOURNMENT

Trustee John Waihe‘e, IV moves to adjourn. Trustee Robert Lindsey seconds the motion.

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

Motion passes with eight (8) YES votes and one (1) EXCUSED vote.

Respectfully Submitted,

G. Maxwell Mukai  
Trustee Aide  
Committee on Resource Management

As approved by the Committee on Resource Management on September 21, 2017.

Trustee Carmen Hulu Lindsey  
Committee Chair  
Committee on Resource Management

ATTACHMENTS:

- Community Sign-In Sheet