

## **COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)**

February 11, 2026

9 a.m.

(via Interactive Conference Technology)

To view this meeting's recording, please click on the link below:

<https://www.youtube.com/watch?v=ED2cTqLzj6E>

### **MINUTES**

#### **BOARD OF TRUSTEES**

Brickwood Galuteria, Chair

Kaleihikina Akaka, Vice Chair

Dan Ahuna

Keli'i Akina

Luana Alapa (arrived 9:19 a.m.)

Kaiali'i Kahele (arrived 9:14 a.m.)

Carmen Hulu Lindsey

Keoni Souza

John Waihe'e, IV (arrived 9:05 a.m.)

#### **ADMINISTRATION**

Summer Sylva, CEO/Chief Administrator

Sean Kekina, COO

Bill Brennan

Daniel Sandomire

Daniel Santos

Leina'ala Ley

#### **BOARD COUNSEL**

Kapono Kiakona

#### **BAE STAFF**

Kyla Hee

Lei-Ann Stender Durant

Mark Watanabe

Nathan Takeuchi

#### **GENERAL COUNSEL**

Everett Ohta

#### **BOT STAFF**

Anuheia Diamond

Remy Keli'ihomalu

Sommer Soares

Yvonne Mahelona

### **I. CALL TO ORDER**

**Chair Galuteria** called the February 11, 2026 meeting of the Committee on Beneficiary Advocacy and Empowerment to order at 9:05 a.m.

**Chair Galuteria** welcomed everyone to the day's meeting and acknowledged his trustee aide, Lei-Ann Stender Durant, serving as the Committee Recording Secretary and his secretary, Kyla Hee, serving as the Committee Technology and Information Specialist.

**Chair Galuteria** called for the roll to confirm attendance:  
(Time Stamp: 7:06/1;19:47 ~ Real Time: 9:08:00 a.m.)

### **Roll Call**

**Present:** Trustees Ahuna, Akaka, Akina, Lindsey, Souza, Chair Galuteria

**Not Present at time of vote:** Trustees Alapa (arrived 9:19 a.m.), Kahele (arrived 9:14 a.m.), and Waihe'e, IV (arrived 9:06 a.m.)

With six (6) trustees in attendance, a quorum had been established.

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## **II. NEW BUSINESS**

**Chair Galuteria** called **Chief Advocate, Leina'ala Ley**, (referred to as "staff" in the minutes) to join the Trustees at the board table.

### **a. 2026 OHA Legislative Bill Package – Matrix 1**

(Time Stamp: 9:53/1;19:47 ~ Real Time: 9:10:47 a.m.)

### **Public Testimony**

None

### **Discussion**

Staff provided an informational update regarding the status of the **Matrix One legislative package** during the current legislative session.

### **Constitutional Amendment – Prohibiting Destructive Military Live Fire Training**

Staff reported that the House companion bill failed to advance after missing the triple referral deadline on Monday. The missed deadline coincided with a power outage affecting legislative operations. As a result, the House bill is no longer moving forward this session. Staff advised that the Senate measure remains the only viable vehicle for this proposal and confirmed that the Chair of the Senate Committee on Water and Land had been notified of the House bill's procedural failure. (Time Stamp: 10:06/1;19:47 ~ Real Time: 9:11:00 a.m.)

### **Aquarium Collection–Related Measure**

Staff summarized testimony presented during a recent committee hearing, noting that seven individuals, primarily from two families, testified individually regarding the economic impact to their commercial aquarium collection businesses. A senator reported receiving multiple constituent calls from individuals engaged in this trade. Staff observed that testimony regarding personal economic impacts significantly influenced committee sentiment. The committee deferred decision-making.

Staff clarified that the bill does not affect subsistence or food fishing activities, and that opposition testimony was limited to the commercial aquarium sector. A coalition of supporters is conducting targeted outreach to senators who expressed concerns. Staff noted that Native

Hawaiian Day at the Capitol, scheduled for Friday, provides an additional opportunity for beneficiary engagement prior to the deferred decision. Staff indicated there remains the possibility of further movement, either through Senate action or inclusion in a package bill. (Time Stamp: 11:10/1:19:47 ~ Real Time: 9:12:04 a.m.)

### **Historic Preservation Review Process**

Staff reported that legislation to restore protections under the historic preservation review process is currently being heard on the House side. Leialoha Mukuanani, Compliance Advocate, traveled from Kaua'i to testify on behalf of OHA. The bill received substantial public testimony following the issuance of an action alert. Staff advised that the bill is moving forward in the House and will next require consideration on the Senate side. (Time Stamp: 14:06/1:19:47 ~ Real Time: 9:15:00 a.m.)

### **Land Use Commission Legislation**

Staff reported that legislation relating to the Land Use Commission was heard earlier in the week and passed out of the Senate Committee on Water and Land, largely as drafted. The measure is awaiting scheduling for consideration on the House side. (Time Stamp: 14:42/1:19:47 ~ Real Time: 9:15:36 a.m.)

### **Island Burial Councils**

Staff provided an update on legislation intended to reduce quorum requirements for Island Burial Councils and to authorize compensation support through OHA. The bill passed out of the House earlier in the week in substantially the same form and is pending a hearing on the Senate side. (Time Stamp: 15:04/1:19:47 ~ Real Time: 9:15:58 a.m.)

### **Rent Stabilization Bill**

Staff reported that the rent stabilization bill, which was subject to a triple referral, did not advance on the House side due to missed deadlines. Coordination is ongoing with the Senate Housing Chair to seek a hearing; however, staff noted the measure faces challenges, as it is not favored by the initial committee of referral. (Time Stamp: 15:31/1:19:47 ~ Real Time: 9:16:25 a.m.)

**MOTION** made by **Trustee Souza** to Approve/Amend the 2026 OHA State Legislative Bill Package – **Matrix 1**  
(Time Stamp: 16:05/1:19:47 ~ Real Time: (9:16:59 a.m.)

### **Discussion**

None

## **Roll Call**

**Motion carried** (8 – 0)

**Yes:** Trustees Ahuna, Akaka, Akina, Kahele, Lindsey, Souza, Waihe‘e IV, and Chair Galuteria)

**Not Present at time of vote:** Trustee Alapa (arrived at 9:19 a.m.)

(Time Stamp: 16:27/1:19:47 ~ Real Time: 9:17:21 a.m.)

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## **II. NEW BUSINESS** (continued)

### **b. 2026 Legislature: OHA Position on Bills Naming OHA – Matrix 2**

No updates, no decision-making, no vote (Time Stamp: 17:02/1:19:47 ~ 9:17:56 a.m.)

### **Public Testimony**

None

### **Discussion**

None

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## **II. NEW BUSINESS** (continued)

### **c. 2026 Legislature: OHA Position on Bills Affecting the Public Land Trust – Matrix 3**

(Time Stamp: 17:35/1:19:47 ~ Real Time: 9:18:29 a.m.)

**Leinā‘ala** (referred to as “staff” in minutes) introduced **Matrix 3**, explaining that this portion of the agenda included only new bills not previously listed or measures for which there had been a change in proposed position since prior Board review.

Staff asked whether Trustees had any questions regarding the proposed positions outlined in **Matrix 3**.

### **Banyan Drive – Related Measures**

**Trustee Akaka** requested clarification regarding Banyan Drive – related measures, noting that although the bill appeared on the published agenda as having “no position,” the issue had, in fact, been previously discussed by the Board. **Trustee Akaka** emphasized that:

- The lands associated with Banyan Drive are crown and government.
- The disposition of crown and government lands is a matter of substantial importance to the Native Hawaiian community.
- Any process related to the disposition or management of these lands should be ensured.

**Leinā‘ala** was asked to provide additional context and responded that:

- The comments expressed were consistent with prior Board discussions.
  - The proposed position was intended to underscore the importance of beneficiary interests and perspectives in matters involving ceded lands.
  - The “no position” listing reflected the way the item appeared on the agenda and did not represent a change in substance from earlier discussions.
- (Time Stamp: 18:45/1:19:47 ~ 9:19:39 a.m.)

## **2. Item 6 – SB 2799, Relating to the Kalaupapa Settlement**

Discussion then turned to **SB 2799**, relating to the Kalaupapa settlement.

**Trustee Akaka** inquired about the rationale underlying the proposed comments for this bill, specifically seeking assurance that:

- There would be adequate opportunities for beneficiary and resident input, and
- OHA’s position would remain consistent with its past resolutions and practices supporting the primary ‘ohana organization at Kalaupapa.

**Leinā‘ala** explained that:

- The proposed position emphasizes the importance of providing meaningful opportunities for residents and beneficiary comments.
- OHA’s longstanding approach has been to support community-led efforts, particularly through recognized ‘Ohana organizations.
- Although the lands involved fall within Crown and Government Lands, OHA’s prior position has been to allow the community to lead, with OHA providing support as requested.
- At the present time, OHA has not received a formal request from the Kalaupapa ‘Ohana organizations asking OHA to assume a direct or formal role.
- The proposed position therefore reflects OHA’s consistent practice of supporting, rather than directing, community processes unless requested to do otherwise.

**Staff** confirmed that the proposed positions in **Matrix 3** were developed to maintain:

- Consistency with prior Board discussions and resolutions, and
- Deference to beneficiary input and community leadership, particularly in matters involving ceded lands and resident communities.

The **Chair** recognized **Trustee Kahele** for questions related to pending legislation, including HB2616 references concerning Banyan Drive and potential redevelopment authority. **Chair Galuteria** referenced prior comments and noted ongoing review of the bill language. The **Chair** then invited **Trustee Kahele** to share perspectives, given the subject matter fell within his area of familiarity. He added that these are ceded lands. Because it is on ceded lands, OHA should have a major role in having a say at the table.

**Trustee Kahele** emphasized the importance of:

- Ensuring Native Hawaiian representation on any governing or oversight board;
- Providing the Native Hawaiian community with a direct seat at the table;
- Structuring board membership to include perspectives grounded in cultural lands and lineal descendant interests.

He supported using testimony or commentary to influence the composition of any proposed board, should the bill advance.

**Chair Galuteria** expressed strong opposition to HCDA assuming authority over Banyan Drive, characterizing HCDA is already overextended in Kaka‘ako Makai, Kaka‘ako Mauka, Kalaeloa, Lahaina, and He‘eia. The **Chair** clarified that while participation on a board would be necessary if the proposal moves forward, HCDA is not the preferred redevelopment mechanism.

It was suggested that any written comments or testimony be carefully tempered, focusing on:

- The need for board representation and oversight;
- Addressing valuation issues related to Banyan Drive;
- Avoiding explicit endorsement of HCDA as the redevelopment authority.

**Trustee Souza** expressed agreement with prior concerns and questioned the structure of the proposed entity, specifically whether the bill was intended to:

- Establish a special committee or unit within HCDA, or
- Create a different type of entity altogether.

**Leinā‘ala** indicated they were unable to answer definitively at that time, noting the bill had not yet been fully researched due to time constraints and triage priorities related to testimony preparation. Staff committed to seeking clarification.

**Trustee Souza** agreed with **Chair Kahele** and asked **Leinā‘ala** if it was possible to establish an entity (special committee) within HCDA. **Leinā‘ala** responded that she was unable to discuss the issue because she has not done any research that would enable her to explain the possibility. She added that she thought it was unusual, but because they were in triage mode, she hadn’t researched, she could not offer testimony.

(Time Stamp: 20:07/1:19:47 ~ Real Time: 9:21:01 a.m.)

Affecting **MOTION** made by **Trustee Souza** to Approve/Amend Position on Bills  
the Public Land Trust – **Matrix 3**  
(Time Stamp: 26:35/1:19:47 ~ Real Time: 9:27:29)

### **Discussion**

None

### **Roll Call**

**Motion carried by unanimous vote (9 - 0)**

(Time Stamp: 26:52/1:19:47 ~ Real Time: 9:27:46 a.m.)

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## **II. NEW BUSINESS** (continued)

### **d. 2026 Legislature: OHA Position on Bills Affecting Natural Resources and Native Hawaiian Traditional and Customary Practices – Matrix 4**

(Time Stamp: 27:28/1:19:47 ~ Real Time: 9:28:32)

## **Public Testimony**

None

**Chief Advocate, Leinā‘ala Ley**, flagged Item 5, **HB25095 - Relating to the Mauna Kea Stewardship and Oversight Authority** to inform the Board that the recommended position on the bill was changed from Support to Comment.

**Staff** explained that the bill addresses multiple subject areas and establishes an oversight authority that many community members generally support, particularly as a management entity. However, concerns have been raised - specifically by **Trustee Akaka** - regarding provisions in the bill that may exempt certain Conservation District Use Permits (CDUPs) from existing renewal requirements.

**Staff** recommended shifting from an outright Support to Comment position. This approach would allow the Board to acknowledge the bill’s positive elements while formally identifying concerns and areas needing clarification or amendment.

**Staff** reiterated that the change in position was intended to present a more nuanced and balanced response, highlighting both the benefits of the proposed oversight authority and the potential unintended consequences related to CDUP renewal processes.

**Chair Galuteria** asked about the bill’s progress at the Legislature.

**Staff** reported that the bill moved out of its first committee (Water and Land) during the prior week, though the Board had not yet received approval to submit testimony at that time confirmed that the bill’s next referral is to Judiciary and Hawaiian Affairs, and that the bill has two committee referrals total.

**The Board** acknowledged and appreciated the intent of the bill to establish an oversight authority to strengthen management and accountability. Community feedback generally reflected support for the existence of such an authority, particularly as a mechanism to improve coordination, transparency, and oversight. However, the **Board** has identified concerns regarding specific provisions in the measure, particularly those that may exempt certain Conservation District Use Permits from established renewal requirements. The Board is concerned that such exemptions could have unintended consequences for long-standing conservation safeguards and regulatory consistency within conservation districts.

Given the scope of the bill and the potential impacts—both positive and adverse—the **Board** believes a Comment position is most appropriate currently. This position allows the Board to recognize the bill’s overall objectives while respectfully requesting further clarification and consideration of these concerns as the measure moves forward.

The **Board** looked forward to continued collaboration with the Legislature and stakeholders to ensure that any oversight framework adopted maintains strong conservation protections while achieving the intended management improvements.

(Time Stamp: 27:47/1:19:47 ~ Real Time: 9:28:11 a.m.)



**Motion** made by **Trustee Souza** to Approve/Amend the 2026 Legislature: OHA Position on Bills Affecting Natural Resources and Native Hawaiian Traditional and Customary Practices – **Matrix 4**  
(Time Stamp: 29:40/1:19:47 ~ Real Time: 9:30:34 a.m.)

### **Discussion**

**Trustee Akaka** thanked staff for acknowledging her concerns and elaborated on specific issues:

**Item 1: HB1933 / SB2363** – Relating to the Counties

preservation of natural resources, expressed concern about access for lineal descendants

**Item 5: HB2592** – Relating to the Mauna Kea Stewardship and Oversight Authority

Item 4: HB2490 / SB3169 – Relating to Coastal Resilience

Item 6: HB2593 / SB3310 – Relating to Mauna Kea

Item 7: SB2979 – Relating to Community Co-Management Agreements

(Time Stamp: 29:57/1:19:47 ~ Real Time: 9:30:51 a.m.)

### **Item 5: HB2592 – Relating to the Mauna Kea Stewardship and Oversight Authority**

**Chief Advocate, Leinā‘ala Ley**, a recommended position change Support to Comment. **Trustee Akaka** pointed out Part Three (3) that requires the University of Hawai‘i (UH) to transfer the various Mauna Kea Astronomical Observatory Conservation District use permits to the astronomical observatories is of high concern to her.

**Trustee Akaka** noted that **Items 4, 5, and 6** (see above) should be included in **Matrix 3** rather than **Matrix 4**. The Public Land Trust lands are part of the Crown and Government lands and are major discussion points that should be monitored beyond just customary rights and traditions so should be a part of **Matrix 3** along with **Items 5 and 6**.

She felt these items would be more appropriate to list in **Matrix 3** since the Public Land Trust indicates those are part of the Crown and Government lands; these are major discussion points that should be monitored beyond just customary rights and traditions.

(Time Stamp: 30:00/1:29:47 ~ Real Time: 9:30:54 a.m.)

### **Item 7: Relating to Community Co-Management Agreements**

**Chief Advocate, Leinā‘ala Ley**, acknowledged that this item is a bit of a complicated issue. It is a community-led initiative. She explained that Advocacy was part of a meeting that Kua‘āina ‘Auamo (KUA) hosted with over 80 community groups that talked about the focus on ensuring that the Department of Land and Natural Resources (DLNR) has a greater pathway to enter into co-management agreements with communities. Advocacy would like OHA’s submitted comments to focus on supporting community goals, specifically enabling communities to perpetuate cultural practices and perpetuate mālama ‘āina in ways recognized by the State. Consensus was expressed by **Trustee Akaka** while noting that comments should remain grounded in community benefit and stewardship, rather than transactional land concepts. She voiced concerns regarding statutory language referencing the “disposal” of state lands, which was contrasted with preferred concepts such as co-stewardship.

**Leinā‘ala** acknowledged that the term “dispose” reflects existing statutory language rather than a policy preference. Given competing priorities, staff recommended continuing to Monitor the measure, with the option to submit comments at a later point if warranted. Ongoing concerns regarding access were noted.

(31:28/1:19:47 ~ Real Time: 9:32:24 a.m.)



**Item 1: HB1933 / SB2363 – Relating to Counties**

**Trustee Akaka** expressed the while she understood the intent with ensuring public safety and preservation of natural and cultural resources, she had some concern. She referred to access for lineal descendants, a mitigation if there was incomplete disrepair, and safety concerns. Leinā‘ala expressed the same concerns regarding access and offered to upgrade OHA’s position if needed. Currently, given other priorities, a recommendation of Monitor remains; a recommendation of Comment could be discussed in the future.

(33:35/1:19:47 ~ Real Time: 9:34:29 a.m.)

**Item 4: HB2490 / SB3169 – Coastal Resilience (Mākena/Mokulē‘ia Bay)**

**Trustees** discussed whether the affected lands fall under Crown or Government Lands, particularly along the shoreline, noting that these lands often do. Leinā‘ala explained that the intended comment would align with concerns already raised by other agencies, specifically that the bill’s exemptions are overly broad. **Leinā‘ala** shared the key concern is centered on language that would streamline or bypass State Historic Preservation Division (SHPD) review, effectively creating special legislation for a single parcel. While trustees recognized that the parcel contained a shrine or religious site and acknowledged the value of supporting such uses, there was agreement that proper safeguards and review processes must remain in place.

(Time Stamp: 34:49/1:19:47 ~ Real Time: 9:35:43 a.m.)

**Item 6: HB2593 / SB3310 – Mauna Kea Master Lease Extension**

Staff presented Item 6 (**HB2593 / SB3310**) as currently designated Monitor, noting that the proposal involves a 10-year extension of the Mauna Kea master lease. Staff explained that they had not yet completed sufficient consultation or due diligence to fully understand the bill’s intent and implications, and that outreach to informed stakeholders was ongoing.

It was clarified that although the staff believed the bill had not moved, the House version had in fact advanced. (Time Stamp: 36:06/1:19:47 ~ Real Time: 9:37:00 a.m.)

**Trustee Kahele** reported reviewing submitted beneficiary testimony and stated that the opposition from beneficiaries was clear and consistent, particularly among individuals previously involved in opposition to the Thirty-Meter Telescope. He raised concerns that the bill:

- Constituted special legislation, as it explicitly names Mauna Kea and the current master lease.
- Would not apply to any other lands statewide.
- May conflict with constitutional prohibitions on special legislation.

Additional concerns were noted based on submitted comments from:

- Department of Land and Natural Resources (DLNR)
- Attorney General (AG), citing constitutional issues
- University of Hawai‘i (UH)

**Trustees** concluded that the bill has significant legal and policy issues, particularly given beneficiary opposition and the length of the proposed extension.

Consensus was reached that the bill position change from Monitor to Oppose.

**Trustees** expressed agreement that beneficiary sentiment is unmistakably opposed to extending the lease for another decade, and that the Board’s position should reflect those concerns.

(Time Stamp: 37:23/1:19:47 ~ Real Time: 10:38:17 a.m.)

## **Board Direction**

**Update position on HB2593 / SB3310 from Monitor to Oppose.**

**Item 6 (HB2593 / SB3310) and Item 7 (SB2979)** warranted additional consideration. **Trustee Akaka** expressed that these measures would be more appropriately placed in a subsequent review (**Matrix 3**) due to their broader implications. She noted that, according to the Public Land Trust framework, the lands implicated by several of these bills are Crown and Government Lands and involve significant policy considerations extending beyond customary and traditional practices.

**Trustee Akaka** stated that **Items 5 (HB2592) and 6 (SB2592)** could reasonably be advanced for deeper monitoring and discussion. With respect to **Item 7 (SB2979)**, she commented that it raises additional complexities but emphasized that it stems from a community-led initiative. She also shared that the Board had previously participated in a meeting hosted by Kua‘āina Ulu ‘Auamo (**KUA**), attended by more than 80 community groups where the bill was discussed as a way to ensure that the Department of Land and Natural Resources (DLNR) has a clear legal pathway to enter into co-management and stewardship agreements with communities.

As an example, she described conditions at the end of the road at Hā‘ena [Kaua‘i], where traffic control measures require non-residents to utilize shuttle services and where the community actively stewards the land. She explained that community members provide education to visitors regarding environmental protection and water safety, yet despite these efforts, the community has only been able to operate under limited concessions and has not been granted the full scope of a formal stewardship agreement. She stated that this context underlies the intent of the legislation.

There being no further discussion, **Chair Galuteria** called for the vote.

*[Motion made by **Trustee Souza** to Approve/Amend the 2026 Legislature: OHA Position on Bills Affecting Natural Resources and Native Hawaiian Traditional and Customary Practices – **Matrix 4***

*(Time Stamp: 29:40/1:19:47 ~ Real Time: 9:30:34 a.m.)]*

## **Roll Call**

**Motion carried by unanimous vote (9 – 0)**

**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Kahele, Lindsey, Souza, Waihe‘e IV, and Chair Galuteria

(Time Stamp: 40:26/1:19:47 ~ Real Time: 9:41:57 a.m.)

**Chief Advocate, Leinā‘ala Ley**, reported that **Board Counsel, Kapono Kiakona**, advised that the record should be formally corrected to reflect changes in the Board’s legislative positions as follows:

- **Item 5:** Position changed from Support to Comment
- **Item 6:** Position changed from Monitor to Oppose

It was noted that **Corporation Counsel** and/or **Board Counsel** would assist in drafting the appropriate amendment language for inclusion in the record.  
(Time Stamp 41:09/1:19:47 ~ Real Time: 9:42:03 a.m.)

**Leinā‘ala** also raised a procedural concern that **Item 9** was duplicatively listed and substantively identical to **Item 6**. For purposes of accuracy and consistency in the official record, the **Board** agreed this duplication should also be addressed as part of the corrective action.

The **Chair** acknowledged the error and confirmed that the motion would include recognition of:

- The amended positions for **Items 5 and 6**, and
- The duplicative listing of **Item 9**, corresponding to **Item 6**.

**Motion:** To recognize and approve amendments to the Board’s legislative positions, changing **Item 5** from Support to Comment, **Item 6** from Monitor to Oppose, and to note that **Item 9** is duplicative of **Item 6** and shall be treated accordingly for consistency in the record.  
(Time Stamp: 42:29/1:19:47 ~ Real Time: 9:43:23 a.m.)

**Trustee Lindsey** informed the **Committee Chair** she was experiencing technical audio difficulties during the prior vote prevented her from being heard and formally requested that her affirmative vote be entered into the record. The **Chair** acknowledged this request, and the affirmative vote was recorded. The **Chair** then confirmed that all members had voted in the affirmative. (Time Stamp: 43:07/1:19:47 ~ Real Time: 9:44:01 a.m.)

### **Motion to Reconsider**

To ensure procedural completeness and an accurate record, the **Chair** requested a **Motion to Reconsider** the prior motion.

**Chair Galuteria** made a **Motion** to reconsider the prior Motion that was made and seconded. (Time Stamp: 43:47/1:19:47 ~ Real Time: 9:44:41 a.m.)

### **Discussion**

None.

### **Roll Call**

**Motion carried by unanimous vote (9 – 0)**

**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Kahele, Lindsey, Souza, Waihe‘e IV, and Chair Galuteria

The **Chair** clarified for the record that the purpose of the reconsideration was to properly memorialize the amended legislative positions and associated corrections, followed by the Board’s reaffirmation through a recorded vote.

(Time Stamp: 44:34/1:19:47 ~ Real Time: 9:45:28 a.m.)

**Chair Galuteria** moved to approve the original motion made prior to the motion to reconsider

*[Motion: To recognize and approve amendments to the Board's legislative positions, changing **Item 5** from Support to Comment, **Item 6** from Monitor to Oppose, and to note that **Item 9** is duplicative of **Item 6** and shall be treated accordingly for consistency in the record.*

*(Time Stamp: 42:29/1:19:47 ~ Real Time: (9:43:23 a.m.)]*

(Time Stamp: 45:19/1:19:47 ~ Real Time: 9:46:03 a.m.)

### **Discussion**

None

### **Roll Call**

**Motion carried by unanimous vote (9 – 0)**

**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Kahele, Lindsey, Souza, Waihe'e IV, and Chair Galuteria

(Time Stamp: 45:44/1:19:47 ~ Real Time: 9:46:38 a.m.)

## **II. NEW BUSINESS** (continued)

### **e. 2026 Legislature: OHA Position on Bills Affecting Native Hawaiian Housing – Matrix 5**

(Time Stamp: 45:53/1:19:47 ~ Real Time: 9:46:17 a.m.)

### **Public Testimony**

None

### **Discussion**

**Chief Advocate, Leinā'ala Ley**, stated that there were two suggested position changes in **Matrix 5** for the Trustees to consider:

#### **Item 1. SB2061 / HB1732 – Relating to Residential Condominiums**

- 99-year Leases that may be on Crown and Government Lands
- Subleasing the unit, which was noted as inconsistent with the original intent of owner-occupancy requirements

Based on these issues, staff recommended a position of Oppose.

Additional testimony and contextual information were provided regarding the intent and feasibility of the legislation:

- It was clarified that the bill is not a state bill but involves the Hawaii Community Development Authority (HCDA) and development within the Kaka'ako area.

- The legislation seeks to loosen existing statutory restrictions that have made development financially infeasible, including:
    - Strict owner-occupant requirements in perpetuity
    - Limitations on rental activity
    - Constraints on Area Median Income (AMI) thresholds
  - It was noted that developers have been unable to “pencil out” projects under current restrictions without significant public subsidy.
  - The specific project referenced is located near Ward Avenue, across from the Convention Center, and has faced feasibility challenges under existing law.
  - The proposed amendments aim to address market realities and inflationary pressures
  - These changes may deviate from the original intent envisioned by Senator Chang, which focused on affordable housing, not market-rate development.
  - Concerns were raised that loosening restrictions could result in units priced closer to \$1 million, thereby failing to address Hawai‘i’s affordable housing crisis, particularly for
  - Additional discussion highlighted that even revised restrictions (e.g., limiting rental prohibition to 10 years rather than perpetuity) may still be too restrictive to sustain developer participation.
  - Trustees considered whether a position of Oppose or Comment would be more appropriate.
  - Some members expressed concern about outright opposition given the bill’s origin and longstanding efforts by Senator Chang to advance the model.
  - It was suggested that maintaining a Comment position would allow flexibility to provide testimony while monitoring further developments and amendments.
  - The Board agreed to withdraw the proposed change to Oppose and maintain the position as Comment.
- (Time Stamp: 46:09/1:19:47 ~ Real Time: 9:47:03 a.m.)

**Item 6. SB3128 / HB2309 – Relating to the Hawaiian Homes Commission Act, 1920**

**Staff** presented a proposal to Support legislation expanding successorship eligibility on Hawaiian Homelands:

- This measure would allow nieces and nephews to qualify for succession, broadening eligibility beyond current parameters.
- It was clarified that the proposal does not alter blood quantum requirements, but instead modifies the degree of familial relationship eligible for succession rights.

**Staff** noted that the Board had previously supported this measure in a prior legislative session. **Trustees** expressed agreement with the recommendation to support, noting the importance of expanding access and maintaining continuity for beneficiaries’ families.

**Motion** made by **Trustee Ahuna** to Approve OHA Position on Bills Affecting Native Hawaiian Housing – **Matrix 5**.  
(Time Stamp: 55:26/1:19:47 ~ Real Time: 9:56:20 a.m.)

There being no further discussion, **Chair Galuteria** called for the vote.

### **Roll Call**

**Motion carried by unanimous vote (9 – 0)**

**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Kahele, Lindsey, Souza, Waihe‘e IV, and Chair Galuteria

(Time Stamp: 55:47/1:19:47 ~ Real Time: 9:56:41 a.m.)

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## **II. NEW BUSINESS** (continued)

f. **2026 Legislature: OHA Position On Bills Affecting Native Hawaiian Health – Matrix 6**  
(Time Stamp: 56:15/1:19:47 ~ Real Time: 9:57:09 a.m.)

**Chief Advocate, Leinā‘ala Ley**, informed the trustees that there were no changes on this matrix.

**Motion** made by **Trustee Souza** to Approve/Amend the 2026 Legislature:  
OHA position on Bills Affecting Native Hawaiian Health – **Matrix 6**  
(Time Stamp: 56:36/1:19:47 ~ Real Time: 9:57:30 a.m.)

### **Discussion**

**Vice Chair Akaka** requested updates on:

#### **Item 1. HB1690 - Relating to Minors**

**Staff** confirmed that the prior update (provided the previous week) remained current.

- **Staff** reiterated:
  - A meeting occurred with Representative Kila.
  - The recommendation from **staff** was to utilize ‘āina based programs as an alternative approach, rather than implementing a monetary payment structure.
  - Representative Kila was receptive and supportive of this recommendation.
- The **Trustees** discussed the age-related provision:
  - Agreement to retain the upper age limit at 18 (rather than modifying to a 16–18 range).
- **Staff** made no additional amendments or revisions.
- Representative Kila indicated willingness to advance the bill forward, contingent upon incorporation of the recommended changes from his side.  
(Time Stamp: 56:49/1:19:47 ~ Real Time: 9:57:43)

**Item 2. HB1536** – Relating to Health Insurance

**Trustee Akaka** inquired about how OHA’s position on this matter went from Support to Monitor.

**Chief Advocate, Leinā‘ala Ley**, responded that there were so many good health bills this year; and because OHA had staff limitations and were short on time, they were not able to cover all bills they wanted to support.

(Time Stamp: 57:46/1:19:47 ~ Real Time: 9:58:40 a.m.)

There being no further discussion, **Chair Galuteria** called for the vote.

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**II. NEW BUSINESS** (continued)

**g. 2026 Legislature: OHA Position on Bills Affecting Native Hawaiian Education – Matrix 7** (Time Stamp: 58:48/1:19:47 ~ Real Time: 9:59:42 a.m.)

**Public Testimony**

None

**Discussion**

**Leinā‘ala** shared that **Item 5. SB2085 / HB1779** – Relating to School Meals; for some reason, did not have a position; staff is recommending a position of Monitor.

(Time Stamp: 59:04/1:19:47 ~ Real Time: 9:59:58 a.m.)

**Motion** made by **Trustee Akaka** to Approve/Amend the 2026 Legislature: OHA Position on Bills Affecting Native Hawaiian Education – **Matrix 7**, except for:

**SB3058 / HB1779** – Relating to School Meals from No Position to Monitor

(Time Stamp: 59:55/1:19:47 ~ Real Time: 10:00:49 a.m.)

**Discussion**

- **Trustee Akaka** reported receiving communications from beneficiaries regarding additional legislation not currently included in the matrices.

Trustee Akaka identified bills for future consideration:

- **SB 2391** – Relating to Native Hawaiian Education (Teacher Pay & Collective Bargaining):
  - Request to include in **Matrix 7** for future review.
  - Noted as a beneficiary-raised concern relating to teacher compensation and bargaining rights.



- **HB 1881** – Proposed Gondola Project (North Shore):
  - Request to include in a future matrix.
  - Raised due to community and beneficiary concerns, including:
    - Potential impact on the community.
    - Environmental concerns related to the mountainside.
  - Identified as the measure referenced in communications (confirmed as originating from Neil Teves).
  - Acknowledgment by **Chair** and **staff** to include for future tracking.

**Advocacy Team:**

- **Staff** acknowledged the requests and confirmed inclusion for future matrix review and consideration.

There being no further discussion, **Chair Galuteria** called for the vote.

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**Roll Call**

**Motion passed by unanimous vote (9 - 0)**

**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Kahele, Lindsey, Souza, Waihe'e IV, and Chair Galuteria

(Time Stamp: 58:22/1:19:47 ~ Real Time: 9:59:16 a.m.)

**II. NEW BUSINESS (continued)**

**h. 2026 OHA Position on Bills Affecting Native Hawaiian Economic Stability – Matrix 8**

(Time Stamp: 1:03:01/1:19:47 ~ Real Time: 10:03:55)

**Public Testimony**

None

**Discussion**

- **The Chair** revisited discussion on gaming and sports wagering-related bills, noting prior consideration but reopening for clarification.
- **Staff** reiterated previously proposed comment language, which included:
  - If gaming or sports wagering is authorized, a portion of resulting revenues should be dedicated to the Office of Hawaiian Affairs (OHA) and the Department of Hawaiian Home Lands (DHHL).

- This recommendation applies regardless of whether facilities are located on public or private lands, with acknowledgment that casino development would occur on private land.

#### Legislative Context:

- It was noted that similar proposals are introduced annually, raising questions about the likelihood of movement.
  - **Staff** indicated that at least one measure, particularly relating to sports wagering, appears to be progressing within the legislative process.
- 

#### Policy Considerations: Organizational Position on Gaming

##### Trustee Deliberation:

- **Trustee Akina** emphasized maintaining longstanding Board practice:
  - No formal support for gaming or gambling measures.
  - Recommended continuation of a neutral stance, consistent with prior years.

##### Clarification on Comments vs. Position:

- Discussion distinguished between:
  - Taking a formal position (*Support/Oppose*), and
  - Submitting comments for clarification purposes.
- **Staff** clarified the proposed comment:
  - OHA may/may not endorse legalization of gaming.
  - Any comment would solely state that if legalized, revenues should include a designated share benefiting OHA.

##### Concerns Raised:

- **Trustee Akana** expressed concern that even conditional comments could:
    - Be perceived as implicit support of gambling expansion.
    - Present a policy inconsistency, given the organization's historical neutrality.
  - **Trustee Akaka** also indicated intent to vote against submitting comments for this reason.
- 

##### Clarifying Questions:

##### Scope of Gaming Measures:

- **Trustees** sought clarification on whether bills included:
  - Lottery systems → **Staff** confirmed they do not.
  - Instead, measures consist of:
    - A single physical casino facility model.
    - Sports wagering, potentially including online betting.

Additional Inquiry:

- Question raised regarding inclusion of offshore or cruise ship gambling.
  - **Staff** indicated:
    - The casino bill pertains to a land-based facility.
    - The sports wagering bill is not geographically limited in the same way.
    - No indication of offshore gambling provisions, though **staff** noted need for formal confirmation.

(Time Stamp: 1:03:25/1:19:47 ~ Real Time: 10:04:19 a.m.)

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**Motion** made by **Trustee Souza** to Approve/Amend the 2026 Legislature:  
OHA Position on Bills Affecting Native Hawaiian Economic Stability –  
**Matrix 8** (Time Stamp: 1:09:39/1:19:47 ~ Real Time: 10:10:83 a.m.)

There being no further discussion, **Chair Galuteria** called for the vote.

**Roll Call**

**Motion carried by unanimous vote (9 – 0)**

**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Kahele, Lindsey, Souza, Waihe'e IV, and Chair Galuteria

(Time Stamp: 1:09:51/1:19:47 ~ Real Time: 10:10:45 a.m.)

**Trustee Akaka** asked for clarification before the meeting continued with the next topic.

- **Chief Advocate**, Leinā'ala Ley, provided additional clarification following the prior vote and discussion regarding gaming-related legislation, specifically the casino gaming bill.
- It was noted that the clarification was consistent with the action already taken and did not introduce new substantive changes.
- Key Clarifications:
  - Reference was made to page 77 of the casino gaming bill, which outlines existing revenue allocation provisions.
  - The bill already includes **designated revenue streams** to specific programs and entities, including:
    - A compulsive gamblers program.
    - Administrative funding for the Gaming Commission.
    - Ten percent allocation to the City and County of Honolulu.
    - Five percent allocation to the Aloha Stadium Entertainment District.

- The **Trustees** previously discussed recommendation—to include **OHA as a recipient of a revenue share**—would:
  - Fit **within the existing revenue allocation framework** of the bill.
  - **Not constitute a new or novel concept**, but rather an addition to an already established section of the measure.

### **Board Response**

- The **Chair** acknowledged the clarification and confirmed that:
    - No further changes or amendments were necessary at this time.
    - The previously adopted position remains intact.
 (Time Stamp: 1:10:17/1:19:47 ~ Real Time: 10:11:11 a.m.)
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### **III. NEW BUSINESS** (continued)

#### **i. OHA Position on Bills Affecting Hawai‘i Revised Statutes, Chapter 6E (‘Iwi Kūpuna and Historic Preservation – Matrix 9**

(Time Stamp: 1:11:25/1:19:47 ~ Real Time: 10:12:20 a.m.)

**Motion** made by **Trustee Ahuna** to Approve/Amend the 2026 Legislature:  
 OHA Position on Bills Affecting Hawai‘i Revised Statutes Chapter 6E (‘Iwi Kūpuna and Historic Preservation – Matrix 9  
 (Time Stamp: 1:12:03/1:19:47 ~ Real Time: 10:12:57 a.m.)

### **Public Testimony**

None

### **Discussion**

None

There being no discussion, **Chair Galuteria** calls for the roll.

### **Roll Call**

**Motion carried by unanimous vote (9 – 0)**

**Yes:** Trustsees Ahuna, Akaka, Akina, Alapa, Kahele, Lindsey, Souza, Waihe‘e IV, and Chair Galuteria

(Time Stamp: 1:12:20/1:19:47 ~ Real Time: 10:12:57 a.m.)

### **III. COMMUNITY CONCERNS AND CELEBRATIONS**

None

(Time Stamp: 1:17:42/1:19:47 ~ Real Time: 10:18:36 a.m.)

#### **IV. ANNOUNCEMENTS**

**Chair Galuteria** introduced **Thomas Cleek** from the **Royal Order of Kamehameha**.

Former Trustee, Peter Apo, and Keith Ridley (also from the Royal Order of Kamehameha) want to get more politically involved so they have teamed up with OHA's advocacy team.

(Time Stamp: 1:18:17/1:19:47 ~ Real Time: 10:19:11 a.m.)

#### **V. ADJOURNMENT**

**Motion** made by **Trustee Souza** to adjourn the February 11, 2026 meeting of the Committee on Beneficiary Advocacy and Empowerment

(Time Stamp: 1:19:08/1:19:47 ~ Real Time: 10:20:02 a.m.)

There being no further business, **Chair Galuteria** calls for the roll.

#### **Roll Call**

**Motion carried by unanimous vote** (9 – 0)

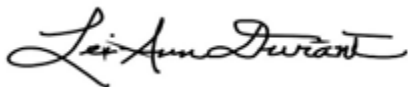
**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Kahele, Lindsey, Souza, Waihe'e IV, and Chair Galuteria

(Time Stamp: 1:19:15/1:19:47 ~ Real Time: 10:20:09 a.m.)

**The February 11th, 2026 meeting of this committee is adjourned.**

(Time Stamp: 1:19:44/1:19:47 ~ Real Time: 10:20:32 a.m.)

Respectfully submitted,



Lei-Ann Stender Durant, Trustee Aide  
Committee Recording Secretary



Brickwood Galuteria, Trustee At-Large  
BAE Committee Chair

Date Approved: June 24, 2026