

PHONE (808) 594-1888

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Committee on Beneficiary Advocacy and Empowerment

Trustee John D. Waihe'e, IV, *Chair*

Trustee Rowena Akana, *Vice-Chair*

Members

Trustee Peter Apo, O'ahu

Trustee S. Haunani Apoliona, At-Large

Trustee Donald B. Cataluna, Kaua'i / Ni'ihau

Trustee Carmen Hulu Lindsey, Maui

Trustee Robert K. Lindsey, Jr., Hawai'i

Trustee Colette Y. Machado, Moloka'i / Lāna'i

Trustee Oswald K. Stender, At-Large



LIEUTENANT GOVERNOR'S
OFFICE

'12 AUG 30 PM 12:21

**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**

711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

***Amended

**MEETING OF THE
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
(BAE)**

DATE: Wednesday, September 5, 2012

TIME: 1:30 p.m.

PLACE: OHA Boardroom, 5TH Floor

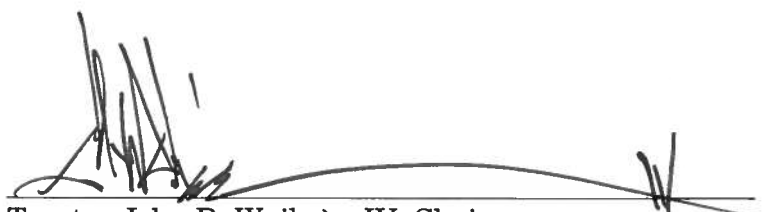
AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. August 22, 2012
- III. Community Concerns*
- IV. Unfinished Business
- V. New Business
 - A. Legislative Package Concepts Workshop ***
 - B. KIPUKA Database – OHA Research Line of Business
- VI. Executive Session**
- VII. Beneficiary Comments*
- VIII. Announcements
- IX. Adjournment

*Notice: Persons wishing to provide written testimony are requested to submit ten (10) copies of their testimony to the OHA Ka Pouhana/Chief Executive Officer at 711 Kapi'olani Boulevard, Suite 500, Honolulu, HI 96813 or fax to 594-1865, 48 hours prior to the scheduled meeting. Persons wishing to testify orally at the meeting may do so within a five (5) minute limit.

**Notice: This portion of the meeting will be closed pursuant to HRS § 92-4 and HRS § 92-5(a)4.
For further information, please call 594-1954.

***Notice: Amendment


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


Date

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

MINUTES

September 5, 2012 1:30 p.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Trustee Haunani Apoliona
Trustee Hulu Lindsey
Trustee Robert Lindsey
Trustee Oswald Stender

EXCUSED:

Vice-Chairperson Rowena Akana
Trustee Peter Apo
Trustee Donald Cataluna
Trustee Colette Machado

BOT STAFF:

Capsun Poe
Crayn Akina
Kama Hopkins
Lehua Itokazu
Lei-Ann Durant
Liana Pang
Melissa Wennihan
Nathan Takeuchi

ADMINISTRATION STAFF:

Aedward Los Banos, COO
Analika Nahulu, PUBL
Andrew Choy, CULTU
Breann Nu'uhiwa, CA
Hawley Alamodin, CFO
Jeffrey Kent, PUBL
Jerry Norris, COMP
Jim McMahon, ADV
Jocelyn Doane, PUBL
Kalani Akana, PUBL
Kamaile Maldonado, PUBL
Kamana'opono Crabbe, Ph.D., Ka Pouhana / CEO
Kamoa Quitevis, CULTU
Keala Nichols, PUBL
Lisa Watkins-Victorino, Ph.D., RES
Momiilani Lazo, CEO
Mona Pang, PUBL
Sterling Wong, PUBL
Wayne Tanaka, PUBL

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, September 5, 2012 to order at **1:30 p.m.**

Chair Waihe'e notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (1:30 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
TRUSTEE	HAUNANI	APOLIONA	PRESENT	
TRUSTEE	CARMEN "HULU"	LINDSEY	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	OSWALD	STENDER	PRESENT	

At the Call to Order, **FIVE (5) Trustees are PRESENT**, thereby constituting a quorum.

EXCUSED from the BAE meeting are:

MEMBERS			COMMENT
TRUSTEE	ROWENA	AKANA	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	PETER	APO	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	DONALD	CATALUNA	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	COLETTE	MACHADO	MEMO - REQUESTING TO BE EXCUSED

II. APPROVAL OF MINUTES

A. August 22, 2012

Trustee Robert Lindsey moves to approve the minutes of August 22, 2012.

Trustee Hulu Lindsey seconds the motion.

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

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

							1:31 p.m.
TRUSTEE		1	2	AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA						EXCUSED
PETER	APO						EXCUSED
HAUNANI	APOLIONA			X			
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY		2	X			
ROBERT	LINDSEY	1		X			
COLETTE	MACHADO						EXCUSED
OSWALD	STENDER			X			
CHAIR JOHN	WAIHE`E			X			
TOTAL VOTE COUNT				5	0	0	4

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

Chair Waihe`e notes for the record that the **MOTION CARRIES**.

III. COMMUNITY CONCERNS*

None.

IV. UNFINISHED BUSINESS

None.

V. NEW BUSINESS

A. Legislative Package Concepts Workshop ***

Trustee Waihe`e recognizes Ka Pouhana Kamana`opono Crabbe.

Ka Pouhana Crabbe introduces Chief Advocate Breann Nu`uhiwa and Public Policy Manager Sterling Wong.

Chief Advocate Nu`uhiwa greets the committee and recognizes Sterling Wong as this is his first official act as Public Policy Manager. She continues to share with the committee a broad overview of the approach for the 2013 legislative session. In working during the off season on the legislative approach it has become apparent that partnerships are becoming increasingly important as the state's budget gets smaller and as our land ownership places new pressures on our activities. So we've reached out to other departments within the state to see where we can leverage resources and coordinate advocacy. The proposed legislative package not only includes OHA proposals but also proposals that are likely to be included in the Governor's package.

Public Policy Manager Wong begins by explaining the genesis of the 2013 proposed legislative package. Key internal and external outreach was started in June 2012. Internally we met with each division in OHA and gathered information on what issues they are currently working on. Externally we've met with a bunch of groups and collected about 60 proposals that we vetted and the package is a result of the vetting process. The criteria we used in the process dealt with: financial implications, reasonable requests, whether legislation is the best venue or if it could be worked out administratively, and political feasibility.

Trustee Apoliona asks if there are measures that are not currently appearing on the proposed package. She asks: Does that mean they will not appear at all or is this just a preliminary stage of what we are looking at?

Chief Advocate Nu`uhiwa responds that the non-OHA proposals that appear in the package are actually items that OHA wanted to propose on our own but then found out that they're being proposed by other groups already and we have a direct relationship to the ones that are in here. She states this does not by any means mean that we are not supporting or going to be involved in other issues that come up this session. We are in close contact with those dealing with the environmental issues. At this point in time these are the only concrete proposals that we were thinking of including in our package.

Public Policy Manager Wong continues on with the Recommended Legislative Proposals for the OHA 2013 Legislative Package. The first bill is the OHA Budget which will come through the ARM Committee as well. The second bill is related to the Public Land Development Corporation (PLDC). We are proposing to reintroduce the same bill we had in the 2012 session which we had some success in the sense that it was the only PLDC bill to be heard last year. We are further proposing to: strike the land use exemption and zoning exemption that the PLDC currently has, expand the board to include an OHA representative and someone who has sustainable planning and natural and cultural resource management expertise, and insert other safeguards to protect traditional and customary rights. Also, we had provisions in the bill addressing ceded lands issues that protect OHA beneficiary interest. For instance, anytime the PLDC tries to sell public lands it should go through the

Act 176 process and that OHA gets its share of any revenues derived off ceded lands from a PLDC project.

Chief Advocate Nu`uhiwa assures the committee that from a big picture perspective they are aware that bills will be introduced this session calling for a repeal of the PLDC. She reiterates that last session the board took a position in support of repealed bills and at its last meeting the board made clear that that is still their position. This of course is not a repeal bill so if it's the will of the Trustees to have us look into the possibility of calling for a repeal, as we are aware others will be doing, we would be willing to look into that. Right now we have our bill which is a little more moderate and that may or may not have been why it got a hearing last session.

Trustee Waihe`e confirms with the Committee whether or not they are comfortable with the proposed PLDC bill or if they would prefer it to be a repeal bill.

The committee is agreeable with the current strategy, and does not request Advocacy to look into changing it to include a repeal.

Chief Advocate Nu`uhiwa seeks clarification on whether the committee would like to continue the practice of when other repeal bills are introduced the board will take the position of support.

The committee agrees and asks that such bills be brought to their attention for consideration as they arise.

Public Policy Manager Wong moves on to Item 3 the Native Hawaiian Law Training Course which was originally introduced two years ago. This bill would require a number of state board and commission members to undergo a Native Hawaiian Law Training Course. The mana`o behind this bill is that many boards and commissions make critical decisions that impact our beneficiaries, Native Hawaiian practices, and the public trust. Members often require expertise to sit on the boards and commissions pertaining to their subject matter but they don't necessarily have a good working knowledge of Native Hawaiian rights and the administration of the public trust. We are proposing to introduce the bill again and think that it will be timely because we have contracted with Ka Huli Ao at the University of Hawai'i's William S. Richardson School of Law to create a training course, which will be launched this fall and offered on a voluntary basis. Additionally we have had a lot of positive feedback and interest since this bill was introduced two years ago.

Trustee Stender asks if the target is land owners or if it also includes legislators.

Chief Advocate Nu`uhiwa responds that there have been legislators who have reached out and would like to take the course themselves. We are right now targeting the boards and commissions but if we can get traction on this and gain some positive progress we would like to expand the body of people who have this knowledge.

Public Policy Manager Wong continues on to Item 4 the Apology Resolution 20-Year Commemoration. We just wanted to highlight the important milestone of the 1993 Apology Resolution. Item 5 is the infamous Hawaiian Language Month bill that was vetoed last session so we want to reintroduce it and tailor the title really carefully so that no amendments can be added to it and we hope that this bill can become law. Item 6 is the Hawaiian Translation of the Hawai'i State Assessment. We are proposing the reintroduction of our bill from last year. We were successful with this bill last year in the sense that it pushed the DOE to do a 180 on its stance of the Hawaiian

Language translation of the Hawai'i State Assessment so now they are committed to a plan to do an originally created assessment in Hawaiian. Our only concern is that their commitment is not a requirement so we are only relying on their good graces right now. If there's an administration change there may also be a change in policy. Item 7 is the `Aha Kauleo, this group is the advisory committee to the Board of Education on Hawaiian Language Immersion Program matters it was in operation for a while however in the early 2000s DOE stopped using them so it was basically defunct. Recently with the emergence of the testing issue they have reconvened and since they've reconvened there are a lot of questions in regards to no official statutes ever being established for this group. We want to support them, put them in statute so they're never idled again, and make them the advisory body to the BOE.

Chief Advocate Nu`uhiwa adds the point that they will be careful to add proposed language where the verbiage would not silence any other entities who have mana`o to share with the BOE from also providing supplemental advice.

Public Policy Manager Wong moves on to items 8 & 9 Criminal Justice Task Force Recommendations; these are place holders for recommendations coming from the Criminal Justice Task Force. They've met and have completed their meetings around the state and have a collection and analysis of the testimony so now the task force is actively developing legislative proposals and recommendations. Item 10 is an idea that came out of the Kaka`ako workshop last week and relates to bonding authority with concerns that our current statutory authority to issue revenue bonds may not produce enough revenue for some of the projects that we would like to do at Kaka`ako Makai. We will be contracting external counsel with bonding expertise to come up with a good recommendation if appropriate.

Public Policy Manager Wong transitions into the Coordinated Advocacy; he mentions that in meeting with the Department of Health leadership about a month ago and hearing some of the proposals that are to be considered for the Governor's package, it became clear to us that we have similar ideas so we should partner with them. Item 11 Menu Labeling and Item 12 Fruit and Vegetable Tax Exemption are two ideas we have worked on with our health initiative. According to the Department of Health the Governor would like to include a bill to provide a tax exemption from uncut and unprocessed fruits and vegetables to incentivize people to purchase these items so they're a little more affordable. We were looking at a similar idea focusing on locally grown products to encourage healthy diet habits and to support our local agriculture industry so we will be working with the Department of Health to try to get the local element into the bill, but we'll definitely support the Governor's bill for fruit and vegetable tax exemption. The good thing about working in conjunction with the Department of Health on this bill is that they will be working with the Department of Taxation, which will help to produce a much better result than we would alone.

In regards to Item 11- Menu Labeling, we were working with the childhood obesity prevention task force and they were looking at about 40 different policy proposals to introduce this session. They are trying to narrow it down to 3. One of those being Menu Labeling which congress had passed a couple of years ago that requires restaurant chains with 20 or more restaurants to include nutritional information on their menu and products that will allow customers to make better informed decisions on what they are ordering and eating. At Yesterday's task force meeting, they decided to shelve the food labeling idea and concentrate on 3 other ideas which are: BMI data collection, increasing physical education requirements, and providing professional training for early childhood educators in terms of physical education and nutrition. We would still like to continue to work with them on these 3 efforts. The last bill Item 13 is a result of our Asset Limits bill from last year. We had proposed the bill

increase the asset limit from \$5,000 to \$15,000 for a number of public benefit programs. Despite our bill dying, DHS did move forward with an Asset Limit study that they will turn into the legislature this session and it will be accompanied by a bill which will ask for the elimination of asset limits for certain public programs.

Public Policy Manager Wong mentions one other bill that relates to the Island Burial Councils to address their quorum issue and ratio requirements.

Trustee Apoliona recalls last session and asks if the disaggregation data issue/OMB-15 ended in a resolution, what that resolution is supposed to be doing, and what do we expect for the next session if anything.

Chief Advocate Nu`uhiwa confirms that it did end as a resolution and it was imploring the Governor to direct state agencies to disaggregate their data at least in conformity with OMB-15. It did pass so as far as our follow-up that's a matter that we can discuss internally, especially with our research department data experts to see how we can facilitate.

Trustee Apoliona asks that if they receive federal money are they not compelled to follow the federal policy.

Ka Pouhana Crabbe confirms the trustee's statement as true and mentions that there are some state agencies that are more compliant than others where they disaggregate even beyond the OMB Directive 15 Standards. One strategy would be to identify those that are not compliant and begin a dialogue to educate them instead of forcing them to comply.

V. NEW BUSINESS

B. KĪPUKA Database- OHA Research Line of Business

Trustee Waihe`e transitions into New Business Item B.

Ka Pouhana Crabbe introduces Research Director Lisa Watkins-Victorino and Land, Culture and History lead researcher Kamoa Quitevis to present on the Kīpuka Database. This is another project that the Research Line of Business has been working on the past two years and is consistent with their goal of being knowledge leaders. Kīpuka is a cultural repository of Hawaiian knowledge and information that is utilizing today's technology. The database is not just limited for research purposes as Kīpuka can also complement work in advocacy such as with compliance and is also designed for community use.

Research Director Watkins-Victorino greets the committee and echoes Ka Pouhana's introduction. She reminds the committee of the last time Kamoa gave them a brief introduction to the Kīpuka Database. Now that it's near its completion, Kamoa will be able to give a visual demonstration and answer any questions.

Kamoa Quitevis shows the committee the database on the smart board and explains that it is a GIS (Geographic Information System) where results come from all of the GI data that has been collected over time. This Kīpuka database specifically looks at certain data sets within our larger database. It's a tool that anybody can access; right now it's being beta tested internally. Basically it's like Google

Earth for our Native Hawaiian Information. Kīpuka becomes a repository where we continuously put information in and data sets are built where the database becomes more robust. Kīpuka partners with the OHA Data Book and the Papakilo Database and shares links that connect the user to all three databases. When you open Kīpuka it opens to the extent of the entire Ka Pae `Aina for the State of Hawai`i out to Papahānaumokuākea.

(Kamoa continues to explore the database on-line for the committee, visually explaining the different functions of the system)

Kamoa Quitevis explains that the data is dependent on what data OHA currently has. Therefore, not all land commission awards or historic land awards are mapped. OHA has a contract to map every land award however the completion date is about two years out. It's important to remember that our data is only as robust as our collection thus far.

Trustee Robert Lindsey states that he knows that this will be a helpful tool for us, but asks Kamoa how he thinks it will be helpful.

Kamoa Quitevis responds that initially one of the main intended functions was to provide OHA a foundation to complete the ceded lands inventory. With all the data that we have been collecting through external contracts and internal research we will now be able to make up historic land tenure over time that will provide us many answers to questions we have related to ceded lands. It also provides a comprehensive way of displaying that information and getting it out to whomever we need to get it to. From an advocacy perspective, when doing compliance or policy work, it allows staff to look at an overview of any given area. The third piece is to continuously build on the repository of knowledge so that whether people are looking at health, education, cultural or land issues they can access information through Papakilo, the Data Book and now Kīpuka.

Trustee Hulu Lindsey shares that she has been attending the kuleana workshops and that this tool will be significant for our kuleana owners throughout the state.

Ka Pouhana Crabbe follows up on Trustee Robert Lindsey's question of relevance and states that OHA is moving forward to combine technology with our culture in order to preserve the knowledge. He adds that the nature of our work is the protection of Native Hawaiian rights, customs and practices. Kīpuka is intended to become the repository of Hawaiian `ike or knowledge in terms of the mele, ceded lands, tax maps, and land commission awards; all significant for our work at OHA. The work that Kamoa and Kale Hannahs (Papakilo) have done is at the forefront.

Trustee Robert Lindsey thanks Kamoa and Ka Pouhana for their responses and knows that working together will help us get to where we need to be sooner than later. He defines the work completed thus far as tremendous. He understands clearly that through statistics and data we develop knowledge; when we get to that point we develop understanding; and with understanding we'll have a tremendous ability to act going forward to fulfill our mission.

Ka Pouhana Crabbe asks Kamoa if the users need a password.

Kamoa Quitevis replies that currently no password is needed and the only way it is accessible is internally through our intranet at <http://ohagis1/kipuka/>. He reiterated that right now Kīpuka is still going through beta testing and they are open to any comments or concerns regarding the use of the site.

VI. EXECUTIVE SESSION**

None.

VII. BENEFICIARY COMMENTS*

None.

VIII. ANNOUNCEMENTS

None.

IX. ADJOURNMENT

Trustee Apoliona moves to adjourn the BAE meeting.

Trustee Robert Lindsey seconds the motion.

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

							2:56 p.m.
TRUSTEE		1	2	AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA						EXCUSED
PETER	APO						EXCUSED
HAUNANI	APOLIONA	1		X			
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY		2	X			
COLETTE	MACHADO						EXCUSED
OSWALD	STENDER			X			
CHAIR JOHN	WAIHE`E			X			
TOTAL VOTE COUNT				5	0	0	4

MOTION: ☒ UNANIMOUS ☐ PASSED ☐ DEFERRED ☐ FAILED

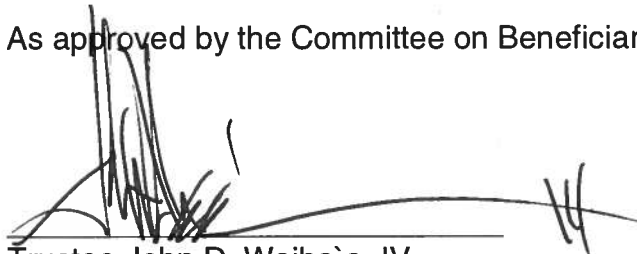
Chair Waihe`e adjourns the BAE meeting at 2:56 p.m.

Respectfully submitted,



Melissa Wennihan
Trustee Secretary
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on September 26, 2012.



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

ATTACHMENTS:

- Notice of Excused Absence (4)
- Community Sign-In Sheet dated September 5, 2012

MEETING TYPE: ☐ BOARD ☒ COMMITTEE ☐ COMMUNITY

COMMITTEE ON: BAE COMMITTEE MEETING
Wednesday
September 5, 2012 1:30pm

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