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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



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**

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

DEPUTY GOVERNOR
OFFICE

'12 SEP 20 10:53

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

DATE: Wednesday, September 26, 2012

TIME: 1:00 p.m.

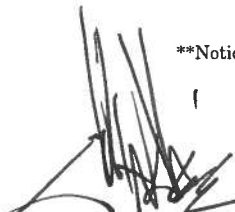
PLACE: OHA Boardroom, 5TH Floor

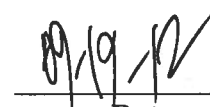
AGENDA

- I. Call to Order
- II. Approval of Minutes
 - A. September 5, 2012
- III. Community Concerns*
- IV. Unfinished Business
- V. New Business
 - A. BAE 12-02 Renewal of Directors Lowell Kalapa and Mercer Vicens to the Native Hawaiian Revolving Loan Fund Board of Directors
 - B. Government & Crown Lands Update
 - C. Governance Workshop
- VI. Executive Session**
 - A. Briefing and legal advisory by Breann Nu'uhiwa, Esq. and Ernest Kimoto, Esq., Corporate Counsel, regarding the Board's powers, duties, privileges, immunities, and liabilities related to governance initiatives. Per HRS § 92-4, HRS § 92-5(a)(3), and/or HRS 92-5(a)(4).
 - B. Approval of Executive Session Minutes for February 9, 2011
- 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, HRS § 92-5(a)(3), and/or HRS 92-5(a)(4). For further information, please call 594-1954.


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


Date

**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500**

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

MINUTES

September 26, 2012 1:00 p.m.

ATTENDANCE:

Chairperson John Waihe'e, IV
Vice-Chairperson Rowena Akana
Trustee Peter Apo
Trustee Hulu Lindsey
Trustee Robert Lindsey
Trustee Colette Machado
Trustee Oswald Stender

EXCUSED:

Trustee Haunani Apoliona
Trustee Donald Cataluna

BOT STAFF:

Capsun Poe
Crayn Akina
Dayna Pa
Kama Hopkins
Lehua Itokazu
Liana Pang
Melissa Wennihan
Nathan Takeuchi
Reynold Freitas

ADMINISTRATION STAFF:

Aedward Los Banos, COO
Breann Nu'uhiwa, CA
Ernest Kimoto, CC
Hawley Alamodin, CFO
Jim McMahon, ADV
Jocelyn Doane, PUBL
Kamoa Quitevis, CULTU
Keala Nichols, PUBL
Keith Yabusaki, TAP
Koalani Kaulukukui, LPM
Luci Meyer, OTR
Sterling Wong, PUBL

GUESTS:

Keali'i Makekau

I. CALL TO ORDER

Chair Waihe'e calls the Committee on Beneficiary Advocacy and Empowerment for Wednesday, September 26, 2012 to order at **1:25 p.m.**

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

MEMBERS			AT CALL TO ORDER (1:25 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE CHAIR	ROWENA	AKANA	PRESENT	1:27pm
TRUSTEE	PETER	APO	PRESENT	
TRUSTEE	CARMEN "HULU"	LINDSEY	PRESENT	
TRUSTEE	ROBERT	LINDSEY	PRESENT	
TRUSTEE	COLETTE	MACHADO	PRESENT	
TRUSTEE	OSWALD	STENDER	PRESENT	

At the Call to Order, **SIX (6) Trustees are PRESENT**, thereby constituting a quorum.

EXCUSED from the BAE meeting are:

MEMBERS			COMMENT
TRUSTEE	HAUNANI	APOLIONA	MEMO – REQUESTING TO BE EXCUSED
TRUSTEE	DONALD	CATALUNA	MEMO – REQUESTING TO BE EXCUSED

II. APPROVAL OF MINUTES

A. September 5, 2012

Trustee Hulu Lindsey moves to approve the minutes of September 5, 2012.

Trustee Peter Apo 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.

							1:26 p.m.
TRUSTEE		1	2	AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA						Not present at time of vote
PETER	APO		2	X			
HAUNANI	APOLIONA						EXCUSED
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY	1		X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO			X			
OSWALD	STENDER			X			
CHAIR JOHN	WAIHE`E			X			
TOTAL VOTE COUNT				6	0	0	3

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. BAE 12-02 Renewal of Directors Lowell Kalapa and Mercer Vicens to the Native Hawaiian Revolving Loan Fund Board of Directors

Trustee Waihe`e seeks a motion to approve and recommend that the Board of Trustees approve Lowell Kalapa and Mercer Vicens to serve a second and final three-year term as Directors to the Native Hawaiian Revolving Loan Fund Board with expiration dates of 09/30/15 and 04/30/15, respectively.

Trustee Apo moves to approve the motion as stated.

Trustee Machado seconds the motion.

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

							1:27 p.m.
TRUSTEE		1	2	`AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA					ABSTAIN	
PETER	APO	1		X			
HAUNANI	APOLIONA						EXCUSED
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY			X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO		2	X			
OSWALD	STENDER			X			
CHAIR JOHN	WAIHE`E			X			
TOTAL VOTE COUNT				6	0	1	2

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

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

V. NEW BUSINESS

B. Government & Crown Lands Update

Trustee Waihe`e transitions into New Business Item B and calls on Chief Operating Officer Aedward Los Banos.

COO Los Banos recognizes Chief Advocate Breann Nu`uhiwa.

Chief Advocate Nu`uhiwa greets the committee and updates them on the ceded lands issue which internally they would like to refer to as "seized" as well as Governance efforts. She goes through the power point presentation below. There has been a lot of talk in the media recently about OHA's interest in ceded lands with people weighing in and opining. So we thought it be a good opportunity as a refresher for all of us in the room to lay out exactly where OHA stands today regarding ceded lands, ceded lands revenue, and explain how the working group will be moving forward from that point.

OHA has two separate interests in ceded lands that we are concurrently advancing. One is OHA, as an agency, has a constitutional right to collect a pro-rata portion of revenue from the Public Land Trust (the Public Land Trust is a subset of Ceded Lands). We have a broader interest in maintaining the ceded lands corpus for our beneficiaries; so preventing the sale of ceded lands and the alienation of ceded lands. The Hawai'i Constitution establishes OHA's right to receive a "pro-rata portion" though it doesn't say what that portion is so in 1990, HRS 10-13.5, established OHA's pro-rata portion as 20% of all of the funds that are derived from the public land trust. So what happened to the pro-rata portion? In 2001, Governor Cayetano put a stop to the pro-rata payments, and then in 2006 despite the fact that the pro-rata amount was defined as 20%, Act 178 established an interim payment to OHA of \$15.1 million per year as a temporary determination of our pro-rata share of public land trust revenue. That was until the legislature takes further action to determine the appropriate amount going forward.

Trustee Akana shares that if the HRS was not changed then the pro-rata share language still exists in the state's statutes. Therefore, when people argue that we're no longer entitled, we are in fact entitled because the statute was never amended. So perhaps if the climate is good we should be looking to the next legislation to reinstate that pro-rata share of 20%.

Chief Advocate Nu'uhiwa confirms that the 20% is still on the books, and the \$15.1 million is supposed to be a temporary placeholder until the legislature takes that issue back up. The way that it works on a practical level right now is that the agencies actually are paying 20% but it's capped at \$15.1 million. We've never gone past the \$15.1 million and we believe it's because of poor reporting etc., so we are researching that and looking into compliance with Act 178. Currently, our idea is that when we know exactly what is going on, what's owed to OHA, and what's being paid and not being paid then we can go in well informed to the legislature to take the issue of revenue back up. Koa is doing very important work in that area on the revenue analysis. The issue had been raised at the table and I would like to follow up at this moment about the possibility of OHA internally going for an audit, at our expense, to determine whether agencies are or are not complying. I wanted to bring the issue back up for discussion to see if there was a will for us to look into that and assess cost and perhaps come up with a proposal to the trustees.

Trustee Akana thinks there's a definite interest to look at this seriously and find out what the cost might be but that would mean that we would hire our own accounting firm to go in there and do what we did back in 1991 to look at all of the agencies and since that time many leases have expired that the state had which were paying into the ceded land revenue. However, those amounts were so minuscule that it didn't amount to very much money, but if the state has renewed leases with today's value then we are looking at some real money in terms of what our 20% would be.

Trustee Apo likes everything that was said and the audit sounds good. Politically, the reality is that the Speaker of the House has been adamant down through the years beginning with the Cayetano years that he is not going to address any of that unless it's part of a global settlement. That's the political high bar that we would have to go for.

Trustee Stender thinks the audit should be a high priority and it would lead to global settlement. There's a high urgency because the complexion of the legislature is changing.

Trustee Robert Lindsey agrees that an audit should be pursued and asks prior to 2001 and the interim payment of \$15.1 million, what was the annual payment?

Trustee Stender states that there was no set amount and the amount fluctuated dependent on what the state wanted to give at the time.

Trustee Hulu Lindsey asks if there's an I.O.U. for that.

Trustee Stender states that that was included in the Kaka'ako settlement.

Trustee Hulu Lindsey shares that she thinks an audit is a great idea however, she doesn't think we'll get anything this year. She believes the following year, when the Governor will be preparing for re-election would be a better opportunity.

Chief Advocate Nu'uhiwa seeks clarification regarding the audit. There were two ideas about an audit. One that we began to pursue last legislative session but didn't go all the way forward with was trying to compel the state at its expense to perform an audit of its own agencies for compliance. The other idea was that we would pay for and commission our own audit at our own expense which wouldn't require us to maneuver it specifically through legislation. Is it the will of the committee that we look into both of those options again?

The Committee agrees that they would like to explore both options.

Chief Advocate Nu'uhiwa proceeds that the working group priorities are currently to complete the revenue analysis that Koa is working on and to move forward hopefully with an audit either at the State's expense or OHA's that will give us concrete numbers to look to in order to assess the situation of whether the revenue payments are accurate right now. We are also looking at all the previous efforts that have been made regarding ceded lands as an agency to make sure that we have a good solid sense of the history that is behind what we've already done regarding ceded lands. There is the aspect of completing the ceded lands inventory which is a priority to ensure state agency compliance. If an agency is not reporting something that they should be reporting then we are able to say "those are ceded lands" and this is how we know. When we gather all of these concrete pieces together we are planning to work with experts in the field to develop strategies on how OHA will move forward.

Trustee Stender comments that he wouldn't let all of these other issues delay the audit.

Chief Advocate Nu'uhiwa duly notes Trustee Stender's comment, and asks the committee if there are any further questions regarding the ceded lands working group and where it stands right now.

Trustee Machado asks if the working group members have been identified yet.

Chief Advocate Nu'uhiwa responds that internally there are a number of individuals representing research, land, and public policy - it's a large working group some of them in the room right now are Jim, Koa, Sterling, Jocelyn and Breann. As the roster is finalized it can be provided to the trustees.

Trustee Stender comments that regarding the bullet point of completing ceded lands inventory he hopes it's not what keeps coming up every year about doing an inventory of all the ceded lands in the state because the cost was horrendous. For OHA, there really is no benefit. The State is going to keep trying to saddle OHA with that requirement; it's not OHA's obligation, it's the State's. Unless we are going to get all of the land in the inventory, he doesn't see any reason for doing it.

Trustee Akana agrees with Trustee Stender and adds that we decided long ago that all the income producing lands have already been identified and we have extensive TMKs with values going back, so the values must have improved since then. To do an inventory statewide would be costly and we're really not interested in parcels that we would neither get nor would want. For OHA's purposes we should focus on the income-producing parcels and identify OHA's pro-rata share in those lands that are already producing. At a later date in the future we could identify all of the ceded lands with our GIS mapping; whether or not we want to claim all of them is another story.

Trustee Apo thinks the notion of doing an inventory of all state lands is astronomical in numbers, but the political resistance to the settlement is that they want a global type settlement. So whatever we bring to the table and claim as being owed to us, they want to stop it at that. The downside of us assuming responsibility of a global settlement is we're going to have to abandon the notion of waiting for the Nation. There will be some resistance from the Hawaiian Community who will say "you don't have the authority to give up claims that we may want to file even though you get the settlement." So strategy wise, in terms of how we position the audit, is important.

Trustee Machado asks Chief Advocate Nu'uhiwa to confirm if in-house inventory efforts are currently being worked on so it's not that it would cost us more money but it will just be a final document.

Chief Advocate Nu'uhiwa confirms that.

Trustee Akana states that while we may know where the lands are the important part of this is to hire accountants so that we know what the value is. The value is what's going to help us, whether it's a plain piece of property with nothing on it, it still has a value and that's what we have to determine and this is where the accountants come in because they put a price tag on all of those parcels.

Trustee Machado asks if Kamoa could make some comments regarding the work they have done regarding the inventory in-house.

Kamoa Quitevis greets the board and shares that the research effort has multiple layers. The major platform for it is the Geographic Information System (GIS) system and we have the Kīpuka database. Specifically with the ceded lands portion, we are trying to take a genealogical perspective rather than look at land parcels now and do title searches backwards. We'll take the original land divisions that created crown and government lands and private lands and move that genealogy forward. By mapping out the original Puke Māhele it tells of all the lands that were rewarded to Konohiki. To the King they gave back a certain amount of lands that became government/crown lands. From that, land grants were removed out of that inventory with land commission awards, royal patent grants, and land grants being shown eventually all the way up to the present time. If you have that original inventory of Crown and Government Lands you will remove land parcels that were sold fee simple or leased. It would give a very good overall genealogy of land tenure but it could also answer lots of questions about what should be ceded lands. There are going to be pockets of things that have occurred that that is not going to answer because the titles weren't legally transferred; we can address those separately. I would estimate that about 95% of the question is if this parcel is a portion of ceded lands or not; we could answer that fairly quickly. That's the very basic of the strategy we are doing. We're taking government survey maps to map out the parcels in a Geographic Information System. We're doing the background research by getting the government documents like the Laukea Report around 1895 when they merged Crown and Government Lands. We'll take all of these resources and documents and attach it to the GIS.

Trustee Akana asks if we have the Hawaiian Home Lands inventory in the GIS system.

Kamoa Quitevis confirms that there is a layer of Hawaiian Home Lands in Kīpuka that are shapes that outline the boundaries of the Hawaiian Homes parcels and notes that it is available through the state which is where we got it. One of the things about some of those types of data sets is that they are only as good as whoever provided the data; so it could need updating at this point.

Trustee Akana adds that a long time ago we looked at getting the City's land list as well because it has present TMKs to make a layer on this GIS so that we could see where it started and where it is today. She states the city has that information available and asks whether or not it is included in the GIS.

Kamoa Quitevis responds that the State provides a layer of ceded lands which is a listing of 5(b) lands that come from SLIMS, the State Land Inventory Management System. We've taken the SLIMS database's latest version and overlaid it onto the TMK parcels that shows whether a land is designated 5(b), 5(a) or if it was acquired after Statehood. So we have that listing, however, there have been multiple documents and reports coming from research that depict some deficiencies of SLIMS. So we do have those layers and it will be relevant to weigh against some of our findings. SLIMS does not include all state agencies its mostly just DLNR.

The Committee thanks Kamoa for sharing his mana'o.

Chief Advocate Nu'uhiwa addresses Trustee Apo's point regarding the issue of respective kuleana of OHA and the Native Hawaiian Governing Entity is a critical part of what we will be consulting with the experts on. Not only would OHA have the right to negotiate a Global Settlement, but given what the rights of the Native Hawaiian Governing entity could be, OHA might have a duty to do that in order to provide a foundation for the Governing entity.

Chair Waihe'e asks whether or not any settlement that OHA makes is based on laws that are specific to OHA. In other words, if OHA didn't settle it could the State say to the Hawaiian entity this law is specific to Office of Hawaiian Affairs therefore you have no claim to any of the things mentioned in this law.

Chief Advocate Nu'uhiwa responds that that is exactly what she was alluding to in answering Trustee Apo's question. It's an issue that we plan on raising with those who will be assisting us in developing a strategy. Identifying which rights can only be pursued by OHA is critical because if we don't vindicate those rights during OHA's existence and OHA gives way to a Native Hawaiian Governing Entity, there may or may not be concern that now that OHA may be no longer, then those rights may be no longer. That may not be the case but it is a concern that needs to be examined moving forward to see what OHA's responsibilities are.

'Āina & 'Ea Updates

Presented to the BAE Committee
September 26, 2012

THE OFFICE OF HAWAIIAN AFFAIRS
Engaging. Advancing. Strengthening. Serving.

OHA

OHA ORGANIZATIONAL PRIORITIES

MO'OMIEHEU

- Culture

'ĀINA

- Land & Water

EA

- Governance

Our primary role as an organization



THE OFFICE OF HAWAIIAN AFFAIRS
Engaging. Advancing. Strengthening. Serving.

OHA



ORGANIZATIONAL PRIORITY WORKING GROUPS

- Government & Crown Lands ("Ceded" Lands)
- Governance
- Water

Government & Crown Lands Update

OHA's Interests in "Ceded" Lands

- OHA maintains two separate interests in "ceded" land:
 1. Its constitutional right to collect a pro rata portion of revenue from the public land trust (the public land trust is a subset of ceded land); and
 2. Maintaining an intact "ceded" land corpus.

OHA's "Pro Rata Portion"

- Hawai'i Constitution Article XII, section 6 establishes OHA's right to receive a "pro rata portion" of the revenues generated from the use of public trust land for the betterment of the conditions of Native Hawaiians.
- In 1990, Hawai'i Revised Statutes ("HRS") section 10-13.5 established OHA's pro rata portion as 20% of all funds derived from the public land trust.

What Happened to OHA's "Pro Rata Portion"?

- In 2001, Governor Cayetano put a stop to the pro rata payments.
- In 2006, notwithstanding HRS section 10-13.5, Act 178 established an interim payment to OHA of \$15.1 million per year as a temporary determination of OHA's pro rata share of public land trust revenue, until the legislature takes further action to determine the appropriate payment going forward.
- Executive Order 06-06 requires agencies that use public trust land to transfer 20% of all revenue generated from that land to OHA, up to \$15.1 million annually.

Working Group Priorities

- Revenue analysis
 - Proposed audit of government agencies
- Assessment of previous OHA efforts relating to "ceded" lands
- Completing "ceded" lands inventory
- Developing strategy for moving forward in cooperation with experts

C. Governance Workshop

Chief Advocate Nu'uhiwa continues with the PowerPoint presentation and moves on to the next item regarding an update on Governance. There is a vision that OHA was created as a placeholder for the Native Hawaiian Government until it resumes functioning. As a placeholder we are essentially keeping the seat warm for the Native Hawaiian Government, but as we do that we have very concrete responsibilities (listed in PowerPoint).

In terms of advocating for rights to self-determination and self-governance, currently through advocacy and with support of the community, the rights that are currently confirmed by law are: the right to create a base roll (Native Hawaiian Roll Commission- Kana'iowalu) and the right to convene to discuss self-governance and move forward with that issue. These are both confirmed by Act 195. However, Act 195 ends there as those are the only rights that Act 195 would presumably protect.

When you get to the next step, and if you have a convention and the convened lahui decides it wants to move in a State Recognition direction, then onto Federal Recognition and then onto International Recognition from there or to go directly to anyone of those points the options are not clearly confirmed by any decisions or laws or opinions that are out there. This is where our advocacy in self-governance is focused right now.

Since Federal Recognition is a long ongoing process that has been in motion for over a decade now there are some clear steps that we know how to take in that area. In order to protect that right, we are taking the steps. State Recognition is a new creature that hasn't been thought out in the same way that Federal Recognition has. Questions like: What type of relationship the base roll may want to have with the State of Hawai'i, remain to be answered.

Similarly, in the area of international governance, there are many movements and many people already doing good work in this area. However, like state recognition the landscape is not as clear on how OHA can get involved, support, and do to preserve those rights for such time that the lahui can move forward if that is their desire. We are hoping to lend our support in certain areas like working with Kana'iowalu to create an abbreviated process so that Kau Inoa registrants who would like to be transferred over to Kana'iowalu can do so with very little red tape and resistance. We will be sending an email to all of the Kau Inoa registrants to inform them of this and concurrently include the information on our website for all who are Kau Inoa registrants, Operation 'Ohana registrants or Hawaiian Registry registrants to inform them of the process. Additionally, the October issue of Ka Wai Ola will be a governance-themed issue that will include the information as well.

Trustee Akana asks how successful we have been in matching up Operation `Ohana, Kau Inoa, and Kana'iolo'lowalu. She asks if OHA was able to bridge the databases so that we have a set list.

Chief Advocate Nu'uhiwa responds that we have been able to identify the overlaps; people who are registered on more than one list.

She moves on to mention that steps have been taken to educate the community regarding Kana'iolo'lowalu which was included in the last Ka Wai Ola. We are hoping as we move forward that we can begin the conversation of what OHA might do in supporting a convention which is urged by Kana'iolo'lowalu. After the base roll is complete, the idea is that there would be a convention for those enrolled to discuss important issues of self-governance. We haven't gotten to that point of discussion just yet but it is on the horizon. The idea is that at the convention there would be a conversation about what the convened members would like to do with respect to state recognition, federal recognition, international recognition or maybe none of those options. This would be after the roll commission is dissolved and the lahui takes over the roll and moves forward with it.

So that's an area that we continue to look in to. The idea of state recognition is largely unexplored at this point. There are a number of native persons within the United States who are recognized by their state that they reside in but not by the federal government. Two weeks ago at the federal level, a slimmed down version of the Akaka Bill passed out of Senator Akaka's committee that recognizes the roll created by the roll commission as the roll that would then elect the governing council and would then submit an application for federal recognition, if that was the will of the convened members.

For the International arena, what we would like to do is to open the door for OHA to become more informed about what is happening on that level and if there is a role for OHA to try to protect those options. So OHA's role is really to protect as many options as possible so that when there is a Native Hawaiian Governing Entity in place they will have options to be discussed as opposed to a bleak situation where there's nowhere to go and no legal path to anything. So we have been in discussion and are continuing to educate ourselves. At the end of November, we will hold an initial summit to educate our staff and the community about various efforts that are going in state, federal and international recognition and to promote informed decision-making by our community at the future convention. The idea is not to have any specific plan come out of this, but to start a dialogue and identify if there's any overlap. We need to identify if there are ways that groups can support each other and if there are ways that OHA can support other groups and to see whether or not there's opportunity for collaboration and cooperation. It has become increasingly obvious that federal funding has been cut for everybody not just specific groups.

Governance Update

OHA's Role in Native Hawaiian Self-Governance

- OHA as a placeholder for the Native Hawaiian government until it resumes
- Work to better the conditions of the people
- Protect, manage, and advocate for lāhui resources
- Transfer resources to the Native Hawaiian government

OHA's Role in Native Hawaiian Self-Governance: Conditions

- Work to better the conditions of the people
 - Empower our beneficiaries
 - Build the seeds of government institutions

OHA's Role in Native Hawaiian Self-Governance: Protection

- Protect, manage, and advocate for lāhui resources
 - Land
 - Natural & Cultural Resources
 - Financial Resources
 - **RIGHTS**
 - Traditional & Customary Rights
 - Land & Water Rights
 - Rights to Self-Determination and Self-Governance

Advocating for Rights to Self-Determination and Self-Governance

- Opening up paths to self-governance

	Right Explicitly Confirmed by Law
Creation of a Base Roll	Yes
Convention of Native Hawaiians	Yes
State Recognition of Native Hawaiian Government	No
Federal Recognition of Native Hawaiian Government	No
International Recognition of Native Hawaiian Government	No

Supporting the Compilation of the Base Roll & Convention

- Kau Inoa
- Kana'iolowalu
- Supporting Convention

Advocating for Right to Pursue Recognition (If Desired)

- State
- Federal
 - Akaka Bill
 - Interior Appropriations Language
- International

Summits

- November 28 & 29
- Open dialogue within and between groups about the interaction (if any) between their efforts
- Educate OHA and the community about various efforts to promote informed decision-making at convention

VI. EXECUTIVE SESSION**

- A. Briefing and legal advisory by Breann Nu`uhiwa, Esq. and Ernest Kimoto, Esq., Corporate Counsel, regarding the Board's powers, duties, privileges, immunities, and liabilities related to governance initiatives. Per HRS § 92-4, HRS § 92-5(a)(3), and/or HRS § 92-5(a)(4).

Chair Waihe`e states that the committee will have a report in Executive Session where Chief Advocate Breann Nu`uhiwa, Esq. will be sharing some confidential information.

Chair Waihe`e asks for a motion to resolve into Executive Session pursuant to HRS § 92-4, HRS § 92-5(a)(3), and HRS § 92-5(a)(4).

Trustee Machado moves to resolve into Executive Session.

Vice-Chair Akana seconds the motion.

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

							2:33 p.m.
TRUSTEE		1	2	`AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
ROWENA	AKANA		2	X			
PETER	APO			X			
HAUNANI	APOLIONA						EXCUSED
DONALD	CATALUNA						EXCUSED
HULU	LINDSEY			X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO	1		X			
OSWALD	STENDER						NOT PRESENT AT VOTE
CHAIR JOHN	WAIHE`E			X			
TOTAL VOTE COUNT				6	0	0	3

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

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

Trustee Machado asks the BAE Chair if the Trustees' staff can stay.

Chair Waihe`e confirms that Trustees' staff may stay.

The committee resolved into Executive Session at 2:33 p.m. to discuss:

VI. EXECUTIVE SESSION**

- A. Briefing and legal advisory by Breann Nu`uhiwa, Esq. and Ernest Kimoto, Esq., Corporate Counsel, regarding the Board's powers, duties, privileges, immunities, and liabilities related to governance initiatives. Per HRS § 92-4, HRS § 92-5(a)(3), and/or HRS 92-5(a)(4).
- B. Approval of Executive Session Minutes for February 9, 2011

The committee returned to Open Session at 2:44 p.m.

VII. BENEFICIARY COMMENTS*

None.

VIII. ANNOUNCEMENTS

None.

IX. ADJOURNMENT

Trustee Akana moves to adjourn the BAE meeting.

Trustee Hulu Lindsey seconds the motion.

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

							2:45 p.m.
TRUSTEE		1	2	AE (YES)	A`OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
VICE ROWENA	AKANA	1		X			
PETER	APO						NOT PRESENT AT VOTE
HAUNANI	APOLIONA						EXCUSED
DONALD	CATALUNA						EXCUSED
CARMEN HULU	LINDSEY		2	X			
ROBERT	LINDSEY			X			
COLETTE	MACHADO			X			
OSWALD	STENDER						NOT PRESENT AT VOTE
CHAIR JOHN	WAIHE`E			X			
TOTAL VOTE COUNT				5	0	0	4

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

Chair Waihe`e adjourns the BAE meeting at 2:45 p.m.

Respectfully submitted,

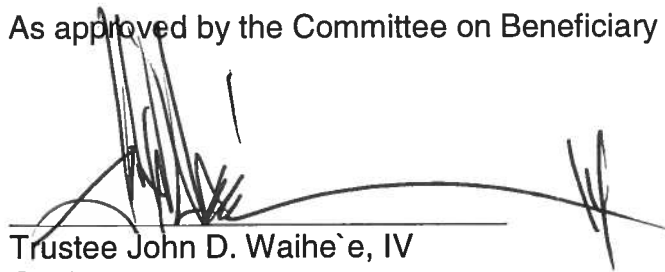


Melissa Wennihan

Trustee Secretary

Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment on October 31, 2012.



Trustee John D. Waihe'e, IV

Chair

Committee on Beneficiary Advocacy and Empowerment

ATTACHMENTS:

- Notice of Excused Absence (2)
- Community Sign-In Sheet dated September 26, 2012