***DRAFT***

**COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)**
March 4, 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=dZKlqDNMeho&t=29s**

## MINUTES

### ADMINISTRATION

Brickwood Galuteria, Chair
Kaleihikina Akaka, Vice Chair (arr. 9:04 a.m.)
Dan Ahuna
Keli'i Akina
Luana Alapa
Kaialiʻi Kahele (Excused)
Carmen Hulu Lindsey
Keoni Souza
John Waiheʻe, IV (arr. 9:11 a.m.)
Summer Sylva, Interim CEO
Sean Kekina, COO
Deja Ostrowski
James Matsuzaki
Kevin Chak
Kyle Saucier
Lise Vaughan-Sekona

### BOARD COUNSEL

Kapono Kiakona

### GENERAL COUNSEL

Everett Ohta

### BAE STAFF

Lei-Ann Stender Durant
Mark Watanabe
Nathan Takeuchi
Remy Keliʻihoʻomalu

### BOT STAFF

Anuhea Diamond
Carina Lee
Pōhai Ryan
Sommer Soares

## I. CALL TO ORDER

**Chair Galuteria** called the March 4, 2026 meeting of the Committee on Beneficiary Advocacy and Empowerment to order at 09:03 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 Trustee Akina‘s Aide, Remy Keli‘iho‘omalu, serving as the Committee Technology and Information Specialist. **Chair Galuteria** thanked **Trustee Akina** for allowing Remy to help with the BAE Team.

**Chair Galuteria** called for the roll to confirm attendance:

**Roll Call**
**Present:** Trustees Ahuna, Akina, Alapa, Lindsey, Souza, Chair Galuteria
**Excused:** Trustee Kahele
**Not Present at time of vote:** Trustees Akaka, Waihe‘e IV
With six trustees present, a quorum had been established.
(Time Stamp: 1:07/56:13 ~ Real Time: 09:03:09 a.m.)

## II. NEW BUSINESS

**Chair Galuteria** asked **Public Policy Manager, Deja Ostrowski**, to join the Trustees at the board table.

**Legislative Session Overview**
(Time Stamp: 3:14/56:13 ~ Real Time: 09:05:13 a.m.)

**Deja** provided an overall legislative update for the Office of Hawaiian Affairs (OHA) public policy package. It was reported that despite an intense workload and high volume of testimony submissions, outcomes to date had been favorable. Trustees acknowledged the update and expressed anticipation for a positive report.

**a. 2026 OHA State Legislative Bill Package – Matrix 1**
(Time Stamp: 4:29/56:13 ~ Real Time: 09:06:28 a.m.)

**Public Testimony**
None

**Bill Updates**

**1. Land Use Commission Bill**
(Time Stamp: 4:58/56:13 ~ Real Time: 09:06:57 a.m.)

**Deja** explained that the purpose of this bill authorized OHA to designate the traditional Hawaiian land use seat by adding water (wai) expertise representation on the Land Use Commission.
**Deja** further explained that this bill was still alive and progressing. 116 pages of testimony that were overwhelmingly supportive were submitted. Testimonies emerged as a key legislative vehicle to ensure responsible land use development, incorporate water resource considerations, and expand meaningful community engagement in decision-making.
(Time Stamp: 5:12/56:13 ~ Real Time: 09:07:11 a.m.)

**2. Commercial Aquarium Fishing Ban Bill**
(Time Stamp: 5:35/56:13 ~ Time Stamp: 09:07:34 a.m.)

**Deja** reported that this bill was alive and advancing due to, she believes, strong community participation in testimony, increased awareness through media coverage, and parallel administrative action such as the Board of Land and Natural Resources (BLNR) advancing rules that include a potential aquarium fishing ban. This bill continues to gain traction despite earlier expectations it would not survive the early stages.
(Time Stamp: 5:40/56:13 ~ Real Time: 09:07:39 a.m.)

**3. Burial Council Support Bill**
(Time Stamp: 6:26/56:13 ~ Time Stamp: 09:08:25 a.m.)

**Deja** told the Trustees that the purpose of this bill was to address recruitment and retention challenges for Island Burial Council (IBC) members by establishing a reimbursement framework to reduce participation barriers and improve quorum reliability.
Background issues identified included persistent difficulty maintaining quorum for Burial Council meetings as well as structural barriers to participation, including childcare obligations; lost wages or the need to take time off work; and travel and time commitments associated with meetings and site visits. There is currently a reliance on largely voluntary service limits, participation, and equity.
A proposed approach to these issues included the development of a **s**tructured reimbursement system, rather than a flat stipend and a conceptual reimbursement category that includes childcare expenses; lost wages or compensated participation time; and other necessary costs related to service.
**Deja** reported that this bill was alive and advancing post-crossover.

**Chair Galuteria** emphasized that recruitment challenges were longstanding and systemic. He raised a concern that a flat stipend (e.g., nominal fixed payments) would possibly be insufficient and appear arbitrary or inequitable. He directed the advocacy team to return with multiple reimbursement/compensation structure options including clear justification for each model that would include consideration of fairness, adequacy, and sustainability.
**Chair Galuteria** stated that the measure was seen as critical to strengthening Burial Council operations by improving quorum reliability, broadening participation, and supporting continued protection and stewardship of iwi kūpuna.
(Time Stamp: 6:31/56:13 ~ Real Time: 09:08:30 a.m.)

**4. Historic Preservation Bill**

(Time Stamp: 7:42/56:13 ~ Real Time: 09:09:41 a.m.)

**OHA's advocacy team** proposed to repeal or amend portions of a historic preservation law enacted in the prior legislative session with the intent to address implementation challenges, clarify regulatory requirements, and improve alignment with Native Hawaiian cultural resource protection priorities. The prior law was recently adopted, and agencies and stakeholders are still in the early stages of implementation.
Concerns prompting this bill included: administrative burdens or inefficiencies, unintended consequences affecting project approvals and cultural resource management, and the need for better integration of Native Hawaiian perspectives and consultation processes. However, due to the recency of the law, there was institutional reluctance to reopen or revise it so soon after passage.
Repealing or significantly amending newly enacted legislation was characterized as a "heavy lift," requiring broad stakeholder alignment, additional time for evaluation of impacts under the current law, and stronger legislative and agency support.
**Deja** reported that the bill had died and was no longer advancing for the current session. Because there was a need for continued monitoring of how the existing law performs in practice, further stakeholder engagement was needed to identify other concerns. **Deja** suggested that policy change in this area would require a more incremental or phased approach rather than asking for immediate repeal.
**Deja** indicated possible intent to reassess and refine proposed amendments; build broader support among legislators, agencies and community stakeholders; and potentially reintroduce revised legislation in a future session. While unsuccessful this session, the effort highlights ongoing concerns around historic preservation and cultural resource management and positions OHA to continue advocating for improvements that better protect cultural sites, historic resources, and Native Hawaiian heritage.

In summary, three of OHA's six proposed bills continue to advance.
(Time Stamp: 7:47/56:13 ~ Real Time: 09:09:46 a.m.)

***Note: Matrix 1 was for information only. There was no decision-making, and no vote was taken.***

**II. NEW BUSINESS (continued)**
**b. 2026 Legislature: OHA Position on Bills Naming OHA – Matrix 2**
(Time Stamp: 8:37/56:13 ~ Real Time: 09:10:36 a.m.)

**Public Testimony**
None

**Discussion**
**Deja** introduced **HB2584** as part of OHA's legislative package and noted that this bill proposes to increase Public Land Trust (PLT) revenues and that continued advancement of two PLT bills (**HB2584/SB3307**) was identified as a positive development.
**Deja** recommended a change of position to *Support* for **HB2584** and acknowledged participation by Chair Emerita, Hulu Lindsey, and Committee Vice Chair Akaka at the legislative hearing. She invited feedback from Trustees Lindsey and Akaka at this time.
(Time Stamp: 8:49/56:13 ~ Real Time: 09:10:48 a.m.)

**Vice Chair Akaka** provided the following detailed observations regarding the legislative hearing and associated testimony that had shifted from prior amendment discussions to a focus primarily on determining the dollar amount of PLT revenue allocation. **Vice Chair Akaka** emphasized that this shift heightened the importance of accurate legal interpretation in legislative decision-making.
**Vice Chair Akaka** raised concerns regarding oral testimony provided by the Attorney General's office, stating that the testimony was concerning and not necessarily accurate. She felt the Attorney General's testimony may have mischaracterized the legal framework governing PLT revenues by creating confusion or weakening the understanding of this mandate and that the testimony might have influenced legislators as they moved forward determining funding levels.
**Vice Chair Akaka** also stressed that the Hawai'i State Constitution mandates that 20% of Public Land Trust revenues be allocated to OHA; this allocation is not discretionary but a constitutional requirement. She further noted the difference between written and oral testimony presented by the Attorney General's Office; it concerned her that the oral testimony introduced interpretations that could confuse committee leadership and members.
She highlighted that such discrepancies undermined clarity in the legislative record and increased the risk of misinformed decision-making.
**Vice Chair Akaka** emphasized the possibility that legislators could rely on the Attorney General's testimony as key legal authority. Any inaccuracies could affect committee deliberations, budget decisions, and OHA's receipt of constitutionally mandated funds.
**Vice Chair Akaka** recommended engagement by OHA's public policy team with committee chairs, committee vice chairs, and legislative members. She believes that engaging with one another would provide accurate clarification of the law, reinforce OHA's constitutional entitlement to 20% PLT revenues, and ensure informed legislative decision-making.
(Time Stamp: 9:27/56:13 ~ Real Time: 09:11:26 a.m.)

**Chair Emerita, Hulu Lindsey,** reported that a meeting was conducted with Public Land Trust Working Group (PLTWG) legal counsel, Sherry Broder**,** due to concerns regarding the Attorney General's testimony as it was considered a misrepresentation of the law. A formal letter was drafted to the Attorney General (AG) proposing that Chair Emerita and Ms. Broder meet with her to provide accurate information. She explained that although correcting the misinformation was critical, she did not want to send the letter to the AG before speaking with and getting support from the other OHA board members before doing so.
**Chair Emerita** noted that similar inaccurate testimony occurred previously at Representative Tarnas's committee [Judiciary and Hawaiian Affairs], but Chair Emerita was able to correct the misinformation at that time.
**Chair Emerita** further reported concern regarding testimony from another PLTWG member suggesting the use of the PLT overflow account to fund the inventory and audit. **Chair Emerita** expressed dissatisfaction with this recommendation.

***Update: The Finance Committee advanced HB2584 with the funding amount left blank. The bill will now proceed to the Senate Ways and Means Committee; and, potentially, will advance to conference committee***

**Chair Emerita** expressed concern regarding the uncertainty created by the unspecified funding amount that was left out of the bill.
(Time Stamp: 11:00/56:13 ~ Real Time: 09:13:04)

**Chair Galuteria** clarified Chair Emerita's request for the Board of Trustees to authorize Chair Emerita Lindsey and Ms. Broder to meet with the AG to correct the misinformation so that the way the law is written is not misrepresented. **Chair Galuteria** expressed that he supports the meeting and encouraged the other trustees to weigh in with their thoughts.
(Time Stamp: 13:15/56:13 ~ Real Time: 09:15:14 a.m.)

**Vice Chair Akaka** confirmed the accuracy of the AG did having the same testimony as did the Judiciary and Hawaiian Affairs Committee and the Finance Committee. She further expressed the need for mitigation for any legislator that will be voting on this matter.
(Time Stamp: 13:47/56:13 ~ Real Time: 09:15:46 a.m.)

**Trustee Ahuna** raised concerns regarding the language "temporarily increase the total amount of Public Land Trust revenues," questioning its practicality and legal meaning. The concern emphasized that revenues owed should not be characterized as "temporary," but rather as an obligation due to beneficiaries. Clarification was sought on whether the adjustment could be based on a percentage (e.g., 20%) of the overall budget.
(Time Stamp: 14:45/56:13 ~ Real Time: 09:16:44 a.m.)

**Chair Emerita** clarified that such an approach is not permissible, as PLT revenues fall under a 5(f) trust, which imposes legal constraints on how funds are calculated and allocated. Additionally, the land inventory and the audit have not yet been completed. She went on to explain that the term "temporary" is tied to the incomplete status of the audit and inventory of PLT revenues. There exists an overage account, representing funds already belonging to OHA but not yet fully distributed. The immediate proposal aims to draw from this overage account to increase near-term payouts to OHA.
**Chair Emerita Lindsey** clarified that the Legislature will ultimately determine the amount appropriated (e.g., $0, $5 million, $10 million, etc.) but emphasized that the current request seeks funding from the overage account, not the general fund. It was reiterated that the overage account consists of funds belonging to OHA; and, therefore, should not be considered part of general fund obligations. The intent of the request is to access accumulated overage funds rather than compete for general fund appropriations. She further expressed concern that the Finance Committee did not specify a funding amount, noting that an earlier request may have been for approximately $30 million.
**Chair Emerita** sought clarification from **Public Policy Manager, Deja Ostrowski**, regarding projected requests from the overage account for the upcoming biennium. The request could be at least $50 million per year, dependent on the balance and carry-forward amounts; the figures would reflect available funds within the account, including any accumulated carryover.
(Time Stamp: 16:25/56:13 ~ Time Stamp: 09:18:24 a.m.)

**Vice Chair Akaka** noted that the Judiciary and Hawaiian Affairs Committee had discussed the possibility of lifting the cap on the overage account, and testimony in that committee referenced the carry-forward balance. There was also mention in the committee of lifting the cap; however, the Committee Chair intentionally left the funding amount blank for further determination by the Finance Committee.
(Time Stamp: 17:15/56:13 ~ Real Time: 09:19:14 a.m.)

**Chair Emerita** shared her thoughts that the increase is "temporary" because there is most likely only so much money in the overage account. The hope is that each year the funds will increase as the 20% owed will continue to be deposited into OHA's account. Regarding the current balance of the overage accoun**t**, estimated at approximately $57 million, **Chair Emerita** added that increasing withdrawals (e.g., $30–$50 million annually) could significantly deplete the account and that the account is expected to replenish annually through OHA's 20% revenue share.
(Time Stamp: 15:06/56:13 ~ Real Time: 09:17:06 a.m.)

**Trustee Ahuna** expressed frustration regarding limited legislative success in advancing OHA-related measures, ongoing narratives presented by the Attorney General's office and others that were characterized as inaccurate or misaligned with OHA's current efforts, and the importance of continuing to assert OHA's position regarding revenues owed to the agency. He felt that because the narratives are not true, the narratives being created were incorrect.
(Time Stamp: 18:31/56:13 ~ Real Time: 09:20:30 a.m.)

**Trustee Akina** stated his support for Chair Emerita Lindsey's request to visit with the AG and discuss clarification of this issue.
(Time Stamp: 18:59/56:13 ~ Real Time: 09:20:58 a.m.)

**Trustee Souza** inquired about the role of legal counsel, Sherry Broder, in relation to Chair Emerita Lindsey's request to meet with the Office of the Attorney General. Specifically, **Trustee Souza** asked whether Ms. Broder would be participating as a member of the PLTWG or in her professional capacity as legal counsel. **Trustee Souza** further noted that if Ms. Broder were acting in her capacity as an attorney, such participation could have associated budgetary implications. He asked what approval process would be required should an expenditure be necessary. **Chair Emerita Lindsey** responded that Ms. Broder would be representing the PLTWG in her capacity as the group's legal counsel, rather than serving in a paid legal role for OHA. **Trustee Souza** confirmed his understanding that, based on this clarification, no expenditure would be incurred. **Trustee Lindsay** affirmed.
(Time Stamp:19:06/56:13 ~ Real Time: 09:21:05 a.m.)

**Trustee Waihe'e, IV,** inquired if this issue centered around the money [20% of fees due from crown and government lands revenue that is owed OHA yearly].
**Deja** clarified that the funds under discussion represented amounts already being reported by the State as 20% of acknowledged ceded land revenues, emphasizing that these figures are not in dispute. **Deja** underscored that the State itself is reporting these revenues, implying agreement on the underlying financial obligation.
**Trustee Waihe'e, IV** raised a question regarding the potential objection from the State to the proposed bill, given the apparent alignment that the funds are owed. In response, **Deja** noted that she believed that was the reason there were concerns stemming from prior testimony by the AG, which may have introduced uncertainty or inconsistency relative to this shared understanding. She further indicated that there had been an expectation that the State's position, particularly from the Finance (FIN) Chair and committee members, would formally acknowledge that these revenues were undisputed and attributable to OHA. However, concerns remain regarding the State's interpretation and the AG's testimony. **Deja** suggested that the State's hesitation may relate to concerns about exceeding existing statutory or policy caps on revenue transfers. Participants noted that the State appears to favor a temporary, two-year approach, allowing the PLTWG additional time to evaluate and determine a longer-term resolution. She discussed the need to identify and specify a finite appropriation amount, rather than leaving it open-ended, to fully utilize the funds currently held in the account. A proposed figure of $50 million was identified as a reasonable estimate, with the expectation that this amount would sufficiently address the available balance.
**Trustee Waihe'e, IV** acknowledged the concern about exceeding the cap but noted that the very purpose of the legislative measure is to address and potentially override that limitation.
(Time Stamp: 19:58/56:13 ~ Real Time: 09:21:57 a.m.)

**Chair Galuteria** asked OHA's Corporate Counsel, Everett Ohta, for his opinion on the matter. The discussion concluded with an invitation for additional input from Everett, indicating that further clarification or perspective was anticipated. General agreement was that the revenues in question are acknowledged and undisputed. Ongoing concerns remain regarding the interpretation of the AG's testimony and the State's reluctance tied to cap limitations.
(Time Stamp: 23:00/56:13 ~ Real Time: 09:24:59 a.m.)

**Chair Emerita** raised a concern regarding testimony provided by the Deputy Attorney General, specifically, noting that the AG's statement indicated there is no statutory basis requiring a 20% allocation of ceded land revenues to OHA. She asserted that this statement was inaccurate, emphasizing that there is, in fact, statutory authority supporting the 20% entitlement. She identified this discrepancy as a central point of concern and clarified that this issue is shared by both her and legal counsel, Sherry Broder. Their concerns centered on the legal interpretation presented in official testimony and its potential implications for ongoing legislative and policy discussions.
(Time Stamp: 24:44/56:13 ~ Real Time: 09:26:43 a.m.)

**Chair Galuteria** acknowledged the concerns and invited additional comments.
(Time Stamp: 25:04/56:13 ~ Real Time: 09:27:03 a.m.)

**Vice Chair Akaka** expressed appreciation to Representative Kahaloa for her continued diligence and leadership on the matter. The **Vice Chair** further highlighted the importance of ongoing education and outreach to both legislators and the broader community. It was noted that there is a perception that OHA should be receiving at least $80 million yearly which does not account for accrued interest over time since prior audits were conducted. **Vice Chair Akaka** emphasized that revenues derived from crown and government lands have generated substantial proceeds over time, warranting further examination and accurate accounting. It was also noted that these concerns had been recognized within the Judiciary and Hawaiian Affairs Committee, where members expressed interest in ensuring the issue is properly addressed. Additional discussion referenced the complexity of the legislative process, noting that there is multiple "moving parts," including efforts to advance the bill and considerations related to inventorying assets and revenue sources. The importance of continued monitoring and strategic oversight by the OHA Board was emphasized.
**Vice Chair Akaka** noted support for continued legislative engagement support, including efforts regarding revenue entitlements and historical financial context including educational outreach to policymakers with affirmation of OHA's position that statutory authority exists supporting a 20% revenue entitlement along with a reminder that OHA should be receiving at least $80 million with accrued interest yearly. There was consensus on the need for a defined, time-bound funding amount (e.g., two-year allocation). In addition, it would be in OHA's interest to track legislative developments related to revenue inventory and associated measures.
(Time Stamp: 25:11/56:13 ~ Real Time: 09:27:10 a.m.)

**Chair Galuteria** indicated that absent objection from the Board, the current course of action should proceed. Chair Emerita Lindsey was encouraged to move forward, with confirmation that earlier concerns, particularly regarding expenditures, had been satisfactorily addressed.

No objections were raised by Board members; support was voiced for Chair Emerita's proposal to meet with the AG to seek clarification on legal and fiscal positions and clarification on the overage account and funding a cap. In addition, Chair Emerita [and Sherry Broder] will engage with the AG's office for further discussion and alignment and continue pursuing clarification regarding the overage account and funding cap. In addition, they will engage with the Attorney General's office for further discussion and alignment after going through the process of speaking with Chair Kahele about the upcoming meeting. K. Sean suggested, and members of the board agreed, that Corporate Counsel, Everett Ohta, participate in that meeting.
(Time Stamp: 29:04/56:13 ~ Real Time: 09:31:03 a.m.)

> **Motion** was made by **Chair Galuteria** to Approve OHA Staff's Bill Position Recommendations for **Bills Naming OHA** as presented in **Matrix 2**.
> (Time Stamp: 29:53/56:13 ~ Real Time: 09:31:52 a.m.)

**Discussion**
None

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

**Roll Call**
**Motion carried** (8 – 0)
**Yes:** Ahuna, Akaka, Akina, Alapa, Lindsey, Souza, Waihe'e IV, Chair Galuteria
**Excused:** Trustee Kahele
(Time Stamp: 30:01/56:13 ~ Real Time: 09:32:09 a.m.)

**II. NEW BUSINESS (continued)**
**c. 2026 Legislature: OHA Position on Bills Affecting the Public Land Trust – Matrix 3**
(Time Stamp: 30:36/56:13 ~ Real Time: 09:32:13 a.m.)

**Public Testimony**
None

**Discussion**
**Public Policy Manager, Deja Ostrowski,** presented recommended changes to previously adopted legislative positions following updates since the earlier publication of Matrix 3:
(Time Stamp: 30:37/56:13 ~ Real Time: 09:32:36 a.m.)

**Item 1: HB1603 – Relating to Agricultural Park Leases**

- Bill expands agricultural park lease provisions beyond O'ahu to other counties
- **Prior position:** *Comment* (based on earlier testimony regarding expansion implications)
- Staff noted competing legislative priorities and resource allocation considerations
- **Staff Recommendation:** Downgrade position from *Comment → Monitor* to de-prioritize engagement as the bill advances to conference.
  (Time Stamp: 30:50/56:13 ~ Real Time: 09:32:49 a.m.)

**Item 4: HB2395 – Relating to Taking of Marine Deposits**

- Bill authorizes DLNR to approve permits for research involving the taking of marine deposits
- Clarification provided to the Board that "marine deposits" include sand and/or natural beach materials, not debris or rubbish
- **Prior position:** *Comment*, conditioned on requirement that materials be returned to the beach
- Staff cited current workload, testimony demands, and need for legislative education efforts
- **Staff Recommendation:** Downgrade position from *Comment → Monitor.*
  (Time Stamp: 31:25/56:13 ~ Real Time: 09:33:24 a.m.)

**Item 6: SB2003 – Relating to Natural Resource Management (Mauna Kea)**

- Bill proposes to repeal the Mauna Kea Oversight Authority
- Significant community discussion noted
- **Prior position**: *Comment*.
- Staff clarification:
  - Existing law already grants DLNR authority to extend leases via holdover provisions
  - Bill language has created confusion but does not fundamentally alter existing authority
- **Recommendation:** Downgrade position from *Comment → Monitor.*
  (Time Stamp: 32:18/56:13 ~ Real Time: 09:34:17 a.m.)

**Item 14: SB2593 – Relating to Mauna Kea**

- This bill addresses governance and lease management concerning Mauna Kea lands, specifically involving the Mauna Kea Stewardship and Oversight Authority
- The measure proposes to authorize the Authority to extend existing leases on Mauna Kea
- Staff indicated that the bill is often viewed as related to or complementing of other Mauna Kea governance measures but is not a direct companion; rather, it addresses a specific component of lease authority
- **Prior Board Position:** *Oppose*

**Basis for opposition included concerns that the bill:**

- Could be interpreted as inconsistent with the original purpose and intent of establishing the Mauna Kea Oversight Authority
- May represent a step back from governance reforms intended to provide clearer accountability, stewardship structure, and community trust in management of Mauna Kea resources

**Staff Clarification and Legal Context:**

- Staff emphasized that existing law already grants the Department of Land and Natural Resources (DLNR) authority to extend leases, including through holdover provisions
- As such:
  - **SB2593** does not create entirely new authority but rather extends or duplicates authority by allowing the Mauna Kea Stewardship Oversight Authority to exercise or participate in lease extension decisions
  - The bill may also allow for transfer or shared exercise of this authority, which could introduce additional administrative layers or ambiguity
- Staff noted that confusion in stakeholder discussions may stem from misunderstanding of existing DLNR powers versus proposed statutory changes

**Policy and Strategic Considerations:**

Staff acknowledged that, while concerns remain, the bill's practical legal impact may be limited given existing authority due to the volume of higher-priority legislative matters, limited capacity for continued engagement, and the need to focus advocacy resources on bills with greater direct impact on PLTt interests. Staff recommended a strategic de-prioritization.

**Staff Recommendation:** Change position from *Oppose → Monitor.*
This reflects a shift from active opposition to passive tracking, while preserving the Board's previously stated concerns in the record.
(Time Stamp: 33:17/56:13 ~ Real Time: 09:35:16 a.m.)

**Note: Testimony in opposition had already been submitted.*

**Trustee Ahuna** inquired whether the OHA or its representatives are included in the oversight committee associated with the matter under discussion. **Deja** confirmed that OHA is not currently represented on the oversight committee and was not allowed representation in its formation. **Trustee Ahuna** reiterated that the lack of OHA representation was a key factor in the filing of a lawsuit, emphasizing that OHA's absence removes the voice of its beneficiaries, and the lawsuit was intended to assert the necessity of OHA participation in governance decisions affecting trust and crown lands. Concern was expressed that despite the legal action, current developments appear to replicate the same exclusionary conditions that prompted the lawsuit. This situation undermines OHA's **c**onstitutional role and fiduciary responsibility to represent Native Hawaiian beneficiaries. **Chair Emeria Lindsey** confirmed Trustee Ahuna's inquiries.
(Time Stamp: 34:32/56:13 ~ Real Time: 09:36:22 a.m.)

**Chair Galuteria** asked about the status of the related bill; **Deja** confirmed that the bill was expected to "make crossover" (advance in the legislative process). Multiple participants expressed confidence that progression is likely and imminent, based on recent status checks.
(Time Stamp: 35:07/56:13 ~ Real Time: 09:37:06 a.m.)

**Vice Chair Akaka** recommended ongoing proactive engagement, by specifically assigning an OHA representative to attend oversight committee meetings, even if not formally included, ensuring OHA remains informed of developments in real time, and providing testimony, mana'o (input), and formal positions when appropriate.
**Vice Chair Akaka** further emphasized the matter directly relates to crown lands and government trust lands, reinforcing OHA's responsibility to be engaged and that OHA must actively assert its kuleana (responsibility) in these proceedings.
(Time Stamp: 35:27/56:13 ~ Real Time: 09:37:26 a.m.)

**Trustee Ahuna** underscored that OHA serves as the constitutionally mandated voice of Native Hawaiian beneficiaries and excluding OHA effectively removes beneficiary representation from decision-making processes. The situation reflects a broader concern of **s**ystemic marginalization of that voice in governance related to government and trust lands. There was also reflection on whether the lawsuit remains the most effective strategy, given current developments.
(Time Stamp: 36:14/56:13 ~ Real Time: 09:38:40 a.m.)

**Chair Galuteria** asks for any questions, comments, or discussions.
There being no other discussion or table changes to Matrix 3, **Deja** expressed appreciation, thanked the Trustees for the discussion, and noted that the input provided could be explored further through other operational or policy avenues.
(Time Stamp: 36:41/56:13 ~ Real Time: 09:38:40 a.m.)

> **Motion** made by **Chair Galuteria** to Approve OHA Staff's Bill Position Recommendations for **Bills Affecting the Public Land Trust** as presented in **Matrix 3**, **except for:**
>
> - **HB1603** Relating to Agricultural Park Leases from *Comment → Monitor*
> - **HB2395** Relating to the taking of Marine Deposits from *Comment → Monitor*
> - **SB2003** Relating to Resource Management from *Comment → Monitor*
> - **SB2593** Relating to Mauna Kea from *Oppose → Monitor*
>
> (Time Stamp: 37:16/56:13 ~ Real Time: 09:39:15 a.m.)

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

**Roll Call**
**Motion carried** (8 – 0)
**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Lindsey, Souza, Waihe'e IV, Chair Galuteria
**Excused:** Trustee Kahele
(Time Stamp: 37:54/56:13 ~ Real Time: 09:39:53 a.m.)

**II. NEW BUSINESS (continued)**
**d. 2026 Legislature: OHA Position on Bills Affecting Natural Resources and Native Hawaiian Traditional & Customary Practices – Matrix 4**
(Time Stamp: 38:28/56:13 ~ Real Time: 09:40:27 a.m.)

**Public Testimony**
None

**Deja** reported there were no table changes, no discussion needed, and no vote taken.

> **Motion** made by **Chair Galuteria** to Approve OHA Staff's Bill Position Recommendations for **Bills Affecting Natural Resources and Native Hawaiian Traditional and Customary Practices** as presented in **Matrix 4**.
> (Time Stamp: 42:04/56:13 ~ Real Time: 09:44:29 a.m.)

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

**Roll Call**
**Motion carried** (8 – 0)
**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Lindsey, Souza, Waihe'e IV, Chair Galuteria
**Excused:** Trustee Kahele
(Time Stamp: 42:21/56:13 ~ Real Time: 09:44:20 a.m.)

**II. NEW BUSINESS (continued)**
**e. 2026 Legislature: OHA Position on Bills Affecting Native Hawaiian Housing – Matrix 5**
(Time Stamp: 42:46/56:13 ~ Real Time:09:44:45 a.m.)

**Public Testimony**
None

**Discussion**
**HB 1728** - Rainwater Catchment Systems:
**Public Policy Manager, Deja Ostrowski,** reported that recommended position changes were being refined based on the volume of testimony received and overall workload priorities. She addressed **HB 1728**, a bill requiring counties to allow the installation and operation of rainwater catchment systems. She further noted that **HB 1728** has been a priority of Representative Evslin, who has expressed concerns that housing costs increase when county laws restrict rainwater catchment systems.

**Deja** stated that the measure had previously held a position of *Support.* However, advocacy **staff recommended** changing the position on **HB 1728** from *Support → Monitor*. The rationale provided included limited staff capacity, the significant volume of testimony being submitted, and the need to prioritize other active legislative package items. **Deja** specifically referenced ongoing and complex PLT matters requiring focused attention and emphasized the importance of ensuring that when support is given, the agency can fully stand behind that position.
**Deja** concluded by stating that the request was to deprioritize **HB 1728** to a monitoring position.
(Time Stamp: 43:02/56:13 ~ Real Time: 09:45:19 a.m.)

> **Motion** made by **Chair Galuteria** to Approve OHA's Staff's Bill Position Recommendations for **Bills Affecting Native Hawaiian Housing** as presented in **Matrix 5**, **except for:**
>
> - **HB 1728** Relating to rainwater catchment systems from *Support → Monitor*
>
> (Time Stamp: 44:15/56:13 ~ Real Time: 09:46:14 a.m.)

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

**Roll Call**
**Motion carried** (8 – 0)
**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Lindsey, Souza, Waihe'e IV, Chair Galuteria
**Excused:** Trustee Kahele
(Time Stamp: 44:39/56:13 ~ Real Time: 09:46:38 a.m.)

**II. NEW BUSINESS** (continued)
**f. 2026:Legislature: OHA Position on Bills Affecting Native Hawaiian Health – Matrix 6**
(Time Stamp: 45:26/56:13 ~ Real Time: 09:47:25 a.m.)

**Public Testimony**
None

**Discussion**
**Deja Ostrowki** introduced **HB1790**, relating to policing that establishes a Center for Criminal Justice Research. She reported positively on collaborative work conducted with Papa Ola Lōkahi, internal research staff, and external partners, including Carla [Hostetter, Director, Research and Evaluation], Keith [Gutierrez, Manager, Research and Evaluation], and their respective teams.

**Deja** stated that amendments developed by the organization - specifically amendments addressing data collection for Native Hawaiians - were adopted by the legislative committee. She expressed that adoption of these amendments was significant and beneficial, particularly if the bill continued to advance through the legislative process.
**Staff Recommendation:** *Full Support* for the bill, citing successful adoption of the proposed amendments in committee.
(Time Stamp: 45:45/56:13 ~ Real Time: 09:47:44 a.m.)

**Deja** also highlighted **HB 1769** relating to **i**ncarcerated people and private out-of-state facilities which is asking for an incremental return of those incarcerated in private out-of-state facilities.
**Staff Recommendation** of *Support* has not changed; **Deja** just wanted to highlight that this bill was moving through the legislative process.
(Time Stamp: 46:20/56:13 ~ Real Time: 09:48:19 a.m.)

> **Motion** made by **Chair Galuteria** to Approve OHA Staff's Bill Position Recommendations for **Bills Affecting Native Hawaiian Health** as presented in **Matrix 6, except for**:
>
> - **HB1790** Relating to Policing that establishes a Center for Criminal Justice Research from *Support with Amendments → Support*.
> (Time Stamp: 47:02/56:13 ~ Real Time: 09:49:01 a.m.)

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

**Roll Call**
**Motion carried** (8 – 0)
**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Lindsey, Souza, Waihe'e IV, Galuteria
**Excused:** Trustee Kahele
(Time Stamp: 47:30/56:13 ~ Real Time: 09:49:29 a.m.)

**II. NEW BUSINESS** (continued)
**g. 2026 Legislature: OHA Position on Bills Affecting Native Hawaiian Education – Matrix 7**
(Time Stamp: 47:55/56:13 ~ Real Time: 09:49:54 a.m.)

**Public Testimony**
None

**Discussion**
None
**Deja Ostrowski** reported there were no changes on **Matrix 7**.

**Motion** made by **Chair Galuteria** to Approve OHA Staff's Bill Position Recommendations for **Bills Affecting Native Hawaiian Education** as presented in **Matrix 7**.
(Time Stamp: 48:16/56:13 ~ Real Time: 09:50:15 a.m.)

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

**Roll Call**
**Motion carried** (8 – 0)
**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Lindsey, Souza, Waihe'e IV, Chair Galuteria
**Excused:** Trustee Kahele
(Time Stamp: 48:45/56:13 ~ Real Time: 09:50:44 a.m.)

**h. 2026 Legislature: OHA Position on Bills Affecting Native Hawaiian Economic Stability – Matrix 8**
(Time Stamp: 49:06/56:13 ~ Real Time: 09:51:05)

**Public Testimony**
None

**Discussion**
None
**Deja Ostrowski** reported there were no changes on **Matrix 8**.
(Time Stamp: 49:20/56:13 ~ Real Time: 09:51:19 a.m.)

**Motion** made by **Chair Galuteria** to Approve OHA Staff's Bill Position Recommendations for **Bills Affecting Native Hawaiian Economic Stability** as presented in **Matrix 8**.
(Time Stamp: 49:34/56:13 ~ Real Time: 09:51:33 a.m.)

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

**Roll Call**
**Motion carried** (8 – 0)
**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Lindsey, Souza, Waihe'e IV, Chair Galuteria
**Excused:** Trustee Kahele
(Time Stamp: 49:54/56:13 ~ Real Time: 09:51:53 a.m.)

**II. NEW BUSINESS** (continued)
**i. 2026 Legislature: OHA Position on Bills Affecting Hawai‘i Revised Statutes Chapter 6E (Iwi Kūpuna and Historic Preservation) – Matrix 9**
(Time Stamp: 50:19/56:13 ~ Real Time: 09:52:18 a.m.)

**Public Testimony**
None

**Discussion**
**Public Policy Manager, Deja Ostrowski,** reported that two previously published position changes had already been incorporated into the legislative matrix. These changes involved shifting the agency's position from *Comment → Oppose*. The adjustment was based on recent developments, specifically the failure (death) of the agency's historic preservation bill, which has altered the policy context and strategic posture.

As a result, **staff now recommend** strengthening opposition to related measures that propose streamlining regulatory processes, particularly those that may weaken protections connected to:
Historic preservation review processes
- Housing development streamlining efforts
- Regulations affecting iwi (environmental/energy-related) and kūpuna-related considerations (as referenced in discussion)

These position updates apply to:
- The affected historic preservation bills
- A housing bill with similar streamlining provisions

**All changes have already been reflected in the legislative matrix and clearly highlighted for visibility and tracking*

**Staff Recommendation:** Staff formally recommend that the Board adopt a *Comment → Oppose* position.
(Time Stamp: 50:31/56:13 ~ Real Time: 09:52:30 a.m.)

> **Motion** made by **Chair Galuteria** to Approve OHA Staff's Recommendation for **Bills Affecting Hawai‘i Revised Statutes Chapter 6E (Iwi Kūpuna and Historic Preservation)** as presented in **Matrix 9**, **except for**:
> - **HB1710/SB2341** Relating to Historic Preservation from *Comment → Oppose*
>
> (Time Stamp: 51:00/56:13 ~ Real Time: 09:52:59 a.m.)

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

**Roll Call**
**Motion carried** (7-1)
**Yes:** Trustees Ahuna, Akaka, Alapa, Lindsey, Souza, Waihe'e IV, Chair Galuteria
**Abstain:** Trustee Akina
**Excused:** Trustee Kahele
(Time Stamp: 51:27/56:13 ~ Real Time: 09:53:26 a.m.)

**II. NEW BUSINESS** (continued)
**j. 2026 Legislature: OHA Position on Governor's Messages – Board and Commission Confirmations – Matrix 10**
(Time Stamp: 51:58/56:13 ~ Real Time: 09:53:57 a.m.)

**Public Testimony**
None

**Discussion**
**Deja** presented an overview of the Governor's Messages concerning board and council appointments currently included in the legislative matrix. She reported that *Support* is being **recommended** for several nominees, including appointments to:

- The Juvenile Justice Advisory Council
- The Defender Council (Public Defender's Council), which oversees services for individuals receiving public defense in criminal cases

It was noted that some nominees were recognizable figures, including Kirsha [Durante, Litigation Director] identified as the current head of the Native Hawaiian Legal Corporation (NHLC).

**Advocacy staff** specifically flagged Island Burial Council (IBC) Nomination #7 – Hawai'i Island.
**Staff** specifically flagged **Item #7**, seeking additional clarification. **Staff** consulted with **Kamakana** [Ferreira, Compliance Archaeologist] regarding this nomination. This nominee was not recommended to the Governor by OHA. Despite this, **staff recommended** *Support* for the appointment to ensure that the Island Burial Councils can function effectively.
**Staff** further explained that with guidance from Board Counsel, Everett Ohta, testimony expressed *Support* for the nominee to maintain council operations but will clearly state that the nominee does not meet the statutory preference/qualification tied to OHA-recommended candidates.
**Staff** also noted concern regarding the absence of additional IBCl nominations that were expected but had not yet been transmitted. It was reported (via **Chief Advocate Leinā'ala Ley**) that DLNR and Ryan Kanaka had been contacted and follow-up had been requested regarding the status and delay of pending nominations. At this time, Item #7 was the only IBC nomination before the board, with expectations that more would be forthcoming for future meetings.

**Staff** concluded that this completed the review of the legislative matrix associated with the Governor's Messages.
**Staff Recommendation:** *Support* for identified nominees to the Juvenile Justice Advisory Council and Defender Council and *Support* for Hawai'i Island Burial Council nomination, with qualifying language in testimony regarding non-OHA recommendation.
(Time Stamp: 52:10/56:13 ~ Real Time: 09:54:09 a.m.)

> **Motion** made by **Chair Galuteria** to Approve **Bill Position on Governor's Messages – Board and Commission Confirmations** as Recommended by OHA Staff.: *Support* for identified nominees to the Juvenile Justice Advisory Council and Defender's Council and *Support* for Hawai'i Island Burial Council nomination, with qualifying language in testimony regarding non-OHA recommendation as presented in **Matrix 10**.
> (Time Stamp: 53:48/56:13 ~ Real Time: 09:55:47 a.m.)

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

**Roll Call**
**Motion carried** (8 – 0)
**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Lindsey, Souza, Waihe'e IV, Chair Galuteria
**Excused:** Trustee Kahele
(Time Stamp: 54:07/56:13 ~ Real Time: 09:56:06 a.m.)

**Chair Galuteria** thanked the advocacy team, the Trustees, and the Trustees' teams for their work and diligence on matters discussed. **Deja** thanked the Trustees for letting the advocacy team lift up and celebrate how far they have gotten.

## III. COMMUNITY CONCERNS AND CELEBRATIONS

None
(Time Stamp: 54:54/56:13 ~ Real Time: 09:56:53 a.m.)

## IV. ANNOUNCEMENTS

None
(Time Stamp: 55:09/56:13 ~ Real Time: 09:57:08 a.m.)

**V. ADJOURNMENT**

> **Motion** made by **Trustee Ahuna** to adjourn the March 4, 2026 meeting of the Committee on Beneficiary Advocacy and Empowerment.
> (Time Stamp: 55:24/56:13 ~ Real Time: 09:57:23 a.m.)

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

**Roll Call**
**Motion carried** (8 – 1)
**Yes:** Trustees Ahuna, Akaka, Akina, Alapa, Lindsey, Souza, Waihe'e IV, Chair Galuteria
**Excused:** Trustee Kahele
(Time Stamp: 55:38/56:13 ~ Real Time: 09:57:37 a.m.)

**Chair Galuteria** adjourns the meeting at 9:58 a.m.

Respectfully submitted,

Lei-Ann Stender Durant, Trustee Aide
Committee Recording Secretary

Brickwood Galuteria, Trustee At-Large
Committee Chair

Date Approved: