

Committee on Beneficiary Advocacy and Empowerment

Trustee Kaleihikina Akaka, *Chair*Trustee Keola Lindsey, *Vice Chair**Members*

Trustee Leina'ala Ahu Isa, At-Large

Trustee Dan Ahuna, Kaua'i / Ni'ihau

Trustee Keli'i Akina, At-Large

Trustee Luana Alapa, Moloka'i / Lāna'i

Trustee Carmen Hulu Lindsey, Maui

Trustee Brendon Kalei'aina Lee, At-Large

Trustee John Waihe'e IV, At-Large



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**

**MEETING OF THE
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**

DATE: Wednesday, August 4, 2021**TIME:** 1:30 p.m.**PLACE:** Virtual MeetingViewable at www.oha.org/livestream OR

Listen by phone: (213) 338-8477,

Webinar ID: 893 3318 6602

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 2021, as amended, that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees and its Standing Committees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone: (213) 338-8477, Webinar ID: 893 3318 6602

AGENDA

- I. Call to Order
- II. Public Testimony on Items Listed on the Agenda* (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)
- III. Approval of Minutes
 1. March 10, 2021
 2. March 17, 2021
 3. March 24, 2021
- IV. Unfinished Business
- V. New Business
 - A. Presentation by OHA attorney Pamela Bunn, Esq. Re: the background and status of OHA participation in the Nā Wai 'Ehā (Maui) litigation and related matters.
 - B. Update and Discussion re: Island Burial Councils, Burial Sites Working Group, Working Group/Task Force Appointments as per 2021 Legislative Session, and Overview of Statutorily Created Boards and Commissions with Seats Reserved for OHA Representation.
- VI. Announcements



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OFFICE OF HAWAIIAN AFFAIRS**

VII. Adjournment

If you require an auxiliary aid or accommodation due to a disability, please contact Raina Gushiken at telephone number (808) 594-1772 or by email at: rainag@oha.org no later than three (3) business days prior to the date of the meeting.

Meeting materials will be available to the public on Friday, July 30, 2021 and posted to OHA's website at: www.oha.org/bae

†Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

*** Public Testimony on Items Listed on the Agenda must be limited to matters listed on the meeting agenda.**

Hawai'i Revised Statutes, Chapter 92, Public Agency Meetings and Records, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

Testimony can be provided to the OHA Board of Trustees either as: (1) written testimony emailed at least 24 hours prior to the scheduled meeting, or (2) live, oral testimony online during the virtual meeting.

(1) Persons wishing to provide written testimony on items listed on the agenda should submit testimony via email to BOTmeetings@oha.org at least 24 hours prior to the scheduled meeting. Any testimony received after this deadline will be late testimony and will be distributed to the Board members after the scheduled meeting. Due to COVID- 19, please do not fax, mail, or hand-deliver written testimony

(2) Persons wishing to provide oral testimony online during the virtual meeting must first register at: https://us06web.zoom.us/webinar/register/WN_4GiPM8QJSqi7w_zf7wr8zA

You need to register if you would like to orally testify. Once you have completed your registration, a confirmation email will be sent to you with a link to join the virtual meeting, along with further instructions on how to provide oral testimony during the virtual meeting. The registration page will close during the Public Testimony or Community Concerns agenda item. Oral testimony by telephone/landline will not be accepted at this time.

To provide oral testimony online, you will need:

- (1) a computer or mobile device to connect to the virtual meeting;
- (2) internet access; and
- (3) a microphone to provide oral testimony.



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Oral testimony online will be limited to five (5) minutes. Once your oral testimony is completed, you will be asked to disconnect from the meeting. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Please visit OHA's website for more detailed information on how to submit Public Testimony OR Community Concerns at: <https://www.oha.org/how-to-submit-testimony-for-oha-bot-meetings/>

A handwritten signature in blue ink that reads "Kaleihikina Akaka".

Trustee Kaleihikina Akaka, Chair
Committee on Beneficiary Advocacy and Empowerment

7/29/2021

Date

Committee on Beneficiary Advocacy and Empowerment

Trustee Kaleihikina Akaka, *Chair*Trustee Keola Lindsey, *Vice Chair**Members*

Trustee Leina'ala Ahu Isa, At-Large

Trustee Dan Ahuna, Kaua'i / Ni'ihau

Trustee Keli'i Akina, At-Large

Trustee Luana Alapa, Moloka'i / Lāna'i

Trustee Carmen Hulu Lindsey, Maui

Trustee Brendon Kalei'aina Lee, At-Large

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STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES

March 10, 2021 1:30 p.m.

ATTENDANCE:

Chairperson Kaleihikina Akaka
Vice-Chairperson Keola Lindsey
Trustee Leina'ala Ahu Isa
Trustee Dan Ahuna
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brendon Kalei'aina Lee
Trustee C. Hulu Lindsey
Trustee John Waihe'e, IV

BAE STAFF:

Brandon Mitsuda
Mark Watanabe

ADMINISTRATION STAFF:

Hussey, Sylvia, Ka Pouhana / CEO
Brown, Casey / COO
Hinck, Ramona / CFO
Wong, Sterling / Chief Advocate
Tanaka, Wayne / Public Policy Manager
Gushiken, Raina, Senior Legal Counsel
Ohta, Everett, Assistant Legal Counsel
Nakoa, Keone, D.C. Bureau Chief
Chak, Kevin, IT

EXCUSED: NONE

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 10, 2021 to order at **1:31 p.m.**

Chair **Akaka** notes for the record that PRESENT are:

MEMBERS			AT CALL TO ORDER (1:31 p.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
VICE-CHAIR	KEOLA	LINDSEY	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	EXCUSED	1:33 p.m.
TRUSTEE	JOHN	WAIHE'E, IV	EXCUSED	1:37 p.m.

At the Call to Order, **SEVEN(7)** Trustees are PRESENT, thereby constituting a quorum.

II. PUBLIC TESTIMONY on Items Listed on the Agenda*

None

III. APPROVAL OF MINUTES

A. February 3, 2021

Chair Akaka recognizes Board Chair Hulu Lindsey.

Board Chair Hulu Lindsey: I move that we approve the minutes of February, 3rd, 2021.

Trustee Ahu Isa: Second

Chair Akaka: It's been moved by our Board Chair Hulu Lindsey and seconded by our Board Vice Chair Ahu Isa.

Chair Akaka recognizes Trustee Lee.

Trustee Lee: There are two corrections to the minutes.

Chair Akaka: Okay

Trustee Lee: On page 34, on the second line, it says that the Chair Akaka that we're going to take a brief recess, and then it says that we're calling the meeting back to order. There needs to be a timestamp of what time we recess and what time we came back before you called it to order, or actually what time you called the meeting back to order.

Chair Akaka: Okay

Trustee Lee: Are you ready for the second correction, Madam Chair?

Chair Akaka: Hold on just for a bit please. Alright, yes.

Trustee Lee: The other correction is on page 36. On the fourth line it has that Trustee Ahu Isa is seconding the motion, but when you look at the roll call vote on the bottom it indicates that Trustee Carmen Hulu Lindsey seconded the motion. So that's incorrect, it needs to be moved to Trustee Ahu Isa.

Chair Akaka: Mahalo, Trustee Lee.

Trustee Lee: Thank you, Madam Chair.

Chair Akaka: Alright those changes to the minutes are noted, so mahalo, Trustee Lee. Are there any other changes? All right seeing none, Brandon can I please have a **roll call vote** to approve the minutes.

							1:38 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA		2	X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			

CARMEN HULU	LINDSEY	1		X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE`E			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

IV. UNFINISHED BUSINESS

A. 2021 OHA Legislative Package Updates - Matrix 1**

Chair Akaka yields the floor to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey: Thank you, Chair, I'll go ahead and have our Chief Advocate walk through this agenda item, Sterling.

Chief Advocate Wong: Aloha everybody, so just to go over the legislative calendar to give us a sense of where we are right now. Today is the 10th. We have a recess day. Tomorrow is a big day first crossover, so all the bills out of the first chamber will have to go to their second chamber after this, so they gotta clear crossover. Note the budget decking deadline was changed a couple of weeks ago, that's here. That relates to the state budget. But they just want to give themselves an extra week to figure out the budget, but just so you folks know, once crossover happens, there's going to be a lot of movement because then the next two weeks we have a triple file referral deadline, which basically means once the bills crossover and the vast majority of them that are crossing over, crossover on this date, they will have to get referrals and then if they have three or more committees, they gotta clear this deadline. So a lot of bills are going to fall off, you're going to see a lot of stuff happening right here. It's going to be busy next week, and then the following week, we have our lateral deadline, but a holiday as well. So we're going to see you know for example, to get our budget bill, well budget bill shouldn't be a problem. But like the Kaka'ako Makai Bill. It's gonna be real cramped right here. A lot of movement, not a lot of time to meet with legislators and stuff like that, so right after crossover, we kind of had a lull the last two weeks. It's going to really pick up in the next two weeks just FYI. So that is the calendar.

To get into our package. OHA-1, our budget bill did, our budget bill did make crossover so it did pass third reading. Obviously, the Senate bill is dead and we're working with the House bill, which has historically been the vehicle. Notice right here it says pass unamended and so this is the first time I've ever seen this in my whatever gazillion years watching our budget bill. Our budget bills never crossed over unamended so the dollar amounts are still in there and it has an effective date, which basically means the bill does not have to go to conference. If the Senate passes the bill as is with the same dollar amounts and doesn't defect the date, it's not going to conference. So it's super weird. I've never seen it before, but they're treating Judiciaries' budget the same way. So the Judiciary budget has dollar amounts and an effective date. So the Judiciary bill doesn't have to go to conference and I just looked at the CIP bill, the state budget. The CIP bill is also the same way so super interesting what's happening. I don't know if this is because of the expedited calendar you know with COVID and everything. I'm not sure but it is something to watch out for and it does put a lot of control over our budget in the WAM Chair's hands. He can just pass it out if he wants to or else he can send it to conference.

OHA-2, the CIP bill is dead. OHA-3 and this is the same update as last week. OHA-3 died last week. The resos. have a little bit more time, but our resos. will have to get heard shortly. Here's the lateral deadline for the resos. so it has to get a hearing in the next week and a half, and we're diligently working to get our two resos. Scheduled, but they are on a different timetable. Madam Chair, that's the update for this section and I'll turn it back over to you unless there are any questions, mahalo nui.

Chair Akaka: Mahalo, Sterling, are there any questions by any of our Trustees? Seeing none.

B. 2021 OHA Legislative Package Updates - Matrix 2**

Chair Akaka yields the floor to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey yields the floor to Public Policy Manager Tanaka to address Matrix 2.

Public Policy Manger Tanaka: Good afternoon everyone. So here we are this is Week 8. We are in crossover week which means all the bills that are going to survive have to have been decked in their final pre crossover form as Sterling mentioned. So we'll start to see bills fall off, especially next next week, which will reflect the bills that died at crossover. Which will not have those bills. We're also starting to get more resos. and GN 's, Governor's nominations, trickling in so as you can probably see from my matrix. As Sterling mentioned, deadline is going to be moving pretty fast. So after this week, we're gearing up for another heavy few weeks of testimonies and so forth. Yeah, so for today like last week, I'm gonna talk about the OHA named bills first, which Letani has conveniently compiled into that OHA named bills PDF that you should have received and that he'll be pulling on the screen shortly. These bills are also on the big BAE legislative positioning Matrix, and we'll use that big matrix for our action later this afternoon. And we do have a new position and a change in position for a handful of OHA named bills. So I'll talk about those first, then I'll go over the old OHA bills of interest and then after that, we'll jump over to the big matrix for new positions, position changes and updates on old bills, old non OHA bills.

As you can see from our OHA named bills matrix, we do have two new positions at the top so HDR57 and HR46. This resolution would urge establishment of a working group. Which would include OHA's CEO or her designee. The working group would be tasked with assessing the impacts of the COVID pandemic on women, on gender nonconforming people and on caregivers, including with regards to economic impact. Economic impacts, gender, domestic violence, sex trafficking that kind of thing. We're recommending support for these resos. Our Haumea report identified a number of health and socioeconomic gender disparities that are likely to have been exacerbated by the pandemic. So I think it's important to assess all those you know the pandemics impact on those kinds of things. Our support would also be consistent with our support of the feminist economic recovery plan that the Commission on the Status of Woman published early on in the pandemic. The economic recovery plan emphasizes the need for the most impacted people to be at the table and driving the conversation about our pandemic recovery, including Native Hawaiians, and so our inclusion on this task force will help us to ensure that the unique impacts to Native Hawaiian communities is considered in its assessment of the pandemic. And so we are recommending supporting these resos.

The next new OHA named measure is GM686. This is actually a nomination for Letani Peltier to be our representative on the Kane'ohe Bay Regional Council. So Letani is a lifelong resident of He'eia, is closely familiar with Kane'ohe bay and the surrounding community. He's already been designated by Ka Pouhana as the OHA Rep. so this is just confirm that. And that's it for the new OHA named bill positions.

There's 2 bills that we're recommending position changes on and these actually no longer name OHA, which is why we're happy about not yeah, opposing them. They're HB1298 and HB1299. These bills would have raided or shut down our Native Hawaiian Rights Fund, Wao Kele O Puna fund, basically accounts that hold Native

Hawaiian trust monies. We oppose these bills because they would you know unconstitutionally usurp OHA's role to steward and administer Hawaiian trust funds. Fortunately, our accounts were taken out of these bills so we're recommending position change from oppose to monitor. And that's it for the you know the new and changed positions, so I'll just do a quick rundown of some high priority OHA bills that are still alive.

First is SB1334, the Kaka'ako bill. This bill did pass third reading yesterday in the Senate. I think there's only five in opposition, which is a good sign. The SD2, so the latest draft has a defective date. It does require notice to residents and lessees about aircraft noise and odors and other aircraft related nuisances. And it would require OHA to propose mitigation efforts for those kinds of things. Otherwise, it's still you know pretty much nothing weird about it, so far, so that's good. So yeah, that one is still alive, that's good.

SB321, this is another Public Land Trust related bill. This is the bill that would lift the 15.1 million dollar cap on our Public Land Trust pro rata share. It actually blanks out what the floor would be so it doesn't say 15.1, it just has a blank. It would transfer to some unspecified amount of the funds in the carry forward trust holding account, the CFTHA account that has all of the revenues we returned to the state as exceeding the 15.1 million dollar cap. It has a defective date. But it did crossover so it's still alive. Yeah, it's going over to the house. The other PLT related bills like the one that would give DHHL our PLT share, those are dead. Yeah, so basically the two PLT related bills that are alive are the Kaka'ako bill and SB321, the PLT bill.

For OHA campaigns all the reapportionment and the at large district bills are dead. So SB195, SB196, SB890, they did not make crossover so we don't have to worry about them anymore. We're opposing the reapportionment ones, and then commenting on the at large one. The randomization bill SB238, it will crossover, the latest draft just, it clarifies that the bill would go into effect for the 2022 election cycle. SB981, this is the public funding bill that would increase the amount of public funds available for trustee campaigns from \$1500.00 to about \$22,000.00 depending on you know how many registered voters there are. So that one's alive, we're just commenting on that one as you may recall.

Other OHA names bills that may be of interest SB1409. This was the bill to encourage more compliance with the training course. That one will cross over. The SD2 would limit its application to future appointed and reappointed board and commission members.

Chief Advocate Wong: Wayne, real quick can I go back to 1334. I just want to go over a few things yeah, so as I mentioned our bill did go clear crossover. There was a spirited debate on the floor of the Senate. I encourage everybody to take a look at the YouTube video on the Senate website. We have a couple of very strong Native Hawaiian Senators making I think strong arguments for us and both Senators Kidani and Senator Keohokalole, Senator Shimabukuro as well. So it was really refreshing to see a lot of support. As I mentioned when I went over the calendar, this bill is going to have to have a bunch of hearings immediately starting next week and the following week, so we will be diligently trying to meet with as many House of Representatives as possible to make sure we get our message across and in about seven minutes actually a number of members from OHA are going to present in the House Hawaiian Caucus on both our public land trust efforts and Kaka'ako Makai. So the timing with that really just worked out well that we get to start meeting with House members as the bill crosses so that's super exciting. We are scheduling meetings just about every day this week and some days we have two in the evening but with community groups, including civic clubs and I believe we're meeting tomorrow with the SHA and a number of other organizations so we're really doing a hard push to get our message out and I would also want to tell the trustees that we learned yesterday or last night as a result of how well we did in the Senate coming out, the Friends of Kewalos is scheduling a Save our Kaka'ako Makai rally basically in opposition to our bill that will be marked 16th Tuesday, at 10:45 to 12:15, the date of it given that it's a Tuesday makes me wonder if that's going to be the date of the hearing to clear triple referral, but Tuesday there will be a March 16th, there will be a rally at the Capitol, the Friends of Kewalos. So just want to give the Board a brief update about our Kaka'ako Makai efforts. Thank you, I'll throw it back to Wayne.

Public Policy Manger Tanaka: Next we'll shift over to the big matrix again. I did want to note that we have a few table changes. We wanted to add a few measures first of all, so these aren't on the matrix, but we wanted to add in support GM688, which is Governor's nomination for Norman Kaimuloa to the Hawai'i Island Burial Council. He was one of our nominees that we wanted to appoint for the Kona region and he's been serving on IBC's for a number of years. He's a member of the Royal Order. He's a caretaker of Ahu Umi and Likelike. Well qualified, we're recommending support. So adding this GM is support.

Similarly, we're recommending adding GM689, which is Scott Mahoney again to the Hawai'i Island Burial Council. He's our nominee for the Ka'u regional Rep. He's been serving on IBC's again for several years. His ohana is from Ka'u and Kawaihae. He's done a lot of work to move unexploded ordinance and he provides support for a lot of archaeological investigations. Also a member of Royal Order, member of Pua and SHAW, Malama Kuloa on Kaua'i. And we're recommending again supporting this well qualified candidate.

And finally GM691. This would nominate Carol Lovell to the Kaua'i and Ni'ihau Island Burial Council. She's our nominee for the Kawaihao regional rep. She's also been serving on IBC's for many years. Resident of Anahola, used to run the Kaua'i Museum, has assisted with a lot of repatriation efforts and has served as an expert witness in Island Burial Council proceedings. Yeah, so recommending supporting adding those GM 's and then supporting those nominees.

We also want to add a reso. so HDR76. It has a single body companion HR64. This resolution would convene a task force to assess the status of Act 14. So just as background. So when Hawai'i became a state, the state agreed that it would administer the Hawaiian Homes Commission Act and as a condition of statehood. But despite this, almost immediately what the state started doing was taking DHHL lands and using them for state purposes without consideration or compensation to you know the Hawaiian Homes Commission or the Department of Hawaiian Homelands. And so in 1995 Act 14 was passed, and then this act was sought to address the improper and uncompensated use of Department of Hawaiian Homeland's lands by the state and so Act 14. First it said the state had to deposit \$30 million per year for 20 years into the Hawaiian Homelands Trust Fund, which the state did, but it also specifically contemplated land exchanges so that the DHHL could get lands so that the DHHL lands used by the state for things like the Mauna Kea access road could be replaced by other lands. And as the reso. recognizes, you know 25 years have passed, and it is still unclear whether Act 14 has been fully complied with and we have engaged and noted, you know, we we have noted, you know, with respect to the Mauna Kea access road in particular, that Act 14 seems to not have been, not have accomplished what it intended to do. No land exchanges to our understanding have been initiated under the act. There's also issues regarding, you know the improper and uncompensated use of DHHL lands past July 1988. So Act 14 only soughts resolve the improper use of lands from statehood until 1988, and then so everything after that there's still issues. So we're recommending supporting adding these resos. and supporting them so that we can take a first step towards assessing the status of Act 14 and also you know the other issues relating to the improper use of DHHL lands.

And finally we wanted to add SCR55 and its single body companion SR37. These resos. we got a hearing scheduled tomorrow so we submitted admin testimony in support. We're recommending that the Board take a position of support. These resos. would urge the DLNR to pass administrative rules to streamline the process for allowing Native Hawaiian traditional farming systems on conservation lands. You know in the past we've promoted traditional farming methods and crops. We actually were successful in getting traditional farming methods, traditional crops as a priority under the State Planning Act. You know when we advocated for that priority, we noted that you know, traditional Hawaiian agriculture is a sustainable way to enhance our local food security and self sufficiency and climate resiliency, while also promoting you know the perpetuation of traditional farming methods, crops knowledge that would sustain our islands since time immemorial. So you know, we believe this resolution would further the objective. We'll work to make sure that any streamlining administrative rules you know maintain appropriate protections for cultural, natural resources and sites in the conservation district. While also, you know, addressing some of the bureaucratic road blocks that bona fide, you know, traditional Hawaiian farmers may face when attempting to perpetuate their agricultural practices.

Chair Akaka recognizes Trustee Ahu Isa.

Trustee Ahu Isa: Wayne, SB767, the personal use legalizing marijuana. It says monitor on our matrix, but I want to vote support, so how do we do this? Just bifurcate or I just don't vote on the whole thing?

Public Policy Manger Tanaka: Well, so this is a previously approved position, so there's no need to bifurcate, we just have to add it to our action if that's what trustees would like to do. Yeah, so I would think a separate and someone else can correct me if I'm wrong, but I think a separate motion to change that position to support.

Trustee Ahu Isa: Yeah, because we supported the decriminalization of it and this one says requires getting a license. Specific quantity only legalizing personal use and everybody voted yes except Moriwaki and Inouye, they voted no. And this is a good bill, especially if they're looking at more revenue dollars instead of taxing us on everything else. Anyway, that's my opinion. And I just wanted to, you know support it. I'm going to write testimony to support it. Okay, thank you Chair.

Public Policy Manger Tanaka: I guess when make the action we can revisit that position. We just have one table position change, so this is item 329, HDR9. It regards to community schools. So the HR, the single body companion, we actually have as support. I guess there's oversight and so we had this concurrent version as monitor, so we're recommending a change of this bill to support or a position on this reso. to support. The reso. basically uplifts Community Schools, which are schools that are designed to kind of holistically meet the needs of students who have extra school, like who have challenges like, you know, economic insecurity, food, insecurity, trauma, that kind of thing and so you know we would recognize that this Community School approach is consistent it would further the DOE's Na Hopena A'o framework, which looks to addressing students sense of belonging and overall well being. And we also know that COVID may increase the need for Community Schools, especially given a disproportionate impacts on Native Hawaiian students and their families, and so we would recommend, you know, that's why we supported the HR10 and that's why we recommend changing HDR9 to support as well. HR10 being a single bodies resolution.

Okay, and so I'll just go through some of the the new bills. So the first bill on the Matrix on page one, item one is SB176. This is a SIBA bill. We talked about its companion HB66 last meeting and this bill actually was effectively dead, but it was rescued by a re referral so it had two referrals and was re referred to only have one referral and so WAM heard it and passed it out. So this bill would allow the DLNR to sell, lease industrial park lands to lessees, notwithstanding any laws or contraries so you know we have big concerns about sales of ceded lands that would foreclose Native Hawaiian claims to these lands. The SD1 that passed out of WAM also caps the five rent escalation increases to either 10% of their CPI, whichever is less, which may potentially violate the states fiduciary obligations to make it's trust corpus productive, especially with regards to public land trust lands, so recommending opposing this bill like we would oppose the House companion, which is dead thankfully.

We'd like to support SCR27. This is on page 3, item 16. It has a single body companion SR16. This would request DHS to work with DOH to collect data on LGBTQ plus youth who are under court supervision who are at Kawaihoa, which is a former Hawai'i Youth Correctional Facility. You know, we know that Hawai'i is the largest LGBTQ population per capita and Native Hawaiian youth are highly represented within this LGBTQ plus community. We also know Native Hawaiian youth are disproportionately incarcerated and so you know, we think this data collected under this reso. will help identify potential needs of Native Hawaiian youth who identifies LGBTQ plus and who are in our juvenile justice systems. Recommending supporting these resolutions.

In terms of bill position changes, HB 1376. This is on page 6, item 27. We're recommending a change from support to comment, so this is the bill that would provide for a 15 day window before someone can get evicted and provide an opportunity for mediation during that time, or to be for mediation appointment to be set during

that time. It would also in the HD1, would prohibit someone from being evicted for failure to pay rent for certain periods of time after the eviction moratorium ends based on how much back rent they owe, and so you know we're supporting this measure because it you know it reflected their concerns about the need for eviction protections for our beneficiaries. But the latest draft now has appropriations to pay for mediations. So because of our sensitivity to support bills that would require no funds, were recommending just commenting on this measure and still supporting.

And then the next position change, SB516. So this would, we were supporting with amendments. Now we're recommending just support. The bill would collect data at the university and post secondary school level on what kind of industry recognized credentials students are earning and so we thought this could provide some pretty valuable data on the kinds of disciplines and careers that Native Hawaiians and others are pursuing or aspiring for. It would also help us protect these programs from cuts and so forth. But we did support with amendments because we ask that Native Hawaiian data be disaggregated from other Pacific Islanders and they took our amendments, and so that's why we're recommending changing our position from support amendments to support.

And then finally the last bill position change SB664. This is on page 7, item 29. And so this would require Department of Public Safety to build a new basically OCCC. So OCCC is where they hold you know pre trial detainees and folks who are serving less than one year. Recommending commenting on this bill. You know the committee report does suggest that OCCC could be redesigned to be more healing and rehabilitative, but nothing in the bill actually requires that, and so what we'd like to submit comments to recommend that the state implement or incorporate some of the core suggestions of you know the HDR134 Pre Trial Task Force. The HDR85 Prison Reform Task Force and Oversight Commission to help reduce our incarcerated population, including our pre trial incarcerated population. Prior to or as a condition of any facility expansion or development or the development of new facilities. So we'd be commenting on this bill.

Chair Akaka recognizes Trustee Akina.

Trustee Akina: Thank you very much, before we move on from this section, I want to go back to SB767. The legalization of cannabis for personal use. I respect Trustee Ahu Isa 's desire to take a stand on that issue and I would recommend that we bifurcate that rather than include that in our package. This is the first time we're discussing this as OHA and I think we need to be mindful of the large amount of testimony on this issue on both sides. In particular, there's quite a bit of testimony arguing against it from the Department of Public Safety, Department of Taxation, the City and County Narcotics and Vice Division and so forth. And it's a very complex issue. Rather than us take a stand on it today, I would prefer for us to allow individual trustees to take a stand if they should so choose.

Public Policy Manger Tanaka: Yes, we recognize the controversy that is surrounding this measure. You know, I think even our Board has had it been pretty split in the past in terms of supporting you know legalization efforts and that's kind of what informed our monitor recommendation. So this bill is already monitor from a previous meeting. So to change your position would require a separate I think motion anyway, but we can, yeah.

Trustee Akina: So do I understand that we will treat this as a monitor today unless a trustee chooses to request a bifurcation for a vote?

Public Policy Manger Tanaka: Yes, I don't know if it'd be called bifurcation, but because it's not part of the recommendation of position changes and new bill positions, but yeah.

Trustee Akina: Okay, it would have to be presented as a separate motion then.

Chair Akaka recognizes Trustee Lee.

Trustee Lee: I think Trustee Akina is misunderstanding. The Committee and the Board and on the Board level has already approved the position of monitor.

Trustee Akina: Yes

Trustee Lee: We're not taking this as monitor today, it has already been approved in previous meetings and then forwarded to the BOT and approved at the BOT that our position will be to monitor. Trustee Ahu Isa said that she wants to support this and that she would be submitting testimony on behalf of herself in support of this. But there is no vote to monitor this, we have already taken that action.

Trustee Ahu Isa: Chair, I agree with Trustee Lee. Trustee Akina, maybe you read the whole bill and the reasons why, that's why a lot of them already voted yes for it because we're looking at money, revenue. Why not text them. We already voted to support decriminalizing it. So it's kind of not in sync with what we support one, monitor one. Yeah, it has a long way to go, but I'm just saying that I want to support it because it really makes sense instead of taxing people 200,000 in Hawaii, 200,000 was like nothing now. Right, the housing, rent and they want to tax 16%, the highest in the nation. That's horrible, anyway my opinion, thanks Chair, I understand monitor.

Trustee Akina: Thank you, Trustees Lee and Ahu Isa. Thank you, Chair.

Public Policy Manger Tanaka: Okay, so again those are the you know, not SB767, but the bills I talked about earlier were the ones that we wanted action on today. In addition to the others in the Matrix. So if there's any other questions about new bill positions or position changes, I can just rundown some updates on bills that are still alive that we've been tracking.

I'll start with DHHL bills. So all of the gambling related bills are dead. SB86 which is on page 64, item 154 which we have as monitor. It would give eight dispensary licenses to DHHL to issue to qualified beneficiary applicants to run dispensary's on Hawaiian Home Lands. It does mention that DHHL should do a study on both medical pakalolo and on a casino to determine the feasibility and revenue impacts that those things might have. But otherwise yeah, the gambling ones are dead. This one is still alive, it's going to crossover and we're just monitoring.

HB753, this is item 89 on page 36. We're supporting this bill. It would exempt DHHL developments from school impact fees, which can be pretty significant. This bill is going to crossover. There are two other measures that did similar things that died and likewise SB1121, which is on page 108, item 282. This would give DHHL a GET exemption for its developments. So this bill is also going to crossover.

So SB1123 which we're commenting on. So this would provide a 60 day deadline for counties to implement maintenance requests from DHHL. We offered comments to note they should maybe told that those 60 days for any maintenance actions that require historic preservation review, which can take longer than 60 days in some cases which should be pretty rare because this is just maintenance. So for the most part, most historic preservation things should have already been addressed, but in the rare cases that they would have to go through historic preservation, we suggest that they told that 60 day deadline which they actually incorporated, so you know our comments will just continue to note the importance of protecting you know historic sites and iwi kupuna in the rare instances that they might be affected.

And then finally SB1122. This is on page 108, item 283. This bill is also crossing over. This would give DHHL basically first dibs on water credits in the county, on the county level and also provide DHHL representation on the County Boards of Water Supply and so we're supporting this bill and it's crossing over as well.

Mauna Kea bills are all pretty much dead except for that you know that reso. which passed out of committee last week, two weeks ago, yeah.

Okay, for ceded lands and PLT issues. So there's three bills that raise basically the same concern SB1, the aloha homes bill, SB2 and HB902 and SB2 and HB902 are basically would let HHFDC encumber public and ceded lands that are leased or set aside to the agency for 99 plus years and so you know again, we oppose anything that would effectively foreclose Hawaiian claims to ceded lands, and so we've been opposing these bills. We've also been consistently offering amendments that would address our concerns, but unfortunately, so far the committees have not accepted our amendments. I've been, you know, trying to figure out what the objections are. All we hear back from HHFDC is that their developers think it'll be too bureaucratic to have terms and conditions that can protect Native Hawaiian claims. So we're going to continue to oppose these bills and they're all crossing over.

Similar concerns for SB749. So this would allow the Hawai'i Public Housing Authority to build non income restricted housing units, which is kind of a huge expansion of it's, of how it can use lands that are set aside to it and so HPHA like HHFDC can issue leases you know without lease length limitations and so we're concerned that with this expansion of authority, there would be a big incentive for lands to be leased or set aside to HPHA and then used to develop all kinds of things that could encumber ceded lands for generations at a time. And so we're opposing this bill. And it's also going to cross over to the House.

And finally, HB499, SB257. These are companion bills that are both crossing over. They would allow for lease extensions of public lands for up to, for 40 years at a time, so they could basically result in ceded lands being encumbered or being leased to the same entity for a 100 plus years. And again, this effectively forecloses Native Hawaiian claims to ceded lands and you know in the past. And as we see with the SIBA bill, leads to a sense of entitlement where lessees put a lot of pressure on legislators to let them just purchase the fee outright for the leased lands. And so those measures are crossing over.

The water license bills I've been talking about occasionally, they're both dead, so they would have let the DLNR directly negotiate water licenses, which had, you know, there's some concerns about potential sweetheart deals that could occur in that process, and we had comments, but there's a lot of opposition from like Sierra Club and water advocates because they just, you know, there's no trust given how the state has given favorable treatment to large scale water diverters over the decades, so I think based on opposition, the bills all died, so we'll probably see something come again next year and we're working with DLNR and others to kind of address their concerns underlying the bill and make sure that ours is also reflected in any vehicle that goes forward, that may come forward you know in future sessions.

So HB497, which is on page 21, item 59. So this bill would prohibit the counties from requiring state agency consultation on certain residential developments, unless that consultation is required under state law and we actually have a number of examples, and we were able provide examples to committee in our opposition to this bill about how the counties often refer projects to us, to the Historic Preservation Division also to kind of double check some of their best practices and so forth, and we are actually able to help provide them information about burial sites and other historic features that you know that they never knew about, and so you know we think that's an important process to keep and not to tie the counties hands when they want to, you know, refer developments to OHA or to historic preservation for review, second review. So we're opposing this bill. It is unfortunately crossing over into the, to the Senate. And I think there's one more sorry.

Okay, and then HB1311, SB607, so these are HB1311 is on page 57, item 136. So these bills would basically exempt. Well they initially sought to exempt the Leali'i affordable housing project on Maui from Chapter 6E, so and then the HB was amended to provide for kind of like a phasing historic preservation review, which without the you know, the minimum protections are in the phasing section of HRS Chapter 6E. So we're opposing both measures. Both of them are crossing over.

Criminal justice, a little more exciting, SB1128. This is the Kawaiiloa bill. It's item 287 on page 110. So this is the bill that would set up a revolving fund to make their vocational programming, Kawaiiloa, self sustaining. So that the Senate version is crossing over, the house companion unfortunately died. So yeah, so we're working on the House Committees trying to get that one passed because we support that bill.

SB1260, we're also supporting, this would implement some of the recommendations of the HDR137 Pre Trial Task Force and HDR85 Prison Reform Task Force, as well as now the Oversight Commission with regards to pre trial detention policies. And so we are supporting this bill SB1260, passed out of Senate and is crossing over to the House.

Another bill in the health department, health subject. SB905, this is on page 103, item 268. This is our, this is basically our council, Mental Health Council bill from a couple of sessions ago that was in our package. It would require you know some number of members on the State Council on Mental Health to have a background in Hawaiian healing methodologies, practices which could you know hopefully provide more consistent opportunities for new Native Hawaiians who disproportionately have you know mental health related challenges to access you know what are really effective services and programming. And so we are supporting this measure. Unfortunately, it's crossing over from the Senate to the House.

And then education, so HB546. This is on page 26, item 67 and a similar measure SB1384. These are the Aha Punana Leo bills to address kind of the really stringent term limits that are preventing the Aha Punana Leo representative on the Early Learning Board from maintaining continuous presence on the board and we are supporting both measures and both measures are crossing over, so that's exciting.

And then on the broadband sector, SB850. This would create a broadband task force. We are supporting it and it is also crossing over.

And then finally of note HB205 and HB517. These are, I don't think they're on the matrix 'cause they died. They did die, but this is the ombudsman and auditor bills and they're both dead so we don't have to worry about those anymore. We're just monitoring them anyways.

Chair Akaka: Mahalo, Wayne. Alright, may I have a motion to approve administration 's recommendations on new bills and positions.

Trustee Waihe'e: Madam Chair, I'd like to move **to approve Administration's recommendations on: NEW BILLS (Items 1-24) and BILL POSITIONS FOR RECONSIDERATION (Items 25-29), along with the following revisions:**

ADD Measures

- GM688, as SUPPORT
- GM689, as SUPPORT
- GM691, as SUPPORT
- HCR76, as SUPPORT
- HR64, as SUPPORT
- SCR55, as SUPPORT
- SR37, as SUPPORT

CHANGE Measures:

- Item 329, HCR9, from MONITOR to SUPPORT

On the OHA Legislative Positioning Matrix dated March 10, 2021

Chair Akaka: Mahalo, Trustee Waihe'e, is there a second?

Trustee Ahu Isa: Second

Chair Akaka: Is there any discussion members? Seeing none, may I please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA		2	X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY						EXCUSED
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE`E	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	0

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

V. NEW BUSINESS

A. OHA Federal Legislative Positioning – Matrix† - Advocacy (Washington, D.C. Bureau)

Chief Advocate Wong: Aloha Madam Chair, Members of the Committee, we are really excited to bring our first federal matrix of the new Congress to the BAE committee. I would note, this is also the first time we're coming back to the BAE since the elections which yielded a democratically controlled executive branch under the new President Biden and a democratically controlled Congress. So we're actually really excited. It's kind of a new day for I think Native Hawaiians and OHA in DC, so a lot of new opportunities. I think as you all know, Chair Hulu Lindsey was invited by our new chair of the Senate Indian Affairs Committee, Senator Brian Schatz. She was invited to present at that committee, I think last week or the week before, all the weeks are getting squished together. And then we actually just got an invitation, the Chair was just invited to testify at the House Committee on Natural Resources Subcommittee for indigenous peoples of United States in a week too so really a new kind of day, new environment, I think we're really excited to at the opportunities that are presented to us with you know the changes after the election, so really excited. I'll turn it over to our DC Bureau Chief right now, Keone Nakoa. So this is the first batch of bills for the 117th Congress.

Washing D.C. Bureau Chief Nakoa: Thank you for going through that run through, Sterling. So there are only four bills on the matrix right now, and two of the bills have been previously approved by the Board of Trustees during the 116th Congress. So any measure or bill that doesn't pass before the sine die break in Congress will need to be reintroduced in the next Congress. These two bills have been reintroduced in the new Congress verbatim, what they said before, so to be consistent with our past positions, we included them again on the matrix. Neither of these two have companion measures that are available yet, but when they are introduced,

eventually in the Senate, we will put those on the matrix as under separate names, but then connect them with the federal numbers to show which measures they're related to. There's two new bills. One is very simple. The name is almost as long as the bill text. It's HR438, a bill to amend the Alyce Spotted Bear and Walter Soboleff Commission on Native Children. So this bill just extends the deadline for the Commission on Native Children to be able to complete their work and fulfill their report under the act. They ran into some issues because of the complications of COVID and the pandemic, and so they're still performing their work. So we were supportive of getting this out because their work also includes Native Hawaiians specifically. So we'd like to see that they're able to continue their reporting and investigation on the topic.

The second bill is an Emergency Family Stabilization Act. As you've seen from the bill summary, it would provide a new grant program specifically related to families and especially children experiencing homelessness because of the effects of COVID. But one of the good things about this bill is that it includes Native Hawaiian organizations on their eligible entities or entities that are eligible for grants. We recommend that the committee support both of these measures along with the two that had supported in the past. Please let me know if there are any questions on any of the measures that we brought forward.

Chair Akaka recognizes Vice Chair Lindsey.

Vice Chair Lindsey: Thank you, Madam Chair. You know, I guess the question I would have as we look at the bills we're taking action on today is how are we going to be kept updated as they move along. Because I think the first two feds, one and two, they were supported but died last Congress, so they've been reintroduced and I think Fed two was co sponsored by our U.S. reps., Kahele and Case. Are the matrixes as we move along going to include the updates where these bills are similar to how we see in the state matrices as things move along? Thank you, Madam Chair.

Washing D.C. Bureau Chief Nakoa: So there are two, it just looks a little different right now because they're all new measures. Eventually, there will be, when the position is taken, these four measures will be moved down to the section 117th Congress, all positions previously taken, and then the status in the status column will reflect the current or most up-to-date status and when they're hopefully, I say hopefully because most of the bills that we put up our for support. Hopefully, if they're passed into law they'll make it down to the very last section on the bottom, passed into law. I think there were four last Congress that made it through, and every time we do an update, we'll provide a status update as well. And then when there's opportunities for advocacy because, similar to to state, not all bills will receive even a hearing or many opportunities to be able to weigh in. When we do say something, I think we will send that out to Ka Pouhana to distribute to BOT Chair and BAE Chair.

Chair Akaka: Mahalo, Keone. Is there any other discussion members before we move forward? Alright, then may I have a motion to approve the OHA Federal Legislative Positioning Matrix presented by the Washington D.C. Bureau.

Chair Akaka recognizes Vice Chair Lindsey.

Vice Chair Lindsey: I move **To approve Administration's recommendations on OHA Federal Legislative Positioning Matrix presented by the OHA Advocacy Washington D.C. Bureau:**

- **OHA FED 1 through OHA FED 4 all as SUPPORT**

Chair Akaka: Is there a second?

Trustee Waihe'e: Second

Chair Akaka: Mahalo, the motion was made by our BAE Vice Chair Lindsey and seconded by our Trustee Waihe'e. Is there any discussion members? Seeing none, Brandon may I please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	2:37 p.m. EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY						EXCUSED
VICE CHAIR KEOLA	LINDSEY		1	X			
JOHN	WAIHE'E	2		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	0

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

VI. ANNOUNCEMENTS

NONE

VII. ADJOURNMENT

Chair Akaka: Can I get a motion to adjourn this meeting.

Trustee Waihe'e: So moved, Madam Chair.

Trustee Ahu Isa: Second

Chair Akaka: The motion has been made by Trustee Waihe'e and seconded by Trustee Ahu Isa. May I please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	2:39 p.m. EXCUSED
LEINA'ALA	AHU ISA		2	X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY						EXCUSED
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE`E	1		X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	0

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

Chair Akaka: The meeting is now adjourned, mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

Chair Akaka adjourns the BAE meeting at **2:39 p.m.**

Respectfully submitted,

Brandon Mitsuda Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on 8/4/2021.

Trustee Kaleihikina Akaka
Chair
Committee on Beneficiary Advocacy and Empowerment

Committee on Beneficiary Advocacy and Empowerment

Trustee Kaleihikina Akaka, *Chair*Trustee Keola Lindsey, *Vice Chair**Members*

Trustee Leina'ala Ahu Isa, At-Large

Trustee Dan Ahuna, Kaua'i / Ni'ihau

Trustee Keli'i Akina, At-Large

Trustee Luana Alapa, Moloka'i / Lāna'i

Trustee Carmen Hulu Lindsey, Maui

Trustee Brendon Kalei'aina Lee, At-Large

Trustee John Waihe'e IV, At-Large



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**

**MEETING OF THE
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**

DATE: Wednesday, August 4, 2021

TIME: 1:30 p.m.

PLACE: Virtual Meeting

Viewable at www.oha.org/livestream OR

Listen by phone: (213) 338-8477,

Webinar ID: 893 3318 6602

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 2021, as amended, that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees and its Standing Committees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone: (213) 338-8477, Webinar ID: 893 3318 6602

AGENDA

- I. Call to Order
- II. Public Testimony on Items Listed on the Agenda* (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)
- III. **Approval of Minutes**
 1. March 10, 2021
 - 2. March 17, 2021**
 3. March 24, 2021
- IV. Unfinished Business
- V. New Business
 - A. Presentation by OHA attorney Pamela Bunn, Esq. Re: the background and status of OHA participation in the Nā Wai 'Ehā (Maui) litigation and related matters.
 - B. Update and Discussion re: Island Burial Councils, Burial Sites Working Group, Working Group/Task Force Appointments as per 2021 Legislative Session, and Overview of Statutorily Created Boards and Commissions with Seats Reserved for OHA Representation.
- VI. Announcements

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES

March 17, 2021 1:30 p.m.

ATTENDANCE:

Chairperson Kaleihikina Akaka
Vice-Chairperson Keola Lindsey
Trustee Leina'ala Ahu Isa
Trustee Dan Ahuna
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brendon Kalei'aina Lee
Trustee C. Hulu Lindsey
Trustee John Waihe'e, IV

BAE STAFF:

Brandon Mitsuda
Mark Watanabe

ADMINISTRATION STAFF:

Hussey, Sylvia, Ka Pouhana / CEO
Brown, Casey / COO
Hinck, Ramona / CFO
Wong, Sterling / Chief Advocate
Tanaka, Wayne / Public Policy Manager
Gushiken, Raina, Senior Legal Counsel
Ohta, Everett, Assistant Legal Counsel
Chak, Kevin, IT

EXCUSED: NONE

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 10, 2021 to order at **1:33 p.m.**

Chair **Akaka** notes for the record that PRESENT are:

MEMBERS			AT CALL TO ORDER (1:33 p.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
VICE-CHAIR	KEOLA	LINDSEY	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	JOHN	WAIHE'E, IV	EXCUSED	1:45 p.m.

At the Call to Order, **EIGHT(8)** Trustees are PRESENT, thereby constituting a quorum.

II. PUBLIC TESTIMONY on Items Listed on the Agenda*

None

III. APPROVAL OF MINUTES

A. February 10, 2021

Chair Akaka recognizes Board Chair Hulu Lindsey.

Board Chair Hulu Lindsey: I move that we approve the minutes of February, 10th, 2021.

Chair Akaka: Mahalo, Chair, is there a second?

Trustee Ahuna: Second

Chair Akaka: It's been moved by our Board Chair Hulu Lindsey and seconded by Trustee Ahuna. Can I please have a roll call.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA		2	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE`E						EXCUSED
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				8	0	0	0

1:37 p.m.

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

IV. UNFINISHED BUSINESS

A. 2021 OHA Legislative Package Updates - Matrix 1**

Chair Akaka yields the floor to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey yields the floor to Chief Advocate Sterling Wong.

Chief Advocate Wong: Hello everybody, just to go over the legislative calendar to give us a sense of where we are right now. We are obviously right here and we're staring down at the triple referral filing deadline, which is technically the 19th but the filing is the 18th, so all bills that have three or more hearings, committee referrals, need to be into there second committee by Friday and then they'll look at a lateral deadline to get into their last committee in order to make second crossover. Also note the budget crossover deadline was moved

back from last week just because of the expedited schedule so they moved it back, but that's just for the state budget not for our budget.

And then to go into our package and speaking of our budget, OHA-1, HB204, which is the vehicle for our budget had a hearing yesterday in the Senate Hawaiian Affairs Committee and my understanding, the committee report has not been released, either the the new draft of the bill but from the decision making discussion during the hearing our understanding is that the amendments will be zeroing out the dollar amounts from the bill putting those dollars in the committee report and I think there's a defective date. But I'm not sure, we're going to actually have to wait for the committee report to be filed. And it shouldn't be necessarily alarming that they zeroed out the dollars from the budget, that is a normal protocol every year for our budget for that to happen. It's actually a big anomaly that it didn't already happen in the House that the bill, I think we mentioned this last week that the bill came over from the House clean with an effective date is super unusual. So now we have an SD1 and what that's gonna mean is that unless WAM amends the bill to put the dollars back in and effect the date, this bill will most likely go to conference now so that the House and the Senate can work out the differences on the bill. There is still a way this bill skips conference and that's if WAM does effect the date, put the dollars back in and the House agrees to that draft, then it skips conference. But we're probably looking at conference now and also be mindful that it seems like the Judiciary budget and the CIP State budget are all sort of being managed the same way. So I don't think there's any disparate treatment between our budgets and everybody else is so I think that's encouraging.

Going to OHA-2 the CIP bill for Wahiawa is dead and then as mentioned previously, our expungement bill OHA-3 is dead. The good news is that our resolution on data governance is actually moving. We had a hearing yesterday for the Senate resolution in Government Operations and that passed unamended so that's really good and then the HCR3 resolution has a hearing tomorrow at 10:30 in a committee called Pandemic and Disaster Preparedness. So we will be testifying on that and update the Board next week and those resos. have to clear this deadline on the 24th so we are looking good to clear that lateral deadline, then we would just need a hearing following that to make the crossover.

Madam Chair, unless there was questions about the calendar or our OHA package, that will conclude my presentation on this agenda item, mahalo nui.

B. 2021 OHA Legislative Package Updates - Matrix 2**

Chair Akaka yields the floor to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey yields the floor to Public Policy Manager Tanaka.

Public Policy Manger Tanaka: This is Week 9, we made it through crossover and this week is a triple referral deadline, so as predicted we're getting lots of hearing notices, lots of testimonies. Fortunately, I think a lot of bills that are on your matrices now will be gone next week because our tracker will take out the bills that missed crossover. So yeah, so this week I'm just gonna go over a handful of the old OHA bills first, which are old OHA named bills first, which compiled on the OHA named bill table that you have. Then we'll jump to the big matrix, with some table changes. And those are actually resos. that do name OHA, but I'll just do those after with the other new bill positions and bill positions for changes. And then of course, as usual, I'll run down through the new bill positions, changed positions, and surviving bills of note that don't name OHA.

I'll just give an update on is SB1334, that is our Kaka'ako residential bill. You might have seen in the news. It got quadruple referred after crossover and unfortunately we weren't able to even get a single hearing and so it's gonna miss the triple referral deadline and it's pretty much dead for session. Sterling, did you want to reflect on anything with regards to our Kaka'ako bill.

Chief Advocate Wong: Thanks Wayne, Madam Chair, I mean I would just say you know, we knew this was going to be a challenge to get this bill through this session and we're definitely in for the long haul. I did want to recognize everybody's hard work, especially Chair Hulu Lindsey and yourself Trustee Akaka for I mean, the amount of meetings you guys took along with Sylvia our CEO and Kalani was kind of remarkable. How much work we put in and I definitely wanted to give credit as well to our community engagement and the DPM staff because we launched a campaign on this bill that I think is going to be able to carry us for the next couple of years with messaging and stuff that's I thought was pretty remarkable at the last minute. But you know, we're in it for the long haul. We knew this was going to be challenging. I'll leave it at that I don't know if Sylvia or anybody else has mana'o but yeah.

Chair Akaka recognizes Trustee Ahu Isa.

Trustee Ahu Isa: Maybe we can consider what happened in 2011 and 2014, that OHA does really need to look at hiring a lobbyist or having somebody that can speak to us because it's not only gaining access to the legislators. I speak from experience being in their 8 years. They know the lay of the land, they know everything that's going on so they can inform us not only on our bills, on everything how people feel about it. It's just a suggestion because we did get to all other things through other times and we did use a really good, I hate to call them lobbyist, but a spokesperson for us. Our board, I'm not talking about the administration, CEO or them. I'm talking about the Board of Trustees. We don't even have a PR person to help us maneuver through this and it's very tricky. Now we've got new members, so maybe we can educate them on something else which lobbyist, everybody uses it if you really, really seriously consider a bill that you want done.

Chair Akaka: Mahalo for your mana'o Trustee Ahu Isa. I will note, to repeat Sterling, we did have a great number of meetings with our legislators, so it's not a matter of access per say. We did meet with many and those that are chairs and vice chairs of various committees. Those in support and those not in support. It's been clear through the news coverage that, like many things, it's having the proper information and sharing our story so that the greater community, along with our legislators have the correct information.

Ka Pouhana Hussey: Chair, if I could follow up on some observations. Trustees, for me this kind of work is not necessarily in my wheelhouse. You know, give me a spreadsheet and I'm your girl. But what I saw was a tremendous working relationship with Trustees and with our message and with the video, the work product, the maps, the fliers, the Ka Wai Ola issue that gave what we hope Administration and for the Trustees, all of the information to be able to have the conversations in your spheres of influence and in your conversations. We're not all in the same conversations and Administration hope that in addition to the efforts that our Chair and our BAE Chair put forward, that work products were there for you to have your own conversations in your own spaces of influence to get our message out and to honestly take the high road in some of this. Take the high road in our message and take the importance of that. And so for me that was very rewarding to see our Trustees and our Administration working really closely together for common purpose, for our beneficiaries and for the fiduciary responsibilities that we know the Trustees have. So thank you for that opportunity. A lot of hard work and very proud that our people came, you know our staff came, they brought it on. They brought in all the technical skill, the aloha, the savvy, so thank you for allowing us to be a part of that effort.

Chair Akaka: Absolutely, mahalo Ka Pouhana and mahalo to each and everyone that made all of this groundwork possible from the past up until now. We're creating the groundwork for the foundation for tomorrow and we truly feel the momentum. And as our Chair's statement in the media was, we remain steadfast and we move forward. There's going to be challenges up ahead, but we remain positive and optimistic, and again, it's about sharing our story and having others learn of our intentions and feel more comfortable with what we're doing, so mahalo everyone. I believe then we should continue then Wayne.

Public Policy Manger Tanaka: The next bill, PLT related is SB321. As you know this is the bill that would lift the 15.1 million dollar cap, establish a floor that's not specified, but would be higher than 15.1 million, transfer

CFTHA so forth. This bill is triple referred after crossover and it has not had a hearing scheduled. So it's probably gonna miss the triple referral deadline this week and it's probably gonna die, so that's not good.

With respect to the OHA campaign bills, SB238. This was the BOT randomization bill. That bill is still alive. It's passed with amendments. We're still waiting for the committee report on the HD1. But it's passed out of the Judiciary and Hawaiian Affairs Committee in the House and it's on its way to Finance.

SB981, this is the public funding for OHA campaign bill. This also passed with amendments out of JHA and it's on its way to Finance, so we're still waiting to see what the HD1 looks like otherwise I'll just highlight SB1409. This is the Native Hawaiian training course compliance bill. It passed with amendments out of JHA yesterday. We don't know, we don't have the draft yet, but from the Committee Chair's comments, it sounds like they're going to offer a video recording option. Which we may have some concerns about because with a video recording, there's really no way to tell if anyone actually watches the video. So let's see what happens. What comes out of committee and then adjust accordingly.

And then finally, the Mauna Kea task force resos. So this is HDR41 and it has a HR33. So that passed. So the HR is power ready since it's just a single body reso. HDR crossed over, it's been referred to Water Land and Judiciary in the Senate. It hasn't had a hearing scheduled yet. I'll just note, I think Speaker Saiki is already looking for applications to be members of the task force under HR33. I'm not sure how that would be affected if HDR4 is passed or amended, but just to note, it's something that we might want to take up in the ad hoc committee and that's it for the opening bills.

Chair Akaka recognizes Trustee Ahu Isa.

Trustee Ahu Isa: Wayne, you know the bill that's random and about the county. Can explain when it says the next election, the three at large, one will be the lowest vote count will be for two year term and the others will be for four year term. Is that what the bill says?

Public Policy Manger Tanaka: Let me double check. That wasn't my read of it.

Trustee Ahu Isa: I did read it, it was in Civil Beat or somewhere that it's two or was it from Leimomi Khan. Somebody told me the lowest number of votes going to be two year term at large.

Public Policy Manger Tanaka: Yeah, I don't see that in this bill. It just says the names of candidates will be placed in ballot group by residence requirement or lack thereof and that the groupings, the names will be placed in random order within those groupings.

Trustee Ahu Isa: When we vote by island, you know the one precinct.

Public Policy Manger Tanaka: Yeah, the reapportionment vote by island bills, the at large district bills, those are all dead.

Trustee Ahu Isa: They're dead, thank you.

Public Policy Manger Tanaka: So we'll jump over to the big matrix. I do have three at table changes. These are actually basically all Kaka'ako resos. and so they do name OHA, but I'll just talk about them now. So the first is HCR129 or and HR111. And there's also a very similar measure on the Senate side, SCR216. So all of these resos. They set up task forces to discuss the future of development in Kaka'ako Makai and including a discussion on a possible land exchange. So identifying public lands that OHA would might want to exchange our Kaka'ako Makai lands for. The SCR also talks about reviewing the Kaka'ako Master plan. The task force would be comprised of representation from HCD, OHA, Board of Land and Natural Resources, the Senate,

the House and the Kaka'ako Makai Community Planning Council. And we're recommending a position of oppose on these resolutions. Our understanding is that we wouldn't be interested in an exchange of lands. It just kind of kicks the issue to another area. We have to start all over with planning with community outreach. We'd have to deal with potential opposition to how we would want to develop those exchange lands and then it's not clear what would happen if you know, we do see opposition and then you know, then we'll just start this whole process over again. We're also concerned that it gives non Hawaiian organizations like the Kaka'ako Makai Community Planning Council a seat at the table, especially since they haven't really, they really only expressed concerns about how our uses of Kaka'ako Makai will impact their views, and so like giving them a seat at the table on how the state should better manage its obligations to Native Hawaiians is probably inappropriate. So we would recommend opposing these resolutions.

Chair Akaka recognizes Trustee Ahuna.

Trustee Ahuna: Could it be a possibility to actually hold onto our lands, but because we didn't get our entitlements to look at what is the overall cost of our lands, keep our lands and add more, another land to it to reach our 200 million dollar settlement. Would that be a possibility too? So we can maybe stay at the table.

Chair Akaka: Wayne, would you like to elaborate on that, or Sterling?

Chief Advocate Wong: Trustee Ahuna, I think that's a great question. You know, but that discussion can happen outside of I think this resolution and certainly if legislators want to have that discussion, they can have that with us. I think our main concern is that this resolution specifically talks about an exchange rather than just sort of an open ended how can the state meet better its legal obligations to Native Hawaiians. I'll be honest, the inclusion of a non Hawaiian organization into this discussion about how the state meets its legal obligations to Native Hawaiians, I think is sort of a major precedent and it's super inappropriate, and I think as others have pointed out, no other developer has had to have this sort of community input, whatever into how it manages its land so I'll leave it at that, but certainly I think those sort of discussions can happen Trustee Ahuna.

Trustee Ahuna: Thank you so much. I just want to make it clear so our people out there can know and understand why we do certain things, they're all wondering right now and they're all concerned. There's a lot of things that went on this past weekend and they have concerns, but thank you so much, Sterling.

Chair Akaka: Yeah, thank you. Thank you, Sterling and thank you for that question Trustee Ahuna. I think a lot of it as well, is the blaring feeling that we are not being treated fairly and that our neighbors surrounding us have all these abilities yet we are asking to build a couple of towers that do not inhibit the views of those mauka of us, yet there is so much opposition and we are creating a plan to have an environment where everyone can live, work and play that reside, work and play there and it truly would add value to the community there and we would have a Hawaiian sense of place that is one that we can cherish. And again, it's about sharing your story and we are open to good options. However, this is not a good option. This is the best thing we have going for us and this is about self determination, self sufficiency, productivity so we can do even more for our people, mahalo.

Chair Akaka recognizes Vice Chair Lindsey.

Vice Chair Lindsey: Thank you, Madam Chair. My question is so if the recommended position of oppose is voted on and approved then the resos. pass, does OHA participate in these working groups?

Chair Akaka: Yes, but Sterling do you want to elaborate on that?

Chief Advocate Wong: I think that's a great question Trustee Lindsey, and I've actually been thinking a lot about that and to me and I don't know if Wayne or I'm trying to look who else is on the call. But my my thing is

you know, the big thing like what makes this and we keep saying that these are not public lands, these are trust lands. There's only one entity that can make a decision on what to do with these lands, whether they should be exchanged or not, I mean. And that's the nine Trustees on this call, and that's what makes these public lands. That's what makes these lands trust lands. And it's up to the Board whether they want to ultimately participate in this discussion about the lands you have exclusive authority over, that's up to the Trustees. That's not up to anybody else. Like the legislature can do whatever they want and talk about everything they want to do with our lands. You're the only nine that have a say in what happens with these lands. And for me, that's the most important thing. That's what makes our lands trust lands and not public lands, and whether you guys want to participate in this reso. if it does pass, that's completely up to you folks, mahalo.

Chair Akaka recognizes Vice Chair Lindsey.

Vice Chair Lindsey: Thank you, Madam Chair. I guess my comment is I look to the value of OHA being a part of any and all discussions on this issue that is so important to us, and I just question being, I'm not exactly clear why, and again, I know what our priorities are. I get it, I've heard everything that was said about this issue leading up to this, I just question why we would walk away from any discussion on this issue that's so important to us. Thank you, Madam Chair.

Chair Akaka: I think it's a question of strategy having. Yes, we want to be a part of the conversation, but for it to be done in this manner, it's others driving what should be our decision, welcoming that.

Vice Chair Lindsey: Thank you, Madam Chair.

Chair Akaka recognizes Trustee Lee.

Trustee Lee: Thank you, Madam Chair. I think Trustee Lindsey is misunderstanding our opposition versus our participation, because the two are not the same issue. We are apart of this discussion in opposing the bill because our administration will be at the table expressing why we are opposing this bill, and that will get across to the legislators that this isn't their kuleana, it's ours. And I'm sure that will be a part of their testimony as they oppose this bill. Should the bill pass unamended, they have to include us because that would be the law. Then it would be up to the nine of us to decide whether we actually want to participate. I'm guessing we're going to want to. We're not going to let somebody talk about our lands without us being at the table. But just because we oppose it, doesn't mean that we're not taking our seat and voicing our concerns. We're doing, it by opposing the reso. Thank you, Madam Chair.

Chair Akaka: Mahalo, Trustee Lee. Is there any further discussion or questions? Alright, then Wayne if you could continue, mahalo.

Public Policy Manger Tanaka: So that's it for the measures we wanted to add at the table, so we'll jump over now to the big matrix and I'll start with the new bills. The first is HCR74.

Chair Akaka recognizes Trustee Akina.

Trustee Akina: I apologize, I have been unable to disable my mute button for a moment that's why I am a little late and jumping into the conversation, Madam Chair. May I respond with respect to HCR129 and SCR216.

Chair Akaka: Yes

Trustee Akina: I think it's very important when we express ourselves that we point out the major reason that we oppose the resolutions. Which is they are giving jurisdiction or authority, kuleana to parties that don't own this land or that are not responsible for it, and we believe that the Board of Trustees has exclusive rights to determine what happens to this land. That said, I just would caution us on bringing in subsidiary reasons such

as stating that those who are not Hawaiian should not have a say in giving input. I want us just to be careful about making such references because they could work against us in terms of being good neighbors in the area and winning the goodwill of those who surround the area. That's all I wanted to say.

Chair Akaka: Any other further discussion or mana'o on this? Alright then Wayne, if you can carry on.

Public Policy Manger Tanaka: So again HCR74. This is on page one, item six. It has a counterpart HR63 and then there's a Senate single body resolution, SR60. These are the year of the limu resolutions. What they would do is establish 2022 as the year of the limu. It was actually drafted as being supported by folks at Kua'aina Ulu 'Auamo and the Limu Hui and a number of other Native Hawaiian practitioner groups and community groups. As you know, limu is you know, pretty significant. Traditionally it's used for food, for medicine, for religious purposes. It's also an important part of the ecosystem and is also an ecological indicator of ecosystem health. Unfortunately, you know over the years, there's been a lot of limu knowledge that's lost and practices that are have been forgotten and this has hindered efforts to protect, you know this pretty critical you know, culturally and ecologically critical resource. And limu is often also overlooked in land use decisions, in resource management decisions, and then oftentimes, or that can result in the need for legal intervention, including, you know, historically by OHA. So you know, we think supporting this reso. could promote a broader and greater understanding of Hawaiian culture as it relates to limu. The importance of limu you know to our environment and also help you know transmitting knowledge to future generations into lahui. So we're recommending supporting these resos.

The next one to go over, some nominations for the Kaho'olawe Island Reserve Commission. So the first is GM683 and we're recommending supporting all of these. So the first one GM683. It's to have Michelle Pescaia to KIRC. She's a Moloka'i cultural practitioner, well known Hawaiian language speaker, scholar. She has a lot of experience in project management, budget management, reporting staff supervision. She spent 14 years on the Moloka'i Island Burial Council and she's been a member of the Protect Kaho'olawe Ohana since 91. So it's like 30 years and so we think she would be a good addition to KIRC.

The next one right below JM684. This would appoint Anela Evans to KIRC. You know you may have heard of her. She's a cultural practitioner from Lana'i. She's super broad knowledge of Hawaiian history, of culture, language. She has 30 years experience with hula. She's also been a number of PKO for 16 years. So again, we would recommend supporting her as a good addition to KIRC.

And finally, right below that is GM685. This would nominate Dr. Benton Pang to KIRC. He has experience with ecological restoration, with Hawaiian ecosystems. His PhD is in Hawaiian ethnobotany and ecological restoration of dry forest ecosystems. We think he'd be able to provide a lot of technical assistance and to KIRC. Also, he also published, I think two reports that made it into the Kaho'olawe Island Reserve plans, so he contributed the threatened and endangered species protection plan and environmental natural resources protection plan to the reserve plan. So we're recommending supporting his nomination.

We do have four bill position changes we're recommending. First is SB36. This is a rental discrimination protection bill. We're recommending a change from comment to support. You know, we like this bill. You know we have studies that show that when you do have Section 8 discrimination protections then recipients of Section 8 and other public housing support are often a lot more successful in securing housing. We weren't supporting this bill outright though because of appropriations. Those appropriations have been removed so now recommending a change from comment to support since it won't impact the general fund.

The next bill, SB257. This bill would have extended, allow the DLNR to extend any commercial industrial resort or government lease except for UH leases for 40 years and so we're really concerned that it would pretty much open up vast lots of public and ceded lands to be encumbered by private entities for 100 plus years at a time. So we're very concerned about that. Fortunately, Ways and Means Committee amended it to narrow it down to only five parcels in Waiakea that are owned by DHHL. And there's actually some technical issues with the

language of the bill that I'm not sure would make it work. I don't think we would wanna necessarily comment on how to fix the bill that we're not super excited about, but because you know the vast majority of our concerns have been addressed, we're recommending a change from oppose to just monitor.

Next bill, it's SB607. We were opposing it. It was a bill that would have exempted the Leali'i affordable housing project from Chapter 6E, which is a historic preservation chapter in the HRS. The exemption from 6E has been removed, so we're recommending just monitoring this bill since it no longer raises concerns.

And finally, SB808. It's a school facilities agency bill. Originally just intended to clarify some of the authorities of the School Facilities Agency. Most recently, it's been amended to exempt lands that the agency holds and holds title to from Chapter 171, except for the super majority legislative approval requirement for the sale of public lands, that would still apply. So it's a little harder, it will be a little harder for the School Facilities Agency to lease lands out for, you know, a century at a time when it's only when this authority would only apply to lands that it's holding title to. The other bills we're concerned about with that any lands leased to agencies like the HHFDC to be subject to the 99 year leases or longer. So we're recommending commenting. Just to express concerns regarding continual additions to 171 exemptions that may lead to chipping away of the ceded lands corpus, especially when you know the recipient agencies don't have any comparable limitations as in Chapter 171 in regards to lease lengths and public auction and those protections. So recommending commenting on this bill.

I'll just rundown through, highlight some other notable bills that don't name OHA. So these are all going to be old positions, so we have already, we're not recommending changes to any of these bill positions. I'm just going to give a quick status update on things that are alive. I'll go through the DHHL bills. SB86, the medical pakalolo dispensary bill for DHHL, that one crossed over but it has a quadruple referral in the House and hasn't had a hearing. So it's dead.

HB753, this bill would exempt DHHL from school impact fees and let it dedicate more of its funds to actually you know, fulfilling its mission. This bill's alive. It has a hearing on Friday in Ways and Means, so that's and we're supporting this bill.

SB1121, this will exempt DHHL from the GET. This is also crossover. It has a double referral, doesn't have a hearing yet, but it's only double referral so it doesn't need a hearing this week to the House Judiciary and Hawaiian Affairs Committee and the House Finance Committee.

SB1123, we're commenting on this bill. It would require county maintenance requests from DHHL to be implemented within 60 days. It got triple referred in the House. It did crossover, but got triple referred and so it hasn't had a hearing scheduled, so it's probably going to die.

And then SB1122. Similarly, its got triple referred and hasn't had a hearing scheduled. We were supporting this bill. It would give DHHL first dibs and county water credits, provide for representation of DHHL on the County Boards of Water Supply. It got triple referred hasn't got a hearing so it's dead.

And then finally HDR76 and it's a single body counterpart, HR64. This is a act 14 resolutions, so kind of creates a group to assess whether you know whether and how act 14 has accomplished what it was meant to accomplish, which is to address the inappropriate and uncompensated use of DHHL lands by the state. Those resos. have not been scheduled for hearing yet, but they have, resos. have a longer deadline and these are also only double referred so yeah, so there's still time for those to move.

With regards to ceded lands, there is actually two bills that are moving and they just had hearings this week. SB2 and HB902. Both of these bills will let lands that are leased or set aside to the HHFDC to be exempt from Chapter 171, so essentially they'll be no limits on how long these things can be leased for, you know, no public auction requirements. None of those protections are 171 and so we are super concerned about that. The vision

that's been driving these bills is for HHFDC to require lands, public lands and likely ceded lands by lease or set aside and then leased amount for 99 years at a time, which is, you know, it's tantamount to a sale. I think I mentioned last week, tribes on the continent have been caught knowing that for 40 years now that 99 year leases are basically a loss of land like a permanent loss of land. Recent in this week's hearings. While the bills haven't been getting a lot of attention before, I think folks have been engaged in other lease extension, like the lease extension bill I was talking about have been, now been made aware of these bills and so like there is like 100 plus pages of testimony. Almost all except for like four in opposition to these bills. But there's still. They were both passed out of committee and you know, we did offer, we have been offering amendments to mitigate our concerns about potential loss of ceded lands. Unfortunately, it doesn't seem like the committee chairs are open to them.

Similarly SB749, this is item 176, on page 70. This would allow the Hawaii Public Housing Authority to build non income restricted housing. So basically build market rate housing. We're in opposition to this bill. We're very concerned because HPHA already has the ability to get lands leased to them or so set aside to them and then be exempt from 171 and lease them out for you know, however long and so it's kind of like a alternate vehicle for these 99 year lease proposals. Also to you know, we weren't super concerned with HPHA's authorities in so far as they were limited to just building, you know, essentially public housing, very low income housing, housing for veterans, for elderly. This bill would vastly expand their authority though, and create a lot of pressure to you know, get public and ceded lands. Lease them out for you know, century at a time to developers to build market rate housing. And so we're also opposing this measure based on our ceded lands concerns. Similarly HB499, this is, oh sorry. And then the HPHA bill that I just mentioned has a hearing tomorrow in the House Housing Committee.

And then HB499, this was a companion to the lease extension build that I talked about where we change our position because it was vastly, the Senate counterpart was vastly reduced in scope. This one is not been reduced. It got a lot of opposition when it had a hearing on Monday, but the committee passed it out nonetheless. The committee chair didn't note any amendments to address our concerns either with this bill, which again would let any lease, any commercial industrial resort government lease, including leases like Pohakuloa, to be extended for 40 years at a time.

And finally SB176, this is the Sand Island bill. It's intended according to its preamble, to let the lessees at Sand Island acquire the fee ownership of their leased lands, which are ceded lands. In effect though, it's a lot broader than that, it would let any industrial lessee of public lands acquire a fee to their lease, so we're very concerned and opposed by this bill. Fortunately, it has been quadruple referred in the House, so it's technically alive, but it's not gonna make triple referral, and so it's probably, it's gonna die.

On the historic preservation front, HB497. We also opposed this bill. This bill would restrict counties from requiring developers of residential developments from consulting with state agencies. Unless there's a state statute that says that they can do that. Again you know, our counties often do ask developers to consult with us, to consult SHPD to address the historic preservation issues and impacts and we are able to provide helpful information that I know for example, identifying historic properties or burials that the developers weren't and the counties weren't even aware of. So it's a valuable process to let the counties, or valuable mechanism, when counties ask developers to consult with us and this would take that away. So we're opposing this bill. It has a hearing on Friday in front of the Senate Water Land Committee, so we'll be testifying on that one.

And then also too for historic preservation, HB1311. This is a companion to the Leali'i 6E exemption bill that we talked about in the bill position changes. We're still opposing this bill. It has, it doesn't have an outright exemption to Chapter 6E, but provides for kind of a watered down phase historic preservation review process that doesn't even have the minimal protections of a programmatic agreement that's in Chapter 6E for phase review projects. Fortunately, during decision-making on this bill, it had a hearing yesterday. The committee chair indicated that they were going to amend it just like the other bill is amended. So hopefully when the SD1

comes out we can, it will take away those 6E provisions. And we can drop our oppose, but we'll just wait till the Senate draft and the committee report comes out before we do that.

On the criminal justice front. I'll just highlight SB1128. This is the Kawaihoa bill that would set up a revolving fund for the strengths based vocational training program for the youth that are at Kawaihoa, the Hawaii Youth Correctional Facility. It has crossed over, it has a double referral, hasn't had a hearing yet. It has until next week to get a hearing to make lateral and we're in strong support of this bill.

For housing, there's a bill SB4 that we're opposing. This would prohibit any inclusionary zoning requirements for certain residential developments, which kind of ties the hands of counties from ensuring that units are built that are actually needed by their residents. We're in opposition to this bill. It did crossover, but got a triple referral and hasn't had a hearing scheduled. So unless it gets referred or a committee waves, then it's gonna be dead this week.

In terms of health, SB905, this is the bill that's basically a kind of a repeat of our leg. package bill from two years ago. It would establish a certain number of seats under the State Mental Health Council to have representatives that are experts or experienced in Hawaiian health practices and approaches. It has been triple referred unfortunately in the house, so it's probably going to be dead.

On the education front, HB546 and SB1384. These bills would both allow for the Aha Punana Leo representative on the early learning board to have a longer tenure on the board. They both crossed over. We have a hearing tomorrow on the SB in the House Education Committee, so that's exciting. We're still waiting for the HB to have a hearing scheduled. It's been double referred to Education and Judiciary in the Senate, so it has till next week to make lateral.

Yeah and then the broadband bill is SB850. It has a hearing today, so this would create a broadband task force to look at you know, expanding broadband access in rural areas which is where majority, like majority of the population of rural communities are Native Hawaiian so we're supporting this bill. It has a hearing today and so after that it has to have two more committee hearings by Consumer Protection Commerce and Finance, and so it needs to have its, assuming it passes out today, will have to have been heard by CPC next week before lateral deadline.

Chair Akaka recognizes Trustee Ahuna.

Trustee Ahuna: Aloha, first of all, thank you for all you guys have been doing. I think you guys have been doing a wonderful job. You know, this past week I've been getting calls from our beneficiaries. A big concern is what happened at our Kaka'ako site, you know, how they just put it down. This is in regards to SB2, HB902, SB749 and HB499. These are all of our ceded, 99 year lease bills. One of the concerns is we already have a program that they set out, it's called Hawaiian Homelands, 99 year leases and they can't even do any to get our people on the land, and now they're starting something totally new. So the questions that they're coming to me with and I want Wayne if you can explain this, can OHA take a bigger opposition stance first, is that possible?

Public Policy Manger Tanaka: Yeah, so we have been submitting written testimony on these bills and testifying in person on all of them except for HB499. Also, getting questions from folks, so I explained to them what our concerns are with these bills when they ask and reach out. I know our community outreach folks and even myself have been asked about like why we haven't been doing more with like for example our social media accounts that have a lot of followers and I defer to Community Engagement Administration as to you know, if and when we want to use those assets, I think because we had a lot of irons on the fire, especially up to now. Until yesterday we were trying to be cautious about being too strident in opposition. You know we can talk about, you know, administration side about, you know whether there's additional things we can do.

Provide more education, more engagement or outreach I mean on these bills and why they're so important to oppose.

Trustee Ahuna: Thank you, Wayne. Just one last quick question and I just want to make sure that our people, our beneficiaries get educated on these things so they have a understanding that we already are opposing this. What has been the response to our legislators to our opposition and the last question would be what happens if the bill passes? What else can we do?

Public Policy Manger Tanaka: Okay, those are actually really good questions, thank you. So far legislators have been not receptive to our opposition or to our, you know, proposed amendment to mitigate our concerns. But one really concerning thing is, they're talking a lot about the Mission Act and saying the Mission Act talks about the Public Land Trust and says one of the purposes of the Public Land Trust is to provide home ownership on a widespread basis as possible, and that's concerning to me because it really conflates two different issues. The ceded lands issues, and then the Admission Act, the Public Land Trust. So like how I've been thinking about it is, you know, it's like the ceded lands is like someone stealing your car, right? Like you know, I'm not even being hyperbolic, but like these lands were taken literally, you know, at gunpoint. The Queen knew that her people were willing to die if they fought back against insurrectionist and she knew they probably would, because the US military was backing them up at the time, and so she surrendered them extreme duress and those issues and claims have never been addressed. So to go back to the car analogy, the ceded lands issue is like the car being stolen. The Admission Act and the Public Land Trust issue is like the person that now that stole your car is now saying okay I'll give you 20% of what I make when I rent this car out to other people. So when they talk about housing, when you talk about the Mission Act, they're talking about the rent money. Or you know that rent money that you get from the car, not the fact that the car was stolen in the first place. And then you know, when you sell that, if that person that took the car sells the car or you know rents out for 100 years, which is basically selling the car. Then you'll never get a chance to deal with the fact that the car was stolen. And so that's kind of like what you know, what really concerns me when they try, when they conflate Hawaiian ceded land concerns with the Public Land Trust. I'll just add that they're not taking great care of the car. They're not changing the oil and they're not actually giving 20%. They're giving more like 10%, but just to play with that analogy a little bit more. The other thing they talk about also is like about Hawaiians having housing needs, like disproportionate housing needs which you know, I think it kind of sidesteps the issue and also doesn't address the fact that HHFDC can't provide housing just for Hawaiians. Like that was why they took out the transfer units to OHA language from the Aloha Homes bill. And I think when you think more critically about it, like if it wasn't really not for the loss of lands in government and governance due to overthrow, then I don't know if Hawaiians would have a, would be houseless, disproportionate housesless or facing housing insecurity in Hawai'i. And you can kind of really trace that. We've actually been doing a little research to trace the loss of governance and lands and how that directly leads to today and the challenges that we see not just in housing, but you know all kinds of different areas. And the other thing, the other response and the only response I've been getting from like HHFDC about why our amendments aren't acceptable is that would create, that the developers they are talking to say it would create too much bureaucracy for them, which it's hard for me to understand because our amendments essentially all the ask is that if there are ceded lands that are going to be leased for more than 65 years that the OHA Board of Trustees approved terms and conditions to those leases that can preserve Native Hawaiian claims, and there's some examples, but there's nothing concrete. So like you know, rights of first refusal, set asides of revenues or equity recaptures to support Hawaiian programs, reservation of the rights of a Native Hawaiian self governing entity. But nothing concrete or specific, just examples that's in our proposed language, and so really there's, if they come up with a good agreement that we're agreeable to then it's just, you know, six days Sunshine Notice to the Board, then the Board can take action on and approve, and it doesn't have to take years like you would need for infrastructure development for EISs, for all those other things. Yeah, and the other thing that I pointed out to them is that you know, we care a lot about housing. Housing is a huge issue for Hawaiians, and OHA has invested over \$40 million over the last decade and all kinds of programs that seek to address the housing security and houselessness issues in the community, and so I can't imagine that OHA is going to necessarily

want like just jam all these a good project up that's gonna provide housing. We just need address our concerns regarding to the ceded lands and protect the claims of Native Hawaiians with ceded lands.

Chair Akaka: Mahalo, Wayne, I think you're doing a good job at explaining. Housing is a priority and we are fulfilling our kuleana by submitting written testimony and like you had mentioned earlier, a lot of our attention has been focused on Kaka'ako Makai and our other bills, and that also includes the option of housing, hence the lifting of the height restriction. But I believe that our Ka Pouhana also wanted to share something.

Ka Pouhana Hussey: Thank you, Chair, I wanted to respond to Trustee Ahuna. We've been having, if you want to call them quiet conversations or continued conversations and I think with housing in the Legislature to talk about. We have a board position to oppose. It is imperative for us to oppose the 99 year and the alienation, but that doesn't mean we can't continue to work together and find out in a collaborative way who has kuleana for what and so we have presented a collaboration discussion map focusing on two things. One is housing delivery and one is occupancy ready and so we don't have broad delivery right. Those are DHHL, HHFDC, HCDA. There are others who are in the home delivery space. We can absolutely support occupancy ready people who can afford down payments, first last month rent, have financial literacy, have debt recovery repair is able to provide for their families. So on the beneficiary side, we can absolutely work together to have programming for occupancy ready beneficiaries, occupancy ready constituents, whether it's a DHHL house, HHFDC house, a regular house or rental. We can provide that kind. But that's not only our responsibility, there are others whose responsibility can be about occupancy ready. So sometimes I think it's perceived that our opposition, our strong opposition and our rightful opposition on 99 years, it's either or rather we are saying it's and. We're opposing this because it's an absolute erosion of the corpus and we're willing to find solutions that makes sense for everybody, but it's not our kuleana to deliver housing, but we absolutely can have our beneficiaries be occupancy ready and that is everything from ability to afford, be able to do first and last month financial literacy, all of those things. So the meetings that we are pitching and setting up, can we all get together and agree on the end piece. You guys work on housing delivery. We will work on getting our beneficiaries, and your constituents by the way, occupancy ready. So it's exciting, but it's hard work to set up this kind of design and it's often interpreted as oh OHA you guys are only oppose oppose oppose and that's not the case. We absolutely have to oppose at a minimum an in written and more needed as Wayne has pointed out, verbally. We have to be on record to specifically say why we oppose that, but what is also important is we are on record to say there are different ways to approach this. There are different ways that we can put in some safeguards as to these processes. So I appreciate that Wayne and our team is always in the mindset okay, and, instead of 99 you know or. So that conjunction of or versus and is a critical piece in OHA moving forward. But sometimes it appears as if OHA is just saying no and not being helpful and that's completely not the case, and so I want Trustees to know for sure that we are in an and conjunction kind of peace. We want to work with the state, but we absolutely have to oppose these 99 year or any action that alienates our claims.

Trustee Ahuna: Thank you so much. Beneficiaries were wondering and we needed to get this out. Thank you so much.

Chair Akaka: Mahalo for that elaboration Ka Pouhana. Sterling, did you want to share more on this?

Chief Advocate Wong: Yeah, I just want to say one thing. I think that the state right now is willing to have discussions with us about how to meet the housing needs of our beneficiaries because there's an overall housing crisis. But what the state is not discussing with us at all is how they're going to protect the Ceded Lands Corpus and how they meet this need, and I think the Supreme Court told us in 2008 that you know, the state can't or shouldn't diminish the Ceded Lands Corpus because it disadvantages Native Hawaiians in our discussions with the state about any sort of reconciliation about how to get our car back, you know. And nobody in the state wants to talk about that, and that's sort of the elephant in the room. They want to talk to us about how they can use our lands to meet everybody's housing needs, but they don't want to talk to us about how we get the car back, and the state has passed laws including Act 195 in 2011. Committing itself to a

reconciliation process with Native Hawaiians and it's failing to do that in 10 years. The Supreme Court when it had its decision in 08. It named a bunch of other acts that the state has passed, committing itself to that reconciliation. As far as I'm concerned, when I look at what happened with Kaka'ako Makai and these 99 year lease bills, these are broken promises stemming back from the first promise that the state is built off of that Native Hawaiians were going to have our ancestral lands manage in a way specifically to benefit Native Hawaiians, and it's a longstanding broken promise at every step of the way, so I'll just leave it at that. I look at these 4-5 bills for the rest of session with Kaka'ako Makai dead as probably the biggest lift we have for the rest of the year, trying to kill them. And certainly we can work with the state. Whether these bills die or not, about how the state can help Native Hawaiians meet our housing needs, mahalo.

Public Policy Manger Tanaka: Yeah, and so just to follow up on Sterling's note and also on Trustee Ahuna's second question as to what happens if the bill passes. I think one of the reasons for our existence as an agency is to act as as like a placeholder for a future Native Hawaiian self governing entity and any kind of government needs a land base and the ceded lands are going you know, essentially the land base for a future Hawaiian Nation, whatever form it takes. And so as a existential matter, we may have to, if this bill passes and it doesn't have amendments, we're going to have to monitor closely what HHFDC does with any ceded lands they may acquire. So that's gonna mean you know, monitoring all their development proposals and RFPs which is gonna take a lot of staff time. Like we're going to have to try to negotiate our claims, which you know, hopefully they'll be open to, especially with like some of the road mapping and things like Ka Pouhana was talking about. But if they keep up this pattern of just ignoring our claims, you know we may have to make that difficult decision as to whether we want to intervene in some other way as part of our fiduciary, you know, obligation. Our Leali'i lawsuit in 94, it lasted 15 years. I don't know how much it costs exactly, but I'm sure it costs a lot of trust dollars to pursue which we had to do because it was the Ceded Lands Corpus. And then too, the you know if anytime we have to draw a line then we're gonna get portrayed as obstructionist or anti housing or so forth. This is why I'm thinking about you know practically down the line if these bills pass, you know the amendments that we proposed which is just to give the Board of Trustees a seat at the table when the state is disposing of stolen Hawaiian lands for 99 years at a time. I think that's a good way to avoid all of that, because with terms and conditions that we approve, that could be maybe even built off of the road map that Ka Pouhana was talking about. Like terms and conditions we approved at least will be, you know, will proactively have a chance to make sure that there's no conflict as these development proposals go forward, which I think everyone would want. So yeah, I mean hopefully we can get, if not stop these bills from moving at least get some of the amendment language into them. I also want to appreciate Trustee Ahuna. I think you mentioned about one of the things we've been, I've been trying to tell folks in the housing arenas that I think it's really important anytime we talk about the housing needs of residents. We start a conversation with a discussion on DHHL and what the state could do better to support DHHL and its mission. It's if you can knock their wait list down significantly, that's a huge chunk of our affordable housing needs that would be addressed. And it would definitely go to local residents and not, you know, folks from the continent or elsewhere that want to move here and have a lot more cash in hand equity to do so. A lot of these 99 year visions you could even have DHHL do them and accomplish them through DHHL, and guarantee they'll be able to. Either local resident, local residents or Native Hawaiian, or help bring Native Hawaiians home from the continent which would also be not a bad thing either.

Chair Akaka: Alright, Wayne, did you want to continue?

Public Policy Manger Tanaka: I'm pau, just open to questions or anything else, comments.

Chair Akaka: Alright then, may have a motion to approve administration's recommendations on new bills and positions.

Trustee Ahuna: So moved

Board Chair Hulu Lindsey: Second

It has been moved by Trustee Ahuna and seconded by our Board Chair Hulu Lindsey.

Trustee Ahuna: Chair Akaka, I'd like **To approve Administration's recommendations on: NEW BILLS (Items 1-26) and BILL POSITIONS FOR RECONSIDERATION (Items 27-30), along with the following revisions:**

ADD Measures

- HCR129, as OPPOSE
- HR111, as OPPOSE
- SCR216, as OPPOSE

On the OHA Legislative Positioning Matrix dated March 17, 2021

Board Chair Hulu Lindsey: Second

Chair Akaka: Mahalo, Trustee Ahuna and mahalo, Board Chair Trustee Hulu Lindsey.

Is there any other wonderful discussion members on this? Seeing none, can I please have a roll call vote Brandon?

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA	1		X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY		2	X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE'E			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

2:46 p.m.

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

V. NEW BUSINESS

NONE

VI. ANNOUNCEMENTS

Chair Akaka: Members, are there any announcements at this time?

Trustee Ahuna: I just want to say thank you to our Administration's staff for the Kaka'ako Makai.

Trustee Ahuna gives them a thumbs up.

Chair Akaka: Mahalo, Trustee Ahuna. Yes, a lot of hard work and effort has been put forth through various parties here and the collaborative effort is a beautiful thing, so we will go forward.

VII. ADJOURNMENT

Chair Akaka: Can I get a motion to adjourn the meeting.

Trustee Ahuna: So moved, Madam Chair.

Trustee Waihe'e: Second

Chair Akaka: It's been moved by Trustee Ahuna and seconded by Trustee Waihe'e. Is there any other discussion that anyone would like to do before we close? Alright then, we'll have a **roll call vote** to adjourn.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	2:48 p.m. EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA	1		X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY			X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE`E		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

Chair Akaka: The meeting is now adjourned, mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono. Happy St. Patrick's day.

Chair Akaka adjourns the BAE meeting at **2:49 p.m.**

Respectfully submitted,

Brandon Mitsuda Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on 8/4/2021.

Trustee Kaleihikina Akaka
Chair
Committee on Beneficiary Advocacy and Empowerment

Committee on Beneficiary Advocacy and Empowerment

Trustee Kaleihikina Akaka, *Chair*Trustee Keola Lindsey, *Vice Chair**Members*

Trustee Leina'ala Ahu Isa, At-Large

Trustee Dan Ahuna, Kaua'i / Ni'ihau

Trustee Keli'i Akina, At-Large

Trustee Luana Alapa, Moloka'i / Lāna'i

Trustee Carmen Hulu Lindsey, Maui

Trustee Brendon Kalei'aina Lee, At-Large

Trustee John Waihe'e IV, At-Large



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**

**MEETING OF THE
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**

DATE: Wednesday, August 4, 2021**TIME:** 1:30 p.m.**PLACE:** Virtual MeetingViewable at www.oha.org/livestream OR

Listen by phone: (213) 338-8477,

Webinar ID: 893 3318 6602

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 2021, as amended, that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees and its Standing Committees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone: (213) 338-8477, Webinar ID: 893 3318 6602

AGENDA

- I. Call to Order
- II. Public Testimony on Items Listed on the Agenda* (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)
- III. **Approval of Minutes**
 1. March 10, 2021
 2. March 17, 2021
 - 3. March 24, 2021**
- IV. Unfinished Business
- V. New Business
 - A. Presentation by OHA attorney Pamela Bunn, Esq. Re: the background and status of OHA participation in the Nā Wai 'Ehā (Maui) litigation and related matters.
 - B. Update and Discussion re: Island Burial Councils, Burial Sites Working Group, Working Group/Task Force Appointments as per 2021 Legislative Session, and Overview of Statutorily Created Boards and Commissions with Seats Reserved for OHA Representation.
- VI. Announcements

STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. NIMITZ HIGHWAY, SUITE 200
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
MINUTES

March 24, 2021 1:30 p.m.

ATTENDANCE:

Chairperson Kaleihikina Akaka
Vice-Chairperson Keola Lindsey
Trustee Leina'ala Ahu Isa
Trustee Dan Ahuna
Trustee Keli'i Akina
Trustee Luana Alapa
Trustee Brendon Kalei'aina Lee
Trustee C. Hulu Lindsey
Trustee John Waihe'e, IV

BAE STAFF:

Brandon Mitsuda
Mark Watanabe

ADMINISTRATION STAFF:

Hussey, Sylvia, Ka Pouhana / CEO
Brown, Casey / COO
Hinck, Ramona / CFO
Wong, Sterling / Chief Advocate
Tanaka, Wayne / Public Policy Manager
Gushiken, Raina, Senior Legal Counsel
Ohta, Everett, Assistant Legal Counsel
Chak, Kevin, IT

EXCUSED: NONE

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, March 24, 2021 to order at **1:32 p.m.**

Chair **Akaka** notes for the record that PRESENT are:

MEMBERS			AT CALL TO ORDER (1:32 p.m.)	TIME ARRIVED
CHAIR	KALEIHIKINA	AKAKA	PRESENT	
VICE-CHAIR	KEOLA	LINDSEY	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	LUANA	ALAPA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	EXCUSED	1:35 p.m.
TRUSTEE	JOHN	WAIHE'E, IV	PRESENT	

At the Call to Order, **EIGHT(8)** Trustees are PRESENT, thereby constituting a quorum.

II. PUBLIC TESTIMONY on Items Listed on the Agenda*

None

III. APPROVAL OF MINUTES

A. February 17, 2021

Chair Akaka: I will entertain a motion to approve the minutes.

Trustee Ahu Isa: So moved, to approve.

Board Chair Hulu Lindsey: Second

Chair Akaka: The motion has been made by Trustee Ahu Isa and seconded by Trustee Hulu Lindsey. Members are there any changes to the minutes? Seeing none, Brandon can I please have a **roll call vote** to approve the minutes.

							1:38 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA	1		X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY		2	X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE'E			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

IV. UNFINISHED BUSINESS

A. 2021 OHA Legislative Package Updates - Matrix 1**

Chair Akaka yields the floor to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey yields the floor to Chief Advocate Sterling Wong.

Chief Advocate Wong: Aloha, everybody, I'm gonna go through the calendar just to give us a sense of where we are in session. Today's the 24th so budget crossovers to the state budget bill will be moving as well, you will see that it is a major, couple major deadlines. So we have a second lateral deadline, so bills that have crossed over have to be into their second to last committee by tomorrow and you know with the holiday that really sort of expedites everything. In addition, today is the lateral for concurrent resolutions so we saw a flurry of bills and resolutions being heard over the last few days. I think over the weekend 40 came in so staff was busy with those. Session will kind of die down a little bit, actually there's the crossover for resos. so most

resos. will get another hearing next week, including like our Kaka'ako Makai reso., well the Speaker's reso. and then we're looking at decking and this lateral for resos. I guess stuffs gonna actually move pretty quickly moving forward, but a lot a lot of bills have already died off and resos. as well, but not meeting these deadlines.

I'll take you guys through the package. As you know, OHA-1, HB204, is our vehicle for our budget bill. As we mentioned last week, it passed out as an SD1 blanked out the dollar amount. Still with an effective date and it needs to be heard by WAM sometime in the next two weeks.

OHA-2, OHA-3, are all dead. But OHA-4 the resolution on our data governance is still moving. They both passed, this HCR3 has a HD1, but it's just a non tech, non substantive amendments and they should both be getting hearings hopefully next week in their final committees to make the crossover deadline. That's our package update, Madam Chair. If there's no questions, that will close off the presentation on this agenda item, mahalo.

B. 2021 OHA Legislative Package Updates - Matrix 2**

Chair Akaka yields the floor to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey yields the floor to Public Policy Manager Tanaka.

Public Policy Manger Tanaka: Thank you, alright good afternoon everyone. So we have five more weeks to go before sign die. It's been a busy week of hearings and testimonies. You'll see more bills die off. Although we do have GM 's coming in, so Governors nominations to boards and commissions.

I'll go over the OHA named bills first including a couple of new positions that we're recommending. The first new bill that names or I guess resolution names OHA is HCR131. It's very similar to another measure HCR133, which has a Senate counterpart SCR206, which has a single body counterpart SCR171. But these resolutions all create a burial site working group, burial sites working group. HCR131 would include three members from OHA. So two OHA staff. One OHA Trustee. The other resolutions would only have one OHA staff member on the working group. So they what they would do is kind of look at some of the longstanding issues and challenges that we have been struggling with, getting the Historic Preservation Division to address and that the you know, I think the Island Burial Councils have also expressed concerns. So for example, looking at you know the administrative performance of SHPD and supporting the Island Burial Councils. You know looking at the issue of vacancies. HCR131 talks about developing statewide inventory and survey of historic properties and burial sites just so that we have you know kind of like a one stop shop to make sure that we can anticipate where there may be historic properties and burials that need protection. We're recommending for HCR131 a position of support with amendments. This is the version that would have three OHA members, so two OHA staff and one OHA Trustee. We do think this is a good step forward, but having that much of an agencies resources committed to this working group might be a little bit disproportionate. We do believe our staff can adequately represent the concerns that they've been tracking for a number of years now. So we would recommend support with amendments just to have one OHA staff as a member of that working group. For the the other reso. that has just one OHA staff, we're recommending straight support.

The other new OHA named bill I'd like to highlight is HCR175. So this is essentially a cut and paste of our data governance reso. or OHA-4. We met with Rep. McKelvey as part of our outreach to key legislators on our package and I guess he was so excited about our data governance resolution that he asked us if he could take it and also introduce on his own as a separate vehicle and get other legislators to sign onto it and so that's what he did, and so recommending supporting this resolution.

Alright so these are all old bills, we're not recommending any changes. With regards to the Public Land Trust Kaka'ako SB321. This was the Public Land Trust bill that would have lifted the 15.1 million dollar cap among other things transfer the CFTHA so forth. It has died as it has miss the triple referral deadline, so unless it gets rereferred it's probably not going to move.

As you know, the Kaka'ako Makai Bill SB1334 died last week, but there are two resolutions. HCR129, which has a single body HR111 and its Senate counterpart, SCR216. Essentially these are the resolutions we talked about last week that would set up a working group that includes Representatives from the Legislature as well as the Kaka'ako Makai Planning Committee to kind of determine what OHA should do with Kaka'ako Makai lands. We're in opposition to these measures as you recall. Our Chair did a really good testimony yesterday in opposition to HCR129 and HR111. It did pass out of that committee. So it's on its way to Judiciary and Hawaiian Affairs. Hopefully they won't hear it or if they do hear it, then they'll you know, I think listen more closely to our concerns so we'll be watching that.

Chair Akaka recognizes Chief Advocate Wong.

Chief Advocate Wong: Background on this reso. HCR129. So I'm just looking at it had a floor vote today. Zero reservations, one no vote from Representative Daniel Holt. I think most likely my guess is that this resolution will have a hearing next week to clear the deadline next week for the resos. and my assumption is. Well, I don't know what's going to happen with the reso. once it crosses into the Senate, but the fact of the matter is, if it clears JHA next week, the stand alone HR111 will have been adopted and that would be a like a fully adopted reso. and so we would need to have a discussion to see. My guess is like the speaker would try and convene the working group and then we would need to have a discussion I think with the Trustees about whether OHA would actually participate in the group. So just something to think about moving forward. Mahalo, I'll turn it back over to Wayne.

Chair Akaka: Mahalo, Sterling, just for reference members, JHA is the House Committee Judiciary and Hawaiian Affairs.

Public Policy Manger Tanaka: Okay, so moving on, the two surviving OHA election bills. So that's SB238, which is the randomization bill and SB981, which is a public funds for OHA campaigns bill. They're both still alive. They passed with amendments last week on the 16th and I checked last night and there's still no HD1 for these so we're still waiting to see what the amendments are to these measures and but yes they're still alive. All the other OHA campaign bills including the reapportionment bills are dead.

And then our SB1409, which is the training course compliance bill, which is pretty closely similar to what we were proposed last year as part of the package. This bill is still alive. Just like the OHA election bills, it passed with amendments last week. We think we know what those amendments might be, but I checked last night and there's still no HD1 so we'll have to wait for that to come out to be sure. And that's it for the OHA named bills.

So now we jump over to the big matrix. But before we get to that, I do have a handful of table changes so some Governor's nominations to add. These are all Island Burial Council nominees. We're in support of all of them. Quick summary, so GM739. This would confirm Kalena Blakemore as a large land owner Rep. on the Island Burial Council. Miss Blakemore is a former OHA nominee, she's also a current OHA employee, so she's managing our conservation lands on Hawai'i Island, Wao Kele o Puna. She has a long history of dedication to cultural natural resource protection.

GM740 would confirm Randall Higa as the Haumakua Rep. on the Hawai'i Island Burial Council. Mr. Higa is also a former OHA nominee. He lives in a Haumakua and has genealogical ties to Waipio. He's helped with the restoration of various Wahi Kapu, Hula Pa and traditional Hale.

GM741, this would confirm Charles Mitchell as the Kona Rep. on the Oahu Island Burial Council. He's also former OHA nominee. He's actually been serving as the Waianae Rep. since 2016, but now he's like shifted his focus to the Kona Moku to sit in that seat.

Next One is GM745, this would nominate Kama'ano Mills as a landowner Rep. on the O'ahu Island Burial Council where he you know, he was actually formerly worked at SHPD as a Burial Site Specialist. He is an employee of Kamehameha schools. He currently serves in the Clean Water and Natural Land Commission and is a member of the Society for Hawaiian Archaeology. He's been serving on the O'ahu Island Burial Council since 2016.

GM746, this would confirm Kahele Dukelow as the Honolulu Rep. on the Maui and Lana'i Island Burial Council. So she is a current nominee. She was in our 2020 and 2021 letters to SHPD. She's super dedicated perpetuating Hawaiian cultural practices and knowledge. She's an instructor at UH Maui. Also has decades of experience being a combat like cooler company. She's actually been serving on the Maui and Lana'i Island Burial Council since 2014, so she will be terming out.

GM747, this would nominate Dean Maxwell as the Lahaina Rep. on the Maui and Lana'i Island Burial Council. His family you know, well known for their legacy of Malama Iwi practices and culture preservation and his grand father was Charles Maxwell, who was part of the Honokahua reinterment efforts. He's been serving on the Maui and Lana'i Island Burial Council for seven years and actually has been sharing it for the last three. and so he kind of like a heavy duty load.

GM748, this would confirm Kyle Nakanelua as the Hana Rep. He's also our nominee. I'm sure you're familiar with his deep lineal connections to Hana, East Maui. Has worked there on his family farm for like over three decades now. He has been a cultural consultant, member of Royal Order, sits on several historic site advisory committees.

And that's it for new measures we like to add to the matrix. Real quick, It didn't have a position change. In the bill positions for reconsideration section, we have one bill and we wanted to change this bill from support to comment. But then we forgot to put the comment part, so there's a little typo. So it's on page 17, item 94, so we were supporting this, it would have clarified that the State Coordinator on Houselessness along with HICH, which we're a member of, would be able to work with counties to develop plans for the use to coordinate the services and shelter facilities of each county to kind of meet the concerns of the communities impacted by or experiencing homelessness in their respective counties. The bill was amended to mandate that they now, the Coordinator on Houselessness and HICH now develop plans and then so the coordinator raised some concerns about this potentially leading to conflicts with the counties given its mandatory nature and he'll be forced to kind of force them to develop this plan. So we're recommending changing our position from support to comment, where we will be supporting the intent, but just deferring to you know, the Governor's Coordinator as to what the appropriate language would be.

And that's it for table changes and I just have a handful of new bills I'll go over on the big matrix. So the first is on page 1, item 1, HCR66. It has a Senate counterpart, SCR207. Essentially, this resolution would approve a land exchange between Parker Ranch and the State. So for land exchanges, there's a law HRS171-50 that requires, just like if the state wants to sell public lands, It requires before any exchange that there be three months notice provided to OHA. And then a resolution that's approved by super majority of the Legislature to ratify that exchange, and we supported this requirement because again it would give us an ability to first to check to see if there's any ceded lands that are going to be exchanged out from the State's inventory and then to make sure that any lands the state receives in return are commensurate in value and that those lands that the state receives, but then you know, if the state lands are going out where ceded lands to make sure that lands coming in, then acquire the status of ceded lands and so that's pretty much what happened here. We did get notice reviewed the exchange. The lands are commensurate in value and the resolution does explicitly acknowledge that these lands coming in from Parker Ranch will now become considered part of the ceded

lands corpus. So we're just offering comments to provide that. I just did note are non opposition to the measure and to remind legislators about these requirements.

The next new position HDR111 has a Senate counterpart, SCR140 and then also too HCR112 and its counterpart HR90. So these resolutions would recognize racism as a public health crisis. We do know that you know systemic or institutional racism pervades the social determinants of health such as education, housing, environmental justice, even criminal justice interactions and racism itself is a pretty significant social determination of health for Native Hawaiians, for other underserved communities here in Hawai'i, and so you know, we think it's important to acknowledge the role that systemic racism can play in the health outcomes of Native Hawaiians and other communities and we also note that you know, in order to achieve the goals of these resolutions to address systemic racism as a public health matter. State Agencies will probably have to improve their data governance practices consistent with our data governance resolution and so for those reasons, we recommend supporting these bills.

I'd like to highlight SCR78, which would request the State Auditor to conduct performance audits of SHPD. We're recommending support of this resolution. As is I think pretty clear you know, SHPD does have a range of chronic performance issues for the last 2-3 decades. You know this audit could be a step towards bringing these problems further into the light and highlighting them for legislators and others that can you know, hopefully take action to resolve them. So we're recommending supporting this resolution. It will also provide an opportunity just in our support to highlight some of the concerns, the longstanding concerns that we've been having with SHPD.

I'll touch on HCR161. We're recommending a position of support on this resolution which would essentially adopt the digital equity declaration that was put forth by the Broadband Hui, which we participate in. For beneficiaries, you know that digital inequities have been of particular concern, especially for the rural areas, which are predominantly Native Hawaiian and for Native Hawaiian students who we know are less likely to have access to both digital devices and affordable broadband services which is you know super critical now with education taking the virtual shifting to virtual medium. Addressing such disparities, digital inequities will be very helpful for our beneficiaries so we recommending supporting this resolution.

Chair Akaka recognizes Trustee Ahuna

Trustee Ahuna: Wayne, I just have a quick question about the racism bill. What are they going to be talking about? I mean they're talking about the correlation of health. We can talk about disparities about Hawaiians on Hawaiian Homes and we can talk about that Hawaiians are the only ones who have a blood quantum. I mean that's the only race that has a blood quantum in Hawai'i. Why is that? That's racism.

Public Policy Manger Tanaka: So I think the goals of these resolutions, especially HCR112, which actually focuses specifically on points in Hawaiian history where both explicit and systemic racism, and the historical injustices that have uniquely impacted Hawaiians have resulted in ongoing inequities. And so I think the goal is to kind of identify how if you look at all these different areas like criminal justice, like housing, like there's all these disparities that do correlate with race and ethnicity and then so and I think for our perspective to the extent that they're trace these historical injustices have had unique harms and unique impacts to Native Hawaiians. Those things need to be addressed. Especially knowing how they impact the health of Native Hawaiians and the health of the Lahui.

Trustee Ahuna: Thanks Wayne, because I really truly believe that because of this blood quantum, a lot of people have a lot to say about Native Hawaiians and they're allowed to say anything about Native Hawaiians and we hear it on and on. I think because we have a blood quantum on us and how the state is run, people not of Hawaiian can be the one speaking for the Native Hawaiian. The reason why I'm bringing this up is because Sam Gong got nominated for BLNR, for the Hawaiian seat and he's not Hawaiian. This is what's happening.

We're being represented by people who are not Hawaiian on Hawaiian seats. So I was just hoping that that's what that bill would reflect, but if it's other things, we're gonna be stuck. But thank you, Wayne.

Board Chair Hulu Lindsey: I like what Trustee Ahuna said because I'm feeling like the Hawaiians are being discriminated against. Maybe we can introduce something next session that is more broad and see where it goes. In these particular two resolutions, they're only talking about public health crisis. But we have a bigger problem and it's something that we should consider next year probably. That's all, thank you.

Public Policy Manger Tanaka: Okay, well if there's no more questions or anything about the new positions I'll just do a quick rundown of the high profile bills. So I'll first start with DHHL bills. So there's actually a couple exciting bills that are still moving. So HB753, this would exempt DHHL from school impact fees. So it did pass with amendments out of House Education and the Senate Education and Hawaiian Affairs Committees. There's still no SD1 out as of last night so we'll wait to see what those amendments are.

SB1121, this would exempt DHHL from general excise taxes and so this bill is also moving. It passed out of JHA, House Judiciary and Hawaiian Affairs Committee. Still no HD1 as of last night so we'll wait to see what those amendments are.

And then finally HCR76, HR64. These are the Act 14 resos. I talked about this last time, I think maybe but essentially act 14 is basically the act that was supposed to resolve the improper and uncompensated use of Hawaiian Homelands Trust Lands by the state that was never fully implemented and so this resolution would create a task force to assess the status of Act 14. Both resos. did get heard so they made the lateral they're gonna make the resolution lateral deadline and they passed unamended so they're on their way to House Finance Committee.

Next is the ceded lands bills that are still alive, so SB2 is a bill that we oppose. This bill would let lands leased or set aside to HHFDC to be exempted from what 171 and we know what they want to do is issue 99 year leases for these massive mixed use developments on public lands and because 99 year leases are tantamount amount to a sale of land, and that these lands are likely to be ceded lands we've been very concerned. We've been opposed. We've also been offering again, you know for all of these opposed bills, even offering language that would at least minimally give the Board of Trustees a seat at the table before they dispose of ceded lands for more than 65 years. You know folks still aren't. SB2, unfortunately was passed unamended so despite our testimony and the testimony of a lot of people who have the same concerns as us so that is on its way to finance.

Chair Akaka recognizes Chief Advocate Wong.

Chief Advocate Wong: I just wanted to just really quickly add on to what Wayne's saying. I think these 99 year lease and other lease extension bills are going to be our main sort of focuses moving for the rest of session, and I think certainly legislators may raise concerns with Trustees you know private, and I just want to be clear and emphasize what Wayne is saying. The amendments we're proposing are actually really open ended and real compromises and I think we've been trying to be really, really reasonable and we've been kind of just taken out of the bills and our suggestions sort of dismissed out of hand, but I just want to be sure that the Trustees know like the proposals we have for like the housing the 99 year lease one. It on its face does not conflict with fair housing laws, with federal fair housing laws. It's very open ended and certainly if any Trustees get questions from legislators we would love to help answer any questions, but yeah, I just want to make sure the Trustees know that we're very, very reasonable in these compromises that we're offering, mahalo Madam Chair, I'll turn it back to Wayne.

Public Policy Manger Tanaka: I'll just add that we also have been you know trying to see to the extent that they don't like our amendments, like you know what their specific concerns are and the only response we've

gotten from HHFDC is that developers think it'll be too bureaucratic, which doesn't make a lot of sense. As Sterling said, it's super open ended. It just requires Board of Trustees approval of terms and conditions. So you know, it's not going to take the kind of timelines that like a EIS would do or building infrastructure for these kinds of projects would take. Maybe not surprising, but a little disappointing that considering that we've as agency have invested \$40,000,000.00 over the last decade in housing and housing security and financial stability programs and services for beneficiaries. And so we're clearly demonstrably invested in housing issues that they would think that we're going to somehow jam up a good housing project so yeah, I'll leave it at that.

Chair Akaka recognizes Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey: Thank you, Sterling if you could come back on and just expand for the Trustees the seemingly parallel track. But that whole discussion that we had last week in terms of protecting the ceded land corpus and working to find housing solutions for our people and sometimes they look in opposition of each other, but really we're trying to do both, we're protecting and so if you could help remind us about that I'd appreciate that. Madam Chair, if that's okay for Sterling to do that.

Chief Advocate Wong: The bills and I keep reminding legislators when I testify on the bills and when we talked to them that you know they're real two issues relating to the bill. There's our housing needs of our beneficiaries, which separate and apart from this bill, we have long worked on you know, we've worked with HHFDC for a long time on joint funding, on their housing planning study, which the last one came out in 2019 and there's going to be another one. I'm sorry. It's pouring in why he was so there might be some background rain. And then we have all of our grants with you know Hawaiian community assets. And I think a lot of those services provided through that funding are actually super innovative like with the IDAs and the match to save programs that have actually been I think replicated throughout the state in other programs as well. So those are the housing needs and you know certainly want to work. You know, Denise Iseri-Matsubara who was our former CE Director at OHA is now at HHFDC and you know, we've always worked well with Janice Takahashi over there, so look forward to continuing to work. You know, regardless of what happens with this bill with Representative Nakamura and other legislators of the Housing Committee and with HHFDC, but still at the same time you know. I mean in a way it's reminding the legislators about the commitments and promises they have made to our Lahui in terms of reconciling for the loss of our lands. It's about reminding, but it's also about holding them to the promises that they seem to break regularly. I mean, I want to pull out my hair because you know, it's like they have our. So I testified yesterday. I said look if you guys really wanted to address the housing needs of Native Hawaiians, fully fund DHHL, fully fund OHA so we can expand our programming and then if you really, really want to address the housing needs of our beneficiaries, give us back our stolen land and then we could put our beneficiaries in you know, the vision of self-determination back on our lands and the one time the state actually gave us back our lands, they prevented us from putting housing on it, which is just the irony, but anyway, not to go sideways. But yeah, so there's definitely two separate things we're doing, and we are, we are diligently working on both.

Public Policy Manger Tanaka: Okay, I'll just keep going down the list then, so that bill is still alive SB2. SB749, which would do basically the same thing but for the Hawai'i Public Housing Authority. It was heard yesterday by the Consumer Protection and Commerce Committee and the committee deferred it so that bill is dead. Also got a lot of, you know, prior to the hearing yesterday, there wasn't much engagement, but yesterday you know, the huge turn out from you know folks that share their concerns. And so you know shout outs to CPC Chair Johanson and the members of the committee for differing that measure.

HB 499, this would allow for 40 year lease extensions for any public land lease that's commercial, industrial, resort or government. It was heard last week I think in water land, so we're in opposition because this 40 year extensions would put public and ceded lands in the hands of private you know of a single private entity for up to a century, more than a century at a time, which often can and does lead to the permanent alienation. In addition to essentially being an alienation in and of itself, so we're still waiting for the SD1 to come out.

It just has to have one committee hearing in Ways and Means for it to make it to conference so yeah, keeping a close eye on that one.

The school facilities agency bill that we were a little bit concerned about we're just commenting. This is SB808 on page 67, item 249. It did pass with amendments last week, but again there's no HD1 that's come out. So we're gonna have to wait to see what those amendments are.

Next I'll jump over to historic preservation bills. So HB497, we're opposing this measure. It would tie the counties' hands in terms of requiring, it will prevent the counties from requiring state consultation, state agency consultation that consultation with OHA for developers of residential developments if consultation isn't required under state law and the statute and so it's taking away an important tool that counties use to provide additional oversight to protect historic properties and iwi kupuna from developments. We're opposing, the bill was heard last week and it passed with amendments. But again, there's no SD1 as of last night so we're still waiting for the draft.

The other historic preservation bill is HB1311. This is the Leali'i affordable housing project bill that would, it used to be an exemption from Chapter 6E. This version would water down the phasing provisions by allowing for historic preservation review to occur in phases but without the programmatic agreement that exists under statute. You know we heard when they passed it last week that they were going to address their concerns by taking out any kind of exemption from our or watering down of historic preservation processes. But again, the SD1 as of last night has not come out so until we see that language where you know gonna hold our oppose position.

In terms of Criminal Justice, SB1128. This is the revolving fund for the Office of Youth Services, so essentially let the former Hawaii Correctional Facilities, you know strength based vocational training program for youth there to be financially self sustaining. This measure did pass out of committee yesterday or Monday, so it's on its way to finance. So excited about that one.

And then finally the Aha Punana Leo bills, so HB546. This would established Aha Punana Leo as a permanent invited voting member of the Early Learning Board. This had a hearing this week, but based on what the committee chair said they're going to essentially gut and replace it to be something, basically make the complex area superintendents for DOE report to the superintendent of the DOE. So it's probably gonna be gut and replaced we haven't seen the SD1 come out yet. So we'll be watching for that. But you know when it happens we'll probably ask for a position change.

And then the other similar bill is SB1384. The seat Aha Punana Leo occupies now, would relieve them from the current two term limit that effectively limits their representative to a four year maximum term before they have to like phase out and so this bill was passed, and then it was amended to get rid of the sunset date that the Senate put in there, so we're happy about that. And so it is on its way to finance in the House.

One last update, SB850. This would create the broadband task force. So this measure was deferred in Ways and Means. We were supporting it, but yeah, Ways and Means thought it would be. Oh, sorry not Ways and Means, Higher Education and Technology. So the committee didn't think it was worth pursuing so they deferred it. And that's all the high profile bill updates that was you know going to kind of touch on today. I'm happy to answer any questions about anything on the big matrix.

Chair Akaka: Mahalo, Wayne, I see that we don't have any questions regarding these bills. But before we go any further, I wanted to recognize and mahalo Kamaile Maldonado, who is our Senior Public Policy Advocate. She's on this meeting as well and I just wanted to mahalo her for all of her good work here at the Office of Hawaiian Affairs and wish you the very best moving forward and knowing that we will continue to work together for our community and for our Hawaiian people. So I wanted to acknowledge her and if anybody would like to share further on this.

Public Policy Manger Tanaka: I'd be happy to talk a little bit about Kamaile's tenure here at OHA. She's been actually with Public Policy since before I have been here, so and she's been one of the first people I really got to know when I joined the team. She really helped me realize you know working here is like, it's a privilege in and of itself but she helped me realize how much fun and meaningful that this kind of work can be. She's been the glue that's held the Public Policy team together over all these years in all its manifestations, which in turn has really helped us become you know a pretty you know significant force for change I think for the Lahui. You know, some of the things that she's worked on just 'cause she does a lot of stuff behind the scenes. But just so you folks know, she helped initiate our involvement with No Vote No Grumble, she planted the seeds for what has been a massively successful get out the vote effort. She's continued to build beneficiary capacity and empower our beneficiaries even outside our agency to civically engage. So she's featured in a number of OHA videos to talk about how bills are made, how to testify. She worked with Waianae High School students to kind of get them up to speed on legislative process and how they too can become change agents, which I think was extremely transformative and hugely inspiring for the students, from what I have been hearing. You know, she's become one of the leading experts in historic preservation and many issues and challenges that we continue to face in that in that area. She wrote and passed the law that removed the landowner requirement for the Island Burial Councils. That was a huge barrier to them getting quorum and since that time, she's created the process by which we solicit and vet Island Burial Council applicants. You know, she's shepherded through dozens and dozens of successful OHA appointments to the Island Burial Councils. I think the majority of council members actually came from the applicants that we vetted and we provided to them and it's a model too that we are applying in other contexts like for appointments for other commissions and boards.

Her criminal justice work is historic like you know for the last decade she's been tirelessly working to address the disproportionate impact of criminal justice system on Native Hawaiians. The HR85 Prison Reform Task Force, the HDR137 Pre Trial Reform Task Forces, they could not have done what they did without her work, without her facilitation, research, report writing, her expertise. You know because of that, they were able to get this huge criminal justice reform measure passed in 2019 and that's why we have our representation on the Oversight Commission. And if it weren't for her and for other staff like Jen, the Oversight Commission would have been dead in the water, especially during the early pandemic periods because the funding and the staff that they were supposed to get was never released by the Governor so you know, she's a leading criminal justice expert again. She's just shaped the landscape of law and policy and set the course for the transformation for criminal justice approach here to be less punitive and more rehabilitative, which has already benefited and will continue to benefit our beneficiaries and their families. Yeah, I mean also to like all our legislative advocacy, our tracking stuff, she helps run trainings on our tracker system, she troubleshoots all the bugs, she does writing and oral advocacy workshops for staff, she even overseas contracts, which I'm still grateful for personally, silent 'cause I wouldn't want to do that. She's been indispensable in helping our new team come together. Like I said she's the glue that helps Public Policy together and these are just some of the highlights of the many highlights of the many things that she's done. I have to say you know, I think there's a huge debt of gratitude that we owe to Kamaile. You know from our advocacy, from the agency and really from the entire Lahui for all the incredible work that she's done and it's gonna be tough to lose her. Her last day is next week Wednesday.

She is here today. So I'm not sure if she wants to say a few words of aloha to the Trustees, to the folks watching.

Kamaile Maldonado: I just want to say mahalo nui for everything. It's been my profound honor to advocate on behalf of our Lahui at the Office of Hawaiian Affairs for the past 10 years and my sincere joy to have studied under Sterling Wong, Jocelyn Doane and Wayne Tanaka. The 'ike and kuleana that they've imbued within me, I think I'll take with me throughout the rest of my career. I'm on a voyage right now. I'm in a bit of a voyage in my life, but I just know that OHA will always feel like home and like Trustee Akaka said, this is just a hui hou, mahalo nui.

Chair Akaka: Mahalo, Kaimaile and mahalo, Wayne for sharing many of Kamaile's contributions and accolades here at the Office of Hawaiian Affairs. All right is there any other further discussion? Wayne, Sterling, I believe that would be the tail end of the new bills, older bills and the positions. If so then we'll move on. Alright mahalo, so I will then entertain a motion if I may have a motion to approve and we should.

Trustee Ahuna: Madam Chair, real quick, I just wanted to know if we picked up on GM681. And this is what I was referring to before that's why.

Public Policy Manger Tanaka: So Trustee Ahuna yes, GM681, this would nominate Sam Gon to the Board of Natural Resources for another term. We're not recommending a support position and I think 'cause of some of the concerns that you raised, we did have some concerns when he was appointed last time because of you know OHA was the one that advocated for the seat that he'd be occupying as a personal expertise in Native Hawaiian cultural practices. We were hoping that when the Governor fills these seats because Ulialia Woodside was stepping off you know, so we're trying to figure out who we could get onto the seat. We're hoping that the Governor at least consult with us, but like the second she stepped off then he was already like lined up to go so I think he had already made his decision. I don't know if we can, so it's hard for us to oppose people just 'cause, unless we know we're gonna be able to succeed in our opposition it's tricky like 'cause we end up having to go before them later and asking them to make decisions for us. So I'm not sure if we you know, despite the concerns, I don't know if there's gonna be enough opposition to stop his nomination. He does have significant background, cultural background and training. But yeah, it has been a concern that we've noted.

Trustee Ahuna: Thank you, Wayne, you know, we created this position for a Native Hawaiian and we have a non Native Hawaiian in this position. I was just hoping that we can, just like them, we could oppose it and then nominate our own person. Can that happen?

Public Policy Manger Tanaka: If we were to oppose, the only way we'd be able to nominate our own person is if we succeed in the opposition. So yeah, I'm not too sure. At this point I don't if we have enough political capital to defeat his nomination. Especially given you know, I think some of the positions, platforms of the Water Land Committee which would be vetting his nomination.

Chief Advocate Wong: Madam chairman may I add something as well? I think this is a really good discussion, Trustee Ahuna.

Trustee Ahuna: I'm talking about the terms, he has been there for a while. Doesn't he term out or anything like that?

Public Policy Manger Tanaka: Yeah, there's an eight year continuous term limit, so he was there for a while then he stepped off, and so his eight years restarted again when he came back on last time he was nominated. So yeah, I have to see.

Chief Advocate Wong: Trustee, I would note that the position, so there was a time in the mid 2000s, where we tried to get as many of these seats as possible on boards and commissions throughout the state and they are not based on any ethnic or race or political class, what they are based off of is expertise on whatever sort of cultural perspective that board or commission would need. So like the BLNR seat is not, I think a lot of people call it the Native Hawaiian seat, but it's a cultural expert seat. It's not necessarily an ethnic expert seat, so for us to oppose him we'd have to oppose him based off of his qualifications for the position, which is fine. But we would just have to be very clear that we're opposing him for some sort of qualification issue and ethnicity is not a qualification. I would just note that and so we can definitely talk about like why we think we should oppose and you know related to his qualifications, but okay, I just want to throw that out there.

Chair Akaka recognizes Trustee Ahu Isa.

Trustee Ahu Isa: This is an announcement, item six on the agenda announcements. I was asked to share this with you, Papakolea Community Development Corporation.

Chair Akaka: Does that have to do with any of the bills Trustee Ahu Isa, because if not we'll hold off on that till announcements.

Trustee Ahu Isa: Okay, mahalo.

Chair Akaka: Wayne is there any other further sharing regarding the matrix?

Public Policy Manger Tanaka: No, I think we're on the motion.

Chair Akaka: Alright, mahalo, going back to the motion then, may I have a motion to approve administration 's recommendations on new bills and positions.

Chair Akaka recognizes BAE Vice Chair Lindsey.

Vice Chair Lindsey: I move **To approve Administration's recommendations on: NEW BILLS (Items 1-93) and BILL POSITIONS FOR RECONSIDERATION (Item 94), along with the following revisions:**

ADD Measures

- GM739, as SUPPORT
- GM740, as SUPPORT
- GM741, as SUPPORT
- GM745, as SUPPORT
- GM746, as SUPPORT
- GM747, as SUPPORT
- GM748, as SUPPORT

CHANGE Measures:

- Item 94, from SUPPORT to COMMENT

On the OHA Legislative Positioning Matrix dated March 24, 2021

Board Chair Hulu Lindsey: I second.

Chair Akaka: Mahalo, so the motion has been made by our BAE Vice Chair Lindsey and seconded by our Board Chair Hulu Lindsey. Is there any other discussion on these members? Alright, seeing none, if we can please have a **roll call vote** Brandon.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	2:37 p.m. EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY		2	X			

VICE CHAIR KEOLA	LINDSEY	1		X			
JOHN	WAIHE`E			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

V. NEW BUSINESS

A. Action Item BAE #21-01: Approval of Wilmina K. English as the Moloka'i Island Representative for the Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors (BOD)

Chair Akaka yields the floor to Ka Pouhana Sylvia Hussey.

Ka Pouhana Hussey: Thank you, Chair Akaka, Trustees this is a consistent process. The Native Hawaiian Revolving Loan Funds operating procedures have been carried out, their Board of Directors has approved this, a new member seat and it is for action to affirm that with the Board of Trustees for OHA. Once that action is taken, we will convey this information to the Administration for Native Americans, the federal program that oversees the Native Hawaiian Revolving Loan Fund. We hope the action item is self explanatory and we are here to answer any questions that you may have?

Chair Akaka recognizes Board Chair Hulu Lindsey.

Board Chair Hulu Lindsey: I move that we approve this action item.

Chair Akaka: Mahalo, is there a second.

Trustee Waihe'e: Second.

Chair Akaka: Alright, it has been moved by our Board Chair Trustee Hulu Lindsey and seconded by our RM Chair Trustee Waihe'e. Is there any other discussion members?

Chair Akaka recognizes BAE Vice Chair Lindsey.

Vice Chair Lindsey: Just one question, it's more of a procedural question on the process that I think KP touched on? Do we have an idea of what the turn around time is for the commissioner, the ANA Commissioner to take action or is that really up in the air at this point?

Ka Pouhana Hussey: That's a good question because the ANA Commissioner is an interim appointed commissioner, the previous ANA Commissioner was appointed by the previous administration and so with the new administration coming in, we have an interim. We have reached out, the Native Hawaiian Revolving Loan Fund has reached out to establish you know relationships, but it's as quickly as we can hope. I don't have a definite date. But as soon as we can get this out, yeah. Which wouldn't stop the operationalization. Ms. English

is ready to participate in the Board meetings that will be convened and just as a note, remember we have a new Native Hawaiian Revolving Loan Fund Manager and that's Ikui Kalima, who used to be in our grants program so we have a puka in our grants program that we need to fill. But Ikui is now the manager and then working with the Board on their loan products and their programming.

Chair Akaka: Mahalo for that clarification Ka Pouhana. Any other questions from our members? Seeing none, alright Brandon, may I please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE`E		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

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

VI. ANNOUNCEMENTS

Chair Akaka: Members, are there any announcements at this time? And actually we will have our Board Vice Chair Trustee Ahu Isa, if you'd like to share the announcement you wanted to share earlier.

Trustee Ahu Isa: It was asked by Papakolea community, they wanted me to share this with you because it has to do with their goal of Kapua Hawaiian Language Program. They're having something for Prince Kuhio and it's being supported by Kamehameha Schools, US Administration for Native Americans. It's to celebrate Prince Kuhio Anniversary. They're having some kind of a play up their virtual but they're also selling Lau Lau \$15.00 order in advance and pick up, they give a phone number. They also said this is going to support their Hawaiian Kapuai Hawaiian Language Program and you can pick up the lau lau in the Papakolea Tantalus Drive, the the Papakolea Park at 4:00-5:30 on Friday. So if you're interested you can ask me, I can email you or text you the information.

Trustee Ahuna: Their having a Prince Kuhio celebration. I just got the memo from Hawaiian Homes actually so yeah, they're doing a good job. I like what they're doing, they gave shots to all the Kupunas this past week.

My mom got shuttled down to get the shot at the rec center and shuttled back and it's just amazing what the things that they're doing so mahalo to all the people.

VII. ADJOURNMENT

Chair Akaka recognizes Board Chair Hulu Lindsey.

Board Chair Hulu Lindsey: I move that we adjourn.

Chair Akaka: Mahalo, Board Chair Trustee Hulu Lindsey, is there a second?

Trustee Waihe'e: Second

Chair Akaka: It has been seconded by Trustee Waihe'e. Alright, if I could have a **roll call vote** on that, mahalo.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE`E		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				9	0	0	0

2:45 p.m.

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

Chair Akaka: The meeting is now adjourned, mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

Chair Akaka adjourns the BAE meeting at **2:46 p.m.**

Respectfully submitted,

Brandon Mitsuda Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on 8/4/2021.

Trustee Kaleihikina Akaka
Chair
Committee on Beneficiary Advocacy and Empowerment

Committee on Beneficiary Advocacy and Empowerment

Trustee Kaleihikina Akaka, *Chair*Trustee Keola Lindsey, *Vice Chair**Members*

Trustee Leina'ala Ahu Isa, At-Large

Trustee Dan Ahuna, Kaua'i / Ni'ihau

Trustee Keli'i Akina, At-Large

Trustee Luana Alapa, Moloka'i / Lāna'i

Trustee Carmen Hulu Lindsey, Maui

Trustee Brendon Kalei'aina Lee, At-Large

Trustee John Waihe'e IV, At-Large



**STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS**

**MEETING OF THE
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT**

DATE: Wednesday, August 4, 2021

TIME: 1:30 p.m.

PLACE: Virtual Meeting

Viewable at www.oha.org/livestream OR

Listen by phone: (213) 338-8477,

Webinar ID: 893 3318 6602

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 2021, as amended, that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

The OHA Board of Trustees and its Standing Committees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listen by phone: (213) 338-8477, Webinar ID: 893 3318 6602

AGENDA

- I. Call to Order
- II. Public Testimony on Items Listed on the Agenda* (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)
- III. Approval of Minutes
 1. March 10, 2021
 2. March 17, 2021
 3. March 24, 2021
- IV. Unfinished Business
- V. New Business**
 - A. Presentation by OHA attorney Pamela Bunn, Esq. Re: the background and status of OHA participation in the Nā Wai 'Ehā (Maui) litigation and related matters.
 - B. Update and Discussion re: Island Burial Councils, Burial Sites Working Group, Working Group/Task Force Appointments as per 2021 Legislative Session, and Overview of Statutorily Created Boards and Commissions with Seats Reserved for OHA Representation.**
- VI. Announcements



OFFICE OF HAWAIIAN AFFAIRS
Interoffice Memorandum

Date: February 22, 2021

To:

Ke Kauhuhu Carmen Hulu Lindsey	Ke Kua Luana Alapa
Ke Kua Leina‘ala Ahu Isa	Ke Kua Brendon Kalei`āina Lee
Ke Kua Dan Ahuna	Ke Kua Keola Lindsey
Ke Kua Kaleihikina Akaka	Ke Kua John Waihe‘e IV
Ke Kua Keli‘i Akina	

From:

Sylvia M. Hussey, Ed.D., Ka Pouhana, Chief Executive Officer 
Casey Brown, Ka Pou Nui, Chief Operating Officer
Sterling Wong, Ka Poukihi Kū, Chief Advocate

Subject: Overview of Statutorily Created Boards and Commissions with Seats Reserved for OHA Representation

This memo provides an overview of the statutorily created boards and commissions with seats reserved for OHA representation, with notes on non-statutory boards or commissions with OHA representation that staff have been able to identify. This memo also identifies whether a seat is reserved for the chairperson (or designee), the CEO (or designee), or if it is just general representation from OHA. These seats are summarized in the table at the end of this memo.

We have identified eight statutorily created boards/commissions with seats reserved for OHA representation. Most of these boards and commissions are established by state law, with the exception of the Native Hawaiian Education Council which was established through federal statute. Five of these boards/commissions have member seats reserved for the chairperson of OHA (or designee), one board/commission has a member seat reserved for the CEO of OHA (or designee), and two boards/commissions have seats generally reserved for OHA representation.

Five boards/commissions have member seats reserved for the Chairperson of OHA (or designee): the Native Hawaiian Education Council (NHEC);¹ the State Board on Geographic Names (SBGN);² the Community-Based Economic Development (CBED) Advisory Council;³ the Hawai‘i Interagency Council on Homelessness (HICH);⁴ and the Hawai‘i Correctional System Oversight Commission (HCSOC).⁵ It should be noted that the HCSOC seat is not specifically

¹ [20 U.S.C. § 7514\(b\)](#).

² [HRS § 4E-1](#).

³ [HRS § 210D-5](#).

⁴ [HRS § 346-382](#).

⁵ [HRS § 353L-1](#).

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Overview of Statutorily Created Boards and Commissions with Seats Reserved for OHA Representation

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reserved for the chairperson, but rather a representative "appointed by the chairperson." Prior to the change in OHA leadership, these positions were filled by: Dr. Lisa Watkins-Victorino, Research Director (NHEC); James Patterson, former OHA Program Improvement manager, CBED Advisory Council (seat is now open); Brad Wong, Papahānaumokuākea Specialist (SBGN); Jen Jenkins, Public Policy Advocate (HICH); and Mark Patterson, Administrator of the Hawaii Youth Correctional Facility (HCSOC).

One commission has a member seat reserved for the CEO of OHA (or designee): the Hawai‘i Climate Change Mitigation and Adaption Commission (Hawai‘i Climate Commission).⁶ This seat is currently filled by Ka Pouhana.

Two boards/commissions have member seats generally reserved for representation from OHA: the Kaho‘olawe Island Reserve Commission (KIRC)⁷ and the Kāne‘ohe Bay Regional Council (KBRC).⁸ It should be noted that the KIRC seat is specifically reserved for "a trustee or representative of the Office of Hawaiian Affairs." Chair Hulu Lindsey currently serves on KIRC. Wayne Tanaka, Public Policy Manager, is a holdover member of KBRC; however we are in the process of replacing him with Letani Peltier, Public Policy Advocate.

Non-Statutorily Created Boards/Commissions

We have identified two other boards/commissions that were not created through statute but rather through session law, **both of these boards/commissions reserve a seat for OHA’s CEO (or designee).**⁹:

1. The Temporary Commission on the Thirteenth Festival of Pacific Arts (FESTPAC),¹⁰ Until her departure from the agency, Mehana Hind, former Community Engagement director, previously served on the FESTPAC commission.
2. The Dark Night Skies Protection Advisory Committee.¹¹ A phone call to the UH Office of the Vice-President for Research and Innovation revealed that the Dark Skies Protection Advisory Committee did not meet in 2020 due to the pandemic.¹² Although the Vice President’s office indicated that the committee had not yet convened, this is contrary to the committee’s Report to the 2019 Legislature.¹³ In any

⁶ [HRS §225P-3](#).

⁷ [HRS §6K-5](#).

⁸ [HRS §200D-2](#).

⁹ The Dark Night Skies Protection Advisory Committee uses the language “administrator of the Office of Hawaiian Affairs)

¹⁰ [Act 104 \(SLH 2017\)](#)

¹¹ [Act 185 \(SLH 2017\)](#)

¹² See also UNIVERSITY OF HAWAII, REPORT ON THE STATEWIDE DARK SKIES PROTECTION ADVISORY COMMITTEE

(Dec 2020) available at https://www.hawaii.edu/govrel/docs/reports/2021/act185-slh2017_2021_dark-skies-protection-advisory_report_508.pdf.

¹³ “The advisory committee has met and identified a number of issues requiring further technical review and discussion.” UNIVERSITY OF HAWAII, REPORT ON THE STATEWIDE DARK SKIES PROTECTION ADVISORY COMMITTEE

(Dec 2019) available at https://www.capitol.hawaii.gov/session2019/bills/DC53_.pdf.

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Overview of Statutorily Created Boards and Commissions with Seats Reserved for OHA Representation

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case, the committee did not have any substantive findings or recommendations to report to the 2019 Legislature.

Recommendations

Regarding the boards/commissions with seats reserved for the chair (or their designee), Public Policy recommends maintaining the currently-serving representatives appointed by the previous chair, which will ensure continuity in their kuleana. For the CBED Advisory Council, which currently requires a chair representative, and noting the departure of James Patterson, Public Policy. From the CBED website:

The CBED program provides training and capacity building opportunities to promote, support, and invest in community-based development projects that result in measurable economic impact CBED offers loans to eligible small businesses that support economic development in their communities. We strive to help small businesses to develop viable, sustainable business ventures that serve local needs and are compatible with the vision, character and cultural values of their communities.

Chair Hulu and I have identified Ka Pou Nui Casey Brown to set on the CBED Advisory Council.

Regarding the FESTPAC commission, in January 2021, Ka Pouhana identified Hinaleimoana Wong-Kalu in Community Outreach to replace Mehana Hind as the CEO designee (FESTPAC Commission members oversee the planning and implementation of FESTPAC Hawai'i, currently postponed to June 2024).

Regarding the Dark Skies Protection Advisory Committee, Public Policy recommends waiting until the committee chair reaches out to OHA, at which point Public Policy recommends identifying an OHA staff person with responsibilities involving navigation or cultural practices relating to the night sky, or native species protections.

Summary Table

The following table lists the boards and commissions described above; whether the OHA seat is reserved for the OHA Chair, CEO/administrator, or their designees (or whether the seat is just reserved for OHA generally); and the current individual representing OHA or recommendations for individual staff to serve in OHA seats that are vacant.

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Overview of Statutorily Created Boards and Commissions with Seats Reserved for OHA

Representation

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Table: Summary of Boards and Commissions with OHA Representation

Board, Commission	Authority	OHA Chair (or designee)	OHA CEO (or designee)	OHA Seat (general)	Current Representative
Native Hawaiian Education Council	20 USC § 7514(b)	X			Lisa Watkins-Victorino, Research Director
State Board on Geographic Names	HRS §4E-1	X			Brad Wong, Papahanamokuakea Specialist
Community-Based Economic Development Advisory Council	HRS §210D-5	X			Casey Brown, Ka Pou Nui, Chief Operating Officer
Hawai'i Interagency Council on Homelessness	HRS §346-382	X			Jen Jenkins, Public Policy Advocate
Hawai'i Correctional System Oversight Commission	HRS §353L-1	X "appointed by the chairperson"			Mark Patterson, Administrator of the Hawai'i Youth Correctional Facility
Hawai'i Climate Change Mitigation and Adaptation Commission	HRS §225P-3		X		Sylvia Hussey, Ka Pouhana
Dark Night Skies Protection Advisory Committee	Act 185 (SLH 2017)		X "administrator of [OHA]"		Vacant and needs to be filled when contacted.
Temporary Commission on the Thirteenth Festival of Pacific Arts	Act 104 (SLH 2017)		X		Hinaleimoana Wong-Kalu, Community Outreach Advocate

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Overview of Statutorily Created Boards and Commissions with Seats Reserved for OHA

Representation

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Board, Commission	Authority	OHA Chair (or designee)	OHA CEO (or designee)	OHA Seat (general)	Current Representative
Kaho'olawe Island Reserve Commission	HRS §6K-5			X "a trustee or representative"	Chair Hulu Lindsey
Kāne'ōhe Bay Regional Council	HRS §200D-2			X	Letani Peltier, Public Policy Advocate

Mahalo nunui to Wayne Tanaka, Pou Kāko'o Kulekele Aupuni, Public Policy Manager; Kamaile Maldonado, 'Aho Pueo Kulekele Aupuni, Public Policy Advocate; and Letani Peltier, 'Aho Pueo Kulekele Aupuni, Public Policy Advocate for researching, updating and identifying seats in fulfillment of OHA's named responsibilities and representation.

If there are any questions, please feel free to contact Administration.



OFFICE OF HAWAIIAN AFFAIRS
Interoffice Memorandum

Lā: June 21, 2021

Iā: Ke Kauhuhu Carmen Hulu Lindsey, Ke Kua Leina‘ala Ahu Isa, Ke Kua Dan Ahuna. Ke Kua Kaleihikina Akaka, Ke Kua Keli‘i Akina, Ke Kua Luana Alapa, Ke Kua Brendon Kalei‘āina Lee, Ke Kua Keola Lindsey, Ke Kua John Waihe‘e IV

I o: Casey Brown, Ka Pou Nui, Chief Operating Officer,
Sterling Wong, Ka Poukihi Kū, Chief Advocate

Maiā: Sylvia M. Hussey, Ed.D., Ka Pouhana, Chief Executive Officer 

Kumuhana: Working Group/Task Force Appointments as per 2021 Session

This memo provides an overview of the working groups and task forces that, per the 2021 legislative session, reserve a membership seat for OHA representation. All of the OHA designees/representatives named below have confirmed their willingness to serve.

The working groups/task forces and the recommended OHA designees/representatives are:

- A. **Behavioral Health Working Group:** Public Policy Advocate Sharde Freitas;
- B. **Task Force on Missing and Murdered Native Hawaiian Women and Girls:** Research Director Dr. Lisa Watkins-Victorino, with kākō‘o from Public Policy Advocate Michele McCoy;
- C. **Burial Sites Working Group:** Compliance Manager Kai Markell, with administrative assistance from Land, Culture, and History Research Manager Pūlama Lima; and
- D. **Task Force on 21st Century Data Governance:** Research Director Dr. Lisa Watkins-Victorino.

A. Behavioral Health Working Group

This working group was originally established in 2019, however HB541 clarifies its duties and also adds OHA’s CEO or designee as a member. Specifically, HB541 directs the working group to identify outcome measures for behavioral health, substance abuse, and homelessness.

Public Policy Advocate Sharde Freitas has been named as the OHA designee. Ms. Freitas’ public health background, as well as her relationships with healthcare and service providers, make her well-suited to represent OHA in this working group.

B. Task Force on Missing and Murdered Native Hawaiian Women and Girls

HCR11/HR12 requests the Hawai‘i State Commission on the Status of Women to convene a task force to conduct a study regarding missing and murdered Native Hawaiian women and girls. The Task Force is requested to identify the cause of the problem, identify databases and data collection methods, and identify barriers to data collection and info sharing. Additionally, the Task Force is requested to create partnerships to increase reporting and investigations, and also to make recommendations for any legislation necessary to improve data collection and sharing to eliminate harm to indigenous women and girls. The Task Force is requested to submit to the Legislature a preliminary draft report 20 days prior to the 2023 legislative session and a final draft report 20 days prior to the 2024 legislative session. OHA’s CEO or designee will serve as co-chair of the Task Force, along with the director of the Commission on the Status of Women.

Given the data-heavy nature of the task force’s work, Research Director Dr. Lisa Watkins-Victorino has offered to serve as the OHA designee on the Task Force. Public Policy Advocate Michele McCoy will serve as kāko‘o to Lisa.

C. Burial Sites Working Group

HR113 and SR171 both request OHA to convene a Working Group to address concerns regarding the State Historic Preservation Division’s administration of the state burial sites program. Although each resolution contemplates slightly differing work group compositions and scope of work, OHA staff have reviewed both resolutions and used their best judgement to develop a single proposed working group. OHA’s CEO or designee will serve as chair of the working group. Additionally, OHA will also administer the working group, which entails convening the working group, providing staffing support, and facilitating the final report of findings and recommendations due to the Legislature no more than 20 days prior to the convening of the regular 2022 session.

Compliance Manager Kai Markell has been recommended to act as OHA’s designee and chair of the Working Group. Land, Culture, and History Research Manager Pūlama Lima will lead the administration of the Working Group.

Pursuant to the language in the resolutions, OHA will also name a community representative to the working group. OHA Community Engagement will solicit potential candidates for this community representative, who will be vetted similarly to candidates for OHA's nominees to the Island Burial Councils. OHA Advocacy staff will prepare an action item for Board approval of staff's recommended community representative.

D. Task Force on 21st Century Data Governance

SCR5, which was part of OHA's legislative package, urges the Governor to establish a Task Force on 21st Century Data Governance to assess the current data collection, processing, retention, and sharing procedures, needs, and challenges across state agencies. The Task Force is requested to submit a report of its findings and recommendations to the Legislature no later than twenty days prior to the convening of the regular session of 2023. OHA's CEO or designee will serve as a member of the Task Force.

Given her background and experience assisting in the development of data governance infrastructure within the Department of Education, Research Director Dr. Lisa Watkins-Victorino has offered to serve as the OHA designee for this Task Force.

Please contact Public Policy Manager Wayne Tanaka at (808) 594-1945 or via e-mail at waynet@oha.org with any questions, copying Chief Advocate Sterling Wong (sterlingw@oha.org) and Chief Operating Officer Casey Brown (caseyb@oha.org) accordingly.