Brickwood Galuteria - *Chairperson*
Kaleihikina Akaka - *Vice Chair*

MEMBERS
Dan Ahuna
Keli'i Akina, Ph.D.
Luana Alapa
Kaiali'i Kahele
Carmen "Hulu" Lindsey
Keoni Souza
John D. Waihee IV

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OFFICE OF HAWAIIAN AFFAIRS
KE'ENA KULEANA HAWAI'I
BENEFICIARY ADVOCACY AND EMPOWERMENT COMMITTEE
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817

MEETING OF THE COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT

DATE: Wednesday, July 23, 2025
TIME: 9 A.M.
PLACE: Remote Meeting by Interactive Conference Technology
and in-person at OHA Mauli Ola Boardroom
Nā Lama Kukui
560 N. Nimitz Hwy. Honolulu, HI 96817
Viewable at www.oha.org/livestream OR
Listen by phone: (213) 338-8477,
Webinar ID: 851 7575 9333

This virtual meeting can be viewed and observed via livestream on OHA's website at www.oha.org/livestream or listened by phone using the call-in information above. A physical meeting location, open to members of the public who would like to provide oral testimony or view the virtual meeting, will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817.

AGENDA

No materials attached to this agenda

I. Call to Order

II. Approval of Minutes

a. April 2nd, 2025

b. April 30th, 2025

III. Executive Session

a. Papahānaumokuākea - Discussion of potential litigation related to defense of resource protections in Papahānaumokuākea Marine National Monument and Sanctuary. Board anticipates going into executive session pursuant to HRS § 92-5(a)(4) to consult with General Counsel Everett Ohta on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding potential federal government actions pursuant to Executive Order 14276 of April 17, 2025.

IV. New Business

a. Island Burial Council Nominations - Action Item BAE #25-05: Approval of the Office of Hawaiian Affairs' Nominee for the Kaua'i/Ni'ihau Island Burial Council for transmittal to the Office of the Governor as follows: Megan Wong

b. Presentation by Administration - 2025 Legislative Session Wrap-Up: Significant Outcomes

V. Community Concerns and Celebrations
VI. Announcements
VII. Adjournment

If you need an auxiliary aid/service or other accommodation due to a disability, please contact Everett Ohta at (808) 594-1988 or by email at everetto@oha.org as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone number and Webinar ID provided at the beginning of this agenda. Meeting recordings will be made available on OHA's website https://www.oha.org/about/leadership/board-of-trustees/ as soon as practicable after the meeting.

Public Testimony will be called for each agenda item and must be limited to matters listed on the meeting agenda. Community Concerns and Celebrations is not limited to matters listed on the meeting agenda. Hawai'i Revised Statutes, Chapter 92, prohibits Board members from discussing or acting on matters not listed on the meeting agenda.

* Document(s) associated with this agenda item are anticipated to be included in the board packet for this meeting. The board packet will be available for the public to inspect at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817, OHA's neighbor island offices, and on OHA's website https://www.oha.org/bae no later than two business days before the meeting. The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.

§ Notice: This portion of the meeting will be closed pursuant to HRS § 92-5.

Testimony can be provided to the Board of Trustees such as: (1) *written testimony* or (2) live, oral testimony online or at the physical meeting location during the remote meeting.

(1) Persons wishing to provide *written testimony* on items listed on the agenda should submit testimony via ***email*** to botmeetings@oha.org or via ***postal mail*** to Office of Hawaiian Affairs, Attn: Board of Trustees Meeting Testimony, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817. Testimony is requested to be received at least twenty-four hours prior to the scheduled meeting to allow board members with sufficient time to review the testimony before the meeting. *Please note that all written testimony will be posted on OHA's meeting website. Please omit or redact any personal information (e.g., name, email address, phone number, home address, or materials) that you do not want to be disclosed publicly online.*

(2) Persons wishing to provide *oral testimony online* during the remote meeting, please click on the link: https://us06web.zoom.us/j/85175759333

To provide oral testimony online, you will need:

(1) a computer or mobile device to connect to the remote meeting,

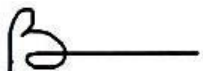
(2) internet access, and

(3) a microphone to provide oral testimony.

Persons wishing to provide *oral testimony at the physical meeting location* can sign up on the day of the meeting at the physical meeting location.

Once your oral testimony is completed, you may be asked to disconnect from the meeting. If you willfully disrupt the meeting or do not disconnect 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.

Oral testimony online or at a physical meeting location will be limited to five (5) minutes. Oral testimony by telephone/landline will not be accepted at this time.



Trustee Brickwood Galuteria, Chair Date: 7/16/25
Committee on Beneficiary Advocacy and Empowerment

DRAFT

COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT
April 2, 2025
9 a.m.
Mauli Ola Boardroom

To view this meeting's recording, please click on the link below:
https://www.youtube.com/watch?v=78avujHvXKM

TRUSTEES PRESENT
Brickwood Galuteria, Chair
Kaleihikina Akaka, Vice Chair
Dan Ahuna
Keli'i Akina
Luana Alapa
Carmen Hulu Lindsey
Keoni Souza
John Waihe'e, IV

TRUSTEE EXCUSED
Kaiali'i Kahele

BAE STAFF
Kyla Hee
Lei-Ann Durant
Mark Watanabe
Nathan Takeuchi

ADMINISTRATION
Stacy Ferriera, CEO
Kehaulani Pu'u, COO
Anuhea Awo-Chun
Hailama Farden
Leina'ala Ley

BOARD COUNSEL
Na'iwi Wurdeman

CORPORATE COUNSEL
Everett Ohta

GUESTS
Haumāna and Kumu - Hālau Ku Mana
Tech Savvy Teens

I. CALL TO ORDER

The meeting was called to order at 9:04 a.m. by Chair Galuteria.

Attendance:

- **Present (7):** Trustees Ahuna, Akaka, Alapa, Kahele, Lindsey, Souza, and Chair Galuteria
- **Absent (2):** Trustees Akina and Waihe'e
  A quorum was constituted.

II. APPROVAL OF MINUTES

a. February 19, 2025

- No public testimony was received.
- **Motion:** To approve the minutes of the February 19, 2025, meeting.
  - **Moved by:** Trustee Alapa
  - **Second by:** Trustee Souza
  - **Vote:** Passed (7-0)
  - **Absent:** Trustees Akina and Waihe'e

b. March 5, 2025

- Action deferred.

III. NEW BUSINESS

Institutions Involved:

- Stiftung Preussischer Kulturbesitz (Germany)
- Ulster Museum (Northern Ireland)
- Harvard Peabody Museum (Cambridge, MA)
- Smithsonian National Museum of Natural History (Washington, D.C.)

This briefing is a continuation of a repatriation claim initiated in 2020. No public testimony was received.

Staff Involved:

- Lead: Kamakana Ferreira
- Supporting Staff: Ku'ike [Kamakea-Ohelo] and members of the Strategic and Implementation Team
- Coordination with U.S. Department of State and Department of the Interior

Purpose:
To conduct repatriation of ancestral remains and sacred objects from institutions in Europe and the U.S. East Coast.

Case Review – Ulster Museum, Northern Ireland:

- Repatriation of three (3) ʻiwi kūpuna (ancestral remains)
- Origin of Claim: Initiated in 2020 following a tip from Council Member Inaba to Halealoha Ayau
- Background:
    - Collaboration with Native American groups working on repatriations in Ireland
    - Initial discovery in 2021 of five (5) ʻiwi kūpuna and five (5) sacred objects (including items made of human hair and teeth)
    - Partial repatriation completed in 2022 (only two (2) ʻiwi kūpuna located at the time)
    - Delays attributed to COVID-19-related institutional closures and limited archival access

Next Steps:

- Completion of repatriation for the remaining three (3) ʻiwi kūpuna
- Continued coordination with international institutions and U.S. federal agencies

Purpose of Trip:
To conduct a case-by-case, institution-by-institution investigation and repatriation of Native Hawaiian ancestral remains and sacred objects.

Case Review – Ulster Museum, Northern Ireland:

- **Repatriation Objective:** Three (3) ʻiwi kūpuna (ancestral remains)
- **Claim History:**
    - Originated in 2020 following a tip from Council Member Inaba to Halealoha Ayau
    - Inaba had been collaborating with Native American groups involved in repatriation efforts in Ireland
    - OHA began formal engagement with the Ulster Museum in summer 2021
- **Findings:**
    - Museum held five (5) ʻiwi kūpuna and five (5) sacred objects (including items made of human hair and teeth)
    - Partial repatriation completed in 2022 (only two (2) ʻiwi kūpuna located at the time)
- **Challenges:**
    - COVID-19 pandemic led to institutional closures, limited staff, and restricted access to archives
- **Commitment:**
    - The Ulster Museum committed to continuing the search for the remaining ʻiwi kūpuna

Ulster Museum – Northern Ireland (continued):

- In **November 2024**, the Ulster Museum contacted OHA confirming the discovery of the remaining three (3) ʻiwi kūpuna.
- Planning for repatriation began immediately and was approved by the museum's board in **January 2025**.

- These remains were part of the original 2020 claim but were not located during the initial repatriation due to pandemic-related limitations.
- The upcoming visit will complete the repatriation of all five (5) ʻiwi kūpuna originally identified.

Historical Context:

- During the 19th century, European and American collectors sought to build ethnological collections, often targeting human remains, particularly skulls.
- These activities coincided with a period of great suffering in the Hawaiian Kingdom due to disease and social disruption, making burial sites vulnerable to looting.
- The presenter emphasized that no known case has involved family consent for the removal of ancestors' remains.

Repatriation Process and Partnerships:

- OHA is typically contacted for repatriation matters due to its designation under **NAGPRA** (Native American Graves Protection and Repatriation Act), a federal statute governing repatriation from federally funded institutions.
- OHA has been involved in repatriation efforts since the early 1990s, alongside **Hui Mālama I Nā Kūpuna O Hawai'i Nei**, which is also recognized under federal and state preservation statutes.
- International recognition of OHA's role has grown, often supported by information from beneficiaries, particularly through Halealoha Ayau, who has been instrumental in identifying overseas holdings.

Next Stop – Berlin, Germany:

- The delegation will travel to Berlin to negotiate a **shared stewardship agreement** for two **ki'i** (carved images) held by the **Stiftung Preußischer Kulturbesitz (SPK)**, Germany's Prussian Cultural Heritage Foundation.
- This effort continues a claim initiated in **2018**, which included a prior delegation visit to Dresden, marking the first successful repatriation from Germany.
- Since then, additional German institutions have come forward with information about ʻiwi kūpuna in their collections.

Berlin, Germany – Stiftung Preußischer Kulturbesitz (SPK):

- Between 2021 and 2022, OHA successfully repatriated at least 50 kūpuna.
- In 2022, SPK repatriated 27 ʻiwi kūpuna and 12 funerary objects to OHA.
- Two **ki'i** (carved images) remain in SPK's possession. OHA asserts these are funerary objects, as they were found with **'iwi po'o** (skulls) in a sinkhole.
- SPK disputes this classification and claims rightful ownership.
- Ongoing negotiations are exploring a **shared stewardship agreement** for co-ownership of the ki'i.
- SPK representatives have expressed interest in visiting Hawai'i to continue discussions.
- In-person negotiations are scheduled for April 2025.

East Coast – Peabody Essex Museum & Smithsonian Institution:

- The final leg of the trip includes participation in cultural ceremonies.
- These are not OHA-led claims but are led by **Hui 'Iwi Kuamo'o**, a partner organization.
- OHA supports the Smithsonian's efforts to repatriate cultural items to lineal descendants.
- Items will be temporarily housed at the **Hawai'i Volcanoes National Park Curatorial Facility**.

- **Strategic Alignment:**
- This work aligns with the **Board of Trustees Executive Policy Manual** on ʻiwi kūpuna and international engagement.
- Supports OHA's **Strategic Plan Foundations** of **ʻOhana** and **Moʻomeheu**, and contributes to **Health Outcomes**.
- Repatriation work is recognized as contributing to Native Hawaiian well-being.

Partnership with Hui ʻIwi Kuamoʻo:

- Successor to **Hui Mālama I Nā Kūpuna O Hawaiʻi Nei**, which dissolved in 2014.
- Named in both federal and state statutes related to historic preservation.
- OHA has historically collaborated with Hui Mālama and assumed co-claims after its dissolution.
- Hui ʻIwi Kuamoʻo has successfully completed repatriations, including during the COVID-19 pandemic when OHA staff could not travel.
- They were delegated authority and signed waivers to act on behalf of OHA in those instances.

Support and Partnership with Hui ʻIwi Kuamoʻo:

- Hui ʻIwi Kuamoʻo has independently funded many of their repatriation efforts, often through crowdfunding.
- They have consistently provided reliable information on ʻiwi kūpuna held in institutions abroad.
- Halealoha Ayau, a key figure in Hui ʻIwi Kuamoʻo, regularly sends inquiries to institutions and shares findings with OHA.
- In many cases, institutions have allowed Hui ʻIwi Kuamoʻo to proceed independently, with OHA providing oversight and support as needed.
- Hui ʻIwi Kuamoʻo has successfully completed repatriation claims both domestically and internationally, including during the COVID-19 pandemic when OHA staff could not travel.
- OHA is partnering with Hui ʻIwi Kuamoʻo on this trip and has been invited to participate in repatriation ceremonies for their claims from the Smithsonian and Peabody Essex Museum.
- The East Coast stop was planned to coincide with these ceremonies, optimizing travel logistics from Europe.

Disposition of Repatriated Items:

- Trustee Akaka inquired about the final location of the repatriated ʻiwi and sacred objects.
- All items, including two **akua hulu manu** and an **ʻahuʻula**, will be temporarily curated at the **Hawaiʻi Volcanoes National Park Curatorial Facility**.
- These items are not OHA claims; OHA supports their return to Hawaiʻi and their placement in a recognized facility closer to lineal descendants.

Reburial Practices:

- OHA's longstanding practice, in collaboration with Hui Mālama and now Hui ʻIwi Kuamoʻo, is to rebury ʻiwi kūpuna promptly upon return.
- Reburials are coordinated with descendants and local burial councils.
- This practice was followed in previous repatriations in 2021 and 2022, including for remains returned to Maui.

Reburial and Ceremonial Practices:

- The former Maui Burial Council Chair participated in prior repatriation trips.
- Specific details about reburial locations are withheld for privacy and cultural sensitivity.
- Trustee Akaka emphasized the importance of treating ʻiwi kūpuna with dignity and ensuring they are not stored indefinitely.
- The presenter affirmed that ceremonies have been conducted respectfully and with care.
- OHA and Hui ʻIwi Kuamoʻo prioritize immediate reburial upon return, in collaboration with descendants and burial councils.

Leadership and Representation:

- **Halealoha Ayau**, former Executive Director of Hui Mālama, now leads Hui ʻIwi Kuamoʻo.
- He works closely with **Mana and Kalehua Casseres**, who were delegated authority by OHA during the COVID-19 pandemic to represent the organization in repatriation efforts.

Concerns Regarding the Smithsonian Institution:

- Trustee Akaka expressed concern over the continued public display of funerary items at the Smithsonian and emphasized the need for their return.
- The presenter acknowledged these concerns and noted that the Smithsonian is working toward an **ethical return policy** that goes beyond NAGPRA requirements.
- This policy would allow for the repatriation of ceremonial items upon valid claims, regardless of legal obligation.

- The presenter noted that recent institutional changes have led to more openness and progress in repatriation discussions.
- Other institutions are also beginning to adopt similar ethical return frameworks.

Native Hawaiian Representation and Advocacy:

- Trustee Akaka highlighted the presence of Native Hawaiians within the Smithsonian's Asian American division and encouraged greater collective advocacy to ensure appropriate repatriation practices are adopted across all Smithsonian branches.

Discussion on Formal Agreements and Delegation:

- **Trustee Akina** inquired about a formal agreement between OHA and Hui ʻIwi Kuamoʻo.
- **Response:** No formal MOU exists. However, waivers were signed when authority was delegated.
- Trustee Akina recommended the CEO explore establishing a formal agreement.

Trip Participation and Budget:

- OHA representatives: Kamakana and Kuʻike (Strategy and Implementation).
- OHA is also covering costs for three Hui ʻIwi Kuamoʻo members (total of 5 individuals).
- Original budget request (May 2024): ~$63,000; current estimated cost: ~$30,000.
- Additional costs are being covered for 10+ individuals involved in training and cultural protocol.
- Hui ʻIwi Kuamoʻo is funding the transport of sacred objects, including crate costs.

NAGPRA Recognition and Claimant Status:

- **Trustee Waiheʻe** asked whether Hui ʻIwi Kuamoʻo is recognized under NAGPRA.
- **Response:** They are recognized as a Native Hawaiian organization and may file claims.

Final determination is made by the federal institution.
- OHA and Hui Mālama are specifically named in NAGPRA, but this is not exclusive.
- Since Hui Mālama dissolved, Hui ʻIwi Kuamoʻo has assumed many of their roles, though not formally named in statute.

International Standing and Repatriation Authority:
- **Trustee Lindsey** asked about OHA's standing in international repatriation.
- **Response:** OHA's constitutional and statutory mandate gives it unique standing, especially in countries like Germany and the UK, which prefer working with government entities.
- In other countries (e.g., Japan), repatriation may proceed without state agency involvement. Hui ʻIwi Kuamoʻo recently completed a repatriation from the University of Tokyo independently.

Additional Inquiry:
- Trustee Lindsey asked if Halealoha Ayau still serves on the NAGPRA Review Committee.

NAGPRA Review Committee and Legal Considerations:
- **Halealoha Ayau** currently serves as Chair of the NAGPRA Review Committee.
- While his role has not been used to advance Hui ʻIwi Kuamoʻo's claims, it supports broader compliance oversight.
- **Trustee Akaka** inquired about the validity of Germany's claim to the two kiʻi under co-stewardship.
- **Response:** OHA received nearly all requested items; the kiʻi remain contested due to differing legal interpretations.
- The kiʻi were found with ʻiwi poʻo in a sinkhole, which OHA argues qualifies them as funerary objects.
- However, NAGPRA does not apply internationally, and Germany maintains its legal position.
- Rather than pursue international litigation, OHA and SPK agreed to a **shared stewardship model**, allowing alternating care between Hawaiʻi and Berlin.
- This approach reflects a growing trend in ethical return and collaborative stewardship practices.

Acknowledgments:
- Trustees Akaka and Chair Galuteria commended staff for navigating complex legal and cultural issues with care and expertise.

Kuʻike's Role and Justification for Travel:
- **Elena Farden** (on behalf of Kuʻike, who is on leave) outlined five critical reasons for his participation:

Justification for Kuʻike's Participation: Presented by Elena Farden on behalf of Kuʻike (on leave), five critical reasons were outlined for his inclusion in the repatriation delegation:

1. **Cultural and Spiritual Stewardship:**
   Kuʻike is a recognized cultural practitioner responsible for leading spiritual protocols and ceremonies and protocol. His presence ensures the dignified and spiritually safe return of ʻiwi kūpuna and sacred items.
2. **Genealogical Connection and Legitimacy:**
   Kuʻike is a direct lineal descendant of the ʻiwi kūpuna and sacred items involved,

affirming the legitimacy of the repatriation and ensuring the return is to ʻohana, not an institution.

3. **Complementary and Non-Redundant Roles:**
   Kamakana will oversee legal and regulatory compliance, while Kuʻike will uphold ancestral and ceremonial integrity. These roles are distinct yet interdependent.
4. **Institutional Representation and Sacred Responsibility:**
   Kuʻike will represent OHA in high-level consultations with SPK officials, embodying both institutional authority and cultural intention.
5. **Sacred Kuleana and Accountability to Future Generations:**
   The journey is framed as a sacred return, not just travel. Kuʻike's participation reflects OHA's commitment to cultural responsibility and intergenerational accountability.

Media and Communications Considerations:

- **Trustee Akina** suggested including a communications professional to document the trip.
- **Response:** Kamakana confirmed OHA's communications team has been briefed. Previous repatriations received international media coverage (e.g., BBC, New York Times), which positively highlighted OHA's work.
- Hui ʻIwi Kuamoʻo will also have a photographer present to support outreach and awareness.
- Media visibility has historically encouraged other institutions to come forward with repatriation opportunities.

Makana (Gifts) and Cultural Diplomacy:

- **Chair Galuteria** inquired whether OHA would leave a cultural gift (e.g., kahili or makana) with host institutions.
- **Response:** In past repatriations, gifts such as lei and replica kiʻi have been shared, though practices vary by institution.
- The idea of leaving a displayable gift is being discussed and is encouraged among Indigenous communities as part of shared stewardship.
- Hui ʻIwi Kuamoʻo may be providing makana to the Smithsonian, though this is not an OHA-led claim.
- Chair Galuteria recommended OHA consider providing a gift and requested follow-up on what that might be.

IV. LEGISLATIVE UPDATE

Agenda Items b. – j: 2025 OHA State Legislative Package – Matrix One
Presenter: Leinaʻala Ley, Chief Advocate
Note: Informational only; no vote taken.
Item 4 – SCR 161 / SR 130:

- Proposal for OHA to convene a working group to explore transferring the Burial Council from the State Historic Preservation Division to OHA.
- **Status:** Deferred by the Senate Hawaiian Affairs Committee.
- **Alternative:** HCR 193 / HR 186 is still active and would achieve the same goal.

Public Testimony – Germaine Meyers:

- Testified on **Item 3 – HCR 193 / HR 186**, supporting OHA's potential management of the Burial Council.

- Highlighted operational challenges:
    - **Molokaʻi Burial Council:** All five seats currently vacant; only three meetings held in the past eight years.
    - **Governor's Appointments:** Only three nominees submitted; one later withdrawn, preventing quorum.
    - **Other Islands:** Oʻahu, Molokaʻi, Kauaʻi, and Maui councils each have nine seats; four are currently vacant.
    - Lack of quorum continues to hinder council effectiveness.

Public Testimony – Burial Council Appointments:

- A testifier expressed concern that the **ineffectiveness of the Island Burial Councils** is due to:
    - The Governor's failure to make timely appointments.
    - Lack of accountability from the Legislature and OHA Trustees.
- Transferring the Burial Council to OHA would not resolve the core issue, as the Governor retains appointment authority.
- The testifier emphasized the need for stronger advocacy to hold the Governor accountable.

OHA Budget Bill – Update:

- **Presenter:** Ka Pou Hana
- OHA's budget bill (**OHA 17175**) passed the Senate Ways and Means (WAM) Committee with amendments.
- Appropriations include **$3 million for FY 2026** and **$3 million for FY 2027** for Beneficiary Advocacy and Empowerment.
- The bill now moves to **the conference committee** due to differences between House and Senate versions.
- Not included: Cost of inflation adjustment and S&I personnel funding.

Island Burial Council Composition Bill:

- OHA staff met with House Judiciary and Hawaiian Affairs Committee leadership.
- Despite strong support in testimony, the bill will **not advance this session** due to:
    - Concerning a few experienced testifiers.
    - A request for broader community consensus.
- The bill remains active for the **next legislative session** (biennium).
- OHA was invited to work with committee leadership during the interim to build consensus.

Maunaʻala Study Resolution:

- A Senate resolution requesting OHA to study Maunaʻala was **deferred**.
- OHA will share its **Phase II due diligence study**, already approved by the Board.
- The resolution is moving forward with amendments to **expand community representation** on the working group.

Public Land Trust Working Group:

- **SB903** is now the primary bill replacing OHA's original Public Land Trust working group proposal.
- This item was presented for **information only**.

Conference Committee Strategy:

- It was noted that the **House version of the budget bill typically advances**.
- OHA hopes that **Chair Yamashita**, who passed the bill unamended in the House, will advocate for restoring the 13 S&I positions and related funding during conference negotiations.

1. **Nomination Process Overview:**
    - The Office of Hawaiian Affairs (OHA) is responsible for recruiting and vetting potential Burial Council members.
    - Vetted names are submitted to the OHA Board for review and approval.
    - Approved names are then forwarded to the Governor's Office.
    - OHA's role ends at this point; the Governor, Senate, and Boards & Commissions handle the remainder of the process.
2. **Governor's Authority:**
    - The Governor has sole discretion to approve or deny nominations.
    - OHA does not influence or participate in the Governor's decision-making process.
    - Similarly, the Governor and Senate do not interfere with OHA's vetting process.
3. **Reason for Denial of Names:**
    - No specific reasons were provided by the Governor for denying certain nominations.
    - OHA is not privy to internal deliberations or opposition testimony that may influence the Governor's decisions.
    - One candidate forwarded by OHA was successfully confirmed, indicating a strong vetting process.
4. **Public and Beneficiary Concerns:**
    - Some beneficiaries expressed concerns about the denial of names.
    - Clarification was provided that OHA's involvement is limited to the initial nomination phase.
5. **Nomination Sources:**
    - Formal nominations can come from OHA and the Department of Land and Natural Resources (DLNR).
    - Informally, any individual may submit a name for consideration.

1. **Public Testimony – Germaine Meyers:**
    - **Subject:** SB903 – Appropriation to OHA for Public Land Trust Working Group.
    - **Original Bill Intent:** Support for staffing, equipment, and services to complete the work of the Public Land Trust Working Group.
    - **Concerns Raised:**
        - The bill was amended to **reinsert "global settlement" language**, which had previously been removed.
        - **Membership imbalance** in the proposed working group: 4 state-appointed members vs. 3 from OHA.
        - **Funding was reduced** from $1 million to $500,000.
        - **Historical context:** OHA's financial review (FY2015–2016) determined $78.9M owed to OHA (20% of gross revenue), which the state never accepted.
        - **Potential conflict:** Without full funding, the state may challenge OHA's role due to perceived bias.
          Recommendation: Amend OHA Bylaws to require unanimous trustee

approval for any global settlement to avoid breach of trust.

2. **Trustee Reactions:**
    - **Trustee Ahuna:** Questioned the meaning of a "global settlement," emphasizing that the state has a constitutional obligation to pay OHA its share, not negotiate a settlement.
    - **Trustee Lindsey:** Recalled past resistance to global settlements, citing fiduciary duty concerns and reiterating that such strategies should not be pursued.
    - **General Sentiment:** Trustees expressed skepticism and concern over the reintroduction of global settlement language and the implications for OHA's autonomy and fiduciary responsibilities.

Key Discussion Points:

1. **Additional Trustee Commentary:**
    - A trustee emphasized that the 20% revenue share grossly undervalues what is owed and advocated for the return of land rather than monetary compensation.
    - Described the legislative process as "political jiu-jitsu," with ongoing maneuvering and lack of transparency.
2. **Staff Update on SB903:**
    - **Testimony submitted** opposes the bill in its current form due to the inclusion of **"**final settlement**"** language.
    - However, the bill includes funding for the Public Land Trust Working Group audit and inventory, which is critical.
    - Staff recommend amending the bill to remove all references to a final settlement and replace them with language supporting an annual payment formula based on audit findings.
    - If amendments are not adopted, staff suggests the board consider **opposing the** bill outright.
3. **Working Group Composition Concerns:**
    - The revised bill proposes a 4:3 membership imbalance favoring the state (2 governor appointees, 1 Senate, 1 House vs. 3 OHA).
    - Trustees are requesting equal representation (4:4) to ensure fairness.
4. **Budget Considerations:**
    - OHA has included $500,000 in matching funds for both fiscal years as a placeholder in case the bill passes.
5. **Motion and Vote:**
    - A motion was made and seconded to adopt and amend the staff's recommendations for Matrix 2.
    - The motion includes the authority to oppose SB903 entirely if proposed amendments are not adopted.
    - **Motion passed unanimously (9-0).**

<u>Matrix 8: Native Hawaiian Economic Development</u>

- **Status Update:**
    - Bills 1 and 2 remain active and supported.
    - Bill 3 will not meet the next legislative deadline.
    - No changes to staff recommendations.
- **Motion and Vote:**
    - Motion to approve staff recommendations for Matrix 8 passed **unanimously (9-0)**.

Matrix 9 : HRS Chapter 6E – ʻĪwi Kūpuna

- **Motion and Vote:**
  - Motion to approve staff recommendations for Matrix 9, including the position change to "oppose" for HB830 and SB1002, passed **unanimously (9-0)**.

Closing Legislative Agenda:

- The chair and trustees expressed appreciation to staff for their diligent work and testimony efforts.
- Legislative agenda officially concluded.

IV. COMMUNITY CONCERNS AND CELEBRATIONS

Transition to Community Concerns & Celebrations:

a. Chair opened the floor for community input.
b. **Testifier: Germaine Meyers** was acknowledged and invited to speak.
Subject: Department of Hawaiian Home Lands (DHHL) Land Management and Accountability
c. **Funding History:** DHHL received $600 million from the legislature between 1995–2015 for lot development.
d. **Undivided Interest Paper Leases:** From 2005–2007, DHHL issued 1,434 undivided interest paper leases. **As of December 2024:** Only 578 converted to land leases. Over 700 beneficiaries still await land leases after 20 years.
e. **Criticism:** Concerns raised over continued issuance of paper leases instead of fulfilling existing commitments. DHHL reportedly spent $363 million in FY24 but removed only 185 people from the waitlist.
f. **Land Use Issues:** DHHL lands being used for state energy projects (e.g., wind farms, geothermal drilling) instead of prioritizing Native Hawaiian beneficiaries. Specific concerns about projects on Mauna Kea and Kawaihae.
g. **Call to Action:** Urged OHA to investigate and address DHHL's deviation from Act 279 and its impact on long-waiting beneficiaries.

V. ANNOUNCEMENTS

1. **Trustee Akaka:**
   - Attended a **welcoming ceremony for the royal family of Pohnpei** on March 21, 2025.
   - The event included traditional ʻoli and lei greetings.

2. **Trustee Alapa & Staff:**
   - Participated in a **reception for the Ambassador of Portugal**.
   - Discussed cultural ties and future visits.
   - Noted humorous and warm interactions, including a lunch with Portuguese legislators and cultural exchanges.
3. **Trustee Ahuna:**
   - Attended the **Prince Kūhiō annual celebration** at Mauna'ala on March 26. 2025.

- Participated in a **memorial event for Kylie Kelly** at Thomas Square, with Trustee Souza delivering remarks.

Final Notes:

- No additional announcements or final thoughts were presented by trustees.
- The next meeting is scheduled for **11:00 AM**. **(Committee on Budget and Finance)**

VI. ADJOURNMENT

Motion to Adjourn:

- A motion to adjourn the meeting was made and seconded.
- **Roll Call Vote:**
  - Trustee Ahuna – Aye
  - Trustee Akaka – Aye
  - Trustee Akina – Aye
  - Trustee Alapa – Aye
  - Trustee Kahele – Aye
  - Trustee Lindsay – Aye
  - Trustee Souza – Aye
  - Trustee Waihe‘e – Aye
  - Chair Galuteria – Aye
- **Result: Motion passed unanimously (9-0)**

Meeting adjourned at 10:43 a.m.

Respectfully submitted,

Lei-Ann Durant, Trustee Aide Date Approved:

Brickwood Galuteria, BAE Committee Chair
Trustee At-Large

Action Item
Committee on Beneficiary Advocacy and Empowerment

July 23, 2025

BAE #25-05

Action Item Issue: Approval of the Office of Hawaiian Affairs' 2025 Nominee for the Kaua'i Island Burial Council

Prepared by:

07/16/2025

Kamakana C. Ferreira — Date
Compliance Archaeologist

Reviewed by:

07/16/2025

Kēhaulani Pu'u — Date
Ka Pou Nui, Chief Operating Officer

Reviewed by:

07/17/2025

Stacy Ferreira, — Date
Ka Pouhana, Chief Executive Officer

Reviewed by:

07/17/2025

Brickwood Galuteria — Date
Luna Ho'omalu o ke Kōmike BAE
Chair, Committee on Beneficiary Advocacy and Empowerment

Action Item BAE #25-05: To Approve the Office of Hawaiian Affairs' 2025 Kaua'i Island Burial Council Nomination

I. Action

To approve the following individual as the Office of Hawaiian Affairs' 2025 Nomination to the Kaua'i Island Burial Council, and to authorize the Administration to timely transmit this nomination to the Governor:

Kaua'i Island Burial Council

1. **Megan Wong,** *Nominee for Halele'a Regional Representative to Kaua'i Island Burial Council*

II. Issue

The OHA Board of Trustees approve staff's proposed OHA 2025 nomination to the Kaua'i Island Burial Council, and authorize the Administration to timely transmit this nomination to the Governor:

III. Background and Context

HRS § 6E-43.5 establishes the Island Burial Councils within the Department of Land and Natural Resources (DLNR) and the process for appointment of Island Burial Council members. In 2013, OHA introduced the bill that became Act 276, which overhauled the Island Burial Council composition requirements, member qualifications, and appointment process in response to longstanding quorum issues and community concerns. The amended statute provides that each Island Burial Council shall be composed of nine members, with the exception of the Moloka'i Island Burial Council, which shall be composed of five members. There must be one representative from each identified geographic region of the islands, who must possess an understanding of the culture, history, burial beliefs, customs and practices of Native Hawaiians. In addition, no more than three representatives of development and large property owner interests may also be appointed to each council. The Governor appoints members to the councils from lists provided by DLNR and OHA; at least two of the regional representatives on each council must be appointed from lists provided by OHA.

Historically, OHA has assisted the State Historic Preservation Division (SHPD) of DLNR and the Governor's Office in identifying, soliciting, and recommending candidates for appointment to the Island Burial Councils (IBCs), and submitted a number of nominations for this purpose.

To consistently fulfill OHA's kuleana, OHA staff established an internal process for filling Island Burial Council seats. This process incorporates collaboration among OHA's Communications, Strategy and Implementation, and Advocacy lines of business to reach out to interested community members, identify and solicit qualified candidates, and evaluate applications from individuals willing to step into existing and future vacancies. Through this process, OHA selects its nominees and annually transmits a list of these nominees to the Governor's Office to fill current and pending vacancies. Staff from Compliance Enforcement, Public Policy, Strategy and Implementation, and Communications have collectively drafted Standard Operating Procedures for this process and are in the process of refining them for Administrative approval.

VIII. Timeframe

Immediate action is recommended as the nomination will be transmitted to the Governor's Office of Boards and Commissions immediately upon approval by the BOT.

IX. Attachments

Attachment #1 – Applicant Online Application

Attachment #2 – SHPD Island Burial Council Membership and Vacancies

experience working alongside cultural practitioners, archaeologists, and various government agencies making me a strong candidate. I've demonstrated leadership and courage in navigating these difficult systems, and being on the council would empower me to help create long-term solutions, protect ancestral sites, and inspire others to rise up for what's right.

2. What is your experience or background with Hawaiian culture, history, customs, practices, and in particular, beliefs and practices relating to the care and protection of Native Hawaiian burial sites, ancestral remains, and burial items?

1. Cultural Training and Protocols:
• I've completed iwi kūpuna training and protocol workshops with Hui Iwi Kuamoʻo and Halealoha Ayau in 2021.
• I've participated in classes for making reburial materials, such as kapa, hinaʻi, and kaula, taught by experts through the Church of Hawaii Nei.
2. Reburial and Repatriation Efforts:
• I've been involved in multiple reinterments of iwi kūpuna, including returns from museums, through your work with Hui Iwi Kuamoʻo.
• In April 2024, I worked with Hui Iwi Kuamoʻo team in Berlin to prepare 27 iwi kūpuna and 8 moepū for reinterment.
3. Hands-On Protection and Advocacy:
• For years, Ive worked with archaeologists and cultural monitors, sifting for iwi and learning how to recognize and properly handle ancestral remains.
• From May 2022 to June 2023, I collaborated with the county to address findings of iwi kūpuna at Hanalei's county base yard.
• I've been on the frontlines protecting burial grounds from desecration, even facing arrest while standing up for iwi kūpuna.
4. Leadership and Community Engagement:
• I've organized and held space for pule, ceremony, and cultural practices at sites of iwi disturbance.
• I've advocated for better policies and accountability from agencies like OHA, SHPD, and the Burial Council to ensure iwi kūpuna are prioritized over development interests.
• I've been involved in community discussions and efforts to train more cultural monitors and promote grassroots solutions.

3. What is your connection to the geographic region you propose to represent?

1. Ancestral Ties:
• My ancestors come from Kalalau, Hāʻena, Wainiha and Moloaʻa, and these places rich in cultural heritage and significance.
• I have a profound connection to my kūpuna (ancestors), which grounds my commitment to the land and its history.
2. Active Involvement in Cultural Preservation:
• I have participated in iwi kūpuna training and protocol workshops, enhancing my understanding of traditional practices.
• My hands-on experience in reinterment work and direct advocacy showcases my dedication to protecting burial sites and upholding cultural integrity.

Employment and Community Experience

Employment history

Employer	From (year)	To (year)
self	2004	current

Community Experience and Professional Organizations

I have extensive experience in community coordination and resilience-building. During the 2018 Kauaʻi floods, I organized efforts by connecting community members, state and county agencies, and nonprofit organizations such as Mālama Kauaʻi, Samaritan's Purse, Southern Baptist, and Team Rubicon. Following the 2021 landslide on Hanalei Hill, I founded the Kauai Resilience Team, a nonprofit dedicated to disaster recovery and fostering long-term community resilience.

ISLAND BURIAL COUNCILS ROSTER
(EFFECTIVE JULY 01, 2025)

Hawai'i Island Burial Council			
Name	Seat	Term	Notes
Desmon Haumea	Ka'u	2022 - 2026	2nd term
I'inimaikalani Kahakalau	Hamakua	2023 - 2027	1st term
Cayla Crivello	Large Landowner	2023 - 2027	2nd term
Leimana Abenes	Kohala	2025-2029	1st term
Vacant	Kona		
Shantel Freeman	Puna	2025-2029	1st term
Vacant	Large Landowner		
Vacant	Large Landowner		
Cyrus Seto	Hilo	2025-2029	1st term
Kaua'i / Ni'ihau Islands Burial Council			
Wayne Harada	Waimea/Napali	2024 - 2028	2nd term
Bruce Robinson	Ni'ihau	2021 - 2025	1st term
Carol Lovell	Kawaihau	2021 - 2025	2nd term (potential term out?)
Barbara Say	Hanalei	2020 - 2024	1st term, holdover
Johnette Kahalekai	Lihue	2023 - 2027	2nd term
Chadley Schimmelfennig	Koloa	2025-2029	1st term
Vacant	Large Landowner		
Vacant	Large Landowner		
Vacant	Large Landowner		
Maui / Lana'i Islands Burial Council			
Everett Dowling	Large Landowner	2019 - 2023	1st term, holdover
Vernon Kalanikau	Honua'ula	2019 - 2023	1st term, holdover
Iris Pe'elua	Large Landowner	2019 - 2023	1st term, holdover
Diane Preza	Lana'i	2021 - 2025	1st term
Scott Fisher	Large Landowner	2022 - 2026	2nd term
Dane Maxwell	Makawao	2025-2029	1st term
Bennadette Duman	Lahaina	2025-2029	1st term
Caroline Hartman	Hana	2025-2029	1st term
Noelani Paresa	Wailuku	2025-2029	1st term
O'ahu Island Burial Council			
Chuck Ehrhorn	Large Landowner	2019 - 2023	2nd term, partial 1st, holdover
Benjamin Schafer	Ko'olauloa	2020 - 2024	1st term
Vacant	Waialua		
Kamana'o Mills	Large Landowner	2021 - 2025	2nd term
Vacant	Ewa		
Makoa Caceres	Wai'anae	2025-2029	1st term
Julian Ako	Kona	2025-2029	1st term
Charish Miller	Koolaupoko	2025-2029	1st term
Vacant	Large Landowner		
Moloka'i Island Burial Council			
Vacant	Kalawao		
Keomailani Hirata	East Moloka'i		holdover to 2027
Vacant	Central Moloka'i		
Vacant	West Moloka'i		
Vacant	Large Landowner		

Keomailani Hirata in holdover until close of session, 2027