

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**

December 8, 2021 1:30 p.m.

ATTENDANCE:

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

EXCUSED:

Trustee Luana Alapa

BAE STAFF:

Brandon Mitsuda
Mark Watanabe

ADMINISTRATION STAFF:

Hussey, Sylvia, Ka Pouhana / CEO
Brown, Casey / COO
Hinck, Ramona / CFO
Kamali'i, Na'u / Chief Advocate
Freitas, Sharde / Public Policy Advocate
Ki, Nina / Public Policy Advocate
Gushiken, Raina, Senior Legal Counsel
Ohta, Everett, Assistant Legal Counsel
Chak, Kevin, IT
Nakama, Erin, IT

I. CALL TO ORDER

Chair **Akaka** calls the Committee on Beneficiary Advocacy and Empowerment meeting for Wednesday, October 13, 2021 to order at **1:33 p.m.**

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

MEMBERS			AT CALL TO ORDER (1:34 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	EXCUSED	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
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*

Healani Sonoda-Pale: Aloha Chair Akaka, Vice Chair Keola Lindsey and Members of the Board. Ka Lahui Hawai'i Kōmike Kālai'āina is the ad hoc committee of the Nation of Hawai'i Native Initiative for Self Governance formed by and for Native Hawaiians and their descendants AKA Kanaka Maoli without the interference of the state or federal governments or its agencies.

First, we'd like to commend the statement recently released by OHA regarding the Red Hill water issue calling for the swift and safe removal of 200,000,000 gallons of jet fuel from the US Navy tanks which sits only 100 feet above one of Oahu's major aquifers. This holiday season should be a time for families to gather and celebrate, but instead families from Hālawā to Hawai'i Kai are worrying about whether the water coming out of our faucets is safe to drink. Recent events that have unfolded show the lack of care and concern that the US military has for the welfare of the people they are supposed to be protecting as well as our environment. In fact, the military has lied and hid facts not only from the public, but from its own service men and women putting everyone, men, women, children and even pets in harm's way.

They remain silent on what happened in the most recent November jet fuel leak. One in a long history of leaks into the Red Hill Aquifer and to this day we still don't know the facts of what really happened. Today the US military is here at OHA presenting a plan to extend their leases and use of so-called ceded lands, AKA illegally seized Hawaiian Kingdom, crown and government lands. Even OHA has publicly stated multiple times that the military cannot be entrusted with Hawaiian lands and cultural resources with their long history of poor stewardship. They have bombed, polluted and destroyed lands, water, sacred sites and fragile habitats for organisms found nowhere else in the world, all in the name of national security, freedom and protecting America.

As the agency whose kuleana it is to advocate for the well being of all Kanaka Maoli and provide input in the best use of ceded lands, we implore you to take a strong and public stance against the extension of leases of stolen Hawaiian lands for the US military. As they present their master plan, we urge you to ask the hard questions in the best interests of the Kanaka Maoli people and to always keep in mind as they speak, that these are the same people who have not been forthcoming about the facts surrounding the jet fuel leaks in our water, resulting in the poisoning of hundreds, perhaps thousands of military and local families. Ola I Ka Wai, water is life. There is no substitute for fresh water. Mahalo for the opportunity to testify.

Manu Ka'iama: Aloha mai kākou 'O Manu Ka'iama mahalo nui for the opportunity to share my concerns. As you review the Hawai'i Military Land Use Master Plan, I would like for you to consider the following: Emergency alert ballistic missile threat inbound to Hawai'i, seek immediate shelter. This is not a drill. On Saturday, January 13, 2018, where were you? Maybe you were lucky and had some insider information so you were not concerned. Maybe you slept through it. As for me, not so lucky. Most of our family was able to congregate at my daughters home and we tried desperately to reach my other two sons while explaining to my grandchildren not to be afraid. One son finally reached me on the phone with only five minutes of time left before the big bang. He knew he wasn't going to make it to our location on time, so we had to say goodbye to each other on the phone. This is disgusting. This is the life we have with unbridled military installations here.

I ask you where was the military? How were they going to help us in that situation? What could they have done, nothing. We are a target of every enemy of America and there are lots of them. Especially now, since somebody decided to stop being obsessed with the Middle East and arbitrarily decided to move to the Pacific, their new combat playground. We all need to accept and embrace a new paradigm and OHA, you can be instrumental in this.

We have to stop being a target for our sake, for our mo'opuna's sake. We need to save our land and live a normal life. We do not need the military here. Because of them we are a target. We have an opportunity before us, in the late twenty 2020s a number of leases in all branches of the Armed Services are set to expire. Never were these leases intended to be extendable. We must not allow them to continue to use these lands. We know even when faced with a disaster, they will not take responsibility. Most current disaster, Red Hill or our kapu kiki. It's our opportunity to sever ties with the military once and for all. Mahalo for Chair Hulu Lindsey's latest announcement for OHA's position.

They are not going to get rid of those monster fuel tanks I bet you and do not care who it harms. You can see it unfolding in real time, how they are planning to sidestep responsibility. Even now, millions of promises never fulfilled my great grandmother and grandfather for example, promised their land back in Makua Valley. They believed in the military. They are long gone now and the land is still in the military's control, hewa. Let us not forget the military also uses and abuses lands in our residential areas. The master plan should completely delete the military's BAH program. This is the basic allowance for housing for military with local median income at 64,000 average a year and the median price of homes on Oahu at 1,000,000. No local average wage earning person, especially not a Hawaiian, could afford to buy a house and it's 8,000 square feet land to live on, no way. And yet the military subsidizes their people with monthly stipends of between 3000 to over 4500 a month. How can we compete? The military is what is causing this problem.

Also, Realtors have the audacity to encourage them to do this. Practically guaranteeing military families, eh at least a \$100,000 windfall when you sell in two to three years, and when they return to their homelands, it's deplorable, and yet they ignore the inflationary situation that they have created in our homeland. They do not care. From a century of experience, we know that the military promises that they make will not be kept. It is time to take the matter into our own hands. We need to care for our land and waters, something they do not know how to do. Mahalo nui loa, me ke aloha. Lono 'i ka makahiki, aloha.

III. APPROVAL OF MINUTES

A. November 17, 2021

Chair Akaka: Can I please get a motion to approve the November 17, 2021 BAE Committee Meeting minutes.

Vice Chair Lindsey: I move that we approve the November 17, 2021 meeting minutes.

Trustee Akina: I second

Chair Akaka: Mahalo Trustee Akina, the motion has been made by our BAE Vice Chair, Trustee Keola Lindsey and seconded by Trustee Akina. Members, are there any changes to the minutes? Seeing none, Brandon can I please have a **roll call vote** to approve the minutes.

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

1:49 p.m.

KALEI'ĀINA							
CARMEN HULU	LINDSEY			X			
VICE CHAIR KEOLA	LINDSEY	1		X			
JOHN	WAIHE`E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	1	1

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

IV. NEW BUSINESS

A. Presentation: Native Hawaiian Veterans, Reyn Kaupiko, Native Hawaiian, VA Advisory Committee on Tribal and Indian Affairs

Chair Akaka yields the floor to Ka Pouhana Hussey.

Ka Pouhana Hussey: Thank you Chair Akaka, aloha Trustees we have Reyn and we mahalo him, and his presentation is in there and we'll give him the opportunity to introduce himself as well as the topic and appreciate that he is coming to join the Trustees from the east coast. So thank you Reyn, go ahead.

Reyn Kaupiko: Alright, thank you very much Dr. Hussey, thank you very much Trustee Akaka and fellow Trustees. Thank you very much for giving your time to hear me out and make this presentation for you guys. So just a little bit about myself so you can just have an understanding of who I am and where I come from. So I am a 2003 Kamehameha Alumni, 2008 Naval Academy Alumni, former Surface Warfare Officer in the United States Navy, Navy Veteran, 2017 UH Mānoa MBA Alumni, 2020 University of San Francisco Alumni with a Masters in Public Leadership. And through this journey I really got involved in the Veteran community, and at my time at the University of San Francisco I made an emphasis on how to raise benefit awareness amongst the Native Veteran community. Kind of like starting a cookie cutter method so we could apply it as Veterans to other ethnic communities around the islands. Which leads me to my topic, Native Hawaiian military Veterans. And for my briefing, my references are the Department of Veteran Affairs, Charter of Advisory Committee on Tribal and Indian Affairs, the Federal Registrar printed 2021 May 03 notice, Department of Veteran Affairs Advisory Committee on Tribal Indian Affairs, the establishment. The Federal Register 2021 printed May 05, notice Department of Veteran Affairs, solicitation and nominations.

So the President directed down to the VA through the secretary of the VA that there will be a Committee on Tribal and Indian Affairs, and this was relatively at the start of the Presidency and the Charter was signed by the Secretary of the VA in April of 2021, and in the Charter, the objective is to form a committee that provides advice and guidance to the Secretary of the VA on all matters relating to Indian Tribes, Tribal organizations, Native Hawaiian organizations and Native American Veterans. So this is a two year appointment with two terms and every year we will meet with the Secretary of the VA in person twice. On this board there are 16 people with the Native Hawaiians having one definite seat, and there's an additional at large seat.

So what is this committee and what is its duties? So in the Charter it outlines ten of their duties starting with identifying for the department, the evolving issues of relevance to the specific community, so the Native Hawaiian organizations and Native American Veterans programs and services. Describing purpose clarification and recommendations, as well as issues that are raised. Providing forum for these entities to have discussions with the Secretary of the VA, as well as on regulations, policies and procedures. Current standing and ones and how we should they think they should be changed. Identify priorities and provide advice on strategies for consultation. Ensure pertinent issues are brought to the attention of the Native Hawaiian organization, so bringing that information that's discussed back. Talking within our community to get more ideas and present it back to the Secretary of the VA. Encouraging the Secretary to work with other Federal Agencies to help fix the issues that we're enduring related to Veterans. As well as highlight the contribution of Native American Veterans in the armed forces.

We'll also make recommendations to the consultations of policy for the department and support processes to develop an urban Indian organization confer policy. I've asked more about this one and I'll get more understanding on this, that is the item nine. And the last one is with the secretary approval, conduct other duties recommended by the committee.

Chair Akaka: Kala mai Reyn, I think it would be easier for those in attendance and watching this to see your presentation on the screen, even though we have it ahead of time. But just so we can follow exactly where you are, is it possible for you to share your screen with this?

Ka Pouhana Hussey: If it's okay Trustee Akaka, I could share it and then Reyn can focus on the presentation.

Chair Akaka: That would be great. Mahalo, Ka Pouhana.

<u>DESCRIPTION OF COMMITTEE DUTIES # 9 OF 10</u>	<u>DESCRIPTION OF COMMITTEE DUTIES # 10 OF 10</u>
<i>Support a process to develop an urban Indian organization confer policy to ensure the Secretary confers, to the maximum extent practicable with urban Indian organizations;</i>	<i>With the Secretary approval, conduct other duties recommended by the Committee.</i>

Reyn Kaupiko: So this is the item that I was inquiring more on from the Department of Tribal Affairs within the VA to explain this. I need to get a better hold on what this is. So the first eight items were pretty self explanatory in terms of like what we should be doing for this type of committee and it came to this one and more needs to be learned.

And then item 10, so the next slide. This is the slide saying in addition to the the previous nine, whatever the secretary approves for the committee to look into those duties will be carried out.

DESCRIPTION OF COMMITTEE DUTIES

At least once a year the Advisory Committee will submit to the Sec VA and associated Congressional committees' action for legislation for the upcoming year

DESCRIPTION OF COMMITTEE DUTIES

At least every two years the Advisory Committee will submit to the Sec VA and associated Congressional committees' a report describing the activities of the Committee of the previous two years

Next slide, so description of committee duties at least once a year, the advisory committee will submit to the Secretary of the VA and associated Congressional Committees action for legislation for the upcoming year.

At least every two years, the advisory committee will submit to the Secretary of the VA and associated Congressional Committees a report describing the activities of the committee of the previous two years. So for me those two items will be big, which brings us to the plight of the Native Hawaiian military Veterans today.

THE PLIGHT OF NATIVE HAWAIIAN
MILITARY VETERANS

- Data
- Benefit Awareness
- Native Hawaiian VSO

So I also sit on the State Board for Veteran Affairs and for the last two years I've been advocating for a better data study, both on the congressional scale as well as the state scale to get money so we could better understand this group. The data is currently from the 2010 Census and it's not good at all. Hopefully with the 2020 Census though shed better light and it will tell us if we need to continue advocating for a study and will show a little more direction that things need to be emphasized on.

My second point that I am pushing in this Board is benefit awareness. Through all my readings of VA publications and all my dealings with Veterans, the number one problem that the Veteran community faces is benefit awareness, so the lack of knowing what your entitlements are. And right now it's all by word of mouth. Sometimes these people will see stuff online and it might raise some curiosity, but this is what the VA struggles with and this is what I go out into the community and preach to Veterans about. Hey man, I'm not a professional VSO, but this is what I know and you might want to look into it. Or I might talk to their wives or their kids because the motivating factor necessarily isn't always the Veteran. A lot of these older Veterans have had very poor experiences with the VA and it causes disdain and an unwillingness to return. So that's a whole separate issue, but it's all related back to the lack of benefit awareness.

My third item that I'm pushing for is to get monies made available or within the state somehow us as a community finding a Native Hawaiian VSO, so somebody that is a professional Veterans Service Officer that has worked in the VA and has done this type of paperwork 'cause this type of paperwork is very tedious and a lot of people get lost along the way because they need a professional to fill this out.

What's not on here, but through my discussions recently in the community and I thought was a phenomenal idea was getting Native Hawaiian medicines approved by the VA so Native Hawaiian treatments for something like PTSD or whatever other ailments may be associated to that Veteran, that there are Native Hawaiian remedies for. So that's something I'm going to throw on this list, but those three are definitely my top three items of concern for our community.

MAHALO



With that my last slide is thank you and on this slide is the only two Native Hawaiians to ever win the Medal of Honor, which raises a question, we've been fighting in American conflicts since the War of 1812. Why is there only two Native Hawaiians that have ever won the Medal of Honor? And with that, I'll leave the floor open to questions or comments.

Chair Akaka: Mahalo, Reyn. Mahalo for all your work to present data gathered and also with spreading the message to let those that are able to or qualified that there is more benefit awareness, so important. Members are there any questions, comments?

Chair Akaka recognizes Trustee Akina

Trustee Akina: Thank you, Madam Chair. Reyn, I just want to say aloha to you. It's great to see you again and thank you for your advocacy work for Native Hawaiian Veterans, you've got a commendable background and career record behind you, and we look forward to what you're going to be doing for Native Hawaiian Veterans and the broader community in the future. Thanks for coming today. Good to see you again.

Reyn Kaupiko: Trustee Akina, thank you very much for the kind words.

Chair Akaka recognizes Vice Chair Lindsey

Vice Chair Lindsey: Thank you, Madam Chair. Aloha Reyn and thank you for joining us. I'd like to echo Trustee Akina's mahalo to you for the work that you do, and for your service. The question I have is, so in your slides it talks about Native American Veterans and Native Hawaiian organizations. Are Native Hawaiians included in the definition of Native American Veterans? And the second question is, are there examples of Native Hawaiian organizations that are engaged in Veteran advocacy? Thank you.

Reyn Kaupiko: Trustee Lindsey, thank you for such a great question, and my apologies, I meant to bring this up. The definition right now outlined is that of the federal definition of what it is to be a Native Hawaiian, and that's something that I'm gonna be advocating for change on because this affects so much more, so many more native Veterans. As well as existing organizations circling back to that, there is no one specific organization that deals in this area. There are little things that a lot of organizations might do and somewhat incorporate. For like employment, we might do like a briefing on Veterans employment, but it's nothing major that I found any organization to be dealing with. At least from the aspect of native, while other tribes in the mainland have had great success in creating their own departments within the tribes that focus on this 'cause my whole idea for this is that if we're able to bring these Veterans to whatever entitlements they have, the hopes are that this will lighten the burden of the existing NHO's that are providing services and free up funding for other avenues for us to consider.

Vice Chair Lindsey: Thank you, Reyn and I guess just a comment to your three points that you raised on your slide about issues facing Native Hawaiian Veterans and then the 4th that you mentioned about getting VA approval for traditional Hawaiian treatments. I know we can't make commitments today, but I'm hopeful there's a way OHA can partner with the VA and other organizations to address those issues that are facing those of our people who served in the US military so look forward to the path ahead, thank you.

Chair Akaka: Mahalo BAE Vice Chair Lindsey. It seems as if the native need their own committee and not just be under the Indian Affairs.

Chair Akaka recognizes Trustee Lee

Trustee Lee: Thank you, Madam Chair. Thanks for the presentation Reyn. I have a follow up question to what Trustee Keola Lindsey asked. So you said they're using the federal definition of Native Hawaiian. Well, the federal government has two different definitions for Native Hawaiian, so is it 50% or is it 25% that they're using? And I have a second part to that question. But go ahead.

Reyn Kaupiko: The 50% definition.

Trustee Lee: Okay, and then I know to what Trustee Keola Lindsey said about not promising anything today,

but what is the ask? What do you want from OHA? How can we help is a better way of putting it. How can we help?

Reyn Kaupiko: So, one thing, the biggest thing is bringing, raising awareness and through many different ways that can be done. Right now I've been so graciously given the opportunity by Dr. Hussey to write a monthly column in Ka Wai Ola on these issues, and my plan is not only for myself to put my voice in there, but to bring in resident experts, asking them hopefully to write a column that will be in my section, but as well as if they're not willing to write it, you know, can I interview you? And I put all those questions and all those answers of where people need to go and what they need to expect within that column.

Trustee Lee: So would it also then be fair to say that this would help, any intake that the Office of Hawaiian Affairs or DHHL for that matter, if having a box for them to check to say that I am a Veteran. And if they check that box, then they automatically are given literature or contact information or their information is forwarded to you guys or something of that effect. So whenever OHA or DHHL takes in information for somebody who fills out for a loan or somebody comes in for Native Hawaiian registry and they check if there's a box and they check I'm a Veteran and we forward that information to you guys so that you can contact them and make sure that they are aware of. These are all the benefits that are available to you as a Veteran.

Reyn Kaupiko: Trustee Lee, that would be massive. But may I interject that I right now, I'm working as a kind of a one man show and this is an unpaid appointment.

Trustee Lee: Yeah, I understand that you're not up and running yet. Well, I mean I'm just offering how OHA can help and how other Native Hawaiian organizations can help. So when this is established and this is up and running that all of these Native Hawaiian organizations have a box that says, I am a Native Hawaiian Veteran and then that information gets forwarded to you guys. So that way yeah, not everybody reads our Ka Wai Ola right? So this is a way that if we can't get the information to them because they don't know where to look, then if we take in information that says they're a Veteran and we give it to you guys then you can contact them.

Reyn Kaupiko: That is exactly what we need. Thank you very much, great question.

Chair Akaka: Mahalo, Trustee Lee. Maybe another thing that we can offer is when we are speaking with our State Legislators, that when they have their newsletters that go out to their different district communities that we can mention that they share this to further the benefit awareness to their constituents as well.

Chair Akaka recognizes Board Chair Hulu Lindsey

Board Chair Hulu Lindsey: I want to thank Reyn again and I want to thank you more so now that I know that you're working for free. I mean that's quite a dedication and I'm a little upset that the Native Hawaiian that you speak of is only the 50 percenters because that's only half of the Hawaiians that are present around the world. We need to be a little bit more fair and tell us how we can help move that into changing that 50%. There's so much disparity among the Hawaiians. Look at the Medal of Honor, two, give me a break. There were plenty Hawaiians that deserved Medals of Honor and you know I feel bad for you that you work in a one man show, but what can we do to get you more help?

Reyn Kaupiko: I mean, I welcome all help. I don't know how to answer that. Whether it's with somebody within or another volunteer.

Board Chair Hulu Lindsey: In your volunteering position, who do you work under? What agency?

Reyn Kaupiko: The Department of VA. I technically am an unpaid federal employee.

Board Chair Hulu Lindsey: And it's the VA department locally?

Reyn Kaupiko: Federal, so the D.C. Office.

Board Chair Hulu Lindsey: Thank you for your devotion because you're helping plenty people. We we can help more, thank you.

Reyn Kaupiko: Thank you, Trustee.

Chair Akaka: Mahalo, is there any other questions or concerns?

Ka Pouhana Hussey: Trustee Akaka, among the reasons we invited Reyn to come and voice the concerns is to the Washington D.C. Bureau, Keone Nakoa and Christy had been working with Reyn to help navigate the various Veteran as well as tribal advisory pathways and just this morning I had a call with the White House Office with Tribal Advisory and in the Tribal Summit that was held two weeks ago there were a number of commitments made by the Secretary for Veterans Affairs regarding Native Veterans. So that is one of the things that we need to connect on that and how we can get into that resourcing for support for Native Hawaiian Veterans. When language is used Native American, it includes all Natives, including Hawaiians. So I'm trying not to separate the obligations for our Veterans. But working within the systems that are there as well, so that is definitely an opportunity and among the reasons we asked Reyn to come and share is to highlight the partnership and the 'ohana that we need to work with for our constituents.

Chair Akaka recognizes Vice Chair Lindsey

Vice Chair Lindsey: Madam Chair, I just wanted to clarify one thing before we wrap up so earlier we talked about the definition of a Native Hawaiian within Native American Veteran, but any Hawaiian who served is eligible for VA benefits right? I guess there's a difference there right and I know this might be a longer conversation, but I just want to make sure that's clear that if you're 49% you get benefits. If you're 1%, you're eligible for benefits. That's correct, right Reyn?

Reyn Kaupiko: Trustee that is correct, honorable discharge in some cases, different levels of discharge might be applicable.

Vice Chair Lindsey: Thank you, Reyn.

B. Presentation: Hawaii Military Land Use Master Plan: Key Assessments & Processes, including Native Hawaiian Consultation, Coordination, Engagement or Conference with the Federal Government

Chair Akaka yields the floor to Ka Pouhana Hussey.

Ka Pouhana Hussey: Trustees, the next topic was selected in this month's Ka Wai Ola Dr. Kajihiro gave an overview of the Hawaii Military Land Use Master Plan and so we wanted to bring that to the awareness of Trustees. Kehau Watson here who's a familiar advocate, is here to provide some insights into the various processes that a company you know from EIS and other processes, and then so what we want to do is Dr. Kajihiro will give a 10 minute overview. This is not the intent to study and digest the 100 some odd pages. This is an overview as Dr. Kajihiro's article was and then Kehau is here to help us understand the various processes that are apart of such a plan, and more importantly, how does OHA and our beneficiaries, what are those advocacy and insertion points in the various processes.

And then both Syd and Ron are both from the Native Hawaiian Chamber of Commerce and have had recent contributions in their feedback to some of the processes that were there and so we just wanted to take 10 minutes for an overview, 10 minutes for a process and then 10 minutes for Sid and for Ron to share the Native Hawaiian (inaudible). All to ensure that we have a foundation for future discussion. I will share with you that I have asked Na'u our Chief advocate to help craft a policy for the Trustees to think about regarding military engagement. So those are some of the long term policy matters. But today's presentation of again a short 30 minutes is to just inform, and set context for future action and consideration by the Trustees. So I'm going to turn that over to Dr. Kajihiro and go ahead.

Dr. Kyle Kajihiro: Aloha kākou, thank you, Chair Akaka, Vice Chair Keola Lindsey and Pouhana Hussey for the invitation to share with you all. So a little bit about myself, I'm a Lecturer at the University of Hawai'i in Geography and Ethnic Studies. Before that I used to be a Program Coordinator with the American Friends Service Committee and now I'm a volunteer with Hawai'i Peace and Justice. So as a group that works for protecting Hawai'i and its people and addressing some of the impacts of military activities on the environment. What I'm gonna do today is give a brief overview of the Hawaii Military Land Use Master Plan and some of its background, and focus on a couple of issues in there. One is the the leased lands, Hawaiian Trust Lands that are leased to the military for \$1.00 for 65 years, and then also the Red Hill issue that's been the news lately.

Before I get into that, I just want to say that one of the context that we have to always keep in mind is that there was and is a broken relationship between Hawai'i and Kanaka Maoli and the US military. It goes back to the overthrow and before and the remarks by the Secretary of Navy I thought were pretty outrageous when he considered Governor Ige's order a "request." So it just shows that there's a kind of a disdain or a disrespect for the interests and the issues of people in Hawai'i and our concerns for preserving the water and it brought me back to 1872 when General John Schofield first did his surveillance of Hawai'i and reported back that he set his gaze on Pu'uloa and he said this is valueless to them, to Native Hawaiians, but more valuable than anything that Hawai'i has to give to the United States. So again, it's showing a devaluation that the marvelous local i'a and lo'i kalo and this kind of food system that was there was just dismissed and all he saw was the military utility. So this is I think an ongoing, a very deep problem in the way that Hawai'i is seen as just a tool and it can be sacrificed for the purposes of the mission. And so this is where some of the contradiction arises.



Origin of the Hawaii Military Land Use Master Plan (HMLUMP)

- 1992 CINCPAC Adm. Larson begins joint land use review.
Key issues: DHHL lands, leases of trust land
 - Joint Service Executive Steering Committee
 - Joint Hawaii Land Use Affairs Board (JH-LUAB) - military, congressional, state, county officials, OHA, Chamber of Commerce.

So just a little background on the Hawaii Military Land Use Master Plan or HMLUMP as they called it. In 1992, prior to that the military branches did their land use planning separately. Each branch did their own planning, but in 1992 the Commander in Chief of the Pacific Command Admiral Larson decided that he was going to do a joint planning effort and to bring the different branches together. He created a Joint Service Executive Steering Committee and then a Joint Hawaii Land Use Affairs Board, which included government officials, federal, state and county, as well as the Office of Hawaiian Affairs and the Chamber of Commerce, and so they went about this process for several years.

Kaho'olawe Aloha 'Āina



- 1976 Protect Kaho'olawe 'Ōhana - stop the bombing campaign
- 1990 Protect Kaho'olawe 'Ōhana succeeds in stopping bombing of Kaho'olawe
- 1994 title transferred to the State of Hawai'i

Other Context for the HMLUMP

- End of the Cold War — Base Realignment And Closure (BRAC)
- 1993 'Onipa'a centennial observance of the 100th anniversary of the overthrow; increased calls for return of Hawaiian trust lands
- 1992 Rep. Abercrombie introduces bill to reevaluate military use of Bellows AFB

The other context that's happening is 1976 of course, the Protect Kaho'olawe 'Ōhana began their campaign to stop the bombing, but in 1990 they succeeded in stopping the bombing, and in 1994 title was transferred from the Navy to the state of Hawai'i. So these were alarming to the military that they felt that they were losing control of their land use in Hawai'i.

Some other contextual events, the end of the Cold War happened, and so the Congress was looking at Base Realignment and Closure. Barbers Point was one such site that was closed under BRAC, and then the centennial of the overthrow was a kind of a high point in Hawaiian organizing where the Hawaiian Trust Lands were again in people's sights. In 1992, Congressman Abercrombie introduced a bill to reevaluate the military's need for Bellows Air Force Base, and this is also Hawaiian Trust Lands that you know, I think Hawaiian communities there were advocating for its return, but it was not the Pacific Command and other political leaders felt that that was not advisable.

Origin of the HMLUMP

- Sen. Inouye appropriates
 - \$750,000 for land use study completed by Charles Blackard and Associates.
 - \$1,000,000 for Bellows EIS (derails Abercrombie's efforts)
 - \$900,000 for HMLUMP
- HMLUMP aim to curtail Kanaka Maoli efforts to recover trust lands

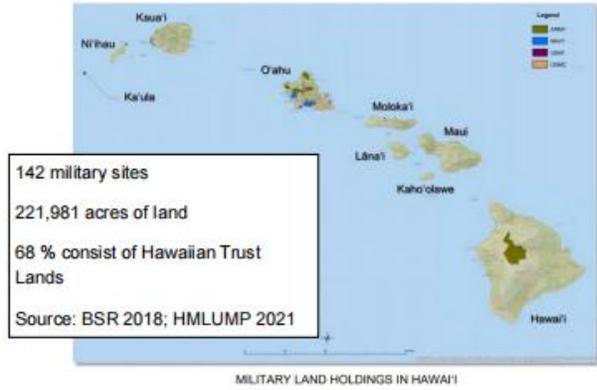
Mauna a Wākea (Pu'uhonua o Pu'uhuluhulu)



So the Senator appropriated about \$750,000 to do a land use study and then another \$1,000,000 to do an environmental impact statement for Bellows Air Force Station and then about \$900,000 for the first Hawaii Land Use Master Plan, a Military Land Use Master Plan. The EIS for Bellows effectively derailed Abercrombie's efforts. It just prolonged the process and it allowed the military to advocate for its use, and so the Marines got a large portion of Bellows for its training after that. But I think one thing to just keep in mind is that the Military Land Use Master Plan was instituted at that time as a way to curtail these activist efforts to reclaim Hawaiian Trust Lands.

So fast forward to a few years ago we have the Mauna Kea movement, sort of a new resurgence of activism.

Mākua Valley



Mākua Valley been ongoing for a long time and we've haven't had, we're looking forward to celebrating 20 years without live fire training in the valley.

This is the context in which this new Hawaii Military Land Use Master Plan is being created. I think to look at how the military can retain its lands, which goes at odds with groups that are trying to recover lands. So today there's about 142 military sites, 221,000 acres, about 68% of the military lands come from the Hawaiian Land Trust.

SERVICE	FEE	CEDED	LEASED	OTHERS*	TOTAL
Army	36,744	102,969	29,349	5,482	174,544
Navy	16,793	7,446	9,546	7,830	41,615
Air Force	409	0	474	235	1,118
Marine Corps	2,968	1,727	0	9	4,704
TOTAL ACRES	56,914	112,142	39,369	13,556	221,981

*OTHERS includes easements, government/private agreements, and other interests in real property
Source: Service Components updates in Mar 2021

Table 2 – Military Land Holdings in the State of Hawai'i

SERVICE	FEE	CEDED	LEASED	OTHERS*	TOTAL
Army	36,744	102,969	29,349	5,482	174,544
Navy	16,793	7,446	9,546	7,830	41,615
Air Force	409	0	474	235	1,118
Marine Corps	2,968	1,727	0	9	4,704
TOTAL ACRES	56,914	112,142	39,369	13,556	221,981

*OTHERS includes easements, government/private agreements, and other interests in real property
Source: Service Components updates in Mar 2021

Table 2 – Military Land Holdings in the State of Hawai'i

112,142 acres of Hawaiian trust land (Government and Crown Land, aka "ceded")
+ 39,369 acres of Leased Hawaiian trust land

* 151,511 acres of Hawaiian trust land
68% of military land holdings

This chart comes from the plan. You can see how much land they claim to own in fee. How much is considered ceded, leased and others include partnerships, easements and so forth. Importantly, this is the first Military Land Use Master Plan and this one are the only times that I've seen the trust lands broken out as a separate category. Usually the real estate reports treat all the military land holdings as fee, but here they recognize that the ceded lands and trust lands have a different status and different rates attached to them.

And if you look at these two columns, 112,000 acres of ceded 39,000 of leased, together that's about 68% of the overall military land holdings are the Crown and Government Lands.

Joint Priorities

1. Retaining lands from expiring 2029/2030 leases
2. Supporting MDA Homeland Defense Radar
3. Supporting Pacific Multi-Domain Training and Experimentation Capability (PMTEC) joint training at PTA and PMRF
4. Long term solution for Red Hill fuel tanks - fuel storage
5. Move munitions storage from Lualualei to West Loch
6. Identify facility and land requirements for Hawai'i related Marine Corps modernization efforts and international agreements associated with Defense Policy Review Initiative

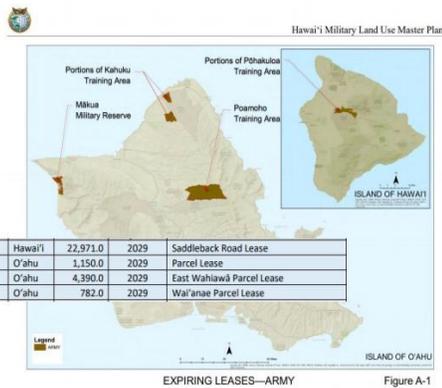


Service	Location	Island	Acres	Exp Year	Notes		
Army* (Figure A-1)	Pōhukuloa Training Area (PTA)	Hawai'i	22,971.0	2029	Saddleback Road Lease		
	Kahuku Training Area	O'ahu	1,150.0	2029	Parcel Lease		
	Kawailoa Training Area (Poamoho)	O'ahu	4,390.0	2029	East Wahiawā Parcel Lease		
	Mākuā Military Reservation (MMR)	O'ahu	782.0	2029	Wai'ānae Parcel Lease		
Navy (Figure A-2)	PMRF	Kaua'i	391.65	2029	Main Base Leases		
	PMRF	Kaua'i	7,445.41	2029/2030	Main Base Easements		
	PMRF - Offshore	Kaua'i	7,680.0	2029	Ocean Right of Way Lease		
	Kamokala Ridge	Kaua'i	88.83	2029	Lease		
	East of PMRF Main Base	Kaua'i	0.29	2029	Water Well Lease		
	Mākaaha Ridge	Kaua'i	203.1	2030	Lease		
	Mākaaha Ridge	Kaua'i	42.21	2030	Easement		
Air Force (Figure A-3)	Miolo'i Ridge	Kaua'i	0.015	2030	Lease		
	PMRF Ni'ihau	Ni'ihau	1,167.0	2028	Test Vehicle Land Recovery Site Lease		
	Ka'ena Point Satellite Tracking Station	O'ahu	86.72	2029	Lease		
	Ka'ena Point Satellite Tracking Station	O'ahu	51.47	2029	Easement		
	Kā'ala Air Force Station	O'ahu	1.8	2028	Lease		
	Kōke'e Air Force Station	Kaua'i	8.45	2030	Lease		
			Remote Maui Experimental Sites	Maui	6.17	2021/2023	Leases
			Maui Space Surveillance Site	Maui	5.0	2031	Lease
			Total		46,471.1		

*Army expiring easements are not included in the table as they are small in scale, routine, and not associated to the 65-year lease.

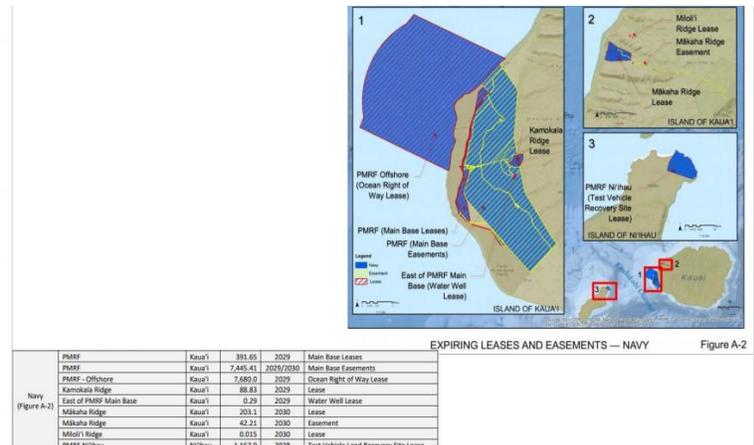
Table 1 – Expiring Leases and Easements

So in the Military Land Use Master Plan, they list six joint priorities and the top is to retain these expiring leases and I'll get to that in a minute, supporting the missile defense radar which communities in Kahuku tried to stop. Wai'ānae I think stop the Ka'ena Point as a site for it and now it's probably going to be on Kaua'i, and then if you look down to #4 they're looking at retaining the Red Hill fuel tanks, finding some kind of a fix. #5 is interesting to move munitions from Lualualei to Westloch, which I think people in 'Ewa would have concerns for munitions being in their neighborhood. But it may free up lands in Lualualei, so this is something that I think folks in Wai'ānae have been looking at, because that's some of the best farm lands on O'ahu.



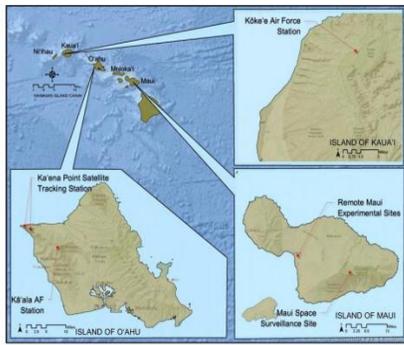
FINAL – Approved for Public Release

10



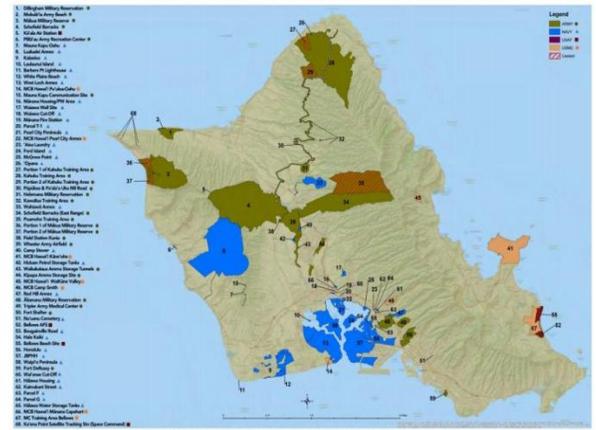
So this is the table of the expiring leases and easements. If you look at the top four, I mean I'll go through these one by one. So the top four are the army leases. About 22,000 acres on Hawai'i Island, 1100 acres at Kahuku, 4300 acres at Poamoho, Kawailoa and about 800 acres in Makua Valley. So these are the ones that are currently undergoing environmental impact statement processes, which I think Kehau will be talking about later.

These other leases that I wasn't aware of. The Navy has a number of leases and easements on Kaua'i related to the missile defense programs at PMRF. Some of these, including that yellow hatched area are easements, so those are agricultural lands where the Navy has an easement on development there, but I wasn't aware of these offshore leases and I don't have a copy of those lease documents, so I don't know what the terms are. They also have a lease on Ni'ihau, and then the Air Force has a number of leases that also expire 2029. These are smaller sites, but they're most of these radar stations that you see at Kā'ala, Ka'ena Point, one up on Haleakalā.



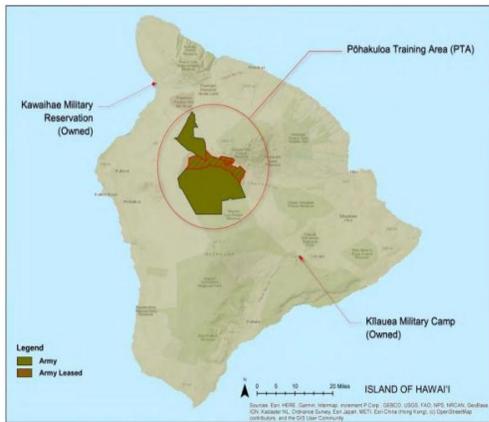
EXPIRING LEASES—AIR FORCE Figure A-3

Location	Island	Area (Acres)	Expiration Date	Lease Type
Kāʻena Point Satellite Tracking Station	Oʻahu	86.72	2029	Lease
Kāʻena Point Satellite Tracking Station	Oʻahu	51.47	2029	Easement
Kāʻala AF Station	Oʻahu	1.9	2028	Lease
Kōkeʻe Air Force Station	Kauaʻi	8.45	2030	Lease
Remote Maui Experimental Sites	Maui	6.17	2021/2023	Leases
Maui Space Surveillance Site	Maui	5.0	2031	Lease



OWNED AND LEASED—ISLAND OF OʻAHU Figure C-2

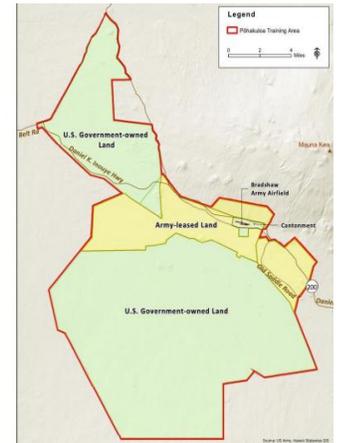
And I think the thing to keep in mind. These are the leases that are \$1.00 for 65 years, right. So there's very little benefit and the military retains a lot of control, and so we've been active in efforts to try to, you know, stop the renewal of these leases. This map just shows the lands on Oʻahu.



OWNED AND LEASED—ISLAND OF HAWAIIʻI Figure C-3

Military Leases

- \$1 / 65 yrs until 2029
- >30,000 acres of Hawaiian trust land (aka "ceded land")
 - Pōhakuloa
 - Mākuia
 - Kahuku
 - Poamoho
- Army EIS; wants to renew
- May try to condemn the land



The lands on Hawaiʻi island and these are the leases here where you have the yellow area of the lease lands. Now on this map they show the green portion at the bottom as U.S. Government owned. Those are also Hawaiian Trust Lands and also the ones that are most heavily impacted by live fire training. So we we have a concern there because due to the unexploded ordinance, the Army has not done adequate environmental and cultural assessments of the impact range itself. They don't know what they might be damaging in their training activities, and I should mention too that one of the concerns is that in Army presentations they have raised the issue of possibly condemning those lands in yellow there in order to acquire them for continued use, so that's something that raises a lot of concern for us.

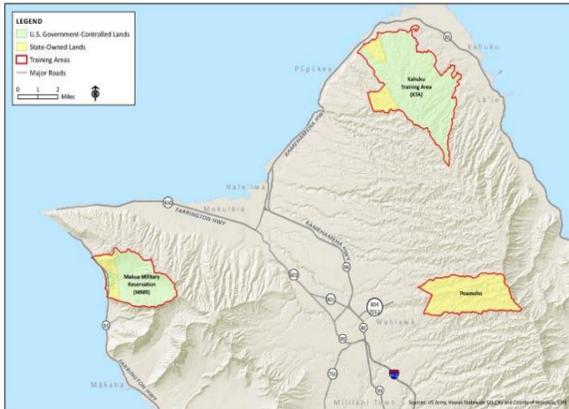


Figure 1-1: Location of KTA, Poamoho, and MMR, Island of O'ahu

ARMY TRAINING LAND RETENTION EIS

<https://home.army.mil/hawaii/index.php/OahuEIS/project-home>

SUBMIT COMMENTS ON THE CULTURAL IMPACT ASSESSMENT

Online surveys have been created for each geographic area. Individuals or organizations may complete the CIA surveys online at:

www.surveymonkey.com/r/KahukuCIA (Kahuku)

www.surveymonkey.com/r/PoamohoCIA (Poamoho)

www.surveymonkey.com/r/MakuaCIA (Mākua)

Or you may contact the CIA team at community@honaconsulting.com or (808) 392-1617.

And here on O'ahu, these are the lands that are undergoing environmental impact statement right now.

A link to the Army site and then links to areas where you can submit comments on the cultural impact assessment under the state environmental impact process.

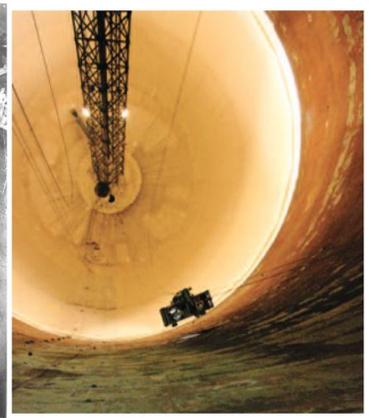
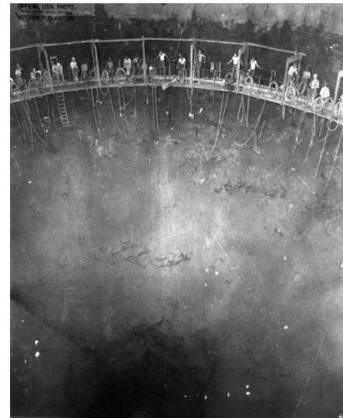
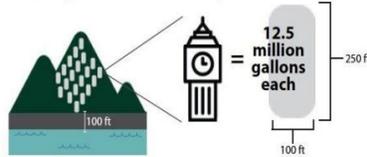


Red Hill and Impacts on Water

Kapūkaki, (aka Red Hill) is the ridge located between the ahupua'a of Hālawā and Moanalua.

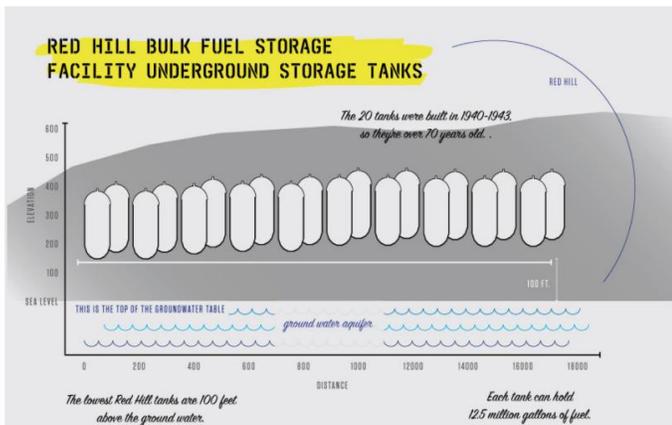
For 80 years the U.S. Navy has stored around 200 million gallons of fuel in underground storage tanks in this ridge, just 100 feet above O'ahu's primary drinking water supply.

The facility has a 96% chance of leaking up to 30,000 gallons over the next 10 years.



So now moving on to Red Hill or Kapūkaki as the Hawaiian name is, you know this is one where you have this the most important aquifer for O'ahu and these leaking deteriorating fuel tanks sitting 100 feet over this resource.

So to give you a sense of the scale of these tanks and they said 100 feet above the aquifer as I mentioned.



Red Hill Fuel Tanks

- In 2014, **27,000 gallons** of jet fuel leaked from Tank 5.
- In March 2020, a pipeline leaked; approximately **7,100 gallons** of fuel was collected from the surrounding environment.
- In May 2021, over **1,600 gallons** of fuel leaked from the facility due to human error after a control room operator failed to follow correct procedures.
- In July 2021, **100 gallons** of fuel was released into Pearl Harbor, possibly from a source connected to the Red Hill facility.
- In November 2021, **14,000 gallons** of fuel-water mixture leaked from a fire suppression system drain line at Red Hill. Military families began to complain of health problems from fuel contamination in their drinking water.
- More than **180,000 gallons** of fuel has leaked since construction.



There's been a number of leaks, I won't go through all of these, but the most recent was the 14,000 gallons of fuel and water mixture, which possibly contaminated the military housing and their water sources, and more than 180,000 gallons of fuel have leaked since its construction.



So this gives you an idea of where the Navy well is, where the water was pumped and fed to those military housing areas, and you can see just above that is the Board of Water Supply Halawa well. It's about 5000 feet from the tanks and so the concern is that if the Navy well stops pumping, which they did, and the Halawa shaft kept pumping, it would draw contaminants towards their well and that's why they turned it off. So the concern now is how do we get a fuel out of that area, so it's not a risk to the aquifer.

And if you live in any of these blue areas, this is who would be directly affected by any contamination in the Halawa shaft, and going beyond that, if that water was contaminated, they would have to shift the sources around and it would affect pretty much everyone on O'ahu.

O'ahu Water Protectors

Points of unity

1. Water is life. Access to clean drinking water is a basic human right.
2. The Red Hill fuel tanks are a threat to O'ahu's drinking water and must be retired as soon as possible.
3. We demand that local, state, and federal officials take urgent action to shut down the Red Hill fuel tanks in order to protect drinking water on O'ahu.

Join our efforts to protect O'ahu's drinking water by endorsing this coalition statement and helping with outreach, education, and action.

Honolulu City Council Bill 48 "RELATING TO UNDERGROUND STORAGE TANKS"

Introduced by Council member Radiant Cordero and Chair Tommy Waters

<https://hnlidoc.ehawaii.gov/hnlidoc/document-download?id=12617>

May be heard as early as 12/15/2021

So a group, the O'ahu Water Protectors Coalition formed around three principles. Water is life we need to protect it as a basic human right. The tanks are a threat to the drinking water and must be retired as soon as possible, and we're calling on all levels of government to take urgent actions to protect our water and shut down those tanks.

And the City Council just recently, Councilmember Cordero and Waters introduced a bill for an ordinance to regulate the underground storage tanks at the county level. So right now there's a contested case at the Department of Health for the state level regulation. This would add another layer of regulation through the county and the federal law allows the devolution of some authority down to the local level. So we're hoping that this can be something that will pass and we'll give more control to local residents.

So that's all I have by way of presentation. I'm open to answer any questions.

Chair Akaka recognizes Board Chair Hulu Lindsey

Board Chair Hulu Lindsey: I wanted to ask Dr. Kajihiro, is it possible for us to get a copy of your PowerPoint?

Dr. Kyle Kajihiro: Yes

Board Chair Hulu Lindsey: It includes so much information for us and helpful kind too.

Dr. Kyle Kajihiro: Sure, I'll forward that, thank you.

Board Chair Hulu Lindsey: Doctor, where do you come out of, the university?

Dr. Kyle Kajihiro: Yeah, so I got my degree in geography at UH Mānoa and I teach classes there in geography and also ethnic studies as a lecturer.

Board Chair Hulu Lindsey: Thank you for presentation it was very educational.

Dr. Kyle Kajihiro: Oh good, thank you and thank you very much for your comments on the Red Hill water issue. That was that was really powerful and I think you know, this is a critical turning point so we really need to join forces to push for protecting the wai?

Board Chair Hulu Lindsey: Yes, yes definitely, thank you.

Chair Akaka: Any other questions, comments?

Ka Pouhana Hussey: Chair Akaka, if no questions we'll transition to Kehau to help us understand the various processes mentioned by Dr. Kajihiro and then continue and then we can always come back for additional questions for Trustees.

Dr. Kehaulani Watson: Aloha everybody, I want to say first of all, I'm very sorry I am not involved with the HMLUMP, that's I think a larger INDOPACOM initiative, and I do think you know it would be good to just have this be the start of a discussion with INDOPACOM, I'm so sorry I can't speak to that. I'm a little itty bitty fish in the little itty bitty pond that is the Army lease lands component of that. So as Kyle showed a second ago, there is 2 EISs that are currently moving forward. One on Pōhakuloa and then a second one that is the Army lease land on O'ahu so that includes Makua, Poamoho and Kahuku. So my role in that and I certainly don't speak for the Army or any other military outfit pretty much ever is we're engaged in doing the cultural impact assessment, so this is a really unique opportunity for Hawaiians to be engaged. Thank you, Kyle for putting up the links where we are right now, so just speaking to Pōhakuloa, we started that EIS process that is being led by a prime contractor who's working with the Army and so it's gone through the notice of intent on the NEPA side and the environmental impact statement preparation notice. I have a tendency to use acronyms, so if I do and you don't know what. I'm talking about please just stop me. I also am Portuguese and will speak fast so again feel free to stop me at any point along the way.

So that process is underway, that scoping period was sort of the first opportunity for the public and the Office of Hawaiian Affairs to sort of speak to the EIS process on the CIA which is being done by my company. We really did I think almost a substantial amount of outreach specifically to the Native Hawaiian community to make sure that that process is being done well. So we put notices in the Ka Wai Ola, we actually took out ads on social media, getting that and for the entire Island of Hawai'i Island to invite Native Hawaiians or any ethnic groups who had you know, cultural practices or traditional or customary practices within the area to participate in the

CIA, and then also we looked at all of the comments that came in, so it was quite extensive. I will tell you, as Kyle pointed out, even though it's just the state lands that are being looked at, our study area was all of Pōhakuoloa. So based on the scoping comments that came in, there was a lot of concern and interest from the Hawaiian community to make sure that we were looking at traditional or customary practices throughout that entire area where the Army is active, and so it's currently still under review, but I will tell you it is a very long comprehensive document. I will say with appendices in its current form, it's I think over 1000 pages, so we really have done an extensive job to look at traditional or customary practices in the historical record, including English or Hawaiian language resources to make sure we are documenting and disclosing traditional or customary practices that may have taken place throughout that entire area.

We are still underway for O'ahu, so that will I imagine also be an incredibly comprehensive document, but again, we put out notices in the Ka Wai Ola, we've again taken out ads. It's still open, so as Kyle shared there is contact information plus surveys we've put up on the web for those who want to just and anything that comes in, we're including verbatim in these documents, so we really I can only speak to the CIA process, but I do think we've done an incredibly thorough and transparent job.

What will happen next is the draft document will come out for Pōhakuoloa first and then the draft EIS for the O'ahu leased lands, and again that will be opportunity for the Office of Hawaiian Affairs, the public, Native Hawaiians at large to comment on that process so we are still very early in these processes. We're just in planning, so my hope is really twofold that this is just the beginning of a larger conversation, and that from here, whether it's the BAE or the Board itself will reach out directly to the military to the Army for the Army lease lands and their leadership to engage, and perhaps have a presentation done formally by the Army on this project. I know none of you are quiet, I talk to you guys all the time, so there might be questions.

Chair Akaka recognizes Vice Chair Lindsey

Vice Chair Lindsey: Thank you, Madam Chair. I guess the question I would have for the CIA document that Dr. Watson mentioned is about the scope. So she mentioned documenting and disclosing practices, but will the document also move through phases of as the name of the document implies, talking about impacts and then I guess will it reach a conclusion if those impacts are to a scale that will it say something about the impacts I guess, just procedurally?

Dr. Kehaulani Watson: Yeah, that's an excellent question and yes is the answer, so there is as you very astutely pointed out, an impact assessment section and I will say again I was perhaps as surprised as anybody else that they would want me to write this document so it is transparent in the potential impacts identified to traditional or customary practices. So thank you, yes.

Vice Chair Lindsey: Mahalo

Dr. Kehaulani Watson: I'll also say we very clearly and explicitly asked that anything that's included is approved by those informants because we recognize that certain things are kapu and perhaps should not be shared, so that's also been taken into consideration. But again, I look forward to people seeing it because I think we have been very thorough and again, transparent. So mahalo for the question. Kalei'āina I'd be disappointed if you don't ask me a question.

Trustee Lee: I don't have questions to ask, this matter comes with the Association of Hawaiian Civic Clubs all the time so I'm ma'a and very well versed on the background of this issue because it comes before the Association all the time.

Ka Pouhana Hussey: So Trustee Akaka with that piece Kehau will be with us, I believe she has another commitment, but she'll be on as long as she can but Trustee Lee's segue for Association of Hawaiian Civic

Clubs and the Native Hawaiian Chambers and so I'm going to turn it over to both Ron and Syd to provide their context and their connections to the subject matter.

Ron Jarrett: Thank you, Sylvia. I'm actually wearing multiple hats here, but I'm also speaking for the Association of Hawaiian Civic Clubs. We have put together a joint committee with the Economic Development and the Benefits and Trust Committees to look specifically into this issue, and we are also trying to take a practical approach with the Native Hawaiian Chamber of Commerce with the Office of Hawaiian Affairs and with the Council for Native Hawaiian Advancement and other groups that we can get to join this Hui.

Our desire is actually to get a Native Hawaiian representative, most likely by OHA as the legal state agency a seat at the negotiating table to discuss what is it that Native Hawaiian should get out of these leases. We don't really believe or I don't personally believe that the military is going to leave. Maybe some of our wishes, but it's not going to happen, and so as long as their using our land, I think we should actually ask for something concrete, we should ask for money, we should ask for perhaps the state to correct some of their Kaka'ako Makai land use issues. We should think out of the box and get something for our people in exchange for us perhaps going along with the lease for another period of time. My biggest point is to get us to the table and that's all I'm trying to do here because I don't think OHA or anybody is going to be invited to that negotiating room, which is probably gonna take place behind closed doors despite all the EISs and all the cultural impact statements. I think someone needs to be there, that's what I'm here to discuss and then go ahead I'll let Syd speak for Native Hawaiian Chamber of Commerce.

Sydney Keli'ipuleole: Thank you, Ron. My name is Sydney Keli'ipuleole, I'm a Board Member for the Native Hawaiian Chamber of Commerce. Ron and I are also Committee Chairs and it's through these two committees that we've become involved in this discussion about the DOD slash military in Hawai'i. So specifically the Native Hawaiian Chamber of Commerce did submit comments to the army on the scoping step in the EIS for the Army training lands retention, O'ahu. We submitted comments for the O'ahu training lands retention EIS, not the Hawai'i Island or PTA property.

We chose not to take a position. The Board chose not to take a position on a full, modified or a minimum lease retention. What we did want to do is in our letter dated September 1st, we asked for information that we hope will be in the EIS, and culturally is one of them, and we're grateful Kehau's firm will be leading that cultural impact analysis. But we also ask for very similar information on hydrology, ecology and specific to our interest at the Chamber, economic impact. We're looking for information about the economic impact of the US Army and the DOD in Hawai'i. We think it'll be eye opening about what that impact is. So in doing so, it's a strategy to get information out to decision makers around the EIS and also to us as Native Hawaiians and the general community about the impact of the military.

As Ron said, we're not taking a position whether to boot the Army or the US military on Hawai'i. They perform a certainly a responsibility that we can all get behind. So we're looking for more information to come forward in the EIS, and that was the basis of our comments, to ask for more information on specific areas and our strong suit being economic impact.

Second thing I wanted to mention comment is this same matter, the same kind of topic, on economic development is the subject of a letter in your Ka Wai Ola December issue talking about economic impact. To echo Ron's comments, we believe it's time for the military now to support Native Hawaiians in economic development and in business.

The third thing maybe to make comment on is that it's really even less clear to us at the Chamber is that we are also members of the Military Advisory Council of the Hawaii Chamber of Commerce. So we're on the receiving end of all this information about the military presence in Hawai'i, including HMLUMP but we feel like the Native Hawaiians are getting forgotten as far as economic impact. Ron, through his company has provided a little bit of statistical analysis at one of the last MAC meetings, and his conclusion was that Native Hawaiians,

Native Hawaiian companies and businesses in Hawai'i enjoy a 6.5% share of the DOD defense in Hawai'i. I think Ron and I will agree on the other side of the microphone, on the other side of that screen, the members of the of the MAC said, wow great, we're really providing a great impact to Native Hawaiians. Ron and I said, is that it, just 6.5%?

So I think that's kind of what I wanted to say, and representing the Native Hawaiian Chamber of Commerce, our President Shannon, she could not be here. She would be more eloquent in a presentation. And last thing for me to say is that one of the Trustees asked, I believe they asked Reyn what is it that OHA can do for us? What can OHA do for the Veterans? You know, today I sat in on one of the sessions at the CNHA Convention talking about economic development. The speakers were from the visitor industry, HTA, you'll know all the names, Kalani Ka'anā'anā, from 'Āina Aloha Economic Futures, Keoni Lee, from Purple Mai'a, Donovan Kealoha and I forget the others. I give them credit, technology and the visitor industry are taking the next step forward in trying to transform the technology industry in Hawai'i and the visitors industry here in Hawai'i for the benefit of Native Hawaiians and for a next generation of the state economy. We would be super if we could get the military to see that as a role for them as they move forward with these HMLUMP plans. So that's kind of my spiel from the Chamber, thank you very much.

Ka Pouhana Hussey: Trustees, the reason again to bring this is just to tee up the topic, it's the first conversation we do want to think about a series of informative pieces. The Military Communications Officer has reached out to us regarding a formal presentation of the plan, and so we want to establish a rhythm about informing as well as a place at the table and a consistent for meaningful consultation. So I will also remind Trustees that OHA doesn't have any position until a policy is approved by the Trustees, and so Administration will work on that policy. Our brand new Chief Advocate who is very seasoned in matters of this. That's the piece that you should expect to come forward to the Trustees is a policy regarding military engagement before any positions are taken on any of the matters, whether it's lease negotiation, EIS, etc. because there will be a time when those specific positions will come back to the Board for action. So again, just an introductory overview and a planful return of policy to guide the Boards and the execution of that with the military.

Chair Akaka recognizes Vice Chair Lindsey

Vice Chair Lindsey: Thank you, Madam Chair. So on the topic of what the Army pays for leases, and I'm in no way saying that should justify anything whether they pay a lot or a little, but I guess this process to renew the leases is going to enter into the BLNR and all that kind of stuff, and they're going to move forward, but I think Dr. Kajihiro mentioned during his presentation that the Army pays a dollar a year for their, I don't know if it was Pōhakuloa or both, but I guess the question I have is, is that something that the BLNR articulated at some point why it's just a dollar and in other states when the military leases land, do other states give them the same deal I guess, thanks?

Dr. Kyle Kajihiro: So it's a dollar for 65 years and each of those different parcels have their own lease, so maybe they're paying about \$12.00 or something like that. This is a special case because of the Hawaiian Trust Lands and the transitions that were going on at the time of statehood. So there was a time period that was set aside where the military had to account for its land use and negotiated with the state right up until the deadline, and they agreed on these leases to retain these particular parcels for 65 years for a dollar nominal lease. There are certain conditions in the leases and I have at least the Army ones. I have those and I'd be happy to share any documents with folks, but the ones that the Navy and Air Force had I wasn't aware that those were also on the same terms, and I don't have all of those leases. I also don't know that there's any environmental impact study underway for renewal of those leases, so I don't know how they're making their informed decision making. So that's a whole separate matter, but this is stuff that I will be trying to look into and maybe this is something that OHA can also take a look at, thanks.

Chair Akaka: Dr. Kajihiro, could you provide some examples of what some of those certain conditions are, just so we are aware of some of them?

Dr. Kyle Kajihiro: So for example, the lease for Makua and Pōhakuloa allow for live fire training, the one in Kahuku I think doesn't and Poamoho doesn't. So there are different conditions like that. I think Pōhakuloa has a clause that allows for the removal and use of of rock minerals for construction and other things like that. So yeah, there's certain differences between them, but mostly the template is pretty similar. The term, the fee that they're paying and so forth. And there is a condition that they're supposed to take care of the land. So if you recall, there was a lawsuit where Ching and Maxine Kahaulelio sued the state for failing to uphold the terms of the lease with the army at Pōhakuloa, and the court affirmed that, yeah, the state had a duty as the Trustee, as the owner of the land to enforce those terms, including removing you know contamination and so forth that had happened. So those are some of the conditions that are in these leases, but they differ slightly between each one.

Chair Akaka: Do you also know how often it is reevaluated or reassessed these conditions. In terms of some of the conditions in terms of having live fire and the length of these conditions and so forth, and do they part way through look at if it still makes sense or if there is community concern?

Dr. Kyle Kajihiro: I'm not aware that there was any regular cycle of review and revision of it. The only revisions I'm aware of occurred at Makua where some lands were released towards the Ka'ena Point side and so small changes like that, but mostly initiated by the Army, and so this is why the lawsuit at Pōhakuloa was important because it basically found that the state had not been doing its due diligence in investigating and enforcing what was going on. They hadn't inspected in years and they're still waiting to have access to some of these sites, accompanied by the kupuna, the plaintiffs. So yeah there's not much I think they have the right to inspect but I don't know how regular that has been enacted.

Chair Akaka: Mahalo for that insight.

Chair Akaka recognizes Trustee Lee

Trustee Lee: Thank you, Madam Chair. Just some context for the question you asked. This is unprecedented times, the State of Hawai'i will be 62 years old next year. These leases were signed as a condition of Statehood. So to Trustee Keola Lindsey's question earlier, the reason why they got such a good deal was we want these lands for a dollar for 65 years or you don't get to become a state. So those leases from 1959 are coming due in three years, so that's the reason why they're having to go through all of these CIAs and EIAs and everything because they obviously want to continue with the training that they do there. So this has never happened before, ever. This is the first time this is ever gonna happen, so that's why it's so important that these people are coming to talk to us because Hawaiians were not at the seat in 1959. This is the first time we're going to get a chance to be at the seat and say, well, no. Now we understand our land and now we have a voice, we have an Office of Hawaiian Affairs which obviously didn't exist in 1959. So you want our land again? Then it's not going to be a dollar a year for 65 years.

Like Trustee Keola Lindsey said right, Camp Pendleton in San Diego. I promise you, I mean I don't know, but I can promise you they don't pay a dollar for 65 years for hundreds and hundreds and hundreds of acres in San Diego. So this is unprecedented that we have an opportunity now to either take our land back or get like what Ron them said right. Get an economic value that will be useful and valuable to Native Hawaiians so that we can further our people. Thank you, Madam Chair.

Chair Akaka recognizes Dr. Kehaulani Watson

Dr. Kehaulani Watson: Mahalo, I just wanted to point out, just make some clarification. So the lease cannot be renewed. State law requires that it terminates after 65 years, so there's it's land retention. I think

people often sort of confused, we're going to renew the lease. That's not really what's happening here. It's a mechanism of land retention and then too, to Trustee Keola Lindsey's point, we're just in planning right now. It's still NEPA and HIPA, which is the EIS process, that's a disclosure process. So at the end of it, that is not decision making, right? There's no, yes we're going to do this. No, we're not going to do this. It's just to disclose all the information that people are looking for.

It is after that process as Trustee said, this goes through an entitlement process and decision making. So again, we're very early and again it's why I would and I'm sorry I don't remember which Trustee said it. It is a good opportunity to engage directly with the Army and send forward those requests for formal discussions because I think we're not. I'm getting the sense that people think we're further along in this than we are, but there's lots of time and I believe the leases expire in 2029, so there is a number of years left for which OHA can engage in the process with the Army, thank you.

Chair Akaka recognizes Trustee Akina

Trustee Akina: Thank you, Madam Chair and thank you to our guests for joining us today, Ron and Syd and Kehaulani and Kyle, appreciated very much. My question is directed to Dr. Kajihiro. I'm looking in our electronic file for today's Board meeting at the Hawaii Military Land Use Plan. Right at the very beginning on page 3 of that document, there's a list of priorities. These are joint priorities for land activities and there are six items in priority order. One of them, #4 is a long term solution for Red Hill and Hawai'i based fuel storage. Now in light of recent events, I've got a couple of questions about this Dr. Kajihiro. First, what exactly is the status of that priority, long term solution for Red Hill and Hawai'i based fuel storage? Just in a nutshell, what is in mind there and what's the status of it and then my second question is, could we see that lifted up higher as a priority, one of the more important and maybe the first priority that should be looked at?

Dr. Kyle Kajihiro: Mahalo, Trustee Akina, those are great questions. So these are priorities that the Pacific Command, Indo-Pacific Command put together through its consultation with the service branches. So I don't know what exactly their thought process is in terms of how that moves. I'm assuming that they would probably have to move it up in terms of the urgency of the matter, but I think events have also unfolded in ways that were unexpected for them. I believe that when this was written they were still thinking that the administrative order on consent, which was the agreement that was reached between the EPA, Department of Health and the Navy about a process for addressing the spills, making sure that the tanks don't leak. I think they assumed that that was something in place, and they had plans to try to develop new technologies that would create a lining inside the tank that would hopefully meet the standards that the Department of Health had.

At this point, I think lots of people have lost confidence that those tanks can be repaired in a way that would be safe and this is why there's been calls to, you know, the relocation option is really the only long term solution to protect our water and how we get there. In the short term, the emergency of making sure that there's no fuel in the tanks while they're figuring out what went wrong in these recent events, and so if that requires a temporary removal to tankers or somewhere else. This is what some of the other Board of Water and some other folks are advocating for. So yeah, I think it should move up as a priority, but maybe not for the same reason that this land use document is prepared right. They're looking at how they're going to retain it and what ways they can preserve its continued use, but I think at this point events have changed and maybe we have to look at decommissioning these tanks permanently.

Trustee Akina: Thank you, Kyle.

Chair Akaka: Members are there any other questions or comments? Seeing none, I want to mahalo our presenters for all the information they just shared with us, we look forward to continuing this conversation to see how we can collaborate and as you said Dr. Kajihiro, join forces, so mahalo.

Trustee Ahu Isa: I was at a dinner with an engineer with the Navy 10-15 years ago and he said he's very familiar with that whole Red Hill thing, and he said they should have shut it down then. They should have shut it down like 10 years ago and you folks know who he is because he's the CEO of Kuilei, our consultant. I was at a dinner with him and he's an engineer. He said this Navy thing. I can say it because he did say it to me in public so I don't think it's any secret, but they're just dragging us along and now they're gonna not listen to our Governor about an order and they're saying it's a request. So that's another indication that they're not going to do anything. Mahalo, Chair.

C. Action Item BAE #21-06: 2022 OHA Legislative Bill Package

Chair Akaka yields the floor to Ka Pouhana Hussey.

Ka Pouhana Hussey: Thank you, Chair Akaka. We'll go ahead and ask Chief Operating Officer Casey Brown and Na'u Kamali'i, our Chief Advocate to navigate the Trustees through this topic, and then we have our Public Policy Advocates Sharde Freitas on as well as Nina Ki.

COO Brown: Mahalo, Sylvia, mahalo, Chair Akaka. Yeah, this is going to go straight to Na'u who's going to walk you guys through the package, and you folks have gotten two prior presentations on the package. There is a new change to it which we will cover, but Na'u them have their approach and ready to present so straight over to you Na'u.

Chief Advocate Kamali'i: Alright, thank you very much. Aloha Trustees, again. For the audience, Na'u Kamali'i the Chief Advocate, also presenting our Advocate Sharde Freitas and Nina Ki. Before we present, I want to mahalo the community who have stepped forward on some of these measures, particularly the Building Back Pono and the coordinated advocacy. The part of advocacy that is so important is that it doesn't come or rise to the level of, you know, the Trustees unless our people participate in that, and that's what some of these efforts are and they are tied closely to the discussion, at least the Building Back Pono that we just had about the military and how important it is for our EIS statements, particularly when it addresses cultural impact to also address the socioeconomic disparities.

Trustee Akaka, I'd like to move to action item two and four because our advocates will be speaking to that and then perhaps the action item number one, which may include a brief pause by the Board if they wish to go into Executive Session. So I'm just going to move on to get through the agenda. Action item number two is OHA-2, Building Back Pono. There has been much discussion and education on this, including a leadership education on what that is. However, I'd like to turn this over to Sharde to provide the Board with any updates and also to answer any questions. We have prepared slides for your quick reference, those slides are also contained at the end of the package, so if you wish to peruse that electronically you may do that as well. So Sharde would you like to speak to your OHA-2.

OHA-2

ATTACHMENT C

Building Back Pono: Addressing socioeconomic disparities in the post-COVID-19 era

- **Goal:** To ensure that future developments do not exacerbate socioeconomic divides in Hawai'i as we build back smarter beyond the pandemic
- **Issue:**
 - Environmental review process considers impacts to social welfare, economic welfare, and cultural practices – but the current process does not include a specific analysis of whether an action will exacerbate existing socioeconomic disparities
 - Neglecting the real impacts on socioeconomic disparities can result in community distrust and pushback
 - Impacts on vulnerable communities may be overlooked by decisionmakers as we build back from COVID-19

C - 1

OHA-2 (continued)

ATTACHMENT C

- **Legislation:** Amend HRS § 343 to explicitly require environmental review processes to consider the socioeconomic disparities, in addition to economic, social, and cultural impacts, of certain proposed actions
 - The extra layer for socioeconomic disparities aims to provide additional analysis on the impacts to education, income, and the correlation to health
 - Will help identify & mitigate/prevent further environmental injustices (see Waimānalo Gulch; PVT solid waste landfill relocation proposal; Kahuku windmills)
- **Notes:**
 - Aimed at justice – environmental, climate, social
 - Can also facilitate achieving State of Hawai'i goals/priorities
 - Builds upon OHA's prior advocacy, which added social determinants of health to the Hawai'i State Planning Act

C - 2

Public Policy Advocate Freides: Aloha Trustees, mahalo Na'u for that introduction and yes, just adding to what has already been said, this is indeed a legislative policy idea that came from our outreach efforts as has been presented to you before. You know this has been quite an extensive effort to reach out into the community and also across our different paia internally to come up with different ideas and that's what brought us to today with the Building Back Pono. I'd also like to mahalo those who came before us and the kahua that we stand upon as we bring forth this measure. It's my great honor and I just speak on behalf of our Public Policy team.

So from start of my time, started along Wayne Tanaka and Leimomi Fisher, thank them for their leadership, as they were part of this effort as well. Ultimately, as Na'u had mentioned as well, you know the prior presentations before and we also tee up nicely what we're about to talk about with this measure, and ultimately it comes down to self determination. As the title of this measure describes, this is aimed at environmental justice, and what this means for the lāhui.

Starting from our cultural foundation, we have long known as 'ōiwi and research affirms that our mauiola is influenced by our environment. Moreover, we have long known that the health of the land is indicative of the health of its people. We have also long experienced impacts of our communities being historically excluded and systemically under resourced. The lāhui along with other disenfranchised communities have experienced environmental injustices with various projects and developments continuing to be sited in the same communities. This measure aims to mitigate or prevent further environmental injustices by adding a socioeconomic disparities analysis to the environmental review process, and when I say mitigate or prevent further environments injustices, we believe that adding a socioeconomic disparities analysis to an EA or EIS will provide decision makers and community with opportunity to take a hard look at socioeconomic, environmental and cultural impacts of a proposed project and action and render decisions regarding such proposals with fuller knowledge of their potential costs and benefits. I would like to emphasize that this added layer of analysis, that of socioeconomic disparities, provides community to provide input as well. From the perspective of decision makers, this provides them with critical information that should be considered as we build back pono. Example projects that could have provided more information on the socioeconomic impacts as this proposed bill entails include Waimānalo Gulch, PVT, Kahuku windmills, and chemical and industrial fuel storage such as Red Hill.

In light of federal legislation and funding coming down, such as the infrastructure bill, the community is cited for various projects with no benefit to those communities. In other words, we do not want these developments built on the back of Native Hawaiians. And so again, the goal of this measure is to ensure that future developments do not exacerbate socioeconomic divides in Hawai'i as we build back smarter beyond the pandemic. This is

page 210 in case folks are following along in the meeting folder and there's also draft language of what the actual bill would look and the one pager as requested at the last BAE workshop.

The proposed legislation amends HRS343 to include socioeconomic disparities and this is all review at this point and so if there are any questions I will be here, I will hand it off to Nina for our Coordinated Advocacy.

ATTACHMENT F

1. Coordinated Advocacy - Kāko‘o Pa‘ahao

In collaboration with YWCA and criminal justice advocates - Kāko‘o Pa‘ahao

- **Goal:** Ensure former Native Hawaiian pa‘ahao are best prepared to reenter society & reduce recidivism
- **Legislation under consideration:**
 - “Clean slate” measure
 - Resolution or Bill calling for a performance audit of the PSD’s Comprehensive Offender Reentry Program and its Reentry Coordination Office
- **Notes:**
 - OHA’s 2021 Package measure on expungement

F - 2

ATTACHMENT F

2. Coordinated Advocacy - Kaiapuni seat on the Board of Education

‘Aha Kauleo – Native Hawaiian medium / immersion / Kaiapuni seat on the Board of Education

- **Goal:** to require at least one “at-large” member of the BOE to be a practitioner or scholar in Hawaiian studies and language
- **Legislation under consideration:**
 - Amend HRS Section 302A-121(a)
 - Exact language still being decided with ‘Aha Kauleo input
- **Notes:**
 - Representative Patrick Branco’s office is drafting & coordinating

F - 3

Public Policy Advocate Ki: Aloha Chair, aloha Board Members. So as you all know, Coordinated Advocacy is different from our package measures and our pieces of legislation that we’re working on with various community members. You guys have been briefed on this before, but I’ll briefly recap what we’ve been doing with our criminal justice coordination. We’ve been working with the Hawai‘i State Oversight Commission, the ACLU, and YWCA. Focusing on helping pa‘ahao transition from life behind bars, back into becoming functioning members of society. So what is still in consideration is looking at a clean slate legislation that numerous other states have passed and adopted and it’s very similar to our pa‘ahao bill in our package last year and also a resolution. So this is mainly for the Board’s information. We’re just continuing to coordinate with these initiatives and I’ll be here for further questions as well and I’m gonna go ahead and turn it back to Sharde to talk about our ‘Aha Kauleo Coordinated Advocacy, mahalo.

Public Policy Advocate Freides: Mahalo, no updates since the last time this was presented. I continue to meet and work with ‘Aha Kauleo as they further define the exact measures that they want to pursue this coming legislative session. But just as a review, one measure that they are considering is originally from Representative Branco that would create a Native Hawaiian medium or emergent seat on the Board of Education.

ATTACHMENT F

3. Coordinated Advocacy – Kumu Kaiapuni Pathways

‘Aha Kauleo – Kumu Kaiapuni Pathways

- **Goal:** to equitably distribute and allocate resources to incentivize creation of and fund more kumu kaiapuni to combat kumu shortage
- **Legislation under consideration:**
 - Grow Our Own (GOO) – as model or to better prioritize existing funds to create more kumu kaiapuni (currently low numbers)
 - Special Education as a model
- **Notes:**
 - Funding implication justification – OHA has invested over \$30 million into Hawaiian medium education schools (2010-2018 Lāhui Impact Report)

F - 4

The second measure is related to Kumu Kaiapuni Pathways, and this would be to equitably distribute and allocate resources to incentivize creation of and fund more Kumu Kaiapuni to combat Kuma shortage. There's two pieces of legislation that they are considering to use as a potential model. One is the Grow Our Own and the second is a special education, and that's it. Back to you Na'u, mahalo.

Chair Akaka recognizes Trustee Akina

Trustee Akina: Thank you and thank you Sharde, Na'u and Nina. I appreciate your hard work in advocacy when OHA-2 was introduced to us as Trustees, I raised a couple of questions and I realized that all of you were not here. I think Wayne introduced it at that time. My question had to do with the impact that adding another level of analysis and regulation would have on the supply of housing for Native Hawaiians, so right now in some of the communities that that even were mentioned, as well as many neighbor island communities in particular, a lot of Native Hawaiians have a very difficult time getting homes. That includes housing, affordable housing. Many developments are roadblocked in addition to affordable housing developments. Commercial housing has just gone through the roof in terms of affordability, and so I asked the question when this was introduced, what impact would the increased regulation have on the supply and the cost of housing for Native Hawaiians? I'm wondering if there were any responses to that?

Chief Advocate Kamali'i: The socioeconomic impact amendment is to beg the question you are asking. So if we don't have that in the definition of what are the impacts, then they can't assess the impacts, so the nature of the change is actually to beg the question. What is the cultural impact? What is the socioeconomic impact and what are the disparities? So your concern if this language were not placed in the measure or not changed, that question would never be asked, and so you are raising precisely the reason why this rises in the community and the request for the change is being made.

Trustee Akina: Thank you, I understand the concern and I do share that concern. When I look at what is required already, the social welfare impact, the economic welfare impact and the cultural welfare impact. I'm assuming that these are categories that can be used to address the socioeconomic disparity. Is there a reason why we couldn't use those existing categories to address socioeconomic disparity?

Chief Advocate Kamali'i: Well, one might argue that that's the art of the drafting, or that is the art that allows some of these important questions that you're asking to be excluded. So if it is included, then we're assured that those concerns that you raised are being addressed. If it is excluded, well, I think we have example of what happens when it's excluded because we have communities that are referenced by Sharde who've been deeply hurt or pained or disrespected, all of the dis words because those studies did not include those types of concerns. So I hope that answers your question.

Trustee Akina: Are there means other than an amendment to the actual law itself to ensure that the questions are addressed in the existing categories?

Chief Advocate Kamali'i: Well, I think from a social or a policy standpoint, this is what it reflects. Other means, oh yes, there's protests. There are other ways in which it might be addressed, but we're here as social advocates to introduce this type of change, which addresses it, which is which hasn't been there. Sharde, do you wish to address that as well?

Public Policy Advocate Freides: Yes, I'd like to address all three questions if that's okay, and thank you I appreciate your patience as I understand that you did ask these questions the last time on the workshop. So for the first one, affordable housing is actually a statutory exclusion and so an EA or EIS would not be required for affordable housing and then the second one with regards to social welfare and economic welfare and cultural impacts already in statute. We feel that the socioeconomic disparities is a term of art, and so just by definition of what socioeconomic disparities are, it's already a different level of analysis.

Looking at existing EAs and EISs. Sometimes they do use the term socioeconomic impacts or even you know just that term socioeconomic, but the level of analysis varies and so kind of going into that third question, we have seen this pattern and trend that applicants who need to provide in EA or EIS they will not do anything more than the bare minimum of what's required, and so that's why the statutory changes are needed. Additionally from the statutory change, there can also be guidance as to what we want in this type of socioeconomic disparities analysis, as was done with the cultural impacts analysis, thank you.

Trustee Akina: I do appreciate that Sharde and Na'u very much and your concern is very much on my heart. I just need to make it clear to my fellow Trustees that I'm very passionate about seeing that Native Hawaiians have housing available and affordable, and I'm very cautious about anything that could put further roadblocks to seeing that happen. I won't oppose this, but when it comes time to vote I'll ask for bifurcation and abstain from this, but thank you. Just for the record, want to make that clear.

Chief Advocate Kamali'i: Thank you, Trustee Akina for making that record and asking those very important questions. If the questions can be asked internally by the Trustees, certainly there will be questions that are going to be maybe anticipated to be asked as this bill makes its way through the Legislature, so I appreciate that.

Trustee Akina: Thank you, I appreciate your spirit.

Chair Akaka recognizes Trustee Lee

Trustee Lee: Can I make a point of clarification please?

Chair Akaka: Yes

Trustee Lee: If Trustee Akina can clarify why he's gonna bifurcate this out. He said that his concern was about affordable housing, but public policy just made it crystal clear that affordable housing projects are exempt. This would not apply to affordable housing projects. So can Trustee Akina please clarify why the bifurcation of this out if this measure has no impact whatsoever on affordable housing, because I want to better understand.

Trustee Akina: Very good, Madam Chair, I'll respond to Trustee Lee. Trustee Lee's question is a good question. Thank you for allowing me to clarify. You are correct, absolutely that the our policy team has explained that this will not apply to affordable housing. I had actually mentioned three categories. The two other categories beyond affordable housing are housing that is affordable and actually that's what I was referring to, commercial level housing that is affordable both in terms of the supply that could be impacted and the cost that could be impacted. So while I don't challenge what they say about the exclusion of affordable housing, I still have concerns over the supply of commercial housing and the exorbitant cost of commercial housing as well, so thanks for letting me clarify that, you were on point there.

Trustee Lee: Madam Chair if we could get further clarification from public policy. Would this impact housing inventory of new housing whether it be affordable housing or housing that is affordable. I understand the difference between the two that Trustee Akina is making, but can Public Policy speak to that. Is there an impact that this measure will have on inventory of new housing being built?

Chief Advocate Kamali'i: Sharde, if you could speak to that.

Public Policy Advocate Freides: Sure, so I'll just kind of start at the 3000 foot level. There are nine triggers that trigger when an EA or EIS are required, and so if the housing, not talking about affordable housing, because that's in exclusion. But if the housing project is on state or county lands, then that is one of the triggers. I mean, that's just kind of the main category that I would think captures a lot of what's being

asked. Just kind of stepping back a little, you know the whole intent of this measure is to provide this needed information, you know, going back to kind of what I said to frame and open up this measure at the beginning.

Trustee Lee: Sharde, I completely understand the reason for the measure. What I'm trying to ascertain, because Trustee Akina's intent is to separate this out from the whole package and for us to vote separately on it. And I'm trying to understand why. So what I'm seeking from Public Policy is, because Trustee Akina's justification for that is he is saying that he is concerned that this added measure to an EIS will impact or could impact, sorry Trustee Akina I should say that correctly, could impact the inventory of housing being built, which could further raise the cost of living and the cost of housing in Hawai'i. So I'm asking, is there a potential for this to do that? I'm just trying to see justification for the bifurcation of this matter. Of us taking separate votes on this. Because that will bring up different debates.

Chair Akaka: I believe that there's no bifurcation that is needed as each item is an action by itself, but maybe our Ka Pouhana or Corporation Counsel can weigh in on this for clarification.

Trustee Akina: Madam Chair, excuse me. If we're voting separately on these items, no bifurcation would be needed, so I wouldn't call for that. I was under the impression and I could be mistaken that these parts.

Trustee Lee: No, as was I Trustee Akina.

Chair Akaka recognizes Ka Pouhana Hussey.

Ka Pouhana Hussey: Thank you, Chair Akaka, as pointed out in the action item. There are four actions related to and each package item is a standalone motion for action by the Board. So correct, no bifurcation needed, each trustee can vote on each of the action items independently.

Chair Akaka: Mahalo for the clarification.

Trustee Lee: Thank you, Ka Pouhana.

Chair Akaka: Any other questions or comments members?

Trustee Akina: If I may have the forbearance of the Trustees, Madam Chair, I'll make one brief comment.

Chair Akaka: Yes, Trustee Akina

Trustee Akina: Thank you, Trustee Lee did raise a very important point and that is he correctly recognized that I am concerned that adding another layer of application and regulation could possibly impact the supply of available housing and its cost. Part of that comes from the very purpose of the measure in attachment E of the action item, which would be page 215 of our packet. One of the rationale mentioned is to provide another basis to object to a proposed project or action in their neighborhood or community. Now I don't question the justification of objecting to building projects in communities and I'm glad that our people have the capacity to do that. But that objection to building, if successful, definitely affects supply. All I'm saying is that in our commitment to giving the best opportunity to Hawaiians to have homes, we need to balance our advocacy with this strategic game of ours at OHA to provide housing. That's all I'm saying, thank you.

Board Chair Hulu Lindsey: Madam Chair, would you please put the action items up on the board please?

Chair Akaka: Yes, mahalo, Board Chair.

Trustee Lee: Are we voting now Madam Chair? I didn't think Public Policy was done with their presentation yet.

Chief Advocate Kamali'i: We aren't done, that's correct.

Chair Akaka: Are there any other questions or comments? Alright then, can we please have the motion put up.

Chief Advocate Kamali'i: Chair, to interject. We're not done with the presentation if I could proceed.

Chair Akaka: Okay, thank you.

Chief Advocate Kamali'i: Thank you very much. Alright, as indicated earlier this is action item number 2, action item number 4. Action item number 3 is drafting and editing our standard drafting and editing clause, which makes it available to policy to make those appropriate technical, ministerial, non substantive edits. Now going back to action item number one, that involves a Public Land Trust. This has been before the Board before. I deliberately intended that this be last because I understand that the issues that are raised in it of itself are not old, but it may cause or bring cause for the Board to go into Executive Session if that is necessary, not to say that this is the time to do it, but this is why I took things out of order. If not, then we'll proceed.

All right, so action item number one is to approve the approve the policy to proceed with drafting and submitting a Public Land Trust focused bill. The bill is not before the Board today, there are a number of issues to continue to flush out and this was the way in which we perceived we'd be able to continue to do that work, and also allow the Board to weigh in on that, i.e., the focus of the bill as indicated there are the three or four or five areas that we've all been familiar with that deal with the current amount of 15.1 million. The existing amount of what is the carry forward trust holding account as well as the projected difference between the interim PLT and the 15 million. OHA has been through this before, so the focus and the weight in which this bill is going to proceed in the drafting and going forward to the Legislature. The gist of the the action is to allow Administration and allow policy to continue to work with the Committee and the Board in drafting the important bill. And if I'm misstating that, I look back to you, Sylvia if I'm stating that correctly.

Ka Pouhana Hussey: Yes

Chair Akaka: Trustee Lee, do you have a question?

Trustee Lee: I do, Madam Chair. If Administration can explain to the Trustees why the change? The last time when we voted on and approved the legislative package, Administration had put forward to the Trustees that they felt the strategy for PLT was best if OHA took a supporting role and that others brought the matter forward. What has changed?

Ka Pouhana Hussey: So I will ask Na'u to help as well. If you also recall Trustee that there were a number of questions by the Trustees regarding a Public Land Trust bill and we said at the time that we are looking at all of those pieces and will bring back to the Trustees and in those intervening weeks between the workshops as well as the draft action item, discussions about all of the different pieces. The time and the confluence of situation that we are in now and wanted to bring forward this to the Trustees because of that. You'll also notice that there is one of the measures is not there and I'll ask Na'u to follow up on that as to why, because there is a remedy in an alternate to address that issue of the adoption and the descendant issue as well.

Trustee Lee: Madam Chair if I may, unless a Trustee asks for that, that's not what my question was. I was just simply asking what happened for Administration to change the recommendation to the Board, that's all I was asking.

Ka Pouhana Hussey: The recommendation is because in between those two workshop pieces.

Trustee Lee: No, yeah you answered, that's all I was asking. I didn't ask about what's not here, that's all I was asking and my question was answered so we can move on. Thank you, Madam Chair.

Chair Akaka recognizes Vice Chair Lindsey.

Vice Chair Lindsey: Thank you, Madam Chair. Just a question, so if action one passes, just so I'm clear at least, will the Trustees see a draft bill sometime between now and I guess January is when or end of, or does this action just authorize the bill to be finalized and sent in? Thank you, Madam Chair.

Ka Pouhana Hussey: So Madam Chair if I could address a Trustee Keola's question.

Chair Akaka: Yes, please do.

Ka Pouhana Hussey: So action three if you'll notice the last bullet for the last measure, provide a final copy of the measure to the Trustees prior to submission. The deadline that we are working with is December 30th for all packaged bills to go through. So we hope to have a draft of the measure soon so that Trustees and internal can vet these key points that are there but the target is to submit by the 30th as well. And I open for Na'u and Casey too, because these are the advocacy folks who are doing the drafting and so you can imagine OHA has had a number of various facets of Public Land Trust from record keeping. We've also had measures in our packages in the past regarding record keeping and other kinds of measures, so it's that kind of effort that is needed. But again, I'll turn it over if it's okay Trustee Akaka to Casey as well as Na'u to provide additional insights as to the work before filing on the 30th.

COO Brown: Aloha Trustees, I would first want to hear what Trustee Lee's question might be first, if that's okay.

Chair Akaka recognizes Trustee Lee

Trustee Lee: Thank you, Madam Chair. This is speaking to action one and I guess action three where they're asking for permission to do what they've been doing this whole time with minuscule changes. But this is a big, big topic and to Trustee Keola Lindsey's point, after tomorrow. Should this pass the BAE tomorrow and should it pass the Board tomorrow, the Board is done. The Board has no more business for the rest of 2021. So the Trustees will not see, have input in, other than one on one if we want it, but there's no way for the Board to weigh in on any of this measure before it's due at the Legislature on December 30th. After tomorrow the Board is done and I think that's kind of what Trustee Keola Lindsey was asking. If they're going to draft a bill, a major bill like this, because this addresses several different major PLT issues, not just one. The Board and Committee won't have another opportunity to weigh in on this until after it's been submitted to the Legislature, at which point it doesn't belong to us anymore. Yeah, that that.

COO Brown: I'll mention something here, that's a fair point Trustee Lee and the thinking was because this surfaced sort of later in the game and the package development that we're throwing whatever thinking and you know, hustling around that we can do to put together a bill that would make sense, and the thought was we would provide a draft to the Trustees outside of a meeting and I don't know if that's something that would please the Trustees. If it's something that you folks deem you want a meeting to deliberate further over that, then that's absolutely a fair point and it's at your guys request and your call to make. But our thought was we would submit the draft, you know, electronically, outside of holding an official meeting and we wouldn't move forward with submitting anything without the Trustees final nod.

Trustee Lee: Point of order, Madam Chair. Those words Madam Chair are concerning to me. The Trustees cannot give a nod of any kind outside of an agenda. I know you know Chair, but I'll yield to you Chair if that's the point that you're going to bring up, right. We cannot give our nod to anything outside of an agendized meeting. That's a violation of sunshine law.

Board Chair Hulu Lindsey: Yes, yes and naturally I was going to propose that we could have a meeting on the 29th or 30th or both. BAE 29 or BAE, BOT, 29 morning, 29 afternoon. I'm willing to do that to just go over this bill because it's very, very important to us. It's going to be the central concentration for the Office of Hawaiian Affairs this year. So I'm willing to do that, especially since we can do it virtually. We're not inconveniencing people to come out of their houses. We can all go on our computers and look at this bill prior. It can be sent to us ahead of time and we look at it and we can digest it. If that is your desire?

Trustee Lee: Well, it's not my, but I would think that for a matter this important Trustee Hulu Lindsey, I would think that we would need to do that right.

Board Chair Hulu Lindsey: Yes

Trustee Lee: I mean if we want the whole Board to be able to weigh in on a matter of this importance. If this is going to be the concentration of OHA's efforts at the Legislature this year, then yeah I think we should. I think the Committee, I mean I don't have that say, it's up to the Committee Chair but the Committee and the Board is going to have to take this matter up before I would say before the 30th Madam Chair, if the deadline is the 30th. I would think we'd have to meet on the 28th and the 29th, which is the Tuesday and Wednesday.

Chair Akaka recognizes Trustee Ahu Isa

Trustee Ahu Isa: Kala mai, I just want to let you folks know that I have a hearing that I have to go to at DCCA. So I'm going to have to leave you in like 5 minutes so I can't vote on this. If it was that important, we shouldn't have had all these presentations prior to this because our meeting went on for over two hours now and so I'm not going to be here so I cannot. I'm going to be with my grandkids and I'm in a hotel where I can't even get Wi-Fi sometimes, so I just can't vote on it just to let you know, mahalo.

Chair Akaka: Is there any more to the presentation? If not, then we can vote now.

Board Chair Hulu Lindsey: I'd like to propose that we have meetings on the 29th and 30th or both on the 29th. I'm coming back from my vacation with my grandson who's giving me my great grandbaby for the first time. So I'm traveling on the 28th and I'm available 29, 30, you know at everybody's convenience.

Chair Akaka: Mahalo, Board Chair. Is there a motion?

Trustee Lee: We don't need a motion, Madam Chair, you're the Chair of the Committee. You call meetings whenever you want to call meetings or five Trustees can call a meeting. But you don't need a motion in the meeting, Madam Chair. Send out a 6 day notice to the public that we're having a meeting and we have a meeting.

Chair Akaka: Kala mai, I was talking about the action item, but yes, going back to what the Board Chair had said then just to make sure that everyone is on the same page is that this action item would not be taken up, this meaning it would be on the 29th rather.

Trustee Lee: No, Madam Chair, we're taking it up. Administration is asking our permission to draft a bill on this. If we don't pass this action item, they're not going to draft.

Chair Akaka: That's what I was asking to put a motion on for this here so that Trustee Ahu Isa can vote on this as well if presentation is finished. So yes, we can still have the meeting for the 29th.

Chief Advocate Kamali'i: Thank you Trustee, the presentation is finished. Thank you, so the action would be to approve actions 1, 2, 3 and four. Thank you.

Chair Akaka: Mahalo, is there a motion?

Trustee Ahu Isa: I so move, Chair.

Chair Akaka: Mahalo, it's been moved by our Board Vice Chair Ahu Isa, is there a second?

Vice Chair Lindsey: I'll second, Madam Chair.

Chair Akaka: Mahalo, it has been seconded by BAE Vice Chair Keola Lindsey. Can we please have the action item on the screen to be read.

BAE Staff Brandon: Chair, we're trying to get it up now.

Trustee Ahu Isa excused from the meeting at **3:49 p.m.**

Action Item BAE #21-06: 2022 OHA Legislative Bill Package

I. Proposed Actions

Action 1: OHA-1 Public Land Trust

Approve the drafting and submission of a Public Land Trust focused bill to the 2022 Legislature, that addresses the: 1) Current interim amount of \$15.1MM; 2) Existing amount of approximately \$29MM in the carry-forward trust holding account (as of Q1, 9/30/2021); 3) Projected accumulation (since 2012) of the difference between the interim PLT amount of \$15.1MM and the OHA's 20% pro-rata share of ceded land revenues; 4) Titling of the measure for strategic and clarifying reasons; and 5) Labeling of the measure as OHA-1 for tracking purposes.

Action 2: OHA-2 Building Back Pono

Approve the measure entitled *OHA-2 Building Back Pono: Addressing Socioeconomic Disparities in the Post-COVID Era*, to be included in the 2022 OHA Legislative Package as detailed in Attachment D with additional supports at Attachments C and E.

Action 3: Drafting and Editing

Approve drafting and editing measures, to: 1) Make, appropriate, technical, ministerial, non-substantive edits for style, clarity, consistency, and accuracy of the final measures; 2) Add preamble language in the measures for framing and editorial purposes; 3) Title the measures for strategic and clarifying reasons; 4) Label the measures for ease of tracking; and 5) Provide a final copy of the measures to the Trustees prior to submission.

Action 4: Coordinated Advocacy

Approve OHA's participation in the coordinated advocacy efforts as detailed in Attachment F.

Chair Akaka: It looks like Trustee Ahu Isa is no longer on.

Board Chair Hulu Lindsey: Madam Chair, are we going to take the actions one at a time?

Trustee Lee: No

Chair Akaka: I want to have clarification from Council here.

Trustee Lee: A motion was made and seconded.

Board Chair Hulu Lindsey: Yeah, but it didn't say what the motion was.

Trustee Lee: They moved to approve action 1, 2, 3 and 4 and it was seconded.

Board Chair Hulu Lindsey: I didn't hear the 1, 2, 3 and 4.

Chair Akaka: I just wanted to clarify it being that the Trustee that made the original motion is no longer on, are we still good to continue?

Trustee Lee: Yes

Chair Akaka: Great, thank you.

Trustee Akina: Madam Chair, is there discussion?

Chair Akaka: Yes

Trustee Akina: First, since I don't have the screen, since I can't see the motion on the screen, just for clarification. Is OHA-2 the second item listed out of four?

Chair Akaka: Mark, can you please put up the motion on the screen, it keeps dropping off.

Trustee Akina: Thank you, Madam Chair I can see that. Am I correct to understand that we would be voting once for all four items? In that case, I would like to make a motion that we bifurcate item number two, OHA-2. I'd like to move that.

Chair Akaka: Is there a second?

Vice Chair Lindsey: I'll second

Chair Akaka: It has been moved and seconded. I'm just double checking on my end regarding the voting and how we will proceed on this.

Chair Akaka recognizes Board Counsel Kurt Klein

Kurt Klein: Good afternoon Chair, as a point of order here we have a pending motion that was seconded, it's sitting on the table. Then Trustee Akina I believe, advanced a second motion and believe that motion should be a motion to amend the first motion. The motion to amend would have to be voted on and approved before hand. So if the motion is one to amend, I hear it's seconded and I believe it's seconded by Trustee Keola Lindsey, is that correct? Okay, so then there should be a vote on the amended motion.

Chair Akaka: Alright, then we'll take a roll call vote on the amended motion.

Kurt Klein: Thank you.

Trustee Lee: Madam Chair, we are not voting on the amended motion we are voting on the amendment. The motion has not yet been amended.

Chair Akaka: Mahalo for that clarification. Can we please have a vote on the amendment?

Trustee Akina: Just to clarify, I just want to make sure I know what we're voting on now. Could we have the statement of this amendment?

Chair Akaka: Would it help if we had it on the screen?

Trustee Akina: Yes, it would help.

Trustee Lee: Madam Chair, that is not what the amendment was. If we remove action item two from the action item, that means it will no longer come to the Board for a vote. We have removed it from the package. The motion was to bifurcate.

Chair Akaka: Mahalo, Kurt Klein if you could please help us with the language here.

Kurt Klein: Okay, motion to bifurcate action item BAE 21-06: 2022 OHA Legislative Package. I would rephrase that as motion to bifurcate Action Item 2 from Action Item BAE #21-06: 2022. Now I believe this was Trustee Akina's initial motion to bifurcate and so if that is what Trustee Akina's intention was, I think he should be the Trustee to confirm.

Trustee Akina: Madam Chair, I confirm that my intention in making this motion was to bifurcate Action Item 2 from Action Item BAE #21-06: 2022 in the OHA Legislative Bill Package.

Chair Akaka: Alright, so to restate, it's been moved by Trustee Akina and seconded by BAE Vice Chair Lindsey. Can I please have a **roll call vote**.

							3:58 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA				X		
KELI'I	AKINA	1		X			
LUANA	ALAPA						EXCUSED
BRENDON KALEI'ĀINA	LEE				X		
CARMEN HULU	LINDSEY				X		
VICE CHAIR KEOLA	LINDSEY		2	X			
JOHN	WAIHE'E, IV			X			
CHAIR KALEIHIKINA	AKAKA				X		
TOTAL VOTE COUNT				3	4	0	2

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

Chair Akaka: Motion has not passed. I want to make sure we're on track here and we have this correct. So are we going then to the original motion?

Kurt Klein: The original motion Chair is pending. The motion to bifurcate has failed. The current motion now is to approve all four items listed in the 2022 Legislative Action Item that you have, and it was seconded. So it's now pending a vote.

Chair Akaka: Mahalo, we will ask now for a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA	1					EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA					X	
LUANA	ALAPA						EXCUSED
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY			X			
VICE CHAIR KEOLA	LINDSEY		2	X			
JOHN	WAIHE`E, IV			X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				6	0	1	2

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

V. EXECUTIVE SESSION±

A. Consultation with Board Counsel Robert G. Klein re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Public Land Trust and associated legislation, pursuant to HRS§92-5(a)(4)

Chair Akaka: My understanding is that we've talked about the matters that we would in there in open session. Therefore, we would not need executive session unless Trustees would like to move to executive session. I don't see any Trustee that is interested in doing so then we will move on to announcements.

V. ANNOUNCEMENTS

Board Chair Hulu Lindsey: There is a meeting tomorrow at 10 a.m. We will be honoring Hokulani Padilla here on Maui and the meeting will be conducted from the University of Maui Campus and we'll be doing it virtually but Hoku will be there.

VI. ADJOURNMENT

Board Chair Hulu Lindsey: I move that we adjourn.

Chair Akaka: Mahalo, is there a second?

Trustee Waihe'e: Second

Chair Akaka: It's been moved and seconded. Can I please have a **roll call vote**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						EXCUSED
DAN	AHUNA			X			
KELI'I	AKINA			X			
LUANA	ALAPA						EXCUSED
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
VICE CHAIR KEOLA	LINDSEY			X			
JOHN	WAIHE`E, IV		2	X			
CHAIR KALEIHIKINA	AKAKA			X			
TOTAL VOTE COUNT				7	0	0	2

MOTION: [] UNANIMOUS [X] 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.

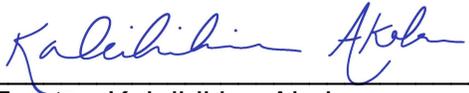
Chair Akaka adjourns the BAE meeting at **4:03 p.m.**

Respectfully submitted,

Handwritten signature of Brandon R. Mitsuda in black ink, written over a horizontal line.

Brandon Mitsuda Trustee Aide
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on 1/25/22.

Handwritten signature of Kaleihikina Akaka in blue ink, written over a horizontal line.

Trustee Kaleihikina Akaka
Chair
Committee on Beneficiary Advocacy and Empowerment