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
July 12, 2022 10:30 a.m.

ATTENDANCE:
Chairperson Kaleihikina Akaka
Trustee Leina’ala Ahu Isa
Trustee Luana Alapa
Trustee Brendon Kalei‘āina Lee
Trustee C. Hulu Lindsey
Trustee Mililani Trask
Trustee John Waihe’e, IV

BAE STAFF:
Brandon Mitsuda
Mark Watanabe

ADMINISTRATION STAFF:
Hussey, Sylvia, Ka Pouhana / CEO
Brown, Casey / COO
Hinck, Ramona / CFO
Ozawa, Nietzshe / Interim Senior Counsel
Ohta, Everett / Interim General Counsel
Aguido, Arlene, IT
Santos, Dan, IT

EXCUSED:
Trustee Dan Ahuna
Trustee Keli‘i Akina

I. CALL TO ORDER

Chair Akaka calls the Committee on Beneficiary Advocacy and Empowerment meeting for Tuesday, July 12, 2022 to order at 10:33 a.m.

Chair Akaka notes for the record that PRESENT are:

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<tr>
<th>MEMBERS</th>
<th>AT CALL TO ORDER (10:33 a.m.)</th>
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<td>CHAIR KALEIHIKINA AKAKA</td>
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<td>TRUSTEE LEINA’ALA AHU ISA</td>
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<td>TRUSTEE LUANA ALAPA</td>
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<td>TRUSTEE BRENDON KALEI‘ĀINA LEE</td>
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<td>TRUSTEE JOHN WAIHE’E, IV</td>
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At the Call to Order, FIVE(5) Trustees are PRESENT, thereby constituting a quorum.
II. NEW BUSINESS

A. Administration: 2022 Legislative Wrap Up*

Chair Akaka yields the floor to Ka Pouhana Hussey.

Ka Pouhana Hussey: Thank you, Chair. I'm going to ask interim Chief Advocate and Chief Operating Officer Casey Brown to go through the overview of the session summary.

COO Brown: Mahalo, Ka Pouhana. So we're going to do a legislative session summary, a legislative wrap up. And so, in your packets, you'll have the the PowerPoint that's going to be used. We try to keep it at a high level by intent. It's going to give a quick overview with a few metrics. Then we're going to go into the package, which should seem familiar to folks. Look at some bills of interest and then talk about some other areas monitored.

Okay, so looking back at the 2022 session. Every session has its own character. It was a phenomenal session overall for Native Hawaiians in terms of money. But note that there was still a lot of bills. You know, non money bills out there that you know still didn't pass and represented a lot of varying issues across the Board. In terms of our own Public Policy Team, they tracked on 811 bills and considering we had about just over 2600 bills considered by the Legislature this session, looking at about a 31% rate of all bills considered so it's quite a few. The team normally does cover quite a few, and so those 811 bills are represented in all the different matrices. So the four matrices for the bills themselves and measures, and then the 5th Matrix which was the resolutions ones. So the 800 didn't relate to the measures, the bills themselves. Next number down 294 resolutions were also tracked on that Matrix 5 and that represents about 35% of all the resolutions that were considered this past session. And you, Trustees, you folks took positions and testimony was submitted on 115 bills, of which 29 passed this session, as well as on 64 resolutions and 15 of those were adopted.
So this is some selected metrics that the team has produced and so this kind of speaks a little to the last slide that I just talked about. So you can see OHA tracking 811, you also see for context that here is the 2605 bills that were considered this year. What's another interesting take away from this is that just for context setting, the overall passage rate, so you can see that of the 2605, 343 passed, so you're looking at about a 13% passage rate this past session.

The next slide is the same metrics but for the resolutions, so 294 out of a total 834 and you can see that the adoption rate lands at about 14%. The next slide, so this should feel a little familiar, but just wanted to demonstrate the method as well as the process that's taken, so something kind of act as a reminder for you folks and anybody streaming in publicly. So OHA also submits its own legislative package, that's well known. And when we submit our own package, the team goes through a number of steps in their vetting process, and these are, there's six criteria listed here. It's not an exhaustive list, there's few other things that they consider. For example, budget. You know if something requires budget by OHA, you know that has to be considered. But just a reminder of these are the criteria used. You know it has to align with our mission and strategy. We need to consider what role we would play in any measure we introduce, right. And number four and five are our good ones as well. Like we want to understand the level of community support that doesn't exist or does exist.

So this is to demonstrate that there's definitely a level of analysis going into every single idea generated to turn it into a proposed measure. And then down below on this slide, it's just kind of a quick reminder of the process that was taken last session. So the team usually starts performing there idea gathering, information collecting, usually in the July through September period of every year and they checked, they always start internally and then of course they do their outreach to community entities and and others in the community. Then all of that is put into their bucket to analyze. They bump it up against these criteria. They actually perform sort of scoring. So that it gives them some quantitative data points, but there's a lot of qualitative things that go into it as well, and then they prepare their proposals for you folks. Last year the workshop was the first meeting, but the first real review of a finalized proposed packet goes on October 17th at BAE and then BAE approved it last year on December 8th and then it went to the Board.
OHA’s 2022 Legislative Package

OHA measures:

OHA-1: HB1474 / SB2122: The Public Land Trust. This measure would have required the State to fulfill its obligation in conveying OHA’s pro rata (proportionate) share of the Public Land Trust (PLT) revenues

OHA-2: HB1477 / SB2127, Building Back Ponos. This measure would have required developers to include specific analysis of whether an action would exacerbate existing socioeconomic disparities in their environmental review process

See more at oha.org/legislation

So this was our package, very familiar, two bills. It was very focused, packaged by intent. We had a very big bill of high interest and high value for us and our people. So we focused the resources we had on hand on that. But it didn’t prevent us from also monitoring the rest of the bills that was demonstrated in the above slide. Both of these bills did not make it through, however, as you all know, our Public Land Trust bill. The issue of PLT was carried forward in another vehicle.

So this is some historical metrics just to give you guys a quick snapshot. You can see that this past year very like I said, very focused package, and even though we have a zero there for enacted, we know that Senator Keohokalole’s bill became the vehicle as Legislators wanted to use that vehicle to push forward the issue of PLT and then that one eventually passed, so it’s a 0, but it’s an asterisk 0. And then kind of looked at the past 7-8 years there, and another key take away I’d like to point out is if you look at these past seven years and you remove those biennium years where the budget bill was there. You’re really looking at on average, OHA’s getting one significant bill, one measure passed a session. We always have significant bills. All of those are significant so but yeah, just to give you a sense that you know we’re enacting about one bill on average and I went back to scan the last 18 years because the team had data on this and there was really only four of the 18 years where more than one bill or zero bills passed, so it is interesting, you know, over the years that it ends up to be a lot of impact on public policy, but just wanted to give you a sense of the historicals.

Okay, a couple of bills of interest now. There was a lot of bills of interest out there, non OHA measures as well. You know, Red Hill, the other Hawaiian bills such as the DHHL, but we’re going to focus on just the two that we’re very familiar with you. You folks had a Joint BAE-RM meeting earlier today, so you kind of went into this and you kind of got a status update. So some of this might be a little duplicative. This is, you know, the PLT bill and I’m going to go through a A,B,C really quickly, as those three takeaways are the key takeaways from our bill, right, so an annual increase to 21 million. Which is a great win, but still not the amount that we originally requested for based on our own calculations of 78.9. So still a lot of room to be made-up there. We did get a one time 64 million payment and it was accounted for as a portion of back due revenues.
And as a reminder that amount was simply calculated as the difference between the 15.1 and 21.5 and multiply that difference by the 10 years. It hasn't been adjusted for 10 years and then C. to establish the working group. So this is something that OHA was in. In the legislation OHA was also named as the entity to provide administrative support and to submit the report, the final report. So not only do we have to connect with the Governor's office to you know, understand there are three members to send to this committee to this working group. OHA has to send three members as well. There's a total of six that will comprise this working group, but we also have to be ready and get prepared to provide the administrative support and produce the report.

And then you guys got the update on other status in terms of we just received the 64 million, you guys just approved how it's going to be invested. Any other questions from Trustees?

Chair Akaka recognizes Trustee Lee.

Trustee Lee: Thank you, Madam Chair. Casey, so on the matrix that you supplied, the matrix on page 5 for what we tracked, what was adopted and what failed. In the future, if we could also have another row because this doesn't show us our success rate on bills that we opposed. So all it shows is what failed. It would be good to know how successful our advocates were at the Legislature in getting bills not passed that OHA was opposed to because that's a win, and so we should highlight that.

COO Brown: Yeah, no it's great. I think the team normally produces that and so I'll look to see if the team has ran those numbers and I can at least provide it to you folks after this meeting. But yeah, good idea, Trustee.

Trustee Lee: Thank you, Madam Chair.

Chair Akaka recognizes Trustee Trask.

Trustee Trask: I just wanted to ask Casey if he can give us the background on what actually happened when the Legislature opened because OHA had its own bill, but instead we got a Senate Bill 2021. There was a change there and I just wanted to ask Casey if he could just give the background of what had happened there.

COO Brown: Fortunately, I attended one of the meetings along with colleagues from OHA and Chair Hulu, Trustee Akaka and several of the admins and I picked up something from that meeting and they simply took Senator Keohokalole’s bill, which was introduced in prior session as well and the reasoning they gave was they wanted to work with a colleagues bill. It was simple as that, they were more comfortable using their colleagues bill.

Trustee Trask: And the difference between the two bills?

Board Chair Hulu Lindsey: I think the biggest difference was our bill asked for the PLT for the normal gross of our PLT and the new bill had us in for net, and as you all know, a net can come down to 0.

Trustee Trask: That's right.

Board Chair Hulu Lindsey: So we fought and fought and fought and it was Sylvia Luke that finally brought the two houses together and gave us what we got.

Trustee Trask: I had a follow up because I'm trying to get a clarification in terms of Jarett's involvement. You know what I'm saying. The initial report we got was that Keohokalole had done this, but then there was some other political situation and I'm trying to find out who in the Legislature was that backed us and I know that Sylvia put the two together, Sylvia Luke. But who were the legislators that replaced the initial bill we put in because this is an election year.
Board Chair Hulu Lindsey: Keohokalole’s bill was the replacement bill.

Trustee Trask: Yes, did we work with him on that, prior to?

Board Chair Hulu Lindsey: No

Trustee Trask: Okay, thank you very much. It tells me that he did not work with us going in. Got it, thank you.

Chair Akaka recognizes Ka Pouhana Hussey.

Ka Pouhana Hussey: I just wanted to add to Trustee Trask’s response to her question. The short of it is our House bill. We had a companion Senate and House Bill. The House bill did not even get a hearing in its first subject matter committee, and the Senate got one hearing, well two. It went through its subject matter, Hawaiian Affairs, and then ended in WAM and in WAM our bill was deferred and so then Senator Keohokalole’s bill became the vehicle for which to move forward.

Chair Akaka recognizes Trustee Ahu Isa.

Trustee Ahu Isa: Now I had two questions. Is there a deadline for that working group and you also said administrative support from OHA would be funding this working group. Do we have a dollar amount for that? No, okay deadline, do you know when it’s due. I’m just asking questions because when I was in the Leg.1998, year 2000, Ed Case was Chair of our Hawaiian Affairs and we tried to get an inventory ‘cause that was the question. 20% of what inventory? And this went on for years for us to get now a working group and we’re going to have to put this together. It’s a lot of work, so I just wondered if your staff or our administrative staff is prepared to do this, and if there’s a deadline, there’s no deadline on the bill.

Ka Pouhana Hussey: Trustee, it just outlines the process to select the members. The Governor selects three, OHA selects three and then the process you know goes from that. But given that we’re in an election cycle and you know we’ll have a new Governor, it’s highly unlikely that a new Governor will appoint anyone to this until at the earliest January, at the earliest, so Administration is just recommending that we take this time until January to do planning, so that when that committee is organized, we can be prepared to hit the ground.

It is highly unlikely that there will be any findings out for the 2023 Legislature, but probably the 2024 Legislature that the working group would have findings, but again, this is just based on planning thoughts that Administration has on how to implement and among the reasons we asked to be administratively responsible. Honestly, it's to control the process and the report. Budget and finance asks for two positions to be able to do this work group and we didn't think it was necessary to have two positions to manage the work of the work group, so hence we advocated that OHA take the responsibility for administratively managing the process.

Chair Akaka recognizes Trustee Lee.

Trustee Lee: Thank you, Madam Chair. It was noted that Senator Keohokalole’s Bill SB2021 had a net amount in there that was amended to add the net. His original bill did not say net. The Senate Committee hearing amended it to add in the net. That was not in the original bill. Thank you, Madam Chair.

Chair Akaka: Board Chair, did you want to say something?

Board Chair Hulu Lindsey: Yes, I do and Trustee Lee is correct. But what was scary about Senator Keohokalole’s bill is that he wanted the Public Land Trust to be shared between 2 departments, OHA and DHHL. So that that was not something that we could accept, because that's not how the Constitution reads. Thank you.
Chair Akaka: Mahalo, Any other questions members?

COO Brown: Madam Chair, sorry I got a couple more slides. We have one more bill of interest and it's the Mauna Kea bill. We followed it well during session, it started out Trustees took a position of comment because initially the first bill as written aligned with the working groups report. But as we saw it go through session through SD1 HD1, it slowly became refined, where oversight and authority shifted back to UH, and limits were placed on the Public Land Trust and therefore, or then Trustees took a position of oppose. So that's the bill. It was signed on July 7th by the Governor and it is via Act 255. I'll invite Ka Pouhana or anyone on Admin if they know any other current status.

Ka Pouhana Hussey: No other current status, but just a refresher. As you will recall Trustees, the position recommended to change to oppose came when it crossed over to the Senate. The House Bill version was more aligned to the working group, which both Chair Hulu and I participated in. We never supported, we just commented on a number of matters and outright recommended opposition when it crossed the Senate and OHA was removed from the Stewardship Authority composition and a number of troubling factors regarding long term leases, astronomy and the reduced role of cultural practitioners on the governance was realized through the bill. And as well as it continued to align with the Board legal position in terms of holding the University accountable for mismanagement of the Mauna. So our position to Trustee Lee's point, that's an example of an opposed position that was eventually signed into law and so now the University is implementing because it's subject to immediate implementation, so they're moving through that implementation phase.

COO Brown: Mahalo, Ka Pouhana. Okay, moving on to the final slide.

This is just to showcase a few other subject matters that was prevalent this session and that our Public Policy team tracked on. Across those 811 bills. You know some of the categories were perpetuating ‘Ōlelo Hawai‘i, assisting our Native Hawaiian prisoners, gender responsive policies, protecting Native Hawaiian Youth, Kalo Farming, Historic Preservation Laws. There was several iwi bills, several iwi issues being addressed. And a number of bills we’re taking positions on as well. We also have a more detailed report that's produced by Public Policy, which goes into a little more depth in some of these areas, and the bills themselves that were tracked on. But that completes the legislative wrap up session and I just also wanted to say a big mahalo to all the beneficiaries and the communities that came out to support OHA this session. We did see an uptick in support for things like our PLT bill and an uptick throughout the session in the amount of testimony for example, and it was reported throughout session, but a lot of work by our own OHA team. You know our Comms team to throw in assist to advocacy in terms of developing messaging. A lot of high level thinking by, you know, even you Trustees as well. It was very very successful in many ways, session, but still a lot going forward that needs to be done for our people, but mahalo to the communities.

Trustee Ahu Isa: Can I ask a question of Casey if he said this is the last bill about the new department that the Governor created, or the Leg. created, Public Safety? Some beneficiaries are asking how is that different, is
the Police Department, which I figure is a County issue and this is the State Sheriffs, I forget the name of it, the new department, something law enforcement. I think it is because we always go in and try to do stuff with the public safety for the prisoners.

**COO Brown:** Okay, so Trustee Ahu Isa you're saying that there was a bill that created a new public safety department in our existing say HPD and that new bill that created this new office, OHA might want to take an interest in working with them.

**Trustee Ahu Isa:** It combines several deep departments.

**COO Brown:** Okay yeah, thanks for pointing that out. That does sound familiar and I can have our team look into it to see what are the plans, what's the vision of that department? So we need to get a sense of you know the intent.

**Chair Akaka:** Brandon, do we have any testifiers?

**BAE Staff Brandon:** Chair, we don't have any written testimony. We do not have any testifiers that have signed up to testify and we do not have anybody physically here present to testify.

**Chair Akaka** recognizes Trustee Lee.

**Trustee Lee:** I would prefer not to go into Executive Session, so I'll just suffice it to say, as we do not have public testimony agendized on the agenda, can we not ask if anyone has or wishes to testify and I would prefer not to go into detail about that because I would have to call for an Executive Session.

**Chair Akaka:** Trustee Lee, because of the new rules, I will read it out and we have it listed on our agenda.

**Trustee Lee:** We do not have public testimony listed on the agenda, Madam Chair.

**Chair Akaka:** Yes, and I can also have Corporation Counsel share on this too, but.

**Trustee Lee:** Okay so I understand, Madam Chair, so you wish to have Corp. Counsel weigh in on this. Then in that case, Madam Chair, I move that we move into Executive Session.

**Chair Akaka:** No, first of all before we do that I'd like to read this. If you read the agenda farther down, it says public testimony will be called for each agenda item and must be limited to those matters listed on the meeting agenda and this is to accommodate the I want to say the new Sunshine Law. Everett, can you please share further on this?

**Interim General Counsel Ohta:** Yes, thank you, Chair Akaka and good morning Trustees. Yes, so the Sunshine Law has been amended by the Governor signing into a bill last week Friday, this bill no longer allows boards and commissions, including the Board of Trustees and the Committees to take public testimony only at the beginning of an agenda and therefore, public testimony must now be taken throughout the agenda as we've done for both the Joint Committee meetings and today's BAE meeting. So this is no longer listing public testimony as a standalone agenda item, instead we're taking it with each agenda item as they come up.

**Chair Akaka:** Mahalo, Everett.

**Trustee Lee:** Yeah mahalo, Everett. Thank you for clarifying that for me.

**Chair Akaka:** It is listed on the agenda if you look farther down though.
**Trustee Lee:** I see it now, Madam Chair on the 2nd page. Thank you, Everett and that was my complacency. I didn't look over the second page, just assuming that it's the same as we've always had because there was no special notice sent out to the Board members or the Committee members that there had been a change to Sunshine Law, thank you.

**Chair Akaka:** There actually was Trustee Lee, it was sent out to us.

**Trustee Lee:** Can I get a date of that transmittal Trustee Akaka and I'll go and verify it because I don't recall seeing that.

**Chair Akaka:** Everett, are you able to pull that up?

**Trustee Lee:** It doesn't have to be during the meeting Trustee Akaka. That can just be forwarded to me.

**B. Administration: Overview of Policies Within the Purview of the Committee on Beneficiary Advocacy & Empowerment***

**Chair Akaka** yields the floor to Ka Pouhana Hussey

**Ka Pouhana Hussey:** Thank you, Trustee Akaka. Trustees, the Board with its policy work and its continuing governance framework has spent almost over a year on financial policies with investment endowment, those policies. In January Administration put together a policy packet if you will of all policies related under the purview of the Beneficiary Advocacy and Empowerment just to signal that it's not just financial policies that there is work to do. There's also BAE related policies and so this memo just refreshes to that policy packet and before any formal workshop is done, and Administration also wanted to introduce and add too.
So Administration just wanted to share with Trustees this particular document. It hasn't been codified as a basis in policy, but we wanted to make you aware of we do have an international engagement policy. This particular declaration on the rights of Indigenous people is very broad and provides much of a foundation and I just wanted to signal to the Trustees that this will become and offered up as a foundational document for all of the policies that are being done. And I just wanted to slowly scroll through and just point out some of the salient points and pieces. And remember, as an international document, this resonates so well with all of our brothers and sisters and indigenous cousins.

One of the consistency's here is on Page 3 where the DRIP concerns that we've suffered from historic injustices, so not just Native Hawaiians, but a number of indigenous peoples who have been colonized, dispossessed of lands, etc. So it's a common experience that we have and one that, as Native Hawaiians through policy, we want to ensure that we align with as well.
I did want to also just bring to your attention on Page 5. This particular in recognizing the rights of families and community to retain responsibility for bringing, training and education, and as you are very familiar with, Leo, you know the Hawaiian focused Charter Schools is really based on a family model of families being the first educators in our teaching and families choosing how to educate their children and in what language. So this helps to build that foundation.

Next is this section here in terms of self-determination. There's a lot of use of the word sovereignty interchange to federal recognition, and one of the pieces that this rings is the word self-determination doesn't have a federal construct, it is placed here so that the indigenous peoples are self determinate if that they choose and I think you agree that our policies are about what is the Office of Hawaiian Affairs is on behalf of our lāhui and that fiduciary responsibility is self determinative if not based on someone else's rules or someone else's policies, even though as a state agency, we work within a state construct. So I wanted to point out that language that's in the DRIP. Then in the DRIP itself, there will be a number of articles that as you read through more specifically, hopefully you will find some resonance in the language that is used. The words of self-determination, self-governance is there.
Article 7, I want to point out the first or among the first of. Indigenous peoples have the collective right to live in freedom and security. The current national discussion on boarding schools, tell us that there's a deep history of hurt and awfulness about what has happened to Native Americans in boarding schools, as well as examples that were called out in the report here in Hawai'i.

The entire Article 8 talks about assimilation and how Native peoples have been assimilated into the construct of whatever the government entity has been, and so this is important to call out to recognize forces of assimilation.
I also wanted to just point out in Article 10 this terminology of free prior and informed consent of the indigenous people and about consulting. The government should be consulting with the Native peoples of that land and so if you think about that consultation, things like military leases, anything that's being done on the land, in the land, in the waters, in the oceans, in any of their resources, consultations should be occurring with the Native people and as a practice that has not been done very consistently.

Article 12 I hope resonates. It talks very specifically about repatriation and about traditional customary rights and about ceremonial objects. Although the things that we have in iwi kupuna policy that ties into this.

| Article 10 | 2. States shall take effective measures to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means. |
| Article 15 | 1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information. |
| Article 14 | 1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning. |
| Article 16 | 1. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society. |

Article 13 kind of spans these two pages, but it also talks about the right for the histories and to retain their own names and communities in places. We have many examples where he place name that was there has been replaced. For example, Leilani Estate on Hawai‘i Island, that's not the place name of that area, and so this article talks about the rights of indigenous people to hold the name places of what was there rather than have it be subjugated to another governance and construct to rename the places.

Article 14 is all about supporting Hawaiian medium education, and so this is a good section for us to base policy work on as well and to find again resonance around the world with other indigenous people, and Trustees, I'll stop there, but I just wanted to point out that this document is very powerful to help us in formulating our policy and having our policies be applicable not just in Hawai‘i or even in the continental US but internationally as well. And if there's any questions from Chair Akaka or Trustees, Administration just wanted to reframe the policy work that will be coming before the the BAE Committee.

**Chair Akaka:** Mahalo, is there any discussion numbers?

**Chair Akaka** recognizes Trustee Ahu Isa

**Trustee Ahu Isa:** Ka Pouhana, is Kamehameha Schools involved?

**Ka Pouhana Hussey:** Involved in?
Trustee Ahu Isa: It says educational system, so I just wondered, indigenous.

Ka Pouhana Hussey: So when we think about indigenous systems, we think about part of our strategic plan we look at Hawaiian focused charter schools. Kamehameha is certainly a large system, but even the universities have a indigenizing the university effort, and there’s a large effort within the UH system itself. What does it mean to be an indigenized university in the broader academy, you know, the construct of the academy. Yeah, so it would be all of that very much so with our support of Hawaiian focused charter schools, this policy resonates very clearly.

Trustee Ahu Isa: Well, some things they work with Punahou School like when they do some summer school things and now all the schools like even Saint Louis is really heavy into all. Yeah this is good to know, mahalo.

Chair Akaka recognizes Trustee Alapa.

Trustee Alapa: Mine is really quick, I wanted to know is it possible Ka Pouhana that we could get a copy of that? That in this article it sounds wonderful and I really enjoyed you pointing that out and I would like to see more of it.

Ka Pouhana Hussey: It’s in the packet, but we can certainly send a separate file for easier reference, sure.

Trustee Alapa: Yes, thank you.

Chair Akaka: Any other questions, members?

Chair Akaka recognizes Trustee Trask.

Trustee Trask: You know, I just had wanted to make two comments here. The attachment of the UN DRIP is to the interoffice memo that Sylvia sent out that concerns the policy within the purview of the BAE Committee. So one thing I would like to do is I would like to say here that I've looked at all my on boarding materials, including the Board of Trustees governing documents. I do not have the binder with all of the office policies. All of the office policies and I am requesting it because when I looked at the memo you know, we see the policy doing the ceded lands, water, protecting iwi kūpuna. These are selection of the policies that we really needed to pull together to look at because of the work we're doing on the ceded land inventory, but it also demonstrates that there are many other policies that we're not seeing here, and I can't find the binder that has them and I want to review them everyone.

One thing I had wanted to point out, the UN declaration. One of the reasons why it emerges now is because when Kealoha and I and Na'u began to look at the ceded land picture, OHA already interfaces in some ways, for instance, the United States Westpac and the United States, NOAA, the National Oceanic divisions, those who take care of the fisheries. They have been implementing this framework on the DRIP since President Obama signed it into law. That is why OHA is sitting in consultation in three areas with Westpac and NOAA relating to the Northwest Hawaiian Islands. So when you look at the DRIP, it's already being implemented and has been for a while with the federal government, so it shows us how the federal government, the states and the general assembly have to relate to us. But it also shows us how we might use the declaration to advance positions we're taking with the United States of America and a good example on the ceded lands is that America and the UN took the whole Northwest Hawaiian Islands and made it into a world heritage site. The US ships sailed there. The US has the right to launch intercontinental ballistic missiles there. But we don't have a right to go there and take food unless the NOAA and the Westpac agree, so you can see from this that it may have serious impact on our subsistence food rights. But I just wanted to use this as an example so it doesn't fall through the cracks and also I just wanted to end by saying that I need to get the binder with all the policies. You know, I just realized when I saw this that I hadn't actually in the four months I've been here, I had not myself done a comprehensive review of the policies. I'm sorry colleagues, maybe you have, but I really didn't
catch it until I saw this memo so I'm just asking the Chair and the you know, the Board Chairs and Sylvia if I can get this and then I'll try to go through it as quickly as it can. Thank you.

Chair Akaka, if I can respond to Trustee Trask. Trustee Trask, we'll bring the January memo because the January memo has the mapping of the policy documents from the current policy manual and then all of the plus minus and the migration and mapping that's planned. So we'll provide that for you.

Chair Akaka: Any other questions, comments members? I wanted to check with Brandon to see if we have any testifiers on this matter.

BAE Staff Brandon: Chair, we don't have any written testimony. We do not have any testifiers that have signed up to testify and we do not have anybody physically here present to testify.

Chair Akaka: Mahalo, and just to provide clarification on what we had discussed earlier in terms of the new Sunshine Law. It was my understanding that we received it, and to clarify that that was received to myself and my team as well as the Vice Chairs of the Committees. But if you can provide more clarification on that, Everett.

Interim General Counsel Ohta: Yes, thank you, Chair Akaka. Yeah, so with the changes to the Sunshine Law I provided an e-mail to the Chairs and Vice Chairs of the Board and Committees to notify them of the change and how the public meetings of OHA need to be run so that was not sent to all members of the Board, but can be done.

Chair Akaka: Mahalo

Trustee Lee: As a member of both Committees and a member of the Board, I would appreciate that so that I don't ask clarifying questions of the Chairs like I did today.

Chair Akaka: Again, we just wanted to highlight again we did make the adjustment for the agenda so it is viewable for our viewing public and as well for our members.

III. ANNOUNCEMENTS

Board Chair Hulu Lindsey: I just want to announce that we will have our meeting of the Board at 2:30 today. We'll take up whatever is on the agenda and I'll defer the portion that refers to the Committee on Resource Management.

IV. ADJOURNMENT

Chair Akaka: I will entertain a motion to adjourn.

Board Chair Hulu Lindsey: So moved.

Trustee Trask: Second.

Chair Akaka: It's been moved and seconded. Any discussion members? Seeing none, can we please have roll call vote to adjourn.
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 11:24 a.m.
Respectfully submitted,

Brandon Mitsuda Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Committee on Beneficiary Advocacy and Empowerment (BAE) on 10/25/22.

Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment