

## BOARD OF TRUSTEES

Carmen. Hulu Lindsey, *Chairperson*Leina'ala Ahu Isa, *Vice Chairperson*

Dan Ahuna, Trustee Kaua'i &amp; Ni'ihau

Kalei Akaka, Trustee O'ahu

Keli'i Akina, Trustee At-Large

Luana Alapa, Trustee Moloka'i &amp; Lāna'i

Brendon Kalei'aina Lee, Trustee At-Large

Keola Lindsey, Trustee Hawai'i Island

John Waihe'e IV, Trustee At-Large



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**

**MEETING OF THE BOARD OF TRUSTEES****DATE:** Thursday, July 29, 2021**TIME:** 10:00 am**PLACE:** Virtual MeetingViewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR

Listen by phone: (213) 338-8477,

Webinar ID: 953 5291 8434

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

**The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listen by phone: (213) 338-8477, Webinar ID: 953 5291 8434**

**AGENDA****I. Call to Order****II. Approval of Minutes**

1. June 17, 2021

2. June 23, 2021

**III. Public Testimony on Items Listed on the Agenda\*** (Please see page 1 & 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)**IV. Community Concerns and Celebrations\*** (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)**V. New Business****A.** Entrance Conference with State Auditor Leslie H. Kondo for the Performance Audit of the Office of Hawaiian Affairs**B.** Committee on Resource Management

1. Action Item RM #21-09: Approve OHA's Intent to Apply to the Administration for Children and Families, Administration for Native Americans, American Rescue Plan Act Emergency Native Language Funding Opportunity for Native Hawaiians and Pacific Islanders for \$250,000

**C.** Update Regarding the July 20, 2021 Commission on Water Resource Management Meeting Action Item re: Approval of Dept. of Hawaiian Home Lands Application for a Water Use Permit Modification and Reduction of Reservation for Kualapu'u**VI. Executive Session**

Consultation with Board Counsel Robert G. Klein and Everett Ohta, OHA Assistant Senior Legal Counsel, re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to updates by Administration regarding potential acquisition of commercial properties, pursuant to HRS§92-5(a)(4)

**VII. Announcements****VIII. Adjournment**

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

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## STATE OF HAWAII OFFICE OF HAWAIIAN AFFAIRS

Meeting Materials will be available to the public on Monday, July 26, 2021 and posted to OHA's website at:

[www.oha.org/bot](http://www.oha.org/bot)

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

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

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

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

\*\* Notice: Trustees may establish or revise an OHA position on ANY proposed bill / resolution / executive message currently moving through the state legislature or other relative elected body. The Matrices, which are available for public review in the meeting materials at this stated meeting, provide a brief description of each bill, the bill's number, the bill's title, the bill's intent, and the proposed and specific OHA position on each measure. However, the Trustees both in committee and as the Board of Trustees (BOT) reserve the right to discuss any and all bills on the Matrix, as well as those that time does not permit to be placed on the Matrix, in order to discharge their fiduciary obligations as Trustees of the Office of Hawaiian Affairs

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

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

(2) Persons wishing to provide **oral testimony online** during the virtual meeting must first register at:  
[https://zoom.us/webinar/register/WN\\_b6KFvWUOSi-n1DbXdcW4Hg](https://zoom.us/webinar/register/WN_b6KFvWUOSi-n1DbXdcW4Hg)

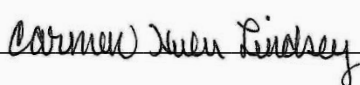
You need to register if you would like to orally testify. Once you have completed your registration, a confirmation email will be sent to you with a link to join the virtual meeting, along with further instructions on how to provide oral testimony during the virtual meeting. The registration page will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

To provide oral testimony online, you will need:

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

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

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



Trustee Carmen Hulu Lindsey  
Chairperson, Board of Trustees

7/23/2021

Date

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
July 29, 2021  
10:00 A.M.

**II. Approval of Minutes**

1. June 17, 2021
2. June 23, 2021

**DRAFT**

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

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**Minutes of the Office of Hawaiian Affairs**  
**Board of Trustees**  
**MINUTES**  
**June 17, 2021**

**ATTENDANCE:**

Chairperson Carmen Hulu Lindsey  
Trustee Lei Ahu Isa  
Trustee Dan Ahuna  
Trustee Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brendon Kalei'āina Lee  
Trustee Keola Lindsey

**BOT STAFF:**

Colin Kippen  
Amber Kalua  
Kanani Iaea  
Lehua Itokazu  
Melissa Wennihan  
Crayn Akina

**ADMINISTRATION STAFF:**

Sylvia Hussey, Ka Pouhana / CEO  
Casey Brown, Pou Nui / COO  
Kalani Fronda, Land Assets Director  
Raina Gushiken, CC  
Everett Ohta, CC  
Ramona Hink, CFO  
Kevin Chak, IT Support  
Erin Nakama, IT Support  
Tiger Hu Li, IT Support  
Robert Klein, Board Counsel  
Kurt Klein, Board Counsel  
Maile Luuwai, GRNT Mngr.  
Miki Lene, GRNT Specialist  
Kai Mana Peres-David, HR Director

**GUEST:**

Sam Chung  
Anna Elento-Sneed  
Randall Sakumoto  
  
Healani Sonoda-Pale  
Kamuela Kalai  
Kai Markell  
Kamakana Ferreira  
Germaine Meyers  
Justin Kekiwi  
Roslyn Cummings  
Noelani Ahia  
Leo Caires  
Thomas Shirai

## **Call to Order**

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Thursday, June 17, 2021 at 10:00 a.m. Chair Hulu Lindsey calls for a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA'ALA	AHU ISA	X	
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRENDON KALEI'ĀINA	LEE	X	
TRUSTEE	KEOLA	LINDSEY	X	
TRUSTEE	JOHN	WAIHE'E		Excused
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			8	

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

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

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Before we start VI. 1 and 3 were received under the 72-hour deadline.

Let me go over some quick announcements. Please mute your mics when you are not speaking. Trustees and our CEO please enable your cameras if you are able to do so. All other OHA staff please enable your camera and mic when addressing the board. If you get disconnected, we will pause the meeting for one minute and wait for you to log back on. After one minute we will proceed with the meeting. If you need to leave the meeting, please inform the Chair by announcing that you are leaving the mtg. We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting. Joining the Trustees today is:

Kurt Klein-Board Counsel, Sylvia Hussey-CEO, Colin Kippen-COS, Lehua Itokazu-Board Secretary, and my Aides-Kanani Iaea and Amber Kalua.

I will now call on Sylvia to announce our administrative staff joining us this evening.

**Sylvia Hussey, CEO** Thank you Chair. Good morning Trustees we have COO-Casey Brown, CFO-Ramona Hink, HR Director-Kai Mana Peres David, Senior Legal Counsel-Raina Gushiken, Legal Counsel-Everett Ohta, Our Land Director-Kalani Fronda, Grants Manager-Maile Luuwai, our Interim Grants Lead-Miki Cachola Lene, and our IT Staff for support. Mahalo Chair.

**Chair Hulu Lindsey** We will move on to the approval of minutes. I would like to call on Lehua.

### Approval of Minutes

**Lehua Itokazu, Board Secretary** Thank you Chair. I would like to make a note that the minutes on page three, there is a typo, and I will be making the correction.

**Chair Hulu Lindsey** Can I get a motion to approve the minutes for May 20, 2021.

**Trustee Akina** Moves to approve the minutes.

**Trustee Ahu Isa** Seconds the motion.

**Chair Hulu Lindsey** Roll call vote.

<b>Minutes: May 20, 2021</b>						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>		X	X			
TRUSTEE DAN <b>AHUNA</b>			X			
TRUSTEE KALEI <b>AKAKA</b>			X			
TRUSTEE KELI‘I <b>AKINA</b>	X		X			
TRUSTEE LUANA <b>ALAPA</b>			X			
TRUSTEE BRENDON <b>LEE</b>			X			
TRUSTEE KEOLA <b>LINDSEY</b>			X			
TRUSTEE JOHN <b>WAIHE‘E</b>						X
CHAIRPERSON HULU <b>LINDSEY</b>			X			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			<b>1</b>
<b>MOTION:</b> [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with eight ( 8 ) YES votes and one ( 1 ) EXCUSED vote.</b>						

**Chair Hulu Lindsey** Moving on to item III. Public testimony.

### Public Testimony

**Chair Hulu Lindsey** Before she speaks, I would like to read our requirements.

We are now on Public Testimony – I will review our Public Testimony Guidelines. Public Testimony should be limited to matters listed on the meeting agenda and will occur during the Public Testimony portion of the agenda. Once the public testimony section on the agenda has concluded, oral testimony online will no longer be accepted. Your name will be called, and your microphone will be unmuted when it is your turn to testify. If you

are not audible, you will be muted, and the next testifier will be called. Your name will be called again before the conclusion of the public testimony section. State your name, organization if applicable, agenda items you are testifying on, and your position on each of the agenda items.

If you begin to address other issues not on the meeting agenda, I will call you Out of Order and direct you to limit your testimony to items listed on the agenda. Oral testimony online will be limited to 5 minutes. A timer will be on the screen to count down the time. Your mic will automatically be muted once you have completed your oral testimony or if your allotted time for testimony expires. You will be asked to disconnect from the meeting, unless you are also signed up for oral testimony during Community concerns. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on livestream. Also, any late testimony will be distributed after the BOT meeting. I will now call on staff to call on the list of testifiers.

**Healani Sonoda-Pale** Aloha, Mahalo for allowing me to testify. I am testifying on agenda under new business, budget and strategic plan. I know that the Office of Hawaiian Affairs (OHA) is reorganizing. I want to stress as a community advocate that there are certain components in OHA that really need to stay in tact, one is the compliance department. Specifically, to Kai Markell. I can not stress enough how important he is to our communities, especially those who are working to protect our iwi kupuna. He has been a support and resource for many of us. As an ex-employee I understand the complex of that office and I know that it can be kind of doggy-dog there, it is something that's been on going. There needs to be more team building, training, and support for each other in the office. We support Kai Markell staying on board at OHA. If OHA loses him and we lose him as an advocate for our community then that will be a huge loss to the protectors of iwi kupuna.

Looking at the Budget and strategic plan, I agree taking grants out, the priorities that you are doing, I am concern about the health priorities, and racism in obtaining quality health care. I think there needs to be work in that health section. I wanted to share my mana'o and for Ka Lāhui Hawai'i. We support Kai Markell staying on board with compliance. It's great that OHA gives out grants, but they also do a lot of advocacy and he is one of those advocates. Mahalo.

**Kamuela Kala'i** Aloha mai, glad to be here with you folks today. My name is Kamuela Kala'i, mahalo for the opportunity to express my mana'o today. I am here to express my concerns regarding the plan to reorganize OHA. I have been told that our compliance division will be completely cut from OHA's organization. Please hear me when I say, that would be a terrible thing to do. Compliance is the one place that beneficiaries can rely on for help with the care and protection of our iwi kupuna. The staff will listen to the horror stories of ongoing attacks on our iwi kupuna burials. It is one place where we can bring our concerns and know that help is on the way. The compliance division needs to be fully staffed and resourced, without their help our kupuna will be subjected to continued and worsening onslaught of desecration and disturbance. For those of us on the front line we will be left to ourselves to stop the massive desecration of our kupuna. We need help, our kupuna need help. We need help with understanding our right to engage in civil disobedience, protest, and protection of iwi kupuna. We need help with the impacts of being arrested, being thrown in jail, posting bail, and defending ourselves in court. We help to ensure all nine seats on the island burial councils are filled. We need OHA to fill one seat on every burial council as a large landowner. We need help to ensure the State Historic Preservation Division (SHPD) follows the law to mālama kupuna. Compliance has helped with many issues in the past, they continue to work on things today, and I am truly grateful to Kai Markell. He is one of the strongest advocates for iwi kupuna. I implore each of you to seriously consider keeping the compliance division fully staffed and intact, without them our iwi kupuna will be in much greater danger than they already are if you can even imagine that. They are in grave danger every where from Hanalei and Kōloa on Kaua'i to Ka'a'awa and Pūpūkea on O'ahu, to Wailea and Lahaina on Maui, and every other island. Our kupuna are our foundation and

we must do everything we can to protect them from harm. Just as our kupuna stood their ground on Maunakea and paid the price by getting arrested; I ask for you to stand your ground and protect our iwi kupuna with the best resources that OHA has which is your compliance division and the dedicated staff. Mahalo nui.

**Kai Markell** Aloha piha iā ‘oukou pākahi āpau. Aloha Chair, Vice Chair, and Trustees. Thank you for this opportunity to testify. I am humbled and grateful. I am testifying on the strategic plan and re-organization on the agenda listed in executive session. My name is Kai Markell and I am the Manager of Compliance Enforcement for OHA. As the longest surviving Manager at OHA of seventeen years and counting. As you all know, I have already submitted hundreds of pages of testimony but I feel a need to speak here today because aia ka mana i loko o ka ‘ōlelo *There is power in the word*. We talk about mana. You don’t get mana from reading a book. Mo’i Kalākaua redefine mana. Inherited mana is the kindness, goodness, and compassion that justice and pono that your ancestors did. You acquire mana in this lifetime by doing the same things. Mana doesn’t come from titles, positions or western power in the Government or structure. OHA sadly possesses nowhere near the mana we should have after forty years. Our Lāhui possesses the mana. Beautiful Moloka‘i friends shared about when Ka‘ahumanu soldiers went to burn the heiau’s down and the Kahuna pāku‘i prophesized that the high born would fall and the land and the Hawaiian people will suffer. We are suffering today but it will be the people of the land that will rise once more and restore pono and righteousness. That the kanaka lepo popolo, the common people of the land that rise out of the taro patch with mud on their legs, they hold the mana. Our entire administration seems to be pointed over from Kamehameha schools. We’re not a private charitable educational Trust, we are a government agency with specific constitutional statutory and fiduciary duties to our beneficiaries. The obligation to spend public tax dollars sufficiently and effectively as well. Like KS struggles to be a school for Hawaiians or a Hawaiian school; we are an agency that serves Hawaiians. Sadly, we are not a Hawaiian agency. We put out Hawaiian content, showcase Hawaiian ‘ike and cultural programs, we establish Hawaiian values like kūlia, kākou, and aloha. It’s rarely exhibited internally like a dysfunctional family. Look at the people’s needs forty years ago, thirty, twenty, ten years ago. I’ve looked at previous surveys, focus groups, community meetings it’s the same nothing has changed, it’s the same basic needs. Now, you add another strategic plan and re-org. We keep changing the players and the playing field. We bleed out staff with high turn over and lose any semblance of mana that OHA builds up. Time and time again. In advocacy, knowledge and experience are power, relationships and reputations too, integrity, honor, knowing more than your adversary, knowing the mo‘okū‘auhau, the genealogy, the history of any contentious issue. There’s never been much beneficiary money in my program it’s been staff and their hearts and minds. That’s where we put our resources. Grant money is wonderful to give away, but this isn’t OHA’s money, however. It belongs to the lāhui, we hand out their money to some of them as if they should all be grateful. We have a new strategic plan after pulling hundreds of beneficiaries when we have half a million beneficiaries. Pauahi was a servant leader, she’s not in front saying follow me, this is where we’re going. She was behind her people encouraging them, supporting them and letting them lead. How do we support our people? We stand next to them in the trenches, in the lo‘i, in the ku‘e action. Chair Hulu, you know this, in Mauna Kea. OHA did this at Naue, Kaua‘i we stood with our people to get arrested to protect the burials. Thirteen years later the same issues are over there. Our kupuna jumping in the utility trench in Maui to protect their kupuna, they get arrested. Now a civility suit. Where’s OHA? We’re over here rearranging the chess board pieces thinking somehow we’re going to get a different result after forty years of brilliant kupuna are already laying it out for us. As if we arrogantly know better. So, we can look back and reassess in two years, five years, ten years and say once again that didn’t work out, let’s try something else. Meanwhile, we are losing kupuna every day and losing more ‘āina each day as well. If island culture showed you the foundation of this re-hashed strategic plan, how can they be just a quote “lens” to look through at health, education, housing, and economic development. Who at OHA protects the foundations of this strategic plan? The ‘āina, culture, the ‘ohana. Who helps OHA fulfill its constitutional statutory and fiduciary duties? Who protects native rights, access, environmental resources, traditional customary practices, and the resources they rely upon? Article twelve sec.7 the State reaffirm shall protect all rights, customary,



traditionally exercise. Subsistence culture and religious purposes. That is OHA too, we are the State. We can't tell everyone else what to do like the Grand Wailea today. We need to set the example ourselves. Why is compliance enforcement a separate and distinct unit? So, we can ensure OHA as a landowner and soon to be developer is held to the standards that we hold everyone else to. We review all these land projects, Kaka'ako Makai, Palauea, Waokele o Puna, Papahānaumokuākea, Halawa Luluku independently so OHA holds themselves accountable. The same way we hold everyone else to because everyone is watching, trust me. Do as I say not as I do. Who was set to testify today before the Grand Wailea? That's us, again. Remember when the petitioners came to OHA asking for legal representation? We couldn't help them and NHLHC couldn't help them. They're doing this on their own, think of how much of our resources is spent on a failed initiative and to fulfil someone's agenda and ego. If OHAs pono and sincere and all the David and Goliath battles raging out there with our beneficiaries, OHA could be the pōhaku ma'a, the sling stone that whips that battle. All the resources spent on advisors and consultants, polls, and public relations campaigns. If we simply and truly empowered our Lāhui and stood with them side by side with fierce advocacy, they would sing our praises. Shame on us for spending precious money on our own PR damage control. I keep hearing our functions will remain in the new rule and order of OHA. We are front advocacy so why move us to community engagement who has their own specialize kuleana. Defining position descriptions is not substantially different then what we do now then that would be actionable discrimination. We don't engage to community, we engage agencies; Federal, State, and County. We engage corporations foreign and domestic, the water diverters and stealers, the destroyers and desecrators of 'āina, and the last vassages of historic sites and the bones of our kupuna. We engage the military industrial complex standing up for our beneficiaries the most sacred sites when we sued the army. \$10 mill. dollars into the economy \$2 billion dollars missile defense radar, Red hill leaking fuel into ka wai ola Kane into our aquifers, Pōhakuloa and Makua leases are coming up that's HB499. Who benefits from this re-organization of OHA? These agencies, corporations, developers, and military developers of industrial complex are going to benefit from weakening our program under this plan. Who will not benefit is our beneficiaries. OHA does not need a change in staff, we need stability. Now more than ever, to build a foundation. Finally, section ten HRS; general duties of the board. The general duties of the board shall be (A)(1) to continually update a strategic plan. Continually, update it, lomi lomi it, fix it little bits at a time. If it works, build more. The organization of the office administration program structure is the Board's responsibility including the use of personnel, that's us, the maka'āinana, and often the kauā. How can OHA as your own Board policy state be a pu'uhonua for our beneficiaries when we are not a place of refuge for our own hard-working staff. Let's not talk about our own Maui Ola, well being. How can OHA help heal our lāhui when we can't even heal ourselves. He mana'o lele wale. Mahalo

**Kamakana Ferreira** Aloha Trustees. My name is Kamakana Ferreira. I currently serve as the Lead Compliance Specialist at the Office of Hawaiian Affairs. I am also a Native Hawaiian beneficiary of OHA thus feel entitled to speak critically to oppose this re-organization. In particular, I am concern with this elimination of the Compliance Enforcement Program. I take my job very seriously and based on the very limited information provided so far, I worry that services to prevent beneficiaries could severely disruptive in the relationships built over the years could be damaged. We have been provided with no confidence or explanation of our program nor job discriptions have been provided to alleviate the concerns I have. Since my time in Compliance, I've never had a bad performance review, I've been told our focus needs to change, so the elimination came as a shock. And it has added an additional layer of stress to the work we do directly tied to OHA statutory functions. During my time in compliance, I've witnessed our advocacy efforts result in more cultural sites in protective and preserve. We've seen more consultation opportunities provided to our beneficiaries. We've seen more cultural monitoring employed. We've seen team products modified or moved to address community concerns. We seen the return of many iwi kupuna in various parts of the world. We've seen the return of sacred objects, like the waiea bowl in Halawa Valley, it was taken interstate H3 construction. Recently returned to the Matson ohana. This is advocacy in action, all of this advocacy was done through hard

work, collaboration with beneficiaries, discipline, and adherence to a systematic process that works. So, when I heard our program was being eliminated, I wondered if we did something wrong? The trustees have heard administration explain that the compliance function is not leaving OHA but I have not seen anyone asking critical questions. Why do we need to create an entirely new unit to do the same or similar work that we are doing now? Ask yourself, is this the best use of resources? Since no client is perfect there must be some risk involved. These questions could also be applied to other central functions like IT, procurement, or financial services at OHA. OHA Compliance sees an average of about 600 projects to review per year. This is an observable that goes back more than ten years. When you look at the projects that get loaded into our Papakilo database. Most of these projects require consultation with OHA either the Federal or State statutes, administrative rules, County ordinances, or even existing agreements. Statistically, most of the work is Historic Preservation related. So, its quite shocking that the Compliance archaeology position that currently sits in our unit is totally eliminated in the re-organization. Even if our unit is eliminated these matters will still come to OHA and OHA must answer. It's not the kind of work that can be contracted out either. I bring this up cause theres talk about contracting more things out. Notably OHA has been critical about other agencies contracting core functions and we must not forget Government work contracts only certain types of firms that may not be in OHA's best interest. The OHA Compliance unit already has a set of standard operating procedures and a set of position descriptions with SR ratings and exempt, non-exempt classifications. Creating a new unit would necessitate all of that to be re-done. To me it would be more resourceful to refine existing programs and procedures with minimal program elimination. When Trustee Keola Lindsey was a Chief Advocate, he laid the groundwork for this sort of effort as we worked to brainstorm how the SOP reports could be revised? Unfortunately, the task to continue this work was not taken up by the administration upon trustee Lindsey's leaving. In closing, I'd like to emphasize that our unit has built relationships with beneficiaries and established a variety of social networks over the years. We know their faces and their stories, and they know us. We affectively advocated along side them and there is still so much work left to do. OHA should be preserving and strengthening this kind of bonds and valuing the expertise we have. Not eliminating good programs and forcing hard good working people to reapply for their jobs. As it is now its such limited information, the re-organization feels to brand and auto correct. I ask you trustees now to help preserve the bonds that have been formed with beneficiaries over the years and allows to continue to grow them. At the end of the day, I'm a Native Hawaiian afraid for my job, yet I dedicated myself to OHA and produced results time and time again. There are many at OHA that in the same predicament so please Trustees, be fair and kind. Mahalo.

**Chair Hulu Lindsey** Thank you Kamakana.

**Germain Meyers** Aloha Trustees. My name is Germaine Meyers, I am an OHA beneficiary for beneficiary advocacy and empowerment. I am also a Nanakuli homestead lessee. First, I would like to provide testimony for and on behalf of our Nanakuli Maili Neighborhood Board. This week on June 15, 2021, our neighborhood board and after full and free discussion unanimously support OHA's biennium budget for the fiscal years 2022 and 2023. Mahalo OHA Board Chair Hulu Lindsey, OHA BAE Committee Trustee Kalei Akaka, OHA's CEO Sylvia Hussey for presenting OHA's Biennium Budget to our board members and to our community and for answering everyone's questions. Our Nanakuli Maili neighborhood represents approximately 1,400 Hawaiian Homestead lots and families that live in the Nanakuli Hawaiian Homestead and Princess Kahanu Homestead. We also represent Hawaiians that live in DHHL lots allocated for transitional shelter in Maili. We believe that OHA's budget will support OHA's strategic plan. Trustees, my testimony from this moment forward including later my community concerns represents my personal views and research. I want to clarify, first and foremost that I do not support the elimination of the research department. I've read the testimonies of the others and I am shocked to hear that Kai Markell's position may be eliminated. I voice the same concerns as others that our research department and the current personnel that understand OHA and Native Hawaiian needs are important to OHA's structure. Trustees, I was happy to see that OHA extended the Covid response grants statewide. These

grants do not require nonprofits to provide match funds. Therefore, I wrongfully assumed that all eligible applications would be granted funds and that all available funds would be divided evenly pro rata among all eligible applicants knowing Covid impacts every island, every community. And all applicants that were in eligible trustees in the community will be told why not eligible. I live on Oahu in Nanakuli, OHA allocated \$524,380 for Oahu Covid impact response. Maile Lu'uwai told me this morning that eleven applications were received for Oahu. Seven were found to be eligible but as you will see in the packet only four nonprofits are being proposed to receive OHA Covid impact and response grants from OHA. Of the four applicants being proposed, two will exclusively serve Waimānalo Homestead, one will exclusively serve Papakōlea Homestead, and one will pay for a brand-new mobile clinic. Nothing for West Oahu Hawaiian Homestead communities. When I look at the details of the four, what I see is the following; Partners in Development Foundation \$150k to serve Waimanalo in Oahu. I noted that Partners and Development received contract 3304 for the island of Hawai'i \$100k were awarded back in 2019, which is actually in the packet. Then Papakōlea Community Development Corp. They asked for \$78,541 and they received it. Yet, earlier they received \$75,000 for park equipment and now the \$78 will equip supplies to help staff to train 181 Hawaiians how to safely use the park facilities. At the same time, I'm in Nanakuli, Kalanianaʻole beach park where it's the only park for us to use for our Homesteaders. We have a 1,050 homestead lot and Princess Kahanu has over 200 and we do not even have a women's sink in the restroom to wash our hands yet we are supporting this. In healthy mothers helping babies coalition, will receive \$149,999 for the mobile clinic and Ke Kula Nui Waimanalo will impact 120 participants and they will receive \$148,860 almost the full \$150k maximum. So I am concerned. When I look across all the other islands, what I see is KUPU is receiving grant after grant over every island. Hawai'i \$54,345, Maui \$140,088, Kauai \$84,336, Moloka'i and Lanai \$55,042. Why is KUPU, which Kaulana Park is the President, he is the ex-DHHL Chairman. Why is one non-profit receiving all these funds? All over the islands and yet, others are denied. Specifically, seven applicants, three were denied on Oahu. Eight eligible on Hawaii island and only six got. So these are the answers that I am looking for in the presentation. Mahalo trustees.

**Justin Kekiwi** My name is Justin Kekiwi, my lineal descendant of Honolua, Maui born and raised on the islands, beneficiary to OHA. Growing up I heard a lot of stories and rumors about OHA and about corruption and stuff. It made us mistrust the program. As I got more involved as an advocate for cultural resources and protecting our iwi kupuna and cultural sites, we reached out to the enforcement compliance division and they were very inspiring and very helpful to us. It's very disturbing to hear that a possible re-organization would get rid of this division and a lot of employees. For me and my ohana, we spent many years working specifically with Lauren and Kamakana. To see all those years. They save villages here; in Mo'omuku, Maui, in Honouliuli, Wailea, Paeha, Wailea 670, there is too much to mention. To see all of that slip away right now, I can just see the developers right now. They're cheering, they're happy. If this goes through and you let this happen, we are taking ten steps backwards and are keiki along with everything we worked for will be for nothing. Don't lose those foundation blocks. What I am worried about now is that we are in negotiations. Your branch holds a lot of teeth and muscle in these meetings. If we lose them then we're back at square one. We cannot let that happen. So please really think about your decision. Fix where you need to fix but don't let go of your good workers. We all in this together, we one Lāhui. I see this happening as a negative impact to the beneficiaries and to our people. Please really think about saving those employees and saving that branch. Thank you for your time and this opportunity. I look forward to working with Kamakana and Lauren and the rest of you guys over the years. Mahalo for your time. Aloha.

**Chair Hulu Lindsey** I want to put your minds at ease that there is no intention of our getting rid of the compliance department. It is a department we consider very serious and very apart of OHA. We know what our employees have done in different communities statewide. Please know we are not considering getting rid of the compliance department. It is a very important part of OHA.

**Roslyn Cummings** Aloha, I am an OHA beneficiary. I also started a non profit with other Wahine. Our non profit is called e ola kākou Hawai‘i. We established this nonprofit in regards to our vitality, ola. I am contacting all of you in regards to the re-organization on the agenda. Mainly because I have been in contact with Kai Markell. I pule, pray that he is still in the position that he is in and it is fulfilled with righteousness because of the desecration of our iwi kupuna. From February, we have been front lining it down in Koloa and it took us a month to get enforcement down. We finally found out what we knew that they were grading grubbing, when they did not have permitting. I had no one else to reach out to other than Kai. I would also like to thank Dan Ahuna for answering my emails and calls. It is hard for me to know what is going on at the OHA level. To see what is going on Weiki road, the wife of Ahu Kiniaialaa, with her rib sticking out. The word I use is kaumaha, I am very sadden by this. Three days later we did ho‘oponopono. After ho‘oponopono was done we found out the archaeologist moved her child about a one year old baby into a house, hidden in a box. No one showed up from the burial council or SHPD. Everything was done on Face Time. There are several generational burial on one site alone. The decision was made for the septic to go in. Protocol and ho‘oponopono was done amongst its people, the people Native to these lands. What are the burial laws? Where are the descendant rights? Everything had gone through. After the burials sat in the sand for nineteen days exposed to the elements, I called for help and no one answered but a few people. My goal is for you to understand, kaumaha is saddening to see this continue to happen. There is never a break in between. To look at our iwi kupuna be treated like they are nothing. I have seven children. They are all registered under OHA. I think to myself, what kind of foundation are we leaving behind for them. Our cultural sites are being depleted everyday. Our waters are being poisoned and our iwi kupuna is our structure. I tell myself, 1893 all over again. We are doing it all over again. When I stand there talking to the developers, I look to my side and I see our people saddened. They look at me for answers and I do not know what to do. How can I rely on a compliance department that is not even available because of this type of eha going on. I am begging you guys as a voice for our kupuna to please listen and hear us out. We need this compliance and enforcement division. We need the understanding and each other. Our kupuna is getting desecrated everyday. We need to stand tall and together. Mahalo for you time. Mahalo piha. Mālama pono.

**Noelani Ahia** Aloha mai kākou. I am so happy to be here today. I wanted to thank you Trustee Hulu Lindsey for sharing the mana‘o that compliance enforcement is not going to be removed. I do hope with every ounce of my being that it is true and they will not have to reapply. I hope that they will be fully supported by OHA’s administration as well as the Board of Trustees. As many testifiers have said, Compliance enforcement are some of the only bodies in OHA truly show up to stand with the people and help support our frontline work. With out them, who will save the bones? We will be out there alone again. In general, the re-organization, I do not fully support. The re-organization focuses on housing, healing, and education. Of course they are all very important things but we have to look a little bit deeper. OHA needs to address the historical trauma and be apart of stopping it from continuing to happen. We continue to have injuries ever single day when our iwi kupuna are desecrated, when they are ripped out of the ground. This is a reflection of how kanaka maoli are treated in Hawai‘i, as if we don’t matter. We have to be very clear about the positionality on where OHA stands when it comes to settler colonialism. The current protection of iwi kupuna is directly connected to the health and well-being of kanaka maoli. While homes are important, and yes it is a crisis again, we need to think deeper. Where I live near Paukukalo, Maui we have Hawaiian Homes that was built on top of iwi kupuna. After the sand was taken out and used for cement. OHA sued over the sandmining but they didn’t sue to stop it and protect the burials. They sued to make sure they got their cut of money. Did that money come back to the kanaka maoli who are suffering? I doubt it. Times have changed but OHA needs to be clear about its position. Where you folks stand on the root cause of suffering will tell us how you are going to function in the future. Giving out grants is fine but again it does not address protection. It doesn’t address stopping the injuries. It doesn’t provide remedies. We need immediate help now. Our frontline action community is about challenging status quo and moving ourselves towards pono and protecting our iwi kupuna, our ‘āina, wai, and our people. Status quo is

what keeps our kanaka maoli in the various states of oppression. OHA has to decide if it wants to maintain status quo and fit in with the settler society and dress up nice and seem civilized or do you want to reach down and rise up with the people and challenge the status quo? To create true lasting, political, economic, and social justice for the kanaka. OHA is suppose to be the agency for the Hawaiian people. We need all of you as individuals to rise to the occasion and stand with the people. Dealing with iwi kupuna like the other testifiers have said is filled with kaumaha and grief. I too cry on a regular basis. We can not put our blinders on or close our eyes and pretend that this is not happening. We are doing as much as we can with the limited resources that we have. It is like a full time job. We do it because we know in our na'au it is the right thing to do and our kupuna called us to do it. We need you folks to stand with us. Without people like Kai Markell, Kamakana, and the folks in compliance enforcement we would be so much further behind than we are. We need them, we need you to support them, and we need you to look at your positionality as an institution. You need to use your institutional power for richousness for our people to restore whats pono. Mahalo nui and e malama i na iwi kupuna. A hui hou.

**Leo Caires** Mahalo for the chance to be heard, this is my first time sharing infront of OHA. Here is my letter, I want share just a few statements of how appreciative my ohana is in Maui from receiveing help and support from OHA and the staff. My ohana owns an eleven acre fishpond in Hana named Hukuloa. Our ohana inherited this land. It was originally owned by Julia Alapa'i Kauwa'a, I understand that she was a high chiefess and recieved the royal pattent commission award 8525B during Kamehameha III reign. Her mother was the youngest daughter of Chief Alapa'inui and her father was Nahili a sailing master for Kamehameha I. In some of the historic notes says Kamehameha came and helped us rebuild our fishpond wall. There is a street in Honolulu named Alapa'i after her. This pond has endured so much over time and has really been a beacon of strength of our culture in Hana, in Maui. The spirit there and the ability to provide a reliable source of food to the district and the keiki of Hana. We were faced with complex land issues from a developer who wanted to build a septic waste system and leaching fields next to our pond. There was so many laws and rules that created a very complex situation it was difficult for Hana to decipher the entire process. I reached out to OHA at that time, and we received an overwhelming response and help for us to understand and dive deeper to understand this land compliance. We had the pleasure to work with a gentleman, Kamakana Ferreira, he works in this land compliance division. All I want to do is to say if it wasn't for the expertise of someone like, Mr Ferreira, I don't think our family would have little to no chance navigating the difficult lands issues in the context of cultural preservation among other things. This battle is still ongoing. I'm compelled for OHA to find ways to retain talented individuals like Mr. Ferreira in your staff. Furthermore it is an opportunity to expand the expertise rather than down size. The Hawaiian Community has so much talent. We must find a way to invest more into the staff. I just wanted to emphasize the and impress by the support we received and recognize that intellectual capacity and mana of Mr. Ferreira. He is a great representative of OHA, I hope you keep him and others like him on staff. I wanted to share some points: OHA is a valuable resource, you come and fill in the gaps. I look at the structures and it appears to be very academic in nature. In the plan I did not see a lot of information validating the structure. When you restructure these kinds of things, you need to look at how will this affect the collaborations vs. a stronger power structure over staff. Things of that nature. How does that impact creativity and innovation across the organization? I look at the academia structure and how to tie more culturally into what works for our people and could it better serve our people. My last point, these kind of issues with these important staff that we are appreciative of. I don't look at it as a cost but as an investment. Mahalo.

**Thomas Shirai** Good Morning everybody. I am going to speak on only one item. I am here to testify for my very good friend, Kai Markel and the Compliance department. They are a very essential part to the structure for OHA. I go back with Kai a very long time. I served two terms on the Oahu island burial council. My first term was 1998-2002 when Kai was still with SHPD and the expertise he brings to OHA regarding compliance and iwi kupuna is tremendous. For two years, 2005-2007 KHON Leslie Wilcox covered the desecration of iwi

kupuna of my great, great, great grandmother, Napua Kau Kaukulu at Kawaiapae known today as Kawaiapae Airfield. My family, both are heavily documented in the sites Oahu, our family was a konoiki of Kawaiapae and we own lots of land in Waialua. We are the immediate care-takers of such cultural sites as Leinakauhane and all those places. We didn't win the lottery, they were people of rank, pre-western time. When Kamehameha III, Mahele came around and gave them the opportunity to purchase land. Kai and Jerome Yasui helped me re-inter my ancestors' bones in 2007 at the airfield. Andrew Perreira and his camera man also did that. You can already see how much I want to give back and support Kai and not have him leave OHA. Keep the compliance division, do not eliminate them. They are important. You heard everybody say how important they are and that's all I can say. Compliance is an essential part of OHA. I like what your doing with Kukaniloko. Wailua needs to be informed also on what's going on in Kukaniloko. All five kupuna there are kupuna of my Grandpa, my family. Its as much apart of Wailua. That's all I want to say. Have a nice day, stay safe.

### **Community Concerns**

**Kamuela Kalai** Aloha mai and mahalo nui for this second opportunity to share my mana'o. There is a couple of things I would like address. 1) your beneficiary advocacy committee has no room for community concerns. I wanted to testify last week. That committee is all about beneficiaries advocating and empowering. I would like to ask that you consider adding community concerns to those meetings especially that particular meeting. 2) I would like to advocate for the re-instatement of your Naive Hawaiian Historic Preservation Committee that use to be the one place we could go to voice our concerns. I anticipated in several of these meetings when I was trying to protect iwi kupuna at Kawaiha'o. Right when we made progress and was about to take our report to the Board of Trustees they got cut off. That is an important committee because it allows our people to come and voice their concerns and get them addressed. Please consider re-instating that committee. Also, on a personal note; ten years ago, I would attend every single OHA meeting for a year. Starting in 2011, I would come and ask for help to protect iwi kupuna at Kawaiha'o Church. When I started there was only 69 iwi kupuna that had been removed from their graves and placed in baskets. I was hoping to prevent anymore desecration. I contacted OHA and the first person I spoke to was Kai Markell. He suggested I go to the Board meeting and express my mana'o. I did and I continued to go every meeting. Over the course of time, I got arrested. I was involved in Ho'oponopono. I was involved with talks with the church and the church decided to walk away from the table and continued the desecration. Within a few months the iwi kupuna, over 700, kupuna were dug out of their graves. Today they are still in the basement of the church. I remember meeting Trustee Hulu Lindsey at one of those meetings. I believe it was one of your first meetings as a trustee and I remember your compassion and aloha. You reached out to me and I was so grateful for that. Sometimes that's all it takes, just somebody that understands. When they talk about kaumaha, it's real. It is pain and stress that I've been carrying. Our iwi kupuna everywhere are under attack. I was not going to testify because I thought it's a waste of my time. I come, I talk, I cry, and nothing happens. The desecration goes on and on. I just want to thank Trustee Hulu Lindsey for supporting the cause and allowing us to have an iwi kupuna committee. Trustee Keola Lindsey, when he was in compliance, he had to listen to me cry and rant. Thank you, Keola. This is happening and it's real. I want everyone on the Board to think about your own kupuna. What would do? What would you feel if they were being dug up, thrown in a plastic bag, and stored in a basement for over eleven years? It is painful. If I can just find a little more strength to ho'omau and do what we all need to do, it's to protect our kupuna. Mahalo nui.

**Germain Meyers** Aloha, I am an OHA beneficiary for beneficiary empowerment. I am also a Nanakuli Hawaiian homestead lessee. First, I would like to mirror the support of the testifiers that came before me. Saying that community concerns belong where it was once before the previous Chair removed it from the committees. Prior to that, community concerns was in Resource Management meetings and in Beneficiary Advocacy Empowerment committee meetings, and Board of Trustees. It was sad when it was removed because

we have little time, only five minutes to give our voice. I also feel Resource Management sometimes you may not have concerns right away about agenda items but yet you may have concerns related to issues related to finance but you cannot voice them because there is no Community Concerns. We need that back in each committee meetings again. I would also like to share that I went on OHAs website, and this is what it says about OHA's Compliance Enforcement. OHA's Compliance Enforcement Program is part of OHA's Advocacy line of business. The purpose of the program is to provide legal and policy compliance review, assessment, and corrective action services to OHA's top leadership. Allowing the organization to take proactive steps when organizations interpret or misinterpret or implement laws in ways that may harm the Hawaiian community or may not be in its best interest. This is what we are being told what Compliance Enforcement stands for. That's why I support Kai Markell, because that's exactly what he did. He always looks at how our Hawaiian communities are going to be harmed or when there was misinterpretation or misimplementation of the laws, he always supported us. I speak from experience. Kumu, Mike Lee, I met him at an OHA meeting. He passed away in 2019 but between the time I met him and the time he passed away, he shared with me different issues that are in our communities. He took me with him to the legislature to request for support for burial sites with desecration. The taikus with the owl. Where did we get our research from? Where did we get our help from? That was from Kai Markel. I speak to you on behalf of Kumu Mike Lee as well, who I very much miss deeply. The short time I was with him, there was one thing that stands out the most; when we would talk about something and research on our own we would always go to Kai Markell. He would always take it to the next level. Kai provided clarity regarding the real issues and the guidance. That is something OHA can not eliminate especially for these specific individuals and department. There are other departments you can shave off or realign but not this one. This is about what is the best interest for our Hawaiian community and about harming our community. Mahalo for listening to my community concerns.

**Justin Kekiwi** Mahalo for clarifying about not getting rid of compliance earlier. I'm new as far as jumping into OHA meetings. I just want to mahalo you guys again for giving us the opportunity to voice our concerns as beneficiaries. A lot of us are lost and we are trying to claim our identities. Having these opportunities inspires us. Gives us strength to move forward and set foundation blocks. My concern is about the re-org and the Compliance enforcement division. If that's not what is happening, then I apologize for not doing my homework. As I said earlier, without that division, Lauren and Kamakana, a lot of our history would've been lost. When the developers have to deal with us, it's nothing for them. To them we are nothing, we have no money or voice. We are easy to kick to the curb. When OHA steps in, they cringe. They know they must respond and behave ethically. That is why I feel that this division has a strong hold. Mahalo you guys, I look forward to working with you guys in the future. Thank you all. Mahalo nui, Aloha.

**Roslyn Cummings** Aloha no, I just wanted to thank you Chair for speaking up that you are not getting rid of the Compliance. I have a lot of people watching me here in Hawai'i and in the world. I want to let you know that I need this compliance department. We need help. I turned in burial registry on a burial descendant with SHPD in regards to Alaimoku. Standing on the front line and trying to make peace with them. While they are telling me, I'm Hawaiian too and I deserve to live here. When I start to cry and they tell me this is not progressive, they walk away, and they no longer want to work with me. I think to myself, Kupuna, can they not see or hear you like the way I do? I am literally fighting with my own 'ohana because they don't see it or feel it. In the Kekaha ahupua'a, that 'āina, on Thursday, when I was standing against the desecration. I told them there was numerous burials, several ali'i. When I found out they found tutu wahine, they disturbed her, and I saw their faces. The lies they have been telling everyone that they never found bones. How can OHA help us to share the truth? As far as the burial council goes, I have not yet met them since February. All of the burials Ive been dealing with; West side, South side, Koloa, North shore, and Weike Road. When we were at Weike Road, there were two developers that stopped by and asked us if they could rebury bones that they found along their land. I told them No. When you remove them you are taking them from their resting place and remove them

from their family. These are the things that I am new to and I question. No one is answering the kāhea, our people are lost. Everytime we went by that sand pile, I couldn't feel part of my body. I asked the achaeologist, what is the name of this bone? Its the tibia. Two minutes later the tibia was pulled out from the sand pile. After arguing with the developer if they were 100% sure that there was no bones in the pile. They replied yes. The archaeologist said no. I think to myself as we are all standing on the front line, what are we doing? What is the right thing to do? When these people say you should be happy. Better to have the septic than the cess-pool. The cesspool is three feet away fom our own ancestor. How are we suppose to smile? To just cover it up and put a sign that says kapu. This happens on a daily basis. I ask OHA to please help. I email, I call. Please OHA help us. Mahalo for your time. Take care, God Bless.

### **New Business**

**Trustee Akaka Madame Chair, motion to waiver for Joint BAE/RM Committees with out objection the BAE/RM Committees would like to take the following vote concurrently**

**V.1. Request for approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 5, 2020) Article VIII, Section L:**

**A. Committee on Beneficiary Advocacy and Empowerment (BAE) and the Committee on Resource Management (RM) – Agenda items V.2, V.3, V.4, V.5, V.6, V.7, V.8, V.9, and V.10.**

**B. Committee on Resource Management – Agenda items V.11, VI.2, and VI.3.**

**Trustee Lee Madam Chair, I object.**

**Chair Hulu Lindsey** Do I have a second to Trustee Akaka's motion?

*No one answers.*

**Chair Hulu Lindsey** There is no second to the motion so the motion dies. So, we will not consider that action item today.

**Trustee Ahuna** Since we are on that item can I make a few comments?

**Chair Hulu Lindsey** Yes.

**Trustee Ahuna** With all do respect, we just heard our beneficiaries come to us and talk about transparency. They want to know more about whats going on. Justin spoke on don't lose those building blocks, Germaine spoke on community concerns to be in these committees. These are very important. On our last day, as I served as the RM Chair, I remember there was one action we had to vote on for the LLC board members. They were there infront of us but because we were in the board committee and it did not come out of the RM committee, people were uncomfortable voting yes. So, everyone deferred it. I think that is what happened today. I think it's important to understand that we want to vet these items. It's very important for our people to hear it. Germaine spoke about it. These are the proactive steps.

**Chair Hulu Lindsey** Trustee Ahuna, it is in our agenda today. We are asking to waive it from the RM committee to the Board of Trustees. We are available for full discussion, no difference. It is just being waived from the RM to the Board.

**Trustee Ahuna** There is a difference Trustee Hulu Lindsey. There is a big difference.

**Chair Hulu Lindsey** What is the difference?



**Trustee Ahuna** The big difference is that we can not vet all the action items that are coming to us. Which means, comments will come out at the Board of Trustees meeting like today. Our beneficiaries do not feel comfortable and they want to hear from us more. These committees are important on how we vet these actions. I have beneficiaries on Kaua'i that are concerned. They are right about not permitting and everything, but we are not doing anything about it. The reason I say this, is the lot Roslyn spoke about is above Kaneoluma. This means they cannot have a permit because what is the drainage plan? We want to know how we can help her better. Today, I wouldn't have that opportunity to help her because it is not being done in the RM committee. That's all I'm saying, just wanted to comment on why I feel no one has seconded. Thank you Chair.

**Chair Hulu Lindsey** I think we've never waived this before so maybe the Trustees are confused as to why we are moving it straight to the board.

**Trustee Ahuna** Confused is a good word. Thank you.

**Trustee K. Lindsey** My question is, if we are unable to take action and vote on all these action items and grants then what happen next?

**Chair Hulu Lindsey** We will put them into committee.

**Trustee K. Lindsey** The awarding of the grants isn't jeopardized as long as these issues get referred back to the respective committees, is that correct?

**Chair Hulu Lindsey** Yes, that's correct.

**Trustee K. Lindsey** Thank you Madam Chair.

**Chair Hulu Lindsey** I will move on to V.1.B. Trustee Alapa.

**Committee on Resource Management – Agenda items V.11, VI.2, and VI.3.**

**Trustee Alapa Motion to waiver RM Committee Request for approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 5, 2020) Article VIII, Section L:**

**B. Committee on Resource Management – Agenda items V.11, VI.2, and VI.3.**

**Chair Hulu Lindsey** Is there a second? Since there is no second we will move on to the next item. All grants will be held up.

**Sylvia Hussey, CEO** I just want to confirm what you just mentioned. These grants are being awarded from FY21 funds. If the decisions are not made by June 30th then all funds will expire and not awarded. We want to affirm what you starting to say.

**Maile Luuwai** They have to be approved by the BOT and the purchase orders need to be submitted by June 30th. If the purchase orders are not submitted by June 30th than the money lapses.

**Chair Hulu Lindsey** So, is the desire of the Board, the Trustees, not to give out these grants by the end of this fiscal year?

**Trustee Lee** Point of clarification Madam Chair. That is not what the Board of Trustees just said. The Board of Trustees just said they do not believe this matter should be referred directly to the Board. That is not the same thing. Committee Chairs have ample time under the six day Sunshine Rule to call for a Committee meeting to be taken up. In fact, there is a BAE meeting scheduled next week for the 23rd. There is ample time for Committee Chairs to call for a meeting. We also

Meeting of the Board of Trustees

have two more Board meetings where this item can be brought back to the Board after its been vetted in a committee.

**Chair Hulu Lindsey** Okay, we can consider that.

**Trustee K. Lindsey** The point on purchase orders needing to be finalized, is there a time frame on something like that would take? After the Board takes action on approving a grant.

**Maile Luuwa'i** Once the Board approves, we scramble. We can prep, you can see how many we got. It will be down to the wire.

**Trustee Ahu Isa** I think they can get the purchase orders ready. The purchase order is to encumber the funds so it doesn't lapse. They can get it all ready, so the when we approve it then they can just put it through. Mahalo.

**Maile Luuwa'i** I said we can do it.

**Trustee K. Lindsey** I just want to clarify, the purchase order is an internal process? We control all the steps on finalizing the purchase order?

**Chair Hulu Lindsey** We control the approvals only and administration controls the rest.

**Sylvia Hussey, CEO** Following up to Trustee Lindsey's question. The Board's authority and decision is sufficient enough to encumber the funds. The process in putting in purchase orders will occur but the Board's authority and the decision is enough. If that authority comes on June 30th than that is sufficient enough to encumber and recognize the awarding.

**Chair Hulu Lindsey** Okay, we can wait for the next Board meeting.

### **Executive Session**

1. **Report of the Permitted Interaction Group re: to Investigate and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner, no discussion. Pursuant to HRS§92-2.5(b)(1)(B) and pursuant HRS§92-5(4)**
2. **Consultation with Board Counsel Robert G. Klein and OHA External Counsel Randall Sakumoto, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to updates by Administration regarding potential acquisition of commercial properties, pursuant to HRS§92-5(4)**
3. **Consultation with Board Counsel Robert G. Klein, OHA Sr. Legal Counsel Raina Gushiken, and Anna Elento-Sneed, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to reorganization activities and related costs, pursuant to HRS§92-5(4)**

**Trustee Lee** Following the agenda, item VI. I move that we recuse the Board into executive session.

**Trustee Ahuna** Seconds the motion.

**Trustee Akina** On discussion to that point, does that mean we will suspend item V.11. the workshop?

**Chair Hulu Lindsey** Yes.

**The Board recuses into Executive Session at 11:42 a.m.**

Motion to recuse into executive session pursuant to HRS Section 92-5						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		X	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE	X		X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E						X
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			<b>1</b>
<b>MOTION:</b> <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED <b>Motion passes with eight ( 8 ) YES votes and one (1) EXCUSED vote.</b>						

**The Board returns to open session at 2:35 p.m.**

### **Announcements**

**Chair Hulu Lindsey** The next Board meeting will be on June 24th.

**Trustee Lee** Point of clarification Madam Chair. I believe a notice was just sent out that a new Board meeting was scheduled for Wednesday the 23rd.

**Chair Hulu Lindsey** Yes, thats right. Congressman Ed Case would like to meet with our Board. The meeting will be at 9:00 a.m. Also, the Joint BAE and RM will be considering on having a joint meeting as well to go over the grants.

### **Adjournment**

**Chair Hulu Lindsey** I would like to entertain a motion for adjournment.

**Trustee Ahuna** Moves to adjourn the meeting.

**Trustee Alapa** Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						Left mtg at 2:05 p.m.
DAN	AHUNA	X		X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
LUANA	ALAPA		X	X			
BRENDON KALEI'ĀINA	LEE			X			
KEOLA	LINDSEY			X			
JOHN	WAIHE'E						Excused
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				7			1

**Chairperson Carmen Hulu Lindsey** adjourns the Board of Trustees meeting at 2:38 p.m.

Respectfully submitted,

\_\_\_\_\_  
Lehua Itokazu  
Board Secretary

As approved by the Board of Trustees on July 29, 2021.

\_\_\_\_\_  
Carmen Hulu Lindsey  
Chairperson, Board of Trustees

**Attachments:**

No attachments.

# DRAFT

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

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

The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listen by phone: (213) 338-8477

**Minutes of the Office of Hawaiian Affairs**  
**Board of Trustees**  
**MINUTES**  
**June 23, 2021**

**ATTENDANCE:**

Chairperson Carmen Hulu Lindsey  
Trustee Dan Ahuna  
Trustee Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brendon Kalei'āina Lee  
Trustee Keola Lindsey  
Trustee John Waihe'e

**BOT STAFF:**

Colin Kippen  
Amber Kalua  
Kanani Iaea  
Lehua Itokazu

**ADMINISTRATION STAFF:**

Sylvia Hussey, Ka Pouhana / CEO  
Casey Brown, Pou Nui / COO  
Sterling Wong, Chief Advocate  
Keone Nakoa, Washington DC Bureau Chief  
Raina Gushiken, CC  
Everett Ohta, CC  
Ramona Hink, CFO  
Kevin Chak, IT Support  
Tiger Hu Li, IT Support  
Robert Klein, Board Counsel

**GUEST:**

Congressman Ed Case  
Nick Luna

Clare Apana  
Bronson Azama  
Kahakuakoi Kealohapauole  
Ui Kahue-Cabating  
Daniel Kanahele

**Call to Order**

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Wednesday, June 23, 2021 at 9:01 a.m. Chair Hulu Lindsey calls for a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA'ALA	AHU ISA		<b>Excused</b>
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA		<b>Joins Mtg at 9:04 a.m.</b>
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRENDON KALEI'ĀINA	LEE	X	
TRUSTEE	KEOLA	LINDSEY	X	
TRUSTEE	JOHN	WAIHE'E		<b>Joins Mtg at 9:10 a.m.</b>
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			6	

At the Call to Order, **six ( 6 )** Trustees are PRESENT, thereby constituting a quorum.

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

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Let me go over some quick announcements. Please mute your mics when you are not speaking. Trustees and our CEO please enable your cameras if you are able to do so. All other OHA staff please enable your camera and mic when addressing the board. If you get disconnected, we will pause the meeting for one minute and wait for you to log back on. After one minute we will proceed with the meeting. If you need to leave the meeting, please inform the Chair by announcing that you are leaving the mtg. We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

### **Public Testimony**

**Chair Hulu Lindsey** We have ten people signed up. I am asking them to take two minutes. We only have one hour with the Congressman this morning. Those of you who have signed up for Community Concerns and Public Testimony, I would like to request that you combine your remarks so that you will come before the board just once this morning. Before we start on the testimony I would like to introduce our Congressman Ed Case. Good Morning or Afternoon to you. Would you like to say anything before we start?

**Congressman Ed Case** Yes, if I could, and I apologize for being a little late. Yes, it is afternoon here and we are working our way through a busy day. Interestingly, the meeting right before this was a call that I had with our brothers and sisters from throughout the Pacific in terms of strengthening our country's relationships in the Pacific Islands. The ambassadors from countries such as Tonga, Samoa, and Micronesia. That is quite related to moving into a call with you. I appreciate first of all our continued communication our continued partnership. That is the reason for my outreach to you. I'd like to give you a quick update on some issues that are before us in Congress, but I would like to turn it over to you for your questions because from my perspective that's really what I want to know is what's on your mind and what are the questions that I might be able to answer or just by asking me the questions it may take me in a different direction in terms of how I fulfill my duties, not

only to our Native Hawaiian community. I'll just touch on a few points that are kind of on my desk right now that are more specific to Native Hawaiians and then take it wherever you want to take it. I think the first area to talk about is a critical part of my job is appropriations. There are many Native Hawaiian programs of course, that are funded through the regular appropriations process programs in Native Hawaiian health, education, and business. The old saying is *add up to some Real money if we keep them going*. As you know, some of these programs have been continually threatened in Congress from those that don't believe in the programs. We have been successful in restoring those or increasing those in the US house that's usually held over in the US Senate. It is a relief of sorts to be able to deal with the administration and aside from your politics. So, I don't want to over politicize this, but I think what I'm saying is a fair depiction. An administration that is much more receptive and understanding of Native Hawaiian concerns and understands the programs and understands the necessity to budget for those programs in the administration annual budget, so we saw for example, these programs being you know funded at or above levels of the past. That's going along well. It's a little premature to give you the end result because we are literally just starting the actual marking up of our bills tomorrow, but I've already made all of my requests. All of the native line programs are ranked very high in terms of my own requests, and I hope the report back to you along those lines are coming up.

Another area that is always on all of our minds, and I appreciate very much is the work that we've done with the Office of Hawaiian Affairs and the broader Native Hawaiian Community, but especially with OHA over the last year and especially over the last few weeks. The effort to ensure that Native Hawaiians are considered in the same context in the same category from the perspective of federal programs, federal rights, and federal benefits as other indigenous peoples of our country. By that I'm referring to the area of our discussions as to programs that specifically mention American Indians and Native Alaskans as a matter of legal definition. But omit Native Hawaiians and therefore call into question whether Native Hawaiians and their organizations are eligible for some of the probe crimes legally. That has been as you know on occasion, a struggle. We are expecting to take up some of that in legislation. I serve in the Natural Resources Committee, where I also serve on the the Subcommittee on the Indigenous Peoples of the United States, which has a jurisdiction over Native Hawaiians at the federal level. So, I'm pretty deep into all of that. We have or I have been trying to assure that Native Hawaiians, either explicitly or implicitly included so that there's no question as to eligibility for those programs and some of that's pretty detailed. I'm happy to take it up, but I think you're all aware of the considerations that we've had. Along those lines we've had a couple of bills that have come through that kind of fit that category in some ways. I think the major one that I want to bring to your attention is the violence against Women Act, which is a decades old federal law, which takes on exactly what its title refers to the critical need to address violence against women. That bill does have elements of it that are specific to some of our indigenous peoples, but don't actually call out native clients. I was able to obtain a passage of a floor amendment about two months ago on the reauthorization of the Violence Against Women Act that specifically refers to Native Hawaiian women to clarify that in fact, those programs that are directed at the special needs of our indigenous women and family. These are addressed at the Native Hawaiian level as well, so that's over in the Senate right now, and we're trying to make sure that it stays in. There are a couple of other areas that fit into that category, and I think what I will do is not get into those specifics, 'cause I'd much rather get to your questions.

The last area I would cover, and by the way, just this morning, our Natural Resources committee met to take the testimony of Secretary of the Interior, Deb Haaland my former colleague, herself an indigenous person of our country. I was able to ask her to reinforce with her many of the concerns of Native Hawaiians. She has been fantastic from that perspective. This is a matter of her life or culture or her heritage, and so she will be a very good ally of ours going forward. Also, Teresa Leger Fernandez, the new representative from New Mexico, has taken over and for the Subcommittee on Indigenous Peoples, and she is equally fantastic. And so I hope to have her and her subcommittee, my subcommittee come to Hawai'i before the end of this year and spend time with you, with our Native Hawaiian communities to take their broad support and reduce it into some real knowledge

of so much of our Native Hawaiian communities. Whether it be our Hawaiian homelands or our emerging programs, or whatever, it might be. I look forward to staying in touch with you on that.

The final area I would mention to you is of course, Congressman Kahele is my partner now in Congress, and I couldn't be more happy about that. He has been an incredible partner. He is of course, a passionate advocate for Native Hawaiian concerns. He has already kind of made his mark along those lines and I personally look to him for leadership of where we should pursue. Existing or new federal initiatives for Native Hawaiians throughout our country, as a matter of federal policy, practice, and action. Congressman Kahele is very focused right now on the 100th anniversary of the signing of the Hawaiian Homelands Commission Act, which occurs on July 9th. We clearly have a number of agenda items dealing with the Hawaiian Homelands that need to be taken up by Congress, and so we're pursuing those as partners, but he is definitely the lead partner. With that Chair, I will stop and see how I can listen to the broader concern. I've not, you know, gotten into so many issues that obviously relate directly to the Native Hawaiian community, but are not specific to Native Hawaiians or the infrastructure bill COVID-19 emergency relief. Vaccination, availability, and access, which is lagging in our Native Hawaiian communities across the country, which is a real issue and it should be a real issue for all of us. I'll leave those two questions, if you want to go there, but that is my quick report.

**Chair Hulu Lindsey** Thank you so much Congressman Case. I'm going to yield to our beneficiaries, and I will remind everyone you have 2 minutes because the trustees also want to address Congressman Case, are you ready.

**Daniel Kanahele** Good Morning. I am not testifying on this item. I am testifying under community concerns and on the Biennium Budget. I will register for the next meeting.

**Bronson Azama** I will also be testifying at the 10:30 meeting too.

**Starr Kalahiki** I just want to say I love my home. Aloha 'āina 'oia 'i'o. Sending all my aloha and prayer.

**Ui Kahue-Cabating** I oppose HB499. I do not think BLNR should have automatic rule about Hawaiian lands and without the community or Native Hawaiian community input. I'm wondering why OHA is so quiet on this issue when we really need to rally and have the Governor veto this. Right now, you guys are offering at a 20% take from what the state makes off of Hawaiian lands and they have a hard time. You folks happy getting 20% off a dollar lease? And then continuing that on for another 45 years, so not in our lifetime, not in our keiki's lifetime, we will not have control of these lands until hopefully, our mo'opuna. So, I stand in opposition of Bill 499 and I really elicit OHAs help and to make this more verbal to the Governor. We need to trash this bill. Thank you, mahalo.

**Chair Hulu Lindsey** I will now open the floor to the Trustees. Does anybody have a question?

**Trustee Akina** Congressman Case, aloha and good afternoon to you. Thank you for all your advocacy, appreciated greatly. In our strategic plan there are certain things that are dear to us, particularly housing and healthcare. I know you have worked on legislation such as the Native American Housing Assistance Act and the Native Hawaiian Health Care Act. What do you see in the next few years in terms of resources for Hawaiians, particularly in housing and healthcare coming from the Federal Government?

**Congressman Ed Case** I hope to see those resources increase. Those are existing laws. They have lagged in terms of actual funding. The Native Hawaiian Health Care Act is probably, I don't recall specifically, but it's certainly one of the original Native Hawaiian specific Federal laws dating back decades. It has been critical to



health care throughout Hawaii and Native Hawaiian communities and has been, I think, a success. I think one would have to say that the Native Hawaiian Health Care Act has in fact assisted many, many Native Hawaiian communities to get adequate health care for them and their 'ohana. It does need federal assistance. I think that's justified. I am trying to increase the amount for Native Hawaiian health care substantially, as I said earlier. I think this is one area where we can in fact see an increase in resources, and I'm optimistic that we will see an increase in federal contributions. It's not going to meet the need, so let's not consider it a panacea. There's a lot of other things that have to go into adequate delivery of health care throughout our communities and to end to a Starr's point there, I think she mentioned spotty internet. Certainly, one of them is is a basic broadband internet throughout our state to Native Hawaiian communities and others. We know tele health is so critical nowadays. We saw that in COVID-19. The Native Hawaiian housing initiatives, they've been problematic. They need a little bit more work than just funding. We can fund them, but we need to find those particular initiatives as well. As you know as well as me, housing is just one of our critical needs and necessities and the dilemmas in Hawaii to assure housing beyond just the Hawaiian homelands, which is not going to meet the needs of all Native Hawaiians, as we all know.

**Trustee Ahuna** Aloha, I am Dan Ahuna and I represent the island of Kaua'i and Ni'ihau. It's a pleasure to have you here today. Before I ask my question, there was some confusion this morning. I think a lot of our beneficiaries were confused as to the meeting that we're having, I just wanted to explain this to you. A bill was passed, right now is the time to have our Governor veto this bill. The forty-five years that they're asking, adds to the sixty five years that they already have, which makes it 100 year. This is concerning. Its lot of bad things for Native Hawaiians. It goes against everything that Native Hawaiians speak about. Right now, OHA is in a position that could use a lot of help. I don't think this bill is right, you know for the Native Hawaiian people, and I think the entire Lāhui is trying to speak out and that's why they're here today. Is there anyway we could get some support federally trying to veto this? Or some type of support for our beneficiaries to receive?

The second thing is I'm looking for assistance. Thank you for all your support with Native Hawaiian programs. Developing infrastructure, we have land down in Kaka'ako. My interest was Native Hawaiian programs. For me it was about federal land surrounded by water in the harbor area. Is there any support federally that we can get from someone like you?

**Congressman Ed Case** Mahalo Trustee, it's great to see you as well. I should say that although I technically represent the first Congressional District, which is the City of Honolulu from Makapu to Mililani, Mauka to Ko'olina. None of us stand on ceremony in terms of districts in Hawaii. I did previously represent a Kaua'i and Ni'ihau, as well as the rest of the second Congressional and worked with many of you in that context. I think I would speak for Representative Kahele that eessentially, we're both at large, so we try to do the right thing for the entire state, and that's how we approach our duties.

I am aware of House Bill 499 which is a state bill. I have followed it. I try very hard to do my job at the federal level and leave it to state and county leaders such as yourselves and communities to decide what is right by the County and by the State. And not to kind of crash that party if I can put it that way because I view my my role as representing everybody.

I feel that if I were to go in second, guess every single decision in State and County Government or in the Community that I effectively would, it would be very difficult for me to do my job. So, I've generally not weighed in on issues at the State and County level, even when I'm sitting here just biting my tongue. I'm not the governor, I'm not a state legislator, I'm not the mayor, I'm not you, and I'm not a City Council member. I will say as a citizen of Hawai'i that I am concerned by that bill. I understand exactly what the Native Hawaiian community is concerned about, and I will have to say to you that I haven't dug into the detailed ramifications and policy judgments that went into that bill. But again, as a private citizen, I will say that I understand perfectly why that this is common land, if I can put it this way. This is not private property. These are state lands. Nobody should have a lock on them in perpetuity. I understand the opposition to these bills. I'm not sure I would have made all of those same decisions on this issue if I was in state or county government, but

maybe that's as far as I should go from this perspective. If I'm not mistaken, yesterday or maybe the day before, the governor did say that he wasn't going to *inaudible*. I don't know if somebody can stand to correct me on that, but it wasn't on his intent veto list. He essentially said that it was going to pass with his signature or without his signature, and I think that is a legal requirement, and so I'm not sure that there is immediately a remedy. You want to check that out. If I have that wrong, then there clearly is an opportunity still to influence the governor's immediate decision on it. But if in fact that boat has sailed then your remedies are clearly at the state and county government levels to reverse that decision. Incoming actions by the governor and by the state legislature and I would, encourage the community to continue that discussion, because I perceive some upsides to the bill. I can see that there are certain areas where you would, want a longer term lease where it would be necessary or an extended. It would be necessary for you know, financing improvements or delivering services that the Community wants that it probably wouldn't get otherwise. I can perceive a policy reason for doing it in selected circumstances. But as a matter of general policy, I think that long term, very long term leases of state lands, common lands can lead to a lot of mischief, and it can prevent change as you go in overtime, so I think that's my comment on that. I'm not the decision maker in these areas. I try to work for Hawaii and in Congress, and I am the decision maker here so, you can call me on any of that stuff.

For Kaka'ako, I don't know what the answer is for that is, and the reason I don't know is because we are trying to pass a large infrastructure bill. So, obviously if we pass an infrastructure bill at the federal level and there are substantially increased infrastructure monies available to the States, it certainly is conceivable that the Office of Hawaiian Affairs (OHA) would be eligible for some of that money. But as to how that would flow? Kind of, you know, from the federal government to OHA for Kakaako lands. Where I thought you were going with your question was whether OHA would have some control or participation in the harbor itself? That's a pretty interesting idea from my perspective, but again, it's at the state level. I don't think the federal government would have to have a role in that.

**Trustee Ahuna** Thank you very much.

**Chair Hulu Lindsey** Congressman, you know in talking with our people on the street, our Hawaiian people want congressional hearings on the United States and the State of Hawaii Compact regarding its trust obligations to Native Hawaiians and I'm reaching out to you on this matter to encourage this public discussion. Not DOI but Congressional. OHA is dissatisfied with the treatment by the State of Hawai'i in honoring its trust obligations to the Native Hawaiians. TMT is a great example of the Native Hawaiian community's distrust of the State and its stakeholders. On our public land trusts, the State has held OHA hostage for almost two decades with a cap on its pro rata share of 20% of state ceded lands revenues. The state is in violation of honoring its trust obligations in resolving our claims. So we're going back to the people that entrusted our lands to the State of Hawai'i to Congress.

**Congressman Ed Case** I certainly understand the question and obviously, OHA and others have taken the state to task legally, in terms of its fulfillment of its trust obligations, and as you know, the state does have that trust obligation. Let me think that through. It's not the first time I've been asked the question or thought about it. It's certainly a serious undertaking for Congress to formally come or formally conduct hearings on the State of Hawai'i is compliance with its trust obligations, whether it be the Hawaiian homelands or the broader trust obligation over lands that were formerly back 100 plus years. I would wade into that a little carefully, but I'm not trying to do it. If it's the right thing to do so, I think that's the best I can do for you right now, and I certainly would not do it alone. I would do it with my fellow Congressional delegation, so I think that's something too for me to discuss among the delegation itself.

**Chair Hulu Lindsey** Getting back to Trustee Ahuna's comments about Kaka'ako Makai. The state awarded these properties to satisfy ceded land pro rata share income, the state legislature or the House Speaker killed the OHA bill to lift the height restrictions and designate residential use for highest and best use. A disparity between Hawaiians and Kaka'ako developer neighbors you know across the street they're allowed twenty towers and in in our Hawaiian district, we're not allowed one. There's so much disparity and we need intervention by congress.

**Congressman Ed Case** Well, I think back to my earlier comments on the broader picture stand. I think the specific decision by the state to not allow for full development of your Kaka‘ako land of course is a State decision. It's your decision and to some extent its the City decision. So, I don't necessarily want to wade into that, but I will say for twenty plus years now I have believed in a system under which Native Hawaiian organizations and communities have both land and financial resources to become self-sustaining. Clearly from a broader policy perspective when Native Hawaiian organizations own land, its their land, the opportunity should be available to develop it into income producing property, because that funds efforts and facilitates self sustaining operations over time. So, I get the issue. I don't know enough about the planning and zoning and expectations or what is going to happen at Kaka‘ako? I can certainly understand the neighbors across the street objecting to it. I can certainly understand that you would say, hey, you know that's our right and you would take a state legislature and I think you should. Same basic comment if you're not getting the results you want from the legislative process, then either you have to change the process or change the people that are making those decisions. I mean thats kind of the basics here.

**Trustee Lee** Congressman Case, thank you for taking the time to met with us today. I would like to bring up two things to your radar on the federal level. Since you brought up the infrustructure bill there's been a lot of movement about the Red Hill – fuel tanks and the issues with the seepage from the tanks. I'm sure you're aware of it but I also just wanted to make sure that it was on your radar, especially given the infrastructure bills that are coming through. I would imagine that project, however it ends up turning out, could benefit from those funds for infrastructure. The second thing, as you may or may not be aware a lot of Native Hawaiians stood in opposition to the marine monument of Papahānaumokuākea. NOA is in the current process of taking it a step further. They are looking to take certain parts of the monument and make it a sanctuary. Which typically means a higher level of protections. While they assure Native Hawaiians that they will continue to honor Native Hawaiian rights for sustenance fishing their idea of sustenance fishing is for Native Hawaiians to pay a ton of money to gas up their boats, sail all the way up into the monument catch what they're going to catch and have to consume it there and then come home. As you can imagine, that's not what Native Hawaiians consider sustenance. Native Hawaiians consider sustenance going up there gathering for themselves, their ‘ohana and their community and then coming home and feeding their ohana and community and then maybe selling some so that they can pay their morgage, car payments and so forth. I can speak for myself personally, I'm a little concerned about now wanting to take certain parts of the monument and elevate those protections even higher. That's all being done on a federal level. So, I just wanted to make sure that was put on your radar thank you. Thank you, Congressman.

**Congressman Ed Case** I appreciate that Trustee. Red Hill is definitely on my radar. First of all, I can assure you that I am very concerned about it. I'm concerned for our drinking water. I'm also concerned that are US defense has what it needs with our sacrificing our drinking water and the tanks there are critical for now, at least to our defense effort, and so it's a very difficult situation. It's hard for me to say to folks well, just remove Red Hill tomorrow. I don't think it's that simple and I don't think that there's a way practically to do that. Should we move, should we enhance of the safety features of Red Hill? I don't think there's a question about that. I think the Navy agrees with that. I think there is disagreement over to what extent you can, in fact, make Red Hill safe. The Navy is pursuing a secondary containment strategy under which it would basically have a double wall tank. Some people dispute whether that is the case, but I think it is the case. We have been funding that effort at the federal level. The infrastructure bill will probably be passed in the next few months and the bottom line is that even if we were close to a decision on removing Red Hill and constructing it somewhere else, it would still be probably too late for that infrastructure bill. You can't rush a multibillion dollar decision in Congress. I can't go and ask for that because I don't have the basis for asking for it. However, I will say in the same breath that I will also be the first one to ask for multibillion dollar appropriations by our military, if that's what the best way

forward for Red Hill is. So, I think what we've got to do is kind of threefold. Number one, we obviously have to address any existing safety concerns. We obviously have to develop an intermediate timing approach whether it be secondary, containment or otherwise. I think we do have to move towards removal over time. The Navy has to be fully transparent throughout that process. My role has been in large part to make sure that our military understands the significance of concern and the commitment to this is done properly and that all information that the Navy has that's relevant to it is known beyond the Navy. This can not be a secret decision.

First of all I should say pretty straight up to you that I am a strong supporter of the monument and I, 20 years ago was part of the creation of that monument. I also advocated at the time for the preservation of Native Hawaiian rights in the monument, as a condition in creating that monument. None of that has changed from my perspective now. The sanctuary designation, as I understand the reason for the sanctuary designation is that a marine monument can be rescinded anytime by a president. A Marine monument is created solely by a President by executive order. Expanded or reduced or removed solely by a presidential executive order and during the Trump presidency there were in fact moves by some to convince President Trump to rescind the Marine monument at Papahānamokuākea all together. That's a concern to me. So the sanctuary would essentially provide a more lasting designation, but I was not aware that designation would carry a higher level of controls in it. Certainly, I think that the sanctuary designation allows for clarification of what exactly Native Hawaiian rights means. I guess I will say to you that I agree with you that it's somewhere between going up there fishing and consuming your fish there and not bringing them home at all, and essentially operating a commercial fishing business. Which you know at some point we were trying to get away from, and at least for much of the monument itself. I think there's some balance in the middle there, but I haven't really thought it through.

**Trustee Lee** Thank you Congressman.

**Trustee K. Lindsey** Aloha Congressman Case. I appreciate the opportunity to talk with you. I know we're running short on time Congressman, but I was wondering if you could share a little bit more about the upcoming infrastructure Bill and elements of it that you see as benefiting the Native Hawaiian community. I know we talked about broadband earlier, that's something I felt very strongly about here on Hawaii Island. Are there any other parts of that bill you see as providing resources?

**Congressman Ed Case** The quick report on infrastructure. President Biden has proposed what he what we refer to as the American jobs plan, which is a \$2.2 trillion investment in our nation's infrastructure. To put that in some context, our entire federal budget in one year is \$1.4 to \$1.5 trillion, so this would be the largest investment in our infrastructure ever at that level. Now, there's kind of two or three challenges with pulling that off. First of all, is that the right number? Are those real needs? Number one, number 2. How do you pay for it? In the sense that it's difficult to just borrow another \$2 trillion we just borrowed? So, in other words, our federal government went out there and borrowed \$5 trillion over the last year because of COVID-19 and that's it. That significantly works in our federal financial picture. Then the third level is OK if you can get the total amount and pay for it in balance, then exactly where it should you allocate. Think about it from the perspective of kind of what any of us would regard as traditional infrastructure. So, roads, sewers, bridges, airports, and harbors. That's pretty straightforward. Where the president's proposal goes further is to consider a broader definition of infrastructure. So, for example, broadband, I already spoke to that, but I'll reinforce it because I really believe it's so critical to our success in Hawai'i. We still have large communities out there that are not or do not have either Internet service or they have very spotty Internet service. These are not only in, other islands. Sometimes people think, urban Honolulu is already taken care of, no, there's lots of places in my district that don't have adequate Internet. So, one element of the infrastructure package would be a national investment in infrastructure, and I think that is a direct benefit to Native Hawaiian communities throughout the state. Many

of the Hawaiian homeland Communities do already have infrastructure. That was a separate initiative that came out of Congress as Senator Inouye spearheaded a couple of decades ago but that's unfinished business. The other area that I would, I guess cite too, is that the infrastructure bill also considers school repairs as the broader definition infrastructure that's traditionally been left to the state. But in President Biden's proposal, school infrastructure would also be eligible for much of this as well. Of course, we have many schools throughout the state that serve our Native Hawaiian communities, including our immersion program schools that could benefit from the infrastructure investment. We've got some really tough decisions to make on the infrastructure bill. I should be able to be in a better position to report to you on that.

**Chair Hulu Lindsey** Thank you.

**Trustee Akaka** Aloha Congressman Case, mahalo for your time today and also Mahalo for your support on the federal level. I wanted to ask you today if there's any federal legislation that you would like to partner on with Office of Hawaiian Affairs that we can kickstart together.

**Congressman Ed Case** The legislation that I would like to continue to partner on with OHA is, well, first of all, strengthening the federal programs that already exist and OHA has been really good. I've enjoyed our partnership anytime that we have needed OHA in Congress at hearings or just staff discussions or anything else to explain why those programs are so essential for our Native Hawaiian communities. You've been there for us. I really appreciate that. The other area that I referred to earlier, but I think we're just going to have to keep on hitting away at is the tendency of my colleagues and sometimes even our fellow indigenous communities around the country, not through not to recognize Native Hawaiians as full partners in the indigenous of federal indigenous initiatives and responsibilities and programs in terms of our country.

This is delicate sometimes because we have in Congress, members that accept Native Americans or Alaskan Natives, especially federally, recognized formally legally federally, recognized as eligible for the programs but are dead set opposed to Native Hawaiians having the same rights. They're not willing to recognize Native Hawaiians as the indigenous peoples, or if they are willing to recognize that they're basically saying well if and when you get federal recognition, then I will do it but until then, I won't and I speak reality of what I deal with here in Congress. We need to have the American Indian, Alaskan native and Native Hawaiian community hang together and say all for one and one for all too. If we are divided, if we are fractured on that, there are many people that don't believe in these programs at all. I have to navigate this myself. I've talked with OHA about this over the years and we've had a couple of times when it's been very difficult where we did, a specific American Indian and Alaska Native bill go through without specific reference to the Native Hawaiians because that was the way to achieve the result over the long term but what I need in Congress to make that work is for the entire indigenous community throughout our country is to understand that it's got to be everybody pulling together. And when we help each other, we achieve a common purpose. That's where you need to help me on that, because you are coordinating, participating, communicating with your brothers and sisters across the country in formal and informal ways. In all honesty, sometimes there's a temptation by some of our colleagues in the American Indian, Alaska Native communities to of course they want what's good for their folks. Sometimes they are tempted to just go it alone and we can't do that. I would say in the same breath that it's been a long time since the way Congressional delegation was as well positioned as it is today from that perspective. Of course, we have Congressman Kahele's leadership. He's a tremendous spokesperson. We also have me again on, the subcommittee of jurisdiction and on appropriations. Senator Schatz is the chair of Indian Affairs. This is our opportunity right now in this Congress try to advance Native Hawaiians in the federal scheme, especially, as we look to making sure that the programs that are directed at indigenous people fully embraced Native Hawaiians. I guess I could also put on the table from my perspective, and I know it remains a controversial subject, but from my perspective. It would be a lot easier for me in my job if there was some form of federal

recognition. Then it would not be as easy for somebody to object to what my initiatives are. I would welcome the process that's underway for some form of federal recognition to continue. I know that's in your hands now, you collectively. I hope that the broader community and OHA itself continue to try to move that process along so that there is in fact a negotiating entity that the US can engage with. I think it's critical to do it now because back to my earlier comment that this is a favorable administration and you can't guarantee that down the road. In some senses this is kind of the time to do it, and it has been lagging for a lot of different reasons and those reasons don't apply anymore.

**Trustee Akaka Mahalo.** I do feel that with the recent appointment of Krystal Ka'ai by the President's Administration that will further our reach in our voice and she will be a great representative for our people so that we can do more.

**Congressman Ed Case** Yes, you know you couldn't ask for a better appointment. I'm really happy. She did such a good job here in the house and of course anytime from somebody from home is appointed to such a high office and succeeds at that level makes me feel really good. So, while we all feel good about it now, it's time to get to work.

**Chair Hulu Lindsey** Any more questions Trustees? We have a few more beneficiaries.

**Clare Apana** Thank you Senator Case. This is Claire Apana, I've been fighting the iwi issue for many years and recently in the last year I've been part of 2 contested cases. One which I did Pro se because we didn't have enough money for attorneys, and we are not getting any help from the Office of Hawaiian Affairs. These legal issues that are not being fought about SHPD not instituting the legal remedies for us, which would be following the federal laws regarding burials. NAGPRA and MHCA, especially with the amendments of 1992, I would like to ask you, to refer our burial sites and our questions about iwi protection or burial protection to the Office of the Inspector General. I would like to ask the trustees to do the same. We need to have these federal laws, which are already in place and which apply to any of our homelands, which means it's the entire Hawaiian Islands. We can have jurisdiction over our own burials. We do have jurisdiction over our own burials and that is not being imposed and our burials are being dug up all the time. I have spent the last 14 years fighting for the protection, just the protection of our iwi kupuna. This has got to stop. Congressman, I saw you last at my mother's funeral, I thought that you had a heart to even come and show up for that. I hope that you will continue this because the Hawaiian health is so intimately tied to the desecration of our iwi kupuna. That is your committee. I can't think of anything that destroys us more as people and causes us more emotional trauma than knowing that we can't do anything to save iwi kupuna. Thank you.

**Congressman Ed Case** Thank you very much Ms. Apana. First of all, don't call me Senator. I'll get in trouble. I'm a Congressman. We have two Senators, that's somebody else. *Friendly laughter.* I completely understand. I'd like to talk to you a little bit more about it. NAGPRA is a federal law. It's a critical federal law and should be applied. It should be administered it. Interestingly I actually am a cosponsor of more bills that seek to strengthen NAGPRA. One particular bill is a bill that I introduced with some of my colleagues that basically tries to prevent the export and facilitate repatriation of tribal cultural heritage items and protect them from trafficking. That is still way too loose under NAGPRA. Obviously if you can, if you can traffic those items, you're going to dig up illegally, and so we're trying to get at that through NAGPA, and I think it's a good opportunity for us. Also, I decided to go back and take a closer look at NAGPRA. How we can improve it? But as to the specifics of what you're talking about, I'd love to hear about that a bit further.

**Chair Hulu Lindsey** Thank you.

**Bronson Azama** Aloha I just wanted to take the time to mahalo everyone for their time and for this opportunity and especially the Congressman as well for updating us and the greater lāhui about other happenings at the federal level. I also wanted to thank Congress too, because he did hear some of our youth concerns when we did some lobbying efforts at Congress for the Ocean Climate Action Plan and various other things. I think speaking as from the Native Hawaiian perspective, we still have a lot of concerns regarding offshore wind development and the potential impacts it could have on our environment and on our culture resources as well. That's to do with also further on equity and all climate action plans and initiatives coming from the federal level. It is always a concern about how the environment is going to be impacted as well as our culture resources. So, that's all I wanted to say on that. Going to the point of Red Hill, I do share that same concern that Trustee Lee was bringing up, especially for us who are located on the windward side because if the aquifer at Pearl Harbor, which as we know is already having petroleum leaking into it. It becomes to the point where it can't be used. Water is going to be sought elsewhere and that's a greater concern for not only our community, but to those who we talked to in Waialua with the ka wai hapai aquifer, those in Wai'anae who are concerned about their watersheds, and the communities that utilize the Pearl Harbor Aquifer. That's all I wanted to say. Mahalo.

**Chair Hulu Lindsey** Mahalo Bronson.

**Congressman Ed Case** Thank you Bronson, two comments. First of all, I really appreciate your comments on the ocean climate plans and I appreciate our partnership. Actually, that's very topical because just a few weeks ago, I co-introduced our ocean Climate Solutions Act, which is a very large critical federal bill that tries to focus the climate change crisis on its impacts and what we can actually do in our oceans to deal with climate change. Too often I find here in Congress, although many of my colleagues are familiar with the threats to our air into our land they don't come from our water, they're not familiar with our world oceans, and of course, that's not the experience that all of us have. So, I've definitely tried to focus on our oceans and we actually just heard our ocean Climate Solutions Act yesterday, as a matter of fact, we had a full hearing in our Natural Resources Committee. Hawai'i Senator Chris Lee actually testified before that committee and he did a good job. He did us all proud on that. We've got work to do on that bill but it's right. I share your concerns with offshore wind. We've got to watch that very carefully and here's the reason why. The zone of offshore wind, where the wind companies want to operate is beyond state waters therefore the state that has very little to do with wind energy development in the three miles out area. They want to get through a bit farther, where they're stronger wind, and they can cable in from there. That's under exclusive federal jurisdiction and that's a problem because that leaves the decision as to development in the ocean that can critically impact Hawaii, to the federal government and to a part of the federal government. That is focused on developing wind energy. In fact, we have had some proposals for wind energy development in that zone that proposed to construct the large wind farms pretty much directly off the South Coast. Completely visible from the South Shore. If you want a tourist perspective from Waikiki, the sun goes down behind a bunch of wind farms. I don't think that's the right way to do it now. They are not pursuing that anymore and that was largely because our military said that's going to interfere with our defense activities, which I welcomed them saying, but they're still pursuing it in other parts of our state. I think we all need to have input over that because I don't think we can cede the responsibility or ability to make that decision for us.

**Kahakuakoi Kealohapauole** I just wanted to be clear, it was shared we could speak and share our concerns on HB 499. Is this the appropriate time?

**Chair Hulu Lindsey** This is a House bill for Hawaii and the Congressman is familiar with it but he has not discussed it. You're welcome to express your mana'o, its two minutes. If he can add to it, he will.

**Kahakuakoi Kealohapauole** Okay, so I just wanted to share with you that there is an establishment of protection that the state is required as a constitutional duty to protect the title to kuleana lands granted to Native Hawaiians as long as lineal descendants tie themselves back 150 years. I am a direct descendant of Mahialole kalani kaulele. The passing of HB499 has not been placed on the veto list. It will displace a lot of our native tenant rights to occupy and to provide sustenance for our people. That would be genocide for Native tenants. The opportunity to use lands to grow, to provide for ones family would be removed through the sale of foreigners to purchase from our state to the highest bidder takes away all native tenant rights. Therefore, putting the opportunity for native tenants to sue the state for failure to uphold their portion of their own statutes. Under Hawaii Revised Statutes, they say they uphold, however, HB 499 would remove that right for any of us to return home. There are many who are still seeking their genealogy. OHA has denied a lot of people genealogies through their 3rd party entity. However, I think more help needs to be made for these Native tenants to utilize and return home and keep their native lands irregardless of the inability or the States ability to sustain their own budget through other venues versus selling our land to people who have no regard for our aina and no aloha for the people who live here. I just wanted to say to please come help Native tenants maintain their aina. Mahalo.

**Ui Kahue-Cabating** Aloha and thank you again for allowing me to speak one more time. This is in regards to Representative Case's comment about support. So my question is, does OHA support the SCHHA? Does Representative Case support the SCHHA and the Hawaiian Homestead Associations and thereby gaining recognition? That is my question, if somebody could expand or elaborate. I much appreciate that thank you very much.

**Congressman Ed Case** I'm not sure I understand your question. I guess my response would be, I certainly listen to the SCHHA as I do to all elements of the Native Hawaiian community in terms of trying to make decisions that affect you at the federal level. I can't say that I automatically support or would support anybody 100% of the time. I don't know how I could make that judgment without actually focusing on the specific issue. I think probably for the SCHAA, the most topical issue right now is the blood quantum under Federal Law for successorship under Hawaiian Homelands leases. So, you know that particular issue, I believe most of the Native Hawaiian community has supported a change in in the blood quantum requirement for successorship. I know that Congressman Kahele feels strongly about it and I would defer to him on that one. Like I said, it depends on the issue.

**Ui Kahue-Cabating** They are actively pursuing recognition like the Native Americans so their position is to be recognized and not come under a subcommittee with the DOI. So, that's why I'm asking.

**Congressman Ed Case** Ok, I don't think I'm familiar with that kind of refinement on it. I have said earlier that I do support federal recognition for Native Hawaiians and I do support the Native Hawaiian community in determining for yourselves what your government is, how you want to form it, and how you want to engage in the negotiation with the United States towards a form of federal recognition that will work for both you and the United States. That's what I do support. I don't know whether that is inconsistent with the SCHHA or some parts of the SCHHA. I don't think that there would be the opportunity for multiple government organizations to be federally recognized. I think what the process in place right now calls for what proposed laws that were introduced in the past, including ones that I introduced that proposed a Native Hawaiian governing entity.

**Chair Hulu Lindsey** Thank you Ui.

**Ui Kahue-Cabating** Thank you very much does OHA have a comment on that?



**Chair Hulu Lindsey** No. Representative Case, we've come to a close of our time with you and I wondered if you have a few last words you'd like to share with us.

**Congressman Ed Case** I would just repeat what I started off with, I represent you in Congress. I take that responsibility very, very seriously. I look to OHA for guidance on how I can best represent our Native Hawaiian community. I represent more Native Hawaiians in my Congressional District than any of the other 441 congressional districts in the House, including our friends in the other islands, and I know I think about that every day and I need guidance. I look forward to our partnership from that perspective. I think it is my responsibility also to keep you informed on what I'm doing and keep you informed on the realities of what I face so that you can understand some of the decisions that I have to make here. I have very much enjoyed our partnership to date and I'm looking forward to do better.

### **Announcements**

**Chair Hulu Lindsey** Thank you. We collectively thank you for your time this morning and for your advocacy of our Native Hawaiian rights, our interests, and our issues. I hope we'll have more time with you like this in the future so that we can discuss ways in which you can help us and ways that we can help you and discover more things to help the Hawaiians, which is why we are here today. So, thank you again, trustees, we have a full schedule today. We have our RM committee at 10:30 and our Joint RM and BAE committee at 1:30 today. Tomorrow we have our RM in the morning at 10 am and another Board of Trustees at 1:30 pm.

### **Adjournment**

**Chair Hulu Lindsey** I would like to entertain a motion for adjournment.

**Trustee Waihee** Moves to adjourn the meeting.

**Trustee Akaka** Seconds the motion.

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

**Chairperson Carmen Hulu Lindsey** adjourns the Board of Trustees meeting at 10:16 a.m.

Respectfully submitted,

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Lehua Itokazu  
Board Secretary

As approved by the Board of Trustees on July 29, 2021.

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Carmen Hulu Lindsey  
Chairperson, Board of Trustees

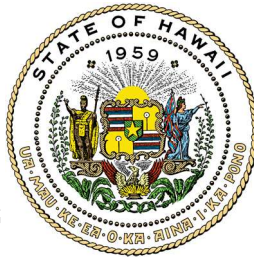
**Attachments:**

1. Trustee Ahu Isa – Excuse memo

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
July 29, 2021  
10:00 A.M.

**V. New Business**

**A. Entrance Conference with State Auditor Leslie H. Kondo  
for the Performance Audit of the Office of Hawaiian Affairs**



July 21, 2021

**VIA EMAIL (TrusteeHuluLindsey@oha.org)**

The Honorable Carmen "Hulu" Lindsey  
Chairperson, Board of Trustees

**VIA EMAIL (SylviaH@oha.org)**

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

Office of Hawaiian Affairs  
560 North Nimitz Highway, Suite 200  
Honolulu, Hawai'i 96817

**Re: Performance Audit of the Office of Hawaiian Affairs**

Dear Chairperson Lindsey and Dr. Hussey:

We are initiating a performance audit of the Office of Hawaiian Affairs (**OHA**) pursuant to Section 10-14.55, Hawai'i Revised Statutes, which requires the auditor conduct an audit of OHA at least once every four years. Our last audit of OHA was performed in 2017. We intend to submit our audit findings and recommendations in a report to the legislature no later than twenty days prior to the convening of the next regular legislative session. Deputy Auditor Daria Loy-Goto and Senior Analyst Dar Ariola are the audit manager and the analyst-in-charge of the audit, respectively.

Ms. Ariola will be contacting your office to schedule an entrance conference, which is an informational meeting for us to introduce our project team and to discuss our expectations and the audit process. We request that the meeting be scheduled for the week of **July 26, 2021**. We can discuss the audit with the Board of Trustees as part of a separate meeting if the Board would like to participate in an entrance conference. We also anticipate meeting with trustees, individually, as part of our audit planning process. We are attaching our brochure "*What to expect during an audit; An auditee's guide to the audit process*" to provide you with general information about the audit process.

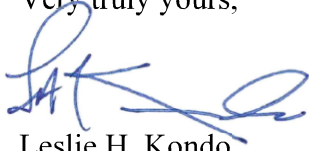
Please provide us with the name, phone number, and email address of OHA's point of contact for the audit. We will coordinate requests through that point of contact, unless directed otherwise by OHA. We have additionally attached an initial document request for information. We would appreciate receiving electronic copies of these documents by **August 4, 2021**. Please be advised that we expect to request additional documents and meetings throughout our audit work.

The Honorable Carmen "Hulu" Lindsey, Chairperson, Board of Trustees  
Sylvia M. Hussey, Ed.D., Ka Pouhana, Chief Executive Officer  
Office of Hawaiian Affairs  
July 21, 2021  
Page 2

Should you have questions regarding this matter, please contact Ms. Ariola at (808) 587-0831 or via email at [dar.ariola@hawaii.gov](mailto:dar.ariola@hawaii.gov), or Ms. Loy-Goto at (808) 587-0807 or via email at [daria.loy-goto@hawaii.gov](mailto:daria.loy-goto@hawaii.gov).

Thank you in advance for your assistance.

Very truly yours,



Leslie H. Kondo  
State Auditor

LHK:DALG:DKA:emo

Attachments

cc/attach:	Trustee Keli'i Akina	(TrusteeAkina@oha.org)
	Trustee Dan Ahuna	(TrusteeAhuna@oha.org)
	Trustee Keola Lindsey	(TrusteeKeolaLindsey@oha.org)
	Trustee Luana Alapa	(TrusteeAlapa@oha.org)
	Trustee Leinaala Ahu Isa	(TrusteeAhuIsa@oha.org)
	Trustee John D. Waihee IV	(TrusteeWaihee@oha.org)
	Trustee Kaleihikina Akaka	(TrusteeAkaka@oha.org)
	Trustee Brandon Kaleiaina Lee	(TrusteeLee@oha.org)

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
July 29, 2021  
10:00 A.M.

**V. New Business**

**B. Committee on Resource Management**

**1. Action Item RM #21-09: Approve OHA's Intent to Apply to the Administration for Children and Families, Administration for Native Americans, American Rescue Plan Act Emergency Native Language Funding Opportunity for Native Hawaiians and Pacific Islanders for \$250,000**

**OFFICE OF HAWAIIAN AFFAIRS**  
**Committee on Resource Management (RM)**  
**COMMITTEE REPORT**

July 22, 2021

The Honorable Carmen Hulu Lindsey, Chair  
Board of Trustees  
Office of Hawaiian Affairs

Chair Lindsey,

Your Committee on Resource Management, having met on July 22, 2021, and after full and free discussion, recommends approval of the following action to the Board of Trustees:

**Action**

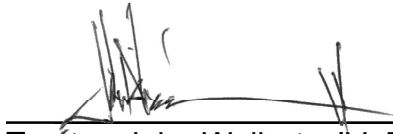
**To approve OHA's intent to apply to the Administration for Children and Families, Administration for Native Americans, American Rescue Plan Act, Emergency Native Language Funding Opportunity for Native Hawaiians and Pacific Islanders for \$250,000.**

Attachment(s):

- A) RM ROLL CALL VOTE SHEET –  
ACTION ITEM RM #21-09: Approve OHA's Intent to Apply to the Administration for Children and Families, Administration for Native Americans, American Rescue Plan Act Emergency Native Language Funding Opportunity for Native Hawaiians and Pacific Islanders for \$250,000
- B) ACTION ITEM RM #21-09: Approve OHA's Intent to Apply to the Administration for Children and Families, Administration for Native Americans, American Rescue Plan Act Emergency Native Language Funding Opportunity for Native Hawaiians and Pacific Islanders for \$250,000

FILE TOO LARGE for eSign please refer to the  
07/22/2021 RM Electronic Folder at <https://www.oha.org/rm/>

Respectfully submitted:



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Trustee John Waihe'e, IV, RM Chair

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Trustee Luana Alapa, RM Vice Chair



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Trustee Leina'ala Ahu Isa, Member



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Trustee Dan Ahuna, Member



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Trustee Kaleihikina Akaka, Member

EXCUSED

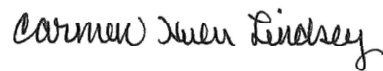
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Trustee Keli'i Akina, Member



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Trustee Brendon Kalei'aina Lee, Member



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Trustee Carmen Hulu Lindsey, Member



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Trustee Keola Lindsey, Member



Office of Hawaiian Affairs  
560 N Nimitz Hwy., Ste. 200  
Honolulu, HI 96817  
**Roll Call Vote Sheet**

**Attachment A**

<b>COMMITTEE ON RESOURCE MANAGEMENT (RM)</b>	<b>DATE: July 22, 2021</b>  <b>START: 1:37 p.m.</b> <b>MOTION: 1:42 p.m.</b> <b>VOTE: 1:49 p.m.</b>
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**AGENDA ITEM:**

**V. New Business**

- A. ACTION ITEM RM #21-09: Approve OHA's Intent to Apply to the Administration for Children and Families, Administration for Native Americans, American Rescue Plan Act Emergency Native Language Funding Opportunity for Native Hawaiians and Pacific Islanders for \$250,000**

**MOTION:**

To approve OHA's intent to apply to the Administration for Children and Families, Administration for Native Americans, American Rescue Plan Act, Emergency Native Language Funding Opportunity for Native Hawaiians and Pacific Islanders for \$250,000.

							1:49 p.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	<b>AHU ISA</b>			X			
DAN	<b>AHUNA</b>			X			
KALEIHIKINA	<b>AKAKA</b>		2	X			
KELI'I	<b>AKINA</b>						EXCUSED
RM VICE CHAIR LUANA	<b>ALAPA</b>			X			
BRENDON KALEI'ĀINA	<b>LEE</b>	1		X			
CARMEN HULU	<b>LINDSEY</b>			X			
KEOLA	<b>LINDSEY</b>			X			
RM CHAIR JOHN	<b>WAIHE'E</b>			X			
<b>TOTAL VOTE COUNT</b>				8	0	0	1

**VOTE: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED**

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
July 29, 2021  
10:00 A.M.

**V. New Business**

- C. Update Regarding the July 20, 2021 Commission on Water Resource Management Meeting Action Item re: Approval of Dept. of Hawaiian Home Lands Application for a Water Use Permit Modification and Reduction of Reservation for Kualapu‘u**

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
July 29, 2021  
10:00 A.M.

**VI. Executive Session**

**Consultation with Board Counsel Robert G. Klein and  
Everett Ohta, OHA Assistant Senior Legal Counsel, re:  
questions and issues pertaining to the Board's powers,  
duties, privileges, immunities, and liabilities with respect to  
updates by Administration regarding potential acquisition of  
commercial properties, pursuant to HRS§92-5(a)(4)**