

BOARD OF TRUSTEES

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

Dan Ahuna, Trustee Kaua'i & Ni'ihau

Kalei Akaka, Trustee O'ahu

Keli'i Akina, Trustee At-Large

Luana Alapa, Trustee Moloka'i & 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, October 7, 2021**TIME:** 10:00 am**PLACE:** Virtual MeetingViewable at www.oha.org/livestream OR

Listen by phone: (213) 338-8477, Webinar ID: 881 3905 5239

Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation Related to the COVID-19 Response, dated August 5, 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 or listen by phone: (213) 338-8477, Webinar ID: 881 3905 5239

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

A. July 29, 2021

B. August 11, 2021

C. August 19, 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. Presentation by Administration: Public Land Trust History, Status and Pressing Issues

VI. Executive Session†

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

B. Approval of Executive Session Minutes

1. March 5, 2020

5. January 14, 2021

2. June 18, 2020

6. January 28, 2021

3. September 17, 2020

7. February 11, 2021

4. October 22, 2020

8. April 8, 2021

9. April 15, 2021

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 no later than three (3) business days prior to the date of the meeting.

Meeting Materials will be available to the public on Monday, October 4, 2021 and posted to OHA's website at:

www.oha.org/bot In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone and Webinar ID provided at the beginning of this agenda.

BOARD OF TRUSTEES

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

Dan Ahuna, Trustee Kaua'i & Ni'ihau

Kalei Akaka, Trustee O'ahu

Keli'i Akina, Trustee At-Large

Luana Alapa, Trustee Moloka'i & Lāna'i

Brendon Kalei'āina Lee, Trustee At-Large

Keola Lindsey, Trustee Hawai'i Island

John Waihe'e IV, Trustee At-Large



STATE OF HAWAII

OFFICE OF HAWAIIAN AFFAIRS

† 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.

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

- (1) Persons wishing to provide **written testimony** on items listed on the agenda should submit testimony via **email** to BOTmeetings@oha.org at least **24 hours prior** to the scheduled meeting. Any testimony received after this deadline will be late testimony and will be distributed to the Board members after the scheduled meeting. **Due to COVID- 19, please do not fax, mail, or hand-deliver written testimony**
- (2) Persons wishing to provide **oral testimony online** during the virtual meeting must first register at: https://us06web.zoom.us/webinar/register/WN_DUedonLDTBS8FY7eDuhD0Q

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

10/01/2021

Date

**Office of Hawaiian Affairs
Meeting of the Board of Trustees
October 7, 2021
10:00 A.M.**

II. Approval of Minutes

- A. July 29, 2021**
- B. August 11, 2021**
- C. August 19, 2021**

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 or listen by phone: (213) 338-8477

Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
July 29, 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
Trustee John Waihe'e, IV

BOT STAFF:

Colin Kippen, COS
Amber Kalua, Trustee Aide
Kanani Iaea, Trustee Aide
Lehua Itokazu, Board Secretary

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Pou Nui / COO
Raina Gushiken, CC
Everett Ohta, CC
Ramona Hinck, CFO
Kalani Fronda, Land Director
Ryan H. Lee, Interim Investment Mgr.
Sterling Wong, Chief Advocate
Wayne Tanaka, Public Policy Mgr.
Kevin Chak, IT Support
Erin Nakama, IT Support
Robert Klein, Board Counsel

GUEST:

Sam Chung, Financial Advisor to Board Chair
Leslie H. Kondo
Daria Loy-Goto
Dar Ariola
Gavin Chun
Elizabeth Kimura
Patrick Brown
Jonathan Scheuer
Andrew Choy
Germaine Meyers

Call to Order

Chairperson Hulu Lindsey Calls the Board of Trustees Meeting to order for Thursday, July 29, 2021 at 10:01 a.m. Chair Hulu Lindsey calls for a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA‘ALA	AHU ISA		Joins meeting at 10:04 am
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	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			8	

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

Chairperson Hulu Lindsey Thank you, I will be taking the agenda out of order. Item V.C. will be first under new business.

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 Some quick announcements-please mute your mics when you are not speaking. 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 Colin Kippen-COS, Lehua Itokazu-Board Secretary, and my Aides-Kanani Iaea and Amber Kalua. We also have our Board Counsel – Judge Klein, Sam Chung – our Financial Advisor, and CEO-Sylvia Hussey. Sylvia, please announce who is joining us from your staff.

Sylvia Hussey, CEO Good morning Chair and good morning Trustees, we have COO-Casey Brown, CFO-Ramona Hinck, Land Director-Kalani Fronda, Senior Legal Counsel-Raina Gushiken, Legal Counsel-Everett Ohta, Chief Advocate-Sterling Wong, Ryan Lee-Interim Invest. Mgr., Wayne Tanaka-Public Policy Mgr., and our IT staff. Thank you.

Approval of Minutes

Chairperson Hulu Lindsey Moving onto approval minutes, can I get a motion to approve the minutes?

Trustee Ahu Isa Moves to approve the minutes for June 17, 2021.

Trustee Akina Seconds the motion.

Chairperson Hulu Lindsey Roll call vote.

Minutes: June 17, 2021						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA	X		X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA		X	X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with nine (9) YES votes and zero () EXCUSED vote.						

Trustee Ahu Isa Moves to approve the minutes for June 23, 2021.

Trustee Waihe'e Seconds the motion.

Minutes: June 23, 2021						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA	X		X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			

TOTAL VOTE COUNT**9****MOTION:** [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED**Motion passes with nine (9) YES votes and zero () EXCUSED vote.****Public Testimony and Community Concerns and Celebrations**

Germaine Meyers Aloha Chair Hulu, Ka Pouhana and Lahui, My name is Germaine Meyers. I'm an OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Nanakuli Hawaiian Homestead Lessee. Today's agenda includes Entrance Conference with State Auditor Leslie H Kondo for the Performance Audit of the Office of Hawaiian Affairs. The last performance audit of OHA was Report 18-03 dated February 13, 2018. Report 18-03 begins with (quote verbatim) "We found that the Office of Hawaiian Affairs (OHA) has created alternate funding processes. At first glance, these funding opportunities appear to be guided by policies, procedures, and guidelines designed to ensure that funds are distributed fairly and equitably. In reality, however, these expenditures and other forms of discretionary spending do not undergo the rigorous vetting, monitoring, and reporting requirements of OHA's formal grant process. Some are approved by the OHA Administration without Board of Trustee vote or even knowledge." (end of quote) Today, I would like to highlight for Mr. Les Kondo and the Board, my concerns of his statement, "undergo the rigorous vetting, monitoring, and reporting requirements of OHA's formal grant process." Based on my recent experience of analyzing the grant process and applications for the COVID19 grant awards that came to the board last month, I feel that OHA does NOT have a rigorous vetting, monitoring and reporting grant process to ensure funds are distributed fairly and equitably. I would like to direct the State Auditor to the following example of funds distributed unfairly and inequitably. The grant manager recommended the approval of awarding \$78,541 to Papakolea Community Development Corporation for a 12 month period to pay for .35 (less than one) full time employee by paying .10 FTE to the Executive Director Lilia Kapuniai and .25 FTE to a PPE Coordinator. Also to pay for covid supplies, masks, hand sanitizer, and disinfectant to serve 100 Hawaiiansthat use the Papakolea Community Park and Center. When I do the math, it comes to \$6,500 per month. As I shared with Trustees last month, this non-profit already pays their Executive Director Lilia Kapuniai a salary of \$72,000 for 20 hours of work per week. That comes to 1,042 hours a year. She's already being paid by the non-profit \$69.23 per work hour. Or \$6,000 per month for parttime hours. How did OHA's grant manager justify approving to pay an additional .10 of her hours with OHA funds? What the OHA grant manager did not disclose to Trustees last month were the following: Lilia Kapuniai noted in the grant application that she was CNHA's (Council for Native Hawaiian Advancement) Vice President of Community Development Division. In addition, the grant manager failed to disclose to the Trustees that this non-profit, Papakolea Community Development Corporation (PCDC) already received 4 large grants during the COVID19 period. According to their grant application, PCDC received 3 grants from Kamehameha Schools for the period of FYs 2019 to 2021 for a total of \$424,688. In addition, PCDC were awarded 1 grant for FYs 2019 to 2022 from US Administration for Native Americans in the amount of \$858,140. All 4 grants combined together come to a total of \$1,282,828. But and yet the grant manager felt it was equitable to give PCDC an OHA grant in the amount of \$78,541 to serve 100 Hawaiians. While ignoring the grant applications of other non-profits that would serve thousands of native Hawaiians in Waianae Moku and Ewa Moku. This is just one example I would like to highlight to Mr. Kondo. Ke Akua Pu, God bless all of you.

Community Concerns and Celebrations

Germaine Meyers Aloha Chair Hulu, Ka Pouhana and Lahui, my name is Germaine Meyers. I'm an OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Nanakuli Hawaiian Homestead Lessee. At the July 1st board meeting, when the agenda included the "Approval of the Ad Hoc Committee on the CLA report entitled "OHA & LLCs contract and disbursement review", Trustee Brendon Lee made a big deal about not contracting anyone to further investigate the red flags, alluding that Administration's Implementation report was sufficient. Vice Chair Ahu Isa, you're correct. Some don't read reports. Although I have a public education, I love reading and allowing Ke Akua to guide my understanding. Administration's Draft Implementation Report (the report Trustee Lee was highlighting) was first brought to the Board through the RM Committee under Trustee Dan Ahuna's chairmanship last year on January 22, 2020. The packet contained a total of 367 pages, of which Administration's Implementation Report was a total of 183 pages. But Ka Pouhana made it easy for us by summarizing her findings on page 20 under the heading of **"Possible Fraud, Waste and Abuse – Appendices C & D."** On this page, Ka Pouhana made it clear in 2 paragraphs. She stated: *The following limitations regarding the identification of possible fraud, waste, and abuse were included in the scope of work approved by OHA.*

*1) CLA's procedures were designed to detect and identify possible fraud, waste, and abuse; however, CLA cannot provide absolute assurance that all instances of possible fraud, waste, and abuse were identified. **If indicators of potential fraud were identified, the scope of this engagement did not include investigative procedures into these matters.***

Examples of investigative procedures, which were not performed as part of this engagement, may include, but are not limited to, undercover procedures, interviews of vendors or other third-parties/individuals external to the OHA/LLCs, review of vendor files solely in the possession of a vendor (such as payroll files), etc.

*2) CLA's procedures were designed to detect red flags of fraud and transactions that appeared questionable. However, CLA cannot render an opinion as to the existence of fraud. Additionally, fraud and irregularities by their very nature are most often hidden, and no absolute assurance can be given that all such matters were detected. CLA's engagement cannot be relied upon to disclose any **irregularities or illegal acts, including fraud, which may exist.**"*

I repeat, Ka Pouhana's report stated "CLA's engagement cannot be relied upon to disclose any irregularities or illegal acts, including fraud, which may exist." From my research, unfortunately the last RM Committee Chair NEVER agendized the report for the committee to approve, and the last Board Chair DID NOT agendize the report for ratification. However, at the aggressive questioning of Trustee Brandon Lee, the last Board Vice Chair, our Chair Hulu clarified for all of us that the Legislators did receive Administration's DRAFT Implementation Report for their review. If I was a legislator and read page 20 of the report, I would have also approved funding for OHA to further investigate the red flags for possible fraud, waste, and abuse, based on Ka Pouhana's statements on page 20, which again included "CLA's engagement cannot be relied upon to disclose any irregularities or illegal acts, including fraud, which may exist." On Page 21 of Administration's report, it included a summary of responses addressing 32 OHA flagged test items of possible fraud, waste and abuse by process area, which totaled \$10,157,206.82. Trustees, according to page 3 of Administration's report, CLA selected eighty (80) contracts and (50) other financial disbursements of funds for testing and review. That comes to a total of 130 records. Of the 130 records, 32 were flagged as possible fraud, waste and abuse. That's 25% of the records came to a total of \$10.1 million in red flagged items. We must ask ourselves if all of OHA's records over a 4 year period came to a total of \$200 million of trust funds spent, and 25% were flagged, that means beneficiaries should be concerned that \$50 million of trust funds could be possible fraud,

waste and abuse. For me, the last Board Vice Chair will have a lot to account for to the Lahui to explain why he's proud of being complicit and complacent with some things, while being aggressive and trivial with others. Ke Akua Pu, God Bless all of you

New Business

V. 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

Chairperson Hulu Lindsey Moving onto new business, I will be calling up Jonathan Scheuer and Andrew Choy to update the trustees regarding the July 20, 2021 on the Commission on Water Resource Management meeting action item regarding the Hawaiian Homelands application for a water use permit modification and reduction of reservation for Kualapu'u.

Andrew Choy Aloha Chair Lindsey and fellow Trustees, my name is Andrew Choy and the acting Planning Program Manager at the Department of Hawaiian Homelands. Mahalo for the opportunity to address the trustees today regarding this issue and before we give our report, we just want to give our sincere mahalo to Chair Lindsey and OHA staff for their swift action in helping to draft comments in support of the department's water use permit application on the island of Moloka'i. It was greatly appreciated and it made a difference in the successful adoption of our water use permit application. Dr. Jonathan Scheuer will give an update on the water use permit application. Jonathan has been working on this matter over a decade in various capacities, most recently a consultant to the Department of Hawaiian Homelands on water policy issues. He began his work on this matter as a staff at the Office of Hawaiian Affairs.

Jonathan Scheuer Mahalo Andrew. Aloha Chair Lindsey and Trustees, it is a pleasure to be with all of you. Thank you so much for agendaizing this because last Tuesday was a really good day. It was the culmination of 28 years of effort that started when the Department of Hawaiian Homelands submitted an application for half a million gallons a day of mostly continued uses, plus some new uses for homesteaders in central Moloka'i. But over the years, Moloka'i Ranch objected to our permits. The Water Commission only granted some of our requests and it's been a long road that the Office of Hawaiian Affairs and our beneficiaries, both OHA and DHHL beneficiaries, have been on together. So they approved our full permit request for .595 million gallons a day. This is really big, it will allow us to provide water to some lots that were created in the 1980s but have not had water available to them, including lots of Nā'iwa and Kalama'ula and addition will have water available for subdivided lots in Ho'olehua. On Tuesday's hearing where all the testimony was in favor, which included testimony, extensive testimony from beneficiaries, from OHA trustees, and others really symbolized the years of effort investment in scientific studies, investment in beneficiary education that led to us to be able to have that success. It is in one sense, a couple senses of partial success; one is, you know, given the system, we shouldn't have had to wait 28 years for this to come. We're very happy for it, but it was an unjust outcome in the sense that it took so long and it also only gets us part of the way there. We have in the Kualapu'u aquifer, a reservation of almost 3,000,000 gallons a day, of which some of our new uses is being drawn from but we need that full 3,000,000 gallons to eventually settle all of DHHL's lands in central Moloka'i. To do so, we will need new wells, new pipelines, and new permits in order to do that over the long term. In the meantime, DHHL is actually investing heavily in our existing system. We're utilizing \$30 million in the USDA federal funding to make improvements to the system, which is hopefully going to result in better efficiency and reliability, and to the degree that we're able to, more efficiently use the .595 million gallons a day that's awarded, that will be used for additional homesteading purposes. I wanted to note that the permit that we turned in was described by some of the Commissioners and some testifiers as the most thorough permit for water use that's ever been

turned into the Water Commission. We tried to set a high bar for a couple of reasons. First of all, our beneficiaries wanted it. As Some have said, we need to stop talking about how we're taking water out of the cup and we have to talk about how we're putting water back into the cup. So in addition to describing our uses of water, we actually offered that the Water Commission should place three conditions on us to work on improvement of the nearshore environment where groundwater that would be flowing otherwise, except for this use to remove alien species and to introduce native species to create areas along the coast that will be more available for the exercise of traditional customary practices and also to work with our beneficiaries on reforestation and native forest station in the mauka areas of Kalama'ula to increase mauka to makai groundwater flow, and those conditions were approved along with our permit by the Water Commission.

We set such a high bar also because in this area Moloka'i Ranch is still going to seek uses from well 17, their largest well, and we know from the USGS study that was co-funded by OHA, DHHL, and the County of Maui, that well 17 represents not just the biggest threat to DHHL's well getting higher chlorides and at higher salts, but also the interruption of groundwater flow to the coast to fishponds and limu beds and important cultural sites. We wanted that standard to be there for everybody who comes after us. Moloka'i Ranch will be seeking their permit at some point. The County is seeking an increased permit at some point and so we will have to be maka'ala on that as we move forward too, because the proposed uses could impact existing as well as future beneficiary uses on the island. And this is the basic overview, we'd be very happy to answer any questions. We should feel incredibly good with the investments OHA's made in the struggle.

Chairperson Hulu Lindsey Trustees, do you have any questions?

Trustee Ahu Isa Mahalo Jonathan for your report. Just for my information, who is now the owner of Moloka'i Ranch?

Jonathan Scheuer Moloka'i Ranch is still owned by the Chinese/Singapore-based company that's been doing essentially nothing with the land right now other than marketing it.

Trustee Ahu Isa I thought at one point, we went into negotiations with them to contribute so many acres of land.

Jonathan Scheuer Perhaps you're referring to the proposal to develop Lā'au Point, in an exchange, the vast majority of Moloka'i Ranch's holdings were going to go to the Moloka'i Ranch Trust. The Land Trust ended up with some holdings, but because Lā'au Point development was withdrawn by the ranch and very vigorously opposed by the community, that exchange did not occur.

Trustee Ahu Isa Okay, mahalo for that history.

Trustee K. Lindsey I would also like to extend my appreciation to everyone who worked so hard on this issue. The question I have is, does now the success with the application trigger specific steps to get the folks that testified before the board water? What happens now?

Jonathan Scheuer The lottery permit application specifically allocated water to awarded lots in Nā'iwa awarded lots, elsewhere on the island and on a as available basis, to homesteaders who've been seeking to subdivide lots in Ho'olehua. When the Water Commission, about twenty six years ago, gave us only .367 MGD instead of the .5 MGD we requested, we were actually already at that time pumping more than they allowed us to pump so we've been technically in violation due to their decision making. Because of that, when homesteaders came to the department and said, hey, I want to subdivide my lot so my kids can have a lot,

we've denied issuing a water meter. So, there is a list of people who've been denied meters. They will be reached out to, as well as people who've already received lots - been awarded lots in Na'iwa but they've been not able to be settled because there were no water meters available.

Sterling Wong, Chief Advocate I just wanted to recognize Andrew Choy, who also used to be an OHA staffer that was in our research department and has gone on to do some amazing things at DHHL for our beneficiaries; so we have two former OHA staffers infiltrating the rest of the State, helping us to do good work on behalf of our lāhui so its very excited to do work with them. I just wanted to recognize both Andrew and John. Mahalo Chair.

Chairperson Hulu Lindsey Thank you Sterling and thank you again Andrew and Jonathan. It is very exciting to have at least one positive thing pass the Water Commission. Let's hope to see more. Thank you for taking the time to come to our meeting this morning.

We will now move on to item V.A., I will call on our Ka Pouhana.

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

Sylvia Hussey, CEO Thank you Chair. Today our State Auditor, Les Kondo is on. I will ask him to introduce his staff members who are also on.

Les Kondo, State Auditor Thank you. Good Morning Trustees, it is good to see all of you. I know I haven't met all of the trustees before, but I hope we can do that in person in the very near future. Thank you for having us, let me introduce my staff that's on this call. This is my team that will be doing this audit: Daria Loy-Goto, Deputy Auditor - she will be the project supervisor for this project; Dar Ariola, our Senior Analyst-Project lead or AIC (Analyst In Charge) - she will be the day to day person responsible for the audit; Gavin Chun, Elizabeth Kimura, and Patrick Brown - our team doing the current audit, the analysis.

Like I mentioned, we are here to talk about the audit that we are starting with respect to OHA. When Sylvia called Dar, our staff lead on this project, she had made a comment that I think I want to address right up front, she had said she felt there may be an elephant in the room. I think what she was referring to is our challenges with the last audit that we terminated and I want to tell you guys there's no elephant in my room. You know, we are here to do our job and we are committed to making OHA better. The audit that we had started relating to the LLCs, that audit is terminated, so we are moving past that. We are focused on our next audit, which is the one that we're here to talk about. Our audits are performed in accordance with government auditing standards. Those standards are issued by the US Comptroller General and they require us to be independent and objective. I can pledge to you that we will be independent and objective. When we finally issue the report, it will be based on competent and appropriate audit evidence. If you folks have questions while I'm talking, you're welcome to stop me and we can talk about whatever concerns or questions that you may have about the audit process.

We're required by statutes to audit OHA once every four years and we most recently audited OHA in 2017. That report was issued in early February 2018 and its Report 18-03, in case anyone is interested in looking at that. Our audit is a performance audit and a performance audit is very different than the annual financial audits that OHA currently undergoes. It's also very different than the report that Clifton, Larson, Allen, CLA issued in 2019. That wasn't an audit, it was a consultation agreement. So, our audit is to assess OHA's performance and we are going to look at specific activities of OHA. OHA is too big of an animal for us to look

at every aspect, so we are going to look at a specific function or activity of OHA and our process will take us to look at the criteria, which is the statute. These are the rules that you have in place, this will be our starting point. We will look at the condition, how its operating right now, and then we will look at other things like what's not operating very well and what's the big deal, what is the affect of the operation when its not operating as it should. We are going to try and identify the cause, why are things not going the way they should be going; out of that, we should offer some suggestions or recommendations as how to improve the process.

The analogy I like to use in terms of our process is, its like a house and how a house is built; the criteria, the statutory mandate, that is like the architect's plan, this is what the house is supposed to look like so that's going to be our starting point. We're going to look at the plans, we're going to look at the statute; this is what OHA is supposed to look like. Whatever the activity or function that we decide to audit, that's our starting point. Next, we gotta look at the condition. The plans say it's supposed to be a two-story house with four bedrooms. We go onto the project site and see how OHA's doing. We look at the project and we see a one-story house with two bedrooms, it's not the two-story house with four bedrooms that are in the plan; so we know the plan or the criteria doesn't match the condition or the actual fact; so then we need assess how come, how come the plans don't match what we see on site; that is where we start digging in and assess why, is it because the inspector didn't go out enough, was it because the architect or the builder went off on their own; we need to assess the cause. We need to try and find out how come the plans don't match, we need to find out the effect.

Trustee Ahu Isa Mr. Kondo, you talk about performance audit. Performance in terms of what? This is a big problem-question for me ever since I got elected. I want you to answer the question for me. What are we, a quasi-State agency, using performance audit on the Trust funds, using performance audit on the general funds, combination of both, and how does the performance audit...Hopefully we come out after the audit with a definition of what exactly is OHA? I get kind of confused, maybe you can help us find that definition.

Les Kondo, State Auditor I think our responsibility is very focused. We're here to see how OHA is operating a certain program and whether they are operating it well, effectively, efficiently, and ethically; that is kind of the entire scope of our mandate, it's not as broad as what you're asking.

Trustee Ahu Isa Okay, so randomly, you're going to select a program, however it's funded, and you're going look at that. Thank you.

Les Kondo, State Auditor It's not random because we come and audit OHA every four years. We know a little about OHA. Last time we audited like Ms. Meyers talked about, we audited OHA's discretionary spending. We looked at both the Board, the administration, and individual trustees use of monies that were outside of the very structured, formal grants process. At that time, more than double of the spending was through these discretionary vehicles, so we reported about how the board and the administration were awarding grants, were spending OHA money in ways that were not consistent with the criteria for the different spending vehicles. We reported that the administration was awarding money, notwithstanding the fact that staff had said do not fund, that was staff recommendation. We reported about individual trustees using money for personal expenses, that are other expenses like rent for some beneficiaries, funeral expenses, airplane upgrades, things like that. We looked at the criteria, what are the rules for certain spending programs; we looked at the condition, what's actually happened; and we decided we tried to assess why that's happening. I wanted to talk about how audits are a valuable resource. Its valuable to you, the trustees, for OHA, for the legislature, for the public. It provides a lot of transparency into programs that people may not know about. It holds trustees and the administration accountable for use of the Trust Fund money, as well as general fund money. After we reported in 2017, report issued in 2018, it is my understanding that our report caused OHA to reexamine its discretionary spending vehicles. There have been changes, amendments to those policies and those procedures, so to me, our report had

value. It helped OHA hopefully get better. One thing we don't do is, we do not have the authority or power to come into OHA and force change. We offer suggestions and recommendations based on what we report, what we see, and what we find. It falls to OHA, whether it's the trustees or the administration, to actually address those findings and fix the things we are identifying because that is also outside of our responsibilities.

Trustee Ahu Isa Thank you for the clarification. When you folks did that audit, it also ended up correcting. I was able to correct some of the errors that was in that report. We were blamed for things that we were not even responsible for and it came out in the report. It was an opportunity for us, from our side, to explain, to define, and to say hey, it wasn't me. Your reporting brought out things that helped clarify our guilt. People thought we were guilty, and it wasn't true. Thank you for that.

Les Kondo, State Auditor Thank you, let me talk about the process. You had you made a comment that we were going to randomly select something. It's not random, it's a very structured process; so the first phase of our process which we have already started, this is part of that phase is our planning process. We are coming and talking about our process. So, this is the first phase, so during planning, we're going to gather information about different aspects of OHA's operations. We have pulled things off the internet and we will come to talk to administration, staff, and Trustees. During the course of the audit, I expect we will talk to every one of the Trustees, whether it's during the planning or subsequently. During planning, we're trying to gather information so that we understand OHA's operations. Four years ago, maybe things have changes, it is very unlikely we will review the same thing we did last time, which is discretionary spending. It's very likely that we're going to look at a different aspect of OHA's operations so that we can provide some assistance in improving some other aspect of OHA. We're going to try to get a high-level understanding of the different functions and activities that OHA performs. We've already made a document request to OHA asking for some preliminary documents. Once we've gathered the documents, we will determine what our audit objectives are. At that point, that will be the focus of our audit. We will send OHA a letter and all of you Trustees will get a copy. It will tell you exactly what our focus is and our audit objectives, that will be what the audit will report. Once that's done, we're going to come back and we're going to do a little deeper dive, a little deeper digging to very specific audit objectives. We call that the fieldwork phase. We will look for very specific information relating to the specific objectives that we've identified; and then once our field work is done, we come back to our office and we start talking about what the audit findings are going to be; and then we start our drafting phase. Once the report is drafted, and I will explain, I want every auditee to understand that our report is supported. When we send the draft of that report to you for your review, we're very confident in the information that is in the report. What happens internally in my office once the draft is ready, we have somebody else that is not part of the project team, will independently review the draft to make sure every sentence in that report is supported by something. In our draft, you won't see it but the person who is asked to independently review our report will see a link. There is an electronic link that will link to a document, it is some other support for that sentence. Every sentence in our report has this electronic link so by the time we have finished going through our independent review process, we are very confident that the information contained in the report is accurate, that it supports whatever findings we have. However, we still send the report to OHA once the draft is done and we're very comfortable with it. We will send OHA a copy of that draft and only to OHA. We do not share that draft with anyone outside of my office and your office. The purpose of that is, if you see something in the draft that is not accurate and you want to refute, then we want to know that. We will schedule another meeting like this. It could be just with administration. Last go around, it was just with the administration to talk about the report, the draft report. Again, we ask that you don't share it with anyone outside of your office. The primary reason for that is the draft could change. I want to mention that last go around in 2018 when we shared the draft with OHA, that draft was shared outside of OHA. I don't know if it was leaked; I promise you, it was not from my office. I mention this because when we share the draft, maybe there should be some discussion if you feel it's appropriate as to how you feel you want to manage the draft. Anyway, we will have a draft, an exit conference, a chance to talk with

OHA administration or trustees about the report, things that you don't agree with, things that you want to comment on, things that you don't think we got right, maybe out of context, we want to have that discussion, and once we have that discussion, we may go back and adjust the draft, change the draft, revise the draft, or we may not. Soon after that, we will issue the draft and we will let you know when we intend to use the draft. We hope to issue this draft by the end of the calendar year, by the end of December. So, that's kind of our audit process. It will take us the next five or so months to go through this process, have a draft, shoot it over to you folks, and have a discussion. It is not a secret process. As we progress, if you have questions you are welcome to ask my staff. It is not suppose to be a secret process or a gotcha process. It is suppose to be a very transparent process from our end as well.

I wanted to talk about some miscellaneous kind of things that is important for you to know as we go through this process. First, all interviews, we have a practice to record them so we will audio record all interviews with you folks and your staff. So if you think it's appropriate, Sylvia, could you please let your staff know that, that will be our process. Also, this is really important as well and we mentioned this during our disagreement with respect to the audit that we were looking to do about the LLC's, our work papers are confidential by statute, it is confidential by law. In fact, I kind of want to read to you the first sentence. It says the auditor shall not be required to disclose any work papers. The statute defines work papers as any notes, internal memoranda and records of work performed by the auditor on audits, including any and all project evidence collected and developed by the auditor. So that's includes all of the records that we receive from OHA; it includes any of the interviews that we record, the summaries of those interviews that we create, anything related to the audit we consider to be work papers. Like I said earlier, the statute is very clear that we do not have to disclose those work papers. There was a suggestion that we would have the discretion and therefore, it's not a complete guarantee that we will not disclose those work papers. I will tell you and promise you that is not our practice. We will not disclose those work papers absent a court order. We will not allow anyone else into our work papers absent a court order. If we allowed things like this, we would not have credibility with any other oddities. We are not just auditing OHA, we audit many different state agencies and we need them to have assurance when they talk to us that the information they give us is protected. It doesn't mean it may not show up in the report, but in terms of the work papers and its tapes from interviews and things like that, they are protected.

Another thing I want to mention is on site vs. remote auditing. At this point, given the numbers that we're seeing, you know we've been working mostly remotely for the last year and a half. My staff is coming back to the office starting Monday. We will start working a few days of the week in the office. We will work with Sylvia and administration whether if we will be on site. There may be times where we need to be on site. I think our preference is to be able to work remotely. This will also depend if documents are available electronically. I also want you to know that my staff is vaccinated and if we do come on site, we will mask up, maintain distancing with your staff, and if there are other COVID protocols that OHA has, we will ask and abide by those protocols.

We look forward to working with OHA and doing this audit work. I hope and expect that we have all this cooperation. I want you guys to feel comfortable in asking questions, calling us if you have questions, talking to Dar, Darius or any of the staff. We are here to help you folks.

Trustee Akina As you pointed out at your discretion, there is a scope and focus of the audit. How do you go about selecting that scope and focus and whether the LLC's might be included, possibly in that?

Les Kondo, State Auditor It is very unlikely that we will try to pick up the audit relating to the LLCs. We were auditing the Board and OHA's oversight and use of the LLCs, that's the audit we terminated. I think it's highly

unlikely that we will pick that audit up again, unless OHA decides that we will have access to the records we thought we needed to finish that audit. If it's status quo, then it's very unlikely that we will try to continue that audit. To answer your question about how do we go about selecting and scoping our work? It's a very detailed, rigorous process. I mentioned our audits are all performed in accordance with government auditing standards, so that process is very detailed. We follow a process that is laid out in those government auditing standards. In a high-level, what we do is we try to identify the areas that are important and if they are not being done well, make a big deal, so we are going in during planning to try to identify what OHA does, what are the different functions of OHA. Grants was one, land management or land development is another, advocacy is a third, I'm sure there's other divisions. We will go and gather information, at a high level, about each of these different aspects of OHA's responsibilities, the divisions, and come back. Then as a group, we will look at the key's activities for each of these. If things are not going well, it's a big deal. Some of that analysis will be, are there records, are we able to gather enough information so that we have findings based on efficient and appropriate audit evidence. If the answer is no, then we will not audit that function just because we will not be confident that whatever we find is supportable. We will go through this process and weed out things that are not a big deal. We narrow that focus and we can do it within the timeframe that we are budgeting for ourselves. I am not sure if I answered the question well enough, but that's kind of our process at a relatively high level to get to the objectives.

Trustee K. Lindsey I have two questions: my first question is the upcoming audit and looking at elements of the CLA report, is it premature to talk about that?

Les Kondo, State Auditor No, I can talk about that. I think the answer in a one word is no. The reason for that is because what we look at is we look at a process. You know I described my analogy, which may not may not be a good analogy, was about the house building, right. We're looking at this process that you have. It's not an investigation of one transaction. You hired CLA, unless you were going to look at your procurement process and CLA would be part of that, I guess we could do that. I think procurement might be something that still is on the table for us to kind of review OHA procurement activities and CLA might be apart of that but we're looking at a cross section of a very broad look at different activities, so we're not going to go and double check CLA's work. I mentioned earlier, I think right at the front of their report they say in black and white, it's not an audit. It's really work that I guess, whatever the committee was and OHA more broadly that they said this is what we want you to do CLA, and that's what CLA did. So, we thought our report about the LLCs would work with CLA's report and add to the information that CLA provided OHA. Like I said earlier, that audit is terminated, we're done with that.

Trustee K. Lindsey Thank you for that. The reason I ask is this board has formed an Ad Hoc committee to follow up on certain directives the legislatures given us related to the CLA report. I just didn't want you folks doing your thing and the Ad Hoc trying to form something here or duplicating. Thank you for answering the question. The second question is, in your letter dated July 21 to OHA, it mentions a report of your findings being submitted to the legislature no more than 20 days prior to the convening of the next session. But earlier you said a draft report was going to be done by the end of December, so is it the draft that will be submitted to the legislature or is it the final report?

Leslie Kondo, State Auditor Thanks for the question. I was probably not as clear as I should be. We hope to issue the report to the legislature, meaning the final report by the end of the year. That means our draft will be to OHA obviously before the end of the year; hopefully, by the middle of the year. The challenge with OHA or any organization with a board, if the board wants to participate in the exit conference, you folks have to have a meeting in our timeframe. I think that's what drove the last audit in 2018, the exit conference being with administration, the Chair may have participated. I think it will require some planning and we can work with Sylvia on that.

Trustee Lee I will address my reaction to Les Kondos comments about the LLCs now. They have been sent twice, the letter from auditor Leslie Kondo. He has already indicated what he plans to audit and the LLC was not on that. I do have a comment for Mr. Kondo.

First, thank you for reclarifying for the board that all your work product is confidential except for a court order. That makes it very clear that although it is your policy to keep them confidential, if someone subpoenas them and the court rules in that order, you are compelled to turn them over. Thank you again for clarifying that for the board. My question is specific to the documents you requested. Item number seven, you're requesting OHA to provide the State Auditor's office with an inventory of ceded lands and public trust lands (PLT). Correct me if I am wrong, but my understanding is that's DLNR's responsibility. If the State Auditor is saying that its OHA's responsibility to keep that inventory, does that mean the State is going to acknowledge our list, so whatever OHA says is the ceded land and PLT inventory? There have been disputes, DLNR has disputed what OHA's inventory list. They say it is less than what OHA stating. If the State Auditor is asking us for the inventory list, then are they saying OHA has that list and not DLNR?

Leslie Kondo, State Auditor Trustee, I suggest you read to much into the document request. If you don't have documents, then OHA should just say "we don't have documents." Like I mentioned earlier, we're in the planning phase. We're trying to understand different aspects of OHA's operations. My understanding is OHA receives 20% of ceded land revenues. Part of that question is, what is the ceded lands? We want to understand what OHA's inventory of those lands are. If you don't have it or if its different than what DLNR has, then so be it. We want to understand facts at this point.

Trustee Lee I think that's a fair response. I don't think I was reading into anything and I think that was a fair question to ask. Your answer was great, thank you.

Leslie Kondo, State Auditor I'd like to also say that on the confidentiality, if we get a court order, we will comply with the court order. We may appeal it, but we will apply with the court order at some point if we're directed to provide documents. I got to read the section to you folks again specifically to you, Trustee Lee. The Auditor shall not be required to disclose any working papers, period. That's a strong statement. For the court to say disclose, but we would probably challenge that ruling as we go up the appellate ladder. Its pretty black and white to me. I appreciate your interpretation and your comment. That's why lawyers get big bucks, we can all interpret things differently. That's why we represent people because we can advocate for different positions.

Chairperson Hulu Lindsey Any other questions? Otherwise, Mr. Kondo, thank you so much to you and your staff.

Leslie Kondo, State Auditor Thank you for having us.

Chairperson Hulu Lindsey Moving on to the next item I will call Trustee Waihe'e.

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**

Trustee Waihe'e 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:

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.

Trustee Akaka Seconds the motion.

Chairperson Hulu Lindsey Any discussion?

Trustee Lee In committee when I questioned the need for the Board to approve this because it wasn't trust funds, Ka Pouhana indicated that the grant itself says that it needs to be approved by the governing body of who is going to receive the funds. When I dug deeper into this, HRS 10.6 subsection 8 mandates that the Office on Affairs is to apply for, accept, and administer any federal funds made available or allotted under Federal Act for Native Hawaiians, or Hawaiians. Does this not suffice that requirement by the grant? Also, knowing that type of funds and the action that its taking to preserve 'ōlelo Hawai'i is in line with our strategic plan, which was approved by the Board of Trustees, does that also not suffice? Does it say that this specific action, not through a lateral action, has to be approved by the Board of Trustees?

Sylvia Hussey, CEO The grantor, the ANA, part of their federal application process requires documentation that administration, the applicant, has the authority from their governing body, and so in the case of many of their grantees who are 501c3 entities, that would mean it's an issue with their governing board of directors. In our case, since we are a state entity, our governing entity wouldn't have been there. I'm also going to ask Everett to speak. Regardless, of the funding source, the act of granting and the act of expenditures is within the authority of the Board of Trustees. Everett could you reiterate what was shared in RM committee.

Everett Ohta, Assist. Sr. Legal Counsel Good morning Board. At the last meeting, we did discuss the authority of the CEO that has since been revoked to issue grants below a certain amount.

Trustee Lee My question wasn't about awarding, but since it's been brought up and I guess we're talking about it, I think that's a little latitude saying the granting authority above a certain level has been removed from Ka Pouhana. It doesn't specifically say all granting and any granting that these funds are being stipulated by the federal government, that it has to be used for a specific thing. I am not convinced that the board needs to approve who the fund that granting goes to because it is not trust funds. By statute, I believe we were elected to manage trust funds and this is not trust funds. And I am still waiting for an answer about my original question. If the answer is no then the answer is no, but I'm asking a question. We have Hawaii statutes saying that OHA will apply for Federal funds that are made available to Native Hawaiians and Hawaiians and we also have approved a Strategic plan that this grant is completely aligned with, I am asking if that's not sufficient saying that the board has so approved. We have State and Federal law saying that we have to and we have a strat plan that we approved saying that we want to protect and further on 'ōlelo Hawai'i.

Sylvia Hussey, CEO On the OHA side, the broad governance and the implementation may be adequate but the technical provider with ANA, as part of the grant application, told us we need specific documentation of the Board's approval of the intent to apply. Also, the way we want to implement this grant is to turn around and take the \$250K and sub grant five \$50K grants for the same purpose, that is a different way of implementing grantees. Of the four entities that were awarded the \$250K from ANA, we're the only ones that are say we are going to sub grant that money to our beneficiaries. The guidance given by ANA as well as the Federal

application process, that's the reason we needed to document that the board approved our intent to apply as part of the process.

Trustee Lee Thank you for that clarification, I really do appreciate it. As far as ANA's response to our intent to sub grant out since it is the intent of administration to have the trustees approve the grant awards, can the trustees be provided that documentation from ANA that they're going to be okay with OHA sub granting 100% of these funds out. I have concerns about the application that says we can not be used as a pass through. While I understand Ka Pouhana said in the Resource Management Committee (RM) the funds will be going out to others, the information and data will be aggregated and collected and disseminated by the Office of Hawaiian Affairs, that is OHA doing the substantial amount of work. Can trustees be provided for our peace of mind that ANA says we agree with you and its ok? Because if we're going to be the ones to approve the money going out to others, that means we're the one that will be on the hook if ANA comes back and says you couldn't give away all the money, it says you cannot give away all the money. Can we see the documentation from ANA saying that's okay?

Sylvia Hussey, CEO You bring up a good point in terms of the process. The deadline for this non competitive award....We met the deadline and the process is to go back and forth with them and ask questions. We submitted a budget that indicates \$250K will go to grantees, OHA will not take any administrative cut, and the final award notifications will be the official document that they recognize our application, which this means they have reviewed our work plan, the objectives, the timing of activities, we are looking at intergenerational and research questions are all in the application; that part of affirmation will come with the grant award notification, we can share that as well. That would be the affirmation that ANA accepts the way we will sub grant as well as track over the three year period.

Trustee Lee I am sorry Ka Pouhana, I must have misunderstood in the RM meeting, I thought you said ANA has already approved us sub granting the money out.

Sylvia Hussey, CEO ANA has awarded us money in a noncompetitive.

Trustee Lee Correct, but in the RM Committee meeting I asked about us acting as a pass through because all of the \$250K was being sub granted out. The response I got was ANA was okay because the information was coming back and aggregated and disseminated by OHA, that constituted us doing majority of the work which is what the grant says. So, we don't have that approval yet? We won't have the approval until the grant itself is approved and they've reviewed our intent to sub grant 100% of the money?

Sylvia Hussey, CEO So 1) we have the award. 2) We've already spoke to them about our intent of our application to sub award. If it weren't acceptable to them, they would've stopped us then. They haven't and they approved and supported our application including the sub granting. We submitted our application. They need to do all of their paperwork there and then actually issue the grant award notification. Upon that notification, will then trigger our sub granting process. In the meantime, we are preparing the grant solicitation to make sure it aligns with our intention there.

Trustee Lee Got it Ka Pouhana. Thank you so much for that clarification. So, it's not so much that they explicitly say its okay with what your doing, they didn't say its not okay. We will get the official nod when they award the money. If they're not okay with us sub granting 100% of the money, they'll see that in the approval process.

Sylvia Hussey, CEO There is a process once you submit the application, the back and forth for that final agreement. The sub granting process and the demonstration of the substantial contribution by OHA is supported by ANA, that is why are application is framed that way.

Trustee Lee Right, so once we get the final nod then that's the official paper work saying its okay for us to sub grant out. Thank you so much.

Sylvia Hussey, CEO Trustees what we will do is share the final packet in its entirety and have that available to you so that you can see what we actually submitted.

Chairperson Hulu Lindsey I just want to share with all of you that in our section of the HRS10-6.8 is general duties of the Board and it includes to apply for, accept, and administer any Federal funds made available or allotted under any Federal act for Native Hawaiians or Hawaiians. So not only is the Federal requiring Pouhana to get the Board approval, but it is part of our duties as a Board to oversee her application.

Trustee Lee You are correct madame Chair. That is HRS10-6.8 which is what I read previously. That was my question because State law says that we must do this, was that not enough to say that the Board approves it. Because State law says we must do it.

Trustee K. Lindsey One reason I support this action is the element of it, I understand it doesn't put us in a position to be competing with other Native Hawaiian organizations. As we move ahead and with the Statutory mandate in mind, do we anticipate pro-actively pursuing similar opportunities to become this conduit to award out Federal funds? Are there more opportunities that we are going to explore as we move forward?

Sylvia Hussey, CEO Absolutely, part of our responsibility is to do that. I want to make sure the systems we have in place manages that. I think that could be OHA's way to help our communities go after larger grants quickly and bringing it back to the State and distributing out. This award already raised eyebrows because our Native Hawaiian programs compete very well with ANA grants. This award does not negate anything they're getting. It is also a very small and modest award. We've had programs receive over a million dollars from programming, from ANA. We don't want to be competitive, we do want to be complimentary and if our processes can enable monies to come quickly into the State and out to our beneficiaries and our contribution is the paperwork and accounting, then that is a win-win for everyone. To your answer, it is a very intentional strategy, but I want to be sure that this very modest \$250K, we can do well and we can do as we intend before we go out and intentionally seek more opportunities.

Chairperson Hulu Lindsey If there are no more questions, please call for the vote.

Trustee Waihe'e moves						
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.						
Trustee Akaka Seconds the motion.						
	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI			X			
AHU ISA						

TRUSTEE DAN	AHUNA			X			
TRUSTEE KALEI	AKAKA		X	X			
TRUSTEE KELI'I	AKINA			X			
TRUSTEE LUANA	ALAPA			X			
TRUSTEE BRENDON	LEE			X			
TRUSTEE KEOLA	LINDSEY			X			
TRUSTEE JOHN	WAIHE'E	X		X			
CHAIRPERSON HULU	LINDSEY			X			
TOTAL VOTE COUNT				9	0	0	0
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED							
Motion passes with nine (9) YES votes and one (0) EXCUSED vote.							

Executive Session

VI. 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)

Chairperson Hulu Lindsey Can I get a motion to recuse ourselves into executive session pursuant to HRS§92-5

Trustee Ahu Isa Moves to recuse into Executive Session.

Trustee Akaka Seconds the motion.

The Board recuses into Executive Session at 11:25 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		X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA		X	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			

TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with nine (9) YES votes and zero (0) EXCUSED vote.						

Board returns to open session at 12:06 p.m.

Announcements

Chair Hulu Lindsey Okay, I just want to announce our next Board of Trustee meeting will be next week on August 5th at 10 a.m.

Adjournment

Trustee Akaka Moves to adjourn the meeting.

Trustee Waihe'e Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
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				9			

Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 12:07 p.m.

Respectfully submitted,

Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on October 7, 2021.

Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

1. Testimony – Germaine Meyers

Public Testimony of Germaine Meyers, BOT meeting Thursday, July 29, 2021 at 10 am

Aloha Chair Hulu, Ka Pouhana and Lahui,

My name is Germaine Meyers. I'm an OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Nanakuli Hawaiian Homestead Lessee.

Today's agenda includes Entrance Conference with State Auditor Leslie H Kondo for the Performance Audit of the Office of Hawaiian Affairs.

The last performance audit of OHA was Report 18-03 dated February 13, 2018.

Report 18-03 begins with (quote verbatim)

"We found that the Office of Hawaiian Affairs (OHA) has created alternate funding processes. At first glance, these funding opportunities appear to be guided by policies, procedures, and guidelines designed to ensure that funds are distributed **fairly and equitably**.

In reality, however, these expenditures and other forms of discretionary spending do not undergo the rigorous vetting, monitoring, and reporting **requirements** of OHA's formal grant process. Some are approved by the OHA Administration without Board of Trustee vote or even knowledge." (end of quote)

Today, I would like to highlight for Mr. Les Kondo and the Board, my concerns of his statement, "undergo the rigorous vetting, monitoring, and reporting requirements of OHA's formal grant process."

Based on my recent experience of analyzing the grant process and applications for the COVID 19 grant awards that came to the board last month, I feel that OHA **does NOT** have a rigorous vetting, monitoring and reporting grant process to ensure funds are distributed fairly and equitably.

I would like to direct the State Auditor to the following example of funds distributed unfairly and inequitably.

The grant manager recommended the approval of awarding \$78,541 to Papakolea Community Development Corporation for a 12 month period to pay for .35 (**less than one**) full time employee by paying .10 FTE to the Executive Director Lilia Kapuniai and .25 FTE to a PPE Coordinator.

Also to pay for covid supplies, masks, hand sanitizer, and disinfectant to serve **100 Hawaiians** that use the Papakolea Community Park and Center.

When I do the math, it comes to \$6,500 per month.

As I shared with Trustees last month, this non-profit already pays their Executive Director Lilia Kapuniai a salary of \$72,000 for 20 hours of work per week. That comes to 1,042 hours a year. She's already being paid by the non-profit \$69.23 **per work hour**. Or \$6,000 per month **for part time hours**.

How did OHA's grant manager justify approving to pay an additional .10 of her hours with OHA funds?

What the OHA grant manager did not disclose to Trustees last month were the following:

Lilia Kapuniai **noted in the grant application** that she was CNHA's (Council for Native Hawaiian Advancement) Vice President of Community Development Division.

In addition, the grant manager failed to disclose to the Trustees that this non-profit, Papakolea Community Development Corporation (PCDC) already received 4 **large grants** during the COVID 19 period.

According to their grant application, PCDC received 3 grants from Kamehameha Schools for the period of FYs 2019 to 2021 for a total of \$424,688.

In addition, PCDC were awarded 1 grant for FYs 2019 to 2022 from US Administration for Native Americans in the amount of \$858,140.

All 4 grants combined together come to a total of \$1,282,828.

But and yet the grant manager felt it was **equitable** to give PCDC an OHA grant in the amount of \$78,541 to serve 100 Hawaiians. While ignoring the grant applications of other non-profits that would serve thousands of native Hawaiians in Waianae Moku and Ewa Moku.

This is just one example I would like to highlight to Mr. Kondo.

Ke Akua Pu,

God bless all of you.

Bcc: Beneficiaries on my bcc list

Bcc: State Auditor Les Kondo

Community Concerns of Germaine Meyers, BOT meeting Thursday, July 29, 2021 at 10 am

Aloha Chair Hulu, Ka Pouhana and Lahui,

My name is Germaine Meyers. I'm an OHA beneficiary for beneficiary advocacy and empowerment. I'm also a Nanakuli Hawaiian Homestead Lessee.

At the July 1st board meeting, when the agenda included the "Approval of the Ad Hoc Committee on the CLA report entitled "OHA & LLCs contract and disbursement review", Trustee Brendon Lee made a big deal about not contracting anyone to further investigate the red flags, alluding that Administrations Implementation report was sufficient.

Vice Chair Ahu Isa, you're correct. Some don't read reports.

Although I have a public education, I love reading and allowing Ke Akua to guide my understanding.

Administration's Draft Implementation Report (the report Trustee Lee was highlighting) was first brought to the Board through the RM Committee under Trustee Dan Ahuna's chairmanship last year on January 22, 2020. The packet contained a total of 367 pages, of which Administration's Implementation Report was a total of 183 pages.

But Ka Pouhana made it easy for us by summarizing her findings on page 20 under the heading of **"Possible Fraud, Waste and Abuse – Appendices C & D."**

On this page, Ka Pouhana made it clear in 2 paragraphs. She stated:

*The following **limitations** regarding the identification of possible fraud, waste, and abuse were included in the scope of work approved by OHA.*

*1) CLA's procedures were designed to **detect and identify** possible fraud, waste, and abuse; however, CLA cannot provide absolute assurance that all instances of possible fraud, waste, and abuse were identified. **If indicators of potential fraud were identified, the scope of this engagement did not include investigative procedures into these matters.***

*Examples of investigative procedures, which were not performed as part of this engagement, **may include, but are not limited to**, undercover procedures, interviews of vendors or other third-parties/individuals external to the OHA/LLCs, review of vendor files solely in the possession of a vendor (such as payroll files), etc.*

2) CLA's procedures were designed to detect red flags of fraud and transactions that appeared questionable. However, CLA cannot render an opinion as to the existence of fraud. Additionally, fraud and irregularities by their very nature are most often hidden, and no absolute assurance can be given that all such matters

were detected. CLA's engagement cannot be relied upon to disclose any irregularities or illegal acts, including fraud, which may exist."

I repeat, **Ka Pouhana's report stated** "CLA's engagement cannot be relied upon to disclose any irregularities or illegal acts, including **fraud, which may exist.**"

From my research, unfortunately the last RM Committee Chair NEVER agendized the report for the committee to approve, and the last Board Chair DID NOT agendize the report for ratification.

However, at the aggressive questioning of Trustee Brandon Lee, the last Board Vice Chair, our Chair Hulu clarified for all of us that the Legislators did received Administration's DRAFT Implementation Report for their review.

If I was a legislator and read **page 20** of the report, I would have also approved funding for OHA to further investigate the red flags for possible fraud, waste, and abuse, based on Ka Pouhana's statements on page 20, which again included "CLA's engagement cannot be relied upon to disclose any irregularities or illegal acts, including fraud, which may exist."

On **Page 21** of Administration's report, it included a summary of responses addressing **32 OHA flagged test items** of possible fraud, waste and abuse by process area, which totaled **\$10,157,206.82**.

Trustees, according to page 3 of Administration's report, CLA selected eighty (80) contracts and (50) other financial disbursements of funds for testing and review.

That comes to **a total of 130 records**.

Of the 130 records, 32 were flagged as possible fraud, waste and abuse.

That's 25% of the records came to a total of \$10.1 million in red flagged items.

We must ask ourselves if all of OHA's records over a 4 year period came to a total of \$200 million of trust funds spent, and 25% were flagged, that means beneficiaries should be concerned that \$50 million of trust funds could be possible fraud, waste and abuse.

For me, the last Board Vice Chair will have a lot to account for to the Lahui to explain why he's proud of being complicit and complacent with some things, while being aggressive and trivial with others.

Ke Akua Pu,

God Bless all of you

Bcc: Beneficiaries on my bcc list

Bcc: State Auditor Les Kondo



OHA & LLCs Contract and Disbursement Review

Recommendations Implementation Report January 2020

Disclaimer: The document is intended for the sole use of OHA Trustees, Counsel, Administration, and Staff. Its contents may not be reproduced, reprinted or distributed (either electronically or via hard copy) in whole or in part without the express written permission of Administration.

TABLE OF CONTENTS

I. Executive Summary	3
II. Summary of Recommendations	6
III. Recommendations Implementation Plan	8
IV. Possible Fraud, Waste & Abuse	20
V. Monitoring and Reporting	22
VI. Conclusion and Next Steps	24

APPENDICES

A	Implementation Plan for 73 OHA Recommendations
B	Implementation Plan for 30 LLCs Recommendations
C	OHA Addressing Possible Fraud Waste Abuse Flagged Test Items (32)
D	LLCs Addressing Possible Fraud Waste Flagged Test Items (6)
E	Recommendations Implementation Plan Monitoring and Reporting Dashboard
F	3.28.19 OHA Response to Audit Report 18-03 Status of Implementation
G	8.30.19 OHA Response to Audit Report 18-08 Status of Implementation

I. EXECUTIVE SUMMARY

A. Scope, Background and Context

In 2018, the Office of Hawaiian Affairs (OHA) contracted CliftonLarsonAllen (CLA) to review for a period of five (5) years, specifically fiscal years (FY) 2012, FY 2013, FY 2014, FY 2015, and FY 2016 and to include both OHA and the Limited Liability Company(ies) (LLCs). For OHA, the scope of work called for CLA to select eighty (80) contracts and fifty (50) other financial disbursements of funds for testing and review. For the LLCs, the scope of work called for CLA to select thirty (30) contracts and twenty-five (25) other financial disbursements of funds for testing and review. The scope of services specified all contracts and financial disbursements tested would be selected by CLA based on CLA's understanding of OHA's and LLC's policies and procedures and data analytics performed on the financial activity of the organizations.

The overall scope of work and approach was conducted utilizing standards in accordance with the Statement on Standards for Consulting Services, Consulting Services: Definitions and Standards (codified as CS Section 100 in AICPA Professional Standards) of the American Institute of Certified Public Accountants (AICPA). The report did not constitute an audit, compilation, or review, in accordance with standards of the AICPA, the objective of which would be the expression of an opinion on any specified elements, accounts, or items. Accordingly, CLA did not express such an opinion.

The results of the review was reported to the Board of Trustees (BOT) Committee on Resource Management (CRM) on December 4, 2019 and after full and free discussion, recommended approval of the following action to the BOT:¹ *Move to recommend that: 1) the Board of Trustees receive the final report on OHA & OHA's LLCs Contract & Disbursement Review prepared by CliftonLarsonAllen LLP and commissioned by the Board under [Contract] 3284, as amended; and 2) direct Administration to review and analyze the recommendations contained in the final report and report back to the RM Committee with its analysis and plan to implement the recommendations at the first Resource Management Committee meeting in January 2020.* The BOT approved the action at its meeting on December 5, 2019 and this report by Administration is in response to that action and directive.

B. Activities Completed by CLA – Review, Analyses, Observations and Recommendations²

In executing the engagement, CLA completed reviews and analyses of data gathered from: preliminary information gathering and document review; process interviews of OHA and LLCs staff; documents requested; test items; selected sample of contracts and disbursements; interviews with OHA Trustees; inquiries with OHA and LLCs staff; assessments of Board of Trustees oversight; and status updates and communications with the Resources Management Committee (RMC).

In the final report, CLA provided both observations and recommendations for OHA and the LLCs separately. For OHA: Seventy-three (73) recommendations based on the results of contracts and financial disbursements testing as well as measures concerning the internal controls in place to ensure

¹ Committee on Resource Management Committee Report dated December 4, 2019

² CLA report, p 18

IV. POSSIBLE FRAUD, WASTE AND ABUSE – APPENDICES C & D

In addition to addressing the Recommendations, Administration also focused on test items that were flagged by CLA as “possible” fraud, waste and abuse in the context of the following limitations on the identification of possible fraud, waste, and abuse stated in the CLA Report²⁵, bolded emphasis added:

“C. Limitations on the Identification of Possible Fraud, Waste, and Abuse

The following limitations regarding the identification of possible fraud, waste, and abuse were included in the scope of work approved by OHA.

- 1) *CLA’s procedures were designed to detect and identify possible fraud, waste, and abuse; however, CLA cannot provide absolute assurance that all instances of possible fraud, waste, and abuse were identified. If indicators of potential fraud were identified, the scope of this engagement did not include investigative procedures into these matters. Rather, CLA will communicate such matters to you. Examples of investigative procedures, which were not performed as part of this engagement, may include, but are not limited to, undercover procedures, interviews of vendors or other third-parties/individuals external to the OHA/LLCs, review of vendor files solely in the possession of a vendor (such as payroll files), etc. To the extent that information was identified during the scope of this engagement that indicates a possibility of fraud, waste or abuse, CLA has included in this report the information identified.*
- 2) *CLA’s procedures were designed to detect red flags of fraud and transactions that appeared questionable. However, CLA cannot render an opinion as to the existence of fraud. Additionally, fraud and irregularities by their very nature are most often hidden, and no absolute assurance can be given that all such matters were detected. CLA’s engagement cannot be relied upon to disclose any irregularities or illegal acts, including fraud, which may exist.”*

Appendix C - Detailed Responses Addressing 32 Flagged Test Items of Possible Fraud Waste Abuse summarizes test items flagged by CLA related to OHA, including notes from Administration.

²⁵ CliftonLarsonAllen LLP OHA & LLCs Contract and Disbursement Review report, dated December 4, 2019, page 28

Table 4 - Summary of Responses Addressing 32 OHA Flagged Test Items of Possible Fraud Waste Abuse by Process Area

Type	Items	Amount	Flagged Test Items No.
Grants	5	\$3,948,000	1-5
Competitive Sealed Bid (RFP)	2	\$3,110,752	6,7
Professional Services	3	\$843,496.24	8,9,10
Exempt Purchase	10	\$1,274,162.50	11-20
CEO Sponsorship	5	\$129,999	21-25
Exempt Non-Grants, Small Purchase	7	\$850,797.08	26-32
Total	32	\$10,157,206.82	

Appendix D – Detailed Responses Addressing 6 Flagged Test Items of Possible Fraud Waste Abuse summarizes test items flagged by

Table 5 - Summary of Responses Addressing 6 LLC Flagged Test Items of Possible Fraud Waste Abuse by Process Area

Type	Total Items	Total \$	Response No.
Contracts	2	\$11,960	1, 2
Disbursements	4	\$103,367	3,4,5,6
Total	6	\$115,327	

STATE OF HAWAI‘I
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 or listen by phone: (213) 338-8477

Minutes of the Office of Hawaiian Affairs
Board of Trustees
MAUI ISLAND COMMUNITY MEETING
MINUTES
Wednesday, August 11, 2021
6:30 pm

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Trustee Leina‘ala Ahu Isa
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keli‘i Akina
Trustee Luana Alapa
Trustee Brendon Kalei‘āina Lee
Trustee Keola Lindsey (zoom)
Trustee John Waihe‘e, IV

BOT STAFF:

Colin Kippen, COS
Amber Kalua, Trustee Aide
Kanani Iaea, Trustee Aide
Lehua Itokazu, Board Secretary

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, COO
Ramona Hink, CFO
Raina Gushiken, CC
Everett Ohta, CC
Kevin Chak, IT Support
Erin Nakama, IT Support

GUEST:

Lipoa Kahaleuahi
Kapono‘ai Molitau
Jon Brito
John Leong
Scott Crawford
Lisa Ponichtera
Kupono Lucero
Serlinda Soukon
Kelly Pearson
Harmony Hallas
Ipolani Pu
Fran Heath
Marie Fitzsimmons
Bryden Lind
Janai Kealoha

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees' Maui Island Community Meeting to order for Wednesday, August 11, 2021 at 6:00 p.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		Joins at 6:05 pm
TRUSTEE	JOHN	WAIHE'E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			8	

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

Chair Hulu Lindsey Aloha kākou everyone and welcome to our Maui Island community meeting. I want to apologize to our Maui beneficiaries that we're not able to meet with them in person. We were planning, all nine trustees, to see them this evening but the situation, not within our control and for the safety of our lāhui, it was safer to hold the meeting virtually. I hope our beneficiaries are logged onto our site this evening and are watching the different presentations that will be made.

As a reminder for everyone here on Zoom - Please mute your mics when you are not speaking. Trustees, please enable your cameras if you are able to do so. We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Due to the threat of COVID-19, Governor Ige issued the Emergency Proclamation Related to the COVID-19 Response, dated August 5, 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

At this time, I would like to introduce our CEO-Sylvia Hussey, Chief of Staff-Colin Kippen, Board Secretary-Lehua Itokazu, and Aides-Kanani Iaea and Amber Kalua. Ka Pouhana, could you please introduce our staff that is present at this meeting.

Sylvia Hussey, CEO Thank you Chair, good eveing to our Trustees and beneficiaries and our communitites online, we have with us our COO-Casey Brown, CFO-Ramona Hink, Senior Legal Counsel-Raina Gushiken, and our Assistant Legal Counsel-Everett Ohta online, as well as our IT support staff.

Introductions

Chair Hulu Lindsey I would like to ask each trustee to introduce themselves and their staff at this time.

Trustee Ahu Isa Aloha kākou, I am Lei Ahu-Isa, Trustee At-large. I've been here for eight years now. I've always loved Maui. Maui is so beautiful. Too bad we could not fly over because of COVID. Please know our hearts are with you. We are here to listen to you. My Trustee Aide is Nathan. Mahalo.

Trustee Ahuna Aloha mai kākou, I want to say aloha to the island of Maui. I am honored to be attending this meeting and to listen to any concerns from our beneficiaries of Maui. Tonight with me I have my two aides, Claudine Calpito and Anuheia Diamond. Thank you.

Trustee Akaka Aloha mai kākou, aloha Maui, it is an honor to be here with all of you virtually this evening. Hopefully next year we can be together in person. We look forward to hearing what your mana'o is and your concerns. Mahalo Board Chair for hosting us this evening and tomorrow. Thank you for all the plans made, it is truly appreciated. Joining me this evening, my staff Brandon Mitsuda and Mark Watanabe. Mahalo again and I look forward to hearing your mana'o.

Trustee Akina Aloha mai kākou everyone, thank you so much for joining us online. I can't tell you how much I regret that we can not be there in person on your island tonight. It is always a great thing to be on the island of Maui. I am looking forward to hearing from you and your mana'o. We need to hear your mana'o and how we can best serve you. I am also accompanied by Trustee Aide Maria Calderon. Aloha.

Trustee Alapa Aloha everyone, I am Luana Alapa, Trustee for Moloka'i/ Lana'i. I was looking forward to being on your island for the site visits, but you already know, we were not able to do so because of COVID. At this time, it is important that we all come together to share our thoughts and concerns and that's exactly what we are here for. I would like to introduce my Trustee Aide, Pohai Ryan. Mahalo Chair.

Trustee Lee Aloha Chair and aloha mai kākou to all our beneficiaries on Maui, thank you for joining us this evening. Like my other Trustees have expressed, it is with our regret that we can not be with you folks in person. We always look forward to coming to Maui. Thank you for joining us this evening and I look forward to learning more about the presentations we are having. We are also looking forward to listening to you, our beneficiaries. Joining with me online tonight is Lei-Ann Durant and Dayna Pa. Mahalo Chair.

Trustee K. Lindsey Aloha mai kākou, I'm just blown away by the beauty of Nā Hono a Pi'ilani. I am Trustee Keola Lindsey for Hawai'i Island. On my drive up to Kohala today to drop my kids off at school, the Alenuihāhā was flat and calm, and Maui was especially vibrant and clear. I thought that was very fitting for today since we were going to be connecting. I look forward to hearing from all of you. Mahalo to our Board Chair and everyone for arranging our meeting tonight. Two important people in my life, my staff, Kama Hopkins and Kau'i Wailehua, who are tuning in online tonight. Mahalo.

Trustee Waihe'e Thank you. I want to thank you, not only as Chairman but also as the Trustee representing Maui, for all the work done and the staff too, to prepare for this meeting. I also want to thank the beneficiaries joining us tonight, especially the beneficiaries joining in from Maui. We really wish we could've been there in person. Joining me is my staff, Crayn Akina and Melissa Wennihan. Once again, thank you Madame Chair.

Chair Hulu Lindsey A humble thank you to my colleagues for being present at this Maui community meeting. I thank you so much. With me tonight are my staff, Board Secretary is Lehua Itokazu and my Aides Amber Kalua and Kanani Iaea. Mahalo nui. For those who tuned in a little later, we want to apologize for not being here in person. We were certainly looking forward to our site visits and listening to you live, but we are here virtually to hear you. Without further a due, we will now move to our presentations.

Community Presentations

Ma ka Hana ka 'Ike – Lipoa Kahaleuahi

Lipoa Kahaleuahi Aloha mai kākou, so lovely to see all of you. Mahalo nui for making the important but difficult decision to have the meeting on Zoom for the safety of our community, mahalo nui. I am born and raised in Hāna, and I am privileged and honored to be the Executive Director of Ma ka Hana ka 'Ike. Ma ka Hana ka 'Ike was founded in 2000 by Rick Rutiz., at it's core, it was a building and construction program. They built 88 ramps, railings, and all the things that ensured our kupuna had safe living spaces to age and to live at home; Mālama I Nā Hulu Kūpuna, the project we were able to spearhead with the help of OHA, allowed us to focus in on that foundation, especially during COVID. I was going to share a short video but the clip will not work. The main story was about a husband and wife that were impacted in 2016 by an accident that caused the husband to lose both legs. The accident took place at work. Since the accident, he and his wife decided to change his diet. Even though they had fish and poi on the table, so was the can goods and rice. They became a bit more focus on their health. They have been a part of our lives and we have been a part of their lives for awhile now. They enrolled in Mālama I Nā Hulu Kūpuna and with the chance of receiving fresh produce from us, poi and cooked kalo has been what they eat. This has allowed them to improve their diet and get better results on his blood work every week; other kūpuna have shared similar results with their health. Through Mālama I Nā Hulu Kūpuna, our aim was to serve 135 unduplicated kūpuna in East Maui. Honestly, this was one of the challenges going into this project. We recognize the unduplication just as the project was beginning, we thought do we have that many Native Hawaiian kūpuna? We've been serving roughly between 60-80, both Native Hawaiian and non-Native Hawaiian, kūpuna yearly. This was looking to be a bit of a push for us. With a more focused approach and a more inclusive service plan and more individual outreach, we have enrolled and served 133 kūpuna. In the last quarter, we need only two more kūpuna and we will surpass that goal. In our efforts, what made it more unique from years past was the addition of focusing on caregivers, honoring the hard work and compassion of taking care of our kūpuna and the weight that is put on their 'ohana members. In total, we surpassed our goal of 60 caregivers to enroll and enroll 90 caregivers in the last two years. Caregivers also received produce, pai'ai and kalo from our programs. Some of the concrete measures that we've been able to achieve are home improvements for Native Hawaiian kūpuna and their caregivers. We've done 15 home improvement projects including ramps and railings; we've also done full kūpuna hale, roughly 10x12 units for ohana to live in, one of them has allowed a kūpuna to reclaim his family 'āina, hopefully for many generations to come.

Chairperson Hulu Lindsey Ma ka Hana ka 'Ike had a very illustrious building program, are you still doing that?

Lipoa Kahaleuahi Yes, that it is still a core part of our work.

Chairperson Hulu Lindsey So who is leading that for your agency?

Lipoa Kahaleuahi James Frudenberg Pu, who has come through our learning continuum from a student to now our building program manager. We have students that have gone through our programs and now serve as

leaders and managers for our programs, definitely a testament of building the capacity that our organization has experienced.

Chairperson Hulu Lindsey Your organization does farming and building?

Lipoa Kahaleuahi Correct, farming, building, and we also have a Mālama Hāloa program. This program focuses on lo‘i revitalization and restoration, and the ku‘i practice.

Trustee K. Lindsey Mahalo nui for the presentation. In your presentation, you used the word unduplicated kūpuna, what does that mean?

Lipoa Kahaleuahi It means they are only counted once is the easiest way to explain. In year one, our goal was to enroll 65 kūpuna; and then in year two, to enroll an unduplicated amount of kūpuna; that number increased to 75, those 75 kūpuna could not be the same from the first year which was a little intimidating.

Trustee K. Lindsey Thank you.

Chairperson Hulu Lindsey We want to thank you for the good work that you are doing. You folks are so far removed from the central part of Maui where most of the services are, it is important that you keep you community healthy, your work is important. We want to mahalo you and all of you.

Lipoa Kahaleuahi Mahalo nui and I want to say the work here can’t be done by itself. I want to recognize the many partnerships, not only Mālama I Nā Hulu Kūpuna, but also our ‘ohana chapter of the Hawai‘i Farmer’s Union United as well as Hale Hulu Mamo, Holani Hana, and many others.

Trustee Alapa First I want to commend you with all the work that you are doing for all the kūpuna, are your programs just for Hāna, Maui or are you expanding your programs to neighbor islands? I think it would be a great model for others to follow.

Lipoa Kahaleuahi We aren’t, we have engaged with other hui that do similar things or want to start possibly the building program. It is a model we would love others to emulate. It does take a strong relationship with your neighborhood and school, we have been blessed with that relationship. Currently, we are not but always open to conversations.

Trustee Akaka Mahalo Lipoa for your work. When I look at your mission statement and your goals, it looks so much more far reaching than just the youth. Where can the people in the community purchase your products?

Lipoa Kahaleuahi It is just available at the Hana farmer’s market. We usually don’t sell. We haven’t reached capacity quite yet to both provide our services for free to our beneficiaries and participants, as well as to have a booth and sell. Definitely great goals.

Trustee Akaka What are the products that you have? I thought I saw tomatoes and kalo.

Lipoa Kahaleuahi All kinds - fresh fruits, lettuce, eggplant, and it depends on the season. All kinds of wing beans, bok choy and just knowing our seasons.

Trustee Akaka Wonderful, how is it we can best collaborate going forward?

Lipoa Kahaleuahi We are awaiting announcement for community grants and to hopefully ramp up or continue a version of Mālama I Nā Hulu Kūpuna. We have some ideas of services and the need of caregivers who are quite young or are kūpuna themselves, so that's an area that we are looking into and possibly like to propose; not giving up our work with kūpuna or our services, but highlighting the healings that caregivers also need to do their good work. In addition, we were a part of efforts with an East Maui kūpuna network to provide and train eleven community nurse aides that previously was not a service here but definitely a need. Out of the eleven, seven completed their exam and are now qualified. Unfortunately, due to insurance and unforeseen gaps that came up, many of them have not had enough kūpuna clients to serve so many have gone back to other forms of work or they're doing some other CNA activity for free. We see this as a potential area to kōkua. If there are some activities that we can support these caregivers and providing their services, we are looking at how we can do that.

Trustee Akaka Mahalo again for all your work, we look forward to hearing more about your work in times to come.

Chairperson Hulu Lindsey Thank you Lipoa for your presentation and time.

Mālama Loans – Kapono'ai Molitau

Chairperson Hulu Lindsey Aloha Kumu.

Kapono'ai Molitau Aloha kākou, good evening, so nice to see all of you folks. As a kumu hula, many of us have had to adjust this whole Zoom kind of teaching. I gotta tell you, I don't like the format but that's what we got so tonight I come to you as a business owner, but we wear many hats on Maui. I am also a Kumu Hula, a kahuna nui, and a practitioner of 'oli, as well as a practitioner of Hawaiian language. Some thirteen years ago, I started a company called Native Intelligence and many folks may have known of our company. We started a little space back in 2009. We didn't think we were going to be successful in our very first go around but the day we opened our doors, there was about 500 people on Market St. waiting to come into our little 600sq. ft. shop. Out of that, we grew and three years later, we pivoted our business and adjusted and expanded to another shop here on the corner of Market and Main. We have been here for the last nine years. This was with the help of OHA's Mālama loans, we've been able to expand and do pretty well.

The other part of our business is the Kumu Hula side of me as well as the mea pule or the prayer side of me.

[Shares a slide presentation](#) – *Oli*

So 30 years ago on the island of Hawai'i, there was a program that was started by Kumu John Keola Lake, Uncle Sam Ka'ai, and Uncle Parley Kanaka'ole; that program was out at the area known as Kawaihae on the shores of Pelekane at Pu'ukoholā heiau, it celebrated the 230th anniversary of the building of the Pu'ukoholā heiau. So thirty years ago, this program known as Ho'oku'ikahi unified and was something that OHA was a part of; here we are 230 years later, celebrating Ho'oku'ikahi again with a small group of folks that continue to pule out at Kawaihae by the shore of Pelekane at Pu'ukoholā. What you see here is a continued effort at this heiau out at Waihe'e, what we know as the old Waihe'e Dairy. Its land that is owned by Hawai'i Island Land Trust (HILT) and one of the last remnants of heiau left on that coastline. When we look at continuum and building capacity for learners, that is my foundation and that is how we built this company Native Intelligence. We are proud to say that we are one of the cornerstones here in Wailuku, to be able to provide great resource to our practitioners, Kumu Hula alike, as well as those that in every facet of design and great cultural work. To share a little bit of who I am, my papa hānai is Kumu John Keola Lake, a foundational pillar of wisdom for many throughout Hawai'i and all of Polynesia. His love and unwaivering was to make

sure practitioners could learn and tap into ‘āina, these are some of the ceremonial things. We are very fortunate that this man gave of his talents, his aloha, and his wisdom over the course of his life. Mahalo nui iā ‘oe Kumu Keola. Kealaka‘i honua, it was one of the last heiau consecrated by Kamehameha III at the age of four. When we think of legacy, we think about Kamehameha I having one of his own keiki here on the ‘āina and consecrating this space. These areas are very important for those kinds of practitioners that do that work today. This ‘oli was created Kealaka‘ihonua, as we know when chants are created for space or even mele, there is a certain life that comes to that. We look forward to returning to this space to learn more about Kealaka‘ihonua and its surroundings. When we think of heiau, not many people are comfortable talking about the heiau. Today, we are building practitioners that will be comfortable talking about heiau and walking in and around heiau, it is apart of our legacy. According to Pukui, a heiau is described as pre-christian place of worship, constructed stone, platform, simple earth terraces, however the meaning and space are far more than mere translation. We look at the word *Hei*, it means to entangle or to stand; and when we think about *au*, its a current or energy or a period of time; so heiau or a living embodiment of spiritual mana enhanced by pure supplication of prayer, focus, intentions and the uplifting of mana for the collective community in the maui ola, the well-being of a society, so simply put today, heiau is the equivalent of our hale pule or church. When we look at heiau or these types of temples, they’re not just monuments that we can not utilize. One of the special heiau at Kealaka‘ihonu, we are working at restoring and retooling for prayer. Currently, some of the things occurring over at Kealaka‘ihonu out at Waihe‘e, there are ceremonies happening this weekend and workshops; many of these practitioners continue to engage in these kind of practices. This past year during COVID, our non-profit, Hanona, was able to apply for a grant through the Cares Act Funding through Maui County. During that time, we were able to get thirty of our families back to work, many of the ‘ohana either lost their job or were put on furlough; we thought, how can we bring them back to work on the ‘āina? We were very thankful to partner up with ‘Āina Archaeology, with that partnership, we were able to gain a better perspective about how large this beautiful heiau is. In that thought process, we want to make sure we build practitioners for a lifetime. Very important that we acknowledge all of these wahi kūpuna on a daily, if we recognize place and we recognize these kind of spaces and we teach them to our keiki now, they’ll understand the importance of walking these grounds and acknowledging these kūpuna. One of the things we teach all of our practitioners within these kinds of spaces is a question of how should you act or conduct yourself? Many may see this question as one we should know or understand, but you would be surprised; many layers but in time, you will understand. We build practitioners for a lifetime, for spaces to conduct ourselves, to be able to pule, to be able to offer ho‘okupu, and to be able to understand who we are as kānaka for the next seven generations. Some of the reminders that we teach our keiki, our mākua, and our kūpuna:

1. Always ask permission before entering.
2. State your intentions for your kūpuna, for your kūpuna are all listening, those that are just beyond the veil as well as those who are physically present.
3. Be clear minded and ready to receive hō‘ailona – this means to listen and observe, talking is not always necessary.
4. Remember who you represent – your kumu, your ‘ohana, your hanauna.
5. Observations and understanding when it’s time for you to leave.
6. Saying mahalo to those kūpuna who are just beyond the veil for this time and space. Always acknowledge them.
7. Leaving no trace of you being there. In other words, keep the place cleaner than when you found it.
8. Watch your step, heiau are places of reverence and deserve respect. Disrespecting and clear disregard for heiau will not be tolerated. I think this is something we need to teach, this especially should be taught to those that come and visit.

Ceremonial reminders:

1. Be mindful of kapu that might have been placed.

2. Learn to address your request to enter like a an ‘oli kāhea.
3. Mana Wāhine, women should be able to dress their Wailehua appropriately to conduct themselves in ceremony. It is important that we understand the mana that all our wāhine have.
4. Once ceremony has begun – entrance and exit does not exist anymore, you’re in space. If you leave the ceremony to use the lua or get a drink of water or some other reason, then we understand that you don’t return when ceremony is being conducted. These are just gentle reminders that we try to teach our kaiāulu or our haumāna, and all those willing to learn.

Mahalo to OHA and Aunty Thelma for allowing us to have this conversation. Mahalo to HILT for participating in this journey and to rebuild kealakai‘honua. In the months to come, you’ll be hearing more about this amazing space and the work that’s about happen. Again, mahalo for the opportunity to sit and share.

Chair Hulu Lindsey I just want to add Kumu, I think that’s where one of our site visits was scheduled today. Scott Fischer was going to take us out there, so we really missed out.

Kapono‘ai Molitau I’m happy I got to share a little bit about it. The next time you guys are all on Maui, you folks can come help in the restoration efforts.

Trustee Alapa I’d like to know if you plan on expanding Native Intelligence to the neighbor islands?

Kapono‘ai Molitau Great question, I have the conversation with my wife all the time. She really is the CEO and I’m just the janitor. I think this is one area of work that we would like to do over the next three to five years, but just having this space here and being a cornerstone here in Maui and making sure it would work not only for our people here in Maui but we can do that correctly here, than I’m sure we can do that correctly on every moku; short answer is yes, but I don’t know when.

Trustee Akina Aloha, I just want to say mahalo for a wonderful presentation and thank you so much for preserving our culture. I like your oli, your mo‘olelo, your mele, and just wonderful you sharing with us. Please keep up the good work, it is so very important.

Trustee Akaka Thank you Kapono‘ai for all of the work that you do and for sharing the cultural values and traditions of our people. Mahalo for sharing that and continuing that work. In terms of your products, I see what you have online, do you plan on expanding some of that product line?

Kapono‘ai Molitau When we first opened Native Intelligence, we wanted to make sure that it was resource driven and when we think about resource throughout Hawai‘i, we are not mass production kind of folks. When we look at hulu practioners, ipu heke or pahu drum makers, they don’t make thousands of them at a time. It is one of the reasons why we didn’t expand particularly in the products area. Sometimes things are one-offs and the amount to put one product online and then in twenty seconds it sells, aiya; that is the area we are trying to work on right now. We never want to force them to hurry and make their mea makamae, thats definitely something we don’t want to do as a practitioner ourself.

Chair Hulu Lindsey Mahalo nui for sharing with us and enlightening us on our special places here on Maui.

KUPU – John Leong, CEO

Chair Hulu Lindsey Aloha John

John Leong, KUPU CEO Aloha mai kākou Chair Lindsey and Trustees, thank you so much for having me here tonight. Thank you to all our friends and ‘ohana on Maui. I apologize that we can't be there in person as well, and I just wanted to be here tonight to share with you all. I am John Leong, the co-founder and CEO at KUPU, I am really honored to be here and share a little bit of our story and what we're looking to do. We're so grateful for the support from OHA and we're really excited about what we're partnering to do for not only Maui, but also the broader Hawaiian Islands and through our programs. It's been nice watching the presentations because I've seen friends in the work that's happening. Mana ka Hana ka ‘Ike is a site partner of ours like many other Maui organizations, we have about 21 different partner sites that we support. Kapono‘ai shared a picture of Rapa Nui and it was a really nice thing for me because my wife AMCO-founder is Rapa Nui and so it was neat to see that. I'd love to share with you all. We have a little presentation.

[KUPU Presentation](#)

We first started the work about two decades ago. You can read our mission statement but really, we engage young adults in service in ‘āina-based work to support young people throughout the islands, and support a lot of our partner sites. We have about 150 different organizations that we place our young people into across the State. All of the education we provide is through work outside. We try to encourage the kids to work outside, giving it back from themselves, and encourage them to grow. Job skill sets help them to go towards higher education, to develop in character, get close to the land to their community, to kōkua; those are all things that are important to us. One of the driving factors that kind of started us on this path is, I was a participant in a former version of this program that the state put on in the 90s. It really turned me on to doing this type of work and working in conservation, and realizing how special our home is. When I first started the thought process in conservation was, Hawai‘i kids are not interested in this type of work, that's why we're getting so many people from the mainland that are working in internships and entry level jobs. What we found in our programs back in the early 2000's was that, that wasn't the case; you have to just give people opportunities to get involved, to get their hands in the dirt, and to learn. What we were seeing in the early years was a lot of young people now getting into conservation and getting interested into internships and jobs; the mainland had a lot of developed pathways into these fields and us along with many other great people paved the way in conservation; we're providing those pathways and we saw a shift started to happen, so we really were intentional and created KUPU in 2006, 2007. Since then, we've had over 5000 participants in our programs. We've provided college funding through our AmeriCorps or Education award, so we've provided over \$6 million in college funding to Hawai‘i Youth. About 80% of the participants are actively pursuing or pursued jobs in the green work force, that's really exciting. We have programs like Kipuhulu ‘Ohana on Maui that got four participants last year during COVID from us, and two of them were able to get long-term employment during COVID. This is powerful to get young people experienced and then getting them hired.

We have about 150 partner sites, about half of them hire our participant at the end of the year and alumni, so it's really awesome to see it create a succession planning for many Native Hawaiian serving organizations. We have government partners and other nonprofit organizations. There's also a lot, a huge environmental impact and it's so empowering to our young people to see that they are making a difference. They don't have to wait to grow up into the careers to be professionals before they can make an impact and I think this is the type of heart that we want the next generation to foster; it's not about ourselves or what can I get out of it, but really about what can be given back to make a difference. Since we've started, these are some numbers that our young people have been able to support within the community to give you a sense, I was like how do you envision 150,000 acres? Someone shared that Disneyland and California Adventure Park are 80 acres so to put that in perspective, think about how many acres are young people have touched and impacted over the years is remarkable, then there's economic benefits too; so each year we've, it's grown steadily but now we're up to about \$20 million in a socio-economic impact. We were fortunate enough to be a partner with Columbia University and a research project to look at the impacts of programs like ours. We're able to look at different factors of the service: how much they give back, benefits to the community, and cost

avoidance; some of our programs work with young people who have dropped out of school and need to put back on the right path. We were able to look at all those factors and it's been all about \$153 million in socio economic benefits over the last 14 plus years; then in total, we have organizations that come, have come in and laughed and others that have come in; but overall, we've had about 400 different conservation organizations who've hired our young people through the years. So, the program that we were able to partner with OHA on is a year-round internship program. We work with young people who are 17 years and older who are looking for entry level opportunities; we equipped them with different skills, we have trainings with amazing staff that will teach them everything from protocol, CPR certification, and transferable job skills that they can take with them to any career. The awesome thing is the skills they can take with them are showing up on time, wearing their uniform, and addressing their supervisor appropriately. All these different areas and just learning to have the grit it takes cause when you're clearing out invasive species or planting areas, sometimes it can be difficult. Most positions are paid; in this program that we're partnering with OHA on, is paid. Young people get a living allowance every two weeks; they also get an AmeriCorp Education Award which is about \$6,000-\$7,000 at the end of their term of service; they get healthcare; and if they have children, they get childcare; so, a lot of really nice benefits that come with the program. About half of our participants are Native Hawaiian and about 60% are Native Hawaiian or Pacific Islander. Approximately, 33% of our participants in this program have Native Hawaiian, this is probably one of our largest populations is Native Hawaiian participants. What I want to share and what I get excited about are stories, nothing beats real life stories. I'm one myself but I'm older now, so I'm not as exciting as seeing the next generation getting up and doing the great work. I'd love to introduce one of our alumni, Jon Brito, Moloka'i boy who did his studies at Kamehameha on Maui and has been in about three of our programs. In 2014, out of 40,000 youth Core members across the nation, he was picked as a Core member of the year representing Kaua'i/Maui district and Moloka'i. It was exciting to see him share that on a National level, on how important that work he's doing and the type of character he has. If that wasn't enough, about a year later, he was picked as the White House Champion of Change. He's really made us proud. He is working on Maui at the Natural Areas Reserves for the program for the Department of Natural Resources. I will call on Jon to share his story.

Jon Brito, KUPU Alumni Aloha kākou, my name is Jon Brito and I was born and raised on Moloka'i, I guess my story begins back in 2008 right out of high school being a summer intern. A summer intern is when you go to a variety of sites and get your beak wet; so to speak on the different conservation efforts going around, that was my first experience with conservation before that, it was just kind of a word and not really an action. Later on, I decided to go to college and halfway through, decided college wasn't for me and that's when I decided to do the year around internship that John Leong was talking about. I did my long internship with Ka Honua Momona, which manages two fishponds on Moloka'i. I have many happy memories. Uncle Mervin Dudoit taught us how to make net. We did a lot of fishpond restoration work and I got the conservation bug from that. I later used my education award to go back to college and graduated with a Bachelor's of Science in Geographic Information Systems and from there, I was able to move on and apply for different jobs. Currently, I'm a Natural Resource Management Specialist for Maui Nui within the DLNR ecosystem. I specialize in geographic information systems, so that's a lot of mapping. I know Kapono'ai talked about drone usage, that's kind of my specialty. I really enjoy going out and finding native snails that no one has seen for a very long time like the pinao snail or the damselflies. The endangered species has been a part of my work here at Maui Nui and this something I am hoping to continue to do. Coming to a full circle, I will be having my own, two KUPU interns for the first-time next month. I am excited to be able to continue this cycle going. I have literally done every program KUPU has to offer. I would have to say to be able to reconnect with the land in very fundamental level, I think that perpetuated me and motivated me to move forward and be able to enable myself to stay in this field and really mālama 'āina. That's kinds of my story, back to you John.

John Leong, KUPU CEO Thanks for joining us tonight. As you can tell, Jon has done a remarkable job in his life and is now paying it forward being a mentor himself. I think the ultimate is when the individual realizes their empowerment and encourages others too. We are just very proud of our Alumnis and that we have a small part in their lives. I am just very excited and we are going to have seven young adults that will benefit from the support of OHA on Maui. We will be able to leverage the support that you provide with some of the federal funds that we received, and it's really going to help to be transformative and make a difference. We are ready to move forward with many generations to come. Thank you again so much for your time tonight. Thank you for all that you do for our community, OHA, and our Hawai'i.

Chair Hulu Lindsey Thank you, I appreciate your presentation. Trustees, any questions?

Trustee Akina Thank you Madam Chair. John, good to see you again and just such great work. The conservation leadership development program, how many of the young people that have gone through that, are now in careers or professions that are related to conservation? And my second question, what accounts are you having Native Hawaiians participating in?

John Leong, KUPU CEO Thank you Trustee. For the first question, about 79-80% of our alumni. We do have a year out survey that we conduct when they are finished with our program, and then we have a five year out survey to see where people are at. Our surveys have shown about 79% of our participants have either gone on to higher education or pursued a career in conservation or related areas. A really good success in that area. In terms of the number of Native Hawaiian young people in our programs, I think there's a lot. I think our programming makes sense for a lot of young people, it's empowering and it gives them a chance to learn in different settings. We have a variety of different programs and what we found is that 'āina is the teacher and 'āina allows people to learn in different ways and have experiences that are transformative. I don't know if that only resonates with folks that are Native Hawaiian, but I feel that is something with Hawaiian youth. I do feel another area that has been powerful is when people finish the program, they tell their friends about it and family members. They are our best advocates. We've had programs where we've had multi-siblings and cousins that come through the program because they had one family member that had a transformed experience.

Trustee Akina Mahalo John.

Trustee Akaka Mahalo John for sharing all that you do. It's nice to hear of the nice reach that you have with our keiki here. I wanted to know how you get the word out to Native Hawaiian students specifically. I did hear you mention referrals of siblings and family members, or do you have representatives go to the schools? Or is mostly by word of mouth?

John Leong, KUPU CEO Great questions, just to clarify, all of OHA's funded positions will be Native Hawaiian individuals as well as our goals to support Native Hawaiian organizations with the support of our members. We have great relationships with different counselors at different schools and different programs. We are trying to get the word out, we've had long-term recruiting on each of the islands. Alumni of friends and family is another strong way to get our opportunities out. We also use social media.

Jon Brito, KUPU Alumni My experience on Moloka'i has been by word of mouth and it's been the greatest way of recruitment. In rural communities, I think it's the best thing to do is to offer them something, a chance and KUPU serves that purpose.

Trustee Ahu Isa I remember back in 2014, you invited us to your little shed at Ala Moana. That was seven years ago and look how much you've grown, I'm so proud of you.

Trustee K. Lindsey Thank you both for presenting tonight. I am aware of your work starting up in Pololū on Hawai'i island. I look forward to learning more about that at the appropriate time. I also know that you folks have done work out at Pihemanu Atoll National Wildlife refuge, so KUPU is an organization that is point to point in our archipelago from Hawai'i Island to the very end. I look forward to learning more and continue to see the work and our kids in the next generation as they assume positions to take care of our land like Jon Brito. Congratulations to all of you and thank you again.

John Leong, KUPU CEO Thank you. I am in Hilo now and was in the Hilo Sack 'n' Save, I was wearing a KUPU shirt and a girl came up to me and said thank you, she just finished a term at Volcano National Park and she got a job with them. I just want to say that you are right, we want to support all the islands and thank you for the opportunity.

Chair hulu Lindsey Thank you for all your work and thank you to Jon Brito too. Thank you for taking the time to talk to us this evening.

Kīpahulu 'Ohana – Scott Crawford, Executive Director

Scott Crawford, Kīpahulu Exec. Dir. Aloha ahiahi Chair Hulu and trustees, thank you so much for the invitation to share with you all this evening about Kīpahulu 'Ohana and our work in east Maui. I also would like to just share a few slides in a presentation and give you an overview of our projects, give you an overview of the background about the organization, Kīpahulu 'Ohana, and some of our projects that we're working on in programs Kīpahulu moku. Kīpahulu 'Ohana was founded in 1995 by Uncle Mike Minn, Uncle John Lind and Auntie Tweetie Lind.

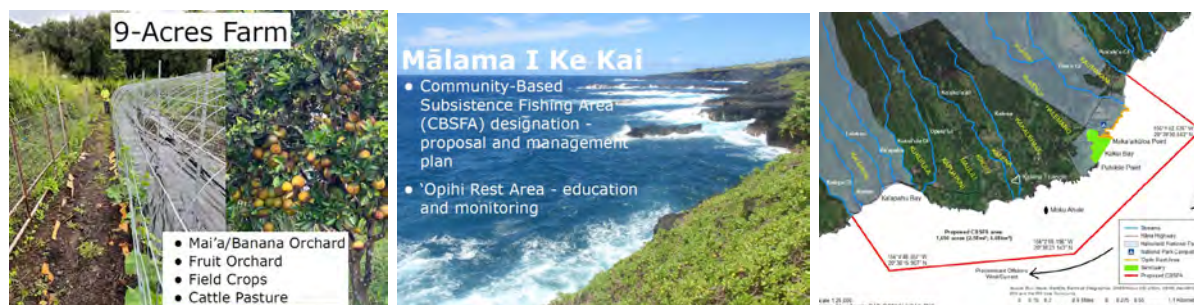


The mission of the organization includes, as dedicated to the cultural sustainability of the Kīpahulu moku through educational programs incorporating partnerships then projects, we envisioned families working in harmony together to preserve and enhance traditional cultural practices of the Hawaiian people. We conduct culturally-based agricultural and resource management projects for mauka to makai. I will share several projects related to our traditional agriculture, resource management, food security, and cultural practice. This illustration sort of represents some of our different project areas from all the way from the forest and the source of divide to the lo'i and to the kahakai, the limu, opihi, and the fish. Kapahu Living Farm is an ancient taro farm restored after production. We manage the farm through a partnership with Haleakalā National Park since 1995 and we just renewed our agreement for another five years with the Superintendent, Natalie Gates. At the farm, we have families and community planting, harvesting, weaving, and harvest. We host a lot of school groups, educational groups, and community work days. We provide poi and other products for lū'au and community events. We also offer interpretive hikes to visitors to learn about the place, the history, and the culture.



The second place we manage is called “the Triangle” or Kalena Triangle. The Kalena Center was built with the funds by the County of Maui and the OHA. It is all solar powered and off the grid. It is an Ag processing center and a shared use commercial kitchen. It is also a gathering place, meeting place, and baseyard for our operations. We have a poi grinder, a commercial meat saw, and a walk in chiller; again, these are all solar powered. The Kalena Triangle also has gardens, fruit orchards, small livestock and fowl, and a roadside fruit stand. The equipment garage stores a flatbed dump truck, chipper, John Deere tractor, and backhoe.

Another area that we manage is called a 9-acres farm – you can find banana, fruit orchard, field crops, and cattle pasture. Last year, we received an OHA Strong grant through the Hawai‘i Community Foundation for supporting food security in the remote east Maui community. Money used from this program was used for the trellis fencing. There is a lot of squash, bittermelon, and cucumbers and things that grow as trellis crops for distribution into the community.



Next program is the Mālama I Ke Kai. I want to say thank you for the opportunity to have an article in this month's Ka Wai Ola paper about our program and the CBSFA proposal. I won't go into it too much here, if anyone is interested, you can check it out on our website. This all started in 2012 when we did a community action plan. This is to propose the Community-Based Subsistence Fishing Area (CBSFA) boundaries, a pu'uhonua or a fish replenishment zone, and the orange area is the 'opihi rest area which has been in place for a number of years now. The idea of, if opihi had a sanctuary where they can be protected from being over harvested then they will populate that area and spill over into the surrounding areas. We also do 'opihi monitoring surveys. Right now, we are doing a NOAA two-year grant called the Maui Hikina Stewardship Development Project, working in partnership with Hāna school and other East Maui community organizations. Another thing we are thankful for, that we were able to acquire with the OHA Strong grant back in August, as part of the food security during COVID, was this fourteen-foot aluminum boat that we were able to launch from Lilikea. It is used for community akule harvest and shoreline monitoring.



We are thankful to have that as a tool to support this traditional practice that brings the community together and feeds the community. We are members of the Hawaii Farmers Union United (HFUU) – Hāna Chapter, we are a vendor at the Hāna Farmer's market, and we have contributed to many food box distributions. We are thankful to so many partnerships, but in particular I want to mention are the Maui Nui Makai Network and E Ala Pu – Statewide network of community that are doing similar work. These networks each working in their own areas and then joining together to learn from one another and to share their knowledge and experiences and their successes and failures is really powerful. You can always get more information at Kīpahulu 'Ohana or kipahulu.org. Thank you again for allowing me to share with you.

Chair Hulu Lindsey Thank you Scott. Any questions?

Trustee Akaka I just want to thank Scott for all that you are doing down there. It looks like you have a lot of 'ono offerings at the farmer's market. I hope one day I can go and grab some.

Trustee Akina Scott, thank you so much for all that you're doing. It's too bad we couldn't make it over to Maui. Keep up the good work.

Chair Hulu Lindsey Thank you Scoot, we really appreciate all the work that you folks are doing out there. We hope to communicate closely with you and find out how we can continue to support you folks. Thank you for sharing your evening with us.

Mālama Na Makua a Keiki, Inc. – Lisa Ponichtera

Lisa Ponichtera Aloha mai kākou, they call me Dr. P, its easier. We are very grateful to be a part of the grantees this year. Thank you again Madam Chair and all the trustees for having us. I just wanted to share a little bit about who we are. I was born in California and moved to Moloka'i when I was two. I went through a dark time in my life. My Father is a dentist there and he actually was on an Advisory board and helped stomped out meth when I was young. He really fought and went up against something that was really hurting our island. I went off to college, UH, and I got caught up into things that I wasn't suppose to and did what my Father tried to get rid of on our island. It took me down a very dark path. I was able to pull myself out of this dark place. I went through the Maui Drug Court Program and I was able to, at my graduation, tell the judge that I wanted to make a difference. I went back to school and got my degrees, and lucky enough to become a part of Aloha House. I worked with their drug-core program and then I was offered a job as a clinical director at Mālama Nā Mākua a Keiki. I am a Mother, a grand-mother, and I am very passionate about helping the people of Moloka'i and all the islands. Our program has about 60% Native Hawaiians in our program. We are dedicated to women and children. We are one of two programs in the State of Hawai'i that allow mothers to bring their keiki with them to treatment. We eliminate barriers and connect with as many members in the community to provide a foundation so when they leave, they're not leaving us and the foundation but they are moving with everyone in the community. The grant given to us by you over the last two years has developed a very robust and very meaningful cultural-based program, 'āina-based therapy. I would like to share a video of who we are; I will have Serlinda, our new program director, share the video.

One of the beautiful things that we do is we bring women in and teach them that they can be whatever they want to be. Half of our staff are actually graduates from our program. They're in recovery themselves, we help them get their degrees so that they can move forward and become whatever they want. I'm going to call on Kupono who can share some of the programs we have thanks to your funding.

Kupono Lucero Thank you Chair and Trustees for sharing this space with us. I get emotional when I talk about what I do because I truly love what I do. In my own journey in life, the big question was who am I? Why was I created? As went through this journey, the biggest thing was my culture. I never had the opportunity when I was young, never had permission to dance hula or attend Kamehameha, and as I grew older I found out I needed to get back to that. So now that I have been successful in learning my culture, know who I am, and to know what my purpose is in this life, that is what drives me and want to work with the women I work with. I am so grateful to the OHA for supporting what we do in our cultural program. It is so beneficial because it bridges family healing and the recovery together; that allows success and creates a greater lāhui for us. When I moved over to Mālama Nā Mākua a Keiki, I was able to be more creative with the cultural piece and I was able to explore the lo‘i. Over the years, I have been able to connect with different relationships and with cultural practioners. I am not a cultural practioner, but what I do is I bring them together to teach our ladies and I learn as well. They bring in culture, ‘ike, and the activities to create this sense of place and belonging for our women. A recent evaluation, 96% overall of the participants, reported effective and satisfied with the experience they’ve had. One of our goals is to strengthen the program.

Lisa Ponichtera Thank you Kupono. So with what Kupono has learned, we can expand that with other programs and to the gender-mix programs because the number of Native Hawaiians in that program is just as high; we need to help them connect. The other thing I wanted to share about, one of the pieces we were able to do is this cultural piece and the early learning center program. The keiki are there in the center learning to roll over, crawl, learn to use the potty, whatever it is, or learn to write their name. With COVID, we had all ages of children in the center. We had to learn to be teachers in there. I'm very grateful for that part of the grant. We used to have one person in there, and thank goodness we were able to have two. The children have been able to very much benefit from this, and the mothers can then feel secure while they're in their classes knowing that their kids are taken care of.

Serlinda Soukon The one thing I can share is our sincere gratitude and thankfulness to everyone in here. I am always inspired by Auntie Donna and Dr. Lisa. I am from a small island in Micronesia and from the presentations that I am listening to, I can totally relate and see how beautiful it is when we are connected like this. I really believe it takes a community and help or support and grow community. This is what I see with the generous support from you. It is already hard to come in and commit to your recovery, can you imagine doing it with a child? Having a childcare person and expanding in this area is so very important. When getting help in childcare, the mother can really focus on herself and focus on her treatments. I just want to say thank you for all the generous support and this brings so much healing for the women we support.

Lisa Ponichtera Thank you Serlinda. I know its getting late so I’m going to ask, Madam Chair, if you folks have any questions?

Trustee Akaka I just want say mahalo nui for your courage and your grace to share all your experiences and accomplishments. Mahalo for making the cultural connections that you do in your work. Possibly one of the most moving videos that I have seen with the young babies with their mom and hearing your personal experiences, it was truly moving. I encourage you to continue the amazing work that you are doing.

Trustee Ahuna I just want to say thank you Doc. P. for doing an amazing job with Maui Behavioral Services and also Mālama Nā Mākua a Keiki. Thank you for everthing you do. I know your doing an amazing job and you spoke about your Dad, I know that he is so happy knowing that you have that doc right in front of you. Thank you so much and I know Mana‘e misses you very much.

Trustee Alapa I wanted to know, with the program on Maui, are there any women or families from Moloka‘i that you’re servicing?

Lisa Ponichtera Yes, I think its okay to share we have one that just gave birth to a baby, a healthy baby boy. We were very lucky to get her in. We have an amazing team that will drive down to parks, go to the street, we have ladies that come in and out. We take women from anywhere. We are only one of two at the level of care that will allow for moms to come with their babies. Our numbers are down due to COVID. We had to use one of our cottages for quarantine. I would like you to consider that when looking at our numbers, using the cottage means we are down 5-7 beds or people.

Chair Hulu Lindsey Thank you so much. We certainly enjoyed your presentation and thank you for all that you do.

Boys and Girls Club Maui – Stephen Bennet and Kelly Pearson

Kelly Pearson Aloha Everyone, I want to say thank you to my staff for being here with me this evening; mahalo Trustees for having us tonight; mahalo for this opportunity to share with you the impact that your support has had on Maui’s young people. I get emotional too every time I talk about this organization, kala mai. My name is Kelly Maluo Pearson, I am honored to serve as the as the CEO for the Boys and Girls Club of Maui. In fact, yesterday I celebrated my 24th year with this wonderful organization, started when I was 20; just kidding. Last year September, Ipolani and I spoke to you virtually and we explained how grateful we are to have the support of the Office of Hawaiian Affairs. We will take the next few minutes to once again share the great things that we are doing at our clubs. On a daily basis and even during these very challenging times, amazing things happen at the clubs. We are especially thankful for your patience and understanding as our clubhouses and staff have navigated through these very interesting, more like crazy past 17 months. Team members from all eight sites were able to continue to provide in-person services. We did this by following strict safety protocols, daily wellness checks for members and staff, mandatory mask use, safe distancing, frequent handwashing, and constant wiping and cleaning of high-touch surfaces. If you know our keiki, safe distance is not the easiest thing to do; so this past summer, we were able to offer support to a couple of community partners. Our county pals program came and asked if we could help to support in some of the areas, different areas, as well as a pilot program at the Wailuku gym. It was a different type of operation because we're used to our clubhouses, but we did what we needed to do because the community needed us. I want to ensure you all that your investment supports youth from all over Maui. We're proud to say that this past school year, 96% of our club members were on track to pass English, Reading, and Math classes, and all members were promoted to the next grade. At our Paukūkalo club, pre-pandemic 88% of the total membership are Native Hawaiian youth. Organizationally, the eight clubs on Maui, almost 50% of members identify as Native Hawaiians. Staff provided structured homework help and tutoring every day school was in session. Homework help during pre-pandemic times was important, and it became even more significant during the last school year because of the lack of face-to-face time with teachers in schools. People might mention this too, but we're so proud that our Paukūkalo Club is our only club that helps our members who attend our Hawaiian immersion program, so staff help kids to do their homework in our Native Hawaiian language. During the past year too, it's not on the slide, but we were able to distribute enrichment bags to youth on Lāna‘i and Harbor Lights when they had clusters in their areas. One of the services that we were most proud of the last year was our ability to provide distance learning support. Youth were able to come to the club in the morning and connect to school while parents went to work. It was nerve wrecking when we opened our doors last July, we were confident that we had the proper protocols in place. Because of your funding, Maui children and teens get the academic support they so need. We do our best to ensure that they have what they need to be physically, mentally, socially, and emotionally healthy.

Ipolani Pu With the continuation of our virtual clubhouse time, we've opened a small in-person group within the central clubhouse facility back in February for keiki ages 6 and above. Times have definitely changed, we have adapted to longer in-person hours so we can better support our members with their distance learning. Both groups, Central and Paukūkalo, opened their doors daily from 7:30 am till 5:00 pm. Members were accepted based on a reservation only policy so that we could accommodate everyone in a safe manner. This allowed us to better support our community and Paukūkalo families who needed a safe place to do their work with adequate help. They were expected to bring their own devices, school schedule, reusable water bottles, snacks and lunch; and in turn we have provided free Wi-Fi for them, and again a safe place for them to do their distance learning. While in distance learning, we assist them with their in school work and communicate daily with their teachers to make sure that our members stayed on track with their daily assignments when needed. Homework help is done in both Hawaiian and English as we have kaiapuni members who attend Pā'ia School's Hawaiian language immersion program. When not class or school, members are to continue their schoolwork before starting another program or activity. Daily programs included a variety of art, STEM, and Hawaiian cultural activities. Our members really enjoyed art and DIY activities such as stem, the most favorable art activities would be the follow along art through tutorials found online with step by steps to doing free art and exploring the use of crayons, markers, and acrylics. These members went from feeling embarrassed of not knowing how to paint or draw to having the confidence in wanting to continue such programs and showcase their artwork on the wall. In STEM, they learned how to build volcanoes with kits, different ways to make slime with a variety of ingredients, to learning how to make their own solar oven. In Hawaiian Club, we continued with the hakalama, we used words of the day with examples of how it can be used daily such as hō'ihi, respectfully. Members also learned about Native plants that surround us and how some can be used for medical use as well as dye for art. We've taught them about their island of Maui, Hawaiian mythology, and the language. During breaks, we would listen to a lot of mele Hawai'i and would hear our members sing freely. As we continued with their distance learning and daily programs, members got into their routine of what is expected of them for school and parent communication of members missing assignments or missing online school have decreased. Parents are appreciative of our services and are able to count on us to provide a safe environment for them knowing that they are doing their homework, getting better grades on tests in school work, or simply hearing a good job to a certain member while in class is rewarding. It's evident that the work that we do with each member, the progress that is shown, goes in line with our mission. As school came to an end, we not only had our regular summer program, but partnered up with Kukuna O Ka Lā, which is a summer pilot program that ran from June 21 to July 16th, a program that includes a mixture of Hawaiian, cultural-based learning and practices, music games, arts, plants, etc. This allowed members to connect with nature and appreciate their surroundings, it's the best of both worlds for these kids who hasn't had these opportunities before and are now able to experience the type of programs that is offered. Mahalo for your time and your continuous support, aloha.

Kelly Pearson Mahalo Ipo. So as youth serving professionals, we see the need for continuing funding for educational purposes, especially this year due to COVID-19 impacts on youth education. This last year, our clubhouses and academic programming are needed more than ever; our impact this year is to be sure our members do not fall through the cracks. They have graduated on time and all are promoted to the next grade level. We're also focusing on our facilities. COVID-19 has demonstrated to us why Paukūkalo community needs its own dedicated clubhouse with their own clubhouse at Paukūkalo, team will be better able to serve more members by removing the limitations of working within a shared space. So our organization is committed to achieving our mission to enable all the young people, especially those who need us most, to reach their full potential as productive, caring, responsible citizens. We recognize, however, that we can't do this alone, it's through strong partnerships with dedicated organizations like you all that share our

beliefs in the power of young people. I will close with this, that the support of OHA will continue to create safe, inclusive, and positive environments for all youth, families, and staff, and where everyone can thrive. Mahalo for your time and mahalo nui for your support.

Chair Hulu Lindsey Any questions at all?

Trustee Akaka I am so impressed to learn that you folks even incorporate the Native Hawaiian language with education and academic support. I just want to know how long you folks have been doing that kind of work?

Kelly Pearson As far as the Paukūkalo club, we have been there for about fifteen years. Thank you for recognizing that Trustee, I am very fortunate to have Ipolani and we also have Kapono Nae'ole, and they are graduates of Hawaiian Immersion and they work with us. Without staff that can 'ōlelo Hawai'i, we wouldn't be able to do that. We are very proud of that.

Trustee Ahu Isa Kelly, I just want to say that back in the day my grandson was a beneficiary of this program. He came from a broken family and the program really helped him. If it wasn't for your program, I don't know if he would be where he is today; good job and on the straight and narrow path. Mahalo for Boys and Girls Club.

Chair Hulu Lindsey Kelly and Ipo, we want to say thank you for the presentation this evening and to express how thankful we are for what you're doing for our keiki in our community.

Community Concerns and Celebrations

Marie Fitzsimmons No concerns at all, just here to listen and learn from all of you. Thank you.

Announcements

Chair Hulu Lindsey There is a Board meeting at 9:30 am, it is the Maui Island Board of Trustees meeting virtually.

Adjournment

Chair Hulu Lindsey I would like to ask for a motion to adjourn.

Trustee Akaka Moves to adjourn.

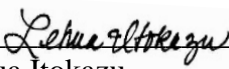
Trustee Akina Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA	X		X			
KELI'I	AKINA		X	X			

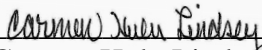
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
KEOLA	LINDSEY			X			
JOHN	WAIHE'E			X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				9			

Chairperson Carmen Hulu Lindsey Adjourns the Board of Trustees meeting at 8:31 p.m.

Respectfully submitted,


 Lehua Itokazu
 Board Secretary

As approved by the Board of Trustees on October 7, 2021.


 Carmen Hulu Lindsey
 Chairperson, Board of Trustees

Attachments:

1. Mālama Loans – Kapono'ai Molitau (video link)
2. KUPU-PowerPoint (file is to large please use link)
3. Kīpahulu 'Ohana-PowerPoint (attachment)
4. Mālama Na Makua a Keiki – Video link not available at this time
5. Boys and Girls Club Maui – PowerPoint (attachment)

Kīpahulu ‘Ōhana, Inc

Presentation to
Office of Hawaiian Affairs
Community Meeting
‘Aukake 11, 2021



Photo: Alana
Yurkanin

Founded in 1995 by
Uncle Mike Minn,
Uncle John Lind
and
Aunty Tweetie Lind



Kīpahulu ‘Ōhana

The Kipahulu ‘Ōhana is a grassroots Hawaiian 501(c)(3) nonprofit organization founded in 1995 dedicated to the cultural sustainability of the Kipahulu moku in East Maui, Hawai‘i through educational programs which incorporate local, national and international partnerships and projects. We envision families working in harmony together to preserve and enhance the traditional cultural practices of the Hawaiian people. To this end, we conduct culturally-based agricultural and resource management projects from mauka to makai.



John Lind, Project Director & Traditional Konohiki



**HEALTHY
FOREST
MAKES
MORE
WAI.**

**RESTORE
LOI,
REVIVE
TRADITIONS**

**BIG FISH MAKE
MORE
FISH**

**MORE
LIMU
MAKE
MORE
FISH**

**MORE
OPIHI
MAKE
MORE
OPIHI**

**OUR MOKU.
KIPAHULU
OUR KULEANA.**



WWW.KIPAHULU.ORG

The background of the slide is a close-up, high-angle shot of numerous cut sugarcane stalks. The stalks are cut into short, cylindrical sections, revealing the white, fibrous interior and the reddish-brown outer skin. They are piled together, creating a dense, textured pattern of light and dark colors.

Kipahulu 'Ohana Programs

- Kapahu Living Farm
- Kalena Triangle and Kīpahulu Kitchen
- 9-Acres Farm
- Mālama I Ke Kai

Kapahu Living Farm

Ancient lo'i restored







Partnership with **Haleakala National Park**

Cooperative Agreement since 1995



Kapahu Living Farm

NPS Partnership through the Years



Superintendent Don Reeser, ~1996 and 2004



Superintendent Marilyn Parris, 2006



Superintendent Natalie Gates, 2014



Superintendents Marilyn Parris and Sarah Creachbaum with Dep. Regional Director Patricia Neubacher, 2009

Kapahu Living Farm

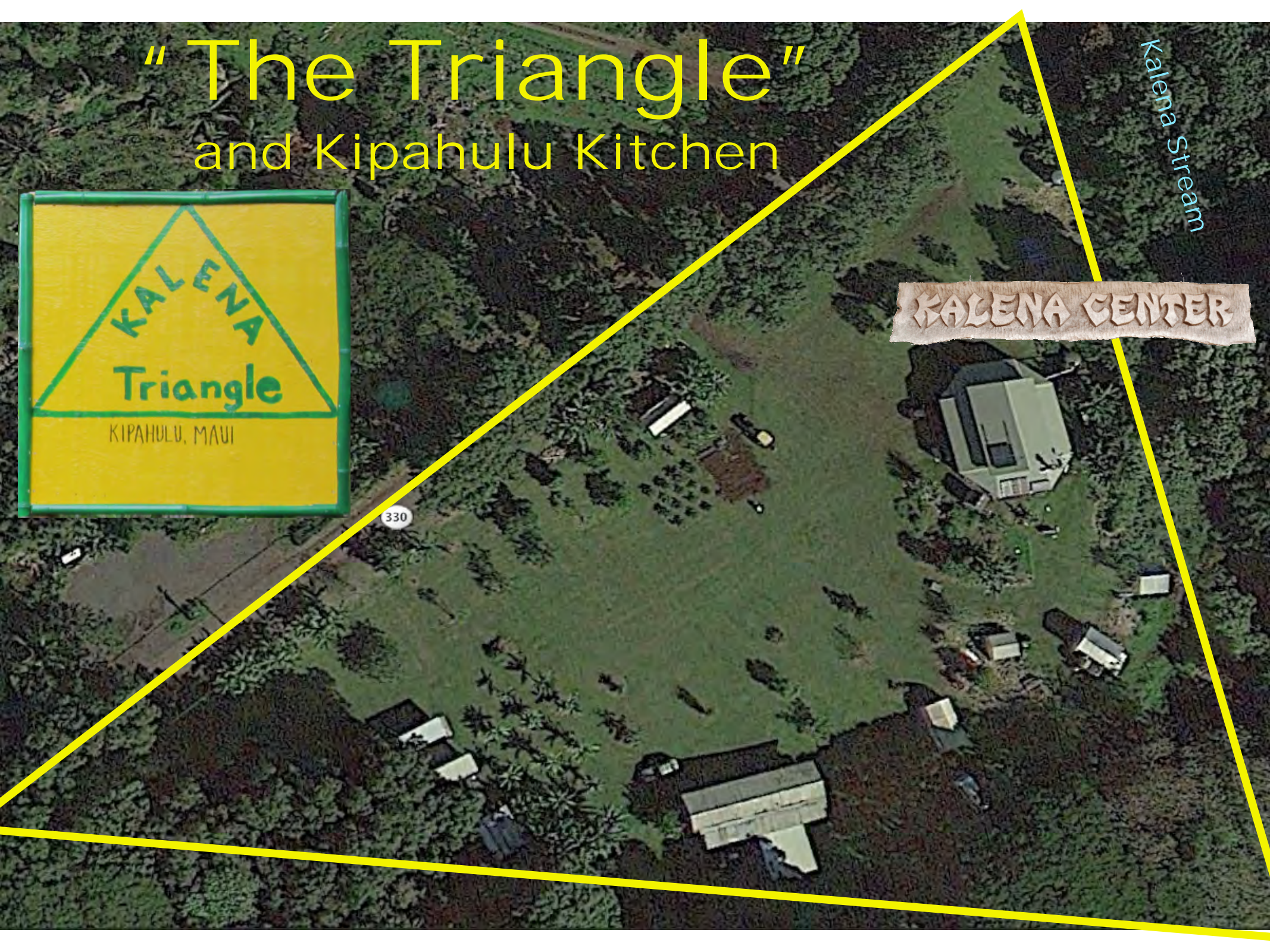
- 
- families and community plant, weed and harvest
 - host school group and community educational days
 - poi + provided for lū'au and community events
 - interpretive hikes for visitors

"The Triangle" and Kipahulu Kitchen



Kalena Stream

KALENA CENTER



KALENA CENTER

Built with County and OHA funds and hundreds of hours of volunteer labor through Kipahulu Community Association

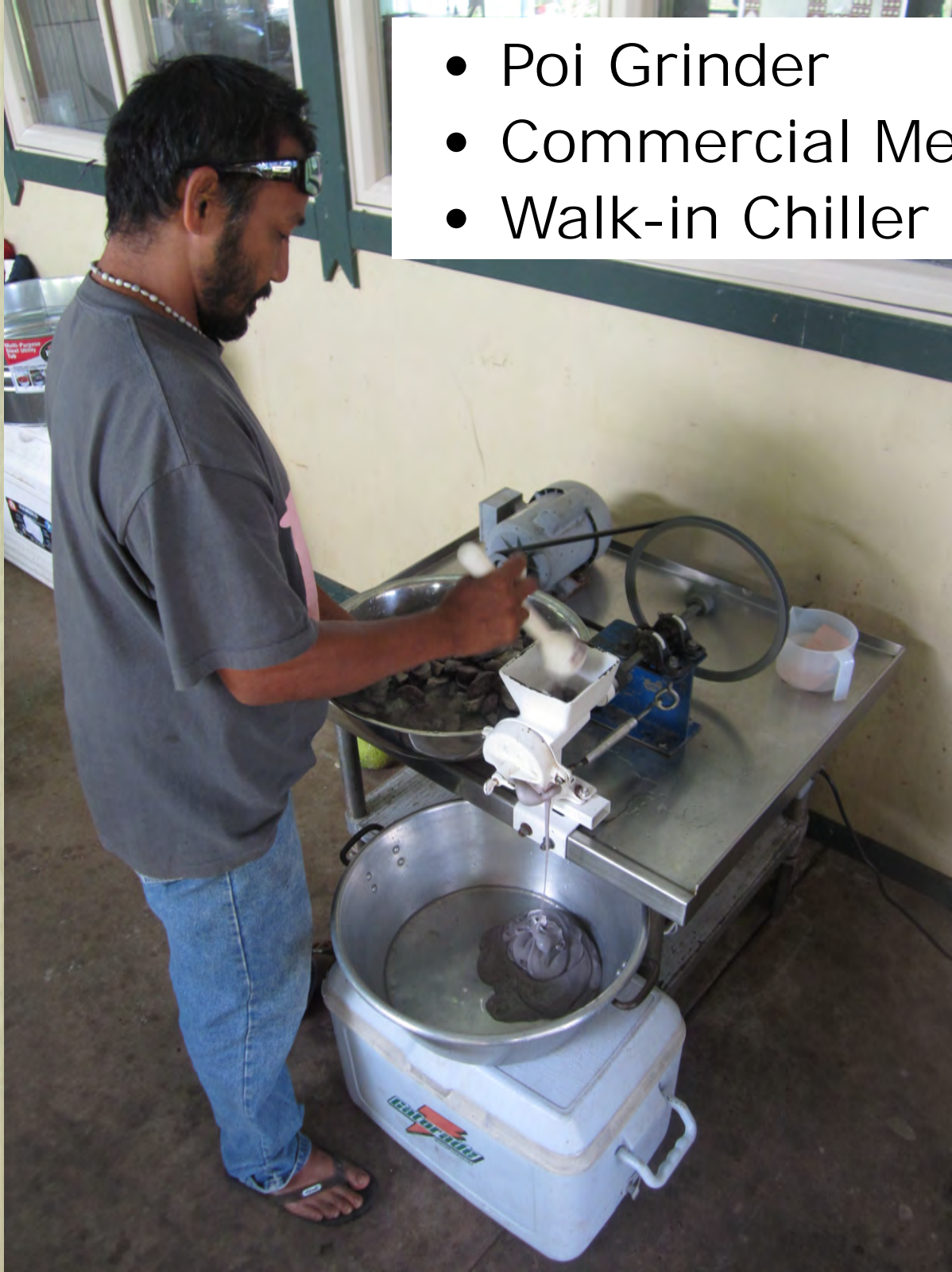
Solar powered
off the grid

- Ag Processing Center
- Shared-Use Certified Commercial Kitchen

- Gathering Place
- Base Yard



- Poi Grinder
- Commercial Meat Saw
- Walk-in Chiller



Kalena Triangle



- Gardens
- Fruit Orchard
- Small Livestock and Fowl
- Sheds & Equipment
- Roadside Fruit Stand

Equipment Garage



- F-450 Flatbed Dump Truck
- Morbark Beever M15R Chipper
- John Deere 110TLB Tractor Loader Backhoe

9-Acres Farm



- Mai'a/Banana Orchard
- Fruit Orchard
- Field Crops
- Cattle Pasture

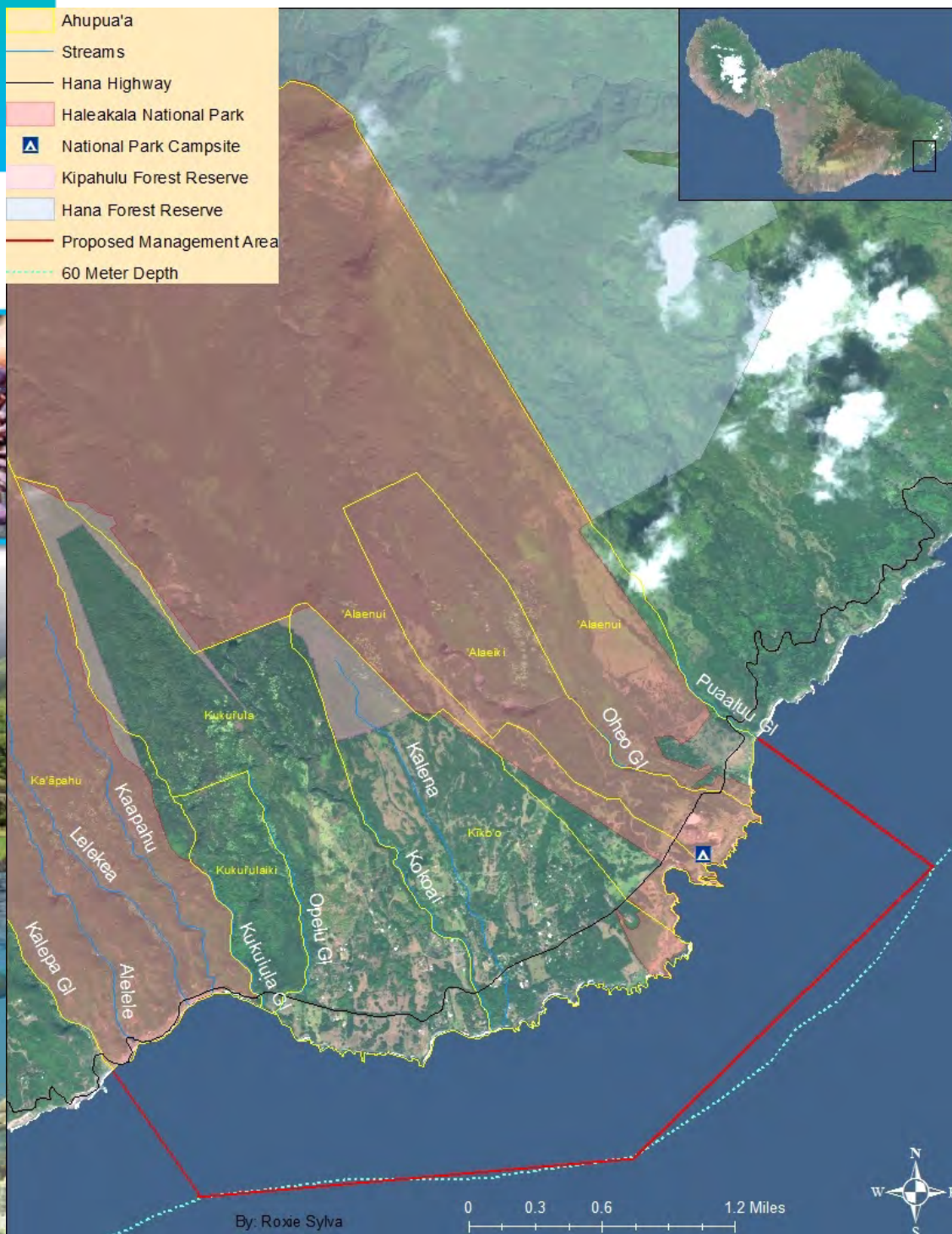
Mālama I Ke Kai

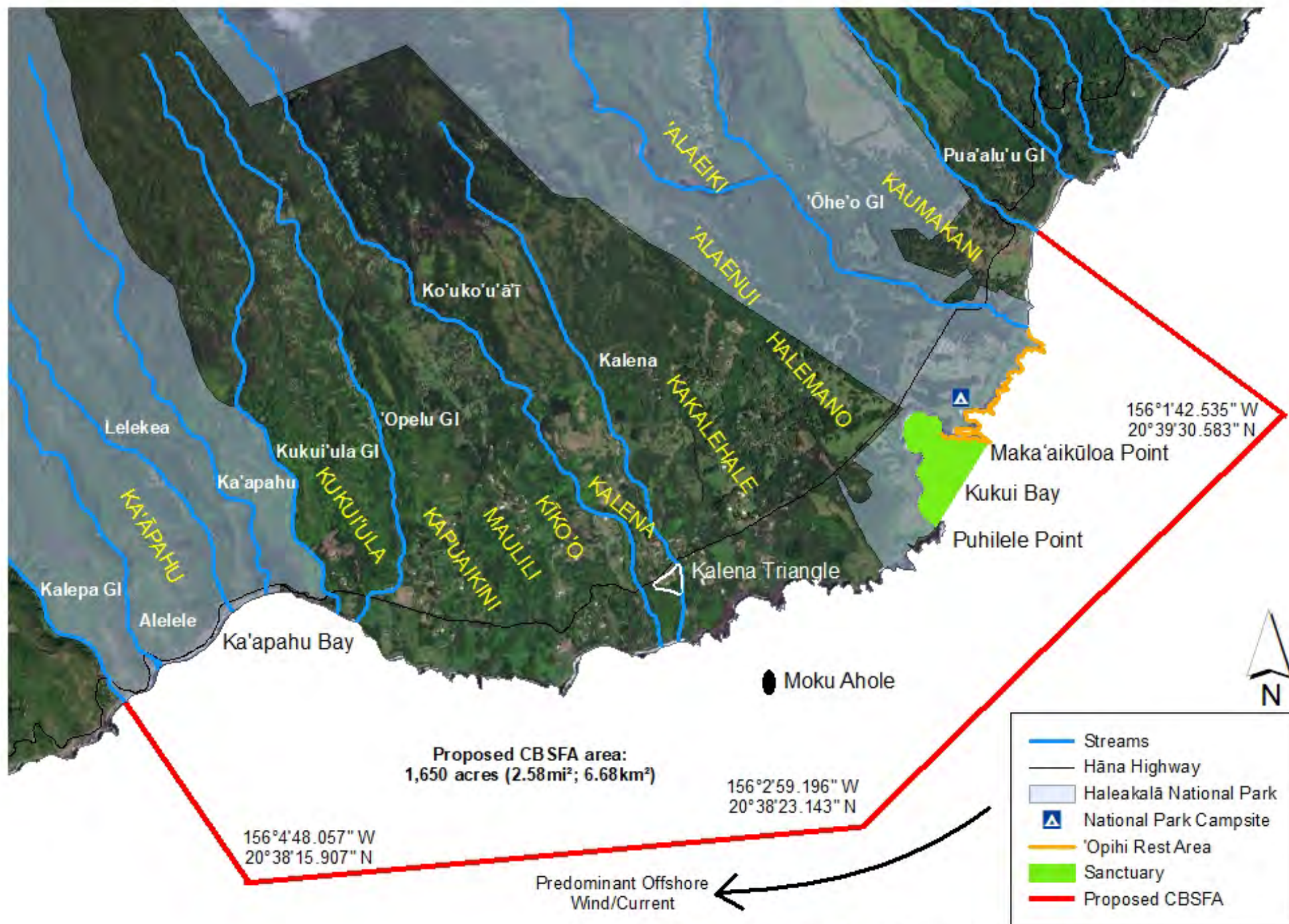
- Community-Based Subsistence Fishing Area (CBSFA) designation - proposal and management plan
- 'Opihi Rest Area - education and monitoring



Mālama Ke Kai

Community Action Plan December 2012



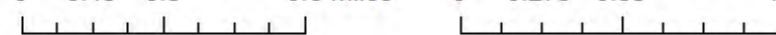


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

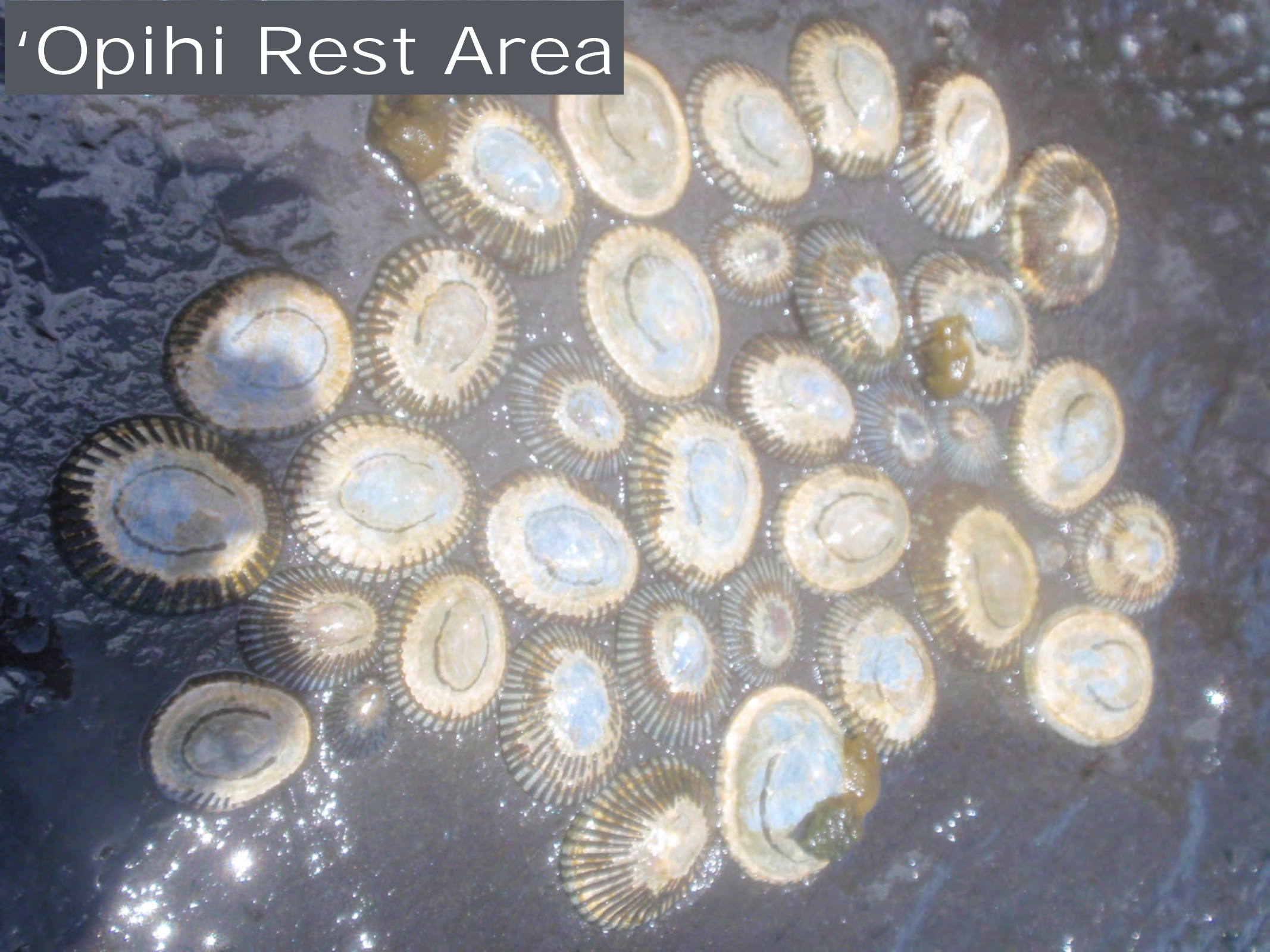
Scale 1:26,000

Source: Maui County, DAR, DOFAW, NOAA, TNC

0 0.15 0.3 0.6 Miles 0 0.275 0.55 1.1 Kilometers



'Opihi Rest Area



Together We Are Helping Kīpahulu

MAKE 'OPIHI MOMONA AGAIN



Our Kīpahulu community is reviving the traditional practice of resting an area from 'opihi harvest so that it will be momona again. The concept is simple – allowing one area to rest means those 'opihi have the chance to grow larger and produce more keiki that can spill over into neighboring areas, providing more 'opihi for all of us!

Our study, which began, in 2014 is already showing more 'opihi in some areas. But more 'opihi doesn't mean enough 'opihi. In order for the population to recover to a sustainable level, it needs a few generations to re-establish. Even now, occasional harvest in the rest area has noticeably decreased the population. The good news is 'opihi reproduce quickly – every six months, so if we all work together, we can bring the 'opihi back to sustainable – and harvestable levels.



When there are a lot of 'opihi close together, they produce many more keiki than if they are far apart. Our community hopes to see many 'opihi side-by-side in the near future.

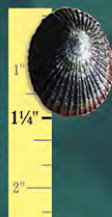
HOW YOU CAN HELP

- Respect the 'opihi rest area – which means no 'opihi harvest while this area replenishes
- Follow best practices when harvesting outside of the rest area
- Share this information with family and friends
- Join Kīpahulu 'Ohana to help monitor 'opihi to inform management decisions

BEST PRACTICES

Please pick 'opihi only outside of the rest area and follow best practices where ever you pick 'opihi.

- O** 'Ōlelo: Communicate with other families so you don't pick the same area at the same time.
- P** Pick just a few for today; 'opihi don't grow or reproduce in the freezer.
- I** Inch & a quarter is too small: pick bigger than 1 1/4 in., but leave the really big ones.*
- H** Huli Hele "Search everywhere": keep moving, pick from different areas.
- I** 'Ihi Kō'eke "Respect Kō'eke": leave the Kō'eke alone, they live under the water line.



*The current Hawai'i State Regulation for the take of 'opihi is a minimum shell size of 1 1/4 inches.



Located inside Haleakalā National Park, between 'Ohe'o Gulch and Kukui Bay. Look for the "Opihi Rest Area" signs.

LEARN MORE

Visit www.kipahulu.org/opihi or contact opih@kipahulu.org for more information on monitoring efforts both inside and outside of the rest area that will help us better understand 'opihi and our efforts to perpetuate them.

KIPAHULU.
OUR MOKU. OUR KULEANA.



'Opihi Rest Area Sign Locations

● = sign location



'Opihi Monitoring Surveys





- NOAA B-WET 2-year grant for Maui Hikina Opio Stewardship Development Project, in partnership with other East Maui community organizations to provide meaningful watershed educational experiences that integrate with high school science curriculum

OHA-Strong Grant
August 2020
Klamath Deluxe 14' boat





Used for community akule harvest
and shoreline monitoring



- Member of Hawaii Farmers Union United (HFUU) - Hāna Chapter
- Vendor at the Hāna Farmers Market
- Contributed to many food box distributions, Kaukau 4 Keiki...

Founding member of Maui Nui Makai Network



Member of E Alu Pu





OUR MOKU. OUR KULEANA.

kipahulu.org ohana@kipahulu.org [@kipahuluohana](https://www.instagram.com/kipahuluohana)

Mahalo



BOYS & GIRLS CLUBS

OF MAUI

CENTRAL CLUBHOUSE
HAIKU CLUBHOUSE
KAHEKILI CLUBHOUSE
LOKELANI CLUBHOUSE

LAHAINA CLUBHOUSE
MAKAWAO CLUBHOUSE
PAUKUKALO CLUBHOUSE
KIHEI EL. CLUBHOUSE





BGCMaui - Paukukalo Clubhouse

Kelly Maluo-Pearson, CEO

Thank you & Welcome

"Gratitude can transform common days into thanksgivings,
turn routine jobs into joy, and change ordinary
opportunities into blessings."

- William Arthur Ward

We Adapt



Distance Learning Support

We provided a safe, fun, & engaging environment to fill the gap for the social-emotional and physical limitations of virtual schools. Schedule aligned with school and became all-day programming, a first for BGCM.

Community Partnership

Met the needs of Maui families with in-person Summer programming.

Partnership with Kukuna o ka lā to better serve our Maui community.

Our Impact



On Track to Pass

96 percent of club members on-track to pass English/Reading & Math classes this past school year. ALL members promoted to next grade level.



Native Hawaiian

49 percent of BGCM members served, identify as Native Hawaiian.



Power Hour Everyday

BGCM Staff provided structured homework help and offered tutoring everyday school was in session.

BGCMaui -Safe Fun



Serving Those Who Need Us Most

Virtual Clubhouse

Serving members at home while the Clubhouse remains closed.

Homework Help

Virtually & In-Person
Staff helping members to complete homework during afterschool hours.

STEM, Art, Culture

Participation in high yield learning programs involving Hawaiian & STEAM activities.



BGCMaui - Paukukalo Clubhouse







BGCMaui & Kukuna o ka lā





BGCMaui - Paukukalo Clubhouse

Kelly Maluo-Pearson, CEO

Looking Ahead

Funding

To continue making a significant impact on education for our members as we move out of a difficult year.

Impact

Prioritizing that no child fall's thru the cracks and ensure we are adapting to serve our members where they are.

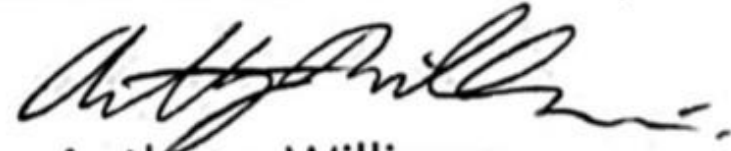
Capital Campaign

Permanent Clubhouse facility for the Paukukalo community

Parent Testimonials

I highly recommend the Central Boys and Girls Club on Maui as a great distance learning option during this pandemic.

'O au iho nō me ka ha'aha'a,



Anthony Williams

Paukukalo Clubhouse Parent

The Boys & Girls Club of Maui has been a tremendous help for my family, especially during the transition to online school. They have taken the time to help with my children's education which I believe is the only reason why they weren't behind. During these times of Covid, the only stability they have had is club, with the safety procedures that were put in place, I feel 100% comfortable with them being there. I thank everyone for having a positive impact on my children.

Central Clubhouse Parent

As a single working mom to three, the boys and girls club is essential to supporting me by providing the opportunity for him to continue his education in a safe and welcoming environment, as well as friends and mentors to ensure his happiness and well-being throughout this time of distance learning.

Joan S.

I am so thankful for the Boys and Girls Club for accepting students to do their Distance Learning. As a working parent it would have been so difficult for us. They helped my son making sure he is on track with his class schedule. My son is doing well with his lessons.



Mahalo!

STATE OF HAWAI‘I
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 Proclamation Related to the COVID-19 Response, dated August 5, 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 or listen by phone: (213) 338-8477

Minutes of the Office of Hawaiian Affairs
Board of Trustees
MINUTES
August 19, 2021

ATTENDANCE:

Chairperson Carmen Hulu Lindsey
Trustee Leina‘ala Ahu Isa
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, IV

BOT STAFF:

Colin Kippen, COS
Amber Kalua, Trustee Aide
Kanani Iaea, Trustee Aide
Lehua Itokazu, Board Secretary

ADMINISTRATION STAFF:

Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Ka Pou Nui / COO
Raina Gushiken, CC
Everett Ohta, CC
Ramona Hink, CFO
Kalani Fronda, Land Director
Ryan H. Lee, Interim Investment Manager
Kevin Chak, IT Support
Erin Nakama, IT Support
Robert Klein, Board Counsel

GUEST:

Sam Chung, Financial Advisor to the Board
Randall Sakumoto, OHA Attorney

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Thursday, August 5, 2021, at 10:00 a.m. Before I ask for the roll call, I would like to read an announcement. As part of [Governor Ige's emergency proclamation dated, August 5, 2021](#) (Exhibit C), there are new requirements for how public boards and commissions, including OHA's BOT and Standing Committees, must conduct their remote meetings under the Sunshine Law. As your name is called for roll call, please identify if anyone is present with you in the room. So Board Secretary, please take 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	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			9	

At the Call to Order, **nine (9)** Trustees are PRESENT, thereby constituting a quorum.

Chair Hulu Lindsey Thank you. Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation related to COVID-19 Response dated August 5, 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 Some quick announcements-please mute your mics when you are not speaking. 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 my staff Colin Kippen-COS, Lehua Itokazu-Board Secretary, and my Aides-Kanani Iaea and Amber Kalua. We have two more guest that will be joining us in our executive session portion of the meeting, Randall Sakumoto and Sam Chung. We also have our CEO-Sylvia Hussey. Sylvia, please announce who is joining us from your staff.

Sylvia Hussey, CEO Good morning Trustees, Chair, we have COO-Casey Brown, CFO-Ramona Hink, Land Director-Kalani Fronda, Senior Legal Counsel-Raina Gushiken, Legal Counsel-Everett Ohta, Ryan Lee-Interim Invest. Mngr., and our IT staff who will supporting us this morning. Thank you.

New Business

Chair Hulu Lindsey I will call on Trustee Akaka.

A. Committee on Beneficiary Advocacy and Empowerment (BAE)

1. Action Item BAE #21-02: To Approve the Office of Hawaiian Affairs' 2021 O'ahu Island Burial Council (Skye Razon-Olds, Michelle Makaula-Yee, Kamuela Kala'i, Hinalaimoana Wong-Kalu); Maui & Lāna'i Island Burial Council (Anthony Pacheco); and Moloka'i Island Burial Council (La'akea Poepoe) Nominations†

Trustee Akaka Your Committee on Beneficiary Advocacy and Empowerment, having met on August 18, 2021 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

Motion 1:

To Approve the Office of Hawaiian Affairs' 2021 O'ahu Island Burial Council (Skye Razon-Olds, Michelle Makaula-Yee, Kamuela Kala'i, Hinalaimoana Wong-Kalu); Maui/Lāna'i Islands Burial Council (Anthony Pacheco); and Moloka'i Island Burial Council (La'akea Poepoe) Nominations

Trustee Waihe'e Seconds the motion.

Chairperson Hulu Lindsey Is there any discussion? Roll call vote.

Trustee Akaka moves						
To Approve the Office of Hawaiian Affairs' 2021 O'ahu Island Burial Council (Skye Razon-Olds, Michelle Makaula-Yee, Kamuela Kala'i, Hinalaimoana Wong-Kalu); Maui/Lāna'i Islands Burial Council (Anthony Pacheco); and Moloka'i Island Burial Council (La'akea Poepoe) Nominations						
Trustee Waihe'e Seconds the motion.						
	1	2	'AE (YES)	'A'OL E (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED						
Motion passes with a nine (9) YES votes and Zero (0) EXCUSED vote.						

Chair Hulu Lindsey Trustee Akaka will you read motion two.

Trustee Akaka Reads motion 2.

**To Approve the Office of Hawaiian Affairs' 2021 Burial Sites Working Group
(Kēhaunani Cachola Abad) Nomination.**

Trustee Waihe'e Seconds the motion.

Trustee Akaka moves							
To Approve the Office of Hawaiian Affairs’ 2021 Burial Sites Working Group (Kēhaunani Cachola Abad) Nomination.							
Trustee Waihe’e Seconds the motion.							
	1	2	‘AE (YES)	‘A‘OL E (NO)	KANALUA (ABSTAIN)	EXCUSED	
TRUSTEE LEI AHU ISA			X				
TRUSTEE DAN AHUNA			X				
TRUSTEE KALEI AKAKA	X		X				
TRUSTEE KELI‘I AKINA			X				
TRUSTEE LUANA ALAPA			X				
TRUSTEE BRENDON LEE			X				
TRUSTEE KEOLA LINDSEY			X				
TRUSTEE JOHN WAIHE‘E		X	X				
CHAIRPERSON HULU LINDSEY			X				
TOTAL VOTE COUNT			9				
MOTION: [X] UNANIMOUS [] PASSED [] DEFERRED [] FAILED							
Motion passes with a nine (9) YES votes and Zero (0) EXCUSED vote.							

Executive Session

Executive Session‡

A. Consultation with Board Counsel Robert G. Klein, Randall Sakumoto, Esq. and Everett Ohta, OHA Assistant Senior Legal Counsel, re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding potential acquisition of commercial properties, pursuant to HRS§§92-5(a)(3), (4)

Chairperson Hulu Lindsey Can I get a motion to recuse ourselves into executive session pursuant to HRS§92-5

Trustee Akaka Moves to recuse into Executive Session.

Trustee Akina Seconds the motion.

The Board recuses into Executive Session at 10:06 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			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA		X	X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE KEOLA LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passes with nine (9) YES votes and zero (0) EXCUSED vote.						

The Board returns to open session at 11:20 a.m

Community Concerns and Celebrations

Sylvia Hussey, CEO Chair, could I give some context for Dr. Albertini. She is the department head for the Philosophy Department, who issued the apology for Dr. Haunani K. Trask. She wasn't able to be on at the time we offered the resolution, but she will be on and is able to read the apology. It is a significant opportunity to hear from the Philosophy Department head.

Dr. Tamara Albertini Thank you for inviting me. I never thought that OHA would pay attention to the public apology we posted. I would like you to know the entire department stands behind the apology. The text, as it is posted now, was really the result of a collaborative effort. As a Chair, I did start with a draft, but then we worked a little together and as you can imagine it was not a light task. We really wanted to get it right, as much as we could. I also would like you to know about the timing. It looks very much like we finally woke up after professor Haunani K. Trask passed away. We did have a conversation since last Fall of 2020. There was ongoing conversation going in the department and everybody was given pdfs and videos. It was badly needed. Most philosophers in the department today were not around in 1990- '91, so we really needed to educate ourselves. We were happy to support a Native Hawaiian from the College of Education, his name is Bruce Kaimi Watson, who suggested to us to design a course on Hawaiian philosophy; so we are really proud that we have that course he has taught last Spring; he started in December and we think this is a good move in the right direction. We are hoping to have some partnerships with the School of Hawaiian Knowledge, we don't want to rush. You can't be

silent for thirty years and then show up one day and say hey were ready. Our colleagues in Hawaiian Studies know that we are ready, and we will be waiting. I will be reading the apology to you now, just in English.

The Department of Philosophy at Mānoa is saddened by the news of the passing of Dr. Haunani-Kay Trask, Professor Emerita and co-founder of the Hawai‘inuiākea School of Hawaiian Knowledge. The Department recognizes her trail-blazing scholarship and visionary leadership and apologizes sincerely for the attacks she suffered from philosophers at Mānoa in the past. Professor Trask’s work has been crucial in foregrounding the systemic injustices that have plagued the practice of our discipline. We should have listened to her when she tried to teach us that these injustices had their roots in the history and power dynamics of colonial oppression both within the University of Hawai‘i and outside of it. That is a history the Department of Philosophy is prepared to study and confront. Also, it understands the need to bring down barriers preventing indigenous research from receiving academic recognition. We acknowledge that our apology is long overdue and regret we did not convey it to Professor Trask in person while there was time. We are aware that our shortcomings have also affected the wider community of Kānaka ‘ōiwi faculty and students. This apology is therefore also addressed to them. Today, the Department of Philosophy is eager to pursue philosophy self-critically and explore the rich and complex sources of Hawaiian Knowledge in our classrooms and research in comparative philosophy. We are also committed to seeking partnerships with the School of Hawaiian Knowledge and supporting Native Hawaiian projects aiming at articulating Hawaiian values and ways of inquiry as philosophy. Finally, we are not forgetting that the University of Hawai‘i at Mānoa was erected on Hawaiian land. We acknowledge the need to respect our host culture.

The document is signed by all members of the Department of Philosophy at Mānoa, some of our affiliate faculty and lectures added their signatures as well. We also have Philosophers from the system from West ‘Oahu, Kapiolani Community College, and Leeward Community College. I would like you to know that University of Hilo’s Department of Philosophy has also posted its own text. Thank you for listening.

Chair Hulu Lindsey Thank you Professor, we really appreciate that and we appreciate your presence this morning and reading this for us.

Trustee Akina Professor Albertini, I just want to say as a former student and instructor in the Department of Philosophy, it is a joy for me to be one of your host today at the Office of Hawaiian Affairs. Mahalo to you and the Department. Thank you for your leadership and the role the department is playing at the University and in the global academic community.

Dr. Tamara Albertini Thank you very much. I know you have more people to listen to, I will leave you to your work and I hope we will stay in touch. Have a very good day.

Announcements

Trustee Akaka Pursuant to HRS 92-2.5 reporting my attendance, along with our Board Chair Hulu Lindsey and Trustee Lee between, at the two meetings between the State Auditor’s office and the Office of Hawaiian Affairs on Monday, August 16, 2021, where the Office of Hawaiian Affairs staff gave a presentation on ceded lands and Public Land inventories and related issues. Mahalo.

Adjournment

Trustee Waihe'e 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			X			
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				9			

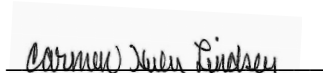
Chairperson Carmen Hulu Lindsey Adjourns the Board of Trustees meeting at 11:35 a.m.

Respectfully submitted,



Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on October 7, 2021.



Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

1. Testimony by Dr. Albertini
2. [Video link](#) of Apology recording



THE DEPARTMENT OF PHILOSOPHY AT MĀNOA

Mon, Aug 2, 2021 at 3:05 PM

THE DEPARTMENT OF PHILOSOPHY AT MĀNOA

Link:

<https://hawaii.edu/phil/>

Public Apology

(Hawaiian translation below)

The Department of Philosophy at Mānoa is saddened by the news of the passing of Dr. Haunani-Kay Trask, Professor Emerita and co-founder of the Hawaiʻinuiākea School of Hawaiian Knowledge. The Department recognizes her trail-blazing scholarship and visionary leadership and apologizes sincerely for the attacks she suffered from philosophers at Mānoa in the past.

Professor Trask's work has been crucial in foregrounding the systemic injustices that have plagued the practice of our discipline. We should have listened to her when she tried to teach us that these injustices had their roots in the history and power dynamics of colonial oppression both within the University of Hawaiʻi and outside of it. That is a history the Department of Philosophy is prepared to study and confront. Also, it understands the need to bring down barriers preventing indigenous research from receiving academic recognition.

We acknowledge that our apology is long

overdue and regret we did not convey it to Professor Trask in person while there was time. We are aware that our shortcomings have also affected the wider community of Kānaka 'ōiwi faculty and students. This apology is therefore also addressed to them. Today, the Department of Philosophy is eager to pursue philosophy self-critically and explore the rich and complex sources of Hawaiian Knowledge in our classrooms and research in comparative philosophy. We are also committed to seeking partnerships with the School of Hawaiian Knowledge and supporting native Hawaiian projects aiming at articulating Hawaiian values and ways of inquiry as philosophy. Finally, we are not forgetting that the University of Hawai'i at Mānoa was erected on Hawaiian land. We acknowledge the need to respect our host culture.

The Department of Philosophy at Mānoa
 Dr. Tamara Albertini (Chair),
 Dr. Arindam Chakrabarti, Dr. Chung-ying Cheng,
 Dr. Vrinda Dalmiya, Dr. Jonathan Fine,
 Dr. Masato Ishida, Dr. Thomas Jackson,
 Dr. Steve Odin, Dr. Franklin Perkins,
 Dr. Sean Smith, Dr. Joseph Tanke,
 Dr. George Tsai
 Affiliate Faculty and Lecturers
 Dr. Sharon Rowe
 West Oahu
 Dr. Lisa Rosenlee

He Mihi i Mua o Nā

Kānaka a Pau

Lu'ulu'u kaumaha ka Māhele
 Kālaimana'o o Ke Kulanui o Hawai'i ma
 Mānoa i ka hele ho'i 'ole 'ana mai o Ke
 Kauka Haunani Kay-Trask, Polopeka
 Welo, kekahi mea ho'okahua ho'i nāna i
 ho'okumu iā Hawai'inuiākea, Ke Kula
 'Ike Hawai'i. Ua 'ike 'ia a ua mahalo 'ia
 ho'i i kāna waele mua 'ana i ke ala 'imi
 na'auao ma ke kulanui me kāna alaka'i
 'ana ma loko o ia māhele, a ke mihi
 minamina nei me ka 'oia'i'o a me ka
 'eha'eha no ka 'imi hana 'ia ona e nā
 kumu kālaimana'o ma Mānoa i kona wā e
 noho polopeka ana ma Ke Kulanui o
 Hawai'i ma Mānoa.
 Ua hu'e 'ia a maka ka hana ho'okae pono
 'ole a ka māhele kālaimana'o e ua
 Polopeka Trask nei ma o kāna hana

ko'iko'i. 'O ka pololei a me ka pono, he lohe mai nō kā ka māhele kālaimana'o i ke a'o āna no ia mau hana ho'okae i hele a laha i loko o ka mo'olelo o kona lāhui Hawai'i pono'i a me ka ho'omāhuahua 'ia o ia mau hana ho'okae ho'okolonaio ma loko a ma waho ho'i o ke Kulanui o Hawai'i. 'O ia aku nei ke 'ano o ka hana a ka Māhele Kālaimana'o e ho'oponopono ai. Eia hou, ua 'ike 'ia iho ho'i ke kuleana e wāwahi i nā ālaina o ka 'imi na'auao 'ana ma ke 'ano e kūpono ai no ka po'e 'ōiwi a e mahalo 'ia nō ho'i e ke Kulanui. Ua hala loa akula ka manawa i pono ai kēia mihi 'ana me ka minamina 'ana 'a'ole i waiho 'ia nei mihi i mua pono ona nāna ho'okahi wale nō e huikala mai i kona wā e noho honua ana. Ua 'ike nō ho'i mākou i ka ho'ohemahema 'ia e mākou nā kumu 'ōiwi kanaka a pēlā pū ho'i nā haumāna 'ōiwi kanaka. Iā lākou ho'i kēia mihi. E huikala mai.

I kēia au na'e e holo nei, ke ho'oikaika nei a ke ho'oulu nei mākou, ka Māhele Kālaimana'o, i ke kālaimana'o ma ka hikaloi 'ana iho me ka 'imi 'ana aku i loko o ka lehu a me ka mano o nā kumu 'ike Hawai'i, a pēlā ho'i ke kālailai ho'okūkū a me ka ho'ohālikelike ma loko o kā mākou a'o 'ana a me kā mākou noi'i 'ana. E ho'opa'a ana nō ho'i mākou i ke ku'ikahi me ka ho'olōkahi aku me Hawai'inuiākea—Ke Kula 'Ike Hawai'i—ma nā hana e ulu ai ka Hawai'i ma ke kālaimana'o. 'A'ole nō ho'i mākou e ho'opoina i ke kūkulu 'ia o ke Kulanui o Hawai'i ma Mānoa ma luna o ka 'āina o nā Hawai'i no lākou nō ke kuleana. Ke 'ike maopopo iho nei mākou i ko mākou kuleana e hō'ihī'ihī a e ho'oponopono me nā Hawai'i.

Ka Māhele Kālaimana'o ma Mānoa Dr. Tamara Albertini (Chair),
 Dr. Arindam Chakrabarti, Dr. Chung-ying Cheng,
 Dr. Vrinda Dalmiya, Dr. Jonathan Fine,
 Dr. Masato Ishida, Dr. Thomas Jackson,
 Dr. Steve Odin, Dr. Franklin Perkins,
 Dr. Sean Smith, Dr. Joseph Tanke,
 Dr. George Tsai
 Ke Kulanui o Hawai'i ma 'Ewa Dr. Lisa Rosenlee
 Unuhi 'ia e Scott Kaua Neumann

Office of Hawaiian Affairs
Meeting of the Board of Trustees
October 7, 2021
10:00 A.M.

V. New Business

**A. Presentation by Administration: Public Land Trust History,
Status and Pressing Issues**

PUBLIC LAND TRUST

History, Status and Pressing Issues

BOARD OF TRUSTEES
OFFICE OF HAWAIIAN AFFAIRS
OCTOBER 7, 2021



OUTLINE

1. Background:
 - A. Kingdom Land Tenure and “Ceded” lands
 - B. Public Land Trust (PLT)
2. PLT Review
 - A. Recent History
 - B. Current Annual PLT Amount Far Too Low
 - C. Proposed Resolution





WHAT ARE “CEDED” LANDS?

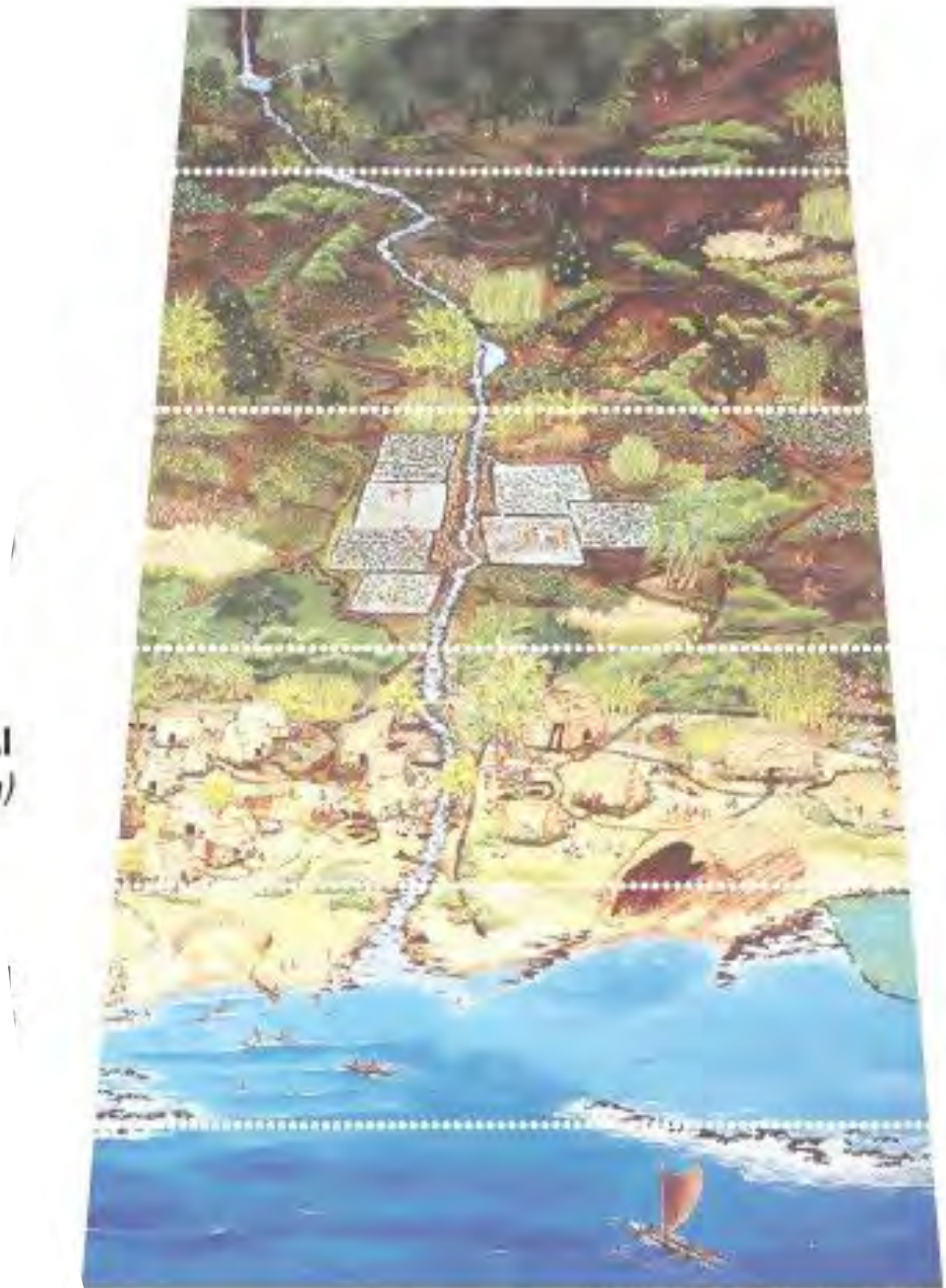
‘Āina v. “Land”

- “The Kumulipo explains that Maoli descend from akua (ancestors or gods) and are physically related to all living things in the Hawaiian archipelago. As younger siblings, Native Hawaiians are bound to their extended family and have a kuleana (responsibility and privilege) to care for Hawai‘i’s natural and cultural resources. Given the familial relationship between Maoli and the native environment, elder siblings support younger ones by providing the resources necessary to sustain human and other life. In return, Kanaka Maoli care for their elder siblings by managing those resources as a public trust for present and future generations. This complex, **reciprocal relationship was the foundation of traditional Kanaka Maoli society. . . . At bottom, there is an "inseparable spiritual-and genealogical--connection between Native Hawaiians and their land and environment . . . the land, or ‘āina, is not a mere physical reality," it is integral to social, cultural, and spiritual life.**”
- -D. Kapua‘ala Sproat, *Wai through Kānāwai: Water for Hawai‘i’s Streams and Justice for Hawaiian Communities* (Marquette Law Review, 2011)



Early Kingdom Land Tenure System

- Land viewed as a public trust, part of mauili ola NOT a commodity
- Ahupua'a system: Maka'āinana worked the land, chiefs administered land and resources
- Under Kamehameha I, land tenure system remained substantially the same



MA
(ga

KAI
(dw

LO'
(tan

KAI
(dw

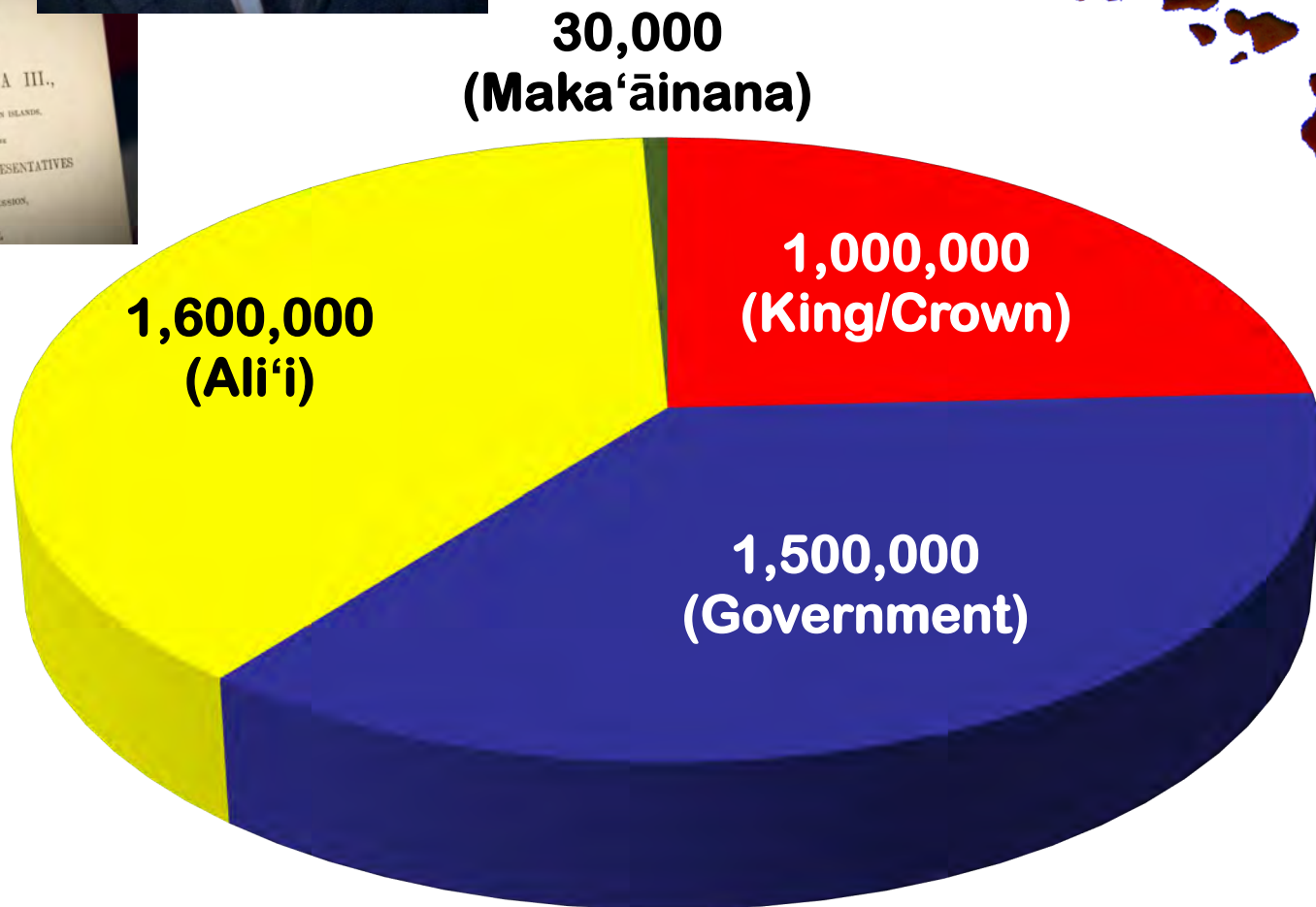
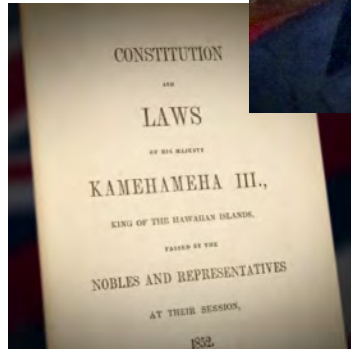
LOH
(fis

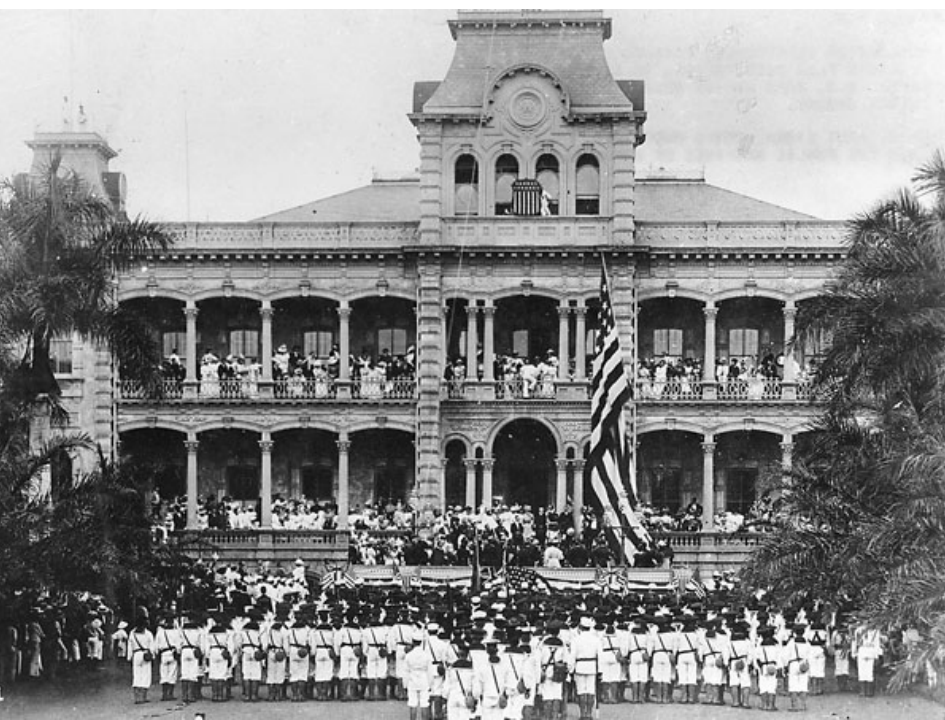
The Mahele

- 1840 constitution under Kamehameha III
 - KAMEHAMEHA I, was the founder of the kingdom, and **to him belonged all the land from one end of the Islands to the other, though it was not his own private property. *It belonged to the chiefs and the people in common***, of whom Kamehameha I, was the head, and had the management of the landed property.
- Increasing conflicts between Hawaiians and foreigners over land rights
- **Kauikeaouli's goal – secure land base, protect Native Hawaiian lands from foreigners through Western-recognized land tenure system (1/3 land to King, ali'i, and native tenants)**



1848 MAHELE 'ĀINA





1893
THE HAWAIIAN
KINGDOM IS
OVERTHROWN

Kingdom to the “Republic”

I am very sincerely yours

SANFORD B. DOLE

[*Dole to Burgess*]

Honolulu 31 March 1894

PROF. JOHN W. BURGESS

DEAR SIR: I wrote a few days ago asking you for an opinion on a certain point, and now I wish to trouble you still further if it is convenient for you to give your attention to our questions.

In drafting a new constitution the plan of an upper and lower house of the legislature will be adopted. Under the monarchy there were two classes of legislators who sat together and who were elected by voters having different qualifications. There are many natives and Portuguese who had had the vote hitherto, who are comparatively ignorant of the principles of government, and whose vote from its numerical strength as well as from the ignorance referred to will be a menace to good government.

It is proposed to make easy conditions for voting for members of the lower house, but to make difficult ones for the voting privilege for the upper house, such as educational and property qualifications, and to give the upper house the right with the lower to introduce money bills.

This plan will raise considerable opposition and will result probably in some permanent discontent, but those who insist on it say that it is the only plan by which the government can be kept out of the control of the irresponsible element,

¹ John W. Burgess, *Political Science and Comparative Constitutional Law* (Boston, 1890-91), II, 39. The passage quoted reads correctly: “It seems to me, however, that that form will be a republic. . .”

sincerely yours,

SANFORD B. DOLE

[At head of letter on page 1] Our election for the Constitutional Convention is May 2nd. and the Convention will probably follow in two or three weeks.

[*Burgess to Dole*]

Columbia College in the City of New York
School of Political Science

April 13/94

HON SANFORD B. DOLE

MY DEAR SIR: Your letter of March 31st is just received. If I understand your situation it is as follows: You have a population of nearly 100,000 persons, of whom about 5,000 are Teutons i.e. Americans, English, Germans and Scandinavians, about 9,000 are Portuguese [*sic*] about 30,000 are Chinese and Japanese, about 8,000 are native born of foreign parents, and the rest are natives.² You have, according to your late constitution, a law of suffrage, which allowed every male adult citizen having a certain slight educational qualification to vote for those members of your late legislative body called “Representatives”, and which required of the voters for those members called “Nobles” an additional, property qualification of a substantial sort.

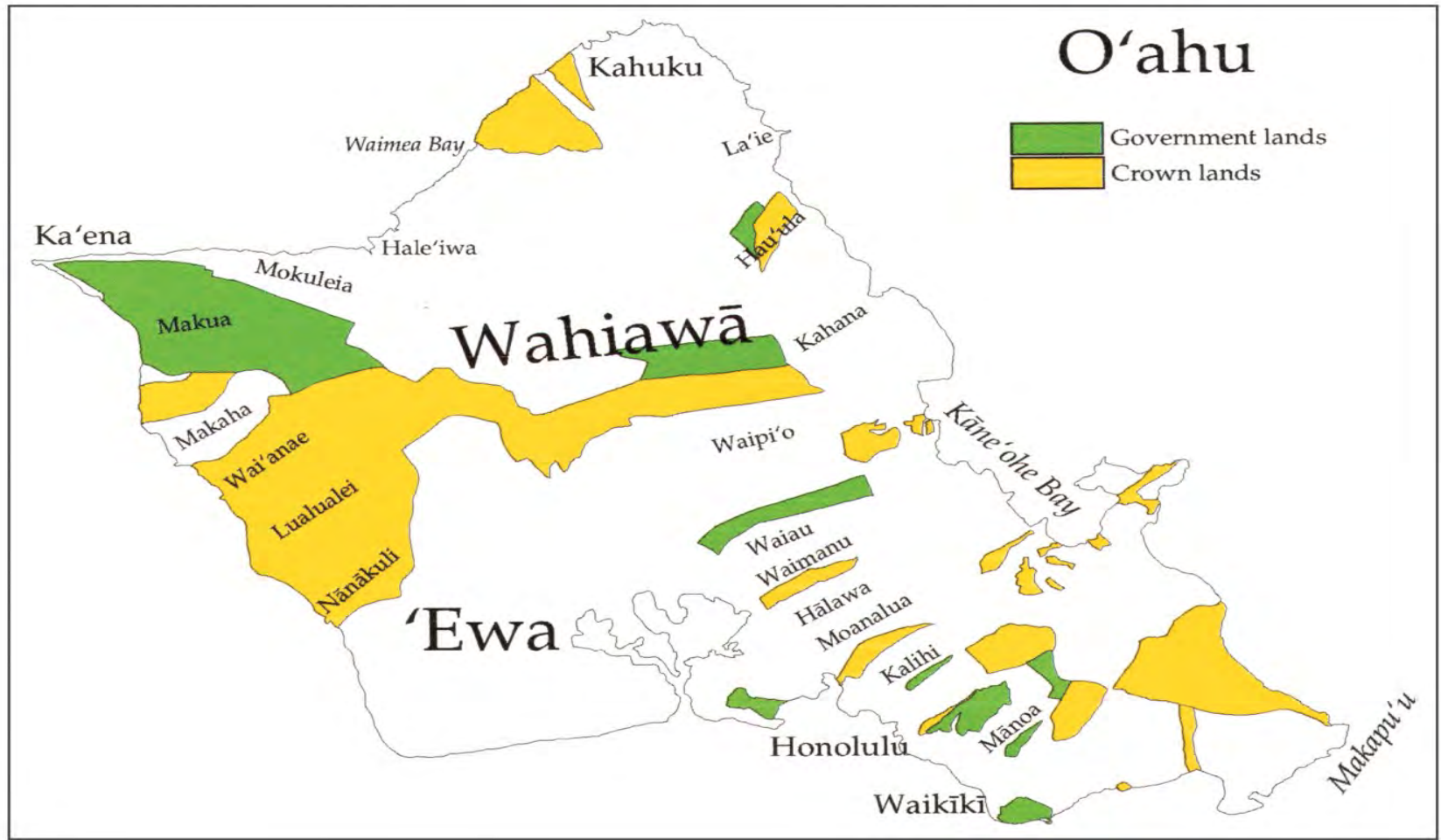
With this situation, I understand your problem to be the construction of a constitution which will place the government in the hands of the Teutons, and preserve it there, at least for the present. I think you can accomplish this with the existing material at your hand provided the Teutons are substantial [*sic*] united in purpose and will act harmoniously.

I would suggest that you establish a legislature of two houses, having the same number of members in each; that the voters for the members of the lower house should have the qualifications which your late constitution required of

² The total population of Hawaii in 1890 was 89,990; “Teutons” numbered 4533, Portuguese 8602, Chinese and Japanese 27,661, naturalized foreigners 7495, Hawaiians and part-Hawaiians 40,622.

REPUBLIC OF HAWAI'I - LAND ACT OF 1895

COMBINED GOVERNMENT AND CROWN LANDS



Van Dyke, Jon M., Who Owns the Crown Lands of Hawaii, University of Hawaii Press, 2008.
Compiled from a map by C.J. Lyons, finished by Rich'd Covington, Hawaiian Government Survey, 1881.
Cartography by Carlos Andrade, 1997.

1898: REPUBLIC OF HAWAI'I "CEDED"

~1.8 MILLION ACRES TO THE U.S.

Fifty-fifth Congress of the United States of America;
At the Second Session,

Begun and held at the City of Washington on Monday, the sixth day of December, one thousand eight hundred and ninety-seven.

JOINT RESOLUTION

To provide for annexing the Hawaiian Islands to the United States.

Whereas the Government of the Republic of Hawaii having, in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and dependencies, and also to cede and transfer to the United States the all public, Government, or Crown lands, and all other





...e our heads and our hearts to God and our country! One country, one language, o
THE SALUTE TO THE AMERICAN FLAG WHICH FLIES IN THE GROUNDS OF THE KAIUA
JAPANESE PUPILS. THE DRILL IS CONSTANTLY HELD AS A MEANS OF INCULCATING PATRI
OF THE CHILDREN

The “Territory” of Hawai‘i

Loss of lands and governance and distribution of power after annexation:

- Continued alienation of “ceded” lands
- Affirmed taking of crown lands
- Dismantled Konohiki fishery system
- Expanded stream diversions, displacement
- Suppression of language, national and cultural identity, promotion of Americanization and “patriotism” in public schools
- Governor Dole and plantation oligarchy
 - Vetoed progressive legislation (healthcare, tax relief for the poor) passed by Native Hawaiian-dominated legislature
 - Undermined vision and implementation of the HHCA
- Etc.
- **Generational trauma and impacts continue to be seen today**

Loss of lands and governance: Impacts to Maui Ola

Consider how **the resulting political system and its decisions such as how resources are distributed and how public policies might favor the interest of one group over another**, can impact the **safety** (e.g., crime and environmental toxins) and availability of **resources** (e.g., walking trails and usable sidewalks) in a particular neighborhood, worksite, or public school system; how the safety and available resources of these environments can impact whether or not a person have **access to fresh fruits and vegetables, safe and clean parks**, and the best **educational opportunities**; how the availability and affordability of **healthy food options** and **physical activity venues** can affect whether or not a person **is obese or develops diabetes**; and how **access to quality health care** can prevent (or bring about), delay (versus early onset), or manage a person's health problems. Finally, consider how all **these factors are not equally distributed or accessible across communities and ethnic groups and how the added burden of discrimination, economic deprivation, and cultural threats can adversely impact these factors.** -- Joseph Keaweaimoku Kaholokula, Ph.D

“Ceded” lands”: Native Hawaiian Claims

- Native Hawaiians maintain unrelinquished claims to the “ceded” lands corpus
- Theft and decades of control of lands and governance and by a white supremacist oligarchy has uniquely impacted the health, culture, and well-being of generations of Native Hawaiians
- **Justice requires these unique impacts and harms and their underlying cause to be addressed**
- NOTE: OHA policy is to OPPOSE the sale or alienation of “ceded” lands except for limited situations (remnants, prior-approved sales of certain house lots in former Housing and Community Development Corporation of Hawai‘i affordable housing developments)
- OHA v. HCDCH lawsuit and HRS 171-64.7 settlement

A scenic view of a river flowing over a rocky waterfall in a lush green forest. The water is dark and turbulent as it cascades over mossy rocks. The surrounding vegetation is dense and vibrant green, with trees and ferns framing the scene. The text "WHAT IS THE PUBLIC LAND TRUST?" is overlaid in white, serif font on a semi-transparent dark red banner across the middle of the image.

WHAT IS THE PUBLIC LAND TRUST?

1900 ORGANIC ACT

TERRITORY OF HAWAI‘I (1900-1959)

- Imposed a trust on “ceded” lands, which were to be used “solely for the benefit of the inhabitants of the Hawaiian islands for educational and other public purposes”
- Territory controlled and managed “ceded” land, although generally did not hold title
- Notably, in some cases, title to “ceded” land did transfer to Territory (e.g., portions of Sand Island, some public schools)



Sand Island, O‘ahu

Admission Act: “Ceded” lands → Public Land Trust

- Certain “ceded” lands transferred to the state upon or after statehood (or acquired in exchange for such lands) subject to Public Land Trust (NOT HHCA lands, NOT lands retained by the federal gov’t, NOT lands transferred to the Territory before statehood)
- Admission Act Sec. 5 – Public Land Trust lands must be administered for 5 purposes:
 - Public schools/public education, **betterment of the conditions of native Hawaiians**, farm and home ownership, making of public improvements, lands for public use
- **BUT: After “statehood,” PLT revenues almost exclusively used for education**

§10-13.5 Use of public land trust proceeds. Twenty per cent of all funds derived from the public land trust, described in section 10-3, shall be expended by the office, as defined in section 10-2, for the purposes of this chapter. [L 1980, c 273, §1; am L 1990, c 304, §§7, 16]

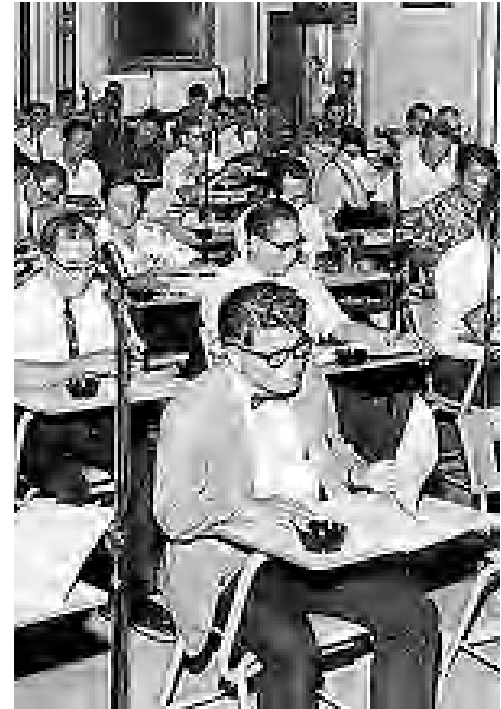
Public Trust SECTION 4. The lands granted to the State of Hawaii by Section 5(b) of the Constitution, excluding therefrom lands defined as “available lands” by Article XVI, Section 7, of the State Constitution, shall be held by the State as a public trust for native Hawaiians and the general public.

Office of Hawaiian Affairs: Establishment of Board of Trustees SECTION 5. There is hereby established an Office of Hawaiian Affairs. The Office of Hawaiian Affairs shall hold title to all the real and personal property now or hereafter set aside or conveyed to it which shall be held in trust for native Hawaiians and Hawaiians. There shall be a board of trustees for the Office of Hawaiian Affairs elected by qualified voters who are Hawaiians, as provided by law. The board members shall be Hawaiians. There shall be not less than nine members of the board of trustees; provided that each of the following Islands have one representative: Oahu, Kauai, Maui, Molokai and Hawaii. The board shall select a chairman from its members.

determines that the land or property is no longer needed by the United States it shall be conveyed to the State of Hawaii.

(f) The lands granted to the State of Hawaii by subsection (b) of this section and public lands retained by the United States under subsections (c) and (d) and later conveyed to the State under subsection (e), together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by said State as a public trust for the betterment of the conditions of native Hawaiians, in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and home ownership on as widespread a basis as possible for the making of public improvements, and for the provision of lands for public use. Such lands, proceeds, and income shall be managed and disposed of for one or more of the foregoing purposes in such manner as the constitution and laws of said State may provide, and their use for any other object shall constitute a breach of trust for which suit may be

1978 HAWAI'I CONSTITUTION, ARTICLE XII SECTIONS 5 & 6



Created the Office of Hawaiian Affairs to manage
all income and proceeds from that pro rata portion of
the public land trust for native Hawaiians*

OHA AND PLT



- In 1980, Legislature adopts **HRS §10-13.5**:
 - **Twenty percent** of all funds derived from the public land trust, described in section 10-3, shall be expended by this office, as defined in section 10-2, for the purposes of this chapter.





20 PERCENT *OF WHAT?*

- With no clear formula, **OHA recieved about \$1.5 million annually in PLT revenues in the 1980s**
- In **1984**, OHA sued to recieve 20% of all income and proceeds derived from the state from sales, leases or other dispositions of various 5(f) Trust Lands
 - In **1987**, the Hawai‘i Supreme Court concluded that it was unable to determine the parameters of HRS Section 10-13.5 because the issue of how the 20% apportionment is formulated was **a political question for the legislature to determine** (*Yamasaki*)

ACT 304

NEGOTIATIONS

- OHA and Gov. Waihe'e entered into lengthy negotiations & submitted to the legislature an agreement to clarify the extent and scope of the 20 percent due to Native Hawaiians
- **Act 304 enacted in 1990**



Act 304 (1990)

Landmark legislation, **establishes formula to determine Native Hawaiians' share of PLT revenues**

- Establishes major historical agreements between the State and Native Hawaiians regarding PLT revenues:
 - **Proprietary** (20% is applied) **vs. Sovereign** (20% is not applied)
 - **Sovereign** = revenues which the state generates through exercise as a government through its sovereign functions and powers such as:
 - » Taxes
 - » Regulatory or licensing fees
 - » Fines, penalties, or levies
 - » Registration fees
 - **Proprietary** = revenues the state generates through its powers as a landowner:
 - » all proceeds, fees, charges, rents, or other income, or any portion thereof, derived from any sale, lease, license, permit, or other similar proprietary disposition, permitted use, or activity from PLT lands
 - **Net vs. Gross**
 - Because OHA does not determine how the state manages PLT lands, the Native Hawaiians' share is applied to gross revenues and not net revenues
- These historical agreements continue until today

ACT 304 PAYMENTS

- Act 304 included interest owed to Native Hawaiians for back-due payments
- In 1993, the state transferred \$130M to OHA for 1980-1991
- \$15M paid to OHA annually throughout 1990s





DISPUTED REVENUES

- In 1994, **OHA** sues over **disputed revenues not agreed to in Act 304**:
 - Waikiki Duty Free receipts connected to the Honolulu Airport
 - Hilo Hospital patient services receipts
 - Affordable housing project receipts
 - Interest
- In 1996, Judge Heely rules in **OHA's favor**

ACT 304 REPEALED

- In **1996**, Gov. Cayetano and airlines oppose Heely ruling
 - Airlines: ruling would result in “dire consequences for an economy so dependent on tourism.”
- In **1997**, Congress passes **Forgiveness Act**
 - Forgives state for \$28.2M in PLT transfers to OHA from airports
 - **Prohibits further PLT transfers to OHA from airports**
- In **2001**, Hawai‘i Supreme Court reverses Heely decision and repeals Act 304 because it conflicts with federal law re: airports
- Gov. Cayetano immediately stops all PLT transfers to OHA



OHA ATTEMPTS TO RE-ENACT ACT 304

In 2003, House leadership amends OHA's attempt (SB1151) to re-enact Act 304, by changing the formula to only allow the Native Hawaiians' share of PLT to apply to the raw, undeveloped value of PLT lands – **the bill died**



NEGOTIATIONS UNDER GOV. LINGLE

- In **2003**, Gov. Lingle issues EO 03-03, reinstating undisputed PLT revenue transfers to OHA dating back to 2001, when Gov. Cayetano stopped transfers
- Amounted to about \$9M per year
- Begins negotiations for going-forward and back-due PLT revenues to OHA



[§10-13.3] Interim revenue. Notwithstanding the definition of revenue contained in this chapter and the provisions of section 10-13.5, and notwithstanding any claimed invalidity of Act 304, Session Laws of Hawaii 1990, the income and proceeds from the pro rata portion of the public land trust of Hawaiian affairs for the betterment of the conditions of expenditure by the office each of fiscal year 1997-1998 and fiscal year 1998-1999 shall be \$15,100,000. [L 1997, c 329, §2]

ACT 178 (2006)

Section 2: Established interim public land trust annual amount of \$15.1 million/year

Section 3: Requires agencies to collectively transfer at least \$3,775,000 in public land trust revenues to OHA each quarter

Section 4: Appropriated \$17,500,000 for underpayment between July 1, 2001 and June 30, 2005

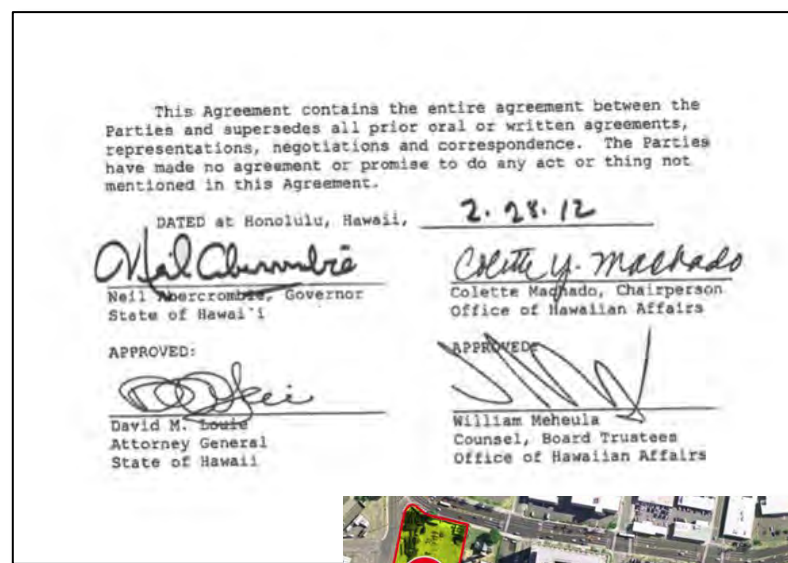
Section 5: Required DLNR to account for all receipts from the use of land within the public land trust

Executive Order 06-06

- Implements Act 178
- Each agency must account for, transfer 20% of PLT revenues to OHA
- Excess of \$3,775,000 per quarter (\$15.1M per year) must be returned to a “Carry Forward Trust Holding Account” (CFTHA)
- Shortfalls to be paid out of CFTHA, DLNR

ACT 15 (2012)

- First bill introduced in 2008; finally enacted under Gov. Abercrombie
- Settlement addressed ***past due*** revenue, including disputed revenues from Act 304 in 1993
- OHA released its claim to PLT revenue 1978 through 2012
- OHA received 10 parcels in Kakaako Makai, valued at about \$200 million



PLT Revenues and Maui Ola: Grants

NOTE: PLT – derived
revenues = **92% of OHA's
annual \$40M Budget**
(\$15.1M Annual PLT
Share, NHTF, Kaka'ako
Makai Revenues)



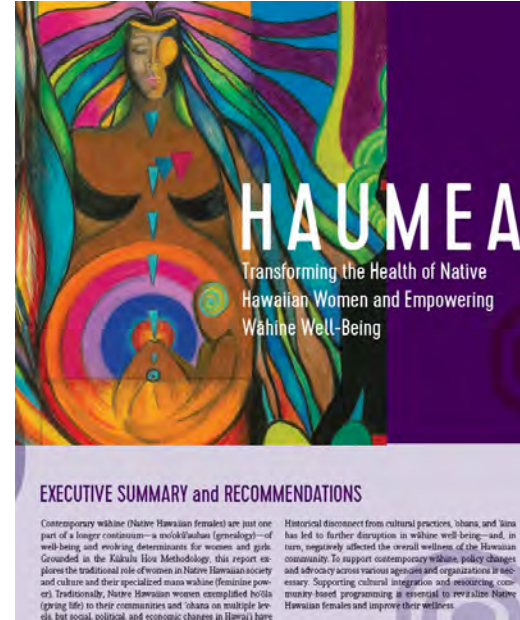
\$11.8M in grants to
promote healthy lifestyles,
reduce chronic disease
from 2010-2018


Also:

- \$32.3M for Ho'ona'auao
- \$47.3M for Ho'okahua Waiwai
- \$16.8M for 'Āina
- \$9.6M for Mo'omeheu
- \$4.4M for Ea

PLT Revenues and Maui Ola: Other Investments

- Research
- Advocacy
- Litigation
- Partnerships

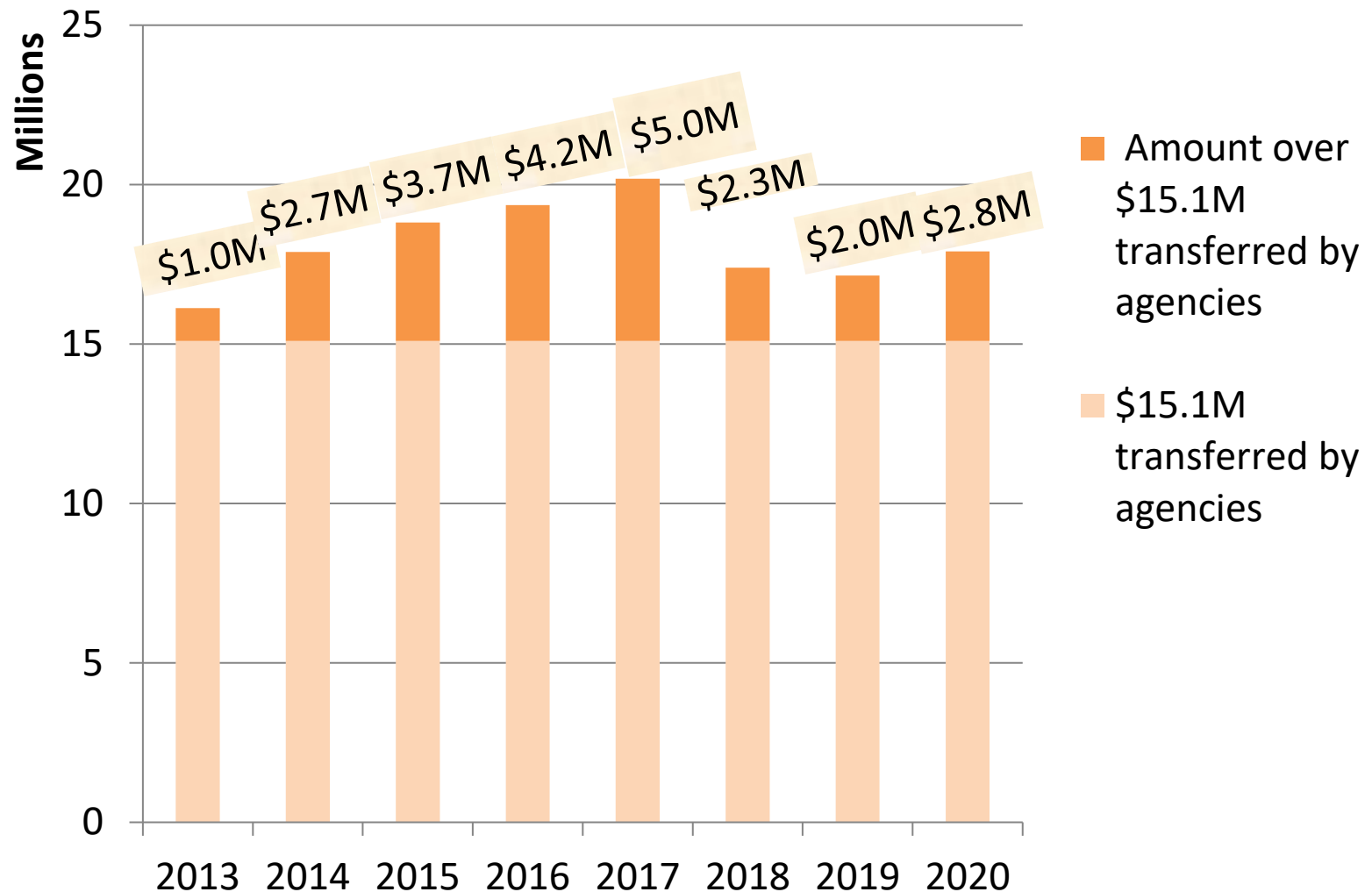





**10 YEARS OF REVENUE DATA:
THE ANNUAL PLT AMOUNT GIVEN TO OHA
FOR THE BETTERMENT OF NATIVE HAWAIIANS
IS FAR TOO LOW**

OHA-RETURNED FUNDS TO TRUST HOLDING ACCOUNT FISCAL YEARS 2013 - 2020

Currently the CFTHA
holds ~\$25,000,000



OHA'S REVIEW OF PLT RECEIPTS

PLT REVENUE SOURCES WITH:	TOTAL REVENUE	20% OF REVENUE	COMBINED SHARE OF REVENUE
<p>1. Historical Agreement between OHA and the State:</p> <ul style="list-style-type: none"> A. Revenue sources that the State currently transfers to OHA, per Act 178 B. State accounting errors C. Inconsistent transfers (some/same agencies transfer similar revenue sources, some do not) D. Past precedent (agency transferred from exact revenue sources in the past) 	\$197,433,474	\$39,486,695	 \$39,486,695

“Ceded” Lands v. PLT

“Ceded” lands

- ALL lands taken by overthrow, “ceded” to U.S.
- Must be maintained until resolution of Native Hawaiian claims
- Potential land base for future Native Hawaiian governing entity
- NOTE: Theft of lands and governance is a major source of challenges facing Native Hawaiians today

Public Land Trust

- Subset of “ceded” lands transferred to state and held in trust for five purposes
- Native Hawaiians, through OHA and its Board, entitled to 20% pro rata share of revenues
- **Revenues used by OHA to address some, but not all of the impacts of the theft of lands and governance**
- Native Hawaiians’ pro rata share must be updated by legislature*
(*has not been updated since 2006)


“Ceded” Land v. PLT

- “Ceded” lands = your car and belongings are stolen
- Public Land Trust = a promise to pay 20% of money made from renting car to tourists
 - If car is sold or rented for 99 years, you will never get car back
 - Car is being rented for cheap, not maintained properly
 - **You actually are only getting 10% of the promised rental money**



RESOLUTION: INCREASE PLT FUNDING FOR NATIVE HAWAIIANS

- 1. Recites history of PLT (1978-), up to and including Act 15 (Kaka'ako settlement)**
- 2. Emphasizes legislature's responsibility to determine pro rata amount (*Yamasaki, OHA I and OHA II*), and the "temporary" nature of Act 178's \$15.1 determination**
- 3. Recites data re: revenues from historically agreed-upon revenue streams (\$39.5M/year), CFTHA amount (\$25M)**
- 4. Urges legislature to:**
 - 1. Update PLT amount to \$40M/year (\$9.75M/quarter)**
 - 2. Transfer CFTHA \$\$\$ (\$25M) to OHA**
 - 3. Transfer back-due amount of \$239,000,000 for what OHA should have received since 2012, had the PLT amount been established as \$40M**
 - 4. Establish a PLT negotiating committee to periodically revisit PLT amount (Senate President, House Speaker, Governor, OHA Chair)**

A photograph of a large crowd of people gathered in front of a building with classical architectural features, including columns and arches. Many individuals in the crowd are holding flags, with the Union Jack being prominent. The scene appears to be a public demonstration or celebration. The image is framed by a white, hand-drawn style border.

MAHALO

**Office of Hawaiian Affairs
Meeting of the Board of Trustees
October 7, 2021
10:00 A.M.**

VI. Executive Session‡

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

B. Approval of Executive Session Minutes

- 1. March 5, 2020**
- 2. June 18, 2020**
- 3. September 17, 2020**
- 4. October 22, 2020**
- 5. January 14, 2021**
- 6. January 28, 2021**
- 7. February 11, 2021**
- 8. April 8, 2021**
- 9. April 15, 2021**