STATE OF HAWAI'I OFFICE OF HAWAIIAN AFFAIRS Waipā Foundation 5-5785A Kūhiō Highway Hanalei, Kaua'i, 96714

Minutes of the Office of Hawaiian Affairs Board of Trustees Kaua'i Community Meeting Wednesday, July 10, 2019 5:00 pm

ATTENDANCE:

TRUSTEE COLETTE MACHADO TRUSTEE DAN AHUNA TRUSTEE KALEI AKAKA TRUSTEE W. KELI'I AKINA TRUSTEE BRENDON KALEI'ĀINA LEE TRUSTEE CARMEN HULU LINDSEY TRUSTEE JOHN WAIHE'E IV

ROBERT G. KLEIN, BOARD COUNSEL

EXCUSED:

TRUSTEE LEINA'ALA AHU ISA TRUSTEE ROBERT LINSDSEY

ADMINISTRATION STAFF:

SYLVIA HUSSEY, INTERIM CEO WAYNE TANAKA, PP MEHANA HIND, CE DAVIS PRICE, CO JOCELYN DOANE, PP JASON LEES, DPM KAWENA CARVALHO-MATTOS, DPM KEOLA LINDSEY, ADV NOALANI NAKASONE, CO KALIKO SANTOS, CO

BOT STAFF:

CAROL HOOMANAWANUI **CRAYN AKINA** L**Ō**PAKA BAPTISTE DAYNA PA LEHUA ITOKAZU MARIA CALDERON LEIANN DURANT **KAMA HOPKINS RON PORTER CLAUDINE CALPITO**

GUESTS:

KAPUA SPROAT JOANNE KANOA **KAISON CARILLO** KAMEALOHA HANOHANO-SMITH MAKA'ALA KAAUMOANA MOKU PUULEI-CHANDLER **KEAHI KUROIWA** KEPO'O KELI'IPA'AKANA **HOKŪCABEBE ROLINA FAAGAI** LOUISE SAUSEN MAHINA LAUGHLIN

I. CALL TO ORDER

Chair Colette Machado Calls the Board of Trustees meeting to order at 5:16 pm. Roll call is taken; Trustees Ahuna, Akaka, Akina, Lee, Carmen Hulu Lindsey, Waihe'e and Machado are present; constituting a quorum of seven (7) trustees. Excuse memos were recieved from Trustee Leina'ala Ahu Isa and Trustee Robert Linsdsey.

II. INTRODUCTIONS

Chair Colette Machado first introduces the new Trustees that were elected in November. Both Trustee Kalei Akaka and Trustee Brendon Kalei'āina Lee greets the community with a few words and thanks everyone for taking the time to come to the meeting. Each Trustee is called to introduce themselves. They each greet the community and thanks the community for coming to the meeting to share their mana'o. Chair Colette Machado calls on Sylvia.

Sylvia Hussey introduces herself and OHA staff that are attending. She thanks the community for their hospitality and also for being at the meeting.

Chair Colette Machado introduces Board counsel to the community and gives a little back ground on the work that he has done. She introduces Carol asks her to introduce the BOT staff in attendance.

Carol Ho'omanawanui introduces the BOT staff in attendance.

Chair Colette Machado turns the community meeting over to Trustee Dan Ahuna.

Trustee Dan Ahuna also recognizes former Mayor Carvalho and thanks him for being here tonight. He thanks all the community for being here because it's important for the community to come and share their concerns.

V. COMMUNITY CONCERNS

Trustee Dan Trustee Dan Ahuna calls on Kapua Sproat, Joanne Kaona, and Kaison Carillo. They are representing Ka Huli Ao and Wai'oli Valley Taro.

Kapua Sproat greets the community, Trustees, and thanks the Trustees for coming to day. She introduces herself. She is the Director of Kahuli Ao Center for Excellence in Native Hawaiian Law at the University of Hawaii at Mānoa and the Director of their Environmental Law Clinic.

Kapua starts her PowerPoint presentation (Please see PowerPoint presentation)

Kapua with Jo and Kaison share information about the A'o Aku A'o Mai Initiative. This is a cooperative agreement and partnership that they have with OHA. She shares how OHA's support has directly served the community. Kapu shares their current project for this semester, which is the Wai'oli Valley Taro Hui.

Kaison Carillo greets the Trustees and community. He thanks OHA for their help and support. He shares that he is a 4th generation taro farmer. He shares his family story of farming in Wai'oli, how he came into farming and also how the floods have impacted his family farm. He states that the biggest help was the public clinic that helped them secure the easement.

Joanne Kaona greets the Trustees and introduces herself. She shares that she helps her dad Clarence Kaona farm in Wai'oli valley. She thanks the Trustees and OHA for all of their support. She shares that without Kapua's love and Ka Huli Ao law clinic they wouldn't have known where to start with

permitting or being able to secure the easement. She shares that her family also received funding for those affected by the flooding. She shares how OHA's funding has impacted not only those in Wai'oli but the entire community of Kauai.

Trustee Dan Ahuna thanks Kapua for the presentation and for the site visit. He calls on Kamealoha Hanohano-Smith.

Kamealoha Hanohano-Smith greets the Trustees and introduces himself by giving a brief history of who he is and where his 'ohana is from. He thanks Waipā and the taro farmers who came up to share their experience of working with OHA.

He shares that currently he is working as the program administrator for the Hanalei River Heritage Foundation. He shares a little about his program. The work with children, they do post line and water shed resource management. They are concerned about the traditional fishing grounds. He is concerned about how to update native tenant's laws and activate it to make is useful for Native Hawaiians.

He thanks the First Nations Development Institute, out of Boulder Colorado. They gave them a great to restore their double haul canoes. He thanks Alu Like for their help of getting people on the ground to help them fix the canoes. He thanks FEMA for the experience even though they did not getting funding. He thanks Workforce Development and Department of Labor for funds.

He states that the people of Kauai are resilient, that with or without the help of OHA, with or without the cooperation of OHA, with or without understanding the people that work with OHA, it doesn't matter. They are going to get it done and make sure that opportunities both economic and educational are available for the kids in the community. He states that his experience with OHA has not been as positive as some other people.

He states that the one of the problems with OHA is the grants system. It's not an objective system that properly vets our ideas so that people in his community can receive a fair share of the Trust Fund. It seems that everything that is done with OHA is whom you know and how you ask. He shares that this should not be a factor as to whether a person and the things that they are doing in the community, that is not how things should be judged. It should be judged on merit, content of the person's character, diligence. He thinks that the solution is simple; the decisions about grants should be outsourced.

He shares his experience at an outreach meeting on the strategic plan last week. He was disappointed because the meetings are superficial. He feels that if you are going to come to Kauai and use tax payers money and beneficiaries' money, he think these meetings need to have a little bit of meat to it.

He says that he doesn't know what outreach and other people at OHA do. OHA doesn't really tell us a lot of functions of the people who work at OHA. He states that if you ask questions at OHA, you don't get answers or are transferred around. He wants OHA to be very clear about what Trustees are supposed to do and Administration is supposed to do. He feels Administration and staff are underutilized because he doesn't know what they are capable of doing because they don't do that much. He doesn't know and doesn't have access to understanding of what they do. He feels that Trustees should do more work on setting policies and leave the day to day operations and outreach to the whoever the administrators and management teams. He shares that free speech is guaranteed by the constitution. He thinks is wrong for OHA to deny people the right to speak out and speak up about the problems at OHA. He thanks Trustee Keli'i Akina and a few other who take it upon themselves to let everyone know what is going on. He believes that a censure should not be taken and that secret meeting should stop and the issue of loyalty is the antithesis of what free society is.

Trustee Dan Ahuna thank Kamealoha and calls on Maka'ala Kaaumoana.

Maka'ala Kaaumoana greets and thanks the Trustees for coming to Kauai. (please see attached testimony)

Trustee Dan Ahuna calls on Moku Puulei-Chandler

Moku Puulei-Chandler greets the Trustees and introduces himself. He thanks everyone for being here right now, for the community and family. He shares that the community is getting more involved in protecting our resources from the ocean to the mountain. He thanks all who see the vision of the community. He thanks Trustee Dan Ahuna for reaching out to him to come and say something. He states great things are happening in the community from the taro famers and the watershed hui and families are all backing each other up.

Trustee Dan Ahuna asks about what is going on now with roadways.

Moku Puulei-Chandler states that it is going really well. With the visitors, they have been informing them about what is happening and reminding them that they will have some effect.

Trustee Dan Ahuna asks whom they are working with.

Moku Puulei-Chandler states that they are working side by side with Department of Transportation. He also shares information about the 'Ohana Waa committee. They will be hosting the Polynesian Festival. They were asked if they could mālama two of the canoes from either Aotearoa, Fiji, Samoa, Cook Islands, Tahiti, and it will be up to the community to choose which crews will be coming to where and vice versa. Asks if OHA can help with that.

Trustee Dan Ahuna calls on Keahi Kuroiwa.

Keahi Kuroiwa greets Trustees and introduces himself. He shares his story and his family history. He states that his grandmother is Mamaloa and that she registered Office of Hawaiian Affairs as a trade name in 1968. She created effectively this organization and eventually it was turned into a political body. He asks if it's possible to advocate for all positions regarding federal recognition, even the ones that are competing with one another. He shares information regarding the international recognition and that it will happen. He also proposed the idea of recognition on multiple fronts. He would like to see more support for multiple governments in multiple places around the world promoting the Hawaiian way. He asks for support for the movements that are out there and get informed about what is out there and maybe share on that information on the OHA website.

Trustee Dan Ahuna calls on Kepo'o Keli'ipa'akaua.

Kepo'o Keli'ipa'akaua greets Trustees. He states that Governor Ige in and press conference were mobilizing National Guard forces to serve the private interest of TMT lands that the beneficiaries have in interest in. He asks if OHA will change its position from neutrality to one of opposition.

Trustee Dan Ahuna states that in order to move forward on an issue we would have to have vote from Trustees. So that would have to come up. He states that OHA is aware of statement that was made, and that OHA has been talking about it. He also states that they can't really answer questions, but they are doing all that they can.

Kepo'o Keli'ipa'akaua he asks if it's possible to OHA to provide emergency funding to provide basic necessities for the beneficiaries who are up on the Mauna.

Trustee Dan Ahuna that is something we have to take up to consider.

Sylvia Hussey states that specific funding for the protectors would need to come to the Board.

Trustee Dan Ahuna states that it would need to be an agendized item. He thanks Kepo'o and calls on Hōkū Cabebe.

Hōkū Cabebe greets the Trustees. She thanks the Trustees for coming back and provides an update on what they have been doing since last year. She thanks OHA for the support and asks for the continued support as they continue to recover from the effects of flooding last year. She shares that OHA's continued support helps the greater community.

She asks for support for OHA grants and application workshops to be brought through the islands for things that are out there. Just getting more information on what is available out there to help everyone get back to their homes. She also shares the current situation with caretaking the Haena area also with regarding the road closures. She states that the road work is not done here on the North Shore. They are still doing the bridges; the community has asked that they not do it. She states that the roads are closed from 7:30 pm till 5:00 am.

She voices concerns regarding the safety of the bridges being fixed. She also brings a concern regarding a development that was recently approved in conservation area that was greatly contested by the community because of the area being a wahi pana and they gave the mega millionaire house a permit to build, like the TMT thing right in their back yard. She asks for OHA to monitor.

Trustee Dan Ahuna thanks Hokū and calls on Rolina Faagai.

Rolina Faagai introduces herself. She is with the nonprofit arm of the SCHHA. She introduces her staff present. She states that they were a recipient of a grant this year. After 5 years, they were able to get awarded. She shares that their mission statement is to create jobs and affordable housing trust lands. She states that they are one of the homestead beneficiaries that were awarded this program. She thanks OHA and is grateful for the partnership.

Trustee Dan Ahuna thanks Rolina and a calls on Louise Sausen.

Louise Sausen greets the Trustees and thanks them for coming back. She shares that the government is not taking care of our Hawaiian people. She states that tourism needs to be curbed in this area. She states that they are oppressed, depressed and they have to go through this bridge work. She states that she was with the 106, they asked them to fix the road, do it right and do it safe. They throwing the bridge work in so they can do the Wainiha bridges. That is another 2 years of stress on them the people. She shares that they get locked in every night. It takes a toll on everyone and no one knows how it is. She states that Trustees need to experience what the community goes through.

She asks if Trustees are concerned about solar farms on Hawaiian Homestead Lands. She states that it affects OHA and the caring for the beneficiaries. She states that Trustees need to care for the people like she loves her people. She states that if we do right by our people everyone prospers. Toursim is impacting our land and our people. OHA needs to stand up for our people to the State and their laws. She states that there is a lot going on out there, they need to regulate tourist because they don't inform them of bridge closure, they park wherever they want. She states the tourism authority is exploiting them and they aren't getting anything.

Trustee Dan Ahuna thanks Aunty and calls on Mahina Laughlin.

Mahina Laughlin introduces herself. She is from Wainiha. She shares her vision of educating the kids and becoming a self-sustainable State. She shares that she owns a small business that catered to tourist, but after the flood, she practically went bankrupt. She wants to be a part of this new generation because they are pushing forward to the old pilikia that the old forerunners left and together they can work together.

Trustee Dan Ahuna thanks everyone for coming and sharing all their comments.

IV. STATUS OF OHA ACTIVITES

A. Ka Pouhana/CEO's 15-Minutes Update on Ho'oulu Lāhui Aloha and OHA Activities

NONE

VI. ANNOUNCEMENTS/FYI

NONE

IX. ADJOURNMENT

Trustee Carmen Hulu Lindsey moves to adjourns the meeting

Trustee John Waihe'e IV seconds.

Trustee Dan Ahuna adjourns the meeting at 7:00 pm.

Respectfully submitted,

Dayna Pa, Board Secretary

As approved by the Board of Trustees on August 8, 2019.

Coline y. Marardo

Colette Y. Machado, Chairperson Board of Trustees

Attachment:

- 1. Trustee Leina'ala Ahu Isa Excuse Memo
- 2. Trustee Robert Lindsey Excuse Memo
- 3. PowerPoint presentation A'o Aku A'o Mai Initiative
- 4. Testimony from Makaala Kaaumoana



OFFICE OF HAWAIIAN AFFAIRS Interoffice Memorandum

DATE: July 10, 2019

TO: Trustee Colette Machado, Chairperson

Trustee Brendon Kalei'aina Lee, Vice Chairperson

FROM: Trustee Leina'ala Ahu Isa

RE: Excused Absence for Board of Trustees (Kauai) Community Meeting

Aloha,

Please excuse my absence for the upcoming Board of Trustees Community Meeting, scheduled for Wednesday, July 10, 2019. Should you have any questions or concerns, please feel free to contact my office staff.

Mahalo.



STATE OF HAWAI'I OFFICE OF HAWAIIAN AFFAIRS 737 IWILEI ROAD, SUITE 200 HONOLULU, HAWAI'I 96817

June 28, 2019

то:	Trustee Colette Machado Chairperson, Board of Trustees	2019 JE
FROM:	Trustee Robert K. Lindsey, Jr.	
SUBJECT:	Excused Absence	<u>نې</u> بې
Aloha Chair Machado:		ω ,c

I regret to inform you that I am unable to attend the Board of Trustees Community meeting on Kaua'i, Wednesday, July 10, 2019. Please extend my apologies to the board members.

With sincere aloha,

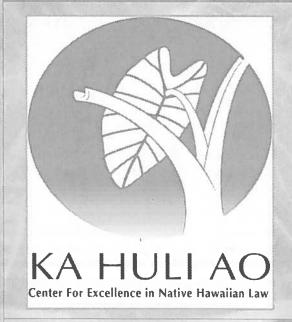
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Trustee Robert K. Lindsey, JC Hawai'i Island

Ensuring a Future of Kalo Cultivation in Wai'oli, Kaua'i

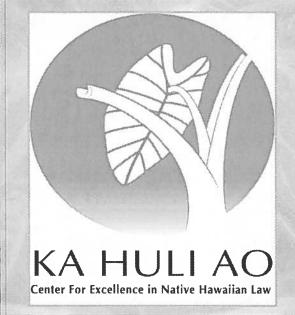
A'o Aku A'o Mai Initiative Wai'oli Valley Taro Hui Waipā, Kaua'i July 10, 2019

Ka Huli Ao Native Hawaiian Law Center

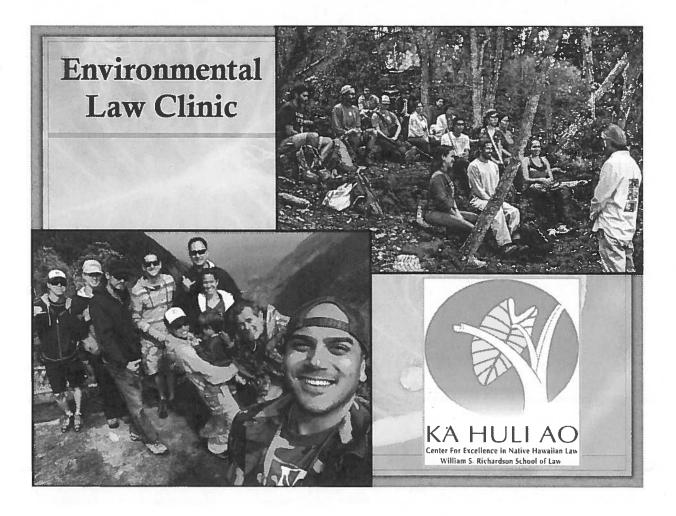


- Ka Huli Ao means turning towards the light
- Our name embodies our educational philosophy of taking the very best of our native traditions in pursuit of scholarship, enlightenment, and justice

Ka Huli Ao's Mission



To promote education, scholarship, community outreach, and collaboration on issues of law, culture, and justice for Kānaka Maoli and other Pacific and Indigenous peoples



A'o Aku A'o Mai Initiative

Partnership between OHA & Ka Huli Ao to address access to justice issues by educating the broader community about key legal issues affecting Native Hawaiians



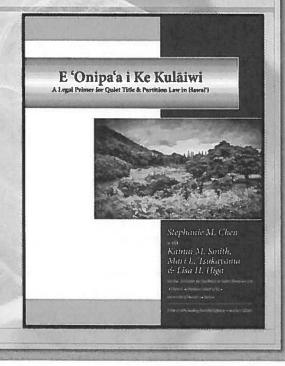
A'o Aku A'o Mai Initiative, cont.

Initial Components:

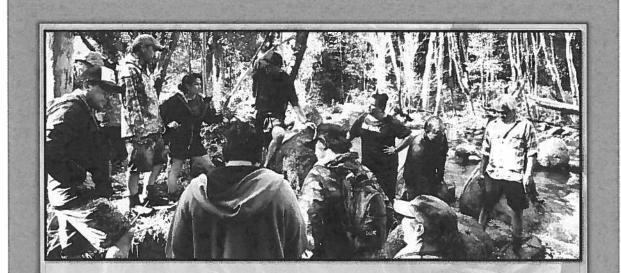
- 1) Direct Legal Services for Pro Se Defendants in *Bartell*
- 2) Hawai'i Land Law Primer

Benefits:

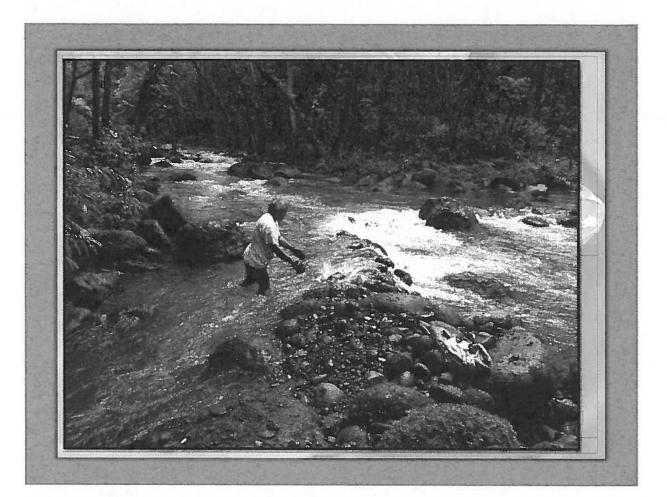
 In the first 2 years, we assisted 156 pro se defendants, published a legal primer, facilitated 13 workshops on Quiet Title & Adverse Possession, and trained 40 law students in those areas of law

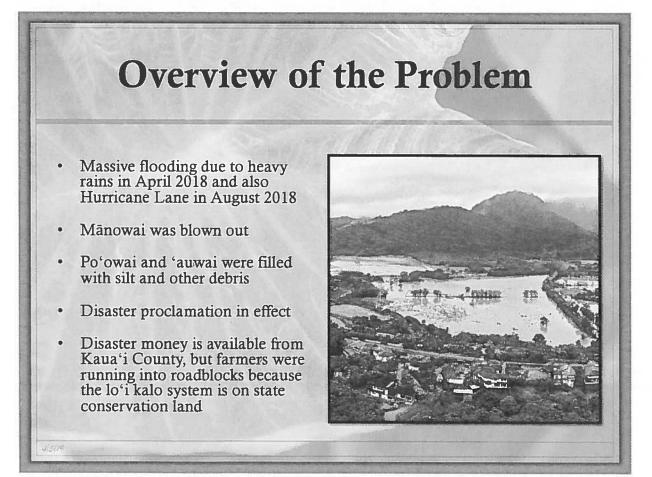






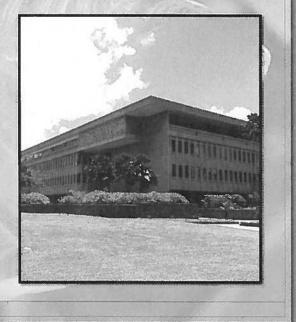
The Wai'oli Valley Taro Hui





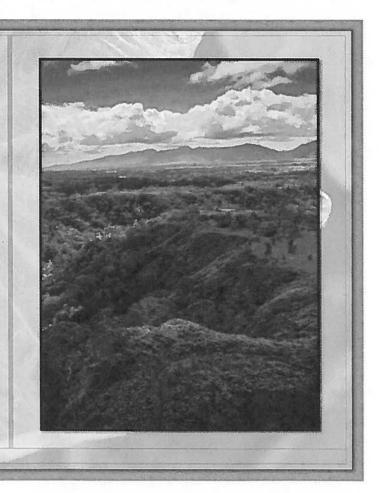
Department of Land and Natural Resources ("DLNR")

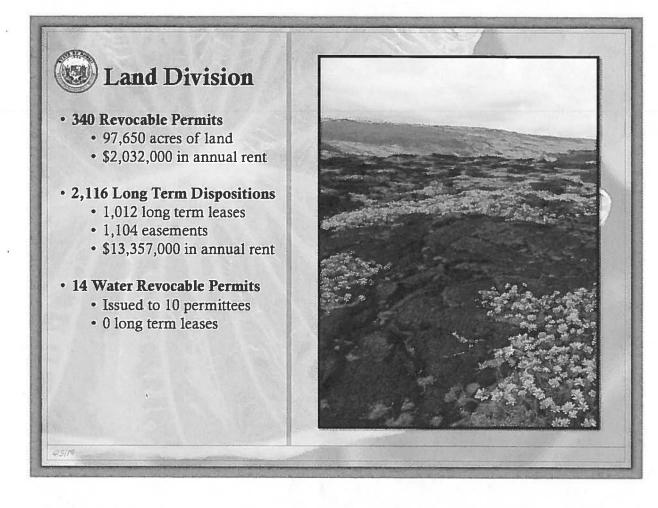
- "Responsible for managing, administering, and exercising control over public lands, water resources, ocean waters, navigable streams, coastal areas (except commercial harbors), minerals, and all interests therein"
- 1.3 million acres of State lands, beaches, and coastal waters; 750 miles of coastline





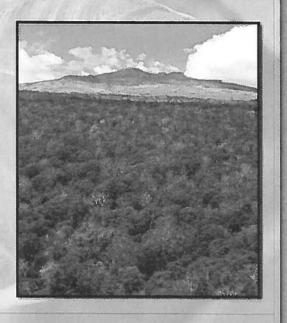
 The Land Division is responsible for managing State-owned lands in ways that will promote the social, environmental and economic well-being of Hawai'i's people and to ensure that these lands are used in accordance with State goals, policies, and plans

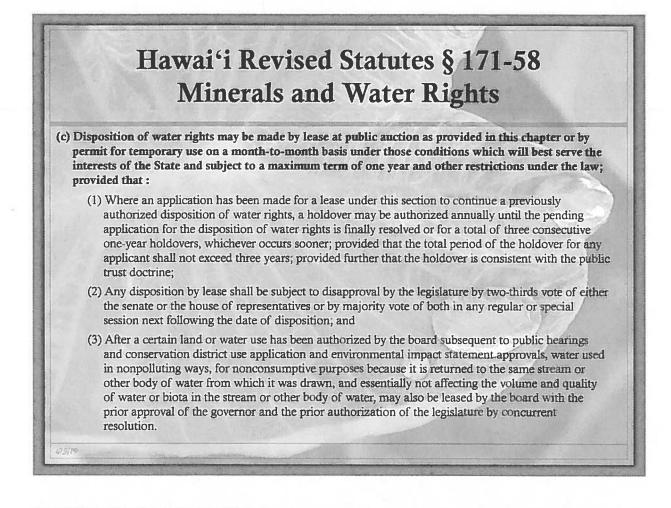




Hawai'i Revised Statutes § 171-43.1 Lease to Eleemosynary Organizations

The Board may lease, at a nominal consideration, by direct negotiation and without recourse to public auction, public lands to an eleemosynary organization, which has been certified to be tax exempt under sections 501(c)(1) or 501(c)(3) of the Internal Revenue Code of 1986, as amended. The lands shall be used by such eleemosynary organizations for the purposes for which their charter was issued and for which they were certified by the Internal Revenue Service.







The Spring 2019 Environmental Law Clinic

Clinic Work Plan

- Verify the mānowai, po'owai, 'auwai & key repairs
- Pursue a state non-profit & federal tax exemption
- Obtain legal access via a right of entry or easement (including a HRS chapter 343 exemption)
- Start the conversation with DHHL (re revocable permit/water lease)
- Submit application for revocable permit/water lease

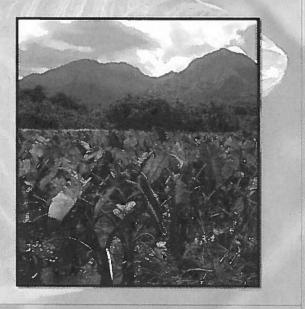
Stream Diversion Works – Field Investigation Form

- Ayron Strauch measured the stream's flow, took GPS points for the māno, po'owai, and 'auwai, and photos to document current conditions
- Clinic confirmed that neither a Stream Channel Alteration Permit nor a Stream Diversion Works permit are required (Hui was previously told they needed both permits)



Non-Profit

- A 501(c)(3) was needed before the Hui could directly negotiate for a right of entry or easement for the māno, po'owai, and 'auwai via Hawai'i Revised Statutes § 171-43.1
- Law Professor Nick Mirkay supervised Environmental Law Clinicians in working with the Hui and preparing all of the necessary paperwork (application, bylaws, etc.)
- Clinic secured both state non-profit status and a federal 501(c)(3) tax exemption for the Wai'oli Taro Farmers Hui



Chapter 343 Exemption

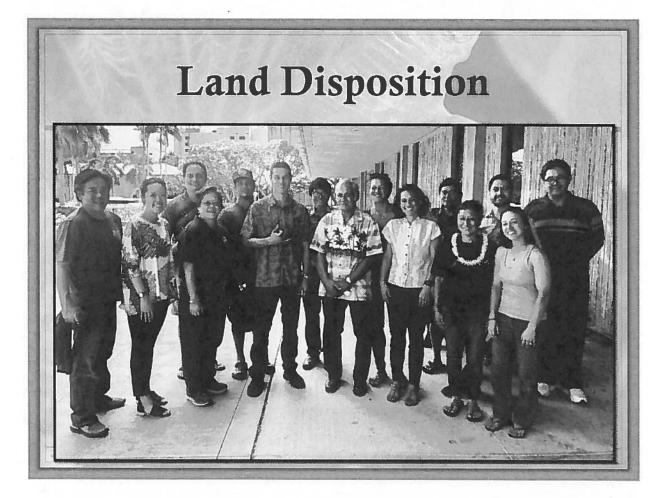
- Hawai'i Revised Statutes Chapter 343 requires an environmental assessment or environmental impact statement – or an exemption – before the use of state or county lands is allowed
 - Clinicians worked with Ian Hirokawa from DLNR's Land Division to prepare the paperwork necessary to secure a chapter 343 exemption so that the Hui could apply for an easement and right of entry for their mānowai, po'owai, and 'auwai



Land Disposition

- Once the tax exempt status and HRS Ch. 343 exemption were secured, the Hui could apply for a land disposition for the māno, po'owai, and 'auwai
- In April 2019, the Clinic submitted an application for an easement, which the Land Board heard on May 24, 2019
- No applications for water leases will be considered until the existing revocable permits are resolved





Clinician's mana'o

"After three years of studying the law, one of the most impactful experiences during my time there was being able to work with the farmers of Wai'oli Valley Taro Hui with Professor Sproat's Environmental Law Clinic . . . I felt grateful to experience even a little part of their amazing community. . . This was the reason I decided to go to law school; to see government, our communities, and our practices not only coexist, but to excel. The Wai'oli Valley Taro Hui was the first time I saw the utility of my law degree in our communities."

Aia i Wai'oli ke Aloha 'Āina

Aia i Wai'oli ke aloha 'āina Ia 'āina momona no ka hui kalo

That fertile land for the hui kalo

There at Wai'oli is aloha 'āina

Hui 'ia a kūpa'a, ā lawa pono 'Ili'ili leo honehone i ka poli United, steadfast, and just enough Gathered as small pebbles soft in sound, but together, strong and held close

Pumehana Waipā uluwehiwehi Hoapili no ka wai 'olu o Wai'oli Waipā is cherished, lush and verdant A companion for the refreshing waters of Waiʻoli

Aia i Wai'oli ke Aloha 'Āina

'Oli'oli Keanolani no ka mahi'ai I laila nō wau me ku'u mahalo Keanolani is delightful for the farmers It is there that I am filled with gratitude

Hanohano Kalihiwai i ka pua 'ala Kui 'ia i lei no ka lāhui Famous is Kalihiwai for its fragrant flower Strung into a lei for the lahui

Ha'ina ka puana a i lohe 'ia

Aia i Wai'oli ke aloha 'āina

Told is the refrain and it is heard There at Wai'oli is aloha aina

Nā U'ilani Tanigawa Lum

Hui's mana'o

- "Thank you for everything that you guys have done... I would have never thought that we would be at this point... In my heart, saying thank you to all of you just doesn't seem like enough."
- "How do we begin to thank you all from the bottom of our hearts for the time, expertise, commitment and compassion you all had to help us achieve and get to this point?"

Mahalo piha!



Kapua Sproat kapuas@hawaii.edu

Letani Peltier

letani@hawaii.edu

KA HULI AO Center For Excellence in Native Hawaiian Law William S. Richardson School of Law University of Hawai'i at Mānoa

www.kahuliao.org http://blog.hawaii.edu/kahuliao/ Makaala Kaaumoana Office of Hawaiian Affairs Community meeting Waipā July 10, 2019

Comments

Aloha and Mahalo for coming to Halele'a. I hope you have had the opportunity to visit the broader community here and see some of the recent changes to our landscape.

This is a time of tranformational transitions on the north shore. Many in our community have experienced great trauma and loss and also respite from the onslaught that unregulated tourism brings. Our neighborhoods are changed and many of our resources have rested and recovered, some have not.

If I had a magic wand, OHA, Kameheameha Schools, the County of Kauai and the State of Hawaii would hui up with community NGO's and use this experience as a "tool" to apply to better planning and addressing "equity" in the many small coastal communities in Hawaii.

It seems to me that a high level policy discussion is needed to support pono recovery from events such as a major flood or hurricane where recovery work returns residents to structures in harm's way. This is a very difficult issue but must be faced as we all watch the oceans warm and rise.

Our kupuna and medically fragile people are most at risk and have the fewest options.

I call upon OHA to convene this discussion and launch a serious effort to develop policy to protect beneficiaries and their communities from this continuing threat.

On behalf of the Hanalei Watershed Hui and Hui Ho'omalu I ka Aina, we stand ready to participate, to contribute what we know and act bravely to support the difficult decisions that must be made.

Lastly, I take this opportunity to, once again, plead our case that when OHA grants cease the "cash" match requirement we will be first in line to apply for funds to support the resilience of our community.

Mahalo, me ka pono.

Makaala Kaaumoana