

**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 Eighteenth Supplementary Proclamation dated February 12, 2021 that suspend parts of Hawai‘i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.**

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

**Minutes of the Office of Hawaiian Affairs  
Board of Trustees  
MINUTES  
April 15, 2021**

**ATTENDANCE:**

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

**BOT STAFF:**

Colin Kippen  
Amber Kalua  
Kanani Iaea  
Lehua Itokazu

**ADMINISTRATION STAFF:**

Sylvia Hussey, Ka Pouhana / CEO  
Casey Brown, Pou Nui / COO  
Sterling Wong, Chief Advocate  
Kalani Fronda, Land Assets Director  
Raina Gushiken, CC  
Everett Ohta, CC  
Ramona Hink, CFO  
Kevin Chak, IT Support  
Erin Nakama, IT Support

**GUEST:**

Healani Sonoda-Pale  
Kaniloa Kamaunu  
Ke‘eaumoku Kapu

**Call to Order**

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Thursday April 22, 2021 at 10:01 a.m. Chair Hulu Lindsey calls for a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA'ALA	AHU ISA	X	
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI'I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRENDON KALEI'ĀINA	LEE	X	
TRUSTEE	KEOLA	LINDSEY	X	
TRUSTEE	JOHN	WAIHE'E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			9	

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

**Approval of Minutes**

**Chairperson Hulu Lindsey** Moving on to Item II. Approval of Minutes. We will take it one at a time incase there are any additions or corrections.

**Trustee Ahu Isa** Moves to approve the March 25, 2021 minutes.

**Trustee Akina** Seconds the motion.

**Chairperson Hulu Lindsey** Any discussion?

**Trustee Lee** No corrections, just a quick discussion and question for Ka Pouhana. On page 15, Ka Pouhana talks about all the questions being asked during the Travel Workshop and that they will send out a memo clarifying all of those questions. Do we have a timeline to receive that memo?

**Sylvia Hussey, CEO** I have been working with our CFO, Mona. We can commit on getting that memo out to you folks by next week.

Minutes: March 25, 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		
<b>TOTAL VOTE COUNT</b>				<b>9</b>		
<b>MOTION:</b> <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 one (0) ABSTENSION vote.						

Trustee Ahu Isa moves to approve the April 1, 2021 minutes.

Trustee Akaka Seconds the motion.

<b>Minutes: April 1, 2021</b>						
	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		
<b>TOTAL VOTE COUNT</b>				<b>9</b>		
<b>MOTION:</b> <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 one (0) ABSTENSION vote.						

Trustee Ahu Isa moves to approve the April 8, 2021 minutes.

Trustee Akaka Seconds the motion.

<b>Minutes: April 8, 2021</b>						
	1	2	'AE	'A'OLE	KANALUA	EXCUSED

			(YES )	(NO)	(ABSTAIN)	
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			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED</b>						
<b>Motion passes with nine (9) YES votes and one (0) ABSTENSION vote.</b>						

**Chairperson Hulu Lindsey** Trustees, I will be taking Community Concerns out of order and have it followed back-to-back with Public Testimony. I anticipate the executive session and new business to be long, I do not want to inconvenience our beneficiaries. At this time we will start public testimony.

**Public Testimony**

**Board Secretary** Our first speaker is Healani Sonoda-Pale.

**Healani Sonoda-Pale** Aloha Trustees, I will follow up with written testimony as well. My testimony is on V.B. 2021 and beneficiary concerns. Ka Lāhui Hawaii Kumi kane 'āina and the ad hoc of the nation of Hawai'i – Native Initiative of self-governance formed by and for native Hawaiians and their descendant's aka kanaka maoli without the interference of the State or Federal government agencies. They have been in existence since 1987. Ka Lāhui Hawai'i is part of a grass roots group effort for self-determination. First, I want to commend the OHA Advocacy team this year. In past years, it has been difficult working with some of the OHA advocates at the legislature, who were making deals and taking odd positions in opposition of the lāhui and not providing the full picture of what was going on at the legislature to the Board of Trustees. This year was like a whole other ball game with the advocacy team. They really helped with stopping the taking ceded lands aka illegally seized Hawaiian Kingdom crowning government lands out of Chapter 171, protections and out of the Public Lands Trusts. They have been really consistent and have really worked with the community this year. It is so much better, I love working with them, they are awesome. The second thing, we have concerns on OHA's public support of House Resolution 33 (HR33), which seeks to convene a working group to develop recommendations for new governance and management structure for Maunakea. Even though your official testimony was comments only. You did not take a position on it. You did not support it or oppose it. The majority of the testimony given for this measure only had one hearing, there was over a hundred testimonies in opposition. Most of the oral testimonies were in opposition. OHA sent out two emails recruiting people to go onto this committee. This is hewa loa because I do not think you should be

playing politics with Mauna Kea especially if it goes against your official position, which is comments only- you have concerns about this committee as much as the lāhui does. From what I hear, they are having difficulty recruiting. OHA is sending out emails to thousands of beneficiaries telling them to go on and the deadline is coming up. I don't think you should be doing that and that is Ka Lāhui Hawai'i's opinion. My other testimony is on Senate Resolution (SR) 171 – Creating a working group looking at the State Historic Preservation Division (SHPD). We support this resolution; we think it's a wonderful resolution all though we feel there should be more community representatives on there. There is only one community person who is sitting on the working group. I commend OHA for taking the lead on that and for working with the Senate on convening this working group. I just wanted to give some recommendations; I will follow up with my written testimony by today. These are my recommendations on who should be on the working group, they are all from Maui. Noelani Ahia, she is helping to stop the Mauilani desecration. Keeaumoku Kapu, he is on the forefront of this issue. Claire Apana and Kaniloa Kamaunu. Again, we will be following up with our written testimony and attach our concerns regarding House Resolution 33. Mahalo.

**Kaniloa Kamaunu** Aloha. Mahalo to the Board for having this meeting today. One of the concerns I have is so much encumbering, especially with the Senate and the House bills, they have promoted divesting our rights as Native tenants or kanaka maoli. Some of the things happening on the agenda have been on there for a while. There are many other concerns affecting our lāhui and I believe these are things the Trustees should chime in on. About nine years ago the Board came out here, to Waihe'e and saw what was happening. They saw my confrontation with Wailuku water company as well as one of the private owners to access to our ala nui. That incident never came up on an agenda and I think it's an item that needs to be discussed because it's not only happening here. We are unable to get to our sacred areas because of access rights – which are already provided for us. I am still being encumbrance by that with out assistance by the County at all or to the State, even though I've reached out. The water rights that we have here, I have been pursuing for years to the contested cases to see about the County's water development plan. There is no discussion as far as Kuleana and Native tenant rights to water which is listed in many HRS's and our own Kingdom Law. To now have these items on the agenda and we are still discussing items that came up ten years ago. We have pressing items. I have my kuleana lands and they are not being addressed, that is my concern. I know you have control on only certain things, but I would wish that the Board of Trustees would take more of an effort to include us as far as these pressing issues, especially the iwi. I thank the previous speaker mentioning our plight with iwi kupuna. These concerns are very devastating to us and we need as much help as we possibly can. We've done everything in our power as participants to save our iwi through the ways that are given to us. To no avail; we've lost our last two contested cases based on what SHPD has come forward with. They have been a hinderance to us being able to protect our iwi kupuna but also DLNR *in audible* not caring for our rights to water as well as lands. I believe these are items that need to be addressed. I am reaching out to the Trustees to do that because these are rising concerns so our lāhui can move forward. Mahalo for your time.

**Chair Hulu Lindsey** Mahalo Kaniloa. I just want to clarify that on the agenda, the Public Testimony needs to be related to what ever we have listed on the agenda, but we also have Community Concerns and you can talk about what ever concerns you. We have this on the agenda every meeting. I do have you listed to come back under Community Concerns. If you do want to discuss anything else with us. I am going to move on to Community Concerns and call upon Ke'eaumoku Kapu.

**Ke'eaumoku Kapu** Mahalo for this opportunity to testify in front of all of you. I commend you for your work you've been doing so far. My issue is pertaining to some specifics on the agenda and some personal reasons as to why I feel it is important to testify before this body. There is a lot of things going on in Lahaina and it has to do with developers circumventing plans such as putting in two miles of pipe line, with the fear

being iwi kupuna. It has been horrendous for us the last few months since COVID. We have been stuck in the trenches trying to deal with the illegality happening in Lahaina especially with the County Government and the preservation division. Dealing with the heinous crimes that are happening here in Lahaina; the pipelines and the iwi kupuna. The iwi kupuna have been dormant for awhile in that area for awhile but now we are dealing with five inadvertent finds. This is what the State Historic Preservation Division should have mandated that these iwi were protected but it was not. During the course of the pipeline they hit another iwi kupua in the base yard. I'm not sure if the Office of Hawaiian Affairs is taking under consideration Native Hawaiian Legal Corporation is now representing my wife, U'ilani Kapu in another issue. This pertains *inaudible* and the Highways act 1892. It is very troublesome and hard to deal with, with my immediate 'ohana. The developer had a temporary restraining order (TRO) on me so I had to stand on a hill and watch my wife and 'ohana get arrested. They felt SHPD was not doing their due diligence or doing their job. Our mana wahine felt the only thing they could do was to jump in the trench and stop the pipeline from further desecration. There are numerous issues we are facing here in Lahaina and I am still trying to figure out what is the remedy. I know there is an issue in front of the Trustees, talking about putting an Adhoc together. I mahalo Healani Sonoda for mentioning my name. I also, want to say that Na'aaikane o Maui cultural center was also recognized as a repository for iwi kupuna. From what I know, it is the first in Maui to be recognized as a curation center. This was passed and acknowledged by Maui Island Burial Council and SHPD. That our building becomes the careship of iwi kupuna that are misplaced in the area. We knew we had to go to the forefront and do what ever we needed to do to follow the law and set precedence on certain issues because we find ourselves up against the wall. I would also like to give another suggestion, that I be apart of the Office of Hawaiian Affairs Native Hawaiian Historic Preservation Council (NHHPC). I sat on the council for nine years and that was the remedy for the general community or the kanaka maoli. That was the opportunity for our beneficiaries to come forward in front of this body NHHPC to bring their concerns to the board. I would like to see if possible that the Board of Trustees bring that NHHPC back. We are really having a hard time on the things that we are dealing with. In the end, I will follow up on my side giving correspondence. Our Island trustee, I want to mahalo you for allowing me time to testify.

**Chair Hulu Lindsey Mahalo.** Although the Trustees cannot interface with your comments our staff is being very attentive and taking notes. We will get back to you. So mahalo nui for coming before us.

**Healani Sonoda-Pale Aloha,** thank you again for the opportunity to testify. I am still concerned about the deaf community, lāhui. I want to continue to encourage OHA to provide interpreters for our deaf lāhui in any open meetings that you have. That allows them to engage politically. Some will say there is not enough people to justify the expense but I think being inclusive of those that are disabled in our community is very important. Especially, now that people can meet in person. They are trying to engage politically and they do appreciate when you provide these services. Mahalo

**Kaniloa Kamaunu** There are concerns about the bills that are being produced by the Senate and the House. I believe they are divesting us, someone of our rights. For years I have advocated for the rights of our Kanaka Maoli especially in water and on kuleana, and recently iwi kupuna. These rights are separated from the rest of the public. Its due to the publications by the United States has towards us as Kanaka, meaning that our resources such as water is being used by the State and the County. A lot of the water that is being mis-used by the allocation that is being permitted by such entities. Our rights become more prevalent, the concerns are, we as Kanaka are being compensated any type of restitution for the use of such items like the water. We know this is a finite resource and yet the mistreatment of this resource is really concerning. If you look at the South side of Maui and what mayor Victorino's directive is to push construction, to be essential and was able to work throughout this pandemic. A lot of places have started up, especially on the South side and if you do not know, they do not have their own water resource, it comes from this side of the island. It especially

comes from my ahupua'a. Almost 50% of the water usage comes from Waihe'e through wells or the stream flow. When I look at the amount of water taken especially from the south side; and what they're proposing, it is very upsetting to me. Also, looking the County's water usage plan and development plan. The Kanaka rights are put down on *inaudible*. When they talk about the usage of water, our right should always be upfront because we have these rights which are vested to us from the 1839 constitution of rights through the kuleana act of 1859 and according to the United States they still recognize. HRS 7-1, HRS174 C. When looking at these, they still protect our rights but yet our rights are not being protected. They may be stated in these laws and yet they are not being protected. The misuse, the way they are permitting usage by the County *inaudible* and to bring us into the conversation and the rights can be afforded us but they are trying to say that our rights are no greater than the rest of the public which is a misnomer because we do have superior rights. I fought for them. This is only on water; we are not talking about iwi. SHPD continues to give permits-areas that continue to devastate our iwi kupuna. Many of our lands being encumbrance by TMKs by these illegal actions. So, I reach out to you Trustees to please help us in this area. We really need your kōkua.

**Chair Hulu Lindsey** Mahalo nui Kaniloa. I want to mahalo everyone that has come forward this morning. We are always happy to hear from you. At this time I will move on to item IV. on the agenda.

**Executive Session**

**IV.**

- A. Consultation with Board Counsel Robert G. Klein re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to The Office of Hawaiian Affairs v. Leslie H. Kondo, et al.; Civil No. 1CCV-20-0000259 (JPC) lawsuit and House Bill 204, Relating to the Budget of the Office of Hawaiian Affairs, pursuant to HRS § 92-5(a)(4).**
- B. Consultation with Board Counsel Robert G. Klein re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Report of the Permitted Interaction Group re: to Investigate the Development of Land and Commercial Property Policies and Strategies relating to the Development of OHA's Nā Lama Kukui and Kaka'ako Makai Properties, pursuant to HRS§92-2.5(b)(1)(C) and HRS§92-5(4).**

**Trustee Akaka** Madam Chair I move to excuse our selves into Executive Session.

**Trustee Ahu Isa** Seconds the motion.

**The Board recuses into Executive Session at 10:32 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 <b>AHU ISA</b>		X	X			
TRUSTEE DAN <b>AHUNA</b>			X			
TRUSTEE KALEI <b>AKAKA</b>	X		X			
TRUSTEE KELI'I <b>AKINA</b>			X			

TRUSTEE LUANA	ALAPA			X		
TRUSTEE BRENDON	LEE			X		
TRUSTEE KEOLA	LINDSEY			X		
TRUSTEE JOHN	WAIHE'E			X		
CHAIRPERSON HULU	LINDSEY			X		
<b>TOTAL VOTE COUNT</b>				<b>9</b>		
<b>MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED</b>						
<b>Motion passes with nine ( 9 ) YES votes and one (1) EXCUSED vote.</b>						

The Board returns to open session at 12:39 p.m.

**New Business**

V.

**A. V. Deliberation and decision making on the Report of the Permitted Interaction Group re: to Investigate the Development of Land and Commercial Property Policies and Strategies relating to the Development of OHA's Nā Lama Kukui and Kaka'ako Makai Properties, pursuant to HRS§92-2.5(b)(1)(c)**

**1. Action Item BOT#21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group**

Casey Brown, COO Trustees you've been presented the report for the Land and Commercial properties for the PIG and we have summarized and recommended strategies for Nā Lama Kukui and Kaka'ako Makai including third party assistance recommendations. We've summarized the implication to the policies, the Land and Commercial Property policies that are impacted by the strategies and we are recommending the formation and focus of a second PIG. If anyone, including our beneficiaries and the public need more detail they can refer to the report that was publicly released. At this time administration suggest moving to the action items.

**Trustee Lee In the spirit of transparency I would like to make a motion to:**

**Reaffirm the action taken by the Board in Executive session to accept Action Item BOT#21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group**

**Trustee Ahu Isa Seconds the motion.**

**Trustee Lee** Just for clarification for the beneficiaries that are watching, in order for the Trustees to have a full and free discussion about this matter in executive session we had to take a vote to accept the committees report because the committee report was not in possession of the board at the time. So we had to take that motion up in executive session. For transparency, for our beneficiaries we are reaffirming that vote in open session.

**Chair Hulu Lindsey** Thank you Trustee Lee.

Trustee Lee moves							
<b>Reaffirm the action taken by the Board in Executive session to accept Action Item BOT#21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group</b>							
Trustee Ahu Isa seconds the motion.							
		1	2	'AE (YES)	'A'OL E (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		X			
TRUSTEE KEOLA	LINDSEY			X			
TRUSTEE JOHN	WAIHE'E			X			
CHAIRPERSON HULU	LINDSEY			X			
<b>TOTAL VOTE COUNT</b>				<b>9</b>			
<b>MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED</b>							
<b>Motion passes with nine ( 9 ) YES votes and zero (0) EXCUSED vote.</b>							

**2. Action Item BOT#21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant**

**Trustee Akaka Moves to**

**Approve the Solicitation of a Request for Proposal for a Development Consultant**

**Trustee Waihe'e Seconds the motion.**

**Discussion:**

**Trustee Lee** Madam Chair, I noticed in the Permitted Interaction Group (PIG) report, that's apart of our packet, various previous policies that are still in place and reports that were used as part of the work papers for the PIG. It was stated that the PIG had difficulty with the real estate vision policy given it was passed in 2007 so, there was no institutional knowledge because it was so long ago. I am curious from the Chair of the PIG if institutional knowledge is something the working group finds necessary and that they need, in the future I would hope that the other groups would seek out input from past trustees that would have that institutional knowledge. They are not precluded from being apart of this PIG because they are no longer on the board. I do not know if this is why a former Trustee was there, but I do know I saw a former Trustee in the Board suite on a day the PIG was meeting. I do not know if that former Trustee was meeting with the PIG but I would hope that if that Institutional knowledge is needed in the future, those working groups would call on the former trustees. Thank you, Madam Chair.

**Trustee Ahu Isa** I don't know about other Trustees, but I have seeked out institutional knowledge from former Trustees that were here in 2006.

Trustee Akaka moves							
<b>Approve the Solicitation of a Request for Proposal for a Development Consultant</b>							
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			
<b>TOTAL VOTE COUNT</b>				<b>9</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>							
<b>Motion passes with nine ( 9 ) YES votes and zero ( 0 ) EXCUSED vote.</b>							

**Chair Hulu Lindsey** I will entertain a motion for action three.

- Action Item BOT #21-05: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner**

**Trustee Ahu Isa** moves to approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner

**Trustee Akaka** Seconds the motion.

**Discussion:**

**Trustee Lee** Madame Chair, I'm referring to page three of six of the report of this action item specifically figure one. The Kaka'ako Makai development road map, given that administration is going to be doing the RFP's and solicitation of this consultant and whittling it down to a short list to bring to the BOT for approval, I intend to vote no on this matter. I do not believe a PIG is necessary of having only four trustees. While I

appreciate Chair Hulu Lindsey’s comments on, this allows the administration to get guidance from trustees, I don’t see why that guidance can not be provided by the Resource Management Committee; which then could report back to all nine trustees vs. the four PIG. Thank you, Madam Chair.

**Chair Hulu Lindsey** Anu other comments?

Trustee Ahu Isa moves							
<b>moves to approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner</b>							
Trustee Akaka seconds the motion.							
		1	2	‘AE (YES)	‘A‘OL E (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			
<b>TOTAL VOTE COUNT</b>				<b>7</b>	<b>2</b>		
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>							
<b>Motion passes with seven ( 7 ) YES votes and two NO Votes zero (0) EXCUSED vote.</b>							

**Trustee Lee** Point of order Madam Chair, I am so sorry. We can not approve a Permitted Interaction Group with out knowing who will be on it.

**Chair Hulu Lindsey** It is in your itinerary, action item.

**Trustee Lee** I apologize if I missed it. Was it on the action item? I did not hear it stated on the action item.

**Chair Hulu Lindsey** Please allow me to state the members, the PIG members are: Carmen Hulu Lindsey, Leina‘ala Ahu Isa, John Waihee IV, and Kalei Akaka. I just want to add that in talking with our administration, it was thought that the same mind thought as we enjoyed in the first PIG should be a continuity, there would be the same mind set all the way through. Because these people have the leadership of the Board, I have re-appointed them.

**Trustee Lee** Thank you Madam Chair, I see it under the recommended action. It is not in the action item. Thank you for clarifying that.

Chair Hulu Lindsey I will call on Trustee Akaka for our Advocacy and Empowerment report.

**B. Committee on Beneficiary Advocacy and Empowerment**

**1. 2021 OHA Legislative Positioning – Matrix 2\*\*†, April 14, 2021**

Trustee Akaka Your Committee on Beneficiary Advocacy and Empowerment, having met on April 14, 2021 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

To approve Administration’s recommendations on the following positions:

**GM786, as SUPPORT**

Trustee K. Lindsey Seconds the motion.

Trustee Akaka moves						
To approve Administration’s recommendations on the following positions:						
GM786, as SUPPORT						
Trustee K. Lindsey 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	X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with nine ( 9 ) YES votes and zero (0) EXCUSED vote.</b>						

Trustee Akaka Your Committee on Beneficiary Advocacy and Empowerment, having met on April 14, 2021 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

To approve Administration’s recommendations on the following positions:

**HB862, as OPPOSE**

Trustee K. Lindsey Seconds the motion.

Trustee Akaka moves							
To approve Administration's recommendations on the following positions:							
HB862, as OPPOSE							
Trustee K. Lindsey seconds the motion.							
		1	2	'AE (YES)	'A'OLE 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	X			
TRUSTEE JOHN	WAIHE'E			X			
CHAIRPERSON HULU	LINDSEY			X			
<b>TOTAL VOTE COUNT</b>				<b>8</b>		<b>1</b>	
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>							
<b>Motion passes with eight ( 8 ) YES votes, one ( 1 ) Abstain, and zero (0) EXCUSED vote.</b>							

**Announcements**

**Chair Hulu Lindsey** Just a reminder, next week Thursday we have another Board meeting at 10 am.

**Adjournment**

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

**Trustee Akaka** moves to adjourn the meeting.

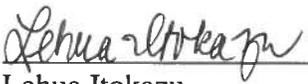
**Trustee Ahu Isa** Seconds the motion.

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

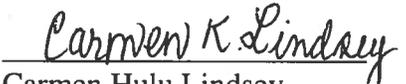
BRENDON KALEI'ĀINA	LEE		X			
KEOLA	LINDSEY		X			
JOHN	WAIHE'E		X			
CHAIR CARMEN HULU	LINDSEY		X			
<b>TOTAL VOTE COUNT</b>			<b>9</b>		<b>0</b>	<b>0</b>

Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 12:57 p.m.

Respectfully submitted,

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

As approved by the Board of Trustees on May 6, 2021.

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

- Attachments:
1. Action Item BOT#21-04
  2. Action Item BOT#21-05
  3. Ka Lāhui Hawai'i Written Testimony

**OFFICE OF HAWAIIAN AFFAIRS**  
Action Item

**BOARD OF TRUSTEES**

April 15, 2021

**BOT #21-04**

**Action Item Issue:** Approve the Solicitation of a Request for Proposal for a Development Consultant

**Co-Prepared by:**  Apr 10, 2021  
\_\_\_\_\_  
Kalani Fronda Date  
Ka Pou Kihi Kanaloa 'Āina, Land Director

**Co-Prepared by:**  Apr 10, 2021  
\_\_\_\_\_  
Casey K. Brown Date  
Ka Pou Nui, Chief Operating Officer

**Reviewed by:**  Apr 10, 2021  
\_\_\_\_\_  
Ramona G. Hinck Date  
Ka Pou Kihi Kanaloa Wai, Chief Financial Officer

**Reviewed by:**  Apr 10, 2021  
\_\_\_\_\_  
Sylvia M. Hussey, Ed.D. Date  
Ka Pouhana, Chief Executive Officer

**Reviewed by:**  Apr 10, 2021  
\_\_\_\_\_  
Carmen Hulu Lindsey Date  
Ke Kauhuhu o ke Kaupoku  
Chair, Board of Trustees

## **Action Item BOT #21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant**

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### **I. Action Item**

Approve the Solicitation of a Request for Proposal for a Development Consultant.

### **II. Issue**

Whether or not the Board of Trustees (BOT) will approve the solicitation of a request for proposal (RFP) for a Development Consultant as recommended by the land and commercial property permitted interaction group<sup>1</sup> report delivered to the BOT on April 8, 2021<sup>2</sup>.

### **III. Discussion**

#### **A. Setting Context for the Solicitation of a Request for Proposal for a Development Consultant**

- 1. Land and Commercial Property Permitted Interaction Group.** Via Action Item #21-01 on January 28, 2021, the Board authorized a permitted interaction group (PIG) to investigate the development of land and commercial property (“LCP”) policies and strategies relating to the development of OHA’s Nā Lama Kukui and Kaka‘ako Makai properties (“LCP PIG”). The purview of the LCP PIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to investigate the: (1) Development, alignment, and updates related to land and commercial property policies and strategies relating to the development of OHA’s Nā Lama Kukui and Kaka‘ako Makai; (2) Implications of other fiscal policies’ impact on land and commercial properties (e.g., investment, spending) relating to the development of OHA’s Nā Lama Kukui and Kaka‘ako Makai properties; (3) Identification, articulation and formulation of strategies relating to the development of OHA’s Nā Lama Kukui and Kakaako Makai properties; and (4) Alignment of the formulated policies and strategies with the strategic plan 2020-2035 implementation.

The report of the LCP PIG was delivered to the Board on April 8, 2021 and attached to Action Item BOT #21-03 dated April 15, 2021. The report covered the results of the LCP PIG’s work: Nā Lama Kukui Long Term Strategies; Kaka‘ako Makai Long Term Strategies, Requests for Proposal Related to Kaka‘ako Makai, Land and Commercial Property Policies, Other Fiscal Policies, Alignment with the Strategic Plan 2020-2035 Implementation and Next Board of Trustees Actions, including Permitted Interaction Groups. Each section of the report began with a context setting section, a section that describes the authorized PIG’s work and related recommendations. Figure 1. – Kaka‘ako Makai Development Roadmap shown below, was also a part of the investigative work.

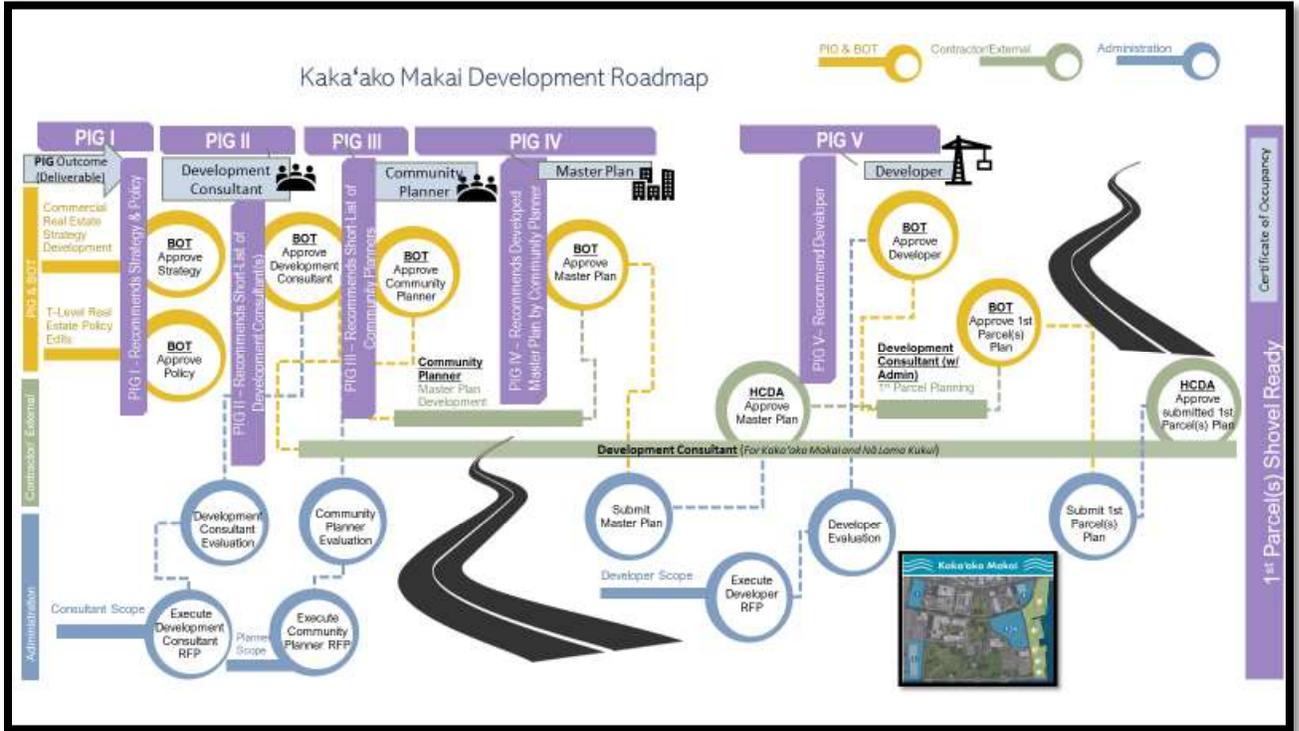
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<sup>1</sup> Authorized by Action Item BOT #21-01 on January 28, 2021

<sup>2</sup> Refer to Action Item BOT #21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group, for the Board’s action regarding the delivered report.

**Action Item BOT #21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant**



**Figure 1. – Kaka`ako Makai Development Roadmap**

**2. 3rd Party Assistance.** The following is an excerpt from the LCP PIG report delivered to the BOT on April 8, 2021:

**“3RD PARTY ASSISTANCE**

**A. PIG Investigative Work.** *The investigative work of the PIG illuminated the need for professional 3rd party assistance in the furtherance of development and deployment of strategies for Nā Lama Kukui (NLK) and Kaka’ako Makai (KM). Working definitions and descriptors of such 3rd party assistance is provided below in support of recommendations. While working descriptors below reflect KM application, engagement of 3rd party assistance can further NLK strategies as well.*

**1. Development Consultant.** *Provides planning, consultative, analysis, review, validation and other services as needed, spanning the period from inception of engagement through the period of time to develop a Kaka’ako Makai, Land Development Plan, including implementation (e.g., regulatory approval, development, construction, tenant occupancy) of the first project in the Master Plan.*

**2. Community Planner.** *Prepares and delivers a Land Development Plan to include a vision, physical master plan and implementation strategies to guide the future development opportunities of the Kaka’ako Makai, thirty (30) acres of land considering all of the related attributes (e.g., size, characteristics, height, use or other restrictions).*

**3. Developer.** *Real estate or property development encompasses a range of activities such as renovation and releasing of existing buildings, purchase and finance of raw land and sale of developed land to others. Developers coordinate all activities from converting ideas from paper to tangible real property. While*

## Action Item BOT #21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant

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*there are similar activities, real estate development as a business process does differ from construction or house building Entity is responsible to determine the marketing of the property, develop the building program and design, obtain the necessary public approvals and financing, build the structure(s), rent out, manage.*

### **Recommendations re: 3rd Party Assistance**

*The following recommendations are made by the Permitted Interaction Group:*

- 1. Select and engage a **Development Consultant** within OHA derived parameters for Kaka'ako Makai;*
- 2. Select and engage a **Community Planner** within OHA derived parameters for Kaka'ako Makai; and*
- 3. Select and engage a **Developer** based on determined development, including financing, construct (e.g., ground lease, joint venture, public-private partnership) for the initial authorized project(s).*

## **B. Request for Proposal Elements to Select and Engage a Development Consultant**

- 1. RFP and Scope.** As noted above, the LCP PIG recommended that a request for proposal (RFP) procurement process be utilized. The RFP process, rather than the professional services procurement process, provides OHA the broadest opportunity (and transparency) to seek a swath of subject matter local, national and/or international expertise and opportunity. As noted in the LCP report above, a Development Consultant, *“Provides planning, consultative, analysis, review, validation and other services as needed, spanning the period from inception of engagement through the period of time to develop a Kaka'ako Makai, Land Development Plan, including implementation (e.g., regulatory approval, development, construction, tenant occupancy) of the first project in the Master Plan.”* As also noted in the LCP PIG report, *“While working descriptors below reflect KM application, engagement of 3rd party assistance can further NLK strategies as well.”* Therefore, the scope of the Development Consultant is broad in its intended application. The actual RFP document will conform to the standard OHA RFP format and processes.
- 2. RFP Activities.** RFP activities include: development and preparation of the RFP itself which includes all requirements and evaluation criteria; posting (e.g., state and OHA websites) and distributing broadly (e.g., social media, professional, industry, indigenous networks); pre-proposal conference, including distribution of written responses to questions; evaluation of responses; discussion with priority respondents and best and final offers, if necessary. **In the RFP itself, OHA will note that the selected respondent for the Development Consultant is ineligible for any future related Kaka'ako Makai or Nā Lama Kukui 3rd party assistance (e.g., Community Planner, Developer).** Administration plans for a short list of recommended and qualified respondents to be brought forward to the BOT for final selection.
- 3. RFP Timeline.** The process will start as soon as the authorization is provided via this Action Item and the minimum public posting period is 30 days. Consideration can be given for a slightly longer period, say 45 days, if the additional time is deemed necessary. If the RFP response time is extended (e.g., 30 to 45 days), the 15 days (as an example) will only compress the evaluation period and the resulting timing of bringing the short list of recommendations to the BOT for final selection. A no later than date of July 31, 2021 is stated herein to set expectations, however, all best efforts will be made to bring the short-list information to the BOT by the end of the fiscal year, June 30, 2021.

## Action Item BOT #21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant

4. **Contracting Terms.** After selection, contracting will follow the standard OHA format and be the umbrella agreement with the statement of work (SOW) format used to trigger specific work activities or streams on a time and materials basis. A SOW format assumes the respondents have provided a rate per hour by team member (e.g., consultant, senior consultant, manager, senior manager, partner). The numbered SOW document would capture the details of the work—tasks, activities, timelines, milestones (for deliverables and billing), deliverables and any anticipated pre-approved travel and/or other necessary execution costs.

Figure 2 describes the anticipated SOW process within the Development Consultant contract to better activate, manage, receive and pay for desired services.

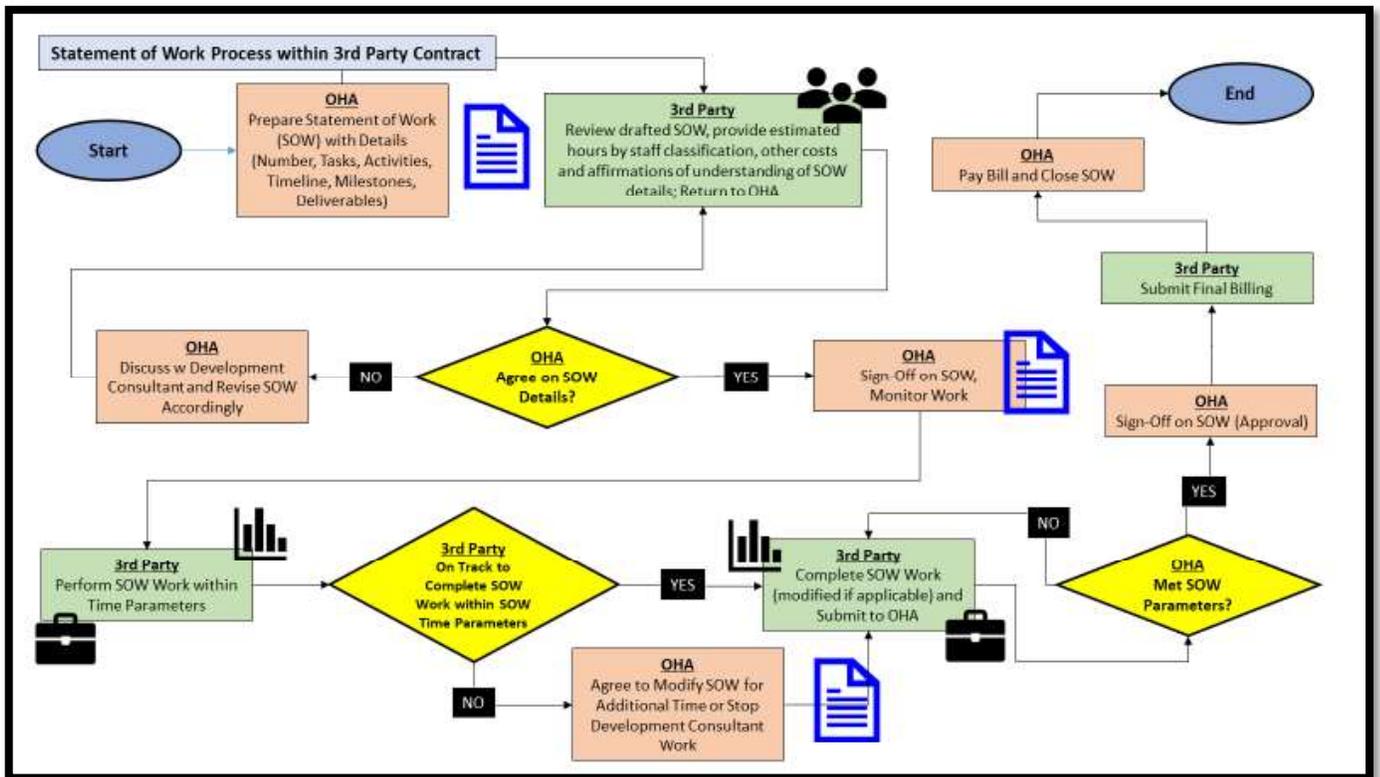


Figure 2. - Statement of Work Process within 3rd Party Contract

### IV. Funding Source

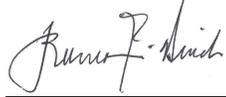
No dedicated funding is needed for a solicitation process as it is supported by existing internal Administration labor (e.g., land and commercial property, procurement, executive office). Any resources needed to carry out related activities will conform with existing budgetary, spending and procurement authorities, policies and procedures. The need for such a consultant was anticipated and included in the BOT approved FY21 non-core land and commercial property budget.

**Action Item BOT #21-04: Approve the Solicitation of a Request for Proposal for a Development Consultant**

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**V. Certification**

The following is the certification by the Chief Financial Officer that the funds are available for the recommended solicitation of a Request for Proposal process:



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Ramona G. Hinck  
Chief Financial Officer  
Date: April 15, 2021

**VI. Recommended Action**

Administration recommends the BOT approve the solicitation of a Request for Proposal for a Development Consultant.

**VII. Reference:** BOT #21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group.

OFFICE OF HAWAIIAN AFFAIRS  
Action Item

BOARD OF TRUSTEES

April 15, 2021

BOT #21-05

**Action Item Issue:** Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner

**Co-Prepared by:**  Apr 10, 2021  
\_\_\_\_\_  
Kalani Fronda Date  
Ka Pou Kihī Kanaloa ‘Āina, Land Director

**Co-Prepared by:**  Apr 10, 2021  
\_\_\_\_\_  
Casey K. Brown Date  
Ka Pou Nui, Chief Operating Officer

**Reviewed by:**  Apr 10, 2021  
\_\_\_\_\_  
Sylvia M. Hussey, Ed.D. Date  
Ka Pouhana, Chief Executive Officer

**Reviewed by:**  Apr 10, 2021  
\_\_\_\_\_  
Carmen Hulu Lindsey Date  
Ke Kauhuhu o ke Kaupoku  
Chair, Board of Trustees

**Action Item BOT #21-05: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner**

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**I. Action Item**

Approve the formation of a Permitted Interaction Group to investigate: and recommend a short list of eligible entities for selection of a Development Consultant; Land and Commercial Property policies; and the development and implementation of a Request for Proposal for a Community Planner.

**II. Issue**

Whether or not the Board of Trustees (BOT) will approve the formation of a Permitted Interaction Group (PIG), consistent with Hawai'i Revised Statutes §92-2.5(b)(1), to investigate: and recommend a short list of eligible entities for selection of a Development Consultant; Land and Commercial Property policies; and the development and implementation of a Request for Proposal for a Community Planner.

**III. Discussion**

**A. Applicable Law in Hawaii Revised Statutes, Permitted Interaction Groups** In accordance with HRS, CHAPTER 92, PUBLIC AGENCY MEETINGS AND RECORDS §92-2.5 Permitted interactions of members: (b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to: (1) Investigate a matter relating to the official business of their board; provided that: (A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board; (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and (C) Deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board.

**B. Setting Context for the Formation of a Permitted Interaction Group**

Via Action Item #21-01 on January 28, 2021 the Board authorized a PIG to investigate the development of land and commercial property ("LCP") policies and strategies relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai properties ("LCP PIG"). The purview of the LCP PIG was for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to investigate the: (1) Development, alignment, and updates related to land and commercial property policies and strategies relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai; (2) Implications of other fiscal policies' impact on land and commercial properties (e.g., investment, spending) relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai properties; (3) Identification, articulation and formulation of strategies relating to the development of OHA's Nā Lama Kukui and Kaka'ako Makai properties; and (4) Alignment of the formulated policies and strategies with the strategic plan 2020-2035 implementation.

The report of the LCP PIG was delivered to the Board on April 8, 2021 and is attached to Action Item BOT #21-03 dated April 15, 2021. The report covered the results of the LCP PIG's work: Nā Lama Kukui Long Term Strategies; Kaka'ako Makai Long Term Strategies, Requests for Proposal Related to Kaka'ako Makai, Land and Commercial Property Policies, Other Fiscal Policies, Alignment with the Strategic Plan 2020-2035 Implementation and Next Board of Trustees

**Action Item BOT #21-05: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner**

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Actions, including Permitted Interaction Groups. Each section of the report began with a context setting section, a section that describes the authorized PIG’s work and related recommendations.

C. **3rd Party Assistance.** The following is an excerpt from the LCP PIG report delivered to the BOT on April 8, 2021:

**“3RD PARTY ASSISTANCE**

A. **PIG Investigative Work.** *The investigative work of the PIG illuminated the need for professional 3rd party assistance in the furtherance of development and deployment of strategies for Nā Lama Kukui (NLK) and Kaka‘ako Makai (KM). Working definitions and descriptors of such 3rd party assistance is provided below in support of recommendations. While working descriptors below reflect KM application, engagement of 3rd party assistance can further NLK strategies as well.*

**1. Development Consultant.** *Provides planning, consultative, analysis, review, validation and other services as needed, spanning the period from inception of engagement through the period of time to develop a Kaka‘ako Makai, Land Development Plan, including implementation (e.g., regulatory approval, development, construction, tenant occupancy) of the first project in the Master Plan.*

**2. Community Planner.** *Prepares and delivers a Land Development Plan to include a vision, physical master plan and implementation strategies to guide the future development opportunities of the Kaka‘ako Makai, thirty (30) acres of land considering all of the related attributes (e.g., size, characteristics, height, use or other restrictions).*

**3. Developer.** *Real estate or property development encompasses a range of activities such as renovation and releasing of existing buildings, purchase and finance of raw land and sale of developed land to others. Developers coordinate all activities from converting ideas from paper to tangible real property. While there are similar activities, real estate development as a business process does differ from construction or house building Entity is responsible to determine the marketing of the property, develop the building program and design, obtain the necessary public approvals and financing, build the structure(s), rent out, manage.*

**Recommendations re: 3rd Party Assistance**

*The following recommendations are made by the Permitted Interaction Group:*

- 1. Select and engage a **Development Consultant** within OHA derived parameters for Kaka‘ako Makai;*
- 2. Select and engage a **Community Planner** within OHA derived parameters for Kaka‘ako Makai; and*
- 3. Select and engage a **Developer** based on determined development, including financing, construct (e.g., ground lease, joint venture, public-private partnership) for the initial authorized project(s)*

**Action Item BOT #21-05: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner**

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**IV. Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner**

- A. **Permitted Interaction Group - Purview.** Via this Action Item, approval is sought to form a PIG to investigate: and recommend a short list of eligible entities for selection of a Development Consultant; Land and Commercial Property policies; and the development and implementation of a Request for Proposal for a Community Planner. The purview of the PIG is for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to investigate the:
1. **Request for Proposal Process – Development Consultant.** Request for Proposal (RFP) process activities include: development and preparation of the RFP itself which includes all requirements and evaluation criteria; posting (e.g., state and OHA websites) and distributing broadly (e.g., social media, professional, industry, indigenous networks); pre-proposal conference, including distribution of written responses to questions; evaluation of responses; discussion with priority respondents and best and final offers, if necessary. **In the RFP itself, OHA will note that the selected respondent for the Development Consultant is ineligible for any future related 3rd party assistance (e.g., Community Planner, Developer).** A resultant and recommended short list of eligible entities will be brought to the Board for action.
  2. **Land and Commercial Property Policies.** Investigate and review the Real Estate Vision, Mission and Strategy Policy, June 6, 2007; and the Property, Policy Guidelines, Adopted July 3, 2014.
  3. **Request for Proposal – Community Planner.** Investigate the development and preparation of an RFP for a Community Planner.
- B. **Permitted Interaction Group – Members.** The membership of the Permitted Interaction Group is as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Leina`ala Ahu Isa; (c) Trustee John Waihee, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Leina`ala Ahu Isa will serve as its Vice Chair. Sylvia M. Hussey, Ka Pouhana, will function as the Project Manager.
- C. **Permitted Interaction Group - Term/Duration.** The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than July 31, 2021.

**V. Funding Source:**

No dedicated funding is needed to authorize and form a PIG to investigate: and recommend a short list of eligible entities for selection of a Development Consultant; land and commercial property policies; and the development and implementation of a request for proposal for a Community Planner. Any resources needed to carry out related activities will conform with existing budgetary, spending and procurement authorities, policies and procedures.

**Action Item BOT #21-05: Approve the Formation of a Permitted Interaction Group to Investigate: and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner**

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**VI. Recommended Action**

Approve the formation of a Permitted Interaction Group to form a PIG to investigate the Development and Implementation of a Request for Proposal for a Development Consultant; and Recommend a Short list of Eligible Entities to the Board, with the following purview, members and term/duration:

- A. **Permitted Interaction Group - Purview.** Via this Action Item, approval is sought to form a PIG to investigate: and recommend a short list of eligible entities for selection of a Development Consultant; Land and Commercial Property policies; and the development and implementation of a Request for Proposal for a Community Planner. The purview of the PIG is for the Board of Trustees (BOT), BOT staff and OHA Administration staff to work together to investigate the:
- 1. Request for Proposal Process – Development Consultant.** RFP process activities include: development and preparation of the RFP itself which includes all requirements and evaluation criteria; posting (e.g., state and OHA websites) and distributing broadly (e.g., social media, professional, industry, indigenous networks); pre-proposal conference, including distribution of written responses to questions; evaluation of responses; discussion with priority respondents and best and final offers, if necessary. **In the RFP itself, OHA will note that the selected respondent for the Development Consultant is ineligible for any future related 3rd party assistance (e.g., Community Planner, Developer).** A resultant and recommended short list of eligible entities will be brought to the Board.
  - 2. Land and Commercial Property Policies.** Investigate and review the Real Estate Vision, Mission and Strategy Policy, June 6, 2007; and the Property, Policy Guidelines, Adopted July 3, 2014.
  - 3. Request for Proposal – Community Planner.** Investigate the development and preparation of an RFP for a Community Planner.
- B. **Permitted Interaction Group – Members.** The membership of the Permitted Interaction Group is as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Leina`ala Ahu Isa; (c) Trustee John Waihee, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Leina`ala Ahu Isa will serve as its Vice Chair. Sylvia M. Hussey, Ka Pouhana, will function as the Project Manager.
- C. **Permitted Interaction Group - Term/Duration.** The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject later adjustment, but in no event later than July 31, 2021

**VII. Reference:** Action Item BOT #21-03: Accept the Report of the Land and Commercial Property Permitted Interaction Group

# KA LĀHUI HAWAI‘I

## KOMIKE KALAI‘ĀINA

Office of Hawaiian Affairs Board of Trustees (OHA BOT)  
560 North Nimitz Hwy  
Honolulu, HI 96817

April 15, 2021

Subject: OHA BOT Agenda Item VB. 2021 OHA Legislative Positioning and Beneficiary Concerns

Dear Chair Hulu Lindsey, Vice Chair Ahu Isa, and Members of the Board,

Ka Lāhui Hawai‘i Kōmike Kalai‘āina is the ad hoc committee of the Nation of Hawai‘i, a native initiative for self-governance formed by and for native Hawaiians and their descendants (aka Kanaka Maoli) without the interference of the State or Federal governments or its agencies. Ka Lāhui Hawai‘i has been in existence since 1987 and we are part of a larger grassroots movement for self-determination.

Part I. Agenda Item VB. 2021 OHA Legislative Positioning

- A. We want to commend the Office of Hawaiian Affairs (OHA) Advocacy team this year. In past years it has been difficult working with some of the OHA advocates at the Legislature who were making deals and taking odd positions in opposition to the Lāhui and not providing the full picture of what was really going at the Legislature back to the Board. This year is a whole other ball game with the advocacy team who really have helped with stopping the taking of Ceded Lands (aka illegally seized Hawaiian Kingdom Crown and Government lands) out of the Chapter 171 definition and protection and out of the Public Lands Trust.
- B. We have concerns about OHA's public support of House Resolution 33 which seeks to convene a working group to develop recommendations for a new governance and management structure for Mauna Kea despite the fact that your official testimony was "comments" only. OHA sent out two emails to thousands of beneficiaries recruiting for the Working Group on April 1 and 6, 2021. The majority of the testimony given at the Legislature for this measure was in opposition and yet OHA is recruiting Kanaka Maoli to sellout and go onto this committee. Ka Lāhui Hawai‘i Kōmike Kalai‘āina has major concerns regarding the purpose of this committee and we have attached our letter outlining our concerns that we sent out to Kia'i leaders February 23, 2021. We find this actions by OHA as hewa loa and we ask that OHA stop playing politics with Mauna Kea.
- C. We would like to commend OHA the for their willingness to work with the Hawai‘i State Senate to convene a working group to examine the burial sites program under the under the Department of Land and Natural Resources State Historic Preservation Division as outlined in Senate Resolution 171. Ka Lāhui Hawai‘i Kōmike Kalai‘āina supports this measure and this effort although we do have concerns that there are not enough community voices represented on this working group. We would like to give the following recommendations for the Hawaiian community representative for this Working Group: a. Keeaumoku Kapu, b. Noelani Ahia, c. Kaniloa Kamaunu, and d. Clare Apana. We would also support financial compensation for the community member(s) appointed as this is such an important topic and we don't finances to become an obstacle for the community appointee not to attend.

# KA LĀHUI HAWAI‘I

## KOMIKE KALAI‘ĀINA

### Part II. Community Concerns

Please consider including our deaf and hearing impaired Lāhui in all public meetings and educational workshops by providing a interpreter for all public meetings and educational workshops sponsored by OHA. There is a caption option in zoom right now, however, by hiring an interpreter you will be able to reach a wider range in terms of age and abilities and it is a more humane and inclusive way of inclusion.

Me ka oiai'o,

M. Healani Sonoda-Pale  
Public Affairs Officer, Ka Lāhui Hawai‘i Kōmike Kalai‘āina