

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
MINUTES
June 23, 2021**

ATTENDANCE:

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

BOT STAFF:

Colin Kippen
Amber Kalua
Kanani Iaea
Lehua Itokazu

ADMINISTRATION STAFF:

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

GUEST:

Congressman Ed Case
Nick Luna

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

Call to Order

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

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

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

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

Public Testimony

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I am aware of House Bill 499 which is a state bill. I have followed it. I try very hard to do my job at the federal level and leave it to state and county leaders such as yourselves and communities to decide what is right by the County and by the State. And not to kind of crash that party if I can put it that way because I view my my role as representing everybody. I feel that if I were to go in second, guess every single decision in State and County Government or in the Community that I effectively would, it would be very difficult for me to do my job. So, I've generally not weighed in on issues at the State and County level, even when I'm sitting here just biting my tongue. I'm not the governor, I'm not a state legislator, I'm not the mayor, I'm not you, and I'm not a City Council member. I will say as a citizen of Hawai'i that I am concerned by that bill. I understand exactly what the Native Hawaiian community is concerned about, and I will have to say to you that I haven't dug into the detailed ramifications and policy judgments that went into that bill. But again, as a private citizen, I will say that I understand perfectly why that this is common land, if I can put it this way. This is not private property. These are state lands. Nobody should have a lock on them in perpetuity. I understand the opposition to these bills. I'm not sure I would have made all of those same decisions on this issue if I was in state or county government, but

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

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

Trustee Ahuna Thank you very much.

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

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

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

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

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

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

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

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

Trustee Lee Thank you Congressman.

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

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

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

Chair Hulu Lindsey Thank you.

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

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

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

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

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

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

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

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

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

Chair Hulu Lindsey Thank you.

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

Chair Hulu Lindsey Mahalo Bronson.

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

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

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

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

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

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

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

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

Chair Hulu Lindsey Thank you Ui.

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

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

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

Announcements

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

Adjournment

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

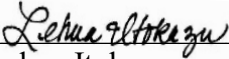
Trustee Waihee Moves to adjourn the meeting.

Trustee Akaka Seconds the motion.

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

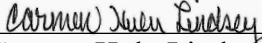
Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 10:16 a.m.

Respectfully submitted,



Lehua Itokazu
Board Secretary

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



Carmen Hulu Lindsey
Chairperson, Board of Trustees


Attachments:

1. Trustee Ahu Isa – Excuse memo



OFFICE OF HAWAIIAN AFFAIRS MEMORANDUM

Mea ho'omana'o a ke Ke'ena Kuleana Hawai'i

To: Chairperson Carmen Hulu Lindsey
From: Trustee Leina'ala Ahu Isa, Ph.D. 
Date: June 21, 2021
Re: Excused Absence

Please be advised that I am unable to attend the virtual meeting of the Board of Trustees on Wednesday, June 23, 2021 at 9:00 A.M.

If you have any questions, please contact my office.

Mahalo!