

**Committee on Beneficiary Advocacy and Empowerment (BAE)**

Trustee Kaleihikina Akaka, *O'ahu - Chair*

Vacant - *Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

Trustee Dan Ahuna, *Kaua'i / Ni'ihau*

Trustee Keli'i Akina, *At-Large*

Trustee Luana Alapa, *Moloka'i / Lāna'i*

Trustee Brendon Kalei'āina Lee, *At-Large*

Trustee Carmen Hulu Lindsey, *Maui*

Trustee Mililani Trask, *Hawai'i Island*

Trustee John Waihe'e IV, *At-Large*



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

**Committee on Resource Management (RM)**

Trustee John Waihe'e IV, *At-Large - Chair*

Trustee Luana Alapa, *Moloka'i / Lāna'i - Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

Trustee Dan Ahuna, *Kaua'i / Ni'ihau*

Trustee Kaleihikina Akaka, *O'ahu*

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Trustee Brendon Kalei'āina Lee, *At-Large*

Trustee Carmen Hulu Lindsey, *Maui*

Trustee Mililani Trask, *Hawai'i Island*

**JOINT MEETING of the  
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)  
and the  
COMMITTEE ON RESOURCE MANAGEMENT (RM)**

**DATE:** Tuesday, September 20, 2022

**TIME:** 10:00 a.m.

**PLACE:** Virtual Meeting viewable at <https://www.oha.org/livestream> OR

Listen by phone: (213) 338-8477, Webinar ID: 826 6375 3647

This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](https://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 826 6375 3647. A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes**

A. JOINT BAE-RM Meeting Minutes of July 12, 2022\*

**III. Unfinished Business – None**

**IV. New Business**

A. Administration Presentation re: Renaming Recommendation of Kaka'ako Makai\*

B. Progress of Activation Activities of Kaka'ako Makai Site A, 1101 Ala Moana Blvd\*

C. 2023 Legislative Action Plan\*

D. ACTION ITEM BAE-RM #22-03: Approve Non-Core Budget for Kaka'ako Makai Legislative Activities and the Renaming of Kaka'ako Makai\*

E. Administration Presentation: Kamokila Hawaiian Village, 5523-5519 Kuamoo Rd, Kapa'a, Kaua'i, Hawai'i, Due Diligence Activities in Pursuit of an Executive Order\*

**V. Executive Session**

A. Consultation with Interim General Counsel Everett Ohta re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Office of Hawaiian Affairs' 2023 Legislative Action Plan pursuant to HRS §92-5(a)(4)\*

**VI. Announcements**

**VII. Adjournment**

If you need an auxiliary aid/support or other accommodation due to a disability, please contact Everett Ohta at telephone number 594-1988 or by email to [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

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

In the event that the livestream or the audiovisual connection is interrupted and cannot be restored, the meeting may continue as an audio-only meeting through the phone and Webinar ID listed at the beginning of this agenda. Meeting recordings are available upon request to [BOTmeetings@oha.org](mailto:BOTmeetings@oha.org) until the written meeting minutes are posted to OHA's website.

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

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

**\* Public Testimony will be called for each agenda item and must be limited to those matters listed on the meeting agenda.**

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

Testimony can be provided to the OHA Board of Trustees either as: (1) **written testimony emailed** at least 24 hours prior to the scheduled meeting, (2) **written testimony mailed** and received at least two business days prior to the scheduled meeting, or (3) live, **oral testimony online** or **at the physical meeting location** during the virtual meeting.

(1) Persons wishing to provide **written testimony** on items listed on the agenda should submit testimony via **email** to [BOTmeetings@oha.org](mailto:BOTmeetings@oha.org) at least **24 hours prior** to the scheduled meeting or via **postal mail** to Office of Hawaiian Affairs, Attn: Meeting Testimony, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817 **to be received at least two business days prior** to the scheduled meeting. Any testimony received after these deadlines will be 'late' testimony and will be distributed to the Board members after the scheduled meeting.

(2) Persons wishing to provide **oral testimony online** during the virtual meeting must first register at:  
[https://us06web.zoom.us/webinar/register/WN\\_3YD9IeQSQkaMLKUXY5AH3A](https://us06web.zoom.us/webinar/register/WN_3YD9IeQSQkaMLKUXY5AH3A)

You need to register if you would like to **orally testify online**. Once you have completed your registration, a confirmation email will be sent to you with a link to join the virtual meeting, along with further instructions on how to provide **oral testimony online** during the virtual meeting.

To provide **oral testimony online**, you will need:

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

Once your **oral testimony online** is completed, you will be asked to disconnect from the meeting. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

(3) Persons wishing to provide **oral testimony at the physical meeting location** can sign up the day-of the meeting at the Nā Lama Kukui OHA lobby.

**Oral testimony online** or **at the physical meeting location** will be limited to five (5) minutes.

Oral testimony by telephone/landline **will not** be accepted at this time.

9/14/2022

Trustee Kaleihikina Akaka, Chair  
Committee on Beneficiary Advocacy  
and Empowerment

Date

9/14/2022

Trustee John Waihe'e, IV, Chair  
Committee on Resource Management

Date

September 20, 2022 - Continued

**Committee on Beneficiary Advocacy and Empowerment (BAE)**

Trustee Kaleihikina Akaka, *O'ahu - Chair*

Vacant - *Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

Trustee Dan Ahuna, *Kaua'i / Ni'ihau*

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OFFICE OF HAWAIIAN AFFAIRS**

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Trustee Luana Alapa, *Moloka'i / Lāna'i - Vice Chair*

***Members***

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**A. JOINT BAE-RM Meeting Minutes of July 12, 2022\***

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- B. Progress of Activation Activities of Kaka'ako Makai Site A, 1101 Ala Moana Blvd\*
- C. 2023 Legislative Action Plan\*
- D. ACTION ITEM BAE-RM #22-03: Approve Non-Core Budget for Kaka'ako Makai Legislative Activities and the Renaming of Kaka'ako Makai\*
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**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)**

**JOINT MEETING OF THE COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT AND THE  
COMMITTEE ON RESOURCE MANAGEMENT  
MINUTES**

**July 12, 2022 9:00 a.m.**

**ATTENDANCE:**

BAE Chairperson Kaleihikina Akaka  
RM Chairperson John Waihe'e, IV  
Trustee Leina'ala Ahu Isa  
Trustee Luana Alapa  
Trustee Brendon Kalei'aina Lee  
Trustee C. Hulu Lindsey  
Trustee Mililani Trask

**BAE STAFF:**

Brandon Mitsuda  
Mark Watanabe

**ADMINISTRATION STAFF:**

Hussey, Sylvia, Ka Pouhana / CEO  
Brown, Casey / COO  
Hinck, Ramona / CFO  
Lee, Ryan / Interim Investment Manager  
Ozawa, Nietzsche / Interim Senior Counsel  
Ohta, Everett / Interim General Counsel  
Aguinaldo, Arlene, IT  
Santos, Dan, IT

**EXCUSED:**

Trustee Dan Ahuna  
Trustee Keli'i Akina

**I. CALL TO ORDER**

**BAE Chair Akaka** calls the Joint Meeting of the Committee on Beneficiary Advocacy and Empowerment meeting and the Committee on Resource Management for Tuesday, July 12, 2022 to order at **9:02 a.m.**

**BAE Chair Akaka** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (9:02 a.m.)	TIME ARRIVED
BAE CHAIR	KALEIHIKINA	AKAKA	PRESENT	
RM CHAIR	JOHN	WAIHE'E, IV	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	EXCUSED	
TRUSTEE	KELI'I	AKINA	EXCUSED	
TRUSTEE	LUANA	ALAPA	EXCUSED	9:06 a.m.
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	MILILANI	TRASK	PRESENT	

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

## II. APPROVAL OF MINUTES

### **A. JOINT BAE-RM Meeting Minutes of June 23, 2021\***

**BAE Chair Akaka:** Can I please get a motion to approve the Joint BAE.

**BAE Chair Akaka** recognizes RM Chair Waihe'e

**RM Chair Waihe'e:** Before we continue, if I may, if there are no objections, I would like to ask our honorable BAE Chair Akaka if she would agree to move each BAE and RM Motion and vote concurrently for both committees.

**BAE Chair Akaka:** I'm sorry, can you please repeat that RM Chair.

**RM Chair Waihe'e:** I'm asking if you would agree that the actions we take that we would move each BAE and RM motion and vote concurrently for both Committees.

**BAE Chair Akaka:** Yes, thank you so much.

**RM Chair Waihe'e:** Thank you.

**BAE Chair Akaka:** Can I please get a motion to approve the Joint BAE and RM meeting minutes of June 23rd, 2021.

**Board Chair Hulu Lindsey:** So moved Chair.

**RM Chair Waihe'e:** Second.

**BAE Chair Akaka:** It's been moved and seconded, any discussion members? Any changes in the minutes? Seeing none. I see Trustee Lee has his hand up but we cannot hear you.

**Trustee Lee:** Madam Chair, even though we were voting concurrently, because Trustee Waihe'e is the Chair of the RM Committee. So effectively, even though we're voting concurrently, he is still approving the motion, he's not allowed to second, another Trustee will have to 2nd. So that being said, Madam Chair, I'll be happy to offer the 2nd to the motion.

**BAE Chair Akaka:** Mahalo, Trustee Lee. It's been moved and seconded. Any discussion members? Seeing none, please can I have a **roll call**.

							9:08 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA						EXCUSED
KELI'I	AKINA						EXCUSED
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE		2	X			
CARMEN HULU	LINDSEY	1		X			

MILILANI	TRASK			X			
RM CHAIR JOHN	WAIHE`E, IV			X			
BAE CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	2

**MOTION:**    ☐ UNANIMOUS    ☒ PASSED    ☐ DEFERRED    ☐ FAILED

### III. NEW BUSINESS

#### **A. Action Item BAE-RM #22-01: Implementation of Act 226 (2022), Relating to Increasing the Payment Amount for the Office of Hawaiian Affairs' Pro Rata Share of the Public Land Trust\***

**BAE Chair Akaka** yields the floor to Ka Pouhana Hussey.

**Ka Pouhana Hussey:** Thank you, Trustee Akaka, and Trustee, I'm going to ask if our Administration our COO, CFO, Interim Investment Manager as well as our Counsels could have their cameras on and participate in the discussion with the Trustees. So trustees this is yay right, Act 226 signed by the Governor last week, Monday the 27<sup>th</sup> and has three major provisions which you are very familiar with. The increase in the annual amount from 15.1 to 21.5 a lump sum of 64 million and the formation of a working group to be organized as soon as the Governor appoints three members and the Board appoints the other three members. The Office of Hawaiian Affairs has taken administrative responsibility for writing up the report and shepherding the workgroup processes. But those are the three major items you will see in the second action item. It is the action regarding the investment in the lump sum amount in the Native Hawaiian Trust Fund based on the investment policy, but those are the contexts for the two action items and because they relate to legislation as well as money, Administration requested that a joint committee meeting be held. Hence, this joint committee meeting. But that is it, Chair Akaka, and Administration is ready to answer any questions that Trustees may have.

**BAE Chair Akaka:** Mahalo Ka Pouhana. Yes, Trustee Ahu Isa

**Trustee Ahu Isa:** So we're going from 15.1 to 21.5. That means we don't go in and ask for no five million. You know we always go in and ask for three million or five million general funds.

**Ka Pouhana Hussey:** So Chair Akaka, if I can address Trustee Ahu Isa.

**BAE Chair Akaka:** Yes

**Ka Pouhana Hussey:** The budget bill. So next session, the 2023 session will be the session that we go in for the OHA Biennium budget bill for 24-25 and at that point, when we get to the fall of this year, we will bring back a suggestion to the Board or recommendation to the BAE Committee and the Board of what that ask might be. In the past the general funds ask has been about half for salaries and wages, and then the small amount about 300,000 for rent and then the rest have been for beneficiary investments.



Last session, all of the amount, it was lower than three million. It was 2.254. That is all beneficiary investments. So Administration will come with a recommendation to go into the Legislature of whether it's 3,000,000, what the composition, if it's more, if it's less and then the Trustees you know will have the discussion and then decide and guide accordingly, and then we will draft the bill. The proposed bill as part of the package. Usually the budget bill is the first bill in the package for the 2023 session.

**BAE Chair Akaka** recognizes COO Brown

**COO Brown:** I'll just add to what Ka Pouhana said. Trustee Ahu Isa, the general funds related to the budget bill completely separate monies from the 21.5 PLT money. So two separate funds.

**Trustee Ahu Isa:** Yeah, I understand it's separate, but I'm just wondering what the negotiations were to get the increase in the 21 'cause I wasn't part of it, so I'm wondering if that was a deal made where they give us that, but we don't go in for the general funds.

**COO Brown:** There was no exchange for the funds on that.

**Trustee Ahu Isa:** Yeah, that's all I wanted to know. Okay, thanks.

**BAE Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Chair Akaka. So in looking through the packet it shows that we were going to have three separate motions for this action item. Is that correct?

**BAE Chair Akaka:** Ka Pouhana, did you want to clarify this?

**Ka Pouhana Hussey:** Yes, Trustee Lee, three separate motions for each of the three major components of the act.

**Trustee Lee:** Then can I ask what the difference is between motion B for Action Item BAE/RM 22-01. And Action Item BAE/RM 22-02.

**Ka Pouhana Hussey:** So the 01 action is to codify the Board's direction on the implementation and then in Action two is the actual implementation of the investment policy and the distribution of the 64 million. Hence the two Action Items being brought together.

**Trustee Lee:** I'm sorry, Madam Chair, that's still unclear. Can I get more clarity on that?

**Ka Pouhana Hussey:** So Action Item One is approving each of the three components based on the Board policy. So the first motion implements the Board's budget management policy. The second one implements the investment policy and then the working group is a notation. In the Action Item Two, that is actually the application, and the rebalancing of the portfolio as a result of the 64 million. So it's the implementation of Motion Two in Action Item Two

**Trustee Lee:** I'm sorry, Madam Chair, so if I understand this correctly, Motion Two is asking the Board to approve. Sorry, I'm trying to word it so I understand it, so bear with me, Madam Chair. The Committee is being asked to approve the activation of the budget policy?

**Ka Pouhana Hussey:** Are you talking about Motion Two or Motion One, Trustee?

**Trustee Lee:** I'm talking about Motion Two.

**Ka Pouhana Hussey:** Okay, so Motion Two is to activate, to invest the 64 million in the Native Hawaiian Trust Fund in accordance with the investment policy and the action, not the motion, but the second action item is the actual implementation of that investment based on the Board's investment policy.

**Trustee Lee:** Yeah, I'm sorry, Madam Chair, that still sounds like the same thing to me. So if the Committee is okay with voting on the same thing twice, then okay. But the words that I'm hearing from Ka Pouhana are exactly the same for both motions, so that's where I'm getting confused. Why the need of two separate action items. The wording that I'm hearing, and the words that I'm reading on the paper, which is why I asked the question, are exactly the same.

**BAE Chair Akaka:** Maybe Everett can provide some clarification on this.

**Trustee Ahu Isa:** Chair

**BAE Chair Akaka:** Yes, Trustee Ahu Isa

**Trustee Ahu Isa:** Yeah 'cause I heard Trustee Lee said, well Ka Pouhana said budget and the other one said allocation, so we talk in terms of budget. So I had a question too for discussion on two, on the implementation which you said, which is the appropriation, not implementation, appropriation of how we're going to invest this money 'cause I'm reading now the investment policy and I think Trustee Alapa might have questions on that too.

**Trustee Alapa:** Eventually, yeah.

**Trustee Ahu Isa:** What's the date of this investment policy? There's no date. When was this done? Do you know?

**Ka Pouhana Hussey:** It was just updated last summer.

**Trustee Ahu Isa:** So we approved this last summer? Introduction scope, it gives even the types of investments that we. Okay, I'm just trying to find a date on here. I thought it was really old, like when Kamana'o was here. Okay, mahalo.

**Board Chair Hulu Lindsey:** Maybe it would be helpful to put the three actions up for the item one.



**A. Action Item BAE-RM #22-01: Implementation of Act 226 (2022),  
Relating to Increasing the Payment Amount for the Office of Hawaiian  
Affairs' Pro Rata Share of the Public Land Trust\***

**Recommended Actions**

Implement the elements of Act 226 (2022), Attachment A, relating to increasing the payment amount for the Office of Hawaiian Affairs' pro rata share of the public land trust:

**A. Motion #1 re: \$21,500,000 Annual Share of the Income and Proceeds of the Public Land Trust**

Approve the inclusion of the interim annual share of the income and proceeds of the public land trust amount of \$21,500,000 in the biennium budgeting process in accordance with the Budget Management Policy beginning in fiscal year 2022-2023.

**B. Motion #2 re: \$64,000,000 General Revenues Appropriation**

Invest the \$64,000,000 general revenues appropriation, for a portion of the income and proceeds from the public land trust, into the Native Hawaiian Trust Fund, consistent with the Investment Policy and related asset allocation.

**C. Motion #3: Working Group**

Activate planning and other activities in preparation for implementation of the working group further described in Section 3 of Act 226 (2022) in calendar year 2023.

**Interim General Counsel Ohta:** Chair Akaka, I just wanted to respond to you asking for I guess maybe further clarification regarding how to distinguish the actions or the motions being put before the Board. So Motion Two under the first Action Item 2201. It essentially directs where this \$64 million in the General Fund appropriation where that will be put in kind of general terms, so in this case it will be invested and then the Action Item 22-02 says how that money will be invested, so it will be invested according to the allocations set forth in BAE/RM Action Item 22-02. So Action item 22-01 basically says how Act 226 is going to be implemented by Administration. So the first motion provides for the spending of the \$21.5 million through the budget in fiscal year 23. Motion #2 provides that the \$64 million in the lump sum general fund appropriation will be invested. It'll be invested in the Native Hawaiian Trust fund and then Motion 3 provides that OHA Administration will take action to support the working group in calendar year 23. The working group is set out or established under Act 226, so all of the Motions under Action Item 22-01 are all related to how Act 226 is going to be implemented by OHA Administration, and that's what's before the Board as the the first set of motions. The second Action Item 22-02 is specific to that \$64 million investment and how it will be allocated in the portfolio as set forth in the action item. I hope that helps to further clarify this for the Trustees.

**BAE Chair Akaka:** Mahalo, Everett. Trustee Lee.

**Trustee Lee:** Thank you, Madam Chair. Yes, Everett it does. Thank you, now I understand. So thank you for clarifying that for me. But based on that clarification, Madam Chair, I have one further question. So if Motion B is the Committee's approval for how this money is going to be.

**Trustee Alapa:** Invested

**Trustee Lee:** It's not for how it's going to be invested, that's the next one. It's asking our approval to invest the money, so it's saying how we're going to allocate these funds because I just want to be transparent about this process. On June 27th we received an e-mail from Administration that the \$64 million was transferred to the Native Hawaiian Trust. So what policy was that done under since we have yet to make that determination which we're being asked to do right now?

**Ka Pouhana Hussey:** That decision was made, but the check wasn't received until Wednesday the following week. The actual check. So the Administration advised the Board that the actual check, not a wire, not an ACH, we had to track down the money, get it into the Bank of Hawai'i. That was a hold, and then it wasn't wired out until Friday to the Trust Fund to be held there until a decision. That's just based on business prudence. We're not going to let 64 million sit in somebody else's account until a decision is made, so we immediately the objective was to get 64 million into the Trust Fund awaiting approval for the allocation and if that is beyond what, Trustees you feel the Administration should have done. That's a business call that I made to get the money into our Trust Fund.

**BAE Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** Thank you, Ka Pouhana for clarifying that. I don't believe it is. We as Trustees have been hit a lot in the past right about not being transparent and accountable to the actions that we take, so that's the only reason why I asked the question. Thank you for the response. That makes it completely transparent. Based on what you just notified the Committee with I completely agree. That was a business decision and the purpose of the transfer was not to invest the money, it's just that's where we needed some place to hold the money until the Committee made a determination on their recommendations to the Board. So thank you for that, because that wasn't in the e-mail, right? So that's the reason why I asked the question, so thank you Ka Pouhana I appreciate that. Thank you, Madam Chair.

**BAE Chair Akaka:** Any other discussion members? Yes, Trustee Ahu Isa.

**Trustee Ahu Isa:** Question for Ka Pouhana. Previously, in past when we get money from the revenues from the ceded lands, how does it come by check like that? I thought we had an account they can just debit credit. No, we always get a check?

**Ka Pouhana Hussey:** Chair Akaka, I'm going to let CFO Ramona Hinck talk about that archaic process.

**CFO Hinck:** So what actually happens is we have an account at DAGS, the Department of Accounting Services, General Services and the agencies transfer money into our account and then we have to pull it out from that account. Up to and this was previous 15.1 but up to 3.775 million every quarter. So, I kind of look at their account and they have until the end of the month to transfer those funds. They're 20%, and then I transfer the money into our Bank of Hawai'i account.

**Trustee Ahu Isa:** I'm very familiar with that 'cause I worked at UH and I know about the debit credit thing. That's why I'm asking 'cause this is the first time I see a check and thank you for making a copy of the check. I've never seen one that big before.

**CFO Hinck:** Just a clarification, when I request the money, then it comes in a check and then we have to go and deposit it.

**Trustee Ahu Isa:** Okay, but you do have an account there?

**CFO Hinck:** Yes

**Ka Pouhana Hussey:** Chair Akaka, if I could add to Trustee Ahu Isa's question. So, Trustee about 30 days after the end of the quarter we will get a notification from Budget and Finance to transfer any excess that is still in that account over the quarterly amount, so 3,775,000. In October of this year, it'll be the first time because the ACT 226 that the amount is going to be 5,375,000. So Budget and Finance will give us a you know memo to transfer the excess to the Carryforward Trust fund. But the excess base is going to be 5,375,000 versus the 3,775,000 that it used to be.

**Trustee Ahu Isa:** Okay, mahalo for that. As long as they cannot take our money 'cause when I was at UH they went and stole all our special funds. They just went debit credit and stole 300,000,000 when they were, you know, recession time. Okay, thank you.

**BAE Chair Akaka:** Any other discussion members? Seeing none. I'd also now like to see if we have any testifiers on this item.

**BAE Staff - Brandon:** Chair, we have no written testimony, we have no testifiers that have signed up to testify and we do not have any testifiers here physically to testify.

**BAE Chair Akaka:** Mahalo, any late testimony will be distributed after the BAE Committee meeting today. Brendan, can I please have a roll call. I'm sorry, can I please have a motion to approve.

**RM Chair Waihe'e:** Madam Chair.

**Trustee Lee:** Trustee Waihe'e

**RM Chair Waihe'e:** Are we taking the motions of A, B and C separately?

**BAE Chair Akaka:** Trustee Waihe'e, I think we'll need to have another member to do the motion, mahalo. Board Chair.

**Board Chair Hulu Lindsey:** I'd like to make a motion for the **Action Item BAE-RM #22-01: Implementation of Act 226 (2022), Relating to Increasing the Payment Amount for the Office of Hawaiian Affairs' Pro Rata Share of the Public Land Trust\***

**A. Motion #1 re: \$21,500,000 Annual Share of the Income and Proceeds of the Public Land Trust**

**Approve the inclusion of the interim annual share of the income and proceeds of the public land trust amount of \$21,500,000 in the biennium budgeting process in accordance with the Budget Management Policy beginning in fiscal year 2022-2023.**

**BAE Chair Akaka:** Is there a second?

**Trustee Alapa:** Second

**BAE Chair Akaka:** It's been moved and seconded. Any other discussion members? Seeing none, Brandon can I please have a **roll call vote**.

							9:30 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA						EXCUSED
KELI'I	AKINA						EXCUSED
LUANA	ALAPA		2	X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK			X			
RM CHAIR JOHN	WAIHE'E, IV			X			
BAE CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	2

MOTION: [    ] UNANIMOUS    [ X ] PASSED    [    ] DEFERRED    [    ] FAILED

**B.    Motion #2 re: \$64,000,000 General Revenues Appropriation**

**Board Chair Hulu Lindsey:** Madam Chair, I move that we **Invest the \$64,000,000 general revenues appropriation, for a portion of the income and proceeds from the public land trust, into the Native Hawaiian Trust Fund, consistent with the Investment Policy and related asset allocation.**

**BAE Chair Akaka:** Is there a second?

**Trustee Trask:** I'll Second

**BAE Chair Akaka:** It's been moved and seconded. Any other discussion members? Seeing none, Brandon can I please have a **roll call vote**.

							9:31 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA						EXCUSED
KELI'I	AKINA						EXCUSED
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK		2	X			
RM CHAIR JOHN	WAIHE'E, IV			X			
BAE CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	2

MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED

**C. Motion #3: Working Group**

**Board Chair Hulu Lindsey:** Madam Chair, I move that we **Activate planning and other activities in preparation for implementation of the working group further described in Section 3 of Act 226 (2022) in calendar year 2023.**

**BAE Chair Akaka:** Is there a second?

**Trustee Trask:** Second

**BAE Chair Akaka:** It's been moved and seconded. Any other discussion members? Seeing none, Brandon can I please have a **roll call vote**.

							9:32 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA						EXCUSED
KELI'I	AKINA						EXCUSED
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK		2	X			

RM CHAIR JOHN	WAIHE`E, IV			X			
BAE CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	2

MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED

**B. Action Item BAE-RM #22-02: Native Hawaiian Trust Fund Net Investment Allocation of a Portion of the Pro Rata Share of the Income and Proceeds of the Public Land Trust in the amount of \$64,000,000\***

**BAE Chair Akaka** yields the floor to Ka Pouhana Hussey.

**Ka Pouhana Hussey:** Thank you, Chair. As clarified earlier, this is the action to actually invest the 64 million in accordance with the Board's investment policy. Interim Investment Manager Ryan is here to walk through Attachment A as well as the recommended methodology of the investment. I would like to let the Trustees know that this process of coming to the Board and balancing the portfolio and having the Board balance and make that decision is a practice on a go forward basis that Administration will implement that the Board does the policy reallocation, as by policy and once that is ratified by the Board then Administration will execute all of the cash management and investment processes that will go. So this is essentially the allocation for the fourth quarter that is being made so the Board can expect near the end of September for another action to come back to the Board to rebalance the portfolios accordingly. But with that Trustees, Chair Akaka, any questions?

Chair Akaka if it's helpful, would it be helpful to the Trustees for Ryan to walk through Attachment A?

**BAE Chair Akaka:** Yes, thank you.

**Ka Pouhana Hussey:** Okay, Ryan, if you can walk through Attachment A.

**Board Chair Hulu Lindsey:** Where is it?

**Ka Pouhana Hussey:** It's on right after page 9 of the Action Item. It's page 157 in the electronic file.

**Current and Projected Portfolio Positioning**

The estimated market values are based on the State Street Bank custody report as of June 30, 2022.

**Table 1: NHTF Portfolio Investment Allocation by Asset Class**

Financial Assets	Current Market Value	Current Allocation	Rebalance Amount	Ending Market Value	Ending Allocation	Policy Allocation	Overweight/Underweight	Min/Max Range
Global Equities	177,746,734	41.5%	30,000,000	207,746,734	42.2%	42.0%	0.2%	22% to 55%
Global Fixed Income	70,258,152	16.4%	7,000,000	77,258,152	15.7%	18.0%	-2.3%	11% to 22%
Enhanced Liquidity Account	762,112	0.2%	10,000,000	10,762,112	2.2%	3.0%	-0.8%	0% to 10%
Real Assets	25,592,657	6.0%	-	25,592,657	5.2%	5.0%	0.2%	0% to 11%
<b>Traditional Assets</b>	<b>274,359,655</b>	<b>64.0%</b>	<b>47,000,000</b>	<b>321,359,655</b>	<b>65.3%</b>	<b>68.0%</b>	-2.7%	33% to 88%
Hedge Funds	56,877,724	13.3%	7,000,000	63,877,724	13.0%	13.0%	0.0%	
<b>Hedge Funds</b>	<b>56,877,724</b>	<b>13.3%</b>	<b>7,000,000</b>	<b>63,877,724</b>	<b>13.0%</b>	<b>13.0%</b>	0.0%	6.4 to 19.2%
Private Equity	70,321,169	16.4%		70,321,169	14.3%			
Private Credit	3,962,619	0.9%		3,962,619	0.8%			
Private Real Assets	16,827,968	3.9%		16,827,968	3.4%			
<b>Private Investments*</b>	<b>91,111,756</b>	<b>21.3%</b>	<b>-</b>	<b>91,111,756</b>	<b>18.5%</b>	<b>19.0%</b>	-0.5%	0% to 25.6%
Cash	6,027,173	1.4%	10,000,000	16,027,173	3.3%	0.0%	3.3%	
Organization Withdrawal	-							
<b>Total Financial Assets</b>	<b>428,376,308</b>	<b>100.0%</b>	<b>64,000,000</b>	<b>492,376,308</b>	<b>100.0%</b>	<b>100.0%</b>	0.0%	

\* Note: Private investments market values are typically lagged by a quarter.

Projected Risk Allocation	Ending Market Value	Weight	Target	Difference
Total Equity	294,895,871	59.9%	61%	-1.1%
Total Real Asset	25,592,657	5.2%	5%	0.2%
Total Hedge Funds	63,877,724	13.0%	13%	0.0%

**Interim Investment Manager Lee:** So what you have here is the current and projected positioning of the Native Hawaiian Trust fund, and this is an estimate. A good estimate as of 6/30/22. So what's shown here in the first column, the financial analysis goes across the different asset classes. You have global equities, fixed income, enhances liquidity account, hedge funds, private funds. It mirrors the investment policy that's included in the Action Item. The current investment policy of the Native Hawaiian Trust Fund. What you see there also is the current allocation as of 6/30. Representing you know, 428 million and the current breakout right.

So what you have here in the balance amount, what that represents is the total is 64 million and the goal here is to balance towards the policy targets. So what you have here is global equities. You know we're allocating 30 million. Global fixed income 7 million. Enhanced liquidity account 10 million. The hedge funds 7 million and a cash allocation of about 10 million, representing 64 million of the contribution.

So when you look at the ending market value, what that shows you the positioning after the allocation, this is modeled out to show you what it looks like. So when you compare it to the policy allocation. That's the goal in terms of moving towards that target and there's an overweight and underweight that's next to it that shows you how close we are to those targets and the next column would be the allowable ranges that's currently in policy to be in compliance. So that sort of modeling that went into to determine the allocation of funds across the asset classes. And there's a proposal to dollar cost average the 64 million across the three months just given the market volatility currently. So this will allow us to manage the volatility which is expected to continue throughout the rest of the year.



Proposed Funding Schedule				
Financial Assets	Month 1	Month 2	Month 3	Total
Global Equities	10,000,000	10,000,000	10,000,000	30,000,000
Global Fixed Income	2,333,333	2,333,333	2,333,333	7,000,000
Enhanced Liquidity Account	10,000,000			10,000,000
Real Assets				
<b>Traditional Assets</b>	<b>22,333,333</b>	<b>12,333,333</b>	<b>12,333,333</b>	<b>47,000,000</b>
Hedge Funds			7,000,000	7,000,000
<b>Hedge Funds</b>			<b>7,000,000</b>	<b>7,000,000</b>
Private Equity				
Private Credit				
Private Real Assets				
<b>Private Investments*</b>				
Cash	<b>41,666,667</b>	<b>-12,333,333</b>	<b>-19,333,333</b>	<b>10,000,000</b>
Organization Withdrawal				
<b>Total Financial Assets</b>				<b>64,000,000</b>

Figure 7: Proposed Funding Schedule

So what you see here is the plan to allocate pretty much pro rata, a third, a third, a third of the 64 million across the asset classes being proposed.

**BAE Chair Akaka:** Mahalo Ryan. Members any other discussion on this? Seeing none, Brandon do we have any testifiers on this item?

**BAE Staff - Brandon:** Chair, we have no written testimony, we have no testifiers that have signed up to testify and we do not have any testifiers here physically to testify.

**Board Chair Hulu Lindsey:** Madam Chair, I move that we **Approve the Native Hawaiian Trust Fund net investment allocation as a result of the Act 226 (2022) general revenues appropriation of \$64,000,000, for a portion of the pro rata share of the income and proceeds of the public land trust, in alignment with the current Investment Policy statement and asset allocation at Attachment A**

**Trustee Trask:** Second

**BAE Chair Akaka:** It's been moved and seconded. Any other discussion members?

**Trustee Ahu Isa:** Chair, is the Hawai'i direct investment policy part of this? I'm looking at attachment B. It says Native Hawaiian Trust foreign investment policy statement, included in that on B-19, Section 18, Hawai'i direct investment policy. That's also included?

**BAE Chair Akaka:** Ka Pouhana, can you please clarify?

**Ka Pouhana Hussey:** Chair, may I ask both Casey and Ryan to refresh the Trustees memory about the change in the Hawai'i Direct investment policy last summer as a result of acquisitions that were made.

**COO Brown:** Ryan, I'll go first and then you can fill in. I'll just give a little context. The Hawai'i direct investment policy, Trustee Ahu Isa guides how we direct investments in real or, you know, financial assets related to Hawai'i, Hawai'i oriented assets. This doesn't affect the way the allocation of the 64 million is currently happening. For details about the policy itself and yeah I'll turn that part to Ryan.

**Interim Investment Manager Lee:** Right, so the policies were updated last year to incorporate the Hawai'i direct investments as a separate policy from financial assets. So as you can see here in attachment B, there is no target right for Hawai'i direct investments compared to the other asset allocation targets you see for financial assets, but it is in closing to one endowment policy as you need to look at both assets to manage the endowment as a whole.

**Trustee Ahu Isa:** Okay, I only ask because our beneficiary called 'cause I notice it says section 18 Hawai'i direct investment. A permissible investment is Hawai'i real estate, Hawai'i commercial real estate strategies seek to create financially viable properties owned by OHA, focusing on total return to meet current spending requirements and the beneficiary suggested or asked why OHA didn't put in a bid for Makaha Valley when that was up and it was like 21 mil or something and then I think a Korean company bought it. Chair, I think he said he talked to you too about looking into buying Makaha Valley. Anyway, I'm just bringing it up because I noticed it's under permissible investments, Hawai'i real estate and getting the most money for our return. If OHA had bought Makaha Valley. With all the golf course and the hotel and we have all those condos on the side.

**Board Chair Hulu Lindsey:** I'd be happy to discuss it with you Trustee Ahu Isa. I did a preliminary due diligence.

**Trustee Ahu Isa:** Mahalo

**BAE Chair Akaka:** Any other discussion members? Seeing none, can we please have a **roll call vote**.

**Trustee Lee:** Point of order, Madam Chair.

**BAE Chair Akaka:** Yes, Trustee Lee

**Trustee Lee:** I do not believe we have a motion in front of us.

**Board Chair Hulu Lindsey:** I made the motion.

**BAE Chair Akaka:** And it was seconded by Trustee Trask.

**Trustee Lee:** Thank you, Madam Chair, I stand corrected.

							9:44 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA						EXCUSED
KELI'I	AKINA						EXCUSED
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK		2	X			
RM CHAIR JOHN	WAIHE'E, IV			X			
BAE CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	2

MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED

#### V. ANNOUNCEMENTS

**Trustee Lee:** Not an announcement, but just a request. Again, for transparency of the Committee. In the future, when we're provided a copy of a policy that we have the completed policy in front of us. Anyone in the public who looks at our packet for today's meeting might come to the conclusion that the investment policy is not yet valid because the one that was provided for us is not signed by the Chair of the Board. I know that the Chair did sign it because the one that's in my investment folder in my office is signed by the Chair, but the one that's provided in our packet does not bear the Chair's signature. Thank you, Madam Chair.

**BAE Chair Akaka:** Thank you

**RM Chair Waihe'e:** Madam Chair, it appears that the RM meeting is cancelled and it's due to the lack of quorum. I guess we're going to send out a memo, I'm getting it now so that's what it appears to be. The RM meeting at 1:30 is cancelled.

#### VI. ADJOURNMENT

**BAE Chair Akaka:** I will entertain a motion to adjourn.

**Board Chair Hulu Lindsey:** So moved

**RM Chair Waihe'e:** Second

**BAE Chair Akaka:** It's been moved and seconded. Any discussion members? Brandon, can we please have roll call vote.

**BAE Chair Akaka** recognizes Trustee Lee

**Trustee Lee:** If the record could reflect that I seconded the motion, it's still a concurrent vote, so if the record could reflect that I seconded the motion, not Trustee Waihe'e.

**BAE Chair Akaka:** It's been moved and seconded. Any other discussion members? Brandon, can we please have **roll call vote**.

							9:48 a.m.
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA						EXCUSED
KELI'I	AKINA						EXCUSED
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE		2	X			
CARMEN HULU	LINDSEY	1		X			
MILILANI	TRASK			X			
RM CHAIR JOHN	WAIHE'E, IV			X			
BAE CHAIR KALEIHIKINA	AKAKA			X			
<b>TOTAL VOTE COUNT</b>				7	0	0	2

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

**Chair Akaka:** The meeting is now adjourned, mahalo members, all in attendance, and to all live streaming. A hui hou kākou, mālama pono.

**Chair Akaka** adjourns the Joint BAE/RM meeting at **9:48 a.m.**

Respectfully submitted,

---

Brandon Mitsuda Trustee Aide  
Committee on Beneficiary Advocacy and Empowerment

As approved by the Joint Committee on Beneficiary Advocacy and Empowerment (BAE) and the Committee on Resource Management on September 20, 2022.

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Trustee Kaleihikina Akaka  
Chair  
Committee on Beneficiary Advocacy and Empowerment

---

Trustee John Waihe'e, IV  
Chair  
Committee on Resource Management

**Committee on Beneficiary Advocacy and Empowerment (BAE)**

Trustee Kaleihikina Akaka, *O'ahu - Chair*

Vacant - *Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

Trustee Dan Ahuna, *Kaua'i / Ni'ihau*

Trustee Keli'i Akina, *At-Large*

Trustee Luana Alapa, *Moloka'i / Lāna'i*

Trustee Brendon Kalei'āina Lee, *At-Large*

Trustee Carmen Hulu Lindsey, *Maui*

Trustee Mililani Trask, *Hawai'i Island*

Trustee John Waihe'e IV, *At-Large*



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

**Committee on Resource Management (RM)**

Trustee John Waihe'e IV, *At-Large - Chair*

Trustee Luana Alapa, *Moloka'i / Lāna'i - Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

Trustee Dan Ahuna, *Kaua'i / Ni'ihau*

Trustee Kaleihikina Akaka, *O'ahu*

Trustee Keli'i Akina, *At-Large*

Trustee Brendon Kalei'āina Lee, *At-Large*

Trustee Carmen Hulu Lindsey, *Maui*

Trustee Mililani Trask, *Hawai'i Island*

**JOINT MEETING of the  
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)  
and the  
COMMITTEE ON RESOURCE MANAGEMENT (RM)**

**DATE:** Tuesday, September 20, 2022

**TIME:** 10:00 a.m.

**PLACE:** Virtual Meeting viewable at <https://www.oha.org/livestream> OR

Listen by phone: (213) 338-8477, Webinar ID: 826 6375 3647

This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](https://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 826 6375 3647. A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes**

A. JOINT BAE-RM Meeting Minutes of July 12, 2022\*

**III. Unfinished Business – None**

**IV. New Business**

A. Administration Presentation re: Renaming Recommendation of Kaka'ako Makai\*

B. Progress of Activation Activities of Kaka'ako Makai Site A, 1101 Ala Moana Blvd\*

C. 2023 Legislative Action Plan\*

D. ACTION ITEM BAE-RM #22-03: Approve Non-Core Budget for Kaka'ako Makai Legislative Activities and the Renaming of Kaka'ako Makai\*

E. Administration Presentation: Kamokila Hawaiian Village, 5523-5519 Kuamoo Rd, Kapa'a, Kaua'i, Hawai'i, Due Diligence Activities in Pursuit of an Executive Order\*

**V. Executive Session**

A. Consultation with Interim General Counsel Everett Ohta re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Office of Hawaiian Affairs' 2023 Legislative Action Plan pursuant to HRS §92-5(a)(4)\*

**VI. Announcements**

**VII. Adjournment**

If you need an auxiliary aid/support or other accommodation due to a disability, please contact Everett Ohta at telephone number 594-1988 or by email to [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Meeting materials for this meeting will be available for the public to view 48 hours prior to this meeting at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817. Meeting materials will also be available to view at OHA's neighbor island offices and will be posted to OHA's website at: [www.oha.org/rm](https://www.oha.org/rm).

**Committee on Beneficiary Advocacy and Empowerment (BAE)**

Trustee Kaleihikina Akaka, *O'ahu - Chair*

Vacant - *Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

Trustee Dan Ahuna, *Kaua'i / Ni'ihau*

Trustee Keli'i Akina, *At-Large*

Trustee Luana Alapa, *Moloka'i / Lāna'i*

Trustee Brendon Kalei'āina Lee, *At-Large*

Trustee Carmen Hulu Lindsey, *Maui*

Trustee Mililani Trask, *Hawai'i Island*

Trustee John Waihe'e IV, *At-Large*



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

**Committee on Resource Management (RM)**

Trustee John Waihe'e IV, *At-Large - Chair*

Trustee Luana Alapa, *Moloka'i / Lāna'i - Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

Trustee Dan Ahuna, *Kaua'i / Ni'ihau*

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Trustee Keli'i Akina, *At-Large*

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COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)  
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**AGENDA**

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A. JOINT BAE-RM Meeting Minutes of July 12, 2022\*

**III. Unfinished Business – None**

**IV. New Business**

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B. Progress of Activation Activities of Kaka'ako Makai Site A, 1101 Ala Moana Blvd\*

C. 2023 Legislative Action Plan\*

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**Committee on Beneficiary Advocacy and Empowerment (BAE)**

Trustee Kaleihikina Akaka, *O'ahu - Chair*

Vacant - *Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

Trustee Dan Ahuna, *Kaua'i / Ni'ihau*

Trustee Keli'i Akina, *At-Large*

Trustee Luana Alapa, *Moloka'i / Lāna'i*

Trustee Brendon Kalei'aina Lee, *At-Large*

Trustee Carmen Hulu Lindsey, *Maui*

Trustee Mililani Trask, *Hawai'i Island*

Trustee John Waihe'e IV, *At-Large*



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

**Committee on Resource Management (RM)**

Trustee John Waihe'e IV, *At-Large - Chair*

Trustee Luana Alapa, *Moloka'i / Lāna'i - Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

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Trustee Brendon Kalei'aina Lee, *At-Large*

Trustee Carmen Hulu Lindsey, *Maui*

Trustee Mililani Trask, *Hawai'i Island*

**JOINT MEETING of the  
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)  
and the  
COMMITTEE ON RESOURCE MANAGEMENT (RM)**

**DATE:** Tuesday, September 20, 2022

**TIME:** 10:00 a.m.

**PLACE:** Virtual Meeting viewable at <https://www.oha.org/livestream> OR

Listen by phone: (213) 338-8477, Webinar ID: 826 6375 3647

This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](https://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 826 6375 3647. A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes**

A. JOINT BAE-RM Meeting Minutes of July 12, 2022\*

**III. Unfinished Business – None**

**IV. New Business**

A. Administration Presentation re: Renaming Recommendation of Kaka'ako Makai\*

B. Progress of Activation Activities of Kaka'ako Makai Site A, 1101 Ala Moana Blvd\*

**C. 2023 Legislative Action Plan\***

D. ACTION ITEM BAE-RM #22-03: Approve Non-Core Budget for Kaka'ako Makai Legislative Activities and the Renaming of Kaka'ako Makai\*

E. Administration Presentation: Kamokila Hawaiian Village, 5523-5519 Kuamoo Rd, Kapa'a, Kaua'i, Hawai'i, Due Diligence Activities in Pursuit of an Executive Order\*

**V. Executive Session**

A. Consultation with Interim General Counsel Everett Ohta re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Office of Hawaiian Affairs' 2023 Legislative Action Plan pursuant to HRS §92-5(a)(4)\*

**VI. Announcements**

**VII. Adjournment**

If you need an auxiliary aid/support or other accommodation due to a disability, please contact Everett Ohta at telephone number 594-1988 or by email to [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Meeting materials for this meeting will be available for the public to view 48 hours prior to this meeting at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817. Meeting materials will also be available to view at OHA's neighbor island offices and will be posted to OHA's website at: [www.oha.org/rm](https://www.oha.org/rm).

**Committee on Beneficiary Advocacy and Empowerment (BAE)**

Trustee Kaleihikina Akaka, *O'ahu - Chair*

Vacant - *Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

Trustee Dan Ahuna, *Kaua'i / Ni'ihau*

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Trustee John Waihe'e IV, *At-Large*



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

**Committee on Resource Management (RM)**

Trustee John Waihe'e IV, *At-Large - Chair*

Trustee Luana Alapa, *Moloka'i / Lāna'i - Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

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Trustee Mililani Trask, *Hawai'i Island*

**JOINT MEETING of the  
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)  
and the  
COMMITTEE ON RESOURCE MANAGEMENT (RM)**

**DATE:** Tuesday, September 20, 2022

**TIME:** 10:00 a.m.

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Listen by phone: (213) 338-8477, Webinar ID: 826 6375 3647

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**AGENDA**

**I. Call to Order**

**II. Approval of Minutes**

A. JOINT BAE-RM Meeting Minutes of July 12, 2022\*

**III. Unfinished Business – None**

**IV. New Business**

A. Administration Presentation re: Renaming Recommendation of Kaka'ako Makai\*

B. Progress of Activation Activities of Kaka'ako Makai Site A, 1101 Ala Moana Blvd\*

C. 2023 Legislative Action Plan\*

**D. ACTION ITEM BAE-RM #22-03:** Approve Non-Core Budget for Kaka'ako Makai Legislative Activities and the Renaming of Kaka'ako Makai\*

E. Administration Presentation: Kamokila Hawaiian Village, 5523-5519 Kuamoo Rd, Kapa'a, Kaua'i, Hawai'i, Due Diligence Activities in Pursuit of an Executive Order\*

**V. Executive Session**

A. Consultation with Interim General Counsel Everett Ohta re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Office of Hawaiian Affairs' 2023 Legislative Action Plan pursuant to HRS §92-5(a)(4)\*

**VI. Announcements**

**VII. Adjournment**

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**OFFICE OF HAWAIIAN AFFAIRS**  
**Action Item**

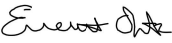
**Joint Committee on Resource Management  
and Beneficiary Advocacy and Empowerment  
September 20, 2022**


**BAE-RM #22-03**

**Action Item Issue:** Approve Non-Core Budget for Kaka‘ako Makai Legislative Activities and the Renaming of Kaka‘ako Makai

**Co-Prepared by:**   
\_\_\_\_\_  
Sylvia M. Hussey, Ed.D. **9/16/2022**  
Ka Pouhana, Chief Executive Officer for Date  
Ramona G. Hinck  
Ka Pou Kihī Kanaloa Wai, Chief Financial Officer

**Co-Prepared by:**   
\_\_\_\_\_  
Casey K. Brown **9/16/2022**  
Ka Pou Nui, Chief Operating Officer Date

**Reviewed by:**   
\_\_\_\_\_  
Everett Ohta **9/16/2022**  
Paepae Puka Kūikawā, Interim General Counsel Date

**Reviewed by:**   
\_\_\_\_\_  
Sylvia M. Hussey, Ed.D. **9/16/2022**  
Ka Pouhana, Chief Executive Officer Date



**OFFICE OF HAWAIIAN AFFAIRS**  
**Action Item**

**Joint Committee on Resource Management  
and Beneficiary Advocacy and Empowerment  
September 20, 2022**

**BAE-RM #22-03**

**Reviewed by:**

A handwritten signature in blue ink, appearing to read "Kaleihikina Akaka".

**9/16/2022**

Kaleihikina Akaka  
Luna Ho'omalua o ke Kōmike BAE  
Committee on Beneficiary, Advocacy & Empowerment, Chair

Date

**Reviewed by:**

A handwritten signature in black ink, appearing to read "John D. Waihee IV".

**9/16/2022**

John D. Waihee IV  
Luna Ho'omalua o ke Kōmike RM  
Committee on Resource Management, Chair

Date

## Action Item BAE-RM #22-03: Approve Non-Core Budget for Kaka‘ako Makai Legislative Activities and the Renaming of Kaka‘ako Makai

### I. Proposed Actions

#### Motion #1

Approve \$1.3MM non-core budget to pursue legislative actions for Kaka‘ako Makai.

#### Motion #2

Approve the renaming of Kaka‘ako Makai to “Hakuone.”

### II. Issues

Whether (or not) the joint Committee on Beneficiary Advocacy & Empowerment (BAE) and Committee on Resource Management (RM) will approve the \$1.3MM non-core budget to pursue legislative actions for Kaka‘ako Makai, and the renaming of Kaka‘ako Makai (“KM”).

### III. Background, Context & Discussion

A. **Overview of Kaka‘ako Makai.** The following map is provided to set visual context for the area under discussion, including the adjacent landowners:

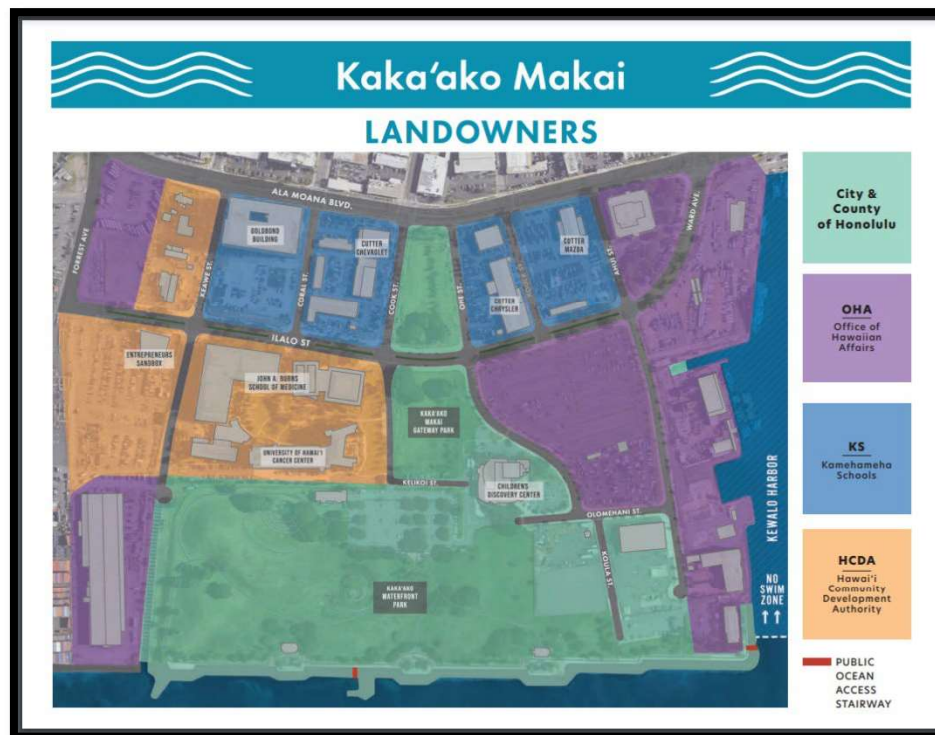


Figure 1. Map by Landowners

**Action Item BAE-RM #22-03: Approve Non-Core Budget for Kaka‘ako Makai Legislative Activities and the Renaming of Kaka‘ako Makai**

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**B. 2021 Legislative Actions**

- 1. 2021 OHA Package.** OHA’s 2021 legislative package was tailored to focus on essential issues, highlighted by the ongoing pandemic, by: Maintaining the decades-long partnership between OHA and the state to fund programs serving our Native Hawaiian beneficiaries who have been significantly impacted from this public health crisis; Supporting Hawai‘i’s critical sustainability and food security goals through the establishment of a diversified agriculture model on OHA’s Wahiawā lands; Tackling Hawai‘i’s continuing cycle of houselessness and the criminalization of people experiencing houselessness; and Addressing data collection and governance practices that have impeded efforts to address COVID-19’s impacts on Native Hawaiians and other Pacific Islanders.

In 2021, the Office of Hawaiian Affairs (“OHA”) Legislative package consisted of proposed measures titled and summarized below:

OHA-1 RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS.

**2021 Bill References:** [HB204](#) / [SB389](#)

OHA’s budget bill requested \$3,037,879 in state general fund appropriations each fiscal year, to support OHA’s budget plans for the upcoming biennium; the final bill, now known as Act 29 (2021) resulted in \$2,250,000 in general funds for each of the two biennium years.

OHA-2 RELATING TO A WATER STORAGE AND DISTRIBUTION SYSTEM FOR CERTAIN AGRICULTURAL LAND IN WAHIAWĀ, O‘AHU.

**2021 Bill References:** [HB203](#) / [SB390](#)

This measure was a re-submittal of OHA’s 2020 capital improvement project request, to authorize the issuance of \$3M in state general obligation bonds to support the construction of water storage and distribution infrastructure on OHA’s Wahiawā lands.

OHA-3 RELATING TO EXPUNGEMENT.

**2021 Bill References:** [HB202](#) / [SB391](#)

Criminal records resulting from the effective criminalization of houseless individuals inhibit their ability to secure critical documentation (such as drivers’ licenses), services, employment, and housing, thereby exacerbating our islands’ houselessness challenges. With a disproportionate amount of OHA beneficiaries suffering from houselessness, this measure seeks to mitigate these impacts by allowing for the expungement of arrest and conviction records for certain state laws (i.e. obstruction of sidewalks, trespass on state lands) that are typically, if not exclusively, enforced against those experiencing houselessness, and for any other other non-violent offenses shown to have arisen from an individual’s

**Action Item BAE-RM #22-03: Approve Non-Core Budget for Kaka‘ako Makai Legislative Activities and the Renaming of Kaka‘ako Makai**

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houseless status.

OHA-4 RECOGNIZING THE IMPORTANCE OF 21ST CENTURY DATA GOVERNANCE FOR FACT-BASED POLICYMAKING.

**2021 Bill References:** [HCR3](#) / [SCR5](#)

This resolution urged the sharing of disaggregated Native Hawaiian and Pacific Islander data by certain critical government agencies, and requests that further steps be taken to improve government agencies’ data governance practices going forward.

- 2. 2021 Kaka‘ako Makai Focus.** With newly organized Board leadership (December 2020), OHA made the development of Kaka‘ako Makai a top priority. OHA looked to steward its 30 acres in Kaka‘ako Makai in a manner that is prudent and creates the greatest value for its beneficiaries. Over the last year, OHA took a fresh look at its previous plans for Kaka‘ako Makai lands with the goal of making short- and long-term progress. One of the development challenges is that state law allows for residential buildings on the parcels just mauka of Kaka‘ako Makai lands but prohibits residential in Kaka‘ako Makai. OHA originally received its Kaka‘ako Makai parcels to resolve the \$200 million in past due income from the Public Land Trust owed by the State of Hawai‘i to OHA. Planning efforts to date have determined that the residential prohibition on OHA lands prevent OHA from generating revenues consistent with a \$200 million Public Land Trust settlement.

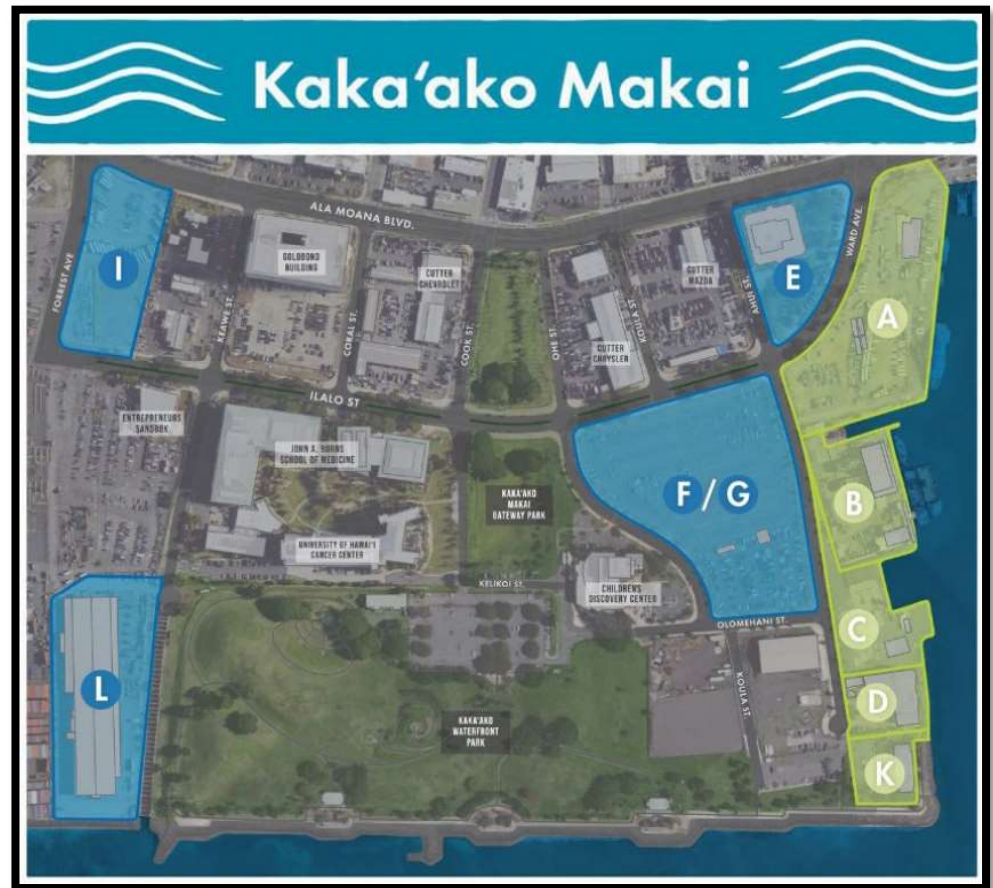
In 2021, OHA supported legislation ([SB1334 and HB1267](#)) that would provide OHA the opportunity to develop residential housing on Kaka‘ako Makai parcels. The bill would lift the residential prohibition on six lots and raise the height limit to 400 ft. for two parcels on Ala Moana Blvd. The ability to develop residences in Kaka‘ako Makai provides OHA with increased revenue opportunities and empower the agency to better meet the range of housing needs of Native Hawaiians and the broader public. OHA considered multiple project scenarios that include but are not limited to affordable, workforce, kūpuna and market rate housing.

An intense communications campaign launched in the spring of 2021 resulted in a number of efforts highlighted at <https://www.oha.org/kakaakomakai2021/>.

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**Action Item BAE-RM #22-03: Approve Non-Core Budget for Kaka‘ako Makai Legislative Activities and the Renaming of Kaka‘ako Makai**



### Figure 2. Map of Lots



### Figure 3. Lot Highlights

The 2021 Legislative outcomes for [SB1334](#) and [HB1267](#) were as follows: SB1334 passed the Senate, but did not receive a hearing in the House; was carried over to the 2022 Legislative session, but was not acted upon. HB1267 was not heard by the House, also carried over the 2022 Legislative session, and also not acted upon.

## **Action Item BAE-RM #22-03: Approve Non-Core Budget for Kaka‘ako Makai Legislative Activities and the Renaming of Kaka‘ako Makai**

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### **C. 2022 Legislative Actions**

In 2022, OHA’s legislative package focused on two measures:

OHA-1 RELATING TO INCREASING THE OFFICE OF HAWAIIAN AFFAIRS’ PRO RATA SHARE OF THE PUBLIC LAND TRUST

**2022 Bill References:** [HB1474](#)/ [SB2122](#)

Establishes the Office of Hawaiian Affairs' pro rata share of the moneys derived from the public land trust. Transfers moneys to the Office of Hawaiian Affairs for income and proceeds due from the use of the public land trust lands between July 1, 2012, and June 30, 2022, that was misallocated, underreported, or underpaid to the Office of Hawaiian Affairs. (SDI)

OHA-2 RELATING TO ENVIRONMENTAL REVIEW

**2022 Bill References:** [HB1473](#)/ [SB2121](#)

Requires environmental impact statements to consider whether the proposed action will exacerbate socioeconomic disparities. Takes effect 7/30/2025. (SDI)

Neither OHA-1 or OHA-2 progressed through the legislature and another bill, SB2021 was the Public Land Trust (PLT) vehicle that resulted in SB2021 SD1 HD2 CD1 and signed into law as Act 226. Act 226 in general, provided for an increase in annual PLT amount to \$21.5MM (from \$15.1MM), a one-time lump sum payment of \$64MM and a PLT working group to address related matters.

### **D. 2023 Proposed Legislative Action**

#### **1. Residential Repeal**

Given the outcomes of the 2021 Legislative Session for bills [SB1334](#) and [HB1267](#) discussed above, a new effort to seek a repeal of the residential prohibition is proposed in the upcoming 2023 Legislative Session. OHA’s In-House Development Consultant (IHDC), Kuilei LLC, developed a high-level approach and will manage the proposed efforts with support from OHA Administration as needed. The deliverables for this effort are noted below:

1. Strategic and tactical plan for outreach (develop and execute);
2. Outreach database list developed for use by OHA and the IHDC; and
3. Branding, marketing, public relations, media, and promotional materials.

The estimated cost for this Residential Repeal campaign is \$1,275,078 (= \$1,159,162 + 10% contingency), rounded to \$1.3MM for budgeting purposes.

The table below offers more detail on the cost for this effort.

**Action Item BAE-RM #22-03: Approve Non-Core Budget for Kaka‘ako Makai Legislative Activities and the Renaming of Kaka‘ako Makai**

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Estimated Outreach Budget for 2023 Legislative Actions	
Third-party Lobbyist	\$ 77,000
Third-party Community Outreach Consultant	231,000
Third-party Community Stakeholders + Security	165,000
Third-party Communications Consultant	132,000
Marketing (PR, print media, digital media, digital strategy, social media)	231,000
Advertising ( TV, radio, production)	191,000
Focus Group(s) and Polling	80,000
Other	52,162
<b>Subtotal</b>	<b>\$ 1,159,162</b>
Contingency (10%)	115,916
<b>Total</b>	<b>\$ 1,275,078</b>

**Table 1. Estimated Outreach Budget for 2023 Legislative Actions**

A presentation will be made at the September 20, 2022 joint BAE-RM Committee Meeting to provide the board with an overview of the outreach plans, the intended outcomes and the related activities for which the above budget will support.

**E. Kaka‘ako Makai Naming Activities.**

- 1. Historical.** After acquiring Kaka‘ako Makai in 2012, OHA reached out to Native Hawaiians across the pae ‘āina via a series of “visioning” meetings to discuss ideas for development on these lands. The mana‘o shared by the community at these meetings was foundational to the development of OHA’s vision for Kaka‘ako Makai. OHA envisioned developing these lands in a way that balances commerce and culture, to ensure that the land will not only generate revenues for the betterment of Native Hawaiians, but that it also creates a Hawaiian “sense of place.”

Key concepts included, creating a kīpuka, a cultural oasis, where Hawaiian national identity can flourish and be celebrated; a gathering place for Native Hawaiians and the local community, and a distinctly Hawaiian place where Indigenous leaders from around the world can be welcomed.

## **Action Item BAE-RM #22-03: Approve Non-Core Budget for Kaka‘ako Makai Legislative Activities and the Renaming of Kaka‘ako Makai**

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The lands, now referenced as Kaka‘ako, were formerly known as Kukuluāe‘o in the east and Ka‘ākaukukui in the west. The inland area was known as Kewalo. The coastal lands of Kaka‘ako were part of a large complex of fishponds, reefs and extremely productive fishing grounds that once ran along the south shore of O‘ahu from ‘Ewa to Maunalua. The rich fisheries drew lawai‘a (fishermen) while ali‘i and kāhuna maintained residences there. Kaka‘ako was a place of significance and part of a network of important wahi pana in the Honolulu area.

The lands can again become a source of abundance and pride for the lāhui; a place that embodies a Hawaiian national identity while defining and maintaining a Hawaiian sense of place. Kaka‘ako Makai can become a uniquely Hawaiian space in an urban setting; a place where people from around the world can gather and exchange ideas; a place where physical structures harmonize with the environment, connecting to the cultural and spiritual aspects of nohona Hawai‘i, reflecting both a storied past and promising future.

Previous proposals also included supporting the development of a cultural marketplace that invested in intellectual capital, seeking possibilities of exploration and innovation in education, health and political leadership; and creating a cohesive and multi-functional planned community that embraces a transformative ideal of live, work and play.

From the mid-19th century to the mid-20th century, the lands of Kaka‘ako supported generations of working middle class communities comprised of diverse ethnic groups, each with a rich heritage of their own; a place where people lived, worked and played. After several decades languishing as a forgotten place of warehouses and light industrial activities, today Kaka‘ako has re-emerged as a vibrant urban community full of life; a place where people once again gather for recreation, relaxation and reflection; a place people can again call home.

OHA envisioned pono and balanced multi-use developments; a residential and working community that complements existing and planned development mauka. Cohesiveness and synergy balancing development on all OHA parcels featuring architecture that identifies Kaka‘ako Makai as a Hawaiian place, while using green, environmentally friendly and sustainable technology, and enhancing outdoor spaces by landscaping with Native Hawaiian plants. Woven together, these elements can establish Kaka‘ako Makai as a modern Hawaiian landmark in Honolulu’s urban core.

2. **New Name - Hakuone<sup>1</sup>.** Completed almost a decade ago, naming activities have been renewed and a new name is proposed, in collaboration with Kumu Cy Bridges—Hakuone--defined as a land division that was cared for or cultivated for the ali‘i, metaphorically, the OHA, on behalf of the Lāhui. The word “haku”---to compose, create, invent, put in order, arrange; to braid, such as a haku lei, with flowers, leaves, shells or feathers, as well as haku mele to compose a song or chant. It is through the OHA’s efforts, meetings and contributions, we may be able to accomplish goals by weaving together all of

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<sup>1</sup> Mana’o from IHDC, Kumu Cy Bridges

**Action Item BAE-RM #22-03: Approve Non-Core Budget for Kaka‘ako Makai Legislative Activities and the Renaming of Kaka‘ako Makai**

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the various important elements necessary to fashion a beautiful, award winning haku lei that will be held firmly together as it should in that process.

But also bearing in mind that “Haku”--is Lord, master, employer, owner etc. OHA is the employer, or the owners and we’re cultivating the property on their behalf so the efforts or results would be likened to a beautiful haku lei or haku mele from which we would be able to preserve and share the best of who we are and bring recognition and pride to Hawai‘i and the wider world giving recognition to our kūpuna, the kumu, beginning, source, foundation, reason and teacher of who we are as a native people. First and foremost, for all of us regardless of our beliefs, what our roles might be or which side of the court we are assigned, we will always need Ka Haku, The Lord and His guidance and inspiration in all that we do. The recognition and acknowledgment of Deity was a very important element and intricately woven into the very fabric of our culture and who we are as Kanaka Maoli. As native people we have departed from that sacred tradition and therefore should not expect “Nā pōmaika‘i mai ka lani”. We know that the word “One” is sand, but the poetic meaning is land such as in Ku‘u one hānau, the sand or land of my birth and Ke one o Kakuhihewa in reference to O‘ahu, The Sands of Kakuhihewa the most celebrated ali‘i of O‘ahu. It’s also tied to the word “ho‘ōne” which is the pumice stone that is used by the ancients to smooth out their final art work from ‘umeke and calabashes to canoes. And poetically used to indicate smoothing out situations within communities and families, ‘ahahui, or a society, association, organization or company.

**IV. Reference Documents**

The following reference documents are provided for setting context:

- A. SB1334 SD2 (2021) – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY [SB1334](#)
- B. HB1267 (2021) – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY [HB1267](#)

**V. Recommended Actions**

**Motion #1**

Approve \$1.3MM non-core budget to pursue legislative actions for Kaka‘ako Makai.

**Motion #2**

Approve the renaming of Kaka‘ako Makai to “Hakuone.”

**Action Item BAE-RM #22-03: Approve Non-Core Budget for Kaka‘ako Makai Legislative Activities and the Renaming of Kaka‘ako Makai**

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**VI. Certification**

The following is the certification by the Chief Executive Officer<sup>2</sup> on behalf of the Chief Financial Officer that the funds are available to effect the non-core Kaka‘ako Makai budgetary action:



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Sylvia M. Hussey, Ed.D.  
Chief Executive Officer for the  
Chief Financial Officer Ramona G. Hinck

Date: **9/16/2022**

**VII. Alternatives to Recommended Actions**

- A.** Motion #1 – Approve \$1.3MM non-core budget to pursue legislative actions for Kaka‘ako Makai:
1. Approve the recommended action purpose with a different budgetary amount;
  2. Approve the budgetary action for different (other than KM legislative) purpose(s);  
or
  3. Do not approve the recommended budgetary action or Kaka‘ako Makai purpose.
- B.** Motion #2 - Renaming of Kaka‘ako Makai to “Hakuone”:
1. Approve an alternate name for Kaka‘ako Makai; or
  2. Do not approve the recommended renaming.

**VIII. Implementation Timeframe**

Implementation of the action item is recommended immediately upon Board ratification.

**IX. Attachment - None**

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<sup>2</sup> Chief Financial Officer, Ramona Hinck, was unavailable for electronic signature on 9/16/2022



**Committee on Beneficiary Advocacy and Empowerment (BAE)**

Trustee Kaleihikina Akaka, *O'ahu - Chair*

Vacant - *Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

Trustee Dan Ahuna, *Kaua'i / Ni'ihau*

Trustee Keli'i Akina, *At-Large*

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Trustee Carmen Hulu Lindsey, *Maui*

Trustee Mililani Trask, *Hawai'i Island*

Trustee John Waihe'e IV, *At-Large*



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

**Committee on Resource Management (RM)**

Trustee John Waihe'e IV, *At-Large - Chair*

Trustee Luana Alapa, *Moloka'i / Lāna'i - Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

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**JOINT MEETING of the  
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)  
and the  
COMMITTEE ON RESOURCE MANAGEMENT (RM)**

**DATE:** Tuesday, September 20, 2022

**TIME:** 10:00 a.m.

**PLACE:** Virtual Meeting viewable at <https://www.oha.org/livestream> OR

Listen by phone: (213) 338-8477, Webinar ID: 826 6375 3647

This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](https://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 826 6375 3647. A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes**

A. JOINT BAE-RM Meeting Minutes of July 12, 2022\*

**III. Unfinished Business – None**

**IV. New Business**

A. Administration Presentation re: Renaming Recommendation of Kaka'ako Makai\*

B. Progress of Activation Activities of Kaka'ako Makai Site A, 1101 Ala Moana Blvd\*

C. 2023 Legislative Action Plan\*

D. ACTION ITEM BAE-RM #22-03: Approve Non-Core Budget for Kaka'ako Makai Legislative Activities and the Renaming of Kaka'ako Makai\*

E. Administration Presentation: Kamokila Hawaiian Village, 5523-5519 Kuamoo Rd, Kapa'a, Kaua'i, Hawai'i, Due Diligence Activities in Pursuit of an Executive Order\*

**V. Executive Session**

A. Consultation with Interim General Counsel Everett Ohta re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Office of Hawaiian Affairs' 2023 Legislative Action Plan pursuant to HRS §92-5(a)(4)\*

**VI. Announcements**

**VII. Adjournment**

If you need an auxiliary aid/support or other accommodation due to a disability, please contact Everett Ohta at telephone number 594-1988 or by email to [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Meeting materials for this meeting will be available for the public to view 48 hours prior to this meeting at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817. Meeting materials will also be available to view at OHA's neighbor island offices and will be posted to OHA's website at: [www.oha.org/rm](https://www.oha.org/rm).





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OFFICE OF HAWAIIAN AFFAIRS

Interoffice Memorandum

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**Date:** July 29, 2022  
Updated September 11, 2022

**To:**

Ke Kauhuhu Carmen Hulu Lindsey	Ke Kua Luana Alapa
Ke Kua Leina‘ala Ahu Isa	Ke Kua Brendon Kalei‘āina Lee
Ke Kua Dan Ahuna	Ke Kua Mililani Trask
Ke Kua Kaleihikina Akaka	Ke Kua John Waihe‘e IV
Ke Kua Keli‘i Akina	

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

**cc:** Casey K. Brown, Ka Pou Nui, Chief Operating Officer  
Ramona G. Hinck, Ka Pou Kihi Kanaloa Wai, Chief Financial Officer  
Everett Ohta, Ka Paepae Puka Kūikawā, Interim General Counsel  
Capsun Poe, Ka Pou Kihi Kaiaulu, Community Engagement Director

**Subject:** Kamokila Hawaiian Village, 5523-5519 Kuamoo Rd, Kapa‘a, Kaua ‘i, Hawai‘i, Due Diligence Activities in Pursuit of an Executive Order

**Attachments:** A-Minutes from the March 24, 2022 Board Meeting; B-Site Visit Photos<sup>1</sup>; C-DLNR, DSP Letter to William Kimo Fernandes, November 17, 2021; and D-Legacy Land Overview, October 2021; E-Kukaniloko Executive Order – 2/2020; F-Historical Description

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**I. Background and Setting Context**

- A. **Beneficiary Community Concerns.** At the March 24, 2022 Board meeting, during the Community Concerns & Celebrations agenda item, the following beneficiaries provided testimony: Kihei Fernandes, Kimo Fernandes, Benjamin Fernandes, Nainoa Fernandes, Stephanie Fernandes, (collectively Fernandes ‘Ohana’), Kamealoha Hanohano Pa-Smith, Kainoa Kanahale and Daniel Finer (Attachment A). The initial ask of the beneficiary family was for OHA to assist with the extension of GL S-3674 lease, issued to William E. Fernandes, on December 18, 1961, which expired on December 17, 2021, with the Department of Land and Natural Resources (“DLNR”), Division of State Parks (“DSP”).
- B. **Initial Administration Follow-Up.** The Board Chair asked Administration to gather further information from the beneficiary, DLNR and DSP, in order to assess how best to address the Fernandes ‘Ohana’s raised concerns. Administration’s arranged with the Fernandes ‘Ohana a

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<sup>1</sup> Electronic link to be sent for photos

site visit on Monday, March 28, 2022 (photos at Attachment B), and a subsequent meeting with DLNR, DSP Administrator and Deputy Administrator on Tuesday, April 5, 2022, to obtain a baseline understanding of the situation at hand. Attachment C, correspondence from DLNR, DSP summarizes, from DLNR, SPD's perspective regarding the issue at hand, DSP indicated that "...despite ample cause to issue a Notice of Default or terminate the lease, have determined that simply allowing the lease to expire is warranted. This is in deference to your family's history with this portion of Wailua River State Park, and, importantly, allows you to be considered for a future disposition of the parcel, an opportunity which would be precluded by a termination of your lease for cause."; therefore DLNR, DSP simply allowed the lease to expire on December 17, 2021.

- C. **Post Lease Expiration Activities.** Post lease expiration, the Fernandes 'Ohana have been in communication and worked with DSP Kauai to remove personal family effects, artifacts brought to the site over time or structures that may be inconsistent with a future cultural use.<sup>2</sup> The original date for the Fernandes 'Ohana to remove items originally set at February 28, 2022 has been extended twice to March 31, 2022 and then April 30, 2022.
- D. **Due Diligence Focus.** Since the lease has expired and no longer eligible for extension, OHA's due diligence will focus on strategic considerations for the Board (vs. aiding the beneficiary Fernandes 'Ohana to extend the lease with DLNR, DSP).

## II. **Due Diligence Overview for Board Strategic Consideration**

The essential questions for this due diligence memorandum are the following:

- A. **Provenance.** What is the provenance of Kamokila Hawaiian Village ("KHV"), including its leasing history with the Fernandes 'Ohana and DLNR, SPD? What additional community interests have been expressed for the property?
- B. **Strategic Alignment.** What is the strategic alignment of KHV to OHA's Mana i Maui Ola ("MIMO") Strategic Plan, including strategic foundations and directions, and the related Endowment Strategy?
- C. **SCOT.** What are the strengths, challenges, opportunities and threats (SCOT) of KHV, as presented, including community perspectives and proposed action/decision scenarios?
- D. **Strategic Consideration/Alternatives.** What additional information is needed to strengthen any proposed strategic consideration decision alternatives for the Board of Trustees ("BOT")?

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<sup>2</sup> Per the DLNR DSP 11/17/2021 correspondence, the next steps is for DSP to conduct either a Request for Proposal or an Invitation for Bid process for sustainable cultural and/or recreational use for the park parcel, to include community/non-profit/non-commercial options.

**III. Provenance. What is the provenance of Kamokila Hawaiian Village (“KHV”), including its leasing history with the Fernandes ‘Ohana and DLNR, DSP? What additional community interests have been expressed for the property?**

**A. Overview of Kamokila Hawaiian Village – Kauai**<sup>3</sup>

The approximately four-acre village sits on an authentic and sacred site on the north fork of the Wailua River, only navigable river in the State. At the height of operations, cultural village tours (\$5 for adults, \$3 for older children and free under three); outrigger canoe rides; guided tours to Secret Falls (Ulu’wehi Falls); small tours to Fern Grotto; hiking and swimming (including King and Queen’s Bath); a venue for lu’au and weddings; annual field trips by 20-30 schools from Kauai’i, O’ahu, and Big Island, including Hawaiian immersion schools; Hawaiian crafts, including coconut weaving and lei making; and traditional Hawaiian games, including spear throwing and Hawaiian bowling (ulu maikai); and surrounding native flora and fauna and peacocks.

Kamokila Hawaiian Village is a cultural and environmental treasure on Kauai. Over the course of the lease terms, four generations of the Fernandes family have maintained and nurtured the property with skill and sensitivities. Starting in the 1960’s, the Fernandes ‘ohana spent four years building the paved road down the steep embankment to the riverside, and opened the village in 1979 which was followed by destruction in 1982 by Hurricane ‘Iwa and 1992 by Hurricane ‘Iniki, and subsequent rebuilding efforts.

The traditional village site includes the Canoe House (Hale Wa’a), Birth House (Hale Pohaku Hanau), Underground Oven (Imu), Ancient Hawaiian Temple (Heiau), Chiefs Assembly House (Hale Ali’i ‘Akoakau), Menstrual House (Hale Pe’a), Men’s Eating House (Hale Mua), Sleeping House (Hale Moe), Doctor’s House (Hale La’au Lapa’au), Warrior House (Hale Koa), Petroglyph (Ki’i Pohaku), Hawaiian Dancing House (Halau Hula), Drum House (Hale Pahu), Prime Minister’s House (Hale Kalaimoku) and Oracle Tower (Lananu’u Mamao).

The grounds include fruits, flowers, plants and trees, including aloe vera, awa, banana, ulu, kukui, niu, guava, ginger, hibiscus, noni, mango, mountain apple, pandanus, wauke, plumeria, kao, ti leaf and ‘olena.

**B. Provenance from State Parks Division**<sup>4</sup>

Note: The following section of information was provided by Alan Carpenter, Assistant Administrator, DSP and OHA’s Genealogist provides additional insights below beginning with the information provided.

Working with the DSP history/archaeology staff, no Land Commission Award (“LCA”) info for the parcel in question. An in-depth analysis of Mahele docs is in our files, and it is clear that no Land Commission Awards were granted this far up the river. There were many awarded lower down, and across the ridge along Opaeka’a Stream, presumably an ‘ili of Wailua (see attached Wailua Fig 5). One of those LCA parcels along Opaeka’a

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<sup>3</sup> From family provided correspondence.

<sup>4</sup> Source: Email from Alan Carpenter, Assistant Administrator, Monday, June 20, 2022

appears to be owned by the Fernandes ‘ohana today. However, we do not have the time to research whether it was purchased or passed down through family succession. It is LCA 3909, awarded to Nahinu (see attached LCA docs).

The parcel presently called Kamokila does not have a Hawaiian name attached to it in early maps, and it is shown as being in rice cultivation at the turn of the 19th century (see Wailua Fig 8). The parcel where Kamokila is located is Lot 25, rice, 7.2 acres, near the bottom right. We have never uncovered evidence of habitation use at this location, only agriculture. Attached is a photo looking downstream from the North Fork. While I have not seen any historic photos specifically of the Kamokila site, in this photo you can see the area just above Kamokila in irrigated cultivation, on the left side of the river at the center of this photo.

### **C. OHA Genealogist Research<sup>5</sup>**

Regarding the research request for Kamokila Hawaiian Village and (Land Commission Award) LCAw 3909 RP 6978 to I Nahinu, the following is a brief summary of research. The land and current owner breakdown is:

1. Two different tax map keys; and
2. Two different landowners.

Kamokila Hawaiian Village consists of three tax map keys:

1. 4-4-2-003-005 which consists of the Hawaiian village itself, (this is the initial lease);
2. 4-4-2-003-008 consists of the dirt road to the village entrance; and
3. 4-4-2-003-010 consists of overflow for the village and entrance to the Wailua River. (item 2 and 3 may not be included in the lease, will depend on contents of the lease)

Per the information sheet the project name is Hawaiian Museum and the tax classification is commercial. LCAw 3909 RP 6978 is tmk 4-4-1-001-005, it consists of 4.589 acres and is located along Opaekaa Stream as indicated from the information provided as an attachment in the email by DLNR, State Parks to this property.

In tracing the title, after the death of Nahinu he puts this parcel in trust for his daughter, Kamehaokalani. She dies and this parcel then is inherited by her husband J. Kaae. Further information will be sought from the Bureau of Conveyance to complete the title to this property, as the ownership to the Fernandes family will be much later, as the property initially owned by Benjamin Ohai, who is the father of Evelyn Fernandes whose spouse is William (Billy) Fernandes.

This is the clarification as to who owns which properties. Kamokila Hawaiian Village is a State Lease and tmk 4-4-1-001-005 doesn't impact this lease at all regarding ownership or lineal descendancy. Kamokila Hawaiian Village is leased by William K Fernandes from the State of Hawaii, on the county parcel.

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<sup>5</sup> Ancestry Genealogist, Luci Meyer

#### **D. Stakeholders**

The names of the following individuals are provided for context:

##### **Beneficiary – Fernandes ‘Ohana, Community**

1. William E. Fernandes, Original Lessee
2. William Kimo Fernandes, son of William E. Fernandes
3. Kihei Fernandes, son of William Kimo Fernandes
4. Ben Fernandes, son of William Kimo Fernandes
5. Kamealoha Hanohano Pa Smith, Community Advocate

##### **Department of Land and Natural Resources, State Parks Division**

1. Curt A. Cottrell, Administrator
2. Alan B. Carpenter, Assistant Administrator
3. David Tsuchiya, District Superintendent, Kauai

##### **Department of Land and Natural Resources**

1. Leimana DaMate, Executive Director, Aha Moku Advisory Committee

#### **E. Subject Property, Lease History**

General Lease No. S-3674 (Kamokila Hawaiian Village), Lot 25 (Revised), Wailua Rice and Kula Lots, Wailua, Kawaihau (Puna), Kaua`i:

1. Unrecorded General Lease No. S-3674 dated December 18, 1961 to December 17, 1986 (25 years);
2. Assignment of lease to William Kimo Fernandes, 1983;
3. Unrecorded Extension of General Lease No. S-3674 dated October 11, 1984 for an additional 15 years, up to December 17, 2001 (40 years cumulative);
4. Unrecorded Consent to Assignment of General Lease No. S-3674 dated November 18, 1994, with Assignment of Lease dated November 18, 1994;
5. Unrecorded Second Extension of General Lease No. S-3674 dated October 19, 1995, for an additional 20 years, up to December 17, 2021 (60 years cumulative);
6. Unrecorded Amendment of General Lease No. S-3674 dated March 12, 2007; key amendment elements of the term “allied uses”. “Allied uses” shall include only the following...water based activities with traditional Hawaiian 4 and 6 man outrigger canoes and surfboards...”;
7. In 2009, the lease was transferred from the DLNR, Land Division to DSP, noting a number of default notices and Board of Land and Natural Resources actions; the primary concern of

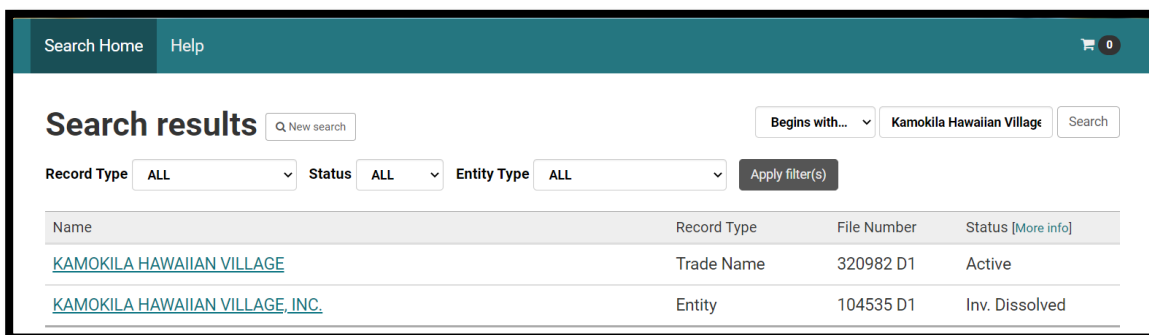
DSP is the unauthorized kayak rentals and allegations of unauthorized subletting. Post 2018 flooding, which caused extensive damage to the North Fork Wailua River, DSP authorized the landing and launching of permitted kaya tour operations at Kamokila in a good faith effort to economically benefit both parties in the face of a damaged and unsafe river access. This one-time allowance was rescinded following the re-establishment of the North Fork trail to Uluwehi Falls.

8. August 24, 2021 Zoom meeting, despite intention to let lease expire, DSP in good faith, and notwithstanding lease violation described, requested a proposal from lessee with an amended character of use or development plan. No plan was provided
9. Lease expired December 17, 2021 (1961-2021 60 years); and  
refer to Attachment C for letter from DSP to Lessee William Kimo Fernandes summarizing the situation about a month before the end of the lease term.

### **DLNR Related Information**

1. Section 171-43.1 Lease to eleemosynary organizations. The board may lease, at nominal consideration, by direct negotiation and without recourse to public auction, public lands to an eleemosynary organization which has been certified to be tax exempt under sections 501(c)(1) or 501(c)(3) of the Internal Revenue Code of 1986, as amended. The lands shall be used by such eleemosynary organizations for the purposes for which their charter was issued and for which they are certified by the Internal Revenue Service.
2. DSP reviewed Department of Commerce and Consumer Affairs (DCCA) Business Registration data noting Kamokila Hawaiian Village, Inc. is dissolved as an entity, not having filed any documents since 2006—see below.

<https://hbe.hawaii.gov/documents/search.html>, retrieved June 12, 2022



The screenshot shows the DCCA Search Results page. At the top, there are links for 'Search Home' and 'Help', and a notification icon with the number '0'. Below this is a 'Search results' section with a 'New search' button. To the right, there is a 'Begins with...' dropdown menu set to 'Kamokila Hawaiian Village' and a 'Search' button. Below the search bar, there are filters for 'Record Type', 'Status', and 'Entity Type', all set to 'ALL', and an 'Apply filter(s)' button. The search results are displayed in a table with four columns: Name, Record Type, File Number, and Status [More info].

Name	Record Type	File Number	Status [More info]
<a href="#">KAMOKILA HAWAIIAN VILLAGE</a>	Trade Name	320982 D1	Active
<a href="#">KAMOKILA HAWAIIAN VILLAGE, INC.</a>	Entity	104535 D1	Inv. Dissolved

**Figure 1: DCCA Search Results**

Annual Filings		
Filing Year	Date Received	Status
2009		Delinquent
2008		Delinquent
2007		Delinquent
2006	Dec 6, 2006	Processed
2005	Dec 6, 2006	Processed
2004	Dec 6, 2006	Processed
2003	May 1, 2003	Processed
2002		Not Required
2001	Mar 27, 2002	Processed
2000		Processed
1999		Processed

**Figure 2: Annual Filing Details Kamokila Hawaiian Village, Inc.**

- Administration's subsequent review of DCCA records found newly filed information as of May 17, 2022 (about a month ago) for registrant Kamokila Hawaiian Adventures Corporation, Trade Name: Kamokila Hawaiian Village at Figures 3, 4 and 5.  
<https://hbe.hawaii.gov/documents/trade.html?fileNumber=320982D1&certificate=4263986>,  
retrieved June 12, 2022



<b>Trade Name</b> KAMOKILA HAWAIIAN VILLAGE	<b>Expiration Date</b> May 16, 2027
<b>File Number</b> 320982 D1	<b>Registration Date</b> May 17, 2022
<b>Certificate Number</b> 4263986	<b>Mailing Address</b> 5443 KUAMOO RD KAPAA, Hawaii 96746 UNITED STATES
<b>Status</b> Active	<b>Registrant</b> <a href="#">KAMOKILA HAWAIIAN ADVENTURES CORPORATION</a>
<b>Purpose</b> CULTURAL THEME PARK	<b>AGENT NAME</b> JACLYN FERNANDES
<b>Category</b> 0 - NO CATEGORY SELECTED	<b>AGENT ADDRESS</b> 5443 KUAMOO RD KAPAA, Hawaii 96746 UNITED STATES

Figure 3: Registration Details for new Trade Name, Registrant

Trade Names					
Name	Type	Category	Registration Date	Expiration Date	Status
<a href="#">KAMOKILA HAWAIIAN VILLAGE</a>	Trade Name	NO CATEGORY SELECTED	May 17, 2022	May 16, 2027	Active

Other Filings			
Date	Description	Remarks	
Dec 14, 2021	Articles of Incorporation	Articles of Incorporation	

Figure 4: Registration Details for new Trade Name, Registrant

#### F. Website, Social Media Presence, Press, Context

The following links were returned when a google search of “Kamokila Hawaiian Village” was entered, including closure related links:

<b>MASTER NAME</b> KAMOKILA HAWAIIAN ADVENTURES CORPORATION	<b>TERM</b> PER
<b>BUSINESS TYPE</b> Domestic Profit Corporation	<b>AGENT NAME</b> JACLYN FERNANDES
<b>FILE NUMBER</b> 320982 D1	<b>AGENT ADDRESS</b> 5443 KUAMOO RD KAPAA, Hawaii 96746 UNITED STATES
<b>STATUS</b> Active	
<b>PLACE INCORPORATED</b> Hawaii UNITED STATES	
<b>REGISTRATION DATE</b> Dec 14, 2021	
<b>MAILING ADDRESS</b> PO BOX 3693 LIHUE, Hawaii 96766 UNITED STATES	

Figure 5: Kamokila Hawaiian Adventures Corporation

<http://villagekauai.com/>

[https://www.tripadvisor.com/Attraction\\_Review-g1865930-d2269319-Reviews-Kamokila\\_Hawaiian\\_Village-Wailua\\_Kauai\\_Hawaii.html](https://www.tripadvisor.com/Attraction_Review-g1865930-d2269319-Reviews-Kamokila_Hawaiian_Village-Wailua_Kauai_Hawaii.html)

<https://www.facebook.com/VillageKauai/>

[https://www.hawaii-guide.com/kauai/sights/kamokila\\_hawaiian\\_village](https://www.hawaii-guide.com/kauai/sights/kamokila_hawaiian_village)

<https://www.yelp.com/biz/kamokila-hawaiian-village-kapaa-2>

[https://www.kitv.com/news/business/kamokila-hawaiian-village-forced-to-close-on-kauai/article\\_c67870c2-b0a8-11ec-9df0-9f3de7b4301c.html](https://www.kitv.com/news/business/kamokila-hawaiian-village-forced-to-close-on-kauai/article_c67870c2-b0a8-11ec-9df0-9f3de7b4301c.html)

<https://www.youtube.com/watch?v=pzNL18znb7s>

July 4, 2012 Mid-Week Kauai Cover Story Fernandes Ohana: <https://midweekkauai.com/kauai-coverstory/fernandes-ohana/>

**G. Site Visit – Monday, March 28, 2022**

Photos from a site visit by Trustee Luana Alapa (at the invitation of her ‘ohana) and Ka Pouhana are found at Attachment B. Island Trustee Dan Ahuna was aware of the plight of the Fernandes ‘ohana, though was not able to attend the site visit on the date.

**H. Site Visit – Tuesday, June 21, 2022**

Site visit by Chair Hulu Linsey, Trustee Luana Alapa and Community Engagement Director Capsun Poe. Curt Cottrell, State Parks Administrator provided the following feedback as it related to OHA’s goals for the second site visit<sup>6</sup>:

**2. To get a better sense of items, features, particularly the existing restroom items—septic tank, building, connections, etc.**

*There is no septic tank or Integrated Wastewater System (IWS) on the parcel. The Large Capacity Cesspool (LCC) has been closed and filled and this has been documented. EPA action is pending. Per DOH, once the current structure that enclosed the disabled comfort station is removed (which State Parks can support), portable toilets may be used on site for public use and events associated with this portion of Wailua River State Park. Any additional development on site associated with human waste management (such as an IWS, vault system or other technology) requires designs subject to DOH review and approval and possibly Chapter 343 HRS process. I would have to check the DLNR 343 exemption list to be certain.*

**3. To better understand requirements needed for a next use consideration (e.g., restrooms, road/access needs, cultural artifacts, flood control, other).**

*Due to proximity to river and flood cycle uncertainty, especially related to climate change, all future uses must factor in flooding events and proximity to river and water table.*

**4. To hear DLNR’s mana’o and regarding a next use consideration.**

*At this point, the primary goal is to insure all the rubbish and other discarded items are removed and the demolition of the structure associated with the closed LCC. The hale (s) used for program and interpretation in the past may remain, as they be repurposed for future adaptive and similar uses.*

*Board of Land and Natural Resource approval is required to initiate a Request for Proposal to seek methods to repurpose the property for sustainable and environmentally sound public use and a new disposition. In broad strokes, State Parks would be interested in a use associated with pastoral and cultural/traditional practices of the region, given the prior historical agrarian uses such as kalo cultivation. However, cultural programs, including but not limited to such practices as la’ua lapa’au and/or other traditional practices State Parks feels would be of optimal value to both the community and visitors. Additional commercial use of the river is not State Park’s current preferred outcome, due to the management goals to downsize tourism along the river. Also, if OHA determined there is value of a lease or*

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<sup>6</sup> From C. Cottrell’s e-mail dated June 3, 2022

*potentially a transfer, State Parks is also open to the discussion – but with the caveat on limits to uses of the river.*

### **I. Pihana Ka Ikena**

During the June Kauai Board meetings, members of the Fernandes ‘ohana as well as representatives from Pihana Ka Ikena came to express their mana’o regarding the Kamokila Hawaiian Village site. Information was gathered regarding Pihana Ka Ikena who shared about the education programming primarily using cultural approaches for high risk youth and adults.

During the June 2022 Kauai Board meetings, members of the Fernandes ‘ohana as well as representatives from Pihana Ka Ikena came to express their mana’o regarding the Kamokila Hawaiian Village site. Information was gathered regarding Pihana Ka Ikena who shared about the education programming primarily using cultural approaches for high risk youth and adults. The non-profit organization appears to be recently formed and received its IRS determination in 2022. Speakers recognized the length of time the Fernandes stewarded the property but recommended it was time for a change in use of the property.

**MASTER NAME**

PIHANA KA IKENA

**TERM**

PER

**BUSINESS TYPE**

Domestic Nonprofit Corporation

**AGENT NAME**

SEAN CHUN

**FILE NUMBER**

320773 D2

**AGENT ADDRESS**

6512 AHELE DR

KAPAA, Hawaii 96746

UNITED STATES

**STATUS**

Active

**PLACE INCORPORATED**

Hawaii UNITED STATES

**REGISTRATION DATE**

Nov 10, 2021

**MAILING ADDRESS**

6512 AHELE DR

KAPAA, Hawaii 96746

UNITED STATES

## Other Filings

Date	Description	Remarks
Nov 10, 2021	Articles of Incorporation	Articles of Incorporation

## Pihana Ka Ikena

[DONATE TO THIS CHARITY >](#)

Cultural, Ethnic Awareness | EIN: 87-3236960 | Kapaa HI

**Mission:** Not Available

*Pihana Ka Ikena is a 501(c)(3) organization, with an IRS ruling year of 2022, and donations are **tax-deductible**.*

Is this your nonprofit? [Access the Nonprofit Portal to submit data and download your rating toolkit.](#)

### CONTACT INFORMATION

🌐 URL not available

📄 6512 AHELE DR  
Kapaa HI 96746-9407

- <https://www.charitynavigator.org/ein/873236960>, retrieved 7/13/2022
- <https://www.guidestar.org/profile/87-3236960>, retrieved 7/13/2022

## Mission

This organization has not provided GuideStar with a mission statement.

### Ruling year ⓘ

2022

### EIN

87-3236960

### Main address

6512 Ahele Dr  
Kapaa, HI 96746

### Subject area ⓘ

Cultural awareness

### NTEE code ⓘ

Cultural, Ethnic Awareness  
(A23)

**IV. What is the strategic alignment of KHV to OHA’s Mana i Maui Ola (“MIMO”) Strategic Plan, including strategic foundations and directions, and the related Endowment Strategy?**

- A. **Strategic Outcomes – Endowment.** Refer to the Endowment Strategic Outcomes regarding Strategy 10. Steward land resources to fulfill fiduciary responsibilities and enable strategic outcomes.



**Figure 6: Strategic Outcomes (Endowment)**

Strategy	Application
Strategy 10.1 Protect traditional and customary rights	Refer to Attachment B for pictures taken on March 28, 2022 site visit. Since 1961, the parcel has been in continuous use aligned with Hawaiian culture values and practices.
Strategy 10.2 Auamo kuleana for land resources	Refer to Attachment B for pictures taken on March 28, 2022 site visit. Since 1961, the parcel has been in continuous use aligned with Hawaiian culture values and practices.
Strategy 10.3 Strengthen and elevated cultural resource management practices	Refer to Attachment B for pictures taken on March 28, 2022 site visit. Since 1961, the parcel has been in continuous use aligned with Hawaiian culture values and practices.

Strategy	Application
Strategy 10.4 Broaden cadre of cultural resource managers	The cultural resource managers have been the Fernandes family, with opportunities extended to schools, community groups, tourists.
Strategy 10.5 Increase steward direct land investments	This parcel would be similar to other land investments currently in OHA portfolio—refer to Attachment D.

**B. Existing Legacy Land Portfolio.** Refer to Attachment D which was presented to the Committee on Resource Management in October 2021.

**V. What are the strengths, challenges, threats and opportunities (SCOT) of the case, as presented, including community perspectives and proposed action/decision scenarios?**

<u>Strengths</u>	<u>Challenges</u>
<ul style="list-style-type: none"> <li>Stewarded by beneficiary for 60 years preserving cultural artifacts, providing educational opportunities, maintaining traditional and cultural practices and creating economic opportunity.</li> <li>DLNR stated uses<sup>7</sup> align to OHA’s strategic foundations of ‘ohana, mo‘omeheu (culture) and ‘āina</li> </ul>	<ul style="list-style-type: none"> <li>Need to demolish the structure associated with the large capacity cesspool – State Parks will complete;</li> <li>Need to clean up rubbish – State Parks will complete;</li> <li>Clarity needed regarding the ownership of the road accessing the property (e.g., county);</li> <li>Road access to site (e.g., grade and width) limited to vans or cars vs. a bus for schools or tours;</li> <li>Ingress and egress off the main highway need to be explored;</li> </ul>
<u>Threats</u>	<u>Opportunities</u>
<ul style="list-style-type: none"> <li>At least one community group, while they appreciate the long serving stewardship of the Fernandes family, believes it is time to have a new cultural based use and programming – Pihana Ka Ikena</li> </ul>	<ul style="list-style-type: none"> <li>While the commercial use is not State Park’s preferred outcome, there is an opportunity to reconcile the utilization of culturally relevant canoe(s), adaptive to its cultural context on the river, for example, or other river access methods, can be a part of a cultural education</li> </ul>

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<sup>7</sup> pastoral and cultural/traditional practices of the region, given the prior historical agrarian uses such as kalo cultivation



	<p>experience to: 1) Educate about historical cultural flora, fauna, history and life vibrancy of this wahi pana; 2) Educate about traditional and customary cultural and natural management practices; 3) Advocate for protective measures and practices to preserve the river; 4) Create opportunities for implementation of preservation grants, eco-tourism service events for the river and place; and 5) Creation of a preservation fund for the river, with this area just one of potentially many opportunities on the river for private funding to be combined with federal, state and community funding.</p>
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**VI. What additional information is needed to strengthen any proposed decision alternatives for the Board of Trustees (“BOT”)?**

A. **Meeting with the DLNR, DSP.** On Wednesday, July 13, 2022, Chair Hulu Lindsey and I met with Curt Cottrell, Alan Carpenter and Leimana DaMate and the following summarizes the discussion:

1. ***Overall Site & Large Capacity Cesspool.*** “At this point, the primary goal is to insure all the rubbish and other discarded items are removed and the demolition of the structure associated with the closed LCC. The hale (s) used for program and interpretation in the past may remain, as they be repurposed for future adaptive and similar uses.”

“Per DOH, once the current structure that enclosed the disabled comfort station is removed (which State Parks can support), portable toilets may be used on site for public use and events associated with this portion of Wailua River State Park.”

“Any additional development on site associated with human waste management (such as an IWS, vault system or other technology) requires designs subject to DOH review and approval and possibly Chapter 343 HRS process. I would have to check the DLNR 343 exemption list to be certain.

*Meeting notes, in no particular order of priority:*

- *Confirming, that once the demolition of the structure is completed, portable toilets can be used; and State Parks will be demolishing the structure as part of adhering to the DOH mandates; estimated cost is about \$25,000 to \$30,000 and prepared to do so; plus cleaning the aina of any rubbish and large non-structural items; they are considering the office/building in the front of the property and we suggested that they leave the structure as it is off the ground and functions as a welcome center;*
- *Consent & Final Order and the EPA file is \$105,000 which State Parks will pay;*

- *Anything more (e.g., IWS, vault, other) may trigger Chapter 343 HRS, environmental impact statement;*
  - *They follow up with a DLNR 343 exemption list reference;*
  - *Need to check with the county on the access road to the village (e.g., grade, width) and its limitations (or not) of vehicle types (e.g., cars, vans, buses); guardrails, minor roadway paved 2-way driveway standard; will probably need a traffic study completed by the county; follow up with Ka’aina Hull, County of Kauai Planning Department; and*
  - *Follow up regarding the DLNR 343 exemption list; and apprise the BLNR Chair.*
2. **Chapter 343 Exemption (from Environmental Impact Assessment) Follow Up.**  
DLNR’s Chapter 343 exemption list was provided by SPD. However, they do not know if these exemptions apply if the entity is a lessee or a non-DLNR agency. The intent was to streamline, as appropriate Chapter 343 for DLNR initiated management, projects and maintenance. OHA will need to assess the applicability in considering the options below.
3. **Permissible Continuing Activities.** “Board of Land and Natural Resource approval is required to initiate a Request for Proposal to seek methods to repurpose the property for sustainable and environmentally sound public use and a new disposition.

In broad strokes, State Parks would be interested in a use associated with pastoral and cultural/traditional practices of the region, given the prior historical agrarian uses such as kalo cultivation. However, cultural programs, including but not limited to such practices as la’ua lapa’au and/or other traditional practices State Parks feels would be of optimal value to both the community and visitors.

*Note: These stated uses align to OHA’s strategic foundations of ‘ohana, mo‘omeheu (culture) and ‘āina.*

Additional commercial use of the river is not State Park’s current preferred outcome, due to the management goals to downsize tourism along the river.

*Notes: While the commercial use is not State Park’s preferred outcome, how can we reconcile that utilization of culturally relevant canoe, adaptive to its cultural context on the river, for example, or other river access methods, can be a part of a cultural education experience to: 1) Educate about historical cultural flora, fauna, history and life vibrancy of this wahi pana; 2) Educate about traditional and customary cultural and natural management practices; 3) Advocate for protective measures and practices to preserve the river; 4) Create opportunities for implementation of preservation grants, eco-tourism service events for the river and place; and 5) Creation of a preservation fund for the river, with this area just one of potentially many opportunities on the river for private funding to be combined with federal, state and community funding.*

Also, if OHA determined there is value of a lease or potentially a transfer, State Parks is also open to the discussion – but with the caveat on limits to uses of the river.”

*Notes: There is one example on Molokai in which DLNR leases the site from DHHL, near the top, overlooking the memorial below—Palaau, license fee, \$20,000 annually; there are three mechanisms that could be considered—response to RFP with a right of entry or revocable permit, Executive order which goes through the BLNR recommendation then to the Governor, outright lease; recommend that OHA socialize the idea of BLNR recommended Executive Order prior to formal agenda item on BLNR agenda (e.g., public comment); Haena on Kauai is a model in which DSP worked with the community to enable the community to be co-managers especially after the 2018 flooding; challenge is enforcement.*

## **B. Correspondence from DLNR, DSP, dated September 8, 2022**

A copy of correspondence to Mr. William Kimo Fernandes from DLNR, DSP outlining what they will be responsible for:

This letter is to inform you of the status and pending actions the Division of State Parks is conducting regarding the former leased parcel.

1. DLNR has completed the Consent and Final Order (CAFO) with the Environmental Protection Agency (EPA) for the large capacity cesspool (LCC) violation at the Kamokila Hawaiian Village site. State Parks is paying the \$105,000+ fine levied by the EPA to close this violation.
2. In addition, in consultation with the Department of Health and to eliminate any further opportunity to engage that comfort station, State Parks is soliciting bids to remove the former restroom facility serviced by that cesspool.
3. The bid solicitation also includes the removal of all the loose surface materials and rubbish (abandoned equipment, metal debris and accumulated materials, etc.). The solicitation will complete additional cleanup and insure proper disposal offsite as well.

At this time, the stone and concrete foundations, and pole-and-thatch structures comprising the recreated village, as well as the now closed office structure, will remain. These structures may be repurposed for new and adaptive use pending a decision on the character and future use of the property. We appreciate the family's efforts toward the site clean-up thus far and consider the obligation to remove personal property and clean the leased premises to be completed.

The future use is in flux, so our primary goal right now is to clean and secure the State parcel. Once the contracted clean-up is complete, DLNR will be securing the premises pending a future use under a disposition with either State Parks, or possibly another State agency managing the premises and activities.

## **VII. Alternatives for Trustees Consideration**

As summarized by and discussed with DLNR DSP, the following alternatives are proposed by Administration for Trustees consideration, including Administration's recommendation:

1. **Alternative A – AS IS, DLNR RFP.** OHA does not pursue any further action, and the DLNR, DSP proceeds with a Request for Proposal (RFP) process for an entity for future management of the parcel.
2. **Alternative B – AS IS, DLNR Direct Negotiation.** OHA does not pursue any further action, and the DLNR DSP enters into direct negotiation under Chapter 171 HRS for an eleemosynary/nonprofit for a direct general lease
3. **Alternative C – OHA Responds to DLNR RFP or DLNR Direct Lease.** OHA responds to DLNR, DSP request for proposal process or seeks to direct lease with the DLNR, DSP.

Waialua Courthouse is an example of a 35-year lease, gratis, with DLNR beginning 1998 (ending 2033); Ho’omana on Kauai, 2016, gratis lease; Kekaha Armory, 1998, 65 year lease with DLNR, \$1/year and 30-year sublease to Ke Kula o Ni’ihau.

4. **Alternative D - Executive Order.** OHA pursues a set aside via Executive Order to transfer the property to OHA for its Legacy Land portfolio and manage it accordingly. Executive Order 4624, February 2020, Kukaniloko Birthstone, 5.0 acres, to OHA.

Administration recommends Alternative D – Executive Order as it is a model that OHA is familiar with, would convey a mission aligned legacy property, OHA could implement a pilot tactical plan to transition land management to the local community over time. In its legacy land planning, OHA could manage the property itself or implement an RFP process to seek a community steward for the property.

#### **VIII. References and Sources of Information**

OHA was provided multiple documents assembled by the Fernandes ‘ohana, including correspondence from an attorney representing the family. Other sources of information have been DLNR, DSP Administrator and Assistant Administrator, e-mails and from OHA’s Ancestry and Genealogy Specialist. The information provided is taken at face value, and no additional verification or validation activities were performed by Administration, as all DLNR, DSP related or attorney correspondence are treated as primary sources.

#### **IX. Next Steps**

Administration will be distributing this memo ahead of the scheduled BAE meeting on October 25, 2022.

**Committee on Beneficiary Advocacy and Empowerment (BAE)**

Trustee Kaleihikina Akaka, *O'ahu - Chair*

Vacant - *Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

Trustee Dan Ahuna, *Kaua'i / Ni'ihau*

Trustee Keli'i Akina, *At-Large*

Trustee Luana Alapa, *Moloka'i / Lāna'i*

Trustee Brendon Kalei'āina Lee, *At-Large*

Trustee Carmen Hulu Lindsey, *Maui*

Trustee Mililani Trask, *Hawai'i Island*

Trustee John Waihe'e IV, *At-Large*



**STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS**

**Committee on Resource Management (RM)**

Trustee John Waihe'e IV, *At-Large - Chair*

Trustee Luana Alapa, *Moloka'i / Lāna'i - Vice Chair*

***Members***

Trustee Leina'ala Ahu Isa, *At-Large*

Trustee Dan Ahuna, *Kaua'i / Ni'ihau*

Trustee Kaleihikina Akaka, *O'ahu*

Trustee Keli'i Akina, *At-Large*

Trustee Brendon Kalei'āina Lee, *At-Large*

Trustee Carmen Hulu Lindsey, *Maui*

Trustee Mililani Trask, *Hawai'i Island*

**JOINT MEETING of the  
COMMITTEE ON BENEFICIARY ADVOCACY AND EMPOWERMENT (BAE)  
and the  
COMMITTEE ON RESOURCE MANAGEMENT (RM)**

**DATE:** Tuesday, September 20, 2022

**TIME:** 10:00 a.m.

**PLACE:** Virtual Meeting viewable at <https://www.oha.org/livestream> OR

Listen by phone: (213) 338-8477, Webinar ID: 826 6375 3647

This virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](https://www.oha.org/livestream) or listened to by phone at: (213) 338-8477, Webinar ID: 826 6375 3647. A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.

**AGENDA**

**I. Call to Order**

**II. Approval of Minutes**

A. JOINT BAE-RM Meeting Minutes of July 12, 2022\*

**III. Unfinished Business – None**

**IV. New Business**

- A. Administration Presentation re: Renaming Recommendation of Kaka'ako Makai\*
- B. Progress of Activation Activities of Kaka'ako Makai Site A, 1101 Ala Moana Blvd\*
- C. 2023 Legislative Action Plan\*
- D. ACTION ITEM BAE-RM #22-03: Approve Non-Core Budget for Kaka'ako Makai Legislative Activities and the Renaming of Kaka'ako Makai\*
- E. Administration Presentation: Kamokila Hawaiian Village, 5523-5519 Kuamoo Rd, Kapa'a, Kaua 'i, Hawai'i, Due Diligence Activities in Pursuit of an Executive Order\*

**V. Executive Session**

- A. Consultation with Interim General Counsel Everett Ohta re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Office of Hawaiian Affairs' 2023 Legislative Action Plan pursuant to HRS §92-5(a)(4)\*

**VI. Announcements**

**VII. Adjournment**

If you need an auxiliary aid/support or other accommodation due to a disability, please contact Everett Ohta at telephone number 594-1988 or by email to [everetto@oha.org](mailto:everetto@oha.org) as soon as possible. Requests made as early as possible will allow adequate time to fulfill your request. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.

Meeting materials for this meeting will be available for the public to view 48 hours prior to this meeting at OHA's main office located at 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817. Meeting materials will also be available to view at OHA's neighbor island offices and will be posted to OHA's website at: [www.oha.org/rm](https://www.oha.org/rm).