

**STATE OF HAWAI'I  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)  
COMMITTEE ON RESOURCE MANAGEMENT  
MINUTES**

**April 27, 2021 1:00 p.m.**

**ATTENDANCE:**

Chairperson John Waihe'e, IV  
Vice-Chairperson Luana Alapa  
Trustee Leina'ala Ahu Isa  
Trustee Kaleihikina Akaka  
Trustee Dan Ahuna  
Trustee Keli'i Akina  
Trustee Brendon Kalei'aina Lee  
Trustee C. Hulu Lindsey  
Trustee Keola Lindsey

**LEGAL COUNSEL:**

Anna Elento-Sneed, Esq.  
Robert G. Klein, Esq.

**BOT STAFF:**

Crayn Akina  
Melissa Wennihan

**ADMINISTRATION STAFF:**

Sylvia Hussey, CEO / Ka Pouhana / Administrator  
Casey Brown, COO / Ka Pou Nui  
Erin Nakama, IT  
Everett Ohta, Corporation Counsel  
Kai Mana Peres-David  
Kevin Chak, IT  
Raina Gushiken, Corporation Counsel  
Ramona Hinck, CFO

**GUESTS:**

Clare Apana  
Noelani Ahia

**I. CALL TO ORDER**

**Chair Waihe'e** calls the Committee on Resource Management meeting for Tuesday, April 27, 2021 to order at **1:00 p.m.**

**Chair Waihe'e** notes for the record that **PRESENT** are:

MEMBERS			AT CALL TO ORDER (1:00 p.m.)	TIME ARRIVED
CHAIR	JOHN	WAIHE'E, IV	PRESENT	
VICE CHAIR	LUANA	ALAPA	PRESENT	
TRUSTEE	LEINA'ALA	AHU ISA	PRESENT	
TRUSTEE	DAN	AHUNA	PRESENT	
TRUSTEE	KALEIHIKINA	AKAKA	PRESENT	
TRUSTEE	KELI'I	AKINA	PRESENT	
TRUSTEE	BRENDON KALEI'AINA	LEE	PRESENT	
TRUSTEE	CARMEN HULU	LINDSEY	PRESENT	
TRUSTEE	KEOLA	LINDSEY	PRESENT	

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

## II. PUBLIC TESTIMONY on Items Listed on the Agenda\*

### **Chair Waihe'e states for the record –**

- Public testimony should be limited to matters listed on the meeting agenda and will occur during the Public Testimony portion on the agenda. If you begin to address other issues not on today's meeting agenda, the Chair will call you out of order and direct you to limit your testimony to items listed on the agenda.
- Testifier names will be announced, and your microphone will be unmuted when it is your turn to testify.
- If you are not audible, you will be muted, and the next testifier will be called.
- State your name, organization (if applicable), agenda item(s) you are testifying on and your position (support, oppose or comment) on each of the agenda item(s).
- Oral testimony online will be limited to five (5) minutes. A timer will on the screen to count down the five (5) minutes. A chime will sound when you have 1 minute left and then sound with 30 seconds left. A third chime will sound when your testimony time expires.
- Your mic will be automatically muted once you have completed your oral testimony or if your allotted time for testimony expires. Please logoff after testifying, otherwise Staff may be forced to remove you.
- I will call on staff to call on the list of testifiers.

**Crayn Akina:** Aloha Trustees, Pouhana, and Administration. We have four registrants to orally testify, and currently only one in queue.

First, we have Noelani Ahia.

**Noelani Ahia:** Aloha Chair, Trustees and all of our OHA 'ohana. I'm here today to talk about the care and protection of iwi kupuna and about the struggles of the people on the ground, on the front lines, who have put our kino on the line to protect our own burials.

I want to talk about this and how it is going to relate with the Reorg.

This past year I was in Kaua'ula in Lahaina Maui, when five of our aunties and tutus were arrested for protecting our iwi kupauna. Now, we are facing the threat of a loss from a developer who wants to continue to criminalize Kanaka Maoli for doing our constitutionally protected rights of mālama iwi kupauna.

Maui Lani phase 6, the central Maui sand dunes - which were once majestic sand dunes - are barely left there because of the illegal sand mining that has occurred. There has been probably close to 1,000 desecration of burials in the sand dunes from Waihe'e to Ma'alaea.

I'm currently in the middle of a lawsuit with one of the developers where we have 200 iwi kūpuna at risk. In that specific development, I had to jump in front of machinery to try to stop them from desecrating our kūpuna. On this occasion, I did not get arrested because I called the police on them for criminal desecration because that is what is happening - is criminal desecration.

We're preparing on Maui to reinter iwi kūpuna that have been sitting on the shelves at SHPD, some of them for two decades. We had an aha mihi this past Sunday, two days ago, and my legs are still shaking from the kaumaha of seeing our iwi kūpuna sitting on shelves, waiting to return to the pō to their final resting places. The desecration of burials is part of continued cultural genocide. The only way for this State to exist is to erase us both in life and in-depth.

They continue to try to assimilate us and they continue to try to break us into compliance with that system; but we say no - we say a'ole. We will continue to stand for our burials and for our own identity as Kanaka Maoli.

My question is: *Where is OHA in all of this?*

*Are you folks doing enough to help the people on the ground protect our iwi kupuna for our future generations?*

Iwi kūpuna are our collective mana, they are the seeds of the next generation. When I heard about the reorganization, and I watched the presentation last week, I was very concerned. I had a knot in my 'ōpū. I am particularly concerned about Compliance and Enforcement. Very few people in any organization have the 'ike, skills and the experience of the folks in the Compliance Department at OHA. That is one of the few places that as a beneficiary, I can lean into and know that I will always get support from that department.

The folks in that department have always been there to help us and stand with us as we struggle through these issues of desecration and cultural genocide. The State seems to want the burial sites program to fail, as that is what has been happening for the past few days, especially.

I do want to mahalo OHA, for its support of passage of the Senate Resolution 17 on the implementation of an Ad-Hoc Working Group to investigate SHPD. As we all know, they have been failing us and they are protected, in their duty to protect and preserve.

I'm urging you to be very cautious with this reorganization and make sure that people who have been effective in helping the community; make sure that they do not get displaced or replaced - it is critical to what we are doing on the ground.

We generally do this with no resources; out of our own pocket, our own time, because our na'au tells us that that is what is pono to do. Our kupuna tell us that that is what is pono to do and we desperately need more support from OHA to be able to do this.

I believe it was Machado who said a few years ago that OHA was going to investigate filing a lawsuit against SHPD; and that never happened. We need to encourage OHA to step up to the plate so that the people on the ground don't have to continue to fight so hard and suffer so much for something that an organization like OHA is tasked with doing.

Please be very, very cautious and very, very clear about OHA's intentions with any sort of reorganization and make sure that people are in place to help the people on the ground protect our iwi kūpuna because without our iwi kūpuna - we are nothing.

They are linked to the past. They are our collective mana. They give us who we are, and when you erase them, you erase us, and you erase our future. E mālama e nā iwi kūpuna. Mahalo nui, and thank you for your time today. Much aloha to you all.

**Chair Waihe'e:** Thank you Noelani. Crayn, *has anyone else joined the queue?*

**Crayn Akina:** Yes, we do have one more - Clare Apana is up next.

**Clare Apana:** Aloha. Good year. Good afternoon to you all. I've been doing this for decades, and today I feel that it is really, important to address you, because you are proposing a reorganization.

From what I saw, and what I know from last week, the Compliance Department has been X-ed out. I do not know what the plan is, but I will say this, that over these decades, there has been a lack of will, upon the Administrative end, to stand up for our iwi kūpuna; to give them the support and the protections that they need to be able to just stay in the ground.

What will happen; this year has been monumental in this Compliance Department in the way that they have done Advocacy. They have brought forth the laws that protect Kānaka Maoli, that protect our Traditional Customary Rights, that protect our iwi kūpuna. They placed Right into some of the County departments, as I have seen on Maui. *What will happen when they're gone?*

I'm not quite sure why they may need to reapply or look for a different job. As far as I'm concerned, they have done some excellent work. Where I see the blocks – they are from the Administration, not allowing all the legal remedies that are possible for the protection of our precious iwi kūpuna, and for myself, for our lāhui, because it goes down to that.

I believe I addressed you in 2020, in the beginning of the year, and you agreed when you're making your constructs for the year what was important - that that was an important thing. I hope that we have not forgotten that in the last year, that our iwi kūpuna are very important. Our cultural sites are very important, because without our 'āina being ours, we are erased. You know that; I know you all know that.

Be very careful as you do this reorganization, I ask that you strengthen the ability of the Compliance department to serve our community. They are so important, and they work really, hard. I know I ask them for a lot of things, and they do their very best to get it done. I really mahalo them and I mahalo OHA for the support during the sand mining moratorium. We are still fighting that one too, because the laws have not been changed sufficiently to make that a reality - that they will not be sand mining our ancestors.

Do not weaken this department please. I mahalo, them. I mahalo, you for allowing them to come forward for us. Let us not stop. I look at the reburial of the iwi on Maui as a clue that our lāhui is rising in its spirituality, in its moral fortitude. Do not stop this from happening please.

I would like to say that when you go into Executive Session, you discuss different things. We're not privy to that, but we should be privy to what your reorganization plan is - before you fund it. We should be able to know what is happening. I for one want to say that you should give the Compliance Department - however it's going to be a real leader that has the 'ike that comes from decades of serving our iwi kūpuna - that they be given full funding for all the positions they need. Thank you so very much. Thank you for all you do.

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

### III. APPROVAL OF MINUTES

None

### IV. UNFINISHED BUSINESS

#### **A. Workshop: Reorganization Purposes, Design, Application and Projected Outcomes**

**Chair Waihe'e** turns it over to Ka Pouhana Sylvia Hussey.

**Pouhana Hussey:** Thank you, Chair Waihe'e. Trustees, the materials that were distributed for this agenda are the materials from the last agenda. So, if you would like to have any questions in open session, otherwise, Chair, I'll send it back to you in terms of discussion in Executive Session.

**Chair Waihe'e:** Ok members, *are there any questions that would be appropriate for open session that you want to ask Administration at this time?*

**Trustee Akina:** Thank you. I appreciate that. If I could direct this to administration, just very briefly, in response to our testifiers today. *Could you describe how we're going to handle the functions of the Compliance division in the new reorganization?*

**Pouhana Hussey:** I would direct the Trustees to the materials in the agenda packet on slide 15 in the electronic packet; the functional org. chart. The specific Compliance function that is being described or called the attention to is housed in the Advocacy function, and in the Community Engagement functions there. In Executive Session, we can discuss those movements, but for the functional response, Trustee Akina, the functional chart, that compliance function is currently in Advocacy.

That's where the function is currently housed, then the discussion of where the new function is. It's not an elimination of function or defunding of function, the function remains. It is just organized in a different part of the organization. The function and the responsibility - so similar-to other observations about our Papahānaumokuākea responsibilities - our overall iwi kupūna responsibilities.

Those functions and responsibilities don't change; our role to advocate, our role to research, to provide data, to have a strategic plan, our role to have ancestry verification, everything that is in chapter 10 as our responsibility continues in the functional design of the reorganization. So, none of those functions are eliminated, defunded, or anything. They are reorganized.

**Trustee Akina:** Thank you, Sylvia. I appreciate that.

**Chair Waihe'e:** *Okay, so are there any other questions?*

**Trustee Hulu Lindsey:** I move that we go into Executive Session.

## **V. NEW BUSINESS**

None

**VI. EXECUTIVE SESSION‡**

Trustee Hulu Lindsey moves to resolve into Executive Session pursuant to *HRS § 92-5(a)(4)*.

Trustee Akaka seconds the motion.

Chair Waihe'e asks if there is any discussion. There is none.

Chair Waihe'e calls for a **ROLL CALL VOTE**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	1:17 p.m. EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA		2	X			
KELI'I	AKINA			X			
VICE-CHAIR LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
KEOLA	LINDSEY			X			
CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

Chair Waihe'e notes for the record that all members present vote 'AE (YES) and the **MOTION CARRIES**.

The committee resolved into Executive Session at 1:17 p.m. to discuss:

**VI. EXECUTIVE SESSION‡**

- A. *Workshop: Reorganization Purposes, Design, Application and Projected Outcomes Consultation with Board Counsel Robert G. Klein, Esq., Corporate Counsel Raina P.B. Gushiken, Esq. and OHA Attorney Anna Elento-Sneed, Esq. regarding questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities related to reorganization purposes, design, application and projected outcomes, pursuant to HRS § 92-5(a)(4).*

The committee returned to Open Session at 3:02 p.m.

**VII. ANNOUNCEMENTS**

**Chair Waihe'e** reports that the Committee met in Executive Session to discuss the Reorganization Purposes, Design, Application and Projected Outcomes topics and made no official decisions.

**VIII. ADJOURNMENT**

**Trustee Hulu Lindsey** moves to adjourn the RM meeting.

**Trustee Ahu Isa** seconds the motion.

**Chair Waihe'e** asks if there is any discussion. There is none.

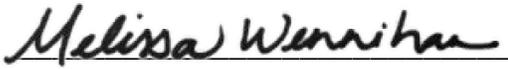
**Chair Waihe'e** calls for a **ROLL CALL VOTE**.

TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	3:05 p.m. EXCUSED
LEINA'ALA	AHU ISA		2	X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA			X			
KELI'I	AKINA			X			
VICE-CHAIR LUANA	ALAPA			X			
BRENDON KALEI'AINA	LEE			X			
CARMEN HULU	LINDSEY	1		X			
KEOLA	LINDSEY			X			
CHAIR JOHN	WAIHE'E			X			
<b>TOTAL VOTE COUNT</b>				<b>9</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

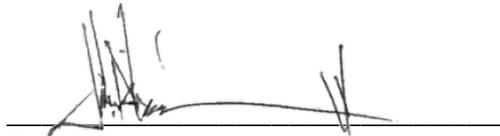
**Chair Waihe'e** adjourns the RM meeting at 3:05 p.m.

Respectfully submitted,



Melissa Wennihan  
Trustee Aide  
Committee on Resource Management

As approved by the Committee on Resource Management (RM) on May 11, 2021.



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