

**STATE OF HAWAI'I  
OFFICE OF HAWAIIAN AFFAIRS  
560 N. Nimitz Hwy, Suite 200  
HONOLULU, HI 96817**

**Minutes of the Office of Hawaiian Affairs Committee on Resource Management  
April 12, 2017  
1:00pm**

**ATTENDANCE:**

Trustee Dan Ahuna	Trustee Robert K. Lindsey, Jr.
Trustee Rowena Akana (arrived at 1:05pm)	Trustee John Waihe'e, IV
Trustee Keli'i Akina	Trustee Leina'ala Ahu Isa
Trustee Peter Apo	
Trustee Carmen Hulu Lindsey	

**STAFF PRESENT:**

Kamana'opono Crabbe, CEO	Lehua Itokazu
Alvin Akee	Liana Pang
Johnathan Ching	Lopaka Baptiste
Kama Hopkins	Makana Chai
Kauikeaolani Wailehua	Melissa Wennihan
Lady Garrett	Miles Nishijima
'Olu Campbell	
Paul Harleman	
U'ilani Tanigawa	

**I. CALL TO ORDER**

**Committee Chair Hulu Lindsey** – Calls the Committee on Resource Management to order at 1:02pm, noting for the record the following Trustees present:

		Present	Excused	Comments
TRUSTEE LEI	AHU ISA	X		
TRUSTEE DAN	AHUNA	X		
TRUSTEE ROWENA	AKANA			Arrived at 1:05pm
TRUSTEE KELI'I	AKINA	X		
TRUSTEE PETER	APO	X		
TRUSTEE ROBERT	LINDSEY	X		
TRUSTEE COLETTE	MACHADO		X	
TRUSTEE JOHN	WAIHE'E	X		

CHAIRPERSON HULU	LINDSEY	X		
<b>TOTAL</b>		<b>7</b>		
At the Call to Order, there are seven (7) Trustees present.				

## **II. APPROVAL OF MINUTES**

<b>Trustee John Waihe'e, IV moves to approve the minutes dated March 22, 2017. Trustee Dan Ahuna seconds the motion</b>							
		<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>'A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
TRUSTEE LEI	AHU ISA			X			
TRUSTEE DAN	AHUNA		X	X			
TRUSTEE ROWENA	AKANA						X
TRUSTEE KELI'I	AKINA			X			
TRUSTEE PETER	APO			X			
TRUSTEE ROBERT	LINDSEY			X			
TRUSTEE COLETTE	MACHADO						X
TRUSTEE JOHN	WAIHE'E	X		X			
CHAIRPERSON HULU	LINDSEY			X			
<b>TOTAL VOTE COUNT</b>				<b>7</b>			<b>2</b>
<b>MOTION: [ ] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED</b>							
<b>Motion passes with seven (7) YES votes and two (2) EXCUSED votes.</b>							

## **III. COMMUNITY CONCERNS**

**Committee Chair Hulu Lindsey** calls on any beneficiaries signed up for community concerns. With none, she moves on to new business.

## **IV. NEW BUSINESS**

### **A. Waokele o Puna Update and Presentation**

**Chair Hulu Lindsey** turns the time over to Ka Pouhana for Waokele o Puna update and presentation.

**Ka Pouhana Kamana‘opono Crabbe** greets the board. Consistent with the role of the RM chair, Administration provides an update of Waokele o Puna. There has been significant progress in the past two years and calls upon Miles Nishijima and Jonathan Ching to present.

**Jonathan Ching** greets the board and introduces his presentation. With a new Trustee, he’ll provide a bit of background information and also to help prepare the Trustees for what is coming next month. In May, the draft presentation will come before the RM committee for the first iteration. Today will include background information, an update, and expectations for the upcoming plan.



### Updates

- 1) New Hire
- 2) Background & Timeline
  - a) Property Facts
  - b) Forest Legacy Program
    - i. Funding and Compliance
    - ii. Deed Amendment
  - c) DLNR's Relationship & Status
- 3) Comprehensive Management Plan (update)
  - a) Approach/Process
  - b) Community Engagement
  - c) Status
- 4) Draft CMP Presentation to CRM on May 24

### New Hire



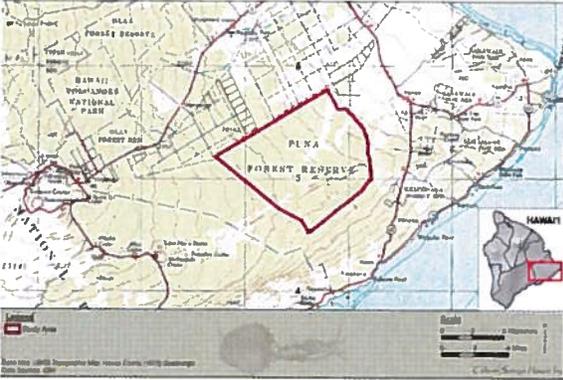
Cultural Anthropology/Heritage Management – Cultural Resource Management– HIBC

## Kalena Blakemore

Land Specialist – Hawaii Island

New hire, Kalena Blakemore, was previously a volunteer for the past year and will start on May 8<sup>th</sup>. Along with working at the volcano National Park, she is also on the Hawai‘i Island Burial Council, bringing with her a lot of experience. She is also finishing her Masters in Heritage Management.

### Location



### Background



**General Info.**

- 25, 856 acres;
- Approximate 5 acre clearing;
- 1.5 mile access road;
- Forest Reserve, Forest Legacy Program, Conservation District (Protective)
- One of few remaining lowland rainforests in Hawaii
- Sits over and contributes to 20% of Puna's Watershed
- Contains Archaeological Sites and Burials

**Acquisition**  
 Total Cost: \$3.65 million  
 OHA Paid: \$250,000.00  
 Forest Legacy Program Paid: \$3,400,000.00

**Acquisition Objectives**

- 1) Protect Natural and Cultural Resources,
- 2) Protect Traditional & Customary Rights of Native Hawaiians at WKOP

He discusses the location of the property in Puna and highlights a clearing that was previously a drill site and where OHA accesses the property since it is the only vehicular access. He notes

that this land is in the Conservation District, under the most protected subzone – this limits the use of the land. This is also a part of the Forest Reserve Program. As part of the acquisition, TPL helped OHA get \$3.4 million from the Forest Legacy Program to purchase the property in 2006. This means that the Conservation Easement that comes with the program also applies to OHA’s use of the land. This area is also one of the last remaining lowland rainforests throughout the pae ‘āina and contributes to 20% of Puna’s watershed.

Mr. Ching re-visits the initial acquisition of the property under the Forest Legacy Program:

### Background: Forest Legacy Program

- **Provided \$3.4 million for the acquisition**
  - OHA paid \$250K
  - OHA must adhere to the Forest Legacy Programs Guidelines
- **Purpose:** The purpose of the FLP is to ascertain & protect environmentally important forest areas that are threatened by conversion to non-forest uses.



*\*FLP seeks to promote forestland protection and other conservation opportunities. Such purposes shall include the protection of important scenic, cultural, fish, wildlife and recreational resources, riparian areas and other ecological values.*

*Traditional forest uses, including timber management, as well as hunting, fishing, hiking, and similar recreational uses are consistent with purposes of the FLP. Both purchased and donated lands and interests in lands through the use of conservation easements and fee-simple purchase are used to acquire forested land meeting Forest Legacy purposes from willing sellers or donors.\**

**\*Current Issue: Deed Amendment & Updating the Purpose Statement**

**Trustee Ahu Isa** shares that she recently visited a charter school in the Puna area and asks Mr. Ching if he could help provide some context on the land’s location in relation to the charter school.

**Mr. Ching** directs Trustee Ahu Isa to the map on the screen and describes the surrounding area. He returns back to the Forest Legacy Program, highlighting that along with the acquisition of the land with the Forest Legacy Program funding, came the responsibility to comply with the program. He focuses on the purposes of the program – the organization puts easements over properties to ascertain and protect environmentally important forest areas that are threatened by changing from conservation to non-forest uses. There is also a manual that OHA must be in alignment with.

**Trustee Akana** asks how much of the land is bound by this agreement?

**Mr. Ching** replies that the entire property is bound.

**Trustee Akana** asks if there is no way of getting out of it?

**Mr. Ching** shares that OHA did investigate this question, asking the Forest Legacy Program if OHA wanted to pay out the money and get out of the agreement, it would be at the discretion of the Federal entity – USDA. It is not something that is easily done.

**Trustee Akana** asks a follow up question, sharing that the reason she is questioning this is because at the time, the whole property was an exchange – during the Waihe‘e Administration. This land was owned by Campbell Estate and there was geothermal drilling. The State exchanged the land with Campbell for some other lands. One of the Trustees told Trustee Akana that at a later time, OHA may want to think about economic development here and that Geothermal is something that OHA should be concerned about. To be stuck forever with this classification, binds OHA economically. At some point, OHA needs to reconsider this agreement because if it is all of the lands, then maybe OHA needs to look to the future on how this can be cut.

**Trustee Akina** asks a clarification question – he asks what is the cost to fulfil the Forest Legacy Program requirements? What are the annual expenditure there as well as any infrastructure that must be produced?

**Mr. Ching** in referencing the slides below, shares that in 2006, upon acquisition, there was a partnership through an MOA with DLNR. At that time, OHA contributed \$228,000 per year and DOT would put in up to \$100,000 for the management of the forest – of which is very minimal management in comparison to what could be done out there. Currently, in the interim management, OHA has been trying to keep the costs down. There has only been management of weeds – but the plan will eventually address the larger needs. The annual budget now is between \$200-300,000 for the management of the total property.

**Trustee Waihe‘e** shares that he thinks it would be difficult to implement any kind of economic development because of the initial intent of the Forest Legal Program funding. Any economic development would go against it. They would probably require OHA to buy out the agreement.

**Trustee Lindsey** directs the Trustees to slide 7. Though this happened prior to his serving as a Trustee, he shares that his understanding is that there was an existing geothermal well on the property and they had to agree to plugging it up. There was also a geothermal subzone overlay over the property that OHA had to agree to remove that status. He asks Mr. Ching if these things have been accomplished?

**Mr. Ching** shares that they have been completed during the partnership with the DLNR. Additionally, at the time of acquisition, it was not in the forest reserve. Now, with the help of DLNR, the land is classified as forest reserve to help enhance the conservation value of the forest.

**Trustee Lindsey** adds to Trustee Waihe'e's comments alluding to the possibility of OHA going back on a promise made early on; and install geothermal, even as a geothermal proponent, would mean a lot of "egg in our face."

**Trustee Akana** adds that when the geothermal wells were being drilled, it was not zoned as conservative. This area was not a preserved conservation area. They declared that afterwards to throw it into the conservation district and redesign this. Number two, the reason why they wanted to dump it on OHA is because it is too expensive for them. This is why it was so cheap for OHA to buy it. As OHA knows, it is going to be very expensive to keep maintaining this property like many of the other properties. This is why she is saying that it is not impossible to go back to that zoning because where the geothermal wells were was not conservation.

**Miles Nishijima** shares that the geothermal subzone overrides the zoning. Even though, through his understanding, it was zoned as preservation, with the geothermal overlay, it did allow that. Prior to the property coming to OHA in 2006, there was a lawsuit filed by the Pele Defense Fund against Campbell Estate that was ruled in favor of the Pele Defense Fund. It would be awkward, at least, for OHA to pursue geothermal. In the current Master Planning, it includes geothermal as one of the things that should be looked at, along with other economic possibilities for the area. This is just to make the study as comprehensive as possible. This is an important fact that should be kept in mind – that there was a lawsuit and the Pele Defense Fund was very instrumental in the fee coming to OHA in 2006.

**Mr. Ching** shares that his presentation will discuss this issue in greater detail because it is a major issue. He continues talking about the Forest Legacy Program. There are current issues with the program. Waokele o Puna is one of the first programs in the state. As such, there was a lot of learning going on. Now, what they are doing is putting amendments to the deeds that are already in place with all of their projects. With Waokele o Puna, initially included an MOA with DLNR. The MOA expired in 2016, so there is currently no MOA in place. The issue is that the Forest Legacy Program wants OHA to amend the deed to make it more restrictive based on the requirements of the program. Corp Counsel has advised not to do so because the negotiations at that time led to the agreement that OHA currently has. OHA is still at an impasse with them. The amendment is ultimately for the purpose of the program. Corp Counsel has adamantly stated that OHA does not want to further restrict our people when OHA turns it over – and to have to follow the restrictions. In general what is seen in the ethnography is that they want to align with this, but OHA does not want to put this restriction on it and bind our people. This will be a discussion that Administration will have to engage upon in the future.

Along with that, the Forest Legacy Program is asking OHA to update their "purpose statement," which can be informed way more clearly once there is a plan – that is being worked on now. There should not be any problem updating the purpose statement and they really want to work with the Forest Program to reach some kind of understanding in regards to the deed.

Mr. Ching moves on to discuss the partnership with DLNR:

### Background: History with DLNR

**Initial Memorandum of Agreement (MOA): 2006-2016**

- Annual Contributions: OHA \$228k & DLNR up to \$100k
- (2006-2010: \$1,070,000.00 distributed)

**Tasks:**

- Develop Management Plan
- Form an Advisory Council
- Compliance with the Federal Grant Requirements (Forest Legacy Program)
- ✓ Plug the Geothermal Well
- ✓ Remove Geothermal Subzone
- ✓ Forest Reserve Designation/Compliance with State Forest Reserve Requirements
- ✓ Comply with the Finding of Fact and Conclusions of Law and Final Declaratory Judgment of the PDF Suit.
- ✓ Management Responsibility



2006-2010 was intended to be annual and OHA gave DLNR a total of \$1,070,000. OHA stopped giving them this money around 2012 or 2013 under the previous land manager because with their use of the money, it was not clear that there was any progress.

Directing Trustees to the checkmarks on the slide, he points out that these are the things that OHA and DLNR accomplished together. The three boxes on the top were outstanding – Developing Management Plan, Forming an Advisory Council, and Compliance with Federal Grand Requirements (Forest Legacy Program). There were a lot of things that were accomplished that OHA really needed DLNR’s help with.

### Background: History with DLNR

- OHA takes on larger management role
  - Re encumbers monies initially intended for DLNR to OHA
    - (2011-2014: \$905,858.86 )
  - Tasks
    - ✓ Created Advisory Group
    - ✓ Developing a Comprehensive Management Plan
    - ✓ Maintenance and Management
    - Compliance with the Federal Grant Requirements (Forest Legacy Program)
- Initial MOA expired (June 2016) despite OHA's 12 month effort to extend.
  - DLNR stated that we should assume the terms of the original MOA are valid whilst finalizing new terms.



In 2011-2014, OHA re-encumbers the money back to OHA (see above). He points out that during budget planning, there is a normal 930 appropriation and Waokele o Puna has its own appropriation. There is money in a separate account for Waokele o Puna that Land has been drawing out from – this money is not coming out of the core operating budget.

Since 2014, OHA has worked hard to create an Advisory Group that is now a part of the planning process, work on developing a Management Plan, and has been taking over all maintenance and management that DLNR had helped with. DLNR wanted OHA to take over the management and maintenance; they did not want to be involved with it anymore.

The initial MOA expired in June of 2016. OHA was trying to extend it because the enforcement arm of DLNR helps to enforce the Forest Reserve Rules. DLNR was trying to put the condition about amending the deed into the new agreement, so they are currently working through Corp Counsel.

**Trustee Akana** asks if OHA takes it over completely, does OHA have the teeth to have enforcement over the property?

**Mr. Ching** responds that OHA does not currently have rulemaking or enforcement abilities. What they could do is have an on-site manager who would either call DLNR (because it is a forest reserve) or the police should they need to enforce anything. He does not think that they are moving towards establishing rules or having an enforcement arm anytime soon; maybe something in the future it that what is wanted. There are costs and staffing that must be considered if that was to happen.

**Trustee Akana** asks what happens currently?

**Mr. Ching** responds that if someone violates the Forest Reserve rules, OHA calls DOCARE. If it is a criminal offense, they call the police.

**Trustee Lindsey** asks Mr. Ching if it is safe to say that for the present time, Waokele o Puna is a cost center?

**Mr. Ching** confirms that it is a part of OHA's budget. It does not produce any revenue and definitely needs to be subsidized.

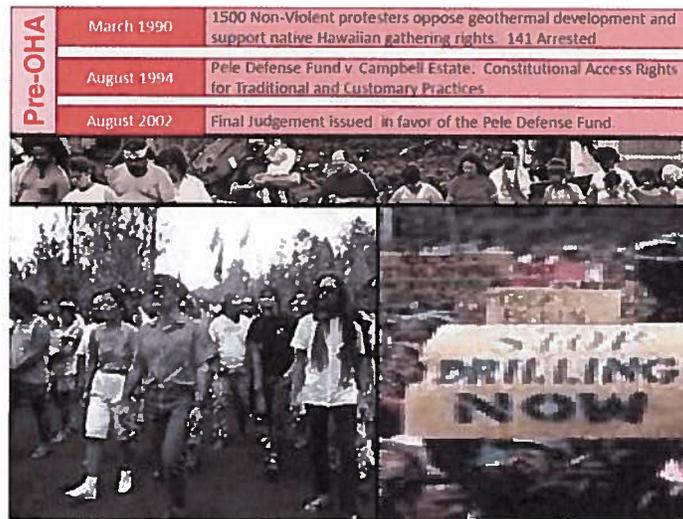
**Trustee Lindsey** asks if OHA's annual contribution is \$220,000?

**Mr. Ching** responds that \$228,000 was up until 2016, and OHA has banked that into the appropriation. OHA exceeds that now in the budget depending on what needs to happen to take the management from DLNR to make it something that OHA pushes forward. What the Land division is doing in the plan is trying to figure out how would our people/beneficiaries/OHA manage something of this nature? This plan will help to figure that out; and from there, there can be different action items and initiative to try and address some of these things.

**Chair Lindsey** directs her comments to Mr. Ching, asking where the money of Waokele o Puna cost center comes from?

**Mr. Ching** responds that the money appropriated for Waokele o Puna – which is near \$1 million dollars – came from the years 2006-2010 contribution that was supposed to be used for the DLNR/OHA partnership. OHA stopped DLNR from using some of that money and OHA has re-encumbered it to OHA so that they can use it for Waokele o Puna. It came out of Core Budget between 2006-2010.

He moves on to address the conversation about doing geothermal on the property:



Pele Defense Fund wanted to stop the drilling for geothermal energy and in the years 1994 and 2002, they fought for Traditional and Customary Practices to be established on this property. They won their case, and as such, the findings/ruling of that particular case run with the deed in perpetuity. OHA must allow for Traditional and Customary Practices.

**Trustee Apo** asks what the ruling was on the case.

**‘Olu Campbell** explains that the ruling says a couple things. It specifically precludes landowner from preventing Native Hawaiians – and names a group of individuals – from coming on to the property for the use of conducting traditional and customary practices. It also goes on to list some of those examples: gathering for specific lā‘au, hunting, etc.

**Trustee Apo** asks if it is the normal Traditional and Customary rights.

**Mr. Campbell** confirms.

**Trustee Apo** asks about geothermal?

**Mr. Campbell** responds that geothermal was not specifically named in that case. That case was specifically about the exercise of Traditional and Customary Practices on the site.

**Trustee Apo** asks if it is fair to say that geothermal activity – which includes penetrating the mountain – is not yet codified as a violation of the traditional and customary rights?

**Mr. Campbell** responds that he believes that it has not been adjudicated before.

**Ka Pouhana** suggests that the Trustee Apo get a copy of the Pele Defense Fund Case.

**Mr. Campbell** confirms.

**Mr. Ching** continues through his presentation adding that they have been working with the Pele Defense Fund as a part of the ‘Aha Kūkā Advisory Group. Getting the input from the community, 100% of the community is against geothermal development on the property. They are very adamant about this by saying that this was one of the reasons that the protest initially began; and one of the things that came out of it was protecting the traditional and customary practices on the property. As ‘Olu had said, one of these practices, as named specifically for this property, is hunting, which is not necessarily allowable on all properties.

He moves on to refresh everyone on the history of the property prior to OHA's acquisition and as it informs where we are now. To Trustee Akana's question, the case does not prohibit OHA from doing geothermal, but it would be a very difficult task to do it there because of the history of the Pele Defense Fund and the community's current preference.

**Trustee Akana** shares that she remembers those days and that the protests back then were because it was so early on in the geothermal development that the developers had permits to just dig holes anywhere. The gases that were being emitted into the air had caused the people to be sick and they had a lot of problems with that. She shares that she could understand that. At the time, she was a new member of the Board and she went to California to explore the geothermal wells there. Moanike'ala went with her, and she was very against geothermal because she lived in the area. They went down to the vineyards where they were doing geothermal and found that they had developed a process that was so much cleaner. The developers were made to provide safety measures and made to buy the properties surrounding where they were drilling. At the time, when Hawai'i was exploring it, there were no safeties. This was the real problem. Now, geothermal has changed because it has been 20 years. There is a big difference between when that occurred and now. She says she can understand what happened back then, but that is not what the situation was now. If OHA was to explore this, OHA would need to educate people on how this has changed and how it is must safer now.

**Trustee Waihe'e** asks if OHA were to pursue geothermal on the property, would that be contrary to the purpose of the Forest Legacy Program?

**Mr. Ching** says yes – it would be against the Forest Legacy Program, the Forest Reserve Program, the Conservation district, and also the community's will. He reiterates that the property was taken out of the geothermal subzone as part of the process, but the process has now changed. You don't need to be a geothermal zoned area. As far as OHA's property goes, it is virtually impossible to do geothermal from what they understand at this point.

**Trustee Waihe'e** asks what exactly are OHA's obligations to the Forest Legacy Program purpose and their mission?

**Mr. Ching** responds that OHA needs to comply and work alongside with and incorporate their values. This includes traditional forest uses including timber management as well as hunting, fishing, hiking, and similar recreations. Once OHA starts to take it away from a non-forest use, it is quite opposite of the purpose of the forest legacy program.

**Ka Pouhana** adds that part of the reason for the update is to share with Trustees not just Waokele o Puna, but the management plans that OHA has for all of the legacy programs, its status, and plans to move forward. As Miles has shared, OHA may like to entertain the vetting process of creating management plans. Eventually, if OHA wants to do that (geothermal), along with 'Aha Kūkā, it would have to receive community input; it will certainly be difficult but not off the table. This is something for the board to consider.

Second, the reason why this land is a part of the forest legacy program is because Waokele o Puna is one of the largest 'ōhi'a forests remaining in the State of Hawai'i. Right now, dealing with the rapid 'ōhi'a death, DLNR is really helping to protect the area. OHA's task is to preserve the area as much as possible.

**Trustee Apo** discusses what constitutes traditional and customary rights, particularly in respect to what constitutes a "cultural injury?" In the case of Mauna Kea, it was put forward that any kind of digging in the mountain constituted a cultural injury. There are other examples of that. He shares that he doesn't really have a problem with the Forest Legacy and objecting to a project that one goes to court on and then becomes case law on anything that has to do with the western notion of conservation. But OHA must be vigilant and careful because as people go to court with claims of cultural injury, that then becomes law. For instance, if it was codified that any digging into a mauna constituted cultural injury, that expands to all mauna everywhere. He shares that he is really sensitive to trying to have OHA getting into a position where they are able to structure a system where one can actually validate by traditional measures of what constitutes cultural injury and traditional and customary rights. He shares that there are a lot of important public policy questions involved in this conversation. There are good examples of affecting public policy, like 'Aha Moku council making Coastal Zone Management through community based operations. But he also cautions about it sometimes being a negative public policy impact.

**Trustee Waihe'e** shares that he doesn't quite understand the situation because Waokele o Puna is a part of the Forest Legacy Program and OHA has obligations based on that, but at the same time, they are saying if they decide to change it, all that needs to happen is to get buy-in from the community? But why would this change it if OHA is already obligated to the Forest Legacy Program?

**Ka Pouhana** responds to say that they are not advocating of it, but rather that these are the conditions and circumstances that OHA choose to receive Waokele o Puna and has used the Forest Legacy Program to guide OHA from 2006 to recently. OHA has had to put together a Management Plan on how OHA would actually manage the area properly. The plan is still being produced, but they are still sensitive to the fact that the Board will make the decision to move forward with some sort of geothermal project. What Administration is saying is that they have already made efforts in the execution of the management plan of getting community support. As such, they are still under the impression that there would be no geothermal. Ultimately, this would be the Board's decision to move in another direction. What Administration is advising is that with the community 'Aha Kūkā Council and with the Management Plan in development now, it is still in alignment with the Forest Legacy guidelines.

**Trustee Waihe'e** asks if OHA is required to be in compliance with the Forest Legacy Program?

**Ka Pouhana** says yes.

**Trustee Waihe‘e** adds that if OHA wanted to do geothermal hypothetically and went to the community and found that they supported it, could OHA just do it?

**Chair Lindsey** responds to say that OHA would give back the money that the program gave OHA and would then own the property outright without any restrictions.

**Trustee Waihe‘e** asks if the Program would just agree to do that? If the whole point of the program is for the purpose of conservation, why would they sell it to OHA if OHA was not going to adhere to the purpose of the program?

**Ka Pouhana** agrees and adds that this is the same sentiment that Mr. Ching is communicating. He shares that it has taken a lot of time over the past years just to convene a community council. As a result of the convening, and as a part of the management plan, OHA is following the initial intent of the acquisition of the property. Based on that, the community council has been contributing input to help OHA envision and plan for the future of Waokele o Puna. He reiterates that if the Board chooses to implement geothermal, there would still need to be community input. The community council has already unanimously expressed that they do not want to see any geothermal activity on the property.

**Trustee Lindsey** adds that he was there at the ceremony that was held back in 2007 where OHA did make a promise to the community that there would be no geothermal at Waokele o Puna. OHA made a commitment; and to go back on that promise would not be positive for OHA.

**Mr. Ching** clarifies Trustee Waihe‘e’s concerns regarding the Forest Legacy Program. As far as paying back money to remove the easement, it is not an easy thing to do. The Program will likely hold on to it and will not want to bring it up; especially for something that was zoned for conservation in the first place. Sharing things he has heard in the community, it has been said that if OHA wants to go after geothermal, perhaps they should consider somewhere else and start fresh. To go and try to pursue geothermal here would go against the words of our Board.

**Trustee Lindsey** adds that the cultural injury, according to friends and family in the Puna area, is that geothermal is sticking a spear into Pele’s womb. To try and convince people from that area that geothermal is a good thing and that the technology is better than it used to be, is a far reach.

**Trustee Akina** shares that his question is in a different direction than the current discussion. OHA is spending \$1 million every three years based on the current projection and assumes it will increase over time. Is OHA the last and best hope for managing this land? Is there any other party that could own, manage, pay, and fulfill the environmental/cultural needs?

**Mr. Ching** responds that this is a really good question and something that should be investigated moving forward. The idea behind one of the action items is to build the capacity of our lāhui to manage lands of this size and scale. In the plan, there are recommendations for that – perhaps

LLC's – or other organizations to consider alternatives to OHA being the landowner and paying for everything. With that being said, OHA currently has the responsibility of taking care of the property until another option is ascertained.

**Trustee Akina** thanks Mr. Ching for his answer.

**Mr. Ching** continues through his presentation. He shares that he will send a link to a video called “Pele’s Appeal” to each Trustee that the ‘Aha asked to watch. This video helps to give a good understanding of the background history of the issue.

He discusses the timeline:

<b>July 11, 2006</b> <b>OHA Acquisition</b>	WKOP Conveyed to OHA by the Campbell Estate; \$3.65 Mil (\$3.35 Mil from the Forest Legacy Program; OHA-DLNR MOA (10 yr)
February 28, 2008	WKOP officially placed into the State Forest Reserve System via E.O. 4218 as signed by Linda Lingle
December 1, 2009	Both Geothermal Wells Capped.
August 12, 2011	Removal of Geothermal Resource Designation (DLNR)
<b>Pre-Planning: OHA Assumes More Leadership Kuleana</b>	
July 2012	OHA Begins Cultural Resource Assessment with Kumupa'a Cultural Resource Consultants, LLC.
May 2014	Ethnohistorical Study of Wao Kele o Puna completed by Kumupa'a Cultural Resource Consultants, LLC.
June 2014	OHA takes the lead on the creation of a Comprehensive Management Plan for WKOP. Draft scope. Start procurement
<b>Comprehensive Management Plan Development</b>	
April 06, 2015	Working Group Members Selected & Charter Ratified
May 06, 2015	First Aha Kuka Meeting.
November 20, 2015	Comprehensive Management Plan Contract Executed.
January 20, 2016	CMP Team begins meeting with the Aha.

The meeting today is to prepare Trustees for the next meeting when the Management Plan is presented next month. The Comprehensive Management Plan is different than any plan he has ever seen. He shares that they made a charter and selected people through a fair process, got a good sense of the ‘Aha Kūkā’s input, with includes all kinds of expertise. He goes over the following timeline:

## Planning Process

March 10, 2016	Rapid Ohī'a Death Presentation by the Forest Service.
May 5, 2016	Pele Defense Fund Historical Perspective Presentation.
June 30, 2016 DINR MOA Expires	Aha calls for increased outreach to OHA beneficiaries in the Puna area & the general Puna Community, and additional ethnography.
August 4, 2016	Aha Purpose, Vision, and Mission Statements are finalized; Aha identifies key topics of discussion to help inform the CMP.
Meet every 3-4 weeks till March 2017	Aha systematically covers key topics of discussion; presentations from Contractors and surveys/discussions with the Aha.
January 5, 2017	Community Meeting in Puna: Sharing information/process
April 6, 2017	Draft Presentation to Aha to solicit comments.
May 24, 2017	Draft Presentation to OHA CRM Committee
June, 2017	Final Input from Aha
July, 2017	Presentation to Community (Hawai'i Island)
August, 2017	Final Presentation to CRM Committee
September, 2017	Final Approval

A lot of the 'Aha Kūkā advocated for more input from the surrounding community and beneficiaries. In January 2017, they actually met with the community in Puna and shared a little about OHA's process. He shares with trustees some of the results and comments from that meeting. In August of 2017, the plan will be presented, along with all input, will be presented to the RM committee and hopefully present at the BOT meeting on Hawai'i island. He shares that there has been really good feedback thus far.

Mr. Ching goes on to give a few accolades to a few folks that have been key in helping:

### OHA Team:

#### 1) Land and Property Management

- a) Jonathan Ching (LPM Manager)
- b) 'Olu Campbell (Natural Resource Management Specialist)
- c) Candace Wharton (OHA Student Helper)
- d) Kalena Blakemore (OHA Volunteer/ New Land Specialist)

#### 2) Community Resource Center:

- a) Kamuela Bannister (CRC Manager)
- b) Kamaile Pulu'ole (CRC Specialist)

He goes on to introduce the team that OHA hired as the main contractor, Forest Solutions, along with other subcontractors (left). He clarifies that before the plan was implemented, they did ethnography of 40 individuals. This informed the planning process the whole way through. He introduces the Advisory Council (right):

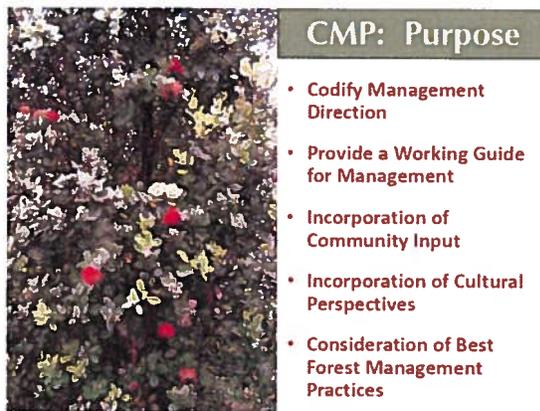
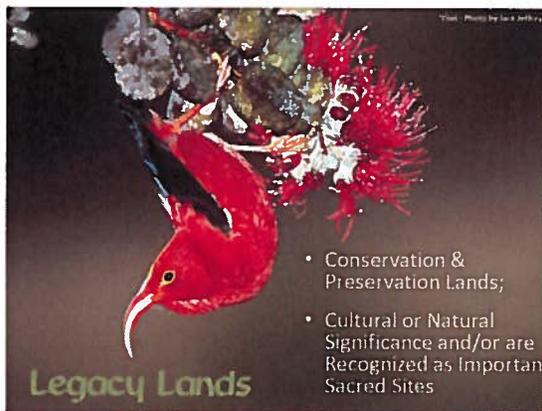
### CMP Team: Nalehualawaku'ulei



### 'Aha Kūkā: Advisory to the CMP



He shares that Dayna Keawe has also participated as a member of the discussion along with Emily Nae'ole as an honored guest.



He reminds the Trustees that the idea of “Legacy Lands” is about conservation and preservation; cultural and natural significance as sacred sites. All of the lands that LPM deals with are either Legacy or Programmatic. He goes on to share the purpose of the Comprehensive Management Plan (see above right). He also adds that the PDF had provided a plan to OHA some time ago. In his opinion, it was a good outline of a plan. The ethnography and all the expertise just discussed has informed the plan that the board will see next month. It is a 10 year plan that is scheduled to be reviewed in 5 years.



### **CMP Shall Contain:**

1. Planning Methodology
2. Background information to provide comprehensive context:
  - a. Traditional Cultural Perspectives, Protocols, Philosophies, Values & Guiding Principals
  - b. Current and Allowable Uses/Activities and Practices;
  - c. Current conditions of WKOP & Scientific Data Analysis (health of forest, invasive species, threats, risks, hazards, etc.)
  - d. Parameters & Restrictions/Compliance Issues;
  - e. Ethnography and Input from Advisory Group
3. Recommendations

Mr. Ching goes on to discuss the contents of the Plan:

- Planning Methodology – The Forest Service was involved with OHA and has assisted along the way. They are very interested in the way that OHA has approached creating this plan since OHA went to the community first for input followed by the forest management practices
- Background information – all of the elements (see above) will be included in the plan. This includes cultural knowledge, restrictions on the land, etc.
- Recommendations – he refers to this as the second half of the plan. This is a culmination of all of these aspects.

He shares his excitement for this plan as well as the Forest Service's excitement about this plan. Here, it will measure up to other plans, but it will also have a detailed cultural component. It will also include a lot of detail that can be used in curriculum as well.

Mr. Ching highlights the topics and Science involved in the recommendations. These were also included in the discussion tables at OHA's community meeting in January:

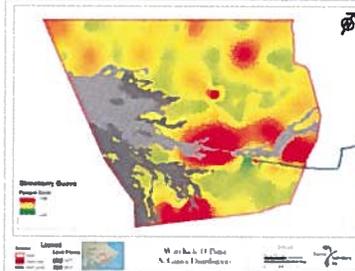
#### **CATEGORIES INCLUDE:**

1. **Archaeology and Burial Treatment** – Cultural Resources
2. **Ethnography** – Community interviews
3. **Forest Management and Access** – Education & Interpretation, Research, Monitoring, Roads, Etc.
4. **Vegetation and Terrain**- Planting, Native Species, Etc.
5. **Invasive Species**- Management techniques/strategies, Etc.
6. **Land Use and Regulatory Issues** – Allowable uses, guidelines to follow, etc.
7. **Aha Kuka** – Advisory Council
8. **Rapid Ohia Death (Bonus Table)** – Informational, J.B. Friday
9. **OHA Community Resource Center** - Other Issues



The plan will also discuss soils and terrain. He also notes the importance of Waokele o Puna as it has been a kipuka and a seed source that repopulated the area following the lava flows. Another danger that is worth mentioning is the cracks that cannot be seen because it is covered by uluhe:

### Distribution of Strawberry guava



- Introduced arthropods**
- Mosquitoes
  - Little fire ants

- Introduced mammals**
- Domestic cats
  - Mongoose
  - Rats
  - Ungulates



### Vegetation and Terrain- Planting, Native Species, Etc.

### SOILS

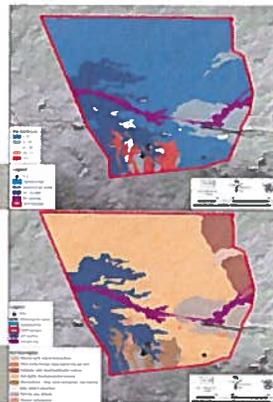
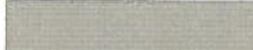
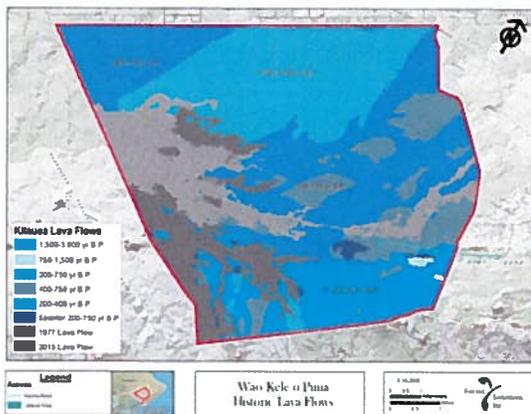
#### Soil Depth

- Primarily shallow soils
- Pockets of deeper soil



#### Soil Type

- Primarily shallow soils
- Pockets of deeper soil

Chair Lindsey asks Mr. Ching for a summary on the status of the Rapid 'Ōhi'a Death.

**Mr. Ching** agrees and directs the Trustees to the relevant slide:



He shares that the brown areas are from a survey conducted a few years ago and indicate areas that they visually saw ROD from the helicopter. The Forest Service and other organizations are working to figure out how to best combat this issue. OHA has been cooperating with them by providing access to the area. OHA is participating in conversation on future actions and how to protect the rest of the forest. ROD is an extreme and sad fact. With that being said, the team continues to be resilient in looking for a solution to the problem.

**Trustee Apo** asks if the challenge of controlling ROD is scientific or resource oriented?

**Mr. Campbell** responds that it is both. The disease is called by a fungus and the science is limited because they are not sure how it is spreading. The resources are limited on how much research they can actually do. To actually do controls in the area, it would take substantial financial resources and human capital.

**Mr. Ching** shares that in addition to the ways that it has moved around, it is also believed that it is wind-blown through a beetle. It is a pandemic kind of issue. OHA will continue to rely on information that is provided by Forest Solution and others and will follow suit to protect the forest in whatever way possible.

In conclusion, he highlights the next steps moving forward:

### **Next Steps**

- 1) Finalize Draft;
- 2) Present Draft Plan to OHA CRM for comment in May 24, 2017.
- 3) Additional Ethnography to be conducted to further inform the plan.
- 4) Present the amended draft to the Community; (July, 2017-tentative)
- 5) Finalize the Plan and present to OHA BOT for final approval; (August 2017 on Hawai'i Island)

He reiterates that they want the Trustees input and opinions on the May 24<sup>th</sup> draft plan presentation. After presentation to the Trustees in May, they will go back to the Advisory Group and to the community in July. Finally, correcting the above slide, he shares that they will return to the RM committee in August and try to push to approve the board on Hawai'i island in September. He thanks the trustees for their attention and asks for questions.

**Trustee Akina** commends Mr. Ching, Mr. Nishijima, and all those involved in the Land Division. He makes a comment directed at the Trustees and shares that he is trying to find what role that Trustees are supposed to play. He has no question about OHA's values and that there is a need to mālama the land and preserve the cultural and traditional practices at the place. He reiterates his question from earlier – whether this is the work that OHA should be doing? Is OHA the best and last hope to be doing it? Or should OHA be trying to facilitate other parties and organizations to take on this work so that the costs don't come to OHA?

His second question concerns where this fits in terms of the priorities. He knows that OHA has a strategic plan and all strategic plans need continual review. In 2015, OHA commissioned an SMS survey through Stryker, Winer, and Yokoda that told OHA that the beneficiaries wanted the priorities to be housing, jobs, education, and healthcare. With that, he raises the question – where does OHA have the discussion about aligning priorities? If this conversation doesn't happen, OHA will continue to spend quite significantly. As Trustees, they must look at a broader picture. He shares that there is nothing negative about the great value that this work brings, but shares that they all know that the resources are limited.

**Chair Lindsey** thanks Trustee Akina for his comment.

**Trustee Ahuna** adds that this work shows a lot. It says that OHA can work alongside DLNR; and that's very important. His only question is in regards to budgeting – were these numbers in

the acquisition of the property added to OHA's overall costs? Is that why the overall budget seems ballooned on the top?

**Chair Lindsey** says no.

**Trustee Ahuna** asks if that is the case, then the \$280,000 per year is not included in the budget?

**Chair Lindsey** says no, its in a separate account.

**Trustee Akana** says not for the next couple of years because OHA has a savings. (Inaudible)

**Mr. Ching** agrees with Trustee Akana's statements and reiterates to Trustee Ahuna that the money came from FY 2006-2010. All the money was already previously allocated.

**Trustee Apo** shares that he believes that Trustee Akina raises an interesting question that poses another dilemma. This is one not just for Trustees but also for the Hawaiian community in general: for those who support the notion of nationhood, a geo-cultural footprint is very important. He shares that they are so far off track that they are buying back the area several acres at a time. On the other side, in terms of fiduciary duty, for those who may not support the notion of nationhood, he would think that they would choose to get rid of these properties, consolidate the revenue, and then the measure of success is generated by the spreadsheets. This is a real political question that he thinks will get addressed at some point. His hope is that it is addressed by a consensus of the Hawaiian people and not something that is spread for everyone. He shares that it was a good question.

**Trustee Akina** thanks Trustee Apo.

**Trustee Ahu Isa** adds that the charter school she just visited yesterday is struggling; they even have portable toilets. They have been there 16 years. She also discusses the issue of Rat Lungworm Disease, sharing that the charter school knew about it for a while now. She asks if that's the picture included on some of the slides?

**Mr. Ching** replies no, but shares that there is evidence of wild cats in the area.

**Trustee Ahu Isa** shares that what she's trying to get at is that tourists find the area in the forest reserves and finding the springs. She shares that she suggested that they make a non-profit. Now that OHA knows that the tourists want this experience, OHA could make money off of that.

**Mr. Ching** thanks Trustee Ahu Isa for bringing this up. He shares that there is opportunity for volunteer work in the plan. Furthermore, the community really wants to see education in the area. There so many charter schools in the area that are ready to get involved. He shares that this is something that could be considered in the future. He shares his excitement for the Trustees to hear the plan in its entirety.

**Chair Lindsey** thanks Mr. Ching, Mr. Campbell, Mr. Nishijima, and Ka Pouhana for the great presentation. She shares that the Trustees have all the faith and confidence in all the work that the Land Division does and expresses her gratitude.

**V. BENEFICIARY COMMENTS**

**Chair Lindsey** asks if there are any beneficiary comments? With none, she moves to announcements

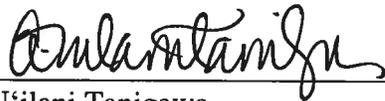
**VI. ANNOUNCEMENTS**

**Chair Lindsey** announces that the next RM meeting is scheduled for Wednesday, April 26<sup>th</sup>.

**VII. ADJOURNMENT**

<b>Trustee John Waihe'e, IV moves to adjourn. Trustee Leina'ala Ahu Isa seconds the motion.</b>						
	<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>'A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
<b>TRUSTEE LEI AHU ISA</b>		<b>X</b>	<b>X</b>			
<b>TRUSTEE DAN AHUNA</b>			<b>X</b>			
<b>TRUSTEE ROWENA AKANA</b>			<b>X</b>			
<b>TRUSTEE KELI'I AKINA</b>			<b>X</b>			
<b>TRUSTEE PETER APO</b>			<b>X</b>			
<b>TRUSTEE ROBERT LINDSEY</b>			<b>X</b>			
<b>TRUSTEE COLETTE MACHADO</b>						<b>X</b>
<b>TRUSTEE JOHN WAIHE'E</b>	<b>X</b>		<b>X</b>			
<b>CHAIRPERSON HULU LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			<b>1</b>
<b>MOTION: <input type="checkbox"/> UNANIMOUS <input type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED</b>						
<b>Motion passes with eight (8) YES votes and one (1) EXCUSED vote.</b>						

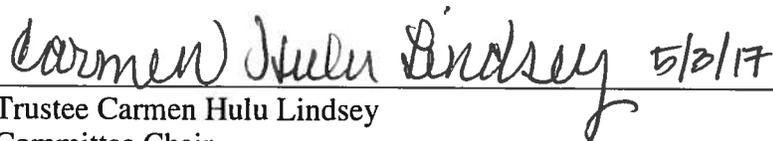
Respectfully Submitted,

 5/2/17

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A. U'ilani Tanigawa  
Trustee Aide  
Committee on Resource Management

As approved by the Committee on Resource Management on May 3, 2017.

 5/2/17

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Trustee Carmen Hulu Lindsey  
Committee Chair  
Committee on Resource Management