

LINDA LINGLE  
GOVERNOR  
STATE OF HAWAII



MICAH A. KANE  
CHAIRMAN  
HAWAIIAN HOMES COMMISSION

KAULANA H. PARK  
DEPUTY TO THE CHAIRMAN

ROBERT J. HALL  
EXECUTIVE ASSISTANT

**STATE OF HAWAII**  
**DEPARTMENT OF HAWAIIAN HOME LANDS**

P.O. BOX 1879  
HONOLULU, HAWAII 96805

TESTIMONY OF MICAH A. KANE, CHAIRMAN  
HAWAIIAN HOMES COMMISSION

BEFORE THE HOUSE COMMITTEE ON HAWAIIAN AFFAIRS

ON HB 901  
RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS

February 14, 2009

Chair Carroll, Vice-Chair Shimabukuro and Members of the Committee:

The Hawaiian Homes Commission and the Department of Hawaiian Home Lands supports the intent of SB 995. This bill attempts to resolve longstanding claims and disputes relating to public land trust proceeds due to the Office of Hawaiian Affairs (OHA). The time is long overdue to bring closure and resolution to these claims.

On January 26, 2009, Trustee Apoliona and OHA Administrator Clyde Namuo presented the terms of the settlement and requested the support of the Hawaiian Homes Commission. We support the intent of SB 995 and urge the Legislature to pass a bill to effectuate a settlement that reconciles wrongs done to the Hawaiian people.

The Hawaiian Homes Commission will continue to dialogue with homestead leaders and will continue to share our opinion on the proposed legislation.

Mahalo for the opportunity to testify on this important bill.



**LATE TESTIMONY**

**Testimony in Support of HB 901, Relating to the Office of  
Hawaiian Affairs  
House Hawaiian Affairs Committee  
State Capitol, Room 329  
February 14, 2009**

Submitted by  
T. Lulani Arquette

Aloha Chair Carroll, Vice Chair Shimabukuro and Members. I'm the Executive Director of the Native Hawaiian Hospitality Association. We are a private nonprofit that works to promote and perpetuate Hawaiian culture, traditions, and values in the visitor industry.

We would like to express our support of House Bill 901 relating to the Office of Hawaiian Affairs. We feel that it is critical that the State meet its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July 2008.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing obligation to Hawaiians.

I urge your Committee to support this bill.

Mahalo for the opportunity to testify.



CATHOLIC CHARITIES HAWAII

# LATE TESTIMONY

## WRITTEN TESTIMONY IN SUPPORT OF HB 901—RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS; PUBLIC LAND TRUST

**TO:** Representative Mele Carroll, Chair; Representative Maile Shimabukuro, Vice Chair, and Members, House Committee on Hawaiian Affairs

**FROM:** Betty Lou Larson, Housing Programs Director  
Catholic Charities Hawaii

**HEARING: Saturday, February 14, 2009; 10:00 am; CR 329.**

Chair Carroll, Vice Chair Shimabukuro, and Members of the Committee on Hawaiian Affairs:

Thank you for the opportunity to provide written testimony on this bill concerning the Office of Hawaiian Affairs. I am Betty Lou Larson, Housing Programs Director, from Catholic Charities Hawaii.

Catholic Charities Hawaii supports ongoing, consistent funding to the Office of Hawaiian Affairs (OHA). This funding supports the needs of the Hawaiian people. The current housing crisis and the rapid increases in rents across the State have impacted severely on Hawaiian families. Hawaiians make up a disproportionate share of the homeless population, and especially the homeless along the Waianae Coast area. While homelessness hits many in our State, it strikes many young Hawaiian families. This puts their young children at risk for education and many other social needs, as well as the disruption that homelessness itself creates.

The Office of Hawaiian Affairs Grants Program has supported the Ma'ili Land Transitional Housing Program in Waianae, operated by Catholic Charities Hawaii. Historically, over 50% of the participants in this program have been of Hawaiian ancestry. The OHA funds have been a critical piece to maintain services to enable these young families to stabilize their lives, learn new skills, and move onto permanent housing in the community.

OHA collaborates with many groups in the community to assist programs that benefit Hawaiians and help them to become integrated into society, yet retain their important cultural identity. The housing needs, educational needs and many other necessities of Hawaiians could be addressed by the Office of Hawaiian Affairs with stable funding.

We urge your support of OHA. We thank you for your efforts to support the Hawaiian community to achieve more housing, better educational opportunities, more cultural understanding and integration, and a wide range of other opportunities via the Office of Hawaiian Affairs.



# LATE TESTIMONY

CS09:052T:LKR

To: The Honorable Mele Carroll, Chair  
The Honorable Maile Shimabukuro, Vice Chair  
House Committee on Hawaiian Affairs

From: Laura Kay Rand, Vice President of Corporate Services  
Goodwill Industries of Hawaii, Inc.

Date: February 13, 2009

Re: **Testimony in support of S.B. 901 – Relating to the Office of Hawaiian Affairs**

Goodwill Industries is among the largest human service non-profit organizations in Hawaii. Our mission is to help people find and succeed in employment. Last year, we placed 1,863 people find jobs in our community. Goodwill has fifty (50) years of experience assisting people who have barriers employment find jobs and gain self-sufficiency.

Through its ability to provide funding to assist projects supporting Hawaiians, OHA stepped forward as a funding partner for Goodwill's newest project, the Ohana Career and Learning Center. The Trustees recognized that each year, at one-third of the people served, Hawaiians represented the largest ethnic group served by Goodwill.

The Ohana Career and Learning Center will increase Leeward residents' accessibility to Goodwill's expertise in workforce development, job training and employment resources. All of the programs and services available at the Center will support Hawaiians preparing to transition from public assistance into the workforce and self-sufficiency. As clients enter the workforce (some for the first time), they and their families will become less dependent on public sector support, have the tools to move beyond poverty and become productive, independent, tax-paying members of their communities.

It is through community partners, like the Office of Hawaiian Affairs, that Goodwill is able to expand its services to provide services to help families become employed and achieve self-sufficiency.



## KAUMAKAPILI CHURCH

766 North King Street  
Honolulu, Hawaii 96817  
(808) 845-0908

Established 1838

# LATE TESTIMONY

Reverend Richard K. Kamanu, Kahu Mua

13 February 2009

Re: **HB901 RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS  
PUBLIC TRUST LANDS SETTLEMENT OF PAST REVENUES.**

February 14, 2009  
10:00 am  
State Capitol Conference Room 329

Dear House Committee Hawaiian Affairs Members:  
-Representative Mele Carroll, Chair  
-Representative Maile Shimabukuro, Vice Chair

Aloha! I am writing this letter as a concerned citizen of the State of Hawaii and as a native Hawaiian, born and raised in these islands and whose family is rooted in this land from my kupuna who settled in these islands from the island of Borabora. I stand in support of **HB 901 "RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS PUBLIC LAND TRUST SETTLEMENT OF PAST REVENUES."** Upon passage of the bill and receipt of the monies annually, the Office of Hawaiian Affairs and/or other entity governing the affairs of the indigenous people of Hawaii would increase the capacity significantly in providing essential and much needed services to its beneficiaries.

As a Hawaiian Christian Minister, serving a predominantly Hawaiian congregation which service the community of the Kalihi-Palama area, we have seen the plight of our native Hawaiian people struggle to make ends meet in their own homeland. Hawaii has failed to provide an affordable housing venue that would benefit a number of our low income, to no income families. Hawaii has failed to provide a educational system that meet the needs of our native Hawaiian people.

As a pastor of a church that service the poor, the oppressed, the down trodden, the disadvantaged of our islands, and namely one in which ministers to both Hawaiian and non-Hawaiian alike, sees this settlement as an opportunity to provide Hawaiian education, social service, self-determination for it's native peoples, will begin to bring equality, self-worth, and pride for our Hawaiian population to their vision and needs.

I believe this is good and appropriate at this time.

Sincerely,

Rev. Richard K. Kamanu,  
Kahu Mua

# Papahana Kuaola

Providing Hawaiian cultural and environmental education

P.O. Box 6484 Kāneʻohe, HI 96744 • E-mail:  
lelekamanu@gmail.com

Legislative Testimony

**LATE TESTIMONY**

**HB 901**

## **RELATING THE OFFICE OF HAWAIIAN AFFAIRS**

### **House Committee on Hawaiian Affairs**

February 14, 2009 10:05am–4:00pm State Capitol, Room 329

Aloha Chair Carroll, Vice Chair Shimabukuro and Members. I am Miala Leong, Administrative Assistant for Papahana Kuaola, which is a beneficiary of the Office of Hawaiian Affairs (OHA). I am writing on behalf of Papahana Kuaola to express our support of House Bill 901 relating to OHA.

We feel that the time has come for the State to fulfill its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds OHA is to receive from the public land trust from November 1978 to July 2008.

For more than 30 years, the \$200 million owed to OHA has not been paid. This includes property in Kakaʻako Makai, Oʻahu, and Banyan Drive, Hawaiʻi Island. Papahana Kuaola believes it is reasonable that in making progress toward meeting its obligation, the State should convey these parcels of property to OHA in fee simple. OHA is doing full due diligence on the lands and will have an opportunity to reject properties that do not serve its best interests. Moreover, the fee simple conveyances should be free of any other State controls, allowing the lands to be put to use in OHA programs.

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawaiʻi Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing obligation to Hawaiians.

Papahana Kuaola urges your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.



Wai'anae  
Coast  
Early  
Childhood  
Services

## LATE TESTIMONY

**FROM:** Douglas Mersberg, Executive Director  
**SUBJECT:** In favor of HB 901 – Relating to the Office of Hawaiian Affairs  
**DATE/TIME:** February 14, 2009, 10:05 a.m.  
**LOCATION:** Conference Room 329

**TO:** House Committee on Hawaiian Affairs  
 Representative Mele Carroll, Chair  
 Representative Maile Shimabukuro, Vice-Chair

Chair Carroll, Vice-Chair Shimabukuro and Members of the Committee:

As the Executive Director for Wai'anae Coast Early Childhood Services, I wish to express our support of House Bill 901. This bill provides an opportunity for the legislature to further meet its constitutional obligation to Native Hawaiians.

Wai'anae Coast Early Childhood Services serves more than 350 young children, the majority of which are Native Hawaiians. We primarily serve infants and toddlers with special needs and preschool children from low-income families. We provide quality services as evidenced by our record of meeting the performance objectives of our early intervention contracts and the NAEYC accreditation for both of our preschools.

The Office of Hawaiian Affairs has provided funding for scholarships, staff training, and infrastructure improvements that have played a key role in enabling us to deliver quality services. This funding has been vital in helping us to meet the educational and developmental needs of our young keiki. OHA funding has enabled us to provide our keiki with a good chance to reach their educational potential and to become successful in life.

This bill will enable OHA to make an even greater impact in the lives of children and families. We urge your support of HB 901.

We deeply appreciate this opportunity to testify.

84-1061 Noholio Road Wai'anae, Hawai'i 96792  
 (808) 695-9400

## LATE TESTIMONY

# Hope, Help and Healing Kaua'i

P.O. Box 662227, Lihue, HI 96766

Phone (808) 245-3740

office@hhhk.org

[www.hhhk.org](http://www.hhhk.org)

February 13, 2009

Senate Sergeant-At-Arms Office

The House Committee on Hawaiian Affairs will be hearing HB 901

Re: Office of Hawaiian Affairs

Dear Sirs,

Currently we are facing an epidemic on Kauai with regard to substance abuse and drug addiction. Services are losing financing, residents are losing their homes and jobs and with the stress of limited services people are having an extremely hard time facing all at once leading them to drugs and alcohol.

Hope, Help and Healing Kauai is a faith based non-profit corporation established in 2005 assisting individuals dealing with substance abuse and life trauma. We also operate two transitional houses in Kauai and have been awarded a grant from OHA in February of 2009. We want to open the first Therapeutic home on Kauai and OHA has agreed to support HHK in its work.

If OHA lost its funding we would have to shut our doors. In order to continue our work we need the financial support of such a worthy contributor to keep facilitating services to clients in dire need. HHK needs to create a constant source of prevention and treatment for our island resident. More importantly funding should not be cut from OHA since this our lively hood, the health of our community and our children's future.

Mahalo for your time,



Tina Albao

Administrator

**Rep. Maile Shimabukuro**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, February 13, 2009 1:38 PM  
**To:** HAWtestimony  
**Cc:** djshop@djollay.com  
**Subject:** Testimony for HB901 on 2/14/2009 10:05:00 AM

**LATE TESTIMONY**

Testimony for HAW 2/14/2009 10:05:00 AM HB901

Conference room: 329  
Testifier position: support  
Testifier will be present: No  
Submitted by: Donna Jollay  
Organization: Hope, Help & Healing Kauai  
Address: 2978 Haleko Rd. #101 Lihue, HI 96766  
Phone: 808-245-3740  
E-mail: [djshop@djollay.com](mailto:djshop@djollay.com)  
Submitted on: 2/13/2009

**Comments:**

To Whom it May Concern:

Currently we are facing a very real epidemic on Kauai with regard to substance abuse and drug addiction. It is a reported fact that Hawaii has the highest methamphetamine usage per capita in the nation. Services are losing financing, residents are losing their homes and jobs and with the stress of limited services people are having an extremely hard time facing this all at once leading them even more into drugs and alcohol in an tragic attempt to self-medicate.

Hope, Help and Healing Kauai (HHHK) is a faith based non-profit corporation established in 2005 assisting individuals dealing with substance abuse and life trauma. We operate two transitional houses in Kauai, provide Outpatient treatment services and were awarded a grant from OHA in February of 2009. We plan to open the first Therapeutic Living Program (TLP) home on Kauai and OHA has agreed to support HHHK in this effort.

If OHA were to lose its funding the ripple effect would be that we would have to shut our doors, since we have already made the intial investment in the TLP program. In order to continue this work we need the financial support of such a worthy contributor to continue offering services to clients in such dire need. With the funding OHA currently receives, OHA and HHHK are partnering together to create a continuum of care and to provide a constant source of prevention and treatment for our island residents and more importantly the health of our community and our children's future.

Warmest regards,  
Donna Jollay  
President, Hope, Help and Healing Kaua`i

OFFICE OF HAWAIIAN AFFAIRS

February 13<sup>th</sup> 2009,

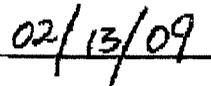
## LATE TESTIMONY

On behalf of Hope, Help and Healing Kauai I would like to send out a testimonial to share my experience in treatment with them. I am a native Hawaiian who is currently receiving treatment with HHHK due to a court order for drug treatment. I began treatment in September of 2008 with my CSAC counselor Malia Tokioka. Before I entered treatment I was unsure of my future and had no goals. As I began treatment with my counselor she empowered me as a native Hawaiian to tap into resources that would help me get me and my family back on our feet. My counselor informed me of Hawaiian homes, helped me by getting the paper work for me to complete and help me fill it out. I was also able to take a look at personal challenges and stay focused on the positive.

HHHK was able to support me when I relapsed and never made me to feel shameful of my mistakes. They are always warm and genuine when I come for me appointments. Thank you for supporting this program because it has made a huge difference in my life and I am able to walk proud as a Hawaiian and see my future as it is starting to unfold. I am in the process of changing jobs, getting my license back and I am on the list for a lot with Hawaiian homes for me and my family.

My future is much brighter now and I am looking forward to it and embracing the possibilities that now, to me look obtainable. I would like to thank OHA for your support of HHHK and thank HHHK for being supportive to the Hawaiian community.

  
Stanley Akau, Jr

  
Date

**HPACH**  
 919 4th Street  
 Pearl City, Hawaii 96782

**LATE TESTIMONY**

February 14, 2009

Representative Mele Carroll, Chair  
 Representative Maile S. L. Shimabukuro, Vice Chair  
 And Committee Members on Hawaiian Affairs  
 House of Representatives, 2009 Legislature Session  
 State of Hawaii

Subject: HB 901, Relating To The Office Of Hawaiian Affairs, OPPOSE

ALOHA Kakou,

My name is Richard Pomaikaiokalani Kinney. On January 17, 1993 after reading Public Law 103-150 I renounced my citizenship to the United States. I come here today as a Hawaiian Nationalist of the Hawaiian Kingdom. I strongly support the restoration of the Hawaiian Kingdom government that was invaded and occupied thru an Act of War on January 16, 1893 with the involvement of the diplomatic and military forces of the United States.

As Sovereign of the Hawaiian Political Action Council of Hawaii, I strongly OPPOSE the passage of HB 901.

All lands of the Public Land Trust are the Sovereign National Lands of the Hawaiian Kingdom. Hawaiian Sovereign National Lands that all Kanaka Maoli Hawaii hold the Sovereignty to those Hawaiian Sovereign National Lands.

Once more HPACH Supports the passage of HB 901. Mahalo Nui for allowing me to give testimony on this Bill.

Attachment: 1993 Renouncement Document

ALOHA KUU AINA HAWAII



Richard Pomaikaiokalani Kinney, SOVEREIGN

Hawaiian Political Action Council of Hawaii

87-168 Maaloa Street, Waianae, Hawaii, 96792

Email: [HLAHAWAII@aol.com](mailto:HLAHAWAII@aol.com)

HPACH

919 4th Street  
Pearl City, Hawaii 96782

LATE TESTIMONY

TO WHOM IT MAY CONCERN,

I, RICHARD POMAIKAI KINNEY  
(NAME)

919 4th Street, Pearl City, Honolulu, Hawaii 96782  
(ADDRESS)

a NATIVE HAWAIIAN descendant, do hereby declare myself  
SOVEREIGN unto GOD the CREATOR.

I, further declare my autonomous right, as a NATIVE  
HAWAIIAN descendant, to uphold with body and soul, the  
autonomous right of all NATIVE HAWAIIAN descendants and  
their OHANA.

"HANA LIKE KAKOU"

July 16, 1984  
(DATE OF NOTARY)

Richard Pomaikai Kinney  
(NAME)  
919 4th St Pearl City HI

STATE OF HAWAII                            )  
  ) ss  
City and County of Honolulu )

On this 16th day of July, 1984, before me personally  
appeared Richard Pomaikai Kinney, to me known to be the person described  
in and who executed the foregoing instrument and acknowledged that he  
executed the same as his free act and deed.

My Commission expires: July 31, 1986

Richard Pomaikai Kinney  
NOTARY PUBLIC, State of Hawaii

# HPACH

919 4th Street  
Pearl City, Hawaii 96782

## LATE TESTIMONY

STATE OF HAWAII  
City and County of Honolulu } 53.

I, Henry Richard Kinney, Jr., a Native Hawaiian descendant and Sovereign, born on December 26, 1938 at Queen's Hospital in Honolulu, Hawaii, do hereby renounce my citizenship to the United States of America as of 6 P.M. Hawaiian Standard Time on January 17, 1993.

I protest against any and all acts done against my native country, the Hawaiian Kingdom and its constitutional sovereign, Queen Liliuokalani by United States troops on January 17, 1893.

Now, to avoid any collision of arrest from agents of the United States, and perhaps the loss of my life and freedom, I seek the full independence of the Hawaiian Islands as an independant nation of the Free World.

*Mo*  
*Q10*  
*Q16*

*Henry R. Kinney*

Henry R. Kinney, Jr.  
731 McCully Street  
Honolulu, Hawaii  
96826

Subscribed and sworn to before me this  
15th day of January, 1993

*Sam H. O'Brien*

Notary Public, First Judicial Circuit  
State of Hawaii

MY COMMISSION EXPIRES 6-1-96

*ls*



**LATE TESTIMONY**  
Association of Hawaiian Civic Clubs  
P. O. Box 1135  
Honolulu, Hawai'i 96807

**TESTIMONY OF LEIMOMI KHAN, PRESIDENT  
IN SUPPORT, WITH AMENDMENTS, OF**

**H.B. 901 – Relating to the Office of Hawaiian Affairs**

Committee on Hawaiian Affairs

Hearing date, time and place:  
Saturday, February 14, 2009, 10:05 a.m., Conference Room 329

Aloha Chairperson Carroll, Vice-Chair Shimabukuro, and Committee Members

Thank you for this opportunity to testify in support, with amendments, House Bill 901, which amends the law to provide for the Office of Hawaiian Affairs to receive a portion of the income and proceeds from land in the public land trust.

At its annual conventions, in 2007 and in 2008, the Association of Hawaiian Civic Clubs voted to adopt resolutions, "Encouraging the Office of Hawaiian Affairs, the Executive Branch, and the Legislature to Reach an Agreement to Resolve the Past Due Income and Proceeds from the Public Land Trust Due to OHA for the Betterment of Conditions of Native Hawaiians, and for the Legislature to Pass Such an Agreement Into Law." In so doing, the delegates to these conventions noted that the Office of Hawaiian Affairs has, for more than 30 years, attempted to litigate and negotiate payment of those revenues, but has never been fully paid, and the lack of a full, fair, timely, and just payment of said revenues has inevitably impacted OHA's ability to fulfill its purpose and mission. Further, delegates noted, that after three Hawai'i Supreme Court decisions, the Court has repeatedly said that it is the Legislature's duty, power, and obligation to determine what constitutes OHA's pro rata portion.

Last year, OHA and the Executive Branch had announced a proposed settlement, which for varying reasons was not passed by the Legislature, however, the Legislature did, in a budget proviso, ask OHA and the Executive Branch to continue to pursue this issue and come back to the 2009 Legislature. House Bill 901 answers that tasking.

After much deliberation, the Association of Hawaiian Civic Clubs' Board of Directors voted unanimously to support House Bill 901 with amendment, the amendment being an added provision in the legislation that would require the lands transferred to OHA to be eventually turned over to the Nation of Hawaii for the benefit of the Native Hawaiian people. The Directors also noted that HB 901 is for past due revenue owed to OHA and

does not address future claims, and due diligence has been conducted by OHA to determine the amount owed and the value of lands; the settlement is limited to the past 30 years and 30 years is long enough to wait for payment. The Association has also noted the need for an inventory of ceded lands.

Accordingly, we strongly urge you to adopt House Bill 901 with amendment.



**Na Koa Ikaika o Ka Lahui Hawaii**  
c/o 400 Hualani Street, Bldg 10, Suite 194 ♦ Hilo, HI 96720  
(808) 961-2888 phone ♦ (808) 935-8854 fax ♦ gibson@ilhawaii.net



## LATE TESTIMONY

TESTIMONY IN OPPOSITION TO HB#901 Relating to OHA (Ceded Land Settlement Revenue Bill)

### HB #901

Hearing: Hawaiian Affairs

Date: February 14, 2009

Time: 10:05 am

Place: CR 329

Aloha Representatives,

I am opposed to this measure for the following reasons:

### Issues and Problems with the Bill:

#### OHA CANNOT MANAGE LAND ASSETS

1. In 2005 the legislative auditor blasted OHA for not being able to administer its finances pursuant to its fiduciary responsibilities. The Audit was very detailed in its criticism that OHA still had no comprehensive master plan and was still grappling with the effects of its poorly planned reorganization. The Auditor was not able to consider the OHA limited Liability Corporations because they were not in existence at that time. The last Audit, conducted in 2004 and filed with the legislature in 2005, is on line at <http://www.state.hi.us/auditor/Reports/2005/05-03.pdf>. Hawaii State law requires that every State Agency be audited every 4 years, but no audit was conducted on OHA for reporting in 2009.
2. The Roulac Report, which OHA paid \$916,980.00 for in 2008, was a private audit that OHA hired the Roulac Group from California & Georgia to conduct. The legislature must review this report before acting on this bill because it demonstrates that OHA cannot manage land. Quotes from the Roulac Report:
  - a. “#2. OHA staff and resources dedicated to its real estate involvements fall far short of need. Without requisite staff and resources, OHA cannot realize the objectives or its land involvements – and therefore overall OHA objectives.
  - b. #3. Trustees do not sufficiently appreciate the importance of the reality and appearance of no conflicts of interest. Trustees may not be attuned to the imperative of fiduciary duties of OHA property investment and their relative responsibilities.
  - c. #5. Some Trustees, lacking deal-making experience and savvy, may conduct themselves in ways that are contrary to OHA’s interests. Inappropriate discussions of what should be confidential information, combined with doing

business in public what should be done in private, compromises OHA's effectiveness in property transactions.

- d. # 8. Trustees tend to think in terms of incremental transactions and programmatic priorities, rather than holistic systems based on perceptions of what OHA's property involvements could be. Disproportionate emphasis on one involvement can compromise other types of involvements – and ultimately overall OHA purpose and objectives.
- e. #9. Trustees initiate and are confronted with a series of decisions without experience or consideration of how the decision may effect other decisions. Trustees devote more attention and resources to transactions – which may lack strategic merit and therefore should never been considered – than they do to the policies and strategies necessary for effective property involvements, consistent with OHA's overall purpose and priorities.
- f. #10. Financial discipline appears to be lacking, as some Trustees reflect a NO BUDGET CONSTRAINT assumption to guide OHA property involvements. Fiscal irresponsibility may compromise realizing specific priorities, threatens enterprises sustainability, and precluded OHA from realizing its overall purpose and objectives – plus exposes every trustee to liability for breach of trust.

### THIS BILL CONFLICTS WITH THE OHA MORATORIUM BILL

The Moratorium bill prevents the State from transferring or selling ceded Lands. This bill transfers ceded lands to OHA. OHA's present policy is to put Land into its limited Liability Corporations. The Corporate Documents of the LLC's allow OHA to transfer its lands to non-profits when OHA terminates the LLC's. This is a transfer of land out of the trust, and a breach of trust which the legislature cannot allow. A Moratorium is a Moratorium, OHA should not be an exception.

### THE SETTLEMENT AGREEMENT ACCOMPANYING THE BILL IS FLAWED AND WILL NEGATIVELY IMPACT HAWAIIANS

The Settlement agreement accompanying the bill is not limited to OHA's claims for revenue from 1978 to 2008, but will exterminate all claims of "any other person or entity" who have claims relating to ceded lands during this period. This broad language means that kalo farmers on Maui (Keanae-Waialea Nui), Oahu (Waihole-Waikane), & Hawaii (Waipio Valley) will not be able to recover damages or water for their claims relating to water diversion. These are only a few instances where there will be a negative impact on beneficiaries. If OHA can give up revenues for land, why can't Hawaiians give up their money damages for water for kalo? Any Release of Claims or Waiver should state clearly that the Settlement relates only to OHA's claims against the State for revenues.

#### Conclusion:

1. This bill should be killed, in the alternative, the legislature should consider taking the approach used with Kahoolawe, Hold the land for the Hawaiian Nation, put revenues from the land into an interest bearing account for the Nation.

Mililani B. Trask (Hawaii Island)

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

LATE TESTIMONY

To all to whom these presents shall come. Greeting:

By virtue of the authority vested in me by the Archivist of the United States, I certify on his behalf, under the seal of the National Archives of the United States, that the attached reproduction(s) is a true and correct copy of documents in his custody.



SIGNATURE <i>Shawn P. Smith</i>	
NAME Shawn P. Smith	DATE 05-12-2006
TITLE Acting Chief, Research Support Branch	
NAME AND ADDRESS OF DEPOSITORY National Archives at College Park 8601 Adelphi Road College Park, MD 20740-6001	

NA FORM 14007 (10-86)

1.  
KILIOUKAHANI of HAWAII, by the Will of God, named heir-apparent on the tenth day of April, A. D. 1877, and by the Grace of God, Queen of the Hawaiian Islands on the 17th. day of January, A. D. 1895, do hereby protest against the ratification of a certain treaty which so I am informed has been signed at Washington by Messrs. Hayes, Thurston and Kinney, purporting to cede those Islands to the territory and dominion of the United States. I declare such treaty to be an act of wrong towards the native and part-native people of Hawaii, an invasion of the rights of the ruling chiefs, in violation of international rights both towards my people and towards friendly nations with whom they have made treaties, the perpetration of the fraud whereby the constitutional government was overthrown and finally an act of gross injustice to me; -

BECAUSE, - The official protest made by me on the 17th day of January, 1895, to the so-called Provisional Government was signed by me and received by said government with the assurance that the case was referred to the United States for arbitration.

BECAUSE, - That protest and my communications to the United States government immediately thereafter expressly declares that I yielded my authority to the forces of the United States, in order to avoid bloodshed, and because I recognized the futility of a conflict with so formidable a power. BECAUSE, - The President of the United States, the Secretary of State, an envoy commissioned by them reported in official documents that my government was unlawfully coerced by the forces, diplomatic and naval, of the United States, that I was at the date of their investigations the constitutional ruler of my people.

BECAUSE, - Such decision of the recognized magistrates of the United States was officially communicated to me and to Sanford B. Dole, and said Dole's resignation requested by Albert S. Willis, the recognized agent and minister of the government of the United States.

BECAUSE, - Neither the above-named commission nor the government which sends it has ever received any such authority from the registered voters of Hawaii but derives its assumed powers from the so-called Committee of Public Safety organized on or about said 17th. day of January, 1895, said committee being composed largely of persons claiming American citizenship, and not one single Hawaiian was a member thereof or in any way participated in the demonstration leading to its existence.

BECAUSE, - My people, about forty-thousand in number, have in no way been consulted by those, three-thousand in number, who claim the right to de-

stroy the independence of Hawaii My people constitute four-fifths of the legally qualified voters of Hawaii, and excluding those imported for the demands of labor, about the same proportion of the inhabitants.

BECAUSE, - Said treaty ignores not only the civic rights of my people, but further the hereditary property of their chiefs. Of the four million acres composing the territory said treaty offers to annex, one million or 915 000 acres has in no way been heretofore recognized as other than the private property of the constitutional monarch, subject to a control in no way differing from other items of a private estate.

BECAUSE, - It is proposed by said treaty to confiscate said property, technically called the Crown Lands, those legally entitled thereto, either now or in succession receiving no consideration whatever for estates their title to which has always been undisputed and which is legitimately in my name at this date.

BECAUSE, - Said treaty ignores not only all professions of perpetual amity and good faith made by the United States in former treaties with the sovereigns representing the Hawaiian people, but all treaties made by those sovereigns with other and friendly powers, and it is thereby in violation of international law.

BECAUSE, - By treating with the parties claiming at this time the right to cede said territory of Hawaii, the government of the United States receives such territory from the hands of those whom its own magistrates legally elected by the people of the United States and in office in 1893 pronounced fraudulently in power and unconstitutionally ruling Hawaii.

THEREFORE, I, LILIUOKALANI of HAWAII do hereby call upon the President of that nation to whom alone I yielded my property and my authority to withdraw said treaty (ceding said Islands) from further consideration. I ask the honorable Senate of the United States to decline to ratify said treaty and I implore the people of this great and good nation from whom my ancestors learned the Christian religion, to sustain their representatives in such acts of justice and equity as may be in accord with the principles of their fathers, and to the Almighty Ruler of the Universe, to Him who judgeth righteously I commit my cause.

DONE at Washington, District of Columbia, United States of America this Seventeenth Day of June in the year Eighteen Hundred and Ninety-seven.

Joseph K. Keolu  
Wakeki Keliu  
Julius Palmer } Witnesses  
Liliuokalani }  
To Signature

To Hon John Sherman,

Secretary of State

United States of America,

Dear Sir,

On behalf of the Hawaiian Patriotic League, on behalf of the Hui Kalaiaina, organizations of the native and part native people of the Hawaiian Islands for the restoration of Constitutional Government, and the perpetuation of the Independence under their own rulers of the Islands, and by Commissions duly executed by such organizations conferring upon me authority, as well as in my own right as a representative of the people of Hawaii I herewith hand to you the duly executed protest of Her Majesty, Liliuokalani, by the grace of God, the reigning sovereign of those Islands on the seventeenth day of January, A. D. 1893, at which date she yielded her property and authority as our Queen to the forces, diplomatic and naval of the United States of America.

In the name of said associations of the people, and in the name of The majority of the voters registered at the date of such submission of our cause to the government of the United States, I do hereby support and confirm each and every representation of the said protest of our said Queen Liliuokalani, do add thereto the protest of the people I represent against the consideration, ratification or enforcement of a certain treaty as therein stated which purports to cede the territory of the Hawaiian Islands to the United States of America, and for the reasons stated to you in such protest made on our behalf by our aforesaid Queen Liliuokalani,

Done at Washington, this 17th. day of June, 1897.

Joseph H. Belcher

**Rep. Maile Shimabukuro**

---

**From:** lindelpuha@yahoo.com  
**Sent:** Sunday, February 08, 2009 9:24 PM  
**To:** HAWtestimony  
**Subject:** TESTIMONY HB 901

TO THE COMMITTEE ON HAWAIIAN AFFAIRS  
HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009

Monday, February 9, 2009  
6:00pm  
Paukukalo Community Center  
657 Kaumuali'i Street  
Wailuku, Maui  
Fax: 1-800-535-3859 ( Neighbor Islands )  
[HAWtestimony@capitol.hawaii.gov](mailto:HAWtestimony@capitol.hawaii.gov)

Testimony on the proposed ***HB 901- OHA to receive a portion of the income and proceeds from land in public land trust.*** HAW, WLO/JUD, FIN Pending Referral

To Rep. Mele Carroll, Chair, Rep. Maile S.L. Shimabukuro, Vice Chair and Committee Members

My name is Lindel Puha as notice of this hearing on the proposed measure did not provide sufficient time or information in order for me to decide to either support or oppose this proposal I humbly request this committee abstain from referring this bill to committee to allow the public more time for information gathering to ensure a positive and just outcome.

Sincerely,

Lindel Puha

**Rep. Maile Shimabukuro**

---

**From:** Bernice Kaiama [bkkaiama@yahoo.com]  
**Sent:** Sunday, February 08, 2009 8:24 PM  
**To:** HAWtestimony  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* TESTIMONY HB 901

TO THE COMMITTEE ON HAWAIIAN AFFAIRS  
HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009

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Testimony on the proposed ***HB 901- OHA to receive a portion of the income and proceeds from land in public land trust.*** HAW, WLO/JUD, FIN Pending Referral

To Rep. Mele Carroll, Chair, Rep. Maile S.L. Shimabukuro, Vice Chair and Committee Members

My name is Bernice K. De Santos as notice of this hearing on the proposed measure did not provide sufficient time or information in order for me to decide to either support or oppose this proposal I humbly request this committee abstain from referring this bill to committee to allow the public more time for information gathering to ensure a positive and just outcome.

Sincerely,  
Bernice K. De Santos

**Rep. Maile Shimabukuro**

---

**From:** Tane . [tane\_1@msn.com]  
**Sent:** Monday, February 09, 2009 1:27 AM  
**To:** HAWtestimony  
**Subject:** HB 901 RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.

HOUSE OF REPRESENTATIVES  
THE TWENTY-FIFTH LEGISLATURE  
REGULAR SESSION OF 2009

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Mele Carroll, Chair  
Rep. Maile S.L. Shimabukuro, Vice Chair  
Rep. Della Au Belatti Rep. Scott Y. Nishimoto  
Rep. Joe Bertram, III Rep. Ryan I. Yamane  
Rep. Tom Brower Rep. Gene Ward  
Rep. John M. Mizuno

NOTICE OF HEARING

DATE: Wednesday, February 11, 2009  
TIME: 6:05 p.m. - 9:00 p.m.  
PLACE: Keaukaha Elementary School  
240 Desha Avenue  
Hilo, Hawaii 96720

A G E N D A

HB 901	RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS.	HAW,WLO/ JUD,
<u>Status</u>	Amends the law to provide for the office of Hawaiian affairs to receive a portion of the income and proceeds from land in the public land trust.	FIN (pending re- referral)

Dear Representatives:

Have you noticed that these lands in question are "white elephants" and losing money? The Hotels on Banyan Drive are in disrepair and need a major overhaul. Kakaako is no better with the clean up it needs and the state's responsibility to do before allowing anyone to lease or purchase in fee. The value diminishes with the knowledge of clean up and repair and maintenance costs. Done in privately, it would be able to command the fair market value that is set in this negotiation. It's like buying a model-t and fixing it up to be a Rolls Royce, income producing property. The State can't wait to get those properties off its hands.

Why not the Waikoloan property or one similar that can produce income? What about properties that can place Hawaiians in homes? Maybe a highrise that has open-field property so owners can produce their own produce and have stables/kennels with open fields for animals and human exercise?

Why should Hawaiians pay for high land taxes for their properties? Who says they need to qualify for a loan or mortgage to get onto the land? Just give it to them and let them make due with what they can while the state can put in the infrastructure of utilities and roadways. It doesn't say that they have to be financially qualified. OHA, then should be concerned about placing the native Hawaiians and Hawaiians on property instead of dismissing the homeless ones.

What is the State and OHA smoking? If it's that good, share it with the rest of us, eh? How much longer do we have to deal with imbeciles? U.S. has to de-occupy our country and tend to their own kuleana and let us have ours. Don't they know, only they are playing the game of charades? They are so transparent as the safety glass on your auto's windshield or the lens on your eyeglasses!

As far as the inventory of seized lands, the state is responsible to get it done and at their own cost. There are only three purposes set in the Admission Act that I can see. Who started the misconception of 5 purposes, anyway? Tell them reread the Admission Act and try to explain it when it was done at the time and its intention.

Something smells and it's not fish in Denmark!

\* \* \*

It's not OHA per se but those elected into those positions that we watch. These are all internal measures that we have to contend with and insure the trustees are accountable for their actions. This means, we ourselves have to be maka'ala to make them accountable. I know it's frustrating but we have to deal with it head on. This is why I say, they don't represent us and are elected by non-beneficiaries (community-at-large). They are just the receivers of the funds and dispense it for the betterment of the native Hawaiians. They weren't appointed to watch-dog our issues nor intervene for us nor use monies for those purposes nor become a political faction for our benefit. They are just clerks and insure that the monies are used for the purpose it was intended for.

Look at the 5(f) wording: "...for the betterment of the conditions of native Hawaiians, as defined in the Hawaiian Homes Commission Act, 1920, as amended, for the development of farm and homeownership on a widespread a basis as possible for the making of public improvements,..." - Dated at Honolulu, Hawaii, October 31, 1968. *Hidehiko Uyenoyama, Revisor of Statutes*

Notice in the 1968 revised Statutes of the Admission Act, there is NO comma between ...as possible ..and for the making of public improvements. So five purposes implied were not listed as five purposes. It is explicit for three purposes: **education, betterment for native Hawaiians, and for the provisions of lands for public use.**

"There use for any other object shall constitute a **breach of trust** for which suit may be brought by the United States." This means that the revenues cannot be put into and used in the **General Fund.**

(g) As used in this Act, the term "lands and other properties" includes public lands and other public property... and is limited to, the lands and properties that were ceded to the United States by the Republic of Hawaii under the joint resolution of annexation approved July 7, 1898 (30 Stat.750), or that have been acquired in exchange for lands or properties so ceded.

Section 4 also states, changes cannot be made "...except with the consent of the United States; and (3) that all proceeds and income from the "available lands", ad defined by said Act, shall be used only in carrying out the provisions of said Act." "...section 7, subsection (b) of this Act, subject to amendment or repeal only with the consent of the United States, and in no manner: *Provided, ...But the Hawaiian home-loan fund, the Hawaiian home-operating fund, and the Hawaiian home-development fund shall not be reduced or impaired by any such amendment, whether made in the constitution or in the manner required for State legislation, and the encumbrances authorized to be placed on Hawaiian Home lands by officers other than those charged with the administration of said Act, shall not be increased, except with the consent of the United States;...*"

Section 5(b) "...The grant hereby made shall be in lieu of any and all grants provided for new States by provisions of law other than this Act, and such grants shall not extend to the State of Hawaii."

I hope OHA has competent lawyers or else much of this goes unheeded. Somebody needs to do their homework, eh? How can they folow international laws when they can't even follow their internal laws? It's time they de-occupy Hawai'i once and for all and let US get on with our business!

Mahalo for your time,

Tane  
AKA: David M.K. Inciong, II  
1107 Acacia Road #113  
Pearl City HI 96782-2581

(808) 456-5772

[Tane\\_1@msn.com](mailto:Tane_1@msn.com)

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# LATE TESTIMONY

February 13, 2009

To: The Honorable Mele Carroll, Chair  
House Committee on Hawaiian Affairs

From: Andrew K. Poepoe

Subject: HB 901

Aloha Chair Carroll, Vice Chair Shimabukuro, and members of the Committee on Hawaiian Affairs. I am Andrew Poepoe, the retired district director of the U.S. Small Business Administration (SBA) office in Hawai'i.

I wish to express my support for House Bill 901 relating to the Office of Hawaiian Affairs (OHA).

SBA has worked very successfully with OHA to support the Hawaiian programs of SBA and SBA's mission in this field, and SBA has supported OHA in its program to prepare local firms for federal contracting work. I've found that good cooperative work between government agencies generally will lead to very favorable results for the public. Because SBA and OHA have established a good working relationship, the benefits to the Hawaiian community will grow and will continue into the future.

As economic conditions get tougher small businesses, non profits and individuals need more help from agencies such as OHA and SBA. Counseling, the right counseling, becomes important in order to have these firms and activities continue and continue to employ people.

The requests for help from OHA are far greater than the resources that OHA currently has. Any improvement that you and the members of this committee can make in this direction is the right decision.

I wish you and the members of the committee success in your deliberations in 2009. Your challenges this year are formidable.

**Rep. Maile Shimabukuro**

---

**From:** Lum, Andrew [alum@honolulu.gov]  
**Sent:** Friday, February 13, 2009 2:56 PM  
**To:** HAWtestimony  
**Cc:** johnr@oha.org  
**Subject:** SUPPORT HB901

## LATE TESTIMONY

Aloha Chair Carroll, Vice Chair Shimabukuro and Members. I am Andrew Lum, private citizen of the State of Hawaii and also of native Hawaiian decent. I wish to express my support of House Bill 901 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July 2008.

I believe it is reasonable that in making progress toward meeting its obligation the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. OHA is doing full due diligence on the lands and will have an opportunity to reject properties which do not serve its best interests. Moreover, the fee simple conveyances should be free of certain any other State controls, allowing the lands to be put to use in OHA programs.

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help fulfill the State's solemn and continuing obligation to Hawaiians.

I urge your Committee to respond favorably to this bill.

Mahalo for the opportunity to testify.

Andrew Lum  
350 Aoloa St. #B-126 Kailua, Hawaii 96734  
808-222-4957

Personal Testimony

**LATE TESTIMONY**

**HB 901**

**RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS**

**House Committee on Hawaiian Affairs**

February 14, 2009

10:05 a.m. – 4:00 p.m. State Capitol, Room 329

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Aloha Chair Carroll, Vice Chair Shimabukuro and Members. **I am Noberta A. A. Rowe, a resident of Honolulu, Hawai'i and a beneficiary of the OHA.** I wish to express my support of House Bill 901 relating to the Office of Hawaiian Affairs.

I feel that it is about time that the State meet its constitutional obligation to Native Hawaiians by addressing the amount of income and proceeds that OHA is to receive from the public land trust for the period from November 7, 1978 to July, 2008.

I believe it is reasonable that in making progress toward meeting its obligation the State convey to OHA in fee simple, certain parcels of real property in Kaka'ako Makai in Honolulu and along the Banyan Drive resort area in Hilo, Hawai'i. Moreover, the fee simple conveyances should be free of certain any other State controls, allowing the lands to be put to use in OHA programs **for my benefit and that of generations to follow.**

While OHA's mission and powers are broad, it has already demonstrated its capacity and ability to manage Waimea Valley, Wao Kele O Puna, and other properties which it has brought within its kuleana.

This bill provides the opportunity for the Legislature to take a major step in resolving an issue that has remained incompletely addressed for three decades and that the Hawai'i Supreme Court has ruled is primarily under the authority and responsibility of the Legislature. The bill would help **fulfill the State's solemn and continuing obligation to me and all Hawaiians.**

**I urge your Committee to pass this bill.**

Mahalo for the opportunity to testify.

**Rep. Mele Carroll**

---

**From:** Kekahuna Keaweiwi [kekahunakeaweiwi@yahoo.com]  
**Sent:** Saturday, February 14, 2009 8:28 AM  
**To:** Rep. Mele Carroll  
**Subject:** Opposition to House Bill 901

## LATE TESTIMONY

February 14, 2009

**TO:** House Representative, Mele Carroll  
**From:** Foster Robin Ampong  
**Sub:** Opposition to House Bill 901

Upon careful and thoughtful consideration and the completion of reviewing The Roulac Group, Inc. Report on OHA's present failures as a Trust for native Hawaiian Beneficiaries I strongly oppose House Bill 901 on the grounds stated below, yet, not limited to:

- The sweeping nature of the WAIVER OF CLAIMS.
- Conflict with the Moratorium Legislation (HB1841), which calls for "Prohibits the sale, exchange or other permanent transfer of lands in the public lands trust to a private entity; requires the Department of Land and Natural Resources to make an inventory of lands in the public lands trust; appropriates funds for the inventory, to be matched by the Office of Hawaiian Affairs."
- The likelihood that the lands received will be transferred into OHA's Limited Liability Corporations. The LLC documents allow OHA to transfer the land and property to non-profits when OHA terminates them, thus removing the lands from the ceded land trust. (This would also violate the OHA Moratorium Bill!)
- No Appraisals
- Lack of so-called "ceded lands" Inventory
- No Valuation
- No Beneficiary Consultation
- Lack of any substantive Transparency
- The 2008 Roulac Report that OHA paid \$916,980.00. The following are some examples of their findings of OHA:
  1. #2. OHA staff and resources dedicated to its real estate involvements fall far short of need. Without requisite staff and resources, OHA cannot realize the objectives or its land involvements – and therefore overall OHA objectives.
  2. #3. Trustees do not sufficiently appreciate the importance of the reality and appearance of no conflicts of interest. Trustees may not be attuned to the imperative of fiduciary duties of OHA property investment and their relative responsibilities.
  3. #5. Some Trustees, lacking deal-making experience and savvy, may conduct themselves in ways that are contrary to OHA's interests. Inappropriate discussions of what should be confidential information, combined with doing business in public what should be done in private, compromises OHA's effectiveness in property transactions.
  4. # 8. Trustees tend to think in terms of incremental transactions and programmatic priorities, rather than holistic systems based on perceptions

of what OHA's property involvements could be. Disproportionate emphasis on one involvement can compromise other types of involvements – and ultimately overall OHA purpose and objectives.

5. #9. Trustees initiate and are confronted with a series of decisions without experience or consideration of how the decision may effect other decisions. Trustees devote more attention and resources to transactions – which may lack strategic merit and therefore should never been considered – than they do to the policies and strategies necessary for effective property involvements, consistent with OHA's overall purpose and priorities.
6. #10. Financial discipline appears to be lacking, as some Trustees reflect a NO BUDGET CONSTRAINT assumption to guide OHA property involvements. Fiscal irresponsibility may compromise realizing specific priorities, threatens enterprises sustainability, and precluded OHA from realizing its overall purpose and objectives – plus exposes every trustee to liability for breach of trust.
7. #14. OHA Trustees appear to misallocate their Board meeting time, a very valuable, precious resource to be prudently, responsibly utilized. Spending Board time on anything but the most significant issues is not just inappropriate, but irresponsible. Consider Board that meets 200 hours per years with \$60 million operations budget and \$600 million endowment fund: Board time is worth \$300,000 per hour or \$5,000.00 per minute. Consider Board spends 19% of its time – 20 hours – on investment management oversight: board time spent on investment management oversight is worth \$30 million per hour or \$500,000 per minute. For Board to use time on issues lacking mission, policy or financial significance is a misallocation of enterprise resources – and inconsistent with fiduciary duty.”

Sincerely submitted

Foster Robin Ampong

82 E. Papa Avenue

Kahului, HI 96732

(808) 877-9097

Email: [kekahunakeaweiwi@yahoo.com](mailto:kekahunakeaweiwi@yahoo.com)