

## **Minutes of the October 17, 2012, Legacy Land Conservation Commission Meeting**

Date: October 17, 2012

Time: 9:00 a.m. to 1:00 p.m.

Place: Room 322C, Kalanimoku Bldg., 1151 Punchbowl St., Honolulu, Hawai‘i

### **COMMISSION MEMBERS PRESENT:**

Mr. Thorne Abbott

Dr. Carl J. Berg

Ms. Lori Buchanan

Dr. Joan E. Canfield

Mr. Kaiwi Nui

Ms. Karen Young

### **COMMISSION MEMBERS ABSENT:**

Mr. Herbert (“Monty”) Richards

Dr. Robert J. Shallenberger

### **STAFF:**

Ian Hirokawa, DLNR, Land Division

Randall Kennedy, DLNR, DOFAW

Esther Kia‘iana, Land Deputy, DLNR

Molly Schmidt, DLNR, DOFAW

### **PUBLIC:**

Laura Ka‘akua, Trust for Public Land

Rebecca Alakai, Natural Area Reserve System Commission

### **MINUTES**

ITEM 1. Call to order and introduction of members and staff.

Chair Kaiwi called the meeting to order, Commission members, staff, and members of the public introduced themselves. Chair Kaiwi reviewed the statutory responsibilities of the Commission under Hawaii Revised Statutes, Section 173A-2.5, and he passed out copies of the section.

Member Buchanan stated that she had questions for counsel under Item 4. She asked if she would be able to ask these questions under executive session today. Member Kaiwi stated that he did not know the nature of the questions, he was not able to determine whether executive session is appropriate. Ms. Schmidt stated that counsel was not present at the meeting. Member Buchanan asked Mr. Hirokawa’s role, Mr. Hirokawa stated that he was staff in a non-attorney capacity.

Ms. Rebecca Alakai stated that there were two routes for requesting counsel. One could request counsel outside the AG’s office through a lot of paperwork, otherwise, can request AG presence at next meeting. Member Kaiwi agreed that the Commission could request AG presence at an

upcoming meeting and asked Member Buchanan if it was needed. Member Buchanan agreed. Member Canfield asked if the AG was available this morning. Ms. Schmidt stated that she was unsure of the logistics of asking a deputy AG to arrive in person on short notice while this meeting is in session. She added that they could request an AG and potentially put the item on the December 6, 2012, meeting agenda. Member Buchanan stated that Mr. Hirokawa could provide guidance on whether the discussion under Item 4 was within bounds of what is appropriate. Mr. Hirokawa stated he'd do his best. Member Kaiwi asked that Ms. Schmidt look into having an AG present on the sixth. Member Buchanan stated it may be moot at that point.

ITEM 2. Approval of Legacy Land Conservation Commission meeting minutes from June 26, 2012.

Ms. Schmidt stated that nobody had turned in edits. Member Berg moved to approve the minutes, Member Canfield seconded, all were in favor.

ITEM 3. Discussion of the Fiscal Year 2013 Legacy Land Conservation Program timeline, process, site visits, and meetings; possible formation of task forces for site visits to proposed project locations.

Chair Kaiwi asked staff to provide an update. Ms. Schmidt stated that the timeline this year was the same as previous years. This meeting's purpose is to arrange site visits, then site visits can be done up until the December meetings, tentatively scheduled for December 5 and December 6, 2012. After the Commission gives recommendations in December, the Senate President and House Speaker consultation is conducted in January-February, the Board of Land and Natural Resources meeting is generally in February-March, and then the Governor approves and staff encumbers funds prior to the end of the fiscal year. There is a revised table and a site visit sign-up sheet in the meeting documents.

Member Berg asked why the number of actual applicants had been so much less than the number of agencies and organizations submitting consultation requests. He asked if the number of applicants had been reduced because of the new requirements regarding conservation easements and the like. Ms. Schmidt stated that she did not have information on why the number had dropped. Twelve consults had been submitted to DLNR and only six applications had been received. Of the six, two applicants had withdrawn for purposes having to do with their specific projects, not with the consultations. Member Berg asked whether she thought the six applicants that did not apply had been advised not to apply in the consultation process. Ms. Schmidt stated that she did not know. She had not gotten information on why. Member Berg stated that the process was burdensome, and in the first year of implementation, the applicants had dropped off drastically. He wondered if that was an indication that the Commission should review the process. Member Canfield suggested polling the ones that had not submitted applications to see why. Ms. Schmidt agreed.

Member Buchanan asked if the consultation was part of the new administrative rules.

Ms. Schmidt stated that the consultation was under Act 284, which was up for discussion under the next agenda item. She asked if the Commission could hold discussion on Act 284 until the site visits were discussed. The Commission agreed.

Ms. Schmidt stated that there were now four proposals, including two sites on Oahu and two on the Big Island. In the past, site visits had been conducted by task forces, a permitted interaction that involved two to four members. The task forces required three sunshined Commission meetings, one to arrange the task forces, another to report the results, and a third to make decisions. Member Berg asked if there were any financial restrictions on the travel budget, Ms. Schmidt stated there were not. Chair Kaiwi asked Ms. Schmidt if there were any other details relating to how the task forces are formed. Ms. Schmidt stated that last year the Commission had run through the list of sites to see what members wanted to attend, this year could be the same, however, the Big Island members were not present. Chair Kaiwi began to read through the list to see which Commission members were interested in which sites. Commission members voiced their interest.

During discussion, Member Buchanan commented that, even though some members already lived on some islands and would not need travel, it would be good to have a mix of members and perspectives on each site aside from just the members that live on island. She named the Kawa project as an example of a project that may have benefitted from multiple perspectives. Member Abbott volunteered to step down from any full sites where a cultural member would be needed. Member Berg stressed the need for the Commission's cultural member, Chair Kaiwi, to be on site visits. Member Buchanan reminded Ms. Schmidt that alternate members had been permitted in previous years.

Member Young started to ask a question. Ms. Schmidt mentioned that she had informed members of the public that a discussion of the content of proposals would not occur at this meeting. Member Young clarified that she was about to ask a question regarding a conflict of interest. She wanted to know whether her volunteer activities at a dairy would cause a conflict. Member Buchanan stated that it was a counsel question. Ms. Schmidt stated that staff at the State Ethics office was available to answer questions regarding conflicts of interest.

The following list of task force members was completed:

Project title	Agency/org:	District - Island	CE / fee	held by	TMK	LLCC members
Hamakua Springs (Richard Ha) Purchased CE	Hawaiian Islands Land Trust	South Hilo, Island of Hawaii	CE	HILT	(3) 2-8-004:005	Rob Shallenberger (contact) Lori Buchanan Monty Richards Kaiwi Nui Thorne Abbott (alternate)
Vipassana Hawaii Purchased CE	Hawaiian Islands Land Trust	North Kohala, Island of Hawaii	CE	HILT	(3) 5-3-007-010; (3) 5-3-007-041; (3) 5-3-007-042; (3) 5-3-007-043; (3) 5-3-007-044	Rob Shallenberger (contact) Lori Buchanan Monty Richards Thorne Abbott Kaiwi Nui (alternate)
Whitmore Agricultural Lands	The Trust for Public Land & State of Hawai'i Agribusiness Development Corporation	Waialua District/ Moku, Central O'ahu	fee	ADC	(1) 7-1-002:034, (1) 7-1-002:035, (1) 7-1-002:036, (1) 7-1-002:006, (1) 7-1-002:004, (1) 7-1-002:023	Joan Canfield (contact) Karen Young Thorne Abbott Lori Buchanan
Acquisition of Buffer for Ulupo Heiau	State of Hawaii, DLNR, Division of State Parks	Ko'olaupoko, Island of O'ahu	fee	SP	(1) 4-2-103: portion of 32	Joan Canfield (contact) Karen Young Thorne Abbott Kaiwi Nui Lori Buchanan (alternate)

Member Young moved to accept the task forces for site visits as listed. Member Buchanan urged Member Berg to join a site visit and Member Berg stated he preferred not to. Member Canfield seconded Member Young's motion, and all were in favor.

ITEM 4. Update from staff, discussion, and possible action regarding Act 284, Session Laws of Hawaii 2012, and related requirements and procedures.

Member Kaiwi asked staff to provide an update and requested that Commission members resist the urge to spend discussion time on aspects of the Public Land Development Corporation (PLDC) that do not relate to the Commission's mission or responsibilities. He added that he encouraged voicing any opinions and facts that deal with PLDC as it relates to the Commission.

Member Berg added that he had a question for staff under the previous item. He asked Ms. Schmidt what the grants budget would be for FY13, given the recent reductions to the fund. Ms. Schmidt stated that the advertised amount had been \$2.5 million available for grants; however, she had thought it would be more than that. She stated that she had not recently done an estimate. Member Berg asked for an update prior to the Commission meeting. Ms. Schmidt agreed and said she had hoped it would be closer to \$3 million, but did not have the figures and did not want to have anyone rely on that number until she did.

Ms. Schmidt stated that she had another question under the previous item as well. She asked the Commission if it wanted to dispose of the Interim Evaluation Form now that the criteria are available in rule form. Member Canfield commented that it was still helpful for note taking and saw no reason to dispose of it. Other members agreed.

Chair Kaiwi asked staff to provide the update for Item 5. Ms. Schmidt stated her perspective on what Act 284 does, stating the following: it requires applicants to consult with Dept. of Land and Natural Resources (DLNR), PLDC, Dept. of Agriculture (HDOA), and the Agribusiness Development Corporation (ADC) regarding the public benefits of a project; it clarifies which organizations can hold what types of deed restrictions (including covenants, deed restrictions, conservation easements and agricultural easements) on what kinds of projects; it requires the Board of Land and Natural Resources (BLNR) to be a co-holder of any easements; and it also allows BLNR or other agency to exempt an applicant from any conservation easement required by it. She added that she had included the last committee report on the bill in the meeting documents, the committee report provided a summary of what the last committee had done with the bill.

She stated that the Act had rendered one of the recently-passed administrative rules invalid, per the AG, staff would have to repeal the rule through the same public hearing process as is followed for passing a rule. She suggested working with the AG to bring a proposal before the Commission on December 6. Member Young asked what the discrepancy was between the Act and the rules. Ms. Schmidt stated that one inconsistency was that the administrative rules required a conservation easement be held over fee lands acquired by nonprofits using Legacy Land funds, whereas the Act differed on what entity can hold the easement and also allowed an exemption from any easement required. The idea is to go through the rule with the AG and see what needs repealing. Member Berg stated that the essence of what would be repealed is the requirement that a nonprofit provide a conservation easement. Ms. Schmidt stated that she did not have the specific language or any drafts in front of her, so it was hard to get specific at this meeting, however, she would review with the AG and have it available at the December 6 meeting. Member Berg repeated his question. Ms. Schmidt stated that it seemed clear to her at

this point that at least the exemption in the Act was inconsistent with the requirement in the rule, but in order to get the specifics down for informing people, she'd like to review the matter with the AG. She added that the Commission did not have to accept the draft presented at that point, and could consider other options, like revising or introducing other language.

Member Canfield asked if the matter would complicate this year's awards process. Ms. Schmidt stated that there were no longer any nonprofit fee acquisitions requesting funding. Mr. Hirokawa added that the act would control. Ms. Schmidt agreed.

Chair Kaiwi asked Ms. Schmidt to update the Commission on how the Act 284 consultation process had worked. Ms. Schmidt stated that the applicants provide the consultation forms directly to the agencies, with a copy Legacy Land. The agencies respond directly to applicants, and the applicants are supposed to send in the forms along with the applications on deadline. The applicants had a deadline of August 3, 2012, to turn consultation requests in to agencies, and a deadline of September 17, 2012, to turn in the responses with the applications.

Member Young stated that PLDC had not sent in responses to any applicants, and that some applicants did not have responses from other agencies. She asked if these applicants would be disallowed from funding. Ms. Schmidt stated that it would be within the Commission's discretion. Chair Kaiwi stated that the process was designed to provide information to the agencies, not to disqualify applicants. Ms. Schmidt agreed and stated that the requirement was for the applicants to meet both deadlines in getting the forms in to the agencies. Member Canfield asked if the agencies were required to respond. Ms. Schmidt stated that the program was not in the position to require that. Member Berg stated that an applicant that had met deadlines but had not gotten an agency response could still proceed. Ms. Schmidt agreed. Chair Kaiwi asked if it was stated in writing somewhere that a lack of response from an agency would be deemed to be a "no comment" response. Ms. Schmidt confirmed that the consultation form itself stated this. Member Berg asked if the four consultation responses were available. Ms. Schmidt stated that the responses should be in the application packages. Also, she had been asked by applicants whether to send in late responses received by agencies and had told them yes.

Member Young stated that this was another hurdle for applicants. Ms. Schmidt stated that it was created by legislature, not by the Department or the Commission. They had tried to make it as efficient as possible

Member Abbott asked if Ms. Schmidt had gotten a sense of whether the consultation process had been a deterrent to applicants. Ms. Schmidt stated that one applicant had written in a week prior to deadline to state that they hadn't been aware of the consultation deadline. Ms. Schmidt stated that there was an administrative rule requiring that deadlines be obeyed, she had discussed the matter with the AG and had held applicant to the deadline. Member Abbott stated that awareness of the requirement will hopefully spread in the following years. Ms. Schmidt agreed and stated that Legacy Land could also do more advance notice; it had been difficult in the previous year because the act passed right before the request for applications.

Member Buchanan asked Ms. Schmidt to list the consulted agencies. Ms. Schmidt stated that PLDC, DLNR, ADC, and HDOA had been consulted. Member Young stated that ADC was an applicant, this gave them an advantage. Chair Kaiwi stated that the same would be so for DLNR. Member Berg stated that it put the onus on nonprofits.

Chair Kaiwi stated that the comment timeframe for DLNR would be pressing, given the number of divisions. Member Berg stated that it was assumed that there would not be an efficient response. Chair Kaiwi stated that it would not be an acceptable standard for nonprofits.

Ms. Schmidt stated that she had gotten the assignment of conducting DLNR's consultation process and could answer any questions about that. Member Canfield asked if she had coordinated the process. Ms. Schmidt clarified that she had basically just done the clerical task of copying the consultation requests to divisions and getting the division responses compiled and back to the Chairperson's office for signature.

Member Berg asked if there had been a point person assigned at the other agencies. Ms. Schmidt stated that she assumed that one staff person at each department had gotten the assignment, but she did not have the contact. Member Abbott asked Ms. Schmidt if she was then the point of contact for DLNR. Ms. Schmidt clarified that the actual point of contact was the Chairperson's office, she was just the staff that had received the assignment. She had consulted with her administrator on how to conduct the process. She did not provide comment; rather, she sought comment from the divisions and compiled their answers. She stated that she would follow up with a list of what divisions were consulted. Member Canfield asked if the same divisions had been consulted for all applications, Ms. Schmidt confirmed that this was correct.

Member Berg stated that he wanted to know the point persons for each of the other agencies. Ms. Schmidt replied that the actual point people were the heads of each department, the decision to delegate was made internally. He asked if they could request the names, Ms. Schmidt said it was a possibility. Chair Kaiwi asked what the purpose would be. Member Berg stated it would be good to know who they were communicating with. Ms. Schmidt stated that her point had been that the official point of contact is supposed to be the department head, while they may have delegated the assignment, the point of contact is the same. Member Berg stated that the staff changes from time to time. Member Abbott stated that it might be hard to keep track of the actual staff assigned, especially given that staff members stand in for one another when on vacation, etc.; and it may not be appropriate to have the contact info for a given staff, it might lead some to put unwarranted pressure on the staff member. Ms. Schmidt stated that, as agency staff, she could say that it is common for staff to complete assignments and have them revised prior to a final response from the department.

Chair Kaiwi stated that there was still a challenge regarding the point of contact for cultural resources. Member Berg stated that he'd be interested in metrics demonstrating how this process was working from year to year. How could they document whether or not the consultations were happening, and whether it was working? Member Abbott suggested tracking non-responses. Member Berg stated interest in the efficiency and fairness of the process. Ms. Schmidt stated that this could be done, but was not certain of which details ought to be tracked. Member Abbott clarified that a spreadsheet tracking agency response per applicant, sorted by nonprofits vs.

agencies. Ms. Schmidt stated that she thought Member Berg was interested in the reason that the twelve initial consultation requests rather than the four final applicants for which they had the actual consultation responses for. Member Canfield pointed out that they'd have at least six sets of responses if the two withdrawn applications are included. Chair Kaiwi asked Ms. Schmidt to work on the request for the next meeting. The point would be to determine fairness and efficiency of the process to different resources and applicants. Member Abbott added that he had no problems with the consultation itself, it could be very beneficial. Member Buchanan stated that a typical agency consultation done on deadline would be short. Through other consultation processes, the private sector had learned to disregard agency consultations from dysfunctional agencies. Member Abbott stated that a typical agency response would be only in event that the agency had seen a significant reason the project should change or not proceed.

Chair Kaiwi asked Ms. Schmidt the proper interpretation of several lines of Act 284, SLH 2012. Ms. Schmidt referred the Commission and visitors to section "c" on the second page of Act 284 and read through the bill, paraphrasing her interpretation of the language. She stated that she thought the language meant that, where a conservation easement is being required, the BLN must be a co-holder, but may exempt itself from this under a later section. The Commission members questioned Ms. Schmidt's interpretation of "it" on line 18, page 2, as referring to BLNR. Chair Kaiwi asked Ms. Schmidt if the AG would be able to attend the December 6 meeting to interpret the language, specifically on whether BLNR would "co-hold" conservation easements. Member Berg and Chair Kaiwi emphasized that the meaning of "it" needs to be clarified.

Member Berg asked if there had been recent press on the matter, Ms. Schmidt stated that she did not have a copy of article yet and didn't know the contents.

Ms. Schmidt stated that additional information on the correct interpretation of Act 284 could be found in the Act's last committee report. She referred the Commission members to a copy of the report in the documents.

Member Buchanan stated that PLDC was required to do another report under its act. Ms. Schmidt stated that she did not about the PLDC requirements, the report she was referring to was for Act 284. Member Berg asked the impact of the committee report. Ms. Schmidt stated that the committee report, to her understanding, was the committee's summary of the changes made by it to revise Senate Bill 2378 to its final form before passage. She was providing it as background information. Per a question from Member Young, Ms. Schmidt clarified that the report summarized the bill that had come to the committee for review, and also summarized the changes the committee had made. Specifically, it stated that nonprofit land conservation organizations could either provide a deed restriction or conservation easement rather than both.

Member Abbott suggested that the draft of the bill itself would also be helpful in addition to the committee report. Ms. Schmidt said she'd send the link after the meeting.

Member Buchanan stated that the Commission members are volunteers and do not receive anything for their service. She stated that her integrity was of high value to her, and it was hard to have members of her community questioning why Legacy Land had provided seed money to fund the PLDC. She was disappointed and offended, because the Department had not at any



point asked the Commission for this money. She remembered the meeting where administration had presented the funds being taken for invasive species programs as an item for Commission discussion. The administration had not sought the Commission's approval or advice in providing funds to PLDC. The only hint they had gotten of anything to do with PLDC had been Senator Dela Cruz's letter regarding agricultural projects. The only thing she had gotten was that money had been allocated through a process. She wanted to know, when, why, etc., because they spent taxpayer money. She stated she had posed the question for staff and not gotten an answer.

Ms. Schmidt stated that she thought she had talked with Ms. Buchanan on the phone, however, per her knowledge, Legacy Land and DLNR had not taken this action, it was an action by legislature during last session. Member Buchanan stated that the Commission should have been informed after the fact. Member Berg and Ms. Schmidt stated that they were. Member Berg stated that, per his recollection, the Commission had been informed regarding the invasive species funds, although it had not been an item for approval, only discussion. He stated that Mr. Kennedy (or Mr. Conry) had come in to meetings to inform the Commission on events regularly, he remembered one of them informing the Commission that the PLDC was being set up and that the funds may be taken from Legacy Land. That had been the format because the Commission did not have the authority to approve the actions anyway. Mr. Kennedy stated that the Department had been informed, rather than consulted, that the monies would be taken from the Land Conservation Fund. He stated that he and Ms. Schmidt routinely reported the results of legislative session to the Commission. He added that the Department's testimony was also on record.

Member Young stated that there had been a storm of discontent in her community regarding the suddenness of this action. She questioned whether it had arisen from previous Departmental efforts to increase revenues, and if not, where it had come from.

Chair Kaiwi stated that two issues had come up. PLDC has affected a number of communities in a number of ways; however, in regard to this Commission's duties and responsibilities, it is difficult to serve as a community liaison without proper notice and information to provide. Even if they are informed, however, it is difficult to correct a misperception that the Commission had a choice to engage in the process. What can the Commission do now to get this message out, especially if DLNR is not willing to assist in the matter?

Deputy Director Esther Kia'aina stated that she had been in her current position for less than a week, and had not previously understood DLNR's role in the new PLDC, either. She stated that she assumed one of her priorities would be to coordinate and consult with the Chair. She agreed that they should have had a better planned and coordinated effort to communicate with the public, however, this was an unprecedented effort. She committed that DLNR will provide as much information to the Commission and the public regarding the PLDC. They take it very seriously and will do their best. She mentioned that she had meetings set with Land Division, PLDC and the Chair. It is a priority of the Governor as well as the senators; he has signed the bill into law and committed to making it work. It is administrative attached to DLNR; however, it is a statewide project that involves all agencies, not just DLNR. She understood the Commission's concerns with community outreach, after less than a week she had already received input regarding the Oahu hearings. Everybody has their kuleana, however, unlike other

boards and commissions, PLDC is charting new waters with extremely high expectations. Member Berg stated that ADC was similar in its goals and privileges from legislature, but was failing in terms of keeping lands from being lost to agriculture, despite twenty years in existence. He added that PLDC, in optimizing land use, is contrary to DLNR's charter and also the role of the Legacy Land Conservation Commission, which is to set aside and perpetuate resource values.

Deputy Kia'aina agreed but added that there were two issues being confused: the mission and the funding source. If the funding wasn't coming from LCF, the dialogue might be different. Member Berg said that he recognized that PLDC was to be self-sufficient and generate revenues, however, if it failed, it would fall back on the LCF. Deputy Kia'aina agreed and stated that they needed to strengthen communication and capacity internally. She emphasized that there needed to be a differentiation between mission and funding source, they are two different dialogues. She appreciated the Commission's concerns regarding the PLDC's inception and community perception. PLDC and the Department would work to have better information on hand to answer questions.

Member Berg stated that this Commission's members and members of other State boards and commissions would continue to receive community input regarding PLDC because the people selected for membership are often community leaders.

Deputy Kia'aina stated that at OHA, she had heard some citizens concerned that the OHA Board of Trustees had played a role in enactment, so there's been a ripple effect throughout the State. Also, the breadth and difficulty of PLDC's mission is unprecedented.

Chair Kaiwi thanked Deputy Kia'aina for attending and responding to the Commission's concerns. He stated that, at one point, one group of people had supported funding for the Legacy Land Conservation Commission, and at another point in time, another group of people with another perspective had supported funding for development. He urged the Commission to give the PLDC and Department time to work on PLDC's mission, as Legacy Land Conservation Commission had also needed time to set up and administer its statutory mission. He stated that the Commission was familiar with his values as a cultural practitioner: what is pono will always prevail over time. We all want the best for Hawaii Nei; it's a matter of perspective.

He asked Ms. Schmidt for further updates.

ITEM 5. Discussion and possible action regarding a proposed change of use to the subject property for the Fiscal Year 2010 grant to the Kona Historical Society.

Ms. Schmidt stated that the Kona Historical Society had withdrawn its request for a change to the proposal.

ITEM 6. Announcements.

Member Abbott stated that the firm that he worked for had a contract with the Agribusiness Development Corporation. He had no participation in it, but questioned whether it would create a conflict for the Whitmore project.

Ms. Schmidt stated that Member Abbott should follow up with Ethics Commission staff. Chair Kaiwi stated that Member Abbott could decide whether to participate in the site visit afterward. Ms. Schmidt stated that he could drop out of that task force if necessary.

Member Buchanan asked if Member Berg would reconsider participate. Member Berg stated that he would not.

Chair Kaiwi asked for further announcements. He asked Rebecca Alakai if she thought she'd be the new NARS designee. Ms. Alakai stated that she'd be willing if the NARS Commission wanted her to act for her remaining six months of membership.

Ms. Schmidt stated that the next NARS meeting was November 29, 2012; the NARS Commission would decide the matter then.

Member Buchanan stated that she had attended a NARS meeting a while back and had hoped NARS would entertain a rule change to allow a cultural member on its board. She added that a discussion regarding unexploded ordinance had taken place, and a cultural representative had not been there. Member Buchanan added that the site had been Makena. Ms. Alakai stated that NARS membership is statutory. Mr. Kennedy stated that they had recognized this weakness and had sought to recruit members with cultural background. They had also forwarded a bill to include a cultural member in the statute. There had been some disagreement over whether it should be an OHA member or a general cultural expert. At the time, the approach was to include OHA. It did not pass, but they had a bill drafted if a legislator would support.

Deputy Kia'aina stated that the administrative packages for next legislative session were nearing completion, the Department may have a joint dialogue with OHA. The OHA effort had failed; however, an alternative was a general cultural expert, for all commissions. Ms. Alakai added that the choice of membership was within the Governor's purview. Chair Kaiwi stated that the cultural expert for Legacy Land Conservation Commission would not be the cultural expert for NARS.

Mr. Kennedy stated that they'd discuss reintroduction of the bill with the Chair's office, and would also attempt to discuss with legislators.

Ms. Schmidt added that the William S. Richardson School of Law's Center for Excellence in Native Hawaiian Law may soon be conducting training sessions for State boards and commissions. Ms. Kia'aina stated that it was an OHA-funded effort, and was a part of the overall effort. Ms. Schmidt told the Commission members that the staff would be contacting Legacy Land regarding the Commission's attendance.

ITEM 7. Adjournment.