

**State of Hawai'i
Office of Hawaiian Affairs
560 N. Nimitz Hwy., Suite 200
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees Meeting
Thursday, May 26, 2016, 9:30 am**

I. CALL TO ORDER

Vice Chair Dan Ahuna called the Office of Hawaiian Affairs Board of Trustees Meeting to order at 9:30 am. Those present were as follows:

Attendance

Trustee Dan Ahuna, Vice Chair	Trustee Carmen Hulu Lindsey
Trustee Lei Ahu Isa	Trustee Colette Machado
Trustee Peter Apo	Trustee John Waihe'e IV
Trustee S. Haunani Apoliona	

Excused

Trustee Robert K. Lindsey, Jr., Chair	Trustee Rowena Akana
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Staff Present

Dr. Kamana'opono Crabbe, CEO	Derek Kauano'e
Robert G. Klein, Board Counsel	Garett Kamemoto
Harold Nedd, Chief of Staff	Hawley Iona
Capsun M. Poe, Board Secretary	Jim McMahan
Kauikeaolani Wailehua	John Kim
U'ilani Tanigawa	Jonathan Ching
Lehua Itokazu	Kai Markell
Dayna Pa	Kawika Riley
Claudine Calpito	Keola Lindsey
Davis Price	Lauren Morawski
Louise Yee Hoy	Mehana Hind
Reynold Freitas	Miles Nishijima
Liana Pang	Momilani Lazo
Lady Garrett	Lisa Victor

Others Present

Makani Christensen	Sabrina Koehler
Shyla Moon	Klaus Radtke
Taryn Dizon	Jonnetta Peters
Tony Costa	Lorraine Garnier
Eric Kingman	Inga Bigson
Charles Kaaiai	Coenid Osbourne
Joshua DeMello	Kakuwea Kikilo'i
Michael Goto	Bob Toyofuku
Jim Cook	Stacy Evensen
Logan Narikawa	Jessica Wooley
Joan Kaneko	Maxx Phillips
Dr. Bob Richmond	Kalani Quiocho

Hoku Cody
Narrissa Spies
James Murphy
Caitlyn Genavese
Aaron Walker

Sol Kahoohalahala
Marjorie Ziegler
Kauai Lucas
William Aila

II. APPROVAL OF MINUTES

Vice Chair Ahuna noted no minutes were available for approval and that he would take Item V.A. out of order, to go immediately after Approval of Minutes and before Community Concerns.

V. NEW BUSINESS

Annual Independent Auditor's Report

Dr. Crabbe introduced Robin Freitas to provide the audit review, which is done annually. Dr. Crabbe added that this is the fourth year OHA has received a clean audit.

Trustee Ahu Isa complimented the clean audit.

Trustee Apoliona noted it is a positive comment.

III. COMMUNITY CONCERNS

Vice Chair Ahuna noted the Board of Trustees received written testimony on Item V. C., BOT #16-01, regarding Papahānaumokuākea, from the following and that copies of their testimony had been provided to the Trustees:

- Edwin Lindsey, Polanui Hiu Community Managed Makai Area (SUPPORT)
- Rick Gaffney (SUPPORT)
- Narissa Spies (SUPPORT)
- Marjorie Ziegler, Conservation Council for Hawaii (SUPPORT)
- Kitty Simonds & Edwin Ebisui, Jr., Western Pacific Regional Fishery Management Council (OPPOSE)
- Jonnetta Kaina Peters (SUPPORT)
- Dr. Kekuewa Kikiloi, Native Hawaiian Cultural Working Group (SUPPORT)
- Annette Kaohelaulii, Annette's Adventures (SUPPORT)
- Board & Staff of KAHEA (SUPPORT)
- Kauai Lucas (SUPPORT)
- Carl Paoo Jellings, Sr. (OPPOSE)

Makani Christenson, of Hunting Farming Fishing Association, spoke on expansion opposition because living on an island, incorporation of humans has been forgotten. He stated to eliminate massive amounts of area would be an injustice.

Taryn Dizon spoke against expansion. She noted the harbor in Kekaha, Kaua'i is the closest to the monument. That community has generational knowledge of the NWHI and remembers as a youngster

when she could visit the area. She thinks this should be an opportunity for locals to conserve on their own terms. This should include best management practices, but will not happen if it is just closing everything.

Shyla Moon, of Hunting Fishing Farming Association, spoke on fishing access and said please do not expand the monument. She stated that several Kauai fishermen used to use the area of the monument for their livelihood. Now she sees them struggling. She believes commercial fishing is a vital part of Hawai'i and should be protected.

Eric Kingman, of Western Pacific Fisheries Management Council, spoke in opposition.

Charles Kaaiai, of Western Pacific Fisheries Management Council, spoke in opposition of monument expansion. He stated that now if you go to the monument, you cannot bring fish back, which was part of the tradition. He believes this activity creates barriers to traditional practice.

Tony Costa, a Hawaii nearshore fisherman, spoke in opposition to monument expansion. He stated that fisherman understand conservation. He believed the proposed expansion vilifies Hawaii based longline fisherman.

Leighton Tseu, of Kawehiokalani, Inc., spoke in support of the monument expansion. He believes this is a reasonable restriction to protect marine life for the future.

Jim Cook, of Hawaii Lodging Association, spoke in support of monument expansion. Trustee Hulu Lindsey asked if there is a restriction on catch limits. Mr. Cook responded that it was very complicated. He joked that when he first started, you just needed bait, now you need a lawyer to go fishing. There is now a limited tonnage of catch for the area surrounding the monument. All of their vessels are satellite monitored, logs are reported to the federal government, and NOAA enforces all of this, which amounts to a large regulatory burden.

Michael Goto, of United Fishing Agency, spoke in opposition to the monument expansion. He noted the negative effect that expanding the monument will have on the market of Hawaii caught seafood into both the local and national consumer base. He stated this displaces a well-managed supply and will result in unregulated fisheries elsewhere being utilized. Trustee Hulu Lindsey asked if fish is being marketed outside of Hawaii. Mr. Goto responded yes and that the US mainland has growing interest, amounting only to a small amount, less than 3%.

Dr. Bob Richmond of Kewalo Marine Laboratory, spoke in support for expansion. He stated there is scientific evidence to support that. He added that decreased resources are available in the ocean. The scientific consensus is to preserve 30% of the ocean to have meaningful preservation for future generations. He termed it the bank account of the future for Hawaii and the world. The expansion will increase the balance of that bank account. Trustee Apo asked why the users are always in conflict with the scientists and said it looks like a huge communication gap. Dr. Richmond responded that science can only speak to the data and that conflicts are part of human nature. He added those true fishermen are the ones who care about future generations of catches.

Hoku Cody, spoke in support of expansion of the monument.

Narrissa Spies, of Kewalo Marine Laboratory, spoke in support of expansion of the monument. She noted that as a Hawaiian scientist she is sometimes in conflict, but this is an example of when the science and the culture are in agreement. She stated she sympathized with fishermen, but has seen the devastating effects of overfishing. Dr. Crabbe asked which fish stocks are depleted. Ms. Spies responded that the tuna is the biggest, but there are others, with up to 90% of some species.

Joshua K. DeMello, of Western Pacific Fisheries Management Council, spoke in opposition to the monument expansion. He stated science does not support the expansion and actually restricts cultural access by requiring federal permits to practice culture. Right now, the area outside of the monument is open and free to access for cultural purposes and there is no negative impact. If it is closed, it restricts access through Federal permits and does not solve any perceived problems. He added that Hawaiians are people of fish and poi, so this is traditional food and removing it would not improve the well-being of Hawaiian people.

Dr. Klaus Radtke, of alohahawaiiionipaa.org, spoke in support of expanding the monument for the future of a sustainable earth and all Hawaiians. He urged OHA to step up and support the expansion.

Logan Narikawa, of KAHEA, spoke in support of monument expansion. He noted federally permitted commercial fishing significantly contributes to the overfishing of oceans, undermining the health of local waters and the variety of local fishing traditions. Protections provided by expansion of the monument carve out areas in Hawaiian waters where such overfishing can be significantly curtailed. He stated KAHEA believes the action would create a unique opportunity to preserve culture and history.

Dr. Kekuewa Kikiloi, of Native Hawaiian Cultural Working Group, spoke in support of the monument. The ocean is not an empty void of life, it has cultural meaning. As a Hawaiian, the ocean is a cultural seascape, including mountain ranges larger than Mauna Kea. He added that the monument is the source of the Kumulipo. He believed the monument creates an exclusive right for Native Hawaiians for sustenance fishing rights. He added that OHA really is needed as a co-trustee. Trustee Hulu Lindsey stated she was told that when fishing in the monument, you cannot bring fish home. Dr. Kikiloi confirmed that, but said sustenance fishing to be consumed within the monument is possible and still practiced. It prevents using traditional rights as a workaround to the rules. Trustee Apo stated the Hawaiian ancient system was never about blocking an entire area forever and asked if there is anything to add. Dr. Kikiloi stated that the kapu enclosures did rotate, but that we now live in a different time, where there is an ability to use and overuse resources like never before. Trustee Apoliona asked if he saw within the kuleana as co-trustee the possibility to better balance things. Dr. Kikiloi responded that the closure should be thought of in the context of responsible management. Trustee Hulu Lindsey asked what the relationship between their group and NOAA. Dr. Kikiloi responded that they are one of the trustees. Dr. Crabbe asked how to differentiate between commercial, subsistence, and occasional fisherman, and added there is evidence that this was done in the past. Dr. Kikiloi responded that the lines are sometimes blurred between subsistence and commercial.

Presley Wann spoke in support of the monument expansion.

Jessica Wooley spoke in support of monument expansion. She read a statement from Clayton Kubo of Waimea, Kauai, also in support. She stated there is a lot of inaccurate information from those who expand the expansion.

John Kaneko, of Hawaii Seafood Council, spoke in opposition to the monument expansion, which he said will not add to the conservation and protection that already exists. Two recent NOAA opinions go without the expected added conservation benefits and the proposed expansion only causes harm. Local fish and food production is decreased and the public becomes more dependent on imported seafood from less well-managed fishers and associated adverse environmental impact.

Sol Kaho'ohalahala, of Maunalei Ahupua'a CMMA, spoke in support of monument expansion. He asked the Board to consider the expansion of the monument and for OHA to be elevated to co-trustee of the monument. He stated it is important to have a seat at the table to debate all policy matters related to the

monument. Many of the issues brought up today should be brought up at the monument trustee level. He stated on Lanai there was an experience when they protected two bays and after four years, fish life was abundant. He stated this is also about ensuring resources are available for generations to come. Trustee Apo asked if there is any compromise with the existing boundary so that Hawaii's fisherman can access in the new boundary. Mr. Kaho'ohalahala responded that Kahoolawe has a similar conversation management system whereby anything you catch must be consumed there. He stated his opposition to long-line fishing, which includes by-catch and is an indiscriminate method of fishing.

Marjorie Ziegler, of Conservation Council for Hawaii, spoke in support of expansion of the monument. She stated that long-liners are already fishing outside 200 miles and that 5% of their effort is coming from the expanded boundary. She also encouraged fact checking anyone who has shared information or statistics today.

Maxx Phillips, of Sen. Gil Riviere's office, spoke in support of the monument expansion. She noted Sens. Thielen, Ruderman, Gabbard, and Green are also in support that this expansion needs to take place. She noted the importance of taking action on this now to ensure access for future generations.

Maria Carnevale of DLNR, is the state's manager for the monument. She noted it is a natural, scientific, historical, and cultural treasure.

William Aila, Jr. spoke on the monument expansion. He stated the long-line industry paints this as devastating, but from his perspective as an elder, it is important to ensure fish for future generations. He spoke of a total of tunas. He stated that if you look at poke in local stores, the majority of the tuna that is consumed locally is already coming from outside Hawaii, as indicated by previously frozen or previously treated. The expansion of the monument is an investment in the future of the Hawaiian people, on a cultural, economic, and spiritual level. It is so special that some areas need to have higher protection. Trustee Apo asked what expanding the monument will do or protect that does not exist in other opportunities. Mr. Aila responded that the fish are protected as long as they are in the area. He added that sometimes the future is mortgaged for the present and noted that agencies with the authority often do not act. Trustee Apo asked if the lands in the monument are considered Ceded Lands. Mr. Aila said it probably would be considered.

Trustee Hulu Lindsey asked if there is funding for the massive expansion of the boundary. Mr. Aila responded that Sen. Schatz has stated that he would like to see the President include additional resources and also including private enterprise to help support.

Trustee Machado asked who is responsible for this and why OHA is getting stuck with the firestorm. Mr. Aila responded that it came about from longstanding kupuna support. He noted the current proposal before the Trustees is something that he worked on, but is not being advocated by CEQ.

Vice Chair Ahuna asked how long OHA has been advocating for co-trusteeship. Dr. Crabbe responded since 2006.

Recess

Vice Chair Ahuna called a recess at 12:13 pm and called the meeting back to order at 12:23 pm.

IV. UNFINISHED BUSINESS

Chair's Update

Vice Chair Ahuna had no updates.

CEO's Update

Dr. Crabbe had no updates.

V. NEW BUSINESS

RM #16-02 – Second Reading

Trustee Machado reported the following on behalf of the Committee on Resource Management:

April 27, 2016

The Honorable Robert K. Lindsey, Jr., Chair
Board of Trustees
Office of Hawaiian Affairs

Chair Robert Lindsey,

Your Committee on Resource Management, having met on April 27, 2016, after full-and-free discussion, recommends approval of the following action to the Board of Trustees:

Move to approve a "Policy on Trespassing and Illegal Camping on OHA Property," Attachment "A", as an amendment to Series 3090 Land Acquisition and Management of the OHA Board of Trustees Executive Policy Manual.

The purpose of the Policy on Trespassing and Illegal Camping on OHA Property is to create a uniformed, transparent procedure for OHA staff, contractors, and other agents to follow when conducting land management activities involving trespassers and/or illegal campers.

The policy should be followed by OHA staff and authorized agents to the extent capacity allows. The policy provides:

- (1) An enumeration of certain prohibited activities on OHA Property;
- (2) Policy statements on the enforcement of such prohibitions; and
- (3) A requirement that Ka Paia Kanaloa 'Āina creates Standard Operating Procedures to implement such policies.

The policy allows for proactive planning versus reactive implementation of the management plan. The policy is intended to provide solutions to houseless individuals, rather than simply making houselessness someone else's problem.

Motion

At 12:24 pm, Trustee Machado moved, seconded by Trustee Hulu Lindsey, to approve second reading of a policy on trespassing and illegal camping on OHA property as an amendment to Series 3090 Land Acquisition and Management of the OHA Board of Trustees Executive Policy Manual.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY		2	X			
TRUSTEE ROBERT LINDSEY						X
TRUSTEE COLETTE MACHADO	1		X			
TRUSTEE JOHN WAIHE'E			X			
VICE CHAIR DAN AHUNA			X			
TOTAL VOTE COUNT			7	0	0	2

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

Motion passed with seven (7) YES votes, no (0) NO votes, no (0) abstentions, and two (2) excused.

Papahānaumokuākea

Motion

At 12:25 pm, Trustee Apoliona moved, seconded by Trustee Machado, to approve an OHA Board of Trustees position in conditional support of the proposed boundary expansion of Papahānaumokuākea Marine National Monument (PMNM) provided that:

1. OHA is elevated to a Co-Trustee position;
2. The cultural significance of the expansion area to Native Hawaiians is recognized; and
3. There is no boundary expansion southeast towards the islands of Ni‘ihau and Kaua‘i.

TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO				X		
TRUSTEE HAUNANI APOLIONA	1		X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY						X
TRUSTEE COLETTE MACHADO		2	X			
TRUSTEE JOHN WAIHE‘E					X	
VICE CHAIR DAN AHUNA			X			
TOTAL VOTE COUNT			5	1	1	2

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

Motion passed with five (5) YES votes, one (1) NO votes, one (1) abstention, and two (2) excused.

Trustee Apo noted he wanted to defer the matter to allow time for more thought. He is disappointed that Dr. Crabbe sent a letter of support for this matter in January and did not bring it back to the Board. And now the Board is put in an us-versus-them situation.

Dr. Crabbe acknowledged Trustees Apo’s comment. He noted that in 2006, the Board authorized advocating for raising OHA’s role to co-trusteeship, which he has supported and worked toward, including creation of a separate program at OHA. He added there has been community input along the way, but that things are changing month to month.

Trustee Ahu Isa stated she was monitoring the legislative resolution relating to this issue.

Vice Chair Ahuna asked how the issue came to the Board.

Dr. Crabbe noted that the co-trusteeship is separate from the expansion of the boundary. He also distributed a copy of a letter addressed to President Obama that he also signed. Administration learned of the details and opportunity in the last four weeks.

Mr. Kawika Riley stated that the discussion of the President’s consideration has picked up, here were numerous occasions when OHA was invited to comment on the agency’s position on expansion. Meetings in Washington, DC were used to hear concerns of others and bring as much information as possible for the Trustees. He added that OHA is the only party who is a member of the MMB who is not also a co-trustee of the monument. As time has gone on, it has gotten more difficult to advocate for the co-trusteeship without also addressing the expansion issue. He noted that a decision may be made by the President as early as next month. If it is in the affirmative, it will come in the form of a Presidential

proclamation, it is entirely possible that it will just be issued. The action is meant to give the Trustees an opportunity to take a stance and to allow Native Hawaiians to have a voice in how the monument is managed.

Mr. Keola Lindsey referenced the attachments to provide additional supporting info. Staff was advocating under the Board's 2006 action for co-trusteeship. Since March, the Monument Management Board has been pushing through the amendment to the Secretaries for OHA to be elevated to co-trustee. Because the review goes through bureaucracy of two agencies, it has slowed discussions.

Trustee Hulu Lindsey asked what it would mean if the President's proclamation expands the boundary but does not elevate OHA to co-trustee. Dr. Crabbe responded that would require going another route, like amending the original MOA.

Trustee Apo stated that the Administration is the Board's main information conduit and he believed they failed in that regard, in a big way. He is troubled that OHA will be deferring to the feds on this issue.

Trustee Machado asked for a chronology of how the boundary issue expansion came up. She questioned why the issue was not brought up to the Trustees earlier. She added that it is important to have other people here to have face-to-face opportunity for dialog. She also asked who the three trustees are.

Dr. Crabbe responded that the three trustees are DLNR, DOI FWS, NOAA. Mr. Lindsey noted the January Native Hawaiian working group meeting, they received word that expansion was under consideration. At the March meeting, a formal request was issued for the President to send representatives for further discussion. He did not see enough evidence to see something initiated. In mid-April, they received word the President was considering the request for expansion. The delegation arrived in Hawai'i in early May, and that was the first sign it was under serious consideration by the President.

Mr. Lindsey reported that in the past two months, the MMB has been trying to push through the amendments suggested by Gov. Ige. The timeline for the President to take action is his own action, but with less than a year remaining in his term, they expect a decision very soon.

Trustee Waihee asked if the executive and management boards both discussed the expansion. Mr. Lindsey stated the agencies on the MMB are consulted, but it is ultimately the President's decision. Trustee Waihe'e asked if the MMB ever voted for support of expansion. Mr. Lindsey responded that each of the agencies needs to go through chain of command and would need higher approval to support expansion. Dr. Crabbe reported he has tried to work with FWS in Hawaii. As a result of Sec. Jewell's letter back down to the MMB, he believes that other agencies had concerns that OHA was not privy to.

Trustee Apo stated he is suspicious when the feds increase their jurisdiction.

Trustee Apoliona stated at this point it is probably about taking a vote.

Trustee Waihe'e asked if the staff supports the expansion on its own terms or if they only support it to get a co-trusteeship. Dr. Crabbe responded that everything has escalated in the past month and 90% of it is out of OHA's control. He stated that the three of them have been as cooperative as possible and that what is out of their control is at the highest federal level and the White House. Dr. Crabbe added the reality is it will move on with or without OHA and that this is an opportunity to get the co-trusteeship. Mr. Riley stated the expansion is only supported if the three conditions are met. If an expansion was not in the best interest of the beneficiaries, OHA staff would not support it.

Trustee Hulu Lindsey asked how their meeting with Sen .Schatz went. Mr. Riley stated he was encouraged after the meeting and knows the senator is listening to the fishing interest concerns. He stated Sen. Schatz is very supportive of OHA. Dr. Crabbe added that the senator is taking both sides into consideration and trying for parity.

III. EXECUTIVE SESSION

Motion

At 1:23 pm, Trustee Machado moved, seconded by Trustee Ahu Isa, to go into Executive Session to consider the following:

- VI. Executive Session**
 - A. Approval of Executive Session Minutes
 - 1) January 7, 2016
 - 2) January 28, 2016
 - 3) February 25, 2016
 - 4) March 15, 2016
 - 5) April 7, 2016
 - B. Consultation with Robert G. Klein, Esq. re: questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities regarding OHA’s Ad Hoc Committee on Mauna Kea. *Pursuant to HRS 92-5(a)(4).*
 - C. Consultation with Robert G. Klein, Esq. re: questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities regarding OHA’s Ad Hoc Committee on CEO Profile. *Pursuant to HRS 92-5(a)(4).*

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA		2				X
TRUSTEE ROWENA AKANA						X
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY						X
TRUSTEE COLETTE MACHADO	1		X			
TRUSTEE JOHN WAIHE'E			X			
VICE CHAIR DAN AHUNA			X			
TOTAL VOTE COUNT			6	0	0	3

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

Motion passed with six (6) YES votes, no (0) NO votes, no (0) abstentions, and three (3) excused.

The Board went into Executive Session at 1:25 pm and exited Executive Session at 2:06 pm.

VI. BENEFICIARY COMMENTS

There were no Beneficiary Comments.

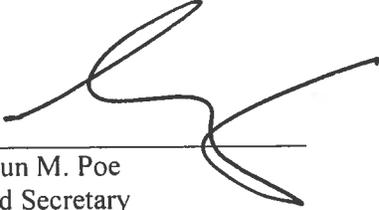
VII. ANNOUNCEMENTS

Vice Chair Ahuna announced the next Board meeting will be held on Thursday, June 16, 2016 at 9:30 am on Moloka'i.

VIII. ADJOURNMENT

Having no further business, Vice Chair Ahuna adjourned the meeting at 2:07 pm.

Respectfully Submitted,



Capsun M. Poe
Board Secretary

Approved by the Board of Trustees on June 30, 2016:



Trustee Robert K. Lindsey, Jr.
Chair, Board of Trustees