

**State of Hawai'i
Office of Hawaiian Affairs
560 North Nimitz Hwy.
Honolulu, HI 96819**

**Minutes of the Office of Hawaiian Affairs Board of Trustees Meeting
Tuesday, September 6, 2016, 9:30 am**

I. CALL TO ORDER

Chair Robert K. Lindsey, Jr. called the Office of Hawaiian Affairs Board of Trustees Meeting to order at 9:32 am. Those present were as follows:

Attendance

Trustee Robert K. Lindsey, Jr., Chair	Trustee Peter Apo
Trustee Dan Ahuna, Vice Chair	Trustee S. Haunani Apoliona
Trustee Lei Ahu Isa	Trustee Carmen Hulu Lindsey
Trustee Rowena Akana (arrived 9:34 am, departed 10:33 am)	Trustee Colette Machado

Excused

Trustee John Waihe'e IV

Staff Present

Dr. Kamana'opono Crabbe, CEO	Davis Price
Robert G. Klein, Board Counsel	Lady Garrett
Harold Nedd, Chief of Staff	U'ilani Tanigawa
Capsun M. Poe, Board Secretary	Liana Pang
Jeremy Kama Hopkins	Makana Chai
Kauikeaolani Wailehua	Derek Kauano
Lisa Victor	Dayna Pa
Claudine Calpito	

Others Present

Jordan Inafuku	Cheryl Burqharat
Kealii Makekau	Noe Lopes
Kaukaohu Wahilani	Herman Canonio
David Lopes	Nanea Lopes
Kupono Ana	Laulani Teale

II. COMMUNITY CONCERNS/BENEFICIARY COMMENTS

Community Concerns/Beneficiary Comments were taken up at a later point in the meeting.

III. EXECUTIVE SESSION

Motion

At 9:33 am, Trustee Ahuna moved, seconded by Trustee Hulu Lindsey, to go into Executive Session to consider the following:

VI. Executive Session**

- A. Consultation with Robert G. Klein, Esq. re: questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities regarding the Ad Hoc Committee on Mauna Kea. *Pursuant to HRS 92-5(a)(4).*
- B. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities regarding *Akina et. al. v. State of Hawaii et. al. Pursuant to HRS 92-5(a)(4).*

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

The Board went into Executive Session at 9:34 am and exited Executive Session at 10:14 am.

II. COMMUNITY CONCERNS/BENEFICIARY COMMENTS

Although they missed the initial comment period, Chair Lindsey recognized and allowed individuals to submit testimony to the Board.

Kupono Ana of Hawaiian Patriotic League, stated he has asked OHA to nominate Mauna Kea to a National Preservation Act designation. He added that there is so much spirit on Mauna Kea, so he would like to see that protected. He has spoken to DLNR and UH, but claimed he is being given the run around.

David Lopes of Ku Like Kakou stated he echoes the concerns of Kupono Ana. He stated the Trustees should be transparent and honest. He also stated he is Hawaiian by birth and American by force.

Laulani Teale of Ho‘opae Pono Peace Project stated concern that the OHA meetings for Hawai‘i Island were cancelled. Chair Lindsey informed the audience that the meetings were cancelled because of Hurricane Lester approaching and that the meeting is being rescheduled to September 20, but for a one-day meeting.

Ms. Teale stated that the fact that it was postponed did raise questions. She stated her concern is that decisions are being made in Executive Session. In 2014, when OHA withdrew from the contested case over Mauna Kea, it was done in Executive Session. She stated that she waited, but was not called on to provide testimony. She cited an OIP opinion in November 2014 that validated her concern.

Mr. Klein clarified that OIP has opined that OHA and any state agency can conduct votes in Executive Session.

Trustee Machado stated that efforts are made after exiting Executive Session to see if anyone would like to testify before adjourning the meeting.

Chair Lindsey stated that today's discussion in Executive Session is totally about the management of Mauna Kea.

Trustee Apoliona stated that at this stage of discussion, there is due diligence needed and that includes hearing from the Ad Hoc Committee on Mauna Kea.

Kaukaohu Wahilani of Hui Ku Like Kakou stated many Hawaiians look to OHA for leadership. He stated he was one of those who went to Mauna Kea to occupy the mauna. Currently, he has concerns with Ho'opili and wind farms. He stated the land is chief and there is no trust amongst the lāhui.

Kealii Makekahuika thanked the Trustees for allowing people to address the Board and accommodating them. He asked when the 2017 Legislative package will be under consideration. He is working on some items that may impact OHA and asked if he could be consulted. Mr. Sterling Wong responded that Public Policy has been working with stakeholders since July on a legislative package. They expect to present a conceptual package on September 21 and receive final Board approval in late October. Chair Lindsey asked Mr. Wong to meet with Mr. Makekahuika.

Diane Marshall of Halawa Coalition spoke about her concern that decisions on Mauna Kea were cancelled in Hilo and that discussion is taking place in Executive Session. She reminded the Trustees of the Sunshine Law and that OHA is not exempt. Mr. Klein cited HRS 92-5 (a) (4) as the legal authority to meet in Executive Session to discuss legal ramifications and issues.

Kaukaohu Wahilani stated that on October 8 the Wai'anae community is sponsoring a candidate forum. He also asked of all the cases OHA has filed, how many OHA has won. Mr. Klein responded that he would include cases in which OHA is being sued, which are most cases.

Motion

At 11:14 am, Trustee Hulu moved, seconded by Trustee Ahuna, to go into Executive Session to consider the following:

- VI. Executive Session**
 - A. Consultation with Robert G. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding the Ad Hoc Committee on Mauna Kea. *Pursuant to HRS 92-5(a)(4).*
 - B. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding *Akina et. al. v. State of Hawaii et. al.* *Pursuant to HRS 92-5(a)(4).*

The motion passed via voice vote. The Board went into Executive Session at 11:14 am and exited Executive Session at 11:40 am.

II. COMMUNITY CONCERNS/BENEFICIARY COMMENTS

Kupono Ana stated that he is aware there are fines related to activities on Mauna Kea, but that they have not been paid. Dr. Crabbe stated OHA staff has compiled data for the past 20 years and that OHA has expressed to the Governor that the elevation of traditional and cultural practice rights has to be at its highest form to hold DLNR and BLNR accountable. The incidents are used as evidence.

Trustee Apoliona stated that this issue is about management.

Cheryl Burqharat stated she is not kanaka, but she supports everything others have shared to protect Mauna Kea.

David Lopes stated the Kumulipo is important to regular people and that trust needs to be built between the people and OHA.

IV. ANNOUNCEMENTS

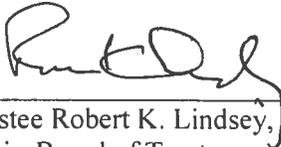
Chair Lindsey announced the next Board meeting will be held on Thursday, September 22, 2016 at 9:30 am.

V. ADJOURNMENT

Having no further business, Chair Lindsey adjourned the meeting at 11:55 am.

Respectfully Submitted,


Capsun M. Poe
Board Secretary

Approved by the Board of Trustees on October 6, 2016:

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