

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

**Minutes of the Office of Hawaiian Affairs Board of Trustees  
Wednesday, March 7, 2018  
Immediately following Joint Committees on Resource Management  
and Beneficiary Advocacy and Empowerment Meeting**

**ATTENDANCE:**

TRUSTEE COLETTE MACHADO  
TRUSTEE DAN AHUNA  
TRUSTEE LEINA'ALA AHU ISA  
TRUSTEE ROWENA AKANA  
TRUSTEE W. KELI'I AKINA  
TRUSTEE CARMEN HULU LINDSEY  
TRUSTEE ROBERT LINDSEY  
TRUSTEE JOHN WAIHE'E IV

ROBERT G. KLEIN, ESQ., BOARD COUNSEL

**EXCUSED:**

TRUSTEE PETER APO

**ADMINISTRATION STAFF:**

KAMANA'OPONO CRABBE, CEO  
LISA VICTOR, COO  
ALBERT TIBERI, CC  
KAWIKA RILEY, ADV  
JOCELYN DOANE, PP  
STERLING WONG, PR  
EVERETT OHTA, CC  
JIM MCMAHON, ADV  
MILES NISHIJIMA, LPD  
SCOTT HAYASHI, LAND ASSET

**BOT STAFF:**

CAROL HOOMANAWANUI  
LŌPAKA BAPTISTE  
LAURENE KALUAU-KEALOHA  
DAYNA PA  
LEHUA ITOKAZU  
MAX MUKAI  
ALVIN AKEE  
LADY GARRETT  
LIANA PANG  
CLAUDINE CALPITO  
DAVIS PRICE  
PAUL HARLEMAN  
MARIA CALDERON  
MELISSA WENNIHAN

**GUESTS:**

SAM CHUNG  
LANDEN PAIKAI  
JAMES SONNY GAY  
GERMAINE MEYERS

**I. CALL TO ORDER**

**Chair Colette Machado** Calls the Board of Trustees meeting to order at 10:47 am. Roll call is taken; Trustees Ahu Isa, Akina, Carmen Hulu Lindsey, Robert Lindsey, Waihe'e and Machado are present; constituting a quorum of six (6) trustees. Trustee Dan Ahuna and Trustee Akana are expected to arrive shortly. An excuse memo was received from Trustee Peter Apo.

We will now move on to II. Public Testimony.

**II. PUBLIC TESTIMONY**

**Chair Colette Machado** – We have three individuals that have signed up. Our first individual that signed up is Germaine Meyers. Followed by Landen Paikai. Please come forward with your public testimony.

**Ms. Germaine Meyers** - Aloha Chair, my name is Germaine Meyers, I am an OHA beneficiary for beneficiary advocacy and empowerment and a Nānākuli Hawaiian Homestead lessee. Its interesting that the legislators are interested in serving the sewer needs for all of the development in Kaka'ako and through Waikiki. Yet I recall when OHA obtained the Kaka'ako lands from the Abercrombie Administration the legislators didn't want to rezone OHA's ocean front lands so that OHA could develop high rise buildings for residential, commercial and retails uses that would benefit the Native Hawaiians and Hawaiians. \$29 million for a critical component to develop, just \$29 million. Where's the negotiating team from the City to negotiate rezoning? The City manages rezoning right? Chair I found it interesting that you agendized 2 Board of Trustees meeting this week. I guess when there is a need there is a way.

I am concerned about this motion because when I looked at the presentation that came from the City it showed here that it was need based. We really need this transaction to happen. It was need based. The developers really need this transaction to happen. Yet, when we went to the table with the City to rezone I remember I live in Nānākuli and I remember OHA coming out there and saying can you please help us. Can you help us convince the legislators, your legislators to convince the City and County to rezone it so that we can get the full value of those parcels for land, \$150 million? That was the appraised value at the time for all of those parcels if high rises were included. Without high rises what's the value? Without the rezoning what's the revalue?

I found it offensive that I heard the last testimony that we need to think about the whole State of Hawaii. Hawaiians have lived in Hawaii for many, many years before it became a State. I find it ironic now when its turned into a State and we have to think about the whole State of Hawaii. We want the sewer systems to be improved. There are lots of parcels of land but it's interesting how they navigated out of all the parcels of land they navigated to one parcel of land in Kaka'ako that is owned by the State Agency called Office of Hawaiian Affairs. I find that very, very interesting. There was no other parcels of land that could possibly have a waste water management sewer system? There was no more money to be given to the Hawaiians? There was no negotiating team to rezone so that it allows us to have high rises for our people, for our needs? Those of us that are in the country that would like to be urbanized because that is what I was heard. We should consider those in urban Oahu. I live in the country, I guess you can call it rural so what about us? You know what have in rural we have Waimanalo Gulch. We have a commercial landfill. We have Hawaiian Electric Company, you can't find any other parcels or privately owned land or State land that can have the waste water management, it's got to be on Hawaiian Homes, Hawaiian Land, OHA. That's how much the State values Hawaiians. Put all the infrastructures for the citizens of Oahu in rural Oahu and now put the infrastructures for urban Oahu again on land owned by Hawaiians. Offensive, we are a part, we have to solve the homeless problem, yet we are 30% of the homeless population where is the other 70% of races. In Kaka'ako as Trustee Ahu Isa stated there are a lot of homeless, but guess where they are showing up now. In rural Oahu, out in the West Coast. I should know it I am part of a neighborhood board that actually is coming up on the agenda again for us to discuss this issue. But that's ok. Urban Oahu doesn't need to discuss it. Just need to discuss having a waste water management system that is critical to the development of the needs of these individuals but cannot have one parcel maybe 5 parcels be rezoned but no we got to think about rezoning and allowing all these people for development. Are you thinking about that Trustees? E hana kakou.

**Chair Colette Machado** – Thank you Germaine. I'd like to call Landen Paikai followed by James Sunny Gay.

*10:52 am Trustee Dan Ahuna Arrives.*

**Mr. Landen Paikai** – Aloha, for the record my name is Landen Paikai, I am a beneficiary and a candidate for the Office of Hawaiian Affairs Trustee at Large. I am addressing this issue of Lot Parcel I. I'll give a quick rundown of what my experience in this area. I worked for the city and County of Honolulu in the surveying Department for 6 years. I know how this process works and we are talking about eminent domain. In essence you are forced into this decision. This is from me looking from the outside in. Forcing into this decision because should you not play ball, play politics with the City and County they will force eminent domain. For those of you who do not know what eminent domain is basically they are going to condemn it, they are going to say we really need it. It's

understandable that they need it but what this goes to show us is that there is no vision at the State level, at the County level, there is no vision. Why do I say that? Because now all of a sudden its very important that the urban core takes precedent over this land that was given to us by the State of Hawaii who continues to be late on paying us what is due. But when we owe, real quick to ask us for their money that we owe.

So my concern is not that you guys have to make this decision. Because we know this is what you have to do. You have to play ball, you got to play politics, I understand that I get it. What I am concerned about when they build this tunnel across the water because that's where it will go and it will go to Sand Island, this force main pump will pump the sewage, that waste to Sand Island. My concern is to make sure when they build it EIS is done, number one that is the main thing. For Hawaiians the cultural aspect of maintaining our waters, yeah we don't want go back to 2006 and have a water main break that takes the lives of innocent people. So let's make sure that you as a Board of Trustees, make sure that when we go ahead and pass it that the EIS is done, that its done correctly, the engineering is done. I am sure that Kahikina knows, she is a professional engineer, she knows what will be happening. But let's make sure that this does not happen. Because I am looking 20-30 years down the line when this erodes, when it starts to erode, what happens then? What are the necessary precautions we are going to take now so ensure that 20 years, 30 years from now this sewage waste water plant pumping system station will continue to serve the needs of our people? If I was on the Board of Trustees when they made this decision to take the land I would never have done it. Because in the developmental aspect you can't build that close to the ocean. If you are going to go high rises, we can't so let's look and reinvest as we said the money that we get, we have to do it.

We have to play ball; we have to do it. I hate to say it, I really hate to say it, this is the hand that we been dealt. And we need to play it but we need to play it smart. We need to be smart, we need to know what is going on, how this is going to affect all of us. When I am talking to beneficiaries I am always talking about, I am a native Hawaiian addressing the issues of all Hawaiians. Native Hawaiians, Hawaiians and non-Hawaiians, because they might not be Hawaiian but they in Hawaii. They consider themselves Hawaiian. So I am addressing all of these issues and yes, this is a great issue to address because this is affecting not only native Hawaiians and Hawaiians, this is affecting people who live from Pauoa to Niu Valley. We know who lives out there not Hawaiians. Thank you.

*10:56 am Trustee Akana Arrives.*

**Chair Colette Machado** – James Sunny Gay.

**Mr. James Sunny Gay** – Good morning Board, Aloha. My names is James Sunny Gay I own property in Kaka'ako. I presently reside in a Hawaiian Homestead in Kaupē'a. I grew up in an all Hawaiian Community in Nānākuli, I am graduate of the first class in Nana I Ka Pono. I am very concern about this property being sold. Land is a basis of wealth, it's a major factor of production to produce anything you need land able capital. Most of the wealthiest people in the world have acquired their assets through the land directly or indirectly. As a navigator sailed across the world people say they were saying they were thinking global. I say no, they were thinking land grab it while you can. There is no such thing as absolute feet because you subject to placing powers of the State, taxation and eminent domain. I'd like to say that we are in a predicament of making a decision. But let's get the back expertise and if it has to be sold let's get the best price we can get. Aloha and Thank you very much.

**Chair Colette Machado** – Before we proceed to III. which is New Business the Chair needs to get a motion regarding the 72 Hour waiver for Action Item RM/BAE #18-01 - Authorization for OHA CEO/Administration to continue Kaka'ako Lot I sale negotiations with the City & County of Honolulu and approval of legislative resolution related to potential sale of Kaka'ako Makai Lot I, TMK (1)2-1-015:061, to the City and County of Honolulu.

**Trustee Dan Ahuna moves for a 72 Hour waiver.**

**Trustee Carmen Hulu Lindsey seconds the motion.**

**Chair Colette Machado** – Roll call vote please.

Trustee Dan Ahuna moves for a 72 Hour waiver. Trustee Carmen Hulu Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA	x		X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED Motion passes with eight (8) yes votes and one (1) excused.						

**III. NEW BUSINESS**

**Chair Colette Machado** – We will now move on to III. A. I'd like to call to the table Albert Tiberi. You had a suggestion to bring the City and County back to the table.

**Albert Tiberi** – Yes so we have listed the public informational briefing on both agendas and incase people weren't here for the earlier briefing and this is part of the resolution process I would have the City come up and briefly explain what the project is and what it is about.

**A. Public informational briefing on the potential sale of Kaka'ako Makai Parcel Lot I, TMK (1) 2-1-015:061, to the City and County of Honolulu**

**Ms. Lori Kahikina** – For the record Lori Kahikina Director of Environmental Services City and County of Honolulu. So just recapping my presentation from earlier this morning. We have two existing large pump stations adjacent to Lot I, we call them Ala Moana Pump Stations 1 and 2. There are three large trunk sewer lines coming into these pump stations and we have to install three force mains under the harbor to Sand Island Treatment Plant and it does service the entire area from Niu Valley to Pauoa, that is about half of the current customer base for the City and County of Honolulu. The idea is to build a large sewer trunk tunnel then hopefully to eliminate the Moana Pump Station, Ft. Derussy Pump Station and Beachwalk Pump Station. This is to add additional capacity to our existing sewer system. To be more environmentally friendly, eliminate the possibility of a spill we had at both Beahwalk and Ala Moana Beach Park. On Lot I what we do plan to install is the large 3<sup>rd</sup> pump station and an order control system. The reason this property was selected is because it is adjacent to our existing pump station properties and this is where the tunnel will be terminating.

**Chair Colette Machado** – Trustees any questions for the City and County of Honolulu? (hearing none she proceeds) Thank you for being patient.

**B. Action Item RM/BAE #18-01 - Authorization for OHA CEO/Administration to continue Kaka'ako Lot I sale negotiations with the City & County of Honolulu and approval of legislative resolution related to potential sale of Kaka'ako Makai Lot I, TMK (1)2-1-015:061, to the City and County of Honolulu**

**Chair Colette Machado** – Members we are now on III. B. This is a joint committee referral from the RM/BAE Committee action item identified as 18-01. It's a request to authorize OHA CEO Administration to continue to Kaka'ako Lot I sell negotiations with the City and County of Honolulu and approval of Legislative Resolutions related to potential sale of Kaka'ako Makai Lot I TMK (1)2-1-015:051 to the City and County of Honolulu. Motion is on the board. This action to ratify the referral from the Joint Committee. I will call on the Chair of RM who chaired the Joint Committee this morning, Trustee Carmen Hulu Lindsey.

**Trustee Carmen Hulu Lindsey moves to authorize and approve OHA Ka Pouhana/Administration to continue Kaka'ako Lot I, TMK (1) 2-1-15-061, sale negotiations with the City & County of Honolulu and approval of the introduction of a legislative resolution related to potential sale of Kaka'ako Makai Lot I, TMK (1)2-1-015:061, to the City and County of Honolulu.**

**Trustee Robert Lindsey seconds the motion.**

**Chair Colette Machado** – Any further discussions, hearing none roll call vote please.

Trustee Carmen Hulu Lindsey moves to authorize and approve OHA Ka Pouhana/Administration to continue Kaka'ako Lot I, TMK (1) 2-1-15-061, sale negotiations with the City & County of Honolulu and approval of the introduction of a legislative resolution related to potential sale of Kaka'ako Makai Lot I, TMK (1)2-1-015:061, to the City and County of Honolulu.						
Trustee Robert Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY		x	X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED						
Motion passes with eight (8) yes votes and one (1) excused.						

**Chair Colette Machado** – Congratulations Trustees you have successfully passed Action Item RM/BAE 18-01 you have ratified it. We will suspend, we will no longer need the Executive Session with Randall Sakumoto. We are now moving to community concerns.

#### IV. EXECUTIVE SESSION

- A. Consultation with Attorney Randall Sakumoto, Esq. and Board Attorney Robert G. Klein, Esq. pertaining to the OHA Board of Trustees' powers, privileges, immunities, and liabilities regarding the potential Sale of Kaka'ako Makai Parcel Lot I, TMK (1) 2-1-015:061, to City & County of Honolulu. Pursuant to HRS section 92-5(a)(4).**

(Executive Session was not needed)

#### VI. COMMUNITY CONCERNS

*11:04 am Trustee Leina'ala Ahu Isa leaves the meeting.*

**Chair Colette Machado** – We have one individual the Chair would like to acknowledge community concerns beneficiary Germaine Meyers to please come forward.

**Ms. Germaine Meyers** - Aloha Chair, my name is Germaine Meyers, I am an OHA beneficiary for beneficiary advocacy and empowerment and a Nānākuli Hawaiian Homestead lessee. The Department of Hawaiian Home Lands I have pulled for you from their Annual Report for their fiscal department they only have an officer. At OHA we have a Chief Financial Officer, a Comptroller and a large amount of fiscal assets fiscal workers. Yet the list that was given in Star Advertiser linked to the OHA website was inaccurate. I stated that earlier when I stated about the 25 Kūlia Initiatives, but it was also missing 4 grants that I had emailed to everyone yesterday.

So finishing up what I had stated earlier regarding the Na'i Aupuni Contract or grant agreement I would like to say as follows, again as a Hawaiian I was not allowed, I was excluded from this process because I was not on a native Hawaiian roll commission and verified or enrolled. On Na'i Aupuni autonomy, Na'i Aupuni was actually given autonomy and I know all of you have this agreement so I don't have to read it again. But when I find very interesting is that the agreement included this statement which when I read a member that was actually at the Aha Kaiulani Milham, it was stated that those things did not happen. So Na'i Aupuni commits not to effect the delegates political decisions, that that decisions of Na'i Aupuni and its directors, paid consultants, attorneys and vendors regarding the performance of the scope of services would not directly or indirectly control or purposely affect the political decisions of the delegates at the Aha. Number 2 and Na'i Aupuni and its directors, paid consultants, attorneys and all of its vendors are barred from serving as Aha delegates. Na'i Aupuni commits that its performance of the scope of services would not interfere with the right of self-determination such as the Aha delegates may freely determine the political status. Then why were some people locked out of the gates?

If Hawaiians were able to kūkā kūkā and discuss why were independence talking about the fact that the draft constitution preamble on the last day excluded was changed. Why was that happening. So I will email to you five parts of what she stated in as being in the front line, being in the room that's all I have. All I have is the statements that were being said. What also happened was that a gentleman Bronson Kaahue was going around and taunting the people outside of the gates with a video camera. I will send you that link taunting them about the fact that they were outside and he was allowed in the gates. He has his camera on his head and I watched that video in disbelief that after he was filming this and after videos came up. If the Aha was for 20 days why didn't OHA get involved a'ole. These are all of our people they should all be apart. But I guess because there was an agreement that unless you were on that roll commission, I and those that were outside the gate had to stay out. I find that very disconcerting. Because at the State Capital I can actually walk in there. I can listen to the conversations I can be a part of it when they are talking about our constitution, about the laws, everything. But why wasn't me as a native Hawaiian allowed to come and walk in? Why wasn't other people that were locked outside the gates allowed to walk in a listen to the process? What was part, why was it so secretive? Why was this so secretive? I am standing before you today I wasn't part of that process. I saw it, I told my family stay off of the roll commission until OHA actually educates us about what the process is all about. Not this kind of fast food drive thru services. We are doing something that is going to affect all of our lives and we want a fast food drive thru

service kind of thing. That is American, I thought we were going to all come to the table. I will send you the email with the 5 parts that Kaiulani Milham she had completed, she posted on line March 4, 2016 all the way through the process. You look at it, if you want to, and see if you thought that the process was pono. E hana kakou.

**Chair Colette Machado** – Thank you Germaine.

**Trustee Rowena Akana** – Thank you Germaine. Your testimony is always welcomed here and you do great research. I have to say I was a delegate and one of the reasons that the people were not allowed in was because they didn't come to participate. They came to disrupt and it was impossible to try to have a meeting when people were constantly jeering and calling out names and doing everything that they could to disrupt. They had a human barrier outside the driveway so that you couldn't get in. There was a lot of confusion. You right it is a process for all Hawaiians but all Hawaiians had the right to sign up to be a delegate.

The person that wrote something that came in our Ka Wai Ola a couple of years ago, no longer works for OHA. But that person misstated things that really took a turn for the worst. When that person stated that you had to enroll in this process, in order to be counted, that was not something that the Trustees agreed to. We were not asked but it was posted in our Ka Wai Ola and it sent the wrong message. It started people thinking that there is a them and us. I apologize for that but as a participant who was there, I saw the dysfunction and Germaine, not everybody "olu'olu like you, some people just came to be disruptive. And you couldn't proceed that way. If their intent was different I am sure they would have been allowed in. I was there when Healani was there and we had many good discussions. I saw people that didn't get along, get along in that process. I can only speak positively of it and I know that the ratification has not occurred because of lawsuits and that's why that hasn't happened yet. I hope that someday that all voices are going to be heard and there is a ratification. All voices should be heard whether they are for it or against and let's hope that the democratic process works. Thank you for your mana'o, mahalo.

**Chair Colette Machado** – I don't think we have any more discussions.

## **VII. ANNOUNCEMENTS**

None

## **VIII. ADJOURNMENT**

**Chair Colette Machado** – I thank you for your patience for the two meetings that we've had. Tomorrow is another BOT meeting at 10 am. I look forward to seeing you all there. I'd like to entertain a motion to adjourn.

**Trustee Dan Ahuna moves to adjourn.**

**Trustee Carmen Hulu Lindsey seconds the motion.**

**Chair Colette Machado** – Roll call vote.

Trustee Dan Ahuna moves to adjourn the meeting. Trustee Carmen Hulu Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Not present
TRUSTEE DAN AHUNA	x		X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			7			2
MOTION: [ ] UNANIMOUS [ x ] PASSED [ ] DEFERRED [ ] FAILED Motion passes with seven (7) yes votes and two (2) excused.						

**Chair Colette Machado** – Thank you RM Chair Trustee Carmen Hulu Lindsey and BAE Chair Trustee Robert Lindsey. There was a good discussion.

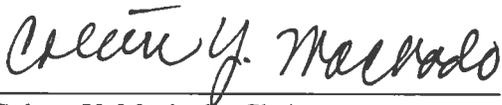
The meeting was adjourned at 11:14 am.

Respectfully submitted,



Dayna Pa, Board Secretary

As approved by the Board of Trustees on March 22, 2018.



Colette Y. Machado, Chairperson  
Board of Trustees

Attachments:

1. Excuse Memo from Trustee Peter Apo



OFFICE OF HAWAIIAN AFFAIRS

INTEROFFICE MEMORANDUM

OFFICE OF  
HAWAIIAN AFFAIRS  
STATE OF HAWAII  
RECEIVED-BOT

2018 MAR -6 A 9:38

**TO:** Trustee Colette Machado, BOT Chair  
Trustee Dan Ahuna, BOT Vice-Chair

**FROM:** Trustee Peter Apo

**DATE:** March 5, 2018

**RE:** BOT Meeting Absence on March 7, 2018

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I am unable to attend the BOT Meeting on March 7, 2018 immediately following the Joint RM/BAE Committee Meeting. Please excuse my absence and extend my apologies to the members of the Board.

If you have any questions, please call my office at 594-1879.

Mahalo.