

**State of Hawai'i
Office of Hawaiian Affairs
555 Fraser Ave.
Lāna'i City, HI, 96763**

**Minutes of the Office of Hawaiian Affairs Board of Trustees Meeting
Wednesday, July 15, 2015, 11:00 am**

I. CALL TO ORDER

Chair Robert K. Lindsey, Jr. called the meeting of the Office of Hawaiian Affairs Board of Trustees to order at 11:04 am. Those present were as follows:

Attendance

Trustee Robert K. Lindsey, Jr., Chair
Trustee Dan Ahuna, Vice Chair
Trustee Lei Ahu Isa
Trustee Rowena Akana

Trustee Peter Apo
Trustee S. Haunani Apoliona
Trustee Carmen Hulu Lindsey
Trustee Colette Machado

Excused

Trustee John Waihe'e IV

Staff Present

Dr. Kamana'opono Crabbe, Ka Pouhana/CEO
Robert G. Klein, Board Counsel
Harold Nedd, Chief of Staff
Capsun M. Poe, Board Secretary
Jeremy Kama Hopkins
Kauikeaolani Wailehua
Crayn Akina
Lady Garrett

Laurene Kaluau-Kealoha
Dayna Pa
Nathan Takeuchi
U'i Tanigawa
Kehau Abad
Ryan Gonzalez
Joseph Lewis
Anthony Pacheco

Others Present

Myron Akutagawa
Kepā Maly
Brysen Seghorn
Cheleigh Clarabal
Laikealoha Hanog
Kaohulani Hanog
Kainoa Hanog
Winifred Basques
Roselani Kahaleanu
Alika Tan

Kaimana Riel
Gabby Shin
Shelley Preza
Diane Preza
Alapake Heanu
Pam Alconcel
Joelle Aoki
Ron McComber
Simon Tajiri
Jaylee Nefalar

II. INTRODUCTIONS

Trustee Apoliona, Trustee Ahu Isa, Trustee Machado, Vice Chair Ahuna, Trustee Hulu Lindsey, Trustee Akana, Trustee Apo, Chair Lindsey, and Dr. Crabbe introduced themselves to the audience. Chair Lindsey also introduced Board of Trustees staff present and Dr. Crabbe introduced Administration staff present.

III. APPROVAL OF MINUTES

Chair Lindsey asked for one change to the minutes:

- On page 4, the incomplete sentence in the first paragraph after the bullets, should read, “He believes this action targets protectors, but affects many”

Motion

At 11:18 am, Trustee Hulu Lindsey moved, seconded by Trustee Akana, to approve the minutes of July 9, 2015, as amended. The motion passed via voice vote.

IV. UNFINISHED BUSINESS

Chair’s Updates on Board Activities

Chair Lindsey had no updates.

CEO’s Update on Ho’oulu Lāhui Aloha and OHA Activities

Dr. Crabbe reported two updates:

- The homeless situation at Kaka’ako Makai continues and Administration has met with the Governor to explore ways to address the Next Step Shelter request from Mayor Caldwell and Senator Suzanne Chun Oakland. He expects a follow-up meeting about the future collaboration on Lot L and expansion. He added that it looks like the capacity can be increased from 250 to 500 individuals, specifically to allow more families. One challenge is that the current statute does not allow residential.
- Regarding Mauna Kea, the BLNR did approve Administrative Rules implementing restrictions on access to the summit. OHA did oppose the rules, so now staff is identifying next steps and available options.

Mr. Klein stated OHA should sue the BLNR because of the passage of the rules. Trustee Ahu Isa noted that her next *Ka Wai Ola* article will include a reference to the PASH Supreme Court case and she believes the BLNR action will not be held up in the courts.

Trustee Machado noted that she understands the Native Hawaiian Legal Corporation will be working on this matter as well. Because it is a designated area for hunting, and the rules prohibit access, she wonders if hunters have more legal rights than Native Hawaiians. She saw this as a glaring conflict if it allows hunting rights to supersede Native rights. She hopes OHA can work with NHLC. She noted that Ulalia Woodside, the only Native Hawaiian on BLNR, was one of two votes against the emergency rules.

Dr. Crabbe responded that the rules did not focus on preservation of religious or traditional customary practices. The gate that allows the public to go into the telescope region has a jurisdictional issue; it is in a conservation district, but it is also in a hunting zone. He believes the court case will be important because it can negatively impact native rights.

Vice Chair Ahuna read the following statement and asked that it be included in the record:

I would like to issue a brief statement for the record. I issued a letter to all of you last week and have gotten no response from anyone. In light of recent statements made by the Governor, I want to ask each of you if it is pono for this board to sit by and wait for this matter to escalate? Think about that, look deep inside of your na'au... think back to your own experiences in various struggles over the years and think about that question I just asked you. I will be issuing the following statement to the public later this afternoon...

I issue this statement as an individual Trustee of the Office of Hawaiian Affairs. I am deeply troubled by Governor Ige's recent statements asserting that he may use the National Guard if necessary to remove the Protectors from Mauna Kea. This is an extremely misguided statement and even more misguided decision if carried out. The demonstration by the hui of protectors has been non-violent and peaceful to this point. Reports of vandalism and harassment have been unsubstantiated and supported only by hearsay. Such reports do not justify the use of the National Guard that would result in an unnecessary escalation of this matter. There are numerous legal questions surrounding the constitutionality of the emergency rules just adopted by the Board of Land and Natural Resources and to exercise the use of what amounts to excessive force, to enforce those rules would likely lead to an even more deeply entrenched legal battle.

I humbly request that before the Governor exercise the use of any further force to remove or arrest any individuals peacefully assembling on Mauna Kea that he meet with myself and our administrator to fully assess the circumstances.

Trustee Akana asked Mr. Klein to summarize the PASH case and its applicability. Mr. Klein responded that when he served on the Hawaii Supreme Court, he wrote and the Court issued, the PASH ruling. He noted that Article 12, Section 7 of the Hawaii State Constitution protects Native Hawaiian traditional and customary practices. PASH also states that TCP cannot be regulated out of existence.

Dr. Crabbe noted that Administration will provide an update at the July 23 Board meeting. He hopes that will include NHLHC's strategy.

V. COMMUNITY PRESENTATIONS

Lāna'i Culture and Heritage Center

Mr. Kepā Maly addressed the Board to say mahalo and share how OHA's support has grown cultural literacy initiatives on Lāna'i. He stated that the seeds OHA has planted in the youth of Lāna'i has flourished. He currently has some students working in lo'i kalo so that they can one day raise kalo on Lāna'i. He also shared a July 14, 2015 article from *The Maui News* entitled, "Ancient fishpond to be restored." He believes this gives an example of what one little community can do if it rediscovers and reinvests in its culture. He believes this will open the door to a universe of education.

LCHC student participants presented hula to the Trustees and then individually addressed the Board:

- Mr. Kaimana Riel and Ms. Gabby Shin addressed the Board to speak about their experiences with LCHC. They introduced a video that they produced at the OHA office with the assistance of Kumu Anthony. The video entitled "Leo O Na'i" showed what participants experienced during E

Ike Hou Ia Lanai, To Know Lāna‘i Once Again Summer Enrichment Camp 2015. They believe this will help them tell the stories of Lāna‘i.

- Jaylee Nefalar shared that she joined the program because it is important to her to help her ‘āina and continue to work of her kupuna that they could not finish.
- Alika Tan shared that he is proud that Lanai is his home. The program strengthened his bonds with his home.
- Brysen Seghorn shared that once inspiring event was working on the wall in Wai Opae. That day, he was inspired to be careful of the ‘āina. He hopes others will be inspired to help Lāna‘i.
- Shelly Flaredo shared that this was the best summer she has had because she participated in the program, which taught her about Lanai’s history. The program reminded her that this is important to pass on to future generations.
- Kehau shared that participating in the program helped her to know and understand where she came from. Now she knows her island. It has also inspired her to study Hawaiian Studies when she goes to college.
- Kaimana Mano shared that he was both a student and a video documentarian during his three years with the program. He learned with the students. He believes the video will show the emotional impact of the program.
- Shelley Preza shared that because of her experiences with the program as a participant and as a coordinator, it helped her pursue her higher education and is in her third year at Harvard.

Trustee Machado asked how it feels being a representative of Lāna‘i at an Ivy League institution. Shelley responded that she and a friend just got Harvard to agree to accept Hawaiian as a foreign language requirement. Mr. Maly concluded by stating that there are a lot of seeds, but that there is a great deal of growing to come.

Trustee Ahu Isa noted that Kepā Maly was featured in the Washington Times. She also asked if there is any way OHA can help Mr. Maly. Chair Lindsey thanked Mr. Maly and the haumana who presented to the Trustees.

VI. COMMUNITY CONCERNS/BENEFICIARY COMMENTS

Ms. Roselani Kahaleanu thanked the Trustees for coming to Lāna‘i. She asked the Trustees to support those who are on Mauna Kea. She believes OHA needs to back the beneficiaries that are up on the Mauna Kea. She stated that the people there are trying to prevent further desecration of the summit area and that the TMT will be larger than all 13 of the other observatories combined. She cited HRS 711, the desecration law. She also asked that OHA support a kula kaiapuni for Lāna‘i.

Trustee Machado noted that it has been difficult to get a kula kaiapuni on the island. Without the availability of a certified teacher, it cannot happen. Mr. Maly added that parties have explored the possibility, but there has been no commitment by any teacher to move to Lāna‘i.

Mr. Ron McComber stated that he has lived on Lāna‘i for almost 48 years. He represents Lanaians for Sensible Growth and still has concerns that the current owner of the island has more resources than the previous one and can do more things that people do not know about. He does believe Pulama has done some good things, including hospice and a health center. He just wants people to understand that there is a lot of money being spent on Lāna‘i, but other things like affordable housing is also needed. He stated that Larry Ellison has stated that the island will be self-sustaining, but that is only possible with water. Trustee

Machado told Mr. McComber to not undersell themselves and knows that they do have influence and sway at the Maui Planning Commission.

VII. NEW BUSINESS

Committee on Asset and Resource Management

Trustee Akana reported that the Committee on Asset and Resource Management, having met on July 8, 2015; and after full and free discussion, recommends approval of the following action to the Board of Trustees:

To approve and authorize a funding request of \$400,000 from OHA’s FY 2016 Fiscal Reserve Authorizations for Lunalilo Home and Trust.

Motion

At 1:01 pm, Trustee Akana moved, seconded by Trustee Apo, to approve and authorize a funding request of \$400,000 from OHA’s FY 2016 Fiscal Reserve Authorizations for Lunalilo Home and Trust.

| TRUSTEE | 1 | 2 | ‘AE (YES) | A’OLE (NO) | KANALUA (ABSTAIN) | EXCUSED |
|---------------------------------------------------------------------------------------------------|---|---|--------------|---------------|----------------------|---------|
| TRUSTEE LEI AHU ISA | | | X | | | |
| TRUSTEE DAN AHUNA | | | X | | | |
| TRUSTEE ROWENA AKANA | 1 | | X | | | |
| TRUSTEE PETER APO | | 2 | X | | | |
| TRUSTEE HAUNANI APOLIONA | | | X | | | |
| TRUSTEE HULU LINDSEY | | | X | | | |
| TRUSTEE COLETTE MACHADO | | | X | | | |
| TRUSTEE JOHN WAIHE’E | | | | | | X |
| CHAIR ROBERT LINDSEY | | | X | | | |
| TOTAL VOTE COUNT | | | 8 | 0 | 0 | 1 |
| MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED | | | | | | |
| Motion passed with eight (8) YES votes, no (0) NO votes, no (0) abstentions, and one (1) excused. | | | | | | |

VIII. COMMUNITY CONCERNS/BENEFICIARY COMMENTS

There were no Beneficiary Comments.

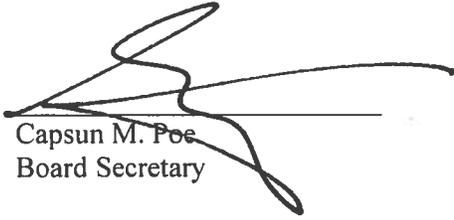
IX. ANNOUNCEMENT

Chair Lindsey thanked Trustee Machado for hosting today and Dayna Pa, Laurene Kalua-Kealoha, and Anthony Pacheco for their assistance in making this a smooth meeting. He also announced the next Board meeting will be on Thursday, July 23, 2015, at 12:30 pm.

X. ADJOURNMENT

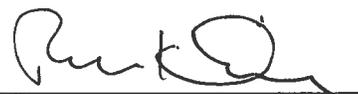
Having no further business, Chair Lindsey adjourned the meeting at 1:03 pm.

Respectfully Submitted,



Capsun M. Poe
Board Secretary

Approved by the Board of Trustees on July 23, 2015:



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