

**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, July 23, 2015, 12:30 pm**

I. CALL TO ORDER

Chair Robert K. Lindsey, Jr. called the meeting of the Office of Hawaiian Affairs Board of Trustees to order at 12:31 pm. Those present were as follows:

Attendance

Trustee Robert K. Lindsey, Jr., Chair
Trustee Dan Ahuna, Vice Chair
Trustee Rowena Akana (arrived 1:00 pm)
Trustee Peter Apo

Trustee S. Haunani Apoliona
Trustee Carmen Hulu Lindsey
Trustee Colette Machado
Trustee John Waihe'e IV

Excused

Trustee Lei Ahu Isa

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
Lehua Itokazu
U'i Tanigawa
Dayna Pa
Davis Price
Louise Yee Hoy

Reynold Freitas
Liana Pang
Lady Garrett
William Arenivas
Ernest Kimoto
Hawley Iona
Jim Patterson
John Rosa
Kawika Riley
Miles Nishijima

Others Present

Kealii Makekau
Ikaikamaika'i Keone-Kinimaka
Lanakila Mangauil
Hanalei Fergerstrom

Clare Apana
Routh Bolomet
Leon Siu

VI. EXECUTIVE SESSION

Chair Lindsey announced that due to the limited availability of one of the attorneys, he would take Item VI. Executive Session of the agenda first, then proceed with the rest of the agenda.

Motion

At 12:32 pm, Trustee Ahuna moved, seconded by Trustee Apoliona, that the Board go into Executive Session to consider the following:

Consultation with Paul Alston, Esq. re: questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities regarding *Akana v. Machado et. al.*, Civil No. ICC13-1-002485. Pursuant to HRS 92-5(a)(4).

The motion passed via voice vote. The Board went into Executive Session at 12:33 pm and exited Executive Session at 1:00 pm.

II. APPROVAL OF MINUTES

Chair Lindsey announced that Item V.C. BOT #15-03 would be deferred to July 30 and that he hopes that gives Trustees more time to review and consider the action item.

Chair Lindsey requested that the minutes correctly state the day of the meeting noted at the bottom of each page should state Wednesday, not Thursday.

At 1:03 pm, Trustee Machado moved, seconded by Trustee Waihe’e, to approve the minutes of July 15, 2015, as amended. The motion passed via voice vote.

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

III. COMMUNITY CONCERNS

Mr. Kealii Makekau believes support of the Native Hawaiian Roll Commission leaves OHA open to future lawsuits.

Ms. Clare Apana informed the Trustees that her Kū’ē Petition started their signing activities on Moku O Keawe. They have also started on O’ahu and have started with volunteers. They have gone to Waimanalo, Wai’anae, and ‘Iolani Palace. She shared that at the Palace, people who stopped by stayed and looked at the books for hours. She knows OHA has chosen to support their work and she thanked the Trustees. She asked that a link to a video of her efforts (<http://youtu.be/HRKBF63dw48link>) be shared.

Ms. Routh Bolomet questioned how the Roll Commission effort is any different from the plebiscite to grant statehood to Hawai’i. She also questioned the legality of the Newlands Resolution. She asked how

the United States is taking care of Hawaiian nationals and believes that needs to be answered before moving on.

Trustee Apo stated that Hawaiian nationals are being prevented from pursuing any option. He clarified that the Roll Commission was not an OHA initiative, but was started by the Legislature. He strongly suggested that those with concerns need to address Na'i Aupuni, who now have the kuleana of setting up the Convention and next steps.

Mr. Lanakila Mangauil asked for an update regarding OHA's stance for the people on Mauna A Wakea. He thanked OHA for its stand against the BLNR rules changes. Today is the second day of warnings, but they are unclear what DLNR agents will do next. He suggested that OHA file suit against the state on this issue. He believes the Mauna Kea Access Road should never have been there.

Trustee Akana noted at the last BOT meeting the Trustees were updated about the BLNR rules. She believes the rules were done too quickly. She volunteered to be on an Ad Hoc Committee to work with the state to look at the rules and work something out. Under state law and PASH rules, Native Hawaiians have a right to go up there and practice their culture. She would like to see OHA more active in this issue.

Trustee Machado noted that on Lāna'i, there was a consensus that Native Hawaiian Legal Corporation would move forward and now it is a matter of how to position OHA. As she reads it, the rules only protect hunting rights.

Trustee Ahuna wanted to know where things stand now. Dr. Crabbe responded that staff have been working on a summary of the emergency rules and a memo with highlights on what will be recommended to the Board. Ms. Doane noted there are several issues: emergency rules, UH administrative rules, National Guard, and the CDUP. She focused her update on the emergency rules. OHA strongly opposed the emergency rules, but the BLNR did pass those rules. Public Policy is working with Corporate Counsel to identify a litigator on contract. OHA's resources are being used to contest the rules. One of the options is to file an injunction.

Trustee Apo is concerned that if anything goes on the mountain, there is the potential for violence.

Trustee Apoliona noted that she knows this is a difficult situation for natives and non-natives. What is happening there is setting an example for all of us. She believes OHA is trying to be true and just in its work, but she acknowledges there are different paths to get things done.

Mr. Hanalei Fergerstrom stated that there is an astronomical conference at the convention center next month and that he would like to attend. One problem is now when you read the newspapers, people just look at it and think it's a bunch of crazy Hawaiians. He noted that Lake Waiau is sacred to many people and has been working with Williamson Chang on legal ways to protect the Mauna. He requested OHA to help Williamson Chang with the legal writing and to support a hospitality room at the astronomical conference. This way, they can have a more dynamic discussion about TMT. Dr. Crabbe stated he would follow-up with Mr. Fergerstrom on resources available.

Mr. Leon Siu reported that Hawai'i is pursuing an international route in its quest for independence. He and others addressed the UN Human Rights Council to get them familiar with Hawai'i's situation as the Hawaiian Kingdom. He shared several international newspaper stories that referenced Hawai'i's situation

and those that have questioned the US at the UN about the legality of Hawai'i, Alaska, and the Dakotas. He also distributed a report on what happened at the UN in May.

Mr. Ikaikamaika'i Keone-Kinimaka stated that Hawaiian culture needs no more containment. He has been on Mauna Kea since the 80th day. He did not know why he went, but was just drawn. He asked the Trustees not to let the National Guard go up to Mauna Kea.

Trustee Akana asked if guns were present. Mr. Keone-Kinimaka responded that HPD showed up with their firearms. She noted that in the past when OHA was in conflict with the state on Ceded Lands revenues, people lined the runways of the neighbor islands, with several arrests. At the time, only Native Hawaiians were sent to arrest and enforce and this is the kind of occurrence she believes we cannot and should not allow.

Trustee Apoliona stated these developments make her anxious to see what will happen. She knows people have differences, but wants to see us be productive. Dr. Crabbe responded that he will have more detailed updates for the Trustees and has been in contact with the Governor's office and wants to work to clarify the message on the National Guard to help de-escalate the situation. In her opinion, since Merrie Monarch, there is a lot that could have blown up, but it has not, which she thinks is due to all sides trying to prevent violence.

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 that Administration did have follow-up on the kula kaiapuni issue brought up on Lāna'i. He has already reached out to recruit someone to fill a teacher position. Right now, it is too late for this year as the school year is about to start. But it may be possible to do it in January. He also asked Jerome Yasuhara to follow-up with Mr. McComber about his issues and Dr. Crabbe will update the Board at a later date.

V. NEW BUSINESS

Committee on Asset and Resource Management

Trustee Akana reported that the Committee on Asset and Resource Management, having met on July 16, 2015; and after full and free discussion, recommends approval of the following action to the Board of Trustees:

To approve and authorize funding in the amount of \$150,520 to be reallocated within OHA's FY 2016 Core Operating Budget for the Native Hawaiian Roll Commission's FY 2016 Operating Budget, subject to the condition for the release of funding.

Motion

At 2:17 pm, Trustee Akana moved, seconded by Trustee Machado, to approve and authorize funding in the amount of \$150,520 to be reallocated within OHA’s FY 2016 Core Operating Budget for the Native Hawaiian Roll Commission’s FY 2016 Operating Budget, subject to the condition for the release of funding.

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			X			
TRUSTEE HAUNANI APOLIONA			X			
TRUSTEE HULU LINDSEY				X		
TRUSTEE COLETTE MACHADO		2	X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			6	2	0	1

MOTION: UNANIMOUS PASSED DEFERRED FAILED

Motion passed with six (6) YES votes, two (2) NO votes, no (0) abstentions, and one (1) excused.

Committee on Beneficiary Advocacy and Empowerment

Trustee Waihe‘e reported that the Committee on Beneficiary Advocacy and Empowerment, 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 Ms. Jessica Kaneakua to serve as the Hawai‘i Island Representative for the Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors.

Motion

At 2:18 pm, Trustee Waihe'e moved, seconded by Trustee Akana, to approve Ms. Jessica Kaneakua to serve as the Hawai'i Island Representative for the Native Hawaiian Revolving Loan Fund (NHRLF) Board of Directors.

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

VII. BENEFICIARY COMMENTS

There were no Beneficiary Comments.

VIII. ANNOUNCEMENT

Chair Lindsey announced the next Board meeting will be on Thursday, July 23, 2015, at 10:00 am.

Trustee Hulu Lindsey announced that the previously announced site visit to Kaho'olawe will be postponed and that she will have two site visits on Maui. Detailed information will be forthcoming.

IX. ADJOURNMENT

Having no further business, Chair Lindsey adjourned the meeting at 2:20 pm.

Respectfully Submitted,



Capsum M. Poe
Board Secretary

Approved by the Board of Trustees on July 30, 2015:



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