

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

**Minutes of the Office of Hawaiian Affairs Board of Trustees Meeting  
Thursday, November 5, 2015, 10:00 am**

**I. CALL TO ORDER**

Chair Robert K. Lindsey, Jr. called the Office of Hawaiian Affairs Board of Trustees Meeting to order at 10:04 am. Those present were as follows:

**Attendance**

Trustee Robert K. Lindsey, Jr., Chair	Trustee S. Haunani Apoliona
Trustee Dan Ahuna, Vice Chair	Trustee Carmen Hulu Lindsey
Trustee Lei Ahu Isa	Trustee Colette Machado
Trustee Rowena Akana (arrived 10:05 am)	Trustee John Waihe'e IV (arrived 10:05 am)
Trustee Peter Apo	

**Excused**

-None-

**Staff Present**

Dr. Kamana'opono Crabbe, CEO	Carla Hostetter
Robert G. Klein, Board Counsel	Deirdra Alo
Harold Nedd, Chief of Staff	Francine Murray
Capsun M. Poe, Board Secretary	Jim Patterson
Kauikeaolani Wailehua	Jocelyn Doane
Lehua Itokazu	John Rosa
U'ilani Tanigawa	Jonathan Lum
Liana Pang	Kai Markell
Claudine Calpito	Kamakana Aquino
Davis Price	Kawika Riley
Dayna Pa	Lisa Watkins-Victorino
Reynold Freitas	Lisa Victor
Lady Garrett	Mehana Hind
Laurene Kaluau-Kealoha	Pili Wong
Louise Yee-Hoy	Tiger Li
Allen Kam	Wayne Tanaka

**Others Present**

Primrose Leong-Nakamoto	Brian Prall
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**II. APPROVAL OF MINUTES**

There were no minutes for approval.

**III. COMMUNITY CONCERNS**

Primrose Leong-Nakamoto and Brian Prall shared a presentation to attract the cooperation and support of OHA. They believe it is a multigenerational opportunity. She shared printed materials with the Trustees.

Trustee Apo thought it was a great idea and hopes more Hawaiians get involved with such initiatives.

Trustee Ahuna asked if these efforts include fisheries. She also asked if Administration would look at a project such as this for OHA lands in Central O'ahu. Ms. Leong-Nakamoto responded that they will focus on the Barbers Point area.

Trustee Machado asked if this is an OHA investment. Ms. Leong-Nakamoto responded yes and that it is a project for all the people.

#### **IV. UNFINISHED BUSINESS**

##### **A. Chair's Updates on Board Activities**

Chair Lindsey had no updates.

##### **B. CEO's Update on Ho'oulu Lāhui Aloha and OHA Activities**

Dr. Crabbe called on Dede Alo to share information on the BOT Reporting site. Ms. Alo demonstrated the new, user-friendly version of the BOT Reporting site available on OHA's KI'I (SharePoint). Dr. Crabbe noted this is part of Administration's way to fulfill requirements of reporting to the BOT and supports their goal of being more transparent. He clarified that only Trustees have access to this information, due to the confidentiality of the information and that all required reports will be uploaded there.

Chair Lindsey reminded the Trustees that the information is confidential and should be kept close by Trustees.

##### **B1. Research's 20-Minute Presentation on OHA Strategic Plan**

Dr. Watkins-Victorino reported the following OHA Strategic Plan Update:

- Ho'ona'auao – Reading and Math
  - Strategic result: To increase the percentage of Native Hawaiian students meeting and exceeding reading (55% to 65%) and math (32% to 45%) standards
  - \$8,460,550 awarded in 2010 – 2014
  - Approximately 3,466 students served by these efforts
  - 2010 Reading baseline: 55%
  - 2014 Reading proficiency: 61%
  - 2010 Math baseline: 32%
  - 2014 Math proficiency: 48%
- Ho'ona'auao – Post-secondary degrees
  - Strategic result: To increase the number of Native Hawaiian students who earn post-secondary degrees or certificates in the UH system by 12%
  - Since 2010 \$3,314,150 scholarship funds distributed
  - Approximately 980 Native Hawaiian students
  - 2009\* baseline: 1,209 degrees earned
  - 2014: 2,285 degrees earned
  - Higher number of AA and BA degrees earned than MA and PhD degrees

- Ho‘okahua Waiwai – Home ownership
  - Strategic result: To increase the percent of Native Hawaiian owner-occupied housing from 56.6% to 58%
  - \$16,127,858 awarded 2010-2014
    - \$15 million to DHHL
  - Approximately 337 Native Hawaiians served
  - 2008 Owner occupied: 56.6%
  - 2014 Owner occupied: 52.9%
- Ho‘okahua Waiwai – Rental
  - Strategic result: To decrease from 55% to 50% the percent of Native Hawaiian renters who are paying more than 30% of income for rent
  - \$ 1,251,042 awarded between 2010-2014
  - Approximately 962 Native Hawaiians served
  - 2010 Paying 30% Income on Rent: 55%
  - 2014 Paying 30% Income on Rent: 54.8%
- Ho‘okahua Waiwai – Income
  - Strategic result: Native Hawaiian Median Family Income will be equal to, or greater than 92% of the Statewide Median Family Income
  - \$4,486,934 awarded between 2010-2014
  - Approximately 5,460 Native Hawaiians served
  - 2010 Native Hawaiians at 88.9% of State MFI
  - 2014 Native Hawaiians at 87.8% of State MFI
- Maui Ola – Obesity
  - Strategic result: Reduce the rate of obesity among Native Hawaiians from 49.3% to 35%
  - \$4,031,381 awarded from 2010-2014
  - Approximately 7,313 Native Hawaiians served
  - 2011\* 40.8% prevalence rate for Native Hawaiians
  - 2013 39% prevalence rate for Native Hawaiians
- Maui Ola – Prenatal care
  - Strategic result: Increase the number of Native Hawaiian mothers receiving prenatal care in the first trimester from 75.2% to 83.6%
  - \$433,290 awarded from 2010-2014
  - Approximately 250 Native Hawaiians served
  - 2009\* 75.2% live births of resident Native Hawaiian mothers receiving prenatal care in the first trimester
  - 2013 82% live births of resident Native Hawaiian mothers receiving prenatal care in the first trimester
- Maui Ola – Substance abuse treatment
  - Strategic result: Decrease the number of Native Hawaiians in State DOH substance abuse treatment from 45.9% to 39%
  - \$1,674,344 awarded from 2010- 2013
  - Approximately 8,655 Native Hawaiians served
  - 2008\* 45.9% substance abuse treatment rate for Native Hawaiians
  - 2012 43.1% substance abuse treatment rate for Native Hawaiians
- Mo‘omeheu – Value history and culture
  - Strategic result: 85% of Hawai‘i residents appreciate and value Native Hawaiian history and culture
  - \$1,940,251 awarded from 2010-2014
  - Approximately 1,585 Native Hawaiians served
  - Other venues:

- 3,079 students in Native Hawaiian Focused Charter Schools
  - 1,042 Ka Wai Ola articles
  - Papakilo, Kipuka, and Kamakako‘i\*
    - 79,702 visits
    - 29,147 new visitors
    - 21,905 returning visitors
- Mo‘omeheu – Participate in cultural activities
  - Strategic result: 51% of Native Hawaiians living in the State of Hawai‘i participating in cultural activities, including language, and who interact with the ‘āina for cultural, spiritual, religious, and subsistence
  - \$2,083,499 awarded from 2010- 2014
  - Approximately 2,885 Native Hawaiians served
  - Other venues:
    - 3,079 students in Native Hawaiian Focused Charter Schools
    - 21 I Mana Ka Lahui workshops
- ‘Āina – Understand the need for a viable land base
  - Strategic result: 71% of all Hawai‘i residents understand and agree that a viable land base is necessary for the new Native Hawaiian governing entity
  - \$384,327 awarded from 2012 – 2014 toward statewide planning, implementation, and advocacy of the Taro Security and Purity Task Force report
  - Other venues:
    - Legislation (Kaka‘ako Makai, Public Land Trust revenues)
      - Kipuka
- ‘Āina – Achieve Pae ‘Āina Sustainability
  - Strategic result: Increase from 12% to 15% the ahupua‘a that are managed sustainably
  - \$2,316,255 awarded from 2012 – 2014
  - Approximately 5,508 Native Hawaiians served
  - Associated initiatives:
    - PLDC repeal by Act 38
    - Nā Wai ‘Ehā, Waimea Valley
    - Pahua, Palauea, Kūkaniloko, Papahānaumokuākea
    - Wao Kele o Puna
- Ea – Transfer assets to entity
  - Strategic result: Adoption by the Board of Trustees of a Transition Plan that includes the legal transfer of assets and other resources to the new Native Hawaiian governing entity
  - \$ 759,159 awarded in association with general area of governance
  - Initiatives and assets
  - Nation building
  - Legislation (Kaka‘ako Makai, Public Land Trust revenues)
  - Commercial properties
  - Cultural sites
  - Investment portfolio

Trustee Ahu Isa stated that she saw that DHHL gets \$55 million. She also stated that Hawai‘i has the highest rate of private school attendance. Dr. Watkins-Victorino responded that OHA was tracking public school system which tracks the statewide assessment and that highlights what is directly associated with that result.

Trustee Hulu Lindsey stated the \$16 million for housing has \$15 million to DHHL. So she wondered where the extra \$1 million went. Dr. Watkins-Victorino stated it went to other sponsorships. Trustee Hulu

Lindsey also agreed with Trustee Ahu Isa's concern about DHHL not utilizing \$55 million in NAHASDA funds, which she believes is terrible. She also added that \$4 million on obesity to only have a two percentage point decrease result is just not good. Dr. Crabbe responded that the CDC changed the method of tracking. The original baseline was 49%, but the methodology was changed.

Trustee Akana asked if Maui Ola is subcontracted to Queens Medical Center. Dr. Watkins-Victorino responded that one grantee was for work in Hana, Maui. Trustee Akana stated that she has received complaints that the subcontractor just paid people to run. She believes it is a problem and we need to ascertain who is responsible. She also questioned if we are using OHA data and state data or if we are able to tell if OHA's money has directly helped Hawaiians. She requested that the next update specify the total state figure and then OHA's funds, to see how OHA has made a difference. She also noted there was a time that the Board set funds aside for private schools. Dr. Watkins-Victorino responded that the numbers come from OHA's grantees, which actually includes both total number served and Native Hawaiians served. She added that some funds are for events, but the organizers sometimes undercount the participants. Trustee Akana asked why OHA is not looking at what DHHL is doing with the money OHA gave to them. Dr. Crabbe responded that he has a meeting with Chair Masagatani at DHHL and intends to bring up some of these concerns. Trustee Akana stated her concern that OHA is on the hook for this money, but DHHL is not even spending all the money they have.

Trustee Hulu Lindsey asked what the commitment to DHHL was for. Dr. Watkins-Victorino responded that it was for infrastructure and other related costs, not just for debt service. She added that some scholarship recipients did go to mainland colleges.

Trustee Apo stated it is good that OHA is anticipating the Native Hawaiian Governing Entity. He believes that when we get into a dialogue about transfer, Federal Recognition, and nation-building, it is important to distinguish.

Mr. Klein opined that he is not comfortable talking about nation-building in open session. He noted this is appropriate to discuss in Executive Session, especially with pending litigation.

Trustee Ahuna thanked the staff for their efforts. He suggested that instead of faulting DHHL, OHA should look at how to get the money back from the Federal government.

Trustee Apoliona asked about Mo'omeheu, where Papakilo and other resources are mentioned, what the visit counts mean. Dr. Watkins-Victorino responded that visitors are people and that if they come back multiple times, it will separately count their visits.

Trustee Ahu Isa stated that staff needs to make sure the information is correct if we have so many errors.

Trustee Akana stated nothing stops OHA from pursuing NAHASDA funds. She added that OHA has given DHHL a lot of money over the years and that it is time for DHHL to give something to OHA, which she has shared with Chair Masagatani. She suggested DHHL could lease OHA their land in Kapolei, which would give OHA an opportunity to be one of the players.

Trustee Machado noted OHA has exceeded some of our goals. She asked if there is room to adjust the goals. Dr. Crabbe responded that there is. He estimates about three years remain on the goals timeline. He also stated that the Executive Team will come up with a strategy on how to redirect funds. Trustee Machado noted that the next Resource Management Committee meeting will include some discussion on the DHHL bond issue in Executive Session.

Dr. Watkins-Victorino noted that Research is looking for a way to provide Trustees all the work that goes on; she creates the high-level information that gets presented to the Board.

## V. NEW BUSINESS

Trustee Waihe'e gave the following committee report:

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

Chair Robert Lindsey,

Your Committee on Beneficiary Advocacy and Empowerment, having met on October 21, 2015, after full-and-free discussion, and where all action item motions taken received 9-0 unanimous votes, recommends approval of the following three (3) actions to the Board of Trustees in this single committee report:

### ACTION 1

To approve OHA's participation in the portion of the Nā Wai 'Ehā contested case hearing regarding the adjudication of surface water use permit applications, including the recognition and quantification of appurtenant rights claims, and to authorize the CEO to utilize OHA contract #2604, as amended, with Alston Hunt Floyd and Ing, Attorneys at Law, A Law Corporation, to cover legal services rendered to OHA for water use permit applications and appurtenant rights claims, contingent upon approval of sufficient funding, estimated at \$300,000, to reside in Program Code 2300 - Corporate Counsel, Object Code 57115 - Legal Services, to cover legal fees and costs incurred for participation in the foregoing.

### ACTION 2

To approve the adoption of an OHA Water Policy along with Attachment A: Water Backgrounder Appendix, where upon approval, both will be included in the Executive Board Policy Manual of the Board of Trustees, as fully stated in Action Item BAE 15-06.

### ACTION 3

Adopt a Board of Trustee (BOT) policy to be included in the OHA Board of Trustees Executive Policy Manual as a new section numbered 2080 entitled "Iwi Kupuna" within the 2000 Series on Beneficiary Support and Services:

2080 Iwi Kupuna

Care, Management, and Protection of Iwi Kupuna

- 2.8. a. Consistent with its advocacy regarding the Hawaiian culture, OHA shall protect and promote the reverence and cultural importance of proper care, management, and protection of ancestral Native Hawaiian remains or iwi kupuna. Recognizing that iwi is culturally "considered the most cherished possession" as defined by

Mary Kawena Pukui as well as oral and written historical accounts, OHA shall ensure that in all OHA efforts and initiatives, the proper care, management, and protection of iwi kupuna is of paramount consideration. OHA also recognizes that the care and disposition of iwi kupuna is primarily an 'ohana kuleana and shall promote the active involvement of descendants and 'ohana in matters regarding the treatment and disposition of iwi kupuna. In furtherance of this policy objective, OHA shall:

1. Formulate consistent responses in the planning, consultation, and decision making regarding the care, management, and protection of iwi kupuna; and
2. Ensure that all relevant OHA land management and planning documents, contractual agreements and grant agreements include an acknowledgment of a higher cultural standard of care regarding the care, management, and protection of iwi kupuna, which may exceed minimal requirements set forth in law and rule; and
3. Consult with the Native Hawaiian Historic Preservation Council for guidance on iwi issues when deemed necessary by the Chief Executive Officer.

A. BAE #15-05: Approval of OHA participation in the Appurtenant Rights and Water Use Permit Applications

Motion

At 11:21 am, Trustee Ahuna moved, seconded by Trustee Hulu Lindsey, to approve OHA's participation in the portion of the Nā Wai 'Ehā contested case hearing regarding the adjudication of surface water use permit applications, including the recognition and quantification of appurtenant rights claims, and to authorize the CEO to utilize OHA contract #2604, as amended, with Alston Hunt Floyd and Ing, Attorneys at Law, A Law Corporation, to cover legal services rendered to OHA for water use permit applications and appurtenant rights claims, contingent upon approval of sufficient funding, estimated at \$300,000, to reside in Program Code 2300 - Corporate Counsel, Object Code 57115 - Legal Services, to cover legal fees and costs incurred for participation in the foregoing.

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			8	0	0	1

MOTION:  UNANIMOUS  PASSED  DEFERRED  FAILED

Motion passed with eight (8) YES votes, no (0) NO votes, no (0) abstentions, and one (1) excused.

B. BAE #15-06: Adoption of an OHA Water Policy and a Water Backgrounder Appendix to be included in the Board's Executive Policy Manual

Motion

At 11:22 am, Trustee Ahuna moved, seconded by Trustee Hulu Lindsey, to approve the adoption of an OHA Water Policy along with Attachment A: Water Backgrounder Appendix, where upon approval, both will be included in the Executive Board Policy Manual of the Board of Trustees, as fully stated in Action Item BAE 15-06.

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			8	0	0	1

MOTION:  UNANIMOUS  PASSED  DEFERRED  FAILED

Motion passed with eight (8) YES votes, no (0) NO votes, no (0) abstentions, and one (1) excused.

C. BAE #15-07: Adoption of an OHA Protecting Iwi Kupuna Policy to be included in the Board's Executive Policy Manual

Motion

At 11:23 am, Trustee Ahuna moved, seconded by Trustee Hulu Lindsey, to adopt a Board of Trustees (BOT) policy to be included in the OHA Board of Trustees Executive Policy Manual as a new section numbered 2080 entitled “Iwi Kupuna” within the 2000 Series on Beneficiary Support and Services:

2080 Iwi Kupuna

Care, Management, and Protection of Iwi Kupuna

2.8. a. Consistent with its advocacy regarding the Hawaiian culture, OHA shall protect and promote the reverence and cultural importance of proper care, management, and protection of ancestral Native Hawaiian remains or iwi kupuna. Recognizing that iwi is culturally “considered the most cherished possession” as defined by Mary Kawena Pukui as well as oral and written historical accounts, OHA shall ensure that in all OHA efforts and initiatives, the proper care, management, and protection of iwi kupuna is of paramount consideration. OHA also recognizes that the care and disposition of iwi kupuna is primarily an ‘ohana kuleana and shall promote the active involvement of descendants and ‘ohana in matters regarding the treatment and disposition of iwi kupuna. In furtherance of this policy objective, OHA shall:

1. Formulate consistent responses in the planning, consultation, and decision making regarding the care, management, and protection of iwi kupuna; and
2. Ensure that all relevant OHA land management and planning documents, contractual agreements and grant agreements include an acknowledgment of a higher cultural standard of care regarding the care, management, and protection of iwi kupuna, which may exceed minimal requirements set forth in law and rule; and
3. Consult with the Native Hawaiian Historic Preservation Council for guidance on iwi issues when deemed necessary by the Chief Executive Officer.

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			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.						

**VI. EXECUTIVE SESSION**

Motion

At 11:24 am, Trustee Ahuna moved, seconded by Trustee Hulu Lindsey, to go into Executive Session to consider the following:							
A. Performance Appraisal and Evaluation of the Chief Executive Officer. <i>Pursuant to HRS 92-5(a)(2).</i>							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			2	X			
TRUSTEE DAN AHUNA		1		X			
TRUSTEE ROWENA AKANA							X
TRUSTEE PETER APO				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.							

The Board went into Executive Session at 11:25 am and exited Executive Session at 12:28 pm.

**VII. BENEFICIARY COMMENTS**

Keali'i Makekau asked for the status of the Kaka'ako Makai properties. He asked if this is something that will be while OHA has the properties or would be after the property transfer to the Governing Entity. To him, it seems to him that we are on the edge of that property, but we are still staring at the water, yet Howard Hughes is already underway with their development. Chair Lindsey responded that this is likely something that will happen in another world; OHA came into the process too late for this cycle.

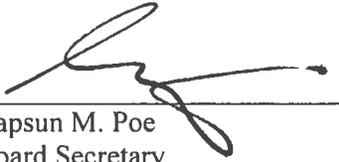
**VIII. ANNOUNCEMENTS**

Chair Lindsey announced the next BOT meeting will be on Thursday, November 19, 2015 at 10:00 am.

**IX. ADJOURNMENT**

Having no further business, Chair Lindsey adjourned the meeting at 12:35 pm.

Respectfully Submitted,



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Capsun M. Poe  
Board Secretary

Approved by the Board of Trustees on November 19,  
2015:



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