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, February 26, 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 12:30 pm. Those present were as follows:

Attendance
Trustee Robert K. Lindsey, Jr., Chair
Trustee Lei Ahu Isa (arrived 12:37 pm)
Trustee Dan Ahuna, Vice Chair
Trustee Rowena Akana
Trustee Peter Apo (arrived12:32 pm)
Trustee S. Haunani Apoliona
Trustee Carmen Hulu Lindsey
Trustee Colette Machado
Trustee John Waihe'e IV (arrived 12:39 pm)

Excused
-None-

Staff Present
Dr. Kamana'opono Crabbe, Ka Pouhana/CEO
Robert G. Klein, Esq., Board Counsel
Harold Nedd, Chief of Staff
Capsun M. Poe, Board Secretary
Kauikeaolani Wailehua
Claudine Calpito
Davis Price
Lady Garrett
Liana Pang
Kanani Souza
Reynold Freitas
Louise Yee Hoy
Lehua Itokazu
Kathy Owara-Takeo
Albert Tiberi
Dawn Tong
Deirdra Alo
Derek Kauanoe
Edwina Minglana
Hawley Iona
Ikaika Nakahashi
Jocelyn Doane
Joda Derrickson
Jonathan Ching
Kai Markell
Kawika Burgess
Kawika Riley
Kehau Abad
Keopulaulani Reelitz
Kristin Anderson
Lisa Watkins-Victorino
Mehana Hind
Momilani Lazo
Pilialoha Wong
Ryan Gonzalez

Others Present
Dan Purcell
Kuhio Asam
Meleana Meyer
Moses Haia
Kealoha Ballesteros
Gary Miyamoto
William Meheula
Pauline Namuo
Haunani Kalama
Kapua Sproat
Lehua Schulk

II. APPROVAL OF MINUTES

Motion

At 12:31 pm, Trustee Hulu Lindsey moved, seconded by Trustee Ahuna, to approve the minutes of January 15, 2015; January 22, 2015; and February 12, 2015. The motion passed by unanimous voice vote.

Chair Lindsey announced he would take New Business out of order, so that New Business will follow Community Concerns, and Old Business will follow New Business.

III. COMMUNITY CONCERNS

Ms. Jobie Masagatani, Chair of the Hawaiian Homes Commission addressed the Board to express thanks for OHA's support on behalf of herself and Mr. William Aila during their recent confirmation hearing before the Hawai'i State Senate.

Mr. David H. Kalama and Ms. Meleanna Meyer addressed the Board to talk about Ku'u 'Āina Aloha, LLC, which has launched a social change initiative for the betterment of Hawai'i, its Land and its People, where ku'u 'āina aloha, reverence for land as life, allows us all to prosper well into the future.

V. NEW BUSINESS

A. Chair's Updates on Board Activities

Chair Lindsey asked those Trustees who attended the recent Kaka'ako Makai Community Master Plan community meeting to give a brief update on what happened, noting that this is partially to comply with Office of Information Practices guidance because at one point, five Trustees were present.

Trustee Hulu Lindsey stated that she thinks it is okay to have five Trustees present there because they are not having a meeting. She reported that she and Trustee Apoliona have gone to all the meetings and that the meetings have not gotten a lot of attendance, but they have many thoughts on Kaka'ako Makai. Some suggestions have included a mini Polynesian Cultural Center, housing, and use of the ocean. Those who have come to the meetings have given good mana'o and she expects a summary in about a month.

Trustee Apo stated he liked the discussion model that seats people at different tables, with facilitators at each table. The way it was set up, there was little opportunity for disruption, while emphasizing the notion that there was no such thing as a bad idea.

Trustee Ahu Isa attended the West Hawai'i meeting and thought the comments were very productive.

Trustee Akana attended the Windward meeting and thought it was helpful as well. She noted the suggestions were varied. She felt the elders had the most thoughtful discussion on how we can marry culture with the design. One suggestion even included growing hemp.

Trustee Apoliona attended several meetings. In Waialua, it was good to see so many people. Across the board, there was earnest participation by individuals, who wanted to contribute. She found the collaboration between OHA staff and the consultants was good. They were able to demonstrate what we want to have happen in the future. The presentation and discussion was very focused, and open to anyone who wanted to share their mana'o. She saw a lot of enthusiasm in the ideas people shared from Wai'anae. Some of them shared that we need to address why they should go from Wai'anae all the way to town. She added that in order to deliver some of these great ideas, like education and culture, it is going to take some resources. That is an ongoing and very serious discussion. As it progresses, that is clearly a reality that we must deal with. She hopes we can achieve that with as much balance as possible.

Trustee Machado reported that even former OHA Trustee Walter Ritte attended the Moloka'i meeting. The most striking thing that came out of the discussions was that Kaka'ako can serve as a hub. She reported that Mr. Ritte asked how it would become a cultural place from being a dump. One consultant explained that it is a partnership with Kamehameha Schools and we need to have buy-in to have a cultural icon that can represent our sense of place. She concluded that it is important to connect with the landowners in the area.

Trustee Apoliona added that something that permeated through the discussions was intergenerational activities and opportunities.

Trustee Ahuna noted that the Kaua'i meeting has not happened, but he is looking at it from a macro perspective.

B. Committee on Asset and Resource Management

B. 1) ARM 15-02: NHTF Approved Advisors & Non-Marketable Asset Providers List Revisions

Trustee Akana reported that the Committee on Asset and Resource Management, having met on February 17, 2015, and after full and free discussion, recommends approval of the following action to the Board of Trustees:

- To approve the Native Hawaiian Trust Fund Approved Advisors & Non-Marketable Asset Providers List as described in Attachment "A" (Approved Advisors List) and add SSARIS Advisors LLC ("SSARIS") as an approved Manager of the Enhanced Liquidity Account.

Motion

At 12:52 pm, Trustee Akana moved, seconded by Trustee Waihe'e, to approve the Native Hawaiian Trust Fund Approved Advisors & Non-Marketable Asset Providers List as described in Attachment "A" (Approved Advisors List) and add SSARIS Advisors LLC ("SSARIS") as an approved Manager of the Enhanced Liquidity Account.

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			X			
TRUSTEE JOHN WAIHE'E		2	X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			9	0	0	0

MOTION: [X] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED

Motion passed with nine (9) YES votes, no (0) NO votes, no (0) abstentions, and none (0) excused.

C. Committee on Beneficiary Advocacy and Empowerment

C. 1) 2015 OHA Legislative Positioning – Matrix 1 of February 18, 2015

Trustee Waihe'e reported that the Committee on Beneficiary Advocacy and Empowerment, having met on February 18, 2015, and after full and free discussion, recommends approval of the following three (3) actions to the Board of Trustees:

- To approve Administration's recommendations on NEW BILLS (1-26) and BILL POSITIONS FOR RECONSIDERATION (27-32) on the OHA Legislative Positioning Matrix dated February 18, 2015, as amended.

Motion

At 12:53 pm, Trustee Waihe'e moved, seconded by Trustee Ahuna, to approve Administration's recommendations on NEW BILLS (1-26) and BILL POSITIONS FOR RECONSIDERATION (27-32) on the OHA Legislative Positioning Matrix dated February 18, 2015, as amended.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		2	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	1		X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			9	0	0	0

MOTION: [X] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED

Motion passed with nine (9) YES votes, no (0) NO votes, no (0) abstentions, and none (0) excused.

C. 2) 2015 OHA Legislative Positioning – Matrix 1 of February 25, 2015

Trustee Waihe'e reported that the Committee on Beneficiary Advocacy and Empowerment, having met on February 25, 2015, and after full and free discussion, recommends approval of the following action to the Board of Trustees:

- To approve Administration's recommendations on NEW BILLS (1 – 5) and BILL POSITIONS FOR RECONSIDERATION (6 - 17) on the OHA Legislative Positioning Matrix dated February 25, 2015, as amended.

Motion

At 12:54 pm, Trustee Waihe'e moved, seconded by Trustee Ahuna, to approve Administration's recommendations on NEW BILLS (1 – 5) and BILL POSITIONS FOR RECONSIDERATION (6 - 17) on the OHA Legislative Positioning Matrix dated February 25, 2015, as amended.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		2	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	1		X			
CHAIR ROBERT LINDSEY			X			
TOTAL VOTE COUNT			9	0	0	0

MOTION: [X] UNANIMOUS [X] PASSED [ ] DEFERRED [ ] FAILED

Motion passed with nine (9) YES votes, no (0) NO votes, no (0) abstentions, and none (0) excused.

IV. UNFINISHED BUSINESS

A. CEO's Updates on Ho'oulu Lāhui Aloha and OHA Activities

Na'i Aupuni

Dr. Crabbe called on Dr. Kuhio Asam and Mr. William Meheula of Na'i Aupuni, the contractor for the Consortium.

Dr. Asam reported that the grant for the Consortium would be to the fiscal sponsor. The scope of services are to contract with entities to have an election of delegates, referendum monitoring, governance conference, and to ratify or not ratify. Part of the contract is OHA agrees to not attempt to control or affect the decision of Na'i Aupuni, that Na'i Aupuni has no obligation to consult OHA, that Na'i Aupuni will not affect the political decisions of the delegates, and that Na'i Aupuni and its vendors and contractors will be barred from running for election as delegates.

Na'i Aupuni expects election of delegates will take place in September 2015. The fiscal sponsor is yet to be determined; the one they had worked with has withdrawn. They have had challenges getting insurance; they contacted 17 and only one has responded.

Dr. Crabbe noted that since the last time Na'i Aupuni presented, the agreement has now been vetted.

Trustee Apoliona told the Na'i Aupuni representatives to just holomua.

Trustee Apo asked at the end of the governance convention, what happens to the documents. Dr. Asam responded that would be up to the delegates.

Trustee Ahu Isa questioned the legality and allowability of using trust monies to fund Kana'iolowalu.

Trustee Hulu Lindsey asked about the fiscal sponsor, how will OHA watch the use of the money and ensure it is spent properly and that Na'i Aupuni does not come back to ask for more. Dr. Asam responded that the funds will be monitored by Na'i Aupuni, because the money will go to the fiscal

sponsor. Mr. Meheula stated once a fiscal sponsor is identified, they will execute a three-party agreement between OHA, the fiscal sponsor, and Na'i Aupuni. That agreement will spell out some of OHA's concerns, but will also give Na'i Aupuni autonomy to decide on their own.

Trustee Apo believes that is a very tricky navigation required. He is overly cautious that if we keep tying ourselves to this, we are going to get sued. He believes OHA has to stop talking about making people accountable to us.

Nā Wai 'Ehā

Ms. Pam Bunn reported that the settlement required 10 million gallons of water per day. It was created to divert as much as possible. Up by Iao intake, water comes out of the stream, then into a tunnel, then into the two ditches. There are two spots where water can go back into the stream, at overflow and control gate. They continue to divert the water and it back in at these two places. Monitoring of the IIFS is measured at Kepaniwai Park. When the streamflow is above 10 mgd, they are meeting the IIFS. The problem is now that there is a 1000 foot dry stretch. They put a metal plate across it, which seems to work. She estimates that 500,000 to 750,000 gallons per day makes it over the diversion and goes out. HC&S diverts at Spreckels stream, which is one where it gets diverted and put back. The water that comes out of the grates, goes to the gate, then threw a slew stream, and back into Spreckels Ditch. It has not been used often, and is not cleaned, so often they have a low flow situation. HC&S came up with a plan to address that by covering grates to not take the flow. The good news is that it is a work in progress.

At Waikapu , the question is where to put it back in. The water comes through the ditch, into the control gate, and out, where the IIFS is measured. One problem is that water has not been put back before, so it causes scouring. There were problems initially with the control gate, which could not be controlled. Even with the flow, the problem of the dry stretch remains. The problem is there is a lot of seepage, so the water would just be lost.

At North Waiehu Stream, it requires something that is beyond the control of any of the parties. They want to reactivate a new diversion and take it into Waihe'e Ditch. In exchange, they would allow the kuleana users to take water from the Waihe'e Ditch.

Ms. Doane added that the restoration is very complicated, but the general idea is we are making progress, although it is slower than OHA and others would like to see.

Trustee Hulu Lindsey reminded the Trustees that the East Maui hearings start on Monday. Ms. Doane added that they are asking to restart 27 streams, with a contested case hearing starting on Monday. She expects it will be a month of hearings. OHA will provide as much assistance as possible.

Trustee Ahuna asked how much water is leaking under the grates. Ms. Brunn responded that it appears there is a large cavern underneath. They expect water will be dammed, then built up, then spill over, sending the low flow channel from one side of the stream to the other. Trustee Ahuna also wanted to know how we decided this is the best way to do it. Ms. Doane responded that the diverters will not take water unless there is a substantial amount of water in the stream; she added that testing still needs to be done to determine if this is the best solution.

Trustee Machado asked if there is a way to measure what is going out and coming back. Ms. Brunn stated the problem is measuring at the mouth because it is so spread out.

OHA Water Policy

Ms. Doane and Ms. Kapua Sproat discussed the OHA Water Policy. Ms. Doane reported that the vision is to develop policy that will guide OHA's advocacy on most critical water issues facing Native Hawaiian

community and promote responsible and sustainable maoli based water management. Things are changing inside and outside of OHA, our resources are declining at a more rapid pace, and our people are demanding more water than ever before, and people are now more culturally-grounded than in the past. She thought it would be a good idea to put in writing what our policies for water use will be for our own use and use by others. Deliverables include: cultural and legal foundation; the water policy itself (vision and mission, general wai policies, wai policies of each Paia, and short term priorities); and staff tools. At present, staff is almost done with their first draft of the three deliverables, which will be presented to the working group for review. The Water Working Group includes a representative from the CEO, the Chief Advocate, Jocelyn Doane, Wayne Tanaka, Ikaika Nakahashi, and Kamoa Quitevis; other Paia will be consulted on an as needed basis. Once it it approved by the Working Group, it will be presented to the Board for final approval.

Trustee Machado asked that the interveners be identified. Ms. Doane responded that it was started by Na Moku Aupuni, individuals from Keanae and Wailea Nui. There have been interveners who were not the original plaintiffs.

Trustee Machado asked if OHA is a party. Ms. Doane responded that OHA is not, but OHA does have a contract with the Native Hawaiian Legal Corporation to represent people. Also, Community Engagement is also assisting that community to know what is going on and provide similar support as in other cases.

Trustee Apoliona asked that they standby.

Dr. Crabbe noted that there is a State Water Plan and County Water Plan and that OHA is trying to assess where it overlaps and how it impacts the Hawaiian community. That is part of the challenge in doing the OHA Water Policy.

VI. EXECUTIVE SESSION

Motion

At 1:38 pm, Trustee Apoliona moved, seconded by Trustee Ahuna, to go into Executive Session to consider the following:

VI. Executive Session***

A. Approval of Minutes:
1) January 22, 2015
2) February 12, 2015

B. Consultation with OHA Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities regarding OHA Contract No. 2744. 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		2	X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE PETER APO			X			
TRUSTEE HAUNANI APOLIONA	1		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 1:39 pm and exited Executive Session at 2:57 pm.

VII. BENEFICIARY COMMENTS

There were no Beneficiary Comments.

VIII. ANNOUNCEMENTS

There were no Announcements.

IX. ADJOURNMENT

Having no further business, Chair Lindsey adjourned the meeting at 2:59 pm.

Respectfully Submitted,

Capsun M. Poe
Board Secretary

As approved by the Board of Trustees on April 9, 2015:

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