

## BOARD OF TRUSTEES

Carmen. Hulu Lindsey, *Chairperson*Leina'ala Ahu Isa, *Vice Chairperson*

Dan Ahuna, Trustee Kaua'i &amp; Ni'ihau

Kalei Akaka, Trustee O'ahu

Keli'i Akina, Trustee At-Large

Luana Alapa, Trustee Moloka'i &amp; Lāna'i

Brendon Kalei'aina Lee, Trustee At-Large

Mililani Trask, Trustee Hawai'i Island

John Waihe'e IV, Trustee At-Large



**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**

**MEETING OF THE BOARD OF TRUSTEES****DATE:** Thursday, April 7, 2022**TIME:** 10:00 am**PLACE:** Virtual MeetingViewable at [www.oaha.org/livestream](http://www.oaha.org/livestream) OR

Listen by phone: (213) 338-8477,

Webinar ID: 849 3303 5630

**Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. The virtual meeting can be viewed and observed via livestream on OHA's website at [www.oaha.org/livestream](http://www.oaha.org/livestream) or listened by phone: (213) 338-8477, Webinar ID: 849 3303 5630. A physical meeting location open to the general public will be available at 560 N. Nimitz Hwy., Suite 200, Honolulu HI 96817. All members of the public that wish to access the physical meeting location must pass a wellness check and provide proof of full vaccination or a negative COVID-19 test taken within 72 hours of entry.**

**AGENDA****I. Call to Order****II. Public Testimony\*** on Items Listed on the Agenda\* (Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)**III. Community Concerns and Celebrations\*\***(Please see page 2 on how to submit written testimony or provide oral testimony online. Oral testimony by phone will **not** be accepted)**IV. Approval of Minutes**

A. February 3, 2022

B. March 7, 2022

C. March 10, 2022

**V. New Business**

## A. Committee on Beneficiary Advocacy and Empowerment

1. 2022 OHA State Legislative Bill Package Updates – SB2122/HB1474, SB2121/HB1473, coordinated advocacy - Matrix 1†☼, March 29,2022

2. 2022 OHA State Legislature Bill Positions Related to Measures Naming OHA – Matrix 2†☼, March 29,2022

3. 2022 OHA Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 3†☼, March 29,2022

4. OHA Legislature Bill Positions and Monitored Bills Related to Measures Affecting Native Hawaiians – Matrix 4†☼, March 29,2022

5. 2022 OHA Legislature Resolution Positions and Monitored Resolutions Related to Measures Affecting Native Hawaiians – Matrix 5†☼, March 29,2022

B. Action Item BOT #22-05: Approve the Formation of a Permitted Interaction Group (PIG) to Investigate Multiple Aspects of the Public Land Trust

**VI. Executive Session‡**

A. Consultation with Board Counsel Robert Klein, Sherry P. Broder, Esq and Interim General Counsel Everett Ohta re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the Public Land Trust and associated legislation, pursuant to HRS§92-5(a)(4).

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## STATE OF HAWAII OFFICE OF HAWAIIAN AFFAIRS

**VII. Announcements****VIII. Adjournment**

If you require an auxiliary aid or accommodation due to a disability, please contact Everett Ohta at telephone number 594-1988 or by email [everetto@oha.org](mailto:everetto@oha.org) no later than three (3) business days prior to the date of the meeting. Meeting Materials will be available to the public 72 hours prior to the meeting and posted to OHA's website at: [www.oha.org/bot](http://www.oha.org/bot)

In the event that the livestream or the audiovisual connection is interrupted and cannot be restored, the meeting may continue as an audio-only meeting through the phone and Webinar ID listed at the beginning of this agenda. Meeting recordings are available upon request to [BOTmeetings@oha.org](mailto:BOTmeetings@oha.org) until the written meeting minutes are posted to OHA's website.

†**Notice: The 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for distribution of new committee materials.**

\* **Public Testimony on Items Listed on the Agenda must be limited to matters listed on the meeting agenda.**

\*\* **Community Concerns and Celebrations is not limited to matters listed on the meeting agenda.**

☼ **Trustees may establish or revise an OHA position on ANY proposed bill/resolution for submission to the state legislature. The Trustees, both in Committee and as the Board of Trustees, may discuss any and all bills or resolutions before the state legislature in order to discharge their statutory and fiduciary obligations to conduct advocacy efforts for Native Hawaiians as Trustees of the Office of Hawaiian Affairs.**

‡ **Notice: This portion of the meeting will be closed pursuant to HRS § 92-5.**

Hawai'i Revised Statutes, Chapter 92, Public Agency Meetings and Records, prohibits Board members from discussing or taking action on matters not listed on the meeting agenda.

Testimony can be provided to the OHA Board of Trustees either as: (1) **written testimony emailed** at least 24 hours prior to the scheduled meeting, (2) **written testimony mailed** and received at least two business days prior to the scheduled meeting, or (3) live, oral testimony online or at the physical meeting location during the virtual meeting.

- (1) Persons wishing to provide **written testimony** on items listed on the agenda should submit testimony via **email** to [BOTmeetings@oha.org](mailto:BOTmeetings@oha.org) at least **24 hours prior** to the scheduled meeting or via **postal mail** to Office of Hawaiian Affairs, Attn: Meeting Testimony, 560 N. Nimitz Hwy., Suite 200, Honolulu, HI 96817 **to be received at least two business days prior** to the scheduled meeting. Any testimony received after these deadlines will be late testimony and will be distributed to the Board members after the scheduled meeting. **Due to COVID-19 office closure and limited in-office staffing, please do not fax or hand-deliver written testimony.**
- (2) Persons wishing to provide **oral testimony online** during the virtual meeting must first register at: [https://us06web.zoom.us/webinar/register/WN\\_cbpJwGD5R6KX4EtDU7cobg](https://us06web.zoom.us/webinar/register/WN_cbpJwGD5R6KX4EtDU7cobg)

You need to register if you would like to orally testify. Once you have completed your registration, a confirmation email will be sent to you with a link to join the virtual meeting, along with further instructions on how to provide oral testimony during the virtual meeting. The registration page will close once the Public Testimony or Community Concerns agenda items have concluded.

To provide oral testimony online, you will need:

- (1) a computer or mobile device to connect to the virtual meeting;
- (2) internet access; and
- (3) a microphone to provide oral testimony.

PHONE (808) 594-1888

FAX (808) 594-1868

BOARD OF TRUSTEES

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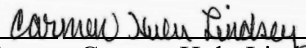
**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**

Oral testimony online or at a physical meeting location will be limited to five (5) minutes.

Oral testimony by telephone/landline **will not** be accepted at this time.

Once your oral testimony is completed, you will be asked to disconnect from the meeting. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on the livestream or by telephone, as provided at the beginning of this agenda.

Please visit OHA's website for more detailed information on how to submit Public Testimony OR Community Concerns at: <https://www.oha.org/how-to-submit-testimony-for-oha-bot-meetings/>

  
\_\_\_\_\_  
Trustee Carmen Hulu Lindsey  
Chairperson, Board of Trustees

04/01/2022

Date

**Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
April 7, 2022  
10:00 A.M.**

**IV. Approval of Minutes**

- A. February 3, 2022**
- B. March 7, 2022**
- C. March 10, 2022**

# Draft

**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. Pursuant to Governor Ige's January 26, 2022 Emergency Proclamation Related to COVID-19 (Omicron Variant), there will be no in-person location for this meeting that is open to the general public. The virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or can be listened to by phone via the phone number and Webinar ID listed at the beginning of this agenda.

**Minutes of the Office of Hawaiian Affairs**  
**Board of Trustees**  
**MINUTES**  
**February 3, 2022**

**ATTENDANCE:**

Chairperson Carmen Hulu Lindsey  
Trustee Leina'ala Ahu Isa  
Trustee Dan Ahuna  
Trustee Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brendon Kalei'āina Lee  
Trustee John Waihe'e, IV

**ADMINISTRATION:**

Sylvia Hussey, CEO  
Casey Brown, COO  
Robert Klein, Board Counsel  
Everett Ohta, Interim General Counsel  
Nietzsche Ozawa, Interim Sr. Legal Counsel  
Kalani Fronda, Land Director  
Kevin Chak-IT Support  
Daniel Santos-IT Support

**BOT STAFF:**

Colin Kippen, COS  
Amber Kalua, Trustee Aide  
Kanani Iaea, Trustee Aide  
Lehua Itokazu, Board Secretary

**GUEST:**

Kevin Chang  
U'ilani Naipo  
Damien Kenison  
Laila Kaupu  
Presley Wann  
Pohaku Kaupu  
Routh Bolomet  
Kauiki Lind

## **Call to Order**

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Thursday, February 3, 2022, at 9:59 a.m. Board Secretary, please do a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA‘ALA	AHU ISA	X	
TRUSTEE	DAN	AHUNA		Joins mtg. at 10:18 am
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI‘I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRENDON KALEI‘ĀINA	LEE	X	
<i>HAWAI‘I</i>	<i>ISLAND TRUSTEE SEAT</i>	<i>VACANT</i>		Trustee K. Lindsey resigned on 2/1/2022
TRUSTEE	JOHN	WAIHE‘E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			7	

At the Call to Order, **seven ( 7 )** Trustees are PRESENT, thereby constituting a quorum.

**Chair Hulu Lindsey** Due to the threat of COVID-19, the Board of Trustees and standing committees will hold virtual meetings until further notice pursuant to Governor Ige’s January 26, 2022 Emergency Proclamation related to COVID-19 (Omicron Variant), there will be no in-person location for this meetings that is open to the general public. The virtual meeting can be viewed and observed via livestream on OHA’s website at [www.oha.org/livestream](http://www.oha.org/livestream)

I will go over some quick announcements. Please mute your mics when you are not speaking. We are recording today’s meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Joining the Trustees today is my staff Colin Kippen-COS, my Aides-Kanani Iaea and Amber Kalua, and our Board Secretary-Lehua Itokazu. With us today is Robert Klein, our Board Counsel, and Sylvia Hussey, our CEO. I will now call on Sylvia, our Pouhana, to announce our Administration who is joining us today.

**Sylvia Hussey, CEO** Thank you Chair and good morning, Trustees. We have from Administration our COO-Casey Brown, Interim General Counsel-Everett Ohta, Interim Senior Legal Counsel-Nietzsche Ozawa, and our Land Director-Kalani Fronda, and we are always supported by our IT staff-Dan and Kevin. Thank you.

## **Approval of Minutes**

**A. December 29, 2022**

**B. January 13, 2022**

**Chair Hulu Lindsey** Moving on to item II approval of minutes, I would like to have a motion for the December 29<sup>th</sup> meeting.

**Trustee Akaka** I have an edit for the December 29, 2021 minutes. Pg. 13 states spreading your winds, if that can be changed to spreading your wings.

**Chair Hulu Lindsey** So noted. Also, the Board Secretary will make the following corrections on page 16 and 17. Under the roll call vote, it will reflect there was only one excused Trustee and not two. Any other corrections?.

**Trustee Akina** I move for the approval of December 29, 2021 minutes as amended.

**Trustee Akaka** Seconds the motion as amended.

<b>MINUTES:</b> <b>A. December 29, 2021</b>						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>					<b>X</b>	
TRUSTEE DAN <b>AHUNA</b>						Joins mtg. at 10:18 am
TRUSTEE KALEI <b>AKAKA</b>		X	X			
TRUSTEE KELI‘I <b>AKINA</b>	X		X			
TRUSTEE LUANA <b>ALAPA</b>			X			
TRUSTEE BRENDON <b>LEE</b>			X			
<i>HAWAII ISLAND TRUSTEE SEAT VACANT</i>						Trustee K. Lindsey resigned on 2/1/2022
TRUSTEE JOHN <b>WAIHE‘E</b>			X			
CHAIRPERSON HULU <b>LINDSEY</b>			X			
<b>TOTAL VOTE COUNT</b>			<b>6</b>		<b>1</b>	
<b>MOTION:</b> [ ] UNANIMOUS [ <b>X</b> ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with six ( 6 ) YES votes, one ( 1 ) ABSTENSION and one ( ) EXCUSED vote.</b>						

**Chair Hulu Lindsey** Okay, we are moving on to the minutes for January 13, 2022.

**Trustee Akaka** Moves to approve the January13, 2022 minutes.

**Trustee Waihe‘e** Seconds the motion.

<b>MINUTES:</b> <b>A. January 13, 2022</b>						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>			X			
TRUSTEE DAN <b>AHUNA</b>						Joins mtg. at 10:18 am
TRUSTEE KALEI <b>AKAKA</b>	X		X			
TRUSTEE KELI‘I <b>AKINA</b>			X			
TRUSTEE LUANA <b>ALAPA</b>			X			

TRUSTEE BRENDON	LEE			X			
HAWAII ISLAND TRUSTEE SEAT VACANT							Trustee K. Lindsey resigned on 2/1/2022
TRUSTEE JOHN	WAIHE'E		X	X			
CHAIRPERSON HULU	LINDSEY			X			
TOTAL VOTE COUNT				7			
MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED							
Motion passes with seven ( 7 ) YES votes, one ( ) ABSTENSION and one ( ) EXCUSED vote.							

## Public Testimony

**Chair Hulu Lindsey** Thank you. Moving on to item III. Public Testimony, we do have eight people signed up. As a reminder, you will be given five minutes to share your mana'o. Your name will be called and your microphone will be unmuted when it is your turn to testify. If you are not audible, you will be muted and the next testifier will be called. Your name will be called again before the conclusion of the public testimony and the community concern section. We will take you one at a time.

**Kevin Chang** Aloha Chair and the Board of Trustees, thanks for having me. I am Kevin Chang, Director of Kua'āina Ulu 'Auamo (KUA) here to support your adoption of the resolution for the Miloli'i CBSFA. Kua'āina Ulu 'Auamo means grassroots, growing through responsibility, our acronym means backbone. We were created by, among other communities, a community of Miloli'i and the efforts to manage their fisheries. I appreciate their time and I wanted to add that I am proud everytime we've had the opportunity to have OHA to support the empowerment of our grassroots to build a culture of governance though mālama 'āina and to take action in their place and to care for it. Mahalo nui.

**U'ilani Naipo** Aloha Kakahiaka Ka Pouhana Hussey, Chair Lindsey, Board of Trustees, and kāko'o. Mahalo nui for allowing me to provide testimony in supporting the Community Based Subsistence Fishing Area designations and rules at Miloli'i, Hawai'i. I am U'ilani Naipo, lineal descendant of Miloli'i. I am the granddaughter of Eugene Keaweiki and Sarah Kapela Kaupiko. My 'ohana has always populated the area, Miloli'i, known as one of the last fishing villages, is steep in its cultural traditions and most notably for 'ōpelu fishing. Perhaps not widely known, is our kulena to mālama our legacy ko'a. These ko'a span our proposed CBSFA coastline, these ko'a are named, they have mana, and these names along with the kuleana to mālama reside with the families of Miloli'i. We feed these ko'a and manage these waters as we have been taught, passed down from generations. Our proposed CBSFA fronts two 'āina maluō, conservation lands, with Miloli'i nestled between the families of Miloli'i are generational stewards of these waters. Following Hā'ena and along with Kīpahulu, Miloli'i brings forth our proposed CBSFA marine management plan committing to our kulena to mālama 'āina and kai. Our kulena to mālama these ko'a is not a beginning to restore traditional practice, it is the continuance of our traditional practice and providing the subsistence lifestyle for our families. In this resolution, it speaks of the traditional ways of our kūpuna and how abundant our ko'a were. It also speaks to our current conditions and the long laborious task that our communities like Miloli'i, like Mo'omomi, like Kīpahulu, and Ho'okena struggle to maintain our traditional practices. This resolution describes the decades of work that communities put in, not just for our respective communities, but for the network of fishing communities. It is a lifestyle of our kūpuna that gave tirelessly and with humility and in return was fed from our waters. Today, we carry on those traditional fishing practices; however, as we navigate the process to codify these practices, we are challenged with alternative



perspectives that are foreign to our traditional ways; so, it is very important that the messages of this resolution be asserted, that it be called out and it needs to be called out by you, the Trustees of our Office of Hawaiian Affairs. Our kūpuna put in the work and left us a legacy. Miloli'i and communities alike continue to put in the work to mālama our legacy. We ask that you lend your voice to give mana to this resolution calling out all that needs to be asserted to support Miloli'i and communities like ours. It is on this day, two days shy forever memorialized lā 'elima. On behalf of my 'ohana, ka 'ohana Kaupiko, I support your adoption of this resolution from the 'āina kūpuna of Miloli'i and the greater area of Kapalua. Mahalo nui.

**Damien Kenison** Mahalo for this opportunity to voice our support for Miloli'i. As a Hawaiian organization, I'm sure OHA can appreciate the traditional kapu that protected our fish for our families. What is more important is the traditional practices to Miloli'i, its efforts are supported by our community. I can testify that we have experienced the same pressures that Miloli'i has in regards to the stakeholders that take advantage of our coast line and ocean. Our families, the Kaleohano's, the Alani's, the Naihe's, the Kamaka's, we speak on behalf of Miloli'i in supporting their efforts. We look forward to their contribution from OHA in supporting our traditional practices. Mahalo.

**Laila Kaupu** Aloha kakahiaka kākou. 'O wau 'o Laila Kaupu ko'u inoa. No Omoka'a a me Miloli'i mai au. Noho au ma Milolii-Ho'opuloa. He kama'āina wau no kēia wahi.

My name is Laila Kaupu. I am from Omoka'a and Miloli'i.

I live in the Miloli'i-Ho'opuloa housing lots designated for the relocation of families that were affected by the April 18, 1926 lava flow, engulfing the entire village of Ho'opuloa.

I am a lineal descendent of these places and many more. I am also an outreach kāko'o for the organization of Kalanihale here in Miloli'i. Aloha!

First off, mahalo a nui loa Ka Pouhana, OHA Board of Trustees, and OHA Committee of Beneficiary Advocacy and Empowerment for your space and time this morning in allowing me to share...

Mahalo to the Chair of the Committee of Beneficiary Advocacy and Empowerment for your support earlier this week; that day spoke volumes especially for the families here in Miloli'i, but I also want to send a bigger mahalo for the collaborations of Kama Hopkins and Akoni Nelson of OHA. The Miloli'i CBSFA Strategic Hui along with Kua'āina Ulu 'Auamo, the communications and ability to bring together the great minds carrying 'ike and mana'o and implementing great work to recognize communities like Miloli'i. This is greatly appreciated and widely felt not to be discriminating, but it really puts the A in advocacy in definition of how to. Mahalo nui. At this moment I would like to ask if it's okay, I have my son, Pohaku Kaupu, who is also registered to testify. If it would be okay to take his turn.

**Pohaku Kaupu** Aloha, my name is Cyrus Kaupu. I am twelve years old and I am born and raised in Miloli'i. I am a lineal descendant of Omoka'a, Miloli'i. I attend Kua o Ka Lā Hīpu'u Charter School here in Miloli'i. Mahalo for allowing me and my mom the time and space to share. My Papa Levi Kaupu is an 'ōpelu fisherman of Miloli'i and so is my mom. I go holoholo with my Papa, my mom, and uncle and learn the ways of 'ōpelu fishing. As a next generational lawai'a and waterman, I hope I can continue catching and eating these 'ono i'a well into my adulthood. I mahalo you for recognizing my home, community, and our traditional lawai'a practices through this resolution. I Pohaku Kaupu stand with my written testimony and support you adopting this resolution of Miloli'i Community Based Subsistence Fishing Area, Mahalo.

**Presley Wann** Aloha Honorable Board of Trustees. My name is Presley Wann and I am a lineal descendant and current President for the Hui Maka'āinana o Makana of Hā'ena Kaua'i. I am here to express our support

for Miloli‘i CBSFA subsistence fishing area. This Board’s support is crucial to their success for many reasons. Miloli‘i like most, Mo‘omomi, Kīpahulu, and Hā‘ena, been working on this process for over twenty years. To me, I think the main point to consider is honoring and respecting communities like ours because we know our natural resources better than any governmental agencies. Taking care of our natural resources is a kuleana, not a right. I can say that the CBSFA in Hā‘ena is working. I want to thank you again for this opportunity to voice our support and mahalo.

**Kauiki Lind** Aloha Honorable Trustees, I am Kauiki Lind. I was born in Hana and I live in Kīpahulu Valley now. I am here to support Miloli‘i in attaining a CBSFA. The rural Hawaiian village of Miloli‘i, South Kona is home in Kama‘āina steadfast in traditional practices as stewards of their ‘āina. The health and resilience of the fishery is integral to insure the subsistence, cultural, and religious practices continue for current and future generations. The Kīpahulu families scattered across our district support a resolution to kāko‘o Miloli‘i. Please help our lāhui and vote in favor of the resolution on support for Miloli‘i. On behalf of my parents, John and Tweety Lind, we would like to say much aloha to the late Gilbert Kahele for visiting Kīpahulu during his time, aloha on this honua for teaching us about the State process and options. Also, the late John Wailani who stayed with my Mama Daisey Mailo at our hale in Kīpahulu educating us about fishing. Thank you for everything. We at Kīpahulu try to protect our fishery especially our akule. Mahalo nui loa, aloha.

**Chair Hulu Lindsey** You also signed up for community concerns, do you have anything else you would like to share?

**Kauiki Lind** I guess the one concern was Maui County extending the kuleana tax bill to include other parcels. We were excluded because of some process where we get a deed from the Kamehameha side, I don’t know. Maybe, we can talk about this later, I can contact the office. We would like to be included in Maui County’s bill, right now we are excluded. They consider us to be two classes which I don’t understand. We pay high taxes here, we have ocean front property in Hana, it is expensive, and the cost of living is high. Thank you.

**Routh Bolomet** Aloha kākou, good morning everyone, I would like to comment on Miloli‘i. The first thing I would like to say about Miloli‘i is that I work very closely with Leon Siu whose family is from there. He tells me how beautiful it is over there and how the cultural practices and traditions are upheld by his family and all the other families. One thing that came to mind was when Kamehameha III created the Constitution, there were no laws that couldn’t be changed and rights taken away from the people that were given to the people by the Hawaiian Kingdom no matter how the laws may change in the future. When the lands and the laws or the ahupua‘a came into being, it protected the fishing rights, sustainability, and subsistence for the water and the land. There was also something called the kanaka maoli rights that were guaranteed to all tenants that were living in each ahupua‘a that could not be denied. Today, even with rules and laws that have changed, cannot take away the rights from the people that continue to be taken away. The State continues to ignore the kanaka maoli guarantees some of which include water. We keep coming up with many different programs that the State is putting on place when in fact it is HRS 1.1 requires them to follow everything already in place. The dangers of us making more legislation and resolutions, not that I’m against this, but what I want us to think about is that we forget what is already in place. How is it, that OHA can make sure that the rights and the protections that are already guaranteed to the kānaka maoli remain in place and not circumvented by the State, by legislation that keeps widdling away and making everybody compromise in places they don’t have to compromise. Under the Geneva Convention’s International Law, which is required by the States to uphold it says that all States must uphold International law. In the International law, the Geneva Convention says that the protective people, which are the kānaka maoli, cannot give up or compromise anything of their right. What I would like to see going forward is inclusions where the kanaka

maloco (maoli?) rights that are already in place, that the State must acknowledge, uphold, and step aside. This includes, in the Organic Act, which the State stands on it says that DLNR is entitled to deal with Public Lands, well a lot of the lands in Miloli'i is kuleana lands, their allodial title lands that by the Organic Act, they have no authority to reach into and assert any of their rules which I continue to see happen with fishermen, with farmers, with our water over and over again; that distinction I believe needs to be recognized so that there will be fairness for all the kānaka maoli which are your beneficiaries. I am done with that

**Chair Hulu Lindsey** Did you wish to speak in community concerns?

**Routh Bolomet** Yes, thank you. This is to update you on the January 13 and 29th requests that I had for OHA to assist me with my case, that has to do with the private lands of Kamehameha III. When I applied for the kuleana land tax, I was denied based on the fact that we could not own Kamehameha III's private lands that were inalienable in 1865. To recap after being told that was the reason for denial, we were under obligation at that point to notify our loan company to which we had a line of credit associated with these lands. We had to notify them that there was a defect in title, that set off a lot of things in motion now. This was a contractual obligation for us to do so we wouldn't be in default in our contract, so we did that which resulted in being ignored. It led us to the foreclosure court for a number of reasons and recently on November 29<sup>th</sup>, our case was in summary judgement. It was ruled again that we were in default. We had no problem paying a 2.75% interest rate, it was because we were told we could not make payments in order to continue the process of getting the title insurance in both for the defective title; so, we were ruled against and a foreclosure process which could take our house and auction it off began. In order to stop that process, I had to do something drastic, I had to file the chapter 13 bankruptcy which stops the State courts from being able to move forward on the bankruptcy while I waited to see if OHA could assist me. I did go to Native Hawaiian Legal Corp (NHLC). A bankruptcy goes to legal court and NHLC does not do bankruptcy court or Federal court so essentially, they cannot provide services. What I would like to ask OHA to do is to assist me with, I believe its a called a conflict fund where I can get monies to pay for an attorney. In the bankruptcy court, they have an adversary court or hearing where the creditor will have to prove their ownership and this title issue can come up and possibly be resolved there. I am asking OHA to allow me to have attorneys fees to do that. I did hire a bankruptcy attorney but he only does the administrative part, he does not argue in adversary court. He told me that I would have to hire somebody that does. Just so you know, I do not have any debts. The thing in court has to do with the line of credit and I'm not trying to get a free house out of this. There is someone holding the line of credit, i believe its in a fund where there is pensions involved and so I want this paid off. The proper people to pay it off would be the lenders title insurance but I need a court to rule that they are the ones to pay that. This still leaves alot of things in limbo and this still leaves me outside of my investment which is far over what the alleged bankers say that we owe them. From what we researched, it is not being helped by these alleged creditors. In the hearing, it will force the creditors to provide proof, which we have proof that they forged a contract saying that they were the holders of this loan. I would like to ask how we move forward on getting funding so I can hire the proper attorney.

**Chair Hulu Lindsey** Routh, I think you have been in contact with our Legal Department, our Corp. Counsel.

**Routh Bolomet** Yes, they said they do not do anything in Federal court or bankruptcy court so they cannot help me.

**Chair Hulu Lindsey** Well, it is not our practice to respond to community concerns so I don't want to discuss online as you have discussed it and I would welcome you to make an appointment in person so that we can make clear what our position is. I know you've been calling constantly over the last two weeks and we would

like to put this to rest and see if you have gotten the help that you need and make our position clear. We would be happy to discuss it with you.

**Routh Bolomet** Okay, but who do I call? Like you said, I've been calling many places and I am not getting calls back and I am not getting in person appointments.

**Chair Hulu Lindsey** Everyone is teleworking because of the pandemic so, we are not having in-person meetings. Sylvia, would you like to answer her question?

**Sylvia Hussey, CEO** Yes, I just want to remind everyone that with telework and the emergency proclamation, our offices are closed. We are not taking any in-person meetings because of the proclamation. We are able to setup discussions, which we have. Chair, we will take this to a more appropriate setting for discussion.

**Routh Bolomet** Who do I call?

**Sylvia Hussey, CEO** Chair, we will work with your staff in communicating with Ms. Bolomet offline.

**Robert Klein, Board Counsel** Chair, did I hear our beneficiary talk about checking with legal aid as to whether they might assist her?

**Chair Hulu Lindsey** She did not, she said NHLC.

**Robert Klein, Board Counsel** Okay, so there is Legal Aid which assist people with limited means. They have lawyers who appear in State and Federal court and if they take her case then, I believe what she is talking about is OHA providing funds for an appropriate lawyer who can represent her in Federal bankruptcy court. I would just suggest that you contact Legal Aid because this is something within their purview. If they decide to take her case, the charge could be very small or if anything she may qualify for free legal services. That is a place where she can go.

**Chair Hulu Lindsey** Routh, did you hear that?

**Routh Bolomet** Yes, I did. I started with Legal Aid and Legal Aid said they could not help me. They told me to go to OHA.

**Chair Hulu Lindsey** I suggest again that you make the appointment with Sylvia and our Corp. Counsel so that they can make clear the position of OHA and if we can even get involved. We may not be able to get involved at all in your case. I would like for them to discuss with you. You folks need to meet and put this to rest our involvement. Okay, moving on to Item V.A. New Business. I will call on Casey.

## **New Business**

### **A. Report of the Permitted Interaction Group re: to investigate the activation of OHA Kaka'ako Makai Site A, 1011 Ala Moana Blvd., no discussion. HRS§92-2.5(b)(1)(B).**

**Casey Brown, COO** Aloha mai Trustees, I am going to deliver the PIG report, PIG#4 related to the activation of Kaka'ako Makai site A. As with prior land and property PIG reports, there are some sensitive

material in here. Please treat this report as such. The password to open the report will be in the email. This email is scheduled to be discussed at the next Board meeting on February 10th. Email is on it's way.

**Chair Hulu Lindsey** Moving onto V.B. Action Item BAE#22-01, Trustee Akaka.

**B. Committee on Beneficiary Advocacy and Empowerment†**

**1. Action Item BAE #22-01: A Resolution Supporting Community Based Subsistence Fishing Area Designations and Rules at Miloli'i, Hawai'i**

**Trustee Akaka Chair Lindsey, Your Committee on Beneficiary Advocacy and Empowerment, having met on February 1, 2022 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:**

**Approve Action Item BAE #22-01: A Resolution Supporting Community Based Subsistence Fishing Area Designations and Rules at Miloli'i, Hawai'i**

**Trustee Waihe'e Seconds the motion.**

Trustee Akaka Moves						
<b>Approve Action Item BAE #22-01: A Resolution Supporting Community Based Subsistence Fishing Area Designations and Rules at Miloli'i, Hawai'i</b>						
Trustee Waihe'e Seconds the motion.						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
<i>HAWAII ISLAND TRUSTEE SEAT VACANT</i>						
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with a eight ( 8 ) YES votes, Zero (0) No votes and Zero (0) EXCUSED vote.</b>						

**Chair Hulu Lindsey** Thank you Trustees, I would like to thank all the people that came to testify before us. Mahalo for your time. Next, item V.C. Resource Management, Trustee Waihe'e.

**C. Committee on Resource Management**

**1. Nā Lama Kukui, 560 N. Nimitz Highway, Refinancing**

**Trustee Lee** I move to Table this matter until after executive session.

**Trustee Ahu Isa** Seconds the motion.

<b>Trustee Lee Moves</b>						
<b>To Table item V.C. until after Executive Session</b>						
<b>Trustee Ahu Isa Seconds the motion.</b>						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA		X	X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE	X		X			
<b>HAWAI'I ISLAND TRUSTEE SEAT VACANT</b>						
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with a eight ( 8 ) YES votes, Zero (0) No votes and Zero (0) EXCUSED vote.</b>						

**Trustee Lee** moves to recuse into Executive session.

**Trustee Akaka** Seconds the motion.

**The Board** recuses into Executive Session at 10:49 a.m.

Motion to recuse into executive session pursuant to HRS Section §92-5						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>			<b>X</b>			
TRUSTEE DAN <b>AHUNA</b>			<b>X</b>			
TRUSTEE KALEI <b>AKAKA</b>		X	<b>X</b>			
TRUSTEE KELI'I <b>AKINA</b>			<b>X</b>			
TRUSTEE LUANA <b>ALAPA</b>			<b>X</b>			
TRUSTEE BRENDON <b>LEE</b>	X		<b>X</b>			
<b><i>HAWAI'I ISLAND TRUSTEE SEAT VACANT</i></b>						
TRUSTEE JOHN <b>WAIHE'E</b>			<b>X</b>			
CHAIRPERSON HULU <b>LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			
<b>MOTION:</b> [ ] UNANIMOUS [ <b>X</b> ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with a eight ( 8 ) YES votes and Zero (0) EXCUSED vote.</b>						

**Board returns to open session at 11:17 a.m.**

**Trustee Waihe'e I move that item V. C. under "New Business" that generated an incorrect Motion regarding the refinancing plan for NLK be amended by deleting and withdrawing said Motion from the Minutes of today's meeting. In its place the RM Committee will refer a corrected Motion to the BOT for consideration at its Feb 10<sup>th</sup> Meeting. No further action by the RM Committee is required for the referral of its previously agreed upon Motion language.**

**Trustee Akaka Seconds the motion.**

Trustee Waihe'e Moves						
that item V. C. under "New Business" that generated an incorrect Motion regarding the refinancing plan for NLK be amended by deleting and withdrawing said Motion from the Minutes of today's meeting. In its place the RM Committee will refer a corrected Motion to the BOT for consideration at its Feb 10 <sup>th</sup> Meeting. No further action by the RM Committee is required for the referral of its previously agreed upon Motion language.						
<b>Trustee Akaka Seconds the motion.</b>						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>			<b>X</b>			

TRUSTEE DAN <b>AHUNA</b>			<b>X</b>			
TRUSTEE KALEI <b>AKAKA</b>		<b>X</b>	<b>X</b>			
TRUSTEE KELI'I <b>AKINA</b>			<b>X</b>			
TRUSTEE LUANA <b>ALAPA</b>			<b>X</b>			
TRUSTEE BRENDON <b>LEE</b>			<b>X</b>			
<b>HAWAI'I ISLAND TRUSTEE SEAT VACANT</b>						
TRUSTEE JOHN <b>WAIHE'E</b>	<b>X</b>		<b>X</b>			
CHAIRPERSON HULU <b>LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>8</b>			
<b>MOTION:</b> [ ] UNANIMOUS [ <b>X</b> ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with a eight ( 8 ) YES votes, Zero (0) No votes and Zero (0) EXCUSED vote.</b>						

## Announcements

**Chair Hulu Lindsey** Thank you Trustees, thank you Judge Klein. Our next meeting is next week Thursday, February 10th. Do we have a BAE meeting next week?

**Trustee Akaka** Yes, we have our next meeting on February 8th at 10 a.m. for Beneficiary Advocacy and Empowerment Committee meeting.

## Adjournment

**Trustee Akaka** Moves to adjourn the meeting.

**Trustee Ahu Isa** Seconds the motion.

Adjournment							
TRUSTEE		<b>1</b>	<b>2</b>	<b>'AE (YES)</b>	<b>A'OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
LEINA'ALA	<b>AHU ISA</b>		<b>X</b>	<b>X</b>			
DAN	<b>AHUNA</b>			<b>X</b>			
KALEIHIKINA	<b>AKAKA</b>	<b>X</b>		<b>X</b>			
KELI'I	<b>AKINA</b>			<b>X</b>			
LUANA	<b>ALAPA</b>			<b>X</b>			
BRENDON KALEI'ĀINA	<b>LEE</b>			<b>X</b>			
<b>HAWAI'I ISLAND TRUSTEE SEAT VACANT</b>							
JOHN	<b>WAIHE'E</b>			<b>X</b>			



CHAIR CARMEN HULU	<b>LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>				<b>8</b>			

**Chairperson Carmen Hulu Lindsey** Adjourns the Board of Trustees meeting at 11:26 a.m.

Respectfully submitted,

\_\_\_\_\_  
Lehua Itokazu  
Board Secretary

As approved by the Board of Trustees on Thursday, April 7, 2022.

\_\_\_\_\_  
Carmen Hulu Lindsey  
Chairperson, Board of Trustees

# DRAFT

**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
560 N. NIMITZ HIGHWAY, SUITE 200  
(VIRTUAL MEETING - VIA ZOOM WEBINAR)

Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. Pursuant to Governor Ige's January 26, 2022 Emergency Proclamation Related to COVID-19 (Omicron Variant), there will be no in-person location for this meeting that is open to the general public. The virtual meeting can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or can be listened to by phone via the phone number and Webinar ID listed at the beginning of this agenda.

**Minutes of the Office of Hawaiian Affairs**  
**Board of Trustees**  
**MINUTES**  
**March 7, 2022**

**ATTENDANCE:**

Chairperson Carmen Hulu Lindsey  
Trustee Leina'ala Ahu Isa  
Trustee Dan Ahuna  
Trustee Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brendon Kalei'āina Lee  
Trustee John Waihe'e, IV

**ADMINISTRATION:**

Sylvia Hussey, CEO  
Casey Brown, COO  
Ramona Hink, CFO  
Robert Klein, Board Counsel  
Everett Ohta, Interim General Counsel  
Nietzsche Ozawa, Interim Sr. Legal Counsel  
Kevin Chak - IT Support  
Daniel Santos-IT Support

**BOT STAFF:**

Amber Kalua, Trustee Aide  
Kanani Iaea, Trustee Aide  
Lehua Itokazu, Board Secretary

**GUEST:**

Keani Rawlins Fernandes  
Manuel Kuloloio  
Bronson Azama  
Germaine Meyers

## **Call to Order**

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Monday, March 7, 2022, at 12:00 p.m. Board Secretary, please do a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA‘ALA	AHU ISA	X	
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI‘I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRENDON KALEI‘ĀINA	LEE	X	
<i>HAWAI‘I</i>	<i>ISLAND TRUSTEE SEAT</i>	<i>VACANT</i>		Trustee K. Lindsey resigned on 2/1/2022
TRUSTEE	JOHN	WAIHE‘E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			8	

At the Call to Order, **eight ( 8 )** Trustees are PRESENT, thereby constituting a quorum.

**Chair Hulu Lindsey** The Board of trustees and standing committees will hold virtual meetings until further notice pursuant to Governor Ige’s January 26, 2022 Emergency Proclamation related to COVID-19 (Omicron Variant), there will be no in-person location for this meetings that is open to the general public. The virtual meeting can be viewed and observed via livestream on OHA’s website at [www.oha.org/livestream](http://www.oha.org/livestream)

Let me go over some quick announcements, please mute your mics when you are not speaking. We are recording today’s meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Joining the Trustees today is my Aides-Kanani Iaea and Amber Kalua, and our Board Secretary-Lehua Itokazu. With us today is Robert Klein, our Board Counsel, and Sylvia Hussey, our CEO. I will now call on Sylvia, our Pouhana, to announce our administration staff who is joining us today.

**Sylvia Hussey, CEO** Thank you Chair and good morning, Trustees. We have our COO-Casey Brown, CFO-Ramona Hink, Interim General Counsel-Everett Ohta, Interim Senior Legal Counsel Nietzsche Ozawa, and we are always supported by Kevin and Dan from our IT department.

## **Public Testimony**

**Chair Hulu Lindsey** In order to allow time for everyone to testify you will be given 2 minutes to share your mana‘o. Your name will be called, and your microphone will be unmuted when it is your turn to testify, if you are not audible you will be muted, and the next testifier will be called. I will call on first speaker

**Keani Rawlins Fernandez** Aloha honorable Trustees, mahalo for this opportunity to testify in support of agenda item III. A. Confirmation by roll call of the third round of voting taken on Thursday, February 24, 2022 for the OHA Board of Trustees to select Mililani B. Trask as Hawai‘i Island Trustee. Laws can often be a moving target as they can change from year to the next. What was permissible in prior years may now require different procedures to conform with the new laws. For this reason, I commend the Board of Trustees

for protecting their previous vote for Ms. Mililani Trask. I trust the decision to be made by those in our lāhui over the winds that may not always align with us and may have taken action to undermine our efforts to advance our initiatives and protect our interest. Mahalo piha again, for this opportunity to testify in support of this action.

**Manuel Kuloloia** Aloha Auntie Hulu, Vice Chair person, Ahu Isa, and Trustees, my name is Manuel Kuloloia. Today is a beautiful day as we have just heard by the Secretary of Defense that he will stop, defuel, and permanently decommission Red Hill. I am honored to testify today in support of your unfinished business agenda item III.A. for the confirmation by roll call of the third round of voting taken on Thursday, February 24, 2022, for the OHA Board of Trustees to select Auntie Mililani B. Trask as Hawaii Island Trustee. I have known Auntie Mililani Trask since I was a young man. Infact, I've known her sisters before Auntie Mililani, she is a very brilliant person. I've had the honor of cleaning ka La Hui, printing from John Kelly at his black point Residence for my room and board while attending the University of Hawai'i at Manoa. Today, I am thinking of the promise of the Office of Hawaiian Affairs and the con con of 1978 with Governor Waihee and all the beautiful people that have come before, even though we had hukihuki with OHA there is a great promise that we may come to a consensus, unify, and focus there is nothing we can not do. Auntie Hulu, my love to you and thank you for supporting Auntie Mililani B. Trask.

**Bronson Azama** I appreciate the transparency process as Keanu brought up earlier. I am also in support from the previous testifier, I really hope that all follows through. I deeply support Auntie Mililani and all the things that she has done for our lāhui and that we don't allow the powers of this authority of decision to fall into the Governor's hands. I am in deep support and kāko'o in supporting the appointing of Auntie Mililani into this position and join the Board. Her wisdom and knowledge as a kupuna will be of great value to all of us, opio who are trying to learn what it means to govern ourselves especially, since times are changing. We do value the ike of our kupuna and hopefully some great work can be done, with that being said, thank you for allowing me to testify, and eo to the shut down of Red Hill. Mahalo to OHA for the work in that area too and to our community for continuing to preassure the Navy to shut down these things for future generations, mahalo.

**Germaine Meyers** Aloha, for the record my name is Germaine Meyers. Chair and Trustees, like others I follow the process from the very beginning. At the last board meeting on day one, I heard public testimony by the lāhui. On day two, I heard the three nominees share their manao, then I heard numerous questions given by trustees to each of the nominations and I heard the nominee's answers. I heard all of you all together in OHA's board room while the rest of us was watching virtually. You all witnessed each other handing your secret ballots for three rounds of voting, which was counted and verified by Board Counsel, Judge Klein. Judge Klein stated in round three, there was six votes for Mililani Trask, one vote for Lanakila Mangauil, and one vote for Kaloa Robinson; however, sunshine law was revised on January 1, 2022, due to the pandemic that caused us to have virtual meetings. The new rule for virtual meetings require votes to be done by roll call, that's the only step in the process for us to now witness, the voting by roll call. Is this a waste of time? Of your time or my time? A'ole, this is not a waste of time. Mililani B. Trask has sacrificed much of her time in the service of others. She serves as legal counsel to a Kamehameha school student that was alleged to have been sexually molested along with many other students by Kamehameha schools' paid psychiatrist, pedophile. She started a non-profit never a for profit organization called the Gibson Foundation to serve Hawaiian families into qualifying for new homes. She serves our communities for decades every month on her first Friday show, and she co-founded Ka Lāhui to give a voice to our lāhui. To sacrifice and serve time, time again for others is the legacy of Mililani B. Trask. A'ole, this is not a waste of time. Mahalo ke akua and mahalo Trustees.

## **Unfinish Business**

**Chair Hulu Lindsey** Thank you Germaine. Okay, we will move on to item III. Unfinish Business. Confirmation by roll call of the third round of voting taken on Thursday, February 24, 2022 for the OHA Board of Trustees to select Mililani B. Trask as Hawai'i Island Trustee.

Trustees, this roll call is to confirm each Trustee's vote cast in the third round of voting last Thursday, February 24, 2022 for the Hawai'i Island Trustee candidates. As your name is called please answer by stating I confirm that I voted for \_\_\_\_\_. We had three candidates, they were Lanakila, Kaloa, and Mililani. Board Secretary to call on each Trustee.

**Trustee Ahu Isa** I confirm I voted for Mililani.

**Trustee Ahuna** I confirm I voted for Lanakila Mangauil.

**Trustee Akaka** I confirm I voted for Mililani B. Trask.

**Trustee Akina** I confirm I voted for Mililani Trask.

**Trustee Alapa** I confirm I voted for Mililani Trask.

**Trustee Lee** I confirm I voted for Kaloa Robinson.

**Trustee Waihee** I confirm I voted for Mililani Trask.

**Chair Hulu Lindsey** I confirm I voted for Mililani Trask.

## **Final Confirmations**

**Lanakila Mangauil – (1) one confirmation**

**Kaloa Robinson – (1) one confirmation**

**Mililani Trask – (6) six confirmations**

**Chair Hulu Lindsey** I want to thank our beneficiaries for being such devoted people. All of our candidates are great candidates, and this is a temporary position until November so, all of you can run in the election, it is your decision. We thank you for all the interest and for those that did not get nominated, we thank you for the interest in the lāhui and as *inaudible*.

## **Announcements**

**Chair Hulu Lindsey** Our next BOT meeting will be on Thursday, March 10, 2022 at 10 am.

**Trustee Akaka** Our next BAE meeting will be tomorrow, Tuesday, March 8th. At 10 am.

**Trustee Waihe'e** We do have an RM meeting at 1:30pm tomorrow.

## Adjournment

**Trustee Akaka** Moves to adjourn the meeting.

**Trustee Akina** Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA			X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA	X		X			
KELI'I	AKINA		X	X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
HAWAII ISLAND TRUSTEE SEAT VACANT							
JOHN	WAIHE'E			X			
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				8			

**Chairperson Carmen Hulu Lindsey** Adjourns the Board of Trustees meeting at 12:17 p.m.

Respectfully submitted,

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Lehua Itokazu  
Board Secretary

As approved by the Board of Trustees on April 7, 2022.

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Carmen Hulu Lindsey  
Chairperson, Board of Trustees

# DRAFT

**STATE OF HAWAII**  
**OFFICE OF HAWAIIAN AFFAIRS**  
560 N. NIMITZ HIGHWAY, SUITE 200  
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**Minutes of the Office of Hawaiian Affairs**  
**Board of Trustees**  
**MINUTES**  
**March 10, 2022**

**ATTENDANCE:**

Chairperson Carmen Hulu Lindsey  
Trustee Leina'ala Ahu Isa  
Trustee Dan Ahuna  
Trustee Kaleihikina Akaka  
Trustee Keli'i Akina  
Trustee Luana Alapa  
Trustee Brendon Kalei'āina Lee  
Trustee Mililani Trask  
Trustee John Waihe'e, IV

**ADMINISTRATION:**

Sylvia Hussey, CEO  
Casey Brown, COO  
Ramona Hinck, CFO  
Robert Klein, Board Counsel  
Everett Ohta, Interim General Counsel  
Nietzsche Ozawa, Interim Sr. Legal Counsel  
Arlene Aguinaldo - IT Support  
Erin Nakama-IT Support

**BOT STAFF:**

Amber Kalua, Trustee Aide  
Kanani Iaea, Trustee Aide  
Lehua Itokazu, Board Secretary  
Claudine Calpito, Trustee Aide  
Anuheia Diamond, Trustee Aide  
Kauikeaolani Wailehua, Trustee Aide  
Brandon Mitsuda, Trustee Aide  
Nathan Takeuchi, Trustee Aide  
Ewalani Canto, Trustee Aide  
Maria Calderon, Trustee Aide

**GUEST:**

Kevin Chang  
Scott Crawford  
Mac Poepoe  
Uilani Naipo  
Tweetie Lind  
Keoni Alvarez

## **Call to Order**

**Chair Hulu Lindsey** Calls the Board of Trustees Meeting to order for Thursday, March 10, 2022, at 10:01 a.m. Board Secretary, please do a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA‘ALA	AHU ISA	X	
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI‘I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRENDON KALEI‘ĀINA	LEE	X	
TRUSTEE	MILILANI	TRASK	X	
TRUSTEE	JOHN	WAIHE‘E	X	
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			9	

At the Call to Order, **nine (9)** Trustees are PRESENT, thereby constituting a quorum.

**Chair Hulu Lindsey** The Board of Trustees and standing committees will hold virtual meetings until further notice pursuant to Governor Ige’s January 26, 2022 Emergency Proclamation related to COVID-19 (Omicron Variant), there will be no in-person location for this meetings that is open to the general public. The virtual meeting can be viewed and observed via livestream on OHA’s website at [www.oha.org/livestream](http://www.oha.org/livestream)

Before we begin, let me note that items V.A.1 and V.B. 2 and 5 were received under the 72 hour deadline. Let me go over some quick announcements, please mute your mics when you are not speaking. We are recording today’s meeting for the sole purpose of producing written minutes, which will become the official record of this meeting.

Joining the Trustees today is my Aides-Kanani Iaea and Amber Kalua, and our Board Secretary-Lehua Itokazu. Also with us today is Robert Klein, our Board Counsel, and Sylvia Hussey, our CEO. I will now call on Sylvia, our Pouhana, to announce our Administration staff who is joining us today.

**Sylvia Hussey, CEO** Thank you Chair and good morning Trustees, a particular good morning to Trustee Trask. We have our COO-Casey Brown, CFO-Ramona Hinck, Interim General Counsel-Everett Ohta, Interim Senior Legal Counsel Nietzsche Ozawa. We are staffed today by Arlene and Erin in our IT, and our entire IT staff in on property to support the Trustee meeting today. Thank you Chair.

## **Public Testimony**

**Chair Hulu Lindsey** In order to allow time for everyone to testify, you will be given 5 minutes to share your mana‘o. Your name will be called and your microphone will be unmuted when it is your turn to testify. If you are not audible, you will be muted and the next testifier will be called. Before the end of public testimony, any testifiers that were unavailable when their names were called or those who were inaudible will be called on again to offer public testimony. Please call our first speaker.



**Kevin Chang** Aloha Chair and Trustees, my name is Kevin Chang and I am the Executive Director of Kua‘āina Ulu ‘Auamo which means grassroots, growing through shared responsibility. I just wanted to thank you today, I already provided my testimony at the BAE meeting concerning the Kīpahulu CBSFA resolution. I was trying to think of another good point to make, I just want to mahalo you for supporting Kīpahulu and Miloli‘i before that along with Mo‘omomi and Hā‘ena. This example of activity through the CBSFA is an example of democracy and bringing power back to the ground, the ability to the Hawaiian communities in their places to practice mālama ‘āina. Mahalo.

**Scott Crawford** Aloha Chair and Trustees, my name is Scott Crawford and I am the Executive Director for the Kīpahulu ‘Ohana. Thank you for the opportunity to testify today in support of the Kīpahulu CBSFA resolution. Like Kevin, I also testified at your BAE meeting and gave some detail there. I just want to say mahalo on behalf of the Kīpahulu ‘Ohana, Uncle John and Auntie Tweetie Lind, Mike Minn, our Board of Directors, and all of our community members that have been working on this process for many years, from getting input from many resources to come up with our rules package and management plan that we submitted to the Division of Aquatic Resources. We’re looking forward to moving forward soon and into the formal administration rule making process and we are very thankful for having OHA’s support to be able to advocate for us as the process moves forward. Once again, we appreciate your support for all the communities who are implementing cultural based and traditional practices to manage our resources for future generations. Mahalo.

**Uilani Naipo** Aloha mai kākou, I am U‘ilani Naipo. Mahalo nui for allowing me to provide testimony this morning. I provide testimony in support to your adoption of the resolution supporting Kīpahulu CBSFA. Kīpahulu, like Miloli‘i, has and continues to put alot of effort, above and beyond doing the necessary work to mālama ‘āina. It is very costly, costly in time, money, sweat, and the diversity of skills. Project management and resilience to *inaudible* these are the reasons why we only have one CBSFA established with rules in place, twenty eight years in the making. I want to mahalo you and encourgae you to support communities like Kīpahulu, like Ka‘ena, like Miloli‘i, Ho‘okena, and all to follow. The community of Kīpahulu is unfied in their commitment to their CBSFA proposed rules. They are also supported by other communities such as ourselves, Miloli‘i, and it is from that network that we have mentored each other. Your position of support is critical, this resolution is a supportig pillar to all of our work we take on, cultural identity, health and wellbeing with our ‘āina. Mahalo nui.

**Tweetie Lind** Good morning from Kīpahulu, we are happy to be home right now because Uncle John is on chemotherapy. We are just happy to be home so that I can relay our message in support of the CBSFA. Many people do not realize that we are not being selfish, we are just being protective of our area. *Inaudible* Half of the people who come here, you really don’t know who they are *Inaudible*. CBSFA is one of the most important things for us to do because it is a way certain things can be done. You have surveys, support from the community, from the government agencies, and from the National Park, the main thing is our Native Hawaiian *Inaudible*. I thank you OHA for listening to us, aloha.

**Mac Poepoe** Aloha Board members, I am in support of this resolution for Kīpahulu, like all the other communities looking to secure our food, this is it. They are trying to protect their food and their resources that a lot of communities don’t have. Rather than then trying to change the way of the people, they can continue to live the way they live forever and ever and rely on their resources, rather than rely on a barge to come in. I think this is what is precious of this resolution, it protects our land. There are steps that have to be taken after this and I hope this is something the State can look at very seriously and allow the people to be a part of the decision-making body, that we should all be a part of. I don’t want to take up too much of your time, but that is my support for this resolution. Aloha to you guys.

## **Community Concerns**

**Keone Alvarez** Aloha, my name is Keoni Kealoha Alvarez and I am speaking from Hawai'i Island. I just wanted to share with everyone that I have been working on a large project, this has been over twenty years in the making. I am a film maker and also an author. The reason I am approaching OHA is because I wanted to ask for your support on this project, protecting our iwi kūpuna burials. Part of the effort I was involved in was saving a burial cave on the Big Island; not only that, but I did a resource for our people during my research by creating a documentary film that will be coming out this year. I also did a resource online at hawaiianburials.com. Our people can go to a resource to learn about our burial sites and traditional practices and methods about our iwi kūpuna. I have traveled to all of our outer islands to gain this knowledge; with this knowledge, I wrote four books as well. The reason I am coming to OHA is because I am asking for your support to purchase my books. One of the books I've written and illustrated is a children's book and it is available on Amazon. I wanted OHA to purchase my book and distribute it to all the keiki, to the Charter schools, donate it to them so that they can learn about our iwi kūpuna. The book is called The Boy and his Hawaiian Cave. There is another parcel near our family burial cave that I would like to protect the integrity of this area so that in the future, we will have sacred wahi pana for future generations. That is my testimony, I am hoping you can provide the help to protect our iwi kūpuna and share this throughout the islands for our keiki, kūpuna, and everybody. Thank you.

## **Approval of Minutes**

### **A. February 10, 2022**

**Chair Hulu Lindsey** Moving on to approval of minutes, can I get a motion to approve the minutes?

**Trustee Akaka** Moves to approve the February 10, 2022 minutes.

**Trustee Waihe'e** Seconds the motion.

<b>MINUTES:</b> <b>A. February 10, 2022</b>						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>			X			
TRUSTEE DAN <b>AHUNA</b>			X			
TRUSTEE KALEI <b>AKAKA</b>	X		X			
TRUSTEE KELI'I <b>AKINA</b>			X			
TRUSTEE LUANA <b>ALAPA</b>			X			
TRUSTEE BRENDON <b>LEE</b>			X			
TRUSTEE MILILANI <b>TRASK</b>			X			
TRUSTEE JOHN <b>WAIHE'E</b>		X	X			
CHAIRPERSON HULU <b>LINDSEY</b>			X			

<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION:</b> [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with nine ( 9 ) YES votes, one ( ) ABSTENSION and one ( ) EXCUSED vote.</b>						

### **New Business**

#### **V.A. Committee on Resource Management**

- 1. Action Item RM#22-03: Reappointment of Leilani Kūpahu-Marino Kaho‘āno as Non-OHA LLC Manager for Hi‘ilei Aloha LLC for a 3-Year Term (2023, 2024, 2025)**

**Chair Hulu Lindsey** Next up under new business, the RM Committee, Trustee Waihe‘e.

**Trustee Waihe‘e** Thank you Madame Chair, on behalf of your Committee on Resource Management, having met on March 8, 2022, and after full and free discussion, recommends approval of the following action to the Board of Trustees:

#### **Action:**

**Approve the reappointment of Leilani Kūpahu-Marino Kaho‘āno for a three year term and service period, beginning April 1, 2022 and ending March 31, 2025, as a non-OHA limited liability company manager for Hi‘ilei Aloha LLC.**

**Trustee Ahuna** Seconds the motion.

**Trustee Ahu Isa** I wanted to speak in favor of this motion. I know her personally and she is such a dedicated servant to our people especially with Waimea; she is tied culturally to that ahupua‘a, so I speak in strong support.

**Chair Hulu Lindsey** Thank you Trustee Ahu Isa. Roll call vote.

<b>Trustee Waihe‘e Moves</b>						
<b>Approve the reappointment of Leilani Kūpahu-Marino Kaho‘āno for a threeyear term and service period, beginning April 1, 2022 and ending March 31, 2025, as a non-OHA limited liability company manager for Hi‘ilei Aloha LLC.</b>						
<b>Trustee Ahuna</b> Seconds the motion.						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
<b>TRUSTEE LEI AHU ISA</b>			<b>X</b>			
<b>TRUSTEE DAN AHUNA</b>		X	<b>X</b>			
<b>TRUSTEE KALEI AKAKA</b>			<b>X</b>			
<b>TRUSTEE KELI‘I AKINA</b>			<b>X</b>			
<b>TRUSTEE LUANA ALAPA</b>			<b>X</b>			

TRUSTEE BRENDON LEE					<b>X</b>	
TRUSTEE MILILANI TRASK			<b>X</b>			
TRUSTEE JOHN WAIHE'E	X		<b>X</b>			
CHAIRPERSON HULU LINDSEY			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>8</b>		<b>1</b>	
<b>MOTION:</b> [ ] UNANIMOUS [ <b>X</b> ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with eight ( 8 ) Yes votes, Zero (0) No votes and One ( 1 ) Abstention vote.</b>						

**Chair Hulu Lindsey** Thank you Trustees, moving on to Item B. I will call on Trustee Akaka

**V.B. Committee on Beneficiary Advocacy and Empowerment**

**1. Action Item BAE #22-02: A Resolution Supporting Community Based Subsistence Fishing Area Designations and Rules, Kīpahulu, Maui, Hawai‘i**

**4. 2022 OHA Legislature Bill Positions Related to Measures Affecting Native Hawaiians – Matrix 4 ☞, March 1, 2022**

**Trustee Akaka** Mahalo Madame Chair, your Committee on Beneficiary Advocacy and Empowerment, having met on February 22, 2022 and after full and free discussion, recommends approval of the following motion to

**Motion 1:**

**Move to approve Action Item BAE #22-02: A Resolution Supporting Community Based Subsistence Fishing Area Designations and Rules, Kīpahulu, Maui, Hawai‘i**

**Trustee Waihe‘e** Seconds the motion.

<b>Trustee Akaka Moves</b>						
<b>Move to approve Action Item BAE #22-02: A Resolution Supporting Community Based Subsistence Fishing Area Designations and Rules, Kīpahulu, Maui, Hawai‘i</b>						
<b>Trustee Waihe‘e</b> Seconds the motion.						
	<b>1</b>	<b>2</b>	<b>‘AE (YES)</b>	<b>‘A‘OLE (NO)</b>	<b>KANALUA (ABSTAIN)</b>	<b>EXCUSED</b>
TRUSTEE LEI AHU ISA			<b>X</b>			
TRUSTEE DAN AHUNA			<b>X</b>			
TRUSTEE KALEI AKAKA	X		<b>X</b>			
TRUSTEE KELI‘I AKINA			<b>X</b>			

TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E		X	X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with nine ( 9 ) Yes votes, Zero (0) No votes and Zero ( 0 ) Abstention vote.</b>						

### Trustee Akaka Madame Chair I

#### Motion 2:

Move that we change OHA's position on Matrix 4 for the following bills:

- HB 1961, change from MONITOR to SUPPORT;
- SB 2828, change from MONITOR to SUPPORT

Trustee Waihe'e Seconds the motion.

Trustee Lee Are we taking the agenda out of order? That is not what I have next on the agenda.

Chair Hulu Lindsey Yes and no, she has items one and three and has them together because they are from the same meeting.

Trustee Lee So, we are not approving Makale'a?

Chair Hulu Lindsey We will go back to that.

Trustee Lee Oaky, Thank you madame Chair.

<b>Trustee Akaka Moves</b>						
<b>Move that we change OHA's position on Matrix 4 for the following bills: • HB 1961, change from MONITOR to SUPPORT; • SB 2828, change from MONITOR to SUPPORT</b>						
<b>Trustee Waihe'e Seconds the motion.</b>						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA			X			

TRUSTEE KALEI <b>AKAKA</b>	X		X			
TRUSTEE KELI'I <b>AKINA</b>			X			
TRUSTEE LUANA <b>ALAPA</b>			X			
TRUSTEE BRENDON <b>LEE</b>					X	
TRUSTEE MILILANI <b>TRASK</b>			X			
TRUSTEE JOHN <b>WAIHE'E</b>		X	X			
CHAIRPERSON HULU <b>LINDSEY</b>			X			
<b>TOTAL VOTE COUNT</b>			<b>8</b>		<b>1</b>	
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with eight ( 8 ) Yes votes, Zero (0) No votes and One ( 1 ) Abstention vote.</b>						

**Board Secretary** Announces for clarification that the next item on the board will be item 4 from the agenda. They will be in order by the dates of the Committee Reports, next item is number 4.

**Trustee Lee** Point of clarification, on the screen I see V.B.2 not 4. Are we taking up item 4?

**Board Secretary** Correct, and then after that will be item V.B. 2 and 5.

**Trustee Akaka** If it pleases the Trustees and it will be helpful, instead of going by Committee Report order, we can go by the agenda item.

**Chair Hulu Lindsey** We will take up item V.B.4 now.

**Trustee Akaka** Your Committee on Beneficiary Advocacy and Empowerment, having met on March 1, 2022 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:

**Motion 1:**

**Move to approve Administration's recommendations on: NEW BILLS (Items 63 - 72) as listed on Matrix 3 -- Measures Affecting Native Hawaiians – dated March 1, 2022, along with the following revisions: BILL POSITION CHANGES:**

- **HB2311 from COMMENT to SUPPORT**
- **SB2770 from COMMENT to SUPPORT**

**Trustee Waihe'e** Seconds the motion

<b>Trustee Akaka Moves</b>  <b>Move to approve Administration's recommendations on: NEW BILLS (Items 63 - 72) as listed on Matrix 3 -- Measures Affecting Native Hawaiians – dated March 1, 2022, along with the following revisions: BILL POSITION CHANGES:</b> <b>• HB2311 from COMMENT to SUPPORT</b> <b>• SB2770 from COMMENT to SUPPORT</b>  <b>Trustee Waihe'e Seconds the motion.</b>						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA					X	
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE					X	
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE‘E		X	X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>7</b>		<b>2</b>	
<b>MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED</b>  <b>Motion passes with seven ( 7 ) Yes votes, Zero (0) No votes and two ( 2 ) Abstention vote.</b>						

**Chair Hulu Lindsey** Thank you Trustees, moving on to item B.2, Trustee Akaka.

**Trustee Akaka Mahalo Madame Chair, Your Committee on Beneficiary Advocacy and Empowerment, having met on March 8, 2022 and after full and free discussion, recommends approval of the following motion to the Board of Trustees:**

**Motion 1:**

**Motion to approve Keith Makale‘a Gutierrez as the Office of Hawaiian Affairs Representative for the Native Hawaiian Revolving Loan Fund, Board of Directors**

**Trustee Waihe'e Seconds the motion.**

<b>Trustee Akaka Moves</b>						
<b>Motion to approve Keith Makale‘a Gutierrez as the Office of Hawaiian Affairs Representative for the Native Hawaiian Revolving Loan Fund, Board of Directors</b>						
<b>Trustee Waihe‘e Seconds the motion.</b>						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>			<b>X</b>			
TRUSTEE DAN <b>AHUNA</b>			<b>X</b>			
TRUSTEE KALEI <b>AKAKA</b>	X		<b>X</b>			
TRUSTEE KELI‘I <b>AKINA</b>			<b>X</b>			
TRUSTEE LUANA <b>ALAPA</b>			<b>X</b>			
TRUSTEE BRENDON <b>LEE</b>			<b>X</b>			
TRUSTEE MILILANI <b>TRASK</b>			<b>X</b>			
TRUSTEE JOHN <b>WAIHE‘E</b>		X	<b>X</b>			
CHAIRPERSON HULU <b>LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>9</b>			
<b>MOTION: [ X ] UNANIMOUS [ ] PASSED [ ] DEFERRED [ ] FAILED</b>						
<b>Motion passes with nine ( 9 ) Yes votes, Zero (0) No votes and two ( ) Abstention vote.</b>						

**Chair Hulu Lindsey** Thank you, moving on to item B.5.

**Trustee Akaka Madame Chair, the next motion**

**Motion 2:**

**Move to approve Administration’s recommendations on: NEW BILLS (Items 73 - 83) as listed on Matrix 3 – Measures Affecting Native Hawaiians – dated March 8, 2022, along with the following revisions: BILL POSITION CHANGES:**

- **HB1986 from SUPPORT to SUPPORT with Amendments**
- **SB2172 from COMMENT to SUPPORT**
- **SB2600 from COMMENT to SUPPORT**

**Trustee Waihe‘e Seconds the motion.**



<b>Trustee Akaka Moves</b>						
<b>Move to approve Administration's recommendations on: NEW BILLS (Items 73 - 83) as listed on Matrix 3 -- Measures Affecting Native Hawaiians – dated March 8, 2022, along with the following revisions: BILL POSITION CHANGES:</b> • HB1986 from SUPPORT to SUPPORT with Amendments • SB2172 from COMMENT to SUPPORT • SB2600 from COMMENT to SUPPORT						
<b>Trustee Waihe'e</b> Seconds the motion.						
	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI <b>AHU ISA</b>			<b>X</b>			
TRUSTEE DAN <b>AHUNA</b>				<b>X</b>		
TRUSTEE KALEI <b>AKAKA</b>	<b>X</b>		<b>X</b>			
TRUSTEE KELI‘I <b>AKINA</b>			<b>X</b>			
TRUSTEE LUANA <b>ALAPA</b>			<b>X</b>			
TRUSTEE BRENDON <b>LEE</b>					<b>X</b>	
TRUSTEE MILILANI <b>TRASK</b>			<b>X</b>			
TRUSTEE JOHN <b>WAIHE‘E</b>		<b>X</b>	<b>X</b>			
CHAIRPERSON HULU <b>LINDSEY</b>			<b>X</b>			
<b>TOTAL VOTE COUNT</b>			<b>7</b>	<b>1</b>	<b>1</b>	
<b>MOTION:</b> [ ] UNANIMOUS [ <b>X</b> ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with seven ( 7 ) Yes votes, One ( 1 ) No votes and One ( 1 ) Abstention vote.</b>						

**V.C. Action Item BOT#22-04: Approve the Formation of a Permitted Interaction Group (PIG) to Investigate the Activation of Kaka‘ako Makai Site E, 919 Ala Moana Blvd**

**Chair Hulu Lindsey** We will now move on to item C, Trustee Waihe‘e.

**Trustee Waihe‘e** Madame Chair I would like to move to

**Approve the formation of a Permitted Interaction Group (PIG) to investigate the activation of Kaka‘ako Makai Site E, 919 Ala Moana Blvd, including the following purview, members, and term/duration:**

**Purview:** The purview of the PIG is for the Board of Trustees (BOT or Board), BOT staff and OHA Administration staff to work together to investigate the plan for activation of site E, 919 Ala Moana Blvd., in Kaka‘ako Makai.

**Members:** The membership of the Permitted Interaction Group is proposed as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Leina‘ala Ahu Isa; (c) Trustee John Waihe‘e, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Leina‘ala Ahu Isa will serve as its Vice Chair. Casey K. Brown, Ka Pou Nui, will function as the Project Manager.

**Term/ Duration:** The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than July 31, 2022.

**Trustee Ahu Isa** Seconds the motion.

**Trustee Lee** I wish to speak against this motion at this time. I will reiterate my objections from the previous meeting. This is a matter that needs to be taken by our Bylaws, by the RM Committee. This matter has not been waived by the Committee to go directly to the Board. I know it was stated before that it was believed that State law trumps our Bylaws; after consultation with OIP, OIP agreed that their purpose for the Sunshine Law is only to make sure there is transparency in all meetings that are held; that the Permitted Interaction Group or PIG is an allowable way to have more than less than quorum to meet in private. However, Sunshine Law does not speak to what is the correct “quote on quote” board to take up an action, that is up to the individual organization’s Bylaws. Our Bylaws, clearly state that these matters are to be taken up by the RM Committee and this has not been waived by the Committee directly to the Board of Trustees. I will be voting against this motion, Madame Chair, thank you.

**Chair Hulu Lindsey** Thank you Trustee Lee. In the last meeting when you questioned this, I did ask Board Counsel his opinion and I would like to read that opinion to the board at this time.

I have reviewed the August 30, 2018 Bylaws, especially Article VIII A. 1. (a) through (o), collectively the powers of the RM Committee. Not one “power” assigned to the RM Committee covers investigating anything. On the other hand, HRS Sec. 92-2.5 (b) (1) states:

**(b)** Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to:

**(1) Investigate a matter relating to the official business of their board; provided that:**

**(A)** The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;

**(B)** All resulting findings and recommendations are presented to the board at a meeting of the board; and

**(C)** Deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board;

Obviously, in Trustee Lee’s recitation of the “facts” to OIP, he failed to mention that the Bylaws do not provide specific authority for the RM Committee to launch investigations. The RM Committee would have no authority to “waive” to the BOT any purported investigation into the activation of OHA KM site A as specified on the BOT agenda yesterday. The RM Committee cannot waive to the BOT use of power it does

not have. The clear path for investigation is the establishment of an investigatory PIG as set forth under HRS 92-2.5 (b)(1) above. That is exactly what the Trustees approved yesterday. Mahalo, Judge Klein.

If you have any questions, Judge is here.

**Trustee Lee** So based on that clarification that is does not specifically say investigatory powers, then is it the Board's understanding that the findings of an investigatory PIG by the Board of Trustees that has to do with land and development will only be used as a reference to be given to the RM Committee? And not action taken by the investigatory because, if we are going to go by specifics of what the Bylaws say, then I will yield because it does not say that they can investigate. I believed that was assumed that anything that had to do with land and development would fall under the RM Committee, but if we are going to go by the specifics of what it says, then I will yield that point. I just want to make sure that we are of the understanding, the findings of this investigatory PIG, there will be no action taken on it until it is referred to the RM Committee because it does say specifically that. You are the Chair of the Permitted Interaction Group, I am asking that whatever the findings of this PIG investigation, as well as the one that came out prior to this, that those findings will be referred to the RM Committee for action and not action taken by that investigation by this Board. Is that my understanding Chair, based on the specifics of what the Bylaws say?

**Chair Hulu Lindsey** Judge Klein, I will refer that to you.

**Robert Klein, Board Counsel** We are talking about the purview of the RM Committee. As I read this, it's for investigation that is not a power that is vested by the Bylaws in the RM Committee. As my opinion states, it is appropriate to create a PIG because a PIG, specifically by statute, has the power to investigate. Where that investigation goes, what the recommendation of the report of the PIG Committee may end up being is not something that we know or can foresee at this time. You need to create the PIG that has the statutory authority to conduct investigations. The results of the investigation shouldn't be predicted at this time nor should we create a path that anything the PIG reports to this body has to go back to the RM Committee for approval as a process. I don't think members should commit to establishing a pathway until we have a PIG report, thank you.

**Trustee Lee** Thank you, then I will yield that point at this time, Madame Chair, noting that the last Permitted Interaction Group, there was action that was asked of this Board so, that's the reason why I made the comment about action, but I will yield that point that we do not know the findings of this PIG will be. I am grateful that I was able to state for the record that if action is going to be asked of this body by the Permitted Interaction Group that at the very least, this Trustee will be asking to make sure that it is referred to the RM Committee, thank you Madame Chair.

**Chair Hulu Lindsey** Thank you Trustee. Any other discussion? Call for the Vote.

**Trustee Waihe'e Moves**

**Approve the formation of a Permitted Interaction Group (PIG) to investigate the activation of Kaka'ako Makai Site E, 919 Ala Moana Blvd, including the following purview, members, and term/ duration:**

**Purview: The purview of the PIG is for the Board of Trustees (BOT or Board), BOT staff and OHA Administration staff to work together to investigate the plan for activation of site E, 919 Ala Moana Blvd., in Kaka'ako Makai.**

**Members:** The membership of the Permitted Interaction Group is proposed as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Leina‘ala Ahu Isa; (c) Trustee John Waihe‘e, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Leina‘ala Ahu Isa will serve as its Vice Chair. Casey K. Brown, Ka Pou Nui, will function as the Project Manager.

**Term/ Duration:** The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than July 31, 2022.

**Trustee Ahu Isa**Seconds the motion.

	1	2	‘AE (YES)	‘A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA		X	X			
TRUSTEE DAN AHUNA				X		
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE				X		
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE‘E	X		X			
CHAIRPERSON HULU LINDSEY			X			
<b>TOTAL VOTE COUNT</b>			<b>7</b>	<b>2</b>		
<b>MOTION:</b> [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED						
<b>Motion passes with seven ( 7 ) Yes votes, Two ( 2 ) No votes and One ( ) Abstention vote.</b>						

### **Announcements**

**Chair Hulu Lindsey** Our next BOT meeting will be on Thursday, March 24, 2022 at 10 am.

### **Adjournment**

**Trustee Ahu Isa** Moves to adjourn the meeting.

**Trustee Akaka** Seconds the motion.

Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA	X		X			
DAN	AHUNA			X			
KALEIHIKINA	AKAKA		X	X			
KELI'I	AKINA			X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
MILILANI	TRASK			X			
JOHN	WAIHE'E			X			
CHAIR CARMEN HULU	LINDSEY			X			
<b>TOTAL VOTE COUNT</b>				<b>9</b>			

**Chairperson Carmen Hulu Lindsey** Adjourns the Board of Trustees meeting at 10:53 a.m.

Respectfully submitted,

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Lehua Itokazu  
Board Secretary

As approved by the Board of Trustees on April 7, 2022.

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Carmen Hulu Lindsey  
Chairperson, Board of Trustees

**Office of Hawaiian Affairs**  
**Meeting of the Board of Trustees**  
**April 7, 2022**  
**10:00 A.M.**

**V. A. Committee on Beneficiary Advocacy and Empowerment**

1. 2022 OHA State Legislative Bill Package Updates –  
SB2122/HB1474, SB2121/HB1473, coordinated advocacy -  
Matrix 1†☸, March 29,2022
2. 2022 OHA State Legislature Bill Positions Related to Measures  
Naming OHA –  
Matrix 2†☸, March 29,2022
3. 2022 OHA Legislature Bill Positions Related to Measures  
Affecting  
Native Hawaiians – Matrix 3†☸, March 29,2022
4. OHA Legislature Bill Positions and Monitored Bills Related to  
Measures Affecting  
Native Hawaiians – Matrix 4†☸, March 29,2022
5. 2022 OHA Legislature Resolution Positions and Monitored  
Resolutions Related to Measures Affecting Native Hawaiians –  
Matrix 5†☸, March 29,2022

\*\* The Committee Report will be distributed as soon as they become  
available from the Committee on Beneficiary Advocacy and  
Empowerment

Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
April 7, 2022  
10:00 A.M.

**V. B.**

**Item BOT #22-05: Approve the Formation of a Permitted Interaction Group (PIG) to Investigate Multiple Aspects of the Public Land Trust**





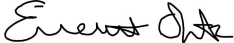


**ACTION ITEM**

**BOARD OF TRUSTEES**

**April 7, 2022**

**BOT #22-05**

**Action Item Issue:** Approve the Formation of a Permitted Interaction Group (PIG) to Investigate Multiple Aspects of the Public Land Trust

<b>Co-Prepared by:</b>	 _____ Na'unanikina'u Kamali'i Ka Pou Kihi Kū, Advocacy Director	<b>Apr 2, 2022</b> _____ Date
<b>Co-Prepared by:</b>	 _____ Casey K. Brown Ka Pou Nui, Chief Operating Officer	<b>Apr 3, 2022</b> _____ Date
<b>Reviewed by:</b>	 _____ Everett Ohta Ka Paepae Puka Kūikawā, Interim General Counsel	<b>Apr 3, 2022</b> _____ Date
<b>Reviewed by:</b>	 _____ Sylvia M. Hussey, Ed.D. Ka Pouhana, Chief Executive Officer	<b>Apr 3, 2022</b> _____ Date
<b>Reviewed by:</b>	 _____ Carmen Hulu Lindsey Ke Kauhuhu o ke Kaupoku Chair, Board of Trustees	<b>Apr 4, 2022</b> _____ Date



**Action Item BOT #22-05: Approve the Formation of a Permitted Interaction Group (PIG) to Investigate Multiple Aspects of the Public Land Trust**

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**I. Proposed Action**

Approve the formation of a Permitted Interaction Group (PIG) to investigate multiple aspects of the Public Land Trust, including the following purview, members and term/duration:

**Purview.** The purview of the PIG is for the Board of Trustees (“BOT” or “Board”), BOT staff and OHA Administration staff to work together to investigate multiple aspects of the Public Land Trust and engage with federal and state agencies and international and indigenous entities, on Native Hawaiians’ legal claims, land inventories, and financial accounting related to the Public Land Trust on behalf of the BOT; provided that the PIG will report back to the BOT and seek its approval prior to initiating any formal administrative complaint or process.

**Members.** The membership of the Permitted Interaction Group is proposed as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Mililani Trask; (c) Trustee John Waihee, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Mililani Trask will serve as its Vice Chair. Sylvia Hussey, Ka Pouhana, will function as the Project Manager and coordinate Administration staff participants (e.g., Chief Advocate, General Counsel) and contractors.

**Term/Duration.** The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than October 31, 2022.

**II. Issue**

Whether or not the Board of Trustees (“BOT”) will approve the formation of a Permitted Interaction Group, consistent with Hawai‘i Revised Statutes §92-2.5(b)(1), to investigate multiple aspects of the Public Land Trust.

**III. Background and Discussion**

**A. Applicable Law in Hawaii Revised Statutes, Permitted Interaction Groups**

In accordance with HRS, CHAPTER 92, PUBLIC AGENCY MEETINGS AND

RECORDS §92-2.5 Permitted interactions of members: (b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to: (1) Investigate a matter relating to the official business of their board; provided that: (A) The scope of the investigation and the scope of each member’s authority are defined at a meeting of the board; (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and (C) Deliberation and decision making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board.

**Action Item BOT #22-05: Approve the Formation of a Permitted Interaction Group (PIG) to Investigate Multiple Aspects of the Public Land Trust**

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**B. Setting  
Context for  
the Public  
Land Trust**

**Admission Act Section 5(f)  
Public Land Trust**

The public land trust land together with the proceeds from the sale or other disposition of any such lands and the income therefrom, shall be held by the State as a public trust for five purposes:

- (1) Public education
- (2) **The betterment of the conditions of native Hawaiians**
- (3) The development of farm and home ownership
- (4) Public improvements, and
- (5) For public use



**IV. Funding Source**

No dedicated funding is needed to authorize and form a PIG. Any resources needed to carry out PIG related activities will conform with existing budgetary (e.g., realignment), spending and procurement authorities, policies and procedures.

**V. Recommended Action**

Approve the formation of a Permitted Interaction Group (PIG) to investigate multiple aspects of the Public Land Trust, including the following, purview, members and term/duration:

**Purview.** The purview of the PIG is for the Board of Trustees (“BOT” or “Board”), BOT staff and OHA Administration staff to work together to investigate multiple aspects of the Public Land Trust and engage with federal and state agencies and international and indigenous entities, on Native Hawaiians’ legal claims, land inventories, and financial accounting related to the Public Land Trust on behalf of the BOT; provided that the PIG will report back to the BOT and seek its approval prior to initiating any formal administrative complaint or process.

**Members.** The membership of the Permitted Interaction Group is proposed as follows: (a) Trustee Carmen Hulu Lindsey; (b) Trustee Mililani Trask; (c) Trustee John Waihee, IV; and (d) Trustee Kalei Akaka. Trustee Carmen Hulu Lindsey will serve as the Chair of the Permitted Interaction Group and Trustee Mililani Trask will serve as its Vice Chair. Sylvia Hussey, Ka Pouhana, will function as the Project Manager and coordinate Administration staff participants (e.g., Chief Advocate, General Counsel) and contractors.

**Term/Duration.** The term of the Permitted Interaction Group expires at the completion of the assigned tasks or at the discretion of the Chair of the Board of Trustees, subject to later adjustment, but in no event later than October 31, 2022.

**Action Item BOT #22-05: Approve the Formation of a Permitted Interaction Group (PIG) to Investigate Multiple Aspects of the Public Land Trust**

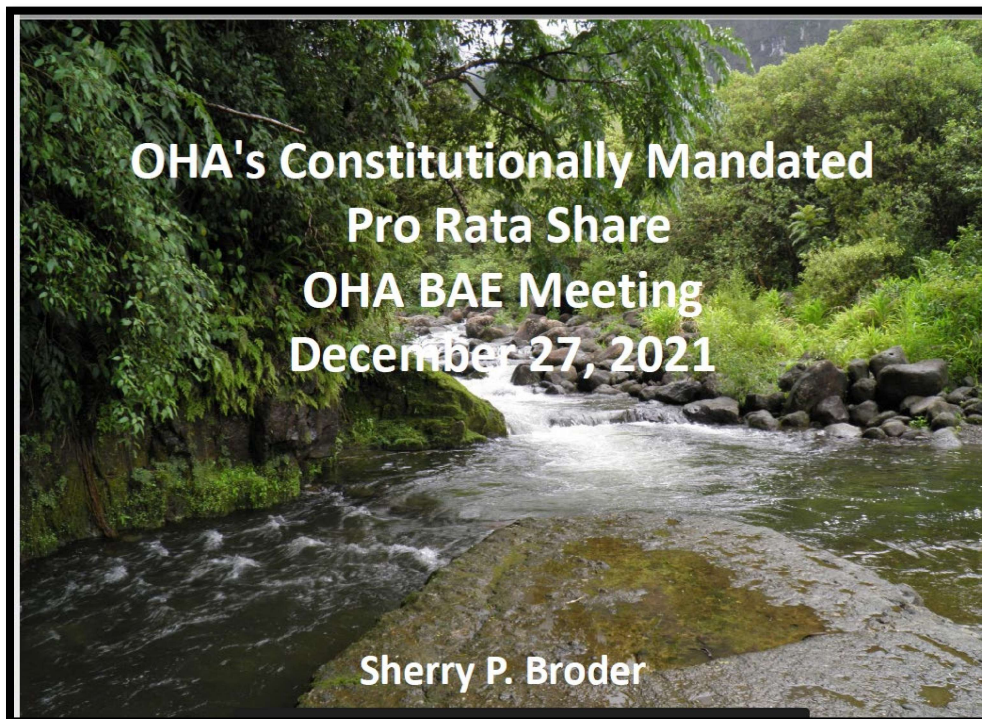
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**VI. References**

1. 2022 OHA Public Land Trust Bill Presentation, December 27, 2021



2. OHA's Constitutionally Mandated Pro Rata Share, December 27, 2021



**VII. Attachments - None**



Office of Hawaiian Affairs  
Meeting of the Board of Trustees  
April 7, 2022  
10:00 A.M.

**VI. Executive Session**

**A. Consultation with Board Counsel Robert Klein,  
Sherry P. Broder, Esq and Interim General Counsel  
Everett Ohta re: questions and issues pertaining to the  
Board's powers, duties, privileges, immunities, and  
liabilities with respect to the Public Land Trust and  
associated legislation, pursuant to HRS§92-5(a)(4).**