

## 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

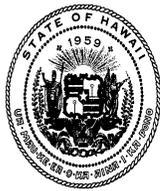
Keli'i Akina, Trustee At-Large

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

Brendon Kalei'āina Lee, Trustee At-Large

Keola Lindsey, 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, October 21, 2021

**TIME:** 10:00 am

**PLACE:** Virtual Meeting

Viewable at [www.oha.org/livestream](http://www.oha.org/livestream) OR

Listen by phone: (213) 338-8477, Webinar ID: 872 4856 9039

**Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Proclamation Related to the COVID-19 Delta Response, dated October 1, 2021 that suspends parts of Hawai'i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location. The OHA Board of Trustees will hold virtual meetings until further notice. The virtual meetings can be viewed and observed via livestream on OHA's website at [www.oha.org/livestream](http://www.oha.org/livestream) or listen by phone: (213) 338-8477, Webinar ID: 872 4856 9039**

**AGENDA-AMENDED**

- 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. New Business**
  - A. Committee of Beneficiary Advocacy and Empowerment
    1. Action Item BAE # 21-05: Approval of OHA participation in the appeal and administrative proceedings related to the Nā Wai 'Ehā Surface Water Use Applications, Integration of Appurtenant Rights, and Amendments to the Interim Instream Flow Standards Findings of Fact, Conclusions of Law, and Decision and Order, dated June 28, 2021, of the Commission on Water Resource Management (CCH-MA 15-01)
  - B. Workshop: COVID-19 Vaccination and Testing Policy for the Office of Hawaiian Affairs and its Implementation by Administration
- V. Executive Session‡**
  - A. Consultation with Board Counsel Robert G. Klein re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to executive session minutes, pursuant to HRS§92-5 (a)(4)
  - B. Approval of Executive Session Minutes
 

April 22, 2021	3. June 2, 2021
May 20, 2021	4. June 17, 2021
  - C. Action Item BAE # 21-05: Approval of OHA participation in the appeal and administrative proceedings related to the Nā Wai 'Ehā Surface Water Use Applications, Integration of Appurtenant Rights, and Amendments to the Interim Instream Flow Standards Findings of Fact, Conclusions of Law, and Decision and Order, dated June 28, 2021, of the Commission on Water Resource Management (CCH-MA 15-01). Consultation with Pamela Bunn, Esq. and Everett Ohta, Esq., re: questions and issues pertaining to the boards powers, duties, privileges, immunities, and liabilities, pursuant to HRS § 92-5(a)(4).



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D. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities with respect to the legal aspects of the potential future use and development of the Office of Hawaiian Affairs' commercial properties pursuant to HRS§92-5(a)(4).

**VI. Announcements**

**VII. Adjournment**

If you require an auxiliary aid or accommodation due to a disability, please contact Raina Gushiken at telephone number 594-1772 or by email [rainag@oha.org](mailto:rainag@oha.org) no later than three (3) business days prior to the date of the meeting.

Meeting Materials will be available to the public on Monday, October 18, 2021 and posted to OHA's website at: [www.oha.org/bot](http://www.oha.org/bot) In the event that the livestream public broadcast is interrupted and cannot be restored, the meeting may continue as audio-only through the phone and Webinar ID provided at the beginning of this agenda.

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

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

\* **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.** 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, or (2) live, *oral testimony online* 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. Any testimony received after this deadline will be late testimony and will be distributed to the Board members after the scheduled meeting. **Due to COVID- 19, please do not fax, mail, 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\\_Of\\_ijTKgS9auPEIxN2bVWQ](https://us06web.zoom.us/webinar/register/WN_Of_ijTKgS9auPEIxN2bVWQ)

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 during the Public Testimony or Community Concerns agenda item. Oral testimony by telephone/landline **will not** be accepted at this time.

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.

Oral testimony online will be limited to five (5) minutes. Once your oral testimony is completed, you will be asked to disconnect from the meeting, unless you are also signed up for oral testimony during Community Concerns and Celebrations. 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.

PHONE (808) 594-1888

FAX (808) 594-1868



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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/>

*Carmen Hulu Lindsey*

10/15/2021

Date

Trustee Carmen Hulu Lindsey  
Chairperson, Board of Trustees