Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Nineteenth Supplementary Proclamation dated April 9, 2021 that suspend 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 or listen by phone: (213) 338-8477

Minutes of the Office of Hawaiian Affairs
Board of Trustees
KAUAʻI ISLAND COMMUNITY MEETING
MINUTES
Wednesday, May 5, 2021
5:30 pm

ATTENDANCE:
Chairperson Carmen Hulu Lindsey
Trustee Lei Ahu Isa
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keliʻi Akina
Trustee Luana Alapa
Trustee Brendon Kaleiʻāina Lee
Trustee Keola Lindsey
Trustee John Waiheʻe, IV

BOT STAFF:
Colin Kippen
Amber Kalua
Kanani Iaea
Lehua Itokazu
Anuhea Diamond
Claudine Calpito
Kalani Iaea

ADMINISTRATION STAFF:
Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Pou Nui / COO
Kalani Fronda, Land Assets Director
Raina Gushiken, CC
Everett Ohta, CC
Ramona Hinck
Sterling Wong, Chief Advocate
Kevin Chak, IT Support
Erin Nakama, IT Support

GUEST:
Roslyn Cummings
Malia Nobrega
Kuʻuleialoha Santos
Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Kaua‘i Island Community Meeting to order for Wednesday, May 5, 2021 at 5:30 p.m. Chair Hulu Lindsey calls for a roll call.

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

Chair Hulu Lindsey Thank you Trustees. Aloha Kākou everyone and welcome to our Kauaʻi Island Community meeting. We’ve had two full day of site visits and enjoyed interacting with our Kauaʻi community. Mahalo Trustee Ahuna for hosting the last two days. It has been pleasure talking stories with our Kauaʻi ʻohana.

As a reminder please mute your mics when you are not speaking. Trustees and our CEO please enable your cameras if you are able to do so. We are recording today's meeting for the sole purpose of producing written minutes, which will become the official record of this meeting. Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Nineteenth Supplementary Proclamation dated April 9, 2021 that suspends parts of Hawaiʻi 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. Joining the trustees tonight we have our CEO-Silvia Hussey, my Chief of Staff-Colin Kippen, Board Secretary-Lehua Itokazu, and Aides-Kanani Iaea and Amber Kalua Claudine Calpito and Anuhea Diamond. Before we start our presentations, I would like to ask our Ka Pouhana to introduce our staff joining us this evening.

Introductions

Sylvia Hussey, CEO Thank you Chair Lindsey. Aloha ahiahi, tonight we have COO-Casey Brown, Chief Advocate-Sterling Wong, Senior Legal Counsel-Raina Gushiken, and our IT-Support Staff.
Chair Hulu Lindsey  Thank you. I would also like to ask each trustee to introduce themselves at this time. I'll call on you alphabetically if I can remember you in alphabetical order.

Trustee Ahu Isa  Aloha mai kākou our neighbor islanders from Kaua‘i. I am so sorry I couldn’t be with all of you physically and visit your sites, but I am there in heart and spirit. I always considered Kaua‘i like my second island. I lived there for two years after Iniki hit. I read all your testimony and concerns, there was alot about iwi kupuna and other issues. I am excited to hear from you and to join in to help. Mahalo Chair.

Chair Hulu Lindsey  Thank you. Trustee Akaka.

Trustee Akaka  Aloha Kākou, aloha to all on Kaua‘i that are joing us this evening. If there are those that we have met while on this trip, mahalo Nui for welcoming us. We truly appreciate the opportunity to visit the different sites and learn what the concerns are within the community. I am the O‘ahu Trustee, and we look forward to hearing more of what can be done here. Mahalo.

Chair Hulu Lindsey  Trustee Akina

Trustee Akina  Aloha ahihi everyone. Thank you so much Chair Lindsey for chairing our meeting tonight and thank you, Trustee Ahuna for hosting us. I want to say aloha with all my heart to our beneficiaries on Kaua‘i, thank you so much for being here this evening. Thank you for your written testimony that many of you have submitted. And I’m looking forward to hearing from you what your concerns and your questions are. Over the last couple of years my heart is broken, as I’ve seen some of the troubles that the people of Kaua‘i have gone through in terms of natural disasters and also in terms of the COVID response. I’ve been very proud to vote in conjunction with my fellow trustees to provide some measure of relief from that I know that there's much more that can be done, but we're glad to participate with you and go through the experience with you. Mahalo nui, and take care. We look forward to hearing your responses tonight, aloha.

Chair Hulu Lindsey  Trustee Lee

Trustee Lee  Aloha mai Kākou, I am Trustee Lee I am a Trustee at large for the Office of Hawaiian Affairs. Mahalo to Trustee Ahuna, for hosting us on Kaua‘i and site visits that we're able to participate in. I also like to welcome beneficiaries from across the state given that this is a zoom meeting. I know it's scheduled for our Kaua‘i island community meeting, but I understand, based on a lot of the written testimony that we received today, that we have beneficiaries joining us across the pae ‘āina. So again, looking forward to hearing from everyone in this evening, Aloha.

Chair Hulu Lindsey  Mahalo, Trustee Keola Lindsey

Trustee K. Lindsey  Mahalo Madam Chair. From the west side of Hawai‘i Island, I'd like to extend my Aloha. And everyone else joining us tonight, I apologize, I couldn't join travel for the visits, but I hear staff did an excellent job setting that up. So those that did travel, were able to hear what's going on. Inaudible presentations tonight, and as well as tomorrow. I know we have some more about the challenges Kaua‘i is facing but also how those challenges are being overcome by hard work and great work in the community. Aloha and mahalo, Madam Chair.

Chair Hulu Lindsey  Thank you, Trustee Waihe‘e
Trustee Waiheʻe Thank you Madam Chair. I John Waiheʻe IV, Trustee at Large. I really, really want to extend a lot of gratitude. Thank our good friend and colleague from Kauaʻi, who know for every for hosting this meeting, and always just doing a really good job with it. Also, thanks to all the staff, you know, for setting everything up because it's a really unusual time and they're getting it done. So again, thank you, everybody. Thank you, to the beneficiaries of Kauaʻi and across the state and anyone who participates through testimony or even just checking us out. We appreciate your concerns and your attentiveness to your causes. So once again thank you Kauaʻi. Hopefully, next year we'll be there in person. Mahalo.

Chair Hulu Lindsey Trustee Alapa.

Trustee Alapa First of all I want to extend a huge mahalo to our Trustee Dan Ahuna. You did a wonderful job today, I loved meeting, especially with Rowena at the thrift shop and to hear the stories, what she had to share with the people that she has worked with over the years. The fact is that OHA has been supportive of this organization, doing incredible work, especially for many of the displaced people from Kauaʻi part of it due to the pandemic, and other through personal things that happen in their lives. I enjoyed meeting and hearing from Rowena. I also love the fact about the canoe house or the temporary place that you folks have right now. I really hope and pray you folks will have a permanent home near the Wailua River. At the same, time I'd like to extend a big aloha to everyone in Kauaʻi and I am looking forward to your testimony. I can't wait to hear from you. It's going to be a wonderful opportunity for all of us to get to hear from you folks. I know it's for Dan because this is his turn to share with our constituents about all their own concerns, so I'm looking forward to hearing from you. Thank you so much, Aloha.

Chair Hulu Lindsey Before I turn the time over to Trustee Ahuna. I just like to say that I'm Hulu Lindsey, and I'm the Trustee for the island of Maui. And I too, enjoyed a lot of our site visits yesterday and today on Kauaʻi. Kauaʻi is a special group of people; the perseverance among your people is so admirable, how you just push forward when there's hardship. I really, really aloha that about you folks. And thank you for having us at your island, it has been a real pleasure. Thank you to Trustee Ahuna for being such a perfect host. At this time, I have the chair will recognize your Trustee, Dan Ahuna for the island of Kauaʻi he will be conducting tonight's meeting starting from agenda item III, status of OHA activities. I turn the time over to you Trustee Ahuna.

Trustee Ahuna mahalo nui Chair and mahalo Nui to everyone live streaming with us tonight. Before I start, I'd like to introduce my staff. The reason why I like to start by introducing my staff is they did an incredible job. So I want to thank Trustee Aide - Claudine Calpito and Anuhea Diamond, who work very diligently to make sure we meet with as many people as we can. I just want to mahalo those two, because they work night and day, you know, to make this happen. So thank you to my staff. Also, in order for these kinds of things to happen, and I want the people to know, this is because these things have to be agendize. The amount of work that goes into agenda isn't just a visit, you know, it takes a lot of coordination and, and with that, I want to thank Chief of Staff Colin Kippen in Amber Kalua, and also Lehua Itokazu, she was the one, taking notes. There's minutes that go with all of this, there's a lot of work. And I want our beneficiaries to understand that the work that goes in that we have to keep minutes, but also our executive administration side, our CEO, Sylvia Hussey who joined us. We met with a lot of beneficiaries and got an understanding of, the needs and how to help you, and just to have that, that conversation with her, you know, trying to see how things are working, and how can it work better. It opened my heart because I know OHA wants to help our people. I just want to thank everyone for making that happen. So with that, I want to call upon our CEO, Silvia Hussey to provide updates for our activities. So thank you, Silvia.
Status of OHA Activities/ CEO Updates

**Sylvia Hussey, CEO** Thank you Trustee Ahuna. Before we get started our digital print media folks were on the ground with us. And they were able to video, some of the trustee activities and so if it's okay, it's about a three-minute video for trustees who weren't able to participate, but also our beneficiaries to see our trustees in our communities. As the video is being played, I also want to acknowledge that Trustee Ahuna was able to give Malia Nobrega and award that was won for our Ka Wai Ola article. So back in the fall of 2020, Malia authored a piece about pa‘akai. And so, the national native award was recognized, and Trustee Ahuna was able to recognize that piece for Malia. Malia is on here and is one of our beloved community members and so we also wanted to acknowledge Malia as well as to take a look at the video. So if that's okay, we'll go ahead and have IT play the video. Okay. And then I'll give you a brief update after that.

**Kaua‘i Site visit part 1**

Okay, mahalo. Mahalo to our digital print media. They were on the ground with the trustees, making sure we could capture these really special moments in the community. So, Trustees really briefly will give you an update for everyone and then get to our community members. I know that's the people we want to hear from. So as indicated our strategic plan Mana Mauli Ola is an implementation of all the pieces on the website; we have those kinds of implementation that you will see coming forward in the fiscal biennium budget that will be coming to you shortly. We also have Island community reports, and you receive that prior to your on Island. I just wanted to share that detailed of information was to provide trustees with a background of what is going on in the community. Administration is working toward making that public, and then publishing that on the website and be a part of our quarterly reporting package. So, the next reports up will be Lana‘i and Moloka‘i. You can anticipate that kind of level of detail, but also that we will turn it into a beneficiary piece as well so we can share that with our communities. Also, you have received information about our budget realignments as well as policy work that is coming up. Then included in the budgets and the policy work are the reorganization pieces that we will continue the discussion with the trustees. There have been no budgetary decisions, and those are the decisions that will come before you. So, in the next six weeks administration is working hard to bring to the trustees, all of those really important biennium pieces for us to start our July 1, new year with fresh budget aligned strategies and tactics. Then our discussion tomorrow will also be on our policy framework. So, we're really trying to align our policy procedure practice. We will give you an update state audit reports 1803 and 1808. The auditors are reviewing that work finances provided all of the questions and answers that they have asked and so we anticipate a report; both reports to come forward. And of course, as soon as we receive that, we will provide that to the trustees. So thats it. Trustee Ahuna unless other trustees have any questions of administration.

**Community Presentations**

A. Salt Pond, Hui Hana Pa‘akai o Hanapepe

**Trustee Ahuna** Members, is there any questions for our CEO? With no questions, I would like to move on to item IV. Community Presentations. Tonight we have two presentations. The first presentation, we’ve had a brief introduction, Hui Hana Pa‘akai from Hanapepe. I just want to thank both of them, Malia Nobrega and Kuulei Santos for hosting us at the salt pond. Thank you so much. I will hand it over to Malia.

**Malia Nobrega** ‘Ae, mahalo nui e nā Trustees mahalo iā ʻoukou pakahi a no ke kipa ana i ko mākou ʻāina ho‘i kēia ʻāina kamaha‘o o Kaumuali‘i o Manokalanipo ho‘i ke aloha nui.
I am really happy to have been able to have you here on our island to be able to honor the 22 ohana that continue to hoʻōla, to bring life to our practice. If it's okay, I'm gonna just share four or five slides. I wanted to be able to just share really briefly this with all of you and thought about it as really, he makana ka pūʻolo paʻakai. Our little pūʻolo, our little bundle of paʻakai, some of us call it the gold of Kauaʻi. When we were doing the visit, we also talked about what makes this place so special. And you know, we've talked about not just the production of the paʻakai, but really the components of the ʻāina that make it so special. We talked about the clay that is getting harder and harder to find. We talked about the salt shelf in the area, another layer of the ʻāina that really adds to the salinity that ʻono of the paʻakai and what makes it again, really, really special. I chose to share some of these older photos here on the left of Puʻolo point or Kalai Puʻolo.

and you can kind of see how not just this one area in the far left being paʻakai but really extending over different parts. I'm sure as we've gone through different archival photos, and as we work with other researchers and haumana that helped us to do this kind of ʻimi noʻiʻi, we are able to unravel these stories. On the right here, is also a photo of a more recent picture, I wish I could have said, like it was last year, but ʻaʻole, it wasn't. But you know, you can kind of see everything white in this picture on the right is, is actually salt being produced. You know, we shared together with all of you that for some of us, we've gone from producing multiple five gallon buckets in a harvest. And for the last seven years, some of our ohana have gotten down to zero production. So, I chose to use this particular virtual background - besides having my grandma and grandpa there, as I move out of the way, you can see this puʻu paʻakai. This hill, that when I was younger, we were able to see and witness these kinds of archived harvest. Nowadays you don't even; you're not able to see this because; one, people know the value so, when we would leave it there to dry out after production, you would come back the next day and all of your paʻakai is gone. And so when we are able to harvest, we now have to bring all of this paʻakai home to where we live, and then we would make these puʻu paʻakai so it could dry out. Here's another old photo.

I also wanted to let you know that like many of our people around Hawaii, as practitioners, we are writing mele, we're honoring the names of our of our wahi pana. We are retelling these stories and sharing it with the next generation because it is through these kinds of mele and oli that we are able to give life again to the moʻolelo. I mentioned to all of you that this Friday, Kamehameha Schools will be doing their song contest.
virtually. And I had the honor of being invited about two years ago to be a Haku mele mentor with a group of students and we wrote a song together and this is just the first verse. And we call it Nā kia Aloha ʻĀina o Waimakaohi‘iaka. The song honors the different place names but I wanted to one honor my mama who's in this picture that I'm holding up right in front of me with a little bit of glare. And I wanted to also say Mahalo to the OHA team for allowing us to include her moʻolelo after her passing in December in the Ka Wai Ola newspaper, and that was really special. Then I also wanted to honor aunty Janet Kahalekomo that you see here on the slides, who also recently passed. Many of our kupuna I say aloha to to Auntie Janet, she really helped us to carry on these moʻolelo and so many of the next generation in her ʻohana. She worked at ‘Ele‘ele school, she was one of the kupuna who continued to share this moʻolelo, so I send our aloha out to the Kahalekomo Kaʻohi ʻohana who is now missing her. She's with so many of our other kupuna. This is a good transition as we honor the kia or the kiaʻi of our wahi pana. This next photo I wanted to share with you and give you an idea of the impacts of the airport and dealing with all the different landowners in the area.

The Department of Transportation (DOT) takes care of certain areas, that county of Kauaʻi takes care of certain areas, the Department of Land and Natural Resources (DLNR) in upper part of Kauaʻi, Hanapepe. We have Department of Hawaiian Home Lands (DHHL) that has their homelands up there as well and their community. All of these different stewards along with us are there just being makaʻala. I know Kuʻulei will share a little bit more about some of the other challenges that we are sharing, but I really wanted to honor place names. You can see some of them here, and just give you an idea of what part of Kauaʻi that we’re referring to. Then I'll finish up here about some of the climate change impacts in flooding we talked about how we continue to deal with this is a picture from when we were there yesterday. Dealing with the increasing rain today continue to ua mai and we talked about wave overtopping; overland runoff; and below ground flooding that comes up through the puna. We also shared and pointed out to the trustees that were with us that how on this farther left hand side, as we were able to work with the county, and the community. We shared about how there are many, at one time, many of the vehicles were driving on to the sand and really compacting and having an impact in that area. So, that's what was causing a lot of the overtopping of the waves but now, when we were able to work with others to close this area to the vehicular traffic, we are able to now as kilo see with our own eyes, that the natural restoration of the sand dunes there are restoring itself, we see the mea kanu, the plants, akulikuli, the paʻū o hiʻiaka coming through the sand and the puʻuone in that area and helping to restore the sand and it gives us hope it may mean that we need to do a little more adaptations of looking at restoration projects. So that we can continue to mitigate some of these problems in the area.
As mentioned by Chair Hulu Lindsey about being resilient, as Hawaiians we come up with these adaptation measures to continue to thrive. For Kuʻulei, myself, and the next generation, we are guided by our kupuna. We want to continue to make paʻakai and that we don't know, as practitioners, what our lives are like without the production of salt. One time someone asked, how serious is this? To illustrate that point, I said to them, you know, I remember a lot of my friends having to tie themselves and lock themselves to that gate up at Mauna Kea to that cattle cattle guard. And this would be my cattle guard and my area that I would like myself to to prove my point. If things were to happen that I know we would put a kāhea out and our community would be right there to protect this place for the next generation. And so that is what I really wanted to share and then I'll let Kuʻulei share a little bit more and again mahalo for being with us here in ahupuaʻa ʻohana, Hanapepe. Ke aloha no

Kuʻulei Santos Aloha. Malia, can you bring up the slide that has the overview of all the areas.

Malia and I make a good team. She talks about all that stuff and then I hit you all with the issues.

Anyway, this is kind of the area that we are working with, the airport. The airport is still trying to do some upgrades without getting any environmental studies done. It would be nice if OHA could be more forceful on getting some answers. Also, helping us prevent them from not going through the proper channels to do their upgrades.

They still want to install a bathroom. As many of you know there was a bathroom that was used at the airports that was put in without the proper permits or doing that study. Then we have homeless right now at our beaches and I think we're at about 300 people. So, we are surrounded. So, if you look at the salt patch and you stand in the salt patch, we are the lowest point. Everything that happens flows to us. So, at the county park, we have a bunch of people living over there. They started a chop-shop, they've probably got 20 to 30 vehicles that are not able to run and things like that. Between the salt patch and this area, this whole this greenery area, there's a homeless camp that has started in that area too. Then right across the road is another one that has taken to effect. So we are kind of surrounded and there is only two restrooms at this whole location. So, the way Hawaiian salt is made, water travels underground. So everything that happens here seeps into the underground and that’s how we make our paʻakai. The water travels underground into our wells, these are the wells that we use to create paʻakai. We also have in this other area right behind the airport is another homeless camp on the other side, closer by the point. There's a bunch of homeless people we have living in there. The road in between where our salt patch area is. There is a road that is falling apart into our salt patch. Hopefully, by the time we have our next Community meeting, we can say that it was removed. We're hoping. It would be nice if there's a little bit more force and there's a little more follow through as I think that you guys have sent a bunch of letters and emails and questions to both the county and
I do have a really good story. Malia just shared that Aunty Janet just passed away, last week. She did alot of excursions in the area and alot of talks and presentations surrounding the salt patch. I have a couple of good stories she liked to tell. One, when she was a little girl they weren't allowed any food or water for at least 24-hours before they went to the salt patch to work because her parents did not want all the kids having to use the bathroom. This was because there was no bathroom. That was interesting to hear that story and how they were raised in the salt patch. Another thing that she did was, she would take her grandkids to Hanapepe River and look for the river rock to make the beds. Our family just saves the same rocks every year, but Aunty Janet would look for everything like their tools, they would make their own baskets; find their stones as a family together, before they start their season. It was cool to hear those stories from her and she will surely missed by all of us.

Malia Nobrega Mahalo e Kuʻulei. As I was reflecting today about being able to share moʻolelo here and share space with all of you. I was also thinking as I looked through some of my notes, you know that the salt area is recognized currently as Hawaii historical site, and it was never really followed through to be put on the National Register. And I think maybe that could be something we could collaborate on. I think something as a community, we all know we need added protections and call for different kinds of community consultation and to reach out to different people. And that's been something I think on our to do list. I don't know if that's something that the Office of Hawaiian Affairs and your team can help us put together. That's something that I've been thinking about too today and reflecting. Mahalo. And we'll be open for any questions or comments.

Trustee Akina Malia and Kuʻuleialoha, I just wanted to say a mahalo on your presentation. I just appreciate so much what your 'ohana is doing to preserve the salt in that area. More than that you're protecting and restoring the eco-system and the part that I love the best was you’re preserving these moʻolelo. Keep it up and mahalo. I'm sure my fellow Trustees and I will try and do all that we can do to assist you. Aloha.

Trustee Ahuna I have a question for our Ka Pouhana, support from OHA for support for national registry, can that be something that OHA does?

Sylvia Hussey, CEO we can certainly follow up on what that process is and be sure that we can apply that process to not only salt ponds, but all of the other wahi pana that we need to have a portfolio of protections for. So, I appreciate Malia bringing that forward I know Sterling is on and we'll bring it to our executive team to make sure we can systematize that kind of those kinds of protections.

Trustee Ahuna I would like to ask the Trustees if you have anymore questions?

Trustee Akaka I wanted to thank our host for having us there. It was really interesting to see the difference and similarities of our visit from the time before in 2019 and then our visit now and hearing of the concerns which some clearly haven't changed. Well, I will say this, it is discouraging to hear that we have various different government entities that have yet to reach back to you folks. And that your kāhea, isn't necessarily being addressed from that roadway down there, to the lua system, and to broken glass on the roadside. It is very concerning what I observed back in 2019 and now that we're back in 2021; the need for the proper signage so that those whether they're kamaʻāina or malihini that they are made aware that this is a very special area and that they need to be very mindful of that in terms of the proper respect, love, and care for the
area. But again, Mahalo for hosting us there. I look forward to visiting another time. And I really am hoping that the next time that we come, that there will be large smiles, knowing that much improvements have been done and that those within the government are addressing your concerns and that we're able to celebrate together on the accomplishments. Mahalo

**Malia Nobrega** I just wanted to say regarding signage there has been in the past many conversations amongst the kupuna. Some have spoken against it. It is something we are processing. I can see some value in it but it also attracts attention. You can find it in *100 things to do – Kauaʻi*. We didn’t want thing like that. People eventually find out about places like this. Mahalo for bringing that up. We know times are changing and we may need different types of signage. A way to tell a moʻolelo about the whole area. As members of the community we were able to partner with our kupuna, Aunty Alita Kaohi in Waimea area. When we gathered for the installation of the Kaumualiʻi statue, it was done during a very special time, I felt a very special energy in our Kona moku. I wanted to link Kaumualiʻi and our different wahi pana that we are talking about and how important it is for us to continue to tell these moʻolelo of our areas. Mahalo

**Trustee Ahu Isa** I want to add that in 2019 when we were there, was this the same area? So, we made progress? I remember attorney Trask was there. He was trying to get us to file a lawsuit. I am asking if progress was made?

**Trustee Ahuna** I believe that was a time we asked all those questions and sent the letter. They still have not answered us. This is what Kuʻulei is talking about. Kuʻulei would you like to expand?

**Kuʻulei Santos** you guys came in, you guys sent a really good letter and asked all these questions to both the State and the County, but they never responded. So, we haven't gotten a response and on top of that they've still tried to do some really shady things throughout this period that haven't helped the situation. We kind of find out about these things that they want to do, like maybe a day before they try and get it passed, or, you know, so then we're trying to rush around and we show the letter like, Hey, this is the letter that you guys still haven't responded to. So, it would be nice if you could add some more pressure to them and say, okay, really, can you respond? Are we going to ever address all of these issues?

**Trustee Ahu Isa** maybe we can follow up on that.

**Trustee Ahuna** Malia and Kuʻulei, Thank you so much for keeping us updated. I know OHA is here to support and to try and do as much as we can. I think we hear you guys. Thank you.

Next up, moving to our next presenter. We've been receiving alot of testimony. Next up is Roslyn Cummings and she will be talking about Kuloa burials.

**B. Koloa Burials**

**Roslyn Cummings** Aloha Kākou, I am Roslyn Nicole Cummings. I am here on the island of Kauaʻi, I am in the ahuʻpuaʻa of Kalaheo. *Open with oli.* I wanted to share the location of these sites but the kupuna advise me not to. After my presentation you can go ahead and send your email and then I can send you the location and the information of these areas. Let me start with on April 19th we were called to a site, Paleikua. There are many burials, in the great Mahele this property is listed under Moses Kekuhiwa. Through kupuna’s guidance, I did an affidavite to lineal decendants to Moses Kekuaiva back in January 2021. I did not know who was at this ʻaina, but I was called back to this ʻaina in December of 2020. Nakai, Liz and myself were called to this place over and over again, we would go there and just be present. It was an ancient burial site and most of the ‘ike I recieved at the beginning came from the time of Polikiniakua, Chief of the Mū,
Kualunuipaukumokumoku, Chief of the Wau, and Ola, Chief of the Menehune. Fast forward to April, when the machines were on the property, I desperately tried to seek help. I was in constant communication by phone and through emails with the County of Kaua‘i, the planning department, the Mayor’s office, State of Hawaii, DLNR, SHPD, and a private meeting with OHA, and the island of Kaua‘i’s Burial Council. I did not know that my paperwork had been turned in, I found out from David Buckley, archaeologist. Sadly, these are not the only burials I will be bringing up. There are a total of eighteen burials ali‘i ai moku burials from the dates January – March. All paperwork was sent in by certified mail and none showed up. I’ve spent time from April 19th calling every entity all the way up to Kai Kahele to the point I am calling the Federal level. Why is this continuing to happen? What can I do? How can we protect our iwi kupuna that are apart of this cultural heritage? In the beginning of Makahiki season this past year, Lono had given me an oli and he said halehale hou mana o kea. He advise me of the teachings of our spiritual structure built upon our iwi kupuna by our ‘āina from all of our surroundings. When it came to the burials, I really did not know names until February. Paliku is an ali‘i buried in that ‘āina, he is also known as Kaikio‘ewa ho‘onakekuewa moalii. He, in the time of Kamehameha, was there when Kamehameha took his last breath. He traveled around Hawaii with his prophet, Kapihe. He is very well known and named our city here, Lihue. He was apart of the first sugar company so, he is very well known. His daughter, Akahikawalu is located in the Kukuiula Development. What I am learning through their ike is they will always be surrounded by their villagers. Paliku in particular has a family burial located next to him. On April 19th, I specifically walked with the operators of the machines. There was a Jill, from Geo labs, the head guy was Steve. Before he gave me his name the Kupuna gave me his name. I needed him to understand that I was there for a reason and to make sure there was no harm to be caused to him. I asked if I could do a blessing on the machine with the agreement that they would not touch the burials, the water, and the heiau. That same day I was called down to the property to meet with Thomas, he is the Vice President of Meridian LLC who hired this drill to do their Scope of work. So, I spent to two hours walking on the property going over the burial and heiau and taking him to the ali‘i burial. The first person to who wants to be known is Paliku. We do protocol and prayers. He kept telling us the common ground and we told him with 72 condominium units, 600 cars, large buildings, a parking lot. How is there common ground knowing that there are iwi kupuna in here. For me there cannot be common ground and thats how I left it at. The mana and spiritual energy there is so strong. By the time we left he was so winded. Inaudible. I also told them there was a water table and to watch the water table. There are 20 springs in the ahapua‘a. I learned that the spring was not tapped into and that water was used for healing. This ‘āina stems from the time of Kawelo, Makalua, Kawelo ai Kanaka in their time of war. We are talking about 11-16th century. You also have Paliku who is buried in there with his people, during the 17th and 18th century. I drove back down on Wednesday and spoke to them, they denied it. You could clearly drive directly to the mound, five feet from the cavern of Paliku’s family. I went again on Thursday. On Saturday I met with the family and there was no machines in the Koloa area. A Kupuna told me no machines on the ‘āina. So I went down there and told them exactly what kupuna said. We also had the cops there from April 19th and called them again on April 28th. We were desperate and we called everyone we knew. What happened was the cops came and told us we could not stop the machines and if we try to stop the machines we’re gonna get arrested. On April 19th I sent him an affidavit and told them the law. I want to challenge the authority whoever is giving you permission to come here. Inaudible. She goes on to explain her geneology. Inaudible.

I cried and cried. When you take iwi kupuna away from their ahapua‘a away from their family, it’s like taking away a part of the house. What happens is the house collapses and we lose part of our mana within our mo‘o. My goal is tell people that they are there. People must know. Our people do not grasp what is happening. Many come after me because I am sharing things that are suppose to be kapu. What I am learning is nothing is being done to protect the halehale home manuokea, our spiritual structure. Inaudible
Chair Hulu Lindsey I just want to thank Roslyn for such a thorough report, you’ve been blessed with ike with our iwi kupuna. We received numerous letters from our lāhui; from all over, including the mainland. All asking for our support with what you’re going through in Kaua‘i. Mahalo nui for all your work.

Trustee Ahu Isa I have one more question. Zuckerberg bought about 400 acres. Do we have to watch for iwi kupuna in all the acres he bought? Roslyn, do you know?

Roslyn Cummings So glad you're asking this question. I want to just say for those of you who are poʻe kanaka, which I'm pretty sure most of us are. I've been given protocol from our kupuna to reconnect and in the Moloa area, there is an ancestor named Ika because he was a very important chief. Most of our ancestors who were in the time of the Kaʻahumanu when Liholiho came and then there is that war between Kauaʻi and the Kamehameha line. Most of our warriors from the Kaumuali‘i line, who died are buried up in there. Yes, I have an ancestor, his name is Manamana, he also goes up by a Kapahulehua. I do have his moku ‘auhau and his history and other stories but understand that when we trained as warriors in each every Island, each ahupua‘a has a type of training. So, Molua and pilaʻa is actually an area where we trained to fight dark magic. I hope that answers your question. I do want to bring this up because Kaua‘i alone, we have nine billionaires. The person who owns this parcel of land in Palekua lot and I studied it to the point where I can tell you who owns what land where and what not. But Yellow Hale LLC is actually owned by Ricky. I could trace that property to Hanalei from Hanalei to Florida, Florida to New York, New York to San Francisco. He's the head investor for all the billionaires. So, there are nine billionaires on the island of Hawai‘i and each and every one of these properties are all tied together. They're all buying these lands for a reason. The State of Hawai‘i sold our entire mountain of Namahana to Prince Hill Corporation in 2015.

Trustee Ahu Isa This is awful. You guys have the highest median house price, $1 million is the median price on Kaua‘i.

Trustee Ahuna Yes, and they are building them on burials. The whole concern is development. Thank you everyone. Roslyn is there any thing else?

Roslyn Communings Yes, the reason I got a block from the burial counsel is Native Hawaiian Legal Corporation (NHLC), neither can Earth Justice or anyone on a legal level because of Ted Blake, who is well known here on the island of Kaua‘i. Apparently, on the legal stance, they said conflict of interest. So Ted Blake is on the island of Kauaʻi’s his burial Council. He is a representative for the developers. So, it's very heartbreaking because when I when I tell them that we are trying inaudible lawsuits here but has nothing to do with the burials, but he's on the burial Council. How do we go past that? And that's kind of what I want to bring up to the board. How do we go? Inaudible.

Trustee Ahuna I think you’re going in and out. Any more questions? Thank you Roslyn for your time. I would like to move on to community concerns. Do we have anyone signed up?

Community Concerns and Celebrations

Kapua Sproat Aloha mai kākou. Mahalo for the great privlege of being here with all of you this evening. I'm zooming in from Kalihiwai Kauaʻi, in my capacity as a law professor and the director of Ka Huli Ao Center for Excellence in Native Hawaiian law at UH Manoa Richardson School of Law. I am an OHA beneficiary as you
know, and one of the silver linings of COVID for my ohana has been the opportunity to be able to work remotely from home here on Kauaʻi with Trustee Ahuna for the last year or so. I'm here tonight to provide a quick update on some of the important work that OHA has enabled here on Kauaʻi so this is less perhaps of a complaint or a concern and more of a community celebration, at least for us here in Hanaleʻa. And yet another example of how you had OHA are empowering Hawaiians and strengthening Hawaii. So for the last decade, it has been an honor to partner with OHA on the Aʻo aku aʻo mai initiative. That is the contract that you have with us at Ka Huli Ao, which enables us to provide direct legal services to communities with the greatest needs and in particular we call kōkua rural neighbor Island communities through our Native Hawaiian rights and environmental law clinics. So, in many ways, this is the best of both worlds as it offers our students experience practicing law, while also providing free services to all OHA beneficiaries. The challenge of courses you know, it's small in scope. We have one post JD fellow on usually one clinic a semester and so we're limited in what we can do but the services we are able to provide through that are huge. And so this semester, we are again working with a Waioli Valley taro hui here on Kauaʻi. And their collective about of about a dozen small family farmers almost all of whom are OHA beneficiaries with long standing ties to this community. Most are at least third to fifth generation kalo farmers who some were born on the farms that they know tend. In 2019, you folks had your BOT meeting at Waipa and came out to visit the farms. And I was very fortunate to be able to tag along. So, as you folks know, the farmers lifeways were devastated by the 2018 floods that ravaged Kauaʻi’s North Shore and disaster recovery efforts revealed that the farmers traditional irrigation system that has taken water from Waioli stream for centuries was on conservation land, and so it now be subject to a slew of permitting and other requirements. Since then, the farmers with the assistance of our clinic have been working very diligently to comply with the maze of legal and other requirements including a right of entry, a perpetual easement for their loʻi kalo irrigation system, and a revocable permit for their water use. This semester, we focused largely on the requirements for a longer term water lease under HRS 171 and we're successful in getting a concurrent resolution passed which will allow the farmers to directly negotiate for that. Since you are focusing on Kauaʻiomanokalanipo, we just wanted to celebrate and mahalo you again for the work that you enable through Aʻo aku aʻo mai and I wanted to recognize the significant contributions of your staff, in particular Wayne Tanaka, Letani Peltier, Waihine and Wahine’aipohaku Tong, and of course Trustee Ahuna who has come out himself on numerous occasions and site visits very early in the morning out to Waioli. We, here on Kauaʻi have much more work to do but mahalo piha for the work you have enabled thus far and continue to enable on Kauaʻi and beyond. Ke aloha no.

Trustee Ahuna Quick question, how is our Waiohuli people doing?

Kapua Sproat We had tremendous support from the mayor, from the council, from Mason Chock from our elected representatives. And with that, as you know, you came and we had the blessing to help repair their model, their main intake off of oily stream, and that repair was finished at the beginning of this fall. And it was wiped out by flooding in November. So the flooding this year was pretty gnarly here in Helena. It felt like it rained for two months straight, um, as you folks, you know, know, from the landslide. And so the farmers are still in basic recovery mode. And while we have made great strides, I think legally and practically with respect to some of the restoration that has already been done, much more work remains. So, we have been grateful that we've been able to partner with them and with you folks and walking through the process but, you know, as you saw when you came to our beautiful island, our people here are so resilient. And we will continue to persevere to ensure that our practices can can survive this transition into the modern legal era.

Trustee Ahuna Thank you so much for all the hard work you do especially with the School of Law. Trustees any questions or comments?
Chair Hulu Lindsey I just want to Mahalo Kapua for all that you do. As we walked around Kauaʻi yesterday and today, your name came up quite consistently. So, I thank you very sincerely for all the help you've given to your people.

Kapua Sproat It is a great privilege Chair Lindsey and you know, we again, we couldn't do the work that we do without all his support. This one partnership provides one post JD fellow and enables us to leverage and we use this as a teaching opportunity. So, we use our students who get great experience practicing law kind of being inspired and invigorated by working with practitioners, the people on the ground, the their feet in the lo‘i and on the ‘āina making the difference. Again, we couldn't do it all without your support. And I think this is a great potential model that I hope you know, as you can see, we have so many challenges. I hope in the future we'll be able to do even more with you folks. Mahalo.

Trustee Ahuna Thank you Kapua for all your hardwork and for the interns that come up and help out. Do we have another speaker?

Board Secretary Our next speaker is Joane Kaona.

Joane Kaona Aloha, Chair Lindsey, and fellow trustees, my name is Joane Kaona and I'm a OHA beneficiary and actually the secretary of the Waioli Valley taro hui. So, I recognize some of you, as you guys came to our lo‘i couple years ago in 2019. I'm just here to say thank you also for all your help and OHAs kōkua. You know, for the last several years, our small hui of about a dozen kalo farmers has been able to work with Kapua Sproat, U‘i Tanigawa Lum, and the students from Ka Huli Ao – Richardson's School of Law. That's made all the difference for us, you know, as Kapua has said they've helped us get a right of entry, permanent easement, we're working towards this long term water lease, and that includes a watershed plan draft environmental assessment. A lot of work that they've put in and they've helped us do, and we continue to do; for us as farmers, we're still in the recovery mode. It's interesting to hear, Malia's presentation, that, as practitioners, they and we pretty much are encountering the same challenges. Climate change a lot of them which is uncontrollable, so we appreciate all you guys help for the things that we can try to work towards. And yes, one of the thank all that amazing staff that helped us; Wayne Tanaka, Letani, Joycelyn, Wahine, and Trustee Ahuna. We just want to thank you guys for all your support. Mahalo.

Board Secretary Our next speaker is Uʻilani Tanigawa Lum.

Uʻilani Tanigawa Lum Aloha kākou, aloha Chair Lindsey, and members of the Board of Trustees. Mahalo for the opportunity to testify today. My name is Uʻilani Tanigawa Lum and I'm, I'm an attorney and a post JD Fellow at Ka Huli Ao Center for Excellence in Native Hawaiian law. Super nice to see you folks. I'm really just here to echo Kapua and Joane and extend my Mahalo to each of you. I want to say thank you, of course for your support of Ka Huli Ao and the Waioli Taro hui, and the A‘o aku a‘o mai partnership, I’ve seen the incredibly important impacts that this partnership has given birth to. I first worked with the farmers of the Hui as a third year law student in 2019, shortly after the devastating flooding, and at the time, I was super troubled to learn about and care administrative agencies sort of struggle with fulfilling their duties and I was disenchanted. And as then third year law student navigating the process with the Hui, I was troubled to realize that it's so hard for our community to engage in this process, especially when they have been undertaking this practice for really hundreds of years for generations. And when they are more than willing to fulfill the legal requirements as well. So, after graduating law school with a certificate in Native Hawaiian law and environmental law, and then passing the bar in 2019, I was hired by Ka Huli Ao and I get to help the farmers. So, I now co-teach the clinic with Kapua. And I get to facilitate the same A‘o aku a‘o mai learning environment for other students. I just wanted to share I learned a lot and I thought I'd highlight some of my larger takeaways. As a student turned Ka
Huli Ao fellow, I learned about the importance of the long standing and understated work ethic of these Kalo Farmers. The role of farmers as you know, really they are experts of this ‘āina and our resources. The ability to build capacity and students and community and for me the opportunity to learn from incredible leaders like Kapua. So, working with the Hui was the first time I saw that utility and importance of my law degree on the ground and in our communities. And as you folks know, Waioli is such a special place and I thought I'd just contribute to this celebration and this place of aloha ‘āina. I was inspired to write a mele; Aia i Waioli ke Aloha ‘āina and so like Malia talked about earlier, there are practices that are growing out of these other practices. So, all of that to say I just want to share with you my gratitude and mahalo you, and the larger OHA for Creating an opportunity for this humble young baby attorney to realize the kuleana and potential of a law degree. It is really dictated and shaped my entire trajectory and how I approach my work. And I know the farmers and beneficiaries really appreciate your support too. So please know that I appreciate your advocacy and hard work to better the lives of Native Hawaiians and I look forward to more great opportunities. Mahalo Nui.

Trustee Ahuna  It is good to hear your voice again. Uʻi;ani has been apart of the OHA family with Chair Hulu Lindsey. I can’t believe it’s been that long. Thank you. I am going to hand it over to Chair Hulu Lindsey.

Chair Hulu Lindsey I am so proud of Uʻilani. Yes, Uʻi is one of my aides who I enjoyed working with. I knew she was law degree material and I encouraged her. I am so proud of you Uʻi. I know you are going to help our people in what ever way you can. And what a leader, to be with Kapua. We are proud of you here at OHA.

Uʻilani Tanigawa Lum Thank you so much.

Trustee Ahu Isa Congratualtions Uʻi and also on your marriage too.

Trustee Ahuna Congratulations to the whole Ka Huli Ao program. It's so important. It's an integral part of OHA because of legislation and we see the connection that Ka Huli Ao has on our legislation. So, you guys I important part of all of this. So, thank you Kapua and Uʻilani for all your hard work and, everything you guys do. So, thank you so much.

Board Secretary Our last speaker is Paul Cassidy

Paul Cassidy hello, how are you guys? Thank you for your service for your long patience tonight. I'm sure this is a time where most of you would want to go home. I'll try and keep it brief. I am an OHA beneficiary. I'm a small businessman. You guys gave me some money to do market research. A very important one called the affordable rental study in 2004. You were joined by all the counties DHHL and IHL. The study proved to the Federal government that their insight into Hawaiian rents was flawed and they ought to do more. I was inspired by HHFDC and bunch of people. I was happy to do that, basically, my background is a small businessman. I had the fortune of working and serving builders, contractors, Hawaiian Land Trust, that sort of thing. Until 2008 when I became a trustee of my great grandmother's estate. She was a Kaauʻi landowner with 4000 acres bought from a family out in Kilauea, lived a very good life while it was under cultivation, by the sugar planters. The trust was set up by my father who was a trustee of the estate and also a trustee of the Campbell estate. Indeed, there's a number of family members who have served as trustees. Same as you. Two of which for chaos. Yeah, one uncle and one cousin and then Oz Stender, who was dad's CEO, went to chaos and ended up with you guys. From that experience, I learned the importance of responsibility to your beneficiaries. Above and beyond that, I learned the importance from my day job the importance of facts. You can't convince the federal government to do stuff, unless you actually have something hard and fast. I come to you tonight to say that what you listen with Roslyn, most truest thing about that was her antipathy for a guy named Teddy Blake. I get caught in the middle of this. So, my simple story is this. I'm trustee of the Lucas estate. Mary Lucas was the great...
granddaughter of a child that Kaʻahumanu hanai after her family was pushed over the pali by Kamehameha. And married to haole named Alexandra Adams, who gained Kamehameha's trust. One of the things they did was Kamehameha asked him to lead an expedition to Kauaʻi to rid them of the Russians. So, that was our first experience on Kauaʻi. We're a big family, we have a fine tradition and the most important thing is honesty and telling the truth. So let me tell you the truth about my experience of what you were told tonight. One, Teddy Blake is not on the bones Council and I know that because I got in touch with him. We have a kuleana in Molowaʻa field on Huli road. I said, “Hey, help me; somebody says they move some bones on my property. What do I do?” He said, “well Ricky, I'm not on the bones Council but this is the protocol.” Very helpful and then a month later, an old client came and said, Hey, Ricky, I'm interested in buying this little parcel of land. It's part of the master plan to Kiahuna golf course. It's number six of eight developments, all of which were entitled back in 2004. When Roslyn said, this doesn't have permits, it is fully entitled, absolutely. There's nothing restraining it. The the archaeology was done in 1980 and 1990. By cultural survey, how hamet the gold standard, Hal’s assistant was a guy named Bill Folk. When I was learning how to surf Bill Folk taught me how to surf in tongs 1960. So I was able to call Bill and say, Hey, you know, I'm a Hawaiian, I care about this stuff. You know, what is the truth? He said, Ricky, we're going to study it and we're going to tell the truth; and it's going to be part of the public record, because that's what we do. We tell the truth. Okay, so we've had a couple preliminary studies. And up to now, it has said, no significant historical artifacts. That's because it was part of the Knutson farm ranch, and they ranch the heck out of it. Then back in 2000, they sold it to somebody else and bulldoze the whole thing. Then master planned it and that was when the archaeology was done and accepted by the state. So, that is done and answered, except going forward. It is incumbent on me as a Hawaiian to help these guys, to say, hey, you stop and do what's right, if there's anything a problem. Now, when we tried to move onto the site to take down the Hale Koa, so the update of the archaeology was done. Roslyn, and her friend contacted me. And they sent me an email saying, hey, Ricky, because my name was on out there as a consultant, which is my day job. They said, you know, we understand you're looking at this, we understand your friend of Teddy Blake, but Ted Darke doesn't represent all of us, can you? You know, can we talk to you? I said, by all means, and I send them an email. I said, I'm going down to Koloa tomorrow, let's meet. Well, they miss the email. Then the next day said, Okay, let's get together. But on Saturday, they went live on a website called change.org. You guys might know it from the Waianae bridge. The bridge out in Makaha, you may know it as the bridge locals don't want. It's a website, and it started by saying, stop the genocide with my name as a decider and asking people to go and call me. Okay, I had Nothing to do with it. They publicized me. And they did it. Why? It was it wasn't a nice surprise. So, anyway, we started off pretty bad. They blanketed the council pretty sincerely with a new archeological study has been requested. That's what they said. I said, in response to them, Kauaʻi counsel, yes, but the important distinction is that the requester was me done as part of our due diligence. It's been done by cultural survey, who did the original survey showing no significant site, and I will update. Then the allegation was cultural surveys. Hawai is requested, done a full new archaeological study be done? I said, No, they haven't. They're not the ones. And then I went into knowing about this through Bill Folk. They then said, this means permits are no longer valid. I said, No, that's because there's no connection between permits already granted, and the updated survey. And then she goes, head archaeologists on the island for Historic Preservation, agrees, permits no longer valid, I said no. SHPD identifies cultural sites that are important for the public, but they don't deal with permits that's not in their wheelhouse. And, you know, you guys, it's late, my voice is going too high. As a trustee, you guys have an incumbent to get to know the facts. If you want to get to know the facts, Ricky Cassiday, you know, Google me, 808-291-4407 or cassiday@gmail.com. You know, I'm responsible, this is my kuleana. Speaking of kuleana has the 4000 acres that we have up north shore does have some kuleana unmarked. So I know a little about kuleana, it also has a colonial dam. So I know a little bit about water because of the Koloko dam, I know about the geolabs and what they did, all they did was they did a little boring. And when they hit wet, when they did the boring, all they hit was koʻola rock, the hardest in the state. To say that there's iwi there, to say that there's a cave there when it's solid rock, it has to be proven. If she comes up with a proof, I'm the first one to embrace it. I
know what the protocol is, you know, we preserve it, we but we recognize it but, until you find something, you can't just make it up. You guys are really tired. And thank you for listening.

Trustee Ahuna Thank you for your comments. Trustees, do you have any questions for Paul? Paul, thank you for your testimony, I appreciate you coming on.

Paul Cassidy A Hawaiian once told me, You have to stand up for the truth and that's your trustee job, stand up for the truth. Thank you for listening, aloha.

Announcements

Trustee Ahuna Does anyone have any announcements?

Chair Hulu Lindsey Board of Trustees Kaua‘i Island Meeting at 10:00 a.m. tomorrow morning and this meeting can be viewed live at our oha.org/livestream.

Adjournment

Chair Hulu Lindsey I would like to ask for a motion to adjourn.

Trustee Akaka Moves to adjourn.

Trustee Ahuna Seconds the motion.

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Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 7:24 p.m.

Respectfully submitted,
As approved by the Board of Trustees on June 2, 2021.

Attachments: