

**STATE OF HAWAI'I
OFFICE OF HAWAIIAN AFFAIRS
560 N. Nimitz Highway, Suite 200
Honolulu, HI 96817**

**Minutes of the Office of Hawaiian Affairs Board of Trustees
Thursday, December 19, 2019
10:00 am**

ATTENDANCE:

TRUSTEE COLETTE MACHADO
TRUSTEE BRENDON KALEI'ĀINA LEE
TRUSTEE LEINA'ALA AHU ISA
TRUSTEE DAN AHUNA
TRUSTEE KALEI AKAKA
TRUSTEE W. KELI'I AKINA
TRUSTEE CARMEN HULU LINDSEY
TRUSTEE JOHN WAIHE'E IV
ROBERT KLEIN, BOARD COUNSEL

EXCUSED:

TRUSTEE ROBERT K. LINDSEY

ADMINISTRATION STAFF:

SYLVIA HUSSEY, CEO
LISA WATKINS-VICTORINO, ICOO
MEHANA HIND, CE
KEOLA LINDSEY, CA
JOCELYN DOANE, PP

BOT STAFF:

CAROL HO'OMANAWANUI
DAYNA PA
LAURENE KALUAU-KEALOHA
PRISCILLA NAKAMA
LEHUA ITOKAZU
ALYSSA-MARIE KAU
NATHAN TAKEUCHI
CLAUDINE CALPITO
PAUL HARLEMAN
ANUHEA PATOC
BRANDON MITSUDA
ZURI AKI
KAMA HOPKINS

GUESTS:

THOMAS MILLER
CLARE APANA
RITA KANUI

I. CALL TO ORDER

Trustee Colette Machado Calls the Board of Trustees meeting to order at 10:01 am. Roll call is taken; Trustees Ahu Isa, Ahuna, Akina, Lee, Carmen Hulu Lindsey and Machado are present, constituting a quorum. An excuse absence was received from Trustee Robert Lindsey. Trustee Kalei Akaka and Trustee John Waihe'e IV are expected to arrive shortly.

Let me begin by saying there is 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for the following items:

- II. Approval of Minutes
 - B. November 21, 2019
- V. New Business
 - A. Joint Meeting of the Committee on Beneficiary Advocacy and Empowerment and Resource Management
 - 1. Action Item BAE-RM #19-10: FB 20-21 Higher Education Grant Recommendation

Trustee Brendon Kalei'āina Lee – Madame Chair.

Chair Colette Machado – Trustee Lee.

Trustee Brendon Kalei'āina Lee – With your approval I would like to approve the minutes.

II. APPROVAL OF MINUTES

- A. October 17, 2019
- B. November 7, 2019

Trustee Brendon Kalei'āina Lee moves to approve the Board of Trustees meeting minutes for October 17, 2019 and November 7, 2019.

Trustee Dan Ahuna seconds the motion.

Chair Colette Machado – Thank you Trustee Ahuna and Trustee Lee for the motion to approve the minutes of October 17 and November 7. Is there any discussion? Hearing none, roll call vote please.

Trustee Brendon Kalei'āina Lee moves to approve the Board of Trustees meeting minutes of October 17, 2019 and November 7, 2019.						
Trustee Ahuna seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA		x	X			
TRUSTEE KALEI AKAKA						Not present at vote
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY						Excused
TRUSTEE JOHN WAIHE'E						Not present at vote
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			6			3
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED						
Motion passes with six (6) yes votes and three (3) excused vote.						

III. PUBLIC TESTIMONY

Chair Colette Machado – We are on public testimony. Do we have any public testimony at this time? Hearing none we will move on to IV. Unfinished business.

IV. UNFINISHED BUSINESS

A. CEO's 15-Minute Update on Ho'oulu Lāhui Aloha and OHA Activities

Chair Colette Machado – I would like to call on our CEO for any updates.

Sylvia Hussey – Good morning Trustees I am going to call on Mehana who will give us a couple of announcements.

Mehana Hind – I'd like to Thank Chair this morning for giving me my crown for being Homecoming Queen last week at our first annual Aloha United Way fundraiser which by the way I would like to comment on a little bit. I think the staff was commenting from last week all the way to this week also, how much of a great time they had. That event and the community service the next day. Your guys commitment to the cause last week was so awesome to see, it was not only good fun but very uplifting events that we had last week. Thank you guys very

much and thank you Chair for this.

10:04 am Trustee John Waihe'e IV arrives.

This weekend we have our holiday makeke that is coming up on the 21st. You all received an email from Ka Puhana regarding your parking stalls and those of you guys who have indicated that you will be here we'll make sure to have them coned off and identified. Because every stall represents more revenue for the businesses that we have coming here on that day, we appreciate it if you guys won't be here, but we would love to see you guys here too. The vendors love to see the Trustees, our staff loves to see you guys too. Just to know how much, not only excitement but business happening that day. It's a great event for that. It will be from 9 to 2 o'clock in the afternoon. Staff will be on site, moving in vendors. We will be here from 5, they will staff coming in from 6 to 8 so if you guys want to come in after 8 o'clock that would be amazing, because we are trying to use as much of the spaces on the side of the building to load everybody in. They all should be loaded in by 8 o'clock and by 9 o'clock they are ready to go. So those two sides should be empty for traffic.

One key thing and one difference that might affect you guys who are coming. We are going to stop the traffic from coming in through the back on the Iwilei side. We are going to try and make it so that it comes in from the Nimitz side and flows out that way. We will be utilizing that parking lot across the street on the corner. So, we are going to funnel people, when these lots get filled to go back and exit out there and go into that lot. We expect a lot of traffic flowing that way between the hours of 9 and 12. That is going to be critical for us because that is going to be critical for us because that has been the largest and singularly only complaint that we've had is parking. So, we are really trying to remedy that and flow is going to be key for us that day. We have over 75 vendors who are either Native Hawaiian or locally owned. From mom and pops kind of cottage industry organizations to ones that have store fronts also. So, we have many of our Native Hawaiian fashion designers and all the way to other women who sells out every year. Is the one that sells the Chex mix, its \$5 and it goes and she brings 75, she sells out and she is ok I'm done for the day. There is a lot of that kind of activities, all price ranges, and it's a great service. We see a lot of our beneficiaries that they too come through and for many of them this is their first time coming to an OHA site. Like they don't attend meetings regularly and that was our goal too. Not only to stimulate Native Hawaiian owned businesses but to bring beneficiaries into a space that is OHA and fill them with joy. They all leave happy, everyone leaves happy. That's makeke.

10:08 am Trustee Kalei Akaka arrives.

Sylvia Hussey – So we'll continue and I'll ask Mehana to stay here. What was distributed to you is an update on the beneficiary resolution. (Please see attached Board of Trustees Action Item #19-11 – Beneficiary Resolution as of December 9, 2019.) So, it's in the same format. Our support, line items from beneficiary support to logistical, restroom, dumpsters, tent rentals, to legal observers. Some of these numbers have changed. The number that does change is the first line item under beneficiary support. But our support as of December 9th, is about \$87,000 thus far. If you have any questions regarding this morning's Star Advertiser reported that the Governor was pulling some law enforcement from the mountain. Our on the ground folks are there to understand what the beneficiaries' response will be and therefore what our support responses would need to be. If you have any questions about the numbers and activities.

Trustee Leina'ala Ahu Isa – He is pulling State but the County still have their policemen there from what I read. He was pulling the State and the Council rejected Mayor Kim's proposal. Could you explain about that? Yeah, they voted 9 zero.

Mehana Hind – The County Council was presented with a grant proposal that there were asked to approve. The criticism for that, was for \$10 million from the State to the County. The critics that came from beneficiaries to that was that it was supposed to be approved sight unseen, not having been seen by the council they were asked to approve something that they did not have the projection of or have seen it or anything. Some of the Council members used the words that they were not going to be used as a rubber stamp for something that they couldn't see.

Trustee Leina‘ala Ahu Isa – Does that mean no money from the State?

Mehana Hind – I don’t know what that means for the future if that goes back and there is more negotiation that happens. They didn’t talk about a next step; they were just voting on that measure that was put before them. I am anticipating more talks between the County; the Mayor and Council and the State Government will happen. You are right there is a deficit that the County is putting up monies for. That happened yesterday. Right now, at 10 o’clock there is a press conference what the article was about. It is happening right now and we should hear more about what the reaction will be from our beneficiaries after this press conference.

(conversation indiscernible)

Trustee Keli‘i Akina – Thank you for managing these beneficiary resolution expenses. I just had a couple of questions to help me understand it a little better. In terms of the beneficiary support, how do we determine our disbursement? Is there a procurement process, is there someone involved in asking for specific needs and so forth? If you could just flush that out for me.

Sylvia Hussey – The primary guard rails in all of the beneficiary pieces are all procurement. So, any of the procurements have gone out for RFP, they have contracts, they have invoicing and they follow our normal fiscal procedures. To the extent that they are estimates that need to be made and we need to find the resourcing internally, we’ve been able to do that within the parameters that the CEO has. The procurement process is the foundation of the process there. The most active one is in that first category, the restroom facility servicing, the disposal fees and the tent rental. Some of that will disappear because of the changes of the beneficiaries there. Our staff on the ground continues to monitor those needs and to align those needs with the beneficiary resolution.

Trustee Keli‘i Akina – So it’s our staff who are up there that ultimately make the recommendation to you for which RFPs to go forward with.

Sylvia Hussey – So they gather the intel and they come back and say the needs are this and we look at what POs we have open and what contracts are there and what is covered by what process, then we do the procurement that is necessary that needs to be done.

Trustee Keli‘i Akina – So it’s our staff that is kind of observing the situation.

Sylvia Hussey – Right so they gather the intel then they come back and say here are the needs and internally we say, ok, is it, the staff already knows it’s a line, as you can imagine the staff gets a lot of requests or they observe a lot of other things. But they are very clear as to what is covered by the beneficiary resolution.

Trustee Keli‘i Akina – As to legal observers, can you explain what their function is and what the qualification is in the individual that is a legal observer and how many do we have?

Mehana Hind – Sure, and we have not sent legal observers up there since the early on period. But they were lawyers, law students also. The legal observer, that kind of category that is put into play doesn’t require a legal background because they are not practicing and they don’t take it into a court of law. They are there in spaces to be able to share information about the legal rights of citizens in those places and this happens all over. They are able to also at the same time be witness to any other activity going on that may or may not be legal on the behalf of law enforcement and such. They serve a dual role. The ones that we tapped into were either lawyers or law students that volunteered to go up. We just paid the travel cost.

Sylvia Hussey – They do receive training. That is what you will see some of the workshop supplies. But as Mehana pointed out this was done early, like in July during that initial pieces. These costs haven’t increased. It’s mostly the line items that are the ongoing beneficiary support.

Trustee Keli‘i Akina – Finally on the digital print media, on the output, digital social media, what is the purpose

of this? What are our goals that we are trying to accomplish with those expenditures?

Mehana Hind – A lot of our digital media and print work has been around where our large group of native Hawaiians are being pulled to either learn, mostly cultural workshops. So, we have live streamed a lot of our cultural workshops having to do with the mauna, that included the teaching and learning of chants and hula that are being done up there, that are being shared with the masses. We had tremendous response. We've also been a part of a couple of larger events. One Jam for Maunakea, which was an event that incorporated our national songs that were being simulcasted both from Maunakea, a large event at the Palace that gathered a few thousand people and we shared that out. It was actually simulcasted along with other places around the World. Our goal for that was to be able to share the kind of cultural richness that is happening, that is emanating from the mauna and sharing those kinds, we don't go to everything. We've chosen to go to ones we see a lot of our beneficiaries commenting that they are going to attend and that they are going to be at. Then amplify that out across the World. We've had a lot of response from all over the place.

Trustee Keli'i Akina – Thank you for letting me ask the questions. Thank you for managing these expenses and keeping up informed.

Trustee Dan Ahuna – And they all go to Native Hawaiians.

Chair Colette Machado – Thank you for updating us Sylvia consistently.

Trustee Leina'ala Ahu Isa – I wanted to mahalo Ka Pouhana. I follow you guys on Instagram you guys are great. Thank you for that.

Chair Colette Machado – Members if there are no other questions for our CEO, we will move on to V.A.

V. NEW BUSINESS

A. Joint Meeting of the Committee on Beneficiary Advocacy and Empowerment and Resource Management

1. Action Item BAE-RM #19-10: FB 20-21 Higher Education Grant Recommendation

Chair Colette Machado – I will call on Trustee John Waihe'e IV to read the action item being referred to the BOT identified as BAE-RM #19-10: FB 20-21 Higher Education Grant Recommendation.

Trustee Waihee moves to approve and authorize awarding \$550,000 from the Fiscal Year 2020 (FY20) Core Operating Budget (Object Codes 56530 & 57110) and \$550,000 from the Fiscal Year 2021 (FY21) Core Operating Budget (Object Codes 56530 & 57110) to the University of Hawai'i at Manoa Native Hawaiian Science & Engineering Mentorship Program (UHM NHSEMP) to administer the FB 20-21 Higher Education Scholarship Program.

Trustee Dan Ahuna seconds the motion.

Chair Colette Machado – Any further discussions, this is ratification of the referral from the Joint Committee that was held yesterday. If no discussion I will call for the roll call vote please.

Trustee Leina'ala Ahu Isa – Point of clarification Chair.

Chair Colette Machado – Trustee Leina'ala Ahu Isa.

Trustee Leina'ala Ahu Isa – Trustee John Waihe'e IV did we say the money is going to go to the recipient and not to UH?

Trustee John Waihe'e IV – No.

Trustee Carmen Hulu Lindsey – It's going to UH to disburse.

Trustee Brendon Kalei'aina Lee – Point of clarification Madame Chair.

Chair Colette Machado – Trustee Lee.

Trustee Brendon Kalei'aina Lee – I think there is a miscommunication with this question. The monies are going to recipient but the recipient has to attend UH. So, UH STEM program is administering the grant which the grant money is for scholarships, so scholarships go to the applicant for the scholarship. But those applicants have to attending a UH campus.

Trustee Leina'ala Ahu Isa – Thank you.

Trustee Brendon Kalei'aina Lee – Yes, the money is going to UH because they are the ones administering the money.

Chair Colette Machado – Thank you for that clarification. Roll call vote please.

Trustee Waihee moves to approve and authorize awarding \$550,000 from the Fiscal Year 2020 (FY20) Core Operating Budget (Object Codes 56530 & 57110) and \$550,000 from the Fiscal Year 2021 (FY21) Core Operating Budget (Object Codes 56530 & 57110) to the University of Hawai'i at Manoa Native Hawaiian Science & Engineering Mentorship Program (UHM NHSEMP) to administer the FB 20-21 Higher Education Scholarship Program.						
Trustee Dan Ahuna seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA		x	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'AINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY						Excused
TRUSTEE JOHN WAIHE'E	x		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED						
Motion passes with eight (8) yes votes and one (1) excused.						

VII. COMMUNITY CONCERNS

Chair Colette Machado – Members we are now on community concerns. I'd like to call on Rita Kawehi Kanui to come forward. She signed up, followed by Thomas Miller.

Rita Kanui – I came here yesterday and I heard from another Trustee that you folks had questions. That is why I am coming back here again. Then number one topic we talked about yesterday is the homelessness of the Hawaiian people. I met with my team last night to discuss homelessness on the Big Island. Apparently has land there, they want to build homeless housing there. We have a retired General from the US military who is helping with that. His family lived here in the islands in Waikiki. His brother and his father went to Vietnam, they went to

war and they died. So, he has a lot of compassion for the Hawaiian people so he is helping. Then there is a lot of people who are in prison that have a lot of skills and they will be helping soon. We are hoping that you guys support our project. We do have money backing up our project. The other topic was whatever questions you have for me in terms of my husband that was in Afghanistan and I wanted to make a correction that he was in Afghanistan but now he is in Western Africa. That is where he is deployed.

Chair Colette Machado – Trustees, Kawehi has come back to add to her testimony from yesterday's meeting. We want to thank you for taking the time to come. Is Thomas here? Aloha Thomas.

Thomas Miller – Hi, I am just coming back. The first time I came I had a brief conversation with Mr. Ahuna. He was very interested, but after the interest there was no feedback from his office. I've called his office and haven't heard anything back. Also, Trustee Lee, when I left the meeting the first time I came about Alexander and Baldwin, very interested, took a lot of time. Haven't heard nothing from the office about this racetrack thing and in particular Alexander and Baldwin. After the last meeting I came I had contact with Mr. Keola Lindsey. It always starts off good but after that it's just blank. Never heard from him. Then all of a sudden, I haven't heard nothing. I had a conversation with him on the phone and after that I haven't heard nothing. Because today was the day, I needed some feedback so I know what to look at. But the most disturbing thing was this morning I had a phone call. I called yesterday because I haven't heard from Keola Lindsey. I called before to find out what is OHA's relationship with Alexander and Baldwin, how do you guys present yourself. Blank, because the first time I came I said Alexander and Baldwin told me flat out that the land management that we are into malls and shopping centers and we are not into community development. So, I said that means you into Caucasians and Asians and you neglecting the kanaka maoli. Yesterday I called, I wanted to get an answer. This morning, this girl Taylor calls. She says, you called, and I'm like yeah. I am waiting for her to respond. So, I said you calling me so you must have some information on why I called. She said oh yeah, A&B, you know, for the Chairs and tables and parties. No, I called to speak to Alexander and Baldwin land management who overtook, who had complete control over the beneficiaries' land and that's why I called. She was getting cocky with me. Then I said, whose your boss, she said John, I said John who, there is a lot of Johns. She turns around and slaps me in the face literally with, yeah get a long of Chings here too. I said what the hell you talking about. She said OH, in the World. I said, eh you damn well know what's going on. So why did you bring up this thing about Ching. I am very disturbed because I really wanted to speak to Keola Lindsey before this meeting today and he never gave me no feedback. He took extraneous input but no feedback. I am just concerned about Alexander and Baldwin and Campbell Estates on what they did to the drag racers. Now the drag racers are completely homeless. They are completely out because the new developer wants to build a little itty-bitty track for the drag racers and concentrate on his own self-righteousness. Like I told Keola Lindsey, you should tell that developer to go to the Big Island in Kona because Kona across from the airport there are supposed to be building this state-of-the-art racing facility. I said he should take that over there and give back the racers their drag strip what they had, what they so much deserve. I was really concerned about who I can talk to about this lady Taylor. I said are you Hawaiian, no. I am like your part of the management thing and you are not Hawaiian. I really concern that all these Hawaiians needs, and you know what they said, they probably not qualified. I am like are you kidding me, are you really kidding me on these sarcastic comments.

Chair Colette Machado – Thomas you have 30 seconds.

Thomas Miller – I am wondering when I am going to get to speak to somebody that is going to respond to my answers on Alexander and Baldwin and their conduct and their lack of helping these kanaka maoli get their benefits because they got billions of dollars and none of it is coming back to the kanaka maoli. Not the kanaka maoli but the beneficiaries.

Chair Colette Machado - Thank you. The next speaker is Clare Apana. Clare why don't you start by introducing Carol.

Clare Apana – Good morning Trustees. Really nice to see all of you. I'd like to introduce Carol Lee Kamekona who is going to help me recap some of the iwi issues that we've been working on in Maui. I just want to thank the

Office of Hawaiian Affairs for places that you have helped us and I hope that I will remember all of those places so that I can tell you about them. Because I am sure that they are not things that people usually know or hear about but your staff has been really wonderful in helping us and of course our Trustee always supports us so with that I'd just start.

We started back in 2017, with a terrible sand mining permit that allowed grading and grubbing 213,000 cubic yards of material to be taken out and the news showed that \$30 million was made off of that sand in 1 year. We came to the Board that year and you made a motion to ask the developer to look into what was going on. It's been a very long 2-3 years and we ended up in court. The settlement was finished this year. What happened was we prevailed in that they were found guilty of not having followed their monitoring plan. I don't know if you know, an archeological monitoring plan is really the way that they say, development is able to go forward and say we are respectfully taking care of these kupuna, we are going to do this, we are going to do this, so we thought we would hold their feet to the fire and show that they didn't have a monitor so they would never know if they were really hitting kupuna because in our trial the operator of the machine said he can't really see anything in front of him. So that was done with the preliminary injunction and a preliminary finding.

All of the meat of our case was taken out the issues of sand mining, the issues of violations, so anyway, what we have now is an appeal to the supreme court about the issue of the incorrect zoning for resource extraction. We don't know what will happen it can take many years. Cases sometimes take 5 years to get an answer and that is sitting there and the other case we done this year moved into and place where we thought we could actually get something done. Thank you to our wonderful attorneys who tirelessly helped us to try to achieve, protection and really a change in attitude about our burials and our cultural treasures. We had a hearing at the Board of Land and Natural Resources because the archeologist who has been saying she is an archeologist is not an archeologist and has been moving our iwi kupuna for some, since the year 2000. Has been moving our iwi kupuna, reporting on them and yet she is not an archeologist and just has been signing contracts as if she is an archeologist. We were trying to get DLNR to clean that up and not allow this kind of thing to happen. In our case we did show them that this archeologist was signing off on the project and they quickly bought another archeologist on too, but that archeologist refused to sign under the name of her company. So, there it sat at the BLNR and they decided that, that was ok. We are still fighting that one.

We have one more where this same archeologist had been found in the (conversations indiscernible) which is still going on to move some 40-50 iwi kupuna. She called them scatters. They are actually disarticulated skeletal remains. The Judge found that she moved them illegally and improperly. This person who is not an archeologist but owns an archeology company was given a renewed permit. We questioned that and asked for a contested case. This is really in hopes of getting the State of archeology to be at a higher place. We have people who are really qualified and who have, I really think this person has nothing to lose. She doesn't even have a degree. She has nothing to lose. In doing these cases it's about trying to raise the bar to a place that it could be. Where archeology could be a place that could be more assistance then the reason why our iwi kupuna get dug up all the time and moved. No matter what and how many there are there is no stopping because there is no limit.

The next thing that we did was to challenge that bad permit that had been removed two times we were doing the sand mining moratorium. Was granted, with all the legalities and so it just came up in December. Your compliance department Kamakana Ferreira wrote a nice letter outlining the violations. To put it on the record because obviously the County of Maui knows about them but has not been able to act upon it to stop this permit. I heard through the Council Members office just this last week that the permit was denied. So, this is a first time it's been denied. I really thank compliance for their help in writing that letter. Because another agency was on the watch and I think that, I hope that even especially in our County of Maui that that will happen even more that OHA will have somebody listening. I think that we have worked very hard to make that relationship and I want to see that our voices and all the letters that Keola Lindsey has written over all these years about the sand mining in the sand dunes, that have been literally ignored that that day had ended. That this new day we will be respected as not only 'ohana but authorities on our iwi kupuna.

That is the last case that one of the findings was for the very first time that it was Malama Kakanilua the plaintiffs. The Judge found that we had property interest in the iwi kupuna. That is huge because the Judge found the developer doesn't have property interest in our iwi kupuna. I'm not sure where that goes but it was important thing to happen and do. I thank your compliance staff in being an extra ear and extra set of eyes to look at documents during this time. This leads us to the very last thing that we've been doing. It's our mission of Malama Kakanilua is to see that development stops in known burial grounds. That they don't get the ask, can I build someone in this burial ground. As you might know we became interveners, we petitioned to be interveners in the Grand Wailea Hotel expansion and renovation case. Although there were numerous short comings where they had not let the shoreline management access permit in terms of environment and various things, we concentrated on the iwi kupuna. Who are historical, cultural resources, they are registered with our State and eligible for the national register as historical properties, treasures? And they were given this, we will have monitoring and we will respectfully take care of them. You know according to whatever the laws are. The travesty is that so many iwi kupuna have unearthed in this 30 acres parcel. It started in 1987 and by the year 1990-91 when the hotel was allowed to open, two months before there were 300 iwi kupuna who had not been reinterred.

Chair Colette Machado – E kala mai. I have already extended you for 10 minutes. I want you to quickly summarize.

Clare Apana – I am actually finished I was going to have Carol tell you a little bit about the Grand Wailea and she is a descendant of that area.

Carol Lee Kamekona – Aloha my kakahiaka, my name is Carol Lee Kamekona. I live on the moopuni of Maui. I just wanted to highlight with you the intervention that three native Hawaiian organizations, Malama Kakanilua which I am a part of, we have Pele Defense and Hooponopono o Makena. We have filed an intervention with regards to the expansion of the Grand Wailea. Our biggest concern is the iwi kupuna. There is supposedly a burial preserve on the north end by the parking lot next to that wing, they want to add another 63 units. It is our contention that they will be hitting iwi kupuna and we don't want that to happen. There is another wing that they want to build that is also been the site of numerous burials that were found in the initial construction between 1987 and 1991. As Clare said there were over 300 burials that were not reinterred prior to the opening of the Grand Wailea. Mahalo.

Chair Colette Machado – Carol you mentioned Pele Defense Fund they co-plaintiffs with you folks in this case.

Carol Lee Kamekona – Yes.

Chair Colette Machado – Does Native Hawaiian Legal Corporation provide legal support for you folks, *(conversation indiscernible)*

Carol Lee Kamekona – Actually that is one of the reasons that we are here. We are asking if the Office of Hawaiian Affairs would kokua us in talking with NHLC if not then we will have to secure on our own.

Chair Colette Machado – We will refer this to you Sylvia. Thank you.

Sylvia Hussey- We are meeting with them this afternoon.

Chair Colette Machado – Thank you for coming.

(Handouts were passed out from Clare and Carol; these are attached to the minutes.)

Clare Apana – Just to explain what we gave you. We gave you the lease that we did and they have decreased their project. And then we also gave you this, I want you to think about this. The memorandum of agreement which was signed in 1987 by the Office of Hawaiian Affairs instead of a lineal descendent coming forward. The Office of Hawaiian Affairs took responsibility for the burials and if you read it, it gives the right to dis-intern and

reintern respectfully iwi kupuna. We interviewed people on the ground on the project they said iwi kupuna were put in buckets and taken to a place and dumped in a gulch. (conversation indiscernible) It's a terrible agreement and there is still an agreement and we would like to see that what we feel when we walk, we kaumaha we feel when we walk that property, we would like to see that lessen and place of balance and feel that our kupuna are resting again. If you can see how many people, I believe it's like 500 skeletal remains of our kupuna into an area that is a little (conversational indiscernible) I think the respect and what our kupuna deserve has not been given. I believe OHA has a legal contract for respectful reinternment. You didn't know that those hundreds of burials existed. You didn't know that you would have hundreds more disinterred. So, I ask you to think about this memorandum of agreement that was signed by the Office of Hawaiian Affairs. And there are many more that you haven't signed I think perhaps we can bring a new era in as I always say. We can bring an era where our iwi kupuna will be respected and protected for all time.

Chair Colette Machado – Thank you Clare, the fact that you have a meeting with staff and our administrator to me is a good direction. Whatever comes out that, we will probably be updated. Any request to NHLHC will be part of the recommendations. It all comes from today's meetings you have. That is a good step for what you do on Maui. As we say holomua.

VII. ANNOUNCEMENTS

Chair Colette Machado – I just have one announcement, we distributed to you a copy of the 2020 schedule for the BOT meetings. I want to note that the BOT scheduled has been circulated and the first meeting of the BOT is set for January 23rd. Prior to that we will have two committee meetings with the Resource Management. We don't have any business to address that is why we went to the end of the month.

VIII. ADJOURNMENT

Chair Colette Machado – With that said the Chair would like to entertain a motion to adjourn.

Trustee John Waihe'e IV moves to adjourn the meeting.

Trustee Kalei Akaka seconds the motion.

Chair Colette Machado – It has been moved and seconded. Roll call vote please.

Trustee John Waihe'e IV moves to adjourn the meeting Trustee Kalei Akaka seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA		x	X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'AINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY						Excused
TRUSTEE JOHN WAIHE'E	x		X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with eight (8) yes votes and one (1) excused.						

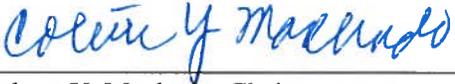
The meeting was adjourned at 10:51 am.

Respectfully submitted,



Dayna Pa, Board Secretary

As approved by the Board of Trustees on January 23, 2020.



Colette Y. Machado, Chairperson
Board of Trustees

Attachments:

1. Board of Trustees Action Item #19-11 – Beneficiary Resolution as of December 9, 2019
2. Clare Apana Handouts – Kanaka Groups File to Stop Desecration at Grand Wailea and Wailea Agreement

Board of Trustees
Action Item #19-11 - Beneficiary Resolution
As of December 9, 2019

<u>Description</u>	<u>\$ Amount</u>	<u>Resolution Alignment</u>
A Puuhonua o Puuhuluhulu - Beneficiary Support	<u>\$ 75,380.77</u>	[b], [c], [d], [f], [g], [h], [i]
Restroom Facilities, Servicing	\$ 53,912.76	
Dumpster Removal & Landfill Disposal Fees	\$ 5,137.41	
Tent Rental & Lighting	\$ 16,330.60	
Sub-total	<u>\$ 75,380.77</u>	
B Legal Observers	<u>\$ 2,246.36</u>	Resolution Alignment
Training Travel (Air, Ground)	\$ 2,054.72	[c], [d]
Workshop supplies	\$ 191.64	
Sub-total	<u>\$ 2,246.36</u>	
C Travel re: Site Visit/Beneficiary Needs Assessment/Ad-Hoc Committee Meeting	<u>\$ 9,241.84</u>	Resolution Alignment
Staff - Air	\$ 2,275.60	[c], [d], [f], [g], [h], [i]
Staff - Ground	\$ 1,374.86	
Staff - Subsistence	\$ 990.00	
Staff - Parking	\$ 45.00	
Staff - Hotel	\$ 326.60	
Sub-total	<u>\$ 5,012.06</u>	
Trustees - Air	\$ 1,516.33	
Trustees - Ground	\$ 591.19	
Trustees - Subsistence	\$ 1,130.42	
Sub-total	<u>\$ 3,237.94</u>	
Volunteers - Air	<u>\$ 991.84</u>	
Total	<u>\$ 9,241.84</u>	
D Digital Print Media		Staff Hours
Output: Digital/Social Media (e.g., posts, livestreams, videos, photos)		72
Monitoring: Social Media		40
Media Support: Jam4Maunakea, Mana Maunakea		19.5
Workshop		40
Video Editing: Jam4Maunakea		<u>171.5</u>
Out-of-pocket as of 12/09/2019 - Grand Total	<u>\$ 86,868.97</u>	<u>171.5 HRS</u>

Source: Community Engagement, Advocacy and Financial Services

Beneficiary Resolution Mapping Key

authorizes the OHA Administration to:

- [f]-advocate for the rights, safety, and well-being of OHA beneficiaries;
- [g]-engaging in peaceful protests of the state's decades-long pattern of mismanagement of Maunakea,
- [h]-perpetuating their constitutionally protected Native Hawaiian traditional and customary practices, and
- [i]-exercising their constitutionally protected rights of freedom of speech and assembly, ---DELEGATION OF ACTION

including but not limited to:

- [a]-the negotiation of rules of engagement;
- [b]-the establishment and maintenance of pu'uhonua or safe spaces;
- [c]-the observation and documentation of actions by law enforcement, government, university or community personnel;
- [d]-an assessment and provision of health, safety, and legal needs; and
- [e]-any other actions as may be reasonably necessary or appropriate;

KĀNAKA GROUPS FILE TO STOP DESECRATION AT GRAND WAILEA

Sacred Burials Displaced for Hotel Rooms

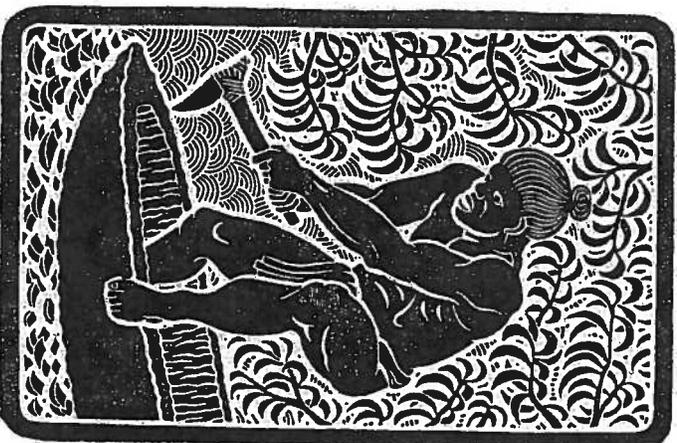
Kānaka Maoli and Native Hawaiian organizations have filed a Petition to Intervene on a Special Management Area Permit, which has been filed by the Grand Wailea Resort. Members of Mālama Kakanilua, the Pele Defense Fund and Ho'oponopono 'O Mākena claim that the resort was built on their sacred burial grounds, and their motivation for filing the petition is: No further Hawaiian burials shall be desecrated.

Before the Grand Wailea Resort opened in 1991, the Maui Burial Council recorded that there were 300 burials still needing to be reinterred. Construction workers reported at the time that, "buckets of bones were removed and trucked off the property" to an unknown location. Further documentation states approximately another 200 burials were disturbed within the hotel's first 20 years of existence. These exploits have caused psychological and emotional trauma to many lineal descendants. Their resolute demand is the return of 'iwi Kūpuna (ancestral bones) to their original resting place.

Petitioners have repeatedly asked the Grand Wailea Resort for a comprehensive report on the disposition of ALL disinterred and disturbed 'iwi Kūpuna. To date, no report has been provided. Any more development within the pu'uone (sand dunes) will undoubtedly disturb more sacred burials. "We want to prevent them from any further digging in this known burial area," Clare Apana of Mālama Kakanilua. "Stop the digging of our 'iwi Kūpuna and stop the psychological trauma from becoming hereditary."

WAILEA AGREEMENT

Relating to the Disinterment and Reburial of
Native Hawaiian Graves At the Site of the
Grand Hyatt Wailea, Maui



CONCURRING WITH THE MEMORANDUM OF AGREEMENT
RELATING TO THE NATIVE HAWAIIAN BURIALS AT WALLEA, MAUI AND
AUTHORIZING THE CHAIRPERSON OF THE OHA BOARD OF TRUSTEES
TO ACT AS SIGNATORY FOR THE OFFICE OF HAWAIIAN AFFAIRS

A Resolution

WHEREAS, the Shoreline Management Application (SMA) for the Grand Hyatt Wailea Project was amended by the County of Maui Planning Commission to include a condition requiring a formal agreement between the Office of Hawaiian Affairs and the developers of the Grand Hyatt Wailea Hotel, represented by Wilson Okamoto and Associates, to address the known presence of two historic-period platform burials; and

WHEREAS, by mutual consent this mandated Memorandum of Agreement (MOA) has been expanded to also include culturally-sensitive and appropriate disinterment and reburial of previously-unknown native pit burials unintentionally disturbed by construction activity at the project site; and

WHEREAS, OHA is empowered by HRS, Chapter 10, to "assess[ing] the policies and practices of other agencies impacting on native Hawaiians and Hawaiians, and conduct[ing] advocacy efforts for native-Hawaiians and Hawaiians;" and

WHEREAS, on 28 January 1988, the Board of Trustees adopted "Guidelines for the Consideration of Native Hawaiian Cultural Values in Historic Preservation Review" which included a commitment to and outline of appropriate actions to address pre-contact Native Hawaiian burials; and

WHEREAS, OHA is further statutorily-authorized "to enter into and perform such contracts, leases, cooperative agreements, or other transactions with any agency or instrumentality of the United States, or with the State, or with any political subdivision thereof, or with any person, firm, association, or corporation, as may be necessary in the conduct of its business and on such terms as it may deem appropriate;" and

WHEREAS, prior private and governmental decisions and approvals regarding Wailea made the disturbance of Native Hawaiian graves inevitable, and participation by the Office of Hawaiian Affairs was only to assure respectful and dignified treatment of our ancestral bones as a representative of the Hawaiian cultural family; and

WALLEA AGREEMENT RESOLUTION
Page 2

WHEREAS, a Memorandum of Agreement (MOA) has been concluded in fulfillment of the Wailea SMA condition and consensus decision to address other Native Hawaiian burials found on the project property, the entirety of which is hereby incorporated into this resolution (ATTACHMENT 1), and provides that:

1. All costs associated with this MOA are to be borne by the Wailea Grand Company;
2. Legally-proper and culturally-sensitive disinterment standards and conditions relating to the Wailea burials will be adhered to by the Project Archaeologists;
3. An archaeological data recovery plan to "meet the needs of a reasonable scientific study and a recognition of traditional Native Hawaiian beliefs and respect for ancestral bones;" and
4. Reburial of disinterred bones at a nearby site on the project grounds in a manner consistent with cultural expectations, including:
 - a. that reinterment will approximate the original association and arrangement of individuals;
 - b. that the platform burials will be reconstructed from the original stones;
 - c. that the pit burials will be reinterred in the same area, marked by an earth mound;
 - d. that the surrounding landscaping will incorporate native plantings, particularly green ti; and
 - e. that OHA will provide the language for an appropriate sign to mark the reburial area; and;

WHEREAS, the Board of Trustees agrees to the stipulations and responsibilities explicitly assigned to the Office of Hawaiian Affairs as both legally and culturally appropriate; now therefore

BE IT RESOLVED by the Board of Trustees of the Office of Hawaiian Affairs at its regular meeting of 22 April 1988, in Honolulu, O'ahu, that it concurs with the "Memorandum of Agreement" relating to the Wailea burials; and

BE IT FURTHER RESOLVED by the Board of Trustees that it hereby authorizes the Chairperson of the Board to be the signatory to this Memorandum of Agreement for the Office of Hawaiian Affairs.

Mark Laake
Mark K. Laake, Sr., Chairperson

Manu Kahaiahi
Manu Kahaiahi, Vice Chairperson

Rod K. Burgess
Rod K. Burgess

Clarence F. T. Ching
Clarence F. T. Ching

A. Frenchy Desisto
A. Frenchy Desisto

Thomas K. Kaulukukui, Sr.

Manu Kahaiahi

Kevin M. K. Mahoe

MEMORANDUM OF AGREEMENT

Relating to the Disinterment and Reburial of
Two Native Hawaiian Platform Graves At the Site of the
Grand Hyatt Wailea, Maui

This Memorandum of Agreement (MOA) is concluded to fulfill the Shoreline Management Area permit condition regarding the disinterment and reburial of two historic-period platform graves on the grounds of the Grand Hyatt Hotel, Wailea project by the Maui Planning Commission.

The great likelihood that these graves held Native Hawaiians compelled the Office of Hawaiian Affairs to seek explicit assurances regarding the respectful treatment of the remains. Consistent with Office practice, every effort was made to locate family members and to honor their wishes. However, no known genetic family could be found.

This Agreement, then, is concluded by the Office of Hawaiian Affairs as the representative of the cultural Hawaiian family.

● GENERAL CONDITIONS

1. Any and all costs associated with the terms of this Agreement shall be borne by the Grand Wailea Company.
2. Before formal disinterment begins, a blessing will be conducted at the Wailea graves. This ceremony will not be publicized. Additional blessings before reburial begins and a closing ceremony will be conducted at the reinterment grounds.

● DISINTERMENT

1. Archaeological teams will adhere to the highest standards of professional conduct, displaying respect and sensitivity to the removal and curation of human remains;
2. Removal will retain individual integrity, and any associated burial artifacts will be retained and reburied with the individual;

3. Any osteological study shall be conducted by Project Archaeologists Paul H. Rosendahl, Inc. in a dignified manner to meet the needs of a reasonable scientific study, and a recognition of traditional Native Hawaiian beliefs and respect for ancestral bones.

4. Curation of the remains shall be on the Island of Maui, and only for the time necessary to allow for undisturbed reburial on the grounds of project.

5. Prior to the commencement of any grading work, all rocks and stones from the existing burial platforms shall be completely recovered from the site by hand and safely stored near the reburial site. Conspicuous marking and construction workforce education shall protect the stones from disturbance.

● REINTERMENT

1. The reburial site will be on the grounds of the project area identified on the accompanying map (ATTACHMENT 1).

2. Reburial will be of individuals, wrapped in kapa with all associated burial artifacts.

3. Individuals will then be reburied underground. The association and arrangement of the burials within the reinterment site will approximate their original associations.

4. Reconstruction of the burial platforms (Attachment 2) over the graves will then be completed. This reburial site area will be landscaped and maintained.

5. An appropriate marker will be installed on the site over the inscription will be provided by the Office of Hawaiian Affairs in consultation with the company.

Terms and Conditions Relating to
Previously Unknown Native Hawaiian Burials At Haila

By mutual consent, the Grand Haila Company and the Office of Hawaiian Affairs agree to expand this MOA to address culturally-sensitive and appropriate disinterment and reburial of previously unknown Native Hawaiian burials unintentionally disturbed by construction activities at the project site.

The "General Conditions" and "Disinterment" conditions numbered 1 through 4, and "Reinterment" conditions numbered 1 through 3 shall also apply to this section of the MOA. However, the following additional condition will further guide the respectful treatment of Native Hawaiian burials affected by the Grand Haila project.

● REINTERMENT

1. Once reburial of individuals is complete, an earth mound shall be formed to designate the reburial area. Green tie plantings will be incorporated into the landscaping of this area to further mark the reburial area.

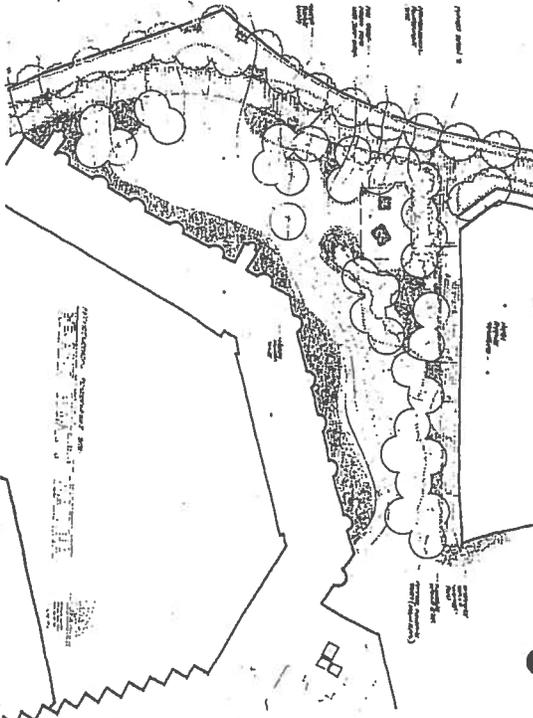
Ha wai e ho'ala i na iwi? Na makou.
Who will care for the bones? We will.

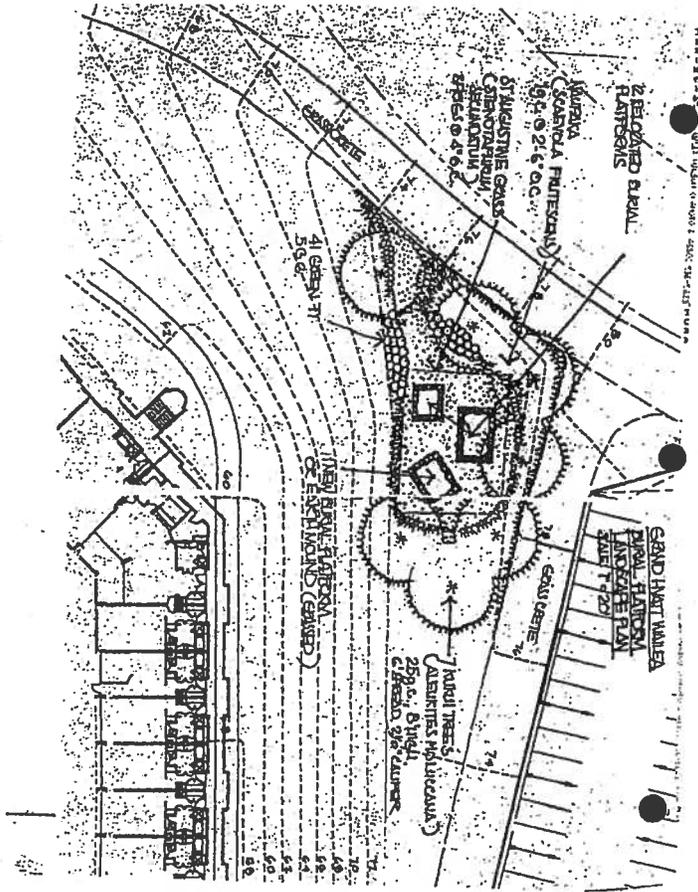
Moses K. Keale, Sr.
Chairperson, Board of Trustees
Office of Hawaiian Affairs

William W. Paly
State Historic
Preservation Officer

W. Keale
Grand Haila Company

VERMILION LAWN COVER
and its associated concrete





ARCHAEOLOGICAL REINTERPRET SITE
GRAND HYATT WAILEA



KRESS
CHARTER
1987