

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

Due to COVID-19, the OHA Board of Trustees and its standing committees will hold virtual meetings until further notice. The virtual meeting can be viewed and observed via livestream on OHA’s website at www.oha.org/livestream or listened by phone: (213) 338-8477. A physical meeting location open to the general public will be available at UH Maui College Cafeteria, Pā‘ina Bldg, 310 W. Ka‘ahumanu Ave., Kahului HI 96732. All members of the public that wish to access the physical meeting location must wear a mask and follow all applicable COVID-19 requirements of the meeting venue.

Minutes of the Meeting of the Board of Trustees
Board of Trustees
ISLAND OF MAUI MEETING
MINUTES
Thursday, May 26, 2022
9:30am

ATTENDANCE:

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

BOT STAFF:

Amber Kalua, Trustee Aide
Kanani Iaea, Trustee Aide
Lehua Itokazu, Board Secretary
Crayn Akina, Trustee Aide
Anuheia Diamond, Trustee Aide
Kauikeaolani Wailehua, Trustee Aide
Brandon Mitsuda, Trustee Aide
Evalani Canto, Trustee Aide
Nathan Takeuchi, Trustee Aide

ADMINISTRATION:

Sylvia Hussey, CEO
Casey Brown, COO
Everett Ohta, Interim General Counsel
Nietzsche Ozawa, Interim Senior Legal Counsel
Lei-Ming Ayat-Verdadero, Beneficiary Svcs. Mngr.
Erin Nakamura, IT Support
Arlene Aguinaldo, IT Support
Tiger Li, IT Mngr.
Roy Newton, Beneficiary Services Agent
Josh Koh, Multi-Media Designer

GUEST:

Tiare Lawrence
Daniel Kanahale
Kaniloa Kamaunu

Call to Order

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Thursday, May 26, 2022 at 9:35 a.m. Board Secretary, please do a roll call.

MEMBERS			Present	TIME ARRIVED
TRUSTEE	LEINA‘ALA	AHU ISA	X	Left mtg at 11:27 am
TRUSTEE	DAN	AHUNA	X	
TRUSTEE	KALEI	AKAKA	X	
TRUSTEE	KELI‘I	AKINA	X	
TRUSTEE	LUANA	ALAPA	X	
TRUSTEE	BRENDON KALEI‘ĀINA	LEE	X	
TRUSTEE	MILILANI	TRASK	X	
TRUSTEE	JOHN	WAIHE‘E	X	Left mtg at 10:15 am
CHAIRPERSON	CARMEN HULU	LINDSEY	X	
			9	

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

Chair Hulu Lindsey We are so happy to be here in person and to meet with our Maui community. This meeting can be viewed and by livestream on OHA’s website, www.oha.org/livestream. Joining the Trustees this morning is our CEO - Sylvia Hussey, my staff Board of Trustees Secretary - Lehua Itokazu, and Aides – Kanani Iaea and Amber Kalua. We have all nine trustees here this morning and I will ask them to introduce themselves.

Trustee Lee Aloha and mahalo Chair, I am Trustee At-Large and I live on the island of O‘ahu. I would like thank Maui Nui for their hospitality for the last two days while we were on the island. We really enjoyed our time doing the site visits. Mahalo to Chair and her office for all the ‘ono mea‘ai we‘ve had for the last two days. Thank you everyone for being here and we look forward to hearing the community concerns.

Trustee Akina Aloha, I am Keli‘i Akina, Trustee At-Large. I am so grateful to everyone here on Maui who’s hosted us and shared your mana‘o. I am with my Trustee Aide, Darlene Canto. She hails from Maui. I want to say thank you to Chair for her wonderful hospitality. Thank you everyone and aloha.

Trustee Trask Aloha, I am Mililani Trask. I live in ‘Ōla‘a on the Big Island of Hawai‘i, but my tutu, mama, and all of my mother’s family was born and raised in Hāna, Maui. I just want to thank the ‘ohana of Maui for hosting us and to say that I am so impacted and happy to see the progress of the community programs here on Maui. I feel they are exemplary, and I encourage some of the beneficiaries to share their stories, put these on video and share this with other communities on the Big Island. Good job and mahalo nui. Also, mahalo to our Chair, delicious stew.

Trustee Alapa Aloha everyone, my name is Luana Alapa and I am the Trustee for the island of Moloka‘i and Lāna‘i. I live in Ho‘olehua, and I think it’s the most beautiful place on this planet. I am so blessed to a part of the Board of Trustees and I am moving into my second year of service to the lāhui. Mahalo nui to Chair Hulu for hosting us these past two days. I just want to say mahalo again.

Trustee Waihe'e Aloha everybody, I am John Waihe'e, IV and I want to express my happiness and gratitude that I get to be back here on Maui in person. I want to thank our Maui Trustee and Chairperson, Hulu Lindsey, for all the hospitality and everything she has done. I look forward to working with the Maui community and having more discussions.

Trustee Ahu Isa Aloha kakahiaka, it is so good to be here in person. We are still doing virtual meetings but seeing all of you, I really like doing these meetings in person. This was a good community meeting, lots of people showed up and stayed. My Aide is Nathan Takeuchi and I am just thankful after 2 ½ years of COVID, we are all here. Mahalo everyone and Maui nō ka 'oi.

Trustee Akaka Aloha mai kākou, my name is Kalei Akaka and I am your O'ahu Island Trustee. I am also your Chair for our OHA Committee on Beneficiary Advocacy and Empowerment. I am here today with my kōkua, my Aide, Brandon Mitsuda, my 'ohana, my husband Tyler and our baby Ana. I also want to Mahalo our Chair for these wonderful meetings and site visits. Mahalo Maui for welcoming us so graciously. We look forward to what you have to share with us today.

Trustee Ahuna Welina mai me kealoha, my name is Dan Ahuna and I hail from the island of Kaua'i. I represent the island of Kaua'i and Ni'ihau. Today with me is my Aide, Anuheia Diamond. I want to say thanks to Chair for having us and to the people here at the college for this great set-up. Good job to the IT people.

Chair Hulu Lindsey Thank you Trustees, I am so happy to have everyone here. I would like to thank our OHA staff that travels with us for all their hard work. Josh, we really have to tip our hat off to you for making miracles happen. Mahalo nui to Roy in our Maui office. I would like to introduce our Pouhana, Sylvia Hussey. Sylvia will introduce her staff that is with us today.

Sylvia, Hussey, CEO Aloha kākou, we are so happy to be back in person here in our communities and to support the work of our Trustees. Josh Koh is with communications, Roy Newton is in our Maui office, Lei Ayat-Verdadero - our Beneficiaries Manager. Online, we have our COO - Casey Brown, CFO - Ramona Hinck, Interim General Counsel - Everett Ohta, and today all IT support is being done by Arlene and Erin. Thank you for allowing us to be here.

Approval of Minutes

Chair Hulu Lindsey We will move on to the approval of minutes.

A. March 24, 2022 and B. May 11, 2022

Trustee Akaka moves to approve the both minutes.

Trustee Ahuna seconds the motion.

Trustee Lee states for the record to make a correction on page 7 for March 24, 2022 minutes. Change and reflect that Trustee Ahuna second the motion.

Chair Hulu Lindsey We will take a roll call vote for both minutes with the corrections.

Trustee Akaka Moves to approve the minutes of						
A. March 24, 2022 B. May 11, 2022						
Trustee Ahuna Seconds the motion.						
	1	2	'AE (YES)	'A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEI AHU ISA			X			
TRUSTEE DAN AHUNA		X	X			
TRUSTEE KALEI AKAKA	X		X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE LUANA ALAPA			X			
TRUSTEE BRENDON LEE			X			
TRUSTEE MILILANI TRASK			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIRPERSON HULU LINDSEY			X			
TOTAL VOTE COUNT			9			
MOTION: [] UNANIMOUS [X] PASSED [] DEFERRED [] FAILED						
Motion passes with nine (9) Yes votes, Zero (0) No votes and Zero (0) Excused.						

Public Testimony and Community Concerns

Johanna Kamaunu Aloha Trustees, there are three things on my list. First, 'ōlelo Hawai'i, I know Kekai Robinson was here last night. What I would like to help you understand is the limit that is placed on our community when it comes to 'ōlelo Hawai'i. My granddaughter is fourteen this year. When she was of age to attend preschool, we applied for her and she was 1 of over 600 applicants for only 60 open spots. I would like you to know that since that time, there has been no increase in the amount of seats to that school. We have seen over the years how much our people have advanced in so many ways. The fact that you were able to accomplish so much in the legislature this past year is a testament to what language can do for us. It is sad that we do not encourage or promote more learning of the language to our young people. How would your position today be further advanced? I would like to make a suggestion. We need teachers, we do not have enough teachers. Some years ago when I was in the DOE, I taught in the Hawaiian Studies Program. At that time, the University came up with a fast track program so that they could certified Special Ed teachers to handle the shortfall. Can we not offer to do the same for our Hawaiian language teachers? One of our problems that our school has is we do not have enough teachers. The other thing is maybe they do not all have to be teacher certified, maybe we can have different types of certifications. I would like to draw your attention back to history when language first became printed. We became a very literate nation. Ka'ahumanu writes that she and Kamauholi'i waited every morning

for their ten year old kumu to come and help them with their language, reading, and learning. We have many out there learning and know the language but we do not have enough Kumu. If we could start small community programs in our garage or backyard we would have the capability to prepare our students and families for ‘ōlelo Hawai‘i. The child cannot grow in the language without the family behind them. If we could look towards encouraging more teachers in the system and encourage this fast track program, we would then have more schools, more teachers, and more opportunities.

The other topic I want to speak on has to do with language. As language became written, it was something we could look at and share. As time went by, we lost the essence of what that language means to us. Today, we talk about words like aloha and truly being able to describe what aloha means. The language I think we are missing is the language that is related to the land and the land systems, that language came in a toll in the kaulana mahina, a moon calendar. The moon calendar is not only about telling time or knowing when the best time to fish, it is actually understanding when the plants will be ready, why they need certain time periods to grow, it helps to connect up spiritually. It is the essence we seem to be missing from our language. I am not an expert on this but the research I did tells me that this is very important. We should try and find some way to promote the learning and developing of kaulana mahina again. I’ve realized that to do something like that, it takes years in the making but we do not have to wait years to create the calendar. We have lots of information on hand already. Our daily newspaper records rainfall and tides, what if we extract from all the databases and compile to create a relevant moon calendar. As I stand before you, I do not have a clue on how all this works but everything in me is telling me this is necessary.

And lastly, I use to teach at King Kekaulike High school; music where we taught ‘ukulele. People like to think that kumu do a great job at teaching ‘ukulele but in fact, it is the instrument that teaches the student. All we do is provide them an opportunity to use the instrument. We provide them music sheets, teach them chords, and strumming. No matter what you teach them, they will create their own strumming style and their own music. We need tools. We do not have a law library that is open to the public. The only law library sits in the county building. The tool that I am really concerned about in that library is the computer that holds a program that has digitized all case laws. How would it be if our people had access to that when they are going forward in their cases and there are many of them going after their land. Can we not help them? You folks did something wonderful with the Papakilo database, that was huge. That has been a huge help. This particular tool will allow us to search cases and search law. People are smart and will figure everything out on their own. These are the three things I wanted to ask for today. Thank you.

Trustee Ahu Isa OHA use to do calendars at the end of the year and then we stopped doing them. Maybe we can start again and it can talk about ‘ōlelo Hawai‘i and the moon phases. Just a suggestion. Mahalo.

Trustee Ahuna I just want to speak briefly on the language. There are a lot of charter schools that network in these areas. The fast track program that you’re talking about is in the charter school program right now called Kaoh‘iwai. Principals are sending their teachers to get certified. What I do know about Maui is that you folks no have no Hawaiian-Focused Charter Schools; in fact, only one charter school here and it is in Kihei. I think we should be meeting with these people and have them network with our ‘Aha Pūnana Leos. We just need to network more.

Trustee Trask I want to say thank you for pointing out that we really need to be able to access these types of things like you said. I am going to contact Malia Akutagawa, she is a Professor at the Richardson School of Law. At one point, it was discussed that the Law School would scan and categorized all relevant Hawaiian cases in categories such as ‘āina-based, fishing rights, and even voting rights. I do not know what happen to the project but I am going to go back and find it. I am going to talk to Malia and I would like to get your contact

information and I will see what we can do. It would be millions to do a library but the idea to digitize and have a library area all by computer is a real possibility. I will work with you and see what we can do on this.

Kawewehi Pundyke Aloha mai kakou, I appreciate all of you for coming and speaking to all of us. I'm speaking today about the healing of our people. Our organization is named Lo'iloa and it is about Lo'iloa, the place in 'Īao Valley. I am from Kāne'ohe. I came to Maui in 1996. I do have an agreement with the Nature Center for access to that area, twenty-five acres. From the onset, we worked with Maui College, Maui Police Department, and other social organizations. One of the programs we worked with through the Police Department was POI, Positive Outreach Intervention. In that program, we would take youth up to Lo'iloa every week. I like to say three things: the right place, the right purpose, and the right people. Over 80% of the individuals we worked with was of Hawaiian ancestry. After their obligation was complete, over 40% was asking to come back on their own time. I've been told by many community leaders that I am operating a pu'uhonua. I continued to do that work in this capacity for a long time. The Police department wants to continue and reinvigorate that partnership but the challenge is the bridge is damaged since the flood of 2018. No one seems to have the capacity to repair it.

Chair Hulu Lindsey On the twenty-five acres that you are operating on, who owns that property?

Kawewehi Pundyke It is Wailuku Water Company, Avery. Hawai'i Nature Center owns a lease but it is a conservation easement. They have an easement of about 2/3. Lo'iloa has offered the Nature Center to take that easement to relieve them of the liability, but they haven't taken me up on it, but I'll be knocking on their door again.

Chair Hulu Lindsey I did hear there were problems with that property so I wanted to hear what the status was.

Kawewehi Pundyke We did have it flooded but in 2015, they took control of the water and we got a cease and desist because we didn't have a better document. This was to take our pipe out of Kahawai and in 2015, we removed the pipe because we were told the cost would be \$5,000 per day per violation. Lo'iloa is small, there is no way we have that kind of money to fight it. We never sold kalo, only grew.

'Ōhai Daniels Aloha kakahiaka Madame Chair and members of the Board, I am Dr. Ryan 'Ōhai Daniels. I am an Associate Professor here at UH Maui College and I am here to speak in support of Lo'iloa as their Board Chair. I have been involved with them for about 15 years now and Board Chair for about four years. I am just here reiterate what Kawewehi has shared. The valuable work that has been done in restoring Lo'iloa, helping our youth, and making an impactful difference. If a time comes for possible funding, I encourage that you have Kawewehi be at the table for that discussion. Thank you.

Trustee Alapa I would like to know in the restoration process, what is the cost and expenses?

'Ōhai Daniels As far as a number and cost, Kawewehi can share that. Part of the restoration is restoring the lo'i and getting kānaka up to that space.

Kawewehi Pundyke As far as numbers, I want to say it is in the thousands that have come but as far as cost, I'm not sure because I use to do it for free. At one time, we had a \$100k. We also would do board and stone in our community, papa ku'i ai. It was really a way of hands on learning for many individuals.

Chair Hulu Lindsey We encourage all of you here to review the grants that are open on our website and see how you can possibly apply. It is competitive granting but it is open to everyone. I would encourage you to look at those requirements and apply.

Clare Apana Good morning Trustees, thank you for coming to Maui. The first thing I want to talk about is the Grand Wailea Expansion Project. It has been 2 ½ years since the three kānaka groups became interveners in the case of the the Grand Wailea Expansion. We have taken this on ourselves and we have not received the kind of support from OHA that we need to do this. What is at stake is a known burial ground, concentrations of iwi that have been desecrated from the 1970s till today. You can go there and say you see no iwi, but it has been manicured, gardens are up, restaurants, and swimming pools. We took this on as a cry from our kūpuna and what we have discovered has been pretty horrendous. OHA was instrumental with the desecration of our iwi. OHA, 1987, signed a memorandum of agreement (MOA) to disinter two burial platforms and to move that iwi into another place that would become the North Burial Preserve. Five months later, another MOA was signed for just disinterment and reinterment, respectfully. When we came to meet with OHA, our Maui representative at the time and Sylvia Hussey, we brought the MOA up, if the MOA was followed. All iwi kūpuna deserve respectful reinterment there. There are so many iwi that are not recorded and will not get protection. We have gone through two and half years of going up against Mr. Meheula. *She shares a story of Moses Kekūanāo 'a*

I share the story of Moses because he was the first owner of the ahupua'a of Paeahu. The ahupua'a of Paeahu is where the Grand Wailea is. Today, we stand with Moses and all the children buried at the Grand Wailea. We have asked over and over again about the MOA and why it is not being used to protect the burials that were found during the time of the MOAs existence and use to disinter our iwi. We were told that it is not good. Yet, the same MOA was made for Honokahua at the same time and it's in use. I would like this Board to investigate and stand by the MOA. Thank you.

John Kahawaii Thank you all for coming to Maui. Today, I will talk about what Clare spoke about as an intervener with Mālama Kakanilua and the case where we are trying to protect our iwi kūpuna. Some of the work that will be done at the Grand Wailea has to do with underground utilities that are going to be placed inside and next to the preseve. Our information are studies of what happened in the 70s, 80s, 90s, and up to today. There is nothing hidden as far as information. What we found was the Memorandum of Agreement, OHA in 1988 with members like Manu Kahaiali'i and Boyd Keale. We have members from our Hawaiian community that are on this MOA. This MOA is important because it says if burials are going to be taken out of the Grand Wailea, that it should remain on Maui and then it should be taken back to the Grand Wailea property, that is just one thing on the Memorandum. It is important because the Hawaiian community made an agreement with the hotel and SHPD. Did they follow it? We do not know but we had testimony where people say they put iwi in the buckets and then place the buckets in other construction areas. What we really want is the MOA of 1988 to be a legitimate document. It should remain as it's history, that is what we really want.

Chair Hulu Lindsey Do you have a copy of the MOA?

John Kahawaii I do but I understand that because we are still in our contested case, I would have to check with our attorney if I can give anything out. I am working on a slideshow, and I can share that with you. The other thing that is happening is the Cultural Services Company is saying that the MOA is no longer valid. The reason for that is because they recorded these two preserves in the Bureau of Conveyances saying that it is perpetuity. Why are they making a separate property for our burials and then dig into it? Some of this work at the Wailea wing will intrude into the preserve, the landscaping, the electrical, and the underground utilities, and the drain lines. This is in our studies and the engineering reports. The main focus is the MOA and it is critical because the MOA provides the limits of the preserve and many of us are not familiar with. The limit of the preserve is also

in the Memorandum of the Agreement that OHA did in 1988, that is why this Memorandum is critical. We had people saying *this is where the preserve is*. It is 1700 sq ft. and then they will say *I'm sorry we made a mistake, it is now 7,000 sq ft*. That is a big difference and that is why this Memorandum is critical.

Chair Hulu Lindsey I think we should have a copy of the Memorandum of Agreement that you have so that we can review it. We were all not there too. If you can share it with us, we can review it. I was there when the Grand Wailea was built and I know of all the iwi that was found. I was not involved with OHA at that time, but I am very familiar with that construction and burial site. It would be helpful to OHA to see what we agreed to on the Memorandum. Mahalo.

Trustee Lee If there is a standing Memorandum with the Office of Hawaiian Affairs, I am sure Ka Pouhana could direct our legal team to provide it for the Board of Trustees. I do agree with, that we should get the one that we have and compare it to the one that they have to see if it is the same.

Chair Hulu Lindsey Yes, I believe Clare asked us to review this a couple years ago, correct?

Clare Apana Your legal team researched it in 2019 and 2020 and they found two MOAs and those are the two that have been put into our case, not by us but by the Grand Wailea. Your legal and compliance should find it easily. We have it and we will send it to you.

Trustee Trask When Clare was speaking earlier, Bill Meheula's name came up, was he counsel advising OHA? What was his role in this? Was he advising the developer?

John Kahawaii He is the attorney for the Grand Wailea.

Chair Hulu Lindsey We want to clarify that the last time we used him was in 2012 and we haven't used him since. He was an outside attorney, and he does not work for OHA.

Trustee Trask I think Clare mentioned that at a certain point when the MOA first surfaced, a cultural service company was involved. Was that the ASM out of Hilo?

John Kahawaii It was Cultural Services Hawai'i. They are writing the treatment plan on what would happen if they run into burials. They have a list of what would take place. Part of the reason they want to say the memorandum of 1988 with OHA and the hotel is not valid anymore is so that they can write it. Some things that they are writing intrudes into the preserves. They are trying to build a wall around the preserve and they are not exactly sure where the preserve is. The Memorandum of Agreement has the limits of the preserve and that is why it is critical. This is for everyone to learn from. Why should someone new come in and tell us how they will protect the preserve by building something on it and they don't even know where it's at? Mahalo.

Ke'eaumoku Kapu Aloha mai kākou, I am Ke'eaumoku Kapu and I am the President of Na 'Aikane O Maui Cultural Center and also the CEO of Ahu Moku Inc. I come before you today to discuss ways on how our community needs some kind of support, legally. I need to mahalo Chair Lindsey for, about three years ago, coming to our aid to look at the issues and concerns that we were dealing with at our alanui. We are currently being represented by four attorney firms. NHLC is one and is very limited to counter representation. The other three firms are pro-bono. They were not getting calls from families who need help in protecting their interest in kuleana lands. *In audible*. NHLC seems to max out a lot. There must be a way to help maximize a funding opportunity to help families impacted by large corporations. I am here to share all the legal challenges we are facing with land development issues, water issues, and title. This is one of the main problems here on Maui and

throughout the pae‘āina. Ka Huli Ao is a great advantage with young students that will eventually turn into a greater capacity to help our lāhui. I am here to ask you, OHA, what are some possible ways to provide some kind of legal system to allow money to be granted to not only Ka Huli Ao but to also NHLC? Right now, if I want to pursue an issue that money has to come out of our pocket, this means I have to figure out how I am going to get the legal capacity by raising money just to file an injunction. Many issues we are facing are government agencies allowing for exemptions of development to circumvent problems and missing all these known burials and cemeteries. We are at a point of being very stressed out with the many things we are dealing with. I come to this Board to ask for assistance in ways we can enhance the capacity building on the legal assistance to Ka Huli Ao because of the State’s interest in the State designation where alot of the Kuleana will need the water permit application. My closing statement is I hope I can keep in touch with a staff member in Advocacy on ways we can provide these services for our greater community and provide services to these stressed out attorney firms. Mahalo Trustee Lindsey and all the Trustees for allowing me to testify before you today.

Trustee Ahuna You are talking about Kuleana land. Who are the stakeholders in the area?

Keeaumoku Kapu The stakeholders are the Kuleana landowners who live on Kuleana lands right now. There are about 14 other owners that are being stressed out now. Just recently, there were eleven charges that were filed against us for intervening and laying pipelines without legal recourse. They found an exemption clause through the County. These eleven people that were arrested. NHLC could only represent three out of the eleven and the rest had to represent themselves, that is why I am bringing this issue to the forefront. What do we do about the families not being represented? These are families that are lineal descendants to these lands.

Trustee Ahuna Has OHA helped in anyway or been involved?

Keeaumoku Kapu There have been discussions with OHA and NHLC, that is the reason we are being represented, my son, my wife, and I. It is limited. This has not come out yet, we filed a suit against the county for not protecting the interest of our roadways and the public easements along the way. We are still in deliberation.

Trustee Ahuna The reason I am saying this is OHA has been involved and maybe not as much as you would like, but how can we build on the support that we have now, that we have you guys? What can we build on?

Ke‘eaumoku Kapu Technical support. I understand it would be limited. You only deal with your confines with OHA’s legal representation when it come to your corporate counsel. Does OHA provide revenue funds to NHLC? This could alleviate the stress for families if they were being represented by NHLC or any other firm. This is what I am looking at on how we can be at greater advantage. I am in the trenches and at the forefront with what we are dealing with. I will have to file a counter claim and ensure that cost. And lastly, is there anyone in Advocacy I can contact to start the dialogue on how to make any of this possible.

Sylvia Hussey, CEO Thank you, we will connect you to our Chief Advocate and with Kai so that we can get that conversation started.

Ke‘eaumoku Kapu Mahalo, thank you so much.

Kaniloa Kamaunu Aloha Trustees, mahalo for having me again and allowing me to speak. I am glad I am the last one to speak. After hearing everyone and why we are having such a hard time is because of the way they relate to us. They relate to us on an even keel with everybody. The rights that they say we have is getting

interfered with. The real avenue to be able to have our rights solidified and upheld comes back to how we identify ourselves. Our people knew how to govern themselves. They understood their behavior, they knew their place, who they were, the ali'i's, and their purpose. Each of them knew how to work together and were taught by their ali'i and their kūpuna. We all know this. We can be brought up on different island but we are local. We know how to act, how we talk, we all do the same thing. We eat the same food, we enjoy the same things, no matter if we are Japanese, Filipino because we are local. Today, it has changed and it is not the same. When Queen Lili'uokalani realized she was not going to regain her responsibilities as the Queen, she turned to the people and told them be the best citizens you can. Other places would be in an uproar. She was taught how to behave. The ali'i at that time knew they had to form a constitutional government and form laws and make claims because these haoles that were coming did not know how to behave. They created the constitutional government so that they could protect our people from these outrageous people that came in to be served by us. They also distinguished us as kānaka maoli, kānaka Hawai'i, kānaka haole. They distinguished all those people and all their rights. Today, we're called Native Hawaiians so we are like everyone else. The first statement in the United States code is that Native Hawaiian is an American citizen but according to 1959, subsection 19, America said they had no power to change our status. Isn't that a conflict? The Apology Bill states that we are still sovereign. They do not mention kānaka maoli, they cannot. They did not mention maka'āinana. These terms are used in the kānāwai, these terms empower us and tell us who we are and our rights. The water rights, land rights, and iwi kūpuna are taken care of. I keep telling them for years, there is law and that they are violating their rights. In 1860, there was legislative rights because of the term Native Hawaiian rights. They overpower us. According to the Federal government, there is no Federal United States Patents in Hawai'i. The only patents that survived are the Royal Patents. The only titles that are true are the Land Commission Awards. According to the Department of Interior (DOI) when they came in 2014, this summary came and they stated there is a special political relationship between the Natives and the Federal government. I do not see it, I do not see the differentiation between the kānaka haole that comes to my islands and the kānaka maoli. The lands that you hunt and fish, there are native rights, resident rights, and visitor rights. Look on the maps, the State has it down as recreational. All of our oceans are recreational, that means we have no rights. According to them, the rights belong to the Native Hawaiians that means, kama'āina, residents have the same rights as us. The kānaka haole that come here, they don't pay taxes, have the same rights as me. How can this be? You have money, power and say, why are we not empowering our people or putting our kids education as number one. We were the only first country in the world to have over 90% of our people literate in two languages. Today, where are we on that poll? Where is our heritage? We have no place to belong. We are just an island floating on the sea with no ports. Is this our home? Give the money to our people, they need it. What can we do to empower our people? I reach out to you to empower us. Thank you.

Fay McFarlane Aloha kakahiaka Trustees, Chair Lindsey, and pōmaikai Trustee Trask. My deepest condolences to all who loved and respected Trustee Colette Machado. Hui Nā Mana Lima is a lāhui partnership with the SHPD for the reinternment of iwi kūpuna. I was asked by the knowledgeable kūpuna in Lahaina to represent the moku in undertaking the serious and long overdue kuleana. The reason I was approached was because of my earlier training in burial law, iwi protocols, and recovery. Both the Cultural Center and 'Aha Moku Maui Council are formally recognized by SHPD and Maui, Lāna'i Burial Council for the purpose of reinternment, repository, and repatriation. I respectfully request the Board of OHA acknowledge that 'Aha Moku o Maui for all intents and purposes is the sole 'Aha Moku Island Council of the mukupuni. I want to note that many of the beneficiaries that have testified before you are cultural practitioners of 'Aha Moku o Maui. There is no other 'aha moku council on Maui. Cultural practitioners and OHA beneficiaries have been disenfranchised by the unlawful appointments made by the Governor to the State AMAC. This unfortunate illegal situation was facilitated by the Executive Director. The appointments are required by law to originate from candidates that are nominated by the 'Aha Moku Island Council of each island. Instead, Demante bypassed legitimate nominees and made her own selections for each island. The Governor failed to vet those nominees and we urge the Board

of OHA to assign a Compliance officer or other staff members to evaluate the complaints that have been brought forward from the islands of Maui, Moloka‘i, Kaua‘i, Hawai‘i, and Lāna‘i islands. These communities were heavily involved in the legal selection process and their statutory rights have been violated by these illegal appointments. I also wanted to mahalo all of you for your continued maintenance to Papakilo, Kipuka, and your support to NHLC and Ka Huli Ao. I serve as the volunteer technical assistance kākō‘o for ‘Aha Moku o Maui as well as the Cultural Center. I have benefited hugely from the training OHA has offered. In this way, we are able to help families connect to their ancestral ‘āina, conduct research to defend them in court, and we need whatever help we can get. We are operating the frontlines night and day. If any of you would like to participate in any of our upcoming reinterment protocols, we would love to have some representation. You do not fund anything that we do. Everything comes out of the pockets of the cultural practitioners themselves but if you would like to get involved, please reach out to Na ‘Aikane or ‘Aha Moku o Maui. Mahalo to you today.

Clare Apana I have spoken to you folks before about the Compliance department. Your reorganization has literally crippled the Compliance department. I do not know how people are suppose to do all the work that needs to be done without support staff such as Anita. What I have seen and my own personal experience, the close communication that use to be with the people in the frontline and OHA, and OHA with developers and SHPD has been severed. I am working on projects that I have been working on for years and all of a sudden everything is approved, but the maps are still wrong. There are 30-40 sites that were once on a map but are now not on a map anymore. Will these places be protected or cataloged? How can a preservation plan be finished? We are finding that these things are happening. What has happened to the Compliance department? When Ke‘eumoku’s fire came up in Kaua‘ula, the Compliance department wrote a 40-page paper outlining what had been historically wrong with SHPD and the way they have been advocating for our burials and cultural sites. About a year ago, Kai Markell turned in a document outlining what was wrong. There was no discussion from you. How would you feel if you worked for a company where you gave your time and wrote a report to make things better but then you were completely ignored by the people who should be supporting you? You didn’t look at what he wrote or report on it. I question this Administration. I have seen the mass exodus of all the people who have worked here and the influx of another organization. All I know is I deal with one department and in the past few years, that has been very questionable because of the division by not allowing the head, Kai Markell, to actually lead this department. Our Grand Wailea case, he was not always in the loop from the side of OHA, there was a letter turned in representing the beneficiaries with our concerns. I requested to see the letter and I was refused. I requested that the letter not be sent, and it was sent by OHA against my direct order. I know that you know how important the historical knowledge is in a department like this and yet, I do not see you supporting the person who has been there for years and who knows the stories and has been your lead person. I would like to ask for an investigation on what happen to the complaints that were sent and turned in to this body by your Compliance officer. I hope that one of you will take this on and show the man the respect he deserves and the people that he has been trying to help. How far can you get without a secretary when you have so much work to do? I see this as a real problem. I would like you to bring the Compliance team back to what it used to be where they could make a difference. The last part of Chair Machado’s term in office, she came up to me and said Clare, we’re gonna do a lawsuit and take care of this. She and I did not always have the best track record either. I was also told this by Kamana‘o. I am asking that you have a Compliance department that will advocate for our iwi kūpuna and for our sacred sites. I would like to see that my comments haven’t gone nowhere and an answer to my concerns. Thank you for listening.

Announcements

Chair Hulu Lindsey We want to thank you for coming out to our meeting and for your testimonies and definitely, the Trustees hear you. We will look into every matter that has been discussed with us and

hopefully, we will report accurately back to you. Before we close, we will briefly go through our OHA updates.

Sylvia Hussey, CEO Thank you Chair, Administration has a very short video on our huaka'i yesterday.

Video is shared

Chair Hulu Lindsey Again, we mahalo those who welcomed us to the sites yesterday. We stand with all of you. I will entertain a motion for adjournment.

Adjournment

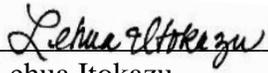
Trustee Akaka Moves to adjourn the meeting.

Trustee Akina Seconds the motion.

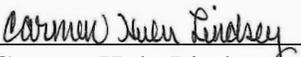
Adjournment							
TRUSTEE		1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
LEINA'ALA	AHU ISA						Left at 11:27 am
DAN	AHUNA			X			
KALEIHIKINA	AKAKA	X		X			
KELI'I	AKINA		X	X			
LUANA	ALAPA			X			
BRENDON KALEI'ĀINA	LEE			X			
MILILANI	TRASK						Not present at time of roll call
JOHN	WAIHE'E						Left at 10:15 am
CHAIR CARMEN HULU	LINDSEY			X			
TOTAL VOTE COUNT				6			

Chairperson Carmen Hulu Lindsey Adjourns the Board of Trustees meeting at 11:29 a.m.

Respectfully submitted,


 Lehua Itokazu
 Board Secretary

As approved by the Board of Trustees on August 18, 2022.


 Carmen Hulu Lindsey
 Chairperson, Board of Trustees