Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 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
MINUTES
June 17, 2021

ATTENDANCE:
Chairperson Carmen Hulu Lindsey
Trustee Lei Ahu Isa
Trustee Dan Ahuna
Trustee Kaleihikina Akaka
Trustee Keliʻi Akina
Trustee Luana Alapa
Trustee Brendon Kaleiʻaina Lee
Trustee Keola Lindsey

BOT STAFF:
Colin Kippen
Amber Kalua
Kanani Iaea
Lehua Itokazu
Melissa Wennihan
Crayn Akina

ADMINISTRATION STAFF:
Sylvia Hussey, Ka Pouhana / CEO
Casey Brown, Pou Nui / COO
Kalani Fronda, Land Assets Director
Raina Gushiken, CC
Everett Ohta, CC
Ramona Hink, CFO
Kevin Chak, IT Support
Erin Nakama, IT Support
Tiger Hu Li, IT Support
Robert Klein, Board Counsel
Kurt Klein, Board Counsel
Maile Luuwai, GRNT Mngr.
Miki Lene, GRNT Specialist
Kai Mana Peres-David, HR Director

GUEST:
Sam Chung
Anna Eleento-Sneed
Randall Sakumoto
Healan Sonoda-Pale
Kamuela Kalai
Kai Markell
Kamakana Ferreira
Germaine Meyers
Justin Kekiwi
Roslyn Cummings
Noelani Ahia
Leo Caires
Thomas Shirai
**Call to Order**

Chair Hulu Lindsey Calls the Board of Trustees Meeting to order for Thursday, June 17, 2021 at 10:00 a.m. Chair Hulu Lindsey calls for a roll call.

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<th>MEMBERS</th>
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At the Call to Order, **eight (8)** Trustees are PRESENT, thereby constituting a quorum.

Chair Hulu Lindsey Due to the threat of COVID-19, Governor Ige issued the most recent Emergency Twenty First Supplementary Proclamation dated June 7, 2021 that suspends parts of Hawai‘i Revised Statutes Chapter 92, Public Agency Meetings and Records to, among other things, enable boards to conduct business without any board members or members of the public physically present at the same location.

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Before we start VI. 1 and 3 were received under the 72-hour deadline.

Let me go over some quick announcements. Please mute your mics when you are not speaking. Trustees and our CEO please enable your cameras if you are able to do so. All other OHA staff please enable your camera and mic when addressing the board. If you get disconnected, we will pause the meeting for one minute and wait for you to log back on. After one minute we will proceed with the meeting. If you need to leave the meeting, please inform the Chair by announcing that you are leaving the mtg. We are recording today’s meeting for the sole purpose of producing written minutes, which will become the official record of this meeting. Joining the Trustees today is: Kurt Klein-Board Counsel, Sylvia Hussey-CEO, Colin Kippen-COS, Lehua Itokazu-Board Secretary, and my Aides-Kanani Iaea and Amber Kalua.

I will now call on Sylvia to announce our administrative staff joining us this evening.

**Sylvia Hussey, CEO** Thank you Chair. Good morning Trustees we have COO-Casey Brown, CFO-Ramona Hink, HR Director-Kai Mana Peres David, Senior Legal Counsel-Raina Gushiken, Legal Counsel-Everett Ohta, Our Land Director-Kalani Fronda, Grants Manager-Maile Luuwai, our Interim Grants Lead-Miki Cachola Lene, and our IT Staff for support. Mahalo Chair.

**Chair Hulu Lindsey** We will move on to the approval of minutes. I would like to call on Lehua.
Approval of Minutes

Lehua Itokazu, Board Secretary Thank you Chair. I would like to make a note that the minutes on page three, there is a typo, and I will be making the correction.

Chair Hulu Lindsey Can I get a motion to approve the minutes for May 20, 2021.

Trustee Akina Moves to approve the minutes.

Trustee Ahu Isa Seconds the motion.

Chair Hulu Lindsey Roll call vote.

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<th>Minutes: May 20, 2021</th>
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<th>‘AE (YES)</th>
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MOTION: [ ] UNANIMOUS [ X ] PASSED [ ] DEFERRED [ ] FAILED

Motion passes with eight (8) YES votes and one (1) EXCUSED vote.

Chair Hulu Lindsey Moving on to item III. Public testimony.

Public Testimony

Chair Hulu Lindsey Before she speaks, I would like to read our requirements.

We are now on Public Testimony – I will review our Public Testimony Guidelines. Public Testimony should be limited to matters listed on the meeting agenda and will occur during the Public Testimony portion of the agenda. Once the public testimony section on the agenda has concluded, oral testimony online will no longer be accepted. Your name will be called, and your microphone will be unmuted when it is your turn to testify. If you
are not audible, you will be muted, and the next testifier will be called. Your name will be called again before the conclusion of the public testimony section. State your name, organization if applicable, agenda items you are testifying on, and your position on each of the agenda items.

If you begin to address other issues not on the meeting agenda, I will call you Out of Order and direct you to limit your testimony to items listed on the agenda. Oral testimony online will be limited to 5 minutes. A timer will be on the screen to count down the time. Your mic will automatically be muted once you have completed your oral testimony or if your allotted time for testimony expires. You will be ask to disconnect from the meeting, unless you are also signed up for oral testimony during Community concerns. If you do not sign off on your own, support staff will remove you from the Zoom meeting. You can continue to view the remainder of the meeting on livestream. Also, any late testimony will be distributed after the BOT meeting. I will now call on staff to call on the list of testifiers.

Healani Sonoda-Pale Aloha, Mahalo for allowing me to testify. I am testifying on agenda under new business, budget and strategic plan. I know that the Office of Hawaiian Affairs (OHA) is reorganizing. I want to stress as a community advocate that there are certain components in OHA that really need to stay in tact, one is the compliance department. Specifically, to Kai Markell. I can not stress enough how important he is to our communities, especially those who are working to protect our iwi kupuna. He has been a support and resource for many of us. As an ex-employee I understand the complex of that office and I know that it can be kind of doggy-dog there, it is something that’s been on going. There needs to be more team building, training, and support for each other in the office. We support Kai Markell staying on board at OHA. If OHA loses him and we lose him as an advocate for our community then that will be a huge loss to the protectors of iwi kupuna.

Looking at the Budget and strategic plan, I agree taking grants out, the priorities that you are doing, I am concerned about the health priorities, and racism in obtaining quality health care. I think there needs to be work in that health section. I wanted to share my manaʻo and for Ka Lāhui Hawaiʻi. We support Kai Markell staying on board with compliance. It’s great that OHA gives out grants, but they also do a lot of advocacy and he is one of those advocates. Mahalo.

Kamuela Kalaʻi Aloha mai, glad to be here with you folks today. My name is Kamuela Kalaʻi, mahalo for the opportunity to express my manaʻo today. I am here to express my concerns regarding the plan to reorganize OHA. I have been told that our compliance division will be completely cut from OHA’s organization. Please hear me when I say, that would be a terrible thing to do. Compliance is the one place that beneficiaries can rely on for help with the care and protection of our iwi kupuna. The staff will listen to the horror stories of ongoing attacks on our iwi kupuna burials. It is one place where we can bring our concerns and know that help is on the way. The compliance division needs to be fully staffed and resourced, without their help our kupuna will be subjected to continued and worsening onslaught of desecration and disturbance. For those of us on the front line we will be left to ourselves to stop the massive desecration of our kupuna. We need help, our kupuna need help. We need help with understanding our right to engage in civil disobedience, protest, and protection of iwi kupuna. We need help with the impacts of being arrested, being thrown in jail, posting bail, and defending ourselves in court. We help to ensure all nine seats on the island burial councils are filled. We need OHA to fill one seat on every burial council as a large landowner. We need help to ensure the State Historic Preservation Division (SHPD) follows the law to mālama kupuna. Compliance has helped with many issues in the past, they continue to work on things today, and I am truly grateful to Kai Markell. He is one of the strongest advocates for iwi kupuna. I implore each of you to seriously consider keeping the compliance division fully staffed and intact, without them our iwi kupuna will be in much greater danger than they already are if you can even imagine that. They are in grave danger every where from Hanalei and Kōloa on Kaua‘i to Kaʻaʻawa and Pūpūkea on Oʻahu, to Wailea and Lahaina on Maui, and every other island. Our kupuna are our foundation and
we must do everything we can to protect them from harm. Just as our kupuna stood their ground on Maunakea and paid the price by getting arrested; I ask for you to stand your ground and protect our iwi kupuna with the best resources that OHA has which is your compliance division and the dedicated staff. Mahalo nui.

Kai Markell

Aloha piha iā ‘oukou pākahī āpau. Aloha Chair, Vice Chair, and Trustees. Thank you for this opportunity to testify. I am humbled and grateful. I am testifying on the strategic plan and re-organization on the agenda listed in executive session. My name is Kai Markell and I am the Manager of Compliance Enforcement for OHA. As the longest surviving Manager at OHA of seventeen years and counting. As you all know, I have already submitted hundreds of pages of testimony but I feel a need to speak here today because aia ka mana i loko o ka ‘ōlelo There is power in the word. We talk about mana. You don’t get mana from reading a book. Moʻi Kalākaua redefine mana. Inherited mana is the kindness, goodness, and compassion that justice and pono that your ancestors did. You acquire mana in this lifetime by doing the same things. Mana doesn’t come from titles, positions or western power in the Government or structure. OHA sadly posses no where near the mana we should have after forty years. Our Lāhui posses the mana. Beautiful Molokaʻi friends shared about when Kaʻahumanu soldiers went to burn the Heiau’s down and the Kahuna pākuʻi prophesized that the high born would fall and the land and the Hawaiian people will suffer. We are suffering today but it will be the people of the land that will rise once more and restore pono and righteousness. That the kanaka lepo popolo, the common people of the land that rise out of the taro patch with mud on their legs, they hold the mana. Our entire administration seems to be pointed over from Kamehameha schools. We’re not a private charitable educational Trust, we are a government agency with specific constitutional statutory and fiduciary duties to our beneficiaries. The obligation to spend public tax dollars sufficiently and effectively as well. Like KS struggles to be a school for Hawaiians or a Hawaiian school; we are an agency that serves Hawaiians. Sadly, we are not a Hawaiian agency. We put out Hawaiian content, showcase Hawaiian ʻike and cultural programs, we establish Hawaiian values like kūlia, kākou, and aloha. It’s rarely exhibited internally like a disfunctional family. Look at the peoples needs forty years ago, thirty, twenty, ten years ago. I’ve looked at previous surveys, focus groups, community meetings it’s the same nothing has changed, it’s the same basic needs. Now, you add another strategic plan and re-org. We keep changing the players and the playing field. We bleed out staff with high turn over and lose any semblance of mana that OHA builds up. Time and time again. In advocacy, knowledge and experience are power, relationships and reputations too, integrity, honor, knowing more than your adversary, knowing the moʻokūʻauhau, the genealogy, the history of any contentious issue. There’s never been much beneficiary money in my program it’s been staff and their hearts and minds. That’s where we put our resources. Grant money is wonderful to give away, but this isn’t OHA’s money, however. It belongs to the lāhui, we hand out their money to some of them as if they should all be grateful. We have a new strategic plan after pulling hundreds of beneficiaries when we have half a million beneficiaries. Pauahi was a servant leader, she’s not infront saying follow me, this is where we’re going. She was behind her people encouraging them, supporting them and letting them lead. How do we support our people? We stand next to them in the trenches, in the loʻi, in the kuʻe action. Chair Hulu, you know this, in Mauna Kea. OHA did this at Naue, Kauaʻi we stood with our people to get arrested to protect the burials. Thirteen years later the same issues are over there. Our kupuna jumping in the utility trench in Maui to protect their kupuna, they get arrested. Now a civility suit. Where’s OHA? We’re over here rearranging the chess board pieces thinking somehow we’re going to get a different result after forty years of brilliant kupuna are already laying it out for us. As if we arrogantly know better. So, we can look back and reassess in two years, five years, ten years and say once again that didn’t work out, let’s try something else. Meanwhile, we are losing kupuna every day and losing more ʻāina each day as well. If island culture showed you the foundation of this re-hashed strategic plan, how can they be just a quote “lens” to look through at health, education, housing, and economic development. Who at OHA protects the foundations of this strategic plan? The ʻāina, culture, the ʻohana. Who helps OHA fulfill its constitutional statutory and fiduciary duties? Who protects native rights, access, environmental resources, traditionary customary practices, and the resources they rely upon? Article twelve sec.7 the State reaffirm shall protect all rights, customary,
Recently, I address community concerns that beneficiaries face. The Cultural Situational Awareness Program (CASP) elimination came as a surprise. I, as a Compliance Specialist at the Office of Hawaiian Affairs (OHA), do not view our program as a failure. We engage agencies; Federal, State, and County. We engage corporations foreign and domestic, the water diveters and stealers, the destroyers and desecrators of ʻāina, and the last vestiges of historic sites and the bones of our kupuna. We engage the military industrial complex standing up for our beneficiaries the most sacred sites when we sued the army. $10 million dollars into the economy $2 billion dollars missile defense radar, Red hill leaking fuel into kai wai ola Kane into our aquifers, Pōhakuloa and Makua leases are coming up that HB499. Who benefits from this re-organization of OHA? These agencies, corporations, developers, and military developers of industrial complex are going to benefit from weakening our program under this plan. Who will not benefit is our beneficiaries. OHA does not need a change in staff, we need stability. Now more than ever, to build a foundation. Finally, section ten HRS; general duties of the board. The general duties of the board shall be (A)(1) to continually update a strategic plan. Continually, update it, lomi lomi it, fix it little bits at a time. If it works, build more. The organization of the office administration program structure is the Board’s responsibility including the use of personnel, that’s us, the makaʻāinana, and often the kaua. How can OHA as your own Board policy state be a puʻuhonua for our beneficiaries when we are not a place of refuge for our own hard-working staff. Let’s not talk about our own Maui Ola, well being. How can OHA help heal our Lāhui when we can’t even heal ourselves. He manaʻo lele wale. Mahalo

Kamakana Ferreira Aloha Trustees. My name is Kamakana Ferreira. I currently serve as the Lead Compliance Specialist at the Office of Hawaiian Affairs. I am also a Native Hawaiian beneficiary of OHA thus feel entitled to speak critically to oppose this re-organization. In particular, I am concerned with this elimination of the Compliance Enforcement Program. I take my job very seriously and based on the very limited information provided so far, I worry that services to prevent beneficiaries could severely disruptive in the relationships built over the years could be damaged. We have been provided with no confidence or explanation of our program nor job discriptions have been provided to alleviate the concerns I have. Since my time in Compliance, I’ve never had a bad performance review, I’ve been told our focus needs to change, so the elimination came as a shock. And it has added an additional layer of stress to the work we do directly tied to OHA statutory functions. During my time in compliance, I’ve witnessed our advocacy efforts result in more cultural sites in protective and preserve. We’ve seen more consultation opportunities provided to our beneficiaries. We’ve seen more cultural monitoring employed. We’ve seen team products modified or moved to address community concerns. We see the return of many iwi kupuna in various parts of the world. We’ve seen the return of sacred objects, like the waiāea bowl in Halawa Valley, it was taken interstate H3 construction. Recently returned to the Matson ohana. This is advocacy in action, all of this advocacy was done through hard
work, collaboration with beneficiaries, discipline, and adherence to a systematic process that works. So, when I heard our program was being eliminated, I wondered if we did something wrong? The trustees have heard administration explain that the compliance function is not leaving OHA but I have not seen anyone asking critical questions. Why do we need to create an entirely new unit to do the same or similar work that we are doing now? Ask yourself, is this the best use of resources? Since no client is perfect there must be some risk involved. These questions could also be applied to other central functions like IT, procurement, or financial services at OHA. OHA Compliance sees an average of about 600 projects to review per year. This is an observable that goes back more than ten years. When you look at the projects that get loaded into our Papakilo database. Most of these projects require consultation with OHA either the Federal or State statutes, administrative rules, County ordinances, or even existing agreements. Statistically, most of the work is Historic Preservation related. So, its quite shocking that the Compliance archaeology position that currently sits in our unit is totally eliminated in the re-organization. Even if our unit is eliminated these matters will still come to OHA and OHA must answer. It’s not the kind of work that can be contracted out either. I bring this up cause there’s talk about contracting more things out. Notably OHA has been critical about other agencies contracting core functions and we must not forget Government work contracts only certain types of firms that may not be in OHA’s best interest. The OHA Compliance unit already has a set of standard operating procedures and a set of position descriptions with SR ratings and exempt, non-exempt classifications. Creating a new unit would necessitate all of that to be re-done. To me it would be more resourceful to refine existing programs and procedures with minimal program elimination. When Trustee Keola Lindsey was a Chief Advocate, he laid the groundwork for this sort of effort as we worked to brainstorm how the SOP reports could be revised? Unfortunately, the task to continue this work was not taken up by OHA. I’d like to emphasize that our unit has built relationships with beneficiaries and established a variety of social networks over the years. We know their faces and their stories, and they know us. We affectively advocated along side them and there is still so much work left to do. OHA should be preserving and strengthening this kind of bonds and valuing the expertise we have. Not eliminating good programs and forcing hard good working people to reapply for their jobs. As it is now its such limited information, the re-organization feels to brand and auto correct. I ask you trustees now to help preserve the bonds that have been formed with beneficiaries over the years and allows to continue to grow them. At the end of the day, I’m a Native Hawaiian afraid for my job, yet I dedicated myself to OHA and produced results time and time again. There are many at OHA that in the same predicament so please Trustees, be fair and kind. Mahalo.

**Chair Hulu Lindsey** Thank you Kamakana.

**Germain Meyers** Aloha Trustees. My name is Germaine Meyers, I am an OHA beneficiary for beneficiary advocacy and empowerment. I am also a Nanakuli homestead lessee. First, I would like to provide testimony for and on behalf of our Nanakuli Maili Neighborhood Board. This week on June 15, 2021, our neighborhood board and after full and free discussion unanimously support OHA’s biennium budget for the fiscal years 2022 and 2023. Mahalo OHA Board Chair Hulu Lindsey, OHA BAE Committee Trustee Kalei Akaka, OHA’s CEO Sylvia Hussey for presenting OHA’s Biennium Budget to our board members and to our community and for answering everyone’s questions. Our Nanakuli Maili neighborhood represents approximately 1,400 Hawaiian Homestead lots and families that live in the Nanakuli Hawaiian Homestead and Princess Kahanu Homestead. We also represent Hawaiians that live in DHHL lots allocated for transitional shelter in Maili. We believe that OHA’s budget will support OHA’s strategic plan. Trustees, my testimony from this moment forward including later my community concerns represents my personal views and research. I want to clarify, first and foremost that I do not support the elimination of the research department. I’ve read the testimonies of the others and I am shocked to hear that Kai Markell’s position may be eliminated. I voice the same concerns as others that our research department and the current personnel that understand OHA and Native Hawaiian needs are important to OHA’s structure. Trustees, I was happy to see that OHA extended the Covid response grants statewide. These
grants do not require nonprofits to provide match funds. Therefore, I wrongfully assumed that all eligible applications would be granted funds and that all available funds would be divided evenly pro rata among all eligible trustees knowing Covid impacts every island, every community. And all applicants that were in eligible trustees in the community will be told why not eligible. I live on Oahu in Nanakuli, OHA allocated $524,380 for Oahu Covid impact response. Maile Lu'uwai told me this morning that eleven applications were received for Oahu. Seven were found to be eligible but as you will see in the packet only four nonprofits are being proposed to receive OHA Covid impact and response grants from OHA. Of the four applicants being proposed, two will exclusively serve Waimānalo Homestead, one will exclusively serve Papakōlea Homestead, and one will pay for a brand-new mobile clinic. Nothing for West Oahu Hawaiian Homestead communities.

When I look at the details of the four, what I see is the following; Partners in Development Foundation $150k to serve Waimanalo in Oahu. I noted that Partners and Development received contract 3304 for the island of Hawai‘i $100k were awarded back in 2019, which is actually in the packet. Then Papakōlea Community Development Corp. They asked for $78,541 and they received it. Yet, earlier they received $75,000 for park equipment and now the $78 will equip supplies to help staff to train 181 Hawaiians how to safely use the park facilities. At the same time, I’m in Nanakuli, Kalanianaole beach park where it’s the only park for us to use for our Homesteaders. We have a 1,050 homestead lot and Princess Kahana has over 200 and we do not even have a womens sink in the restroom to wash our hands yet we are supporting this. In healthy mothers helping babies coalition, will recieve $149,999 for the mobile clinic and Ke Kula Nui Waimanalo will impact 120 participants and they will recieve $148,860 almost the full $150k maximum. So I am concerned. When I look across all the other islands, what I see is KUPU is recieving grant after grant over every island. Hawai‘i $54,345, Maui $140,088, Kauai $84,336, Moloka‘i and Lanai $55,042. Why is KUPU, which Kaulana Park is the President, he is the ex-DHHL Chairman. Why is one non-profit receiving all these funds? All over the islands and yet, others are denied. Specifically, seven applicants, three were denied on Oahu. Eight eligible on Hawaii island and only six got. So these are the answers that I am looking for in the presentation. Mahalo trustees.

Justin Kekiwi My name is Justin Kekiwi, my lineal descendant of Honolua, Maui born and raised on the islands, beneficiary to OHA. Growing up I heard a lot of stories and rumors about OHA and about corruption and stuff. It made us mistrust the program. As I got more involved as an advocate for cultural resources and protecting our iwi kupuna and cultural sites, we reached out to the enforcement compliance division and they were very inspiring and very helpful to us. Its very disturbing to hear that a possible re-organization would get rid of this division and alot of employees. For me and my ohana, we spent many years working specifically with Lauren and Kamakana. To see all those years. They save villages here; in Mo‘omuku, Maui, in Honoula, Wailea, Paeahu, Wailea 670, there is to much to mention. To see all of that slip away right now, I can just see the developers right now. They’re cheering, they’re happy. If this goes through and you let this happen, we are taking ten steps backwards and are keiki along with everything we worked for will be for nothing. Don’t lose those foundation blocks. What I am worried about now is that we are in negotiations. Your branch holds a lot of teeth and muscle in these meetings. If we lose them then were back at square one. We cannot let that happen. So please really think about your decision. Fix where you need to fix but don’t let go of your good workers. We all in this together, we one Lāhui. I see this happening as a negative impact to the beneficiaries and to our people. Please really think about saving those employees and saving that branch. Thank you for your time and this opportunity. I look forward to working with Kamakana and Lauren and the rest of you guys over the years. Mahalo for your time. Aloha.

Chair Hulu Lindsey I want to put your minds at ease that there is no intention of our getting rid of the compliance department. It is a department we consider very serious and very apart of OHA. We know what our employees have done in different communities statewide. Please know we are not considering getting rid of the compliance department. It is a very important part of OHA.
Roslyn Cummings  Aloha, I am an OHA beneficiary. I also started a non profit with other Wahine. Our non profit is called e ola kākou Hawai‘i. We established this nonprofit in regards to our vitality, ola. I am contacting all of you in regards to the re-organization on the agenda. Mainly because I have been in contact with Kai Markell. I pule, pray that he is still in the position that he is in and it is fulfilled with righteousness because of the desecration of our iwi kupuna. From February, we have been front lining it down in Koloa and it took us a month to get enforcement down. We finally found out what we knew that they were grading grubbing, when they did not have permitting. I had no one else to reach out to other than Kai. I would also like to thank Dan Ahuna for answering my emails and calls. It is hard for me to know what is going on at the OHA level. To see what is going on Weiki road, the wife of Ahu Kinialaa, with her rib sticking out. The word I use is kaumaha, I am very sadden by this. Three days later we did hoʻoponopono. After hoʻoponopono was done we found out the archaeologist moved her child about a one year old baby into a house, hidden in a box. No one showed up from the burial council or SHPD. Everything was done on Face Time. There are several generational burial on one site alone. The decision was made for the septic to go in. Protocol and hoʻoponopono was done amongst its people, the people Native to these lands. What are the burial laws? Where are the descendant rights? Everything had gone through. After the burials sat in the sand for nineteen days exposed to the elements, I called for help and no one answered but a few people. My goal is for you to understand, kaumaha is saddening to see this continue to happen. There is never a break in bewtween. To look at our iwi kupuna be treated like they are nothing. I have seven children. They are all registered under OHA. I think to myself, what kind of foundation are we leaving behind for them. Our cultural sites are being depleted everyday. Our waters are being poisoned and our iwi kupuna is our structure. I tell myself, 1893 all over again. We are doing it all over again. When I stand there talking to the developers, I look to my side and I see our people saddened. They look at me for answers and I do not know what to do. How can I rely on a compliance department that is not even available because of this type of eha going on. I am begging you guys as a voice for our kupuna to please listen and hear us out. We need this compliance and enforcement division. We need the understanding and each other. Our kupuna is getting desecrated everyday. We need to stand tall and together. Mahalo for you time. Mahalo piha. Mālama pono.

Noelani Ahia  Aloha mai kākou. I am so happy to be here today. I wanted to thank you Trustee Hulu Lindsey for sharing the manaʻo that compliance enforcement is not going to be removed. I do hope with every ounce of my being that it is true and they will not have to reapply. I hope that they will be fully supported by OHA’s administration as well as the Board of Trustees. As many testifiers have said, Compliance enforcement are some of the only bodies in OHA truly show up to stand with the people and help support our frontline work. With out them, who will save the bones? We will be out there alone again. In general, the re-organization, I do not fully support. The re-organization focuses on housing, healing, and education. Of course they are all very important things but we have to look a little bit deeper. OHA needs to address the historical trauma and be apart of stopping it from continuing to happen. We continue to have injuries ever single day when our iwi kupuna are desecrated, when they are ripped out of the ground. This is a reflection of how kanaka maoli are treated in Hawaiʻi, as if we don’t matter. We have to be very clear about the positionality on where OHA stands when it comes to settler colonialism. The current protection of iwi kupuna is directly connected to the health and well-bing of kanaka maoli. While homes are important, and yes it is a crisis again, we need to think deeper. Where I live near Paukukalo, Maui we have Hawaiian Homes that was built on top of iwi kupuna. After the sand was taken out and used for cement. OHA sued over the sandmining but they didn’t sue to stop it and protect the burials. They sued to make sure they got their cut of money. Did that money come back to the kanaka maoli who are suffering? I doubt it. Times have changed but OHA needs to be clear about its position. Where you folks stand on the root cause of suffering will tell us how you are going to function in the future. Giving out grants is fine but again it does not address protection. It doesn’t address stopping the injuries. It doesn’t provide remedies. We need immediate help now. Our frontline action community is about challenging status quo and moving ourselves towards pono and protecting our iwi kupuna, our ‘āina, wai, and our people. Status quo is
what keeps our kanaka maoli in the various states of oppression. OHA has to decide if it wants to maintain status quo and fit in with the settler society and dress up nice and seem civilized or do you want to reach down and rise up with the people and challenge the status quo? To create true lasting, political, economic, and social justice for the kanaka. OHA is suppose to be the agency for the Hawaiian people. We need all of you as individuals to rise to the occasion and stand with the people. Dealing with iwi kupuna like the other testifiers have said is filled with kaumaha and grief. I too cry on a regular basis. We can not put our blinders on or close our eyes and pretend that this is not happening. We are doing as much as we can with the limited resources that we have. It is like a full time job. We do it because we know in our naʻau it is the right thing to do and our kupuna called us to do it. We need you folks to stand with us. Without people like Kai Markell, Kamakana, and the folks in compliance enforcement we would be so much further behind than we are. We need them, we need you to support them, and we need you to look at your positionality as an institution. You need to use your institutional power for richousness for our people to restore what is pono. Mahalo nui and e malama i na iwi kupuna. A hui hou.

**Leo Caires** Mahalo for the chance to be heard, this is my first time sharing infront of OHA. Here is my letter, I want share just a few statements of how appreciative my ohana is in Maui from receieving help and support from OHA and the staff. My ohana owns an eleven acre fishpond in Hana named Hukuloa. Our ohana inherited this land. It was originally owned by Julia Alapaʻi Kauwāʻa, I understand that she was a high chiefess and recieved the royal patent commission award 8525B during Kamehameha III reign. Her mother was the youngest daughter of Chief Alapaʻinui and her father was Nahili a sailing master for Kamehameha I. In some of the historic notes says Kamehameha came and helped us rebuild our fishpond wall. There is a street in Honolulu named Alapaʻi after her. This pond has endured so much over time and has really been a beacon of strength of our culture in Hana, in Maui. The spirit there and the ability to provide a reliable source of food to the district and the keiki of Hana. We were faced with complex land issues from a developer who wanted to build a septic waste system and leaching fields next to our pond. There was so many laws and rules that created a very complex situation it was difficult for Hana to decipher the entire process. I reached out to OHA at that time, and we received an overwhelming response and help for us to understand and dive deeper to understand this land compliance. We had the pleasure to work with a gentleman, Kamakana Ferreira, he works in this land compliance division. All I want to do is to say if it wasn’t for the expertise of someone like, Mr Ferreira, I don’t think our family would have little to no chance navigating the difficult lands issues in the context of cultural preservation among other things. This battle is still ongoing. I’m compelled for OHA to find ways to retain talented individuals like Mr. Ferreira in your staff. Furthermore it is an opportunity to expand the expertise rather than down size. The Hawaiian Community has so much talent. We must find a way to invest more into the staff. I just wanted to emphasize the and impress by the support we received and recognize that intellectual capacity and mana of Mr. Ferreira. He is a great representative of OHA, I hope you keep him and others like him on staff. I wanted to share some points: OHA is a valuable resource, you come and fill in the gaps. I look at the structures and it appears to be very academic in nature. In the plan I did not see a lot of information validating the structure. When you restructure these kinds of things, you need to look at how will this affect the collaborations vs. a stronger power structure over staff. Things of that nature. How does that impact creativity and innovation across the organization? I look at the academia structure and how to tie more culturally into what works for our people and could it better serve our people. My last point, these kind of issues with these important staff that we are appreciative of. I don’t look at it as a cost but as an investment. Mahalo.

**Thomas Shirai** Good Morning everybody. I am going to speak on only one item. I am here to testify for my very good friend, Kai Markel and the Compliance department. They are a very essential part to the structure for OHA. I go back with Kai a very long time. I served two terms on the Oahu island burial council. My first term was 1998-2002 when Kai was still with SHPD and the expertise he brings to OHA regarding compliance and iwi kupuna is tremendous. For two years, 2005-2007 KHON Leslie Wilcox covered the desecration of iwi kupuna...
kupuna of my great, great, great grandmother, Napua Kau Kaukulu at Kawaiapae known today as Kawaiapae Airfield. My family, both are heavily documented in the sites Oahu, our family was a konoiki of Kawaiapae and we own lots of land in Waialua. We are the immediate care-takers of such cultural sites as Leinakauhane and all those places. We didn’t win the lottery, they were people of rank, pre-western time. When Kamehameha III, Mahele came around and gave them the opportunity to purchase land. Kai and Jerome Yasui helped me re-intern my ancestors’ bones in 2007 at the airfield. Andrew Perreira and his camera man also did that. You can already see how much I want to give back and support Kai and not have him leave OHA. Keep the compliance division, do not eliminate them. They are important. You heard everybody say how important they are and that’s all I can say. Compliance is an essential part of OHA. I like what your doing with Kukaniloko. Wailua needs to be informed also on what’s going on in Kukaniloko. All five kupuna there are kupuna of my Grandpa, my family. Its as much apart of Wailua. That’s all I want to say. Have a nice day, stay safe.

Community Concerns

Kamuela Kalai Aloha mai and mahalo nui for this second opportunity to share my mana‘o. There is a couple of things I would like address. 1) your beneficiary advocacy committee has no room for community concerns. I wanted to testify last week. That committee is all about beneficiaries advocating and empowering. I would like to ask that you consider adding community concerns to those meetings especially that particular meeting. 2) I would like to advocate for the re-instatement of your Naive Hawaiian Historic Preservation Committee that use to be the one place we could go to voice our concerns. I anticipated in several of these meetings when I was trying to protect iwi kupuna at Kawaiha‘o. Right when we made progress and was about to take our report to the Board of Trustees they got cut off. That is an important committee because it allows our people to come and voice their concerns and get them addressed. Please consider re-instating that committee. Also, on a personal note; ten years ago, I would attend every single OHA meeting for a year. Starting in 2011, I would come and ask for help to protect iwi kupuna at Kawaiha‘o Church. When I started there was only 69 iwi kupuna that had been removed from their graves and placed in baskets. I was hoping to prevent anymore desecration. I contacted OHA and the first person I spoke to was Kai Markell. He suggested I go to the Board meeting and express my mana‘o. I did and I continued to go every meeting. Over the course of time, I got arrested. I was involved in Ho‘oponopono. I was involved with talks with the church and the church decided to walk away from the table and continued the desecration. Within a few months the iwi kupuna, over 700, kupuna were dug out of their graves. Today they are still in the basement of the church. I remember meeting Trustee Hulu Lindsey at one of those meetings. I believe it was one of your first meetings as a trustee and I remeber your compassion and aloha. You reached out to me and I was so grateful for that. Sometimes thats all it takes, just somebody that understands. When they talk about kaumaha, its real. It is pain and stress that I’ve been carrying. Our iwi kupuna everywhere are under attack. I was not going to testify because I thought it’s a waste of my time. I come, I talk, I cry, and nothing happens. The desecration goes on and on. I just want to thank Trustee Hulu Lindsey for supporting the cause and allowing us to have an iwi kupuna committee. Trustee Keola Lindsey, when he was in compliance, he had to listen to me cry and rant. Thank you, Keola. This is happening and its real. I want everyone on the Board to think about your own kupuna. What would do? What would you feel if they were being dug up, thrown in a plastic bag, and stored in a basement for over eleven years? It is painful. If I can just find a little more strength to ho‘omau and do what we all need to do, its to protect our kupuna. Mahalo nui.

Germain Meyers Aloha, I am an OHA beneficiary for beneficiary empowerment. I am also a Nanakuli Hawaiian homestead lessee. First, I would like to mirror the support of the testifiers that came before me. Saying that community concerns belong where it was once before the previous Chair removed it from the committees. Prior to that, community concerns was in Resource Management meetings and in Beneficiary Advocacy Empowerment committee meetings, and Board of Trustees. It was sad when it was removed because
we have little time, only five minutes to give our voice. I also feel Resource Management sometimes you may not have concerns right away about agenda items but yet you may have concerns related to issues related to finance but you cannot voice them because there is no Community Concerns. We need that back in each committee meetings again. I would also like to share that I went on OHAs website, and this is what it says about OHA’s Compliance Enforcement. OHA’s Compliance Enforcement Program is part of OHA’s Advocacy line of business. The purpose of the program is to provide legal and policy compliance review, assessment, and corrective action services to OHA’s top leadership. Allowing the organization to take proactive steps when organizations interpret or misinterpret or implement laws in ways that may harm the Hawaiian community or may not be in its best interest. This is what we are being told what Compliance Enforcement stands for. That’s why I support Kai Markell, because that’s exactly what he did. He always looks at how our Hawaiian communities are going to be harmed or when there was misinterpretation or misimplementation of the laws, he always supported us. I speak from experience. Kumu, Mike Lee, I met him at an OHA meeting. He passed away in 2019 but between the time I met him and the time he passed away, he shared with me different issues that are in our communities. He took me with him to the legislature to request for support for burial sites with desecration. The taikus with the owl. Where did we get our research from? Where did we get our help from? That was from Kai Markel. I speak to you on behalf of Kumu Mike Lee as well, who I very much miss deeply. The short time I was with him, there was one thing that stands out the most; when we would talk about something and research on our own we would always go to Kai Markell. He would always take it to the next level. Kai provided clarity regarding the real issues and the guidance. That is something OHA can not eliminate especially for these specific individuals and department. There are other departments you can shave off or realign but not this one. This is about what is the best interest for our Hawaiian community and about harming our community. Mahalo for listening to my community concerns.

Justin Kekiwi Mahalo for clarifying about not getting rid of compliance earlier. I’m new as far as jumping into OHA meetings. I just want to mahalo you guys again for giving us the opportunity to voice our concerns as beneficiaries. A lot of us are lost and we are trying to claim our identities. Having these opportunities inspires us. Gives us strength to move forward and set foundation blocks. My concern is about the re-org and the Compliance enforcement division. If that’s not what is happening, then I apologize for not doing my homework. As I said earlier, without that division, Lauren and Kamakana, a lot of our history would’ve been lost. When the developers have to deal with us, it’s nothing for them. To them we are nothing, we have no money or voice. We are easy to kick to the curb. When OHA steps in, they cringe. They know they must respond and behave ethically. That is why I feel that this division has a strong hold. Mahalo you guys, I look forward to working with you guys in the future. Thank you all. Mahalo nui, Aloha.

Roslyn Cummings Aloha no, I just wanted to thank you Chair for speaking up that you are not getting rid of the Compliance. I have a lot of people watching me here in Hawai‘i and in the world. I want to let you know that I need this compliance department. We need help. I turned in burial registry on a burial descendant with SHPD in regards to Alaimoku. Standing on the front line and trying to make peace with them. While they are telling me, I’m Hawaiian too and I deserve to live here. When I start to cry and they tell me this is not progressive, they walk away, and they no longer want to work with me. I think to myself, Kupuna, can they not see or hear you like the way I do? I am literally fighting with my own ‘ohana because they don’t see it or feel it. In the Kekaha ahupua’a, that ‘āina, on Thursday, when I was standing against the desecration. I told them there was numerous burials, several ali‘i. When I found out they found tutu wahine, they disturbed her, and I saw their faces. The lies they have been telling everyone that they never found bones. How can OHA help us to share the truth? As far as the burial council goes, I have not yet met them since February. All of the burials I’ve been dealing with; West side, South side, Koloa, North shore, and Weike Road. When we were at Weike Road, there were two developers that stopped by and asked us if they could rebury bones that they found along their land. I told them No. When you remove them you are taking them from their resting place and remove them
from their family. These are the things that I am new to and I question. No one is answering the kāhea, our people are lost. Everytime we went by that sand pile, I couldn’t feel part of my body. I asked the achaeologist, what is the name of this bone? Its the tibia. Two minutes later the tibia was pulled out from the sand pile. After arguing with the developer if they were 100% sure that there was no bones in the pile. They replied yes. The archaeologist said no. I think to myself as we are all standing on the front line, what are we doing? What is the right thing to do? When these people say you should be happy. Better to have the septic than the cess-pool. The cesspool is three feet away from our own ancestor. How are we suppose to smile? To just cover it up and put a sign that says kapu. This happens on a daily basis. I ask OHA to please help. I email, I call. Please OHA help us. Mahalo for your time. Take care, God Bless.

New Business

Trustee Akaka Madame Chair, motion to waiver for Joint BAE/RM Committees with out objection the BAE/RM Committees would like to take the following vote concurrently

V.1. Request for approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 5, 2020) Article VIII, Section L:

A. Committee on Beneficiary Advocacy and Empowerment (BAE) and the Committee on Resource Management (RM) – Agenda items V.2, V.3, V.4, V.5, V.6, V.7, V.8, V.9, and V.10.

B. Committee on Resource Management – Agenda items V.11, VI.2, and VI.3.

Trustee Lee Madam Chair, I object.

Chair Hulu Lindsey Do I have a second to Trustee Akaka’s motion?

No one answers.

Chair Hulu Lindsey There is no second to the motion so the motion dies. So, we will not consider that action item today.

Trustee Ahuna Since we are on that item can I make a few comments?

Chair Hulu Lindsey Yes.

Trustee Ahuna With all do respect, we just heard our beneficiaries come to us and talk about transparency. They want to know more about what’s going on. Justin spoke on don’t lose those building blocks, Germaine spoke on community concerns to be in these committees. These are very important. On our last day, as I served as the RM Chair, I remember there was one action we had to vote on for the LLC board members. They were there infront of us but because we were in the board committee and it did not come out of the RM committee, people were uncomfortable voting yes. So, everyone deferred it. I think that is what happened today. I think it’s important to understand that we want to vet these items. It’s very important for our people to hear it. Germaine spoke about it. These are the proactive steps.

Chair Hulu Lindsey Trustee Ahuna, it is in our agenda today. We are asking to waive it from the RM committee to the Board of Trustees. We are available for full discussion, no difference. It is just being waived from the RM to the Board.

Trustee Ahuna There is a difference Trustee Hulu Lindsey. There is a big difference.

Chair Hulu Lindsey What is the difference?
**Trustee Ahuna** The big difference is that we can not vet all the action items that are coming to us. Which means, comments will come out at the Board of Trustees meeting like today. Our beneficiaries do not feel comfortable and they want to hear from us more. These committees are important on how we vet these actions. I have beneficiaries on Kauaʻi that are concerned. They are right about no permitting and everything, but we are not doing nothing about it. The reason I say this, is the lot Roslyn spoke about is above Kaneoluma. This means they cannot have a permit because what is the drainage plan? We want to know how we can help her better. Today, I wouldn’t have that opportunity to help her because it is not being done in the RM committee. That’s all I’m saying, just wanted to comment on why I feel no one has seconded. Thank you Chair.

**Chair Hulu Lindsey** I think we’ve never waived this before so maybe the Trustees are confused as to why we are moving it straight to the board.

**Trustee Ahuna** Confused is a good word. Thank you.

**Trustee K. Lindsey** My question is, if we are unable to take action and vote on all these action items and grants then what happen next?

**Chair Hulu Lindsey** We will put them into committee.

**Trustee K. Lindsey** The awarding of the grants isn’t jeopardized as long as these issues get referred back to the respective committees, is that correct?

**Chair Hulu Lindsey** Yes, that's correct.

**Trustee K. Lindsey** Thank you Madam Chair.

**Chair Hulu Lindsey** I will move on to V.1.B. Trustee Alapa.

**Committee on Resource Management – Agenda items V.11, VI.2, and VI.3.**

**Trustee Alapa** Motion to waive RM Committee Request for approval to waive the following Standing Committee matters to be directly considered by the Board of Trustees pursuant to the Office of Hawaiian Affairs Board of Trustees Bylaws (approved March 5, 2020) Article VIII, Section L:

B. Committee on Resource Management – Agenda items V.11, VI.2, and VI.3.

**Chair Hulu Lindsey** Is there a second? Since there is no second we will move on to the next item. All grants will be held up.

**Sylvia Hussey, CEO** I just want to confirm what you just mentioned. These grants are being awarded from FY21 funds. If the decisions are not made by June 30th then all funds will expire and not awarded. We want to affirm what you starting to say.

**Maile Luuwai** They have to be approved by the BOT and the purchase orders need to be submitted by June 30th. If the purchase orders are not submitted by June 30th than the money lapses.

**Chair Hulu Lindsey** So, is the desire of the Board, the Trustees, not to give out these grants by the end of this fiscal year?

**Trustee Lee** Point of clarification Madam Chair. That is not what the Baord of Trustees just said. The Board of Trustees just said they do not believe this matter should be refered directly to the Board. That is not the same thing. Committee Chairs have ample time under the six day Sunshine Rule to call for a Committee meeting to be taken up. In fact, there is a BAE meeting scheduled next week for the 23rd. There is ample time for Committee Chairs to call for a meeting. We also
have two more Board meetings where this item can be brought back to the Board after its been vetted in a committee.

**Chair Hulu Lindsey** Okay, we can consider that.

**Trustee K. Lindsey** The point on purchase orders needing to be finalized, is there a time frame on something like that would take? After the Board takes action on approving a grant.

**Maile Luuwa‘i** Once the Board approves, we scramble. We can prep, you can see how many we got. It will be down to the wire.

**Trustee Ahu Isa** I think they can get the purchase orders ready. The purchase order is to encumber the funds so it doesn’t lapse. They can get it all ready, so the when we approve it then they can just put it through. Mahalo.

**Maile Luuwa‘i** I said we can do it.

**Trustee K. Lindsey** I just want to clarify, the purchase order is an internal process? We control all the steps on finalizing the purchase order?

**Chair Hulu Lindsey** We control the approvals only and administration controls the rest.

**Sylvia Hussey, CEO** Following up to Trustee Lindsey’s question. The Board’s authority and decision is sufficient enough to encumber the funds. The process in putting in purchase orders will occur but the Board’s authority and the decision is enough. If that authority comes on June 30th than that is sufficient enough to encumber and recognize the awarding.

**Chair Hulu Lindsey** Okay, we can wait for the next Board meeting.

**Executive Session**

1. Report of the Permitted Interaction Group re: to Investigate and Recommend a Short List of Eligible Entities for Selection of a Development Consultant; Land and Commercial Property Policies; and the Development and Implementation of a Request for Proposal for a Community Planner, no discussion. Pursuant to HRS§92-2.5(b)(1)(B) and pursuant HRS§92-5(4)

2. Consultation with Board Counsel Robert G. Klein and OHA External Counsel Randall Sakumoto, Esq. re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities with respect to updates by Administration regarding potential acquisition of commercial properties, pursuant to HRS§92-5(4)

3. Consultation with Board Counsel Robert G. Klein, OHA Sr. Legal Counsel Raina Gushiken, and Anna Elento-Sneed, Esq. re: questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities with respect to reorganization activities and related costs, pursuant to HRS§92-5(4)

**Trustee Lee** Following the agenda, item VI. I move that we recuse the Board into executive session.

**Trustee Ahuna** Seconds the motion.

**Trustee Akina** On discussion to that point, does that mean we will suspend item V.11. the workshop?

**Chair Hulu Lindsey** Yes.

  The Board recuses into Executive Session at 11:42 a.m.
The Board returns to open session at 2:35 p.m.

Announcements

Chair Hulu Lindsey The next Board meeting will be on June 24th.

Trustee Lee Point of clarification Madam Chair. I believe a notice was just sent out that a new Board meeting was scheduled for Wednesday the 23rd.

Chair Hulu Lindsey Yes, thats right. Congressman Ed Case would like to meet with our Board. The meeting will be at 9:00 a.m. Also, the Joint BAE and RM will be considering on having a joint meeting as well to go over the grants.

Adjournment

Chair Hulu Lindsey I would like to entertain a motion for adjournment.

Trustee Ahuna Moves to adjourn the meeting.

Trustee Alapa Seconds the motion.
Adjournment

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Chairperson Carmen Hulu Lindsey adjourns the Board of Trustees meeting at 2:38 p.m.

Respectfully submitted,

Lehua Itokazu
Board Secretary

As approved by the Board of Trustees on July 29, 2021.

Carmen Hulu Lindsey
Chairperson, Board of Trustees

Attachments:

No attachments.