

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
560 N. Nimitz Highway, Suite 200
Honolulu, HI 96817

Minutes of the Office of Hawaiian Affairs Board of Trustees
Thursday, June 29, 2017
10:00 am

ATTENDANCE:

TRUSTEE COLETTE MACHADO
TRUSTEE LEINA'ALA AHU ISA
TRUSTEE DAN AHUNA
TRUSTEE W. KELI'I AKINA
TRUSTEE ROWENA AKANA
TRUSTEE CARMEN HULU LINDSEY
TRUSTEE ROBERT LINDSEY
TRUSTEE JOHN WAIHE'E IV

ROBERT G. KLEIN, ESQ. BOARD COUNSEL

EXCUSED:

TRUSTEE PETER APO

ADMINISTRATION STAFF:

KAMANA'OPONO CRABBE, CEO
LISA VICTOR, COO
DAVID LAEHA, CFO
MILES NISHIJIMA, LPD
MEHANA HIND, CE
MOMI LAZO, SR. EA to CEO
KAWIKA RILEY, CHIEF
KAI MARKELL, COMP
JOCELYN DOANE, PP
STERLING WONG, MEDIA
RAYMOND MATSUURA, INVST
TIGER LI, ISRM
WAYNE TANAKA, PUBL
ALICE SILBANUZ, DPM
BLAINE FERUSTROM, COMM
CHARLYN ONTAI, RM
TIANE MCNEIL, OUTR
DANILE SANTOS III, ISRM
JEROME YASUHARA, COMP
JIM MCMAHON, ADV
JOHN ROSA, OUTR
KAHEALANI PELELAS, CE
LEONA KALIMA, CULTU

BOT STAFF:

CAROL HO'OMANAWANUI
LADY GARRETT
LOPAKA BAPTISTE
DAVIS PRICE
DAYNA PA
LAURENE KALUAU-KEALOHA
MARIA CALDERON
ALVIN AKEE
KAY WATANABE
PAUL HARLEMANN
MAX MUKAI
LEHUA ITOKAZU
KAMA HOPKINS
KAUIKEAOLANI WAILEHUA

GUESTS:

CHERYL BURGHARDT
RUPERT ROWE
GERMAINE MEYERS
MALIA MARTIN
KAHO'OKAHI KANUHA
KAUKAOHU WAHILANI
ANDRE PEREZ
BIMO AKIONA
MELELANI LLANES
CLARE APANA
KAPUA KELIIOKA-KAMAI
MANU KAIAMA
LAULANI TEALE
CANDACE FUJIKANE
WALTER RITTE
MALIA MARQUEZ
LORI HALEMANO
KAIULANI MILHAM

I. CALL TO ORDER

Chair Colette Machado Calls the Board of Trustees meeting to order at 10:05 am. Roll call is taken; Trustees Ahu Isa, Ahuna, Akina, Carmen Hulu Lindsey, Robert Lindsey, Waihe'e and Machado are present constituting a quorum of seven (7) trustees. Trustee Rowena Akana is expected to arrive shortly. An excused absence has been received from Trustee Peter Apo.

Chair Colette Machado - I would like a 72 Hour Waiver for item V.A. the Joint Committees on Resource Management and Beneficiary Advocacy and Empowerment item 1.

10:06 am Trustee John Waihe'e leaves the table.

Trustee Dan Ahuna moves for a 72 Hour waiver for the V.A.1. BAE/RM #17- 01: Fiscal Biennium 2018-2019 Community Grant Recommendations.

Trustee Carmen Hulu Lindsey seconds the motion.

Chair Colette Machado calls for a roll call vote.

Trustee Dan Ahuna moves for a 72 Hour waiver for the V.A.1. BAE/RM #17- 01: Fiscal Biennium 2018-2019 Community Grant Recommendations. Trustee Carmen Hulu Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA	X		X			
TRUSTEE ROWENA AKANA						Not present
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY		X	X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E						Not present
CHAIR COLETTE MACHADO			X			
TOTAL VOTE COUNT			6			3
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with six (6) YES votes, and three (3) excused.						

II. APPROVAL OF MINUTES

A. Meeting of the Board of Trustees

1. May 25, 2017
2. June 8 2017

Chair Colette Machado - We will move on to the approval of the minutes for May 25, 2017 and June 8, 2017.

Trustee Dan Ahuna moves to approve the Board of Trustees meeting minutes of May 25, 2017 and June 8, 2017.

Trustee Carmen Hulu Lindsey seconds the motion.

Chair Colette Machado – Are there any deliberations, amendments or questions to the minutes. Hearing none roll call vote.

Trustee Dan Ahuna moves to approve the Board of Trustees meeting minutes of May 25, 2017 and June 8, 2017.						
Trustee Carmen Hulu Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			x			
TRUSTEE DAN AHUNA	x		x			
TRUSTEE ROWENA AKANA						Not present
TRUSTEE KELI'I AKINA			x			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY		x	x			
TRUSTEE ROBERT LINDSEY			x			
TRUSTEE JOHN WAIHE'E						Not present
CHAIR COLETTE MACHADO			x			
TOTAL VOTE COUNT			6			3
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed with six (6) YES votes, and three (3) excused.						

III. PUBLIC TESTIMONY

Chair Colette Machado - We are now on III. Public Testimony. I wanted to acknowledge:

Consistent with the Sunshine law, our discussions and decisions must be limited to items identified on a properly noticed agenda, which allows the public to know what will be discussed and gives an opportunity to provide testimony. While this requirement aids public involvement, it also limits our ability to respond to matters not on our meeting agenda.

With that in mind, here are some reminders regarding public testimony:

1. We request that individuals interested in providing testimony or comments before the Board complete the "Public Testimony, and Community Concerns Form" located on the credenza.
2. Testimony is limited to five minutes. The timer is on the screen located to the right of where individuals will sit to testify.
3. If you have a handout that covers your testimony, we ask that you refrain from reading it aloud in its entirety. We will accept your written testimony but ask that you summarize your thoughts.
4. The opportunity to testify should not be misinterpreted as an opportunity to question BOT members; questions/requests for information will be referred to administration for follow-up.
5. Individuals who will provide testimony on matters on the agenda will have an opportunity under item numeral III - Public Testimony.
6. As we have done in the past, we will allow individuals to comment on matters not on the agenda. However, Trustees cannot discuss or make decisions on matters NOT on the agenda. Individuals who wish to address matters NOT listed on the agenda will have an opportunity to do so under item VII – Community Concerns.

10:08 am Trustee John Waihee returns to the meeting.

So with that said we have people that have signed up. And the first one we would like to call to offer public testimony is Sheryl Burghardt.

Ms. Sheryl Burghardt – Good morning everyone. It's been a while since I been here. All of you should have received an email from me this week. So I'm not going to reiterate what I said. I'm actually here as you can see in support of the mauna as usual and also the Maui Sands cause I think they relate on how we are taking care of the land. I was concerned that maybe you didn't have time to print out the 8 criteria for what is acceptable on the conservation zone. I printed them for you so that is going to be my testimony. I appreciate the time that you took to read my email and positives and negatives for what is going on and I hope that, I know that you will listen with open ears to all of the people that are here today and I appreciate your time.

(Document attached to minutes)

Chair Colette Machado – Our next testifier is Germaine Meyers.

10:13 am Trustee Rowena Akana arrives at the meeting

Ms. Germaine Meyers – Aloha, good morning. Contrary to my normal, I am going to give oral testimony today. Aloha my name is Germaine Meyers I'm an OHA beneficiary as well as for Beneficiary Advocacy and Empowerment as well as Nānākuli Hawaiian Homestead Lessee. Today's agenda I'm giving my data views and arguments regarding today's agenda items on grants and Mauna Kea.

The OHA statutory mandates and mission are implemented through strategic plan 2010-2018. The beneficiaries of the public trust are the native Hawaiian people. The strategic priorities for improving the conditions of native Hawaiians are in the areas of the 'āina, culture, economic self-sufficiency, education and health. Yesterday I entered the joint committee meeting where the grant recommendations of the staff were being deliberated and there after taken to vote. I attended the grant meetings for the biennium budget since the very first grant workshop this year. I heard at the first meeting Trustees question administration if the grant recipient recommendation list was shared with the recipients prior to the Trustees voting on and ratifying their recommendations. Trustees didn't want to feel pressured by the recipients. Yet I walked into the grant meeting yesterday where administration grant recipient recommendation list was in action form. I looked in the sign in sheet as I am signing in I see that ex Trustee Stender and members of his group are the only guests besides myself in the meeting. Then I realize that they were there to give testimonies and present their faces and the worthiness of their grant request. Only one group, only one non-profit organization was in the room. Yet, hundreds, hundreds of worthy non-profit organizations applied for grants with OHA. Administration and the Grant department should have told all grant requestors about yesterday's meeting whether they were on the list or not. I guess they all thought apply and allow. Apply and allow. Apply and allow administration and the Trustees to review their qualifications and worthiness. In other words let their applications speak for themselves.

Mauna Kea. The scarf I am wearing had these red flowers on them I wore it today because I thought it was the closest thing that we resembles the lehua blossoms. As we, all know the lehua blossoms have been affected by a disease. After years of thriving in the forest of the Big Island somehow and someway a disease was introduced to the forest and now this beautiful blossom and plant is being threatened into extinction. When I flew to Hilo recently, last month, I was introduced to reading material about how I should be careful about inadvertently carrying this disease out of the forest and to my hometown on Oahu, Nānākuli. It talked about burning things after being exposed to the lehua trees with this disease. Recently I was told a man-made park was being proposed for Mauna Kea. A man made park? Similar to man introduced diseases. We don't need a man-made park on the mountain. Mauna Kea is pristine and beautiful as is. God made, not man made. If Mayor Kim's proposal is to introduce another man-made object on Mauna Kea, please deny the proposal. E hana kākou.

Chair Colette Machado – Thank you Germaine. Our next presenter is Malia Martin followed by Kaho‘okahi Kanuha.

Ms. Malia Martin – Aloha Trustees. I am here by myself. My name is Malia my family and I are recipients of some of the very, very helpful OHA programs relating to health and things that affect our people. I know there will be a lot of other testimony about other aspects but I am coming on behalf of myself and others who can't be here today. Who are looking towards the future and see the exploration on Mauna Kea as an extension of who we are as a Hawaiian people. I've been in the tour industry, our second largest industry in the islands after the military for over 15 years and I've seen how visitors behave when they come here. And I've seen over the years for example near Hanauma Bay, which is a beautiful park, a beautiful nature reserve, and then without regulation and without instructions to visitors about how to take care of it, how it was destroyed. But when it became a reserve that was taking care of then people appreciated more. It was regulated more. Tourist have to pay to visit, local people don't. On Haleakalā, they have commercial free days where people can practice cultural activities without tourist there. But with nothing on Mauna Kea, it will be left and people won't stop coming. Mauna Kea has been on the map for a while now and visitors are going to come and if nobody is at the visitors center to tell them what to do they are going to do whatever they want like they do at Koko Head, at Sacred Falls and other important places in Hawaii.

So we can all agree whether you agree with astronomy or telescopes, or Hawaiian cultural all of these things can go together. Everyone can agree that the Office of Mauna Kea Management and other groups have not taken care of that area enough. Sometimes we might need a place so that people can learn about our culture and regulate it and this park from Mayor Henry Kim is the closest thing that anyone has proposed so that would be positive in that aspect and could be open to changing and helping people to understand our culture. To be regulating the special use of it for cultural practitioners, for scientist and hopefully more scientist, more people who care about mālama honua will come to Hawaii and help us to better take care of Mauna Kea, of Kahoolawe. If we open our industries to stem science, sustainable industries and things aside from tourism and the military. So allowing this park with community input would be very important. I hope you take this into consideration and one more thing, if there were no telescopes there would be no restrictions on light pollution on the Big Island and you would have Honolulu City Lights up and down the Big Island coastlines. If you want that then you can get rid of the telescopes and it will be just like Waikiki on the Big Island in Kona. But think about how we can really protect our land and how we can really protect our resources. The main resource on Mauna Kea isn't water that can be used up, it isn't land, it's the height, we have the highest point in the Pacific Ocean and if we own it then we can dictate who uses it. We can share the height without depleting it as a resource and a park could be a good idea for that. Mahalo.

Chair Colette Machado – Thank you Malia. The next speaker is Kaukaohu.

Mr. Kaukaohu Wahilani – Morning everyone, I am Kaukaohuokalani Wahilani from Waianae Valley, Kingdom of the Hawaiian. I am here for Community Concerns. I actually wanted to speak after Mayor Kim.

Chair Colette Machado – You can do that. You can come back.

Mr. Wailani – Yes I want to do that.

Chair Colette Machado – Our next speaker is Bimo Akiona.

Trustee Keli‘i Akina – I wanted the beneficiaries to know that community concerns is located on our agenda after our executive session.

Chair Colette Machado – Right that is true.

Trustee Keli'i Akina – Which is far later. I just want to know that the beneficiaries understand that it will be way at the end not immediately after Mayor Kim's presentation.

Chair Colette Machado – That is fine, the executive session should be quicker than usual it is just and update. Mr. Akiona will wait. Melelani Llanes are you going to wait too.

Melelani Llanes – Aloha Kakou trusted and dedicated Trustees. My name is Mililani Llanes and I live in Makakilo. I'm here today to express my concerns about the future of Mauna Kea. I believe to the core of my na'au the Mauna Kea is one of the most sacred places on earth. It sickens me to see how she has been desecrated time and time again in the name of science, and I am a scientist. While I believe that Polynesians are natural astronomers, Hōkūlea proved that point with this last worldwide voyage. I quest for knowledge was never at the expense of our island. There are two areas of concern that I wish to express. The Mauna Kea World Park and the issue of Mauna Kea lease being transferred to OHA.

While I believe in Hawaii being a beacon of peace and inclusive place for learning for the world. I am terrified of the thought of Mauna Kea being used for that purpose. Just hearing the words World Park conjures pictures of crowds with possibly a genuine interest in astronomy but with a total disregard for the sacredness of Mauna Kea. The landscape has been littered with a plethora of telescopes already. I believe this World Park would support the building of the Thirty Meter Telescope, which I vehemently oppose. I'm not aware of how native Hawaiians live in a kuleana protecting Mauna Kea fit in to the picture. Would they be part of this plan and have a strong voice in determining the fate of Mauna Kea? I will listen with an open mind today to Mayor Kim's plan.

As for the lease of Mauna Kea being transferred to OHA, I'm cautious about that option. Only if OHA made a firm commitment to block the Thirty Meter Telescope and any new subsequent new telescopes would I feel less cautious. Only after the sacred landscape is restored which includes removing the pile of telescopes already there can any discussion be undertaken about considering one and maybe only one. And again only with the blessing of those protecting Mauna Kea. We all know that the true land ownership of Mauna Kea belongs to the Nation State of Hawaii that has been illegally occupied by the United States of America. All these issues need to be taken in to account with the proposal you are considering today. Mauna Kea is sacred and desecrating even one more inch of here in unconscionable. Mahalo for your dedicated service and allowing me voice concern today. Mālama pono.

Chair Colette Machado – Next up is Kapua Keliikoa-Kamai followed by Manu Kaiama.

Ms. Kapua Keliikoa-Kamai – Aloha kākou, o wau Kapua Keliikoa-Kamai. Thank you for having us here today. I'd like to share with you some pictures of those that may not be in this room. But have the same sentiment as myself, as right now I am speaking to agenda item V.C. The presentation that Mayor Kim is giving I also want to reserve that I will speak to that under Community Concerns afterwards. But I will take this moment to do this presentation at this point in time.

This one here you see this keiki. This is our future, this here you see our kupuna, both of them today are our past and our future. So while the Mauna Kea offers its wonderful benefits of astronomy ke akua put us kānaka maoli, us in this whole pae 'āina Hawaii for a reason. Because he knew that we will mālama our resources, that we aloha 'āina. So not saying that we do not want development, that we do not want any progress, any innovation of course we are kanaka, we fully support that. Yet, within reason. We have gone far beyond reason. UH Hawaii has shown no ability to properly manage Mauna a Wakea. With all of the telescopes, all of the Countries and all of the revenues that have come in, that could have come in, that should be coming in, where's the palapala. Whose sees the fiscal data on that? Who is collecting that? Is it the kanaka? Or is it this fake State? Or is the people at UH doing the things that UH choses to do. We need to stop this enough is

enough for our past and our present, our present and our future. The mana'ō that you folks, the authority, the power that you have is heavy on our people. We don't want to come here and kū'ē, we rather kāko'ō. Let's kāko'ō progress but not at the extent of desecration. Not at the extent of breaking the rules that the fake State has already created hence they create subsequent alternative rules. But let's mālama your kuleana and do what is right. Ke 'olu'olu.

The second this that I have I think it's item VI.B. approval of minutes. If I heard right at the beginning of this hālāwai, you folks approved the minutes, but item VI.B. seems to be the same dates. I also urge you to post your minutes on the website as I think we are a little bit behind so even though you may have approved previous ones if you could just keep us informed on that. So I again I will address after the Mayor is done and Mahalo nui. Aloha.

Chair Colette Machado – Manu Kaiama followed by Laulani Teale.

Ms. Manu Kaiama – Aloha mai kākou. Thank you so much for having this possibility for us to testify. I think the first thing that comes to mind is why is public testimony item number III. when mostly everyone here and I am assuming that our Trustees know that why most of us are here fall under item V.C. I don't know when I checked in I thought that didn't seem to make any sense to me to have us talking about something that we haven't even heard the presentation from the Mayor yet. It's just a suggestion maybe I don't think you did it on purpose. Is every agenda like that. So the powers that be maybe you could change that and make your public testimony after.

Chair Colette Machado – Let me clarify something. The purpose of this is to actually why we do the agenda on public testimony it provides an opportunity to comment on the items that are listed after that. We are going to into decision making as everyone is given consideration to give input on each of those items listed under public testimony. The community concerns reflects items that are not on the agenda that people would like to address to the board. So we've organized it in a manner so that we are very clear to allow the Trustees full and free discussion in our decision making.

Ms. Kaiama – It makes sense but I still have to reiterate that I did that for us as a community to be able to comment on a suggested proposal we would hope to hear a little bit more details of the proposal before we comment. With that being said, I will respect the agenda as written. I just wanted to say that number one of course none of you make enough money to have this heavy kuleana on your shoulder. I know that we all agree with that. So expectations of the community is even larger because we are thinking boy you are here kind of part time, kind of volunteer. Your kuleana means you need to know these topics, you need to become more familiar with them and educate yourself on your own time. So we really, really do appreciate that.

What I really wanted to state and emphasize was that I believe the proposal by Mayor Kim really serves as a distraction to the more critical issue of the TMT. I've seen this happen before politically where for example people get together and they want to build a 20 parking stall parking garage and they say only 20 stalls but you know the public is going to come out and be against it what do we do. You know what we do we are going to put it out to the public as a 50 parking stall cause then when we go kūkākūkā and we finally say you know what we've heard you, now what we are going to do is just 20 stalls. So they played on the public and they played one on us and we know that those things happened. I look at this idea at the midnight hour from left field this idea of taking some of this land on Mauna Kea as a mere distraction using up your precious time, your mana trying to make us think about something else when really the critical issue is TMT. So I just wanted to ask the board to please consider what you are constituents have been coming and been saying very vocally do not spend any of your mana or your time on this proposal. Respectfully mahalo for putting it forward but you don't have the energy or the time to be able to entertain it. You should be focused on stopping the TMT from being built and then decommissioning all the rest and then at that time we will worry about it turning it into a Waikiki as some of our former testifiers are worried about. Mahalo nui loa have a great day.

Chair Colette Machado – Laulani Teale followed by Candice Fujikane.

Ms. Laulani Teale – Aloha Trustees mahalo for this opportunity to speak I would also like to mahalo Mayor Kim as well I do have to say that we need more peace in Hawaii and that's very important and any intention for greater peace is a good thing. So I'd like to put out that mahalo also. My name is Laulani Teale I am the coordinator for Hoopae Pono Peace Project. I work with peace a lot, I work with families with land issues, with household issues, with the organizational matters. I'm trained in ho'oponopono, I'm a practitioner and I work directly with actually setting things right when they have become out of balance. I want to talk about what peace is fundamentally is because I think that is very important in this. I think there may be some misunderstandings, which may be part of this picture. Peace is something that we need to be very, very careful is not confuse with a monopoly on violence. That may seem obvious but I think that it's something, it's a confusion that we deal with every day. The idea that, ok, there is a war, someone invade something like a palace and then you monopolize the violence then you make peace. The expectation is that everyone just ignores what has happened and moves on in a way of forgetting about it. That's a monopoly on violence that is not peace.

Peace is consensual that means everyone need to agree to it and clearly in the case of Mauna Kea there is a very, very, strong feeling about the way that, that place needs to be properly cared for, protected and taken care of and I think that many of the people of here testifying have said that over and over again. I will say that I believe that the testimony that you've heard today that is part of peace. Because it is restoring a balance of consensually of agreement. Once you have something where the people agree to it then, and only then you can have peace. That's true of ho'oponopono, mediation, of 'ohana, processes of all kinds. You only have peace when the people agree, then and only then, and what we have here from the kānaka maoli that you represent is a very clear picture of where constitutes real peace and that is protection. Protection and return to mālama. I think that people have their own ideas so I would be very careful about assuming about what that management should look like. I think that we need to work with the people with the kuleana because that consensus is supper important. Real peace can be achieved when that consensus is there. TMT is not part of that consensus. There are many people in this room who will not allow that to happen and to build the TMT would require violence, because it would require physically hauling them off again and again and again. And I don't think that telescope would be built, because it's not going to happen. There is not consensus. I ask please that this board focus its energy on what the people are requesting on real peace. Because that is the only way, that peace can be built.

Chair Colette Machado – Laulani you also listed an issue on Wailua Kauai so when we get into community concerns I will call you back.

Ms. Teale – I hope that I will be able to stay. Mostly I just wanted to bring that to the board's attention that that is very important right not. It's a major struggle that is right at the heart where we need real solutions because that is, that assertion of caretaker ship of mālama is such as important part of restoring the ea of the people. I wanted to put that forward that that is critical in Wailua and Wainiha. I'm not sure that I'll be able to stay in the end, I will try, I do ask that, that be considered.

Chair Colette Machado – Candace Fujikane followed by Clare Apana.

Ms. Candace Fujikane - I would like to speak after Mayor Kim's presentation.

Chair Colette Machado – I will call you back. Clare Apana.

Ms. Clare Apana – Good morning and Aloha from Maui. I'm the only one who could come today from our group. Last week when they were in Maui we had an entire room filled with testifiers, beneficiaries who all

came and every single person spoke about the pressing issue we have on Maui and that is the sand mining of our iwi kupuna. Every single person spoke, I was moved that the board was moot and even the chair said that today there would be something for us. There would be some assistance, information, I'm sorry to see that it is not in the format where you would actually vote on assisting us because we have a grass roots effort exposed an illegal sand mining permit for 213,000 cubic yards of sand. In an area where there is no mineral extraction allowed.

We have gotten the planning department to issue two letters, one a warning and one that gives a fine to this Maui Lanai Company Town Realty for extracting. Just this week they were in the area that is supposed to be off limits and they said they were shoring up the burials which the comprised by taking too much sand out. They did this without an archeological monitor, which is required by their permit. So we went crazy trying to get someone to do something about it. Our Council persons, Ellie Cochran's staff tried to get the County to come. We called all the departments no one would come to enforce the condition of this permit. We learned two days later that SHPD said that it was ok because they had screened the sand. Indeed, they had not because they scooped down along the sides and the edges of this lot, down at least 5 feet. But no one is willing to even do the little bit of guidance that we have that if iwi kupuna are exposed that they will be taken care of. No one, none of the departments I sat outside holding signs yesterday with zoning inspector who was not allowed to go on the project. She was not allowed so that she could enforce the zoning restriction. We have come to you for help.

We have very strong case in the 6e laws, which they have been breaking these laws for over 10 years. And I appreciate the apology from you Chair for not coming earlier 10 years ago when we asked for help. I think that this is the time for us to go forward. The sand of our kupuna is in the rail columns. And I understand those rail columns are cracking. Not only will it not be safe but our kupuna have been relegated to existing as they have in this area for over 200 years to be sand mined and sold as a commodity and put in concrete to build a rail that half the city does not want. I think they deserve much better and I think we can do better. I thank Mauna Kea for coming because many of these burials come from Moku o Keawe. They are the Keawes that died at the battle of Kakanelua. Where all of the lines of Keawe perished in one day in one battle in the sand dune of Maui. It is your people mostly that were left on the sands of Maui and reported so many times in history in Kamakau even Thurston reports seeing the piles of bones and skulls. These are your people and I so apology for not being able to take care of them and letting your people be exposed by D9 and sand mining trucks.

The lying of the archeologist about the burials, the stories we have from the people who work on site and the people who are actually tasked with turning their heads when they come upon burials is so different then what we see in reports. We ask you for help. It's just because I believe that you can and whether you choose to help us or not we're going to go forward. And we are raising the money to do the only thing we can do to stop them. Unless Mauna Kea comes and helps us so that we know how to stage an effective sit in and occupy we would appreciate that help. Because it looks like it's getting to that point and these people made \$30 million on selling our kupuna last year. I don't think they lack for money to against us.

Chair Colette Machado – I wanted to comment on your mana'o. Today the Board is going to be asked to adopt a motion in regards to your project on Maui. There is going to be three areas of consideration. One is the Department of Planning to determine if sand excavation violates the Maui zoning code. The Maui Department of Public Works to determine if revocation or suspension of Phase 9 grading permit is appropriate and the third is the State Historic Preservation Department and the Maui Lanai Island Burial Council to properly investigate the discovery of burials and whether Historic Preservation Laws and Conditions have been fully complied with and enforced. That is being submitted for consideration for decision making on the agenda this morning.

Ms. Apana – If they continue as they have to ignore the laws and to ignore their kuleana to enforce the laws will there be any recourse from this inquiry.

Chair Colette Machado – Once we take a position on this I think those things can be discussed with Administration. At the last meeting on Maui, I requested if you had applied with the Native Hawaiian Legal Corporation for this particular project. I will still ask that if you have.

Ms. Apana – I have, I was told to do this and I have and I have been waiting for 8 days for a response.

Chair Colette Machado – All of that might be lined up appropriately where we can help get that kind of legal support. I think you are looking to file an injunction to stop everything. So those kinds of consideration will require a review by all parties including you and your group as well as the Trustees participation and commitment to fund it. So with this motion it will help us move it along. We have never done that since you been coming to the table. We will be addressing that under new business today.

Ms. Apana – Thank you and I invite all of you as many as can come with the sunshine law and all of the people who have come today to come to our vigil cause I think that the best thing that we can do for our kupuna at this time is to come together in the area where they are being currently moved around in the sand and pule together for them so they know that we haven't forgotten them and will be doing that this Friday six o'clock in the evening till six o'clock in the morning. Thank you.

Chair Colette Machado – Thank you Clare and be patient with us. Trustee Rowena Akana.

Trustee Rowena Akana – Madame Chair the three actions that you are going to ask us to take.

Chair Colette Machado – One motion with three positions.

Trustee Rowena Akana – They are all asking the various questions, but I think in the testimony that we heard on Maui, the burial council came and they told us that there are not even allowed on the site, they are not allowed to have a meeting so they've answered those questions when they appeared at our meeting. So to me what we're asking we already got the answer.

Chair Colette Machado – I would ask you to hold the discussion till we get to that item where we can take the motion and have free and full discussion that that time. That's where it is going to be important on how we craft the details behind the recommended motion. So if there is area that you disagree on number three we can delete it or strengthen it with other considerations. This is just the public testimony input.

Trustee Rowena Akana – Ok.

Trustee Leina'ala Ahu Isa – I flew over there to the County Council because there was a resolution for a moratorium on this sand mining. The dunes, at first I couldn't figure out where it was. Auntie Claire took us over there. The dunes at Maui Lani, I spoke to an attorney he said that we have a case because all that sand was brought here to put in those columns we paid for by public tax payer money. It is not private money. It is our money that paid for it. I think those thing are cracking because our kupuna are screaming to get out of those concrete pillars.

Chair Colette Machado – Our next speaker is Malia Marquez followed by Andre Perez.

Ms. Malia Marquez – (addresses board in Hawaiian) My name is Malia and I am from Hawaii Kai. I'm a Kumu with the DOE at Kāhala Elementary School. I am adopted from the Queen Liliuokalani Trust of Hawaiian babies. My mom is pure Caucasian and my father is pure Chinese. I had to learn my culture and my mana'o of who are people are from school. My brother attended Kamehameha Schools, he was passed away it is just me and my mom now. The importance of our keiki and for me to be able to teach them since I don't

have true mana‘o from my ‘ohana of where our people come from is so important and I mahalo Kaukaohu and Kapua as our keiki attend Hālau Ku Mana I learn as I go on. I keep learning of our people of our culture. I just opened my adoption records and my ‘ohana is Keawe. I wouldn’t be a true kumu if I didn’t stand up for what I believe and what I teach my children.

I teach them to always stand up for what is pono. We have discussed Mauna Kea, we have discussed 1893, we have discussed everything in my class and I hope my opinions because I need to teach them whatever they feel they need to express. They have asked my opinions, I have given my opinion, I am not against science, I am not against astronomy. I don’t want to be against University of Hawaii as my daughter has attended there. I certainly have much respect for Mayor Kim. But in my heart when I read the link of what he was proposing the only words that came to mind was can’t we just leave her alone. Seeing telescopes there that are not even functioning, talking about TMT and kind of sugar coating it with a park I just feel that in my heart it will never be a Waikiki. I will never let that happen. We have a huge hui that have gone up there numerous amounts of times. As we all welcomed Hōkūlea and we saw this one little wa‘a bring together protectors all the way up to our political people in one place and caring pono and experiencing 200 years ago the sword, you know the exhibition, everything that we had there was so pono. Mauna a Wakea is a part of that. That is navigation that is what they look for, that is who we are and having anything up there is just not necessary. I just thank you from the bottom of my heart for allowing me to speak. I just need to protect her for my keiki, for my students, for my children and to carry on our legacy of who we are kānaka maoli.

Chair Colette Machado – Andre Perez for followed by Lori Halemano.

Mr. Andre Perez – Aloha. I’ve been trying to focus on kūkulu one building and creating opportunities for our la hui. The work that I do and the time that I’ve done in community activism, I’ve realized that you can’t only kū‘ē, you have to kūkulu too. That is our philosophy for change, kū‘ē kūkulu and I’ve realized that we kū‘ē not building anything long term legacy but sometime we have to kū‘ē a lot of small fires and as Skippy Ioane says small fires can cause big damage. I realized that it’s time to build and create so I’ve been focusing on my farm, ‘āina, on the carving project on creating an activist trend in organization and really putting that time in kūkulu. I’m concerned that it might be time to kū‘ē again. So regarding Mauna Kea and Mayor Kim’s visit, I have the understanding that Mayor Kim is here to make a proposal to the Office of Hawaiian Affairs. That the Governor Ige has empowered him to say that he has the Governor’s support for this vision of some kind of park on Mauna Kea.

I’m here to testify in opposition to this idea and to implore OHA to not support this. I think we all can agree that to even entertain the idea of creating some kind of technological science peace park for the world as I read in a news article is really stirring up a hornets nest at this time. I have to say that we have to start focusing on who has kuleana to Mauna Kea. The great scholar Kamakau talks about one of the most powerful instances, examples of kuleana as ancestral kinship to land. One of the best examples most powerful examples of who has kuleana, authority, right, privilege, obligation, is the people who have ancestral kinship. Nothing is more powerful than that.

So my question is what is Mayor Harry Kim’s kuleana to Mauna Kea. I think it’s time that Hawaiians start determining what is best for Mauna Kea and nobody else. I think it’s time that the lāhui asserts control over our sacred mountain and nobody else. If you go to sacred mountains in Korea or you go to sacred mountain in Japan there are no foreigners trying to develop their scared mountains because they fight, they protect, they control their ‘āina and those sacred spaces. I understand that nobody is going to give us control over Mauna Kea. That we are going to have to fight for it. But fighting is nothing new to us, Colette, all of us. We fought for Kahoolawe, we fought against the great United States Navy. We fought for Honokahua to protect burials. And that was Skippy Ioane the first one jumping the fence. Sometimes jumping the fence is important. Out of the struggle of Honokahua, we now have burial law, we have burial councils and that hotel was moved to not desecrate those burials. We fought for a Wao Kele o Puna resulting in the largest arrest in modern Hawaiian

History over 140 Hawaiians arrested. Now we have control of Wao Kele o Puna. So I'm here to tell the board that we may, we will have to fight for Mauna Kea. But to quote a kupuna that I meet on Maui his name was Reiny Silva, talking about Kahoolawe, he said mo bettah we try something because we already know what happens when we try nothing. So we are going to have to fight for Mauna Kea and I'm here to say that the Mayor's proposal is not in alignment with Hawaiian values and the will of the lāhui and what the people feel is in the best interest. Sorry I am going a little bit over time. I want to implore OHA to question what is his kuleana on our terms based on our cultural values to Mauna Kea.

I also want to address two small important issues, I understand that today the board maybe voting on a small grants process and I want to testify in support that the board pass this additional grants process measure for the smaller Hawaiian organizations. The smaller organizations don't have a chance against the big organizations that capitalize and monopolize on the OHA project funding. I use an example, years ago me and Kaponou Souza were doing prison work in Mississippi and Arizona working with Hawaiian prisoners and we came to OHA for support and we got no support and we were in Mississippi two braddahs using EBT card, our EBT to buy food for the pā'ina for Hawaiian inmates. We have to create resources or opportunities for the small little projects. Our community has many great little endeavors that never get off the ground because they can't get into the competition.

My last issue is that I am not sure if OHA is aware but I want to put this on the radar. Approximately two years ago, the United States Navy introduced the coconut rhinoceros beetle to Hawaii. That beetle was introduced to Guam 10 years ago by the military. In the past 10 years, that coconut rhinoceros beetle has decimated 50% of all the coconut and palm trees on Guam. My farm Hanakehau is located in the Waiawa ahupua'a just Makai of LCC and we've had the invasive species crew come out and they found one of the worst infestations of the coconut rhinoceros beetle on our farm and in the surrounding area. I've feel that, and this is another impact of militarization and militarism. We are facing an ecological disaster I want to make OHA very aware of this. We don't know where this coconut rhinoceros beetle has spread to but one single beetle can kill a mature coconut tree and they found 400 larva and 50 mature beetles on my farm. We need to be concerned because after the beetle kills all the coconut trees it eats kalo. So in the beginning of the coqui frog infestation a lot of people agreed that the State and the County of Hilo they didn't respond with enough effort and concern and they lost control of the opportunity to control the coqui frog. Now that coqui frog is on every island. The difference is the coqui frog only makes noise the coconut beetle kills palm trees and eats kalo. I want to implore OHA to look into this issue and see how you can get involved and support this as well.

Chair Colette Machado – I wanted to affirm that we are not here to take a position on what Mayor Kim will be presenting. This is an opportunity for us to hear firsthand from him and if it takes other kinds of steps, we have not deliberated that as a board.

Mr. Perez – Mahalo.

Chair Colette Machado – The next speaker is Laurie Halemano followed by Kaiulani Milham.

Ms. Lori Halemano – Aloha mai okou. I'm employed by a native Hawaiian owned company as a project manager and one of our kuleana is to remove unexploded ordinances from all of the Hawaiian islands with the exception of Kahoolawe. It's my duty to mālama ka 'āina outside of the 9 to 5 job I do it voluntarily cause I was called to. I believe it is my kuleana to protect and to preserve what is ours. This land, our cultural for our people because if we don't who will. We allowed the US military to come in and use our 'āina as targets, bombing, target practicing. Now many years latter we're going in and having to clean all of this mess up. Problem is that it can never be restored back to its pristine condition. So it's our kuleana to protect, preserve what is left. And once we allow that TMT to be built on the mountain our sacred place, or even a park, years down the road, we are never going to be able to restore the pristine of that 'āina there. I'm asking that you all consider that and think about that. What will be left for the future generations and what will you tell your

mo‘opuna and the generations to come what part did you play in this. What did you do to protect and to preserve what’s ours. Mahalo.

Chair Colette Machado – Kaiulani Milham followed by Rupert Rowe.

Ms. Kaiulani Milham – Aloha Chair Machado, aloha Trustees, Aloha Dr. Crabbe. I just want to start first by thanking you for the beautiful wreath you guys sent for Moanikeala’s celebration of life service last month. Especially thank you Trustee Akana for being there and presenting the resolution on behalf of the board and OHA. Moanikeala is one person who gave her life literally fighting for our lāhui and for our ‘āina. My mother was too, she died fighting for our lāhui and for our ‘āina. It’s very heavy to know of all the people who have already given their lives over all these years fighting for our ‘āina and to know that there looms these continued threats and the threat to Mauna Kea from the TMT. Despite people, giving their lives is something so horrible. To know that there is this proposal for, being called the Peace Park, that cannot be peace, it’s not peace to impose something on the people who have fought and given their lives that is war. It is the worst kind of discretion it is the height of what it means to be an occupied country. To have something like that imposed on a place that our people consider a sacred place and a place where our ancestors are. As you consider whatever this proposal is, remember the people that have given their lives already, please. Remember that our lāhui is not going to stand by and let this happen. Moani was arrested up there I am going to be arrested up there next time. I know many people in this room will be arrested. Whatever it takes a lāhui is going to do it. Any kind of plans that anyone wants to bring forward that would allow TMT will be defeated, but what will it cost. I thank you for listening. Mahalo.

Chair Colette Machado – Rupert Rowe followed by Walter Ritte.

Mr. Rupert Rowe – Morning. My mind is cloudy right now I feel the pain for Mauna Kea. I was up on Mauna Kea when I was 19 years old 1960. There was nothing up there. We had an opportunity to look at our future, our future is very dull. We let the State and the Federal Government manipulate our thoughts, our inner strength, and what we are all about. I feel for those iwi on Maui. There is no way a land mining company has the right to deprive you from your true source of your past and deny you entry to that iwi. OHA step up. The time has come I once told you folks in December 2016 sovereignty is at our door steps.

Now getting back to Kauai. We look down to Mauna Kea from Kauai. We understand the problems throughout the Kingdom of Hawaii. And our warriors on Kauai we have taken the liberty to challenge the land title. Which is the palapala sila nui and allodial title, those are sovereign titles. Nobody has that title. Don’t believe the State of Hawaii, which is the corporate and it, gives you false title. Now I want to address this to Judge Klein. Very serious question, our kanaka out there get 99 years lease on their land how come they no more one warrant deed. And on Hawaiian Home Lands, this kuleana lands on top there. We will challenge that from Kauai since the State doesn’t represent us. We are in court right now. We have 9 cases coming up all pertaining to the Royal Patent. Keaumoku has opened the door we understand where we are on the battle field.

I want to say that I came here special for Harry. I wanted to know his kuleana on Mauna Kea. When you live on the bottom in the ‘ōpala that surrounds our shoreline, we cannot see clearness on the top. They never had rubbish up there. How come we want to put one park, one peace park. First of all, we are not in peace with ourselves, we are blind. We not fighting each other, we just blind. Because we don’t want to look past our nose. We have more things to say bad about each other, then solve the problem. How come we no can focus.

I was honored to have you guys on Kauai. That’s the first time the community was so impressed with OHA. Our island is the island who talk the language. I no hear the other islands talk the language. Our island is only 28miles in one circle three quarter island. But our people have kind of focused the real battle on who we going fight. We not going fight everybody we fight one person. We fight the State. We want the State to put up and

show us your title. The County attorney tell us the palapala sila nui is just a piece of paper. He is talking about the State, he not talking about us. We got the title. That is all I have to say, times up I'll be around. Aloha.

Chair Colette Machado – Walter Ritte. After Walter that concludes the public testimony portion then we will go into the new business discussion. Followed by and executive session. I also have five people that will be coming back under community concerns to address the response to Mayor Kim's presentation.

Mr. Walter Ritte – I wanted to take this time to just bring some information to the board. July is Hawaii Independence month. It's really independence day we celebrate it traditionally then we stopped celebrating it now we are beginning to celebrate it more and more. It went from just celebrating it one day to celebrating the whole month. I wanted to let the Board know that there is this celebration going on its called E Ho'olokahi Ka Lāhui. It's an effort for us to take our focus away from the wrangling that we've been having at the national level with Federal Recognition, dividing up our community right down the middle. It's that whole discussion has been getting worst. These events that we are holding in the month of July is to try and get the Hawaiian Community to refocus at the international level. And to go to the international level with lessons learned from the national level. That we should not go to the international level and have the same kinds of fights among ourselves at the international level.

The first event in the month of July, July 1st that is going to be on Molokai this Saturday. July 8th we are going to be on Kauai, July 15th we are going to be in Kona. July 22nd we are going to be in Puna. July 23rd, which is the only Sunday, is going to be on Maui at UH Maui. The last event is going to be held on the 29th that is going to be at the City and County Auditorium. We are supposed to have it at Thomas Square, but it not ready because the grass is taking its time in growing back. I wanted to invite the Trustees to come and participate in any of these events.

The main topic is going to be a very substantial that is now happening. It's called the International Commission of Inquiry. This is not mana'o being shared at the international level these are legal proceedings that are happening. At all of these events we will be explaining those proceedings it is going to involve the permanent court of arbitration and it stems back to the Larson Case which was not carried through all the way because the United States refused to participate. One of the options is fact finding at the permanent Court of Arbitration. In the fact finding efforts \$10,000 have been put down to form this commission. The commission will do a fact finding process then turn the results over to the United Nations. United Nations are the one that fund the Hague and Peace Palace. This is very substantial that the truth of who we were tells us the truth of who we are today. We all understand ever since the overthrow certain things have been done in the Hawaiian Community that has made us believe today that in order for us to survive we all got to be smart Americans and beat them at their own game. That's what I was told when I went to Kamehameha Schools and that is what my parents were told.

Today we are at a different time in the Hawaiian Community and we are beginning to realize that factually speaking we are still, the Kingdom still exists and I think it was Trustee Stender who said so what. Yes there was an overthrow, yes there was no annexation, but so what. So I think in his so what, it means we cannot do nothing about it. But in our so what, we are going to do something about it. So that's how we are going to answer Mr. Stender and his so what. So it all starts with this International Commission of Inquiry and we ask that the Hawaiian Community get together and support this effort at the international level. Mahalo.

Chair Colette Machado – Thank you Walter. Kaho'okahi Kanuha.

Mr. Kaho'okahi Kanuha – Aloha. Mahalo e kala mai for the confusion earlier. I was hoping to speak afterwards but small kine time constraints. I'm here today to address a proposal by Harry Kim for a World Park on Mauna Kea. One of the things that we tried expressing during the Ku Kia'i Mauna struggle was this

narrative that it's not about science versus culture. It was never about science versus culture, it was never an anti-telescope kind of thing. We were against the treatment of the mauna. The mistreatment of the mauna. So this proposal in my opinion falls in the same category. TMT fits into this proposal as well according to the report that I've read or would fit into it. So I want to be clear about that. It's the mismanagement of Mauna Kea that's really the issue. And this would be continuation of it.

For OHA I don't really have too much a message to you folks because the last times we were here you folks were able to rescind the support for TMT and take a neutral stance, not exactly what we wanted but it's better than where we were before. At this point in time you folks have no position on it. I would just implore you folks to understand that this is just a continuation of the same proposal. To continuation of the TMT issue it should be the same stance on it. That we are against it we are not for it. One of the things for Mr. Kim to think about it there is no secret, no need to wonder how the people are going to react to this. There is no need to wonder, because we have already been given the answer two years ago. In fact the answer is in front of our face right now. When you look at Ku Kia'i Mauna and you look at the amount of days that people stayed on the mauna, the amount of arrests, the arrests that were made there, and that story is well known. It's been broadcast all over the place. Then we look at the contested case hearing as well and I think that's another big, big sign of aloha 'āina and a reminder and a clear message that this is not going to happen. We will not allow it to happen. When we think about the people that are in that contested case, regular people like me. Not trained in anything big and special just regular kanaka. But they went up again the \$1.4 billion project for months and months. They did some damage in the court room too.

When you look at the Mehana Kihoi, the Kalani Flores and all of those people, the things that they have done have to be a mahalo. The commitment they have made and so again my mana'o is to you that I don't think we want this. If we want peace we go down the other way. One of the questions earlier about kuleana to Mauna Kea and does Harry Kim have kuleana to Mauna Kea, I think if he understood the concept, the function, the perspective of kuleana he would know that he has no kuleana to Mauna Kea. Because the people who have kuleana to Mauna Kea never gave him that kuleana. I think it's important that we remember that. I also worry about, just in reading these reports, I learned first-hand of Mauna Kea never believe everything the media says. However quotes come out of our mouth. When I see some of the language about living museum for the cosmopolitan Hawaiian people, for a people that belong to the world, we are going to give Mauna Kea as a symbol of peace for the world.

Again we go back to kuleana, you don't have the kuleana to give Mauna Kea to the world. You also don't have the kuleana to define Hawaiians. Hawaiians have the kuleana, and we've defined ourselves. Our mo'o kū'auhau is laid out our mo'olelo is clear. So I'm just here to say that unless we want resistance, unless we want pilikia, unless we want Hawaiians and non-Hawaiians getting arrested on Mauna Kea off of Mauna Kea, if we want issues then we go ahead and we propose a world park. We go ahead and accept it. We want Hawaiians getting arrested and we want to continue this separation of kanaka from mo'o kū'auhau and kanaka from mo'olelo and kanaka from identity then we go down this path. But if not then we look to years back and we understand what happened and know clearly that it will happen again if it needs to be. Our kanaka have not gone to sleep, our kanaka have not forgotten, we stayed in it, we are prepared and so again just to be very clear, unless we want arrests, we want to lock up Hawaiians then we don't go down this path. Mahalo ia okou, we ask you guys to stay the course Ku Kia'i Mauna forever, TMT shut down it doesn't end. Mālama Mauna Kea, it's not only about the TMT it's about the mismanagement of it. So any construction that is going on up there any plan to bring more people up there 'a'ole. Kū'ē I ke la. Mahalo. A hui hou.

Mr. Bima Akiona – Aloha my name is Bima Akiona I am from the Big Island of Hawaii 63 years old. I've lived there every year except for the years I went to school here at Kamehameha. With respect to Mr. Kim I have known you for a long time. I want to talk about Mauna Kea as I've learned about it. I am a retired County employee 10 years as a police officer, 20 years in fire. I didn't start at Mauna Kea. We are three generations in tourism. I'm the second and my father is the first. My father's ashes are spread in Mauna Kea

due to his wishes. I came upon the Mauna Kea movement because on a day I am picking up my grandsons going from Hilo to Kona we decided to go up to Mauna Kea to take care of papa's ahu. Driving up the road going up to the mountain looking down we see signs, some people, some flags down at the cross walk. What's that papa? Something I read about in the paper about they don't want a telescope. Take care of the ahu coming back down. We should go see them and my grandsons, 7 and 8 years old goes why. We should thank them because whether I know what they are doing they are trying to help us out. Anything to take of the 'āina is something good. We go down there I sit down, meet Mehana Kihoi, Leina'ala Slieghtholm names which have lasted throughout the years on this movement. Then I realize these are young good people. So I say they are good, we go to Kona, Sunday I go back to Hilo we decided to run up and help out and give them money for gas. These people sleeping their cars in ice cold conditions because they believe in something. Probably a whole lot more than Mr. Mayor believes in what you are doing. I do absolutely support all the efforts for peace, for culture, but I think that this is the exact wrong way to do it.

We've had over 50, not just Hawaiians, when we say Hawaiians we say everybody that cares about our culture were arrested on that mountain. Of that 50 the only ones ever found guilty are the ones decided that they didn't have the time and money to go through a court process and they pleaded no contest, three. All the rest including Laurie Haleomano flew from this island back to Hawaii island for court dates at their own expense. Everybody arrested were required to post bail. When I was a police officer, people that lived on the island didn't post bail. But these people were. They put out their money they did what they had to do. And their cases were dismissed. Peace Mr. Mayor would start with you and our County apologizing to those people. Even though you weren't responsible for it. If we can't to be able to talk to each other we have to talk to each other. We cannot have one way discussions.

Mr. Mayor with all due respect I knew when you were coaching Hilo High School, I have a lot of respect for you. You are a passionate good man but I think you going this in wrong way and we are headed down a dangerous street. We need to say things where we can all talk to each other. We got to a point where we cant. It's not just about TMT, TMT is the edge of the sword that is being used. It's about how business are being operated on our island, it's about the influences that are happening. It's about Mr. Mayor, you bringing people who are part of the mauna movement as part of your meetings and try to learn what we got. So you can dot your "i" and cross your "t", you talk to them. They came to your office, I will say that I know of three groups that went. They all say the same thing you didn't listen, you told them everything you had to say but you weren't interested in what they had to say. I apologize if it doesn't seem that way to you. But the newspaper also reports that you went to an Astronomers home for dinner and had a meeting there about the same issue. I'm afraid this more looks like a lobbyist than a mayor. And that upsets me because I don't think it's good for you and I respect you, I know your son Garret, we worked together and I just want to ask you to take a look at what is going on because you are influential.

Lastly, what Kaho'okahi was speaking about. I am a past police officer, I was one of those that used to go follow the guys who were protesting. It's going to get bad. TMT is just the tip of the spear, TMT will never be built. They only question is what is going to be the price. We've had the arrest, we've had everything that went on and we know the effect. They are still here, they got the Mayor involved, they got the Governor and we have you guys not taking a stance. I don't know if I could if I were you but I sure wish you would. Because the price is going to be high. There will be arrest but that is not going to stop there. What would you do if someone was threatening your family, what would you do if you tried as nice as you could to speak to them and they didn't listen. That is what has happened here. Peace has been exhibited by the people who got arrested, by the people who been on the mountain, by the people who are here testifying. We've been peaceful. Help us make peace work. Thank you very much.

V. UNFINISHED BUSINESS

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

Chair Colette Machado – Thank you Bima. We now can focus on the business at hand. She calls on Kamana'opono Crabbe.

11:41 am Trustee Leina 'ala Ahu Isa leave the meeting.

Kamana'opono Crabbe – Thank you Chair I just have one. You already have shared in terms of your consideration for the Maui Sand Dunes which administration had met. I just wanted to ask Pou Nui Lisa Victor to come forward to talk about OHA's moving forward with the State in terms of IT. The reason why I am sharing this is because in Maui we had problems with live streaming, we currently have problems with live streaming and technological matters so we are trying to move forward with getting better upgrade and capacity so we can meet the accommodations of community.

Lisa Victor – Aloha Trustees, for the last 7 or 8 months we've been working with Enterprise Technology Services there are three reasons. One is that our appetite for bandwidth has outgrown our capability and we trying to manage it as much as we can. Number two is we were concerned about security and so we've dealt with that. It's been good. The third one is that we were unable to leverage costs. And when it comes to technology you must be able to leverage costs. We went to Enterprise Technology Services and they have agreed to help us which means by first quarter of next year we will have an upgraded system, upgraded infrastructure and it would improve our capabilities by 750%, which is their default standard. I really want to thank Enterprise Technology Services for responding to our requests and we look forward to moving that forward. Without that it would be difficult for us to add much more devices on this network but we have a path now.

V. NEW BUSINESS

A. Joint Committees on Resource Management and Beneficiary Advocacy and Empowerment **1. BAE/RM #17-01: Fiscal Biennium 2018-2019 Community Grant Recommendations**

Chair Colette Machado – Thank you for the update. Members we will now move to V. A. to take action on the Joint Committees referral for the Fiscal Biennium 2018-2019 Community Grants Recommendations.

Trustee Dan Ahuna moves to approve and authorize the disbursement of \$2,557,844 from the Fiscal Year 2018 Core Operating Budget (Object Code 56530) and \$2,560,005 from the Fiscal Year 2019 Core Operating Budget (Object Code 56530) to fund twenty-one (21) Fiscal Biennium 2018-2019 Community Grant recommendations listed on Attachment A- OHA FB 2018-19 Community Grant Recommendations Matrix. EXCEPT for the following grant(s):

- 1. The Queen's Medical Center**
- 2. Ka Honua Momona International**

***Please see attachment.**

Trustee Carmen Hulu Lindsey seconds the motion.

Chair Colette Machado – Roll call vote.

Trustee Dan Ahuna moves to approve and authorize the disbursement of \$2,557,844 from the Fiscal Year 2018 Core Operating Budget (Object Code 56530) and \$2,560,005 from the Fiscal Year 2019 Core Operating Budget (Object Code 56530) to fund twenty-one (21) Fiscal Biennium 2018-2019 Community Grant recommendations listed on Attachment A- OHA FB 2018-19 Community Grant Recommendations Matrix. EXCEPT for the following grant(s):

- 1. The Queen’s Medical Center**
- 2. Ka Honua Momona International**

***Please see attachment.**

Trustee Carmen Hulu Lindsey seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Not present
TRUSTEE DAN AHUNA	x		X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR COLETTE MACHADO			X			
TOTAL VOTE COUNT			7			2

MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED

Motion passed with seven (7) yes votes and two (2) excused

Chair Colette Machado – Calls on Trustee Robert Lindsey.

Trustee Robert Lindsey moves to approve and authorize the disbursement of \$250,000 from the Fiscal Year 2018 Core Operating Budget (Object Code 56530) and \$250,000 from the Fiscal Year 2019 Core Operating Budget (Object Code 56530) to fund Ka Honua Momona International, Fiscal Biennium 2018-2019 Community Grant recommendations listed on Attachment A, Item 22- OHA FB 2018-19 Community Grant Recommendations Matrix.

***Please see attachment.**

Trustee Dan Ahuna seconds the motion.

Chair Colette Machado – Calls for the vote.

Trustee Robert Lindsey moves to approve and authorize the disbursement of \$250,000 from the Fiscal Year 2018 Core Operating Budget (Object Code 56530) and \$250,000 from the Fiscal Year 2019 Core Operating Budget (Object Code 56530) to fund Ka Honua Momona International, Fiscal Biennium 2018-2019 Community Grant recommendations listed on Attachment A, Item 22- OHA FB 2018-19 Community Grant Recommendations Matrix.

***Please see attachment.**

Trustee Dan Ahuna seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Not present
TRUSTEE DAN AHUNA		x	X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY	x		X			
TRUSTEE JOHN WAIHE'E			X			
CHAIR COLETTE MACHADO			X			
TOTAL VOTE COUNT			7			2
MOTION: <input type="checkbox"/> UNANIMOUS <input checked="" type="checkbox"/> PASSED <input type="checkbox"/> DEFERRED <input type="checkbox"/> FAILED						
Motion passed with seven (7) yes votes and two (2) excused						

11:45 am Trustee Leina'ala Ahu Isa returns to the meeting.

Chair Colette Machado – Calls on Trustee Dan Ahuna.

Trustee Dan Ahuna moves to approve and authorize the disbursement of \$192,156 from the Fiscal Year 2018 Core Operating Budget (Object Code 56530) and \$189,995 from the Fiscal Year 2019 Core Operating Budget (Object Code 56530) to fund The Queen's Medical Center (Maui), Fiscal Biennium 2018-2019 Community Grant recommendations listed on Attachment A, Item 10- OHA FB 2018-19 Community Grant Recommendations Matrix.

***Please see attachment.**

Trustee John Waihe'e seconds the motion.

Chair Colette Machado – Calls for the vote

Trustee Dan Ahuna moves to approve and authorize the disbursement of \$192,156 from the Fiscal Year 2018 Core Operating Budget (Object Code 56530) and \$189,995 from the Fiscal Year 2019 Core Operating Budget (Object Code 56530) to fund The Queen’s Medical Center (Maui), Fiscal Biennium 2018-2019 Community Grant recommendations listed on Attachment A, Item 10- OHA FB 2018-19 Community Grant Recommendations Matrix.

***Please see attachment.**

Trustee John Waihe’e seconds the motion.

TRUSTEE	1	2	‘AE (YES)	A’OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA	x		X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI‘I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY					Recuse	
TRUSTEE JOHN WAIHE‘E		x	X			
CHAIR COLETTE MACHADO			X			
TOTAL VOTE COUNT			7		1	1
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED						
Motion passed with seven (7) yes votes, one (1) recusal and one (1) excused.						

B. Administration update on Maui Sand Mining and Related Historic Preservation and Burial Issues.

Chair Colette Machado – Thank you all for your support for the community grants and the approval. We have 23 organization that will begin to receive funding for this two biennium periods. We are not on V.B. I’d like to turn this over to Kamana’opono Crabbe on the sand mining.

Kamana’opono Crabbe – I’d like to call upon our compliance Manager Kai Markell and Public Policy Jocelyn Doane. As a response to the community feedback regarding the Maui Lani Sand Dunes matter, administration did convene with respect to what the possibility of OHA’s kuleana and role is was reminded by Kai in October 2015 the board had approved a iwi kupuna policy. In that policy calls for care, management and protection of iwi kupuna and in real brief it states that OHA shall protect and promote the reverence and cultural importance of proper care, management, and protection of ancestral native remains or iwi kupuna as the most cherished possession within our lāhui. We shall also insure that efforts and initiatives and the proper care, management and protection of iwi kupuna is the most paramount consideration. There are three sub sections with respect to planning, consultation, decision making and so forth. So administration met yesterday in a lengthy meeting to come up with a proposed motion for the board to consider with specific actions with that I’ll turn it over to Jocelyn and then Kai for additional comments with respect to what this calls for.

Trustee Keli’i Akina – Do we have a copy, I don’t have a copy before me of the proposed resolution.

Jocelyn Doane – It’s not a resolution, it’s a motion. Its related to the work that we have been doing both from before the board meeting and now. It’s a pretty simple motion it’s not a resolution. We confirmed with Judge Klein, because it is on the agenda that is appropriate if the Board would so desire to pass that motion.

Trustee Rowena Akana – With 2/3 vote you can put it on the agenda like I said on Maui.

Jocelyn Doane – We are going to provide a little bit of background information on what we have been doing. The sand dunes in central Maui were formed probably 30,000 or so years ago. It once ran from Kahului Harbor to Mā‘alaea and then to Makena. As Aunty Clare shared earlier immense cultural value and well known for having iwi from battles and other burial purposes. From the 1970s, we talking about a pretty massive area, they started building upon the sand dunes for homes, other developments, the Kaahumanu Shopping Center, condos, resort development, Government offices and they were doing some extraction but they started changing the way they did their development more recently. In the mid-80s rather than building upon the dunes they sand mined the areas and flattened it and including doing the development, roadways, leveling lots. The first barges of sands started being shipped to Honolulu in 1985. According to the Department of Public Works and Environmental Management about 5.5 million tons of sands have been shipped from Maui between 1985 and 2006.

In 2009 the Maui Lanai Island Burial Council Chair Uncle Charlie Maxwell demanded that there should be an accounting of the burials that were impacted by the project. As far as we know non has been proved so far. Burial Council’s had struggled during that time to meet quorum so perhaps were not as effective as they could have been as a result of that. There are other issues related to them getting appropriate legal advice. Their ability to meet so they are told they are not allowed to meet. So that has not yet happened and that’s a problem. As a result of intense community work and action and concern the media did an investigation and as a result or in concert with the Mayor made an announcement about his concerns the sand being depleted and we saw his Department of Planning Director issue a notice of violation. So prior to our board meeting compliance had already been communicating with some Maui beneficiaries, I think as Aunty Clare has shared, as well as SHPD, as well as the Burial Council and he is going to share a little bit about what our team has gather so far, what we are doing to move forward with regards to the Historic Preservation rules that we do have. After our board meeting, our public policy staff looked further into the Departments notice of violation and did more of through analysis which we think will help the Department find that the Maui Lanai Partners are actually violating the zoning code and I think we will be stronger tools in the immediate future because we think there is an actual violation happening. He is going to share a little bit about that, what we have done so far and what we can do moving forward as it relates to the land use and zoning

Wayne Tanaka – As Jocelyn mentioned in light of the pressing nature of the concerns that were raised at our BOT meeting on Maui, our immediate goal was to see if there was anything that could be done to immediately address the sand mining and the impact to the iwi in central Maui. In particularly in Maui Lani phase 9, which is where the sand mining was going on. It was our beneficiaries mentioned there was a resolution that was introduced in the Maui County Council Infrastructure and Environmental Management Committee but as you know County Legislation can take a long time. So we wanted to see and look into and verify whether there would be land use issues that could be enforces in more timely manner. So we did look at the zoning code in Maui and based on our research and consistent with the warning letter that the Department of Planning sent to Maui Lani. It seemed that the sand mining that was going on was a pretty clear violation of the Maui County zoning code. So the zoning code requires that any uses be listed as a permitted use in the district where the uses are occurring otherwise it would need a variance or condition use permit or zone changes or something of that nature.

The zoning code for the Wailuku Kahului Project District 1 or the Maui Lani District where phase 9 is located, all its listed uses are more or less consistent with a residential community. So you have houses, schools, parks, village use, mixed use areas. Nothing close to an industrial sand mine. Which is pretty much what was going on. The closest thing in the entire zoning code to what was going on is mining and recess extraction and that’s a use that is only permitted in the agricultural district and only with a special use permit. So again it seem like our belief is that the enforcement of the zoning code could provide some immediate relief in terms of stopping the sand mining that is going on in phase 9. We did look into the grading permit that was issued to Maui Lani in 2014 for phase 9 because Maui Lani Attorneys claimed that the grading permit authorized their sand excavation activities. Almost immediately when looking at the terms and conditions of the permit it clearly

states that this grading permit was only to show compliance with the Maui County Code with respect to soil erosion control.

Basically it's to make sure that if you are going to move earth, if you are going to grade you are engaging in best management practices to minimize run off and minimize risk of flooding and so forth. It expressly says that the permittee maybe subject to other applicable rule and regulations such as the zoning code. So by the express terms of the grading permit it seems like there is no way they could have authorize Maui Lani to engage in an unpermitted use in terms of zoning.

Trustee Rowena Akana – They are in violation.

Wayne Tanaka – One thing to note the grading permit did show when Maui Lani applied they indicated that there were no known burials in phase 9 and regardless of whether they should have known, regardless of their intent when they made that representation in 2016 Maui Lani reported that they had at least 3 times Maui Lanai Burial Council that they had inadvertently encountered burials. We believe that an argument could be made that the information that was submitted was incorrect in respect to burials and that in itself could be a basis for revocation or suspension of the grading permit. So with this information at hand we sent a letter to the Maui Department of Planning, we also submitted testimony to the Council Committee on Infrastructure and Environmental Management. Basically highlighting our beliefs that one industrial scale sand mining was clearly and impermissible in the Maui Lani zoning code. Two that the grading and grubbing permit could not authorize on its own impermissible land use. Third that the grading permit maybe subject to suspension or revocation. In our letter we also ask for confirmation on their position on these issues. Whether how the department monitor and enforce any land use violations and finally whether the grading permit should be revoked based on incorrect information. We intend to follow up with the Department of Planning and the Department of Public Works, which issued the grading permit.

Trustee Rowena Akana – Before we heard from him, we were discussing all of these things that they have already written about, maybe what we should be asking counsel is based on what our staff has already done would it be quicker for us to just issue an injunction and ask until they answer all these questions.

Robert Klein, Esq. – How are we going to issue an injunction?

Trustee Rowena Akana – I don't know you are the attorney.

Robert Klein, Esq. – We are not a court.

Kamana'opono Crabbe – This motion that we are proposing is that administration can still take very progressive action steps against the County and the Land Zoning committee. This also will help our strategy to empower the Maui and Lanai Island Burial Council also to activate SHPD in terms of a much more comprehensive thorough archeological study. While that's a long term suggestion, the community wants immediate action to be done to preserve the sand dunes. We believe that this is stuff that we can actually do now in collaboration with the community, Maui and Lanai Burial Council and actually what the work that Kai does already with SHPD we can already kind of engage them already. You want to speak to that Kai.

Chair Colette Machado – Actually we are running out of time because Mayor Kim has to leave at 12:30. If the motion is acceptable to the Trustees or any kind of amendments you would like to make this is the time to do it. Then we will proceed to take action.

Trustee Carmen Hulu Lindsey moves to approve the following statement:

The Office of Hawaiian Affairs calls upon Maui Lani Partners to cease all sand and other resource extraction and grading to allow:

- **The Maui Department of Planning to determine if sand extraction violates the Maui Zoning Code;**
- **The Maui Department of Public Works to determine if revocation or suspension of the Phase IX grading permit is appropriate; and**
- **The State Historic Preservation Department and the Maui Lāna‘i Islands Burial Council to properly investigate the discovery of burials and whether historic preservation laws and conditions have been fully complied with and enforced.**

Trustee Dan Ahuna seconds the motion.

Chair Colette Machado – Any discussion?

Trustee Keli‘i Akina – I am not going to oppose this motion because I think we are on the right track to protect our iwi of our kupuna. But I am going to vote kanalua for the following reason. I’ve just seen the motion and as a fiduciary Trustee here I’ve not been able to discuss this with my staff and researched this. We have a long range game that we want to win. We don’t want to take a short term action unless we’ve looked at every option including suing the Mauna Lani partners, which we can’t discuss here as well. We are starting a process and I think we need a better analysis of where we are going to go and how we are going to win. With that said I won’t oppose it I will vote kanalua.

Trustee Leina‘ala Ahu Isa – I want to speak in favor of this motion. We need to do something now we can discuss it.

Trustee Carmen Hulu Lindsey – Thank you to our staff because I am the Maui Trustee I was brought in a little earlier and I apologize Trustee Keli‘i Akina I was aware of these steps wanting to be taken by our administration and I did actually pass it on to the Council last week in the Council meeting in behalf of our staff. I am encourage too that our board vote in favor of this because, yes we have to do something now we cannot wait any longer.

Trustee Dan Ahuna – To all the Trustees today I encourage all of you to vote to support our people.

Chair Colette Machado – I want to express that this is the due diligence. This is not the end of the process, we are beginning the process. If it requires litigation we will bring it back to the board to discuss the direction that we want to take and come forward with a budget to approve that approach to sue the County for violation and also the Land Owner. This is the first step and after that we can proceed as we choose to do. Any other discussion? Roll Call vote.

Trustee Carmen Hulu Lindsey moves to approve the following statement:

The Office of Hawaiian Affairs calls upon Maui Lani Partners to cease all sand and other resource extraction and grading to allow:

- **The Maui Department of Planning to determine if sand extraction violates the Maui Zoning Code;**
- **The Maui Department of Public Works to determine if revocation or suspension of the Phase IX grading permit is appropriate; and**
- **The State Historic Preservation Department and the Maui Lāna‘i Islands Burial Council to properly investigate the discovery of burials and whether historic preservation laws and conditions have been fully complied with and enforced.**

Trustee Dan Ahuna seconds the motion.

TRUSTEE	1	2	‘AE (YES)	A‘OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA‘ALA AHU ISA			X			
TRUSTEE DAN AHUNA		x	X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI‘I AKINA					X X	
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE‘E			X			
CHAIR COLETTE MACHADO			X			
TOTAL VOTE COUNT			7		1	1
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED						
Motion passed with seven (7) yes votes, one (1) abstention and one (1) excused.						

C. Presentation by County of Hawai‘i Mayor Harry Kim on his Conceptual Plan for Mauna Kea

Chair Colette Machado – I thank you all for your patience. We will now call Mayor Kim and his Conceptual Plan for Mauna Kea.

Mayor Harry Kim – I thank for the privilege and honor of being here. I never felt so much negativity in my life. And I think most of that is because of misunderstanding. And I take full responsibility for that misunderstanding because the words used were mine. I did not come here to make a proposal. There is no proposal. With that I’d like to give a little background of why I am here and the situation I am here. I think Mr. Lindsey knows me the longest then anyone here because he is from my island. The first time I made a public statement on Mauna Kea was in 1981. Records of that are at ‘Imiloa, and I try to write down here generally speaking, some of you may know I don’t prepare to write. I prepare emotionally what I want to say and I hope Mr. Lindsey will support me on this. I don’t think you can find anyone in the Big Island that I mislead purposely or sided for power of money that is just not me. I ask you to believe that. I think Mr. Lindsey knows that.

Back in 1981, I was in charge of Civil Defense for the island of Hawaii. The University of that time was contemplating things they wanted to do on Mauna Kea. They asked me as head of Civil Defense if I would come and testify with regards to things of natural hazards that they should be aware of. I told them about the standard things of the weather, the blizzards, the suddenness of it, the altitude and all those things necessary if you are going to do anything up there whether you are a hunter or a site see or the telescope. After my

testimony was finished I asked if I could say something personal. As best as my memory can hold me cause some of it is written on record. I said this in 1981, I think this statement reflects in full what I feel about Hawaii, the Hawaiians of this land of this earth. I will say that before I read this, some of this comment did affect me in a negative as far as being hurt that people would think of what they say. Of your comments of what is my kuleana I have no kuleana except of my love of this place. I have no authority in regards to Mauna Kea. It never was presented of any kind of authority to anyone, and in defense of Governor Ige, he did not authorize me to say anything on his behalf. I don't know how things like that come about. In a proposal of park I can imagine why that came because of my use of the word park. It was because that was the only word I could think of at the time.

In 1981 this is what I said to the University of Hawaii, "The people of science looks upon Mauna Kea as a place ideal for the quest of knowledge because of location, because of altitude, because of purity of air. In your use of this very special place for science be aware that for many of people, of past and of present it is looked upon as part of their soul. In your use of Mauna Kea please be of careful, of caution and above all compassion." That has never changed. This was stated publicly in 1981 but this is what I felt since the day I can remember of life of what I feel of this very special place and the very special of people I am lucky to be surrounded by. I know I am probably older then all of you in here, I am 78 years old. After college and military this is my home of choice. I can find tropics elsewhere but I will not find people of the same elsewhere.

How this came about I am sitting here before you, which I am, very grateful for the opportunity, when I got elected last year as some of you may know we have a system there that if you win the primary by over 50% you don't have to run in the general and that did happen. Don't ask me how. I was asked by the Kona Rotary shortly after the election because they have a policy not to invite politicians while there is a contested primary or general. Since I won they asked if I would come to answer some questions on what I feel. I did go I think it was no more than a couple weeks after the primary election. Sometime in late August of last year. The different questions they asked me on Mauna Kea. There is no preparation on what I am going to say on Mauna Kea, I'm not prepared for this except for what I wrote in past. This is what I said because this is what I feel. But prior to answering I said, "Be aware I am speaking as Harry Kim citizen." Nobody else, I am not Mayor yet. Even as Mayor I know we have no authority of any kind as you use the word kuleana of Mauna Kea. It's an issue of ceded lands, govern by the State passed on to Land and Natural Resources and subleased as you know to the University of Hawaii I know all of that. What is the role of County, nada. I was asked as citizen who got elected to speak before the Kona Rotary what do you feel about this and one of the questions were do you have an opinion of Mauna Kea. Of course I do that is my home, how can I live on that island and not have true feeling of Mauna Kea and what people feel and what I feel. I just read to you what I wrote in 1981. But that's what I read, I felt that decades before that. This is what I said then. I know the controversy of Mauna Kea. I don't know what is right, I don't know what is wrong and as I said then I say here, I am not here to defend my position I was there to explain my position. With no kuleana of Mauna Kea I was asked as a person what do you feel. Before I read what I said I was a speaker for 4 memorial events this past month. I have a deepest passion of against mankind's cruelty to man that most people have. Maybe I shouldn't say that because I don't know the vast majority of you.

I've always felt and I've said this from Japan to Korea to Germany to Indonesia, Honduras and all the various countries I was asked to go to work, I feel that war is mankind's greatest failure and as long as you think is war is the answer to peace we will always have wars. I'm not a very strong person inside that's why some of the things said about me it does hurt and I will openly say that to you. I don't like violence, I can't stand violence and I don't mean between countries, I mean even between people. Yes I believe in serving the Country that's why I went as a medic and they allowed me to do that where I wouldn't have to be a gun totter. I hope you understand that's why I made a position on Mauna Kea, it is not the Mauna Kea this is what I feel of life. I feel that I am one of the most fortunate person on God's earth because I was born among people of Hawaii of Hawaiians. I said it all over and not because of here, because it is who I am. Some of you may have heard me

say it whether it be Germany, Japan, Indonesia that I am so blessed to have been born and raised with Hawaiians. Who I consider the most gracious, warmest people on God's earth. I've said that many, many times. Not before a Board and God forbid not because of a controversial issue of Mauna Kea.

Vision for Mauna Kea answered publicly for the first time last year that I believe that Mauna Kea can be a place of a pursuit of knowledge to make us a better people and better stewards of this land. This isn't just about Mauna Kea this is of stewards all over the world. I believe that Mauna Kea can be an international symbol of nations together for the pursuit of peace. Mauna Kea can be and should be a monument for the world for peace on earth. A home of the cosmopolitan culture, people that belong to the world, a hope for the world. Why is that so important, I just told you what I feel about peace on earth.

For those of you who don't remember the word cosmopolitan you have missed out one of the most precious thing of Hawaii that I bragged about. I even wrote a paper about it in college. The word cosmopolitan. When you have time I want you to go to the Mānoa Campus and go look at beauty pageants of Ka Palapala. I think they stopped it in 1960 or something. You would have your classification of Miss. Japanese, Miss. Hawaiian, Miss. Portuguese but you had Miss. Cosmopolitan. For those of us born in this isolated place on God's earth we thought the world was like us how naïve of us that we thought the world's people were like us. Its only after I grew up and left that I found out how lucky I was and that is why I feel so strongly about what I say now and then and tomorrow. Of everything that guides me of how I work. I was asked to speak to the Konawaena students, 800 of them and Keaau schools and I make that a point to the specialness of you. People that belong to the world.

I tell people that I have one granddaughter she is Scotch, Irish, English, Korean, Portuguese, Filipino, Hawaiian and by golly she goes to Kamehameha Schools. I am proud of that. That is what I meant by international symbol for us, because the world needs a place like Hawaii. Acknowledgement of the people of Hawaii and their contribution of Science of Astronomy of Mauna Kea, Mauna Kea to be the living museum of the people of the first nation of Hawaii. Everyone on my island knows I don't say indigenous people any more, why because I consider that almost like an insult. I copy the country of Canada who will not also use that word. So all of you must know one way or the other you must have heard me say it. The people of Hawaii, the Hawaiians the people of the first nation of Hawaii.

I believe that Mauna Kea is an opportunity for Hawaii to be the center of this discovery of mankind and the universe. I believe Mauna Kea can be and should be this. I still believe that. You think I don't know the controversy of the Thirty Meter. I'm a news freak I keep track national, international and local a matter of habit. Part of the job as Mayor is very difficult one in the sense that with all your other responsibilities in your area of control and authority, you are responsible in part economic growth. This is not a proposal to this board, this was an answer to a question. I said you know, I know the controversy of Mauna Kea but within that I thought I don't like how Hawaii's being developed to be resorts because what it takes away from the lifestyle of land and everything else relating to resorts. I have my Masters Degree in Economics and we learn that. I hope Hawaii Island does not make the focus of economy resorts.

When I looked at Mauna Kea I said what an opportunity this is among friends. Of this kind of economic growth of international recognition that every single person that would fly over, come over or look at this mountain to know what it stands for. You've got to hear the rest of the words what I've said. A symbol of the cosmopolitan people of Hawaii and a people of the first nation of Hawaii and what they are what they stood for and even that I said in the wrongs done unto them. That is what I meant by living museum. So I choose a bad word of park. I did not mean an industrial park, I got a nasty call, how dare you make a proposal to OHA tomorrow for an industrial park at Mauna Kea. But I blame myself for the use of the word park because I did not have this kind of opportunity to talk to people.

Under management of Mauna Kea I guarantee you because of my lack of tack the people at the University will all tell you of my severe criticism towards them because of their mismanagement of Mauna Kea. The people at the Astronomy center will tell you that when I was asked my opinion of Mauna Kea I told them you are to blame in part for the controversy of Mauna Kea today for you trashing the mountain and we have got to be better.

Therefore we read the first sentence. A pursuit of knowledge to make us a better people and better stewards of this land. Every word had a context beyond just the word. I don't blame for misinterpreting for what I said of a park because that word was used. I am gracious for this opportunity to explain. I will close with this. I just had a beautiful opportunity to talk to some very special people, and the same question, what is your opinion of Mauna Kea. I don't give an opinion of Mauna Kea in isolation of what I feel about life and the world. You guys should know because I know some of you in here are very renowned people of knowledge. I'm scared stiff of what is happening in Syria, I'm scared still of what's happening in Korea, I'm scared stiff of the growing gap between Russia and the United States and Iran and other countries. I grew up and was raised before World War II began, the impact of war on my life is deep so you dedicate your life of everything you do and say not to create and promote war between people.

You know what I am most gracious of today and I will go home and remember that about anything else, I am sitting there and people came up here to testify they were against what I was proposing, but still have the graciousness of the Hawaiian people, of warmth, of compassion and walk over there and give me a hug. You think you are going to find that elsewhere. You don't even know yourself of how special you are. I know because I am outsider and I compare.

This is not a proposal ladies and gentleman of the Board. I just ask for the opportunity to explain what I felt about this precious mountain, this precious people, my fears of the world, my hope that the precious people of Hawaii because of who you are innately, you are the birth of the cosmopolitan people. You think if all this other cultural ethnic groups came to a society as immigrant labors would be welcome like you welcomed my father and mother, no way. You are the birth of the cosmopolitan people, people that belong to the world. I know that, I will always know that. Do I think Mauna Kea can be done right, I think so because part of it would be to teach the world and people of this land that you were wronged that's what I meant by living museum. And I think I've gone way to long and maybe I should write so I don't get emotionally involved but I don't know how to talk that way.

I thank this board for the beautiful opportunity of talking to you, I ask your forgiveness of my words used that were misunderstood. You were wronged, the University did a poor job of management, we all need to get better, I felt Mauna Kea cold be and international monument for the aboriginal people of Australia, for the indigenous people all over the world of Taiwan, all of the American Indians and I thought what greater monument, what greater place then Hawaii. Thank you for this time.

Chair Colette Machado – Thank you Mr. Mayor from the Big Island for taking the time to come to visit with us. I thank you for your courage and your boldness and that is the other side that respect you for. You got guts. I thank you for your honesty and your forthrightness and allowing us to have this time with you.

Trustee Leina'ala Ahu Isa – I think it's more aloha for us then some Hawaiians do their own people. What he feels, his mana'o is beautiful.

Trustee Robert Lindsey – Mayor Kim I want to thank you and all the folks who have come today to be around our peoples table to talk about the different issues that have been discussed this morning and now this afternoon. I will affirm that I have known Mayor Kim since 1970 when I was a probation officer with our family court, he was director of our law enforcement administration agency. We go back that long. I will affirm that our Mayor as our chair has said has got a lot of guts, he means what he says and he says what he

means. I will affirm that he is a man of aloha, the love for our land, the love for our islands, a kind, decent and truthful person. So mahalo Mayor for being here.

Trustee Rowena Akana – I want to thank you very much for coming and you are certainly a man of courage. I can't ever imagine any other elected official coming here in your position and in a humbling way to say what you have said. I thank you so very much. People trust you because you say what you mean, you are who you are and God bless you. Thank you so much.

Trustee Keli'i Akina – Mayor Kim, aloha to you. Thank you for the mentorship you provided to me. I wanted to say that you're very gracious to acknowledge that the Native Hawaiian people have a special kuleana for Mauna a Wakea. I thank you, ours is a kuleana that is spiritual, that is cultural and historical. But I want to in graciousness and love slightly disagree with you when you very humbly say you have no kuleana I would suggest that your heart has shown that you have the kuleana that comes truly from aloha. That in addition to being a true keiki o ka 'āina yourself you were put into office by the people of Hawaii, which included Hawaiians, you are overwhelming landslide victory was on an island that has 35% kanaka maoli who voted for you. While we don't hear the voices of all Native Hawaiians at any time around any table you actually represent Native Hawaiians as well. I thank you for your kuleana not only for our sacred places but our people. Aloha to you.

Trustee Dan Ahuna - Mahalo Mayor Kim for taking the time to speak with us today. My question is I think that we are in agreement that UH has failed us in stewardship how do you suggest we should be moving forward knowing that we all agree that UH has failed.

Mayor Kim – I need to restate that you are asking my personal opinion okay.

Trustee Dan Ahuna – That is what you came here to speak about, your personal opinions, I'd like to hear that.

Mayor Kim – The past week, couple weeks now to be a small, small part of the whole Hōkūlea coming home was a beautiful opportunity to meet different people and talk different things. I know you Hawaiians must have felt an immense degree of pride that you cannot explain. I've felt a lot of tears around me, within that I had an opportunity to talk to the President, the General Assembly of the United Nation about Mauna Kea. First of all without any mincing of words the people of the University was told that we did a very, very poor job of caring for Mauna Kea. That the management of this place was almost nil in many things. I felt that the management of Mauna Kea, if it was just my opinion, if it was to proceed that to be done under a different management structure. If it was to proceed I felt and this is no snow, when I first became Mayor, you know what I required my cabinet to do, to read the constitution of the Office of Hawaiian Affairs. It was mandated that they know what your role was that you are in the constitution of the State of Hawaii and know what your role was. Because everything in short of Hawaiian need to be passed through you. I wanted them to know it and of this Mauna Kea, ceded lands. I don't think can be or should go forward without the heavy involvement of OHA in partnership with the State. But you are not even in partnership of any kind now except 20% of the zero revenues. I will pursue that question a little more because it is important so you know that thought that went through my mind. I just don't speak off the hip as it may seem. I think about it. When they ask me how would this be accomplished I told them that is not for me to decide, what I think is necessary is an organization structure made up of handpicked I don't know the numbers, be it 5, 6, 7 or 10, handpicked people who will draw on the bylaws of this governing body. Then handpicked by others, or the selection of this number of people who would be the governing body independent of Government and organizationally answering to the governing body of OHA and the State Government. I asked the president of the University of Hawaii recently how would you feel about discussion on that. The president said I know we need to take a look at the whole picture I am open to any discussion on the reorganization. This is what the president told me and I know I have his permission to say it because I asked him. You know what made me feel very good about that, the

recognition by the president that they was wrong. Recognition that we got to be better, recognition that yes we got to be open to a total reorganization to the governance of this place. That is 11 thousand acres, you represent the people of Hawaii by law.

Trustee Dan Ahuna – Thank you very much Mayor Kim. You talked about your role and reacting to the constitution, in the constitution it talks about a traditional and customary right. Our people for decades have been getting arrested and they have this traditional and customary right, how does this help when you say world peace by bringing the whole world when our for decades our people didn't have the right to be up there on the mountain and I like what you are saying, are you considering taking TMT off the table too.

Mayor Kim – You are not going to like this answer but I will answer you as always got to be the truth. I feel that this world we better wake up. I think the world is at threat, I think we all know an issue that through our ignorance of things we have developed enough nuclear capability to destroy life as you and I know it. Yes, people will survive a nuclear war but the earth will not in regard to the way it is today. We will not we learned that in just the testing of some of the South Pacific Islands where the Federal Government promised people there and here it is 2017 and the land is still contaminated. That is the way the world will be. I push that sir, because of the knowledge and fear and the concern of all of that. I really thought and this is answer to that, when I was a kid World War II, thousands and thousands and millions of people dying. There was one country in the world that said we will not be part of your war. You may come and visit but leave your wars behind. By golly and the world recognized that country and that was Switzerland. Because of that memory of past I thought boy the world needs a template of hope so I put that word in there. There is not going to be a magic, because if the United Nations say we'll identify a place of hope a beacon of hope. But what else have we got if we don't have a template in the world people and this is why I told you I said it all over the world. I don't know a more gracious, kindness people then the people of Hawaii of Hawaiian that gave birth to the cosmopolitan people. You think I don't know some of the pains you are talking about. You go talk to my friends about me and my friends about growing up being treated the way they were treated. Don't ever misjudge what I say by what I am proposing. So you disagree with what I propose, hey, I expect that but I am answering a questions but what I feel. I wish there were other things, or avenues of hope for the world. But by golly, don't you think we got to find something because this crazy leaders of our world, they talk about threats like you do that and you are going to regret it because you going to retaliated against. Or you do this, these are our leaders of the world. I thought my god, are we going to have some idiot someday push that button with the H bomb. Give a place of hope. I think the people of Hawaii and mountain of Mauna Kea could be that. Did I push it, no I just answered the question.

Trustee Leina'ala Ahu Isa – Well as an OHA Trustee I want to ask that question I don't think that is fair because OHA itself didn't take a stand we are still in neutral position and we should support.

Mayor Kim – I am not asking for a stand I am just answering the question. I thank your audience there who have been here since 10 am. If you believe one thing I said today believe this, I know a small portion of your hate, yes hate, of what is happening and what you don't want to happen. I joke for a long time but not a joke I don't want Hawaii Island to be a Waikiki. I'll read this last thing that is a guiding light for my cabinet. The protection and preservation of the historical and cultural specialist of this land, the most precious and beautiful place on earth, that our theme for the next three and half years of the County Government of Hawaii. Thank you for your time.

VII. COMMUNITY COMMENTS

Chair Colette Machado – Thank you. Trustees what I would like to do is take out of order let's move community concerns because we have six people that would like to address the issues. I am going to move to call as the first speaker in the community concerns is Kaukaohu Wahilani followed by Kapua Keliikoa-Kamai.

Rather than take the executive session I am just making that statement. We are going to take community concerns out of order so that you don't have to wait till we reconvene.

12:43 pm Trustee Leina'ala Ahu Isa leaves the meeting.

Mr. Kaukaohu Wahilani – Waianae Valley homesteader. Mahalo Mayor Kim. I was born and raised Nānākuli 1966, 1968 we moved to Hilo live in Lanakila Housing for 5 years because my mother was in the very first Hawaiian language class that was taught with Larry Kimura them up at UH Hilo and Mary Kawena Pukui was their kumu. I was raised over there Lanakila Housing. When we lived there and I also lived on Moku o Keawe from 98-04 and you was our Mayor then, good man Mr. Kim. I have plenty aloha for you. But my aloha come for our 'āina first for our people. Talk about a template Mr. Kim, we had a template nana I ke kumu, that was our first kupuna that was here. You talk about cosmopolitan, prior to January 17, 1893 we was already a multi ethnicity kingdom, why because our na kupuna shared the aloha, lived the aloha, talked the aloha, walked the aloha.

We share was inclusive our na kupuna was always inclusive was never exclusive. In my opinion you cannot make one monument of peace without resolving the conflict first. The conflict is Mauna Kea is a big part of who we are as kanaka. The first light hit Mauna a Wakea, the tallest mountain on the planet from sea level, tallest mountain in Polynesia. But however ke akua gave all na kupuna the ike mana'o to take the greatest leap of faith for jump on to their wa'a to come here. The most isolated islands in the biggest ocean in the middle of the planet with trial and error and thrived. Two years ago we came here for Mauna Kea, I had to work this morning, but I made sure I had to come over here to stand for Mauna a Wakea. We get plenty love. The conflict you cannot have peace without resolving the conflict. The big conflict here to me, everybody here I love each and every one of you folks but we all working on the false pretense because we standing on truth 1981 Mayor Kim, none of us new the truth that there is no treaty of annexation that no county can occupy another country without a treaty of annexation not a joint resolution. Mahalo to our alaka'i and found the palapala. I bet you the US right now is thinking we should have burned that up.

But that's the truth and that is what we are learning and all of our keiki who are in Hālau Kū Māna, Kamakau they are learning the truth. That's all we get, but we come from generational hurt. Deep hurt we come from. That is the conflict, the conflict is we are going to be a good Christian or something but what would Christ do. He would say what is righteous or what is pono. How can we do what is pono when we still no resolve the conflict. If we all stand together and be fearless like our kupuna did when they first went into their wa'a and they had the greatest leap of faith, they transversed and they came here. Because our kupuna went stand and because there was no treaty of annexation, how can everybody here under false pretense. International and US constitutional law, no country you should know that. Trustee Keli'i Akina you are a lawyer right. Why are we still acting like we second citizens when this is our people. We stand fearless. When I went court couple years ago the judge went tell me cause I went stand not as an American 'ohana, I went stand as a citizen of the Hawaiian Kingdom, as a Hawaiian National. The judge was Judge Mar and Judge Ashford they told me to separate occasion Mr. Wahilani is this court finds you guilty we are going to have to deport you. If they told me seven years ago I wouldn't even gotten myself in that situation. But 7 years ago I was sucking nene. But now I eating ahukihuki and now I stand. I told the judge where you gong deport me, my moo kū'auhau predates the first contact of western man in 1778 when Captain Cook went land on the islands. That is what I told the Judge and he went look at me and never expect that coming from a kanaka form Waianae. It's not getting educated its getting informed of the truth. We need to be fearless. Kamana'o we get 40,000 kupuna standing next to us everywhere das why when I go now I stand fearless. But I do everything pono. Because you cannot go forward if you hewa. In order to talk about peace we got to resolve the conflict. There is conflict why, you see this face generational hurt. We was lied to that's why my kids don't know how to pledge allegiance to the flag. Mahalo ke akua

Chair Colette Machado- Kaukaohu can you summarize.

Mr. Wahilani– I summarize that you folks, the Trustees, OHA stand fearless and stay on your guys’ terms. Mahalo.

Chair Colette Machado – Kapua Keliikoa- Kamai followed by Candace Fujikane.

Ms. Kapua Keliikoa –Kamai – Thank you Mayor Kim for staying and for all your years of service. And definitely for his aloha. I never doubted it. But very concerned when I hear that the Mayor is coming to speak toward TMT on Mauna Kea. You spoke to several different points, I hope I can remember to address some of them. As I mentioned earlier ke akua put us kanaka maoli here for a reason. Cause he knows that we carry the kuleana of our kupuna for our mo’opuna and the many, many generations to come. So today on TMT is the gem of the world and the world or at least France, Canada, America and UH is asking the kanaka its ok but it is not ok. Because as we know with technology in time the TMT will be like the devices that we carry today old and ancient just like the Keck Observatories up there. At their time they were the technology of tomorrow. That’s what we are always being sold. For the future, for somebody else. But what about for us, for us and our keiki. Enough is enough and not only is TMT hewa, all of that development up there is hewa. Like the good Mayor stated management was poor therefore change the managers. This board, this office was created for a purpose it is to stand for your kanaka, not for the benefit of the fake State or all the other people that come for all of the development in Kaka’ako, which is not for us. All of those luxury million dollar homes not for us but for others to come. Hewa loa. Every time we need to fill a vacancy why is it that the fake State always has to go look somewhere else when our very own people can excel at managing our own assets, our own resources. I am not just speaking to the kanaka maoli because when you are like Mayor Kim and others that come to our kou pae ‘āina Hawaii and you see, and you come to know the people you know this is a special place. We are special people because we carry the kuleana. The ‘āina is our chief we serve the ‘āina. By allowing this continued discretion the corporation is being served that we have to stop. Mahalo nui loa.

Chair Colette Machado – Thank you Kapua. Candace Fujikane followed by Laulani Teale if she is still here. Then it will be Walter Ritte.

Candace Fujikane – Aloha mai, Mayor Kim thank you for staying and to listen to us. My name is Candace Fujikane I’ve been teaching at UH for 22 years and I teach the mo’olelo of Hawaii. I teach my students of land struggles, aloha ‘āina struggles. I am also board member of Kahea the Hawaiian Environmental Alliance. One of the petitioners in the contested case hearing against the TMT but I am here for myself and I am a member of the hui organized by Clarence Ku Ching called Hui Kaiina ‘āina Mauna and we walk the mountain lands in the practice of kaapuni makaikai to learn about the mo’olelo but also to monitor the sacred sites and we have seen a lot of devastation on the mauna especially to the sacred springs on the other side. We’ve walked across the northern plateau where the TMT is proposed to be built. I know I don’t want to go into the 8 conservation criteria that the TMT cannot possibly fulfill. It is not consistent with the purpose of a conservation district. It has been the TMT’s final environmental impact statement already acknowledges that it will have an impact that is substantial adverse and significant. All of that has been covered.

I wanted to talk about how coming here today I’m filled with kaumaha. It is hard to come in front of decision makers again and again and again to explain why the TMT cannot be built. Why it would be a discretion. Mauna Kea the norther plateau is in incredibly beautiful place. It is very quiet, it cannot sustain industrial activities there. It is so much heaviness, very heavy heart that I come here today even though it is a privilege to stand for Mauna a Wakea. I feel this kaumaha having been there, having sat through four years of meeting of the Board of Land and Natural Resources, contested case hearing at the Supreme Court and I want to say that this kaumaha also I feel, I am sorry Mayor Kim, I feel it when you look at Mauna a Wakea and you see and economic opportunity. That makes us feel this grief that you look at it and see dollar signs.

Now Mayor Kim, I don't have mo'ō kū'auhau either, I am not Hawaiian, I am Japanese, I look at you and I see my uncles, my father, I see my grandfather, I see the men in my family. I know you have a good heart. I also seen Ronald Fujioshi who got arrested with the Kia'i on April 2nd, he was one of the 31 who were arrested and he also does not have mo'ō kū'auhau, we do not have genealogy, but we have a choice so the academic term we use for who we are, we don't have mo'ō kū'auhau, we are settlers. But as settlers we can choose to be allies or we can choose to be colonial settler show perpetuate the colonial processes. To think about Mauna a Wakea as a museum puts the injustices in the past. Colonialism and occupation is not relegated to the past it is ongoing today, it continues today. You said certain things like the people of Hawaii, the kanaka maoli were wronged, they continue to be wronged and the TMT would perpetuate that. I am just putting it out there for you, we have a choice, we can be allies.

I want to also remind everybody that a little over two years ago on June 2th, about the arrest that happened on the mauna and I was there, yes I remember you were there and Dan Ahuna was there. And people were wailing at the arrests, 12 arrests wailing auē, not just the Hawaiians but non Hawaiians who were there too. There are many of us who know how sacred Mauna a Wakea is. So that grief, 12 arrest that day, 31 arrests April 2nd, 8 arrest on September 9th all of those arrests testify to the lengths people will go to, to protect the mauna. Soli Niheu before he passed, you know just send out the kāhea and all the people will come and we will lay our bodies and kalaka on the roads so that the tractors and the bull dozers cannot go up there. I not Hawaiian but I am willing to get arrested. There are a lot of other non-Hawaiians that feel that way too. I want to also say that one of the leaders she is the one that lead the people in chanting and they stopped the procession and she had this really beautiful thing that she said. She said, when they heard the leaders, all the people getting arrested they were afraid they were really sacred, she said to the people no worry, we are like the teeth of the man'ō when one shark's tooth falls out there is always another to replace it. Not like watch out we going bite you, no what we realize is that there are many, many rows behind that front line. Many, many leaders who are coming into their own and are willing to step up to lead us. That is why this fight is not going to stop. It cannot possibly lay a foundation for peace.

Chair Colette Machado – I have to ask you to summarize.

Ms. Fujikane - I just wanted to say I hope that this proposal for a cultural park is withdrawn because there is no way that the TMT can possibly ever lead to peace.

Chair Colette Machado – Walter Ritte.

Mr. Walter Ritte – I was hoping that I could speak to Harry. Harry is a good guy. But time and place all screwed up and he thinks he is just speaking as a person but he is the Mayor. So all of us in this room we here not because he is a person but because he is the Mayor, he cannot just say things and not realize who he is and the impact he is having on everybody. What I wanted to tell him was that I don't think he really, he said that he understand the controversy I don't think too many of us really understand the controversy. When you say it in that light you really don't understand what is going on. This is not just a controversy, this is something that comes along every 50 years or so, and the last time I saw anything like this was Kahoolawe where there is something about the issue that codifies the Hawaiian Community.

This issue is not just going to disappear, this is a do or die issue. This is an issue that you cannot compromise on, there is no compromise on this issue of the TMT. I wanted to try and explain to him what people have done and how this issue has impacted all of the different islands. I have been able to travel to all of the different islands about this issue and been involved on Oahu on this issue seeing young kids going on the street stopping cars on King Street, all of the rural areas, this is not just any old controversy so for him to say what he said maybe in 1981 it would have made a lot of sense. A lot of things made sense in '81 we were all haoles back then. But now we are beginning to realize who we really are, so his statements even though they are well

meaning, confusing number one he is not quite clear what he is really saying and it is being done at a time where the issue of Mauna Kea needs to be left to the people.

This is not a Governmental issue, this is a people issue that came from the people. They are the ones that are putting all the energy, they are the ones getting arrested, they are the ones laying down their lives. It is a people movement. So for him a politician to be saying these things about what the future should look like on Mauna Kea maybe he can say this peace thing should be at Mauna Lani or something. Where its already screwed up and you got to go fix it. But this place he is talking about it is piko, the peace piko of the world the way it is. We used to have politicians that had fore sight, like Roosevelt, FDR, he said there are certain places in the United States that you see but don't touch. That you just protect and leave it alone and they formed the National Parks. There is no difference with what this is about on Mauna Kea. This is a place, all those buildings sooner or later are going to have to come off. It going to have to come off the mana of that place, and it's our generation when we were young, when no one was paying attention, it is our fault. It's our generation that allowed those kinds of things that allowed those things to happen. It's our generation that allowed the fishes to be disappearing in the ocean because we thought it would never disappear. We made those kinds of mistakes now this generation when it comes to this issue they see what happened on the coastline, Waikiki, the Gold Coast of the Big Island that coast line is going to be like Waikiki where hardly any Hawaiians go over there no more fish anyway so why do over there. When you push the Hawaiians away from the ocean and their living, then you get all these genetically modified international companies come to Hawaii because of our weather and they start poisoning our uka lands. Now we at the top of the mountain where are we going to go next. It's the cliff, we pushed up against the cliff. What he's talking about it's us as Hawaiians, draw the line in the sand, we cannot go anyplace else we will not lose this battle and you will not tell us what the future of this mountain is all about. It's up to the people to decide.

Those are the things I wanted to talk to him about. I don't think I will be able to do it. But I wanted to talk to you guys that this issue should be line in the sand. You cannot allow us to be pushed off the top of the mountain. That is where we are, we at the cliff. So this generation and what I am hearing from this generation, not only are they going to refuse to be pushed off the cliff but they going start going back down the hill and Pōhaku is in their sights. So that's what I like about this generation is that they are going to huli this thing and start going back down the hill. Mahalo.

Chair Colette Machado – Clare Apana.

Ms. Clare Apana – Thank you very much for taking action on the Maui sand hills, sand mining protection of our iwi. This is not agendized and what I want to say is that the great travesty of erasure of our people from the central Maui sand dunes is occurring at the hands of development so that they can continue to develop. While your motion is excellent for the TMK that ends in 153, it does not cover the history and the land that is still in jeopardy. People who believe in keeping our history and keeping the stories, there are so many excellent stories of bravery, of Kekūhaupi'o fighting off the entire Maui army for hours. So his army could rest. There is a story of Kiwilau coming across the sand and bringing peace with his uncle Kahekili and the battle ends because he was brave enough to walk across that sand and risk his life to go and make peace with his uncle. All of these things are being discredited by development so that they can continue to grade, sand mine and build houses where the warriors may have last lain. So that there is no history that is significant there. I would ask, you know we were waiting in great anticipation for Kai Markell's report we have not been able to substantiate what we need to bring forth this battle and we were looking forward to his information because we have not been able to get the information from State Historic Preservation Department. I wonder if it is possible to hear what he was going to give you.

Chair Colette Machado – Not at this meeting. As soon as you are done speaking and Germaine, we need to finish the rest of our business, which is go into executive session.

Ms. Apana – Can I just interview him?

Chair Colette Machado – I think that Kamana‘o is ready to allow that.

Kamana‘opono Crabbe – As a result of the motion that the board just passed a lot of the research information that Kai has accumulated over year will be implementing that as a result of the board action to address the County of Maui SHPD and the Land Division.

Ms. Apana – So that will be made available to the beneficiaries.

Kamana‘opono Crabbe – I think you can discuss it with him, I don’t know exactly what report you are talking about because there are several. But we can talk about that latter.

Ms. Apana – But whatever he was going to updated everybody with today we would just like to know what it is, can I go and interview him.

Kamana‘opono Crabbe – Yes.

Ms. Apana – Thank you very much.

Kamana‘opono Crabbe – What I can basically tell you is that his division actually reviews a lot of the reports and incidences within the State of Hawaii so they have accumulated over the years different types of incidents with respect to the sand dunes. So what we will do is take a look at that over all to present a case.

Ms. Apana – Absolutely, thank you we just don’t have privy to that knowledge.

Chair Colette Machado – If you have time rather than rushing out to the airport please arrange and ask him if he is available to talk to you.

Ms. Apana – I will do that so what I am bringing up is being able to identify the sand dunes, all the sand hills that go from Kapuna which is down by Waiehu, Waihee, all the way across to Mā‘alaea, the only inland sand dunes of its kind in the whole world and to set that aside and be recognized by this board as a wahi pana for the numerous burials, the battle histories that have gone in to this place especially the battle of Kakanilua which was one of the most important and most known battles of the history of Hawaii.

Chair Colette Machado – We acknowledge that, part of your testimony on Maui you listed this in your testimony about attempting to get a determination on the wahi pana for these areas. It is very different from what you are asking now so perhaps when you speak to Kai you are looking at a more cultural definition of these areas. So that might engage us if that is the next step, we would probably have to contract someone to survey those areas validate some of the historical events and come forward as to why it can be classified and honored as a wahi pana. That are the kinds of stuff that would be helpful to have a range of his scope.

Kamana‘opono Crabbe – I support what Chair has just shared. Based on what Kai has shared we understand, have very similar understandings of the historical account. Moving forward it would have to be, it cannot just be the Office of Hawaiian Affairs. It would be Maui and Lanai Burial Council in addition to working with SHPD to recognize the wahi pana of that area. But before we get to that point we have to fundamental ground work in terms of laying a full comprehensive thorough case with regarding the archeological significance of that whole entire area. We can talk to you on the side about that.

Ms. Apana – We have done the research and we can help you if you wanted and I thank you and I just ask that we be appraised anything that occurs with your motion. Thank you.

Chair Colette Machado – I'd like to call our last speaker Germaine Meyers.

Ms. Germaine Meyers – My name is Germaine Meyers for the record. I am an OHA beneficiary for Beneficiary Advocacy and Empowerment and a Nānākuli Hawaiian Homestead lessee. I put down for community concerns because I did want to hear that conceptual plan of Mayor Kim before I give feedback about it. So we did hear, we did listen, I'm so grateful that the community comes out and we confront the issues. Even though it difficult to confront them we must confront them because we can see what happens when we didn't confront them in the past. What I do want to acknowledge first and foremost is that I appreciated Trustee Dan Ahuna confronting with the Mayor. I think he asked a question that many of us had on our mind. We wanted to know the conceptual plan included TMT. I appreciated that by confronting it and by asking Mayor, Mayor did not give us a clear answer.

I proud myself on being a very good listener I was born with a puncture in my eardrums, or course I am wearing hearing aids. But God has not given me perfect hearing of what he has given me is perfect listening. So I did listen and I didn't hear yes, or no. Because the questions such as what Trustee Dan Ahuna had presented and confronted Mayor Kim with was a very clear question. Is TMT on the table or not. And it could give us a very clear answer, yes or no. Instead I didn't hear a yes or no. So I have to make assumptions. So what I now bared with this to come and ask my OHA Trustees if we can now look at what the testimonies that have been provided by all of us. And look at what the majority has been saying and has been saying for a long time and I think that's what Trustee Dan Ahuna has been trying to say is that we don't want TMT on there. We do want our mountain to look like Mt. Fuji. And it is interesting that the Japanese people, their leaders have seen that they don't want antenna poking out of the snow, buildings poking out of the snow 30 ft. buildings. They don't see that vision, those leaders the Japanese leaders who are in charge of Japan, unfortunately Hawaiian leaders are not in charge of Hawaii. Instead we have this organization that we are told that this organization represents us. So that why we have to come here and confront you our elected officials and ask you to represent the strongest voice and our strongest voice is hearing that we don't want our iwi in Maui to be desecrated and used on the rail. As well was we don't want TMT on the mountain. We don't want antennas there any more we just want it to look natural and pristine as God has created it. We don't want people tracking in their diseases and tracking them out and going out and then blaming us. So that is what I wanted to say about Mauna Kea because it did not say in the presentation. But what I would like to ask our Trustees is that if Mayor Kim can on the agenda can us the beneficiaries be on the agenda and we give our proposal, our concept of what it means for us and how we want Mauna Kea to look without TMT. And what we would like to declare how we want our future to look so that this generation will be the voice for the next generation and three generations to come like the bible says. But you must confront the issues.

Another issue that was confronted was the audit, I want to say that last night I went on the computer as I've done every night and then I seen that it was posted. The audit services so I want to mahalo Chair and want to mahalo Administration for posting the audit services procurement contract and it was 11 pages and I didn't have a chance to read it all after I downloaded because I had a little puppy, I call him puppy even though he is 4 years old. After I am out all day he seems to want all the attention. I was reading here and there and I saw that it had pono things, things about giving feedback to our resource management Chairperson so I appreciated all of that. I appreciated that all the voices that have come out, have been heard. I just wanted to share that. Mahalo.

VI. EXECUTIVE SESSION

Chair Colette Machado – Thank you Germaine. Thank you community from near and far, we thank you for your presence at our meeting we ask that you allow us now to recuse ourselves in to executive session under

HRS 92-5 (a)(4) to discuss a very important contested case. We thank you for your time and your mana'o as you know is very serious to us. We take it to heart and we do care.

Trustee Dan Ahuna motions to move into Executive Session Pursuant to HRS§92-5(a)(4).

Trustee Carmen Hulu Lindsey Seconds the motion.

Chair Colette Machado - Calls for a roll call vote.

Trustee Dan Ahuna motions to move into Executive Session Pursuant to HRS§92-5(a)(4). Trustee Carmen Hulu Lindsey Seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Not present
TRUSTEE DAN AHUNA	x		X			
TRUSTEE ROWENA AKANA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE PETER APO						Excused
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			7			
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passed with seven (7) YES votes and two (2) excused.						

The Board resolved into Executive Session at 1:27 pm.

A. Attorney-client legal consultation with Counsel Sherry Broder, Esq., re: the Board's powers, duties, privileges, immunities, and liabilities pertaining to *In re Contested Case Hearing on the Water Use Permit Application Filed by Kukui (Molokai), Inc., Now Refiled as a New Ground Water Use by Molokai Public Utilities, LLC, (SCOT-17-0000184)*. Pursuant to HRS § 92-5(a)(4).

B. Approval of Minutes

1. May 25, 2017
2. June 8, 2017

The Board reconvenes into Open Session at 1:58 pm

VIII. ANNOUNCEMENTS

Chair Colette Machado – Our next meeting will be on Lanai.

IX. ADJOURNMENT

Trustee Carmen Hulu Lindsey Moves to adjourn the meeting

Trustee John Waihee Seconds the motion.

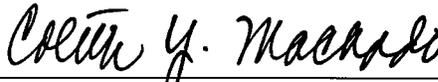
The meeting was adjourned at 2:00 pm.

Respectfully submitted,



Dayna P., Board Secretary

As approved by the Board of Trustees on August 24, 2017.



Colette Y. Machado, Chairperson
Board of Trustees

Attachment:
Excuse Memo Trustee Peter Apo
Handout from Cheryl Burghardt – Hawaii Administrative Rules