

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

**Minutes of the Office of Hawaiian Affairs Board of Trustees
Thursday, March 8, 2018
10:00 am**

ATTENDANCE:

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

ROBERT G. KLEIN, ESQ., BOARD COUNSEL

ADMINISTRATION STAFF:

KAMANA'OPONO CRABBE, CEO
LISA VICTOR, COO
ALBERT TIBERI, CC
KAWIKA RILEY, ADV
JOCELYN DOANE, PP
STERLING WONG, PR
EVERETT OHTA, CC
DAVID LAEHA, CFO
JONATHAN CHING, LAND
MEHANA HIND, CE
RAINA GUSHIKEN

BOT STAFF:

CAROL HOOMANAWANUI
LOPAKA BAPTISTE
LAURENE KALUAU-KEALOHA
DAYNA PA
KAUIKEAOLANI WAILEHUA
LEHUA ITOKAZU
MAX MUKAI
CLAUDINE CALPITO
LADY GARRETT
MELISSA WENNIHAN
PAUL HARLEMAN
MARIA CALDERON

GUESTS:

HEALANI SONODA-PALE

I. CALL TO ORDER

Chair Colette Machado Calls the Board of Trustees meeting to order at 10:02 am. Roll call is taken; Trustees Ahuna, Ahu Isa, Akina, Apo, Carmen Hulu Lindsey, Robert Lindsey, Waihe'e and Machado are present; constituting a quorum of eight (8) trustees. Trustee Akana is expected to arrive shortly.

We will now move on to II. Public Testimony.

II. PUBLIC TESTIMONY

Chair Colette Machado – I'd like to call Healani Sonoda-Pale to come to the table

Ms. Healani Sonoda-Pale - I have copies for the Trustees and the CEO. *(please see attached testimony)*

So is it possible now to know what Government Agency has requested these records?

Chair Colette Machado – We are going to go into Executive Session to get the full information. We were served the letter earlier this week.

Robert G. Klein, Board Counsel – This is a UIPA request, so we will process it in the normal course of a regular UIPA request.

Healani Sonoda-Pale – Just the name of the Government Agency?

Robert G. Klein, Board Counsel – It is a UIPA request so we will have to process it in the normal course.

Healani Sonoda-Pale – So you can't even give me the name of the Government Agency?

Robert G. Klein, Board Counsel – We are not going to discuss that publicly right now.

Healani Sonoda-Pale – So there is another Government Agency asking for information and you guys can't give me that information.

Robert G. Klein, Board Counsel – There are reasons, you will get a full response when your UIPA request is addressed.

Healona Sonoda-Pale – Ok.

Robert G. Klein, Board Counsel – It's not March 15th either.

Healani Sonoda-Pale – No, no, no I asked for the disclosure of the Government Agency immediately.

Robert G. Klein, Board Counsel – That is not going to happen today.

Healani Sonoda – Pale – So you won't disclose what Government Agency is requesting records.

Robert G. Klein, Board Counsel – Yes, that is correct.

Chair Colette Machado – We are on record already acknowledging that we will be responding to your request for identification.

Healani Sonoda – Pale – I am just in shock that's all, thank you.

Chair Colette Machado – Thank you Healani.

III. UNFINISHED BUSINESS

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

Chair Colette Machado – We will turn this time over to Kamana'opono Crabbe with some updates. If they are available if not we will go right into III.B.

B. Ka Huli Ao Center for Excellence in Native Hawaiian Law A'o Aku A'o Maui Initiative Update

Kamana'opono Crabbe – In terms of bringing Kapua Sproat at Ka Huli Ao in terms of their presentation please come forward.

Ms. Kapua Sproat – Aloha mai kakou and mahalo for the opportunity to be here with all of you this morning. I am Kapua Sproat and I am here today in my capacity as the Director of Ka Huli Ao Center for Excellence in Native Hawaiian Law at the University of Hawaii at Manoa. I am here along with Mahina Tuteur who is our Post JD Research and Teaching Fellow. Together we hope to share a bit about our A'o Aku A'o Maui Initiative which is a cooperative agreement and a partnership that we have with OHA.

(Please see attached powerpoint presentation)

10:13 am Trustee Rowena Akana arrives.

Ms. Mahina Tuteur - Aloha I just want to share a little bit about what we did last semester. In fall 2017 we had the opportunity to do a project in the Koolau moku of Kauai. OHA staff came to us because they've been hearing from beneficiaries and other community members regarding challenges to continued use of the alaloa or the ancient trail especially as it crosses through the Koolau moku. This semester we are working on Molokai.

(please see powerpoint presentation)

Trustee Carmen Hulu Lindsey – I just want to mahalo them for all the good work they do. Maui can be very, very proud of the help that we've gotten from them, so Mahalo Nui!

Trustee Peter Apo – I have to commend you Kapua your leadership up at the University in pioneering concepts, etc. representing sort of a creation almost a separate institution that speaks to nationhood to self determination to give us the tools and programs that we need to develop. Thank you for that.

Ms. Sproat – Mahalo.

Trustee Leina'ala Ahu Isa – I notices the mahele documents in here are all in Hawaiian who helps you translate it?

Ms. Sproat – We had a combination of folks, so its so fabulous now we have law students who are fluent in olelo Hawaii and so we had a whole division of our clinic that just translated native testimony and foreign testimony and just looked at boundry surveys. Of course you folks here have the in house experts with Wahineaipohaku Tong and other folks, Lucy Meyer who are also resources for us. Because they work so closely both with Kipuka and also with these documents they were great partners and supported us in that.

Trustee Leina'ala Ahu Isa – The question is how does OHA help you is it also monetarily?

Kamana‘opono Crabbe – Yes, this is actually a contract with Ka Huli Ao and the William Richardson School of Law. It dates back to 2011. So we want to continue it given the success of the training course and all of these clinics and we believe it is a very good partnership because they have strengths, assets and skills in terms of law and you have a cadre. Then it helps to facilitate the work we do out in the community as well. We look to forward this.

Trustee Leina‘ala Ahu Isa – I just wanted to share with the public that this is other things that OHA does.

Ms. Sproat – So just to build on what Kamana‘opono has said. Initially this started as a one year initiative in 2011. Because OHA was approached by all of these beneficiaries who needed legal assistance so instead of trying to hire 20 individual attorneys they came and said, ok can your clinic help them can we pay for one fellow who will then support the work. So what OHA supports through the cooperative agreement with us is a pay for one post JD Fellow who is able to provide support year around, we provide my time and expertise and our students and clinicians. OHA pays for our Post JD Fellow and travel so that the students are able to go to Molok‘i to meet with the community, to go to Kauai to facilitate these workshops on alaloa. But having Mahina on staff all year, its really improratnt for example when everything was going down on Kauai with the Zuckerberg Lawsuit, and many not just OHA beneficiaries but people in the community said I found this primer is there somebody I can talk to. I said yes Mahina is happy to help you. We are able to provide additional, by leveraging the resources within in Ka Huli Ao, the cultural resources and other resouces within OHA this is a great partnership and we‘ve been able to benefit, I think at this point over the whole time, over a 1,000 beneficiairies.

Trustee Akana – I want to thank you as well. This is one of the best projects we‘ve ever helped to fund. The fact that it is helping our beneficiaries in ways that we personally cannot is commendable. So thank you for your service. In the Zuckerberg case how many beneficiaries were you able to help regarding the Zuckerberg trying to buy up these properties.

Ms. Sproat – Mahina can best answer that. But I have actually lost track of the number of people. Usually throughout A‘o Aku A‘o Mai we‘ve committed to do one clinic project the semester then in whatever additional capacity Mahina has provided around the clock help for folks. We had already taken on a clinic project by the time everything happened with Zuckerberg but we have still continued to provide direct input and support on peoples answer, service questions and are coordinating a training right now.

Ms. Tuteur – To answer your question its hard to say at this point. There‘s a few hundred pro se defedents involved but at this point its hard to say because people are still being served with the complaint on all different islands. We‘ve been kind of working just a couple family members to communicate with other family members. We are trying to put together a boarder presentation to reach everybody at one time.

Ms. Sproat – If you would like specific numbers we are happy to follow up with you.

Trustee Rowena Akana – Yes, I would like to know how many people were actually impacted by the purchase by Zuckerberg.

Trustee Dan Ahuna – I want to thank all of you. I just want to share a little bit more what they do too. They not only help our native Hawaiians but they come and do workshops for our County and our State people. I‘ve been a part of their workshops and those type of workshops bring a lot of understanding to a lot of people. When we speak of Zuckerberg there is a lot intertwines the trail for example is a big part of what Zuckerberg is talking about. A lot of the issues come to us at this Board Table and we don‘t know how to handle it, I want to thank Jocelyn Doane because she is the one that we went to for help. Mahalo.

Trustee Keli‘i Akina – thank you very much. You are doing good work and I like the fact that you are teaching students how to be engaged in the community in a real way.

Trustee Robert Lindsey – I want to applaud your efforts and sing your praises. For all the help that you folks have given and continue to give our ohana at Ka‘ūpūlehu. I think its interesting I was the land manager at KS when the whole Kapaakai case came forward Judge Klein was the one who offered the opinion in that case and you folks now are helping us or KS to implement some of the recommedations and decisions that came out that matter. So thank you.

Chair Colette Machado – Members, Thank you Kapua for taking the time and being patient so we could schedule you appropriately. I look forward to seeing you and your team on April 12th.

Ms. Sproat - Mahalo everyone.

IV. EXECUTIVE SESSION

Chair Colette Machado – Members I would like a motion to recuse ourselves into Executive Session pursuant to 92-5 (a)(4).

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 – Roll call vote please

Trustee John Waihe‘e IV motions to move into Executive Session Pursuant to HRS§92-5(a)(4). 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			
TRUSTEE PETER APO			X			
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE‘E			X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			9			
MOTION: [x] UNANIMOUS [] PASSED [] DEFERRED [] FAILED Motion passed unanimously with nine (9) yes votes.						

The Board resolved into Executive Session at 10:35 am.

- A. Consultation with Board Counsel Robert G. Klein on OHA's powers, privileges, and liabilities regarding a government agency's records request. Pursuant to HRS §92-5(a)(4).**
- B. Consultation with Board Counsel Robert G. Klein on OHA’s powers, privileges, and liabilities regarding Hi‘ilei Aloha LLC employees. Pursuant to HRS §92-5(a)(4).**
- C. Approval of Minutes**
 - 1. February 7, 2018**

The Board reconvenes into Open Session at 12:21 pm.

12:21 pm Trustee Leina'ala Ahu Isa leaves meeting.

V. COMMUNITY CONCERNS

Chair Colette Machado – We are now on item V. which is Community Concerns. I would like to Healani Sonoda-Pale to the table

Ms. Healani Sonoda-Pale – (please see attached testimony, Letter from Ka Lāhui Hawai'i and Mauna Kea Hui Position Statement on SB3090)

Chair Colette Machado – Thank you, is there anyone else? Hearing none.

VI. ANNOUNCEMENTS

None

VII. ADJOURNMENT

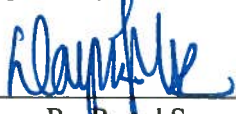
Chair Colette Machado – I'd like to entertain a motion to adjourn.

Trustee Dan Ahuna moves to adjourn.

Trustee Robert Lindsey seconds the motion.

The meeting was adjourned at 12:28 pm.

Respectfully submitted,



Dayna Pa, Board Secretary

As approved by the Board of Trustees on March 22, 2018.



Colette Y. Machado, Chairperson
Board of Trustees

Attachments:

1. Healani Sonoda-Pale Public Testimony
2. Ka Huli Ao Powerpoint Presentation
3. Healani Sonoda-Pale Community Concern Senate Bill 3090 SD 1

OFFICE OF HAWAIIAN AFFAIRS BOARD OF TRUSTEES

March 8, 2018

Regarding: BOT Agenda Item IV. A. Consultation with the Board Counsel Robert G. Klein on OHA's powers, privileges and libabilities regarding a government agency's records request.

Aloha Chair Machado, Vice-Chair Ahuna and Trustees,

The Ka Lāhui Hawaii Political Action Committee (KPAC) respectfully requests the following information under Hawai'i's Uniform Information Practices Act Chapter 92F in the spirit of promoting the public interest in disclosure and to enhance government accountability;

1. The name of the government agency requesting records from OHA that is referred to in today's (3/8/2018) BOT Agenda.
2. A copy of the full and complete records request made from the aforementioned government agency to OHA.

Please disclose the name of the government agency immediately and provide the complete records request from the "government agency" mentioned above by March 15, 2018.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC



Ka Huli Ao

Center for Excellence in Native Hawaiian Law

A'o Aku A'o Mai Initiative: Ensuring Access to Justice

**Ass. Prof. Kapua Sproat &
Post JD Fellow
Mahina Tuteur
OHA Board of Trustees
March 8, 2018**

Ka Huli Ao Native Hawaiian Law Center



KA HULI AO

Center For Excellence in Native Hawaiian Law
William S. Richardson School of Law
University of Hawai'i at Mānoa

- **Ka Huli Ao means turning towards the light**
- **Our name embodies our educational philosophy of taking the very best of our native traditions in pursuit of scholarship, enlightenment, and justice**

Ka Huli Ao's Mission



**To promote education,
scholarship, community
outreach, and collaboration
on issues of law, culture, and
justice for Kānaka Maoli and
other Pacific and Indigenous
peoples**

Law Clinics



A'ō Aku A'ō Mai Initiative

- Partnership between OHA & Ka Huli Ao to address access to justice issues by educating the broader community about key legal issues affecting Native Hawaiians



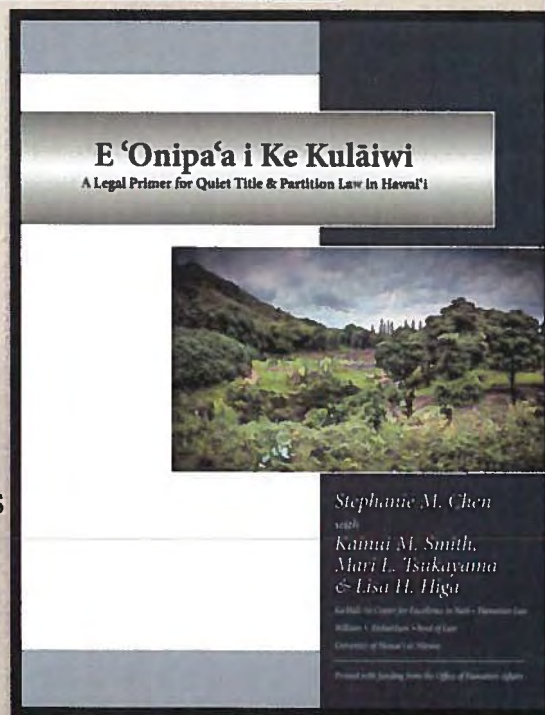
A'ō Aku A'ō Mai Initiative, cont.

Initial Components:

- (1) Direct Legal Services for Pro Se Defendants in *Bartell*
- (2) Hawai'i Land Law Primer

Benefits:

- In first 2 years, assisted 156 pro se ds, published a legal primer, facilitated 13 workshops on Quiet Title & Adverse Possession, & trained 40 law students in those areas of law



A'ō Aku A'ō Mai Initiative: Nā Wai 'Ehā



A'Ō AKU A'Ō MAI INITIATIVE: Public Workshops for *Pro Se* Applicants in the Contested Case Hearing Over Water Use Permit Applications for Nā Wai 'Ehā's Surface Water Management Area

Hosted by the William S. Richardson School of Law's
Ka Huli Ao Center for Excellence in Native Hawaiian Law
& the Environmental Law Clinic

As part of the A'ō Aku A'ō Mai Initiative, Ka Huli Ao and the Environmental Law Clinic are hosting free community workshops for individuals proceeding without the assistance of an attorney in the State Water Commission's contested case hearing over Water Use Permit Applications ("WUPAs") in Nā Wai 'Ehā's Surface Water Management Area (CCII-MA15-01). The workshops will provide background information, explain relevant legal issues, and offer insight for those participating in this case. Clinicians will also be available after the meetings to answer questions. Please join us at the following workshops on Maui:

September 11, 2015 from 5:30 p.m.-7:30 p.m.
University of Hawai'i, Maui Campus
Pilina Building, Multipurpose Room
310 West Ka'ahumanu Ave., Kahului, Hawai'i 96732

September 25, 2015 from 5:30 p.m.-7:30 p.m.
University of Hawai'i, Maui Campus
Pilina Building, Multipurpose Room
310 West Ka'ahumanu Ave., Kahului, Hawai'i 96732



KA HULI AO
Center for Excellence in Native Hawaiian Law

Please bring any supporting documents, e.g. copies of your WUPAs, Māhele documents, and correspondence from the Water Commission. In addition, please bring photos (hard copy or digital) of your property that show how you currently use water, as well as information regarding crops you are growing or would like to grow on your land and about how much land area those crops occupy or will take up.

This event is free and open to the public.

Email UHLawEnviroClinic@gmail.com, or call the Environmental Law Clinic at:
(808) 956-8411 for details.

Nā Wai 'Ehā: student feedback



Nā Wai 'Ehā: student feedback, continued

“Without this clinic I have no doubt that the majority of these applicants would be unable to participate in the legal process, and, as a result, they would likely lose their access to water and their traditional practices. This clinic is truly making a difference in the lives of people who may not otherwise have any access to justice, and I am so grateful to be a part of it.”

Nā Wai 'Ehā: community feedback



“There was no possible way that community members and kalo farmers with appurtenant rights to water would have been able to compile and translate all of their Māhele documents and assemble extensive supplemental testimony without the assistance of the Law Clinic.”

A'ō Aku A'ō Mai: Ka'ūpūlehu





Within the Rest Area, Shoreline to 120 ft., Rules **Prohibit**

Taking or attempting to take any marine life (living or dead) including fish, invertebrates, coral, rocks, sand, and shells; deploying of any fishing gear (including hook-and-line and kona crab nets).

From a Depth of 120 ft. to 600 ft., Rules **Allow:**

The use of kona crab nets and hook-and-line to catch:

- kona crab
- ahi
- aku
- a'u
- ehū
- gindai
- hāpu'upu'u
- kalekale
- lehi
-
- nabeta
- ono
- 'onaga
- 'ōpaka
- roi
- ta'ape
- tombo
- tō'au
- uku

Mālama 'Āina

So that traditional fishing and gathering can continue indefinitely, the kama'āina of Ka'ūpūlehu are expressing their kuleana to practice mālama 'āina by asking for a rest period to replenish the reefs, for the benefit of present and future generations. Mālama 'āina is necessary for other rights, such as gathering, to continue.

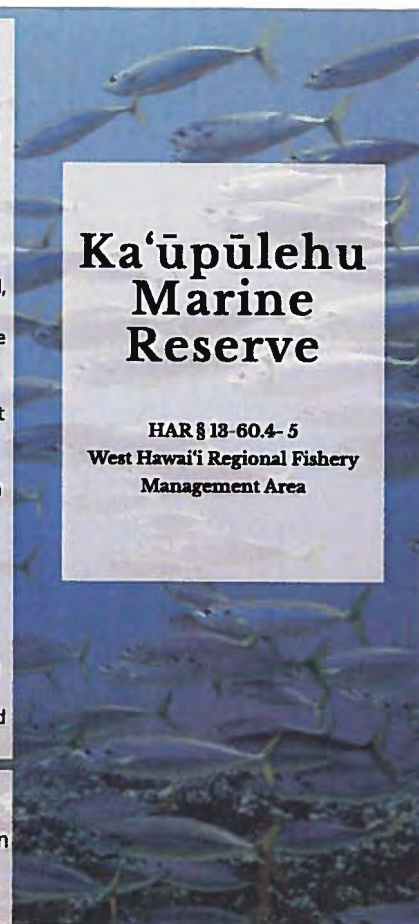
Mālama 'āina includes the right to defend, care for, maintain, honor, serve, and protect the 'āina. 'Āina is more than just the land, it is "that which feeds," including the ocean. It is the natural world in relation those who use it. To care for the 'āina is not only to defend and protect the physical resources, but to respect and nurture the relationship of people to the land and each other.

Mālama 'āina is essential because all traditional and customary practices are inextricably linked to and dependent on 'āina. It is practiced as protocol along with any other right. These protocols, which inform Kānaka 'Ōiwi on how to exist within a space are necessary for the survival of plants and animals, indigenous culture, and kānaka themselves.

Don't confront violators - contact DOCARE at (808)-643-3567 to report violations. Provide a detailed description of the suspect, vehicle, gear, and incident. Please include pictures if possible.

Ka'ūpūlehu Marine Reserve

HAR § 18-60.4- 5
West Hawai'i Regional Fishery
Management Area



Preserving Ka'ūpūlehu: A Community Effort

By MOLLY SOLOMON • DEC 28, 2016

- Tweet
- Share
- Google+
- Email



The lava fields of Ka'ūpūlehu on the coast of North Kona.

CREDIT MOLLY SOLOMON

Like so many coastal areas in Hawai'i, the once plentiful waters off North Kona have seen a decline in marine life over several decades. As the state wrestles with how to manage these natural resources, [some communities are stepping forward with a plan of their own.](#)

Ka'ūpūlehu: student feedback



Ka'ūpūlehu: student feedback, continued

“I’m so grateful to OHA . . . sometimes it is hard to feel like you can actually make a difference in the community, but this clinic helped me to understand just how much the law can save our ‘āina and people. I can’t mahalo OHA enough for letting me be a part of this clinic. Nui ko’u mahalo iā ‘oukou!”

Benefits from 2015 to 2017

- Directly assisted or trained more than 400 individuals on Maui and Hawai'i Islands in Native Hawaiian Law
- Built capacity within the legal profession by training 40 more law students in Native Hawaiian Law

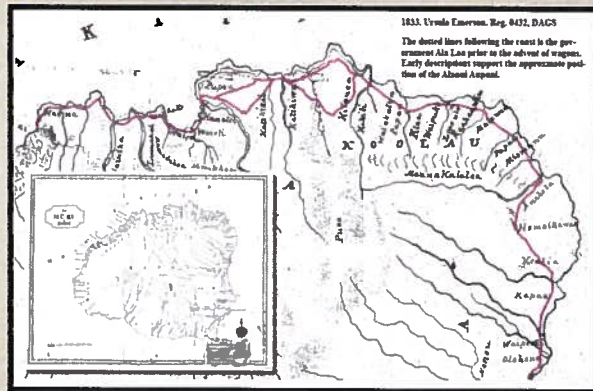


A'o Aku A'o Mai: Kaua'i



Kaua'i: Maintaining connection

- **Project Goal:** Analyze the community's legal options, the pros and cons of those options, and the likelihood of success in ensuring appropriate access for beneficiaries.
- **Bigger Picture:** What opportunities exist to maintain the cultural connection to 'āina through the Alaloa?



Stakeholders



Private landowners

- Waioli Corp
- Hanwrights
- Zuckerberg

State

- DLNR: Nā Ala Hele, Office of Conservation & Coastal Lands, 'Aha Moku Councils
- Land Use Commission

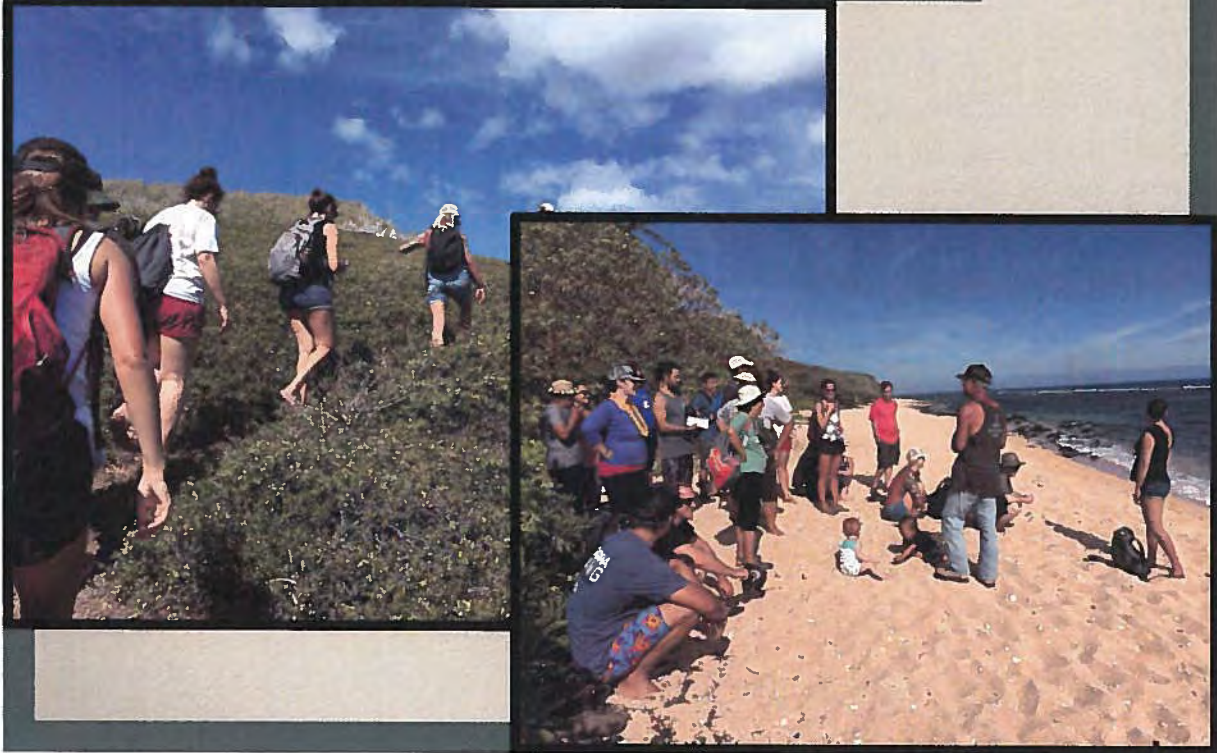
Kaua'i County

- County Council
- Planning Department

Community

- Cultural practitioners
- Environmental groups
- General public

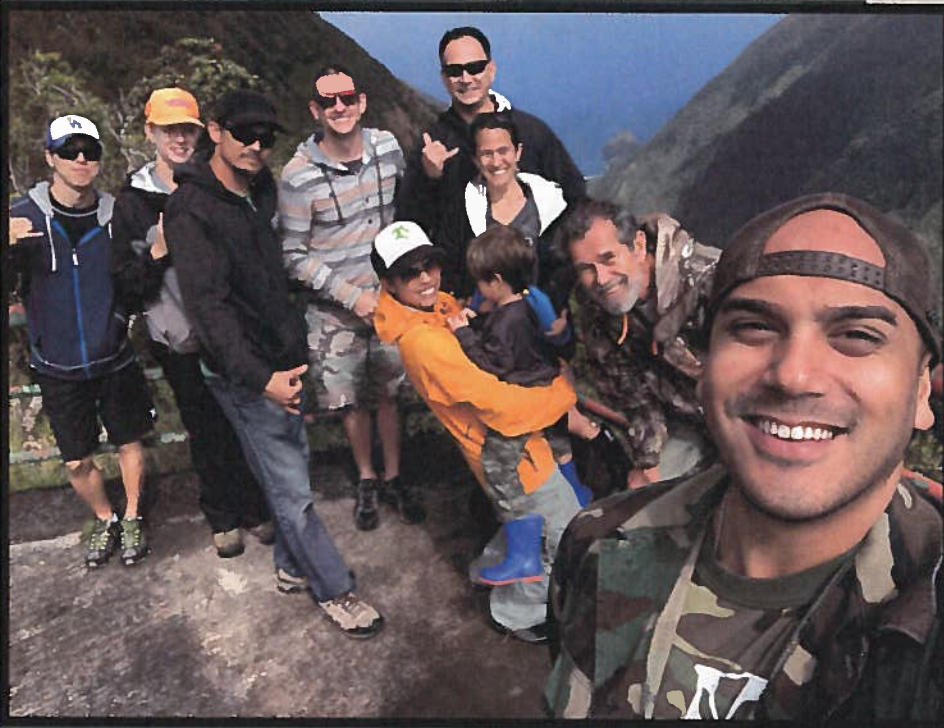
Kaua'i: student feedback



Kaua'i: community feedback



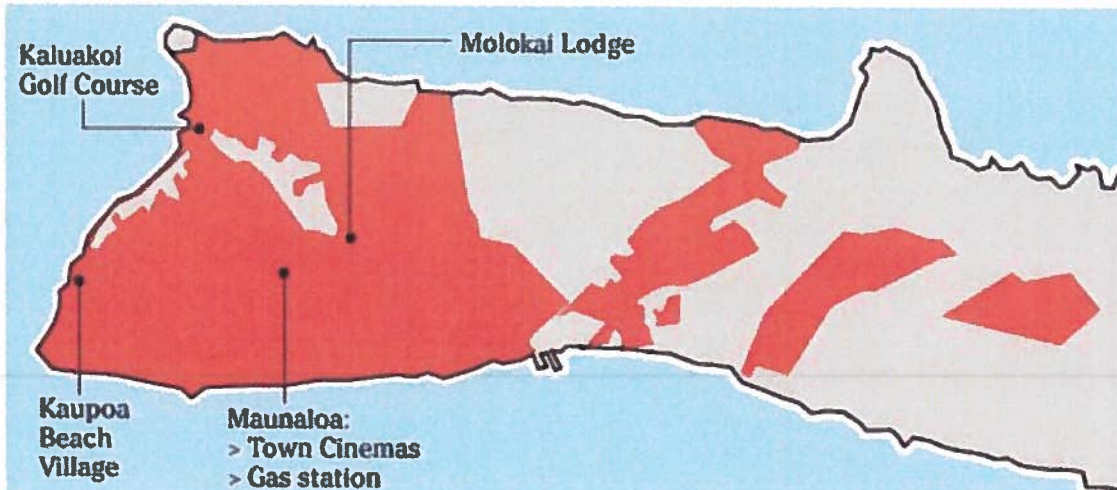
A'ō Aku A'ō Mai: Moloka'i



Supporting the community

SHUTTING DOWN MOLOKAI RANCH

Molokai Ranch is closing down operations on its land (in red), including cattle rearing and the sites below.



STAR BULLETIN

Community feedback

“The A’o Aku A’o Mai Initiative is extremely important to our family as it has educated us through a difficult and painstaking situation. It is imperative that classes such as this continue as many of us have no opportunity to gather this information had this not been initiated. Thank you!”

Mahalo piha!



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P: (808) 956-7489
www.kahuliao.org



OFFICE OF HAWAIIAN AFFAIRS BOARD

March 8, 2018

Regarding: OHA BOT Support for Senate Bill 3090 SD1

Aloha Chair Machado, Vice-Chair Ahuna and Trustees,

Mauna Kea

The Ka Lāhui Hawaii Political Action Committee (KPAC) respectfully request that OHA Board of Trustee's reconsider its recent support of Senate Bill 3090 SD1 which would solidify the State's authority and power to exploit over our sacred and historic mountain through the creation of the Mauna Kea Management Authority (MKMA) and the establishment of entrance fees. As of today there were over 870 testimonies in opposition to this measure and only 8 testimonies in support (one of them was OHA's testimony). Of the 870 testimonies in opposition 72% of them were registered voters in Hawai'i and 58% of them were Kanaka Maoli. What is not clear is **why** OHA would support a measure that clearly goes against the will of the people is NOT supported by the Hawai'i Island kīa'i and petitioners. I have attached the Mauna Kea Hui letter that explains their reasons why they cannot support this measure and the trust that was broken between them and Senator Kahele the drafter and main promoter of this measure.

Ceded Lands Inventory

KPAC respectfully requests a copy of one of the three ceded lands inventories that they funded. Over the past few years the State has been (and attempting too) transferring lands out from the Public Lands definition (including Senate Bill 3090) via multiple pieces of which is of concern to KPAC. We appreciate OHA's testimony in opposition to many of these bills. With the socio-economic situation being the way it is today KPAC would like a copy of the inventory as part of our educational campaign in the community of the locations and values of these properties that rightfully belong to the Kanaka Maoli people.

Onipa'a March

Last but not least, KPAC would like to share our concern with line jumping that took place on January 17, 2018 at the Onipa'a: Ma Hope Mākou O Lili'ulani. Thousands of our people come out on a work day to commemorate the memory of our Queen and to march peacefully in protest to the illegal overthrow of the Hawaiian Nation. However, as an organization that was supporting Hui Kū Like Kākou's march and helping out with the organizing and funding of this momentous event, KPAC was disappointed to see only two OHA Trustees (Trustee Hulu Lindsey and Trustee Waihee) walk with our people during the march and then to see the shenanigans that went on in the front of the March where select supposed "leaders" including OHA Trustees were shuttled to the front of our people for a photo opportunity while Aloha 'Āina were told to stay to the side. There were many excuses made for this un-pono behavior but I ask you Trustees the next time you are asked jump in front of the Lāhui like that to please use your judgement on what is morally right and how to best support our people. Walk with us not in front of us.

Respectfully submitted,

M. Healani Sonoda-Pale
Chair, KPAC



MAUNA KEA HUI POSITION STATEMENT on SB 3090

Malaki 7, 2018

We the undersigned wish to correct the record, regarding any claims, including recent claims made by Senator Kahele, that the Mauna Kea Hui and or the Mauna Kea Petitioners support Senate Bill 3090 SD2 (SB 3090 SD2). This is false.

To be clear, Senator Kahele, is not authorized to speak for Mauna Kea Anāhā Hou, the Mauna Kea Hui Petitioners or the 'Aelike Aha and process as there was no agreement in the 'Aha to move forward on a Bill such as SB 3090 in any form.

The lack of support for SB 3090 shown by the Kia'i Mauna and greater community, was made manifestly clear, when more than 700 testimonies in OPPOSITION to this bill were submitted to the Legislature versus 4 testimonies in support for its first committee hearing. Hundreds more testimonies in opposition were submitted after the first committee hearing. It is inconceivable that the measure was even allowed to moved out of committees.

Recently, the Senator also spoke on camera (see link below) claiming that those 800 or so testimonies, in his opinion, were not "constructive," as if somehow, one lawmakers opinion should override the political will of the people. A vote up or down is a yes or no question. And the people overwhelmingly said no.

Further such comments made about voters and their votes is beneath us all, yet what is even harder to imagine is how any community meetings being called now should or could be viewed as genuine.

Senator Kahele and other lawmakers have already categorically dismissed a total of over 900 votes made by the very community that they now claim to want to hear from.

Despite, the Senator's missteps and or misunderstandings, we continue to reject SB 3090. Many do not understand how our story begins. A few months ago, we were approached by Senator Kahele to begin, what we understood was to build upon the Mauna Kea Temple Report commissioned by the Royal Order and written by Mauna Kea Anāhā Hou 17 years ago, as a platform for discussions around the mismanagement of Mauna Kea.

The meetings were set under strict rules and protocols of engagement. The two major rules were (1) that no discussion on the TMT was allowed because of the fact that our case was in the Supreme Court, and (2) that the 'Aelike process was to be used to build consensus on the topics of our discussions.

For those not familiar with the 'Aelike process, it is a Hawaiian process for building consensus and it is especially useful in cases where there is contention around the issues. While we used a hybrid version of the process the main principles were adhered too. These principles help build trust and protection against abuse such as what we see here today.

Needless to say, we were shocked to learn, that even after three 'Aelike 'Aha with all attendees in 100 percent agreement NOT TO SUBMIT A BILL TO CREATE AN MANAGEMENT AUTHORITY at this time, that Senator Kahele via Senator Dela Cruz, had in fact, broken the 'Aelike and our trust by doing the exact opposite by submitting SB 3090 anyways.

SB 3090 represents the violation of trust of those of us who agreed to sit in the Aha to have such discussion in the first place. We have no explanation for the Senators actions and can offer only that perhaps he did not understand the spiritual or cultural commitment involved in 'Aelike and or involved in caring for the Mauna. We are not the Judge or jury and while we speak sternly, we speak the truth that is meant to heal and that is Aloha!

In conclusion, SB 3090 resemble neither the intent nor the purpose of the Mauna Kea Anaina Hou's Temple Report. Mauna Kea Anaina Hou's goals continue to be bring those from the past 'Aelike and other Kia'i to look at it and to begin amending it to reflect the laws of today.

But we never intended to change our long-held positions that are expressly outlined in the Report. The first of which is NO FURTHER DEVELOPMENT. One of three non-negotiable conditions and righteous positions of the Report given the history and the physical limits of the Mauna.

SB 3090, does not protect the Mauna from further desecration or destruction. This measure, therefore is fatally flawed and should not be supported.

We do however, support the following actions:

(1) SB 3090 has no support and it should have been "killed" from the beginning and we support it being "killed" now.

(2) A financial and forensic Audit measure (SB 757 and SCR29) is something we do support for the purpose of establishing "fair market" lease rents for the Observatories to pay as a way to offset the costs to state Taxpayers. Rent can't be properly assessed if all such funds are not being recorded on the public ledger, and finally,

(3) Lawmakers and OHA Board of Trustees should wait for the Supreme Court to rule on the TMT Conservation District Use Application (CDUA) and the TMT Sub-Lease Case, that after so many years, are now before the Court. It is never a good idea to use the legislature to alter or to undermine good law (law found to be constitutionally sound), so we support moving forward in compliance with the laws that protect Mauna Kea for real not just to create the illusion of protection.

In Aloha We Remain,

Kealoha Pisciotto
Paul K. Neves
Kalikolehua Kanaele
Deborah Ward
Clarence Ku Ching
Tiffany Kakalia
Cindy Frietas
William Frietas
Keomailani Von Gogh
Jay Deherrera