

**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, July 25, 2019
10:00 am**

ATTENDANCE:

TRUSTEE COLETTE MACHADO
TRUSTEE BRENDON KALEI'ĀINA LEE
TRUSTEE LEINAALA AHU ISA
TRUSTEE DAN AHUNA
TRUSTEE KALEI AKAKA
TRUSTEE W. KELI'I TRUSTEE KELI'I AKINA
TRUSTEE CARMEN HULU LINDSEY
TRUSTEE ROBERT LINDSEY
TRUSTEE JOHN WAIHE'E IV

ROBERT G. KLEIN, ESQ., BOARD COUNSEL

ADMINISTRATION STAFF:

SYLVIA HUSSEY, ICEO
RAINA GUSHIKEN, CC
MOMILANI LAZO, ADM CEO
MILES NISHIJIMA, LPD
EVERETT OHTA, CC
MEHANA HIND, CE
STERLING WONG, PRO
JIM MCMAHON, ADV
JIM PATTERSON, PROG
JOCELYN DOANE, PP
TIGER LI, IT
ANUHEA PATOC, PP
DAMON NABER, CP
DANIEL SANTOS III, IT
DAVIS PRICE, CO
JASON LEES, DPM
KAHEALANI PELERAS, CE
KAI MARKELL, COMP
KEOLA LINDSEY, PP
LISA WATKINS-VICTORINO, RES
PŪLAMA LIMA, LCH
WAYNE TANAKA, PP
JONATHAN CHING, LP

BOT STAFF:

CAROL HO'OMANAWANUI
LŌPAKA BAPTISTE
KAUIKEAOLANI WAILEHUA
DAYNA PA
CLAUDINE CALPITO
MELISSA WENNIHAN
NATHAN TAKEUCHI
LEHUA ITOKAZU
PRICILLA NAKAMA
ALYSSA-MARIE KAU
RONPORTER
PAUL HARLEMAN
BRANDON MITSUDA
MARIA CALDERON

GUESTS:

DEMONT CONNER
KAUI PRATT-AQUINO
ALICIA SHISHIDO
MELISSA SHISHIDO
JENNA SCANLAN
MAPUANA DESILVA
MOMI KAILIANU CONNER
KEKAI PERRY
KEIVALEI CADENA
IMAI WINCHESTER

I. CALL TO ORDER

Trustee Colette Machado Calls the Board of Trustees meeting to order at 10:03 am. Roll call is taken; Trustees Ahu Isa, Ahuna, Akaka, Akina, Lee, Carmen Hulu Lindsey, Robert Lindsey and Machado are present, constituting a quorum. Trustee John Waihe'e IV is expected to arrive shortly.

Members that have signed up for our public portion and our community concerns. You will be provided with 5 minutes and it will be monitored on the screen once you begin your testimony. Public testimony is limited to the agenda items. Community Concerns is pretty much open to what you decide to speak on relating to Native Hawaiians.

With that said for the record, the Chair would like to note that the 72 Hour rule, pursuant to OHA BOT Operations Manual, Section 49, shall be waived for the following items:

II. Approval of Minutes

A. May 30, 2019

V. New Business

B. Action Item BOT #19-11: Approval of a Resolution to Authorize OHA Administration to Act Regarding the Rights, Safety and Well-Being of OHA Beneficiaries on Mauna Kea.

With that said, we will move to II. Approval of Minutes.

II. APPROVAL OF MINUTES

A. May 30, 2019

Trustee Brendon Kalei'āina Lee moves to approve Board of Trustee minutes for May 30, 2019.

Trustee Dan Ahuna seconds the motion.

Chair Colette Machado – It has been moved and seconded. Any discussion? Hearing none, roll call vote please.

Trustee Brendon Kalei'āina Lee moves to approve Board of Trustee minutes for May 30, 2019. Trustee Dan Ahuna seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA		x	X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY			X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E						Not present at vote
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			8			1
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passes with eight (8) yes votes and one (1) excused.						

III. PUBLIC TESTIMONY

Chair Colette Machado – Members we are on III. and we are on public testimony. Our first speaker today is DeMont Connor followed by Kauai Pratt-Aquino. Please come forward.

DeMont Connor – DeMont Connor President of Ho'omana Pono Political Action Committee. I am here to testify on Action Item V.B. regarding the administrative act, regarding the rights, safety and well-being of OHA Beneficiaries on Maunakea. In the past OHA has supported TMT, in some way and stuff. But right now, we are

at a junction in the State of Hawaii where we got to decide what is priority. Is it more priority to give big business and foreign countries the right to come here and do whatever the hell they like, or is it more of a priority to listen to the people, us people?

10:07 am Trustee John Waihe'e IV arrives to meeting.

DeMont Connor – Us people, of this land. The people who from here. And I think the time has come that we make a decision and make a stand. I'd like to first of all honor member Hulu Lindsey, aunty it was so unreal. What you guys did that day, you guys went open the way for everyone to see, the whole world to see. You know when the State can come with people dressed in full riot gear, pepper spray, batons, and they standing there and they facing our kupuna who making a stand for us. You guys leading the way for us and I like honor you for that and all the kupuna that went stand. Because of that, get thousand more people there, thousands coming. I watch on Facebook, all over the world get people, all throughout America get people.

So now the question is, is big business going be, going have the way forward. So what they went go through the permitting process to do that. That doesn't make it right what they are doing. So that I why I ask this board, right now, that come together with our people, you guys all should be on the mauna. You guys all should be on the front line with our kupuna and let them know. It's the people's choice. If the people say no, its no. You know what I mean. We not going say no to everything, we cannot say no to everything. But this is a special case.

This is not about them being able to look at the stars and about science and all that. It's about us guys being able to protect what is sacred to us. We all know that. So we just got to make that stand and we get one awesome new CEO. We looking forward to working with you and we looking forward to your leadership and to communicate to the Board. It's about time that you guys, tell the State straight up already, enough already. This thing on the mauna got to stop. Yeah, you guys went through the permitting process, just because its legal doesn't make it right. Thank you guys for this time, I concede the rest of time. Aloha.

Chair Colette Machado – Thank you DeMont. The Chair would like to recognize Kauai Pratt-Aquino followed by Alicia and Melissa Shishido.

Kauai Pratt-Aquino – Good morning. Aloha Chair Machado and Trustees. My name is Kauai Pratt-Aquino and I am a beneficiary of the Office of Hawaiian Affairs and the Hawaiian Homes Commission Act. I am here today to urge this board to pass resolution number 19-11, which authorizes the administration to advocate and support the safety and wellbeing of OHA beneficiaries on Maunakea. First, it would be disingenuous to ask for your support without first expressing my disappointment in this board. I have not been happy with the conduct of this Board related to this issue. I strongly believe this Board has been disconnected to the communities you swore to protect. I am not here to attack you but to deliver the truth. I want to mahalo Trustee Hulu Lindsey and Trustee Dan Ahuna for not abandoning our communities. I witnessed both of you lay down your lives for our people with Trustee Hulu Lindsey's arrest and with Trustee Dan Ahuna living out of his car with his family on Maunakea from the inception. These two actions speak volumes to your personal commitment to our people. If any of you have not been to Pu'uhoonua o Pu'uuhuluhulu I encourage you to do so as soon as possible. With that truth, I am also here to deliver the message of kapu aloha. We are taught that despite anyone's shortcomings including this Board's failure to take a strong position of opposition, that there will always be love and compassion for you to change course. I urge that of you today.

The World can see this issue so clearly. It is a human rights crisis and the unethical pursuit of Science at the great expense of the wellbeing of our beneficiaries. Maunakea has the authority and power to unite Nations. I do not say that lightly. That was very clear to me in 2015, it is still clear to me today. I encourage this Board to recognize that authority and act accordingly. Currently our kupuna, makua and opio have been on the mauna for days not because it's the cool thing to do, it's because they understand their responsibility to our people, and our future. It's that simple. The protection of Maunakea is the only pathway forward. I had the opportunity to witness the plight of the petitioners in the contested case. One of their main arguments has been from the pro TMT group is that they had their day in court. But I think this Board sitting here understands what that day in court meant for them. Most of the petitioners in that case represented themselves against some of the most powerful law firms in Hawaii. I am

a lawyer who understands that. But in order to represent a case like that, you need competent legal representation and they didn't have that. They did their best to represent themselves but in the end in my mind, they did not have their fair chance in court. They weren't able to competently represent themselves.

If you are looking at that, they had process and they were able to defend themselves. I think that argument is weak. I've had the opportunity to see what the World is saying about Maunakea and they see it very clearly. That this project cannot proceed no matter what. I ask that OHA, this Board, take the position, a strong position to stand with the Kia'i on Maunakea. That is the only position that you have right now. Those are your beneficiaries. I don't care what your personal view is on whether you support the telescope. That has to be put aside in light of your duty of loyalty to represent these beneficiaries. I encourage you today to pass a resolution 19-11 to be able to official authorize the administration to support and advocate the kia'i on Maunakea. Thank you.

Chair Colette Machado – Mahalo Kauai. Our next speakers are Alicia and Melissa Shishido.

Melissa Shishido – It is Ailua.

Chair Colette Machado – So sorry it looked like Alicia.

Melissa Shishido – She wrote her own name. Off the mauna and she wanted to say something.

Chair Colette Machado – I apologize, it looked like Alicia, but it's Ailua.

Melissa Shishido – Ailua Iwalani Scanlan Pili'alo'ha, my 6-year-old mo'opuna. Last week Thursday, and I am going to not repeat what Kau'i Pratt-Aquino just said because I would just repeating the same thing. In addition to that I mahalo to you as well. Because I am from Maui and I knew why you did what you did. I mahalo you. It was after that, that I booked tickets and I took my two mo'opuna there because, like I told Kumu Hokulani Holt, I said, I don't want my mo'opuna to ask what did you do, and I will tell them I took you there and sat in the sun, the cold but began to embrace kapu aloha. Because rather than get wild on it I know that, you, this Board here, has the power to protect the Kia'i that is there. Some who have not left. I left the mauna only to book another ticket to go back on Tuesday against the wishes of some of my family members I am willing to stand with the mana wahine and do what it takes. Because the mauna is not just a sacred place. It is our piko. My mo'opuna here wanted me to share that with you that she would like for you to help protect that mauna because it's going to hurt her feelings now and in to eternity. I urge you today to pass this resolution 19-11 and know that we were standing there with the kia'i from Thursday until we flew back a day or two ago. We are the beneficiaries. You have the responsibility to act on our behalf. I am not speaking for myself, I am not here alone. I travel with my ancestors, I urge you to honor them and respect them as well. From the mauna to everyone to who you are connected to in your koko to please pass this resolution and protect the kia'i for many have not even taken a shower as I was there to help braid hair and take knots out of their hair because they are not leaving. I want you to hear our heart. Pass this resolution. It is your kuleana, your responsibility. I kapu aloha everything that I am doing now. I have been transformed just from visiting the mauna. Given the opportunity, \$39 one way on Southwest, grab the car from Kona and drive up, that is what we did. Pack my 1-year-old granddaughter up and my 6 year old, bundled them up, had to go get things from the donations as well. It is amazing what is happening there. Unlike anything that is someone saying you have to go there to experience it. The Hawaiians, the Hawaiian Islands, the World is sending there to take care of kia'i. You now have your responsibility and your kuleana to do your share. Please pass 19-11. Mahalo.

Chair Colette Machado – Mahalo. Our next speaker is Jenna Scanlan.

Jenna Scanlan – Aloha mai kakou. My name is Jenna Malie Hokulani Scanlan. I come from Ko'olaupoko, Oahu. Sitting in front of you folks with my two keiki. Humbly asking that you stand us. This is a Hawaiian issue and if this is the Office of Hawaiian Affairs, this is your issue as well and I believe that if we allow corporate entities and big business to take over our 'āina, maybe one day when my keiki are my age and have their own keiki there won't be a need for an Office of Hawaiian Affairs. But that is not something we want to look forward too. Like my

mother in law said, we spent a week on the mauna, in the cold and hot and the rain and the wind. So that my keiki can one day stand up for our people too. Mahalo to you folks for even hearing this. I ask you to please pass this resolution to stand with us. If you stand for us, please stand with us and Kū kia'i mauna. Mahalo.

Chair Colette Machado - Our next speaker is Kumu Hula Mapuana de Silva.

Mapuana de Silva – Aloha Chair and Trustees. I am really honored to be able to sit in front of you today. This is my first time at something like this. I am a little nervous. I sit here on behalf of my 'ohana, and my Hālau and also ilio'ulaokalani. I think those of us who have come here today, it's really important for us to share with you our experiences on the mauna. Especially those of you who haven't been able to be there yet. I've been to many things that have been life changing experiences for me. I've been really fortunate, but I have to say being on the mauna for two days, has surpassed any other life changing experience I have gone through. I really encourage all of you to be there. When you making such an important decision as this, not just for yourselves, but for the people that you represent. Not having that first had experience, I think, kind of shortchanges us as beneficiaries. I am hoping that, those of us who come here to speak that we'll be able to share our experiences so that you have a little better understanding. I tell people that to go through iniki, you can talk about it all you want, you can explain but you have no clue what it's like unless you go thorough it yourself. Once you been through it you see the difference. For me is the same thing as going to the mauna. I've never felt so safe since I was a kid. We didn't have to lock our doors, we could be out all day, didn't have to tell our parents where we are going, we had to be home by dark. And if we did anything wrong somebody in the community would tell our parents. That is what I felt, the last time I felt safe. Until I went to the mauna. My guard was completely let down. I was fearful of nothing. I was happy to see that parents were not swearing at their children, grabbing them by their ear and telling them no. I was happy to see no rubbish on the ground, no smoking, no alcohol, no drugs, no swearing, no unkind words or thoughts. Its euphoria there but it's not just, we're not just having a party and being a happy place.

We are trying our best to live in aloha as we learn from our kupuna. As Auntie Pilahi Paki put it so nicely. Akahai lōkahi 'olu'olu ha'aha'a a me ahonui, I try to live by those words everyday. And in this place I have really found true aloha. What I was fearful of was what was outside the community, not what was inside the community. You have a big responsibility, a huge one. I am glad I am not sitting in your seat. My question is, not whether we should have the telescope or not, it's where should it be. Once we give up Maunakea, we will never ever get it back. Then what is the next thing we have to give up and what is the next thing we have to give up, when are we going to say it's enough. I've been to the people of Maunakea. I've been wanting to go there since 1986 when I learned Maunakea o Kalani from Auntie Pat Namaka Bacon. Then in 2003 when I was fortunate to learn the dance Poliahu that Kawena wrote. Finally, it was on June 17, 2019 that I finally made it to the summit, I got out of my car and stood below the four telescopes you see there and I cried and got sick to my stomach and I could barely stand up. Because what is there already is so invasive and so overwhelming to my na'au and to everything that I stand for in hula. To think that what they want to put up there is bigger than all those telescopes put together. And that we are going to go three times, more than twice as high then what is allowed in Hilo. And that when we stand there we'll no longer be able to see Haleakala. We are cutting off ourselves from our culture, from our kupuna, from our ancestors, from everything that we know when we do that.

The next, two week later on June 30th, 2019, I finally made it to Lake Waiau, I was the last one in our group of 11 all my students were there before me. The ranger took us in. It took a long time for me to get there, because I am not young anymore. I am sorry if I am going over my time. When we got to the last place the ranger was waiting for me and I looked at him and he said, Kumu, you see where your ladies are, when you reach there you will see Lake Waiau. I just broke down because I thought maybe in my lifetime I'd never be able to see Lake Waiau. And I cried all the way up to the top of that rise and the view was so over whelming. That I had to look away several times. It took me quite a while to compose myself so that I could dance Maunakea o Kalani for the Lake, for Queen Emma, at the place she visited to get rejuvenated. To be able to lead her people. That's what I want for us as a people. When we desecrate the very mauna that has so much mana for us and so much history, when we let that go, who are we going to be as Hawaiians? Where is our identity? Is it in the telescope? Not for me. It's in the mauna. Mahalo.

Chair Colette Machado – Our next speaker is Noenoe Silva.

Noenoe Silva – Aloha kakou. Mahalo for the opportunity to address you this morning. I also am in support of the resolution on the table to allow OHA to protect the beneficiaries that are up on the mauna. Like the others before me, I'd also like to ask the Board to reconsider and take a position against the TMT for all the reasons that Kumu Mapuana just said and for other reasons as well.

I didn't sign up to speak as a professor or researcher, but I am a researcher. I research Hawaiian Political History. When I look at the arguments for the TMT, some of the most persuasive arguments for our people is that we provide jobs. But what kinds of jobs, how long are those jobs going to last. Jobs in Hawaii are dependent so much on consuming the earth, consuming our 'āina, building, tearing down, rebuilding, taking land, destroying lands. So when I look at in a Historical perspective it looks to me like mokapu. For example, where if you look inside Oahu and you look at all of the sacred site on mokapu, every description ends with destroyed for the reef runway. There is multiple ones. I think we need to think about whether we want to trade our sacred places, whether we want to trade our 'āina for the temporary benefit of certain jobs and what kinds of jobs. I also just want to say that like the others before me who talked about people up on the mauna, I didn't get a chance to go yet, but what we are seeing up there is an incredible communal act of non-violent protest.

Our people are organized, orderly, wise and principled and this is something that we should be grateful for today. What has brought out people to this point, there is a lot of stereo types that the Governor trotted out, we can't all get together, we are drunk and disorderly, we are dirty, those are old stereo types obviously you have heard that about Hawaiians your whole life. When they get up there they see it's not true. We are some of the most organized people on the planet. Ever seen people that make so many organizations to get things done, as Hawaiians. We see that on the mauna especially. So it a really powerful anti-race hysteria type action that is going on right now. What has brought people together is the care of our 'āina. And as many people have said, it's not just the mauna, if the mauna goes then what's next. We have to keep protecting our places; we can't just let them go to development after development after development. So that is my plea to the Trustees today to please pass this resolution but also reconsider and pass another resolution opposing the TMT. Mahalo

Chair Colette Machado – We have Momi Connor, and after that, we have Kekai Perry.

Momi Connor – Good morning everybody. Thank you very much for hearing us out. I am in strong support of this resolution to support our people on the mauna. I had a small discussion with Uncle Dan over here about why we didn't reach the mauna. Thanks from our brother who lives on Maui who said, the reason why he wasn't going to the mauna is the rules. Every place get rules. On the mauna one thing that they hold true is kapu aloha. My braddah get aloha but he said he cannot kapu that. Cause he only going up there and screw everybody that is in kapu aloha doing what they say they going do. Which is being peaceful, civil, and be better than. To be put above all that people say we are not. In my case, my husband is on parole, that means we have to give them one week notice, we got to let them know where we going and we got to let them know we there. My husband get plenty aloha, must be because he always somehow, someway in his feet stay where we think he shouldn't be but he is there. And then for people who don't know I am married to DeMont Connor.

But like my braddah on Maui, get plenty aloha, hard for keep the kapu. That is why we stayed here and we did what we could here. So I would like you all to know that a lot of us are dying to be up there but on every island there is a Maunakea. For us in Waianae we have PVT, a'ole TMT, a'ole PVT. We have our own little mountain, trash mountain but we have our own little mountain that we fighting to keep them from building higher. On Maui, they get their water thing and their land thing. Every island get something. But we come as one, thank you Maunakea, we come as one people, one voice, one heart. So in strong support I pray that you guys pass your resolution that would support our kia'i on the mauna. Thank you.

Chair Colette Machado – Mahalo Momi. Chair would like to call Kekailoa Perry as the next testifier.

Kekailoa Perry – Aloha Trustees. I am Kekailoa Perry, Associate Professor Kamakakuokalani Center for Hawaiian Studies but more importantly kanaka maoli. I'm testifying in favor of the BOT Action Item 19-11. I sent in a testimony, so I am not going into detail but, on my way here I thought about saying something a little different. Even though I support the testimony, I feel like we are at a place in time in our history at this moment where resolutions that support the safety are critical but not enough. OHA is in a unique position because it's legislatively mandated to advocate for Native Hawaiians. It's constitutionally mandated to advocate for Native Hawaiians. No other Board that I am aware of has that direct responsibility to Native Hawaiians and it seems to me that aside from saying there should be peace and safety on the mauna. If we really, really intend for there to be peace and safety on the mauna, then what OHA should probably be doing, forgive me for being so bold, but what OHA should probably be doing is saying no more TMT on the mauna. Cause that is the way, the only way I can see that there is going to be peace and safety for the protectors on the mauna. They are not negotiating with Harry Kim to make a cultural park; they are negotiating with Harry Kim to stop the TMT. The Governor has made it clear thorough his executive order and the Attorney General has made it clear, and some of the Congressional Delegation has made it clear that they want TMT to move forward.

But where in the definition of public safety does it say that we impose law enforcement against the native people of Hawaii in favor of a privately run for an invested project. Nowhere, that is not public safety. That is not taking care of our kanaka. That is maintaining a business relationship with money and with power. I think the Trustees of OHA are in a unique position to say, not only pass this resolution and protect the safety of the people on the mauna, the protectors, but take the next step, be bold enough to say at this point in time, you folks have been neutral for a long time. Way, way too long. So bold enough to say today no to TMT. If you want to protect the mauna, if you want to protect the safety of the people there, no to TMT. And with this in the '80s I had the privilege to participate in various events with manaleo. And some of the manaleo that I was privy to passed away already. One of the things that I heard during a big conversation at the University, one manaleo said, ah mea, mea, mea niu kulolo. I tried to look it up in the Hawaiian Language Dictionary; all I saw was thing, thing, thing coconut kulolo. I couldn't really figure it out. I had to think about the context and the context at that time there were a lot of people pontificating about all kinds of things, from the mana'o of the manaleo there, the kupuna when they were asked, pehea kou mana'o, what is your mana'o on this. The kupuna said, ah mea, mea, mea niu kulolo, get so much things being said but so little substance, the niu is turning in to kulolo already. So I want to ask you folks to think about that, something from our kupuna, something from our manaleo. When is it time for OHA to look beyond the mea, mea, mea, you know and start being more substantive in the positions that you take. We've been told for many of time Hawaiians going rise up if we get into positions of power. We had one Hawaiian Governor, we get Hawaiians in all kinds of places, we have you folks, where are all in positions of power now, what we going do? Please stop TMT, take a stand mahalo.

Chair Colette Machado – Our next speaker is Keivalei Cadena.

Keivalei Cadena – Aloha Trustees, my name is Keivalei Cadena. I am a native Hawaiian and mahū. I come representing the mahū community which responded to the call for us to step up and be a part of the movement to support Maunakea and to support our Kia'i that are there on the mauna. I strongly urge you folks to sign this resolution to protect Maunakea and to take a stand with the rest of the Native Hawaiian population as the mahū has done as well. I think that all of us in this room including you folks here at this table has seen the mobilization of the Native Hawaiian community across the world stand up and sent a message that we do not want another telescope on our mountain. History has shown over the last 50 years the mismanagement and the irresponsible decision making that has happened at Maunakea. Maunakea has been a victim to red tape, bueracy, to money and to power, and its time now, in 2019, that the Native Hawaiian community has a louder voice and you folks here at this table is hour highest form of political influence at the Capital and across the State.

We urge you to support not only this resolution that you folks are speaking on today, but also to support the opposition to no longer have a discussion about TMT on Maunakea. I think it is important for us to look to our leaders at this time. In History there has been a lot of different Native Hawaiian vies and perceptions and perspectives about what is importnat to us as a people and we need our leaders to step up and guide us. OHA, frankly has not been able to do that as a group for the Native Hawaiians. We've seen our grassroots organizations

across the State and across the country mobilize us and give us our voices and put us in places of leadership. Now we need a powerful leadership at the State level to help support us. We need OHA to send a message to the rest of the Government in Honolulu and across the State and to the rest of the Native Hawaiian people in the World that we have to protect our sacred areas, our sacred lands, and our sacred kapu. What we have seen over the last three weeks at Pu'uhonua o Pu'uhuluhulu is an example of what Hawaiians are and who we are as a people. Frankly, at times, I think that the world doesn't deserve our values because of the way that things have shown themselves across the Country and across the World.

Pu'uhonua o Pu'uhuluhulu has been a shining example of who we are as people, our beliefs and our value system and the way that we are able to organize and the way that we are able to come together in strength and in education and in aloha. The way that we've sent our messages across the State and across the Country about kapu aloha, and how we are going to protect Maunakea with peace and with dignity and respect to the opposition. Those are examples of what we are as Hawaiians. Its up to you folks here at this table to co-sign and to stand up with that example and to show the people that have the power to take away this discussion of TMT now and in the future to do away with it. The Native Hawaiians have spoken, the majority has spoken, we do not want this at Maunakea. We want to take Maunakea back, we want to protect it and we want to keep it for our children and our children's children. We've lost too much already and we are working really hard to get those things back and Pu'uhuluhulu is a prime example of how hard we work to get those values and those ideologies back. Thank you for this time, as a mahū I am very honored to be able to sit at this table and use my voice to speak for Native Hawaiians. I respectfully say thank you. Aloha.

Chair Colette Machado – Mahalo. Our next speaker is Imai Winchester.

Imai Winchester – Aloha mai kakou. My name is Imaikalani Winchester, I am born and raised on this island of Oahu Kakuhihewa. For the last 15 years I have benefited from the continuum of Hawaiian Education, Hawaiian programming some of which is supplied by this Board, some of which is done in communities and grassroots efforts throughout our pae'aina. I am graduate of the University of Hawai'i, I am a graduate of Kamehameha Schools, I am what they told us to be. I have the degrees, I have also been very blessed to be mentored by important people in our community, such as Dr. Kekuni Blaisdell, Papa Soli Niheu many of you at this table know who these important gentlemen are. I continue to be mentored by very important individuals in the community that are against standing at Maunakea that are Puuhonua o Puuhuluhulu. I am also a teacher of almost 15 years at one of our local Hawaiian Focused Charter School, Halau Ku Mana. I've brought my students to several board meetings for over a decade in an effort to show the younger generation the power of voice, the power of kuleana, the power of privilege and the power of burden.

Today I am here to represent all of those things, our kuleana to express our voice coming from the mauna in to the Boardroom. Its important that you get a chance to hear everybody's message. On Monday morning I was one of eight individuals, kanaka aloha aina kia'i who chained ourselves for 12 hours to the cattle grate in an effort to stop the continued desecration of our mountain. I share the commitment like many of the hundred and thousands who are showing up there now. We can see there has been a World wide attention being called from our cousins in the South who face their own land struggles today. That is something that we also as Hawaiians and the Office of Hawaiian Affairs should also address those who support we should also return in kind our support to them.

Today, I want to spend my few moments being very clear on the proposed action BOT 19-11 the approval of a resolution to authorized the office, provide for the rights, safety and well being of beneficiaries who are being kept off of Department of Hawaiian Home Lands up there. Who are being arrested as trespassers. I believe there is a huge conflict amongst agencies around here and I would like to bring up the name Bill Aila in discussion as to how these agencies are criminalizing our people for exercising rights that have been federally protected, protected here locally and they are also our human rights as well. There is a lot of complications going on at the mauna that I think needs to be expressed to you today. I wanted to put that on the table. I also want to express my sincere gratitude to the Trustees who stood there with us, who came to listen, who came to observe, who came to feel for themselves and I extend that invitation to the rest of our Trustees and all of our Oahu ohana. To go and to feel the magic, the pono, the ea, of our people being lived, being breathed, every single day and it is truly an inspiration to

me. It has been hard for me to come back home to Honolulu after experiencing something so pure, after experiencing aloha in that fashion. Not only am I in support of providing whatever resources we have including psychological health resources for the trauma that is happening. I cannot sleep, I can barely eat, I have a hard time getting my mind off of things that need to be taken care of because of what is happening on the mauna and to our people. To sit by on the side is something that I am conditioned to do. So I am here to express my voice in as clear a way and as respectful way that I can.

I would further like to support what is already been put out there by the other testimonies here today. That the Office of Hawaiian Affairs needs to take a stand against the TMT project. We've been here, I've brought students here when it was made neutral. My students left crying and for days, and days not understanding why the Office of Hawaiian Affairs failed to take a position in favor of the protection of something that is clearly sacred to us all. I would like to be here in 5 years or 4 years latter than 2019 trying to express the same thing to the Office of Hawaiian Affairs and the Board and Trustees to please consider for the sake of our children for the sake of the generations for the sake of our people, for the sake of the protectors, to be on the right side of History. The World is watching, our cousins are watching, our brothers and sisters around the World are watching and they need to see that the Office of Hawaiian Affairs as well as the Hawaiian community and the lahui at large are united, are in alliance and I think that, I know that a strong position by the Office of Hawaiian Affairs condemning the actions of both Governor Ige as well as the Thirty Meter Telescope Project atop our most sacred piko is critical to keeping that alliance. To keeping that harmony, to keeping the flow of who we are as a people. Once again I support the resolution of this board to provide assistance and further more I support the idea or the proclamation that the Office of Hawaiian Affairs take a stance against the Thrity Meter Telescope publicly so that everyone can see our community as well as the World included. My name is Imaikalani Winchester thank you for your time. Aloha.

Chair Colette Machado – Thank you Imai. This concludes those that have signed up. Is there any others that have signed up. Is there anyone present that would like to address the board before we move on to item V. The Chairs office recieved several testimony, one came from Mahana Gomes and Kealoha Sugihyama and Jon Kahuaka'ilani Brown. We are distributing thier testimony here for your records.

After we finish IV. I will take out of order V. B. and move that up to the first item we will discuss which is the resolution. Then go back to the USGS presentation by Delwyn Oki who has been patiently waiting.

IV. UNFINISHED BUSINESS

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

Chair Colette Machado – With that said I would like to call on the Interim Chief Executive Officer Sylvia Hussey if there is any udpate.

Sylvia Hussey – Mahalo Chair, no I want to yield the time to the next agenda itmes.

Chair Colette Machado – Thank you. Members if you agree with me that we move B. and move it up to A. Under new business, under the resolution we can proceed in that way and then followed by the presentation on the Molokai Ground water modeling. Is that ok with everyone? With that said we'd like to move to V. B. which is BOT 19-11.

V. NEW BUSINESS

B. Action Item BOT #19-11: Approval of a Resolution to Authorize OHA Administration to Act Regarding the Rights, Safety and Well-Being of OHA Beneficiaries on Mauna Kea.

Chair Colette Machado – I'd like to call on Jocelyn.

Trustee Brendon Kalei'āina Lee – Madame Chair, Article 8 section K of our By Laws. It stipulates a waiver.

Robert Klein, Board Counsel – Trustees ordinarily the resolution would go to the BAE Committee first, but we have a provision in the By Laws that allows by a two-thirds vote of the members of the Board that the matter bypass the BAE committee and be considered directly by the Board today. We have a motion that will implement that because certain Trustees are interested in having the matter considered today directly by the Board.

Chair Colette Machado – We have a motion prepared. We are putting that on the board.

Trustee Carmen Hulu Lindsey moves to waive referral of Action Item BOT #19-11 to the Beneficiary Advocacy and Empowerment Committee and instead allow the Board of Trustees to consider the action item directly.

Trustee John Waihe'e IV seconds the motion.

Chair Colette Machado – It has been moved and seconded. Any further discussion on this matter to waive from the BAE to the BOT? Hearing none, roll call vote please.

Trustee Carmen Hulu Lindsey moves to waive referral of Action Item BOT #19-11 to the Beneficiary Advocacy and Empowerment Committee and instead allow the Board of Trustees to consider the action item directly. Trustee John Waihe'e IV seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA			X			
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA			X			
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE			X			
TRUSTEE CARMEN HULU LINDSEY	x		X			
TRUSTEE ROBERT LINDSEY			X			
TRUSTEE JOHN WAIHE'E		x	X			
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT						
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passes unanimously with nine (9) yes votes.						

Chair Colette Machado – Unanimously passes with nine yes votes. We can proceed. The Chair would recognize the Interim CEO Sylvia and then you can introduce staff.

Sylvia Hussey – We have both Jocelyn Doane our public policy manger and Sterling Wong our public information officer. The information that they are providing is to set context and it's done so on behalf of the Ad Hoc Committee. That is their role that they are helping us with this to set context for the resolution.

Jocelyn Doane – Mahalo Trustees. You'll notice that you got a copy of the handouts in front of you. I am not planning to go over every single bullet in there unless Trustees have questions about it. I wanted to make sure that you had enough context. For today or for future decision-making or thoughts. You have the resolution in front of you as well. Today I am going to talk about really briefly to provide context OHA's strategic plan and policies, OHA's past relevant Board of Trustees Actions of which there are many relevant to this issue. Really quickly highlight for everyone the Maunakea movement, which I don't think is necessary, there is so much media exposure but it's an important context as to why and all these three reasons why we brought the resolution to you today.

(Jocelyn begins her PowerPoint presentation. Please see attached PowerPoint presentation.)

Trustee Leina'ala Ahu Isa – Going back to 2015, I think that was really the crucial time, you can see 31 people were arrested on the mauna. To get them to take it to the Supreme Court. That was really crucial. I got sworn in January 2015, April 2015 I went up to the Mauna, Chair and I were on television showing how we donated money. I remember Chair took out like 4 or 5 \$100 bills. So my question on this resolution because I just asked Carol our Chief of Staff, what is siting, it means to place, to put, to position to build. So it says, we are reiterate this resolution has no position on the building, the siting of the TMT. I disagree, because I am opposed to the building. So if I vote no on the resolution, doesn't mean I am opposed to the resolution. I am opposed to the one word in there that I support not building the TMT. That is all I wanted to say in discussion. Mahalo Chair.

Trustee Keli'i Akina – Thank you Jocelyn for your presentation. I want to ask you something about the content. I appreciate you sharing the context behind the mauna movement, which is very important. I am very grateful to all of the people who came today and testified and showed their heart there. My office and myself have received messages from people on both sides. Kanaka who oppose the building of the TMT and kanaka who support it. My question is do you have any summary of surveys of where our people stand, is there any information that has showed us the relative support or opposition to the TMT amongst Native Hawaiians.

Jocelyn Doane – I am only aware of one survey that was done. So I think if Trustees recall from 2015, when the matter before the board was related to our position, and it is relevant because the recommendation is to continue to remain no position. We did do a both side analysis of that time. Our recommended position for the Trustees today is specifically related to advocating for the rights and safety of our beneficiaries and their rights to exercise their traditional and customary rights specifically. And potentially providing some resources for that. I apologize, that's why you don't see a both sides analysis today because that wasn't my intention it's meant to support our recommendation. But I think Sterling is much more familiar then me with the one poll.

Sterling Wong – I think, just off the top of my head, I think there was a Star Advertiser poll done a couple of years ago that showed, I think they surveyed 70 something Native Hawaiians, and 70% of them indicated support for Maunakea, I don't know the exact year. I would have to look and I can get that information back to the Board.

(Conversation indiscernible)

Trustee Keli'i Akina – Thank you I was simply asking if we compiled that research. I am aware, I believe the poll that you referring to is the one Star Advertiser commissioned a mainland group, called Mason Dixon Strategies. That was in 2018, it found that 77% of all residents in Hawaii are in favor of the TMT 72% were Native Hawaiians. It was a small sample group. That is why I was asking whether there were other information. The only point I am trying to ask is to what extent are our people divided on both side of the issue and what information do we have.

Sterling Wong – So the presentation is about I think not specifically about TMT. When you look at our lawsuit, and the position the agency actually has on record, the Board did approve the lawsuit. This is about total mismanagement, not about a single telescope. I think that's why we haven't looked a lot at this sort of political polling that has gone up. What we are doing instead, especially with the vacuum of no position, we look back to the structure that Jocelyn provided at the beginning of the presentation, which is all of our existing policies and positions on protecting traditional and customary rights, mālama cites and things like that. Which speak more to the mismanagement issue that the Board has actually taken a position on. Again, we are no position on TMT. So that's sort of the structure of how this presentation went, how the analysis went in to producing the reso that we are presenting to the Board today for consideration. Again this is not about TMT, specifically, this is about overall mismanagement of the mountain.

Trustee Dan Ahuna – Thank you Jocelyn and Sterling for your recommendations. I have two questions then I would like to say comments. My first question is how funding mechanisms been identified for the decommissioning. Any funding mechanisms or do we know which telescope.

Jocelyn Doane – I think there are some funding mechanisms. I have to go look at the details of each telescope to better answer that questions. Certainly adequate funding for decommissioning is an issue that we have discussed before. I can't recall off the top of my head which one has adequate funding and which one does not.

Trustee Dan Ahuna – My second one is, there has been a lot of polls in the past that have been very bias, now there is another poll coming up by the Governor. Is it ok for our OHA board to do a UIPA request on all those results?

Robert Klein, Board Counsel – I don't think you really need to do a UIPA request, because its readily available. It should be given you are separate equal agency of Government. I don't see why they wouldn't just share it if you asked.

Trustee Dan Ahuna – The reason why I am saying this is because we are, our people are standing in unification, it's the most amazing thing. There is a lot of people up there. But I can't just say, I can't just say I talk for the people, there are a lot of people standing for our mauna all over, not just our State but the World too. It's hard for me, as a kanaka, native Hawaiian to just stand by and watch. You cannot do that. The reason why I say this is because we are all here trying to; we fight for the same thing for our beneficiaries. On Kauai, there was an emergency proclamation and it was important for us to respond to it. On Maui, there was a fire, emergency proclamation and it was important for us to respond to it. On the Big Island there was a lava flow, there was an emergency proclamation and it was important for us to respond to it. Today there is an emergency proclamation on the mauna and who is the people they are talking about? Who is the people that advocate for these people? That is us. Let's not go backwards, drink the bitter water. The message is clear, if we don't do it now, our kids won't have anything to even fight for. We got to fight now, that is the stand up there. We have to know our role; these are collective values that are carried out by people, like kapu aloha. This is a share thing. Everybody can be a part of what is going on, on the mauna. It's very, very important.

Now I am talking about emergency proclamations, let's get back to who is this emergency proclamation on. Who is the people that advocate for these people? Oh, me, so for me the reason I am like this is because we had a procedural thing just come up on the table. It's the Ad Hoc Committee, you know we've been fighting for our people for a long time but sometimes the message that comes from this Board gets distorted. I don't want this one to be distorted. This is about identity for us. This is knowing how to align with people. The people are in alignment. They are asking us to align with them. It's not hard, we don't have to be in front, we don't have to in back. We just got to go up there and stand with them. We got to make a statement out here and stand with them. Whatever it takes, we got to do that. It's funny because someone talked about they saw me and my family up there. I came home, but my kids are still up there. The reason why is because, they were at home crying, watching all these videos. People talk about culture trauma, its real for me. They are crying. The only way I can heal is get my kids up there on the mountain to participate. To be a part of it, so they can learn all about themselves. When you guys go there, it's the most amazing thing in the World. Our people stand united and we need to stand with them. And every time I hear something like attack on Hawaiian, it's not just about how we can help them. The reason why I am saying this is aloha is actually changing our World. Aloha, everybody sees us gathered and standing in aloha. An attack on a Hawaiian is an attack on the World. If we want to save the World, let's protect the Hawaiian. That's one of the most important messages we need to have at this Board table. We cannot be talking about all the other things on why we cannot support.

Let's just do this; I want to do it with all of you. I think it's important, another thing, we all need to go up there, not just a few of us. We all go up there, we all went up there before, I think we should go up there again. Everybody expects the Governor to go up there, all these leaders up there. People have asked us where is OHA? We need to go up there, the only way you will know what is going on is you need to go talk to those people. You need to see them all on the bottom and they cannot access their mauna. There is a lot of things

that's bitter to this whole thing. With the week leading up to the closing of the access road, they took down the ahu, they arrested a practitioner. The result is on the mauna that is what they are doing. They are tired of the endless cycle of neglecting our concerns. Not just decades, its centuries long. You need to advocate for our people, our people are standing for them; they want us to stand with them. Let's to this.

Chair Colette Machado – Thank Trustee Ahuna. Trustee Akaka.

Trustee Kalei Akaka – Mahalo Chair. I'd like to ask our CEO and Administration to explain the process of the implementation of the process that you will be doing to clearly communicate from administration with the Board on what we will be done by this resolution the action in taking this.

Sylvia Hussey – At the last Board meeting we gave the Board an update on currently what administration is doing. We talked about staff on the ground assisting with logistics and coordination, we talked about legal observers, we talked about a handful of volunteer attorneys to go up and assess the needs. We also talked about our digital print media staff documenting all of the various places. But Mehana has been there, so I wanted to ask her to give her perspective and experiences there of what is currently occurring and then we can talk about the other operational items to get back to you needs.

Mehana Hind – First again if I can jump off of that, legal observers we've also been, because of the supply list that has been brought to our attention of what was critically needed up there. We've been hustling, working together with the other NHO up there, and sister Trusts to be able to get basic health and wellbeing kinds of things. Up there and all the logistics figured out and funding and the negotiation between all of us, who can provide what kind of support to keeping our people well up there and healthy and safe and also taking part in what spontaneously happening up there with education efforts. They have launched their own school up there. Really, take care of the people themselves.

I was asked to go up the week prior to this weekend for a vigil, prayer vigil that occurred on the mauna, a 12 hours vigil from sunrise to sunset. I participated in that as a Kumu Hula along with other Kumu Hula. But got to witness the beginning of what was happening up there and the level of organization and the level of commitment that everybody had to maintaining health and safety and wellbeing. The kinds of training, they are not typical trainings that are going on. They are very organic training that I think someone should write some curriculum on, very soon on the way people are trained to behave and move crowds and move people from one space to the next. Then I went up this past weekend again and saw, it was much larger. When I left the previous Sunday, there were about 500-600, when I came back they were numbered in the thousands on Saturday and Sunday. Everything that I witnessed the week before just got heightened. The level of organization got heightened, the level of collaboration and cooperation between people got heightened. The people who were focused on the elements that were happening, it was like two sides of the street that were happening. There was a town built in everyone solidarity and commitment to the mauna. But there were definitely division of labor, of what kinds of activities that were happening, who were responsible for what the kupuna were all on the Maunakea access road leading that charge. Everyone else had their won kuleana.

Our on the ground people that are up there, that were up there, that are moving in and out. We are helping specifically facilitate those real basic needs you guys were given an update last week. Those commitments have not changed much at all. We have just gotten better at organizing over the week. And everyone has actually gotten better at organizing. The conversations we are having with the other Trusts have been heightened and more engaging.

Sylvia Hussey – To follow up with Trustee Akaka I wanted to assure the Trustees that the expanded authority or delegation to address that specific still have what I call guard rails and mechanisms. There's still the guard rails regarding express delegation of authority on the budget. So everything is still within the budget, all of what Mehana and Community Engagement and Advocacy has described have all occurred within the current budget parameters. So that's one of the guard rails and mechanisms there. You have expressly put on a guard rail of the CEO's ability to move funds between and among things. There is a very specific dollar amount as well as

threshold to move things vertically or horizontally. That guardrail is still in place as well. There are still delegations of authority and limitations that are guardrails for process. There are State procurement laws, the emergency declaration. Unlike other emergency declaration that have suspended procurement or allowed accelerated procurement, was not part of the declaration that was made. That was a difference, but that was a difference that really still keeps us with the current procurement rules regarding any of the pieces. Within the delegation of authorities and those rules are also the same contracting rules. So it's not like we can just go out and start awarding contracts to whomever we want to. It still needs to fall within the State Procurement pieces. Then there is also our own in house human resources policies and procedures that also have some guardrails and mechanisms. So while there are mechanisms to effect protections and advocacy, there are also somewhat guard rails to keep us, it's not being interpreted like wild, wild west kind of like, let's go out and do all of these things. So those are the guardrails and mechanisms that we currently have. In addition we would recommend putting in a reporting mechanism because this is such an important issue, we would put in a reporting mechanism back to the board to keep the Board far more connected communication wise operationally and what this looks like, what this extended authority looks like.

There is some concern that there is language in there, any other actions as may be reasonable necessary or appropriate. Just to let you know administration does not see that as carte blanche. I think there is some concern about matters, like does that include paying bail, does that include providing defense attorneys. At this point no it doesn't. Those actions are not contemplated within the guardrails and mechanisms that we have. It also does not include exercising authority that has not been delegated to administration. Nor does it include speaking, press release or saying out loud on positions that are counter to Board positions that have been taken. To me that's not reasonable, nor appropriate, nor contemplated in what that delegation would include. Are there any other questions about operationally what that might look like?

Chair Colette Machado – I want to move forward with this reso and there might be some input for some amendments to the current reso. I would like to take that right now if there are Trustees that would like to amend the current reso this is the time to do it. Then I will come back and address general issues.

Trustee Keli'i Akina – Thank you Madame Chair I would like to offer an amendment to the resolution. I think that from my understanding from what Sylvia has said and from what the language of the resolution is.

Trustee Brendon Kalei'āina Lee – Sorry Trustee, point of order Madame Chair.

Chair Colette Machado – Trustee Lee.

Trustee Brendon Kalei'āina Lee – The Board does not currently have a resolution in front of us.

Trustee Keli'i Akina – I will defer to allow that to take place.

Trustee Brendon Kalei'āina Lee – We have so moved to waive sending it to BAE. The resolution has not been brought forward. No motion has been made to bring it forward.

Trustee Carmen Hulu Lindsey – Madame Chair, I'd like to make a motion.

Chair Colette Machado – Trustee Carmen Hulu Lindsey.

Trustee Carmen Hulu Lindsey moves that the Maunakea Ad Hoc Committee approves and recommends that the Board of Trustees approve Action Item BOT #19-11, a Board resolution that implores the governor to take material steps to eliminate the high potential for physical harm to OHA's beneficiaries; expresses its kaumaha over the arrest of Native Hawaiian kūpuna; opposes use of unwarranted force and calls upon the Governor to rescind his Emergency Proclamation; and expressly authorizing OHA Administration to take action to advocate for the rights, safety, and well-being of beneficiaries engaging in peaceful protest of the decades long mismanagement of Maunakea, perpetuating Native Hawaiian

traditional and customary practices, and exercising their rights to freedom of speech and assembly.

Trustee Dan Ahuna seconds the motion.

Chair Colette Machado – It has been moved and seconded.

Trustee Keli'i Akina – Would it be an appropriate time to present an amendment at this time.

Chair Colette Machado – We have moved and seconded the action item identified as BOT Action Item 19-11. I open for discussion. I will allow amendments. I will call on Trustee Akina for your amendments please.

Trustee Keli'i Akina – Thank you Madame Chair, fellow Trustees and thank you all to have testified today. I have been deeply moved by that and the commitment to our entire lāhui. I would like to offer an amendment today but first allow me to say I appreciate two things in the wording of the resolution. Number one I appreciate the fact that it's a commitment to the rights, safety and welfare of our beneficiaries. I think we all stand for that. Number two I appreciate that despite that there is controversy between Native Hawaiians over whether the TMT should exist or whether it should exist on Maunakea, that the resolution reaffirms that OHA is not taking a position on that. We can discuss that latter but at least we can move forward on this resolution united on a very specific thing. Clearly, the resolution does support members of the Hawaiian community who are protesting against the TMT, the only thing I would like to ask is that in the spirit of the unity of our lāhui that we also indicated that we acknowledge that there are many Native Hawaiians who do not oppose the TMT. Simply and acknowledgement that we have Hawaiians on both sides would be helpful. Therefore, let me give you the wording of the resolution.

(Attached to the minutes is the Amendment proposed by Trustee Akina dated July 25, 2019.)

It would go on page 4 of the attachment, I have passed it out. It pertains to page 4 of attachment A to action item. It's the 4th clause from the end. **What I am offering is in brackets. Currently it states, "Be it further resolved that while the OHA Board of Trustee reiterates its lack of a position of the siting of the TMT on Maunakea, I would add, [and acknowledges OHA's Native Hawaiian beneficiaries who support the TMT project,] the rest is the same, the physical safety, psychological integrity, cultural practices and the free speech right of all Native Hawaiians are of paramount and overriding concern."**

Colleagues I believe that if we include our acknowledgement of our lāhui on both sides of the issues we can stand united in affirming this resolution.

Trustee Robert Lindsey seconds the motion.

Trustee Dan Ahuna – What is the difference between traditional, customary rights on this island and traditional customary rights on that island? Why do we have to take a side on it? We do it here on all the island but why don't we want to do it up there.

Trustee Keli'i Akina – Trustee I am not certain that I understand your question. But I am not taking issue at that at all.

Trustee Dan Ahuna- Then I'd like to make an amendment, I would like to oppose TMT. I would like to amendment.

Chair Colette Machado – Where would you fit it in, you have to review the resolution.

Trustee John Waihe'e IV – There is an amendment already on the floor.

Trustee Brendon Kalei'āina Lee – Correct.

Chair Colette Machado – We haven't taken action on it. Trustee Dan Ahuna we will come back to your amendment.

Trustee Dan Ahuna - Madame Chair, I just want to re-express to my colleagues that I stand with them in support of the spirit of this resolution. And I am merely asking that we acknowledge that we have beneficiaries on both sides of the issue that is all.

Trustee Brendon Kalei'āina Lee – I rise at this time to speak against this amendment. In the words before it, it says, that OHA has no position, and actually the entire resolution including the intent and the resolves, don't speak to TMT, they speak to the mismanagement of Maunakea which this board has clearly has a stance on as we have an ongoing lawsuit. This statement give one side of this issue foothold in this resolution. It does not give both sides. This resolution does not speak to, if our people are for or against the TMT. This resolution is about the Office of Hawaiian Affairs providing support to our beneficiaries on the mountain. It does not talk about TMT. This amendment would give those who have their right to support, but those who support would give them voice in this resolution and it does not give those who stand against TMT voice in this resolution. For that reason, I rise to speak against this amendment.

Trustee Carmen Hulu Lindsey – Call for the roll.

Chair Colette Machado – Before I call for the roll. I'd like to call on Trustee Leina'ala Ahu Isa.

Trustee Leina'ala Ahu Isa – I speak against this amendment, because it says we take no position, my position, if we are going to speak, we getting caught in between a rock and hard place. Because that forensic audit, I voted for that to extend because we were caught for or against. Then it was made out only one Trustee was against the extension. Now this same thing. I vote for this, it says no position, I am against it, so why I am going to vote for this, yet I am voting against protecting our beneficiaries the protectors on the mauna. We caught in between.

Chair Colette Machado – I have been asked to call for the roll.

Trustee Carmen Hulu Lindsey – I thought maybe staff can explain that phrase, siting of the telescope so that we all understand.

Trustee Keli'i Akina – May I make a point of clarification.

Chair Colette Machado – Let staff respond then I will call you.

Jocelyn Doane – when we took this position in 2009, we were taking the position that we thought we supported the idea of putting TMT on Maunakea. We didn't support the project details, or location, or any of that at the time. It was merely about saying we support the ideal of putting the Thirty Meter Telescope on Maunakea. As I understand, I wasn't here at the time but I read the minutes.

Trustee Carmen Hulu Lindsey – So basically, if you weren't here you can be a little confuse what that phrase means. Actually that's a good explanation in that, when the Board took the action back then, they didn't realize where this TMT might go.

Jocelyn Doane – All the details at the time weren't available yet. I think there may have been discussions about location of that time. I actually think that certain native Hawaiian community members had specifically recommended that location because of less presence of certain resources. I don't think that was necessarily part of the consideration of the board at that time.

Chair Colette Machado – Trustee Keli'i Akina.

Trustee Keli'i Akina - Just a quick point of clarification. Thank you Trustee Leina'ala Ahu Isa. My clarification is to your comment. The phrase, while the OHA Board of Trustees reiterates its lack of position on the siting of the TMT on Maunakea, is not part of my amendment. It's part of the actual resolution. So if you vote in favor of the resolution it would include that phrase, my amendment is merely the phrase that acknowledges OHA's native Hawaiian beneficiaries who support the TMT project. I am simply calling for the inclusion of them in the consideration of the resolution. Thank you.

Trustee Dan Ahuna – I just want to give a few comments. Kapu Aloha right. When I was up on the mountain, I got to stand with the kupuna and there was one DLNR officer that came up and started to ōlelo, one of the comments made by one of the kupuna was wow, right on but you don't use our culture against your people. So what I am trying to tell you guys is I don't want to use OHA against our people too. So there is a side. There is only one side, we have to stand to protect, not just our mauna, but protect our people. That's very important. There is a proclamation going on, that's out people up there that is all of our people up there. And I want to make sure that we not watching from the sideline, that we are up there protecting them. They are the ones up there. The ones you are talking about is at home. Watching.

Chair Colette Machado – Let me ask you if there is any further discussion on Trustee Akina's amendment.

Trustee John Waihe'e IV – I am not in favor of the amendment. Also, the way this action item has been listed an everything it regarding the rights, safety, wellbeing of OHA beneficiaries on the mauna. So if we want to do something else, or acknowledge positions or different, that is a whole separate issue we need to do at a different time.

Chair Colette Machado- I agree.

Trustee John Waihe'e IV – I don't think it's necessary to acknowledge all the different points of view when our concern is just for the safety and the rights of the people that are there right now. Whoever they might be.

Chair Colette Machado – Thank you Trustee Waihee.

Trustee Dan Ahuna - Just to reiterate, from the Ad Hoc Committee it was important to say the things we said. I don't agree with all of it. But we trying to get there. We are trying to work out, it tough.

Chair Colette Machado – Trustee Dan Ahuna I am going to cut you off because I've been asked to call the roll. Let's go with the roll call vote please.

Trustee Keli'i Akina moves to add to the 4th clause from the end. Changes are in brackets. Currently it states, "Be it further resolved that while the OHA Board of Trustee reiterates its lack of a position of the siting of the TMT on Maunakea, I would add, [and acknowledges OHA's Native Hawaiian beneficiaries who support the TMT project,] the rest is the same, the physical safety, psychological integrity, cultural practices and the free speech right of all Native Hawaiians are of paramount and overriding concern."

Trustee Robert 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		
TRUSTEE KALEI AKAKA				X		
TRUSTEE KELI'I AKINA	X		X			
TRUSTEE BRENDON KALEI'ĀINA LEE				X		
TRUSTEE CARMEN HULU LINDSEY				X		

TRUSTEE ROBERT LINDSEY		x		X		
TRUSTEE JOHN WAIHE'E				X		
TRUSTEE COLETTE MACHADO				X		
TOTAL VOTE COUNT				8		
MOTION: [] UNANIMOUS [] PASSED [] DEFERRED [x] FAILED						
Motion fails with one (1) yes vote and eight (8) no votes.						

Chair Colette Machado – The Chair would entertain additional amendments. Is there other amendments that would like to come to the table for discussion?

Trustee Brendon Kalei'āina Lee – I have quite a few amendments. So in the effort of being expeditious we have prepared a handout that has them all.

(Please see attached handout attached from Trustee Brendon Kalei'āina Lee)

The hope is that we can go through them all and come to agreement then we can pass them all at one time. If someone wants to bifurcate one out then we can do that. It should also be noted that there was discussion with the drafter of the resolution. It says on the action item it says prepared by public policy manager.

Jocelyn Doane – Yes Chair we have a conversation yesterday.

Chair Colette Machado – Jocelyn walk us through.

Jocelyn Doane – Just to clarify though this is Trustee Lee's suggested amendment. We stand by the original draft.

Trustee Brendon Kalei'āina Lee – I'll do it Jocelyn.

Jocelyn Doane – No I can do it, it's easy. The first edits are on page 2 at the very bottom in the last whereas clause. The recommendation is to delete, in repose to the July 10 announcement. I don't think it's necessary to have that in there. As did Trustee Lee. The next one is on page 3 the second whereas clause. So we are going to tone down a little bit, so the suggestion is to tone down a little bit some moderate inflammatory descriptions that we use. Trustee Lee's recommendation is to delete, the clear and unwarranted bias against those concern for Maunakea and highly likely and clearly foreseeable with possible, and then replacing will with may. As we explained to Trustee Lee at the time, that, that language was written which was included in the letter from the Chair of the Board and the Chair of the Ad Hoc, we did believe at the time that safety issues were imminent so his recommendation is to soften it a little bit in light of the current situation.

The next change is changing the kaumaha of the Trustees from a Be it further resolved clause to a whereas, so it's basically the same language. The next one is the fifth paragraph, the recommendation is to delete in the face of governmental indifference, social injustice and systemic oppression. The next one is to change the reiteration of the Board's position no position to a whereas clause rather than a be it further resolved clause. The language is almost identical except we changed lack of a with no. The next change is moving up

Trustee Keli'i Akina – Where?

Jocelyn Doane – I just read the second to the last paragraph and now I am on the last paragraph. The one that I just described is the 6th paragraph. Now I am moving on to the last paragraph. All this is doing is moving this Be it resolve clause which is the meat of the reso. On the fourth page, all the other changes on the fourth page is because we moved this exact language to the other changes. It's pretty simple actually.

Trustee Dan Ahuna – The clear and unwarranted bias against those concern about Maunakea. There has been a lot of things that have been said. Even the Governor has said things that I don't think, it's exactly true. I am concerned about deleting this part because it's a century old ongoing struggle that we live in and we don't see

any benefits to our Hawaiians but for the enrichments for their own purposes. I question that one. The other one I question is, in the face of governmental indifferences, social injustice and systematic oppression and now therefore. That is going on every single day. I don't want to lie, I don't want to leave it out, I don't want to water it down. That is what it is, that is what is going on up there that is the psychological trauma going on every day. The last one I just a question, it thought it would be great to have it. But I think I am ok if you can explain to me the last amendment again. The kaumaha one.

Jocelyn Doane – Chair, so the last as it relates to Trustee Ahuna's last question. We just moved the deep kaumaha language to a whereas clause.

Trustee Dan Ahuna – Ok.

Jocelyn Doane – I keep saying we but that's just I helped Trustee Lee draft it. Then as it relates to the other points that you've made, we just moved it up Trustee. I will differ to Trustee Lee to express why his recommendation is to strike.

Trustee Brendon Kalei'āina Lee – I will be happy to answer Trustee Ahuna's concerns. I will take them in order.

Trustee Dan Ahuna – Yes just those two.

Trustee Brendon Kalei'āina Lee – The first one, while I don't necessarily disagree Trustee Ahuna I don't, I didn't believe that our intent of this resolution was to pick a fight. Some of the language the strength of which the language was saying read as I am drawing a line in the sand, lets pick a fight. I believed that the intent was for us to help our people not to pick a fight. That was the reason for the softening of the language. As to you second one, in face of governmental indifference, I know a lot of people aren't going to like this but the 9 of us sitting here at this table are government and I don't believe we have indifference towards our people or we wouldn't be sitting here. It doesn't specifically say, who, it just says the Government and that was the reason why I felt that should be taken out. I know you didn't care anymore about because the language is still there. The reason we move it to a whereas is because it's defending our position of the action that we want taken. It's actually not an action. So it should be a whereas, it's a fact.

Trustee Dan Ahuna – Thank you.

Trustee Keli'i Akina – I would like to affirm the entire package of amendments proposed by Trustee Lee and to commend him on the very good work. These amendment reflect concerns and have resolve concerns that I have had with the resolution. And they allow me to vote in favor of the resolution. I want to thank you Trustee Lee.

Chair Colette Machado – Any further discussion. I will call to Trustee Lee to move the motion.

Trustee Leina'ala Ahu Isa – I want to bifurcate that number 6 paragraph out. Like Trustee Waihee talked about.

Chair Colette Machado – What page is that?

Trustee Leina'ala Ahu Isa – Page 3 paragraph 6, whereas OHA Board of Trustees reiterates no position on the siting, or building of the TMT. Can we take that out because I am for protecting, helping our beneficiaries, but I am against the building of the TMT, I don't know how I can vote for this and not vote for this.

Chair Colette Machado – I think we circled this several times at the table. This is not about retaking our position as TMT. I going tell you that is just the background.

(Conversation indiscernible)

Trustee Leina'ala Ahu Isa – The Board of Trustee take no position.

Jocelyn Doane – I think Trustee Lee’s recommendation to move it to a whereas clause is addressing Trustee Leina‘ala Ahu Isa’s concern. So you are voting on basically the be it resolved clauses, whereas, I mean of course you can make a recommendation to amend them, but they are basically background. The way that Trustee Lee’s amendments are written you are not re-voting to say no position. That is not what the vote will be on that amendment.

Trustee Brendon Kalei‘āina Lee – The whereas is just stating fact.

Chair Colette Machado – Factual background.

Trustee Dan Ahuna – Just because you answered by question doesn’t mean, I still want it. But I can understand the first one. But the second one, the social injustice, we need to hold our government accountable. I’d like to bifurcate that one.

Trustee Brendon Kalei‘āina Lee – I am happy to take each amendment individually. I was trying to expedite. We can then that can allow us to vote on all the rest. Trustee Dan Ahuna, I have a question to you. Is it the social injustice and system oppression you want left in? But you ok with taking out in the fact of Governmental indifference.

Trustee Dan Ahuna – I want that whole thing, the face of go governmental indifference and social. I like that.

Jocelyn Doane – Chair can I make a suggestion that might be amendable. What if we said and voice their concerns in the face of Social injustice, and systemic oppression.

Trustee Dan Ahuna – I am ok with that. I like work; I want to pass this thing.

Chair Colette Machado – Are you ok with that?

Trustee Brendon Kalei‘āina Lee – I am ok with that change.

Trustee Keli‘i Akina – And I am also ok with that change. I think the important thing here is that we are not accusing the government of governmental indifference. It’s important for us to be partner with the rest of Government and resolving the tensions on Maunakea. So I affirm this language.

Trustee Kalei Akaka – I would also like to commend Trustee Lee’s and Jocelyn your edits here. I am in agreement of them, that makes me feel more comfortable with this resolution going forward and also in Trustee Akina acknowledging that it is utmost importance that we are able to focus on the healing process of our people with our Government with all that are involved here and that we are able to so this in a safe manner. Safety is of the utmost importance. And I feel that the love and aloha of our people are here, and I mahalo all that are involved in this, our people, those at the mauna, those not at the mauna, Mayor Harry Kim for his efforts form this point forward, all those in the Department of Transportation, our law enforcement, all our sisters and brothers I’d like to mahalo everyone for the love that they have put into this and they will continue to work together on this.

Trustee Carmen Hulu Lindsey – I’d like to satisfy Trustee Leina‘ala Ahu Isa and take out that paragraph completely.

Trustee John Waihe‘e IV – Yes, is it necessary to reiterate that.

Trustee Carmen Hulu Lindsey – Yes, just take it out as part of this amendment.

Trustee Brendon Kalei‘āina Lee -That is what I wanted. Point of order Madame Chair.

Chair Colette Machado – Trustee Lee.

Trustee Brendon Kalei‘āina Lee – So no one else has called a point of order on me. We actually have no more on the floor to amend.

Chair Colette Machado – I’ve been whispering to you we don’t have a motion.

Trustee John Waihe‘e IV – We made a motion.

Trustee Brendon Kalei‘āina Lee – No that motion was for Trustee Akina.

Chair Colette Machado – I was ready to take an action for roll call he said to wait till we gave input.

Trustee Brendon Kalei‘āina Lee – We voted on the amendment.

Trustee John Waihe‘e IV - Trustee Carmen Hulu Lindsey made a motion on the original motion and he tried to amend it.

Trustee Brendon Kalei‘āina Lee – Yes, and I am amending the original motion. That is allowable.

Trustee Carmen Hulu Lindsey – Well not we corrected it all, just make the motion as it’s corrected.

Trustee Brendon Kalei‘āina Lee – No, because no one has come to agreement with that.

Trustee Carmen Hulu Lindsey – I think most have.

Chair Colette Machado – Does anyone have an objection to remove that statement?

Trustee John Waihe‘e IV – No objections to removing that statement.

Trustee Leina‘ala Ahu Isa – I don’t.

Trustee Carmen Hulu Lindsey – I don’t.

Trustee Brendon Kalei‘āina Lee – I actually wanted to remove it, this was a compromise.

Trustee Carmen Hulu Lindsey – Agreed upon.

(Conversation indiscernible)

Trustee Brendon Kalei‘āina Lee moves to amend the resolution of action item BOT 19-11 as seen in the handouts provided to the Trustees and what was provided up on the screen. With the additional changes of leaving in social injustice and systemic oppression and deleting the be it further resolved that while OHA Board of Trustees reiterates it lack of position.

Trustee Kalei Akaka seconds the motion.

Chair Colette Machado – Trustee Akaka has seconded the motion. Any more discussion?

Trustee Carmen Hulu Lindsey – Call for the vote.

Chair Colette Machado – Thank you Trustee Hulu. Roll call vote.

Jocelyn Doane – Do we need a second on Trustee Lindsey’s motion before you can move to amend?

Trustee John Waihe‘e IV - Yes.

Trustee Brendon Kalei‘āina Lee – There was a second.

Jocelyn Doane – Who was the second?

Trustee Brendon Kalei‘āina Lee – Trustee John Waihe‘e IV.

Trustee Carmen Hulu Lindsey – I had two second, actually.

Trustee Brendon Kalei‘āina Lee – Yes, she did, but it was Trustee Waihee.

Trustee Dan Ahuna – I no need second nothing, you can second whatever you like do.

Chair Colette Machado – The record will reflect Trustee John Waihe'e IV seconded Trustee Carmen Hulu Lindsey. Are we ready to take the roll call? Roll call.

Trustee Brendon Kalei'aina Lee moves to amend the resolution of action item BOT 19-11 as seen in the handouts provided to the Trustees and what was provided up on the screen. With the additional changes of leaving in social injustice and systemic oppression and deleting the be it further resolved that while OHA Board of Trustees reiterates it lack of position.

Trustee Kalei Akaka seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA				X		
TRUSTEE DAN AHUNA				X		
TRUSTEE KALEI AKAKA		X		X		
TRUSTEE KELI'I AKINA				X		
TRUSTEE BRENDON KALEI'AINA LEE	X			X		
TRUSTEE CARMEN HULU LINDSEY				X		
TRUSTEE ROBERT LINDSEY				X		
TRUSTEE JOHN WAIHE'E				X		
TRUSTEE COLETTE MACHADO				X		
TOTAL VOTE COUNT				9		

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

Motion passes unanimously with nine (9) yes votes.

Chair Colette Machado – Members congratulations. We will go back to the main motion.

Trustee Carmen Hulu Lindsey moves that the Maunakea Ad Hoc Committee approves and recommends that the Board of Trustees approve Action Item BOT #19-11, a Board resolution that implores the governor to take material steps to eliminate the high potential for physical harm to OHA's beneficiaries; expresses its kaumaha over the arrest of Native Hawaiian kūpuna; opposes use of unwarranted force and calls upon the Governor to rescind his Emergency Proclamation; and expressly authorizing OHA Administration to take action to advocate for the rights, safety, and well-being of beneficiaries engaging in peaceful protest of the decades long mismanagement of Maunakea, perpetuating Native Hawaiian traditional and customary practices, and exercising their rights to freedom of speech and assembly, as amended.

Trustee John Waihe'e IV seconds the motion.

TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA				X		
TRUSTEE DAN AHUNA				X		
TRUSTEE KALEI AKAKA				X		
TRUSTEE KELI'I AKINA				X		
TRUSTEE BRENDON KALEI'AINA LEE				X		
TRUSTEE CARMEN HULU LINDSEY	X			X		
TRUSTEE ROBERT LINDSEY				X		
TRUSTEE JOHN WAIHE'E		X		X		
TRUSTEE COLETTE MACHADO				X		

TOTAL VOTE COUNT				9		
MOTION: [x] UNANIMOUS [] PASSED [] DEFERRED [x] FAILED						
Motion passes unanimously with nine (9) yes votes.						

(Please see approved resolution attached to the minutes.)

Chair Colette Machado – We are going to take a recess and then we will come back and fulfill as much of the agenda that we can.

12:04 pm Chair Colette Machado calls recess.

12:15 pm Chair Colette Machado reconvenes the meeting.

Chair Colette Machado – I wanted to address the agenda today. In consultation with our Board Attorney, we will be going into executive session to talk about VI. A. and B. We will differ the approval of the minutes because they are not ready. I am requesting that Administration relating to the Strategic Planning workshop that, that be referred to the Molokai meeting on the 8th for the BOT to hear. Because it's an important matter. I am not sure after this meeting we are not convening again till the 22nd of August on Oahu.

Sylvia Hussey – Is it ok if we at least leave the materials that they brought between now and then the Molokai, for discussion.

Chair Colette Machado – Do they have it right now? Can we distribute it and we will reschedule up there. Sylvia we can get the material.

Sylvia Hussey – They have it Jim will bring it in.

Chair Colette Machado – Members we are going to defer the BOT Workshop on OHA Strategic Planning 2020+ we are going to move that to Molokai for discussion on August 8th.

A. Presentation by Delwyn Oki from the U.S. Geological Survey (USGS), regarding the USGS Central Molokai Groundwater Model and its preliminary results.

Chair Colette Machado – I wanted to let you know why this item is on our agenda. The USGS results of the Central Molokai Groundwater, the reason why I put Mr. Delwyn Oki on the agenda with USGS is that, when you come to Molokai this will be an issue that will be talked about by the Community in our Community Meeting as well as at the BOT meeting the next morning. I attended a June 1st Community Meeting that was presented by Mr. Delwyn Oki on the results of the survey that was done. We cost shared the amount with DHHL and the Department of Water from County.

Everett Ohta - Thank you Chair, good morning Trustees. I am here to introduce this morning Dr. Delwyn Oki from the US Geological Survey. He is here to present on the Central Molokai and Eastern Groundwater recharge and availability study. As Chair Machado mentioned this study was co-sponsored, co-funded with OHA, DHHL, and Maui County Department of Water Supply. OHA and DHHL really got involved with funding of this study as a result of litigation that happened in the mid-90s we were involved with when the Water Commission was considering a water use permit application for Molokai Ranch that was going to pump ground water and we were concerned, both agencies were concerned about the lack of analysis about the impacts of that pumping to traditional and customary practices on the resources on the coast line that were benefiting from fresh water discharge Makai side and also for the water reservation of DHHL and the impact of that water permit application of the Ranch on DHHL's water reservations. That litigation was long standing and was recently settled in December 2018 when the Hawaii Supreme Court issued a fair verbal ruling for OHA, DHHL Maui County and Water Commission, which ended the contested case that had been ongoing for some 25 years or so. But never the less we are still looking at water permit issues on Molokai, there are still pending permit applications from the Ranch, from DHHL and for Maui County all relating to their use of water

going forward. What we are hoping is that the information presented by Dr. Oki is able to inform the decision making of the Water Commission and ensure that the interests of OHA, DHHL and beneficiaries on the island on all protected in a way that wasn't protected or considered fully back in the 90s. With that thank you again for your time, today and I will turn it over to Dr. Oki.

Dr. Delwyn Oki – Good afternoon Chair and Trustees. I want to first of all thank you for including the USGS on your very busy agenda. I am here as Everett mentioned, I will give you a very brief overview of the work that we've recently concluded and hoping to get out to the public within the next 6 months or so. This was funded with USGS working in cooperation with OHA, DHHL and the County Department of Water Supply. I'll briefly talk today about, describe what is ground water and conceptually what happens when you pump a well because there are going to be impacts. I'll show you one slide of the State's groundwater management framework that is relevant to Molokai then I'll briefly go over some selected results from our study just to give you flavor of what we have done.

What is ground water? We've all had some experience with ground water as kids, when we go to the beach and we dig a hole in the sand and we see standing water. That is actually ground water that is the unexposed water table that you see when you see standing water at the bottom of the hole. Below that water table is what we call the saturated zone that is where all the sand or rocks the pores are completely filled with water. That's what we refer to as ground water. Above the water table or above that standing water you see in the whole in the sand is what we call the unsaturated zone. It's not completely dry, it does contain water but it's not water that you can readily extract like you can in the saturated zone. So this is where the wells are developing ground water from is from the saturated zone. These are just a few examples of exposed ground water. You can dig a hole at the beach and hit ground water or you can dig a hole in the rock and hit ground water. These are some exposures, a dug hole on the windward side on the Big Island there are some nice exposed ground water in some of these fractures in the lava at Kaloko Honokōhau. I'm sure many of us have driven by Pearl Ridge, and seen the watercress farms. Those watercress farms are all spring fed and that represents ground water discharge from one of the most important aquifers on this island. The Pearl Harbor Aquifer.

Most of the ground water of relevance to Molokai is developed from a fresh water lens system. The fresh water lens system consists of a relatively thin body of fresh water that floats on a zone of brackish water which itself sits atop salt water. That salt water is water that has the same salinity as ocean water basically. In fact, the salt water which is in the rock is actually derived from the ocean. Most of the fresh ground water on Molokai that's being developed is from what we call a fresh water lens system a thinner upper fresh water zone. These fresh water lens systems are somewhat vulnerable to the effects of wells, pumping a well. So in the left frame you see a situation in which the well is producing fresh water, it's not being impacted by the brackish water or transition zone. But if you start pumping a well at too high a rate, what happens is you start bringing up some of the brackish water and it's going to affect the quality of the water that pump. If that water gets too salty, it's going to be undrinkable. The other effect that happens when you pump a well is that water that naturally flowing through the aquifer and discharging at point of natural discharge, like springs or to the ocean or to streams. When you pump a well, you are going to ultimately reduce the amount of water that discharges to these natural areas that receive a discharge by an amount equal to the amount of how much water you pump. So if you pump a well at a million gallons a day over long term, ultimately you are doing to reduce the natural discharge by an equal amount of a million gallons a day.

This is an impact that will always happen. It's an impact that is recognized and it's just a matter of whether these impacts are acceptable or not to various stakeholders that you can determine whether you should or should not pump a particular well. So this is the State manages ground water on an island wide basis by kind of dividing the island into these aquifer systems. Some of the lines on the map really don't represent any real geologic boundaries, they are mainly either topographic or some other boundary lines. Some line actually do represent the geology, but for most of Moloka'i, the lines are really just lines on the map. What the State does is in each of these aquifer systems they estimate a sustainable yield value which limits ground water development. The most important aquifer system on Molokai is in central Molokai. The Kualapu'u Aquifer System where the State has estimated that you can get about 5 million gallons per day of fresh water out of that system. There

method of estimating sustainable yield is really a back of the envelope calculation. It was initially developed mainly to protect existing wells from getting to salty. But in recent years, one of the things that has come up is the protection of near shore ecosystems. Protection of cultural practices that are depended upon ground water discharge. So for example on Molokai, there are a lot of coastal fishponds on the southern coast and these fishponds do receive ground water discharge. When you pump a well you have the potential to reduce that discharge to these fishponds. So there is an impact there. It's whether or not that impact is acceptable or not to all stakeholders. That kind of determines whether or not wells should be pumped or not. That is kind of the background.

We recently, we trying to wrap up our study, which has lasted a lot longer than I thought I would for a number of reasons. But we are here where we are now and the overall objective of the study was to help stakeholders understand ground water availability on Molokai and in particular in the Kualpu'u Aquifer System. What we did to try to address that objective was to develop a numerical ground water model. It is just a computerized model, it's kind of, like how the weather service they have their computer models to predict storms. Ground water hydrologist have ground water models to help them understand the subsurface how water flows. So we developed this model and then we also with input from various State and County agencies, we ran a number of scenarios. I'll show you a few examples of that. This is kind of an oblique view of the area on Molokai that we modeled.

Trustee Carmen Hulu Lindsey – Is that a side view?

Dr. Delwyn Oki – You can kind of see island out shape there, it's an oblique view. So it's kind of viewed from above but at an angle. This model incorporates a lot of processes, as far a ground water models go it's fairly complex. Because you can make simplifying assumptions in these models but this one kind of tried to simulate all of the important processes so that we can understand water availability in a better way. What I want to show you next is an animation kind of documenting or estimating what happened historically in the Kualpu'u Aquifer system. So this is a top view of the modeled area. The blue area represents fresh water, and the red represents salty water. In fact, the red area is mostly off shore beneath the ocean. Let me give you a brief over view of what the animation is going to show. What I did is I took a slice of the aquifer, and you can see that on the map, there is a vertical line going through, I took a slice of the aquifer and then I am going to try to look at it from the side. It's like you take a slice of cake and then you look at it from the side that is what we are going to be looking at. In the two colorful panels there the top one it shows you the distribution of what in the aquifer, the blue being the fresh water and the red being salt water. But to help kind of clarify what is going on and to understand what happens to the transition zone over time, what I am going to show you in the animation is I am going to remove all that fresh water, that core of fresh water you can actually drink. So water with less than 1% salinity I blank out so that you can see the effects of when wells are brought online in the Kualpu'u area over time and you can see the rise of transition zone.

12:30 pm Trustee Keli'i Akina leaves the meeting.

Dr. Delwyn Oki – There is also a little bar graph in the upper right corner of the animation that is going to show you how pumpage is changed over time. So this it he animation. It's going to show you what happening, we are going to slice through the aquifer firs form the East side then slice form the West side so now we have a vertical section and we are going to turn it on its side so you can see what is going on in the aquifer. Again, the red is the salt water and the blue is the fresh water. You see it's thicker in the Kualpu'u area, and its gets thinner as you go to the coast. Now we just removed all that fresh water core so we can see over time when the Kualpu'u Aquifer System begins to be pumped by these wells that are kind of popping up, those vertical dots you see on the screen. Now we are in 1968, 1970, it's kind of marching through time.

Trustee Carmen Hulu Lindsey – What is the altitude of Kualpu'u?

Dr. Delwyn Oki – The ground altitude of Kualpu'u is probably about 900 -1,000 feet around there. But what I am showing is basically closer to sea level in the ground water system. So you can see over time the brackish

water transition zone has come up. It will go through this animation again one more time so you can get a better picture of it. Here we slice through the aquifer and then we are going to turn it on its side, and we will zoom in to the Kualpu'u area so it's like you are seeing a side view of the piece of cake. It's going to march through time now and you can see there is a clock in the upper right, 1942, 1944. Most of the pumping in Kualpu'u started happening a little latter in the period during about 1990, the pumping started getting a little bit heavier. That is kind of where you see most of the action in terms of the movement of the transition zone, that brackish water zone. It starts coming upwards, '84, '86, '88, now you start seeing that rise in the transition zone. It brings it up to about 2012. This is the model that we developed and I am going to show you a couple of applications of the model that we developed in terms of how the quality of the water from wells might be impacted and also how the discharge of ground water to the near shore ecosystems might be impacted.

First of all, we kind of ran a base line condition looking at average current conditions so in the model I represented average just 2016 to 2017 withdrawal rates in the Kualpu'u Aquifer System. So the blue line represents the Kualpu'u Aquifer System, the green wells are all existing wells in the Kualpu'u Aquifer System. These include two wells that DHHL maintains, one well that the County maintains and then well 17, which is privately operated. You can see all the wells are kind of bunched together in the Kualpu'u area but under average 2016-2017 withdrawal rates these wells appear to produce water of reasonable quality. And the color coding here and you will see the different colors popping up later on but in this particular map all of the wells are colored as green, which means that the quality of the water that is being pumped out of there is relatively fresh. It remains less than a hundred milligrams per liter chloride concentration and to put that into perspective EPA has a secondary standard for drinking water of 215 milligrams per liter. So these green dots represent water quality that is below the EPA standard, it is fresher than what the EPA would recommend so it's clearly drinkable a water. This is kind of the baseline scenario for average recent conditions. The State Commission on Water Resource Management has a number of pending water use permits before them that they will have to decide upon and we have these rates represented in the model. You can see what happens now that if we put those pending water use rates in it results in an increase in withdrawal from the Kualpu'u area, it went from 1.5 to about closer to 2.7 or so. You can see that the color of one of the wells changes from green to yellow. So you kind of getting into that zone where the water quality is getting slightly degraded by the effects of the combined pumpage in the area. But it's probably still going to be acceptable, it's still less than what the secondary standard set by EPA of 250 milligrams per liter. So that's just what the pending water use permits rates in the model. But both DHHL and the County are envisioning increased withdrawals from Kualpu'u.

I ran a whole suite of scenarios based on input from the various agencies and I am going to show you this one here as one example in which we increase withdrawal from the Kualpu'u area up to about 3.5 million gallons per day and we included some hypothetical well sites that new site B indicated on the map the one green site. But you can see that when the model is pumped at this high a rate, you start seeing some cautionary flags being raised in fact one of the wells, the County's Kualpu'u mauka well turn red indicating it's starting to get close and this particular example it actually exceed the EPA standard of 25 milligrams per liter. The model can be used to evaluate different scenarios, different distributions of pumping, and different locations of new wells that might be considered. These are just a few examples of the utility of the model that we produced. It's not in any way similar to how the State currently estimates sustainable yield, which is kind of a back of the envelop calculation. This is a numerical model that integrated everything that we know about the system in terms of the hydrology and geology.

The other thing that I mention is the ground water discharges on Molokai to the coastal area; this map depicts the distribution of that ground water discharge for that base line case where we are simulating average 2016-2017 withdrawal rates. Again, you can see all the well in Kualpu'u stay green. What I have depicted here by color is where you have larger amounts of ground water discharge being the red colors and where you have lesser amount of ground water discharge being the light blue colors. So this is kind of a distribution along the coast. But it get a little higher as you move towards the East because its wetter out there. Everett had asked that I include some information that was done back in the '90s because there are a number of sites that have been identified by the Molokai Community as being important for subsistence purposes. So there is fishing and ocean gathering sites off shore that could potentially be impacted by any changes in ground water discharge to

the near shore environment. So what we used the model for then was to evaluate, how much if you pump certain amount of water, how much are you going to effect that coast discharge and where are you going to affect it. I'll just give you one example of that. This is the example where I pump the model at the pending water us permit rates, so the total withdrawal from the aquifer was increased from the previous slide which was about 1.5 million gallons per day in this scenario two we are pumping the wells in the Kualpu'u area with pending water use permit rates. We increase it by over a million gallons per day to about 2.7 million gallons per day. That is going to have an impact. You can see here in these color coded cells where the impact is greatest. It is typically going to be greatest immediately south of the Kualpu'u area where you see some of the darker blue squares. This kind of give you a general sense for what we can do with the model and what the water commission has available to them or will have available to them to help evaluate different types of withdrawals scenarios from Kualapu'u in terms of their impacts to wells and also the near shore environment.

To summarize, we developed the numerical ground water model to help evaluate different withdrawal scenarios. The model results indicate that additional ground water relative to the existing rates is likely it can be developed but its important to note that any additional withdrawal from Kualpu'u is going to have an impact on both the quality of water that you withdraw from Kualpu'u as well as the quantity of water that discharges to ocean. And the impacts are really a function of how you develop the system. I depends where you pump and how much you pump. This is something that the ground water model is very good at helping to evaluate. That's it; the next steps for us would be to try to get this out to the public by the end of the year.

Trustee Kalei Akaka – Mahalo for that wonderful presentation and very fascinating digital images you shared. Is it possible to get a soft copy of this?

Dr. Delwyn Oki – I can probably share a copy with Everett, it a fairly large file. But yeah I can work with Everett.

Chair Colette Machado – I want you to describe how important this is because the current sustainable yield is estimated by the Water Commission at this rate, but we are looking down the future that we will have to go in and change that. Because some precautionary purposes we have to look at reconsidering based on your data.

Dr. Delwyn Oki – The State is estimated the sustainable yield as 5 million gallons per day. We use the model and it's really a function of where you put your wells. So it's possible we can work with the model to help define whether or not you can get that 5 million gallons per day. We've done once scenario which indicates that you might be able to get at least 4 or so. But there are some uncertainty with the model; I will be the first to admit that having been the person to develop it. There is a lot that we don't know and we can improve this model as we get more information and that means drilling more wells. So it's kind of where we are at now.

Trustee Dan Ahuna – I live on a pretty wet island Kauai. Out of our ahupua'a depends on these springs. The ground water the fresh layer does it, I've learned that the more we take out from that ground water it doesn't apply that pressure so those springs, is it true is that how those springs work on the lower areas, because of the pressure so we need the volume in the ground water so that pressure can be healthy.

Dr. Delwyn Oki – Yes, the ground water discharge at springs are definitely related to how much volume of water you are going to have in the aquifer. If you start reducing that volume you are going to start reducing that discharge.

Trustee Dan Ahuna – Yes, I think that is important to know.

Trustee Robert Lindsey – Mr. Oki, I am kind of spooked, I like your presentation. But what I see is you got the salt water pushing up into the fresh water zone and that is beginning to get thinner. Then you have evaporation from the top. You know that is taking up water into the atmosphere. You have two things occurring at the same time.

Dr. Delwyn Oki – You can't control the evaporation, evaporation is going to remove some of the water that is ultimately going to recharge the aquifer. We've made estimates of how much water actually gets down into the Kualpu'u aquifer as part of this study. Incorporating the evaporation, transpiration that is going to have to happen. Anytime you have plants, you are going to lose water to the atmosphere. But yeah, there are going to be consequences to pumping wells at a great rate and that is going to be that rise in the transition zone is one effect.

Trustee Robert Lindsey – Now with global warning it's spooky.

Dr. Delwyn Oki – Yes, there are some estimates out there that would suggest that ground water recharge made be decreased in the future on Molokai. But it's still in a kind of early phases of exploration in terms projecting out to the future. But we did as part of our study we did look at what would happen in ground water recharged were produced in a future climate and those results wouldn't surprise you would indicate that things start getting worst by getting saltier water.

12:24 pm Trustee Keli'i Akina returns to the meeting.

Trustee Kalei Akaka – I wanted to ask about what solutions and options we are looking at moving forward for the next set of decades and beyond. Looking at this one of my first thoughts is that we need to have more trees on Molokai to bring more water in through the rains. Are there different ways we can talk more about collaborating on this.

Dr. Delwyn Oki – Well Kualpu'u is where the wells are, it's not extremely wet but one of the things that help in terms of spreading out impacts is to start spreading out the pumpage. That would mean developing wells further toward the east in the Kualpu'u area. We don't really have a lot of information as you get further to the East, most of our information is in that little cluster that you folks will see that cluster of wells. They are very close together. But much of our information is focused in that general area. I've always pushed to try and get more information further East.

Trustee Kalei Akaka – Have you folks collaborated with any groups such as UH their doctorate program that they study the water table, the rains that come in and so forth? I do know that there is a program there.

Dr. Delwyn Oki – We have done some work with the University and we've collaborated with them on a number of things. One of them being looking at ground water recharge. In fact, I believe we will be coming out soon with a demonstration product that will allow you to change climate and land cover on Oahu and see how that impacts ground water recharge. That is going to be coming out in the coming months.

Trustee Kalei Akaka – Have perhaps ancient practices been taken into consideration, how things were done in those times that have worked that we can look at incorporating.

12:47 pm Trustee Robert Lindsey leaves the meeting.

Dr. Delwyn Oki – Traditional practices was not to drill wells in the middle of the island. They would typically dig wells near the coast and when you do that you have a smaller impact. But when you drill deeper wells further inland, you get the benefit of getting fresher water but the one cost is that you are going to actually have a bigger impact over a bigger area. So the closer you put your wells and this is what was done historically, closer you put your wells near the ocean the better off you are in terms of impact. The water is not going to be as fresh perhaps but you can reduce your impact.

Trustee Carmen Hulu Lindsey – Maybe I missed something earlier, Mr. Oki is doing this Molokai Ground Water to expand the water on Molokai and is this Kualpu'u going to service how far on the island. Because I know what our water on Maui services. All the way from Iao down to Wailea. I just wondered, and of course, the next question is who is going to develop it. I am just curious.

Everett Ohta – You know the USGS study is really looking at what those impact are going to be from certain scenarios that are proposed by the major water purveyors on island at this point which in this we are looking at DHHL, Maui County and the Ranch. Those are going to be the entities that are figuring out how to develop and the Water Commission is going to have a roll in approving certain well pumping so this is something going to be able to play into the Water Commission decision making as to how that kind of development occurs. What are acceptable levels of impacts both from the Water Commission's perspective as well as the Community itself. So that's one of the main reason why the parties, OHA, DHHL and Maui County funded this study to understand that impact. The four wells actually get drilled and understanding what is are the best practices to access ground water on island.

Trustee Carmen Hulu Lindsey – So based on this model, how far reach of this water going to be available for the residents.

Everett Ohta – Are you talking about the existing distribution system?

Trustee Carmen Hulu Lindsey – This model that he is proposing, all the way up Kualpu'u which I think is above the airport. How far out is it going to go to East End?

Dr. Delwyn Oki – The model covers, this is the extent of the model as it is currently constructed. It does extend out to the East end. The County does have their own water system and it's kind of a separate system in terms of what it does in Kualpu'u versus what it does in Kawela and in Ualapue. I don't think they are fully connected. They are have these different water systems. But they have expressed interest in the past in moving some of their development out east. But it's largely currently driven by where they can get the biggest bang for their buck, where they need the water the most and where they have an existing water system.

Chair Colette Machado – Anything more to add?

Everett Ohta – Not that is about it. Just for the Trustees' information, Chair is currently looking at some of the site visits that are going to be available on Molokai. One of the things that is being planned is a site visit to the DHHL wells that have been depicted in Dr. Oki's map so Trustees can see what is happening on the ground where these wells are located and how they fit in with the topography of Kualpu'u area so they can see how these systems are set up and get guided by the DHHL staff we will have there.

Chair Colette Machado – Thank you for being patient Delwyn and I am sure we will see you again.

VI. EXECUTIVE SESSION

Chair Colette Machado - With that, we can now recuse ourselves into Executive Session pursuant to 92-5 (a)(4).

Trustee Brendon Kalei'aina Lee moves to recuse into Executive Session pursuant to §92-5 (a)(4).

Trustee Carmen Hulu Lindsey seconds the motion.

Chair Colette Machado – Roll call please.

Trustee Brendon Kalei'aina Lee moves to recuse into Executive Session pursuant to §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			X			
TRUSTEE DAN AHUNA			X			

TRUSTEE KALEI	AKAKA			X			
TRUSTEE KELI'I	AKINA			X			
TRUSTEE BRENDON KALEI	'ĀINA LEE			X			
TRUSTEE CARMEN HULU	LINDSEY			X			
TRUSTEE ROBERT	LINDSEY						Left meeting at 12:47pm
TRUSTEE JOHN	WAIHE'E			X			
TRUSTEE COLETTE	MACHADO			X			
TOTAL VOTE COUNT				8			1
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED							
Motion passes with eight (8) yes votes and one (1) excused.							

Chair Colette Machado – We will now recuse ourselves into Executive Session.

The Board resolved into Executive Session at 12:52 pm.

- A. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities regarding Civil No. 17-1-1823-11 JPC, OHA v. State, et. al. *Pursuant to HRS §92-5(a)(4).*
- B. Consultation with Board Counsel Robert G. Klein, Esq. re: questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities relating to the State Auditor's request for confidential and Attorney-Client privileged materials, information and the legal basis for the establishment of the Limited Liabilities Corporations (LLCs), *Pursuant to HRS §92-5(a)(4).*
- C. Approval of Minutes
 - 1. May 2, 2019
 - 2. May 30, 2019*Items under C. were deferred.*

The Board reconvenes in open session at 2:07 pm.

VII. COMMUNITY CONCERNS

2:07 pm Trustee Kalei Akaka leaves the meeting.

Chair Colette Machado – I have three people who have signed up for community concerns, I am not sure if they are still around. We will need to check on that. Richard Soo, DeMont Connor and Jenna Scanlan these are the three that have signed up for community concerns.

Everett Ohta – There is no one around and reception said they haven't seen anyone.

VIII. BOT WORKSHOP

- A. OHA Strategic Planning 2020+ Phase III, *Workshop One*, Presentation and facilitation by DTL on (1) results from the Strategic Plan Survey and Community Focus Groups and (2) discuss the next steps toward identifying strategies based on the data.

Item deferred to the August 8th Meeting on Molokai.

IX. ANNOUNCEMENTS

None

X. ADJOURNMENT

Trustee Brendon Kalei'āina Lee moves to adjourn.

Trustee Carmen Hulu Lindsey seconds the motion.

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

Trustee Brendon Kalei'āina Lee moves to adjourn. Trustee Carmen Hulu Lindsey seconds the motion.						
TRUSTEE	1	2	'AE (YES)	A'OLE (NO)	KANALUA (ABSTAIN)	EXCUSED
TRUSTEE LEINA'ALA AHU ISA						Excused
TRUSTEE DAN AHUNA			X			
TRUSTEE KALEI AKAKA						Excused
TRUSTEE KELI'I AKINA			X			
TRUSTEE BRENDON KALEI'ĀINA LEE	x		X			
TRUSTEE CARMEN HULU LINDSEY		x	X			
TRUSTEE ROBERT LINDSEY						Excused
TRUSTEE JOHN WAIHE'E						Excused
TRUSTEE COLETTE MACHADO			X			
TOTAL VOTE COUNT			5			4
MOTION: [] UNANIMOUS [x] PASSED [] DEFERRED [] FAILED Motion passes with five (5) yes votes and four (4) excused.						

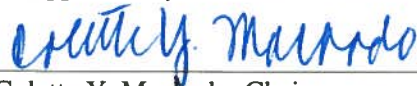
The meeting was adjourned at 2:11 pm.

Respectfully submitted,



Dayna Pa, Board Secretary

As approved by the Board of Trustees on September 19, 2019



Colette Y. Machado, Chairperson
Board of Trustees

Attachment:

1. Testimony from Mahana Gomes dated July 24, 2019
2. Testimony from Kealoha Sugiyama dated July 22, 2019
3. Testimony from Joh Kehuaka'ilani Brown received July 22, 2019.
4. Maunakea Resolution PowerPoint dated July 25, 2019
5. Amendments to the Resolution from Trustee Keli'i Akina dated July 25, 2019.
6. Amendments to the Resolution from Trustee Brendon Kalei'āina Lee dated July 25, 2019
7. Approved Resolution as amended.

July 24, 2019

Mahana Gomes

Kamuela, HI 96743

Office of Hawaiian Affairs
Chairwoman Colette Machado
737 Lower Main St., Ste B2
Wailuku, HI 96793

Re: Humanity, Environmental and Water Quality Protection and Pollution Rules, Controls and Programs: EPA 40CFR 122, HAR Title 11 Chapter 54, HAR Title 55, HRS 341, HRS 343, HAR Chapter 11-200 regarding the proposed TMT Project

Aloha Chairwoman Machado,

My name is Mahana Gomes. I am a Kanaka Maoli of Hawai'i, a State of Hawaii Licensed Water Distribution System Operator (DSO) Grade III and a concerned community member. I write to you today very concerned with Hawai'i's current regulatory matrix and methodology of analysis and verification regarding the Thirty Millimeter Telescope (TMT) Project. My research has indicated that the project is in violation of the National Pollutant Discharge Elimination System (NPDES) and the Environmental Impact Statement Rules (EIS) and that no Final Environmental Impact Statement has been published and accepted for the project. These rules were put in place by our legislators to protect Public Health and Safety and mitigate any potential risk to our communities and environment.

As you may already be aware, 40 CFR Chapter I. *Environmental Protection Agency*; Subchapter D: *Water Program* Part 122 *The National Pollutant Discharge Elimination System(NPDES)*, HAR Title 11 Chapter 54 *Water Quality Standard* and HAR Title 11 Chapter 55 *Water Pollution Control* are Rules that are established, implemented and upheld in order to protect public health and provide control for water quality and pollution. Permits such as Individual NPDES Permits (issued at a State Level) and Grading Permits (issued at a County Level) are tools put in place for our regulatory agencies such as the Department of Health or County of Hawaii Department of Public Works (to name a few, but not limited to) to administer Best Management Practices in order to monitor, prevent or reduce pollution of our waters. Pollution from treatment, operating procedures, runoff, spills, etc.

Additionally, HAR Chapter 11-200: *Environmental Impact Statement Rules*; HRS 341: *Environment Quality Control* and HRS 343: *Environmental Impact Statements* are Rules to stimulate, expand, coordinate, and review the balance of humanity's wellbeing and humanity's environment.

HRS 343-1 "The legislature finds that the quality of humanity's environment is critical to humanity's wellbeing, that humanity's activities have broad and profound effects upon the interrelations of all components of the environment, and that an environmental review process will integrate the review of environmental concerns with existing planning processes of the State and counties and alert decision makers to significant environmental effects which may result from the implementation of certain actions. The legislature further finds that the process of reviewing environmental effects is desirable because environmental consciousness is enhanced, cooperation and coordination are encouraged, and public participation during the review process benefits all parties involved and society as a whole."

Tools such as an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) are established so that our regulatory agencies such as the Office of Conservation and Coastal Lands, the Office of Environmental Quality and the Environmental Quality Commission or the Hawai'i State Historic Preservation Division, DLNR (to name a few, but not limited to) can monitor, review and work to maintain the balance of our environment and humanity's wellbeing.

Basis for my concern and results of my research:

NPDES Permit: State of Hawaii Dept of Health

- ~NPDES Original Application submitted by TMT Observatory Corporation 3/31/14.
- ~Original Permit Granted June 12, 2014 expiration Midnight June 11, 2019.
- ~Renewal Application submitted by TMT Observatory Corporation 11/16/18.
- ~Notice of Public Hearing for TMT NPDES Permit issued 5/23/19.
- ~Public Hearing held and recorded 6/25/19.
- ~Notice of TMT Contested Case Hearing regarding said NPDES permit application released by Department of Health Clean Water Branch, receiving requests until August 9, 2019.
- ~In the original and the renewal applications information refers only to construction activities; no information regarding operational activities and impacts of actual telescope found.
- ~The amount of flow reported in the application regarding potential storm water runoff reflects 12 cubic feet/sec (approx. 7.75million gallons per day). I am concerned with such a high value and question the verification conducted to validate this amount of runoff.
- ~No record of current signed and approved NPDES Permit.

Grading and Stockpiling Permits: County of Hawaii Dept of Public Works

- ~Approved Grading Permit # 6133 for Owner TIO Observatory, LLC.
- ~Approved Stockpiling Permit # 6134 for Owner TIO Observatory, LLC.
- ~How is it that a Grading Permit has been issued at a County Level when the State has not yet approved the NPDES Permit for which the potential erosion from grading and storm runoff could impact the lower communities of Waimea, Hāmākua and Hilo (to name a few, but not limited to) through storm runoff identified within the NPDES permit application through discharge points such as the Kemole Ditch, Pohakuloa Ditch and Wailuku River (to name a few).
- ~Why is the NPDES Applicant/Owner different then the Grading and Stockpiling Applicant/Owner? One states TMT Observatory Corporation and one states TIO Observatory, LLC.

Environmental Impact Statement (EIS): Office of Conservation and Coastal Lands, the Office of Environmental Quality Control and the Department of Land and Natural Resources

- ~In April of 2010, Final Impact Statements (3 volumes) submitted for the Thirty Meter Telescope Project with a Determination NA.
- ~In February 2018, Environmental Impact Statement Preparation Notice (EISPN) for Land Authorizations for Long Term Continuous Astronomy on Mauna Kea was published.
- ~No current record found of a Final Environmental Impact Statement (FEIS) submitted and or accepted for the TMT Project since the EISPN was published.
- ~Section 3 Overview of the Existing Environment and Section 4 Potential Impacts to be Explored of the published EISPN are critical to the understanding of humanity and environmental wellbeing impacts this project will have. To name a few: Soils, Runoff, Erosion, Hydrology, Climate and Air Quality, Hazardous Materials, Solid Waste, Potable Water, Wastewater.
- ~Without a published and accepted EIS how has the State and County agencies evaluated the impacts to our local communities? To our current infrastructure? To our current resources not just in the project area but Island wide, Statewide? As an example, our community of Waimea (heavy farming and agriculture practices) resides below Mauna Kea and in events of heavy rains and runoff, flooding already occurs in certain areas.

Without an EIS to evaluate the 12cfs (7.75mgd) of potential storm water runoff from construction activities (per NPDES permit application) how do we know the impacts to our Waimea, Hāmākua or even our Hilo Community? How do we know what processes must be put in place to protect our communities from additional flooding or potential erosion contamination? How do we know the effects on our low-lying coastal shorelines and ecosystems? What protective measures need to be taken to protect them?

~Without a published and accepted EIS and or a NPDES permit application that includes the project in operation not just construction, how do we know the impacts to our landfills, wastewater treatment facilities, water purveyors and our source water after the project is completed and operations begin?

~How can any type of Grading or stockpiling permit, NPDES permit be granted when one of the very first regulatory protective layers for humanity and our environment has not been completed, published and or accepted; the EIS?

~We as a State, a Community are already faced with addressing: 1) no cesspools by 2050, 2) our landfill(s) reaching capacity limits, 3) certain communities have been under water restrictions for extended periods of time, 4) civil infrastructure improvements and upgrades continue to rise in planning and budgeting discussions. How has the County and State agencies analyzed the impacts of this project without completing the processes put in place to properly assess?

In closing, I'd like to share a part of my mo'olelo. I am a Licensed State of Hawai'i Water Distribution System Operator who has taken an *oath to uphold* the Clean Water Act of 1972 and the Safe Drinking Water Act of 1974 and all the encompassing Rules and Agencies listed above. It is on a daily basis that I along with other Operators like myself work hard to *Protect Public Health and Protect the Quality and Quantity of our Communities Water and Wastewater Resources*. As a Kanaka Maoli, *Lunawai* (steward of water) is in my DNA. The practices we as Operators use today are not new, they may fall under new titles and rules but the kuleana carries forward from lifetimes ago.

As Operators we are trained to recognize a technical process in the water Industry called "*Short Circuiting*". This is not an acceptable process by Regulation nor by Regulatory Agencies. We as Operators producing safe drinking water for our Communities are held *accountable* to this. Short Circuiting in simple terms, is when proper treatment contact time/detention time is not achieved because of an improperly designed system or a process that goes unmonitored and or unmaintained. Activation of the treatment or protective measure is compromised. The results of Short Circuiting can lead to severe negative impacts to public health and our resources.

I am asking that you, a Political Leader and Steward of our Community, please, STOP the Short Circuiting. ACTIVATE the Protection Process. Protect our people and our environment. Investigate all that I have shared above. Hold accountable all who, like me, have taken an oath or been charged with the responsibility to uphold these rules and regulations in order to protect the wellbeing of humanity and the environment.

It is not about whether you are for TMT or not. It is greater and older than that. It is about having the courage to stand up and uphold the kuleana that we have and enforce all that has been established to protect our Hawai'i; all encompassing.

Please take immediate action! Our Hawai'i is counting on all of us!

Mahalo,



Mahana Gomes

Dayna Pa

From: Colette Machado
Sent: Thursday, July 25, 2019 8:39 AM
To: Dayna Pa
Subject: FW: News from HawaiiFreePress July 21, 2019

From: Kealoha Sugiyama <:@gmail.com>
Sent: Monday, July 22, 2019 8:13 PM
To: Brendon Lee <brendonl@oha.org>; Colette Machado <colettem@oha.org>; Dr. Lei Ahu Isa <leia@oha.org>; Dan Ahuna <dana@oha.org>; Kaleihikina Akaka <kaleia@oha.org>; Hulu Lindsey <hulul@oha.org>; Robert Lindsey <robertl@oha.org>; Crayn Akina <crayna@oha.org>; Keli'i Akina <TrusteeAkina@oha.org>; Kealoha Sugiyama @gmail.com>
Subject: Fwd: News from HawaiiFreePress July 21, 2019

As servants of Hawaiian Affairs, where are your kokua and kuleana to the safety and welfare of na Kia'i Mauna people? All those thousands of na Kanaka are the PROTECTORS (not protestors) for OUR sacred mauna. Their kuleana is about no more desecration of the sacred mauna. Have all of you been to Hawaii island to see how OHA Trustees can provide any needed supplies and kokua as a mahalo for their commitment to the ancestral lands and cultural practices? I'm not concerned whether you're for the TMT; however, I am concerned of your silent representation to the people you should be representing at that mauna. I don't see you on any of the local news. AUWE.

FYI, forwarding Hawaii Free Press. KEALOHA

----- Forwarded message -----
From: **HawaiiFreePress** <editor@hawaiifreepress.com>
Date: Mon, Jul 22, 2019 at 10:22 AM
Subject: News from HawaiiFreePress July 21, 2019
To: <acallforlove@gmail.com>

Having trouble viewing this email? [CLICK HERE](#)

Hawai`i Free Press

Today's News Read
July 21, 2019

OHA Trustees Ready to Stab Protesters in the Back--for a price

Jon Kahuaka'ilani Brown / Hawai'i
Re: Telescopes for Astronomy

OFFICE OF
HAWAIIAN AFFAIRS
STATE OF HAWAII
RECEIVED-BOT

2019 JUL 22 P 12: 54

I am a native Hawaiian; born and raised on the islands of Hawai'i.

The purpose of this writing is to make known that I, like so many other Native Hawaiians, have no innate sense of sacrilege being imposed upon sites sacred to our ancestors when used for the purpose of expanding the knowledge of man's "forever" frontier; the universe.

Of course, I speak of Mauna Kea, Mauna Loa and Haleakala with respect to building telescopes for astronomical purposes.

In so many ways, the islands of Hawai'i have been the show-case of what this planet produced over time; the magnificence of which is seldom matched elsewhere on our globe. As such, Hawai'i is one example of what the world has to offer at its natural best. Hawai'i can also serve as the gauge for what impact the human race brings upon itself. The importance the stars played in the discovery of these islands only the earliest navigators can attest, but it is playing it back to seek knowledge coming from that infinite sphere of mystery.

As a location, beyond its beauty and natural abundance, there is little the islands bring that can affect the quality of human existence elsewhere on earth. So why would we deny ourselves the "honor" of this exclusive opportunity given the islands are blessed with these great mountains that offer the best land-based access to the universe.

Of course, I do not mean to imply the historical use of the mountains have not been without desecration in the scientific pursuit of knowledge. In that regard, the uproar has come late. But conscience is a growing anomaly. When held in check past its rightful due date, it has the effect of overbearing-amplification to make up for lost time.

It should not be necessary to convince any applicant who is granted use of these mounts of their sacred value, especially from that field of intellectuals seeking their use.

Take care and bathe the mountains with the piety they deserve and they will provide generations with unimaginable insight that will enhance the knowledge and existence of man indefinitely.

In that regard, the Hawaiian protestors have it right. They are addressing their caretaker responsibility of the land. Through the diligence of our ancestors, their knowledge of the stars and their environment (and providence), they were the first human to inhabit this place they named Hawai'i (or "place of god; heaven"). Hawaiians, therefore, **have** that inherent responsibility.

However, no one people own anything or anyplace in this world. History teaches that while different people have geographical possession and/or control of a particular mass for a period, all things change with time. Even the strongest suffer the inevitable humbling of history (ex: the Roman Empire, the Egyptian and Chinese dynasties etc.). Ask the American Indian.

So, while the Native Hawaiian has an inherent bond with Hawai'i as theirs; it is - until it isn't. Destiny will prevail. In so many cases, the dominant interest in any given environment dictate the manner of possession. Back in the day, the Hawaiian culture could have been greatly influenced by the English, the French, the Russians etc., depending on the degree to which they imposed their dominance. As history mandated, it would be America.

So myself, as a Native Hawaiian, recognize these islands belong to man; not to any one culture. Do we, as Hawaiians, owe it to man to share in the generosity of our blessing? Absolutely; while maintaining that its gift will come with conditions of care that we will have a bearing on as long as we are capable.

It now lies with responsible administrators to impose strict oversight for future use of these sacred mountains. The act will serve to perpetuate and acknowledge the rightful place these mounts represent in earths service to man.

"Ua mau ke ea o ka aina ika pono"

The life of the land is preserved in righteousness....

@yahoo.com

Maunakea Resolution: Authorizing Administration to Take Action to Advocate for the Rights, Safety, and Well-Being of Beneficiaries Engaging in Peaceful Protest of the Decades-long Mismanagement of Maunakea, Perpetuating NH T&C Practices, and Exercising their Rights to Freedom of Speech & Assembly

BOT
BOT 19-11
7/25/19



Outline

- OHA Strategic Plan and Policies
- OHA BOT Relevant Past Positions
- Maunakea Movement
- 19-11 Maunakea Resolution



OHA Strategic Priorities



Executive Board Policy Manual

Native Hawaiian Rights and Entitlements

2.1.b. OHA shall advocate for Native Hawaiian rights and entitlements including:

1. Educational opportunities, economic development services, health and human services, and housing services; and
2. The protection of and access to natural resources that are an important part of the culture and lifestyle of Native Hawaiians.

Hawaiian Culture

2.1.c. Consistent with its fiduciary responsibility, OHA shall pursue, protect, and promote:

1. The cultural practices of Native Hawaiians;
2. The integrity of the Native Hawaiian culture and cultural sites; and
3. The understanding of the Native Hawaiian culture, practices and traditions to ensure that the activities, values, beliefs, ideas, and heritage of the Native Hawaiian people continue to be preserved, promoted, and perpetuated.

2.1.d. In its endeavor to pursue, protect and promote Native Hawaiian culture, OHA shall be committed to living and practicing the values, traditions and protocols of the Native Hawaiian culture in the conduct of its operations.



Lāhui Policies

- BOT 19-06 Passed 5/30/19
- Lāhui Policies
 - E Mālama (to protect)
 - E Ho'omau (to perpetuate)
 - E Ho'oulu Lāhui (to grow the nation)



Maunakea: History of Astronomy Development

- 1968 – BLNR leased 11,288 acres of “ceded,” PLT lands in MKSR to UH for “an observatory,” 65 years, exp: 12/31/2033
- 1970s & 1980s – 3 telescopes built by 1974; BLNR finds construction violations; Governor Ariyoshi & community voice concerns
- 1970s – first management plan (followed by 1983 & 1985 MK Development & Management Plans (*estab. cap of 13 “telescopes”), 1995 Revised MP, 2000 MKSR Master Plan “Update,” 2009 Comprehensive Management Plan and Sub-Plans)
- 1985 – flurry of development
- 1986 – Hale Pōhaku mid-level facilities leased to UH, 65 years, exp. 2/28/1941
- Late 1990s – **after the fact subleases requested**; habitat destruction and trash concerns; more community calls for moratorium; 1999 development of three telescopes
- 1998 – **scathing audit**, three follow ups – more needs to be done
- Early 2000s
 - 13th telescope built (Submillimeter)
 - Keck “Outriggers” proposed but dropped after extensive litigation (including by OHA) over environmental impacts in 2006
- 2010 Decommissioning Sub-Plan (not binding on observatories) – suggested at least 5 observatories to be decommissioned by 2033
- 2011 TMT CDUP hearings begin; CDUP approved in 2013, invalidated in 2015, re-approved in 2017
- 2014 – Maunakea Master Lease cancellation and reissuance and TMT sublease proposed
 - **Master Lease now pending an EIS**
 - TMT sublease was vacated, and eventually revalidated in 2018



Relevant Past BOT Positions

- 1980 until today – plethora of legal action and BOT approved advocacy in furtherance of protecting T&C practices & natural and cultural resources/sites
- 2006 – OHA files lawsuit re inadequacy of environmental review for Keck Outrigger Observatory
- 7/2/09 – BOT supports siting of TMT on Maunakea
- 1/3/13 – BOT resolution urged BLNR to exercise high stewardship and afford strongest consideration to the rights of NHs and Sacred sites, including those on Mauna Kea, in the CDUP Process; to recognize T&C rights and appropriately mitigate in CDUP
- 4/30/15 – BOT “no position” on siting of TMT
 - Motion: “that the [BOT] rescinds its support of the selection of Maunakea, Hawai’i, as the site for the proposed [TMT] Project” – 6 ‘Ae, 0 ‘A’ole, 1 Kanalua, 2 Excused
- 9/10/15 – Creation of Mauna Kea Ad Hoc Committee
- 10/20/16 – Standing Rock Resolution approved by BOT
- 11/7/17 – BOT Files Lawsuit against State of Hawai’i and UH re mismanagement
- 2018 – HB1985 HD1 SD1 – SWA
 - Etab MKMA to manage MK, majority of members are NH, all members HI Island residents, puts OHA on MK Advisory Council



Mauna Kea Ad Hoc Committee

- On Sept. 10, 2015, Board created the Ad Hoc Committee on Mauna Kea
 - Members: Trustee Ahuna (Chair), OHA CEO (Vice Chair), Jocelyn Doane, Robert Klein, and Sterling Wong
- Ad Hoc has served as OHA lead on Maunakea issues
 - Serves as lead for agency in discussions with state/UH/county officials
 - Recommended board lawsuit against state & UH for mismanagement; filed in 2017
 - Vets/approves all OHA public/media statements on Maunakea
 - Reviews Maunakea issues



OHA's Mismanagement Lawsuit

Cites failures to:

- Budget and fund proper management of Maunakea's sacred and "ceded" lands;
- Prudently negotiate sublease terms – for example, by allowing the existing telescopes to pay a nominal rent of \$1, or not pay rent at all, despite their significant impacts and Maunakea's overwhelming and longstanding management needs;
- Adequately implement the 2009 CMP, with 32 of 54 management actions that specifically affect Native Hawaiians remaining incomplete;
- Create an environment respectful of Maunakea's cultural landscape, including by not adequately protecting Native Hawaiian traditional and customary rights and practices on Maunakea;
- Manage access to Maunakea and activities on Maunakea, which has led to vehicular accidents, personal injuries and deaths, and hazardous material spills, among other incidents; and
- Manage observatory development and decommissioning.



OHA's Mismanagement Lawsuit

Relief requested:

- Declaration that the Defendants (State, UH, and BLNR) breached their fiduciary duties to properly manage Maunakea;
- Injunction requiring Defendants to fulfill their trust duties and prohibiting actions that violate trust duties;
- Accounting of the cost of managing Maunakea consistent with trust;
- Rescission of the Mauna Kea General Lease to UH;
- Restitution to make the trust whole and damages; and
- Attorneys' fees, etc. and other relief as deemed fair and equitable.



Post OHA Lawsuit

- Admin. Rules
 - UH re-initiated consultation with OHA; OHA concerns expressed in writing in **2011, 2018, and 2019** and during consultation in 2018 (BOR set to approve 8/22/19).
 - **The current administrative rules draft continues to inadequately address a number of issues critical to the protection of Native Hawaiian traditional and customary practices, and the underlying resources, sites, and overall environment upon which they depend**
 - Need for **transparency and accountability**, not delegation of responsibility to a single person, in decisions potentially impacting T&C practices
 - Need for **meaningful and mandatory consultation with OHA, Kahu Kū Mauna, practitioners, and families** in decision-making
 - Need to ensure all **revenue generating uses adequately support management**, for protection of T&C practices, resources, and sites, i.e. via telescope subleasing rules
 - Rules point to CMP to address issues not addressed, but CMP points to rules
 - Decommissioning processes started for Caltech Submillimeter & Hōkū Kea
 - Environmental due diligence process, site deconstruction & removal plan, site restoration plan, remedial action plan
 - Minimal access controls – continued inappropriate & resource damaging behavior
 - OHA & NHs – consultation minimal, zero real decision-making authority i.e. passage of CR-5, -7, OHA and practitioner requests for more dialogue



Protect Mauna Kea Movement

- 1970s – community concern about telescope development/protecting mauna
- 1990s & 2000s – construction debris and violations, telescope proliferation, management concerns, state audits, suit by OHA over Keck

2015 & 2019 - Kū Kia'i Mauna

- 3/2015 – TMT ground-breaking halted
- 4/2015 – 31 arrested
- Media explosion
- Massive support – political, religious, recognizable figures
- 7/2019 - 34+ arrested, many kūpuna; 169K+ signatures



Ad Hoc Recommended Resolution

- Implores state to take steps to eliminate the potential for physical harm and psychological trauma by:
 - 1) Condemning and prohibiting further government action to provoke or intimidate cultural practitioners;
 - 2) Coordinating with relevant state and county agencies, UH, OHA, and community members;
 - 3) Prohibiting, unconditionally, the use of any and all unwarranted force; and
 - 4) Ensuring the safety of all who wish to exercise their cultural practices and right to peaceful expression and opposition;
- Expresses deep kaumaha over the arrest of kūpuna and other peaceful protesters;
- Opposes the use of unwarranted force (e.g., Long Range Acoustic Devices, batons, tear gas) and calls upon Governor to rescind Emergency Proclamation;
- Reiterates OHA's lack of a position on the siting of the TMT on Maunakea, while highlighting our concern for the physical safety, psychological integrity, cultural practices, and free speech rights of all Native Hawaiians; and
- **Expressly authorizes OHA Administration to:**
 - Advocate for the rights, safety, and well-being of beneficiaries engaging in peaceful protests, perpetuating their constitutionally protected T&C practices, and exercising their constitutionally protected rights of freedom of speech and assembly (e.g., negotiation of rules of engagement);
 - Advocate for the establishment and maintenance of pu'uhonua or safe spaces;
 - Support the observation and documentation of actions by law enforcement, government, university or community personnel; and
 - Assess and provide for beneficiaries' health, safety, and legal needs.



Proposed Amendment

(page 4 of Attachment A to the Action Item; 4th clause from the end)

“Be it further resolved that while the OHA Board of Trustees reiterates its lack of a position on the siting of the TMT on Maunakea [and acknowledges OHA’s Native Hawaiian beneficiaries who support the TMT project,] the physical safety, psychological integrity, cultural practices and the free speech rights of all Native Hawaiians are of paramount and overriding concern.”

RESOLUTION EXPLICITLY AUTHORIZING THE OFFICE OF HAWAIIAN AFFAIRS' ADMINISTRATION TO TAKE ACTION TO ADVOCATE FOR THE RIGHTS, SAFETY, AND WELL-BEING OF BENEFICIARIES ENGAGING IN PEACEFUL PROTEST OF THE DECADES-LONG MISMANAGEMENT OF MAUNAKEA, PERPETUATING NATIVE HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES, AND EXERCISING THEIR RIGHTS TO FREEDOM OF SPEECH AND ASSEMBLY

WHEREAS, on November 7, 2017, the Office of Hawaiian Affairs (OHA) filed a lawsuit in First Circuit court against the State of Hawai'i and the University of Hawai'i (UH) for their longstanding and well-documented mismanagement of Maunakea, contrary to the public trust and the terms of UH's lease of these "ceded" and culturally sacred lands; and

WHEREAS, four state audits spanning twenty years have documented and criticized the state and UH's mismanagement of Maunakea; and

WHEREAS, the initial audit from 1998 concluded that "little was done" to protect the natural resources on Maunakea since the first telescope was constructed in 1968, and that UH did not allocate sufficient resources to protect Maunakea's natural and cultural resources because it focused primarily on astronomy development; and

WHEREAS, three follow-up state audits revealed that while some progress had been made, more needed to be done; and

WHEREAS, despite having been granted rulemaking authority by the state Legislature in 2009 to improve its management of Maunakea, and despite the 2014 audit's direct warning that "[u]ntil [UH] adopts administrative rules for its Maunakea lands, UH cannot fulfill its stewardship responsibilities," to this day UH has not promulgated a single administrative rule, and has repeatedly failed to draft rules that would adequately address critical management and cultural concerns expressed by OHA and Native Hawaiians for years, if not decades; and

WHEREAS, in a 2010 study, UH conceded that from a cumulative perspective, past, present and reasonably foreseeable future activities on Maunakea resulted and will result in substantial and adverse impacts to the Mauna's cultural, archaeological, historical, and natural resources and sites; and

WHEREAS, in 2015, the leadership of both the state and UH publicly admitted to their management failures, with Governor David Ige conceding that the state has "not done right by" and "failed" the mountain, and UH President David Lassner stating that UH "has not yet met all of [its] obligations to the mountain or the expectations of the community"; and

WHEREAS, in 2015, OHA entered in good faith into a mediated process with the state and UH to address these management shortcomings, which, after a two-year process, was ultimately unsuccessful; and

WHEREAS, OHA's subsequent lawsuit asserts that as trustees of Maunakea, both the state and UH have breached their moral and legal obligations to appropriately manage Maunakea; and

WHEREAS, OHA's lawsuit identifies numerous issues and failings that have contributed to the continued mismanagement of Maunakea by the state and UH, including the:

- Failure to budget and fund proper management of Maunakea;
 - Failure to prudently negotiate sublease terms – for example, by allowing the existing telescopes to pay a nominal rent of \$1, or not pay rent at all, despite their significant impacts and Maunakea's overwhelming and longstanding management needs;
 - Failure to adequately implement the 2009 Comprehensive Management Plan, with 32 of the 54 management actions that specifically affect Native Hawaiians remaining incomplete;
 - Failure to create an environment respectful of Maunakea's cultural landscape, including by not adequately protecting Native Hawaiian traditional and customary rights and practices on Maunakea;
 - Failure to manage access to Maunakea and activities on Maunakea, which has led to vehicular accidents, personal injuries and deaths, and hazardous material spills, among other incidents; and
 - Failure to manage observatory development and decommissioning;
- and

WHEREAS, OHA has continuously advocated for improved management of Maunakea before the Legislature, the UH Board of Regents, UH's Office of Mauna Kea Management, and the state Board of Land and Natural Resources; and

WHEREAS, OHA finds that even after filing its 2017 lawsuit, the state and UH have failed to take meaningful steps to address their management failures, and inappropriate activities and public safety incidents have continued to occur, cultural structures have been destroyed, and implementation of critical comprehensive management plan action items have remained unperformed, all with little response, much less corrective action, by the state and UH; and

WHEREAS, on June 20, 2019, state and county law enforcement arrested a member of the Native Hawaiian community and dismantled cultural and religious structures on Maunakea, with no consultation with or warning to the Native Hawaiian community; and

WHEREAS, on July 10, 2019, Governor David Ige, UH President David Lassner, and Thirty Meter Telescope (TMT) International Observatory Board of Governors' Chairman Henry Yang announced that construction for the TMT would begin on July 15; and

WHEREAS, on July 17, 2019, over 30 Native Hawaiians and others, including many kūpuna, some beacons of the Native Hawaiian community, were arrested for engaging in peaceful protest and civil disobedience on Maunakea ~~in response to the July 10 announcement~~; and

WHEREAS, on July 17, 2019, Governor David Ige issued an Emergency Proclamation that allowed the suspension of various laws for the purpose of calling into active service the Hawaii National Guard and ordering the Adjutant General of the Hawaii National Guard to activate Hawaii National Guard units; and

WHEREAS, in light of the ongoing neglect and mismanagement of Maunakea, ~~the clear and unwarranted bias against those concerned for Maunakea,~~ and the continued and reaffirmed commitment of many Native Hawaiians and others to demonstrate until their ongoing concerns have been addressed, it is ~~highly likely and clearly foreseeable~~possible that confrontations and demonstrations ~~will may~~ result in bodily harm and psychological trauma to OHA's beneficiaries and others at the hands of the state, UH, and law enforcement; and

WHEREAS, the OHA Board of Trustees expresses deep kaumaha over the arrest of Native Hawaiian kūpuna and others engaged in peaceful protest over the continual dismissal and rejection of Native Hawaiians' concerns over the mismanagement of Maunakea; and

WHEREAS, Native Hawaiians have endured injustices that have persisted, unaddressed, for over a century, manifested today in systemic inequities that permeate our criminal justice system, public education institutions, land use and planning decisions, natural and cultural resource management, state funding prioritization, and, notably, the management and administration of Maunakea as well as other sacred spaces; and

WHEREAS, Native Hawaiians have a well-established history of relying on their freedom of expression and assembly and on the use of civil disobedience to amplify their long-denied rights and voice their concerns in the face of ~~governmental indifference,~~ social injustice, and systemic oppression; ~~and~~ now, therefore,

WHEREAS ~~BE IT FURTHER RESOLVED~~, that while the OHA Board of Trustees reiterates its lack of ~~any~~ position on the siting of the TMT on Maunakea, the physical safety, psychological integrity, cultural practices, and free speech rights of all Native Hawaiians are of paramount and overriding concern; ~~now, therefore, and~~

BE IT FURTHER RESOLVED, that the OHA Board of Trustees expressly authorizes the OHA Administration to advocate for the rights, safety, and well-being of OHA beneficiaries engaging in peaceful protests of the state's decades-long pattern of mismanagement of Maunakea, perpetuating their constitutionally protected Native Hawaiian traditional and customary practices, and exercising their constitutionally protected rights of freedom of speech and assembly, including but not limited to: the negotiation of rules of engagement; the establishment and maintenance of pu'uhonua or safe spaces; the observation and documentation of actions by law enforcement, government, university or community personnel; an assessment and provision of health, safety, and legal needs; and any other actions as may be reasonably necessary or appropriate; and

BE IT FURTHER RESOLVED, that the OHA Board of Trustees respectfully implores that the state take material steps to eliminate the clearly foreseeable and high potential for physical harm and psychological trauma to Native Hawaiians seeking to uphold their cultural and spiritual beliefs and to voice their opposition to the decades-long pattern of mismanagement of Maunakea, by 1) condemning and prohibiting any further government action to provoke or intimidate Native Hawaiian cultural practitioners and others seeking to protect Maunakea; 2) coordinating with relevant state and county agencies, UH officials, OHA representatives, and Native Hawaiian community members to meaningfully alleviate tensions; 3) prohibiting, unconditionally, the use of any and all unwarranted force against Native Hawaiians and others engaged in peaceful protest on Maunakea; and 4) ensuring the safety of all who wish to exercise their cultural practices and right to peaceful expression and opposition; and

~~**BE IT FURTHER RESOLVED**, that the OHA Board of Trustees expresses deep kaumaha over the arrest of Native Hawaiian kūpuna and others engaged in peaceful protest over the continual dismissal and rejection of Native Hawaiians' concerns over the mismanagement of Maunakea; and~~

BE IT FURTHER RESOLVED, that the OHA Board of Trustees strongly opposes the use of unwarranted force, such as the use of Long Range Acoustic Devices, batons, tear gas, or any other action that may result in physical harm or psychological trauma, against Native Hawaiians engaged in peaceful protest on Maunakea and calls upon the Governor to rescind his Emergency Proclamation dated July 17, 2019; and

~~**BE IT FURTHER RESOLVED**, that while the OHA Board of Trustees reiterates its lack of a position on the siting of the TMT on Maunakea, the physical safety, psychological integrity, cultural practices, and free speech rights of all Native Hawaiians are of paramount and overriding concern; and~~

~~**BE IT FURTHER RESOLVED**, that the OHA Board of Trustees expressly authorizes the OHA Administration to advocate for the rights, safety, and well-being of OHA beneficiaries engaging in peaceful protests of the state's decades-long pattern of mismanagement of Maunakea, perpetuating their constitutionally protected Native Hawaiian traditional and customary practices, and exercising their constitutionally protected rights of freedom of speech and assembly, including but not limited to: the negotiation of rules of engagement; the establishment and maintenance of pu'uhonua or safe spaces; the observation and documentation of actions by law enforcement, government, university or community personnel; an assessment and provision of health, safety, and legal needs; and any other actions as may be reasonably necessary or appropriate; and~~

BE IT FURTHER RESOLVED, that certified copies of this Resolution be transmitted to the Governor of the State of Hawai'i, the Attorney General of the State of Hawai'i, the Chair of the state Board of Land and Natural Resources, the President of the University of Hawai'i, and the Mayor of the County of Hawai'i.

ADOPTED, this ____th day of ____ 2019, island of O'ahu, State of Hawai'i, by the Board of Trustees of the Office of Hawaiian Affairs in its regular meeting assembled.

A Resolution of the Office of Hawaiian Affairs

RESOLUTION EXPLICITLY AUTHORIZING THE OFFICE OF HAWAIIAN AFFAIRS' ADMINISTRATION TO TAKE ACTION TO ADVOCATE FOR THE RIGHTS, SAFETY, AND WELL-BEING OF BENEFICIARIES ENGAGING IN PEACEFUL PROTEST OF THE DECADES-LONG MISMANAGEMENT OF MAUNAKEA, PERPETUATING NATIVE HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES, AND EXERCISING THEIR RIGHTS TO FREEDOM OF SPEECH AND ASSEMBLY

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WHEREAS, four state audits spanning twenty years have documented and criticized the state and UH's mismanagement of Maunakea; and

WHEREAS, the initial audit from 1998 concluded that "little was done" to protect the natural resources on Maunakea since the first telescope was constructed in 1968, and that UH did not allocate sufficient resources to protect Maunakea's natural and cultural resources because it focused primarily on astronomy development; and

WHEREAS, three follow-up state audits revealed that while some progress had been made, more needed to be done; and

WHEREAS, despite having been granted rulemaking authority by the state Legislature in 2009 to improve its management of Maunakea, and despite the 2014 audit's direct warning that "[u]ntil [UH] adopts administrative rules for its Maunakea lands, UH cannot fulfill its stewardship responsibilities," to this day UH has not promulgated a single administrative rule, and has repeatedly failed to draft rules that would adequately address critical management and cultural concerns expressed by OHA and Native Hawaiians for years, if not decades; and

WHEREAS, in a 2010 study, UH conceded that from a cumulative perspective, past, present and reasonably foreseeable future activities on Maunakea resulted and will result in substantial and adverse impacts to the Mauna's cultural, archaeological, historical, and natural resources and sites; and

WHEREAS, in 2015, the leadership of both the state and UH publicly admitted to their management failures, with Governor David Ige conceding that the state has "not done right by" and "failed" the mountain, and UH President David Lassner stating that UH "has not yet met all of [its] obligations to the mountain or the expectations of the community"; and

WHEREAS, in 2015, OHA entered in good faith into a mediated process with the state and UH to address these management shortcomings, which, after a two-year process, was ultimately unsuccessful; and

A Resolution of the Office of Hawaiian Affairs

WHEREAS, OHA's subsequent lawsuit asserts that as trustees of Maunakea, both the state and UH have breached their moral and legal obligations to appropriately manage Maunakea; and

WHEREAS, OHA's lawsuit identifies numerous issues and failings that have contributed to the continued mismanagement of Maunakea by the state and UH, including the:

- Failure to budget and fund proper management of Maunakea;
- Failure to prudently negotiate sublease terms – for example, by allowing the existing telescopes to pay a nominal rent of \$1, or not pay rent at all, despite their significant impacts and Maunakea's overwhelming and longstanding management needs;
- Failure to adequately implement the 2009 Comprehensive Management Plan, with 32 of the 54 management actions that specifically affect Native Hawaiians remaining incomplete;
- Failure to create an environment respectful of Maunakea's cultural landscape, including by not adequately protecting Native Hawaiian traditional and customary rights and practices on Maunakea;
- Failure to manage access to Maunakea and activities on Maunakea, which has led to vehicular accidents, personal injuries and deaths, and hazardous material spills, among other incidents; and
- Failure to manage observatory development and decommissioning; and

WHEREAS, OHA has continuously advocated for improved management of Maunakea before the Legislature, the UH Board of Regents, UH's Office of Mauna Kea Management, and the state Board of Land and Natural Resources; and

WHEREAS, OHA finds that even after filing its 2017 lawsuit, the state and UH have failed to take meaningful steps to address their management failures, and inappropriate activities and public safety incidents have continued to occur, cultural structures have been destroyed, and implementation of critical comprehensive management plan action items have remained unperformed, all with little response, much less corrective action, by the state and UH; and

WHEREAS, on June 20, 2019, state and county law enforcement arrested a member of the Native Hawaiian community and dismantled cultural and religious structures on Maunakea, with no consultation with or warning to the Native Hawaiian community; and

WHEREAS, on July 10, 2019, Governor David Ige, UH President David Lassner, and Thirty Meter Telescope (TMT) International Observatory Board of Governors' Chairman Henry Yang announced that construction for the TMT would begin on July 15; and

WHEREAS, on July 17, 2019, over 30 Native Hawaiians and others, including many kūpuna, some beacons of the Native Hawaiian community, were arrested for engaging in peaceful protest and civil disobedience on Maunakea; and

WHEREAS, on July 17, 2019, Governor David Ige issued an Emergency Proclamation that allowed the suspension of various laws for the purpose of calling into active service the Hawaii National Guard and ordering the Adjutant General of the Hawaii National Guard to activate Hawaii National Guard units; and

A Resolution of the Office of Hawaiian Affairs

WHEREAS, in light of the ongoing neglect and mismanagement of Maunakea, and the continued and reaffirmed commitment of many Native Hawaiians and others to demonstrate until their ongoing concerns have been addressed, it is possible that confrontations and demonstrations may result in bodily harm and psychological trauma to OHA's beneficiaries and others at the hands of the state, UH, and law enforcement; and

WHEREAS, the OHA Board of Trustees expresses deep kaumaha over the arrest of Native Hawaiian kūpuna and others engaged in peaceful protest over the continual dismissal and rejection of Native Hawaiians' concerns over the mismanagement of Maunakea; and

WHEREAS, Native Hawaiians have endured injustices that have persisted, unaddressed, for over a century, manifested today in systemic inequities that permeate our criminal justice system, public education institutions, land use and planning decisions, natural and cultural resource management, state funding prioritization, and, notably, the management and administration of Maunakea as well as other sacred spaces; and

WHEREAS, Native Hawaiians have a well-established history of relying on their freedom of expression and assembly and on the use of civil disobedience to amplify their long-denied rights and voice their concerns in the face of social injustice, and systemic oppression; now, therefore,

BE IT RESOLVED, that the OHA Board of Trustees expressly authorizes the OHA Administration to advocate for the rights, safety, and well-being of OHA beneficiaries engaging in peaceful protests of the state's decades-long pattern of mismanagement of Maunakea, perpetuating their constitutionally protected Native Hawaiian traditional and customary practices, and exercising their constitutionally protected rights of freedom of speech and assembly, including but not limited to: the negotiation of rules of engagement; the establishment and maintenance of pu'uhonua or safe spaces; the observation and documentation of actions by law enforcement, government, university or community personnel; an assessment and provision of health, safety, and legal needs; and any other actions as may be reasonably necessary or appropriate; and

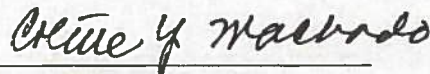
BE IT FURTHER RESOLVED, that the OHA Board of Trustees respectfully implores that the state take material steps to eliminate the clearly foreseeable and high potential for physical harm and psychological trauma to Native Hawaiians seeking to uphold their cultural and spiritual beliefs and to voice their opposition to the decades-long pattern of mismanagement of Maunakea, by 1) condemning and prohibiting any further government action to provoke or intimidate Native Hawaiian cultural practitioners and others seeking to protect Maunakea; 2) coordinating with relevant state and county agencies, UH officials, OHA representatives, and Native Hawaiian community members to meaningfully alleviate tensions; 3) prohibiting, unconditionally, the use of any and all unwarranted force against Native Hawaiians and others engaged in peaceful protest on Maunakea; and 4) ensuring the safety of all who wish to exercise their cultural practices and right to peaceful expression and opposition; and

BE IT FURTHER RESOLVED, that the OHA Board of Trustees strongly opposes the use of unwarranted force, such as the use of Long Range Acoustic Devices, batons, tear gas, or any other action that may result in physical harm or psychological trauma, against Native Hawaiians engaged in peaceful protest on Maunakea and calls upon the Governor to rescind his Emergency Proclamation dated July 17, 2019; and

A Resolution of the Office of Hawaiian Affairs

BE IT FURTHER RESOLVED, that certified copies of this Resolution be transmitted to the Governor of the State of Hawai'i, the Attorney General of the State of Hawai'i, the Chair of the state Board of Land and Natural Resources, the President of the University of Hawai'i, and the Mayor of the County of Hawai'i.

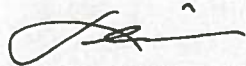
ADOPTED, this 25th day of July 2019, island of O'ahu, State of Hawai'i, by the Board of Trustees of the Office of Hawaiian Affairs in its regular meeting assembled.



Colette Y. Machado
Ke Kauhuhu, Chairperson,
Trustee, Moloka'i and Lāna'i



Brendon Keli'aina Lee
Ka Hope Kauhuhu, Vice Chair,
Trustee, At-Large



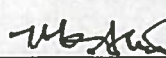
Lei Ahu Isa, Ph.D.
Ke Kua Pae Mokuupuni,
Trustee, At-Large



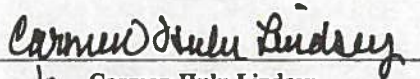
Dan Ahuna
Ke Kua Kaula'i and Ni'ihau,
Trustee, Kaula'i and Ni'ihau



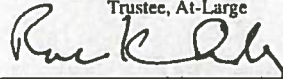
Kaleihikina Akaka
Ke Kua O'ahu,
Trustee, O'ahu



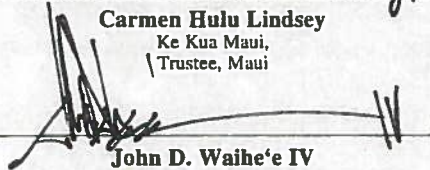
Keli'i Akina, Ph.D.
Ke Kua Pae Mokuupuni,
Trustee, At-Large



Carmen Hulu Lindsey
Ke Kua Maui,
Trustee, Maui



Robert K. Lindsey
Ke Kua Hawai'i,
Trustee, Hawai'i



John D. Waihe'e IV
Ke Kua Pae Mokuupuni,
Trustee, At-Large

Date: July 25, 2019

